

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Court File No: 62-CR-15-4175

C. A. File No. 2139124

State of Minnesota,

Plaintiff,

v.

AFFIDAVIT OF
THOMAS E. RING

The Archdiocese of Saint Paul and Minneapolis,
a Minnesota corporation,

Defendant.

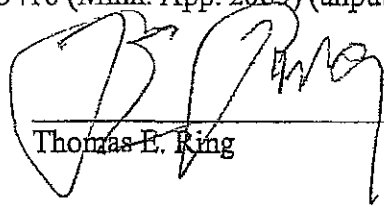
STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Thomas E. Ring, being first duly sworn upon oath, deposes and states as follows:

- A. I am an Assistant Ramsey County Attorney assigned to represent Plaintiff in the above-captioned matter.
- B. Attached hereto as correspondingly numbered exhibits are true and correct copies of the following documents:

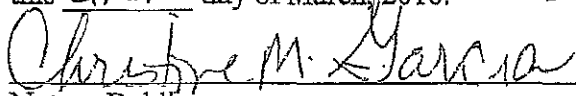
1. Restated Articles of Incorporation of the Archdiocese of St. Paul and Minneapolis, dated June 12, 2003.
2. Corporation Bylaws template for a Parish Corporation of the Archdiocese of St. Paul and Minneapolis.
3. Excerpted report of Inv. G. Leatherman concerning interview with witness M.S.
4. Transcript of 911 telephone call to Fillmore County Sheriff's Office on September 29, 2009.
5. Report of Inv. G. Leatherman of follow-up interview with witness F. W.
6. Report of Inv. G. Leatherman of interview with witness D. G., with relating documents that were provided by D. G. Redaction within these documents occurred before receipt by Leatherman.
7. Excerpted report of Inv. G. Leatherman concerning review of affidavit of witness W. S.

8. Report of Inv. G. Leatherman concerning review of affidavit of witness J. C.
9. Report of Inv. G. Leatherman concerning interview of witness P. B.
10. Reports of Inv. G. Leatherman concerning review of affidavit of, and interview with witness E.T.
11. Report of Inv. G. Leatherman concerning review of affidavit of witness M. B.
12. Report of Sgt. E. Skog concerning interview with Archbishop John Nienstedt.
13. Excerpts of the Affidavit of Jennifer M. Haselberger, dated July 7, 2014, provided in *Doe 1 v. Archdiocese of St. Paul and Minneapolis and Thomas Adamson*, Ramsey County District Court File No.: 62-CV-13-4075; follow-up report of Inv. G. Leatherman.
14. Excerpted report of Inv. G. Leatherman concerning interview with witness T. W.
15. Excerpted report of Inv. G. Leatherman concerning interview with witness R. W.
16. Excerpted report of Inv. G. Leatherman concerning interview with witness J. H.
17. Report of Inv. G. Leatherman concerning interview with witness C. W.
18. Report of Inv. G. Leatherman concerning interview with witness M. W.
19. Letter from Curtis Wehmeyer to Archbishop John Nienstedt dated April 23, 2009.
20. Excerpts of Deposition of Andrew Eisenzimmer in *Doe 1 v. Archdiocese of St. Paul and Minneapolis and Thomas Adamson*, May 6, 2014.
21. Excerpts of Deposition of Archbishop John Nienstedt in *Doe 1 v. Archdiocese of St. Paul and Minneapolis and Thomas Adamson*, April 2, 2014.
22. Criminal Complaint in *State v. Curtis Carl Wehmeyer*, Ramsey County District Court File No.: 62-CR-12-7664, County Attorney File No.: 2113626.
23. *State v. Bussmann*, 2009 W.L. 2015416 (Minn. App. 2009) (unpublished).

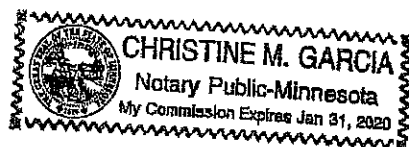


 Thomas E. Ring

Subscribed and sworn to before me
 this 21st day of March, 2016.



 Notary Public



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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State of Minnesota,

Plaintiff,

v.

**AFFIDAVIT OF
THOMAS E. RING**

The Archdiocese of Saint Paul and Minneapolis,
a Minnesota corporation,

Defendant.

EXHIBIT 6

REDACTED

RAMSEY COUNTY ATTORNEY'S OFFICE

INTERVIEW OF D [REDACTED] G [REDACTED] DOB: [REDACTED]

On May 14, 2015, at approximately 1020 hours, Investigator Eugene Leatherman and Assistant County Attorney Thomas Ring conducted an interview of D [REDACTED] G [REDACTED] at the Ramsey County Attorney's Office, St. Paul, MN. The interview was digitally recorded.

D [REDACTED] G [REDACTED] is a Catholic priest in the Archdiocese of St. Paul and Minneapolis (ADSPM). [REDACTED]

In August of 2013, Fr. G [REDACTED] followed Fr. Kevin McDonough as the ADSPM Delegate for Safe Environment. Fr. G [REDACTED] continued in the position until July of 2014. Fr. G [REDACTED] stated that shortly after being appointed to the position, he realized that this position should not be filled by a priest – but rather a lay person full time. Fr. G [REDACTED] said that part of the problem the ADSPM got in was a result of not paying enough attention to the problem. Fr. G [REDACTED] stated that he advocated for a person very much like Timothy O'Malley (ADSPM Director of Ministerial Standards and Safe Environment), who has a lot of experience, knows investigations, and does not have "Chancery Legionnaire's Disease"- which was Fr. G [REDACTED]'s term for "people who breathe the oxygen of the Chancery" and their first thing is to protect the church at all costs; and they don't even know their doing it; it's just a reflexive thing. G [REDACTED] said that he is happy with O'Malley and has positive feelings about the future direction of the ADSPM.

Fr. G [REDACTED] said that Curtis Wehmeyer was one year ahead of him in the Seminary. Fr. G [REDACTED] said that Wehmeyer did not have good social skills and did not seem to be the healthiest person. Wehmeyer was known as being very morose; he did not laugh a lot. Fr. G [REDACTED] heard in 2002, that after Wehmeyer was ordained and assigned at St. Joseph's as Assistant Pastor, Wehmeyer would get drunk and yell at his pastor- Fr. Lee Piche'. Fr. G [REDACTED] out of concern, spoke with Fr. R [REDACTED] who he knew was a friend of Wehmeyer's and asked P [REDACTED] if anyone was talking with Wehmeyer and doing anything about what had been heard. Fr. R [REDACTED] told Fr. G [REDACTED] that he was talking to Wehmeyer.

After the arrest of Wehmeyer, Fr. G [REDACTED] was told by a colleague at St. Thomas University named A [REDACTED] D [REDACTED] about her experiences with Wehmeyer as assistant pastor at St. Joseph's, West St. Paul. D [REDACTED] also told Fr. G [REDACTED] that I [REDACTED] had concerns about Wehmeyer going into the boy's bathroom at the school. D [REDACTED] said that her children who attended the school called him "Father Creepy". D [REDACTED] had gone to then St. Joseph's pastor, Fr. Lee Piche', and told him her

concerns about Wehmeyer. Fr. Piche' and the Principal told staff they were not to go into the children's bathrooms according to D [redacted] Fr. G [redacted] said that from what he had found in his research, Wehmeyer had a lack of impulse control- a clear sign of issues. D [redacted] told Fr. G [redacted] she again saw Wehmeyer going into the boy's bathroom and again alerted Fr. Piche'. D [redacted] also had told Fr. G [redacted] that Wehmeyer had been arrested at Crosby Park. D [redacted] also told Fr. G [redacted] about the camper being in the church parking lot and going to meet with Archbishop Flynn.

Fr. G [redacted] stated that Fr. Piche' became the pastor at All Saints, Lakeville in 2005. [redacted] was assigned [redacted] Fr. G [redacted] remembered being told at that time by Fr. Piche' about Fr. Piche's experience of Wehmeyer as his assistant at St. Joseph's and Fr. Piche' having concerns about Wehmeyer. Fr. Piche' shared with Fr. G [redacted] about Fr. Piche' meeting a couple of times with Archbishop Harry Flynn over Piche's concerns about how unhealthy Wehmeyer was. Fr. Piche' was frustrated with Archbishop Flynn over it. Fr. G [redacted] said that he, Fr. T [redacted] and Fr. T [redacted] all can't understand why, when later Fr. Piche' as Bishop had authority over Wehmeyer, and Wehmeyer was still advanced. Fr. G [redacted] asked, "Why on earth would Bishop Piche' not speak out against it?"

