

1 STATE OF MINNESOTA IN DISTRICT COURT
 2 COUNTY OF RAMSEY SECOND JUDICIAL DISTRICT
 3
 4 -----
 5 DOE 1,
 6 Plaintiff,
 7 vs.
 8 ARCHDIOCESE OF ST. PAUL AND
 9 MINNEAPOLIS, DIOCESE OF WINONA
 and THOMAS ADAMSON,
 10 Defendants.

11 -----

12
 13 Videotape deposition of ARCHBISHOP
 14 HARRY FLYNN, taken pursuant to Notice of
 15 Taking Deposition, and taken before Gary W.
 16 Hermes, a Notary Public in and for the County
 17 of Ramsey, State of Minnesota, on the 14th day
 18 of May, 2014, at 30 East 7th Street, St. Paul,
 19 Minnesota, commencing at approximately 10:04
 20 o'clock a.m.

21
 22
 23
 24 AFFILIATED COURT REPORTERS
 2935 OLD HIGHWAY 8
 25 ST. PAUL, MN 55113 (612)338-4348

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1 APPEARANCES:

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 3 FINNEGAN, ESQ., Attorneys at Law, 366 Jackson
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6 DANIEL A. HAWS, ESQ., Attorney at
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10 THOMAS B. WIESER, ESQ., Attorney at
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14 THOMAS R. BRAUN, ESQ., Attorney at
 15 Law, 117 East Center Street, Rochester,
 16 Minnesota 55904, appeared for Diocese of
 17 Winona.

18 THOMAS M. KELLY, ESQ., Attorney at
 19 Law, 220 South 6th Street, Suite 1225,
 20 Minneapolis, Minnesota 55402, appeared for
 21 Archbishop Harry Flynn.

22 ALSO PRESENT:

23 Paul Kinsella, videographer
 24
 25

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PROCEEDINGS

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MR. KINSELLA: Today's date is May 14, 2014, the time is 10:04 a.m. This is the videotape deposition of Archbishop Harry Flynn. Will counsel please identify themselves for the video record?

MR. ANDERSON: For the plaintiff, Jeff Anderson.

MR. FINNEGAN: For the plaintiff, Mike Finnegan.

MR. HAWS: Dan Haws for the archdiocese.

MR. WIESER: Tom Wieser for the archdiocese.

MR. BRAUN: Tom Braun on behalf of the Diocese of Winona.

MR. KELLY: Thomas Kelly on behalf of the archbishop.

MR. KINSELLA: Will the reporter please swear the witness?

ARCHBISHOP HARRY FLYNN, called as a witness, being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. ANDERSON:

Q. Good morning, Archbishop. Would you please state your full name for the record?

A. My full name is Harry Joseph Flynn.

Q. And how is your health today and how are you feeling?

A. Well, I have limitations. I've been dealing with some health problems, but feeling pretty well. When the sun has come out at last in Minnesota.

Q. Yeah. Archbishop, by my calculations, you have been a priest since your ordination in 1960. Is that right?

A. That's correct.

Q. And you had been, including the time as coadjutor, presiding archbishop of the Archdiocese of St. Paul and Minneapolis for, would that have been, 14 years?

A. I came up in '94 and I was coadjutor from '94 till '95, and '95 to 2008 as the archbishop.

Q. And Archbishop Nienstedt was appointed as coadjutor with you in the year 2007?

A. That's correct.

Q. And your retirement was effective in 2008 then?

A. On May 2nd, 2008.

Q. In the time in which you were archbishop of the Archdiocese of St. Paul and Minneapolis, that entire time frame, I think the records reflect that in 2002, clearly that the bishops in the U.S. convened and created what was now called the Charter for the Protection of Children, correct?

A. That is correct. And I chaired the committee which sculptured the charter.

Q. And that committee that you chaired, I think were you president of?

A. I was chair of the committee.

Q. And the committee was called?

A. The Committee for the Protection of Children.

Q. And why was that charter created and that committee in particular constituted?

A. The charter was created because of a -- an apparent crisis in the Archdiocese of Boston, which needed some attention.

Q. And you say "apparent crisis." Do you think there was a crisis in Boston that needed attention?

A. I do, yes.

Q. So it was an actual crisis, not an apparent

one?

A. It was an actual crisis.

Q. Do you believe that there was also a crisis of a similar nature in every diocese in the U.S.?

A. I wouldn't know. I -- I didn't know at that time and I wouldn't be able to answer that.

Q. Had there been a similar crisis in Lafayette?

A. The crisis was not as extensive as it was in Boston. It was a matter of -- of a very small number of priests, I think two who were -- perpetrated extensively.

Q. There were similar dimensions in the sense that Father Gauthé and others had been known to have committed offenses against children and also had been documented and known to have been transferred repeatedly prior to your installation as archbishop there, correct?

A. I remember the name Gauthé. I don't know about their transferring -- transferring repeatedly.

Q. When the charter was created, the bishops convened in Dallas to address the crisis, did you come away from that meeting as the chair of the committee and a participant in the bishops' conference believing there was a

1 scandal or a crisis pertaining to the abuse of
2 children that was nationwide?

3 MR. KELLY: Well, I'm going to
4 object to the form of the question. The
5 difference between the scandal and the crisis,
6 perhaps counsel can break that down.

7 MR. ANDERSON: Sure. I'll reframe
8 the question.

9 Did you come away from that meeting
10 and having chaired the committee with the
11 belief that there was a crisis that was
12 nationwide?

13 **A. No. I -- I would not use the word "crisis."**

14 **Q.** What would you use to describe the problem
15 nationwide?

16 **A. I would simply use the word some matters
17 needed some very close attention.**

18 **Q.** At any point in time, did you come to believe
19 there was a crisis pertaining to childhood
20 sexual abuse by clerics in the Archdiocese of
21 St. Paul and Minneapolis?

22 **A. No.**

23 **Q.** Did you ever come to believe there was a
24 problem in the way it was being handled or had
25 been handled?

1 **A. No.**

2 **Q.** Do you believe that there has never been a
3 problem with the way child sexual abuse has
4 been handled by the Archdiocese of St. Paul
5 and Minneapolis, based on your history and
6 knowledge of it?

7 **A. I can say that as one looks at history, there
8 are always ways in which problems or
9 challenges could have been handled better.**

10 **Q.** Can you think of any instances in which you
11 were the archbishop where you would look at
12 any individual situation and say, "That should
13 have been handled better"?

14 **A. I couldn't now. If I had records to go over
15 or something like that, I might be able to
16 give a better answer, but I would not be able
17 to just give an answer to that.**

18 **Q.** At this point in time, and I'm happy to show
19 you some records, but at this point in time,
20 can you think of any situations under your
21 watch as archbishop where you could say, "That
22 should have been handled better"?

23 **A. No. I can't think of any.**

24 **Q.** Okay. Archbishop, can you think of any
25 instances or are there any post-2002, after

1 the charter was installed, created and made
2 public across this country of you as
3 archbishop making the finding that any priest
4 in the archdiocese against whom allegations of
5 abuse had been made were found to have been
6 true?

7 **A. Would you repeat that question, please?**

8 **Q.** After the charter was created and made public
9 in 2002 and as -- during your tenure as
10 archbishop, are there any priests that were
11 accused of sexual abuse of minors that you
12 found to have been credibly accused?

13 MR. KELLY: Is that question limited
14 to this archdiocese?

15 MR. ANDERSON: Yes.

16 **A. I -- right now I can't -- I can't remember
17 any.**

18 BY MR. ANDERSON:

19 **Q.** Can you remember that there were some that
20 were actually accused and found by you and/or
21 your advisors to not have been credible or
22 substantiated?

23 MR. HAWS: You're referring to 2002
24 to 2008, correct --

25 MR. ANDERSON: Yes.

1 MR. HAWS: -- when the archbishop
2 retired?

3 MR. ANDERSON: Yes.

4 **A. I'm trying -- an example might be Michael
5 Keating.**

6 BY MR. ANDERSON:

7 **Q.** What do you remember about the accusation
8 having been made concerning Keating and what
9 was done before the determination was made
10 that that was not credible or substantiated?

11 **A. Well, his -- the young lady's parents met, if
12 I have the -- the time frame correct, the --
13 the police of -- of a certain area, and I
14 forget now where it was, investigated and came
15 to the conclusion that there was no sexual
16 abuse. I met with parents of -- the young
17 lady's parents and with the young lady and
18 never heard of anything that Father Keating
19 did which would have been defined as sexual
20 abuse according to what the definition of the
21 charter was, and I can't remember what that is
22 right now. And in fact, I was quite disturbed
23 because the mother and father kept putting
24 words into her mouth to speak and I wondered
25 what all that meant, and not being a therapist**

- 1 **or psychologist, I wasn't able to figure out,**
 2 **but it raised questions in my mind. And**
 3 **having listened to them and to the young lady**
 4 **on many, many occasions, I could not conclude**
 5 **that there was sexual abuse, but sent the**
 6 **situation and the case to the review board of**
 7 **the archdiocese, who came to the same**
 8 **conclusion as the police; there was no sexual**
 9 **abuse.**
- 10 **Q.** Have you reviewed any documents pertaining to
 11 the Keating matter or any part of the file?
- 12 **A. No. No.**
- 13 **Q.** Have you reviewed anything in preparation for
 14 today?
- 15 **A. You mean from the archdiocese?**
- 16 **Q.** Well, have you reviewed any documents in
 17 preparation for your deposition to --
- 18 **A. No.**
- 19 **Q.** -- day, for example the depositions taken of
 20 others before you pertaining to this, these
 21 matters?
- 22 **A. I don't -- I don't think so. I haven't looked**
 23 **at any papers or anything like that.**
- 24 **Q.** Archbishop, when you refer to the Keating
 25 matter, you said that the police investigated

- 1 it and concluded there was no sexual abuse.
 2 What led you to that belief?
- 3 **A. I can't remember now.**
- 4 **Q.** Do you recall today if the police found if
 5 there was -- that there was no sexual abuse
 6 or, rather, declined to prosecute, which is --
 7 can be two different things?
- 8 **A. Yes.**
- 9 **Q.** Do you recall?
- 10 **A. I don't recall.**
- 11 **Q.** Do you recall if the review board found there
 12 was no sexual abuse?
- 13 **A. That is -- that was the conclusion, I believe,**
 14 **that they reached.**
- 15 **Q.** And on what do you base that belief? Who
 16 supplied that information to you?
- 17 **A. I can't remember.**
- 18 **Q.** Okay. Did you participate in the review board
 19 proceedings?
- 20 **A. No. I -- I did not participate in any review**
 21 **board proceedings.**
- 22 **Q.** You appointed the review board that did
 23 convene that proceeding, correct?
- 24 **A. It's my understanding that they perpetrated**
 25 **themselves, but I can't remember exactly.**

- 1 **Q.** Do you recall who, Archbishop, reported to you
 2 the actual findings of the review board?
- 3 **A. I don't remember whether it was Andy**
 4 **Eisenzimmer or Kevin McDonough. I don't**
 5 **remember.**
- 6 **Q.** Do you remember that Andy Eisenzimmer did some
 7 investigation pertaining to the Keating matter
 8 that was reported to the review board?
- 9 **A. I don't remember.**
- 10 **Q.** Do you remember if Andy Eisenzimmer gave you
 11 any details of his own investigation?
- 12 **A. I don't remember.**
- 13 **Q.** Do you remember anything -- do you remember
 14 anything else about how the Keating matter got
 15 handled by the archdiocese and the review
 16 board beyond what you just recited?
- 17 **A. I remember that after the review board**
 18 **concluded -- gave a conclusion, Father Michael**
 19 **Keating was returned to the University of St.**
 20 **Thomas and with no -- and his immediate**
 21 **superior was made aware of the challenges**
 22 **which he had faced and which -- which he was**
 23 **involved.**
- 24 **Q.** Who was that immediate superior that you
 25 believe was informed?

- 1 **A. Dr. Briel.**
- 2 **Q.** And who informed Dr. Briel of the information
 3 concerning Keating?
- 4 **A. Father McDonough, I believe.**
- 5 **Q.** And what was Father McDonough's instructions
 6 to get -- what was Father McDonough told to
 7 instruct Father -- Dr. Briel on?
- 8 MR. KELLY: By this witness?
- 9 BY MR. ANDERSON:
- 10 **Q.** If you know, yeah.
- 11 **A. I -- I don't. I don't remember.**
- 12 **Q.** To your knowledge, was anybody else besides
 13 Dr. Briel to be instructed about Keating and
 14 what was known to the archdiocese about his
 15 history?
- 16 **A. I don't remember.**
- 17 **Q.** Do you know if any restriction was placed by
 18 you, then, as archbishop on Keating's faculty
 19 to minister in the archdiocese?
- 20 **A. I don't -- I don't remember.**
- 21 **Q.** Do you recall why Dr. Briel was the one
 22 selected to have been told something about
 23 Keating?
- 24 **A. He chaired that department.**
- 25 **Q.** Were you on the board at St. Thomas?

- 1 **A. I was.**
 2 **Q.** Archbishop, it has been reported in the
 3 newspaper that yourself and, I think, Father
 4 McDonough were resigned from the board of St.
 5 Thomas this last year, within this last year.
 6 What were the circumstances of that
 7 resignation?
 8 **A. My circumstances were easily -- easy enough.**
 9 **My term was coming to a conclusion, and when**
 10 **all of this started with Michael Keating and**
 11 **newspapers picked it up and seemed to have**
 12 **gone wild with it, I offered my resignation to**
 13 **the president and then I offered my**
 14 **resignation to the board and it was mutually**
 15 **agreed upon.**
 16 **Q.** And why did you offer your resignation?
 17 **A. Because I did not want my association with the**
 18 **board to -- to hurt St. Thomas in any way.**
 19 **Q.** And why did you think that could or would?
 20 **A. Because of the manner in which the media was**
 21 **taking the situation.**
 22 **Q.** Were you aware that that was first brought to
 23 the attention of the media by reason of a
 24 lawsuit we brought and had not been known to
 25 the media or the public before that suit?

- 1 **A. Was I aware of what?**
 2 **Q.** Were you aware that the attention to the
 3 Keating matter was brought by reason of a
 4 lawsuit we served on Father Keating?
 5 **A. Yes.**
 6 **Q.** And you're also aware that's the first time
 7 the public was ever known -- made known of the
 8 fact that Keating had been investigated and
 9 reported to have abused a child?
 10 **MR. KELLY:** Objection, rule 611,
 11 that assumes facts not in evidence, counsel.
 12 The witness would have no way of knowing that
 13 background information. Perhaps you could ask
 14 some foundational questions.
 15 **BY MR. ANDERSON:**
 16 **Q.** You can -- did you understand the question?
 17 **A. I don't. I didn't.**
 18 **Q.** Okay. To your knowledge, before Keating was
 19 sued by us on behalf of the young woman
 20 identified as Jane Doe 20 and that was made
 21 known, public, to your knowledge, had anybody
 22 in the public ever been informed of the fact
 23 that Keating had been the subject of a
 24 complaint of childhood sexual abuse by that
 25 woman or any other person?

- 1 **A. I don't -- I don't remember.**
 2 (Discussion out of the hearing of
 3 the court reporter)
 4 **BY MR. ANDERSON:**
 5 **Q.** Did you, Archbishop, ever make any effort to
 6 inform the public of what you learned about
 7 Keating and/or his history through the review
 8 board and the processes that went on that
 9 you've already described?
 10 **A. Again, I -- I don't remember.**
 11 **Q.** Do you have any difficulties currently with
 12 your memory --
 13 **A. I do.**
 14 **Q.** -- issues related to that?
 15 **A. The longer I get a -- farther I get away from**
 16 **these situations, the weaker the memory**
 17 **becomes.**
 18 **Q.** Has there been any kind of diagnosis of any
 19 kind, Archbishop, that indicates that
 20 impairment of memory?
 21 **A. No.**
 22 **Q.** I appreciate your age and that --
 23 **A. Well, I think --**
 24 **Q.** -- sometimes goes with --
 25 **A. I think that's the secret of -- that and many**

- 1 **other things, which will go unmentioned here**
 2 **because we're on tape.**
 3 **Q.** Okay. Is there any medical condition that
 4 you're aware of that you suffer that impedes
 5 your ability to remember events or --
 6 **A. Yes.**
 7 **Q.** -- anything?
 8 **A. I'm on an enormous amount of medication. I --**
 9 **I -- within the past couple of years I've**
 10 **suffered from Legionnaires', pneumonia and was**
 11 **unconscious for some time. And I also am**
 12 **battling CLL and a -- and a cancer of the**
 13 **blood.**
 14 **Q.** Okay. So you feel that the combination of
 15 those conditions is making it more difficult
 16 for you to remember certain things?
 17 **A. I think the age has more to do with it than**
 18 **anything.**
 19 **Q.** Okay. There was a criminal matter recently
 20 tried in Ramsey County District Court
 21 involving Chris Wenthe and you were called by
 22 the defendant's lawyer, Chris Wenthe, Paul
 23 Engh, to testify in that criminal matter and I
 24 reviewed a transcript of that testimony. Do
 25 you recall having given testimony --

1 **A. I do.**
 2 **Q.** -- for the defense in that case --
 3 **A. I do.**
 4 **Q.** -- Archbishop? At that time -- how long ago
 5 was that?
 6 **A. I don't remember.**
 7 **Q.** At that time, you didn't, at least as I read
 8 the records, indicate any impairment of memory
 9 or difficulties having any memory of those
 10 events. Was your memory better then than it
 11 is today?
 12 **A. Well, I think it's better every day before**
 13 **than it is the following day. But if my -- if**
 14 **I recall correctly, I was quite disappointed**
 15 **that I was not asked many more questions**
 16 **concerning the situation. I was asked who I**
 17 **was and when I was ordained and things like**
 18 **that, but not anything concerning having met**
 19 **the young woman. And I think it might have**
 20 **been a different situation.**
 21 **Q.** Well, what do you mean it might have been a
 22 different situation? What are you referring
 23 to?
 24 **A. Well, I think Chris Wenthe was accused of**
 25 **violating a trust, a -- a relationship, which**

1 **was a professional, trusting relationship and**
 2 **that wasn't my memory of what the young lady**
 3 **had told me.**
 4 **Q.** And so when you say it might have been a
 5 different situation, do you believe that he
 6 should not have been found guilty and it would
 7 have been a different result if you'd been
 8 asked more questions?
 9 **A. Had I been asked more questions, I -- I can**
 10 **remember at the time I was disappointed.**
 11 **Q.** Because at that time you had a memory of some
 12 events you felt would have been helpful to him
 13 and his defense?
 14 **A. I -- I -- I don't know whether it would have**
 15 **been helpful, but I think it would have**
 16 **broadened the conversation.**
 17 **Q.** And you at least did have some memories that
 18 would have broadened the conversation at that
 19 time?
 20 **A. In my view.**
 21 **Q.** Archbishop, can you identify today the names
 22 of any priests who have -- of the archdiocese
 23 who have been accused of sexual abuse or child
 24 pornography pertaining to minors who you
 25 sought to involuntarily remove from the

1 priesthood?
 2 **MR. KELLY:** May the witness break
 3 that down into two answers, one dealing with
 4 sexual activities and the other dealing with
 5 child pornography?
 6 **BY MR. ANDERSON:**
 7 **Q.** We could, but for purposes of our questions,
 8 would you agree, Archbishop, that the
 9 possession or viewing of child pornography is
 10 a form of sexual abuse?
 11 **A. Yes.**
 12 **MR. ANDERSON:** Okay. Does that
 13 satisfy you?
 14 **MR. KELLY:** Sure.
 15 **BY MR. ANDERSON:**
 16 **Q.** Okay. So the question, then, Archbishop,
 17 would you like me to repeat it?
 18 **A. Would you, please?**
 19 **Q.** I shall. At any time while archbishop, do you
 20 recall having made any effort to involuntarily
 21 remove any priests from the clerical state who
 22 had been accused of sexual abuse, including
 23 possession of child pornography?
 24 **MR. HAWS:** Sexual abuse of minors?
 25 **MR. ANDERSON:** Yes.

1 **BY MR. ANDERSON:**
 2 **Q.** From the priesthood.
 3 **A. Now, I don't know how to answer that question.**
 4 **Made an attempt to remove or removed?**
 5 **Q.** I would start with made an attempt to remove,
 6 such as petitioned for involuntary
 7 laicization.
 8 **A. I can't recall that. I -- I can't re -- I**
 9 **can't recall at this moment.**
 10 **Q.** Okay. Do you recall ever making any effort to
 11 remove them from the clerical state, any of
 12 those who had been accused or had committed
 13 such offenses?
 14 **A. I would have to go back and look at the**
 15 **records.**
 16 **Q.** Do you recall having reported any of those who
 17 had been accused or committed offenses against
 18 minors to the CDF?
 19 **A. I don't think so.**
 20 **Q.** Archbishop, at any time, did you become aware
 21 of or have your advisors compile a list of
 22 clerics in the Archdiocese of St. Paul and
 23 Minneapolis that had been accused of sexual
 24 abuse of minors or credibly accused of sexual
 25 abuse of minors?

- 1 **A. There might have been, but I can't remember.**
- 2 **Q.** Beyond your answers to the questions
- 3 pertaining to Keating, I think you gave me
- 4 some information on Keating, so I'd like to go
- 5 back to what you did tell me about that, and
- 6 you gave that answer based on what you did
- 7 remember. You said the police had
- 8 investigated and concluded he had not
- 9 committed sexual abuse and that was your
- 10 memory, correct?
- 11 **A. That's right.**
- 12 **Q.** You also remember having met with the parents,
- 13 as I heard your account?
- 14 **A. Uh huh.**
- 15 **Q.** Is that correct?
- 16 **A. That's true.**
- 17 **Q.** On how many occasions did you meet with the
- 18 parents of that girl?
- 19 **A. I would be unable to say. I couldn't**
- 20 **remember.**
- 21 **Q.** And did you also --
- 22 **A. And excuse me. And the young lady, too.**
- 23 **Q.** Yeah, okay. That was my next question. Did
- 24 you meet with the then young lady who had
- 25 claimed that Father Keating had engaged her in

- 1 some sexual misconduct?
- 2 **A. I met with her and her parents.**
- 3 **Q.** They were together?
- 4 **A. They were together.**
- 5 **Q.** And it was on one occasion, but may have been
- 6 more?
- 7 **A. It was more.**
- 8 **Q.** How many would you estimate?
- 9 **A. I wouldn't remember.**
- 10 **Q.** And you did say that, according to the
- 11 definition of the charter, you determined that
- 12 it had -- she did not report a charter
- 13 violation, is that --
- 14 **A. That was what I said.**
- 15 **Q.** When you say "a charter violation," that means
- 16 the priest engaging in some sexual contact
- 17 with the youth, correct?
- 18 **A. No. I meant the definition of sexual abuse**
- 19 **according to the charter, which I would be**
- 20 **unable to give now.**
- 21 **Q.** Okay. And as you used the term "sexual
- 22 abuse," what does that mean? Any sexual
- 23 contact between the adult, the priest, and the
- 24 child?
- 25 **A. I would have to look at the definition again,**

- 1 **I --**
- 2 **Q.** Do you remember what conduct Keating engaged
- 3 in towards this young woman who had reported
- 4 misconduct by Keating as a child?
- 5 **A. I don't remember the -- I wouldn't be able to**
- 6 **say now with any definite meaning to it what**
- 7 **the conduct was, but I remember realizing or**
- 8 **thinking at the time that it was not sexual**
- 9 **abuse, but, rather, boundary issues, which**
- 10 **took place in the presence of the parents.**
- 11 **Q.** Did you make any memorandum pertaining to that
- 12 finding --
- 13 **A. I don't remember.**
- 14 **Q.** -- or conclusion?
- 15 **A. I don't remember.**
- 16 **Q.** When you had the interview that led you to
- 17 that finding or conclusion, do you know who
- 18 else was present, if anybody else?
- 19 **A. Andy Eisenzimmer was present for one. I don't**
- 20 **know whether Father McDonough was present for**
- 21 **-- he was present for one at least and Michael**
- 22 **Keating was present for one, but it seems to**
- 23 **me now that there were others in which there**
- 24 **were the four of us.**
- 25 **Q.** It's correct to say that Michael Keating

- 1 denied any kind of sexual abuse, correct?
- 2 **A. He did.**
- 3 **Q.** Did he admit to any boundary violation with
- 4 the then child?
- 5 **A. That -- now, that I can't remember. But I can**
- 6 **remember chiding the father because they were**
- 7 **so encouraging of all this. And -- and I -- I**
- 8 **remember saying to the father, "If this were**
- 9 **my daughter, I would say that 'enough's enough**
- 10 **of this,'" whatever, watching television or**
- 11 **whatever it was, I can't even recall, but it**
- 12 **was not sexual abuse.**
- 13 **Q.** Did you believe that the father was attempting
- 14 to get her -- his daughter to exaggerate what
- 15 had actually happened?
- 16 **A. I was suspicious of the mother and father**
- 17 **because I did -- I don't know why, but I was.**
- 18 **Q.** And today, you can't tell us why you have
- 19 articulated those suspicions?
- 20 **A. Well, they kept interrupting the daughter and**
- 21 **filling in and suggesting what might have**
- 22 **happened, whether she was able to say so or**
- 23 **not and I wondered the part that they played**
- 24 **in all of this.**
- 25 **Q.** Is it your memory, Father, as you recall the

- 1 meeting with the girl, that she in fact did
 2 not report to you that Keating had engaged in
 3 some sexual contact with her?
 4 **A. I don't understand that question.**
 5 **Q.** Let me rephrase the question. Do you recall
 6 the girl telling you that Keating had rubbed
 7 her breasts?
 8 **A. No. I don't remember that.**
 9 **Q.** Do you recall the girl telling you that
 10 Keating had rubbed his genitals against her?
 11 **A. I don't recall that.**
 12 **Q.** Do you recall the girl reporting that Keating
 13 would have her on his lap?
 14 **A. That I -- it seems familiar, but I -- I can't**
 15 **say for sure now.**
 16 **Q.** What do you recall having been reported to you
 17 that you believed happened in the presence of
 18 the parents that led you to the conclusion it
 19 wasn't sexual abuse?
 20 **A. Things like holding hands while watching**
 21 **television and -- and sitting close to one**
 22 **another, but none of these things which you've**
 23 **just mentioned -- I -- I don't recall any of**
 24 **them.**
 25 **Q.** You did say you listened to the young lady on

- 1 many occasions. Can you identify how many --
 2 **A. No.**
 3 **Q.** -- occasions that was?
 4 **A. No, I can't.**
 5 **Q.** There is some evidence that the young lady
 6 prepared, with the help of a friend, a DVD of
 7 her account of some things. Did you see the
 8 DVD?
 9 **A. No.**
 10 **Q.** Do you remember seeing such a DVD?
 11 **A. No. I don't remember seeing it at all.**
 12 **Q.** Okay. Do you remember anything about Andy
 13 Eisenzimmer's attempt to interview other girls
 14 who may have been involved with Keating?
 15 **A. No.**
 16 **Q.** Beyond Keating and in your tenure as the
 17 archbishop, are there any other priests that
 18 you recall who were accused of sexual abuse of
 19 a minor and you as archbishop ultimately
 20 concluded it was not sexual abuse?
 21 **A. I don't remember. I simply don't remember.**
 22 (Discussion out of the hearing of
 23 the court reporter)
 24 BY MR. ANDERSON:
 25 **Q.** What I'm going to do, Archbishop, it seems --

- 1 just to try to see if we can focus on what you
 2 can remember, I'll try to take an exhibit here
 3 and use that.
 4 **A. All right.**
 5 **Q.** I'm going to get a copy of an exhibit here and
 6 Michael's getting it for me right now and
 7 we'll wait a moment so we can supply this to
 8 you all.
 9 MR. KELLY: You got enough copies?
 10 MR. FINNEGAN: I got at least five.
 11 MR. HAWS: Go ahead.
 12 BY MR. ANDERSON:
 13 **Q.** Archbishop, we placed before you an exhibit
 14 we've marked for identification Exhibit 174.
 15 It is a memorandum, it's also noted that it
 16 was a document obtained by MPR News. But
 17 you'll see at the top it is dated August 12th,
 18 2002. And are you looking to retrieve your
 19 glasses?
 20 **A. I am.**
 21 **Q.** Sure. Take your time.
 22 **A. Now I have them. (Examining documents).**
 23 **Q.** Can you see at the top that it's dated August
 24 12th, 2002?
 25 **A. I can, yeah.**

- 1 **Q.** And do you see that it is a memo to Archbishop
 2 Flynn and the archbishop's council?
 3 **A. I do.**
 4 **Q.** Who was then on the archbishop's council?
 5 **A. That was Andy Eisenzimmer, Father Kevin**
 6 **McDonough, whoever was auxiliary bishop at the**
 7 **time, Sister Dominica Brennan, John Bierbaum,**
 8 **I believe.**
 9 **Q.** And you convened that council and/or created
 10 it for what purpose, Archbishop?
 11 **A. Advisory. We would look at different issues.**
 12 **Q.** Not just sexual abuse, but whatever --
 13 **A. Oh, no.**
 14 **Q.** -- might be presented?
 15 **A. No. Financial -- financial, and that's why**
 16 **the representation was so varied.**
 17 **Q.** Got it. In this case, the memo is from Father
 18 Kevin McDonough, correct?
 19 **A. That's right.**
 20 **Q.** And at that time he is vicar general, correct?
 21 **A. Vicar general, that's true.**
 22 **Q.** Appointed by you to be?
 23 **A. Yes.**
 24 **Q.** At that time, did you consider him your
 25 primary advisor on matters of sexual abuse?

