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February 3, 1993

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RE: John Q. Doe v. Archdiocese of St. Paul and Minneapolis Diocese of Winona, Church
of the Risen Savior

Gentlemen:

I have now had the opportunity to discuss with _____ the allegations recently raised
by Father Adamson. In absolutely no uncertain terms, and unequivocally, _____ told
me that the conduct alleged never happened, nothing even remotely close to that conduct
ever happened, that he did not tell Father Adamson or anyone else that this conduct had
happened, nor did he indicate to Father Adamson or anyone else anything even remotely
similar to these allegations. For that reason, I will not agree to produce my client, nor
anyone else for additional depositions.

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†Certified as Civil Trial Specialist

*Also admitted in Wisconsin

**Also admitted in Washington, D.C.

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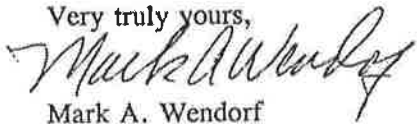
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Obviously, I cannot prevent you from seeking the court's order for the taking of further depositions on this issue. However before any such action is seriously contemplated, I would point out the following:

1. There is no doubt in my mind that the only responses you will receive from such a deposition are the obvious, emphatic and outraged denials of both the conduct and the comment.
2. This allegation is solely based upon the "recollection" of Father Adamson. I will not elaborate on the self-serving nature of these allegations, nor the credibility of Father Adamson except to say that this is a man who has repeatedly denied molesting youth, only later to admit the molestation, and in one case was actually required to assert his Fifth Amendment rights under threat of a perjury charge.
3. The circumstances under which Father Adamson claims to suddenly "recall" this outrageous allegation are at best, dubious. Father Adamson was served with the Complaint three years ago. He was, no doubt thoroughly prepped for his deposition regarding any contact he had with the plaintiff or his family. He was then thoroughly deposed regarding all such conduct. Throughout this process, and until shortly before facing a civil trial, Father Adamson did not disclose such a "recollection."
4. If in fact, Father Adamson had received such information back in 1982, and this information came to him, as he claims, in a non-confidential manner, he obviously would have had both a moral and a legal obligation to report the allegation to law enforcement authorities or at least do something to prevent the continued abuse. No explanation is fathomable, nor is any offered as to why Father Adamson would keep such information secret.
5. The anger at his mother is, contrary to your speculation, entirely understandable. She, by all accounts a devout Roman Catholic, unknowingly placed her son in the hands of a compulsive molester. That my client would form a deep resentment to his mother, whom he presumed had failed to protect him, is not only understandable, it is a common theme in these types of cases. Tragically, it is one of the damages that results from the betrayal of trust.

A decision whether or not to proceed on these spurious allegations obviously rests with you. I believe any such attempts would be unnecessary and counter productive. For that reason we will not produce any of these individuals for deposition.

Very truly yours,



Mark A. Wendorf

MAW:kas

"Will You Join Me?"

I, BISHOP OF WINONA, PLEDGE TO YOU . . .

I will uphold the integrity of our Church's ministry of pastoral care, witness to Christ's presence among us, and not misuse my position and power while serving the people of God. I will be open and sensitive in dealing with concerns about sexual or physical misconduct, and I will encourage questions, responses, and discussions in our parishes, and other Catholic institutions about education on and prevention of sexual and physical misconduct.

I will always be supportive of persons making complaints of sexual or physical misconduct, and I will work for an appropriate resolve.

I will consider all allegations of sexual or physical misconduct involving minors and legally protected adults with utmost seriousness. I will investigate every allegation presented to me using appropriate means, including the proper legal and civil authorities.

I will be committed to reconciliation with and the healing of victims and their families, and I will advocate for the appropriate treatment for any offender — ordained, religious, or lay. Furthermore, I assure you that no known diagnosed pedophile or ephebophile will be allowed to serve as an ordained or unordained employee or volunteer in a parish or Catholic institution of the Diocese of Winona.

I will always strive to be loving, supportive, and caring of all persons affected by sexual or physical misconduct. I will work toward fostering reconciliation, healing, and a restoration of wholeness among all the people of God and those who have been entrusted with their pastoral care.

As Bishop of Winona, I invite you to join me in solidarity and commitment to wholeness, healing, and healthiness, and to working with me in a faithful resolve of sexual and physical misconduct within our diocese, for the sake of justice and peace in the name of our Lord, Jesus Christ.

+ John G. Vlazny
The Most Reverend John G. Vlazny
Bishop of Winona

March 1, 1993
Date

I will join you in solidarity and commitment to the above pledge.

(Signature)

Date

III. GLOSSARY OF TERMS

Pedophilia: (pedophile) the most widely used term for sexual misconduct with minors, is a technical psychiatric term which is often used rather loosely by the general public and the media. According to the third revised edition of the American Psychiatric Association's Diagnostic and Statistical Manual:

"the essential feature of this disorder is recurrent, intense, sexual urges and sexually arousing fantasies, of at least six months' duration, involving sexual activity with a prepubescent child. The person has acted on these urges, or is markedly distressed by them."

In other words, pedophilia involves sexual misconduct with a child who has not yet reached puberty, generally someone twelve years or under. Moreover, the manual notes that:

"Isolated sexual acts with children do not necessarily warrant the diagnosis of Pedophilia. Such acts may be precipitated by marital discord, recent loss, or intense loneliness."

Ephebophilia: (ephebophile) involves a recurrent, intense, sexual interest in postpubescent youths, generally between the ages of thirteen or fourteen and seventeen. While it is illegal in all fifty states, it is not listed in the Diagnostic and Statistic Manual as a sexual disorder or paraphilia. This, however, does not imply that its effects on teenagers are not traumatic or do not cause harm.

Paraphilia: (definition received from St. Luke's Institute, Sutherland, Maryland): the attraction for something beyond the norm. A term which replaced "perversion" because of the latter's pejorative connotations. In psychiatric jargon, the term paraphilia designates the entire class of variant sexual behaviors that were previously called deviant or perverse.

Survivor: A survivor is any person who has been sexually victimized by an older child or adult, commonly referred to as a perpetrator. The term "survivor," rather than "victim," is used to indicate this person is indeed a survivor and holds great potential for acceptance and recovery.

Survivors may be children who are currently involved in a sexually abusive situation or they may be adults who are still living with the pain of past sexually abusive incidents.

Perpetrator: A perpetrator is the older child or adult offender who imposed a sexual contact on another. A perpetrator could include parents, siblings, extended family, step-relatives, neighbors, friends, and authority figures such as teachers, coaches, religious or clergy. "There are no physical characteristics, emotional responses, or lifestyle cues that signal 'abuser'." Offenders represent differences in age, sex, education, and socioeconomic status. Their actions may appear to be the exact opposite of deviancy, often reflecting model behavior." (Quote taken from: Horton, Anne and Williamson, Judith. Abuse and Religion: When Praying Isn't Enough. Lexington, MA: D.C. Health, 1988, p. 157.)

 IV. EDUCATIONAL STATEMENTS FOR DIRECTION 

"Then Peter came and said to him, 'Lord, if another member of the Church sins against me, how often should I forgive? As many as seven times?' Jesus said to him, 'Not seven times, but I tell you, seventy-seven times.'" (Matthew 18:21-22 NRSV)

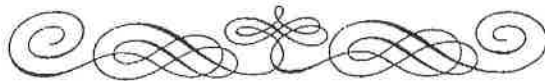
"As God's chosen ones, holy and beloved, clothe yourselves with compassion, kindness, humility, meekness, and patience. Bear with one another and, if anyone has a complaint against another, forgive each other; just as the Lord has forgiven you, so you also must forgive. Above all, clothe yourselves with love, which binds everything together in perfect harmony. And let the peace of Christ rule in your hearts, to which indeed you were called in the one body. And be thankful." (St. Paul to the Colossians 3:12-15 NRSV)

"The joys and hopes, the grief and the anxieties, of the people of this age, especially those who are poor or in any way afflicted, these too are the joys, the hopes, the grief and anxieties of the disciples of Christ." (Statement from: Vatican Council II. The Pastoral Constitution on the Church in the Modern World.)

It is the vision of our Church that "we must be people after God's own heart, bonded by the spirit, sustaining one another in love, setting our hearts on God's kingdom, committing ourselves to solidarity with those who suffer, working for peace and justice, acting as a sign of Christ's love and justice in the world". (Statement from: National Conference of Catholic Bishops, "Economic Justice for All." Washington, D.C.: United States Catholic Conference, 1986.)

"It is within the mission of the Diocese of Winona to provide a working environment which optimizes the potential of each employee at the diocesan and parochial levels. It is also the responsibility of each employee to act in accord with this mission. Sexual harassment and reprisal, in any form or degree, are inimical to such an environment and will not be tolerated." (Statement from: "Policy on Sexual Misconduct in the Diocese of Winona," February 12, 1987)

"Recent years have seen an alarming increase in reported cases of the sexual abuse of children. This is a profound tragedy for all involved, but it is also more than that. Because of the lasting impact of such incidents on the victims, child molestation constitutes a direct threat to the future well-being and stability of our society. As such it must be a matter of the gravest concern to all persons of good will. It is, of course, a particular concern for both secular and religious organizations involved with the care and education of children. All such organization must respond to this problem through training, education and, where needed, effective action." (Statement from United States Catholic Conference. "Statement on Pedophilia." Origins, February, 1988.)



 **SEXUAL MISCONDUCT POLICY
OF THE DIOCESE OF WINONA** 

Sexual misconduct by personnel of the diocese is contrary to Christian principles and is outside of the scope of the duties and employment of all personnel of the diocese. All personnel of the diocese must comply with applicable state and local laws regarding incidents of actual or suspected sexual misconduct and with the following policies.

This document does not address sexual misconduct in general, but only in the special circumstances described herein. It is intended to establish procedures in an effort to prevent sexual misconduct by personnel of the diocese and the resulting harm to others, and to provide guidance to the personnel of the diocese on how to respond to allegations of sexual misconduct if any do occur.

1. DEFINITIONS

For the purposes of this policy:

- 1.1 "Sexual Misconduct" means any sexual conduct of diocesan personnel which is:
 - 1.1.1. unlawful as described by the laws of the State of Minnesota and in section 4 of these policies, or
- 1.2 "Vulnerable persons" means all children and all vulnerable adults as defined in Section 626.557, Subd. 2(b) of the Minnesota Statutes. Any person 18 years of age or older is considered "vulnerable" when that person because of impairment of mental or physical function or emotional status is unable or unlikely to report abuse or neglect without assistance.
- 1.3 "Diocese" or "diocesan" includes the Diocese of Winona as a corporate entity, all the parish corporations, all diocesan schools, Catholic Charities.

2. PERSONNEL

Personnel includes the following categories:

- 2.1 all incardinated clerics (including all incardinated transitional deacons of the diocese).
- 2.2 all religious priests, deacons, and brothers working for the diocese.
- 2.3 all those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the Code of Canon Law.



- 2.4 all seminarians who seek ordination as clerics of the diocese before being admitted to candidacy.
- 2.5 all clerics of other jurisdictions who are working for the diocese.
- 2.6 all clerics who seek incardination into the diocese.
- 2.7 all women religious working for the diocese.
- 2.8 all personnel of Catholic Schools of the diocese (administration, faculty, and support staff).
- 2.9 all religious education directors or coordinators and teachers in the parishes and schools of the diocese.
- 2.10 all youth ministers in the parishes, schools and institutions of the diocese.
- 2.11 all personnel of diocesan campus ministries.
- 2.12 all paid personnel in the offices of the diocese, in the parishes of the diocese, in the schools of the diocese, in the Catholic Charities for the diocese of Winona.
- 2.13 all volunteers in the offices and institutions mentioned in 2.12, who work on a significant scale with vulnerable persons (cf. Sec. 1.2).

3. POLICY DISTRIBUTION

- 3.1 This policy is to be distributed to all personnel listed in Section 2 above. All such personnel shall sign an acknowledgement of receipt, understanding and acceptance of this policy. A copy of the required receipt accompanies this policy.
- 3.2 Personnel listed in 2.1 through 2.6 are to forward this form to the Office of the Vicar General. All other personnel are to forward this form to their immediate supervisor, or to the head of their office/institution, or to the person hiring them.
- 3.3 All other personnel are to give this receipt to their immediate supervisor, or to the head of their office/institution, or to the person hiring them.

4. APPLICABLE LAW

- 4.1 This policy is intended to address violations of civil and criminal law. A violation of the criminal law can subject the perpetrator to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages. (cf Appendix)

4.2 The law changes from time to time by enactment of amendments to statutes and judicial interpretations. Because of this, it is incumbent upon all personnel to familiarize themselves with such changes that may occur. It is not possible to set out all of the laws in this document, but assistance will be given to all personnel having questions or seeking knowledge concerning the law.

4.3 The Minnesota Criminal Sexual Conduct Code defines the various types of conduct that violate this law. Three of the primary areas of concern are:

4.3.1 Sexual Abuse (as it applies to adult/child or vulnerable person interactions) is the subjection of a child or vulnerable adult, by any person responsible for their care, to any sexual act which is a violation of the Minnesota Criminal Sexual Conduct Code.

4.3.2 Sexual Exploitation (as it applies to any formal helper/helped relationship) is any kind of sexual interaction between counselor and client whether initiated by either counselor or client.

4.3.3 Sexual Harassment The Minnesota Human Rights Act (M.S. 363.01 Subd. 41) defines sexual harassment as follows: It "includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing.

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.



5. EDUCATION

Education, alone, cannot shape mature attitudes and behavior, nor will it change inappropriate sexual behavior. Each adult must be responsible for his or her sexual growth and maturity. To support this responsibility the diocese may, from time to time, arrange programs which include knowledge or training applicable to these areas. The following personnel must attend designated educational programs concerning sexual misconduct issues such as methods of recognizing and preventing sexual misconduct involving children or others:

- 5.1 all priests and deacons working in the diocese.
- 5.2 all pastoral administrators/workers working in the diocese.
- 5.3 all youth ministers working in the diocese.
- 5.4 all school principals and directors of religious education.
- 5.5 other diocesan personnel as deemed necessary by the Vicar General of the diocese.

Other personnel of the diocese are encouraged to attend such educational programs.

6. SEXUAL MISCONDUCT

- 6.1 Obligation to Report. Any personnel of the diocese who knows or has reason to know of an incident of sexual misconduct by any personnel of the diocese shall comply with any applicable reporting or other requirements or state and local laws (unless to do so would violate priest/penitent relationship of the Sacrament of Reconciliation), and shall report as follows:

- 6.1.1 A verbal report of the incident shall be made immediately to the appropriate staff person as determined by each diocesan or parish entity and shall be followed, as soon as reasonably possible by a written report with a copy to the Vicar General or his designate. Unless otherwise determined, the appropriate staff person for Catholic schools is the principal; for parishes, the pastor; and for diocesan entities, the supervisor of the Pastoral Office where the alleged victim is employed. In this case where an accusation is made against "the appropriate staff person," if not a priest, the verbal and written reports shall be made, on the parish level, to the canonical pastor, and on the diocesan level, to the Vicar General or his designate. In the case, where an accusation is made against a cleric or an ecclesiastical office holder, the report shall be made to the Vicar General or his designate. A copy of the official diocesan reporting form accompanies this policy.

6.1.2 The Vicar General or his designate shall notify the Bishop of the diocese and the Diocesan Attorney.

6.2 Investigation of Reported Incidents. Each reported incident will be investigated as soon as reasonably possible with care taken not to interfere with any criminal investigation, and with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator. Unless the Bishop shall indicate otherwise, the investigation shall be conducted by the Vicar General or his designate. The investigator should consult with and seek the advice of the Diocesan attorney not only when undertaking the investigation but also during the investigation, as deemed appropriate.

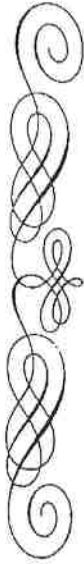
6.2.1 If requested, an advocate may be appointed to assist the alleged perpetrator, or the alleged perpetrator may be represented by counsel of his/her own choosing. In the case of a priest or ecclesiastical office holder, the advocate, if possible, should be one with canonical expertise.

6.2.2 For accusations against all personnel, the alleged perpetrator should be interviewed. The alleged perpetrator should be advised of the provisions of 6.2.1. and should be informed that anything said may be used against the alleged perpetrator in a criminal proceeding or in a civil lawsuit. The alleged perpetrator should be presented with a specific listing of allegations. The alleged perpetrator should be given an opportunity to ask any clarifying questions and should then be asked to respond to the allegations. The investigator should also review the alleged perpetrator's personnel file and should inquire of the alleged perpetrator whether there have been any other incidents of sexual misconduct, which may have gone unreported.

6.2.3 The investigation will also ordinarily include a meeting with, and interview of complainant, and interviews with such others persons identified as witnesses or persons likely to possess information relevant to the investigation.

6.2.4 Upon completion of the investigation, a report will be provided to the Bishop outlining the findings of the investigation.

6.2.5 If the alleged claim is substantiated or if it appears it can be substantiated, the alleged perpetrator, in accordance with canonical and other considerations, will be relieved of all responsibilities in the diocese, parish, office, or institution, and be placed on administrative leave pending the outcome of the internal and any outside investigation. Such leave will be with or without pay or benefits as the Bishop or his designate may decide.



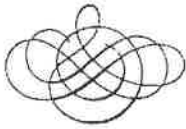
- 6.2.6 Appropriate records of each incident reported and of the investigation and the results thereof will be kept by the Bishop (or his designate). All records are to be reviewed by the diocesan attorney.
- 6.2.7 Notification of the incident shall be given to insurers in accordance with the terms of applicable insurance policies. The diocesan attorney should be consulted regarding such notification.
- 6.2.8 When accusations of sexual misconduct are made against personnel of the diocese, contact by the appropriate diocesan staff with the alleged victim and family should, if appropriate, be promptly initiated. Contact should be made by priestly and other counselors chosen by the Bishop for the purpose of offering whatever concern or solace may be needed, with no comment as to the truth of any accusation. Medical, psychological and spiritual assistance may be offered in the spirit of Christian justice and charity.
- 6.2.9 Any media contact or inquiries regarding an incident of sexual misconduct should be directed to a diocesan information officer.
- 6.3 Action Where Guilt Determined. Any non-cleric personnel of the diocese who admits to, does not contest, or is found guilty of an incident of sexual misconduct following an investigation under this policy, shall be immediately terminated from employment and any position of responsibilities with the diocese. Any cleric, ecclesiastical office holder, nonincardinated priests or deacons and religious personnel in similar circumstances will be placed on administrative leave from ministry. Pending the outcome of any civil/criminal actions, someone found guilty may be liable for further penal sanctions in the Church, in accord with the norms of Church law, including but not limited to dismissal from the clerical state.
- 6.3.1 A cleric shall receive diagnostic evaluation, if required, at the expense of the diocese. The cleric shall provide the Bishop, or his designate, with an authorization for the release of diagnostic information to carry out the purposes of this policy. This release is limited to the purposes of this policy and is not a waiver of any statutory privilege of confidentiality.
- 6.3.2 A member of the diocesan clergy may be required to undergo treatment. When the member of the diocesan clergy has completed treatment, he may be required to take part in an appropriate supervised aftercare program approved by the Bishop, having received the recommendations of the professional treatment center.

6.3.3 Following diagnostic evaluation, treatment and successful aftercare, the individual cleric may, unless professional advice indicates otherwise, be eligible for consideration of a permanent contractual assignment, with such limitations (e.g., excluding ministry to minors or others at risk) as are deemed appropriate after consultation with diagnostic and treatment professionals. He will be expected to participate in a regular support group and will report to a supervisor assigned by the Bishop.

7. FALSE ACCUSATIONS AND UNSUBSTANTIATED CLAIMS.

There is always the possibility of false accusations or unsubstantiated claims made for whatever reason. It is important for all diocesan personnel to know that both civil law and canon law (cc. 1390-1391) provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny.





The Diocese of Winona implemented a policy on February 10, 1987. This revised Sexual Misconduct Policy replaces all working papers and becomes effective in the Diocese of Winona on March 1, 1993. The consultative process is expected to continue even after the adoption of this revised policy which will undoubtedly result in future adaptations and revisions.

During the past six years, there have been many opportunities for continuing education and formation within the diocese with respect to Sexual Issues in Ministry.

All employees within the Diocese of Winona participated in a conference on "Sexual Issues in Ministry" in the fall of 1988. At that time, the Most Rev. John G. Vlazny, Bishop of Winona, stated, "The significance of these issues has challenged me to respond pastorally in new ways. These concerns offer us a teachable moment together as the Diocese of Winona. Sexual health is preventative to the problems of sexual abuse, sexual harassment and sexual exploitation. Each of us has the responsibility to be aware and to act healthily in all areas of human sexuality."

The "Sexual Issues in Ministry" conference represented an excellent opportunity for the Diocese of Winona to teach all employees and volunteers. Personnel attending this conference included:

Priests	School Faculty	Catechists
Sisters	Secretaries	Youth Ministers
Brothers	Maintenance Personnel	Liturgists
Principals	Rel. Educ. Coordinators	Volunteers
Administrators	Social Justice Organizers	Social Workers
Pastoral Ministers	Health Care Workers	

Members of the Bishop's staff, the Curia, have offered workshops for diocesan employees and volunteers in reference to policy issues concerning sexual misconduct. They will continue to dialogue about these important matters which is essential for the proper implementation of this document.

Our Diocesan Attorney, Mr. George Restovich, has been available to people in the Diocese of Winona on several occasions for the purpose of offering clarification and enabling ministers to understand the law and the statutes in the State of Minnesota as well as creating a balance between pastoral care and the implementation of the statutes. Mr. Restovich has spoken at the Sexual Issues in Ministry Workshops, the Bishop's Workshops on Pastoral Services, the Diocesan Religious Education Day and the Clergy Days.

There have been many occasions for the clergy in the Diocese of Winona to participate in diocesan workshops sponsored by the Office of Continuing Education of Priests. In 1987, Dr. Steven Kahn, a licensed consulting psychologist, offered a presentation on the issue of sexual abuse, sexual harassment, and sexual exploitation. At the same time, the Rev. Michael Kennedy, Pastor of St. Mary of the Lake Parish, White Bear Lake, Minnesota, made a presentation to help priests understand how vulnerable victims/survivors are who have experienced abuse.

Dr. Katie Kelley, Founding Member and President of Grace Institute, Shrewsbury, Massachusetts, made a presentation to lay persons and religious during the 1991 Bishop's Workshops on Pastoral Services. Dr. Kelley also offered a special three day workshop in February, 1992, entitled, "Sexual Energy -- Out of Control", to 30 priests.

Bishop Vlazny appointed Rev. Gerald A. Mahon, Vicar General, to coordinate the ongoing process for this policy. The consultative process for revising this present Sexual Misconduct Policy has been extensive. The working paper which has been in use for several years, has been reviewed, critiqued and updated through consultation with the Presbyteral Council, the Diocesan Pastoral Council, the Diocesan Curia, professionals in the behavioral sciences as well as, legal counsel, the administrators of Catholic schools, the clergy, and many other employees and volunteers who offer their insight and reaction as a result of pondering the ongoing implementation of the policy.

This revised policy will be formally promulgated at five sexual misconduct prayer services for healing in the Diocese of Winona. They are scheduled as follows:

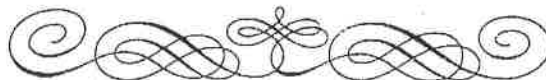
March 21	St. John's Church	Mankato
March 22	Cathedral of the Sacred Heart	Winona
March 29	Queen of Angels Church	Austin
March 30	St. Adrian Church	Adrian
April 1	St. Francis Church	Rochester

John G. Vlazny

Most Rev. John G. Vlazny
Bishop of Winona

Edward F. McGrath

Rev. Edward F. McGrath
Chancellor



The following forms are for information only. Actual forms are available from the Pastoral Center, Pastors and school principals.

DIOCESE OF WINONA
REPORT OF SUSPECTED SEXUAL MISCONDUCT
BY DIOCESAN PERSONNEL

Reported by:

(Name/Title)

(Address)

(City, Zip)

(Telephone)

Date of report: _____

Person suspected of misconduct:

(Name/Title)

(Address)

(City, Zip)

(Telephone)

SAMPLE

Other person(s) involved:

(Name)

(Age)

(Sex)

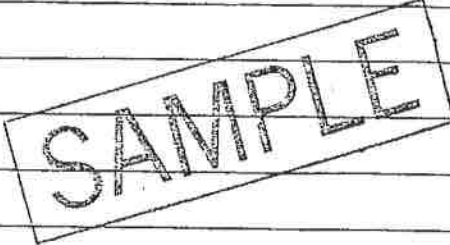
(Address)

(City, Zip)

(Telephone)

Describe incident of suspected sexual misconduct, including date, time and location:

Identify eyewitnesses to the incident, including names, addresses, telephone numbers, where available:



Other information which may be helpful to the investigation:

SEXUAL MISCONDUCT POLICY
OF THE
DIOCESE OF WINONA

ACKNOWLEDGEMENT OF RECEIPT

I hereby acknowledge that I have received a copy of the Sexual Misconduct Policy of the Diocese of Winona and that I have read it, understand its means, and agree to conduct myself in accordance with the Policy.

Date: _____

Signed: _____

SAMPLE

PRE-EMPLOYMENT SCREENING DEVICE(S) AND
AN OPTIONAL EMPLOYEE REVIEW QUESTIONNAIRE

1. Have you ever been convicted of a crime of sexual abuse, physical abuse, sexual harassment or exploitation? _____ Yes _____ No
2. Has any civil or criminal complaint, or any other written complaints, ever been made against you relating to sexual abuse, sexual harassment or exploitation, or physical abuse? _____ Yes _____ No
3. Have you ever terminated your employment or had your employment terminated for reasons relating to allegations of sexual abuse or physical abuse by you, or relating to civil or criminal complaints for sexual or physical abuse against you? _____ Yes _____ No
4. Have you ever received any medical treatment, physical or psychological, for reasons involving your physical or sexual abuse of others?
_____ Yes _____ No

If you answer yes to any of the above four questions, you will be asked to execute an authorization for information.

Date: _____

Signed: _____

Position: _____

TESTIMONIAL
OF SUITABILITY FOR PRIESTLY MINISTRY

Most Rev. John G. Vlazny, D.D.
Bishop of Winona
P.O. Box 588
Winona, MN 55987

SAMPLE

Dear Bishop Vlazny:

The Reverend _____ is seeking to exercise priestly ministry in the Diocese of Winona. I have carefully reviewed our personnel files and all other records which we maintain, and I have consulted with those who served with him in the works he has been assigned under our authority. Based on these inquiries, and on my own personal knowledge, I am able to make each of those statements listed below which I have checked off and initialed:

_____ He is a priest in good standing of _____
(Diocese or Religious Congregation)

_____ He has never been suspended or otherwise canonically disciplined.

_____ No criminal charges have ever been brought against him, and he has no criminal record.

_____ He has never behaved in such a way as to indicate that he might engage in sexual behavior inconsistent with priestly celibacy.

_____ He has never behaved in such a way as to indicate that he might deal with minors in an inappropriate manner.

_____ He has never behaved in such a way as to indicate that he might be suffering from alcoholism or other forms of substance abuse.

_____ He has no mental, moral, emotional, or physical condition which might adversely affect his performance as a priest.

_____ He has never been involved in any incident, to my knowledge, which might adversely affect his performance as a priest.

Based on my inquiries and on my personal knowledge, the Rev. _____ is a man of good moral character and reputation, and is fully qualified to serve as a priest in an effective and suitable manner in the Diocese of Winona.

Date: _____

Signature

Title

APPENDIX

The Minnesota Statute mandating reporting of maltreatment of minors is MSA 626.556. A portion of that statute is set forth below. Similar reporting requirements are mandated in cases of abuse or neglect of a vulnerable adult. The requirements with respect to vulnerable adults is set forth at MSA 626.557. Both statutes provide that any person making a voluntary or mandated report under the statute is immune from any civil or criminal liability for making that report. Failure to report under the statute is a misdemeanor criminal offense. Retaliation against any person for making such a report is also prohibited. The following is an excerpt from the statute and should be used only as a guide. Further, statutes are amended from time to time, so the current complete statute should be consulted if any questions arise.

626.556. Reporting of maltreatment of minors

Subdivision 1. Public Policy. The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse. In furtherance of this public policy, it is the intent of the legislature under this section to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings; and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused or neglected children.

In addition, it is the policy of this state to require the reporting of neglect, physical or sexual abuse of children in the home, school, and community settings; to provide for the voluntary reporting of abuse or neglect of children; to require the assessment and investigations of the reports; and to provide protective and counseling services in appropriate cases.

Subdivision 2. Definitions. As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

- (a) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.
- (b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

- (c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that there is a duty to report if a lack of medical care may cause imminent and serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, or medical care, a duty to provide that care. Neglect includes prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. Neglect also means "medical neglect" as defined in section 260.015, subdivision 2a, clause (5).
- (d) "Physical abuse" means any physical or mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.
- (e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.
- (f) "Facility" means a day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16.
- (g) "Operator" means an operator or agency as defined in section 245A.02.
- (h) "Commissioner" means the commissioner of human services.
- (i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child; and formulating a plan.
- (j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

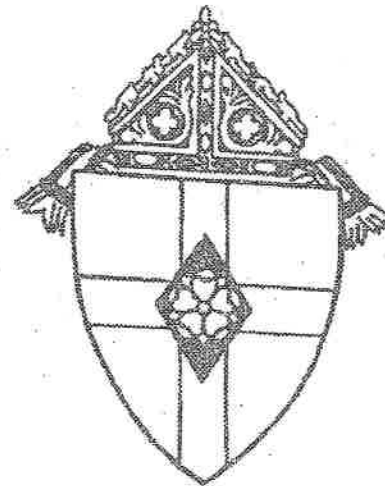
- (k) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- (l) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

Subdivision 3. Persons mandated to report. (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, police department, or the county sheriff if the person is:

- (1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or
- (2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a members of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595-02, subdivision 1, paragraph (c).



