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THE FRANCISCAN FRIARS OF CALIFORNIA, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA, NORTHERN DIVISION

Coordinated Proceeding
Special Title (Rule 1550 (b))

JCCP No. 4359

CASE NO. RG03 134157

THE CLERGY CASES III

**NOTICE OF TAKING DEPOSITION OF
PURSUANT TO
DEPOSITION PROTOCOL CATEGORIES
ONE AND TWO AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

JOHN DOE 39,

Plaintiff,

v.

FRANCISCAN FRIARS OF CALIFORNIA,
INC.; JAMES ROE 2; and ROES 3 through 10,
inclusive,

Defendants.

Date: March 8, 2006

Time: 3:00 p.m.

Place: Courtyard by Marriott
1300 East Tahquitz Canyon Way
Palm Springs, CA 92262
Tel: (760) 322-6100

Deft's **A**
FOR IDENTIFICATION
CARRIE FERGUSON, CSR
3-8 5-06
WIT **PG 12**

TO ALL COUNSEL IN CLERGY III:

PLEASE TAKE NOTICE that on March 8, 2006, commencing at 3:00 p.m. at the
Courtyard by Marriott, 1300 East Tahquitz Canyon Way, Palm Springs, CA 92262, Telephone:

(760) 322-6100, attorneys for Defendant The Franciscan Friars of California, Inc., will take the deposition of [REDACTED] pursuant to Deposition Protocol categories One and Two. Counsel for Mr. [REDACTED] has agreed to produce the witness in lieu of a subpoena.

Initial examination at this deposition shall be conducted by Paul A. Matiasic/Robert A. Ford or a designated substitute. At the completion of the initial examination, any counsel in Clergy III representing any claimed victim of abuse by Fr. Mario Cimmarrusti, as well as any Defendant or any other Plaintiff in Clergy III making a claim based upon conduct by Fr. Mario Cimmarrusti shall have a reasonable opportunity to examine in un-repetitive manner. The general subject matters and areas of inquiry upon which the deponent will be deposed are as follows:

1. Deponent's knowledge of any facts regarding sexual misconduct allegedly perpetrated by Mario Cimmarrusti.

2. Deponent's knowledge of any facts regarding sexual misconduct allegedly perpetrated by Mario Cimmarrusti against any minor.

3. Deponent's knowledge of matters related to the claims alleged in the action brought by John Doe 39.

4. Deponent's knowledge of any facts regarding alleged notice to the Franciscan Friars of California, Inc. that Mario Cimmarrusti was engaging in unlawful sexual conduct.

YOU ARE HEREBY NOTIFIED that the deposing party intends to cause the proceedings to be recorded both stenographically and by audio/video recording.

PLEASE TAKE FURTHER NOTICE that by virtue of C.C.P. § 2025(d)(4), Deponent is hereby notified and required to produce at deposition at the time and place set forth above, the writings, records, documents and other items listed in Exhibit "A" attached hereto.

DATED: March 3, 2006.

LEWIS BRISBOIS BISGAARD & SMITH LLP

By


Paul A. Matiasic
Attorneys for Defendant
THE FRANCISCAN FRIARS OF CALIFORNIA, INC.

Exhibit A

Pursuant to the California Code of Civil Procedure, the witness is requested to bring to the deposition any documents in his possession, custody, or control that fall within the specified categories. For the purposes of this request, "DOCUMENTS" means all writings as defined by California Evidence Code § 250 (including, for example, any record of tangible things or forms of communication such as letters, correspondence, notes, diaries, journals, emails, bills, records, drawings, diagrams, photographs, computer printouts, checks, receipts, video tapes, tape recordings, or other paper records of any nature):

1. Any and all DOCUMENTS regarding knowledge concerning unlawful sexual conduct perpetrated by Mario Cimmarrusti.
2. Any and all correspondence, writings, notes, emails, messages, recordings or communications of any kind with John Doe 39.
3. Any and all DOCUMENTS involving communication of any kind with the Franciscan Friars of California, Inc.
4. Any and all DOCUMENTS involving communication with the Independent Board of Inquiry.
5. Any and all DOCUMENTS containing any reference to the alleged unlawful sexual conduct perpetrated on John Doe 39 by Mario Cimmarrusti.
6. Any and all correspondence, writings, notes, emails, or communications with any person acting on behalf of John Doe 39 related to the claim of John Doe 39.
7. Any and all correspondence, writings, notes, emails, messages, recordings or communications of any kind with former St. Anthony's seminarians.

John Doe 39 v. The Franciscan Friars of California, Inc., et al.
Alameda County Superior Court Case No. RG03 134157
JCCP No.: 4359

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is One Sansome Street, Suite 1400, San Francisco, California 94104.

On March 3, 2006, I served the following document described as

**NOTICE OF TAKING DEPOSITION OF [REDACTED] PURSUANT TO DEPOSITION
PROTOCOL CATEGORIES ONE AND TWO AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

on all interested parties in this action by placing [X] a true copy [] the original thereof enclosed in sealed envelopes addressed as follows:

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[X] (BY FACSIMILE) The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a record of the transmission.

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John Doe 39 v. The Franciscan Friars of California, Inc., et al.

Alameda County Superior Court Case No. RG03 134157

JCCP No.: 4359

[X] (BY MAIL, 1013a, 2015.5 C.C.P.)

[X] I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] CaseHomePage: by submitting an electronic version of the document(s) via file transfer protocol (FTP) to CaseHomePage through the upload feature at www.casehomepage.com. Service will be deemed effective as provided for in the Electronic Case Management Order.

SEE ATTACHED LIST

[X] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 3, 2006, at San Francisco, California.


REBECCA B. MANCE

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JCCP No. 4359

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February 3, 1993

Dear [REDACTED],

We are an Independent Board of Inquiry convened to investigate and assess instances of sexual conduct with students by faculty members of St. Anthony's Seminary, during the period from 1964 to closure of the school in 1987. Our purpose is to help victims get necessary therapy, to identify perpetrators, and to make recommendations to the Province of St. Barbara to ensure that such sexual molestations do not recur. The Board is composed of one friar and five professional and concerned lay people (please see the brief biographical statements enclosed for your reference).

In recent years, charges of sexual abuse have been made against Fathers Robert Van Handel and Philip Wolfe. The former priest is on administrative leave, and the latter priest entered a plea of nolo contendere in Santa Barbara Superior Court and served six months in the County Jail. Most recently, former students have come forward with allegations of physical and sexual abuse against Father Mario Cimmarusti.

While our purpose is to investigate incidents of sexual abuse, we recognize that victims sometimes remember or characterize such experiences in different ways. Therefore, if you believe you were the recipient of either physical or non-physical contact by a member of St. Anthony's staff or faculty, which hurt you or left you feeling confused, frightened, guilty or bad about yourself, we encourage you to make confidential (or even anonymous) initial contact with a member of this Board of Inquiry listed on the accompanying sheet.

Deft's EXHIBIT B
FOR IDENTIFICATION
CARRIE FERGUSON, CSR
3-8 806
WIT [REDACTED] PG 1013

February 3, 1993
Page Two

If you know of a former alumnus you think may not have received this letter, feel free to pass it on to him. We do want to be as thorough as possible. It is expected that the Board of Inquiry will continue its work at least until May of 1993.

In its long history, St. Anthony's Seminary has educated, nurtured and been home to many generations of fine men. As an institution, it has done much good for many individuals. It is in the spirit of that education and in witness to the compassion and concern which have been its hallmark that we now write to you in the continued search to be truthful and to heal.

We thank you very much for your cooperation, and ask that you return the enclosed postcard.

Sincerely,

ST. ANTHONY'S BOARD OF INQUIRY

By: Geoffrey Stearns dmd
Geoffrey B. Stearns, Chairperson

GBS/dmd

Enclosures

INDEPENDENT BOARD OF INQUIRY

Regarding St. Anthony's Seminary

P.O. Box 1065

Santa Barbara, California 93102

RESOURCE PACKET

INDEPENDENT BOARD OF INQUIRY

Regarding St. Anthony's Seminary

P.O. Box 1065

Santa Barbara, California 93102

RESOURCE PACKET

In an effort to be as responsive and helpful as possible to victims and their family members, the Board of Inquiry has developed this Resource Packet, which contains the following materials:

1. Suggestions for selection of a therapist;
2. A list of Santa Barbara therapists experienced in treatment of sexual abuse issues;
3. A list of San Francisco Bay Area therapists experienced in treatment of sexual abuse issues;
4. A bibliography of literature on sexual abuse topics;
5. A copy of the Board's "Therapy Process Guidelines" and "Request for Therapy"; and,
6. A list of the members of the Board of Inquiry.

While substantial effort has gone into compiling these materials and in attempting to provide quality resources, the Board cannot and does not guarantee or recommend that any particular therapist or item of literature is appropriate or suitable for any given reader of this packet.

Each person availing himself or herself of these materials is cautioned to use his or her own judgement in deciding which, if any of the resources to utilize; and, in the event of a question, is advised to contact one of the members of the Board for clarification.

INDEPENDENT BOARD OF INQUIRY

Regarding St. Anthony's Seminary

P.O. Box 1065

Santa Barbara, California 93102

Choosing A Therapist

Choosing an individual therapist can be an overwhelming experience. In most cases, the individual therapist will be the "anchor" for the recovering survivor, the parents of the survivors and the partners of survivors from the beginning to the final stages of recovery. You can lessen your anxiety and feel more empowered by reviewing the list below and choosing the questions that most fit what you want to know about an individual therapist prior to establishing a therapeutic relationship.

