
From: Daniel, William
Sent: Friday, March 21, 2014 10:55 AM
To: Frerichs, Glenn
Subject: FW: Votum Episcopi
Attachments: 9. Episcopi Votum.docx

I'll drop by.

From: Glenn Frerichs [mailto:gkfpurchasing@gmail.com]
Sent: Friday, March 21, 2014 10:45 AM
To: Daniel, William
Subject: Votum Episcopi

Bill,

Attached the draft mentioned earlier.

FF

[Scroll down for bishop's Votum.]

EPISCOPI VOTUM

I am writing in full support of a voluntary petition for a dispensation from the obligations of the clerical state of the Reverend **Leland Joseph Smith**, a priest of the Diocese of Winona, who was ordained by Bishop Edward Aloysius Fitzgerald on May 30, 1953.

Reverend Smith has served several parishes and schools throughout his 41 years of priestly ministry. In June 1994, Rev. Smith was removed from all forms of ministry that placed him near minors as a result of several credible allegations of abuse toward minors (*graviora delicta*). In 2002, in accord with the Charter for the Protection of Minors and Young People of the United States Conference of Catholic Bishops, Reverend Smith was permanently suspended from all forms of public ministry. He discontinued ministry immediately and since that time has live in his personal residence in Winona, Minnesota. Reverend Smith has, for the most part, adhered to the wishes of his Diocesan Bishop by living a quiet life away from public view. During these past 20 years Reverend Smith continues to lead a life of prayer and has kept in close contact with clergy living in the Winona area.

The favor of a dispensation for the obligations of the clerical state, including sacred celibacy, would help to minimize, rather than induce, scandal in the Diocese of Winona, and the whole State of Minnesota. The same favor would also serve to minimize negative publicity toward Reverend Smith. On May 24, 2013, the legislature of the State of Minnesota approved the so-called *Minnesota Child Victims Act* (Minnesota Statute, 541.073, §5), becoming the *ius vigens* the very next day. In virtue of this norm,

“in the case of alleged sexual abuse of an individual under the age of 18, if the action would otherwise be time-barred under a previous version of Minnesota Statutes ... an action for damages against a person ... may be commenced no later than three years following May 25, 2013.”

Falling within this provision also are claims of “negligence.” According, anyone who was sexually abused by Reverend Smith as a minor may, until May 25, 2016, present a civil action against him and against the Diocese of Winona. The Diocese of Winona has, thus far, received no claim resulting from the actions of Reverend Smith. However, the Diocese of Winona has received several claims of negligence upon other offenders since the statute’s inception, anticipates several more, and anticipates eventually bankruptcy as a result of these lawsuits.

Commented [WLD1]: You could add here something about the favor reinforcing the commitment of the Church in the Diocese of Winona to the protection of children and young people.

Here you could also add a reflection along these lines: “By no means would the grant of this favor cause any scandal; for Reverend Smith has not been called upon by the lay faithful for acts of ministry, and the memories of his priestly ministry has long faded from their memory.”

Commented [WLD2]: Accordingly. My bad: that typo was from the Cashman *Votum*.

Both attorneys and elements within the public media have exhibited unwavering resolve in their efforts to further defame alleged offenders, foster discredit in church officials, and instill common anger mistrust toward the Universal Church. The charge of negligence is especially difficult to overcome in this climate if the accused priest retains his status as a cleric of the Diocese, since attorneys are accustomed to exploring this aspect in order to build their argument against the Diocese. And so my support of this voluntary petition is based, in part, on a need for the aid of the Congregation in the face of the broad provision of the Minnesota State Legislature, so that the goods and reputation of the Church may be protected.

Commented [WLD3]: and

In his petition to the Holy Father, Reverend Smith requests the favor a dispensation from the obligations of the clerical state because “allegations were brought forward in 1994, and after completing a treatment program, I was removed from public ministry. This experience has been very difficult, even painful, and I am deeply saddened over the pain and grief that it has caused the Church.” Although scandal will always surround Reverend Smith, the favor of a dispensation from the obligations of the clerical state would provide him assurance that all means have been taken to prevent the provocation of further scandal as a result of his actions within the Church, both in the minds of souls formerly entrusted to his care and the general public. The stability of a quiet lifestyle of prayer and penance that Reverend Smith now enjoys will be promoted with the favor of a dispensation, particularly as media coverage of abuse of minors continues to intensify across the state of Minnesota.

Commented [WLD4]: of a

As the Bishop of Winona, I am confident that the grant of this same favor would also contribute to the welfare of the local Church without giving rise to scandal. People of the Diocese of Winona have experienced pain, anger, and mistrust as a result of several clerics abusing minors. The granting of this favor would provide the People of God additional assurance that the Catholic Church is doing everything possible to protect minors and vulnerable adults from potentially harmful situations. Past victims of abuse and the general public will receive this favor as one promoting a safe environment within the Church.

Respectfully submitted before the Congregation of the Doctrine of the Faith on March 25, 2014.

Most Reverend John M. Quinn, D.D.
Bishop of Winona