**INSTRUCTION
FOR IDENTIFYING, REPORTING AND RESPONDING TO
SEXUAL MISCONDUCT**



**Diocese of Winona
55 West Sanborn
PO Box 588
Winona, Minnesota 55987
507-454-4643**

TA000178

Dear People of God,

I am convinced that sexual misconduct is one of the most hurtful realities in the contemporary culture. This is especially true when such misconduct involves clergy, religious men and women, church employees and volunteers. Healing begins and forgiveness is fostered when we know the truth. Jesus reminds us that the truth will set us free. (John 8:32)

It is clear to me that the Church must respond in a sensitive and caring manner to those who have been harmed. This response must include efforts to vindicate the rights of the faithful and to take whatever steps reasonably necessary to prevent misconduct by Church personnel. The stance of the Diocese of Winona has clearly been one of compassion and commitment to justice for victims.

The Diocese of Winona implemented a Sexual Misconduct Policy on February 10, 1987. Through continued consultative process, this policy was revised on March 1, 1993. A policy was adopted to ensure that clear guidelines were in place to provide a prompt and reasonable response to serious sexual misconduct issues facing the Church. While this policy has served the diocese well, I am pleased to promulgate the attached Instruction in order to simplify and further clarify the expectations of the Church in the Diocese of Winona in the way serious allegations of misconduct are handled.

This process of revision not only raises awareness about this important issue to leadership but to all people of the diocese. By bringing the issue into public reflection, the diocese is expressing its commitment to continually review how we respond to sexual misconduct and to make every effort to improve that response.

We know very well that no set of formal instructions can totally affect real life situations unless we have first touched the heart of each person. As the shepherd of the Diocese of Winona, I am keenly aware of my responsibility to love, guide and protect the flock. I make this commitment to each one of you with humility and trust in God, who is the Good Shepherd of all.

Sincerely yours in Christ,



Most Rev. Bernard J. Harrington
Bishop of Winona

FORWARD

The betrayal of trust represented by sexual misconduct is a wound that needs healing in all persons. There are two parts to this Instruction. The first part deals directly with clerical sexual misconduct because clergy are directly responsible to the bishop. The second part deals with sexual misconduct by other church employees or volunteers and how the particular parish or institution should respond to this situation.

This Instruction presumes that any sexual misconduct by clergy, employees or volunteers of the Diocese of Winona or any of the Catholic institutions subject to the authority of the bishop is contrary to the Gospel and the values we uphold. We are committed to investigating and appropriately addressing all complaints of sexual misconduct by Church personnel. This Instruction provides direction as to how the response to accusations of sexual misconduct involving other ministers of the church should be handled, but these responses are largely managed at the parish or institution level.

The terms *ministry-related sexual misconduct* and *sexual misconduct*, as used throughout this Instruction, refer to three related forms of misconduct:

1. *sexual abuse* - sexual contact between a Church leader and a minor or vulnerable adult;
2. *sexual exploitation* - sexual contact between a Church leader and a person who is receiving pastoral care from the Church leader;
3. *sexual harassment* - unwanted sexual advances, including conduct or language, between co-workers in the Church work setting, which create an intimidating, hostile or offensive working environment or which are made as a condition for continued employment or advancement.

All three forms of misconduct are addressed together here because they usually involve an abuse of power or authority. The Diocese of Winona is committed to continually refining its response to all forms of sexual misconduct.

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EDUCATION AND PREVENTION

The publication of this Instruction is intended to create public awareness of our desire to care for victims, provide intervention and heal communities. It also signals our willingness to encourage responses and discussion in our parishes and other Catholic communities. Educational materials aimed at specific groups, such as clergy or lay ministers, sometimes apply to more general audiences as well. Our aim is to design materials that have broad applications. We encourage their use in parishes, schools and with other Catholic entities. We recognize that our Church is accountable to God and must be faithful to the teachings of our Church. We have the responsibility to educate the broader society in these teachings. We plan to continue and enhance this cooperative effort.

Our understanding of sexual misconduct has grown considerably over the last two decades. We not only gain insight from advancement in human psychology and understanding of human sexuality, we also learn from experience in our practical response to people who have come forward with their concerns.

In the Diocese of Winona, the clergy are periodically updated by means of seminars and related workshops addressing prevention and appropriate responses to those harmed by sexual misconduct. Every priest and deacon is encouraged to have a personal spiritual director and take advantage of fraternal support. We believe that the prevention of sexual misconduct lies in the promotion of a healthy human sexuality and a good system of support fostered by family, friends, and professional relationships. Clergy in the Diocese of Winona have professional conferences, annual retreats, deanery meetings, and continuing education.

Lay employees of the Church are offered similar opportunities for growth and ministry support.

Clergy formation programs (seminaries and diaconate preparation) include psychological screening and background checks of prospective candidates. In recent years we have placed an even greater emphasis on this screening and now conduct criminal background checks on all candidates for orders. Although no perfect screening method exists, we use the currently accepted methods and work with competent professionals to strengthen screening.

Newly ordained priests and deacons, as well as those seeking incardination, will be expected to attend a workshop which addresses sexual misconduct and boundaries issues. Whenever appropriate, these same opportunities will be made available to other Church personnel.

We hope this Instruction will provide information and support for others and make it clear that sexual misconduct will not be tolerated or condoned in the Church.

We advocate a prompt, compassionate, and appropriate response to reporters of sexual misconduct and respect the canonical and civil rights of the parties involved. Confidential procedures are designed to gather relevant facts which respect the privacy of the reporter and the accused. This instruction provides a process which seeks to restore trust and define the actions to be taken when a complaint of sexual misconduct is received.

The parishes, schools and other Catholic entities of the Diocese of Winona remain free to establish their own criteria for engaging and supervising paid staff, independent contractors and volunteers. All parishes and institutions are required to perform background checks on personnel before engaging them in service as required by law. From time to time, the Diocese of Winona will also give suggested guidelines, which are offered to the parishes for their adoption or adaptation.

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REPORTING PROCEDURES

The following describes how the Diocese of Winona will respond to those priests and deacons who are accused of engaging in sexual abuse, sexual exploitation, or sexual harassment.

Allegations of misconduct

The diocese considers any allegation of sexual misconduct toward a cleric to be a very serious matter. Such allegations may be received through phone reports, correspondence, or face to face meetings. The Diocese of Winona is committed to help the alleged victim obtain whatever assistance may be required. We cannot respond to anonymous allegations.

The diocese will work with the proper civil authorities such as police and child protection agencies in its investigation of sexual misconduct allegations involving minors and legally protected adults. Minnesota Law states that certain categories of persons such as teachers, clergy and counselors are to report to civil authorities if they know or have reasons to believe that a minor or vulnerable adult is being abused. In addition to compliance with this law, the bishop directs all paid personnel and volunteers, even those who are not mandated reporters, to report their knowledge or belief of the abuse of minors or vulnerable adults, if such knowledge or belief is obtained while engaging in the ministry of the Diocese of Winona.

Priests are not required to report information that is otherwise privileged (e.g. - disclosing a confession).

Our Church law also protects the rights of those accused of misconduct. We recognize that it is important to respond quickly to allegations of ministry related sexual misconduct and we will do so. Still, our willingness to make a rapid response is not a "conviction" of the accused priest or deacon. A determination of guilt or innocence will be made by an appropriate canonical or civil process.

When civil authorities are involved with criminal investigation, the Diocese of Winona will defer to their investigative processes. We will, however, use every reasonable means to investigate any allegation of sexual misconduct. The first source of information for any investigation is the person making the allegation. When an allegation is brought forward, the individual will be asked to use the appropriate process to file a complaint.

HOW TO BRING A COMPLAINT FORWARD

Call the diocesan pastoral center.

If you have a complaint about a cleric, call and ask to speak to the vicar general, the chancellor, or a member of the Diocesan Sexual Misconduct Team. The bishop has designated these individuals to receive the initial complaints. You may be unsure about whether or not you wish to bring a complaint forward; however, it is appropriate, without giving your name or the name of the clergyman in question, to give a general description of your concern. One of these individuals will describe to you how the Diocese of Winona would be able to respond. You can then decide whether to make a formal complaint.

Write to the Diocese of Winona.

Please mark your letter "Personal and Confidential" and address it to the Bishop of Winona. Please indicate how you would like a response (e.g.: telephone, letter, meeting).

We will respond to every complaint of sexual misconduct by clergy, insofar as we are able. Since it is often impossible to follow through on anonymous complaints, we will ask if you are willing and able to reveal your identity to diocesan officials to assist our investigation. If you do not reveal your identity, or ask us to withhold your identity from the accused clergyman, this can severely limit the steps we can take. Please understand that we are open to and respect your complaint.

The Code of Canon Law outlines administrative and judicial processes to protect and vindicate the rights of both the accused cleric and the person making the accusation. We ask you to understand that our immediate willingness to respond to your complaint and provide you assistance is not a conviction or judgment of the accused. A complete investigation will take place through the process outlined in this Instruction.

INVESTIGATIONS

Each reported incident will be investigated as soon as reasonably possible following a formal complaint with care taken not to interfere with any criminal investigation. A high level of Christian care, concern, and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator should be exercised.

If that person does not want his/her name disclosed, the Diocese of Winona must discern whether it is possible to investigate without risking disclosure of the person's identity. If no such investigation is possible, the diocese will discuss that fact with the person, along with the danger that the alleged offender may pose to others. In some circumstances, our responsibility to those who might be harmed, if the activities of the alleged offender are not stopped, may require the Diocese of Winona to conduct an investigation and risk disclosure of identity even if the person requests to remain anonymous.

Unless the bishop shall indicate otherwise, the investigation shall be conducted by the vicar general, the chancellor, or another designate. The investigator shall consult with and seek the advice of the diocesan attorney as deemed appropriate.

Step #1 Interview the alleged victim

Diocesan officials will carefully interview the alleged victim(s) and/or persons who bring forth an allegation. The purpose of such an interview is to get as complete a picture as possible of the nature and extent of the alleged inappropriate behavior, to identify other potential victims; and to make a strong case for an intervention with the accused if indicated. In certain circumstances when a complaint or claim is in civil litigation, the ability of diocesan officials to investigate may depend on matters pertaining to the litigation.

Step #2 Interview the alleged perpetrator

The second step in the investigation will include an interview with the priest or deacon named as the alleged offender. He will be informed of the allegation made against him and asked for his response. (If civil authorities are also investigating the accusation, we must and will respect their procedures.) Before he begins his response, he will be informed that we can give no assurance of confidentiality and that any information he offers may be used in court. The priest or deacon will be offered the opportunity to have an advisor/advocate present. It is the cleric's choice whether he wishes to have an

advisor/advocate present. The role of the advisor/advocate is to advise the accused of his rights and afterwards to help him review what was said in the interview. He may also wish to have an attorney present. If the interview raises serious doubts about the accuracy of the accusation, the Diocese of Winona will use as many resources as possible to investigate further. One of the diocesan officials in attendance will prepare a written summary of the interview. The accused will have the opportunity to respond to the summary. The bishop will review the summary and any response. At the time of the interview, appropriate restrictions may be imposed on the ministry of the accused cleric (e.g.: no contact with the accuser, no ministerial activity).

Step #3 Interview witnesses

Additional witnesses may be called forward during the investigation to corroborate facts and give further information. This may include contacting those in a position to verify or challenge assertions made by the cleric or by the person making the complaint.

Step #4 Conduct clarification interviews

If additional questions surface during the initial interview process, clarification interviews will be conducted to secure information and clarify facts.

Step #5 Determination of misconduct

After interviews are completed and the evidence is reviewed, the investigative team will make a determination of whether or not the misconduct occurred and make a report to the bishop.

Step #6 Process determination

The bishop, by decree, determines whether the misconduct will be dealt with by an administrative or a judicial process.

INTERVENTION

In cases of unsubstantiated claims or false accusations...

- Investigator will meet with the alleged victim.

A meeting will take place with the complainant to tell him/her that, based on the information provided during the investigation, there is not enough evidence to verify that misconduct occurred. If at that time additional information is brought forward that has a bearing on the decision, it may be presented and the investigation re-opened.

In cases where guilt is determined...

- Prompt remedial action is taken and documented.

Any cleric, ecclesiastical office holder, nonincardinated priests or deacons, and religious personnel in similar circumstances will be placed on administrative leave from ministry. Pending the outcome of any civil/criminal actions, someone found guilty may be liable for further penal sanctions in the Church, in accord with the norms of Church law, including but not limited to dismissal from the clerical state.

- Investigator will meet with the perpetrator and communicate the disciplinary decision.

Any cleric incardinated in the Diocese of Winona shall receive diagnostic evaluation at the expense of the Diocese of Winona. The cleric shall provide the bishop or his designate an authorization for release of diagnostic information limited to the purposes of this misconduct statement. This assessment will be required whether or not the accused admits to any wrongdoing. Agreement to participate in an assessment does not constitute an admission of guilt by the accused. If an accused refuses to be assessed, the diocese will immediately impose restrictions on his ministry while making a decision as to the future of his ministry.

An incardinated member of the clergy may be required to undergo treatment and a possible aftercare program. Following diagnostic evaluation, treatment and successful aftercare the individual cleric may, unless professional advice indicates otherwise, be eligible for consideration of a ministerial assignment, with such limitations on his faculties as are deemed appropriate after consultation with diagnostic and treatment professionals. Participation in regular support groups will be expected.

Investigator will meet with the victim. The victim is informed of the outcome of the investigation and the consequences to the perpetrator.

- Protection against retaliation

It is unlawful to retaliate against employees or persons who report allegations of sexual misconduct. This is generally true even if it seems clear that the allegation is false. Retaliation of any type following a complaint will not be tolerated.

- Files.

The diocese does not keep written anonymous complaints on file. If an allegation is made but is not proven, the records of the investigation will be kept on file. Upon the death of the cleric, unsubstantiated complaint letters and/or documented information are removed and destroyed.

SERVICES TO INDIVIDUALS HARMED BY SEXUAL MISCONDUCT BY ROMAN CATHOLIC CLERGY

Catholic priests and deacons occupy important places of service in our Church. We are proud that most do so with extraordinary generosity and care. We have learned more about the misuse of position and power by some clergy over the past several years. This section is directed to people who believe they or someone close to them have been harmed by the sexual misconduct of the Roman Catholic clergy.

We are open and respect your complaint

Compassion and justice call us to respond to the harm you have experienced. We want to uphold the integrity of our Church's witness and ministry. The pastoral care of our community is aimed at the good of those who receive it. We want to address the hurt that may occur when pastoral care is exercised improperly. Your complaint helps us to do so. Therefore, we respect the report you make.

We will help you obtain counseling support

Misconduct by a member of the clergy can cause deep hurt. This can be addressed through the assistance of skilled and reputable professional therapists. We will try to ensure that financial restraints do not prevent you from receiving competent and specialized therapeutic assistance.

We will try to help you with insurance co-payments for counseling or, where insurance is lacking or insufficient, with your therapy costs. From time to time, we will review with you the ongoing necessity of appropriateness of further assistance from the Diocese of Winona.

We will help you obtain spiritual direction

The damage caused by clergy misconduct is often spiritual as well as psychological. We have learned from those who have been harmed that sometimes their relationship with God and with their faith community has been ruptured.

You may wish to address such a spiritual rupture. When you are ready to do so, we can help you find competent spiritual help. Once again, we will try to ensure that financial constraints do not close this avenue for you. There are several resource centers available which are staffed by trained spiritual directors who understand the impact of sexual abuse on spiritual growth. The staff members include women, men, lay people, religious and priests. Please speak with us if you need such help.

We will help you bring your concern to the proper Church officials outside the Diocese of Winona

Some people may have been hurt elsewhere before moving to a community within the Diocese of Winona. You may wish to pursue a complaint in another place, but do not know how to do so. We will aid you in contacting the leadership of other dioceses, religious orders, or denominations.

If you were harmed by clergy elsewhere, we are unable to provide you with financial assistance for counseling or spiritual direction. However, we will help you seek such support from the diocese, religious community or denomination of the accused clergy.

RESPONSE TO PARISHES EXPERIENCING THE PAIN OF CLERGY SEXUAL MISCONDUCT

When members of the clergy engage in sexual misconduct, many people may be harmed or affected. This is true not only of those directly involved in the misconduct, but also of parish members where the clergyman currently serves or served in the past. We outline here the key elements of the responses we take to help heal this pain.

First, we acknowledge that parishes undergo a complex process of grieving. When people learn that a respected leader has been accused, there is often a reluctance to believe that the report could be true. This denial is a reflection of our American belief that an accused person is innocent until proven guilty. But the same denial also can create a burden on those who, often after a long struggle, have found the ability to bring forth important information. Denial is usually followed by other well-known steps in grieving a loss, including depression and significant anger against the accused, the accuser(s), the diocese, and the whole Catholic Church. Only after time passes and the appropriate steps are taken can a parish truly move on in the continuation of its mission.

Second, we acknowledge that one of the most important elements in healing is that the parish receive full and accurate information about what happened. Information helps dispel the atmosphere of distrust that may be fed by rumor, by the sudden departure of a clergyman assigned to the parish, and by the feeling that a "cover-up" is being imposed. Information also assists other victims, if there are any, to come forward and assures that appropriate steps are taken so that a parish can truly move ahead.

While committed to disclosure where possible, we acknowledge that significant communication limitations may exist. These limitations can include the victim's and his/her family's concern for privacy as well as the need to protect the rights of the accused, especially when lawsuits or criminal action may be threatened. The fact that investigations often yield confusing, contradictory, or unsubstantiated conclusions, especially in their early stages, further limits disclosure.

Third, we acknowledge that the healing of a parish is a multi-faceted challenge. Our experience has taught us that neither diocesan officials nor a new pastor alone can respond to all of the concerns and problems that arise in the aftermath of clergy misconduct. As a result, we may involve teachers, therapists, lawyers, communication experts and other professionals in a team approach to specific parishes.

We are committed to help develop models or approaches that will foster healing in our affected parishes.

The current parish of the accused clergyman

When a report of ministry-related sexual misconduct by a clergy member is received, diocesan officials work with trained professionals to assess whether the accused priest or deacon can remain in his current assignment while the investigation progresses. If he remains, restrictions may or may not be imposed on his ministry. (These steps are discussed previously in this Instruction.) In either case, the parish may face communication issues.

When the clergyman is removed

Credible accusations may result in removing the accused clergyman from the parish:

- a. If the accused is the pastor, a temporary administrator will be appointed. The administrator is informed of the accusation and of the follow-up steps.
- b. Key parish personnel will be informed as soon as possible. Depending on the organization of the particular parish, this may include lay trustees, professional staff, and the president of the parish council.
- c. Due to confidentiality and the right to privacy, people may not have the right to know reasons for a leave of absence. The pastor or administrator, after consulting with diocesan staff and with the parish leadership, will notify parishioners about the absence of the accused clergyman. This announcement can happen in several ways, including pulpit announcements, bulletin notices, or a parish mailing. Because the early stages of the investigation can be complex, the first announcement to the parish will sometimes include little information and may indicate only a temporary absence. It also includes, however, an indication that more information, if appropriate, will be provided as it becomes available. The people of God should keep in mind that sexual misconduct is not the only reason for a cleric taking a leave of absence.
- d. The investigation of the matter will proceed as quickly as possible, with the assistance of trained professionals, to determine the reliability of the accusation and its implications for the ministry of the accused. As soon as possible, the parish will receive a more comprehensive report about the reason for the clergyman's absence. The parishioners will be told of his resignation, vindication, or other result. Along with this announcement, parish members may be invited to a parish meeting scheduled in the following days.

- e. The meeting is a key step in the parish healing process. It allows for a more complete discussion of the complaint, its investigation, and its implications for the parish. The meeting should include participation of some or all of the following: a diocesan official (usually the vicar general), the pastor or temporary administrator, a facilitator, a therapist, an attorney, and a communications expert. Because it is a pastoral gathering of the parish, nonmembers are generally excluded.
- f. Following this meeting, a parish team will be formed to assess the immediate results of the meeting and to address other healing issues that may arise in the parish. The team includes the pastor or administrator, some or all members of the professional staff, the trustees, and the parish council president. An outside expert usually should meet with the team. The team sets its own mode of operating but it should consult with the vicar general at least quarterly for the first year following the parish meeting.
- g. In consultation with the vicar general, the team arranges for whatever further healing measures are needed in the parish. These may include: additional general meetings, a small group process of reflection, a reconciliation service, and/or a request for communication from the resigned clergyman.

When the clergyman remains in his assignment

- Key parish personnel such as the lay trustees, the professional staff, and the president of the parish council are informed of the accusation, of the process of assessment, and of the restrictions that are in place. They are asked to report inappropriate behavior or violations of ministerial restrictions to a designated diocesan official.
- If there is reason to believe that the accusation will become public knowledge while an initial assessment is being performed, then steps e, f, and g, as above, will be implemented immediately. The accused clergyman will be offered the opportunity to resign rather than remain in his assignment through the assessment, but he may not be required to do so.
- If the assessment suggests that the accused is a risk for further misconduct, he will be required to resign. Then steps d through f, as above, will be implemented as fully as possible. As discussed above, however, only limited disclosure may be possible, even if the accused resigns.
- If the assessment suggests that no current risk of misconduct exists, a diocesan official will convene a meeting including the accused and key parish personnel to whom disclosure was made earlier. They will

assess the continued viability of the clergyman's ministry in the parish. Careful consideration should be given to fully disclosing the matter to the whole parish, as in steps d and e above. This is not required in all cases, but can help avoid a subsequent sense of betrayal should the matter later become public knowledge.

Response in former parishes of the accused clergyman

Two reasons may cause the diocese to inform members of former parishes that a priest or deacon has been accused of sexual misconduct. The first and more pressing reason is so persons who may have been victims of misconduct in other settings will know that they may come forward for assistance. The second is to encourage healing of the hurt and betrayal that can result from knowledge of the accusations. Diocesan officials will assess how each of these reasons applies to each former parish. Generally speaking, the current parish pastor will be consulted. If disclosure is called for, then the following steps will be taken:

1. Key parish personnel will be informed of the accusation, the follow-up steps that are planned, and the potential impact of the news on their parish. They will work with a diocesan official to plan the best way to inform the entire parish, or at least those subgroups that may be affected by the news.
2. The pastor, after consulting with diocesan officials and parish leadership, will notify the parish of the accusation against their former clergyman. The disclosure announcement also indicates that some process for immediate follow-up has been put in place. This is generally a parish meeting. Other options might include opportunities for individual meetings with a counselor.
3. Key parish personnel will form a team to assess the ongoing impact of the disclosure in the parish. The team should consult at least once a week with the vicar general after the initial disclosure. More meetings can be scheduled if needed.

**RESPONSE TO RELIGIOUS AND LAY
PROFESSIONAL EMPLOYEES, INDEPENDENT
CONTRACTORS AND VOLUNTEERS ACCUSED OF
SEXUAL MISCONDUCT**

The problem of ministry-related sexual misconduct can involve Church personnel other than clergy. When an accusation of ministry-related sexual misconduct is brought against a religious or lay professional employee, independent contractor, or volunteer serving in a diocesan parish or institution, the Diocese of Winona stands ready to act as a resource to the parish or institution in responding to the matter. However, since our parishes and institutions function independently, they are responsible for establishing adequate guidelines and procedures to address these accusations.

Parishes and institutions should see that those in supervisory positions are sufficiently trained to understand complaints of sexual misconduct and their investigation. Professional counseling should be offered, if possible, to persons who believe they have been victimized.

This section provides an outline of essential components that parishes and other institutions in the diocese should consider in responding to an allegation of sexual misconduct. The Diocese of Winona will provide consultation to assist parishes that face instances of sexual misconduct.

Allegations of misconduct:

The person responsible for investigation of an allegation should be:

- 1) the pastor in the case of a parish, or
- 2) the person who is in a major supervisory position in institutions where the accused is employed, contracted, or volunteering.

Each parish or institution should designate and make known the person responsible for conducting an investigation if it is necessary. In addition, this individual should take great care to see that allegations of sexual abuse of children or legally protected adults are referred to the proper civil authorities, as required by law.

Investigation steps:

Every allegation is to be taken seriously. Upon receiving a complaint, the pastor or supervisor should conduct an investigation as soon as possible.

- ✓ Contact the legal counsel of the parish or institution
- ✓ Call the parish's or institution's insurer and notify the diocese
- ✓ Consider establishing an investigation team that is gender balanced
- ✓ Establish the relevant facts relating to the allegation
- ✓ Interview the person bringing the complaint
- ✓ Encourage the complainant to be accompanied by an advisor, friend, co-worker, or family member
- ✓ Take careful notes of the interview
- ✓ Interview others who may have knowledge of the accusation

Note: If the accused is a member of a vowed-religious community, it is always appropriate to involve the provincial superior of the accused early in the process.

Intervention:

If the investigation finds substance to the allegation, the pastor or supervisor should meet with the accused employee, independent contractor, or volunteer. For this meeting, the accused person should be encouraged to have another person present. The purpose of this meeting is to formally present the allegation and to listen to the accused.

If the employee acknowledges that the allegation is true, then the supervisor should invoke the appropriate disciplinary procedures (including possible termination) as found in parish or institutional employment guidelines. If the employee denies the allegation, then the pastor or supervisor should consider suspending the employee with pay, or taking some similar action, until a better understanding of the allegation can be gained.

The parish or institution may choose to arrange a psychological assessment of the accused to help gain further understanding.

If a volunteer acknowledges the allegation is true, then his or her voluntary service with the parish or institution is reviewed by the pastor or supervisor. This review may indicate that the person's volunteer service should end. If the

volunteer denies the allegation, then the pastor or supervisor should consider stopping the services he or she provides until a better understanding of the allegation can be obtained.

In the event that the accused denies the allegation, the pastor or supervisor should seek assistance with the investigation. Others who may be helpful at this stage include a trustee, fellow pastor or supervisor, or diocesan official. Additional detailed information is gathered by further interviewing the victim, the accused and others who might have direct knowledge of the allegation. At this stage, the person bringing the accusation and the accused should both be assisted by an advisor or friend.

Resolution:

After sufficient information has been gathered, the supervisor must resolve the matter. The supervisor must invoke the appropriate termination procedure found in the parish or institution guidelines for the suspended employee or volunteer, take intermediate disciplinary action, or reinstate the individual's employment or service.

In all cases, the procedure for discipline or termination of employment must follow the steps laid out by the parish or institution guidelines. In addition, full cooperation with civil authorities and adherence to reporting requirements, as determined by civil law, must always be exercised.

CONCLUSION

Sexual misconduct is complex as well as terribly harmful. No simple or uniform method or instruction can provide an effective response because each instance has special aspects that require unique attention.

However, our experience over the past ten years tells us it is possible for individuals and communities to heal from the effects of sexual misconduct. This is not easily or quickly accomplished. Effective counseling, support groups and spiritual direction are tools which are often required for this healing.

The Diocese of Winona is committed to doing all that it can to:

- * Promote safe, healthy communities of faith
- * Intervene when there is misconduct
- * Respond fairly and compassionately to those harmed by misconduct

We do this because of our faith in Jesus Christ and His call to us to act justly and live compassionately.

NOTES

The Instruction for Identifying, Reporting and Responding to Sexual Misconduct

Acknowledgment of receipt

I hereby acknowledge that I have received a copy of The Instruction for Identifying, Reporting and Responding to Sexual Misconduct for the Diocese of Winona. I have read this complete document, understand its meaning, and agree to conduct myself in accordance with its procedures. I further understand that this acknowledgment will be filed at the parish or institution in which I serve and that I am required to attend training annually.

Date: _____

Name: _____

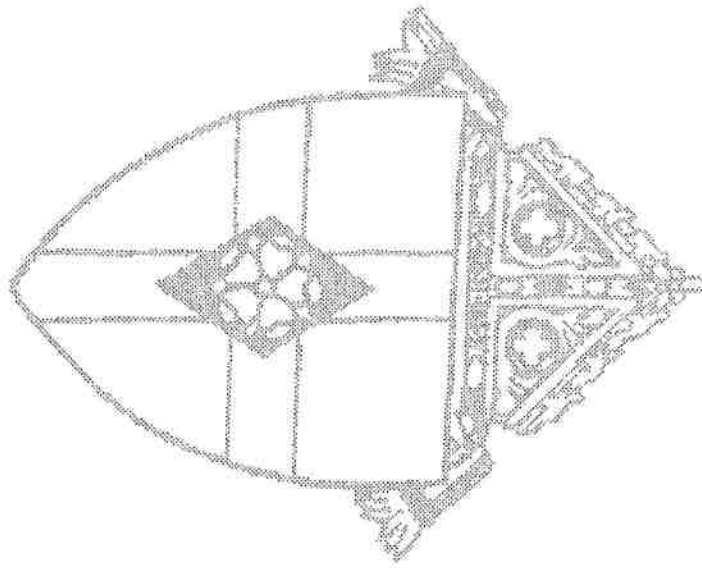
Parish/Institution: _____

Pastor/Supervisor: _____

Your signature: _____

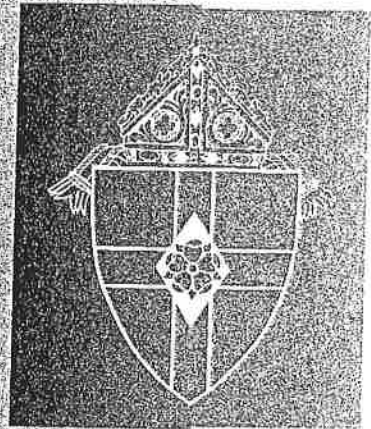
Signature of witness: _____

Detach and File



Revised

**Instruction For Identifying,
Reporting and Responding to
Sexual Misconduct**



Diocese of Winona

March 18, 1994

Dear ,

This past week I saw your mom, at a funeral in . I had written to her some days before to express my sympathy at the death of your dad. I extend my condolences to you and promise my prayerful support for you and the whole family. May your dad, rest in peace.

As you may know, last year I had the opportunity to visit with your folks to apologize to them in the name of the church for all the pain they had experienced because of the sexual misconduct of' of our diocesan priests. During the visit they suggested that I write to , and share those sentiments with them.

Since your dad's death, your mom has suggested that I also write to you. She indicated that you also were molested and I did not know this before. I am very sorry about this. If there is any way I can be of assistance to you, even now, I will try to do what I can. All of this has been a deep source of hurt and sadness for so many of us.

During the past several years many of us in the church and society have learned more than we ever dreamed possible about the sufferings of victims of sexual abuse. You yourself may have some matters that you would like to confide in me. I certainly would do my best to make myself available.

At any rate, please know that you have a special remembrance in my prayers as you mourn your dad's death and as you reflect upon painful past experiences of abuse. Your mom sent a copy of the poem you wrote on the occasion of your dad's death. I am grateful to God that I had the chance to meet him and apologize to him before he died. Blessings to you as we prepare to enter the mysteries of Holy Week and Easter with Christians all over the world.