Fr. G [redacted] said that he, Fr. R [redacted] T [redacted] and Fr. R [redacted] met in 2012 and discussed the information about Wehmeyer that each had, and came up with ideas about what would be best practices in handling allegations. They met with Bishop Piche' as a group in at that time, and shared all the collective information concerning Wehmeyer they had gathered. Fr. G [redacted] stated that Bishop Piche' said to Fr. G [redacted], Fr. T [redacted] and Fr. T [redacted] that he could not remember the information provided by D [redacted] or going to meet with Archbishop Flynn concerning D [redacted] complaints about Wehmeyer, or being told by Fr. D [redacted] that Wehmeyer was sleeping with a minor in his camper. Fr. T [redacted] concern was over the file reviews and the three-year statute of limitations approaching. In November of 2012, Fr. T [redacted] Fr. G [redacted], Archbishop Nienstedt, Andrew Eisenzimmer and Fr. Peter Laird met concerning the lack of protocols revealed by the arrest of Wehmeyer and what led up to that. Fr. T [redacted] would have attended this meeting, but was not available. Eisenzimmer was fairly defensive in his response to the information provided to him. Fr. G [redacted] said that a red flag is a red flag and speaks for itself.

Fr. G [redacted] said that the best practices they came up with are:

1. A comprehensive clergy file review- as seemingly "red flags" were being ignored and there was no idea as to "what could be out there".
2. The Church, Fr. Kevin McDonough and Fr. G [redacted] should not be in the business of conducting investigations. Fr. G [redacted] disagrees with O'Malley's use of the recently hired group of investigators. He thinks credibility of the investigators and investigations would be better with use of a totally outside firm. For reasons of perceived credibility, among others, Fr. G [redacted] indicated that he had stopped some investigations already started and became the point person for outside firms. Fr. G [redacted] indicated that the point person would meet with the independent law firm and their investigator and give the lawyer and firm investigator the allegation concerning a priest. Fr. T [redacted] was the point person on Fr. Thomas Keating's case because Fr. G [redacted] recused himself since he had been ordained with Fr. Keating. Fr. C [redacted] was the point person for allegations concerning Fr.

S. [redacted] B. [redacted], and the liaison with the Greene Espel Law Firm on its investigation of Archbishop Nienstedt.

- 3. Improvement was needed in dealing with victims. A legal defense strategy should not be in the forefront. Fr. G. [redacted] said the approach should be to think more with heart of pastor than the head of an attorney.
- 4. Safe Environment staff should be physically located completely separate and apart from the Archdiocese's location.

Former Hennepin County Attorney Tom Johnson has been an advisor to the ADSPM and said that if anything is even close concerning an allegation, it should be submitted to the police for investigation.

Fr. G. [redacted] said that some vehicle was needed to share known information to avoid the "silo mentality" that isolates and just stores information. Fr. G. [redacted] credits Fr. Peter Laird for bringing this change after Wehmeyer's arrest.

Fr. G. [redacted] said that the Safe Environments and Ministerial Standards Taskforce was successful. Fr. G. [redacted] said that preserving power at all cost must be weighed against the common good and proclamation of the Gospel. Fr. G. [redacted] said that the ADSPM was slow to acknowledge that it/they had made mistakes. Fr. G. [redacted] said that the ADSPM should early on have gone to the victims and lay people, admitted they had violated their trust, and ask for forgiveness and prayer for healing. Fr. G. [redacted] added that basically there is a lack of leadership and accountability at the ADSPM.

Fr. G. [redacted] understands the reasons that Jennifer Haselberger revealed information she possessed concerning the ADSPM response to abuse allegations. Fr. T. [redacted] has shared with Fr. G. [redacted] that Haselberger sent to him by email a number of files concerning priests within the Archdiocese that concerned her before she left employment there.

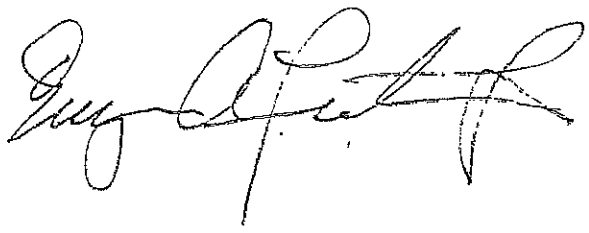
Fr. G. [redacted] said that Joseph Kueppers may have a copy of the Greene-Espel investigation report, as well as Bishop Piche'. Fr. G. [redacted] said that the client for the Greene Espel investigation was the Archdiocese of St. Paul and Minneapolis. Fr. C. [redacted] saw the billing submitted that names the ADSPM as client of the firm's services, and that Fr. G. [redacted] gave the billings to Joseph Kueppers for processing. Fr. G. [redacted] stated that the ADSPM cannot be a parrot for just the Archbishop's responses to the investigation findings; essentially, that the archdiocese is not the archbishop and the archbishop is not the archdiocese. In the subsequent investigation, Attorney Peter Wold has stated that his client is Bishop Piche'. Director O'Malley told Fr. G. [redacted] that he had clarified to Wold that the client is the ADSPM, not Bishop Piche'.

Fr. G. [redacted] was asked about Greene Espel's investigative facts as they concern Wehmeyer. Fr. G. [redacted] said that the report itself does not address issues concerning Wehmeyer. Fr. G. [redacted] said that the original investigative engagement of Greene Espel did not include Wehmeyer. Fr. G. [redacted] said that he later became aware of allegations concerning Wehmeyer and the Archbishop. Fr. G. [redacted] then added Wehmeyer to the allegations Greene Espel was to

investigate. Fr. G [redacted] clarified that he read a subsequent letter from Greene Espel which does address the investigative findings concerning Wehmeyer and Archbishop Nienstedt. Fr. G [redacted] said that Wehmeyer had been interviewed by the Greene-Espel investigator. Fr. G [redacted] recalls that the letter raises issues about an unusual relationship which was not professional, but social in nature, between Archbishop Nienstedt and Wehmeyer. Fr. G [redacted] said that the letter documented Archbishop Nienstedt (not in clerical clothing) and Wehmeyer meeting and often drinking together -- which is not something the Archbishop would do normally with priests. Fr. G [redacted] indicated this alone was troubling because Wehmeyer was struggling with alcohol abuse. Fr. G [redacted] has not been out socially with the Archbishop.

Fr. G [redacted] raised concerns in a written memo to Bishop Piche', Bishop Andrew Cozzens and Fr. Charles Lachowitz about whether the alleged past behavior of Archbishop Nienstedt (given that these behaviors had some similarities to Wehmeyer) may have affected the archbishop's decision-making in promoting Wehmeyer to pastor. Fr. G [redacted] said, that as the Delegate for the Safe Environment, he postulated that given his past behaviors, Archbishop Nienstedt may possibly be a threat to the safe environment of the Archdiocese.

Inv. Leatherman thanked Fr. G [redacted] and the interview was concluded at 1135 hours. The digital recording of the interview was downloaded to the RCAO computer for safekeeping. Refer to the recording for additional details concerning the conversation.



RAMSEY COUNTY ATTORNEY'S OFFICE


FOLLOW-UP WITH D [REDACTED] G [REDACTED]

On May 19, 2015, at approximately 1430 hours, Inv. Leatherman and ACA Ring met again with Fr. D [REDACTED] G [REDACTED] Fr. G [REDACTED] provided a one-page document entitled "Confidential Memorandum November 22, 2013" and a four-page document entitled "Confidential Memorandum" dated April 20, 2014. Inv. Leatherman dated and initialed the first page of each document. Fr. G [REDACTED] initialed the first page of each document. Fr. G [REDACTED] stated that he had authored the documents and had additional written documentation as was requested at his interview. Fr. G [REDACTED] stated again that in light of the Archdiocesan directive to be transparent and forthcoming, he felt compelled to share information with law enforcement conducting a criminal investigation. Fr. G [REDACTED] stated that in the Greene Espel document that he spoke about on May 14, 2015, he read that Curtis Wehmeyer stated that Wehmeyer felt that Archbishop Nienstedt had been "grooming" him. Additionally, Greene Espel sent a letter of disengagement to the ADSPM from the investigation of Archbishop Nienstedt. Fr. G [REDACTED] read this letter, which said, among other things, that Greene Espel stated the firm did not want to be part of perpetrating a fraud on the public and therefore disengaged.

On May 29, 2015, at approximately 0930 hours, Inv. Leatherman and ACA Ring again met with Fr. G [REDACTED] regarding a letter drafted by ACA Ring. The letter, dated May 26, 2015, was a written request for documents in Fr. G [REDACTED]'s possession. In response, Fr. G [REDACTED] provided two documents which Fr. G [REDACTED] had authored. The first, dated July 7, 2014 consists of 11 pages and is entitled "Memorandum" and was directed to Bishop Lee Piche. The second consists of 3 pages, dated February 6, 2014 and is entitled "Confidential Memorandum Allegations of Misconduct Regarding Archbishop John C. Nienstedt". Fr. G [REDACTED] and Inv. Leatherman initialed the front pages of each. Inv. Leatherman dated and placed a circled designation of the number of pages. Both of the documents are the work product of Fr. G [REDACTED] which he redacted names from in order to not victimize again those who had come forward with allegations. Fr. G [REDACTED] stated that he read a document entitled "Memorandum of Interview of Curtis Wehmeyer" produced by Greene and Espel for the Archdiocese. This is the report of the interview of Curtis Wehmeyer by Greene and Espel.

On June 23, 2015, Inv. Leatherman received by email a memorandum from Fr. G [REDACTED] concerning best practices learned from the Archdiocese of Chicago during a trip he had made there in April of 2014. The memorandum was dated September 29, 2014 and consisted of 4 pages.

