


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

April 19, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

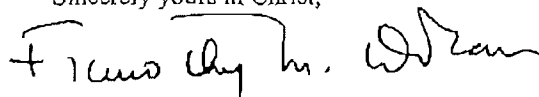
This correspondence is concerning the matter of Reverend Michael Charles Benham. As you will see in the attached documentation, he was accused of sexual abuse of a minor and has admitted that these allegations are true. He is prepared for whatever decision the Church will make in his case but is not willing to apply for voluntary laicization.

Given the nature of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. I have met personally with the victim in this case and believe the negative impact this abuse has had on his life, even fracturing family relationships. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, if it is your judgement that this case should proceed through a canonical penal process, I humbly request a dispensation from prescription as well as a sanation of any procedural errors that may have occurred during the time this case was under investigation. While only one victim has come forward at this time, the frequency of the admitted offenses and the young age of the victim are such that it is my opinion that these requests are justified. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

April 19, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

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With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM027270


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 27, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

This correspondence is concerning the matter of Reverend Michael Charles Benham. His case was originally submitted for consideration in April 2004. Enclosed are copies of the original request and a newly formatted reporting form.

Since the submission of this case, I have met again with the victim and there have been protracted mediations sessions finally arriving at an out of court settlement being paid fully by the Archdiocese. As a sign of repentance, since he has admitted the truthfulness of the charges, Father Benham has been asked again to submit a request for voluntarily laicization. He refuses to do so. He likewise has refused to make any offer, even a minor symbolic one, of compensation to the victim. I have recently learned that, despite being bound by precept not to perform any public ministry, he celebrated a funeral Mass. He indicated that he did not seek permission for this action because he knew it would be denied.

Father Benham is aware that he will never be able to serve in active ministry again. A timely conclusion to this case would be best for all involved.

Thank you for your consideration in this matter. If there is anything further that is needed, please do not hesitate to inform me. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

19 July 2005

207/04-20808

PROT. N.
(In responsione fiat mentio huius numeri)

Your Excellency,

The Congregation for the Doctrine of the Faith has received the documentation you sent regarding the **Reverend Michael Charles BENHAM**, a priest of your Archdiocese who has been accused of sexual abuse of minors and concerning whom Your Excellency has requested dismissal from the clerical state *ex officio*.

After a careful study of the present case, I wish to inform you that this Congregation is of the mind that Your Excellency should approach Rev. Benham one last time in order that he might freely request the grace of a dispensation from the obligations of the Priesthood, including celibacy.

Furthermore, having also taken into account the fact that since 1980 no other accusations of sexual abuse have been brought against the cleric, Your Excellency, after having imposed a penal remedy on him (cf. can. 1348), may wish to consider allowing Rev. Benham a limited form of ministry within the diocese. This concession would only be permissible upon a favourable psychological evaluation of the said cleric and such ministry should not bring further scandal to the faithful nor risk to minors.

I take this opportunity to thank Your Excellency for your attentiveness in these difficult matters, I remain

Sincerely yours in Christ,

* Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
Office of the Archbishop
3501 South Lake Drive
Milwaukee, WI 53207-0912, U.S.A.

ADOM011461


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 207/04 -20808

October 20, 2005

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

This correspondence is concerning the matter of Reverend Michael Charles Benham. As you requested, we have approached Father Benham one additional time to ask that he seek voluntary laicization as a sign of repentance for the repeated sexual abuse of a minor, offenses which has admitted took place. Once again, he has stated that he is unwilling to do so.

Given the seriousness of the offenses and the length of time over which they occurred, I do not see any way that Father Benham could be restored to any ministerial position without grave scandal. As we are all aware, assurances from psychological evaluations in the past have not safeguarded the Church's good name nor have they protected against civil liability.

In this present situation, therefore, I would reiterate my original *votum*. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation. With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207-0912
PHONE: (414)769-3497 • WEB SITE: www.archmil.org

ADOM039411

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ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

February 22, 2007

Prot. No. 207/04-20808

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

I write again in the matter of Reverend Michael C. Benham. He remains reluctant to seek voluntary laicization despite his admission of long-term sexual abuse of a minor. While it is correct that no additional victims have made allegations, the one case that was reported involved a very young boy, initially aged 11, and was protracted over a four year period with multiple sexual assaults.