1. Most therapists will spend from 10-15 minutes on the phone answering some of your questions and discussing your needs. Be prepared to answer some questions yourself about your particular problems. You can initially screen some therapists by asking on the phone some of the following questions:

- A. How long have you worked with survivors of sexual, physical or emotional abuse? Do you specialize in any area of abuse?
- B. How many sexual abuse cases have you treated per year? How many are you currently treating? Have you ever worked with a survivor of religious or clergy abuse? What kind of training do you have in this work? Where and When? How long?
- C. How do you work with survivors? What are the techniques you use? Do you work with women, men or both? How do you work with the family or significant others of a survivor?
- D. What techniques do you use for memory retrieval? Do you believe that adults or children fantasize their abuse?
- E. What is your policy on crisis calls?
- F. Would you support my participation in a survivor's group?
- G. Can you provide me(us) with three references of people in the community that know of your work?
- H. What role do you feel forgiveness plays in the healing process?
- I. How much experience have you had working with gays/lesbians? What is your attitude regarding homosexuality?

J. What kinds of clients do you typically see?
Offender/Victims
Adults/ Young Adults/ Children/ Teenagers?
Men/ Women
What is the age preference for your clients?

K. How much do you charge? Would you be willing to file a claim with the Province for your fees?

2. After you have spoken to several therapists, make an initial session appointment and then evaluate afterwards some of these thoughts and feelings:

A. How did the therapist respond to your questions and your needs?

B. How did I feel talking to this person? Did I feel heard and valued?
Everyone's experience is different. Some people love going to their therapist and some dread every session, but the main issue is: Do I feel believed, cared for and understood?

C. How did this therapist compare with the others I spoke to?

D. Do I feel I can speak my mind about very private matters and feel heard and understood?

INDEPENDENT BOARD OF INQUIRY

Regarding St. Anthony's Seminary

P.O. Box 1065

Santa Barbara, California 93102

The following list of therapists (listed alphabetically) from the Santa Barbara area, have met with members of the Board and agreed to the procedures for reimbursement for therapy through the Province. Their own descriptions of their training and experience in sexual abuse is synopsized below:

Ron Alexander, Ph.D.

3887 State Street, Suite #22

Santa Barbara, CA 93105 (805) 963 - 2621

Bio: I have worked with survivors, both male and female, as a group facilitator for one rotation at a local service agency, as well as through my work in private practice, and at the University of California, Santa Barbara where as a Counseling Psychologist I developed and facilitated a group for male survivors.

Michael Dunn, M.F.C.C.

(available in both Santa Barbara and Los Olivos)

2971 Grand Ave

Los Olivos, CA 93441 (805) 688-7475 MWF

Bio: I have been counseling families, couples and individuals for twelve years. My areas of specialization include depression, adolescent issues, anxiety and phobias, obsessive compulsive disorders and, sexual abuse.

Candice Etz, M.F.C.C.

510 De La Vina

Santa Barbara, CA 93101 (805) 965-9556

Hrs: Afternoon and evening appointments

I see men and women and have worked with Sexual Abuse in my practice since 1983 and lead two women's groups for incest survivors. My areas of specialization include parent education, family transitions, prevention and treatment of sexual abuse. I use Jan Hindman's treatment model which is directive and task oriented. I have also had training in family systems which is a great asset to my overall treatment program.

(I will not be available 4/20-5/23)

Annette Goodheart, Ph.D.

635 North Alisos Street

Santa Barbara, CA 93103

(805) 966-4725

Hrs: Afternoons, early evenings and Saturday morning

I see men or women and have worked with Sexual Abuse since 1970. I am a survivor myself and work well with helping people retrieve occluded memories. I work cathartically, with emotional release and I work especially well at a very light level on serious topics. I offer intensives (up to six hours per day).

Bette Robinson, M.F.C.C.

510 De La Vina

Santa Barbara, CA 93101 (805) 965 - 9556

I see men or women and have worked in private practice since 1985. I have worked with Sexual Abuse in my practice with both men and women. I have had training in family systems and child abuse and was one of the co-founders of the Family Counseling Program at Klein-Bottle Social Advocates for Youth.

INDEPENDENT BOARD OF INQUIRY
Regarding St. Anthony's Seminary
P.O. Box 1065
Santa Barbara, California 93102

BAY AREA THERAPISTS

Jeffrey Bodmer-Turner, Psy.D.
2827 Concord Boulevard
Concord, CA 94519

(510) 685 - 9670

Fran George, LCSW
225 West Winton Avenue, Suite 202
Hayward, CA 94544

(510) 887 - 1995

James H. Mehlfeld, LCSW
5532 Kales Avenue
Oakland, CA 94618

(510) 653 - 1057

Barbara Fisher, LCSW
609 Kearney Street
El Cerrito, CA 94530

(510) 528 - 4455

Keen Turner, MFCC
225 West Winton Avenue, Suite 113
Hayward, CA 94544

(510) 732 - 0229

INDEPENDENT BOARD OF INQUIRY

Regarding St. Anthony's Seminary

P.O. Box 1065

Santa Barbara, California 93102

Surviving With Serenity: Daily Meditations for Incest Survivors, T. Thomas, Health Communications Inc., Deerfield Beach, Florida

SPECIFIC TO CLERGY ABUSE

Child Sexual Abuse: A Handbook for Clergy and Church Members, Lee Carlson, Judson Press, Valley Forge

Is Nothing Sacred?: When Sex Invades the Pastoral Relationship, Marie Fortune, Harper & Row, San Francisco, CA

Slayer Of The Soul: Child Sexual Abuse and the Catholic Church, Stephen Rossetti, Mystic, CT: Twenty-Third Publications (PO Box 180, Mystic, CT 06355)

Christianity and Incest, Annie Imbens and Ineke Jonker, Fortress Press, Minneapolis

Spare the Child : The Religious Roots of Punishment and the Psychological Impact of Physical Abuse, Philip Greven, Vintage Books, New York.

Lead Us Not Into Temptation: Catholic Priests and The Sexual Abuse of Children, Jason Berry, Doubleday, New York.

FOR SUPPORTERS OF SURVIVORS:

Allies In Healing: When the Person You Love was Sexually Abused as a Child, Laura Davis, Harper Perennial, New York

When Your Child Has Been Molested: A Parent's Guide to Healing and Recovery, Kathryn Hagans and Joyce Case, Lexington Books, Massachusetts

Mother's of Incest Survivors: Another Side of the Story, Janis Tyler Johnson, Indiana University Press, Bloomington, Indianapolis

Out Growing The Pain Together: A Book for Partners and Spouses of Adults Abused as Children, Eliana Gil, Dell Bantam Doubleday, New York.

The Mother's Book: How to Survive the Incest fo Your Child, Carolyn Byerly, Kendall/ Hunt Publishers, Dubuque, Iowa

Making Peace With Your Adult Children, Shauna Smith, Plenum, New York.

Family Fallout: A Handbook for Families of Adult Sexual Abuse Survivors, Dorothy Beaulieu Landry, Safer Society Press

INDEPENDENT BOARD OF INQUIRY

Regarding St. Anthony's Seminary

P.O. Box 1065

Santa Barbara, California 93102

Resources and Support

The following are lay self-help support groups formed by and for victims of clerical abuse. These groups are potential resources for support and education, but should not be relied on as substitutes for professional therapeutic services.

SNAP (Survivors Network Of Those Abused By Priests)

8025 So. Honore

Chicago, Ill 60620

(312) 483 - 1059

VOCAL (Victims of Clerical Abuse Linkup)

Jeanne Miller, President

PO Box 1268

Wheeling, ILL 60090

(708) 202-0242

NOTE: This VOCAL is not to be confused with another California based organization named- "VOCAL- Victims of Chld Abuse Legislation"

INDEPENDENT BOARD OF INQUIRY

Regarding St. Anthony's Seminary

P.O. Box 1065

Santa Barbara, California 93102

THERAPY PROCESS GUIDELINES

1. Requests for therapy by victims will be passed upon by the full Board in an expedited manner. Following initial Board authorization of a request for therapy, ongoing submission of billings will be handled directly between the victim and therapist and the Province.
2. If requested, victim's anonymity will be preserved; code names or numbers will be assigned for use by victims and/or therapists in direct dealings with the Province.
3. In order to attempt to see that all victims get necessary therapy services, the following guidelines will be observed:
 - a. After fifty (50) sessions (group sessions will count as 0.4 of an individual session), or the expiration of eighteen (18) months, whichever comes first, further therapy sessions will be arranged by and between the victim, his therapist and the Province. In the event of disagreement, any dissatisfied party will be entitled to present the matter to the Permanent Board.
 - b. Families of victims will be entitled to therapy on the same basis as victims, per subparagraph "a" above; provided that there will be a maximum of fifty sessions, absent extraordinary circumstances determined to exist by the Permanent Board, upon review requested by the family.
 - c. The requests of any "secondary victims", e.g. siblings of victim/perpetrators, will be carefully reviewed on a case-by-case basis with attention to the causal nexus, if any, between friar abuse and secondary abuse in light of all presenting circumstances.

