Entry for the File of [redacted]/Knighton, Marv
By Barbara Reinke

September 2, 2003

I have had a couple of phone calls with [redacted] in which I have assured him that the matter with Marv Knighton will not be dropped at this point. However, it will be up to Diocesan Review Board to determine the next steps in the process. [redacted] heard that another victim of Marv Knighton came forward to the Journal. It seems that [redacted] also has recently talked to [redacted] and learned that not only was [redacted] abused, but so were his brothers and cousins. [redacted] will ask [redacted] to urge those victims to come forward. I plan to talk with [redacted] again at the end of the week. Hopefully, I will have more information from the Diocesan Review Board. [redacted]s phone number is [redacted]

BR:saz
Typed 9/29/03

SEP 17 1997

[redacted]
Wauwatosa, WI 53226
[redacted]
September 8, 1997

Archbishop Rembert G. Weakland O.S.B.
Archbishop of Milwaukee
Archbishop Cousins Center
3501 South Lake Drive
P.O. Box 07912
Milwaukee, WI 53207

Dear Archbishop Weakland:

Peace to you in the compassionate Jesus! I wanted to inform you that I did not physically move all my belongings to Phoenix as hoped. I did accept the position with the Scottsdale School District and worked at one of their high schools for a month. They were fully aware that once again, I found myself having difficulties selling my home in Wauwatosa. The problem is, there are a glut of homes for sale throughout the Milwaukee community, including the suburbs, which makes for a slow market. In no way can I incur additional housing cost without the sell of my home; nor do I wish to get into renting my home.

While serving briefly at Desert Mountain High School, I felt a tremendous sense of purpose being in the ministry of education. I found that parents were glad to know there was a priest on staff. I miss the opportunity to serve those students and their families and also the ability to fully serve as an ordained priest of God. It would have been advantageous to assist the priest at this newly formed parish in the area where I was working.

I also found out that in no way is Bishop O'Brien going to grant me faculties in his diocese. It is amazing how a slanted view of a person's priestly performance and service, can leave a lasting character damage. I again find myself dealing with past pains and hurts regarding this; when it wasn't necessary and again, most uncharitable. However, amid that, I must move on and continue to do what I was ordained to do in this priestly ministry, which is serving others.

At this time then, I am requesting to rescind my letter of February 11, 1997 and the permission to take a personal leave of absence with faculties and with the permission to relocate to Phoenix under the provisions of Canon 270.

I realize that presently there are not any opening in our Catholic schools. I would however, like to accept a position within the diocese as a temporary administrator or as an associate of a parish, until such time there is a post that can be pursued in education. I miss that ministry and know that I serve our people and the diocese best in that field.

The recent deaths of two great servants, Princess Diana's and Mother Teresa's compassion for the less fortunate touched so many. May we all realize, that no matter what our status or

position is in life, we are call called to serve as Jesus served. This has been a remarkable week, especially seeing the numbers of people throughout the world, who openly long for compassion and love, even from their leaders. There is much to be learned by these recent spiritual events of our time.

As I write this, there is much sadness and frustration within, due to the fact that the move to Phoenix once again was foiled. However, in the midst of it all, as St. Paul says, "it is when I am weak, that I am strong." My faith, hope and love sustains a broken heart!

[redacted] both at Pius XI High School. [redacted] found it hard coming back here, he is not a winter person. [redacted] is fine, he was resigned to leave, he was happy to return; however, he is one who adapts quite easily to change. They continue to be a blessing my life and in this ministry.

If you would like to meet with me regarding my future assignment, please know that I am most open having a conference with you.

Thank you for your time and considerations.

Sincerely in the loving Jesus,

Rev. Marv T. Knighton

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. BOX 2018 • MILWAUKEE, WISCONSIN 53201 • PHONE 414/769-3300

OFFICE OF THE ARCHBISHOP

September 16, 1988

The Reverend Marvin Knighton
[redacted]
Wauwatosa, Wisconsin 53226

Dear Marv,

I received your letter of September 11th and I must admit, Marv, that I was deeply irritated by it. You have a pattern of doing what you please and then informing superiors. I simply want to go on record as saying that I have not given you my permission to adopt the two children that you speak of in your letter.

You cannot continue, Marv, to go on just doing what you please and then informing the rest of us later and expect that God's blessings will be abundant on your life and on your ministry.

Sincerely yours in the Lord,

Copy to: Co-Vicars

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. Box 07912 • MILWAUKEE, WISCONSIN 53207-0912 • PHONE 414/769-3300

OFFICE OF THE ARCHBISHOP

July 13, 1989

The Reverend Marvin Knighton
[redacted]
Wauwatosa, Wisconsin 53226

Dear Marv,

Thanks for letting me know of the arrival of the boys. I do hope it all turns out well for you and that the burden does not become too much at times.

Will you have enough money to take care of all of this? Let me know.

Thanks for the letter. Many blessings.

Sincerely yours in the Lord,

REV. MARVIN KNIGHTON

'THE HOME' [redacted]

[redacted] WAUWATOSA, WISCONSIN 53226

July 10, 1989

Archbishop Rembert Weakland O.S.B.
Archbishop of Milwaukee
3501 South Lake Drive
P.O. Box 07912
Milwaukee, Wisconsin 53207-0912

Dear Rembert:

Peace to you! I appreciated your response to the letter I sent regarding the Overnight. I am sure that the number of men who don't attend is a reflection of something, maybe those who choose not to come may do so in the future.

I am writing to inform you that the boys that I mentioned you I was taking in have arrived. They came in tired from their long trip to the U.S.A. They are originally from Korea. I write this not to be disrespectful to you or the other auxiliaries. I know you are against this undertaking, but please understand it is something I was encouraged to do by my friend/brother, [redacted] The boys are 6 1/2 & 9 years of age. They are part African American with Korean mothers. They are not related, but now they are. They arrived July 3, 1989

I have received a phone call from the Herald and told them not to write anything on this. I don't want any publicity regarding this decision nor will I do anything to embarass you and your role as our Ordinary. Please know Rembert, I do respect your position as Archbishop. This choice I made was done with fourteen years of consideration and prayer.

Looking at these children and the plight of Amerasian children in Asian countries makes one wonder what are we doing to our children. Then again, look at what is happening with our children in our U.S.A. We have to alert adults to the possible damages we are doing to our young.

Thank you for your time, and again, know I am not doing this out of defiance. Oh! Don't worry about me, you won't have a George Stalling here. Peace!

Fraternally,

Marv.

COPY

ARCHDIOCESE OF MILWAUKEE

3501 S. Lake Drive • P.O. Box 07912 • Milwaukee, WI 53207-0912 • (414) 769-3300

The Chancery
(414) 769-3340

August 26, 1991

Rev. Marvin T. Knighton
[redacted]
Wauwatosa, WI 53226

Dear Father Knighton,

Following the recommendation of the Priests' Personnel Board and in accord with Cannons 539-540 of the 1983 Code, you have been appointed Temporary Administrator of St. Frederick Parish in Cudahy until a new pastor is appointed. This appointment is effective September 3, 1991.

As Temporary Administrator you come under the provisions of Canon 540 which is quoted here in full:

1. The parochial administrator is bound by the same obligations and has the same rights of the pastor, unless the diocesan Bishop prescribes otherwise (cf. cc. 519; 528-530; 535).

2. The parochial administrator may not do anything which could prejudice the rights of the pastor or could do harm to parochial property.

3. When he has discharged his office, the parochial administrator is to give an account to the pastor.

You have the responsibility for the Pro Populo Mass on Sundays and Holy Days of Obligation (c. 534); you are authorized to sign checks on all parish accounts to cover ordinary expenditures and to meet payroll obligations. Please note, in keeping with Canon 540, paragraph 2, no extraordinary changes are to be made. Urgent matters should be referred to the Archbishop.

Thanks, for assuming this assignment. Your willingness to do this is greatly appreciated.

Fraternally in Christ,

Rev. Ralph C. Gross
Chancellor & Vicar General
By special delegation

cc: Most Rev. Leo J. Brust
Most Rev. Richard J. Sklba
Rev. Thomas A. Trepanier
Rev. Ronald J. Gramza

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. Box 07912 • MILWAUKEE, WISCONSIN 53207-0912 • PHONE 414/769-3300

OFFICE OF THE ARCHBISHOP

June 10, 1992

Rev. Marvin T. Knighton
[redacted]
Wauwatosa, Wisconsin 53226

Dear Father Knighton,

It is with a sense of joy in our shared faith that I ask you to become the Campus Minister to the students at Mt. Mary College in Milwaukee. Following the recommendation of the Personnel Board, I am happy to entrust this office to your care beginning on July 1, 1992. This appointment is being made for a period of up to one year after which time your term will be reviewed for possible extension.

As the Campus Minister at the college, you are called upon to serve the needs of God's people so that they can take their rightful place as baptized Catholics in their own Faith-community and in society. Your mission, like my own, is one of teaching and sanctifying. To accomplish this mission, I ask you to work closely and in collaboration with the administration of Mt. Mary College.

It is a privilege to share my ministry with you. May God's blessings fill your life.

Sincerely yours in the Lord,

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

[redacted]
Wauwatosa, Wisconsin 53226
March 23, 1994
[redacted]

Most Reverend Thomas J. O'Brien
Bishop of Phoenix
The Roman Catholic Church of Phoenix
400 East Monroe
Phoenix, Arizona 85004-2376

Dear Bishop O'Brien:

Peace to you! I spoke with my Archbishop, Rembert Weakland today March 23, 1994, seeking his permission to leave our Archdiocese and transfer to serve in your diocese as priest. He is granting me that permission and will be contacting you in the near future.

This is my formal letter to you requesting to serve as a diocesan priest in the Diocese of Phoenix. I recognize that in doing so, there is usually a three year period before actual incardination can take place. I request to serve as priest, and I recognize that I am called to Obedience to you as Bishop and your Successor of Phoenix.

I look forward to serving in Phoenix at one of your Catholic High School as Campus Minister and assisting in your parishes. I believe I have something to give and I will gain much from the Faithful of Phoenix. In the midst of my excitement, there is sadness about leaving Milwaukee that has been home for twenty-five years. I leave a superb Archbishop, an excellent presbyterate, as well as, numerous friends. However, I am ready and most willing to serve in Phoenix, I look forward to the change.

I hope to hear from you soon regarding my assignment and when you would like me to report to serve. I again thank you for our meeting March 11th, I look forward to our serving together, the people of Phoenix. Let us pray for one another.

Fraternally,

Rev. Marv T. Knighton

cc.
Archbishop Rembert G. Weakland O.S.B.

THE ROMAN CATHOLIC
church of phoenix
400 EAST MONROE, PHOENIX, ARIZONA 85004-2376
TELEPHONE (602) 257-0030 • FAX (602) 258-3425

Office Of The Bishop

June 15, 1994

Most Rev. Rembert G. Weakland, O.S.B.
Archbishop of Milwaukee
Archdiocese of Milwaukee
P.O. Box 07912
Milwaukee, Wisconsin 53207-0912

Dear Archbishop Weakland,

I am writing in reference to Father Marv Knighton who as you know has indicated an interest in coming to the Diocese of Phoenix to serve here as a priest with the purpose of seeking incardination.

As you know, I have spoken to you personally about him and have reviewed his file that you provided.

After evaluating all of this information and considering our circumstances and needs here, I have decided not to pursue his request for incardination.

I have shared this information with Father Knighton who understandably was quite disappointed. I have also spoken to Father Thomas Venne about this matter.

I appreciate your assistance in this matter and I hope you understand. I gave this matter serious consideration and prayer.

With all personal good wishes, I am,

Faithfully yours in Christ,

+ Thomas J. O'Brien

Most Rev. Thomas J. O'Brien
Bishop of Phoenix

TJO/ep

August 23, 1994

AB:

Bishop O Brien phoned [redacted] He would like a letter from you explaining Marv Knighton's status. He spoke with Len Barbian and Len explained to him that Marv is on a personal leave of absence. Apparently Marv is trying to helpout in the Diocese and the Bishop doesn't want him to do so. Until you clarify how you want to proceed, Barbara Anne will not act on your request to draft a letter.

lvv

THE ROMAN CATHC
church of pl
400 EAST MONROE, PHOENIX, ARI
TELEPHONE (602) 257-0030 • FAX (

Office Of The Bishop

bcc: Archbishop
Weakland

August 24, 1994

Rev. Marv Knighton
c/o St. Maria Goretti
[redacted]
Scottsdale, Arizona 85250

Dear Father Knighton,

I was just recently surprised to learn that you have moved here with your two adopted sons.

I contacted officials at the Milwaukee Archdiocese and was informed you had taken a personal leave. A letter regarding your status will be sent to me soon.

I really do not know what your intentions or plans are but I wish to inform you that you do not have the faculties of the Diocese of Phoenix and therefore may not perform any public ministry.

I wish you well and ask God's blessings upon you.

Faithfully yours in Christ,

+Thomas J. O'Brien

Most Rev. Thomas J. O'Brien
Bishop of Phoenix

TJO/ep

cc: Rev. Jack Spaulding, Pastor
St. Maria Goretti

Rev. Michael Deptula, Assoc. Pastor
St. Maria Goretti

[redacted]
Scottsdale, Az. 85252-2125
[redacted]
December 23, 1994

Archbishop Rembert G. Weakland O.S.B.
Archbishop of Milwaukee
Archdiocese of Milwaukee
3501 South Lake Drive
P.O. Box 07912
Milwaukee, Wisconsin 53207-0912

Dear Archbishop Weakland:

Peace to you! I hope this Christmas find you rested and at peace. I am writing to request another five month extension of my "personal leave" in good standing with faculties, though that doesn't mean much in Phoenix. I am under contract with the Scottsdale Public Schools and will complete my work at the end of May. It also will be good for [redacted] and [redacted] to complete a full year at Our Lady of Perpetual Help grade school here in Scottsdale. I will be taking some courses too at Arizona State University.

