

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

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Hearing Records

03hr_ab0000

03hr_sb0207a_pt01

Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00



Joseph T. Bergs, MD Board Certified Child and Adult Psychiatrist
5735 Durand Avenue • Racine, WI • 53406 • (262) 598-7500 • Fax: (262) 598-7505

August 1, 2002

Barbara Reinke, Ph.D.
Archdiocese of Milwaukee
P.O. Box 070912
Milwaukee, WI 53207-0912

SB 207

Dear Dr. Reinke:

I appreciate the intent of Project Benjamin in providing treatment for people who have been sexually assaulted by priests. However, after reviewing the paperwork you sent, speaking with Mr. Gillespie and meeting with Mr. Galich and his wife, there are a few issues I would like to address prior to initiating treatment with either of them.

Firstly, I believe that the amount of information that is being requested by the Archdiocese in the interest of "overseeing quality of treatment" is inappropriate and intrusive and I find the "Authorization for Release of Mutual Information" form to be poorly constructed and vague.

Secondly, while I can appreciate the interest that the Archdiocesan "Professional Mental Health Review Committee" has in ensuring quality and appropriateness of care, the treatment plan requires too much detailed information. In 15 years of private practice, I have seen very few insurance companies or managed care plans that require the amount of information that the Archdiocese is demanding through Project Benjamin. These abuse victims have been through a great deal of trauma already. Knowing that providers must report the kind of detailed information asked for in the treatment plan only adds to their anxiety and distress about the whole situation. These patients need confidence that the Archdiocese will, within reason, take care of their mental health needs without the specter of a "Review Committee" cutting off their care.

The major focus of the packet you sent me appears to be on determining whether or not the presenting symptoms are related to the abuse, when treatment will conclude and reminding the provider "claims cannot be paid unless all information is complete." The very notion that any provider would be able to judge the "planned termination date" (especially in one of the first few sessions) with a person who has significant trust issues is unreasonable. It has been my experience in working with abused individuals that it often takes a significant amount of time for them to be comfortable enough with their treatment providers to disclose information, thoughts or feelings that are key to their recovery.

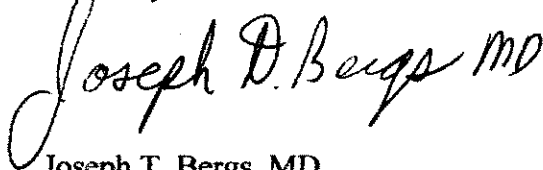
This group of people has already been interviewed and their cases validated by the Archdiocese in order for them to be involved in Project Benjamin. This process should have supplied adequate information on the details of each participant's situation. As a result, the treatment plan should only require basic information regarding diagnosis, treatment focus, goals and medication, if any. I certainly have no problem being "credentialed", filing out the declaration form or supplying references for my staff members or myself. However, once a provider is credentialed and a simplified treatment plan approved, the Archdiocese should step aside and allow the physician or therapist to treat those who have suffered at the hands of its priests.

I have read and listened to a great deal of information locally, regionally and nationally on the abuse children have suffered at the hands of priests whom they respected and trusted. As a Catholic, a graduate of Marquette University and a board certified child and adult psychiatrist, it disturbs me greatly that the Milwaukee Archdiocese's response to sexual abuse in this case mirrors that of many Archdiocese's nationally. Both are characterized by a lack of empathy and compassion and an unwillingness to accept responsibility and make amends to victims without strings attached.

Unless the Archdiocese is willing to reduce its intrusive reporting requirements (i.e.: a simplified treatment plan, a release of information for the treatment plan only and brief periodic progress updates rather than reporting to a "review board") I cannot, in good conscience, agree to provide services and treatment for Project Benjamin participants.

Please let me know if the Archdiocese is willing revise its reporting requirements so I can notify Mr. Gillespie and Mr. Galich as to whether or not I am able to provide them with treatment. My pager number is 262-499-2510.

Sincerely,

A handwritten signature in cursive script that reads "Joseph T. Bergs MD". The signature is written in dark ink and is positioned above the printed name and title.

Joseph T. Bergs, MD
Board Certified Child & Adult Psychiatrist

cc: Archbishop Timothy Dolan, Archdiocese of Milwaukee
Mr. Gregory Galich

ARCHDIOCESE  OF MILWAUKEE

DEPARTMENT FOR HUMAN RESOURCES

October 17, 2002

Mr. Greg Galich
928 East Oak Street
Silver Lake, Wisconsin 53170

Dear Greg:

Since you were victimized by Fr. George Nuedling in Twin Lakes, I am contacting you to let you know that Bishop Sklba will be in Twin Lakes on Sunday, October 27, 2002. He is willing to meet with victim/survivors and their immediate families and/or support system at 10:30 a.m.

I will accompany Bishop Sklba to facilitate your contact with Project Benjamin. The meeting will be at the church, as we are not aware of another convenient location. I apologize for any discomfort this may cause you.

This is not a meeting for general parish members. It will be an opportunity to talk with Bishop Sklba directly about your questions and concerns.

You are welcome to let other persons know who may also have been victimized and may not have contacted Project Benjamin as yet.

I hope this can be another step for you in your healing journey. Please do not hesitate to contact me as needed.

Sincerely,



Barbara Reinke, Ph.D.
Director, Project Benjamin

BR:saz

c: Bishop Sklba

ARCHDIOCESE  OF MILWAUKEE

OFFICE OF THE AUXILIARY BISHOP

November 11, 2002

Members of Saint John the Evangelist Parish
Twin Lakes, Wisconsin

Dear Friends:

After Mass in Twin Lakes on Sunday morning, October 27, 2002, I had the opportunity to meet with a few of the victim / survivors of sexual abuse by Father George Nuedling. Although I am saddened to make this report, the truth of the matter is that George Nuedling did sexually abuse children during his tenure at Saint John's in Twin Lakes. This truth must be acknowledged before any healing can occur.

I respect the courage of these individuals who finally gave voice to the seriously wrong violations of their dignity as young people. The genital fondling of young boys was inexcusable, and indeed morally and criminally wrong. I am grateful for the contribution which these victim / survivors bring to the healing of this community after all the years of silence related to those actions.

Needless to say, we are all filled with sorrow for these individuals and their families over this heartache because these events did happen in this parish. Any attempt on the part of anyone to further disrespect or silence these courageous young men and women is wrong and becomes yet another victimization.

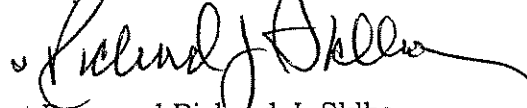
George Nuedling was guilty of these serious violations of his pastoral responsibility even though he also did good things during his years in ministry. We cannot be clear enough about this matter. Mere apology for what was permitted, knowingly or not, is not sufficient at this time. All our energy must now be invested in movement toward truth and healing in this parish community.

Men who molest children come from all walks of life. They often are successful and have many genuinely good qualities, which should not be negated. This may make their offenses confusing and difficult to reconcile. It is not unusual for priests who offend against children to be well loved and respected in the community. This makes it easier to gain access to children and to avoid detection. It works to their advantage if no one could believe that they would commit this offense, which makes the crime more insidious.

I implore any other victims to come forward, either contacting Pathways of Courage in Kenosha (262-657-5272 or 800-594-5272) or Dr. Barbara Reinke of our archdiocesan Project Benjamin office in Milwaukee (414-769-3436).

I accept my own share in responsibility for the culture of silence in the Church over such actions in the past. They have damaged individuals and their families, and even robbed them of faith at times. Please help make Saint John's here in Twin Lakes a model of how to move forward in truth and compassion for the healing of an entire community. Thank you for giving this acknowledgement and this personal appeal your fullest attention and cooperation.