INDEPENDENT BOARD OF INQUIRY

Regarding St. Anthony's Seminary

P.O. Box 1065

Santa Barbara, California 93102

THERAPY PROCESS GUIDELINES

4. The Board will develop a referral list of therapists who are experienced and qualified in the area of sex abuse treatment, and who have personally indicated their willingness to take on victims' cases on an expedited basis.
5. The Board will develop criteria for approval of pre-existing therapists of victims requesting compensated therapy, and will have the authority to impose conditions on payment for continuing therapy services of such therapists.
6. The Board will make recommendations to the Province for future treatment of offending friars and will evaluate any past or ongoing treatment of such friars.

A COMPREHENSIVE APPROACH TO PROVINCIAL POLICY
AND A PASTORAL RESPONSE TO
INSTANCES OF SEXUAL ABUSE OF MINORS
AT ST. ANTHONY'S SEMINARY

THE RELIGIOUS FRATERNITY

The sexual abuse of minors is an egregious violation of personal integrity which results in the breaking of society's most basic bonds of human loyalty and trust. It is an invasion of both the personal and familial life of the victim. I cannot express in words the sorrow that all of us feel for the victims and families. We are deeply compassionate.

When this abuse is perpetrated by a priest or religious, the offensiveness is compounded by the high regard, faith and power given to those in positions of pastoral example and leadership in the Catholic Christian community.

Knowledge of the action provokes confusion about faith, anger at the personal violation, and sows distrust in all directions. In many instances it creates a "solidarity in victimhood" between the minor, his family, and the community to which they belong. Often the violation is so fundamental that it is met with denial and incomprehension. Because defensiveness is frequently a factor, those once victimized can become twice victimized--and the cycle of violence continues. I am truly sorry if, in some ways, we have contributed to this cycle.

Vowed to the Gospel life, we friars unreservedly believe that sexual abuse cannot be tolerated in any form. Above all, we abhor the sexual abuse of children who are essentially powerless and voiceless. As a religious fraternity we must take decisive, unequivocal, effective measures to speak for those who have no voice, to tend the wounds of those in the Body of Christ who have been violated, and to begin to restore the basic trust and fidelity which have marked the close relationship between the friars and the community which received them in the bonds of friendship.

We friars must also share the pain of facing the truth about ourselves and our brothers. We publicly and firmly want to take personal and corporate responsibility for systemic changes to heal the past, address the present and plan the future. As "penitents from Assisi" and vowed peacemakers within the Church and society, we will, with your help, "turn our face like flint" to the urgent task at hand. Within our Gospel way of life we believe that our pastoral response should be dictated by the integrity of the Gospel and our covenant with you, the People of God. With your help and partnership, we seek "truth with a pastoral face."

THE PRESENTING ISSUES

In March of 1989 [REDACTED] filed charges of sexual abuse against Philip Mark Wolfe, a Franciscan priest and teacher at St. Anthony's Seminary from September 1981 to June 1984. The molestations occurred between 1983 and 1987 but, because of the statute of limitations, only the charges of Bernard Smith were dealt with.

In September of 1989 Philip Wolfe pleaded "no contest" to one count of oral copulation with a person under eighteen and was given a six month's jail sentence followed by six months in a treatment center.

Recently, in May of this year, the [REDACTED] family informed the Provincial Minister that [REDACTED], a member of the Santa Barbara Boys' Choir, had been inappropriately, sexually touched by Fr. Robert Van Handel, founder of the choir and teacher at St. Anthony's Seminary from May 1975 to its closure in June 1987.

In October of this year a public letter was sent to all participants in the Boys' Choir. On October 28, during a meeting at St. Anthony's Seminary, new information surfaced, indicating that Fr. Robert's sexual abuse of minors extended into the seminary itself. Since that time, several other victims--some both members of the Boys' Choir and seminarians--

have come forward. In addition, past allegations, dating back many years, have come to light, along with rumors.

THE EVOLUTION OF PROVINCE POLICIES

The first Province policy concerning issues of sexual misconduct was developed by the Franciscans in 1988. Subsequent revisions in this policy have been prompted by the persistence and honest challenging by the [REDACTED] family: and we are indebted to them.

After meeting with the [REDACTED] in January 1990, in the wake of the dreadful first victimization, the definitorium worked on achievable goals actively and with the strongest pastoral responsibility. Many of these goals have been presented by the [REDACTED] themselves. Let me give a few examples:

For myself, I have shared the fruit of my own experience the past two years with Region VI of the Conference of Major Superiors of Men, insisted on the importance of major policy statements and reviews at that level, and spoken on the importance of correct action and attention to victims with the Committee on Priestly Life and Ministry of the National Conference of Bishops, of which I was a member for three years. Our experience has had a major effect on the English Speaking Conference of the Order of Friars Minor covering Malta, England, Canada and the United States. Our own experience in Santa Barbara, then, has had a ripple effect for the good far beyond the boundaries of the friars and Santa Barbara. The response on all of these levels has been tremendous.

Locally, this process of growth these past two years involved the entire Franciscan fraternity. Admissions' procedures were scrutinized and modified; professionals in the fields of psycho-sexual development and sexual deviancy conducted sessions for both those in formation and for the fraternity at large. After an interim policy, a clear and precise statement on sexual misconduct was adopted by the Province in January 1992. Our policy has been composed with the best psychiatric, pastoral and legal advice possible.

We see our policy and programs as developmental because, for example, the policy now in place was designed to deal with current rather than historical issues of misconduct. The most recent knowledge of past instances of abuse opens up a new chapter in our own painful growth. In all of this, we have committed ourselves to working in a comprehensive way.

COMPREHENSIVE PROVINCE POLICIES

1. Formation Programs

Aspirants to our way of life come to us by way of our Vocations' Directors. After thorough initial interviews and tentative approval, the candidates then undergo a lengthy process of discernment which includes independent and objective professional evaluation, using such instruments the Object Relations Test, the Rocharch, hostility quotients and word association testing as well as extensive interviews covering family history, work experience, socialization patterns, psycho-sexual development and so on.

The application process is concluded with a final interview with the candidate and the independent Admissions to Formation Committee consisting of five friars. Having reviewed all the testing and other documents and consulting with the vocation directors, the Admissions Committee deliberates privately and prepares its own recommendation for each applicant. This is presented to the Provincial for final approval or rejection.

Although this is a thorough process, in the light of recent events the entire structure will be reevaluated and, if necessary, augmented through the recommendations of an independent review board.

2. Ongoing Education

In our formation program which lasts from six to nine years, we have in place extensive programs of continuing education in the areas of sexual maturation, pastoral responsibility and sexual deviancy. After final vows and admission to pastoral responsibilities as a priest or laic friar, the programs of education continue, sometimes through the local diocese and more often through the Province itself. All of these programs will likewise be reviewed by an independent board. If necessary, these also will be augmented.

3. Personnel Review

As a corporate entity the Province does not operate any educational establishments involving minors. Parish programs are regulated by the policies of each diocese in which we work. It is, however, incumbent upon us to institute an independent review of all friars involved in ministry to minors. Likewise we will review all past personnel decisions and request recommendations from the independent board so that any current policies may be corrected where they are found to be inadequate. We will insist on total cooperation and compliance with local diocesan programs and requirements in the area of youth ministry.

4. Review of Current Policies

Our current, public policies governing the sexual abuse with minors will be stringently upheld, especially those regulating the placement and ministry of offenders. Article 9 of our policies states in part:

Where appropriate, the accused will be required to undergo a psychiatric evaluation by a mental health facility specializing in sexual disorders and approved by the Provincial.

When the psychiatric evaluation has been completed, the Provincial, in consultation with the Provincial Team and, where appropriate, with legal counsel and mental health professionals, will determine whether the friar should be permitted to minister and, if so, under what circumstances...

Ordinarily, no religious against whom a serious accusation has been substantiated will be permitted to return to public ministry unless: (a) he has undergone long-term psychotherapy (including prescribed medication) and the psychotherapist has advised that he is not a threat to the public; (b) he participates in a therapy group or life management support group; (c) it is possible to adequately supervise and monitor his contacts with the public; (d) he is subject to special placement and supervision by an on-site supervisor and the Provincial or his delegate.

5. Review Board

By August 1993 the Province will establish a separate review board designed to address the above areas of concern; it will make further recommendations to the provincial administration to insure the integrity of the friars' lives and ministries as these relate to minors. This board will also deal in a continuing manner with cases of sexual misconduct with minors which may arise.

This ongoing review board will be directly under the Provincial. It will be composed of five persons: two friars and three lay specialists. Articles of procedure will be drawn up and based on the best models currently available. These articles will be reviewed by the board itself and then approved by the provincial definitorium. The definitorium explicitly commits itself to the establishment of this permanent project.

A PASTORAL PLAN FOR ST. ANTHONY'S SEMINARY

With respect to the allegations involving the conduct of certain friars at St. Anthony's Seminary, the following steps will be taken:

PROVINCIAL POLICY AND PASTORAL RESPONSE

The friars will continue to be proactive in responding to known victims and their families through the offering of counseling, the identification of local resources, personal visits and remuneration for therapy.

Because there may be victims unnamed and undiscovered as yet, a Board of Inquiry (see below) will send a letter to all known students from the school year 1964-1965 to the time of the seminary's closure. While maintaining appropriate confidentiality and sensitivity, the Board will thus be able to identify the victims of sexual abuse, the perpetrators of the abuse and the credibility of the allegations. Established procedures will be followed to determine the truth as best as possible (outside of a court of law).