As previously reported, Father Benham acted in violation of the penal precept restricting him from any public ministry by presiding at a Funeral Mass. Further reports have come in recently about additional violations. I have asked Father Benham to address these concerns and his response is that he is living in the "spirit" of the restrictions but then admits to public celebration of the Eucharist on a monthly basis and other ministerial activity when he is personally asked. He has obviously not taken this whole matter seriously and will continue to act as he deems fit regardless of any action on my part.

The faithful who have learned of these actions on his part are confused and angry. Because he has not moved from the immediate vicinity of his last parish assignment, the current pastor is also distraught over these actions. He believes the parish cannot move toward healing while Father Benham does not observe the restrictions on his ministry.

The suggestion of appointing Father Benham to some form of limited ministry is thus out of the question. I have been clear and deliberate in assuring the faithful entrusted to my care that there is no priest who has against him a substantiated case of sexual abuse of a minor who is functioning in priestly ministry. We relied in the past on the opinion of psychological experts to assure us that offenders were not at risk to repeat that behavior; we have seen in retrospect how flawed that advice was. Our people have a right to be assured that no offending clerics are exercising ministry.

3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207-0912
PHONE: (414)769-3497 • WEB SITE: www.archmil.org

ADOM039412

Father Benham has displayed behavior in direct disobedience to a penal precept and has betrayed my confidence that he might be able to lead a life of prayer and penance with no public ministry. The Archdiocese of Milwaukee is under fiscal constraints and to continue to have to provide financial support to an individual who is quite capable of some form of work but refuses to seek any, is not good stewardship of the resources entrusted to us. It will be almost ten years before he is eligible for a pension. I cannot be accountable to my people and continue to provide that level of financial output to an offending cleric.

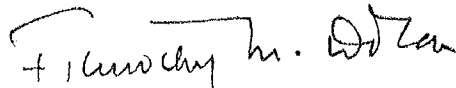
Therefore, I renew my request that Reverend Michael C. Benham be dismissed *ex officio* from the clerical state.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM039413

January 15, 2008

Prot. No. 207/04-20808

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

I write again in the matter of Reverend Michael C. Benham. You will recall that he has been asked to seek voluntary laicization multiple times. He refuses to do so and remains obstinate in that position. Despite his admission of long-term sexual abuse of a minor, he will not take this step. While it is correct that no additional victims have made allegations, the one case that was reported involved a very young boy, initially aged 11, and was protracted over a four year period with multiple sexual assaults.

As previously reported, Father Benham has acted in violation of the penal precept restricting him from any public ministry by presiding at a Funeral Mass. Further reports have come in about additional violations, such as anointing of the sick and wake services. I have asked Father Benham to address these concerns and his response is that he is living in the "spirit" of the restrictions but then admits to public celebration of the Eucharist on a monthly basis and other ministerial activity when he is personally asked. He has obviously not taken this whole matter seriously and will continue to act as he deems fit regardless of any action on my part. His blatant disobedience should be a sign of the character flaws with which we are dealing. He fails to see how his actions have and do harm the community of the faithful.

The faithful who have learned of these actions on his part are confused and angry. Because he has not moved from the immediate vicinity of his last parish assignment, the current pastor is also distraught over these actions. He believes the parish cannot move toward healing while Father Benham does not observe the restrictions on his ministry.

As I noted previously, the suggestion of appointing Father Benham to some form of limited ministry is simply out of the question. I have been clear and deliberate in assuring the faithful entrusted to my care that there is no priest who has against him a substantiated case of sexual abuse of a minor who is functioning in priestly ministry. Our people have a right to be assured that no offending clerics are exercising ministry. Given the assurances put forth by the U.S. bishops, any proposal that he minister elsewhere is also not an option. We will not transfer priests who have sexually abused minors.

ADOM039414

Father Benham has displayed behavior in direct disobedience to a penal precept and has betrayed my confidence that he might be able to lead a life of prayer and penance with no public ministry. The Archdiocese of Milwaukee is under dire fiscal constraints all of which can be traced directly to the evil of clergy sexual abuse. To continue to have to provide financial support to an individual who is quite capable of some form of work but refuses to seek any, is not good stewardship of the resources entrusted to us. It will be almost ten years before he is eligible for a pension. I cannot be accountable to my people and continue to provide that level of financial output to an offending cleric. There is a blatant injustice when I have to terminate lay employees who have done nothing to harm the Church but continue to support someone who has.

