

**POLICIES AND PROCEDURES IN THE
ST. BARBARA PROVINCE ON
REPORTING KNOWN OR SUSPECTED INSTANCES OF CHILD ABUSE**

BACKGROUND INFORMATION

California's statute with respect to reporting suspected child abuse is strict and detailed. The goal of this statute requires that such reporting be made quickly. The statutory guidelines are clear. This statute mandates that employers inform employees hired after January 1, 1985, of the child-abuse reporting statute.

In the State of California, child abuse is the abuse of anyone, male or female, under the age of eighteen (18).

In the following pages, the term "employee" means both those who receive compensation and those who volunteer their services at one of our Franciscan institutions.

The lawyers of the Province have recommended that we, as a Province:

- A. Adopt a policy on reporting such instances;
- B. Develop a procedure for such reporting;
- C. Recommend that Friars in ministerial leadership roles inform all employees of the current law.

Province policy on this matter, then, is (as far as California is concerned), no more than a restatement of California law.

WHO ARE AFFECTED BY THIS STATUTE?

Friars and those working in our parishes, retreat centers, and other apostolic works, who observe or learn from a child that he or she has been a victim of child abuse are affected by this statute. The law envisions primarily those who are child-care custodians, medical practitioners, but also non-medical practitioners are included.

"Non-medical practitioners means...a marriage, family, or child counselor; or a religious practitioner who diagnoses, examines or treats children." (Cal. Penal Code, 11165)

Many friars and employees of our Franciscan apostolates might be considered "non-medical practitioners". Moreover, in the case of *People vs. Younghanz* it was stated: "The statute imposes a duty to report on a very large group of people." The law, then, embraces a wide group of people.

Since our Friars and those whom we hire in our parishes, retreat centers and other apostolates do have contact with children (minors), we could easily be held by this law to report cases of suspected or known child abuse. One need not have a license for counseling; one would be under the definition of the law by the de facto act of counseling.

Moreover, if any of our Friars or those in our employ are licensed to practice as social workers, psychologists, psychiatrists, marriage, family, or child counselors or any other position which requires a license from the State, they are also within the scope of the reporting requirements.

Friars and other employees of a Franciscan apostolate who serve as teachers in private Catholic schools, or as school principals, or as counselors are within the definition of "child care custodians." The statute covers both the teacher and the care taker, as well as the administrative officer and supervisor. Friars who are pastors or directors of a retreat center or administrators of some other Franciscan apostolate might, therefore, be included under this aspect of the law.

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Friars and others who are in a supervisory position and who learn of suspected child abuse not directly from the minor would also be held to make a report if they have reasonable suspicion of child abuse as defined by California State Law as described below.

We also have the obligation to inform all professional staff who are in our employ since January 1, 1985. These people must sign a statement indicating that he or she has knowledge of the reporting provisions, the standard for reasonable suspicion, and will comply with the requirements. The signed statements are to be retained by the employer (i.e., at the local level).

Employees who are "support staff or maintenance staff and who do not work with, observe, or have knowledge of children as part of their official duties" are not included in this statute [Cal. Penal Code 11166.5 (a)]. For the most part, then, cooks, maintenance people, gardeners, etc., are not affected.

In our parishes, retreat centers and other apostolates, friars, too, should sign such a statement, which should also be kept on file by the employer (pastor, retreat director, etc.).

We would recommend that even those who may have been hired prior to January 1, 1985, sign such statements. This would apply to friar and non-friar alike.

WHAT IS A REASONABLE SUSPICION OF CHILD ABUSE?

The reporting duty is triggered when a friar or other employee of the friars "knows or reasonably suspects" a case of child abuse. The legal standard of "reasonable suspicion" reads as follows:

"that it is objectively reasonable for a person to entertain such a suspicion, based on facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse." [Cal. Penal Code, 11166 (a)]

Child abuse can be known or suspected by the behavior of the child through signs of emotional distress, or through direct communication. Child abuse can be known through other channels as well.

The law focuses on "reasonable suspicion." The law also favors the child. As a result, even though there might not be certainty as to child abuse, if there is a reasonable suspicion, child abuse must be reported. Failure to report can result in a possible legal suit against the Province and/or against the person involved.

It should be noted that:

- (a) if a suspected child abuse situation is reported, the one suspected of such child abuse will indeed suffer as also perhaps the institution to which he or she belongs.
The law favors the child. Concern for the reputation of an individual or an institution is, in the eyes of this law, completely secondary. The position of the child must be favored over the reputation of the suspected person involved or the institution (parish, retreat center, etc.).
- (b) if a suspected child abuse situation is not reported, the individual failing to report is liable to possible legal suit, and, in certain cases, the institution (parish, retreat center, even province) would most probably be included in the legal suit.

If several people in our employ notice the same instance of suspected or known child abuse and are aware that the others have reached a similar conclusion, only one such person needs to make the report.

Even with the above description of "reasonable suspicion" of child abuse, some doubts might remain. Advice should be sought in such matters from people who have experience in this regard. In determining whether to report a situation or not, it should be recalled that the law will always favor the child and negligence in reporting might be construed as a criminal act. However, witch-hunting is also not the intent of the law.

WHEN MUST THE REPORT BE MADE?

If the accusation has met the legal standard defined above, a friar or other employee has the duty to report immediately to the child protective agency. The child protective agency will then pursue its own investigation procedures and determine the accuracy of such an accusation. To delay reporting under these circumstances would be a violation of California State law, which could then be punished as a misdemeanor.

The province, parish, retreat center, etc. is not allowed to make an internal, preliminary investigation first before the individual contacts the local child protective agency. Rather, the reporting to the child protection agency must be made first.

"However, internal procedures to facilitate reporting and appraise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article." [Cal. Penal Code, 11166 (f)]

The individual is required to report known or suspected instances of child abuse "immediately or as soon as possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident." [Cal. Penal Code, 11166; emphasis added by the Province lawyer]

Such reporting is to be made to the Child Protective Agency. If the telephone of this agency is not known, one can simply call the local police department.

The reporting requirements are individual and cannot be fulfilled by reporting to one's superior.

Indeed, the statute expressly prohibits a supervisor from impeding or interfering with an employee's reporting duties.

"The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanctions for making the report.
[Cal Penal Code, 11166 (f)]

INTERNAL REPORTS CONCERNING ALLEGATIONS OF CHILD ABUSE

If the province itself, or the parish, or the retreat center, or other Franciscan apostolate arranges for an internal investigation, such internal reports may be subject to court subpoenas or other discovery in a subsequent criminal or civil proceeding. This possibility should be made clear to all those who take part in any internal review and reporting.

