

**AFFIDAVIT
OF
A.W. RICHARD SIPE**

STATE OF CALIFORNIA)
) ss:
COUNTY OF SAN DIEGO)

I, A. W. Richard Sipe, being sworn under oath, states as follows:

I. BACKGROUND & EXPERIENCE

1. That I am qualified to offer expert opinions as to the standards and practices expected of priests of the Roman Catholic Church from the 1950s until the present time. My qualifications as an expert in this subject matter area include having been a seminary student at St. John's University School of Theology between 1950 and 1955, and a seminarian at the Collegio Sant' Anselmo in Rome, Italy, between 1955 and 1957 and again an advanced theological student at St. John's between 1957 and 1959 when I was ordained to the priesthood. For five years, until June, 1964 I taught and counseled students in a Catholic area high school in Minnesota. Then I was trained specifically to treat the mental health concerns of priests, which include sexual, alcohol and behavior related problems. In pursuit of that goal I received an NIMH and a related Danforth Foundation Grant to study pastoral counseling at the Menninger Foundation in Topeka, Kansas between 1964 and 1965. I received a certificate from that training institution. Subsequently, I received a two year grant for further study of clergy mental health problems at Seton Psychiatric Institute, a Catholic treatment and training hospital in Baltimore, Maryland. After that time I was employed

for three years by the hospital as a staff member—until January of 1971 when I resigned. I have served as a Lecturer, Assistant Professor, or Adjunct Professor of Pastoral Counseling at three major Catholic seminaries—St. John’s (Benedictine), Woodstock (Jesuit), St. Mary’s University and Seminary (Diocesan–Pontifical)—from 1967 to 1984. As an associate professor in the department of psychology of Loyola College, Baltimore, (1971–1975) I taught courses in Human Sexual Development; in addition I have lectured on sexuality on every academic level including high school, parish, and graduate school.

2. To keep abreast with the credentialing requirements of my profession I obtained certificates as a National Certified Counselor, and from the National Academy of Certified Clinical Mental Health Counselors. I received a Master of Science in counseling from Loyola College and I was the first person to be certified by the Maryland State Board of Medical Examiners as a Psychiatrist Assistant. I held an appointment as a Lecturer (part time) to Johns Hopkins Medical School division of child and adolescent psychiatry for 25 years. Besides the foregoing activities I subsequently spent much of my career in providing counseling and psychotherapy to priests, and teaching, writing, and conducting research about the specific dimensions of priestly life and problems. I have reviewed hundreds of files on the sexual behavior of Catholic bishops and priests. I have published numerous articles. A true and correct copy of my CV, setting forth my publications, is attached as Exhibit “A” to this declaration.

3. During my career as a counselor and psychotherapist I have treated or consulted in over 500 cases of priests who had concerns about their adjustment, symptoms or behavior, including sexual feelings and activity with minors. Sixty-nine of these priests had been involved sexually with a minor at least once. Also I have treated or consulted with over 500 men and women who were sexually abused as minors by a priest or bishop. My experience includes consultation about priests who have inflicted pain on minor boys even under the

guise of spiritual direction; a few of these men have been criminally prosecuted and served time in prison.

4. In the course of familiarizing myself with the issues in this case I have reviewed, the DEPOSITIONS of BISHOP LAWRENCE D. SOENS and MICHAEL GOULD; the "CONFIDENTIAL INVESTIGATION REPORT to BISHOP FRANKLIN Re: BISHOP SOENS;" the SWORN STATEMENTS OF STUDENTS #10; #14; #15; #16; #17; #18; and #28. This is a preliminary report and I reserve the right to revise it as additional documentation is provided to me.

II. OPINIONS TO BE EXPRESSED

5. My opinions in this case shall be based upon the application of my specialized knowledge to the particularized facts of this case. The facts to which my specialized knowledge shall be applied, and from which my expert opinions shall result, are gleaned from the above listed documents and from my knowledge of human sexual development, the process of sexual grooming, the nature of sexual deviance, and the manifestation of sadomasochistic behavior.

- The nipple area of both men and women is an erogenous zone. It is capable of erection and is physiologically directly connected with sexual arousal of the genital area.
- The stimulation of the nipple area by mild massage or oral contact can be associated with pleasure, severe pressure causing discomfort or pain is a common mode of sexual excitation and is considered the introduction to sadomasochistic sexual pleasure.
- Behavior that is transient and involves sexual touching and grabbing among boys of similar ages—horsing around—may be vulgar, but it lacks the implications of perversity, inappropriateness, and crime that the same behavior registers by an adult toward a minor.

- Sadistic behavior—that is inflicting pain especially to the genitals—is a manifestation of the eroticization of dominance.
- Questionable behavior—nipple twisting, “purpling”—that is witnessed by adults within a school system should be investigated and reported to the appropriate authorities. Any witness to this sadistic behavior should do a further investigation because this is criminal behavior that is extremely harmful to the victims of these actions.

