

**McAfee & Taft A Professional Corporation**

**Report to the Archdiocese of Oklahoma City:  
Independent Investigation of Allegations of Sexual Abuse of Minors**

**1960-2018**

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## SUMMARY OF REPORT

McAfee & Taft A Professional Corporation was retained by the Archdiocese of Oklahoma City (the “Archdiocese”) to conduct an independent investigation and review of the Archdiocese’s past handling of allegations of sexual abuse of minors by priests. At the Archdiocese’s request, we have prepared and released this Report, which includes our findings, a discussion of cases where we believe allegations of child sexual abuse are substantiated, an analysis of how the Archdiocese has handled allegations over the years, and our recommendations on how the Archdiocese can better handle allegations of child sexual abuse in the future.

The Archdiocese directed us to independently investigate any matter that we deemed warranted investigation. As part of our independent investigation, we reviewed a large amount of data, many records, and interviewed numerous witnesses. The Archdiocese did not refuse any of our requests to review records in its possession. The Archdiocese was under no obligation to have any investigation performed and could have performed a review of its own files and made its own findings without any involvement of an outside law firm. By retaining a law firm to conduct an independent investigation to be followed by a public report, the Archdiocese subjected itself to independent criticism and review of its past actions and omissions.

We presently have identified and provided details in our Report relating to 11 priests who worked within the Archdiocese from 1960 through 2018 for whom we have substantiated allegations of sexual abuse of minors. There are additional files still under investigation and as those investigations conclude, additional names of priests with substantiated allegations of sexual abuse of minors will be released as warranted. Most of the priests still under investigation relate to allegations raised with the Archdiocese after it announced our firm’s investigation in August of 2018, though a few relate to older files that need additional investigation for various reasons. The matters still under investigation do not relate to any current active priests within the Archdiocese of Oklahoma City, though one matter still under investigation relates to a retired priest who still resides within the territory of the Archdiocese.

Our key findings of the Report include:

- Inadequacies in the Archdiocese’s recordkeeping policies and systems that have resulted in the intentional or accidental deletion of records documenting or relating to allegations of sexual abuse of minors;
- Decentralized, disorganized, and scattered Archdiocesan records documenting or relating to allegations of sexual abuse of minors;
- Inconsistent and inadequate investigations conducted by the Archdiocese into past allegations of sexual abuse of minors;

- In some instances, a failure by the Archdiocese to take appropriate action when presented with credible allegations that its priests had sexually abused minors, including a failure to monitor certain priests of concern to the Archdiocese; and
- A failure by the Archdiocese to follow its own policies and procedures relating to allegations of sexual abuse of minors, particularly when the Archdiocese was involved in litigation or when presenting key factual evidence to the Archdiocesan Review Board (the “Review Board”).

Our Report also makes a number of key recommendations to the Archdiocese. In summary, these recommendations include:

- Steps that the Archdiocese should take to consolidate, modernize, and improve its recordkeeping system to ensure that it preserves, tracks, and has access to all records documenting or relating to allegations of sexual abuse of minors;
- Ways to improve its investigative process, including the hiring of a truly independent, qualified investigator, so that both the Archdiocese and the public can have confidence that actual or perceived human bias is lessened when the Archdiocese receives allegations of sexual abuse of minors;
- Increased involvement by the Review Board into allegations of sexual abuse of minors. The Review Board is mandated by the United States Catholic Conference of Bishops’ *Charter for the Protection of Children and Young People* and the majority of its members are lay persons not employed by the Archdiocese;
- For the protection of our children and to heighten accountability, improved public communications about the actions taken by the Archdiocese relating to allegations of sexual abuse of minors; and
- Clarifying that all Archdiocesan personnel, including clergy, should immediately report to the Archdiocese any concerns about the sexual abuse of minors and imposing consequences for failing to immediately report such concerns.

Our firm consists of persons who live, work, and worship in Oklahoma and beyond. We humbly submit this Report with the hope that its contents and any ensuing improvements adopted by the Archdiocese result in a safer environment for all children for generations to come.

## SCOPE OF INVESTIGATION

McAfee & Taft was retained by the Archdiocese of Oklahoma City to conduct an independent investigation and review of the Archdiocese's past handling of allegations of sexual abuse of minors by priests. Initially, the Archdiocese announced that its chancellor, Michael Scaperlanda, would review every priest file<sup>1</sup> from the time period of 1960-2018 and only produce to McAfee & Taft for review "[a]ny file with an allegation of abuse of a minor or an abuse of power in a sexual relationship." See Archdiocese of Oklahoma City Aug. 29, 2018 Press Release, "Archbishop announces review, reporting plan for past allegations of abuse in the Archdiocese," <https://archokc.org/news-releases>. Shortly after making this announcement, however, the Archdiocese decided that while it would still review all priest files, it would also produce to McAfee & Taft all of its priest files from 1960-2018 for the firm's independent review.

Our firm was asked to review the priest files with several objectives in mind. First, the firm was asked to independently review how the Archdiocese handled past allegations of sexual abuse of minors; second, we were empowered to independently investigate any matters that we determined were warranted; third, the firm was asked to report all instances in which it believes that the sexual abuse of a minor was substantiated; fourth, the firm was asked to provide recommendations to the Archdiocese about how to improve its handling of allegations of child sexual abuse; and fifth, the firm was asked to prepare a report for public distribution detailing its findings, to include a recitation of pertinent facts of each case, a discussion of how the Archdiocese handled the allegations over the years, and the firm's recommendations.

As part of our independent investigation, we reviewed all of the Archdiocese's priest files for all active, extern,<sup>2</sup> and deceased priests who were active from 1960 forward. This is

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<sup>1</sup> A priest file typically consists of a number of components, including the priest's seminary files, personnel materials akin to an "employment file," correspondence between the priest and the Archdiocese, a priest's last will and testament, requests for reimbursement for ministry-related expenses, and, when applicable, documentation relating to any disciplinary or other issues involving the priest, including any investigations undertaken by the Archdiocese into the priest's alleged conduct and any actions taken by the Archdiocese in response to its investigation. In most instances, the Archdiocese's priest files appear thorough and contain records ranging from the most trivial to quite consequential. Because the priest files consist of paper records, noticeably absent from most priest files are any email communications about or relating to the priest. Only in limited instances did we observe that there were printed copies of specific emails placed into priests' files.

<sup>2</sup> An "extern priest" is a priest who was not ordained within the Archdiocese of Oklahoma City, but who served within the geographic boundaries of the Archdiocese of Oklahoma for some period of time. The term would include religious order priests, i.e., men who are ordained and take vows to serve the Catholic Church through a particular religious community such as the Franciscans, Jesuits, or Dominicans. For purposes of this report, we refer to priests who were ordained within the Archdiocese of Oklahoma City as "incardinated priests." We refer to other priests, i.e., religious order priests and those who were not

approximately 545 priests. We also reviewed “confidential” files that the Archdiocese possessed that were outside the scope of the ordinary priest files. The firm’s investigative team made several trips to the Archdiocese’s Pastoral Center offices at 7501 Northwest Expressway in Oklahoma City, and we were provided access to any files, records, or storage areas that we requested to inspect. We also asked the Archdiocese to produce or allow us access to a large quantity of materials beyond the scope of the priest files, and the Archdiocese did not refuse any request made of it by the firm for access to documents, records, or information. For example, we requested that the Archdiocese produce and allow an independent preservation of significant portions of its Electronically Stored Information (“ESI”). McAfee & Taft engaged an independent computer forensic firm to image electronic records identified independently by McAfee & Taft for preservation, including all computer records and files of senior Archdiocesan officials and any officials who could be involved with sexual abuse allegations. McAfee & Taft independently reviewed portions of the ESI imaged using search terms and queries that the firm independently developed.

In certain instances, we did a limited review of other files, including parish files and certain Archdiocesan policies and procedures. Given the volume of records and feasibility, the firm did not review every record contained within all of these files and could not travel to every Parish within the Archdiocese of Oklahoma City to inspect each parish’s files. In some instances, we did not interview all potentially relevant witnesses or alleged victims if we concluded we already had sufficient evidence to substantiate an allegation.

### **STANDARD OF PROOF USED FOR REPORT**

The Archdiocese’s announcement of our firm’s investigation referenced a review that would “include all instances where credible allegations of child sexual abuse were reported, substantiated, prosecuted or admitted to among priests serving in the Archdiocese of Oklahoma City.” *See* Archdiocese of Oklahoma City Aug. 29, 2018 Press Release, “Archbishop announces review, reporting plan for past allegations of abuse in the Archdiocese,” <https://archokc.org/news-releases>. In conducting our investigation and in preparing this Report, we grappled with a difficult question: How much evidence is needed to identify an accused priest by name in the Report? In other words, what standard of proof should we use when deciding whether to include a particular priest in the Report? To answer this question, we looked to what other dioceses have done when they have published lists of accused clergy similar to the one contained in this Report, and we found that there is no widely accepted standard of proof. For example, many dioceses have adopted a “credible allegation” standard. There does not appear to be a uniform or consensus definition of what a “credible allegation” means. Instead, the meaning of “credible” varies from diocese to diocese, with some appearing to adopt a higher or lower standard of proof. In some cases, a “credible” allegation has been defined to mean simply

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incardinated within the Archdiocese of Oklahoma City, but who served within Oklahoma at some point in time, as “non-incardinated priests.”

that an allegation could be true—i.e., it is at least possible that the alleged abuse did in fact occur based on the fact that the accused clergyman was in the area where the alleged abuse occurred at the time. Other dioceses have adopted a seemingly more stringent, though holistic standard based on myriad factors, such as the existence of multiple similar allegations, admissions of guilt by the accused, other corroborating evidence or testimony, and the perceived credibility of the alleged victim.

To arrive at an appropriate standard of proof to use for purposes of this Report, and in the absence of a uniform or consensus view, we consulted with the Archdiocese and have identified what we believe are two important, and sometimes competing interests: First is the need to be transparent about allegations of clergy sexual abuse—an interest that victims specifically and the public-at-large share. Second is the right of the accused not to be convicted in the court of public opinion without due process and without just cause. As attorneys, we are mindful of the power of accusation, especially in this context where the mere accusation of sexual abuse of a minor can have serious and lasting consequences for that person, both reputational and otherwise (even when the accusation is later proven to be unfounded in a court of law). We are sensitive to the fact that including a person’s name in the list contained in this Report may subject that person to such consequences.

We believe the standard of proof we have employed strikes the appropriate balance between the two competing interests identified above. This Report names a priest accused of sexual abuse of a minor if we determined through our investigation that an allegation against him is “substantiated.” For purposes of this Report, an allegation is “substantiated” if independent evidence exists that tends to support the allegation. Such independent evidence includes:

- Criminal convictions of child sexual abuse;
- Admissions of guilt by the accused, whether documented or related to us by witnesses;
- The fact that the Archdiocese or other appropriate clerical authority took steps to remove the accused from ministry after an investigation of an allegation of sexual abuse of a minor;
- The fact that the Archdiocese took steps to restrict the accused’s contact with minors after an investigation of an allegation of sexual abuse of a minor;
- Recommendations that the accused be removed from ministry or should be placed on restricted ministry after an investigation of an allegation of sexual abuse of a minor;
- The existence of confidential settlements paid by the Archdiocese to alleged victims of the accused;
- The existence of more than one allegation of sexual abuse of a minor, whether the alleged abuse occurred in the Archdiocese or elsewhere;
- Other documents, witness statements, and testimony that corroborates an allegation of sexual abuse of a minor; and
- Other indicators and red flags that tend to corroborate the allegation.

Under the standard set forth above, an allegation without any supporting independent evidence is not substantiated and therefore the priest involved in that allegation is not identified by name in this Report. We are sensitive to the frustration that this standard may engender. To the extent that there are persons in our community who believe that they possess information or evidence relating to any Archdiocese personnel who are not named in this Report, we would encourage you to come forward with this evidence to allow a new or further investigation of any allegations.

## **PRIESTS WITH SUBSTANTIATED ALLEGATIONS OF SEXUAL ABUSE OF A MINOR**

### **Father Thomas Behnke, O.C.D.**

Born: October 21, 1922

Ordained: 1949

Died: November 9, 2008

Father Thomas Behnke was not incardinated with the Archdiocese of Oklahoma City, instead, he was a member of the Discalced Carmelite Friars, a religious order, and was engaging in ministry in Oklahoma at the pleasure of the bishop of Oklahoma City. We believe that he served in Oklahoma at various times, though the Archdiocese's file on Fr. Behnke lacked any personnel records or documentation regarding his assignments within Oklahoma.

The Archdiocese has received two separate complaints of child sexual abuse regarding Fr. Behnke. The first alleged victim contacted the Archdiocese in June of 2002 and reported allegations of child sexual abuse to himself occurring decades before when he was 13 or 14 years old. The Archdiocese received a second allegation of abuse in July of 2018 that identified two alleged victims. The caller identified himself as one of the alleged victims; the other person identified was deceased at the time of the call. We interviewed one of the living alleged victims and unsuccessfully attempted to contact the other as part of our investigation. Fr. Behnke's last assignment in Oklahoma ended in 1974, when Archbishop John Quinn requested from the Carmelites that Fr. Behnke be removed as a pastor at Little Flower Church in Oklahoma City. There is no documentation in the file as to why Archbishop Quinn requested Fr. Behnke's removal, and the Provincial at the time, Fr. Herman A. Estaun, who was also a pastor at Little Flower and resided with Fr. Behnke in the rectory, testified under oath in 2008 that Archbishop Quinn did not provide Fr. Estaun with a reason for requesting Fr. Behnke's removal.

There are handwritten notes in Fr. Behnke's file that suggest that there could possibly be other victims of Fr. Behnke, though it is unclear if these victims reside in Oklahoma or were victims in other locales, and we were unable to identify the source of the handwriting. In an October 22, 2004 email, Chancellor Loutitia "Tish" Eason wrote that "[w]e have received other allegations against this priest. One was an anonymous call to the Hotline by the sister of a victim and one was made several years ago. The documentation is in our legal files." We could not

identify these files, though they may be among those in the possession of Doug Eason that have not yet been provided to our firm. *See* Qualifications Section of Report relating to Doug Eason.

Further, we reviewed materials and litigation files from outside the Archdiocese's files and note that his religious order paid \$4.65 million in 2009 to settle allegations involving Fr. Behnke and alleged abuse occurring in Texas and Oklahoma.

Fr. Behnke has previously been identified as credibly accused of sexual abuse of a minor by the Diocese of Dallas, <https://www.cathdal.org/list>, and the Archdiocese of San Antonio, [https://www.archsa.org/images/uploads/ArchSA\\_Report.pdf](https://www.archsa.org/images/uploads/ArchSA_Report.pdf).

### **Father David Armstead Cowden**

Born: October 30, 1950

Ordained: May 29, 1982

Died: March 23, 2015

The first concerns about child sexual abuse against Father David Cowden were documented by Father Edward Weisenburger, Vicar General<sup>3</sup> in April of 2002. Although no explicit allegation had been reported at that time, Fr. Weisenburger, V.G. nonetheless raised concerns about Fr. Cowden that we believe were based on information provided to him by a pastor who served with Fr. Cowden many years before. Although Fr. Weisenburger, V.G. did not provide the basis for his concerns in 2002, later documents from 2006 reflect that one of the Archdiocese's pastors had, many years before, shared concerns about Fr. Cowden with Fr. Weisenburger, V.G. and neither the pastor nor Fr. Weisenburger, V.G. reported these concerns to the Archdiocese at the time.

When Fr. Weisenburger, V.G. first mentioned that there could be issues relating to child sexual abuse involving Fr. Cowden in 2002, there had been numerous concerns raised and documented about Fr. Cowden's physical and mental health by parishioners and other clergy over the years, but none of these concerns related to reported allegations of sexual abuse of minors. In response to the parishioners' concerns, the Archdiocese was considering how to care for Fr. Cowden. Fr. Weisenburger, V.G. drafted a memorandum on April 7, 2002 to Archbishop Eusebius Beltran detailing the latest concerns. In that April 7th memorandum, the first two pages detail the parishioners' concerns. The memorandum contains a third page marked "CONFIDENTIAL" at the top and it is a letter drafted to Archbishop Beltran from Fr. Weisenburger, V.G. stating:

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<sup>3</sup> Edward Weisenburger served as a pastor in the Archdiocese for many years before he was appointed by Archbishop Beltran to serve first as Vice Chancellor and later as Vicar General in 1998. In 2009, he was appointed with the title Reverend Monsignor. He served as Vicar General until Pope Benedict the XVI appointed him Bishop of the Diocese of Salina, Kansas in 2012. In 2017, Pope Francis appointed Bishop Weisenburger to serve as Bishop of the Diocese of Tucson, Arizona. This Report refers to him as both Fr. and Msgr. Weisenburger depending on the time period at issue. This Report refers to him as "Bishop Weisenburger" to reference our interviews with him, all of which occurred in the past year.

**My primary concerns about Fr. Cowden are as follows (and I ask that you not retain this document; rather, please dispose of it after reading it):**

3. I hope it is only a coincidence that the reported behavior is happening at a time when priests are under increasing scrutiny due to pedophilia issues. While I have no proof of any kind, if there was a problem of this nature in Fr. Cowden's background perhaps the current climate has contributed to his emotional state. Again, this may be jumping to a gravely undue conclusion on my part.

At the time Fr. Weisenburger, V.G. drafted this portion of his letter to Archbishop Beltran, there was no documentation in Fr. Cowden's file alleging sexual abuse of a minor. When asked about the "dispose after reading" letter to Archbishop Beltran that was part of his April 7, 2002 memorandum, Bishop Weisenburger stated that it was not a typical practice of his to draft documents that contained instructions to dispose of the document after reading it.

The first documented allegation of child sexual abuse against Fr. Cowden is October 11, 2006, involving allegations of abuse that had happened many years before when the alleged victim was 10 or 11 years old. The receipt of this allegation appears to have triggered Fr. Weisenburger, V.G. to document and detail concerns he had about Fr. Cowden having an inappropriate relationship with a minor, which he had been told about years before as an associate pastor at a parish but had never reported, even when he raised unspecified concerns in his 2002 memorandum. Fr. Weisenburger, V.G. detailed in several memoranda dated in 2006 in Fr. Cowden's file that as an associate pastor at a parish within the Archdiocese of Oklahoma City, then-Fr. Weisenburger had been told by the pastor that Fr. Cowden had been involved in two seemingly troubling relationships with minor males when Fr. Cowden had previously been the associate pastor at the same parish. Both involved minor boys staying overnight at the rectory in the same room with Fr. Cowden when the pastor was out of town. The pastor knew the names of both potential victims, and in light of the October 11, 2006 allegation, Fr. Weisenburger, V.G. interviewed the pastor and documented details of the potential abuse. One of the boys was 14 at the time and the other was the same person that had been reported to the Archdiocese on October 11, 2006. Fr. Weisenburger, V.G. confirmed with the pastor that the 14-year old boy, who had flown in to visit Fr. Cowden, had been taken to the country club by Fr. Cowden and the boy had become sick because he had been served too much wine. The file does not, however, reflect that any further investigation was done by the Archdiocese into the allegations that Fr. Weisenburger, V.G. detailed from interviewing the pastor. Regarding the October 11, 2006 allegation, it appears that the Archdiocese materially followed its policies and procedures in the handling of that allegation.

In response to the October 11, 2006 allegation, Fr. Cowden was sent for a 10-day evaluation to St. Luke Institute in Maryland, and following that, spent over six months at St. Luke's in its residential treatment program. Fr. Cowden returned to Oklahoma City in May of

2007. Prior to his arrival, the Archdiocese considered whether to allow Fr. Cowden to return to ministry, and if he returned, whether he could return in a “restricted ministry,” i.e., an assignment that would keep Fr. Cowden away from minors. Notably, there is documentation both from a member of the Review Board and from Fr. Weisenburger, V.G. strongly condemning any attempt by the Archdiocese to reinstate Fr. Cowden to ministry, even if it was a so-called “restricted ministry.” When questioned about the feasibility of “restricted ministries,” Bishop Weisenburger and Archbishop Beltran both told us that by 2007, it was obvious that such an arrangement was infeasible.

On June 8, 2007, shortly after Fr. Cowden’s return to Oklahoma from St. Luke’s, Archbishop Beltran met with Fr. Cowden and documented the meeting in a letter dated the same day to Fr. Cowden. At that meeting, Fr. Cowden was advised that he would be offered a medical retirement, his faculties would remain suspended, and he could not function publicly in a priestly ministry. Fr. Cowden was also advised that he was never to be alone with a minor child. There was no public announcement by the Archdiocese of Oklahoma City as to the reasons for Fr. Cowden’s retirement.

**Father Stephen Cude**

Born: December 31, 1943

Ordained: May 31, 1969

Faculties withdrawn: May 15, 1998

The first reference in Fr. Stephen Cude’s priest file to an allegation of sexual misconduct involving minors is a March 27, 1987 letter from Archbishop Salatka to Fr. Cude. In the letter, Archbishop Salatka grants Fr. Cude a “temporary administrative leave of absence, pending the outcome of the investigation of the accusation made against [him].” There is no documentation of the allegation in Fr. Cude’s priest file that predates this letter, though it is clear that an allegation had been made and an investigation was underway.

Other documents in Fr. Cude’s priest file confirm that an allegation of sexual abuse was reported to the Oklahoma City Police Department, and that the Oklahoma County District Attorney’s office was considering bringing charges against Fr. Cude around this time. The allegation was apparently reported by, or on behalf of, a teenage boy who knew Fr. Cude. Attorney Jim Pearson represented Fr. Cude in the criminal investigation.

On September 16, 1987, Pearson wrote a letter to First Assistant District Attorney for Oklahoma County Pat Morgan. In the letter, Pearson wrote, “[t]his will confirm our September 15 conversation in which you told me the District Attorney’s office had officially declined to prosecute Father Steve Cude on the allegations raised by [the alleged victim].” Pearson’s letter further stated that Fr. Cude had been instructed “to avoid all contact with youth” and that he would be under the supervision of Fr. Louis J. Lamb. The letter stated that Cude would continue his hospital ministry but “will have no follow-up contact with youth.”

On September 18, 1987, Archbishop Salatka wrote to Fr. Cude terminating his administrative leave. Archbishop Salatka notified Cude that he was to “avoid all contact with youth” and that Archbishop Salatka would receive monthly “supervisory reports” from Fr. Lamb. Other documents in the file indicate that because of the allegation, Archbishop Salatka was also considering sending Fr. Cude to Southdown, a treatment facility located in Ontario, Canada for an evaluation.

Fr. Cude’s priest file indicates that on November 25, 1987, Pearson and Fr. Bill Pruett (who was a member of the Archdiocese Health Panel for priests) met with the alleged victim (who appears to have still been a minor at the time) and interviewed him about the allegation on video tape. The video recording was later transcribed by a court reporter on December 30, 1987. According to the transcript, the alleged victim said that Fr. Cude did not abuse him, and that the allegation was fabricated by his mother. When interviewed, Fr. Pruett acknowledged speaking with Pearson and suggesting that Pearson interview the alleged victim, but Fr. Pruett does not recall being present for the interview. We also attempted to interview the alleged victim for this report, but it is our understanding that he is deceased.

Based on the transcript and video recording of the alleged victim recanting the allegation, Archbishop Salatka wrote a memo to the file on January 4, 1988 concluding that Fr. Cude was “not guilty” of the allegation made against him. As a result, Archbishop Salatka wrote that there was no need to send Fr. Cude to Southdown for an evaluation or for Fr. Lamb to continue supervising Fr. Cude. Archbishop Salatka notified Fr. Lamb that the supervision was no longer necessary.

There is no evidence that any charges were brought against Fr. Cude or that there was any additional follow-up related to the 1987 allegation. It is unclear whether Fr. Cude was allowed to interact with youth after the alleged victim apparently recanted the allegation and, if so, whether this change was ever communicated to the Oklahoma County District Attorney’s Office.