I understand fully that I will be unable to function totally as a priest here in Phoenix. The damage that has been done to my name is irreversible. I at times remain hurt, not discouraged, by what has been done. I know in my heart, that there are numerous individuals and families who see me differently than what was portrayed to Bishop O'Brien, the Bishop of the Diocese of Phoenix. It is the mutual love and respect that others hold for me in Milwaukee and here in Phoenix, that heals, strengthens and encourages me to continue in the priesthood. My faith in God is "the" source of my strength.

It is with that recognition I will return to the Archdiocese of Milwaukee to continue as a minister in the priesthood. I believe you know that I treasure the gift of priesthood. I desire to continue in this ministry that our God has granted to me share with others. In no way will I allow that gift nor the blessings of fatherhood (with [redacted] to be ruined due to this recent experience. There have been too many hurting events of my past, initially from the time I was in high school, where I was told by a nun that, " I would never become a priest because I was black". That statement and other experiences (not all racially) has not prevented me to do what I was called to do. I share this with you not out of spite, but to let you realize the road to priesthood wasn't always easy.

I am aware that the changes in the Central City Parishes continue to progress with Joe Perry becoming one of the pastors. I am willing to take an assignment in the Central City in any way you would like me to serve. I am not certain what will the needs be at the St. John de Nepomuc site with the consolidation, however, I am open to serving there if you like or with the Central City schools, or any of our schools in Milwaukee in some capacity. I do hold a certified M.Ed. degree from Marquette University in counseling. You know my first love is in the ministry of education.

I am also open to these associate positions that are available according to the mailings I have received:

St. John Vianney- Brookfield

St. Dominic-Brookfield

Holy Apostles-New Berlin

In the midst of all that has happened, I look forward to returning. I prefer to remain here, but will not. I also believe that you and I need to be reconciled in some way, probably over a good meal, and some good wine together, your treat, (smile). I suggest this, not because I hold anything against you or Bishop O'Brien, but truly feel something is amiss here, and it needs to be healed.

I am sending a copy of this letter to Bishop O'Brien mainly out of respect for him and his position as the Shepherd of Phoenix. I realize for him too, that this whole circumstance has been difficult. I feel bad for him , I believe he has been caught in the middle of it all.

I hope to return possibly in February to look for a house to purchase and definitely in March. We will head back to Milwaukee at the end of May or the first part of June. Please know in the midst of all this, I continue to respect and love you as I have in the past. I believe we all are simply trying to do our best in a sometimes a hectic world.

The time here has been good, amid all that has happened.

Fraternally,

Marv T. Knighton

Rev. Marv T. Knighton

cc.
Bishop Thomas O'Brien

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. Box 07912 • MILWAUKEE, WISCONSIN 53207-0912 • PHONE 414/769-3300

OFFICE OF THE ARCHBISHOP

Let us go FORWARD
CELEBRATING 150 YEARS

March 6, 1995

Rev. Marvin T. Knighton
[redacted]
Scottsdale, AZ 85258

Dear Father Knighton,

It is with a sense of joy in our shared faith that I ask you to become the Pastor of a Central City Catholic parish, temporarily named Parish East, Milwaukee. Following the recommendation of the Priests' Personnel Board, I am happy to entrust the faithful of this parish to your pastoral care beginning on June 20, 1995. This appointment is being made for a period of up to six years after which time it will be reviewed for possible extension.

As the Pastor of this parish you are called upon to serve the needs of God's people so that they can take their rightful place as baptized Catholics in their own Faith-community and in society. Your mission, like my own, is one of teaching and sanctifying, and also of administrating at the parish, together with the Parish Council and those organizations designated to work with you. Also, I trust that you will work diligently with the priests in the district and enter fully into the current Archdiocesan Parish Planning, "Walking Together: Collaborating for the Future".

It is a privilege to share my ministry with you. May God's blessings fill your life.

Sincerely yours in the Lord,

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

ARCHDIOCESE OF MILWAUKEE
OFFICE OF AUXILIARY BISHOP

June 28, 1996

Rev. Marvin Knighton
[redacted]
Wauwatosa, Wisconsin 53226

Dear Marv:

In the absence of Archbishop Weakland I write to acknowledge your request of June 5, 1996 for a personal leave of absence with faculties for priestly ministry, together with permission to move back to Phoenix, Arizona in vocation of Canon 271 highlights the deep personal feelings and convictions which permeate your request. Therefore, after conversation with Archbishop Weakland and the Personnel Board, I write to grant your request as stipulated.

I know that these years have not always been easy. We certainly are grateful for your contribution to healing the historical hurts associated with so many pastoral concerns associated with the life and work of the Church in Central City Milwaukee over the years. The energy which you tried to bring to establishing the foundations for a new Catholic community at St. Martin dePorres parish now remain a valuable part of the Church's history. We are grateful for your efforts and trust that God will bring them to his own fruition in future years.

I do not know whether your requested return to Phoenix will find any opportunities for stable priestly ministry in that region. For that reason I wish to somehow establish a formal structure of contact and support. Permission is hereby granted for one year, renewable upon review in Spring of 1997 in order to be assured that you are receiving the network of human and priestly support needed for long term happiness and spiritual growth. May God bless you abundantly in this decision.

Sincerely in Christ,

Most Reverend Richard J. Sklba
Auxiliary Bishop of Milwaukee

RJS/rt
Copy to:

Archbishop Weakland
Bishop Thomas O'Brien
Fr. Leonard Barbian

FILE COPY

3501 South Lake Drive, P.O. Box 07912
Milwaukee, WI 53207-0912 · (414)769-3486

ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

March 6, 1997

Reverend Marvin Knighton
[redacted]
Wauwatosa WI 53226

Dear Marv,

I am finally getting back to your letter of February 11th. I took a little extra time because I wanted to talk it over with Bishop Sklba.

With this letter I give you permission to take a personal leave of absence with faculties and with permission to relocate to Phoenix. There is no doubt, Marv, that you have done your best work in school ministry and I can see why you want to return to that profession. Blessings on you.

You know as well as I that it would be very difficult to alter the mind of Bishop O'Brien. I am afraid that there is not too much that I can do in that regard. I certainly will be seeing him in June and will bring up the issue again. My own assessment is that you somehow would have to gain his goodwill and confidence in you. I am hoping that that will work out for you.

Thanks for the good work that you have been doing here among us. I read your column regularly and find that I always get a good new insight.

Many blessings on you, Marv. Peace.

Sincerely yours in the Lord,

+Rembert G. Weakland

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

3501 South Lake Drive, P.O. Box 07912
Milwaukee, WI 53207-0912 · (414)769-3497

Copy

Rev. Marvin T. Knighton
[redacted]
Phoenix, AZ 85028

August 25, 2003

Archbishop Timothy M. Dolan
Archbishop of Milwaukee
Archbishop Cousins Center
3501 S. Lake Drive
PO Box 07912
Milwaukee, WI 53207-0912

Dear Archbishop Dolan:

Peace to you! I hope that you have had a peaceful and relaxing vacation. I am glad that you are receiving positive responses from so many in Milwaukee. The people of this archdiocese are good people and desire to serve and build the Kingdom of God. In my twenty-eight years serving as a minister in the priesthood, I am profoundly impressed by their compassion, love and concern in making our church community most productive, in living out the Gospel and our Sacramental lives as Catholic Christians.

My thoughts and prayers are also with you as our Shepherd, where you have to tend to pertinent issues that we all face in regard to sexual abuse in our Catholic Faith. It is our faith that calls us to be people of hope and we will rise to a new sense of being Church amid the present pains we face.

I am pleased to let you know that on August 22, 2003, the feast of the Queenship of Mary; I was acquitted of the false allegation that has plagued my life this past year and a half. It truly has been an agonizing time in my life. The support of my family, friends, former students, their parents and so many has been a blessing.

I am an African American priest, ordained May 24, 1975 by the late Archbishop William E. Cousins. I am a classmate with Bishop James Harvey and Bishop Joseph N. Perry and others from the class of 1975, who are outstanding men in the priesthood. I am fifty-three and holding! The majority of my ministry has been in secondary education where I have had the opportunity of serving at Messmer, Pius XI, and Dominican High Schools. I also have served in Public education here in the Milwaukee area and also in Phoenix, Arizona. I recently served for one year as Campus Minister at St. Mary's High School in Phoenix Arizona. I was privileged to serve as well, at Mount Mary College as Campus Minister and I also taught a summer course in education for two summers.

Due to my years serving in education, I hold two Master Degrees. I obtained a Master Degree in education from Marquette University in May 1986. That degree is in counseling and personnel work with a certification in middle to secondary education in counseling. I went back to school to obtain another Master Degree in administration, K-12 that I obtained from Cardinal Stritch University in May 2000. I hope to continue to serve in that capacity for I believe that is how I best serve our people, the Church.

I have three adopted sons, [redacted] who are not biologically related were born in South Korea. They are of African American/Korean descent. Children who are not full Koreans, especially Black children, have a terrible time being accepted and never are able to obtain citizenship as Koreans. The tragedy of such children is, in Korea they are considered a non-entity and therefore, they hold no rights and privileges if they remain in Korea. The other deplorable reality about their background is, that as Americans, we do not offer such children or adults citizenship, unless they are adopted or sponsored. A classmate, Fr. Hilarion Mikalofsky who serves in the Air Force encouraged me to adopt and I did. Our former Archbishop did not sanction these adoptions, however, it was an issue I felt morally I had to do and therefore did it out of personal convictions of the Gospel. I might add, he did come to our hope for lunch with [redacted] and me when they were six and nine.

My youngest son [redacted] is from here. His background is, that he is part Japanese, Caucasian and African American. I may try to get him into golf! A gang in Milwaukee murdered his mother in front of him. She was shot in the head from a sawed off shotgun. [redacted] who was three at the time, was found on top of her in a pool of blood, as she lay dead in an alley. It was on the front page of the paper and I read the article and prayed for him for two weeks. I later met him on Christmas day and from there he has come into our lives. I did not want to adopt him due to me being forty-seven at the time. I also knew my parenting would soon end and was looking forward to that change. My two sons insisted that we take the steps because he needed a home and felt we all would do well with and for him. Archbishop Weakland did not sanction this adoption. He did however said he understood why because as he stated; "Marv, you have a big heart."

[redacted] came to our home as a foster child and I encouraged that steps be taken to seek a two-parent home for him. Milwaukee County Social Services really wanted me to adopt him because they felt under my guidance that he had truly prospered and had come alive, which he did. He stayed with us for four months and I felt bad by my decision not to adopt, but felt it was in the best interest for his future. The family he went to only kept him for six months. It was sad and tragic to see how emotionally he had deteriorated and this truly occurred after being with this family for three weeks. The Milwaukee County Social Services at the time then pleaded with me to consider adoption and I did. I might add that he truly is doing well and continues to blossom in being a fine young lad. He is in 4th grade at St Thomas the Apostle here in Phoenix. He, as well as [redacted] are a blessing in my life, as well as my dear mother and family in Detroit and so many friends during this difficult time in my ministry. My father passed away July 24, 1995.

As you are aware, I was in the midst of a false allegation that a young man, [redacted] had alleged to Project Benjamin back in February 2002. I mention my accuser's name because he had gone to the secular press stating who he was, and openly has shared these false allegations.

I am not angry with my accuser, [redacted] I have known him since he was in 8th grade and know he has struggled emotionally even before I met him. I have enclosed a timetable of my contact with him and his family for your information.

There is however a tremendous sense of hurt and anger in me in regard to how this matter has been handled, not only recently but also in the past. In 1993 I had found out that my accuser had asserted to his then therapist and his father that I supposedly had an "inappropriate" relationship with him. I found out through the father when I met him in Kohl's supermarket in Wauwatosa. He wouldn't speak to me and I wasn't sure if he was in one of his moods where he would not speak. I later found out from him after visiting their home that his son had made allegations against me. Again, I have enclosed a chronological timetable with this letter.

The young man in 1993 never went to the Archdiocese or Project Benjamin to voice this false allegation. I knew about it and knew whatever he was saying was false and therefore; I went to report this information to our Vicar at the time, Fr. Thomas Venne. [redacted] was quite pastoral; forthright in asking the needed pertinent questions he had to do. He suggested that I make an appointment to meet with Matthew Flynn, [redacted] so that he was aware of the situation, since he legally represented the Archdiocese.

I went to see Mr. Matthew Flynn and shared with him my contact with the family and my accuser. He too asked the needed questions and I felt comfortable with such questioning because I knew then as I do now, nothing inappropriate ever happened with this young man. Mr. Flynn then suggested that we simply wait to see if he would file a report with Project Benjamin. I wanted the Archdiocese to call the young man, his father in and deal with the issue, but Mr. Flynn preferred that we wait.

Two or more weeks had passed and my accuser never filed a complaint with the Archdiocese via Project Benjamin. I then met with Mr. Matthew Flynn for a second time and he told me not to worry about it. He felt that the young man wasn't going to do anything. I did not feel comfortable with that decision and again requested that as "legal counsel" for the Archdiocese, that we be proactive in such a delicate matter and meet with my accuser. Mr. Flynn told me that it would be too much of a hassle to do anything legally and most likely nothing would happen. How wrong was that?