Sincerely yours in the Lord,

+ John G. Vlazny

The Most Reverend John G. Vlazny
Bishop of Winona

TA000350

March 18, 1994

Dear

This past week I saw your mom, at a funeral in I had written to her some days before to express my sympathy at the death of your dad. I extend my condolences to you and promise my prayerful support for you and the whole family. May your dad, , rest in peace.

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Sincerely yours in the Lord,

John G. Vlazny

The Most Reverend John G. Vlazny
Bishop of Winona

TA000655

Some follow-up thoughts...

- ▶ I recall that [redacted] received a letter from us offering counseling and healing.
- ▶ I believe it might be beneficial to talk to Restovich about how best to handle such a meeting - even if it's just [redacted] and [redacted], the Bishop and Vicar.
- ▶ We risk too much having members of an organization (VOTF or any other organization) present on behalf of someone. If anything was shared about that meeting publically - others would avoid coming forward for fear of confidential breaches.
- ▶ I find it extremely distressing that [redacted] did not come to us initially, he worked through an attorney - and now, when we've reached out to him, he's gotten yet another entity involved.
- ▶ If there is a need for another party to be present besides [redacted] - recommend to him that he bring his [redacted] who can attest to the sincerity shared and the opportunity given to tell his story.
- ▶ This would be the first in a very long line of demands from VOTF if we allowed their members to be present during meetings with Bishop.
- ▶ Perhaps we can discuss this further, as a team, before we go forward with anything.

6/20/94

To Whom it May Concern:

My name is [redacted] I am the son of [redacted] They
are well known members of your congregation. The reason for my contacting you is that I
was molested by your priest (Father Adams) when I was in the [redacted]
[redacted] I understand that I was not the only one as I have talked to
Mark Wendorf, an attorney with Jeffery R. Anderson, an attorney of St. Paul, MN. I have
lived with this terrible fact since that time and it has eaten away at me for a long time. I
have abandoned my Catholic faith and I have absolutely no respect for the Catholic
Religion. When I was young I attended [redacted] in the summer
between [redacted] I decided I could no longer attend [redacted] and live
with what took place. I had had the greatest respect for priests and nuns til that time.
My regard for them was that they were the next thing to being God.

This molestation has affected my life since the time it happened to me. The point I
am making is I have contacted a lawyer and I will follow thru with a lawsuit against both
[redacted] Parish and the Bishop unless you want to settle this out of court. I know suits
such as these are settling for over \$200,000 and I will go for well over that amount. I
have both the time and the will power to follow this thru. The next step is up to you.

I will expect to hear from someone by July 15, or I will have to follow up with Mr.
Wendorf.

Sincerely

TA000571

GEORGE F. RESTOVICH & ASSOCIATES

ATTORNEYS AND COUNSELORS AT LAW
SUITE 15, RIVERSIDE BUILDING
400 SOUTH BROADWAY
ROCHESTER, MINNESOTA 55904
TELEPHONE 507/288-4840 • FAX 507/288-4908

George F. Restovich
Bruce K. Piotrowski
Richard W. Kimlinger

July 15, 1994

Dear :

I have received a copy of your letter addressed to the Diocese of Winona dated June 20, 1994. As the attorney for the Diocese of Winona, I would like to meet with you to obtain more details of the alleged abuse, as well as your claim of injury.

Perhaps you could contact my secretary to discuss arrangements to meet with me here in Rochester. If that is not possible, then perhaps we can arrange to meet at some other locale.

The Diocese has no interest in sending you a check for \$200,000.00, or any other figure, without investigating your claim. If you have no interest in meeting with me, then be assured that we will not make any further response to your demand for settlement.

Very truly yours,

GEORGE F. RESTOVICH & ASSOCIATES

George F. Restovich

GFR/dck

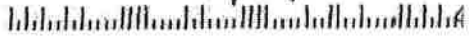
bcc: Reverend Gerald A. Mahon
Michael Saffel

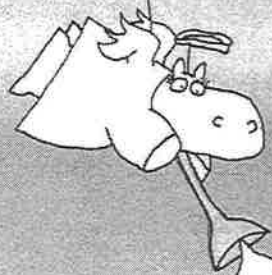
TA000577



Bishop - I
showed this to
Geo. Restovich -

Magn James D. Habiger
8115 Summit Ave
St. Paul, Minn. 55105

As you can tell - I just
found this out - I feel it is something you should
55105/1048 



A message
from above:

Bishop -

I knew His
family when I was
Principal of

The "in the letter -
was born during His
time - He was named

They

liked

I
have no memory of his
attempt to see me.

Byington

6/3/02

Dear Mr. Anderson,

I am writing this letter to you because everybody else that I've tried to talk with about this subject has seemed indifferent. It has to do with a priest that was in the parish where I grew up back in the 1960's & 1970's.

First of all, I was raised in a family where priests were looked at as the next thing to God. I was taught to respect, obey and listen to everything they said and did. My parents were very active in the Catholic Church, so of course, I as well as my seven siblings were expected to live by this belief. Obviously there is plenty of blame to go around, but the main subject is the sexual abuse.

A priest named Father Tom Adamson decided that I was a prime candidate for sexual abuse. He knew that because of the devout faith of the family I grew up in, I was easy pickings. In the summer of [redacted] he invited me to spend a weekend with him at his new parish in [redacted] Minnesota. I arrived and the maid, named Gert, welcomed me. Gert was very nice and made me feel right at home. As the afternoon went on, I remember walking around the grounds of the rectory and visiting. I was [redacted] at the time so when Fr. Adamson made the suggestion to clean up for dinner, I thought that's what it meant. I had been given a room to sleep and change clothes in. The bathroom was next to it. I went up and took a shower, but when I stepped out of the shower, he was there talking softly and grabbing my penis. He was saying things like "Do you ever rub it?", "Do you ever use it to feel good?" "It's a natural thing". At [redacted] I didn't know what was happening. This was supposed to be the person that would keep me close to God. At that point I thought maybe this is the way it's supposed to be, I didn't know. Later that night, I was already in bed and all of a sudden he came in and started talking about growing up and adolescence and things that happen. Then he reached under the covers and grabbed my penis again. He started asking me if what he was doing felt good and if I wanted him to keep doing it. As a [redacted] and with his power (in my mind) I said yes. Then he laughed and said maybe another time. He walked out and from that point on I felt powerless.

I was confused, frustrated and wondering what was wrong with me. It was a very sick feeling. If this person that was supposed to represent God said and acted that way to me, I felt like I already had a foot in hell. Something must be wrong with me.

I went back home where again, my family is still very involved in the church. It becomes like a love/hate relationship with my parents. I love my parents but I can't figure out why they like him. (I hate him).

The next summer, [redacted] I ended up going to visit Fr. Adamson again because [redacted] is at Adamson's parent's house outside [redacted]. We end up at the dinner table, all of us, talking about what to do for the afternoon. Adamson said "Let's go swimming." He said get your suit on; the water will be great. Then he looked at me, like, well. [redacted] Let's get our suits on. I melted. He led me to the bathroom of his own parent's house and proceeded to lock the door. Of course, he asked how I was doing and then started the same thing - "have you been rubbing it, do you ever use it to feel good, it's natural. Only this time, he made me rub his penis. No, he didn't force me physically, he just kept talking about why I should rub his penis because mine wasn't big enough to feel good yet. Then he opened a duffel bag and reached in and grabbed this thing with an electrical cord. He plugged it in and held it on his penis. It was a vibrator. He told me to keep rubbing his testicles because that would help him feel good faster. Then he came in the sink and said, "Okay, put your suit on, let's go swimming." Again, I felt sick and powerless at this point.

TA000348

Because my _____, was going to be a priest and my parents felt like Adamson was a big reason for _____ choosing that vocation, he ended up visiting our home in _____ and also doing Mass whenever he was there. Two other times, I can't remember how it was put to me or why I was put in the situation, but the abuse happened in the church sacristy. As I was putting on the altarboy gown, he reached for my penis and asked if I was feeling more normal these days. It wasn't like the first couple of times anymore. It was like can I keep doing this to you, or not?. I tensed up both times and moved away from him. He never tried anything with me after that.

The problem was, the damage had already been done. It became very tough with my parents. I felt like they didn't know what was going on, and I couldn't tell them that this had happened. (Typical teenager - they would think it was me that had the problem). So life went on and here we are. There are many times that I wish I would have said something about the sexual abuse back when it happened. Circumstances were different back then. It was tough just trying to be a so called normal kid, let alone worrying that if I said anything about this I would have been looked at as a troubled teenager. I feel like I have a responsibility to talk about it now. Not because of revenge, but because I don't want this to happen to any more children in the future. There has to be some examples made of these sick priests so they all will know they are accountable for their actions.

Sincerely

6/3/02

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TA000653

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Sincerely,

June 27, 2002

Thomas Adamson
Box 3034
Eau Claire WI 54702

Dear Tom:

It has been three and a half years now since I have been appointed the Bishop of the Diocese of Winona. During this time, I have not had the occasion to meet with you.

I would like to have the opportunity of sitting down with you and talking about your present status and situation in life. I will be on vacation the first two weeks of July but I would like to arrange a time and a place to meet with you. I am willing to come to visit you in your home city or invite you to come to Winona or to meet at any designated place that is mutually convenient for both of us. May I ask you to please call my secretary, Mrs. Judy Tibor (507-454-4643) and arrange an appropriate time before September 1, 2002.

I hope that you are in good health and that you have adjusted well to your present situation. I look forward to meeting with you.

Sincerely yours in Christ,



Most Rev. Bernard J. Harrington
Bishop of Winona

BJH/jt

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Eau Claire WI 54702

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Sincerely yours in Christ,

Most Rev. Bernard J. Harrington
Bishop of Winona

BJH/jt

TA000443

Steven A. Erickson PhD, LP, LMFT
Licensed Psychologist
7373 W. 147th St., Suite 180
Apple Valley, MN 55124
(952) 432-3220

Bill To:
REINHARDT & ANDERSON
E-1000 First National Bank Bldg
332 Minnesota St
St. Paul, MN 55102

Bill For:

Bill as of : Aug 1, 2002

<u>Date</u>	<u>Transaction</u>	<u>Check No.</u>	<u>Session Charge</u>	<u>Total Amounts</u>	<u>Total Owed</u>
07/23/2002	Intake Assessment		\$145.00	\$145.00	\$145.00
07/30/2002	Individual Psychotherapy		\$120.00	\$120.00	\$120.00
			\$265.00	\$265.00	\$265.00

Please Pay this Amount: \$265.00

Session charge includes expected insurance discount, if applicable.

Your account has been audited, please remit the amount due

Steven A. Erickson PhD, LP, L
Licensed Psychologist
Group Number: LP 0719
Employer ID: 41-1633410

TA000644

REINHARDT & ANDERSON

Attorneys at Law

E-1000 First National Bank Building
332 Minnesota Street, Saint Paul, Minnesota 55101
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Jeffrey R. Anderson ^W†^{} Patrick W. Noaker ^W°
*Mark Reinhardt ^W° Frances E. Ballon
*Mark A. Wendorf Michael G. Patrik
Harvey H. Eckart Brant D. Penney
Barbara J. Felt Cynthia J. Waldt
Garrett D. Blanchfield

September 9, 2002

George Restovich
Restovich & Associates
117 East Center Street
Rochester, MN 55904

Re: . . . and the Diocese of Winona

Dear George:

In your letter of August 27, you request more information in order to have the Diocese pay for psychotherapy. By this letter, I am supplying you with a recitation of the sexual abuse prepared by Mr. . . . and sent to me. I also enclose a letter from John G. Vlazny acknowledging he had received this information in 1994 so I trust this is not news to the Diocese of Winona. If any further information is necessary to process this, please advise me.

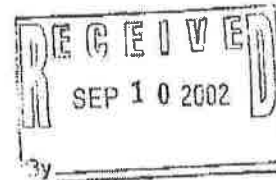
Thank you for your prompt attention to this matter.

Very truly yours,



Jeffrey R. Anderson
jeff.r.anderson@ralawfirm.com

JRA:tat
encl.



A Partnership of Professional Corporations

*Managing Partner ^W Also admitted in Wisconsin ^W Also admitted in Washington, D.C. ^W Also admitted in Missouri
† Diplomat Civil Trial Specialist by National Board of Trial Advocacy * Certified Trial Specialist by Minnesota Bar Association
° Diplomat Criminal Trial Specialist by National Board of Trial Advocacy

TA000652

CONFIDENTIAL MEMORANDUM

TO: Bishop Harrington
FROM: Father Cronin *NC*
RE: Confidential Case
DATE: September 20, 2002

Bishop Harrington, I thought you might like to look over these materials I received from George Restovich. You will notice a letter written to . . . from your predecessor, Archbishop Vlazny. Please return when you have reviewed the materials so these documents can be safely archived. Thanks for your consideration.

10/16/02

This is the 3rd letter I have written to you people in the last 20 years. The first must have fallen on deaf ears as I never heard from anyone or maybe just like what happened to me it was just ignored and hoped it would go away. The second letter was responded to and resulted in a meeting between myself and a lawyer representing the church in Rochester. I came away from that after being grilled in a dark office for some hours as though I had been the one who had done something to have brought this on myself and was told to go home and forget about it. Well I can tell you right here and now that I have not nor can I forget about it. What was done to me cannot be forgotten. When a priest did to me and tried to get me to do to him cannot just be forgotten.

at the time, an altar boy, a child who had gone to catholic grade school all my life. Priests were like the next thing to God to me. Nuns were like the Holy Mother. I had thought about possibly becoming a priest myself until this priest

Came into my life. He got me alone on several occasions the first being in a dark room in the basement of the school where he tried to perform oral sex on me. The next several took place at his rectory and at the church when I was the altar boy for him. The ones that occurred at the rectory took place in his bedroom with his housekeeper who knows where. These involved him trying to get me to perform oral sex on him or him doing it to me and also his sodomizing me and then masturbating in front of me. This jerk was one sick person. I never told anyone about it as I was so ashamed and thought I had done something to encourage these terrible acts. Apparently someone else did have the courage to come forward and he was gone for good from our town. I found out later he was just transferred to another parish where he started all over again to ruin some other young boys lives.

The reason I am writing to you now is to let you know that and the Diocese of Winona has two choices. I believe I should be compensated for what has been done to me. I have spoken to a lawyer by the name of Jeff Anderson who is well

I know to the catholic church. I have not as yet
retained him but I certainly will follow
thru if I don't get satisfaction on
my own. As you can ^{see} I have enclosed
copies of several newspaper articles with
this letter, you can see Mr. Anderson's
name in one of the articles. Also the one
about the settlement that dates back to
1957. My rape took place some ^{years}
later. I call it rape because that is exactly
what it was, not only by him but by the catholic
church for putting him in ^{and then}
letting him do it again and again. You bunch
of hypocrites are no better than he was. Getting
back to what I want is this: \$500,000.00 Yes that
is what I want $\frac{1}{2}$ million dollars or I will retain
Jeff Anderson and I will go for a great deal
more. I am also going back to ^{if}
you don't settle with me and I am going
to start an investigation into who else
might have also been molested and raped.
It will turn into a much larger case
I am sure of it. Also I am going to talk
to the family of ^{He was also an altar boy}
with me and seeked to change around that
same period of time.

So there you have it, you can settle
with me now or we can drag this
all into court and you can spend
thousands or even millions trying to
defend what you know took place. I
got very emotional when I recall what
took place and a Judge or Jury I am
sure will see it my way when a grown
man cries on the witness stand. The
choice is how in your hands you can
do the right thing now or you turn
your head and hope it goes away, this
time it won't go away. Compensation
is now and you will never hear
from me again.

Sincerely,

I expect a reply
by Nov. 8th

P.S. I will not meet with any of your
lawyers except to sign a settlement agreement.

Francis of Assisi's parish. In allowing the now 79-year-old priest to keep his clerical collar, Boyok said, the diocese has slipped in the face those who suffered at the hands of McFadden.

Past and present bishops protected the clergyman, and for years allowed him to administer the sacraments even after he had confessed his sins as a sex abuser.

"They keep calling him Father McFadden," Boyok said. "What kind of father does this to his children?"

To Boyok and some other Iowa Catholics, the priest is a sexual predator who should be behind bars. "The diocese should take all the money they're paying him and distribute it to his victims," Boyok said. "We haven't filed any lawsuits because we know any money we would win would come from our community. If it were McFadden's money, I'd take it gladly."

Although the statute of limitations on sex crimes in Iowa has expired for McFadden's alleged assaults, Boyok and other alleged victims from St. Francis would like

because of his molestation by McFadden.

Contacted by the Register, the suicide victim's mother said she did not wish to speak publicly about her son's death. She confirmed, however, that her family told a parish priest in 1984 that they did not want McFadden to help preside over her son's funeral. The priest, she said, knew it was because of the abuse of her son.

(The parish priest, the diocese says, denies he was told of the abuse.)

Sokolowski said she also spoke to two priests in the years between

"When they told us, my husband just started to cry," Sokolowski said. "I couldn't cry. I was angry."

Sokolowski said her fourth child, who was very close to McFadden, detests the Catholic Church now and has thus far been unwilling to discuss whether abuse occurred.

Even when children of St. Francis did come forward, some parents didn't believe them.

Chester Jablonski said at the age of 7, his youngest son tried to tell him he was being hurt, but "we wouldn't listen to him, like everyone else."

Looking back, the 78-year-old

to the diocese and family members in Jefferson. The deeply troubled former altar boy said he was ostracized after he spoke of the repeated molestations he suffered as a teen-ager.

Since the Register's first article about Nash in March, the newspaper has learned of at least 20 other alleged victims from Le Mars, Sioux City and Jefferson.

Several of them have declined to speak publicly, saying either that they have put the abuse behind them or that talking about it would embarrass relatives still living in Iowa.

the priest has never spoken publicly of the alleged crimes.

"I have spoken to him," DiNardo said. "There's a great deal of shame and humiliation. Given what his age is now, I'm not sure he's totally there in terms of memory. Whether that's repression or not, I don't know."

DiNardo called "absolutely horrible" the news of the Sioux City man's suicide, the second suicide in Iowa linked recently to clergy sex abuse. The bishop said he learned of the man's suffering after he received a letter from the victim's parents in March.

The bishop's remorse comes too late for Sokolowski and others who looked to the church to protect their children.

"I have lost all faith in the hierarchy," Sokolowski said. "I also feel differently about the church now. I have not stopped praying and still have faith in God, but I pray daily for all abused victims, their parents and families."

Reporter Lee Hood can be reached at (515) 284-8549 or hood@news.dnreg.com

In 40 years, 1,500 priests linked to sex abuse in U.S.

Over the past four decades, about 1,500 priests nationally — including at least 12 in Iowa — have acknowledged or been accused of abuse, according to church officials.

Tom Chapman, a spokesman for

the Des Moines Diocese, said other cases are likely to emerge as dioceses review all priests' records in the wake of the abuse charter.

In addition to hundreds of civil lawsuits filed since January, seven grand jury investigations over

priestly misconduct are under way across the country, according to USA Today. The probes are focusing on the role of bishops and other church officials in ignoring or covering up sexual abuse by priests.

Bishops begin to clean house; case reviews intensify

By RACHEL ZOLL
ASSOCIATED PRESS

America's Roman Catholic bishops spent the past week meeting with priests, recruiting parishioners for review boards and taking sex abusers off the job as they tarted implementing their ambitious policy to end the church's molestation crisis.

Yet even as Catholic leaders began to clean house, outside pressure from law enforcement authorities was building.

Some bishops returned home

from the Dallas summit where the policy was approved and promptly went beyond the action plan, which requires bishops to remove abusive priests from public ministry.

The 10 bishops of Minnesota and the Dakotas said they will hire an outside auditor to review whether they're in compliance with the policy.

Archbishop Patrick Flores of San Antonio pledged to not only oust molesters from parish duty but also to ask the Vatican to

defrock all of them — which is optional.

"I brought back a sense of urgency from the meeting and I think most bishops did also," said Bishop William Lori of Bridgeport, Conn., one of the eight prelates who drafted the policy.

Civil authorities also stepped up their investigation of abuse in the church.

Prosecutors began reviewing the cases of 15 priests accused of abuse in San Diego County. Massachusetts became the ninth state

with grand juries investigating clerical molestation. A judge unsealed court files on how the Joliet, Ill., Diocese handled claims against its clergy.

Lawyers representing alleged victims took a new approach, too. Attorney Jeff Anderson said he will try to reopen a high-profile Cleveland case by arguing that the diocese's failure to tell civil authorities about claims against the Rev. Carl Wernet, who died years ago, voided the statute of limitations. Eight women say Wernet

abused them when they were children.

Anderson expects to file many more lawsuits.

"We've seen dozens of victims every single day, people who are ready to come forward for the first time," he said.

The bishops' Charter for the Protection of Children and Young People was adopted June 14 at a tumultuous meeting forced by months of scandal in which at least 250 priests have resigned or been suspended because of misconduct claims.



Office of The Vicar General

DIOCESE OF WINONA
PASTORAL CENTER

October 26, 2002

FILE COPY

Dear

Bishop Harrington has forwarded to me the letter and materials you sent him, received here October 21, 2002. As Vicar General for the Diocese of Winona, I am a member of our Sexual Misconduct Team that is charged with investigating complaints of sexual misconduct by priests.

The Diocese of Winona considers any allegation of sexual misconduct by a cleric to be a very serious matter. We have made great strides in how we address this matter and are currently using the third edition of our policy on how to handle such complaints: "Instruction for Reporting and Responding to Sexual Misconduct." This Instruction states that "Each reported incident will be investigated as soon as reasonably possible following a formal complaint with care taken not to interfere with any criminal investigation. A high level of Christian care, concern, and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator should be exercised." It is in the vein of this care that I write to you.

Step #1 outlined in our Instruction directs that when an allegation is received, "Diocesan officials will carefully interview the alleged victim(s) and/or persons who bring forth an allegation. The purpose of such an interview is to get as complete a picture as possible of the nature and extent of the alleged inappropriate behavior; to identify other potential victims; and to make a strong case for an intervention with the accused if indicated."

I therefore write to ask what a good time would be for us to meet with you for this interview. The interview could take place here in Winona at the Pastoral Center, at some other city in the Diocese of Winona (the 20 southern counties of Minnesota), or closer to home for you, I did not find in your letter or the materials you sent the name of the priest you are accusing of sexually abusing you. Of course, we will have to know who it is you are referring to. The purpose of the interview, then, will be to gather all important facts and get a clear picture of the misconduct you are alleging took place. As our Instruction states, this is a first step in responding to your accusation.

Please let me know when and where you would like to be interviewed. Please, also, know of my concern for you. Bishop Harrington and the church of the Diocese of Winona is sincerely sorry for all the harm that has been caused to people abused by clergy and church personnel.

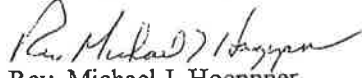
I hope to hear from you soon. In the meantime, I will consult with our Diocesan attorney and have him check his records for any record of the interview you said you had some time ago with

55 West Sanborn Street ■ PO Box 588 ■ Winona, MN 55987
Telephone: 507/454-4643 ■ Fax: 507/454-8106 ■ E-mail: mhoeppne@dow.org

TA000567

the Diocese of Winona attorney.

Sincerely, In Christ,



Rev. Michael J. Hoepfner
Vicar General

cc. Fr. Donald J. Schmitz, ,

This was
also sent to
the parish priest
in

Republican Mike Taylor abruptly dropped out of the Senate race against Sen. Max Baucus on Tuesday, complaining that a Democratic Party ad was calculated to make him look like a gay dresser.

Taylor, who was trailing Baucus in the polls, said the commercial amounted to character assassination.

Choking back tears with his wife, Jenna, by his side, Taylor said: "I'm willing to suspend my campaign because my opponent's lies about me are hurting my wife, my family, my friends, my party and most of all, Montanans from all walks of life."

CAPE CANAVERAL, FLA.

Astronauts wire up girder to space station

Two spacewalking astronauts hoisted outside and wired up a new \$360 million girder to the international space station on Thursday.

David Wolf and Piers Sellers shouted, "Yippee!" and "Excellent!" when it was time to get to work on the girder that arrived with them aboard space shuttle Atlantis on Wednesday.

Wolf connected power and data cables, as Sellers released the locks on the three folded-up radiators mounted to the girder.

"Where am I?" Sellers asked. When told he was flying over the Pacific and coming up on South America, he observed, "Wow — it's too beautiful for words — unbelievable."

MANCHESTER, N.H.

Diocese to pay \$950,000 to settle lawsuits

The Manchester Diocese agreed Thursday to pay \$950,000 to settle

lawsuits brought by 18 men who said they were molested by priests as far back as 1857.

The men accused eight former priests altogether.

The diocese said four have died, two are alive but no longer act as priests, and two left the ministry in the 1960s. The most recent accusation dated to 1982.

CHICAGO, ILL.

Lawyer convicted of smuggling cigars

A Chicago lawyer was convicted of smuggling thousands of Cuban cigars into this country in violation of the 33-year-old trade embargo against the communist country.

Richard "Mick" Connors, 53, was found guilty Wednesday and could get up to five years in prison at sentencing Dec. 12.

The federal jury took five hours to convict Connors of smuggling, trading with the enemy, conspiracy and lying to a passport officer.

Cuba is renowned for such fine cigars as Romeo y Julietas, Montecristos and Fidel Castro's favorites, Cohibas.

CAMDEN, N.J.

Man with box cutters pleads to lesser charge

A Bulgarian law student who attempted to board a plane in Atlantic City last month with two box cutters and scissors struck a plea agreement Thursday that calls for him to leave the country.

Nikolay Dzborov, 21, pleaded guilty to knowingly and willfully violating airport rules. Under the agreement with prosecutors, he was sentenced to five years' probation and ordered to leave the country.

11/6/02

To: Rev. Michael J. Hoepfner

I received your response to my letter. The priest who did this to me to the best of my recollection and according to my mother, ... was a Father Adamson. If you have checked with the lawyer I spoke with in Rochester, if he kept good records, which lawyers usually do, he has a total record of everything that took place. I would be willing to meet with someone from the Diocese but I will not drive very far. Remember I am the victim here. I am trying to get this resolved out of court but believe you me I will go to court if I have to. My mother spoke to someone closely associated with the Parish and they suggested I get a lawyer. I live about 20 minutes west of ... so pick a place not too far away. I can be reached at



REC'D NOV 13 2002

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per
Month Dec 9
Pastor

Diocese of Winona
Pastoral Center
Rev. Michael J. Hoepfer
Box 588

Winona Mn
55587-0588

Statement taken on Monday, December 9, 2002
St. Thomas Aquinas Parish Center

Diocesan representatives introduced themselves to _____ who was accompanied by a friend who had come to provide personal support. Following introductions, it was explained that the process for taking a statement would be best served with _____ alone. His friend was understanding and departed.

Meeting was held in the lower level of St. Thomas Aquinas Parish Center
Members present: Rev. Michael Hoeppepner
Mrs. P.J. Thompson

For the official record:

1:11 p.m.

Rev. Michael Hoeppepner reviewed the process used when taking statements from a person who alleges to be a victim of abuse or misconduct by a priest. He described our role here as 'listeners' - prepared to hear the statement and transcribe the details.

First of all, let me say that whenever the church hears that someone has been hurt or is hurting for any reason, we are sorry that people suffer and struggle with things. The Church always wants to help in ways that we can to see that people feel healed and whole again. Today, we are basically here to listen to you, to hear your story, then from here what we'll do is type up this review and send it to you...and send it to you to be sure we heard you correctly. If at that time you want to add something you may have missed or clarify or correct anything, you can have that opportunity. Does that sound o.k.?

Yes, that's fine.

_____, are you from this area?

Well, I'm a resident of _____

I see...well - starting from the first letter that you sent saying that there was something that happened to you and that you want it heard...maybe you could go from there.

O.K. My parents actually lived _____ I
went to _____ from first grade to seventh grade. They use to be separated as two -
_____ and ahhhm - where this took place to begin with was the first time -
well, the priest approached me - it was in the gymnasium of _____ school . I was on the

boy's basketball team. Something was taking place, an event of some kind - I don't remember. He approached me and said they had new uniforms and he said he wanted me to try on my new uniform. Downstairs there was a storage room - I didn't know it was there - it was some kind of a storage room. I think you might have had to have a key to get into it. It was a storage room of some kind - I don't know. Anyway, he asked me to take my clothes off and try on the new uniform. I mean, I was excited about having a new uniform.

(Pause to regain composure)

I was probably...my birthday was in - I was probably I guess.

When were you born?

I was born in

Thank you...go ahead.

After I tried the uniform on that's when he asked me to pull down my pants and my underwear and he knelt down in front of me. He said he wanted to (I can't really remember for sure) he said he wanted to examine me and then he asked me questions like if it felt good when he touched me there. I said I didn't like it at all - I said I didn't think it was right. He asked me if he could kiss me there. I told him I came there to get the uniform and that's all.

Did he just leave you alone after you said that?

To the best of my memory - I guess I basically had to go back upstairs and had to leave...just get out of there.

And who was this priest you say did these things?

To the best of my knowledge and what my mother said, I believe his name was Fr. Adamson. We have a Fr. James McCauley - my mother talked to him and he said that's the priest that was there at that time and that's the priest they referred to was Fr. Adamson...but I never told my parents at all.

Did anything else happen?

The next incident that took place - he talked me into coming to his house sitting next to and took me into his bedroom there...

I guess I can't even remember the story he gave me. It had something to do with me being an altar boy at the time. Something to do with the altar boy responsibilities I guess. There was an older lady there - I assumed - or I guess she told me that she was the housekeeper, I don't know. We just kind of walked by her and we went into his bedroom and he locked the door.

(Pause to regain composure)

I guess I remember talking about different things for a little while and he asked me to take my clothes off again. I don't know why...I did it again and don't know why.
I took my pants and my underwear off...And then he took his off - he didn't have priests clothes on that day - just a regular pair of pants and a shirt. He took his pants off and wanted me to perform oral sex on him. He pushed me down to the floor and I told him I wasn't going to do that. Then, he had me stand in front of him and he got in front of me and he started performing oral sex on me and...
And then I can't remember how I got there but the next thing I remember I was face down on his bed...my pants were all the way off and he had taken some kind of lotion if I remember correctly and put it on himself and was behind me...

This was at the same time - while in the bedroom with the locked door?