Therefore, I renew my request that Reverend Michael C. Benham be dismissed *ex officio* from the clerical state.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

A handwritten signature in cursive script, appearing to read "Timothy M. Dolan".

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM039415

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LAICIZATION RESCRIPT - UNOFFICIAL TRANSLATION
Congregation for the Doctrine of the Faith

Prot. N.: 207/04-26926

Milwaukee

Father Michael Charles BENHAM

August 27, 2008

The Supreme Pontiff Pope Benedict XVI

having heard the opinion of his Eminence the Cardinal Prefect of this Congregation concerning the serious actions of the above named presbyter of the Archdiocese of Milwaukee (Milwaukee, USA), with the proper documentation having been sent and finding this final decision to be beyond appeal and not subject to recourse,

has decreed

for the good of the Church that the penalty of dismissal from the presbyterate be imposed.

This same presbyter is also granted a dispensation from all of the obligations connected with sacred Orders in accord with the following consideration:

1. The dismissal and dispensation take effect at the very moment of the decision of the Roman Pontiff.
2. The decree of dismissal and dispensation are to be communicated to the presbyter by the competent Ordinary and no one has the right to separate those two elements. Indeed, further, it carries with it, insofar as it is necessary, absolution from censures.
3. Notice of the granting of the dismissal and dispensation is to be inscribed in the baptismal register of the aforementioned presbyter's parish.
4. With regard to the celebration of a canonical marriage, the norms set down in The Code of Canon Law must be applied. The Ordinary, however, should take care that the matter be discreetly handled without pomp or external display.
5. The ecclesiastical authority, to whom it belongs to notify the priest, should earnestly exhort him to take part in the life of the People of God, in a manner consonant with his new mode of living, to give edification, and thus to show himself a most loving son of the Church. At the same time, however, he should be informed of the following points:
 - a) the dismissed presbyter automatically loses the rights proper to the clerical state, as well as ecclesiastical dignities and offices; he is no longer bound by the other obligations connected with the clerical state;
 - b) he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, and, as a result, he may not give a homily nor is he able to hold a directive office in the pastoral field nor to exercise the function of parochial administrator;

ADOM039419

- c) similarly, he may not discharge any function in seminaries and in equivalent institutions. In other institutions of higher studies, which are in any way whatever dependent upon ecclesiastical authority, he may not exercise a directive function;
 - d) in those institutions of higher studies which are not dependent upon ecclesiastical authority, he may not teach any discipline which is properly theological or closely connected with the same;
 - e) in institutions of lower studies, which are dependent upon ecclesiastical authority, he may not exercise the function of teaching a discipline which is properly theological. A dismissed and dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.
6. The Ordinary of the dismissed presbyter, in keeping with required prudence, must care that scandal not be given to the faithful. This pastoral care of the Ordinary is most important if danger of abuse of a minor, although remote, is at hand.
 7. Notification of the dismissal and dispensation can be made either personally or through an ecclesiastical notary or through registered mail. The dismissed priest ought to retain a signed copy of his reception and acceptance of this dismissal and dispensation and also its regulations, but if he does not it does not impede the effect of this decree.
 8. At an opportune time, the Ordinary is to send a brief report to the Congregation on his completion of the notification, and, if there is any wonderment on the part of the faithful he is to provide a prudent explanation.

All things to the contrary notwithstanding.

From the Offices of the Congregation, the 27th day of August, 2008.

/s/ William Card. Levada
Prefect

/s/ Aloysius Francis Ladaria, SJ
Titular Archbishop of Thibica
Secretary

Date of notification: _____

/s/ _____
Signature of presbyter as sign of acceptance

/s/ _____
Signature of Ordinary



CONGREGATIO PRO DOCTRINA FIDEI
(Dimissio e statu clericali ac dispensatio ab oneribus)

Prot. N. 207/04

Milvaukiensis

D.nus Michael Charles **BENHAM**

Die 27 m. Augusti a. 2008

Summus Pontifex Benedictus, Papa XVI

perpensa relatione huius Congregationis circa gravem agendi rationem supradicti presbyteri archidioecesis Milvaukiensis (v.d. Milwaukee, U.S.A.), praemissis praemittendis, suprema atque inappellabili decisione nullique recursui obnoxia,

decrevit

pro bono Ecclesiae dimissionem dicto presbytero irrogandam esse.