According to a “chronology” document prepared in or after 1997, in or about December 1988, parishioners reported concerns to Fr. Bill Pruett about Fr. Cude and “the way and timing of youth in [his] rectory.” The chronology states these concerns were brought to the attention of the Archdiocesan Health Panel and resulted in a December 6, 1988 meeting between Archbishop Salatka, Fr. William “Bill” Ross (the chair of the Health Panel), and Fr. Cude. At the meeting, the chronology states, Fr. Cude denied any wrongdoing “but because of previous allegations, a directive was given that all contact with teenagers must be avoided, and that Fr. Cude must consent to “on-going monitoring” by a member of the Health Panel, Fr. Paul Gallatin. According to the chronology, “[t]his monitoring was carried out for some months the first year and infrequently after the first year.” When interviewed, Fr. Pruett said he remembered reports that Fr. Cude had an inappropriate relationship with a family in his current parish, but did not remember the details. When we interviewed Fr. Gallatin, he confirmed that he was assigned to

monitor Fr. Cude for some period of time. There is no evidence in Fr. Cude's priest file that the Archdiocese conducted any additional investigation or follow-up regarding the concerns reported in 1988.

On December 8, 1989, Archbishop Salatka wrote a memo to the file regarding Fr. Cude. The notes state: "visit result of reported pattern of behavior" and "pattern of relations to young people – inappropriate." There is no other reference in the file regarding the "pattern of behavior" or indication of what the behavior was.

On July 28, 1995, Archbishop Beltran wrote a memo to Fr. Cude's priest file recapping an interview with a former high school student. According to the memo, the former student reported that he formed a friendship with Fr. Cude while attending school. The former student reported that on an overnight trip, Fr. Cude made "inappropriate advances" toward the former student but no actual abuse was alleged, the memo stated. The memo states that the former student told Archbishop Beltran that he reported the incident to Fr. Bill Ross in 1991, but felt that Fr. Ross did not believe him. Archbishop Beltran's memo states that Archbishop Beltran asked Fr. Cude about the allegation, and Fr. Cude denied any inappropriate behavior.

On December 13, 1995, Archbishop Beltran received a memo from Catholic Charities regarding a man who had reported that he was placed in foster care with Fr. Cude in the 1970s when he was a teenager and that Fr. Cude "sexually molested" him. According to the memo from Catholic Charities, records confirmed that the man was placed with Fr. Cude at one time. In a December 15, 1995 memo to Archbishop Beltran in Fr. Cude's priest file, Fr. Weisenburger recommended sending Fr. Cude for an evaluation. Fr. Weisenburger wrote: "[w]hen approaching the individual in question [Fr. Cude] it should be outlined carefully to him that no guilt is implied at this time but there is simply 'too much smoke' at this point for the matter to be ignored. A professional evaluation is reasonable and far from over-reacting."

In a January 3, 1996 memo from Archbishop Beltran to Frs. Kastner and Weisenburger, Archbishop Beltran wrote that since their last meeting, he had "studied Father Cude's file quite thoroughly," because of the memo received from Catholic Charities. Archbishop Beltran wrote, "I am beginning to feel it would be unfair to ask Stephen [Cude] to submit to an evaluation at Saint Luke's in view of this memo. I realize our policy states every allegation will be investigated but I don't think this memo constitutes an 'allegation.' If it is, then I believe my search of the files is probably adequate." Archbishop Beltran then asked Frs. Kastner and Weisenburger to "think about this whole situation so that we can discuss it immediately upon my return."

Despite Archbishop Beltran's January 3, 1996 memo expressing reservations about sending Fr. Cude for an evaluation, the documents show that Archbishop Beltran sent Fr. Cude to St. Luke Institute in February 1996 and Fr. Cude was discharged later that month. Around this same time, Archbishop Beltran received information that Fr. Cude had served as a foster parent

for several adolescents in the 1970s, and that while Fr. Cude denied any sexual involvement with most of these adolescents, he did express unspecific feelings of guilt regarding one of the adolescent boys. Archbishop Beltran also learned that Fr. Cude acknowledged sexual behavior after becoming a priest, which included some sexual contact with teenagers.

According to documents in Fr. Cude's priest file, Archbishop Beltran determined in March 1996 that Fr. Cude did not present a risk of sexual misconduct with minors. Fr. Cude was reinstated as pastor, and there is no evidence in Fr. Cude's priest file that any limitations were placed on his contact with youth (notwithstanding the earlier restriction imposed by Archbishop Salatka).

In May 1997, the Archdiocese received a report that Fr. Cude had abused a boy during the 1980s. Documents show that Archbishop Beltran met with the alleged victim and his legal counsel. Documents show that due to the allegation, Archbishop Beltran suspended Fr. Cude's faculties and sent him to the Institute of Living for an evaluation. Fr. Cude was discharged in December 1997 and sent to Trinity Retreat House for treatment. Around this same time, Fr. Cude admitted to sexual conduct with minors and Archbishop Beltran was provided this information.

In April 1998, Archbishop Beltran notified Fr. Cude that he would not be able to give him an assignment in the Archdiocese. This was followed by a letter in May 1998 from Archbishop Beltran that withdrew Fr. Cude's faculties indefinitely. It is our understanding that Fr. Cude has retired and still does not have faculties in the Archdiocese.

In 2010, the alleged victim who came forward in 1997 sued Fr. Cude and the Archdiocese of Oklahoma City for alleged abuse that occurred when the alleged victim was a minor. The lawsuit was dismissed on the grounds that the statute of limitations had run.

### **Father Mathias Faue**

Born: January 26, 1923

Died: January 30, 1988

Father Mathias Faue was a Benedictine monk and a member of St. Gregory's Abbey in Shawnee, Oklahoma. Fr. Faue served much of his career in the Los Angeles, California area. He was assigned to Our Lady of Lourdes in East Los Angeles and at St. Benedict's Church in Montebello, California (in the Los Angeles metropolitan area). He also served in Seattle, Washington. According to documents available to us (most of which are publicly available), multiple allegations have been reported that Fr. Faue engaged in sexual misconduct involving minors and that officials at St. Gregory's Abbey were aware of concerns involving Fr. Faue for many years.

In 2013, several religious orders were required to produce personnel records as part of litigation with clergy sexual abuse victims in the Los Angeles area. These records included personnel records on Fr. Faue and can be accessed on the *Los Angeles Times*' website here:

<http://documents.latimes.com/priest-abuse-benedictine-priest-mathias-faue/>. A summary of the pertinent records are below.

In an April 17, 1969 letter from Father “James” at St. Benedict’s Church to the Abbot of St. Gregory’s Abbey in Oklahoma, Fr. James wrote “[f]or the past three years I have not paid any particular attention to Father Mathias and his problem. In fact I have ignored it. But a few weeks ago it was brought to my attention again. The source is of three families and I have to accept it. Nothing has been said to Father Mathias.” Father James wrote he would change Fr. Mathias’ work “on the basis of relation to children.” Fr. James wrote, “if this particular problem does not clear up after I make the change, perhaps you should replace Father Mathias.”

The Abbot responded on April 21, 1969 expressing disappointment that Fr. Mathias “did not overcome the problem.” The Abbot further wrote, “[w]hat you should do, if at all possible, is to go with him to a good psychologist. Because of the danger he is to the parish you can even insist, but it is necessary you take the initiative and make the appointment.”

In a February 6, 1985 letter to Monsignor John A Rawden, Chancellor of the Archdiocese of Los Angeles, Fr. Adrian Vorderlandwehr (Abbot of St. Gregory’s) wrote that Fr. Faue had been arrested on October 3, 1984 while attending an X-rated movie theater, apparently on suspicion of “exposing himself” (though Fr. Vorderlandwehr said Faue denied exposing himself when he interviewed him). The letter states the “immediate problem [presumably referring to the criminal arrest] was resolved.” (A subsequent letter from St. Benedict’s (the author’s name was redacted in the version we received) stated that Fr. Faue was “massaging himself” at the X-rated theater but “did not expose himself.”)

In a letter to Fr. Faue dated February 22, 1985, the author (whose name was redacted) wrote Fr. Faue was “free with [his] affections and use of hands with children on the school grounds.” “Please be careful,” the author wrote.

In a March 12, 1985 letter on St. Benedict’s Church letterhead and apparently sent to the Abbot at St. Gregory’s Abbey in Shawnee, the author reported that a parent at the parish school in Montebello complained to a teacher about Fr. Mathias “touching the young boys—even touching their behinds.” Although the author wrote s/he believed this touching occurred “outside the clothing” and there was no touching of the “genitels [*sic*],” s/he told Fr. Mathias that if it happened again, he would be sent back to the Abbey immediately. The author wrote “[t]here is such a big adoo [*sic*] going on at this time in the L.A. area about child abuse; I would hate to see Fr. Mathias caught on something like this.”

In a March 18, 1985 letter to Fr. Faue, the author (who, based on the context, is likely the Abbot of St. Gregory’s) wrote he was “disappointed” to receive the letter regarding the parent’s complaint. “You clearly have a problem, Father Mathias. It is time you seek some assistance. This incident at [an Oklahoma town] that marred your celebration of your 25<sup>th</sup> anniversary of ordination, [t]he recent incident in Long Beach [involving the X-rated movie theater], the

question marks around your earlier service in California, these all indicate a continuing problem. You must face up to this and seek some assistance,” the author wrote. The author directed Fr. Faue to send the name of a counselor or psychiatrist Fr. Faue would begin seeing for “therapy to overcome this problem,” and warned that if Fr. Faue failed to undertake this counseling, he would be moved back to the Abbey permanently.

Fr. Faue responded in a letter that he was “very shocked” to receive the Abbot’s letter and said “I would like to know what I did wrong to merit such a reprimand. If giving someone a birthday swat is considered wrong, then I am guilty.”

This was followed by a May 18, 1985 letter to Fr. Faue from the Abbot, who wrote:

[y]ou note shock at my request that you find a psychiatrist for counseling. I am sorry. The events just seemed to add up that this was something advisable so that no major incidents should occur. I doubt that I need to point out to you all the child abuse and child molestation cases filed these days. So when Father [redacted] informed me that a parent had complained, I took stock of all the information available to me, and decided on this course rather than ask you to return to the Abbey at that time. . . I had to add up a previous history of something, not all of which I know about except by rumor. I never found out exact circumstances in Prague. There are rumors that float in the community you had years ago in Montebello and in [two locations in Oklahoma].

The files we obtained also include a July 14, 1988 letter from Chancellor George Thomas of the Archdiocese of Seattle to an alleged abuse victim who complained of abuse in the Seattle-area (where Fr. Faue served for a period). In the letter, Chancellor Thomas informs him/her that based on the report, the alleged perpetrator was Fr. Faue.

On or about August 1, 2002, Abbot Martin Lugo of St. Gregory’s Abbey received a letter from an alleged victim of Fr. Faue. The alleged victim reported that Fr. Faue repeatedly molested him while he was an altar boy at St. Benedict’s Church in East Los Angeles.

On May 5, 2005, St. Gregory’s Abbey received an e-mail from a person who wrote that “the Church and [his] vocation” were stolen from him “forever” during his freshman year at St. Gregory’s High School (in Oklahoma) in the early 1960s. The e-mail implied that Fr. Faue had abused the author while he was a student at the school. Abbot Lugo responded to the author of the e-mail offering to listen to him. We are unaware of any additional follow-up regarding this allegation.

In August 2018, the Archdiocese received a report that Fr. Faue had abused a minor in Oklahoma during the 1950s.

**David B. Imming**

Born: August 23, 1939

Ordained: May 27, 1965

Suspension of faculties: May 13, 2002

Laicized: June 10, 2011

As a preliminary matter, it is important to note that there were many key records relating to allegations of child sexual abuse that were not found in Father David Imming's priest file provided to us by the Archdiocese. It is unusual that there were records relating to allegations of child sexual abuse that were missing from the priest files kept by the Archdiocese. The priest files are consistently kept in chronological order and we identified noticeable "gaps" in time periods in Fr. Imming's file where there were no records. Additionally, we observed that there were references to documents, allegations, and alleged victims for which there were no materials in Fr. Imming's file. We attempted to identify records from Fr. Imming's file by reviewing electronic records and certain litigation files that were in the Archdiocese's possession. We found relevant records and materials relating to allegations of child sexual abuse in the litigation and electronic files that were not included in Fr. Imming's priest file.

In early 1992, it appears that there was an allegation of attempted child sexual abuse raised against Fr. Imming, though there is no written record created by the Archdiocese identifying the alleged victim or circumstances, and there is no record of any investigation being performed. In response to this allegation, Archbishop Salatka sent Fr. Imming to the Shalom Center in Splendora, Texas in February 1992 for diagnosis and treatment. When he returned, Fr. Imming continued to serve as a priest of the Archdiocese of Oklahoma City. Documentation in Fr. Imming's file suggests that upon his return, Fr. William Ross was supposed to "follow-up" with Fr. Imming periodically, but this was never formally memorialized in any document in Fr. Imming's file. It was later documented in 2002 that no follow-up by Fr. Ross ever occurred.

The next documented allegation against Fr. Imming did not arise until 10 years later, in late April 2002. Just prior to that allegation, however, on March 18, 2002, Fr. Weisenburger, V.G. conveyed concerns about Fr. Imming in a telephone call to Archbishop Beltran. Apparently Archbishop Beltran was unavailable, and Archbishop Beltran's secretary typed a message to the Archbishop about Fr. Imming stating that Father Weisenburger "is more than ever disturbed because of a conversation with Father [last name omitted]...Father [last name omitted]...told Father [Weisenburger] about a very serious incident when he was a seminarian." Although Bishop Weisenburger could not recall the events when asked about them in 2019, we interviewed Father [last name omitted] and learned that the "very serious incident" involved allegations of sexual misconduct committed by Father Imming against that priest when he was a seminary student. Although not a minor at the time, he was a young adult over whom Father Imming held a position of authority. While this allegation is outside the scope of this Report because it does not involve a minor child, if true, it is our view that this misconduct by Fr. Imming would have constituted an abuse of his authority over the seminarian.

The next day, Fr. Weisenburger, V.G. again left a phone message for Archbishop Beltran that was summarized in a memorandum by Archbishop Beltran's secretary. The March 19, 2002 memorandum reflects a suggestion by Fr. Weisenburger, V.G. that Fr. Imming be given a six-month sabbatical to address some personal family issues, and at the end of the six-month sabbatical, Fr. Imming meet with Archbishop Beltran, who would then "determine an appropriate place for assessment (recommend Father Groeschel). After six months there (and with the hospital nearby), you can then meet with him to continue his sabbatical, return him to some form of ministry or whatever the evaluation recommends."

We were unable to determine from the records any specific event that would necessitate Fr. Imming being sent for an additional medical or psychological assessment as of March 19, 2002, because the files contain no record of any new allegations of child sexual abuse. When Bishop Weisenburger was asked by us why he suggested that Fr. Imming be sent for an "assessment," Bishop Weisenburger explained, [i]n looking at the [March 19, 2002] memo it is clear that there was some kind of concern about Imming. I have no memory concerning what that particular concern was. I fear that too many cases/situations are blurred together in my mind and I am entirely unable to keep the timelines for different cases in my head. I really have to defer to the documentation. Again, I have no specific memory as to what concern preceded this action." Further, Bishop Weisenburger explained that "if this was a response to a formal allegation of sexual misconduct I believe it is more likely that he would have been sent to a more specialized facility, such as Institute for Living or St. Luke's.... If there was some kind of allegation against Imming at this time I have no memory of it but I would defer to the file." In response to our questioning, Bishop Weisenburger admits that his memory of the events involving Fr. Imming in 2002 are "far from clear," but he seems to recall that at the time, Fr. Imming may have been having some emotional issues, and for several reasons, Bishop Weisenburger "clearly preferred him out of ministry, regardless of the approach."

During this same time period in March of 2002, Archbishop Beltran was considering how to deal with Fr. Imming's insubordination, which was well-documented. Beginning in at least 1996, Fr. Imming's records substantiate his insubordination, which included a failure to attend personal meetings scheduled by Archbishop Beltran. After missing yet another meeting in March of 2002, Archbishop Beltran scheduled a meeting with Fr. Imming for April 10, 2002. In anticipation of that meeting, Fr. Imming wrote a letter on April 2, 2002 to Archbishop Beltran asking for an "extended and indefinite leave in order that I may take care of my mother," with Fr. Imming planning to relocate both himself and his mother to Kansas to be near other family. Fr. Imming also queried whether he might be permitted to retire, even though he was only 62 years old at the time. An April 10, 2002 memorandum from Archbishop Beltran documents that on that day, he and Fr. Weisenburger, V.G. met with Fr. Imming and it was agreed that Fr. Imming would be allowed to retire, Fr. Imming would be moving to St. Marys, Kansas with his mother, and, in light of the move out of state, Fr. Imming's faculties would be rescinded effective June 18, 2002.

On April 29, 2002, the Archdiocese received an allegation against Fr. Imming of child sexual abuse that had occurred many years before. At the time the Archdiocese learned of this allegation, the alleged victim was an adult. In response to this allegation, on May 1, 2002, Archbishop Beltran advised Fr. Imming of the allegation, notified him that he could no longer remain affiliated with the Archdiocese through June 18, 2002, as previously planned, and directed that Fr. Imming would need to leave Alva, Oklahoma (Fr. Imming was parish priest of three parishes at the time, including Sacred Heart in Alva) the following week. Further, Archbishop notified Fr. Imming that his faculties would be suspended as of May 13, 2002. Given Fr. Imming's already planned move to Saint Marys, Kansas, Archbishop Beltran notified Most Reverend James B. Keleher, Archbishop of Kansas City, in a May 16, 2002 letter that Fr. Imming would be residing within Archbishop Keleher's Archdiocese. Archbishop Beltran also wrote in that letter that "[a]s mentioned to you on the phone, Father Imming does not have Faculties."

On July 12, 2002, the Archdiocese received a letter from attorney Dale Cottingham, stating his client was another alleged victim of child sexual abuse, though the July 12 letter did not identify the priest or the alleged victim. A meeting between Mr. Cottingham and Archdiocese outside counsel Doug Eason occurred on July 22, 2002, and that meeting was memorialized by a July 23, 2002 letter sent by Mr. Cottingham detailing the birthdate of the alleged victim, the time period when the abuse allegedly occurred, and a request to review the file of the priest involved.<sup>4</sup> On July 26, 2002, Archbishop Beltran drafted a memorandum documenting a meeting between himself and Fr. Imming regarding "the allegation being made against him." By March 31, 2003, this allegation was made public when a lawsuit was filed by Philip Schovanec against Fr. Imming, the Archdiocese, and Archbishop Beltran (Oklahoma County District Court, Case. No. CJ-2003-2744). The lawsuit alleges that "[i]n July of 2002, [Schovanec] approached the Archdiocese to discuss his complaints against Imming...." Further, a November 23, 2002 memorandum about Fr. Imming prepared by Archbishop Beltran reflects that the Archdiocese

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<sup>4</sup> Nearly a year later, on June 10, 2003, after a lawsuit had been filed by Mr. Cottingham on behalf of his client Philip Schovanec, Mr. Cottingham sent a letter to Mr. Eason detailing that "last summer in our face to face meetings you told me while acting in your role as attorney for the church that you had made an investigation regarding any prior allegations of sexual misconduct against Father Imming and that this investigation had turned up nothing. You also told me that there was nothing in Father Imming's file compiled by the church in regard to any allegations of sexual misconduct." Mr. Cottingham expressed that he "was disturbed upon hearing from Philip Schovanec [Mr. Cottingham's client] that you had recently (within the last few weeks) advised Philip's lawyers that there were allegations of sexual misconduct made against Father Imming in past years." Based on the files for Fr. Imming produced to us, albeit incomplete, we were able to identify two different and unrelated allegations of child sexual abuse that were referenced in some way in Father Imming's file by the time Mr. Eason met with Mr. Cottingham in July of 2002. We could not find a written response from Mr. Eason back to Mr. Cottingham, but it may be contained in the additional materials Mr. Eason only recently produced to us or to Archdiocese outside counsel. *See* Qualifications Section of Report relating to Mr. Eason.

believed it may be sued by Mr. Schovanec, prompting Archbishop Beltran to call and leave a voicemail for Archbishop Keleher in Kansas City about the newest allegations.<sup>5</sup>

As referenced above, Mr. Schovanec filed his lawsuit on March 31, 2003. On the same day, Mr. Schovanec's attorneys issued a press release announcing the filing of the lawsuit. Stephen Jones, a prominent Enid attorney who was representing Fr. Mickus at the time in separate allegations of child sexual abuse, faxed the press release issued from Mr. Schovanec's attorneys to Doug Eason, Archdiocese outside counsel. Handwritten across the facsimile cover page to Mr. Eason is the message "This is all we needed right now." Several days later, on April 4, 2003, there was an article in the *Enid News & Eagle* announcing that Stephen Jones would be representing Fr. Imming in the Schovanec lawsuit. On April 9, 2003, Archdiocese outside general counsel Doug Eason sent a proposed Joint Defense Agreement to Fr. Imming's attorney Stephen Jones, who executed it on April 10, 2003. There is an April 9, 2003 letter from Stephen Jones to Doug Eason in Fr. Imming's file containing various investigatory strategies related to defending the Schovanec lawsuit. From that point forward, Fr. Imming's file is replete with communications between Mr. Jones, Mr. Eason (as Archdiocese outside counsel), and Mrs. Eason (as chancellor of the Archdiocese). Much of the correspondence details Mr. Jones' investigative efforts into mounting a defense for Fr. Imming and summaries of expected witness testimony, but there is also significant correspondence detailing Mr. Jones' efforts to have the Archdiocese pay his legal bills.

Another allegation of sexual abuse of a minor against Fr. Imming was received on or about May 30, 2003, though this allegation was not documented in Fr. Imming's priest file. We were able to locate materials related to this allegation in Archdiocese litigation files relating to the Schovanec lawsuit. According to these files, a priest received a complaint against Fr. Imming and shared it with Fr. Weisenburger, V.G., who then shared it with Archdiocese outside counsel Doug Eason. Mr. Eason notified the Oklahoma Department of Human Services of the allegation, which referred the matter to the Woods County District Attorney's Office. Mr. Eason also provided notice of the allegation to Fr. Imming's attorney, Stephen Jones, who called and spoke with Allan Mitchell, Woods County assistant district attorney, regarding the allegations. Following Mr. Jones's conversation with the assistant district attorney, Mr. Jones contacted the mother of the alleged victim and had a telephone conversation with her. Mr. Jones then followed up the May 30th conversations with the assistant district attorney and the alleged victim's mother with a letter to the assistant district attorney on June 3, 2003 assuring the assistant district attorney that the mother of the alleged victim "did not know of any untoward misconduct by Father Imming. She said her son had emphatically denied that there had been anything unusual

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<sup>5</sup> In the Schovanec case, Archbishop Beltran was deposed on November 12, 2004. In his sworn testimony, Archbishop Beltran stated that prior to the filing of the Schovanec lawsuit, he had become aware that Fr. Imming was having boys spend the night with him at the rectory on a routine, regular basis. Archbishop Beltran testified that he could not recall when he first became aware of the sleepovers, but he never discussed the practice with Fr. Imming.

which occurred.” It does not appear, however, that Mr. Jones had interviewed the alleged victim at the time he spoke with or wrote the letter to the Woods County assistant district attorney. In a June 6th conversation between Archbishop Beltran and the alleged victim’s mother, the alleged victim’s mother “complained that Stephen Jones keeps calling her,” and notwithstanding any comments made to Mr. Jones by her, she continued to express concerns to the Archdiocese regarding the allegations relating to her son after her May 30th conversation with Mr. Jones.

