

**Bishop Victor Balke - 12/14/2009**  
**Jane Doe 121 vs. Diocese of Crookston**

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STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ROSEAU

NINTH JUDICIAL DISTRICT

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Jane Doe 121,

Court File No.

68-CV-09-930

Plaintiff,

vs.

Diocese of Crookston,

Defendant.  
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DEPOSITION OF BISHOP VICTOR BALKE

Monday, December 14, 2009

Johannson, Rust, Stock & Rasmusson

Crookston, Minnesota

Court Reporter: Susan A. Seliga

COPY

**Bishop Victor Balke - 12/14/2009**  
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<p>1 The deposition of BISHOP VICTOR BALKE was taken in the</p> <p>2 above-entitled matter before Susan A. Seliga, a Notary</p> <p>3 Public, at the offices of Johannson, Rust, Stock &amp;</p> <p>4 Rasmusson, Crookston, Minnesota, on Monday, December 14,</p> <p>5 2009, commencing at approximately 1:00 p.m.</p> <p>6</p> <p>7</p> <p>8 <b>APPEARANCES:</b></p> <p>9 Mr. Michael G. Finnegan</p> <p>10 Attorney at Law</p> <p>11 JEFF ANDERSON &amp; ASSOCIATES, P.A.</p> <p>12 366 Jackson Street</p> <p>13 Suite 100</p> <p>14 St. Paul, MN 55101</p> <p>15 On behalf of the Plaintiff</p> <p>16 Mr. Charles A. Stock</p> <p>17 Attorney at Law</p> <p>18 JOHANNSSON, RUST, STOCK &amp; RASMUSSEN</p> <p>19 407 North Broadway</p> <p>20 P.O. Box 605</p> <p>21 Crookston, MN 56716</p> <p>22 On behalf of the Defendant</p> <p>23</p> <p>24 <b>ALSO PRESENT:</b></p> <p>25 Msgr. David Baumgartner</p> <p>David Waterman, Videographer</p> <p>1428 Cottonwood Street</p> <p>Grand Forks, ND 58201</p>	<p>1 <b>EXHIBITS--CONTD</b></p> <p>2 Exhibit</p> <p>3 No. Description Pages</p> <p>4 27 Letter dated 12-1-04 to Rev. Jeyapaul</p> <p>5 Palanivel from Bishop Balke..... 60</p> <p>6</p> <p>7 28 Letter dated 2-23-05 to Rev. Jeyapaul</p> <p>8 Palanivel from Msgr. Roger Grundhaus..... 60</p> <p>9 28c "An Appeal from Father Jeyapaul"..... 62</p> <p>10 30 Copy of envelope and anonymous letter to</p> <p>11 the Cathedral of Immaculate Conception..... 62/66</p> <p>12</p> <p>13 31 Typed letter dated 8-26-05 from Father Tim</p> <p>14 McGee..... 65</p> <p>15 31b MEMORANDUM dated 8-26-05 from Bishop Balke. 67</p> <p>16 31c Memorandum dated 8-26-05 from VHB..... 67</p> <p>17 31d E-mails dated 8-26-05 from Lee Walski to</p> <p>18 Bishop Balke..... 69</p> <p>19</p> <p>20 35 E-mail dated 9-15-05 between Bishop Balke</p> <p>21 and Father Jeyapaul..... 76</p> <p>22 37 Copy of handwritten envelope to [REDACTED]</p> <p>23 and typed note..... 64</p> <p>24</p> <p>25 40a Letter dated 9-19-05 to "Dear Brothers and</p> <p>Sisters in Christ" from Bishop Balke..... 78</p> <p>60a Sacramentorum Sanctitatis Tutela, Pope</p> <p>John II Apostolic Letter..... 81</p> <p>63 Letter dated 12-9-05 to Bishop Victor Balke</p> <p>from Msgr. David J. Malloy..... 83</p> <p>501 Diocese of Crookston Sexual Misconduct</p> <p>Policy..... 86</p> <p>502 Code of Ethical Standards for Church</p> <p>Leaders, Diocese of Crookston..... 87</p> <p>OBJECTION by Mr. Scott on page 21.</p> <p>NOTE: Original transcript to be filed with Attorney</p>
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<p>1 ground rules in depositions just so that you have them at 2 the -- at the outset. 3 <b>A. Okay.</b> 4 Q. The first three have to do with stuff that we do 5 all the time in normal conversation that isn't real easy 6 for -- for the court reporter to get down. The first one 7 is: We nod our heads all the time. So we'll go...(shakes 8 head, nods head). She can't get that down 'cause there's 9 nothing audible. 10 <b>A. Okay.</b> 11 Q. And so if you do that, I'll ask you, is that a 12 yes, Bishop, was that a no. 13 <b>A. Okay.</b> 14 Q. And that's -- that's not meant to badger you, 15 harass you. It's just so that she can get it, so don't -- 16 don't take offense with that. 17 <b>A. Okay.</b> 18 Q. The second that -- that goes along those same 19 lines is, a lot of times we'll answer, we'll go, um-hum, 20 hum-um. Do that all the time in normal conversation. For 21 this process it's hard to differentiate -- 22 <b>A. Yeah.</b> 23 Q. -- what those sounds are. 24 <b>A. Okay.</b> 25 Q. Same thing: I'll say, was that a yes, was that a</p>	<p>1 right? 2 <b>A. I understand.</b> 3 Q. The only thing that I'd ask on that is if you do 4 want to take a break, if I have a question that I've asked, 5 you answer that question, and then we'll take it right 6 after that. 7 <b>A. Very good.</b> 8 Q. You do understand today, Bishop, that you're 9 under oath? 10 <b>A. Um-hum, yes. Yes.</b> 11 Q. And -- and you also understand that -- that your 12 testimony could be used in a court of law? 13 <b>A. Yes.</b> 14 Q. And you've -- you were ordained a priest back in 15 1958? 16 <b>A. Correct.</b> 17 Q. And that was in the Diocese of Springfield, 18 Illinois? 19 <b>A. Correct.</b> 20 Q. When -- when you were in the Diocese of 21 Springfield, Illinois, did you have any -- any official 22 positions besides being -- being a pastor, a assistant 23 or -- or being in a school? Did you have any of the 24 official positions -- 25 <b>A. Yes, I was never a pastor, to be honest. I was</b></p>
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<p>1 no. 2 <b>A. Okay.</b> 3 Q. The last one which is, might be the toughest is: 4 In normal conversation, we talk over each other all the 5 time; and so you'll -- you'll know where I'm going with the 6 question, and you'll jump in and answer it. For this 7 process though, for her to be able to get it down as a 8 court reporter, what I need you to do is wait until I'm 9 done with a question, and then I'll let you fully answer, 10 and then I'll ask you another question. Does that makes 11 sense? 12 <b>A. Okay.</b> 13 Q. If there's any question at all that -- that you 14 don't understand, just -- just let me know. Say I don't 15 understand that, and I'll rephrase it for you. All right? 16 <b>A. Very good.</b> 17 Q. Same thing -- same thing if you can't hear me 18 clearly, just tell me and I'll speak louder and make sure 19 that you can hear it, all right? 20 <b>A. All right.</b> 21 Q. The last last ground rule here is breaks. If you 22 need a break at anytime for whatever reason, use the 23 bathroom, step out, stretch your legs, you can take it at 24 anytime. I'm not -- we're not here to have this be a 25 marathon deal. So you can take them whenever you want, all</p>	<p>1 an associate pastor at the Cathedral. And then I was sent 2 away to school. When I came back, the Bishop appointed me 3 as procurator and teacher at the seminary. And after a few 4 years, I forget when, I was appointed the rector of the 5 seminary. And at the same time, I taught at the 6 Springfield College in Illinois. 7 Q. Any -- any other official positions that you had 8 in the Diocese of Springfield besides the, being the 9 procurator and the rector at the summary -- seminary? 10 <b>A. I was on -- on the priest council and things like</b> 11 <b>that. Is that what you mean?</b> 12 Q. Yeah, I mean, I was asking more if -- if you were 13 ever chancellor, vicar general. 14 <b>A. Oh, no, no, no, no. No.</b> 15 Q. And when you said the bishop sent you away to 16 school, what -- what school and what were -- 17 <b>A. St. Louis University for a degree in English.</b> 18 Q. Was that a master's that you got? 19 <b>A. A PhD.</b> 20 Q. And then at -- at some point in 1976 you were 21 appointed Bishop of the Diocese of Crookston? 22 <b>A. Yes.</b> 23 Q. And that would have been an appointment that was 24 by the -- by the Holy Father, by the Holy See? 25 <b>A. Correct. Pope Paul the Sixth.</b></p>

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<p>1 Q. And the date that, at least that I saw for your 2 installation was July 7th, 1976 in the Diocese of 3 Crookston?</p> <p>4 A. No. No. That's when it was publicized. I was 5 actually installed and ordained on September 2nd, 1976.</p> <p>6 Q. And at that point do you -- you took over for 7 Bishop Povish?</p> <p>8 A. Yes, but he had been gone for about nine months 9 already. So I really took over from Monsignor Stearns who 10 had been the Administrator of the Diocese.</p> <p>11 Q. Did you have any conversations with -- with 12 Bishop Povish or Monsignor Stearns about the functioning of 13 the Diocese before you took over, do you remember?</p> <p>14 A. No, not really. I mean, not really, I didn't 15 have any such discussions.</p> <p>16 Q. Um-hum. And have you at any point throughout 17 your priesthood, have you had any training in canon law?</p> <p>18 A. No, not -- not officially. In the seminary we 19 had courses in canon law, but that was all.</p> <p>20 Q. And then you were Bishop here in the Diocese of 21 Crookston until 2007?</p> <p>22 A. Yes, correct, uh-huh. November 30th.</p> <p>23 Q. What -- I know you had said before that you're -- 24 you're now the Bishop Emeritus; is that correct?</p> <p>25 A. Um-hum, yes, yes.</p>	<p>1 the supervisor of -- of the priests. And he's responsible 2 for the ministry that goes on throughout the diocese, 3 particularly the three ministries of word and worship and 4 service.</p> <p>5 Q. Is the bishop also, I've heard him referred to as 6 the shepherd of the flock for the people of the -- the 7 parishioners within the Diocese of Crookston?</p> <p>8 A. Correct, um-hum.</p> <p>9 Q. And what -- what did that mean to you, being the 10 shepherd of the parishioners here in the Diocese?</p> <p>11 A. To be a pastoral presence among the people and to 12 guide them in the ways of the gospel and the Church's 13 teachings.</p> <p>14 Q. Going back to the, your authority over the 15 priests working in the Diocese, as Bishop, you're the only 16 one that -- that could assign a priest to a different 17 location in the Diocese unless you gave somebody else that, 18 the responsibility to assign?</p> <p>19 A. Correct.</p> <p>20 Q. And an extern priest, or a priest from a foreign 21 country, in order for them to minister within the Diocese 22 of Crookston, that priest would need your permission before 23 he could do that?</p> <p>24 A. Yes.</p> <p>25 Q. And if there's with cause, as Bishop of the</p>
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<p>1 Q. No problem. And is, in your role as Bishop 2 Emeritus, what -- what do you do in the Diocese?</p> <p>3 A. As little -- no, I -- I substitute for priests. 4 That's about it.</p> <p>5 Q. You're -- you're officially retired now?</p> <p>6 A. Oh, yes. That's what emeritus really means, 7 yeah, retired.</p> <p>8 Q. And do you reside at one of the parishes?</p> <p>9 A. St. Joseph's parish in Moorhead.</p> <p>10 MSGR. BAUMGARTNER: Which is different from 11 his physical residence.</p> <p>12 THE WITNESS: I do not live at the parish 13 house. I live in my own place, 1417 Belsly Boulevard, but 14 within the confines of St. Joseph's parish.</p> <p>15 BY MR. FINNEGAN:</p> <p>16 Q. And it's -- it's true, Bishop Balke, that all the 17 priests during the time that you were Bishop of the Diocese 18 of Crookston, that they would have taken a vow or promise 19 of obedience to -- to you if they were ordained under your 20 time and to any of your successors?</p> <p>21 A. Correct.</p> <p>22 Q. And tell me -- tell me a little bit, if you can, 23 Bishop, about the authority that the bishop has over the 24 diocese and the people within it, if any?</p> <p>25 A. Well, the bishop is the, I guess you can call him</p>	<p>1 Diocese of Crookston, you could restrict any of the 2 priests' ministry that's working in the Diocese of 3 Crookston?</p> <p>4 A. You said with cause?</p> <p>5 Q. With, yeah, the first, so --</p> <p>6 A. Yes.</p> <p>7 Q. -- with cause you could --</p> <p>8 A. Yes, yes. Yes, I have that authority, yeah.</p> <p>9 Q. And along those same lines, with cause, as Bishop 10 of the Diocese of Crookston, you could remove any of the 11 priests that are working in the Diocese of Crookston?</p> <p>12 A. Yes. But I'd have to follow the canonical 13 procedures.</p> <p>14 Q. And how would you describe your relationship, 15 Bishop, with -- with the individual parishes? Would -- 16 you're on the -- well, you describe it first, and then 17 I'll -- I'll follow up with that.</p> <p>18 A. I suppose civilly I'm the president of each 19 parish, corporation, or I was; and then ecclesiastically I 20 would be the first pastor of each parish.</p> <p>21 Q. In layman's terms, you, for all, pretty much for 22 all purposes, you're -- you're the final say on -- on the 23 parishes within the Diocese of Crookston?</p> <p>24 A. In what matters?</p> <p>25 Q. If the di -- if one of the parishes wanted to --</p>

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<p>1 wanted to sell all their land in the --</p> <p>2 <b>A. Oh, yeah, yes.</b></p> <p>3 Q. -- that would require your permission to do</p> <p>4 that?</p> <p>5 <b>A. My permission and maybe even the permission of</b></p> <p>6 <b>Rome if it's significant enough.</b></p> <p>7 Q. And the parishes, if -- if they wanted to, they</p> <p>8 did not have the power to choose their own pastor or priest</p> <p>9 that works, so that -- that all had to go with you, right?</p> <p>10 <b>A. Correct.</b></p> <p>11 Q. Tell me a little bit, Bishop, about the filing</p> <p>12 system and the document retention within the Diocese of</p> <p>13 Crookston as it relates to the individual priests working</p> <p>14 here during the time that you were Bishop.</p> <p>15 <b>A. If I understand you, we have a file on each</b></p> <p>16 <b>priest that we keep.</b></p> <p>17 Q. And historically, before the -- before the Dallas</p> <p>18 charter, before that time, the people that would have had</p> <p>19 access to those files would have been yourself as Bishop</p> <p>20 and the chancellor of the Diocese?</p> <p>21 <b>A. Um-hum, yes.</b></p> <p>22 Q. And then after the -- after the 2002 charter,</p> <p>23 there also might have been a victims' assistance person</p> <p>24 that had some access to those files?</p> <p>25 <b>A. Yes. I mean, I -- if I wanted something, I would</b></p>	<p>1 different letters about -- about the priests, complaints or</p> <p>2 positive remarks. Is that pretty common?</p> <p>3 <b>A. I wouldn't say it's pretty common. I mean, we</b></p> <p>4 <b>would get letters of complaint, yes.</b></p> <p>5 Q. And I said, and the second half of that was</p> <p>6 positive. You'd get praise for the --</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. -- some of the priests.</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. And those, if you got letters like that, they'd</p> <p>11 generally go into the priest's --</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. -- personnel file.</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. That was probably the part about understanding</p> <p>16 that -- that I didn't make clear, and I may have said it in</p> <p>17 the other one is, as attorneys, we often ask poor questions</p> <p>18 sometimes. And just -- just like you did there, I</p> <p>19 appreciate the --</p> <p>20 <b>A. Okay.</b></p> <p>21 Q. -- telling me you didn't understand it.</p> <p>22 And then during the time that you were</p> <p>23 Bishop of the Diocese of Crookston, was there also separate</p> <p>24 files that were either called a secret archive or --</p> <p>25 <b>A. Yes.</b></p>
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<p>1 ask the secretary to get it. But it would be the same</p> <p>2 people: the bishop and the -- and the chancellor.</p> <p>3 Q. And did -- during the time that you were Bishop,</p> <p>4 was it your practice that -- that there was a separate file</p> <p>5 for each priest within the --</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. -- Diocese? And then was it -- was it also your</p> <p>8 practice, Bishop, during the time that you were the</p> <p>9 Ordinary here, to anytime that letters and correspondence</p> <p>10 or you made an assignment, any type of documents that came</p> <p>11 in on an individual priest, was it your general practice to</p> <p>12 have those placed into the individual personnel files for</p> <p>13 them?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Did -- generally was it your practice and kind of</p> <p>16 an expectation of yours that -- that the other priests in</p> <p>17 the Diocese and the other people working in the Diocese</p> <p>18 that -- that they'd document, you know, their observations</p> <p>19 and send them -- send them to you; is that generally what</p> <p>20 happened, or you tell me --</p> <p>21 <b>A. I'm not sure what you're --</b></p> <p>22 Q. -- a little bit about it.</p> <p>23 <b>A. -- what you mean.</b></p> <p>24 Q. Okay. Within -- let me ask it this way: It</p> <p>25 often happened that -- that the chancery would get</p>	<p>1 Q. And what -- tell me how those were kept and where</p> <p>2 they were kept.</p> <p>3 <b>A. Well, they were kept at the chancery, and they</b></p> <p>4 <b>would contain information that we just thought should be</b></p> <p>5 <b>not in the regular file.</b></p> <p>6 Q. Would -- would it be fair to say that -- that the</p> <p>7 material in the secret archives, some of that material, at</p> <p>8 least, was material that -- that could cause scandal to the</p> <p>9 church?</p> <p>10 <b>A. I -- I suppose so. I'm not sure about that</b></p> <p>11 <b>though entirely, but I would -- I would suppose so.</b></p> <p>12 Q. And did -- who had access to the secret archives</p> <p>13 or the 489 files?</p> <p>14 <b>A. The last part of the question?</b></p> <p>15 Q. I said, 489 files, sometimes --</p> <p>16 <b>A. 489?</b></p> <p>17 Q. Yeah, have you ever -- it's a code, part of the</p> <p>18 Code of Canon Law. We'll just call them secret -- secret</p> <p>19 archives. Do you --</p> <p>20 <b>A. I myself -- I myself had the key to that.</b></p> <p>21 Q. Was there a separate safe or a separate part in</p> <p>22 the -- with the rest of the personnel files that, where the</p> <p>23 secret archives were housed, or how -- tell me about the</p> <p>24 difference between the normal files and the secret archives</p> <p>25 about --</p>

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<p>1 A. Well, we had --</p> <p>2 Q. -- how they were stored.</p> <p>3 A. The normal files we had in a regular file</p> <p>4 cabinet. The archives, secret archives, we had also in a</p> <p>5 regular file but under lock and key; and I had the key.</p> <p>6 Q. So the -- the obvious answer to this is that --</p> <p>7 that the only one that could see the secret archives was</p> <p>8 you unless you gave somebody --</p> <p>9 A. Unless --</p> <p>10 Q. -- else the key.</p> <p>11 A. Unless I delegated someone else.</p> <p>12 Q. And we -- we heard a little bit about it earlier</p> <p>13 in the testimony this morning with Monsignor. But it's my</p> <p>14 understanding that at certain points throughout, you being</p> <p>15 the Ordinary of the Diocese, that you went on ad limina</p> <p>16 visits --</p> <p>17 A. Yes.</p> <p>18 Q. -- to the Holy See. And that was generally every</p> <p>19 five years?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember when the -- when the last one was</p> <p>22 that you went on? Ball park if you don't --</p> <p>23 A. I don't know.</p> <p>24 Q. It's not a big deal.</p> <p>25 A. I can't remember that. The first one was in</p>	<p>1 So is -- I'll ask it again. As part of --</p> <p>2 of ad limina visits, each one of those you would create a</p> <p>3 document that would get sent to the Holy See?</p> <p>4 A. Yes.</p> <p>5 Q. And that document, was that called the -- a</p> <p>6 quinquennial report?</p> <p>7 A. Correct.</p> <p>8 Q. And what -- what generally was the practice in</p> <p>9 putting together the quinquennial report?</p> <p>10 A. We had a guide to use, and I would just take what</p> <p>11 was appropriate to this office and give it to them and tell</p> <p>12 them to respond to the questions asked. And then I'd take</p> <p>13 another part, hand it to another person and say, you do the</p> <p>14 same thing. And then we, the secretary and I, compiled it</p> <p>15 all and then sent it on to Rome.</p> <p>16 Q. And the overall, the quinn- -- quinquennial</p> <p>17 report, is generally the -- a description of the health and</p> <p>18 well-being of the diocese?</p> <p>19 A. Correct.</p> <p>20 Q. And for each of those -- each of those years,</p> <p>21 would you retain a copy of the quinquennial report?</p> <p>22 A. Yes.</p> <p>23 Q. And are those, where were those kept?</p> <p>24 A. In the chancery.</p> <p>25 Q. Was there -- was there a time, Bishop, that --</p>
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<p>1 1978. And so it would have been '83, '88, '93, '98, and</p> <p>2 2003, I guess, was probably the last one.</p> <p>3 MSGR. BAUMGARTNER: Maybe 2004. That was</p> <p>4 delayed a year because of the cen- --</p> <p>5 THE WITNESS: Oh, the holy year.</p> <p>6 MSGR. BAUMGARTNER: The holy year.</p> <p>7 THE WITNESS: Could have been, yeah.</p> <p>8 BY MR. FINNEGAN:</p> <p>9 Q. And for each -- each of the ad limina visits, I</p> <p>10 understand that -- that you'd create a report or</p> <p>11 document --</p> <p>12 A. Yes.</p> <p>13 Q. -- that would get sent to the Holy See?</p> <p>14 A. Yes.</p> <p>15 Q. And one of the things that, try to -- just maybe</p> <p>16 just going to tell you, just wait a, just a second until</p> <p>17 I'm done with the -- with the question.</p> <p>18 A. Say that again?</p> <p>19 Q. Just wait until I'm done with the question.</p> <p>20 A. Okay.</p> <p>21 Q. And then, a lot of times you know where I'm</p> <p>22 going.</p> <p>23 A. Okay.</p> <p>24 Q. But it's hard when we're, like I said, in normal</p> <p>25 conversation.</p>	<p>1 that you came to understand and you came to believe that --</p> <p>2 that there was a problem of priests sexually abusing</p> <p>3 minors?</p> <p>4 MR. STOCK: I'm going to object to the form</p> <p>5 of the question as vague in terms of locale, location or</p> <p>6 diocese, or what have you. Would ask if you don't mind</p> <p>7 rephrasing.</p> <p>8 MR. FINNEGAN: Can I have him answer the</p> <p>9 general one first? Then we can -- I assume you want it on,</p> <p>10 just on the Diocese of Crookston.</p> <p>11 MR. STOCK: Oh, I guess I don't know where</p> <p>12 you're -- what you're asking.</p> <p>13 MR. FINNEGAN: Yeah.</p> <p>14 MR. STOCK: All the diocese or...</p> <p>15 MR. FINNEGAN: I'll rephrase it.</p> <p>16 THE WITNESS: Okay.</p> <p>17 BY MR. FINNEGAN:</p> <p>18 Q. Within -- so the first question will be: Within</p> <p>19 the Catholic Church in the United States, was there some</p> <p>20 point that you as a Bishop came to the -- the belief that</p> <p>21 there was a problem of priests sexually abusing --</p> <p>22 A. Yes, --</p> <p>23 Q. -- minors?</p> <p>24 A. -- um-hum.</p> <p>25 Q. And when -- when would that have been that you</p>

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<p>1 came to that belief?</p> <p>2 A. To the -- I cannot be precise on a year; but it</p> <p>3 would have been, I think, during one of our national</p> <p>4 meetings in Washington when it first came to my</p> <p>5 attention.</p> <p>6 Q. And maybe to give you some time reference on</p> <p>7 that, were you at the -- the 1985 Catholic conference</p> <p>8 meeting at St. John's in Minnesota?</p> <p>9 A. Yes, um-hum. Um-hum (nods head).</p> <p>10 Q. Do you remember some discussions, well, some</p> <p>11 discussions at the 1985 meetings about, within the U.S.</p> <p>12 about priests sexually abusing kids?</p> <p>13 A. Yes.</p> <p>14 Q. And do you remember if the -- the national</p> <p>15 meeting in Washington, whether that was before or after the</p> <p>16 Collegeville meeting?</p> <p>17 A. I can't say.</p> <p>18 Q. What -- what do you remember about the -- the</p> <p>19 1985 meeting and the discussion specifically at</p> <p>20 Collegeville about priests sexually abusing kids?</p> <p>21 A. Well, I think, as I recall, we were simply given</p> <p>22 a report about the situation in -- well, a report about --</p> <p>23 I don't think it was about the extent of it at that time,</p> <p>24 just a report on -- on the effects of -- of child abuse, as</p> <p>25 best as I recall.</p>	<p>1 THE WITNESS: But I know I had a -- I had a</p> <p>2 preliminary letter in it. It's been revised several times</p> <p>3 since then.</p> <p>4 BY MR. FINNEGAN:</p> <p>5 Q. And then, obviously, in -- in 2002 at the -- at</p> <p>6 the Dallas meeting there were lots of discussions, and the</p> <p>7 primary focus was on priests sexually abusing kids?</p> <p>8 A. Yes.</p> <p>9 Q. And out of the -- the meeting in Dallas in 2002</p> <p>10 the bishops came up with what's sometimes called the</p> <p>11 charter?</p> <p>12 A. Yes.</p> <p>13 Q. When's the first time, Bishop, that you remember</p> <p>14 dealing with a case of priest sex abuse by a priest that</p> <p>15 was working here in the Diocese of Crookston?</p> <p>16 A. I -- you want -- you want a year?</p> <p>17 Q. Approximate year, if you remember.</p> <p>18 A. Let me think in my mind, first of all, who I was</p> <p>19 dealing with.</p> <p>20 Q. I can -- if you --</p> <p>21 A. I think -- I think it must have been -- I really</p> <p>22 can't -- I can't tell you, I guess. I think it might have</p> <p>23 been though shortly after the Dallas gathering. But I -- I</p> <p>24 might be wrong on that. I don't know. I can't -- I can't</p> <p>25 be more precise.</p>
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<p>1 Q. Do you remember seeing in 1985, or sometime</p> <p>2 around then, seeing a report from Father Tom Doyle and a</p> <p>3 [REDACTED] and [REDACTED] do you remember that at all?</p> <p>4 A. I remember that report, but I do -- I don't think</p> <p>5 I ever read it. I don't think I ever saw it. I think that</p> <p>6 report, I don't think it was disseminated among the</p> <p>7 bishops. I could be wrong, but I don't think it was.</p> <p>8 Q. And then going forward from 1985 up until the --</p> <p>9 the Dallas meeting in 2002, it's -- it's safe to say that</p> <p>10 during that time, that there were discussions at the -- at</p> <p>11 the National Conference of Bishops about priests --</p> <p>12 A. Yes.</p> <p>13 Q. -- abusing kids?</p> <p>14 A. Yes.</p> <p>15 Q. Were some of those discussions at the -- at the</p> <p>16 national level and some of your own experiences, is that</p> <p>17 what -- what led to the first sexual abuse, sexual</p> <p>18 misconduct policy here in the Diocese?</p> <p>19 A. Yes, I think so.</p> <p>20 Q. And that some of the records that -- that we had</p> <p>21 looked like it was 1992. Does that sound about right to</p> <p>22 you?</p> <p>23 A. Yes. I can't remember when we put out our first</p> <p>24 policy. Do you know what year it was?</p> <p>25 MSGR. BAUMGARTNER: Hum-um (shakes head).</p>	<p>1 Q. Maybe -- it sounded like, maybe I'm guessing</p> <p>2 here, but in -- in your mind you're thinking about the</p> <p>3 who question and then --</p> <p>4 A. Yeah.</p> <p>5 Q. -- trying to get the when. So why don't -- why</p> <p>6 don't I ask you the, who do you remember, what priests that</p> <p>7 worked within the Diocese of Crookston that you remember</p> <p>8 dealing with any --</p> <p>9 A. In my --</p> <p>10 Q. -- allegations of --</p> <p>11 A. In my time?</p> <p>12 Q. -- in sex abuse, yes.</p> <p>13 A. You want their names?</p> <p>14 Q. Their names and then --</p> <p>15 A. This is okay --</p> <p>16 Q. -- then I can ask --</p> <p>17 A. -- okay to give?</p> <p>18 MR. STOCK: Yes.</p> <p>19 THE WITNESS: Okay. Father Reid who was</p> <p>20 retired by the time I got the first allegation; Father</p> <p>21 Bourassa, who was retired too; Father Carriere. There</p> <p>22 another one? Thought there were -- thought there was</p> <p>23 another one.</p> <p>24 MSGR. BAUMGARTNER: Well, Porter.</p> <p>25 MR. FINNEGAN: Another --</p>

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<p>1 THE WITNESS: Well, Porter, Porter, although 2 he was long gone. I guess that -- maybe that -- that jogs 3 my memory. I guess that was the first time when that 4 surfaced, whenever that was. That was the first time I 5 became aware of child abuse in this Diocese, the Jim Porter 6 case. 7 BY MR. FINNEGAN: 8 Q. And that was a case that dealt with his time in 9 the Bemidji area? 10 A. Yes, uh-huh. He spent about a year there, but he 11 was gone by the time I came. I think he left the Diocese 12 in 1975 or something like that, or even earlier. Maybe 13 1970. 14 Q. And at some point you remember getting -- getting 15 reports about -- about Father Porter, that he had abused 16 kids in the past? 17 A. Say that again? 18 Q. At some point once you became Bishop, it sounds 19 like Father Porter was already gone. 20 A. Yeah. 21 Q. But you got some reports about him abusing kids? 22 A. Yes, from -- from the -- from the victims in 23 Bemidji. 24 Q. Do you remember at all when -- when you got the 25 first report on Father Porter? And if you don't, it's</p>	<p>1 A. I think so. I would have to -- unless you have 2 some documents that will help jog my memory, I think so. 3 know as soon as we got the allegations, for example, about 4 Father Reid, we sent him to a place for rehabilitation. So 5 the files would indicate that, but I can't remember 6 precisely. 7 Q. Do you remember on -- on any of the four priests 8 that you mentioned here, do you ever remember making a 9 report to the police when you got the -- the allegations? 10 A. We did. Whatever the civil law was, we followed. 11 I'll put -- put it that way, generally. If we had -- if we 12 had to -- if we thought we should, we would always consult 13 our lawyers. And if they said, this is reportable, we 14 reported it. 15 Q. And would -- what I'm asking you, I don't want to 16 know what you talked about with -- with your attorneys, but 17 just if, whether or not you have any memory of making a 18 report to the police about any one of those four that you 19 named. 20 A. I have no memory of that, excepting Father 21 Carriere, I think we did, in Roseau. Was he in Roseau? 22 MSGR. BAUMGARTNER: (Shakes head.) 23 THE WITNESS: You don't know? 24 MSGR. BAUMGARTNER: (Shakes head.) 25 THE WITNESS: I think so.</p>
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<p>1 not... 2 A. No, I don't; but it was very quickly after it all 3 became public. And I can't remember when that was, when it 4 hit the press. I can't remember. 5 Q. One of the -- one of the questions that -- that I 6 forgot to ask you before was: Have you ever had your 7 deposition taken before, -- 8 A. No. 9 Q. -- Bishop? No. 10 A. No. My first experience is today. 11 Q. And your dealings in the Father Reid situation, 12 that was after you heard about the Porter case? 13 A. Yes. 14 Q. And the dealings with the Father Bourassa 15 situation was after the Porter case? 16 A. Yes. 17 Q. And same question on the last one is Father 18 Carriere, was it? 19 A. Yes. 20 Q. That was after Porter? 21 A. Yes. 22 Q. All three of -- actually including Porter. So 23 all four of the clerics that you had mentioned that had 24 been accused of sexual abuse of a minor, all this 25 information came to you before 2002?</p>	<p>1 BY MR. FINNEGAN: 2 Q. And so for the -- for the other three, for Father 3 Reid, Father Bourassa and Father Porter, you don't remember 4 making a report to the police on those? 5 A. I can't remember that. Again, the files would 6 show, I'm sure, if -- our procedure was always when we got 7 some allegation, speak to our attorneys, and we followed 8 their advice. If the advice was to report, we reported. 9 If the advice was we don't have to, I guess we didn't. 10 Q. Do you have -- were you involved in putting 11 together the information for the John Jay Study about the 12 clerics here in the Diocese that were -- 13 A. Yes, um-hum. 14 Q. And I was just going to -- let me finish the 15 question first before, 'cause you know where I'm going 16 but... 17 A. No, I didn't know where you're going. 18 Q. No, on -- well, you knew on this question before 19 I was going to finish it. But did you have some 20 involvement in getting together the number of priests that 21 have been accused of sexual abuse of a minor in the Diocese 22 of Crookston for the John Jay Study? 23 A. Yes. 24 Q. And what -- what role did you play in that? 25 A. I myself went through the files to ascer- -- to</p>