All documents received are attached to this report.



CONFIDENTIAL MEMORANDUM

November 22, 2013

As Delegate for Safe Environment, a number of allegations of misconduct have recently been brought to my attention concerning Archbishop John C. Nienstedt. Other matters, which I had known about previously, I now bring forward as delegate as they potentially relate to the allegations noted below. I do not presume to have jurisdiction in this matter, nor do I judge the veracity of the allegations described below. However, in justice, these matters must be brought to the attention of Archbishop Nienstedt. I further believe that an investigation of these allegations should be conducted as they pertain to the reputation of Archbishop Nienstedt and the well-being of our local church.

- A reputable source has indicated that a priest in Detroit has alleged that while staying overnight at the rectory of the National Shrine of the Little Flower in Royal Oak, Michigan (then) Fr. Nienstedt sexually solicited him. The alleged advance was not reciprocated. In a discussion with the source, wherein the incident was recounted, the priest stated: "I know when I am being hit on."
- A priest of the Archdiocese of St. Paul and Minneapolis recently had a conversation with a former priest, J. C. [redacted] which is documented in the attached statement. The priest states that [redacted] told him about an incident in Michigan where Bishop Nienstedt (the year is not known) asked [redacted] to drive his car back to his summer home from a restaurant where they had dined. According to the priest, [redacted] alleges that while he was driving, Bishop Nienstedt began massaging his neck. When they arrived home, [redacted] asked Bishop Nienstedt to drive him to the airport the next morning. The priest also stated that when he asked [redacted] whether he was concerned that Archbishop Nienstedt occasionally camps with seminarians in the boundary waters, he responded, yes.
- Another priest of the Archdiocese told me a number of years ago that he was in Detroit as a presenter at a conference. The conference took place shortly after it was announced that Archbishop Nienstedt was named coadjutor archbishop of St. Paul and Minneapolis. He stated that a number of priests of the Archdiocese of Detroit spoke to him regarding what they described as Archbishop's promiscuous gay lifestyle while serving as priest in Detroit and while living in Rome.
- A reputable source from Detroit who serves on a board of directors of a Twin Cities university allegedly stated to other board members that many people from the Detroit Archdiocese knew of Archbishop Nienstedt's promiscuous gay lifestyle while he was serving there as a priest.
- Recently, the spouse of a chancery official of the Archdiocese has received a number of calls from men with whom she works in the Twin Cities Arts industry. The callers told her that they have knowledge that Archbishop Nienstedt was active in a gay lifestyle while serving as a priest in Detroit. They further told her to convey this information to her husband.
- In the last 4-5 weeks, Archbishop Nienstedt has received several anonymous letters postmarked from different cities. All of these letters reference a place called the "Happy Tap", a gay bar and strip club in Windsor, Canada. This establishment is located across the river from Detroit. The writers of these letters allege that they remember Archbishop Nienstedt and ask if he remembers them. They also state that he should "come out" and that he should resign soon.

JAL 1/1 5/19/15 [redacted]

CONFIDENTIAL MEMORANDUM

Allegations of Misconduct Regarding Archbishop John C. Nienstedt
February 6, 2014

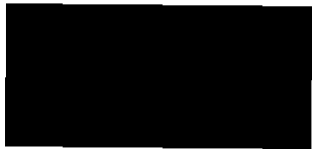
For an Internal Investigation of These Allegations
Prepared by Fr. D [REDACTED] G [REDACTED] **RCAD**
Delegate for Safe Environment, Archdiocese of St. Paul and Minneapolis

As Delegate for Safe Environment of the Archdiocese of St. Paul and Minneapolis, a number of allegations of misconduct have been brought to my attention regarding Archbishop John C. Nienstedt. Other matters and allegations which I had known about previously, I now bring forward as Delegate, as they potentially relate to some of the allegations noted below. I am not able to fully judge the veracity of these allegations. However, I would note that all of the allegations at least rise to the level, in my opinion, of being not frivolous or manifestly false.

A thorough and discreet investigation will help determine the credibility of these allegations and whether they can be substantiated. I have advised the Archdiocese of St. Paul and Minneapolis that an investigation of these allegations should be conducted as they may pertain to the reputation of Archbishop Nienstedt and the well-being of our local church. In the investigation of these allegations, the Archdiocese of St. Paul and Minneapolis is applying, in justice, the same standard that would be applied to priests facing similar allegations. Archbishop Nienstedt has formally authorized this investigation by decree and has appointed Auxiliary Bishop, Lee Piche as the person responsible for carrying out the investigation. I will serve, in my capacity as Delegate for Safe Environment, as the liaison between Archdiocese of St. Paul and Minneapolis and those parties retained to carry out the aforementioned investigation.

- [REDACTED] has indicated to a reputable source (Archbishop Harry J. Flynn) that while staying overnight at the rectory of the National Shrine of the Little Flower in Royal Oak Michigan (then) Auxiliary Bishop John Nienstedt sexually solicited him. The alleged advance was not reciprocated. In a phone conversation with the source, wherein the incident was recounted, the priest allegedly stated: "I know when I am being hit on."
- Fr. E [REDACTED] T [REDACTED] a priest of the Archdiocese of St. Paul and Minneapolis had a recent conversation with former priest, [REDACTED], which is documented in the attached statement. Fr. T [REDACTED] states that [REDACTED] told him about an incident in Michigan where Bishop Nienstedt (the year is not known by Fr. T [REDACTED]) asked [REDACTED] to drive his car back to his summer home from a restaurant where they had dined. According to Fr. T [REDACTED], [REDACTED] alleges that while he was driving, Bishop Nienstedt began messaging his neck. When they arrived home, [REDACTED] asked Bishop Nienstedt to drive him to the airport the next morning. Fr. T [REDACTED] also stated that when he asked [REDACTED] whether he was concerned that Archbishop Nienstedt occasionally camps with seminarians, he responded, yes. Fr. M [REDACTED] B [REDACTED], in a phone conversation, also indicated that [REDACTED] had told him that Bishop Nienstedt came onto him while at his Michigan summer home. Archbishop Nienstedt when asked about his relationship with [REDACTED] stated that they were just

JAL 5/29/15 (3)



1/3

friends and there was nothing inappropriate between them. Archbishop Nienstedt has denied the allegations that he came onto [REDACTED]

- A priest (who wishes to remain anonymous) of the Archdiocese of St. Paul and Minneapolis told me a number of years ago that he was in Detroit as a presenter for a conference. At the time of the conference, Archbishop Flynn was preparing to retire as Archbishop of St. Paul and Minneapolis and awaiting the appointment of a coadjutor archbishop. A priest of the Detroit Archdiocese came up to the presenting priest and inquired about the Archdiocese of St. Paul and Minneapolis as he was thinking about incardinating into the archdiocese. He indicated that he would certainly not incardinate into the archdiocese if Bishop John Nienstedt were named coadjutor archbishop. The priest of Detroit then described in detail John Nienstedt's promiscuous gay lifestyle while Nienstedt served as a priest in Detroit and while living in Rome.
- Sr. M [REDACTED] F [REDACTED] has lived and worked in Detroit for many years and has served as a member of the Board of Trustees of the University of St. Thomas in St. Paul. Sr. F [REDACTED] allegedly stated to other board members that many people from the Detroit Archdiocese knew of John Nienstedt's promiscuous gay lifestyle while he was serving there as a priest, including the fact that he would frequent gay bars and establishments across the border in Canada.
- This past fall [REDACTED] Joe Kueppers (Chancellor for Civil Affairs) received several calls from men with whom she works in the Twin City Arts industry. They told her that they have knowledge that John Nienstedt was active in a gay lifestyle while serving as a priest in Detroit. They further told her to tell [REDACTED] Joe Kueppers said "I know these guys, they're credible."
- This past fall, Archbishop Nienstedt received several anonymous letters postmarked from different cities. All of the letters reference a place called the "Happy Tap Tavern" a gay bar and strip club in Windsor, Canada. This establishment is located across the river from Detroit. The writers of these letters allege that they remember John Nienstedt and ask if he remembers them. They also state that he should "come out" and that he should resign soon.
- Parishioners and former staff members of Holy Spirit Catholic Church in St. Paul indicated that they found the relationship between [REDACTED] (former pastor) and Bishop Nienstedt (then bishop of New Ulm) odd. Bishop Nienstedt was a frequent overnight guest of [REDACTED] at the Holy Spirit rectory. Apparently, he would drive to St. Paul from New Ulm and stay overnight. Bishop Nienstedt indicated that he was often flying out of the Minneapolis/St. Paul airport the next day. The former trustee of Holy Spirit (now deceased) and her husband occasionally would invite Bishop Nienstedt and [REDACTED] to their home for dinner. It has been reported that the trustee and her husband became troubled by the excessive drinking of [REDACTED] and Bishop Nienstedt and the interaction between the two of them which was described as flirtatious.