And he got behind me and knelt behind me and tried to shove his penis in my rear end and I just I said - you know, that hurt. I didn't like that and I didn't want him to do that - (pause) I guess I decided after that... I didn't know after that... if his housekeeper was still out there and he thought that if I'd scream he'd get caught.
He realistically didn't stop right away he tried to get inside me and he did a little bit and I think at that point he thought I was going to scream and that she would certainly come to the door.

Did you leave the house at that point?

I don't even recall.

Did you see the housekeeper at that point?

I don't even remember. She was quite old - she's probably passed on by now.

Was it the same time period?

It all happened within a very short period of time...like weeks. The best of my recollection was it was maybe the end of fall season. I'm quite sure there was another incident in the house - but if I remember I didn't want to be put in that situation again. I said to him you're not going to put me into that situation again.

He was always real good about talking me into ways to see him or him to see me.

I remember him talking to me about coming in early before the other altar boy got there and that was realistically, I guess it was the church ... uhhm...

Sacristy?

The place where we got dressed - put on our altar boy outfit that we wore back then and that was just a situation that time when I was - I mean I changed clothes and he came up to me and fondled me. He said I really appreciate you coming in early and lighting the candles...and he said those kinds of things.

When you say "he fondled me" what do you mean. Did he touch you in the genital area, on the buttocks, rub you, can you describe what where he touched you and how?

It was the genital area and he was trying to get me aroused and I remember I was there about a half an hour before the other boy was expected to show up.
I think he - well I mean I haven't had any homosexual desires - I found the whole thing to be very repulsive. I never have had any desires.

And these things you allege all happened within the same year?

All within the same school year-- I was
I'm trying to remember - the incidents that took place at the rectory - it seems it was kind of cold outside if I remember correctly. Yeah—realistically I remember that you know it was cold outside, chilly outside.

And you say these last things happened at ?

I believe so - it was kind of half way across town to get from my house to
was about 4-5 blocks further so I had to get there. This happened at

earlier you said that you didn't tell anyone. Then, you noted that your mother told you it was Fr. Adamson who must have done this. When was it you told your mother?

I told my parents - it really hasn't been that many years ago that I told them.
I told them 10 - 15 years ago probably.

And you say you wrote a previous letter?

I wrote a letter to the Diocese of Winona...The very first letter was mailed about 20 years ago...

Who did you write that letter to - do you recall?

Well it was written to generally the diocese. I don't know what happened to it - if it maybe didn't get there or what. After that - The next one I think was probably 10-15 years ago.

And then you wrote recently?

The reason I wrote the 3rd letter was because I came away from the interview feeling like well, because he really kind of said - go on with your life - I came away with the idea that I'd brought this on myself.

Who did you speak to then?

Some attorney from Rochester who said he was the attorney for the diocese. But I didn't think I did this myself. I don't feel that way. I certainly never encouraged - I never felt like I

encouraged this. I mean between [redacted] I made the decision not to go to the Catholic Grade School just to be away from him.

Your parents let you make that decision on your own?

Realistically I made up a big story that I wanted to play football at the public school. My parents didn't question it - the coach came over and told them how valuable I'd be and all that and it all kind of worked out.

Did you ever serve as an altar boy anymore?

Yeah. It was in the summer time - between [redacted] the priest got moved and I didn't need to worry about him anymore. I actually heard years later about some friends of mine - [redacted] supposedly they were the ones that blew the whistle on him. They were really close and I assume what happened to one the other would have known about. I haven't ever talked to them though... I guess I've always been pretty embarrassed to talk about it - especially if people might have had the same thing happen to them.

So they never told you anything?

The only one that I'm aware of was one of the [redacted] - I believe it's [redacted] is no longer going to church...and just through the rumor mill - I thought he was molested and is no longer going to church. They both live in [redacted] yet - and I believe [redacted]

So, you don't know anyone else - a friend or were you concerned this might happen to a sibling?

My brother [redacted] and we made sure he didn't go to the Catholic Grade school - I made sure he went to public school.

You kind of talked your folks into that?

I just made sure. I told them he'd get a better education - I've always looked out for his well being.

Well, thank you again for telling us these things. We know it is not an easy subject. Can you tell us, what do you hope to have happen now?

Realistically - I feel that the church really, really let - not only myself down - but this priest I know telling my sister about this...She had brought it to my attention - had brought an article to my attention...

That this priest had done this in a number of parishes all over.

I believe that to the best of my knowledge that it's the same priest.

I guess I wonder why - you know, was he just transferred to other parishes to let this happen to

other young boys... it devastated me so much - I have a hard time remembering that past part of my life. I have some memories - but you know the priests and nuns in my estimation...gollie they were the next step to heaven.

The priests and the nuns you were really 100% sure that they were going to heaven.

Being an altar boy I was really proud of that. We studied the mass in Latin and we went to mass six days a week.

You didn't want to tell anybody about what happened?

I was so embarrassed - I got to feeling guilty...

Like maybe you feel like gosh - you have homosexual tendencies you don't know about or something like that...

I've told my good friend about it, [redacted] is my really good friend...

He's the [redacted] and he deals with kids like this - that go through these things on a regular basis. He asked me why I didn't come to him sooner...

(Pause to regain composure)

It's sounds like he has been understanding and that he listens...it's a blessing to have a friend like that. Ya know we get through things like this by talking about it...it's the mouth...the mouth helps us to talk about our feelings, through the mouth we can release our words and begin to heal. Is there anything else you hope to have happen?

My wife and I don't have a great deal of money but we get by fine and such...

Even though [redacted] is my very best friend I guess I was somewhat prepared to say everything in front of him but...(pause again)

But he is very understanding and he's seen a lot of kids at their very worst - they've been abused...he's well aware of all the things that can happen to young people.

Well, [redacted], the bishops have tried to address this issue...well over ten years ago they recognize that things have changed. We've learned many things. Psychology has taught us - experience has taught us...hearing people talk to us teaches us that being heard is very important. We are in the third revision now of how we deal with these things as a church. We've already mentioned to you that Bishop Harrington will review your statement once you've seen it and returned it to us. We try to learn and always want to do better. Is there anything more you'd like to tell us - is there anything more that you'd like to see?

No, I guess that's all. It's just hard.

We want to thank you again for your candor and for giving us the opportunity to listen. We'll keep you informed so you know where we're at in the process.

I guess the reason it's really weighed so much more heavily is it's in the [redacted] and then there's usually an article pretty regular - at least once or twice a week and it just brings up those old wounds. When it comes up and slaps you in the face and then television shows about it... Like a show I was watching with my wife - Boston Public...it's all about a priest

molesting an altar boy.
The tears start to flow...it brings back all the bad stuff.

So your wife, she knows of your struggle?

Yeah...we talk.

Have you ever sought a counselor or spiritual counselor to work through this

I don't have the extra money to go through anything like that.

Is there anything else you'd like to share today?

I can't really think of anything, I think that's about all.

Well, please know that you're in my prayers. It is always difficult to hear when people are hurting. Thank you again for sharing with us and we'll be in touch with you.

Meeting closed at approximately 2:12 p.m.

Transcript will be corrected for typing error and spacing. ; words will be transcribed in black. Comments, questions or statements by team members are recorded in green.

Respectfully submitted,

P.J. Thompson, Sexual Misconduct Team Representative

I have read this transcribed statement and attest to it's accuracy:

Signature

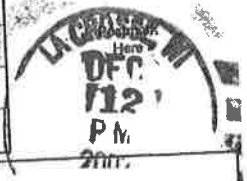
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PS Form 3800, January 2001

not want but do that - had time remaining in hospital after that,
& not want to have to be in hospital as to quit. He didn't
they might be - had to get inside in - had a little - was peaceful
x he stand I was in. I left after that - but never saw
the housekeeper. other lady.

happens a short period of time - in a few weeks - to start
of my recollection I have a hard time remembering. I think there
was another time in the house but I don't see any more to put me
in that situation again. He was good at coming to see me.

I remember at that time - before by then by that by - looked in
to time in before the other when by that - situation that time as I was
change clothes - he was up & pulled me - in a way that I was
Luther Luther, easy have just the I of one folder me - as putting
series clothes over my own clothes. granted me - try to get me - several
eyes. a good boy was before the other a boy I should go. then
he had I think as if he could get me around he could have been by
me. I don't know how to believe - I find it repulsive &
you don't see him from - all in the same school grade.

never incident - well outside. Believed it was that way too
for some reason. had to walk across town &
never went beyond.

I had a parent - but very many years ago - I had that
after I met a girl in Rochester - he 10-11 yrs up

he was better to D.W. actually 3rd little the time - but then
20 yrs ago - never heard, found out in D.W. did better was more
apparent - probably 10-15 yrs ago.

Person with the 3rd - can say for 2nd instance in when
he had said half back - just in a year ago - you brought it on
yourself. I don't see that way, well I do I encourage the

between - I decided to go to public schools I made up
story I wanted to play football at public school. admission of course.
The goal was, school recreation was work was over & home
looked up & wrote to get this. Continued to be active by a day page
any attempt - letter a year or so later - as I remember
he was made to show up after that

that he had
approached with one or both of them & they blew whistle. I was
faked to call on about this. to talk to people about
the exp people that have had some thing happen to them.

my other piece - I think no longer you to do - people
think to my house been realized - as we say, both lines.

- I made sure to not get put in the
same situation. made sure to want to public schools. promised explanation
he is get better education. didn't want him to be put in the same
situation.

I definitely had the feeling it would happen to show on this.
to do you want to know happen?

just do let out of the last the present. My with thought to of attention
of that that the of too had all over & that had done the to
of the of you drop drop.

between? last of by because it's the same point. While my
trouped on road - feel & get rid of of childhood. go have my education
would do step by however. they after by & was second of that.
studied hard & learn later. then & days - with. couldn't tell you about
the environment. family family. did exactly & they on. had
maybe things on you. toward tomorrow you think that you don't know
about. as just put you out.

had been about it last couple weeks. growth & social
renewal & show. good & you want you want sooner - (6.44)

Wife - I don't know a lot of it, can get it, he is handwriting well done -
of typed script that has been typed to copy people.

Wanted to know the last year - San Juan Register - other articles
regarding 1000ish. Long up the set records. Also you in the face -
Televised shows. Boston Public to show of reality after by.

you have shared in wife? you yourself? to making
hat have the letter.

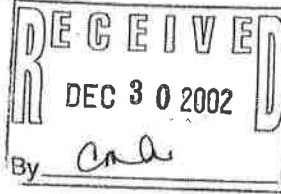
REINHARDT & ANDERSON

Attorneys at Law

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332 Minnesota Street, Saint Paul, Minnesota 55101
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*Jeffrey R. Anderson ^W† * Patrick W. Noaker ^M°
*Mark Reinhardt ^D Frances E. Baillon
*Mark A. Wendorf Michael G. Patiuk
Harvey H. Eckart Brant D. Penney
Barbara J. Felt Cynthia J. Waldt
Garrett D. Blanchfield

December 27, 2002



Andrew Eisenzimmer, Esq.
Meier, Kennedy & Quinn
Suite 2200, North Central Life Tower
445 Minnesota Street
St. Paul, MN 55101-2100

Re:

Dear Mr. Eisenzimmer:

Enclosed is a bill from John Jankord at the Kenwood Therapy Center for psychotherapy and examination provided to [redacted] is a victim of sexual abuse by Father Thomas Adamson while he was serving at [redacted] and whose name has already surfaced as one of Adamson's victims. I am sending this bill to you with a copy to George Restovich and please consider this a request for payment for the examination and any additional ongoing therapy.

If further information is necessary to process this, please advise me.

Very truly yours,

Jeffrey R. Anderson
jeff.r.anderson@ralawfirm.com

JRA:tat
Enclosure

cc: John Jankord
George Restovich

A Partnership of Professional Corporations.

*Managing Partner ^W Also admitted in Wisconsin ^D Also admitted in Washington, D.C. ^M Also admitted in Missouri
† Diplomat Civil Trial Specialist by National Board of Trial Advocacy • Certified Trial Specialist by Minnesota Bar Association
° Diplomat Criminal Trial Specialist by National Board of Trial Advocacy

TA000685

January 27, 2003 - Phone Message left approximately 9:00 a.m.

Yes, this is . . . again at . . . The other day when I left those messages, I did not leave any kind of deadline for you to get back to me and I want you to get back to me a week from today with the positive results of your talk with the bishop and I formulated my letter to the editor of the . . . as we speak so if I don't hear back from ya, the letter is going in to the letter of the editor and we'll find some more people and the whole southeast Minnesota is going to be talking about this. You can believe you me, they are going to be selling a lot of papers and I have a lot of friends back in that area and there are going to be a lot of unhappy people for the way I was treated. So we can keep this quiet or we can let it go to the whole world. So I'm just saying, I'm the victim in this. You know darn well I'm the victim in this and I want to be compensated. I'll get my own counseling. I'm not going to drive clear to Winona, Minnesota to get counseling for this. You think that's even an option, forget it. As I said before, I want half of what I originally wanted and I think that's a bargain on your part. Put me through what this idiot put me through. I'd like to see what would happen if they put you through this or anybody else. I'll tell you what, it's the most disgusting thing you can possibly be put through so. Like I said before, all you did the other day was make me mad and the hypocritical Catholic Church like it always has been. This things going to fly so you better get this taken care of.

TA000533



Office of The Vicar General

DIocese OF WINONA
PASTORAL CENTER

January 30, 2003

Dear

Bishop Harrington has reviewed the accusation you have brought forward and the investigation that has been conducted, including the typed transcripts of your most recent voice-mail messages to me. After consulting our diocesan attorney, Bishop Harrington asked me to convey clearly to you the following: He understands:

that you have accused Tom Adamson of sexually abusing you
when you were . . . ;
that Tom Adamson denies that he ever sexually abused you;
that you have brought forward no corroborating evidence whatsoever
to substantiate your claim;
and that, as in the civil arena, so too in the Church, a person is presumed
innocent until proven guilty.

Therefore, the Diocese of Winona cannot in justice and will not pay you the \$250,000 your most recent demand asks. Bishop Harrington has offered to arrange for and pay for some counseling for you in Rochester, Minnesota or closer to you there in . . . , to help you. However, he understands that, presently, you have declined this offer.

Sincerely,

Rev. Michael J. Hoeppe
Vicar General

55 West Sanborn Street ■ PO Box 588 ■ Winona, MN 55987
Telephone: 507/454-4643 ■ Fax: 507/454-8106 ■ E-mail: mhoeppe@dow.org

TA000531



Office of The Vicar General

DIocese OF WINONA
PASTORAL CENTER

MEMORANDUM

To: Mr. Ivan Kubista
Fr: Fr. Hoepfner
Re:
Date: January 30, 2003

Ivan:

has made a claim that he was sexually abused by a priest as he grew up in Caledonia. He first approached the Diocese of Winona about this in . After meeting with our attorney, he took no further action. has again approached us claiming he was sexually abused. At first, he came without the name of the priest, saying he did not know who it was. Shortly after, he said he thinks the priest was Tom Adamson. He accuses Tom Adamson of sexually abusing him when he was .

This accusation has been investigated in accord with our Instruction. was interviewed. Tom Adamson was interviewed. Tom Adamson denies that he ever sexually abused . brings no evidence forward to substantiate his claim.

first asked the Diocese of Winona to pay him \$500,000. Since our visits with him, he says he is willing to accept half that amount. He now demands that we pay him \$250,000. The Diocese of Winona has offered to arrange for and pay the cost of counseling for . He has declined this offer. says that if we do not meet this demand, he says that he will put his story in the paper, the . He will find others who were sexually abused in and we will know the "wrath of ."

If this accusation becomes public and we are asked about it, the Diocese of Winona's statement, issued through you, the Director of Communications, is simply this:

, who grew up in , MN, did approach the Diocese of Winona with an accusation that he was sexually abused by a priest in in the . The Diocese of Winona has investigated this accusation in accord with its recent "Instruction for Identifying, Reporting and Responding to Sexual Misconduct." The priest has accused is no longer in ministry and completely denies ever having sexually abused . brings forward no corroborating evidence whatsoever to indicate that the abuse he speaks of ever took place. The Diocese of Winona has offered to arrange for and pay for counseling for . Presently, he has declined this offer.

55 West Sanborn Street ■ PO Box 688 ■ Winona, MN 55987
Telephone: 507/454-4643 ■ Fax: 507/454-8106 ■ E-mail: mhoepfne@dow.org

TA000532

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Personal Injury

John Doe CR,

Court File No.:

Plaintiff,

vs.

COMPLAINT

Archdiocese of St. Paul and
Minneapolis, and Diocese of Winona

Defendants.

Plaintiff, for his causes of action against Defendants, alleges that:

PARTIES

1. Plaintiff John Doe CR is an adult male resident of the State of Minnesota whose identity is made known to Defendants by separate cover letter. Plaintiff was a minor at the time of all sexual abuse and all sexual exploitation alleged herein.

2. At all times material, Defendant Archdiocese of St. Paul and Minneapolis (hereinafter "Archdiocese") was and continues to be a Minnesota non-profit religious corporation authorized to conduct business and conducting business in this State with its principal place of business at 226 Summit Avenue, St. Paul, Minnesota.

3. At all times material, Defendant Diocese of Winona (hereinafter "Winona Diocese"), was and continues to be a Minnesota non-profit religious corporation authorized to conduct business and conducting business in this state, with its principal place of business at 55 West Sandburn Street, Winona, Minnesota.

FACTS

4. At all times material, Father Thomas Adamson (hereinafter "Adamson"), was an ordained Roman Catholic priest employed by Defendants Archdiocese and Winona Diocese. At all times material, Adamson remained under the direct supervision, employ and control of Defendants.

5. From 1958 through December 1974, Father Adamson was employed by the Defendant Winona Diocese at various times as a teacher and principal at Diocesan parochial schools and as a parish priest at Diocesan churches across southern Minnesota. Throughout this period, Adamson engaged in and/or attempted to engage in sexual contact with at least eleven minor boys. Each of these minor boys were students and/or parishioners of the local Diocesan schools and parishes.

6. In 1964, Officials of Defendant Winona Diocese, particularly then-Bishop Edward Fitzgerald, learned that Father Adamson sexually abused a boy or boys in Caledonia. On discovery of this abuse, these Officials transferred Adamson to a new parish and took no further steps to investigate the misconduct or prevent further sexual abuse by Adamson.

7. In approximately 1967, Officials of Defendant Winona Diocese learned that Father Adamson had sexually abused a boy or boys who were students at Rochester Lourdes High School. On discovery of this abuse, these Officials placed Adamson in counseling for a short time and then transferred him to a new parish without taking further steps to investigate the misconduct or prevent future abuse.

8. In approximately December 1973, and again in April 1974, Officials of Defendant Winona Diocese, including then-Bishop Loras Watters, discovered that Father Adamson had

sexually abused boys in the Rochester area. On discovery of this abuse, these Officials placed Adamson in therapy for approximately three months, after which time he was returned to his pastoral duties in Rochester without taking further steps to investigate the misconduct or prevent future abuse.

9. In December 1974, Officials of Defendant Winona Diocese, including then-Bishop Loras Watters, discovered that Father Adamson had sexually abused minor boys in Adrian, Minnesota in 1961-62. In response to threats from the families of these victims to publicly expose Adamson's history of sexual abuse, Bishop Loras Watters transferred Adamson to Defendant Archdiocese without taking reasonable steps to investigate the misconduct or prevent future abuse.

10. At the time of the transfer of Father Adamson from the Diocese of Winona to Defendant Archdiocese, Bishop Watters told Archbishop John Roach of the circumstances necessitating the transfer. In addition, shortly after Adamson was transferred to Defendant Archdiocese, Officials of Defendant Archdiocese, particularly Archbishop John Roach, learned that Adamson had been transferred to Defendant Archdiocese because of problems he had in the Diocese of Winona which necessitated continued counseling with a priest/psychologist. Further, over the next few years Officials of Defendant Archdiocese discovered that Bishop Loras Watters would not allow Adamson to return to the Diocese of Winona because of these problems. Despite these clear indications of danger, Defendant Archdiocese Officials took no steps to discover the specific nature of Adamson's problems or whether he was fit for parish duty.

11. At all times material, Father Adamson was employed by Defendant Archdiocese as a parish priest in various parishes across Defendant Archdiocese. During this time period, Adamson sexually abused numerous minor boys who were parishioners at the local churches

where Adamson was employed.

12. By November 1980, Officials of Defendant Archdiocese, including Archbishop John Roach, Father Wajda, Chancellor Robert Carlson and Father Michael Korf, among others, had specific knowledge of Father Adamson's sexual misconduct. Such knowledge includes Adamson's own admission on November 24, 1980, that he had sexually abused another young boy.

13. This sexual abuse was reported to Chancellor Robert Carlson and ultimately to these Officials by the father of the abused child, who also threatened to bring criminal charges against Father Adamson. The father was led to believe that the sexual abuse of his son was an isolated occurrence. The family demanded that Adamson never be placed anywhere where he would have contact with children. In response to this demand, Chancellor Robert Carlson assured the family that Adamson would be placed in treatment and the family would be advised of Adamson's whereabouts. Because of these assurances by their church officials, the family did not report Adamson to the law enforcement authorities for criminal prosecution.

14. In November 1980, these Officials were told that Father Adamson had sexually abused young boys in the past. These Officials also received reports that Adamson may be sexually abusing other Church parishioners.

15. These Officials failed to inform law enforcement authorities that Adamson had sexually abused minor children. As a direct result, Adamson avoided criminal investigation and prosecution and continued to abuse minor boys.

16. Plaintiff lived in close proximity to Adamson and knew him to be a Roman Catholic priest. As a result, Plaintiff held great admiration, trust, reverence, respect for, and obedience to Adamson.

17. In approximately 1976, when the Plaintiff was approximately 13 to 14 years of age, Father Adamson engaged in unpermitted, harmful and offensive sexual contact with the Plaintiff.

18. The sexual abuse of Plaintiff and the circumstances under which it occurred caused Plaintiff to develop various coping mechanisms and symptoms of psychological distress, including denial and disassociation from his experiences. Plaintiff did not know, nor did he have reason to know, that he had been sexually abused and/or that his injuries were caused by this sexual abuse until recently. Plaintiff's Complaint is therefore timely pursuant to Minn. Stat. § 541.073.

19. The applicable statutes of limitations are tolled because Defendants' conduct placed Plaintiff under duress. Additionally, Defendants' concealment and/or reckless disregard of such misconduct, placed Plaintiff under continuing duress in that they caused Plaintiff to believe that he had no right or reason to complain or to take legal action about it. Furthermore, Defendant Archdiocese's and Defendant Winona Diocese's silence, intentional concealment and/or negligent and/or reckless failure to prevent or discover Adamson's continuing acts of sexual misconduct, constitutes a fraud and also prevented Plaintiff from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action. Plaintiff's complaint is therefore timely as to each of the Defendants.

20. As a direct result of the sexual abuse and sexual exploitation, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy and counseling and, on

information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity.

**COUNT I: DEFENDANTS ARCHDIOCESE AND WINONA DIOCESE -
NEGLIGENCE**

Plaintiff, for his cause of action against Defendants alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

21. Defendants, by and through their agents, servants and employees, knew of Father Adamson's dangerous and exploitive propensities as a child sexual abuser and his history of child sexual abuse and exploitation and, despite such knowledge, Defendants negligently employed and/or continued the employment of Father Adamson in his position of trust and authority as a parish priest in direct contact with youth. Defendants failed to provide reasonable supervision of Adamson and failed to provide adequate warning to the Plaintiff or his family.

22. As a direct result of Defendants' negligent conduct, Plaintiff has suffered the injuries and damages described herein.

**COUNT II: DEFENDANTS ARCHDIOCESE AND WINONA DIOCESE -
SEXUAL BATTERY OF PLAINTIFF**

Plaintiff, for his cause of action against Defendants alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

23. In approximately 1976, when Plaintiff was approximately 13-14 years old, Adamson engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor Plaintiff.

24. As a result, Plaintiff has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

25. At all times material, Adamson was employed by Defendants Archdiocese and Winona Diocese. Adamson was under Defendants' direct supervision, employ, and control when he committed the wrongful and negligent acts described herein. Adamson engaged in this conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority.

26. Additionally, Adamson was acting at least in part to serve the interests of his employers when he committed the sexual abuse. Specifically, Adamson was acting as a priest, as well as using the trust, power and authority the position granted, while he was with the Plaintiff. Simultaneously, Adamson used that same trust, power and authority to gain Plaintiff's confidence and trust and to sexually abuse Plaintiff.

27. Adamson's conduct occurred substantially within authorized time and space limits as it occurred on Defendants' property and during Adamson's employment.

28. Furthermore, by using his position as a priest and the trust, power and authority it granted, Adamson purported to act and/or speak on behalf of Defendants when he committed the tortious acts alleged herein. Plaintiff further relied upon Adamson's apparent authority.

29. Adamson would not have been able to commit the sexual abuse were he not given

the title of priest by Defendants and was in fact aided in accomplishing his tortious conduct by the existence of his agency relationship with Defendants. Therefore, these Defendants are liable for the negligent and wrongful conduct of Adamson under the law of vicarious liability, including the doctrine of respondeat superior.

30. As a direct result of the sexual abuse, Plaintiff has suffered the injuries and damages as described herein.

**COUNT III: DEFENDANTS ARCHDIOCESE AND WINONA DIOCESE -
FIDUCIARY FRAUD**

Plaintiff, for his cause of action against Defendants alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

31. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants held a position of empowerment over Plaintiff.

32. Further, Defendants, by holding themselves out as shepherds and leaders of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself and Defendants thus entered into a fiduciary relationship with Plaintiff.

33. As a fiduciary to Plaintiff, Defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Adamson.

34. Moreover, Defendants had a duty to disclose to Plaintiff and others the wrongful nature of the abuse, but instead used Plaintiff's dependency and innocence as a child to prevent him from recognizing that the abuse was wrongful. Further, Defendants accomplished this end by

enforcing the secrecy around the acts and/or by teaching Plaintiff that the acts were normal or necessary to the relationship.

35. On information and belief, Defendants had actual or constructive knowledge of Adamson's inappropriate behavior, as discussed above.

36. Defendants misrepresented, concealed and/or failed to disclose to Plaintiff information relating to sexual misconduct and other inappropriate behavior of Adamson.

37. Defendants knew that they misrepresented, concealed and/or failed to disclose information relating to sexual misconduct and other inappropriate behavior of Adamson.

38. Plaintiff justifiably relied upon Defendants for information relating to sexual misconduct and other inappropriate behavior of Adamson.

39. Upon information and belief, Defendants intended to conceal or fail to disclose information relating to the sexual misconduct and other inappropriate behavior of Adamson.

40. As a direct result of Defendants' fraud, Plaintiff has been damaged.

**COUNT IV: DEFENDANTS ARCHDIOCESE AND WINONA DIOCESE -
BREACH OF FIDUCIARY DUTY**

Plaintiff, for his cause of action against Defendants alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

41. By holding Adamson out as a qualified Roman Catholic priest, and by undertaking the religious instruction and spiritual and emotional guidance of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants held a position of empowerment over Plaintiff.

42. Further, Defendants, by holding themselves out as shepherds and leaders of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself and Defendants thus entered into a fiduciary relationship with Plaintiff.


43. Defendants breached their fiduciary duties to Plaintiff by engaging in the negligent and wrongful conduct described herein. Plaintiff reasonably relied on Defendants' representations.

44. As a direct result of Defendants' breach of their fiduciary duties, and Plaintiff's reasonable reliance, Plaintiff has suffered the injuries and damages described herein and Defendants are equitably estopped from certain affirmative defenses.

WHEREFORE, Plaintiff demands judgment against Defendants individually, jointly, and severally in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorneys fees, interest, and whatever other relief the Court deems just and equitable.

Dated: 2/19/03

REINHARDT & ANDERSON


By: Jeffrey R. Anderson, #2057
Brant D. Penney, #0316878
Attorneys for Plaintiff
E-1000 First Natl Bank Bldg.
332 Minnesota Street
St. Paul, Minnesota 55101
(651) 227-9990

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.21, subdivision 2, to the party against whom the allegations in this pleading are asserted.

B. D. P.

BIOGRAPHIC CYCLOPEDIA--DIOCESE OF WINONA.

Rev. Thomas Paul Adams born July 12, 1933
 at Byron, Minn.; studied Classics at
St. Mary's College, Winona from 1950
 to 1952, Philosophy at L.H.M. Seminary, Winona
 from 1952 to 1954, Theology at
Theological College, Washington, D.C. from 1954 to
1958 Ordained May 21, 1958 at
St. John's Church, Rochester by Most Rev. Edward A. Fitzgerald, D.D.
 for the diocese of Winona; entered this diocese
 with

which papers

Missions since ordination Instructor Cotter H.S., & Asst. St. Cecilia's, Winona,
June 13, 1958; Asst. Prin. St. Adrian H.S. & Asst. to pastor, Adrian, June 16, 1961;
Asst. Prin. Lourdes H.S., Rochester, Aug. 16, 1962; Supt. of Schools, Caledonia, & Asst.
St. John's, Aug. 20, 1963; Asst. Prin. Lourdes H.S., Rochester, Nov. 30, 1964; & adm. Harmon
June 8, 1966; Assoc. pastor, Albert Lea, June 15, 1967; Adm. Mountain-Mykoff 8/12/68;
Pastor, St. Francis, Rochester, June 24, 1971; Assigned to Graduate School, St. 7/22/72; Jan 6, 1975

Notable achievements M.A. degree, Catholic University, Washington, D.C. 1958
Moderator NCCM Caledonia Deanery, Aug. 20, 1963;

Remarks Parents:

Assistant - St. Rose, Winona, St. Paul, MN, June 17, 1976; Administrator, St. Ann's, St. Cloud,
Conception (Rochester), Caledonia, St. Cloud, MN, 1977

Leave of absence 12/22/84

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

Personal Injury

John Doe 76B,

Court File No.:

Plaintiff,

vs.

COMPLAINT

Archdiocese of St. Paul and
Minneapolis and Diocese of Winona,

Defendants.

Plaintiff, for his causes of action against Defendants, alleges that:

PARTIES

1. Plaintiff John Doe 76B is an adult male resident of the State of Minnesota whose identity is made known to Defendants by separate cover letter. Plaintiff was a minor at the time of all sexual abuse and all sexual exploitation alleged herein.