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<p>1 see whether there were any allegations in any of those 2 files. And I think we discovered in addition to the four I 3 mentioned, there was one other years, years ago. I can't 4 even remember his name now. But he was long dead, I think. 5 Can't remember his name though. 6 Q. Other than -- other than the -- the four that -- 7 that you have discussed here, Father Reid, Father Bourassa, 8 Father Keniere (phonetic), is that... 9 A. Carriere. 10 Q. Carriere, and James Porter, before 2002, any 11 other allegations that -- that you remember you getting 12 about priests that abused kids? 13 A. No. 14 Q. Do you remember, when -- when you got the 15 information together for the John Jay Study, did you make a 16 list of the priests that had been accused of -- of sexual 17 abuse with a minor? 18 A. I'm not sure I made a list of them, but I know 19 those -- a written list? 20 Q. Yeah. 21 A. Unless -- unless the report to Washington 22 required that, I can't remember that I did. 23 Q. And do you remember, was the number of clerics 24 that -- that you gave to John Jay that have been accused of 25 sexual abuse of a minor here in the Crookston Diocese, was</p>	<p>1 A. No. You understand, when I say no to such 2 questions, I mean no as far as I can remember. 3 Q. Yeah. Tell me what you remember, Bishop, or 4 what's the first memory that you have of meeting Father 5 Jeyapaul or hearing about him? What -- what do you 6 remember about the -- what's your first memory that dealt 7 with him, as you sit here? 8 A. Well, he was recommended to us, and then we met 9 with him, I think, the Personnel Board and I, although 10 that's fuzzy in my mind. At least that's our usual 11 procedure, would be to meet with the priest who is asking 12 to come into the Diocese. So I assume that would be my 13 first recollection of Father Jeyapaul. 14 Q. Is -- 15 A. And that would -- 16 Q. Sorry. 17 A. -- would have been, I think, in two-thou- -- 18 towards the end of 2004, according to my records 19 (indicating). 20 Q. As -- as you sit here today, do you have any 21 specific memory of meeting with the Personnel Board and 22 Father Jeyapaul? 23 A. I -- I can't -- no, I have no specific memory of 24 that; but I'd be surprised if we didn't. 25 Q. But your general practice, at least at that time,</p>
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<p>1 that five, do you remember? 2 A. I think so. 3 Q. And since 2002, other than the Father Jeyapaul 4 allegations, have you had -- had to deal with allegations 5 against any other priests that work in the Diocese that 6 have been accused of sexual abuse with a minor? 7 A. No, there was one priest though, a Father Boyd, 8 that some parishioners got extremely concerned about; but 9 there were never any allegations made against him of child 10 abuse. 11 Q. Was -- was Father Boyd the -- the one, Bishop, 12 that had -- was accused, or maybe he was even convicted of 13 child pornography? 14 A. Yes, um-hum. 15 Q. And after -- after Father Boyd was convicted of 16 child pornography, he was returned at some point back to 17 ministry in the Diocese of Crookston? 18 A. After he had been to treatment. 19 Q. So after he had been to treatment, Father Boyd 20 was put back in a parish here in the Diocese of Crookston? 21 A. Yes. 22 Q. Besides Father Boyd and Father Jeyapaul, any -- 23 any other priests that -- that you remember having to deal 24 with allegations of sexual misconduct with a minor after 25 2002?</p>	<p>1 was for any foreign priests or extern priest to meet with 2 you and the Personnel Board? 3 A. Correct. 4 Q. And I understand that -- that it was your general 5 practice to sit in on the meetings of the Priest Personnel 6 Board? 7 A. Correct. 8 Q. Going back, did -- was the Priest Personnel Board 9 already formed when -- when you were installed here in 10 1976, or is that something that came later, if you know? 11 A. I think it had been formed by my predecessor, 12 Bishop Povish; but then when he left, it, maybe even 13 canonically, it just doesn't function anymore until a new 14 bishop comes. But I know when I became Bishop, we 15 reinstituted it right away. 16 Q. And during the time that you were Bishop here in 17 the Diocese of Crookston, did -- did you get a fair amount, 18 or is there a regular practice to have extern priests or 19 foreign priests minister here in the Diocese? 20 A. A fair amount of... 21 Q. You tell me about -- I mean, how -- is that 22 something that was -- 23 A. Well, right now we have two, two from Columbia. 24 I think it's two. 25 MSGR. BAUMGARTNER: Well --</p>

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<p>1 THE WITNESS: Father -- Father -- 2 MR. STOCK: I just don't want to -- he's 3 just asking for your recollection. 4 BY MR. FINNEGAN: 5 Q. Yeah, if you don't remember, -- 6 A. Okay. 7 Q. -- that's fine. 8 A. Yes, we -- I mean, when the priest shortage got 9 pretty severe, and then -- then yes, we accepted extern 10 priests. 11 Q. And when would you say that -- that there really 12 became a shortage of priests here in the Diocese of 13 Crookston? 14 A. When? 15 Q. Or has it always been since you've been -- been 16 Bishop. 17 A. I can't say it always has been because we were 18 helped out by religious communities, but no more, excepting 19 for the Obletes (phonetic). I would say then in 1980, '85, 20 in that area. 21 Q. And you say that pretty much from, at least, the 22 mid '80s that there's been a shortage of priests here in 23 the Diocese of Crookston? 24 A. I think there was, but I think right now I would 25 not say we are having a shortage right now.</p>	<p>1 Q. And just focusing on Father Jeyapaul, do you 2 remember having any -- any telephone conversations with any 3 of the officials for Jeyapaul's home diocese? 4 A. From India, no. Not I. 5 Q. Do you remember hearing about anyone else in the 6 Diocese of Crookston, any of the -- any of the other 7 officials having any phone conversations with the people at 8 Jeyapaul's home diocese? 9 A. It might have been Monsignor Grundhaus if there 10 were any. 11 Q. And what -- what would -- we'll focus on Jeyapaul 12 in a second. But generally if -- if you had the background 13 check in order and you got the -- the necessary documents 14 from the home bishop and the priest's personnel, that 15 meeting with the foreign priest went well, then you'd 16 assign him to a parish? 17 A. Well, no, not immediately. We would generally 18 make him an associate somewhere to a -- a large parish 19 where he would be accountable to the pastor. 20 Q. Tell me what -- do you remember meeting -- when 21 is the first time that you remember, as you sit here today, 22 a memory of meeting Father Jeyapaul or having some 23 interactions with him after the possible Personnel Board 24 meeting? 25 A. I can't remember.</p>
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<p>1 Q. Was there -- I don't know the right word -- I 2 don't know the right word to use. But was there a year or 3 just within the last couple years that there was a revival 4 or a, you know, more priests that you thought was an 5 adequate number? 6 A. Restate it, please? 7 Q. Sure. Has it just been within the last couple 8 years that you haven't seen a shortage of priests or -- 9 A. Well, it's been -- 10 Q. -- has that been for awhile? 11 A. It's been since we began to accept priests from 12 Columbia and from India. 13 Q. Tell me what the -- what is your, when you were 14 Bishop, what was your general practice as far as letting 15 extern priests and foreign priests come here? What was the 16 process that -- that you generally used? 17 A. Well, after -- after this initial meeting with 18 him and, the Personnel Board and I meeting with him, we 19 would make sure that he had a background check, got a good 20 report from his own bishop in India or Columbia or 21 wherever. Those would be the two main things that we got. 22 We got sure -- we were assured, beyond doubt, that the 23 priest had no problems from where he was coming, and then 24 that would be from the diocese, and then we would have the 25 background check as well.</p>	<p>1 Q. And it's -- it's correct to say that -- that 2 Father Jeyapaul, for him -- him to work at any of the 3 parishes here in the Diocese of Crookston, he'd need your 4 permission to do that? 5 A. Yes. 6 Q. And being the Ordinary of the Diocese of 7 Crookston, you're the only one that could assign Father 8 Jeyapaul to a parish within the Diocese here? 9 A. Yes. 10 Q. And from the -- from the records, it looks like 11 Father Jeyapaul was -- and I'll show you some of these in a 12 second. It looks like he was assigned to Blessed Sacrament 13 in Greenbush? 14 A. Yes. 15 Q. Do you remember ever going and visiting Father 16 Jeyapaul at the parish in -- in Greenbush? 17 A. No, I can't remember any such visit unless it 18 would have been for confirmation. But I can't remember 19 going up there when I -- for confirmation while he was 20 there. I can't remember that. 21 Q. Who else -- we heard from Monsignor Grundhaus 22 that he was the Vicar General and Moderator of the Curia in 23 the 2004/2005 time frame. Who else do you remember in 24 the -- in your chancery office around that time, around 25 2004/2005, the -- the higher up, the chancellors, vice</p>

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<p>1   chancellors, do you remember who those were? If you don't,</p> <p>2   we can --</p> <p>3       <b>A. Well, I think --</b></p> <p>4       <b>Q. -- we can look it up.</b></p> <p>5       <b>A. Was it Father Super, was he the vicar general?</b></p> <p>6           MSGR. BAUMGARTNER: (Nods head.)</p> <p>7           THE WITNESS: Might have been Father Dave</p> <p>8   Super, but not there. He was -- he was in a parish, but in</p> <p>9   our -- in our Diocese. The -- right now, at least -- in my</p> <p>10   time, the chancellor was in the chancery and the vicar</p> <p>11   general was a pastor somewhere in the diocese. Right now</p> <p>12   it's -- it's different. Who -- Father, Monsignor David is</p> <p>13   the Vicar General. I don't know who our chancellor is.</p> <p>14       MR. STOCK: Well, just go by your memory.</p> <p>15   BY MR. FINNEGAN:</p> <p>16       <b>Q. Yeah. All I'm doing is just asking you.</b></p> <p>17       <b>A. Okay.</b></p> <p>18       <b>Q. But if you don't remember, --</b></p> <p>19       <b>A. I don't remember.</b></p> <p>20       <b>Q. -- we can look... Did -- you had mentioned</b></p> <p>21   earlier that you may have had a secretary that would have</p> <p>22   put something in one of the files. Who would -- who have</p> <p>23   your secretaries been since you've been Bishop, do you</p> <p>24   remember?</p> <p>25       <b>A. Ronnie (phonetic) Stainbrook, who is deceased,</b></p>	<p>1   died.</p> <p>2       <b>Q. And did -- did you let him know that that was, or</b></p> <p>3   did you give him permission --</p> <p>4       <b>A. Yes, --</b></p> <p>5       <b>Q. -- to do that?</b></p> <p>6       <b>A. -- um-hum.</b></p> <p>7       <b>Q. Why don't we just take a real short break here.</b></p> <p>8   He needs to switch films --</p> <p>9       <b>A. Okay.</b></p> <p>10       <b>Q. -- and switch tapes here, and then we'll -- we'll</b></p> <p>11   go back on.</p> <p>12           (Recessed at 2:01 p.m.)</p> <p>13           * * *</p> <p>14           (Reconvened at 2:06 p.m.)</p> <p>15       MR. FINNEGAN: We're -- we're back on the</p> <p>16   record.</p> <p>17   BY MR. FINNEGAN:</p> <p>18       <b>Q. And one of the things, Charlie, that I didn't do</b></p> <p>19   earlier that will save us some time, and I'll just explain</p> <p>20   it to you as long as Charlie's fine with -- with doing it</p> <p>21   again. One of the things legally on the documents, we'd</p> <p>22   have to go through and say, is this your signature, Bishop?</p> <p>23   Is this -- you know, do you remember getting this, if it</p> <p>24   was a letter written to you. And what we did on -- on</p> <p>25   Monsignor Grundhaus is just agree that any of the documents</p>
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<p>1   <b>and Bonnie Sullivan.</b></p> <p>2       <b>Q. Do you remember when -- when Ms. Sullivan, when</b></p> <p>3   she became your secretary, ball park?</p> <p>4       <b>A. Let's see. It might have been 2004 or five,</b></p> <p>5   <b>something -- she wasn't there that long before I retired.</b></p> <p>6       <b>Q. When -- do you remember at all having any</b></p> <p>7   meetings with Father Jeyapaul when -- when he was here in</p> <p>8   the Diocese of Crookston?</p> <p>9       <b>A. I remember meeting with him, and this is my most</b></p> <p>10   <b>explicit memory, at least, I'm not sure on any other time,</b></p> <p>11   <b>was when he came to see me right before he returned to</b></p> <p>12   <b>India. His mother was dying, and he came in to see me.</b></p> <p>13       <b>Q. Do you remember anything else about, was that</b></p> <p>14   meeting at -- what you remember, was that in your office?</p> <p>15       <b>A. Yes, in my office. I recall that, um-hum.</b></p> <p>16       <b>Q. Was anybody else in that meeting?</b></p> <p>17       <b>A. Not that I recall.</b></p> <p>18       <b>Q. What -- what do you remember Father Jeyapaul</b></p> <p>19   telling you at the meeting in your office that you had said</p> <p>20   had -- part of it had to do with -- with his mother dying?</p> <p>21       <b>A. That was about it. I recall nothing else about</b></p> <p>22   it.</p> <p>23       <b>Q. And what -- do you remember, did he say that he</b></p> <p>24   had to leave? Did he -- I mean, what was the...</p> <p>25       <b>A. He want -- he wanted to go home before his mother</b></p>	<p>1   that were produced by the Diocese, that -- that if it has</p> <p>2   your signature on it or your name as one of the recipients,</p> <p>3   that you would have -- would have seen it or written a</p> <p>4   letter.</p> <p>5       <b>A. Correct.</b></p> <p>6       MR. FINNEGAN: And does that -- does that</p> <p>7   accurately state it, --</p> <p>8       MR. STOCK: It does --</p> <p>9       MR. FINNEGAN: -- Charlie?</p> <p>10       MR. STOCK: It does to the extent that if he</p> <p>11   does read it and doesn't remember, --</p> <p>12       MR. FINNEGAN: Yeah.</p> <p>13       MR. STOCK: -- then you can testify to that</p> <p>14   as well.</p> <p>15   BY MR. FINNEGAN:</p> <p>16       <b>Q. Yes. And that will -- that will save us some</b></p> <p>17   time.</p> <p>18       <b>A. Yes, good.</b></p> <p>19       <b>Q. Get you on the road and get me on the road.</b></p> <p>20       <b>A. Yes.</b></p> <p>21       <b>Q. During the time, Bishop, that -- that Father</b></p> <p>22   Jeyapaul was working here in the Diocese at Crookston,</p> <p>23   between the time that he got here and the time that -- that</p> <p>24   he left to deal with the situation with his mother, did you</p> <p>25   ever remember hearing about any concerns about Father</p>

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<p>1 Jeyapaul and children?</p> <p>2 A. Yes, um-hum.</p> <p>3 Q. What --</p> <p>4 A. Between the time he arrived and the time he left?</p> <p>5 Q. Yes.</p> <p>6 A. Yes, yes.</p> <p>7 Q. And what -- what do you remember hearing?</p> <p>8 A. Well, I heard -- may I refer to these notes</p> <p>9 (indicating)?</p> <p>10 Q. I'd first ask you just to, what you remember</p> <p>11 generally, and then we can -- if we need it, we can refresh</p> <p>12 your memory with it.</p> <p>13 A. I first heard of a relationship with a [REDACTED]</p> <p>14 [REDACTED] and that I think was while he was still here, or --</p> <p>15 or maybe right after he left. I'm not sure. There was a</p> <p>16 report of an inappropriate relationship, which -- which I</p> <p>17 think that was grooming issues. He was giving gifts, and</p> <p>18 that caused some concern. And I know we, through Monsignor</p> <p>19 McGee, who was pastor at Thief River where Father Jeyapaul</p> <p>20 lived for several weeks, through Monsignor McGee, we -- we</p> <p>21 instructed Father Jeyapaul about the boundaries in dealing</p> <p>22 with young people for our country. We thought maybe the</p> <p>23 culture of India allowed what he was doing, but not in this</p> <p>24 country, not after all this scandal broke. So I know we</p> <p>25 did instruct him on that. And that was -- then -- and then</p>	<p>1 Q. And do you remember --</p> <p>2 A. And of course when -- when the charter came out,</p> <p>3 I mean, we had -- made sure the priests all became familiar</p> <p>4 with that.</p> <p>5 Q. Do you remember outside of the, either group --</p> <p>6 group discussion or the all-priest discussions on</p> <p>7 boundaries with young people, do you remember anything</p> <p>8 specific training-wise on boundaries that was done with</p> <p>9 Father Jeyapaul when he first got here?</p> <p>10 A. I can't recall.</p> <p>11 Q. Do you remember where -- it sounded like you said</p> <p>12 before they put him at Thief River Falls to start, Father</p> <p>13 Jeyapaul; is that right?</p> <p>14 A. Say that again?</p> <p>15 Q. When Father Jeyapaul first got here, you --</p> <p>16 A. Yes.</p> <p>17 Q. -- put him at Thief River Falls?</p> <p>18 A. For a few weeks, uh-huh.</p> <p>19 Q. Tell me, Bishop, as -- as the Ordinary of the</p> <p>20 Diocese, was it -- since you've been Bishop, has -- has it</p> <p>21 been your expectation that priests within the Diocese, if</p> <p>22 they hear of suspicious activity of any of their fellow</p> <p>23 priests, that they would report that to you or your staff</p> <p>24 at the chancery?</p> <p>25 A. I'm not sure I ever sent out any such directive</p>
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<p>1 I think he, shortly after that he left. And then I think</p> <p>2 it was only then that we heard specifically about [REDACTED]</p> <p>3 [REDACTED]. Again, you didn't want me to look at my notes, so</p> <p>4 I'm not sure about those -- about that, time frames.</p> <p>5 Q. And let me -- before we get to -- to the [REDACTED]</p> <p>6 [REDACTED] situation, I want to backtrack you and bring you</p> <p>7 back in -- in time to when Father Jeyapaul first came here</p> <p>8 to the Diocese of Crookston; so right around -- around that</p> <p>9 time. Do you remember, Bishop, either doing it yourself or</p> <p>10 instructing any of your other priests here of the Diocese</p> <p>11 of Crookston to do any type of training of Father Jeyapaul</p> <p>12 when he first got here?</p> <p>13 A. Individually, I can't remember. But -- but I</p> <p>14 know we had -- I mean, all our priests were instructed</p> <p>15 on -- on proper boundaries dealing with young people. And</p> <p>16 I assume he would have been a part of those gatherings.</p> <p>17 That's about all I can tell you on that.</p> <p>18 Q. Outside of -- outside of the general gatherings</p> <p>19 of, that would have included either all the priests or</p> <p>20 segments of the priests that -- that dealt with the</p> <p>21 boundaries with young people, which were -- it sounded like</p> <p>22 those were part of the normal protocol every year here in</p> <p>23 the Diocese?</p> <p>24 A. Yes, I think we had something every year. I</p> <p>25 think so.</p>	<p>1 to the priests. I -- I would assume if a priest found out</p> <p>2 that another priest was doing things that were not</p> <p>3 acceptable, he would either challenge that priest himself</p> <p>4 or come to me.</p> <p>5 Q. I'm going to show you some documents here.</p> <p>6 A. Okay.</p> <p>7 Q. And we'll -- we'll go through those quickly here.</p> <p>8 Do you remember -- let me ask you, generally, do you</p> <p>9 remember how involved you were in the process before --</p> <p>10 before Father Jeyapaul got here?</p> <p>11 A. What process?</p> <p>12 Q. The process of him coming, going to immigration,</p> <p>13 and him coming, --</p> <p>14 A. No.</p> <p>15 Q. -- having communication with his home diocese.</p> <p>16 A. Monsignor Grundhaus did most of that, if not all</p> <p>17 of it.</p> <p>18 Q. It looked like that from some of the documents,</p> <p>19 that he was the one that seemed to be doing some e-mailing</p> <p>20 back and forth. Is that your memory too?</p> <p>21 A. Yes.</p> <p>22 Q. I'm going to show you Exhibit 4.</p> <p>23 MR. FINNEGAN: I think, Charlie, you</p> <p>24 should -- Charlie, from the other deposition, you should</p> <p>25 have Exhibit 4 (handed to the witness), if you want to...</p>

12 (Pages 42 to 45)

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<p>1 MR. STOCK: Right. That's fine.</p> <p>2 (Pause.)</p> <p>3 THE WITNESS: Okay.</p> <p>4 BY MR. FINNEGAN:</p> <p>5 Q. Having seen Exhibit 4, this appears to be a</p> <p>6 letter of good standing or, says here, No Objection Letter,</p> <p>7 that had to do with Jeyapaul from his -- his home diocese.</p> <p>8 Is that what it looks like to you?</p> <p>9 A. Yes, um-hum.</p> <p>10 Q. And did -- at this time in 2004, did -- did you</p> <p>11 have any -- any personal connection or any contacts with</p> <p>12 Jeyapaul's ordinary with his -- of his home diocese at</p> <p>13 all?</p> <p>14 A. No.</p> <p>15 Q. And did you -- did you know the -- this, at the</p> <p>16 top it says, Very Reverend Monsignor Samy, S-A-M-Y. Did</p> <p>17 you know Monsignor Samy at all?</p> <p>18 A. No.</p> <p>19 Q. Is this -- this type of letter pretty -- pretty</p> <p>20 typical as far as the foreign priests need a letter of good</p> <p>21 standing to come here?</p> <p>22 A. Yes.</p> <p>23 Q. And I'll show you Exhibit 5 as well.</p> <p>24 MR. FINNEGAN: Showing Exhibit 5 (handed to</p> <p>25 the witness), Charlie, and that's -- you have that one too.</p>	<p>1 before. There was -- you had said that there was -- that</p> <p>2 you heard about a concern about Father Jeyapaul buying</p> <p>3 gifts for some of the youth of the parish?</p> <p>4 A. Um-hum.</p> <p>5 Q. Is that a yes?</p> <p>6 A. Yes.</p> <p>7 Q. Outside of hearing about -- about him buying</p> <p>8 gifts for the youth, did you hear about any other concerns</p> <p>9 that parishioners had --</p> <p>10 A. Yes.</p> <p>11 Q. -- about Father Jeyapaul?</p> <p>12 A. I was concerned that he was asking for money from</p> <p>13 some of the parishioners. And I think, if I recall,</p> <p>14 Monsignor Grundhaus cautioned him about that.</p> <p>15 Q. And up until -- besides him, hearing about him,</p> <p>16 Jeyapaul, asking for money and hearing about him buying</p> <p>17 gifts for -- for youth, were there any other concerns that</p> <p>18 you heard about besides, up until you got the -- the</p> <p>19 matter --</p> <p>20 A. No.</p> <p>21 Q. -- dealing with the [REDACTED]?</p> <p>22 A. No. I should say, a lot of -- a good number of</p> <p>23 people praised his ministry up there. I think that should</p> <p>24 be on the record too.</p> <p>25 Q. And you have some memory of some of the</p>
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<p>1 (Pause.)</p> <p>2 THE WITNESS: Okay.</p> <p>3 BY MR. FINNEGAN:</p> <p>4 Q. And this again looks like another -- another</p> <p>5 letter that -- that deals with some type of certification</p> <p>6 from Jeyapaul's home diocese?</p> <p>7 A. Yes.</p> <p>8 Q. And was this, a document like this, was this</p> <p>9 something that is required by the Diocese of Crookston</p> <p>10 before he could work here?</p> <p>11 A. Yes.</p> <p>12 Q. And this -- this appears to be from the same --</p> <p>13 same administrator.</p> <p>14 A. Same day.</p> <p>15 Q. At -- at this time in 2004 do you remember</p> <p>16 ever -- ever seeing any part of Father Jeyapaul's personnel</p> <p>17 file from his home diocese in India?</p> <p>18 A. No.</p> <p>19 Q. Do you remember, did -- did you ask for that or</p> <p>20 did -- did you have Monsignor Grundhaus ask for his</p> <p>21 personnel file at all?</p> <p>22 A. I know I didn't. Now whether Monsignor did or</p> <p>23 not, I don't know.</p> <p>24 Q. And sorry to jump around on you a little bit, but</p> <p>25 I didn't -- didn't quite finish up the -- the questions</p>	<p>1 parishioners --</p> <p>2 A. Yes.</p> <p>3 Q. -- reporting to you --</p> <p>4 A. Yes.</p> <p>5 Q. -- in the diocese that --</p> <p>6 A. Yes.</p> <p>7 Q. Just hold on. That they -- that they enjoyed his</p> <p>8 ministry?</p> <p>9 A. Yes.</p> <p>10 Q. And who is Father Dominic or Joseph Dominic? Do</p> <p>11 you remember who he was or...</p> <p>12 A. He was a priest from India who served here in the</p> <p>13 Diocese for awhile. Then he went back to India. He served</p> <p>14 here at the Cathedral and was doing very good work but</p> <p>15 decided he should go back to India, I think to oversee an</p> <p>16 orphanage.</p> <p>17 Q. Do you remember having any conversations at</p> <p>18 anytime about Father Jeyapaul with Father Dominic?</p> <p>19 A. No. But I do believe he recommended Father</p> <p>20 Jeyapaul to Monsignor Grundhaus.</p> <p>21 Q. And you would have found out about that from</p> <p>22 Monsignor Grundhaus?</p> <p>23 A. Either from him or from these notes (indicating</p> <p>24 or both.</p> <p>25 Q. Did -- do you remember having any conversations</p>

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<p>1 or hearing about any -- any other recommendations about</p> <p>2 Father Jeyapaul before he got here besides the ones from</p> <p>3 his ordinary at his --</p> <p>4 <b>A. No.</b></p> <p>5 <b>Q. -- at his home and--hold on--and the one from</b></p> <p>6 <b>Father Dominic?</b></p> <p>7 <b>A. No.</b></p> <p>8 <b>Q. Do you remember hearing anything more about what</b></p> <p>9 <b>Father Dominic said about Father Jeyapaul, or was it just</b></p> <p>10 <b>that he recommended him, that you remember?</b></p> <p>11 <b>A. That's all I recall.</b></p> <p>12 <b>Q. When -- when Father Jeyapaul first got here in</b></p> <p>13 <b>the Diocese of Crookston, do you remember having any</b></p> <p>14 <b>conversations with him or directing any of the other</b></p> <p>15 <b>priests in the Diocese to have any conversations with</b></p> <p>16 <b>Father Jeyapaul about the -- the cultural norms here in the</b></p> <p>17 <b>Diocese of Crookston?</b></p> <p>18 <b>A. I can't recall that unless Father Tim McGee had</b></p> <p>19 <b>such discussions with him.</b></p> <p>20 <b>Q. And did -- did you direct Father Tim McGee to</b></p> <p>21 <b>have any discussions with Father Jeyapaul about the</b></p> <p>22 <b>cultural norms here in the Diocese of Crookston when</b></p> <p>23 <b>Jeyapaul first got here?</b></p> <p>24 <b>A. No. I don't recall such.</b></p> <p>25 <b>Q. I'm going to show you Exhibit 12 (handed to the</b></p>	<p>1 <b>A. I assume that's the purpose of this letter.</b></p> <p>2 <b>Q. 12 -- 12a (handed to the witness), which Charlie</b></p> <p>3 <b>has already, that looks like -- like it's the -- the</b></p> <p>4 <b>petition for -- for the visa for Father Jeyapaul?</b></p> <p>5 <b>A. It is what it is.</b></p> <p>6 <b>Q. Do you remember, it sounded like from Monsignor</b></p> <p>7 <b>Grundhaus's testimony that -- that he probably typed this</b></p> <p>8 <b>and put -- put some of this together, and then as a</b></p> <p>9 <b>Ordinary, it looks like a couple places that you signed it.</b></p> <p>10 <b>A. Correct.</b></p> <p>11 <b>Q. Trying to skip through as many as we can so we</b></p> <p>12 <b>can --</b></p> <p>13 <b>A. I like that.</b></p> <p>14 <b>Q. -- get through it.</b></p> <p>15 <b>A. Do you want these back (indicating)?</b></p> <p>16 <b>Q. You hold onto those, and then those will go with</b></p> <p>17 <b>the court reporter. So the copies that I give you, you</b></p> <p>18 <b>just hold onto those. And if we can keep those separate</b></p> <p>19 <b>from --</b></p> <p>20 <b>A. You've given me four so far?</b></p> <p>21 <b>Q. -- from the documents -- I believe so.</b></p> <p>22 <b>A. I think.</b></p> <p>23 <b>MR. STOCK: Try and keep those separate</b></p> <p>24 <b>from...</b></p> <p>25 <b>THE WITNESS: No, these are mine</b></p>
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<p>1 witness).</p> <p>2 <b>MR. FINNEGAN: And you should -- I think you</b></p> <p>3 <b>have you this one, Charlie. If you don't, I got a copy</b></p> <p>4 <b>here.</b></p> <p>5 <b>(Pause.)</b></p> <p>6 <b>THE WITNESS: Okay.</b></p> <p>7 <b>BY MR. FINNEGAN:</b></p> <p>8 <b>Q. And just so we have at least one of them in the</b></p> <p>9 <b>record, this is your signature here at the bottom</b></p> <p>10 <b>(indicating)?</b></p> <p>11 <b>A. Correct.</b></p> <p>12 <b>Q. And were there, are there also other times in --</b></p> <p>13 <b>in documents where you would just, where you'd sign your</b></p> <p>14 <b>full name or sometimes you see your initials, do you</b></p> <p>15 <b>remember?</b></p> <p>16 <b>A. Most of the time on official things like this, it</b></p> <p>17 <b>would be my full signature (indicating).</b></p> <p>18 <b>Q. But on a --</b></p> <p>19 <b>A. On some other --</b></p> <p>20 <b>Q. -- memo --</b></p> <p>21 <b>A. -- memo or something, I might have, cross, VHB.</b></p> <p>22 <b>Q. And this -- this letter looks like it has to do</b></p> <p>23 <b>with -- with your request that Father Jeyapaul, that he --</b></p> <p>24 <b>he receive a visa so he could come and work here in the</b></p> <p>25 <b>Diocese?</b></p>	<p>1 (indicating).</p> <p>2 <b>MR. STOCK: Right.</b></p> <p>3 <b>THE WITNESS: Okay.</b></p> <p>4 <b>MR. STOCK: Trying to keep these separate</b></p> <p>5 <b>from the exhibits. I'll stick it over here for now.</b></p> <p>6 <b>THE WITNESS: Okay.</b></p> <p>7 <b>MR. FINNEGAN: And, Charlie, you have this</b></p> <p>8 <b>already, too. It's Exhibit 18.</b></p> <p>9 <b>BY MR. FINNEGAN:</b></p> <p>10 <b>Q. And the -- did I give you a copy of it, 18?</b></p> <p>11 <b>Might have shuffled it away after I gave it to you.</b></p> <p>12 <b>A. Which one is it?</b></p> <p>13 <b>Q. 18, Exhibit 18.</b></p> <p>14 <b>A. I don't think I have that exhibit. You didn't</b></p> <p>15 <b>give that to me yet.</b></p> <p>16 <b>Q. Not yet. (Handed to the witness.)</b></p> <p>17 <b>(Pause.)</b></p> <p>18 <b>THE WITNESS: Yes.</b></p> <p>19 <b>BY MR. FINNEGAN:</b></p> <p>20 <b>Q. And this letter appears to be a letter from you</b></p> <p>21 <b>to Father Jeyapaul giving him faculties so that he can</b></p> <p>22 <b>minister within the Diocese?</b></p> <p>23 <b>A. Correct.</b></p> <p>24 <b>Q. And as the Ordinary of the Diocese of Crookston,</b></p> <p>25 <b>you're the only one that could give faculties to a priest</b></p>

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1 to work here?

2 **A. No. I could delegate somebody else to do that**

3 **too, I think, canonically.**

4 Q. That was a poor question. I'll -- I'll include

5 that part of it.

6 **A. Okay, yes.**

7 Q. And I think this will make it clear.

8 **A. Yes.**

9 Q. So either you, Bishop, or somebody that you

10 designate are the only ones that -- that could give

11 faculties to a priest to work within the Diocese of

12 Crookston?

13 **A. Yes.**

14 Q. Going to give you 19, 20 and 21 here. There's

15 19, there's 20, and 21 (handed to the witness).

16 (Pause.)

17 BY MR. FINNEGAN:

18 Q. And can you tell me, it looks like to me 19, 20

19 and 21 are all part of probably one -- one set of

20 documents. They're all signed on the same date that Father

21 Jeyapaul had to fill out?

22 **A. Yes.**

23 Q. And what -- what was the general protocol with --

24 with these documents? What was the -- what was the point

25 of using these?

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1 **A. Well, to certify and to make sure that he had no**

2 **questionable behavior in his background.**

3 Q. Do you remember at all, Bishop, either asking --

4 asking him in person or asking him in any other form,

5 asking Monsignor, or sorry, asking Father Jeyapaul whether

6 or not he had ever -- ever sexually abused a child?

7 **A. No.**

8 Q. Do you remember instructing any other priests

9 within the Diocese of Crookston to ask Father Jeyapaul

10 whether or not he had ever sexually abused kids before he

11 got here?