A formal Board of Inquiry will be established by the Province of St. Barbara (January 1993). The board will function independently of the Provincial administration and will report directly to the Provincial Minister. The board has an essentially pastoral purpose, acting for the good of the victims, the well being of the community and the friars, and the integrity of the Church. It is fact-finding, consultative and advisory, not adversarial or adjudicative. This board will process the results of past pupil contacts and investigate the allegations of sexual misconduct with minors and related issues at the seminary. It will follow Province policies on active care for victims.

This Board of Inquiry will have five members: an outside friar skilled in counseling and issues of sexual abuse (Fr. Dismas Bonner, O.F.M.); a professional layman (Dr. Eugene Merlin) with the same qualifications; three other members, one of whom will be a recovering victim and/or parent of a victim.

A draft of procedures will be drawn up under the authority of the Provincial Minister and the Board of Inquiry before final adoption in consultation with the Provincial Minister.

With respect to confidentiality, the "Chicago Policy Regarding Clerical Misconduct with Minors" principles will be invoked. Final recommendations and observations to the Provincial Minister will, respecting confidentiality, be made public jointly by the Board of Inquiry and the Provincial Minister.

After sufficient review, a friar established to have been an offender against minors will not return to active public ministry without thorough and enforceable guidelines as recommended by the Board of Inquiry.

In the course of the next five months, the friars will sponsor a series of fora to educate both the Franciscans and the local faith community on issues of child abuse and its implications; the spiritual dimensions and meaning for the church; and the identification of local resources in the area. These goals may be accomplished by a day of recollection or weekend retreat, workshops and study groups.

The Province will work with the archdiocese in sponsoring a workshop for the broader Catholic community in Santa Barbara for the purposes of education and community information.

December 4, 1992

INDEPENDENT RESPONSE TEAM

P.O. BOX 7508
OAKLAND, CA 94601
800-770-8013

May 19, 1994



RE: REQUEST FOR THERAPY

Dear Mr. [REDACTED],

The Independent Response Team is pleased that you will be starting your therapy soon. To move the process along, I am enclosing the following: 1) Request for Therapy form; 2) Therapy Process Guidelines form; and, 3) a return envelope. At your earliest convenience, please return the Request for Therapy form in the envelope provided.

As we discussed earlier, your anonymity will be preserved. Once I receive your Request for Therapy form, I will assign you a code number that your therapist will use to bill the St. Barbara Province directly.

If you have any questions, please contact me.

Sincerely,

Israel B. Rosales, Ph.D.

EXHIBIT D
FOR IDENTIFICATION
CARRIE FERGUSON, CSR
3-8
WIT [REDACTED] PG 1 of 2

INDEPENDENT RESPONSE TEAM
Regarding the Province of St. Barbara

REQUEST FOR THERAPY

NAME: [REDACTED]

ADDRESS: [REDACTED]

PHONE: [REDACTED]

The undersigned having read and understood the Therapy Process Guidelines, requests that the Province of St. Barbara pay for his/her therapy as:

X Victim

 Family Member

in accordance with those guidelines.

_____ shall [REDACTED]
The Province ~~should~~ be responsible for therapy because:
of ^{their} abuse of trust which led to ^{my} sexual and physical abuse
at the hand of Mario Cimmarusti O.F.M. while I was a
student at Saint Anthony Preparatory Seminary during the years
1966 to 1970.
As documented and recorded in the Findings of THE INDEPENDENT
BOARD OF INQUIRY released November 30, 1993.

Dated: 24 MAY 1994

6 December 1992

Dear [REDACTED]

Last Friday evening, the community met with the Franciscans to formulate a plan for handling allegations and cases of sexual abuse. The meeting was co-chaired by Ray Higgins and [REDACTED]. There were several members of the Definitorium present as well; however, only one, Brother Jim Lockman, spoke (in addition to Chinnici). Jim is the Formation Director. On Monday prior, the community met with Jim and another brother, John Gutierrez, who is also a member of the Definitorium. Also present at Friday's meeting was Monsignor Curry, representing the Archdiocese. The general opinion was that much was accomplished at both meetings, and that the Franciscans are indeed reconciled to "cleaning up their own house."

One of the immediate actions is to form a Board of Inquiry which will be substantially an independent body. The goal is to have this Board formed by January. The Board's first assignment is to prepare and send out to all former known students at St. Anthony's Seminary from the school year 1964-65 to the closing of the seminary, June, 1987. It is important that both of you and any other former seminarian who abused/molested respond to the letter. Please recognize that the letter will be coming from the Board, not the Franciscans per se. All responses will be treated with confidentiality (don't interpret this as "secrecy"!). In the meantime, please feel free to send us documents, letters, or any other information you see fit, and we will present it to the action group here as well. Nonetheless, you must "officially" respond to the letter when it comes.

The pain and damage that has been done cannot be undone; we all know that. However, we can all help heal the wounds for all the victims, direct or indirect. It's taken years to get to where we are in the healing process, and the healing will continue. We're all in this together.

God bless,



Dyane Muñana
5083 San Rodrigo Ave.
Santa Barbara, CA 93111
(805) 967-1657

Deft' E
EXHIBIT
FOR IDENTIFICATION
CARRIE EERGUSON, CSR
3-8
WIT [REDACTED] PG 1 of 10 pages
+ M. W. deLopes

[REDACTED]

August 1, 1993

[REDACTED]

Dear [REDACTED],

It has been a while since we've been in contact and I wanted to get some information out to you right away.

I visited [REDACTED] last week in Carmel and he outlined what is going on with many of the victims. At the present time, we are looking at about fourteen former seminarians being represented by Lyle Cavin and John Dunn. These two men are partners in a law firm in Oakland. They have accepted all of the former seminarian clients on a "contingency contract" basis. What this means is that the client only pays a legal fee if the case goes to court and is won.

[REDACTED] asked me to tell you about this situation because it may be your best hope of recovering the whole amount of compensation you may require for the therapy program you have indicated to me. It has been indicated to me that the Agreement I made with the Franciscans may be "defective" on some legal basis. I cannot tell you more about this subject until I meet with these attorneys.

They are planning to begin filing complaints with the courts soon. It is to your advantage, therefore, to make contact with these people and tell them your story. Their telephone and FAX numbers follow. I hope that this information brings you some resolution to your satisfaction.

Mr. Lyle Cavin, Attorney-at-Law
Mr. John Dunn, Attorney-at-Law
1432 Martin Luther King, Jr. Way
Oakland, CA 94612

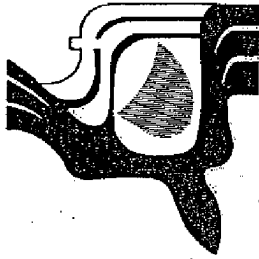
Telephone: 1-510-444-2501
FAX: 1-510-444-4209

Please let me hear from you soon.

Faithfully,

[REDACTED]

[REDACTED]



FRANCISCAN RENEWAL CENTER

Casa de Paz y Bien

5802 EAST LINCOLN DRIVE • POST OFFICE BOX 220
SCOTTSDALE, ARIZONA 85252-0220 • PHONE (602) 948-7460

Jan. 5, 1993

Dear [REDACTED]

Peace & Every Good.

I am Fr. [REDACTED] The vicar provincial
of The St. Barbara Province, and in the absence of
[REDACTED], conducting provincial business.
Your letter was forwarded to me by the office
and I'd like to respond.

First of all Thank for putting to paper such
serious and painful memories. I applaud your
courage, I apologize for the fears in their mis-
conduct, and I pray for the healing of all those
who were victimized by such misguided mis-
behavior.

Re. Fr. Mario I think it important to know that
he is no longer ministering. He had been working
in Idaho, and once the allegations (yours is not the





FRANCISCAN RENEWAL CENTER

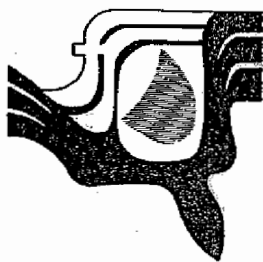
Casa de Paz y Bien

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SCOTTSDALE, ARIZONA 85252-0220 • PHONE (602) 948-7460

first) came to us he was removed to one of our missions, not allowed to minister, and ordered to undergo a complete diagnostic. He is presently involved in regular counselling.

Recently, similar allegations were made by other seminarians regarding another priest, and so, we the definitorium opted to set up a Board of Inquiry. Their purpose will be to contact all the seminarians there from mid- to the close (c. 1987), advise them of the allegations & inquire if there was further misconduct. Accusations will be followed up, disciplinary actions put in place when necessary, and counselling offered to any victim. I cannot emphasize too much that our concern is for the seminarian first. He was placed there on the basis of abuse that trust was a serious breach and we will apologize & make amends.





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I also wish to say. [redacted] That the excellent & dedicated work of the vast majority of friars should not be forgotten.

Re. The Study houses I'm no doubt that there were short comings in the transition.

We have had no allegations as to sexual misconduct there but if something specific I'm we will pursue it. Presently our energy is with S.A.S.

Re. Tom Mesaner I'm sorry that you felt unappreciated & misunderstood. I worked in formation for 11 years, and in retrospect I'm aware of some misjudgments. However I know I did my best & that's all God or humankind can ask.

Dr. [redacted] will be back after Jan. 18th & can respond to you then. I agree my script. I'm travelling without a writer & the matter too confidential to give to a scribe. I salute your courage. I apologize for your pain.



and I promise that we are pursuing each
complaint. You should be receiving a letter
within the next 4-6 weeks. If not please
contact me personally then the provincial office,
[REDACTED]

May the Lord give you peace.

In Christ,

Jr. [REDACTED]

January 3, 1993

Dear Classmate,

Happy New Year! We wish wholeness and peace for you and your families throughout 1993.

