

Executive Summary
Audit of the Capuchin Franciscan Province of St. Joseph in the United States
18 June 2013

The Capuchin Order is a religious order of men in the Roman Catholic Church. It is one of several related orders that follow the example of St. Francis of Assisi. Capuchins profess to emulate St. Francis and to animate their mission, ministries and religious life with the “charism” of St. Francis, meaning St. Francis’ special qualities and virtues and influences that characterized his unique Christian religious expression. Following the example of St. Francis, the Capuchins seek to create a community of equals in which the message of Christ is brought to others, especially poor and marginalized people. They profess to have a particular affinity for and a stewardship of all the creatures and the environment of God’s creation. They minister in hospitals, soup kitchens, schools, parishes and in the mission fields.

The Capuchin Order has various subdivisions called “provinces” throughout the world. The Province of St. Joseph was founded in 1856; but in 1952, the province was split and 188 members left to form a new province consisting of territory in New York and New England. Since 1952, the St. Joseph Province of the Capuchin Order (the province) has encompassed Michigan, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Montana, the Archdiocese of Chicago and the Diocese of Joliet in Illinois, and the Diocese of Fort Wayne-South Bend, the Diocese of Gary and the Diocese of Lafayette in Indiana. The province has also had missions in Nicaragua, Guam, Japan, Australia, Panama and the Middle East.

The members of the province are referred to as “friars.” Some friars are ordained priests, which in the Catholic Church are sometimes referred to as “clerics,” who typically are called “father.” Some members are not ordained but instead are sometimes referred to as “lay friars” who are typically called “brother.” In recent years, the Capuchin Order worldwide has encouraged its members to refer to themselves as “brother” regardless of whether they are ordained, so as to underscore their equality and Franciscan vocation.

The governance of the province is accomplished through the provincial minister and a Provincial Council. The provincial minister is a “major superior” and the “ordinary,” which means he is the leader of the province. He governs with the assistance of the Provincial Council, with whom he is expected to consult on a variety of matters. In some matters (e.g. issuing canonical warnings to a friar who may be dismissed from the order), the provincial minister cannot act without the consent of a majority of his Provincial Council.

In early 2012, the current provincial minister, Fr. John Celichowski, OFM Cap., and the Provincial Council of the Capuchin Franciscan Province of St. Joseph commissioned a comprehensive independent audit of the province’s personnel files, policies and procedures and other documents and materials. The purpose of the audit was to have an independent group determine how many and which friars and employees of the province had sexually abused

minors and vulnerable adults. Another purpose of the audit was to determine how the province had responded to reports of sexual abuse, what they did with friars who abused, and how they responded to and treated victims of the friars' sexual abuses.

The following is a summary of the report submitted by the auditors to the Capuchin provincial minister and the Provincial Council.

The reader may notice some repetition when moving through the Executive Summary and the report, as the auditors took effort to ensure a representative account of the report in the Executive Summary. In addition, due to the comprehensive nature of the report, some overlap in themes and information was felt necessary for thorough explanation and integration.

The Origins of the Audit

Interestingly, the first independent critical review of an ecclesiastical entity by an outside group was also in the St. Joseph Province in 1993. The then-provincial minister, the late Fr. Ken Reinhart, retained the Kersten & McKinnon law firm to serve as special counsel and to investigate sexual abuse of teenage students at the province's St. Lawrence Seminary (SLS), an all-boys boarding high school in Mt. Calvary, Wisconsin. The investigation results and recommendations were set forth in a report commonly known as the *Kersten Report*, published on May 27, 1993.

The current provincial minister, Fr. John Celichowski, attended a conference on clergy sexual abuse, "Harm, Hope, and Healing: International Dialogue on the Clergy Sex Abuse Scandal," at Marquette University in April 2011. While at the conference he began to develop the idea of an audit of the Capuchin Franciscan Province of St. Joseph. For the next year and a half Fr. John worked with the members of the Provincial Review Board (an independent body that reviews sexual abuse allegations against friars, reviews supervision planning for friars who are on restricted ministry, and reviews the province's sexual abuse policies), the Provincial Council, members of law enforcement, attorneys and Ms. Amy Peterson, director of the province's Office of Pastoral Care and Conciliation (OPCC).

The original idea was for a somewhat limited audit scope: a review of all personnel files held by the province. However, as the provincial minister, the OPCC director and the auditors moved through the process, they developed the broader concept and scope of reviewing not only the files but the manner in which the province had responded to incidents and reports of inappropriate sexual behavior and sexual abuse in the past. In his introductory letter in the audit report, the provincial minister says: "*We needed to have a clearer idea of where we have been, where we are now and where we might go in the future.*"

It was clear that the type of audit contemplated by the province would exceed the confines of the special counsel's SLS investigation. It would be a more comprehensive and truly independent audit than the reviews of data provided by the bishops to an independent agency,

the Gavin Group. Fr. John worked with the Provincial Council and with Ms. Amy Peterson, director of the OPCC. An audit work group was formed in December 2011. The members of the work group were chosen based on their professional credentials and background experience.

The provincial minister and Provincial Council decided that the credibility of the audit and report depended on the experience and knowledge of the persons chosen as auditors. They selected three persons who are neither members of nor affiliated with the province. The independent audit team commissioned by the province consisted of: Michael Burnett, J.D., a civil attorney and consultant with extensive experience in mediation and resolution of sexual abuse cases and other aspects of sexual abuse claims; James Freiburger, Psy.D., a clinical psychologist with over 20 years of experience working with both victims and perpetrators of abuse; and Thomas Doyle, O.P., J.C.D. Dr. Freiburger is the author of *Clergy Pedophiles: A Study of Sexually Abusive Clergy and Their Victims*. Thomas Doyle is a canon lawyer with 25 years of experience dealing with clergy sex abuse in the United States and other countries.