12 **A. No.**

13 Q. Why -- why not ask that question?

14 **A. Well, we had the assurance of his home diocese**

15 **that there was no such problem in his background. We also**

16 **had our own background check done on him, and it surfaced**

17 **nothing concerning his behavior. So I saw no need to have**

18 **another priest ask him. I saw no need for me to ask him.**

19 **Plus we have his own word, his own word, the word of his**

20 **diocese, the word of our own background check through Chad**

21 **Ryan. We had all that information. And every one of them**

22 **agreed: There's nothing in his background to cause**

23 **concern.**

24 Q. I show you Exhibit 22 (handed to the witness).

25 MR. FINNEGAN: Did I give you this one

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1 before, Charlie, do you know?

2 MR. STOCK: Yes.

3 BY MR. FINNEGAN:

4 Q. Let me know after you've had a chance to look

5 through that one.

6 **A. Yes, I have.**

7 Q. Looking at -- at Exhibit 22, it looks like here

8 at the top that -- that you were appointing Father Jeyapaul

9 to -- to this cluster of parishes in Warroad, Baudette,

10 Williams and Falm. But then is it -- is it your memory

11 that he actually didn't serve at those parishes?

12 **A. That's correct.**

13 Q. And what -- what happened or why --

14 **A. I have no --**

15 Q. Do you remember?

16 **A. I have no idea what happened, why -- I think --**

17 **I think maybe Father Braukmann just told me that there's**

18 **nothing for him to do here, his coming here. And secondly,**

19 **I think he would have had to -- I think the deacon whose**

20 **name -- who was named here, would have to move out of the**

21 **rectory where he was living with his wife. And Father**

22 **Braukmann didn't want that. And so I just agreed to**

23 **Father Braukmann, okay, we will never implement this. And**

24 **then I think he went to Thief River to be with Monsignor**

25 **McGee.**

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1 (Discussion had off the record between Mr. Stock

2 and Msgr. Baumgartner.)

3 BY MR. FINNEGAN:

4 Q. And it's your memory that the only parish -- that

5 he lived at Thief River, but then the only other parish

6 that -- where he lived at was at Blessed Sacrament in

7 Greenbush?

8 **A. Correct.**

9 (Discussion had off the record between Mr. Stock

10 and Msgr. Baumgartner.)

11 BY MR. FINNEGAN:

12 Q. I'm going to show you 23 and 24 together (handed

13 to the witness).

14 MR. FINNEGAN: Charlie, I just showed him 23

15 and 24, which I think you had before.

16 MR. STOCK: Yeah.

17 (Pause.)

18 THE WITNESS: All right.

19 BY MR. FINNEGAN:

20 Q. And this looks like -- like it's one of the forms

21 that -- 24 looks like a form that -- that you would have

22 sent or had somebody in the Diocese of Crookston send to

23 Jeyapaul's home diocese to fill out?

24 **A. I assume that's what it is.**

25 Q. And do you remember having any discussions with

15 (Pages 54 to 57)

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<p>1 Father Jeyapaul's home diocese about Exhibit 24?</p> <p>2 A. No.</p> <p>3 Q. Do you remember directing anyone else in the</p> <p>4 Diocese to have any discussions with -- with Jeyapaul's</p> <p>5 home diocese about this -- about this form on Exhibit 24?</p> <p>6 A. No.</p> <p>7 Q. I'll give you -- I'll give you 25 and also give</p> <p>8 you 26 together with it (handed to the witness). It looks</p> <p>9 like those ones may have -- may have went together.</p> <p>10 (Pause.)</p> <p>11 THE WITNESS: All right.</p> <p>12 BY MR. FINNEGAN:</p> <p>13 Q. And on Exhibit 26, do you remember, it sounded</p> <p>14 like from earlier testimony that Chad Ryan was a lay</p> <p>15 employee of the Diocese?</p> <p>16 A. Correct.</p> <p>17 Q. And did -- do you remember what -- what his</p> <p>18 responsibilities were? It says here, Staff Accountant, but</p> <p>19 it sounds like, at least from this document, that he was</p> <p>20 more than just an accountant.</p> <p>21 A. Yes, he was.</p> <p>22 Q. What -- what did he do, do you remember, at this</p> <p>23 time --</p> <p>24 A. He was --</p> <p>25 Q. -- and around 2004? Sorry.</p>	<p>1 information that you got, the -- the documents that I've</p> <p>2 shown you, from Jeyapaul's home diocese?</p> <p>3 A. I don't recall doing any -- anything beyond</p> <p>4 that.</p> <p>5 Q. I'm going to show you Exhibit 27 (handed to the</p> <p>6 witness).</p> <p>7 MR. FINNEGAN: You have this one, Charlie,</p> <p>8 27.</p> <p>9 (Pause.)</p> <p>10 THE WITNESS: All right.</p> <p>11 BY MR. FINNEGAN:</p> <p>12 Q. And Exhibit 27, it's correct to say again, that</p> <p>13 only you as Bishop or somebody that -- that you designate</p> <p>14 had the power and authority to appoint Father Jeyapaul as</p> <p>15 administrator at these parishes?</p> <p>16 A. Yes.</p> <p>17 Q. I'm going to show you Exhibit 28 (handed to the</p> <p>18 witness).</p> <p>19 (Pause.)</p> <p>20 THE WITNESS: All right.</p> <p>21 BY MR. FINNEGAN:</p> <p>22 Q. And this -- this letter, Exhibit 28, appears to</p> <p>23 be dealing with the situation which -- which you had</p> <p>24 mentioned before about Father Jeyapaul trying to get funds</p> <p>25 from some of the people at his parish without your</p>
Page 59	Page 61
<p>1 A. He was in charge of our insurance program, but --</p> <p>2 but once the background checks were required, then we asked</p> <p>3 him to do this too.</p> <p>4 Q. And do you remember seeing Chad Ryan's letter?</p> <p>5 It's to Monsignor Grundhaus or the -- or the -- this</p> <p>6 background check, that it looks like he enclosed with that,</p> <p>7 do you remember seeing any of those?</p> <p>8 A. I can't remember -- I can't say I remember seeing</p> <p>9 them, but I do recall asking because it was taking awhile</p> <p>10 to get the background check because it was, I guess, a</p> <p>11 foreign country. So I kept asking, because I did not want</p> <p>12 to sign Father Jeyapaul until we got this -- this assurance</p> <p>13 that there was nothing in his background. So I did,</p> <p>14 verbally asked Chad Ryan, more than once, I know, has the</p> <p>15 report come in yet.</p> <p>16 Q. And at this point, in November of '04, it looks</p> <p>17 like from the records that Jeyapaul hadn't been assigned to</p> <p>18 a parish yet, but he was living in Thief River Falls? If</p> <p>19 you remember. If you don't, --</p> <p>20 A. I'm not --</p> <p>21 Q. -- it's not a --</p> <p>22 A. I'm not sure of the chronology there.</p> <p>23 Q. Do you know what else, if anything, was done on</p> <p>24 the -- on the background checks besides using this -- this</p> <p>25 service that Chad Ryan used and then getting the</p>	<p>1 permission.</p> <p>2 A. Correct.</p> <p>3 Q. Do you remember, did -- did you have any direct</p> <p>4 conversations with Father Jeyapaul about this situation?</p> <p>5 A. I don't recall such conversations.</p> <p>6 Q. And do you remember, I think you testified to it</p> <p>7 before, but you had instructed Monsignor Grundhaus to</p> <p>8 follow up on this?</p> <p>9 A. Yes.</p> <p>10 Q. And this asking -- asking the parishioners for --</p> <p>11 for funds without -- without your permission is a pretty</p> <p>12 big time no-no in -- in a church, is it?</p> <p>13 A. Well, it's considered unethical. I see Monsignor</p> <p>14 used the word, a serious breach of ethics. You know, it</p> <p>15 all -- that would all depend on how much he's asking for.</p> <p>16 But yes, it's considered unethical, particularly if he's</p> <p>17 using it for himself.</p> <p>18 Q. And at this time in 2005, in February or at</p> <p>19 anytime that Jeyapaul was here in the U.S., do you remember</p> <p>20 having any -- any conversations with him about -- about</p> <p>21 what the ethical standards are here in the U.S.?</p> <p>22 A. Concerning the use of church funds?</p> <p>23 Q. Or yeah, or any -- let's start with church funds.</p> <p>24 A. Not I, but I would usually delegate that anyway</p> <p>25 to Monsignor Grundhaus to do.</p>

16 (Pages 58 to 61)



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<p>1 Q. And do you remember having any conversations with 2 Father Jeyapaul about any other type of ethical -- 3 A. No. 4 Q. -- issues or standards here in the U.S.? 5 A. No. 6 Q. I'll show you -- I'm going to show you 28c 7 (handed to the witness). 8 (Pause.) 9 THE WITNESS: Okay. 10 BY MR. FINNEGAN: 11 Q. And my question is: The handwriting down here at 12 the bottom, is that your handwriting, or do you recognize 13 whose that is? 14 A. I have no idea whose handwriting that is. 15 Q. Do you remember seeing -- seeing this letter as 16 the possible letter that Jeyapaul was using to solicit some 17 funds from the parishioners? 18 A. I don't recall seeing this before. 19 Q. I'm going to show you what's been marked 20 Exhibit 30 (handed to the witness), have you take a look at 21 that. I'm going to ask you you some questions. 22 (Pause.) 23 THE WITNESS: All right. 24 BY MR. FINNEGAN: 25 Q. Do you -- do you remember seeing this letter?</p>	<p>1 that information like that, that this obviously concerned 2 you when you saw this? 3 A. Yes. 4 Q. Do you remember having any conversations with 5 Monsignor Grundhaus about this situation? 6 A. Yes, I do. But I -- I can't tell you what the 7 contents of those conversations were. It seems to me when 8 I received this, and this is pretty faint in my memory, but 9 it seems to me I might have received this on a Friday. I 10 think what I did immediately was to -- I'm not sure if this 11 is the letter, but I think it is. I tried to immediately 12 call our law office, but our lawyer was not in. I think I 13 finally called Charlie. If he recalls, I don't know. But 14 it was the weekend, so we did nothing about this until 15 Monday, I think it was, and then we acted. But exactly 16 what -- unless, as I told you, that's when I asked 17 Monsignor McGee to visit with him to speak about our 18 boundaries with people. 19 Q. Let me -- let me show you 37, and I think there's 20 some documents that -- that might make that piece of it 21 clear to you (handed to the witness). 22 MR. FINNEGAN: That's 37, Charlie. 23 (Pause.) 24 THE WITNESS: Okay. 25</p>
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<p>1 A. Yes. 2 Q. And up here in the front at the, where it says 3 cross, and then VB, that's your initials there 4 (indicating)? 5 A. That's my initials, my handwriting. 6 Q. Your handwriting. And this notation up there 7 where it says "Roger" would have been something that you 8 would have written to -- so that Monsignor Grundhaus got 9 this? 10 A. Yes. 11 Q. What -- what, if anything, do you remember doing 12 in response to getting this letter? 13 A. I can't recall precisely. This may have been the 14 time when I asked Monsignor McGee to go up to see Father 15 Jeyapaul and remind him of our boundaries, or since I wrote 16 Monsignor Roger's name up here, I may have -- I may have 17 left it up to him to have a conversation with Jeyapaul. I 18 can't recall that. 19 Q. Do you remember having any conversation yourself, 20 Bishop, with Father Jeyapaul about this letter? 21 A. No. 22 Q. And then let's look at the -- at the second page 23 here. And you see at the -- at the middle here where it 24 says, "He has given her a cell phone. He has kissed her, 25 (tell her --) tells her it's ok because he's a priest." Is</p>	<p>1 BY MR. FINNEGAN: 2 Q. This one looks like it's a -- a letter to [REDACTED] 3 [REDACTED] on the first page. Do you ever remember -- having 4 read this now, do you ever remember seeing -- seeing this 5 letter at all? 6 A. No. 7 Q. I'm going to now show you 31, and I think this is 8 what we were talking about before with Monsignor McGee 9 (handed to the witness). 10 (Pause.) 11 THE WITNESS: Okay. 12 BY MR. FINNEGAN: 13 Q. Is this -- do you remember seeing this memo or 14 this -- this note from Father Tim McGee? 15 A. Yes. 16 Q. And this looks like from this that your memory is 17 right, that you asked Monsignor McGee to go and meet 18 with -- with Father Jeyapaul? 19 A. Yes, um-hum. 20 Q. Do you remember -- outside of this memo, do you 21 remember having any -- any conversations with -- with 22 Monsignor McGee about this situation involving Jeyapaul 23 after he met with Jeyapaul? 24 A. No. I called him though just today to verify my 25 memory, and he affirmed all we're talking about here.</p>

17 (Pages 62 to 65)

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<p>1 Q. And when -- in this memo, do you remember having</p> <p>2 any conversation with Father McGee? It says here, "I</p> <p>3 reiterated the whole scandal thing..."</p> <p>4 Do you remember having any conversation with</p> <p>5 Tim McGee about scandal, about concerns about that?</p> <p>6 A. No. In -- in relationship to Father Jeyapaul?</p> <p>7 Q. Yeah.</p> <p>8 A. No.</p> <p>9 Q. Do you remember at this time, Bishop, when you</p> <p>10 got the -- the anonymous letter in Exhibit 30 and then had</p> <p>11 Monsignor McGee go meet with Jeyapaul, did you put any</p> <p>12 restrictions on Jeyapaul's ministry after this?</p> <p>13 A. I can't recall that I did.</p> <p>14 Q. Do you remember relative to the anonymous letter</p> <p>15 and what -- what Tim McGee -- Tim McGee wrote here, taking</p> <p>16 any further action against Father Jeyapaul at this time?</p> <p>17 A. I -- I don't recall. He was gone, you know,</p> <p>18 within five days, wasn't he, after this was over? This is</p> <p>19 August 26, 2005. When did he leave?</p> <p>20 Q. We'll -- we'll get something here that --</p> <p>21 A. Okay.</p> <p>22 Q. -- I think will clear that up for you. And</p> <p>23 rather than have you read -- read over this whole document,</p> <p>24 you'd agree that -- that a priest having a minor child over</p> <p>25 to the rectory and cooking dinner for -- for that minor</p>	<p>1 BY MR. FINNEGAN:</p> <p>2 Q. And again, this -- this looks like a memorandum</p> <p>3 that -- that you wrote?</p> <p>4 A. Correct.</p> <p>5 Q. And your -- this is your handwriting down here at</p> <p>6 the -- at the bottom?</p> <p>7 A. Correct.</p> <p>8 Q. And do you -- do you remember what you did with</p> <p>9 this -- with this memo after -- after you did it?</p> <p>10 A. I'm sure I put it in the file.</p> <p>11 Q. Do you remember, there's a -- there's a name in</p> <p>12 here, the Walski's?</p> <p>13 A. Yes.</p> <p>14 Q. And I think it's Mitch and Lee. And I'll show</p> <p>15 you, looks like they e-mailed you back about this. But do</p> <p>16 you remember having any conversations with them either in</p> <p>17 person or over the phone about Father Jeyapaul?</p> <p>18 A. I had a conversation with Lee on the phone in</p> <p>19 which she expressed her concern, and I fully agreed with</p> <p>20 her concern. It was my concern too.</p> <p>21 Q. Do you remember when -- when you had the</p> <p>22 conversation, Bishop, with Lee Walski?</p> <p>23 A. No, but I assume it was after these e-mails, or</p> <p>24 letters, whatever. E-mails, I guess. It would logically</p> <p>25 be after those e-mails arrived.</p>
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<p>1 without any other adults is -- is something that would</p> <p>2 concern you?</p> <p>3 A. Yes.</p> <p>4 Q. I'm going to show you 31b, Bishop (handed to the</p> <p>5 witness).</p> <p>6 (Pause.)</p> <p>7 THE WITNESS: All right, this is what I was</p> <p>8 referring to earlier.</p> <p>9 BY MR. FINNEGAN:</p> <p>10 Q. And this -- this is a memorandum that -- that you</p> <p>11 wrote. What -- what happened, what did you -- do you</p> <p>12 remember what you did with this memorandum after -- after</p> <p>13 writing it?</p> <p>14 A. Put it in the file, I assume.</p> <p>15 Q. And would you generally type your own documents</p> <p>16 like this, or would you transcribe it, or how -- how would</p> <p>17 that work?</p> <p>18 A. I -- I did this myself.</p> <p>19 Q. I'm going to show you 31c. It was hiding on me</p> <p>20 (handed to the witness).</p> <p>21 MR. FINNEGAN: This is 31c, Charlie, that</p> <p>22 he's looking at.</p> <p>23 (Pause.)</p> <p>24 THE WITNESS: Okay.</p> <p>25</p>	<p>1 Q. And I'll -- I'll show you those in -- in just a</p> <p>2 second. I'm going to -- he's going to switch tapes again</p> <p>3 and we'll take a short break, and then we'll motor through</p> <p>4 this. I think we're -- we're doing pretty good though, and</p> <p>5 we'll race through the rest.</p> <p>6 THE WITNESS: 3:30 you said?</p> <p>7 MR. FINNEGAN: That's my goal, so...</p> <p>8 (Recessed at 3:02 p.m.)</p> <p>9 * * *</p> <p>10 (Reconvened at 3:11 p.m.)</p> <p>11 BY MR. FINNEGAN:</p> <p>12 Q. All right, we're back on the record, --</p> <p>13 A. Okay.</p> <p>14 Q. -- Bishop. And I'll show you another document</p> <p>15 here, 31d, and ask you some questions about that (handed to</p> <p>16 the witness).</p> <p>17 (Long pause.)</p> <p>18 THE WITNESS: Okay.</p> <p>19 BY MR. FINNEGAN:</p> <p>20 Q. Before -- before I ask you some specific</p> <p>21 questions about this, does this, looking at this e-mail, do</p> <p>22 you remember whether this e-mail from Lee Walski, whether</p> <p>23 this came before or after the conversation, the phone</p> <p>24 conversation that you said you had with --</p> <p>25 A. I -- I think it came before.</p>

18 (Pages 66 to 69)

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<p>1 Q. I'd like to direct your attention to point 2 number 1. You see it in the middle of -- the middle of the 3 page it starts with [REDACTED]. Do you see that? 4 A. Um-hum. 5 Q. Is that a yes? 6 A. Yes. 7 Q. No problem. And I'll read you a bit of it and 8 then ask you a question here. It says, "[REDACTED] said 9 Father Jeyapaul had, on occasion, kissed [REDACTED] on the 10 cheek." 11 And my question to you, Bishop, is: As 12 Ordinary of the Diocese, if you would have heard this at 13 any point about Father Jeyapaul kissing a girl on the 14 cheek, that's something that would have concerned you and 15 you would have wanted to investigate it more? 16 A. I don't know. I mean, even in our country, I 17 think adults do kiss a young girl on the cheek as -- as a 18 sign of affection. It all would depend on -- on when this 19 occurred. If this -- if this had -- and maybe it was, too, 20 after other incidents or other concerns had been expressed; 21 then yes, this would have concerned me, if this -- if this 22 was subsequent to other such occasions. If this had been 23 the very first time, however, I -- I think, even in our 24 culture, that kind of kissing on the cheek is -- can be a 25 sign of very innocent affection. So I'm not sure what I</p>	<p>1 priests at any point that you're Bishop wanting to have an 2 underage girl buy her same -- same type of perfume for that 3 priest, that that would have been something that would have 4 concerned you? 5 A. Yes. 6 Q. And that would have been something that you would 7 have wanted to investigate more? 8 A. Yes, but I'm not sure you phrased that right. I 9 mean, did she -- did he want some for himself? 10 Q. The way -- 11 A. He ... "inquired as to whether [REDACTED] would give 12 him some. [REDACTED] said she would buy him some and so he gave 13 her the money to purchase..." Yeah, that would concern 14 me. 15 Q. And it looks like at this point, chronologically 16 at least, that after -- after this, shortly after this, it 17 looks like from -- from your testimony and Monsignor 18 Grundhaus's, that Father Jeyapaul went back to India. 19 A. Yes, apparently within five days. 20 Q. And do you remember when you had -- you had 21 testified earlier about a -- a meeting or a real short 22 exchange with -- with Father Jeyapaul at -- at your office 23 about him going back to visit his mom in India. Do you 24 remember having any conversation about -- about any of 25 the -- any of the documents or any of the issues or any of</p>
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<p>1 would have done had this been the very first incident that 2 I heard of. 3 Q. And what about number 2, same question: If -- if 4 you had heard about one of your priests from the Diocese of 5 Crookston buying gifts for an underage girl, is that 6 something that -- 7 A. Yes. 8 Q. -- that would have concerned you? 9 A. Yes, um-hum. 10 Q. And that -- 11 A. Because in the -- in the workshops we've had 12 about all this for all the priests, you know, and other 13 people in the church, we call this grooming. And that 14 would concern me, yes. 15 Q. And if you heard about something like that, one 16 of -- one of the priests working in the Diocese buying 17 gifts for an underage girl, it's something that you would 18 have wanted to investigate more? 19 A. Yes. 20 Q. And then let me ask you about number 4, Bishop: 21 It says, "Father Jeyapaul expressed to [REDACTED] how much he 22 liked her perfume and inquired as to whether [REDACTED] would 23 give him some. [REDACTED] said she would buy him some and so he 24 gave her the money to purchase the perfume." 25 If -- if you had heard about one of your</p>	<p>1 the concerns that -- that were raised in any of these 2 documents that predated that meeting? 3 A. I don't recall such conversation. 4 Q. Do you remember at the time that Father Jeyapaul 5 came to see you about his -- his mother in India, do you 6 remember taking any notes or making any type of 7 documentation about that? 8 A. No. It was very brief. That's all I recall. 9 Q. Did -- during the time that -- that you were 10 Bishop, did you keep a written calendar or notes of your 11 appointments, any type of planner like that? 12 A. Yes, I have a calendar, which I -- on which I 13 note my appointments. 14 Q. Is that a -- 15 A. But if -- 16 Q. Go ahead, sorry. 17 A. You know, for example, if he had stopped in 18 unexpectedly, that certainly wouldn't appear on my 19 calendar, and I would have made no notation about it. 20 Q. Do you know if, as part of, or at any point, have 21 you looked over your calendar to see if there's any 22 notations about Jeyapaul about this time? 23 A. I have not. 24 Q. And was the -- the calendars that you had, when 25 you were you the presiding Ordinary, were they handwritten</p>

19 (Pages 70 to 73)

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<p>1 calendars?</p> <p>2 A. The calendar itself was printed. I mean, but my</p> <p>3 own appointments I made myself, and they were handwritten</p> <p>4 in my calendar.</p> <p>5 Q. That -- your clarification is probably --</p> <p>6 A. Okay.</p> <p>7 Q. -- the better one. So it was a -- the calendar</p> <p>8 that you remember you keeping was something that was</p> <p>9 printed, and then you would write in, handwrite in your own</p> <p>10 assignments?</p> <p>11 A. Correct.</p> <p>12 Q. And then rather than show you all these documents</p> <p>13 that deal with after -- after Father Jeyapaul left the</p> <p>14 United States, tell me, if you can, who -- who you heard</p> <p>15 about that -- that were either victims or possible victims</p> <p>16 of Jeyapaul.</p> <p>17 A. I've heard only about [REDACTED], and that was while, I</p> <p>18 guess just as he was leaving, I assume, I think of now;</p> <p>19 then about a year after he left, [REDACTED]. Now, in</p> <p>20 one of the letters you showed me, there's something about a</p> <p>21 [REDACTED]; and I know precious little about that.</p> <p>22 Q. Other than -- than [REDACTED],</p> <p>23 and the reference to the [REDACTED] girl, any other kids</p> <p>24 that --</p> <p>25 A. I can't recall anybody else.</p>	<p>1 recall that.</p> <p>2 Q. Do you remember, Bishop, having any -- any</p> <p>3 conversations or correspondence with Father Jeyapaul once</p> <p>4 he left the United States?</p> <p>5 A. Some e-mails, yes, um-hum.</p> <p>6 Q. Did you ever have any phone conversations with</p> <p>7 Father Jeyapaul after he left the United States?</p> <p>8 A. I don't recall any.</p> <p>9 Q. I'm going to show you Exhibit 35 (handed to the</p> <p>10 witness). If you could, Bishop, hand -- hand that one over</p> <p>11 to Charlie, same copy of that (handed to the witness). I</p> <p>12 don't think he has that.</p> <p>13 A. (Handed to Mr. Stock.)</p> <p>14 (Pause.)</p> <p>15 THE WITNESS: I should read mine first, I</p> <p>16 assume. This is his response, right (indicating)?</p> <p>17 MR. FINNEGAN: This looks like -- why don't</p> <p>18 we focus on, just on his response first, and then I'll ask</p> <p>19 you a question, see if that brings back any memories to</p> <p>20 you.</p> <p>21 (Pause.)</p> <p>22 THE WITNESS: I've read his.</p> <p>23 BY MR. FINNEGAN:</p> <p>24 Q. All right. And the -- one of the questions I</p> <p>25 have is: Up at the top where you see where it says, looks</p>
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<p>1 Q. And just so that -- we got cut off there. Just</p> <p>2 so that that question is clear in the record. It's --</p> <p>3 A. Okay.</p> <p>4 Q. It's hard to do, I know. The only -- other than</p> <p>5 [REDACTED] and some reference to the</p> <p>6 [REDACTED] girl, you're not aware of any other -- any</p> <p>7 other people that have accused Father Jeyapaul of any</p> <p>8 sexual misconduct here in the Diocese?</p> <p>9 A. Are you finished?</p> <p>10 Q. I am now.</p> <p>11 A. I cannot recall of anyone else making any</p> <p>12 allegations.</p> <p>13 Q. Thank you.</p> <p>14 And you remember having -- having some</p> <p>15 correspondence and discussions with [REDACTED]</p> <p>16 A. I remember I had a phone conversation with [REDACTED]</p> <p>17 [REDACTED], which I think she initiated. And we talked about</p> <p>18 her relationship with Jeyapaul, Father Jeyapaul. And she</p> <p>19 denied that -- as far as I can recall, and I think it's</p> <p>20 somewhere in some documentation. She -- she would not</p> <p>21 accuse him. She wouldn't -- she made -- she would not make</p> <p>22 any allegations against him.</p> <p>23 Q. And then at some later point she did -- did come</p> <p>24 forward with the allegations?</p> <p>25 A. Well, I assume so, or her parents. I can't</p>	<p>1 like it says "file" to me, does that -- is that your</p> <p>2 writing up there?</p> <p>3 A. Yes, um-hum.</p> <p>4 Q. And does that say "file"?</p> <p>5 A. "File".</p> <p>6 Q. And so this would have been an e-mail that you</p> <p>7 got that you'd printed out, and then right up there, the</p> <p>8 letter should get filed away in Jeyapaul's file?</p> <p>9 A. Correct.</p> <p>10 Q. And I'll direct you to -- to the middle portion</p> <p>11 of -- of his e-mail and then ask you a question about it.</p> <p>12 It says, "I beg you to save my name in Greenbush. Please</p> <p>13 announce My bishop did not allow me to return. Don't tell</p> <p>14 the false accusations. I hope please do this favour (for)</p> <p>15 me."</p> <p>16 Do you remember how you announced Jeyapaul</p> <p>17 leaving -- leaving the parish?</p> <p>18 A. I remember -- I think this is accurate. I</p> <p>19 remember visiting the parish and having Sunday mass there.</p> <p>20 I can't recall whether it was for a confirmation ceremony</p> <p>21 or not. I might have gone there just to do this, to have</p> <p>22 the mass and then to tell the people after mass that he was</p> <p>23 not coming back.</p> <p>24 Q. Do you remember when you had the mass at the</p> <p>25 parish in Greenbush, did you remember telling them about</p>

20 (Pages 74 to 77)

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<p>1 any of the accusations that -- that have been lodged</p> <p>2 against Jeyapaul to that point?</p> <p>3 <b>A. I think I -- I think I mentioned that there were</b></p> <p>4 <b>allegations against him.</b></p> <p>5 Q. Do you have -- have any memory of that?</p> <p>6 <b>A. Faint.</b></p> <p>7 Q. And I'll show you 40a, which looks like it's --</p> <p>8 well, you can tell me what...</p> <p>9 <b>A. If I may elaborate on that last one.</b></p> <p>10 Q. Sure, go ahead.</p> <p>11 <b>A. I would have -- I don't think I would go up and</b></p> <p>12 <b>just say, he's not coming back, period, without giving some</b></p> <p>13 <b>cause.</b></p> <p>14 Q. And this -- I'll show you this and see if this</p> <p>15 refreshes your memory (handed to the witness and to</p> <p>16 Mr. Stock).</p> <p>17 MR. FINNEGAN: This is 40a, Charlie.</p> <p>18 MR. STOCK: Thank you.</p> <p>19 (Pause.)</p> <p>20 THE WITNESS: All right.</p> <p>21 BY MR. FINNEGAN:</p> <p>22 Q. And do you remember -- this looks like a letter</p> <p>23 from you. Do you remember who you sent this to?</p> <p>24 <b>A. To the people of Greenbush, I think, and I guess</b></p> <p>25 <b>the other two parishes.</b></p>	<p>1 all these, we can summarize a little bit. You had some</p> <p>2 correspondence that you remember with Jeyapaul's home</p> <p>3 diocese about -- about the allegations?</p> <p>4 <b>A. Yes. There were letters, I think, to that</b></p> <p>5 <b>effect.</b></p> <p>6 Q. Do you remember also passing along some of that</p> <p>7 information to -- to the Holy See and the Congregation for</p> <p>8 the Doctrine of Faith about Jeyapaul?</p> <p>9 <b>A. Yes, there are a couple of letters to the</b></p> <p>10 <b>Congregation for the Doctrine of the Faith, Cardinal</b></p> <p>11 <b>Levada.</b></p> <p>12 Q. And you knew Cardinal Levada as one of the</p> <p>13 bishops on the West Coast before he was --</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. -- appointed? Do you know if the Congregation</p> <p>16 for the Doctrine of Faith or the Holy See took any action</p> <p>17 relative to --</p> <p>18 <b>A. I don't. I don't. I don't recall any response</b></p> <p>19 <b>from the congregation. There may be, but I don't recall</b></p> <p>20 <b>any.</b></p> <p>21 Q. Do you remember having any conversations with the</p> <p>22 Holy See about, or any -- any representatives of the Holy</p> <p>23 See about a lack of response? Do you remember having...</p> <p>24 <b>A. No.</b></p> <p>25 Q. Did the Diocese of Crookston, did you receive a</p>
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<p>1 Q. And outside of this letter though, you have --</p> <p>2 you have some memory of going at least to the Greenbush</p> <p>3 parish?</p> <p>4 <b>A. Yes, uh-huh.</b></p> <p>5 Q. And this, the reason, you'll see in the second</p> <p>6 paragraph, at least here in this letter, that it looks like</p> <p>7 you're saying the reason that Jeyapaul couldn't come back,</p> <p>8 or at least the reason he was telling you, was that his</p> <p>9 bishop wanted him to remain in India. Do you -- do you</p> <p>10 remember -- but you do remember having some conversation</p> <p>11 with the people about other reasons besides that for him</p> <p>12 not coming back?</p> <p>13 <b>A. I was careful here to write, "He told me by</b></p> <p>14 <b>e-mail to tell you that his bishop wants him to (stay) in</b></p> <p>15 <b>India." That's the letter. When I went up there, I -- I</b></p> <p>16 <b>think I told the people why; namely, that there were</b></p> <p>17 <b>allegations against him.</b></p> <p>18 Q. All right. And then at some point to investigate</p> <p>19 some of the stuff against Jeyapaul, you -- you appointed</p> <p>20 Jennifer Haselberger, H-A-S-E-L-B-E-R-G-E-R, to investigate</p> <p>21 it?</p> <p>22 <b>A. Um-hum.</b></p> <p>23 Q. Yes?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Thanks. And you had -- again rather than showing</p>	<p>1 copy of the -- the Dallas charter after that was issued?</p> <p>2 <b>A. Oh, yes.</b></p> <p>3 Q. And that's -- that's something that -- that the</p> <p>4 Diocese has kept?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Trying to jump you ahead a little bit. This is</p> <p>7 60a (handed to the witness).</p> <p>8 <b>A. Um-hum.</b></p> <p>9 Q. And I actually just have a couple questions for</p> <p>10 you, and I can direct you so we can move it pretty quick on</p> <p>11 this. On the second page you'll see that it looks like --</p> <p>12 like this is something given by Pope John Paul the Second</p> <p>13 in 2001. You see that the middle of the second page?</p> <p>14 <b>A. Um-hum.</b></p> <p>15 Q. Is that a yes?</p> <p>16 <b>A. Yes.</b></p> <p>17 Q. And do you remember getting a -- a document like</p> <p>18 this, or this document, from the Holy See around that time?</p> <p>19 <b>A. Yes, although it would have been transmitted to</b></p> <p>20 <b>us through the Apostolic Minseo (phonetic) in Washington,</b></p> <p>21 <b>DC, I think.</b></p> <p>22 Q. And let me -- let me direct your attention just</p> <p>23 on the first page. I can ask you a quick question, and</p> <p>24 then we can move on. And this is in the third paragraph</p> <p>25 down, you'll see where it starts, "In more recent times..."</p>

