

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 FATHER PETER
 14 LAIRD, taken pursuant to Notice of Taking
 15 Deposition, and taken before Gary W. Hermes, Notary
 16 Public in and for the County of Ramsey,
 17 State of Minnesota, on the 12th day of May,
 18 2014, at 30 East 7th Street, St. Paul,
 19 Minnesota, commencing at approximately 9:35
 20 o'clock a.m.
 21
 22
 23

24 AFFILIATED COURT REPORTERS
 25 2935 OLD HIGHWAY 8
 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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 5 appeared for Plaintiff.
 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
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 16 Minnesota 55904, appeared for Diocese of
 17 Winona.
 18 RICHARD H. KYLE, JR., ESQ., Attorney
 19 at Law, 200 South 6th Street, Suite 4000,
 20 Minneapolis, Minnesota 55402-1425, appeared
 21 for Father Peter Laird.

22 ALSO PRESENT:

23 Paul Kinsella, videographer
 24
 25

* * *

P R O C E E D I N G S

* * *

3 MR. KINSELLA: Today's date is May
 4 12th, 2014, the time is 9:35 a.m. This is the
 5 videotape deposition of Father Peter Laird.
 6 Will counsel please identify themselves for
 7 the video record?
 8 MR. ANDERSON: For the plaintiff,
 9 Jeff Anderson.
 10 MR. FINNEGAN: For the plaintiff,
 11 Mike Finnegan.
 12 MR. HAWS: Dan Haws for the
 13 archdiocese.
 14 MR. BRAUN: Thomas Braun on behalf
 15 of the Diocese of Winona.
 16 MR. WIESER: Tom Wieser on behalf of
 17 the archdiocese.
 18 MR. KYLE: And Richard Kyle for
 19 Father Peter Laird.
 20 MR. KINSELLA: Will the reporter
 21 please swear the witness?
 22 FATHER PETER LAIRD,
 23 called as a witness, being first duly sworn,
 24 was examined and testified as follows:

EXAMINATION

1 BY MR. ANDERSON:

2 Q. Father, would you please state your full name
3 for the record and spell your last?

4 A. **Father Peter Anthony Laird, L-a-i-r-d.**

5 Q. We went through some of the basic ground rules
6 of this process before we began. What is your
7 current assignment status?

8 A. **Currently, I'm -- I don't have an assignment.
9 I have some shoulder issues that I've been
10 working through since I resigned, which -- it
11 required extensive physical therapy, and aware
12 that the assignment schedule for the
13 archdiocese is in June, I would expect that
14 there would be something at that time.**

15 Q. When did you resign?

16 A. **I don't know the exact date, but early
17 October, late September of this past year.**

18 Q. And was that a resignation as vicar general of
19 the archdiocese?

20 A. **That's correct, as vicar general, moderator of
21 the Curia.**

22 Q. And why did you resign, Father?

23 A. **I resigned for essentially two reasons. One,
24 first, because I thought it was essential in
25 light of the questions that had been raised**

1 **that the archdiocese signal to its various
2 constituencies, primarily victims, but others
3 as well, that we understand this issue, that
4 this is a -- a painful issue for many people
5 and that leadership needed to be accountable
6 and that the first thing is to re-establish
7 trust. I was confident of the work that I
8 did. I think I gave good advice and we took
9 great steps over the years that I was in my
10 position. But I thought it was essential to
11 signal our accountability and to let a process
12 of fact-finding to go forward.**

13 Q. You said two reasons, but I think I heard
14 three, so let me break it down.

15 A. **Sorry. I don't count well sometimes.**

16 Q. That's okay. And they may -- they may blend.
17 The first, I think, I heard you say was you
18 thought it was essential in light of questions
19 raised. When you say "questions raised," what
20 are you referring to?

21 A. **Well, I think there were some reports in the
22 media about how the archdiocese had handled
23 issues, and because that is an important issue
24 and one that's not easily resolvable in five
25 minutes and because I thought it was necessary**

1 **for fact-finding to take place, that that
2 would be the reason.**

3 Q. And I presume when we're talking about the
4 reports in the media, that's about how the
5 archdiocese, not just you, but the archdiocese
6 officials had handled certain accused
7 offenders, is that what you're talking about?

8 A. **You know, I -- I can't recall my state of mind
9 at that particular time. I would not have
10 broken it out in the way in which you're
11 breaking it out now. I just thought it was
12 very important to signal our accountability,
13 our willingness to engage this issue and that
14 there needed to be a process by which that
15 would take place and I recommended a number of
16 processes.**

17 Q. And when you say "our accountability," who is
18 the "our" referring to?

19 A. **The leadership of the archdiocese.**

20 Q. That's the archbishop and the top officials?

21 A. **Yes.**

22 Q. And when you say that the resignation was
23 motivated in part by a desire to send a signal
24 that the leadership would be accountable, I
25 think that was the word you used.

1 A. **(Nods head).**

2 Q. Is that correct?

3 A. **Correct.**

4 Q. Accountable for what, Father?

5 A. **I think any leader in any organization has a
6 responsibility to be accountable for the work
7 that they've done, whether they -- it happened
8 under their tenure or not.**

9 Q. And what happened under your tenure that
10 caused you to believe that your resignation
11 would be -- should be made for accountability
12 purposes?

13 A. **As -- as I mentioned, I was very much at peace
14 and content with -- with the advice and
15 counsel I gave, but I was part of that
16 leadership that you had referenced.**

17 Q. And who else was a part of that leadership?

18 A. **I would imagine that, from my point of view,
19 that would be Archbishop Nienstedt, Bishop
20 Piche and myself is the -- is the three senior
21 members of the organization.**

22 Q. Kevin McDonough was also involved in a lot of
23 those things that led to your resignation, was
24 he not?

25 A. **He was the delegate for safe environment, I**

- 1 **think up until maybe even this year.**
- 2 **Q.** And did you volunteer to resign or were you
3 asked by somebody to?
- 4 **A. No. I -- I believe I had two conversations**
5 **with the archbishop and I tendered my**
6 **resignation.**
- 7 **Q.** At the time that you had the conversations
8 with the archbishop leading to the tendering
9 of your resignation, did you believe that
10 others besides yourself should also tender
11 their resignation so that they, as top
12 officials, would also -- as top officials
13 would also be accountable?
- 14 **A. I can't speak to what others should or**
15 **shouldn't do. I do think that leaders should**
16 **consider how they continue to lead and**
17 **sometimes leadership leads by being**
18 **accountable and offering a resignation.**
- 19 **Q.** And I appreciate what you said about
20 accountability and leadership. Did you
21 express the view to any other leaders that you
22 were going to resign in the interest of
23 accountability and to establish trust and that
24 others should? Did you express that opinion
25 to anybody else?

- 1 **A. Yes.**
- 2 **Q.** To whom?
- 3 **A. Among a number of different options that I set**
4 **forth for Archbishop Nienstedt, I listed as**
5 **one of those options resignation.**
- 6 **Q.** Was that in the first or second or both
7 conversations you had with him leading up to
8 your resignation?
- 9 **A. My recollection is -- I'm not sure when, but I**
10 **believe my -- that I spoke to the archbishop**
11 **twice about that.**
- 12 **Q.** In the first instance you spoke to him about
13 the issue of resignation, tell us about
14 that --
- 15 (Discussion out of the hearing of
16 the court reporter)
- 17 BY MR. ANDERSON:
- 18 **Q.** So that I just understand what I think I may
19 have heard, did you say that the option was
20 listed for you to resign or him to resign, it
21 was an either/or --
- 22 **A. No. I didn't state that.**
- 23 **Q.** -- or did I misstate that? Okay. Okay.
24 (Discussion out of the hearing of
25 the court reporter)

- 1 BY MR. ANDERSON:
- 2 **Q.** Were you suggesting Archbishop Nienstedt
3 resign?
- 4 **A. In the options that I set out for the**
5 **archbishop, I listed a number of them, some of**
6 **which have in fact been taken. But I can't**
7 **make that judgement or decision for the**
8 **archbishop.**
- 9 **Q.** Okay.
10 (Discussion out of the hearing of
11 the court reporter)
- 12 BY MR. ANDERSON:
- 13 **Q.** Was one of those options for Nienstedt to
14 resign?
- 15 **A. I mentioned that, I think, on two occasions.**
16 **I listed among options that -- that he should**
17 **consider is resignation.**
- 18 **Q.** Why did you think he should consider such an
19 option?
- 20 **A. For the same reason that I resigned, which is**
21 **I think leaders have a responsibility to be**
22 **accountable for decisions whenever they take**
23 **place in an organization and -- and to signal**
24 **trust and that the most important thing is, is**
25 **that the archdiocese doesn't have anything to**

- 1 **hide and let -- let transparency work its**
2 **course.**
- 3 **Q.** Did you put the options as you set them forth
4 to the archbishop in writing?
- 5 **A. No. They were verbal conversations.**
- 6 **Q.** And what specifically had --
- 7 THE WITNESS: Excuse me.
8 MR. ANDERSON: Sure.
9 (Discussion out of the hearing of
10 the court reporter)
- 11 **A. I -- I did -- I -- at one time I may have set**
12 **forth, for example, an independent review of**
13 **files, that may have been in writing.**
- 14 BY MR. ANDERSON:
- 15 **Q.** Okay.
- 16 **A. I don't believe I ever put -- so I believe**
17 **that was in writing.**
- 18 **Q.** Okay. We're specifically addressing the
19 resignation issue here.
- 20 **A. Yeah. Okay.**
- 21 **Q.** And in the option that was posited that the
22 archbishop resign, you said that, you know, to
23 take responsibility for decisions. What
24 decisions, in your mind, had he made or failed
25 to make for which responsibility needed to be

- 1 taken by him as that option was discussed?
- 2 **A. Again, I don't know if I was thinking at that**
- 3 **time of any specific situation. More**
- 4 **generally about what leaders do when their**
- 5 **actions are called into question because it**
- 6 **often takes a long time for the fact-finding**
- 7 **to take place and the most important thing is**
- 8 **the organization.**
- 9 **Q.** And any particular actions that you thought
- 10 about or had in mind when you had this
- 11 discussion that he had taken that led you to
- 12 the consideration of that option that he
- 13 resign?
- 14 **A. I -- I don't recall at the time what was the**
- 15 **motivating factor for that.**
- 16 **Q.** Do you recall if it was specific to one
- 17 particular priest about which whom there had
- 18 been public disclosures or was it a number of
- 19 revelations that had unfolded at that time?
- 20 **A. Could you be more specific?**
- 21 **Q.** Well, in discussing with Archbishop Nienstedt
- 22 him resigning to take responsibility for
- 23 decisions made as the top leader, did you have
- 24 in mind at that time a number of revelations
- 25 that had been made public concerning a number

- 1 of priests or one particular priest who had
- 2 been handled or mishandled by leadership?
- 3 **A. Well, surely, interactions or decisions**
- 4 **historically or contemporaneously with respect**
- 5 **to priest personnel may well be part of that.**
- 6 **I'm just not sure that there was at that**
- 7 **moment any particular reference that I had in**
- 8 **mind.**
- 9 **Q.** The conversations that you referenced with
- 10 Archbishop Nienstedt, two in number where this
- 11 was posited, anybody else present besides you
- 12 and he?
- 13 **A. You know, I don't recall one -- I don't**
- 14 **recall.**
- 15 **Q.** Do you know if Archbishop Nienstedt or did you
- 16 see if he took any notes of that meeting or
- 17 conversation as you had it?
- 18 **A. I don't believe he did.**
- 19 **Q.** Let's talk, then, about the first time you had
- 20 such a discussion with him, and tell us where
- 21 that was first.
- 22 **A. To my recollection, the first conversation we**
- 23 **had was in the residence, in the archbishop's**
- 24 **residence.**
- 25 **Q.** And approximately when would that have been?

- 1 **A. Okay. I -- I'm sorry, I can't put a specific**
- 2 **-- there was a lot of fluidity in those times**
- 3 **and those days at the end of September,**
- 4 **beginning of October move, so it would be in**
- 5 **that time frame.**
- 6 **Q.** So it would be September or October --
- 7 **A. Prior to my resignation.**
- 8 **Q.** And your resignation was in what year?
- 9 **A. This past -- this past October or September.**
- 10 **Q.** 2013?
- 11 **A. Yeah.**
- 12 **Q.** And the conversation in the residence, I'd
- 13 like you to just recount for us how that came
- 14 about. Did you initiate it or did he call you
- 15 to the residence first? How did that come
- 16 about?
- 17 **A. I believe I initiated that conversation.**
- 18 **Q.** So you went to the residence to meet with him
- 19 with a particular notion in mind to discuss
- 20 something with him that you felt was
- 21 important?
- 22 **A. Yes.**
- 23 **Q.** And what was that notion that you felt
- 24 important?
- 25 **A. Just to try to set out the options of how I**

- 1 **thought -- or to offer options that he would**
- 2 **want to consider to respond to this situation.**
- 3 **Q.** Did you feel that the public revelations at
- 4 that time had been such that it really
- 5 required leadership to take some definitive
- 6 actions to demonstrate to the community that
- 7 the archdiocese was serious about addressing
- 8 the problem?
- 9 **A. Yes, I think an awful lot of very good work**
- 10 **had been done by what I would call the**
- 11 **leadership team there, by this I mean Andy**
- 12 **Eisenzimmer, Jennifer Haselberger, myself in**
- 13 **-- in being proactive in many cases. But**
- 14 **that's not something that can come to light in**
- 15 **the -- in a news cycle. And so the first**
- 16 **priority is the organization, the people who**
- 17 **had been affected historically by these**
- 18 **situations and the larger community of the**
- 19 **Twin Cities.**
- 20 **Q.** And so when you met with him in that first --
- 21 first occasion at the residence with this in
- 22 mind to express, tell us how that conversation
- 23 went. I trust you began it and told him why
- 24 you were there; and why don't you just tell
- 25 us, as best you can recall, what happened and

- 1 what was said by you and he?
- 2 **A. I believe my recollect -- I believe I stated**
 3 **that I thought this was a -- a very important**
 4 **issue that can't be minimalized in any way, in**
 5 **fact, it can't be overstated is a better word,**
 6 **and that while a lot of good work had been**
 7 **done, this is not going to be the time in**
 8 **which that good work is going to be**
 9 **acknowledged, and so here are different**
 10 **options that I think you need to consider.**
- 11 **Q.** When you use the term, "I stated this is a
 12 very important issue," when you refer to the
 13 "this," what was the "this" referring to?
- 14 **A. It would be allegations that the archdiocese**
 15 **was lax on child sex abuse claims.**
- 16 **Q.** Did you believe at that time the archdiocese
 17 leadership had been lax?
- 18 **A. Well, historically, I think there was -- this**
 19 **has been an evolving issue for the church.**
 20 **And so looking back from 2013, one could say,**
 21 **"Gee, that might have been better done, this**
 22 **could have better done." But it's such an**
 23 **emotional issue, and rightly so because of the**
 24 **pain that it causes individual persons, it**
 25 **can't be overstated. And so there has to be a**

- 1 **constant movement toward innovation and best**
 2 **practice.**
- 3 **Q.** So thinking back to that meeting and the time
 4 you went to the residence and your state of
 5 mind at that time, did you believe and have
 6 the opinion that there had been or that the
 7 archdiocese leadership had been lax in
 8 handling child sex abuse allegations?
- 9 **A. My state of mind or what I believed that we**
 10 **needed to do is continuously get better. I'm**
 11 **a believer that you want to continually get**
 12 **better, you want to continually bring in best**
 13 **practice. So I think a lot of good work had**
 14 **been done, and without making a judgment, I do**
 15 **think there are also mistakes that were made,**
 16 **but how do we continue to get better? Because**
 17 **nothing is more important than the safety of**
 18 **our children.**
- 19 **Q.** At that point in time, where did you think
 20 mistakes had been made and by whom?
- 21 **A. Well, I -- I certainly -- I disagreed, for**
 22 **example, with an assignment that had been made**
 23 **of a priest. I didn't have assignment**
 24 **responsibilities or supervision, but I brought**
 25 **that -- and I think that was a bad decision.**

- 1 **Q.** Which priest are you referring to?
- 2 **A. Father Curt Wehmeyer. So I think so that was**
 3 **a concrete example. But I think it was more**
 4 **that effort of just, we wanted to demonstrate,**
 5 **I think it's important for the church to**
 6 **demonstrate an urgency and in constantly**
 7 **innovating and getting as good as we can, and**
 8 **I think by and large that was what we did over**
 9 **the last three-and-a-half years.**
- 10 **Q.** You identified Wehmeyer and having
 11 disagreement about the assignment of him as
 12 one of the mistakes. What other mistakes at
 13 that time did you have in mind that had been
 14 made?
- 15 **A. I don't think I gave a number of mistakes.**
 16 **That's a concrete example of a mistake. I do**
 17 **think sometimes there was a challenge between**
 18 **what canon law would expect and what the --**
 19 **the chancellor for canonical affairs suggested**
 20 **in order for us to be germane or following**
 21 **canon law and what I thought we might want to**
 22 **do just from the perspective of best practice.**
 23 **There's a tension there.**
- 24 **Q.** And the tension has been, at least would you
 25 fairly describe as, canon law has a tendency

- 1 to want to handle problems of sexual abuse
 2 internally oftentimes versus the civil law,
 3 which requires sometimes the deployment of
 4 external resources, is that the tension you're
 5 referring to or something else?
- 6 **A. You know, certainly canon law is only a -- a**
 7 **law for the internal workings of the church.**
 8 **As the vicar general, moderator of the Curia,**
 9 **I was well aware that we operated in two**
 10 **fields of action; the civil law and canon law.**
 11 **And I do think historically, you know, there's**
 12 **a sense of rights in the church in canon law**
 13 **that my preference, and I think an emerging**
 14 **preference in the archdiocese, was to give the**
 15 **benefit of the doubt not to those rights**
 16 **because of the tension and the hesitation that**
 17 **they sometimes caused.**
- 18 **Q.** So when you used the reference to challenge in
 19 the canon law, what specifically were you
 20 referring to as it pertains to the issue of
 21 childhood sexual abuse?
- 22 **A. Well, I -- first I would state that my -- my**
 23 **concerns would be much broader than child**
 24 **sexual abuse, but certainly incorporate child**
 25 **sexual abuse.**

- 1 Q. Okay.
- 2 A. **So we would never get to a case of child**
- 3 **sexual abuse because we would want to be**
- 4 **proactive in addressing a number of issues.**
- 5 **And so, for example, a pastor has rights, and**
- 6 **once he's assigned, he's -- it's very**
- 7 **difficult to remove a pastor, unless you go**
- 8 **through a deliberative process. That would be**
- 9 **an example of the tension that I think**
- 10 **existed.**
- 11 Q. If a priest is assigned as administrator
- 12 versus a pastor, it's a lot easier to remove
- 13 him?
- 14 A. **That's correct.**
- 15 Q. Okay. Let's go back, then, Father, to the
- 16 conversation you began to describe between
- 17 yourself and the archbishop in that first
- 18 conversation. And it sounds like you laid out
- 19 several options and one was his resignation,
- 20 correct?
- 21 A. **I placed before the archbishop a number of**
- 22 **options, one that -- that he might wanna think**
- 23 **about is resignation.**
- 24 Q. And what was his reaction when you put that to
- 25 him?

- 1 A. **I believe it was more of listening at that**
- 2 **time. I'm not sure I got a specific reaction.**
- 3 **I think it was the first blush of me bringing**
- 4 **these things to the archbishop.**
- 5 Q. Did you notice any change in his demeanor in
- 6 you posing that option to him?
- 7 A. **I don't recall.**
- 8 Q. It's kind of a -- in your experience, is that
- 9 kind of a bold thing for one of the officials
- 10 to express to the top superior, the
- 11 archbishop?
- 12 A. **I -- I -- I don't know how it's to be**
- 13 **characterized. I thought I fulfilled my**
- 14 **responsibilities by saying and give the**
- 15 **counsel that I earnestly thought was the right**
- 16 **course, regardless of how people might receive**
- 17 **it, whether it was deemed by them appropriate**
- 18 **or inappropriate.**
- 19 Q. And when you posed that option to him, do you
- 20 recall if he had a verbal response to that at
- 21 all?
- 22 A. **I do not.**
- 23 Q. Did he -- do you recall if he signaled to you
- 24 that he didn't consider that a realistic
- 25 option?

- 1 A. **I do not.**
- 2 Q. Did he ever signal to you at that time that he
- 3 was -- he had rejected that as an option?
- 4 A. **No. Again, it was me simply putting options**
- 5 **before and not necessarily looking for, at**
- 6 **that moment, a decision, but just to present**
- 7 **those options.**
- 8 Q. Did he challenge you, say such as, "Well,
- 9 Father Laird, as my vicar general and
- 10 moderator of the Curia, why would you even put
- 11 that as an option for me to resign? Why would
- 12 you say or think or even suggest that?" Did
- 13 he challenge that assertion in any way?
- 14 MR. KYLE: Objection, asked and
- 15 answered.
- 16 A. **Yeah, I -- I was simply informing him of**
- 17 **options.**
- 18 **BY MR. ANDERSON:**
- 19 Q. And then so my -- my interpretation of what
- 20 you just told us is, he really didn't react
- 21 strongly to that suggestion as an option or
- 22 that option one way or another, is that a
- 23 correct characterization?
- 24 A. **I -- I don't recall at that time. And I'd**
- 25 **have to be interpreting -- I -- I -- I didn't**

- 1 **get any verbal response.**
- 2 Q. Okay. And what other option, options did you
- 3 put to him at that time in addition to his
- 4 resignation for the reasons you stated?
- 5 A. **An outside review of our files. A task force**
- 6 **to look at the work that had been done,**
- 7 **composed of -- cross-fertilized from the**
- 8 **community. Those are --**
- 9 Q. Is outside review and task force the same, is
- 10 that what you're referring to --
- 11 A. **No. I --**
- 12 Q. -- or are they two different components?
- 13 A. **They're two different components.**
- 14 Q. Okay. Let's do the outside review piece
- 15 first. When you expressed the outside-review-
- 16 of-our-files option, what specifically were
- 17 you expressing to the archbishop? What was
- 18 that?
- 19 A. **That I thought it was important, again, in**
- 20 **light of the dynamic that had been created, to**
- 21 **have people who are skilled in law enforcement**
- 22 **and other things to review our files. Because**
- 23 **part of the issue that had been raised at that**
- 24 **time was that the archdiocese wasn't**
- 25 **forthcoming. And -- and so I thought it was**

- 1 **important that we be able to say that.**
- 2 **Q.** And when you're saying -- when you're
- 3 referring to the files in this suggestion or
- 4 this option, you're referring to the priests
- 5 who had been accused and whose files had been
- 6 retained by the archdiocese in various
- 7 locations, correct?
- 8 **A. I'm referring to every priest file in the**
- 9 **archdiocese. I was referring.**
- 10 **Q.** Okay. And when you --
- 11 **A. Mine as well.**
- 12 **Q.** Okay. And what led you to the belief that
- 13 that was a good option -- did you consider
- 14 that to be a good option at that time?
- 15 **A. That -- yes, that's why I recommended it.**
- 16 **Q.** Do you still consider that to be a good option
- 17 for this archdiocese?
- 18 **A. Yes, I'm -- and I believe the archdiocese has**
- 19 **gone through a process similar to that.**
- 20 **Q.** And why did you consider that to be, then, a
- 21 good option?
- 22 **A. Because questions had been raised and because**
- 23 **every child counts. And if that -- if there**
- 24 **had been something that had been missed, it**
- 25 **needs to be found and it needs to be corrected**

- 1 **and people need to be held accountable.**
- 2 **Q.** And what was the archbishop's response to that
- 3 suggestion?
- 4 **A. Again, when I first brought it to the**
- 5 **archbishop, I think it was him downloading or**
- 6 **listening to the options that I had provided.**
- 7 **Q.** Were you aware at that time that the
- 8 archbishop had been resisting efforts made by
- 9 us to disclose names of offenders as well as
- 10 files pertaining to offenders in the
- 11 archdiocese?
- 12 **A. I'm sorry, I was distracted. Could you repeat**
- 13 **that question?**
- 14 **Q.** That's okay. Were you aware at the time that
- 15 you made this suggestion or option that the
- 16 archbishop, Nienstedt, had been resisting
- 17 efforts by us to disgorge that information and
- 18 create a process where files would be turned
- 19 over to law enforcement?
- 20 **A. I -- I'm aware that certainly requests had**
- 21 **been made for that to take place. I was**
- 22 **aware.**
- 23 **Q.** Okay. And anything else you recall saying
- 24 about that topic or Archbishop Nienstedt
- 25 responding specifically to that topic today

- 1 that you haven't described?
- 2 **A. Not that I can recall.**
- 3 **Q.** Did he say that, "That's something I would
- 4 consider," or did he suggest that to you by
- 5 body language or verbally that was something
- 6 he would not consider?
- 7 **A. Once again, he was in a listening mode. And I**
- 8 **found in general when I spoke to the**
- 9 **archbishop it was best to bring something to**
- 10 **him once, let him absorb it and come back to**
- 11 **-- to find out how we were gonna move forward.**
- 12 **Q.** I think, then, the third thing that you
- 13 mentioned is formulation of a task force.
- 14 **A. (Nods head).**
- 15 **Q.** Tell us what you said to him about that first.
- 16 **A. I believe I said to the archbishop, "I think**
- 17 **an awful lot of good work has been done in the**
- 18 **last few years and -- but we need an outside**
- 19 **group to assess whether that's good work and**
- 20 **whether anything has been missed and what more**
- 21 **could be done."**
- 22 **Q.** Did he ask you why do you think -- "Why do you
- 23 think that, Father, as my vicar general?"
- 24 **A. No. He didn't ask that question of me. It**
- 25 **would be my standard approach to want**

- 1 **transparency and want others to help us be the**
- 2 **best we could be.**
- 3 **Q.** And can -- and on your suggestion that we,
- 4 that is, the archdiocese, need an outside task
- 5 force, how did you read his response to that?
- 6 What did he say or do?
- 7 **A. There was no verbal response in that first --**
- 8 **I presume we're still speaking about that**
- 9 **first time.**
- 10 **Q.** Yes. Okay. And what other discussion was had
- 11 and any other suggestions made at that first
- 12 meeting that you haven't already described?
- 13 **A. I think I outlined some themes that it would**
- 14 **be necessary in any sort of public response by**
- 15 **the archdiocese.**
- 16 **Q.** What did you say?
- 17 **A. Well, first and foremost, that we take these**
- 18 **reports very seriously because the protection**
- 19 **of children is the highest priority for the**
- 20 **church, having safe environments, and I think**
- 21 **the record demonstrates that a lot of training**
- 22 **has been done in that area and a lot of**
- 23 **wonderful things have taken place, but it's**
- 24 **the first sort of priority. And so we're not**
- 25 **going to brush off these questions or**

1 concerns, we should engage them, so that --
2 that would be the first kind of blush at that
3 effort.

4 **I think secondly, I encouraged the**
5 **archbishop to be proactive in terms of telling**
6 **the good work that had been done with Andy --**
7 **Andy Eisenzimmer and Jennifer Haselberger and**
8 **a working group that had been in existence for**
9 **a year-and-a-half about updating everything**
10 **related to priest misconduct. You know, there**
11 **may have been one or two other sort of things,**
12 **but those would be -- and certainly that we**
13 **would want anyone who's been affected in this**
14 **way to come forward.**

15 Q. In this fourth option or suggestion that
16 you're making, did you suggest that the
17 archdiocese be more truthful and transparent
18 in acknowledging the mistakes that had been
19 made?

20 A. **I wouldn't characterize it as more transparent**
21 **and truthful, just to continue to be**
22 **transparent and truthful. I can't**
23 **characterize what had been done prior to me**
24 **coming, but I think sunlight is a good thing**
25 **and I think the archbishop and certainly the**

1 others, Andy and Jennifer, would agree.

2 Q. Anything else that you put to him by way of
3 options at that first meeting that you have
4 not already described?

5 A. **Not that I can recall.**

6 Q. And did you ever notice if Archbishop
7 Nienstedt made any notes of anything that you
8 had told him at that time?

9 A. **No. He -- he was just listening.**

10 Q. And how did the meeting, then, conclude and --
11 just how did the meeting conclude then?

12 A. **That we're certainly gonna need to make a**
13 **statement and -- on this issue and I'm gonna**
14 **work with communications to prepare a**
15 **statement.**

16 Q. And at that time did you put to him your
17 resignation or just his?

18 A. **I -- I believe I just talked about options**
19 **that leadership needed to continue -- to**
20 **consider.**

21 Q. And he was the top leader, so that's where you
22 felt the accountability ultimately rests?

23 A. **Well, I believe I had accountability as well.**

24 Q. If I'm hearing you correctly, however, you did
25 not offer your resignation at that meeting,

1 correct?

2 A. **Not at that meeting.**

3 Q. Okay. And as you concluded the meeting, was
4 there a follow-up plan discussed about where
5 that conversation would go or a suggestion
6 that it needed to end there or it needed to be
7 followed up or anything like that?

8 A. **I think there was the understanding that we**
9 **would be following up, if only because I would**
10 **be bringing that communication draft to the**
11 **archbishop, but also as an -- as an operations**
12 **person, we're gonna have to execute a plan and**
13 **so I would be coming back to the archbishop.**

14 Q. So it sounds like there was a verbal or -- and
15 nonverbal consensus between you that something
16 would be done and these were options that you
17 put to him to be done and that something would
18 be communicated about what would be done, is
19 that a fair characterization?

20 A. **Yes.**

21 Q. Could we call that an action plan to be
22 descriptive or what would you call it, Father?

23 A. **An initial conversation to set out options.**

24 Q. Okay.

25 A. **That would be followed up on.**

1 Q. Fair enough. Before you had this initial
2 conversation -- anything else described by you
3 or he at that meeting that we haven't -- that
4 you haven't recounted?

5 A. **Not that I recall.**

6 Q. Before you had this initial conversation to
7 set out options, did you discuss with any of
8 your colleagues, other officials or anybody
9 the fact that you were going to the archbishop
10 to have an initial conversation to set out
11 options about dealing with these issues?

12 A. **Not that I recall.**

13 Q. So what action -- after you had the meeting,
14 then, did you share the fact that you had such
15 a meeting and set forth these options with
16 anybody?

17 A. **I believe my next step was to follow up with**
18 **communications staff to frame a draft. I**
19 **don't recall if I shared with them all of**
20 **those options because our first communication**
21 **was simply going to be a communication about**
22 **the fact that questions had been raised.**

23 Q. Was this meeting on the heels of a large MPR
24 report that had just been made?

25 A. **I believe it -- I believe it was, yes.**

1 MR. KYLE: And just for the record,
2 are you referring to the meeting with the
3 archbishop or the meeting with communications?

4 MR. ANDERSON: The meeting with the
5 archbishop.

6 BY MR. ANDERSON:

7 Q. Does your answer stand?

8 A. Yes.

9 Q. Okay. The meeting with the communications
10 staff, who on the communications staff did you
11 meet and discuss this topic with?

12 A. **I would have met with our communications
13 director at the time, Sarah Mealy, and I asked
14 her to begin to prepare a draft responding to
15 the news that had been in the media.**

16 Q. Did you give her direction as to content?

17 A. **Only with respect to those themes for an
18 initial conversation.**

19 Q. What did you say to her?

20 A. **That the protection of children is a very high
21 priority -- is the highest priority for the
22 archdiocese, that these reports raised
23 questions that will need to be responded to
24 and that the archdiocese is committed to
25 accountability and continuing to develop best**

1 **practices and innovation. Again, for me the
2 standard was, how can we constantly improve?**

3 Q. Did you discuss it with anybody else besides
4 Sarah Mealy in communications?

5 A. **You know, I -- no. I think at that time that
6 was it. I may have briefly had a conversation
7 with Bishop Piche, but in those fast-moving
8 events, the first thing is, is let's get a
9 response. I may have also spoke to Andy
10 Eisenzimmer.**

11 Q. And what did you say to Bishop Piche?

12 A. **Again, I don't recall exactly. My -- my state
13 of mind or those questions, there's -- there
14 -- there are questions that we need to respond
15 to.**

16 Q. And did you tell him that you had actually
17 laid out options for the archbishop?

18 A. **You know, I don't recall whether I did at that
19 time.**

20 Q. And Andy Eisenzimmer, did you speak to him
21 about the same time you spoke to Bishop Piche
22 and the communications staff?