The scope and methodology of the audit were developed over a six-month period and 12 drafts of a scope document. The audit work group, the auditors, the provincial leadership and the OPCC director were involved in this process. The work group met several times, including with the auditors in March 2012. As part of the process, the provincial minister and the audit team reviewed the methodology and results of similar inquiries in the United States and other countries over the past 25 years.

The auditors commenced the audit in June 2012, meeting numerous times at the provincialate offices in Detroit and at provincial offices in Milwaukee, and in other locations. The auditors met with the Provincial Council twice and met again several times to work on the audit report.

The Scope of the Audit

The first part of the process consisted of a complete review of friars' personnel files retained by the province. The auditors reviewed 1,093 personnel files: 180 files of current members of the province in temporary or permanent vows; 9 files of postulants; 587 files of men who left the province, including those who left during formation, or after final profession or ordination (some of whom have died); and, 317 files of deceased members.

The personnel files of the friars who became members of the new province in 1952 were moved to that province's headquarters in White Plains, NY. In the course of their review, the auditors discovered documents that referred to events or reports that had taken place prior to 1952. If the friars involved in those events and reports were among those who went to the newly-formed province in 1952, their files were not available to the auditors.

The auditors reviewed minutes of Provincial Council meetings from 1932, the earliest available, to 2013. They reviewed all past and present sex abuse policies (1988-2012) and the 1993 *Kersten Report*. They also reviewed documents and books on the history and demographics of the

province and other documentation that pertained to reports of sexual abuse by a friar or employee of the province.

The auditors were provided a large number of files and documents from other sources. Many of these files were originally from the province's archives and were obtained by civil attorneys representing victims/plaintiffs through the discovery process in legal claims.

The auditors interviewed 21 friars: present and past provincial ministers and members of the Provincial Council and other friars; and two friars on restricted ministry for sexually abusing minors. They also interviewed numerous lay people: a former friar who is now a psychologist who works with sex abuse offenders; two sex abuse survivors (one abused at the province's SLS); three attorneys who handled sex abuse cases in the province, including a victims' attorney; and 10 other lay persons, including employees of the province.

It should be noted that Fr. Ken Reinhart passed away in May 2012. He was the provincial minister at the time of the St. Lawrence Seminary sexual abuse scandal in 1992-1993. He was never interviewed, and the auditors and the process were denied his perspective on the sexual abuse scandal. His death denied him the opportunity to explain or defend against criticisms of his handling of sexual abuse claims, responses to victims and his other decisions.

The second part of the process was a critical review of the province's responses to reports of sexual abuse by friars and employees.

The third part of the process involved a study of the province's sexual abuse policies and procedures. The first such policy was issued in May 1988; the latest and current policy was issued in February 2012. In between, the province issued revisions in 1994, 1996 and 2006. The auditors also reviewed the *Kersten Report* and the 1993 recommendations of "Project Samuel," a group of sexual abuse victims.

Relevant Factors that Informed the Audit

A number of factors provided context and perspective that informed the audit. These factors included the following considerations:

The auditors reviewed the canonical regulations (canon law is Catholic Church law) that are applicable to religious "institutes" (religious orders). They reviewed the regulations that pertain to inappropriate sexual behavior by clerics and non-ordained men in vows as well as those pertaining to sexual abuse in particular. They also studied the responses prescribed by the *Code of Canon Law* for reports of sexual abuse by clerics and non-ordained.

In order to fully appreciate the Capuchin leadership's response to reports of sexual abuse by friars, the auditors reviewed various civil law statutes pertaining to sexual abuse of minors, including mandatory sexual abuse reporting laws.

The auditors gave due consideration to the concept of *clericalism*, the belief that clerics, and by extension non-ordained members of religious institutes, are inherently superior to lay persons and, because of their position, entitled to special deference, greater respect and special treatment. The auditors looked into the impact of clericalism on the province's response to victims of sexual abuse and into the shaping of their responses to reports of such abuse.

Officials of the Catholic Church have used euphemistic or "coded" language, especially in written documents and communications pertaining to sexual abuse by clerics and non-ordained men. An understanding of the various words and phrases that fall under the concept of "coded language" is essential to understanding the true meaning of many documents, especially those generated by persons in leadership. The report contains a number of words and phrases that have meaning unique to the issue of sexual abuse in a religious setting or context, as many of the charts included correspondence and language of this nature. A special report created by researcher and author A.W.R. Sipe on coded language was used by the auditors, and is available on Richard Sipe's website, richardsipe.com.

The province has utilized professional medical services and professional intervention for friars suffering from addiction problems and psychosexual disorders. From 1987 onward, friars with psychosexual issues were regularly sent to special facilities affiliated or sponsored by the Catholic Church for providing psychological help to clergy and religious. The province utilized many of the special facilities set up in the U.S., which included the facilities run by the Servants of the Paraclete, Guest House, the House of Affirmation and the St. Louis Behavioral Medicine Institute.