- In December of 2013, a priest of the Archdiocese of St. Paul and Minneapolis who is a mandatory reporter, reported to Detective Urbanski of the St. Paul Police Department that he had learned about an incident where a minor boy alleged that Archbishop Nienstedt inappropriately touched him on the buttocks during a picture taking session following a confirmation at the Cathedral of St. Paul. The alleged incident took place in May of 2009. Archbishop Nienstedt strongly denies this allegation. The St. Paul Police Department has taken the statement of both the young man (now 19) and Archbishop Nienstedt. It is believed that the investigation is now complete and the matter has been forwarded to the Ramsey County Attorney's Office, awaiting a charging decision.
- A priest of the Archdiocese of St. Paul and Minneapolis has indicated that a number of years ago Bishop Nienstedt (then bishop of New Ulm) helped move a young priest of the Duluth diocese into his residence. Apparently, the Duluth priest was troubled by the attention being paid him by a bishop from another diocese. When the (then) bishop of Duluth heard about this, he allegedly called Bishop Nienstedt and told him to stay away from his young priests.
- Joe Kueppers indicated that [REDACTED] has been a [REDACTED] Blessed Sacrament Parish in Maplewood for the past several years. On some Sunday mornings (then pastor) Curtis Weymeyer would tell Kuepper's [REDACTED] that Archbishop Nienstedt had come over to the Blessed Sacrament rectory the prior evening to visit with Weymeyer. Curtis Weymeyer was charged and convicted of the abuse of two minor boys and the possession of child pornography in 2012 and is now serving time in prison. Archbishop Nienstedt has indicated that he has tried to be a spiritual father to Weymeyer over the years and to help him with his struggles.

Most of these allegations were presented to Archbishop Nienstedt, November 25, 2013 via an earlier memo. Archbishop Nienstedt has indicated that he is not gay and that he denies these allegations. When asked where he thought they may have come from and what might be the motive behind them, he indicated that [REDACTED] may be upset by Nienstedt's decision that he not return to the priesthood in the Archdiocese of St. Paul and Minneapolis. Regarding the allegations of a prior promiscuous gay lifestyle, Archbishop acknowledged that he has been dogged by these rumors for several years. He noted that while Auxiliary Bishop of Detroit he was given the difficult assignment of closing down the Dignity Mass there which had become a popular Mass among gay Catholics of Detroit. Archbishop has indicated that perhaps some of these rumors are the result of this decision which was unpopular in that community.

[REDACTED]

CONFIDENTIAL MEMORANDUM

To: Most Reverend Lee Piché; Most Reverend Andrew Cozzens; Very Reverend Charles Lachowitzer
Fr: Reverend D [REDACTED] G [REDACTED] Delegate for Safe Environment
Re: Archbishop John Nienstedt and the Safe Environment of the Archdiocese
Date: April 20, 2014

Introduction

In June of 2013, Archbishop John Nienstedt asked if I would serve as His Excellency's Delegate for Safe Environment. After prayerful discernment, I accepted this assignment and was appointed Delegate for Safe Environment on August 15, 2013.

From the beginning of my work I came to a place of significant concern regarding the safe environment of the Archdiocese. These concerns were validated by the recent report of the independent Task Force. There is no doubt that we have all worked very hard in recent months to improve the safe environment of the Archdiocese and have made significant progress. We have stated that our most important goals are to create safe environments for our children and our Catholic faithful and to restore trust through consistent application of our safe environment policies and practices. To that end, as leaders we must remain vigilant with regard to any factors still present that may inhibit the safe environment of the Archdiocese and affect our credibility going forward. Given my role as Delegate, I write this memorandum to summarize my concerns regarding Archbishop Nienstedt and the safe environment of our Archdiocese. I trust you know I have not arrived at this decision lightly.

Allegations regarding Archbishop Nienstedt

As you know, an internal investigation is currently being conducted regarding allegations of misconduct by Archbishop Nienstedt. These allegations were originally presented to Archbishop Nienstedt in a memo dated November 22, 2013. Those apprised of these allegations agreed that the Archbishop, in justice, must be held to the same standard as any priest serving in this Archdiocese. Archbishop Nienstedt agreed to and authorized an internal investigation of these allegations in a January 31, 2014 letter to Bishop Lee Piché. In that authorizing letter, Archbishop Nienstedt appointed Bishop Piché as the responsible person to carry out the investigation and stated that the report should be as candid and thorough as possible so that the character of the investigation may not be impugned. Subsequently, Bishop Piché appointed me as liaison between the Archdiocese and the law firm selected to carry out the investigation. In selecting an investigator to undertake this important task, a number of lawyers were considered. The Archbishop's attorney was invited to submit a list of lawyers whom he believed could fairly, competently, and credibly carry out this work. Mr. Matthew Forsgren, was among three names provided by Archbishop Nienstedt's attorney. After speaking with Mr. Forsgren and lawyers who know him, his integrity, and his work product, we agreed to the selection of Mr. Forsgren of Greene Espel to lead the investigation of these allegations.

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The Preliminary Investigation

Matthew Forsgren and David Wallace Jackson of Greene Espel began the investigation of the veracity of these allegations in early February, 2014. In our initial meeting, I indicated to them that the sole goal of the investigation was to determine as best they could the truth or falsity of the allegations. This was not to be a white wash or a witch hunt. Rather, they were directed to discreetly and thoroughly investigate the allegations. Earlier this month, Mr. Forsgren and Mr. Wallace Jackson presented the evidence gathered thus far to the auxiliary Bishops, the Vicar General, to Mr. Brian Wenger and to me. Both attorneys clearly cautioned us that there was more investigative work to be done, including following up on at least 24 additional leads, and interviewing Archbishop Nienstedt and his selected witnesses. Please note that any significant evidence uncovered in the next phase of the investigation favorable to the Archbishop will be considered for the purposes of my safe environment analysis.

At the early April meeting, Mr. Forsgren and Mr. Wallace Jackson presented 10 affidavits and two memoranda of interviews as well as a summary of the affidavits and interviews. They noted that affidavits constitute sworn testimony and that the penalty for providing false testimony in an affidavit is a felony under federal and state law. They further noted that they found all of the individuals who signed affidavits to be credible and explained how, through their experience as lawyers, they determine credibility. In addition, they noted that many of the affiants were concerned about reprisals and some of the affiants made statements against self interest, by placing themselves in situations in which they ought not to have been as priests.

The sworn statements provided to those gathered detailed a number of allegations of misconduct by Archbishop Nienstedt, spanning many years. Allegations regarding Archbishop Nienstedt (JN) stated in the sworn statements include: JN seen at a gay bar in Windsor, Canada; JN cruising at a Detroit park known for such activity; JN seen at a gay video store in Detroit; alleged sexual harassment by JN of a Detroit priest; 3 contemporaneous reports of the alleged sexual harassment by JN of a Detroit priest; allegations of reprisals by JN against a Detroit priest; concerns raised about JN's interaction with seminarians in Detroit; alleged sexual harassment by JN of a former St. Paul priest; a contemporaneous report of the alleged sexual harassment by JN of a former St. Paul priest; allegations of reprisals by JN against a former St. Paul priest; concerns raised by a college seminary rector and another St. Paul priest regarding JN's interaction with seminarians in St. Paul; allegations of excessive drinking by JN.

It is fair to say that all gathered for the meeting found the evidence presented to be very concerning. In examining the evidence gathered thus far, I find the following compelling: nearly everyone interviewed has been willing to back up their testimony in a sworn statement; that many have done so fearing reprisals; that some affiants make statements against self interest; that much of the sworn testimony alleges similar patterns of behavior across both time and geography; and that all of the affiants were found to be credible by Mr. Forsgren and Mr. Wallace Jackson.

Concerns Regarding the Safe Environment of the Archdiocese

As Delegate for Safe Environment for the Archdiocese of St. Paul and Minneapolis, I respectfully call your attention to concerns regarding Archbishop John Nienstedt and the safe environment of this Archdiocese. Before stating these concerns, I would like to acknowledge, in justice, that

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Archbishop Nienstedt has not yet had an opportunity to formally answer the allegations against him. I understand that this opportunity is forthcoming.

My concerns regarding Archbishop Nienstedt and the safe environment of the Archdiocese are based on several factors. First, the evidence presented to the Archdiocese at this stage of the investigation is compelling, with attorneys Forsgren and Wallace Jackson indicating they have at least 24 additional leads to pursue. Presented this level of evidence against a priest, we would certainly take action.

Second, there are troubling concerns about patterns suggested by the evidence thus far: alleged unwelcome advances; inappropriate interaction with seminarians; and reprisals in response to those who do not reciprocate the alleged advances. For example, the current Rector of St. John Vianney College Seminary and the former Director of the Office for Priestly Life and Ministry both state in their affidavits their concern regarding Archbishop Nienstedt's interaction with seminarians. Both of these priests were appointed by Archbishop Nienstedt to their respective positions. The current rector further notes in his affidavit that his predecessor at St. John Vianney Seminary also had concerns regarding the Archbishop's interaction with seminarians. Archbishop Nienstedt's former vicar general recently told me that he expressed his concern to Archbishop regarding annual camping trips the Archbishop has taken with college seminarians. Both the current and former Chancellor for Canonical Affairs have noted seeing odd letters written to seminarians by Archbishop Nienstedt wherein warm and affectionate language is used. One letter alleged to have been written by Archbishop Nienstedt to a pastor in the southern metro thanking him for an overnight visit to his parish includes a comment by the Archbishop that it was fun to see the young parochial vicar the next morning in his pajamas with his messy hair.