21 (Pages 78 to 81)

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<p>1 You see that?</p> <p>2 A. Um...</p> <p>3 Q. Third paragraph down.</p> <p>4 A. One, two, three.</p> <p>5 Q. Yeah. So I'll read you about that one in a</p> <p>6 minute.</p> <p>7 A. Oh, "In more recent times..." Yes, go ahead.</p> <p>8 Q. It says, "In more recent times, in order to avert</p> <p>9 these and connected delicts, the Supreme Sacred</p> <p>10 Congregation of the Holy Office, through the Instruction</p> <p>11 Crimen (sollicitanis)..." --</p> <p>12 A. Solicitationis.</p> <p>13 Q. Whew, I knew I butchered that one. "...addressed</p> <p>14 to all Patriarchs, Archbishops, Bishops, and other local</p> <p>15 Ordinaries 'even of an Oriental Rite' on March 16, 1962..."</p> <p>16 My question to you, Bishop, is: Have you ever seen that</p> <p>17 document here in the Diocese of Crookston?</p> <p>18 A. I can't say that I have. That was, what, 14</p> <p>19 years before I became Bishop.</p> <p>20 Q. Is there someplace within -- within the Diocese</p> <p>21 of Crookston that information like this, if it was</p> <p>22 something sent from the Holy See, where that would be</p> <p>23 retained?</p> <p>24 A. It would be in the chancery, I would think.</p> <p>25 Q. And is there a separate file that has to do with</p>	<p>1 don't know the technical language. They have as part of</p> <p>2 the website a Bishops Only, so that a bishop needs a</p> <p>3 password to get into that Bishops Only website.</p> <p>4 Q. And what -- what was your practice with regard to</p> <p>5 the Bishops Only website? Was that something that -- that</p> <p>6 you would look at periodically?</p> <p>7 A. Yes, um-hum.</p> <p>8 Q. How -- how often would you review that?</p> <p>9 A. Oh, when I was Bishop, about once a week. It was</p> <p>10 always new once a week.</p> <p>11 Q. And did -- did anyone else in the Diocese of</p> <p>12 Crookston have -- have access to the Bishops Only website</p> <p>13 that you know of?</p> <p>14 A. Not that I know of, no.</p> <p>15 Q. And what were the -- if you know, what were the</p> <p>16 Bishops' Friday mailings?</p> <p>17 A. That's the things that were sent to the United</p> <p>18 States Catholic Conference of Bishops during that</p> <p>19 particular week that might be of interest to all the</p> <p>20 Bishops. For example, if a Bishop had been named to some</p> <p>21 diocese, we might get inform -- we might get the</p> <p>22 information about his ordination or installation through</p> <p>23 that website.</p> <p>24 Q. And the Friday mailings, they used to be before</p> <p>25 the -- before the website that -- that the USCCB had some</p>
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<p>1 stuff from the Holy See, or how does that generally work?</p> <p>2 A. I guess so, but I can't say absolutely for sure.</p> <p>3 My custom would be to pass it on to my secretary and say,</p> <p>4 file. And then she would -- if we had a file appropriate</p> <p>5 to the document, she'd put it there. If not, she'd create</p> <p>6 a new one.</p> <p>7 Q. And you don't remember any type of instruction</p> <p>8 that you ever got on -- on this 1962 protocol?</p> <p>9 A. No.</p> <p>10 Q. Show you Exhibit 63 (handed to the witness).</p> <p>11 MR. STOCK: I don't think I have that one.</p> <p>12 MR. FINNEGAN: You don't have it? It's</p> <p>13 the -- oh, maybe I didn't. I'm sorry. I asked -- I asked</p> <p>14 Monsignor Grundhaus about it, but I didn't put it in his.</p> <p>15 So give that over to Charlie there (handed to the witness,</p> <p>16 who handed to Mr. Stock).</p> <p>17 THE WITNESS: Okay.</p> <p>18 BY MR. FINNEGAN:</p> <p>19 Q. 63, and this -- this looks like a letter to you</p> <p>20 from the General Secretary for the USCCB. And the question</p> <p>21 I have is: It references a "Bishops Only website service</p> <p>22 (formally the Bishops' Friday mailings)." What -- what is</p> <p>23 that?</p> <p>24 A. The USCCB has its own website. That's the United</p> <p>25 States Conference of Catholic Bishops. And they have --</p>	<p>1 sort of mailings that would come out periodically to the</p> <p>2 Bishops, do you remember?</p> <p>3 A. Oh, yes, a printed -- printed hard copy, yes. We</p> <p>4 would get those, I think that was once a week too. Yeah,</p> <p>5 Friday mailings. Every Friday I guess they went out.</p> <p>6 Q. And do you remember during -- during the time</p> <p>7 that you were Bishop, would have you kept and retained the</p> <p>8 Friday mailings that were hard copies that were sent out?</p> <p>9 A. No. Unless there was some document in there that</p> <p>10 was relevant to -- to something, and then I'd file that</p> <p>11 away, yes. I mean, I...</p> <p>12 Q. If there was something that pertained to you or</p> <p>13 you thought was noteworthy you'd --</p> <p>14 A. Relative to the Diocese, yes. But if it was just</p> <p>15 information on like somebody's ordination or... No, I</p> <p>16 would not keep that.</p> <p>17 Q. Tell me a little bit, Bishop, a priest, it's</p> <p>18 different than some other types of jobs that we have in the</p> <p>19 sense that the type of hours that -- that priests have to</p> <p>20 work; is that right?</p> <p>21 A. Yes, um-hum.</p> <p>22 Q. And generally, you'd expect the priests within</p> <p>23 the Diocese of Crookston during the time when you were</p> <p>24 Bishop, that they'd be at least available most of the day</p> <p>25 for their parishioners?</p>

22 (Pages 82 to 85)

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<p>1 A. Yes. They had one day off a week. But other 2 times, yes, they were expected to be available to the 3 people. 4 Q. And as a -- as a Bishop, would you expect them to 5 be available at nontraditional hours as well, not just 9:00 6 to 5:00. They're -- 7 A. For emergencies, oh, not just 9:00 to 5:00. Yes, 8 of course after -- so many of the meetings take place in 9 the evening time, after dinner when people are free from 10 their own work and they can come to the parish for parish 11 meetings and... But for emergencies, expect them to be 12 available at all times. 13 Q. I'll show you a couple more here (indicating). 14 We're a little over, but I think we're going to hit your 15 4:00 o'clock mark, or my 4:00 o'clock mark, and then we'll 16 get you out of here. Let me show you 501, Bishop. (Handed 17 to the witness.) 18 MR. FINNEGAN: Charlie, I gave you a copy of 19 this already. 20 (Pause.) 21 BY MR. FINNEGAN: 22 Q. And you don't have to look at all the pieces of 23 it. But if you look at the front page, actually the next 24 page after that, it looks like the first policy on sexual 25 misconduct in the Diocese of Crookston, at least written</p>	<p>1 A. But then I approved it. 2 Q. And this -- that was -- that was my next 3 question. But everything in here in the Code of Ethical 4 Standards for the Church Leaders in the Diocese of 5 Crookston, when -- when this was promulgated, you as 6 Bishop, would have had to approve of everything in here? 7 A. Correct. 8 Q. And do you remember, did -- did you have any -- 9 any input into the creation of this, do you remember, or 10 did you -- 11 A. Well, I think I -- 12 Q. -- delegate it to -- 13 A. Yes, I think I did in my meetings with the -- I 14 did not always meet with the sexual misconduct board, or 15 whatever it's called now. But I did meet occasionally with 16 them. And I recall having discussions about this policy, 17 yes. 18 Q. Did -- I may have asked you some -- some 19 variation of this, and just not sure if I did. Do you 20 remember having any conversations with Father Jeyapaul 21 about cultural differences between India and here in the 22 U.S.? 23 A. I don't recall having any such discussions myself 24 with him. 25 Q. Do you -- do you recall telling any -- any of the</p>
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<p>1 one, looked like it was 1992? 2 A. Correct. 3 Q. And then looks like it was revised a couple 4 times. And this one was revised in 2003 after the charter? 5 A. Correct. 6 Q. And it's -- it's correct to say that -- that the 7 policy in -- the first policy in 1992, that -- that you 8 would have had to authorize everything in that policy? 9 A. Yes. 10 Q. And everything that was in the policy and the 11 revised policy in 2003, you as Bishop would have authorized 12 that? 13 A. Yes. 14 Q. Let me show you 502 (handed to the witness). 15 A. Okay. 16 Q. And this appears to be the Code of Ethical 17 Standards for Church Leaders, Diocese of Crookston. Do you 18 remember when -- when this document was first created? 19 A. There's no date on it, huh? 20 Q. There's a date down here on the bottom. I'm not 21 sure if that's when it was created or... It says 4-28-04. 22 You see that in the corner? 23 A. Oh, yeah. I suppose it was then. I think this 24 was the work primarily of our sexual misconduct board. 25 Q. And this --</p>	<p>1 other priests in the Diocese of Crookston to have a 2 discussion with Father Jeyapaul -- 3 A. No. 4 Q. -- about cultural differences? 5 A. I already told you, I think, that Monsignor McGee 6 went up there and had that discussion with him. 7 Q. About the -- about the anonymous letter? 8 A. No. 9 Q. Or and about the -- 10 A. As a result of a anonymous letter, Tim McGee, 11 Monsignor McGee, was to go up there and discuss with him 12 that in our country there are certain boundaries which must 13 be observed. 14 Q. And other -- other than -- and you did tell me 15 about that, so I appreciate that. Other than when you 16 directed Monsignor McGee to go and talk to Father Jeyapaul 17 about the cultural differences that time, do you remember 18 any other time when you instructed any other priests of the 19 Diocese of Crookston to have a discussion with Father 20 Jeyapaul about cultural differences? 21 A. No. 22 Q. Let me -- let me look through these real quick. 23 I think we're -- 24 A. Let me add that I think we just assume that 25 whatever the cultural differences are, none of the cultures</p>

23 (Pages 86 to 89)

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1 approve of this, of sexual abuse of children.  
2 Q. And did -- I don't remember if I asked you this,  
3 if I asked Monsignor Grundhaus, but along those same lines,  
4 did -- did you have any understanding during the time that  
5 Father Jeyapaul was here, or up until the time that he left  
6 in September of -- of '05, did you ever have any knowledge  
7 about -- about the Indian culture?  
8 A. No, I have read little about it.  
9 Q. Now, let me rifle through --  
10 A. Then again, we do --  
11 Q. Go ahead.  
12 A. -- have three or four other Indian priests here  
13 in the Diocese, and one of them particularly -- who's in  
14 Frazee?  
15 MSGR. BAUMGARTNER: Ilango.  
16 THE WITNESS: Father Ilango, he and I have  
17 had some discussions on Indian culture, but mainly about  
18 cuisine and things like that.  
19 BY MR. FINNEGAN:  
20 Q. Do you know how to spell his -- his last name?  
21 A. Ilango?  
22 Q. Yes.  
23 A. I-L-A-N-G-O. First name Xavier, X-A-V-I-E-R.  
24 Q. Did you -- did you have any conversations that  
25 you remember with -- with [REDACTED]

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1 A. No.  
2 Q. Do you remember having any conversations with --  
3 with anyone in the [REDACTED] family?  
4 A. Yes, yes. With [REDACTED], um-hum.  
5 Q. What -- what do you remember about those  
6 conversations?  
7 A. I think I only had one. And I called [REDACTED] as I  
8 recall, on his cell phone; and as I recall again, he was in  
9 his truck driving somewhere. And we had a rather nice  
10 conversation, I thought, in which I offered him, or her --  
11 or his daughter, any kind of help we could possibly give.  
12 Q. And did --  
13 A. And as I recall, --  
14 Q. Go ahead.  
15 A. -- he seemed grateful for that.  
16 Q. Did you have any -- any other conversations with  
17 [REDACTED] besides the cell phone one?  
18 A. Not that I recall.  
19 Q. No -- do you remember having any -- any in-person  
20 meetings with anyone in the [REDACTED] family?  
21 A. Not that I recall, unless you have some  
22 documentation --  
23 Q. I don't.  
24 A. -- proving otherwise.  
25 Q. No, I wasn't -- I wasn't trying to --

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1 A. Okay.  
2 Q. -- set you up at all.  
3 A. Okay.  
4 Q. I was just asking the question --  
5 A. Okay.  
6 Q. -- to see if you had any memory of it. I don't  
7 have any information otherwise.  
8 That's -- that's all I have, Bishop. And I  
9 appreciate you being here, and I appreciate --  
10 A. You are finished, really?  
11 Q. I'm finished, yeah.  
12 A. God bless you.  
13 Q. Yeah. So unless -- unless your attorney has some  
14 questions...  
15 MR. SCOTT: I don't, Bishop. But under the  
16 rules that we practice in Minnesota, you have the right as  
17 a deponent to review your deposition before it gets put  
18 into its final version to determine whether the court  
19 reporter has accurately transcribed the answers that you  
20 gave today.  
21 THE WITNESS: Okay.  
22 MR. SCOTT: I think your answers were fairly  
23 clear, but I'm just going to suggest that we go ahead and  
24 exercise that right. And the court reporter will work  
25 through me, and I will in turn work through --

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1 THE WITNESS: Okay.  
2 MR. SCOTT: Monsignor Baumgartner will get  
3 that to you for review. All right?  
4 THE WITNESS: Okay. And in that revision,  
5 if there's to be a revision, is it possible to, if there  
6 were any factual errors I made, to correct them or no?  
7 MR. SCOTT: You --  
8 MR. FINNEGAN: Most --  
9 MR. SCOTT: Go ahead.  
10 MR. FINNEGAN: I was just going to say, most  
11 of the -- most of the questions that I asked you were just  
12 based off your memory until we started looking at the  
13 documents. So it's as good as your memory was.  
14 THE WITNESS: Okay.  
15 MR. FINNEGAN: And normally wouldn't --  
16 wouldn't change what your memory was, but...  
17 THE WITNESS: Okay.  
18 MR. SCOTT: Unless it's something glaring,  
19 then --  
20 MR. FINNEGAN: Yeah, if it's something big  
21 that we didn't talk --  
22 MR. SCOTT: And then you can write an  
23 explanation as to why you think it should be changed.  
24 THE WITNESS: Okay.  
25 MR. SCOTT: So...

24 (Pages 90 to 93)



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**Jane Doe 121 vs. Diocese of Crookston**

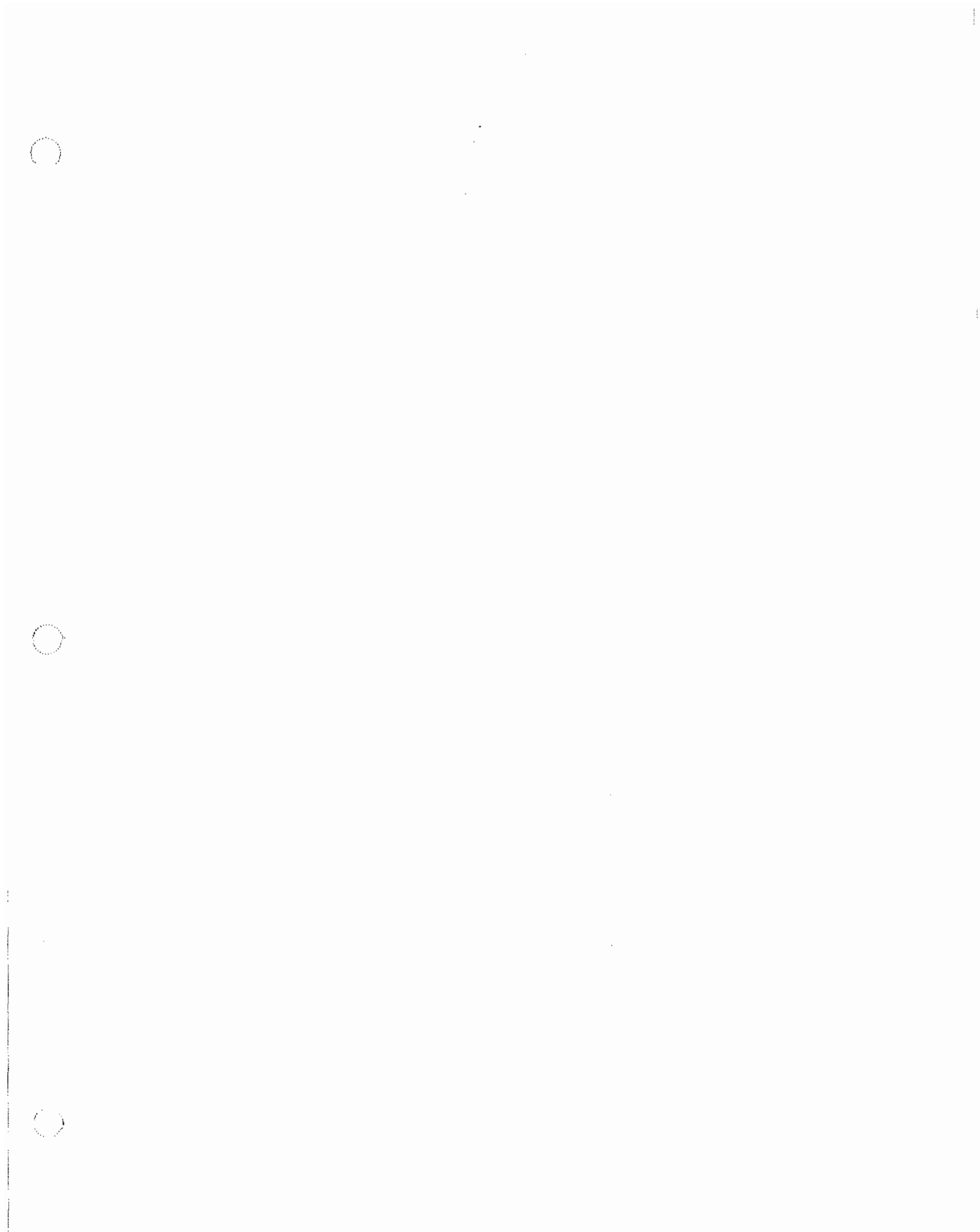
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1 THE WITNESS: Well, thank you very much.  
2 MR. FINNEGAN: You're welcome. Thank you,  
3 Bishop. I appreciate you being here.  
4 (Concluded at 3:53 p.m.)  
5 \* \* \*  
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1 I, SUSAN A. SELIGA, a Notary Public, do hereby certify  
2 that the foregoing deposition was taken in the  
3 above-entitled action under the Rules of Civil Procedure on  
4 December 14, 2009; that the witness was first duly sworn by  
5 me before the commencement of his deposition; that the  
6 testimony so given by said witness was reduced by me in  
7 stenotype and transcribed under my supervision; that the  
8 transcript is a true record, to the best of my ability, of  
9 the testimony given by the witness; and that the reading  
10 and signing of the deposition transcript was not waived by  
11 Bishop Victor Balke, and the corrections page is hereby  
12 attached.  
13 I further certify that I am not a relative, employee,  
14 attorney or counsel of any of the parties or attorneys or  
15 financially interested in the event of this action.  
16 IN WITNESS WHEREOF, I have hereunto set my hand and  
17 affixed my seal of office this \_\_\_\_\_ day of December, 2009.  
18  
19  
20 Susan A. Seliga  
21 Notary Public  
22 My Commission expires  
23 January 31, 2014  
24  
25

25 (Pages 94 to 95)



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**Very Rev. Msgr. A. Antony Samp**  
ADMINISTRATOR OF THE DIOCESE OF OOTACAMUND

BISHOP'S HOUSE POST BOX NO. 5 OOTACAMUND - 625 001 THE NISGIRI HYDRA

1<sup>st</sup> August, 2004.

**NO OBJECTION LETTER**

This is to state that **Rev. Fr. Joseph Palanivel Jeyapaul** is a priest of good standing belonging to the Diocese of Ootacamund. He was ordained a priest on 19.05.1982 and has been serving the diocese in some of our parishes and schools during the past 22 years of his priestly ministry. He is an excellent pastor of souls rooted deeply in faith and morals. At present he is in Bishop's House, Ooty.

As he is planning to work in the United States of America on an invitation from one of the parishes in the Diocese of Crookston to exercise his pastoral ministry, I give him the required permission for three years or more and have no objection to his stay in America. After his visit to U.S.A., he will return to the diocese and resume his responsibilities.



Yours Sincerely,

ADMINISTRATOR  
DIOCESE OF OOTACAMUND.

Balke

EX 4

12-14-09/SAS  
Diocese of Crookston

177

3

Voice : 0423 - (OM) 2442988. (Per) 2449854  
Fax : 0423 - 2447998

Web : [www.ootacamunddiocese.org](http://www.ootacamunddiocese.org)  
e-mail : [bishopooty@hotmail.com](mailto:bishopooty@hotmail.com)

**Very Rev. Msgr. A. Antony Samy**  
ADMINISTRATOR OF THE DIOCESE OF OOTACAMUND

BISHOP'S HOUSE POST BOX NO. 5 OOTACAMUND - 627003 TEL: 0422-2441804 FAX: 0422-7447095

1<sup>st</sup> August, 2004

To

Rt. Rev. Msgr. Roger Grundhaus  
The Priests Personnel Board Director & V.G.  
Diocese of Crookston  
Chancery Office  
1200 Memorial Drive  
P.O. Box. 610  
Crookston, MN 56716

Dear and Rt. Rev. Monsignor,

Prayerful greetings to you from Very Rev. Msgr. A. Antony Samy,  
Administrator of the Diocese of Ootacamund, Tamilnadu, India.

May I bring to your kind notice that I was elected the Diocesan  
Administrator on 7<sup>th</sup> July 2004 by the College of Consultors due to our  
Bishop's transfer to the Metropolitan See of Pondicherry and Cuddalore.

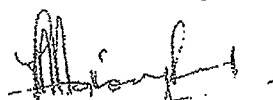
Going by the records and past experiences hereby I certify that  
Rev. Fr. Joseph Palanivel Jeyapaul is a priest of good moral standing. He  
has no alcoholic problems and sexual misconduct. He is an asset to our  
diocese for the past 22 years. Hence he will be responsible in whatever  
assignment you entrust him with.

I am enclosing the necessary letters to the Chancery by fax and  
through postal service for your perusal.

With my cordial wishes,

Yours Sincerely,



  
ADMINISTRATOR  
DIOCESE OF OOTACAMUND.

Balke  
EX 5  
12-14-09/SAS  
Diocese of Crookston  
178

Voice : 0422 - (C-11) 2442795, (M-1) 2441804  
Fax : 0422 - 7447095

Web : [www.ootacamunddiocese.org](http://www.ootacamunddiocese.org)  
e-mail : [blabrocopy@hotmail.com](mailto:blabrocopy@hotmail.com)

4  
C. S. B. 10. 11. 2004



Office of the Bishop - P.O. Box 610 - Crookston, Minnesota 56716

Tel: (218) 281-4533

Fax: (218) 281-5328

September 2, 2004

Office of Consular Affairs  
Consulate General of the United States of America  
5/1, Ho Chi Minh Sarani,  
Calcutta - 700071,  
West Bengal, India

Gentlemen:

I am Bishop Victor H. Balke, Bishop of the Diocese of Crookston, 1200 Memorial Drive, Crookston, MN 56716-0610.

The Reverend Joseph Palanivel Jeyapaul, presently residing in Nilgiris, Tamilnadu, S. INDIA, is a Roman Catholic Priest in good standing from the Diocese of Udthagamandalam, S. INDIA. He will be appointed as a parochial vicar in this diocese (of Crookston, MN) for a period of three years. He will, besides his food and shelter, receive a salary for his work as prescribed by the Diocese of Crookston and under no circumstances will he become public charge. He will be given coverage and other employee benefits as well.

May I request that you grant him an R-1 Visa for his time in the United States.

With appreciation for your attention to this matter, I am

Sincerely,

Bishop Victor H. Balke, D.D.  
Bishop of Crookston

Balke  
EX12  
12-14-09/SAS  
Diocese of Crookston  
188

**START HERE - Please Type or Print.**

**Part 1. Information about the employer filing this petition.** If the employer is an individual, use the top name line. Organizations should use the second line.

Family Name <b>Balke</b>	Given Name <b>Victor</b>	Middle Initial <b>H.</b>
Company or Organization Name <b>Diocese of Crookston</b>		
Address - Attn <b>1200 Memorial Drive</b>		
Street Number and Name <b>Crookston</b>	State or Province <b>MN</b>	Apt. #
Country <b>USA</b>	Zip/Postal Code <b>56716</b>	
IRS Tax # <b>41-0696499</b>		

**Part 2. Information about this petition.**

(See instructions to determine the fee.)

- Requested Nonimmigrant Classification (Write classification symbol on right) **R-1**
- Basis for Classification (Check one)
  - ☒ New employment
  - ☐ Continuation of previously approved employment without change
  - ☐ Change in previously approved employment
  - ☐ New concurrent employment
- Prior Petition. If you checked other than "New Employment" in item 2. (above) give the most recent prior petition number for the worker(s):
- Requested Action: (Check one)
  - ☒ Notify the office in Part 4 so the person(s) can obtain a visa or be admitted (NOTE: a petition is not required for an E-1, E-2 or R visa).
  - ☐ Change the person(s) status and extend their stay since they are all now in the U.S. in another status (see instructions for limitations). This is available only where you check "New Employment" in item 2. above.
  - ☐ Extend or amend the stay of the person(s) since they now hold this status.

Total number of workers in petition: **One**  
(See instructions for where more than one worker can be included.)

**Part 3. Information about the person(s) you are filing for.**

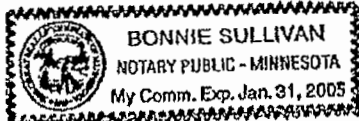
Complete the blocks below. Use the continuation sheet to name each person included in this petition.

If an entertainment group, give their group name

Family Name <b>Jeyapaul</b>	Given Name <b>Joseph</b>	Middle Initial <b>P.</b>
Date of Birth (Month/Day/Year) <b>1-20-55</b>	Country of Birth <b>India</b>	
Social Security # <b>n/a</b>	A #	

If in the United States, complete the following

Date of Arrival (Month/Day/Year) <b>n/a</b>	I-94 #
Current Nonimmigrant Status <b>Alien</b>	Expires (Month/Day/Year)



Continued on back.

**FOR INS USE ONLY**

Returned	Receipt
Resubmitted	
Reloc Sent	
Reloc Rec'd	
Interviewed	
<input type="checkbox"/> Petitioner	
<input type="checkbox"/> Beneficiary	
Class: _____	
# of Workers: _____	
Priority Number: _____	
Validity Dates: From _____ To _____	
<input type="checkbox"/> Classification	
<input type="checkbox"/> Consulate/POE/PFI Notified	
At: _____	
<input type="checkbox"/> Extension Granted	
<input type="checkbox"/> COS/Extension Granted	
Partial Approval (explain)	
Action Block	
To Be Completed by Attorney or Representative, if any	
<input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant	
VOLAG#	
ATTY State License #	

Form I-129 (Rev. 12/10/01) Y

Balke  
**EX12A** 12-14-09/SAS  
000383

#### Part 4. Processing Information.

a. If the person named in Part 3 is outside the U.S. or a requested extension of stay or change of status cannot be granted, give the U.S. consulate or inspection facility you want notified if this petition is approved.

Type of Office (Check one): ☒ Consulate ☐ Pre-flight inspection ☐ Port of Entry  
Office Address (if any) Calcutta India  
U.S. State or Foreign Country

Person's Foreign Address  
Bishop's House, P.O. Box 5, Udhagamandalam, India-643001

b. Does each person in this petition have a valid passport?

☐ Not required to have passport

☐ No - explain on separate paper

☒ Yes

c. Are you filing any other petitions with this one?

☒ No

☐ Yes - How many? \_\_\_\_\_

d. Are applications for replacement/initial I-94's being filed with this petition?

☒ No

☐ Yes - How many? \_\_\_\_\_

e. Are applications by dependents being filed with this petition?

☒ No

☐ Yes - How many? \_\_\_\_\_

f. Is any person in this petition in exclusion or deportation proceedings?

☒ No

☐ Yes - explain on separate paper

g. Have you ever filed an immigrant petition for any person in this petition?

☒ No

☐ Yes - explain on separate paper

h. If you indicated you were filing a new petition in Part 2, within the past 7 years has any person in this petition:

1) ever been given the classification you are now requesting?

☒ No

☐ Yes - explain on separate paper

2) ever been denied the classification you are now requesting?

☒ No

☐ Yes - explain on separate paper

i. If you are filing for an entertainment group, has any person in this petition not been with the group for at least 1 year?

☐ No

☐ Yes - explain on separate paper

#### Part 5. Basic information about the proposed employment and employer. Attach the supplement relating to the classification you are requesting.

Job Title Parochial Vicar Nontechnical Description of Job Assistant to a pastor

Address where the person(s) will work if different from the address in Part 1.

same as part 1

Is this a full-time position?

yes ☐ No - Hours per week \_\_\_\_\_

☒ Yes

Wages per week or per year \$21,000/yr

Other Compensation

(Explain) Board & lodging, medical ins. Value per week \$12,000/yr

Dates of intended employment

From: Oct 1, '04 to Oct 1, '07

Type of Petitioner - Check

☐ U.S. citizen or permanent resident

☒ Organization

☐ Other - explain on separate paper

Type of Business:

Pastoral ministry, Catholic Parish, Diocese of Crookston

Year established: 12-31-1909

Current Number of Employees 33

Gross Annual Income \$685,392.76

Net Annual Income \_\_\_\_\_

#### Part 6. Signature. Read the information on penalties in the instructions before completing this section.

I certify, under penalty of perjury under the laws of the United States of America, that this petition, and the evidence submitted with it, is all true and correct. If filing this on behalf of an organization, I certify that I am empowered to do so by that organization. If this petition is to extend a prior petition, I certify that the proposed employment is under the same terms and conditions as in the prior approved petition. I authorize the release of any information from my records, or from the petitioning organization's records, which the Immigration and Naturalization Service needs to determine eligibility for the benefit being sought.

Signature and Title

+ Victor H. Balke

Print Name

Victor H. Balke

Date

9-2-04

Please Note: If you do not completely fill out this form and the required supplement, or fail to submit required documents listed in the instructions, then the person(s) filed for may not be found eligible for the requested benefit, and this petition may be denied.

#### Part 7. Signature of person preparing form, if other than above.

I declare that I prepared this petition at the request of the above person and it is based on all information of which I have any knowledge

Signature

Print Name

Date

Firm Name and Address

Name of person or organization filing petition:

Bishop Victor H. Balke, Diocese of Crookston

Name of person you are filing for:

Rev. Joseph P. Jeyapaul

Classification Sought (Check one):

☐ E-1 Treaty trader

☐ E-2 Treaty investor

Name of country signatory to treaty with U.S.

**Section 1. Information about the Employer Outside the U.S. (If any)**

Name

Address

Alien's Position - Title, duties and number of years employed

Principal Product, Merchandise or Service

Total Number of Employees

**Section 2. Additional information about the U.S. Employer**

The U.S. company is, to the company outside the U.S. (Check one):

☐ Parent

☐ Branch

☐ Subsidiary

☐ Affiliate

☐ Joint Venture

Date and Place of Incorporation or establishment in the U.S.

Nationality of Ownership (Individual or Corporate)

Name

Nationality

Immigration Status

% Ownership

Assets

Net Worth

Total Annual Income

Staff in the U.S.

Executive Manager

Specialized Qualifications or Knowledge

Nationals of Treaty Country in E or L Status

Total number of  
employees in the U.S.

Total number of employees the alien would supervise; or describe the nature of the specialized skills essential to the U.S. company

**Section 3. Complete if filing for an E-1 Treaty Trader**

Total Annual Gross Trade/Business of the U.S. company

For Year Ending

\$

Percent of total gross trade which is between the U.S. and the country of which the treaty trader organization is a national.

**Section 4. Complete if filing for an E-2 Treaty Investor**

Total Investment:

Cash

Equipment

Other

\$

\$

\$

Inventory

Premises

Total

\$

\$

\$

Name of person or organization filing petition:

Name of person or total number of workers or trainees you are filing for:

List the alien's and any dependent family members' prior periods of stay in H classification in the U.S. for the last six years. Be sure to list only those periods in which the alien and/or family members were actually in the U.S. in an H classification. If more space is needed, attach an additional sheet.