LIABILITY

Not only is the person alleged to have committed child abuse subject to investigation, and if the suspicion seems verified, subject to possible criminal charges, but the institution itself might also come under "vicarious liability". This means that the parish, the retreat center, another Franciscan apostolate and even the Province as such might be liable to suit, if the administrators of any of these institutions: (a) have deliberately delayed or prevented such reporting, or (b) have not

adequately advised all employees of this California statute, or (c) have negatively sanctioned any employee who has made such a reporting.

This policy is in no way meant to be construed as either supplanting California State Law or as impeding and inhibiting the obligation of individuals to report child abuse cases.

This Province Policy serves as the statement required by the California Penal Code 1116.5 (a)

(April 1988)

[The following would be typed on a separate page and serve as the document set by the California Penal Code on this matter of child abuse and notification of employees.

AFFIDAVIT

I have read the St. Barbara Province policy statement on child abuse, and I understand the reporting provisions, the standard for reasonable suspicion as described, and hereby state that I will comply with the requirements.

Signed

Date

OPERATING POLICIES AND PROCEDURES IN
THE ST. BARBARA PROVINCE
FOR FRIAR CONDUCT

"Wherever they may be, (the Friars) can and must have recourse to their ministers. On their part, the ministers are able to welcome them with great love and kindness, and be so approachable toward them that these friars may speak with them and act as masters deal with servants." [Rule of St. Francis, Chapter 10]

In recent times there have arisen not infrequently accusations against members of religious communities, and at time members themselves have made self-accusations, regarding misconduct in their ministry or even in their general behavior. The following procedures have been developed by the province for dealing with such accusations.

As an operating premise the province will use a pastoral approach as mandated for us by our founder, St. Francis. This means that we will act out of pastoral concern for both the friar and for anyone who may have been injured by the alleged behavior of a friar.

The possible failures in behavior may be very broad. Every circumstance is different. Our province lawyer has advised us against trying to develop a detailed policy to deal with every case. Nevertheless, the provincial council has felt it helpful to provide some guidelines when these accusations arise either from the friars themselves or from others.

- I. The provincial administration has established a team that will operate when such accusations arise. This team consists of the provincial minister and two friars knowledgeable about the province, its policies, its insurance, finances, and other resources. This team shall have access to legal and financial consultation.
- II. The team will consider the following in addressing particular accusations of misconduct:
 - (1) After considering the accusation and consulting with the friar, the team will take any steps necessary for the protection of the possible victim. The friar may be put on administrative leave from his assignment and/or moved from the immediate area. If for significant reasons, he remains in the same location, appropriate guarantees must be made that the suspected behavior cannot continue.
 - (2) Should the particular behavior involve child abuse, the team will ascertain that the appropriate reporting has been made according to state child abuse laws. (Cf. Province Policy: "Reporting Known or Suspected Instances of Child Abuse," p. 4)
 - (3) The team will consider the appropriate pastoral response to any alleged victim of the behavior of the friar. They will determine those to approach the possible victim, the family, the others involved. Where appropriate they will offer whatever assistance that might be helpful.
 - (4) While careful to avoid any interference in the legal process, the team will inquire as to the circumstance of the charges, ascertain if there are other possible victims, and to the best of their ability attempt to discover what is the nature of the problem of the friar; and if the charges seem to be validated, how may the problem be addressed. In every case the mandate of St. Francis will be followed; the friar will be treated as a brother with love, compassion, and dignity. At the same time diligent care will be taken that the behavior is not left undressed.
 - (5) If there seems to be a basis for the accusations, the team will arrange for appropriate psychological evaluation. Normally the recommendations of the evaluation will be followed regarding treatment, limitations on ministry, and other considerations of the friar.

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Date:	2-10-06
Reporter:	Lucy Carrillo-Grubbs, CSR 6766

- (6) Following the treatment program or other appropriate measures to address the behavior, the team will recommend to the provincial council whether reassignment is appropriate, and if so what kind of assignment should be made, any possible restrictions that might apply, and any followup program that is prescribed. Normally this will be on the recommendation of those responsible for the treatment program. Spiritual direction will be part of this program.
- (7) During all this the team will consult with legal counsel wherever necessary. If there is a matter of a criminal charge, legal counsel shall be obtained for the accused friar independent of province legal counsel.
- (8) At the appropriate time the team will see to it that the insurance company is notified. It should be noted that where liability coverage is applicable, we will work with the insurance carriers to appoint legal representatives.
- (9) Wherever possible the team will keep the knowledge of accusations on a "need to know" basis. This may involve the provincial council, also the superior, formation director, or the person responsible for the ministries in the situation. The intent here is not to cover up the behavior but to protect the friar and the other party or parties involved until any formal charges are filed, or indeed in case the allegations not be substantiated.
- (10) The provincial minister and the team he appoints shall supervise long term care and follow up programs resulting from evaluations and treatment. They shall see to it that appropriate superiors and supervisors are informed on the basis of "need to know". They will also do all they can to support the friar in the period of recovery.
- (11) These policies shall be promulgated to all the friars of the province.

(April 22, 1988)

Report to [REDACTED], Min. Prov.
Regarding initial interview with Mario Cimmarusti, OFM
August 28, 1990 at Delano by [REDACTED].

[REDACTED] was informed by a woman of the parish that certain rumors were going around connected with migrant farmworkers (adult males -- over 21 years of age) who ate and, at times, showered at the Franciscan house.

People interviewed: [REDACTED], Elva M., Sister Guadalupe, Tom Hernandez, Pedro U., and Mario C.

1. [REDACTED] interviewed [REDACTED] in Fresno. According to [REDACTED] the parishioners were upset that Mario spent so much time feeding the men. They felt that he neglected them and did not attend their parish meetings because he was so busy taking care of the migrants. He heard nothing of the "shower issue" or any kind of sexual overtones.

2. [REDACTED] interviewed Elva M. who brought the issue to his attention in the first place. She overheard the men while eating commenting on the fact of the showers in the house. She also claimed that members of the youth club would hear the migrants joke about the showers while they were working the fields.

Elva mentioned that perhaps, at times, Mario may have been checking the men for VD.

3. [REDACTED] interviewed Sister Guadalupe. Sister G. had heard stories of showers from the youth of the parish and 2 men actually came to her and stated that Mario had dried them off. (One, while he was being dried off, heard a click -- "like a camera"... but saw nothing.) This apparently gave rise to the "picture taking rumor".

Sister G. and Elva asked Mario if he had taken pictures and he denied it.

4. [REDACTED] interviewed Tom Hernandez, an active parishioner. Tom H. stated that there were stories going around, apparently all hear-say, it was hard to say just how wide spread.

5. Pedro U., interviewed by [REDACTED], stated that he had heard the stories (from a handful of people) and he was not aware of any wrong doing on the part of Mario.