2. At all times material, Defendant Archdiocese of St. Paul and Minneapolis (hereinafter "Archdiocese") was and continues to be a Minnesota non-profit religious corporation authorized to conduct business and conducting business in this State with its principal place of business at 226 Summit Avenue, St. Paul, Minnesota.

3. At all times material, Defendant Diocese of Winona (hereinafter "Winona Diocese"), was and continues to be a Minnesota non-profit religious corporation authorized to conduct business and conducting business in this state, with its principal place of business at 55 West Sandburn Street, Winona, Minnesota.

FACTS

4. At all times material, Father Thomas Adamson (hereinafter "Adamson"), was an ordained Roman Catholic priest employed by Defendants Archdiocese and Winona Diocese. At all times material, Adamson remained under the direct supervision, employ and control of Defendants.

5. From 1958 through December 1974, Father Adamson was employed by the Defendant Winona Diocese at various times as a teacher and principal at Diocesan parochial schools and as a parish priest at Diocesan churches across southern Minnesota. Throughout this period, Adamson engaged in and/or attempted to engage in sexual contact with at least eleven minor boys. Each of these minor boys were students and/or parishioners of the local Diocesan schools and parishes.

6. In 1964, Officials of Defendant Winona Diocese, particularly then-Bishop Edward Fitzgerald, learned that Father Adamson sexually abused a boy or boys in Caledonia. On discovery of this abuse, these Officials transferred Adamson to a new parish and took no further steps to investigate the misconduct or prevent further sexual abuse by Adamson.

7. In approximately 1967, Officials of Defendant Winona Diocese learned that Father Adamson had sexually abused a boy or boys who were students at Rochester Lourdes High School. On discovery of this abuse, these Officials placed Adamson in counseling for a short time and then transferred him to a new parish without taking further steps to investigate the misconduct or prevent future abuse.

8. In approximately December 1973, and again in April 1974, Officials of Defendant Winona Diocese, including then-Bishop Loras Watters, discovered that Father Adamson had

sexually abused boys in the Rochester area. On discovery of this abuse, these Officials placed Adamson in therapy for approximately three months, after which time he was returned to his pastoral duties in Rochester without taking further steps to investigate the misconduct or prevent future abuse.

9. In December 1974, Officials of Defendant Winona Diocese, including then-Bishop Loras Watters, discovered that Father Adamson had sexually abused minor boys in Adrian, Minnesota in 1961-62. In response to threats from the families of these victims to publicly expose Adamson's history of sexual abuse, Bishop Loras Watters transferred Adamson to Defendant Archdiocese without taking reasonable steps to investigate the misconduct or prevent future abuse.

10. At the time of the transfer of Father Adamson from the Diocese of Winona to Defendant Archdiocese, Bishop Watters told Archbishop John Roach of the circumstances necessitating the transfer. In addition, shortly after Adamson was transferred to Defendant Archdiocese, Officials of Defendant Archdiocese, particularly Archbishop John Roach, learned that Adamson had been transferred to Defendant Archdiocese because of problems he had in the Diocese of Winona which necessitated continued counseling with a priest/psychologist. Further, over the next few years Officials of Defendant Archdiocese discovered that Bishop Loras Watters would not allow Adamson to return to the Diocese of Winona because of these problems. Despite these clear indications of danger, Defendant Archdiocese Officials took no steps to discover the specific nature of Adamson's problems or whether he was fit for parish duty.

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where Adamson was employed.

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13. This sexual abuse was reported to Chancellor Robert Carlson and ultimately to these Officials by the father of the abused child, who also threatened to bring criminal charges against Father Adamson. The father was led to believe that the sexual abuse of his son was an isolated occurrence. The family demanded that Adamson never be placed anywhere where he would have contact with children. In response to this demand, Chancellor Robert Carlson assured the family that Adamson would be placed in treatment and the family would be advised of Adamson's whereabouts. Because of these assurances by their church officials, the family did not report Adamson to the law enforcement authorities for criminal prosecution.

14. In November 1980, these Officials were told that Father Adamson had sexually abused young boys in the past. These Officials also received reports that Adamson may be sexually abusing other church parishioners.

15. These Officials failed to inform law enforcement authorities that Adamson had sexually abused minor children. As a direct result, Adamson avoided criminal investigation and prosecution and continued to abuse minor boys.

16. Plaintiff John Doe 76B was raised in a devout Roman Catholic family, served as an altar boy, regularly celebrated mass, received the sacraments and participated in church-related activities. Plaintiff John Doe 76B, therefore, developed great admiration, trust, reverence and

respect for the Roman Catholic Church and its agents.

17. In approximately 1974, when the Plaintiff was approximately 13 to 14 years of age, Father Adamson engaged in unpermitted, harmful and offensive sexual contact with the Plaintiff.

18. The sexual abuse of Plaintiff and the circumstances under which it occurred caused Plaintiff to develop various coping mechanisms and symptoms of psychological distress, including denial and disassociation from his experiences. Plaintiff did not know, nor did he have reason to know, that he had been sexually abused and/or that his injuries were caused by this sexual abuse until recently. Plaintiff's Complaint is therefore timely pursuant to Minn. Stat. § 541.073.

19. The applicable statutes of limitations are tolled because Defendants' conduct placed Plaintiff John Doe 76B under duress. Additionally, Defendants' concealment and/or reckless disregard of such misconduct, placed plaintiff John Doe 76B under continuing duress in that they caused Plaintiff to believe that he had no right or reason to complain or to take legal action about it. Furthermore, Defendant Archdiocese's and Defendant Winona Diocese's silence, intentional concealment and/or negligent and/or reckless failure to prevent or discover Adamson's continuing acts of sexual misconduct, constitutes a fraud and also prevented Plaintiff from discovering or suing upon the wrongs done to him. Defendants are therefore equitably estopped from asserting the statute of limitations in this action. Plaintiff's complaint is therefore timely as to each of the Defendants.

20. As a direct result of the sexual abuse and sexual exploitation, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has incurred and will continue to

incur expenses for medical and psychological treatment, therapy and counseling and, on information and belief, has incurred and will continue to incur loss of income and/or loss of earning capacity.

**COUNT I: DEFENDANTS ARCHDIOCESE AND WINONA DIOCESE-
NEGLIGENCE**

Plaintiff, for his cause of action against Defendants alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

21. Defendants, by and through their agents, servants and employees, knew of Father Adamson's dangerous and exploitive propensities as a child sexual abuser and his history of child sexual abuse and exploitation and, despite such knowledge, Defendants negligently employed and/or continued the employment of Father Adamson in his position of trust and authority as a parish priest in direct contact with youth. Defendants failed to provide reasonable supervision of Adamson and failed to provide adequate warning to the Plaintiff or his family.

22. As a direct result of Defendants' negligent conduct, Plaintiff has suffered the injuries and damages described herein.

**COUNT II: DEFENDANTS ARCHDIOCESE AND WINONA DIOCESE-
SEXUAL BATTERY OF PLAINTIFF**

Plaintiff, for his cause of action against Defendants alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

23. In approximately 1976, when Plaintiff was approximately 13-14 years old, Adamson engaged in unpermitted, harmful and offensive sexual contact upon the person of the then minor

Plaintiff.

24. As a result, plaintiff John Doe 76B has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, humiliation, loss of self-esteem, and other psychological injuries; was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life; will incur expenses for medical and psychological treatment, therapy and counseling; and has incurred and will continue to incur loss of income and loss of earning capacity.

25. At all times material, Adamson was employed by Defendants Archdiocese and Winona Diocese. Adamson was under Defendants' direct supervision, employ, and control when he committed the wrongful and negligent acts described herein. Adamson engaged in this conduct while acting in the course and scope of his employment with Defendants and/or accomplished the sexual abuse by virtue of his job-created authority.

26. Additionally, Adamson was acting at least in part to serve the interests of his employers when he committed the sexual abuse. Specifically, Adamson was acting as a priest, as well as using the trust, power and authority the position granted, while he was with the Plaintiff. Simultaneously, Adamson used that same trust, power and authority to gain Plaintiff's confidence and trust and to sexually abuse Plaintiff.

27. Adamson's conduct occurred substantially within authorized time and space limits as it occurred on Defendants' property and during Adamson's employment.

28. Furthermore, by using his position as a priest and the trust, power and authority it granted, Adamson purported to act and/or speak on behalf of Defendants when he committed the tortious acts alleged herein. Plaintiff John Doe 76B further relied upon Adamson's apparent

authority.

29. Adamson would not have been able to commit the sexual abuse were he not given the title of priest by Defendants and was in fact aided in accomplishing his tortious conduct by the existence of his agency relationship with Defendants. Therefore, these Defendants are liable for the negligent and wrongful conduct of Adamson under the law of vicarious liability, including the doctrine of respondeat superior.

30. As a direct result of the sexual abuse, plaintiff John Doe 76B has suffered the injuries and damages as described herein.

**COUNT III: DEFENDANTS ARCHDIOCESE AND WINONA DIOCESE-
FIDUCIARY FRAUD**

Plaintiff, for his cause of action against Defendants alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

31. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the then vulnerable minor plaintiff, Defendants held a position of empowerment over Plaintiff.

32. Further, Defendants, by holding themselves out as shepherds and leaders of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor plaintiff from effectively protecting himself and Defendants thus entered into a fiduciary relationship with Plaintiff.

33. As a fiduciary to Plaintiff, Defendants had a duty to obtain and disclose information relating to sexual misconduct and other inappropriate behavior of Adamson.

34. Moreover, Defendants had a duty to disclose to Plaintiff and others the wrongful

nature of the abuse, but instead used Plaintiff's dependency and innocence as a child to prevent him from recognizing that the abuse was wrongful. Further, Defendants accomplished this end by enforcing the secrecy around the acts and/or by teaching Plaintiff that the acts were normal or necessary to the relationship.

35. On information and belief, Defendants had actual or constructive knowledge of Adamson's inappropriate behavior, as discussed above.

36. Defendants misrepresented, concealed and/or failed to disclose to Plaintiff information relating to sexual misconduct and other inappropriate behavior of Adamson.

37. Defendants knew that they misrepresented, concealed and/or failed to disclose information relating to sexual misconduct and other inappropriate behavior of Adamson.

38. Plaintiff justifiably relied upon Defendants for information relating to sexual misconduct and other inappropriate behavior of Adamson.

39. Upon information and belief, Defendants intended to conceal or fail to disclose information relating to the sexual misconduct and other inappropriate behavior of Adamson.

40. As a direct result of Defendants' fraud, Plaintiff has been damaged.

**COUNT IV: DEFENDANTS ARCHDIOCESE AND WINONA DIOCESE-
BREACH OF FIDUCIARY DUTY**

Plaintiff, for his cause of action against Defendants alleges as follows:

Plaintiff incorporates all paragraphs of this complaint as if fully set forth under this count and further alleges that:

41. By holding Adamson out as a qualified Roman Catholic priest, and by undertaking the religious instruction and spiritual and emotional guidance of the minor Plaintiff, Defendants entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor,

and by Defendants undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants held a position of empowerment over Plaintiff.

42. Further, Defendants, by holding themselves out as shepherds and leaders of the Roman Catholic Church, solicited and/or accepted this position of empowerment. This empowerment prevented the then minor Plaintiff from effectively protecting himself and Defendants thus entered into a fiduciary relationship with Plaintiff.

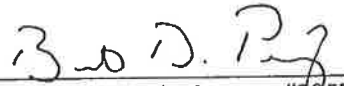
43. Defendants breached their fiduciary duties to Plaintiff by engaging in the negligent and wrongful conduct described herein. Plaintiff reasonably relied on Defendants' representations.

44. As a direct result of Defendants' breach of their fiduciary duties, and Plaintiff's reasonable reliance, Plaintiff has suffered the injuries and damages described herein and Defendants are equitably estopped from certain affirmative defenses.

WHEREFORE, Plaintiff John Doe 76B demands judgment against Defendants individually, jointly, and severally in an amount in excess of \$50,000 plus costs, disbursements, reasonable attorneys fees, interest, and whatever other relief the Court deems just and equitable.

Dated: 2/19/03

REINHARDT & ANDERSON


By: Jeffrey R. Anderson, #2657
Brant D. Penney, #0316878
Attorneys for Plaintiff
E-1000 First Natl Bank Bldg.
332 Minnesota Street
St. Paul, Minnesota 55101
(651) 227-9990

FACTS:

Born - 1948
Graduated - St. Mary's - 1970
Ordained - May, 74
Assigned - S. H., Owatanna, June 13, '74
Sick leave - Dec. 74-75
Leave of absence - April '75

*Independent
Gregory Contractors*

Ordained - May 31, 1958

DEC. '73 - telephone calls anonymous from faculty members of St. Francis school faculty: 1) Questioned association with 7th and 8th grade boys; 2) Supporting positive influence on students, boys incl. 2nd-hand reports that Social Worker in Rochester was uneasy with associations with a member of a welfare or afdc family.

CONFRONTATION: Early Jan., '74 at St. Francis Rectory:

Denial - right to know accusers

Insisted on conference with Dr. Tyce - psy. and director of Rochester State Hospital... Agreed to counseling and psy. profile

Meeting with Dr. Tyce, Msgr. Jansen, A. and I in St. John's Rectory; agreed to treatment program.. Dr. Tyce would arrange

with ~~friend~~ staff of Institute of Living in Hartford - entered in June, '74; I was not satisfied with A. participation - "I don't

know why I'm here".

INSISTED that A. participate in therapy program - Consultation Services Center, 490 N. Snelling Av., St. Paul - Fr. Kenneth Pierre - Director. Psychol.

Either resign as pastor of St. Francis or I would follow the canonical process to remove him - most serious action.

At same time indicated dio.'s willingness to provide for a year of study - complete degree in family counseling at U. of M. while participating in therapy program at Consultation Services Center .

Personal Bound - guidelines

REINHARDT & ANDERSON

Attorneys at Law

E-1000 First National Bank Building
332 Minnesota Street, Saint Paul, Minnesota 55101
Office: 651/227-9990 Fax: 651/297-6543
www.ralawfirm.com

Jeffrey R. Anderson^{W†} Patrick W. Noaker^{M*}
*Mark Reinhardt^D Frances E. Baillon
*Mark A. Wendorf Brant D. Penney
Garrett D. Blanchfield Cynthia J. Waldt
Of Counsel
Aldo J. Terrazas

February 20, 2003

Diocese of Winona
55 West Sandburn Street
Winona, MN

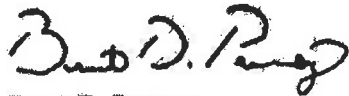
Re: John Doe v. Diocese of Winona

To Whom It May Concern:

Enclosed and personally served on you are the Summons and Complaint relative to the above matter.

For your information, John Doe CR is

Sincerely,



Brant D. Penney
b.penney@ralawfirm.com

BDP:ed

Enclosure

A Partnership of Professional Corporations.

*Managing Partner^W Also admitted in Wisconsin^D Also admitted in Washington, D.C.^M Also admitted in Missouri
† Diplomat Civil Trial Specialist by National Board of Trial Advocacy^{*} Certified Trial Specialist by Minnesota Bar Association
^o Diplomat Criminal Trial Specialist by National Board of Trial Advocacy

TA000657

REINHARDT & ANDERSON

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Of Counsel
Aldo J. Terrazas

February 20, 2003

Diocese of Winona
55 West Sandburn Street
Winona, MN

Re: John Doe 76B v. Diocese of Winona

To Whom It May Concern:

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For your information, John Doe 76B is

Sincerely,



Brant D. Penney
b.penney@ralawfirm.com

BDP:ed

Enclosure

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*Managing Partner ^W Also admitted in Wisconsin ^D Also admitted in Washington, D.C. ^M Also admitted in Missouri
† Diplomat Civil Trial Specialist by National Board of Trial Advocacy • Certified Trial Specialist by Minnesota Bar Association
° Diplomat Criminal Trial Specialist by National Board of Trial Advocacy

TA000687

4/2/03

To Rev. Michael J. Hoepfner;

I have decided to take Bishop Harrington up on his offer to pay for counseling. If I were to come to Rochester for this, you and I would incur the following expenses:

Mileage to and from Rochester $\times 2 = \$165.60$ Fed. Rate

Motel and Meals \$90

Doctor 2 Hr. Session \$100 min.

My time from work (2 days) \$300

Total \$655.60

In talking to some experts, they have said it would not be unusual for me to have 100 sessions over a two year span. That would total \$6,556.00

Now I really don't want to come to Rochester nor should I have to. I am the victim here and you have more or less said that is the case whether this Alanson character said he did it or not. The Catholic Church is at fault here and now is the time to take responsibility for what did take place. A crime was committed not only to me

but also too untold numbers of other young boys not only by this pedophile but by the church for letting him get away with it.

So to get back to my point. I will get my own counseling here in . . . and I expect a check for \$50,000 to cover it. That is a bargain when you compare it to \$65,500 or I can continue to fight with you over this & get my lawyer to proceed and we can get a great deal more in the end. I also will get more people involved and you will really have some unhappy people in Caledonia if I don't get treated right. If the church is truly compassionate as to what took place then lets get this resolved. This figure is truly not asking for too much.

Sincerely,



Office of The Vicar General

DIOCESE OF WINONA
PASTORAL CENTER

May 1, 2003

FILE

Dear

I received your letter of April 2, 2003 indicating that you are wanting to "take Bishop Harrington up on his offer to pay for counseling." I have discussed this with him and he has directed me to write to you outlining the procedure we follow when paying for such counseling. It is as follows:

1. Choice of Counselor: The Diocese of Winona is familiar with counselors whose expertise is in the area of dealing with victims of sexual abuse. A counselor who is excellent whom we use is Dr. Duane Ollendick. He lives and works in Rochester, Minnesota. You indicated in your letter that you do not want to come to Rochester nor do you think you should have to. I am willing to contact the Diocese of _____ and the Diocese of _____ to secure a counselor for you with the same expertise.
2. Payment For Services: The Diocese of Winona will issue payment for statements received from the counselor after the bills have been submitted to your insurance carrier. The Diocese of Winona will cover costs that your insurance does not.
3. The Diocese of Winona will agree to pay for counseling for a six month period. At the end of the six months, the Diocese reviews any recommendation for further treatment from your counselor to determine if there will be financial support for any additional treatment.
4. The Diocese will reimburse you directly for any travel, food or lodging expenses you incur going to and from your counseling sessions. You will need to keep receipts and document miles. Submit the receipts and an account of your mileage to the Diocese for reimbursement. The rate for reimbursement for mileage is the Federal rate, currently at 36 cents per mile.

I will wait to hear from you before taking any further action. If you want to take Bishop Harrington up on his offer under the above stated conditions please let me know.

Sincerely, In Christ,

Rev. Michael J. Hoepfner
Vicar General

55 West Sanborn Street ■ PO Box 588 ■ Winona, MN 55987
Telephone: 507/454-4643 ■ Fax: 507/454-8106 ■ E-mail: mhoeffner@dow.org

TA000528

 **FILE**

August 18, 2003

Most Rev. Raymond L. Burke, DD, JCD
Bishop of La Crosse
3710 E Ave. South
P.O. Box 4004
La Crosse, WI 54602-4004

Dear Bishop Burke:

It is my responsibility under Article 14 of the Charter for the Protection of Young Children to inform you that Thomas Adamson, a priest of the Diocese of Winona, is in residence in your diocese. Father Adamson was removed from active ministry in December, 1984. He now resides at Box 3034, Eau Claire, Wisconsin.

Father Adamson has been informed that he cannot present himself as a priest, wear a clerical collar or do any type of priestly ministry. In my conversations with him of recent times, he has lived faithfully to this responsibility and does not present himself as a priest.

If you are in need of additional information, please feel free to call me or Very Rev. Michael Hoepfner, Vicar General of the Diocese (507-454-4643).

Sincerely yours in Christ,

✠ Most Rev. Bernard J. Harrington
Bishop of Winona

BJH:jt

TA000030

August 18, 2003

Most Rev. Raymond L. Burke, DD, JCD
Bishop of La Crosse
3710 E Ave. South
P.O. Box 4004
La Crosse, WI 54602-4004

Dear Bishop Burke:

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If you are in need of additional information, please feel free to call me or Very Rev. Michael Hoepfner, Vicar General of the Diocese (507-454-4643).

Sincerely yours in Christ,



✠ Most Rev. Bernard J. Harrington
Bishop of Winona

BJH:jt

To: Bishops of the State of Minnesota (6 Bishops + Bishop Pates), Bishop ListECKI of La Crosse, Bishop Fliss of Superior, Chris Leifeld and Fr. Kevin McDonough

I would like to keep you informed of a recent action by Jeffrey Anderson regarding Thomas Adamson, a priest of the Diocese of Winona who has been removed from public ministry under the Charter of Dallas.

At the present time, Mr. Jeffrey Anderson is dealing with an individual who has alleged that he was abused by Adamson sometime in the 1980's. Mr. Anderson is threatening a court case against the Archdiocese of St. Paul/Minneapolis and the Diocese of Winona. However, the statute of limitation is an obstacle for him.

On Wednesday, January 10, 2007 at 7:45 a.m., Mr. Jeffrey Anderson appeared at the door of the apartment of Adamson in Eau Claire, Wisconsin. Jeffrey Adamson began pounding on the door, causing a public nuisance and screaming out loud until he was able to get entrance into the apartment. At that time, he began to interrogate Adamson about his present status, who he was employed by, what funds he was receiving and whether he was in compliance with the laws regarding sexual predators. His action was most intimidating and fearful to Adamson.

Tom Adamson, for the past twelve years, has had a part time job at a nursing home as a recreation facilitator. The next day, when he reported for work, he was met with a public demonstration by members of SNAP and the local press. Jeffrey Anderson had contacted SNAP and the press. At that time, Adamson refused to give any interviews. On Friday, Mr. Adamson lost his job at the nursing home because of the publicity. On Friday, January 12, 2007, Bishop Jerome ListECKI received a letter from SNAP demanding that he inform everybody that Mr. Adamson is living in the neighborhood.

Earlier this week, Fox News Channel 9 – KMSP in the Twin Cities has been notified by Mr. Anderson about the presence of Tom Adamson living in a neighborhood in Eau Claire. Obviously, Channel 9 is preparing a story on this situation.

I am enclosing a public statement that we have issued to Channel 9 regarding Tom Adamson.

This email is not intended as a public statement but just to inform you about the actions of Jeffrey Anderson and what steps he is taking to cause publicity with regards to Thomas Anderson of Eau Claire, Wisconsin.

I would assume that in the next few days, Fox News 9 will have some kind of a public statement.

Dear Faithful of the Diocese of Winona,

In March of 2001, I implemented a new sexual abuse policy for this local church entitled: "Instruction for Identifying, Reporting and Responding to Sexual Misconduct." This Instruction was the third such policy for this diocese. It updated the 1993 document "Sexual Policy" in order to simplify and further clarify the expectations of the Church in the Diocese of Winona for handling allegations of sexual misconduct. It once again expressed our conviction that sexual abuse is contrary to the Gospel and our lives as disciples of Jesus and that the Church must always address issues of sexual misconduct appropriately and effectively.



In June of 2002, the United States Conference of Catholic Bishops approved the "Charter for the Protection of Children and our Young People." This Charter is a promise we have made to protect our young people. It is a pledge to help heal those hurt by sexual abuse by clergy. The Bishops also approved the "Essential Norms" establishing particular law, complementary to the universal law of the Church, which governs the procedures to be used in the Catholic Church in the United States for dealing with sexual abuse of minors by clerics. In December of 2002, the Holy See gave its approval to these norms and established their effective date as March 1, 2003.

I am pleased to present to you the *Revised* "Instruction for Identifying, Reporting and Responding to Sexual Misconduct." This revised document has incorporated the work of the Bishops in the "Charter for the Protection of Children and Young People" as well as the "Essential Norms" approved by the Holy See.

As the shepherd of this local church, I once again call upon all the faithful of Southern Minnesota to live the Gospel message fully, with deep love and respect for one another. As your shepherd, I am keenly aware of my own responsibility to love and guide the flock. With humility and trust in God, the Good Shepherd of all, I renew my own commitment to each one of you to protect the flock he has entrusted to me, in accord with this, our new *Revised* "Instruction for Identifying, Reporting and Responding to Sexual Misconduct."

Sincerely yours in Christ,

Most Rev. Bernard J. Harrington
Bishop of Winona

Given at Winona, October 1, 2003

FORWARD

There are two parts to this Instruction. The first part deals with clerical sexual misconduct, i.e., sexual misconduct by an ordained deacon or priest. It follows the universal law of the Church and the particular law for the Church in the United States as set forth in the "Essential Norms." The second part deals with sexual misconduct by other church employees or volunteers and how the particular parish or institution should respond to this situation.

This Instruction presumes that any sexual misconduct by clergy, employees or volunteers of the Diocese of Winona or any of the Catholic institutions subject to the authority of the bishop is contrary to the Gospel and the values we uphold. We are committed to investigate and appropriately address all complaints of sexual misconduct by Church personnel. This *Revised* Instruction provides direction as to how to respond to accusations of sexual misconduct involving other ministers of the church. These responses are largely managed at the parish or institution level.

The terms *ministry-related sexual misconduct* and *sexual misconduct*, as used throughout this *Revised* Instruction, are general terms which include sexual abuse, sexual exploitation and sexual harassment. This document is in accord with both civil and criminal law in the State of Minnesota, as well as with the law of the Church. Accordingly, at this moment, the following terms have these meanings:

1. *sexual abuse* – abusive sexual interaction between a Church leader and a minor or vulnerable adult. In the State of Minnesota, sexual abuse is subjection of a child or vulnerable adult, by any person responsible for their care, in a position of authority, or a person who has a significant relationship, to any sexual contact or act, which is a violation of the Minnesota Criminal Sexual Conduct code. In Church law, sexual misconduct with a minor includes sexual molestation or sexual exploitation and other behavior by which an adult uses a minor as an object of sexual gratification.

The transgressions in question relate to obligations arising from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment. Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment. This need not be a complete act of intercourse. Nor does an act need to involve force, physical contact or a discernible harmful outcome. In the State of Minnesota, a minor is a person under 18 years of age. A vulnerable adult is a person 18 years of age or older who, because of impairment of mental or physical function or emotional status, is unable or unlikely to report abuse or neglect without assistance. In the Church, a minor is anyone who has not completed their 18th birthday. The date of the alleged offense is an important consideration when determining if the person is now considered a minor.

2. *sexual exploitation* – as it applies to any formal helper/helpee relationship, is any kind of sexual interaction between counselor and client whether initiated by either counselor or client, and regardless of the consent of the client.
3. *sexual harassment* - unwanted sexual advances, including conduct or language, between co-workers in the Church work setting, which create an intimidating, hostile or offensive working environment or which are made as a condition for continued employment or advancement.

All three forms of misconduct are addressed together here because they usually involve an abuse of power or authority. The Diocese of Winona is committed to continually refining its response to all forms of sexual misconduct.

EDUCATION AND PREVENTION

The publication of this Revised Instruction is intended to create public awareness of our desire to care for victims, provide intervention and heal communities. It also signals our willingness to encourage responses and discussion in our parishes and other Catholic communities. Educational materials aimed at specific groups, such as clergy or lay ministers, sometimes apply to more general audiences as well. Our aim is to design materials that have broad applications. We encourage their use in parishes, schools and with other Catholic entities. We recognize that our Church is accountable to God and must be faithful to the teachings of our Church. We have the responsibility to educate the broader society in these teachings. We plan to continue and enhance this cooperative effort.

Our understanding of sexual misconduct has grown considerably over the last two decades. We not only gain insight from advancement in human psychology and understanding of human sexuality, we also learn from experience in our practical response to people who have come forward with their concerns.

In the Diocese of Winona, the clergy are periodically updated by means of seminars and related workshops addressing prevention and appropriate responses to those harmed by sexual misconduct. Every priest and deacon is encouraged to have a personal spiritual director and take advantage of fraternal support. We believe that the prevention of sexual misconduct lies in the promotion of a healthy human sexuality and a good system of support fostered by family, friends, and professional relationships. Clergy in the Diocese of Winona have professional conferences, annual retreats, deanery meetings, and continuing education.

Lay employees of the Church are offered similar opportunities for growth and ministry support.

Clergy formation programs (seminaries and diaconate preparation) include psychological screening and background checks of prospective candidates. In recent years we have placed an even greater emphasis on this

screening and now conduct criminal background checks on all candidates for orders. Although no perfect screening method exists, we use the currently accepted methods and work with competent professionals to strengthen screening.

Newly ordained priests and deacons, as well as those seeking incardination, will be expected to attend a workshop which addresses sexual misconduct and boundaries issues. Whenever appropriate, these same opportunities will be made available to other Church personnel.

We hope this Revised Instruction will provide information and support for others and make it clear that sexual misconduct will not be tolerated or condoned in the Church.

We advocate a prompt, compassionate, and appropriate response to reporters of sexual misconduct and respect the canonical and civil rights of the parties involved. Confidential procedures are designed to gather relevant facts that respect the privacy of the reporter and the accused. This Revised Instruction provides a process, which seeks to restore trust and define the actions to be taken when a complaint of sexual misconduct is received.

The parishes, schools and other Catholic entities of the Diocese of Winona remain free to establish their own criteria for engaging and supervising paid staff, independent contractors and volunteers. All parishes and institutions are required to perform background checks on personnel before engaging them in service as required by law. The Diocese of Winona will continue to make guidelines and revisions available to the parishes for their adoption or adaptation.

REPORTING PROCEDURES

The following describes how the Diocese of Winona will respond to those priests and deacons who are accused of engaging in sexual abuse, sexual exploitation, or sexual harassment.

Allegations of misconduct

The diocese considers any allegation of sexual misconduct toward a cleric to be a very serious matter. Such allegations may be received through phone reports, correspondence, or face to face meetings. The Diocese of Winona is committed to help the alleged victim obtain whatever assistance may be required.

The diocese will work with the proper civil authorities such as police and child protection agencies in its investigation of sexual misconduct allegations involving minors and legally protected adults. Minnesota Law states that certain categories of persons such as teachers, clergy and counselors are to report to civil authorities if they know or have reasons to believe that a minor or vulnerable adult is being abused. In addition to compliance with this law, the bishop directs all paid personnel and volunteers, even those who are not mandated reporters, to report their knowledge or belief of the abuse of minors or vulnerable adults, if such knowledge or belief is obtained while engaging in the ministry of the Diocese of Winona.

Priests are not required to report information that is otherwise privileged (e.g. - disclosing a confession).