Additionally, I recently learned that Mr. Forsgren and Mr. Wallace Jackson were contacted by an individual whom they had initially attempted to locate earlier in the investigation. This individual, now married with children and living in Oregon, alleges that when he was 18 years old and a seminarian in Detroit, he was asked by then Monsignor Nienstedt (then rector of the seminary) to accompany him on a ski trip. When the seminarian declined and stated that he thought the invitation was inappropriate, he alleges he was promptly removed from the seminary by then Monsignor Nienstedt. This individual, who described the behavior as a "kind of grooming" has now presented his testimony in the form of an affidavit.

Third, in my work as Delegate I have come across a number of decisions made by Archbishop Nienstedt that raise serious concern. These decisions relate to priest misconduct similar to Nienstedt's alleged misconduct described above. A high profile priest who was accused of an ongoing homosexual relationship with a man he was alleged to have met while cruising was given the rare opportunity to sit down with Archbishop to explain the allegation. Former Chancellor for Civil Affairs, Andy Eisenzimmer referred to this meeting as unusual. The investigation was abruptly closed before its completion and Archbishop Nienstedt told Eisenzimmer to convey to the man making the allegation that he could be sued for defamation if he did not cease with his claims. Another example concerns a priest of a diocese in Wisconsin who was seeking incardination into this Archdiocese. His file noted several reports of homosexual misconduct from his previous diocese. Former Chancellor Eisenzimmer, in a memo written to Archbishop Nienstedt, stated that it would be a grave mistake to incardinate this priest. Contrary to the advice of legal counsel, Archbishop Nienstedt moved forward with the incardination. Similarly, the current priest secretary of Archbishop Nienstedt was arrested for solicitation in a St. Paul park known for gay cruising.

After his resignation from his pastorate, Archbishop Nienstedt appointed him as his secretary and wrote on his behalf to the Court in favor of expunging his arrest. It is my understanding that Archbishop Nienstedt disagreed with the Clergy Review Board's recommendation not to return this priest to active ministry.

Finally, as you know, the case of Fr. Curtis Wehmeyer has garnered much media attention, including red flags missed by the Archdiocese and the subsequent abuse of two minor boys. What is not known by the press, the public or many in Archdiocesan leadership is that the evidence suggests Archbishop Nienstedt had an ongoing social relationship with Fr. Wehmeyer, included dining together and drinking alcohol. Fr. Wehmeyer recently conveyed this to Mr. Forsgren in a lengthy interview. Archbishop Nienstedt admitted in his recent deposition that he appointed Fr. Wehmeyer pastor contrary to the counsel of his former Vicar General and his former Chancellor for Canonical Affairs. These interactions with Fr. Wehmeyer as well as the incidents described above, raise troubling questions regarding the decision making of Archbishop Nienstedt and whether his judgment regarding these important matters may have been affected by his own alleged past misconduct.

The present evidence of misconduct, sexual harassment, past and continuing inappropriate interaction with seminarians, and of reprisals, raise concerns of scandal, loss of credibility, and the deleterious effect on the safe environment of the Archdiocese. At the outset of this memorandum, I noted the important goals of this Archdiocese of ensuring a safe environment and of restoring the trust of our Catholic faithful. Sound judgment, leadership and credibility are critical if we are to move forward along a path of healing and health. I write this memorandum as a matter of conscience and pursuant to the responsibility entrusted to me as Delegate for Safe Environment.

MEMORANDUM

To: The Most Reverend Lee A. Piche

Fr: Reverend D [REDACTED] G [REDACTED] Delegate for Safe Environment

Re: Archbishop John Nienstedt Investigation

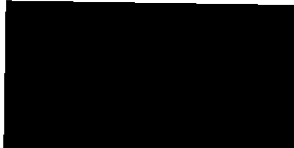
CC: The Most Reverend Andrew Cozzens

Date: July 7, 2014

I was very saddened to learn July 3, 2014 that Matthew Forsgren and David Wallace-Jackson have withdrawn as counsel to the Archdiocese in the matter of the investigation of Archbishop John C. Nienstedt. This is not a step that lawyers take lightly and they indicated in their letter believed they had little choice. Ultimately, lawyers only take this step when they believe they would violate their own personal ethics or the ethical rules of professional responsibility. As I indicate in more detail at the conclusion of this memo, I urge you Bishop Piche on behalf of the Archdiocese to reengage Greene Espel to complete its important work. Below, I will outline from my perspective the process that led to the investigation of Archbishop Nienstedt, the investigation itself and the events leading up to the resignation of Mr. Forsgren and Mr. Wallace-Jackson. My analysis will include attendant issues that are concerning to me and should be concerning to our Catholic faithful and to the Archdiocese. I will also provide you soon with an updated memorandum related to the Safe Environment of the Archdiocese and Archbishop John Nienstedt.

In the fall of 2013, two main streams of information converged regarding allegations of misconduct by Archbishop John C. Nienstedt. The first was a memo given to me by Fr. E [REDACTED] T [REDACTED] who had recently met with [REDACTED] wherein [REDACTED] recounted an unwanted touch that had occurred while [REDACTED] was a priest serving in the Archdiocese of St. Paul and Minneapolis. Fr. T [REDACTED] also referenced that [REDACTED] told a second priest about this unwanted touch, Fr. M [REDACTED] B [REDACTED]. The second source of information was Joe Kueppers who told me he had received letters this past fall from the "Happy Tap" (a gay bar and strip club in Windsor, Ontario) in which the writers alleged they knew Archbishop Nienstedt and intimated that he had spent time in their establishment. Joe also told me that some of his [REDACTED] colleagues with whom she worked in the Twin Cities arts industry indicated to her that they had knowledge that Archbishop Nienstedt had led a promiscuous gay lifestyle while living and working as a priest in Detroit. Previously, I had heard from a priest of this Archdiocese who wishes to remain anonymous that Archbishop Harry Flynn had conveyed his concerns in this regard to Cardinal Giovanni Battista Re, then Prefect for the Congregation for Bishops in Rome. Archbishop's concerns were based on a prior conversation that Flynn had with a Detroit priest who confirmed to him that then Monsignor Nienstedt had "come on to" him while he was at a parish in suburban Detroit. Earlier this year, Archbishop Flynn confirmed that he had both a conversation with the Detroit priest a number of years ago and a subsequent conversation with the aforementioned Cardinal in Rome. This same priest also told me that Sr. M [REDACTED] F [REDACTED] a St. Thomas University Board Member, had indicated

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to other board members that people in Detroit knew that Archbishop Nienstedt was gay and that he had lived a promiscuous gay lifestyle. Another priest of our Archdiocese who also wishes to remain anonymous told me that while he was giving a program in Detroit, a priest of the Archdiocese of Detroit expressed similar concerns regarding Archbishop Nienstedt and his past.

Given the above, a group of chancery officials met in November of 2013 to discuss these allegations. Present at this meeting were Joe Kueppers, Susan Mulheron, Sara Mealey, Brian Wenger, and myself. (There may have been one or two others that I cannot recall.) At that meeting it was decided that these allegations should be investigated and that I would write up a memo which would be presented to Archbishop Nienstedt. Further, there was consensus that the Archbishop should be encouraged to allow these allegations to be investigated in the form of an internal investigation. I remember Susan Mulheron stated an objection and advocated for someone outside the Archdiocese to conduct the investigation. Why an investigation of the allegations against Archbishop Nienstedt? First, in justice, it was the right thing to do. If similar allegations had come into the chancery regarding any priest, there is no doubt we would investigate them. We believed that these allegations at least rose to the level of credible, meaning that they were not frivolous or manifestly false. Second, the decision to investigate these allegations against the Archbishop is an important statement to victims of clergy abuse and misconduct that we do indeed take these matters seriously and that everyone is held accountable for their behavior, no matter their rank or status.

Third, at a time when we were attempting to restore trust among our important constituencies, it would have been unconscionable and unjust to do nothing in light of what we had learned. Had we not moved forward with an investigation, our Catholic faithful and the general public would be rightly perturbed and their trust further undermined. Regarding the nature of the allegations, it did not matter whether the behavior was of a homosexual or heterosexual character. Sexual misconduct is a violation of the moral law and the code of canon law, and it did not matter in the present case of the Archbishop what type (gay or straight) of alleged misconduct was involved. Thus, given the emerging consensus to look into these matters, I wrote a November 22, 2013 memorandum outlining the allegations and advocating that, in justice, these claims must be investigated as they pertained to the reputation of the Archbishop and the good of the Archdiocese. Bishop Piche and Mr. Brian Wenger presented the memorandum to Archbishop Nienstedt on Monday November 25, 2013. Archbishop Nienstedt took the next several weeks to decide whether to submit to an internal investigation of these claims. In December of 2013, I had a conversation with Brian Wenger. He told me he would strongly encourage Archbishop Nienstedt to agree to the investigation, and that if he didn't, Brian would consider stepping down as outside counsel to the Archdiocese. I told Brian that if Archbishop Nienstedt did not agree to have these allegations investigated, I would consider moving the matter beyond the Archdiocese to an appropriate authority. I believe Archbishop Nienstedt was aware of both Brian and my respective positions and it may have in part informed his decision to agree to the investigation.