The week of February 18, 2002 I received a phone call from our present Vicar for priests, Fr. Joseph F. Hornacek. He stated that he needed to meet with me but never gave me any clue why and what we were meeting about. I assumed that since I would be up for an assignment and I was seeking an administrative position in one of our Catholic Schools, it was going to be about that. This still bothers me that Fr. Hornacek chose to not abide by our diocesan policy in dealing with this delicate issue. ***I might add, that the Archdiocesan policy was totally disregarded throughout my whole ordeal, as well as my Canonical Rights and my Civil Rights and Liberties.***

February 28, 2002 at 9:45 A.M. I met with Fr. Joseph Hornacek and the Director of Project Benjamin, Dr. Barbara Reinke. We met in Joseph's office. I went into Joseph's office and later Dr. Reinke came in from S. Kathleen's office. We sat there and they both stared at me, not saying a word. I finally looked at Joseph and asked him what was the meeting about. He then told me that there was an allegation that came in to Dr. Reinke's office and they wanted to know what was this all about. I might add, they had no papers of the written allegation for me to read, nor did Fr. Hornacek suggest before the meeting that I might have my attorney present or someone with me as a witness to this meeting. Again, this was in total violation of my rights and archdiocesan procedures.

They both began to ask numerous questions, never stating whom my accuser was. I finally told them; " I know who you are talking about, [redacted] They both were surprised and I then shared with them how I had known back in 1993 he and his father were spreading around to others this false allegation of me having an inappropriate relationship with [redacted]. I also shared with them that I had met with our then Vicar and met with Mr. Matthew Flynn, attorney for the Archdiocese.

The questions again kept coming from Fr. Hornacek and Dr. Reinke and again, they never would showed me any documentation that Dr. Reinke may have taken during her interview with my accuser. Their whole approach to my interview with them was a source of "*entrapment.*" During the interview both Fr. Hornacek and Dr. Reinke put words into my mouth I had never said. They fed back to me false information that supposedly I had confessed to and never did. Dr. Reinke neither had correct information regarding this young man's psychological history, his schooling and other pertinent concerns as well. Neither of them could keep information correct, and basically what they were doing was seeing me as guilty. Throughout this process, Fr. Joseph Hornacek and Dr. Barbara Reinke abused their specific roles and responsibility as Vicar and Director. Fr. Hornacek was neither "*diplomatic*" nor "*objective*" as it is written in the job description for Vicar for Clergy. It was the most disgusting and unfair meeting with Fr. Hornacek and Dr. Reinke. It was obvious to me that they both had taken on a *prosecutor's* role against me. Again, it was Fr. Joseph's responsibility to initially tell me and encourage me to bring someone with me, as a support and as a witness for me. He never made any such suggestions. Fr. Joseph also never spoke with me about my Canonical rights, nor did he suggest any names for me to seek out Canonical advise.

In our first meeting I told them both that I did not trust them, and I still don't! It was in that meeting that we agreed that I should meet with my accuser and they would set the meeting time. I later questioned such a meeting after speaking with Attorney Matthew Flynn; he didn't see any value in it. I spoke with my attorney at the time and he too didn't think that it was advisable. I shared my concern with Fr. Hornacek and Dr. Reinke and they both felt that I was trying to "hide" something. I therefore agreed to meet and we did, March 8, 2002.

I left the meeting with the two of them and was really saddened and disheartened by the process. I later went to meet with my supervisor, Maureen Gallagher to share what happened. Dr. Gallagher was most supportive and encouraged me to write a chronological time line, that would explain my contact with this family and I did.

Friday, March 8, 2002 was the day that I met with my accuser and those present were as follows:

Fr. Joseph Hornacek	Vicar for Clergy	Mrs [redacted]
Dr. Barbara Reinke	Director of Project Benjamin	Mrs. Vicki Boneshoe/ My friend/tutored [redacted]
Mr [redacted]	My accuser	
Mr. Lee Angert	[redacted]s Therapist	
Mz. [redacted]	[redacted]s stepmother	

There is an enclosed copy of that meeting with this letter. At the end of that meeting, Dr. Barbara Reinke asked my accuser if I had ever touched him or him me inappropriately. **His response to that question was, " No, in no way did Fr. Marv ever do anything like that."** The tragedy following that meeting was, that my accuser must have spoken with someone following that meeting, for when he later met with our District Attorney, the information he gave to him or her is quite different. Here is a young man, along with his family and possibly others, who are posturing in a criminal act by giving false testimony to the District Attorney. This of course has been decided through our legal system with my acquittal.

Following that meeting I was instructed by Fr. Joseph Hornacek that my work as a consultant was limited. I was not to meet with students alone, nor was I to have any contact with young people. I understood somewhat his concern, yet, I found myself being treated as "guilty." I suggested to him and Dr. Reinke that I could give them lists of former students who in the past I had taken on trips, taken on retreats who are now adults who have the highest respect, admiration and love for me and I them. I even suggested that they meet with my two older adopted sons who are now adults, and they both looked at me and said, "no, they were not interested in meeting with any of these people." I found their stance on this issue to be again unfair, and they being unwilling to look at the whole picture.

April 10, 2002 I met with Fr. Joseph Hornacek and Dr. Barbara Reinke again and in that meeting I again found them both evasive and sharing false information. Fr. Hornacek was quite critical of the chronological report I had written in regard to my contact with the [redacted] family. Fr. Hornacek accused me of saying that I had abused [redacted] and I told him that I never had said that. He argued with me and finally, Dr. Reinke commented that I had never had said that I abused [redacted] She said, "Joe, he never said that he climbed in bed and kissed him in the mouth." Joe, then remarked, " I have it in my notes." I responded, "Joe, just because you wrote it in your notes doesn't mean I said it. I never said that I climbed in bed and kissed him in the mouth." Fr. Joseph then apologized. Following that meeting, I received a letter stating that they had notified The Department of Public Instruction that my licenses/certifications should be put on hold, even without any convictions.

In that meeting they then brought up a complaint from a [redacted] I knew from my past experience dealing with Fr. Joseph Hornacek and Dr. Barbara Reinke, it would be better not even to comment on this complaint. I looked at the both of them and simply said, "I have nothing to say about [redacted]" I later shared with them that I knew Mr. [redacted] before I was ordained, in 1972 or 1973. Fr. Joseph responded, "so, this abuse it happened in 1974 and 1975." I looked at him and again said; " I knew the young man back in 1972 and 1973." Fr. Hornacek again said, "Oh! It was in 1974 and 1975." I again told him that I knew the young man back in 1972 and 1973. Now, I am not sure if he has a hearing problem or not but he sure wasn't listening. It was after those comments; I refused to answer any questions on this complaint. He then made a sneering remark to me. "How many more of these complaints are we going to get about you?" I felt his comment was highly rude and out of place!

I again found the both of them not giving me the information on written paper. In no way was I going to share with them anything, whether something did or didn't happen. They both simply didn't tell the truth and falsified information. In that meeting Dr. Reinke then said that she had spoken with Barbara Cusack, the Chancellor for the Archdiocese. She mentioned we know you have an adopted child who is a minor and I am telling you have to take him to be interviewed by "Protective Services." I looked at her and told her that I needed to check with my attorney's first. At that point, Dr. Reinke began to point her finger in my face saying, " **Don't you dare contact your attorney. Don't you mess up our process.**" I was taken back by her response and then shared with her and Fr. Joseph that I had rights and that they both had violated both my Canonical and Civil Liberties. This meeting was not productive at all! Dr. Reinke then began to call me a "child abuser." I was then told that my Faculties were dismissed, however, I was able to celebrate Eucharist alone or with another priest. Fr. Joseph also told me that my salary was cut in half and I argued that wasn't fair simply said, "I'm sorry." This was later changed after I spoke with Dr. Maureen Gallagher and she was able to maintain my "full salary" until June 2002. **In July 2002 my salary was cut in half and to this day, I never received a letter stating why that had been done. Since then, I have had to sell my home and move in with a friend who was most willing as so many others, to take my son and me in.**

During this process I had requested from Fr. Hornacek and Dr. Reinke written information they had received and to

no avail, I couldn't receive it. I then wrote Archbishop Rembert Weakland and asked him to intervene and he did. I then received the needed information to give to my attorney at the time that was located in Madison, Wisconsin. I called Dr. Reinke on the occasion of receiving the information and told her that dates and times were inaccurate. Her response to me was, **"Look Mary, I am not going to quibble with you over some minor details."** Again, I found her response and attitude prosecutatory and most unfair.

The tragedy of all this is, I haven't heard from anyone, except a letter from Archbishop Weakland (after I wrote him after his struggles). Bishop Skiba finally wrote in August and Fr. Hornacek, after I had written him hoping he was fine following his surgeries. I have not received a phone call from anyone in the Vicar's Office, to see if I was fine. Those persons who have been compassionate enough to call from our Archdiocesan Offices has been Dr. Maureen Gallagher, David Prothero and others from the school office. She has been most supportive, compassionate and understanding. There have been priests who have been most supportive, calling me, getting together with me for lunch, which I have found most supportive, and a source of healing. The support also comes from numerous former students and their parents, people from parishes I have served.

I am deeply saddened by the turn of events that have transpired since February 2002. It is a travesty that those in positions of authority have treated me in such an uncharitable manner. It is tragic that this whole matter with [redacted] could have been averted back in 1993. Now, the Archdiocese has turned their back on me and so many other priests.

My first attorney who was from Madison, Wisconsin was quite concerned about the Archdiocese's handling of my situation. There are a number of concerns that my attorney then and my attorney I have now feel the actions by the Archdiocese border on the line of being "criminal" in nature. The Chancellor of our Archdiocese, Barbara Ann Cusack violated Canonical Law, as well as the Privacy Act 1974, when she gave out information from my personnel files and then that information was falsified, which was then given to the District Attorney. Some of the false information that was given to the District Attorney was done specifically to discredit me as a priest. The commentaries that Dr. Reinke writes in the DA report is appalling. During my trial proceeding, some of that information was brought forward even though it wasn't damaging information.

I truly believe Dr. Reinke should resign from her position as Director of Project Benjamin, along with her teaching position at St. Francis Seminary. I also hold that Fr. Joseph Hornacek should resign from his position as Vicar due to his role in not being forthright with me on a number of issues and him too, falsifying information to our former Archbishop and to the District Attorney as well. He also unprofessionally shared with a priest of the archdiocese that I would never function as a priest in this archdiocese. He never had the courtesy to share that information with me. I also believe our Chancellor, Barbara Ann Cusack should resign, due to her violating my Canonical and Civil Liberties in misusing my personnel files. I again wish to emphasize the criminality of what has been done to me has been most disturbing and upsetting.

I am fully aware that Fr. Joseph Hornacek holds a bias towards me and has since I was ordained back in 1975. He along with others who were on the faculty back then in no way wanted me to be ordained. Thanks to me taking the initiative and meeting with our then our Archbishop, William E. Cousins, I was ordained. Joseph to this day holds a bias towards me. Professionally, Fr. Hornacek should have removed himself from my situation since he has and is unable to make decisions based on fairness, diplomacy, and objectivity and upholding Christian Values.

I have spoken with two different Canonists and will most likely will be working with one in particular in regard to my Canonical Rights that have been violated. Some of the issues in regard to Canon Law that draw a concern are as follows:

Cannon 220 No one is permitted to damage unlawfully the good reputation which another person enjoys not to violate the right of another person to protect his or her own privacy.

Cannon 221 (1) The Christian faithful can legitimately vindicate and defend the rights which they enjoy in the Church before a competent ecclesiastical court in accord with the norm of law.

(2) The Christian faithful also have the right, if they are summoned to judgement by competent authority, that they be judge in accord with the prescription of of the law to be applied with equity.

(3) The Christian faithful have the right not to be punished with canonical penalties Except in accord with the norm of law.

Cannon 281 (1) When clerics dedicate themselves to the ecclesiastical ministry they deserve a remuneration which is consistent with their condition in accord with the nature of their responsibilities and with the condition of time and place; this remuneration should enable them to proved for the need of their own life and for the equitable payment of those whose services they need.

Cannon 384 The diocesan bishop is to attend to presbyters with special concern and listen to them as his assistants and advisers; he is to protect their rights and see to it that they correctly fulfill the obligations proper to their state and that means institutions which they need are available to them to foster their spiritual and intellectual life; he is also to make provision for their decent support and social assistance, in accord with the norm of law.

Cannon 1390 (1) One who falsely accuses a confessor before an ecclesiastical superior of the offense mentioned in can.1387 incurs an automatic (latae sententiae) interdict; and if a cleric, also a suspension.

(2) One who furnishes an ecclesiastical superior with any other calumnious denunciation of an offense or who otherwise injures the good reputation of another person can be punished with a just penalty, even including a censure.

(3) A calumniator can be coerced also to make a suitable reparation.

Cannon 1391 The following can be punished with a just penalty in accord with the seriousness of the offense:

1. one who fabricates a false public ecclesiastical document, or changes, destroys or conceals an authentic document, or uses a false or changed document;

2. one who uses another false or changed document in an ecclesiastical matter;

3. One who states a falsehood in a public ecclesiastical document.

I recognize that I am not a Canonist, however, I have spoken with Canonists and it is most obvious not only to me, but others, that my rights as a Cleric have been violated. The abusive issues in regard to my canonical rights are again only one segment of concern. The other issues at hand are how my civil rights and liberties have also been violated as well.

Dr. Barbara Reinke is a professional psychologist. Dr. Reinke as a psychologist is fully aware of the ethical codes that counselors and psychologists are called to adhere to in the State of Wisconsin. Dr. Reinke has violated a number of those ethical codes some of those violations are as follows:

Psy 5.01 (2) Gross negligence in the practice of psychology.