- 1 **A. Yes, on many things.**
 2 **Q.** Okay. But on sexual abuse, you had several
 3 advisors, but fair to say that he was primary?
 4 **A. He was.**
 5 **Q.** Okay. And you'll see on regard -- on the
 6 regarding line, it says, "Generating
 7 communication with parishes having some
 8 connection to a history of clergy sexual
 9 abuse." My first question to you is, on a
 10 quick glance, do you recognize them as having
 11 received the memo today?
 12 **A. No.**
 13 **Q.** Okay.
 14 MR. HAWS: Counsel, did you identify
 15 the exhibit number? I don't remember the --
 16 MR. ANDERSON: I did. It's 174.
 17 MR. HAWS: I just don't remember if
 18 you got it on the record.
 19 BY MR. ANDERSON:
 20 **Q.** Okay. Let's walk through it, then, and see if
 21 it helps refresh your memory or recollection
 22 of events at that time. It begins, and I'll
 23 read it and then ask you a question, it
 24 states, "We have a significant number of
 25 parishes that were served at one time or

- 1 another - before, during, or after known
 2 offenses - by priests with a history of sexual
 3 abuse of minors." Do you have any memory of
 4 how many priests this would be referring to,
 5 Archbishop?
 6 **A. No.**
 7 **Q.** In the third sentence it reads, "On one or
 8 more occasions this summer, our failure to do"
 9 -- I better read the sentence before it. The
 10 second sentence says, "For years we have
 11 acknowledged that there are good reasons to
 12 implement a healing process in such parishes:
 13 For example, to help other possible victims to
 14 come forward and to break the unhealthy
 15 secrets that often remain in such parishes."
 16 Do you agree with that statement?
 17 **A. Yes.**
 18 **Q.** The next sentence in the memo to you states,
 19 "On one or more occasions this summer," this
 20 refers to the summer of 2002 now, "our failure
 21 to do so in specific instances has been viewed
 22 as part of a 'cover-up.'" Do you believe
 23 there had been a cover-up in some instances of
 24 sexual abuse at that time?
 25 **A. I can't think of any.**

- 1 **Q.** Then the next sentence he states to you, "Of
 2 course, that failure was not a cover-up, but,
 3 rather, lack of time and resources to follow
 4 up." Do you agree with that statement,
 5 Archbishop?
 6 **A. Yes.**
 7 **Q.** Why was there a lack of time given to the
 8 problem of sexual abuse by clerics in this
 9 archdiocese?
 10 **A. Well, I think there was some time given to
 11 that very -- very terrible thing. I remember
 12 one -- on one occasion going to a parish in
 13 the south with Father McDonough for an evening
 14 meeting. I remember going to Forest Lake and
 15 inviting people, and I was the only one at
 16 that meeting, to tell them about past problems
 17 and to invite others to come and come forward.
 18 And I think there would have been a couple of
 19 others that I participated in, but I can't
 20 remember now where they were, but it -- it was
 21 unfortunate that we did not follow this more
 22 closely.**
 23 **Q.** You had been in the Archdiocese of St. Paul
 24 and Minneapolis, first as coadjutor and then
 25 archbishop, since '94, so as of 2002, we're

- 1 talking about you having been here eight
 2 years, correct?
 3 **A. Yes.**
 4 **Q.** When Kevin McDonough refers to this not being
 5 a cover-up, but rather a failure -- or rather
 6 a lack of time, whose responsibility was it to
 7 give it the time necessary to protect the
 8 kids?
 9 **A. It was my responsibility, and I'm coupling
 10 with this memo with the time that I chaired
 11 that charter and we were implementing the
 12 charter throughout the country, and so,
 13 consequently, I was out of the diocese a great
 14 deal doing talks on the charter and trying to
 15 get dioceses on board. And it's unfortunate
 16 that we did not pay more attention to this as
 17 a result.**
 18 **Q.** To whom did you delegate from 1994 to 2002 --
 19 **A. Well, the vicar general ex-officio would be
 20 the delegate of the bishop when he's out.**
 21 **Q.** And was it then Kevin McDonough's --
 22 **A. It was, yes.**
 23 **Q.** -- job to give the time necessary to --
 24 **A. Necessary and it would have been Andy
 25 Eisenzimmer's and our canonical -- our**

1 **canonical attorney, Sister Dominica.**
 2 MR. KELLY: Archbishop, make sure
 3 you wait until Mr. Anderson has completed his
 4 question before you start --
 5 THE WITNESS: Oh, excuse me.
 6 MR. KELLY: -- giving your answer.
 7 THE WITNESS: All right. Thank you.
 8 BY MR. ANDERSON:
 9 **Q.** Did you ever in any way reprimand or
 10 discipline Father McDonough, Andy Eisenzimmer
 11 or Sister Dominica or any of those you
 12 delegated with the responsibility for
 13 protecting the kids from abuse by children
 14 (sic) for having failed to give that issue a
 15 lack of time between 1994 and 2002?
 16 **A. I don't know. The answer to that is no.**
 17 **Q.** At any time while archbishop, did you ever
 18 reprimand, discipline or even scold any of
 19 those to whom you delegated responsibility for
 20 the protection of children and failed to give
 21 it either the lack of time or resources
 22 required?
 23 **A. I don't think so.**
 24 **Q.** If you're told they had given this a lack of
 25 time in 2002, why didn't you discipline,

1 reprimand or scold those responsible?
 2 **A. I don't remember.**
 3 **Q.** The sentence goes on to say, "And resources to
 4 follow up." So he's attributing that failure
 5 not to a cover-up, but both a lack of time and
 6 resources to follow up. So my question to
 7 you, Archbishop, is, is what resources -- why
 8 weren't the resources given to do what was
 9 necessary to protect the kids from abuse by
 10 the priests from 1994 to 2002 when this memo
 11 was written?
 12 **A. Well, I think, if I'm reading this correctly,**
 13 **that many programs were initiated in parishes**
 14 **and -- and even established -- establishing an**
 15 **officer -- office with my delegate in that**
 16 **office, and I for -- it -- it was an office**
 17 **for the protection of children. And she did**
 18 **much of this work, going around and talking in**
 19 **parishes and implementing the charter. So it**
 20 **-- it is not completely negating resources or**
 21 **time because we did a great deal of that. We**
 22 **established -- that -- that office was**
 23 **established by my predecessor, Archbishop**
 24 **Roach, and -- and so this was a continuing**
 25 **thing that she was doing, and maybe not in the**

1 **same fashion that is described here, but,**
 2 **nevertheless, it wasn't a complete negation.**
 3 **Q.** Now, this memo is in August of 2002, I think
 4 the charter was actually promulgated at the
 5 bishops' meeting in Dallas in June of 2002 --
 6 **A. June, that's right.**
 7 **Q.** -- is that correct?
 8 **A. That's correct.**
 9 **Q.** So this is referring back in time that this
 10 was not a cover-up, but rather a failure of
 11 lack of time and lack of resources. Can you
 12 remember what the lack of resources -- what
 13 Father McDonough is referring to when he says
 14 "lack of resources devoted to this"?
 15 **A. I don't know. I don't know because we had**
 16 **someone in an office we were paying a salary**
 17 **and -- for this very purpose.**
 18 **Q.** And do you remember today what resources had
 19 been devoted to the protection of children and
 20 prevention of sexual abuse by clerics from
 21 1994 to the implementation of the charter in
 22 2002?
 23 MR. HAWS: Just for the record, to
 24 the extent you're referring to this document
 25 as dealing with that issue in particular, the

1 document speaks for itself and I think it's
 2 out of context, but go ahead.
 3 **A. I don't remember.**
 4 BY MR. ANDERSON:
 5 **Q.** He goes on to state, "I want to propose that
 6 we ought to devote the resources now to
 7 'lancing the boil' while there is residual
 8 interest/fear/concern/anger about this issue."
 9 Do you remember Father McDonough discussing
 10 lancing the boil with you?
 11 **A. I don't, no.**
 12 **Q.** The next paragraph, Archbishop, states, "A
 13 further motivator for particular work with
 14 these parishes is this: The local media are
 15 researching our history and are likely
 16 eventually to publish a list of our known
 17 offenders." My question to you is, do you
 18 remember Father McDonough expressing this
 19 sentiment to you?
 20 **A. I don't.**
 21 **Q.** There's reference here to concern over the
 22 media getting a list and publishing it. This
 23 is a list of offenders who had committed
 24 sexual abuse, is it not?
 25 **A. Yes.**

- 1 Q. How many were on that list?
- 2 A. **I don't know.**
- 3 Q. When you became archbishop here, first as
- 4 coadjutor and then ultimately installed by the
- 5 Holy Father as the archbishop, did you take
- 6 any time with your predecessor, Archbishop
- 7 Roach, to create a list of those offenders
- 8 known to him and his advisors so that when you
- 9 took over, you know, the helm, so to speak,
- 10 you would know who was at risk or who had
- 11 offended?
- 12 A. **It seems to me that he did speak with me about**
- 13 **it and -- but I think most of those people who**
- 14 **had -- all of them who had offended and the**
- 15 **offenses were known were out of ministry.**
- 16 Q. Are you sure of that?
- 17 A. **No. I'm not sure because it was before 2002.**
- 18 Q. Okay.
- 19 A. **No. I'm not sure of that. That -- that would**
- 20 **not be true.**
- 21 Q. Yeah.
- 22 A. **That happened only after 2002.**
- 23 Q. So the question, then, is, do you recall
- 24 having gotten a list from Archbishop Roach of
- 25 people he knew to have offended who either

- 1 were in ministry or --
- 2 A. **I don't know whether it was a list. I**
- 3 **remember him speaking to me about some**
- 4 **problematic priests.**
- 5 Q. Do you remember having made any memorandum or
- 6 recording of that?
- 7 A. **I don't remember.**
- 8 Q. Was it your practice to usually create memos
- 9 when he would give information such as that to
- 10 you that you thought important to keep --
- 11 A. **Sometimes --**
- 12 Q. -- and remember?
- 13 A. **-- I did and sometimes I didn't and I might**
- 14 **have, but I can't remember.**
- 15 Q. Did you, at the time Archbishop Roach shared
- 16 that information with you early in your tenure
- 17 or at any time, ask anyone to create a list of
- 18 priests accused of select -- of molesting
- 19 minors?
- 20 A. **I don't -- I don't remember whether I did or**
- 21 **not.**
- 22 Q. The paragraph goes on to, in the next
- 23 sentence, he states, "Even if we do not
- 24 preemptively release all of that information
- 25 ourselves (publish the list), we are going to

- 1 have to deal with its disclosure sooner or
- 2 later." So I read this to mean clearly that
- 3 there already is a list that has been created
- 4 and there's now discussion about, you know,
- 5 the list becoming known whether you want to or
- 6 not. Do you remember anything about that,
- 7 Archbishop?
- 8 A. **I don't. I don't.**
- 9 Q. He goes on to write, "I would prefer to see us
- 10 in the position of having already prepared
- 11 local parishes for this likelihood." Do you
- 12 remember anything, any discussion about
- 13 preparing the parishes for the likelihood of
- 14 disclosure of a number of priests on a list
- 15 who have been accused of molesting children?
- 16 A. **I don't remember discussion.**
- 17 Q. He goes on to say, "I propose that we take the
- 18 following steps:" And you'll see step number
- 19 1, he states, "We should identify a list of
- 20 parishes that potentially deserve this
- 21 attention." Do you know if such a list of
- 22 parishes where priests who had offended was
- 23 prepared at that time as is being suggested
- 24 here?
- 25 A. **I don't remember.**

- 1 Q. Number 2, he proposes, "We should call a
- 2 meeting that involves the pastors, trustees
- 3 and parish council presidents of all such
- 4 parishes." Do you recall that action having
- 5 been taken or implemented?
- 6 A. **I don't remember.**
- 7 Q. Item number 3 is, he proposes, "We would then
- 8 meet individually with the small leadership
- 9 group of each parish and go over the relevant
- 10 history with each of them." Do you recall
- 11 having implemented that recommendation?
- 12 A. **Faintly in my memory I think that had been**
- 13 **done in some parishes, but it's faint in my**
- 14 **memory. I know that the two parishes that I**
- 15 **spoke of earlier, they're clear in my memory,**
- 16 **but I can't recall the others.**
- 17 Q. And the two parishes that you do recall having
- 18 done that were?
- 19 A. **The one at Forest Lake and a parish down in**
- 20 **the southern part of the diocese and I can't**
- 21 **remember what parish it was.**
- 22 Q. Was the one in parish (sic) lake involving
- 23 Krautkremer?
- 24 A. **I don't remember. I remember there were two**
- 25 **priests who were in that parish who had**

1 **offended.**
 2 **Q.** Was that Father Kern?
 3 **A. I don't remember.**
 4 **Q.** Do you remember Our Lady of Grace?
 5 **A. You mean in Edina?**
 6 **Q.** Yes, where Kern was.
 7 **A. No.**
 8 **Q.** Okay.
 9 **A. I'm not -- remember the parish, but I didn't**
 10 **know he was there.**
 11 MR. KINSELLA: Excuse me, off the
 12 video record to change tape.
 13 MR. ANDERSON: He's going to change
 14 the tape. If you want to take a break while
 15 we do, you can, or if you want to continue.
 16 (Discussion off the record)
 17 MR. KINSELLA: Back on the video
 18 record, 11:05 a.m.
 19 BY MR. ANDERSON:
 20 **Q.** Archbishop, I think you indicated you didn't
 21 recall the name of the priest who may have
 22 molested minors in Forest Lake that was --
 23 where there was some meeting, but you also
 24 mentioned Minneapolis, South Minneapolis. Do
 25 you remember the name of the priest?

1 **A. No. I -- not South Minneapolis. A southern**
 2 **part of the diocese -- archdiocese.**
 3 **Q.** Okay.
 4 **A. I don't remember the name of the town.**
 5 **Q.** Okay. And do you remember the name of the
 6 priest who had offended?
 7 **A. No, I don't.**
 8 **Q.** Do you remember what disclosure or discussion
 9 was made in either of those parishes
 10 concerning the offender?
 11 **A. No. I remember in Forest Lake, it was a -- it**
 12 **was more of a -- my receiving expressions of**
 13 **concern from the people who had -- some of**
 14 **whom had been offended by the priest. And --**
 15 **and I don't remember the other parish -- the**
 16 **meeting in the other parish at all, except**
 17 **that I was there with Father McDonough.**
 18 **Q.** Okay. And it sounds like there were
 19 expressions of concern by several victims or
 20 family members of several victims --
 21 **A. Yes.**
 22 **Q.** -- of that offender --
 23 **A. That's right.**
 24 **Q.** -- whose identity you don't remember today?
 25 **A. I don't remember.**

1 **Q.** Okay. Did you have a similar experience in
 2 the other parish in the southern part of the
 3 diocese?
 4 **A. Yes. Yeah.**
 5 **Q.** Describe what you can remember about that
 6 experience in that parish.
 7 **A. Just people expressing their distress, if they**
 8 **had been offended or a family member had been**
 9 **offended, and their happiness that I had come.**
 10 **And the same in Forest Lake, the happiness**
 11 **that I'd come and -- and expression of pain**
 12 **that they had experienced from that -- from**
 13 **the sexual abuse.**
 14 **Q.** Do you remember having made promises to those
 15 victims or the members of those parishes --
 16 **A. You know, I don't --**
 17 **Q.** -- that had expressed their concern and their
 18 pain?
 19 **A. I don't remember.**
 20 **Q.** Do you remember what action, if any, you took
 21 responsive to those expressions you heard in
 22 those parishes from those victims and those
 23 concerned parishioners?
 24 **A. I don't remember because the -- the situation**
 25 **had already been attended to. I think they**

1 **had received some compensation and the priests**
 2 **were -- were already laicized.**
 3 **Q.** Okay.
 4 **A. I think.**
 5 **Q.** You're not sure of that?
 6 **A. I'm not sure of that.**
 7 **Q.** When you say "laicized," you're talking
 8 about -- that's actually removal from the
 9 clerical state --
 10 **A. That's right.**
 11 **Q.** -- by the Vatican?
 12 **A. That's right.**
 13 **Q.** But you're not sure of that?
 14 **A. Not sure.**
 15 **Q.** Okay. Item number 4, the next page, I'll
 16 direct your attention to that, under the
 17 proposals given by Father McDonough, it
 18 states, "We would ask them to consider whether
 19 and how to involve a broader leadership group
 20 in the discussion." Do you remember that
 21 item?
 22 **A. No.**
 23 **Q.** Okay. Item 5 is --
 24 (Discussion out of the hearing of
 25 the court reporter)

1 **A. Oh, excuse me.**

2 **BY MR. ANDERSON:**

3 **Q.** That's okay. Item 5 is, "We would then send a
4 staff member to each such parish to work out a
5 process of communication and follow up with
6 each parish." Do you remember, Archbishop,
7 having done or directed that that be done?

8 **A. No. I don't remember.**

9 **Q.** He goes on to state, "I do not believe we
10 currently have sufficient staff support to
11 carry out this effort with internal resources,
12 therefore, we should bring someone in on a
13 contract basis to organize the effort." Do
14 you remember having done that or followed
15 such" --

16 **A. No.**

17 **Q.** The next paragraph --

18 MR. KELLY: Excuse me. Was the
19 answer do you remember or was that your answer
20 no?

21 THE WITNESS: No. No. I don't
22 remember it.

23 MR. ANDERSON: Okay. Thank you,
24 Tom. Did I cut him off?

25 MR. KELLY: No. He just said two

50

1 things.

2 MR. ANDERSON: Okay.

3 BY MR. ANDERSON:

4 **Q.** The next paragraph he writes, "Here is a
5 partial list of the parishes that merit
6 special attention." And then in caps he says,
7 "Priests with known abuse histories." The
8 first is Gilbert Gustafson, St. Mary of the
9 Lake, White Bear Lake, WBL. What do you
10 remember about what the archdiocese knew about
11 Gil Gustafson and his history of abuse at that
12 time?

13 **A. His history of the -- the experience of abuse,
14 I think, happened before my arrival here and
15 then he was in treatment and worked in an
16 isolated capacity in the Chancery for some
17 time until 2002 and said Mass at the Poor
18 Clare Convent in Minneapolis and he -- he
19 seemed to have been making very fine progress
20 at that time. And then after the charter, he
21 no longer was permitted to say a Mass publicly
22 anywhere. And then he also was removed from
23 the Chancery. So he's -- I think he does some
24 kind of work now, but I don't know what it is.**

25 **Q.** Do you recall anything else about the history

1 known to either you or the archdiocese
2 pertaining to Gil Gustafson?

3 **A. I think I made arrangements with him to seek
4 laicization and not re-see -- not seek
5 re-entry into the priesthood, and it was a
6 financial arrangement, but I don't recall what
7 it was.**

8 **Q.** You do recall that Gil Gustafson was --
9 (Discussion out of the hearing of
10 the court reporter)

11 BY MR. ANDERSON:

12 **Q.** Did you give Gil Gustafson money to do that?

13 **A. I think I did.**

14 **Q.** How much?

15 **A. I don't remember.**

16 **Q.** Do you recall meeting with Brian Herrity,
17 H-e-r-r-i-t-y, the child that he had been
18 convicted of having engaged in criminal sexual
19 conduct towards when Brian was ten years old?

20 **A. I don't recall having met him, but I may have.**

21 **Q.** Do you recall meeting with his parents, Jeff
22 Herrity or Cheryl Herrity, and making promises
23 to them?

24 **A. No.**

25 **Q.** I'm gonna come back to Gil Gustafson, but for

52

1 the moment, direct your attention back to this
2 exhibit, and the next priest identified with
3 known abuse history is Michael Stevens, St.
4 Michael, Prior Lake; Epiphany, Coon Rapids.
5 What can you tell us, Archbishop, about what
6 the history was known to the archdiocese to
7 have been concerning Michael Stevens at this
8 time?

9 **A. Well, when I arrived in the archdiocese, any
10 sexual abuse, I believe, happened prior to my
11 arrival and Michael Stevens was working in the
12 computer room in the archdiocese. And then
13 after the charter, he -- he was removed from
14 that position and I don't know where he was.
15 I -- I've -- I don't know where --**

16 **Q.** Do you remember anything else about Stevens?

17 **A. No. No.**

18 **Q.** The next identified here is Robert Thurner,
19 St. Mark's, St. Paul and then a number of
20 assignments including St. John, Hopkins; St.
21 Joseph, West St. Paul; St. Therese, St. Paul;
22 Most Holy Trinity, St. Louis Park; St.
23 Michael, Prior Lake; St. Edward, Bloomington;
24 St. Luke, St. Paul. What do you remember
25 about the history known to the archdiocese of

- 1 abuse by him?
- 2 **A. I have no memory of it at all, except that he**
- 3 **-- had abused and that's all I would know.**
- 4 **Q.** Do you have any memory of how many kids?
- 5 **A. No.**
- 6 **Q.** The next is Lee Krautkremer, identified St.
- 7 Peter, Forest Lake; St. Joseph, Lino Lakes;
- 8 St. Michael, St. Michael; St. Michael, West
- 9 St. Paul; St. Margaret Mary, Golden Valley;
- 10 St. Peter, North St. Paul and Immaculate
- 11 Conception, Faribault. What can you tell us
- 12 about what was known to the archdiocese
- 13 concerning his abuses?
- 14 **A. I don't know it -- any of that.**
- 15 **Q.** Robert Kapoun is the next listed, St. Raphael,
- 16 Crystal; St. Scholastica, Heidelberg; St.
- 17 Patrick, St. Joseph; St. Catherine, rural New
- 18 Prague; St. Kevin, Minneapolis; Most Holy
- 19 Redeemer, Montgomery. What do you remember
- 20 about his abuse history and that known to the
- 21 archdiocese?
- 22 **A. He might have been -- that one parish in**
- 23 **Montgomery might have been the parish which I**
- 24 **referred to earlier which I visited, that**
- 25 **could have been, but that's all -- but that's**

- 1 **only a guess and I don't know any more.**
- 2 **Q.** Archbishop, do you remember there was a jury
- 3 trial held in Hennepin County where the
- 4 plaintiff was identified initially as John
- 5 Doe, but who ultimately became public using
- 6 the name Dale Scheffler and the civil case was
- 7 brought against both the Archdiocese of St.
- 8 Paul and Minneapolis and Father Robert Kapoun,
- 9 also known as the Polka Padre, and that case
- 10 went to a civil jury and a verdict was
- 11 rendered and at that time I believe you were
- 12 the archbishop. Do you remember that?
- 13 **A. No. No, I don't.**
- 14 **Q.** Do you remember during your tenure at all any
- 15 civil verdicts going to where damages were
- 16 awarded by juries during your tenure at the
- 17 archdiocese by reason of sexual abuse and the
- 18 negligent handling of it by the archdiocese?
- 19 **A. I don't remember any specifically, but there**
- 20 **must have been because I've had two or three**
- 21 **depositions and I -- but I don't know -- I**
- 22 **can't remember what they were for, with you.**
- 23 **And -- and I would imagine that the jury would**
- 24 **have rendered a verdict and -- but I -- I**
- 25 **can't tell you now what they were.**

- 1 **Q.** All right. After, I'll represent to you,
- 2 Archbishop, that that civil case of Scheffler
- 3 versus the archdiocese resulted in a verdict
- 4 of \$500,000 in compensatory damages and
- 5 \$500,000 in punitive damages, and right after
- 6 the verdict there was a public relations or
- 7 public release done by the archdiocese and
- 8 under your signature or name where it was
- 9 stated, and I paraphrase, "By reason of this
- 10 verdict today in Hennepin County District
- 11 Court, the archdiocese will have to reduce or
- 12 curtail its ministry to the poor." My
- 13 question to you, Archbishop, is, do you
- 14 remember having participated in or allowing
- 15 such a release like that to have been made?
- 16 **A. No.**
- 17 MR. HAWS: I object to the form and
- 18 it's out of context as well.
- 19 BY MR. ANDERSON:
- 20 **Q.** Just a minute. Okay. At that time or any
- 21 time.
- 22 **A. I don't remember it.**
- 23 **Q.** Okay. The next name identified here is Robert
- 24 Zasacki, Z-a-s-a-c-k-i, and then a number of
- 25 parishes listed. Can you identify for us what

- 1 you remember or know about what the
- 2 archdiocese knew about his abuse history?
- 3 **A. I didn't know anything of his abuse history**
- 4 **and he was removed, I think, from Sacred Heart**
- 5 **in Robbinsdale, I think.**
- 6 **Q.** That's one of the parishes listed here. He
- 7 was at St. Peter, Forest Lake; Sacred Heart in
- 8 Robbinsdale.
- 9 **A. Well, yes, but I don't know anything of his**
- 10 **abusive history.**
- 11 **Q.** The next listed is -- the next priest
- 12 listed --
- 13 **A. Excuse me, except that it came to the fore**
- 14 **rather -- I think after this 2002 and then I**
- 15 **-- I think I was the one who removed him.**
- 16 **That's -- that's all. Excuse me.**
- 17 **Q.** That's okay. That's okay. What else do you
- 18 remember about that, anything else?
- 19 **A. No.**
- 20 **Q.** Okay. The next listed is Father Paul
- 21 Palmitessa, Holy Redeemer in Maplewood and St.
- 22 Paul, Zumbrota. What do you remember about
- 23 the history known concerning him and minors?
- 24 **A. That's the first time I've ever come across**
- 25 **that name, to my recollection.**

- 1 **Q.** Okay. The next listed is Tim McCarthy and a
2 number of parishes listed where he had worked
3 as of this date. What can you tell us about
4 the history known to the archdiocese about his
5 abuse?
6 **A. I can't tell you anything because, in my
7 judgment, this is the first time I've come
8 across that name, in my memory.**
9 **Q.** The next listed is Tom Gillespie, OSB, that
10 means Order of St. Benedict, obviously you
11 know that to be St. John's, correct?
12 **A. That's right.**
13 **Q.** Okay. And what can you tell us, if anything,
14 about what was known to the archdiocese
15 concerning his abuse history?
16 **A. I can't tell you anything because, once again,
17 to my memory, this is the first time I've come
18 across that name.**
19 **Q.** Turning to the next page, Archbishop, the name
20 Eugene Salvatore Corica and a number of
21 parishes are listed. It looks like -- what
22 can you tell us, if anything, about what was
23 known to the archdiocese about his history of
24 abuse?
25 **A. The -- again, this is the first time, to my**

- 1 **memory, I've come across this name.**
2 MR. KELLY: Excuse me, Archbishop,
3 you mean today is the first time --
4 THE WITNESS: Today.
5 MR. KELLY: -- or in 2002?
6 THE WITNESS: No. Today is the
7 first time. The name is completely unfamiliar
8 to me.
9 BY MR. ANDERSON:
10 **Q.** Okay. The next listed is Thomas Adamson and
11 is that name familiar to you?
12 **A. Very much so.**
13 **Q.** Okay.
14 **A. I think that's why we're here.**
15 **Q.** That's one of the reasons.
16 **A. Uh huh. Yes, that name is familiar to me.**
17 **Q.** Okay. And that was familiar to you because,
18 as of 2002, you were aware that there had been
19 a lot of litigation --
20 **A. Yes.**
21 **Q.** -- initiated by a number of survivors with
22 whom we had worked for many years concerning
23 him, correct?
24 **A. That's right.**
25 **Q.** Had you ever met with Tom Adamson --

- 1 **A. No.**
2 **Q.** -- yourself --
3 **A. No.**
4 **Q.** -- to get to the bottom of who he had abused,
5 when he had abused and done something to
6 correct it, at least to those in the
7 archdiocese?
8 **A. No. I would -- I would hear about him and I
9 would read about him, but I've never met him.**
10 **Q.** Did you ever make any efforts or direct any of
11 your consultants or advisors to go to the
12 parishes where he had worked in the
13 Archdiocese of St. Paul and Minneapolis and
14 had been known to have abused to try to reach
15 out to other people who may have been abused
16 to help them heal or the parishes to heal?
17 **A. I don't think -- I -- no. I did not. And I
18 -- the reason for that is I had the impression
19 that all of that was taken care of by my
20 predecessor. When I arrived, this seemed to
21 have been a closed case, it was over with.**
22 **Q.** Do you remember what Archbishop Roach told you
23 about what he knew about --
24 **A. I don't remember.**
25 **Q.** -- Tom Adamson?