On July 8, 2003, Archdiocese outside counsel Doug Eason sent a letter to Stephen Jones, Fr. Imming’s attorney. This letter brought to light another allegation against Fr. Imming. Mr. Jones had contacted Mr. Eason the previous “Friday night after [Mr. Jones’s] telephone conference with an individual...who provided you information on Father Imming. It is my understanding the individual requested that his name be kept confidential. You indicated in our telephone conversation that this man’s son related an incident with Father Imming...that made the man’s son feel uncomfortable.” Mr. Eason recited various Archdiocese and Church policies regarding the provision of assistance to the victims of child sexual abuse and requested that Mr. Jones convey to the alleged victim and his family that Archbishop Beltran had made “a sincere offer of pastoral care to both the son and his family,” that Archbishop Beltran wished to meet with the alleged victim and his family, and the sole purpose of any meeting would be “as a pastoral outreach....” Although the Archdiocese’s files do not reveal whether Mr. Jones ever conveyed Archbishop Beltran’s invitation for a pastoral outreach meeting to them, by the summer of 2004, Mr. Schovanec’s counsel was also representing another alleged victim who we believe is the same alleged victim Mr. Jones identified to Mr. Eason in the summer of 2003. Once the Archdiocese learned the identity of this alleged victim, the Archdiocese provided pastoral care and counseling to him.

In 2009, the Archdiocese of Oklahoma City settled its lawsuit with Mr. Schovanec.

On October 21, 2010, in light of concerns raised by the Archdiocese of Kansas City, Archbishop Beltran contacted Fr. Imming to address concerns that Fr. Imming had been hiring minors from the local high school in Saint Marys, Kansas (where Imming resides) for a landscaping/handyman business operated by Imming at the time. On November 2, 2010, the Oklahoma City Archdiocese learned from the Archdiocese of Kansas City, Kansas that Fr. Imming had employed a minor male who had spent the night with Imming at his Kansas home to assist with babysitting and who had been hot-tubbing alone with Imming. Although there are no documented allegations of child sexual abuse that resulted from this information, on November 8, 2010, in light of concerns raised by the Archdiocese of Kansas City, Archbishop Beltran directed Fr. Imming to relocate to Oklahoma City within 30 days. In a November 15, 2010 letter, Fr. Imming declines the “offer” from Archbishop Beltran to relocate to Oklahoma City, but assures the Archbishop that “there will be no further contact with minors for any reason whatsoever.” Additionally, Fr. Imming agreed to be laicized in this letter.

On June 20, 2011, the documents laicizing Imming were issued by the Vatican, and were received by the Archdiocese in July of 2011.

Imming has previously been identified by the Archdiocese of Kansas City, Kansas as having a “substantiated” allegation of sexual abuse of a minor:

<https://media.kansascity.com/livegraphics/2019/pdf/KCArchdiocese-SpecialReport.pdf>.

**Father Francis Albert Mantica**

Born: November 28, 1927

Ordained: May 24, 1959 (Diocese of Albany)

Deceased: February 16, 1997

Father Francis Mantica had held several unusually short-lived assignments within the Diocese of Albany from 1959 through 1963. In September of 1963, he became an Air Force chaplain, but that assignment terminated less than a year later in May of 1964. In June of 1964, Fr. Mantica requested and was given permission to seek employment in another diocese. By late summer 1964, Fr. Mantica was serving as an assistant high school principal at a Catholic high school in Steubenville, Ohio. This assignment was again extremely short-lived and by October 1964, Fr. Mantica was seeking employment outside the Diocese of Albany with a Catholic boarding school located in Connecticut. Fr. Mantica served there for less than three weeks. At this point, it appears Fr. Mantica was traveling the country until he could obtain a new assignment.

In April 1965, Fr. Mantica wrote to Bishop Reed of the Diocese of Oklahoma City and Tulsa seeking an assignment within the Diocese of Oklahoma City and Tulsa. Upon inquiry to the Diocese of Albany about Fr. Mantica, the Diocese of Albany advised the Diocese of Oklahoma City and Tulsa that “Father Mantica makes a fine appearance. He gave great promise of doing well in the priesthood,” and “[i]t is felt that Father Mantica needs psychiatric help, but efforts to persuade him to obtain this assistance voluntarily have been unsuccessful. Since last fall he has been residing with his family and helping out in a nearby parish on a personal basis with the Pastor. Aside from these reservations, there are no complaints about his personal or moral behavior.” The same author of this letter had just months before written several letters regarding Fr. Mantica to forbid him to commence efforts to start either a school in Connecticut or an institution for troubled boys in New York, but that information was not provided to the Diocese of Oklahoma City and Tulsa.

In June of 1965, Fr. Mantica received his first temporary assignment within the Diocese of Oklahoma City and Tulsa, and soon he was granted permission to assist with the establishment and operation of “Youth Village,” an organization to assist troubled boys. The Diocese of Oklahoma City and Tulsa’s first documented allegation of sexual abuse of a minor against Fr. Mantica arose in September of 1966 and the allegations relate to a teenage victim. Although the Archdiocese records on its response to this allegation are sparse, there is an unsigned letter from Fr. William Garthoeffner to Bishop Reed written on September 7, 1966 that

reflects that an allegation has been made, has been investigated to some degree by Fr. Garthoeffner, and “seems to be standing up under cross-examination.” Fr. Garthoeffner writes that the alleged victim’s “story is standing up,” and that Fr. Mantica’s “approaches were explicit and repeated. I gained the definite impression from Msgr. [Kanaly] last evening that no one who had heard the boy’s account doubted its truth.”

In March of 1967, Bishop Reed suspended Fr. Mantica’s faculties and later notified the Diocese of Albany of Fr. Mantica’s departure in an April 1967 letter. Notably, there are no records documenting that Bishop Reed ever advised the Diocese of Albany that Fr. Mantica had been accused of the sexual abuse of a minor, and there is no explanation why the Bishop waited from September of 1966 until March of 1967 to suspend Fr. Mantica’s faculties.

In response to a request that the firm made to the Diocese of Albany for all records relating to Fr. Mantica, we received a book manuscript entitled “The Letter (A True Story),” written in 1990 by Mantica (though he identifies the author as I.N.R.I. (International Noological Research Implosion)), which consists of a series of letters written by Mantica to various individuals encountered by Fr. Mantica throughout his life, including Bishop Reed of the Diocese of Oklahoma City and Tulsa. In this manuscript, Fr. Mantica states in the letter to Bishop Reed that while serving in the Diocese of Oklahoma City and Tulsa, he was required to abruptly depart in the summer of 1967 because Bishop Reed called him to advise him that if he was not out of the State of Oklahoma within 24 hours, Fr. Mantica would be arrested by the district attorney. In the same letter, Fr. Mantica writes “[t]he young man who ‘turned me in’ to your disciplinary board reported accurately our sexual encounters. There is no question of the shame, embarrassment, and terrifying affects I felt as I silently left the hearing.” Importantly, we could find no record of any such hearing or disciplinary board proceeding involving Fr. Mantica contained within the Archdiocese’s records.

Further corroborating allegations of sexual abuse of a minor by Fr. Mantica is a November 26, 2018 article written by “M.H.,” an alleged victim who details allegations of abuse by Fr. Mantica: <https://www.churchmilitant.com/news/article/catholicmetoo-a-survivor-tells-his-story>

In April of 1996, the Archdiocese of Oklahoma City received a second allegation of child sexual abuse that occurred in 1967 involving an unnamed priest who resided in South Oklahoma City against a teenage boy. Based on the details of the alleged victim’s statement, we believe that the priest involved in this allegation to be Fr. Mantica.

**Father James Mickus**

Born: December 16, 1944

Ordained: June 1, 1972

Currently suspended as of: November 2, 2018

On May 29, 2002, an adult called the Archdiocesan Victim's Assistance Hotline (the "Hotline") and reported that he was sexually abused by Father James Mickus. The alleged abuse began when the alleged victim was a teenager and continued into his early twenties. Within a few days of the call, Fr. Weisenburger, V.G. met with alleged victim about the allegation. According to contemporaneous documents, Fr. Weisenburger, V.G. found the alleged victim to be credible.

On June 9, 2002, Archbishop Beltran and Fr. Weisenburger, V.G. met with Fr. Mickus to notify him of the allegation. At this meeting, Archbishop Beltran told Fr. Mickus that he had been accused of sexually abusing a minor and disclosed the alleged victim's identity. Fr. Weisenburger, V.G. explained that Fr. Mickus had no obligation to respond to the accusation at that time. According to an internal memo written by Archbishop Beltran and Fr. Weisenburger, V.G. in 2006 (four years after this meeting), when Fr. Mickus was notified of the allegation against him, he said "I thought [the alleged victim] was eighteen when this matter happened but if he says he wasn't yet eighteen then I'm not going to dispute it or argue about it." Fr. Mickus then admitted to engaging in sexual behavior with the alleged victim and said he would "accept whatever consequences would follow as a result of his actions." We subsequently interviewed Archbishop Beltran and Bishop Weisenburger about the allegation and the June 2002 meeting with Fr. Mickus. Archbishop Beltran said he had no independent recollection of the June 2002 meeting with Fr. Mickus. However, after reviewing the 2006 memo referenced above, he said that Fr. Mickus' purported uncertainty as to the alleged victim's age at the time of the sexual conduct was "foolishness" and that in his opinion Fr. Mickus was "acknowledging a certain guilt" and "not defending himself." When we interviewed Bishop Weisenburger, he said that he remembered the June 2002 meeting with Fr. Mickus but not any specific conversation from the meeting. He said he remembered that Fr. Mickus admitted to sexual behavior with the alleged victim but that it was Fr. Mickus' belief that the alleged victim was over 18 years old at the time. However, Fr. Mickus would not dispute the alleged victim's account and felt "terrible" about the allegation, Bishop Weisenburger said. Bishop Weisenburger said that Fr. Mickus' attitude later changed and he began to fight back against the allegation after he engaged his civil attorney, Stephen Jones.

After this June 9, 2002 meeting, Archbishop Beltran went to Fr. Mickus' parish at the time and publicly announced to the congregation that he had suspended Fr. Mickus' faculties pending investigation of an allegation of sexual abuse involving a minor. Archbishop Beltran sent Fr. Mickus to St. Luke Institute in Silver Spring, Maryland for approximately two weeks for a psychological evaluation. St. Luke Institute prepared a report on Fr. Mickus based on this evaluation. Documents indicate that Fr. Mickus initially authorized Archbishop Beltran to

receive a copy of this report, but he later revoked the authorization. Though it appears Fr. Mickus had the right to revoke the authorization, the revocation was inconsistent with established practice in the Archdiocese. According to Archbishop Beltran and others, priests who went to a facility like St. Luke Institute for evaluation and/or treatment customarily shared a copy of the facility's report with the Archbishop. In a December 15, 2006 letter from Fr. Mickus to Archbishop Beltran, Fr. Mickus said the decision not to share the St. Luke Institute evaluation with Archbishop Beltran "was a decision initiated by [Archbishop Beltran's] own counsel, Mr. Doug Eason, when he telephoned Stephen Jones, [Fr. Mickus'] counsel, and advised him that [Fr. Mickus] should withdraw the consent." Mr. Eason said he did not recall suggesting to Mr. Jones that Fr. Mickus revoke the authorization and said he did not believe he would have suggested that he do so. When interviewed, Archbishop Beltran, Bishop Weisenburger, and Doug Eason all denied ever seeing the St. Luke report.<sup>6</sup>

On June 27, 2002, the alleged victim's attorneys sent a letter to the Archdiocese threatening a lawsuit against Fr. Mickus and the Archdiocese unless a settlement was paid. On July 17, 2002, Fr. Mickus filed a defamation lawsuit in Garfield County against the alleged victim, in which he denied the allegation of sexual abuse. According to correspondence from Fr. Mickus' attorney (Jones) to Mr. Eason, which Stephen Jones later told to us during a telephone conversation, the purpose of filing the defamation lawsuit was to seize the initiative and prevent the alleged victim from filing a lawsuit in what Mr. Jones perceived to be a less favorable venue. Contemporaneous documents show that Fr. Mickus' attorney consulted with Archdiocesan attorney and outside general counsel Doug Eason (and possibly Fr. Weisenburger, V.G.) to discuss the legal strategy behind filing the defamation lawsuit against the alleged victim. After the lawsuit was filed, documents show that Mr. Jones briefed Mr. Eason on developments in the case at the Archdiocese's request. Additionally, the Archdiocese paid for Fr. Mickus' legal fees incurred in prosecuting the lawsuit. In January 2003 (while the defamation suit was still pending), Fr. Mickus sent a letter to Fr. Weisenburger, V.G. urging the Archdiocese to continue paying his legal fees. Fr. Mickus wrote that the decision to sue the alleged victim was made with the agreement of the Archdiocese and that this legal strategy had "materially benefited the Archdiocese." (Although the Archdiocese may have been obligated under Canon law to pay for Fr. Mickus' legal fees if he were sued, we are aware of no requirement—Canonical or otherwise—that the Archdiocese pay Fr. Mickus' attorney to sue his alleged victim). When interviewed, Archbishop Beltran and Mr. Eason said they could not recall any specific discussions about filing the defamation suit or the decision to pay for Fr. Mickus' legal fees to do

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<sup>6</sup> Despite Fr. Mickus' revocation of the authorization, a copy of the report was sent to the Archdiocese in a sealed envelope that was opened, possibly by Archbishop Beltran's secretary. According to a draft letter from Chancellor Loutitia Eason to Mr. Jones, when it was discovered that this envelope contained the St. Luke report, the envelope was resealed and sent to Jones without reviewing or copying the contents. Jones referenced Tish Eason's explanation in a subsequent letter to Mr. Eason, and he expressed frustration that the Archdiocese had possessed the St. Luke report for more than two weeks without notifying Fr. Mickus. When we interviewed them, both Archbishop Beltran and Bishop Weisenburger said they did not recall this incident.

so. Bishop Weisenburger said he had only a vague memory of discussions regarding Fr. Mickus' plans to sue the alleged victim but that it was his recollection that Archbishop Beltran was aware of the plans. There is no evidence that Archbishop Beltran took any action to restrict Fr. Mickus from bringing the defamation suit.

In late 2002 and early 2003, Fr. Mickus and his attorney pressed Archbishop Beltran to restore his faculties for ministry. Archbishop Beltran referred the allegation to the Review Board and asked it to provide a recommendation as to Fr. Mickus' fitness to return to active ministry. The Archdiocese provided the Review Board with materials from Fr. Mickus' attorney, including an affidavit in which Fr. Mickus denied the allegation of sexual abuse and discussed purported inconsistencies in the alleged victim's account; a report from an Oklahoma psychologist, John Smith, M.D., who was hired by Fr. Mickus, and spoke of his psychological health; letters from supporters of Fr. Mickus; and records documenting the alleged victim's criminal history.

However, the Review Board did not receive several pieces of potentially material information:

*First*, Archbishop Beltran and Fr. Weisenburger, V.G. did not share with the Review Board Fr. Mickus' statements to them admitting the sexual encounter but denying he knew that the alleged victim was a minor. In a November 21, 2006 memorandum to Fr. Greg Ingels, Fr. Weisenburger, V.G. described these statements as "quasi-incriminating." In a December 5, 2006 letter to Fr. Mickus, Archbishop Beltran described Fr. Mickus' statements at the June 2002 meeting as "exceedingly troubling."

*Second*, the Review Board was unable to interview the alleged victim. The Review Board asked the alleged victim to meet and answer questions about the allegation. The alleged victim met with the Review Board accompanied by his lawyer who was defending him in the defamation lawsuit already filed by Fr. Mickus. This lawyer instructed the alleged victim not to answer any of the Review Board's questions (and instead attempted to gather facts that might be helpful in defending his client). The advice not to answer, and the decision to follow this advice, was likely the result of the pending defamation lawsuit, since any statement made by the alleged victim to the Review Board could have been characterized by Fr. Mickus' attorney as another "defamatory" statement, putting the alleged victim in further legal jeopardy. During our interview of the alleged victim, he told us that he wanted to appear, testify, and answer the Review Board's questions but felt he could not for fear of the pending lawsuit against him.

*Third*, the Review Board requested, but never received, a copy of the report on Fr. Mickus prepared by the St. Luke Institute. In a December 12, 2002 letter from acting Review Board chair Dennis J. Moran, Ph.D. to Archbishop Beltran, the Review Board requested a copy of the report, stating: "[w]e, the Review Board, understand the need to proceed on your request in a timely manner. Fr. Mickus deserves a timely response to his request. However, we believe that it is most important that we proceed in a thorough manner, given the gravity of the

allegations against Fr. Mickus. Thus, we are requesting your assistance in obtaining the above asked for information.” In draft correspondence from Archdiocese outside counsel Doug Eason to Mr. Jones dated January 14, 2003 (which was not in Fr. Mickus’ personnel file and which may or may not have been actually sent), Mr. Eason wrote “[e]very member of the [Review] Board felt that the St. Luke Institute report was important in assessing the allegations of sexual abuse by [the alleged victim] against Father Mickus and the determination by the [Review] Board of the suitability of ministry of Father Mickus.” The letter continued: “[t]he Review Board had problems relying solely on the report provided by John Smith, M.D. [the psychological evaluation submitted to the Review Board by Fr. Mickus]. Particularly, some of the members of the [Review] Board were concerned with Dr. Smith’s strong conclusions were an unusual result of such a short one time meeting by and between Father Mickus and Dr. Smith.” Mr. Eason’s draft letter concluded: “the focus of the Review Board which has requested the St. Luke Report is exclusively on its task of advising the Archbishop in his assessment of allegations of sexual abuse by [the alleged victim] and assisting the Archbishop in his determination of suitability for ministry. In performing that function, the Board believes the St. Luke report is an important piece of information.” The draft letter concluded with Mr. Eason asking Mr. Jones if they could discuss the Review Board’s request. It is unclear whether this discussion occurred. There is no evidence that the St. Luke report was ever shared with the Review Board.

*Fourth*, the Review Board did not interview Sr. Kathy Olsen, who spoke with the alleged victim via the Hotline, or review notes from her conversations with him. Documents indicate that the Review Board was concerned that the alleged victim’s communications with Sr. Olsen were confidential and it would need a release from the alleged victim to speak with her or review her notes. The alleged victim was asked to sign a release, but refused to do so. The Review Board also did not interview Fr. Weisenburger, V.G., who had interviewed the alleged victim.

*Fifth*, the Review Board did not interview Fr. Mickus regarding the allegation. After the unsuccessful meeting with the alleged victim, a scheduled meeting with Fr. Mickus was canceled.

On February 24, 2003, Dr. Dennis Moran, acting chair of the Review Board, sent a letter to Archbishop Beltran in which he expressed frustration that the Review Board’s “efforts to obtain needed information were thwarted at every turn by both parties through legal maneuvering.” The letter identified several concerns that had gone unaddressed, including Fr. Mickus’ demotion from pastor to associate pastor early on in his career, frequent changes in Fr. Mickus’ assignments during the general timeframe of the alleged abuse, and the nondisclosure of the St. Luke report. In regard to the St. Luke report, the letter stated “the Review Board wanted to be assured that the St. Luke Institute report does not raise a concern about Fr. Mickus’ suitability to return to ministry.” The letter continued, “[i]t is important to be clear that the Review Board draws no conclusion related to the above questions. However, in the absence of information relevant to these questions and in light of the Review Board’s inability to obtain needed information, we can make no recommendation regarding Fr. Mickus’ suitability to return

to ministry. It is with some regret and frustration that we provide our findings, or lack thereof, in this matter to you.”

On March 14, 2003, Archbishop Beltran issued a press release reinstating Fr. Mickus to active ministry. In his press release, Archbishop Beltran stated that he referred the allegation against Fr. Mickus to the Review Board, “which, after a careful and critical investigation conducted with sensitivity for the alleged victim, reported to me that it was unable to substantiate the allegation. Based upon [the Review Board’s] findings, and upon the evidence available to me at this time, I find no reason to continue Father Mickus’ administrative leave. I also conclude that there is no evidence to indicate that any child would be placed at risk by returning Father Mickus to priestly ministry.”

During our interview with him, Archbishop Beltran admitted that his March 14, 2003 statement was materially false and misleading. Archbishop Beltran agreed that the press release created the false impression that the Review Board had (a) found the allegation against Fr. Mickus to be unsubstantiated; and (b) approved of his decision to reinstate Fr. Mickus. In reality, the Review Board said it had lingering concerns and was therefore unable to issue findings or make a recommendation as to Fr. Mickus’ suitability for ministry.

Three days after Archbishop Beltran’s press release, Fr. Mickus voluntarily dismissed his defamation lawsuit against the alleged victim.

There is no evidence in the file or from our witness interviews that the Archdiocese conducted an investigation into the alleged victim’s allegation. When interviewed, Bishop Weisenburger said he did not recall the Archdiocese conducting an investigation but doubted that it did. He said that at the time, the Archdiocese was trying to figure out how to properly investigate an allegation of sexual abuse when civil litigation was pending or imminent, as was the case in 2002 with Fr. Mickus. Bishop Weisenburger said in general, the Archdiocese preferred to let the civil litigation process run its course before conducting a “canonical” investigation. However, it appears in the case of Fr. Mickus, this rule-of-thumb was not observed. As summarized above, Archbishop Beltran referred the allegation to the Review Board for a recommendation as to Fr. Mickus’ fitness for ministry while Fr. Mickus’ defamation suit was still pending against the alleged victim. The evidence indicates the pending litigation prevented the Review Board from interviewing the alleged victim and collecting what it deemed was important information, and that this was a factor in the Review Board’s subsequent inability to issue findings or make a recommendation as to Fr. Mickus’ fitness for ministry.

Later in 2003, Fr. Mickus’ alleged victim filed a defamation lawsuit of his own against the Archdiocese and Fr. Mickus. In the lawsuit, the alleged victim contended that Fr. Mickus and his attorney (Jones) made statements to the press implying that he was a liar. He also alleged that the Archdiocese had improperly released confidential information from his conversations with Sr. Olsen and Fr. Weisenburger, V.G. The alleged victim’s claims against Fr.

Mickus were ultimately dismissed for lack of service, and the claims against the Archdiocese were resolved in the Archdiocese's favor on summary judgment. Because the lawsuit did not assert any claims for damages from the alleged sexual abuse (presumably because the applicable statute of limitations had already run by that time), the question of whether Fr. Mickus had in fact abused the alleged victim was not at issue in this second lawsuit.

In June 2005, and while the second lawsuit was still pending, the alleged victim's attorneys produced to the Archdiocese audio tapes of two purported phone conversations between the alleged victim and Fr. Mickus. The first phone conversation occurred in mid-2002, after Fr. Mickus had met with Archbishop Beltran and Fr. Weisenburger, V.G. and been notified of the allegation, but before he had gone to St. Luke Institute for evaluation. The second occurred days after he had returned from St. Luke Institute. The file includes transcripts of these recordings.<sup>7</sup> A letter dated June 26, 2005 from the alleged victim's counsel to outside counsel for the Archdiocese and Mr. Eason establishes that Mr. Eason was aware of the tapes and transcripts when they were first produced to the Archdiocese. Mrs. Eason likely learned of the tapes and the transcripts at or around this same time, but a December 22, 2005 memo to the file indicates she knew of their existence by no later than December 2005. Additionally, a January 26, 2006 e-mail from Mr. Eason to Mrs. Eason indicates Archbishop Beltran and Fr. Weisenburger, V.G. knew about the tapes and transcripts no later than January 2006. In the January 2006 email, Mr. Eason wrote "Stephen Jones [Fr. Mickus' attorney] called a few minutes ago. I guess Fr. Mickus met with Fr. W[eisenburger] and . . . Archbishop [Beltran] and then called Stephen [Jones]. Stephen wants a copy of the transcript of the telephone conversation [with the alleged victim]."

We believe the tapes produced to the Archdiocese are authentic and accurate recordings of phone conversations between the alleged victim and Fr. Mickus. This conclusion is based on several factors, including that senior Archdiocesan officials familiar with Fr. Mickus' voice have listened to the tapes and confirmed that one of the speakers is Fr. Mickus. While these officials are not experts in voice identification, we believe their confirmation supports the tapes' authenticity.