The absence of evidence in a sexual abuse claim does not mean that abuse did not occur. It may mean that there was lack of evidence, insufficient credible evidence, an inadequate investigation or inadequate documentation. In addition, civil and/or canon law statutes of limitation often prevent a claim from being adjudicated. If a case is "time barred," it does not equate to innocence or lack of proof. If a claim was not investigated, because of a statute of limitations or otherwise, it does not mean that there was no abuse. It means that evidence was not compiled to determine whether abuse occurred. It is also important to note that a reference to or allegation of sexual abuse does not necessarily mean that sexual abuse occurred, especially in cases where a friar denied the allegation and his alleged victim refused to come forward.

Background: Responding to Sexual Abuse in the Province

The Province of St. Joseph had no formal written sexual abuse policies or procedures until May 1988. However, the Capuchins, like every other religious institute and diocese, were subject to the *Code of Canon Law* and to other documents from the Holy See which had the force of canon law. *The Code* and two related documents issued by the Holy See in 1922 and 1962 contained procedures for investigating reports of sexual abuse as well as procedures for prosecuting clerics or religious accused of sexual abuse. *The Code* specifically mentions sexual abuse of a minor as a canonical crime.

Historically the provincial leadership dealt with sexual abuse of minors and others on an *ad hoc* basis. It appears that the canonical procedures were used to some degree in the cases referred to in the Provincial Council minutes from 1932 to 1951. However, there are no records of investigations or canonical prosecutions according to canonical norms until the present era. The province's handling of sexual abuse cases was inconsistent and generally inadequate. There was no consistency in the manner with which friars with confirmed reports of inappropriate sexual behavior, including sexual abuse of minors, were handled until very recently. There is no indication of how victims were responded to, especially in regard to compassionate pastoral care, or whether they were responded to at all.

Complicating the lack of a coherent and effective response was the fact that provincial leaders included many friars in different positions in various ministries and in different positions in the authority structure of the order.

The Capuchin leadership from the early years to the 1990s acknowledged that sexual abuse was a canonical crime and a serious sin, but there is no evidence that they acknowledged that it was also a serious crime in civil law nor is there evidence that the leadership, especially those in teaching positions or school administration, acknowledged and obeyed the legal obligations to report cases of sexual abuse of minors. The auditors learned that in the opinion of certain friars interviewed, the obligation to report sexual abuse to child protective agencies and law enforcement agencies was not known or understood by many friars including those in administrative positions at SLS. These and similar rationalizations are inadequate and invalid reasons for the failure to report sexual abuse. It is difficult to believe that educators did not know that sexual abuse of a minor is now considered criminal behavior.

The auditors have concluded that the province's response to reports of sexual abuse was seriously and negatively influenced by two important issues: systemic clericalism and inadequate record keeping. Provincial leaders often appeared guided by an unwritten principle grounded in clericalism that prioritized protection of the institution and the accused friar over the pastoral care of the victim, the discernment of truth, the extent and nature of injury to the victim, and the proper way to respond to reports of abuse. When a friar was implicated in sexual abuse, the prevailing concern was to protect his priestly or religious ministry. In that environment, there was little room for pastoral outreach to victims, especially when provincial leaders feared they would be confronted with victims' expectations that an offending member and the province *itself* could be held accountable in a criminal, civil or ecclesiastical manner. The auditors found that the influence of clericalism in the province still exists to some degree.

The lack of adequate record keeping or the possible removal or destruction of records that might be embarrassing to the province is related to clericalism. The practice of omitting any written reports or of using brief, vague and euphemistic references to friars' sexual misconduct were both symptoms and defense mechanisms powerfully shaped by clericalism and the concomitant effort to shield Capuchins from the consequences of their actions. In some cases,

sexual abuse was simply not documented and known only to the friar and his superior, thereby enabling the friar to remain in ministry and even gain access to future victims. When a friar's sexual misconduct *was* referenced it was often recorded in such an elusive and opaque manner that it was difficult to discern the true nature of the matter being addressed.

Clericalism, inadequate record keeping, inconsistent leadership or lack of understanding of the precise clinical nature of the psychosexual conditions that lead to sexual abuse may help to explain the patterns of response but they do not excuse the lack of accountability and lack of comprehensive pastoral outreach to victims. In this case, as with many dioceses and religious institutes, clericalism shaped the lack of proper response to the victims and fueled the self-preservation of the province.

The Audit Findings

The auditors discovered documented reports of sexual abuse by friars dating to 1932, the earliest Provincial Council meeting minutes available. The sole source for all information on reports between 1932 and 1951 are the sparse and undetailed Provincial Council minutes.

When the audit started in May 2012, five friars were restricted in ministry. The action of one friar restricted in ministry did not involve sexual misconduct with minors. During the course of the audit three additional friars were placed on restricted ministry; one as a direct result of the audit, one as a result of a report from the Archdiocese of Milwaukee bankruptcy process, and one because of a new allegation. This friar has filed an appeal with the Congregation for the Doctrine of the Faith, which is pending.

There have been at least 1,283 Capuchin friars associated with the St. Joseph Province since the 19th century. In 1935, one friar transferred to the New Jersey Province. In 1952 when the province split, 188 friars transferred to the New York Province. The auditors reviewed information on a total of 1,101 friars. This number includes 1,093 personnel files: 180 current friars in temporary and perpetual vows; 587 former friars, some of who are now deceased; 317 deceased friars and 9 postulants without vows but in the formation program. They also reviewed information on six friars who had no files but were mentioned in Provincial Council minutes, and two friars from other provinces who were temporarily in the St. Joseph Province.

