

## Former Minnesota archdiocesan official shines a light on failures

Brian Roewe | Oct. 21, 2013

"Be loving critics and critical lovers of the institutional church."

Jennifer Haselberger first heard that phrase while she was an undergraduate student at the College of St. Catherine (now St. Catherine University) in St. Paul, Minn. When she returned home in 2008 to take the position of chancellor of canonical affairs for the St. Paul-Minneapolis archdiocese, the phrase returned with her. Responsible for its records and archives, she discovered unreported allegations of clergy sex abuse and lapses in investigations.

Ultimately, Haselberger, 38, resigned her position in April, saying that she found it impossible to continue in her position knowing such gaffes existed and that her efforts to rectify them had proved futile. So, she alerted law officials and local media.

The news reports that followed led Archbishop John Nienstedt in early October to commission an independent lay review of the archdiocese's handling of sexual abuse allegations. Its six members -- three men and three women appointed by a newly named vicar for ministerial standards, Dominican Fr. Reginald Whitt -- include a retired police officer with background in online sex crimes involving minors, a law professor, a human resources director with a background investigating sexual exploitation of refugees in Africa, and a psychologist who serves as president of the state's sexual abusers treatment association.

"Addressing these serious allegations is the top priority for the archdiocese," Nienstedt said in a press release.

The appointment of Whitt, a professor of canon law at the University of St. Thomas in Minneapolis, came three days after Fr. Peter Laird resigned as vicar general, with Fr. Charles Lachowitzer named as his successor. Whitt assumes responsibility for all issues related to clergy sexual misconduct in addition to his work with the task force, which will meet and operate independent of him or the archbishop.

### 'Disregard' for law

The task force will have access to archdiocesan records and full authority to conduct its investigation before it publishes its findings and recommendations. If Haselberger is correct, its report will reveal archaic procedures that went universally unfollowed.

"I was not prepared for this disregard for the requirements of canon law, nor for what appeared to be an equal disregard for civil law, especially in regard to the obligation to report to the civil authorities," Haselberger, who holds a licentiate in canon law from the Catholic University of Leuven in Belgium, told *NCR* in an email.

She said that in general the processes for handling sexual abuse allegations -- the Vatican's guidelines under *Sacramentorum Sanctitatis Tutela*, the U.S. bishops' conference's Essential Norms, and diocesan policies -- were not applied. That experience differed with her time in the Fargo, N.D., diocese, where Bishop Samuel Aquila, now archbishop of Denver, took a strong leadership role in reporting, she said.

"Everyone in that diocese who worked on such matters understood that any indication of a crime or possible crime was to be reported to the police and/or social services, and without delay," Haselberger said.

In contrast, she found in the Twin Cities a Clergy Review Board that met irregularly; used bylaws, mandates and procedures from the early 1990s; and acted more as an investigative than advisory body. She said it was only after she pushed to "shine a light on our failures" related to Fr. Curtis Wehmeyer -- who pleaded guilty in November 2012 of sexually abusing two boys and possessing child pornography -- that the archdiocese formed a working group during winter 2013 to review existing policies and procedures. But the results, mainly revising policies rather than taking action, contributed greatly to Haselberger's decision to resign.

"I saw little point in reviewing/rewriting policies when the policies weren't being followed in the first place," she told *NCR*.

### **Rummage sale discovery**

Those lapses in protocol in the archdiocese appear to have played a critical role in the cases of two priests, Wehmeyer and Fr. Jonathan Shelley, of which Haselberger shared the details with Minnesota Public Radio.

In February 2012, she wrote a memo to Nienstedt, made public by MPR, regarding an assignment he sought for Shelley. She found previously archived files detailed that in 2004, a parishioner of St. Jude of the Lake Parish in Mahtomedi acquired Shelley's laptop computer during a parish rummage sale. While trying to install games on the machine for his children, he came across more than 2,300 pornographic images, and subsequently reported the discovery to the archdiocese.

A private investigator hired by the archdiocese concluded that it was likely that Shelley had downloaded the images and determined that many of the images reviewed "could be considered borderline illegal, because of the youthful looking male image," and found that online search terms included "free naked boy pictures." Shelley, who destroyed a second computer and refused to turn over a third, denied he downloaded the images, instead attributing them to a former houseguest.