The tapes contain several statements that we believe support the alleged victim's allegation that he was sexually abused as a minor by Fr. Mickus. Those statements are summarized below:

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<sup>7</sup> The tapes and several copies of the transcripts were among materials recovered by Archdiocesan officials from Mr. Eason's home in April 2018. We also received litigation files from the Archdiocese's outside counsel that contained copies of the transcripts. Based on representations by current Archdiocesan officials and our independent review of the files, it appears that as of April 2018, Fr. Mickus' personnel file at the Catholic Pastoral Center did not contain a copy of the tapes.

- Fr. Mickus asks his alleged victim whether he [Mickus] is “going to jail?” The alleged victim assures him that he is not going to jail because the alleged victim would have to first report him to law enforcement (which he says he will not do), and because the applicable statute of limitations (for unnamed criminal conduct) has already run. Fr. Mickus expresses relief, saying “you have taken a lot of pressure off of my [*sic*], . . . telling me that I’m not going to jail.”
- Fr. Mickus thanks his alleged victim for calling the Hotline and reporting the allegation, saying his alleged victim did him “a favor.”<sup>8</sup>
- The alleged victim expresses concern that there may be others like him, presumably referring to other sexual abuse victims of Fr. Mickus. In response, Fr. Mickus assures the alleged victim he was the “only one,” that “God as my judge . . . it has not happened with anybody else,” and that “there has never, ever been a situation and there never will be in my lifetime like this because I have learned my lesson.” He also says “I know . . . you’re concerned about other young people in regards to me. I have . . . I have [*sic*] burned once. I’ve gone to hell once and I’m never going to do that again and so you never, ever have to fear that with me again. Anything I do would be like I say my age or older kind of thing.”
- When the alleged victim expresses concern about Fr. Mickus spending time with a particular teenage boy, Fr. Mickus denies any wrongdoing with the boy but acknowledges the alleged victim had the right “to be concerned.”
- In referencing the concerns of the Archdiocese, Fr. Mickus says the Archdiocese is worried “that there’s not been another situation” and “they don’t know that for a fact and I can’t tell them for a fact because I’m the sick person.” Fr. Mickus recounts telling the “Bishop” (presumably referring to Archbishop Beltran) he had “messed up” and that he had confessed to having a “relationship” with the alleged victim but insisted “nothing has ever happened with anybody else.”
- In discussing what action the Archdiocese might take next in regard to the allegation, Fr. Mickus says he does not know but that he has a meeting with Archbishop Beltran and Fr. Weisenburger, V.G. on the following Monday and Archbishop Beltran is meeting with parishioners at Fr. Mickus’ church later that upcoming week. Fr. Mickus says if alleged victim chooses not to “press charges . . . then maybe this can be kept between [*sic*] on a lower level. You know what I’m saying?” Fr. Mickus then suggests if he does not have to “go before a judge and get arrested,” then maybe the Archbishop could tell parishioners that he is suffering from “depression” and has been sent on a “sabbatical.” (At the time of this phone call, the Archdiocese had not yet publicly addressed the existence of the allegation. Five days later, Archbishop

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<sup>8</sup> By this time, Fr. Mickus had already met with Archbishop Beltran and Fr. Weisenburger, V.G. and been informed of the name of the alleged victim and the allegation against him. Thus, it is implausible that Fr. Mickus was confused as to the nature of the allegation against him—i.e., that Fr. Mickus had sexually abused the complainant when the complainant was a minor.

Beltran went to Fr. Mickus' parish and announced his faculties were suspended pending an investigation).

- Fr. Mickus says “one of the recommendations of the committee of the four doctors [presumably at St. Luke Institute] was that I not be around children alone kind of thing.” In regard to this recommendation, Fr. Mickus says, “I’m not a pedophile. I don’t like little kids. I don’t like teenagers basically. . . . I cannot live with being a pedophile. . . I can’t live with that title.” The alleged victim then suggests that he may bear some responsibility because maybe he “led [Fr. Mickus] on too much.” Fr. Mickus agrees and says he thinks “there’s some truth in that.”
- Fr. Mickus says he has been “thinking and praying” about how he would “like to come over sometime and apologize to [alleged victim’s] parents you know for my sin.”
- Fr. Mickus expresses gratitude when the alleged victim says he “forgive[s]” him.
- Fr. Mickus promises that the alleged victim will continue to receive counseling for the pain he has caused him and will ensure it is paid for out of his own personal funds if necessary. Fr. Mickus says “[i]f [a counselor whom the alleged victim had been seeing] is not working for you, I would be happy to pay for another counselor.” (The tapes suggest that Fr. Mickus paid for the alleged victim’s counseling for several years).

There is no evidence that the Archdiocese took any action on the audio tapes until more than a year after receiving them in June 2005, when Archbishop Beltran learned in November 2006 that the alleged victim was discussing the existence of the tapes/transcripts in public. Again, all senior Archdiocesan officials were aware of the existence of the tapes/transcripts no later than January 2006. The Archdiocesan Review Board, which met regularly, was never provided information about the tapes/transcripts. Documents in the file indicate that Archbishop Beltran met with Fr. Mickus at the Catholic Pastoral Center and asked him to resign and relinquish his faculties in November 2006. In a November 15, 2006 letter from Mr. Jones to Mr. Eason, Jones wrote that Fr. Mickus would not accept the offer of early retirement under the circumstances. In a separate letter to Mr. Eason, Mr. Jones also questioned the authenticity and accuracy of the tapes/transcripts, though he provided no evidence that they had been fabricated. In a November 22, 2006 letter to Fr. Mickus, Archbishop Beltran expressed “shock” at Mr. Jones’ letter, writing his offer of early retirement to Fr. Mickus “afforded him the opportunity to begin early retirement without any prejudice to your reputation and with no harm or scandal to the parish.”

In subsequent correspondence with Fr. Mickus, Archbishop Beltran explained that he was considering declaring Fr. Mickus’ canonical faculties “impeded due to causes of a psychic nature.” Archbishop Beltran wrote that he had “grave concerns about [Fr. Mickus’] emotional wellbeing and [his] ability to function in a healthy and productive manner as a priest.” These

concerns included Fr. Mickus' decision not to share the St. Luke Institute evaluation and the "exceedingly troubling statements" Fr. Mickus made to Archbishop Beltran "in [Beltran's] office in 2002, in the presence of Father Edward Weisenburger, at the time the allegation of sexual misconduct with a minor was leveled against [Fr. Mickus]."

As part of the effort to remove Fr. Mickus from ministry on the basis of a "psychic illness," Archbishop Beltran was advised to send Fr. Mickus' file to a psychologist to make a recommendation as to Fr. Mickus' current fitness for ministry. The Archdiocese engaged Dr. Paul G. Tobin, Ph.D. (a member of the Review Board) to provide an opinion on Fr. Mickus' fitness for ministry. Fr. Weisenburger, V.G. sent Dr. Tobin materials to review, including Fr. Mickus' personnel file, the packet submitted to the Archdiocesan Review Board concerning the allegation in 2002, and the transcripts of the phone conversations between the alleged victim and Fr. Mickus. In a January 21, 2007 letter to Archbishop Beltran, Dr. Tobin said he could not make an actual determination of Fr. Mickus' current fitness for ministry because he had "not met with [Fr. Mickus] or assessed his current psychological functioning." Based on his review of the materials provided to him and "the lack of the Archdioceses' [*sic*] opportunity to review the in-depth inpatient psychological report from St. Luke's Hospital," Dr. Tobin wrote that it was "critical that the Church pursue documentation of current psychological functioning." Dr. Tobin therefore recommended that Fr. Mickus be required to release the St. Luke Institute report and undergo a psychological evaluation for the purpose of determining his current fitness for ministry. Dr. Tobin identified "potential for risk to the church, its members, and Father Mickus" if these recommendations were not followed.

On February 12, 2007, canonist Fr. Gregory Ingels sent Archbishop Beltran a memorandum recommending that "no action be taken in Fr. Mickus' case and that he be permitted to remain at his current assignment." Fr. Ingels wrote that it was, in his view, unnecessary to follow Dr. Tobin's recommendations unless and until the alleged victim took "any public action – such as going to the press." If that occurred, Fr. Ingels wrote, "it may be necessary for Father Mickus to demonstrate anew his suitability for ministry by means of [Dr. Tobin's] recommendations."

Two days later, Archbishop Beltran met with Fr. Mickus and agreed that he was free to continue his is current assignment. It is not clear why Archbishop Beltran abandoned the effort to remove Fr. Mickus. In a January 1, 2007 e-mail to Fr. Weisenburger, V.G., Archbishop Beltran wrote that he had "conscientious concerns" about declaring Fr. Mickus impeded from ministry because he did not believe he had sufficient facts to conclude Fr. Mickus was "actually laboring under a psychic illness at this time." When recently shown the transcripts of the audio recordings as part of our investigation, Archbishop Beltran said he found them deeply troubling and that he would remove Fr. Mickus from ministry if given the opportunity today. He was unable to explain why he allowed Fr. Mickus to remain in ministry in 2007.

There is no evidence that further action was taken at that time by the Archdiocese in regard to the allegations against Fr. Mickus. Fr. Mickus remained an active priest from February 2007 through his suspension in November 2018. There is no evidence that Dr. Tobin's recommendations were ever followed. There is no evidence that the tapes or transcripts of phone conversations between Fr. Mickus and the alleged victim were ever shared with the Review Board.

In 2016, Fr. Mickus sought permission to concelebrate a funeral mass in Wichita, Kansas. Chancellor Loutitia Eason prepared a "Testimonial of Suitability for Priestly Ministry" on behalf of Fr. Mickus. The testimonial states that Mrs. Eason had "reviewed the personnel files of Fr. Mickus and all other records which we maintain, and I have consulted with those who have served with him in our Archdiocese." The testimonial incorrectly stated that Fr. Mickus "has never been suspended or otherwise canonically disciplined." Fr. Mickus' faculties were suspended in 2002 after the allegation was reported and they were reinstated in March 2003. We contacted the Diocese of Wichita, which confirmed it received this testimonial from Mrs. Eason.

After our firm was engaged in August 2018, and because Fr. Mickus was still an active priest, we were asked to review Fr. Mickus' file and present a preliminary summary of the evidence to Archbishop Coakley and the Review Board. This presentation was not a final analysis of Fr. Mickus' file and we reserved the right to complete our independent investigation. It is our understanding that based on this preliminary summary, and after consulting with the Review Board, Archbishop Paul S. Coakley suspended Fr. Mickus' faculties on November 4, 2018, pending further investigation of the alleged victim's allegation.

We sent multiple requests to Fr. Mickus' attorney to interview Fr. Mickus for this investigation. Fr. Mickus declined to be interviewed. Instead of an interview, Fr. Mickus did agree to answer 20 written questions. We sent him 15 questions related to the subject matter of the allegation and also provided him with digital copies of the audio recordings of the phone conversations. In our opinion, most of Fr. Mickus' responses (sent through his attorney, Mr. Jones) were deliberately evasive and non-responsive. For example, Fr. Mickus refused to answer any questions related to the audio tapes on the grounds that they were illegally obtained, a contention that we believe is unsupported by Oklahoma and federal law. Fr. Mickus also contended that the tapes may have been fabricated, though he provided no evidence to support this contention, except to impugn the credibility of the alleged victim.

### **Father Rocco Perone**

Born: May 1, 1920

Ordained: 1949

Died: May 5, 1992

Father Rocco Perone was a member of the Missionary Society of St. Paul the Apostle (the "Paulists"). He was in active ministry in Texas from 1958 until his retirement in 1988. During this period, Perone did mission work in Oklahoma. He died on May 5, 1992.

In 2004, the Archdiocese received an allegation that Fr. Perone had sexually abused two teenage boys while Fr. Perone was serving within the geographic boundaries of the Archdiocese of Oklahoma City.

On April 15, 2008, the Diocese of Portland released personnel records of Fr. Perone indicating that in March 1989, Fr. Perone was accused of sexually abusing a boy enrolled at St. Philip Neri grade school in Portland during the early-to-mid 1950s, when Fr. Perone was a staff member there. According to a March 21, 1989 memo, when Fr. Joseph Gallagher (superior of the Paulists) confronted Fr. Perone with the allegation, “[Father Perone]” admitted in a somewhat oblique way that he had sexually abused at least two students at St. Philip Neri. The reason that he admitted to more than one was when the events were described to him, he mentioned the name of a person he thought it was. In fact it was another person. Then he admitted to both.” The documents show that at some point during Fr. Perone’s career, the Paulists sent him to St. Luke Institute in Maryland for evaluation and treatment. He was then assigned to a parish in San Antonio, Texas where he was purportedly not permitted access to minors.

In 2018, Fr. Perone was accused of abusing a minor in Oklahoma during the 1950s. Fr. Perone was also listed on the Paulist Fathers’ list of those priests with credible claims of sexual abuse of a minor, <https://www.paulist.org/the-conversation/list-of-paulist-fathers-credibly-accused-of-sexual-misconduct/>.

### **Father Edward Prather**

Born: January 16, 1945

Ordained: May 22, 1971

Died: November 26, 1996

Sometime in early 1988, Fr. James Kastner, V.G. asked Fr. William Ross of the Archdiocese Health Panel to monitor the behaviors of Fr. Prather after members of Fr. Prather’s parish, Our Lady of Fatima in Nicoma Park, began voicing concerns. On May 1, 1988, Fr. William B. Ross sent a “[c]onfidential report on behaviors of Fr. Edd Prather” to Archbishop Salatka. The report states Fr. Ross had been meeting with leaders of Fr. Prather’s parish who had relayed concerning information about Fr. Prather. Fr. Ross wrote “[t]he Health Panel took this information under advisement as there seemed to be some indication of some mental difficulties. Our diagnosis with the limited information available to us is that Father Prather is suffering from a Character Order type of problem which will be extremely difficult to treat and probably very difficult to convince him that he needs treatment.” The report identified seven concerns, including “5. Rectory: Father Prather has housed and fed several young persons at parish expense which he refers to as his family.” The report also identified as a concern Fr. Prather’s “highly manipulative style,” stating “[t]here are hidden and not so hidden agendas in his dealings with parisheners [*sic*] and counselees.” Handwritten notes from Archbishop Salatka dated May 5, 1988 state in regard to Fr. Prather, “[h]is dealing with youth – isn’t good . . . not comfortable reappointing you without evaluation . . . I don’t have confidence . . . High Risk.”

Additional notes from Archbishop Salatka dated May 12, 1988, which he apparently prepared before a meeting with Fr. Prather, indicate Archbishop Salatka was “uneasy and uncomfortable about offering [Fr. Prather] another parish assignment” and if Fr. Prather refused to undergo an evaluation or accept a part-time assignment in hospital ministry, he would be “on [his] own.” According to a letter from Fr. Prather to Archbishop Salatka, the two met a day later and during this meeting, Fr. Prather agreed to undergo an evaluation.

On May 21, 1988, Archbishop Salatka sent a letter to Fr. Prather confirming that his term as pastor at Our Lady of Fatima Church in Nicoma Park would end on May 30, 1988 and that he would go to Southdown in Ontario, Canada for an evaluation. Fr. Prather arrived at Southdown and began his evaluation on June 19, 1988. According to a June 21, 1988 letter from Fr. Kastner, V.G. to Archbishop Salatka, Fr. Kastner, V.G. called a therapist at Southdown and explained the Archdiocese’s concerns, which included “[Fr. Prather]’s housing of young men in the rectory” had raised questions about Fr. Prather’s use of parish funds. Other documents in the file refer to these “young men” living in the rectory with Fr. Prather as “boys,” but there is no more specific description of their ages. The file does not contain any allegations of sexual abuse reported before Fr. Prather was sent to Southdown in June 1988.

Fr. Prather left Southdown at the end of June 1988. Handwritten notes from Archbishop Salatka dated July 7, 1988 reference a report from Fr. Kastner, V.G., who was in communication with Fr. Prather and his therapists at Southdown. Archbishop Salatka writes, “[h]ow does his sexuality relate to kind of work he likes to do. . . Terribly poor judgment by having young ppl [*sic*] live in rectory.”

After Fr. Prather returned from Southdown, he wrote to Fr. Kastner, V.G. and expressed his desire to spend more time ministering to youth, particularly those affected by drug and alcohol dependencies. In an August 24, 1988 letter to Fr. Kastner, V.G., Fr. Prather reported that the House of Life, a drug recovery program for adolescents ages 13-19, had hired him as a part-time “therapist/counselor.” He also reported that he had completed his move from the rectory in Nicoma Park and was living in a house in Midwest City. Fr. Prather sent another update to Fr. Kastner, V.G. on December 18, 1988, stating that he was continuing his work at House of Life and was also managing “aftercare” at the House of Life’s “three quarter way house” called “Ivanhoe.”

An undated handwritten memo from Archbishop Salatka (presumably from this same time period due to its location in Prather’s priest file) includes a number of “concerns” under the heading “Edd Prather,” including “no boys living with him.” Other concerns were that Fr. Prather was “evasive” and “unwilling to admit personal faults”; that he was “non-conforming, compulsive, manipulative”; and that he was “ang[ry], isolated, [and had] low self-esteem.” The memo concluded with two options: “1. Here . . . House of Life [or] parish + house of life” and “2. Other dioceses.”

In January 1989, the Archdiocese received multiple allegations that Fr. Prather had sexually abused minors, according to documents in the file and multiple witnesses we interviewed. An alleged victim came forward at the time and reported that Fr. Prather had abused him and that the abuse had begun when he was a minor teenager and continued into his twenties. This alleged victim was followed by several others who reported similar experiences.

According to multiple witnesses (including alleged victims, family members, and Archdiocese personnel), when the allegations surfaced, materials were recovered from Fr. Prather's home. These materials apparently included homemade videotapes, Polaroid photographs, pornographic magazines, and books on how to seduce young people. According to multiple witnesses (including two Archdiocese sources), the Archdiocese received at least some of these materials, including the videotapes. It appears that Fr. Kastner, V.G., in particular, possessed these materials for some amount of time because he described their contents to others. According to the same witnesses, the videotapes recovered from Fr. Prather's home included commercially-produced pornography and homemade videos showing Fr. Prather engaging in sexual acts with what appeared to be teenage boys. In addition, the Polaroid photos included nude images of what appeared to be teenage boys. These witness accounts are corroborated in part by a letter written by Fr. Kastner, V.G. on January 24, 1989, which states that one of Fr. Prather's alleged victims reported to his mother that Fr. Prather had taken photos of him when naked. According to the letter, this alleged victim had searched Fr. Prather's home and found "three trunks" of pornographic material, including "video cassettes, books and magazines, [and] Polaroid snapshots that Edd apparently took in hotels and motels in his travels." Aside from these references in Fr. Kastner's letter, Fr. Prather's priest file does not mention the materials recovered from Fr. Prather's home, nor does it contain any of the materials referenced above. We asked current Archdiocesan officials to search for these materials, and they represented to us that these materials are not in the Archdiocese's possession. Archdiocese personnel we interviewed said they did not recall ever seeing and do not know what happened to the materials. However, there is credible (though uncorroborated) evidence that the materials may have been destroyed. One of the Archdiocese sources referenced above is Fr. Paul Gallatin (now deceased). When interviewed by us prior to his death, Fr. Gallatin said Fr. Kastner, V.G. discussed the existence of the videotapes with him. Fr. Gallatin said he told Fr. Kastner, V.G. to "burn" the videotapes. The Archdiocese personnel most likely to know the disposition of the materials recovered from Fr. Prather's home are Archbishop Salatka, Fr. Kastner, V.G., and Fr. Bill Ross, all of whom are now deceased.

In response to the allegations that were reported, Fr. Kastner, V.G. called the House of Life on January 5, 1989 to notify them of the allegations. According to a memo to the file, Fr. Kastner, V.G. was told that Fr. Prather had already resigned his position at House of Life. Documents in the file indicate that during this time, Archbishop Salatka was concerned about a possible lawsuit against the Archdiocese and criminal prosecution of Fr. Prather related to the allegations. According to handwritten notes dated January 10, 1989, Archbishop Salatka wrote a

list of concerns in regard to Fr. Prather including the words “suing” and “prosecute.” (Fr. Kastner, V.G. would later write to Fr. Prather that the risk of a lawsuit “was not as ‘imagined’ as [Fr. Prather] seem[ed] to think” and that “we have been damned lucky that no suit has been filed—so far!”

In a meeting with Fr. Prather on or about January 10, 1989, Archbishop Salatka told Fr. Prather he was sending him to Southdown for further evaluation and treatment. Fr. Prather arrived there on January 29, 1989. On January 24, 1989, Fr. Kastner, V.G. sent a 19-page report on Fr. Prather to the therapists at Southdown. The report includes Fr. Kastner’s detailed impressions of Fr. Prather and his character, as well as a discussion of the allegations against him. Fr. Kastner, V.G. wrote that “[i]n every assignment, the major focus of [Fr. Prather’s] time and energy was youth ministry,” adding “[he] always had an uneasy feeling that in the long run [Fr. Prather’s] youth ministry was very inappropriate and unhealthy – it seemed his relationships with young people were too intense, were too much aimed at making young people too dependent on him, and too much designed to be for his benefit.” Fr. Kastner, V.G. wrote “[d]uring the last ten or twelve years, many observers were uneasy and uncomfortable with [Fr. Prather’s] growing practice of having young men in their late teens and early twenties living with him and taking frequent vacation trips with him. But it was not until one month ago that first-person allegations (or any allegations, at all) finally were made to Church authorities that any wrongdoing was present. One young man finally stepped forward, and when he did, so too did several others.”

Fr. Kastner, V.G. wrote the “pattern with all [of the victims] was fairly similar. It was usually a young man in his late teens with problems, often with drugs and alcohol, or simply problems getting along with parents.” Fr. Prather would invite the teenage boy to come and live with him and he would often provide “real help” to the boy in dealing with his problems. “Fr. [Prather] became ‘Dad,’ his rectory and its occupants became ‘family.’ More and more, the young person was urged to leave parents behind and come to depend on his new father figure,” Fr. Kastner’s report states. “More and more the dependence was built up; more and more the young man was rewarded with expensive trips and lavish gifts. And gradually the sexual element became clearer and clearer.” According to the report, Fr. Prather would say to the alleged victims that he had “a great skin-hunger; I ask so little,” and that such statements would often precede the nightly massages that ended in sexual molestation. “Now that the situation has been surfaced and all can see it as it is, the levels of hurt and pain and anger are high; the sense of betrayal is overwhelming,” Fr. Kastner, V.G. wrote.

In regard to Fr. Prather’s work at the House of Life, Fr. Kastner, V.G. wrote that “as far as can be determined, [Fr. Prather] never engaged in any sexual molestation at the House [of Life], but he did use his contacts there to bring graduates to his rectory to live.” Witnesses we interviewed confirmed that Fr. Prather would routinely go to the House of Life to “counsel” youths and that some of these youths would later come and live with Fr. Prather.

On January 26, 1989, the executive director of Southdown, Fr. John Allan Loftus, sent a letter to Fr. Kastner, V.G. thanking him for his “thoughtful and carefully prepared statement concerning Father Prather,” adding “it will be of great assistance as we begin the process of healing for him.”

There is no documentation in the file that the Archdiocese ever notified the public about the allegations reported in January 1989 or the fact that Fr. Prather had been sent away to Southdown. The Archdiocese did not publicize the reasons for Fr. Prather’s departure or his whereabouts at the time. Further, there is no evidence that Fr. Prather was ever reported to law enforcement or the Oklahoma Department of Human Services.

While at Southdown, Fr. Prather corresponded with Archbishop Salatka about his possible next assignment. In a May 24, 1989 letter, Archbishop Salatka agreed with Fr. Prather that “under the circumstances it would be best for you to consider continuing your ministry in another state and diocese. You seem to have some diocese in mind. Ultimately it would depend on the Bishop there. Obviously he would want to know the facts. I would certainly assist you when the time comes.” After Fr. Prather was discharged from Southdown in July 1989, he stayed with a friend, Fr. Donald Zimmerman, in Belleville, Kansas for approximately one year. During this period, he contacted a number of dioceses requesting a new assignment and stayed in regular contact with Archbishop Salatka and Fr. Kastner, V.G.