Sincerely in Christ Risen



Most Reverend Richard J. Sklba
Auxiliary Bishop of Milwaukee

RJS/SK



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE PEGGY KRUSICK AND SENATOR ALBERTA DARLING

FROM: Anne Sappenfield, Senior Staff Attorney

RE: Constitutionality of Retroactive Statutes

DATE: April 30, 2003

This memorandum discusses the constitutionality of a provision of LRB-0042/8, a bill draft relating to the reporting of child abuse and actions related to sexual exploitation brought against members of the clergy and religious organizations. The provision in question allows individuals, for a limited period, to bring civil actions against members of the clergy and religious organizations to which they belong for damages caused by sexual contact by a member of the clergy at any time in the past. This provision is modeled after a California statute giving plaintiffs one year to file certain actions alleging damages resulting from childhood sexual abuse no matter when the abuse occurred.

LRB-0042/8

LRB-0042/8 ("the bill draft") contains a civil cause of action for sexual exploitation by a member of the clergy. The bill draft provides that any person who suffers an injury as a result of sexual contact with a member of the clergy that occurs while the person is under the age of 18 may bring an action against the member of the clergy for all damages caused by that sexual contact. In addition, any person who may bring such an action may also bring an action against the religious organization to which the member of the clergy belongs for all damages caused by that sexual contact if, at the time that the sexual contact occurred, another member of that religious organization whose duties included supervising that member of the clergy knew or should have known that the member of the clergy previously had sexual contact with a person under the age of 18 and failed to:

- a. Report that sexual contact as sexual abuse to law enforcement or to a county department with child welfare duties, as required under the bill draft; and
- b. Exercise ordinary care to prevent similar incidents from occurring.

The causes of action established by the bill draft must generally be commenced within five years after the plaintiff discovers the fact and the probable cause, or with the exercise of reasonable diligence

should have discovered the fact and the probable cause, of the injury, whichever occurs first; or before the injured party reaches the age of 30 years; whichever is later.¹

The bill draft also provides, however, that a person who was injured as a result of sexual contact by a member of the clergy at any time in the past may bring an action against a member of the clergy or a religious organization, as described above, for all damages caused by that sexual contact within one year after the effective date of the bill draft. This is the provision you have asked about.

CALIFORNIA STATUTE

The provision permitting a person to bring a cause of action against a religious organization for damages caused by sexual contact that occurred at any time in the past is modeled after California law that allows civil actions alleging damages as a result of childhood sexual abuse for which the statute of limitation has expired to be revived if the action is filed within one year of the effective date of the new provision, January 1, 2003. The provision applies to actions for civil liability against any of the following persons or entities if the person or entity knew or had reason to know of unlawful sexual contact and failed to take reasonable steps and implement reasonable safeguards to avoid future occurrences:

a. Any person or entity who owed a duty of care to the plaintiff, where a wrongful or negligent act by that person or entity was the legal cause of the childhood sexual abuse which resulted in the injury to the plaintiff.

b. Any person or entity where an intentional act by that person or entity was a legal cause of the childhood sexual abuse which resulted in the injury to the plaintiff.

[Cal. Code Civ. Proc. s. 340.1.]

The California Court of Appeals has expressly upheld the California Legislature's power to retroactively extend a statute of limitations in order to revive a civil common law cause of action that is time barred under the former limitations period. [*Liebig v. The Superior Court of Napa County*, 209 Cal. App. 3d 828, 257 Cal. Rptr. 574 (1989).]

¹ In *Doe v. Archdiocese of Milwaukee*, the Wisconsin Supreme Court held that in cases involving sexual abuse of a minor by a member of the clergy, a plaintiff discovers or, in the exercise of reasonable diligence, should discover the cause of injury at least by the time of the last incident of assault. The reasoning of the court was that the acts complained of were intentional acts committed without the consent of the minors. [*Doe* at 342.] In addition, for such cases in which the plaintiff claims repressed memory, the court held that it would be contrary to public policy, and would defeat the purposes of the statute of limitation, to allow claims of repressed memory to indefinitely toll the statute of limitations. Therefore, the date of accrual for those cases is the same for those in which repressed memory is not claimed. [*Id.* at 364.] It is not clear whether the statute of limitations proposed in the bill draft would affect future rulings of the court.

DISCUSSION

Effect of Retroactive Statute of Limitations Under Wisconsin Law

It should be noted at the outset that a statute of limitations is a statute that sets the maximum time period during which certain actions can be brought or rights enforced. After the time period set out in the applicable statute of limitations has run, no legal action can be brought regardless of whether any cause of action ever existed. [*Black's Law Dictionary*, 927 (6th Ed. 1991).]

In *Doe v. Archdiocese of Milwaukee*, the Wisconsin Supreme Court described the purpose of statutes of limitations as follows:

The policy considerations behind statutes of limitations, and the rules for accrual of claims, are several. On the one hand, we are concerned with allowing tort victims a fair opportunity to enforce legitimate claims against wrongdoers. On the other hand, we are concerned with protecting defendants from having to defend against stale claims, where so much time has passed between the alleged tortuous act and the filing of the claim that witnesses and relevant evidence may be unavailable. Such deficits can preclude both the fair prosecution of claims and meaningful defenses. We are also concerned with preventing the prosecution of fraudulent claims. All of these considerations underlie statutes of limitations and ultimately promote efficient judicial administration.

[*Doe v. Archdiocese of Milwaukee*, 211 Wis. 2d 312, 333-334, 565 N.W.2d 94 (1997).]

The Wisconsin Supreme Court has noted: "This court by a long line of cases, has followed the construction that our statutes of limitation extinguish the right as well as the remedy." [*Haase v. Sawicki*, 21 Wis. 2d 308, 121 N.W.2d 876, 878 (1963).] This construction is reflected in s. 893.05, Stats.: "When the period within which an action may be commenced on a Wisconsin cause of action has expired, the right is extinguished as well as the remedy."

The effect of construing the expiration of a statute of limitations as extinguishing the right has been expressed as follows: "Clearly, once a statute of limitations has run, the party relying on the statute has a vested right in the statute-of-limitations defense, and the new law which changes the statute of limitations cannot be applied retroactively to extinguish the right." [*Borello v. U.S. Oil*, 130 Wis. 2d 397, 388 N.W.2d 140, 148.] Thus, Wisconsin case law holds that retroactive extension of the period of limitations after its expiration amounts to a taking of a right, or property, without due process of law in violation of the due process clauses of the U.S. and Wisconsin Constitutions. [*Haase*, at 881.]

The Wisconsin view of the effect of an extinguished statute of limitations may be contrasted with certain other jurisdictions, such as California, which view an expired statute of limitations as extinguishing a remedy, but not a right. Under this construction, legislation retroactively extending a statute of limitations to revive a cause of action time barred under former limitations may be upheld. However, as noted, this is not the approach followed in Wisconsin.

The bill draft provision in question creates a one-year window for bringing a cause of action described under s. 895.71 (2), as created by the bill draft, regardless of when the sexual contact

occurred. Section 895.71 (2) of the bill draft sets forth two causes of action: (1) a cause of action directly against the member of the clergy who engaged in sexual contact with a minor; and (2) a cause of action against the religious organization to which the member of the clergy belongs. Arguably, these causes of action may be viewed as codifying causes of action that currently exist under the common law, e.g., assault and negligent supervision or training. Under that interpretation, some of the actions affected by the one-year window may already be time barred under current statutes of limitation when the legislation takes effect. Based on current Wisconsin law, to the extent the bill draft revives an existing cause of action that is already time barred, a court would find an unconstitutional violation of the due process clause because a vested right (i.e., the statute of limitations defense) is extinguished.

Effect of Retroactive Cause of Action Under Wisconsin Law

If the causes of action created by the bill draft are interpreted as establishing new causes of action, then it appears the analysis changes somewhat. Under that interpretation, no cause of action would be time barred when the bill takes effect because there is no existing cause of action for which a statute of limitations has expired. The issue under this interpretation would essentially be the retroactive application of the new causes of action to actions that accrued before the effective date of the bill draft by operation of SECS. 10 and 11 (1) of the bill draft.