23 A. **Excuse me. It would not have been Andy
24 Eisenzimmer at that time because he was no
25 longer in the organization. It would have**

1 **been Joe Kueppers. Sorry.**

2 Q. Sure. What did you say to Joe Kueppers?

3 A. **Just that these questions had been raised and
4 that we need to respond to them.**

5 Q. What was his response?

6 A. **I think he agreed.**

7 Q. And what was then done responsive to the
8 meeting and the follow-up that you've already
9 described? What happened?

10 A. **Could you -- I'm sorry, could --**

11 Q. After the initial meeting with the archbishop,
12 you met and discussed it with Sarah Mealy,
13 made mention to Bishop Piche and to Joe
14 Kueppers. What additional -- what happened
15 from there responsive to the meeting that had
16 been had and what was being done concerning
17 the issue?

18 A. **That's a long question. What -- what I
19 would --**

20 Q. Yeah. What did you do?

21 A. **What -- what I did was asked for as soon as
22 possible a draft, so after that to ask as soon
23 as possible for a draft that could be taken
24 back to the archbishop.**

25 Q. Okay. Did you receive such a draft?

1 A. **Yeah, I believe there had been some effort put
2 together that -- that we could take to the
3 archbishop.**

4 Q. And is that -- was that draft a plan or a
5 communication -- a public -- a public -- a PR
6 release?

7 A. **That was a statement.**

8 Q. A PR release?

9 A. **Yes.**

10 Q. Was that draft adopted and released to the
11 public in its original form?

12 A. **I don't believe so.**

13 Q. Okay. What did the -- what was the gist of
14 the initial draft first brought forward?

15 A. **When was the draft first --**

16 Q. What was the gist of it, yeah. Do you know
17 when that draft was --

18 A. **The gist -- well, my recollection would be
19 that whether the archbishop would be making
20 statements in that initial release or whether
21 the archdiocese would be speaking as a
22 corporate person.**

23 Q. And do you know which way -- what was the
24 tension between the two and why was those two
25 options being considered, one versus the

1 other, whether Nienstedt should make the
2 statement or the arch --

3 **A. Well, he's -- he's the leader of our**
4 **organization and I think it's important to be,**
5 **you know, demonstrating that. I also recall**
6 **that there are -- there were questions about**
7 **assignments or -- and so is a bishop who has**
8 **that responsibility going to speak in his own**
9 **voice?**

10 **Q.** Were you urging him to come out personally on
11 this issue strongly?

12 **A. I was presenting options and -- and -- and,**
13 **yes, I -- I -- I think that a direct response**
14 **from the leader of the organization would be**
15 **the best approach.**

16 **Q.** And was there anybody among the top advisors
17 urging against him making statements on his
18 own behalf in the first person?

19 **A. I don't recall at the time, no.**

20 **Q.** And the ultimate draft that was re -- and the
21 ultimate release that was made to the public,
22 was it in the first person by the archbishop
23 or on behalf of the corporate entity?

24 **A. I think it was more of a corporate entity**
25 **response.**

1 **Q.** Did you agree with that?

2 **A. Again, my role was to present options and to**
3 **offer them, you know.**

4 **Q.** It was actually the archbishop's call to make,
5 wasn't it, his decision?

6 **A. That's right.**

7 **Q.** Do you know how long after the MPR story that
8 you referred to broke that this public
9 relations or public statement was actually
10 released?

11 **A. You know, I would imagine -- I would -- I**
12 **don't recollect for certain. I would imagine**
13 **within the first 24 hours.**

14 **Q.** Okay.

15 **A. If I recall, we had been notified five hours**
16 **before it was gonna be released by MPR or**
17 **something and so we needed to get a response.**

18 **Q.** Had you been interviewed by MPR --

19 **A. No.**

20 **Q.** -- to that point? Who else was engaged in
21 formulating the response to the MPR story
22 and/or the preparation of the draft besides
23 yourself and the -- and I think the
24 communications person you identified?

25 **A. I'm not sure when the -- the -- the MPR story**

1 **was. I think it was at the end of September.**
2 **But that first draft, it would have been --**
3 **and I think it was certainly Sarah Mealy, it**
4 **may have been shown to Joe Kueppers, the**
5 **archbishop, it may have been shown to Bishop**
6 **Piche as well.**

7 **Q.** There is an MPR story that I'll show you later
8 as an exhibit that's entitled "Archdiocese
9 Knew of Priest's Sexual Misbehavior, Yet Kept
10 Him in Ministry," by Madeleine Baran, dated
11 September 23rd, 2013. Does that sound like
12 the MPR story you're talking about?

13 **A. That -- I believe so.**

14 **Q.** Okay. After the statement went out -- on the
15 approval of the archbishop, I presume,
16 correct?

17 **A. Correct.**

18 **Q.** -- am I hearing you correctly that you had a
19 second meeting with the archbishop where
20 options were laid out somewhat like the first
21 you already discussed?

22 **A. Yes.**

23 **Q.** And so if we tag the MPR story as September
24 23rd, as it's dated in the exhibit --

25 **A. Is that a Friday?**

1 **Q.** I -- I don't have that immediately available,
2 but I'll just show you --

3 MR. FINNEGAN: Here, I can get it,
4 Jeff.

5 BY MR. ANDERSON:

6 **Q.** Yeah, we can pull it out, but I'm just showing
7 you the first page of the printed version
8 where it shows that Curtis Wehmeyer's eight
9 years in a St. Paul parish, looks like Blessed
10 Sacrament or something, I don't know. Does
11 that look like the story?

12 **A. You know, I don't -- I -- I can't say that**
13 **that's the story. There -- there was**
14 **certainly a story that Father McDonough had**
15 **been interviewed on briefly and, again, I**
16 **thought it was essential for us to be**
17 **proactive in responding to it.**

18 **Q.** All right. Why don't we just mark the
19 exhibit, show it to you and see if that
20 refreshes your memory if this is the story
21 you're referring to. We've marked this
22 Exhibit Number --

23 MR. ANDERSON: What is it?
24 MR. FINNEGAN: 189.
25 BY MR. ANDERSON:

- 1 Q. -- 189, Father, for identification, and it's a
2 printed version of a story dated, it looks
3 like, September 23rd. At the second page
4 there's a picture of Father McDonough.
- 5 A. **Yeah, I think this is -- this is -- if this is
6 the first MPR story, this is -- this would be
7 the story.**
- 8 Q. Okay. The initial meeting that you had with
9 Archbishop Nienstedt that I walked you through
10 in some detail, was that meeting before or
11 after this MPR story broke?
- 12 A. **It was -- it was after.**
- 13 Q. Okay.
- 14 A. **And -- it was after.**
- 15 Q. Okay.
- 16 A. **If -- if I can correct something, I -- what I
17 would say is that I probably brought this to
18 the archbishop's attention first to say,
19 "We're gonna have to respond to it." So the
20 meeting that we discussed would have happened
21 sometime after that.**
- 22 Q. Okay. And you did get a heads-up from MPR, it
23 sounds like, that they were running a story,
24 but you didn't know what was gonna be in it,
25 is that -- or did you know what was gonna be

- 1 in it?
- 2 A. **You know, I believe MPR gave us the courtesy
3 of knowing about it five hours before they
4 were going to run it --**
- 5 Q. Oh.
- 6 A. **-- and -- and asked for some statement.**
- 7 Q. Okay. Do you know if a statement was issued
8 within that five hours before they ran it or
9 not?
- 10 A. **I -- I believe Father McDonough was
11 interviewed.**
- 12 Q. Okay. So let's turn, then, if -- we now know
13 that you met -- you had the initial meeting
14 with Archbishop Nienstedt after the September
15 23rd MPR story broke and you made a reference
16 to a second meeting with him where options
17 were either laid out or discussed, is that
18 correct?
- 19 A. **Yes. And just to be clear, knowing whether it
20 happened on a Friday -- you know, whether this
21 was a Friday or what time it would have been
22 would be helpful because, obviously, there
23 would be time that would take place. And so
24 we got news of this story, my first
25 communication with the archbishop is, "We're**

- 1 **gonna have to respond. We're gonna prepare a
2 draft and get it back to you." That meeting
3 we talked -- or I talked about four options
4 would have happened well -- well, not well
5 after, but after this initial story.**
- 6 Q. We're looking to see what date that is --
- 7 A. **Sure.**
- 8 Q. -- so I can kind of anchor that for you --
- 9 A. **Sure.**
- 10 Q. -- if that helps.
- 11 A. **Thank you.**
- 12 Q. How long would you estimate your second
13 meeting with the archbishop concerning options
14 was had after the first one you have described
15 to us?
- 16 A. **You know, again, knowing the timeline there
17 would be very helpful. I believe that --**
18 (Discussion out of the hearing of
19 the court reporter)
20 BY MR. ANDERSON:
21 Q. I've just whispered -- Mike Finnegan just
22 whispered to me that the 23rd of September was
23 a Monday.
- 24 A. **So, great. I believe we got, then, a call on
25 Friday from MPR saying they were gonna run the**

- 1 **story. Father McDonough was graciously
2 available to speak to them. It would have
3 been great to have had more time to speak to
4 MPR, but we had those few hours. The story
5 ran on Monday. I believe that on Friday I
6 would have spoke to the archbishop saying,
7 "We're gonna need to response to a story.
8 I'll get you a draft." I think we had a draft
9 for him on Monday morning. After that I would
10 have had the larger conversation about
11 options.**
- 12 Q. Okay. And days after, hours of after, a week?
- 13 A. **You know, I think there's a lot of movement
14 during that time. It was certainly within the
15 next 24 or 36 hours.**
- 16 Q. Fair enough. And within that time frame,
17 then, as you've just described it, I want to
18 direct your attention to the meeting with
19 Archbishop Nienstedt where options are now
20 being discussed for the second time. The news
21 has broken and the archdiocese has issued some
22 statement, all those things have happened,
23 correct?
- 24 A. **Correct.**
- 25 Q. Okay. This second meeting, then, was held

1 where?

2 **A. You know, I believe the second meeting would**

3 **have been in my office.**

4 **Q.** And was it something that the archbishop

5 convened or something that you had requested?

6 How did it come about? What was the

7 precipitating factor for it?

8 **A. I think the precipitating factor for it was my**

9 **saying to him that I would be resigning.**

10 **Q.** Tell me about that. When did you say that to

11 him first?

12 **A. You know, I don't recall. I think it -- the**

13 **-- I think I just communicated that I would be**

14 **resigning, not that I was thinking of**

15 **resigning. In that first meeting where we**

16 **talked about options, I talked about**

17 **leadership thinking about this as an option.**

18 **You know, certainly over the course of that**

19 **time, and I would imagine it was within a**

20 **week, you know, I came to the conclusion that**

21 **we needed -- personally I came to the**

22 **conclusion that we needed to do more to**

23 **respond to what was going on and -- and so I**

24 **let the archbishop know that I would be**

25 **resigning.**

1 **Q.** Was that a face-to-face?

2 **A. Yes. And it was in that context that I re-**

3 **again -- I again set out options.**

4 **Q.** Was that in the second meeting, then, that we

5 had just begun to --

6 **A. Exactly.**

7 **Q.** Okay.

8 **A. So this would have been the --**

9 **Q.** So let's direct our joint attention to that

10 second meeting then.

11 (Discussion out of the hearing of

12 the court reporter)

13 BY MR. ANDERSON:

14 **Q.** And directing our attention to that second

15 meeting shortly after the story has now

16 broken, you've expressed to us that you said

17 you would be resigning and you expressed that

18 to the archbishop, is that correct?

19 **A. Correct.**

20 **Q.** Before you expressed that to him, had you

21 received any information from him or anybody

22 else suggesting that you should resign?

23 **A. No one ordered me to resign. I was thinking**

24 **about what I and the organization needed to**

25 **do.**

1 **Q.** When you expressed to the archbishop that you

2 would resign, did you formulate that decision

3 because you felt you had done something worse

4 or been the one more responsible than anybody

5 else for the problems presented?

6 **A. No.**

7 **Q.** Well, then, why did you take the hit?

8 **A. I wouldn't describe it as a hit. I'd describe**

9 **it as -- as a step that I thought needed to be**

10 **taken to demonstrate to our various**

11 **constituents, especially people who have been**

12 **abused by priests, I've known people who have**

13 **experienced that in their life, not -- by**

14 **priests and others, and -- and that the most**

15 **important thing was going to be able to move**

16 **forward in a way that would be transparent and**

17 **that would be accountable. So that was my own**

18 **thinking.**

19 **Q.** It sounds to me, Father, like it was a -- it

20 was a decision made of your conscience, your

21 own conscience?

22 **A. Well, certainly I think that was involved.**

23 **Q.** And it sounds like you felt that somebody

24 doing what you proposed you were going to do,

25 resigning, would be a powerful message sent to

1 the community that there was going to be more

2 accountability --

3 **A. Yes.**

4 **Q.** -- is that fair?

5 MR. KINSELLA: Excuse me, off the

6 video record to change tapes.

7 MR. ANDERSON: Let's take a break.

8 (Recess taken)

9 MR. KINSELLA: Back on the video

10 record, 10:44 a.m.

11 BY MR. ANDERSON:

12 **Q.** So let's direct your attention, Father, to

13 that second meeting with the archbishop. I

14 think you said that was in your office.

15 Anybody else in attendance?

16 **A. No.**

17 **Q.** And how long was the first meeting, by the

18 way -- I never asked -- would you estimate?

19 Just --

20 **A. It was an informational meeting, five minutes.**

21 **Q.** Okay. Let's talk about the second meeting.

22 How long was that?

23 (Discussion out of the hearing of

24 the court reporter)

25 BY MR. ANDERSON:

- 1 Q. How long was the second meeting, would you
2 say?
- 3 A. **You know, I would imagine it was a similar
4 length.**
- 5 Q. Any other conversations with Archbishop
6 Nienstedt or communications with him directly
7 between the first and second meeting that
8 we've identified?
- 9 A. **Sure. You know, just communicating with him
10 about developments or other sorts of things.**
- 11 Q. At that time, was most of your communication
12 with him verbal, face-to-face, telephonic,
13 e-mail or what?
- 14 A. **Most of my information or communication with
15 the archbishop, certainly during this time,
16 would have been face-to-face. I needed to --
17 the urgency of the situation and -- and -- and
18 just that engagement, personal engagement was
19 important.**
- 20 Q. At that time there wasn't notes being taken by
21 him or memos being prepared by you, as I look
22 at the records I've seen. Is that correct?
- 23 A. **That's correct.**
- 24 Q. And was there like a decision made that it
25 would be best not to take notes and put these

- 1 things in memo form --
- 2 A. **No.**
- 3 Q. -- or any discussion of that?
- 4 A. **I think it was a fast-moving, fluid situation
5 where we wanted to be as proactive as we could
6 be.**
- 7 Q. Do you have any recollection of Archbishop
8 Nienstedt ever telling you or having
9 discussions with any of the top officials,
10 such as Kevin McDonough or others, that at
11 that time it might be best not to put certain
12 things in writing because there was a
13 likelihood that we might get that in
14 litigation --
- 15 A. **No.**
- 16 Q. -- or discovery? Any discussion of that at
17 all ever --
- 18 A. **No.**
- 19 Q. -- that you recall?
- 20 A. **No.**
- 21 Q. So the second meeting, then, is -- why don't
22 you describe for us how it began and what was
23 said?
- 24 A. **I think it was within the -- well, I think it
25 was within the context of me communicating**

- 1 **that I would be resigning. And so this would
2 have been probably at the end of the week, you
3 know, there had -- there had obviously been
4 points of contact in between, keeping the
5 archbishop up to date on events or things that
6 were happening, but this would be toward the
7 end of the week or the first part of that very
8 next week.**
- 9 Q. When you made the decision, how long before
10 that meeting had you actually made the
11 decision you were going to resign for the
12 reasons I think you suggested?
- 13 A. **Well, I certainly had been contemplating about
14 -- contemplating it, you know, for several
15 days, again, about the response that would be
16 appropriate, and so it would be several days
17 that I was thinking about it.**
- 18 Q. Did you seek the counsel of anybody else or
19 advise anybody else in the archdiocese that
20 you were considering it or had made the
21 decision to resign before you met with the
22 archbishop and told him?
- 23 A. **No. I didn't see it necessary to speak to
24 other people in the organization about my
25 decision prior to communicating that to the**

- 1 **archbishop.**
- 2 Q. So tell us about the meeting then. What was
3 said and by whom?
- 4 A. **If I recall, I communicated that I would be
5 resigning and then, again, looking -- walking
6 through those options that I had previously
7 mentioned, and so that was what I had said at
8 that -- at that meeting.**
- 9 Q. I'd like you to instead of referring back to
10 what was said before, tell us as best you can
11 what was said in the meeting by you to the
12 archbishop, him in response to whatever you
13 said to him in the second meeting. Just
14 reconstruct it as best you can.
- 15 A. **It had become clear and apparent to me that
16 this was going to be -- how the archdiocese
17 responded to this situation was going to be a
18 defining moment for the archdiocese. And not
19 because there had ever been an effort to do
20 anything criminal or -- in fact, I think that
21 a lot of good work had been done over the last
22 three years. But this renews those worries
23 and concerns and most especially among the
24 people who have been victimized. And -- and
25 so you can't get more important or more**

- 1 **serious than the events that the archdiocese**
 2 **was dealing with. So that would have been my**
 3 **sort of sense.**
 4 **Q.** And are those the kinds of words you
 5 communicated to Archbishop Nienstedt in the
 6 second meeting --
 7 **A. Yeah.**
 8 **Q.** -- or your thought process or both?
 9 **A. Yeah, I mean, I think I either at that point**
 10 **in time or in a conversation in between those**
 11 **first meetings and that second meeting**
 12 **clarifying, again, not that I had thought just**
 13 **in light of the situation that this is very**
 14 **important about how we respond to it. It will**
 15 **demonstrate our credibility and our, you know,**
 16 **accountability.**
 17 **Q.** What was the archbishop's response to your
 18 expression of the decision that you had made
 19 to resign?
 20 **A. I -- his first was to ask me to reconsider.**
 21 **Q.** Why did he want you to reconsider?
 22 **A. I don't know.**
 23 **Q.** He expressed to you, then, it wasn't necessary
 24 for you to do that in his view because he
 25 asked you to reconsider it, correct?

- 1 **A. Again, I don't know why, but he certainly**
 2 **asked me to reconsider. And I -- I hope it**
 3 **was because he appreciated my counsel, but I**
 4 **can't speak to why he --**
 5 **Q.** Tell us what he said when he -- and how he
 6 said it when he asked you to reconsider. What
 7 words did he use?
 8 **A. "This is not the time," I think there was a**
 9 **reference to this. Beyond that, to be**
 10 **entirely honest, there was so much kind of**
 11 **going on and I had come to a decision, there's**
 12 **not a lot of his response to me that I recall.**
 13 **Q.** Okay. Was this an emotional meeting for you?
 14 **A. It was a peaceful meeting, I mean, in the**
 15 **sense of I had come to the conclusion this was**
 16 **the right course of action, so I suppose peace**
 17 **is an emotion of sorts, so that -- that would**
 18 **be my disposition, I think.**
 19 **Q.** At the time you made the decision and
 20 expressed to the archbishop that you intended
 21 to resign, did you consider what that meant
 22 for your own career in the priesthood?
 23 **A. I'm -- I've never been concerned about my**
 24 **career in the priesthood. It wasn't part of**
 25 **my thinking.**

- 1 **Q.** And when the archbishop expressed to you that
 2 he wanted you to reconsider and this wasn't
 3 the time, what did he say about why this
 4 wasn't the time and, if so, when would be the
 5 time, if there was?
 6 **A. He didn't venture, to my recollection, any**
 7 **suggestion about when would be the right time.**
 8 **Q.** Did he suggest to you that that was rash, it
 9 was unnecessary, that it was, you know,
 10 anything like that, try to talk you out of it?
 11 **A. Again, apart from the archbishop communicating**
 12 **to me that now wasn't the time, I -- you know,**
 13 **I don't --**
 14 (Discussion out of the hearing of
 15 the court reporter)
 16 BY MR. ANDERSON:
 17 **Q.** Did he say to you that it might look bad and
 18 the perception or the optics, you know, public
 19 relations-wise could be negatively
 20 interpreted?
 21 **A. I don't recall the archbishop speaking about**
 22 **that at all.**
 23 **Q.** Was it your belief that the archdiocese public
 24 relations would be improved by your
 25 resignation or be in some way diminished?

- 1 **A. I don't think I was thinking in terms of**
 2 **public relations. I was thinking in terms of**
 3 **how we're all accountable and that the most**
 4 **important thing is re-establishing trust and**
 5 **having this ability to have people looking**
 6 **over our shoulder and saying either you did do**
 7 **good work or you didn't do good work and**
 8 **here's what needs to be improved about that**
 9 **work. And since I had worked with Jennifer**
 10 **and Andy on a lot of that good work, I think**
 11 **it was time to get an independent outside**
 12 **person to look at it and as a leader in the**
 13 **organization, I wanted to signal, especially**
 14 **to victims, that -- that this is taken**
 15 **seriously.**
 16 **Q.** Had the archbishop communicated -- before you
 17 communicated your decision to resign, had the
 18 archbishop communicated to you that he was not
 19 going to follow one of the options that you
 20 had posited to him earlier that he resign, in
 21 other words, he had made a decision he wasn't
 22 gonna resign?
 23 **A. No. We never had that conversation.**
 24 **Q.** Anything else said in the meeting, the second
 25 meeting where you did tell the archbishop that

- 1 you had made the decision to resign that
2 hasn't been described?
- 3 **A. Just restated those options, you know, and**
4 **here's what I think needs to happen next and**
5 **that I would be following up with at that --**
6 **at that time the civil counsel to let them**
7 **know about what next steps I thought were**
8 **important for the organization to take.**
- 9 **Q.** And when you say "the civil counsel," are you
10 referring to --
- 11 **A. Joe Kueppers, chancellor, civil chancellor.**
- 12 **Q.** Chancellor for civil affairs?
- 13 **A. Correct.**
- 14 **Q.** How long after that meeting did you actually
15 announce your resignation?
- 16 **A. You know, I think it was with -- it's not my**
17 **job to announce my resignation. I think that**
18 **took place that same day as that conversation.**
- 19 **Q.** And there was some -- a public statement, I
20 trust, released by the archdiocese concerning
21 your resignation, correct?
- 22 **A. I believe there was.**
- 23 **Q.** Did you approve or read it before it was
24 released?
- 25 **A. I -- I believe I was invited to offer a**

- 1 **suggestion.**
- 2 **Q.** And were your suggestions heeded?
- 3 **A. You know, I -- I -- I presume so, but I don't**
4 **recall.**
- 5 **Q.** So as you look back at it, was there anything
6 in it that you saw to be objectionable or
7 misleading or did you effectively say, "It's
8 okay"?
- 9 **A. Yeah, again, I don't recall.**
- 10 **Q.** Okay.
- 11 **A. Didn't spend a lot -- the decision had been**
12 **made, it's not my job to communicate it.**
- 13 **Q.** So after you told the archbishop, who -- is
14 Joe Kueppers, then, the next person you
15 discussed your resignation with?
- 16 **A. You know, I think I may have mentioned it to**
17 **Joe, but, again, the more -- the larger**
18 **priority for me at the time was here are some**
19 **action steps that I think are really**
20 **important.**
- 21 **Q.** And those steps were?
- 22 **A. That there be a -- a review of the files; that**
23 **the archdiocese find someone to review those**
24 **files in a way that can be transparent; that**
25 **there be a task force to review what's going**

- 1 **on and that -- I think those were the two**
2 **primary things that I had mentioned to Joe at**
3 **the time.**
- 4 **Q.** Sounds a lot like the same options you put to
5 the archbishop in that first meeting we
6 described in some detail.
- 7 **A. Yeah, I believe very close to those, yeah.**
- 8 **Q.** And was your resignation effective
9 immediately?
- 10 **A. It was.**
- 11 **Q.** Have you been in ministry since then?
- 12 **A. Well, I -- I still retain the faculties and**
13 **the good standing of the archdiocese, sure.**
- 14 **Q.** What have you been doing then since?
- 15 **A. As I mentioned, I -- I -- I mean, it was from**
16 **golf, but tore my rotator cuff, so I've been**
17 **doing a lot of physical therapy and using some**
18 **time to reflect. And -- and then, as I said,**
19 **aware that the assignment process begins again**
20 **in June, that's the way -- the way that 90**
21 **percent, 95 percent of the assignments are**
22 **made, that that would be the next time to**
23 **engage that process.**
- 24 **Q.** You could have requested another assignment,
25 you could have resigned as attorney -- as

- 1 vicar general and requested another
2 assignment, could you not have?
- 3 **A. Yeah, and in those early days, I had done some**
4 **work at -- there was a parish Father Huberty**
5 **was at that I had gone and -- and done it,**
6 **but, you know, I think there was a cloud and I**
7 **-- I just think it's important that, again, I**
8 **was very confident and very proud of the work**
9 **that we were able to do, but until such time**
10 **as there's clarity, I -- I think the people**
11 **have a right to have that clarity and this was**
12 **gonna be something that would take time.**
- 13 **Q.** In the statement that was released, do you
14 know if it expressed to the public that the
15 archbishop had made the decision or you had
16 made the decision --
- 17 **A. I don't --**
- 18 **Q.** -- for your resignation?
- 19 **A. -- recall. But the archbishop at no time**
20 **asked for me to resign.**
- 21 **Q.** Is it, then, your choice to have not requested
22 to be re-assigned in active ministry from the
23 point of your resignation to today?
- 24 **A. You know, as I mentioned, in the**
25 **conversations, I am well aware that the main**

- 1 **assignment time is in June. I was probably**
 2 **spending two-and-a-half hours a day in**
 3 **physical therapy, either with the therapist or**
 4 **on my own. And it was something that happened**
 5 **over Labor Day and I neglected it and it just**
 6 **got to the point where I needed to address it.**
 7 **Q.** When you told Archbishop Nienstedt you had
 8 made the decision to resign in that second
 9 meeting, what was his reaction?
 10 **A.** **I believe I stated, his first was, "This isn't**
 11 **the time."**
 12 **Q.** And then what?
 13 **A.** **I'm not so sure there was any further -- I was**
 14 **at peace, I had made the decision. This**
 15 **wasn't a conversation. It was a**
 16 **communication.**
 17 **Q.** Was there any expression of emotion around it
 18 by him to you or you to him?
 19 **A.** **Not that I recall.**
 20 **Q.** It's kind of a big deal. How did you feel
 21 emotionally about it?
 22 **A.** **Just that this is what I thought was important**
 23 **to do for the good of the organization and I**
 24 **had come to that conclusion personally.**
 25 **Q.** You felt that way in your heart, didn't you?

- 1 **A.** **I -- I -- I thought that way and -- and was at**
 2 **peace about that decision.**
 3 **Q.** Well, sometimes our heart makes us feel some
 4 things and our head makes us think some
 5 things. And it's kind of a concrete analysis,
 6 but is this a decision that came from your
 7 heart or from your head?
 8 **A.** **I think this -- hopefully it was an integrated**
 9 **decision of my head and my heart.**
 10 **Q.** Which one led?
 11 **A.** **I -- I think about it as a decision of my head**
 12 **and my heart.**
 13 **Q.** Okay. Fair enough. You had made mention that
 14 Andy Eisenzimmer and Jennifer Haselberger --
 15 Andy Eisenzimmer had been the chancellor
 16 preceding Joe Kueppers and Jennifer
 17 Haselberger the chancellor for canon affairs,
 18 who had been doing some work with you, had
 19 been doing some good work. At the time of
 20 your resignation, had you -- had you believed
 21 that Jennifer Haselberger had been doing good
 22 work?
 23 **A.** **Yeah, I think Jennifer Haselberger did an**
 24 **awful lot of good work in the organization. I**
 25 **had disagreements with her from time to time,**

- 1 **as I had with others in the organization, but**
 2 **I think she's very bright and -- and certainly**
 3 **sought to make sure that we were following**
 4 **canon law.**
 5 **Q.** And did you request her resignation?
 6 **A.** **No.**
 7 **Q.** Who did?
 8 **A.** **No one. I believe Jennifer -- well, Jennifer**
 9 **decided to retire -- resign on her own terms.**
 10 **Q.** When was that?
 11 **A.** **You know, I think it was sometime -- again,**
 12 **forgive me for not knowing exactly -- Aprilish**
 13 **of 2013, maybe May. But mid- to late April,**
 14 **early May.**
 15 **Q.** How did you learn -- did you ever suspend her?
 16 **A.** **I did suspend her based upon our own internal**
 17 **policies called justice in employment because**
 18 **an employee had filed a grievance. And I had**
 19 **asked Jennifer -- I had made no judgment about**
 20 **the grievance of that individual, but our**
 21 **policy requires fact-finding. I had asked**
 22 **Jennifer to respond in writing to the concern**
 23 **and Jennifer refused.**
 24 **Q.** And when did you suspend her?
 25 **A.** **That would have been sometime around December**

- 1 **of '12 and then she was reinstated, but**
 2 **obviously now we had a -- a work conflict that**
 3 **we needed -- between her and another employee**
 4 **that needed to be addressed.**
 5 **Q.** Did the other employee, did that pertain to
 6 matters related to sexual abuse and the
 7 handling of it?
 8 **A.** **No. It pertained to staffs' in totally**
 9 **separate fields sense of the way that Jennifer**
 10 **would engage them with work and -- am I able**
 11 **to speak concretely?**
 12 **MR. KYLE:** You can if there's a
 13 question before you.
 14 **A.** **Yeah, so --**
 15 **BY MR. ANDERSON:**
 16 **Q.** What did it pertain to then?
 17 **A.** **It pertained to the fact that Jennifer did not**
 18 **want to work with some individuals in -- on**
 19 **the staff and this person.**
 20 **Q.** What reason was given for not wanting to?
 21 **A.** **I think Jennifer found -- found that work to**
 22 **be tiresome.**
 23 **Q.** Anything else that you're aware of?
 24 **A.** **No. As I said, at that point in time I was**
 25 **simply doing fact-finding.**

- 1 **Q.** Did it have anything to do with how officials
2 were handling sexual abuse or suspicions of it
3 by priests and her concerns about that?
4 **A. No. In fact, I gave Jennifer fact-finding**
5 **responsibilities around priest misconduct even**
6 **up until March of 2013, or April, which would**
7 **have been, you know, within weeks of her**
8 **voluntary resignation.**
9 **Q.** You were vicar general, it looks like, for --
10 was it four years? December of 2009 to --
11 let's see, it was -- what was your resignation
12 date?
13 **A. You know, I believe it was October -- late**
14 **September, early October 2013.**
15 **Q.** 2013, okay. So approximately four years as
16 vicar general?
17 **A. That's correct.**
18 **Q.** Right before you had been -- became appointed
19 vicar general, what assignment did you have?
20 **A. I was the vice-rector and a professor at the**
21 **University of St. Thomas, at the seminary, the**
22 **University of St. Thomas, so vice-rector would**
23 **be kind of like the operations person.**
24 **Q.** And how long had you been there as
25 vice-rector?