(4) Performance of professional services inconsistent with training, education, or experience.

(7) Reporting distorted, erroneous, or misleading psychological information.

(9) Allowing professional judgment to be controlled by another.

(17) Failure to avoid dual relationships or relationships that may impair one's objectivity or create a conflict of interest. Dual relationships include treating employees, supervisees, lose friends or relatives.

Archbishop Dolan, I realize this letter has become quite lengthy, however, the longevity of this written concern only slightly touches the pain I have endured this past year and a half. This has truly been a test of my faith, not so much in God, but in a Church that I have believed and served in for numerous years. I hope that at some point we will have the opportunity to meet in regard to the issues I have shared. My attorney is quite concerned about this matter.

I hope that due to my acquittal, my past income from July 2002 to the present, including my reimbursements for retirement investments are returned to me. I also believe in fairness, I should be put on full salary for the fiscal year of 2003-2004 in to compensate for the damage that has been done. I also believe that according to the Archdiocesan policy, the diocese is to assist in full or partial Legal assistance due to my acquittal. I am hoping that fairness will finally come in all matters, including my reinstatement with full faculities. I am not at this point ready to actively serve in the ministry at this time for I do know I need to be healed. However, in the future, I hope to serve as I have been called.

Due to the circumstance that has occurred I am requesting too that I remain in Phoenix with the idea and appreciation of Canon.271. I do wish to incardinate in with the Diocese of Phoenix but wish to reside until time has past from this tragedy. I believe for personal wellness and for my adopted son Marcus as well, the distance from the Milwaukee community is needed. Let us pray for healing for all who have been involved.

Fraternally yours in Christ,

Rev. Marv T. Knighton '75

Enclosures:

ARCHDIOCESE OF MILWAUKEE

DEPARTMENT FOR CLERGY

August 13, 2007

Marvin T. Knighton

[redacted]

Phoenix, AZ 85028

Dear Marv,

I am sorry to be the one that needs to affirm the fact that the penal trial called for by the Congregation for the Doctrine of the Faith has been completed. The decision of the Tribunal found that crime was committed in two of the three counts presented. The judges have imposed the penalty of permanent restriction from ministry. I presume that you received this information and have discussed it with your canonical advocate.

Given this situation, I am writing to ask you if you would prefer to seek a voluntary laicization from the clerical state. Such a decision on your part may help to bring closure to this experience and help you to move on to a new leg in your life's journey.

Would you kindly respond to this letter in writing by the end of August, 2007? If you should decide to seek voluntary laicization, someone at the archdiocese would be happy to help you with the process.

Thank you for the consideration, Marv. Please know that you are in my prayers daily.

In the Lord Jesus,

Curt

Very Reverend Curt J. Frederick
Vicar for Clergy

C: Dr. J. Michael Ritty, advocate

3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207-0912
PHONE: (414)769-3484 • E-MAIL: clergy@archmil.org • WEB SITE: www.archmil.org

CONGREGATIO
PRO DOCTRINA FIDEI

(0)120 Città del Vaticano,
Palazzo del S. Uffizio

BAC

31 January 2009

PROT. N. 325/2003-28756
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I am writing to you regarding the case of **Rev. Marvin KNIGHTON**, a priest of your Archdiocese who has been accused of the sexual abuse of minors. This Congregation has received from Rev. Knighton an appeal against the sentence, given on 27 July 2007, in the Penal Process carried out at First Instance by the Metropolitan Tribunal of Detroit. Your Excellency has also requested that a more severe penalty be imposed on Rev. Knighton than that given in the Tribunal of First Instance.

The Congregation has authorized the Tribunal of the Archdiocese of Cincinnati to carry out a Penal Process at Second Instance and would therefore kindly request that Your Excellency ensure that all of the *Acta* pertaining to this case are forwarded to the said Second Instance Tribunal. Your own concerns regarding the penalty imposed should also be included. Your request should be construed as a petition that the Promoter of Justice in Second Instance file for a *dimissio in poenam*.

Thanking you for your assistance in this matter, with prayerful support and best wishes, I remain

Sincerely yours in Christ,

+ Luis Ladaria

✠ Luis F. LADARIA, S.J.
Titular Archbishop of Thibica
Secretary

His Excellency
Most Rev. Timothy M. DOLAN
Archbishop of Milwaukee
P.O. Box 070912
Milwaukee, WI 53207-0912
UNITED STATES OF AMERICA

TIMOTHY MICHAEL DOLAN

Miseratione Divina et Apostolicae Sedis Gratia
Archiepiscopus Milvauchiensis

PRECEPT

In response to the pastoral needs of this Christian community, in virtue of my authority as diocesan bishop (c. 381, §1), and in accord with the provisions of canon 49, I formally place upon Reverend Marvin Knighton the following obligations:

1) To refrain from all contact with minors, vulnerable adults, and other persons or categories of persons who have proven to be occasions of temptation in the area of sexual morality;

2) To cease until further notice all public ministry including the celebration of Eucharist; Eucharist may be celebrated in a private setting alone or with only another priest or priests in attendance; the celebration of any other sacraments will require my explicit permission in each case;

3) To avoid all places and situations that, from past experience, have been occasions of serious temptation in the area of sexual morality;

4) To cease any and all activities and relationships that may be described under the broad category of pastoral counseling;

5) Until further notice the faculty to hear confession is revoked.

The reasons motivating this decree are the allegations of sexual activities in violation of the obligation of clerical celibacy (c. 277, §1). These restrictions are seen as necessary and prudent precautions and will remain in effect until notice of their revocation. Any violations of this precept could result in penal action and this decree shall serve as canonical warning to that effect.

This decree shall be executed by means of its communication to Reverend Marvin Knighton by Very Reverend Joseph Hornacek.

Given this 5th day of September 2003.

+ Timothy M. Dolan

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

Notary

SEAL

Entry for the File of Marvin Knighton
By Barbara Reinke

April 11, 2002

I received a call from Father Marv Knighton, who did not see the need to have his son, [redacted] interviewed by Child Protective Service workers and fears for the disruption for his son. Marv believe that the interview that was carried out with his older son during the adoption process of [redacted] should suffice. I explained to Marv that I recognize the unusualness of this situation and want to work with him to find a way to accomplish this in a sensitive manner, and I will do whatever is necessary to be in full compliance with the law regarding mandatory reporting. Marv indicated that he would try to locate the adoption worker who previously addressed this issue and put her in touch with me.

BR:saz

Addendum to the note about Father Marv Knighton.

During this conversation Father Marv admitted that he had "made a mistake" in the incident with [redacted], but he insisted that this incident occurred in 1973, prior to his being ordained a deacon, and thus his behavior does not concern us. He launched into another recital of [redacted] problem until I cut him off.

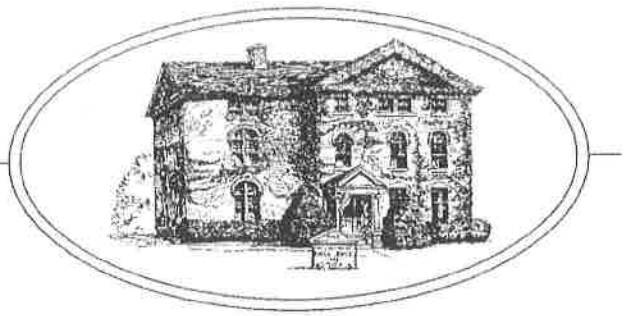
BR:saz

BOYLE, BOYLE & PAULUS, S.C.
ATTORNEYS AT LAW

GERALD P. BOYLE
COURT COMMISSIONER
BRIDGET E. BOYLE-SAXTON
JOSEPH F. PAULUS
ALSO LICENSED IN NEW YORK

MELISSA L. KARLS
GERALD H. BOYLE

PAULINE EDWARDS
PARALEGAL



THE PETTIBONE MANSION

August 28, 2003

Personal & Confidential

Archbishop Timothy Dolan
Archdiocese of Milwaukee
350 S. Lake Dr.
St. Francis, WI 53235

Dear Bishop,

For the past year I had hoped that I would have had the pleasure of meeting you, but it was not to be. Perhaps I will have that honor as a result of this letter. I know your brother Bob very well. I've known he and his lovely wife for many years and have been his great supporter over the years. He's just simply terrific.

I also wish to congratulate you on your anniversary. You have brought life back into this Archdiocese and as a Catholic I greatly appreciate it. My brother Fr. Pat Boyle S.J. is a moral theologian at St. Mary's Seminary in Mundelein. Bishop Jerry Listecki is a very good friend who I have met through my brother.

The reason for my letter is Fr. Marv Knighton. I represented him in his criminal case. What happened to this poor man is quite sad. Project Benjamin blew it. They should not be in the investigation business. They believe the accuser absolutely and that was a mistake. Their judgment was impaired. I know there is now a new organization but I think the same flaws exist.

During Fr. Marv's trial, the usual suspects were there. Peter Isley, et al, were in attendance giving support where there should have been no support. While I applaud people who help people who were abused, there still should be some balance to these things and as I told Peter, not every priest is guilty. Clearly Marv was not. As a matter of fact in 1994 Marv went to the Archdiocese and asked for an investigation because he heard rumors that there were some unstated allegations about him. The position was that since there wasn't a complaint, there

Reply To:
☒ MILWAUKEE LOCATION 2051 West Wisconsin Avenue, Milwaukee, WI 53233 Telephone (414) 343-3300 Facsimile (414) 343-3310
☐ FOX VALLEY LOCATION 2905 Universal Street, Suite 14, Oshkosh, WI 54904 Telephone (920) 230-4646 Facsimile (920) 230-4716

should not be an investigation. That was a mistake and if an investigation was had it is my belief that the matter would have been resolved there on the spot and none of this would have happened.

This priest is destitute. He had no help on legal fees. His salary was reduced by one half and then almost completely stopped. No one has contacted him to help. I would hope that there will be help. Legal fees are due. I could not let this man go to the gallows simply because he had no money. I thought that if we were successful he would receive help from the Diocese. I trust that there will be help. Lord knows we saved the Diocese some money and embarrassment and perhaps put everyone on notice that no longer will the Diocese roll up the tent but will fight these claims if they're not meritorious.

I would really like to have a cup of coffee with you and discuss what I think the Diocese should do with these cases. All you have to do is call and I'll be there immediately. I know your brother will vouch for me in that I'll never reveal a confidence or ever embarrass my Church which is as important to me as family.

God bless Bishop and thank you very much for what you've done to bring us back from the abyss we were in these last few years.

Sincerely yours,

BOYLE, BOYLE & PAULUS, S.C.

Gerald P. Boyle

Gerald P. Boyle
Attorney at Law

GPB/pe

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. BOX 2018 • MILWAUKEE, WISCONSIN 53201 • PHONE 414/769-3300

OFFICE OF THE AUXILIARY BISHOP

FILE COPY

October 13, 1988

The Reverend Marvin T. Knighton
[redacted]

Dear Marv:

Just a word to acknowledge your note and to express my sadness at seeing the level and anger and hurt expressed in your words to the Archbishop. I know that he has tried very hard to be supportive and to nurture your own personal and priestly gifts over the past ten and one-half years.

I think it is a mistake in judgement and perception to refer continually to the Seminary experience. I am not sure that I or anyone has a very clear memory of the issue since we really do deal with each other as we are today rather than allow ourselves to be held captive by experiences from the past. I do know that a vast number of priests feel that you have charted your own course without much prior consultation. I have the impression that your decisions to purchase the first home and then your present location were taken without prior clearing as the CLERGY MANUAL would direct. I also know that the Archbishop took a great deal of heat from priests when the article in the paper stated that your work at Whitnall was with his approval, when the records would indicate that you signed the contract before approaching him personally. Furthermore, even though our office has said absolutely nothing about the matter, I have heard priests express their unhappiness at your unwillingness to participate in Periodic Review. I say all these things not to point a finger, but to illustrate the sorts of things in recent years which have contributed toward the image to which the Archbishop alluded.

I do pray for the healing that we all need and, in particular, that you may experience this moment as an expression of care even if it means saying some tough things. I am delighted to learn that the work at Pius goes well again.

May the graces of this new academic year and the support and challenging encouragement of your friends be a sign of God's providential love be an opportunity for new growth always.

Fraternally,

Most Reverend Richard J. Sklba
Auxiliary Bishop of Milwaukee

NOV 15 1993

[redacted]

November 12, 1993

Reverend Thomas Venne
Vicar for Clergy Personnel
Archdiocese of Milwaukee
PO Box 07912
Milwaukee, Wisconsin 53207-0912

Dear Thomas:

I hope this letter finds you in good health and now able to sleep well at night. I recall experiencing similar cycles unable to sleep which can be most annoying.

My thoughts are with you, the Archbishop and our Auxiliaries and so many others who must deal with the negative press coverage we the Catholic clergy and community endure. It is most interesting the latest accusation of a Church Prelate, [redacted], comes when the bishops gather for their meeting. I can identify with anyone who is falsely accused, the trauma, hurt, confusion and the many other varied feelings one bears. My prayers are with the Cardinal and others who suffer in this area.

I write mainly to inform you that I am exploring the possibilities of working in the Phoenix Diocese. I have written Bishop Thomas O'Brien and recently Fr. Jean Blaise S.D.S., of their Priest Personnel for a possible meeting in early December. Again, I want you to know I am simply exploring the possibilities. I also realize that permission must first of all be granted from Archbishop Rembert Weakland on this matter.

Please know that this interest and desire to work in the Phoenix area has been with me for some time. I realize I am not getting younger and do desire to continue in ministry as priest, but would relish the opportunity of serving in a different environment which includes climate.

