

December 13, 2000

To: Dick Baumann, S.J., Provincial  
From: Rick McGurn, S.J., Socius  
For: Don McGuire, S.J.: Detailed Summary

Dick,

I have previously given you a summary of Don McGuire's history, but I now give you an updated version, in more detail, noting names, guidelines, and Don's violating of those guidelines.

The earliest records of complaints from individuals go back to 1991, but there have been concerns about Don's lack of prudence from at least 1960, when his ordination was not approved.

Don has been subject to provincial guidelines regarding his behavior, since 1991.

Although no charges have ever been filed against him, Don has a history of inappropriate incidents with male adolescents (and one sexual relationship with a 20 year old woman, when he was 50—this was back about 1981). While no direct sexual contact has been established with these young men, there is very evident wandering across boundaries by Don: The most documented complaint—including correspondence to the provincial from the family and their attorney—concerned him taking a young man with him on retreats as his personal servant, who then gave him massages, they showered together, and read pornography together.

I note, too, the repeated statements by Fran Daly and Brad Schaeffer that Don is very difficult in a conference. He has little insight. Gracious when that tactic will work, but quick to go on the offensive when he thinks the other party is untrustworthy. He is paranoid—quick to blame others, but does not see the locus of these sexual problems in himself. Moreover, his personality disorder is such that he is very good at dividing his care-givers against each other: e.g., in 1993, he protested that his psych. evaluation at [REDACTED] was not done well, and insisted on being sent elsewhere for treatment, so he was sent for treatment at [REDACTED]. Similarly, in 1994, he pitted his own psychiatrist (a personal friend) against [REDACTED], disputing their assessment of him.

### 1991

Feb. 19, 1991, Memo of provincial Fr. Wild regarding a phone call from Br. Ricardo Palacio, director of the Christian Brothers retreat house in St. Helena, CA. Don had given a students' retreat to the students of Coby Academy, a conservative Catholic school in Napa, CA. Br. Palacio spoke of his discomfort at finding Don had traveling with him, age 17, of Anchorage, AK. The boy does not seem to have slept in a separate room. At one point he found the boy with Don in Don's room, and the boy's hair askew and his shirt-tails out, though Don was dressed.

Fr. Wild notes that he "knows of no previous complaints on this score..."

"As Palacio and I agreed, this travel business is at least very imprudent, perhaps much more serious."

McGuire\Detailed Summary

EXHIBIT 53

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Feb. 27, 1991—Letter of Provincial Bob Wild to Don: (Referring to Bob's conference with Don on Feb. 22: "I therefore asked of you two changes in your behavior, and you readily agreed to both. First of all, I ask that you not travel on any overnight trip with any boy or girl under the age of 18 and preferably even under the age of 21. Secondly, I asked you to confine any further contact that you might have with [redacted] to situations in which at least one of his parents would also be present. This latter command I did not give you because of any wrong doing that I noted in your behavior; I think it simply a matter of careful prudence under the circumstances."

May 13, 1991: Copy of a letter from the parents of [redacted] of Anchorage, AK, to Br. Ricardo Pacacio, SSC at Christian Bros. Retreat House, St. Helena, CA.

It notes that "[redacted] has been traveling and assisting Fr. [redacted] since October, 1990.

"We were also extremely upset to learn that less than a week after your telephone call ([redacted], reporting Br. Ricardo's concern) to us, Fr. McGuire was called home by his provincial because of your unsubstantiated accusations... We have been assured by our son that no improprieties occurred..."

June 19, 1991: Letter to Don McGuire from provincial Fr. Wild, noting that he had received copy of the letter of May 13, 1991 from [redacted]'s parents to Br. Palacio.

"Despite this clear vindication of your conduct, however, I would still ask of you the basic things that I asked in my previous letter (Feb. 27, 1991, in which he gives Don the guideline not to travel with anyone under 18, an action prompted by the [redacted] incident)... I say this not because any blame should fall upon you but rather simply in a prudent way to protect you and your important ministry from any sort of harm."

### 1993

Letter of May 11, 1993: [redacted] notes Fr. McGuire's history with their son, dating from August, 1992, when the boy was 16, a minor. Fr. McGuire took him on as his "personal assistant."

I recount this particular complaint in more detail, because it is a good portrayal of the general complaints against Don by others.

Copies of this letter went to:  
Rev. John Hardon, S.J.  
[redacted], esq., attorney for the [redacted] family

Complaints included: Don had him driving a car even though the boy had no driver's license. Also: buying him "skimpy briefs."