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6. [redacted] and [redacted] interviewed Mario C. on the 28th. Very pointed questions were asked about the showering and the picture-taking rumor. Mario stated that showers were taken but denied any type of wrong doing. He also stated that he did not practice medicine there. (He did admit that he performed some "over-the-counter" remedies.)

We told him there must be no more showers in the house.

SUMMARY AND RECOMMENDATION:

Those interviewed expressed that they were sure the men were not minors but adults over 21.

The stories seemed to have arisen from joking remarks made by some of the men who ate at the house.

Elva and the sister have stated that they will inform [redacted] should anything new occur or should there be any showers in the house.

As far as can be determined the sexual information seems to be hear-say.

We recommend that the Provincial write (or give [redacted] and [redacted] or someone else permission to write) Mario and state that because of the gossip:

1. No more showers should be given in the house nor in the hall. NO SHOWERS AT ALL.

2. Lay people should be trained to work with Mario and eventually take over the feeding of the poor -- in the hall.

3. There can be no practice of medicine whatsoever -- not even over-the-counter remedies.

Most of the information was gathered by [redacted] in Delano.



FILE

Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (415)536-3722 Fax (415)536-3970

Mario Cimarrusti, OFM
Our Lady of Guadalupe Church
1015 Clinton St.
Delano, CA 93215

April 4, 1991

Dear Mario:

Peace and all good!

I hope that things are going very well with you. Thanks so much for your hard work there in Delano.

Enclosed please find a letter of obedience naming you as Vicar of our Lady of Guadalupe, Delano. As you know, this is an associate friary of Mt. Carmel, Fresno. The appointment has been reaffirmed by the capitular meeting.

May God bless you, Mario. Please remember me in your prayers.

Fraternally,



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FRANCIS AND FRIARS PROVINCE OF SAINT BARBARA

April 4, 1991
(date)

To Mario Cimarrusti, OFM

From [REDACTED], OFM

Provincial Minister

After prayer and consultation, and considering the many needs of the people to whom we minister, I am formally requesting that you accept a change of assignment from [REDACTED] to Vicar, Our Lady of Guadalupe, Delapo

For the convenience of all concerned, I ask that this change of assignment become effective immediately (date).

As a sign of your acceptance, please sign below and return to the Provincial Office.

N. B. Sign and mail back immediately upon receipt.

Fraternally, [REDACTED], OFM, Provincial Minister.

~To the Provincial Minister:

In accordance with the promises I have made to the Lord and to our Brotherhood, I accept this new assignment.

Mario Cimarrusti
(signature)

May 18, 1991
(date)

FRANCISCAN FRIARS
PROVINCE OF SAINT BARBARA

June 5, 1992

Dear Mario

Peace. Happy Pentecost. I hope you are doing well.

I am off to Europe for about two weeks but will return on June 25th. I would appreciate it if you could make an appointment to see me in Oakland June 30 or July 1st. The matter is quite serious and I need to speak with you in private.

I have spoken with Fr. [redacted] about the issues, so perhaps in the meantime you can discuss with him.

I will see you soon.

Fraternally

[redacted]

EXHIBIT/PLTF EXHIBIT 5
Witness: [redacted]
Date: 2-10-06
Reporter: Lucy Carrillo-Grubbs, CSR 6766

Regional Minister (415) 534-3722
Regional Office (415) 534-1266

1500 University Avenue
Oakland CA 94612



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Rev. Mario Cimarrusti, OFM
Our Lady of Guadalupe
1015 Clinton St.
Delano, California 93215

July 8, 1992

Dear Mario

Peace.

First, I would like to thank you very much for coming up to Oakland to see me, and also for your openness and obvious thoughtfulness of me. I sincerely appreciate it; and hope that I might always be supportive of you. I know the past month has been very difficult for you, but please be assured of my continued support and prayers.

Yesterday, in order to respect your confidentiality and expressed wishes, I met with a team of several friars who had already been aware of the situation: Fr. [redacted], Warren, [redacted], and myself. This is in accordance with the province handbook, and we will keep the information to ourselves. Out of this meeting, and after discussing the need for a change at Delano with the definitorium, I have decided the following:

1) I want to say very clearly how much you meant to the fraternity, both to me personally and to so many of the friars. You are a good friar and an excellent minister/pastor. I have heard outstanding things about your ministry in Delano. There is no question in my mind about any of this, and our own conversation last week simply confirmed my respect for you.

2) I certainly agree that at this time a change is necessary and we need to look towards a fuller community life and a situation in which you can feel support and a relative ease. We both see the need for a change at Delano. I have asked Father [redacted] to take over the responsibilities of pastor at Delano as of mid-August (August 15th or so, as arranged). This will certainly give you and the parish time for a smooth transition.

3) Before considering final placement for yourself (as you know, we discussed San Miguel because of the community situation and the ministerial needs, in which you would be most valuable), I would like you to take this opportunity to have a psychological evaluation, out of which we will receive some recommendation as to a future course of action. I imagine this will involve community life, spiritual direction, active ministry, some continued counselling

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Witness: [redacted]
Date: 2-10-92
Reporter: Lucy Carrillo-Grubbs, CSR 6766

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and group work. I have asked Father [REDACTED] in conjunction with Father Warren to help with the arrangements for the evaluation. Future placement is contingent upon this and some active program of aftercare. The evaluation should occur as soon as possible.

4) Upon receiving the evaluation, then you and I can discuss the best placement possible.

I know that this course of action involves some difficulty for you, Mario. And I am sorry that it must be this way. On the other hand, I want to offer you encouragement and as much support as possible. I see this as a real opportunity for all of us; and I am very desirous that we set up the best possible situation for future community life and ministry. My own experience and difficulties tell me that to deal creatively with these tensions of life, all of us need the support of others; the more we place it in the context of brothers who care, the more easily we can turn what is difficult into a life-giving experience. I am only grateful that you have not just brothers who care, but brothers who love you. I see and know this for myself.

I am asking [REDACTED] to deliver this letter; I know that he can continue to be a support to you. I wish I would be able to do this myself, and I come to you now through him simply because I know he can be a more constant help and companion.

God bless you, Mario.

Fraternally

[REDACTED], OFM
Provincial Minister

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CONFIDENTIAL


Mario Cimmarusti

September, 1992

Mario will begin moving his things to San Miguel. He left Delano with no scandal. He may not engage in any ministry at San Miguel until faculties have been obtained from the Bishop of Monterey.

Mario will work out arrangements for beginning his treatment with a doctor in LA.

He also understands that his ministry in San Miguel will be done under restrictions placed on him by the Provincial as recommended by the therapist.