We believe the documents show an effort by Fr. Prather to mislead other jurisdictions about the true nature of his conduct that was reported in January 1989—specifically, Fr. Prather attempted to frame the issue as “sexual addiction” involving only consenting adults. It appears that Archbishop Salatka may have been aware of and complicit in Fr. Prather’s effort to mislead.

In early submissions to prospective bishops, Fr. Prather included a two-page “theological reflection” he wrote while at Southdown. This theological reflection contained only one specific reference to the conduct that was reported in January 1989—that his “inappropriate relationship and sexual behavior with a 24 year old young man I cared very much about was discovered and broadcast around the diocese.” Fr. Prather omitted that this particular sexual behavior appears to have begun when the young man was a minor and had continued into his twenties—information that was reported to Archbishop Salatka and Fr. Kastner, V.G., based on available documents and interviews we conducted. On September 17, 1989, Archbishop Salatka sent Fr. Kastner, V.G. a memo enclosing Fr. Prather’s theological reflection. Archbishop Salatka asked what Fr. Kastner’s “appraisal” of it was, stating “[t]o me he is not specific enough about what the problems were/are from which he is recovering.” There is no follow-up on this memo documented in Fr. Prather’s priest file.

On January 10, 1990, Fr. Prather wrote to Fr. Kastner, V.G. lamenting his lack of success in finding a new assignment. Fr. Prather wrote that he had concluded that he should not continue sending his theological reflection in his initial contact with prospective dioceses because it was

causing bishops to “jump[] to too many wrong conclusions” – i.e., “pedophilia.” Fr. Prather wrote, “[a]nything to do with sexuality is bad news today, without adding the fear or fantasy of child involvement.” Fr. Prather wrote to Fr. Kastner, V.G. that moving forward, he would not discuss the reasons for his leaving the Archdiocese in his initial contact with prospective bishops but would attach the “final evaluation from Southdown, which centers on my recovery from sexual addiction.” Fr. Prather said he could provide any “additional details” in face-to-face meetings with prospective bishops.

In a February 16, 1990 letter to Fr. Kastner, V.G., Fr. Prather wrote that he “must be sure bishops know they are not dealing with pedophilia.<sup>9</sup> Makes sense—especially in today’s Church and world. My first letters to bishops left too many questions. I wish I could re-do them, but of course I can’t.” In a March 11, 1990 update to Archbishop Salatka and Fr. Kastner, V.G., Fr. Prather wrote, “I hope you will continue being positive and truthful, stressing no pedophilia, etc.” The files also contain letters from bishops to Archbishop Salatka inquiring about cryptic letters they had received from Fr. Prather. For example, Archbishop Daniel E. Sheehan of Omaha wrote to Archbishop Salatka on March 15, 1990 saying he had received a letter from Fr. Prather. Archbishop Sheehan wrote, [t]hese days we are all very careful about providing any setting for strangers. He talks about his treatment and care but never defines precisely what ‘some unacceptable behavior’ might have been. Evidently, he cannot function in your area. I am not sure he can function in our area either, but I would appreciate any confidential information you might be able to give me.” In a response to one such letter, Archbishop Salatka wrote that Fr. Prather’s situation “is somewhat complicated.” The file does not contain documentation on what information Archbishop Salatka or Fr. Kastner, V.G. might have provided to prospective bishops over the telephone or in in-person meetings.

As part of our investigation, we requested documents related to Fr. Prather from the Dioceses of Richmond, Virginia, and Joliet, Illinois (where Fr. Prather served after he left the Archdiocese). In a letter to the Diocese of Richmond, Fr. Prather wrote about the conduct that led to his ouster from the Archdiocese, saying he had “inappropriately express[ed] [his] affection by touch to three people [he] cared very much about.” He then identified these three individuals by first name and gave their respective ages, 30, 22, and 24. Again, Fr. Prather did not disclose any “inappropriate” touching involving minors.

In an April 12, 1990 typed memo contained in the Diocese of Richmond’s files, Bishop Foley summarized a phone conversation with Archbishop Salatka regarding Fr. Prather. The memo states, “[Fr. Prather] seems to have come by his problems by centering in on young men

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<sup>9</sup> It is possible that Fr. Prather was drawing a technical distinction between “pedophilia,” which in a clinical setting means sexual attraction to prepubescent children, and “ephebophilia,” which in a clinical setting means the sexual attraction to postpubescent children in their mid-to-late teens. However, we have no evidence that Fr. Prather was drawing this technical distinction, and it is equally plausible that Fr. Prather was using the word “pedophilia” in the same sense that the general public often uses the term, to refer to any sexual interest in minors.

in their early twenties making them dependent on him. . . . Archbishop Salatka said there was no pedophilia involved and to his knowledge, no proved homosexual acts in the strict sense of that term.” Bishop Foley’s handwritten notes from this call state that Fr. Prather’s “problems centered in [*sic*] gathering young boys, not young boys but around 20.” In an April 30, 1990 letter to Bishop Imesch of the Diocese of Joliet, Archbishop Salatka wrote that he would “accept responsibility for [Fr. Prather’s] actions” if Bishop Imesch accepted him.

Archbishop Salatka later testified in a civil lawsuit involving allegations of sexual abuse against Fr. James Rapp (discussed elsewhere in this Report). In the deposition conducted on August 30, 2001, Archbishop Salatka testified that he was aware of two “incidents of sexual misconduct by clergy,” one of which involved Fr. Prather. When asked whether he ever disclosed Fr. Prather’s sexual misconduct to Bishop Imesch, Archbishop Salatka testified “No. I would have if he had . . . asked for a recommendation, that would have been when I – see, he went the other way around. He got a report from the place, institute of treatment [Southdown], and that was all right, but it’s not my report. I would have told him that I had terminated him and that he was not going to be coming back to the Archdiocese.” Archbishop Salatka explained that he did not provide Bishop Imesch with the details of Fr. Prather’s misconduct but would have if he had been asked, saying “Oh, I certainly would have done that, because I knew that case very well, and I’ll tell you another thing, I found out about the case, mother [of one of the alleged victims] told me about it, investigated and found the facts and ascertained them, confronted [Fr. Prather], and I told him he was through even though he was just about to go on treatment.”

Fr. Prather served in the Diocese of Richmond from August 1990 to February 1991. The documents indicate he then requested and received an assignment from the Diocese of Joliet, Illinois, to be closer to his sister, who was ill. Fr. Prather died in 1996. The files we received from the Dioceses of Richmond and Joliet do not contain any allegations of sexual abuse of minors.

In 2004, the Archdiocese received a report from a man who said that Fr. Prather sexually abused him when he was a teenager. The circumstances of this allegation are consistent with other allegations contained in the file and with information developed during our investigation.

### **James Francis Rapp**

Born: May 21, 1940

Ordained: October 21, 1967

Laicized: September 21, 2009

Currently incarcerated

Father James Rapp was ordained in 1967 and was a member of the Oblates of St. Francis de Sales based out of Toledo, Ohio. Fr. Rapp was working as a teacher at Judge Memorial High School in Salt Lake City, Utah, when he was first accused of sexual misconduct involving minors. Rapp left the school and in 1973, he took a five-year leave of absence. In 1978, he was

reinstated by the Oblates and in the 1980s, he was stationed at Lumen Christi High School in Jackson, Michigan, where he worked as the head of building maintenance and as a wrestling coach. In 1984, a student at the school accused Fr. Rapp of sexual abuse. Records show that in 1986, the Oblates sent Fr. Rapp to St. Luke Institute in Maryland for a one-month evaluation and then the House of Affirmation in California for eight months of treatment until the House of Affirmation was closed. After leaving the House of Affirmation, Fr. Rapp served for three years in the Diocese of Joliet, Illinois—apparently without incident.

In early 1990, Archbishop Salatka contacted the Oblates to request a pastor for Assumption Church in Duncan, Oklahoma. The Provincial of the Oblates, Fr. Alfred Russell, later testified that he initially told Archbishop Salatka that no one from the Oblates had expressed interest in his request. But Fr. Russell testified that during a subsequent overnight visit to Oklahoma City, he told Archbishop Salatka that “there is one – and I did not use father’s [Fr. Rapp’s] name at that time – who had been through the House of Affirmation. He was sent there for a program dealing with some sexual difficulties.” Fr. Russell testified that he told Archbishop Salatka those difficulties were with “young people,” though he did not use the word “pedophilia” and did not provide any other details, except that Fr. Rapp had a “positive response” to the treatment program.

In his 2001 deposition, Archbishop Salatka denied that Fr. Russell told him about Fr. Rapp’s history of sexual misconduct with minors. Archbishop Salatka testified that Fr. Russell told him that Fr. Rapp had “some vague problem” but did not identify it. Archbishop Salatka testified that if the problem had been “serious,” he expected that Fr. Russell would have disclosed that to him. However, documents in Fr. Rapp’s priest file suggest that Archbishop Salatka was notified that Fr. Rapp had received treatment at two treatment facilities for psychological disorders. Handwritten notes by Archbishop Salatka referencing Fr. Rapp state “St. Luke” and “[House of] Affirmation in California.” Archbishop Salatka’s notes also include the phrase “no public accusations.” When asked about these notes at his deposition, Archbishop Salatka testified that St. Luke Institute and House of Affirmation treat other issues besides sexual misconduct, such as alcoholism. He also testified that “no public accusations” could refer to alcoholism or financial mismanagement. Archbishop Salatka confirmed in his deposition that he did not ask Fr. Russell about the nature of Fr. Rapp’s “problem” and did not seek Fr. Rapp’s medical records from St. Luke Institute or House of Affirmation before welcoming Fr. Rapp to the Archdiocese.

On April 20, 1990, Bishop Imesch of the Diocese of Joliet (where Fr. Rapp had been serving for approximately four years) wrote to Archbishop Salatka discussing the timing of Fr. Rapp’s move to the Archdiocese of Oklahoma City. In the letter, Bishop Imesch said he had reviewed the correspondence between himself and the Provincial of the Oblates. Bishop Imesch wrote that “[i]n the Provincial’s original letter to me, he says, ‘Let me assure you that our Province assumes any liability for the actions of any of our men.’” Bishop Imesch told

Archbishop Salatka that he had responded to the Provincial expressing gratitude for this assurance.<sup>10</sup>

Documents reflect that on December 27, 1990, Archbishop Salatka appointed Fr. Rapp as pastor of Assumption Parish in Duncan (and its missions in Marlow, Rush Springs, and Ryan, Oklahoma).

In an April 15, 1994 letter, the Bishop of Lansing, Michigan, Kenneth J. Povish notified Archbishop Beltran that Fr. Rapp “has been accused of molesting a high school boy” in 1985 while stationed at Lumen Christi High School in Jackson, Michigan. “The Oblates removed him on the basis of other accusations and sent him to therapy before reassigning him elsewhere. We fear that more victims are going to emerge from the Jackson high school alumni,” the letter said. It continued: “[i]n light of these developments I am obliged to alert you to the potential dangers of Father Rapp continuing in ministry in the archdiocese [of Oklahoma City].” Bishop Povish also enclosed a March 30, 1994 letter he had written to Fr. James F. Cryan, the Provincial of the Oblates, in which he wrote: “[m]y recollection is that the Oblate community took action on James Rapp on a matter such as this several years ago. It would be helpful to have the run-down on therapeutic measures that were taken, etc. There is also the advisability of putting him on administrative leave as soon as Easter liturgies are over.”

This was followed by an April 17, 1994 letter from Father James Cryan to Archbishop Beltran that said “I am writing to inform you that Father James Rapp, OSFS, of our community, who is currently serving in the Archdiocese of Oklahoma City, may be named in a civil suit relative to allegations of sexual misconduct with a minor in 1984-1985, at Lumen Christi High School in the Diocese of Lansing.” Fr. Cryan wrote that Fr. Rapp had been removed from Lumen Christi High School in 1985 and was sent to the St. Luke Institute in Maryland for evaluation. This was followed by an eight-month period of in-patient therapy at the House of Affirmation in Montera, California, Fr. Cryan explained. Fr. Cryan wrote that after completing his treatment, Fr. Rapp went on to work in the Diocese of Joliet without incident. Fr. Cryan wrote that it was his understanding that “the treatment was successful and that Father Rapp was able to return to regular ministry,” that he was “not aware of any caveats or further recommendations,” and that “[w]e have no reason to believe that there has been any improper activity since 1986.” Fr.

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<sup>10</sup> In the same letter to Archbishop Salatka, Bishop Imesch turned to the subject of Fr. Edd Prather who had recently applied for a position in the Diocese of Joliet after being forced to leave the Archdiocese of Oklahoma City amid sexual abuse allegations. (Fr. Prather is discussed elsewhere in this Report). Bishop Imesch wrote, “[i]n regard to Edd Prather, we are very favorably disposed to accepting him. . . [if we do] invite him to ministry in the Diocese of Joliet. . . I will be asking you for a letter of recommendation, and also some assurance that the Archdiocese would assume any liability that might be incurred by Father Prather. . . I presume that you would be in agreement with this.” Archbishop Salatka wrote back that he would assume responsibility for Fr. Prather.

Cryan's letter further stated that "I understand that my provincial predecessor made all of this known to Archbishop Salatka when Jim [Rapp] went to Duncan."

In a May 4, 1994 memo to the file entitled "Allegations of pedophilia-related activities," Archbishop Beltran confirmed receipt of the letters from Bishop Povish and Fr. Cryan referenced above, and he noted that he had spoken with Fr. Cryan by telephone about the matter.

On the same date, Archbishop Beltran sent a letter to Fr. Cryan in which he wrote that he did "not wish to suspend Fr. Rapp from his ministry at the present time." However, Archbishop Beltran set several conditions that must be satisfied for Fr. Rapp to remain as pastor in Duncan. First, he demanded that Fr. Cryan send Fr. Rapp to "an approved therapeutic center" to undergo a new professional evaluation, and that the results of this evaluation would be shared with him. Also, to the extent that the associate pastor in Duncan, Fr. Marc Clifford (also an Oblate), was unaware of the situation involving Fr. Rapp, Archbishop Beltran demanded that Fr. Cryan fully inform him of the details. Additionally, upon Fr. Rapp's return from his new evaluation, Archbishop Beltran wrote, he would appoint a priest to supervise and monitor Fr. Rapp and report back to Archbishop Beltran "in the event that problems should arise or Fr. Rapp is found to be in any distress." Finally, Fr. Clifford would "assume all ministry relative to youth or young adults in Assumption Parish," and "Fr. Rapp is not to participate in youth or young adult activities without the presence of Fr. Clifford or at least two other adults," Archbishop Beltran wrote.

In 2001, several individuals, including Archbishop Beltran, were deposed in a civil lawsuit brought by one of Fr. Rapp's alleged victims. Their deposition testimony and the documents available to us confirm that none of the conditions Archbishop Beltran prescribed in his May 4, 1994 letter were ever carried out or followed up on.

First, there is no evidence that Fr. Rapp went for another evaluation, as Archbishop Beltran had demanded. Archbishop Beltran testified that he never followed up with the Oblates to confirm they had sent Fr. Rapp to a treatment facility for an evaluation, and he testified that he never received a report from such an evaluation.

Second, there is no evidence that Fr. Clifford—the associate pastor in Duncan under Fr. Rapp—was ever informed of the allegations against Fr. Rapp or his history of sexual misconduct before Fr. Rapp's arrest for lewd molestation in 1999. Archbishop Beltran testified that no one from the Archdiocese notified Fr. Clifford about the situation involving Fr. Rapp, and that no one from the Archdiocese contacted the Oblates to confirm they had informed Fr. Clifford of the situation. Fr. Clifford testified he was unaware that Fr. Rapp had been accused of sexual abuse of minors and had received treatment for sexual disorders until after Fr. Rapp's arrest. No one told him about the 1994 allegation, Fr. Clifford testified.

Third, there is no evidence that Archbishop Beltran took any meaningful steps to ensure that Fr. Rapp would not interact with young people without supervision. Archbishop Beltran

testified that he told Fr. Rapp that he was not to be around minors unsupervised and that Fr. Rapp agreed to this condition. Archbishop Beltran testified that he relied on Fr. Rapp's word. Archbishop Beltran testified he did not notify Fr. Clifford of the restriction on Fr. Rapp's ministry, though Fr. Clifford also testified he was unsure how he would comply with such a directive, even if it had been communicated to him. (Both Archbishop Beltran and Bishop Weisenburger told us when interviewed that in today's climate, they recognize the reality that a restriction on ministry prohibiting all youth contact is practically impossible to enforce, especially for a pastor of a parish).

Fourth, and in regard to appointing a monitor over Fr. Rapp, Archbishop Beltran testified that he asked Fr. William Ross meet with Fr. Rapp regularly and report back. But when asked how many times Fr. Ross met with Fr. Rapp, Archbishop Beltran testified that Fr. Ross "did not follow up on that," and there is no evidence in Fr. Rapp's priest file that Fr. Ross ever met with Fr. Rapp between 1994 and his arrest in 1999.

On June 12, 1994, Fr. Cryan sent a letter to Archbishop Beltran confirming that a lawsuit had been filed against Fr. Rapp and the Oblates in Michigan. Fr. Cryan also said he would have Fr. Rapp complete medical authorizations so that his past treatment facilities could send their reports to Archbishop Beltran for review.

On June 14, 1994, the St. Luke Institute sent Archbishop Beltran its evaluation of Fr. Rapp from 1986. Excerpts from the St. Luke evaluation are quoted in news articles published by *The Washington Post* and *The Daily Oklahoman*. As reported in these articles, the St. Luke report stated that Fr. Rapp had a history of "sexual contact . . . with several youths spread out over 20 years." The report stated "[t]he diagnosis of fixated ephebophilia – that is a sexual attraction to adolescent boys – can be made without equivocation. It is clear from Father Rapp's history that his ephebophilic behavior extends over many years and with a number of contacts." The report continued, "[t]hese sexual disorders are apparently not curable but manageable, much the way alcoholism is an incurable but manageable condition," but it was "very important that that Father Rapp not be in the presence of youth without another responsible adult there."<sup>11</sup>

On June 17, 1994, Fr. Bernard J. Bush, the former director of the House of Affirmation sent a letter to Archbishop Beltran about Fr. Rapp's medical records from the House of Affirmation, which closed in June 1987. Fr. Bush told Archbishop Beltran that all medical and clinical records from the House of Affirmation were shipped to the Diocese of Worcester, Massachusetts, and Fr. Bush "did not know if they are accessible any longer, nor to whom one would write in order to obtain them." Fr. Bush wrote that "we considered [Fr. Rapp] to have had

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<sup>11</sup> *The Washington Post* Article is available here: <https://www.washingtonpost.com/archive/politics/2002/05/21/okla-archbishop-failed-to-oust-priest/1e6c9365-90b5-46fa-9def-eba27da633d6/>. *The Daily Oklahoman* article is available here: <https://oklahoman.com/article/2795478/records-show-priests-history-of-molestation-judge-allows-public-release-of-information>.

a very successful outcome of treatment” and that “we were confident that he would be able to function well in pastoral ministry.” However, Fr. Bush added that “[a]s was always the case, some sort of ongoing counselling was certainly recommended.” The file does not contain any evidence that Archbishop Beltran attempted to contact the Diocese of Worcester for Fr. Rapp’s records from House of Affirmation.

There is no evidence that after receiving this information in 1994, Archbishop Beltran conducted any independent investigation into the allegation against Fr. Rapp or Fr. Rapp’s history of sexual misconduct. Archbishop Beltran testified that he did not believe it was his responsibility to conduct such an investigation. There is also no evidence that Archbishop Beltran notified any of the parishioners in Duncan in 1994 about the allegation against Fr. Rapp or his background of sexual misconduct.

Additionally, we learned that in 1997, Fr. Rapp moved out of the rectory and into a single family home to live by himself in Duncan. Although Archbishop Beltran told us that he would not have approved such a move, one source advised us that Archbishop Beltran was aware of and approved the move at the time.

For the next five years, Fr. Rapp remained pastor at Assumption of the Blessed Virgin Mary in Duncan. During this time, he repeatedly molested one teenage boy (for which he was later convicted), and allegedly abused several others, according to court documents from Fr. Rapp’s criminal cases and multiple civil lawsuits.

On May 10, 1999, the Archdiocese received a report from Duncan that Fr. Rapp had been sexually molesting a minor. The Archdiocese notified the police in Duncan, who arrested Fr. Rapp early the following morning. In December 1999, Fr. Rapp pleaded guilty to two counts of lewd molestation, and a Stephens County judge sentenced Fr. Rapp to two 20-year terms of incarceration to be served consecutively.

Since then, Fr. Rapp and the Archdiocese have been named as parties in multiple lawsuits for Fr. Rapp’s alleged sexual abuse of minors while he served in Oklahoma. One such case is currently pending. Several other lawsuits have been filed in other jurisdictions based on Fr. Rapp’s alleged misconduct there. In April 2016, a Michigan court convicted Rapp of six counts of criminal sexual conduct while a priest, teacher and athletic coach at Lumen Christi Catholic High School in Jackson, Michigan. He was sentenced to 20-40 years in prison. More than 10 alleged victims came forward and reported to law enforcement that they had been abused by Fr. Rapp while he was serving in Michigan.

## **Benjamin Zoeller**

Born: August 2, 1938

Ordained: May 27, 1965

Laicized: December 16, 2011

In May 1988, the Archdiocese received an anonymous letter from a concerned parishioner alleging that Father Benjamin Zoeller had entered into sexual relationships with at least two teenage boys at the parish. According to the anonymous letter, Fr. Zoeller took the boys on overnight trips, bought them gifts, and spent an inordinate amount of time with them. The letter further alleged that Fr. Zoeller had touched another teenage boy, which caused him and his family to leave the parish. The letter also alleged that two parishioners had caught Fr. Zoeller caressing the face of a teenage boy in an inappropriate manner at an Oklahoma City mall.

Documents in Fr. Zoeller's priest file indicate that in response to this anonymous letter, Archbishop Salatka asked Fr. Thomas Boyer to investigate the allegations that Fr. Zoeller was sexually involved with the two teenage boys at the parish. For clarity's sake, we refer to these boys as Boy No. 1 and Boy No. 2. Documents indicate that Fr. Boyer interviewed Boy No. 1's grandparents (with whom the boy was living) and they told Fr. Boyer that Boy No. 1 had denied the allegation. Documents indicate that Fr. Boyer intended to interview Boy No. 1 about the allegations, but when we interviewed Fr. Boyer, he confirmed that he never did. Boy No. 1 was a student at Bishop McGuinness High School. Memos in Fr. Zoeller's priest file indicate that Fr. Boyer also interviewed David Morton, who at the time was a counselor at the school (and is currently the principal and president). Fr. Boyer's memo states that Mr. Morton told Fr. Boyer that a source had notified him that Fr. Zoeller was actively engaged in a sexual relationship with young males at the parish, including the student, however Mr. Morton would not disclose the source's name. According to Fr. Boyer's memo, Mr. Morton said he interviewed the Bishop McGuinness student about the allegations, and the student denied them. When we interviewed Fr. Boyer, he said he was frustrated that Mr. Morton refused to disclose the source's name, because it "threw up a brick wall" that prevented further investigation. Fr. Boyer noted his frustration in his memo to Archbishop Salatka, writing he told Mr. Morton that the investigation to that point had "proven the allegations to be untrue" and that Mr. Morton's actions in the case "were beginning to raise suspicions about his professional behavior."

When we interviewed Mr. Morton, he said that he did not remember a source reporting the allegations to him. He said he vaguely remembered that the student in question (Boy No. 1) told him that a priest abused him, though he could not now remember any specifics, including the priest's name. Mr. Morton said he immediately reported this information to his superior, Steve Parsons (then principal of the school) and Mr. Parsons told him that he and Archdiocese officials would handle the matter. Mr. Morton said he recalls a subsequent meeting with Mr. Parsons and an Archdiocese official regarding this matter but not any specifics of what was discussed. He did not remember any follow-up regarding the allegations after this meeting. Mr. Morton also said he did not remember any of the details set out in Fr. Boyer's memo. (We

contacted Mr. Parsons about this matter, but he declined to be interviewed and referred our questions to Mr. Morton).