You need to know that members of our class and of other classes were physically and sexually abused by friars. In recent years, charges of such abuse have been made against Fathers Robert Van Handle and Philip Wolfe. The former priest is on administrative leave and the latter priest has entered a plea of *nolo contendere* in the Superior Court of the County of Santa Barbara and has since served one year in the Santa Barbara County Jail. He has also been dismissed from the priesthood.

During the last two months, events have taken place that have morally required [redacted] and [redacted] to come forward with allegations of sexual abuse and physical battery against Father Mario Cimmarusti. We have been in direct contact with Father [redacted] Provincial Minister for the Province of Saint Barbara, with these allegations. [redacted] went to Oakland and personally spoke with Father [redacted] who will be meeting with [redacted] again during the next few weeks. Both [redacted] and [redacted] have written detailed statements that have the force of depositions in a court of law. Father Mario has been suspended from his pastoral duties for now.

Early in December, a meeting was held at the Seminary where the victims of abuse and their families extracted an agreement from the Province for the creation of an independent Board of Inquiry whose task is to collect information regarding allegations of abuse. The Board was created because of the history of "cover-ups" by the Franciscans from the highest leadership. [redacted]'s experience with this issue goes back ten years and he has only recently learned that he has been slandered for years by a Franciscan priest. Each of you should be receiving a formal, confidential questionnaire in the mail during January.

We want you to know that we have suffered in silence for too many years. We kept the "family secret" at great personal cost and peril. What about you? Please, if you have suffered abuse or know of anyone who has, come forward. Questionnaires will be mailed to all seminarians back to the graduating Class of 1964.

We wish to emphasize that the goal of addressing this matter now, after all these years, is to provide professional care to help individuals heal.

Sincerely,

[redacted]

[redacted]

[redacted]

REFLECTIONS

When I entered Saint Anthony's on that Sunday afternoon in August of 1966, I had every reason to believe that my preparation for something I had wanted for much of my life was really coming along. My teachers and clergy back home had encouraged me for years to study for Holy Orders. My parents, who really would have had me go to a nearby Catholic high school, nonetheless honored my request to leave home. Just before driving off to return home, my parents assured me of the friars' competence and concern for my welfare. They also told me that I could come home at any time.

Already something was wrong. My parents assumed that I was a "free agent". I really wasn't. Two years before I entered the seminary, I went on a summer vocation retreat. On that retreat, Father Martin told us that if we misbehaved while on the retreat, we would be sent home, letters would go to pastors, and we would be the disgrace of our parishes. I had already seen how seminarians were regarded in my parish after they, for their own reasons, had decided to leave the seminary. They were referred to as being some kind of "damaged goods" or individuals who "just couldn't cut it". These sentiments were, of course, spoken only by the "righteous", most dedicated members of the parish. I don't remember one of them ever having a son in a seminary.

I was young. In my inexperience, I was buying into things that could only be harmful for me later on in life.

So, then, down to work. School five and a half days a week and unending study hall. Unending cruelty.

We were the freshmen: were scum in the best prep. school sense of the word. We got hazed. We even got to be on the top ten list of the "butts" of the school: we were on the "Black List" on that Halloween night of 1966. Back home, I did well in school. Of course I did. Otherwise I would never have gotten into Saint Anthony's Seraphic Seminary in the first place. Back home, life would be good: I would at least be accorded simple courtesy. But I couldn't go back home.

Then there was English class. I had always liked English class and did well at it-- even at the seminary. Then came the class on the use of coordinating conjunctions. Father Mario, a man I had already learned to fear, was writing on the blackboard, "DIAZ IS A BOY, BUT [REDACTED] IS AN ASS." I could not believe my eyes. The class exploded into jeers and laughing. My humiliation was complete. I wanted to leave the seminary at that moment, but I could not go home. I was sure that I hated Father Mario as much as I feared him.

Why did I fear him even before the English class episode? When we were being "processed in" to the seminary, we had to take our personal belongings to Father Mario's office of the Prefect of Discipline. He took my Sunday edition of the newspaper and a paperback book and threw them into a garbage can. He impounded my radio. I loved radio, but was told I could have it only under very controlled conditions and never alone.

Then, one evening soon after the English class episode, I was called to Father Mario's office. He told me that I was an "ass" and that my class thought so, too. He admitted that even he was surprised at the severity of the class's reaction when he wrote on the board. Unless I straightened up, I would have to leave. He then told me that he wanted to give me a blessing, so that I would be a successful seminarian. He directed me to kneel down on the floor, while he came around to the front of his desk where I was kneeling. I was sobbing. He then directed me to put my arms around him while he said the blessing. I then got up and left the office.

Father Mario was also in charge of the infirmary. Several times during that freshman year, I was summoned to Father Mario's office. He would direct me to take down my pants and shorts so that he could examine my scrotum. In order to perform this examination he handled my genitalia. He would then rub his hands down the inside of my legs. This examination was performed approximately once a month during my first year at St. Anthony's. On the first occasion of this examination, I asked him why the examination was necessary. I was told that I had to submit to it or go home. I couldn't go home. So I submitted. Common knowledge was that this exam was done on "fat" students.

During our sophomore year, cheating took place on a Spanish quarter exam. Our teacher, Father [REDACTED], was out of town. Father [REDACTED] delivered the exam papers to us and left the room. He was busy with an art project elsewhere on campus. He returned at the appointed time to pick up the exam papers. Since I was already the "class ass", I did not feel the need to inform on my classmates. Neither did anyone else.

It soon became apparent that cheating had occurred. Father Mario told the class that it would be punished for the cheating. He was our Sacred Doctrine teacher and we had not yet taken that quarter examination. Instead of having the exam during the day, which would have been normal, we were told to report to two classrooms during evening study hall. We were told to strip down to our shorts and proceed to the English classroom. Sophomore year Sacred Doctrine was Sex Education. Some members of other classes jeered at us through the large windows in the doors. We finished the test and put our clothes back on.

I had good reason to fear Father Mario for he was in charge of corporal punishment. Another student was spanked one day by Father Mario. Because of our dormitory situation, and common showers, we often saw each other naked. After the spanking I saw a complete impression of a human hand in black and blue on his buttocks. I am also aware of another student who received the same punishment.


So, there you have it in black and white. These events have robbed me of what could have been a more agreeable adolescence. I showed many signs of emotional distress as time passed. I was almost emotionally paralyzed when I went into therapy. I spent a year in therapy with a good clinical psychologist. As a part of my therapy, I confronted Father Mario with what he had done to us at the seminary. He became very angry, called me some names, and ordered my wife and I out of the friary.

These terrible secrets almost made me crazy. Now, thank God, we can all see the light of day and heal. I was once so far down into the pit of chronic depression that even suicide seemed like a good idea. That's what happens when you take a child and turn his world upside down.

Make no mistake about it. These events I have chronicled suggest the evil that comes from men who do not belong in religious life. After the emotional harm was done, is it any wonder that I could not go on with the Franciscans? My anger at them would have destroyed me.

I have had to fight very hard to keep my sanity and my faith. I've gotten a bit weary. Won't you please help me now?

Peace and Good.



North & Smith Wallman
10000 Sibley Drive
San Francisco, California 94578



January 6, 1993

Dear [REDACTED]

Thank you for your letter. I have many different feelings since reading your letter yesterday. I am disturbed by the news, yet not really surprised by it. I was not and am not a victim. The knowledge that Mario physically abused students always lingered in the back of my mind. I guess I did not want to admit it happened. I was naive to think that there was no sexual abuse.

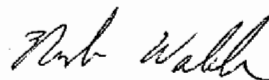
Most of all I want you, [REDACTED] and all others who were abused to know that I support you in your efforts to bring these "secrets" into the open and to remove these men from positions where they might and probably would abuse others. Begin the healing process by taking positive steps seems to me to be the best course of action. I commend you for your stand.

I will give full cooperation to the Board of Inquiry. I am glad that the Board has chosen to seek information from all of the students. I can think of one Freshman in our first year who received a beating which left welts on his buttocks and upper thighs. I will forward this information when the questionnaire arrives.

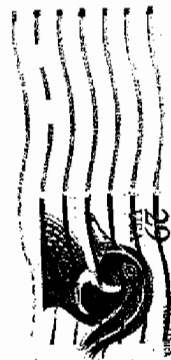
I am writing a similar letter to [REDACTED] to let him know of my support. If there is anything that I can do, please do not hesitate to call on me. My home phone is [REDACTED] and my work number is [REDACTED]. There are answering machines on both lines. My work line is shared with only one other person, so it is fairly confidential.

Again, I want you to know that you can call on me for assistance and/or support in this matter. I too would like to see all wounds healed as best as possible and prevent any further abuse by these named or unnamed frairs.

Sincerely,



Norb Waldron



[REDACTED]

January 1, 1993

[REDACTED]

Dear [REDACTED],

HAPPY NEW YEAR! 1993 shows a great deal of promise for many of us.

I have read your letter to Father [REDACTED] many times. I hesitate to merely call it a "letter" because it sounds like a catharsis of your soul. I can well understand why it has taken you some time to get it all down on paper. Well, it is all down on paper instead of all on your mind and your soul; it's out in the open where we can help you bear the load, or, rather, place the burden where it belongs. I know, [REDACTED], that it took courage to write your letter and send it to Father [REDACTED] and I also know that there is so much healing for you in going through the trouble and pain of fine-tuning these memories.