The auditors identified 1,283 friars of the St. Joseph Province since the 19th century. The scope of the audit was sexual abuse of minors and vulnerable adults, as those terms are defined by statute. The auditors identified:

- 46 current, former or deceased members (3.6% of 1,283 friars) with reports of alleged sexual abuse of minors.
- Of these, 23 current, former and deceased friars (1.8% of 1,283 friars) have *confirmed* reports of sexual abuse of minors.
- 23 friars have *unconfirmed* reports of sexual abuse of minors.

- The auditors found no friars with reports of sexual abuse of statutorily-defined vulnerable adults.
- Four lay employees have reports of alleged sexual abuse of minors, none of which were confirmed.

A *confirmed* report is one that has been substantiated with sufficient facts, information or other credible indicia of truth so as to be clearly or obviously true or substantially accurate.

Summary and Examples of Reports Between 1932 and 1991

1932 to 1951: Provincial Council minutes reveal that at least 15 friars were reported between 1932 and 1951. At least four reports involved sexual abuse of minors. Five of the friars were dismissed from the order, which means they were not clerics. Seven were given canonical warnings, two were transferred and one was sent on retreat. The minutes do not reflect who reported the abuses or when the abuses occurred; it is unclear if minors or others on their behalf reported abuse, or if adults who had been abused as minors reported their abuses. The minutes say nothing about the victims, nor whether law enforcement was involved in any of the cases.

1952 to 1956: There are no recorded reports between 1952 and 1955. In 1956, one friar was reported for sexual abuse of minor girls. This friar had been admonished for similar behavior while in formation yet was ordained anyway. He was reported for sexual abuse of minor girls several more times throughout the decade. The reports were made by the minor girls and their parents. Others, including a female police officer parishioner, reported their observations of the friar's inappropriate behavior with girls. He eventually left the order to marry.

1956 to 1960: There are 13 documented reports involving 13 different friars between 1956 and 1960. The documentation contains only summary information of these reports. Some reports were made by minors or others on their behalf, but it is unclear if all of these reports involved minors.

1960 to 1961: Three friars were reported in 1960 and one in 1961.

1962 to 1991: Between 1962 and 1991, there are *recorded* reports of 13 friars having some form of inappropriate sexual activity. In 1962, a teenage boy and his mother reported his sexual abuse by a friar; that and many more reports involving the friar into the 1990s were confirmed. There was one unconfirmed report in 1964 by a minor at SLS. Between 1965 and 1970, there were an undetermined number of reports made by minor students against two friars who taught at SLS.

The year 1991 was used by the auditors as a cut-off point because the reports received in 1992 and onward are treated in a separate section, since most involve the events at SLS, which began with a news story on December 20, 1992.

1992: Nine friars were reported in 1992. All the reports were made by adults but alleged sexual abuse when they were minors. Six were accused of sexually abusing minor male students at SLS. Three of the friars left the order, one of whom has since died; two died as friars; and one is still a member of the province on restricted ministry.

1993 to 2013: Fifteen friars were reported between 1993 and 2012. Most of these reports have been made by adults but alleged sexual abuse when they were minors. There were also four reports made by third parties of purported inappropriate sexual activity by lay employees involving minors between 1993 and 1998, none of these are confirmed.

Summary and Examples of the Responses Between 1932 and 2013

From 1932 to 1991, there is no evidence that civil officials from either law enforcement or child protective services were notified of reports of sexual abuse of minors. It is possible that some friars were unaware of reporting obligations even in states where clergy were included as mandated reporters. In 1989, the Archdiocese of Milwaukee established Project Benjamin, which informed all pastors and administrators of their obligations to report. Yet, there is no evidence that any reports of sexual abuse of students at SLS before December 1992 were referred to child protective services, even though the school administrators and teachers were mandated reporters at least as of 1978. Alleged lack of awareness of the legal obligations to report is no excuse for failure to report.

There were no civil lawsuits filed against the province between 1932 and 1993. No friar was charged with criminal behavior during that period.

Reports of sexual abuse of minors or vulnerable adults by friars were not investigated or processed in a consistent manner until recently, after the promulgation of comprehensive policies and procedures.

In the earliest period (1932 to 1951), five friars were dismissed, 2 transferred, 2 given canonical admonitions, 2 placed on restricted ministry, 1 encouraged to seek a dispensation from vows and 1 remains in active ministry in another religious institute.

In 1956, a friar was reported for sexual abuse of minor girls. He had been admonished for similar behavior while in formation yet he was ordained nonetheless. He was reassigned in 1957, and was again reported for sexual abuse of minor girls in 1957 and 1958 at the new assignment. A priest investigated and confirmed the abuses, but advised the prepubescent and young teenage girls to keep the abuses secret and to go to confession. The offending friar subsequently left the order to marry.

In 1959 a friar was first reported for sexual abuse of minor boys, with additional reports in 1960 and 1961. In 1961 he was given a canonical warning but his ministry was not restricted. There

were more reports in 1992, 1993 and 1995. The friar was laicized (removed from the priesthood) in 1994 and subsequently died.

The sole case that involved a full canonical process under the direction of the Congregation of the Holy Office (now the Congregation for the Doctrine of the Faith) involved a friar who was involved in seminary formation and was accused of teaching heresy and of sexual abuse of adult student friars in 1959. The case was subjected to official Vatican secrecy and placed in the order's version of the secret archives. The friar was placed on a form of restricted ministry but later re-instated. He eventually left the order to become a diocesan priest. All of the student friars involved were either dismissed or urged to leave voluntarily.

