



COPY

## Province of St. Barbara

FRANCISCAN FRIARS

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

Gary Pacheco  
17130 San Mateo, B22  
Fountain Valley, CA 92708

May 18, 1994

Dear Gary:

Peace and all good!

I want to wish you a very joyous Pentecost. I hope everything is going well. Please be assured of my prayers in the continuing difficulties. I hope that everything can be resolved satisfactorily. It seems, from what I've heard, to be moving in a good direction.

Gary, this is just a short note to say that we have received a complete dispensation for you from the religious life and the clerical state. The rescript which was dated March 12, 1994, dismisses you from the obligations of priestly celibacy and carries with it a dispensation from vows. We will notify the place where you were baptized that this dispensation has been granted.

I am very glad that we are able to resolve this in a satisfactory manner for yourself and very much appreciate the cooperation which you have given to everyone, and the real integrity with which you witness in this way. I would like to encourage you to continue to take part in the life of the Church and to perform some works of charity for the poor as that becomes possible for you in your work and in your life.

On a separate page, I summarized the decree which is in Latin and is on file in the provincial office.

God bless you, Gary. Please be assured of my prayers.

Fraternally,

[Redacted signature block]

/jhs

First Amendment



CONGREGATIO DE CULTU DIVINO ET DISCIPLINA SACRAMENTORUM

Prot. N. 1787/93/S

D.nus ALBERT GARY PACHECO, sacerdos, Ordinis  
Fratrum Minorum,  
petiit dispensationem a sacerdotali coelibatu.

SS.mus D. N. IOANNES PAULUS, Divina Providentia Papa II,  
die 12 martii 1994 habita relatione de casu a  
Congregatione de Cultu Divino et Disciplina Sacramentorum, precibus an-  
nuit iuxta sequentes rationes:

1. Rescriptum vim suam exserit a momento notificationis a competenti  
Auctoritate ecclesiastica oratori factae, et amplectitur inseparabiliter dispen-  
sationem a sacerdotali coelibatu et simul amissionem status clericalis. Num-  
quam oratori fas est duo illa elementa sejungere, seu prius accipere et alterum  
recusare. Si vero orator est religiosus, Rescriptum continet etiam dispensatio-  
nem a votis; idemque insuper secumfert absolutionem a censuris, quatenus  
opus sit.

2. Notitia concessionis dispensationis adnotetur in Libris baptizatorum  
paroeciae oratoris.

3. Quod attinet ad celebrationem canonici matrimonii, applicandae sunt  
normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut  
res caute peragantur sine pompa vel exteriore apparatu.

4. Auctoritas ecclesiastica, ad quam spectat Rescriptum cum oratore  
communicare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi  
cum nova eius vivendi condicione, participet, aedificationem praestet et ita  
amantissimum Ecclesiae filium se exhibeat. Simul autem eidem notum  
faciat ea quae sequuntur:

a) sacerdos dispensatus eo ipso amittit iura statui clericali propria,  
dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali  
conexis non amplius adstringitur;

b) exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in  
cann. 976, 986, § 2 ac propterea nequit homiliam habere. Insuper nequit fun-  
gi ministerio extraordinario sacrae Communionis distribuendae nec potest  
officium gerere directivum in ambitu pastoralis;

c) item nullum munus absolvere potest in Seminariis et in Institutis  
aequiparatis. In aliis Institutis studiorum gradus superioris, qui quocumque  
modo dependent ab Auctoritate ecclesiastica, munere directivo vel officio  
docendi fungi nequit;

First Amendment

d) in iisdem vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam disciplinam proprie theologicam vel cum ipsa intime connexam tradere potest;

e) in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica munere directivo vel officio docendi fungi nequit nisi Ordinarius, pro suo prudenti iudicio et remoto scandalo, ad munus docendi quod attinet, aliter decernere aestimaverit. Eadem lege tenetur sacerdos dispensatus in tradenda Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.

5. Per se sacerdos a sacerdotali coelibatu dispensatus, et a fortiori sacerdos matrimonio iunctus, abesse debet a locis in quibus eius antecedens condicio nota est. Ordinarius loci commorationis oratoris tamen, audito quatenus opus erit, Ordinario incardinationis vel Superiore maiori religioso, dispensare poterit ab ista clausula Rescriptum afficienti, si oratoris praesentia scandalum paritura non praevideatur.

6. Denique ei aliquod opus pietatis vel caritatis imponatur. Tempore autem opportuno breviter ad Congregationem de peracta executione referatur, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideatur.

Contrariis quibuscumque minime obstantibus.

Ex Actibus Congregationis, die 21 martii 1994.

Sign.: Antonius M. Card. Javierre  
Praefectus

" + Gerardus Majella Agnello  
Archiep. Secretarius

CONCORDAT CUM ORIGINALI  
quod in Archivo huius  
Congregationis asservatur.  
Romae die 29 MAR. 1994



*G. Lazzaroli*

250.000  
Processus Congregatio C. S. S.  
Procedimento N. 5088

First Amendment



CONGREGATIO DE CULTU DIVINO  
ET DISCIPLINA SACRAMENTORUM

Roma, die 21 martii 1994

Prot. N. 1787/93/S

Reverendissime Pater,

Paternitatem Tuam certiore facio SS.mum Dominum Nostrum IOANNEM PAULUM PP. II,  
ut patet ex Rescripto adnexo, in exemplari autentico, in audientia diei 12 martii 1994  
, dispensationis gratiam tribuere dignatum esse a sacerdotali coelibatu domino

ALBERT GARY PACHECO, Ordinis Fratrum Minorum.

Curet, ideo, Paternitas Tua notificare Rescriptum oratori et clausolarum adimplementum ur-  
gere necnon huic Dicasterio eiusdem peractam executionem communicare.

Dum haec renuntio, omni obsequio permaneo.

+ *Ant. M. Card. Javierre*  
( Antonius M. Card. Javierre )  
Praefectus

+ *G. M. Agnello*  
( + Gerardus Majella Agnello )  
Archiep. Secretarius

Reverendissimo Patri  
P. HERMANN SCHALÜCK, O.F.M.  
Ministro Generali  
Via S. Maria Mediatrice, 25  
R O M A

First Amendment



Congregation for Divine Worship  
and the Discipline of the Sacraments.

Prot.N. 1787/93/S

Mr. Albert Gary Pacheco, a priest of the Order of Friars Minor, has requested a dispensation from priestly celibacy.

On 12 March 1994 our Holy Father, John Paul II, by Divine Providence, Pope, having considered this case as presented by the Congregation for Divine Worship and the Discipline of the Sacraments, granted the request in the following terms:

1. The rescript takes effect the moment that the petitioner is notified by the proper ecclesiastical authority; it carries with it inseparably both a dispensation from priestly celibacy and the loss of the clerical state. The petitioner may not separate these two items, that is, accept the first and refuse the second. If the petitioner is a religious, the rescript also carries with it a dispensation from vows; it also includes absolution from censures if this be needed.

2. A note saying that this dispensation has been granted should be made in the baptismal register of the parish where the petitioner was baptized.

3. With regard to the celebration of marriage in the Church, Canon Law is to be followed; however the ordinary should take care that the matter is done cautiously, without too much show and external celebration.

4. The ecclesiastical authority who is charged with informing the petitioner that the rescript has been granted should earnestly advise him to take part in the life of the Church in accord with his new condition in life, to give good example and to behave as a loyal son of the Church. Likewise he should inform him of the following:

a) a priest who has been dispensed, by that very reason loses the rights that are proper to the clerical state, together with ecclesiastical dignities and offices; he is no longer bound to other obligations which are connected to the clerical state;

b) he is forbidden the exercise of the sacred ministry with the exception of those cases noted in canons 976, 986:2\*; for this reason he may not give a homily. He may not be an extraordinary minister of the Eucharist nor may he hold the directorship of any pastoral office;

c) he may not hold any office in a seminary or equivalent institution. He may not teach or hold a director's position in any other institute of higher studies which in any way is under ecclesiastical authority;

First Amendment

d) in institutes of higher studies which are not subject to ecclesiastical authority he may not teach any course which is properly theology or which has an intimate connection with theology;

e) he is not allowed to hold a directorship or teaching position in accademic institutions of a lower category if they are subject to Church authority; the ordinary, however, may, according to his prudent judgement, allow the petitioner to teach as long there is no danger of scandal. Dispensed priests are held to the same rule with regard to teaching religion in institutions of the same category which are not subject to Church authority.

5. As a rule, a priest who has been dispensed from priestly celibacy, and even moreso one who has contracted marriage, should not remain in those localities where it is known that he was a priest. However if it seems that the presence of the dispensed priest will not cause any scandal, the ordinary of the place where the petitioner resides may dispense from this provision of the rescript; in this case, if it seems necessary, he should first consult the ordinary of the diocese or religious institute where the priest came from.

6. Finally some work of piety or charity should be imposed on the dispensed priest. At a convenient time a brief notice of the execution of this rescript should be sent to the Congregation; finally, if there is still confusion among the faithful about this matter, it should be prudently explained to them.

These provisions take precedence over all others, even those which would be contradictory.

Given at the headquarters of the Congregation on March 21, 1994.

(this is an authentic copy of the original which is to be found in the archives of the Congregation; it was made on March 29, 1994.)

The protocol number in the General Procuration of the Friars Minor is 5088.

---

\* Canon 976 - Even though he lacks the faculty to hear confessions, any priest validly and licitly absolves from any kind of censures and sins any penitent who is in danger of death, even if an approved priest is present.

Canon 986:2 - In urgent necessity any confessor is obliged to hear the confessions of the Christian faithful, and in danger of death any priest is so obliged.

First Amendment



# Province of St. Barbara

FRANCISCAN FRIARS

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

## 1. Attestation by the Notary:

I, Brother Joseph Schwab, O.F.M., testify that I am certain as to the faithful transcription and correctness of these copies, which will be sent to the Congregation for Divine Worship and Discipline of the Sacraments.