On December 23rd, Mr. Jon Hopeman, the Archbishop's attorney, called me at Our Lady of Lourdes. He aggressively demanded the names of the individuals making the allegations and referred to the matter as a witch-hunt. Presumably, he wanted to call those alleging the misconduct and confront them. It would have been highly inappropriate of me to give him these names, and certainly not in keeping with proper protocol for an internal investigation. In mid-

January of 2014, Mr. Kueppers informed me that Archbishop Nienstedt had agreed to the investigation of the allegations. The Archbishop acknowledged recently in his interview with Mr. Forsgren and Mr. Wallace-Jackson that it was a possible MPR story regarding [REDACTED] that prompted his decision. Archbishop Nienstedt has recently stated, after the story of the investigation broke, that he agreed to the investigation because he decided he must submit himself to the same standard he would submit any priest under similar circumstances.

During the second half of January, I worked diligently with Mr. Kueppers to find a lawyer who could ably and confidentially undertake this important work. After Mr. Hopeman rejected several names of prominent and skilled attorneys, we arrived at the name of Mr. Forsgren. Mr. Kueppers told me that an email he had received from Mr. Hopeman included Mr. Forsgren's name as one of three possible attorneys for the investigation. (In the earlier debate regarding the possibility of an investigation, one of the concerns that many had was the possibility the investigation could be made public by any of the interviewees who would be approached in an interview. Despite that risk, many believed that an investigation was necessary.)

Regarding the possibility of Mr. Forsgren as lead investigator, I called Brian Wenger to inquire about Matt Forsgren as they had worked together for a number of years at Briggs and Morgan. Brian told me that Matt had handled several sensitive matters very well and was both a discreet and able lawyer. Brian believed Matt was the right man for the job. When I later learned about Matt's support of Lawyers United for All Families, I called Brian again, this time to inquire of his feelings regarding Matt's affiliation with this group, and whether this would affect his ability to conduct the investigation. Brian told me that it would not, and that Matt was a person of integrity who would not be biased because of this issue. I also raised this question with Mr. Forsgren in a late January phone call and he indicated he had clients on both sides of this issue and that it would not affect his ability to fairly conduct the investigation. I believe that Mr. Forsgren has more than adequately addressed this issue in a recent letter written to Mr. Hopeman, in which you were cc'd. In that same late January conversation with Mr. Forsgren, I asked him whether his professional relationship with Mr. Hopeman, which he described as friendly, would influence his ability to conduct a fair and partial investigation. He said it would not.

On January 31st, 2014 Archbishop Nienstedt signed a letter authorizing the investigation of these allegations and appointed you, Bishop Piche, as the person responsible to carry out the investigation. You in turn authorized me via email letter to serve as the liaison between the Archdiocese and the law firm selected to carry out the investigation. In that January 31st authorizing letter, Archbishop Nienstedt stated that the investigation of these allegations should be thorough and conducted in a manner in which the integrity of the investigation could not be impugned. In early February of 2014, the Archdiocese hired Greene Espel of Minneapolis to conduct the investigation of Archbishop John Nienstedt. At my initial meeting with Greene Espel, I told Mr. Forsgren and Mr. Wallace-Jackson that their sole objective was to discover, as best they could, the truth or falsity of these allegations. I indicated that this was not to be a witch-hunt or a white-wash. I provided them with a memorandum detailing these allegations, which they regarded as the road map for their work.

In that memo, I included concerns that Archbishop Nienstedt may have had a social relationship with Fr. Curtis Weymeyer, which may have affected his judgment regarding Weymeyer's past misconduct, as well as the Archbishop's controversial decision to name him Pastor of Blessed Sacrament. Given the significant judgment errors in the Weymeyer case, I believed this to be one of the most serious issues of the investigation, a conclusion also reached by our investigators prior to their withdrawal as counsel. I included this possible relationship with Weymeyer in my memo to Greene Espel because Mr. Kueppers had told me that [REDACTED] is a [REDACTED] at Blessed Sacrament and, in that capacity, had heard Wehmeyer comment on more than one occasion that he had had dinner the previous evening with Archbishop Nienstedt. Had the Archdiocese not followed through with its investigation of the Wehmeyer connection, we could be seen by others as covering up this potentially explosive issue.

The Task Force, in its separate unpublished document, indicated all the things that went wrong in the Wehmeyer case. Neither the Task force, nor the media, nor the Catholic faithful knew of this potential connection. Thus, as I believed that one of the most important dimensions of the Weymeyer case was the possibility of a social relationship between the two and whether this may have affected the Archbishop's judgment regarding Wehmeyer, I asked our investigators to look into this. What Greene Espel discovered regarding Archbishop Nienstedt's possible past misconduct, also raised the question of whether alleged sexual misconduct on the part of the Archbishop further affected his judgment regarding Wehmeyer. Again, to not investigate this possible connection and its import for the Archdiocese would have been tantamount to malpractice on the part of Greene Espel and dereliction of duty on the part of me, the Archdiocesan Delegate for Safe Environment.

With their memorandum in hand, Mr. Forsgren and Mr. Wallace-Jackson began their work of investigating the allegations of misconduct by Archbishop Nienstedt. Shortly after they began their work, the two lawyers met with you and me at the chancery. This was a productive meeting wherein you told them "to follow the facts wherever they may lead." You also told Mr. Forsgren and Mr. Wallace-Jackson to do their work as quickly and thoroughly as possible and to issue a report to you of their findings when they had completed their investigation. In response to these February meetings, Mr. Forsgren and Mr. Wallace-Jackson set out to determine as best they could the truth or falsity of the claims against Archbishop Nienstedt. Mr. Forsgren and Mr. Wallace-Jackson worked diligently, thoroughly. The investigation took them to Detroit at least twice and they interviewed several individuals both in Detroit and in Minnesota. They asked me to make introductory calls prior to their calls as they believed that this was the only way that individuals would agree to talk to them. Those whom they interviewed needed to know that this was a legitimate investigation and not a perfunctory exercise, or worse, a white-wash. I made the calls that Mr. Forsgren and Mr. Wallace-Jackson asked me to make and that helped pave the way for their subsequent calls and interviews.

Mr. Forsgren and Mr. Wallace Jackson were surprised by what they gathered in terms of evidence. Mr. Forsgren, conveying surprise, described the experience as akin to stepping on a rake. At no time, did I see either of them gleeful or euphoric as Mr. Hopeman wrongly conveyed. Rather, as experienced investigators, they realized that they may have uncovered serious behavior or misconduct on the part of the Archbishop. At no time did they prejudge the investigation as they knew that Archbishop would have an opportunity to respond thoroughly to

all of the allegations as well as the evidence they had gathered. After Mr. Forsgren and Mr. Wallace-Jackson had obtained 10 affidavits, sworn statements of misconduct by Archbishop Nienstedt across both time and geography, I contacted you and Bishop Cozzens to alert you both of what our investigators had gathered thus far. In summary, Mr. Forsgren and Mr. Wallace-Jackson had gathered evidence in the form of sworn statements of the following regarding Archbishop Nienstedt: sexual misconduct; sexual harassment; reprisals in response to the rejection of unwelcome advances; and excessive drinking. Mr. Forsgren and Mr. Wallace-Jackson stated that they found all of the affiants to be credible and noted that many of their statements were against self interest and noted that in some cases the affiants put themselves in places they ought not to have been as priests.

April 10, 2014 you, Bishop Cozzens, Fr. Lachowitz, Brian Wenger and I gathered at Mr. Wenger's home to hear the evidence gathered thus far by Mr. Forsgren and Mr. Wallace-Jackson. Many of us read through the affidavits and heard the preliminary findings presented by the two lawyers. Our investigators clearly stated that this was a preliminary stage and that Archbishop Nienstedt would be given an opportunity to respond during his interview near the close of the investigation. I think it is fair to say that everyone believed that the evidence presented at the April 10th meeting was compelling. Near the close of the meeting, Brian went around the room to take a poll of the folks present and whether they believed that Archbishop Nienstedt should resign given the nature of the evidence gathered thus far. Everyone present, except the investigators of course, answered in the affirmative. Brian stated that even if the Archbishop was innocent, the evidence was damaging enough that it would render him incapable of leading the Archdiocese. With that consensus, the decision was made that the two auxiliary bishops would fly to Washington D.C. Saturday, April 12 to meet with the Apostolic Nuncio, Archbishop Carlo Maria Vigano. Archbishop Nienstedt was invited to join the auxiliary bishops and in fact did so, on their trip to Washington. The hope was to reach a pastoral resolution for the good of the Archdiocese, given the compelling evidence gathered thus far. As Mr. Forsgren and Mr. Wallace-Jackson stated they had at least 24 more leads to pursue, the decision was made to stop and assess the situation and to assess the options available to resolve the matter. After your meeting with Archbishop Vigano, you called me from the airport to say that you believed a resolution of the matter was on the horizon.