From the 1980s onward, some friars were sent for professional psychological treatment to accredited institutions such as St. Luke Institute in Silver Spring, Maryland, the House of Affirmation or the facility of the Paraclete Fathers in New Mexico. In at least two instances, they were reassigned and subsequently re-offended. In several cases friars were admonished and reassigned. Since 2002 the standard practice has been to conduct an investigation into all reports and, if confirmed, place the friar in restricted ministry.

Sexual Abuse at St. Lawrence Seminary

Over several decades prior to December 1992, many SLS students accused SLS faculty and administrators of sexual abuse, yet SLS leaders generally took no decisive action and did not respond to abuse victims with any degree of pastoral care. Friars who knew did not report it to civil authorities or parents, and only sporadically reported to provincial authorities. However, at least three provincial ministers knew about sexual abuse at SLS.

By 1978, the Wisconsin mandatory reporting law required teachers and school administrators to report sexual abuse of minors to law enforcement or child protective agencies. There is no indication that SLS sexual abuses were reported to civil authorities. Several witnesses claimed that SLS administrators did not appear to understand or acknowledge their responsibility to report suspected or actual sexual abuse of minor students, but ignorance is no excuse.

There were only two exceptions to the inaction prior to December 1992. In one, SLS leaders forced Br. Tom Gardipee to personally apologize to five 18-year old students with whom he behaved in a sexually inappropriate (though not criminal) manner. In March 1988, when Gardipee became infatuated with an SLS student and behaved inappropriately toward him, the student's parents complained, and the provincial minister terminated him from SLS. However, even despite this action, after impassioned pleas by the SLS president and SLS rector, the Provincial Council reinstated him in June 1988. His reinstatement enabled him to have unfettered and unsupervised access to SLS students, including the student who was the focus of his misconduct, until 1993. In 1994, it was learned that Gardipee had engaged in sexual abuse of the SLS student. The other exception was Fr. Gale Leifeld, who abused numerous students before leaving SLS in 1982 and being reassigned to parish ministry. Provincial leaders finally

removed him from ministry and sent him to the Paraclete Fathers for evaluation and treatment in 1993 after the SLS scandal erupted. He died in 1994. Thus, even in these two exceptions where some action was taken against SLS friars who sexually abused students, the offending friars were enabled to remain in ministry for some time after their sexual misconduct.

Moreover, in both these cases, nobody at SLS or the province notified civil authorities.

It is the opinion of the auditors that the Capuchins' response to sexual abuse reports was deficient, especially their failures to report abuse to civil authorities and their inadequate pastoral responses to victims.

From at least 1989 through 1992, the provincial minister, the late Fr. Ken Reinhart, met with several SLS sexual abuse victims and paid them modest amounts for counseling (usually in the range of \$2,000 to \$3,500) in exchange for releases of liability that included confidentiality provisions. Some victims reported that Fr. Reinhart also promised that accused friars would not be allowed to be around minors. When the victims realized that he did not comply with this promise, they took the step of contacting the newspaper.

On December 20, 1992, the *Milwaukee Journal* published a story reporting that several former students had been sexually abused by certain friars at SLS. Fr. Campion Baer, OFM Cap., described that day as "Black Sunday" in his history of the province, *Lady Poverty Revisited* (2005). Fr. Reinhart was provincial minister when the *Milwaukee Journal* article was published.

Shortly before the *Milwaukee Journal* story broke in December 1992, the provincial leadership conferred with attorneys and public relations consultants to devise a strategy for response. Early on, general counsel for the province expressed concern and compassion for the victims in his correspondence with provincial leadership. He devised a phone intake form to deal compassionately with victims who may call with reports of their abuse. He admonished the province's leaders to remember that they were Christians and Capuchins first, and that they should remember that the students who had been abused were the true victims. However, there were few suggestions as to how to reach out to victims and their families in a pastoral manner.

In approximately May 1993, the province's insurance carrier retained local counsel to defend the province. Once defense counsel became involved, the province's general counsel did not have a large role in the ongoing process. The auditors conclude that provincial leaders essentially surrendered their response to the victims to defense counsel. This caused many victims to feel alienated and re-victimized due to the tactics of the attorneys. As the clients, the province and its leaders had the ultimate voice in how their defense would be handled. As Christians and Capuchins, their response to victims should have been compassionate and pastoral, and should not have been relegated to defense attorneys whose role it was to defend against litigated claims. Although the tactics were the lawyers', it is the Capuchins who bear ultimate responsibility for surrendering their moral obligations to the attorneys.

It should be noted, however, that one SLS Capuchin handled the crisis with relative distinction. Within days after the story broke, Fr. Joseph Diermeier, the SLS rector, contacted the parents of every SLS student to answer questions and offer assurances, sent daily mailings to update parents on developments; and met with them to answer their questions. His leadership is credited as the reason all students, approximately 204, returned to SLS after the Christmas break. In early 1993, he brought in sheriff's officers, representatives from the District Attorney's Office and counselors from the Archdiocese of Milwaukee's "Project Benjamin" organization to speak to students and faculty about sexual abuse, and to facilitate students' direct reporting of sexual abuse to law enforcement and/or counselors. No SLS students came forward to the Sheriff's Department or counselors to report sexual abuse at that time.