We interviewed the former student (now an adult) regarding the 1988 allegations. He said that Fr. Zoeller did not abuse him. However, he reported that he went on an overnight road-trip with Fr. Zoeller when he was 16-years-old and that Fr. Zoeller provided him with alcohol and asked if he wanted to “wrestle” in their hotel room. The former student said he refused Fr. Zoeller’s request and after they returned from the trip, he decided to stop spending time with Fr. Zoeller. It was around this time, the former student said, that parishioners and Archdiocese personnel began asking him about his relationship with Fr. Zoeller.

According to the documents in Fr. Zoeller’s file, Fr. Boyer interviewed Boy No. 2 in the presence of his mother, and Boy No. 2 denied any sexual involvement with Fr. Zoeller. Aside from interviewing Mr. Morton, Fr. Boyer confirmed that he did not conduct any other interviews or investigation into the allegations contained in the anonymous letter. No one from the Archdiocese investigated the other allegations contained in the anonymous letter, including the alleged incident involving a third boy who allegedly left Fr. Zoeller’s parish because of inappropriate touching or the alleged incident between Fr. Zoeller and another teenage boy at an Oklahoma City mall. When interviewed, Fr. Boyer said he did what Archbishop Salatka had asked him to do, and that Archbishop Salatka did not ask him to further investigate the matter.

Fr. Zoeller’s priest file contains draft questions for Archbishop Salatka to use in an interview with Fr. Zoeller. There is no documentation in the file regarding this interview or what Fr. Zoeller may have said to Archbishop Salatka, but the file indicates that Fr. Zoeller consistently denied the 1988 allegations. In May 1988, Archbishop Salatka sent Fr. Zoeller to Guest House in Rochester, Minnesota for an evaluation. In June 1988—approximately a month after receiving the anonymous letter—Archbishop Salatka addressed the congregation at Fr. Zoeller’s parish and reported that the allegations were unsubstantiated and requested that any further discussion of the allegations cease immediately. Upon returning from Guest House, Fr. Zoeller resumed his duties as pastor.

In a December 24, 1990 letter to Archbishop Salatka, Fr. Zoeller requested permission for a teenage minor to live with him in the rectory. We refer to this minor as Boy No. 3. In a December 28, 1990 memo, Archbishop Salatka forwarded Fr. Zoeller’s request to the members of the Archdiocese Priests’ Personnel Board and asked for their input on the request. In a December 29, 1990 letter to Archbishop Salatka regarding this request, Father Charles H. Schettler (a member of the Personnel Board) stating his belief that “under the circumstances Father Zoeller has a reasonable request regarding” Boy No. 3. Fr. Schettler’s letter referenced the “past accusations and repercussions against Father Zoeller regarding a young man.” Documents in Fr. Zoeller’s priest file confirm that Archbishop Salatka approved Fr. Zoeller’s request to have Boy No. 3 live with him in the rectory and indicate that Boy No. 3 did in fact live with Fr. Zoeller.

Sometime in 1991, the Archdiocese received an undated letter from parishioners reporting that Fr. Zoeller had accompanied the parishioners and a 14-year-old boy to an out-of-state funeral. According to the letter, Fr. Zoeller shared a hotel room with the boy on the trip. The letter does not contain a specific allegation of abuse. However, there is no evidence in the file that Archbishop Salatka investigated or followed up on the matter. In 1993, the Archdiocese received a letter from a different parishioner rehashing the same allegations involving the 14-year-old boy. There is no evidence that the Archdiocese followed up on this 1993 letter either.

On September 24, 1998, Fr. Weisenburger, V.G. sent a memo to Archbishop Beltran stating an adult male had reported that Fr. Zoeller had engaged in sexual behavior with him on one occasion when he was a 16-year-old boy. According to subsequent memos by Fr. Weisenburger, V.G., the alleged victim reported that, at the time of the abuse, he was living in the rectory with Fr. Zoeller and that Fr. Zoeller was helping him stop using drugs. The alleged victim reported that Fr. Zoeller had provided him with alcohol when the incident occurred. According to an October 19, 1998 memo, Archbishop Beltran confronted Fr. Zoeller with the allegation, and Fr. Zoeller admitted it. The memo further reflects that Archbishop Beltran told Fr. Zoeller he was sending him to St. Vincent's Hospital for an evaluation, and if Fr. Zoeller received a "good evaluation," Archbishop Beltran "would consider this a closed matter." Fr. Zoeller went to St. Vincent's later that month. Other documents in Fr. Zoeller's priest file indicate that Fr. Zoeller acknowledged sexual contact with the alleged victim referenced above, but he denied any other sexual contact with minors. After returning from St. Vincent's, Fr. Zoeller remained in active ministry.

In a July 2, 2001 memo in Fr. Zoeller's priest file, Fr. Weisenburger, V.G. stated that parents at Fr. Zoeller's parish had reported that Fr. Zoeller inappropriately touched their 18-year-old son at a public event held at the parish. The inappropriate touching consisted of affectionately touching the young man's face and caressing his leg and no sexual contact or abuse was reported, the memo stated. The memo stated that the young man told his family later that evening that the touching made him feel uncomfortable, which was one reason the parents reported the incident to Church personnel. The parents also reported that Fr. Zoeller had meetings in the rectory with young men who were considering the seminary. We later confirmed these details during an interview with a witness who reported this matter to the Archdiocese.

According to a July 16, 2001 memo to Fr. Zoeller's priest file written by Archbishop Beltran, Archbishop Beltran and Fr. Weisenburger, V.G. met with Fr. Zoeller to discuss the alleged touching incident. Fr. Zoeller denied engaging in any of the alleged conduct, the memo said. Archbishop Beltran instructed Fr. Zoeller not to have any contact with the family who reported the incident and that no young men would be allowed to enter the rectory again under any circumstances.

On July 18, 2001, Fr. Zoeller sent a letter to Archbishop Beltran requesting permission to retire from active duty as a priest in the Archdiocese. Archbishop Beltran wrote back on August

13, 2001 granting Fr. Zoeller's request. Documents indicate that Fr. Zoeller formally retired in November 2001 but still retained his priestly faculties.

In a December 8, 2001 memo to Archbishop Beltran, Fr. Weisenburger, V.G. wrote that a staff member had told the pastor at Fr. Zoeller's former parish that Fr. Zoeller had invited him/her to practice the faith at Fr. Zoeller's home. The staff member had also asked the pastor if s/he was obligated to tell the pastor if he s/he was aware that Fr. Zoeller was "counseling young men," the memo said. Fr. Weisenburger, V.G. wrote that Archbishop Beltran had the right to issue a "personnel precept forbidding [Fr. Zoeller] from counseling or having contact with adolescents." "I regret that this matter continues to spiral out of control but I think we need to address it before any damage is done," Fr. Weisenburger, V.G. wrote. Documents in Fr. Zoeller's priest file show that Archbishop Beltran promptly took action to forbid Fr. Zoeller from conducting religious services out of his home and that Fr. Zoeller was not to have unsupervised contact with young men.

On May 4, 2002, Fr. Zoeller wrote to Archbishop Beltran requesting that his faculties be revoked. Archbishop Beltran wrote back on May 8, 2002 and accepted Fr. Zoeller's request, suspending his faculties.

On February 13, 2006, Fr. Weisenburger, V.G. wrote a memo for Fr. Zoeller's priest file documenting that a person reported that his brother was sexually abused by Fr. Zoeller when he was a minor. The alleged abuse occurred on two separate occasions. According to a February 20, 2006 memo from Fr. Weisenburger, V.G., when Fr. Zoeller was confronted with this new allegation, Fr. Zoeller admitted to the second alleged incident of sexual contact but maintained it occurred after the individual had turned 18-years-old.

Ben Zoeller was laicized in 2011.

In August 2018, the Archdiocese received a letter from the alleged victim identified in the 2006 report referenced above. The person reported that he was abused by Zoeller when he was a teenage boy. In August 2018, the Archdiocese issued a statement announcing that Zoeller had been volunteering at a South Oklahoma City parish. According to the statement, the Archdiocese was previously unaware that Zoeller had been volunteering and that he was banned from doing so in the future. According to multiple interviews with current and former Archdiocese personnel, parish staff did not run Zoeller through a background check, as required under the Archdiocese's policies and procedures. However, multiple Archdiocese officials told us that even if a background check had been run, short of Zoeller self-disclosing the prior accusations against him, he likely would have passed the background check. This is because the Archdiocese had not publicized his history of misconduct or the circumstances for his laicization in 2011. One source from the South Oklahoma City parish where Zoeller had been volunteering said that if the Archdiocese had told the parish about Zoeller's background, Zoeller would not have been permitted to volunteer there.

In November 2018, the Archdiocese received a new allegation from an adult male that Fr. Zoeller had sexually abused him when he was a teenager in the early 1970s.

On the morning of October 3, 2019, the Archdiocese received an allegation that Fr. Zoeller had sexually abused Boy No. 3, including during the time period when he was living with Fr. Zoeller in the rectory.

### **REPORT QUALIFICATIONS**

We issue the following qualifications to our independent investigation and this Report:

- We relied upon the Archdiocese of Oklahoma City and other dioceses and religious orders to produce the documents and materials that we reviewed. We could not confirm whether there were materials withheld from us by the Archdiocese of Oklahoma City, other dioceses, or other religious orders from which we requested records, but the Archdiocese did not refuse any of our requests to review records in its possession.
- As detailed in this Report, there is evidence that records and information pertinent to our investigation had been either lost or destroyed in the past. Specifically, we identify the following examples upon which we rely to reach this conclusion:
  - In some instances, Archdiocese of Oklahoma City personnel designated that certain records be “destroyed after reading.” While we saw evidence that some of these records were preserved notwithstanding the “destroy after reading” request, we believe it is possible that there were other records that were also destroyed as a result of the “destroy after reading” request. Current Archdiocesan officials told us that they do not draft documents with instructions that they are to be destroyed after reading.
  - Although it has been represented to us that this is no longer the practice, we confirmed that during Loutitia Eason’s tenure as chancellor of the Archdiocese of Oklahoma City, she failed to preserve the emails of Msgr. Weisenburger, V.G. after he left the Archdiocese of Oklahoma City because he was appointed and consecrated as the bishop of Salina, Kansas in early 2012. Additionally, Loutitia Eason deleted her own emails upon her departure as chancellor of the Archdiocese of Oklahoma City in July 2017.
  - We believe that in the instance of Fr. Prather, the Archdiocese was provided with photographic and video evidence of his sexual abuse of minors. We were not provided any such evidence, and in response to our inquiry, we received confirmation from the Archdiocese of Oklahoma City that no such evidence is

presently in its custody, control, or possession. Further, we received reports from witnesses that these materials may have been destroyed many years ago.

- The firm does not have subpoena power or the power to otherwise compel witnesses to speak with us. In some instances, alleged victims, family members of alleged victims, and other third party witnesses unaffiliated with the Archdiocese of Oklahoma City refused to speak with us.
- A number of the priests that we investigated were not incardinated in the Archdiocese of Oklahoma City, and because of that, we had to contact and request materials from outside sources, including the non-incardinated priests' home dioceses or applicable religious orders. We were reliant on the cooperation of these outside sources to provide complete and accurate records, conduct diligent searches for requested materials, produce all responsive records, and otherwise assist our independent investigative efforts. We cannot confirm the diligence or thoroughness of any outside source's production to us.
- The Archdiocese of Oklahoma City and its incardinated priests are governed by Canon Law, ecclesiastical law promulgated by papal pronouncements that includes a fully developed legal system independent of the legal systems of the United States and the State of Oklahoma. Our firm is not trained, licensed, or versed in Canon Law, and our attorneys are not Canonists. As such, neither our independent investigation nor this Report give any weight, consideration, or credence to any of the requirements, obligations, or protections afforded by Canon Law.
- The Diocese of Tulsa was created in 1973. Even though priests incardinated within that diocese would have previously been incardinated as part of the Diocese of Oklahoma City and Tulsa, upon the formation of the Diocese of Tulsa in 1973, all files and materials relating to that diocese's priests became part of the Diocese of Tulsa, and we did not review those materials.
- Two of the key people involved in the Archdiocese of Oklahoma City's operations for many years were its chancellor, Loutitia Eason, who served in that role from 2002 through July of 2017, and her husband, Douglas Eason, who served as outside counsel for the Archdiocese from 2000 through October 2018.

Mrs. Eason passed away in early 2018 before our firm was hired to conduct its independent investigation, but we contacted Mr. Eason in 2018 to interview him about certain matters and to request records from him. At that point in time, the Archdiocese had already determined that numerous Archdiocese records and files had been removed from the Archdiocese's premises by Mrs. Eason, and the Archdiocese took steps to

identify and collect these records. Additionally, Mr. Eason produced more Archdiocese records to our firm in January 2019. However, there were still numerous files, electronic devices, and other records belonging to the Archdiocese that were in a storage unit or still at the Eason home that had not been yet returned to the Archdiocese, so numerous requests and demands were made of Mr. Eason to return these Archdiocese materials.

After at least a year of unsuccessfully attempting to obtain Archdiocese materials in the possession of Mr. Eason, often with Mr. Eason promising that the materials were nearly ready to be produced (and then were not), the Archdiocese received an email from Mr. Eason in early September 2019 stating that the soonest he would be willing to produce outstanding Archdiocese materials was the week of September 18, 2019. We had been expecting Mr. Eason's outstanding materials for many months, and both the firm and the Archdiocese had sent numerous written and telephonic inquiries dating back to early 2018 (on the part of the Archdiocese) and late 2018 (on the part of the firm) to Mr. Eason requesting that he return materials that he and his wife, Mrs. Eason, had collected during their tenure working with the Archdiocese. The firm planned to review these materials as part of its independent investigation and report. Due to Mr. Eason's non-responsiveness, by late summer 2019, the firm decided to move forward with preparing its report and concluding its independent investigation with the belief that it would not receive any further Archdiocese materials from Mr. Eason, so his email correspondence in early September 2019 was unexpected.

Prior to hearing from Mr. Eason in early September, the firm had decided that it would identify the missing Archdiocese records in Mr. Eason's possession to the best of its ability in its Report so that the public was aware of the limitations placed upon our firm by the missing records, but once Mr. Eason offered to finally produce the records, the firm had to decide whether to review and investigate the new records that had previously been withheld before issuing its report or deal with them in a later report. On September 23, 2019, Mr. Eason produced an additional 12 boxes of Archdiocese records to the Archdiocese, which promptly turned them over to our firm. Our firm learned on the morning of October 3, 2019 that on October 2, 2019, Mr. Eason produced to Archdiocese outside counsel (not our firm) what was represented to us to be 37 additional boxes of Archdiocese records and two electronic devices that previously belonged to Loutitia Eason. Our firm has not yet received these additional materials produced on October 2, and therefore cannot verify that these additional materials include information relevant to our investigation. We believe that Mr. Eason may still have additional Archdiocese records – including electronic files – in his custody.

The firm's preference and recommendation was to delay issuing its report and findings of its independent investigation until after the firm had an opportunity to review and investigate the additional Archdiocese materials that Mr. Eason finally produced. We re-

urged this recommendation on the morning of October 3, 2019 after it was represented to us that Mr. Eason had produced 37 additional boxes and two electronic devices the night before. However, a number of factors, including the length of time already devoted to the investigation to date and the possibility that the report could be endlessly delayed if Mr. Eason produced documents in piecemeal fashion, which is reflected by his partial productions on September 23, 2019 and October 2, 2019, caused the Archdiocese to direct the firm to issue this Report based on materials already received, without the benefit of the additional Archdiocese materials produced by Mr. Eason. As such, we are issuing our Report as directed by the Archdiocese without the benefit of reviewing the recently produced records or the additional records that Mr. Eason may still have and has yet to produce. Importantly, the firm will still review and independently investigate the additional Archdiocese materials produced by Mr. Eason, and to the extent that these additional materials change, supplement, or otherwise affect this Report, the firm will issue a Supplemental Report that will address any issues arising from the additional Archdiocese materials produced by Mr. Eason. Additionally, to the extent that Mr. Eason produces additional Archdiocese records after the publication of this Report, we will likewise review these materials and include our findings in a Supplemental Report. The Archdiocese offers its full support to the firm to ensure that these additional Archdiocese materials are subject to the same investigatory process as all other materials previously made available to or obtained by the firm.

## **FINDINGS**

### **I. The Archdiocese of Oklahoma City has inadequate controls over its own records.**

When confronting an allegation of sexual abuse of a minor, it is critical that the Archdiocese of Oklahoma City have in place adequate controls to manage its records and ensure that all records are available. If records can be manipulated, removed, destroyed, or simply lost due to a deficient record management system, the Archdiocese cannot make decisions with the benefit of full historical knowledge of what has been documented. We encountered numerous challenges with the Archdiocese's recordkeeping and conclude that it lacks adequate controls over its own records. The Archdiocese represented to us that it recently acquired a case management system for allegations of sexual abuse of minors.

#### **A. The Archdiocese of Oklahoma City does not have a written record retention policy in place.**

The Archdiocese of Oklahoma City has never adopted a written record retention policy. Although the Archdiocese employs a full-time Archivist to oversee its paper records, we found numerous instances where both written and electronic records were not properly kept, maintained, or organized. In the absence of a policy that governs the method by which records

should be maintained and the length of time that the records are maintained, there is no way to ensure that proper recordkeeping is being observed. We believe our subsequent findings relating to Archdiocesan records are all implicated directly or indirectly by the lack of a written record retention policy.

**B. The Archdiocese of Oklahoma City lacks policies or controls to preserve relevant emails and electronic files.**

In part because it lacks a written record retention policy, the retention of emails and other electronic records is left to the discretion of each individual. Because of this, we learned about systematic deletions of emails and other records that could have related to allegations of sexual abuse of minors. In fact, we did not have the benefit of access to all emails of two of the most significant personnel at the Archdiocese who were heavily involved in many of the allegations of sexual abuse of minors that we identified, investigated, and reviewed. We discovered that after the departure of Msgr. Edward Weisenburger, V.G. from the Archdiocese of Oklahoma City in 2012 to become the bishop of Salina, Kansas, nearly all of Msgr. Weisenburger's emails were deleted. According to Kevin Atkins, the Archdiocese Information Technology Officer, there was no policy in place in 2012 for preserving the data of previous employees. At the time Msgr. Weisenburger, V.G. left in 2012, the chancellor at the time, Loutitia Eason, who served in that role from 2002—2017, was provided access to all of the available emails of Msgr. Weisenburger, V.G., who served in that role from 1998-2012. When we asked whether Msgr. Weisenburger's e-mails had been preserved, Mr. Atkins stated that he was able to locate only a handful of Msgr. Weisenburger's e-mails that had been saved to the system, which he provided to us. When we forensically imaged the Archdiocese's network drives and devices, we were only able to locate a very small number of Msgr. Weisenburger's e-mails, and far fewer than what we have reason to believe once existed. During his tenure, Msgr. Weisenburger, V.G. was heavily involved in many of the allegations of child sexual abuse reported to the Archdiocese. In limited instances, copies of email correspondence involving Msgr. Weisenburger, V.G. were printed and placed into paper files, but we believe that there were numerous emails that were never printed and that are now unavailable to us and the Archdiocese because of their deletion.

Additionally, it appears Mrs. Eason deleted nearly all of her own emails on or before her retirement from the Archdiocese in July of 2017. As chancellor and as a licensed attorney, Mrs. Eason was also heavily involved in any allegation of sexual abuse of a minor. After 15 years of service to the Archdiocese, we would have expected to find numerous emails affiliated with Mrs. Eason's email account, but Mr. Atkins confirmed in interviews with us that Mrs. Eason left behind an electronic file with only a small amount of data on it, indicating that she had deleted nearly all of her email before leaving.

There was also no systematic attempt at archiving or retaining Archdiocese emails. Through September 2018, any deleted emails were only retained for 30 days unless they were

saved elsewhere. After the thirty 30 days passed, we were told by Mr. Atkins that deleted emails were permanently purged and incapable of recovery. Obviously, if personnel retained their email, it would remain in the Archdiocese's possession, but we cannot identify or review any electronic records that were deleted and purged from the system over the years.

Mr. Atkins further advised us that he had requested the implementation of a record retention policy and an archive system for electronic files from Mrs. Eason for years, but she was unwilling to implement his proposals. According to Mr. Atkins, one of the concerns Mrs. Eason raised about a record retention policy and a consistent archiving system for electronic files was that records could be subject to discovery at a later date. Since September 2018, it is our understanding that the Archdiocese has been retaining all emails and documents of both active and former Archdiocese employees.

While in certain limited instances emails were printed out and placed in paper files, including priest files, there is no current documented policy regarding the retention of emails and there has been no identifiable consistency in the Archdiocese's retention of emails. To the extent that emails were printed out or retained electronically, we observed some instances in which Archdiocese officials communicated about allegations of sexual abuse of minors via email, suggesting to us that there were discussions about allegations of child sexual abuse via email. But in the absence of a written policy directing the retention of emails, we believe that emails sent regarding allegations of sexual abuse of minors may never have been retained in a manner that would allow anyone to reference them in relationship to the specific priest against whom the allegation has been made. Essentially, key communications relating to allegations of sexual abuse of minors are no longer accessible to the Archdiocese or us.

**C. We found instances of decentralized, disorganized, and scattered recordkeeping at the Archdiocese of Oklahoma City.**

In an organization like the Archdiocese, we would expect to find a centralized recordkeeping system with intake protocols and the ability to track the location or status of records. We would also expect current and past copies of policies and procedures to be maintained in a centralized filing system where they could be readily accessed. Instead, we found a disorganized and scattered system, with relevant records in several different locations and formats.

For example, when asked to identify and provide us with copies of all of its current and past policies and procedures relating to allegations of sexual abuse of minors, along with the formational documents constituting the Archdiocesan Review Board ("Review Board") and all policies or guidelines for conducting the Review Board's meetings, the Archdiocese was unable to direct us to a single repository for all of this information. In response to our request, the Archdiocese sent us various emails with existing and previous policies attached, and it appeared

that there was a need to inquire of various personnel to locate current and past versions of these policies. We were not directed to a central repository where both historical and current policies and procedures were being kept. The Archdiocese has represented that it has produced to us all pertinent policies and procedures relating to allegations of child sexual abuse, but in the absence of a centralized and organized recordkeeping system, there is the possibility that we do not have all policies and procedures.

As previously discussed, every priest incardinated with the territory of the Archdiocese of Oklahoma City has a priest file consisting of paper records. However, we understand the Archdiocese does not maintain an individual file for every religious order priest working in the territory of the Archdiocese, and if such a file is maintained, it does not contain information comparable to personnel files for priests incardinated with the Archdiocese. We learned that when allegations of sexual abuse of minors were made against a priest, the Archdiocese typically documented this in a separate confidential file apart from the priest's ordinary "priest file," and this separate confidential file was accessible only by the chancellor of the Archdiocese. Our understanding is that this separate confidential file is kept based on the requirements of Canon Law. However, we note that when there was a separate confidential file kept for a priest, the existence of additional information was never noted in the priest's regular file.

We also learned that paper records and files belonging to the Archdiocese, including records relating to allegations of sexual abuse of minors, were removed from Archdiocese property and were being kept at the home of Doug and Loutitia Eason. As a reminder, Doug Eason was outside counsel of the Archdiocese from 1999—2018, and Loutitia Eason was the Chancellor from 2002—July 2017. In early 2018, the Archdiocese was attempting to locate certain records unrelated to allegations of sexual abuse that it could not find. Current Chancellor Michael Scaperlanda learned that Mrs. Eason may have removed a large number of boxes and files from the Archdiocese's records around the time of her retirement in July 2017. Mr. Scaperlanda inquired of Mr. Eason (Mrs. Eason passed away in January 2018) and on April 5, 2018, was permitted to review certain boxes stored at the Eason's home. Accompanying Mr. Scaperlanda to the Eason home was Rosemary Lewis, Archbishop Coakley's personal assistant. During their review, Mr. Scaperlanda and Ms. Lewis found numerous boxes containing files belonging to the Archdiocese. When they left the Eason home that day, Mr. Scaperlanda and Ms. Lewis had approximately 12 boxes that they returned to the Archdiocese, which filled up both of their vehicles. When we interviewed Mr. Eason about the records that were kept at his home, he told us that Mr. Scaperlanda left his home that day with about "one-half of one box" of materials that were returned to the Archdiocese. We were advised by Mr. Scaperlanda that included in the materials that he and Mrs. Lewis obtained from the Eason home were priest and seminarian files that were provided to us for our investigation, including the audiotapes containing recordings of conversations between Fr. Mickus and his alleged victim in 2002, along with transcripts of the recordings.