"We were disturbed when it became increasingly apparent that [redacted] was unable to stand up for his own convictions, or voice any different opinions in Fr. McGuire's presence. In addition, erected a wall of secrecy around anything which might reflect negatively on his relationship with Fr. McGuire... Still, despite red flags, our deep respect and admiration for his work, and compassion and affection for Fr. McGuire personally, made us willing to overlook and excuse these things despite tension, disappointment and hurt."

"Starting on April 14 (1993), matters got far worse... The priest who accompanied Fr. McGuire... informed us that our son had been involved in an automobile accident in Poland...

"On April 18, Fr. McGuire called and demanded... that [redacted] come to San Francisco for the next 10 days to care for him. We said no... Fr. McGuire then launched into a furious attack... In addition, Fr. McGuire revealed what he identified as being confessional material... and (revealed) what the specific temptation was to myself and my wife... Fr. McGuire instructed [redacted] to give him regular body massages. At least some of these were while [redacted] was dressed in underpants only. Father had [redacted] wash body parts of his while he was in the shower. When confronted with these activities by myself and my wife, Fr. McGuire not only did not deny them but justified each of them.

"On April 22, [redacted] revealed that Fr. McGuire directed [redacted] to join him in a picture-by-picture analysis... of approximately 20 pornographic (pictures)... This started in October of 1992, and lasted for five months in many cities. [redacted] does assure us, however that no explicitly sexual acts occurred...

April 30, 1993: Memo (presumably the socius, Fr. Daly) reporting Fr. Daly's conversation with Don, who "denied a majority of the allegations but admitted to having [redacted] stay in his room and that Don would go to St. Luke's for an evaluation."

April 30, 1993: Memo (presumably the socius, Fr. Daly) of a meeting with Don McGuire in the presence of his superior, Joe Downey, S.J. This memo notes that the [redacted] complaint first came to the provincial via Joe Fessio, S.J., and [redacted]

The memo notes that Don denied showing the boy pornography, and "he denied taking showers with him, but that [redacted] would wash his right foot... He admitted they shared a room but the door was always open... He (Don) went on to say that, since his health condition of ten years ago, he has no sexual desires and is not attracted to boys. The only time he 'has fallen' it was with a woman. He denied that they (Don and [redacted]) were naked together in the room. He felt that since he was always with a group, such as a priest, doctor, dentist, he was not breaking his promise to Bob (Wild, the provincial - see attached guidelines of Jan. 27, 1991, proscribing travel with anyone under the age of 18). However he admitted that the question of obedience was involved.

"I told him that he could give this retreat in Phoenix next week provided he told the superior that he was under an allegation and that he could not be with minors without supervision. He agreed to this. He also agreed to go for an evaluation at St. Luke's (May 9-14, 1993)... Joe Downey reflected to Don about his judgment and that he seems imprudent... Don went on about how he has always been accused of being imprudent even since (West) Baden because he cares for the poor and people..."

April 26, 1993: Memo (presumably the socius, Fr. Daly): "Fr. Joe Fessio, (S.J.), called to report that Don McGuire was on a trip to Russia accompanied by some young men, one of whom was taking showers with (him) and reading hard pornography together. They also masturbated but McGuire may not have touched the young man. This young man's name is [redacted] and Joe knows his father [redacted] well who is a good Catholic. [redacted] was [redacted] sponsor at his confirmation and learned this story from his father. [redacted] is a lawyer and contacted Joe. Joe asked him to keep this quiet until he could represent this to McGuire's provincial... He also mentioned that a Fr. Thurston was on this trip to Russia and thought Don's behavior odd. It was Thurston talking to [redacted] which prompted [redacted] to inquire of his son."

May, 1993: Don was sent for an evaluation at [REDACTED] in May 1993.

June 10, 1993: Memo of socius Fr. Daly recounting a phone conversation with [REDACTED] about the status of the latter's complaint. In the course of the conversation, [REDACTED] also asked if anything was being done about Don's relationship with his secretary and [REDACTED] who is a minor, 15 years old.

June 18, 1993: Memo of socius Fr. Daly indicating that Don would begin his residential treatment program at [REDACTED] on June 30 (an in-patient program of 6 months).

June 28, 1993—Letter of Provincial Brad Schaeffer to Don:

"The complaint lodged by the [REDACTED] family is a serious one which has legal implications. While your interpretation and theirs vary, it is clear there were questionable areas involved in this relationship. In addition, traveling in the way you did with this young man was a clear violation of the directives given by Bob Wild after a similar concern was raised two years ago..."

"...that is why I asked you to have the (recent) evaluation at [REDACTED], which you readily agreed to. Based on that evaluation, I asked that you engaged in a treatment program (at [REDACTED] which Don began shortly after this letter).