Mass mailings were sent to SLS alumni throughout the United States between December 1992 and May 1993, inviting former students who may have been abused to seek assistance if they needed it. The province prepared intake forms to handle calls from anyone who reported abuse at SLS. These are all laudable and necessary actions. However, no evidence was found that SLS staff or provincial leadership made attempts to contact and provide pastoral care to the then-known victims or their families.

In January 1993, Fr. Ken Reinhart met with SLS faculty and staff and with the local community of Mount Calvary, Wisconsin to answer questions. However, it appears he knew that Fr. Jude Hahn, a priest at Holy Cross Parish in Mount Calvary, had sexually abused minors, yet did not disclose it and apparently made little attempt to identify other possible victims.

As noted above, in January 1993, Fr. Reinhart retained the Kersten & McKinnon law firm to act as special counsel and to conduct an investigation of sexual abuse at SLS. Fr. Reinhart gave special counsel unprecedented access to documents and information. Special counsel was also authorized to solicit and receive reports of sexual abuse, even anonymous reports, and to extend \$1,000 to \$2,000 to victims for counseling and assistance, "no questions asked," and with no investigation. He was authorized to offer more if a victim submitted a therapist's treatment plan. Special counsel's investigation report, commonly known as the "*Kersten Report*," was published May 27, 1993.

The *Kersten Report* found several reported incidents of sexual abuse at SLS between 1968 and 1986. These reports involved the sexual abuse of 14 boys by six Capuchin Friars. The report distinguished between acts of abuse as defined in criminal statutes, and inappropriate "qualified acts" that do not meet the criteria for criminal sexual misconduct. The auditors discovered that an additional two friars were confirmed as having sexually abused SLS students, bringing the total number of confirmed offending friars at SLS to eight. The auditors also determined that an additional 14 SLS students were abused, bringing the total number of SLS victims to 28. The auditors also learned that reports of SLS sexual abuses dated as far back as 1964, not 1968.

Special counsel's treatment of victims and his efforts to solicit and assist victims was commendable, and he gave credit to provincial leaders who made "an unparalleled effort" to do "everything practically possible to identify victims and to offer them appropriate counseling, diagnosis and treatment." However, when defense counsel actively assumed the defense in June 1993, and provincial leaders essentially ceded their response to victims to defense counsel, special counsel and his efforts were marginalized. One of the few individuals who had reached out to victims with compassion was no longer able to do so.

At the province's June 1993 provincial chapter, Fr. Reinhart led the friars to a discussion of the SLS scandal and encouraged friars who were sexual abuse victims to share their stories. To this day, the June 1993 chapter, where the *Kersten Report* was presented and approved and where there was painful discussion of abuse at SLS and in the friars' own personal lives, is recalled as perhaps the most difficult in the history of the province.

Alienating the Victims

The auditors believe that some evidence suggests that the attitude towards victims was warm or patronizing as long as they accepted what Capuchin leaders offered them; but the attitude turned adversarial and negative once a victim asked for transparency, accountability or monetary reparations, especially if a victim filed suit. Underlying this attitude was a significant degree of disbelief that the accusations were true *or* a refusal to consider that they *might* be true.

The Capuchin leadership and the friars in general failed to extend pastoral outreach to SLS victims. Many friars interviewed by the auditors stated that they believed provincial leaders prohibited them from reaching out to victims, on orders from defense counsel. The former provincial ministers interviewed had no memory of such a prohibition although they acknowledged that friars were told not to speak with the media.

It appears to the auditors that most friars, with two notable exceptions, distanced themselves from SLS victims. One friar reached out to the victims and "stood shoulder to shoulder with them" and the other reported that he extended pastoral care through counseling. Although the feeling among many friars was that the attorneys were ultimately responsible for preventing outreach to victims, it is important to note that there was sufficient opportunity for outreach between the revelations of sexual abuse in late December and the engagement of defense counsel in the spring of 1993. The victims made several efforts to meet and work with the Capuchin leadership, none of which were followed up on by the Capuchin leadership. After the *Kersten Report* was published, the newly elected provincial minister publicly promised to meet with the victims but never did so.

Some victims have described the defense attorneys as employing highly aggressive and combative tactics in their response to SLS victims who filed lawsuits. The attorneys representing the order appeared to not believe many of the claims, and they discouraged and disallowed pastoral outreach to victims, believing that such outreach would compromise the defense. The

extent of the abuse at SLS was questioned, and legal efforts resulted in modest settlements purchased with extensive defense efforts and expenses.

SLS victims who did not seek monetary compensation, did not retain legal counsel and did not threaten lawsuits, but only sought counseling, received more favorable treatment. The victims in this category were provided counseling at the province's expense and were not required to sign a release from liability.

When one of the SLS victims assumed a leadership-advocacy role and when several others filed civil lawsuits, many friars' negative feelings and hostility increased. Provincial leadership perceived the victims as adversaries rather than victims of their own brothers. In many cases, anger replaced compassion. Many leaders felt attacked and became defensive. They became protective of friars who were implicated.

The hostility of the friars towards former SLS students who had assumed leadership and advocacy roles was more than inappropriate — it was destructive. These former students were demanding accountability of the province "because of the sexual abuse that had been inflicted upon them and because the friars, even when informed of this abuse, did nothing." (the words of a victim). This hostility was further fueled by the attorneys. Consequently a successful pastoral outreach and a response from the friars that was in keeping with their Franciscan charism was severely compromised, damaged and, in some cases, even opposed.