- 1 **A. I don't remember.**
2 **Q.** The next one listed is Joseph Heitzer, several
3 New Ulm parishes, St. Peter in Forest Lake.
4 What can you tell us about what was known by
5 the archdiocese as of 2002 concerning him?
6 **A. I'm looking at that name, it seems to me, for
7 the first time ever.**
8 **Q.** The next is Alfred Longley, several parishes
9 listed. What can you tell us about what was
10 known about his abuse history?
11 **A. Once again, I'm looking at that name for the
12 first time.**
13 **Q.** The next listed is Harold Whittet,
14 W-h-i-t-t-e-t. What can you tell us about him
15 and his history known -- his history of abuse
16 known to the archdiocese?
17 **A. Once again, I'm looking at that name, I
18 believe, for the first time.**
19 **Q.** The next is Rudolph Henrich. What can you
20 tell us about his history of abuse of minors
21 and known to the archdiocese?
22 **A. Once again, I'm looking at that name, it seems
23 to me, for the first time.**
24 **Q.** The next listed is Francis Reynolds, several
25 parishes listed. What can you tell us about

1 his history known to the archdiocese?
 2 **A. Looking at that name for the first time.**
 3 **Q.** The next listed is Ambrose Filbin. What can
 4 you tell us -- and several parishes. What can
 5 you tell us what was known about his abuse
 6 history and known to the archdiocese as of
 7 2002?
 8 **A. Looking at that name for the first time.**
 9 **Q.** The next category and in capital -- if you
 10 want to take a break at any time, Archbishop;
 11 is this a good time?
 12 **A. I'm -- I'm fine.**
 13 **Q.** Okay.
 14 **A. For now. Thank you.**
 15 **Q.** Okay. You just let me know if --
 16 **A. All right.**
 17 **Q.** -- anytime you feel like it.
 18 **A. Thank you.**
 19 **Q.** We'll try to do it --
 20 MR. ANDERSON: We should take a
 21 break.
 22 MR. KELLY: What do you anticipate
 23 the length of the deposition? Just a general
 24 idea.
 25 MR. ANDERSON: Let's take a break

1 and we can discuss it.
 2 MR. KELLY: Sounds good.
 3 MR. KINSELLA: Off the video record.
 4 (Recess taken)
 5 MR. KINSELLA: Back on the video
 6 record, the time is 11:44 a.m.
 7 BY MR. ANDERSON:
 8 **Q.** Archbishop, I'm directing your attention back
 9 to the Exhibit 174, I'm now on page 3 of it
 10 and the topic is "Priests with disputed
 11 claims, marginal behavior or undue attention."
 12 The first listed is Gilbert DeSutter. Did you
 13 take any action pertaining to DeSutter and
 14 sexual abuse of minors?
 15 **A. It seems to me that after the charter of 2002**
 16 **I did. He was not living in the archdiocese**
 17 **at that time, but I think he was living in**
 18 **Arizona, but it seems to me that I did.**
 19 **Q.** And what did you do?
 20 **A. Removed him from ministry, I think.**
 21 **Q.** The next listed is John McGrath. Did you take
 22 any action re --
 23 **A. That name is unfamiliar to me.**
 24 **Q.** The next listed is John Brown. Did you take
 25 any action in connection with him and sexual

1 abuse of minors?
 2 **A. No. I think he -- and I can't -- I can't say**
 3 **for sure. I -- I probably met him once in**
 4 **passing. He's very elderly, I think, isn't**
 5 **he? I'm not sure. But I -- I -- I can't say**
 6 **for sure.**
 7 **Q.** When this is listed as a disputed claim or
 8 marginal behavior, undue attention, did you
 9 read that then or do you read that now to mean
 10 that this is where the priest denies having
 11 committed it or what?
 12 **A. No. I would read that as not a sexual abuse,**
 13 **but, rather, as behavior that would be**
 14 **questionable.**
 15 **Q.** Okay. You did remove -- you did remove
 16 DeSutter for sexual abuse, though?
 17 **A. I think I did.**
 18 **Q.** And do you have any knowledge of John Brown
 19 having committed sexual abuse of minors at any
 20 time?
 21 **A. I cannot recall the history of his -- you**
 22 **know, I can't recall his history.**
 23 **Q.** The next listed is at page 4, there is one
 24 removal on this document and I don't have that
 25 name at the moment, the next listed is page 4

1 at the top is Jerome Kern. Did you take any
 2 action --
 3 **A. I believe that I did.**
 4 **Q.** What?
 5 **A. Removed him from active ministry.**
 6 **Q.** When?
 7 **A. I can't recall. And I say I believe I did, so**
 8 **I can't say that for certain.**
 9 **Q.** For sexual abuse of minors?
 10 **A. It must have been because that would have been**
 11 **the only reason.**
 12 **Q.** Joseph Wajda is the next listed.
 13 **A. I did remove him.**
 14 **Q.** When?
 15 **A. I can't remember.**
 16 **Q.** For sexual abuse of minors?
 17 **A. Yes.**
 18 **Q.** Was he reported by you or your office to the
 19 CDF?
 20 **A. It had happened some years ago before that law**
 21 **was passed, I think.**
 22 **Q.** Do you have any memory of having taken any
 23 other action, other than having removed him?
 24 **A. I can't remember.**
 25 **Q.** Next listed is Richard Jeub. Did you take any

- 1 action responsive to him and sexual abuse of
2 minors?
- 3 **A. I can't remember.**
- 4 **Q.** There is indications in the file that Jeub and
5 Kern, both of those names listed here, were
6 switched out in their assignment at Our Lady
7 of Grace. Did you do that or do you remember
8 having done that?
- 9 **A. No. I didn't even know they were in Our Lady
10 of Grace.**
- 11 **Q.** The next listed is Dennis Kampa. Did you take
12 any action responsive to him having --
- 13 **A. I can't -- I can't remember.**
- 14 **Q.** Next listed is Joseph Gallatin. Did you take
15 any action responsive to him?
- 16 **A. No.**
- 17 **Q.** Have you ever received information that he had
18 abused?
- 19 **A. Not that he had abused, but that he had acted
20 in -- with an inappropriate touch.**
- 21 **Q.** Where did you get that information?
- 22 **A. From his pastor.**
- 23 **Q.** Who was that?
- 24 **A. I can't think of his name right now.**
- 25 **Q.** When did you receive that?

- 1 **A. That would have been -- I've been retired six
2 years. Maybe ten years ago.**
- 3 **Q.** And that was inappropriate touch of a minor?
- 4 **A. Of -- I don't know whether the person was a
5 minor or not, I can't remember. It was a
6 touch like up here (Indicating).**
- 7 **Q.** For the record, you're pointing to your left
8 shoulder?
- 9 **A. Yes.**
- 10 **Q.** Okay. Did you receive any information that he
11 had touched the genitals of a youth that he
12 had under his control?
- 13 **A. Never. Never.**
- 14 (Discussion out of the hearing of
15 the court reporter)
16 BY MR. ANDERSON:
- 17 **Q.** What were the circumstances of the touch as
18 reported to you?
- 19 **A. I think it was a re -- a camping weekend or
20 something like that.**
- 21 **Q.** And you say it was the pastor that made the
22 report or was it a family member?
- 23 **A. A pastor, I think.**
- 24 **Q.** And he had received the information from whom,
25 do you know?

- 1 **A. I don't remember.**
- 2 **Q.** Did you conduct any investigation to -- or
3 direct that any investigation be done by that
4 pastor or your then vicar general or others to
5 find out --
- 6 **A. I -- I don't --**
- 7 **Q.** -- what was there?
- 8 **A. I don't remember.**
- 9 **Q.** The next listed --
- 10 (Discussion out of the hearing of
11 the court reporter)
12 BY MR. ANDERSON:
- 13 **Q.** Did you restrict him at that time in any way?
- 14 **A. No. I don't -- I don't think so.**
- 15 **Q.** The next listed is Harry Walsh. What action
16 did you take?
- 17 **A. That name is unfamiliar to me.**
- 18 **Q.** Do you ever -- have you ever known him to have
19 abused youth?
- 20 **A. I don't know anything -- I don't know anything
21 about him.**
- 22 **Q.** Underneath that there is listed Bishop Dudley.
23 What do you know about Dudley having been
24 accused of having abused youth?
- 25 MR. HAWS: I'll object, some of this

- 1 information I understand is protected and
2 subject to other protections of prior
3 discussions, but at least for the record.
- 4 BY MR. ANDERSON:
- 5 **Q.** This is a public document I'm referring to, so
6 what can you tell me about it?
- 7 **A. I can tell you I would -- in my judgment, it
8 was the most ludicrous accusation that could
9 have been made about anyone. He was accused
10 of dancing on a floor in his cassock, and if
11 -- you'd have to know Bishop Dudley and his
12 family, A, he would not have been dancing and
13 coming close to a young lady and some years
14 ago. And he was exonerated, incidentally.**
- 15 **Q.** Who exonerated him?
- 16 **A. I don't remember.**
- 17 **Q.** When was the accusation that you described as
18 ludicrous made?
- 19 **A. I don't remember.**
- 20 **Q.** How many accusations of abuse or misconduct
21 were made against Bishop Dudley?
- 22 **A. I don't remember.**
- 23 **Q.** What makes you believe that that accusation or
24 any others, if there were, pertaining to
25 Dudley would be described as ludicrous?

1 MR. KELLY: I'll object, the witness
 2 testified --
 3 MR. ANDERSON: I'll rephrase it if
 4 you don't like it.
 5 BY MR. ANDERSON:
 6 **Q.** Why do you use the term "ludicrous"?
 7 **A.** **Because I knew Bishop Dudley so well and it**
 8 **was just incompatible, that kind of behavior,**
 9 **dancing on a floor -- the floor with a high**
 10 **school girl was incompatible with his**
 11 **character.**
 12 **Q.** In your experience, Archbishop, you were the
 13 head of the committee for the protection of
 14 children and as a part of the charter and, you
 15 know, you've been a priest for many, many
 16 years and many capacities as pastor, as
 17 rector, as archbishop and the like; isn't
 18 (sic) your experience inform you that some of
 19 the most trusted and revered priests among you
 20 and us can often also be offenders?
 21 MR. KELLY: Objected to as calling
 22 for speculation --
 23 MR. HAWS: Of the highest ranks.
 24 MR. KELLY: -- of the highest order.
 25 **A.** **I don't want to speculate, but I have -- I've**

1 **always found where -- where there was smoke,**
 2 **there was fire. In other words, if a person**
 3 **acts strangely and then was accused, then one**
 4 **could validate it. But my judgment and my**
 5 **experience is, is that many great, great men**
 6 **like Bishop Dudley could have been accused, or**
 7 **Bishop Howard Hubbard in Albany, which was**
 8 **terrible, and found to be exonerated, free of**
 9 **all those accusations by people who were just**
 10 **not right in the head.**
 11 **BY MR. ANDERSON:**
 12 **Q.** To your knowledge, is there one accuser or
 13 more than one accuser pertaining to Dudley?
 14 **A.** **I don't remember.**
 15 (Discussion out of the hearing of
 16 the court reporter)
 17 BY MR. ANDERSON:
 18 **Q.** Did you ever ask Dudley if he had abused?
 19 **A.** **Yes.**
 20 **Q.** When?
 21 **A.** **When we were on retreat, talking about this.**
 22 **Q.** When do you estimate that to have been?
 23 **A.** **I can't remember.**
 24 **Q.** And did he deny to you that he had been abused
 25 -- he had abused?

1 **A.** **He -- absolutely.**
 2 **Q.** And you believed him?
 3 **A.** **Absolutely.**
 4 **Q.** Do you have any knowledge that settlement --
 5 any settlements had been made with any of his
 6 accusers?
 7 **A.** **I don't remember.**
 8 **Q.** When you look at the exhibit, then, of the
 9 names of all these people we've identified in
 10 this exhibit and this memo provided to you in
 11 2002, my next series of questions pertains to
 12 all of these. Did you ever make any public
 13 disclosures of the history known to the
 14 archdiocese concerning any of those priests
 15 accused or found to have committed sexual
 16 abuse?
 17 **A.** **I can't remember that. There could have been.**
 18 **I don't think there was any systemic approach**
 19 **to it, but there could have been a disclosure**
 20 **of one name or two names or more than that to**
 21 **a parish or group.**
 22 **Q.** Did you, Archbishop, or anybody at your
 23 direction ever report to law enforcement any
 24 of the names on this list, Exhibit 174, or any
 25 other priest reported to have abused children?

1 MR. HAWS: Object to the form.
 2 Report to whom?
 3 BY MR. ANDERSON:
 4 **Q.** Report to the archdiocese.
 5 **A.** **Report to the archdiocese?**
 6 **Q.** Yes. The question is, did you or anybody at
 7 your direction ever report suspicions of
 8 sexual abuse by priests or information you or
 9 the archdiocese had received about that to law
 10 enforcement?
 11 **A.** **To law enforcement --**
 12 **Q.** Yes.
 13 **A.** **-- I have not, and I -- I don't know whether**
 14 **anyone under -- in -- on my staff did.**
 15 **Q.** Did you ever direct your vicar general or
 16 anybody on your staff to make such a report to
 17 law enforcement?
 18 **A.** **I can't recall that I did.**
 19 **Q.** Did you while archbishop consider yourself to
 20 be a mandated reporter?
 21 **A.** **I think I did when that -- when -- when that**
 22 **law came in, I -- I think I did.**
 23 **Q.** Do you know what constitutes under the law the
 24 kind of information that required you to be or
 25 to make a report?

1 **A. No.**
 2 (Discussion out of the hearing of
 3 the court reporter)
 4 BY MR. ANDERSON:
 5 **Q.** Did you or anybody at your -- under your
 6 direction ever turn over any of the files
 7 pertaining to any of the priests on this
 8 Exhibit 174 or any other priests who had been
 9 accused of or recorded to have abused minors?
 10 **A. I don't know. I don't remember and I don't**
 11 **know.**
 12 (Discussion out of the hearing of
 13 the court reporter)
 14 BY MR. ANDERSON:
 15 **Q.** Do you know if anybody, any official of the
 16 archdiocese has ever turned over any files to
 17 law enforcement --
 18 **A. I don't know.**
 19 **Q.** -- concerning a priest who's abused?
 20 **A. I don't know.**
 21 **Q.** Can you say that you did not do that or have
 22 that done?
 23 **A. I can't say.**
 24 **Q.** Archbishop, would you agree that you as
 25 archbishop have a responsibility to keep the

1 children safe?
 2 **A. Yes.**
 3 **Q.** Would you agree that you as archbishop made a
 4 promise to the people to do everything that
 5 you could to keep the children safe?
 6 **A. Yes.**
 7 **Q.** Did you ever make that pledge as archbishop in
 8 the Archdiocese of St. Paul and Minneapolis
 9 before 2002 and the Charter for Protection of
 10 Children was instituted?
 11 **A. I don't remember. I might have when I first**
 12 **came here in my opening talk, but I can't**
 13 **remember.**
 14 **Q.** Would you agree that the archdiocese and the
 15 archbishop should never, ever gamble with the
 16 safety of children --
 17 **A. Yes.**
 18 **Q.** -- when it comes to the priests?
 19 **A. Yes.**
 20 **Q.** Would you agree that the archdiocese should
 21 make every effort possible to protect the
 22 children from abuse by priests?
 23 **A. Yes.**
 24 **Q.** Did you as archbishop promise the people and
 25 the parishioners as well as the public that

1 there were no offenders in ministry?
 2 **A. After 2002?**
 3 **Q.** Before 2002.
 4 **A. I -- I can't remember whether I made that**
 5 **promise before 2002 because we were at a**
 6 **different place at that time, too, and in**
 7 **under -- in understanding what "pedophile"**
 8 **meant.**
 9 **Q.** Would you agree that it is and was the
 10 responsibility of the archbishop before 2002
 11 to make sure that each priest assigned in the
 12 archdiocese is safe and not a risk of harm to
 13 children?
 14 **A. Yes.**
 15 **Q.** Did you make a promise to the people, the
 16 parishioners, the public that there would be
 17 no priest in ministry who had offended after
 18 the charter in 2002?
 19 **A. I think I did, yes.**
 20 (Discussion out of the hearing of
 21 the court reporter)
 22 BY MR. ANDERSON:
 23 **Q.** I'm going to show you an exhibit, we've marked
 24 it Exhibit 102, and while Mike is retrieving
 25 it, Archbishop, it reflects the year 1998 and

1 it's an article, I believe, about the church
 2 and sexual abuse. And I'm putting Exhibit 102
 3 before you and there is a statement attributed
 4 in this article to Father McDonough, the then
 5 vicar general, and -- and in it it says,
 6 "Church updates sex abuse policy." Did you
 7 update the sex abuse policy in 1998?
 8 **A. It would have been a committee, I believe.**
 9 **Q.** And then it states, "Official: 15
 10 archdiocesan priests in the last 50 years have
 11 been credibly accused of molesting minors."
 12 Where did that information come from,
 13 Archbishop?
 14 **A. I don't know. I -- I would not know. I don't**
 15 **remember.**
 16 **Q.** The article begins by stating in 1984,
 17 Reverend McDonough sat in a meeting, you
 18 weren't here then, so I'm not going to ask you
 19 about that, but the last -- on the first page
 20 of this, directing your attention to the last
 21 column, I'm going to read what it says in the
 22 second-to-the-last paragraph and ask you a
 23 question. It states, "For the first time,
 24 McDonough revealed the extent of the problem
 25 in an interview this week. Fifteen priests in

1 the archdiocese have been 'credibly' accused
2 of molesting minors during the past 50 years,
3 McDonough said." This is while you're
4 archbishop. Do you remember a list of 15
5 priests having been prepared at that time who
6 had been credibly accused?

7 **A. No.**

8 **Q.** Did you see a list at that time?

9 **A. I can't remember.**

10 **Q.** It goes on to state, or he is quoted as going
11 on -- is quoted as having said, "The number is
12 higher than the national average, McDonough
13 said, but corresponds to experts' predictions
14 that about 2 percent of priests abuse
15 children." So at that time, was there some
16 kind of expert consultation or review done
17 that led Kevin McDonough to make this public
18 statement?"

19 **A. I don't recall.**

20 **Q.** In the middle of the article you'll see in
21 capital letters an emphasis, he's quoted as
22 stating, "Priests who molested children are
23 not allowed to work in a parish setting or
24 have any contact with children, McDonough
25 said." This is 1998. Is that true,

1 Archbishop, and was it then?

2 **A. I -- I would -- I would need to go back and**
3 **look at records, which I don't have, but if he**
4 **said that, we -- that's what we certainly came**
5 **out with in the charter and that was in 2002,**
6 **so I'm presuming it -- it was true.**

7 **Q.** Well, this is four years before the charter.

8 **A. Yes.**

9 **Q.** Okay. Was any national study done by bishops
10 at any time before 2004 or 2002 to determine
11 the numbers of priests who had offended?

12 **A. I don't remember.**

13 **Q.** As a result of the charter and the promises
14 made to the people and the public, there was
15 data assembled and commissioned by the John
16 Jay study, and I think it was through your
17 committee, to get some numbers about priests
18 who were credibly accused or had been the
19 subject of substantiated allegations, correct?

20 **A. Yes.**

21 **Q.** Were the names of those priests actually given
22 to the John Jay College or just the numbers?

23 **A. I don't remember. I don't remember, but I do**
24 **remember we had the -- I called them**
25 **inspectors -- come every other year or**

1 **something like that to look at our records and**
2 **to make sure we were corresponding information**
3 **that was reflected in our records.**

4 **Q.** In any case, the data assembled and reported
5 publicly about offenders was to determine what
6 priests had offended children, correct?

7 **A. Yes.**

8 **Q.** And was the goal to show that the numbers were
9 less than other institutions'?

10 **A. No. I think the goal was simply to show that**
11 **we were doing our homework and making a noble**
12 **attempt at reducing the numbers.**

13 **Q.** Was the belief at that time by yourself and
14 the committee that most of the abuse had
15 happened in the 1970s?

16 **A. No. Because the abuse had been happening**
17 **right up to 2002, as we all know, and with the**
18 **lawsuit situation, but the -- the attempt of**
19 **the committee was to get the bishops on board,**
20 **the bishops of this country, and which they**
21 **all pledged themselves to, except two, and --**
22 **and reduce the numbers of any priest in**
23 **ministry or any priest who had this**
24 **inclination for pedophile (sic) to get him out**
25 **of ministry and not give him that opportunity**

1 **because we had not really come -- I had never**
2 **heard of the word pedophile when I was a young**
3 **priest or when I was rector of the seminary.**
4 **We didn't -- we had no idea, no idea what this**
5 **was even. And -- and then even on the -- in**
6 **psychological institutions, they weren't**
7 **handling it correctly. They -- as you know,**
8 **they would send a letter back to the bishop,**
9 **"This man is fine with his ministry" and send**
10 **him back in and it wasn't fine. It was like**
11 **many other diseases, they -- they had not**
12 **really verified this as a very serious disease**
13 **and that the person could revert to at any**
14 **moment. It's not just simply a matter of**
15 **going to a house of affirmation or a house of**
16 **psychological study in order to have this**
17 **taken care of because that -- that simply was**
18 **not true, although everyone thought it was**
19 **true, attorneys, psychologists, psychiatrists,**
20 **medical doctors and bishops. And then -- then**
21 **when it became evident that the inclination to**
22 **be a pedophile was a very, very serious thing**
23 **and -- and many times untreatable, then we**
24 **looked at it more carefully.**

25 **Q.** Archbishop, you're referring to pedophilia as

- 1 a disease and that you didn't understand the
2 disease, would you say --
- 3 **A. That's right.**
- 4 **Q.** -- that's correct?
- 5 **A. That's right.**
- 6 **Q.** It's also correct, is it not, that you knew
7 when you were ordained and have always known
8 that it was a crime for an adult to engage in
9 any sexual contact with a kid --
- 10 **A. That's right.**
- 11 **Q.** -- correct?
- 12 **A. Correct.**
- 13 **Q.** So there was never any mystery about that
14 being a crime --
- 15 **A. No.**
- 16 **Q.** -- correct?
- 17 **A. That's right.**
- 18 **Q.** When all this data was assembled by the
19 Catholic bishops, yourself included, and John
20 Jay College was commissioned to help assemble
21 it, why weren't the names of those priests who
22 were the subject of that review who were
23 determined to have been credibly accused made
24 known to the public in 2004 when it was
25 assembled?

- 1 **A. I don't know. I don't remember why.**
- 2 **Q.** If the goal was to protect kids in the future
3 from abuse and to help those that had been
4 abused, wouldn't the best course have been to
5 make such a disclosure to achieve those goals?
- 6 **A. As we look back on it now, the answer to that
7 would be yes. But we cannot forget that we
8 were in uncharted water at that time after the
9 charter. And I think that since that time,
10 many improvements have been made in
11 recognizing names of those who had been
12 credibly -- credibly accused.**
- 13 **Q.** Archbishop, there has been, while you were
14 here, a resistance to release the names of the
15 credibly accused offenders assembled who were
16 identified to have been, according to the John
17 Jay study, 33 in number here. Why did you
18 resist the public disclosure of those names on
19 that list, those priests determined to have
20 been credibly accused?
- 21 **A. I don't know. I just don't know.**
- 22 **Q.** Did you ever tell or advise Archbishop
23 Nienstedt, your successor, to release that
24 list?
- 25 **A. No. I -- we never discussed it, I don't**

- 1 **think.**
- 2 **Q.** Did he, when appointed coadjutor or in
3 succession to you as archbishop, ever ask you
4 who you knew to be offenders and -- I guess
5 that's the question.
- 6 **A. He probably did. At this moment I can't
7 remember. So I -- I -- I can't -- I can't
8 answer that yes or no because I can't
9 remember.**
- 10 **Q.** So you can't say whether he did or whether he
11 didn't today --
- 12 **A. No. I can't say.**
- 13 **Q.** -- is what you're really saying?
14 (Discussion out of the hearing of
15 the court reporter)
16 BY MR. ANDERSON:
- 17 **Q.** At any time, Archbishop, did you have
18 discussions with any of your advisors that the
19 practice of not recording certain things
20 pertaining to sexual abuse by priests should
21 be adhered to because there was a possibility
22 we, that is, the attorneys for the survivors,
23 would force its disclosure in litigation?
- 24 **A. I never --**
25 MR. KELLY: Excuse me a second. I

- 1 object to the question to the extent that
2 advisors may include counsel for the
3 archdiocese or the archbishop and in that
4 respect it's privileged.
- 5 BY MR. ANDERSON:
- 6 **Q.** So excepting advice from lawyers, did you ever
7 deploy or employ the practice with your
8 advisors of not putting certain things in
9 writing concerning sexual abuse --
- 10 **A. I can't --**
- 11 **Q.** -- because -- just a moment -- because it
12 could be forced to have been disclosed in
13 litigation?
- 14 **A. I never recall such a conversation.**
15 (Discussion out of the hearing of
16 the court reporter)
17 BY MR. ANDERSON:
- 18 **Q.** Other than Bishop Dudley, who you asked if he
19 had offended, do you recall ever -- did you
20 ever ask any accused offender if he had
21 actually committed such an offense or any
22 offenses against children?
- 23 **A. I probably did, but I -- I cannot pinpoint any
24 specific instance.**
- 25 **Q.** But Dudley is the only one you remember today?

- 1 **A. Yes, because I remember the -- the scene with**
 2 **him, he was going through a great deal.**
 3 **Q.** And you remember that because you were so
 4 close to him?
 5 **A. Yes.**
 6 MR. HAWS: Again, just so the record
 7 is clear as to Bishop Dudley, I believe that
 8 there are issues that that matter should be
 9 sealed or anything related to that discussion
 10 should be sealed pending resolution.
 11 BY MR. ANDERSON:
 12 **Q.** Pertaining to documents, Archbishop, records
 13 pertaining to a priest who is accused of abuse
 14 and a report that would be made, where would
 15 such a report be filed in the documents of the
 16 archdiocese?
 17 **A. In the filing cabinet in the walk-in file.**
 18 **Q.** Where was that housed, what cabinet?
 19 **A. It's on the first floor at the end of the**
 20 **corridor.**
 21 **Q.** Of -- in whose office?
 22 **A. It's -- it's not an office. It's a walk-in**
 23 **file. It's outside of many offices.**
 24 **Q.** Sometimes there's been reference to a vault.
 25 Is this in the nature of a vault?

- 1 **A. That -- that is the vault.**
 2 **Q.** Okay.
 3 **A. Excuse me, that's the vault.**
 4 **Q.** Okay. And this is on the main level?
 5 **A. That's right.**
 6 **Q.** Of the Chancery?
 7 **A. Yes.**
 8 **Q.** And in that vault on the main level of the
 9 Chancery, what files were housed and
 10 information pertaining to the topic of sexual
 11 abuse by priests of the archdiocese and how it
 12 was being handled?
 13 **A. Well, it would be under the -- in the file of**
 14 **the individual priest.**
 15 **Q.** And in that vault, how many priests would you
 16 estimate were there files that contained
 17 evidence of at least accusations of abuse?
 18 **A. I could not tell you because I've only -- I**
 19 **think I've been in the file -- in the -- the**
 20 **vault twice in all the years that I was there.**
 21 **Q.** What prompted you to go into the vault?
 22 **A. I can't even remember. Maybe I was looking**
 23 **for my own file, but I get claustrophobia when**
 24 **I'm in there, so I -- I never went in.**
 25 **Q.** Did you ever direct that any of the files be

- 1 removed from there so that you could review a
 2 history of any priest accused --
 3 **A. I have --**
 4 **Q.** -- of having offended and see what was
 5 reflected by those files?
 6 **A. I have asked for files.**
 7 **Q.** Who did you request?
 8 **A. I can't remember.**
 9 **Q.** Do you ever -- did you ever take any action
 10 responsive to a review of a file concerning
 11 sexual molestation by priests accused?
 12 **A. I can't remember.**
 13 **Q.** Did you, yourself, maintain any files of your
 14 own, special files, apart from those in the
 15 vault?
 16 **A. No.**
 17 **Q.** Do you know if anybody else did on the topic
 18 of sexual abuse?
 19 **A. No.**
 20 **Q.** Are there any other files besides those in the
 21 vault that you were aware of maintained, at
 22 least pertinent to the topics of sexual abuse,
 23 accusations made against priests --
 24 **A. No --**
 25 **Q.** -- beyond those in the vault?