Oakland CA  
19 August 1993



*Joseph Schwab O.F.M.*

Joseph Schwab, O.F.M.  
Notary/Actuary

N.B. The first of these documents follows; it is the petition of the interested party to the Holy Father.

First Amendment

Most Holy Father:

I am Albert Gary Pacheco, a solemnly professed member of the Order of Friars Minor, and a priest. I come to you with humility and confidence to ask to be dispensed from my religious vows in the Franciscan Order, and also to be dispensed from all the obligations which I contracted through priestly ordination.

Here are the principal reasons which led me to leave the Franciscan Order and eventually the Priesthood as well..

As I look back over my life I realize that I entered the Franciscan Order chiefly because I came from a Franciscan parish. I really chose the priesthood rather than the religious life. Also, this was during the war between the United States and Viet Nam, and I did not want to go to war. I think that my reasons for choosing the religious life and the priesthood were not mature ones.

Although I did not have any great difficulties in observing the religious life and although I enjoyed priestly work, I did not feel really welcome at my first assignment and even then I began to wonder if I had made the right decision in becoming a priest.

In 1985, thinking that my difficulties were more with religious life than with priestly ministry, I began the process of incardination into the diocese of Orange, California. However, three years later I returned to the Franciscan Order, received counseling and eventually decided to take a leave of absence from the order and the priesthood in order to better discern my vocation.

Since that time I have come to the conclusion that that I was not adequately prepared for the priestly ministry and that as a result the commitment I made was immature; I realize now that I stayed in the priesthood because of my father (who is now deceased).

Thus, I respectfully and humbly ask to be dispensed from my religious vows and the obligations of priestly ordination so that I may lead a good Christian life as a lay member of the Church.

Respectfully yours,

*Albert Gary Pacheco*

Albert Gary Pacheco  
17130 San Mateo, Apt. B-22  
Fountain Valley, CA 92708  
U.S.A..

Fountain Valley CA  
June 22, 1993

First Amendment





# Province of St. Barbara

FRANCISCAN FRIARS

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

## 2. CURRICULUM VITAE OF ALBERT GARY PACHECO

Albert Gary Pacheco, known in religion as Gary Pacheco, the son of Albert S. Pacheco and Evangeline Perry, was born in Honolulu, Hawaii, U.S.A., on January 16, 1947. His parents, now deceased, were both practicing Catholics. Gary had one sister.

He received his education in public schools in Hawaii and California. At California State University in Hayward, he studied accounting and some philosophy. When he was in his last year of college he applied to enter the Franciscan Order with the idea of becoming a priest. At the time he stated that he was not being forced in any way, and that he had been thinking about joining the priesthood for several years. He added that his reason for becoming a Franciscan was because he believed that it was the life he was meant to lead; he felt this within him. He dated girls but really did not have any interest in them.

Until 1979 clerical candidates for the novitiate had a two year residency period the province's House of Philosophy, San Luis Rey College; the College was closed in the summer of 1979 and Gary was admitted directly into the novitiate, after psychological evaluation.

Gary made his first profession in our order as a member of the province of St. Barbara on September 17, 1970, and then undertook theological studies at the Franciscan School of Theology in Berkeley, California from 1970 until 1974. He made final profession on October 1, 1973, was ordained deacon in the same month, and then served as a deacon in St. Anthony's Parish, Tigard, Oregon for six months. He returned to Berkeley for further studies and was the ordained to the priesthood at the Old Mission in Santa Barbara, California, on May 25, 1974.

His priestly assignments as a member of our Franciscan province were as associate pastor in the following parishes:

June 1974 - June 1975 Ascension, Portland, Oregon;  
June 1975 - May 1977 Sts. Simon and Jude, Huntington Beach CA;  
May 1977 - July 1978 St. Francis, Spokane, Washington.

July 1978 - July 1985 Sts. Simon and Jude, Huntington Beach CA;

First Amendment

In July 1985 Gary was accepted as a candidate for incardination into the diocese of Orange, and was assigned to St. Polycarp Parish, Stanton, California, where he remained until February 1988 when the diocese terminated his experiment of incardination because of allegations of sexual misconduct.

At this point he returned to the jurisdiction of the Provincial Minister of the Franciscan Province of Santa Barbara and was directed to Villa Louis Martin in Jemez Springs, New Mexico, for professional help. He remained there through September 1988.

Since that time he has been living at 17130 San Mateo, Apt. B 22, Fountain Valley CA 92708; his phone is (714) 962-6790. He has secular employment.

Oakland, California  
May 8, 1993

First Amendment



## Province of St. Barbara

FRANCISCAN FRIARS

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

### 3. Summary of the pastoral attempts to dissuade (Albert) Gary Pacheco from setting in motion his request for a dispensation.

When Gary Pacheco approached his provincial minister (major superior) some five years ago to manifest his difficulties in continuing in the priestly ministry, the minister instructed him to receive spiritual direction and to undergo professional counseling at a center for priests. After living as a lay person for these five years, Gary has no desire to continue to return to the priestly ministry.

Given the particular nature of the case and taking into consideration the fact that Gary believes he made a mistake in accepting ordination, no further efforts have been made to dissuade him from setting in motion his request for a dispensation.

Oakland, California  
May 6, 1993

*Joseph Schwab, OFM*

fr. Joseph Schwab, ofm  
Notary

**REDACTED**

First Amendment



# Province of St. Barbara

FRANCISCAN FRIARS

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

## 4. Statement of intent to leave the ministry.

After spending five years in prayer and discernment, Gary Pacheco has finalized his decision to leave the ministry; his major superior also suspended him from the exercise of Sacred Orders from the very time when he manifested his inability to continue in the priestly ministry.

Oakland, California  
May 6, 1993

*Joseph Schwab, OFM*

fr. Joseph Schwab, ofm  
Notary

**REDACTED**

First Amendment





# Province of St. Barbara

FRANCISCAN FRIARS

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

5a. Decree of the nomination of the Interrogating Instructor and the Recording Secretary for the interrogation of the petitioner.

DECREE

REDACTED

Inasmuch as (Albert) Gary Pacheco, a solemnly professed priest member of our province, has requested to be dispensed from solemn vows and the obligations arising from ordination to the holy priesthood, I hereby nominate \_\_\_\_\_, as Interrogating Instructor for the purpose of taking the personal deposition of (Albert) Gary Pacheco, since the distances in this case are considerable. For the same purpose and because of the same reason I also name \_\_\_\_\_ as recording secretary, charging both of them with the obligation of following the "Procedural Norms" issued by the Congregation for the Doctrine of the Faith, October 14, 1980.

Oakland, California  
March 15, 1993

l + s



*Melvin A. Jurisich*

Melvin A. Jurisich, O.F.M.  
Secretary of the Province

REDACTED

First Amendment



# Province of St. Barbara

FRANCISCAN FRIARS

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

5b. Decree of the nomination of the Judge Instructor and the Recording Secretary for the case.

D E C R E E

Inasmuch as (Albert) Gary Pacheco, a solemnly professed priest member of our province, has requested to be dispensed from solemn vows and the obligations arising from ordination to the holy priesthood, I hereby nominate ofm as Judge Instructor in this case, with Fr. Joseph Schwab oim, as recording secretary, charging them with the obligation of following the "Procedural Norms" issued by the Congregation for the Doctrine of the Faith, October 14, 1980.

REDACTED

Oakland, California  
April 30, 1993

l + s



*Melvin A. Jurisich, for*

Melvin A. Jurisich, O.F.M.  
Secretary of the Province

REDACTED

First Amendment



## FRANCISCAN FRIARS

ST. JOSEPH'S

218 East 12th Street

Los Angeles, California 90015

(213) 748-5394

### Questionnaire:

1. Pacheco , Albert, Gary
2. Jan. 16, 1947. Honolulu, Hawaii
3. Both Parents deceased.
4. Simple profession Sept. 17, 1970, solemn profession Oct. 1, 1973.
5. Made regular declarations before deaconate. cf. Canon 1036.
6. Ordained May 25, 1974, Mission Santa Barbara, Santa Barbara, CA. U.S.A.
7. At California State University, Hayward, California, took accounting and some philosophy.
8. Before priesthood he took four years of theology at Franciscan School of Theology, Berkeley, California.
9. There were no further studies.
10. Before ordination some parochial assistance and hospital ministry.
11. Pastoral work since ordination.
12. No particular difficulties before novitiate.
13. No difficulties were experienced during the novitiate.
14. No difficulties during period of studies prior to ordination.
15. Since ordination difficulties did not feel welcome at his first assignment. Questioned whether he had made right decision. After this first assignment of one year, he felt uneasy about his vocation.
16. He chose priesthood more than religious life, since he was from a Franciscan parish. The pressure of the war influenced him. He did not want to go to war.
17. He was not persuaded by someone else to choose religious life or priesthood. Family tried to discourage him.
18. He did not have a pre-novitiate period. During novitiate the novice master was perhaps over-worked, with parish duties, as well of duties as local superior. After novitiate one of the formation personnel wondered if he could handle the pressures of parish life.
19. He has not suffered any physical or psychological problems.

First Amendment

20. Before priestly ordination he was not derelict in a serious way about obligations assumed.

21. n.a.

22. About seven years ago.

23. He applied to the Diocese of Orange about seven years ago. He did not decide to leave the priesthood at this time.

24. He was exclaustrated about seven years ago.

25. Yes, he received permission for exclaustration from the Minister General of the Order.

26. 17130 San Mateo, Apt. B. 22. Fountain Valley, CA. 92708. He lives by himself. He has a secular job.

27. He has not attempted marriage.

28. He has no children.

29. He is now seeking dispensation from the obligations of religious life and also from the obligations of the priesthood, including that of celibacy.