- 1 **A. You know, I -- I had -- as vice-rector?**
2 **Q.** Yeah.
3 **A. I had been there from -- I think I was**
4 **assigned in 2000, sent away to do a Doctorate**
5 **and then came back full-time in 2004 until**
6 **beginning my work at the Chancery.**
7 **Q.** At the time that you were appointed by
8 Archbishop Nienstedt to be vicar general, it
9 looks like the appointment was in October, but
10 the actual installation was a few months later
11 of 2009, does that sound correct?
12 **A. I believe I had to complete my course --**
13 **courses that I was teaching.**
14 **Q.** At the time you became appointed, then, in
15 late 2009 as vicar general by Archbishop
16 Nienstedt, did you believe that the
17 archdiocese had been adhering to its promise
18 to the people of zero tolerance of sexual
19 molestation by clerics?
20 **A. I had no reason to doubt that.**
21 **Q.** Did you believe that the archdiocese at the
22 time you were appointed was doing everything
23 it could to keep the children safe?
24 **A. Presumably so.**
25 **Q.** Did you believe that there were no priests who

- 1 had been continued in ministry by the
2 archbishop who had been convicted of or
3 credibly accused of having molested children
4 who were still in ministry at the time you
5 were appointed vicar general?
6 **A. I had no knowledge that -- so --**
7 **Q.** Were you aware that the archbishop had made
8 such a promise to the people that there were
9 no people -- no priests in active ministry who
10 had offended?
11 **A. Yeah, I understood that the charter from 2002,**
12 **that every bishop and diocese in the country**
13 **had agreed to that.**
14 **Q.** Okay. When you resigned as vicar general four
15 years later, approximately, did you believe at
16 that time the archdiocese had fulfilled its
17 promise of zero tolerance?
18 **A. So, yes, that there was not any effort to**
19 **keep -- that I'm aware of, to keep priests in**
20 **ministry who had offended. Are there**
21 **decisions that people would have wanted to**
22 **make differently now in light of the**
23 **situation? Yes. But I think the zero**
24 **tolerance policy pertained to charter**
25 **violations, which is a credible accusation of**

- 1 **abuse against a child.**
2 **Q.** At the time that you resigned as attorney
3 general (sic), did you become aware that there
4 had been --
5 **A. You promoted me.**
6 **Q.** I said "attorney general," I'm sorry. Vicar
7 general.
8 At the time that you resigned as
9 vicar general, did you come to believe that
10 there had in fact been priests continued in
11 ministry who had engaged in charter
12 violations, and charter violations being the
13 sexual abuse of minors?
14 **A. I believe that was one of the first questions**
15 **that I'd asked when I came into the**
16 **organization -- not the first, but, you know,**
17 **and -- and it was certainly communicated to me**
18 **several times, because I asked the question**
19 **several times, that we did not have anyone in**
20 **full-time, active ministry that -- in an**
21 **assignment that had an accusation against**
22 **them, credible accusation.**
23 (Discussion out of the hearing of
24 the court reporter)
25 BY MR. ANDERSON:

- 1 Q. Did you have -- who did you ask that question
2 of, by the way?
- 3 A. **I believe I would have asked that -- I've**
4 **asked that question to Archbishop Nienstedt,**
5 **to at that time Andy Eisenzimmer. I may have**
6 **even asked that question to Father Kevin**
7 **McDonough.**
- 8 Q. And is it correct to say that you were led to
9 believe by all of them that there were no
10 priests in active ministry who had had a
11 charter violation?
- 12 A. **That we maintained a zero tolerance as the**
13 **charter, 2002 charter, expected.**
- 14 Q. And is it correct to say that the zero
15 tolerance means that no priest who had
16 committed abuse of a minor was in active
17 ministry, correct?
- 18 A. **That's what I understood that to mean.**
19 (Discussion out of the hearing of
20 the court reporter)
21 BY MR. ANDERSON:
- 22 Q. Were you informed by any of those individuals
23 when you posed the question that there were in
24 fact some priests who had committed charter
25 violations that were doing part-time ministry,

- 1 supply work or doing other things as ministers
2 in the archdiocese?
- 3 A. **No. People were -- I was aware that people**
4 **were working in non-ministry settings, that**
5 **had gotten a job.**
- 6 Q. What were you told about who those were and
7 what they were doing?
- 8 A. **You know, they would only come up from time to**
9 **time in this working group setting that we had**
10 **with -- and so -- and sometimes they were**
11 **things that would be reported to the**
12 **archdiocese.**
- 13 Q. Who are you referring to? Who was that?
- 14 A. **In terms of working?**
- 15 Q. Yes.
- 16 A. **I was aware of Michael Stevens, who was**
17 **working at the archdiocese at the time, he is**
18 **a computer person.**
- 19 Q. How did you become aware of the fact that he
20 had -- did you become aware that he committed
21 a charter violation?
- 22 A. **I became aware that either it was a charter**
23 **violation or credible accusation, I don't know**
24 **-- I believe it was in the papers and -- and**
25 **that a criminal judgment had been rendered**

- 1 **against him and that whether he was on POMS or**
2 **not on POMS, but he was working as a computer**
3 **specialist.**
- 4 Q. How did you learn that he had had a history of
5 having committed a charter violation? How did
6 you learn that and when?
- 7 A. **You know, I think I learned that, gee, 2011 or**
8 **2012 and, then again, I was informed, asked**
9 **the questions, he doesn't practice as a**
10 **priest, doesn't carry on as a priest, he works**
11 **in a job and that there had been -- so --**
- 12 Q. It sounds like you did become aware that he
13 had been convicted of molesting a child?
- 14 A. **Yeah, a charter violation or a conviction for**
15 **me, it doesn't have to be criminal -- there**
16 **doesn't have to be a criminal judgment before**
17 **the -- for my mind before the charter would be**
18 **invoked.**
- 19 Q. Were you aware the archdiocese allowed him to
20 work in the archdiocese offices as an IT
21 consultant?
- 22 A. **Yes, I was informed that he was working as an**
23 **IT consultant in the archdiocesan -- in what**
24 **would have been the Hayden Building, where he**
25 **was interacting only with adults and that at a**

- 1 **point in time there had been disclosure.**
- 2 Q. Are you aware if there was disclosure of his
3 history to the staff at the Hayden Center and
4 those that brought their kids to work there?
- 5 A. **That's the question that I asked and the**
6 **answer that I received.**
- 7 Q. Who did you ask that question of?
- 8 A. **I would have asked that answer -- that**
9 **question either to Father Kevin McDonough or**
10 **Andy Eisenzimmer.**
- 11 Q. And they assured you that the staff had been
12 informed of his history?
- 13 A. **That disclosure had been made.**
- 14 Q. To whom?
- 15 A. **To members of the staff.**
- 16 Q. Did they identify what members of staff or did
17 you assume all or some or --
- 18 A. **I had -- I had no reason to doubt that -- you**
19 **know, I asked the question and that -- that**
20 **they had exercised their good judgment in**
21 **disclosing that information.**
- 22 Q. Were you -- did you become aware that Stevens
23 had also done work at various parishes?
- 24 A. **I'm not aware of that. Or at least I don't**
25 **recall it ever being brought to my attention,**

- 1 **and, if so, there should have been disclosure**
 2 **to those parishes.**
 3 **Q.** Did you become aware that Stevens was removed
 4 from having done the work that he had been
 5 allowed to do in 2013 or do you know anything
 6 about that?
 7 **A. I don't.**
 8 **Q.** Any other names known to you who had committed
 9 charter violations and had been permitted to
 10 work part-time in parishes or in some capacity
 11 with the archdiocese besides Stevens?
 12 **A. Not that I'm aware of; that -- that the**
 13 **archdiocese sought to maintain its obligations**
 14 **under the charter.**
 15 **Q.** Did you become aware at all, Father, that Ken
 16 LaVan had been working, although retired, in
 17 parishes in the archdiocese until 2013?
 18 **A. I've heard the name Ken LaVan. I haven't**
 19 **heard anything about Ken LaVan in this**
 20 **context.**
 21 **Q.** There is testimony and records that reflect
 22 that he had been accused, I believe credibly,
 23 of having abused two girls in 19 -- teenage
 24 girls in 1988. Did you know that?
 25 **A. Are we speaking now whether it was a charter**

- 1 **violation?**
 2 **Q.** Well, abuse of a teenage girl by Ken LaVan as
 3 a priest is a charter violation, correct?
 4 **A. Well, a charter violation in -- in -- in a**
 5 **criminal act would be, you know, any minor,**
 6 **which is -- the law defines up to 18.**
 7 **Q.** Yeah, this would be a charter violation,
 8 15-year-old girls?
 9 **A. Yeah, I'm -- I was not aware of -- first time**
 10 **I've heard of LaVan in this context is when**
 11 **you're raising that issue.**
 12 **Q.** Gilbert Gustafson, were you aware that he was
 13 doing consulting work at the archdiocese?
 14 **A. Certainly not at the Chancery, to my**
 15 **knowledge. And --**
 16 **Q.** Were you aware that he was doing consulting
 17 work for religious organizations in the Twin
 18 Cities, including Cristo Rey High School as
 19 recently as 2013?
 20 **A. I was -- I was not.**
 21 **Q.** The archdiocese reported that they removed
 22 Joseph Gallatin from ministry in 2000 --
 23 December of 2013 for "boundary violations."
 24 Do you know anything about that removal, the
 25 reasons for it and what those boundary

- 1 violations are alleged to have been?
 2 **A. Well, in the first question, Father Gallatin**
 3 **was removed after my time at the archdiocese.**
 4 **Q.** Right. But my question is, do you know
 5 anything about it?
 6 **A. About the removal?**
 7 **Q.** About Gallatin's boundary violations.
 8 **A. So in a conversation, I believe, again, with**
 9 **Andy and Jennifer, a question had been raised**
 10 **about Gallatin. I asked what was done at the**
 11 **time, what was the conclusion. And it was**
 12 **very clear from what was reported to me that**
 13 **it wasn't a charter violation, or that's what**
 14 **had been reported to me, it wasn't a charter**
 15 **violation, and that Father Gallatin had**
 16 **received some training, again around**
 17 **appropriate boundaries and then maybe even had**
 18 **received some counseling.**
 19 **Q.** What was reported to you, Father, about what
 20 violation had occurred and by whom?
 21 **A. You know, I don't know who the -- who the**
 22 **person was that brought it to my attention.**
 23 **What had been communicated to me was sometime**
 24 **early in the 2000s, I believe it was, I don't**
 25 **know when, but it wasn't a recent occurrence**

- 1 **because my -- my position would be to ask**
 2 **questions, so what do we do? What is the**
 3 **situation? What was the policy? Understood**
 4 **that Father Gallatin had put his hands on the**
 5 **sternum of somebody or (Indicating) -- sorry**
 6 **about that, and that was what he had done.**
 7 **Q.** And your source of that information --
 8 **A. I -- I don't recall.**
 9 **Q.** -- do you recall?
 10 **A. No.**
 11 **Q.** Was it a colleague or was it somebody outside
 12 of the archdiocese?
 13 **A. Yeah. No. It would have been a colleague --**
 14 **it would have been a colleague.**
 15 **Q.** Okay. And do you know if -- did you look at
 16 Gallatin's file at the time this was being
 17 discussed?
 18 **A. No.**
 19 **Q.** Do you know if any official of the archdiocese
 20 reviewed his file to see in fact what history
 21 was reflected by it at the time this was being
 22 discussed?
 23 **A. Not at the time it was being discussed. I**
 24 **believe that I understood from the reports**
 25 **that I received that it had been amply**

1 **discussed, I believe Father McDonough had**
2 **worked on that situation, and that an**
3 **appropriate resolution had been found at that**
4 **time.**

5 **Q.** So do you believe that Father McDonough was
6 the likely source of the information that you
7 had concerning Gallatin?

8 **A.** Perhaps as the originator of that information.

9 **Q.** Do you have any recollection of any other
10 source of information concerning Gallatin
11 besides McDonough?

12 **A.** At these working groups where we would discuss
13 matters, I or Bishop Piche or Andy Eisenzimmer
14 or Jennifer Haselberger would from time to
15 time mention different priests. It was -- it
16 was one of our action steps to try to make
17 sure information was not siloed so that we
18 could be as proactive and responsive to
19 situations as possible.

20 **Q.** And so do you know if anybody interviewed
21 father Joseph Gallatin and specifically asked
22 him if he had engaged in a charter violation,
23 that is, the attempted or sexual abuse or
24 sexual abuse of any minor?

25 **A.** Sorry, can you restate your question?

1 **Q.** Do you know if anybody asked Gallatin if he
2 had been -- had committed a charter violation?

3 **A.** I understood that Father McDonough had done so
4 as part of his fact-finding.

5 **Q.** What led you to that understanding, is that
6 something that --

7 **A.** Because when the -- when the Gallatin question
8 had come up, I asked what did we do about
9 that? Are we clear that this was? And then
10 if it's just a boundary violation, how do we
11 make sure that Father Gallatin is aware of
12 boundaries and that that work is appropriately
13 done?

14 **Q.** Did you or anyone at your request ask Gallatin
15 if he was sexually attracted to minors?

16 **A.** No.

17 **Q.** Why not? Isn't that a question that one would
18 need to know or want to know before --

19 **A.** There had been --

20 **Q.** -- continuing?

21 **A.** -- there had been no evidence of that. You
22 know, you asked if there are other -- are
23 there other factors that we don't know about
24 besides this instance? There had not been any
25 other occasions beside this instance. And so

1 **a logical conclusion was to trust the process**
2 **that had gone on some years before.**

3 **Q.** To trust the process; do you know if in the
4 process anybody had ever asked him if he was
5 sexually attracted to minors?

6 **A.** I don't know at the time that that was a
7 question. What I asked is, "Is this a charter
8 violation? Is there any other evidence that
9 Father McDonough is a threat to children?"
10 "No."

11 MR. HAWS: Father McDonough or do
12 you mean --

13 **A.** Excuse me, thank you.

14 **BY MR. ANDERSON:**

15 **Q.** Father Gallatin?

16 **A.** Father Gallatin.

17 **Q.** And you were told that by McDonough?

18 **A.** McDonough or the consensus of this group.

19 **Q.** Father Mark Wehmann was publicly reported to
20 have been removed from ministry for -- in
21 December of 2013, again, after you resigned,
22 but nonetheless, had been in ministry and that
23 removal was reported to have been for boundary
24 violations with children. What do you know
25 about Wehmann's history and when it was first

1 vetted concerning children?

2 **A.** I would imagine sometime in late 2011, early
3 2012. The concerns initially were around
4 Father Wehmann's sort of leadership ability,
5 so he's a pastor, and his leadership ability.
6 And that was where the -- the first questions
7 about Father Wehmeyer (sic), to my
8 recollection, came up. It was in a
9 conversation again in our working group to
10 triage this and to share information. That I
11 believe it was reported that Wehmann had, I
12 don't know, in a public setting, interacting
13 with some young people, gave him some sort of
14 affection, I forget what it was, so, again,
15 the question, what do we do about that? What
16 was the situation? I understood no accusation
17 of child sexual abuse had been made, but,
18 obviously, this would be behavior that one
19 would want to investigate and that Father
20 Wehmann was educated again as to boundary
21 violations and I believe had counseling.

22 **Q.** And what is the source of your information as
23 you reported it to us today?

24 **A.** That would be the information that would be
25 gleaned -- in fact, I think that would have

1 **been probably either Jennifer or Andy who**
 2 **brought that to my attention in the context of**
 3 **this conversation about Father Wehmann's**
 4 **leadership.**

5 **Q.** Do you know if Father Wehmann was ever asked
 6 the question by Father McDonough or any other
 7 official of the archdiocese if he was sexually
 8 attracted to children?

9 **A. I do not. Most people don't answer that**
 10 **question, but I -- I don't know.**

11 **Q.** What makes you say most people don't answer
 12 that question? First, people don't answer
 13 questions that are not asked, so if you're not
 14 asked that question, you can't answer it. My
 15 -- my question to you, Father, is, why do you
 16 make the observation that most people aren't
 17 asked that question?

18 **A. It's a fair point. It was an offhanded remark**
 19 **that I made.**

20 **Q.** Because we're talking about Father Wehmann
 21 here or Father Gallatin and we're talking
 22 about boundary violations and we know that
 23 they're involving something that is causing
 24 concern about the safety of others, correct?

25 **A. Correct.**

1 **Q.** And if we're really concerned about the safety
 2 of others, and in particular minors, wouldn't
 3 we -- wouldn't those doing the investigation
 4 and looking into that want to know what is
 5 your sexual attraction and do you have one to
 6 youth to see if there is truly a risk posed?

7 **A. I suppose that could be a course if one had**
 8 **other data points that suggested that. We had**
 9 **done a very good job of educating laity around**
 10 **right boundaries and -- and so here's the good**
 11 **work of the archdiocese coming to the fore and**
 12 **someone saying, "Hey, this is not an**
 13 **appropriate thing to be doing."**

14 **Q.** Would you agree that it is a grave or serious
 15 risk to allow a priest who is sexually
 16 attracted to children to continue in ministry?

17 **A. Sure.**

18 **Q.** Michael Keating is a priest you know through
 19 St. Thomas, I trust?

20 **A. Professionally, certainly.**

21 **Q.** Is he a friend?

22 **A. No -- I mean, yeah, no. Not a personal**
 23 **friend.**

24 **Q.** There were accusations made against him that
 25 ultimately were brought to the clergy review

1 board concerning a minor who's identified in
 2 legal proceedings --

3 MR. ANDERSON: I think it's Jane Doe
 4 20, isn't it, Mike?

5 MR. FINNEGAN: Yes.

6 BY MR. ANDERSON:

7 **Q.** Jane Doe 20. Do you know anything about that,
 8 what happened and did you in any way become
 9 involved in viewing that or reviewing that as
 10 vicar general?

11 **A. In 2000 and, I believe it was, 11 or 2012, I**
 12 **-- I first became aware of an accusation**
 13 **against Father Keating, so, again, in -- in**
 14 **our working group, as an effort to be**
 15 **proactive, that's when I learned about the**
 16 **Keating situation in 2011 or 2012.**

17 **Q.** What did you learn and from whom?

18 **A. I think this would have been reported to me by**
 19 **Andy Eisenzimmer or Jennifer Haselberger that**
 20 **an accusation of a bind -- boundary violation**
 21 **had been made against Father Keating; that it**
 22 **involved a friend's family; that there were**
 23 **differing accounts; that Father Keating denied**
 24 **any sort of sexual activity because then it**
 25 **would have obviously been a boundary -- or a**

1 **charter violation; that I believe that was**
 2 **reported, I believe that's what I was told,**
 3 **that it was reported to authorities; and that**
 4 **there had been disclosure around Father**
 5 **Keating.**

6 **Q.** Did you know that the accusation against
 7 Father Keating had been made before you became
 8 vicar general?

9 **A. Yeah, so the -- the name had surfaced, the**
 10 **question is, "Well, when did this happen?" It**
 11 **happened before.**

12 **Q.** And what made it surface, then, during your
 13 tenure as vicar general?

14 **A. One of the action steps that we had taken was**
 15 **being very clear or trying to get clear around**
 16 **who would get essential -- essentially letters**
 17 **of testimony to go to other places to do**
 18 **things.**

19 **Q.** And he was given some letters of testimony,
 20 effectively permission to do certain things as
 21 a priest of the archdiocese, correct?

22 **A. Yeah, out -- outside the diocese.**

23 **Q.** Okay. But operate as a priest of the
 24 archdiocese working outside the geographical
 25 limits of the archdiocese?

- 1 **A. That's -- that's correct. And so if we needed**
 2 **to clarify something there, let's clarify it.**
 3 **Q.** Were there any provisions made to warn those
 4 working with him as a priest outside the
 5 archdiocese?
 6 **A. I believe there were.**
 7 **Q.** Tell us what you believe to have been.
 8 **A. I -- we had a conversation -- I had a**
 9 **conversation with Jennifer and agreed with**
 10 **that judgment that we should be not giving**
 11 **blanket letters of testimony to other places**
 12 **and that would have been in 2000, I would**
 13 **imagine, 12.**
 14 **Q.** And so who's -- you said disclosure was made
 15 about Keating. To whom was disclosure made
 16 and what disclosure was made?
 17 **A. Again, I -- I'm not on the clergy review**
 18 **board, don't -- but I was informed disclosure**
 19 **was made, that's what I knew at the time.**
 20 **Q.** And your source of that information is or was?
 21 **A. Again, either Andy or Father McDonough.**
 22 **Q.** And as you testified today, you can't recall
 23 to whom that disclosure was made and you can't
 24 recall specifically what disclosure was made,
 25 just that it was made at some time, is that

- 1 fair?
 2 **A. That -- that disclosure had -- I -- I**
 3 **essentially believe I asked, "Has a disclosure**
 4 **been made?" "Yes, disclosure's been made."**
 5 **Q.** Did you work with Keating at St. Thomas?
 6 **A. No. I didn't teach with him. He was in a**
 7 **different faculty from me.**
 8 **Q.** As a colleague in -- you were teaching and he
 9 was teaching in a different department,
 10 correct?
 11 **A. Correct.**
 12 **Q.** Do you know if anybody at St. Thomas, yourself
 13 included, had been the recipient of this
 14 disclosure you believe to have been made?
 15 **A. Sorry, can you restate the question?**
 16 **Q.** Had you been -- prior to you having become
 17 vicar general --
 18 **A. Oh, no.**
 19 **Q.** -- when you were at St. Thomas, did anybody
 20 tell you about Keating --
 21 **A. No.**
 22 **Q.** -- or give you any disclosure about Keating as
 23 something you needed to know?
 24 **A. No. The only thing that -- that -- just --**
 25 **just to be clear, I had been asked at one**

- 1 **point in time about Keating because I had made**
 2 **a -- a comment to Father Cousins that in -- in**
 3 **Rome in 2000 and, I don't know, three or four,**
 4 **I had seen Father Keating walking down the**
 5 **street with a college-age woman.**
 6 **Q.** How do you know it was a college-age woman
 7 versus a high school age?
 8 **A. Well, fair -- I thought it was a young adult.**
 9 **Q.** Okay. And that would range in the possible
 10 ages, then, from 16 to 20 or what?
 11 **A. Yeah, I -- I wouldn't have imagined --**
 12 **16-year-olds are not usually in college and --**
 13 **and I think most of the -- so I thought it was**
 14 **a young adult.**
 15 **Q.** Did you have any information that it actually
 16 was a young woman who was in college or of
 17 college age?
 18 **A. Nope. I saw it, I communicated to Father**
 19 **Cousins.**
 20 **Q.** And when was that, Father?
 21 **A. You know, again, it would have been in -- in**
 22 **2003, 2004, somewhere in that area.**
 23 **Q.** And you were studying in Rome, then, and was
 24 that to become a canon lawyer or what was
 25 your --

- 1 **A. No. I did a -- I did a Doctoral in moral**
 2 **theology.**
 3 **Q.** And did you confront Keating with the
 4 information, what you saw, and ask him, "Who
 5 is this young person and young woman and what
 6 are you doing with her," or anything like
 7 that?
 8 **A. Yes, the first person I spoke to was Father**
 9 **Cousins, who was living at the same place I**
 10 **was living at the time. And then I would**
 11 **imagine three or four days later or maybe a**
 12 **week later, I had seen Father Keating, he was**
 13 **studying to be a priest, I was already a**
 14 **priest, so we were in two different parts of**
 15 **the city, I had seen him and I had mentioned**
 16 **this to him.**
 17 **Q.** And Father Keating?
 18 **A. Yeah, then he would have just been Michael**
 19 **Keating.**
 20 **Q.** Okay. And what did you say to Michael
 21 Keating?
 22 **A. Just, "Hey, saw you walking down the street,**
 23 **don't" -- you know, "don't think that was**
 24 **appropriate or could have been misunderstood."**
 25 **You know, all I saw them was walking down the**

- 1 **the street.**
- 2 **Q.** Right. And so how did he react to your --
- 3 **A. Just that -- that there was nothing, it was a**
- 4 **family friend or was a friend and that was**
- 5 **that.**
- 6 **Q.** Was Keating holding hands with her?
- 7 **A. No. I don't -- they weren't holding hands.**
- 8 **Q.** Do you recall telling Father Cousins that they
- 9 were?
- 10 **A. No. I don't think they were holding hands.**
- 11 **The Italian way of walking is sometimes with**
- 12 **your arm around, but guys do that in Italy**
- 13 **with guys, so -- (Indicating).**
- 14 **Q.** Okay. That was my next question, was he
- 15 walking with his arm around her?
- 16 **A. Yeah, again, not around the arm (sic). I**
- 17 **think it was her arm around his arm**
- 18 **(Indicating).**
- 19 **Q.** Did you see him kiss her?
- 20 **A. No.**
- 21 **Q.** What did you tell Father Cousins that you saw?
- 22 **A. Essentially, the same events that I've**
- 23 **recounted to you.**
- 24 **Q.** What was Father Cousins' reaction or response
- 25 to you when you told him?

- 1 **A. He thanked me for the information.**
- 2 **Q.** Did he tell you that he intended to do
- 3 anything with it or not?
- 4 **A. No. I think Father Keating was in the**
- 5 **Companions of Christ at that time or -- and I**
- 6 **just -- struck me as a good step to take just**
- 7 **to let another companion know.**
- 8 **Q.** Did you make any memorandum or recording of
- 9 what you either saw or reported to Father
- 10 Cousins?
- 11 **A. I was subsequently asked to put my**
- 12 **recollections down in paper -- on paper.**
- 13 **Q.** Who asked you to do that?
- 14 **A. I believe Father Cousins at the request of**
- 15 **someone in the Chancery.**
- 16 **Q.** When was that?
- 17 **A. I'm sorry, I -- I was back -- I believe I was**
- 18 **back now in the Twin Cities, so would have**
- 19 **been sometime after the summer of 2004.**
- 20 **Q.** So during your time as vice-rector?
- 21 **A. Correct.**
- 22 MR. KINSELLA: Excuse me, off the
- 23 video record to change tape.
- 24 (Recess taken)
- 25 MR. KINSELLA: Back on the video

- 1 record, 12:41 p.m.
- 2 BY MR. ANDERSON:
- 3 **Q.** Father, we're going to continue with some more
- 4 questions into the afternoon, and you had made
- 5 mention of a working group as we were talking
- 6 about some of these things, and could you
- 7 identify what you're referring to there and
- 8 who's on that working group?
- 9 **A. Sure. In 2010, to be more proactive in**
- 10 **responding to any sort of issue surrounding**
- 11 **priests, we gathered the civil chancellor, the**
- 12 **canonical chancellor, myself and Bishop Piche,**
- 13 **generally speaking, on a bi-weekly basis.**
- 14 **Q.** And that was to be more proactive in the area
- 15 of dealing with safety and particularly sexual
- 16 abuse issues?
- 17 **A. On any issue related to priest conduct.**
- 18 **Q.** Okay. And was it a designated time and place
- 19 for the working group to have met or just to
- 20 do it on a bi-weekly basis?
- 21 **A. To do it on a bi-weekly basis. On occasion,**
- 22 **you know, we'd change places and some people**
- 23 **would be able to be there, but a standing sort**
- 24 **of opportunity.**
- 25 **Q.** And is it fair to say, then, there were

- 1 regular meetings relating to whatever the
- 2 issues were that emerged from 2010 till your
- 3 resignation, as far as you know, or did that
- 4 stop?
- 5 **A. You know, I believe that -- that it -- it was**
- 6 **just a -- a step to try to help the flow of**
- 7 **communication better and it was a -- it was a**
- 8 **regular step. It wasn't so much on the things**
- 9 **that we're talking about today, although on**
- 10 **occasion some of those things might end up**
- 11 **there.**
- 12 **Q.** Was the archbishop advised of or reports
- 13 prepared that came out of the working group
- 14 meetings for the archbishop?
- 15 **A. There would certainly be communications to the**
- 16 **archbishop about the substance of that in the**
- 17 **sense of being able to keep the archbishop**
- 18 **apprised of what was going on.**
- 19 **Q.** During that period of time, 2010 to 2013, is
- 20 it fair to say that the primary advisors to
- 21 the archbishop as it pertains to the topic of
- 22 clergy and misconduct would have been
- 23 yourself, Andy Eisenzimmer, Bishop Piche and
- 24 chancellor for civil affairs -- I mean, canon
- 25 affairs, Jennifer Haselberger?

- 1 **A. Yes, I think that's fair.**
- 2 **Q.** Okay. When's the first time in the working
- 3 group context you remember the question of the
- 4 topic of sexual abuse coming up and some
- 5 attention being given to that issue by the
- 6 working group?
- 7 **A. You know, again, the specific purpose of the**
- 8 **working group wasn't around charter issues.**
- 9 **The purpose of the working group was how do we**
- 10 **be responsive to concerns and complaints or**
- 11 **issues that have come to our attention. So I**
- 12 **-- I don't know when the first instance would**
- 13 **have been.**
- 14 **Q.** Okay. Do you remember in terms of who first
- 15 -- who came onto the radar of the working
- 16 group by way of priests and some discussions
- 17 or actions being developed around any one of
- 18 the priests, whether it be Shelley, Wehmeyer,
- 19 anybody else? Do you remember anything about
- 20 the working group addressing any of the
- 21 misconduct issues relating to any of the
- 22 priests?
- 23 MR. HAWS: You're referring to
- 24 sexual abuse, misconduct --
- 25 MR. ANDERSON: Yes.

- 1 MR. HAWS: -- child sexual abuse?
- 2 MR. ANDERSON: Yes.
- 3 **A. And, again, you know, until the time when the**
- 4 **archdiocese received a complaint about Father**
- 5 **Wehmeyer, there had not been any issue of**
- 6 **child sexual abuse that -- or an accusation of**
- 7 **child sexual abuse had ever been discussed or**
- 8 **communicated to that group between 2010 and 20**
- 9 **-- when I left the organization.**
- 10 **BY MR. ANDERSON:**
- 11 **Q.** When did the archdiocese receive that first
- 12 complaint concerning Wehmeyer and childhood
- 13 sexual abuse?
- 14 **A. You know, it would have been in June, I think.**
- 15 **My recollection is, is that it -- it -- it**
- 16 **came to the organization around the 20th or**
- 17 **21st. I think it came first as a -- yeah, I**
- 18 **learned about it, I believe, on the 20th.**
- 19 **Q.** June 20th; and what time on the 20th?
- 20 **A. I believe it -- I don't know the time. I**
- 21 **believe it was in the early afternoon.**
- 22 **Q.** And how did you learn about that?
- 23 **A. The -- the chancellor for civil affairs, I**
- 24 **believe it was, or maybe the chancellor for**
- 25 **canonical affairs --**

- 1 **Q.** Do you remember which it was? Now, that would
- 2 have been Haselberger or --
- 3 **A. Eisenzimmer.**
- 4 **Q.** -- Eisenzimmer. And do you remember which
- 5 today?
- 6 **A. I don't recall which it was.**
- 7 **Q.** Okay.
- 8 **A. Mentioned that we had a situation or a**
- 9 **possible situation, that it was a -- and we**
- 10 **needed to be able to communicate that as**
- 11 **quickly as possible.**
- 12 **Q.** What leads you to believe that you received
- 13 that information from Eisenzimmer or
- 14 Haselberger on June 20th, that day? What
- 15 leads you to that date?
- 16 **A. Because we had a -- well, it's -- it's**
- 17 **certainly somewhere in that time frame. My --**
- 18 **we would have had a meeting to discuss all the**
- 19 **things that needed to happen.**
- 20 **Q.** And "we," is that the working group?
- 21 **A. I think at that time it would have been**
- 22 **Jennifer Haselberger, Andy Eisenzimmer, and**
- 23 **myself initially. And then that same time or**
- 24 **shortly thereafter, McDonough and Vomastek.**
- 25 **Q.** And do you know the date of that meeting?