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Witness:	
Date:	<u>2-10-06</u>
Reporter: Lucy Carrillo-Grubbs, CSR 6766	

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Mario

Memo to Joe Chinnici, OFM, Min. Prov.
From [redacted]
Regarding Mario C. July 18, 1992

I just got back from helping Mario. It's Saturday -- 11:00 p.m. I want to report on the future visit to the Doctor.

On July 29, at 7:00 am., we plan to be in LA for Mario's evaluation with Dr. Frank Clayman-Cook, 9535 Wilshire Blvd. #444, 90212. The phone number is: (213) 658-4330.

The evaluation will last all day the 29th, half day the 30th and the 31st.

Mario announced in the bulletin that he would be changed around the middle of August. I told him to say that he would be going to San Miguel. (He needed a terminus ad quem and I told him to use San Miguel. I hope this was OK with you.)

We are offering him help on the weekends. He wants to go to Marco Antonio's diaconate ordination (He's a padrino.) so far I haven't found anyone for that Saturday. I'll take Sunday, but I have a wedding in Fresno on Saturday.

Hope things are OK with you.

Fraternally,

[redacted signature]

DEPT/PLTF EXHIBIT	8
Witness:	[redacted]
Date:	2-10-06
Reporter: Lucy Carrillo-Grubbs, CSA 6766	



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Rev. Mario Cimarrusti, OFM
Old Mission San Miguel
Box 69
San Miguel, California 93451

October 5, 1992

Dear Father Mario

Peace and good. I want to thank you very much for your patience and understanding during the past few months. I know that it has been a very difficult period for you. I have tried my best to expedite matters.

The process of granting faculties in the Diocese of Monterey is almost complete. We have sent the memorandum of understanding to the diocese stating that should any recurrence leading to litigation occur, they will be reviewing that in the near future. If the diocese grants faculties they will notify us (and probably yourself directly). Until official notification arrives, you may not engage in any public ministry. You may celebrate the conventual eucharist which takes place in the friar's chapel.

As to public ministry, for the first six months I am placing you under obedience to operate under the following restrictions:

- 1) You must engage in the counselling sessions on a weekly basis which have been arranged between yourself and Dr. Frank L. Clayman-Cook. It is my understanding that this will require a weekly trip to Los Angeles, group work and individual sessions with the therapist.
- 2) You must engage in spiritual direction on a twice monthly basis. Please notify me as to your chosen spiritual director.
- 3) You must refrain from counselling of any kind in the context of your ministry at San Miguel.
- 4) You may not engage in sacramental ministry outside of the mission church at San Miguel. I do not think it is wise to make yourself available at this time for work at San Ardo, Bradley, or any of the others missions associated with our apostolate at San Miguel.

I have discussed these arrangements orally with Father [redacted] and Father [redacted]. Father [redacted] has agreed to monitor the program.

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Witness:	[redacted]
Date:	2-10-96
Reporter:	Lucy Carrillo-Gruibbs, CSR 6766

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Mario Cimmarusti, OFM

I know, Mario, that at first sight these restrictions may appear very difficult. However, I hope that after six months we can in cooperation with the therapist review them and reevaluate their necessity. It is important for us at this time to act in this way.

There is incredible opportunity for ministry at San Miguel, and in speaking with Father [REDACTED] I became even more confident that this is a fine place for you to be. I know that you will be of tremendous help. I want to encourage you as much as possible and assure you of my support and prayers. I am very happy that we can work this out. I look forward to speaking with you.

Thank you for your courage, dedication as a friar, and patience. You are a good man and a valued member of the province.

God bless you.

Fraternally

[REDACTED]
[REDACTED], OFM
Provincial Minister

cc. Dr. Frank Clayman-Cook
Rev. [REDACTED], OFM
Rev. [REDACTED], OFM
Most Rev. Sylvester Ryan, D.D.
Rev. [REDACTED], OFM



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Most Rev. Sylvester D. Ryan, D.D.
Bishop of Monterey
580 Fremont St.
POB 2048
Monterey, California 93942

October 5, 1992

Dear Bishop Ryan

Peace and good.

I want to thank you very much for considering granting faculties to Rev. Mario Cimarrusti, O.F.M., a priest of the Province of Saint Barbara. Through Father Charles Fatoo as your representative we have been able to work out the proper forms which you have requested. I hope that this is sufficient.

The draft which you sent us of a "memorandum of understanding" has been reviewed by our province lawyer, and after some changes, we are submitting the enclosed for your approval. Also, please find enclosed a certificate of insurance naming as additional insured the Roman Catholic Bishop of the Diocese of Monterey.

Lastly, Father Mario will be placed on a rigorous counselling schedule, and for the first six months at least, will be restricted by us in his ministry. It is my hope that this can be evaluated in the future. We do not expect any difficulty, and the possibility of any litigation is very remote, but we believe all of this action certainly indicates both your's and our own prudential and cautious approach to any matters of this kind. I enclose a copy of the conditions which I have placed on Father Mario.

Thank you very much for your consideration.

Sincerely in Christ,

Rev. [REDACTED], OFM
Provincial Minister

DEET/PLTF EXHIBIT 10
Witness [REDACTED]
Date: 2-10-06
Reporter: Lucy Carrillo-Grubbs, CSR 6766

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[REDACTED]
November 9, 1992
Ded. S. John Lateran

Very Reverend [REDACTED], O.F.M.
Franciscan Province of Saint Barbara
1500 24th Avenue
Oakland, CA 94601-3091

Dear Father [REDACTED]:

I honor the memory of Father Finbar and I thank you for your kind words when he died. Your generosity of spirit to the alumni of Saint Anthony's Seminary is also appreciated.

My purpose in writing to you now is, unfortunately, to confront a very old and painful issue to all concerned; the sexual and physical abuse of seminarians of Saint Anthony's Seminary by Franciscans. I did not feel that I could discuss this matter with Father Finbar.

I allege that Father Mario Cimmarusti did commit the following acts from September of 1966 to June of 1968:

1. Handle my genitalia upon many occasions for the purpose of "medical examinations". Father Mario held no medical degrees or licenses at the time.
2. Order my entire class to strip down to underwear and proceed to the English classroom to take a Sacred Doctrine examination dealing with sex education. The entire class was being punished for cheating that was carried out by a minority of the class during a Spanish quarter examination. I did not cheat.
3. Handle the genitalia of at least one other member of my class for "medical purposes". I am a witness and I know the name of the student.
4. Apply corporal punishment to the buttocks of at least one member of my class until the entire five-finger impression of Father Mario's hand could be seen in the black and blue of internal bleeding on his buttocks. I am in constant contact with this alleged victim whose allegations may also include a canon law violation.

1.