- 1 **A. Not that I knew of.**
 2 MR. KINSELLA: Off the video record
 3 to change tape.
 4 (Discussion off the record)
 5 (Recess taken)
 6 MR. KINSELLA: Back on the video
 7 record, 1:19 p.m.
 8 BY MR. ANDERSON:
 9 **Q.** Archbishop, I'd like to turn to the topic of
 10 payments made to priests who have been -- who
 11 have molested kids and payments made to them.
 12 Is there a practice in the archdiocese under
 13 your tenure where certain priests who had been
 14 found to have molested children receive extra
 15 payments for housing, monthly and otherwise,
 16 under an account identified as 1-515?
 17 MR. HAWS: Object to the form.
 18 **A. Oh, you --**
 19 MR. HAWS: You can answer.
 20 THE WITNESS: Oh, I can answer?
 21 BY MR. ANDERSON:
 22 **Q.** Yeah.
 23 **A. First of all, I think it was you, Mr.**
 24 **Finnegan, who referred to an account in the**
 25 **newspaper that I had and I directed and**

1 **controlled. I called Kevin McDonough up that**
 2 **night, I said, "Where was that account?"**
 3 **Because I had no account like that. There**
 4 **might have been a Hill account or an**
 5 **O'Shaunessey account from years ago, but that**
 6 **was all in -- in -- in the fiscal office.**
 7 **But I believed, and I believe**
 8 **strongly so, that when we were sending these**
 9 **priests out after dismissing them from the**
 10 **priesthood, laicizing them, in justice we**
 11 **needed to give them some provision of whether**
 12 **their retirement or -- and then some other**
 13 **housing provision. And I think the document**
 14 **that was taken from the Chancery and given to**
 15 **the Minnesota Public Radio, a document that**
 16 **was signed by me and signed by Gil Gustafson,**
 17 **which he brought to my attention, agreeing to**
 18 **so much money and I don't know how much money**
 19 **it was at -- at this time, but I did that and**
 20 **I did it for others because I didn't -- I felt**
 21 **very strongly that they would not be able to**
 22 **get jobs very easily and so I wanted to give**
 23 **them some help.**
 24 **Q.** Some of those who received these payments who
 25 had offended had not actually been laicized or

1 removed from the clerical state, rather their
 2 facilities had just been removed, correct?
 3 **A. Yes, until 2002.**
 4 **Q.** And then did the payments stop going to them
 5 after 2002 or did they continue?
 6 **A. No. I think they -- whatever were -- we -- we**
 7 **agreed upon, they continued.**
 8 **Q.** How many would you estimate were accused or
 9 determined to have abused kids who received
 10 these payments under your watch?
 11 **A. I can't -- I couldn't make a guess.**
 12 **Q.** What individual within the archdiocese on your
 13 watch would be the one that would make the
 14 accounting and issue the checks and do the
 15 accounting of these payments made and --
 16 **A. It would have been the fiscal office and that**
 17 **was John Bierbaum. Austin Ward before he**
 18 **passed.**
 19 **Q.** And what about Scott Domeier, was he involved
 20 in that fiscal office?
 21 **A. Scott Domeier was involved in that office.**
 22 **And he might have done it, too, I'm not sure.**
 23 **He -- he was not the CFO, he was the one next**
 24 **to him.**
 25 **Q.** Is it your belief that every priest who was

1 considered to be an offender under the charter
 2 definition received extra payments?
 3 **MR. HAWS:** Well, object to the form.
 4 I don't think the Archbishop said "extra
 5 payments."
 6 **A. I did not say "extra payments," I just said**
 7 **"payments."**
 8 **BY MR. ANDERSON:**
 9 **Q.** Okay. And the payments were monthly amounts
 10 for living?
 11 **A. That I don't know how it was worked out in the**
 12 **fiscal office.**
 13 **Q.** Was Kevin McDonough authorized to be one of
 14 the handlers of that particular protocol?
 15 **A. He worked with the fiscal office, yes.**
 16 **Q.** You made reference to the priests that were
 17 laicized. Can you identify by name what
 18 priests actually were laicized --
 19 **A. They --**
 20 **Q.** Just a moment, let me finish the question --
 21 for having sexually abused youth?
 22 **A. Gil Gustafson was. Some of the ones on this**
 23 **list were. Robert Kapoun, Robert Thurner,**
 24 **Michael Stevens. The ones that were on this**
 25 **list, I think they were all removed from**

1 **ministry. Whether all of them were laicized,**
 2 **I don't know.**
 3 **Q.** Okay. Well, let's, yeah, let's clear up our
 4 terms here, because removed from ministry, for
 5 purposes of definition, you as the archbishop
 6 had the power to remove the faculties to
 7 minister?
 8 **A. That's right.**
 9 **Q.** And you are empowered to do that under the
 10 canon law, correct?
 11 **A. Correct.**
 12 **Q.** And so when you say "removed from ministry,"
 13 that means that they are taken out of an
 14 assignment and given instructions by you as
 15 the archbishop and their superior that they
 16 are not to publicly minister --
 17 **A. That's true.**
 18 **Q.** -- that's called removal from ministry,
 19 correct?
 20 **A. Correct.**
 21 **Q.** Okay. So when we refer to removal from
 22 ministry, let's talk about that category of
 23 priest. And some of those priests received
 24 extra assistance, correct?
 25 **MR. HAWS:** Objection, that's not the

- 1 testimony of the Archbishop, it was payments
2 as he's described. His testimony speaks for
3 itself.
- 4 **BY MR. ANDERSON:**
- 5 **Q.** Is it correct to say that some of those
6 priests receive monthly allowances?
- 7 **A. It would be.**
- 8 **Q.** And -- okay. And they received them, those
9 allowances, both before and after the charter?
- 10 **A. I don't know.**
- 11 **Q.** Okay. And then there's other categories of
12 priests that are laicized, is the term that's
13 commonly used for our purposes, laicized would
14 it be correct to say is actual removal from
15 the clerical state by the Vatican on a
16 petition either by the priest or his superior?
- 17 **A. Yes.**
- 18 **Q.** Okay. And a laicized priest is somebody who
19 only the Vatican can achieve, correct, for
20 removal from the clerical state?
- 21 **A. I'm -- I'm not sure. I'm not sure. It could
22 be from a -- a canonical trial within the
23 archdiocese also, but I'm not sure. I -- my
24 canon law is not clear on that.**
- 25 **Q.** In any case, you as the archbishop at no time

- 1 had the power to remove a priest from the
2 clerical state?
- 3 **A. No.**
- 4 **Q.** That's correct?
- 5 **A. That's correct.**
- 6 **Q.** What priests who had offended children, if
7 any, did you discuss with John Paul II at an
8 ad limina visit or at any other time, if you
9 did?
- 10 **A. I did not because those were not things you
11 would discuss with John Paul II. The canon
12 lawyer for the diocese would send in a
13 petition and prepare the case. And then it
14 would be sent to the congregation for clergy
15 and then the prefect of that congregation
16 would bring that to the attention of the Pope,
17 or he would have the -- the authority to do so
18 himself.**
- 19 **Q.** And the prefect for the congregation was then
20 Cardinal Ratzinger?
- 21 **A. No. He was prefect of the congregation for
22 the faith. There's a -- there are several
23 congregations in Rome.**
- 24 **Q.** But for purposes of removal for sexual abuse,
25 didn't the complaints go to the CDF?

- 1 **A. The -- yes, excuse me, they did, and that was
2 Bishop Scicluna.**
- 3 **Q.** Did you ever discuss any issue of childhood
4 sexual abuse or it being a problem with John
5 Paul II?
- 6 **A. Yes.**
- 7 **Q.** What was that discussion?
- 8 **A. It was a discussion when I was sent as bishop
9 to Lafayette, I had a private meeting with
10 John Paul II, and on that occasion told him
11 that it was my opinion that something needed
12 to be done in a systematic way in order to
13 take care of these issues when they arose.**
- 14 **Q.** And did he take any action in response to that
15 conversation?
- 16 **A. Yes, he -- he engaged in it, he was interested
17 in it and it was a positive experience to --
18 to talk about it. And then Benedict became
19 more active in taking the removal of the
20 priests from the congregation for the clergy
21 to the congregation -- the congregation for
22 the faith and Monsignor Scicluna at the time
23 as the active person.**
- 24 **Q.** And that's 2001 when Benedict took a more
25 active involvement and required that all

- 1 priests be reported to the CDF under his
2 jurisdiction?
- 3 **A. No. It was after 2002, I think, but I'm not
4 sure.**
- 5 **Q.** All right. In any case, the conversation that
6 you had with John Paul II, can you point to
7 any changes made or actions specifically taken
8 by John Paul II responsive to the conversation
9 you had with him or the identification of the
10 problem you described?
- 11 **A. I can't point to any changes that occurred in
12 him from a conversation with me. But I think
13 as time went on and the bishops of the -- our
14 country had the -- met in Dallas, I think I
15 had met with him after that, too, and the
16 conversation was positive and he was much more
17 knowledgeable about the problem.**
- 18 **Q.** Did you have any other conversations with him
19 on this topic, John Paul II?
- 20 **A. Not that I remember.**
- 21 **Q.** Any conversations with his successor,
22 Benedict?
- 23 **A. I can't remember. We've had conversations,
24 but I can't remember whether this topic was in
25 the fore because he had -- because the charter**

- 1 **was just being implemented.**
- 2 **Q.** You did mention that you made some
- 3 recommendations to John Paul II about this
- 4 issue and it being a problem. What
- 5 recommendations specifically did you recommend
- 6 to him?
- 7 **A. I -- I think my recommendations were very**
- 8 **general, like this needs to be looked at and**
- 9 **we need to act on it or something like that.**
- 10 **Q.** Anything more specific than that?
- 11 **A. I don't think I can recall that now.**
- 12 **Q.** Was this at the time that the charter had
- 13 been --
- 14 (Discussion out of the hearing of
- 15 the court reporter)
- 16 BY MR. ANDERSON:
- 17 **Q.** It sounds like there may have been two
- 18 conversations with John Paul II. Is that
- 19 correct?
- 20 **A. There were many conversations with him.**
- 21 **Q.** I'm talking about the topic that pertains to
- 22 sexual abuse and dealing with the problem.
- 23 **A. I can only remember the one.**
- 24 **Q.** Okay. Was that before the charter or after
- 25 the charter?

- 1 **A. It was in 1987 when I first went to Lafayette**
- 2 **and it was more concerning the challenge in**
- 3 **Lafayette, which were sexual abuse**
- 4 **perpetrated, really, by -- the majority of**
- 5 **those numbers by two priests.**
- 6 (Discussion out of the hearing of
- 7 the court reporter)
- 8 BY MR. ANDERSON:
- 9 **Q.** Did John Paul II ask you anything about
- 10 scandal and express any concerns about that
- 11 widening?
- 12 **A. John -- according to my memory, now, that**
- 13 **would have been almost 30 years ago, according**
- 14 **to my memory, he expressed great concern for**
- 15 **families and children and I was sitting across**
- 16 **from him at a very small table.**
- 17 **Q.** Did he express to you or was it expressed in
- 18 that meeting that this was not a problem
- 19 specific to Lafayette, but perhaps global in
- 20 dimension and much deeper than thought?
- 21 **A. He didn't express that to me.**
- 22 **Q.** Did he give the impression that he had any
- 23 appreciation for --
- 24 **A. He did.**
- 25 **Q.** -- the magnitude of it?

- 1 **A. He did.**
- 2 **Q.** How did he express that to you?
- 3 **A. Well, I'm just reflecting now on the meeting**
- 4 **and I -- I remember a man sitting there**
- 5 **concerned.**
- 6 **Q.** Any conversations with any of the prefects
- 7 that were charged with dealing with sexual
- 8 abuse by clerics?
- 9 **A. None of them were specifically charged, but it**
- 10 **would have come under their -- their office,**
- 11 **if it happened, the clergy -- the congregation**
- 12 **for clergy, the congregation for bishops.**
- 13 **Q.** And whom did you discuss it with and when?
- 14 **A. I can't remember their names. They -- they**
- 15 **had changed several times during my time as**
- 16 **the archbishop or as bishop, but they -- they**
- 17 **were -- one was a Spaniard, I think, and**
- 18 **another was an Italian, but I can't remember**
- 19 **specifically who they were, except, I mean,**
- 20 **their names.**
- 21 **Q.** Any conversations with Cardinal Ratzinger when
- 22 he was prefect on this topic?
- 23 **A. When he was prefect for the congregation of**
- 24 **the -- for the faith, yes.**
- 25 **Q.** And what was the nature of those

- 1 conversations?
- 2 **A. That was at an ad limina visit. This -- that**
- 3 **-- we expressed gratitude to him that he was**
- 4 **moving on this in a more aggressive way since**
- 5 **he brought these cases over to the**
- 6 **congregation for the faith rather than the**
- 7 **congregation for clergy.**
- 8 **Q.** Beyond him taking control of, effectively, the
- 9 files and the complaints, what action, if any,
- 10 did you see taken by him and that department
- 11 responding to the information given them --
- 12 **A. An appointment --**
- 13 **Q.** -- and what changes?
- 14 **A. An appointment of Monsignor Scicluna at the**
- 15 **time, who was a Maltese, a brilliant canon**
- 16 **lawyer, with the opportunity to -- I -- I**
- 17 **don't have this right canonically, I'm sure,**
- 18 **but to bypass a long canonical procedure and**
- 19 **get them out of ministry.**
- 20 **Q.** Any other action taken responsive to that
- 21 information?
- 22 **A. I can't remember of any other.**
- 23 **Q.** I'd like to turn your attention to Curtis
- 24 Wehmeyer. And when in time, Archbishop, did
- 25 he first come onto your radar as a potential

- 1 risk of harm while he was in ministry?
- 2 **A. He never came on my radar as a potential risk**
- 3 **of harm to children. He had a same-sex**
- 4 **attraction and that was evident from the**
- 5 **encounter that he had in a book store. And**
- 6 **after that we sent him to a psychiatric**
- 7 **institute, I think it might have been in**
- 8 **Philadelphia.**
- 9 **Q. St. Luke's?**
- 10 **A. No. St. Luke's is in Washington. And he**
- 11 **might have gone to St. Luke's, I can't recall.**
- 12 **But a same-sex attraction does not a predator**
- 13 **make, so I -- I was satisfied with the results**
- 14 **of that study that they did and nothing came**
- 15 **back which would have indicated that he was a**
- 16 **-- a danger to children.**
- 17 **Q. When in time did he come onto your radar for**
- 18 **the problem that you've described as a same-**
- 19 **sex attraction that prompted him to be sent**
- 20 **for assessment --**
- 21 **A. I would not --**
- 22 **Q. -- and treatment?**
- 23 **A. -- remember the year.**
- 24 **Q. What was the source of the information you**
- 25 **got? Where did you get the information that**

- 1 he gave --
- 2 **A. From Father McDonough.**
- 3 **Q. What did Father McDonough tell you?**
- 4 **A. He told me that a gentleman called him and**
- 5 **told him that Curtis Wehmeyer had made**
- 6 **overtures to him at a book store.**
- 7 **Q. And did Father McDonough make any records of**
- 8 **that or did you --**
- 9 **A. I can't remember.**
- 10 **Q. -- any notes?**
- 11 **A. I can't remember.**
- 12 **Q. Was it your practice to take notes yourself or**
- 13 **record memoranda of such conversations or to**
- 14 **expect him to or what?**
- 15 **A. No. I -- I think it was both. He -- he would**
- 16 **and I would at times, too.**
- 17 **Q. In any case, was it on that information**
- 18 **brought to you by Father McDonough exclusively**
- 19 **that caused the decision to be made to send**
- 20 **him to a facility out East?**
- 21 **A. I think it was.**
- 22 **Q. And when he was sent, was it your expectation**
- 23 **and that of Curtis Wehmeyer that the report or**
- 24 **findings that they made would be made**
- 25 **available to you as the archbishop and his**

- 1 superior to determine whether or not he could
- 2 or should continue?
- 3 **A. I don't remember.**
- 4 **Q. When he was sent there, it was paid for by the**
- 5 **archdiocese and he was required to go,**
- 6 **correct?**
- 7 **A. Yes.**
- 8 **Q. And did you read the findings that were made?**
- 9 **A. I probably did, but I can't remember.**
- 10 **Q. As a matter of practice, you did have access**
- 11 **to that information --**
- 12 **A. I did, yes.**
- 13 **Q. -- is that correct? Correct?**
- 14 **A. Yes.**
- 15 **Q. What else do you recall about Father Wehmeyer**
- 16 **and him coming onto your radar for issues**
- 17 **relating to his sexuality, be it same-sex**
- 18 **attraction or anything else pertaining to his**
- 19 **sexuality?**
- 20 **A. That was the only thing that came on my radar,**
- 21 **that he had a same-sex attraction.**
- 22 **Q. And after he returned from the facility, was**
- 23 **he continued in ministry?**
- 24 **A. He was.**
- 25 **Q. And did you receive any information from any**

- 1 other source about -- about him and/or his
- 2 sexuality or his fitness to be in ministry
- 3 that concerned you?
- 4 **A. There wasn't anything that gravely concerned**
- 5 **me. There was nothing about his sexuality.**
- 6 **There was -- I received a -- not complaints,**
- 7 **but in a conversation with people at West St.**
- 8 **Paul were not pleased with his personality,**
- 9 **they thought he was a -- too quiet, too**
- 10 **introverted.**
- 11 **Q. Do you know when that conversation was?**
- 12 **A. I don't.**
- 13 **Q. But he was assigned in West St. Paul?**
- 14 **A. Yes.**
- 15 **Q. And was he on monitoring at that time?**
- 16 **A. He would come in to see me on a regular basis.**
- 17 **Q. Was the concern raised by those folks that**
- 18 **Wehmeyer was too secretive?**
- 19 **A. Not secretive. Quiet, unfriendly, apparently**
- 20 **unfriendly. And it wasn't in the form of a**
- 21 **complaint. They just wanted him to loosen up**
- 22 **a bit.**
- 23 **Q. Any other concerns ever raised about Curtis**
- 24 **Wehmeyer that you haven't identified?**
- 25 **A. Not to my knowledge.**

- 1 Q. At some point, Curtis Wehmeyer came to see you
2 personally and you met with him, correct?
3 A. **I did.**
4 Q. And was that after the West St. Paul meeting
5 or what prompted that?
6 A. **It was before the St. Paul --**
7 Q. And what prompted his meeting with you?
8 A. **He -- his same-sex attraction and he wanted to**
9 **be sure and -- to walk the straight and narrow**
10 **path. And I would meet with him and ask him**
11 **about his life of prayer and -- and anything**
12 **else that would be of ministerial interest.**
13 Q. And did you have more than one meeting with
14 him?
15 A. **I did.**
16 MR. KELLY: Excuse me. I feel
17 compelled to raise a privilege issue. This
18 does take on the nature of a conversation
19 between a member of the clergy and --
20 MR. ANDERSON: I think I can ask
21 questions foundationally that eviscerates any
22 claim of privilege.
23 MR. KELLY: Well --
24 MR. ANDERSON: And these are
25 conversations that have been already the

- 1 subjects of both disclosure and discovery, so
2 it's the first time we've heard that privilege
3 asserted.
4 MR. KELLY: Well, I don't have the
5 benefit of that history and, of course, I
6 don't know about Mr. Wehmeyer and whether he's
7 waived the privilege. And, as I said, I do
8 not have the benefit of the history of this
9 litigation, but it is a concern for me, and
10 out of an abundance of caution, I raise the
11 objection.
12 MR. ANDERSON: I'll respect that,
13 but let me ask a question foundationally so
14 that I can alleviate your concern and
15 objection, if it's proper.
16 MR. KELLY: I'd love to have my
17 concerns alleviated.
18 BY MR. ANDERSON:
19 Q. Okay. Is it correct to say that the meetings
20 you had with Wehmeyer would help you determine
21 whether or not he was fit to continue in
22 ministry?
23 A. **No.**
24 Q. How many different times did you meet with
25 him?

- 1 A. **I can't remember.**
2 Q. Were there regular appointments?
3 A. **They were -- I mean, they weren't -- not**
4 **monthly or anything like that. He would call**
5 **for an appointment as anyone would.**
6 Q. And with whom would he call -- who would he
7 call to set up an appointment with you as the
8 archbishop?
9 A. **He would call my secretary.**
10 Q. Who was your secretary?
11 A. **Sister Ann Ganley, I believe, at the time.**
12 Q. And was she your secretary the entire tenure
13 of your --
14 A. **No. She -- she died. She was a wonderful**
15 **lady. She died with cancer and then she was**
16 **taken over -- that position was taken over by**
17 **her assistant, Bobbie Dawson.**
18 Q. And did you have any other secretaries
19 besides --
20 A. **No.**
21 Q. -- those two? Did you ever report any of the
22 conversations you had with Wehmeyer to any of
23 your colleagues about what he had been
24 discussing with you?
25 A. **I don't think I did.**

- 1 Q. Okay. Any other times or instances where you
2 received information, reports, rumors or
3 complaints concerning Curtis Wehmeyer and his
4 sexuality and the expression of it that you
5 haven't identified?
6 A. **No. Not -- not according to my memory or it**
7 **-- it -- I think if there were, it would come**
8 **right up to me.**
9 Q. Did you ever look at the file maintained by
10 the archdiocese concerning Wehmeyer?
11 A. **No.**
12 Q. Have you to this day?
13 A. **No.**
14 (Discussion out of the hearing of
15 the court reporter)
16 BY MR. ANDERSON:
17 Q. Do you claim, Archbishop, the conversations
18 that Wehmeyer had with you were in the nature
19 of confessional or privileged?
20 A. **I -- they -- they might have been. It would**
21 **be hard now for me to remember that.**
22 Q. I guess that doesn't dispatch with that issue,
23 does it? Okay.
24 (Discussion out of the hearing of
25 the court reporter)

1 BY MR. ANDERSON:
 2 **Q.** Was it your practice to hear confessions of
 3 priests in the archdiocese?
 4 **A.** **It wasn't my practice.**
 5 **Q.** Did any other priests come to you for the kind
 6 of -- with the kind of information that
 7 Wehmeyer came to you with or was he the only
 8 one with whom you had such a relationship?
 9 **A.** **I would have -- no. I would have many priests**
 10 **coming in and I would ask them how their**
 11 **prayer life was, but they would have their own**
 12 **confessors.**
 13 **Q.** Okay. So as the presiding archbishop, it
 14 would not be expected that you would be the
 15 confessor --
 16 **A.** **No.**
 17 **Q.** -- or entering into a priest/penitent
 18 relationship with them, correct?
 19 **A.** **That's right. That's right. Unless there**
 20 **were an emergency.**
 21 **Q.** And he didn't come to you for an emergency?
 22 **A.** **No.**
 23 **Q.** So what did you talk to him about?
 24 MR. KELLY: Objection. I apologize
 25 for delaying the proceedings here, but I am

1 concerned about the confidentiality of the
 2 communications, and out of respect for Mr.
 3 Wehmeyer, I think it would be inappropriate
 4 for the archbishop to disclose the contents of
 5 communications made between the two of them
 6 when the possibility exists in Mr. Wehmeyer's
 7 mind that those communications were privileged
 8 and confidential. And unless there is a
 9 waiver from Mr. Wehmeyer, I believe that
 10 Minnesota statutes 595 would prohibit inquiry
 11 into this as privileged information, and as
 12 such, I would instruct the archbishop not to
 13 answer the question. And while we're trying
 14 to be as forthcoming as we can, we also must
 15 weigh the confidential nature of this and the
 16 rights of Mr. Wehmeyer, so I would instruct
 17 him not to answer.
 18 (Discussion out of the hearing of
 19 the court reporter)
 20 MR. ANDERSON: And while we may
 21 disagree, I'll respect the instruction and
 22 move on.
 23 BY MR. ANDERSON:
 24 **Q.** And thus in respect of that instruction, I'm
 25 not going to ask you any further questions on

1 that topic. Okay?
 2 MR. KELLY: Thank you, Mr. Anderson.
 3 BY MR. ANDERSON:
 4 **Q.** I'm going to direct your attention,
 5 Archbishop, to some documents that came out of
 6 the Wehmeyer file --
 7 **A.** **Uh huh.**
 8 **Q.** -- and that have been supplied here. And we
 9 placed before you Exhibit 3. I'm going to try
 10 to move through these as quickly as it's
 11 possible, appreciating the time and your
 12 circumstance. So I'm going to direct your
 13 attention to this one, it's dated August 15th,
 14 1996, it's addressed to you and it's from
 15 Reverend Stan Mader, the co-vocation director,
 16 concerning Wehmeyer. And in the middle of the
 17 second paragraph, I'm going to read a portion
 18 of it, Archbishop, and then ask you a
 19 question, if I may.
 20 Directing your attention to the
 21 middle paragraph, the second sentence -- I
 22 think I better read the whole thing and then
 23 ask the question. It states, "My reservations
 24 regarding Curt are in two areas. One, given
 25 the level of his skills, will he be able to

1 juggle all he needs to in order to
 2 academically prepare for priesthood while he
 3 continues to work on the other issues:
 4 Understanding and controlling his sexuality,
 5 dealing with family issues, and developing
 6 intimacy skills." My question to you,
 7 Archbishop, is, what did you learn about his
 8 difficulty controlling his sexuality while he
 9 was in seminary?
 10 **A.** **I don't think I learned anything. No --**
 11 **nothing ever was brought to my attention**
 12 **concerning his controlling sexuality or lack**
 13 **of control thereof.**
 14 **Q.** Well, this tells you that he's having
 15 difficulty controlling sexuality, does it not?
 16 MR. HAWS: Well, I'll object, the
 17 document speaks for itself. Doesn't
 18 specifically state that.
 19 BY MR. ANDERSON:
 20 **Q.** Well, it says "and controlling his sexuality."
 21 Do you have any --
 22 **A.** **I have no -- (Examining documents) I -- I**
 23 **really can't go back in time and give a full**
 24 **response to that.**
 25 **Q.** Okay. My question is -- I'll move on.

1 At the bottom of that same
2 paragraph, the last sentence, it states, "For
3 that reason, a strong support system and good
4 intimacy skills are very important. I am
5 concerned Curt does not have them at the
6 desired level yet. I believe he can attain
7 them." Do you recall taking any action
8 responsive to this letter concerning the
9 concerns raised in it?
10 **A. I don't recall taking any action.**
11 **Q.** The last paragraph, I'll read a portion of it
12 and ask you a question. It states, "In
13 summary, I do not believe he is ready for
14 Theology I. I think he is a bit of a risk at
15 any level at this time, but certainly
16 redeemable." Do you remember him being a bit
17 of a risk in seminary and, if so, why?
18 **A. I don't remember his being a risk at all in
19 the seminary.**
20 **Q.** Did you take any action responsive to this
21 letter?
22 **A. I can't remember.**
23 **Q.** I'm going to put before you Exhibit 4. And,
24 Archbishop, this one is again and all these
25 will be coming from the files, and this one is

1 dated June 1st, 2004, it's to the assessment
2 staff at St. Luke Institute, it's from Father
3 Kevin McDonough --
4 **A. Uh huh.**
5 **Q.** -- regarding Father Curtis Wehmeyer. And
6 you'll see that it is two full pages, at least
7 the ones that I have, the first two pages I'm
8 going to take some portions out of in the
9 interest of brevity and direct your attention
10 to the first paragraph. First, it begins by
11 saying, "I'm grateful to you for your
12 assistance in the assessment of Father Curtis
13 Wehmeyer." So does this confirm for you that
14 Wehmeyer was sent to St. Luke's for
15 assessment?
16 **A. It does now, yes, thank you.**
17 **Q.** Okay. And then it goes on to state at the
18 fourth sentence, "I want to ask that any
19 disclosures to the Archdiocese of St. Paul and
20 Minneapolis, either written or verbal, will
21 only be in response to the following
22 questions." This is Kevin McDonough
23 addressing this to St. Luke's. And there's
24 really two questions he asks them to answer.
25 Were you aware that he was restricting the

1 scope of the assessment to the answering of
2 these two questions?
3 **MR. KELLY:** Object to as a
4 misstatement. He has not restricted the
5 assessment in any way. He's asked for
6 specific answers to specific questions. Rule
7 611 --
8 **MR. ANDERSON:** Okay. Well, I'll
9 rephrase it, that's okay.
10 **BY MR. ANDERSON:**
11 **Q.** Were you aware that he's restricting the
12 response in the assessment given to answering
13 specific questions?
14 **A. No.**
15 **Q.** If this document reflects that, do you have
16 any -- do you know why the response would be
17 restricted as opposed to a full-blown
18 assessment?
19 **MR. KELLY:** I object to as calling
20 for speculation, Rule 611.
21 **MR. HAWS:** And lack of foundation.
22 **BY MR. ANDERSON:**
23 **Q.** You can answer.
24 **MR. HAWS:** Obviously, the Archbishop
25 isn't copied on this or doesn't appear to be

1 one and you never asked him if he's read it or
2 seen it.
3 **BY MR. ANDERSON:**
4 **Q.** You can answer. Do you know why?
5 **A. No.**
6 **Q.** At the second page, Archbishop, I'd direct
7 your attention to it. At the second paragraph
8 of this, I'll read it and then ask you a
9 question. It states, "As our conversations
10 continued, however, I proposed to him a
11 possibility lying somewhere between innocent
12 misunderstanding and deliberate cruising. I
13 suggest that he may have had some interest in
14 engaging the conversation to see where it
15 might go and it might have triggered curiosity
16 and even a sense of danger on his part. Are
17 you familiar -- did Kevin McDonough report to
18 you this -- the contents of this inquiry made
19 of him?
20 **A. I can't remember.**
21 **Q.** Okay. What did you understand at this point
22 in time that Wehmeyer was sent to St. Luke's
23 and Kevin McDonough was involved in this what
24 Father McDonough's relationship was to
25 Wehmeyer? Was it closer than that of other

1 priests?