- 1 **A. Again, I think it was in that -- my first**
- 2 **response was to pull people together: "What**
- 3 **do we know and what steps have we taken?"**
- 4 **Q.** Okay. So that's something you did after
- 5 having gotten the first report from the
- 6 chancellor, either Haselberger or Eisenzimmer?
- 7 **A. Yeah, because prior to that I didn't know**
- 8 **about it.**
- 9 **Q.** Right.
- 10 **A. And my -- I walked down the hall, come into my**
- 11 **office or I get in their office and --**
- 12 **Q.** Okay. Let's back up because I'm going to walk
- 13 you through the chronology here.
- 14 **A. Okay.**
- 15 **Q.** In any case, when you use the date June 20th,
- 16 is there any -- you're not certain that was
- 17 the date or you just believe it on
- 18 reconstruction or what gives you the reason to
- 19 give us that date today?
- 20 **A. Because I was well aware that we had an**
- 21 **obligation to report. And independent of the**
- 22 **law, I wanted to do that as an individual to**
- 23 **to be as proactive as we possibly can be. I'm**
- 24 **almost 100 percent sure that on the 21st,**
- 25 **Wehmeyer was removed and I think subsequently**

- 1 **arrested or shortly thereafter.**
- 2 Q. Okay.
- 3 A. **So that's -- I would back -- you know.**
- 4 Q. Okay. Fair enough. Let's go back, then, to
- 5 Eisenzimmer or Haselberger giving you the
- 6 first report, at least that you had gotten or
- 7 received, that Wehmeyer had abused a child.
- 8 What were you told by the chancellor that he
- 9 or she had learned?
- 10 A. **That we had a possible credible accusation and**
- 11 **that we're trying to get the permission to**
- 12 **communicate that.**
- 13 Q. And when you got that information, where were
- 14 you and this person --
- 15 A. **There again, it was either --**
- 16 Q. -- at the office?
- 17 A. **-- my office or in that sort of executive area**
- 18 **there.**
- 19 Q. We have some -- we have some information that
- 20 leads us to believe or to think it was Andy
- 21 Eisenzimmer. Do you have any reason to think
- 22 it was Andy Eisenzimmer that made this report
- 23 to you?
- 24 A. **You know, I think it -- it -- it could well**
- 25 **have been Andy. I think Andy and Jennifer**

- 1 **would share information or they worked so**
- 2 **closely together, they're like a left -- so --**
- 3 **but that could well have been Andy.**
- 4 Q. Okay. One was a left hand, one was a right
- 5 hand in a lotta ways?
- 6 A. **Yeah.**
- 7 Q. In any case, when you received the report,
- 8 what were you told beyond it was a possible
- 9 credible accusation? Were you told who it was
- 10 against?
- 11 A. **No. Because I asked -- well, first I asked**
- 12 **have we reported it, and we weren't in a**
- 13 **position to because it was privileged or**
- 14 **that's what -- so we were establishing that**
- 15 **question.**
- 16 Q. Privileged by -- who told you it was
- 17 privileged, the person that told you there was
- 18 an accusation?
- 19 A. **Yes, and that we're trying to clarify that so**
- 20 **we can execute our --**
- 21 Q. What was it about the communication that made
- 22 it subject to some possible privilege?
- 23 A. **I didn't ask that. I had full trust in my**
- 24 **co-workers.**
- 25 Q. Okay. Well, you're a civil attorney, trained

- 1 as a civil attorney, so you know there's what
- 2 we call an attorney/client privilege, right?
- 3 A. **Yup.**
- 4 Q. Okay. And you're also a cleric that's well
- 5 familiar with what we call the priest/penitent
- 6 privilege, correct?
- 7 A. **That's correct.**
- 8 Q. Okay. Do you know when this conversation was
- 9 first had and the mention of privilege was
- 10 made if it was identified as priest/penitent
- 11 or attorney/client?
- 12 A. **I can't -- I don't know.**
- 13 Q. Okay. Did you ultimately learn -- soon learn
- 14 when you met the next day or as soon as you
- 15 did if there was a privilege in play and, if
- 16 so, what kind, priest/penitent or
- 17 attorney/client?
- 18 A. **I didn't because we were already to the point**
- 19 **where we were reporting it.**
- 20 Q. Okay.
- 21 A. **So that privilege had been relaxed for**
- 22 **whatever reason by who -- whoever asserted it**
- 23 **and now we could go forward.**
- 24 Q. Okay. To this day, do you know what privilege
- 25 was of concern at least at that time?

- 1 A. **I don't know the exact nature of that**
- 2 **privilege, apart from that it -- it is -- it**
- 3 **is a priest/penitent privilege or at least**
- 4 **that's what my recollection is, it was a**
- 5 **priest/penitent privilege.**
- 6 Q. And do you remember what leads you to that
- 7 recollection, in other words, the source of
- 8 that?
- 9 A. **Well, because I'm a mandated reporter,**
- 10 **obviously, under the law, I tried to cultivate**
- 11 **a culture at the archdiocese that said, "Even**
- 12 **if we're not mandated reporters, we should**
- 13 **report -- we should all report." And -- but**
- 14 **the law specifically foresees a relationship**
- 15 **that's a privileged relationship, in this case**
- 16 **between a clergy and -- and a penitent, as you**
- 17 **were mentioning.**
- 18 Q. Do you know to whom the report was first made,
- 19 what clergy?
- 20 A. **I -- I don't. I got that first report again,**
- 21 **I think, on the 20th.**
- 22 Q. Didn't you ask questions like, "Well, who got
- 23 this report?" "Who is the offender who's
- 24 being reported as a potential offender?" And
- 25 in order to discern what needed to be done?

- 1 **A. I knew exactly what needed to be done. If the**
 2 **privilege would be relaxed, we were gonna**
 3 **report it as soon as we possibly could. If**
 4 **there had not been a privilege, it would have**
 5 **been reported the very time -- and I would**
 6 **assume my staff, who -- who all desire to make**
 7 **sure that we have safe environments would have**
 8 **made the report.**
- 9 **Q.** So I'm going to walk you through, then, after
 10 you got this initial information. The
 11 information is that there's a possible
 12 credible accusation of childhood sexual abuse
 13 by a priest, at that point in time you don't
 14 know it's Wehmeyer, correct?
- 15 **A. Don't, no.**
- 16 **Q.** How soon after you first received that
 17 information in the afternoon did you learn it
 18 was Wehmeyer?
- 19 **A. You know, either later that day on the 20th or**
 20 **on the 21st.**
- 21 **Q.** Instead of just walking you through every
 22 detail of what happened, why don't I just from
 23 the point at which you received the
 24 information you've described as the first
 25 report, first indicator that Wehmeyer had

- 1 abused a child, is there anything else you
 2 remember about that first report that you
 3 haven't testified to?
- 4 **A. (No response).**
- 5 **Q.** You know it came from Jennifer or Andy, you
 6 know it came to you, you know it was of
 7 childhood sexual abuse; anything else you
 8 remember about it?
- 9 **A. Well, what -- we're talking once the privilege**
 10 **now had been gone and now I know that we've**
 11 **got an accusation, that the first question is,**
 12 **have we reported it?**
- 13 **Q.** Right.
- 14 **A. And I've been told that -- that yes, that's**
 15 **either done or it's imminently done and that**
 16 **Vomastek -- because from my point of view, how**
 17 **do we coordinate to make this happen like**
 18 **clockwork?**
- 19 **Q.** Right. I have to break this down a little bit
 20 more and ask you to break it down in terms of
 21 chronology now. Because first the focus is on
 22 the first time you received the information,
 23 so the question is, is there any more
 24 information you received on that first report
 25 from either Jennifer or Andy, that you haven't

- 1 identified, as to who the offender was, the
 2 nature of the offense and how that person got
 3 that information?
- 4 **A. But, again, the first report would have been**
 5 **that we have a possible accusation, that it --**
 6 **privilege has been asserted and we're trying**
 7 **to move through that issue to report.**
- 8 **Q.** Okay. And anything else that you learned at
 9 that moment in time from that individual?
- 10 **A. Nope.**
- 11 **Q.** Okay. Then tell me in time the next thing
 12 that was done that you're aware of responsive
 13 to the information given you at that time.
- 14 **A. That there's a meeting taking place, I don't**
 15 **know when that was, but there was a prior**
 16 **meeting taking place to specifically answer**
 17 **the question of privilege, so it had been**
 18 **arranged. And what I was doing is animating**
 19 **the staff, letting everybody know, "Clear your**
 20 **schedule, this is the most important thing, as**
 21 **soon as we can do this, we're gonna do this."**
- 22 **Q.** And do you know who had arranged the prior
 23 meeting?
- 24 **A. You know, I don't -- I don't know who arranged**
 25 **that meeting. Historically in the past those**

- 1 **things would have gone to Greta.**
- 2 **Q.** At the time at which you re -- at the same
 3 time that you received the report, did you
 4 report to Nienstedt or, to your knowledge, had
 5 Archbishop Nienstedt received any information?
- 6 **A. You know, I don't know if -- if he had**
 7 **received information from Andy or Jennifer,**
 8 **but I certainly communicated with the**
 9 **archbishop on the information I had.**
- 10 **Q.** And how soon after you got that did you report
 11 it to the archbishop?
- 12 **A. I -- as soon as humanly -- as soon as**
 13 **possible, I mean, provided he's in the**
 14 **building and --**
- 15 **Q.** And do you recall having done that?
- 16 **A. Yes, I would have because -- because this is**
 17 **one of the most serious issues that we would**
 18 **have.**
- 19 **Q.** And so if you recall having done it, then, did
 20 you go to his office to tell him, "Archbishop,
 21 I just got this information, we have a
 22 possible credible accusation"?
- 23 **A. I believe it was in his office. I believe I**
 24 **went to the residence. He wasn't there. He**
 25 **had been out on a meeting. Came back in and**

- 1 **communicated that.**
- 2 **Q.** And when you did, what did you say to him?
- 3 **A.** **The same thing, that we have a possible**
- 4 **accusation, that we need to clarify our**
- 5 **ability to report it. I put the staff on**
- 6 **notice that as soon as we're able, we need to**
- 7 **report this.**
- 8 **Q.** Did he respond in a manner that indicated to
- 9 you he had already received information about
- 10 this or did he lead you to believe that you
- 11 were the first to tell him of a report having
- 12 been made?
- 13 **A.** **That I -- I don't recall.**
- 14 **Q.** Did he ask who the accused priest was?
- 15 **A.** **I don't recall that, either. I -- because I**
- 16 **had said it's under -- we're working through a**
- 17 **question of privilege.**
- 18 **Q.** So do you have a recollection of him having
- 19 not pressed that issue or not asked or asked
- 20 and you saying you couldn't answer or what?
- 21 What can you tell us about that?
- 22 **A.** **That there was a meeting later to --**
- 23 **specifically to address this issue, i.e.,**
- 24 **whether the privilege could be waived or that**
- 25 **we could actually report this and that I'd**

- 1 **follow up as soon as I knew.**
- 2 **Q.** But if the privilege -- the privilege is held
- 3 by the penitent. The name of the offender is
- 4 not privileged in any way --
- 5 **A.** **Well, under the --**
- 6 **Q.** -- is it? I mean, I --
- 7 **A.** **Under the privilege -- under the**
- 8 **priest/penitent privilege, anything that's**
- 9 **said within that context is privileged.**
- 10 **Q.** So were you under the belief that you couldn't
- 11 ask who the offender, accused offender was
- 12 that was being reported and you couldn't
- 13 similarly report that to the archbishop?
- 14 **A.** **It didn't occur to me at the time. I have**
- 15 **full trust in Andy Eisenzimmer, I have full**
- 16 **trust in Jennifer Haselberger, this is the**
- 17 **number one priority for them. We've got a**
- 18 **meeting arranged for later that afternoon to**
- 19 **clarify this issue, we're gonna report it as**
- 20 **soon as we possibly can.**
- 21 **Q.** All right. So you do bring it immediately to
- 22 Archbishop Nienstedt given the gravity of it,
- 23 correct?
- 24 **A.** **Correct.**
- 25 **Q.** You still don't know the name of the offender

- 1 that is the subject of the report; and what
- 2 was Archbishop Nienstedt's response? Did he
- 3 press you, was he startled, was he alarmed,
- 4 was he emotional? How would you describe his
- 5 response?
- 6 **A.** **It was an informational communication on my**
- 7 **behalf and -- and -- and I mentioned that I**
- 8 **would be following up and he said, "Okay."**
- 9 **Q.** Okay.
- 10 **A.** **I would imagine these are very serious matters**
- 11 **and he took it very seriously.**
- 12 **Q.** Did you make any recording or memorandum of
- 13 when in time you made this report to
- 14 Archbishop Nienstedt or received it and what
- 15 was said by either of you?
- 16 **A.** **No.**
- 17 **Q.** Okay. So after you reported to Archbishop
- 18 Nienstedt what you have just described for us,
- 19 what action did you take responsive to this?
- 20 **A.** **That was the point about letting senior people**
- 21 **know, this is the number one priority for us,**
- 22 **and that would have been, as I mentioned,**
- 23 **Haselberger, Eisenzimmer, Vomastek.**
- 24 **Q.** How could a chancellor, whether it be
- 25 Haselberger or Eisenzimmer, know about it if

- 1 there was a priest/penitent privilege? The
- 2 priest/penitent privilege requires the priest
- 3 to keep confidential anything said in that
- 4 context and not subject to reporting it to
- 5 anybody, correct?
- 6 **A.** **I'm pretty clear on what the priest/penitent**
- 7 **privilege is. The question you asked me is a**
- 8 **question that other people would have to**
- 9 **answer. I would only be engaging in**
- 10 **conjecture or surmising or --**
- 11 **Q.** Well, you know the priest/penitent privilege
- 12 requires that the priest who is receiving the
- 13 information, be it confession or otherwise,
- 14 cannot under any circumstances share that
- 15 information with anybody else, correct?
- 16 **A.** **Correct.**
- 17 **Q.** Absolute waiver, correct?
- 18 **A.** **I think that's -- it's pretty inviolate.**
- 19 **Q.** So understanding the nature of that privilege
- 20 today, do you have any idea how one of the
- 21 chancellors --
- 22 **A.** **I don't.**
- 23 **Q.** -- let -- okay. Fair enough. But you
- 24 understand me asking?
- 25 **A.** **No. Yeah, sure.**

- 1 **Q.** Okay. You said that you learned that a
 2 meeting had already been arranged, you thought
 3 with Greta Sawyer, and if I heard you
 4 correctly, Greta Sawyer was an advocate or is
 5 an advocate at the archdiocese, correct?
 6 **A. Correct.**
 7 **Q.** And from whom did you learn such a meeting had
 8 been pre-arranged before you actually received
 9 this information and reported it to the
 10 archbishop?
 11 **A. Well, I -- I should be clear. I -- I assumed**
 12 **it's Greta Sawyer because the victim's**
 13 **advocate would generally be a person who**
 14 **historically in the organization met with a**
 15 **victim or potential victim. But I -- I knew**
 16 **that a meeting was taking place to see if we**
 17 **could move forward on this.**
 18 **Q.** Do you know if that meeting was taking place
 19 contemporaneous to having received the report
 20 or before you received the report?
 21 **A. The one that I'm speaking of with respect to**
 22 **privilege, you know, waiving the privilege or**
 23 **being able to communicate, was taking place a**
 24 **few hours after I had been notified about the**
 25 **possible accusation.**

- 1 **Q.** Okay. And who told you that?
 2 **A. Again, that's what I'm referring to,**
 3 **Eisenzimmer, Haselberger --**
 4 **Q.** Okay. That's when you called the meeting and
 5 said, "This is important," and so there was
 6 then a meeting with Haselberger, Eisenzimmer,
 7 initially was it --
 8 **A. I think it would have been certainly those two**
 9 **and myself initially. So sometime on that**
 10 **20th or whatever it was, how -- "Okay. Is**
 11 **everybody ready to execute what they need to**
 12 **execute as soon as we can execute this?"**
 13 **Q.** Okay. So the meeting, then, was held where?
 14 **A. I believe that was either in my office or in**
 15 **Eisenzimmer's office.**
 16 **Q.** And by the time of the meeting -- was that
 17 meeting in the morning, afternoon or evening?
 18 **A. No. I think it might have been late morning**
 19 **or early afternoon.**
 20 **Q.** And to your knowledge, was Archbishop
 21 Nienstedt informed of the fact of such a
 22 meeting and a plan to execute?
 23 **A. That I don't recollect.**
 24 **Q.** Okay.
 25 **A. I --**

- 1 **Q.** And if I heard you correctly earlier, you said
 2 it began with yourself, Andy Eisenzimmer,
 3 Jennifer Haselberger; anybody else at the
 4 initial part of the meeting?
 5 **A. No. And -- and I guess this meeting is when**
 6 **I'm being communicated about this possible**
 7 **thing: "Okay. This is our first priority,**
 8 **you know, make sure you're clear so that we**
 9 **can move forward on this."**
 10 **Q.** And so who said what at this meeting?
 11 **A. Again, I got essentially two important pieces**
 12 **of data at that meeting.**
 13 **Q.** Okay.
 14 **A. One, that we have a possible credible**
 15 **accusation; two, that there's a privilege**
 16 **that's been asserted and needs to be revoked,**
 17 **removed, relaxed, whatever the proper**
 18 **terminology would be. What I said was, "Had**
 19 **it been reported?" "No. There's a**
 20 **privilege." "Okay. This is our first**
 21 **priority. I wanna be as proactive and as**
 22 **diligent we can be." I think the last thing I**
 23 **asked was where is -- "When are we gonna next**
 24 **meet on this?"**
 25 **Q.** And who answered those questions?

- 1 **A. I would -- my recollection is that both Andy**
 2 **and Jennifer, it was a shared response.**
 3 **Q.** And any other information given you beyond
 4 those two important data points --
 5 **A. No.**
 6 **Q.** -- at that initial meeting?
 7 **A. Nope.**
 8 **Q.** What transpired from there?
 9 **A. I canceled meetings that I had so that I could**
 10 **be as available. I believe I spoke to**
 11 **Vomastek, who -- Deacon John Vomastek and**
 12 **said, "We have a possible accusation. I'll**
 13 **know more, there's a meeting and we're gonna**
 14 **know more in a few hours. I need -- I -- I'd**
 15 **like you to be involved." Obviously, he was a**
 16 **decorated and retired St. Paul police officer.**
 17 **Q.** Do you know what time you contacted Vomastek?
 18 **A. Vomastek.**
 19 **Q.** Vomastek.
 20 **A. This would have been, you know, after that --**
 21 **sometime on that midmorning, early afternoon**
 22 **of the 20th.**
 23 **Q.** At this point in time, the point at which you
 24 contacted Vomastek, did you know the identity
 25 of the priest who was the subject of the

1 report?

2 **A. I did not. Or not to my recollection. I**

3 **encouraged him that Jennifer and Andy, you**

4 **know, are working on this matter and that he**

5 **would need to be working with them.**

6 **Q.** What next happened, then, after having

7 contacted Deacon Vomastek?

8 **A. I believe that Vomastek -- so he's in the**

9 **loop. I think I -- I called another meeting**

10 **as soon as or as close as that privilege was**

11 **relaxed, waived, remitted, whatever the proper**

12 **term is, and that was in that afternoon, late**

13 **that -- later that afternoon.**

14 **Q.** And who imparted that information to you?

15 **A. Again, that would have either been Eisenzimmer**

16 **or Haselberger. And as soon as that was**

17 **brought back to me, "Okay. Let's get the**

18 **people back at the table so that we can make**

19 **assignments."**

20 **Q.** So there was a second meeting?

21 **A. That's correct. And that's when I knew who**

22 **was accused.**

23 **Q.** Okay. Before that meeting was convened by, it

24 sounds like at this point, were you aware that

25 Archbishop Nienstedt had empowered you to be

1 the canonical investigator of this and, thus,

2 in charge of executing a plan to do what's

3 required?

4 **A. No. I -- again, as an officer of the**

5 **organization, I'm gonna take these steps**

6 **because they make good sense and I think the**

7 **law requires them independent of what canon**

8 **law might do. I believe the document you're**

9 **referring to is one that Jennifer drafted with**

10 **the understanding clearly that, once the**

11 **police are involved, our investigation would**

12 **stop pending the outcome of the police**

13 **investigation. So I never became an**

14 **investigator of Curt Wehmeyer because the**

15 **police had done all of that work.**

16 **Q.** Okay. Let's make sure we're referring to the

17 same document. Let's look at -- I'm going to

18 pull up what I think is a decree. We're going

19 to show you Exhibit 18. We'll give a copy to

20 counsel here.

21 MR. FINNEGAN: (Handing documents).

22 THE WITNESS: Thank you.

23 BY MR. ANDERSON:

24 **Q.** And, Father, you made reference to a document

25 you thought I was referring to, and showing

1 you what I've marked for identification as

2 Exhibit 18 --

3 **A. Are there any other documents that refer to**

4 **the -- that you had in mind?**

5 **Q.** Well, this is the only one that has a decree.

6 There are some other documents referring to

7 later events --

8 **A. Okay.**

9 **Q.** -- but this is the decree, the only one that

10 I've seen that kind of answers that

11 description. Did you have something else in

12 mind beyond this that you've seen that could

13 be --

14 **A. No. You were referring that you didn't think**

15 **it was this, and so I was just clarifying**

16 **whether you --**

17 **Q.** Okay.

18 **A. -- thought there were other things.**

19 **Q.** Okay. First let's just talk about this one,

20 Exhibit 18. It is a decree on the signature

21 of Archbishop Nienstedt, correct?

22 **A. It looks like his signature.**

23 **Q.** At the bottom it says it's given on June 20th,

24 2012, correct?

25 **A. It does.**

1 **Q.** At the top it states, "On June 18, 2012, the

2 Archdiocese of St. Paul and Minneapolis

3 received a complaint that Reverend Curtis

4 Wehmeyer, a priest of this archdiocese,

5 supplied alcohol and sexually explicit images

6 to a minor, and fondled or attempted to fondle

7 the minor's genitals." Do you know where that

8 information that I just read came from?

9 **A. I don't. I -- I presume it's accurate. I**

10 **just don't know where it came from.**

11 **Q.** Okay.

12 **A. I saw this probably on the 21st or 22nd.**

13 **Q.** Okay. It goes on to state, "I have concluded

14 that this constitutes information which 'at

15 least seems to be true.'" The second

16 paragraph states, "Therefore, in accordance

17 with the aforementioned canon, I decree that

18 an inquiry be done into the facts and

19 circumstances of this accusation, as well as

20 its imputability to Father Wehmeyer." So

21 Wehmeyer is identified here, correct?

22 **A. Correct.**

23 **Q.** And the next paragraph states, "Since my other

24 duties prevent me from conducting this

25 investigation personally, I hereby appoint

1 Very Reverend Peter Laird, vicar general and
 2 moderator of the Curia, to act as the
 3 investigator in this matter." When did you
 4 learn you had been appointed investigator in
 5 this matter?
 6 **A. When I received a copy of this document.**
 7 **Q.** And do you have a date of that?
 8 **A. Again, I think the first time I saw it was the**
 9 **21st, 22nd, maybe even the 23rd.**
 10 **Q.** How did you get or receive it or obtain
 11 knowledge of your appointment as investigator?
 12 **A. I believe this would either have been in my --**
 13 **I don't know how I received it, either in my**
 14 **mailbox or I'm given it by hand and my --**
 15 **Jennifer would have composed this. It would**
 16 **have come back to her after the archbishop**
 17 **signed it.**
 18 **Q.** It's also notarized by Reverend Daniel Bodin
 19 or Bodin, he's an ecclesiastical notary. Is
 20 it customary for like decrees to be notarized
 21 like that?
 22 **A. You'd have to ask someone with training in**
 23 **canon law.**
 24 **Q.** Okay. When you learned of the decree and
 25 having -- being appointed investigator, at

1 that point in time, having learned of this
 2 decree and your instruction from the
 3 archbishop --
 4 **A. Yup.**
 5 **Q.** -- to investigate it --
 6 **A. Yup.**
 7 **Q.** -- had it been reported to law enforcement?
 8 **A. Absolutely. It had been reported to law**
 9 **enforcement within hours, maybe even within**
 10 **the hour of the privilege being revoked.**
 11 **Q.** What leads you to that belief?
 12 **A. Because this is the most serious thing that we**
 13 **do. And when we gathered together, I think**
 14 **that day went on a little bit longer, "Has**
 15 **this been reported?" "Yes, this has been**
 16 **reported." So it was clear to us that the**
 17 **canon case was gonna -- I made the decision**
 18 **that the canon law case was gonna be on the**
 19 **back burner until the civil/criminal**
 20 **possibilities were fully exhausted.**
 21 **Q.** You believed the canon law case investigation
 22 should cease as soon as it got reported to
 23 police?
 24 **A. Absolutely. I -- I -- our -- we're not gonna**
 25 **do anything that's going to jeopardize what**

1 **the police need to be doing. I -- I don't --**
 2 **sorry, I was gonna add, I don't know if other**
 3 **people in the church would agree with that**
 4 **point of view, but that's where we were at.**
 5 **Q.** You're talking about your state of mind?
 6 **A. Yeah.**
 7 **Q.** Did you, yourself, make the report to law
 8 enforcement people?
 9 **A. I did not.**
 10 **Q.** Who did?
 11 **A. I believe that was Deacon Vomastek and Andy**
 12 **Eisenzimmer.**
 13 **Q.** And what leads you first to the belief that
 14 Vomastek made such a report?
 15 **A. Because when the -- you know, after we --**
 16 **we've had this meeting and the next time that**
 17 **I think that I engaged -- I think Vomastek had**
 18 **been already in touch with the police, and in**
 19 **order to make sure that we were doing**
 20 **everything in accord with police procedure,**
 21 **that it made sense that Andy and Vomastek work**
 22 **together to make that report.**
 23 **Q.** So what makes sense on how you learned
 24 something might be different things, so I
 25 guess my question to you is, is what is the

1 source of your information that Vomastek made
 2 a report?
 3 **A. My -- my source is my recollection of sitting**
 4 **around the table, you know, we've got a very**
 5 **fluid movement, our highest priority is that**
 6 **we made our report, that we're doing what we**
 7 **can to make sure that that environment is safe**
 8 **and that we're not gonna allow Father Wehmeyer**
 9 **to go back into that situation. So there was**
 10 **a number of people adding -- you know, it was**
 11 **a fluid conversation.**
 12 **Q.** Vomastek was not at the second meeting that
 13 you talked about, however, was he?
 14 **A. You know, he may have been or consulted in the**
 15 **middle of the meeting.**
 16 **Q.** I think at one point you said that McDonough
 17 and Vomastek came in the end, towards the end
 18 of the meeting, but it was originally convened
 19 by you with Jennifer, Andy and --
 20 **A. I -- I believe I said they may have. I know**
 21 **for a certain we had a meeting the morning**
 22 **that Father Wehmeyer was removed from the**
 23 **parish.**
 24 **Q.** That's a -- that would be a third meeting?
 25 **A. That's correct.**

- 1 **Q.** Okay. Let's focus on the second meeting.
 2 **A. Okay. Then my -- then I don't think that**
 3 **McDonough was there. I do think Vomastek**
 4 **either sat in for part of that meeting or was**
 5 **consulted during that meeting.**
 6 **Q.** And so who was there on the second meeting
 7 then?
 8 **A. Haselberger, Eisenzimmer and myself and that's**
 9 **when I'm getting the news that this is --**
 10 **privilege has been relaxed.**
 11 **Q.** And you now know that it's Wehmeyer?
 12 **A. Now I know it's Wehmeyer.**
 13 **Q.** And do you know what was done to have had the
 14 privilege, to use your term, relaxed?
 15 **A. As I mentioned, that this meeting had taken**
 16 **place and that permission had been given.**
 17 **Q.** So Greta Sawyer had met with the -- presumably
 18 the person that had the privilege?
 19 **A. I -- I believe -- I believe that was the case.**
 20 **Q.** We know the name of the individual, the
 21 family, the mother and the child, we're not
 22 using it here, and they're identified as --
 23 they're identified by Doe, we'll just call him
 24 Doe here --
 25 **A. Okay.**

- 1 **Q.** -- we're not gonna use their name.
 2 So I'm sorry if you answered this
 3 and I'm repeating it, but I just needed to ask
 4 the next question, make sure I understood the
 5 answer, if you had, so I apologize. Can you
 6 tell me who told you the report had been made?
 7 **A. You know, again, that would have been in that**
 8 **second afternoon meeting that Vomastek either**
 9 **came in at or was out, you know, or was at for**
 10 **part of the meeting and -- and I think, you**
 11 **know, by now it's late afternoon, maybe early**
 12 **evening and we were setting out -- proposing**
 13 **action steps.**
 14 **Q.** So the question is, can you tell me who it was
 15 that told you --
 16 **A. I -- I --**
 17 **Q.** -- in that second meeting the report had been
 18 made?
 19 **A. It would -- it would have been either Andy**
 20 **Eisenzimmer or Vomastek, conceivably it could**
 21 **have also been Jennifer Haselberger, who I**
 22 **presume would have known by that time.**
 23 **Q.** So you're not certain among those candidates
 24 who it was that told you, correct?
 25 **A. That's correct.**

- 1 **Q.** Okay. Did you become aware that Greta Sawyer
 2 had interviewed the mom and the alleged victim
 3 before this second meeting?
 4 **A. No.**
 5 (Discussion out of the hearing of
 6 the court reporter)
 7 BY MR. ANDERSON:
 8 **Q.** Have you ever become aware of that?
 9 **A. You know, we debrief -- or my practice was to**
 10 **debrief after any incident to see how we could**
 11 **improve. That may have come up, I'm not a --**
 12 **I'm not sure if that came up. But as soon as**
 13 **the privilege had been waived, it needs to go**
 14 **to the police.**
 15 **Q.** When it came to your -- did it come to your
 16 attention that the mom and the child had been
 17 interviewed by Greta?
 18 **A. Again, I don't -- in the timeline that we're**
 19 **talking about, no. I don't believe so.**
 20 **Q.** Okay.
 21 **A. I -- I was focused on, is the privilege**
 22 **waived? Can we make the report?**
 23 **Q.** Did that come to your attention at any time?
 24 **A. The what?**
 25 **Q.** That the mom and the child had been actually

- 1 interviewed by --
 2 **A. No. I --**
 3 **Q.** -- a representative of the archdiocese?
 4 **A. No. I knew that the parent had been met with**
 5 **by a representative of the archdiocese.**
 6 **Q.** This is common, especially when we get going
 7 in the afternoon, but we have a tendency to
 8 talk over one another, so I'll just try not to
 9 talk over your answers, you have to try to
 10 wait for me to finish my question, out of
 11 consideration to him.
 12 **A. Sorry.**
 13 **Q.** Did you tell Archbishop Nienstedt anything
 14 about the second meeting and that it was
 15 Wehmeyer who had been the subject of the
 16 report?
 17 **A. Yes, I believe, again, because of the**
 18 **seriousness of what's taking place, that I**
 19 **communicated to the archbishop that we are --**
 20 **or we are imminently or have, you know,**
 21 **reported Wehmeyer.**
 22 **Q.** Okay.
 23 (Discussion out of the hearing of
 24 the court reporter)
 25 BY MR. ANDERSON:

- 1 **Q.** What was the archbishop's response or reaction
2 to that?
- 3 **A.** **You know, I don't recall anything about Father**
4 **Wehmeyer. He certainly was concerned about**
5 **possible abuse.**
- 6 **Q.** How did he lead you to believe or make that
7 observation that he was concerned about
8 possible abuse?
- 9 **A.** **I believe he said, "I hope it's not true."**
- 10 **Q.** Did he express concern about Wehmeyer's safety
11 and a possibility of Wehmeyer doing something
12 to hurt himself, like --
- 13 **A.** **He did not.**
- 14 **Q.** Okay. Was that right after the second meeting
15 that you made that report to the archbishop?
- 16 **A.** **It -- it -- it would either -- yes, I believe**
17 **that would have been at that time.**
- 18 **Q.** And at that time, you did not know that a
19 decree of appointing you investigator had been
20 issued?
- 21 **A.** **It had been talked about. In those meetings,**
22 **Jennifer Haselberger, who -- who does have the**
23 **responsibility for executing canonical things,**
24 **noted that an investigator would have to be**
25 **appointed. Again, I think there was a**

- 1 **consensus around the table, nothing's gonna**
2 **happen canonically until the civil/criminal**
3 **case -- or the criminal case has walked its --**
4 **exhausted its process. I would -- I would**
5 **characterize this as crossing i's and dotting**
6 **t's (sic).**
- 7 **Q.** In other words, the memorialization or
8 formalization of the appointment?
- 9 **A.** **I -- yeah, so that if -- if Wehmeyer was not**
10 **found guilty or did not confess, we could**
11 **still proceed on a canonical case against him,**
12 **so we had to dot that i. That's what I was**
13 **informed by Jennifer.**
- 14 **Q.** Have you reviewed the testimony of any other
15 witnesses that have given depositions
16 concerning this?
- 17 **A.** **I reviewed, I think, four or five pages of**
18 **Andy Eisenzimmer's and stopped largely because**
19 **I didn't review Nienstedt or McDonough at the**
20 **recommendation of my counsel.**
- 21 **Q.** And I don't want to know what your counsel
22 told you, but I do want to know what you
23 reviewed in the Eisenzimmer deposition. What
24 part of his testimony content-wise did you
25 review?