July 19, 1993: Memo of socius Fr. Daly recounting a phone conversation with Don's physician at [REDACTED]: "She is the medical doctor who called to tell me that Don has been over-medicating himself for twenty years. He does not need the amount of insulin (60) takes and is at present at 22 and she thinks that he will need none. He has Type 2 diabetes. That he takes a huge amount of vitamins and may even have taken iron to seem to have hemochromatosis..."

Sept. 7, 1993: Memo of socius Fr. Daly about Don's progress in therapy at [REDACTED]:

"Don told him (his therapist, [REDACTED]) that he has been close to 12-14 youngsters over the years. Although not genital relationship, but what [REDACTED] called "frotteurism," pleasure derived from some skin contact, e.g., a foot massaged, an arm on kid's shoulder as they look at pornography together, etc. Since it was not mutual masturbation, some people have thought there was no problem with this kind of behavior. However, there is a disorder in this behavior.

"Don is beginning to disclose more and acknowledge showering together, looking at porno together..."

Nov. 12, 1993: Memo (presumably of the socius, Fr. Daly) recounting a phone conversation with Don's therapist at [REDACTED]. It's noted that Fr. John Hardon, S.J., visited Don at [REDACTED] and met jointly with him and his therapist. It's noted that Fr. Hardon does not think Don broke the seal of confession (presumably regarding the [REDACTED] boy).

"Dennis thinks that Don is fearful of losing his priesthood and (his membership in) the Society."

Nov. 20, 1993: John Hardon, S.J., writes provincial Brad Schaeffer, reporting on his visit to Don at Downingtown. It is evident to me that John cannot assess psychological problems, and downplayed Don's very real sexual problems. John was called in at the suggestion of the family, as a buffer between Don and the provincial. Brad asked him specifically to

assess whether Don had broken the seal of confession regarding the boy John's assessment was that he had not.

Nov. 23, 1993: A letter to provincial Fr. Schaeffer from Don's brother, Mr. [REDACTED], an attorney, recounting his participation (prior to Nov. 12, 1993) at a therapy conference regarding Don at [REDACTED]. Mr. McGuire states his anger, and it is evident he thinks Don has no problem, and that the hospital treatment was most inadequate.

Dec. 1, 1993: Letter of socius Fr. Daly to [REDACTED] at [REDACTED] Downingtown, PA. The letter contains a summary, recounting Don's difficulties from 1960 to the present.

Dec. 21, 1993: Memo of provincial Fr. Schaeffer recounting his attendance at the therapy group conference for Don, at which Fr. Gschwend was also present, along with Don's therapy team.

"It was helpful for me to hear from [REDACTED] that Don is not a 'predator' in terms of sexuality. But he does have a sexuality problem and he even admitted to that. While he certainly hasn't acted out genitally in any fashion with anyone (Is Fr. Schaeffer aware at this point of Don's prior sexual contact with a woman?), he develops relationships with younger people over whom he can have a great deal of influence and characterizes this within a religious context. As a result, he can cross some significant professional boundaries and make mistakes..."

#### 1994

January 28, 1994—Memo of Provincial Schaeffer (describing verbal guidelines given to Don): "I reminded him that it was his own behavior with the [REDACTED] minor which got him into trouble in the first place. In addition, it was a violation of Bob Wild's directives which led to this. As a result it would be important for me to guarantee that he would have the kind of supervision necessary for me to allow him to return to ministry in any fashion. Certainly, there would be no unsupervised contact with minors in his future."

Feb. 18, 1994, Letter of provincial assistant for men in special ministries, Jim Gschwend, S.J., to Don, stating that he was Don's liaison with the provincial. "Engagement in any active ministry is to be arranged with me."

Note: This obviously states a guideline.

April 6, 1994: An unsigned self-report (obviously, this is Don McGuire's after-care contract that he's making with his therapy team at [REDACTED]). It is a very minimal admission of his real problems and history, and indicates his anger and his intention to seek another opinion once he's discharged.

June 13, 1994, Memo of provincial assistant Fr. Don Nastold, S.J., to socius Fr. Daly, noting a phone call of complaint about Don from [REDACTED] of Arlington Heights, about her son, a graduate of Loyola Academy. She asserted that, years earlier, after Don got the boy into the Academy, he often was the one who drove him home, and that sometimes [REDACTED] slept in Don's room at Loyola Academy. The boy would not talk about his relationship with Don to her. He withdrew from the Academy after one semester, and Don had no further contact with them.