The Wisconsin Supreme Court has stated that, as with any legislation, retroactive legislation enjoys a presumption of constitutionality, and the challenger bears the burden of overcoming that presumption beyond a reasonable doubt. However, the court has also stated that retroactive legislation presents unique constitutional problems and is, therefore, viewed with some degree of suspicion. [*Martin by Sceptur v. Richards*, 192 Wis. 2d 200-01, 531 N.W.2d 70 (1995).]

Although the court has not done so with retroactive statutes of limitations, the court generally examines whether there is a rational basis for the retroactive application of a substantive law and weighs the public interest served by the retroactive law against the private interests overturned to determine its constitutionality. The court has stated that implicit within this analysis is a consideration of the unfairness created by the retroactive legislation. [*Id.* at 201 and *Matthies v. The Positive Safety Manufacturing Company*, 244 Wis. 2d 720, 744, 628 N.W.2d 842 (2001).] The court also requires the public purpose supporting retroactivity under a due process analysis to be substantial, valid, and intended to remedy a general economic or social issue. [*Neiman v. American National Property and Casualty Co.*, 236 Wis. 2d 411, 613 N.W.2d 160, 166 (2000).]

The most recent Wisconsin Supreme Court cases relating to retroactive statutes have considered the constitutionality of retroactive damage cap increases and revised apportionment of damages under comparative negligence. In all of those cases, the court held that the public purpose for the retroactive statutes did *not* outweigh the private interests unsettled, and the retroactive application of the statutes was held to violate due process. [See *Schultz v. Natwick*, 257 Wis. 2d 19, 653 N.W.2d 266, 268 (2002), *Martin* at 71-72, *Neiman* at 167, and *Matthies* at 756.]

Discussion of how a court might regard the retroactive provisions of the bill draft is, of course, somewhat speculative. However, it is possible to identify some of the public purposes of the legislation along with the private interests that would be unsettled by the retroactive application of the civil cause of action.

The public purposes for the retroactive provision of the bill draft include providing full remedy for individuals who have been sexually abused by clergy and deterring negligent conduct by religious organizations. In addition, it is likely that it would be argued that retroactive application of the cause of action would increase the likelihood that victims of abuse would be able to acquire legal representation for their cases.

The private interests that would be unsettled are those of religious organizations and clergy who may be required to pay damages if lawsuits for past injuries are permitted. In addition, it is likely the court would consider those parties' reliance on the law in effect prior to the enactment of the retroactive provisions and would consider whether it is unfair to hold clergy and religious organizations liable if they could not have been held liable under the law in effect at the time the injuries occurred.

As noted above, the Wisconsin Supreme Court has not looked favorably upon retroactive statutes. Therefore, it appears that to convince the court that the public purposes for applying a civil cause of action retroactively outweigh the private interests that would be unsettled by doing so presents a substantial burden.

If you have any questions or need additional information, please contact me directly at the Legislative Council staff offices.

AS:wu:tlu:rv;ksm



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

114 East, State Capitol
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Madison, WI 53707-7857
608/266-1221
TTY 1-800-947-3529

June 2, 2003

The Honorable Peggy Krusick
Wisconsin State Assembly
State Capitol Building, Room 128 North
HAND DELIVERED

RE: LRB-0042/8 - Child Sexual Exploitation

Dear Representative Krusick,

I write to follow up our recent conversation regarding the proposed legislation above related to the reporting of child sexual abuse and actions related to sexual exploitation brought against members of the clergy and religious organizations. You have requested that I review a provision of the proposal that would permit any person who was injured as a result of sexual contact by a member of the clergy at any time in the past to bring suit under the cause of action created within the bill.


Since our discussion, my staff and I have had the opportunity to review the bill draft as well as a related April 30, 2003 memorandum prepared by the Wisconsin Legislative Council. I am in general agreement with the analysis and conclusion of this memorandum. As it indicates, the Wisconsin Supreme Court has been reluctant to permit the legislature to revive a cause of action whose statute of limitation has previously run. Wisconsin courts have generally viewed our statute of limitations to exhaust both the underlying rights and remedies in such cases. As such, Wisconsin law is distinguishable from that of other states - such as California - upon which this provision is modeled.

Given the skepticism with which Wisconsin courts have approached retroactive statutes and the primacy of our statute of limitations, I would not expect the related provisions of this bill draft to survive constitutional challenge.

You have also asked that I consider the legal effect of creating a new cause of action that would apply to past abuse. While the framework for considering such a proposal may differ from an attempt to simply revive a cause of action that has expired, I would not expect the substantive determination of a Wisconsin court to be altered. As you describe, a new civil cause of action that would be applied retroactively is also likely to be constitutionally flawed.

I appreciate your many efforts to address this sensitive matter and share your desire to provide a framework that will help to better protect our families. If I can be of any other assistance, please feel free to give me a call.

Very truly yours,


Peggy A. Lautenschlager
Attorney General

PAL: vlv



Wisconsin Council of Churches

...working together for the unity of the Church and the healing of the world.

For Release September 18, 2003

9/18 Contact: Marcus White (414) 807-8108 (cell)
Executive Director, Interfaith Conference of Greater Milwaukee
9/19 contact: Scott Anderson (608) 837-3108 (office)
Executive Director, Wisconsin Council of Churches

Wisconsin Council of Churches Endorses Clergy Sexual Misconduct Legislation

Today, at a joint legislative hearing held by the State Assembly and State Senate Judiciary Committees, the Wisconsin Council of Churches expressed its support for clergy sexual misconduct legislation sponsored by Representative Peggy Krusick and State Senator Alberta Darling.

Speaking on behalf of the Wisconsin Council of Churches—a statewide organization of 12 mainline Protestant and Christian Orthodox denominations--the Rev. Dr. Lucille Rupe, Executive of the Presbytery of Winnebago, Presbyterian Church (U.S.A.), stated, “this legislation establishes clear responsibilities for clergy and real accountability for religious institutions.”

“We believe that this bill represents an important and positive step in codifying the religious community’s civic and moral obligations to our children,” Rupe concluded.

--end--

[Testimony attached]

Members

American Baptist Churches

Christian Church
(Disciples of Christ)

Church of the Brethren

Episcopal Church

Evangelical Lutheran Church
in America

Greek Orthodox Church

Moravian Church

Orthodox Church in America

Presbyterian Church-USA

Reformed Church in America

United Church of Christ

United Methodist Church

Observers

Roman Catholic
Archdiocese of Milwaukee
Diocese of LaCrosse

Associate Members

Madison Area Urban Ministry

Interfaith Conference
of Greater Milwaukee

Church Women United

Scott D. Anderson
Executive Director

750 Windsor St.
Suite 301
Sun Prairie, WI
53590-2149

Phone: 608/837-3108

Fax: 608/837-3038

E-mail: wcoc@wichurches.org

I am here today to speak to you about the Statute of Limitations for prosecutions for Sexual Abuse and adding members of the Clergy to the list of Professionals required to report sexual abuse.

I want to tell you how these two limitations have affected my life.

From 1963 through 1967 I was seeing a priest named Father Tom. Being only 14 years old at the time that left me a minor who thought it was an **affair** and I didn't know it was sexual abuse. I thought of him as my boyfriend and my lover. Father Tom always said it was my fault and I took a man of God and caused him to sin and God would never forgive me. I felt the affair "was" my fault. I went to this priest for help because I was having problems in my home where my father was abusing me and I wanted to kill myself.

Father Tom held me when I cried after my father beat me and gave me electrical shocks for being a bad kid at home. Father Tom became my friend. He told me he loved me and paid attention to me and cared about me when I had no one else whom I thought loved me. My father never believed in high school and the law never made him send any of his children to high school. SO Father Tom was my whole world since I was isolated on the family farm. Father Tom became everything to me. Tom told me when I became 16 he would marry me and we would go away and live happy ever after. I believe him and trusted him with my life. He gave me something to live for. He helped he get my father to stop touching me. Tom helped me make it possible to make my father stop beating me too. Tom became my whole world and with him I was able to have a dream even if it was a "secret" just between us, I felt like he loved me and with his love I could make it. Before no one loved me and now he did. **If he didn't love me no one did.** If I did everything he told me to, he would love me. As long as I did what he told me to, he would love me. **I just had to do what he told me to.** That wasn't so hard. Love had a price and before I had no love so I would do anything he wanted as long as he would just love me. I couldn't go back to NO love again. I saw him almost every night of the week in those days as he would sneak to my house and I would meet him after everyone went to bed.