- 1 **A.** **And, again, I think what -- whatever would be**
2 **contained in the first -- I didn't find it**
3 **particularly helpful.**
- 4 **Q.** What was the subject of the portions you did
5 review?
- 6 **A.** **In the pace where it begins just like we began**
7 **today, you know, here -- here are the things**
8 **that are happening, everyone names himself**
9 **and I think -- I don't know what the first**
10 **questions out of the box were on Eisenzimmer.**
- 11 **Q.** So you didn't review any of the substantive
12 answers about what happened concerning
13 Wehmeyer or when it was or how he received it
14 or anything like that?
- 15 **A.** **No.**
- 16 **Q.** I don't want to hear or have you talk about
17 what your attorney may have communicated with
18 you or you with him, but apart from him, have
19 you discussed the timeline of the report made
20 to law enforcement, the timeline of the decree
21 as it was issued or the timeline of when the
22 mom and/or the child were interviewed by Greta
23 Sawyer with anybody -- with anybody at all?
- 24 **A.** **You know, the only time -- and we didn't**
25 **construct a timeline, but we certainly, as I**

- 1 **mentioned, in order to get better at what we**
2 **do, we debriefed after anything that took**
3 **place. And everyone, Haselberger,**
4 **Eisenzimmer, McDonough, Vomastek, were pleased**
5 **with the way that we walked through this**
6 **scenario and made that report.**
- 7 **Q.** Okay. And so the second meeting that you just
8 described to us, was there any recording made
9 to that meeting contemporaneous to it or
10 shortly after by you?
- 11 **A.** **Not by me.**
- 12 **Q.** By anybody, to your knowledge, in attendance
13 at it?
- 14 **A.** **I think it was simply a matter of clarifying**
15 **who had lead on what.**
- 16 **Q.** Okay.
- 17 **A.** **And I would imagine the people who had lead**
18 **memorialized their steps and that would be**
19 **part of Wehmeyer's record.**
- 20 **Q.** Have you seen any memo pertaining to that
21 first --
- 22 **A.** **No.**
- 23 **Q.** -- second meeting?
- 24 **A.** **No.**
- 25 **Q.** Have you seen any memo pertaining to the first

1 meeting?

2 **A. No. The first meeting, as I mentioned, was a**

3 **very quick meeting, just advising me of the**

4 **fact that we had a potential case.**

5 **Q.** Did you review anything else, other than the

6 few pages of the Eisenzimmer deposition, in

7 preparation for this deposition?

8 **A. No.**

9 **Q.** And have you consulted with or discussed the

10 contents of their testimony or their view as

11 it pertains to your view and testimony with

12 anybody besides -- excepting your lawyer?

13 **A. The person I've spoken to is my lawyer.**

14 **Q.** Okay. Have the police spoken to you?

15 **A. No.**

16 **Q.** To your knowledge, have they made any effort

17 to --

18 **A. I -- excuse me. About this --**

19 **Q.** Yes.

20 **A. -- since I left the organization?**

21 **Q.** Well, since this whole matter emerged at any

22 time, have the police interviewed you or tried

23 to interview you?

24 **A. No.**

25 MR. KYLE: Mr. Anderson, can you be

1 more specific in the matter? And I know we're

2 talking roughly. We've gone through a bunch

3 of, you know, subjects here. I just want to

4 make sure that we're clear here.

5 BY MR. ANDERSON:

6 **Q.** Well, let's just -- let's be general. First,

7 have the police interviewed you on the topic

8 of --

9 **A. During my tenure as -- as vicar general?**

10 **Q.** Yes.

11 **A. They have not interviewed me, but I think you**

12 **asked have I been contacted by the police. I**

13 **think I was contacted on two occasions, one**

14 **with respect to Chris Wenthe, notifying us on**

15 **this; and the second would have been, I**

16 **believe, in the case of Huberty. I just**

17 **wanted to be clear so you knew I wasn't --**

18 **Q.** Oh, I was gonna follow up on it so it would be

19 clear to me and allow you to be clear to us,

20 so I appreciate that.

21 **A. But not on the Wehmeyer.**

22 **Q.** Then following your resignation -- those are

23 the only two police contacts during your

24 tenure as vicar general, correct?

25 **A. I believe there may have been one or two**

1 **others, but those are the ones that come to**

2 **mind.**

3 **Q.** Okay. In any case, then, following your

4 resignation as vicar general, have the police

5 made any attempt to contact you to get

6 information --

7 **A. No.**

8 **Q.** Were you -- did you become aware that the

9 police were investigating the archdiocesan

10 officials' involvement in Wehmeyer, Shelley

11 and other clerics who may have engaged in

12 sexual abuse and how it has been handled?

13 **A. You know, I was certainly aware, I don't know**

14 **how I became aware, that there -- questions**

15 **had been raised around Wehmeyer. At the time,**

16 **I think the police were pleased with the way**

17 **we handled the Wehmeyer, and then other**

18 **questions had arisen and they were taking a**

19 **new look at that.**

20 **Q.** And when you learned they were taking a second

21 look at it, did you make -- did they make any

22 effort to contact you?

23 **A. No.**

24 **Q.** Have you ever made any effort to contact them

25 to --

1 **A. No.**

2 **Q.** Why not?

3 **A. I'm at liberty and here in the Twin Cities, I**

4 **-- people know, so if they had contacted me**

5 **and thought my contact would be helpful, I**

6 **would -- I would certainly speak to the**

7 **police.**

8 **Q.** The archbishop impaneled and an internal-type

9 investigation and they made a report.

10 **A. Uh huh.**

11 **Q.** And are you aware of that report and have you

12 seen it?

13 **A. I -- I haven't read the report. I think I**

14 **looked at the recommendation.**

15 **Q.** Okay. It was reported publicly and included

16 in the report that you were not interviewed --

17 **A. That's correct.**

18 **Q.** -- for that internal investigation.

19 **A. That's correct.**

20 **Q.** Did you refuse to be interviewed for that

21 internal investigation?

22 **A. No.**

23 **Q.** Why do you think you weren't interviewed if

24 they were doing an internal investigation and

25 you had been vicar general for four years?

- 1 **A. I can't -- I -- I don't know.**
- 2 **Q.** Before you learned that the report was under
- 3 way -- excuse me, before you learned that a
- 4 report had been made, did you know that they
- 5 were doing an internal investigation and
- 6 Father Witt had been impaneled --
- 7 **A. Again, I --**
- 8 **Q.** -- to do this thing?
- 9 **A. Yes, I had -- it was one of those**
- 10 **recommendations that I had made to the**
- 11 **archbishop, I was aware that it was going**
- 12 **forward, I fully expected to be called.**
- 13 **Q.** The report indicates, if I recall correctly,
- 14 that the archdiocese investigators or those
- 15 hired by the archdiocese said they didn't know
- 16 your whereabouts. Did you -- let me -- I've
- 17 got the report and it says --
- 18 (Discussion out of the hearing of
- 19 the court reporter)
- 20 BY MR. ANDERSON:
- 21 **Q.** Okay. It states at page 44, paragraph C, I'll
- 22 just read it and then ask you the question.
- 23 **A. Okay.**
- 24 **Q.** It states under other individuals contacted,
- 25 "The task force wanted to talk to Father Peter

- 1 Laird, the former vicar general and moderator
- 2 of the Curia and attempted to contact him
- 3 through the archdiocese. However, the
- 4 archdiocese informed the task force that
- 5 Father Laird was on leave and that it did not
- 6 have contact information for him." What do
- 7 you know about that?
- 8 **A. You'd have to ask the archdiocese.**
- 9 **Q.** Well, did they know where you were?
- 10 **A. Yes, I -- I -- I -- again, in the community,**
- 11 **my -- I still have a residence at the**
- 12 **Cathedral.**
- 13 (Discussion out of the hearing of
- 14 the court reporter)
- 15 BY MR. ANDERSON:
- 16 **Q.** Has your phone number always been the same?
- 17 **A. Yes, I had a -- an archdiocesan cell phone**
- 18 **number.**
- 19 **Q.** And your e-mail was the same?
- 20 **A. I have an archdiocesan e-mail address.**
- 21 **Q.** You also have -- do you have more than one
- 22 e-mail address?
- 23 **A. Not that I conduct business on for the**
- 24 **archdiocese.**
- 25 **Q.** But you have one private e-mail?

- 1 **A. (Nods head).**
- 2 **Q.** And then one archdiocese e-mail?
- 3 **A. That's correct.**
- 4 **Q.** What is your archdiocese e-mail address?
- 5 **A. Good question. Laird -- I think the -- and**
- 6 **the first initial is after the name, so it**
- 7 **would be _____, or net or --**
- 8 **Q.** But that's the only archdiocese e-mail that
- 9 you conducted archdiocese business on?
- 10 **A. That's correct.**
- 11 **Q.** And so your archdiocese e-mail remained intact
- 12 at the time of this investigation and your
- 13 phone number remained intact at the time of
- 14 this investigation --
- 15 **A. Yes.**
- 16 **Q.** -- if I hear you correctly?
- 17 **A. Yes.**
- 18 **Q.** And your cell phone was the same?
- 19 **A. Yes.**
- 20 **Q.** Have you ever gone back and asked anybody at
- 21 the archdiocese why the task force reported
- 22 this information that you couldn't be
- 23 contacted when you have the same e-mail, the
- 24 same phone number, the same address?
- 25 **A. I -- I -- I haven't had the opportunity to**

- 1 **maybe ask that. I have -- so I was surprised**
- 2 **when the -- the report had come out because I**
- 3 **always thought I'd -- I'd have an opportunity**
- 4 **to speak, again, because so much good work had**
- 5 **been done, most of the recommendations had**
- 6 **already been beginning to be addressed.**
- 7 **Q.** Okay. So you had the second meeting that has
- 8 been discussed. After the second meeting,
- 9 you're under the belief and it's been reported
- 10 to you that a report has either been made to
- 11 law enforcement or is imminent at that time,
- 12 correct?
- 13 **A. Correct.**
- 14 **Q.** What happened from there?
- 15 MR. HAWS: We're back on the
- 16 Wehmeyer subject?
- 17 MR. ANDERSON: Yes, I'm sorry, yes.
- 18 MR. HAWS: I just want to be clear
- 19 for the record.
- 20 MR. ANDERSON: Thank you, Dan.
- 21 THE WITNESS: Thank you.
- 22 **A. Again, I -- I believe we assigned**
- 23 **responsibilities and, obviously, Jennifer**
- 24 **would be taking care of canonical matters, but**
- 25 **they were a second seat to our duty to report**

1 **and to make sure that Father Wehmeyer did not**
 2 **go back to the parish.**
 3 **BY MR. ANDERSON:**
 4 **Q.** And what was McDonough's charge and Deacon
 5 Vomastek's charge to do? What were they to do
 6 as you understood it at that point in time?
 7 **A. So I believe at that meeting there was some**
 8 **consensus that the police had agreed we could**
 9 **go and talk, you know, remove Wehmeyer and let**
 10 **him know this is not a place for him to be.**
 11 **Q.** Who led you to that belief that the police had
 12 agreed to such a thing?
 13 **A. Now I think we're at that -- so the morning**
 14 **and --**
 15 **Q.** Is this before or after this second meeting
 16 now?
 17 **A. No. This would -- this would have been**
 18 **followed on, we made the report, he's on**
 19 **vacation, he's coming back, we're gonna remove**
 20 **him at the first instance we can. So the**
 21 **first morning we had a meeting, so this would**
 22 **be by the third meeting, in that count, where**
 23 **McDonough -- McDonough, Vomastek, Haselberger,**
 24 **Eisenzimmer and myself. And that's where we**
 25 **-- that's where we made the definitive action**

1 **plan that was gonna unfold within the next**
 2 **hour-and-a-half.**
 3 MR. KINSELLA: Excuse me. Off the
 4 record to change media.
 5 MR. ANDERSON: Sure.
 6 (Recess taken)
 7 MR. KINSELLA: Back on the video
 8 record, 1:50 p.m.
 9 BY MR. ANDERSON:
 10 **Q.** Father, I was asking some questions about
 11 chronology, and I think I was on now what we
 12 call the third meeting. And at the point at
 13 which you had the third meeting, and I think
 14 that's a -- that's where I think you described
 15 the plan as being executed and duties were
 16 being delegated, is that --
 17 **A. That's -- that's correct. It's the -- we're**
 18 **going to remove Wehmeyer and that, to my**
 19 **recollection, we have the police go ahead to**
 20 **do so.**
 21 **Q.** Okay. And you don't know who told you that
 22 you had the police go ahead to do that, but
 23 you came away from that meeting with that
 24 belief, is that a fair statement?
 25 **A. Well, surely.**

1 **Q.** Okay. At the time of that third meeting, how
 2 many times did you discuss this topic with the
 3 archbishop?
 4 **A. I believe twice.**
 5 **Q.** And you've told us about both of those
 6 instances?
 7 **A. That's correct.**
 8 **Q.** And in the second instance -- was it at this
 9 third meeting that you learned the identity of
 10 Wehmeyer or before that meeting?
 11 **A. You know, I believe it's -- was before that**
 12 **meeting. It was as soon as the privilege had**
 13 **been waived and now we were gonna inform**
 14 **police and we had to give 'em a particular**
 15 **name.**
 16 **Q.** And what was the name of the person, the
 17 priest to whom the initial report had been
 18 made?
 19 **A. That -- that I didn't know.**
 20 **Q.** Do you know if it's John Erickson, John Paul
 21 Erickson?
 22 MR. KYLE: If you know.
 23 **A. Yeah, I've seen it in the press, but --**
 24 **BY MR. ANDERSON:**
 25 **Q.** But from your own experiences as the then

1 vicar general, did you learn that it had been
 2 Erickson?
 3 **A. You know, it may have been something that came**
 4 **out in the debrief.**
 5 **Q.** But do you recall receiving it in the second
 6 or third meeting?
 7 **A. No.**
 8 **Q.** Okay. Neither?
 9 **A. No. We were focused on reporting.**
 10 **Q.** So how long does the third meeting last?
 11 **A. It's in the morning, first thing in the**
 12 **morning, that may have been 25 to 30 minutes,**
 13 **which was to firm up what we're gonna do.**
 14 **Q.** And what were you gonna do?
 15 **A. McDonough and Vomastek were going over to**
 16 **Blessed Sacrament with the permission of the**
 17 **priests -- or of the police, excuse me, to let**
 18 **Wehmeyer know that a substantial accusation**
 19 **had been made and that he was no longer -- the**
 20 **police had been informed and he was no longer**
 21 **welcome on the property.**
 22 **Q.** Do you know who at the police department had
 23 given what you believe to have been
 24 permission --
 25 **A. I don't.**

- 1 Q. -- for Vomastek and McDonough to go and
2 contact Wehmeyer?
- 3 A. **I don't.**
- 4 Q. At that meeting, did McDonough push back on
5 him having to go and meet Wehmeyer given his
6 experience with Montero?
- 7 A. **You know, I believe Father McDonough did ask a
8 question about that. I think Andy and
9 Jennifer both responded that it had been
10 cleared with the police. I believe also
11 Jennifer emphasized how important that that is
12 from a canonical point of view.**
- 13 Q. And recount for us, as best you can, what was
14 said at that meeting, what we've referred to
15 as the third meeting, and then by whom, beyond
16 what you've already told us.
- 17 A. **Again, I -- I --I'm not going to be accurate
18 in terms of who said what. The consensus out
19 of that meeting was, we had coordinated with
20 the police, we were ready to act, we didn't
21 want that church to open for business and --
22 and Father Wehmeyer to be there. And so
23 McDonough and Vomastek were going to go and
24 execute that plan.**
- 25 Q. And there is some indications that McDonough

- 1 was under instructions from the archbishop to
2 retrieve the gun because there was some
3 concerns about safety of Wehmeyer, safety from
4 doing something to himself. Do you know
5 anything about that? Was that discussed?
- 6 A. **I don't. I think it would be highly unlikely
7 that the archbishop directed him to take the
8 gun. The archbishop wasn't at that meeting.**
- 9 Q. Did he know the meeting was being -- was
10 convened and a plan to be executed?
- 11 A. **When -- we had talked about in my second visit
12 with him, "It's Father Curt Wehmeyer, here's
13 what we're planning to do and we've
14 coordinated with the police to do so."**
- 15 Q. And so tell me, then, what else you recall
16 about what was said in the third meeting that
17 has not been recited so far.
- 18 A. **My only other recollection of that meeting is
19 that some -- someone had said, "We need to get
20 his computer." That wasn't on my radar
21 screen. I think that was on Jennifer's radar
22 screen. I think there was some agreement
23 about -- about that precisely because we
24 wanted to maintain as much evidence as
25 possible. And -- and so I think that was**

- 1 **added to the list of -- of to-dos.**
- 2 Q. Well, at that time you're, you know, you're
3 the vicar general and you're also trained as a
4 civil lawyer. Doesn't it sound like the
5 getting his computer is a police function, not
6 that of Father McDonough?
- 7 A. **I think it's a fair -- it's a fair
8 observation. I think what had come out of
9 that meeting is that the police would be by,
10 but they weren't going to be there exactly at
11 the point we were there. We wanted to be
12 there (Snaps fingers) first thing. And so you
13 had a gap in time. And we don't want bad
14 guys, I certainly don't want bad guys in
15 ministry, we want to preserve evidence. So
16 when it was suggested, almost certain it was
17 Jennifer who suggested it, I don't think
18 anybody at that time was saying, "No. Don't
19 do that."**
- 20 Q. Isn't it, from a child safety standpoint, the
21 first priority is getting them behind bars and
22 arrested so they can't access to any kids,
23 much less in ministry?
- 24 A. **Yes, I believe that's the priority of
25 everyone, but, as you know, it takes time**

- 1 **between when an accusation's made and that can
2 happen when we wanted to be diligent servants.**
- 3 Q. I'm not questioning your motives here, Father,
4 so don't think that I am, but what makes you
5 think that takes time once the police are
6 called for them to go and seize the computer,
7 interview the suspect, in this case Wehmeyer,
8 and/or arrest him on the strength of the
9 report made? What --
- 10 A. **Because my recollection was, is that we wanted
11 the police to be there at the very time we
12 wanted to be there. The police weren't gonna
13 be able to be there at that time. We didn't
14 wanna open for business with a potential sex
15 abuser in that place and the police gave us
16 the green light to do it.**
- 17 Q. And who led you to that -- those beliefs that
18 you just expressed?
- 19 A. **Again, that would be in that conversation
20 that's taking place, Eisenzimmer and Vomastek
21 had that interaction with the police.**
- 22 Q. So either Eisenzimmer and/or Vomastek led you
23 to believe what you just recited?
- 24 A. **Yes.**
- 25 Q. And they led you to believe that in that third

- 1 meeting that you just recounted?
- 2 **A. Yeah -- that's when I came aware of --**
- 3 **because, of course, I don't want to do this if**
- 4 **the police don't want us doing this.**
- 5 **Q.** And did McDonough and Vomastek then go
- 6 directly from that meeting to the parish at
- 7 Blessed Sacrament?
- 8 **A. I believe they did.**
- 9 **Q.** And then did you report this to the
- 10 archbishop?
- 11 **A. I would -- I don't know where, but, yes, I**
- 12 **would imagine that my next step after they**
- 13 **departed, the plan is afoot, you know, we've**
- 14 **taken these steps, that would be my standard**
- 15 **way of acting.**
- 16 **Q.** And do you have recollection today of having
- 17 reported to the archbishop and his reaction or
- 18 response to that report?
- 19 **A. I think he said, "Good." And --**
- 20 **Q.** And what's the next thing, then, that you did
- 21 or heard about in connection with the
- 22 execution of the plan and Wehmeyer's status?
- 23 **A. Just that we had communicated that to**
- 24 **Wehmeyer, again, there was a brief debrief**
- 25 **after they had completed that. In that**

- 1 **conversation I believe it came out that there**
- 2 **had been a gun. And I think it was very**
- 3 **reasonable to ask for the gun. While -- if I**
- 4 **recall correctly, while they were at the**
- 5 **site --**
- 6 **Q.** Did they report back that they were at the
- 7 site and they knew there was a gun or --
- 8 **A. My recollection is, is that in the course of**
- 9 **them engaging Wehmeyer, it came to be known**
- 10 **that he had a handgun. Our -- our first**
- 11 **priority is the safety of everyone around**
- 12 **physically and -- and I think that's when, I**
- 13 **think, McDonough asked for the gun. So I**
- 14 **learned of that, I believe, at that time.**
- 15 **Q.** While McDonough's on the site of Blessed
- 16 Sacrament with Wehmeyer or after he returned
- 17 with it, which?
- 18 **A. Yeah, I -- I would have only come to know that**
- 19 **afterwards.**
- 20 **Q.** After his return?
- 21 **A. That's correct.**
- 22 **Q.** With the gun. Did you also learn that he had
- 23 the computer?
- 24 **A. I learned at that time as well that -- that**
- 25 **the computer had been taken.**

- 1 **Q.** Okay. And what did McDonough tell you about
- 2 his encounter with Wehmeyer?
- 3 **A. You know, I don't recall any characterization,**
- 4 **other than that Wehmeyer was emotional.**
- 5 **Q.** So what action, then, if any, were you
- 6 involved in or became aware of concerning
- 7 Wehmeyer and what unfolded next?
- 8 MR. KYLE: Jeff, are you referring
- 9 to that day or at the time?
- 10 BY MR. ANDERSON:
- 11 **Q.** Yeah, I mean, we've got -- he now learns that
- 12 they've got the gun, they've interviewed --
- 13 they've gone out there and interviewed
- 14 Wehmeyer and done what they're supposed to do,
- 15 you've got the computer, you're back at the
- 16 Chancery, you're engaged in some way. How are
- 17 you engaged? What's happening and who's doing
- 18 and saying what?
- 19 **A. That I think the simple next steps were that I**
- 20 **want to know as soon as the police get to the**
- 21 **parish, so please call the parish and find out**
- 22 **when the police come. And -- and then,**
- 23 **essentially, we were gonna stand down so as to**
- 24 **allow the police investigation to move**
- 25 **forward.**

- 1 **Q.** At some point in time, there's an indication
- 2 that Andy Eisenzimmer issues a "litigation
- 3 hold." Well, no. Excuse me, "is going to
- 4 issue a litigation hold for Father Curtis
- 5 Wehmeyer's personnel file that nothing in the
- 6 file can be destroyed." Do you know anything
- 7 about that?
- 8 **A. No. I'm familiar with the term "litigation**
- 9 **hold." I would only be offering conjecture**
- 10 **about why Andy did that.**
- 11 **Q.** It's also written that at the same time that
- 12 is said, it says, "As always, please keep this
- 13 quiet." Do you recall having seen such an
- 14 e-mail or communique concerning Wehmeyer and
- 15 instructions given by Eisenzimmer or any other
- 16 official?
- 17 MR. HAWS: Well, first of all --
- 18 **A. Can you show me where the "this" is and what**
- 19 **the document is? And I'd be happy to try to**
- 20 **respond to it.**
- 21 MR. HAWS: And I would object to the
- 22 form because it is out of context without
- 23 showing Father the document.
- 24 BY MR. ANDERSON:
- 25 **Q.** Well, I'm referring to an e-mail and asking if

- 1 you're familiar with that.
- 2 **A. I haven't seen the e-mail.**
- 3 **Q.** Okay.
- 4 **A. I'm not aware of the e-mail.**
- 5 **Q.** Have you heard anything like that --
- 6 **A. No.**
- 7 **Q.** -- that Wehmeyer was put on litigation hold?
- 8 **A. No.**
- 9 **Q.** Okay.
- 10 **A. I can give you a reason why I think it would**
- 11 **have been.**
- 12 **Q.** Well, if you had knowledge of it, I just need
- 13 to know if you do, if you don't --
- 14 **A. Nope.**
- 15 **Q.** -- that's all I need to know. Had you heard
- 16 about Wehmeyer and him having used the camper
- 17 parked at Blessed Sacrament to transport
- 18 and/or commit any of the crimes?
- 19 **A. After the fact?**
- 20 **Q.** At the time this plan was being executed, to
- 21 preserve evidence, to do whatever you think
- 22 you needed to be done and the like.
- 23 **A. I think the first time that I learned about**
- 24 **the camper was in those initial conversations.**
- 25 **Q.** From whom?

- 1 **A. Again, it would be either Andy or Jennifer.**
- 2 **Q.** Okay. And that was at, then, the third
- 3 meeting?
- 4 **A. Yeah, either that second meeting or the third**
- 5 **meeting, which is, you know, eight, nine hours**
- 6 **apart, I would imagine.**
- 7 **Q.** What did you learn about the camper?
- 8 **A. Only that he had a camper that was on the**
- 9 **property of -- of Blessed Sacrament.**
- 10 **Q.** I think the decree referred to the camper as
- 11 being an instrument of part of the scenario,
- 12 if I recall, there was pornography, camper,
- 13 marijuana and abuse. Do you recall who you
- 14 received the information about the camper
- 15 from?
- 16 **A. You know, again, I personally saw the decree**
- 17 **after, I believe, we had already gone over and**
- 18 **done that work, so, again, I believe it was**
- 19 **either Andy or Jennifer, but in real time, as**
- 20 **you're learning information, all I know is**
- 21 **there's a camper on -- on the property.**
- 22 **Q.** McDonough did return with the gun and the
- 23 computer. Do you know why he didn't get the
- 24 camper?
- 25 **A. I don't.**

- 1 **Q.** Did you receive information about what
- 2 happened to the camper and/or what Wehmeyer
- 3 may have done or did do?
- 4 **MR. KYLE:** At that time?
- 5 **MR. ANDERSON:** Yes.
- 6 **A. At that time, no.**
- 7 **BY MR. ANDERSON:**
- 8 **Q.** Okay. Before the first report was made to you
- 9 about Wehmeyer and you learned -- before the
- 10 first report was made that there was a sex
- 11 abuse, a charter offense, and then you learned
- 12 it was Wehmeyer, okay, let's go back in time
- 13 now from that point in time; what, if
- 14 anything, did you know, Father, about
- 15 Wehmeyer's history of, you know, of difficulty
- 16 with sexual impulses or sexual addiction or
- 17 anything like that? What did you know about
- 18 his history and whether it posed any risk in
- 19 the past of harm?
- 20 **A. Well, there was nothing raised about him being**
- 21 **a child predator. What there was, is that he**
- 22 **may well have had a same-sex attraction, that**
- 23 **he had a drinking -- or there was a question**
- 24 **of whether he had a drinking issue. And then,**
- 25 **you know, we had received some comments about**

- 1 **Father Wehmeyer's way of interacting with --**
- 2 **with parishioners or staff.**
- 3 **Q.** Anything else that you recall about him that
- 4 raised any concerns or any other information?
- 5 **A. You know, I would put those would be the --**
- 6 **the categories and -- and they were certainly**
- 7 **sufficient for me to be concerned about Father**
- 8 **Wehmeyer.**
- 9 **Q.** Okay. So let's talk about concern number one
- 10 then. You said he had a same-sex attraction.
- 11 My question to you is, when and how did you
- 12 the receive that information?
- 13 **A. That may have been Jennifer's, who's the**
- 14 **archivist, who had control and responsibility**
- 15 **for the files, or Andy mentioning that he had**
- 16 **engaged in questionably propositioning sort of**
- 17 **behavior of other adult males.**
- 18 **Q.** When did she bring that information to you?
- 19 **A. You know, I would imagine that probably**
- 20 **surfaced in -- in 2011, maybe 2012, I wanna**
- 21 **say, perhaps more 2011.**
- 22 **Q.** And was he being considered for promotion at
- 23 that time or a question raised about him being
- 24 administered -- administrator versus pastor?
- 25 **A. So I believe, and I'm not certain about this,**

- 1 **but I believe he was already pastor of a**
 2 **parish and now the question became, we're**
 3 **gonna merge two parishes, should we make him**
 4 **pastor of that parish? Or maybe he wasn't a**
 5 **parish (sic) of the first, so this was gonna**
 6 **be the first time. And -- and she was right**
 7 **to bring those concerns. And it was**
 8 **homosexuality as the concern, it was all of**
 9 **those -- it was the three taken together.**
 10 Q. Okay. Yeah, I'm going to break them down a
 11 little bit because -- so we get the full
 12 understanding of what you had at that time --
 13 A. Sure.
 14 Q. -- and/or the source of it. So the same-sex
 15 attraction, propositioning males, was brought
 16 to you by Jennifer Haselberger and she is the
 17 one -- she is the source of your having heard
 18 that, correct?
 19 A. **It -- it -- it was, again, either Jennifer or**
 20 **Andy. They shared a lot of information, they**
 21 **-- and so I come to learn that he has**
 22 **apparently a same-sex attraction and that he**
 23 **is soliciting or engaging in suggestive**
 24 **conversation with other adult males.**
 25 Q. Did Jennifer and/or Andy raise that to you

- 1 with a great deal of alarm saying, "He's not
 2 fit to be in a ministry much less promoted to
 3 pastor?"
 4 A. **So in and of itself, the singular issue is an**
 5 **important issue that we'd wanna follow up on,**
 6 **but may not be in and of itself reason to**
 7 **disbar someone from ministry. That's why**
 8 **we're saying it's -- it's all of those issues**
 9 **taken together.**
 10 Q. Okay. So let's take the second issue then.
 11 You said there was a question about whether
 12 there was a drinking issue, whether he had an
 13 alcohol problem, right?
 14 A. **(No response).**
 15 Q. Correct?
 16 A. **Correct.**
 17 Q. And you learned that from whom and when?
 18 A. **Again, I think that would have been around the**
 19 **same time that I learned of the first.**
 20 Q. Okay. And the first was the propositioning of
 21 males?
 22 A. **That's correct.**
 23 Q. Did you know the propositioning of males was
 24 18- or 19-year-olds?
 25 A. **That's the way it was communicated to me, that**

- 1 **it was adults.**
 2 Q. But did you know it was 18- or 19-year-olds?
 3 A. **You know, whether or not -- I -- I didn't ask**
 4 **for an age, I asked, "What was it?" "It was**
 5 **adults." What I was told is it was adults.**
 6 Q. If you had heard that it was actually 18- and
 7 19-year-olds, would that have raised more
 8 alarm than what you remember having?
 9 MR. KYLE: Objection, hypothetical.
 10 BY MR. ANDERSON:
 11 Q. You can answer, I think.
 12 A. **I think taken together there was already**
 13 **reason to be alarmed.**
 14 Q. And then the third concern that you identified
 15 as having received information about Wehmeyer
 16 was comments about interacting with
 17 parishioners?
 18 A. **Correct.**
 19 Q. Is that -- is that him having taken kids on
 20 camping trips or what is that concern that
 21 you're referring to?
 22 A. **That's outbursts of anger, seeming to show**
 23 **some parishioners more time than other**
 24 **parishioners and -- and so that -- you know,**
 25 **not -- not exercising good judgment in the**

- 1 **leadership and operational decisions that he**
 2 **was entrusted with.**
 3 Q. Any other concerns that came to your attention
 4 before Wehmeyer was identified as the person
 5 that was reported?
 6 A. **To my recollection, those are the pieces that**
 7 **I knew about Wehmeyer before he was reported.**
 8 Q. Were you ever told that Wehmeyer had taken a
 9 child alone camping overnight before he was
 10 reported or you received that first report you
 11 talked about?
 12 A. **The only piece that I recall with respect to**
 13 **camping was when he had propositioned some**
 14 **adults, I believe, around a party or where a**
 15 **party was. There may have been some question**
 16 **about whether Father had taken family members**
 17 **camping, but I -- I -- that's what I would**
 18 **recall.**
 19 Q. And when did you receive that information?
 20 A. **Again, I think it would be around that same**
 21 **time that I'm talking to, the 2011 sort of**
 22 **time frame.**
 23 Q. Did you receive from Father Scerbo any
 24 information that he had received a report that
 25 Wehmeyer was taking kids camping and the

1 mother of the children was going to be
 2 contacted about that concern?
 3 **A. I learned about that in the debrief, you know,**
 4 **that we had done after that, after the**
 5 **Wehmeyer situation.**
 6 **Q.** But you did not know anything about that
 7 before?
 8 **A. No.**
 9 **Q.** You made mention that he was proposition --
 10 did you know anything or hear anything that he
 11 was propositioning people while camping and
 12 that was in connection with his DUI arrest?
 13 **A. You know, I'm not exactly sure what the term**
 14 **-- you know, what that timeline was. I**
 15 **certainly -- I knew after the fact that there**
 16 **had been a DUI. Whether I knew before the**
 17 **fact, I don't recall. It's one of the things**
 18 **we were fixing is trying to get annual**
 19 **background checks, one of the initiatives that**
 20 **we had under way. So I'm not sure when I**
 21 **received that information about a DWI.**
 22 **Q.** Did you, in connection with the propositioning
 23 issue, receive information at any time that it
 24 was teenagers that he was trying to bring back
 25 to the campground when he was arrested for the

1 DUI?
 2 **A. Again, the way it had been presented to me was**
 3 **young adults or adults and the law makes a**
 4 **clear division there.**
 5 **Q.** Was Wehmeyer ever identified by you, by anyone
 6 or any source prior to his report and arrest
 7 as a sex addict?
 8 **A. You know, again, I think that may have been**
 9 **part of the information that was shared about**
 10 **Wehmeyer and I think that would have probably**
 11 **come from Jennifer, if in fact he was or is or**
 12 **had been diagnosed as a sex addict.**
 13 **Q.** Did you know that he was on monitoring in
 14 2009?
 15 **A. I don't recall, but in light of what I've**
 16 **learned about those behaviors in 2011, he**
 17 **would certainly have been a candidate for**
 18 **monitoring.**
 19 **Q.** But did you have any personal knowledge or
 20 receive any report that he had been?
 21 **A. At that time I had -- I had not, no.**
 22 **Q.** Did you ever look at the file of Wehmeyer when
 23 you're receiving these reports in 2009, '10 or
 24 '11 to see exactly what his history reflected
 25 in the file?