I have not heard from Fr. Blaise yet but do hope we can meet in the first part of December. I ask that you keep me in your prayers as I continue to discern my life in the Spirit.

I look forward meeting with Fr. Robert Betz regarding my periodic review and would appreciate your input with my results. Let us continue to pray for one another, and for the People of God.

Sincerely,

Marv T. Knighton

Marv T. Knighton (Rev.)

ARCHDIOCESE OF MILWAUKEE

3501 S. Lake Drive • P.O. Box 07912 • Milwaukee, WI 53207-0912 • (414) 769-3484

Department of Clergy Personnel

FILE COPY

June 6, 1994

Most Reverend Thomas J. O'Brien
Bishop of Phoenix
400 East Monroe
Phoenix, AZ 85004-2376

Dear Bishop O'Brien,

At your request and with the permission of Fr. Marv Knighton, I am sending you copies of the information in his Personnel File. This office began in 1980 and information before that was not kept, except the Chancery files of appointment letters. There have been three Vicars and the first pages are our log items regarding Marv from the most recent to the earliest. The initials are mine R.T.V. (Rev. Thomas Venne), R.J.S. (Bishop Richard J. Sklba) and those without initials are the first Vicar Joe Janicki. We hope this information will be helpful to you. If there is any need for clarification, please let me know.

I know that Marv is looking forward to sharing his ministry in your diocese. I know you will find him pleasant to work with. Blessing on your ministry.

Sincerely,

Reverend R. Thomas Venne
Vicar for Clergy Personnel

RTV/sks

Let us go
FORWARD

CELEBRATING
150 YEARS

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. Box 07912 • MILWAUKEE, WISCONSIN 53207-0912 • PHONE 414/769-3300

OFFICE OF THE ARCHBISHOP

Let us go FORWARD
"Let us go forward on the road that has brought us to where we are." Philippians 3:16
CELEBRATING 150 YEARS

June 19, 1995

Rev. Marvin T. Knighton
St. Martin de Porres Parish
[redacted]
Milwaukee, Wisconsin 53212

Dear Father Knighton,

It is with a sense of joy in our shared faith that I ask you to become an Associate Pastor at All Saints Parish, Milwaukee. Following the recommendation of the Priests' Placement Board, I am happy to entrust the faithful of All Saints Parish to your priestly care in collaboration with the Pastor, Father Joseph Perry, effective December 1, 1995. This appointment is for up to six years.

As Associate Pastor, you are called upon to serve the needs of God's people so that they can take their rightful place as baptized Catholics in their own Faith-community and in society. Your mission, like my own, is one of teaching and sanctifying, and of administrating those areas delegated to you by the Pastor, Father Perry. You are also asked to collaborate with the Parish Council and those organizations designated to work with you. Also, I trust that you will work diligently with the priests in your district and enter fully into the current Archdiocesan Parish Planning, "Walking Together: Collaborating for the Future".

It is a privilege to share my ministry with you. May God's blessings fill your life.

Sincerely yours in the Lord,

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

St. Martin de Porres Central City Catholic Church

128 W. Burleigh Street
Milwaukee, WI 53212-2046

Office: (414) 372-3090
Fax: (414) 372-0356

November 10, 1995

Archbishop Rembert G. Weakland O.S.B.
Archbishop of Milwaukee
Archbishop Cousins Center
3501 S. Lake Drive
P.O Box 07912
Milwaukee, WI 53207-0912

Dear Archbishop Weakland:

Peace to you! I met with Fr. Carrol Straub today regarding my remaining on as pastor at St. Martin de Porres. The past six months have not been easy by any means for me and our joint staffs from All Saints. As you know I have dealt with the passing of my father and then two months and a day later, my ninety-fiver year old maternal grandmother passed as well. My life has been impacted with tremendous changes from not remaining in Phoenix; moving back to Milwaukee, buying a home, being installed as a new pastor that has had and continues to have numerous conflicts. This has been more than just a simple transition!

The past few weeks it is becoming apparent to me emotionally and physically, that I no longer wish to continue in this position as pastor. I have strived to confront the issues at hand in order to build Christian Community and facilitate our parish community to reach out to those in need. There have been times when I felt that progress has been made but my hopes are doused when I meet with those openly opposed to the directions we are striving to undertake.

It is most obvious that there is a segment of parishioners who are unwilling to collaborate with All Saints as was suggested by the former Transition Team. Some of those individuals against collaboration serve on our Parish Council which in itself poses problems. There is a group here who are negative, disruptive, exclusive and demean and undermine my position as pastor. There behavior at times is also directed to parishioners as well. Fr. Joseph Perry recently wrote a letter to one of our parishioners who is attempting to draft a letter to you, demanding that the Archdiocese financially maintain these two sights for five years. This attempt was in process without my knowledge, somehow Joseph got the information. The tragedy of all this is, the dissension from the few is prevalent at our 10:30a.m. Liturgy.

I am requesting to end my pastorate at the end of November 1995. I would hope that you request Fr. Phil Rifenberg to continue on as Temporary Administrator if he is willing. I have spoken with Joseph on this issue and he would be fine if I continued as his Associate at All Saints and St. John's Chapel. I would maintain what I am doing such as overseeing the "Learning Center and the Meal Program", along with my counseling at St. Rose Grade

School. I would continue to be part of this collaborative staff and doing whatever to pastorally encourage that reality.

I realize that my request dampens what you have hoped for these two parishes. The process in the past wasn't easy, the continuation of developing these parishes is difficult, there are more problems that I foresee down the road, especially with some parishioners from St. Martin de Porres.

I hope that we can meet on this request at your convenience. I appreciate your time and efforts on this matter and Fr. Carrol's listening and compassion. Please know, as I do with all major decisions, I do in prayer and consultation.

Fraternally,

Rev. Marv T. Knighton

cc. Fr. Carrol Straub
Fr. Leonard Barbian
Fr. Philip Rifenberg
Fr. Joseph N. Perry

[redacted]

July 24, 1996

Most Reverend Richard J. Sklba
Auxiliary Bishop of Milwaukee
3501 South Lake Drive
P.O. Box 07912
Milwaukee, WI 53207

Dear Bishop Sklba:

I regret to inform you that I am unable to take the counseling position offered me in the Phoenix area for the 1996-1997 academic year. I will not be moving to Phoenix as I hoped. I have not been able to sell my present home here in Milwaukee and in no way can incur additional housing costs without the sell of my home. I spoke with the principal in Arizona who was hiring me and we agreed that she needs a counselor in place within a week.

I cannot thank you enough for your understanding, your compassion that is needed with those who are called to shepherd. You truly are gifted with listening, humor and sensitivity that I appreciated when we met this past summer. Knowing that your kindness and love is there, facilitates me in accepting this present reality of remaining here Milwaukee.

I will remain as the Associate Pastor at All Saints for now. I know that Fr. Joseph Perry will appreciate my presence with him as we strive to heal a community that has gone through change. Until something opens in education I will strive to do what I can to enhance All Saints/St. Martin de Porres/St. John's chapel in being a community of faith.

May God bless you in all your good works.

Sincerely in Christ,

Marv T. Knighton (Rev.)

MTK

Copy to:
Archbishop Weakland
Bishop Thomas O'Brien
Fr. Leonard Barbian
Fr. Joseph N. Perry

JUL 29 1996

JUN 1 0 1996

Rev. Marv T. Knighton
[redacted]

June 5, 1996

Bishop Richard J. Sklba
Auxiliary and Acting Ordinary of
The Archdiocese of Milwaukee
3501 South Lake Drive
P.O. Box 07912
Milwaukee, Wisconsin 53207-0912

Dear Bishop Sklba:

Peace to you in the Risen Christ! Thank you for your time meeting with me on May 22, 1996. Your compassion, your understanding and humor was appreciated. You are a gifted listener which allows empathy for others to exude from you.

As you know the past year has been most trying in many ways for me. In June 95' I returned to Milwaukee from Phoenix, Arizona. I dealt with the sudden death of my father, a few months later my maternal grandmother died, along with my immersion into a difficult Pastorate at St. Martin de Porres. The months from June to November were most trying and emotionally taxing in many ways, which finally encouraged me to resign as Pastor of St. Martin de Porres. It has been good serving with Joseph Perry at All Saints. In the midst of all that transpired, my faith in God and Jesus remains strong.

These past months being in parish ministry, I realize even more that I best serve "The People of God" is in the field of education. I am aware as St. Paul states; " there are different gifts..", I believe my gift is enhancing the lives of youth and their parents in the field of education. It is that ministry I miss and hope to return in some capacity.

When I lived in Phoenix, I worked for the Scottsdale Public Schools and found it personally rejuvenating. Though it was a secular institution, the staff, students and their parents were aware that I was a Roman Catholic Priest. They were delighted to have me on their faculty. While I worked for them, I helped to design a homeroom concept, similar to what exist at Pius XI High School. I recently received a request from the District to return for the 1996-1997 academic year as a Counselor at their new high school where this program is in place. If it is all possible, I would like to accept that request.

I am fully aware that our Local Church is suffering with the shortage of priest and the need for priest in parishes. However, I am also aware that the lives of people can be touched in other aspects of ministry as well. At this time Bishop Sklba, I feel it would be beneficial in a wholistic sense for me to return to Phoenix and serve in education. I shared some of those reasons in our discussion. I am not seeking excardination nor at this time desire it.

As "Acting Ordinary" of the Archdiocese of Milwaukee, I am requesting a "Personal Leave of Absence with Faculties", along with permission to move to Phoenix. This appeal is under canon 271. I am requesting to be relieved of my Associate Position at All Saints at the end of July. I realize that if this is granted, it does not automatically allow me to function as a priest within the Diocese of Phoenix. I hope a favorable letter to Bishop Thomas O'Brien, stating that I am priest of the Archdiocese of Milwaukee, in "good standing" will facilitate me to serve fully as a priest. I realize that there may be difficulties regarding this matter due to past events in 1994-1995. As you know, I have served our Milwaukee community well and I hope to continue serving wherever I may be.

In granting this personal leave, I realize according our Clergy Manual this is for six months, and can be renewed. After a six- month period, namely in December, I will write Archbishop Weakland to determine the situation. I realize too, that my health insurance premiums will be my responsibility, as well as my payments into my retirement fund.

I am grateful for all you have done and the time you have given me. I realize that your position is taxing and I appreciate your time regarding this concern. You are giving a fine service to Milwaukee. Let us pray for one another and our world.

Sincerely in the Risen Lord,

Rev. Marv T. Knighton

cc.
Archbishop Rembert G. Weakland, O.S.B.
Rev. Carrol C. Straub
Rev. Leonard M. Barbian

JUL 02 1997

24

[redacted]

February 11, 1997

Archbishop Rembert G. Weakland O.S.B
Archbishop of Milwaukee
Archbishop Cousins Center
3501 South Lake Drive
P.O. Box 07912
Milwaukee, WI 53207-0912

Dear Archbishop Weakland:

Peace to you! You are in our prayers daily at All Saints and St. John's Chapel as you deal with your healing and treatment for cancer. I believe your days at times are wearing, however, I hope you are aware that many have you on their minds, their hearts and in their prayers.

At both parish sites, All Saints and St. Martin de Porres, our pastoral staffs, along with our parish councils have seriously evaluated our upcoming future and budget. We realize that in order for us to use our monetary gifts well, it is imperative that we creatively deal with staff reductions and strive to be frugal. At All Saints we realize that having two full time priest is not in the best interest for the parish nor the diocese due to our parish roster. My position is being terminated at the end of June. I am fine with this decision and have tried to help our Council in the Fall to understand such critical financial matters were necessary for the future of the parish to frugally maintain the funds at hand and those invested. It would be advantageous if both parishes became one, however, that is far from what one parish would desire.

I have been in full time parish ministry for two years. I realize even more that I don't blossom in this ministry and where I serve best is in the field of education. St. Paul realized in his time the variety of gifts; "there are different gifts..". I believe my gift is enhancing the lives of our youth and their parents. It is that ministry I miss and desire to return in some capacity.

Living in Phoenix from 1994-1995 working in the Scottsdale Public School was a rejuvenating time for me. I enjoyed working with that District , it was the first time in a long time I felt inner peace, knowing I was doing good. The District was pleased with my work, they were thrilled to have a Catholic Priest on their staff, serving in their schools. The District still has a desire for me to return and with your permission I would like to move to Phoenix this June, 1997.

I am fully aware that our Local Church is suffering with a dearth of priest and the need for priest ministering in our parishes. I realize the predicament and stress this places upon you and the Church for whom I was ordained to serve. Yet, I know inner peace and doing my best, where I serve best, enhances not only my life but those whom I am called to serve.

I am not seeking excardination, nor at this time desire it. I am requesting a "Personal Leave of Absence with Faculties", along with your permission to relocate to Phoenix. This appeal to you as my Archbishop is under Cannon 270, and Cannon 271. I realize if this is granted, it does not automatically allow me to function with Faculties within the Diocese of Phoenix. I hope a favorable letter and phone call to Bishop Thomas O'Brien, stating that I am a priest of the Archdiocese of Milwaukee, in "good standing" will facilitate me to serve and assist the Church of Phoenix outside my work with the District. While living in Phoenix I am fully aware Bishop O'Brien is the Ordinary and all due respect and obedience will be adhered. I realize the difficulties that arose in the past, yet your good words could make the difference. I have served our Milwaukee community well and wish to continue serving wherever I am.

In granting this personal leave of absence with faculties, I realize according to our Clergy Manual, this is for six-months and can be renewed. After a six-months period, I will write you to determine the situation. I realize that my health insurance becomes my responsibility, including my payments into my retirement fund.