I am sorry if Mrs. Sayovitz cannot accept the reality of the situation; for some people, denial is all that can be mustered. If she is upset now, I am sorry for what she will be hearing very soon. I will be attending the first meeting of the Board of Inquiry later this month in Santa Barbara. I expect the meeting to occur from fourteen to twenty-one days from today. We should also be receiving our official letter from the Board in a few weeks.

Thank you for the A.P. story about VOCAL. I am going to write to their director for information about the group.

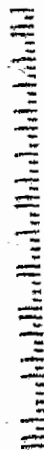
Our class will be notified about all of this very soon; it will be interesting to see the reaction. I would hope that we do have the support of our brothers. Father [REDACTED] should be calling me soon also to arrange for our next meeting.

[REDACTED]. I am very proud of you.

Your brother,
[REDACTED]



CHRISTMAS SALE
FIGHT EMPLOYMENT
TB. AIR POLLUTION

[illegible]

[REDACTED]

December 9, 1992

Dear [REDACTED].

I assume that you have received a letter from Dyane Munana at the same time I did since both of our names are on it. I called them on Sunday and spoke to Ray. He outlined pretty much what is in this letter of December 6th.

I consulted with an attorney and I drew up an Agreement that I want to present to [REDACTED]. I also have a basic statement I want to make when we meet in Oakland. Please examine the copies of these documents that I've enclosed. The statute of limitations has expired for me. The Agreement is another common way to deal with this kind of issue when court action is not possible. I can't tell you what you should do, but I hope that you choose to take some kind of action.

Because the attorney advised me to move quickly. I am in the process of making an appointment to meet with [REDACTED] before Christmas. If you would like to attend this meeting even on short notice, please call me.

The arrival of the Board of Inquiry has come as a surprise to me and I must say that I am very pleased. Is it possible that, after all these years of denial and silence, other people are going to help us? What I find significant is that this Board is not part of the Franciscans; it is independent of them. They may be able to bring pressure to bear that we could not manage by ourselves.

Anyway, [REDACTED], look over these latest documents I have composed. I hope that they suggest how you might want to make your claim with the Franciscans. Please note that you may well be able to get a benefit to pay for future therapy.

I spoke with [REDACTED] and he would like to see you assert your rights. Can you imagine what may happen if all the seminarians back to 1964 are contacted? Things might get a little crowded!

I hope that in spite of all this stuff, you and the family are having a good holiday season.

As always,
[REDACTED]

AN AGREEMENT BETWEEN THE PROVINCE OF SAINT BARBARA AND [REDACTED]
[REDACTED] WITH RESPECT TO THE FOLLOWING MATTERS:

1. The Province of Saint Barbara agrees to limit the stationing of Reverend Mario Cimmarusti, O.F.M., to prevent his access to minors.
2. The Province of Saint Barbara agrees to provide compensation to [REDACTED] for past and future therapeutic intervention according to the following specifications:
 - A. Three-thousand-five-hundred dollars (\$3,500.00) for completed therapy sessions with Joseph B. Simons, Ph.D., Santa Rosa, California. The total sum is to be paid at one time, subsequent to the execution of this agreement.
 - B. Eighteen-thousand-seven-hundred-fifty dollars (\$18,750.00) for future therapeutic intervention. This amount is calculated on fifty therapeutic sessions per year at seventy-five dollars per session for five years. [REDACTED] may appoint any licensed therapist(s). The total sum is to be paid at one time, subsequent to the execution of this agreement.
3. The Province of Saint Barbara agrees to cause a meeting to be held with Reverend Mario Cimmarusti, O.F.M., in attendance and Very Reverend [REDACTED], O.F.M., as the moderator. [REDACTED] will be permitted to speak without interruption from any party. Reverend Mario Cimmarusti, O.F.M., will not be permitted to speak. Very Reverend [REDACTED], O.F.M., will see to it that this rule is observed. The purpose of this meeting is to aid in the healing process by sharing with Reverend Mario Cimmarusti, O.F.M., how his behaviour has affected [REDACTED]'s life.
4. [REDACTED] agrees to refrain from disclosing his allegations with regard to sexual abuse by Reverend Mario Cimmarusti, O.F.M., to broadcast and print media outlets.

[REDACTED]
Province of Saint Barbara

EXECUTED this _____ Day of _____, 19____, at Oakland, Alameda, California.

(NOTARY SEAL)

The Franciscans already saved him from jail in Mexico when he was fooling around down there.

Did [REDACTED] pass on what he knew about Mario to [REDACTED] as he left office? I don't know. I do feel that he is morally bound to make this disclosure. You may wish to point this fact out to [REDACTED].

I do want to caution you that [REDACTED] was very worried when I confronted him. He looked very nervous then and at other times when I have seen him. Bear in mind that no provincial is going to be thrilled to hear what you have to say.

-2-

Depending upon how serious you are about this matter, you may want to arrange to see the bishop in Fresno.

I went to see [REDACTED] in the days when he was the provincial. He has been succeeded by [REDACTED]. His address:

[REDACTED]

I'm a bit distressed because [REDACTED] promised me that "Mario would never be assigned to any place where he could hurt anyone." Now we have a different provincial and what does he do? Assigns Mario out to be pastor of a parish.

May 21, 1970

Dear [REDACTED],

I have been thinking about your last letter more or less all of the time. You talked about going to the Los Angeles Times with an exposé of Father Mario's behavior. We need to get our "ducks in a row."

First of all, it is not likely that a newspaper would print such a story—especially some twenty years after the events happened. I told somebody this morning that I would get as much response from the law today as I would have gotten in 1966.

I do not think there is much to be gained by exposing Mario via the press or through the courts.

You can, however, do some things through the government of the church and the O.F.M.'s. You will need to have some courage, but here are some ideas.

I consulted with an attorney about these matters and he has suggested some things and I will tell you what I did when I was working things through in therapy.

Mario is the pastor of O.L. of Guadalupe Church in Delano, CA. I think Delano is in the Diocese of Fresno. You can verify this easily enough. You may want to write to the bishop of the diocese and tell him of your concerns.

-3-

Finally, you may eventually need to confront Mario yourself. Talk to your counselor about this possibility. Mario will become quite irate as he was with me when I visited him some years ago.

I find him a sad figure, but I also have a concern for those he might hurt. This is, you must know, a very difficult matter at best.

Now that your anger is out in the open, I would like to suggest that you do any one or all of the things that I have outlined if you and your counselor agree.

Feel all the pain and be as angry as you need to be, but a day will come when you will want to get beyond feeling bad and being angry. You will not arrive at this point, however, by escaping from the real feelings that pulse within you — but you already know this.

The day does come, believe it or not, when in the absence of justice in this world, one must give over to God the pain and trust that he will remove the burden. Then, get on with the business of living!

■, you are my brother and I want to help you in this journey. Please write to tell me where you are with these things.

Peace,

■

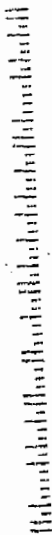
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11 Friars Molested Seminary Students, Church Inquiry Says

By SETH MYDANS
Special to The New York Times

LOS ANGELES, Nov. 30 — An independent inquiry commissioned by the Franciscan Order of the Roman Catholic Church has determined that 11 friars at a seminary in Santa Barbara, Calif., molested dozens of boys there over the course of more than 20 years. That finding, presented at a news conference on Monday night by the Rev. Joseph P. Chinnici, a regional leader of the order, makes the Santa Barbara case one of the most involved, sexual abuse by clergy ever disclosed.

Father Chinnici offered apologies to the victims and said: "The abuses perpetrated by our own brothers on the victims and their families is truly horrific. We totally abhor what has occurred."

The yearlong inquiry was conducted by a committee of six people, only one of whom was a member of the clergy. The panel found that from 1969 until 1987, when the seminary, St. Anthony's Seminary, closed for financial reasons, 11 members of its faculty engaged in sexual contact, including intercourse, with a total of at least 34 boys and probably more.

Most of the victims were students at the seminary who were 14 to 16 years old. But a number of them were students' younger brothers, in some cases

Continued on Page B1, Column 1

Friars Sexually Molested Boys at California Seminary, Church Inquiry Says

Continued From Page A1

members of a choir. They were as young as 7.

Exercising their authority as priests and teachers, the offending friars, who were among a faculty of about 45 members that the seminary maintained at any given time, often summoned boys to the friars' rooms for sex, the investigators found.

Father Chinnici, head of the Province of St. Barbara of the Franciscan Order of Friars Minor, said that in all cases, the six-year period set by California's statute of limitations on sex crimes had now expired, as had the church's own five-year period for the punishment of offending clergy.

He said extensive measures were being taken to provide counseling both to the molesters and to the 34 people whom the order has so far recognized as victims, a number that church officials acknowledged would probably rise with the passage of time.

One of the offending friars was Philip Wolfe, who was defrocked several years ago because of his sexual abuse of a boy at the seminary, was convicted of criminal charges and was sentenced to a year in jail.

Citing privacy rights, the order today would not identify any of the other offenders or their victims.

Concern Within the Church

The findings coincide with a heightened concern within the church about sexual abuse by priests and the rapidly increasing number of such cases disclosed in recent years.

Only last summer, the National Conference of Catholic Bishops acknowledged a crisis of confidence that the

problem had caused in the church and announced the formation of a special national committee to deal with it. At the time, Pope John Paul II discussed the issue in a letter to the American bishops, expressing sorrow for the harm inflicted on victims and shock and demoralization on the part of the church as a whole.

