

**Fr. I**

326. *Fr. I*, ordained in 1976, served in ministry until his removal in 1994.<sup>31</sup> His file records serious concerns about *Fr. I* albeit without any description of the conduct prior to his removal and mental health treatment. The Diocesan Corporation recorded receiving complaints about *Fr. I* in 2005 and 2018. But instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation failed to conduct an internal investigation into allegations that *Fr. I* had sexually abused a minor; failed to seek the DRB's assessment of sexual abuse allegations against *Fr. I*; and failed to refer *Fr. I* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) providing him benefits and other compensation even though his laicization would have relieved the Diocesan Corporation of its duty to financially support him and (b) failing to reasonably monitor *Fr. I*, exposing itself and minors to unnecessary risks.

**Pre-2002 Concerns**

327. Between *Fr. I*'s ordination and his removal in 1994, he served in parish ministry and was appointed pastor in 1991.

328. In about May 1979, teachers from a parish school met with Vicar General Trautman and Assistant Chancellor Cunningham to discuss their "serious concerns" and "anxieties." *Fr. I*'s file lacks any further information about the teachers' "concerns" or "anxieties." After the meeting, the teachers sent a letter, thanking the Diocese for its time. The letter does not identify *Fr. I* as a subject of the meeting but is contained within his file and "[*Fr. I*]" was handwritten at the top of the letter.

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<sup>31</sup> Unless otherwise noted, the allegations against *Fr. I* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. I* have not been independently investigated by the Attorney General and are recited only to establish the information provided to, and decisions taken by, the Diocesan Corporation in connection with its response to reports of alleged sexual abuse.

329. In 1982 the Diocesan Corporation's Superintendent of Schools drafted a memo to Vicar General Trautman, which states: "I have included with this memo the latest 'documents' in the on-going crisis in the parish. As you can see by the anonymous letter, nothing has changed and, in fact, has probably become worse." On the memo, Trautman handwrote "I destroyed" next to the Superintendent's reference to the anonymous letter. The memo does not reference *Fr. I* but is contained in his file.

330. Twelve years later, on or about February 1, 1994, Vicar General Cunningham spoke with a parishioner about *Fr. I*. In a memo documenting the call, Cunningham "assured [the parishioner] that we would look into the matter which was brought to our attention and see Father received any professional help he needed." On or about February 24, 1994, Cunningham arranged for *Fr. I* to visit the St. Luke Institute for an evaluation.

331. On May 3, 1994, Vicar General Cunningham sent *Fr. I* the following proposed statement for *Fr. I*'s resignation:

For some weeks, I have considered taking some time away from priestly responsibilities for the purpose of personal vocational discernment. I have discussed this matter with Bishop Head, and he has accepted my proposal. Therefore, I am resigning as pastor effective May 22, 1994.

My plans are to be out of the diocese for a period of several months.

*Fr. I* communicated this statement to his parish.

332. A diocesan form reflects that in May 1994, *Fr. I* temporarily left active ministry because of "[m]atters of conscience and discipline—primarily financial." Based on information in *Fr. I*'s file, "financial" may have referred to *Fr. I*'s alleged gambling. Decades later, the Diocesan Corporation, in a public document titled *Diocesan Priests with Substantiated Allegations of Abuse of a Minor*, would disclose that it removed *Fr. I* from ministry in 1994.

333. On or about May 26, 1994, *Fr. I* began receiving mental health treatment at the

St. Luke Institute in Maryland. In May 1995, *Fr. I* and Vicar General Cunningham spoke by phone. *Fr. I* told Cunningham that he would remain in the Washington, D.C. area to work and receive treatment from the St. Luke Institute. Cunningham refused to pay *Fr. I* his full salary because “[*Fr. I*] was expected to get a job and to support himself.” Cunningham agreed, however, to pay *Fr. I* a monthly sum and provide him with health and car insurance.

334. In February 1996, *Fr. I* updated Vicar General Cunningham on his mental health treatment, including his counseling for “sexual addiction and other related items.”

335. In March 1996, Vicar General Cunningham sent *Fr. I* funds to assist with the payment of car insurance, noting that “[a]s we have discussed previously, it is important to make yourself self-sufficient through the employment opportunities which you have.”

336. In October 1997, Bishop Mansell and *Fr. I* discussed *Fr. I*'s status as a priest and his finances. Mansell rejected *Fr. I*'s request to return to active ministry because of the reports in *Fr. I*'s file; Mansell did not elaborate on the “reports.”

337. The diocesan form, which records *Fr. I*'s temporary removal from ministry, also reflects that *Fr. I* permanently left active ministry in 1997 because of “[m]atters of conscience and discipline—primarily financial.”

338. In August 1998, Vicar General Cunningham responded to an Employment Verification questionnaire for *Fr. I*. Cunningham confirmed *Fr. I*'s reason for leaving the Diocesan Corporation as “burned out.” Cunningham rated *Fr. I* as “average” in all areas, which included overall performance; relationship with supervisor and peers; and dependability. In response to whether Cunningham would re-hire *Fr. I*, Cunningham selected “no,” adding “[n]ot at this time.”

Defendants' Violations of Sexual Abuse Policies and Secular Fiduciary Duties

339. In August 2005, Complainant 1 wrote to the Diocesan Corporation to allege that, beginning in 1978, when he was twelve years old, *Fr. I* gave him drugs and alcohol; repeatedly raped him for about three years; and threatened him with death if he disclosed the abuse. The Complainant also reported that he had attempted suicide on several occasions and had developed addictions to drugs and alcohol as well as other serious psychiatric difficulties. In response to Complainant 1's letter, Bishop Kmiec apologized, offered counseling, and represented that *Fr. I* had left ministry in the mid-1990s. The Diocesan Corporation failed to otherwise investigate Complainant 1's allegations.

340. The Diocesan Corporation appears to have continued to provide some benefits to *Fr. I* until at least June 2006, when a diocesan memo confirmed that the Diocesan Corporation would be immediately cancelling his health and dental insurance.

341. Among other things, the absence of documentation indicating that the Diocesan Corporation regularly supervised *Fr. I* shows that the Diocesan Corporation failed to reasonably monitor him.

342. In March 2018, the Diocesan Corporation publicly identified *Fr. I* on a list of "diocesan priests who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor." After this disclosure, the Diocesan Corporation received two more claims that *Fr. I* had allegedly sexually abused minors in 1976 and 1982.

343. In about November 2019, the Diocesan Corporation, in a disclosure on its website, indicated that it would refer *Fr. I* to the CDF, confirming that Bishop Malone had not done so as of that time. No documents reflecting a referral to the CDF were produced in response to the Attorney General's subpoena.

344. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to conduct an internal investigation into allegations that *Fr. I* had sexually abused a minor; failing to seek the DRB's assessment of sexual abuse allegations against *Fr. I*; and failing to refer *Fr. I* to the CDF. The Diocesan Corporation also failed to reasonably monitor *Fr. I*. The Diocesan Corporation's actions concealed *Fr. I*'s conduct from the public and placed its beneficiaries at risk.