The following references are among the multitude of sources about sadomasochistic behavior:

- a. *Diagnostic and Statistical Manual of Mental Disorders*, fourth edition (1994). P. 530.
- b. Katchadourian & Lunde, (1972) *Fundamentals of Human Sexuality*. “Sadism” and “Sadomasochism” multiple references.
- c. Morimer Ostow, M.D. *Sexual Deviation*, (1974)
- d. Paul Hendrickson, *Seminary A Search*. (1983)

III. FACTUAL BASES FOR OPINIONS TO BE EXPRESSED

- Under oath Bishop Soens admitted that he had not always kept his promise of celibacy/chastity. When asked about his sexual behavior he declined to answer saying that it was a matter for his confessor. His statement amounts to a 5th Amendment plea, since his confessor is bound by secrecy about whatever is told to him. Soens, as the confessee, is not bound by any such restriction.
- One cannot state with psychological certainty that Soens qualifies for a strict psychiatric diagnosis of sadism since he has not revealed his fantasy life or his physical reaction to his abusive actions. According to all accounts of his punishing behavior at the school in hallways or in his office he wore a cassock—a garment that would conceal his erection.
- Nonetheless, Soens' behavior does come under the broad category of "sadism" since it involves the infliction of pain or humiliation connected with sexual activity. Common sense alone dictates that touches of the nipples (or the genitals) are sexual gestures.
- By multiple reports Soens' persistent habit of painfully twisting, pinching, fondling, massaging, or "purpling" the nipples of male students was commonly known by the students of Regina High School and frequently observed in the hallways of the school.
- On the basis of these actions alone many students identified Fr. Soens as a "queer." This judgment was universal enough for a student ditty to be recited on school busses: L.D. IS A QUEER/ A STINKING QUEER IS HE/ WHEN HE IS WALKING DOWN THE HALL/ HE WILL PINCH YOUR TIT WITH GLEE.
- Some former students report that in his office Fr. Soens grabbed their penis through their pants, others describe the action after Soens unzipped their

pants and touched their penis over their underwear, but always inflicting some pain. One man alleges that he has refused any physical examination even by a physician as a result of the trauma inflicted.

- All of Fr. Soens' grabbing actions are rightfully described at least as "grooming" behavior. Sexual abuse begins when grooming begins.
- There are no reports of Fr. Soens masturbating himself in the school, but there is an allegation that he masturbated himself and a minor off the school premises and after school hours. (Student #15)
- There are written accounts of priests encouraging boys to excite themselves to the point of orgasm at which point they are told to pinch the head of their penis (even holding a crucifix in their hand) to stop the orgasm. (Cf. Hendrickson) Fr. Soens subjected at least one of his students to this activity with traumatic consequences. (Student #18) There was a common Catholic teaching that sin was avoided if there was no orgasm as a result of the touching.

IV. SPECIALIZED KNOWLEDGE TO BE APPLIED TO FACTS OF THIS CASE

6. The allegations of touching, pinching, twisting, etc. male students' nipples during Fr. Soens' tenure as director of Regina High School are credible and undeniable. The sworn statements of the former students have the ring of truth. In deposition Bishop Soens hedges many of his answers, saying that he denies one or the other allegation, "for the time being." (p. 130) Many times he admits alleged behavior "could have happened," "probably" or denies allegations in vague terms such as, "not that I remember."

7. The range of consequences to Soens' assaults reported by his alleged victims is consistent with the recorded experiences of other victims of sexual abuse by clergy. I attach

to this affidavit a summary of those *sequelae* in Appendix B. "Unspeakable Damage."

8. Although Fr. Soens' behaviors at Regina High are certainly marked by naiveté they cannot be dismissed or overlooked on grounds of immaturity, because the consequences are serious and dire. If one were to assert that his actions were conducted out of ignorance, that ignorance would be culpable.

9. Fr. Soens was sufficiently informed about adolescent sexual activity and responses (by report) to counsel against masturbation and inquire about a boy's sexual activity with girls; and, again by report, to assure a student with whom he was having sexual encounters that a priest could not have sex with a woman, but it was permissible with a male.

10. Whatever Fr. Soens' motivation in the sexual assaults on minor boys, his behavior was reprehensible and criminal. The tendency of church authority to minimize the seriousness of sexual approaches of clergy to minors has been proven sufficiently to establish it as a widespread pattern and practice of the Catholic Church.

11. Fr. Soens in his next assignment after Regina was sufficiently aware of sexuality to record "suspicions" of homosexual activity among students at St. Ambrose seminary and to report his concerns to superiors. (P. 179)

12. Most sexual activity with minors or even between consenting adults takes place behind closed doors. The facts of allegations have to be determined by the credibility of the allegations and the principals involved. In disputes, observable circumstances are indicators of what takes place in private. Fr. Soens' physical approaches to students in the halls of the school were sufficient to alert many in the student body to his sexual orientation. It is not logical to presume that every authority in the Diocese of Davenport was unaware of Soens' orientation and his propensity to act out. As Soens'

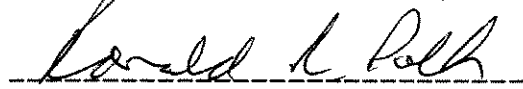
subsequent behavior at St. Ambrose indicated, "suspicion" of sexual activity is sufficient to instigate an investigation. Rumors among students, for instance: "Watch out for him;" or questions like "Did he queer you?" "Did he purple you?" when students came out of his office indicate a level of knowledge that could not possibly escape the notice of diocesan authorities and other school staff.

13. School staff and diocesan authorities had a duty and responsibility to further investigate Soens' misbehavior which was widely known in the school. Any school staff or diocesan staff should have investigated any observations or reports of Soens' pinching, massaging, or twisting of the nipples of boys and "purpling" the boys' nipples. In addition any school staff should have reported any of these misbehaviors to the appropriate authorities.

Further, Affiant sayeth not.


A.W. RICHARD SIPE

Subscribed and sworn to before
me this 27 day of April, 2006.


Notary Public in and for
The State of CALIFORNIA