30. He feels he was not properly prepared. He was immature in making commitment. The pressure of the war, -did not want to serve in war. He stayed in priesthood because of wishes of his father. He feels inadequately prepared for the priesthood, and feels ill-equipped to continue as a priest.

31. His decision is considered definitive and irrevocable.

32 He fully understands that if a dispensation from celibacy is granted, he will no longer be able to exercise priestly functions.

St. Joseph's Friary, Los Angeles, California  
April 1, 1993

**REDACTED**

Albert Gary Pacheco

Petitioner

Perrogating Instructor

Notary

**REDACTED**

First Amendment



### Appendix III

1. A Model Formulary for the Oath to be Sworn by the Petitioner:  
(cf. above, Part III, 10.5.2.2a, p. 33)

"I ~~Albert Henry Pacheco~~, a friar-priest (i.e. the Petitioner) swear that I have spoken  
(~~or will speak~~) the whole truth and only the truth in my deposition, as I per-  
ceive that truth before God and my conscience, and that I have explained (~~or~~  
~~will explain~~) that truth completely and faithfully, without adding, omitting or  
changing anything. So help me God, etc.....

Place, day, month and year. *April 1, 1993, Los Angeles, CA*

Signature: *Fr. Albert Henry Pacheco*, priest OFM  
Petitioner

2. A Model Formulary For the Attestation by the Actuary (Notary):  
(cf. above, Part III, 10.5.2.2b, p. 33)

"And I, \_\_\_\_\_, testify that I am certain as to the faithful  
transcription and correctness of these copies, which ~~have been~~ (will be) sent  
to the Congregation for Divine Worship and Discipline of the Sacraments."

Place, day, month and year. *April 1, 1993, Los Angeles, CA*

Signature: \_\_\_\_\_, priest OFM  
Actuary

**REDACTED**

First Amendment

7.1 Deposition of Fr. Kenan B. Osborne, OFM

My name is Pater Kenan B. Osborne, O.F.M. I am 62 years old, a priest member of the Franciscan Province of St. Barbara. My address is 1712 Euclid Avenue, Berkeley CA 94709, U.S.A. I am the former Rector of the Seminary, Franciscan School of Theology, Berkeley CA.

I knew Albert Gary Pacheco during his studies at Franciscan School of Theology, from 1970-74. I was his rector, professor, and academic advisor.

I did not know him before he entered the novitiate. My knowledge of his family background, his temperament, qualities, deficiencies and his general manner of conduct before solemn profession and ordination is contained in the accompanying letter dated today, May 7, 1993.

As far as Gary's external conduct is concerned, there were no indications of anything seriously wrong. There were indications that temperamentally, he had problems. Without a serious external situation, the rector and the faculty felt they could not deny him his request, both for profession and ordination.

With regard to his conduct since ordination, I believe that he had problems with authority figures. More than this, I cannot say; my contacts with him were minimal.

For the good of the Church and religious life, I think it would be better if he were returned to the lay state with a dispensation from obligations of Holy Orders. I believe that this request, in conscience, is the right thing to do.

I have nothing else to add to my testimony.

Oakland, California  
May 7, 1993

Fr. Kenan B. Osborne, OFM  
Fr. Kenan B. Osborne, O.F.M.  
Witness

Joseph Schwab, OFM  
Fr. Joseph Schwab, O.F.M.  
Notary

REDACTED

First Amendment

FRANCISCAN SCHOOL OF THEOLOGY  
1712 EUCLID AVENUE  
BERKELEY, CALIFORNIA 94709

Re: GARY PACHECO

I was the rector of the theological seminary, The Franciscan School of Theology, in Berkeley, California, during the time that Gary Pacheco was a seminarian studying theology.

Gary Pacheco at that time presented both myself and our Franciscan faculty with some issues which were very difficult to evaluate. By nature he was a quiet and introverted person. He found it difficult to speak openly about his feelings and his perceptions. The presence of authority figures in particular seemed to increase his reticence. His mother had died and he continued to suffer a deep emotional struggle in accepting her death. Two of his aunts became surrogate mothers for him; one of them was a quite dominant woman, and Gary tended to accept her suggestions and desires in a rather unquestioned way. His father was also a quiet but powerful man. Even with his own brothers and sisters in Hawaii, he was not a communicative individual, but nonetheless he was an independent, fairly wealthy, and therefore powerful person. Gary respected his father and in many ways stood in awe of him. He would never think of crossing his father, just as he rarely crossed his aunts. Emotionally, there were unresolved problems with Gary as regards the death of his mother and the relationships with his father and his aunts.

Nonetheless, Gary was his own person, and inwardly showed signs of anger and even at times a touch of rebellion. These same feelings and suppressed feelings were part of his stance toward the seminary authorities and authority figures in the Franciscan Order. Never, however, did any major confrontation take place. Gary remained for the most part passive and non-assertive.

As a seminary faculty we were concerned about this as far as pastoral ministry was concerned, since a pastoral minister needs to be a leader rather than a follower. We were also concerned about his relationship to the religious community. However, there were no serious incidences which we could present as a deterrent for either his solemn vows or his ordination.

First Amendment

In retrospect, one can say that Gary operated at two levels: one the public level, in his relationships to family and seminary/order authority figures. The other was his own personal life, which he tended to keep as quiet as possible. Eventually, these two sides of his life had to come into conflict.

At the very time that he was attending the theological seminary and was up for vocation, the faculty had to deal with a very difficult situation: namely, the death of Fr. Pierre Etchelecu, O.F.M., who was a major professor, the guardian of the community and the student formation director. He was not only a key person in the community, but he was well liked and very talented. His sudden death created a focus by the seminary faculty and the franciscan community, which unfortunately took away from the routine tasks of a seminary and community situation. As a result, not enough focus was given, perhaps, to Gary Pacheco's request for solemn vows and for ordination. Had the death of this person not taken place, and the situation was more ordinary, both myself and the faculty would have been less distracted and we would have attended to the details of Gary Pacheco's requests with much more diligence.

Given his present request for dispensation, I would want to say that for good of the people of God, it would be a most prudent step in granting this dispensation. The issues which Gary Pacheco must face as regards his own introversion and authority figures have not been resolved, and given his age, will not be resolved. As a result, he will not work well in a diocesan and parish situation, in which authority is a major issue; nor will he as a result work well with the people of a parish, since his unresolved feelings of anger and resentment will in open and in subtle ways be taken out on the parishioners with whom he works.

Seminaries and seminary officials try hard to do what is right for the Church, but there is never a clear and correct path to follow. We do what we can, given the grace of God, but at times our judgments, in retrospect, are seen as incorrect. I truly believe that this was the case for Gary Pacheco, and I would hope and pray that for the good of the Church he receives the dispensation he is requesting.

*P. Kenan B. Osborne*

P. Kenan B. Osborne, O.F.M.

May 7, 1993

First Amendment





# Province of St. Barbara

FRANCISCAN FRIARS

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

## 7.2 Deposition of Fr. Michael Doherty, O.F.M.

My name is Father Michael Doherty, O.F.M., age 46, I am a priest member of this Franciscan Province of St. Barbara. I am a member of the provincial definitorium (council) and the guardian (superior) of the house of studies, "Franciscan School of Theology", 1712 Euclid Avenue, Berkeley CA 94709.

I first knew (Albert) Gary Pacheco in 1969 when we went to the novitiate together. We were classmates until graduation from the Franciscan School of Theology in 1974. After that I was assigned to the north, and he went south. We knew each other only at a distance, and the relationship was not close.

Gary is Hawaiian. His father remarried and Gary had no connection with his step-mother. There were issues about going home and being connected to his family there. There was also an unresolved question with his father about his real mother.

When we were novices there was a question as to where Gary got his affective needs met; it was evident to us that he was more needy than we were in this regard. The direction he took later never showed itself at that time, except perhaps in minor ways, e.g., at the elementary school: he truly enjoyed being with children at recess. Looking back now, I see that he found something with the children that he did not find with us adults.

By temperament Gary is easy going. I never thought that he had much to contribute; in fact I remember that some of us (his classmates) asked the superiors why Gary was continuing on; we asked about the wisdom of ordaining him. A number of us thought that he should not be ordained. Our concern was that Gary really seemed immature, so much so that when we asked ourselves if we would go to him for counseling, the answer was no.

First Amendment

With regard to his conduct before solemn profession and ordination, he seemed more comfortable with younger people and the elderly than he did with his peers and those somewhat older than he; with these he seemed unsure and not as comfortable.

Gary seemed very comfortable as a religious within the framework of fraternal life, but I didn't get any indication that he would feel comfortable in the role of leadership as a priest; in fact he didn't show enthusiasm or desire for public ministry.

What I know of his conduct since ordination is based on what others have told me in the area of allegations, innuendo, rumor and unsubstantiated talk concerning inappropriate sexual behavior with minors. At the time I received this information he was no longer with the friars or under our jurisdiction.

I wonder how free Gary was, emotionally and psychologically, to make a decision to be ordained. I remember that he struggled with issues relating to his father. Was he fulfilling his parents' desire?

I think that it would be in the best interests of the Church, the order, and of Gary Pacheco himself, if he were freed from the obligations of religious profession and priestly ordination. It was a miscuing that he was ordained; not ill will, just not good judgment.

As his classmate I can state in conscience that for me there is no question at all: I never thought that he should have been ordained.

I have nothing else to add.

Danville CA  
May 10, 1993

*Fr. Michael Doherty, OFM*  
Fr. Michael Doherty, O.F.M.  
Witness

**REDACTED**

**REDACTED**

*Joseph Schwab, O.F.M.*  
Fr. Joseph Schwab, O.F.M.  
Notary

First Amendment

### 7.3 Testimony of Fr. Robert M. Pementell, O.F.M.

My name is Father Robert M. Pementell, O.F.M. I am a priest member of this Franciscan Province of Santa Barbara. I am 46 years old. Presently I am the guardian (local superior) of San Damiano Retreat, located in the hills above Danville (P.O. Box 767, Danville CA 94526).