Our Church law also protects the rights of those accused of misconduct. We recognize that it is important to respond quickly to allegations of ministry related sexual misconduct and we will do so. Still, our willingness to make a rapid response is not a "conviction" of the accused priest or deacon. A determination of guilt or innocence will be made by an appropriate canonical or civil process.

When civil authorities are involved with criminal investigation, the Diocese of Winona will defer to their investigative processes. We will, however, use every reasonable means to investigate any allegation of sexual misconduct. The first source of information for any investigation is the person making the allegation. When an allegation is brought forward, the individual will be asked to use the appropriate process to file a complaint.

HOW TO BRING A COMPLAINT FORWARD

Contact the Pastoral Care Assistance Coordinator

If you have a complaint about a cleric, call and ask to speak to the Pastoral Care Assistance Coordinator at the Diocese of Winona Pastoral Center, 507-454-4643. The Coordinator is a competent person designated by the bishop to assist in the immediate pastoral care of persons who claim to have been sexually abused by priests or deacons. The Coordinator is ready to receive any such complaint, to assist in caring for the one making it, and to see that guidance and pastoral care are provided while dealing with the accusation.

If you are unsure about whether or not you wish to bring a complaint forward, it is appropriate, without giving your name or the name of the clergyman in question, to give a general description of your concern. The Pastoral Care Assistance Coordinator will describe to you how the Diocese of Winona would be able to respond. You can then decide whether to make a formal complaint.

Write to the Diocese of Winona.

Please mark your letter "Personal and Confidential" and address it to the Bishop of Winona. Please indicate how you would like a response (e.g.: telephone, letter, meeting).

We will respond to every complaint of sexual misconduct by clergy, insofar as we are able. Since it is often impossible to follow through on anonymous complaints, we will ask if you are willing and able to reveal your identity to diocesan officials to assist our investigation. If you do not reveal your identity, or ask us to withhold your identity from the accused clergyman, this can severely limit the steps we can take. Please understand that we are open to and respect your complaint.

We ask you to understand that our immediate willingness to respond

to your complaint and provide you assistance is not a conviction or judgment of the accused. A complete investigation will take place through the process outlined in this Instruction.

PROCESSING ALLEGATIONS OF SEXUAL MISCONDUCT BY CLERGY

The steps for processing an allegation of sexual misconduct are clearly outlined in the Church's universal law, the "Charter" and the "Essential Norms." The Diocese of Winona will clearly follow these steps in processing such allegations. When an allegation of sexual misconduct by a priest or deacon is received, a preliminary investigation in harmony with canon law will be initiated and conducted promptly and objectively.

The diocesan bishop has the responsibility to determine whether there is sufficient evidence to indicate that the allegation is credible. In the case of an allegation of sexual abuse of a minor by a cleric, the bishop has the Diocesan Review Board to help him make this determination. The Diocesan Review Board is a confidential consultative body available to review the facts that are gathered and advise the bishop in his assessment of the allegation.

When there is sufficient evidence to indicate that the offense may have in fact been committed, he will determine whether the case will be dealt with by an administrative process or by a judicial process, according to canon law. If the case is one of sexual abuse of a minor by a cleric, the Congregation for the Doctrine of the Faith will be notified and the bishop will proceed as the Congregation directs.

Care is always taken to protect the rights of the parties involved in a case. If desired, each party has the right to appeal the decision upon notification of the outcome of the process. An appeal may be lodged by notifying the bishop. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. Upon the death of the cleric, unsubstantiated documentation is destroyed.

SERVICES TO INDIVIDUALS HARMED BY SEXUAL MISCONDUCT BY CLERGY

Catholic priests and deacons occupy important places of service in our Church. We are proud that most do so with extraordinary generosity and care. We have learned more about the misuse of position and power by some clergy over the past several years. The Diocese of Winona is committed to reach out to victims of clergy who have misused their position and power by sexual abuse. The Pastoral Care Assistance Coordinator is designated by the bishop to help those who look for healing and reconciliation and is ready to be of service to all victims of sexual abuse by clergy.

We will help you obtain counseling support

Misconduct by a member of the clergy can cause deep hurt. This can be addressed through the assistance of skilled and reputable professional therapists.

We will try to ensure that financial restraints do not prevent you from receiving competent and specialized therapeutic assistance.

We will try to help you with insurance co-payments for counseling or, where insurance is lacking or insufficient, with your therapy costs. From time to time, we will review with you the ongoing necessity or appropriateness of continuing assistance from the Diocese of Winona.

We will help you obtain spiritual direction

The damage caused by clergy misconduct is most often spiritual as well as psychological. We have learned from those who have been harmed that sometimes their relationship with God and with their faith community has been ruptured.

You may wish to address such a spiritual rupture. When you are ready to do so, we can help you find competent spiritual help. Once again, we will try to ensure that financial constraints do not close this avenue for

you. There are several resource centers available that are staffed by trained spiritual directors who understand the impact of sexual abuse on spiritual growth. The staff members include women, men, lay people, religious and priests. Please speak with us if you need such help.

We will help you bring your concern to the proper Church officials outside the Diocese of Winona

Some people may have been hurt elsewhere before moving to a community within the Diocese of Winona. You may wish to pursue a complaint in another place, but do not know how to do so. We will aid you in contacting the leadership of other dioceses, religious orders, or denominations.

If you were harmed by clergy elsewhere, we are unable to provide you with financial assistance for counseling or spiritual direction. However, we will help you seek such support from the diocese, religious community or denomination of the accused clergy.

**RESPONSE TO PARISHES EXPERIENCING THE PAIN
OF CLERGY SEXUAL MISCONDUCT**

When members of the clergy engage in sexual misconduct, many people may be harmed or affected. This is true not only of those directly involved in the misconduct, but also of parish members where the clergyman currently serves or served in the past. We outline here the key elements of the responses we take to help heal this pain.

First, we acknowledge that parishes undergo a complex process of grieving. When people learn that a respected leader has been accused, there is often a reluctance to believe that the report could be true. Denial may be followed by other well-known steps in grieving a loss, including depression and significant anger against the accused, the accuser(s), the diocese, and the whole Catholic Church. Only after time passes and the appropriate steps are taken can a parish truly move on in the continuation of its mission.

Second, we acknowledge that one of the most important elements in healing is providing the parish appropriate and accurate information about what happened. Information helps dispel the atmosphere of distrust that may be fed by rumor, by the sudden departure of a clergyman assigned to the parish, and by the feeling that a "cover-up" is being imposed. Information also assists other victims, if there are any, to come forward and assures that appropriate steps are taken so that a parish can truly move ahead.

While committed to disclosure where possible, we acknowledge that significant communication limitations may exist. These limitations can include the victim's and his/her family's concern for privacy as well as the need to protect the rights of the accused, especially when lawsuits or criminal action may be jeopardized. The fact that investigations often yield confusing, contradictory, or unsubstantiated conclusions, especially in their early stages, further limits disclosure.

Third, we acknowledge that the healing of a parish is a multi-faceted challenge. Our experience has taught us that neither diocesan officials nor a new pastor alone can respond to all the concerns and problems that arise in the aftermath of clergy misconduct. As a result, we may involve teachers, therapists, lawyers, communication experts and other professionals in a team approach to specific parishes.

We are committed to help develop models or approaches that will foster healing in our affected parishes.

When the clergyman is removed...

Credible accusations may result in removing the accused clergyman from the parish:

- a. If the clergyman is the pastor, a temporary administrator will be appointed. The administrator is informed of the accusation and of the follow-up steps.
- b. Key parish personnel will be informed as soon as possible. Depending on the organization of the particular parish, this

may include lay trustees, professional staff, and the president of the parish council.

- c. Due to confidentiality and the right to privacy, people may not have the right to know all the reasons for a priest's removal. The pastor or administrator, after consulting with diocesan staff and with the parish leadership, will notify parishioners about the absence of the priest. This announcement can happen in several ways and may include pulpit announcements, bulletin notices, or a parish mailing.
- d. Along with these announcements, parish members may be invited to a parish meeting. The meeting is a key step in the parish healing process. It allows the opportunity for more parish members to be involved in a discussion of what has happened to help them adjust and heal. The meeting should include participation of some or all of the following: a diocesan official (usually the vicar general), the pastor or administrator and parochial vicar, a facilitator, a therapist, an attorney, and a communications expert. Because it is a pastoral gathering of the parish, non-members are generally excluded.
- e. Following this meeting, parish leadership is invited to assess the immediate results of the meeting and to address other healing issues that may arise in the parish. Parish leadership should consult with the vicar general at least quarterly during the first year following the parish meeting. In consultation with the vicar general, parish leadership should arrange for whatever further healing measures are needed in the parish. These may include additional general meetings, a small group process of reflection, a reconciliation service, and/or a request for communication from the removed clergyman.

Response in former parishes where the removed cleric served...

Two reasons may cause the diocese to inform members of former parishes that a priest or deacon has been removed for sexual misconduct. The first and more pressing reason is so persons who may have been victims of misconduct will know that they may come forward for assistance. The second is to encourage healing of the hurt and betrayal that can result from sexual misconduct. Diocesan officials will assess what is needed in each case. The present pastor or parish director may be consulted as a decision is reached. If disclosure is called for, then the following steps will be taken:

1. Parish leadership will be informed of the case, the follow-up steps that are planned, and the potential impact of the news on their parish. They will work with a diocesan official to plan the best way to inform parish members.
2. The pastor, after consultation with diocesan officials and parish leadership, will inform the parish about the clergyman who has been removed. He will explain the process that is available for follow-up. This is generally done at a parish meeting. Other options might include opportunities for individuals to meet with counselors.
3. Parish leadership will assess the ongoing impact of the disclosure to the parish. Leadership should consult at least once a week with the vicar general after the initial disclosure. More meetings can be scheduled if needed.

When the Church process does not result in removal of the clergyman from his assignment...

In dealing with accusations of sexual misconduct by clergymen, care is always taken to protect the rights and good name of the one bringing an accusation forward and of the clergyman accused. When an accusation has proved to be unfounded, every step possible will be taken to restore the good name of the person falsely accused. An assessment will be made by diocesan officials, in consultation with the clergyman falsely accused, as to what steps should be taken to assure the stability and peace of parish life. This assessment may be made in consultation with parish leadership. Appropriate steps will be taken to help the clergyman and the parish to move forward.

**RESPONSE TO RELIGIOUS AND LAY PROFESSIONAL
EMPLOYEES, INDEPENDENT CONTRACTORS
AND VOLUNTEERS
ACCUSED OF SEXUAL MISCONDUCT**

The problem of ministry-related sexual misconduct can involve Church personnel other than clergy. When an accusation of ministry-related sexual misconduct is brought against a religious or lay professional employee, independent contractor, or volunteer serving in a diocesan parish or institution, the Diocese of Winona stands ready to act as a resource to the parish or institution in responding to the matter. However, since our parishes and institutions function independently, they are responsible for establishing adequate guidelines and procedures to address these accusations.

Parishes and institutions should see that those in supervisory positions are sufficiently trained to understand complaints of sexual misconduct and their investigation. Professional counseling should be offered, if possible, to persons who believe they have been victimized.

This section provides an outline of essential components that

parishes and other institutions in the diocese should consider in responding to an allegation of sexual misconduct. The Diocese of Winona will provide consultation to assist parishes that face instances of sexual misconduct.

Allegations of misconduct:

The person responsible for investigation of an allegation should be:

1. the pastor in the case of a parish, or
2. the person who is in a major supervisory position in institutions where the accused is employed, contracted, or volunteering.

Each parish or institution should designate and make known the person responsible for conducting an investigation if it is necessary. In addition, this individual should take great care to see allegations of sexual abuse of children or legally protected adults are referred to the proper civil authorities, as required by law.

Investigation steps:

Every allegation is to be taken seriously. Upon receiving a complaint, the pastor or supervisor should conduct an investigation as soon as possible.

- Contact the legal counsel of the parish or institution
- Call the parish's or institution's insurer and notify the diocese
- Consider establishing an investigation team that is gender balanced
- Establish the relevant facts relating to the allegation

- Interview the person bringing the complaint
- Encourage the complainant to be accompanied by an advisor, friend, co-worker, or family member
- Take careful notes of the interview
- Interview others who may have knowledge of the accusation

Note: If the accused is a member of a vowed-religious community, it is always appropriate to involve the provincial superior of the accused early in the process.

Intervention:

If the investigation finds substance to the allegation, the pastor or supervisor should meet with the accused employee, independent contractor, or volunteer. For this meeting, the accused person should be encouraged to have another person present. The purpose of this meeting is to formally present the allegation and to listen to the accused.

If the employee acknowledges that the allegation is true, then the supervisor should invoke the appropriate disciplinary procedures (including possible termination) as found in parish or institutional employment guidelines. If the employee denies the allegation, then the pastor or supervisor should consider suspending the employee with pay, or taking some similar action, until a better understanding of the allegation can be gained.

The parish or institution may choose to arrange a psychological assessment of the accused to help gain further understanding.

If a volunteer acknowledges the allegation is true, his or her voluntary service with the parish or institution is reviewed by the pastor or supervisor. This review may indicate that the person's volunteer service should end. If the volunteer denies the allegation, then the pastor or supervisor

should consider stopping the services he or she provides until a better understanding of the allegation can be obtained.

In the event that the accused denies the allegation, the pastor or supervisor should seek assistance with the investigation. Others who may be helpful at this stage include a trustee, fellow pastor or supervisor, or diocesan official. Additional detailed information is gathered by further interviewing the victim, the accused and others who might have direct knowledge of the allegation. At this stage, the person bringing the accusation and the accused should both be assisted by an advisor or friend.

Resolution:

After sufficient information has been gathered, the supervisor must resolve the matter. The supervisor must invoke the appropriate termination procedure found in the parish or institution guidelines for the suspended employee or volunteer, take intermediate disciplinary action, or reinstate the individual's employment or service.

In all cases, the procedure for discipline or termination of employment must follow the steps laid out by the parish or institution guidelines. In addition, full cooperation with civil authorities and adherence to reporting requirements, as determined by civil law, must always be exercised.

CONCLUSION

Our experience tells us it is possible for individuals and communities to heal from the effects of sexual misconduct. This is not easily or quickly accomplished. Effective counseling, support groups and spiritual direction are tools that are often required for this healing.

The Diocese of Winona is committed to doing all that it can to:

- ❖ Promote safe, healthy communities of faith. Diocesan staff will continue to provide training sessions for clergy, parish personnel and volunteers and will continue their work in helping the faithful assure that all our environments are safe environments.
- ❖ Intervene when there is misconduct. All accusations of sexual misconduct will continue to be taken most seriously and will be dealt with expeditiously in accord with civil law and church law. The Diocese of Winona and its bishop join with all the other local churches of the United States in supporting and implementing the "Charter for the Protection of Children and Young People" and the "Essential Norms." We are vigilant to do all that we can to prevent those who would exploit others from doing so.
- ❖ Respond fairly and compassionately to those harmed by misconduct. Our first obligation to victims is for healing and reconciliation. The Diocese of Winona will continue its pastoral outreach to victims and their families as we share with them a profound sense of solidarity and concern.

We do all this because of our faith in Jesus Christ and His call to us as disciples and Church to act justly and live compassionately. We know He is with us and guides us in our efforts.

Rec'd
10/13/83
RF

To The Committee in Charge of
investigating sexual Abuse

Our son sent us these news
clipping out of the paper
for us to read and send on to you.
He was molested in the
in.

by Father Adamson. He is still
having problems about it. He was
about then and he didn't
tell us until he was at least 35
He is now and neither he or

his whole family go to any Church.
He is really angry with us
for going to church because of what
happened to him. We think he wants
and deserves some compensation and
an apology from the diocese

We probably could have done
something about this if he would have
told us, but he was told by
Father Adamson at the time not
to tell anyone.

We feel after reading these articles
that the Diocese is
finally kicking these priests out

2

instead of just moving them around to other Parishes which happened in Father Adamson's case. We thought back then that if we sent our children to Catholic Schools, they would be safe, and get a better education but it didn't turn out that way. The Priesthood is a good place for molesters to hide in because they have been protected pretty much.

This sexual molestation of our son has gotten to the point where it has the whole family messed up.

Davenport man sues priest, diocese

Four lawsuits

Four lawsuits alleging abuse by priests have been filed this year in the Davenport Diocese.

JANUARY: A Hamilton, Ill., man sued the diocese, alleging that the Rev. Martin Diamond, a priest for the Church of All Saints in Keokuk who is now deceased, sexually abused him in the late 1960s when he was a parish altar boy.

JULY: A Clinton County man filed a lawsuit against the Rev. James Janssen and the diocese of Davenport, accusing the priest of molesting him when he was an altar boy in the Sugar Creek parish church in the 1960s.

JULY: A Burlington man sued Monsignor Drake Shafer, vicar general of the Davenport diocese, and the diocese, alleging he was abused by Shafer when he was a member of St. Mary of the Assumption parish in Fort Madison in 1972 and 1973.

SEPTEMBER: James N. Wells of Davenport accuses Janssen of years of abuse, beginning when Wells was about 5. He alleges the diocese did not follow its policy for handling such allegations when he reported the abuse in 1990.

PRIEST, from Page 1B

the trust of Wells' mother as well, gaining parental consent for Wells to accompany the priest on out-of-state trips and to a swimming pool where the sexual contact occurred, according to the lawsuit.

While Janssen was assigned as a priest in Fort Madison, he and another unnamed priest allegedly held card parties in the nude. The priests would invite Wells and other young boys to the parties and have them undress as well, the lawsuit said.

In the summer of 1962, Janssen took Wells and two or three other Fort Madison boys on a trip to Daytona Beach, Fla. On the way, Janssen picked up another priest. During the trip, Wells alleges that Janssen offered him to the other priest. Wells refused and when they returned from the trip, the sexual abuse ended, according to the lawsuit.

Court records show Janssen was an assistant pastor at St. Paul the Apostle Church in Davenport in 1948. He was pastor at St. Joseph Parish in Sugar Creek from 1967 to 1978, and held other positions in Clinton County, at St. Irenaeus Parish in Clinton, St. Patrick's Parish in Delmar, St. Mary Parish

in Bryant, and Saints Philip and James Parish in Grand Mound.

Janssen served as pastor in Davenport at St. Mary's and St. Anthony parishes, and other churches in Burlington. He also was a Boy Scout chaplain from 1980 to 1990, according to the lawsuit.

"It is important to appreciate the courage Wells is showing by being willing to have his name made public."

— Craig Levien, James N. Well's lawyer

Diocese faces 4th abuse lawsuit

A Davenport man says he was abused for years, starting when he was 5.

By SHIRLEY RAGSDALE
REGISTER RELIGION EDITOR

A Davenport man filed a lawsuit this week, accusing the Rev. James Janssen, a Roman Catholic priest and the man's uncle, of sexual abuse.

James N. Wells made his name known in the lawsuit filed Tuesday against Janssen and the Davenport Diocese. The lawsuit alleges years of abuse, beginning when Wells was 5 years old, and details incidents where more than one priest was involved.

"It is important to

appreciate the courage Wells is showing by being willing to have his name made public," said his attorney, Craig Levien. "The sexual abuse by priests has taken a heavy emotional toll on the victims. They lose their faith completely and turn to alcohol and drugs. It has destroyed men's lives."

The diocese on Thursday acknowledged the lawsuit, the fourth of its kind filed this year. Diocese officials said Janssen has been "fully retired since 1990 and does not have any diocesan duties." They declined to comment further.

Wells alleges that in 1990 he and his mother reported the abuse to the Rev. Michael Morrissey, another priest in the Davenport diocese. The

diocese did not properly investigate, take steps to prevent further sexual abuse by Janssen, report the allegations to law enforcement, or defrock him, according to the lawsuit.

Wells contends the diocese did not follow its written policy regarding sexual misconduct by priests.

"When the diocese adopted policies (covering sexual misconduct by priests) in 1990, there was an editorial in the Messenger, the diocese newspaper, saying that abuse hadn't happened here and that they hoped it doesn't happen here," Levien said. "That wasn't true, because Janssen's abuse had been reported at that time."

Levien said he believes that even though Janssen may be

classified as retired, he has acted as a priest, saying Mass and presiding at funerals. It is Levien's understanding that Janssen is living in a priest retirement home in Davenport.

Wells alleges the abuse began in 1963, when he was about 5 years old, and continued until 1962. The lawsuit alleges that because Janssen gained Well's friendship, admiration and obedience, Wells was conditioned to comply with the priest's direction. On more than one occasion, before improper sexual acts with Wells, Janssen would tell the boy that it was to be "our secret," the lawsuit states.

Janssen sought and gained

See PRIEST, Page 5B

Dismissal of priests sparks sorrow

CATHOLICS, from Page 1B

secular information interpretation of things color your response," Nichols said. "Do not let the devil destroy the unity of our parish family. I fear those who do not understand will use such information to nurture anti-Catholic feelings and bias."

After communion, Nichols sank into a chair and wiped his tears with open palms.

"Just like the rest of us, Father Aquinas is hurting pretty bad right now," said Deacon Pat Kirkman of Des Moines.

Some Catholics said they were angry that the church seemed to be subjecting Wagner to double jeopardy.

"The only reason this is happening is the Catholic Church is backdating its policies," said Anne Smiley of Red Oak. "When we change the law in the U.S. government, we can't do that. It makes me angry."

Wagner was the priest at Sara Miller's wedding. The Clive woman also remembers him as comforting and supportive when her father died.

"I don't want to minimize the seriousness of what he did or excuse him," Miller said.

"But I don't want to take away

Parish meeting

An informational forum for the Basilica of St. John congregation members will be held at 2 p.m. today in the church basement.

the hundreds of lives he touched and the good he did. I'm not sure defrocking him after he went to treatment and came back to do well is the right thing to do."

John Ryan, who retired in 1988, is being removed from the ministry because of allegations that he abused adolescent boys while he was a priest at St. Theresa's parish in Des Moines in the 1980s.

Parishioner Maureen Miller hoped that the diocese's actions do not erase the good the priests did in their careers.

"I have known Father Ryan for 50 years," said Miller of Des Moines. "I have lots of memories. But the first thing I remembered was being uplifted by his stirring talks and homilies."

Gary Woltz of Waukee, a Dowling High School graduate, said Ryan was "a joker and a lot of fun."

Pat Ryan of Des Moines, no relation to John Ryan, said the priest was a good English teacher.

"Father Ryan directed my senior class play in 1963," Pat Ryan said. "I think it is sad that men of his caliber have celibacy imposed on them in order to serve the church."

"I believe the vow of celibacy which cannot be recanted, was what brought at least some of these priests down."

Reached at his retirement home in Johnston, Ryan declined to comment Saturday.

The third priest, Albert Werding, could not be reached for comment. His voice mailbox is inoperative at the treatment center in St. Louis where he resides.

Aimee Beckmann-Collier of West Des Moines said she felt great sorrow for the victims and the priests.

She said she knew members of the Allegation Review Committee and respected their courage to take on such responsibility.

"It is such a difficult position Beckmann-Collier said. "It's a special community, this community of faith. The scandal has been a concern and sorrow, causing us to reassess what we stand for and what this all means."

"These priests are people who have served and people we love who are still the embodiment of Christ even though they may have made a mistake."

Catholics grieve over exit of priests

Some laud
good deeds
of dismissed
D.M. clergy

By SHIRLEY RAGSDALE

Not even the bright sunlight streaming through the massive stained-glass windows at the Basilica of St. John could pierce the grief and sorrow of worshippers gathered for the 9 a.m. Saturday Mass.

The Catholic congregation had just learned that three priests from the Des Moines Diocese were being sanctioned under the bishop's new sexual misconduct policies.

Bishop Joseph Charron announced Friday that Richard Wagner, 68, John Ryan, 75, and Albert Wilwerding, 73, are being removed from the priesthood. All have founded allegations of child abuse against them from decades ago.

Wagner had been a teacher

and president of Dowling Catholic High School in the 1960s and '70s. Until last week, he served as parochial vicar for the basilica, a historic church building in Des Moines central area. Wagner could not be reached for comment Friday or Saturday.

He is being removed from the ministry because of an allegation that he sexually abused a teenage girl when he was a priest in Red Oak in the late 1980s. His fate was mourned at the basilica Saturday morning.

At times during the service, the voice of the Rev. Aquinas Nichols, basilica administrator, cracked and tears streamed down his face. His parishioners' eyes also flooded.

After reading a letter from Charron, Nichols asked worshippers to "pray fervently in the days ahead asking the Lord Jesus to give us strength."

He urged the congregation to be compassionate, understanding and loving.

"Do not let emotion and

See CATHOLICS, Page 6B

D.M. diocese takes lead in addressing allegations

By SHIRLEY RAGSDALE
REGISTER MEDICAL WRITER

Friday's announcement of three priests marked for defrocking pushes Des Moines far ahead of Iowa's three other Catholic dioceses in addressing past sexual abuse of children by priests.

Bishop Joseph Charron's announcement that three priests with past allegations of abuse will be defrocked puts the Des Moines diocese at the front of the pack as many dioceses nationwide try to get ahead of the scandal that has rocked the U.S. Catholic Church for the past two years.

"Other dioceses have been coming forward since the bishops met in Dallas in 2002," said David Clohessy, executive director of Survivors Network of those Abused by Priests. "It's a good public relations strategy. But it is another thing to come clean, divulge the records, divulge who covered for these guys, and who moved them around. The Bible says the truth will set you free, not defrocking a couple of old abusers will set you free."

Other Iowa dioceses have been criticized for not publicly naming the priests who have been accused in the past.

The Diocese of Davenport has a review board but doesn't expect to hold a press conference similar to Charron's on Friday, diocesan spokesman David Montgomery said.

Davenport Catholics are learning the names of accused abusers only when lawsuits are filed against the accused priests and the Davenport diocese. Four have been filed so far this year, including one against a top diocesan official.

In Dubuque, Archbishop Jerome Hanus has been criticized by Catholic activists for not releasing the names of 19 priests, both living and dead, who were accused of abuse in the past. That diocese's allegation review board for the Archdiocese of Dubuque has only

Committee members

The Allegation Review Committee for the Des Moines Catholic Diocese is a group of mostly lay people who review allegations of abuse by minors by priests or deacons. Members include:

- Robert Holz Jr., a lawyer for Davis, Brown, Koehn, Shors and Roberts. He served on a state bar committee that wrote the Iowa administrative procedures act.
- Amy M. Anderson, a lawyer experienced in prosecuting child abuse cases, who now works for Principal Financial Group.
- David Beeman, a psychologist who has researched child abuse. He is a member of the Child Abuse Prevention Council.
- Tom Follert, a detective with the Des Moines Police Department's sexual abuse/child trauma unit. He has 13 years experience investigating sexual abuse.
- Kathleen Kinoski, a district associate judge in Pottawattamie County with several years experience with juvenile and criminal cases involving child abuse and neglect.
- The Rev. Gene Koch, pastor of Assumption Parish in Graber, who taught at Catholic high schools in Council Bluffs and West Des Moines.
- Bob Howe, of Holy Trinity Parish in Des Moines, has been a deacon for more than 25 years.

been asked to review cases reported in the past year or so, according to Monsignor James Barta, spokesman for the archdiocese.

Hanus is reviewing the past allegations, Barta said. Iowa's bishops in general have said they are reluctant to make public allegations against deceased priests because they cannot defend themselves.

Sioux City Bishop Daniel DiNardo plans to go through his diocese's files, handling past allegations on a case-by-case basis.

"Right now, we have one case we have been working on," DiNardo said.

Although DiNardo did not identify the priest being investigated, earlier this month, a Sioux City brother and sister joined nearly two dozen people who have accused suspended Roman Catholic priest George McFadden. And in a rare move, Althea Goff and James Goff made their names known in the lawsuit they filed against McFadden and the Sioux City diocese.



Have they got a pitch for you

A barrage of bridal extravaganzas kicked off this month with everyone from florists and bakers to dress shops and travel agents all pitching their wares. This year, brides and grooms will spend thousands on customizing their wedding wonderland. Find out what trends are fresh this season. *IowaLife*, Page 1E

West Nile virus cases climb in Iowa

The West Nile virus is taking its toll on Iowans, causing more deaths and illnesses so far this summer than the state saw all last year. On Friday, the Iowa Department of Public Health reported that a third Iowan has died, and 20 more have fallen seriously ill since the previous report a week ago. *Metro & Iowa*, Page 1B

COMING SUNDAY

CANDIDATE PROFILE

John Edwards

To U.S. Sen. John Edwards, his hard-rock hometown in North Carolina is the perfect backdrop to pitch himself as the populist alternative to President Bush. The son of a milkworker, as Edwards bills it, vs. the son of a president.

3 priests' dismissals shake up diocese

Clerics will be defrocked for sexual misconduct

By SHIRLEY RAGSDALE and COLLEEN KRANTZ
REGISTER STAFF WRITERS

The sickening news hit Roman Catholics from Des Moines to Council Bluffs on Friday. Three men who baptized their babies, heard their confessions and buried their dead are being removed from the priesthood for sexual misconduct.

The Des Moines Catholic Diocese named the priests accused of sexual abuse of children — including a popular former Dowling Catholic High School president — and announced they have been removed from ministry.

Albert Wülfarding, 73, John Ryan, 79, and Richard Wagner, 68, the former Dowling president, have agreed to cooperate in the process of being defrocked.

"The last year and a half has been a very distressing time for the Catholic Church," said the Rev. Joseph Charron, bishop for the Des Moines Catholic Diocese. "There has

Complete coverage Pages 4A, 5A

REACTION: Surprise and sadness at Dowling Catholic.

BASU: The Catholic Church gave Jane Newton justice and returned her faith.

been pain, anger and sadness, all stemming from the issue of sexual abuse of children by clergy. It has also been a trying time for victims of abuse."

The dismissals bring home to Des Moines, Harlan and a dozen other Iowa towns a story that has played out across the nation in recent years — abuse by priests and secrecy by the church in handling the matter.

"It makes me ill. It makes me kind of sick to my stomach," said Mary Ellen Michalski, 73, a member of Holy Family Catholic Church in Council Bluffs, where Wagner once served. "You

See PRIESTS, Page 4A

Taking action announces Fri

Where they served

Dealing with child abuse

How the Des Moines Catholic Diocese has dealt with the issue of child abuse by priests and church leaders:

1988

The diocese implemented a new policy addressing sexual abuse of minors by clergy. The policy allowed accused priests to receive treatment and be reassigned in the ministry. It did not require any public disclosure of reported allegations or require the diocese to notify police or prosecutors about allegations of abuse.