Although Mr. Eason produced 12 boxes in late September 2019 and it has been represented to us that he produced 37 boxes and two electronic devices to Archdiocese outside counsel (not our firm) on October 2, 2019, it is our understanding that there may still be additional Archdiocesan records in the possession of Mr. Eason. As documented in our Qualifications section and elsewhere in this Report, both the Archdiocese and our firm have been requesting access to these additional records for over a year, but Mr. Eason has not yet made all of them available.

With respect to Fr. Imming, as we documented earlier in this Report, there were instances in which alleged victims or the family of an alleged victim contacted the Archdiocese to allege that Fr. Imming engaged in sexual abuse of a minor. While in most priest files, all of the allegations were either documented or could be cross-referenced in the files of the Victim Assistance Coordinator, Fr. Imming's file was simply missing any meaningful documentation of allegations that the Archdiocese received. We were only able to identify the existence of additional allegations absent from Fr. Imming's priest file by finding the documentation in other files (including litigation files relating to the Schovanec lawsuit) or through the electronic records that we caused to be imaged.

**D. We identified instances in which the Archdiocese of Oklahoma City either intended to destroy or failed to record evidence relating to allegations of sexual abuse of minors.**

Any evidence or allegation relating to sexual abuse of minors should be recorded and kept by the Archdiocese in such a manner that it cannot be manipulated or destroyed, or if such information is manipulated or destroyed, there is an audit trail that would allow personnel to understand what actions were taken and why. We found instances in which we believe there was the actual destruction of evidence, an intent to destroy evidence, or a failure to record or document evidence relating to allegations of sexual abuse of minors.

Regarding Fr. Prather, we previously documented in this Report that our investigation found that video and photographic evidence was provided to the Archdiocese of Fr. Prather's sexual abuse of minors, and that such evidence was apparently destroyed. Aside from Fr. Kastner's reference to the existence of the videotapes and photographs in his January 1989 report, there is no other mention of this evidence in Fr. Prather's priest file.

As documented in our discussion of Fr. Cowden, and in other instances, we found evidence that during his tenure with the Archdiocese, Msgr. Weisenburger, V.G. (currently bishop of the Diocese of Tucson) drafted memoranda with the request that all or part of the documents be "destroyed after reading." In the instance of Fr. Cowden, Archbishop Beltran had not followed Fr. Weisenburger's request to destroy the third page of the memorandum and had preserved the entire record. When we interviewed him about this practice, Bishop Weisenburger

told us that it was not a common practice of his and he could only recall doing it once. However, we found a memorandum prepared by Fr. Weisenburger, V.G. in 2006 regarding concerns over physical (not sexual) abuse of a child by a parent. In a status report, Fr. Weisenburger, V.G. directed the recipients that “Memos should be destroyed after reading.” Our concern is that to the extent that a “destroy after reading” practice was employed by anyone at the Archdiocese, we cannot be certain that there were not other instances in which this procedure was used and the records were destroyed after being reviewed. Neither the Archdiocese nor our firm can review any destroyed documents as part of a complete compilation of information previously available to the Archdiocese.

As documented in the section of this Report devoted to Fr. Cude, there was no mention of the 1987 allegation until Archbishop Salatka’s letter placed Fr. Cude on administrative leave. Further, there was no documentation of the involvement of the police or the district attorney’s office until after the criminal investigation by police and district attorney’s office was already underway. Additionally, there is no documentation of concerns reported from Okeene, Oklahoma in 1989 or that Fr. Cude was to be supervised by Fr. Gallatin, except for a chronology memo in Fr. Cude’s priest file that was prepared many years later and references the Okeene concerns and Fr. Gallatin’s monitoring.

In the case of Fr. Imming, we previously stated in this Report that there is no documentation in his file (or anywhere else that we could locate) of the 1992 allegation that caused Fr. Imming to be sent to the Shalom Center in Splendora, Texas for evaluation. We cannot identify the identity or any of the circumstances relating to this alleged victim. Either the Archdiocese had records at one time and they were destroyed, or the Archdiocese never documented the allegations in the first instance.

## **II. The Archdiocese of Oklahoma City has inconsistently and inadequately investigated allegations of sexual abuse of minors in the past.**

Based on our review of numerous investigations into allegations of sexual abuse of minors conducted by the Archdiocese of Oklahoma City, we conclude that the Archdiocese has inconsistently investigated allegations of sexual abuse of minors. Additionally, we believe that many of the Archdiocese’s investigations were inadequate. Even if the Archdiocese had shown itself fully capable of conducting its own investigations into allegations of sexual abuse of minors, we believe that the Archdiocese internally investigating allegations of sexual abuse of minors on its own creates perception problems that the Archdiocese should avoid going forward.

Rather than review every individual investigation in this Report, we elected to provide illustrative examples of the inconsistency and inadequacy of investigations provided by the Archdiocese. It is our belief that our recommendations will address many of the deficiencies we detail in this Report.

**A. We found that the Archdiocese of Oklahoma City’s investigations were inconsistently conducted.**

When presented with allegations of sexual abuse of minors, there were instances in which the Archdiocese attempted to conduct a very thorough, detailed investigation. In other instances, the Archdiocese essentially conducted little to no investigation. We could find bases to criticize every investigation conducted by the Archdiocese. Although we were advised repeatedly by current and former Archdiocesan personnel that the process of investigating and reviewing allegations of sexual abuse of minors “evolved” over time as personnel became better informed, we found that there was little to suggest that more experience in handling these allegations necessarily resulted in a more consistent or thorough investigation.

In many ways, the most thorough investigation that the Archdiocese conducted related to Fr. [redacted], a priest who was first accused of sexual abuse of a minor in 1993 by an unidentified alleged victim.<sup>12</sup> The alleged victim later revealed his identity when he again reported the alleged abuse in February of 1995.<sup>13</sup> Upon receiving these allegations and the identity of the alleged victim in 1995, Archbishop Beltran appointed a three-person investigative team consisting of Frs. Kastner, Joseph Ross, and Weisenburger to “use whatever resources necessary to fully inspect every aspect of this investigation.” This three-person investigative team prepared a list of questions and proceeded to conduct recorded interviews of 11 different priests who had lived with or shared assignments with Father [redacted] in the past. These interviews were then transcribed. The three-person investigative team also hired a private investigator to assist with locating a potentially corroborating witness, and after locating the witness, Fr. Weisenburger interviewed the witness. After completing these steps, Fr. [redacted] was sent to St. Luke Institute for evaluation.

In contrast, several years later, when allegations of sexual abuse of a minor arose against Fr. Mickus and Fr. Imming, both in 2002, the Archdiocese essentially conducted little to no independent investigation of the allegations. The Archdiocese’s investigation into allegations against Fr. Mickus consisted of meeting with Fr. Mickus and speaking with the alleged victim. When asked whether the Archdiocese conducted a meaningful investigation, Bishop Weisenburger, who was Vicar General of the Archdiocese of Oklahoma City in 2002, stated that he did not recall, but doubted that any investigation was performed. He stated that when the allegations against Fr. Mickus first arose, the Archdiocese was still trying to figure out how to address an allegation at that point in time, particularly when civil or criminal action was pending.

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<sup>12</sup> Given new allegations that were received by the Archdiocese in 2018, our firm has been overseeing a renewed investigation into Fr. [redacted], and we expect findings on this investigation to be issued in the coming weeks.

<sup>13</sup> Because we are still in the process of investigating the allegations against Father [redacted], we do not provide the identity of Father [redacted] in this Report. To the extent that the allegations are substantiated, we will notify the Archdiocese and request that it notify the public.

Based on then Fr. Weisenburger's involvement in the investigation of Fr. [redacted] in 1995, it seems that the Archdiocesan officials had some understanding of how to address and investigate an allegation in 2002.

Likewise, regarding Fr. Imming, although the Archdiocese had already decided to allow Fr. Imming to retire, when allegations were raised with the Archdiocese in April of 2002, Archbishop Beltran spoke with the father of the alleged victim, but the Archdiocese undertook no formal investigative steps to confirm whether the conduct brought to its attention actually occurred.

Additionally, by 2002, the Archdiocese had already adopted policies and procedures relating to allegations of sexual abuse of minors in December of 1991, with revisions occurring in 1992 and 1998. Further, the Archdiocese had access to legal counsel and Canonists and frequently consulted with them, so the inconsistency with whether and how investigations were conducted seemed noteworthy to us.

When we questioned Archbishop Beltran about the breadth of the investigation into Fr. [redacted], he explained that this priest was well-known and quite popular within the Archdiocese, so it warranted a thorough investigation. To the extent that this was the justification for a broad investigation in one instance, and little to no investigation in others, we believe this reflects that the Archdiocese is ill-equipped to conduct its own investigations.

**B. The Archdiocese lacked expertise to conduct its own investigations into allegations of sexual abuse of minors.**

Even when the Archdiocese conducted a seemingly thorough investigation, as in the 1995 investigation of Fr. [redacted], it still reflected a lack of expertise in the manner and methods it utilized in conducting the investigation. For example, in the investigation of Fr. [redacted], the three-member investigative team prepared an outline of questions to interview the 11 priests with whom Fr. [redacted] had previously resided or served. We identified numerous times when the priests being interviewed would provide information that seemed relevant to the investigation, yet the three-member panel would simply move to the next question in the outline, rather than ask follow-up questions to obtain additional information. In the same investigation, some priests interviewed would refuse to answer questions because they were concerned that their answers were "rumors" or "gossip." Rather than push the priests to share the rumors or gossip that they had heard, which can be important background information in any investigation that could ultimately lead to substantiated evidence, the three-member panel simply accepted the refusal to answer and moved to the next question in the outline.

In the same investigation, the three-panel members also failed to interview key witnesses. For example, although the panel interviewed priests, the same panel neglected to interview Fr. [redacted]'s rectory maid or other rectory staff who may have observed relevant conduct.

Apart from competence in conducting investigations, we also find it important to note that the Archdiocese conducting its own investigations necessarily presents inherent conflicts that may affect the reliability and consistency of any investigations, including but not limited to the following concerns:

- By investigating its own priests, there is an inherent lack of independence and objectivity that could potentially influence the investigation;
- The investigators appointed by the Archdiocese over the years consisted of priests and deacons investigating their own brother priests and deacons who in many instances were friends, classmates, confidants, subordinates, and confessors;
- Although geographically sizeable, the Archdiocese of Oklahoma City is a fairly tight-knit community, and nearly all of the priests know each other or know of each other, which may create a hesitancy to speak freely;
- Investigators were selected by the Archbishop or his designee, and the investigator's assignments, income, and other aspects of their professional life and employment were subject to the decisions of the Archbishop (and in the case of deacons, the decisions of their priest superiors), meaning that there is the potential for and the perception of too much control over the outcome of the investigation;
- Any internal personnel appointed to conduct an investigation would necessarily feel a conflict to protect the Archdiocese and the Church's reputation and protect the Archdiocese and the Church from public scrutiny and litigation. In several of the cases we investigated, Archdiocesan officials clearly wanted to avoid public "scandal," to prevent "media frenzy," and to keep the accused priest's name "out of the papers."

**III. In some instances, the Archdiocese of Oklahoma City failed to take appropriate action when presented with credible allegations that its priests had sexually abused minors.**

Perhaps the most difficult task of this investigation was to review with a critical eye the decisions made by the Archdiocese regarding its past handling of allegations of sexual abuse of minors. Several Archdiocesan officials, particularly Archbishop Beltran and Bishop Weisenburger, explained to us that society has progressed and evolved significantly over the past 30 years, including society's and science's understanding of the nature of pedophilia and ephebophilia, and we should exercise caution in applying today's understandings and protocols to matters that arose decades ago. In response to our questioning, Archbishop Beltran told us "As Bishop of the Diocese of Tulsa from 1978 to 1993 and Archbishop of Oklahoma City from 1993 to 2011, I certainly and rightly participated in the sessions and programs of the Bishops' Conference. Through that time the available investigative methods and pastoral approaches regarding sexual misconduct were developed. We consulted various experts in law, Church teaching and psychology. I believe we followed appropriate protocols of the time. I was blessed

with competent legal and ecclesiastical assistance. I am grateful that procedures and protocols have continued to improve. To judge our actions from 20 or 30 years ago according to present protocols is not fair. Moreover, for me to recall actual past situations is impossible. This is true, by the way, not only in these matters of allegations of sexual misconduct but also in the many blessed situations and events of my life.”

In the context of explaining why the Archdiocese handled certain allegations in the manner that it did, we have been advised that in the 1970s, 1980s, and even through the 1990s, there was a widespread belief that persons who were sexually attracted to minor children could be treated, or at least their conditions “managed” with proper evaluation and counseling, and that personnel decisions made in reliance on the evaluations, diagnoses, and recommendations of medical professionals during that time period should be given significant deference, and reliance on the medical professionals was justified.

In the same vein, we have been cautioned against applying today’s culture of transparency and zero tolerance for sexual abuse of minors to a different time in our history. Archbishop Beltran stated that public discussion and disclosure of priest discipline is a relatively recent occurrence that simply did not occur in earlier decades. Bishop Weisenburger candidly stated that the Church’s understanding of how to handle and investigate these allegations has essentially been a work in progress that has developed as these allegations have arisen.

We are cognizant that applying today’s social mores, expectations, and scientific understanding to decisions made decades ago could be considered unfair to a decision maker. But by the same token, we also recognize that since December of 1991, the Archdiocese of Oklahoma City has had a policy relating to handling of allegations of sexual abuse, and that policy expressly stated that “it is a fact that allegations of abuse of minors are becoming more frequent in today’s society.” Indeed, when announcing the Archdiocese’s policy in the December 22, 1991 edition of *The Sooner Catholic*, Archbishop Salatka wrote, “[o]ne of the most damaging violations of human rights and human dignity occurs in the case of the abuse of minors. I am aware that it is a serious problem in our society.” The United States Conference of Catholic Bishops issued a Charter for the Protection of Children and Young People in 2002, and in the Preamble of the Charter, it states, “The Church in the United States is experiencing a crisis without precedent in our times. The sexual abuse of children and young people by some priests and bishops, and the ways in which we bishops addressed these crimes and sins, have caused enormous pain, anger, and confusion. Innocent victims and their families have suffered terribly. In the past, secrecy has created an atmosphere that has inhibited the healing process and, in some cases, enabled sexually abusive behavior to be repeated.” So while we recognize that social mores change, and topics that may have once been whispered about in hushed tones are now loudly proclaimed on social media, we believe that for all pertinent time periods of our investigation and review, it has been widely understood that the sexual abuse of minors was unacceptable and should not be countenanced.

It is in this light and with this context that we conclude that in some instances, the Archdiocese of Oklahoma City failed to take appropriate action when presented with credible allegations that its priests had sexually abused minors.

**A. The Archdiocese of Oklahoma City failed to take prompt action despite credible evidence and warning signs of sexual abuse of minors.**

Understanding that the Archdiocese may have wanted to give a second chance to priests who had previously been accused of sexual abuse of minors, and even with assurances that may have been provided by the medical community that offending priests could be managed with treatment, we still conclude that the Archdiocese of Oklahoma City failed to take appropriate action despite having credible evidence and warning signs that the priests were engaged in the sexual abuse of minors. Since we have previously provided details of every situation in this Report, we reference the clearest examples of this conduct with a brief review of the facts:

- Fr. Zoeller (admitted in 1998 to abusing teenager in late 1970s, allowed to minister for three more years until a family came forward with additional concerns);
- Fr. Rapp (Archbishop Beltran was advised in 1994 of civil lawsuit in Michigan and of Fr. Rapp's history of sexual misconduct, did not remove Fr. Rapp, did not place him on administrative leave pending resolution of lawsuit, identified action items but action items were not implemented);
- Fr. Mickus (after receiving audio tapes, did not re-open investigation; did not insist upon receiving St. Luke evaluation);
- Fr. Cowden (Fr. Weisenburger, V.G. and a pastor were aware that Fr. Cowden was having boys spend the night with him in the rectory, but never raised concerns until after first allegation of sexual abuse of minors was reported to the Archdiocese);
- Fr. Prather (after receiving substantial evidence of sexual abuse of minors, allowed Fr. Prather to continue as a priest with the Dioceses of Richmond and Joliet).

**B. The Archdiocese failed to monitor priests placed on restricted ministry.**

Although it does not seem to be an action that the Archdiocese has attempted to implement recently, at one time the Archdiocese considered addressing priests accused of engaging in sexual abuse of minors by allowing them to continue as priests but "restricting" their ministry by prohibiting them from being alone with children. Multiple former and current Archdiocesan officials have told us that this policy was practically unenforceable and wrongheaded. But even if this were not the case, the Archdiocese failed to properly monitor and supervise priests placed on restricted ministry. For example, in the case of Fr. Rapp, Archbishop Beltran testified he told Fr. Rapp in 1994 that he was not to be alone with minors unsupervised and that the associate pastor in Duncan would assume all responsibility for youth ministry. But it appears that Archbishop Beltran did not communicate Fr. Rapp's restricted ministry to anyone else, including the associate pastor. It appears that Archbishop Beltran asked Fr. Bill Ross to

monitor Fr. Rapp, but there is no evidence that this monitoring was ever actually carried out. Further, in the case of Fr. Cude, there is evidence that although he was placed on some form of restricted ministry in 1987, which was either continued or re-instituted in 1989 when Fr. Gallatin was asked to monitor Fr. Cude. However the file indicates that Fr. Gallatin's monitoring of Fr. Cude was inconsistent after the first year.

Finally, in the case of Fr. [redacted], referenced earlier, allegations arose in 1995 that resulted in Fr. [redacted] being sent for treatment at St. Luke Institute.<sup>14</sup> When Fr. [redacted] returned from St. Luke, Archbishop Beltran decided to restrict Fr. [redacted]'s ministry such that he would not be allowed to have any unsupervised contact with minors. This "restricted ministry" is also documented in an April 21, 1995 letter from Fr. Weisenburger to the alleged victim who reported the abuse to the Archdiocese in 1995. Documents in Fr. [redacted]'s priest file suggest that the associate pastor assigned to the same parish as Fr. [redacted] was to be tasked with ensuring that Fr. [redacted] had no unsupervised contact with minors, and Fr. William Ross also reminded Archbishop Beltran of this in a May 2, 1995 letter, saying "I want to remind you that we agreed that prudence would dictate that [associate pastor] be appraised of the recommendation that any 'unsupervised contact with adolescents be avoided.' I am presuming that you will be talking to [associate pastor] about this issue. I have told Fr. [redacted] of the necessity to do so."

When we interviewed Archbishop Beltran, we discussed the difficulties of enforcing restricted ministries such as the one imposed on Fr. [redacted], and Archbishop Beltran stated that in today's environment, he is not in favor of restricted ministries such as he did with Fr. [redacted] in 1995. When we asked him how he could enforce the restricted ministry with Fr. [redacted], Archbishop Beltran told us that he had a meeting with the associate pastor assigned at the same church as Fr. [redacted] and advised the associate pastor that he was tasked with ensuring that Fr. [redacted] have no unsupervised contact with minors. When we interviewed the priest who was the associate pastor at the time, he denied that he had any such meeting with Archbishop Beltran and further denied that anyone had ever told him that Fr. [redacted] had been placed on a restricted ministry that required no unsupervised contact with minors. The priest who had been Fr. [redacted]'s associate pastor at the time said that it would have been "absurd" to expect him to oversee such a policy with Fr. [redacted]. We asked Archbishop Beltran to address the statements made by Fr. [redacted]'s associate pastor, and he declined to answer any more of our questions, stating "Regarding Fr. [redacted] and [parish redacted], I have nothing further to add to the records on file."

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<sup>14</sup> This is the same Fr. [redacted] referenced in Findings II(A) & (B) earlier in this report. Again, new allegations were reported to the Archdiocese in 2018 that caused our firm to oversee a renewed investigation into Fr. [redacted]. Therefore, because the investigation is ongoing, we are not naming him in this Report, but we do intend to make our findings known to the Archdiocese upon completion of the investigation, and we hope and expect that if we find that the allegations of sexual abuse of minors are substantiated against Fr. [redacted], the Archdiocese will publicize the findings.

It appears to us that the only parties notified of Fr. [redacted]'s restricted ministry were Archbishop Beltran, Fr. Weisenburger, Fr. William, Ross, Fr. [redacted], and the person who reported to the Archdiocese in 1995 that Fr. [redacted] abused him.

#### **IV. The Archdiocese failed to properly evaluate priests transferring to the Archdiocese.**

There are instances in which the Archdiocese failed to properly evaluate incoming priests with histories of sexual misconduct. For example, in the case of Fr. Mantica, Bishop Reed was aware of concerns regarding Fr. Mantica's psychological fitness before coming to the Diocese of Oklahoma City. Additionally, Fr. Mantica's frequent changes in his ministerial assignments before coming to Oklahoma should have also raised questions regarding his fitness. (It is also clear from the records provided by the Diocese of Albany that the Diocese of Albany withheld material information about Fr. Mantica from officials in Oklahoma). In the case of Fr. Rapp, there is credible (though disputed) evidence that Archbishop Salatka was told by the leader of Fr. Rapp's religious order about Fr. Rapp's history of "sexual difficulties" involving "young people." There is also evidence he knew that Fr. Rapp had been sent to two facilities for psychological treatment. Yet, Archbishop Salatka did not request additional information about Fr. Rapp's history and did not request the evaluations from the two treatment facilities Fr. Rapp had visited.

As recently as December 2015, the Archdiocese (under Archbishop Coakley and Father William Novak, Vicar General) allowed Fr. Jose Alexis Davila, an extern priest convicted in California of misdemeanor sexual battery of a 19-year-old woman to transfer to the Archdiocese of Oklahoma City, where he served in Lawton and surrounding missions from December 2015 through April 2016. Fr. Davila is a native of Venezuela and had previously served in the Diocese of San Diego, California. In 2012 and while in San Diego, Fr. Davila was charged with three counts of misdemeanor sexual battery. Although the victim in Fr. Davila's case was a 19-year-old (and therefore, legally an adult), the lack of diligence undertaken to vet Fr. Davila warrants discussion in this Report. In 2012, Fr. Davila pleaded guilty and was sentenced to three years probation and 150 hours of community service. In 2015, Fr. Davila expunged the criminal conviction as permitted under California law.

The evidence shows that before Fr. Davila came to Oklahoma, Archbishop Coakley and Fr. Novak, V.G. were aware of the charges and of Fr. Davila's guilty plea. Archbishop Coakley and Fr. Novak, V.G. told us that they were aware that Fr. Davila had been accused of "groping" the young woman but were not aware of the specific conduct underlying the criminal charges until April 2016, when media outlets began running news stories about Fr. Davila and parishioners began voicing concerns about his criminal history. Archbishop Coakley and Fr. Novak, V.G. told us (and contemporaneous documents corroborate) that they relied upon Fr. Davila's repeated representations that he was innocent of the charges and had only pleaded guilty to avoid a trial. But in November 2015, the vicar general of the Diocese of San Diego, Msgr.