Eidem presbytero etiam dispensationem concedit ab omnibus oneribus sacrae Ordinationi conexas iuxta sequentes rationes.

1. Dimissio ac dispensatio vim habent ab ipso momento decisionis Romani Pontificis.
2. Dimissionis ac dispensationis Decretum presbytero a competenti Ordinario loci notificetur, cui numquam fas est duo illa elementa seiungere. Idemque insuper secumfert absolutionem a censuris, quatenus opus sit.
3. Notitia dimissionis ac dispensationis adnotetur in Libris baptizatorum parociae praedicti presbyteri.
4. Quod attinet si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriori apparatu.
5. Auctoritas ecclesiastica, cui spectat Decretum praefato sacerdoti notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur:

ADOM039421

a) presbyter dimissus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexus non amplius adstringitur;

b) exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastorali neve munere administratoris paroecialis fungi;

c) item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit;

d) in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologiam disciplinam tradere potest;

e) in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradenda Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.

6. Ordinarius curet, quantum fieri potest, ne nova condicio presbyteri dimissi fidelibus scandalum praebeat. Attamen, si adest periculum minoribus abutendi, Ordinarius potest factum dimissionis necnon causam canonicam divulgare.

7. Notificatio dimissionis et dispensationis fieri potest vel personaliter per notarium aut ecclesiasticum actuarium vel per "epistulas perscriptas" (*raccomandata, certificada, enregistrée, registered, Einschreiben*). Sacerdos dimissus unum exemplar restituere debet rite subsignatum ad fidem receptionis et acceptionis eiusdem dimissionis ac dispensationis ac simul etiam praeceptorum, quod si non faciat integer manet effectus huius Decreti.

8. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 27 m. Augusti a. 2008

William Card. Levada

Gulielmus Cardinalis LEVADA

Praefectus

+ *Aloisius Franciscus Ladaria*

✠ Aloisius Franciscus LADARIA, S.I.

Archiep. titularis Thibicensis

Secretarius

Dies notificationis _____

Subsignatio Presbyteri in signum
acceptionis

Subsignatio Ordinarii

ADOM039422


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 27, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

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Father Benham is aware that he will never be able to serve in active ministry again. A timely conclusion to this case would be best for all involved.

Thank you for your consideration in this matter. If there is anything further that is needed, please do not hesitate to inform me. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

April 19, 2004

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Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
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With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM027270


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 27, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

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Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

19 July 2005

207/04-20808

PROT. N.
(In responsione fiat mentio huius numeri)

Your Excellency,

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After a careful study of the present case, I wish to inform you that this Congregation is of the mind that Your Excellency should approach Rev. Benham one last time in order that he might freely request the grace of a dispensation from the obligations of the Priesthood, including celibacy.

Furthermore, having also taken into account the fact that since 1980 no other accusations of sexual abuse have been brought against the cleric, Your Excellency, after having imposed a penal remedy on him (cf. can. 1348), may wish to consider allowing Rev. Benham a limited form of ministry within the diocese. This concession would only be permissible upon a favourable psychological evaluation of the said cleric and such ministry should not bring further scandal to the faithful nor risk to minors.

I take this opportunity to thank Your Excellency for your attentiveness in these difficult matters, I remain

Sincerely yours in Christ,

* Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
Office of the Archbishop
3501 South Lake Drive
Milwaukee, WI 53207-0912, U.S.A.

ADOM011461


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 207/04 -20808

October 20, 2005

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

This correspondence is concerning the matter of Reverend Michael Charles Benham. As you requested, we have approached Father Benham one additional time to ask that he seek voluntary laicization as a sign of repentance for the repeated sexual abuse of a minor, offenses which has admitted took place. Once again, he has stated that he is unwilling to so do.

Given the seriousness of the offenses and the length of time over which they occurred, I do not see any way that Father Benham could be restored to any ministerial position without grave scandal. As we are all aware, assurances from psychological evaluations in the past have not safeguarded the Church's good name nor have they protected against civil liability.