DEPT/PLTF EXHIBIT 11
Witness: [REDACTED] (3)
Date: 2-10-06
Reporter: Lucy Carrillo-Grubbs, CSH 6766

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In 1982, I spent one calendar year in therapy under the care of a California licensed clinical psychologist. The allegations listed above are the results of that therapy. The therapist's official log and diagnosis are, of course, available for review by civil and ecclesial courts of law.

My wife and I visited Father [REDACTED] when he was the Provincial to discuss these matters. He told us that Father Mario had committed similar acts against people in Guaymas, Sonora, Mexico, while he was in charge of a medical dispensary. Only action by the Province prevented Father Mario's prosecution by Mexican authorities.

Father [REDACTED] then assured us that Father Mario had been placed upon permanent disciplinary assignment and that he would never again be placed in a position where he could sexually abuse other people.

We visited Father Mario where he had been "buried" in Stockton, California. We entered the Friary of Saint Mary of the Assumption and confronted Father Mario with what has been alleged earlier. He hurled argumenta ad hominem at me and ordered us to leave the friary.

We let the issue drop.

During the past ten years. I had the extreme misfortune of having a pastor convicted of sexual abuse with minors while I was a member of the parish council. What we discovered was that this priest had been moved from parish to parish because he was a "problem" to the various diocesan authorities. The court finally discovered a long and lurid history of sexual abuse that wound its way from San Diego to Santa Rosa over a period of over a decade. Alter boys were abused and clients in personal counseling were abused. The exact details are disgusting.

All of the people who kept silence when they knew about this man's acts only helped to perpetuate a serious evil upon innocent people. What I would like to know, Father [REDACTED], is whether Father [REDACTED] told you about Father Mario when you succeeded him as Provincial?

We felt particularly betrayed by the Franciscan hierarchy when we learned that Father Mario had been assigned as pastor of a parish in Delano, Kern County, California. The assignment is clearly wrong.

We have recently learned of the legal actions now pending against friars of this Province, Fathers van Handle and Wolf. Although of greater antiquity, my sufferings at the hands of Father Mario are no less powerful today. My suffering is not the major concern; it is getting Father Mario out of a position where he can commit sexual assault upon others. This is the moral imperative that requires me to act.

You are the Provincial Minister; you have a grave moral responsibility. We want no more failure to take action. Sexual offenders do not become cured; they go into remission, but they strike again. Your duty regarding Father Mario is clear.

Our fervent hope is that you will take a proactive approach and help us. We want to meet with you. We will come to Oakland or you may meet with us here.

My mother is especially distressed to hear of these allegations against Fathers Mario, van Handle and Wolf. You will be hearing from her soon. Above all, a serious bond of parental trust has been broken. Do not be alarmed about anything I can do to make things difficult; be concerned about what to say to my mother.

There is a story told about Francis when he was seeking approval for his friars as an Order in the Church. Pope Innocent dismissed Francis from the court because, unlike everyone else in the room, Francis was not operating from a position of "power". The night after Francis was dismissed from the papal court, the pontiff had a dream. In this dream the Cathedral Church of Saint John Lateran was seen to be leaning and falling down. The pope swiftly approved the creation of the Order of Friars Minor.

Loose plaster and falling bricks are the least of our worries, Father Joseph; what really tears down our Church is moral degradation from within. Today is the feast of the Dedication of the Cathedral Church of Saint John Lateran. We just wanted you to know.

Sincerely yours,





Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Most Rev. Sylvester D. Ryan
Bishop of Monterey
580 Fremont St.
Monterey, California 93942

November 20, 1992

Dear Bishop Ryan

Happy Thanksgiving.

I am very appreciative of the arrangement which we have been able to work out with respect to Father Mario Cimarrusti, OFM. Unfortunately, I must bring to your attention a new allegation that he inappropriately touched a minor while he was stationed at our minor seminary in Santa Barbara 1966-1968. We are currently investigating the allegations. I had no evidence before this time that Mario's activity had extended to minors, but I have to check this out more thoroughly now with Father [REDACTED], my predecessor as provincial.

We have placed Mario on indefinite administrative leave. I have given him permission to celebrate mass for the local community at San Miguel (i.e. the religious community) but he is not to engage in any pastoral responsibilities amongst the people. He is to continue his therapeutic work.

How long this will last at this time, I do not know. Before any other arrangements will be made, I will certainly review his situation with yourself or Father Fatoo and await your counsel. If you are dissatisfied with the present arrangement of administrative leave, please don't hesitate to say so. We are trying to act in the best interests of the Church.

Well, on we go.

God bless you. Sincerely in Christ

Rev. [REDACTED]
Provincial Minister

DEPT/PLTE EXHIBIT 12
Witness: [REDACTED]
Date: 11-10-92
Reporter: Lucy Carrillo-Grubbs CSR 6766

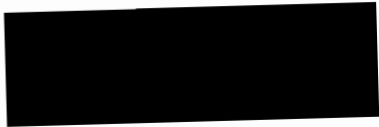
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Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970



December 11, 1992

Dear Mrs. [REDACTED]

May the Lord give you peace.

I have read your letter to me of November 27th with great sadness and feeling for all that has transpired to your son, yourself, indeed your whole family. I find myself very inadequate in response, not for lack of feeling but for lack of words. Your own letter is testimony enough to the suffering involved, its implications and long history. I am deeply sorry and apologetic.

Of course, that hardly takes away any pain; it doesn't even begin to address it. I find especially painful your description of the deteriorating relationship between your son and husband, the fear and loneliness and mourning for yourself. And it has even influenced your relationship with your grandson. I am glad that you have been able to share some of this with me: I do want to hear it and try to respond as best I might. In your own way, your letter changes me and then I can try to act in the best way possible to see that this never happens again. I will do my best.

This Sunday I have an appointment with [REDACTED] and his wife. Would you like to speak with me personally? Also, we do have one friar who is quite knowledgeable about these situations, and if you would like to speak with him I can try to arrange it. I want to do what I can.

Certainly when you send a son to the seminary you give him over in all good faith to our care; I am so sorry for the deep injury. Here is a landscape of mourning in so many ways. But your letter to me in its honesty is also light in the dark and green in the desert. I thank you for that expression. You are a very good woman; and mother; and Christian.

Please be assured of my continued concern, and always, prayers.

Sincerely
[REDACTED]

DEPT/PLTF EXHIBIT 13
Witness: [REDACTED]
Date: 2-10-06
Reporter: Lucy Carrillo-Grubbs, CSR 5786

FF-CIMM
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Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

Robert Van Handel, OFM
St. Francis Retreat Center
Box 1070
San Juan Bautista
California 95045

November 21, 1993

██████████ v. Van
Handel
Docs Produced By
Franciscans
Vol. 1

Dear Robert

Peace. I hope you are well; please be assured always of my love and support.

As you know, the Santa Barbara situation is fast coming to a close. With this letter I would like to bring you up to date on happenings.