I am grateful for all you have done and the time and patience you have given me. I realize that your position is taxing, I know this isn't the best time due to your health. I greatly appreciate your time and concern regarding this matter. I simply seek to serve and live the Gospel with the inner peace we all desire. You are in my prayers.

Fraternally,

Rev. Marv T. Knighton

Vicar

ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

JAN 30 1998

January 27, 1998

Reverend Marvin Knighton
[redacted]

Dear Marv,

I received in the mail last week your general Christmas newsletter in which you announce that you are adopting another child.

I will place that letter plus this letter of mine into your file if proof is needed in the future that you do what you wish and then inform us later.

Sincerely yours in the Lord,

+Rembert G. Weakland

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

3501 South Lake Drive, P.O. Box 07912
Milwaukee, WI 53207-0912 · (414)769-3497

JUL 15 1998

ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

July 14, 1998

Rev. Marvin T. Knighton
[redacted]

Dear Father Knighton,

It is with a sense of joy in our shared priestly ministry that I ask you to join the faculty at Dominican High School as the Associate Principal. Following the recommendation of the Priests' Placement Board, I am happy to entrust this office to your pastoral care beginning on August 1, 1998. This appointment is being made for a period of six years, after which time it will be reviewed for possible renewal.

In this ministry, you are called upon to serve the needs of God's people so that they can take their rightful place as baptized Catholics in their own Faith-community and in society. Your mission, like my own, is one of teaching and sanctifying. To accomplish this mission, I ask you to work closely with the staff at the high school.

It is a privilege to share my ministry with you. May God's blessings fill your life.

Sincerely yours in the Lord,

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

3501 South Lake Drive, P.O. Box 07912
Milwaukee, WI 53207-0912 · (414)769-3497

JUN 0 8 2000

Dominican High School

Whitefish Bay, Wisconsin 53217

June 6, 2000

Reverend Joseph F. Hornacek
Vicar General/Vicar for Clergy
Archdiocese of Milwaukee
3501 South Lake Drive
P.O. Box 07912
Milwaukee, WI 53207-0912

Dear Joseph:

Peace to you in the Risen Christ! My life has settled somewhat since the completion of my course work for my degree in education, planning my 25th anniversary, graduation, moving out of my home, and then being the homilist at +Joseph N. Perry's anniversary Mass in Chicago. I don't know how I was able to get so many things done but I did.

As you may know I have accepted an administrative position at St. Mary's High School in Phoenix Arizona. My position will begin in August, once all the needed paper work from here is sent and I sign a contract with the school. I complete my assignment at Dominican High School at the end of June 2000.

I am not sure of Archdiocesan policy in regard to payment to a priest, if the priest is in between assignments. I unfortunately packed my guidelines and so I turn to you for your assistance. I will have the month of July where I will not receive a salary/housing due to this move. My insurance however is covered until July and I will be covered with St. Mary's in August. Are there any possibilities where the Archdiocese can cover my salary/housing for the month of July? If so, it would be appreciated. If not, I will understand.

In the event the Archdiocese will pick up my salary/ housing for the month of July, I also hope they will subtract the needed monies toward my retirement fund. It is probably best to send information to the above address and phone number. Again, thank you and the Archdiocese for whatever help can be given at this time.

I will keep you posted once I have made the move and found residence in the Phoenix area. Please keep me in your prayers as I undertake a little of the unknown. I am looking forward to the challenge and the change.

Fraternally yours in Christ,

Rev. Marv T. Knighton
Associate Principal for Student Affairs

P.S.
Thanks much for your support
& all that you do for + with us.

AUG 2 8 2000

THE ROMAN CATHOLIC
church of phoenix

400 EAST MONROE, PHOENIX, ARIZONA 85004-2376
TELEPHONE (602) 257-0030 • FAX (602) 257-5645

Office of the Bishop

August 21, 2000

Rev. Marvin T. Knighton
St. Mary's High School
[redacted]
Phoenix AZ 85004

Dear Fr. Knighton:
With the approval of Most Rev. Rembert Weakland, Archbishop of Milwaukee, I am happy to grant you the faculties of the Diocese of Phoenix effective immediately. I wish you well in your important ministry to our youth as the Campus Minister at St. Mary's High School.

I would like to welcome you to the Diocese and hope your time here is fulfilling and fruitful for you. Enclosed are some materials that you might find helpful.

With cordial good wishes, I am

Faithfully yours in Christ,

† Thomas J. O'Brien

Most Rev. Thomas J. O'Brien
Bishop of Phoenix

TJO:jd

Enclosures

Cc: Most Rev. Rembert Weakland
Archbishop of Milwaukee

SEP 0 5 2001

ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

August 31, 2001

Rev. Marvin T. Knighton
[redacted]

Dear Father Knighton,

At the recommendation of the Vicar for Clergy and with a sense of joy in our shared faith, I appoint you a consultant in the Office for Child, School and Youth Ministry. I am happy to entrust this office to your care, beginning September 1, 2001. Your office continues until June 30, 2002.

The specific duties of this ministry are outlined in a separate Letter of Agreement between you and Ms. Maureen Gallagher, the Archbishop's Delegate/Director of Catholic Education. You will report to Maureen Gallagher as your immediate supervisor.

In this capacity, you will be an Archdiocesan Official. Your mission will be one of teaching and sanctifying. It is a privilege to share my ministry with you. May God's blessings fill your life.

Sincerely yours in the Lord,

+ Rembert G. Weakland

Most Reverend Rembert G. Weakland, OSB
Archbishop of Milwaukee

Blessings, Mark

3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207-0912
PHONE: (414)769-3497 • WEB SITE: www.archmil.org

MAR 0 1 2002

ARCHDIOCESE OF MILWAUKEE

SCHOOLS, CHILD, AND YOUTH MINISTRIES

TO: Rev. Joseph F. Hornacek
Vicar for Clergy
Barbara Reinke
Director of Project Benjamin
FR: Rev. Marv T. Knighton
Re: Allegations
Date: March 1, 2002

I wish to again thank you both for your understanding amid the needed probing that your position demands of you. I fully understand the delicate position you hold, significantly when charges come forward of such magnitude. I again wish to reiterate these allegations are false in this matter in regard to my accuser, [redacted] Yesterday as you can expect, I had a great deal of time to think over all that was shared and I have come to the following conclusions on this matter.

- Before any meeting is set up with my accuser, I do see it necessary for me to speak with an attorney on this matter. I need to know legally the advantage and disadvantage of meeting with [redacted] and his therapist. My concern is, if [redacted] has been in therapy for over ten years on and off, how can we as parties have a wholesome discussion if he and maybe his father continue in dysfunction.
- I also need to know legally where I stand if [redacted] his father [redacted] continue to make these false accusations of inappropriate sexual behavior.
- I checked my notes when I returned home and [redacted] was in therapy at the time when he first made his false allegations with me. I also have in my notes his father coming to see me because he was so upset with one of the sessions where [redacted] was blaming him for everything about his life and how bad of a parent he was.
- Upon the death of [redacted] he was in attendance at St. Jude the Apostle. It was also during that time that [redacted] for the most part [redacted] The attitude of his classmates from my understanding changed somewhat when [redacted]
- At your convenience, I would like to meet with you both to discuss further this matter in regard to these unfortunate false allegations that have been made.
- Finally, in defense of Fr. Thomas Venne and my comment about him not recording this back in the 1990's, we all waited for something to come in from his Therapist or [redacted] and not one thing transpired. I believe to due that, Fr. Venne and Attorney Matthew Flynn did not do anything because they never received an official complaint. I hope to make this point clear in defense of Fr. Thomas Venne who also served as Vicar and also did a fine job/ministry which is a difficult position to hold.

Once I have made contact with two attorneys, I will get back to you as soon as possible. Again, thank you for your time, your concern for [redacted] my accuser and for me who is being falsely accused. Like the late Cardinal Bernadien, it is simply a terrible experience to have, even more when it is so untrue.

Sincerely,

Rev. Marv T. Knighton '75

Statute of limitations have expired for any civil or criminal behavior

3501 South Lake Drive, P.O. Box 07912
Milwaukee, WI 53207-0912 • (414)769-3300

REMBERTUS GEORGIUS

Miseratione Divina et Apostolicae Sedis Gratia

Archiepiscopus Milvauchiensis

PRECEPT

In response to the pastoral needs of this Christian community, in virtue of my authority as diocesan bishop (c. 381, §1), and in accord with the provisions of canon 49, I formally place upon Reverend Marvin Knighton the following obligations:

1) To refrain from all contact with minors, vulnerable adults, and other persons or categories of persons who have proven to be occasions of temptation in the area of sexual morality;

2) To cease until further notice all public ministry including the celebration of Eucharist; Eucharist may be celebrated in a private setting alone or with only another priest or priests in attendance; the celebration of any other sacraments will require my explicit permission in each case;

3) To avoid all places and situations that, from past experience, have been occasions of serious temptation in the area of sexual morality;

4) To cease any and all activities and relationships that may be described under the broad category of pastoral counseling;

5) Until further notice the faculty to hear confession is revoked.

The reasons motivating this decree are the allegations of sexual activities in violation of the obligation of clerical celibacy (c. 277, §1). These restrictions are seen as necessary and prudent precautions and will remain in effect for three months from this date or until notice of their revocation. Any violations of this precept could result in penal action and this decree shall serve as canonical warning to that effect.

This decree shall be executed by means of its communication to Reverend Marvin Knighton by Very Reverend Joseph Hornacek.

Given this 1st day of April 2002.

+Rembert G. Weakland

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

Rev. Thomas Brumleve

Notary

SEAL

OFFICE OF DISTRICT ATTORNEY

Milwaukee County

E. MICHAEL McCANN • District Attorney

June 4, 2002

Dr. Barbara Reinke
Archdiocese of Milwaukee
3501 S Lake Drive
PO Box 070912
Milwaukee, WI 53207-0912

Re: Fr. Marv Knighton

Dear Dr. Reinke:

I am writing to advise you that the Milwaukee District Attorney's Office will, in the very near future, be issuing a criminal complaint charging Fr. Marv Knighton with one count of second degree sexual assault of a child. As of the date of this letter, the fact that a criminal charge will be issued is not public knowledge and will not be public knowledge until the complaint is signed. I have, though, advised an attorney who called on behalf of Fr. Knighton that a criminal charge would be issued against him. I instructed the attorney to contact Fr. Knighton to schedule a time for him to appear at the Wauwatosa Police Department to be booked and then a date would be scheduled for him to appear in court for his initial appearance. If you have any questions, please call me at 278-4662.

Sincerely,

Paul Tiffin
Assistant District Attorney

SAFETY BLDG., RM. 405 • 821 W. STATE ST. • MILWAUKEE, WI 53233-1485 • TELEPHONE 414-278-4646 • FAX 414-223-1955

193. Marv Knighton
March 1, 2002 Marv consults with Matt Flynn and a second attorney and expresses reservations over attending a meeting with his alleged accuser-victim on 3/8. Hornacek and Reinke explain the purpose is fact-finding to hopefully get at the truth of the matter because Knighton denies all allegations. Later Marv phones both Reinke and Hornacek to request presence of a [redacted] who is familiar with the allegations, to act as support person for him. Vicar has no objections to this and so informs Reinke and Knighton.

JFH

208. Marv Knighton
March 8, 2002 Vicar joins Dr. Barbara Reinke in a fact-finding meeting between Fr. Marv Knighton alleged perpetrator and [redacted] alleged victim of inappropriate physical contacts from approximately '86 to '91 when [redacted] was between 13 and 18 years old. Marv's advocate: [redacted] who also tutored [redacted] was present as were [redacted] therapist Dr. [redacted] and [redacted] cousin [redacted] whose son [redacted] was focused, forthright and specific about his allegations. Marv has denied all except what he claims was consensual hugging and kissing.

JFH

251. Marvin Knighton
March 28, 2002 Dr. Reinke reports that another victim of Marvin Knighton has just been interviewed with similar circumstances as the first. Archbishop is notified by Vicar as they agree Marv will be removed from current ministry and a precept drawn up to withdraw faculties effective 4/1/02. Maureen Gallagher, Marv's employer-supervisor is informed.

JFH

257. Marv Knighton
April 1, 2002 Marv Knighton is the alleged perpetrator of a sexual abuse incident report received today from Dr. Reinke. This took place in '75 or '76 while Marv was at Holy Angels Parish. When the alleged victim told his parents of this 4-5 years ago his mother reportedly was not shocked because she believed Marv had similarly abused one of her nephews.

JFH

✓ 181. Marvin Knighton
On April 1, 2002 I received notice of the Archbishop's promulgation of a precept limiting ministry for three months pending further investigation of the allegations recently brought forward.

RJS

260. Marv Knighton
April 2, 2002 Marv is seen by Vicar and Dr. Reinke to report 2nd allegation received of sexual abuse – this one of a minor at Holy Angels Parish in '75 or '76. He was told he was being relieved immediately of all priestly ministry and was given a detailed Precept that forbids all public ministry including celebration of sacraments except Mass in private. In one breath he spoke of contacting an attorney because the allegations were slander, and in the next breath he said he was not surprised by any of this and had in fact told a close friend prior to being contacted by the archdioces4e re the 1st allegation, that he was thinking of leaving the priesthood. Vicar shared new compensation schedule. He asked to maintain current schedule through June and later urged Maureen Gallagher to plead with Vicar on his behalf for this.