2 **A. Oh, no. I don't think so at all.**

3 **Q.** You had mentioned that he had tried to pick up

4 some people at a book store. Do you know how

5 old those people were?

6 **A. No.**

7 **Q.** I'm going to direct your attention to Exhibit

8 5, and this would be a report from St. Luke's,

9 Archbishop, and it's addressed to Kevin

10 McDonough, your then vicar general, and under

11 the circumstances, I expect that Father

12 McDonough and Curtis Wehmeyer both understood

13 that you would have access to the information

14 contained in this?

15 **A. I don't know.**

16 **Q.** Okay. In any case, looking at Exhibit 5, it's

17 from St. Luke Institute dated June 18, 2004,

18 it's addressed to Father Kevin McDonough, your

19 then vicar general, correct?

20 **A. That's true.**

21 **Q.** In the middle -- at the second page, if you

22 look at it in the middle of that paragraph

23 there's a sentence, I'm going to ask you a

24 question, reading from it, and then ask you if

25 it's anything you had heard before as reported

1 to you.

2 MR. KELLY: Counsel, may I interrupt

3 you for a minute? Is this a public document

4 already?

5 MR. ANDERSON: Yes.

6 MR. KELLY: So has there been any

7 waiver of privilege on this by Mr. Wehmeyer?

8 MR. ANDERSON: Yes.

9 MR. KELLY: There has been?

10 MR. ANDERSON: Yes.

11 MR. KELLY: Does it extend to these

12 proceedings?

13 MR. ANDERSON: Yes.

14 **A. Is that signed? Did he sign something to --**

15 MR. ANDERSON: All these documents

16 have been the subject of a great deal of

17 inquiry by Kevin McDonough and others and have

18 been inserted into the -- into the public

19 record, and when the assessment was done, the

20 privilege was waived and it was shared.

21 MR. KELLY: May I have --

22 MR. ANDERSON: And there's never

23 been an assertion of the privilege on it.

24 MR. KELLY: Well, I don't know if

25 Mr. Wehmeyer has been ever asked to waive

1 privilege, and to the extent that --

2 MR. ANDERSON: Wait a minute. Are

3 you representing Wehmeyer?

4 MR. KELLY: No. But I'm

5 representing this client and it's -- if this

6 is privileged information, he should not be

7 talking about it.

8 MR. ANDERSON: I'm representing to

9 you that it has not been information that has

10 been asserted as privileged, it's already been

11 placed in the public record and the subject of

12 multiple inquiries without objection.

13 MR. KELLY: I want the record to

14 reflect that the archbishop and I and perhaps

15 others have an ongoing concern about the

16 confidentiality and privacy of Mr. Wehmeyer,

17 as we should.

18 MR. ANDERSON: So noted.

19 MR. HAWS: Just so the record's

20 clear, there were many objections regarding

21 production of some of this information and

22 we've been ordered to produce much of the

23 information.

24 MR. KELLY: And, as I said, I don't

25 have the benefit of the background on some of

1 this litigation.

2 BY MR. ANDERSON:

3 **Q.** Directing your attention, then, Archbishop, to

4 the middle of that paragraph, I'm just gonna

5 read a sentence from it at page 2 and ask you

6 a question about that information and if it

7 was in any way news to you. First, it says,

8 "Father Wehmeyer was not dressed in clerics

9 and during his visit to this establishment

10 became engaged with two young men separately

11 in a conversation that had 'some sexual

12 undertones to it.' While the intentions of

13 each party remain unclear, the first

14 conversation ended abruptly when Father

15 Wehmeyer asked the young man, 'Are you

16 horny?'" Is that information you had received

17 or remember -- received before --

18 **A. Yes.**

19 **Q.** -- Archbishop? Okay. The next paragraph

20 says, "In a memo dated June 1st, 2004, you,

21 Father McDonough, requested that our feedback

22 focus strictly on three referral questions."

23 I may have asked you this, but are you aware

24 that -- as to the motives why the feedback was

25 restricted to the three referral questions

1 only?

2 **A. No.**

3 (Discussion out of the hearing of

4 the court reporter)

5 BY MR. ANDERSON:

6 **Q.** Did you ever ask Curtis Wehmeyer about this

7 information, about his approaching the young

8 man and, "Are you horny?"

9 **A. I'm not sure whether or not I did.**

10 **Q.** At page 4 of the substance abuse history in

11 the middle, it makes reference to the fact

12 that during -- at the fifth sentence, I'll

13 just read it, it says, "During this period,

14 Father Wehmeyer received two DUIs, one during

15 his college years and another in 1990." Did

16 you have information about his history of

17 DUIs?

18 **A. No.**

19 **Q.** In the psychosexual history, it states,

20 "Father Wehmeyer displayed considerable

21 anxiety when talking about his sexual

22 history." And the last sentence of that

23 paragraph it states, "He hinted at a

24 considerable struggle maintaining his

25 celibacy. Father Wehmeyer acknowledged a

1 consistent challenge to 'keep custody of my

2 thoughts and eyes.'" Is that information you

3 had received?

4 **A. I can't remember it.**

5 **Q.** If you direct -- I direct your attention to

6 page 6 of this, it would be under the

7 diagnosis, Archbishop.

8 **A. Uh huh.**

9 **Q.** And under the diagnosis there are five, but

10 diagnosis number 1, it states it to be,

11 "Sexual disorder, not otherwise specified:

12 Unintegrated sexuality." Were you aware that

13 that diagnosis had been made of him?

14 **A. If this report had been given to me, I would**

15 **have read it at the time.**

16 **Q.** And do you recall discussing it with him or

17 Father McDonough?

18 **A. I don't recall.**

19 **Q.** The next page at 7, I'll direct your attention

20 in the summary portion and recommendations, it

21 begins with, "We make the diagnosis of sexual

22 disorder not otherwise specified." And then I

23 go to the last sentence and I'll read it, then

24 ask you a question. It states, "Unintegrated

25 sexuality refers to Father Wehmeyer's

1 discomfort with his sexuality, his difficulty

2 acknowledging sexual motivations and

3 attractions, and the preoccupying presence of

4 sexual urges that detract from his ability to

5 be at peace with himself." Were you aware of

6 that information?

7 **A. If I read this at the time, I must have been**

8 **aware of it.**

9 **Q.** I'll direct your attention, then, to page 8

10 and under the middle paragraph, numerically

11 designated number 1, "Individual

12 Psychotherapy," the fifth sentence down, I

13 will read a portion of it, then ask you a

14 question about it. It states, "Several issues

15 were noted during this evaluation that would

16 be important for Father Wehmeyer to discuss

17 with his therapist, including his past sexual

18 behavior and current sexual feelings, his

19 current and long-term feelings of anxiety and

20 depression." Is that information made known

21 to you?

22 **A. If this report had been given to me, and I'm**

23 **sure that it was, then I would have been aware**

24 **of it. And, in fact, it seems to me I might**

25 **have talked with Father Wehmeyer about talking**

1 **about this with his therapist.**

2 **Q.** Okay. And you had permission to talk to his

3 therapist --

4 **A. No.**

5 **Q.** -- did you not? Okay. You asked him to talk

6 to his therapist?

7 **A. Yes.**

8 **Q.** Did you ever talk to his therapist?

9 **A. No.**

10 **Q.** Go to page 9, then, and under item number 7,

11 there's a middle of that paragraph that I'll

12 read to you and ask a question. It says,

13 "Should Father Wehmeyer be unable or unwilling

14 to follow the recommendations outlined in this

15 report, or should additional information

16 become available to the diocese about other

17 concerning or otherwise risky behavior, we

18 would be forced to reconsider our current

19 evaluation of Father Wehmeyer." That implies

20 that this information is being made to the

21 diocese, and if other information comes forth,

22 they might change their findings, correct?

23 **A. Uh huh.**

24 **Q.** Yes?

25 **A. That's -- yes.**

1 Q. Let's turn, then, to the next exhibit, which
2 would be -- first --
3 (Discussion out of the hearing of
4 the court reporter)
5 BY MR. ANDERSON:
6 Q. Let's go to the next exhibit then and that's
7 Exhibit 6, Archbishop. And this is dated
8 September 7, 2004. This would be after the
9 St. Luke's report that we were reading from
10 was rendered, and as chair of the diocese,
11 archdiocese, and this is to you and Bill
12 Fallon, who was then your chancellor, correct?
13 A. Yes, he was the chancellor.
14 Q. And it's from Kevin McDonough, your then vicar
15 general?
16 A. Yes.
17 Q. And it's dated September 7th, 2004, correct?
18 A. Correct, that's right.
19 Q. Concerning Curtis Wehmeyer. And at the second
20 paragraph, I'll read it -- I'll read a portion
21 of it in the interest of brevity and then ask
22 a question. In the middle of it it says, "In
23 fact, we agreed to lift the restriction that I
24 had placed earlier this summer on his
25 participation in youth programming. We had

1 put that restriction on because he constituted
2 a danger" --
3 MR. HAWS: Counsel, you misstated
4 that. Can you read that again?
5 MR. ANDERSON: Oh, sure.
6 MR. HAWS: It says "not."
7 BY MR. ANDERSON:
8 Q. Okay. I'm sorry, let me read it again. I'll
9 start with, "In fact, we agreed to lift the
10 restriction that I had placed earlier this
11 summer on his participating in youth
12 programming. We had put that restriction on,
13 not because he constituted a danger, but so
14 that there would not be occasion for
15 misunderstanding and rumors." So why was a
16 restriction put on him to not have contact
17 with youth if there wasn't concern about the
18 expression of his sexuality towards them?
19 MR. HAWS: Again, that misrepresents
20 the testimony and the evidence, misstated
21 facts, and it also left out a portion of the
22 document as to why that you didn't read into
23 the record.
24 MR. KELLY: And I join in that
25 objection and point out that the reason set

1 forth --
2 MR. ANDERSON: Well, look, I can ask
3 another question if you don't like the
4 question, so let's just get through it. If
5 you don't like that question, I'll withdraw
6 it.
7 MR. KELLY: I -- okay.
8 BY MR. ANDERSON:
9 Q. Okay. Archbishop, do you remember, did you
10 put restrictions on Wehmeyer?
11 A. No. I'm -- I -- I was surprised to have read
12 that. I -- that's a surprise to me. I don't
13 know -- I might have missed -- or I might have
14 missed it or whatever, but I can't remember a
15 restriction on him.
16 Q. Okay. This reflects that there was
17 restriction put on him and this reflects that
18 there was restriction lifted, does it not?
19 MR. HAWS: But it also, counsel, you
20 didn't include the conditions under which he's
21 restricted as part of --
22 MR. ANDERSON: Well, I'm just asking
23 about the restrictions.
24 MR. HAWS: But it's part of the
25 document that you haven't stated and put into

1 context.
2 MR. ANDERSON: If you want to ask
3 questions, you can when you have a chance, but
4 I'm going to ask the questions we need to ask
5 to get through this.
6 BY MR. ANDERSON:
7 Q. Archbishop, first --
8 MR. HAWS: As long as it's fairly
9 done so.
10 BY MR. ANDERSON:
11 Q. First question is, is you're aware this
12 document reflects that some restrictions were
13 put on him, right, correct?
14 A. It says that. We have put the restriction on,
15 not because he constituted a danger, but that
16 there would be no occasion for
17 misunderstanding and rumors, yes. I'm aware
18 now, I was not aware -- I -- it did not come
19 to my memory.
20 Q. And so if he was to not have contact with
21 youth, restricted on having contact from
22 youth, how can he be in ministry and not have
23 contact with youth? Can you answer that for
24 me?
25 A. No.

1 **Q.** I'm going to show you Exhibit Number 7. And
 2 this is to you as Archbishop Flynn, and it's
 3 from Kevin McDonough again, it's dated
 4 February 24th, 2005, and in the third
 5 paragraph of this memo to you it states,
 6 "Father Rohlfing told me that he knew of yet
 7 another similar incident. It happened while
 8 he and Father Wehmeyer were students at the
 9 seminary and while they were studying in
 10 Jerusalem." The next paragraph states, "When
 11 Father Rohlfing spoke with his friend shortly
 12 thereafter, the story that Curtis told him was
 13 this." And then the last sentence says, "When
 14 he showed no interest, they asked if he wanted
 15 a male prostitute. Trying to extricate from
 16 the situation, he spoke with them, and they
 17 misunderstood what he was saying." The next
 18 sentence, and I'll read it and then ask the
 19 question, the next sentence says, "As you can
 20 see, this bears remarkable similarities to the
 21 situation at the book store last year." Is it
 22 fair to say that when this was written and
 23 received by you, that this was new
 24 information, not known before about Wehmeyer
 25 and his history?

1 **A. Yes, I can't recall today receiving this.**
 2 **Q.** Okay.
 3 **A. I'm reading it with great interest, but I**
 4 **can't recall receiving it.**
 5 **Q.** In any case, do you have any information that
 6 this information was brought back to St.
 7 Luke's and they were told, as they had asked
 8 to be, if did it surface, that there's some
 9 new information, you got to take another look
 10 at this guy?
 11 **A. I don't -- I don't know.**
 12 **Q.** Exhibit 8, Archbishop, is again from the file
 13 of Curtis Wehmeyer, this is dated August 3rd,
 14 2006, It's a memo to the file of Curtis
 15 Wehmeyer from Kevin McDonough and it regards a
 16 concern about Father Wehmeyer and a response.
 17 This pertains to on Friday afternoon, July
 18 28th, visit by Ramsey County Sheriff Deputy
 19 Leyden, and it recounts what is described, I
 20 think, as cruising. And then at the last
 21 paragraph, there is a sentence I will read and
 22 then ask you a question. The memo states,
 23 "Deputy Leyden told me he believed that Father
 24 was exhibiting behavior consistent with sexual
 25 addiction." My question to you, Archbishop,

1 is, did you ever receive information that
 2 indicated Wehmeyer had engaged in behavior
 3 consistent with sexual addiction or was a sex
 4 addict?
 5 **A. No. I -- I don't think so.**
 6 **Q.** Do you recall receiving this memo?
 7 **A. I don't recall it.**
 8 **Q.** Turn to the second page and let's look at it
 9 and see if it --
 10 **A. (Examining documents).**
 11 **Q.** Do you recall concerns being expressed to you
 12 or by any of your officials about a publicity
 13 concerning Wehmeyer's conduct and people
 14 knowing what he was doing?
 15 **A. No, I don't -- I -- I don't.**
 16 **Q.** Let me refer you to the last paragraph of this
 17 memo. It's cc'd to Tim Rourke. Did you know
 18 him to be Wehmeyer's monitor?
 19 **A. Tim Rourke worked for the archdiocese, didn't**
 20 **he?**
 21 **Q.** Yes.
 22 **A. Yes. I didn't -- I didn't realize that he was**
 23 **his monitor.**
 24 **Q.** Okay. Did you know that Wehmeyer was on
 25 monitoring?

1 **A. I -- right at this moment, no. I might have**
 2 **then.**
 3 **Q.** Okay. Let's look at the last paragraph and
 4 I'll read it, then ask a question. It states,
 5 "I do not believe that Father Wehmeyer
 6 actually goes to these parks to pick up other
 7 men. Rather, he likes to be around the
 8 environment where such things are happening,
 9 since it gives him some sort of thrill. He is
 10 creating a significant risk for himself of
 11 highly unfavorable publicity." Do you recall
 12 having conversations with him or others about
 13 him creating scandal or publicity?
 14 **A. I -- I don't recall that. Was this sent to**
 15 **Tim Rourke or no?**
 16 **Q.** It was to the file of Wehmeyer.
 17 **A. File. But I think Tim -- Tim Rourke would**
 18 **have pursued that with him.**
 19 **Q.** Do you know that he did?
 20 **A. I don't.**
 21 MR. KINSELLA: Off the video record
 22 to change tape.
 23 THE WITNESS: All right. No, I
 24 don't.
 25 (Recess taken)

1 MR. KINSELLA: Back on the video
 2 record, 2:20 p.m.
 3 BY MR. ANDERSON:
 4 Q. I'm looking at a document from the file of
 5 Wehmeyer where it's reflected in 2012, they're
 6 looking back and I'll read it and see if you
 7 -- if -- if this is something you learned
 8 while you were archbishop. It states, "Father
 9 Wehmeyer developed a pattern of sexually
 10 inappropriate behavior that led to
 11 intervention and assessment at St. Luke's
 12 Institute in 2004." I guess you knew that,
 13 correct?
 14 A. Yes.
 15 Q. It then states, "In 2006, the archdiocese
 16 received additional reports of sexually
 17 inappropriate behavior best described as
 18 cruising." Did you know that?
 19 A. Yes.
 20 Q. It then goes on to state, "In response, Father
 21 Wehmeyer was asked to join Sexual Addicts
 22 Anonymous." Did you know that?
 23 A. No.
 24 Q. And it goes on to state, "and was enrolled in
 25 the archdiocesan monitoring program." Did you

1 know that?
 2 A. **I did today, it came back to me today when I**
 3 **saw that copied to Tim Rourke.**
 4 Q. Did you receive any information from any other
 5 source about Wehmeyer and/or his expression of
 6 sexuality as a priest?
 7 A. No.
 8 (Discussion out of the hearing of
 9 the court reporter)
 10 BY MR. ANDERSON:
 11 Q. Did you learn about a DUI that he got in 2009?
 12 A. **Today I -- I might have known about it then,**
 13 **but today it came to me in this report here.**
 14 **Oh, wait. 2009?**
 15 Q. Yeah, in September of 2009, the records show
 16 that he got a DUI --
 17 A. **No. I didn't know that, I don't think.**
 18 Q. The police report reflects that he was trying
 19 to pick up teenagers to go back to his
 20 campground to park -- to party. Is that
 21 information known to you at any time?
 22 A. **No. No.**
 23 Q. So when I made that statement to you, is that
 24 the first time you had heard that said?
 25 A. **I think that was the first time today because**

1 **I had been retired then and things would not**
 2 **have been copied to me.**
 3 Q. What was your retirement, May? I can't
 4 remember.
 5 A. **My retirement was in 2008.**
 6 Q. Eight, okay. Did you have concerns,
 7 Archbishop, that a priest who would pick up
 8 19-year-olds or 20-year-olds would also pick
 9 up kids 18 or under?
 10 A. **A psychologist could answer that better, I**
 11 **think, than I could. I -- I -- I don't know.**
 12 (Discussion out of the hearing of
 13 the court reporter)
 14 BY MR. ANDERSON:
 15 Q. Did you ever ask a psychologist that question
 16 as you viewed the --
 17 A. **I don't --**
 18 Q. -- conduct of Wehmeyer or others?
 19 A. **No. But I think in our committee work,**
 20 **there's psychiatrists on our committee from**
 21 **Johns Hopkins that -- a wonderful Jewish man,**
 22 **Dr. Berlin, and a priest psychiatrist, and**
 23 **they always differentiated the ages and there**
 24 **were people who were attracted to older people**
 25 **or younger people, they always differentiated**

1 **that.**
 2 Q. Tell me, Archbishop, when Father Shelley first
 3 came onto your radar as a source of concern
 4 about him either viewing -- viewing or being
 5 in possession of child pornography.
 6 A. **I don't -- it was before I retired. I don't**
 7 **remember the circumstances. They're not clear**
 8 **to me now at all.**
 9 Q. What do you remember about Shelley?
 10 A. **That there was an incident concerning**
 11 **computers, and then they looked at it, someone**
 12 **looked at it more closely, I don't know who**
 13 **that was, and determined it was pornography.**
 14 **That's what I recall.**
 15 Q. And do you remember receiving and being told
 16 that it was borderline child pornography that
 17 he was viewing?
 18 A. **I don't --**
 19 Q. -- and had possession of?
 20 A. **No. No, I don't. Unless that occurred**
 21 **afterwards. But the initial -- I -- I -- I**
 22 **don't even recall what it was now.**
 23 Q. There are records, Archbishop, in 2004 that
 24 show that an investigation was done and
 25 Richard Setter & Associates were retained to

- 1 evaluate the computer --
- 2 **A. Yes.**
- 3 **Q.** -- and items on it. Do you --
- 4 **A. Yes, I recall that now.**
- 5 **Q.** And there was a report prepared by Setter and
- 6 in consultation with a forensics expert by the
- 7 name of Johnson given to the archdiocese. Did
- 8 you read that report?
- 9 **A. I don't think so.**
- 10 **Q.** Did you get a report from Father McDonough or
- 11 others about what the report found?
- 12 **A. I -- if my memory serves me correctly, the**
- 13 **report did not find any child pornography.**
- 14 **Q.** And is it on that basis of what -- who told
- 15 you that?
- 16 **A. I think Father McDonough.**
- 17 **Q.** And is it on the basis of that you continued
- 18 Shelley in ministry?
- 19 **A. No. I think we removed him from ministry at**
- 20 **that time.**
- 21 **Q.** If the record reflects otherwise, would you --
- 22 how long was he removed from ministry?
- 23 **A. Well, he's still removed from ministry, I**
- 24 **think.**
- 25 **Q.** Well, let's just let me suggest, I think the

- 1 record reflects that in 2004, after some
- 2 investigation was done, there was a
- 3 continuation in ministry until he announced a
- 4 retirement in 2013. Is that news to you?
- 5 **A. I can't remember any of it, I -- I just don't**
- 6 **remember, I'm sorry.**
- 7 **Q.** In the report, they're describing the computer
- 8 and the images on it and some of the search
- 9 terms. It states that he had used the search
- 10 terms that could be determined to be
- 11 borderline illegal, such as "free naked boy
- 12 pictures." Did you receive that information?
- 13 **A. No.**
- 14 **Q.** There were terms, search terms used by him,
- 15 "hardcore teen boys," "European teen boys,"
- 16 "helpless teen boys." Did you learn that?
- 17 **A. No.**
- 18 (Discussion out of the hearing of
- 19 the court reporter)
- 20 BY MR. ANDERSON:
- 21 **Q.** Does that or receiving that information in
- 22 2004, if available to you, alarm you?
- 23 **A. Oh, yes. But I -- I must tell you, I don't**
- 24 **know anything about computers and I've heard**
- 25 **from people you can push things and things**

- 1 **will come up or push them accidentally, but I**
- 2 **would not know, but it would alarm me if**
- 3 **anyone did that deliberately.**
- 4 **Q.** Did Father McDonough tell you that these
- 5 weren't actual search terms, they were pop-up
- 6 images and there was an innocent explanation
- 7 for what seemed to be child porn searches?
- 8 **A. I don't recall what he told me, really.**
- 9 (Discussion out of the hearing of
- 10 the court reporter)
- 11 BY MR. ANDERSON:
- 12 **Q.** At any time, did you make a report or order
- 13 any of your subordinates to make a report to
- 14 law enforcement of suspicions concerning
- 15 Shelley and possession of child pornography?
- 16 **A. No. Because I thought this Mr. -- is it**
- 17 **Sutter?**
- 18 **Q.** Setter.
- 19 **A. Setter. I thought he -- if he thought it**
- 20 **necessary to make a report, but there wasn't**
- 21 **evidence enough to make a report, that was my**
- 22 **conclusion, I think.**
- 23 **Q.** Well, Setter & Associates were private
- 24 investigators hired by the archdiocese,
- 25 correct?

- 1 **A. Uh huh. Yes.**
- 2 **Q.** And it's also correct that you and Father
- 3 McDonough at that time and other clergy were
- 4 mandated reporters, correct?
- 5 **A. I -- if that's -- if that's true. I -- yes.**
- 6 **Q.** And Setter was required to make findings to
- 7 Father McDonough and hired to make findings
- 8 simply, correct?
- 9 **A. I don't remember.**
- 10 **Q.** Did you order that the computer images and/or
- 11 the disks evaluated at that time be retained
- 12 in the vault?
- 13 **A. No. I don't -- I don't recall ordering that.**
- 14 **Q.** Do you remember anything else about Shelley
- 15 and/or suspicions of his computer use --
- 16 **A. No.**
- 17 **Q.** -- and images pertaining to youth?
- 18 **A. No.**
- 19 **Q.** Anything else that you haven't -- we haven't
- 20 covered that is in your knowledge about
- 21 Shelley and sexual issues?
- 22 **A. No. I have nothing -- I know nothing more.**
- 23 **Q.** Did you ever learn anything about him having a
- 24 young person, 18-year-old, living in his
- 25 rectory?

1 **A. No.**
2 **Q.** I'm going to direct your attention back to
3 Father Keating for a moment. And the
4 individual who is the young woman that you
5 referred to we'll refer to in this proceeding
6 as Jane Doe 20 because she's the one that
7 brought suit against Father Keating. Okay?
8 **A. Uh huh.**
9 **Q.** Is that okay with you, Father? Archbishop?
10 **A. Oh, yes, of course.**
11 **Q.** And so did you learn in Kevin -- in the
12 investigation of Keating that he had admitted
13 to a passionate physical encounter with a girl
14 named
15 **A. No. I read that in the paper, I think, this**
16 **past fall, but I never knew of that during**
17 **that time I was meeting with the young Ms. Doe**
18 **and her parents.**
19 **Q.** How many girls did you think he had, as
20 reported to you, engaged in some kind of
21 boundary violations with?
22 **A. Miss -- the one who came in with her parents,**
23 **that was the only one I ever knew of.**
24 (Discussion out of the hearing of
25 the court reporter)

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22 Q. I'm gonna turn to Joseph Gallatin. And when
 23 did he come onto your radar as a source of
 24 concern, possible --
 25 A. I don't -- I don't remember the year.

- 1 Q. And --
- 2 A. **Might have been ten years ago.**
- 3 Q. And what information came to your attention,
- 4 Archbishop?
- 5 A. **His pastor indicated that when they were**
- 6 **having a camp experience, he touched the chest**
- 7 **of one of the -- with his finger only, with**
- 8 **one of the -- one of the students. And my**
- 9 **recall is that is -- that's just about all I**
- 10 **can recall about it. There -- there -- it**
- 11 **wasn't any more than that, I don't -- from**
- 12 **what I can recall.**
- 13 Q. He was recently reported to have been removed
- 14 from ministry for what was called boundary
- 15 violations.
- 16 A. **Yes.**
- 17 Q. And that was reported by the archdiocese on
- 18 December 29th, 2013. My question to you,
- 19 Archbishop, is, at any time, was any
- 20 restriction placed on his ministry to prevent
- 21 him from engaging in misconduct with youth or
- 22 boundary violations with youth?
- 23 A. **I don't remember and I -- I presume that he**
- 24 **went to St. Luke's or Philadelphia and I -- I**
- 25 **don't remember what their recommendations**

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- 1 **would have been.**
- 2 (Discussion out of the hearing of
- 3 the court reporter)
- 4 BY MR. ANDERSON:
- 5 Q. I'm going to go to Father Wehmann. And he was
- 6 another priest who was recently publicly
- 7 revealed to have been removed from ministry,
- 8 obviously not on your watch. My question to
- 9 you is, when did Father Wehmann and how, if he
- 10 did, come onto your radar as having engaged in
- 11 some conduct suspicious of boundary violations
- 12 or abuse?
- 13 A. **Never abuse, never boundary violations. I**
- 14 **think acting silly or immature. That's my**
- 15 **only memory of this.**
- 16 Q. And what was your source of all the
- 17 information you knew about that?
- 18 A. **I can't remember.**
- 19 Q. Was Father McDonough the one that was the
- 20 transmitter or the source or others?
- 21 A. **He probably would have been. But there was**
- 22 **never any issue of sexual abuse or any**
- 23 **boundary violation, I don't think.**
- 24 Q. What was it that you learned that he did that
- 25 you describe as being silly?