Several friars described the SLS saga as the darkest night of the province's history. However, the dark night did not begin on December 20, 1992, but many years before when the first report of sexual abuse of a boy by a friar was ignored or dismissed. In the end, after lawsuits were settled, there were no winners.

The auditors perceived that the reaction of some friars to the SLS scandal was based on their own pain and embarrassment. Unfortunately, for some friars, their perception of the "dark night" did not begin with or extend to victims and the unspeakable harm inflicted upon them by religious men in whom they had placed trust. Their primary concern was the effect on the province, on SLS and on the friars, not on the damage done to the students entrusted to them. Yet there are no valid excuses for such behavior either by individuals or by the institutions.

The Time Frame of the SLS Reports

The auditors learned that a wide variety of administrators, teachers, rectors and provincial leaders received reports of sexual abuse at SLS over several decades, yet did not report the abuses to authorities. The auditors determined that the earliest reports of sexual abuse by SLS faculty date from 1965 and possibly (though not confirmed) 1964. These were reports by minor students of sexual abuse by Fr. Gale Leifeld, who taught at SLS beginning in 1958 and became the rector in 1976. There was an unspecified report in 1971. There were specific reports by SLS

victims while they were still minors in 1972, 1974, 1976, 1977, 1979 and 1981. There were reports of “qualified acts” with 18-year old SLS students in 1985.

There were reports of more “qualified acts” with a minor SLS student involving the same friar in 1987-1988. From 1989 to December 1992, there were reports of sexual abuse by adult former SLS students, who received money for counseling. Beginning in December 1992, a number of adult former students have reported sexual abuse at SLS through the media and in legal and other claims. Included in this group is the 1994 sexual abuse claim made by the adult former student who had previously been believed to be only the subject of “qualified acts” in 1987-1988 when he was a minor.

The Outcome of the Lawsuits

Fourteen SLS victims filed civil lawsuits against SLS and the province. None went to trial. One suit filed as a result of alleged sexual abuse at the province’s pre-novitiate in Detroit did go to trial. The jury found that the statute of limitations barred the plaintiff’s lawsuit. The jury did not reach the question of whether the accused friar abused the plaintiff.

The 1995 Wisconsin Supreme Court ruling in *Pritzlaff v. Archdiocese of Milwaukee* had the effect of barring many SLS victims’ lawsuits. Subsequently, the province negotiated modest settlements for the claims (approximately \$3000 to \$4,000, of which approximately \$3,000 netted to the victim) but provincial leaders did not attempt reconciliation with victims.

Fourteen of the 28 known SLS victims received modest monetary settlements which were reported to be based on costs for counseling. The province paid for psychological assistance and counseling for seven victims. None of the 14 victims who filed lawsuits received any form of pastoral care or assistance.

The Financial Aspects

Data provided by the province’s former insurer clearly reflect that the insurer and defense counsel, and by extension, the provincial leadership, prioritized defense of the province and the accused friars in the SLS abuse claims over the victims.

The insurer’s total expenditures for the SLS abuse cases were \$962,026. The defense costs amounted to \$855,449 of the total (88.9%) and the remainder, \$106,578 (11.1%), was spent on settlements for victims. The average settlement per victim was approximately \$7,613 and average defense cost per victim was \$61,103. However, the \$7,613 average settlement figure is skewed; because one settlement was just over \$50,000 and one was just under \$20,000, while the rest were in the low four figures, except for four that were zero. Although the auditors note that the Capuchin’s and their insurer’s significantly greater expenditures on defense costs rather settlements for victims was not uncommon in civil litigation; the expectation is that a Catholic religious order would have conducted themselves more as “church” than secular civil litigants.

In the SLS sexual abuse claims, the interests of the insurer and the insured province aligned. Both wanted the claims to go away as quickly as possible for as little cost as possible. The province was entitled to the best defense and claims handling that their insurer could provide. Had the province and its insurer trusted that compassionate claims handling *was the best defense and claims handling strategy*, that it served both *their* interests and *victims'* interests, they could have saved considerable money and heartache.

If the provincial leaders had taken a leadership role that prioritized compassionate resolution and accountability over an aggressive defense, SLS victims may have received more just treatment; and lower resolution costs likely would have saved the insurer enormous sums. In fact, expedited and compassionate settlement of these claims could have saved the insurer hundreds of thousands of dollars. Authentic and compassionate pastoral outreach was both the right thing to do and a good business decision.

Lessons from the St. Lawrence Seminary Experience

After the SLS experience, the province made significant changes in its approach to reports of sexual abuse, to the accused friars and to the victims. The province has revised its policies and procedures several times since the first policy was promulgated in 1988. The present policy, published in 2012, is an excellent blend of compassionate pastoral care, preventive measures for the future and education and training. The auditors agreed that it is the best policy of its kind that they have seen.

The province has made significant and praiseworthy improvements in its approach to persons who report sexual abuse. There is a much more pastoral and fair handling of abuse claims. The overwhelming majority of the expenditures on sexual abuse claims by the province have been spent on victims. Since 2004, the province has handled 100% of the sexual abuse claims that were initially reported to the province "in house," and has spent almost all its expenditures on victims. Some victims have only sought psychological counseling from the province. Several have been paid settlements, some with creative, accommodating and personally-tailored provisions designed to provide targeted assistance that responds to victims' needs. It manifests an understanding of the reality that the harmful effects of sexual abuse differ from person to person and that every victim must be treated as an individual.