JFH

July 11, 1975

The Reverend Marvin T. Knighton
Holy Angels Parish
[redacted]
Milwaukee, Wisconsin 53206

Dear Father Knighton:

Following the recommendation of the Personnel Board regarding your assignment, I herewith appoint you Team Member at St. Anne Parish, Milwaukee, effective August 5, 1975. You will kindly report on that date to the Administrator of the Pastoral Team, Father Joseph B. Frederick.

With the warmest of personal regards and wishing you God's choicest blessings, I am

Fraternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

May 28, 1976

The Reverend Marvin T. Knighton
St. Anne Parish
[redacted]
Milwaukee, Wisconsin 53210

Dear Father Knighton:

Following the recommendation of the Personnel Board regarding your assignment, I herewith transfer you from your present position as Team Member, St. Anne Parish, Milwaukee, and appoint you to the Faculty of Pius XI High School, effective June 15, 1976. You will kindly report on that date to the Principal, Father Lawrence W. McCall, S.A.C.

With the warmest of personal regards and wishing you God's choicest blessings, I am

Fraternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

July 26, 1979

The Reverend Marvin T. Knighton
[redacted]
Milwaukee, Wisconsin 53233

Dear Marv,

It was hard for me, Marv, to understand your decision to have your name taken off the advisory board for the Office of Integration.

I know that this could be wrongly interpreted, and so I simply have not given it any interpretation until I hear from you your reasons. Naturally, I will not ask anyone to assume a responsibility he does not want to accept, and so I accept your resignation.

On the other hand, I cannot help but wonder about it. Perhaps we should find a moment yet this summer to discuss that as well as your paper on ministry to the black community. I'll be away next week on retreat, but then will be here after that.

Take care.

Sincerely yours in the Lord,

September 2, 1981

The Reverend Marvin Knighton
[redacted]
Milwaukee, Wisconsin 53233

Dear Marv,

Got your letter and just wanted to let you know that I am trying to work with Tom Venne to see what can be done about the problem you raised.

I hear nothing but good things about your work. I hope the year is a good one and that too many moons won't pass before we see each other.

Many blessings.

Sincerely yours in the Lord,

PIUS XI HIGH SCHOOL
135 NORTH 76TH STREET, MILWAUKEE, WISCONSIN 53213 PHONE: 258-0532

[redacted]
Milwaukee, Wisconsin 53233
August 25, 1981

Archbishop Rembert Weakland
Archbishop of Milwaukee
Archdiocesan Chancery Office
345 N. 95th St.
Milwaukee, Wisconsin

Dear Rembert:

Peace to you and hoping your year will be good and prosperous as servant among servants! It has been a while since I've seen you or talked with you in capacity. It may be good that I don't conversed with you until some of the anger and frustration I have is dealt with by me in a creative way. At this point I probably would be blaming others and that I don't wish to do.

A few weeks ago I was out at the De Sales complex and what an unfriendly welcome I received from Mr. Chestnutwood the building manager. De Sales and the people who have made up that complex have been know for their curtness and rudeness in the past; I sense it ever moreso with some of the present people who are part of that place.

I was at the seminary two weeks ago with two students and Mr. Chestnutwood called me over and wanted to know who I was and whether or not I belonged at De Sales using the facilities. He really didn't introduce himself until I asked him who he was. I told him I felt I belonged and the two boys also belonged; I told him I was a priest and school spiritual director of Pius. He then later told me that I wasn't to come out to De Sales unless I notified him first. I told him I wouldn't and it wasn't necessary when it is just me and only a few students. I also told him that if I can travel 80 some miles to St. Lawrence Seminary and be treated with warm hospitality and nothing locked, why can't people like himself and others learn what the Gospel calls all of us to; to be open and warm. He just said to me, "fine, the doors will be locked and you won't get in."

I feel as a former student and also as a priest who is serving people of this dicoese, and in my own way trying to encourage young men to look at priestly life; I feel I have a right to use that building without going through the third degree. Rembert, I believe it is a sad commentary on the people of De Sales when such a closed attitude is presnt. It seems that when Msgr. Busch was moved out to rid it of some of the closedness there; it has become worse. At least with Busch I could reason with him about priest and others using the building and he grew to be open about it.

I was so angry with what happened to me yesterday when I wanted to swim. A worker wouldn't even open the pool; he said I had to go to the office and I just wan't stoop to such an attitude. One day you may see me in jail because I just might break the damn doors down. It seemsas a catholic institution where're playing the same tune

that Mary and Joseph heard; " there isn't any room in the inn." If you want to know why De Sales is such a "white elepahnt," this is one of the reasons; there has always been a closed attitude that has perpetuated it's existence. I hope it changes! Have a good day and maybe we all can work to resolve this matter.

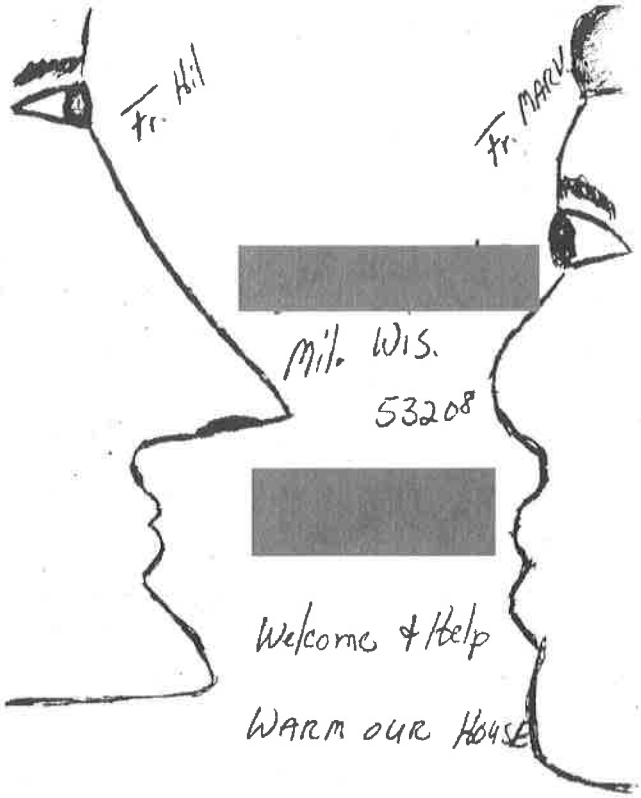
Sincerly,

Marv.

Rev. Marvin T. Knighton

I don't know much about this but understand it is a joint venture between [redacted] and Knighton. They bought a city owned property for a "boys" home. Troubled boys, court-cases etc. I don't know how they will do this.

Del - file under Knighton



HI !

ARE YOU TIRED OF PARTIES? HAS THE CHRISTMAS SEASON DRAINED AND EXHAUSTED YOU TOO? HAS THE SNOW STORM LOCKED YOU IN? WELL, YOU'RE AREN'T ALONE, BECAUSE WE, HIL AND MARV HAVE BOUGHT A HOME! YES, WE DARED TO BE DIFFERENT, WE LEAPED INTO THIS UNCERTAIN ECONOMY AND GOT A MORTGAGE UNTIL WE DIE!

WE ARE BUYING THIS HOME MAINLY TO PROVIDE TEMPORARY SHELTER FOR TEENS.

TO WARM THE PLACE UP, HERE IN MERRILL PARK:
WE LIKE TO INVITE YOU TO A HOUSEWARMING PARTY FRIDAY JANUARY 15th or SATURDAY JANUARY 16th, beginning at 7:30 P.M. Please let us know which night so we can make arrangements.

IF YOU PLAN OR WANT TO BRING A GIFT, THESE ARE SOME ITEMS THAT WE NEED, NEW OR USED (except toilet paper)

plants
decorative touches
wall hangings
bedding (for twin beds)
foodstuff
cleaning and housekeeping goods
light bulbs
candles (not for church)

kitchen utensils

bake ware
dish cloths
drying towels
wall hangings
cookie sheets
muffin tins
casserole dishes etc.

dressers (2) if you have them!

paint sealer for a cement walls
we will even accept $ to pay for a washer or dryer or for anythig we can buy that we need.

P. S.

If you aren't able to bring anything; your presence is also a gift so please come.

If you have any questions about what or what not to bring, please call :

Fr. Hil: [redacted]

Fr. Marv: [redacted] home
Pius XI high school

R. S. V. P. FOR ONE OR BOTH NIGHTS.

Hope to see you soon!

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. BOX 2018 • MILWAUKEE, WISCONSIN 53201 • PHONE 414/769-3300

OFFICE OF THE ARCHBISHOP

August 28, 1987

The Reverend Marvin Knighton
[redacted]
Wauwatosa, Wisconsin 53226

Dear Marv,

I am sorry for being so slow in responding to your letter concerning your accepting the position of secondary school counselor at Whitnall High School.

I have talked this over with others here in the office and it seems to me that I cannot possibly, Marv, use the terminology that you are on temporary loan to the Whitnall School District. According to the rules and regulations that we have, I must use the category of "leave of absence" and with this letter I formally give you that leave of abscence to accept that position at Whitnall High School.

I know you are sensitive to this, but I have already had an enormous amount of negative backlash from priests of the diocese. This kind of thing does affect their morale very much and there is no way in which I can save you from any animosity that might be out there in your accepting this position.

I hope you will be able to approach this as a ministry and never neglect the fact that you are indeed a Catholic priest and do represent the Church in that position.

Many blessings on you.

Sincerely yours in the Lord,

Copies to Co-Vicars for Priest Personnel
Priests' Personnel Board

REV. MARVIN KNIGHTON

'THE HOME' [redacted]

[redacted] WAUWATOSA, WISCONSIN 53226

September 11, 1988

Archbishop Rembert Weakland O.S.B.
Archbishop of Milwaukee
Archbishop Cousins Catholic Center
3501 S. Lake Drive
P.O. Box 2018
Milwaukee, Wisconsin 53201

Dear Rembert:

Hope your vacation in Europe was peaceful and relaxing. You deserve it! Now begins all of our new beginnings with the fall season.

I feel tremendous peace this year compared to my stormy startings of last year at Whitnall high school. It is good to be at Pius XI; it is a fine place, a good school that strives to relate to the total life of the student which includes their families as well. Stop over sometime to walk the hall and socialize with staff and students. I'll even pick you up.

At the age of 38 it seems the questions, doubts, hopes and fears I've had, that sometimes caused inner unrest, have finally been resolved, at least for now. I have grown to realize that life is filled with intervals of transitions that affect me inwardly and outwardly as well. I have come to grips to deal creatively with changes in me and to effectively relate to my change through prayer, scripture, Eucharist and good friendships. All these areas have helped me during my painful moments.

When I was debating priesthood from the time I was a child, up and until ordination, I questioned celibacy and family life. I came from a positive family experience. I witnessed a mom and dad who truly lived their marriage as sacrament. Those positive experience remain with me and I believe at times have been the cause sometimes of my inner conflicts with my choice of being priest.

As mentioned to you during the summer, I feel good about being a priest and am ok with celibacy. I must be honest however; I truly question celibacy's value as being the criteria for all men who seek this ministry. The question of celibacy within our church will remain for sometime. It is sad, because the church has lost and most likely limits herself from the talents of men who would like to serve in priesthood. Such is life!

Last year in December I came to the conclusion after much questioning, praying and debating during these thirteen years that I desire to be a father, to be a parent. I feel parenting and family is deep within me and wish not to disregard this area in my life. Don't be shaken Rembert; I'm not leaving! I have however decided since December of 87, to sponsor two Black Amerasian boys from Korea to live with me. One is six, the other ten.

While Hilarion was stationed in Korea he brought to my attention the plight of the Amerasians. He futhered explained that children whose background is part black, their difficulties are even more blatant. In December I realized I had thought long enough and now it was time to act.

Since December I have been working with an agency that assist in sponsoring children. I would have brought this up to you then, but at the time, the idea and hope I had seemed to be fading. After nine months of working on this, finally paper work has begun to hopefully bring these children to the "home of their father." [redacted] is ten and [redacted] is six. I am not certain if I can adopt due to their background, but I can be their legal guardian until they are of age. If adoption is possible, I am most opened to that as well.

Please recognize that this wasn't done without much thought and prayer. I recognize the trials that may be involved; but also know the rewards and joys that can come with children and with me as well. I am aware that priesthood is my vocation and as a possible future parent; I will not deter nor detract from this ministry I've chosen.

I am most open to your comments Rembert. I would gather you have questions, but as you have been in the past; I hope you are supportive and understanding. I ask for your prayers, and best wishes. All this may be resolved by Christmas. Thanks again for your support and confidence. Let us pray for one another.

Love,

Marv.

Rev. Marv T. Knighton

DEFINITIVE SENTENCE

IN THE CASE OF
THE REV. MARVIN T. KNIGHTON

CDF [redacted]

In the name of God. Amen.

This case is explicitly subject to the Pontifical Secret (art. 25, *Graviora Delicta, Normae Processuales*); this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [*AAS* 66 1974, pages 89-92]).

I. *FACTI SPECIES:*

The Rev. Marvin T. Knighton was ordained to the Roman Catholic priesthood for the Archdiocese of Milwaukee, Wisconsin on May 24, 1975. On February 25, 2002, Mr. [redacted] accused Father Knighton [hereinafter: *reus*] of sexually abusing him on a number of separate occasions. This information is found in the Sexual Abuse Intake Report taken by Dr. Barbara Reinke, PhD. [Tribunal File, pages 001 & 002].

A second allegation was introduced by Attorney Nick Kostich alleging that the *reus* sexually abused [redacted] on or about June 25, 2002. A third accusation was made by [redacted] on or about January 17, 2003. These allegations were brought to the attention of the then-Archbishop of Milwaukee, the Most Reverend Rembert G. Weakland, OSB.