1 **A. No. I had no reason to doubt Jennifer or Andy**
 2 **and the things that they were communicating to**
 3 **me and they helped me form my own judgment.**
 4 **Q.** When Jennifer Haselberger brought these
 5 cumulative concerns to you and he was being
 6 considered for an appointment to Blessed
 7 Sacramento, she urged against his appointment,
 8 did she not?
 9 **A. She did.**
 10 **Q.** And what position did you take?
 11 **A. I had already come to that conclusion.**
 12 **Q.** What, that he should or should not be
 13 appointed?
 14 **A. He should not be appointed.**
 15 **Q.** And did you communicate that to Archdiocese
 16 Nienstedt?
 17 **A. I did.**
 18 **Q.** When?
 19 **A. Again, it would have been ahead of that**
 20 **appointment, I'm not so sure when, and that**
 21 **may have been something that Jennifer brought**
 22 **to my attention because of the way in which**
 23 **the assignment process worked and I wasn't**
 24 **directly involved in that.**
 25 **Q.** And so both you and Jennifer Haselberger had

1 come to the belief, based on the information
 2 you had, that he should not be made pastor of
 3 Blessed Sacramento, correct?
 4 **A. I can't -- again, I didn't talk to Jennifer**
 5 **about what her conclusion was, but from the**
 6 **information that I had received, I -- I had**
 7 **come to that conclusion.**
 8 **Q.** Did you in fact recommend to Archbishop
 9 Nienstedt that he not be in ministry, given
 10 the history that had now been made known to
 11 you?
 12 **A. Yes, I --**
 13 **Q.** What was Archbishop's response to you when you
 14 made that known to him?
 15 **A. I think he took it under advisement. I --**
 16 **he --**
 17 **Q.** He didn't follow your guidance, did he? And
 18 he appointed Curtis Wehmeyer to be pastor of
 19 Blessed Sacramento, correct?
 20 **A. He -- he did. I wanna -- I wanna be clear, I**
 21 **didn't reach my conclusion thinking there was**
 22 **anything in there about child predatory**
 23 **behavior. It was just a line of what I didn't**
 24 **think would be appropriate for ministry and**
 25 **that's what I communicated to the archbishop.**

1 Q. And you thought him not to be appropriate for
2 ministry because there could be a risk at
3 keeping him in ministry, correct?

4 MR. HAWS: Well, object to the
5 extent you're implying it's a risk to
6 children. Father's already testified, so --

7 MR. ANDERSON: Well, I'm talking
8 about a risk.

9 MR. HAWS: Well, let's not take it
10 out of context of what Father's testified to.

11 BY MR. ANDERSON:

12 Q. By reason of his sexual history, correct?

13 A. **So not a risk to children, but not the sort of**
14 **person who should be comporting themselves as**
15 **a Catholic priest.**

16 Q. At the same time that you made the
17 recommendation that he should not be in
18 ministry and as pastor at Blessed Sacrament,
19 did you become aware that others advising the
20 bishop -- archbishop took a different view --

21 A. **I did not.**

22 Q. -- contrary view? Okay. Did you become aware
23 that there was a discussion about
24 consideration about whether or not the
25 employees and the staff at Blessed Sacrament

1 should be told anything about the history
2 known to the archdiocese and a decision was
3 made not to tell them?

4 A. **Well, a standard expectation for someone on**
5 **POMS is that there would be some level of**
6 **disclosure. So I was certainly aware of that**
7 **reality. I think in -- I -- so I was**
8 **certainly aware of that. I think there was a**
9 **question about in 2011 or something like that,**
10 **or early '12, had that disclosure actually**
11 **taken place.**

12 Q. In 2011, did you become aware that a choice
13 was made and Kevin McDonough was involved in
14 it to not disclose to the parish employees the
15 the history known about Wehmeyer, but, rather,
16 to just a few of his close friends?

17 MR. HAWS: Objection, misstates the
18 evidence. Go ahead.

19 A. **You know, I think --**

20 (Discussion out of the hearing of
21 the court reporter)

22 A. **I think it was a, again, a conversation I**
23 **would have had at the priest working group,**
24 **has disclosure been made, and I think a**
25 **follow-up, Andy following up with -- with**

1 **McDonough about whether disclosure has been**
2 **made. That was the first time that, again,**
3 **the common understanding was, if someone's on**
4 **POMS, there is some form of disclosure, at**
5 **least that's the way I understood this.**

6 Q. Okay. I'm going to show you what we marked
7 Exhibit 17 and it's dated May 9th, 2011.

8 A. **Uh huh.**

9 Q. It's from Father McDonough because it's on St.
10 Peter Claver Catholic Church stationery. You
11 are cc'd on it. It's regarding "To Tim
12 Rourke." You knew him to be one of the
13 monitors at that time?

14 A. **That's correct.**

15 Q. And it's from Kevin McDonough regarding Curtis
16 Wehmeyer and disclosure, correct?

17 A. **(Examining documents).**

18 Q. At the top you can see under the "Re" line.

19 A. **Yeah, okay.**

20 Q. Look at the last paragraph, and I'm going to
21 ask you a question after I read it. It
22 states, "My recommendation is that we would
23 encourage or even require Father Wehmeyer to
24 disclose his pattern of self-destructive
25 behavior to a small circle of trusted friends.

1 I am sending a copy of this memo to Father
2 Laird so that he can weigh in on the matter as
3 well." First question is, did you receive a
4 copy?

5 A. **Yeah, I'm obviously cc'd there. I think I**
6 **received a copy of this, yes.**

7 Q. Did you weigh in?

8 A. **I think at the next working group, "Our policy**
9 **is to disclose, we should disclose."**

10 Q. Do you know why, then, this is reflected to be
11 disclosure not to the parish or the employees,
12 but, rather, to a small circle of his trusted
13 friends only? Why is that limited?

14 A. **I -- I don't --**

15 MR. HAWS: First of all, let me
16 object that this is a memo from Father
17 McDonough directed to Tim Rourke dated May 9,
18 2011, and the document speaks for itself with
19 that information, but if there's a question to
20 Father Laird, go ahead.

21 A. **I -- I -- I can't divine Father McDonough's**
22 **mind. Certainly we were looking at a -- this**
23 **would be the sort of thing that we'd want to**
24 **disclose to people at the parish.**

25 **BY MR. ANDERSON:**

- 1 **Q.** Well, you're asked to weigh in by this memo,
2 correct? And it sounds like at the working
3 group you did. And it sounds like the
4 conclusion was reached to make a limited
5 disclosure and a full disclosure, is that a
6 fair characterization --
- 7 **A.** Well, I --
- 8 **Q.** -- characterization or not?
- 9 **A.** I -- I'll -- I'll probably accept some
10 responsibility of not clarifying what that
11 disclosure should have been. We were in
12 broader conversations about how we become
13 systematic and repetitive about who gets
14 disclosed on what topics. And I certainly
15 think that was informing my thoughts at this
16 time.
- 17 **Q.** And when your thoughts were informed and asked
18 to weigh in, you had not reviewed the Wehmeyer
19 file, correct?
- 20 **A.** I had not, no. I had that -- I think it was
21 relatively the same at the time.
- 22 **Q.** Do you think McDonough did a responsible job
23 or good job in handling this?
- 24 MR. HAWS: Again, objection, vague,
25 handling what?

- 1 BY MR. ANDERSON:
- 2 **Q.** The Wehmeyer disclosure or nondisclosure.
- 3 **A.** I think Father McDonough did a lot of very
4 fine work. This might be an area where I
5 would disagree if in fact the disclosure had
6 not taken place or the way in which it's
7 characterized.
- 8 (Discussion out of the hearing of
9 the court reporter)
- 10 BY MR. ANDERSON:
- 11 **Q.** There has been a lot of discussion about a
12 list of credibly accused offenders and whether
13 it should be disclosed publicly. Did you ever
14 advocate to the archbishop or any of the
15 officials that the list of offenders credibly
16 accused be publicly disclosed?
- 17 **A.** I believe, yes, on perhaps two occasions. I
18 just thought a lot of these things are known,
19 you know, events in the press, I think that
20 was part of the John Jay effort, other
21 dioceses have done so.
- 22 **Q.** And when did you first advocate a public
23 disclosure of the list of credibly accused
24 offenders identified by number to have been 33
25 in the Archdiocese of St. Paul and

- 1 Minneapolis?
- 2 **A.** You know, again, I think it was an evolving
3 issue and the -- and the sensitivity and
4 awareness of that, it certainly would not have
5 been before -- on this issue before 2010, but
6 I would imagine in 2011.
- 7 (Discussion out of the hearing of
8 the court reporter)
- 9 BY MR. ANDERSON:
- 10 **Q.** Did you tell -- did you advocate that or
11 express that view to Archbishop Nienstedt?
- 12 **A.** Yes.
- 13 **Q.** How many times?
- 14 **A.** Again, I think it was once or twice.
- 15 **Q.** And the first time was when in time?
- 16 **A.** Again, it wouldn't have been before 2010, so I
17 would imagine sometime in 2011.
- 18 **Q.** And what did you say to him and what reason
19 did you give why you thought that was the best
20 practice, if you did?
- 21 **A.** That we wanted to be as transparent as we
22 could be, that others disagreed with us in not
23 doing this and it wasn't worth not disclosing
24 that information.
- 25 **Q.** And what was his response to you?

- 1 **A.** I think he took it under advisement.
- 2 **Q.** And you did learn that he chose not to make
3 public disclosure of that list until two years
4 later, correct?
- 5 **A.** That's correct.
- 6 **Q.** The second time you brought this matter and
7 recommendation to him was when?
- 8 **A.** Perhaps around the issue of the events that we
9 began talking about this afternoon or this --
10 I mean, this morning, I mean, the fall of
11 2013.
- 12 **Q.** Okay. Tell us the circumstances that
13 precipitated your recommendation to him, what
14 had happened and that caused you to bring it
15 to him and then what you said.
- 16 **A.** I -- I -- I would say the same thing, that I
17 -- this is a step that we can take of
18 information that in some respects is already
19 public, let's acknowledge that and put that,
20 you know, front and center.
- 21 **Q.** And how did he respond to that?
- 22 **A.** Again, at that time I think he took it under
23 advisement.
- 24 **Q.** And he did not do it as promptly, then, as you
25 had urged, correct?

1 **A. Not -- not the day after that I -- we talked**
2 **about.**

3 (Discussion out of the hearing of
4 the court reporter)

5 BY MR. ANDERSON:

6 **Q.** I'm going to turn your attention to Father
7 Shelley for a moment. And when in time,
8 Father, did he come onto your radar as a
9 source of some concern?

10 **A. Again, this would probably have been in the**
11 **2011, early 2012, somewhere in that time**
12 **frame.**

13 **Q.** And how did that come to you that caused it to
14 be a source of concern? What happened?

15 **A. I recall that Jennifer Haselberger brought**
16 **some concerns that she had come to realize to**
17 **my attention.**

18 **Q.** And is this before or after Wehmeyer has been
19 -- she's brought Wehmeyer to your attention?

20 **A. You know, I don't recall that. I believe it**
21 **was before --**

22 **Q.** Okay.

23 **A. -- or maybe coterminous with.**

24 **Q.** And what did she bring to your attention?
25 What information did you learn from her?

1 **A. She raised concerns about some computer disks**
2 **or images that Father -- that apparently**
3 **belonged to Father Shelley.**

4 **Q.** What did she tell you?

5 **A. She advanced her judgment that they could**
6 **possibly be pornographic.**

7 **Q.** Child born or adult porn?

8 **A. Possibly child porn.**

9 **Q.** And did she tell you on what she based that?

10 **A. Her judgment.**

11 **Q.** Did she tell you that she looked at it?

12 **A. Yes.**

13 **Q.** Did she ask you to look at it?

14 **A. She did ask me to look at it.**

15 **Q.** And what was your response?

16 **A. I said, "Let me do some fact-finding."**

17 **Q.** Why did you -- what did you -- why did you
18 respond that way?

19 **A. I myself am not a judge or trained to be able**
20 **to deliberate what constitutes child**
21 **pornography and I want to know the context for**
22 **this concern that she has.**

23 **Q.** As a trained lawyer, don't you know that
24 that's really the job of the police, to find
25 those facts?

1 **A. Surely.**

2 **Q.** So when you said to her you want to do some
3 fact-finding, what fact-finding did you do?

4 **A. I believe I immediately went and engaged Andy**
5 **Eisenzimmer, and whether he was able to share**
6 **with me the back story on that or do some**
7 **investigating -- and I told Jennifer, "I'll**
8 **get back to you." And I learned the back**
9 **story.**

10 **Q.** And what was that?

11 **A. That these -- in early 2000, a computer -- a**
12 **parishioner or someone in the community had**
13 **raised concerns about a computer, that, I**
14 **believe it was Father McDonough, received that**
15 **computer, sent it away for analysis to at**
16 **least two different, maybe one different**
17 **entity, specifically with the question of**
18 **possible child pornography. That the judgment**
19 **of those investigators was no. That Father**
20 **Shelley had been sent away for assessment.**
21 **And that restrictions were being placed on his**
22 **computer use. And, finally, that there had**
23 **been no other allegations against Father**
24 **Shelley since that time of misconduct of any**
25 **kind.**

1 **Q.** Did you also learn that when that
2 investigation was done, experts were retained,
3 Setter?

4 **A. That -- that and I believe someone else was**
5 **retained as well.**

6 **Q.** Johnson?

7 **A. I -- that -- that -- I didn't ask for the**
8 **names, but that outside entities had reviewed**
9 **this material.**

10 **Q.** Did you learn that their findings indicated
11 that they were borderline child pornography?

12 **A. I don't recall if it was borderline or no**
13 **child pornography, no reason to suspect child**
14 **pornography.**

15 **Q.** Did you also learn that when this first
16 emerged and this event -- investigation was
17 done, that nothing about it, including the
18 Shelley file, was reported to law enforcement
19 at that time? That was under Archbishop
20 Flynn.

21 **A. Okay. I don't know -- can you restate your**
22 **question?**

23 **Q.** Did you learn at the time --

24 **A. No.**

25 **Q.** -- what you did about this history, that it

- 1 had not been reported when investigated by the
2 archdiocese?
- 3 **A. I -- well, fair enough, that it had not raised**
4 **to the standard of reporting.**
- 5 **Q.** So you knew that?
- 6 **A. (Nods head).**
- 7 **Q.** Yes?
- 8 **A. Yes.**
- 9 **Q.** After you did learn that and you did say that
10 Jennifer had asked -- urged you to in fact
11 look at the images because she believed them
12 to be illegal and, thus, requiring a report,
13 did you go back and say, "We better take a
14 look at those to make sure they're not"?
- 15 **A. I communicated my fact-finding with Jennifer,**
16 **and in 2011, that seemed to -- that was**
17 **information that she didn't have and it seemed**
18 **to satisfy her concerns.**
- 19 **Q.** Was this at a time where Shelley was being
20 considered to be made pastor at merged
21 parishes?
- 22 **A. I think that question was now coming onto the**
23 **horizon because of a merger that was taking**
24 **place.**
- 25 **Q.** Did you learn through discussions from her or

- 1 your own fact-finding that the search terms
2 reflected in Shelley's history of computer use
3 were "free naked boys"?
- 4 **A. I don't believe I was aware of that at the**
5 **time.**
- 6 **Q.** Why didn't you go back and look at the images
7 themselves as she had urged you to do to see
8 if they were in fact boys or kids or children?
- 9 **A. Because I thought there were reasonable steps**
10 **that had been reported to me that -- that had**
11 **been -- that had been taking place and -- and**
12 **that when I communicated to her that first**
13 **time, it did seem to satisfy her concerns.**
14 (Discussion out of the hearing of
15 the court reporter)
16 BY MR. ANDERSON:
- 17 **Q.** It sounds like this is all happening in 2011.
18 In 2012, there are more concerns that emerged
19 about Shelley and child pornography, correct?
- 20 **A. Well --**
21 MR. KYLE: Just to clarify, concerns
22 by any particular person?
23 MR. ANDERSON: Well, just, I think
24 from just Jennifer Haselberger.
25 BY MR. ANDERSON:

- 1 **Q.** But I'll ask you that. So are you aware that
2 in 2012, more concerns emerged?
- 3 **A. Well, I wouldn't say more concerns. I think**
4 **that's not accurate.**
- 5 **Q.** What would you say?
- 6 **A. Again, our conversations were 2011, 2012.**
7 **Jennifer then raised the idea of taking the**
8 **material to Rome. And so she was a proponent**
9 **that, okay, if it doesn't rise to the standard**
10 **of the civil law, it may never -- it may**
11 **nevertheless bar someone from ministry**
12 **according to canon law, and apparently there**
13 **were faculties in Rome to do that. And so**
14 **that was another suggestion that she had made,**
15 **to send the material to Rome.**
- 16 **Q.** And so in February of 2012, there was really
17 -- was there a disagreement about whether this
18 was actually child pornography?
- 19 **A. I think there was --**
20 MR. HAWS: First of all, let me
21 object. Father, if you know it was February
22 of 2012, I thought you said it's all around,
23 so --
24 MR. ANDERSON: Just --
25 MR. HAWS: I don't think it's you,

- 1 counsel. You can't put in words that the
2 father hasn't said. If that's the date, then
3 that's fine, but I just want to be clear, let
4 the father --
- 5 MR. ANDERSON: I'm asking the
6 question. I'm asking --
- 7 MR. HAWS: No. You're giving
8 statements and asking him to agree, some of it
9 which he's talked about, some of it is your
10 facts. Just let him -- ask a question rather
11 than --
- 12 MR. ANDERSON: I just asked a
13 question.
14 BY MR. ANDERSON:
- 15 **Q.** Okay. Father, let me just ask you the
16 question. In February of 2012, do you recall
17 there being a disagreement between yourself
18 and Jennifer Haselberger on whether or not
19 this was child pornography?
- 20 **A. You know, I don't know anything about --**
21 **there's nothing in my mind about February of**
22 **2012. I think there was continuing**
23 **conversations of what we might do to respond**
24 **in a proactive manner to this situation.**
25 (Discussion out of the hearing of

- 1 the court reporter)
 2 BY MR. ANDERSON:
 3 **Q.** And this was -- was this a time in which you
 4 knew ad limina visit was going to be coming
 5 soon?
 6 **A.** **Well, certainly that was a time when -- when**
 7 **the archbishop would be going for his visit.**
 8 **Q.** Did you become aware that Archbishop Nienstedt
 9 -- was Archbishop Nienstedt engaged with you
 10 in discussing what to do with Shelley and that
 11 whole issue?
 12 **A.** **I -- again, Jennifer had suggested about the**
 13 **canonical faculties in Rome. I think I**
 14 **encouraged her to bring that possibility to**
 15 **the archbishop. I think there was some real**
 16 **conversation about whether that would take**
 17 **place.**
 18 **Q.** Do you know if she brought it to the
 19 archbishop and there was contention between
 20 her and the archbishop?
 21 **A.** **I -- I wouldn't know.**
 22 **Q.** Okay. Did you become aware that she actually
 23 pasted -- cut and pasted some of the images --
 24 **A.** **No. I was not.**
 25 **Q.** -- that concerned her and placed them on the

- 1 archbishop's desk?
 2 **A.** **No. I was not.**
 3 **Q.** Had you ever heard that before I made --
 4 **A.** **Nope.**
 5 **Q.** -- that assertion today?
 6 **A.** **You're the first time.**
 7 **Q.** Okay. Did you at any time ever view any of
 8 the images on Shelley's computer?
 9 **A.** **No. She brought the computer -- or I don't**
 10 **know whose computer it was, but that initial**
 11 **time, brought those concerns and I said,**
 12 **"Before I look, I want to do some fact-**
 13 **finding."**
 14 **Q.** So is your answer you never did look?
 15 **A.** **That's correct.**
 16 **Q.** And you chose not to look because your fact-
 17 finding led you to believe you didn't need to
 18 or what?
 19 **A.** **I chose not -- at that time not to look**
 20 **because I -- I don't have any ability to**
 21 **determine what is or what is not child**
 22 **pornography. This is a serious concern that a**
 23 **fellow staff member has brought to my**
 24 **attention. I'm going to investigate it. I**
 25 **brought that information back to the staff**

- 1 **member and when I first did, that seemed to**
 2 **ameliorate her.**
 3 **Q.** You did say that you consider yourself a
 4 mandated reporter?
 5 **A.** **That's correct.**
 6 **Q.** And if so, then, why did you choose not to
 7 report it as -- to law enforcement to make
 8 that determination?
 9 **A.** **Well, first, it -- it stemmed from 2004, but**
 10 **even apart from the question of the time, that**
 11 **due diligence had been done by the archdiocese**
 12 **and outside entities have made a determination**
 13 **about this being adult male erotic images.**
 14 **Q.** Did you learn from Archbishop Nienstedt that
 15 he had consulted a classmate formerly at the
 16 CDF about this issue and what to do?
 17 **A.** **I believe at one point in time he shared that**
 18 **information with me.**
 19 **Q.** What did he tell you?
 20 **A.** **Other than the fact that he had consulted, I'm**
 21 **not so sure if he followed up in a**
 22 **conversation with Jennifer, but that he had**
 23 **consulted a -- someone who had worked at the**
 24 **CDF.**
 25 **Q.** Did Archbishop Nienstedt tell you that it was

- 1 a matter serious enough to be reported to the
 2 CDF?
 3 **A.** **I believe so. Whether he reported that to me,**
 4 **I believe that's what eventually happened**
 5 **because the CDF looks at cases at a much lower**
 6 **scale than child pornography.**
 7 **Q.** Tell me, then, what you understand about what
 8 happened at the CDF and your involvement was
 9 in the process.
 10 **A.** **That would have been a process that Jennifer**
 11 **would have been shepherding with the care of**
 12 **the archbishop to the extent to which -- I**
 13 **don't -- I don't know exactly how that**
 14 **unfolded. I do recall at a particular time**
 15 **there needed to be a more -- a final report by**
 16 **the initial investigation.**
 17 **Q.** And you did become aware that Archbishop
 18 Nienstedt had a meeting with representatives
 19 at the CDF concerning Shelley at his ad limina
 20 visit or not?
 21 **A.** **Maybe it was just a report that I had this**
 22 **meeting, that wouldn't necessarily be**
 23 **something that he would share the content of**
 24 **that meeting with me.**
 25 **Q.** Did you learn there was to have been a

1 follow-up to the CDF?
 2 **A. Yes, which was the closing of the canonical**
 3 **investigation, of the original investigation.**
 4 **Q.** Did you have any role in the preparation of a
 5 letter on Archbishop Nienstedt's signature to
 6 then Prefect Levada --
 7 **A. No.**
 8 **Q.** -- concerning the Shelley matter?
 9 **A. No.**
 10 **Q.** Have you ever reviewed such a letter?
 11 **A. I have maybe glanced at that. I didn't -- I**
 12 **haven't spent any time with it.**
 13 **Q.** In 2012, did you become aware that Shelley was
 14 permitted to take a sabbatical?
 15 **A. I -- I was aware of that.**
 16 **Q.** Were you aware that the people in the parish
 17 were told -- what were the reasons the people
 18 were told -- the people in the parish told for
 19 his sabbatical?
 20 **A. That I'm not aware of.**
 21 **Q.** Do you know if any of the people in the
 22 parish, including the employees as well as the
 23 the parishioners, were told about any of the
 24 concerns that you, Haselberger and Archbishop
 25 Nienstedt had that caused this to go to the

1 CDF and that predated his sabbatical?
 2 **A. I'm sorry, can you restate the question?**
 3 **Q.** Did anybody in the parish get -- were any
 4 disclosures made to the parish about -- at the
 5 time of his sabbatical about the concerns that
 6 you, Archbishop Nienstedt or other officials
 7 of the archdiocese had about Shelley and child
 8 pornography?
 9 **A. I believe --**
 10 MR. HAWS: Also object to the form.
 11 I don't think any of those members has
 12 indicated there was a concern of child
 13 pornography, but go ahead.
 14 BY MR. ANDERSON:
 15 **Q.** Well, wouldn't you agree that there were
 16 concerns raised about this being child
 17 pornography?
 18 **A. I think there -- I think the concerns were**
 19 **not, Mr. Anderson, about child pornography,**
 20 **but certainly about pornography, and that what**
 21 **Jennifer had argued was, that even something**
 22 **short of child pornography could be a reason**
 23 **why a priest could have discipline.**
 24 MR. KINSELLA: Excuse me, off the
 25 video record to change media.

1 (Recess taken)
 2 MR. KINSELLA: Back on the video
 3 record, time is 2:52 p.m.
 4 BY MR. ANDERSON:
 5 **Q.** When you say this is just related to
 6 pornography, were you aware that the Setter
 7 report, the findings made by the investigators
 8 found the search terms to be on that computer
 9 possessed by Shelley, "first, many could be
 10 borderline illegal," were you aware of that?
 11 **A. I wasn't aware of that specific language.**
 12 **Q.** Were you aware that they found the search
 13 terms used by Shelley were "free naked boy
 14 pictures"?
 15 **A. I was not aware of that.**
 16 **Q.** Were you aware that one of the search terms
 17 found to have been listed was "hardcore teen
 18 boys"?
 19 **A. No.**
 20 **Q.** Were you aware that one of the search terms
 21 found in the report to have been listed was
 22 "European teen boys"?
 23 **A. No.**
 24 **Q.** Were you aware that one of the search terms
 25 found to have been listed on Shelley's

1 computer was to be "helpless teen boys"?
 2 MR. HAWS: Object to the form. You
 3 never asked the witness if he read any of the
 4 report, plus you haven't shown him the report
 5 to see what it say in its entire context.
 6 BY MR. ANDERSON:
 7 **Q.** I'm asking you if you're aware of that.
 8 **A. If -- if -- I'm relying on your word about**
 9 **that. I haven't seen the report.**
 10 **Q.** None of those things sound like adult
 11 pornography, do they? They sound like child
 12 pornography, don't they?
 13 MR. KYLE: Objection, form, asks for
 14 a legal conclusion.
 15 BY MR. ANDERSON:
 16 **Q.** You can answer that.
 17 **A. Again, I am not an adequate judge of what that**
 18 **is. I think those materials have subsequently**
 19 **been handed over to authorities and I think**
 20 **they've reached a conclusion about those**
 21 **materials, which seems to sustain the work**
 22 **that had been done earlier by the archdiocese.**
 23 **Q.** Do you agree or disagree that those terms
 24 themselves are indicative of an interest in
 25 child pornography versus adult pornography,

1 yes or no?

2 **A. I'm -- I'm not able to answer that as a yes or**

3 **no because I'm not a psychologist or someone**

4 **who's trained in this particular area.**

5 **They're certainly troubling, but --**

6 **Q.** You're a mandatory reporter, aren't you?

7 **A. Of course I'm a mandatory reporter.**

8 **Q.** If you get information that he's possessed of

9 images with search terms such as that, is that

10 a mandated report?

11 MR. HAWS: Object to the form,

12 speculation. Go ahead.

13 MR. KYLE: I'll join the objection.

14 **A. You know, I think it's -- I think the statute**

15 **is "knowledge or reason to believe," and I**

16 **think the archdiocese did good work in 2003**

17 **and I relied upon that work.**

18 **BY MR. ANDERSON:**

19 **Q.** If the report reflects those search terms were

20 known in 2003 or four, if that was not

21 reported, do you consider that good work,

22 Father?

23 **A. Well, I would certainly, if I received a**

24 **computer today that had concerns, well, I**

25 **think we'd be very proactive about sharing**

1 **that computer.**

2 **Q.** Well, you were just extolling the good work

3 done in 2003. I'm asking you, if those were

4 terms known in 2003 to the archdiocese

5 officials and not reported, do you consider

6 that good work?

7 **A. Again, in -- I can only speak to the work that**

8 **-- that we tried to do and -- and I think**

9 **there's an evolving understanding of those**

10 **things and it's not the way I would want to do**

11 **business today.**

12 **Q.** Did you learn that he had been living with an

13 18-year-old boy in his rectory in 2009?

14 **A. Not in 2009. I think that information came to**

15 **light in 2011 and we immediately authored an**

16 **internal policy that forbade non-family**

17 **members from living in rectories.**

18 **Q.** When Jennifer Haselberger found these computer

19 disks in the Shelley file, do you recall her

20 bringing them to you to say, "You gotta look

21 at this"?

22 **A. You know, she didn't show disks to me. She**

23 **brought a laptop.**

24 **Q.** And she asked you to look at the images on the

25 laptop and that's when you said, "I want to do

1 some fact-finding"?

2 **A. "Let me do some fact-finding and contextualize**

3 **the situation."**

4 **Q.** Did you tell her or order her or suggest to

5 her she put them back in the file?

6 **A. Not at that time. She's the archive -- she**

7 **was at that time the archivist and at no time**

8 **would I limit what she would do.**

9 **Q.** Did you at some later time order her to put it

10 back in the file and leave it alone?

11 **A. At some later time?**

12 **Q.** Yes.

13 **A. This would have been in 2013 when she renewed**

14 **the issue, I reminded her, as I had in 2009,**

15 **that I want all of us to act as reporters,**

16 **whether we're mandated or not. And if she**

17 **still thought this was an issue, she should**

18 **report it.**

19 **She reported it, I believe, and**

20 **subsequently came back and said that she was**

21 **concerned that she had this material in her**

22 **possession. I asked for the civil chancellor,**

23 **his advice on this matter, and at that time I**

24 **-- I said to her, "Jennifer, if you're**

25 **concerned -- you're not gonna take this to the**

1 **police and you're concerned about having this**

2 **in your possession, place it in the vault."**

3 **Q.** And at that point had she taken it to the

4 police?

5 **A. I don't believe she had.**

6 **Q.** She's not a mandated reporter, is she?

7 **A. No. But I certainly encouraged her to report**

8 **if she thought it was a serious matter.**

9 **Q.** You referred to the civil chancellor. Was

10 that then Kueppers?

11 **A. That would have been Joe Kueppers at the time.**

12 **Q.** What was Kueppers' reaction at that time to

13 you?