Just today, in Albuquerque, N.M., a former Catholic priest met with 16 men who had accused him of molesting

Priests used their authority to manipulate boys, a report says.

them as children and told them he was sorry. That apology by the former priest, John Sigler, was a provision of a legal settlement totaling \$14 million that will be paid to those victims by insurance companies.

In the most prominent current instance of a sex-abuse accusation against the clergy, Joseph Cardinal Bernardin, Archbishop of Chicago, has denied molesting a student at a seminary in Cincinnati almost two decades ago and has asked for a speedy resolution of the accuser's lawsuit.

Reports Surfaced in 1989

In the case involving the Santa Barbara seminary, which was attended by more than 900 students during the 22 years when the abuse occurred, reports of it did not begin to emerge until

1989, the year that Father Wolfe was convicted and two years after the seminary closed, Father Chinnici said in an interview today.

The Rev. Virgil Cordano, the pastor of Old Mission Church in Santa Barbara, who is a spokesman for Father Chinnici, said that even after Father Wolfe's conviction, it was not immediately clear that other friars had also been involved in the abuse.

"We were the strongest thing," Father Cordano said, "each case was isolated from the others. There were no conferences, planned assaults, as it were."

But after the extensive nature of the abuse became slowly apparent to the leaders of the order, Father Chinnici said, the independent committee of inquiry was formed late last year.

Of the 10 offending friars in addition to Father Wolfe, one has died and another has left the order, Father Cordano said. Seven of the remaining eight are now being treated as sex offenders, he said, and the other is being evaluated for treatment. All are restricted from contact with children and are not acting as ministers, he said.

Isolation and Intimidation

The committee that undertook the investigation was led by Confrere Stearns, a lawyer, and also included three psychotherapists, a priest and a parent of one of the victims. Father Cordano said that a five-member permanent committee, also dominated by laymen, was being formed to handle any further accusations that might emerge and that a telephone number — (800) 778-8013 — had been set up to receive such reports.

A detailed and graphic report issued by the investigators said the molesting friars had often summoned students or younger boys to their rooms for sex and on at least one occasion had provided alcohol.

"Perpetrators had to use their authority as priests to isolate, intimidate, confuse and manipulate these young boys in order to satisfy their own needs and insure silence," the report said.

According to the report, the former students told the panel that they had feared that no one would believe their word over that of the friars.

The committee quoted one former student as saying, "How could God have allowed this to happen if He truly cares?"

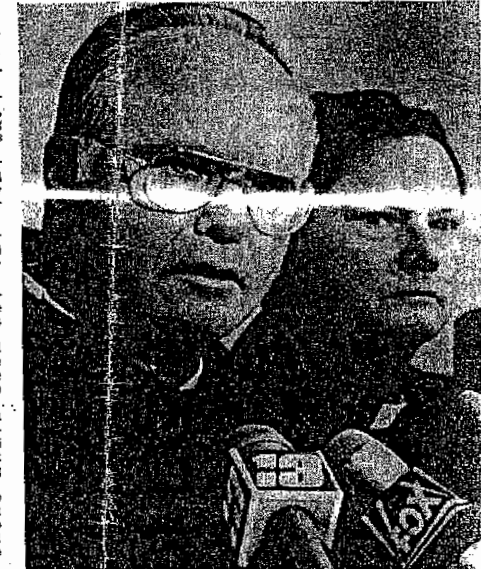
A second student was quoted as saying, "I believe God has a twisted sense of humor, and He uses me for His amusement."

Father Chinnici said the order had already paid \$30,000 for therapy for the former students but would not disclose how much might have been paid to parents to settle any civil suits.

At a meeting Monday evening with some 40 local Catholics, including victims and their parents, Father Chinnici and other clerics were criticized for not disclosing the names of the offending friars.

"If they are not identified, who's to say that some other children might not cross their paths?" said one man, who himself asked not to be identified but who said his two sons were among the victims.

"It's a terrible injustice to the good priests," the man's wife added. "It paints them all with the same brush because the predator priests are not identified."



The Rev. Joseph P. Chinnici, left, announcing at a news conference on Monday that 11 friars at a seminary in Santa Barbara, Calif., sexually molested dozens of students over more than 20 years.

National Report

The New York Times

Sex 'Vibes' Permeated Seminary, Victim Says

By SETH MYDANS

Special to The New York Times

LOS ANGELES, Dec. 1 — This morning, liberated by the release of a detailed report about the sexual abuse he and other students suffered for years at the hands of Franciscan friars, Michael Higgins danced.

He danced to the music of the Grateful Dead, the music he had played as a teen-ager when he was away from St. Anthony's Seminary, where, according to the report, 11 friars abused dozens of boys over two decades and, as Mr. Higgins put it, the students spent their lives "fighting off priests."

The music was about all the things his abusers took away from him, said Mr. Higgins, who is now 26. "It's about women and nesting teen-aged girls and kissing and getting kissed and just dancing and having a lot of fun," he said. "It's about doing normal teen-age things and having normal teen-age sexuality. It's about the stuff that would have made me feel normal, feel part of society."

Shameful Secrets

Like other former students, Mr. Higgins said his life has been a chaos of drugs, alcohol, broken relationships and shameful secrets since some of his teachers and religious mentors at the seminary made him their sexual plaything.

And even today, he says, his vindication is only partial. Though the church says it has paid out \$90,000 for therapy to the 34 victims who have come forward, their victimizers are also receiving therapy. They face no criminal charges because California's statute of limitations in sexual abuse cases has expired.

Despite the catharsis of the release of the report this week, the consequences continue for former students like Mr. Higgins, who said he still has nightmares about the school.

Mr. Higgins, who now drives a taxi while studying at the University of California at Santa Barbara, said it was still too painful to describe the abuse he suffered. But he said sexual tension had permeated the small



Michael Higgins outside his home in Santa Barbara, Calif., with a copy of the report about the sexual abuse he and dozens of other students were said to have suffered at the hands of friars of St. Anthony's Seminary.

boarding school. The abusers mentioned in the report made up one-fourth of the 44 friars who served at the seminary from 1964 until it closed for financial reasons in 1987.

"The sexual vibes in that school ran rampant through every nook and cranny in those halls," Mr. Higgins said. "They consumed the entire school. Just being in the presence of that place was hideous. It was overwhelming. You couldn't not see it."

Claims of Ignorance

It is this overt nature of the abuse, and the equivocal mea culpa offered by the church, that infuriate Mr. Higgins's father, Ray Higgins, a retired manufacturer who was one of six members of a commission that investigated the abuse at the request of the Franciscans.

He said he now questions the assertion by Roman Catholic church officials that they knew nothing of the abuse over the years, and finds cowardice in the statement by the regional leader of the Franciscan order, the Rev. Joseph P. Chinici, that "the facts were distorted by some of the victims."

One of the most destructive acts by

the offending friars, the elder Mr. Higgins said, was that they placed the burden of guilt on their victims.

"The boys were powerless, and they were made to feel this guilt," he said. "They asked themselves, 'Is it my fault that I am making this priest violate his vows?'"

And most hurtful, the elder Mr. Higgins said, was the betrayal by the friars of the trust placed in them by both parents and students, and the blow they delivered to their Catholic faith.

"On the day of enrollment, each set of parents is told that the Franciscans are taking over as the sons' primary family," he said. "Our duty as parents has become secondary to theirs. This is very, very difficult for parents to agree to do, and we really struggled with that, but we went ahead because we thought we were doing the right thing."

One result of the experience is that his son, who once hoped to become a priest, now says, with the disorientation that characterizes his life, "My faith can be classified as sort of neopagan Buddhist Hindu kind-of-Christian New Age makeup. I approach my faith a lot like I approach my emotions. I've tried them all on, and it's confus-

ing."

And his wife, Anne, who has nursed her son through the agonizing flashbacks of a victim of abuse, cannot shake her bitterness, saying: "I can never forget this and I will never, never forgive them. Only God can forgive them. I'm not capable of that."

The memory that still causes the elder Mr. Higgins to weep when he tells of it was when his son, in his second year at the seminary at age 16, begged to be allowed to leave but was unable to tell his parents about the abuse.

"He was crying, and he said, 'Why won't you let me come home?'" the father recalled, and he and his wife, ignorant of the reason, made their son stay at the seminary until the end of the school year. "It really hurts now."

Then in 1983, when one friar, Philip Wolfe, was convicted of oral copulation with a student and sentenced to a year in jail, Mr. Higgins said, "We felt sorry for the victim and his parents. We said, 'Thank God it was not our son.'"

But all the while his own son was showing the symptoms that Mr. Higgins now understands can be the signs of sexual abuse. "He had drug and alcohol problems, rejecting authority, rejecting us," Mr. Higgins said. "He carried a knife. He dressed real tough-looking. He would sleep on the couch with the TV on. All of these things that we didn't understand. We wondered, 'What did we do wrong? Why does he do these things?'"

Questions like these prompted Mr. Higgins to ask his son about his experiences at the seminary, and, with other parents, to pressure the Franciscans into forming the committee on which he became the representative of the families.

Repressing Details
The younger Mr. Higgins said he had blocked many memories of the experience from his mind. He was taught by sex education classes who abused him. At one of the priest's appointments, he said he saw one of his teachers talking with another man on the campus of his college, and pulled my collar down over my face and stuck my fingers into my mouth. "I dreamt that I was at St. Anthony's because I just had to tend them off. But I just had to tend them off. Mr. Higgins said his memories of St. Anthony's came back in a row. Sometimes for several years we been sentenced to one more year at St. Anthony's by cause I haven't paid off my debt. Catholicism being able to let these control having to put up with widow, sorrowful little sexual anxiety sexually, sed by that and anxiety sexually, stantly fighting off priests."