**Classification sought (Check one).**

- |   |  |
|---|--|
| <input type="checkbox"/> H-1A Registered professional nurse   | <input type="checkbox"/> H-1B5 Athlete   |
| <input type="checkbox"/> H-1B1 Specialty occupation   | <input type="checkbox"/> H-1B6 Essential Support Personnel for H-1B entertainer or athlete |
| <input type="checkbox"/> H-1B2 Exceptional services relating to a cooperative research and development project administered by the U.S. Department of Defense | <input type="checkbox"/> H-2A Agricultural worker  |
| <input type="checkbox"/> H-1B3 Artist, entertainer or fashion model of national or international acclaim  | <input type="checkbox"/> H-2B Nonagricultural worker                                       |
| <input type="checkbox"/> H-1B4 Artist or entertainer in unique or traditional art form  | <input type="checkbox"/> H-3 Trainee   |
|   | <input type="checkbox"/> H-3 Special education exchange visitor program                    |

**Section 1. Complete this section if filing for H-1A or H-1B classification.**

Describe the proposed duties

Alien's present occupation and summary of prior work experience

**Statement for H-1B specialty occupations only:**

By filing this petition, I agree to the terms of the labor condition application for the duration of the alien's authorized period of stay for H-1B employment.

Petitioner's Signature

Date

**Statement for H-1B specialty occupations and DOD projects:**

As an authorized official of the employer, I certify that the employer will be liable for the reasonable costs of return transportation of the alien abroad if the alien is dismissed from employment by the employer before the end of the period of authorized stay.

Signature of authorized official of employer

Date

**Statement for H-1B DOD projects only:**

I certify that the alien will be working on a cooperative research and development project or a coproduction project under a reciprocal Government-to-government agreement administered by the Department of Defense.

DOD project manager's signature

Date

**Section 2. Complete this section if filing for H-2A or H-2B classification.**

Employment is:  
(Check one)

- ☐ Seasonal  
☐ Peakload  
☐ Intermittent  
☐ One-time occurrence

Temporary need is:  
(Check one)

- ☐ Unpredictable  
☐ Periodic  
☐ Recurrent annually

Explain your temporary need for the alien's services (attach a separate paper if additional space is needed).

Continued on back.

9

000386  
Form I-129 Supplement H (Rev. 12/10/01) Page 4

### Section 3. Complete this section if filing for H-2A classification.

The petitioner and each employer consent to allow government access to the site where the labor is being performed for the purpose of determining compliance with H-2A requirements. The petitioner further agrees to notify the Service in the manner and within the time frame specified if an H-2A worker absconds or if the authorized employment ends more than five days before the relating certification document expires, and pay liquidated damages of ten dollars for each instance where it cannot demonstrate compliance with this notification requirement. The petitioner also agrees to pay liquidated damages of two hundred dollars for each instance where it cannot be demonstrated that the H-2A worker either departed the United States or obtained authorized status during the period of admission or within five days of early termination, whichever comes first.

The petitioner must execute Part A. If the petitioner is the employer's agent, the employer must execute Part B. If there are joint employers, they must each execute Part C.

#### Part A. Petitioner:

By filing this petition, I agree to the conditions of H-2A employment, and agree to the notice requirements and limited liabilities defined in 8 CFR 214.2(h)(3)(vi).

Petitioner's signature

Date

#### Part B. Employer who is not petitioner:

I certify that I have authorized the party filing this petition to act as my agent in this regard. I assume full responsibility for all representations made by this agent on my behalf, and agree to the conditions of H-2A eligibility.

Employer's signature

Date

#### Part C. Joint Employers:

I agree to the conditions of H-2A eligibility.

Joint employer's signature(s)

Date

Joint employer's signature(s)

Date

Joint employer's signature(s)

Date

Joint employer's signature(s)

Date

Joint employer's signature(s)

Date

### Section 4. Complete this section if filing for H-3 classification.

If you answer "yes" to any of the following questions, attach a full explanation.

- Is the training you intend to provide, or similar training, available in the alien's country?
- Will the training benefit the alien in pursuing a career abroad?
- Does the training involve productive employment incidental to training?
- Does the alien already have skills related to the training?
- Is this training an effort to overcome a labor shortage?
- Do you intend to employ the alien abroad at the end of this training?

<input type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> Yes

If you do not intend to employ this person abroad at the end of this training, explain why you wish to incur the cost of providing this training, and your expected return from this training.

000387



Name of person or organization filing petition:

Name of person you are filing for

This petition is (Check one):

☐ An individual petition

☐ A blanket petition

**Section 1. Complete this section if filing an individual.**

Classification sought (Check one):

☐ L-1A manager or executive

☐ L-1B specialized knowledge

List the alien's, and any dependent family member's prior periods of stay in an L classification in the U.S. for the last seven years. Be sure to list only those periods in which the alien and/or family members were actually in the U.S. in an L classification.

Name and address of employer abroad

Dates of alien's employment with this employer. Explain any interruptions in employment.

Description of the alien's duties for the past 3 years.

Description of alien's proposed duties in the U.S.

Summarize the alien's education and work experience.

The U.S. company is, to the company abroad (Check one)

☐ Parent

☐ Branch

☐ Subsidiary

☐ Affiliate

☐ Joint Venture

Describe the stock ownership and managerial control of each company.

Do the companies currently have the same qualifying relationship as they did during the one-year period of the alien's employment with the company abroad?

☐ Yes

☐ No (Attach explanation)

Is the alien coming to the U.S. to open a new office?

☐ Yes (Explain in detail on separate paper)

☐ No

**Section 2. Complete this section if filing a Blanket Petition.**

List all U.S. and foreign parent, branches, subsidiaries and affiliates included in this petition. (Attach a separate paper if additional space is needed.)

Name and Address

Relationship

**000388**

Explain in detail on separate paper.

Name of person or organization filing petition:

Name of person or group or total number of workers you are filing for

Classification sought (Check one)

- ☐ O-1 Alien of extraordinary ability in sciences, art, education, or business.  
☐ P-2 Artist or entertainer for reciprocal exchange program  
☐ P-2S Essential Support Personnel for P-2.

Explain the nature of the event

Describe the duties to be performed

If filing for O-2 or P support alien, dates of the alien's prior experience with the O-1 or P alien.

Have you obtained the required written consultation(s)? ☐ Yes - attached ☐ No - Copy of request attached  
If not, give the following information about the organization(s) to which you have sent a duplicate of this petition.

**O-1 Extraordinary ability**

Name of recognized peer group

Phone #

Address

Date sent

**O-1 Extraordinary achievement in motion pictures or television**

Name of labor organization

Phone #

Address

Date sent

Name of management organization

Phone #

Address

Date sent

**O-2 or P alien**

Name of labor organization

Phone #

Address

Date Sent

000389

12

Name of person or organization filing petition:

Name of person you are filing for:

Victor H. Balke, Bishop of Crookston

Rev. Joseph P. Jeyapaul

**Section 1. Complete this section if you are filing for a Q international cultural exchange alien.**

I hereby certify that the participant(s) in the international cultural exchange program:

- is at least 18 years of age;
- has the ability to communicate effectively about the cultural attributes of his or her country of nationality to the American public, and has not previously been in the United States as a Q nonimmigrant unless he/she has resided and been physically present outside the U.S.
- for the immediate prior year.

I also certify that the same wages and working conditions are accorded the participants as are provided similarly employed U.S. workers.

Petitioner's signature

Date

**Section 2. Complete this section if you are filing for an R religious worker.**

List the alien's, and any dependent family members, prior periods of stay in R classification in the U.S. for the last six years. Be sure to list only those periods in which the alien and/or family members were actually in the U.S. in an R classification.

None

Describe the alien's proposed duties in the U.S.

Presiding at religious services (Mass), preaching, hearing confessions, visiting the sick, conducting funerals, assisting a pastor of a parish in all pastoral activities and the administering of sacraments; teaching religious education.

Describe the alien's qualifications for the vocation or occupation.

Ordination to the priesthood (5-19-82), degree in philosophy (Sacred Heart Seminary, Chennai), degree in theology (St. Paul's Seminary, Tiruchi), B.A. in Sociology, M.A. in Political Science, Pastor 1982-1996, Teacher 1996-2003, pastor again to the present.

Description of the relationship between the U.S. religious organization and the organization abroad of which the alien was a member.

Both the Diocese of Udhagamandalam, India, to which he belongs, and the Diocese of Crookston belong to the Catholic Church. Father Joseph P. Jeyapaul has both the permission of his bishop and the permission of the Bishop of Crookston for this pastoral assignment.

**000390**

13

Attach to Form I-129 when more than one person is included in the petition. (List each person separately. Do not include the person you named on the form).

000391

14

Attach to Form 1-129 when more than one person is included in the petition. (List each person separately. Do not include the person you named on the form).

000392

U.S. Department of Homeland Security  
Bureau of Citizenship and Immigration Services

# I-129S, Nonimmigrant Petition Based on Blanket L Petition

START HERE - Please Type or Print

FOR BCIS USE ONLY

**Part 1. Information about employer.**

Sponsoring Company or Organization's Name

Diocese of Crookston

Address - ATTN:

Bishop Victor H. Balke, D.D.

Street Number and Name

Room/Suite #

1200 Memorial Drive

City or Town

State or Province

Country

Zip/Postal Code

Crookston

MN

USA

56716

**Part 2. Information about employment.**

This alien will be a:

a. ☐ manager/executiveb. ☒ specialized knowledge professional

Blanket petition approval number:

**Part 3. Information about employee.**

Family Name

Given Name

Middle Name

Jeyapaul

Joseph

Palanivel

Foreign Address: Street Number and Name

Apt. #

Bishop's House, P.O. Box 5

City or Town

State or Province

Country

Zip/Postal Code

Udhagamandalam

India

643001

Date of Birth (mm/dd/yyyy)

Country of Birth

Country of Citizenship

1-20-55

India

India

**Part 4. Additional information about the employment.**

Address: Street Number and Name

Room/Suite #

1200 Memorial Drive

City or Town

State or Province

Country

Zip/Postal Code

Crookston

MN

USA

56716

Date of intended employment (mm/dd/yyyy):

From: Oct. 1, 2004

To: October 1, 2007

Weekly Wage

Hours Per Week

\$ approx. \$500

\$ 40+

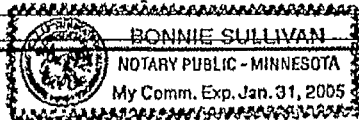
Title and detailed description of duties to be performed

Parochial Vicar. Celebration of Mass and Sacraments,

visiting the sick, teaching children, youth and adults

the basics of the Catholic faith. Other duties as assigned

by the pastor of the parish.



Form I-129S Form (Rev. 04/23/03)N (Prior versions may be used until 09/30/03)

Returned	Receipt
Date	
Date	
Resubmitted	
Date	
Date	
Reloc Sent	
Date	
Date	
Reloc Rec'd	
Date	
Date	
<input type="checkbox"/> Petitioner Interviewed on _____	
<input type="checkbox"/> Beneficiary Interviewed on _____	
Approved as:	
<input type="checkbox"/> manager/executive	
<input type="checkbox"/> specialized knowledge	
Validity Dates:	
From: _____	
To: _____	
Denied (give reason)	
Action Block	
To Be Completed By Attorney or Representative, if any.	
<input type="checkbox"/> Fill in box if G-28 is attached to represent the petition.	
ATTY State License #	

000393

**Part 4. Information about employer.** (Continued)

Give the alien's dates of prior periods of stay in the United States in a work authorized capacity and the type of visa.

None

Give the alien's dates of employment and job duties for the immediate prior three years.

1996 - 2003 St. Alphonse's School, Kundah, India (teacher)
2003-2004, St. Michael's Church, Ketti, India (pastor)

Summarize the alien's education and other work experience.

Earned degrees in Philosophy, Theology, Sociology, and Political Science.
Ordained to the priesthood 5-19-82
Experienced pastor and teacher.

**Part 8. Signature.** Read the information on penalties in the instructions before completing this section.

I certify, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it are all true and correct. I am filing this on behalf of an organization, and I certify that I am empowered to do so by that organization. If this petition is to extend a prior petition, I certify that the proposed employment is under the same terms and conditions as in the prior approved petition. I authorize the release of any information from my records, or from the petitioning organizations records that the Bureau of Citizenship and Immigration Services needs to determine eligibility for the benefit being sought.

Signature	Date (mm/dd/yyyy)	Daytime Telephone Number (with area code)
X + <i>Victor H. Dalke</i>	9-2-04	218-281-4533

Please Note: If you do not completely fill out this form or fail to submit required documents listed in the instructions, the person(s) petitioned for may not be found eligible for the requested benefit and this petition may be denied.

**Part 9. Signature of person preparing form if other than above.** (Sign below.)

I declare that I prepared this application at the request of the applicant and it is based on all information of which I have knowledge.

Signature	Print or Type Your Name	Fax Number (if any)	Date (mm/dd/yyyy)

Firm Name and Address	Daytime Telephone Number (with area code)

000394



Office of the Bishop - P.O. Box 610 - Crookston, Minnesota 55716

Tel: (218) 281-4533

Fax: (218) 281-3328

September 21, 2004

Dear Fr. Joseph Palanivel Jeyapaul,

Welcome to the Diocese of Crookston!

By this letter I am giving you faculties to celebrate the Eucharist and, with the permission of Fr. Tim McGee, Pastor of St. Bernard's, to preach and to administer the other Sacraments.

As Msgr. Grundhaus told you, the Personnel Board wants to meet with you on October 8 at the Chancery. After that, we will decide on your future within the Diocese.

Sincerely yours in Christ,

+ *Victor H. Balke*

+Victor H. Balke  
Bishop of Crookston

Cc: Fr. Tim McGee

*Balke*  
**EX18**  
*12-14-09/SAS*  
Diocese of Crookston  
196



Parish Name: \_\_\_\_\_

Account Number=T182814533

City of Parish: \_\_\_\_\_

Nonprofit Organization

**Certification of Non-Conviction Policy  
Acknowledgment and Agreement  
Authorization for Background Check**

I hereby certify that I have not been convicted under the laws of Minnesota, or any other state of the United States, or the laws of any other jurisdiction, of committing, attempting to commit, or conspiracy to commit, any crime, whether a felony or a misdemeanor, in the areas of juvenile prostitution or pimping, obscenity, child pornography, sexual assault, sexual abuse, child exploitation, the controlled substance act, a crime of violence, or any other crime where the victim was under the age of eighteen at the time of the offense.

I hereby authorize the Diocese of Crookston, and any of its parishes, schools, agencies, or institutions, whether or not separately incorporated, to perform a background check and to share that information among themselves.

I hereby authorize the submission of my name to the Bureau of Criminal Apprehension and/or other law enforcement agencies for the purpose of conducting a criminal background check pursuant to MN Statute 123b.03 and agree to execute any forms required by any agency for such purpose.

JEYAPPAUL

First Name

\_\_\_\_\_

Middle Name

JOSEPH PALANIVEL

Last Name

\_\_\_\_\_

Maiden/Other Previous Name

\_\_\_\_\_

Social Security Number

20-01-1955

Date of Birth

\_\_\_\_\_

Driver's License Number  
(If none, write "N/A")

\_\_\_\_\_

Driver's License State

Male

Sex

\_\_\_\_\_

County of Residence

\_\_\_\_\_

Street Address

\_\_\_\_\_

City

\_\_\_\_\_

State

\_\_\_\_\_

Zip Code

If you have moved within the past year, list all previous addresses for the past 12 months (use back if needed)

☐ Check this box if you work at a parish that has a school

☐ Check this box if you are a volunteer

I understand that any false statement or certification herein will be grounds for immediate termination. The expiration of this authorization shall be for a period no longer than 1 year from the date of signature.

[Signature]

Signature

24<sup>th</sup> Sept 2004

Date

Revised 6/15/04

Balke

**EX19**

12-14-09/SAS

Diocese of Crookston

197

Parish Name: \_\_\_\_\_

Parish City: \_\_\_\_\_

SEXUAL MISCONDUCT POLICY OF THE DIOCESE OF CROOKSTON  
BACKGROUND QUESTIONNAIRE CONCERNING SEXUAL ABUSE  
ACKNOWLEDGEMENT OF RECEIPT

1. Have you ever been convicted of a crime of sexual abuse, physical abuse, sexual harassment or exploitation? \_\_\_\_ Yes ☒ No
2. Has any civil or criminal complaint, or any other written complaint, ever been made against you relating to sexual abuse, sexual harassment or exploitation, or physical abuse? \_\_\_\_ Yes ☒ No
3. Have you ever terminated your employment or had your employment terminated for reasons relating to allegations of sexual abuse or physical abuse by you, or relating to civil or criminal complaints for sexual or physical abuse against you? \_\_\_\_ Yes ☒ No
4. Have you ever received any medical treatment, physical or psychological, for reasons involving your physical or sexual abuse of others? \_\_\_\_ Yes ☒ No
5. Have you ever entered into any agreement with any past employer not to divulge the true reason for termination of employment? \_\_\_\_ Yes ☒ No

(If you answered "yes" to questions 4 or 5, you will be asked to execute an authorization for further information.)

I hereby acknowledge that I have received a copy of the Sexual Misconduct Policy of the Diocese of Crookston and that I have read it, understand its meaning, and agree to conduct myself in accordance with the Policy. I also acknowledge that I am fully aware of the consequences of any non-compliance.

Date: 24th Sept 2004

Signed: [Signature]

Position: \_\_\_\_\_

Revised 6/11/04  
Balke  
EX-20  
12-14-09  
Diocese of Crookston  
198

The Diocese of Crookston  
P.O. Box 610, Crookston, MN 56716  
Employment Background Check

Bishop of OOTACAMUND  
Name of Previous/Other Current Employer

Fr. Antony, Administrator

Bishop's House, P. Box No: 5  
Mailing Address

OOTACAMUND, 643001, TAMILNADU, INDIA  
City State Zip

Re: FR. JAYAPPAUL  
Name of Person Applying for Employment

\_\_\_\_\_  
Social Security Number  
20-01-1955  
Date of Birth

Note to Employee: if you have been unemployed or self-employed for more than three years, this employment check does not need to be done. Write "N/A" in the blank labeled "Name and address of previous/other current employer" and sign the bottom of the form.

Dear Employer:

Your former/current employee, Fr. Jayappa, has applied to be employed by us. We have developed procedures which require that we request a background check with you as a previous/current employer to determine whether your former/current employee was ever the subject of any allegation, report or investigation concerning the occurrence of misconduct including sexual abuse, physical abuse, sexual exploitation or sexual harassment. This would include occurrences of sexual misconduct involving a child or children, involving persons who sought counseling or therapy, involving persons who were vulnerable because of impairment of mental or physical function or emotional status, or involving other past or present employees.

Set forth below is an Authorization for Release of Information from your former/current employee. Enclosed is a Response by Employer Form; please take a minute to complete this form and return it to us. An addressed, stamped envelope is provided for your response. Your cooperation is appreciated.

Thank you.

\*\*\*\*\*

I, Fr. Jayappa, hereby authorize the above-named employer to release information for the purpose of evaluation of my application for employment. I agree not to hold my former/current employer liable for release of any information in connection herewith.

Dated: 24<sup>th</sup> Sept 2004  
Fr. Jayappa  
Signature of Person Applying for Employment

Balke  
EX21  
12-14-09/SAS  
Revised 6/15/04



Office of the Bishop - P.O. Box 610 - Crookston, Minnesota 56716

Tel: (218) 281-4533

Fax: (218) 281-3328

October 19, 2004

The Rev. Jeyapaul Palanivel  
St. Bernard's Church  
105 Knight Ave. N.  
Thief River Falls, MN 56701

Dear Father Palanivel,

By this letter I am appointing you as Parochial Vicar to Fr. Donald Braukmann, newly appointed pastor of the cluster of parishes in Warroad, Baudette, Williams and Falun, effective November 3, 2004, though you will not take up residence in Baudette until January 3, 2005.

Father Braukmann, with the help of Deacon Jim Lukenbill, will assist you in becoming familiar with ministry in the parishes. They, together with you, will devise a plan and a schedule of ministry by which you will all be working together in all four communities of faith.

Thank you for coming to our Diocese from far-off India. I'm sure there is much for you to learn about our culture and even our way of being Church. Please be patient with yourself in learning about us.

I sincerely pray that this will all prove to be for the good of the people of the cluster, and for the good of all involved.

Sincerely in Christ,

+Victor H. Balke  
Bishop of Crookston

Msgr. Roger Grundhaus, V.G.

Cc. Rev. Donald Braukmann

Balke  
Ex 22  
12-14-09/SAS  
Diocese of Crookston  
258

Very Rev. Msgr. A. Antony Samp  
ADMINISTRATOR OF THE DIOCESE OF OOTACAMUND

BISHOP'S HOUSE

POST BOX NO. 5

OOTHACAMUNDALAM 643 001

THIRUVILGIRI

INDIA

12<sup>th</sup> October, 2004

To

Diocese of Crookston  
Office of the Parish Administration  
PO Box 610  
Crookston MN 56716  
U.S.A

Dear and Very Rev. Monsignor,

Received your letter dated October 10, 2004. Thank you very much for the association with the Diocese of Ootacamund. Hereby I enclose the duly filled in the Response by Employer Form with my seal and signature. Hope the ministry of Fr. Jeyapaul will be of great help for the diocese. Wish you every success.

. With prayerful wishes,

Yours in Christ,



*[Signature]*  
ADMINISTRATOR  
Diocese of Ootacamund

*Balke*  
**EX23**  
12-14-09/SAS  
Diocese of Crookston

200

Voice : 0423 - (Off) 2442366, (Per) 2441604  
Fax : 0423 - 2447996

Web : [www.ootacamunddiocese.org](http://www.ootacamunddiocese.org)  
e-mail : [bishopooty@hotmail.com](mailto:bishopooty@hotmail.com)

## Response by Employer

We, as a former/current employer of Fr. Joseph Palanivel Jeyepaul, respond that while employed by us, the former/current employee

\_\_\_\_\_ was  
✓ \_\_\_\_\_ (please check one)  
\_\_\_\_\_ was not

the subject of any allegations, report or investigation concerning the occurrence of sexual abuse, physical abuse, sexual exploitation, or sexual harassment.



Very Rev. Msgr. A. Antony Samy  
Signature

ADMINISTRATOR OF THE DIOCESE OF OOTACAMUND

Title

OCTOBER 29, 2004

Date

If we checked "was" above, we are able to provide the following further information:

Balke  
EX 24  
12-14-09/SAS  
Diocese of Crookston  
201

**Information You Need...When You Need it!** If your consumer is a California resident, the following notice is provided as required under California law:

1. The report does not guarantee the accuracy or truthfulness of the information as to the subject of the investigation, but only that it is accurately copied from public records. Evidence of identity theft may or may not be identified from this report.
2. The recipient of this report shall give a copy of this report to the subject of the report.
3. Failure to provide a copy of the report as required by law may expose you to liability as specified in Section 1786.50.

Report For:  
 palanivel, jeyapaul joseph  
 SSN 000000000  
 5 post box, bishops ho udhagamandalam Georgia

Date Ordered: 10/19/04  
 Last Updated: 11/08/04

PALANIVEL, JEYAPPAUL JOSEPH  
 000-00-0000  
 CID- 0003925158

## Profile Series EMPLOYMENT REPORT

**CONFIDENTIAL**

CHOICEPOINT / SCREENNOW  
 ATTN: CHAD RYAN  
 2001 AIRPORT ROAD  
 SUITE 201  
 JACKSON, MS 39208-

ACCT NO: 990214  
 File Number: SCN067864\_620\_0

*Balke*  
**EX25**  
*12-14-09/5A*

**Caution to Customer:** Under the terms of our Service Agreement, this report is submitted with the understanding that

For Consumer Disclosure, contact ChoicePoint Consumer Center at  
 (800) 845-6004.  
 For information concerning the preparation of the report, contact  
 ChoicePoint Customer Service at the  
 ATLANTA EMPLOYMENT SERVICE CENTER at (800) 888-5773

**GENERAL INFORMATION**

Account: 990214	File SCN067864_620_0	Requestor	CHAD RYAN
Name	PALANIVEL, JEYAPPAUL JOSEPH	SSN	000-00-0000
Address	5 POST BOX, BISHOPS HO UDHAGAMANDALAM GA	DOB	01/20/XXXX
Position applied for		Report date	11/08/2004

**IDENTIFICATION****Social Security Number Validation**

THE SSN WAS NOT PROVIDED; SSN VALIDATION WAS NOT PERFORMED

DISCLAIMER: THESE RESULTS REPRESENT A VALIDATION OF ONLY THE NUMBER AND NO OTHER INFORMATION.

**Identity Verification**Name verifiedAddress verifiedDOB verifiedSSN  
verified

YES

**SSN VALIDATION**

WARNING : SSN 000000000 is not in our database of validly issued SSN's

**CASEID 3925158****OPTION INFORMATION**

Report option: 2111

Report name: PER COMPONENT

ComponentsRemarksConsiderationScore

Other Component

NO

Comments

**NOTIFICATION**Diocese of Crookston  
203[https://www.employment.screennow.com/cgi-bin/private/ht\\_retrieveReportList?sel001=632...](https://www.employment.screennow.com/cgi-bin/private/ht_retrieveReportList?sel001=632...) 11/8/2004



DATE SCAN
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<u>Start Date</u>	<u>End Date</u>	<u>Name</u>	<u>Component</u>
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Asterisk (\*) dates are automatically calculated by the system.

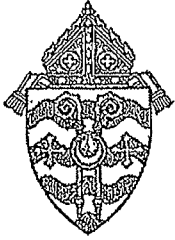
OTHER COMPONENT
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Description	INDIA CRIMINAL
-------------	----------------

Remarks	<p>10/19/2004 INDIA CRIMINAL REQUEST HAS BEEN SUBMITTED AND WILL BE AVAILABLE UPON RECEIPT. PLEASE ALLOW 2-4 WEEKS FOR COMPLETION. CW</p> <p>11/08/04: WITH REFERENCE TO YOUR CANDIDATE, A PRESS DATA BASE SEARCH COVERING THE PAST TWENTY YEARS REVEALED NO RECORDS ON EITHER YOUR APPLICANT OR THE ADDRESS IN INDIA. RECORDS FOUND CLEAR.</p>
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END OF REPORT FOR:  
palanivel, jeyapaul joseph

Diocese of Crookston  
204



## The Diocese of Crookston

P.O. BOX 610 • CROOKSTON, MINNESOTA 56716

*The Chancery*  
281-4533

November 16, 2004

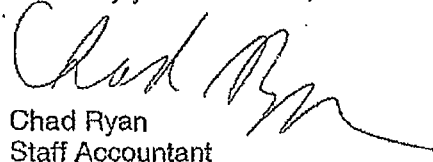
Rev Msgr Roger Grundhaus  
Diocese of Crookston  
PO Box 610  
Crookston MN 56716

Dear Msgr. Grundhaus,

The Office of Parish Administration has completed the background check on Fr. Joseph Jeyepaul, a new priest in the Diocese of Crookston. This check did not uncover any items that are cause for action.

If you have any questions, give me a call.

Sincerely yours in Christ,

  
Chad Ryan  
Staff Accountant

Balke  
EX26  
12-14-09/SAS  
Diocese of Crookston  
205



Office of the Bishop - P.O. Box 610 - Crookston, Minnesota 56716

Tel: (218) 281-4533

Fax: (218) 281-3328

December 1, 2004

Rev. Jeyapaul Palanivel  
Blessed Sacrament Church  
P. O. Box A  
Greenbush, MN 56726

Dear Fr. Jeyapaul,

By this letter, delivered to you by Msgr. Grundhaus, Vicar General, I am appointing you as temporary administrator of Blessed Sacrament Parish in Greenbush, St. Joseph's Parish in Middle River, and of St. Edward's Parish in Karlstad, effective immediately and lasting to July 1, 2005.

This is a temporary assignment simply because we ordinarily do not make appointments at this time of year. It may well be that your assignment to these parishes will take on a more permanent character next July 1.

I am asking Fr. Tim McGee, whom you know, to attend the meetings of your Finance Councils. The purpose for this is to make sure that you understand the purpose and the workings of the Council in the administration of the parishes. Please inform him, therefore, when these meetings will be held.

We have heard very good things about your ministry, and I want to applaud you for serving the people of these parishes so wholeheartedly and unreservedly, giving glory to God and building up his Kingdom as you do so.

May God continue to bless you with the gift of his sevenfold Spirit.

Sincerely yours in Christ,

+ *Victor H. Balke*

+Victor H. Balke  
Bishop of Crookston

*Msgr. R. Grundhaus*

Vicar General

Balke

EX27

12-14-09/SAS

Diocese of Crookston

206



office of the Bishop - P.O. Box 610 - Crookston, Minnesota 56716

Tel: (218) 281-4533

Fax: (218) 281-3328

February 23, 2005

Rev. Jeyapaul Palanivel  
Blessed Sacrament church  
P.O. Box A  
Greenbush, MN 56726

Dear Father Jeyapaul,

I am sorry to have to inform you of how unhappy I am to learn that you are instigating a personal appeal from your parishioners without the permission of the Bishop. That is forbidden.

When you came here I was under the impression that you wished to have a sabbatical after a number of effective years in ministry in India, that you wished to have an experience of the Church in America and that you were offering your services to us in fulfillment of that wish. You said nothing about an ongoing appeal for funds and now I feel that you are 'using' us simply to meet your own agenda.

This appeal comes at a particularly inappropriate time, since our own Diocesan Appeal is in progress and in Lent the Church throughout America holds several collections for assistance to the universal Church; the restoration of the Church in Eastern Europe and Russia after 75 years of Communism, the Black and Native American missions in our own country, Catholic Relief Services for assistance in crisis that arise throughout the world, and finally on Good Friday the collection for the Holy Land. Our people are encouraged to participate in all of these.

Your ministry thus far in Greenbush has met with acceptance; you have much to share with the people there of the challenge of living the Gospel in India. However, making a personal appeal without leave of the Bishop is considered a serious breach of ethics here. Therefore I insist that you stop this immediately.

Yours in Christ,

Msgr. Roger Grundhaus, V.G.  
Moderator of the Curia

Cc Fr. Don Braukmann

Balke  
EX28  
12-14-09/SAS  
Diocese of Crookston  
260

## An Appeal from Father Jeyapaul

Dear Friends,

This is my personal appeal to you.

I am father Jeyapaul from the south part of India. I belong to the diocese of Ootacamund. From nov 2004 till today I do my ministry with you. I bring to your kind notice some of the facts of my people.

The whole area of my diocese is situated on a very big mountain. The people are economically very poor and in a tribal culture. Most of them are illiterate. Their main problem is the children are unable to go to school due to poverty. They do not have proper shelter or homes. They are uneducated daily wage labour. According to Indian money they get wage \$ 2 per day. So it is very hard for them to send their children to the school.

As I worked 22 years among these people I found two problems which need to be eradicated as early as possible. To do this mission I am in dire need of money.

In view of this mission I have taken up 2 projects to execute as my first strategy. The first one is educating atleast 100 very poor and orphan children. I selected these children from my parish villages. They are from first grade to 12 th grade. I kept them in different boarding homes run by our catholic nuns schools. They provide shelter in the boarding home, food, clothes, books, notebooks, school fees and stationary. Every month I pay \$ 50 per child.

Secondly I do build low cost houses for each family who do not have house. The cost per house is \$ 500.

I do this two projects by spending my full salary. But it is not enough. I kindly ask you to consider my project. I ask you to contribute to this project generously. I promise whatever you contribute it helps the poor people in India, Particularly the parish where I worked 12 years.

Awaiting your generous contribution. You can send to me by cash or check.

Every month also you can help as you like.

Thank you May All mighty Lord Bless you.

*This is what  
Fr Jeyapaul  
was/is giving  
to people - - -*

000536  
Balke  
EX28C  
12-14-09/SAS

Roger

~~Handwritten scribbles~~

VB



Cathedral of Immaculate  
Conception  
702 Summit Ave.  
Crookston, Mn. 56716

56716#2736



Balke

Ex 30

12-14-09/SAS  
Diocese of Crookston

106

To Whom it may concern,

I am worried about a sixteen  
yr old girl of my acquaintance.  
She was invited to the Priest's  
house in Greenbush with a  
girl friend for a birthday dinner.  
He has given her a cellphone.  
He has kissed her, tells her its  
ok because he's a priest.  
It looks to me as if he is  
seducing her.

I am aware of the good you  
do; as a church. But clergy  
of any denomination can  
make mistakes that are painful.  
I am trusting that you will  
investigate.

Sincerely, a mother

This morning Bishop Balke phoned me and asked me to go to Greenbush to visit with Father Jeyapaul in regard to an unsigned letter that had come to his attention.

I arrived at Greenbush at 2:05 P.M. and met Father Jeyapaul in the Parish Office.

I asked Father about the girl and her friend who had had a meal with him at the Greenbush rectory. He told me that he met her on the bus that was going to Steubenville North in St. Paul. He said her name was \_\_\_\_\_. She had indicated that he was interested in religious life and that she was interested in his being her "guide" as time went on. He had indicated that he told her that during the year there would be opportunities that would nurture her faith there in Greenbush with the Life Team Program.

After their visit he indicated that he had visited with her parents at their home and asked if it would be alright for him to help their daughter as she discerned. Father indicated that they said yes it would be alright.

Father indicated that the meal that they had in the rectory was at the time of the girl's birthday. Because the writer of the letter indicated that Father had given the girl a cell phone, I asked him directly about that. He said that he had not given her a cell phone but had given her some cash (\$30) as a birthday gift.