Steven Callahan, notified Archbishop Coakley and Fr. Novak, V.G. that he believed that Fr. Davila's conduct was more serious than just "groping" a woman and he believed Fr. Davila was "minimizing the situation." Despite receiving this information, Archbishop Coakley and Fr. Novak, V.G. did not attempt to verify Fr. Davila's account by obtaining additional information about the incident from sources other than Fr. Davila. For example, they did not speak to law enforcement officers in San Diego with knowledge of the case or to the victim or other witnesses of the incident. Then-Chancellor Loutitia Eason conducted a background check of Fr. Davila before his arrival, and the report apparently did not reveal the expunged criminal conviction. However, the Archdiocese was already aware of the criminal charges and the guilty plea by that time. The Archdiocese failed to obtain the court filings from Fr. Davila's California criminal case, which would have revealed the details of Fr. Davila's conduct. In April 2016, in response to news articles about Fr. Davila's presence in Oklahoma and his criminal background and inquiries from concerned parishioners, Archbishop Coakley issued a statement attempting to assuage the concerns about Fr. Davila. This statement repeated factually inaccurate information about the underlying incident that Fr. Davila had previously provided to the Archdiocese (including, for example, that the incident occurred in the presence of others at Fr. Davila's office).

On April 25, 2016, Archbishop Coakley and Fr. Novak, V.G. received documentation discussing the criminal charges against Fr. Davila. This record stated that Fr. Davila had "touched [the victim's] buttocks, put his finger in her vagina, and touched her left breast." Upon receiving this information, Fr. Novak, V.G. contacted Fr. Davila and asked him if he had engaged in the conduct described in the news article. Fr. Davila admitted that he had. Archbishop Coakley immediately asked Fr. Davila to leave the Archdiocese and return to Venezuela, which he did the following day. When interviewed, Archbishop Coakley and Fr. Novak, V.G. acknowledged they should have performed an internet search for Fr. Davila's name and reviewed additional background materials such as news reports before inviting him to the Archdiocese of Oklahoma City. Had they done so, they likely would have found information describing the details of the incident, which ultimately prompted them to remove him from ministry. Further, they acknowledged that they should have obtained the court filings from Fr. Davila's court case, which again, would have revealed the nature of Fr. Davila's crimes. Both Archbishop Coakley and Fr. Novak, V.G. said that if they had been aware of the details of Fr. Davila's crimes, they would not have invited him to serve in the Archdiocese of Oklahoma City. As noted below, however, regardless of the specific details of the incident, we believe Fr. Davila should not have been permitted to serve as a pastor in the Archdiocese of Oklahoma City under the Archdiocese's own policies and procedures because he had been convicted of and served probation for a "disqualifying offense."

**V. In some instances, the Archdiocese of Oklahoma City failed to follow its own policies and procedures relating to allegations of sexual misconduct.**

Over the course of the last three decades, the Archdiocese of Oklahoma City has adopted various policies and procedures governing the handling of allegations of sexual abuse of minors. The first such policy was the Policy Regarding the Abuse of Minors by Church Personnel adopted on December 10, 1991 (revised on November 5, 1992 and again in February 2002) (the “1991 Policy”). In April 21, 1993, the Archdiocese also adopted the Plan of the Pastoral Team in Response to Allegation of Sexual Abuse by Church Personnel.

In 2002, amid growing concerns over clergy sexual abuse in the United States, the United States Conference of Catholic Bishops adopted policies and procedures regarding the handling of sexual abuse allegations. These policies and procedures apply to all dioceses and eparchies in the United States and include the Charter for the Protection of Children and Young People (most recently updated in 2018) (the “Charter”) and the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons (revised in 2006) (the “Essential Norms”). Among other things, the Charter and Essential Norms required the creation of “review boards” in all dioceses and eparchies to advise and assist bishops with handling allegations of clergy sexual abuse.

On August 30, 2003, the Archdiocese of Oklahoma City adopted a Code of Conduct (updated on June 17, 2014) that contains several provisions addressing the handling of sexual abuse allegations and incorporates principles from the Charter and Essential Norms. The Archdiocese of Oklahoma City has also adopted policies and procedures governing the role and functioning of the Review Board.

Based on our investigation, we believe the Archdiocese of Oklahoma City has generally followed the applicable policies and procedures relating to the handling of allegations of sexual abuse of minors in effect at any given point in the time. This finding may seem odd given other findings in this Report—specifically, that in some cases the Archdiocese failed to take appropriate action when presented with credible evidence that its priests had sexually abused minors. An examination of the relevant policies and procedures, however, shows these findings are consistent with one another. In some cases, the action taken by Archdiocesan officials was (in our opinion) inappropriate, but was nevertheless consistent with applicable policies and procedures in effect at the time. For example, under the 1991 Policy, the Archbishop *may*, but is not required to, immediately place an accused priest on administrative leave pending investigation of the allegation. (Notably, however, this was not the case for lay employees accused of sexual abuse, who under the policy were immediately placed on leave pending investigation). This is why, in the case of Fr. Rapp, Archbishop Beltran’s decision not to immediately suspend Fr. Rapp in 1994 upon learning of his history of sexual misconduct and the pending allegation against him was consistent with the Archdiocese’s policies and procedures in effect at the time (though, in our view, inappropriate). Additionally, the 1991 Policy provided

that if a priest was found to have abused a minor in a court of law (either through the criminal or civil process), the priest's faculties would be suspended. But the priest could still be reinstated if he "completed an appropriate treatment program" and successfully petitioned the Archbishop for a new assignment. In other words, under the 1991 Policy, the official policy of the Archdiocese was to provide second (and potentially third and fourth) chances for priests found to have sexually abused minors. In our opinion, these examples speak to the inadequacy of the policies and procedures in effect at the time, especially those predating the Charter and Essential Norms.

During this investigation, however, we have identified instances in which the Archdiocese failed to observe its own policies and procedures:

**A. The Archdiocese of Oklahoma City has adopted legal strategies that are inconsistent with its duties to alleged victims and to not interfere with ongoing investigations of sexual abuse allegations.**

The 1991 Policy states that while a civil and/or criminal investigation is "in progress," the Archdiocese "Pastoral Team" (a group appointed by the Archbishop to provide pastoral care to the alleged victim, the accused, and the affected community) "shall avoid taking steps which might further traumatize the alleged victim [or] complicate the investigation." Although this provision specifically references the "Pastoral Team," we believe the duties not to "further traumatize the alleged victim" and to not "complicate the investigation" would apply to all Archdiocesan personnel. Further as to alleged victims, the Charter in effect in 2002 required that dioceses and eparchies provide "immediate pastoral care [to] persons who claim to have been sexually abused as minors by clergy" and "demonstrate a sincere commitment to their spiritual and emotional well-being." 2002 Charter, Arts. 1, 2.

In the case of Fr. Mickus, we believe the Archdiocese failed to comply with its obligations to the alleged victim under the 1991 Policy and 2002 Charter. The Archdiocese was aware of, did not stop, and paid for, Fr. Mickus to file a defamation lawsuit against his accuser. In our opinion, this action was inconsistent with the spirit, if not the letter, of the 1991 Policy and the 2002 Charter (promulgated one month after the allegation against Fr. Mickus was first reported). The filing of the defamation lawsuit risked "further traumatiz[ing]" the alleged victim and was inconsistent with the Archdiocese's obligations to provide the alleged victim with "pastoral care," and to "demonstrate a sincere commitment to [his] spiritual and emotional well-being." Further, as discussed in more detail above, Fr. Mickus' filing of the defamation suit "complicate[d] the investigation" of the allegation, by foiling the Review Board's efforts to interview the alleged victim.

Additionally, in the case of Fr. Imming, the Archdiocese became aware that deceptive litigation tactics were used, which were, in our opinion, inconsistent with the Archdiocese's obligations to the alleged victim, who had brought a civil action against Fr. Imming and the Archdiocese. Because a written joint defense agreement existed between Fr. Imming and the

Archdiocese, we are legally unable to disclose a specific description of the litigation tactics employed.

**B. The Archdiocese of Oklahoma City failed to require a priest to undergo a “thorough psychological evaluation” after receiving credible evidence that the priest abused a minor.**

The 1991 Policy provides that if an accused priest “is not prosecuted but is nevertheless found to be partially imputable for serious indiscreet actions which fall short of criminal acts,” the priest “will be provided with a thorough psychological evaluation, and if necessary, treatment.” The 1991 Policy further provides that “[the priest’s] future role in pastoral ministry will [then] be determined by the Archbishop in consultation with treatment experts and the Pastoral Team.” In regard to Fr. Mickus, we believe the audio tapes of phone conversations between Fr. Mickus and his alleged victim (produced in 2005) indicate, at a minimum, that Fr. Mickus was “partially imputable for serious indiscreet actions.” Under the 1991 Policy (which according to the August 20, 2003 Code of Conduct was still in effect), the Archdiocese should have required Fr. Mickus to undergo a “thorough psychological evaluation” and should have reassessed his “future role in pastoral ministry.” As discussed above, in 2006, Archbishop Beltran attempted to remove Fr. Mickus from ministry because of the audio tapes. Dr. Paul Tobin recommended to Archbishop Beltran that Fr. Mickus undergo a new psychological evaluation to determine his current fitness for ministry. His recommendation, and the 1991 Policy, were not followed.

Further, to the extent the audio tapes demonstrate that Fr. Mickus did, in fact, abuse a minor, the Archdiocese’s failure to remove him from ministry in 2005 is contrary to the Charter and Essential Norms, which established a zero tolerance policy for “even a single act of sexual abuse. . . of a minor,” that is admitted or established, regardless of when the abuse occurred. Based on the audio tapes and the other evidence that was available at the time, we believe the Archdiocese should have taken steps to permanently remove Fr. Mickus from ministry according to the Charter and Essential Norms. (We recognize that the Archdiocese may have been limited in their ability to do so because of the requirements of Canon law. As noted elsewhere in this Report, we do not opine on what those limitations may have been or whether the Archdiocese could have removed Fr. Mickus in 2005 in accordance with Canon law).

**C. The Archdiocese of Oklahoma City failed to provide material evidence to the Review Board, as required under its policies and procedures.**

On January 31, 2005, Archbishop Beltran approved a document adopted by the Review Board entitled “Role of the Archdiocesan Review Board When Allegations of Sexual Misconduct with Minors Are Reported” (the “Role of the Review Board”). The Role of the Review Board appears to still be in effect and creates a process for how Archdiocesan officials should receive and handle allegations of sexual abuse of a minor. It also fleshes out the Review

Board's role in helping the Archbishop handle such cases. The Role of the Review Board provides that upon receiving an allegation of sexual abuse of a minor, the Archbishop will make a threshold determination as to whether the allegation "has even a possibility or semblance of truth." If this threshold determination is not met, the Archbishop must document his conclusion in writing and "the matter is to be shared with the Review Board." If this threshold determination is met, the Archdiocese must conduct a "preliminary investigation" by an investigator appointed by the Archbishop. According to the Role of the Review Board, the "final written report of the investigator is to be shared with the Review Board." Thus, according to Review Board policies and procedures, all allegations of sexual abuse of a minor must be reported to the Review Board in some fashion, regardless of whether a "preliminary investigation" is conducted. This disclosure requirement is mandatory.

In the case of Fr. Mickus, we believe the audio tapes produced to the Archdiocese in 2005 constituted new, material evidence that should have prompted a re-opening of the investigation into the allegation against Fr. Mickus. Although the Role of the Review Board does not specifically address the scenario of re-opening an old allegation, we believe the requirement to disclose information related to allegations of sexual abuse of a minor to the Review Board would have applied. We therefore conclude that the non-disclosure of the audio tapes to the Review Board in 2005 (or any time afterward until after our investigation began) was a violation of the Archdiocese's policies and procedures with respect to the Review Board.

Moreover, based on interviews with members of the Review Board and current and former Archdiocese officials, we understand that during much of its 17-year existence, as directed by Chancellor Loutitia Eason during her tenure, the Review Board was provided with relatively few details about allegations. For example, the names of the alleged victim and the accused were often not disclosed. If documents were provided to the Review Board to review, names and identifying information would be redacted. Further, the location, nature, and circumstances of the alleged abuse were often not disclosed. We believe this lack of transparency severely undermined the Review Board's ability to properly advise the Archbishop in the handling of sexual abuse allegations and to act as an independent check on the Archbishop's authority, as we believe was envisioned by the Charter and Essential Norms.

**D. The Archdiocese allowed an extern priest who pleaded guilty to, and served probation for, a "disqualifying offense" involving sexual misconduct to transfer to the Archdiocese of Oklahoma City.**

In the case of Fr. Davila, the Archdiocese was aware that Fr. Davila had pleaded guilty to misdemeanor sexual battery and had served probation for that offense but it allowed him to serve as a pastor in the Archdiocese of Oklahoma City where his duties involved interactions with youth. Under the Archdiocese's Code of Conduct in effect at the time, "no person may serve with children or youth if he or she has ever been convicted of a disqualifying offense [or] is or has been on probation or received deferred adjudication for any disqualifying offense." Fr.

Davila pleaded guilty to, and served probation for, misdemeanor sexual battery. Even though the victim in Fr. Davila's case was a legal adult, any form of misdemeanor or felony "sexual assault" is a disqualifying offense under the Code of Conduct. Therefore, Fr. Davila should not have been permitted to serve as a pastor in the Archdiocese, a position which necessarily entails contact with children and youth.

## **RECOMMENDATIONS TO THE ARCHDIOCESE OF OKLAHOMA CITY**

We make the following recommendations to the Archdiocese of Oklahoma City:

1. **Procure an integrated record management system.** The Archdiocese of Oklahoma City should acquire an integrated record management system that allows the collection, retention, and archiving of all documents, electronic files, records, evidence, and other materials related to allegations of sexual abuse of minors. The record management system should include audit trails, i.e., a system of documenting when information is entered, who has accessed the information, and whether any information has been altered or deleted. It should also include an electronic case management system to track every sexual abuse allegation that the Archdiocese receives, from first report through final resolution. We recommend this to ensure that the Archdiocese has full and complete records relating to allegations of sexual abuse of minors and to give the public confidence that any reports of sexual abuse of minors are being documented and archived adequately.

The Archdiocese represented to us that it recently acquired a case management system for allegations of sexual abuse of minors.

2. **Adopt a written record retention policy.** The Archdiocese of Oklahoma City should adopt a comprehensive and written record retention policy that includes specific provisions for the preservation of records relating to allegations of sexual abuse of minors. We recommend that the Archdiocese preserve records relating to allegations of sexual abuse of minors for at least 50 years.

3. **Create and maintain personnel files on all priests serving within the territory of the Archdiocese of Oklahoma City, including religious order priests.** It appears that the Archdiocese has not kept personnel files on religious order priests comparable to the files maintained for priests incardinated with the Archdiocese. In some cases, records relating to allegations involving such priests were scattered. The Archdiocese of Oklahoma City should request from all religious orders operating in the territory of the Archdiocese a copy of the personnel files for priests serving within the Archdiocese and implement policies and procedures in coordination with the religious orders to ensure that these personnel files are regularly updated and maintained.

4. **Refer all allegations of sexual abuse of minors – past and present – to law enforcement and the Oklahoma Department of Human Services.** Although the Archdiocese

of Oklahoma City has consistently reported allegations of sexual abuse of minors to law enforcement and the Oklahoma Department of Human Services when the alleged victims are minors, it did not consistently make such referrals in the past if the alleged victim was an adult at the time the allegations was reported, particularly if the accused priest was deceased. Beginning in late 2018, the Archdiocese began referring all allegations of sexual abuse of minors to law enforcement and the Oklahoma Department of Human Services, regardless of the age of the alleged victim or the status of the accused priest. We understand that this reporting change is retroactive, and that the Archdiocese is working/has completed reporting for all past allegations of which it is aware. We recommend that the Archdiocese continue to refer all allegations of sexual abuse of minors – past and present – including instances where the priest may be deceased – to the appropriate law enforcement agency and the Oklahoma Department of Human Services.

**5. Engage a qualified independent investigator to conduct the Archdiocese of Oklahoma City’s investigations into allegations of sexual abuse of minors.** We recommend that the Archdiocese of Oklahoma City utilize the services of a qualified, experienced, independent investigator to investigate allegations of sexual abuse of minors reported to the Archdiocese, and that this investigator report directly to the Review Board. We believe that an independent investigator, particularly one who is not a member of the Catholic Church, will provide the Archdiocese and the public with assurances that any investigation is better insulated from the possibility or the perception of manipulation and personal bias. We note that we made this recommendation informally to the Archdiocese many months ago and the Archdiocese accepted this informal recommendation without hesitation. For the past several months, a retired Oklahoma City Police Detective from the Sex Crimes Division with decades of law enforcement experience has been conducting investigations into allegations of sexual abuse of minors. Our firm has identified additional allegations of abuse occurring decades ago, with the exception of one, which allegedly occurred in the early 2000s. We have asked the independent investigator to investigate these allegations and we will continue to oversee and assist with these pending investigations and any future allegations until they are all completed and reported to the Review Board for action, if any.

**6. All evidence developed during an investigation of allegations of sexual abuse of minors should be presented to the Review Board before it makes a recommendation or finding to the Archbishop.** Once the independent investigator has concluded the investigation and is ready to make factual findings to the Review Board, we recommend that all of the evidence compiled during the investigation by the investigator and all other sources be provided to the Review Board before the Review Board makes any recommendation or finding to the Archbishop. We note that prior to 2018, it appears that the Review Board was often not provided with meaningful information (let alone actual evidence) about many of the allegations of sexual abuse of minors, and thus served little to no role in assisting the Archbishop. This is directly contrary to the purpose of the Review Board as contemplated by the Charter and

Essential Norms. Further, the Review Board should be permitted to request additional investigation be done before issuing a recommendation or finding to the Archbishop.

**7. The Archdiocese of Oklahoma City should clarify in its policies and procedures whether it will investigate allegations of sexual abuse of minors when the alleged victim is now an adult and the accused priest is now deceased.** We have noted that in the past, other than to send a letter confirming receipt of the reported allegation, the Archdiocese of Oklahoma City often took no action upon receiving an allegation of sexual abuse of a minor if the alleged victim is now an adult and the accused priest is deceased at the time the report is made. The current Archdiocesan policies and procedures do not clearly address what the Archdiocese should do in this situation, and we acknowledge that it is could be quite difficult to adequately investigate such allegations when the accused is deceased. We recommend that the Archdiocese of Oklahoma City clarify its policies and procedures to make it clear whether it will investigate allegations of sexual abuse of minors when the alleged victim is now an adult and the accused priest is now deceased. The Archdiocese should clearly explain to alleged victims who report such allegations how the Archdiocese will handle the allegations, including whether and how the allegation will be investigated and reported to the public.

**8. Conduct training on all new and updated policies and procedures relating to sexual abuse of minors.** We understand that the Archdiocese already provides extensive training to personnel on policies and procedures regarding allegations of sexual abuse of minors. To the extent the Archdiocese implements new policies and procedures or updates existing ones, the Archdiocese should provide personnel with sufficient training to ensure these policies and procedures are observed.

**9. Communicate and publicize all actions relating to retirement, suspension, removal, or laicization of priests if any basis for the retirement, suspension, removal, or laicization relates to allegations of sexual abuse of minors.** In recent history, there have been limited instances in which the Archdiocese of Oklahoma City has retired, suspended, removed, or laicized a priest because of allegations of sexual abuse of a minor. When it has done so, however, the Archdiocese of Oklahoma City has publicly announced its actions. In years before, the Archdiocese was not public about its decisions to retire, suspend, remove, or laicize priests accused of sexual abuse of minors. For example, other than the existence of a publicly filed lawsuit against him by Mr. Schovanec, Fr. Imming was permitted to retire to Kansas without any public announcements made about the allegations made against him. Even when Fr. Imming was laicized, it was reported in Kansas by the Archdiocese of Kansas City, but it was not publicized in any way by the Archdiocese of Oklahoma City. Fr. Prather was permitted to continue his ministry in the Dioceses of Richmond and Joliet without any public announcements of the allegations raised against him. In the case of Fr. Rapp, there was no public announcement made in 1994 when Archbishop Beltran was informed of the civil lawsuit that had been brought against Fr. Rapp. The Archdiocese's failure to publicly communicate the removal and

laicization of Fr. Zoeller resulted in his continued involvement as a volunteer at a parish in the Oklahoma City metropolitan area. Fr. [redacted] has apparently been on a restricted ministry that prohibits unsupervised contact with minors, but no one has been meaningfully informed of this decision.

Accountability and protection of minors requires that the Archdiocese be transparent in its actions so that the public is aware of the Archdiocese's actions. Although we believe the Archdiocese is currently doing so with actions that are being made by it today, we recommend that the Archdiocese continue to publicly communicate and announce all actions that it takes relating to the retirement, suspension, removal, or laicization of priests if any reason for the retirement, suspension, removal, or laicization relates to allegations of sexual abuse of minors. Such transparency is consistent with the Charter, which provides that "dioceses/eparchies are to be open and transparent in communicating with the public about sexual abuse of minors by clergy . . . This is especially so with regard to informing parish and other church communities directly affected by sexual abuse of a minor." We would also recommend that the Archdiocese publicly disclose the identity of persons when such disclosure was not done in the past, for example, as in the case of the decision to restrict the ministry of Fr. [redacted] by prohibiting him from having unsupervised contact with minors.

**10. Discipline Archdiocese personnel who withhold information concerning sexual abuse of minors.** There have been instances where a priest had information about concerning behavior involving a minor by a fellow priest but failed to report that information to Archdiocese officials. Archdiocese personnel are already required by law and the Archdiocese's Code of Conduct to report such information to appropriate civil authorities and Archdiocese officials. The Archdiocese should take disciplinary action against the personnel who fail to report such information. We are aware that some may have reservations about spreading "hearsay," "rumor," or "gossip" when they do not have personal knowledge of alleged events. While we appreciate these concerns, second-hand information must be reported. The Code of Conduct requires reporting "[w]hen there is an indication or suspicion of sexual abuse of a minor." 2014 Amended and Restated Code of Conduct (emphasis in original). Further, reporting such information can lead to important evidence of wrongdoing, which may stop ongoing abuse or prevent abuse from occurring in the first place. Individuals with second-hand knowledge cannot assume that those with direct knowledge will report.

**11. Improve policies and procedures for vetting extern priests applying for assignments in the Archdiocese of Oklahoma City.** The Archdiocese should improve its policies and procedures to better vet incoming priests, including running more comprehensive background checks and conducting additional due diligence of priests with concerning histories of concerning behavior or other red flags.

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## APPENDIX

<u>Year</u>	<u>Bishop/Archbishop</u>
1960-1971	Victor J. Reed
1972-1977	John R. Quinn
1978-1992	Charles A. Salatka
1993-2010	Eusebius J. Beltran
2011-2018	Paul S. Coakley

<u>Year</u>	<u>Vicar General</u>
1960-1961	Rt. Rev. Msgr. Gustave Depreitere
1962	None listed
1963-1964	Rt. Rev. Msgr. Sylvester F. Luecke
1965	None listed
1966-1971	Rev. Msgr. Raymond F. Harkin <sup>15</sup>
1972	None listed
1973-1977	Rev. Philip Bryce
1978-1984	None listed
1985-1992	Rev. John A Steichen, Chancellor; Rev. James A. Kastner, Moderator of the Curia
1993	None listed
1994-1996	Rev. John A. Steichen
1997	None listed
1998-2002	Revs. James A. Kastner and Edward J. Weisenburger
2003-2012	Rev. Msgr. Edward J. Weisenburger
2013-2018	Rev. William L. Novak

<u>Year</u>	<u>Chancellor</u>
1960-1967	Rev. William C. Garthoeffner <sup>16</sup>
1968-1974	Rev. Charles H. Schettler
1975	Rev. David L. Jones
1976-1980	Rev. W.M. Eichhoff
1981-2004	Rev. John A. Steichen
2005-July 2017	Mrs. Loutitia D. Eason
July 2017 – December 2017	Justin Byrne
2018-current	Michael A. Scaperlanda

<sup>15</sup> Rt. Rev. Msgr. Raymond F. Harkin's title changed to Rev. Msgr. Raymond F. Harkin in 1970

<sup>16</sup> Very Rev. William C. Garthoeffner's title changed to Rev. William C. Garthoeffner in 1965