- 1 A. **Silly, I don't know, laughing. My memory is**
- 2 **interfering here, too. Laughing with**
- 3 **youngsters as though he were a youngster.**
- 4 **That's the only way I can describe it.**
- 5 Q. Anything else about Wehmann that would be
- 6 cause for concern that came to your attention
- 7 as archbishop?
- 8 A. **Not to my memory, no.**
- 9 Q. Freddy Montero, he came onto your radar as
- 10 having some of these cause -- was a cause of
- 11 concern, correct?
- 12 A. **Who is that?**
- 13 Q. Freddy Montero.
- 14 A. **Oh, the --**
- 15 Q. Ecuadorean priest.
- 16 A. **Yes. That was nearing the end of his time**
- 17 **here, and I'm glad you brought him up. His --**
- 18 **he -- he was loaned to us for a period of**
- 19 **time. His time was up, he was ready to go**
- 20 **back to Bolivia, I think, is that right,**
- 21 **Bolivia?**
- 22 Q. Well, actually, he was in Ecuador.
- 23 A. **Ecuador, he was ready to go back to Ecuador.**
- 24 **He -- he -- he was living with a lady.**
- 25 Q. He was actually living with Father McDonough,

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- 1 wasn't he?
- 2 A. **Well, he supposedly.**
- 3 Q. And then it was learned that he was living
- 4 with a lady --
- 5 A. **With a lady, yes.**
- 6 Q. -- correct?
- 7 A. **Yes.**
- 8 Q. And then it was also learned that he was also
- 9 suspected of having sexually abused the lady's
- 10 four-year-old child, correct?
- 11 A. **Yes, absolutely.**
- 12 Q. And that went to the police, did it not?
- 13 A. **That's right. And they found nothing --**
- 14 **nothing to -- to hold that in -- they -- they**
- 15 **did not believe that and so he was cleared to**
- 16 **go back to Ecuador.**
- 17 Q. Did you learn that, Archbishop, from Kevin
- 18 McDonough?
- 19 A. **I don't know where I learned it, but I would**
- 20 **tell you this, that a group of women from --**
- 21 Q. Well, let me just -- just wait for a question.
- 22 I want to know if you learned that from
- 23 McDonough when you said he was cleared. Were
- 24 you aware that --
- 25 (Discussion out of the hearing of

1 the court reporter)
 2 BY MR. ANDERSON:
 3 Q. -- that at the time -- first, that Father
 4 McDonough drove him to the airport to go back
 5 to Ecuador?
 6 A. No.
 7 Q. Were you aware that child protection
 8 investigations of Hennepin County Human
 9 Services and Public Health Department in their
 10 assessment of that child and Montero's conduct
 11 found, "We determined that sexual abuse
 12 occurred based on reported information in the
 13 interviews obtained during the assessment"?
 14 A. No.
 15 Q. Were you aware that Montero was allowed to go
 16 back to Ecuador before the police completed
 17 their investigation?
 18 MR. HAWS: Objection, misstates
 19 evidence and testimony.
 20 BY MR. ANDERSON:
 21 Q. Were you aware of that?
 22 MR. HAWS: You can answer as best
 23 you know.
 24 A. No.
 25 (Discussion out of the hearing of

1 the court reporter)
 2 BY MR. ANDERSON:
 3 Q. I'm going to direct your attention to Exhibit
 4 108 and --
 5 MR. KELLY: Do we have that?
 6 MR. ANDERSON: I'm just gonna give
 7 that to you here.
 8 BY MR. ANDERSON:
 9 Q. And while he is, this is the time frame of
 10 2007, Archbishop, contextually, it's dated
 11 July 12th, 2007. This would be a letter from
 12 then Bishop Pates, it's cc'd to you at the
 13 second page, you'll see. And first, directing
 14 your attention to the third paragraph, the
 15 last sentence, it states, "While Father
 16 Montero denies this relationship, there's
 17 credible evidence that points to its veracity,
 18 which alone should be reason for concluding
 19 his ministry in this archdiocese." That's
 20 referring to the relationship with the woman,
 21 correct?
 22 A. Correct.
 23 Q. Okay. Then it goes on to state,
 24 "Unfortunately, however, there's been an
 25 allegation of child sexual abuse involving a

1 four-year-old. While no charges have been
 2 filed and the child has not made any
 3 incriminating overture to the police, the case
 4 is still under investigation." Did you know
 5 that when he had -- did you know that?
 6 A. No. I thought he was -- I thought it was
 7 cleared by the police.
 8 Q. The last paragraph it states, "Seeing that
 9 Father Montero has completed a five-year stay
 10 here in the archdiocese and that he has yet to
 11 be cleared of the accusation of possible child
 12 sexual abuse, His Excellency, Archbishop Harry
 13 Flynn, has decided to withdraw Father
 14 Montero's faculties here in the Archdiocese of
 15 St. Paul and Minneapolis and, thus, Father
 16 Montero's future is at your Excellency's
 17 disposition." Did you know you were returning
 18 him to Ecuador and permitting him to leave in
 19 the middle of the investigation?
 20 A. I thought the investigation had been
 21 completed.
 22 Q. I'm going to direct your attention to Father
 23 Vavra. When did he come onto your radar as a
 24 source of some concern pertaining to youth, if
 25 he did?

1 A. He didn't. I didn't -- I didn't know the man.
 2 I think it was before my time.
 3 Q. In 1996, let's look at Exhibit 197. There
 4 might be something here I need to ask you
 5 about, Archbishop, that would be on your
 6 watch, so if you'll give me a moment.
 7 MR. FINNEGAN: (Handing documents).
 8 BY MR. ANDERSON:
 9 Q. And so what I want to do, Archbishop, is
 10 direct your attention to Exhibit 197. This is
 11 something that is dated November 26, 1996,
 12 it's to you and Bishop Welsh from Father
 13 McDonough regarding Father Vavra. And at the
 14 second page there's a reference I'm going to
 15 read and then ask you if you know anything
 16 about it. It states, "The staff at the
 17 treatment center saw to it that an important
 18 diagnostic tool was used with Father Vavra.
 19 You may recall that Father Vavra acknowledged
 20 having had sexual contact with one blank,"
 21 that is, some identifying information has been
 22 taken out. "This happened about blank ago."
 23 And then when I read down that paragraph,
 24 there's a sentence that says -- I'll read and
 25 then I'll ask you a question. It says, "The

1 second area of sexual attraction for him was
 2 with adolescent post-pubescent males. Father
 3 Foley indicated that this is consistent with
 4 and secondary to Vavra's adult male
 5 attraction." My question to you is, did you
 6 know he had a sexual attraction to adolescent
 7 post-pubescent males?
 8 **A. No.**
 9 **Q.** If you had known that, would you have
 10 restricted his ministry?
 11 **A. I think it was restricted, wasn't it, in -- at**
 12 **the charter -- at the time of the charter.**
 13 **Q.** Let me ask you this. Tell me if you remember
 14 taking any action. Did you take any action
 15 responsive to Vavra and a history known?
 16 **A. I can't remember.**
 17 **Q.** When you took action, if the records reflect
 18 that he was removed from ministry in 2002, did
 19 you or any of your officials alert the public
 20 as to the reasons for his restriction, if it
 21 was done under the charter or shortly after?
 22 **A. I don't remember again.**
 23 (Discussion out of the hearing of
 24 the court reporter)
 25 BY MR. ANDERSON:

1 **Q.** I'm going to ask you about Father Krautkremer,
 2 Archbishop, and if you get weary here, I'm
 3 trying to get through this as quickly as
 4 possible.
 5 **A. Thank you.**
 6 **Q.** If you need to take a break, let me know. Are
 7 you okay?
 8 **A. I'm okay.**
 9 **Q.** I'd like to ask you about Father Krautkremer
 10 and did he come onto your radar and within
 11 your knowledge that he had offended?
 12 **A. I can't remember anything about Father**
 13 **Krautkremer -- Krautkremer.**
 14 **Q.** Did you learn that in 1987, he had admitted
 15 abusing youth?
 16 **A. I didn't.**
 17 **Q.** Did you learn that it was recorded and/or
 18 reported the odds are that he was likely to
 19 abuse again? Had you heard that from any
 20 source?
 21 **A. No.**
 22 **Q.** Did you know and permit him in 1998 to do
 23 help-out work or supply work in three
 24 different parishes?
 25 **A. I don't -- I don't remember.**

1 **Q.** Do you recall any restrictions having been put
 2 on his ministry or any disclosures made to the
 3 public about him or his history until he was
 4 sued by Ted Kramer in 2002?
 5 **A. I don't remember.**
 6 **Q.** I'm going to ask you about Father Thurner.
 7 When, if at all, did he come onto your radar
 8 as somebody who had abused youth?
 9 **A. I don't remember.**
 10 **Q.** Do you remember that he did?
 11 **A. I remember that it came to my attention**
 12 **somewhere along the line and that's when he**
 13 **was removed from ministry.**
 14 **Q.** Is it your belief that he was removed from
 15 ministry immediately upon the archdiocesan
 16 official receiving information he had abused?
 17 **A. I don't remember. I don't know.**
 18 **Q.** As it pertains to Father Gil Gustafson, you
 19 did learn, because I think we had touched upon
 20 this before, that he had been convicted at one
 21 time in the '80s?
 22 **A. Yes.**
 23 **Q.** And do you recall meeting with the parents of
 24 that victim who he had been convicted of and
 25 making a promise to them that they -- or that

1 he would not be allowed to continue in
 2 ministry and/or around kids?
 3 **A. I don't recall. I don't recall ever having**
 4 **met them.**
 5 (Discussion out of the hearing of
 6 the court reporter)
 7 BY MR. ANDERSON:
 8 **Q.** What work was Gustafson allowed to do at the
 9 archdiocese and in the Chancery?
 10 **A. He worked in -- I don't know where he worked.**
 11 **I can't remember now.**
 12 **Q.** When complaint was made about him being
 13 allowed to continue in some aspects of
 14 ministry, but at the Chancery, did you make
 15 the assertion to the family member that
 16 complained about that that those restrictions
 17 imposed on him by you were far greater
 18 punishment than being sent to jail?
 19 **A. I don't -- I don't remember anyone complaining**
 20 **to me -- to me.**
 21 **Q.** And so is it fair to say, then, that you don't
 22 remember making such a statement to anybody?
 23 **A. I don't remember, no.**
 24 **Q.** He was placed on a disability for pedophilia,
 25 wasn't he?

- 1 **A. I don't know. I don't remember.**
 2 **Q.** If the records show that he is receiving
 3 payments for pedophilia and receiving
 4 disability payments for that, do you have any
 5 knowledge of how that happened and why?
 6 **A. No. He would not be receiving payments for**
 7 **pedophilia. He'd be receiving payments**
 8 **because he victimized and is not able to work**
 9 **at an adequate position anymore, that's why he**
 10 **would receive payments.**
 11 **Q.** If that's the case, Archbishop, what message
 12 do you think that sends to the victims that he
 13 abused that he's receiving payments for having
 14 victimized them?
 15 **A. I don't know, but what message would it send**
 16 **to the world if we threw these people out in**
 17 **the street without any difficulty -- without**
 18 **any assistance?**
 19 **Q.** If they were thrown into jail --
 20 **A. That would be --**
 21 **Q.** -- and reported to the police?
 22 **A. That -- that would be something else.**
 23 **Q.** That would send a powerful message, wouldn't
 24 it?
 25 **A. Yes.**

- 1 **Q.** And if the files that were maintained on
 2 Gustafson or other priests who had offended
 3 were made available to law enforcement, that
 4 would also send a powerful message, wouldn't
 5 it?
 6 **A. Powerful message, yes.**
 7 **Q.** Why hasn't it been sent?
 8 **A. Why hasn't what been sent?**
 9 **Q.** Why hasn't it been done? Why haven't the
 10 files been turned over to the police?
 11 **A. Oh, I -- I don't know. I don't know.**
 12 **Q.** If the people and the public and the
 13 parishioners were told the truth about the
 14 history known to the archdiocese of those
 15 priests who had offended and had been warned
 16 and there had been a full disclosure of that
 17 history known to the archdiocese, that would
 18 send a powerful message, too, wouldn't it?
 19 **A. It would.**
 20 **Q.** Do you think it's time for the archdiocese to
 21 do that?
 22 **A. That will be up to the present archbishop.**
 23 **Q.** Do you have a view of what the best practice
 24 is?
 25 **A. I don't -- I don't get my views since I**

- 1 **retired.**
 2 **Q.** Well, I'm interested in what they are.
 3 **A. Well, I would not state them here.**
 4 **Q.** Father Wajda, Joseph Wajda, did he come onto
 5 your radar as having abused a number of folks,
 6 kids?
 7 **A. Yes.**
 8 **Q.** And what action did you take?
 9 **A. I can't remember the sequence of events. He**
 10 **-- I don't know whether he -- this happened**
 11 **some years ago, before my time, I believe,**
 12 **and --**
 13 **Q.** Okay.
 14 **A. -- he was working in the tribunal and then**
 15 **when this came to my attention, I -- I think,**
 16 **I'm not sure, I removed him.**
 17 **Q.** Archbishop, I think if we take a break, a
 18 short break, my hope is that on return I'll be
 19 able to finish in about 15 minutes, but I have
 20 to -- I have to meet with the brains of the
 21 operation here.
 22 **A. All right.**
 23 **Q.** And if you'll give me that lead, I'll --
 24 **A. And I'll --**
 25 **Q.** -- a break.

- 1 **A. I'll hold you to your word, 15 minutes.**
 2 **Q.** I'm not -- I'm not giving you my word because
 3 I don't want to make a promise I can't deliver
 4 on, but I'm gonna try. Okay?
 5 **A. All right. Wonderful.**
 6 **Q.** Is that good enough?
 7 **A. That's good enough.**
 8 MR. ANDERSON: Okay. Thanks. Let's
 9 take a break.
 10 MR. KINSELLA: Off the video record.
 11 (Recess taken)
 12 MR. KINSELLA: Back on the video
 13 record, 3:18 p.m.
 14 BY MR. ANDERSON:
 15 **Q.** Archbishop, I'm going to try to walk you
 16 through a few more things here as soon as
 17 possible and I've put before you Exhibit 152.
 18 And it's dated March 25th, 2008, it's a memo
 19 to you, Archbishop Flynn, it's from Father
 20 Kevin McDonough and it regards two charter
 21 priests. When the term in quotation marks
 22 here is "charter priests," that means to you
 23 and to Father McDonough what?
 24 **A. Someone had been removed from the priesthood**
 25 **because of the charter and that is because of**

1 **abuse of children.**
 2 **Q.** And it goes on to say, "and their relationship
 3 to the archdiocese." And because this is
 4 addressed to you, I assume you received it;
 5 fair assumption?
 6 **A. Fair assumption.**
 7 **Q.** Okay. The two priests here are Gilbert
 8 Gustafson and Michael Stevens and they are
 9 being allowed to continue in some capacities
 10 doing priestly work, are they not?
 11 **A. (Examining documents) It wasn't priestly work,**
 12 **I don't think. It was -- Michael Stevens was**
 13 **office work and I don't recall the work that**
 14 **Gus -- Gustafson did.**
 15 **Q.** First, both of these are men who are priests
 16 who had been convicted of childhood sexual
 17 abuse, correct?
 18 **A. Correct.**
 19 **Q.** And under the charter, there was a promise
 20 made to the people that those that had
 21 violated children would not be allowed to
 22 continue in ministry in any form, correct?
 23 **A. Correct.**
 24 **Q.** If you look at the paragraph, second paragraph
 25 here, it says in regard to Gilbert Gustafson,

1 "He's been employed for several years by a
 2 consulting firm called Henderson & Associates.
 3 That firm, which includes several
 4 professionals, makes its own management with
 5 parishes." And --
 6 **MR. HAWS:** Arrangements, not
 7 management.
 8 **BY MR. ANDERSON:**
 9 **Q.** Excuse me, "own arrangements with parishes."
 10 It states, "We have neither banned nor
 11 recommended the firm, rather, we will allow
 12 them to tell potential parish clients that the
 13 head of the firm, Greg Henderson, has
 14 undergone a day-long 'Getting to Know the
 15 Catholic Archdiocese Program' that we provide
 16 on occasion to consultants. My own belief is
 17 that, even when Greg Henderson assigns Gilbert
 18 Gustafson to work with one of the
 19 client-parishes, there is no violation of the
 20 charter involved." Don't you think,
 21 Archbishop, that allowing Gil Gustafson to
 22 work as a consultant, knowing his history with
 23 these parishes and -- that that is a violation
 24 of the charter and the spirit of it?
 25 **A. I don't think it's a violation of the charter**

1 **because his work was not ministry, it was**
 2 **consulting with parish councils or whoever**
 3 **they were, but they -- it wasn't ministry in a**
 4 **parish. I don't think it was a violation of**
 5 **the charter.**
 6 **Q.** Do you believe that allowing Gustafson to work
 7 at the parishes as a consultant is consistent
 8 with the promise made to the people of zero
 9 tolerance?
 10 **A. I -- I don't -- I don't see that as ministry.**
 11 **It was a matter of going in and speaking with**
 12 **adults or what -- I don't even know what he**
 13 **did, to be honest with you. I would need to**
 14 **review the charter again and -- and see what**
 15 **the restrictions were.**
 16 **Q.** Would you view the continuation of him in this
 17 capacity, as you see it here, as a very
 18 dangerous loophole in the charter?
 19 **MR. HAWS:** Well, object to the form.
 20 **MR. KELLY:** "This here" being what?
 21 **BY MR. ANDERSON:**
 22 **Q.** The continuation of Gilbert Gustafson in this
 23 capacity as reflected in this memorandum.
 24 **A. I don't know. I could not answer that now**
 25 **because I would have to find out what work he**

1 **would have been doing.**
 2 **Q.** Did you ever ask him --
 3 **A. I can't remember --**
 4 **Q.** -- in 2008 what work he was doing and what
 5 efforts could be made in that work to keep him
 6 away from kids, knowing he's a diagnosed and
 7 convicted pedophile?
 8 **A. I don't know whether I ever asked him. I**
 9 **might have asked Father McDonough, but I can't**
 10 **remember.**
 11 **Q.** The next paragraph addresses Michael Stevens
 12 and it states, "He has a private consulting
 13 business in which he sets up computer systems
 14 and trouble-shoots them." It states, "A
 15 number of our parishes contract with him." Do
 16 you see that to be a problem with the promise
 17 made under the charter and him --
 18 **A. That would be more of a -- a problem because**
 19 **he would be working in the parish.**
 20 **Q.** But he was allowed to continue, was he not?
 21 **A. He worked at the Chancery in -- with computers**
 22 **and probably -- but he would have had no**
 23 **relationship with children.**
 24 **Q.** Let me ask you this. Did you personally take
 25 any action responsive to the information

1 contained in Exhibit 152?
 2 MR. KELLY: Could you give the
 3 archbishop a minute to read the full
 4 paragraph?
 5 MR. ANDERSON: Sure.
 6 **A. I -- I think I can. I can't recall. I can't**
 7 **recall at all.**
 8 BY MR. ANDERSON:
 9 **Q.** Do you have any documents or files that you
 10 have --
 11 (Discussion out of the hearing of
 12 the court reporter)
 13 BY MR. ANDERSON:
 14 **Q.** -- that you maintain on your own reflecting
 15 your own experience around the sexual abuse
 16 and handling of it?
 17 **A. No.**
 18 **Q.** I'm going to show you an Exhibit 166,
 19 Archbishop, it's a handwritten note and I
 20 think I'm --
 21 (Discussion out of the hearing of
 22 the court reporter)
 23 BY MR. ANDERSON:
 24 **Q.** Archbishop, this is handwritten, it would come
 25 from the file, I believe, of Eugene Corica.

1 **A. Uh huh.**
 2 **Q.** And do you recognize the handwriting?
 3 **A. No.**
 4 **Q.** Okay. Let me read it and see if you have
 5 information. It's -- I read it to state, "The
 6 rest of Corica's file is in Archbishop Flynn's
 7 fireproof closet," I believe.
 8 **A. Uh huh.**
 9 **Q.** Did you have a fireproof closet?
 10 **A. I -- I don't remember at all. It's like the**
 11 **secret fund I had to which you referred. No.**
 12 **This -- that -- that person, whoever wrote**
 13 **this, must have been referring to the**
 14 **fireproof vault, but my closet would not --**
 15 **not have passed -- this is comical. My closet**
 16 **would not have passed the fire -- firemen's**
 17 **inspection.**
 18 **Q.** So this must then, in your view and
 19 experience, be referring to the vault you've
 20 already shared --
 21 **A. Yes.**
 22 **Q.** -- with us and no other file kept by you or
 23 under your control pertaining to sexual abuse,
 24 to your knowledge, correct?
 25 **A. Not to my knowledge.**

1 **Q.** Okay.
 2 **A. That's absolutely correct.**
 3 **Q.** I'm going to show you an exhibit now to be
 4 read together, they're marked exhibits --
 5 (Discussion out of the hearing of
 6 the court reporter)
 7 BY MR. ANDERSON:
 8 **Q.** Okay. I'm going to go now to a part of the
 9 deposition that we'll mark as sealed, okay?
 10 And that is just under the court order here
 11 because I'm going to be asking some questions
 12 that pertain to matters that the court has for
 13 the moment deemed to be sealed. Okay?
 14 **A. (Nods head).**
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Q. How many priests under your watch as
archbishop do you estimate were accused of
sexual abuse of minors in some form that were
sent to treatment or assessment at St. Luke's?
A. **I wouldn't want to guess. I would need to
count them.**
Q. They were used quite regularly, were they not,

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for assessing and treating of potential
offenders?
A. **Not when we -- one considers the number of
priests we have in the archdiocese, but,
again, I would not render a guess because I'd
have to go over the files and count them.**
Q. Is it fair to say that the number is in excess
of a dozen, but you can't be more precise than
that?
A. **I would not render that guess.**
Q. What contacts did you have with the folks at
St. Louis -- St. Luke's when a referral would
be made for treatment or assessment of a
potential offender?
A. **Usually Father McDonough had the contact. I
was on the first board of St. Luke's -- Luke's
and it's grown tremendously since that time
and -- but he would make the contact or Bishop
Pates would.**
Q. And St. Luke's was actually -- you were a
member of the first board of St. Luke's?
A. **I was.**
Q. And that was -- when were they constituted and
for what purpose?
A. **I'm wondering, I -- in the early '80s,**

- 1 **perhaps, I'm not sure, or late '70s. And**
 2 **constituted to render treatment for priests,**
 3 **and now it has expanded for religious women,**
 4 **for ministers, anyone in a ministerial**
 5 **position, I believe.**
 6 **Q.** And it's all Catholic clergy from various --
 7 **A. Not only Catholic, no. Protestant ministers**
 8 **now and -- they've -- they've expanded.**
 9 **Q.** But originally it was Catholic only?
 10 **A. Originally it was Catholic priests.**
 11 **Q.** And you were on the board and a number of
 12 other clergy served on that board?
 13 **A. Clergy, psychiatrists, criminal behavior**
 14 **people, attorney -- a couple of attorneys.**
 15 **Q.** And they were created and funded and founded
 16 to basically help the Catholic bishops and the
 17 superiors to evaluate and treat priests who
 18 had problems --
 19 **A. That's correct.**
 20 **Q.** -- including addiction, sexual abuse and other
 21 maladies, correct?
 22 **A. That is correct, yes.**
 23 **Q.** And then to give them advice about whether or
 24 not they were fit to minister or be allowed to
 25 continue in ministry?

- 1 **A. Correct.**
 2 MR. KINSELLA: Excuse me, off the
 3 record to change tape.
 4 (Recess taken)
 5 MR. KINSELLA: Back on the video
 6 record 4:21 p.m.
 7 BY MR. ANDERSON:
 8 **Q.** And it's fair to say that when they were
 9 originally constituted and utilized, that they
 10 were funded exclusively originally by the
 11 Catholic Conference of Bishops and the
 12 religious superiors?
 13 **A. No. No. That has always been a sore point**
 14 **because it was -- they were funded by the**
 15 **patients who came in and private donations.**
 16 **Q.** Oh.
 17 **A. It was never funded by the National Conference**
 18 **of Catholic Bishops.**
 19 **Q.** And so the archdiocese, when you'd utilize
 20 them for assessment, treatment and the like
 21 for troubled or offending priests, you'd send
 22 them the fees and the costs of that
 23 evaluation, treatment and the like?
 24 **A. Yes, that's correct. And now I think, but I**
 25 **couldn't swear to it, that insurance policies**

- 1 **bleed in also.**
 2 **Q.** And your consulters, Kevin McDonough included
 3 and others over the years had authority given
 4 by you to them to send troubled priests to St.
 5 Luke's for these assessments, correct?
 6 **A. Well, not exactly. I'd send them.**
 7 **Q.** You would send them?
 8 **A. At the recommendation of my senior staff,**
 9 **Kevin McDonough, Bill Fallon, Andy**
 10 **Eisenzimmer.**
 11 **Q.** And to your knowledge, is that a practice that
 12 has been continued by your successor?
 13 **A. It has been, I believe. And with -- there's**
 14 **also a wonderful hospital in Downingtown,**
 15 **Pennsylvania, right outside of Philadelphia,**
 16 **and that is priests, religious, and I don't**
 17 **know whether Protestant ministers and/or wives**
 18 **use that facility now, but they do at St.**
 19 **Luke's.**
 20 **Q.** Okay. I think this is my final question to
 21 you. When Archbishop Nienstedt became
 22 installed, I believe was it originally as
 23 coadjutor with you?
 24 **A. He was welcomed as coadjutor in 2007. And**
 25 **then on the morning of May 2nd, when I turned**

- 1 **75, he became immediately the archbishop and I**
 2 **rejoiced.**
 3 **Q.** Okay. And at any time, Archbishop, did he
 4 ever ask you to inform him of what priests
 5 were in the archdiocese that were a hazard and
 6 posed a risk of harm to the children so that
 7 he could have the benefit of your knowledge
 8 and experience?
 9 **A. I don't think he ever asked me, but I -- I**
 10 **believe that he was in communication about**
 11 **this subject with Andy Eisenzimmer and Kevin**
 12 **McDonough.**
 13 **Q.** What leads you to that belief?
 14 **A. Perhaps from a -- memories of conversations,**
 15 **perhaps, that they were going to have with him**
 16 **about this.**
 17 **Q.** Has Archbishop Nienstedt ever asked you to
 18 this day to tell you anything that you know
 19 about the problem of sexual abuse and who
 20 poses such a problem in the archdiocese?
 21 **A. I don't believe so.**
 22 MR. ANDERSON: Thank you,
 23 Archbishop, that's all I have.
 24 THE WITNESS: And thank you, you've
 25 kept your word --

1 MR. ANDERSON: I tried.
 2 THE WITNESS: -- one more question.
 3 And thank you, Mr. Finnegan, for not bringing
 4 up one of those newspapers again. I -- I was
 5 going to send you over and say, "Send me a
 6 note once in a while, too."

7 MR. KINSELLA: Off the video record.
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1 STATE OF MINNESOTA
 2 COUNTY OF RAMSEY ss

3 I hereby certify that I reported the
 4 deposition of ARCHBISHOP HARRY FLYNN, on the
 5 14th day of May, 2014, in St. Paul, Minnesota,
 6 and that the witness was by me first duly
 7 sworn to tell the whole truth;

8 That the testimony was transcribed under my
 9 direction and is a true record of the
 10 testimony of the witness;

11 That the cost of the original has been charged
 12 to the party who noticed the deposition, and
 13 that all parties who ordered copies have been
 14 charged at the same rate for such copies;

15 That I am not a relative or employee or
 16 attorney or counsel of any of the parties, or
 17 a relative or employee of such attorney or
 18 counsel;

19 That I am not financially interested in the
 20 action and have no contract with the parties,
 21 attorneys, or persons with an interest in the
 22 action that affects or has a substantial
 23 tendency to affect my impartiality;

24 That the right to read and sign the deposition
 25 by the witness was not waived, and a copy was
 provided to him for his review;

WITNESS MY HAND AND SEAL THIS 19th
 day of May, 2014.

 Gary W. Hermes

1 I, ARCHBISHOP HARRY FLYNN, do hereby certify
 2 that I have read the foregoing transcript of
 3 my deposition and believe the same to be true
 4 and correct, except as follows: (Noting the
 5 page number and line number of the change or
 6 addition and the reason for it)
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22 Subscribed to and sworn
 23 before me this ___ day
 24 of ___, 2014.
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Memorandum

12 August 2002

Memo To: Archbishop Flynn and Archbishop's Council

From: Father Kevin McDonough

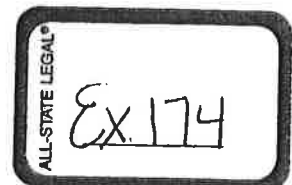
Re: Generating Communication with Parishes Having Some Connection to a History of Clergy Sexual Abuse

We have a significant number of parishes that were served at one time or another – before, during, or after known offenses – by priests with a history of sexual abuse of minors. For years we have acknowledged that there are good reasons to implement a healing process in some such parishes: for example, to help other possible victims to come forward and to break the unhealthy secrets that often remain in such parishes. On one or more occasions this summer, our failure to do so in specific instances has been viewed as part of a “cover-up”. Of course, that failure was not a cover-up, but rather lack of time and resources to follow up. I want to propose that we ought to devote the resources now to “lancing the boil” while there is residual interest/fear/concern/anger about this issue.

A further motivator for particular work with these parishes is this: the local media are researching our history and are likely eventually to publish a list of our known offenders. Even if we do not preemptively release all of that information ourselves (“publish the list”), we are going to have to deal with its disclosure sooner or later. I would prefer to see us in the position of having already prepared local parishes for this likelihood.

I propose that we take the following steps:

1. We should identify a list of parishes that potentially deserve this attention.
2. We should call a meeting that involves the pastors, trustees, and parish council presidents of all such parishes. The meeting would include a presentation about the policies of our Archdiocese about sexual misconduct, a description of the possible effects of this history on a parish, and the outcomes of our past work with such parishes.
3. We would then meet individually with the small leadership group of each parish and go over the relevant history with each of them.



4. We would ask them to consider whether and how to involve a broader leadership group in the discussion.
5. We would then send a staff member to each such parish to work out a process of communication and follow up with each parish.