I went on to tell him that it was inappropriate for him to be having minors in the house like he did. I told him that if she wanted to see him further that it needed to be in the Parish Office with other staff present in the Offices. He indicated that nothing inappropriate had taken place. I reiterated the whole scandal thing and reminded him of the Sexual Misconduct Policy and how it relates to minors.

He asked me for a copy of the letter that I had read to him. I told him that he could ask the Bishop for a copy.

I did ask him if there were any thing else that might be cause for concern along these lines and he said "No Father".

I left at approximately 2:45 P.M.

Father Tim McGee  
August 26, 2005

Balke  
Ex 31  
12-14-09/SAS  
Diocese of Crookston  
293



MEMORANDUM

August 26, 2005

When I returned to the Chancery this morning, after arriving home last night from the MCEA convention, I was informed of a letter that had been sent to the Cathedral. The Cathedral personnel opened it, only to find that it spoke of some possible, but indirect, allegation against the priest in Greenbush. The letter was addressed to "To Whom it may Concern":

"I am worried about a sixteen yr old girl of my acquaintance. She was invited to the Priests house in Greenbush with a girl friend for a birthday dinner. He has given her a cell phone. He has kissed (? , not entirely legible) her, tells her it's ok because he's a priest. It looks to me as if he is seducing her.

"I am aware of the good you do, as a church. But clergy of any denomination can make mistakes that are painful. I'm trusting that you will investigate.

Sincerely, a mother"

The question was raised: is this reportable to civil authorities? After trying to reach Dan Rust, our attorney, and failing, I called Fr. Tim McGee in Thief River Falls. I read the letter to him, and then faxed it to him. I asked him to visit the priest in Greenbush, and he will do so this afternoon, to ask him about the contents of the letter.

After doing that, I was able to contact Charley Stock, partner with Dan Rust. I read the letter to him. I told him that I asked Fr. McGee to visit with the priest, and he said that, given the anonymity and second-hand nature of the allegation, it was a good thing for Fr. McGee to make the visit. Also, because of the anonymity and the second-hand nature of the allegation, he did not think it was reportable to civil authorities at this time.

After I (or Msgr. Grundhaus, who returns from vacation tomorrow) receive(s) a report from Fr. McGee, we will speak again with one of our attorneys on Monday, August 29.

+Victor H. Balke

+Victor H. Balke

Bishop of Crookston

Balke 000557  
EX31B  
12-14-09/SAS

Memorandum

August 26, 2005

At approximately 4:00 p.m. Fr. Schreiner called me. He had received a call from Mitch and Lee Walski about Fr. Jeyapaul giving certain favors to young women of the parish, among the favors, precious perfume. The Walskis had emailed Msgr. Grundhaus on the eve of the 25<sup>th</sup>, but he was not here to receive it since he is on vacation and will return tomorrow. I asked Fr. Schreiner to call the Walski's back, and to tell them to email me everything they knew about Fr. J. handing out favors to certain young women.

I returned to the chancery at about 5:15, but the Walski's had not yet emailed me anything. I returned again at about 7:00 p.m., and still there was nothing.

I then called Fr. Schreiner to let him know I had not received anything. He then said he would call them and ask them to send it again not to vbalk (as they may have done) but to vhbalk.

I received the emails from the Walski's, but the only thing sent was a copy of the email they had sent to Msgr. Grundhaus the eve before, signed by Mitch Walski. I asked Fr. Schreiner to tell him of this, and he was to call them back and have them send another email giving more information.

Another email arrived; this one signed by Lee Walski. Both Mitch's and Lee's are attached to this memorandum.

I did nothing more about this at this time, Friday, August 26, 2005, 7:30 p.m., since no actual allegations from any victims had been made.

I will share all this with Msgr. Grundhaus when he returns tomorrow, August 27<sup>th</sup>.

+VHB

*Sr. Tim Mc Kee's memo is  
also attached.  
+V.H.B.*

*Balk*

**Ex 31C**

*12-14-09 / SAS*

000435

**Victor Balke**

From: "walski" <walski@wiktel.com>  
To: <vhbalke@crookston.org>  
Subject: Fw: Cullen: Friday, Aug. 26, 2005  
Date sent: Fri, 26 Aug 2005 19:18:58 -0500

----- Original Message ----- From: walski  
To: vhbalke@crookston.org  
Sent: Friday, August 26, 2005 6:55 PM  
Subject: Fw: Cullen: Friday, Aug. 26, 2005

----- Original Message ----- From: walski  
To: vhbalke@crookston.org  
Cc: Fr. Roger Grundhaus  
Sent: Friday, August 26, 2005 6:37 PM  
Subject: Cullen: Friday, Aug. 26, 2005

Friday, Aug. 26, 2005

Dear Bishop,

Today, at approximately 3:00pm I received a telephone call from [REDACTED] of Greenbush. She was concerned as to whether or not we had spoken to [REDACTED]. I told her we had spoken to her Thursday (Aug. 25) evening and that we had notified the diocese of her concerns. I also told [REDACTED] that it was the Chancellor, Msgr. Grundhaus, that would deal with the information and that he was presently on vacation and would be back in his office on Monday morning.

On Thursday evening, [REDACTED] had only indicated that she had spoken to Fr. John Kleinwachter about her concerns, but [REDACTED] indicated that she had spoken to [REDACTED] twice during the day on Thursday.

When asked whether [REDACTED] shared the information with others she said she had spoken to her husband, [REDACTED], her son, [REDACTED], and her friend [REDACTED] (of Greenbush).

In addition, she shared with me some concerns she had about Fr. Jeyapaul's relationship with [REDACTED] (teenage parishioner of Blessed Sacrament, daughter of [REDACTED] and [REDACTED]).

She said that Fr. Jeyapaul had been spending time with the [REDACTED] family and was especially fond of [REDACTED].

Below are some of the things she had either witnessed or heard second hand. The conversation went by very quickly and with a fussy baby, I do not trust my judgment to determine which conversations she heard second hand and which she had first hand.

1. [REDACTED] said Fr. Jeyapaul had, on occasion, kissed [REDACTED] on the cheek. [REDACTED] was not comfortable with this so her mother expressed her concern to Fr. Jeyapaul and the behavior stopped.
2. Fr. Jeyapaul had given [REDACTED] gifts for her birthday, sweatshirt & large makeup kit, that her mother felt were in excess of \$50.
3. Fr. Jeyapaul had said on many occasions that [REDACTED] was "the daughter he never had".
4. Fr. Jeyapaul expressed to [REDACTED] how much he liked her perfume and inquired as to whether [REDACTED] would give him some. [REDACTED] said she would buy him some and so he gave her the money to purchase the perfume.
5. Concerning the purchase of the perfume, [REDACTED] mother said to [REDACTED] "What is he going to do with

Balke

Ex31d  
12-14-09

000436

it, spray his bed sheets?"

[REDACTED] believes that [REDACTED] parents ([REDACTED]) are very comfortable with Fr. Jeyapaul's relationship with [REDACTED]. They have not expressed any concern about him to her.

Concerning any past incidents of questionable behavior, Mitch and I can recall none at this time.

Please feel free to contact us for further clarification.

Lee Walski

000437

*Sike*

**Victor Balke**

Date sent: Thu, 15 Sep 2005 22:18:59 -0700 (PDT)  
From: Jeya paul <jeyapaulooty@yahoo.com>  
Subject: Re: Sad news  
To: vhbalk@crookston.org

Dear Bishop,  
I am really very sad to hear from you that I am falsely accused by the girl's mother,  
As per your advise .since you said I am no longer welcome there.,I withdraw my coming.  
But I beg you not to tell the people what [REDACTED] mum accused falsely.  
Please tell My bishop in India did not allow me to return.  
I promise I did not do any mistakes,Everything made by [REDACTED] mum.It is completely lie.  
I never bring any bad name to the diocese.  
Since you don't want me ,I stay here.I will be always grateful to your advise.The girl confessed to me lot of  
her past things and she suffers a lot .I spiritually guided and healed her inner wounds.  
Our lord Jesus knows whether I am innocent or not whether I am holy or not.  
But I will be always grateful to you.  
I ask your pardon/forgiveness for the inconveniences and troubles created .Please forgive me.  
I beg you to save my name in Greenbush.Please announce My bishop did not allow me to return.  
Don't tell the false accusations.  
I hope please do this favour to me.  
I have no belongings there.But the girl's mother is torturing the girl.When she shared those things I  
advised her to be with the parent till you mature.  
I promise I never groomed her for any sexual activity.  
My advise to the girl completely turned off.  
Anyway I accept your advise and obey your order.  
with prayers always your obedient priest  
Fr.Jeyapaul

**Victor Balke** <vbalk@crookston.org> wrote:

Dear Fr. Jeyapaul,

I have sad news for you, namely, I am withdrawing my invitation to you to return  
to this Diocese. You are no longer welcome here, and I will go to the police if you  
return, reporting you for trespassing on our church property.

The reason for banning you from the Diocese is this: [REDACTED] mother visited me  
on Tuesday, Sept. 13th, and told me of your conversations with [REDACTED] on the phone.  
One call was at about 3:00 a.m. on September 11th, and the other one at 5:00 a.m. on  
September 12.

When you called the first time, [REDACTED] and her mother must have picked up the  
phone at the same time, and [REDACTED] mother heard the two of you speaking of hugging  
and kissing on the lips. You told her if you were 30 years younger you would be her  
husband. [REDACTED] said something about just two more years (when she would be 18).

During the second call, you told her not to tell her mom that you called, and  
then you and she expressed your love for each other. You hugged each other via  
telephone, and you exchanged kisses on the phone; you kissed her on the lips and you  
wanted her to kiss you ten times; she could be heard kissing the phone.

After Fr. McGee and Msgr. Grundhaus spoke with you about observing proper  
boundaries in your relationships, you have obviously not learned. And this is why I  
forbid you from returning to this Diocese. I will announce this on Sunday when I am in  
Greenbush for Confirmation, and the following week I will send a letter to every  
parishioner of all three parishes telling them that I could not allow you to return because  
of your imprudence and your improper relationship with a young woman, a 16-year old  
girl. You are taking advantage of her immaturity, and I think you are "grooming" her for  
sexual activity. How shameful!

*Balke*  
**EX 35**  
*12-14-09/SAS*  
Diocese of Crookston  
250



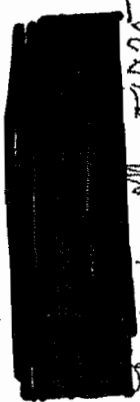
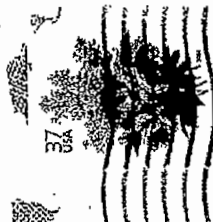
We will ship your belongings back to India.

Bishop Victor H. Balke  
Bishop of Crookston

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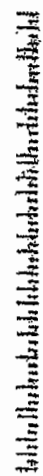
Yahoo! for Good  
[Click here to donate](#) to the Hurricane Katrina relief effort.

Diocese of Crookston  
251



Goodbridge, Mr 56925

ITEM 3



0288+2243

Balke

EX37

12-14-09/SAS

000431

I wanted to make sure you know; the Priest up here gave a cell phone to your daughter. I imagine he is paying for a calling plan also. ?

I am aware that he was accused of inappropriate behavior with another girl in this area. Those two together made me worried about your daughter. Please make sure she's not meeting with him or talking to him without your knowledge.

I am sending a letter about him to the Diocese in Crookston. Priests are human beings, and some have problems.

000432





Office of the Bishop - P.O. BOX 610 - CROOKSTON, MINNESOTA 56716

Tel: (218) 281-4533

Fax: (218) 281-3328

September 19, 2005

Dear Brothers and Sisters in Christ,

Last week you received a letter from me saying that Fr. Jeyapaul would be returning at the end of the month.

I regret to say that things have changed; Fr. Jeyapaul will not be coming back to our Diocese. He told me by email to tell you that his bishop wants him to remain in India.

As to the future: I am trying to find a resident priest for the three parishes in Greenbush, Middle River and Karlstad, but I may not succeed. If I don't, then I will call on the neighboring priests in Roseau and Thief River Falls to be of assistance during the week, and I will try to get a priest for you for the weekend Masses.

Please pray for a happy solution to our problem. God bless you all and, even now, if an emergency should arise, please call Fr. Tim McGee at St. Bernard's in Thief River Falls or Fr. Bob LaPlante at Sacred Heart in Roseau.

Sincerely yours in Christ,

+Victor H. Balke  
Bishop of Crookston

Cc: Fr. Tim McGee  
Fr. Bob LaPlante

Balke

000453

EX40A

12-14-09/SAS

# SACRAMENTORUM SANCTITATIS TUTELA

POPE JOHN PAUL II

APOSTOLIC LETTER

GIVEN *MOTU PROPRIO*

by which are promulgated Norms concerning the more grave delicts reserved to the  
Congregation for the Doctrine of the Faith

THE SAFEGUARDING OF THE SANCTITY OF THE SACRAMENTS, especially the Most Holy Eucharist and Penance, and the keeping of the faithful, called to communion with the Lord, in their observance of the sixth commandment of the Decalogue, demand that the Church itself, in her pastoral solicitude, intervene to avert dangers of violation, so as to provide for the salvation of souls "which must always be the supreme law in the Church" (*Codex Iuris Canonici*, can. 1752).

Indeed, Our Predecessors already provided for the sanctity of the sacraments, especially penance, through appropriate Apostolic Constitutions such as the Constitution *Sacramentum Poenitentiae*, of Pope Benedict XIV, issued June 1, 1741; [1] the same goal was likewise pursued by a number of canons of the *Codex Iuris Canonici*, promulgated in 1917 with their *fontes* by which canonical sanctions had been established against delicts of this kind.[2]

In more recent times, in order to avert these and connected delicts, the Supreme Sacred Congregation of the Holy Office, through the Instruction *Crimen sollicitationis*, addressed to all Patriarchs, Archbishops, Bishops, and other local Ordinaries "even of an Oriental Rite" on March 16, 1962, established a manner of proceeding in such cases, inasmuch as judicial competence had been attributed exclusively to it, which competence could be exercised either administratively or through a judicial process. It is to be kept in mind that an Instruction of this kind had the force of law since the Supreme Pontiff, according to the norm of can. 247, § 1 of the *Codex Iuris Canonici* promulgated in 1917, presided over the Congregation of the Holy Office, and the Instruction proceeded from his own authority, with the Cardinal at the time only performing the function of Secretary.

The Supreme Pontiff, Pope Paul VI, of happy memory, by the Apostolic Constitution on the Roman Curia, *Regimini Ecclesiae Universae*, issued on August 15, 1967,[3] confirmed the Congregation's judicial and administrative competence in proceeding "according to its amended and approved norms".

Finally, by the authority with which we are invested, in the Apostolic Constitution, *Pastor Bonus*, promulgated on June 28, 1988, we expressly established, "[The Congregation for the Doctrine of the Faith] examines delicts against the faith and more grave delicts whether against morals or committed in the celebration of the sacraments, which have been referred to it and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law,"[4] thereby further confirming and determining the judicial competence of

Balke  
EX60a

Diocese of Crookston 12/4-09/SA

the same Congregation for the Doctrine of the Faith as an Apostolic Tribunal.

After we had approved the *Agendi ratio in doctrinarum examine*,<sup>[5]</sup> it was necessary to define more precisely both "the more grave delicts whether against morals or committed in the celebration of the sacraments" for which the competence of the Congregation for the Doctrine of the Faith remains exclusive, and also the special procedural norms "for declaring or imposing canonical sanctions."

With this apostolic letter, issued *motu proprio*, we have completed this work and we hereby promulgate the *Norms concerning the more grave delicts reserved to the Congregation for the Doctrine of the Faith*, which Norms are divided in two distinct parts, of which the first contains *Substantive Norms*, and the second *Procedural Norms*. We therefore enjoin all those concerned to observe them diligently and faithfully. These Norms take effect on the very day when they are promulgated.

All things to the contrary, even those worthy of special mention, notwithstanding.

Given in Rome at St. Peter's on April 30, 2001, the memorial of Pope St. Pius V, in the twenty-third year of Our Pontificate.

POPE JOHN PAUL II

AAS 93 (2001) 737-739

**[Decisions of the Supreme Pontiff made on February 7 and 14, 2003, are indicated in bold type.]**

## PART ONE

### SUBSTANTIVE NORMS

#### Art. 1

§ 1. The Congregation for the Doctrine of the Faith, according to the norm of art. 52 of the Apostolic Constitution *Pastor Bonus*,<sup>[6]</sup> judges more grave delicts whether against morals or committed in the celebration of the sacraments, and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law, without prejudice to the competence of the Apostolic Penitentiary<sup>[7]</sup> and with *Agendi ratio in doctrinarum examine*<sup>[8]</sup> remaining in force.

§ 2. The Congregation for the Doctrine of the Faith judges the delicts mentioned in § 1 according to the norms which follow.

#### Art. 2

§ 1. The delicts against the sanctity of the Most Holy Sacrifice and Sacrament of the Eucharist, reserved to the Congregation for the Doctrine of the Faith for judgement are:

1° the taking or retaining for a sacrilegious purpose, or the throwing away of the consecrated species[9] mentioned in can. 1367 of the Code of Canon Law[10] and in can. 1442 of the Code of Canons of the Eastern Churches;[11]

2° the attempting of the liturgical offering of the Eucharistic Sacrifice mentioned in can. 1378, § 2, n. 1, of the Code of Canon Law,[12] or the simulation of the same, mentioned in can. 1379 of the Code of Canon Law[13] and in can. 1443 of the Code of Canons of the Eastern Churches;[14]

3° the concelebration of the Eucharistic Sacrifice prohibited in can. 908 of the Code of Canon Law[15] and in can. 702 of the Code of Canons of the Eastern Churches,[16] mentioned in can. 1365 of the Code of Canon Law[17] and in can. 1440 of the Code of Canons of the Eastern Churches,[18] with ministers of ecclesial communities, which do not have apostolic succession and do not acknowledge the sacramental dignity of priestly ordination.

§ 2. Also reserved to the Congregation for the Doctrine of the Faith is the delict which consists in the consecration for a sacrilegious purpose of one matter without the other in a Eucharistic celebration, or even of both outside of the Eucharistic celebration.[19] One who has perpetrated this delict is to be punished according to the gravity of the crime, not excluding dismissal or deposition.

#### Art. 3

The delicts against the sanctity of the sacrament of Penance reserved to the Congregation for the Doctrine of the Faith for judgement are:

1° the absolution of an accomplice in a sin against the sixth commandment of the Decalogue, mentioned in can. 1378, § 1, of the Code of Canon Law[20] and in can. 1457 of the Code of Canons of the Eastern Churches;[21]

2° the solicitation to a sin against the sixth commandment of the Decalogue in the act, on the occasion, or under the pretext of confession, mentioned in can. 1387 of the Code of Canon Law[22] and in can. 1458 of the Code of Canons of the Eastern Churches,[23] if it is directed to sinning with the confessor himself.

3° the direct and indirect violation of the sacramental seal, mentioned in can. 1388, § 1, of the Code of Canon Law[24] and in can. 1456, § 1, of the Code of Canons of the Eastern Churches.[25]

4° the recording by any technical instrument and the broadcast/transmission by means of instruments of social communication of that which is said in sacramental confession by the confessor or the penitent (Decree of the CDF of 23 September 1988; AAS 70 [1988] 1367).

#### Art. 4

§ 1. Reservation to the Congregation for the Doctrine of the Faith is also extended to a delict against the sixth commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years.

§ 2. One who has perpetrated the delict mentioned in § 1 is to be punished according to the gravity of the offense, not excluding dismissal or deposition.

#### Art. 5

§ 1. Criminal action for delicts reserved to the Congregation for the Doctrine of the Faith is extinguished by prescription after ten years.<sup>[26]</sup>

§ 2. Prescription runs according to the norm of can. 1362, § 2, of the Code of Canon Law<sup>[27]</sup> and can. 1152, § 3, of the Code of Canons of the Eastern Churches.<sup>[28]</sup> However, in the delict mentioned in art. 4, § 1, prescription begins to run from the day on which the minor completes the eighteenth year of age.

### PART TWO

## PROCEDURAL NORMS

### Title I

#### The Constitution and Competence of the Tribunal

#### Art. 6

§ 1. The Congregation for the Doctrine of the Faith is the Supreme Apostolic Tribunal for the Latin Church and for the Eastern Catholic Churches for the judgement of the delicts defined in the preceding articles.

§ 2. This Supreme Tribunal also judges other delicts of which a defendant is accused by the Promoter of Justice by reason of connection of person and complicity.

§ 3. The sentences of this Supreme Tribunal, rendered within the limits of its proper competence, do not need to be submitted for the approval of the Supreme Pontiff.

#### Art. 7

§ 1. The Members of the Congregation for the Doctrine of the Faith are by the law itself judges of this Supreme Tribunal.

§ 2. The Prefect of the Congregation presides as first among equals over the college of the Members, and if the office of Prefect is vacant or if the Prefect himself is impeded, the Secretary of the Congregation carries out those duties of the Prefect.

§ 3. It pertains to the Prefect of the Congregation to appoint [other] judges, whether permanent (*stabiles*) or delegated (*deputatos*).

Art. 8

It is necessary that such appointed judges be priests, of mature age, possessing a doctorate in canon law, outstanding in good morals, prudence and expertise in the law. Such priests may at the same time exercise a judicial or consultative function before another Dicastery of the Roman Curia.

Art. 9

To present or sustain an accusation a Promoter of Justice is to be appointed, who is to be a priest, possessing a doctorate in canon law, outstanding in good morals, prudence and expertise in the law. He is to carry out his office in all grades of judgment.

Art. 10

For the functions of Notary and Chancellor, priests are appointed, whether or not they are Officials of this Congregation.

Art. 11

The role of Advocate and Procurator is carried out by a priest, possessing a doctorate in canon law. He is to be approved by the Presiding Judge of the college.

Art. 12

Indeed, in the other Tribunals dealing with cases under these Norms, only priests can validly carry out the functions of Judge, Promoter of Justice, Notary, and Patron [Procurator and Advocate].

**Faculty to dispense**

The CDF may dispense from the requirement of priesthood and the requirement of a doctorate in canon law mentioned in artt. 8 (judges), 9 (Promoter of Justice), 10 (Notaries and Chancellors), 11 (Advocates and Procurators), 12 (Judges, Promoters of Justice, Notaries, Patrons in other Tribunals)

- \$ In the case of dispensation from the doctorate in canon law, this dispensation will only be granted to persons who hold a licentiate in canon law and who have worked in ecclesiastical tribunals for a reasonable time. [\$ as on source Web site]
- \$ Concerning judges (artt. 8 and 12) the provisions of can. 1421 shall apply. [\$ as on source Web site]

Art. 13

Whenever the Ordinary or Hierarch receives a report of a reserved delict

which has at least a semblance of truth [*notitiam saltem verisimilem*], once the preliminary investigation has been completed, he is to communicate the matter to the Congregation for the Doctrine of the Faith which, unless it calls the case to itself due to particular circumstances, will direct the Ordinary or Hierarch [how] to proceed further, with due regard, however, for the right to appeal against a sentence of the first instance only to the Supreme Tribunal of the same Congregation.

#### Extraordinary Faculty to sanate acts

The faculty, in cases legitimately brought to the Congregation of the Doctrine for the Faith, to sanate acts, if procedural laws have been violated by inferior tribunals acting on the mandate of the same Congregation or under art. 13 of the *Motu Proprio Sacramentorum sanctitatis tutela*.

Special Procedure in case of recourse against administrative acts of the CDF concerning *delicta graviora* cases

In *delicta graviora* cases, the request for revocation of administrative acts of the CDF and all other recourse against the said acts made in accordance to art. 135 of the *Regolamento Generale della Curia Romana*, shall be referred to the *Feria IV* [of the CDF] which will decide on the merits and on questions of lawfulness. Any other recourse under art. 123 of the Apostolic Constitution *Pastor Bonus* is excluded.

#### Art. 14

If a case is referred directly to the Congregation without a preliminary investigation having been undertaken, the steps preliminary to the process, which fall by common law to the Ordinary or Hierarch, are carried out by the Congregation itself.

#### Art. 15

With due regard for the right of the Ordinary to impose those measures which are established in can. 1722 of the Code of Canon Law<sup>[29]</sup> or in can. 1473 of the Code of Canons of the Eastern Churches,<sup>[30]</sup> the respective Presiding Judge, may, at the request of the Promoter of Justice, exercise the same power under the same conditions determined in the canons themselves.

#### Art. 16

The Supreme Tribunal of the Congregation for the Doctrine of the Faith judges in second instance:

1° cases adjudicated in first instance by lower tribunals;

2° cases decided by the same Supreme Apostolic Tribunal in first instance.

#### Title II

## **The Procedure to be followed in the Judicial Trial**

### **Art. 17**

The more grave delicts reserved to the Congregation for the Doctrine of the Faith may only be tried in a judicial process.

#### **Faculty to dispense**

The faculty is granted to the CDF to dispense from art. 17 in those grave and clear cases which, according to the Particular Congress of the CDF:

a) may be referred directly to the Holy Father for an *ex officio* dismissal from the clerical state,

or

b) may be treated under the summary process of can. 1720 by the Ordinary who, in case he is of the opinion that the accused should be dismissed from the clerical state, will ask the CDF to impose dismissal by decree.

### **Art. 18**

The Prefect is to constitute a Turnus of three or five judges to try the case.

### **Art. 19**

If in the appellate stage the Promoter of Justice brings forward a specifically different accusation, this Supreme Tribunal can admit it and judge it as if at first instance.

### **Art. 20**

§ 1. In cases concerning the delicts mentioned in art. 3, the Tribunal cannot indicate the name of the accuser to either the accused or his Patron unless the accuser has expressly consented.

§ 2. The same Tribunal must consider the particular importance of the question concerning the credibility of the accuser.

§ 3. Nevertheless, it is to be observed that any danger of violating the sacramental seal must be completely avoided.

### **Art. 21**

If an incidental question arises, the College is to decide the matter by decree as promptly as possible [*expeditissime* - cf. cann. 1629, n. 5° CIC; 1310, n. 5° CCEO].



Art. 22

§ 1. With due regard for the right to appeal to this Supreme Tribunal, once an instance has finished in any manner before another Tribunal, all of the acts of the case are to be transmitted *ex officio* as soon as possible to the Congregation for the Doctrine of the Faith.

§ 2. The right of the Promoter of Justice of the Congregation to challenge a sentence runs from the day on which the sentence of first instance is made known to this same Promoter.

Art. 23

*A res iudicata* occurs:

1° if a sentence has been rendered in second instance;

2° if an appeal against a sentence has not been proposed within a month;

3° if, in the appellate stage, the instance is abated or is renounced;

4° if the sentence has been rendered in accord with the norm of art. 16.

Art. 24

§ 1. Judicial expenses are to be paid as the sentence has determined.

§ 2. If the defendant is not able to pay the expenses, they are to be paid by the Ordinary or Hierarch of the case.

Art. 25

§ 1. Cases of this nature are subject to the pontifical secret.<sup>[31]</sup>

§ 2. Whoever has violated the secret, whether deliberately (*ex dolo*) or through grave negligence, and has caused some harm to the accused or to the witnesses, is to be punished with an appropriate penalty by the higher Turnus at the request of the injured party or even *ex officio*.

Art. 26

In these cases, together with the prescripts of these Norms, by which all Tribunals of the Latin Church and Eastern Catholic Churches are bound, also the canons concerning delicts and penalties as well as the canons concerning the penal process of each Code must be applied.

*This unofficial translation is based on a translation of the Motu Proprio by the USCCB and a translation of the Norms by Gregory Ingels, both revised by Joseph R. Punderson and Charles J. Scicluna. The translations of the canons of the CIC and the*

CCEO are from the translations published by the Canon Law Society of America in 1999 and 2001 respectively.

[The translation is reproduced here as it was posted at  
[http://www.opusbonosacerdotii.org/sacramentorum\\_sanctitatis\\_tutela\\_english1.htm](http://www.opusbonosacerdotii.org/sacramentorum_sanctitatis_tutela_english1.htm).]

[1]BENEDICT XIV. Constitution *Sacramentum Poenitentiae*, June 1, 1741, in *Codex Iuris Canonici*, prepared at the order of Pius X, Supreme Pontiff, promulgated by the authority of Pope Benedict XV, *Documenta*, Document V in *AAS* 9 (1917), Part II, 505-508.

[2]Cf. *Codex Iuris Canonici anno 1917 promulgatus*, cann. 817, 2316, 2320, 2322, 2368 § 1, 2369 § 1.

[3]Cf. POPE PAUL VI, Apostolic Constitution *Regimini Ecclesiae Universae*, On the Roman Curia, August 15, 1967, n. 36, *AAS* 59 (1967) 898.

[4]POPE JOHN PAUL II, Apostolic Constitution *Pastor bonus*, On the Roman Curia, June 28, 1988, art. 52, in *AAS* 89 (1988) 874.

[5]CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Agendi ratio in doctrinarum examine*, June 29, 1997, in *AAS* 89 (1997) 830-835.

[6]POPE JOHN PAUL II, Apostolic Constitution *Pastor Bonus*, On the Roman Curia, June 28, 1988, art. 52, in *AAS* 80 (1988) 874: "[The Congregation for the Doctrine of the Faith] examines delicts against the faith and more grave delicts whether against morals or committed in the celebration of the sacraments, which have been referred to it and, whenever necessary, proceeds to declare or impose canonical sanctions according to the norm of both common and proper law."

[7]POPE JOHN PAUL II, Apostolic Constitution *Pastor Bonus*, On the Roman Curia, June 28, 1988, art. 118, in *AAS* 80 (1988) 890: "For the internal forum, whether sacramental or non-sacramental, it grants absolutions, dispensations, commutations, sanctions, condonations and other favors."

[8]CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Agendi ratio in doctrinarum examine*, June 29, 1997, in *AAS* 89 (1997) 830-835.

[9]PONTIFICAL COUNCIL FOR THE INTERPRETATION OF LEGISLATIVE TEXTS, Response to a proposed doubt, June 4, 1999, in *AAS* 91 (1999) 918:

D. Whether or not the word "*abdicere*" in canons 1367 *CIC* and 1442 *CCEO* should be understood only as the act of throwing away.

R. *Negative and ad mentem.*

The "*mens*" is that the word "*abdicere*" should be considered to include any voluntarily and gravely contemptuous action towards the Sacred Species.

[10]*Code of Canon Law*, can. 1367 – A person who throws away the consecrated species or takes or retains them for a sacrilegious purpose incurs a *latae sententiae* excommunication reserved to the Apostolic See; moreover, a cleric can be punished with another penalty, not excluding dismissal from the clerical state.

[11] *Code of Canons of the Eastern Churches*, can. 1442 – A person who has thrown away the Divine Eucharist or has taken or retained it for a sacrilegious purpose is to be punished with a major excommunication and, if a cleric, also with other penalties not excluding deposition.

[12] *Code of Canon Law*, can. 1378 – § 2. The following incur a *latae sententiae* penalty of interdict or, if a cleric, a *latae sententiae* penalty of suspension:

1B a person who attempts the liturgical action of the Eucharistic sacrifice though not promoted to the sacerdotal order.

[13] *Code of Canon Law*, can. 1379 – In addition to the cases mentioned in can. 1378, a person who simulates the administration of a sacrament is to be punished with a just penalty.

[14] *Code of Canons of the Eastern Churches*, can. 1443 – A person who has simulated the celebration of the Divine Liturgy or other sacraments is to be punished with an appropriate penalty, not excluding a major excommunication.

[15] *Code of Canon Law*, can. 908 – Catholic priests are forbidden to concelebrate the Eucharist with priests or ministers of Churches or ecclesial communities which do not have full communion with the Catholic Church.

[16] *Code of Canons of the Eastern Churches*, can. 702 – Catholic priests are forbidden to concelebrate the Divine Liturgy with non-Catholic priests or ministers.

[17] *Code of Canon Law*, can. 1365 – A person guilty of prohibited participation in sacred rites (*communicatio in sacris*) is to be punished with a just penalty.

[18] *Code of Canons of the Eastern Churches*, can. 1440 – A person who violates the norms of law concerning participation in sacred rites (*communicatio in sacris*) can be punished with an appropriate penalty.

[19] *Code of Canon Law*, can. 927 – It is absolutely forbidden, even in extreme urgent necessity, to consecrate one matter without the other or even both outside the eucharistic celebration.

[20] *Code of Canon Law*, can. 1378 – § 1. A priest who acts against the prescript of can. 977 incurs a *latae sententiae* excommunication reserved to the Apostolic See.

[21] *Code of Canons of the Eastern Churches*, can. 1457 – A priest who has absolved an accomplice in a sin against chastity is to be punished with a major excommunication, with due regard for canon 728, § 1, n. 2.

[22] *Code of Canon Law*, can. 1387 – A priest who in the act, on the occasion, or under the pretext of confession solicits a penitent to sin against the sixth commandment of the Decalogue is to be punished, according to the gravity of the delict, by suspension, prohibitions, and privations; in graver cases he is to be dismissed from the clerical state.