May 2002

After Bishop Charles Chaput apologized to the families of victims abused by the Rev. Albert Wierwinding, who was placed on leave by the diocese in 1987.

June 2002

After a year of controversy, prompted by disclosure that Bishop Chaput's nephew, who worked with him, had sex with a young girl, he set up a public hearing on the issue. The new policy prohibited public access to files of church members.

Allegations of abuse would be turned over to police and prosecutors and priests with reported allegations would have to be defrocked.

September 2002

Chaput took an updated diocese policy, which created the Allegations Review Committee and barred all priests in the diocese from ministering to victims of abuse.

December 2002

The Allegations Review Committee revised local policy to reflect the diocese's new policy.



Face to face: Bishop Joseph Charon talks with Jane Newlin after announcing that the Des Moines Catholic Diocese would move to defrock three priests. Newlin's brother, Thomas Patrick, was accused by her of the crime, the Rev. Albert Wierwinding, for several years. Patrick committed suicide in 1987, and Newlin's road to justice had been filled with obstacles.

Sense of faith is renewed for sister of abuse victim

For 13 years, Jane Newlin lived with pain, anger and betrayal from the very institution she credits with leading her to the values of honesty, truth and love the Catholic Church.

On Friday, the church returned Newlin's faith to her.

"I was speechless," she said of the call she received Thursday night from a member of the Des Moines Catholic Diocese's Allegations Review Committee. "I never thought I would see this. It had been so long."

On a clear, chilly Friday morning, Bishop Joseph Charon stood before Newlin and reporters and announced he was defrocking the Rev. Albert Wierwinding, the priest who raped Newlin's brother, Thomas Patrick, from the time Thomas was 13 to the time Wierwinding had



JANE NEWLIN

defrocked. In officials not only didn't acknowledge Wierwinding's abuse of Thomas, or any record of his conviction, but testified to tell Newlin that years earlier, Wierwinding had been dispatched to an out-of-state treatment center for priests who are sex abusers. She found that out in a chance meeting with a former priest.

When she went back to ask, she was told Wierwinding had

alone with priests at night. But her persistence paid off.

"Of all the ways to lose your innocence, this is surely one of the most excruciating — first to have yourself or a loved one abused by the institution you've looked to for spiritual guidance, then to get railroaded by the many layers of secrets and lies it uses to uphold its reputation."

There were unexpected sources of help and healing along the way. A relative of her mother's by marriage, a priest, tried to publicly discredit the story of Thomas's abuse and suicide. Wierwinding's relatives contacted Newlin to say they were sorry for his actions.

Friday it was a different Newlin who sat before the Holy Spirit. She interviewed last spring — a brother, happily, more trusting one.

Defrockings' shock waves jolt Dowling leaders, alumni

By TARA DEERING

Dowling Catholic High School officials and alumni expressed surprise and sadness Friday at news that two priests who had taught at the school will be defrocked because of sexual abuse allegations.

The Rev. Richard Wagner, 68, came to Dowling in 1963. He taught and then served as president of the high school from 1971 to 1976. The Rev. John Ryan, 70, was at Dowling from 1953 to 1965.

Wagner, Ryan and a third priest, the Rev. Albert Wierwinding, 73, will be removed from the priesthood at the recommendation of the Des Moines Catholic Diocese's Allegations Review Committee, diocese officials announced Friday.

"You're kidding," said Dave Freyback, a 1973 graduate of Dowling, reacting to news that Wagner will be defrocked because of sexual abuse allegations.

"I was kind of friends with the guy," he said. "We chatted all the time and hung out. I never, ever would have thought anything like that. I always confused the guy as a friend and never had any problems."

None of the alleged abuse occurred while Ryan and Wagner served at Dowling, diocese officials said. They said Ryan was accused of abuse during his six years at St. Thomas Parish in Des Moines and Wagner was pastor at St. Mary's Parish in Rad Oak when the alleged abuse occurred.

Dowling President John Deering said the news came as a surprise to him and the entire Dowling community.

"We are disappointed to hear the news, and we are saddened," said Deering, who has been Dowling's president since 2000.

Deering said he had worked under Wagner during the five years Wagner served as the school's president.

"I was coming in as a young English teacher and he seemed to be a good job representing not only the school, but the community," he said. "In my impression, he handled his position very well."

Freyback, 45, said Wagner was a good teacher. He had introduced his entire childhood as a Catholic student, he never witnessed any sexual abuse.

"I've been around priests my whole life," he said. "I was an altar boy. I read it and I never saw anything like that in my life."

Despite news feelings of disappointment and shock, parents of Dowling students and alumni of the high school were cheering for their sons. During Friday morning football

Bishops and judges reviewing diocese files for out-of-court settlements.

September 2003
Charron accepts the recommendations of the Allegations Review Committee, declines three priests and begins the process to defrock them.

What's next
This WEEKEND, Charron departs to return to his family in his native Mexico. The letter outlining the second trial will be released by the U.S. District Court in Denver.

OCT. 20/21: An appeal will be filed by the Des Moines diocese to prevent its attorneys from presenting evidence in the U.S. District Court in Denver.

DECEMBER: The results of the second trial will be reported by the U.S. District Court in Denver.

Victim assistance
Fisher said children had been sexually abused by other victims to come forward. The diocese is committed to providing help for victims of child sexual abuse. To request a copy of the victim assistance manual, call the diocese's victim assistance coordinator, Ms. Mary Ann, at (515) 284-1031 or e-mail: mvictims@diocese.org

Memories of service
As you among the priests with memories of Robert Wagner, who from his parish in the Catholic Church? The Reporter is interested in 1950-2000. Call Bishop Editor Mary, Registrar at (515) 284-1031.

ended his life with a drug overdose in 1981, at age 35.
For Newman, the road to justice has been filled with heart-wrenching detours.
It was after one of many suicide attempts that her brother first told their mother, Mary Fuchs, how Wiberding had abused him during the many times he'd been entrusted to Wiberding's care. Their mother, still coming through a divorce when Norman was growing up, and Wiberding had noed him.
Norman later went to a treatment center in California and then his current one, the Wagner Recovery Center in Denver, Mo.

Then 10 years ago — eight years after Norman's death — Newman learned what the diocese is now seeking justice for her

PHILIPPA, from Page 1A
always told your children those were friends and you respected that. I just am really, really surprised.
The diocese's decision also kept down men who — from their parishioners' — also-instructive respect for the position — had long been set on pedestals.
"You were been and rated as Catholic and you looked up to the priests," Philip said. "There were no questions. They knew what they were doing."
The incidents of abuse by the three men date back to the 1960s, according to Robert Holz, chairman of the committee that reviewed all allegations in the diocese after the U.S. bishops set a new policy in 1992. Each of the priests faced one or more allegations of abuse, but Holz said the diocese has no idea how many victims there may have been.
There were no allegations of abuse occurring when Ryan or Wagner worked at Dowling Catholic High School.
Holz said the committee conducted a year-long investigation that included interviews with victims, their families and the priests.
The memories of abuse are lifelong and they are painful for victims, Charron said.
The committee investigated two additional cases of alleged sexual abuse but did not find them credible. The bishop did not name the priests who were exonerated. The committee is in the process of investigating one additional abuse

allegation against Newman, reported below. The committee will file charges, who live in Texas, Attorney Robert Holz, who chairs the committee, said Wiberding's offenses were "without a doubt" the most heinous of those heard by the committee. It recommended defrocking Wiberding, Charron agreed, and says Wiberding has also agreed.
"At times over these years it has seemed to Fowler that nothing would come of any of this, that the church would just stall and plume her," it didn't help her growing bitterness. Looking out other churches have even counteracted families that said them over what, accusing the parents of negligence for allowing their children to be

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Center of attention: Bishop Joseph Charron speaks Friday on the Des Moines Catholic Diocese's defrocking of three priests.

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This is a victory for the family, victims that have come forward and haven't come forward and for the Catholic Church," she said. "It won't bring anyone back and it won't release other victims from their pain, but going forward at least children will be protected."
Though she'd stopped going to church, Fowler said through the whole ordeal, she never stopped believing in God, or in the values she learned in church. "Everybody, including the church, has to be honest and treat people with love," she said, adding, "I do think they're turning around."
Does that mean she might even go back? She's not sure, but she's not ruling out.

Anna Katz can be reached at (515) 284-1031 or akatz@dmr.com.

then it is may be something where we can move forward from here," Charron said that he hoped that in dealing with these cases, the diocese will have dealt with all known cases. But part of the reason for announcing the priest's names was to give other victims an opportunity to come forward.
"A crisis of the approach said 'survivors need and want respect.'"
"An after approach would be to encourage victims to contact law enforcement, rather than report to the church," said David Coloney of St. Louis, director of Survivors Network of those Abused by Priests.
Wagner was ordained in 1961 and had been a high-profile priest in the diocese. Allegations

against Ryan surfaced in 1981 stemming from an incident in the late 1980s when Wagner was pastor of St. Mary Parish in Des Moines.
The case was previously addressed by the diocese under its 1992 sexual misconduct policy, which gave priests the option of returning to the ministry after treatment and satisfaction of civil authorities. Wagner got treatment and since had lived under supervision with his brothers at the Parishes of St. John in Des Moines.
Known by many for his solicitation of Pope emeritus, Wagner has served as a parish priest in restricted ministry since 1993. He celebrated Mass as recently as last weekend.

Elizabeth Schenk, a parishioner at St. Mary in East Oak, was caught off guard by the news that Wagner was accused of sexual misconduct.
"It is shocking to hear that there might have been something," said Schenk, 83. "He was always with his youth of the parish of the community."
Harry Hilliker, a member of the Parishes of St. John in Des Moines shortly before Wagner joined the church in 1994, said he has mixed feelings about the priest, being shocked years after the diocese aggressively dealt with his misconduct.
"As far as I know he's done just fine in his second chance and does what he should have given the policy in place at the time it happened," said Hilliker, also the state coordinator.

Wiberding was ordained in 1966. He served in 11 parishes, according to Tom Chapman, spokesman for the diocese. He has been forbidden to serve publicly as a priest and has lived at a treatment facility near St. Louis since 1981. The bishop told Wiberding's sexual abuse of minors was documented by meetings with victims.
Wiberding was an energetic leader at St. Mary Parish in St. Charles, where he served from 1978 to 1980, and was determined to get members more involved, said Rita Gibson, a member of the church.
"I remember his discussions about involvement were directed a lot toward the youth in trying to get them recruited, especially the high schoolers," Gibson said.
Ryan was ordained in 1960 and retired in 1988. The abuse occurred during the six years he served at St. Theresa Parish. He was removed from public ministry in 1982. The allegations against him concern adolescent boys, according to the diocese.
"I've never heard anything bad about him," said Virginia Wilmes, a member of St. Mary of Nazareth Parish in Des Moines, where Ryan served from 1976 to 1982.
The Allegations Review Committee process was intended to look at cases needing discipline, according to Des Moines diocese spokeswoman Anne Marie Cox. "It is not possible to impose discipline on a priest who is de-activated," Cox said.
Bishop said what the Des Moines diocese contributed to the report.

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If I had read this article
before we met in . . . I may
not have been so congenial. We as
Victims continue to be victimized.
As you can see from the articles I
have enclosed we are bombarded with
our memories almost daily thru the
media: newspapers, T.V. Radio. We were raped
and molested and now it is time to
take responsibility not only for what
was done by these so called priests
but also by the church for covering
it up. If the church truly believes
in taking care of us (victims), even
though many years have passed, we
should be compensated or is the
Church just a bunch of hypocrites.

Sincerely,

Church's bankruptcy: Loss of moral authority

By ELLEN GOODMAN

Last winter, when stories of priestly sexual abuse broke over Boston, I couldn't help comparing the church scandal with the Enron scandal.

It was, admittedly, a bit of a stretch. The tower that Enron built was not literally a cathedral, although there was a good deal of (mammon) worship. The Houston company dealt in energy; the Boston archdiocese dealt in souls. Besides, it's far worse to have a child violated than a 401(k).

Still, each scandal had its cover-ups and its CEOs with shredded reputations. The citizens used the same vocabulary of betrayal. Employees and parishioners alike talked about losing their "faith."

Now, however, the analogy is nearly complete. Both stories have arrived at the same chapter in their history: Chapter 11.

It has been a year since Enron filed for bankruptcy, as protection from creditors. It has been just days since the Boston archdiocese admitted it is considering bankruptcy as protection from its victims. A bankrupt Catholic Church? Are all other metaphors now officially irrelevant?

The narrative of this church sexual-abuse tale moved gruesomely from Chapter 1 to Chapter 10 — sexual assaults, secret settlements, rogue priests transferred from one parish to another like bad debts to off-shore corporations. At some point, the outrageous became so routine that many of us suffered from shock fatigue. Pedophiles in Los Angeles, sexual abuse in St.



MIKE PETERS/DAYTON DAILY NEWS

Louis? What else is new?

Then on Dec. 3, a Boston court released another 2,200 pages of church documents as lurid as anything imagined in a 19th-century anti-papist novel. In the recorded allegations, there's the saga of one priest who beat his housekeeper and had a long affair with a woman. There's another — so hooked on cocaine he was nicknamed "the blow king of Malden" — who admitted having sex with a teenager as well as with other men.

Most bizarre of all is Robert V. Meffan, a priest who enticed teenage girls preparing to become nuns into sex acts by claiming to be "the second coming of Christ." A 73-year-old now living out a

comfortable retirement with his depraved delusion intact, he told a Boston Globe reporter, "What I was trying to show them is that Christ is human. . . . I felt that by having this little bit of intimacy with them that this is what it would be like with Christ."

These documents with bureaucratic comments scribbled in the margins — "Problem: Little Children" — broke through the shock barrier. So, too, did the litany of notes from the cardinal to the criminals sprinkled through the record. His words, full of warmth and pastoral empathy, read like thank-you notes to torturers.

To a self-confessed gay "sex addict" who feared that one of the

boys he abused had committed suicide, Cardinal Bernard Law wrote, "It is my hope that some day in the future you will return to an appropriate ministry bringing with you the wisdom which emerges from difficult experience."

To an accused priest transferred to the Army chaplaincy without any warning of sexual-abuse charges, he offered fare-thee-well, "I have every confidence that you will render fine priestly service to the people who come under your care."

And to the priest who seduced girls into that "little bit of intimacy," Law sent his best retirement wishes: "Without doubt over these years of generous care, the lives

and hearts of many people have been touched by your sharing of the Lord's Spirit. We are truly grateful."

Against this background, what are we to say when the page turns to Chapter 11? Have a nice day?

Throughout the scandal, Catholic leaders have been both apologetic and defensive. It was a different time, they say, we didn't know then what we know now. (What precisely didn't they know then? That Rev. Robert V. Meffan was not Jesus Christ?)

They also insist that the church has changed in its attitudes toward victims. How precisely has it changed, if it declares bankruptcy?

Throughout this sorry tale, one thing has dismayed loyal Catholics the most: The realization that the hierarchy defended the institution instead of defending the children. The church hunkered down to protect its moral reputation. And lost its moral authority.

Indeed, the church is not talking about bankruptcy as an admission of failure, but as a tactic to stave off lawsuits and settlements. It has no intention of "restructuring" its all-male rules and celibate regulation but every intention of saving its old hierarchies and coffers.

In the tale of two scandals, if CEO of Enron is gone, but the CEO of the Boston archdiocese is still at his post. Pi slips appear regularly now on collection plates and yet the church fathers, deep in moral debt, deciding whether to seek financial protection against the very victim they failed to protect.

Chapter 11? They might as well close the book.

ELLEN GOODMAN writes for the Boston Globe.

Catholics debate direction of church

CHURCH, from Page 1A

Boston College. "Both sides feel they've been betrayed by the leaders of the church."

Conservative Catholics are calling for the church to recommit itself to the traditional ideals of priestly chastity.

Liberals and even many moderates, meanwhile, envision a new culture of shared leadership to replace the church's secretive and authoritarian culture of "clericalism." Some believe clericalism helped foster the scandalous abuse by priests of so many children, and the bishops' equally scandalous cover-ups and reassignments.

Authority for the laity

Steve Krueger, interim executive director of Voice of the Faithful, a reform group that formed in Boston in February in response to the abuse scandal and now has chapters nationwide, said the status quo is unacceptable.

He and Voice of the Faithful's other mostly liberal, educated leadership want more authority for the laity in the governance of dioceses. "Complacency is complicity," Krueger said.

The nation's 196 dioceses have considerable lay involvement on parish councils and administrative boards. But canon law makes the lay voices only advisory; the clergy make the final decisions.

"That's bound to change, said Bud Bretschneider, a member of Voice of the Faithful of Greater Philadelphia. It's "inevitable" the laity will have a more powerful voice in church governance, he said.

"The church is not a democracy, and I don't believe that the hierarchy feels that that's the direction that they should go," said Brenda Hackett, a member of Voice of the Faithful's Wayne affiliate. "But people will be more willing to ask for accountability from the church."

Lost support

The Rev. Richard McBrien, professor of theology at University of Notre Dame, is skeptical.

"I don't think this resignation makes any difference in terms of (the laity's) power and influence," he said. "The resignation was not

"You've got to do the right thing, not what most people want."

— Leon Suprenant,

president of the conservative Catholics United for the Faith

accepted because of lay pressure" but because Law lost the support of his priests, McBrien said, referring to the extraordinary letter signed by 58 Boston priests calling for the resignation.

"That disturbed the Vatican more than anything else," McBrien said.

Leon Suprenant, president of the conservative Catholics United for the Faith, said many Catholics do not want the church swayed by pressure groups. "You've got to do the right thing, not what most people want," he said. "Rome is going to act independently of any pressure that might be brought to bear by any groups."

Despite their optimism of the moment, lay reformers "have a long way to go," said Paul Lakeland of Fairfield University, an expert on the Catholic laity.

In Boston, he said, "how empowered they are surely will depend on how much they feel their concerns are met when the successor is appointed."

Lakeland predicts that Boston's next archbishop will not seek any drastic change in the culture of the diocese. He will be "a healing figure, but one who also maintains the status quo," Lakeland said.

Battered archdiocese

Whoever it is, few people in Boston seem to think the next archbishop will be the savior of the battered archdiocese.

Krueger, the Voice of the Faithful leader, recalled a recent meeting of his leadership with Law, who had banned them from meeting on diocesan property.

"We got into a discussion of how Catholics are supposed to follow their consciences," he said. "And he told me, 'If you prayed long enough, you'd agree with me.'"

Krueger laughed, then scowled and said: "There are 302 bishops setting the tone for 60 million Catholics in the United States. If we step back, what does that say about our church?"

The Rev. Robert Bullock is head

largest Catholic university.

Pope, the Boston College theologian, was not surprised to hear such a view from young Catholics.

"The biggest difference between them and their parents is that even before this crisis, they didn't care about the hierarchy and the institutional church, which they see as irrelevant and out of touch," he said.

"For the MTV generation, guys in pointy hats and red shoes look like something out of 'Saturday Night Live.'"

Although the priesthood has been "tainted" by the scandals, Pope predicted that young Catholics would henceforth scrutinize priests they meet and trust those who pass muster.

"Before (the sex-abuse scandals), priests were given enormous respect," he said. "But now 'Father says' doesn't matter unless he's shown himself to be worthy."

"There might be a quick recovery, but I think it will take at least a generation."

of the 300-member Boston Priests' Forum, which was expected to issue a call for Law's resignation Friday, but canceled its meeting when the archbishop resigned.

Bullock said he and many other priests oppose "the culture of privilege and secrecy" in the hierarchy and priesthood, and want greater cooperation with the laity.

Faith unshaken

Several Catholic undergraduates at Boston-area colleges said the sex-abuse scandal had not shaken their faith.

"The church isn't the priests and it isn't the bishops. It's Christ," said Dan Stalck, a freshman business major at Boston College, the area's

"To all those who have suffered from my shortcomings and mistakes, I both apologize and from them beg forgiveness."

— Cardinal Bernard Law

Cardinal Law resigns, apologizes for mistakes

The move comes amid growing evidence of his mishandling of clergy sex abuse cases in the Boston archdiocese.

By ALAN COOPERMAN and PAMELA FERDINAND
WASHINGTON POST

Boston, Mass. — Nearly a year after the scandal over clergy sexual abuse erupted in his archdiocese, Boston's Cardinal Bernard Law resigned Friday, apologizing for his mistakes and saying he hoped his departure would usher in a period of healing.



Lennon

Law tendered his resignation in a morning meeting with Pope John Paul II at the Vatican, and it was immediately accepted, the Vatican announced. Auxiliary Bishop Richard Lennon, 55, a relative newcomer to Boston who is untainted by the scandal, was appointed as a temporary administrator until the pope chooses a new archbishop.

"It is my fervent prayer that this action may help the Archdiocese of Boston to experience the healing, reconciliation and unity which are so desperately needed," Law said in a written statement. "To all those who have suffered from my shortcomings and mistakes, I both apologize and from them beg forgiveness."

Law's resignation came after steadily increasing evidence that he failed to remove sexually abusive priests and with his archdiocese teetering on bankruptcy under the burden of hundreds of lawsuits by alleged victims.

There was no immediate word on what Law, 71, the most senior Roman Catholic prelate in the United States and the archbishop of

D.M. bishop: Church now can begin to heal

By SHIRLEY RAGSDALE
REGISTER RELIGION EDITOR

Cardinal Bernard Law's resignation was met Friday morning with relief and hope by the Rev. Joseph Charron, bishop of the Des Moines Catholic diocese.

"Cardinal Law's letter speaks for itself," Charron said. "I pray that his decision to resign as the cardinal-archbishop of Boston will help to bring healing to what has obviously been a painful and tense situation which reverberated throughout the country."

"A lot of attention has been focused on Boston and Cardinal Law. I hope now the church will be able to deal more with policy and the victims."

Iowa representatives of Voice of the Faithful, a Boston-based Catholic organization formed in reaction to Law's handling of cases of child abuse by priests, said the crisis is not

over.

"The resignation has been long overdue in coming," said Dave Wanamaker, spokesman for the group's Dubuque chapter. "Law has done untold damage to the church. Anyone who does evil to another and escapes the consequences because of his position in society does not deserve to be called Catholic."

Charron said the resignation of a Catholic cardinal is rare, so much so that he had no recollection of it happening before in the United States. He said he did not personally know the Rev. Richard Lennon, auxiliary bishop of Boston, who has been appointed apostolic administrator of the archdiocese.

Charron also brushed aside a suggestion that he might be in the running for the Boston post.

"I don't even get any good rumors about who might be in line" for the job, Charron said.

sexual misconduct.

Law's brief statement did not explain why he was stepping down now, after months of demands by sexual abuse victims for his resignation. He had offered to resign at least once before, in an April visit to the Vatican, but said afterward that the pope had encouraged him to stay on and that he wanted to be "part of the solution" to the scandal.

Since the beginning of December, however, Law's remaining support among Boston's 2 million Catholics crumbled as the archdi-

Boston-area priests on Monday calling for Law to resign. "The priests and people of Boston have lost confidence in you as their spiritual leader," it said.

Donna Morrissey, a spokeswoman for the archdiocese, said Friday that Law will meet all of his legal obligations, including the subpoena. Holding back tears, Morrissey told reporters that Law was "doing OK. He's always been steadily concerned with what was in the best interests of the archdiocese of Boston."

Law remains a defendant in the

Priests' files allege abuse of drugs, teenage girls

Some of the information
contained in those
documents is truly
horrible, says a Boston
Archdiocese spokesman.

By KEN MAGLIRE

Boston, Mass. — Priests actually shared teenage girls' used-to-Catholic-Literary Digest, and one had an affair with a female member, according to allegations contained in personnel files reviewed by the Boston Archdiocese.

The 1974 review of files on eight priests were reviewed Tuesday by lawyers representing priests who claim they were wrongly sexually abused. The attorneys are seeking to force the Cardinal Bernard Law run into "transfers" of priests to other parishes over other accusations of child abuse or other wrongdoing.

Law says the lawyers said they would begin releasing the personnel records of 40 priests, which they have copies in his court order. The priests are not listed in the state lawsuit which the state attorney general filed.

Archdiocese spokesman Thomas McCormack said the could not comment on the specific allegations contained in the personnel files. But he said "Some of the documents contained in these documents is truly horrible. We're committed to helping any need of survivors."

A lawsuit Tuesday by parish priests, which they were involved were unsuccessful. McCormack said she did not have contact numbers. The priest's phone numbers are not listed.

The files included those for the Rev. Robert McLean, who allegedly recruited girls in the late 1960s in Boston areas and then sexually abused them while assigned in Weymouth, Mass., according to FBI letters from then Cardinal McGavin to her boss, the Rev. John McCormack, who was a big shot in Law and is currently the bishop in Manchester, N.H.

McLean allegedly would tell the girls to perform sexual acts as a way of progressing with their religious studies. He also allegedly participated in sexual acts with four girls at the same time in Cape Cod, one of the girls said McGavin, according to a 1980 memo.

"They were all young girls, 16-18 years old," said attorney Rodolfo Macaluso Jr., who represents 27 plaintiffs among dozens of lawsuits against the archdiocese.

The Rev. Thomas Fory, who served in Scituate and Kingston, allegedly had a sexual affair with a woman with whom he carried on an 11-year affair, the files show. The woman had given up her wedding because of problems in her marriage. The woman's son later alleged that Fory made sexual advances on her.

A 1974 memo from McGavin to McCormack outlined the history of allegations against Fory. From 1964-1974, Law transferred Fory from being a priest in a parish at a state prison in Concord to being a visiting priest in a parish of over 100 parishes in the archdiocese. He's currently unemployed.

McLellan's attorney and victim advocacy say the personnel files show that Law continued to know for years about priests' and contrary

Catholics envision changes as Law exits

By DAVID O'REILLY
NIGHT THREE NEWSPAPERS

Boston, Mass. — This is the season of Advent in the Christian liturgical calendar. A time of waiting, a time of hope.

It is a brooding, uncertain Advent here in the Archdiocese of Boston, and across Catholic America.

Following Friday's resignation of Cardinal Bernard Law for his chronic mishandling of clergy sex abuse, many of the nation's 65 million Catholics see their church at a crossroads and wonder what direction it will take.

They wonder who will be Boston's next archbishop and whether he can bring spiritual healing and financial stability.

Beyond that, many are holding their breath, wondering if Law's downfall signals that the Vatican may take a tougher stance toward the embattled U.S. hierarchy and a more open one toward the emboldened laity.

"The discontent is very high, a disillusionment shared by both the left and right," said Steven Pope, chairman of the theology department at

See CHURCH, Page 15A

Ex-priest Shanley freed; friends post \$300,000 bail

FROM REGISTER NEWS SERVICES

Cambridge, Mass. — The Rev. Paul Shanley, a pivotal figure in Boston's clerical sexual abuse scandal, walked out of jail Wednesday after friends and family posted bond of \$300,000.

The retired priest spent seven months behind bars here on 10 counts of child rape and six counts of indecent assault and battery. Shanley, 71, is accused of molesting boys as young as 5 at a church in Newton, outside Boston, over a 10-year period ending in 1989.

As a dozen or so spectators jeered him, Shanley left the the county jail without commenting.

His lawyer, Frank Mondano, said a "substantial number" of family, friends and supporters raised the money to free Shanley. Since bond money is posted in cash, the source is not public record.

The Boston archdiocese said it did not contribute to his bail, originally set at \$750,000 but reduced to \$300,000 by Judge Charles Graham.

For years, Shanley was a dashing and prominent figure in Boston who ministered to marginalized segments of the city's youth and street populations.

His work garnered favor from

church superiors, including Cardinal Bernard Law, who embraced him at a party to celebrate Shanley's 20th anniversary as a priest.

But church documents released last spring showed that archdiocese leaders knew of sexual abuse complaints against Shanley dating from at least 1967. Yet for 30 years, church officials transferred him from parish to parish, where he consistently had access to children.

Elsewhere Wednesday, leaders of a large group of lay Catholics called for Cardinal Bernard Law's resignation, joining a growing chorus of dissent against the leader of the scandal-plagued Boston Archdiocese.

Voice of the Faithful said recent revelations detailing the extent of the crisis left them with no choice but to publicly declare the archdiocese in need of new leadership.

"There is a state of spiritual and moral crisis in the Archdiocese of Boston," said Jim Post, president of Voice of the Faithful, which claims a national membership of 25,000. "In my judgment, the Archdiocese of Boston has effectively been without a bishop."

Law remained at the Vatican Wednesday, where he has been



ASSOCIATED PRESS

Free: Paul Shanley, left, confers with lawyer Frank Mondano on Wednesday in Middlesex Superior Court.

meeting with church hierarchy amid speculation that he may resign or get approval to declare bankruptcy to keep the Boston Archdiocese from financial ruin.

The cardinal and Pope John Paul II are expected to meet Friday.

Calls for Law's resignation have grown louder among both the laity and the clergy.

New Jersey priest convicted of abuse

GUILTY: The Rev. John Banko, 56, was convicted Wednesday of aggravated sexual assault, sexual assault and child endangerment for molesting an altar boy.

FIRST IN NEW JERSEY: Banko was the first New Jersey priest to be charged criminally in a sex case since the Catholic Church scandal embroiled in a scandal this year.

DENIAL: Banko denied the charges when he testified Monday. But during cross-examination, he acknowledged sexual liaisons with men and women. He also told investigators his vow of celibacy made no direct mention of abstaining from sex.

Diocese of Winona
Pastoral Ctr.
Rev. Michael J. Hoepfner
Box 588
Winona, Mn. 55987.

CONFIDENTIAL

October 17, 2003

Dear _____,

We received your letter and copies of articles on October 13th regarding your son,
Please know that we appreciate your concern and the desire to advocate for your
son.

The Diocese of Winona considers any allegation of sexual misconduct by a cleric to be a very serious matter. Through a specific policy and process, we do our best to address each person with a high level of Christian care and concern. A part of this process insures confidentiality for anyone reporting alleged abuse. Even though you are a family member, it would be inappropriate for me to share information about meetings with your son.

Bishop Harrington and the members of our team do, however, continue to pray for him and the special peace he seeks. On behalf of the Bishop and the entire team, let me say that whenever the Church hears that someone has been hurt or is hurting for any reason, we are sorry for that suffering. The Church always wants to help in ways that we can see that people feel healed and whole again.