When I turned 16 and he didn't want to go away like he said we would things changed then. I had waited so long for 16 to come and now it did and he lied. All the shame and guilt came at once I couldn't handle it. He always said it was my fault I took a man of God and caused him to sin. I could block it out before since

we were going away. I went back to my pastor and told him I was having sex with Father Tom. **He told me I was lying.** And he told me he was going to talk to Father Tom. But I told him he couldn't do that since this was **confession** but since I was just a kid he did it anyway. I got severely beaten for my telling the secret. Tom always said if you tell, **I will kill you.** He didn't kill me but I wish he had that night. He beat me so bad and then he said he was never coming back to see me. He said he was taking away his love from me and never coming back again. **I want to die since I loved him and he was the only one who I had known who said they had loved me.** I would have done anything for his love. He knew how sick inside I was for his love. **So he make me promise not to ever tell again and I continued to see him again.** It was another year and a half before I told again that we were seeing him still. It was when we were 17 that I again ended up trying to kill myself. Since Father Tom was a priest in town he came right up to the hospital on the Psych floor to see me and they left him do that. I couldn't tell on him since I was too afraid to tell the **WHOLE** secret. I could not get away from him. The doctor who I had, belonged to his parish and told he me I lied when I tried to tell him that Father Tom molested me. This doctor later molested me too. Why not, who is going to believe me when everyone says I lied and now it's even on record after even a doctor said I lied.

When I started to dated Bob, who is now my husband, Father Tom said whenever I was with Bob and we had sex - it was he - Tom, who I was with. Bob was only a fill-in...to take his place... it was Father Tom who I belonged to forever and ever. Father Tom came to our wedding just long enough for me to see him.

He came to our wedding dance too, to remind me that I belonged to him and not Bob. Needless to say all of this only helped me to repress any memories of abuse even further down.

He continued to call our house and later he started to come around as if he still owned me like before. I was afraid to tell Bob he was coming since I never told Bob anything about Father Tom before we were married. I was afraid Bob would leave me or not stay married to me. I loved Bob and Tom was so mean to me and Bob was so good. I did everything to get away from Tom but he still kept coming back.

Tom put guns to my head and threatens to kill my kids and me if I didn't have sex with him. He made me have sex with animals, he made me have sex with other people for money, he made me have sex on the altar in church and he made me

drink my own menstruation blood after he put blessed wine in it in church. He was evil to me and I didn't know how to get away from him but I was afraid to tell Bob because I thought I would loss Bob and the kids if Bob ever found out about Tom. As you can image I have been in and out of mental hospitals most of my life. So I tried to kill myself again. I almost did in 1976.

Thank God I didn't kill myself because my kids were very young then and needed me but I finally did tell Bob about Tom but it didn't keep Tom from calling our house.

I still didn't understand that my "affair" with Tom being "clergy sexual abuse." I blamed myself and saw myself as having an **affair** with this priest and he was my **old** boyfriend. It was always hard to see it as anything but an affair.

In 1984 I suspected my own son, as being abused by another priest who I felt was lovers with Father Tom. I went to the then Bishop John Paul, who told me to go home and forget about it. I didn't. I went to the Wood County Sheriff's Dept and they did an investigation.

But at that time Clergy Sexual Abuse was unheard of and parents didn't want to even think of it so the boys talked to by the Department didn't talk either. Even my own son would not talk and blocked out the abuse when he heard the others were not talking since he would have been the only one. Since then Father Bruce Ball was convicted of molesting 2 other boys and got 5 years in prison for his crimes. He did admit to molesting 4 others but would not give their names. He since has died. This was in the La Crosse Diocese.


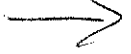
In 1991 I filed a civil lawsuit with the La Crosse Diocese but the judge ruled that since I had reported my son's case of abuse in 1984 I should have known I was abused also. Just because I **should have know** does not make it so.

Due to repressed memories the severity of my abuse, this priest named Father Tom satanically, ritualistically sexually abused me. I am only now beginning to remember all the abuse this man did to me. For most victims of sexual abuse represses memories is very common.

The severity of the abuse, the type of abuse, the length of the abuse, and the age of the victim at the time of the abuse, all affect the memories or repression of what happened. I was not able to remember the worst abuse until just a few years ago.

Because of my civil lawsuit the La Crosse Diocese will not even allow me today to come before the "Bishop's Committee" because I'm a "done deal" since they feel no accountability after my losing the case since I lost with the State's *Statute of Limitation* loop hole.

Right now the law has a time limit on remembering and because of the limitation I am not considered a victim by the law. Since the law does not acknowledge me as a victim my own church refuses to accept any responsibility for the damage Father Tom has done to me also. But this priest can walk around in LaCrosse wearing his Roman collar as if he has done nothing wrong. If he died today he would be given the best funeral any good upstanding priest can have with the Bishop presiding over it. Shortly after my lawsuit, then Bishop John Paul gave Father Tom to Fort Mc Cory and he would still be in the Army today if I had NOT been following closely where Father Tom was sent. I was the one who called the Pentagon in Washington DC and saw to it that Father Tom was removed so he could not molest more young men and women in the Army since the Bishop felt the need to move him to the Army without telling them of his past.

 If the statute of limitation had been changed before I went to court Father Tom would have been made to be accountable for my abuse. 

I have ask Bishop Burke if I could proceed other avenues with the "church rules" but due my lawsuit and the "Statute of Limitation" the church now needs to do nothing either. There is no accountability what's so ever.

The State of Wisconsin is the only State in the Nation that allows priests to continue to abuse and the church uses its **State** laws against people like me to continue to hurt more children. Father Tom did hurt me and because of my lawsuit the Diocese of La Crosse will not do anything to Father Tom.

I am here today not for myself but for others who can't speak and for those who are first coming into their memories.

Prosecuting for sexual abuse should have no limitation. The crime of sexual abuse is worse than murder. I have to live with all my memories of what Tom did to me. I can't sleep because they are so bad that my mind won't let me forget them either. Clergy should be mandated to report abuse to help the children. Not cover up the

crime and make the victim feel it's their fault. The children need to know when the church refuses to protect them the law can and will. I want my granddaughters to know it is safe for them to go to church, any church, and be safe inside their door. I want them to know that the old retired priest living next door isn't a molester who is hiding out ready to molest.

When the Bishop isn't willing to give over names of priests who have done wrong something is wrong and the public needs to demand these names to be safe. I have told you of one time where I took it into my own hands to protect the public where I called the Pentagon and got Father Tom removed from the Army. That took 3 months.... We have been hearing in the news of other times where the church has put priests in places without telling people about there background. We need the State to change the laws to protect our children since the church has not been accountable and has proven itself to be untrustworthy.

We need to make the church accountable for all the people who are victims it has standing in line wanting for help but the church refuses to help.

I have two little granddaughters who I want to make it safe for them to go to church. I couldn't protect my son from the hands of another priest please help me protect my granddaughters.

Please for the sake of ALL children make the necessary changes.

Statement to Wisconsin Legislators September 18, 2003

My name is Judy DeLonga and I am here today to tell you what happened to me and why I think our statute of limitation laws must be changed.

I grew up in a Catholic family in Beaver Dam, Wisconsin, as the youngest of three children. My parents, like many Catholic adults at the time, had an almost blind trust in the Catholic clergy. Since I had attended a Catholic elementary school, I was taught to trust and obey priests without question.

I was 10 years old in 1966 when admitted as a patient at the St. Joseph's Hospital in Beaver Dam. This is where my perpetrator first met me. He was Father Bruce MacArthur, the hospital chaplain. For the next five years he physically and emotionally abused me. The abuse was severe and frequent. He physically abused me by raping me several times a week, usually in his bedroom right next to the hospital chapel. He emotionally abused me by telling me that he loved me and that he would marry me some day. I, being a child, believed him and did what he told me. Despite all that he did to me, my innocent mind interpreted it as a relationship rather than the abuse that it actually was. The last time he physically abused me was in the fall of the tenth grade, but he continued to stalk me for years after leaving Beaver Dam.