I first met (Albert) Gary Pacheco in our year of novitiate. I lived with him for one year then, and saw him regularly after that for two years. Then I lived with him for another year at the Franciscan School of Theology, Berkeley CA, where we were both students. Later, when I was still a student of theology I spent two summers in a parish (in Tigard OR) where Gary was stationed and which he later visited.

With regard to his family background I remember the following: his mother had died prior to his entrance into the novitiate. The times that I met his father, he seemed needy and shy. Gary mirrored his father in this respect. I even got the feeling that the family was dumping Gary; the novitiate was a safe place to be, and his father was returning to Hawaii. Gary spoke a lot about an aunt who owned a restaurant in Hawaii. I have a feeling that she may have taken the place of Gary's mother.

As far as his general manner of conduct goes, first, I didn't know him before the novitiate. Then I didn't see much growth or change in him: what he was before was the same that he was after ordination.

His temperament: he held in lots of anger; he didn't know how to express it. His anger came out as embarrassment. He was simple and very shy and got embarrassed if you looked at him. He had feminine characteristics, and we referred to him as a little old lady. He was capable of friendship, but in a very limited and exclusive way. We didn't want to befriend him nor he us.

His deficiency was that he could not relate to his peers. His peer level was little kids, both in Sacramento (novitiate) and in Tigard (one of his first assignments). He became a little kid around children.

He was a weak person, without character; he was a follower, not a leader; a restricted person. His devotion was a lot of show; it was shallow. He was not a great communicator.

On the other hand he had the qualities of gentleness and kindness, from whatever motive I don't know.

Specifically with regard to his behavior before ordination, as I reflect back on the years when I lived with him, I now question his suitability for living the religious life and the authenticity of his vocation because he seemed all taken up with externals; he was trying too hard to get all dressed up; it was a show, something

First Amendment

visual.

As far as his conduct after ordination to the priesthood goes, I remember seeing him holding children who were surrounding him; this was a continuation of a practice which I first noticed about him in Sacramento; he spent lots of time walking across the school yard to be around the children. His ministry and religious life were all around kids. He thrived on it. We said that he was like a mother hen.

I understand that there is a restraining order which prohibits him from going on the property of Sts. Simon and Jude parochial school in Huntington Beach. This makes me think that something occurred. His continual concern with externals, his lack of communication skills and his limited ability to relate to adults indicate to me that he wasn't suitable for the religious life and priestly ministry. He would not be qualified for any type of leadership position.

I am in favor of, and I support Gary's request to return to the lay state. I have no hesitation in affirming this in conscience. I believe that it is for the benefit of the Church, the Order and for Gary himself. I would say the same even if there had not been any difficulties regarding children.

Looking back, I think that there was so much lacking in his vocation; he should not have been allowed to make profession or to be ordained.

Danville CA  
May 11, 1993

*FR Robert M. Pementell, O.F.M.*  
Robert M. Pementell, O.F.M.  
Witness

*Joseph Schwab, O.F.M.*  
Joseph Schwab, O.F.M.  
Notary

**REDACTED**

First Amendment



#### 7.4 Testimony of Fr. Paul F. Warren, O.F.M.

##### 1. General Information:

My name is Paul F. Warren, O.F.M., a priest of the Province of Santa Barbara, age 45. At present I am the director of San Damiano Retreat, P.O.B. 767, Danville CA 94526.

##### 2. My knowledge of Gary Pacheco:

I have known (Albert) Gary Pacheco since 1971 when we were together for two years as friar students at the Franciscan School of Theology in Berkeley CA. Since that time I have had no close contact with him.

##### 3. His family background:

I know that when we were students his mother was already deceased and his father lived in Hawaii. He seemed to have a close but odd relationship with his father. I think that he was an only child.

##### 4. His conduct before profession and ordination:

I was surprised that he was accepted for solemn profession. I questioned his fitness for life in community as well as for ministry.

He was bright enough to get through studies, but he was no genius; he was an average to less-than-average student.

On the positive side, he was gentle and this gentleness had a certain appeal; he was not threatening. However he did carry it to an unhealthy extreme. If he disagreed it was in private. At times he was quick tempered over things which did not warrant such

First Amendment

us were being confronted with at the time. His clerical affectation about externals seemed to have higher priority. He was hiding behind the superficialities of clerical or religious life.

6. His conduct since ordination:

His emphasis on externals seemed to hide the internal struggles over his vocation. For example, I remember that when he was already a priest he once said that with the emphasis on the resurrection now, we should remove the corpus from our crucifixes. He didn't seem to understand its meaning.

I heard from people who had lived with him that there were rumors and suspicions that Gary had engaged in inappropriate behavior with children.

7. My opinion of his request:

Given my hesitation at the time of his profession, in conscience I think that Gary's request to be dispensed from vows and the obligations of priestly ordination is appropriate and should be upheld.

Danville CA  
May 11, 1993

*Paul F. Warren, O.F.M.*

Paul F. Warren, O.F.M.  
Witness

*Joseph Schwab, O.F.M.*  
Joseph Schwab, O.F.M.  
Notary

**REDACTED**

First Amendment

## 7.5 Testimony of Fr. Michael D. Guinan, O.F.M.

### 1. General Information:

My name is Father Michael Guinan, O.F.M. I am 54 years old and a priest member of the province of St. Barbara. I have been teaching Sacred Scripture at the Franciscan School of Theology in Berkeley CA for the last twenty-one years. My address is 1712 Euclid Avenue, Berkeley CA 94709, U.S.A.

### 2. My knowledge of Gary Pacheco:

I lived in community with him for one and a half years; at that time I had just joined the faculty of the Franciscan School of Theology and was a member of the formation team. I don't remember seeing him after his ordination.

### 3. His family background:

It seems to me that his family lived in Hawaii; his mother had died, and his father remarried.

### 4. His conduct before profession and ordination:

He was extremely withdrawn; he had very poor social skills both inside and outside the community. He spent a great length of time in his room, and had no friends inside or outside the house. Because of this I had reservations about his potential for ministry.

### 5. Indications of a lack of vocation before ordination:

I believe that there may have been indications of a lack of vocation before ordination; as a member of the formation team I had severe reservations regarding both his proper intention and his suitability for living the religious and priestly life.

However, since I was new at the school and community, I deferred to the rest of the formation team who had more experience than I. With regard to his ordination, I held out and, as I recall, I was the last one to vote "yes", and did so reluctantly. What influenced me to give a positive vote was the fact that Gary got a fairly good report from his ministry assignment. However, my support was never wholehearted.

Knowing what I now know through my experience in formation work, I would never vote for someone like Gary; however, he was one of the first ones with whom I was involved as a member of the formation team.

### 6. His conduct since ordination:

I heard that he was having difficulties in some assignments and that he had wanted to leave the order and join a diocese.

First Amendment

7. My opinion of his request:

I believe that the request of (Albert) Gary Pacheco to return to the lay state and to be dispensed from the vows of religion and the obligations arising from holy orders must be upheld, and I support it completely in conscience. His solemn profession and ordination were, simply, a mistake.

I have nothing further to add.

Oakland CA  
May 14, 1993

*Michael D. Guinan, O.F.M.*

Michael D. Guinan, O.F.M.  
Witness

*Joseph Schwab, O.F.M.*  
Joseph Schwab, O.F.M.  
Notary

**REDACTED**

First Amendment



## 7.6 Testimony of Patrick Groves, O.F.M.

### 1. General Information:

My name is Patrick Groves, O.F.M., age 45. I am a professed friar of the province of Santa Barbara; at present I am Provincial Director of Ongoing Formation and assistant chaplain of St. Anthony Foundation, San Francisco CA. My address is St. Boniface Friary, 133 Golden Gate Ave., San Francisco CA 94102.

### 2. My knowledge of Gary Pacheco:

We were together in formation for five years, beginning in 1969 in the novitiate; since then I have not had much contact with him.

### 3. His family background:

I remember that Gary missed having his mother; he was very close to an aunt and his father.

### 4. His conduct before profession and ordination:

### 5. Indications of a lack of vocation before ordination:

He was somewhat immature with regard to the reality of the religious life - as distinct from living the religious life. (He had no pre-novitiate formation as the rest of us did.) He was sincere in liking the religious life but he didn't seem to be connected to the real down-to-earth part of it.

In the novitiate it struck me as strange or weird that his friends were all children and not his classmates; he would come out from church in an alb and go into the schoolyard. I didn't think so much of it then, but looking back now it seems inappropriate, as if he was trying to impress little kids in order to be liked by them.

Throughout the years of formation he had only one close friend. Was this because he had difficulty in relating to adults? Was he really an adult?

### 6. His conduct since ordination:

I haven't seen him much since his ordination.

### 7. My opinion of his request:

I could support or uphold his request in conscience, based on my observation of his immaturity during the years of formation.

First Amendment

8. Other remarks:

I would not be surprised if the impetus for Gary Pacheco's vocation came from his family and that he was being "good" by following through with it.

San Francisco CA  
May 13, 1993

*Patrick D. Groves*  
Patrick D. Groves, O.F.M.  
Witness

*Joseph Schwab, O.F.M.*  
Joseph Schwab, O.F.M.  
Notary

**REDACTED**

First Amendment

REDACTED

REDACTED

### 7.7 Testimony of

My name is I am a Franciscan priest, and I am 60 years of age. I live at St. Boniface Friary, 133 Golden Gate Ave., San Francisco, California 94102 where I am the pastor of St. Boniface Parish. From 1979 until 1988 I was the provincial minister (provincial superior) of this Franciscan Province of St. Barbara. I hold a doctorate in sociology from the University of California.