Respectfully,

Mrs. P.J. Thompson
Pastoral Care Assistance Coordinator

cc: Rev. Michael Hoepfner
✓ Rev. Michael Cronin

TA000527

Memo

To: Rev. Mike Hoepfner
From: P.J. Thompson
Date: April 20, 2004
Subject: Request from Mary Sherman (VOTF)

Fr. Mike,

I spoke with Mary this afternoon regarding her request to have a meeting with Bishop and a victim and members of the Voice of the Faithful. I reviewed our process with her and told her it would be helpful if we had the name of the alleged victim as well as the person he has accused. She told me it was In her words... "Since he's already been through the entirety of your process, including a report to the diocese, a 5 hour deposition and having his story thrown out of court...I don't think it's unusual that he would request some time with the bishop to help him heal."

I told Mary that I was familiar with Mr. . . . case and that I was also aware that the Vicar had corresponded with him. She said that by . . . s request, she was asked to set up a meeting with . . . , her and one other member of the Voice of the Faithful. I asked her what the purpose for such a forum would be in . . . s mind - since she was acting as his spokesperson? She said "...we would all simply be there for support and feel that if the diocese had any kind of compassion, we would do what the victim wanted to do. He wants me and another member there, so we should be there."

I emphasized that when individuals meet with Bishop to tell him their story or pray with him in order to feel 'whole' again...he might sometimes have family members in the room. Regardless, it would be his choice if he had a meeting and if so, who could be there. Their role would be to simply be present to the person. The person who had experienced some type of abuse would be the only one to speak.

She said she would appreciate it if I would relay her request to Bishop. I assured her that I would share with Bishop that it was . . . she was referring to and that we would get back to her upon your return as to the decision that has been made. She stated that they would be willing to wait even two or three weeks if the Bishop needed time to clear his calendar and she would prefer we make a meeting between 11:00 a.m. and 12:30 p.m.

I, again, reiterated that I would forward information and the Bishop would determine who to invite if he elected to have a meeting with Mr. . . . at all. I thanked her for calling.

November 20, 2004

His Eminence Joseph Cardinal Ratzinger
Piazza del S. Uffizio 11
00193 Rome, Italy

Your Eminence Cardinal Ratzinger:

In view of the fact that as of the Solemnity of Christ the King, November 21, 2004, the Congregation for the Doctrine of the Faith will no longer accept cases referred to it in which *graviora delicta* have been denounced to an Ordinary prior to April 30, 2001, and in which the said delicts are bound by prescription, I write to inform your Eminence and the Dicastery of three priests of the Diocese of Winona who have admitted sexually abusing minors. All three have been removed from ministry, are prohibited from calling themselves "Father" and from wearing clerical garb. Each of the three are abiding by these prohibitions.

Father Leland Smith was ordained a priest in 1953. In the early 1990s, accusations came forth that he had sexually abused minors. The abuse was said to have happened sometime between 1967 and 1975. Father Smith was sent for treatment in 1995. He cooperated with the treatment and upon successful completion of the program, returned to the diocese. He was retired from full-time active ministry. He is currently 77 years old.

Father Thomas Adamson was ordained a priest in 1958. In the early 1970s, accusations began coming forward that he had sexually abused minors. The abuse was said to have happened as early as 1962. In 1975 Father Adamson was sent for treatment. He cooperated with the treatment program and upon returning, he was assigned to ministry in the Archdiocese of St. Paul/Minneapolis. Additional accusations were received. In 1984 Father Adamson left ministry. Father Adamson, the Diocese of Winona, the Archdiocese of St. Paul/Minneapolis were brought to civil court. Father Adamson was found guilty of sexual abuse. The Diocese of Winona and the Archdiocese of St. Paul/Minneapolis were found negligent. Settlement was in the millions of dollars. Father Adamson is currently 71 years old.

Father Jack Krough was ordained in 1976. In 1997, accusations came forward that he had sexually abused minors between 1976 and 1980. Father Krough was immediately sent for treatment. He cooperated with the treatment and upon completion of the program was assigned as Chaplain at the motherhouse of a womens' religious order here in the Diocese of Winona. He continued with his aftercare program, was monitored carefully and was appreciated by the sisters. With the implementation of the *Charter for the Protection of Children and Young People* and the *Norms*, Father Krough was removed from ministry. He is currently 55 years old.

Each of these priests has declined to voluntarily seek laicization. With my staff, I continue to address the situation of each of them. I write to let you know about them in view of the deadline of November 21, 2004 and in case I would deem it necessary to move forward with a case for laicization for one or more of them.

Gods' blessings to you as we begin the holy season of Advent and a new church year.

With kindest regards, I am

Most Reverend Bernard J. Harrington
Bishop of Winona

55 West Sanborn Street ■ PO Box 588 ■ Winona, MN 55987
Telephone: 507/454-4643 ■ Fax: 507/454-8106 ■ E-mail: bharring@dow.org

TA000025

Office of The Bishop

November 20, 2004

His Eminence Joseph Cardinal Ratzinger
Piazza del S. Uffizio 11
00193 Rome, Italy

Cam

Your Eminence Cardinal Ratzinger:

In view of the fact that as of the Solemnity of Christ the King, November 21, 2004, the Congregation for the Doctrine of the Faith will no longer accept cases referred to it in which *graviora delicta* have been denounced to an Ordinary prior to April 30, 2001, and in which the said delicts are bound by prescription, I write to inform your Eminence and the Dicastery of three priests of the Diocese of Winona who have admitted sexually abusing minors. All three have been removed from ministry, are prohibited from calling themselves "Father" and from wearing clerical garb. Each of the three are abiding by these prohibitions.

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With kindest regards, I am

Most Reverend Bernard J. Harrington
Bishop of Winona

55 West Sanborn Street ■ PO Box 588 ■ Winona, MN 55987
Telephone: 507/454-4643 ■ Fax: 507/454-8106 ■ E-mail: bharring@dow.org

TA000028

WINONA MAIN PO
WINONA, Minnesota
559879998
2663650066-0098
11/20/2004 (000)000-0000 11:10:42 AM

Product Description	Sales Receipt		Final Price
	Sale Qty	Unit Price	
80c McKinley PSA	1	\$0.80	\$0.80
Total:			\$0.80
Paid by:			
Cash			\$1.00
Change Due:			-\$0.20

Order stamps at USPS.com/shop or call
1-800-Stamp24. Go to
USPS.com/clicknship to print shipping
labels with postage. For other
information call 1-800-ASK-USPS.
Bill#: 1000201412854
Clerk: 09

— All sales final on stamps and postage. —
Refunds for guaranteed services only.
Thank you for your business.
Customer Copy

WINONA MAIN PO
WINONA, Minnesota
559879998
2663650066-0098
11/20/2004 (000)000-0000 11:10:42 AM

Sales Receipt			
Product Description	Sale Qty	Unit Price	Final Price
80c McKinley PSA	1	\$0.80	\$0.80
Total:			\$0.80

Paid by:
Cash \$1.00
Change Due: -\$0.20

Order stamps at USPS.com/shop or call
1-800-Stamp24. Go to
USPS.com/clicknship to print shipping
labels with postage. For other
information call 1-800-ASK-USPS.
Bill#: 1000201412854
Clerk: 09

— All sales final on stamps and postage. —
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Thank you for your business.
Customer Copy

WINONA MAIN PO
WINONA, Minnesota
559879998
2663650066-0098
11/20/2004 (000)000-0000 11:10:42 AM

Product Description	Sale Qty	Receipt Unit Price	Total Price
80c McKinley PSA	1	\$0.80	\$0.80
Total:			\$0.80

Paid by:
Cash \$1.00
Change Due: -\$0.20

Order stamps at USPS.com/shop or call
1-800-Stamp24. Go to
USPS.com/clicknship to print shipping
labels with postage. For other
information call 1-800-ASK-USPS.
Bill#: 1000201412854
Clerk: 09

--- All sales final on stamps and postage. ---
Refunds for guaranteed services only.
Thank you for your business.
Customer Copy

November 22, 2004

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

Your Eminence Cardinal Ratzinger:

God's blessings to you these last days of our liturgical year.

I write to inform you that I have forwarded to you at the Congregation a letter, postmarked November 20, 2004, regarding three priests of this local church who have admitted to sexual abuse of minors. I want to inform you of these three priests in view of the fact that as of November 21, 2004, the Congregation for the Doctrine of the Faith will no longer accept cases referred to it in which *graviora delicta* have been denounced prior to April 30, 2001 and in which the said delicts are bound by prescription. I continue to address the situation of each of these priests and have written you now in case I would find it necessary to move forward with a case for laicization for one or more of them.

Thank you for your attention to this matter.

Sincerely in Christ,

Most Reverend Bernard J. Harrington
Bishop of Winona

November 22, 2004

Faxed

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

Your Eminence Cardinal Ratzinger:

God's blessings to you these last days of our liturgical year.

I write to inform you that I have forwarded to you at the Congregation a letter, postmarked November 20, 2004, regarding three priests of this local church who have admitted to sexual abuse of minors. I want to inform you of these three priests in view of the fact that as of November 21, 2004, the Congregation for the Doctrine of the Faith will no longer accept cases referred to it in which *graviora delicta* have been denounced prior to April 30, 2001 and in which the said delicts are bound by prescription. I continue to address the situation of each of these priests and have written you now in case I would find it necessary to move forward with a case for laicization for one or more of them.

Thank you for your attention to this matter.

Sincerely in Christ,

Most Reverend Bernard J. Harrington
Bishop of Winona

12/10/04

As you can see from the articles there have been cases closed with settlements in the hundreds of thousands. I'm sure you already know this as you know too the statute of limitations were waived in these cases as well as cases throughout the nation. Obviously the seriousness of this abuse has finally come to light in the court system and the church is being made to pay for the cover-up that took place. I'm sure you remember that the statute of time limitations was the thing that you said would keep me from getting closure on a settlement in my case as well as the fact that the person who molested me did not remember doing it or who I was. I don't know how or obviously otherwise bright person would believe this statement. Did you really expect a pervert who

molested young boys to remember any of us. You're lucky that I didn't just knock you on your ass that day when you made that pathetic statement.

Now I am going to give you one last chance to bring closure to this or I guarantee that I will find others who want to pursue this as a class action suit and we will put a serious hurt not only financially but spiritually with the people of the Wilona Diocese. Also don't offer counseling to me again as I am already fed up with that crap. My parents have talked to a number of priests and they have all stated that I should be compensated for this. I believe \$200,000.00 is a good figure, that is \$30,769 below the average for the Devonport settlement average. Now that the time limitation is no longer valid you had better do something or believe me I will follow through with this.

Davenport diocese settles cases

A total of \$9 million will be divided among men who alleged sexual abuse by priests.

By **SHIRLEY RAGSDALE**
REGISTER RELIGION EDITOR

The Davenport Catholic Diocese on Thursday announced a \$9 million settlement with dozens of men who have claimed that they were sexually abused as children by priests or have sued, alleging such abuse.

The \$9 million — a combination of diocese money and insurance payments — will be divided among the men who have filed 39 claims or lawsuits against the diocese.

Bishop William Franklin and the men's lawyer, Craig Levien, said the settlement sets specific criteria for how

the money would be divided among the victims, but they would not describe those criteria.

Levien said the settlement does not affect the plaintiffs' lawsuits against individual priests, and they will go forward.

Compared to other dioceses across the country, the Davenport settlement, per person, is one of the larger group settlements. Although

it will not be divided evenly, the average amount would be \$230,769.

That compares with an average of \$153,985 in the Boston Archdiocese, which settled with 552 people for \$120 million, according to BishopAccountability.org, a Web site that documents articles and court documents on the U.S. Catholic

See **DIOCESE**, Page 7A

Davenport diocese settles abuse cases for \$9 million

DIocese, from Page 1A

priest abuse controversy.

In Providence, R.I., 36 people negotiated a \$13.5 million settlement from the diocese, an average of \$375,000 per person, according to the Web site.

Levien said each diocese is different because of its size and assets, so comparisons are difficult. Davenport diocese officials said earlier that the diocese has \$10 million in assets, which are largely property.

"The brave survivors I have been honored to represent never sought to bankrupt the diocese and were always willing to compromise," Levien said.

"They also saw the greater good in standing together in support of each other. Their individual decency will never be known publicly but is something I will keep with me for the rest of my life."

The settlement, announced days before the first abuse lawsuit was to go to trial Monday, means the diocese avoids filing bankruptcy, which its leaders had threatened to do to avoid trial.

Diocese officials said they did not want to try the cases individually because they wanted to make equitable settlements to all known abuse victims. Thursday's agreement does not preclude other victims from seeking financial settlements from the diocese.

In announcing the settlement, Franklin apologized again to victims and said he hoped the settlement would help them and Catholics in the diocese begin to heal.

"The abuse was not the victim's fault," he said. "It was only reasonable that a child would trust a

On the Web

Go to DesMoinesRegister.com/religion to find:

- A Iowa timeline of events in the Catholic church's abuse scandal.
- An archive of articles about the scandal in the Davenport diocese.

revered Catholic priest. Knowing what we know today, I cannot understand, explain or justify the decisions that were made years ago allowing such priests to continue to serve.

"Prior bishops are no longer living to explain their decisions. All I know for certain is that, in fact, we failed to protect children from harm. I am profoundly sorry and I express deep apology to the victims from the entire Catholic community. It is my hope that this settlement will help foster healing and forgiveness as well as help us to focus together on preventing this from ever happening again."

Levien said his clients, many of whom were abused as children in the 1950s and 1960s, had waited years for vindication, support and closure. "That wait is not over, but starting today, the wait will be shorter," he said.

He praised the abuse victims as well as the Catholics who supported them. "It's the survivors who bravely stepped forward to challenge this hidden wrong and the caring Catholics and parishioners who have encouraged our efforts to seek justice on behalf of the survivors," Levien said.

The settlement is another

chapter in a two-year tale of controversy, confusion and missteps by diocesan leaders, who eventually changed course from legal stonewalling and strategic silence, to public apologies, candid reports and disciplinary action against five priests.

Along the way, Davenport became the most controversial of Iowa's four Catholic dioceses and gained national attention.

Internet Web sites such as BishopAccountability.org have more information about abusive Davenport priests and diocese efforts to protect them than many larger and more controversial dioceses because the judge hearing the Davenport cases made an unusual ruling and ordered the diocese to turn over all its records on abusive priests.

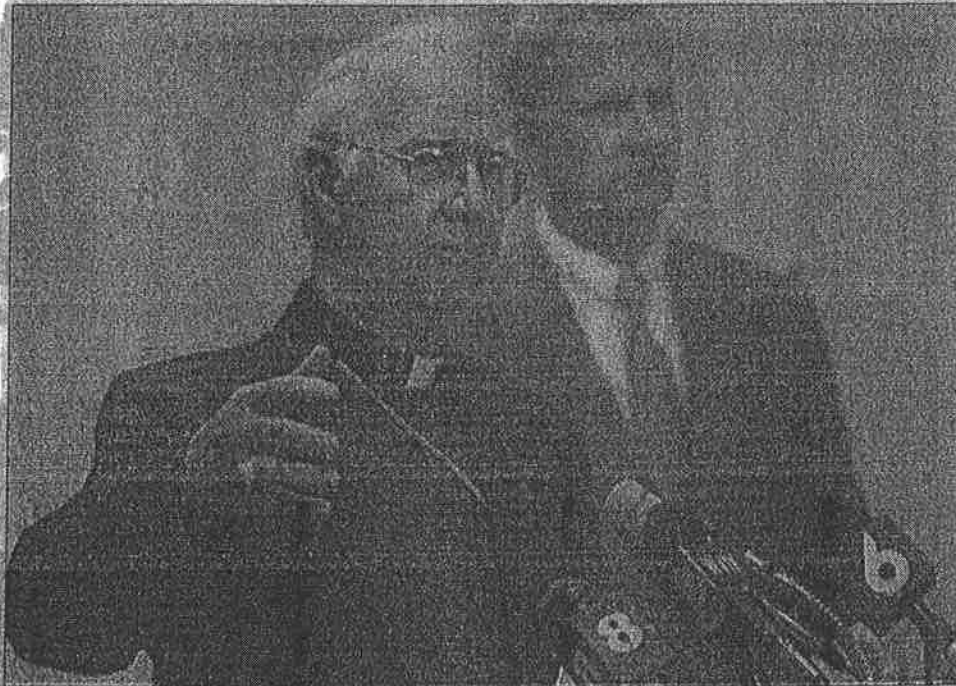
On Ash Wednesday this year, Franklin charted a new plan of action. Wearing a smear of ashes on his forehead, he announced that the diocese had 65 accusations of abuse against 20 priests and two lay workers since 1950.

He apologized to the victims and said he would seek to have the Vatican remove five men from priesthood: James Janssen, Francis Bass, Richard Poster, Frank Martinez Jr. and William Wiebler.

The request on Janssen, who is the most-sued Davenport priest and who has denied all the allegations, was expedited, and he was defrocked in September.

National victims advocate David Clohessy, who at one point called Davenport "the worst" diocese for abuse victims to deal with, said Thursday the settlement is a good resolution.

"I applaud the brave men and



PHIL GOULD/ASSOCIATED PRESS

Course of action: The Rev. William Franklin, bishop of the Davenport Catholic Diocese, announces Thursday in Davenport a \$9 million settlement in the 39 claims or lawsuits filed against the diocese by people alleging sexual abuse by priests. Behind him is the plaintiffs' attorney, Craig Levien.

women — the victims and their families — for seeking justice. I hope this helps them find healing," said Clohessy, executive director for the Survivors Network for those Abused by Priests.

Said Bonnie Campbell of Grand

Mound, a parish that sent a public letter criticizing Franklin for failing to follow the diocese's own policies on dealing with abuse allegations: "It pleases us that the diocese decided to do right by its mistakes and offer to help victims,

albeit belatedly."

The first lawsuit against Janssen was scheduled to go to trial Monday, but Levien said he would seek a continuance and ask the judge to combine all eight lawsuits against Janssen and set a late trial date.

Diocese settles abuse lawsuit for \$100 million

By GILLIAN FLACCUS
ASSOCIATED PRESS

Los Angeles, Calif. — A record-breaking, \$100 million clergy sex abuse settlement between the Roman Catholic Diocese of Orange and 87 plaintiffs brought some measure of relief to long-suffering families Friday, but legal experts differed over whether the blockbuster deal would help resolve a huge backlog of cases in California.

The agreement, expected to be finalized as soon as Monday, surpasses the previous record of \$85 million awarded to 552 victims of clergy abuse in Boston in 2003, a participant in settlement negotiations said.

It wasn't clear how much of the settlement insurers would pay and how much the diocese would provide, but church officials said the deal would not bankrupt the diocese or require the closure of any of its 55 parishes.

Legal experts not involved in the case said the deal could be a blueprint for mediation in about 500 lawsuits still pending against the Archdiocese of Los Angeles.

"One signal it sends is this can be done. A second signal is if this can be done, at least some dioceses will come up with big bucks. Both of those things are important," said Richard Marcus, law professor at the Hastings College of Law at the University of California-San Francisco.

The significance outside of California is unclear. The amount of payouts in clergy abuse cases depends on many local factors, including the wealth of individual dioceses, whether its insurers will cover any of the costs, the extent of the molestation and whether local church officials took action to end the abuse.

CONFIDENTIAL

March 1, 2005

Mr. _____ called my office this afternoon to request a meeting with Bishop Harrington. He said, "We would like to come and meet with the bishop because there are many questions for him that we want answered now." I asked for clarification – who is WE. He stated that he would like to come with several members (3-5) of the _____. His family has given him questions and he has many questions he wants answered. He was agitated and spoke about the fact that our 'process' certainly isn't welcoming and we don't seem to 'get it'. I explained that we do have processes for the purpose of helping those who come to us and in order to be fair, it would be important to ask a few questions about his concerns. I asked if he would be willing to send us a list of the questions he has for the bishop so we could perhaps review them or be prepared for him. He said he wanted witnesses there to hear him say what he has to say.

"I also want Loras Waters there. I hear he lives in Winona. Can you see that he's at this meeting also?" I expressed to Mr. _____ that if there were to be a meeting, there would have to be an agreement as to who was invited, the time and day, and who would be here to greet him. I did not personally set up Bishop Harrington's calendar nor did I presume to make appointments for Bishop Waters. He indicated that he had no intention of meeting with anyone else. I told him that if the bishop meets with someone with concerns, he usually has his Vicar attend as well. I asked if that would be a problem. He said - "I will be bringing my people with me as witnesses.."

I asked if he could again tell me the *purpose* of this proposed meeting since he felt he needed 'witnesses' there. He said he has many, many things to ask the bishop. "My _____ went through hell too, ya know, and my mother. And, we're going to get some answers for everyone. It's not like I'm bringing my attorney...it's just people that believe me and support me."

I asked if he still had an open case. He chastised me and said, "Oh, like you don't know that suit was dropped. If the bishop wants to know what happened to me, he can read my deposition. Bishop Vlasny apologized for the abuse to me and _____ If that isn't good enough to say it happened, I don't know what is."

I told him that it sounded like he was hurting and I was sorry that he was going through a difficult time. My purpose in asking questions was to gain an understanding of what it was he was really asking for. He said he is going to be bringing the group from the Voice of the Faithful because they know his story and understand him. He needs their support. He's already been to Kevin McDonough and his own parish priest. "At least the Archdiocese is helping with my therapy costs. You haven't even bothered to do that!"

He says he's NOT meeting with the bishop alone to go through that again. I indicated that there is an understanding that people feel a need for support and it would be more appropriate if you'd like to have one advocate with you to clarify what they heard said or to just be a support system for him. Their role would be as active listeners and they would not be speaking on your behalf. He said, "I'm not guaranteeing that they won't say anything." I asked him if there was such a meeting, why would he need others to affirm what he himself is hearing first hand from the bishop. He hesitated. I went on to say, "It's important to understand that when someone meets

TA000641

with the bishop for any reason - but especially those who want to tell their story...we do not publicly disclose their identity or the details of the story to the public. If anyone came as your support, it would be important that they understand what was said in that meeting was a part of a discussion that isn't newspaper fodder. Things can be taken out of context that way and hurt both you and the bishop. His only reply was that he said there are a lot of people that already know my story.

I recapped our conversation and said that I would certainly pass on his request for a meeting. He gave me dates that he would be available....
Tuesdays or Wednesdays March 15, 16, 22 or 23 in the mid morning would be best.
I told him I would pass on the information and hung up.

I thought I recalled that you spoke with him on the telephone and followed that up with a letter stating that we would be willing to cover the costs of his therapy. Was that every written, sent to him or the Archdiocese? If so, do you have a copy? There's nothing in the file.

I will be in Rochester today but will touch base via telephone.

FILE

March 10, 2005

Dear

Thank you for your phone call on March 1st regarding your request to meet with Bishop Harrington. The bishop understands your desire to bring a friend or family member along with you for support. He is very open to meeting with you and one additional person. This meeting will offer a time for you to express your thoughts and ask some questions. Bishop Harrington is hopeful that this pastoral visit will be helpful for healing, reconciliation and peace. Bishop Loras Watters will not be at this meeting.

Bishop Harrington is committed to the healing and wholeness of anyone who has suffered from abuse of any kind in their life. Though he recognizes that it is not easy to talk about such painful things, he is ready to actively listen to what you would like to say.

You had indicated that Tuesdays or Wednesdays are most suitable for your calendar. Bishop Harrington would be available on one of the following dates:

Wednesday, March 23rd..... 2:00 p.m.

Wednesday, April 6th.....2:30 p.m.

Please let me know if either one of these dates and times works for you. You can reach me at 507-454-4643 Ext. 223 or send a note in the provided return envelope.

Respectfully,

P.J. Thompson, Coordinator
Office of Pastoral Care Assistance

cc: Most Rev. Bernard J. Harrington

TA000640

FILE

March 23, 2005

Mr.

Thank you for your call and confirmation that you would like to meet with Bishop Harrington for a pastoral visit on Wednesday, April 6th at 2:30 p.m.

I have enclosed directions to the Pastoral Center for your convenience. I think Mapquest is probably more detailed than I would be. The drive is almost _____ and will take approximately _____ drive time. Also enclosed is a check to cover your mileage at the rate of \$.405 per mile.

I offer, again, my openness to sitting with you during your visit if another person cannot come along. It is our prayer that this time will bring you peace and new hope. You remain in our prayers during this Holy Week. Have a blessed Easter!

Respectfully,

P.J. Thompson, Coordinator
Office of Pastoral Care Assistance

cc: Most Rev. Bernard J. Harrington

TA000639

April 7, 2005

Dear

I wish to thank you again for sharing with me this week during your visit to Winona. I understand how deeply you have been hurt and the many ways your experience has affected the relationship in your family. I continue to pray for you and your loved ones and say again that I am very sorry for all the hurt you have been through.

I am grateful that Rev. Kevin McDonough and Rev. Timothy Wozniak have been so helpful to you through this struggle. I am hopeful that the additional counseling you are currently receiving is helpful to you. We have made arrangements with the Archdiocese of St. Paul and Minneapolis to have future bills sent to us for your counseling services. If you wish to give our information to your counselor, we would be happy to talk to them directly.

I believe that spiritual direction would be a beautiful blessing for you. If you desire to pursue this and need some resources in your area, we can help you with that and will cover the cost of this outreach as well.

It would be a privilege to offer a private Mass of Healing for you and members of your family. When any member of the Body of Christ lives with brokenness, we all suffer.

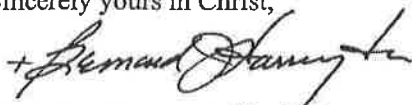
I will talk with Father [redacted] and try to keep the dialogue moving. I also mentioned that I would like to meet your family, especially [redacted].

You had mentioned a desire to consider a foundation to aid families of individuals who have suffered from abuse in their lives. I will ask my Diocesan Review Board for some additional ideas in this regard when they meet this month. I am open to more dialogue about this topic.

I know that you had an opportunity to visit with our Pastoral Care Assistance Coordinator, Mrs. P.J. Thompson prior to meeting with me. She will continue to work with you to provide resources and arrange a mutually agreeable time and place for the Mass with your family.

Please know of my continued prayer that peace touches your heart these light-filled days of Easter. I look forward to seeing you again and meeting your wife as well.

Sincerely yours in Christ,



Most Rev. Bernard J. Harrington
Bishop of Winona

cc: Rev. Kevin McDonough
Rev. Timothy Wozniak
P.J. Thompson

55 West Sanborn Street ■ PO Box 588 ■ Winona, MN 55987
Telephone: 507/454-4643 ■ Fax: 507/454-8106 ■ E-mail: bharring@dow.org

FILE COPY

DIOCESE OF WINONA
PASTORAL CENTER

Office of The Bishop

April 7, 2005

Rev. Timothy J. Wozniak

MN

Dear Fr. Wozniak,

I had an opportunity to meet with a member of your parish, this last week. He has certainly experienced a great deal of pain and anguish over the past many years.

He mentioned that you have been a great source of strength and comfort to him. I was so sorry to hear he has been hurt and it was a blessing to have a chance to sit down and speak with him.

I wanted to thank you for all you have done for him. I know that he has felt less alone on his journey because of your care.

Sincerely yours in Christ,



Most Rev. Bernard J. Harrington
Bishop of Winona

cc: P.J. Thompson, Pastoral Care Assistance Coordinator

FILE COPY

Office of The Bishop

DIOCESE OF WINONA
PASTORAL CENTER

April 7, 2005

Rev. Kevin McDonough, Vicar General
ARCHDIOCESE OF ST. PAUL AND MPLS.
226 Summit Avenue
St. Paul, MN 55102-2197

Dear Fr. McDonough,

I had an opportunity to meet with _____ this last week. _____ is a victim of clergy sexual abuse by Tom Adamson. He has certainly experienced a great deal of pain and anguish over the past many years. I was so sorry to hear he has been hurt and it was a blessing to have a chance to sit down and speak with him.

He mentioned that you have been a great source of comfort to him and that you arranged payments for his counseling. I am aware that Mrs. P.J. Thompson contacted you regarding those payments and transferring the costs to our offices. I would appreciate your help to ensure that all the paperwork is sent to us so that we can handle this appropriately.

I recommended that he consider some spiritual direction as well. If you know of spiritual directors that are especially sensitive to those who have suffered from abuse, we would appreciate any additional help you can offer.

I wanted to thank you for all you have done for him. I know that he has felt less alone on his journey because of your intervention.

Sincerely yours in Christ,



Most Rev. Bernard J. Harrington
Bishop of Winona

cc: P.J. Thompson, Pastoral Care Assistance Coordinator

4/21/05

<u>Date</u>	<u>Payment</u>	<u>Req</u>	<u>Acct #</u>	<u>Vendor</u>	<u>Purpose:</u>
2/24/03	645.00	1688		Steven A. Erickson	- 7/02 - 1/03
4/14/03	240.00	1755		Steven A. Erickson	- 2/25/03 (\$120), 3/18/03 (\$120)
8/6/03	620.00	1975		Steven A. Erickson	- April 2003 (\$360) May 2003 (\$130) June 2003 (\$130)
12/19/03	650.00	2142		Steven A. Erickson	- July 2003 (\$130) August 2003 (\$130) September 2003 (\$130) October 2003 (\$130)
2/10/04	260.00	2216		Steven A. Erickson	- 12/18/03 (\$130) 1/20/04 (\$130)
5/10/04	260.00	2344		Steven A. Erickson	- 3/16/04 (\$130) 4/20/04 (\$130)
10/13/04	130.00	2595		Steven A. Erickson	- 5/18/04
10/13/04	130.00	2596		Steven A. Erickson	- 6/22/04
10/13/04	130.00	2597		Steven A. Erickson	- 7/30/04
10/13/04	130.00	2598		Steven A. Erickson	- 8/24/04

TA000631

4/21/05

<u>Date</u>	<u>Payment</u>	<u>Reg</u>	<u>Acct #</u>	<u>Vendor</u>	<u>Purpose:</u>
10/13/04	130.00	2599		Steven A. Erickson	- 9/28/04
12/8/04	130.00	2723		Steven A. Erickson	- 11/09/2004
1/21/05	130.00	2810		Steven A. Erickson	- 12/14/2004
2/16/05	145.00	2871		Steven A. Erickson	- 01/25/2005
TOTAL	<u>3,730.00</u>				

069405

Archdiocese of St. Paul & Mpls.

05/05/2005

Obligation	Description	Invoice	Amount
60618	Reimb Outreach resources for *** Total ***		3,730.00 3,730.00