What ever occurred between your call to me on April 12th and a later call you received from Archbishop Vigano, I believe to be the turning point in the investigation and has put the Archdiocese in the very difficult position it finds itself today. I understand Archbishop Nienstedt had a conversation with the Nuncio after his meeting with you and Bishop Cozzens. In that meeting, he may have convinced the Nuncio that the allegations against him were all false and part of the conspiracy that Archbishop Nienstedt recently referenced last week as the news of the investigation broke in the media. As I further understand, the Apostolic Nuncio believed that the allegations were not as serious as you and Bishop Cozzens had indicated at your meeting and ordered you to have the lawyers quickly interview Archbishop Nienstedt and wrap up the investigation. The Nuncio said that the lawyers were not to pursue any further leads, including an allegation referenced by many of the affiants in Detroit that Archbishop Nienstedt may have had sexual relations with a Swiss Guardsman in Rome. In response to the Apostolic Nuncio's directives, you and Bishop Cozzens sought counsel and responded to the Nuncio, in letter form, stating that both of you disagreed with his decision to shut down the investigation, noting that

this would rightly be seen as a cover-up. In that same letter to the Nuncio, you and Bishop Cozzens further suggested that another bishop, one outside the Archdiocese, be appointed to oversee the completion of the investigation, as you had been put into a position that amounted to a conflict of interest. I agreed wholeheartedly with the decision of you and Bishop Cozzens to push back and to express your disagreement with the decision of the Nuncio in the form of a letter.

I conveyed the directive of the Apostolic Nuncio to Mr. Forsgren and Mr. Wallace-Jackson as well as your request for them to pause in their investigation. Mr. Forsgren and Mr. Wallace-Jackson noted to me that this decision was not in keeping with the original mandate to conduct a thorough investigation, the integrity of which cannot be impugned. The work that was done after your request, was done either in preparation of their interview of Archbishop Nienstedt or in following up and closing out current or previous matters they had been pursuing. On April 17, a man whom Mr. Forsgren and Mr. Wallace-Jackson had contacted via email weeks before, responded to their original inquiry. This correspondence resulted in an eleventh affidavit wherein the man alleged that then Monsignor Nienstedt promptly dismissed him from the seminary in Detroit after the then 19 year old seminarian turned down as inappropriate, Nienstedt's invitation to join him and two other seminarians on a ski trip.

After Easter, Mr. Wallace-Jackson and I met with you at your office in the chancery. At that meeting, you told both of us that the attorneys were to narrow the focus of their investigation to the questions of whether a crime or a grave delict had been committed by Archbishop Nienstedt and that their interview of the Archbishop should likewise focus on these questions. When Mr. Wallace-Jackson asked whether they could do more investigative work and to pursue further leads to determine these answers, you stated that he would have to get the permission of the Nuncio; permission, you stated that you believed would be denied. At this same meeting, I raised the issue of the two potential cases of sexual harassment presented in the evidence. I noted that these were serious claims and that the one involving ██████████ presented potential liability for the Archdiocese as well as the Archbishop. You agreed to allow the investigators to cover this area as well, but not as their main focus. In response, both David and I stated that this further narrowing of the investigation was not in keeping with the original January 31st letter calling for a thorough investigation the integrity of which cannot be impugned. In the presence of Mr. Wallace-Jackson, I said that these two lawyers worked at a very well respected law firm and were well respected in their own right. I further stated that I could not imagine that they would be party to a white-wash, effectively allowing themselves to be patsies in a cover-up. I further indicated to you that your directive (or perhaps the Nuncio's) not to investigate other alleged misconduct clearly applied a different and more permissive standard to the Archbishop than would be applied to priests serving in the Archdiocese. You did not disagree with this assessment.

At that same post-Easter meeting, you gave Mr. Wallace-Jackson a correspondence which you later took out of his hand as he was reading it, saying that he could not read it, nor could he be given a copy of this and that you should not have given it to him in the first place. Mr. Wallace-Jackson was very concerned by this and asked me to follow up to obtain a copy. In a subsequent conversation with you, I asked you if the investigators could see the letter and you said no. At this same meeting, you indicated to Mr. Wallace-Jackson and me that after you and Bishop

Cozzens had sent your April letter to the Apostolic Nuncio, the Nuncio in response asked you to take back the letter and destroy it. You did not indicate whether you had complied with this request, or perhaps it was a directive. I would like to pause for a moment and visit the gravity of what you conveyed to Mr. Wallace-Jackson and me in your office at the chancery. The destruction of evidence is a crime under federal law and state law and the fact that this request was made of you by a papal representative to the United States is most distressing. I sincerely hope and trust that you and/or Bishop Cozzens did not comply with this shocking request/directive made of you by the Apostolic Nuncio to the United States. I would advise you that if you have not done so already, to report this request (or perhaps directive) made by the Nuncio to destroy evidence to an appropriate authority in the Vatican.

Regarding the decision to interview Ms. Haselberger, this decision was in keeping with a thorough investigation, the integrity of which could not be impugned. Both the Task Force and Kinsale Management reached out to Ms. Haselberger for an interview, and were denied. Everyone who knew of the investigation knew that there was a risk that any of those interviewed could go to the press. I believe this risk was one of the reasons Archbishop Nienstedt took so long to agree to the investigation. Our investigators did stress confidentiality as I did in my introductory phone calls. I would note here that I did not contact Ms. Haselberger prior to her conversation with Greene Espel because I believed it would have been inappropriate given her pending matter with the Archdiocese. I thought it best to have our independent investigators contact her. Mr. Forsgren and Mr. Wallace-Jackson laid out well their rationale in contacting Ms. Haselberger as her interview potentially pertained to concerns regarding a possible relationship between Archbishop Nienstedt and Curtis Wehmeyer. I would like to correct the record regarding one point in Mr. Forsgren and Mr. Wallace-Jackson's July 3rd letter in regards to the interview of Ms. Haselberger. I did not specifically instruct them to interview Ms. Haselberger. Rather, they made the case to me that in their professional judgment it was absolutely necessary to interview Ms. Haselberger. As this was to be a thorough and independent investigation and as Mr. Forsgren and Mr. Wallace-Jackson are skilled investigators, I relied on their professional judgment and allowed the interview to proceed. Given the number of those interviewed and given the number of sworn statements obtained, I have no doubt that this matter was going to be made public eventually. I do regret that the investigation was made public, especially prior to conclusion of the investigation. Although, as it turns out, that point is now moot as our investigators have now withdrawn given the inhibiting restrictions placed on the independent investigation.

Regarding the decision to not publicize the investigation, I agree with this decision. There is no way that Mr. Forsgren and Mr. Wallace-Jackson would have been able to conduct the investigation they did and gather the evidence they did if the investigation was announced before hand. Further, the Archbishop is entitled to his good name and to make the investigation public would have unjustly tarnished his reputation prior to the findings of the investigation. The decision of whether the Archbishop should have stepped down during the investigation is his to make in consultation with the Apostolic Nuncio. Bishop Cozzens noted that when we were presented with compelling evidence gathered during the preliminary stage of the investigation, this would have been an appropriate time to ask the Archbishop to temporarily step down. But, as the Archbishop had just returned to ministry, we were presented with a difficult dilemma. To

my knowledge, this dilemma further prompted the decision of you and Bishop Cozzens to fly to Washington D.C. to advocate for a pastoral solution.

Obviously, when the story broke Tuesday of the existence of the investigation, the Archdiocese found itself in a difficult decision. Still, there was the possibility that some semblance of a credible investigation and report could be salvaged, notwithstanding the Nuncio's unfortunate interventions. As you know, I counseled strongly this past Tuesday that due to the public revelations of the investigation, the interests of the Archdiocese and the Archbishop were not in total concert. Thus, I argued that the Archdiocese should be very careful to make neutral statements regarding the Archbishop and the investigation as this would be in-keeping with its future interests as well as the integrity and independence of the investigation. It is very unfortunate that your statement was not provided to Commonweal, nor was it included in the Catholic Spirit. In my opinion this was a significant communications error. The only response from attributed to the Archdiocese were the vigorous denials of the allegations by the Archbishop. The Archbishop certainly has the right to publically express his denials; but the Archdiocese also has a right, and in fact a duty, to express its neutrality in response to an ongoing independent investigation.