I first came to know Gary Pacheco at the time when I was elected minister of this province. I never knew him well, and then only as provincial minister. The only knowledge I had about his general manner of conduct and temperament before ordination came from what I read in the files at the provincial office.

With regard to his conduct after ordination I can say that he certainly seemed immature in some areas; for instance, there were complaints that he spent most of his time with the school children and neglected relating to adults. He seemed to have many worldly attachments to things, such as vestments. When he was transferred from Spokane, Washington to Huntington Beach, California, he brought a whole moving van full of possessions, mostly vestments.

What was really strange is that he proposed himself as pastor of the parish in Huntington Beach. He had no experience as pastor and yet he was convinced that he would be pastor, and that he would make an excellent one. He was out of touch with his own image and talents.

Gary seemed to fit a common syndrome of people with low self-worth: they move between grandiosity and worthlessness. This is a great handicap for a priest: at one moment he feels worthless, and then, because he is a priest, he feels that he can do anything. Grandiosity is a very dangerous syndrome in a candidate for the priesthood because it makes the priesthood equivalent to great stature and position.

Gary seemed overly preoccupied with being from a different culture. His signs of grandiosity with his lack of ability to perform were striking.

First Amendment

I certainly support Gary Pacheco's request to leave the order; he wanted to leave some time ago. With regard to the priesthood, his inability to relate to adult parishioners and his sense of grandiosity would seem to indicate his inability to function as a priest; his resistance to correction and change indicate to me that he is unable to change. Therefore in conscience I would support his petition to return to the lay state with departure from the Order and with a dispensation from the obligations arising from sacred Orders.

REDACTED

San Francisco, California  
May 13, 1993

Witness

Joseph Schwab O.F.M.  
Joseph Schwab, O.F.M.  
Notary

First Amendment



## 7.8 Testimony of Fr. Anthony Garibaldi O.F.M.

June 10, 1993

- 1a. My name is Garibaldi, Fr. Anthony.
- 1b. I am 44 years of age.
- 1c. I am a priest member of the Province of St. Barbara.
- 1d. My address is:  
Fr. Anthony M. Garibaldi, o.f.m.  
Casa de Paz y Bien  
P.O. Box 220  
Scottsdale, Arizona 85252-0220  
U. S. A.
- 1e. I am the guardian of the house here in Scottsdale.

2. I first met Fr. Gary Pacheco, o.f.m. in Sacramento, California at his investiture into the novitiate. I had attended the college seminary with other members of his novitiate class, and I was attending the service to celebrate with them. I was still in college at the time, and I would read at the parish Sunday Eucharist. Gary Pacheco was the sacristan at the time so I saw him at least once a week. I reapplied to the Franciscan formation program and was accepted. I therefore spent more time at the novitiate and saw Gary Pacheco in other circumstances other than sacristan.

After Fr. Gary's novitiate, he moved to the house of theology in Berkeley, Ca. One of the requirements of my formation was that I was to spend one year in community life prior to my entrance into the novitiate. I was assigned to live that year in Berkeley. I therefore lived with Fr. Gary Pacheco in Berkeley from 1970-1971. In 1971, I did my novitiate and returned to Berkeley in 1972. I lived in community with Fr. Gary Pacheco from my return from the novitiate until his ordination to diaconate and priesthood.

I was ordained deacon in 1975 and was assigned as a deacon to St. Anthony's Church in Tigard, Or. Fr. Gary was stationed at that time at Ascension Parish in Portland across the city from Tigard. I saw him occasionally at that time.

I was then ordained to the priesthood in 1976 and was not stationed with Fr. Gary until 1980 when I was transferred to Ss. Simon and Jude Parish in Huntington Beach, California. I was an associate pastor with him there until 1985.

I believe that I am qualified to give pertinent observations about Fr. Gary Pacheco.

3. At the time I knew Fr. Gary, his father was still alive and his mother had died. I am not sure of his mother's date of

First Amendment

death, but I know that it was when Gary was a young boy. Fr. Gary was basically raised by his father and an aunt who lived in Hawaii. His father remarried. Fr. Gary had a polite and courteous relationship with this woman, but the relationship could not be described as warm. Fr. Gary did not have any brothers or sisters and was raised in Oakland, California. His father and new wife moved to Hawaii. I recall that Fr. Gary had a job as an accountant prior to his entrance into the Order.

4. I did not know Fr. Gary Pacheco prior to his entrance into the novitiate.

During novitiate, Fr. Gary work in the sacristy. He was an introvert and a very quiet person. He was responsible, and had a spirituality which could be described as overly pietistic. He was very interested in the liturgical environment, and was always decorating the Church. Fr. Gary was always polite and courteous. He was always quiet and one would have to initiate conversation with him in order to talk with him. Fr. Gary was reserved and did not often share any of his feelings with others.

During novitiate, Fr. Gary would spend a great amount of time in the presence of the school children at St. Francis school in Sacramento, California. At first this seemed to be a great pastoral quality. Fr. Gary was very good with children, but he never was able to relate to the adults of his community or the parish. He was extremely verbal with the children, but extremely quiet with the adults. He was physically affectionate with the children, and on one occasion, I saw him rub the belly of one of the children in the school yard. The child was sitting on Fr. Gary's lap; I felt uncomfortable about it, but did not think that it had specific sexual overtones.

The year I moved into the house of theology as a layman, Fr. Gary had just finished his novitiate. He too was moving into the house of theology. I remember the number of statues which he had in his room. There had to be at least 30 different statues of saints. He was extremely involved in the externals of piety, but never verbalized the spirituality or theology behind it.

There was an incident that occurred when I returned from novitiate as a friar which I feel indicates the type of mentality of Fr. Gary Pacheco at the time. Fr. Gary was observing the anniversary of the death of his mother. He had taken a great amount of time to decorate and arrange the chapel for a special Eucharist which the community was going to celebrate with him. Unfortunately, some other friars had come into the chapel and rearranged the chapel to accommodate the little choir they were going to sing with. There was no

First Amendment

maliciousness involved in the rearrangement just convenience so that all would be more comfortable during the celebration of the Eucharist. Fr. Gary was so upset that he started crying and sobbing and sadly did not attend the Eucharist in honor of his mother. He went to his room and closed the door. It seemed to me that the reaction was very extreme. He wanted the chapel his way and though the rearrangement was not done out of ill will, Fr. Gary I felt over-reacted. His relationship with his mother was close, and I always felt after that that he had never thoroughly grieved the death of his mother. That was never resolved in his heart and soul. It was extremely sad.

At another time, Fr. Gary's father invited the community to come over to his house in Oakland for a celebration of Christmas. It was a pleasant party for the community. Fr. Gary had spent his entire free time baking cookies for the event and decorating his father's house for the Christmas season. The decorations were extensive and he had to spend a great deal of time doing them. What struck me about the situation was that Fr. Gary tried to reconstruct the home the way his mother had decorated it. Again it seemed that Fr. Gary was living in the past with a spirituality from his childhood which had not developed maturely.

5. Though I believe that Fr. Gary believed that he had a vocation to the religious life and priesthood, I do not believe that he had resolved the pain and abandonment he experienced at his mother's death. I am not a professional, but Fr. Gary would constantly talked about what his mother used to do and what his mother cooked.
6. When I was assigned to Ss. Simon & Jude Church in Huntington Beach, California, I lived in community with Fr. Gary for five years. I observed the following conduct on the part of the petitioner.

Fr. Gary continued to decorate extensively. He would decorate the parish office extensively for both civil and religious holidays. This decoration was very exaggerated. He continued to be involved in the decoration of the liturgical environment in the Church. He was constantly saving and storing these decorations for future use. This preoccupation with the decoration of the environment often distracted from the other parochial responsibilities of the ministry. I remember one time at the dinner table when the pastor, [REDACTED] asked Fr. Gary about some of the theological and spiritual reasons for the decorations. Fr. Gary did not answer from a theological or spiritual point of view, but rather from solely their appearance.

I also became aware at this time of Fr. Gary's drinking. Fr. Gary began to drink alcohol heavily at this time. I witnessed him getting drunk a number of times. I know of one instance

First Amendment

with a family who attended the parish that the father of the family would not serve Fr. Gary another drink because he was drunk.

Ss. Simon & Jude had a parochial elementary school. Fr. Gary would spend a great deal of time over at the school visiting the various classrooms and associating with the children, especially the younger grades. He would spend a great deal of his time out on the school yard during recess and lunch hour with the children. He was often very affectionate with the children.

He would frequently visit various families in the parish who had young children in the school. He would attend their various birthday parties and different family celebrations. Fr. Gary did not associate that much with the upper grades, because he found it very difficult to relate to them.

Fr. Gary would visit two families in particular on a regular basis, the [redacted] and the [redacted]. He very often would hold the children and touch and rub the children. The actions were very affectionate, and being that Fr. Gary had a quiet and gently disposition I felt that there was nothing out of line going on.

One year after I left the parish of Ss. Simon & Jude, I had an occasion to talk with Mrs. [redacted] on the telephone. She related to me that unfortunately, a priest from the neighboring parish of St. Bonaventure's had been arrested for child molestation. She related that when she first heard the news on the radio that she thought that they were talking about Fr. Gary. She obviously felt that he was inappropriate with his behavior with children.

There are two other aspects of my living with Fr. Gary which I would like to describe and which I believe were indicative of Fr. Gary's self-image and mentality.

Fr. Gary would spend quite a few of his days off at Disneyland, a fantasy park for children in Anaheim, California. It was relatively a short distance from the parish and he would spend his day off there. He would not talk about this directly, but it would slip out when he had been drinking heavily. He mentioned that he would spend his vacation there also. His vacation lasted three weeks out of every year. I believed this behavior to be excessive.

The other aspect I wish to relate is that Fr. Gary had a picture of himself as a young boy of ten or eleven over his desk. Again, I am not a professional, but such behavior indicated to me that Fr. Gary did not see himself as an adult.