The Board of Inquiry has issued two reports: an Internal Administrative Report to me which contains all the pertinent information and details of the allegations; a public report which will be presented to the public (whoever comes) on Monday evening, November 29th, at the Goleta Valley Community Center in Santa Barbara. The public report is ~~about eighty pages~~ long, and it does contain a section listing the number of friars reported (12), the number of victims (35), and a description of the behavior involved. No names are used.

There is also a series of five composite portraits (sort of like case studies) of the types of abuse that occurred. This is followed by a description of the impact of the actions on the victims. There is a brief description of the actions the fraternity and the provincial minister have taken with respect to the friars reported. This is generic and I do not think anyone will be able to identify the individual friars from what has been said. With respect to yourself, the text reads, "Two friars have been completely removed from ministry and are currently enrolled in sexual offender treatment programs known to be rigorous. They are forbidden contact with minors, required to participate in therapy, and have a local monitor."

The report concludes with some recommendations to the fraternity, the laity, and the administration. Overall, it is a good document, but parts of the text are very difficult to read, very explicit and jarring. Many of us have worked long and hard to get it in this shape and to protect as much as possible the good name of the fraternity and the identity and dignity of the friars involved.

DEPT/PLTF EXHIBIT 14
Witness: ██████████ ②
Date: 2-10-04

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Given the circumstances, we have done the best we could.

As you know, your name has been publicly identified in the papers, and I have no idea how much further exposure will be given. I think we have taken all the best steps to move the situation forward, and I am deeply grateful for your cooperation. Certainly, under no circumstances should you return to Santa Barbara County at this time. Probably, if the people ask there about your disposition explicitly, I will give them as much information as is warranted. I am grateful for your release in this area. I want so much to treat you with the respect and dignity you deserve. We know that this has happened, Robert; but I also know, that there is so much more to you than this--and you are good.

I know that the press will be present when the report is released; this event will probably be covered on local tv, the newspaper, possibly the LA Times, and the National Catholic Reporter. We have little control over what will be reported. It is my hope that they will indicate how well the friars have responded: the fraternity in helping the victims and friars, the composition and establishment of the Board, the willingness to be honest about this problem in our midst, the adoption of a continuing mechanism for addressing this problem, the cooperation of the friars who have been reported, etc. But, I do not know that these positive notes will be reported in the press. I do think that all of us, including yourself, can say that we did the best we could and acted in the best Christian and Franciscan way.

Thanks, Robert. Let us remember each other in prayers.

Faternally,


, OFM
Provincial Minister



Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970

August 24, 1995

Most Rev. Norman F. McFarland, DD, JCD
Marywood Center
2811 E. Villa Real Drive
Orange, CA 92667

COPY

Dar Bishop McFarland,

Thank you very much for meeting with me and Father Gus Krumm this morning. I appreciate your openness, courtesy and respect. I want to assure you of our full cooperation and respect for your position.

Enclosed please find the confidential report which I received from the Board of Inquiry for St. Anthony Seminary in November, 1993. These materials were given only to me. Another sanitized version, so as to keep the identities of everyone confidential, was presented to the public.

These two pages contains all the information I have with respect to the allegations made about Father Gus Krumm. I believe the description is along the lines of what we narrated to you this morning. I myself have had no contact with the victim.

Let me make the following points with respect to the information on these pages:

1. As you can see the student initiated the first contact by complaining about a "moderate stomach ache". This confirms, certainly, the context which Father Gus Krumm explained to you in our interview. In interviewing Father Gus I did not find that he remembered anything beyond this initial contact. The simple reality is that at a distance of 15 years, no one is in a position to determine with complete accuracy what occurred or did not occur, much less the feeling and intentions of anyone involved.
2. For myself, I was very aware that neither the first allegation nor the reference to the "full body massage" contained allegations implying sexual abuse of a minor. Both are more correctly described as inappropriate conduct. The incidents mentioned in this report are of a quality and nature substantially different than any of those alleged against the other offenders at St. Anthony's Seminary.
3. My own determination, as I indicated to you, was based on the following: the recognition that the report to me did not contain allegations of sexual abuse of minors; an extensive interview with Father Gus Krumm himself; a talk with the friar who was Rector of the seminary at the time and who had been the principal person evaluating and investigating the incident when it first occurred; an evaluation which determined that the incident in question was not substantial; and psycho-sexual evaluations done by at least two professionals, highly competent in this field, which determined that Father Gus Krumm posed no risk for sexual acting out with minors from a psycho-sexual point of view. Based on all this information, I myself determined that Father Gus Krumm was

DEST/PLTF EXHIBIT 15
Witness: [REDACTED] (2)
Date: 2-10-06
Reporter: Lucy Carrillo-Grubbs. CSR 8766

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and continues to be competent and responsible in his ministry and does not pose a risk for engaging in scandalous or inappropriate behavior.

4. In addition to this information, I know of no direct allegations of any other kind which have been made against Father Gus. Indeed, his personnel record and witness in ministry move in precisely the opposite direction. He is a good friar, a prayerful man, lives well in community and has been outstanding in his pastoral work. I believe that the people to whom he has ministered, and the friars with whom he has lived will testify to this.
5. When this situation first came to my attention, Father [REDACTED] was pastor at Sts. Simon and Jude and he was informed of the situation. Father [REDACTED] who succeeded Father [REDACTED] is also aware of it. In addition, the local Guardian, Father [REDACTED] has knowledge of Father Gus' situation.

I appreciate your sensitivity and honesty in dealing with this situation and I would hope that Father Gus Krumm can continue to minister in an outstanding way in the Church. Certainly I am very comfortable in justice defending Father Gus' reputation as a Franciscan friar and priest. If anything should come to your attention from an outside source (which eventuality I don't honestly know will happen or not) you may refer the matter to me and indicate that I have testified to Father Gus Krumm's fitness for ministry and that you have simply acted on my recommendations. However, I know that as the chief pastor of the local Church, you have your own responsibilities and I would be willing to cooperate with you should you wish to handle this matter in another appropriate way.

If you have any further questions, please feel free to call me and/or certainly to talk with Father Gus. We have very much appreciated your understanding.

Sincerely yours in Christ,

[REDACTED], OFM
Provincial Minister

enclosure IRT Report pages

copy Gus Krumm, OFM

December 26, 1992
Feast of Saint Stephen

[REDACTED]

Very [REDACTED] [REDACTED], O.F.M.
Franciscan Province of Saint Barbara
1500 24th Avenue
Oakland, CA 94601-3091

Dear Father [REDACTED],

I will open this letter by remembering in honor and prayer the memory of Father Conrad Weir, O.F.M.. In 1965, he saw a young man's vocation and inspired him at the crossroads of youth.