In May 2012, Haselberger wrote Nienstedt again, restating the report's conclusions and also sending images from Shelley's computer in an attached document "so that you can appreciate why there was concern that some of the images may be illegal."

She continued: "The Church, and civil law, considers accessing pornographic images of minors to be equivalent to the sexual abuse of a minor. Therefore, credible accusations that a cleric has accessed child pornography are to be reported to the Congregation for the Doctrine of the Faith," which would then determine if Shelley had committed sexual abuse of a minor.

Haselberger stressed that unless a report is "obviously false," it must be referred to the congregation. "Therefore, it is not necessary for there to be sustained discussion about whether the images involve minors or whether Father Shelley was responsible," she wrote.

That same month, Nienstedt wrote a letter to the Vatican in which he sought advice on how to handle the Shelley situation, but he never sent it, Haselberger told MPR. She had reviewed the letter for the archbishop.

"My staff has expressed concern that the fact that CD-ROMs containing the images remain in the cleric's personnel file could expose the Archdiocese, as well as myself, to criminal prosecution. These factors also suggest that a penal trial, conducted in this Archdiocese or elsewhere within the United States, is to be avoided," Nienstedt said in the letter, a copy of which Haselberger made available to MPR.

But that debate continued for almost another year. In January, Fr. Kevin McDonough, a former vicar general who served as delegate for safe environment, wrote to Nienstedt, Auxiliary Bishop Lee Anthony Piché, vicar general Laird, and Haselberger, saying he determined the approximately 400 images he reviewed "involved people who were clearly adults" and found four images Haselberger highlighted were in fact minors but "not in my judgment pornographic."

Rather, he viewed the images as pop-up ads meant to entice people "to take a further step to view pornography."

Responding Feb. 8 to Nienstedt's request for further opinions, Haselberger stated, "I completely disagree with Father McDonough's assessment of the situation." She contested the theory that the images of minors were pop-up ads because they were downloaded and saved, and urged the archbishop not to give Shelley an assignment until the congregation had reviewed and advised him how to proceed.

She went on to advise that the Clergy Review Board examine the case, which it had not yet done, and that all information "should be turned over to law enforcement, for their determination, in the hopes of avoiding prosecution for you and your staff by offering an affirmative defense."

### **'Obligations as Christians'**

In the same memo, Haselberger also questioned McDonough's 2011 assessment not to disclose Wehmeyer's history to parish staff because, McDonough wrote, Wehmeyer was "not all that interested in an actual sexual encounter, but rather was obtaining some stimulation by 'playing with fire.' This sort of behavior would not show up in the workplace."

McDonough was referencing a report the archdiocese received in 2004 that the priest had tried to solicit sex from two men at a bookstore. Other reports in Wehmeyer's file detailed he had undergone treatment and attended meetings for sexual addiction, and was discovered by a police officer repeatedly in a park known as a hangout for men seeking anonymous sex.

Haselberger came across Wehmeyer's record shortly after she began working with the archdiocese, and found his file lacked a standard background check. According to MPR, she alerted Nienstedt and assumed Wehmeyer would be removed from the priesthood. But it would be an additional four years -- and at least four more accusations, including one from the boys whom he admitted abusing -- before he was arrested.

As for Shelley's case, police did not investigate until Haselberger alerted them in February. After an initial investigation did not lead to charges, the parishioner who obtained the priest's computer turned over a cache of files to St. Paul police he had saved from the computer. As of press time, authorities had not determined whether the new evidence would lead to charges.

For her part, Haselberger said she drew courage to act not only from her college-days phrase, but from the examples of women religious and the selfless ministry of the majority of priests and bishops. When asked what advice she would give to church employees in similar situations, she said canon lawyers had a responsibility to

advise bishops but to also maintain that role distinct from the bishop's decision-making authority.

"However, we also have obligations as Christians and citizens of our communities. When it becomes a question of breaking the law or putting children at risk, I believe the need to maintain the distinction is superseded by a more powerful obligation," she said.

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