First Amendment



After I had been transferred to my new assignment in Scottsdale, Arizona, I found out that Fr. Gary wanted to join the local diocesan clergy. This did not surprise me since he never really related in community. He was always quiet and tended to work and live alone. He would attend community functions, but had difficulty relating to others in the community outside of community functions.

It is my understanding that Fr. Gary was accused of inappropriate behavior with small children when he was living as a priest in the Diocese of Orange. It is also my understanding that the parents of the children involved in order to prevent public scandal asked the Bishop to remove Fr. Gary from the Diocese. My understanding is that the Bishop gave Fr. Gary 30 days to leave the diocese without making contact with any of the families he used to visit. Fr. Gary went to some of these families to say good-bye. The family who accused Fr. Gary of inappropriate behavior found out about it, and reported those incidents to the Bishop who then told Fr. Gary to leave the Diocese in 24 hours. To my knowledge, Fr. Gary then went into psychological treatment for his behavior and left community life after the conclusion of treatment. I visited Fr. Gary once in treatment and I have to say I did not see any change in attitude or behavior. When asked by the professional team at the treatment center what were my feelings about Fr. Gary, I mentioned how he was doing not drinking. To my surprise, Fr. Gary had not told them about his drinking behavior or the extent of his drinking.

7. I am relieved that Fr. Gary has petitioned to leave the order and to be dispensed from his obligations of Sacred Orders. I believe through no fault of his own, Fr. Gary entered religious life to deal with his grief over his mother's death. I believe that at the time of his mother's death, Fr. Gary became emotionally frozen as well as psychologically frozen, and did not mature in the normal developmental way. I believe that this led him into a great deal of mental anguish over the pain which was unresolved at the death of his mother, and prevented him from developing in the appropriate psychosexual manner. The good of the Church and the Order needs to be protected. Fr. Gary's behavior did cause personal scandal to a family in the Diocese of Orange and fortunately never reached the public forum and thus public scandal was avoided. I do believe in conscience for Fr. Gary's good and the good of the Church that this dispensation from religious life and Sacred Orders be granted.
8. I have nothing to add at this time and make myself available for any further questioning which might be helpful in this case.

Given this Tenth day of June, Nineteen Hundred and Ninety-Three at the Friary of the Casa de Paz y Bien, Scottsdale, Arizona, U.S.A.

First Amendment

Fr. Anthony M. Garibaldi, o.f.m.  
Witness

\_\_\_\_\_  
**REDACTED**

Bro. Joseph Schwab, o.f.m.  
Notary

First Amendment



7.9 Testimony of Fr. William  
Brand  
OFM

FRANCISCAN FRIARS  
OLD MISSION  
2201 Laguna Street  
Santa Barbara, CA 93105

June 8, 1993

**REDACTED**

St. Elizabeth Friary  
1500 34th Avenue  
Oakland, CA  
94601

RE: TESTIMONY IN BEHALF OF REV. GARY PACHECO, O.F.M.

Reverend and

I first met Fr. Gary Pacheco in 1968 at Mary Help of Christians in Oakland, California. He was at that time a layman as was I. We were candidates for the Franciscan Order. To my recollection we met originally at a meeting for candidates held by Fr. Geoffrey Bridges, ofm. Later we met infrequently for mutual dialogue and support as we journeyed together.

Gary was the son of Portugese parents. His mother had died (he never shared the specifics that I recall) and his father was living in Hawaii. Gary was born there in Hawaii and lived there during the war.

He was very devoted to his mother and sensed a great loss. He rarely talked of his father.

We entered the Novitiate together in Sacramento, California, on September 14, 1969. We made simple vows the following year on September 17th.

During that year, Gary was not only my friend, but seemed to latch on to me very closely. Everywhere I went, he went. We even shared work in the sacristy of the Church. I never experienced him as intense in his pursuit of the Franciscan life, but I was into my own struggles at the time and perhaps not aware of any problems he may have had. I do know that I observed at the time to some of my fellow novices that he was frequently found sitting on the school yard in the morning with one or two little boys in his arms. Typically we laughed it off and went about our business.

First Amendment

REDACTED

REDACTED

After the novitiate, Gary and I were students together at the Franciscan School of Theology in Berkeley, California. I was pursuing both a M.Div. degree from the Franciscan School and also a M.A. degree from the Graduate Theological Union also in Berkeley. Gary chose only to opt for a professional degree from F.S.T. I don't think either of us could have been classified as avid students, but he always found more time than I for free space.

I remember distinctly that he had a passion for changing the color of his decor in his room according to the liturgical seasons. It was not uncommon to find green bed spread, etc. one day and then white or red on other days.

He also had the practice of bringing out a lace table cloth on certain days significant to his mother. He said she had made it and he would set a table with candles on the day of her death, her birthday, and so on. I took this to be a deep devotion to the memory of his mother whom he loved very much.

Again we were inseparable. People used to kid us about it and while, I felt uncomfortable with it, I felt more strongly that I was the only friend Gary had. At times he could exasperate me, but that was always short lived and we would soon be buddies again. Many of the students called him my "shadow".

I remember too shortly before ordination, he remarked to me that after he made final vows no one would tell him what to do and he did not have to accept any assignment he did not want because "Fr. Jeff (Bridges) had said" so. I challenged him on that one but he was firm in his belief that once professed, his life would be pretty much as he would have it.

In the second year of our studies Gary did almost a complete turnaround. A student (and later Fr. Richard Jusix) came. Gary immediately latched on to Richard as he had previously hung on to me. It was almost like night and day. I admit that I worried for a while that I had offended him but that never seem to materialize. In fact I was later to admit to myself and to others that I was glad to be free. It was in that second year that Gary and I no longer shared a life together.

He was ordained with Fr. Victor Diaz, and myself at the Old Mission in Santa Barbara, California, on May 25, 1974.

How well I remember! I began the day after with a small group for a Mass of Thanksgiving at the Poor Clares

First Amendment



in Santa Barbara. Next we attended the Mass for Gary at the friars' chapel in Santa Barbara where Gary vested in red velvet celebrated with a fifty piece boys choir from Ascension Parish in Portland, Oregon. This was followed by a breakfast hosted by Gary's dad in the dining room of the Old Mission.

Gary's dad was here with a lady friend from many years who I assumed to be the future Mrs. Pacheco. But at one of the gatherings of our families, he decided that my mom would get his attention. (My mother, who was a widow, politely but firmly declined to get involved.) I understand that after they got back to Hawaii, they did indeed get married. I believe that I have heard since then that Gary's dad has died.

Gary and I shared a Mass of Thanksgiving at St. Elizabeth Church in Oakland, California, which was our home parish and where we had worked together during our time at Berkeley. During the celebration, he leaned over to tell me, "Relax and enjoy it. WE worked for it and its all over." I never thought of it again until just now as I write this letter.

I can't even tell you of Gary's assignments. That's how distant we had become.

I next caught up with him in Huntington Beach, California, in 1982 while I was Spiritual Assistant to the Secular Franciscan Order for the Province. Gary was the local Spiritual Assistant there and I went down for a canonical visitation of the community. He chose not to be present during the proceedings and refused my invitation to concelebrate the community Mass. He stayed in his room at the friary and, other than for meals, entered into no conversation. He never once wore the Franciscan habit while I was there but chose, rather, to wear an alb with a cord around it. The staff said that this was his usual garb and was not overly concerned about it. They did show me his personal collection of vestments which were housed in a separate section of the sacristy. I was admittedly impressed. They were beautiful.

Scuttle butt at the time among the friars indicated that Gary was often a guest in the homes of the male students from the parish school and had been reported as having gone to sleep there from an overindulgence of alcohol.

I was also in Huntington Beach for the ordination of Fr. Vince Hughes, ofm, and this time found Gary to be open and willing to talk. He told me at that time that he was considering incardination into the Diocese of Orange. He seemed happy with his decision and at peace. I wished him well.

First Amendment

I believe that later I did in fact hear that Gary had gone to the Diocese and was awaiting incardination. That apparently did not work out, but I do not know the particulars of that time in his life.

Frankly I have heard nothing since until this request for testimony in his behalf.

I do believe as I reflect upon it, there were signs along the way which would lead to Gary's decision to seek dispensation from vows and from his priestly commitment.

I genuinely feel that Gary has a real problem with his relationships with boys. I can not say clinically or actually if there is pedophilia here. I only suggest that this is a distinct possibility in my mind.

Secondly he has a definite need for a strong personality on which he can depend. I always thought of him as a follower not a leader.

Thirdly, I have always wondered if Gary's vocation was not more a gesture of love for Momma and an escape from Daddy than a personal call.

I have never believed from the time I was with him in Huntington Beach that he was dedicated to his Franciscan life. I do think in some real way he was dedicated to his priestly lifestyle but I don't know that I would say to his priestly vocation.

I loved Gary. I was his friend for many years. I don't know if I ever really knew him as this letter will bear testimony to. I chose to overlook many of his actions that I felt were suspect. I chose to believe that he was sincere in all he did. I chose to say, "Well, he's Portuguese you know?" while not knowing what that even meant to me. I feel responsible to some degree that I never told others of my concerns. And I take full responsibility for failing Gary in this regard.

I would hope that his petition for dispensation would be granted for I do not feel that he will ever be happy or fulfilled as a Franciscan or a priest. And the people of God deserve better than that for pastoral leadership. And Gary deserves to be free.

Thank you for asking for this testimony. It has been both painful and freeing. I am grateful to God and to you for the opportunity to get it out.

And to you, Gary, wherever you are: May God give you peace.

First Amendment

Respectfully submitted this eight day of June in the  
year of Our Lord 1993.