I experienced emotional, physical, and relationship problems from that point forward. I had to seek counseling within the last couple of years and only recently came to grips with what had happened to me as a child. I was finally able to overcome my deeply conditioned childhood beliefs and see that I hadn't been in a relationship at all--rather, I had been controlled, manipulated, and abused when I was most vulnerable.

I first tried to seek accountability through the criminal justice system. After reporting the abuse to local law enforcement officials in Beaver Dam, I was told that the criminal statute of limitations had long expired and that I would have to seek remedy through the civil courts.

During this process I began to learn of the church's extensive role in what had happened to me. Church records revealed that my perpetrator had abused children both before and after me. He had been transferred from parish to parish within South Dakota, Texas, and Wisconsin, all without warning to the parishioners and children with which he was to come in contact. Even after attempting to rape a disabled nursing home patient in Texas and being sent to prison, my perpetrator was accepted back into the church with open arms and sent to yet a different parish.

I then sought to seek redress through the civil courts and once again found that they were not protective of abuse victims, especially those who had been brutalized as children and who were not able to realize the cause of their injuries within the statute of limitations period.

I filed a civil suit in Wisconsin and have recently learned that the court has been petitioned to dismiss my case because the statute of limitations has been exceeded. Please also know that this petition was filed despite the fact that my perpetrator now openly admits what he did to me! Imagine my heartache when I see this same priest receiving a church pension and having his needs provided for in retirement without ever being held accountable for what he did to me and, by his own admission, to over thirty other children.

I have had to endure many years of mental torment and anguish as well as physical symptoms as a result of this abuse. I currently require counseling and feel that this priest and his superiors robbed both my childhood and my adult life from me. And to make it worse, I feel that I am now being re-victimized by being denied the opportunity to obtain justice. The statute laws as written require that, despite being a child and psychologically brainwashed, it was my responsibility to inform the authorities many years ago. I am amazed with all of the information about the effects of childhood sexual abuse now available, many are not aware of how children react to this kind of vicious abuse. I'll tell you as someone who experienced it first hand: we try to hide it and bury it deep within us. Why am I held more responsible than my abuser and those who protected him? Why did the law expect me, a victim of such severe childhood abuse, to promptly pursue action against the perpetrator while still a young adult who hadn't yet realized what had happened to her as a child?

By using these outdated laws to block civil suits for these criminal acts, victims like myself will never be able to obtain the justice that they deserve. I, and others like me who were abused at the hands of these criminals many years ago, have no other remedy left!

After making my story public, I have been contacted by other women living in Wisconsin who have been too traumatized to speak of their abuse for over thirty years. By the grace of God, some of us are fortunate enough to receive the help we need to eventually face what happened, but this can take decades to unbury what was so deeply hidden. Even then, it remains with us forever, as a life sentence that can never be lifted. Can you picture how you would feel if a daughter or son of yours had suffered the same fate as I? Wouldn't you be outraged with the injustice of it?

I ask that you consider how these laws can be changed to allow innocent victims to tell their story, rather than letting the guilty use them to hide behind and escape accountability. We have an obligation to work together so that these long silenced voices can finally be heard.

Please contact me if I can be of any assistance to you in this matter.

Sincerely,



Judith DeLonga
10072 Rookery Road
Pensacola, FL 32507-7205
(850) 497-9082
ddelonga@alum.mit.edu



SB 207

OCT 13 2003

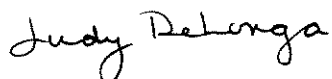
7 October 2003

Dear Senator Zien,

I attended the September 18 meeting and gave my testimony to your committee. I have enclosed copies of my testimony and a picture of me (at ten years old) alongside the priest who abused me. Could you please distribute these to your fellow committee members?

I'm forty-eight years old and as you can see, it has taken me decades to come to terms with what happened to me. I support the one-year window that has been proposed but would really like to see the statute of limitations eliminated entirely for those who sexually abuse children. Thank you and your committee for taking the time to listen to our testimonials last month. We are all counting on you to ensure that justice is served.

Sincerely,



Judith DeLonga
10072 Rookery Road
Pensacola, FL 32507-7205
(850) 497-9082
Email: ddelonga@alum.mit.edu



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Tim Carpenter, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

Please consider the following items and vote on the motions below. Return this ballot to Senator Dave Zien, Room 15 South, no later than 3:00pm Tuesday, March 2, 2004. Committee members' ballots not received by the deadline will be marked as not voting.

Senate Bill 207

Relating to: the reporting of child abuse or neglect, and actions related to sexual exploitation brought against members of the clergy and religious organizations.

By Senators Darling, A. Lasee, Roessler and Stepp; cosponsored by Representatives Krusick, Gundrum, Gard, Balow, Berceau, Boyle, Coggs, Colon, Grothman, Gunderson, Hines, Hubler, Jeskewitz, Kestell, Kreibich, McCormick, Morris, Owens, Pocan, Powers, Richards, Sherman, Sinicki, Stone, Suder, Taylor, Travis, Turner, J. Wood, Young and Zepnick.

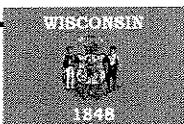
Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye _____ No

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye No _____





STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY
 VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM
 MEMBER
 COMMITTEE ON SENATE ORGANIZATION
 COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Scott Fitzgerald, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

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Please consider the following motions:

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Aye X No

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye X No





STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

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 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator Cathy Stepp, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

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Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2428/1 be recommended for INTRODUCTION AND ADOPTION:

Aye No

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye No



Senate Bill 441

Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye ✓ No _____

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye ✓ No _____

Senate Bill 479

Relating to: lie detector tests of sexual assault victims.

By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye ✓ No _____

Signature 
Senator Cathy Stepp



STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON
 COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER
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 COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS
 SENTENCING COMMISSION
 COUNCIL ON TOURISM
 JUDICIAL COUNCIL

MEMORANDUM

TO: Senator G. Spencer Coggs, Member, Senate Committee on Judiciary, Corrections & Privacy

FR: Senator Dave Zien, Chair, Senate Committee on Judiciary, Corrections & Privacy

DT: March 2, 2004 (hand delivered 10:30am)

RE: Paper Ballot for SB 207, SB 441, SB 479 (2 pages)

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Please consider the following motions:

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Aye *✓* No

- Moved by Senator Zien that SENATE BILL 207 be recommended for PASSAGE AS AMENDED:

Aye *✓* No



Senate Bill 441

Relating to: the definition of sexually violent person and criteria for supervised release.

By Senators Darling, Brown, Lazich, Kanavas, Roessler, Stepp, Reynolds and Schultz; cosponsored by Representatives Stone, Suder, Musser, Freese, Nischke, Kreibich, M. Lehman, Jeskewitz, Nass, Albers, Hines, Ladwig, Gielow, McCormick, Kestell, Owens, J. Fitzgerald, Seratti, Vukmir, Hundertmark and Townsend.

Please consider the following motions:

- Moved by Senator Zien that amendment LRBa2393/1 be recommended for INTRODUCTION AND ADOPTION:

Aye ✓ No _____

- Moved by Senator Zien that SENATE BILL 441 be recommended for PASSAGE AS AMENDED:

Aye ✓ No _____

Senate Bill 479

Relating to: lie detector tests of sexual assault victims. By Senators Lassa, Brown and Kedzie; cosponsored by Representatives Suder, McCormick, Sinicki, Musser, Nischke, Kreibich, Owens, Miller and LeMahieu.