[23] *Code of Canons of the Eastern Churches*, can. 1458 – A priest who in the act, on the occasion, or under the pretext of confession, has solicited a penitent to sin against chastity, is to be punished with an appropriate penalty, not excluding deposition.

[24] *Code of Canon Law*, canon 1388 – § 1. A confessor who directly violates the sacramental seal incurs a *latae sententiae* excommunication reserved to the Apostolic See; one who does so only indirectly is to be punished according to the gravity of the delict.

[25] *Code of Canons of the Eastern Churches*, can. 1456 – § 1. A confessor who has directly violated the sacramental seal is to be punished with a major excommunication, with due regard for canon 728, § 1, n. 1; however, if he broke this seal in another manner, he is to be punished with an appropriate penalty.

[26] *Code of Canon Law*, can. 1362 – § 1. Prescription extinguishes a criminal action after three years unless it concerns:

1E delicts reserved to the Congregation for the Doctrine of the Faith ...

Cf. *Code of Canons of the Eastern Churches*, can. 1152 – § 2. A penal action is extinguished by prescription after three years, unless it is a question of:

1E delicts reserved to the Apostolic See ...

[27] *Code of Canon Law*, can. 1362 – § 2. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

[28] Cf. *Code of Canons of the Eastern Churches*, can. 1152 – § 3. Prescription runs from the day on which the delict was committed or, if the delict is continuous or habitual, from the day on which it ceased.

[29] *Code of Canon Law*, can. 1722 – To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the ordinary, after having heard the promoter of justice and cited the accused, at any stage of the process can exclude (*arcere*) the accused from the sacred ministry or from some office and ecclesiastical function, can impose or forbid residence in some place or territory, or even can prohibit public participation in the Most Holy Eucharist. Once the cause ceases, all these measures must be revoked; they also end by the law itself when the penal process ceases.

[30] *Code of Canons of the Eastern Churches*, can. 1473 – To prevent scandals, to protect the freedom of witnesses, and to guard the course of justice, the hierarch, after having heard the promoter of justice and cited the accused, at any stage and grade of the penal trial can exclude (*arcere*) the accused from the exercise of sacred orders, an office, a ministry, or another function, can impose or forbid residence in some place or territory, or even can prohibit public reception of the Divine Eucharist. Once the cause ceases, all these measures must be revoked and they will end by the law itself when the penal trial ceases.

[31] SECRETARIAT OF STATE, Rescript from an Audience of the Holy Father *II 4 febbraio*, by which the *Regolamento Generale della Curia Romana* is made public, April 30, 1999, *Regolamento Generale della Curia Romana*, April 30, 1999, art. 36 § 2, in *AAS* 91 (1999) 646: "With particular care, the pontifical secret will be observed, according the norm of the Instruction *Secreta continere* of February 4, 1974."

THE SECRETARIAT OF STATE OR PAPAL SECRETARIAT, Rescript from an Audience, the Instruction *Secreta continere*, Concerning the Pontifical Secret, February 4, 1974, in *AAS* 66 (1974) 89-92:

"Art. 1. Included under the pontifical secret are:...

4. Extrajudicial denunciations received regarding delicts against faith and against morals, and regarding delicts perpetrated against the sacrament of Penance; likewise the trial and decision which pertain to those denunciations, with due regard for the right of the one who has been reported to the authorities to know of the denunciation, if such knowledge is necessary for his own defense. However, it will be permissible to make known the name of the denouncer only when it seems opportune to the authorities that the denounced person and the denouncer appear together in the trial; ..." (p. 90).



*Office of the General Secretary*

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Most Reverend William S. Skylstad, D.D.  
Bishop of Spokane  
President

Monsignor William E. Fay, Ph.D.  
General Secretary

Bruce E. Egnew, CPA  
Monsignor David J. Malloy, S.T.D.  
Sister Lourdes Sheehan, RSM, Ed.D.  
Associate General Secretaries

December 9, 2005

Most Reverend Victor H. Balke  
Bishop of Crookston  
PO Box 610  
Crookston, MN 56716

Dear Bishop Balke,

In the absence of Msgr. William Fay, General Secretary, I write to thank you for your letter of December 7 of this year in which you enclosed information for all Conference members concerning Father Joseph Palanivel Jeyapaul. Please be assured that we will distribute the memorandum through the Bishops' Only website service (formally the Bishops' Friday mailings).

With hope for a Blessed Advent Season, I am

Respectively yours,

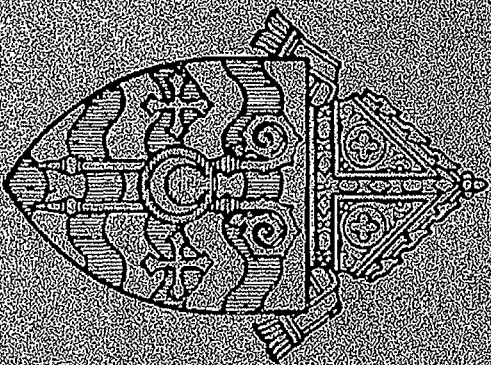
A handwritten signature in cursive script that reads "David J. Malloy".

Msgr. David J. Malloy  
General Secretary - elect

Ex 63

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Diocese  
of  
Crookston



Sexual Misconduct Policy

EX-501  
Diocese of Crookston  
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**Sexual Misconduct Policy**  
**of the**  
**Diocese of Crookston**

Diocese of Crookston  
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Effective March 10, 1992  
Revised December 16, 1992  
Part I added and Part II  
Revised May 8, 2003

Dear Brothers and Sisters in Christ,

I am re-issuing our diocesan policy on sexual misconduct, which was last issued on December 16, 1992.

Part I of this policy deals exclusively with the sexual abuse of minors. This Part flows from the *Charter for the Protection of Children and Young People, Revised Edition*, and from the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priest or Deacons*. The Bishops of the United States passed the Charter and the Norms in general session this past year, and after some revisions, they were approved by the Holy See.

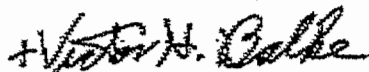
Part II of this policy is fundamentally the same as the policy issued in December of 1992, though a few revisions have been made. For example, now the informational questionnaire (6.1) must be completed annually by all personnel (2.1 through 2.13).

Part I, therefore, supersedes everything in Part II that deals with the sexual abuse of minors.

I have faithfully followed our policy in the past and will do so in the future. I hope that both this commitment and this re-issued policy will restore trust in the hearts of those whose trust has been shaken or even destroyed.

As I wrote in my letter issuing the policy of 1992, "May the Lord sustain us all in our continuing efforts to make the Church a more and more credible sign of God's Reign of Justice, Love and Peace."

Sincerely yours in Christ,



+Victor H. Balke  
Bishop of Crookston

## PART I

### Pastoral Policy on Sexual Abuse of Minors by Church Personnel

#### Article I—Scope

This policy is for the Diocese of Crookston (its curia, agencies, and institutions), for its parishes (including the parish schools), in canon law considered separate juridic persons, and for other civilly incorporated institutions sponsored by the diocese. This policy, Part I, therefore, supersedes everything in Part II that deals with the sexual abuse of minors.

#### Article II—Purposes of This Policy

The Diocese of Crookston is committed to the proper pastoral care of all, including minors, who are served by Church Personnel. The purposes of this policy are:

- a) to define the ecclesial action to be taken by the Diocese of Crookston when an allegation of sexual abuse of minors by Church Personnel is received;
- b) to assure a proper pastoral response to alleged victims, to the alleged victims' families, and to the alleged offenders when such an allegation is received;
- c) to establish procedures and requirements to screen out prospective Church Personnel with a history of prior sexual abuse of minors;
- d) to inform and to educate all persons associated with the diocese in any capacity about this policy.

#### Article III—Definitions

When used in this written policy, the following terms mean:

- a) **Sexual abuse of a minor.** Sexual abuse of a minor includes contacts or interactions between a child and an adult when the child is being used as an object of sexual gratification for the adult. A child is abused, whether or not this activity involves explicit force, whether or not it involves genital or physical contact, whether or not the child initiates it, and whether or not there is discernible harmful outcome.



If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and, if necessary, the opinion of a recognized expert obtained. Sexual abuse of a minor also means whatever is identified as such by the State of Minnesota.

- b) **Church Personnel.** Church Personnel includes all priests, deacons, members of institutes of consecrated life and societies of apostolic life (hereinafter, religious), lay persons, whether full-time or part-time as well as volunteers, who have regular or significant contact with minors in the parishes, schools, agencies and other institutions of the Diocese of Crookston.
- c) **Volunteer.** Volunteers include those who offer their service, free of charge, in the parishes, schools, agencies and other institutions of the Diocese of Crookston, and in any activities they sponsor. Volunteers include, but are not limited to, the following: coaches and their assistants, drivers transporting children, scout leaders, catechists, day-care personnel, youth ministers and their assistants, and chaperons on overnight events.
- d) **Victim Assistance Coordinator.** The Victim Assistance Coordinator is designated by the diocesan bishop to aid in immediate pastoral care of persons who claim to have been sexually abused by Church Personnel when they were minors. And to perform the other roles outlined in this Pastoral Policy.
- e) **Minor.** A minor is a person who is under 18 years of age.

#### Article IV – Educational Programs to Prevent Sexual Abuse of Minors

- a) Educational programs on the methods of recognizing and preventing sexual abuse of minors will be offered to Church Personnel.

#### Article V – Distribution of This Policy

- a) A copy of this written policy will be made available to all Church Personnel, who will be asked to sign a statement attesting that they have received and read it. It will also be available to the faithful of the diocese by periodic printing in the OND, the official diocesan newspaper, and on the diocesan WEB site. The Victim Assistance Coordinator will also be identified.

#### Article VI – Statement of Certification, Acknowledgment, Agreement, and Authorization

All Church Personnel who have regular or significant contact with minors must complete and sign the attached "Certification, Acknowledgment, Agreement, and Authorization Form" before beginning or continuing service, including volunteer service, in the parishes, schools, agencies, and institutions of the Diocese of Crookston. Such Church Personnel will be asked annually to review and re-sign these forms.

All Church Personnel, including volunteers, who are involved with minors, are to sign the form.

These completed and signed forms will be maintained:

- a) for priests and deacons, by the Moderator of the Curia or one he designates;
- b) for Church Personnel of the diocesan curia, agencies, and institutions, by the Moderator of the Curia or one he designates;
- c) for non-school Church Personnel in parishes, by the pastor (or his canonical equivalent);
- d) for Church Personnel in schools, by the principal.

Information supplied shall be checked to the extent appropriate under the circumstances, which will vary, depending upon the extent of contact the Church Personnel will have in relation to minors, the extent of prior contact with other Church Personnel, and on the totality of the circumstances evaluated on a case-by-case basis.

The "Certification, Acknowledgment, Agreement and Authorization Form" is found in the Appendix of this policy (p.9).

## Article VII - Reporting Obligations

Allegations of sexual abuse of minors are of grave concern and must be dealt with in a professional manner.

The Diocese of Crookston will report to the public authorities any allegations (unless canonically privileged - i.e., revealed in the sacrament of Reconciliation) of sexual abuse of a person who is currently a minor and will cooperate in their investigation. It will also cooperate with public authorities concerning reporting cases where the person alleged to have been abused is no longer a minor. In every instance, the diocese will support a person's right to make a report to public authorities.

All Church Personnel who have reasonable cause to suspect an incident of sexual abuse of a minor by other Church Personnel have a serious moral obligation and, in certain circumstances, a legal obligation to report the allegation to the appropriate public authority. In addition:

- a) If the incident or allegation involves any priest, deacon, or religious, or any leader of a parish, school, agency or institution, a report shall be made to the Victim Assistance Coordinator, who should then report it to the Review Board and to the bishop.
- b) If the allegation involves someone other than those mentioned above, a report shall be made to the person in charge of the parish, school, agency or other institution where the alleged offender serves, and, by the person in charge or, at their direction, to the Victim Assistance Coordinator, who should then report it to the Review Board and to the bishop.

## Article VIII - Investigation of Reports

### Section 1 - Diocesan Review Board

All reports of alleged sexual abuse of minors by Church Personnel shall be investigated by the "Diocesan Review Board," which is established by the diocesan bishop and is composed of at least five persons of outstanding integrity and good judgment. The majority of the members of the Diocesan Review Board will be laypersons who are not in the employ of the diocese. However, at least one member will be a priest and at least one member will have particular expertise in the treatment of sexual abuse of minors. The members will be appointed for a term of five years, which can be renewed.

The Diocesan Review Board will select from its members a chairperson, recording secretary, and other officers as it judges appropriate.

The Diocesan Review Board will assist the diocesan bishop in the following ways:

- a) The assessment of allegations of sexual abuse of minors by Church Personnel in order to advise the diocesan bishop on whether or not the allegations appear to be credible; the assessment will be communicated to the victim and the accused; the board can act both retrospectively and prospectively on these matters;
- b) The review of this Diocesan Pastoral Policy at least every two years to recommend appropriate modifications;
- c) The recommendation concerning fitness for ministry in particular cases.

In individual cases the Diocesan Review Board may seek assistance from others with expertise.

The Diocesan Review Board will maintain on-going contact with the diocesan bishop either through the Victim Assistance Coordinator or in some other appropriate manner.

### Section 2 - The Investigation

Upon receiving a report of sexual abuse of a minor by Church Personnel, the Diocesan Review Board shall see that the allegation is investigated. The investigation may be conducted by a member of the board, others designated by it, a law enforcement officer, a governmental agency, etc. The investigation by the Diocesan Review Board will exhibit Christian pastoral care and concern for all involved, each of which will be informed of this policy by the person investigating.

If either law enforcement officers or a governmental agency is conducting an investigation, the Diocesan Review Board may await the conclusion of the same before taking any action. The circumstances of each instance will determine which course of action or combination of actions the Diocesan Review Board will pursue.

If the alleged offender is a religious, the Diocesan Review Board will cooperate fully with the officials of the religious institute who have the responsibility to conduct an investigation.

All Church Personnel who may be contacted by any such investigation have a moral obligation to cooperate with the legitimate investigators.

In carrying out its duties, the Diocesan Review Board will, in appropriate circumstances, seek legal advice, both civil and canonical, and will consult suitable psychologists and/or childcare experts.

### Section 3 – Pastoral Care for the Alleged Victim

The Victim Assistance Coordinator will facilitate contact as soon as reasonably possible with the alleged victim and the alleged victim's family, as appropriate. The Victim Assistance Coordinator may recommend other appropriate persons to provide whatever assistance or solace may be desired, with no comment as to the truth of any allegation. Medical, psychological, and spiritual assistance may be offered in a spirit of Christian justice and charity.

The Victim Assistance Coordinator may also recommend a pastoral approach to assist the community (parish, school, agency, or institution) affected by the allegation.

### Section 4 – Pastoral Care for the Alleged Offender

No preliminary action taken with the alleged offender is to be interpreted as a judgment on the merits of the allegations but will be done to facilitate the appropriate investigation of the report until the matter is reasonably resolved.

When a credible allegation of sexual abuse of a minor by Church Personnel is made, the alleged offender will be contacted by a member of the Diocesan Review Board or by someone designated by the board, who will explain the allegation and will offer pastoral assistance. The alleged offender will be relieved of any ecclesiastical ministry and function pending the investigation. An investigation in accord with canon law will commence. He/she will be encouraged to obtain legal assistance, canonical and civil, to assure his/her rights; if necessary, the diocese will supply canonical counsel. He/she will be provided the opportunity to respond to the allegation and to receive a fair and impartial review of the allegation. He/she will be promptly notified of the findings made by the Diocesan Review Board and any others involved in the investigation.

If the allegation appears to be credible, the diocesan bishop may ask the priest or deacon to undergo appropriate medical or psychological evaluation and intervention, if possible. If the accused is a layperson, the diocesan bishop may invite him/her to undergo the same.

The alleged offender may prudently elect to be interviewed in the presence of legal counsel, civil and canonical. He/she should be advised that anything said may be used against him/her in civil and canonical proceedings. He/she should be presented the name of the accuser and a specific listing of allegations, should be given the opportunity to ask any clarifying questions, and should then be asked to respond to the allegations.

In all cases, the Diocesan Review Board will insist that the alleged offender refrain from contacting the alleged victim or any potential witnesses (including the alleged victim's family.) Further, the Diocesan Review Board may also request that the alleged offender limit or cease contact with any other minors while any investigation is under way.

### Section 5 – Record Keeping

The Diocesan Review Board will maintain appropriate records of each allegation reported and its investigation of the same.

### Section 6 – Media Contact

All diocesan contact with the media, and all inquiries by the public regarding the incident or allegation, shall be handled by the diocesan Office for Communications or by another designated person.

## Article IX – Removal of Offender from Church Service Upon Determination of Guilt

### Section 1 – All Offenders

If any Church Personnel admits to, or is found guilty of, sexual abuse of a minor, he/she shall be immediately removed from church service.

### Section 2 – Diocesan Priest or Deacon Offenders

Where the sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate investigation in accord with canon law, the following will pertain:

- a) The priest or deacon, guilty of even a single act of sexual abuse of a minor – past, present, or future – will be permanently removed from ministry by the diocesan bishop.
- b) In every case, the processes provided for in canon law must be observed, and the various provisions of canon law must be considered. These provisions may include:
  - (1) a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state;
  - (2) the imposition of the penalty of dismissal from the clerical state through a canonical penal process initiated by the diocesan bishop;
  - (3) a request by the diocesan bishop for dismissal from the clerical state even without the consent of the priest or deacon.
- c) If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender is to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly, to wear clerical garb, or to present himself publicly as a priest or deacon.

#### Article X – False Accusations and Unsubstantiated Claims

There is always the possibility of false accusations or unsubstantiated claims of sexual abuse of a minor, sexual harassment or sexual exploitation. It is important for all the Christian faithful, including Church Personnel, to know that both civil law and canon law (cc. 1390-1391) provide penalties for the crime of falsehood in which innocent individuals become victims of false denunciation and calumny.

When an accusation has been shown to be unfounded, appropriate action will be taken to restore the good name of the person falsely accused.

#### Article XI – Review of this Policy

The Diocesan Review Board is to review this policy at least every two years, and recommend appropriate modifications to the diocesan bishop.

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## APPENDIX

### Certification of Non-Conviction Policy Acknowledgment and Agreement Authorization for Background Check (Sample)

I hereby certify that I have not been convicted in Minnesota of committing, attempting to commit, or conspiracy to commit, any crime, whether a felony or a misdemeanor, in the areas of juvenile prostitution or pimping, obscenity, child pornography, sexual assault, sexual abuse, child exploitation, the controlled substance act, a crime of violence, or any other crime where the victim was under the age of eighteen at the time of the offense.

I hereby certify that I have not been convicted under the laws of any other state of the United States, or the laws of any other jurisdiction, which would have been punishable as one or more of the above offenses.

I hereby acknowledge that I have completely read, and fully understand, the Pastoral Policy on Sexual Abuse of Minors by Church Personnel of the Diocese of Crookston.

I hereby agree to adhere to both the letter and the spirit of the policy and I acknowledge that I am fully aware of the consequences of any non-compliance.

I hereby authorize the Diocese of Crookston, or any of its parishes, schools, agencies, or institutions, whether or not separately incorporated, to perform a background check and share that information among themselves. I understand that Minnesota law authorizes a background check for all applicants for employment with a school district.

I hereby authorize the submission of my name to the Bureau of Criminal Apprehension and/or other law enforcement agencies for the purpose of conducting a criminal background check and agree to execute any forms required by any agency for such purpose.

<hr/> Print Full Name (including First, Middle, Last, and Maiden)	
<hr/> Social Security Number	<hr/> Date of Birth
<hr/> Driver's License Number	<hr/> Driver's License State
<hr/> Sex	<hr/> Race
<hr/> Full Mailing Address	

I understand that any false statement or certification herein will be grounds for immediate termination.

<hr/> Signature	<hr/> Date
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## PART II

Sexual misconduct by personnel of the diocese is contrary to Christian principles and is outside the scope of the duties and employment of all personnel of the diocese. All personnel of the diocese must comply with applicable state and local laws regarding incidents of actual or suspected sexual misconduct, and with the following policies.

This document does not address sexual misconduct in general, but only in the specific circumstances described herein. It is intended to establish procedures in an effort to prevent sexual misconduct by personnel of the diocese and the resulting harm to others, and to provide guidance to the personnel of the diocese on how to respond to allegations of sexual misconduct.

### 1. DEFINITIONS

For purposes of this policy only:

1.1 Sexual Misconduct means any sexual conduct of diocesan personnel which is:

1.1.1 unlawful as described by the laws of the State of Minnesota and in section 4 of these policies, or

1.1.2 contrary to the moral instructions, doctrines and canon law of the Catholic Church and causes injury to another.

1.2 Vulnerable person means all children and all vulnerable adults as defined in Chapter 626, Section 626.5572, Subd. 21, of the Minnesota Statutes Annotated. Any person 18 years of age or older is considered "vulnerable" when that person, because of impairment of mental or physical function or emotional status, is without assistance and unable or unlikely to report abuse or neglect.

1.3 Diocese or diocesan includes the Diocese of Crookston as a corporate entity, all the parish corporations, all diocesan schools, Catholic Charities, and the corporation for Our Northland Diocese, the diocesan newspaper, commonly called OND.

### 2. PERSONNEL

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Personnel includes the following categories:

2.1 All incardinated clerics (including all incardinated permanent deacons and all incardinated transitional deacons of the diocese).

2.2 All religious priests, deacons, and brothers working in the diocese.

2.3 All those non-ordained persons to whom a participation in the exercise of the pastoral care of a parish is entrusted according to Canon 517, Section 2, of the Code of Canon Law.

2.4 All clerics of other jurisdictions who are working for the diocese.

2.5 All women religious working for the diocese.

2.6 All personnel of Catholic schools of the diocese (administration, faculty, and support staff).

2.7 All religious education directors or coordinators and teachers in the parishes and schools of the diocese.

2.8 All licensed foster homes, and homes for adoptive placement through the adoption agency of Catholic Charities, Inc.

2.9 All youth ministries in the parishes, schools and institutions of the diocese.

2.10 All personnel of diocesan campus ministries.

2.11 All paid personnel in the offices of the diocese, in the parishes of the diocese, in the schools of the diocese, in the Catholic Charities of the diocese and in the office of the newspaper (OND) of the diocese.

2.12 All volunteers in the offices and institutions of the diocese mentioned in 2.10 and 2.11, who work on a significant scale with vulnerable persons. (Cf. Sec. 1.2).

2.13 Such other personnel as designated by the bishop of the diocese.

### 3. POLICY DISTRIBUTION

- 3.1 This policy is to be distributed to all personnel listed in Section 2 above, and to the following: 1) all those who seek ordination as clerics of the diocese before being admitted to candidacy; 2) all clerics of other jurisdictions who seek incardination in the diocese, or who seek assignment for work in the diocese. All such personnel shall sign an acknowledgement of receipt, understanding and acceptance of the policy. A copy of the required receipt accompanies this policy.
- 3.2 Personnel listed in 2.1 - 2.4 and those additional persons noted in 3.1 are to forward this receipt to the Office of the Moderator of the Curia or one he designates.
- 3.3 All other personnel are to give this receipt to their immediate supervisor, or to the head of their office/institution, or to the person hiring them.
- 3.4 Note: this receipt should be included together with the questionnaire mentioned in #6 below.

### 4. APPLICABLE LAW

- 4.1 This policy is intended to address violations of civil and criminal law. A violation of the criminal law can subject the perpetrator to a prison sentence and/or a monetary fine. It can also be the basis for a civil suit for monetary damages. (Cf. Appendix, page 29).
- 4.2 The law changes from time to time by enactment of amendments to statutes and judicial interpretations. Because of this it is incumbent upon all personnel to familiarize themselves with such changes that may occur. It is not possible to set out all of the laws in this document, but assistance will be given to all personnel having questions or seeking knowledge concerning the law.
- 4.3 The Minnesota Criminal Sexual Conduct Code defines the various types of conduct that violate this law. Three of the primary areas of concern are:

- 4.3.1 **Sexual Abuse** (as it applies to adult/child or vulnerable person interactions) is the subjection of a child or vulnerable adult, by any person responsible for their care, to any sexual act, which is a violation of the Minnesota Criminal Sexual Conduct Code.
- 4.3.2 **Sexual Exploitation** (as it applies to any formal helper/helpee relationship) is any kind of sexual interaction between counselor and client whether initiated by either counselor or client.
- 4.3.3 **Sexual Harassment.** The Minnesota Statutes Annotated Chapter 363, Section 363.01, Subd. 41 defines "sexual harassment" as follows: It includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:
- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;
  - (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, housing;
  - (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

## 5. EDUCATION

Education, alone, cannot shape mature attitudes and behavior, nor will it change inappropriate sexual behavior. Each adult must be responsible for his or her sexual growth and maturity. To support this responsibility the diocese may, from time to time, arrange programs, which include knowledge or training applicable to these areas. The following personnel must attend designated educational programs concerning sexual misconduct issues such as methods of recognizing and preventing sexual misconduct involving children or others:

- 5.1 All priests and deacons working in the diocese.
- 5.2 All pastoral administrators/workers working in the diocese.
- 5.3 All youth ministers working in the diocese.
- 5.4 All diocesan school principals and directors of religious education.
- 5.5 Other diocesan personnel as deemed necessary by the diocesan Moderator of the Curia.

Other personnel of the diocese are encouraged to attend such educational programs.

## 6. BACKGROUND AND REFERENCE CHECKS

- 6.1 An informational questionnaire, a copy of which accompanies this policy, is to be completed annually by all the personnel listed in Section 2. (Cf. page 25).
  - 6.1.1 Completed questionnaires by personnel listed in Section 2.1 through 2.4 and Section 3.1 are to be forwarded to the office of the Moderator of the Curia.
  - 6.1.2 Completed questionnaires by all other personnel listed in Section 2 shall be received by the appropriate supervisor/head of the office or institution of the diocese.

- 6.2 Those seeking employment with the diocese or any parish within the diocese must submit to an employment background check; they will be asked to sign an authorization for release of information, a copy of which accompanies this policy. (Cf. Employment Background Check Authorization Release Form, page 26).
- 6.3 Any further investigations of diocesan personnel must be approved and coordinated by the Moderator of the Curia or one he designates.
- 6.4 With regard to personnel listed in 2.2 and 2.5, an agreement will be reached with their respective religious order/diocese, which stipulates that the Diocese of Crookston will be informed of any allegation of physical or sexual abuse by such individuals that the religious order/diocese is or may become aware of. On its part, the Diocese of Crookston shall, in writing, inform the superior of such personnel of any credible allegation of a sexual misconduct.

## 7. SEXUAL ABUSE AND EXPLOITATION

- 7.1 **Obligation to Report.** Any personnel of the diocese who knows or has reason to know of an incident of sexual misconduct by any personnel of the diocese shall comply with any applicable reporting or other requirements of state and local laws (unless to do so would violate priest/penitent relationship of the Sacrament of Reconciliation), and shall report as follows:
  - 7.1.1 A verbal report of the incident shall be made immediately to the appropriate staff person as determined by each diocesan or parish entity and shall be followed as soon as reasonably possible by a written report with a copy to the Moderator of the Curia or his designate. Unless otherwise determined, the appropriate staff person for Catholic Schools is the principal; for parishes, the pastor; and for diocesan entities, the supervisor of the Pastoral Office where the alleged victim is employed. In the case when an accusation is made against a staff person, not a priest, verbal and written reports shall be made, on the parish level, to the canonical pastor, and, on the diocesan level, to the Moderator of the Curia or one he designates. When an accusation is made against a cleric or an ecclesiastical office holder, the report shall be made to the Moderator of the Curia or one he designates. A copy of the official diocesan reporting form accompanies this policy.

7.1.2 The Moderator of the Curia or his designate shall notify the bishop of the diocese, and the diocesan attorney.

7.2 Investigation of Reported Incidents. Each reported incident will be investigated as soon as reasonably possible with care taken not to interfere with any criminal investigation, and with a high level of Christian care, concern and confidentiality for the alleged victim, the family of the alleged victim, the person reporting the incident, and the alleged perpetrator. Unless the bishop shall indicate otherwise, the investigation shall be conducted by the Moderator of the Curia or his designate. The investigator should consult with and seek the advice of the diocesan attorney not only when undertaking the investigation but also during the investigation, as deemed appropriate.

7.2.1 If requested, an advocate may be appointed to assist the alleged perpetrator, or the alleged perpetrator may be represented by counsel of his/her own choosing. In the case of a priest or ecclesiastical office holder, the advocate, if possible, should be one with canonical expertise. In any case, any expense involved is the responsibility of the alleged perpetrator.

7.2.2 For accusations against all personnel, the alleged perpetrator should be interviewed. The alleged perpetrator should be advised of the provisions of 7.2.1 and should be informed that anything said may be used against the alleged perpetrator in a criminal proceeding or in a civil lawsuit. The alleged perpetrator should be presented with a specific listing of allegations. The alleged perpetrator should be given an opportunity to ask any clarifying questions and should then be asked to respond to the allegations. The investigator should also review the alleged perpetrator's personnel file and should inquire of the alleged perpetrator whether there have been any other incidents of sexual misconduct which may have gone unreported.

7.2.3 The investigation will also include a meeting with an interview of the complainant and interviews with such persons identified as witnesses or persons likely to possess information relevant to the investigation, as the investigator thinks necessary for purposes of the investigation.

7.2.4 Upon completion of the investigation, a report will be provided to the bishop outlining the findings of the investigation.

7.2.5 If the alleged claim is substantiated or if it appears it can be substantiated, the alleged perpetrator, in accordance with canonical and other considerations, will be relieved of all responsibilities in the diocese, parish, office or institution, and be placed on administrative leave pending the outcome of the internal and any outside investigation. Such leave will be with or without pay or benefits as the bishop or one he designates may decide.

7.2.6 Appropriate records of each incident reported and of the investigation and the results thereof will be kept by the bishop (or one he designates). All records are to be reviewed by the diocesan attorney.

7.2.7 Notification of the incident shall be given to insurers in accordance with the terms of applicable insurance policies. The diocesan attorney should be consulted regarding such notification.

7.2.8 When accusations of sexual misconduct are made against personnel of the diocese, contact by the appropriate diocesan staff with alleged victim and family should, if appropriate, be promptly initiated. Contact should be made by priestly and other counselors chosen by the bishop for the purpose of offering whatever concern or solace may be needed, with no comment as to the truth of any accusation. Medical, psychological and spiritual assistance may be offered in the spirit of Christian justice and charity.

7.2.9 Any media contact or inquiries regarding an incident of sexual misconduct should be directed to a diocesan information officer.

7.3 Action Where Guilt Is Determined. Any non-cleric personnel of the diocese who admits to, does not contest, or is found guilty of an incident of sexual misconduct following an investigation under this policy, shall immediately be terminated from employment and any position of responsibility with the diocese. Only following diagnosis, evaluation, treatment and successful after-care may the individual employee be considered for continued employment with the diocese, and then only under such conditions and limitations as deemed appropriate by the diocese. Notice of this termination may be published in Our Northland Diocese, the diocesan newspaper, if the case has become notorious.



Any cleric, ecclesiastical office holder, nonincardinated priest or deacon and religious personnel in similar circumstances will be placed on administrative leave from ministry. Further penal sanctions, including but not limited to dismissal from the clerical state, may be imposed pending the outcome of any civil/criminal actions. Notice of the administrative leave will be published in Our Northland Diocese, the diocesan newspaper.

- 7.3.1 A cleric shall receive diagnostic evaluation, if required, at the expense of the diocese. The cleric shall provide the bishop, or his designate, with an authorization for the release of diagnostic information to carry out the purposes of this policy. This release is limited to the purposes of this policy and is not a waiver of any statutory privilege of confidentiality.
- 7.3.2 A member of the diocesan clergy may be required to undergo treatment if he wishes to be considered for future service in the diocese. Cost of such treatment and release of information from the treatment center will be negotiated between the cleric and the diocese.
- 7.3.3 When the member of the diocesan clergy has completed treatment, he may be required to take part in an appropriate supervised after-care program approved by the bishop, having received the recommendations of the professional treatment center.
- 7.3.4 Following diagnostic evaluation, treatment and successful after-care, the individual cleric may, unless professional advice indicates otherwise, be eligible for consideration of a permanent contractual assignment, with such limitations (e.g., excluding ministry to minors or others at risk) as are deemed appropriate after consultation with diagnostic and treatment professionals. He will be expected to participate in a regular support group and will report to a supervisor assigned by the bishop.