*Fr. William Brand, ofm*

Fr. William Brand, ofm  
Chaplain  
St. Francis Medical Center

First Amendment

7. 10

WITNESS REMARKS IN THE CASE OF GARY PACHECO

RE: DISPENSATION FROM RELIOUS LIFE AND OBLIGATIONS OF PRIESTHOOD

1. Regards the witness:

Mesi, O.F.M., Vincent  
age: 49 years  
status: religious priest; Franciscan.  
address: St. Mark Church  
18033-15th. Pl. N.E.  
Seattle, Washington 98155

2. Knowledge of petitioner:

Gary Pacheco and I were in theological studies together and later, after Gary's ordination to the diaconate, we were stationed together at St. Anthony Church in Tigard, Oregon. I have not seen him for about twelve years.

3. Family Background:

When I met Gary in seminary, all I knew was that his mother had passed away. (Perhaps there was a divorce, I am not sure). But, I met Gary's father on several occasions. He seemed to be a quiet and religious man. He was always hospitable to the friars. He seemed gentle. His background (Gary's) was Portuguese.

4. Qualities and deficiencies before priestly ordination:

I lived with Gary for a year after he was ordained deacon. I was associate pastor at the time. Both the pastor and I liked Gary and he was liked by a number of parishioners. He was a fun loving person--even though he was shy. He liked to play practical jokes. He did seem at times to be caught up with the trappings of religious life --garb, etc. Looking back on it now, people really did not come to him often for spiritual guidance and counsel. Perhaps they did not trust his wisdom.

5. Intention before ordination and profession:

I think Gary genuinely wanted to be ordained. But, perhaps the motives were mixed. I think it was a way "upward" for Gary; maybe ordination was a way for Gary to shine. Again, I do not think the renewal of Vatican II. had caught on with Gary.

6. His conduct since ordination:

After ordination to priesthood, Gary was assigned to another parish--not the parish of his diaconate. This was somewhat unusual. Gary was upset. He never got over it. In fact, to our annoyance, Gary was often found on the front steps of our parish--across town (the parish where he spent his time as deacon) after Mass on any given Sunday morning. His pastor at Ascension Church in Portland was quite upset

First Amendment



with Gary. He never settle in at his new parish. For whatever reason, Gary could not get on with his life. Later, I heard that he was trying to enter the diocesan priesthood for the Diocese of Orange in California. I lost all contact with him. I must say that his conduct around children, boys especially, made me a little nervous. The children became more and more a source of emotional support for him. Of course, this is all hindsight now. I know of no inappropriate behavior, however--the kind that could lead to prosecution. I guess what I saw was an immaturity on Gary's part and a need to be loved and accepted. Kids seemed to give that.

7. My opinion of the petitioner's request:

I think that Gary Pacheco's petition for a dispensation from religious life and the priesthood should be granted. His ordination was probably for the wrong reasons which only surfaced later. I heard it said that he was involved in some misconduct since I have seen him; I do not know if this is true. But, if Gary does not receive the love and attention that he needs, it could happen that he would be involved in some behavior not suited for religious life--any life for that matter.

I do believe that people make mistakes in life and therefore, believe that this request for dispensation from vows and the priesthood should be granted.

8. Other remarks which might shed light on this case:

In closing, I do not wish to defame Gary's character. I think his request should be honored. I recommend that some therapy be sought out.

These answers were given at:

St. Mark Catholic Church  
18033-15th. Place N.E.  
Seattle, Washington 98133

DATED: June 4, 1993

  
Vincent J. Mesia, O.F.M.  
(witness)

First Amendment



## Province of St. Barbara

FRANCISCAN FRIARS

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

8. Medical and psychological reports concerning the  
petitioner:

In 1969 when Gary Pacheco applied to enter the Franciscan Order the medical doctor who examined him wrote: "This patient physically seems to be in excellent health. He seems to be under slight inward tension, answering questions freely but in very short tense terms. ... After some discussion, I believe he has finally decided upon his true mission in life and would advise that he be given the opportunity to carry out his desires."

In 1973 fr. Geoffrey Bridges OFM, at that time provincial director of formation, summarized a psychological report concerning Gary Pacheco. The summary is contained on the following page. The psychological testing to which the report refers, was conducted on July 7, 1969, prior to Gary's acceptance into the novitiate.

It was partly on the basis of these two positive recommendations that Gary was admitted into the Order.

Oakland CA  
July 5, 1993

*Joseph Schwab, O.F.M.*  
Joseph Schwab, O.F.M.  
Notary

**REDACTED**

First Amendment

Psychological report of Fr. Milligan on GARY PACHECO

Superior on intelligence scale: understanding, communicating, oral written, mechanical, decision making.

Definite social service inclinations.

Personality profile is within normal profile. "This man is a lover"  
Tends to give too much of himself; should learn to give more to others by learning to give more to himself. Needs to learn to express negative feelings rather than hold them within. Main stress in report on this dimension: needs counseling in accepting and handling fears regarding himself and expression of authentic feeling. Needs much real life, on the job training; lacks life experience in the non-religious world.

Positive recommendation: accept him, allow him to grow and develop as a person.

*Summarized 3-29-73  
Jeffrey Bridger*

First Amendment



## Province of St. Barbara

FRANCISCAN FRIARS

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

### 9. Records during the time of temporary profession.

The first two records are reports written in 1970 when Gary Pacheco was a novice.

The second two records are from 1971 and 1972 when Gary was in temporary profession, living and studying at the Franciscan School of Theology, Berkeley, California. These reports are not signed but I believe that they were written by the superior and director of formation, Fr. Pierre Etchelecu, O.F.M., now deceased. No other records from this period can be found, unfortunately, as I had occasion to discover after Fr. Pierre's death.

The only other witnesses of the reports during Gary's stay at the house of theology are Fr. Kenan Osborne, O.F.M., and Fr. Michael Guinan, O.F.M., whose testimonies are noted elsewhere, in 7.1, and 7.5, respectively.

The fifth record is a copy of the oath taken before solemn profession.

Oakland, California  
May 10. 1993

Joseph Schwab O.F.M.  
Joseph Schwab, O.F.M.  
Notary

**REDACTED**

First Amendment



*St. Francis Church*

*Franciscan Fathers*

1112 - 26th STREET  
SACRAMENTO, CALIFORNIA 95816

BROTHER GARY PACHECO, OFM

First votation, Feb. 17, 1970

Four affirmative votes, no negatives

Judgement of the Professed Community:

Gary is taking the novitiate seriously. He shows much good will and is generous, although he seems a bit slow to comply; maybe this is because he is disorganized. He is rather simple; he relates well with children and older people. He does not relate as well with the other novices except with Bill Brand: they like him, but find him somewhat mysterious. He has done very well, especially when you consider that he had no previous experience of Franciscan community life. For all of his shyness and simplicity, he shows a certain type of quiet maturity: he is not easily shaken. Since coming he has opened up quite a bit; he takes kidding well.

He should be more involved in the apostolate.

We hope that he will go to Berkeley this Fall, and complete his college work during the summers.

**REDACTED**

First Amendment

*St. Francis Church*

*Franciscan Fathers*

1112 - 26th STREET  
SACRAMENTO, CALIFORNIA 95816

BROTHER GARY PACHECO, OFM

Discussion prior to first profession, 1970  
five affirmative votes, no negatives

Gary has progressed, although he is still somewhat pietistic. He is level-headed, and cooperative, although maybe he lacks some initiative: he needs to see things to do, and do them.

One of the novices thinks him strange; others did, but changed their opinion during the year as they got to know him better. All like him. He was raised around many women: mother, aunts and cousins, and sister. He relates well with children and with older people. He will not speak out among his equals too often, but when he does he is very serious and frank.

He worked hard and well in the sacristy, took it upon himself to greet people after Mass and at other gatherings, and worked eagerly and well with the children in the school. He spent several weeks in Provo.

*Sacramento, Calif.  
Sept. 1970*

**REDACTED**

First Amendment

GARY PACHECO

Age: 24 (Jan 16, 1947)

vows: Promises Sept 14, 1970

As one of his peers put it, "Gary has talked more in 4 months than he did all last year." This, we feel, summarizes well the opening up and flowering that we have witnessed in Gary in recent months. For many reasons, it would seem that he was hesitant, did not feel accepted or at least did not feel he could contribute to conversation, etc., previously. Now, he feels much more at ease, feels that because of his new situation, he is on a more equal footing with his peers, and therefore can contribute to discussions, etc. It has been a development noticed by all here. He is much more open, both with individuals and with the gathered community.

His understanding of poverty and of work are good. Though a bit "shy" in initiating projects, he is most generous and quite able to contribute in many ways. To give but one example: he volunteered to help on the weekends at St. Elizabeth's Parish, and remains faithful to this.

Gary is quiet and reflective, but he does open up and discuss his concerns and feelings when he senses a responsive person before him.

He gave the impression, at the beginning, of being rather limited in talent. A good deal of this impression has been dispelled, now that he is opening up and feels more self-confident. Coming to Berkeley was a threat, but he now finds that he can cope and cope well with situations and this gives him a better self-image and the courage to take "risks" in expressing his opinions.

First Amendment

1971-1972 Semi-Annual Report # 1

PACHECO, Gary Albert

Age: 25 (Jan. 16, 1947)

Promises: Sept, 17, 1970

As was noted in the last report, Gary has come a very long way since his arrival here in Berkeley. This very real and genuine growth continues. Gary is able to face himself and understand himself more and more clearly and honestly. His self-image, as a result, has, has improved greatly.

Always generous with his time and services, Gary is opening up more and more in discussions and conversations with various members of the community. This is good for him and for the community. He still needs to grow in self-assertion and to broaden his concepts. But the hesitancy and reserve noted in the beginning is being overcome.

Gary continues to give his services to St. Elizabeth's parish liturgical activities on a regular basis each week.