Please consider the following motion:

- Moved by Senator Zien that SENATE BILL 479 be recommended for PASSAGE:

Aye ✓ No _____

Signature *Spencer Coggs*
Senator G. Spencer Coggs



STATE SENATOR DAVE ZIEN

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

MEMBER

COMMITTEE ON SENATE ORGANIZATION

COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE ON LABOR, SMALL BUSINESS DEVELOPMENT AND CONSUMER AFFAIRS

SENTENCING COMMISSION

COUNCIL ON TOURISM

JUDICIAL COUNCIL

ASSISTANT MAJORITY LEADER

TO: Members, Senate Committee on Judiciary, Corrections and Privacy

FR: Senator Dave Zien

DT: March 2, 2004

RE: Amendment LRBa2428/1 to SB 207, which relates to sexual abuse by members of the clergy.

SA 1 to SB 207

Attached for your review is amendment LRBa242/1 to SB 207, which relates to sexual abuse by members of the clergy. Following is a description of the amendment.

According to Bob Nelson of the Legislative Reference Bureau, clergy are required to report two things under the bill: (1) a reasonable suspicion that a child he has seen in the course of his professional duties is being abused (by anyone); and (2) instances where he reasonably believes that another member of the clergy is abusing a child. In both of these cases, there is an exception to the reporting requirement for communications made to the clergy in private, or in a confessional setting.

This amendment would eliminate the first criteria for reporting, which narrows the bill to clergy reporting abuse committed by other clergy.

If you have any questions, please feel free to speak with me or with my committee clerk, John Hogan.

WISCONSIN



1848

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STATE SENATOR DAVE ZIEN

ASSISTANT MAJORITY LEADER

CHAIRPERSON

COMMITTEE ON JUDICIARY, CORRECTIONS AND PRIVACY

VICE CHAIRPERSON

COMMITTEE ON HOMELAND SECURITY, VETERANS AND MILITARY AFFAIRS AND GOVERNMENT REFORM

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It wasn't until years later that I found out that Father Tom had been under Psych care before he ever came to Marshfield, after I got married the Bishop moved him to another parish and I'm sure he never told ~~them~~ about me or the abuse he did to me.

Alice Younger
Testimony

DIOCESAN SCENE

TIMES REVIEW, June 9, 1983 — Page 9



Pictured in front of St. Joseph Catholic Church, Kendall are (from left) Darrel Neitzel, parish council president; Father Thomas Garthwaite, pastor; and Sister Patricia Sheridan.

When pastor is gone, parish laity fill in the gaps

By Patrick Slattery
Staff writer

"It makes my job easy. I don't have to go out and twist arms. People are willing to take on duties that in the past they expected the priest to handle."

Neitzel's parish meets in private homes to read and discuss Scripture under the direction of Sister Pat. She regularly visits the sick.

THE OPINION OF THE VERY REVEREND KENNETH W. REINHART,
CAPUCHIN, REGARDING THE REQUEST OF FATHER JUDE HAHN,
CAPUCHIN, TO BE DISPENSED FROM ALL OBLIGATIONS OF
PRIESTHOOD AND RELIGIOUS LIFE.

I, Brother Kenneth Reinhart, Capuchin, Provincial Minister of the Province of St. Joseph of the Capuchin Order, hereby state my opinion as to the merit of the case of Brother Jude Hahn, which has been drawn up by myself and the appropriateness of granting a dispensation, along with the absence of any scandal.

I believe that this case has strong merit since Jude Hahn has been found psychologically to be a person who cannot accept his own illness as a pedophile. This is a serious disease which has high moral and legal implications. We have attempted to help Jude in this matter through a therapeutic process and through good spiritual direction. He has resisted this and acknowledges in his conversation with me that he does not know if he would do these actions against small children again. Such risk of further actions by a priest and Capuchin in the church would be a serious scandal to the public. Certainly this would be a greater scandal than the possibility of him leaving the priesthood, being dispensed from the clerical state of the priesthood, and being dispensed from his vows as a Capuchin.

I also recognize the merit of this case based on the fact that Jude Hahn has been a member of our community who has not engaged himself totally in community life or fraternal prayer. For a number of years he has lived with his mother and seems to be quite controlled by her presence and her demands. Both his mother and he seem to be quite comfortable with the fact that he has decided to ask for this indult of laicization. They intend to leave this area of the country and to move to an area where they will not be known. Jude's behaviors in regard to this process, when I informed him under obedience that he was transferred to the Detroit, Michigan area and would work in a ministry that did not give him access to children, was one of simple rejection. He would not even consider the possibility of leaving his mother or the area that she lives in. This was a flagrant act of disobedience, along with an indication that his real commitment is not with the Capuchins or with the priesthood. Throughout the years, Jude did not function that much publicly as a priest. He has been a seminary professor and very seldom did weekend Masses in parishes. He very often would have Mass for his mother on Sunday in their home.

I think it is most appropriate that this dispensation be granted for the sake of protecting the Church and the Order from scandal and for preserving the good name of Jude Hahn. Information about Jude's previous behaviors of the 1980's when he was Associate Pastor, along with being a professor at the seminary, is public knowledge both in the parish that he was Associate Pastor and to the news media in the Wisconsin area. They have chosen not to print this matter up to this point, but it certainly could become another major scandal. There is no way that I, his present major superior, could allow him to function publicly at this time because of the risk of scandal.

002063

SUMMARY OF PASTORAL ATTEMPTS
BY THE RELIGIOUS ORDINARY OF JUDE HAHN

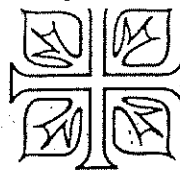
ex 9

Father Jude Hahn, a member of the Capuchin Province of St. Joseph, was engaged in soliciting sexual activity from an adult male in August of 1992. This was brought to the attention of his religious superior, Kenneth W. Reinhart, O.F.M Capuchin, Provincial Minister of the above-mentioned province. I interviewed Jude after this was brought to our attention and suggested that he go for some therapeutic help and an evaluation. He cooperated with this. He was embarrassed and regretted his actions and seemed sincerely penitential. At the same time, I felt it was necessary because of the atmosphere in the United States that he would not be allowed to function as a priest until he had resolved these issues of his sexual behavior and that he could not return to the high school seminary where he was a teacher because it was such a high risk. He found this discouraging but was cooperative. At this time, he did talk about possibly leaving the priesthood and Order and I had discussed it with him at length, encouraging him to remain. He agreed to this.

*see p
info from
minutes*
In December of 1992 and January of 1993, new allegations of inappropriate and sexual behavior came to our attention. These allegations were made in regard to activities with male children under the age of 18, which by United States law is a felony and is punished by prison time. Jude Hahn was in a therapeutic program at the time these came. These were presented to him as information I had received. He did not deny these. I also became aware that the Milwaukee Journal, a newspaper in the Milwaukee metropolitan area of Wisconsin, was aware of some of these allegations and was threatening to print them and make them public. I informed Jude of this matter. He again indicated that it might be better if he left the priesthood and religious life. I said that would not be necessary, that we could find ways for him to function in a different area of the province and in an internal ministry where he was not in contact with children.

Shortly after this, I received a notification from the director of the therapeutic program that Jude did not seem to be cooperating anymore with the therapeutic process. He wanted to leave and come home. I told him that he could not return, that he had to remain in the therapeutic process. Throughout the month of February and the beginning of the month of March, Jude continued to resist his remaining in the program for any therapeutic help that would enable him to return to correct behaviors and possibly resume some ministerial activity as a Capuchin priest.

On March 12th I communicated to Jude through the mail that he was to be transferred to St. Bonaventure Friary in Detroit, Michigan and to work in an internal ministry. He would not be allowed at this time to function publicly, because he had not accepted the illness that led him to the inappropriate and sexual misconduct behaviors. While there was no immediate public scandal, there was much talk about his behavior in the village in which he had done these behaviors in the 80's. I felt it was necessary that we remove him from that area. I also believed because of the legal ramifications in the United States, I could not allow him to function publicly as a priest.