14 **A. Tell her to -- write who's -- you know, what**

15 **it is, put it in a box, seal it and put it in**

16 **the -- I believe in the -- in the vault.**

17 **Q.** Before Shelley went on sabbatical and the

18 disclosures were made to the parish about the

19 reasons for his sabbatical, did you have a

20 personal meeting with him?

21 **A. Father Shelley?**

22 **Q.** Yes.

23 **A. I don't believe I ever met personally with**

24 **Father Shelley.**

25 (Discussion out of the hearing of

1 the court reporter)
 2 BY MR. ANDERSON:
 3 **Q.** Did you have a phone conversation with him
 4 about that?
 5 **A.** **I may have had a phone conversation with**
 6 **Father Shelley.**
 7 **Q.** Tell us about that and what was said by you to
 8 him and the purpose for it.
 9 **A.** **Again, I don't have a clear recollection.**
 10 **It's plausible that I had a phone call with**
 11 **Father Shelley, but I did not interact with**
 12 **him regularly in -- about these matters.**
 13 (Discussion out of the hearing of
 14 the court reporter)
 15 BY MR. ANDERSON:
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1 **A.**
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 5 (Discussion out of the hearing of
 6 the court reporter)
 7 BY MR. ANDERSON:
 8 **Q.** Did you at any time or, as far as you know,
 9 any official of the archdiocese ever tell any
 10 of the parishioners or the people that there
 11 had been stuff going on with the CDF and any
 12 of these concerns that had been had about
 13 Shelley?
 14 **A.** **Am I aware of any communication?**
 15 **Q.** Any, yes.
 16 **A.** **Not about the CDF, no.**
 17 **Q.** Well, about Shelley and any concerns in his
 18 past at all?
 19 **A.** **Again, I believe that the disclosure -- he was**
 20 **on POMS, the disclosure had been made at that**
 21 **initial time.**
 22 **Q.** Well, POMS was the monitoring program, but was
 23 any of the -- was anybody in the parish
 24 informed that he was on monitoring or the
 25 reasons for it?

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1 **A.** **Again, I wasn't there in 2004 or 2005. We had**
 2 **certainly gotten to a point during my tenure**
 3 **where we would disclose events that happened**
 4 **during that time to trustees and -- and others**
 5 **what the extent of the monitoring was.**
 6 **Q.** And when it pertains to Shelley and the
 7 disclosure made about the fact that he was on
 8 POMS or monitoring, that was made only to the
 9 pastor where he worked or the associate
 10 pastors where he worked, to the monitors
 11 involved and known only to the officials in
 12 the archdiocese who knew it, correct?
 13 **A.** **I wasn't there at the time and can't answer**
 14 **that question.**
 15 **Q.** Can you identify any people beyond those I
 16 just identified that would have known that
 17 Shelley was being monitored by the archdiocese
 18 and on the POMS program beyond those in the
 19 POMS program?
 20 **A.** **Again, I -- I don't know what -- what was done**
 21 **in -- in 2004 and 2005.**
 22 **Q.** So you can't say that the parishioners were
 23 told he was on POMS or on monitoring, correct?
 24 **A.** **I can't either say that they were or -- or say**
 25 **that they weren't.**

- 1 MR. ANDERSON: Let's take a break.
 2 MR. KINSELLA: Off the video record.
 3 (Recess taken)
 4 MR. KINSELLA: Back on the video
 5 record, 3:21 p.m.
 6 BY MR. ANDERSON:
 7 **Q.** Okay, Father. I'm trying to wind down here,
 8 doing my best, and you are, too. Thank you.
 9 When it comes to Father Shelley, at
 10 the time that he was permitted to take
 11 sabbatical and the folks had a party for him
 12 there, did you believe that he shouldn't be
 13 allowed to continue in ministry?
 14 **A.** **At that time I don't recall what my opinion**
 15 **was of -- of Father Shelley. What was clear**
 16 **is, we needed to come to clarity and a**
 17 **decision point of transparency about what --**
 18 **what would happen with Father Shelley.**
 19 **Q.** Do you think the archdiocese was transparent
 20 about Shelley's history?
 21 **A.** **Again, I think in 2004 or five when that**
 22 **disclosure was done, it certainly met the**
 23 **expectations of what was required at the time,**
 24 **and that there had been no new allegations**
 25 **about Father Shelley since then and he was**

- 1 **under monitoring, certainly I think that was**
 2 **good work, but you had to, in light of the**
 3 **current situation, take a look at that again.**
 4 **Q.** And do you know how the information about
 5 Shelley's history did become public --
 6 **A.** **I don't.**
 7 **Q.** -- and known? Knowing what you have now read
 8 and heard spoken today about Shelley's
 9 history, do you believe he is fit to be
 10 continued in ministry?
 11 **A.** **I'd want to review everything that's been said**
 12 **and I'd want to substantiate those pieces. I**
 13 **do think over the last three years a lot of**
 14 **very good work was being done to make sure**
 15 **that we would have the best practice of any**
 16 **diocese in the country and systematically be**
 17 **able to answer the question you're asking.**
 18 **Q.** And if any of all those things that I told you
 19 were both in the record and the files of
 20 Shelley are so reflected, do you believe today
 21 that those make him a risk to be continued in
 22 ministry?
 23 MR. HAWS: Object to the form again,
 24 implying some kind of risk, other than what --
 25 regarding child sexual abuse.

- 1 **A.** **So there wasn't evidence of child sexual**
 2 **abuse, but there was obvious evidence that**
 3 **needed further ongoing monitoring and review**
 4 **on regular occasions.**
 5 **BY MR. ANDERSON:**
 6 **Q.** The viewing of child pornography by a priest
 7 you do understand to be child sexual abuse, do
 8 you not?
 9 **A.** **Absolutely.**
 10 **Q.** Okay. There was obviously an allegation of
 11 some kind made public about Archbishop
 12 Nienstedt where he took a leave. When in time
 13 did you -- did you ever hear anything about
 14 that allegation before it was made public by
 15 the archdiocese?
 16 **A.** **That happened after I had left my**
 17 **responsibilities as vicar general and**
 18 **moderator of the Curia.**
 19 **Q.** Had you ever heard anything about that while
 20 you were vicar general, talk about it in the
 21 Chancery among anybody or anyone?
 22 **A.** **At -- at no time during my time or my tenure**
 23 **was there any concern raised about Archbishop**
 24 **Nienstedt's interaction with minors in a way**
 25 **that could be interpreted as abuse.**

- 1 **Q.** We've -- or that incident at all. I mean --
 2 **A.** **Oh, no.**
 3 **Q.** -- I'm not saying it was abuse, I'm just
 4 saying that incident.
 5 **A.** **No.**
 6 **Q.** Okay. We've been -- obviously received a lot
 7 of documents and have gone through those
 8 documents, a couple of which we showed you
 9 here today, and we talked about a number of
 10 your conversations and I'd like to ask first
 11 about your practices concerning documenting
 12 meetings and/or conversations. Was it
 13 generally your practice not to document by way
 14 of memorandum most conversations or meetings
 15 you had?
 16 **A.** **There's certainly a lot of meetings and**
 17 **conversations that have been documented. Has**
 18 **every conversation been documented? No. To**
 19 **the extent to which I'm only animating or**
 20 **furthering the work of others who are charged,**
 21 **I would expect that their memorandum would**
 22 **reflect that.**
 23 **Q.** When a memorandum would be prepared and it
 24 pertains to a suspicion of sexual abuse or a
 25 meeting concerning a suspicion or a concern

- 1 about it and such a document would be
2 prepared, where would it go once prepared?
- 3 **A. It would go likely to Jennifer Haselberger and**
4 **then a determination would be made, I would**
5 **imagine there, where it would go in the file.**
- 6 **Q.** And when you say "the file," what file are you
7 referring to?
- 8 **A. The priest file.**
- 9 **Q.** You're aware there's a priest file maintained
10 at the Chancery, correct?
- 11 **A. Yes.**
- 12 **Q.** And are there other files that are maintained
13 apart from the ordinary priest file?
- 14 **A. I am not aware of that. Jennifer, and now her**
15 **successor, are the ones empowered to maintain**
16 **and have access to those files.**
- 17 **Q.** And are you aware of any files being
18 maintained that are called "restricted access
19 files"?
- 20 **A. It may have been Jennifer who mentioned it to**
21 **me as part of my onboarding into the**
22 **archdiocese, that there was this -- a set of**
23 **files or -- I don't know how many, but that**
24 **they were kept in a separate place in a -- and**
25 **she showed me and that's the one time that I**

- 1 **had interaction with that. She maintained, I**
2 **think, the access to them.**
- 3 **Q.** When was that, Father, that she showed you?
- 4 **A. That would have probably been in 2009 or 2010,**
5 **early 2010.**
- 6 **Q.** Early in your tenure as the vicar general?
- 7 **A. Correct.**
- 8 **Q.** And she showed you. Was that in a vault?
- 9 **A. You know, I'm not so sure where it was. I**
10 **think it was in a file cabinet.**
- 11 **Q.** Okay.
- 12 **A. A locked file cabinet.**
- 13 **Q.** Was that in what had been -- is that in the
14 office of the secretary for the vicar general,
15 Judy Delaney?
- 16 **A. I believe that that is exactly -- I think**
17 **that's the words, in fact, Jennifer used,**
18 **that, "These are restricted files that -- that**
19 **were in Judy -- Judy Delaney's office." She**
20 **was no longer in the organization at the time.**
- 21 **Q.** But it was in her office that they were
22 located?
- 23 **A. Yeah, it was more of a work station than**
24 **office, but it was a locked and secure file.**
- 25 **Q.** And were you given access to it or just shown

- 1 it?
- 2 **A. I was shown it. I never had occasion to open**
3 **it, remove anything, look at anything,**
4 **whatever it would be.**
- 5 **Q.** I think you just answered my next question.
6 Did you ever have occasion to look at it, open
7 it or for any reason view any of the files in
8 it?
- 9 **A. No.**
- 10 **Q.** Did you ask her what the contents of those
11 files were and why they were restricted, apart
12 from the ordinary priest files?
- 13 **A. It certainly wouldn't -- it certainly didn't**
14 **occur to me in 2009 to ask that question. By**
15 **2010, we made a decision to begin the process**
16 **of trying to make electronic all of our files,**
17 **purchasing a software program for that, but,**
18 **obviously, that's a work that I believe is**
19 **still in progress.**
- 20 **Q.** And whom did you use to create electronic
21 databases around files?
- 22 **A. I believe on Jennifer's recommendation, I**
23 **encouraged the archbishop to purchase a**
24 **software system from one of the vendors, and**
25 **that as our go-forward -- that would be part**

- 1 **of our go-forward approach.**
- 2 **Q.** And do you know, was that implemented and if
3 so, who's the manager of that program and
4 creator of the program?
- 5 **A. I -- when I left the organization, I believe**
6 **we were in the process of -- of testing,**
7 **probably making sure certain fields could be**
8 **restricted so that not everyone could see the**
9 **information. I'm not so sure that had been**
10 **populated yet because the kinks had not been**
11 **worked out.**
- 12 **Q.** Who managed it?
- 13 **A. Jennifer would have been originally the**
14 **project manager of that and then it was rolled**
15 **into IT.**
- 16 **Q.** And who in IT?
- 17 **A. I think the lead in IT would have been Mike**
18 **Rubio.**
- 19 **Q.** And are there archives maintained in a locked
20 room in the basement of the Chancery?
- 21 **A. Again, our chancellor of canon -- canonical**
22 **affairs is the archivist or has that**
23 **responsibility, so to be truthful, they would**
24 **know where the files are more than me.**
- 25 **Q.** What was the name of the program called that

- 1 was deployed for transfer from hard and paper
2 to electronic?
- 3 **A. I don't know if it ever had a name and I can't**
4 **-- I'm not thinking right now of what the**
5 **industry software name of the program was.**
6 **But it's, again, trying to be as progressive**
7 **as we could be and looking to the future, we**
8 **want real-time, accurate information, we need**
9 **an electronic file system. It had just not**
10 **been populated by the time I left the**
11 **organization.**
- 12 **Q.** To your knowledge, were all the files
13 intended, all of the paper files intended to
14 be integrated into the electronic system?
- 15 **A. That would have been my aspiration.**
- 16 **Q.** Were there discrete files for sexual
17 misconduct maintained separate and apart from
18 ordinary personnel files for priests?
- 19 **A. I would not know directly that information.**
- 20 **Q.** Do you know if the archbishop at any time
21 during your tenure at any time kept separate
22 files pertaining to sexual misconduct by
23 priests?
- 24 **A. Not that I'm aware of.**
- 25 **Q.** Are you aware that Father McDonough, one of

- 1 your predecessors and also the delegate for
2 safe environment, kept any files separate and
3 apart?
- 4 **A. I'm not aware of -- of that, except -- and**
5 **this would be in the role of delegate of safe**
6 **environment.**
- 7 **Q.** When a victim or a victim's parents or
8 somebody like that would call the archdiocese
9 and/or make a report to the archdiocese that
10 they had been abused or a family member had
11 been abused, I assume there was a protocol in
12 place when you took over as vicar general and
13 continued as vicar general for those reports
14 to be relegated to someone, correct?
- 15 **A. When I came to the organization, I think the**
16 **standard way, but not the exclusive way, and I**
17 **don't -- I can't know the -- I don't know the**
18 **last time a report was made. The one that was**
19 **made while I was there with respect to child**
20 **sexual abuse was Father Curt Wehmeyer. But**
21 **there had been a practice of it coming in**
22 **through the victim's assistance coordinator.**
23 **That was something that was being reviewed.**
- 24 **Q.** I think Andy Eisenzimmer reported that, if a
25 report came in, he would usually often be --

- 1 could have been McDonough, too, but let me
2 just ask you if you are familiar with it; a
3 call comes in, were there protocols in place
4 that you were aware that it should go to
5 Father McDonough as the delegate for safe
6 environment or former vicar general or Andy
7 Eisenzimmer to be processed appropriately?
- 8 **A. I'm not sure what the pro -- whether there**
9 **were protocols. Certainly Father McDonough**
10 **would have been notified as the delegate for**
11 **safe environment. And I would presume, I**
12 **mean, as it happened in Father Wehmeyer, that**
13 **was communicated to the rest of the**
14 **organization. This was also something we were**
15 **in the process as part of an overall approach**
16 **to bringing a new focus to that issue.**
- 17 **Q.** And so I presume intakes are made or some
18 memorandums are recorded of reports made by
19 victims and their families concerning priests,
20 correct?
- 21 **A. The only one that I'm aware of during my time**
22 **was -- was Father Curt Wehmeyer.**
- 23 **Q.** And so where are such reports by victims
24 and/or their families housed or filed?
- 25 **A. I would imagine they would be part of that**

- 1 **priest file. In the Wehmeyer case, within a**
2 **very short time after getting the permission**
3 **to report that, we reported it and then**
4 **essentially stepped back to allow the police**
5 **to carry out their investigation.**
- 6 **Q.** Did you keep any documents or files of your
7 own pertaining to this topic of sexual abuse?
- 8 **A. Not with respect to -- no.**
- 9 **Q.** Is there a list of victims kept somewhere?
- 10 **A. I'm not aware of a list of victims kept**
11 **somewhere.**
- 12 **Q.** Is there a list of -- I may have asked you
13 this, but I can't remember the answer. When
14 did you first see a list of people -- of
15 priests who had been either accused or
16 credibly accused of abuse of minors?
- 17 **A. You know, I don't -- I don't recall. I**
18 **certainly believe there was something, and I**
19 **may have glanced at it, in the news about it.**
20 **I know there was a report provided for John**
21 **Jay, so -- but I never saw that.**
- 22 (Discussion out of the hearing of
23 the court reporter)
24 BY MR. ANDERSON:
- 25 **Q.** As the vicar general, when you came in in 2009

1 and continued through, well, actually for four
 2 years, didn't you want to know who it was that
 3 had been determined to have been a credibly
 4 accused offender?
 5 **A. That was something that -- it was clear to me
 6 about my job responsibilities. I was not
 7 going to be the delegate for safe environment
 8 and I was not gonna be involved in assignment
 9 or supervision of priests. So to do due
 10 diligence, do we have any people credibly
 11 accused in full-time, active ministry? No. I
 12 do think we can always get better at the way
 13 we handled misconduct of priests and that's
 14 what we were about for three years, I think 14
 15 or 15 different action steps in that regard.**
 16 **Q.** Did you feel that as vicar general it was not
 17 your job to know and/or monitor that?
 18 **A. I certainly didn't have a monitoring
 19 responsibility. And, again, my
 20 responsibilities as vicar general and
 21 moderator of the Curia were largely
 22 operational and relational with our parishes
 23 and to animate the work of the staff. To the
 24 extent to which staff brought up concerns, I
 25 wanted the appropriate people to hear about**

1 **them.**
 2 **Q.** Final analysis, it's the archbishop's
 3 responsibility to make sure that priests who
 4 have become known to be offenders not continue
 5 in ministry, correct?
 6 **A. In the end, it's the archbishop's, I would
 7 say, one of his most important
 8 responsibilities.**
 9 **Q.** Did you become aware that the case of John Doe
 10 76C, case against Tom Adamson and the
 11 archdiocese, wound its way through the courts
 12 and went to the Supreme Court and at some
 13 point in time the archdiocese made a decision
 14 to tax Jim Keenan, the victim who had brought
 15 the case, for costs of, I think it was,
 16 \$67,000? Did you become aware of that
 17 decision made by the archdiocese?
 18 **A. I learned about that decision at some point, I
 19 don't -- I can't recall when.**
 20 **Q.** And when did you learn of that decision?
 21 **A. I -- I don't recall, but it's -- it's -- it's
 22 resonating.**
 23 **Q.** And did you learn that that was a decision
 24 made by the archbishop to tax those costs?
 25 **A. I would -- ultimately, I would presume it**

1 **would be the archbishop's decision.**
 2 **Q.** Did you become aware as vicar general that --
 3 and during your tenure as vicar general that
 4 certain priests who had offended were
 5 receiving extra monthly payments from the
 6 archdiocese?
 7 **A. Could you be more specific or could you
 8 rephrase your question?**
 9 **Q.** Did you become aware that Father Robert
 10 Kapoun, for example, who had been adjudicated
 11 to have been an offender, was receiving
 12 payments in addition to the ordinary stipends
 13 priests receive and those payments were being
 14 made on a monthly basis and authorized by the
 15 archbishop?
 16 **A. Yes, I was aware of that.**
 17 **Q.** What do you know about that and why those were
 18 being made?
 19 **A. I think that happened as a result of a renewed
 20 focus on internal controls in the archdiocese
 21 in 2010 or '11, that some questions were being
 22 asked about why are certain people still --
 23 why are checks being sent. And as these
 24 issues came to the fore and as we did fact-
 25 finding on them, we took steps and -- and I --**

1 **Jennifer certainly did good work on this, to
 2 -- to move people off the payments who had
 3 been on payments, or at least presumably.
 4 There was that internal control issue at the
 5 archdiocese and whether those payments went, I
 6 don't know, but --**
 7 **Q.** What were those payments called internally?
 8 **A. You know, I -- I don't know. All I know is
 9 that, again, that was something that Jennifer
 10 brought to my attention, and as soon as we
 11 did, we tried to take steps to move through
 12 those situations.**
 13 **Q.** Were you aware that Kern, Jerome Kern, was
 14 receiving payments such as that?
 15 **A. You know, I'm gonna be -- I -- I -- Kapoun or
 16 Kapoun's name is familiar to me. I -- I'm
 17 sure there were others and we wanted to treat
 18 them all the same way, let's move this off if
 19 in fact they're still receiving payments.**
 20 **Q.** Is Father Thurner, spelled with a
 21 T-h-u-r-n-e-r, one of those you know to have
 22 been receiving such payments?
 23 **A. You know, again, anyone who was receiving a
 24 payment, we should move them off of that.**
 25 **Q.** But my question is, do you know Father Thurner

- 1 to have been one of those included in --
- 2 **A. Do I know for certain? No.**
- 3 **Q.** Do you know Brown to have been?
- 4 **A. Don't know for certain.**
- 5 **Q.** Do you know Kampa to have been?
- 6 **A. Kampa. I'm trying to think of -- of cases or**
- 7 **situations that would have been raised. I**
- 8 **don't -- Kampa. Perhaps.**
- 9 **Q.** Do you know Krautkremer to have been?
- 10 **A. I don't.**
- 11 **Q.** Do you know Stevens to have been?
- 12 **A. Stevens?**
- 13 **Q.** Yes.
- 14 **A. I don't know if that payment was the same**
- 15 **payment or a payment for the services that he**
- 16 **had provided to the archdiocese.**
- 17 **Q.** What do you know about payments being received
- 18 by Father Gil Gustafson while you were vicar
- 19 general?
- 20 **A. I -- apart from pension payments that priests**
- 21 **would have a -- a right to and then any of**
- 22 **these other payments that you're talking**
- 23 **about, I'm not aware of.**
- 24 **Q.** Did you become aware of, Father, that Gil
- 25 Gustafson was receiving disability payments

- 1 for the diagnosis of pedophilia?
- 2 **A. I wasn't aware of that, if that's the case.**
- 3 **Q.** If that's the case, is that a disturbing piece
- 4 of information?
- 5 **A. As I already mentioned, any -- we wanted to**
- 6 **clean up everything we were doing in the**
- 7 **archdiocese.**
- 8 **Q.** Did you know that the archdiocese had a
- 9 segregated separate account, the 1-515 for
- 10 payments to priests who had offended and for
- 11 other payments to -- related to childhood
- 12 sexual abuse?
- 13 **A. I can't be certain, but I think that's the**
- 14 **same thing we were just talking about.**
- 15 **Q.** During your work as the vicar general, did you
- 16 and other officials of the archdiocese utilize
- 17 treatment centers for purposes of evaluation
- 18 of whether priests, certain priests posed a
- 19 risk of harm and their fitness to be in
- 20 ministry and whether they posed a risk of harm
- 21 to children?
- 22 **A. During my time, no, not for that purpose.**
- 23 **Q.** Did you have any involvement in sending any
- 24 priest for purposes of an assessment or
- 25 evaluation for risk assessment?

- 1 **A. Yes.**
- 2 **Q.** For risk assessment pertaining to childhood
- 3 sexual abuse?
- 4 **A. No. I mentioned -- yeah.**
- 5 **Q.** Are there any priests who you now have learned
- 6 by reason of public revelations or other
- 7 sources that you should have sent for
- 8 assessment of risk for childhood sexual abuse
- 9 that weren't?
- 10 **A. Not during my tenure as vicar general.**
- 11 **Q.** If I can just ask this guy, I'm almost done.
- 12 (Discussion out of the hearing of
- 13 the court reporter)
- 14 BY MR. ANDERSON:
- 15 **Q.** Before you became vicar general, did you have
- 16 any experience with childhood sexual abuse by
- 17 adults or priests?
- 18 **A. You know, apart from life experience of**
- 19 **people, I'm aware of how damaging and**
- 20 **crippling that can be in people's lives and**
- 21 **the violation of trust that takes place.**
- 22 **Q.** As a member of the clergy or having been
- 23 ordained for many years -- I can't remember
- 24 the date of your ordination. What was it?
- 25 **A. About 15 years ago.**

- 1 **Q.** Okay. Let's say in the 15 years that you've
- 2 been a priest, have you yourself ever received
- 3 reports or had suspicions of other priests
- 4 committing sexual abuse of minors beyond what
- 5 has been discussed today?
- 6 **A. Not that I can recall or I certainly would**
- 7 **have encouraged them to come forward.**
- 8 **Q.** Have you ever reported to law enforcement any
- 9 suspicions of childhood sexual abuse yourself?
- 10 **A. Of child sexual abuse?**
- 11 **Q.** Yes.
- 12 **A. No. But I would do it whether I was a**
- 13 **mandated or a voluntary reporter.**
- 14 **Q.** Because it's the right thing to do?
- 15 **A. That's right.**
- 16 (Discussion out of the hearing of
- 17 the court reporter)
- 18 BY MR. ANDERSON:
- 19 **Q.** We're going to go into a part of the
- 20 deposition that we call sealed now, that means
- 21 that it's not a part of any public record, and
- 22 I have a few questions for you pertaining to
- 23 it.
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16 **Q.** Okay. I'm going to go off the sealed record
17 and back onto the record and I'm about ready
18 to conclude, so I'm showing you now as a part
19 of the unsealed record, Father, what we've
20 marked Exhibit 28. And what is this?
21 **A.** **Well, it seems -- it's -- it's a memo from me**
22 **to the archbishop, it's essentially stating**
23 **the things and the concerns that I had brought**
24 **to the archbishop about why I didn't think**
25 **Father Wehmeyer should be in active ministry.**

1 **Q.** Now, you dated this September 28th, 2013, and
2 what had happened that precipitated your
3 having written this memo to the archbishop?
4 **A.** **You know, apart from the events that we've**
5 **already spoken about, I can't think of**
6 **anything in particular.**
7 **Q.** Well, let's break it down. It states, you
8 wrote -- why don't you read what you wrote,
9 then I'll ask you a question?
10 **A.** **(Examining documents) Okay.**
11 **Q.** Just read it out loud and do it slowly so he
12 can record it.
13 **A.** **You want me to read it?**
14 **Q.** Yes, please, you wrote it.
15 **A.** **"Unless you are planning to publicly clarify**
16 **what advice you received" -- that should be**
17 **"from me regarding Wehmeyer, I would like, for**
18 **my personal files, a written acknowledgement**
19 **from you on my role; that I counseled against**
20 **Wehmeyer being in active ministry much less**
21 **serving as a pastor. I believe it is in**
22 **accord with justice as many believe I was**
23 **complicit in your decision. Thank you."**
24 **Q.** Why did you write this to him?
25 **A.** **You know, I think, as I said, that I wasn't**

1 **particularly -- I wasn't foreseeing this**
2 **situation. If I was seeing this situation, I**
3 **probably would have never written this**
4 **document. But I -- we just need all to -- to**
5 **take responsibility for -- for things that --**
6 **that we do and I thought it was important**
7 **that, you know, Father Wehmeyer -- we had**
8 **nothing to know and -- and I would agree**
9 **certainly with the archdiocese on this,**
10 **nothing to know that Wehmeyer, or at least in**
11 **real time, that Wehmeyer was a threat to**
12 **children. But, obviously, as you look back on**
13 **it, when you find out that a woman's coming in**
14 **and making that accusation, but, again, for me**
15 **the standard had been met well before any of**
16 **that and I just thought that should be in my**
17 **record.**
18 **Q.** Did you get a response from the archbishop to
19 this?
20 **A.** **Not that I'm aware of.**
21 **Q.** Well, you wrote to him; if anybody was made
22 aware of it, it should be you, shouldn't it?
23 You asked for it, right?
24 **A.** **I did.**
25 **Q.** So the answer is no, you got no response?

1 **A.** **I think very closely after that I may have**
2 **moved, you know, resigned and moved out of the**
3 **organization.**
4 **Q.** So you were -- were you a vicar general at the
5 time of this?
6 **A.** **Yes, I believe. I don't --**
7 **Q.** This is September 28th, 2013.
8 **A.** **I -- I -- I believe so, yeah.**
9 **Q.** When you state, "I would like, for my personal
10 files, a written acknowledgement from you on
11 my role; that I counseled you against Wehmeyer
12 being in active ministry much less serving as
13 pastor," did you counsel him as you wrote
14 here?
15 **A.** **Yes, that would be the advice that I had given**
16 **him back at the time when it became known to**
17 **me, and I encouraged Jennifer to write what**
18 **she knew to the archbishop.**
19 **Q.** Did you feel that you were, at the time you
20 wrote this memo to the archbishop, being
21 scapegoated for the Wehmeyer situation that
22 emerged?
23 **A.** **No. I did not.**
24 **Q.** Are you planning on staying with the
25 archdiocese?

1 A. **I -- the new cycle of assignments is -- is**
2 **happening and -- and that's something that I'm**
3 **very much considering, yeah.**

4 Q. Do you feel like you've been burned?

5 A. **No. I think the -- the church does an**
6 **enormous good and I think one of the things it**
7 **needs to continue to do is get better and**
8 **better and better and -- and misconduct is**
9 **certainly one of those areas, all of human**
10 **relations, human resources.**

11 (Discussion out of the hearing of
12 the court reporter)

13 BY MR. ANDERSON:

14 Q. The archbishop is reported to have been
15 recorded by audio and by MPR as having said to
16 fellow priests that he feels the worst for
17 you. Do you recall hearing that --

18 A. **No.**

19 Q. -- news and that account as reported by MPR?

20 A. **No.**

21 (Discussion out of the hearing of
22 the court reporter)

23 BY MR. ANDERSON:

24 Q. If you are given an assignment in June when
25 they are routinely handed to priests, is it

1 I, FATHER PETER LAIRD, do hereby certify that
2 I have read the foregoing transcript of my
3 deposition and believe the same to be true and
4 correct, except as follows: (Noting the page
5 number and line number of the change or
6 addition and the reason for it)

22 Subscribed to and sworn
23 before me this ___ day
24 of ___, 2014, _____
25

1 your intention to accept it?
2 A. **I -- I -- yes, I very seriously want to be**
3 **considerate of that opportunity.**

4 MR. ANDERSON: That's all I have.
5 Thanks, Father.

6 THE WITNESS: Thank you.

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

3 I hereby certify that I reported the
4 deposition of FATHER PETER LAIRD, on the 12th
5 day of May, 2014, in St. Paul, Minnesota, and
6 that the witness was by me first duly sworn to
7 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 14th
day of May, 2014.

Gary W. Hermes

MPRnews

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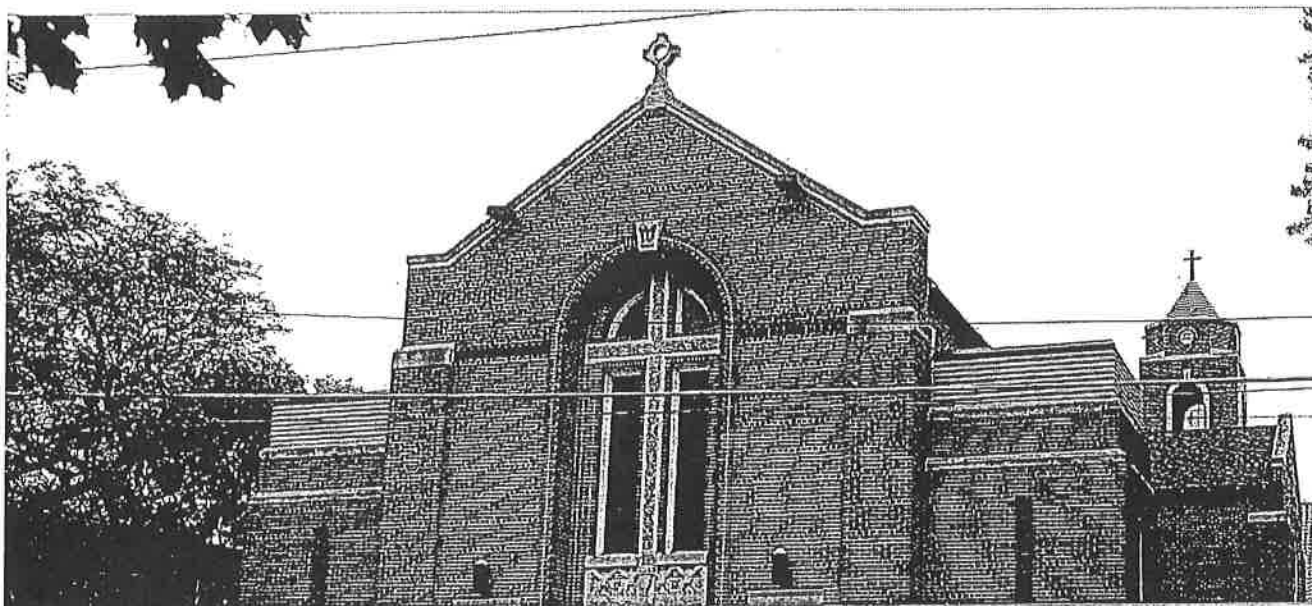
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Archdiocese knew of priest's sexual misbehavior, yet kept him in ministry

By Madeleine Baran, MPR News
September 23, 2013



Curtis Wehmeyer's eight years as a St. Paul priest are dotted with episodes of risky, sex-fueled behavior — and the leaders of the Archdiocese of St. Paul and Minneapolis knew all about it. Last year, the parish of Blessed Sacrament faced a horror: Wehmeyer was convicted for his sexual abuse of two teenage boys. (MPR Photo/Jennifer Simonson)

LISTEN The story

Sept. 23, 2013 The archdiocese knew about Wehmeyer's troubles, yet allowed him to be a pastor.