I do not believe we currently have sufficient staff support to carry out this effort with internal resources. Therefore, we should bring someone in on a contract basis to organize the effort. I propose that Patricia Gries be hired in that capacity. There may be other equally qualified candidates. I suggest that we move on this relatively quickly, so that we can initiate the meetings this fall.

Here is a partial list of the parishes that merit special attention:

Priests with known abuse histories:

Gilbert Gustafson: Saint Mary of the Lake, WBL

Michael Stevens: Saint Michael, Prior Lake; Epiphany, Coon Rapids

Robert Thurner: Saint Mark, Saint Paul; Saint John, Hopkins; Saint Joseph, West Saint Paul; Saint Therese, Saint Paul; Most Holy Trinity, Saint Louis Park; Saint Michael, Prior Lake; St. Edward, Bloomington; Saint Luke, Saint Paul

Lee Krautkremer: Saint Peter, Forest Lake; Saint Joseph, Lino Lakes; Saint Michael, Saint Michael; Saint Michael, W. Saint Paul; Saint Margaret Mary, Golden Valley; Saint Peter, N. Saint Paul; Immaculate Conception, Faribault

Robert Kapoun: Saint Raphael, Crystal; Saint Scholastica, Heidelberg; Saint Patrick, Saint Joseph, Saint Catherine, rural New Prague; St. Kevin, Minneapolis; Most Holy Redeemer, Montgomery

Robert Zasacki: Saint Peter, Forest Lake; Sacred Heart, Robbinsdale; Saint Joseph, Hopkins; Saint Joseph, Delano, Saint Peter, Delano

Paul Palmitessa: Holy Redeemer, Maplewood; Saint Paul, Zumbrota.

Timothy McCarthy: Saint Andrew, Elysian; Saint Peter Claver, Saint Paul; Holy Redeemer, Maplewood; Saint Leo, Saint Paul, All Saints, Lakeville; Guardian Angels, Lake Elmo; Saint Joseph, Circle Pines

Tom Gillespie OSB: Saint Bernard, Saint Paul; Saint Mary, Stillwater.

Eugene (Salvatore) Corica: Saint Bridget, Minneapolis; Saint Raphael, Crystal; Holy Family, Saint Louis Park; Saint Patrick, Inver Grove Heights; Holy Childhood, Saint Paul, temp.

Thomas Adamson: Saint Thomas Aquinas, Saint Paul Park; Immaculate Conception, Columbia Heights; Risen Savior, Apple Valley; Saint Boniface, Saint Bonifacius; lived at Saint Leo, Saint Paul, and helped out; was from Winona Diocese

Joseph Heitzer: Several New Ulm parishes; Saint Peter, Forest Lake.

Alfred Longley: Saint Richard, Richfield; Immaculate Conception, Faribault; Saint Jude of the Lake, Mahtomedi

Harold Whittet: Saint Augustine, South Saint Paul; Saint Rose of Lima, Roseville.

Rudolph Henrich: Saint Margaret Mary, Golden Valley; Saint James, Saint Paul; Saint Mark, Shakopee

Francis Reynolds: Saint Francis Xavier, Buffalo; Maternity of BVM, Saint Paul; Saint Patrick, Saint Paul; Visitation, Minneapolis; Saint Margaret Mary, Golden Valley, Our Lady of Perpetual Help, Minneapolis

Ambrose Filbin: Saint Pius X, WBL; Saint Helena, Minneapolis; Northfield; Lake Benton; Eden Valley; Saint Ignatius, Annandale, Saint Bridget, Lindstrom

Priests with disputed claims, marginal behavior, or undue attention:

Gilbert DeSutter: Annunciation, Minneapolis; Saint William, Fridley; Saint Michael, Prior Lake; Saint Mary, Saint Paul; Saint Peter, Richfield; Saint Mark, Saint Paul; Immaculate Conception, Faribault (spiritual director)

John McGrath: Saint Helena, Minneapolis; Sacred Heart, Robbinsdale;

John Brown: Saint Mary, Waverly; Saint Peter Claver, Saint Paul; Annunciation, Hazelwood; Saint Timothy, Maple Lake, Sacred Heart, Robbinsdale, Saint John, St. Paul, Saint Joseph, Hopkins; Saint Anthony of Padua, Minneapolis, Immaculate Conception, Madison Lake; Saint Mary, LeCenter

Jerome Kern: Saint Mark, Saint Paul; Our Lady of Grace, Edina; IHM, Minnetonka; Saint Peter, Forest Lake; Saint Dominic, Northfield

Joseph Wajda: Saint Raphael, Crystal; Immaculate Conception, Columbia Heights; Saint Andrew, Saint Paul; Saint Rose of Lima, Roseville, Saint Joseph, Waconia, Saint Peter and Paul, Loretto, Our Lady of Perpetual Help, Minneapolis, Blessed Sacrament, Saint Paul

Richard Jeub: Our Lady of Grace, Edina; Saint Mark; Saint Paul; Our Lady of Peace (Saint Kevin), Minneapolis; Sacred Heart, Robbinsdale; Saint Rose of Lima, Roseville; Christ the King, Minneapolis, Saint Joseph, Hopkins

Dennis Kampa: Immaculate Conception, Faribault; Saint Mark, Saint Paul; Saint Vincent, Osseo; Saint Michael, Pine Island; Saint Michael, Kenyon; Saint Joseph, W. Saint Paul, Holy Family, Saint Louis Park, Holy Trinity, S. Saint Paul

Joseph Gallatin: Saint Hubert, Chanhassen; Saint Bernard, Saint Paul.

Harry Walsh: Holy Trinity, South Saint Paul; Saint Henry, Monticello; Saint Pius X, White Bear Lake; Maternity of Blessed Virgin, Saint Paul, Saint Stephen, Minneapolis; Saint Anne, LeSueur; All Saints, Lakeville

Please note as well that we have three unresolved situations: Bishop Dudley and [REDACTED]. The outcome of their investigations may also affect this list.

EX 102
ALL-STATE LEGAL

ST. PAUL PIONEER PRESS 10/30/98

Church updates sex abuse policy

Official: 15 archdiocesan priests in last 50 years have been 'credibly accused' of molesting minors

MAJA BECKSTROM STAFF WRITER

In 1984, the Rev. Kevin McDonough sat in on a meeting at the chancery in St. Paul between church leaders and a distraught family whose son had been sexually abused by a Catholic priest years before. It was the young McDonough's

introduction to the problem of sexual misconduct by clergy, which was to consume the Roman Catholic Church locally and nationally for the next decade. Over the years, the Archdiocese of St. Paul and Minneapolis has been hit with nearly 40 sex exploitation lawsuits and paid \$400,000 in settlements, said spokesman Tim Anderson. Insurance pay-

ments covered another \$4 million in settlements.

It also developed one of the first policies in the country to prevent abuse and respond compassionately to victims' complaints.

This week, the Archdiocese of St. Paul and Minneapolis released a revised version of that policy. There are few changes. But it indicates that church officials are keeping the issue before their flock.

"We think we responded fairly well to the crisis," said McDonough, vicar gener-

al of the archdiocese. "Now what we want to do is stay out in front of the issue and not sit back and cross our fingers and hope that nothing happens."

For the first time, McDonough revealed the extent of the problem in an interview this week. Fifteen priests in the archdiocese have been "credibly accused" of molesting minors during the past 50 years, McDonough said.

The number is higher than the national average, McDonough said, but corre-

CHURCH ... SD

CHURCH/Archdiocese paid \$400,000 in sex abuse lawsuits

▼ CONTINUED FROM 1D

sponds to experts' predictions that about 2 percent of priests abuse children. Fifty priests in the archdiocese have been "credibly accused" of a sexually exploiting another adult, McDonough said.

In the 1980s and early 1990s, Minnesota was the scene of a series of high-profile cases alleging sex abuse by priests. Church officials were criticized for ignoring allegations and moving offending priests from parish to parish. Under the leadership of former Archbishop John Roach, the archdiocese responded in 1988 by writing the country's first policy to deal with priests and the sexual abuse of children. In 1992, guidelines were expanded to include exploitation of adults and to cover any ministry employee in the archdiocese, ordained or not.

The new 17-page document, "A Time to Heal: Preventing and Responding to Ministry-Related Sexual Misconduct," reiterates these policies and lightens training requirements. It was released to priests Thursday and will be published today in the archdiocesan newspaper, the Catholic Spirit, which goes to 37,000 homes. For the first time, brochures explaining how to make a complaint will be made available in every parish.

Gary Schoener, a Minneapolis psychotherapist who has consulted in more than 3,000 sexual misconduct cases, said the archdiocese's

efforts to publicize its policy is commendable.

"My own view is that the archdiocese track record here is as good as it gets, and they have done a better job than anyone I have seen across the country. And I'm consulted by a number of other dioceses," said Schoener. "Nationally, I don't think the Catholic Church has done a good job at all."

Even the local policy has drawn fire.

"The archdiocese can write and say all these wonderful things, but I judge them by their actions," said Jeffrey Anderson, a St. Paul attorney who has filed hundreds of sex misconduct lawsuits against Catholic dioceses nationwide. "Part of justice is reparation, and when it comes to payment of money, they just don't care. When a victim comes forward, they continue to hire an army of lawyers and advisers to brutalize and re-victimize the victim in court."

Although victims can approach the archbishop or vicar general directly, the new guidelines suggest they first contact Phyllis Wilterscheidt, coordinator of victim advocates. If the complaint involves a minor or vulnerable adult, it is turned over to police.

Otherwise, the archdiocese starts an investigation that may include interviewing witnesses and the victim. In one case, the archdiocese hired a private investigator to follow a priest who denied hav-

ing an affair with a woman in his parish. He was caught and later resigned, McDonough said.

For the past three years, cases have been reviewed by a panel, which includes three clergy and six lay people. The panel makes a recommendation to the archbishop about a long-term solution.

Priests who molested children are not allowed to work in a parish setting or have any contact

Priests who molested children are not allowed to work in a parish setting or have any contact with children, McDonough said.

with children, McDonough said. Four of the 15 priests who sexually molested children still work for the archdiocese in administrative capacities, he said.

Priests who exploited adults may return to a parish if they undergo therapy, but their ministry is often restricted. For example, a priest may be prohibited from one-on-one counseling. The parish council and staff are always informed of misconduct, McDonough said.

"In a case when an individual appears to have faced the underlying causalities, is genuinely sorry,

where the victims are comfortable with this, and where there is disclosure, then we will put a person with specific skills back to work," said McDonough. "But that is a lot of hoops to go through."

McDonough believes that most cases involving abuse of children have been heard. But he still thinks there are people who were exploited as adults who have not come forward.

That's because experts estimate that about 10 percent of people in helping professions, such as physicians, psychologists and clergy, have inappropriate sexual contact with the people they serve. Allegations of adult exploitation in the archdiocese have identified about 4 percent of the archdiocese's 520 priests.

"We're very concerned. I think we're actually more concerned than our people to tell you the truth, about adult-to-adult interaction," said McDonough. "When I go to parishes to tell them that we are removing their priest because of involvement with an adult parishioner, the reaction is often something like, 'Well, thank God it was a woman and not a child.' Well, our reaction is that any time we misuse our position to harm another, that is a very fundamental violation of the integrity of what we're about. It's just wrong."

Maaja Beckstrom, who covers religion news, can be reached at mbeckstrom@pioneerpress.com or (651) 228-5295.

ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS

2260 Summit Avenue

Saint Paul, Minnesota 55105-1094

(612) 962-6890

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 VOCATION
OFFICE

August 15, 1996

Most Reverend Harry J. Flynn, D.D.
Archbishop of Saint Paul and Minneapolis
Chancery
226 Summit Avenue
Saint Paul, Minnesota 55102

SPS

Dear Archbishop Flynn,

You asked for my thoughts regarding the candidacy of Curtis Wehmeyer. As I mentioned at our meeting on the 13th, we have been impressed with the growth Curt has displayed. He is honest, sincere, can show humor, and is prayerful. A psychiatrist has determined - and we agree - there seems little chance of recidivism of alcohol abuse. He presents himself as melancholy at times, and takes a mild anti-depressant, but according to the psychiatrist, shows no signs of clinical depression. I suspect there may be people in the seminary now less mentally healthy than Curt, and less willing to work on it. His debt does not bother me much, as it was generated by school and car bills, not whimsical acquisitions.

My reservations regarding Curt are in two areas. One, given the level of his skills, will he be able to juggle all he needs to in order to academically prepare for priesthood while he continues to work on other issues: understanding and controlling his sexuality, dealing with family issues, and developing intimacy skills. He is not a strong student and I am concerned he may not do well in all areas at once. Support for the homosexual candidate - if that indeed is his orientation - within and outside the seminary is not as strong as for heterosexual one. For that reason, a strong support system and good intimacy skills are very important. I am concerned Curt does not have them at the desired level yet. I believe he can attain them.

The second area of concern really looks at Curt ten years from now. Once he is out of the cocoon of seminary and first assignments and living alone, will he be able to handle what is tossed at him? Obviously, this is very difficult to project, and depends on the depth to which he enters into the formation program. I believe his growth in the past year speaks well for him in this case.

In summary, I do not believe he is ready for Theology I. I think he is a bit of a risk at any level at this time, but certainly redeemable. I appreciate his honesty and would not want to see him punished for that, but I think there are some unresolved issues which may be better addressed outside seminary.

Sincerely yours in Christ,


 Rev. Stan Mader
Co-vocation Director

A Recipient of the Annual Catholic Appeal

EX 3

ARCH-000826

FILE COPY

MEMO

TO: Assessment Staff at Saint Luke Institute
FROM: Father Kevin McDonough
DATE: June 1, 2004
RE: Father Curtis Wehmeyer

I am grateful to you for your assistance in an assessment of Father Curtis Wehmeyer. Below I will describe the incident that leads to the request for an assessment. Before I do so, however, I want to alert you to the questions for which we are seeking answers. I want to ask that any disclosures to the Archdiocese of Saint Paul and Minneapolis, either written or verbal, would only be responsive to the following questions. I understand that you will ask Father Wehmeyer to undergo a variety of forms of testing; you will also conduct a clinical interview with him. I do not want us to have access to that information. If Father Wehmeyer chooses to disclose that information in a subsequent therapy setting, he will be free to do so. I want to be careful, however, to protect Father Wehmeyer's privacy in regard to all other matters.

Here are the questions for which we are seeking an answer:

- 1) As I will discuss below, I believe that the incident being described constitutes imprudent risk taking behavior on Father Wehmeyer's part. It is not, on the one hand, simply a matter of an innocent misunderstanding, nor is it, on the other hand, part of a regular pattern of "cruising" and "picking up" anonymous sexual partners. My understanding is that Father Wehmeyer somewhat reluctantly shares this characterization of the event as well. Is this characterization consistent with what you will have learned about Father Wehmeyer's personality and commitments? Is he telling the truth in reluctantly agreeing with my characterization of the incident?
- 2) Whatever the accuracy of my characterization of the incident, does the incident reveal either situational or chronic emotional and psychological problems that should be addressed for Father Wehmeyer's healthy functioning as a priest? If so, what are those problems?
- 3) If you have identified problems, what recommendations would you have for treatment modalities?

In regard to a description of the incident, I am attaching written material that I received from Patrick Menke. Patrick was not a witness to the incident, but brought the information to me. I have known Patrick for many years. In fact, he is employed by a Catholic Church-related institution and is of the highest possible credibility. Patrick used the sheet of photos that you will find attached to check the visual identification of the two men whose reports are included. Both of them immediately identified Father Wehmeyer.

EX 4

ARCH-000398

Page two
Re: Fr. Curtis Wehmeyer
June 1, 2004

When I confronted Father Wehmeyer about this report on Thursday, May 27, he initially indicated that the situation was purely a matter of misunderstanding. Father Wehmeyer's remarks, he said, were at most an attempt on his part to understand what the first young man was looking for from the conversation so that he could extricate himself as gently as possible. I offered to have an independent investigator with whom the Archdiocese regularly works interview the two complainants and Father Wehmeyer to help assess the situation. Father Wehmeyer indicated he was open to having that happen.

As our conversation continued, however, I proposed to him a possibility lying somewhere between innocent misunderstanding and deliberate cruising. I suggested that he may have had some interest in engaging the conversation to see where it might go. That it might have triggered curiosity and even a sense of danger on his part. I suggested to him that he might have been staying in the conversation for a time not simply because he did not know how to disengage but also because there was something attractive and interesting in it. He agreed that that might be so, but could not come to any specificity about what the element of interest, curiosity, or danger might have been. Nevertheless he indicated his willingness to explore this through an assessment process.

Here is my assessment of the information that I have so far. Father Wehmeyer was not in his clerical dress, and he was in a place that he understood to be a "meeting place" for people. He was there at 10:30 at night. He engaged in a conversation with a young man, and the conversation clearly had some sexual undertones to it. Father Wehmeyer did not simply disengage from the conversation and walk away. It is certainly possible to consider that a "pick up" that did not work out. There are other possible characterizations, as well. For example, it could have been flirting that became uncomfortable. It could have been a very uncareful attempt simply to engage in conversation with an interesting and apparently interested person. Or it could have been, as I suggest above, an act of risk taking. That is, it seems to me that Father Wehmeyer had a fairly good intuition that the conversation was leading into "forbidden subjects." Nevertheless, his curiosity was piqued and he stayed with the conversation to see where it would go. When it ended abruptly, he tried to find some way to repair what he only too late recognized could be some damage.

Permit me to make it clear that there is no violation of Minnesota civil law involved. There was no sexual contact or even any direct suggestion of the desire for sexual contact, and so the likelihood that even a moral law has been violated is reasonably low. Nonetheless, in the sensitive times in which we find ourselves, Father Wehmeyer put himself in a situation in which his integrity is subject to a certain amount of questioning.

I am grateful to you for whatever clarification you can offer as we try to sort this out. Father Wehmeyer does not seem to have a clear self understanding of his own part in this immediately available to him. Alternatively, he may understand it quite well and be reluctant to explain it to me. Nonetheless, I believe that he would profit from further insight. Our desire to protect the integrity of his ministry would also be served by better understanding. I am grateful for your help.

ARCH-000399



Saint Luke Institute

PLEASE NOTE: The information provided in the enclosed evaluation summary letter is provided within the scope of and subject to the medical records and patient/therapist confidentiality privileges as recognized in the State of Maryland. As such it should not be re-disclosed without the written permission of the patient or unless required by law.

June 18, 2004

Confidential

Father Kevin McDonough
Archdiocese of St. Paul and Minneapolis
226 Summit Avenue
St. Paul, MN 55102

Re: Reverend Curtis Wehmeyer
SLI # 14963

Dear Father McDonough:

Thank you very much for the referral of Father Curtis Wehmeyer, a 39-year-old priest from your diocese. Thank you also to Archbishop Flynn for taking the time to be present with us at the evaluation feedback session Friday, June 11th, 2004 via telephone. It was important to have him present to hear the evaluation findings first-hand and to provide support for Father Wehmeyer. This improves communication and also provides an opportunity for discussion about what future steps might be taken.

Father Wehmeyer came to Saint Luke Institute on June 6th, 2004 and completed the evaluation process on June 11th, 2004. It is the impression of the evaluation staff that Father Wehmeyer was cooperative with the evaluation process. We therefore believe the data and impressions we gathered have enabled us to make an accurate assessment of Father Wehmeyer's current psychological and physical functioning.

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Affiliated with Ascension Health

Ex 5

ARCH-000550

As you know, Father Wehmeyer was referred for evaluation after the diocese received a complaint about some marginally inappropriate behavior between Father Wehmeyer and two adult men. By all accounts, this behavior occurred around 10:30 at night in late May 2004 at a Barnes and Noble bookstore. It is important to note that Father Wehmeyer acknowledged this as a place where people met for sexual liaisons. Father Wehmeyer was not dressed in clerics, and during his visit to this establishment, became engaged with two young men, separately, in a conversation that had "some sexual undertones to it." While the intentions of each party remained unclear, the first conversation ended abruptly when Father Wehmeyer asked the young man "are you horny?" During the course of these events, it became known to the two men that Father Wehmeyer was a priest at one of the men's girlfriend's parish. This event was subsequently reported to the diocese, which interviewed the two men. Father Wehmeyer was identified via photograph, and subsequently asked to come for an evaluation at St. Luke's to assess his current level of psychological and emotional functioning, and to offer recommendations for treatment.

In a memo dated June 1, 2004, you, Father McDonough, requested that our feedback focus strictly on three referral questions:

1. Is the characterization of the event in concern consistent with what we have learned about Father Wehmeyer's personality and commitments? And, is he telling the truth in reluctantly agreeing with your (Father McDonough's) characterization of the incident?
2. Does this incident reveal situational or chronic emotional or psychological problems that should be addressed for Father Wehmeyer's healthy functioning as a priest and, if so, what are those problems?
3. What recommendations do we offer on these identified problems?

When we evaluate an individual who has been having emotional and/or behavioral problems, we include an assessment of a wide variety of motivations, developmental experiences and physical factors. Our assessment protocol includes the following elements:

1. Psychosocial interview.
2. Clinical interview.
3. Physical and neurological examination.
4. Electrocardiogram.
5. Chest x-ray.
6. Psychological testing including personality and projective tests.
7. Neuropsychological testing including measures of intelligence, attention, memory, abstraction, visual perception, and mental flexibility.
8. Spiritual assessment.

The final step in the evaluation process is a discussion among the evaluation team members about the client. We then meet with the client to report our findings and recommendations. Typically, our written evaluation report summarizes the evaluatee's work in each of these areas. However, given your request that our feedback to the diocese focus only on the questions asked in your communiqué of June 1, 2004, much of the data collected during the evaluation interviews will be omitted from this report. As such, the following summary and report will reflect only the data deemed relevant to the referral questions, diagnoses, and recommendations. Any additional information that the diocese or Father Wehmeyer might require will be available upon request.

BACKGROUND HISTORY: We take a detailed background history from our clients in order to understand the impact of past events on current attitudes and behavior. Although Father Wehmeyer gave us many details about his background history, we will include only the clinically relevant information in this report. Steve Wong, Ph.D. conducted the psychosocial evaluation.

Family History: Father Wehmeyer was born in Anchorage, Alaska and is the third of four children. The family moved twice during Father Wehmeyer's childhood: at age 1 they moved to the lower peninsula of Michigan, and at age 8 they moved to the upper peninsula. Significant information about Father Wehmeyer's family situation includes his mother's history of alcoholism, and her subsequent neglect of the children. She died in 1986 from lung cancer. Father Wehmeyer sees his father twice a year and does not speak to him much on the phone. Father Wehmeyer felt that he did not provide much emotional nurturing for the children. Father Wehmeyer also felt that his father was too critical of his mother and reacted to her alcoholism by distancing himself.

Academic/Social History: Father Wehmeyer described that he was "an average to slightly above average" student in school. Socially, Father Wehmeyer reported that he was quite shy in elementary school due to the family problems he was experiencing related to his mother's alcoholism. He stated that he gradually became more outgoing and in high school had a larger group of friends. After going to college Father Wehmeyer stated that he began to socialize with a more "wild" crowd. He began drinking more, going out to bars and dancing. In retrospect he is aware that his friends at this time were more "drinking buddies" than good friends. In terms of current relationships Father Wehmeyer described that he is close to friends, family and he also has a healthy spiritual life. However, he acknowledged that he has grown farther away from friends and family and he is not as open as he use to be. He stated he has three or four people that he considers close friends, however, he only speaks to one of them once a week and the others even less frequently. Father Wehmeyer reported that he attended college for architecture and worked in this field prior to entering seminary.

Substance Abuse History: Father Wehmeyer acknowledged that his drinking was problematic during college, that it caused strain on his family and social life and most of his friends were just "drinking buddies". After college, Father Wehmeyer worked in several architectural firms and his high level of drinking continued. He stated that he had a "crash" while working at an architectural firm where many of his past feelings and resentments about his childhood returned. During this period, Father Wehmeyer received two DUI's: one during his college years and another in 1990. He described that he made a decision to quit drinking and through Alcoholics Anonymous turned to his "higher power". He described that as he maintained his sobriety he felt peace and security and began to revisit his Catholic upbringing and started working for a church. A priest suggested that if he were to return to graduate school that he study something that would also potentially prepare him for seminary, he did this and ended up joining the seminary. Father Wehmeyer was ordained in 2001. He described that his first few years as a priest were quite difficult due to being assigned to a pastor who was not supportive or a good mentor. Father Wehmeyer described that he began to feel "abandoned and pushed away". He added that this contributed to a "mid life crisis" where he began to question where he is at in his life when he turns 40.

Psychosexual History: Father Wehmeyer displayed considerable anxiety when talking about his sexual history. On several occasions he voiced discomfort speaking about this aspect of his life and deliberated about whether or not to answer questions. Father Wehmeyer appeared to be significantly conflicted over his sexual orientation. On one hand he repeatedly noted that he had "worked through" this with his counselor, however, many of his comments appeared to indicate significant shame and negative feelings about his sexuality. Father Wehmeyer described that he "takes celibacy seriously" but that it is "an all day project". He hinted at a considerable struggle maintaining his celibacy. Father Wehmeyer acknowledged a consistent challenge to "keep custody of my thoughts and eyes".

PSYCHIATRIC HISTORY: In interviews, Father Wehmeyer was oriented in all spheres. There was no evidence of psychotic process, and he denied any suicidal or homicidal ideation. His insight and judgment appeared grossly intact for day-to-day functioning.

Behaviorally, Father Wehmeyer appeared both anxious and distractible in interviews. He evidenced some mild difficulty in his memory for times and dates, and appeared easily distracted by details of the conversation. He noted some distress in his life that has left him "not feeling good about himself." Specifically, he noted some tension over turning 40 this year, disappointments and conflict with his pastor in his current assignment, disappointments over a lack of fellowship and guidance as a young diocesan priest, struggles with his sexuality and the church's teachings, and a general "imbalance" in his life that has left him feeling isolated.

Father Wehmeyer noted that he has been involved in therapy on and off since 1996. He recently discontinued this work in January 2004, as he was "scared about the new level he was getting to

in therapy." He was unable to specify what he meant by a "new level." This illustrated one of the difficulties observed in interviews with Father Wehmeyer: a difficulty being specific about his experiences and motivations. To this end, Father Wehmeyer appeared overly concerned with whether the interviewer understood what he was trying to say, and tended to become anxiously distracted by irrelevant details when asked for specifics about his statements or experiences. Additionally, there were a few occasions during this week where Father Wehmeyer was hesitant about answering questions as he felt they were inappropriate to discuss outside the context of either therapy or spiritual direction.

PHYSICAL EXAMINATION AND LABORATORY EXAMINATION: There were no diagnoses or abnormal laboratory results noted in Father Wehmeyer's physical examination.

SPIRITUAL ASSESSMENT: As part of his evaluation, Father Wehmeyer completed a spirituality questionnaire which was reviewed and discussed with him by a member of our pastoral program. Meg Parrish, CSJ, MS, MA conducted the spiritual assessment.

Father Wehmeyer appeared aware of the lack of balance between his spiritual exercises and his ministry. His practices of a prayer life, reception of the Sacrament of Reconciliation and making a yearly retreat have deteriorated over the last few years. He seemed to not have the depth of relationship with himself, with others and therefore with God that he needs for fulfillment. He does share with his spiritual director, a female cousin and a seminarian friend but needs to broaden that circle of intimate sharing. A priest's support group would be helpful if he could find a group that shares their struggles with each other. Father Wehmeyer stated that prayer was the core of his life when he was in seminary. He has had spiritual direction with some regularity. Having a regular confessor, who could get to know his patterns, would be helpful and would give him another person to help support his spiritual life. Father Wehmeyer stated that he loves his vocation and is affirmed by the people in his ministry. There appears to be a tension between his sexuality and celibacy. He will need to come to grips with his sexuality before he can adequately discern whether or not he can embrace celibacy.

NEUROPSYCHOLOGICAL EXAMINATION: The human brain is the organ of the body responsible for the highest level of integration of both experience and behavior. As part of our evaluation, we do an extensive neurocognitive screening assessment. Gary Thompson, Ph.D. reviewed the neuropsychological testing.

In general, Father Wehmeyer's neuropsychological profile was within normal limits. However, there was a subtle relative weakness in the area of visual, perceptual, and spatial skills. This pattern of weaknesses did not reach the level of being diagnosable, and Father Wehmeyer did not note any self-perception of difficulty in this, or other, areas.

PSYCHOLOGICAL TESTING: Psychological testing is an important part of our evaluation procedure. We use it to compare responses our clients make to objective norms and to validate

our interview impressions through test data. Psychological testing is composed of two different parts. Personality testing assesses a client's personality traits and the strengths and weaknesses that accompany those traits. These tests can also assess the level of psychological distress a client is currently experiencing. Projective testing assesses a client's habitual ways of handling thinking and emotional processes. It can also assess the presence of specific psychological conflict areas. Andrew L. Martin, Psy.D. conducted and reviewed the psychological testing.