In this present situation, therefore, I would reiterate my original *votum*. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation. With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207-0912
PHONE: (414)769-3497 • WEB SITE: www.archmil.org

ADOM039411

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ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

February 22, 2007

Prot. No. 207/04-20808

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

I write again in the matter of Reverend Michael C. Benham. He remains reluctant to seek voluntary laicization despite his admission of long-term sexual abuse of a minor. While it is correct that no additional victims have made allegations, the one case that was reported involved a very young boy, initially aged 11, and was protracted over a four year period with multiple sexual assaults.

As previously reported, Father Benham acted in violation of the penal precept restricting him from any public ministry by presiding at a Funeral Mass. Further reports have come in recently about additional violations. I have asked Father Benham to address these concerns and his response is the he is living in the "spirit" of the restrictions but then admits to public celebration of the Eucharist on a monthly basis and other ministerial activity when he is personally asked. He has obviously not taken this whole matter seriously and will continue to act as he deems fit regardless of any action on my part.

The faithful who have learned of these actions on his part are confused and angry. Because he has not moved from the immediate vicinity of his last parish assignment, the current pastor is also distraught over these actions. He believes the parish cannot move toward healing while Father Benham does not observe the restrictions on his ministry.

The suggestion of appointing Father Benham to some form of limited ministry is thus out of the question. I have been clear and deliberate in assuring the faithful entrusted to my care that there is no priest who has against him a substantiated case of sexual abuse of a minor who is functioning in priestly ministry. We relied in the past on the opinion of psychological experts to assure us that offenders were not at risk to repeat that behavior; we have seen in retrospect how flawed that advise was. Our people have a right to be assured that no offending clerics are exercising ministry.

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Father Benham has displayed behavior in direct disobedience to a penal precept and has betrayed my confidence that he might be able to lead a life of prayer and penance with no public ministry. The Archdiocese of Milwaukee is under fiscal constraints and to continue to have to provide financial support to an individual who is quite capable of some form of work but refuses to seek any, is not good stewardship of the resources entrusted to us. It will be almost ten years before he is eligible for a pension. I cannot be accountable to my people and continue to provide that level of financial output to an offending cleric.

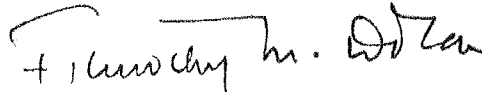
Therefore, I renew my request that Reverend Michael C. Benham be dismissed *ex officio* from the clerical state.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Timothy M. Dolan". The signature is written in a cursive style with a large initial 'T' and 'D'.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM039413

LAICIZATION RESCRIPT - UNOFFICIAL TRANSLATION
Congregation for the Doctrine of the Faith

Prot. N.: 207/04-26926

Milwaukee

Father Michael Charles BENHAM

August 27, 2008

The Supreme Pontiff Pope Benedict XVI

having heard the opinion of his Eminence the Cardinal Prefect of this Congregation concerning the serious actions of the above named presbyter of the Archdiocese of Milwaukee (Milwaukee, USA), with the proper documentation having been sent and finding this final decision to be beyond appeal and not subject to recourse,

has decreed

for the good of the Church that the penalty of dismissal from the presbyterate be imposed.

This same presbyter is also granted a dispensation from all of the obligations connected with sacred Orders in accord with the following consideration:

1. The dismissal and dispensation take effect at the very moment of the decision of the Roman Pontiff.
2. The decree of dismissal and dispensation are to be communicated to the presbyter by the competent Ordinary and no one has the right to separate those two elements. Indeed, further, it carries with it, insofar as it is necessary, absolution from censures.
3. Notice of the granting of the dismissal and dispensation is to be inscribed in the baptismal register of the aforementioned presbyter's parish.
4. With regard to the celebration of a canonical marriage, the norms set down in The Code of Canon Law must be applied. The Ordinary, however, should take care that the matter be discreetly handled without pomp or external display.
5. The ecclesiastical authority, to whom it belongs to notify the priest, should earnestly exhort him to take part in the life of the People of God, in a manner consonant with his new mode of living, to give edification, and thus to show himself a most loving son of the Church. At the same time, however, he should be informed of the following points:
 - a) the dismissed presbyter automatically loses the rights proper to the clerical state, as well as ecclesiastical dignities and offices; he is no longer bound by the other obligations connected with the clerical state;
 - b) he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, and, as a result, he may not give a homily nor is he able to hold a directive office in the pastoral field nor to exercise the function of parochial administrator;