First Amendment



OATH BEFORE SOLEMN VOWS

I, the undersigned Mary Pacheco, member of the Order of Friars Minor, having presented to my superiors a petition for the profession of solemn vows, and after mature reflection before God, do hereby testify under oath:

- (1) that in taking these solemn vows I am not influenced by any force, fear, or violence, and that of my own full and free will I wish to embrace this life with its accompanying obligations;
- (2) that I am fully acquainted with the obligations which follow from these solemn vows; that I freely accept these vows which, with the help of God, I intend to observe until the end of my life;
- (3) that, in regard to the vow of chastity and the law of celibacy, I clearly understand what they entail and, with the help of God, I propose to be faithful to these obligations until the end of my life;
- (4) that, in conformity with the sacred canons, I promise most sincerely to obey all the orders of my superiors according to Church law, and that I am ready to give an example of virtue both in word and in deed, so that I may deserve to receive from God the reward promised for the acceptance of so great a responsibility.

So I attest and so do I swear on these holy Gospels of God, which I touch with my hands.

Sept. 29, 1973

(date)

Mary Pacheco, OFM

(signature)

Sworn in my presence:

Paul J. Etchulken, O.F.M.

(superior, or delegate)

Witnesses:

Anthony M. Gambaldi, ofm.  
Thomas J. Rosenberg, ofm.

First Amendment



## Province of St. Barbara

FRANCISCAN FRIARS

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

### 9a. Statement of Father Michael Doherty, O.F.M.

Father Michael Doherty, O.F.M., at present a member of the Provincial Council and the local superior of the religious house at the Franciscan School of Theology sent a handwritten statement on June 1; it reads as follows:

Following through on your request of me, i.e., that any and all material concerning evaluations (and the like) of Gary Pacheco, be forwarded to you, I have come up with precisely nothing.

It would appear that there were either no records in writing kept by Father Pierre (Guardian at FST during said time), or that they have been subsequently lost. The former speculation seems to be the prevailing judgment.

Be that as it may, I'm sorry to inform you that no written records (other than school-related grade transcripts) exists.

It would appear then that oral history is all that one would have to go on.

Yours obediently,

(signed) Michael Doherty, ofm

Oakland CA  
14 June 1993

**REDACTED**

First Amendment

# REDACTED

## 10. The Judge Instructor's summary of the case and personal votum as to its merits.

### 10.1 The Judge Instructor's summary of the case:

My name is \_\_\_\_\_ a priest member of this province of Santa Barbara. I am 65 years of age and have been professed for 43 years.

I was master of novices when Gary Pacheco entered the novitiate in 1979; I was also provincial superior during three years of his priestly ministry. My judgement of this case, then, will take these facts into account.

Gary entered our order in a time of change and some confusion: our province had held an extraordinary chapter of renewal just the previous year and this led to a number of significant changes in mentality and programs. Until 1979 clerical candidates for the novitiate spent a two year residency period the province's House of Philosophy, San Luis Rey College; the College was closed in that year, and Gary was admitted directly into the novitiate; in contrast, the other novices had all spent several years living in a house of religious formation. The novitiate, too, was moved to a city parish and limited apostolic activity was made part of the novitiate program. Thus, not only was the whole concept of the religious life and the order very new to Gary, but he came to it at a time when some of those who had known and lived it for some time were confused and even doubtful about its future. I think that this state of mind influenced Gary's perception of religious life: on the one hand he was attracted by its older forms without realizing all their meaning; on the other hand he seemed unable to grasp the values of religious life in their newer forms such as service and simple living.

This soon became apparent in the novitiate. His ideas about religion and the religious life, in particular, seemed to be based on the pious practices he had learned in his family and the religious instruction which, as a public school student, he would have received about once a week. He had good will but his understanding of the faith was rather limited.

Most of Gary's novitiate companions had been caught up in new ideas and expressions of the faith and of religious life, whereas Gary was still very content with an older church. However, he seemed to adjust to other ways of thinking, and to work well in the apostolate, as limited as it was. He was sacristan in the parish church and worked with children in the elementary school.

Gary seemed to adjust to novitiate life and work and the friendly teasing of his companions, and he showed a normal amount of good will. Thus there seemed to be good grounds for hope that he would continue to develop as a religious and as a suitable candidate for the priestly ministry.

First Amendment

This judgement was also shared by the faculty and other religious at the house of theology, and in due time Gary made solemn profession and was ordained to the priesthood.

From an examination of his file I think that it was only after his ordination to the priesthood that he began to show that his idea of priestly ministry was quite immature, that he was seeking personal satisfaction more than the good of souls. This is evident from his desire to stay in the parish where he had been assigned as deacon, his unwillingness to go to a poor parish where he had been assigned, his unwillingness to leave the northern area of the province where he had become quite comfortable and his insistence that he be made pastor of one of the largest and most demanding parishes of the province. I don't think that these incidents were necessarily due to ill will; they were rather evidence of an immaturity and a misunderstanding of what religious obedience and sacrifice and the demands of the priestly ministry really entailed. He was, in a certain sense, really out of touch with reality. He was caught up in a superficial and immature view of life.

All of this was not apparent during the time of his formation and first years in the priestly ministry. When his immaturity did show up, it was offset by his good will, his quiet genial manner, and the seemingly well founded hope of further improvement.

Gary has been accused of sexual misconduct with minors over a period of several years; there is no hope that he will ever be able to minister again as a priest in this country. However, as long as it is known that Gary is still officially considered as a priest, there is danger of scandal. This would be removed, I believe, if he received a dispensation.

Gary feels that he was not adequately prepared for the priestly ministry and now has no desire to return to it or the religious life. Thus he is in a type of limbo which is not helping him spiritually.

#### 10.2 My judgement on the merits of the case:

Gary has based his petition, in part, on his belief that he was not adequately prepared for the ministry. This seems true, up to a point, because of his lack of religious and philosophical training before the novitiate; however I think that at least an equal factor in his lack of preparation was that he did not have the necessary human maturity and psychological balance necessary in a candidate for the religious life and (especially) the priesthood.

Looking back it seems clear that there really was no solid basis for expecting Gary to develop and mature as a person, a religious and a priest. His actions both before and after ordination show an immaturity incompatible with priestly ministry and personal growth in the religious life. From his actions and declarations it does not seem possible for him to change, nor does he show any desire to do so.

First Amendment



This immaturity makes it impossible for him to understand the religious and priestly life as one of sacrifice and service, rather than personal gain.

10.3 My personal votum in this case:

Therefore, based on the evidence that I have gathered in this case, in conscience I strongly support Albert Gary Pacheco's request to be dispensed from the vows of religious life and the obligations arising from sacred ordination.

Oakland CA  
July 7, 1993

**REDACTED**

First Amendment



# Province of St. Barbara

FRANCISCAN FRIARS

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

## 11. Personal votum of major religious superior:

REDACTED

I, \_\_\_\_\_, O.F.M., am Provincial Minister of the Province of Saint Barbara, Order of Friars Minor. I have held this position for the past five years. During this time I have received the petition of Father Gary Pacheco, O.F.M. for dispensation from solemn vows in the religious life and from the obligations of priestly ministry.

Gary Pacheco first came to me indicating his intention to request a dispensation some five years ago. At that time, I counselled him to receive spiritual direction and some counselling and to wait some time, trying his hand at the lay state, before making any final decisions. He had, at that time, just completed a treatment program for sexual and personal immaturity at Jemez Springs, New Mexico; the counsellors at the facility, after six months work with Gary Pacheco, also counselled the same. It was the belief of all of us at the time that he lacked the maturity to give exemplary witness in the religious life and to fulfill his duties as an ordained minister.

Within the past year, several allegations of sexual misconduct with children have surfaced against Gary Pacheco; they have arisen from the time when he was in the Order and from the period when he was attempting incardination into the Diocese of Orange. Presently, there is a threat of litigation against him, and possibly the diocese.

I have examined all of the proceedings in this case, the testimonies, and Gary Pacheco's own testimony, and find them to be thorough and accurate. In conscience, I fully support his petition for a dispensation; the granting of the request by the Holy Father seems most pertinent.

Gary Pacheco has been absent from both the Order and the active priestly ministry for over five years. It is true that the litigation currently being considered may become public. However, should that become the case, grave scandal would arise if this dispensation were not granted, especially since it is the will of the petitioner. He has long since dissociated himself from the Order and priestly ministry.

I fully support this petition.

REDACTED

Provincial Minister

First Amendment

DIOCESE OF ORANGE



MARYWOOD CENTER  
2811 EAST VILLA REAL DRIVE  
ORANGE, CALIFORNIA 92667-1999  
(714) 974-7120

May 6, 1993

Reverend \_\_\_\_\_, OFM  
Provincial Minister  
Franciscan Province of St. Barbara  
1500 - 34th Avenue  
Oakland, California 94601

REDACTED

Dear Father

\_\_\_\_\_ has asked me to send my opinion to you regarding the absence of scandal should Gary Pacheco receive a dispensation from his vows and the obligations of the clerical state, together with permission to marry.

Ordinarily I would not have much of a problem with such a request, but a recent development has come to the fore regarding allegations about Gary Pacheco. A lawyer in Illinois has recently written to us to say that he is representing a client who is alleging to have been sexually molested by Gary Pacheco and Father Richard Coughlin while they were serving as priests in this Diocese. The tone of his correspondence is belligerent and I am not inclined to "payoff" in this case for any alleged responsibility that does not exist. Consequently, at this stage of the matter, I cannot at all be certain that there will be no adverse media publicity involving Gary Pacheco. I note, of course, that Gary Pacheco is currently living in Orange County where such publicity would be particularly intense.

I trust that you will understand, therefore, why I cannot currently give any assurance that there will be no scandal relative to Gary Pacheco pursuing a dispensation from his vows and the obligations of the clerical state. If you wish any further information on this matter. I will be glad to hear from you.

Sincerely in Christ,

Most Reverend Norman F. McFarland  
Bishop of Orange