In this call, she made no specific charge against Don, but feels that he had an undue influence over her son. She did not threaten legal action, but said she was grateful for the chance to tell her story to a Jesuit.

Note: It's evident that [redacted] was a minor at the time, a high school freshman.

July 18, 1994, Letter of Fr. Jim Gschwend, S.J., to Don's superior, Fr. Joe Downey, S.J., with a copy noted to Don, in wake of Don's discharge from treatment (at [redacted]). "He has also been given permission to continue retreat ministry especially with the Missionary Sisters. Nonetheless all ministry remains cleared through this office and Don has been advised to do that in a timely manner."

Note: This obviously states a guideline.

Sept. 7, 1994, Memo of socius Fr. Daly to provincial Fr. Schaeffer: Servite priest Fr. Jerry Horan, president of their high school in Anaheim, CA, phoned Fran Daly with a complaint that Don McGuire was interfering in litigation between the school and the [redacted] family. Fr. Horan noted that the boy, [redacted], then a senior, had accompanied Don on some of his trips to Russia and other places...

Sept. 20, 1994, Letter of psychiatrist [redacted] M.D. about Fr. McGuire, addressed "To Whom It May Concern," (obviously, to the provincial). He identifies himself as a psychiatrist, the one whom Don chose for his after-care upon discharge from [redacted]. He writes with indignation at the diagnosis of personality disorder made by [redacted], and he gives a ringing defense of Don, denying that he has any significant problem.

He further identifies himself as president-elect of the [redacted] Guilds (Note: This fact is relevant because of Don's appointment as spiritual director with that group, beginning in 1990).

Oct. 3, 1994, Letter of prov. asst. Fr. Jim Gschwend to Don, noting that Don has refused to give a copy of his hospital report (from [redacted]).  
-I note that, to this date, we have no copy of that report.

## 1995

Feb. 3, 1995: Memo of Fr. Robert Geisinger, S.J. socius Fr. Daly regarding preparation of the Feb. 17 letter in which Fr. Daly issued new guidelines to Fr. McGuire.

Feb. 9, 1995: Memo of Fr. Daly, socius, noting a conference with Fr. McGuire, at which Fr. Jim Gschwend, S.J., was present. Concerning the [redacted] family.

"I told Don he was not to have any contact with the [redacted]."

(Fr. Daly's) phone conversation with [redacted] (not dated): Includes her complaint re her son [redacted] apparently then 18, whom she found sitting on McGuire's lap, and Don was stroking him. She faxed her complaint to Fr. Charles (at Canisius) and to Frs. Fessio, Hardon, and Link.

February 17, 1995—Letter of Acting Provincial Fran Daly to Don: (In light of a complaint from the [redacted] family:) "I am reminding you of the standing restrictions which were imposed and reinforced during the [redacted] and [redacted] complaints. Further, in accord with their request, you

are to have no contact with any member of the immediate family. Also, I am amplifying Bob Wild's 1991 directive: please do not travel on any overnight trip with any person, male or female, under the age of 21. In addition, I ask that you use extreme caution to avoid any occasion that would find you alone, behind closed doors, with anyone under the age of 21... I am calling you to a prudence greater than that which you have shown in recent years."

(Note: Fr. Daly told me verbally on Dec. 8, 2000 that Fr. Robert Geisinger, S.J. was present during this conference of Feb. 17, 1995, in order to be a witness to the warning Fr. Daly issued in writing to Fr. McGuire).

## 2000

Feb. 2, 2000: Bishop of Las Vegas Nevada required detailed letter of good standing including statement Fr. never been accused of improprieties with minors. Fr. Baumann was therefore unable to give one to Don, who subsequently canceled his commitment. It appears he will not be able to function in that diocese again, given the nature of the bishop's request, which would likely be renewed in the future.

Dec. 22, 1998, Provincial Fr. Baumann did provide Don a letter to the same bishop, not having been aware of the provincial guidelines currently in place.

June 1, 2000: Socius Fr. McGurn notes in a memo: Fr. AJ Naucke, S.J., socius of the California Province, phoned this morning. He told me that Fr. Joseph Fessio, S.J., has recently related the following account to the provincial, Fr. Thomas Smolich, S.J.:

A 14 year old minor, \_\_\_\_\_, the son of a conservative family in Phoenix, Arizona, is currently residing in the home of the \_\_\_\_\_ family in Massachusetts, while attending a learning disabled program.

Mr. \_\_\_\_\_ has told Fr. Fessio that Don McGuire is \_\_\_\_\_ legal guardian, and that \_\_\_\_\_ is going to live with Fr. McGuire.