LANNAN

161 East 61st Street, Apt. 2
New York, New York 10021

January 9, 1994

Dear Classmates: [REDACTED]

I saved the enclosed articles with the intent of doing something I have thought about for years, but never gotten around to: write to those who shared the years at St. Anthony's with me and who were -- and in many ways still are -- very much a part of who I am. It is with some trepidation that I set out to correct 23 years of negligence, but [REDACTED]'s recent note reminded me that I should at least try. If not now, when?

The letter from [REDACTED] and [REDACTED], the survey and these articles (the first was on the front page of the *New York Times*), made me realize how truly naive and insulated I was during our high school seminary days. While all of us had our share of problems, I can't help but think how little I really knew about those who were so much a part of my daily life and the world in which we lived. While spared from and ignorant of the abuse others endured, I can't help but feel guilty (once a Catholic, always a Catholic -- at least in that arena) that I wasn't able to see what was going on around me. I am proud of [REDACTED], [REDACTED] and others who had the courage to pursue this issue. I wish I could have been there for you 25 years ago.

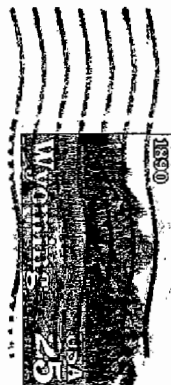
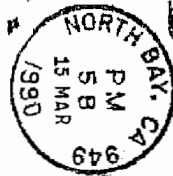
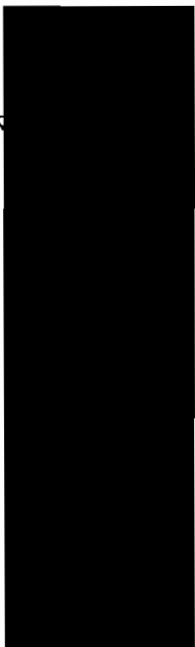
The intervening years have brought about a certain amount of insight, and I hope wisdom, that have let me put my years at St. Anthony's in perspective. Anger has subsided into a commitment to do my small part to make the world a better place. Ignorance and naivete have been replaced by a cynicism (or was that always there?) tempered by a basic belief that most people are basically good and will make the right decisions, given the opportunity and right information.

Life itself has been interesting and generally good to me. At the risk of turning this into one of those rambling holiday letters I hate to receive, I will attempt a brief synopsis of my life since 1970. It will be an interesting exercise for me at least, never having been one to keep a diary; and you can just toss this if you get bored (those who were there for part of this can let me know how faulty my memory has become).

After graduation from SAS, I spent two years at Cal State Hayward as a member of the college house the Franciscans set up, first in Union City then in Hayward. When I finally decided to cut the cord, so to speak, I quit college and went to work for the IRS as a purchasing agent. Reaching a state of total boredom after two years, I decided to return to school and get a degree in something that interested me. Having never focused on a specific major at Hayward, I had virtually all my required courses completed so was able to spend the next two years doing almost nothing except theater (backstage, technical aspects and design -- I did and still do hate being on stage) at UC Berkeley, from which I graduated with an A.B. in dramatic art in 1976. While at Berkeley I also met Nina, the love of my life.

After graduation from Berkeley, I spent one year in Walla Walla, WA, teaching technical theater and designing lights at Harper Joy Theater, the theater department of Whitman College. Returning to the Bay Area, Nina and I moved to San Francisco and were eventually married

[Handwritten signature]

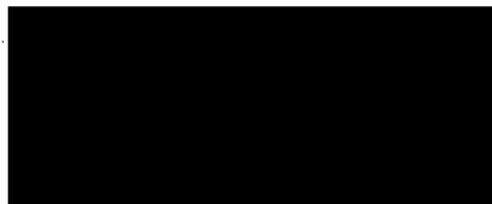


March 14, 1990

Dear [REDACTED],

I just read your letter of March 8th. I'm glad that you have recovered from pneumonia—that can get serious.

I'm home and recovering from surgery. I had some scar tissue removed from my left shoulder joint. It's sore and I'm taking it easy. We are now all moved in at our new house in Windsor, a suburb of Santa Rosa. Here's the address:



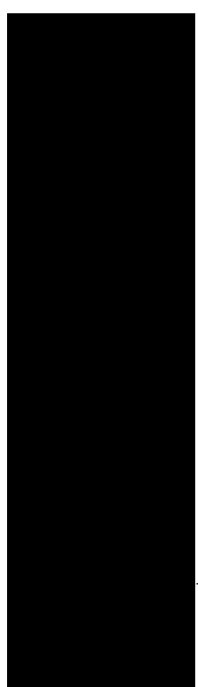
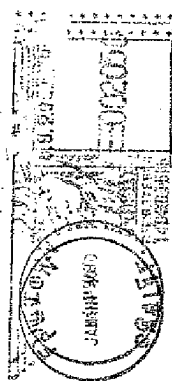
We are doing well to be in touch with sixteen of our classmates. I have made contact with Dave Carlson and Charlie Aguilina. Dave sounded interested in the idea of a reunion. Charlie, believe it or not, is hesitant about it. He has some unresolved issues of his own banging around inside of him about those seminary years. I suggested to him that Dave, he, and I get together informally and talk out issues related to our adolescence at S.A.S. We still have to set something up. Charlie likes the idea.

As far as Mario is concerned, the Franciscans have been extraordinarily fortunate that nobody has laid charges of child abuse and sexual abuse against them. If you were to approach the Los Angeles Times, what approach would you take? I don't know the law in this area. Is there, for example, a statute of limitations regarding child abuse? Also, it's our word against his and we can't prove our allegations. The lid does need to be blown off this issue, though. Keep in touch with me on this matter — I would like to see some of this stuff see the light of day. Also, what of key persons such as Xavier? He seemed to look the other way where his staff was concerned. Isn't anybody accountable?

My main concern now, though, is to help facilitate healing for any of our brothers. That's why you are so important to me now. I think about you and pray for you often. There is life after dumping the shame! Shame — that's the biggest issue in my life — and I'm not even Asian!!

No, [REDACTED] you are not a "bad boy" — you are a good and love deserving person. I'm very thankful that you have trusted me enough to ask me to validate some of your experiences. We help each other heal. God really does love us.

your brother loves you!



January 2, 1990

Dear [REDACTED],

It was good to hear from you and [REDACTED] I called over to Dave's and talked to Barbara. Dave wasn't at home and I haven't spoken to him yet. As far as I can recall, I haven't seen Dave since 1972. How time flies! The 20th Anniversary plans sound good.

I am really happy that you have been in therapy. I spent one year in therapy. My therapist is a priest who left the ministry and is now married. He had a great deal of insight for me.

I guess it's an understatement to say that Fr. Mario had a big impact upon us. I spent years repressing the nasty physical and mental outrages he committed against me. He abused you to a greater extent than me. I wonder: how many others he abused in his years as Prefect of Discipline?

In a sense you and I can be each other's best friend. You and I can express to each other what happened and, more importantly, validate these experiences. My mother tried to get believe that I was blowing out of proportion what really happened.

In my case, it is really a moot point that he required me to submit to his genitalia exams up there in his office. What we had on our hands was a man who used a combination of techniques to tell us that he was in control of every part of our lives. He degraded us in public as well as private.

I've run out of neat little philosophical axioms to explain why people do such things to other people. All I know is that bad things do happen.

I also know that once we become fully conscious of the pain inflicted, we can move toward health by fully experiencing the pain in a "safe" setting. Then we can begin to move toward healing.

In some instances, reconciliation is possible, but I do not feel that Fr. Mario feels that any reconciliation is needed. Part of my therapeutic "homework" was to confront him. He hurled accusations at me and showed me the door.

So, we can't "make up and be friends." I am still unable to say that I "forgive" him. I am aware that I should be able to move closer to forgiveness; sometimes forgiveness takes decades to achieve.

My position is currently one of feeling pity for him while not forgetting the danger he poses. Since the Provincial continues to assign him to parish work as a pastor, I have a concern for young people who might be vulnerable.

Obviously, our legal claim to any action against him is not at this late date even possible to take to any court of law. I went to [REDACTED] several years ago (as part of my therapy work) to have him apply a permanent control on Fr. Mario. He did his best, I believe, but [REDACTED] [REDACTED] has seen fit to assign him to Guadalupe Parish in Delano. I am disappointed.

The problem of pedophile clergy types is coming to public attention. Many priests and ministers are going to jail—including one I know.

Given the difficulty of us reconciling what we feel about our experiences, it can be an aid to healing to be "an opposite force" to what Fr. Mario represents. If we see him

as sick and lacking in integrity, we must be agents of health and integrity for young people—especially in church type settings where kids might be naïve—like we were. For me, it is the idea that I have a "mission" to bring decency to kids in church that powers me up to oppose the Fr. Marios of the world.

There is a whole lot we can talk about, when we see each other next. I plan to take vacation time so we can have the time to talk. Drug issues brought you to therapy—sexual problems brought me. I've grown so much since therapy—the problems that brought me to therapy have been gone from my life for almost ten years. You've got some good days ahead of you. The time is approaching when Fr. Mario will have little effect upon your life.

I'm here if you need me.

Your brother,

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