The Province of St. Joseph
of the Capuchin Order
1740 Mt. Elliott Avenue
Detroit, Michigan 48207
(313) 579-2100

March 30, 1993

– Office of the Provincial Minister –

Dear Brother Jude:

Greetings in the Lord!

ex. 15

This letter is to officially inform you that you have been permanently suspended from exercising Sacred Orders because of your request for dispensation which I have received and I have processed. This suspension takes effect as of March 29th and must follow all the laws of the Church as indicated through canon law.

We ask you to accept this in the spirit of obedience and to do so quietly. We do not wish to engage in any scandal to the public in the Mt. Calvary area or any other area. It is our understanding that you are choosing to move to another state and will be leaving this area shortly. It is our hope that we can safeguard your public reputation and that you will continue to be supportive of the Capuchins and of the Roman Catholic Church.

With this notification of your suspension, I also send my greetings and best wishes. I pray that the Lord will guide you during these difficult days. I regret your decision, but I trust that you will stay close to the Lord and that God will protect you.

Fraternally,

Brother Kenneth W. Reinhart, O.F.M. Capuchin
Provincial Minister



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ISIN 53207-0912 • PHONE 414/769-3300

*Handmade copies
for the council*

13, 1993

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The Reverend Anthony Scannell, OFM Capuchin
Provincial Minister/Province of St. Joseph
1740 Mt. Elliott Avenue
Detroit, Michigan 48207-3496

Dear Father Anthony,

Just a note to put in writing what I am sure Bishop Skiba said to you personally or on the phone.

I have no problem with Gale Leifeld's living here in Milwaukee with Father Alex Luzi. I hope that will work out well for him. I did agree also with the conditions that Bishop Skiba mentioned to you, namely, that he would be supervised in his residency by Father Luzi and would not be allowed to engage in any public ministry, sacramental or otherwise. I think that is most important, because any kind of public appearance would mean the whole story would be resurrected again in the press.

You can be sure that I will be praying for him and for all of you these days. I had a delightful short visit at Calvary a couple of weeks ago and found the spirit there quite good. Many blessings on your work.

Sincerely yours in the Lord,

Most Reverend Rembert G. Weakland, O.S.B.
Archbishop of Milwaukee

002093

CURRICULUM VITAE

JOSEPH T. BERGS, MD

Family & Child Therapy Center
5735 Durand Avenue • Racine, WI 53406
262-598-7500

PROFESSIONAL EXPERIENCE

- 1998 – Present Child Psychiatrist, President & Owner
Family & Child Therapy Center, Racine WI
- Family & Child Therapy Center is a state-certified outpatient mental health clinic offering children, adolescents, families and adults comprehensive evaluation and treatment. Services include individual, couples and family counseling, play therapy, psychological and intellectual testing, forensic and custody evaluations, and medication evaluation and management. Clinical staff includes two board certified child and adolescent psychiatrists, one child psychologist, and six masters level therapists.
- 1991 – Present Medical Director, Child and Adolescent Behavioral Health Services
All Saints Healthcare System, Racine WI
- Child and Adolescent Behavioral Health Services is located at St. Luke's Hospital and includes six latency and ten adolescent beds, partial hospital programming for children and adolescents, an in-home family therapy program, an alternative education/ day treatment program and an intensive adolescent AODA treatment program.
- 1989 – 1998 Child Psychiatrist, Managing Partner
Psychiatric Services, Racine WI
- 1993 – Present Psychiatric Consultant
Crisis Center of Racine
- 1994 – Present Psychiatric Consultant
Allendale – Benet Lake Adolescent Residential Treatment Center, Kenosha WI
- 1996 – 1998 Department Chairman, Behavioral Health Services
All Saints Healthcare System, Racine WI

CERTIFICATION, ORGANIZATIONS & AWARDS

- Board Certification: American Board of Psychiatry and Neurology
- Adult Psychiatry, 1991
- Child and Adolescent Psychiatry, 1992
- Organizations: Wisconsin Council of Child & Adolescent Psychiatry
- President, 1999-2001
- President-elect, 1997-1999
Crisis Center of Racine
- Advisory Board Member, 1993-present
Bethany Apartments, Racine
- Board Member, 1997-present
- Awards: Milwaukee Business Journal "40 Under 40", 1998

JOSEPH T. BERGS, MD

CURRICULUM VITAE

Page 2 of 2

- Awarded for leadership in children's mental health issues

EDUCATION

1987 – 1989 Fellowship in Child Psychiatry, University of Michigan Hospitals, Ann Arbor, MI
1985 – 1987 Residency in Psychiatry, Northwestern University, Evanston Hospital, Evanston, IL
1984 – 1985 Medical Internship, Northwestern University, Evanston Hospital, Evanston, IL
1980 – 1984 MD, Medical College of Wisconsin, Wauwatosa WI
1976 – 1980 BS, Chemistry – Cum Laude, Marquette University, Milwaukee WI

PRESENTATIONS

2000 – Present Shire US Inc. National Faculty. Lectures entitled "Differential Diagnosis of ADHD", "Adderall XR", and "Use of Stimulants Beyond the School Day."
2000 – Present Pfizer Inc. Presentations on antidepressants, atypical antipsychotics and post-traumatic stress disorder.
1990 – Present Numerous presentations for local and regional organizations and programs including schools and school districts in Racine, Kenosha, Salem, Trevor and Walworth; All Saints Healthcare System staff and patient education programs; All Saints Family Practice Residency Program; AMI; Kiwanis; Crisis Center of Racine and Racine County's Children Come First Program. Topics have included childhood depression; PTSD; medications for aggression, psychosis, depression; ADHD; fire setting; behavioral disorders; gender differences in education; neurobiology of abuse; autism; eating disorders; and parenting skills.

RESEARCH

2001-2002 Shire US Inc. Principle investigator for seven week, Phase III-B Study for Adderall XR. 10/10 patients successfully completed Fall '02.

CHRONOLOGY
REVEREND GEORGE NUEDLING

Date of Birth: December 22, 1922
Date of Ordination: May 29, 1948
Assignments: Associate - St. Rita (West Allis) 1948-1964
Associate - St. Lawrence (Milwaukee) 1964-1967
Associate - St. Joseph (Grafton) 1967-1968
Pastor - St. John the Evangelist (Twin Lakes) 1968-1993
Date of Death: January 29, 1994

Allegations:

- 1) In November 1986, a man who said Father had abused him at St. Rita in West Allis, and possibly his brother some 30 years previous contacted Bishop Sklba, as Vicar for Clergy. He wanted the bishop to confront Father but had mixed feelings about what else should be done because he still held Father in regard. He asked to be informed when the confrontation had occurred and he would decide what to do next. The bishop met with Father in March 1987, who admitted that the accusation was accurate having occurred prior to his treatment for alcoholism. Father was ordered by the bishop to immediately cease any unsupervised contact with minors and to begin therapy. The man who had asked for the confrontation was informed it had occurred and he did not seek any further action.
- 2) March 1993 - Another report surfaced. Phone contact with Project Benjamin by a 43 year old man who did not want to use his full name. He reported having been sexually abused by Fr. Nuedling at St. Rita Parish in West Allis around 1963 or 1964 when he was about 10 years old. He had not told anyone at the time. The only other person who knew was his wife. He was not in therapy but wanted to report the incident to prevent any further such actions. Father resigned when confronted with this report. (The report was substantiated in writing in December 1993).
- 3) July 2001 - In person contact with Project Benjamin by a man approximately 51 years of age to report that he had been sexually abused by Fr. Nuedling at St. Rita in West Allis around 1959, when he was nine years old. He did not tell anyone at the time. In recent years, he has been able to acknowledge to himself what happened. He is in therapy.
- 4) March 2002 - Letter sent to pastor of St. Rita in West Allis with a copy to the Archbishop (forwarded to Project Benjamin for attention) by a man to report abuse against Fr. Nuedling which occurred at St. Rita Parish in West Allis in approximately 1960 to 1962 when the man was 11 to 13. He wanted to make sure the Church was addressing these issues.
- 5) May 2002 - Report came from Project Benjamin by a man who said he was abused by Fr. Nuedling in Twin Lakes in the late 1960's. He was a credible witness who said he knew of others who may have been involved.