Sept. 25, 2000: Socius Fr. McGurn received a telephoned complaint from A \_\_\_\_\_, regarding Don's relationship with his son, \_\_\_\_\_, presently age 20, who has been serving as Don's assistant on his travels for the past year, and who now does not want to return home after his year's "commitment" has concluded. They documented their complaint in writing on October 27, 2000 (see above).

October 11, 2000: Don was away much of the summer, so it was only in October that I connected with him to ask about \_\_\_\_\_. He mailed me a document, dated Aug. 9, 2000, signed by \_\_\_\_\_ mother, \_\_\_\_\_, which purports to grant legal guardianship of her son to \_\_\_\_\_ (who administer Don's retreat fund, Mission Fides). Don also included a note with the \_\_\_\_\_'s address.

Oct. 27, 2000: A written complaint came to the provincial's office from \_\_\_\_\_ regarding Don's relationship with the son, \_\_\_\_\_, presently age 20. In Aug., 1999, \_\_\_\_\_, then age 19, agreed to serve Fr. McGuire for a year—this occurred through the agency of \_\_\_\_\_. Their concern stems from \_\_\_\_\_ unwillingness to return home this August, when his year's "commitment concluded.

Parenthetically, they note that \_\_\_\_\_ is Don's "godson." I don't know if this is literally true or not. They also note that Don has, since August, taken on a new assistant, \_\_\_\_\_ so they see no reason for their son remaining with Don.

They note that, this past August, \_\_\_\_\_ slept in Don's room while he was a guest at the \_\_\_\_\_ They "were shocked to find that Father was adversarial" when they attempted to confront him about their desires for their son. They are disturbed that Don used as an argument \_\_\_\_\_ "grave moral condition" which necessitated his oversight of the young man. They also state that \_\_\_\_\_ has told them that, on some occasions, "he even shared the bed in Father McGuire's room, with Father McGuire under the sheets and \_\_\_\_\_ on top of the blankets."

Oct. 27, 2000: A written complaint came to the provincial's office from \_\_\_\_\_ of Augusta, GA, concerning Don's relationship with their son, \_\_\_\_\_, presently age 20.

Socius Fr. McGurn notes: The \_\_\_\_\_ are next-door neighbors of the \_\_\_\_\_ and members of the same charismatic group headed by Dr. \_\_\_\_\_

Their son \_\_\_\_\_ served as Don's assistant on his travels for the year June, 1998 – August, 1999, after he had just graduated from high school. They state that their son told them, in tears, Fr. McGuire showed him pornographic pictures and talked to him "about sexual matters at every waking moment."

Nov. 3, 2000: \_\_\_\_\_ sent a letter to the provincial office, defending Fr. McGuire. He states that he is presently 20 years old:

"I'm all the more convinced that what is really at the root of the problem is that I'm not under their (his parents') direct consultation and control. The straw that broke the camel's back for them apparently was when I called and told them the decision I'd made about what I was doing for the Fall of 2000 and possibly the Spring of 2001: to continue working for Mission FIDES in Chicago while my replacement took over and served as Fr. McGuire's aide. The problems they brought up were mind-boggling and even infuriating, going so far as to imply that there are sexual improprieties present. I did my best to refute all attacks on myself, and on Fr. McGuire..."

Note: Nowhere in his letter does \_\_\_\_\_ either confirm or deny that he slept in the same room, and at times in the same bed, with Don.

Nov. 7, 2000: Memo of Socius Fr. McGurn states, regarding the \_\_\_\_\_ complaint, Don stated in a phone call to me today that he is not the legal guardian of \_\_\_\_\_ .. He said that \_\_\_\_\_ mother, \_\_\_\_\_ is presently living in Florida. \_\_\_\_\_, who oversee Don's retreat fund, Mission Fides, live in Chicago and "have power of attorney" for \_\_\_\_\_

Nov. 7, 2000: Memo of Socius Fr. McGurn states, regarding the complaint of the \_\_\_\_\_ Family about Don's relationship with their son, \_\_\_\_\_ "When I told Don about the complaint of the \_\_\_\_\_ and that the provincial would want to talk with him about it, he acknowledged that \_\_\_\_\_ is not yet 21. When I said that the current guidelines, given by Fr. Daly in 1995, state that Don is not to travel with anyone under 21, Don said he had no memory of those guidelines, even when I reminded him that they were given to him in writing. Don then tried to excuse himself by saying that \_\_\_\_\_ was chosen for him by Dr. \_\_\_\_\_ and that since he's a psychiatrist, Don presumed it was OK."



So, here is a clear example of Don violating his 1995 guidelines. This also applies to his relationship with see above.

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