My reason in writing to you now is to tell what happened to this young man's vocation during the next six years of his association with the Franciscan Province of Saint Barbara.

I attended Saint Anthony's Seminary from August 1966 and graduated with the Class of 1970.

Considering recent revelations of sexual abuse occurring at Saint Anthony's Seminary by Franciscans, I must inform you that these alleged acts do not surprise me. They are the result of a disease whose symptoms the Franciscan Province of Santa Barbara should have been aware of before my arrival at Saint Anthony's Seminary.

This has been a painful issue to resolve in my life. Father [REDACTED], I face it now. Sexual, physical and mental abuse occurred to students of Saint Anthony's Seraphic Seminary. These acts were carried out by Franciscans. I am a victim of this abuse.

I allege that Father Mario Cimmarusti, while Prefect of Discipline at Saint Anthony's Seminary did commit the following acts during my freshman and sophomore year, September 1966 to June 1968:

1. Handle my genitals on more than one occasion for "medical" examinations. Father Mario was not a doctor and held no medical degrees or licenses at the time. A complete physical was a mandatory requirement for every new student before admission to Saint Anthony's.

2. Administer these "medical" examinations to every one in my class. Father Mario did single out in particular the overweight and smaller students. These students, myself included,

SECRET/PLTF EXHIBIT 16
Witness: [REDACTED] (6)
Date: 2-10-06
Reporter: Lucy Carrillo-Grubbs, CSR 6766

did undergo more frequent "examinations" during my freshman year. I am in constant contact with one of these alleged victims.

3. In the fall of 1966, I did receive instructions from a senior to "report" to Father Mario. I did violate the "morning silence" and as a result, must report to his room that evening for disciplinary action.

Father Mario did ask me to undress, and while completely naked, supported upon his naked leg, Father Mario did administer corporal punishment by beating my buttocks with his bare hand. He did strike me thirty-three times in the same location with such force and severity that my buttocks tore open. His hand left black and blue welts visible a week later. He did strike me once for each year of our Lord's life. "This," he did say, "will teach me to reflect on His (our Lord Jesus) pain and suffering." During this beating, I did lose control of my bladder and urinated upon him. Then, Father Mario did order me to my knees, bless me and order me never to tell anyone what had happened, "under pain of mortal sin."

4. On another occasion, he did administer corporal punishment by beating my buttocks with his bare hand. This time, he did order me to lower my pants and place my hands on the window sill. He did strike me and Father Mario did again order me to remain silent.

5. Father Mario applied corporal punishment to the buttocks of at least two other members of my class. These left black and blue welts and contusions, evidence of internal bleeding to their buttocks. The welts and blisters did remain visible a week after the occurrence.

6. When cheating occurs during a Spanish quarter examination, he did force our entire class to strip down to our underwear and march across campus to take a Sacred Doctrine examination. Since we are sophomores, our dormitory is located above the kitchen and refectory. We walk down two flights of stairs to the basement hallway. We proceed to the Cloister Stairwell and climb to the second floor. We enter the Cloister hallway and march through the private realm of the Franciscan monks. These Friars, who our parents entrust our care and well-being to. Onward, to the English and History classrooms where we take the exam. This madness is seen by many Upper Classmen. They jeer and taunt us whenever they see us marching to our exam. They continue to humiliate us for an extended time afterwards.

As you can envision, these alleged acts did have a profound effect upon my Vocation to Franciscan life. These alleged acts did affect my spiritual, mental and physical growth from adolescence into manhood. Father [REDACTED] these alleged acts continue to affect my life to this very day.

I find out since I left Saint Anthony's Seminary that Father Mario did allegedly commit similar acts against people in

Guaymas, Sonora, Mexico. Also, I learn the Province continues to assign Father Mario with Pastoral responsibilities where he possibly has contact with minors.

I spend years repressing this insidious sexual, physical and mental abuse Father Mario did commit against me. I remind myself how Friar Elias of Cortona buried Saint Francis in a sarcophagus of solid rock capped with a metal grill bound together with metal bands, deep beneath the altar at Assisi. In my mind, I bury my memories of abuse at the hands of Father Mario in much the same way.

My hope is that you, the Provincial Minister, will listen to this letter and act to remove Father Mario from any further opportunity to commit sexual and physical abuse and assault upon others.

With this introduction to the "Spirit" of Franciscan Community, I struggle, along with many others in my class, to fill the void this abuse caused. The climate of fear and repression perpetrated by the Prefect of Discipline appears absolute.

His methods have the approval of the Rector, Father Xavier J. Harris, O.F.M.. One has to be strong. One has to fit in. Any sign of weakness receives immediate ridicule and scorn. Any form of individualism independent of accepted community norms gains immediate rejection. We learn abuse is the accepted community norm. I feel somewhat like a character in Lord of the Flies.

My silence about the abuse grows quiet within me. I replace it with the fear that I will not fit in at the Seminary. Somehow, I find a place of personal refuge. I find a fragile foothold within the Community at Saint Anthony's. I learn to sing and read music. I teach myself guitar and accompany the Choir.

I almost fail my other subjects, but my fear and pain diminish when I learn to play that guitar. I express my Vocation. I fit in. I continue my study at Saint Anthony's. Friendships flourish and my calling continues. My understanding of Franciscan life is expressed in daily communal living. Every Sunday, they augment during Celebration of the Eucharist, fulfilled in music and community.

In my junior year, I learn the Franciscan Province plans closing San Luis Rey College. Being an average student, this left only one year to improve my grades to acceptable university standards. I did not worry before about my G.P.A. because I was going to San Luis Rey...

During this time of change in the Franciscan Province, an experimental program is hastily put into operation. A program, the Province says, that will fulfill Franciscan Vocational

Developmental requirements. Upon graduation from Saint Anthony's, seminarians continuing in their vocation will share a house together with a Franciscan friar acting as Director and liaison to the Province. These houses, Vocational Centers, will be located in metropolitan areas in northern and southern California.

Students will attend their university of choice, while living at the Vocational Center, sharing communal debts of rent, meals and maintenance. A bond with the Graduate Theological Union located at the University of California, Berkeley will be established. This will maintain Major Seminary affiliation. This is my understanding upon my graduation from Saint Anthony's.

I contend that through the years, a closed and protective environment develops at Saint Anthony's Seminary. Traditions, enforced over time by Franciscan Friars and Faculty, become the norm. The students accept them as a way of life.

During its tenure, this preparatory college receives its mission, administrated under direct control of the Provincial Minister. The Fransiscan Province of Saint Barbara did not adequately prepare the Class of 1970 for transfer into these Vocational Centers.

The three locations available upon my graduation are San Francisco (Hunters Point), Hayward ("B Street") and Union City (Railroad Avenue). My fear grows - I have never lived in a major metropolitan area before. I have never seen an inner city ghetto. I cannot even drive.