*18 more from Twin Lakes
1 from St Lawrence
& unknown parish*

THE EFFECTS OF SEXUAL AB USE BY CLERGY AND VOWED RELIGIOUS

Victims of sexual abuse by clergy and vowed religious suffer profoundly from Post Traumatic Stress Disorder and related symptoms. A summary of symptoms follows.

PSYCHOLOGICAL SYMPTOMS

- Anxiety, depression, suicidal thoughts, suicide attempts, self mutilation, self abuse, self neglect, self hatred, low self esteem
- Flashbacks, dissociation, recurrent, intrusive and distressing recollections of the abuse, hallucinations, amnesia, altered brain chemistry, memory problems, difficulty concentrating
- Guilt, fear, shame, sense of hopelessness, loss of sense of control over life, restricted emotions, extreme emotions, sense of foreshortened future
- Drug and alcohol addictions, eating disorders, lethargy, impulsivity, inability to concentrate, obsessions and compulsions, reenactment, difficulty problem solving and decision making
- Loss of spiritual life and religious affiliation

PHYSICAL SYMPTOMS

- Difficulty falling asleep or staying asleep, nightmares, insomnia
- Gastrointestinal disorders, nausea, vomiting, ulcers, obesity
- Respiratory distress, asthma, allergies, visual distortions, hearing distortions
- Gynecological difficulties, urinary and bowel disorders, sexual dysfunction
- Migraine headaches, jaw pain, frozen joints, high blood pressure, immune system dysfunction, weakness, chronic pain, chronic health problems

INTERPERSONAL SYMPTOMS

- Inability to form or sustain social and intimate relationships, isolation, inability to trust, tendency to be revictimized, inability to be assertive, communication difficulties
- Problems with authority, hostility, anger, promiscuity, prostitution, rebelliousness, antisocial behavior

FINANCIAL IMPACT

- Inability to work due to physical or emotional disability
- Inability to find or maintain employment
- Underemployment and lowered earning level

DIRECT SOCIETAL COSTS (Source: Mental Health Leadership Council)

- Hospitalizations (estimated US annual cost: \$6,205,395,000)
- chronic health problems (estimated US annual cost \$2,987,957,400)
- mental health care system (estimated US annual cost \$425,110,400)
- child welfare system (estimated US annual cost \$14,400,000,000)
- law enforcement (estimated US annual cost 24,709, 800)
- judicial system (estimated US annual cost \$341,174,702)
- (total direct costs \$24,384,347,302)

INDIRECT SOCIETAL COSTS

- Lost productivity due to mental and physical health problems and disability, special education, mental health, substance abuse, teen pregnancy, welfare dependency, domestic violence, homelessness, juvenile delinquency, criminality, (estimated US annual cost over \$94,000,000,000)

Sources:

Courtois, Christine A, (1994), *Healing the Incest Wound*. New York: W.W. Norton and Company

Davies, Jody Messler & Frawley, Mary Gail, (1994), *Treating the Adult Survivor of Childhood Sexual Abuse*, BasicBooks

Latebloomer Publishing, www.latebloomerpublishing.com/ptsd.htm

Mental Health Leadership Council, www.leadershipcouncil.org

Task Force on DSM IV, (2000), *Diagnostic and Statistical Manual of Mental Disorders DSM IV TR*, American Psychiatric Press

HEALING HEARTS

1515 Webster Street, Oakland, California 94612

RITUAL ABUSE: What is it?

Ritual abuse is any systematic pattern or practice by an individual or a group toward children (or adults who are emotionally and/or physically unable to resist or escape) that constitutes abuse of power in order to harm and control the victim. Such practices may sometimes appeal to some higher authority or power in justification of the actions taken. This abuse may be mental, physical, emotional, spiritual, or sexual.

Ritual abuse is aimed at deepening the silence of the already powerless, the poor, the young, the innocent, the used, and the desperate. Victims are often forced to engage in promiscuous and/or sadistic acts, sacrifices in which one or more persons are tortured and killed, cannibalism, and other provocative and cruel abuses. Society's denial of the existence of ritual abuse must be recognized as an enabling stance that assists in the continued perpetration of these heinous acts.

1. Ritual Abuse is torture. It is a calculated effort on the part of perpetrators to systematically brainwash victims through physical, emotional, sexual, and spiritual violation.
2. Perpetrators attempt to destroy basic human values and inculcate their own twisted belief system. Through the use of mental coercion and physical torture they are able to gain control of a victim's thought process and behavior.
3. There is an attempt to distort a victim's sense of self and reality so that he/she feels personally responsible for the heinous acts of violence which are being committed.
4. The child/victim is trained to make and enact, violent decisions and to believe that the desire to behave that way comes out of their own innate evil. Therefore, victims are often unable to hold their perpetrators responsible.
5. Many cult rituals violate state and/or national laws. Abuse can include promiscuous and/or sadistic sexual acts, sacrifices, cannibalism, and other provocative and cruel abuses.
6. Ritualistic crimes are generally motivated by the perpetrators' desire to control and abuse the victims. Any ideology can be used as a justification or a framework for abuse.
7. Often victims are programmed to kill themselves if they ever reveal information about specific rituals and/or the organizational structure and leadership within the cult.

RITUAL/SATANIC/SADISTIC ABUSE INFORMATION SHEET

WHAT IS RITUAL/SATANIC/SADISTIC ABUSE?

As described by survivors, this type of abuse involves an organized form of severe sexual, physical, emotional, and spiritual abuse, often involving numerous perpetrators and numerous victims. Often a delineation is made between Satanic, Sadistic, and Ritual Abuse. Ritual Abuse may be defined as abuse which occurs frequently, regularly, and/or in a formalized or systematic manner and often within the context of a "family." Satanic Abuse generally involves some form of devil worship and/or abuse with religious overtones. Sadistic Abuse usually involves some form of physical tissue damage and the perpetrator enjoys inflicting pain on the victim.

HOW OFTEN DOES IT OCCUR?

To date, no studies exist documenting the rate of occurrence of ritual/satanic/sadistic abuse. Yet, more and more survivors are speaking out and service providers are documenting a number of clients with such histories. Some of the difficulty in assessing the rate of occurrence stems from the difficulty in tracking the groups. Also, due to the severity of abuse, many survivors repress the memories for many, many years - or may never remember. What we do know is that ritual/satanic/sadistic abuse is not as uncommon as we once thought.

WHO IS INVOLVED?

People who are involved in these activities are often connected with a social group which serves as a cover. These include fraternal organizations, preschool and school groups, and churches. Additionally, ritual/satanic/sadistic abuse has been suspected in organized groups such as the military, law enforcement agencies, counseling centers, and medical groups. People who participate in this type of abuse are often family members who are involved generation after generation.

WHAT TYPES OF ACTIVITIES ARE INVOLVED?

- * Brainwashing and Mind Control
- * Cutting and Scaring
- * Satanic Worship
- * Witnessing and Receiving Physical Abuse
- * Sexual Abuse
- * Prostitution
- * Child Pornography
- * Drug Use
- * Witnessing and Participating in Human Adult and Infant Sacrifice
- * Being Buried Alive in Coffins or Graves
- * Witnessing and Participating in Animal Mutilation and Killings
- * Cannibalism
- * Marriage to Satan
- * Forced Impregnation

Sources: 1) ^{4, 22} "Patients Reporting Ritual Abuse in Childhood: A Clinical Syndrome." by Dr. Walter Young, *International Journal of Child Abuse and Neglect*, Vol. 1, 1991. 2) *Ritual Abuse Project*, University of Colorado at Boulder.

This information sheet was prepared in 1993 by the Wisconsin Coalition Against Sexual Assault (WCASA). WCASA is a membership organization of rape crisis centers and other organizations and individuals throughout Wisconsin who are working to end sexual violence. For information sheets on additional topics or for membership information, contact WCASA, 1051 Williamson St., Madison, WI 53703-3525 (608) 257-1516. For more information about sexual assault or to receive support around a sexual assault experience, contact your local rape crisis program.