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Curtis Wehmeyer kept his white 2006 camper parked outside Blessed Sacrament Church in St. Paul where he served for six years, three of them as pastor.

With the shades drawn, Wehmeyer could avoid the obligations of priestly life. He got drunk, smoked pot and looked at child pornography. He also lured to the camper two boys whose mother worked at the parish, plied them with alcohol, turned on pornography and told them to touch themselves. Several times, he touched one of the boys, according to police records.

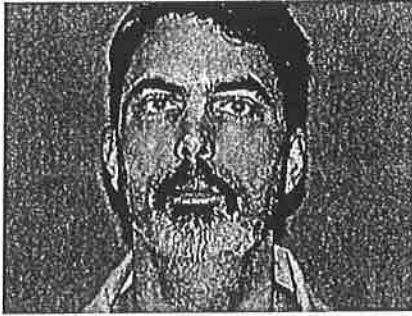
The family trusted "Father Curt." As a priest, he had special powers. He could anoint the sick and baptize the young. Maybe, the mother hoped, he could inspire one of her sons to become a priest.

That hope died last summer when one of the boys told his aunt what happened in the camper. The mother went to another priest, and then to the Archdiocese of St. Paul and Minneapolis. Soon after, police arrested Wehmeyer, who pleaded guilty to sexually



Explore the full investigation
Clergy abuse, cover-up and crisis in the Twin Cities Catholic church

Ex 189



Curtis Wehmeyer (Photo courtesy of Minnesota Department of Corrections)

abusing the boys, ages 12 and 14, and possessing child pornography. A judge sentenced the priest to five years in prison.

• **Interactive timeline: Follow the progression of Wehmeyer's misconduct**

In public statements, the archdiocese expressed regret for "the pain caused by clergy misconduct" and offered support to victims. And it emphasized that it immediately reported the allegations to police. "They did the right thing," Ramsey County Attorney John Choi said in September 2012.

The message from the archdiocese was clear – this wouldn't be like the many horrific clergy sex abuse cases that rocked the Roman Catholic Church a decade ago. Times had changed. The safety of children mattered more than the career of a predator priest.

The reality was far different. This wasn't the first time Wehmeyer had been in trouble. Top archdiocese leaders knew of Wehmeyer's sexual compulsions for nearly a decade but kept him in ministry and failed to warn parishioners, according to canon lawyer Jennifer Haselberger, who resigned in April, and dozens of other interviews and documents.

A memo written in 2011 obtained by MPR News from police shows the former vicar general – the top deputy of the archdiocese – did not want parish employees to know about Wehmeyer's past.

"At every step of the way, this could have been prevented," Haselberger said. "This is just failure after failure after failure after failure."

The memo

The decision in 2011 to still keep Wehmeyer's sexual behavior secret came at a time when the Rev. Kevin McDonough was assuring the archdiocese's 800,000 parishioners that the church was doing everything it could to protect children from abuse. Across the nation bishops were being forced to confront their decisions to protect priests and hide abuse, which resulted in millions of dollars in payments to victims. At the Archdiocese of St. Paul and Minneapolis, the fallout from the clergy sex abuse scandal had been minimal.

McDonough likely knows more about clergy sexual abuse cases than anyone else at the archdiocese. He served as vicar general from 1991 to 2008 under Archbishops John Roach and Harry Flynn and more recently served as the "delegate for safe environment," a job that includes oversight of all child abuse prevention efforts in the archdiocese. He quietly left that role earlier this month.

In an interview with MPR News in 2010, McDonough said priests need to be held to a high standard. "The reality is our first obligation is to protect the members of the church," he said. "So we ought to be, of course, a hundred times stricter against anyone who could harm especially the vulnerable members of our church."

LISTEN 2010 McDonough interview with MPR News

April 5, 2010 "Clergy sex abuse and the response from the Catholic church"

At the time he said that, McDonough already knew that Wehmeyer had engaged in troubling sexual encounters -- that he had approached young men for sex at a bookstore and cruised nearby parks.



The Rev. Kevin McDonough served as vicar general – the archbishop's second in command – from 1991 to 2008. He's pastor of two parishes and has long been a leader within the archdiocese. (Getty Images/File 2007)

In the 2011 memo to the head of the archdiocese's program for monitoring priests who posed a risk, McDonough explained why he thought parish employees didn't need to know about Wehmeyer's actions.

"I think that you share with me the opinion that he really was not all that interested in an actual sexual encounter, but rather was obtaining some stimulation by 'playing with fire,'" McDonough wrote. "This sort of behavior would not show up in the workplace."

McDonough also asked Wehmeyer for his opinion on whether to tell parish employees. Wehmeyer, who by that time had already sexually abused the children of a parish employee, advised against it.

McDonough wrote, "I agree with Father Curtis that disclosure there would only serve to out his sexual identity questions (which, by the way, would be unlikely to surprise any observant person in the parish!)"

He concluded, "My recommendation is that we would encourage (or even require) Father Wehmeyer to disclose his pattern of self-destructive behavior to a small circle of trusted friends."

McDonough sent a copy of the memo to the Rev. Peter Laird, the current vicar general.

The Rev. Kevin McDonough, acting as the archdiocese's "delegate for safe environment," sent this memo in May 2011.

McDonough, in an interview with MPR News last week, said he still thinks that his response was appropriate and the risk zero, given the information available at the time. "Nothing, nothing, nothing in this man's behavior known to us would have convinced any reasonable person that he was likely to harm kids," he said.

Laird and Archbishop John Nienstedt declined to be interviewed for this story. Wehmeyer, who is in prison in St. Cloud, also declined an interview request.

"A grave danger," says one lawyer

St. Paul attorney Jeff Anderson exposed the clergy sex abuse cover-up in Minnesota in the 1980s. Since then, he's filed lawsuits on behalf of thousands of victims of sexual abuse across the country.

"The review of this [McDonough's] memo sounds an absolute alarm that this guy is a grave danger," Anderson said. "And any parent that is told of even a part of the contents of this memo would never allow their kids to be even close to this ... priest."

Anderson said the memo shows the archdiocese continues to cover up sexual acts by clergy and protect the reputation of its priests at the expense of the faithful.

"How many more are there being concealed and protected and given safe harbor by this archbishop and the choices he's making in real time right now?" Anderson said. "It's very upsetting."

Thomas Doyle, a Dominican priest who was one of the earliest national whistleblowers on clergy sex abuse in the 1980s, said the memo shows that parents cannot trust the archdiocese to protect their children.

"Celibate clergy who aren't trained in psychology are in no position to make that kind of a judgment call over someone like Wehmeyer," he said.

Doyle called the memo "goofy, quasi-psychological mumbo jumbo."

"I mean, sit him down with a group of his peers and disclose to them what his problems are so that they'll help him mature? Wait a minute, come on. That's nonsense," he said.



St. Paul attorney Jeff Anderson has been representing victims of sexual abuse across the country for nearly 30 years. (MPR Photo/File 2010)

Predator priest

Wehmeyer was born in Michigan in 1964, the product of an affair between a married woman and an unknown man. He had a "chaotic childhood," his lawyer told a judge early this year. Before moving to Minnesota, he studied industrial design and technology at Northern Michigan University.

Wehmeyer later enrolled in night classes at the University of St. Thomas, where he received a bachelor's degree. Then he spent nearly two years with the Carmelite brothers at St. Michael in West St. Paul before deciding to enter St. Paul Seminary, according to a 2001 article in The Catholic Spirit newspaper headlined, "Architect drafts exciting new blueprint."

The newspaper profiled the newly ordained Wehmeyer, then 36, and included a photo of "Father Curtis" with short dark hair, a neatly trimmed goatee and a smile. He had just been assigned as associate pastor of St. Joseph's Catholic Church in West St. Paul.



The Catholic Spirit profiled the Rev. Curtis Wehmeyer just before his ordination. (MPR Photo/Tom Scheck)

Wehmeyer told the newspaper he looked forward to helping people in need. He added that some of the rules of architecture also apply to the priesthood.

"A priest needs to stay in the parameters of what the church teaches," Wehmeyer said. "But the church, in her wisdom, allows a space that the priest can operate out of with a certain creativity to reach people where they're coming from."

Three years later – in 2004 – Wehmeyer approached two young men ages 19 and 20 for sex at a Barnes & Noble store in Roseville. "It was really strange, the way he came on to us," one of the men, Andy Chapeau, said in an interview with MPR News.

Wehmeyer leaned close to one of the men and said, "Are you f—horny right now?"

A Catholic parishioner and family friend who learned of the encounter took statements from the two men and sent them to McDonough, along with his own letter expressing alarm. The parishioner told McDonough that he had a 15-year-old son who attended a youth group with Wehmeyer.

McDonough met with the concerned parishioner and one of the men approached by Wehmeyer at the bookstore. He assured them that Wehmeyer was receiving counseling. The parishioner wasn't satisfied with McDonough's answers, and he worried that he might hear about Wehmeyer in the news years later. When that happened, the parishioner wrote a furious letter to Nienstedt, the archbishop.

In an interview with MPR News, the parishioner declined to discuss what happened, calling it a "painful experience."

After Wehmeyer's actions at the bookstore, the archdiocese sent him to St. Luke Institute, a treatment center in Silver Spring, Md., for clergy with sexual and psychological disorders. When Wehmeyer returned he was supposed to attend regular Sexaholics Anonymous meetings and report his attendance to then-Archbishop Harry Flynn, Haselberger said.

"I know I shouldn't be here"

Wehmeyer didn't stay out of trouble for long.

An officer spotted the priest, wearing a plaid shirt and jeans, inside a pickup truck at a popular cruising spot at a St. Paul park one afternoon in 2006. Wehmeyer told the officer he didn't know the area was a popular place for anonymous sex.

Contact the reporter

• **Madeleine Baran** email: mbaran@mpr.org | call: 651-290-1021

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"The only thing he said was, 'I'm a priest. I know I shouldn't be here,'" the officer recalled.

Wehmeyer left, but circled back twice.

The officer knew McDonough, the vicar general, as the person at the archdiocese who handled clergy sex cases. Although the officer hadn't seen Wehmeyer breaking the law, he wanted to warn the church.

"They would have other little pieces that I wouldn't have, put it all together, they might be able to act on it, if they had other suspicions," he said. "It might be just enough for them to do something to prevent another child from being hurt."

He headed over to the Chancery on Summit Avenue in St. Paul to meet with McDonough. While the officer explained how he found Wehmeyer in the park, McDonough pulled out a book that looked like a yearbook for priests. "He opened it up to a page with, I don't know, 20 pictures on the page and said, 'Do you recognize anyone on this page?' And I said, 'Yeah, that's him right there,'" he said.

McDonough told the officer that the priest had already gotten in trouble for flirting with a young man at a bookstore, and that the archdiocese was "going to have a very serious follow-up and intercede ... Whether it was treatment or discipline, I have no knowledge," the officer said.

That year, Flynn moved Wehmeyer to Blessed Sacrament Church in St. Paul to serve as parochial administrator.



The Church of the Blessed Sacrament is on St. Paul's east side at the intersection of White Bear and Lacrosse Avenues. It merged with St. Thomas the Apostle under the archdiocese's 2011 reorganization plan to form the Parish of the Blessed Sacrament. (MPR Photo/Jennifer Simonson)

New archbishop, same priest

Nienstedt was appointed archbishop in 2008 after Flynn retired. He hired Haselberger as the archdiocese's chancellor for canonical affairs. She advised the archbishop on the internal laws of the Roman Catholic Church, which include specific procedures on the handling of grave sins like child sexual abuse, and ran the records department.

A few months after she arrived, Haselberger received an angry phone call from Wehmeyer, who believed he was supposed to be listed as the pastor of Blessed Sacrament, not simply as an administrator.

Haselberger opened Wehmeyer's file and realized there was no background check on the priest, even though the diocese had a policy that required background checks for all clergy.

Haselberger kept looking, and saw documents that reported Wehmeyer had a sexual addiction and the archdiocese knew about it.

She knew that Nienstedt was considering whether to promote Wehmeyer, so she sent him a memo alerting him to review the file. She also attached a copy of the earlier psychological and sexual assessment of Wehmeyer. The priest's personnel file included evidence that Wehmeyer had violated the archdiocese's code of conduct several times.

Haselberger assumed that would end Wehmeyer's career as a priest. It did not.

While she waited for a response, the archdiocese continued to receive reports on Wehmeyer — three in 2009.

In one case, a priest called to say that Wehmeyer had approached him for sex.

Someone else reported seeing Wehmeyer acting suspiciously with boys at a campground. Those were the same boys Wehmeyer was later accused of abusing, Haselberger said. The archdiocese's child safety policy forbids priests from spending time overnight alone with a child.



Jennifer Haselberger served as chancellor for canonical affairs for the Archdiocese of St. Paul and Minneapolis from August 2008 to her resignation in April 2013. (MPR photo/Jennifer Simonson)

Haselberger saw handwritten notes from then-Vicar General Paul Sirba about the campground complaint. Sirba called the mother of the boys and said she needed to help Wehmeyer observe appropriate boundaries, she said. Sirba, who is now the bishop of Duluth, did not return a call for comment.

Then, around midnight after his 45th birthday in September 2009, Wehmeyer drove drunk to a Kwik Trip gas station in Spring Valley and tried to pick up some teenagers. He asked one teenage boy how old he was and invited him to his campsite to celebrate his birthday.

When a sheriff's deputy arrived, Wehmeyer pleaded with the officer not to arrest him.

"Wehmeyer stated he cannot get in trouble because he is a Catholic priest and way too many people depend on him," Fillmore County

Sheriff Deputy Tim Rasmussen wrote in his report.

Rasmussen told Wehmeyer he was under arrest for drunk driving, and the priest asked to call Joseph Kueppers, a St. Paul lawyer in private practice who was one of his parishioners. Kueppers is now the top attorney for the archdiocese.

In 2009, Nienstedt appointed Wehmeyer as pastor of Blessed Sacrament and St. Thomas the Apostle, two St. Paul parishes that later merged.

Haselberger remembers the day she learned that Wehmeyer had sexually abused boys at Blessed Sacrament. She was walking past Andrew Eisenzimmer, the archdiocese's top attorney at the time, in the Chancery hallway.

"We've got another allegation of abuse," he said.

Haselberger followed him into his office and asked for the name of the priest.

Wehmeyer.



Archbishop John Nienstedt was appointed to lead the Archdiocese of St. Paul and Minneapolis in 2008. (MPR photo/Jennifer Simonson)

"But I warned them," she said.

Police investigation

The Archdiocese of St. Paul and Minneapolis said in a statement that it immediately reported the allegations of sexual abuse by Wehmeyer to police. However, the St. Paul Police Department investigative file indicates that the archdiocese did not talk to police for several days. It also never told police about Wehmeyer's past sexual behavior.

The horrific secret began to unravel on May 31, 2012, according to the police report, when two young girls in the same family told their mother that one of their brothers might have sexually abused them. The mother didn't understand how the boy could've learned about sex already. She asked him if he'd been watching pornography.

Yes, the boy said. Wehmeyer showed it to him.

Wehmeyer. Based upon disclosures by the victims in file 62-4 obtained for the computer and electronic devices of the defend examination, approximately 100 images of child pornography computer. Wehmeyer was charged with 17 counts of possessi counts relating to still images and three counts relating to vide In the court records: Police found roughly 100 images of child pornography on the priest's computer.

The mother confronted Wehmeyer and he denied it.

Wehmeyer then invited the mother and her son into the living room of the rectory. He said he'd caught the boy using his computer in the camper — and he asked him to confess. The boy denied it "and hung his head down" in disbelief, the police report said.

A few days later, the mother met with the Rev. John Paul Erickson at the Church of Saint Agnes and told him that she thought one of her boys had sexually abused her two younger daughters. Erickson urged her to call police. There's no indication in the police file that Erickson called police. Minnesota law requires priests to report allegations of child abuse, unless the priest learns of the allegation during confession.

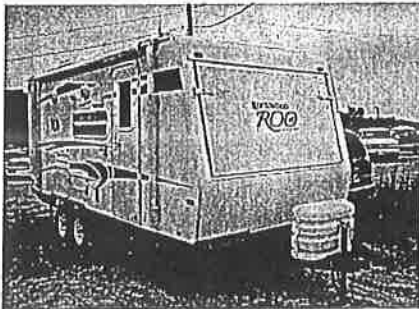
The mother then talked to a relative who suggested that maybe someone had sexually abused her son. The relative came to their home and asked the boy if he wanted to talk to her about it. He "broke down crying and said yes he did," the relative later told police. One of the other brothers also talked, and they both described sexual abuse by Wehmeyer, according to the police report.

After introducing myself to [redacted], I inquired about [redacted] and [redacted] made a disclosure of abuse, sometime in June of 2012 and asked to come over comp and her husband ([redacted]) met with [redacted] sisters. [redacted] said she was aware from her trait victimized themselves at one time. Because of the him. [redacted] said [redacted] began to cry and looke [redacted] was struggling to say something. [redacted] wanted to speak with [redacted] alone. The In the police report: The boy told his relative about the abuse.

The mother called Erickson and told him about the allegations that Wehmeyer sexually abused her two boys. Erickson told the mother that he needed to report it to the archdiocese.

The mother called Erickson again on June 14. She told him that her son said Wehmeyer showed him pornography, gave him beer and cigarettes, exposed his genitals to the boy and touched the boy. Erickson told the mother she needed to report it to police.

Four days later, the mother called the director of the archdiocese's victim assistance program and scheduled a meeting for the next day. At that meeting, program director Greta Sawyer recorded an interview with the boy, before anyone who worked for the police had talked to him.



On June 20, Deacon John Vomastek, the clergy services director, emailed a St. Paul police commander in reference to the case. "The person we talked about will be relieved of duties tomorrow," Vomastek wrote.

Before police arrived, McDonough and Vomastek confronted Wehmeyer at the Blessed Sacrament rectory, according to police. McDonough took the priest's handgun and one of his computers and told Wehmeyer he needed to move out.

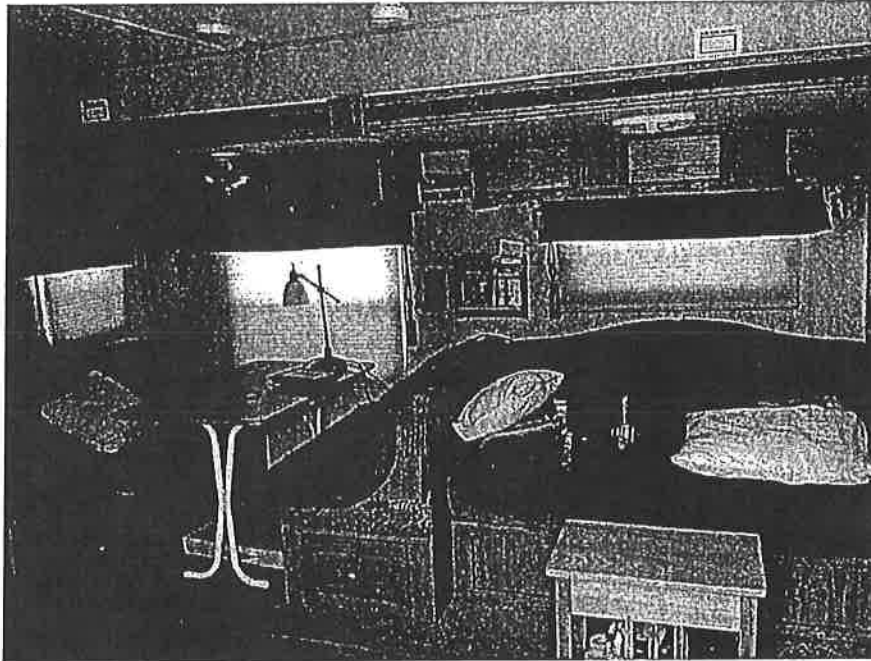
McDonough also told business administrator Debbie Phillips that Wehmeyer was being removed as pastor because of credible

Wehmeyer parked his camper in the Blessed Sacrament parking lot. (Photo courtesy of the St. Paul Police Department)

allegations of child sexual abuse. At a meeting later in the day, Phillips was told not to say anything to employees or parishioners.

That same day, Wehmeyer was getting ready to leave when Sgt. William Gillet of the St. Paul sex crimes unit showed up.

The priest's eyes were damp. "It was not watery from tears," Gillet said. "I think watery from fright."



According to police and court records, the abuse occurred in Wehmeyer's camper, which he parked at the church during the summer months for easy access to take on camping trips, or as a retreat while he was at the parish. (Photo courtesy of the St. Paul Police Department)

Wehmeyer refused to answer questions. Gillet tracked Wehmeyer's camper to a storage facility in Oakdale the next day. Gillet said he suspects Wehmeyer destroyed evidence because it was mostly empty. Police retrieved the computer and the gun from the archdiocese but didn't get much cooperation from McDonough, who never returned the investigator's calls, said Gillet.

McDonough said he doesn't remember getting any phone calls from Gillet. "I have many, many people tell me they're calling me and they can't reach me," he said, because people forget to leave a message.

- she is leader of a youth group called "Service to the Cross"
- she reports meeting and talking with the suspect
- suspect wanted to be spiritual director of the youth group
- suspect made her "uncomfortable"
- she reports suspect hosted a meeting at Blessing Our Lady MN last week of July 2011.
- suspect brought camping trailer to retreat and...

In the police report: The youth group leader relayed her concerns to police.

The police file suggests Wehmeyer was trying to gain access to other children. Police received a call last August from the leader of a Catholic youth group called Service to the Cross. She said Wehmeyer wanted to be the group's spiritual director. She said she refused because she felt "uncomfortable" with him.

She told police that Wehmeyer hosted a youth group meeting at his church and brought his camper to a youth retreat in July 2011. About a year ago, she recalled, Wehmeyer said parishioners should pray for priests for "sins of sexuality."

Police said they're also investigating whether another boy was abused by Wehmeyer.

A reckoning

Haselberger said her life changed when she realized that she did not protect two children from an abusive priest.

"From the very moment, I've been asking myself, 'What else could I have done? What pressure did I not apply? Who didn't I talk to? What on earth could have happened?'" Haselberger said.

"It's an enormous sense of guilt, and one of the things I found so troubling in the aftermath is that from where I was standing, I was the only person experiencing it."

McDonough, now the pastor of two churches, remains a prominent, influential figure in the Twin Cities. As he looks back, he said, he wishes that Wehmeyer had never become a priest. "I have tremendous, tremendous regrets about the outcome... But I have no regrets based on the information we have."

After the arrest, Haselberger recalled that no one at the senior level at the archdiocese held meetings to talk about how the abuse happened or how to help the victims. Instead, officials focused on how to spin the story as an example of the church's quick response to allegations of sexual abuse.

"I've been asking myself, 'What else could I have done? What pressure did I not apply? Who didn't I talk to?'"

- Jennifer Haselberger, former top canon lawyer for the archdiocese

"I had a hard time with that, that attitude and the desire to portray it that way, instead of to be honest," she said. "There were a lot of senior staff that should have been wearing sackcloth and ashes and praying the rosary around the Cathedral in hopes that people would forgive us for letting this happen," she said.

After Wehmeyer pleaded guilty, Haselberger said she worked around the clock reviewing court records and drafted a letter for Archbishop Nienstedt to give to the Vatican requesting that Wehmeyer be kicked out of the priesthood. Nienstedt was already going to Rome in late November, so Haselberger assumed he could carry the letter with him.

"Father [Vicar General Peter] Laird came into my office with the file that I had prepared for the archbishop and gave it to me and said, 'You're going to have to send it FedEx.' And I was like, 'What? I thought the archbishop was going to carry it.' And he said something of the extent of that he didn't want to be bothered."

Laird left for Rome the following day.

Nearly a year later, the archdiocese is still waiting for an answer from the Vatican.

Even though no one had listened to her concerns about Wehmeyer, Haselberger hoped that would change after the archdiocese learned that he had abused two children.

"The people who were making the decisions not to disclose, the people who were making the decisions to appoint him in light of all this information, that we were monitoring him but failed to notice all of these incredible things, we should all be held responsible," she said.

"And as Catholics, thankfully, even if it doesn't happen in this life, we know it will in the next. There will be a reckoning."

Editor's note: The original version of this story incorrectly noted the year Wehmeyer was appointed pastor of Blessed Sacrament and St. Thomas the Apostle. The appointment happened in 2009. The story was corrected on Oct. 28, 2013.

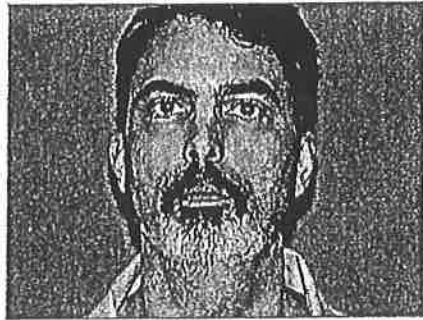
Sasha Aslanian, Mike Cronin, Meg Martin and Tom Scheck contributed to this report.

Child sexual abuse: Get help

- Minnesota Coalition Against Sexual Assault
- Project Pathfinder
- Prevent Child Abuse Minnesota
- Minnesota Department of Health



The Rev. Peter Laird succeeded the Rev. Kevin McDonough — and, briefly, the Rev. Paul Sirba, who is now bishop of Duluth — as vicar general, the archbishop's second in command, in 2009. (MPR News/Jennifer Simonson)



Courtesy Minnesota Department of Corrections

Risky priest, secret past

Timeline: The archdiocese knew about the Rev. Curtis Wehmeyer's troubles, yet promoted him to pastor – until he was convicted of sexually abusing children.

1991
Vocation discernment begins



Vocation discernment begins

McDonough serves as vlc ar general

1990

1991

1992

Police and court records: Curtis Wehmeyer

Search...



Criminal Complaint, Ramsey County, Possession of Child Pornography, Oct. 8, 2012



Criminal Complaint, Ramsey County, Sexual Misconduct with a Child Under 13, Sept. 9, 2012



DWI arrest, Fillmore County Sheriff's Office report, Sept. 29, 2009



Guilty Plea to 17 Counts of Possessing Child Pornography, Nov. 8, 2012



Guilty Plea to Criminal Sexual Conduct 2nd Degree Under 13 Years of Age, Nov. 8, 2012



McDonough Memo on Wehmeyer May 2011

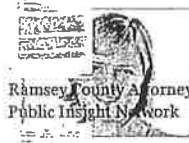
In this May 2011 memo, former vicar general Rev. Kevin McDonough...
Public Insight Network

Page 1 1 of 2 →

1 - 12 of 17 documents

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Police Case File



Madeleine Baran • Reporter
mbaran@mpr.org

Madeleine Baran is a general assignment reporter for MPR News.

Ramsey County Attorney Release: Jan. 29, 2014

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Statement by Archdiocese of Saint Paul and Minneapolis, Feb. 1, 2013

Statement from Archdiocese of St. Paul and Minneapolis, Nov. 9, 2012

Statement to Church of St. Joseph by Archdiocese of St. Paul and Minneapolis, Nov. 9, 2012



DECREE

In nomine Domini. Amen

On June 18, 2012, the Archdiocese of Saint Paul and Minneapolis received a complaint that Reverend Curtis Wehmeyer, a priest of this Archdiocese, supplied alcohol and sexually explicit images to a minor, and fondled or attempted to fondle the minor's genitals. I have concluded that this constitutes information which "at least seems to be true" (c. 1717).

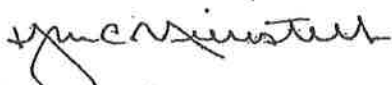
Therefore, in accordance with the aforementioned canon, I decree that an inquiry be done into the facts and circumstances of this accusation, as well as its imputability to Father Wehmeyer.


Since my other duties prevent me from conducting this investigation personally, I hereby appoint Very Reverend Peter A. Laird, Vicar General and Moderator of the Curia, to act as the investigator in this matter. In carrying out these duties, Father Laird will have all of the authority of an auditor, in accordance with cc. 1428 and 1717. He is to collect any additional proofs he deems necessary in accordance with the norm of law as they relate to the present allegation. He is delegated to take testimony from the accused and from any witnesses (cc. 1530 - 1538 and 1547 - 1573), to obtain any necessary documents (cc. 1540 - 1546), to enlist the services of any experts deemed necessary (cc. 1574 - 1581), and to have access to places or things which he deems necessary for his investigation.

In conducting his investigation, Father Laird is to take care that such an investigation does nothing to harm Father Wehmeyer's name or to violate his right to protect his privacy. Father Laird should also avoid taking any action which may interfere with or hinder any criminal investigation.

Within thirty days of the issuance of this decree, Father Laird is to make a preliminary written and oral report to me. To the extent possible, this report is to address the facts, circumstances, and imputability concerning the alleged offense. Thereafter, I will expect weekly updates on the progress of the investigation, which will conclude no later than one hundred eighty days from the date of this appointment.

Given on June 20, 2012, at Saint Paul, Minnesota.


The Most Reverend John C. Nienstedt
Archbishop of Saint Paul and Minneapolis


Reverend Daniel Bodin
Ecclesiastical Notary

Ex 18
ARCH-000236

Saint Peter Claver Catholic Church
375 North Oxford Street
Saint Paul, MN 55104
(pastor) 651-621-2261 (fax) 651-647-5394

9 May 2011

Memo To: Tim Rourke
From: Father Kevin McDonough
Re: Father Curtis Wehmeyer and Disclosure

Tim, I have taken some time to think about the question of whether there is some sort of disclosure that would be needed or useful in his regard. My conclusion is that I would recommend against any disclosure in his workplace, but that I would like to know that he has disclosed his history with responsible priest friends. Let me lay out my thinking.

Disclosure in the church-rectory-office setting is aimed at preventing a priest from misusing his position as a priest to obtain impermissible favors (sex, money, information) from those to whom he ministers. With Father Wehmeyer, that has never been a question. His troublesome behavior has been to drive his car to "cruise" places that are known settings for anonymous same-sex sexual encounters. On one occasion, he also engaged a man in a suggestive conversation in a Borders bookstore. His priesthood came up in the conversation when he tried to use the fact that he is a priest as a way to deny that his ambiguous comments were meant to start something sexual. In fact, I think that you share with me the opinion that he really was not all that interested in an actual sexual encounter, but rather was obtaining some stimulation by "playing with fire". This sort of behavior would not show up in the workplace. I agree with Father Curtis that disclosure there would only serve to out his sexual identity questions (which, by the way, would be unlikely to surprise any observant person in the parish!).

On the other hand, disclosure to a group of peers is meant to help a priest to remain accountable for the spiritual and psychological work needed to maintain and improve his trustworthiness. I do not recall: has he done so? In fact, I do not remember whether he has a priest support group of any sort. I think that he would do well to have some real friends who can challenge him about how he is doing in living his priestly vocation with integrity.

My recommendation is that we would encourage (or even require) Father Wehmeyer to disclose his pattern of self-destructive behavior to a small circle of trusted friends. I am sending a copy of this memo to Father Laird, so that he can weigh in on the matter as well.

Cc: Father Peter Laird

Since 1892, an African-American Catholic Community
of Faith in Jesus Christ

EX 17

ARCH-000591

MEMORANDUM

Date: 9.28.13
To: Archbishop Nienstedt
From: Fr. P. Laird
Re: Wehmeyer case

Unless you are planning to publically clarify what advice you received me regarding Wehmeyer, I would like, for my personal files, a written acknowledgement from you on my role: that I counseled you against Wehmeyer being in active ministry much less serving as a pastor. I believe it is in accord with justice as many believe I was complicit in your decision.

Thank you.

Ex 28
ARCH-000699