I visit the Vocational Center in San Francisco. I am dismayed by the conditions I find. Franciscan Community replaced by Fundamentalist Christian Theology. I am witness to homosexual behavior and attitudes accepted by members of this Vocational Center. Some of these members are 1968 and 1969 graduates from Saint Anthony's. I am astonished and saddened by the overcrowded conditions throughout the squalid neighborhood. Does the Provincial Minister know this is going on? Who is in charge? San Francisco is out.

I end up at the Union City Vocational Center. The Hayward Center is already full. Father Tom Metzger is the Director. With my grades, I can only gain admission to Chabot Junior College in Hayward. It is two years there for a transfer degree to either Cal Berkeley or San Francisco State. Life at the Center is my first experience of living on my own. In every sense of the word alone, because there is no Vocational communication from the Province by Father Tom to those of us living at the Railroad Avenue Center.

Father Tom is never around. He is late in joining us at the Center. When he is at the Center, it is only for moments and always in a rush. There is no Vocational direction given or even

offered. I cannot remember a Mass or Celebration of the Eucharist offered or shared. On our first conversation, Father Tom informs me that my academic course load is unacceptable.

I tell Father Tom of my course load at Chabot, a Major in Psychology with a minor in Music. Provincial requirements now dictate I change my minor to either Religion or Philosophy. I tell him it is too late in the school quarter to change course. I also have employment responsibilities to assure monies for my share of food and rent.

At that time, my vocation still was joining the Order of Friars Minor as Franciscan and priest. With my classmates and brothers of the Railroad Avenue Center, our desire was to be part of the Franciscan Province of Saint Barbara.

These ambitions are being replaced by the instinct to survive. Who is there to listen? No communication ever comes from the Province to show or instruct us of Provincial guidelines. All communication is handled by Father Tom. I find this communication ineffective. As time proceeds during that Fall of 1970, I feel alone. I know, along with the others, we are on our own.

In mid November, on an occasion he terms "counseling", Father Tom informs me to spend more time at the local Catholic Parish in Union City. I might be of help with the Pastor working with the poor. My time available for this request is limited. My only means of transportation are public transit systems and my bicycle. I will help, I tell him, whenever my studies and work schedule do not conflict.

It is 1970 and the Christmas season. On December 24th, Father Tom requests my presence for another counseling session. He tells me that I "no longer have a vocation." He tells me that "the Province is aware of my problem." I am "not fitting in with the community." I am placing "personal desires" before those of the community. I have a "problem with women." He tells me that I will no longer be welcome at the Vocational Center after the new year.

Father [REDACTED], my Franciscan calling ended that day. I am crushed, alone and hurt. Distraught, I never tell my parents anything of that day. I leave the Vocational Center later that week. I move into a commune in Fremont. My life begins again.

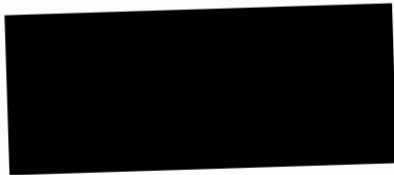
Father [REDACTED], I found out yesterday what the Province told my parents. My parents have been under the impression all these years I left the Franciscan Vocation on my own will and accord. After all, the letter from the Provincial Minister explained this to them. I was leaving, because, "I was not suited for community life."

16.5

This could not be farther from the truth. Was the Franciscan Province aware of the misrepresentations of Father Thomas Metzger, O.F.M. in his handling of the Union City Vocational Center? I don't think so!

Again, my hope, Provincial Minister, is that you listen to this letter and take action. Please respond in writing, outlining any course of action dealing with the allegations of this letter.

I know this letter is long. Thank you for your time in reading my story. May the New Year be blessed for you and everyone in the Santa Barbara Province. Peace in Francis, through Christ,





W. Halsey Sr.
Vista

Province of St. Barbara

FRANCISCAN FRIARS

1500 34th Avenue Oakland California 94601 (510)536-3722 Fax (510)536-3970



January 20, 1993

Dear [REDACTED]

Peace and good.

I would like to thank you for your letter of December 28th, for the honesty with which you bring forth your concerns. The pain is obvious, and I am truly sorry for what has happened. I guess I am grateful simply because you bring it to my attention; then we can all deal with the situation in the best way possible.

It is certainly very painful to listen to this and to think of all the struggle you have experienced; the indications you give of abuse by Mario are terrible. I think it must be hard to describe the full force of the experience; for myself, I have seen how difficult it is to acknowledge the pain, shame, hurt, betrayal and mistrust which are incurred. Quite honestly, I am hardly capable of responding in words.

I feel that I can at least respond with some actions, and this I am glad to do. First, it was good to meet you in Santa Barbara, and I am thankful that you were there. The people you serve as a fireman are lucky to have such a sympathetic and compassionate and skilled person; perhaps as you say you can understand more since you have been through so much.

I met with the Board of Inquiry of St. Anthony's for Thursday and Friday of last week. They should be sending out a letter sometime in the next ten days; and I know that you will consider responding to them as you see fit. This is a good way for us to go, and we want both to help everyone and get to the bottom of things. I refuse to perpetuate the wrong or to allow it to continue in any way.

As you probably know, Mario has been removed from ministry of anykind. He may say a private Mass for the community but is to engage in no pastoral activity. He is also undergoing therapy; it is a quite rigorous program and his personal restrictions are very tight. At the moment, this is certainly the best course of action.

BEST/PLTF EXHIBIT 17
Witness: [REDACTED]
Date: 2-10-93
Reporter: Lucy Carrillo-Grubbs, CSR #766

In your letter you describe the late 1960's, and this took me back many years. By that time I was in Berkeley and very much removed from any earlier stages of formation. We had our own turmoils which come from moving the theology school and beginning a completely new academic program. I am glad you took the time to put your experience of those years on paper, as difficult as it may be to articulate the issues. This helps me to understand what you went thorough and what difficulties it caused. I am particularly sorry about what happened with your parents. Now, I can try to act in some way that tries to heal all of that.

You know that it is the policy of the friars to help with counselling costs, and I certainly want to make this available to you.

If you would like to speak with me, I will be more than willing to meet you. I know that some of this will be pursued with the Board of Inquiry, as it should be. I hope that process will be helpful. But also, if you want to see me, please feel free.

As I write this, let me just say that you also show great perseverance in seeing all of this through. Clearly, the strength of the Holy Spirit is present and is guiding you; it has guided you up to now. I admire the vocation you have chosen, and I know you are helping many there. I certainly apologize for what has happened.

May the Lord give you peace.

Sincerely

[Redacted]
[Redacted], OFM
Provincial Minister