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- c) similarly, he may not discharge any function in seminaries and in equivalent institutions. In other institutions of higher studies, which are in any way whatever dependent upon ecclesiastical authority, he may not exercise a directive function;
 - d) in those institutions of higher studies which are not dependent upon ecclesiastical authority, he may not teach any discipline which is properly theological or closely connected with the same;
 - e) in institutions of lower studies, which are dependent upon ecclesiastical authority, he may not exercise the function of teaching a discipline which is properly theological. A dismissed and dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.
6. The Ordinary of the dismissed presbyter, in keeping with required prudence, must care that scandal not be given to the faithful. This pastoral care of the Ordinary is most important if danger of abuse of a minor, although remote, is at hand.
 7. Notification of the dismissal and dispensation can be made either personally or through an ecclesiastical notary or through registered mail. The dismissed priest ought to retain a signed copy of his reception and acceptance of this dismissal and dispensation and also its regulations, but if he does not it does not impede the effect of this decree.
 8. At an opportune time, the Ordinary is to send a brief report to the Congregation on his completion of the notification, and, if there is any wonderment on the part of the faithful he is to provide a prudent explanation.

All things to the contrary notwithstanding.

From the Offices of the Congregation, the 27th day of August, 2008.

/s/ William Card. Levada
Prefect

/s/ Aloysius Francis Ladaria, SJ
Titular Archbishop of Thibica
Secretary

Date of notification: _____

/s/ _____
Signature of presbyter as sign of acceptance

/s/ _____
Signature of Ordinary



CONGREGATIO PRO DOCTRINA FIDEI
(Dimissio e statu clericali ac dispensatio ab oneribus)

Prot. N. 207/04

Milvaukiensis

D.nus Michael Charles BENHAM

Die 27 m. Augusti a. 2008

Summus Pontifex Benedictus, Papa XVI

perpensa relatione huius Congregationis circa gravem agendi rationem supradicti presbyteri archidioecesis Milvaukiensis (v.d. Milwaukee, U.S.A.), praemissis praemittendis, suprema atque inappellabili decisione nullique recursui obnoxia,

decrevit

pro bono Ecclesiae dimissionem dicto presbytero irrogandam esse.

Eidem presbytero etiam dispensationem concedit ab omnibus oneribus sacrae Ordinationi conexas iuxta sequentes rationes.

1. Dimissio ac dispensatio vim habent ab ipso momento decisionis Romani Pontificis.
2. Dimissionis ac dispensationis Decretum presbytero a competenti Ordinario loci notificetur, cui numquam fas est duo illa elementa seiungere. Idemque insuper secumfert absolutionem a censuris, quatenus opus sit.
3. Notitia dimissionis ac dispensationis adnotetur in Libris baptizatorum parociae praedicti presbyteri.
4. Quod attinet si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriori apparatu.
5. Auctoritas ecclesiastica, cui spectat Decretum praefato sacerdoti notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur:

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- a) *presbyter dimissus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexas non amplius adstringitur;*
- b) *exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastoralis neve munere administratoris paroecialis fungi;*
- c) *item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit;*
- d) *in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologiam disciplinam tradere potest;*
- e) *in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradenda Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.*

6. Ordinarius curet, quantum fieri potest, ne nova condicio presbyteri dimissi fidelibus scandalum praebat. Attamen, si adest periculum minoribus abutendi, Ordinarius potest factum dimissionis necnon causam canonicam divulgare.

7. Notificatio dimissionis et dispensationis fieri potest vel personaliter per notarium aut ecclesiasticum actuarium vel per "epistulas perscriptas" (*raccomandata, certificada, enregistrée, registered, Einschreiben*). Sacerdos dimissus unum exemplar restituere debet rite subsignatum ad fidem receptionis et acceptionis eiusdem dimissionis ac dispensationis ac simul etiam praeceptorum, quod si non faciat integer manet effectus huius Decreti.

8. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 27 m. Augusti a. 2008

William Card. Levada

Gulielmus Cardinalis LEVADA

Praefectus

+ *Aloisius Ladaria*

✠ Aloisius Franciscus LADARIA, S.I.

Archiep. titularis Thibicensis

Secretarius

Dies notificationis _____

Subsignatio Presbyteri in signum
acceptionis

Subsignatio Ordinarii

ADOM039422