The Auditors' Recommendations

The final section of the report contains a review of the province's past sexual abuse policies. The auditors studied the recommendations in the *Kersten Report* (1993) and given by Project Samuel, also in 1993. With these recommendations as a backdrop and in light of the audit findings, the auditors formulated their own recommendations. The auditors are aware that many of these things are being done already. The full list of recommendations is in the report, but some

recommendation for the future, in light of the findings and revelations of the study, include the following:

1. The current policy states that the provincial minister must immediately place a friar on paid administrative leave when a “credible allegation of sexual abuse” is made. “Credible allegation” is defined as “one that is at least within the realm of possibility with respect to the persons, dates, places and other relevant information concerned.” The term “credible allegation,” even as defined and clarified above, is confusing and often harmful to claimants and the accused. The term “credible” means “believable,” and generally people consider a believable allegation to be *actually* believed or even true. The use of this term is under review by the province.
2. All supervisors and friars in positions of authority need objective, external, separate, and professional training and continuing education in the acknowledgment, identification, investigation, and processing of sexual abuse. They should seek out expertise, abilities, and ideas even when they differ from or challenge historical protocol, functioning, and beliefs
3. Adequate maintenance of the files is critical, including consistent documentation, guidelines and mandatory review of files for new assignments. This includes both past and current documentations of all interpersonal and sexually inappropriate reports. When a friar is reassigned or transitions to a new community, the previous supervisor should communicate verbally and in writing a thorough description of all abusive reports and investigation outcomes to the new supervisor. The auditors are advised that the process of updating the records management and retention policies of the province is underway. Relaying information about sexually abusive allegations and actions should not be left to the friar in question, but rather should be the responsibility of supervisors and provincials.
4. The policy should explicitly state that a provincial minister must disclose a friar’s complete history of abuse allegations, investigations and responses to a bishop or other ministry director external to the province, to assist in an assessment of a friar’s character and fitness for a new assignment, ministry, or relocation. Likewise, an outgoing provincial minister must provide an incoming provincial minister with a complete report of a friar’s abuse allegations, investigations and responses to ensure continuity of supervision, monitoring, intervention, and care.
5. When reading this report and the list of friars, some victims, their loved ones, friends and family members may find emotions, memories or distress re-opened

or brought to the surface. To ensure pastoral and other necessary support, the province should provide a contact name and number/e-mail address for anyone contacting the order in response to this to ensure any additional support or assist can occur. This could be the OPCC or a designated victim outreach coordinator, and currently this position is held by Amy Peterson.

6. External involvement and consultation from individuals, agencies, organizations and experts in sexual abuse should also occur in response to confirmed and unconfirmed allegations to help ensure objectivity and competence, follow-up and supervision. This should also occur in conjunction with the OPCC director, the province's review board and other consultation agencies as described.

7. It is preferred that friars with confirmed allegations of sexual abuse be kept as members of the Capuchin community rather than expelling them. This will ensure that they receive needed treatment, care, support and monitoring. If they are expelled from the order and deteriorate without support or assistance, this would increase the risk of recidivism and does not serve the abuser, the victim, the order or the wider community.

8. There should be specific education — to include workshops, seminars or curriculum additions, in the nature of sexual abuse with emphasis on the complex nature of psychosexual dysfunction and the impact of sexual violation on the victim — provided for the novitiate and post-novitiate programs.

9. The members of the province should have comprehensive and realistic training in the pastoral response and care of persons sexually abused or violated by anyone, but especially and specifically training in such care for persons sexually abused by clerics or religious.

10. The ratio of defense costs to settlement amounts for SLS victims, 88.9% to 11.1%, illustrates the need for provincial leaders to prioritize compassionate and pastoral outreach and resolution over an aggressive legal defense. Pastoral outreach is much more than providing money to victims for counseling. Recent handling of such claims indicates that the provincial leadership appears to be heeding this concern.

11. This process has led the auditors to findings and discoveries previously unanticipated. As some of critical findings are outside of the scope of the audit, future studies, investigations, or audits including this information could help to further the order's understanding of sexuality and its expression, abuse, and how its clerical culture may contribute to the problem.

The Appendices

In collaboration with the provincial minister and the director of the OPCC, the auditors have added several appendices to the report to provide additional explanation and insight into the importance of the province's decision to conduct the audit, and to place the audit into a broader national and international context.

Commendation

The auditors recognize and commend the group of men who came forward to reveal the legacy of sexual and spiritual abuse that had brought irrevocable harm to many. Without their courage, this history of abuse and cover-up would have continued to bring not only harm to the abused but a grievous insult to the Franciscan spirit and the wonderful charism of the founder.

For this reason, the auditors highly commend Fr. John Celichowski for listening to the survivors of sexual abuse and to his Franciscan charism in bringing about this process, and to the Capuchins on the Provincial Council for their willingness to commission the audit. They commend the director of the OPCC, Amy Peterson, for her constant support and guidance and for her compassionate care for those who have experienced sexual abuse, as well as her care for those who have been accused. They commend the provincial archivist, Fr. Patrick McSherry, for his tireless provision of many materials and information that has contributed to the audit, some which the auditors would not have known to ask for. They commend Br. TL Michael Auman and Br. Mark Carrico for their tireless help with formatting, proofreading and fact checking. They commend the brothers of the province for their open and honest response to the audit and for their commitment to examining their history and their past and current response to incidents of sexual abuse. They commend them for striving to bring compassionate care and justice to the victims of sexual abuse.