## 8. SEXUAL HARASSMENT

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- 8.1 **Obligation to Report.** Any personnel of the diocese who knows or has reason to know of an incident of sexual harassment by any personnel of the diocese shall comply with any applicable reporting or other requirements of state and local laws (unless to do so would violate priest/penitent relationship of the Sacrament of Reconciliation), and shall report as follows:
  - 8.1.1 A verbal report of the incident shall be made immediately to the appropriate staff person as determined by each diocesan or parish entity and shall be followed as soon as reasonably possible by a written report. In the case when an accusation is made against "the appropriate staff person," if not a priest, the verbal and written report shall be made, on the parish level, to the canonical pastor, and on the diocesan level, the Moderator of the Curia or his designate. In the case when an accusation is made against a cleric or an ecclesiastical office holder, the report shall be made to the Moderator of the Curia or one he designates.
  - 8.1.2 If, at any point in the reporting or investigation of an incident, it appears that criminal or civil action may be taken by one or more of the parties involved, a copy of the written report shall be sent to the Moderator of the Curia or his designate and the diocesan attorney. The Moderator of the Curia or one he designates shall, in such cases, notify the bishop of the diocese.
- 8.2 **Investigation of Reported Incidents.** Each reported incident shall be investigated as soon as reasonably possible by the appropriate staff person as determined by each diocesan or parish entity. Unless otherwise determined, the appropriate staff person for Catholic schools is the principal; for parishes, the pastor; and for diocesan personnel, the supervisor of the Pastoral Office where the alleged victim is employed. In the case when an accusation is made against a cleric or an ecclesiastical office holder, the investigation shall be conducted by the Moderator of the Curia or one he designates. In the case when an accusation is made against "the appropriate staff person", if not a priest, the investigation will be conducted on the parish level by the canonical pastor, and on the diocesan level by the Moderator of the Curia or one he designates.

Each incident will be investigated with care taken not to interfere with any criminal investigation and with a high level of Christian care, concern and confidentiality for the alleged victim, the person reporting the incident, and the alleged perpetrator.

- 8.2.1 If requested, an advocate may be appointed to assist the alleged perpetrator or the alleged perpetrator may be represented by counsel of his/her own choosing. In the case of a priest or ecclesiastical office holder, the advocate, if possible, should be one with canonical expertise. Any care or expense involved is the responsibility of the alleged perpetrator.
- 8.2.2 For accusations against all personnel, the alleged perpetrator should be interviewed. The alleged perpetrator should be advised of the provisions of 8.2.1 and should be informed that anything said may be used against the alleged perpetrator in a criminal proceeding or in a civil lawsuit. The alleged perpetrator should be presented with a specific listing of allegations. The alleged perpetrator should be given an opportunity to ask any clarifying questions and should then be asked to respond to the allegations. The investigator should also review the alleged perpetrator's personnel file and should inquire of the alleged perpetrator whether there have been any other incidents of sexual harassment, which may have gone unreported.
- 8.2.3 The investigation will also ordinarily include a meeting with an interview of complainant, and interviews with such persons identified as witnesses or persons likely to possess information relevant to the investigation, as the investigator thinks necessary for purposes of the investigation.
- 8.2.4 Appropriate records including reports of misconduct, results of investigations, final determination and disposition shall be made by the investigator for each investigation and these reports shall be filed in the alleged perpetrator's personnel file.

- 8.2.5 In any case, when it appears that criminal or civil action may be taken by one or more of the parties involved, notification of the incident shall be given to insurers in accordance with the terms of applicable insurance policies. The diocesan attorney should be consulted regarding such notification.

**8.3 Action Taken Against Non-Clergy:** If the alleged claim is substantiated, the following action shall be taken:

- 8.3.1 If the incident is of a significantly offensive nature in the judgment of the investigator, or if repeated offenses by this same perpetrator have been documented, the procedures detailed in section 7.3 shall be followed.
- 8.3.2 In all other cases, the investigator shall inform the perpetrator in writing of the result of the investigation. Moreover, the investigator shall inform the perpetrator that another incident can result in termination of employment, and that the report regarding the incident shall be placed in the individual's personnel file.

- 8.4 **Action Taken Against Clergy:** If the alleged claim is substantiated or appears to be substantiated, a report outlining the findings on the investigation will be sent to the bishop for evaluation. If deemed appropriate by the bishop, the procedures outlined in Section 7.3 may be followed. If the bishop determines that circumstances do not warrant the procedures outlined in Section 7.3, he may so advise the investigator, and instruct the investigator to proceed as outlined in Section 8.3.2.

**9. FALSE ACCUSATIONS AND UNSUBSTANTIATED CLAIMS**

There is always the possibility of false accusations or unsubstantiated claims made for whatever reason. It is important for all diocesan personnel to know that both civil law and canon law (cc. 1390-1391) provide penalties for the crime of falsehood in which individuals become victims of false denunciation and calumny.

Describe incident of suspected sexual misconduct, including date, time and location:

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Identify eyewitnesses to the incident, including names, addresses, telephone numbers, where available:

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Other information, which may be helpful to the investigation:

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## SEXUAL MISCONDUCT POLICY OF THE DIOCESE OF CROOKSTON ACKNOWLEDGEMENT OF RECEIPT

(Sample)

I hereby acknowledge that I have received a copy of the Sexual Misconduct Policy of the Diocese of Crookston and that I have read it, understand its meaning, and agree to conduct myself in accordance with the Policy.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

### BACKGROUND QUESTIONNAIRE CONCERNING SEXUAL ABUSE

1. Have you ever been convicted of a crime of sexual abuse, physical abuse, sexual harassment or exploitation? \_\_\_\_ Yes \_\_\_\_ No
2. Has any civil or criminal complaint, or any other written complaint, ever been made against you relating to sexual abuse, sexual harassment or exploitation, or physical abuse? \_\_\_\_ Yes \_\_\_\_ No
3. Have you ever terminated your employment or had your employment terminated for reasons relating to allegations of sexual abuse or physical abuse by you, or relating to civil or criminal complaints for sexual or physical abuse against you? \_\_\_\_ Yes \_\_\_\_ No
4. Have you ever received any medical treatment, physical or psychological, for reasons involving your physical or sexual abuse of others? \_\_\_\_ Yes \_\_\_\_ No
5. Have you ever entered into any agreement with any past employer not to divulge the true reason for termination of employment?  
\_\_\_\_ Yes \_\_\_\_ No

(If you answered "yes" to questions 4 or 5, you will be asked to execute an authorization for further information.)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Position: \_\_\_\_\_

The Diocese of Crookston  
P.O. Box 610, Crookston, MN 56716  
**Employment Background Check**  
(Sample)

\_\_\_\_\_  
(Name and address of previous employer)

Re: \_\_\_\_\_  
(Name of Former employee)

\_\_\_\_\_  
(Social Security Number)  
DOB: \_\_\_\_\_  
(Date of Birth)

Dear Employer:

Your former employee, \_\_\_\_\_ identified above, has applied to be employed by or volunteer with us or continue to be employed by or volunteer with us. We have developed procedures which require that we request a background check with you as a previous employer to determine whether your former employee was ever the subject of any allegation, report or investigation concerning the occurrence of misconduct including sexual abuse, physical abuse, sexual exploitation or sexual harassment. This would include occurrences of sexual misconduct involving a child or children, involving persons who sought counseling or therapy, involving persons who were vulnerable because of impairment of mental or physical function or emotional status, or involving other past or present employees.

Set forth below is an Authorization for Release of Information by your former employee and a Response by Employer Form to be completed. Your cooperation is appreciated. An addressed, stamped envelope is provided for your response.

Thank you.

\*\*\*\*\*

I, \_\_\_\_\_, hereby authorize the above-named employer to release information for the purpose of evaluation of my application for or continuing employment or volunteer work. I agree not to hold my previous employer liable for release of any information in connection herewith.

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

**Response by Employer**  
(Sample)

We, as a previous employer of the above-named employee, respond that while employed by us, the former employee

\_\_\_\_\_ was \_\_\_\_\_  
(please check one)  
\_\_\_\_\_ was not

the subject of any allegations, report or investigation concerning the occurrence of sexual abuse, physical abuse, sexual exploitation, or sexual harassment.

Dated: \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature, Title

If we have checked "was" we are able to provide the following further information:

**Criminal History Record Authorization  
Release Form  
(Sample)**

To: Minnesota Department of Public Safety  
Office of Information Systems Management  
1246 University Avenue  
St. Paul, MN 55104

Re: Subject of Data

\_\_\_\_\_  
Person's Full Name - Last, First, Middle

\_\_\_\_\_  
Date of Birth

This is a full and sufficient authorization, pursuant to Minn. Stat. #13.05 Subd. 4, to release to:

\_\_\_\_\_  
Name of Agency to Whom Information is to be disclosed

\_\_\_\_\_  
Street Address of Agency

\_\_\_\_\_  
City, State and Zip code

all Criminal History Record Information maintained by your agency, without exception.

This information is being released for the purpose of employment and includes records prepared prior to the date of this authorization. I do not authorize a subsequent release of this information by the agency to whom information is to be disclosed for purposes not related to my employment.

This authorization shall be deemed to be effective for one (1) year from the date hereof, at which time it shall automatically expire.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Subject of Data

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**Appendix**

812  
Diocese of Crookston

The Minnesota Statute Annotated mandating reporting of maltreatment of minors is 626.556. A portion of the statute is set forth below. Similar reporting requirements are mandated in cases of abuse or neglect of a vulnerable adult. The requirements with respect to vulnerable adults is set forth at MSA 626.557. Both statutes provide that any person making a voluntary or mandated report under the statute is immune from any civil or criminal liability for making that report. Failure to report under the statute is a misdemeanor criminal offense. Retaliation against any person for making such a report is also prohibited. The following is an excerpt from the statute and should be used only as a guide. Further, statutes are amended from time to time, so the current complete statute should be consulted if any questions arise.

**626.556. Reporting of maltreatment of minors**

**Subdivision 1. Public Policy.** The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse. In furtherance of this public policy, it is the intent of the legislature under this section to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings; and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused or neglected children.

In addition, it is the policy of this state to require the reporting of neglect, physical or sexual abuse of children in the home, school, and community settings; to provide for the voluntary reporting of abuse or neglect of children; to require the assessment and investigation of the reports; and to provide protective and counseling services in appropriate cases.

**Subdivision 2. Definitions.** As used in this section, the following terms have the meaning given them unless the specific content indicates otherwise:

- (a) Sexual abuse means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, Subd. 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3451. Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

- (b) Person responsible for the child's care means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- (c) Neglect means (1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so; (2) failure to protect a child from conditions or actions that seriously endanger the child's physical or mental health when reasonably able to do so; (3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care; (4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, Subd. 11, which does not include a parent's refusal to provide the parent's child with sympathomimetic medications, consistent with section 125A.09, Subd. 3; (5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to Subd. 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care; (6) prenatal exposure to a controlled substance, as defined in section 253B.02, Subd. 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance; (7) "Medical neglect" as defined in section 260C.007, Subd. 6, clause (5); (8) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or (9) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of

development, with due regard to the child's culture.

- (d) Physical abuse means any physical, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 121A.67 or 245.825.
- (e) Report any report received by the local welfare agency, police department, county sheriff, or agency responsible for assessing or investigating maltreatment pursuant to this section.
- (f) Facility means a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B; or a school as defined in sections 120A.05, Subd. 9, 11, and 13; and 124D.10; or a non-licensed personal care provider organization as defined in sections 256B.04, Subd. 16, and 256B.0625, Subd. 19a.
- (g) Operator means an operator or agency as defined in section 245A.02.
- (h) Commissioner means the commissioner of human services.
- (i) Assessment includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.
- (j) Practice of social services for the purpose of Subd. 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and parenting time expeditor services.
- (k) Mental injury means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- (l) Threatened injury means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child's care, as defined in paragraph (b) clause (1) who has: (1) subjected a child to, or failed to protect a child from, an overt act or condition that constitutes extreme harm,

as defined in section 260C.007, Subd. 14, or a similar law of another jurisdiction; (2) been found to be palpably unfit under section 260C.301, paragraph (b), clause (4), or a similar law of another jurisdiction; (3) committed an act that has resulted in an involuntary termination of parental rights under section 260C.301, or a similar law of another jurisdiction; or (4) committed an act that has resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative under section 260C.201, Subd. 11, paragraph (e), clause (1), or a similar law of another jurisdiction.

- (m) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates and accepted teacher discipline practices which are not injurious to the child's health, welfare and safety.

**Subdivision 3. Persons mandated to report.** (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in Subd. 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency responsible for assessing or investigating the report, police department or the county sheriff if the person is:

- (1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or
- (2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this Subd. to report information that is otherwise privileged under section 595.02, Subd. 1, paragraph (c).

## RELEVANT CANON LAW

### The Crime of Falsehood

**Can. 1390 — 1.** One who falsely accuses a confessor before an ecclesiastical superior of the offense mentioned in Can. 1387 (solicitation in confession) incurs an automatic (*latæ sententiæ*) interdict; and, if a cleric, also a suspension.

**2.** One who furnishes an ecclesiastical superior with any other calumnious denunciation of an offense or who otherwise injures the good reputation of another person can be punished with a just penalty; even including a censure.

**3.** A calumniator can be coerced also to make suitable reparation.

**Can. 1391 —** The following can be punished with a just penalty in accord with the seriousness of the offense:

1. one who fabricates a false public ecclesiastical document, or changes, destroys or conceals an authentic document or uses a false or changed document;
2. one who uses another false or changed document in an ecclesiastical matter;
3. one who states a falsehood in a public ecclesiastical document.

## CODE OF ETHICAL STANDARDS FOR CHURCH LEADERS

### DIOCESE OF CROOKSTON

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#### I. PREAMBLE

As leaders in the Church founded by Christ, those who minister within our parishes and institutions must always seek to uphold Christian values and conduct. In addition to following the Gospel and its mandates, they will want to act properly at all times in the light of contemporary society and its needs. This Code of Ethics does not presume to provide the answers to all the ethical questions facing Church Leaders. What it does establish is a set of general ethical standards for their lives and ministry. These standards will help to delineate boundaries by which ethical questions can be evaluated.

It is intended that this code also will stimulate discussion within the Church community in order to broaden consensus on standards of practice and further refine them. This code is not intended to supersede canon or civil law. This Code will also aid in the training and education of new Church Leaders. Lastly, it will demand accountability from Church Leaders who may fail to live within the ethical standards of the Code.

This code is specifically written for all Church Leaders, whether paid or volunteer. The term "Church Leader" is defined as those individuals who represent the Church by virtue of office or designated position, and includes but is not limited to: catechists, deacons, directors of religious education, parish administrators, pastoral associates, priests, principals, religious, teachers, and youth ministers. This Code of Ethical Standards expresses the core values that must guide the conduct of Church Leaders.

Responsibility for adherence to this Code of Ethical Standards rests with the Church Leaders themselves. It is anticipated, however, that disregard of this Code by Church Leaders will be dealt with by the appropriate employing/appointing organization's representative (e.g. the pastor/parish administrator, the religious superior, the bishop). Remedial action may take various forms from counseling to removal from ministry.

The conduct of Church Leaders, both public and private, has the potential to inspire and motivate people, or scandalize and tear down their faith. These leaders must be aware of the responsibilities that accompany their work. They also know that God's goodness and graces support them in their ministry.

Balke  
EX 502  
12-14-09/SAS  
Diocese of Crookston



## **II. GENERAL PRINCIPLES**

Five key principles underlie the ethical stance of this Code. The ethical Church Leader is one who embraces the principles of ecclesial commitment, integrity, respect for others, well-being and competence.

### **Ecclesial Commitment**

Church Leaders embrace the teachings of Jesus and work to promote the Gospel. They shall have intimate knowledge of the scriptures and be able to relate them to day-to-day situations encountered in the parish and community.

Church Leaders shall exhibit a deep commitment to the Church. Loyalty to the traditions of the past, attentiveness to the realities of the present, and readiness/preparedness for challenges of the future should be evident. They are responsible for providing for and nurturing the life of the community, especially its sacramental life. They shall conduct themselves in a manner that is consistent with the discipline and teaching of the Catholic Church.

Church Leaders must show a commitment not only to the parish family, but also to the larger community in which the parish is located. They must show a special care and concern for the needs of the poor and the oppressed of society. Church Leaders shall address community social concerns by active reflection on Catholic social teachings. Church Leaders shall share the spirit of ecumenism in their interactions with other community religious groups.

### **Integrity**

Church Leaders are expected to be persons of integrity and must conduct themselves in an honest and open manner, free from deception or corruption. They shall handle the responsibilities of their office in a conscientious fashion. Leaders in a Church that sets high moral standards for its members have a responsibility to lead by example. Church Leaders witness in all relationships to the chastity appropriate to their state of life, whether celibate, married or single.

### **Respect for Others**

Church Leaders shall respect the rights, dignity and worth of each member of the Church community. Church Leaders respect each individual as a creation of God without regard to his/her economic status or degree of participation in parish life. Church Leaders refrain from physically, sexually, verbally or emotionally abusing or neglecting a minor or adult.

Church Leaders strive to be sensitive to cultural differences among people and appreciate the opportunities that diversity brings. Church Leaders take the time to understand the collective journeys of their congregations and understand the role of history in parish development.

Church Leaders are aware that issues of aging, gender, race, religion, sexual orientation, physical and mental disabilities, and language all affect how the message of the Gospel is received and interpreted.

### Well Being

Church Leaders are expected to attend to their own human, spiritual, intellectual, and pastoral well-being.

### Human Well Being

Church Leaders have a duty to be attuned to their physical, mental and emotional health. They should be aware of warning signs in their behavior and moods that can indicate conditions that can be detrimental to their health. Inappropriate use of alcohol or misuse of prescription drugs are examples. Church Leaders should immediately seek help when they identify warning signs in their professional or personal lives.

Church Leaders should be supportive of one another, in terms of both affirmation and holding one another accountable for their physical and emotional well-being.

Church Leaders should determine healthy limits in their work environment and live within these limits as much as possible. They should make use of allotted time for vacation and days away from the work environment.

### Spiritual Well Being

Church Leaders have a duty to stay attuned to their own spiritual health. Church Leaders must maintain and nurture an ongoing prayer life. Church Leaders need to address their own spiritual needs in order to remain focused in the faith. Regularly meeting with a spiritual director is highly recommended. Church Leaders need to take advantage of time provided for an annual retreat and days of reflection.

### Intellectual Well Being

Church Leaders have a responsibility to attend to their ongoing intellectual development. Church Leaders should participate annually in seminars and workshops in areas that are relevant to their current ministry. Church Leaders should stay current through reading of both religious and secular sources. Church Leaders should participate in a regular process of evaluation of their effectiveness in ministry. Diocesan instruments and procedures should be used where these exist. Church Leaders should make use of the time and funding provided for ongoing formation.

### Pastoral Well Being

Church Leaders are responsible for providing for and nurturing the life of the parish community. They should know and respect the people to whom they have been given in ministry. As appropriate to their ministry, they should celebrate the sacraments with decorum, in fidelity to the official rites of the Roman Catholic Church. Church Leaders should know and respect the policies and procedures of the Diocese. Church Leaders should nurture in themselves the pastoral heart necessary to lead their people in word, worship and service.

### Competence

Church Leaders shall maintain high levels of professional competence in their particular ministry. Training, education and experience all contribute to make them competent and credible in their areas of expertise. Church Leaders shall not attempt to provide services in those areas in which they lack competence; competence also means knowing one's limitations.

### III. NINE ETHICAL STANDARDS IN PROFESSIONAL RELATIONSHIPS

#### 1. Administration

*Church Leaders exercise just treatment of employees and volunteers in the day-to-day administrative operations of their ministries.*

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1.1 Church Leaders shall seek to relate to all people with respect, sensitivity and reverence. Meetings are to be conducted with patience and courtesy toward the views of others, in an environment where it is safe for others to offer constructive criticism.

1.2 Church Leaders seek to empower others, supporting each person to live the life to which God calls him/her. They are to seek to work in ways that respect the different talents people bring to the Church.

1.3 Church Leaders exercise responsible stewardship of all parish resources. They must also ensure that whatever their area of ministry, there is a clear accounting of all parish funds.

1.4 Church Leaders ensure that systems are in place to protect both the Church and the individual from financial mismanagement. Independent audits of financial operations are to be conducted on a regular basis.

1.5 Personnel and other administrative decisions made by Church Leaders should not only meet civil and Canon Law obligations, but should reflect Catholic social teachings.

1.6 All Church Leaders who receive financial recompense for their ministerial service under stipulated contract terms or diocesan scales may not receive dual reimbursement for work that falls ordinarily under the scope of their pastoral assignment or ministry (e.g. a pastor who teaches religious education may not receive both a pastor's salary and that of a director of religious education, etc.).

1.7 Pastors and Pastoral Administrators will provide guidelines for volunteers who work with young people.

1.8 Driving a church or school vehicle is prohibited unless prior authorization has been received and the appropriate license or certification has been obtained.

1.9 Church Leaders are not to entrust young people with keys to church facilities.

#### 2. Conduct in Counseling

*Church Leaders who conduct counseling for families, individuals, or groups, must respect their rights and advance the welfare of each person.*

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2.1 Church Leaders should not step beyond their competence in counseling situations. The parameters for Church Leaders are dictated by their training or certification from a recognized professional association of peers, or licensure from the State of Minnesota.

2.2 If conducting group sessions, Church Leaders must insure that no individual is subject to trauma or abuse resulting from group interactions. The Church Leader must state to group participants the nature of the group, and the parameters of confidentiality of all individual disclosures.

2.3 Church Leaders do not disclose information learned from counseling sessions. In beginning what is clearly a counseling relationship, the Church Leader should inform the counselee that confidentiality is limited when there is clear and imminent danger to the client or to others as well as in cases where there is abuse of minors or vulnerable adults. In such cases, the Church Leader must contact the necessary authorities or other professionals.

2.4 In cases where the counselee is already in a counseling relationship with another professional, the Church Leader should make clear what they can provide to the counselee. Generally, this should be confined to spiritual assistance.

2.5 Church Leaders who move to another parish while conducting counseling with parishioners should help make appropriate referrals for continued care.

2.6 Church Leaders ordinarily do not begin a counseling relationship with someone with whom they have a preexisting relationship (i.e., employee, professional colleague).

2.7 Church Leaders do not engage in sexual intimacies with those whom they counsel.

2.8 Physical contact with the counselee can be misconstrued and should generally be avoided.

2.9 It should always be clear to both the Church Leader and the counselee that a counseling relationship is in process. This can best be done when the counseling, especially if extended, is conducted in an appropriate setting and at appropriate times. Counseling should thus not be done in private living quarters or at places or times that would be ambiguous or misleading to the counselee.

2.10 Church Leaders should be cognizant at all times of the significance of boundaries in all counseling relationships. During the course of the counseling relationship, Church Leaders ordinarily do not socialize with counselees.

2.11 Church Leaders who conduct counseling should hold themselves accountable in that activity. This may be accomplished by engaging in professional peer consultation and/or supervision as appropriate. They should keep a calendar of times and places of contacts, especially in the case of more frequent meetings with the same person.

2.12 When a Church Leader's independent judgment is impaired (for example, by prior concurrent personal or professional relationships, where he or she becomes personally involved, or where he or she becomes an advocate for one person against another), the Church Leader should advise the party/parties that he or she can no longer provide counseling and refer him/her/them to other counselors.

### 3. Conduct With Minors

*Church Leaders working with minors should use appropriate judgment to insure trusting relationships marked by personal and professional integrity.*

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3.1 Church Leaders must be aware of their own vulnerability and that of any individual minor with whom they may be working. In every instance possible, a team approach to youth ministry activities should be considered. Church Leaders should avoid establishing any exclusive relationship with a minor and exercise due caution when they become aware of a minor desiring a relationship. Both the participants and members of the church community can misunderstand such relationships.

3.2 Physical contact with minors can be misconstrued by both minors and other adults, and should only occur under appropriate public circumstances.

3.3 Church Leaders do not use or supply alcohol and/or illegal drugs when working with minors.

3.4 Church Leaders do not provide any sexually explicit, inappropriate, or offensive material to minors.

3.5 Providing overnight accommodations in rectories or other personal residences for parish minors, or other minors with whom the Church Leader may have other than a close familial relationship, is prohibited.

3.6 Church Leaders should know and understand diocesan policies and procedures concerning allegations of sexual misconduct involving minors and the developmentally disabled.

3.7 Church Leaders will be held to a policy of zero tolerance in regards to the sexual abuse of minors.

3.8 Touching must be age-appropriate and based on the need of the young person, not the need of the adult.

3.9 Engaging in physical discipline of a young person is unacceptable. Discipline problems are to be handled in according parish or school policy.

3.10 Church Leaders should not be alone with young people in areas inappropriate to a ministry relationship.

3.11 Church Leaders are prohibited from taking overnight trips alone with a young person from the parish or school community who is not a member of their immediate family.

3.12 Church Leaders do not share beds with anyone except their spouse. If attending a parish or school sponsored event that requires a stay in a hotel the adult must sleep in a separate room.

3.13 Topics, vocabulary, recordings, films, games, computer software, or any other form of personal interaction or entertainment that could not be used comfortably in the presence of parents must not be used with young people. Pornographic material is prohibited.

3.14 Administering medication of any kind is prohibited.

3.15 If inappropriate personal or physical attraction develops between a Church Leader and a young person, the adult is responsible to maintain clear professional boundaries.

3.16 If one-on-one pastoral care of a young person should be necessary, avoid meeting in isolated environments. Schedule meeting at times and location that create accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parent of the meetings.

3.17 Church Leaders are prohibited from permitting children to cross a road by themselves while the children are their custodial care.

3.18 Taking photos of young people while they are unclothed or dressing is prohibited.

3.19 Prior to any planned discussion or session on human sexuality, Church Leaders are to send a communication to parents who then have the option to withdraw their child from the session.

#### 4. Sexual Conduct

*Church Leaders do not exploit the trust of the parish community for sexual gain or intimacy.*

4.1 Church Leaders must never exploit person for sexual purposes.

4.2 It is the personal and professional obligation of the Church Leader to be knowledgeable about what constitutes sexual exploitation of another and to be familiar with the laws of the State of Minnesota and the Diocesan Sexual Misconduct Policy regarding sexual exploitation, sexual abuse, and sexual assault.

4.3 Church Leaders who have made a commitment to celibacy are called to witness this in all relationships. Likewise, those who have made a marital commitment are called to witness to this fidelity in all their relationships.

4.4 Any allegations of sexual misconduct will be taken seriously and reported according to the Diocesan Misconduct Policy.

4.5 Church Leaders should be knowledgeable of the State of Minnesota Child Abuse regulations and know the proper reporting requirements. Church Leaders also comply with all mandatory reporting requirements except if the information was received under the seal of the confessional. In such cases, no reporting can occur.

4.6 In order to witness to Catholic values and social teachings, Church Leaders should strive to move beyond simply meeting the mandatory requirements. Church Leaders should also seriously consider their obligations to engage in permissive or optional reporting, as described under Minnesota law.

## 5. Professional Behavior

***Church Leaders do not engage in physical, psychological or verbal harassment of employees, volunteers, or parishioners, and will not tolerate such harassment by other church employees or volunteers.***

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5.1 Church Leaders are committed to providing a professional work environment for their employees, which is totally free from such harassment. This commitment continues the diocesan policy of fair and equal employment to every person regardless of race, religion, color, sex, sexual orientation, national origin, age, marital status, arrest or conviction record, veteran, handicap status or any other status protected by law. Church Leaders should provide a work environment that is free from intimidation and harassment based on any of these factors.

5.2 Harassment encompasses a broad range of physical or verbal behavior, which can include, but is not limited to, the following:

- Physical or mental abuse;
- Racial insults;
- Derogatory ethnic slurs;
- Unwelcome sexual advances or touching;
- Sexual comments or sexual jokes;
- Requests for sexual favors used as a condition of employment or affecting any personnel decision such as hiring, promotion, or compensation;
- Display of offensive materials.

5.3 Harassment can occur as a result of a single severe incident or a pattern of conduct, which results in the creation of a hostile, offensive, or intimidating work environment.

5.4 Church Leaders are to follow the established procedure for reporting of harassment, and are to ensure that no retaliation for bringing forward a claim of harassment will be tolerated.

5.5 Church Leaders are to insure that there is a clear policy on reporting harassment for both employees and volunteers.

## 6. Confidentiality

***Information disclosed to a Church Leader during the course of counseling, advising, spiritual direction and any other professional contact shall be held in strictest confidence.***

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6.1 Parishioners and other persons who come to the Church Leader should feel that they are entering a relationship marked by respect, trust and confidentiality.

6.2 The Church Leader is also bound to safeguard the confidentiality of any notes, files, or computer records pertaining to professional contact with individuals.

6.3 If consultation with another professional becomes necessary, utmost care should be taken to do so only by using non-identifying information; when this is not possible, the other professional

must be bound to the same degree of confidentiality as the Church Leader. If the other professional is not so bound, the disclosure should not be made.

6.4 When consultation is necessary, the Church Leader must exercise great care to limit the content of the information to be shared. The Church Leader must first determine: what is the precise information that the Church Leader needs to have shared; with whom is the information to be shared; and why does it need to be shared.

6.5 Knowledge that arises from professional contact may be used in teaching, writing and preaching or other public presentations only when effective measures have been taken to absolutely safeguard individual identity and confidentiality.

6.6 Except as provided above with respect to consultation, confidential information can be disclosed only with the written, informed consent of the individual. In legal proceedings in which the Church Leader is a defendant and the allegations stem from a professional contact, the disclosure of confidential information gained in that contact is permitted only to the minimum necessary to achieve the purpose of defense.

6.7 When entering into a counseling relationship, Church Leaders instruct the counselee from the outset regarding several exceptions to the ordinary rights of confidentiality: threats of self-inflicted harm to the counselee and threats against others because of the counselee's emotional status or behavior. Threats of self-harm may also include suicidal ideation with a plan to commit the act and/or plans to commit violence against another. In these situations, which pose a grave risk for the counselee's welfare and the welfare of others, communication of information to a parent or legal guardian (in cases when the counselee is a minor) and to the civil authorities should occur expeditiously with or without the consent of the counselee. The Church Leader must exercise great care and judgment in determining the appropriateness of this kind of disclosure and in balancing the ultimate welfare of the counselee with the duty to warn.

6.8 These obligations are independent of and supplementary to the confidentiality of the confessional. Under no circumstances whatsoever can there be any disclosure, even indirect, of information received through the confessional.

## **7. Records and Information**

***Appropriate confidentiality shall be maintained in creating, storing, accessing, transferring and disposing of parish or institutional records.***

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7.1 Sacramental records shall be regarded as confidential. When, for valid Church reporting or parish statistical purposes, information from these records is made public, great care must be taken to preserve the anonymity of individuals.

7.2 A trained staff member who is authorized to locate the requested information or supervise the use of such records shall handle requests for all records.

7.3 Parish financial records are to be held as confidential unless an appropriate governmental agency or office requires review. The Office of Administration should be contacted regarding the release of all financial records.



7.4 The records of individual contributions to the parish shall be regarded as private and therefore shall be used only as necessary.

## 8. Conflicts of Interest

*Church Leaders should avoid putting themselves in a position that might present a conflict of interest, since the existence, or even the appearance, of a conflict of interest can call into question one's integrity and professional conduct.*

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8.1 The potential for a conflict of interest exists in many circumstances. Examples of such behavior by a Church Leader include: conducting private business or other dealings with the Church or any of its members; accepting substantial (non-token) gifts for services or favors; employing or engaging in transactions with his or her friends or relatives; acting with partiality toward employees or church members; or violating a confidence of another for personal gain.

8.2 Disclosure of all relevant factors can in some circumstances lessen the potential for a conflict of interest.

## 9. Reporting Misconduct

*Church Leaders have a responsibility to report ethical misconduct on the part of other Church Leaders.*

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9.1 In cases where there are clear indications of illegal actions by a Church Leader, notification should be made immediately to the proper civil and Church authorities.

9.2 In cases where there are clear indicators of unethical, but not illegal actions by a Church Leader, notification should be made to the proper Church authorities.

9.3 When Church Leaders believe that one of their colleagues may have violated this Code of Ethical Standards, they should attempt to resolve the issue, if possible, by bringing it to the attention of the individual. If this fails, the Church Leader shall take further action by reporting to the supervisor or next higher authority, or by referral to the Chancery Office.

9.4 All accusations and concerns, either past or present, involving the sexual abuse of a minor and/or adult sexual exploitation, as defined by Minnesota law, must be reported promptly according to our Diocesan Sexual Misconduct Policy.

9.5 When Church Leaders are uncertain whether a particular situation or course of conduct would violate this Code of Ethical Standards, they should consult with peers knowledgeable about ethical issues and this Code, or the Chancery Office, in order to determine the proper response.

9.6 When a Church Leader witnesses anyone (adult or minor) abusing a young person. The Church Leader is to immediately take appropriate steps to intervene and to provide a safe environment for the young person and report the misconduct to the proper authorities.

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## RESOURCES

- Code of Canon Law (1983)
- Diocesan Policy Manual
- Sexual Misconduct Policy of the Diocese of Crookston
- Grateful acknowledgment is extended to the Archdiocese of Milwaukee
- Creating Safe and Sacred Places by Gerard J. McGlone, SJ PhD, and Mary Shrader, St. Mary's Press, 2003

4/28/04