Additionally, the Archbishop's statements that he had called for the investigation were at best misleading. As we know, he only agreed to it after pressure from some in the chancery, including from Brian Wenger and me. As the Archbishop indicated to Mr. Forsgren and Mr. Wallace-Jackson in his interview, he agreed to the investigation because there was a possible MPR story on the horizon. Archbishop Nienstedt's comments that his alleged behavior did not implicate anything illegal is not accurate as the Archdiocese and the Archbishop face possible exposure regarding sexual harassment, related to his alleged unwelcome touch of [REDACTED]

Rarely, have I been more stunned than when I read the letter written by Mr. Forsgren and Mr. Wallace-Jackson July 3, 2014 withdrawing as counsel to the Archdiocese in the investigation of Archbishop Nienstedt. In working with both of them, I found them to be highly competent, professional and exhibiting consistent integrity. The fact that they were able to gather the evidence they did is remarkable especially given the secretive culture of the Church which is replete with fear of reprisals. They were asked to complete a very difficult and sensitive task for the Archdiocese. Along the way, they were insulted and swore at by Mr. Hopeman, unjustly accused of investigative bias and euphoria at their results, and hamstrung in their work as the ground-rules and scope kept changing. Bishop Piche, I assume you received counsel in the July 2nd letter you sent to Mr. Forsgren and Mr. Wallace-Jackson. I have not seen the letter, but I can only conclude by the response of Greene Espel and their description of its contents, that you received very poor counsel in the drafting and sending of the July 2nd letter. Although I am liaison between the Archdiocese and Greene Espel, I was not consulted regarding the July 2nd letter and have heard nothing from you since our lawyers withdrew as counsel.

This letter and the understandable, and predictable, response from Greene Espel has now put the Archdiocese in a very difficult position. First, as stated above, I strongly advise the Archdiocese to contact Greene Espel in an effort to reengage them to complete this investigation. If that route is not pursued, I strongly advise the Archdiocese to make known to the public immediately Greene Espel's decision to withdraw as counsel to the Archdiocese. It only takes one reporter's

question or one affiant or interviewee to call and inquire of Greene Espel regarding the investigation. Their truthful and appropriate response will be "we no longer represent the Archdiocese." This fact will be known soon and if the Archdiocese does not disclose this before it becomes public, we will look even worse than we otherwise would have if we fail to disclose that Greene Espel's withdrawal as our attorneys. The decisions made subsequent to your April visit to the Apostolic Nuncio to comply with his request to narrow the scope of the investigation, to quickly bring the matter to a close despite at least 24 leads, and now to further inhibit the work of our lawyers in this so called independent investigation have made the Archdiocese complicit in a white-wash and a cover-up. I believe there still exists a principle of Catholic moral theology that one's conscience is not bound by something immoral or unjust. There is still the possibility to allow Greene Espel to complete this investigation consistent with the January 31st letter and in furtherance of both truth and justice.

Regarding Greene Espel's decision to withdraw and their July 3rd letters addressed to you, I cannot find fault with their decision, as regrettable as it is for the Archdiocese. As indicated in their letter, they were not willing to sacrifice the hard won reputation of their firm by agreeing to perpetuate the myth that this was truly an independent and thorough investigation. Sadly, this investigation could have been both had Greene Espel been allowed to follow the original January 31st mandate. Greene Espel had all but concluded its investigation as they had interviewed Archbishop Nienstedt twice and were now circling back to affiants one more time. To my knowledge, they were already drafting their final report. To limit Greene Espel to present only factual findings as the July 2nd letter apparently conveyed is not only inconsistent with normal protocol for internal investigations, it also inconsistent with the original January 31st mandate authorizing the investigation. In an unrelated matter I recently received a detailed 43 page report from another reputable and prominent Minneapolis law firm. In its report, the firm presented its findings, an evaluation of the credibility of witnesses, the judgment of the investigators, and their conclusions, all of which are standard protocol for internal investigations. Was the Archdiocese anticipating a final report that might have been unfavorable to the Archbishop? Did this possibility prompt this ill advised decision, one that has now put the Archdiocese in a most difficult position? Whatever the answer to these questions may be, the Archdiocese should endeavor to find a solution to its untenable position.

In response to the difficult situation that the Archdiocese now finds itself in, I offer a few suggestions by way of counsel. If the Archdiocese chooses not to reengage Greene Espel in this matter as I recommend, I strongly advise the Archdiocese not to hire another law firm to complete the investigation. This would be rightly seen by the public and our Catholic faithful as not credible and thus unworthy of trust. I have little doubt that it will eventually come out that Greene Espel withdrew because they were not allowed to do their work consistent with the original charge of a thorough and independent investigation. I would advise the Archdiocese to send the affidavits and any work product of Greene Espel, along with original memos to the Congregation for Bishops. This was originally Susan Mulheron's suggestion as she voiced prescient concern that the Nuncio would bury the findings of an investigation. The Congregation can do what it chooses with the information it receives. This course of action is proper as the Archdiocese is taking the step of advancing issues of serious concern to an appropriate authority. The Archdiocese should prepare for the eventuality that any or all of the affidavits may be made public and/or may be compelled through discovery. Accordingly, the Archdiocese ought to be

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very careful not to make any statements inconsistent with information contained in these affidavits. Archbishop Nienstedt has already made several comments in response the Commonweal story that are concerning at best and some which are factually wrong. It is important to also know that any of the affiants are free to do what they wish with their affidavits, including giving them to the press. Our ill advised decision to further inhibit the investigation at this eleventh hour may just prompt them to do so.

Conclusion

The Archdiocese was on the verge of an unprecedented moment in the history of the Church in the United States. In an attempt to turn the page and begin to restore trust in an Archdiocese that was presently in crisis, some in the Archdiocese insisted in justice that the Archbishop be held to the same standard as priests serving in the Archdiocese. In addition to conducting this investigation, the Archdiocese also decided to disclose the matter of this investigation to the St. Paul Police and the Ramsey County Attorney's Office. This decision represents a positive step forward. Additionally, upon the wise counsel of Mr. Forsgren, I informed one of the former members of the Task Force of the investigation by way of a courtesy call. Simply put, this investigation was the right thing to do and the Archdiocese took a number of correct steps in the past several months. However, as was revealed in the course of the investigation, sometimes the right thing to do is also the hardest thing to do. I commend Archbishop Nienstedt for agreeing to this investigation and for authorizing a thorough and independent investigation, the integrity of which could not be impugned. I commend you and Bishop Cozzens for going to Washington D.C. to meet with the Nuncio and for your letter of disagreement with Archbishop Vignano. Both of these decisions were also positive steps forward and examples of integrity in the face of challenging circumstances.

The reality of this current matter demonstrates that as the evidence began to come into the Archdiocese from our skilled and independent investigators, apparently some in the Archdiocese and some beyond the Archdiocese were not able to face the reality of emerging truth and its attendant call for accountability. What has unfolded in the face of compelling evidence amounts to a good old fashioned cover-up to preserve power and avoid scandal and accountability. As a result, the Archdiocese and the wider Church is now facing a much more significant scandal. At each stage of the investigation, as more and more evidence was gathered, the reigns on our investigators tightened and they were inhibited from carrying out their original charge. At each stage of the investigation, the decision to narrow the scope of the investigation and to quickly bring it to a close should be noted for its stark inconsistency with the original mandate. Now, given the decisions made subsequent to the April 12th meeting with the Apostolic Nuncio as well as the July 2nd letter inhibiting the work of our investigators, the Archdiocese is complicit in a cover-up, and, in part, responsible for the coming scandal and further loss of trust of our Catholic faithful. In addition, scandalous too is the amount of money spent (approximately \$400,000) on an aborted investigation.

To be sure, this will all come out and it will take many years to repair the breach of trust that has resulted from this sad chapter in the life of our local Church. I love my Catholic faith and the Catholic Church and I want her to be more like Christ her spouse. I am by no means a perfect priest, nor is my judgment perfect. In one of my recent meetings with Bishop Cozzens I told him

that his generation of bishops must work hard to hold their brother bishops accountable. This is an area that needs serious reform throughout the Catholic Church. There is an ugly clericalism on full display in this present matter, the type of which Pope Francis is trying to purge from the Church. Our bishops must be held accountable for their decisions, their behavior, and their performance. Our Catholic faithful deserve better and will demand better in the coming years. Please do not take the above as anything other than an honest and thorough account of this investigation from my perspective and what I see as the potential consequences of the decisions that have been made. It may have seemed that I was harsh in my assessment, but I would prefer the term honest. I am certainly not without fault in my role as liaison and would have done some things differently if I had them to do over again. I can say with honesty that none of my decisions were made in bad faith and none inhibited the pursuit of truth in this matter. Bishop Piche, I don't believe your decisions were made in bad faith either and as I indicated above, you were placed in an untenable position.

As the liaison between the Archdiocese and Greene Espel, I told our investigators at the outset of their investigation that their sole goal was to discover the truth as best they could. They diligently and skillfully pursued that aim. Truth was my sole goal as well in my role as liaison. The truth will indeed come out and when it does, the Archdiocese will have to answer for it and the decisions made in regard to this investigation. I have respect for both you and Bishop Cozzens and know that you were put in a very difficult position. You both did the right thing by seeking to achieve a pastoral solution in April and you both did the right thing by writing your response letter to the Apostolic Nuncio wherein you stated your objections to his directives. These decisions showed courage. However, more needed to be done after the April 12th meeting to ensure the integrity of this investigation and the pursuit of truth in this matter. I will continue to pray for a just resolution of this matter, one that is consistent with truth and integrity. Please know of my prayers in the coming years for both of you and my gratitude for your episcopal ministry. Mary, Mother of the Church pray for us! St. Paul intercede for us!



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