Father Wehmeyer completed two computerized self-report measures, the MMPI-2 and MCMI-III. His performance on these two tests was useful in providing information and was suggestive of Father Wehmeyer's investment and cooperation in the evaluation procedure. These tests portrayed Father Wehmeyer as an depressed, anxious, and irritable individual who has difficulty managing routine affairs, lacks an outlet for intense emotions, and may experience difficulties with memory, concentration, or decision making. Interpersonally, he appears to be at risk for chronically misunderstanding others' motives, and harbors a tension between a desire to withdraw socially and a fear of abandonment. He appears to have difficulty trusting others, is hypersensitive to what others think about him, and is likely to feel insecure in relationships.

Father Wehmeyer's projective testing pointed to the presence of significant situationally-based emotional distress that is currently impacting his comfort and ability to make effect decisions. Interpersonally, he tends to overvalue his own needs and appears at risk for underappreciating the impact that his actions have upon others. Father Wehmeyer appears to deal with uncertainty about himself via intellectualization, although he also appears to manage distress by minimizing or ignoring subtle aspects of his experiences. As such, he is at risk for an idiosyncratic view of the world that may be slightly distorted from the way in which others see things.

DIAGNOSES:

Axis I - (contains current clinical disorders or conditions except for personality disorders.)

1. 302.9 Sexual Disorder, Not Otherwise Specified: Unintegrated Sexuality
2. 309.28 Adjustment Disorder with mixed Anxiety and Depressed Mood
3. Rule Out: 296.90 Mood Disorder Not Otherwise Specified: Mixed Anxiety and Depression
4. v62.2 Occupational Problem
5. 305.00 Alcohol Abuse, by History

(Rule Out is used when there is some evidence that a diagnosis may apply but more data is needed to make a firm diagnosis.)

Axis II - (contains personality disorder or maladaptive personality traits.)

Deferred, but prominent Paranoid traits noted

Axis III - (contains current significant medical conditions.)

1. No Diagnoses

SUMMARY AND RECOMMENDATIONS: Father Wehmeyer's cooperation with the evaluation has helped us come to some conclusions that we hope are helpful for his treatment. During the course of this evaluation, Father Wehmeyer was open with members of the evaluation team about his history of alcohol abuse. He was also asked detailed questions about his sexual history, attractions, and behavior. Our current diagnoses and recommendations reflect our best understanding of these aspects of Father Wehmeyer's functioning.

We make the diagnosis of Sexual Disorder Not Otherwise Specified, Unintegrated to reflect the need for Father Wehmeyer to continue his work in coming to a greater conscious awareness and acceptance of his sexuality, his sexual urges, and his sexual attractions. Unintegrated Sexuality refers to Father Wehmeyer's discomfort with his sexuality, his difficulty acknowledging sexual motivations and attractions, and the preoccupying presence of sexual urges that detract from his ability to be at peace with himself.

Our diagnoses in the realm of mood disorders reflect both current difficulties in this area, as well as what we suspect is Father Wehmeyer's more long-term level of emotional equilibrium. We make a diagnosis of Adjustment Disorder with Mixed Anxiety and Depressed Mood to reflect the current emotional stressors in Father Wehmeyer's life and their effect upon him. However, the presence of these strong, current emotions detracts from our ability to understand Father Wehmeyer's emotional landscape over the longer term. Based on his self-report and data obtained during this evaluation, we make a tentative diagnosis of a Mood Disorder Not Otherwise Specified with Mixed Anxiety and Depression to name what we suspect is Father Wehmeyer's chronic level of emotional adjustment. Taken together, these two diagnoses name both the presence of current, situationally based distress, as well as what we suspect is a more chronic form of this distress that has been present over a longer period of time and is more connected to both ongoing interpersonal and emotional factors, as well as historical and genetic determinants. It is likely that as Father Wehmeyer finds relief for his situational concerns, the more long-term diagnosis will become clearer and he will be able to focus more directly on these chronic issues.

We make a diagnosis of an Occupational Problem to name Father Wehmeyer's need for support and guidance as a recently ordained priest, and his need for ongoing discernment about how to live within his vows.

We make a diagnosis of Alcohol Abuse, by History to name Father Wehmeyer's history of problematic drinking. Specifically, he has two DUI's in his history. Although Father Wehmeyer's current pattern of alcohol use does not appear to be problematic, this remains an area in which he should exert vigilance, as well as work to understand what vulnerabilities contributed to his past abuse.

Our diagnosis in the realm of personality traits and disorders reflects many of the long-standing qualities that Father Wehmeyer brings to new situations, and that often impair his ability to effectively be in relationships. Father Wehmeyer's current level of distress complicates our ability to accurately diagnose the presence of any personality disorder. As such, we defer diagnosis in this area at the present time. However, we do note the presence of prominent paranoid traits. Paranoid traits refer to Father Wehmeyer's difficulty trusting others, his difficulty voicing his emotions and motivations, and his preoccupation with how he appears to others. Father Wehmeyer should focus on these traits and their influence in his life. Additionally, it is likely that as Father Wehmeyer's current level of distress subsides that a clearer picture of his personality dynamics will emerge.

On the basis of these diagnoses and the information gathered about Father Wehmeyer during the course of this evaluation, we have constructed several recommendations that we think will be helpful for his treatment:

1. **Individual Psychotherapy:** We recommend that Father Wehmeyer re-enter outpatient individual psychotherapy with a qualified, licensed therapist. Father Wehmeyer should see his therapist *no less than* once per week for a standard therapy session. Several issues were noted during this evaluation that would be important for Father Wehmeyer to discuss with his therapist, including his past sexual behavior and current sexual feelings, his current and long-term feelings of anxiety and depression, his history of alcohol abuse, his difficulty identifying and naming his internal motivations, and his difficulty trusting others. As suggested in the evaluation feedback session, it would be in Father Wehmeyer's best interest to share this evaluation letter with his therapist in order to safeguard against his characteristic tendency to minimize or ignore problem areas in his life. Sharing this evaluation letter with his therapist would likely prevent a premature cessation of therapy and promote a greater sense of openness and vulnerability. Additionally, as noted at the feedback session, Father Wehmeyer should participate in this therapy for *a minimum of one year* and should be accountable to a diocesan superior for maintaining his appointments. This will help Father Wehmeyer's historical tendency to stop therapy when it becomes difficult, and assist him in pushing through these difficult periods.
2. **Group Psychotherapy:** We recommend that Father Wehmeyer engage in an outpatient psychotherapy group. Group therapy is also a very useful support in the sometimes difficult work of therapy. Another benefit Father Wehmeyer would receive from group therapy would be the opportunity to receive feedback from peers about how they perceive

- him, to work on relationships within a therapeutic setting, and to receive feedback about the paranoid personality traits noted above.
3. **Spiritual Direction:** We believe that Father Wehmeyer would benefit greatly from the continuation of his work with his spiritual director.
 4. **Pastoral Mentor:** Father Wehmeyer voiced his wish for a mentor to support him in the early stages of his life as an ordained priest. We recommend that he work with diocesan officials to obtain a mentor who could serve as both a source of support, guidance, and, when needed, correction.
 5. **Pastoral Support Group:** Father Wehmeyer also voiced his feeling of being distant from other priests within his diocese. We recommend that he work with diocesan officials in order to identify and join a pastoral support group, which could assist him with both his need for fellowship, as well as help him to foster a healthy identity. It is important to note that this recommendation *does not* serve to replace the above recommendation for group psychotherapy. These are meant to be two distinct groups, and two distinct recommendations.
 6. **Diocesan Accountability:** As mentioned above, Father Wehmeyer would benefit from additional contact with a diocesan representative who could help him to be accountable to the needs identified within this report, including Father Wehmeyer's need for ongoing psychotherapeutic services. This support would be of service to Father Wehmeyer in persevering in his treatment at times when he may be at risk for terminating therapy prematurely.
 7. **Possible Inpatient Treatment:** The recommendations listed above are based upon our current understanding of Father Wehmeyer's past behavior and current emotional and psychological risks. Based on the information available to us, we do not diagnose Father Wehmeyer as having an active addictive or compulsive behavior problem at the present time. However, there are a sufficient number of emotional and psychological risks that are a concern to us at this time. Should Father Wehmeyer be unable or unwilling to follow the recommendations outlined in this report, or should additional information become available to the diocese about other concerning or otherwise risky behavior, we would be forced to reconsider our current evaluation of Father Wehmeyer. Should additional information come to light, Father Wehmeyer would likely be recommended for inpatient treatment and, at that time, should return to St. Luke's in order to enter a period of residential treatment.

To his credit, Father Wehmeyer appeared to understand the need for these recommendations.

Father Wehmeyer is a man with important ministerial, spiritual and intellectual strengths. It is clear in reports from the diocese that he possesses the capacity to be a valuable member of the diocese. We hope this report is of help to you and to Father Wehmeyer, and that it addresses the questions identified by the diocese regarding Father Wehmeyer's current functioning. We also hope that these recommendations will lead to greater health and greater peace for him. Finally, it

Father Kevin McDonough
Re: Reverend Curtis Wehmeyer SLI # 14963

June 18, 2004
Page 10

is our hope that Father Wehmeyer receives the appropriate attention for the problems listed above so that he can make his many remaining years both fruitful and enjoyable.

If you have any questions or we can be of other assistance, please do not hesitate to contact us.

Sincerely,



Andrew L. Martin, Psy.D.
Clinical Psychologist



Stephen Montana, Ph.D.
Director of Clinical Services

ALM/

cc: Reverend Curtis Wehmeyer

ARCH-000559

MEMO

TO: Archbishop Flynn, Bill Fallon
FROM: Fr. Kevin McDonough
DATE: September 7, 2004
RE: Father Curtis Wehmeyer

As part of our ongoing follow-up to the incident of poor judgment last spring, Father Wehmeyer and I met with Father Piche, pastor of Saint Joseph, and Jane Nordin, principal of the elementary school there. That meeting took place on Friday, September 3.

Father Wehmeyer and I described the incident to the other two participants and some of the follow-up with them. They had a chance to raise some questions. The meeting was a very positive one, and concluded with words of support for Father Wehmeyer's ministry. In fact, we agreed to lift the restriction that I had placed earlier this summer on his participating in youth programming. We had put that restriction on not because he constituted a danger but so that there would not be occasion for misunderstanding and rumors. The condition for the lifting of the restriction, however, is that the two priests will sit down with the religious education director and the youth minister (a husband and wife team) at the parish and have a conversation similar to the one that we had on September 3.

Interesting, Father Piche reported that he had heard absolutely nothing in the parish about this until just a week or so ago. Someone came to him reporting that she had "bad news" to share. The bad news turned out to be a very distorted version of the incident from last spring. Father Piche was able to tell the person that he knew all about it, and that the facts were quite different from those reported by this person. She indicated that she would go back to her source and correct the misimpression being shared.

Jane Nordin said that she had heard nothing about this from anyone in the parish, but was pleased to have the information.

After the meeting, Father Wehmeyer and I visited about his participation in counseling. He has been working with Dr. Paul Ruff to get a series of counseling appointments established through next fall. I offered to meet with them at anytime that would be helpful. Father Wehmeyer and I agreed that we would speak again in late October about the progress that he is making in counseling.

I am sending a copy of this memo to the participants in the September 3 conversation. If they disagree with any of the characterization here, they can contact me.

cc: Father Piche
Jane Nordin
Father Wehmeyer

Ex 6

ARCH-000637

MEMO

TO: Archbishop Flynn
FROM: Fr. Kevin McDonough
DATE: February 24, 2005
RE: Father Curtis Wehmeyer

Archbishop, you and I have both been dealing with Father Wehmeyer. I received some more information on Tuesday, February 22. Permit me to describe the information and then make a suggestion about what to do with it.

I received a call from Father Cory Rohlfing, a good friend to Father Wehmeyer. He was concerned because he had heard rumors about the other two matters which are pending with Father Wehmeyer. The first is the question of his encounter with two young men in a book store. The second is the still obscure citation that he received in a public park.

Father Rohlfing told me that he knew of yet another, similar incident. It happened while he and Father Wehmeyer were students in the Seminary and while they were studying in Jerusalem. The two of them, then seminarians, and a third seminarian from Wisconsin, were walking down a street in Jerusalem. Two young men, adults but still young, began to taunt Curtis Wehmeyer, who evidently dismissed them. Walking past seminarian Cory Rohlfing, the two young men said something about his friend being a "faggot".

When Father Rohlfing spoke with his friend shortly thereafter, the story that Curtis told him was this. He had been in a book store and the two young men approached him about offering contact with a female prostitute. When he showed no interest, they asked if he wanted a male prostitute. Trying to extricate himself from the situation, he spoke with them, and they "misunderstood" what he was saying.

As you can see, this bears remarkable similarities to the situation at the book store last year.

We are still waiting to find out through some sources what the exact cause of the citation was in the park. I believe I should have that information quite soon. I propose that, should this third story be similar to the other two, then Father Wehmeyer should be confronted immediately. He should be told that there is a pattern far more serious than he has so far admitted to. My suggestion is that we would remove him from parochial work and ask him to undergo intensive psychotherapy. Alternatively, we might simply remove him, put him on reduced pay, and give him time to think about what he would like to do to get his life in order.

I would certainly be willing to have that confrontation with Father Wehmeyer. Since you, however, have also been speaking with him, I do not want to work at cross purposes to you. How would you like to proceed?

EX 7

3 August 2006

Memo To: File of Father Curtis Wehmeyer
From: Father Kevin McDonough
Re: A Concern about Father Wehmeyer, and a Response

On Friday afternoon, July 28, I was visited by a Ramsey County Sheriff's deputy named Steve Leyden (I am unsure of the correct spelling of his name). He wanted to raise a concern about one of our priests. During the meeting he identified the priest by name as Fr. Wehmeyer, correctly indicated his new assignment, as administrator at Blessed Sacrament, and visually identified him from the Clergy Photo Directory of the Archdiocese. I was certain that there was no possibility of mistaken identity.

He provided a significant amount of detail in the description of his concern. Without repeating that detail, here are the main points:

On Wednesday, July 26, he saw Father Wehmeyer "hanging around" in a parking lot of a Ramsey County park commonly identified as a place where adult men seek sexual encounters with one another. When Deputy Leyden approached Father Wehmeyer, he offered a somewhat odd and inconsistent set of explanations for why he was in the park. The deputy told Father that the park was known to be an area where adult sexual solicitation took place. After some conversation, Father Wehmeyer drove away.

Shortly thereafter, the deputy continued his rounds. He saw Father's truck leaving a connected park area, also widely known as a pick-up place. And yet again, a short time later, he saw Father's vehicle leaving a third such park.

Finally, on the next day, Deputy Leyden was making a traffic stop near the first park mentioned above. Once again, he identified Father Wehmeyer's truck leaving the parking lot.

Deputy Leyden told me that he believed that Father was exhibiting behavior consistent with a sexual addiction. He wanted to put us on notice in order to get some help for Father. He noted that Father had done nothing illegal, and specifically that he had not improperly solicited sex or drugs. Nonetheless, he considered Father's "hanging around" in such places as an invitation to further trouble, including becoming the victim of violence or the subject of a misdemeanor ticket. He offered to have Father targeted in a forthcoming sting operation, if that appeared to be the only effective way to help Father Wehmeyer recognize the danger of his behavior. I told him that I did not think that would be necessary, and that I would call Father. Nevertheless, I asked that he and his colleagues would always enforce the law strictly in regard to our priests. I welcomed any further such information he could provide about any priest, either to prevent a crime or to see to follow-up afterward.

EX 8

ARCH-000451

I called Father Wehmeyer immediately thereafter and told him that he was "out of control". He denied any untoward behavior. When I told him the first part of the story above, he offered a non-credible denial. After I added more detail, however, his denial crumbled. He admitted that he was "playing on the edge". He told me that he resolved to stop immediately. Unfortunately, in spite of his professed participation in a twelve step recovery program he was not able to offer concrete suggestions about how he would translate that resolution into behavior. When I suggested that he call his SA sponsor, he at first demurred, but then conceded that he would do so. We set an appointment to meet today (8/3/06).

We met in my office today. I asked Tim Rourke to join us. I told Father that I was concerned about his cruising behavior, because of the potential self-destructiveness it signalled. I told him that I was even more concerned about the lies that he told when confronted by the deputy and by me -- they seemed to me to be indicative of someone who is not serious about his recovery.

He did not try to explain away his cruising, and acknowledged that it was an expression of real brokenness in his life. He told us that he had had several good talks with his sponsor and his SA group since last Friday, and had come to realize that he cannot effect a recovery on his own. He asked to meet with Tim Rourke monthly for a period of time so that he could be held more regularly accountable for honesty in therapy and for attendance and heart-felt participation in SA. Tim agreed to set up a schedule of such meetings.

I also asked him to speak with his therapist, Dr. Paul Ruff, and to request and release him to call either Tim or me for our description of Detective Leyden's complaint. Father Wehmeyer said he would do, although he will not be able to until Dr. Ruff returns from his vacation on or around August 21. Either Tim or I should receive a call in the week or so thereafter. If not, we will call Father to an accounting.

I do not believe that Father Wehmeyer actually goes to these parks to pick up other men. Rather, he likes to be around the environment where such things are happening, since it gives him some sort of thrill. He is creating a significant risk for himself of highly unfavorable publicity, even as he is not facing whatever unhealthy and immature personality issues are reflected in this behavior. We will keep some pressure on him to "work his program". No other steps appear to be called for currently.

Cc: Tim Rourke



"Jesus Christ is the same yesterday, today and forever." Heb. 13:8

Archdiocese of
Saint Paul and Minneapolis

Office of the Auxiliary Bishop

ENGLISH VERSION

July 12, 2007

Monseñor Ángel P. Sánchez Loaiza
Obispo de Guaranda
10 de Agosto N° 617 – Apartado 15
Guaranda, Bolívar
ECUADOR

Dear Bishop Sánchez,

The peace of Christ to you and the people of your diocese. It was good to talk with you last week, though we certainly wish it had been under different circumstances.

With this letter, we would like to formally document the content of our call to you concerning Father Fredy Montero, a priest of the Diocese of Guaranda, and in ministry here in the Archdiocese of Saint Paul and Minneapolis for the past five years.

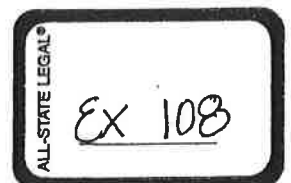
On June 19, 2007, it was brought to the attention of Father Kevin McDonough, Vicar General of the Archdiocese that Father Montero and a woman – a parishioner from his parish and collaborator with several of his media projects – had been living together since November, 2006. While Father Montero denies this relationship, there is credible evidence that points to its veracity, which alone would be reason for concluding his ministry in this archdiocese.

Unfortunately, however, there has been an allegation of child sexual abuse involving a four-year-old girl. While no charges have been filed and the child has not made any incriminating overture to the police, the case is still under investigation.

Unrelated, yet of definite concern, is that the investigation is looking into the possibility of pornographic content on Father Montero's computer.

Finally, there is some suspicion regarding the misappropriation of money on the part of Father Montero. Again, no charges have been filed, but there is some evidence that reveals large sums of money in relatively short periods of time being (1) deposited into Father Montero's personal bank account and (2) wired to Ecuador.

Seeing that Father Montero has completed a five-year stay here in the Archdiocese and that he has yet to be cleared of the accusation of possible child sexual abuse, His Excellency, Archbishop Harry Flynn, has decided to withdraw Father Montero's faculties here in the Archdiocese of Saint Paul and Minneapolis, and thus Father Montero's future is at Your Excellency's disposition. I personally communicated this decision and his consequent status



ARCH 64

July 12, 2007

to Father Montero on Monday, July 2, 2007, here at the archdiocesan chancery. Mr. Andy Eisenzimmer, Chancellor for Civil Affairs of the Archdiocese, and Mr. Paul Engh, Personal Attorney for Father Montero, were present. While we are grateful for the generous service that he has rendered in his years here, we are saddened by how his tenure has ended.

In my meeting with Father Montero, I encouraged him to cooperate with the investigation with the civil authorities, as will the Archdiocese. It is our sincere hope that the outcome of this investigation might clear Father Montero of the grievous allegations against him and that he also will receive the guidance and/or counseling needed to resolve the other issues that have presented themselves in the past month.

At this point in time, Father Montero is apparently preparing to return to Ecuador, though we are uncertain of his exact date of departure.

Again, we realize that this is a painful and difficult situation for all involved. Be assured of our prayers for you, Father Montero, and all the faithful of both our dioceses who are affected.

Sincerely yours in Christ,



Most Reverend Richard E. Pates, D.D.
Auxiliary Bishop and Vicar for Clergy
Archdiocese of Saint Paul and Minneapolis



Anne Attea
Coordinator for Hispanic Ministry
Archdiocese of Saint Paul and Minneapolis

cc: Most Reverend Harry Flynn
Reverend Kevin McDonough
Reverend Fredy Montero
Sister Dominica Brennan, OP
Mr. Andrew Eisenzimmer

ARCH 65

STRICTLY CONFIDENTIAL

26 November 1996

TO: Archbishop Flynn and Bishop Welsh
FROM: Father Kevin McDonough
RE: FATHER CLARENCE VAVRA

I went to Saint Louis to the Saint Michael's Treatment Center on November 22 for the final meeting with Father Vavra. While I presume we will receive more detailed information in writing from the Center, I wanted to give you a summary of what I heard and what we discussed.

Overall, I have to admit that Father Vavra has made the greatest amount of progress that I have ever seen for a priest participating in a treatment program. Of course, he had quite a distance to go. Even so, I had not expected him to work as hard at treatment or to profit from it as much as he in fact did. Even in the seven weeks since I last saw him, there has been some rather stunning progress. I think that the challenging meeting that we had at the beginning of October helped him to face some issues about anger and a sense of entitlement. These go the very core of the problems that he has been dealing with.

As you recall, his problem is that he has had a long series of essentially anonymous sexual encounters throughout his adult life. For the most part, his sexual behavior involved going to the bath houses. In more recent years, he has been sexual with people he knew slightly. He has also gotten into some very disproportionate caretaking relationships and these has resulted in threats to his ministry.

Father Vavra is stable, perhaps for the first time in his life, to break through his persona of an injured fighter for justice and friend of the oppressed to see how he has sexualized many situations and has lived in a fantasy world about the care he is offering to others. He is able to name the warning signs that lead him into sexualized thinking and then behavior. He has learned appropriate assertiveness. He is a much better listener and has learned to identify when he is masking his



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Memo To: Archbishop Flynn and Bishop Welsh

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lifelong anger behind authority or "justice" issues. He has made remarkable progress in terms of self-care, both physical and emotional. He has lost thirty-one pounds. For what I would guess to be the first time in his adult life he has some genuine peer relationships, primarily with the men with whom he has been in treatment.

The staff at the Treatment Center saw to it that an important diagnostic tool was used with Father Vavra. You may recall that Father Vavra acknowledged having had sexual contact with one [REDACTED]

[REDACTED] This happened about [REDACTED] ago. At the October meeting, I asked whether Father Vavra showed signs of sexual interest in young people. Father Michael Foley, the program director, had Father Vavra undergo the "Abel Screen". The Screen has a developing reputation, although I believe not yet fully clinically proven, of being an outstanding test of sexual interest. Father Vavra tested very strongly for sexual interest in adult men. The second area of sexual attraction for him was with adolescent (postpubescent) males. Father Foley indicated that this is consistent with and secondary to Vavra's adult male attraction. He showed absolutely no interest in younger people, male or female, from a sexual point of view. Father Foley noted that the Abel Screen has a truth scale which is hidden within it, unknown to the test-taker. Father Foley indicated that Father Vavra's test was the most honest one that he had ever seen. In fact, he called Dr. Abel's staff in Atlanta and suggested that they use Father Vavra's test in the teaching setting to show what a fully responsive Screen would look like. In summary, Father Foley said that Father Vavra is aware of his primary and secondary sexual attractions and is very honest about them. As long as he remains in environments where he can address those issues straightforwardly, Father Foley thinks that he will do very well in maintaining sexual self-discipline.

Father Vavra's primary therapist, Dr. Tim McAuliffe, was also present for the final meeting. He stressed the importance of Father Vavra being able to continue to seek outside perspective on himself. He has been learning to do so in the treatment setting and has done a very good job of it. He emphasized the need for Father Vavra to cultivate real friends, particularly among priests, and especially among priests who have an ability to address these issues for themselves.

All of the recommendations of the Treatment Center are summed up in the aftercare contract, a copy of which I am attaching. We will be receiving a final copy in the mail soon; what I am attaching is the discussion draft.

Memo To: Archbishop Flynn and Bishop Welsh

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Father Vavra will be leaving the Treatment Center on Monday, November 25. He will be driving home. I have given him permission to stay with his elderly parents through the month of December. His father has to go in for surgery and his mother is unable to care for herself. The brother who lives in the same town with them has recently had surgery and is also unable to care for the parents. I told him that we would look to having him return to work right after the first of the year.

On the way to this final meeting, I realized that we had missed an important step in our process. Because we began handling this situation right the end of Archbishop Roach's term, and given some of the transition pressures, we have not submitted Father Vavra's situation to the Clergy Review Board. I recommend that we do so soon. We have discussed an assignment for him, and it might be all right to continue to move with arrangements in that regard. Even so, I am recalling the great dissatisfaction the Review Board expressed when we moved on an assignment for Father Kern without waiting for their final recommendation. We need to discuss the timing of all of this.

The assignment that I reviewed with the treatment providers is this. As we discussed last week, I recommended that Father Vavra step down from his pastorate at St. Philip's. Instead, he would be assigned as associate pastor in his parent's hometown. Father Paron, as you know has had some heart attacks in spite of his young age, and could use the help. We have to be attentive, however, to the fact that he is something of a "one-man show" and may be reluctant to take on an associate. This was the preliminary indication that he gave to Father Jaroszeski, although he expressed a willingness to talk to me about Father Vavra.

We would need to do some disclosure among the parish leadership in regard to Father Vavra's history and conditions for assignment. We would want to make sure that he has the time available to continue to see his therapist on a weekly basis, to check in with a priest monitor weekly at the outset, and to participate in one or more support groups. He will also have to be free to attend aftercare conferences every six months for the next two years.

Once again, I would expect that we will have some more feedback from the Treatment Center. Overall, I was extremely impressed and even moved, by the progress that this very lonely and isolated individual has made. I believe that if he keeps a positive set of relationships in his life, he is quite likely to avoid the

Memo To: Archbishop Flynn and Bishop Welsh

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anonymous sexual relations that have plagued him in the past, and can certainly be counted on to maintain appropriate sexual boundaries and caretaking boundaries with his parishioners.

KMM:jd

Enclosure

cc: ~~Bill Batten~~
Fr. Jaroszeski

25 March 2008

Memo To: Archbishop Flynn

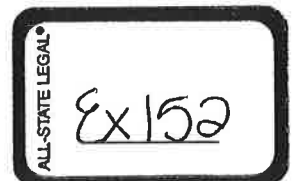
From: Father Kevin McDonough

Re: Two "Charter Priests" and their Relationship to the Archdiocese

Archbishop, I have your note of March 3 about [REDACTED] communication with you about two of our former priests and their relationship with the Archdiocese. Please permit me to address each in turn.

In regard to Gilbert Gustafson: He has been employed for several years by a consulting firm called Henderson and Associates. That firm, which includes several professionals, makes its own arrangements with parishes. We have neither banned nor recommended the firm. Rather, we allow them to tell potential parish-clients that the head of the firm, Greg Henderson, has undergone a day-long "Getting to Know the Catholic Archdiocese" program that we provide on occasion to consultants. My own belief is that, even when Greg Henderson assigns Gilbert Gustafson to work with one of the client-parishes, there is no violation of the Charter involved. My thinking is this: it would be unreasonable to expect that we would not deposit funds with a bank or fly on an airline or even contract with a garbage collection company that hired a former priest. None of that work is "priestly ministry"; the same is true for the consulting that Henderson and Associates does. Of course, given that you are among the authors of the Charter, you know much better what it does and does not permit! Please let me know what you would like to have us do in regard to that firm and our parishes.

In regard to Michael Stevens: He has a private consulting business in which he sets up computer systems and trouble-shoots them. A number of our parishes contract with him – either because they knew his work when he was in the Computer Services Team or because of word of mouth since then. The Archdiocese itself has occasionally contracted with him to come back to us on an hourly basis to trouble-shoot systems that he had developed or installed when he was on our staff. With the passage of time, the systems that he installed or developed are being phased out, and we have less and less need for the information that he alone knows. As you are aware, we are currently understaffed in the computer area, and it was proposed that Michael Stevens be put on a more stable contract or retainer. I vetoed that idea because I thought it violated or, at least, could appear to circumvent the Charter. If you think that we are violating the Charter, however, either by his independent contracting with parishes or by our occasional Archdiocesan contracting with him for the systems he left us, please let me know. By the way, I am meeting with him in early April to continue encouraging him toward laicization and an independent economic existence.



ARCH-015326



The rest of Corica file is in
App. Ryan's fireproof case

File in App Ryan's
office
CORICA, EUGENE S.