Following the prescribed preliminary investigation, the Diocesan Review Board and the Archbishop found that none of the allegations involving these victims were either frivolous or false. It was determined that the allegations carried the semblance of truth and were credible, and, in accord with the norm of law, they were then referred to the Congregation of the Doctrine of the Faith (hereinafter: *CDF*) for direction as to the process to be used. The *CDF* directed that a penal judicial trial be conducted in the Tribunal of the Archdiocese of Milwaukee and granted a derogation from prescription.

Exercising his office as Promoter of Justice for the Archdiocese of Milwaukee, on February 4, 2005, the Reverend Philip D. Reifenberg, JCL, presented to the Judicial Vicar of the Archdiocese of Milwaukee, the Very Reverend Paul B. R. Hartmann JCL, a libellus charging the Reverend Marvin T. Knighton, a priest incardinated in the Archdiocese of Milwaukee, with offenses against the sixth commandment of the Decalogue involving the sexual abuse of three minors. All of the incidents are alleged to have occurred within the Archdiocese of Milwaukee. In response to the libellus, a collegiate tribunal was constituted on March 21, 2005 by the Most Reverend Timothy Dolan, DD, Archbishop of Milwaukee, consisting of the [redacted] the Archdiocese of Chicago, as associate Judges. The Promoter of Justice is the Reverend Philip Reifenberg, JCL; (hereinafter: Promoter"). The duly-mandated Advocate of the *reus* is Mr. J. Michael Ritty, JCL, PhD, (hereinafter: "Advocate"). A penal trial against Father Knighton was then begun.

It should be noted that at the start of the case, the Advocate raised objections to the role that the [redacted] of the Archdiocese of Milwaukee would play in the case because of his connection to the Archdiocesan officials and structures who are being presumed as those leveling the charges against the *reus*. During the discussion of the three judge panel it was noted — within the norms of Canon Law and the historic manner in which trials are to be handled — a penal trial would normally be staffed by members of the local clergy as judges within the local tribunal. Thus, the use of two outside judges out of the three on the collegiate tribunal is itself exceptional in the eyes of the law. This exception is a contemporary accommodation that is used to react to the unique circumstances of this time in history. Given

that there are two out of the three judges who do not have any objections raised against them by the Advocate, nor has the Promoter objected to the empanelled Tribunal, it is felt that equity and fairness could be protected and maintained. Thus, the objections of the Advocate to the role of this associate judge were set aside.

In accord with Canon 1513, §1, the *contestatio litis* was conducted on July 1, 2005, and the doubt was formulated in the following fashion:

1) Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with Mr. [redacted] who had not completed his sixteenth year of age until the time of offense?

2) Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with [redacted] who had not completed his sixteenth year of age at the time of the offense?

3) Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with Mr. [redacted] who had not completed his sixteenth year of age at the time of the offense?

Also, by the same decree the *prases* incorporated into the *acta* the Clergy Personnel File [hereinafter: Clergy File] and the Chancery File [hereinafter Chancery File] of the *reus*, and the transcript of the Civil Trial of the State of Wisconsin versus the Reverend Marvin T. Knighton [hereinafter: Civil Trial]. According to the norm of Canon 1516, by the same decree the *prases* directed that the *reus*, as well as those nominated as witness by the Advocate and the Promoter, be cited for their testimony.

II. *IN IURE.*

Mindful that this matter was similarly legislated by the 1917 Code of Canon Law in Canons 2358 and 2359, §2, the Court begins with the legislation concerning this delict from the 1983 Code of Canon Law for the Latin Church:

> Can.1395. §1. A cleric who lives in concubinage, other than the case mentioned in can. 1394, and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.
>
> §2. A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was

> committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

The grave nature of this delict and of allegations of this delict is further indicated by the derogations granted by the Holy Father on April 25, 1994. In a rescript responding to a petition made by the United States Conference of Catholic Bishops [*hereinafter* USCCB], the Supreme Legislator conformed the norm of Canon 1395, §2 to the norm of Canon 97, §1 so that for an initial period of five years, this delict would involve offenses against the Sixth commandment of the Decalogue with anyone below the age of eighteen years. In the same rescript he modified prescription so that a criminal action would not be extinguished until a longer period of time had passed. This particular legislation was made more explicit and extended to the universal Church by *Sacramentorum Sanctitatis Tutela* (*Graviora Delicta*) of April 30, 2001.

Article 4 of the Substantive Norms of this *motu proprio* legislates:

> §1. Reservation to the Congregation for the Doctrine of the Faith is also extended to a delict against the Sixth Commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years.
>
> §2. One who has perpetrated the delict mention in §1 is to be punished according to the gravity of the offense, not excluding dismissal or deposition.

With regard to this delict, in response to a petition made by the USCCB, on December 8, 2002 the Apostolic See gave the *recognitio* for the Norms that upon promulgation became particular law for two years for the Church in the United States of America. Upon expiration of the time period, the Apostolic See gave the *recognitio* to the revised Norms; these were promulgated on May 5, 2006 and became particular law for 'the dioceses, eparchies, clerical religious institutes and societies of the apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States...[note #1]'. In this matter, the particular law for the Church in the United States legislates:

> For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in *CIC*, canon 1395, §2 and *CCEO* 1453, §1 (*Sacramentorum Sanctitatis Tutela*, article 4, §1) [Preamble, final paragraph].
>
> When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state ... [Norm 8]

> ...If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons... [Norm 8A]
>
> Mindful of the norm of law with regard to the passage of time as it applies to this delict (Canon 1362), in view of the *recognitio* given to the above-cited legislation, it is noted that a derogation from prescription may be given.

In understanding what constitutes a juridic offence against the Sixth Commandment of the Decalogue, the opinions of Moral Theologians are to be considered. The focus of these manualists is sacramental confession, but they provide analyses of what constitutes the act, the gravity of the act and the significance of intentionality. This enables a clearer understanding of the nature and scope of the delict. This is necessary because allegations of this delict often involve more, or actions other, than just a completed act of sexual intercourse, either heterosexual or homosexual. There are a variety of possible physical contacts as well as a complex psychological dynamic which the delict can entail. As the law simply states the name of the delict, and there is little available dicasterial jurisprudence, these analyses assist the judges in assessing whether or not a delict has been committed, and if so the magnitude of the act.

With regard to determining the possible sexual content and moral gravity of an act which involves solely touching or other physical contact, the Reverend Henry Davis SJ, comments:

> *Si vero protrahantur sine causa et concomitante delectatione vererea sunt gravia peccata* (Moral and Pastoral Theology [London & New York: Sheed and Ward, 1959], vol. II, page 248).

If the act has been protracted and lacks a justification while providing sexual gratification, then it is gravely sinful, and concomitantly a crime. In describing the nature of imperfect, that is non-consummated, same-sex acts, the Rev. Edward Genicot, SJ writes:

> *Imperfecta dicitur quando inter personas eiusdem sexus non datur coitus seu copula (applicatio corporum cum penetratione et effusione seminis) sed concubitus tantum, i.e. application corporum et unius saltem genitalium, sine penetratione sed cum voluptate complecta conaturaliter sequente, ut si fit inter duas feminas, vel etiam inter duos viros it tamen ut effusion seminis extra vas posterum peragatur* (*Institutiones Theologiae Moralis* [*Bruxellis: L'Édition Universelle S.A.*, 1939], vol. 1, page 319).

With regard to physical contact, if it is because of '*tantum officii, aut moris patrii, aut amoris honesti vel benevolentiae augendae causa,* it may not be a violation of the Sixth Commandment of the Decalogue (opagecit., page 331). However, if the act is motivated by sexual pleasure, then it is a violation of the Sixth Commandment of the Decalogue:

> *Hoc actus ponere intendendo delectationem veneream complectam vel incomplectam, semper grave peccatum est, ex intentione luxuria directe voluntaria...* (opage cit., page 329).

In Moral Theology if the intention which motivates an act is for venereal pleasure, it is grave matter: thus it would be the delict. For such gravity of matter, it is not necessary that there be complete sexual intercourse, either heterosexual or homosexual. Incomplete, that is imperfect, acts which are motivated by a desire for sexual or psychologically venereal pleasure are grave matter and consequently fit within the definitions of the delict. In determining the character and gravity of act, what is intended is of more significance than the completed emission of semen in some particular action.

With regard to physical contact, the Reverend Antonio M Arregui, SJ teaches:

> *Tangere ...sine justa causa morose et cumcommotione venera, mortale est ...[tangere] etiam supra vestem, generatim mortale est... (Summarium Theologiae Moralis ad Codicem Iuris Canonici accommodatum [Bilbao: Editorial El Mensajero del Corazón de Jesús*, 1952], #268).

Thus even contact over clothing may be grave matter and consequently a delict. This will be articulated clinically by the various *peritii* who are quoted below. In determining the responsibility for, and the gravity of, an act, the classic Moral Theology manual by the authors H. Noldin, SJ and A. Schmitt, SJ underscores the subjective significance of the person who is acting:

> *Delectatio igitur venerea (vel pollutio) in causa volita grave est peccatum, si ipsa causa ex se graviter in turpem commotionem influit (Summae Theologiae Moralis, vol I De Principiis, De Sexto Praecepio [Romae: Oeniponte*, 1924], #13).

And more specifically with regard to personal responsibility:

> *Si fiunt ex prave et libidinoso affectu, licet ex se parum in libidinem influant ut aspectus mulieris, contrectatio manus etc., semper grave peccatum sunt propter intentionem gravite malam; ideo nihil refert, utrum actus ipsi magis an minus turpes sint... Si fiunt ex sola intentione delectationis sensualis leve peccatum sunt, nisi inducant proximum periculum commotonis carnalis et consentiendi in delectationem veneream, ut evenire potest, si cum aliquo affectu et mora exerceantur* (opagecit., #52).

In discussing alternative sexual appetites, the authors comment:

> *Peccata, quae ab iis committuntur, qui hac perversione laborant, sunt pollutiones per tactus provocatae et concubitus sodomitici. Si perversa inclinatio in pueros fertur, paederastia vocatur, ...* (opagecit., #47).

With regard to actual physical contact, even over clothing, they write:

> *Tangere personam eiusdem sexus in partibus inhonestis sine iusta causa grave est, etsi mediate supra vestes tantum fiat, quia multum commovet... Tangere personam eiusdem sexus in partibus minus honestis exclusa prava intentione, vix erit peccatum, saltem grave...* (opage cit., #55).

An external violation of the Sixth Commandment of the Decalogue can involve simply physical contact. Therefore, a complete act of sexual intercourse, either heterosexual or homosexual, is not required. If the intention of the contact is for sexual pleasure, then it is a violation of the commandment; if it involves a minor it is also a canonical delict. This is succinctly stated by a *peritus* in the law who describes in a negative fashion what constitutes the delict:

> *Non è necessario che gli atti di lussuria siano consumati, ma bastano anche atti non consumati, quali toccamenti o baci libidinosi, contatti di organi sessuali, ecc.* (Antonio Calabrese, Diritto Penale Canonico [Città del Vaticano: Libreria Editrice Vaticana, 1996], page 354).

This juridic understanding of a violation of the Sixth Commandment of the Decalogue, based on Moral Theology, did not begin with the 1983 Code of Canon Law. Commentators on the 1917 Code of Canon Law commonly held that 'an offense against the sixth commandment' refers generically to 'crimes of lust' (Pio Ciprotti, *De consummatione delictorum attento eorum elementum obiectivo: Caput IV*, Apollinaris 9 [1936], pages 404-414]. Bringing together both the insights of Moral Theology and the juridic norms, the Catechism of the Catholic Church states the following:

> The tradition of the Church has understood the sixth commandment as encompassing the whole of human sexuality (n. 2336).

Along with the teaching of moral theologians, to understand this delict, and in accord with the norm of law (e.g., Canon 1574), the researched. Validated, and generally accepted insights of psychology and the mental health disciplines are quite relevant. This is important not just to provide an intellectual framework to comprehend the delict, but also to evaluate the facts, the testimony and all other evidence to determine if the clinical indicators of the delict are present. The opinions of *periti* are needed not just for the juridic theory but also for the evaluation of proofs.

Consistent with the above-quoted canonical opinion, the American Academy of Child and Adolescent Psychiatry has defined sexual abuse of minors in the following manner:

> Sexual abuse of children refers to sexual behavior between a child and an adult or between two children whom one of them is significantly older or uses coercion. The perpetrator [offender] and the victim may be of the same sex or the opposite sex. The sexual behaviors include touching breasts, buttocks, and genitals, whether the victim is dressed or undressed, exhibitionism [indecent exposure], fellatio [oral stimulation of the penis], cunnilingus [oral stimulation of the female vaginal area], and penetration of the vagina or anus with sexual organs or objects. Exposure to pornographic material is also sexually abusive to children ...(*Practice Parameters for the Forensic Evaluation of Children and Adolescents who may have been physically or sexually abused*, 1997)

The literature indicates that there is no definitive indicator of a sexually abused child, but there are symptoms that present frequently in young survivors; these include anxiety/numbing, hypersensitivity, depression, alcohol and/or drug use, problem sexual behaviors, and aggression. Another symptom is an attachment abnormality; the victim cannot give up the attachment to, and involvement with, the perpetrator [Ross Colin, The Trauma Model: A Solution to the Problem of Comorbidity in Psychiatry (Manitou Communications: 2000) page 286]. In defining sexual abuse of a minor, the American Academy of Pediatrics notes the significance of age symmetry in differentiating sexual abuse and sexual play; what may be sexual play for age-symmetrical individuals is abuse for age-asymmetrical individuals:

> The sexual [abuse] activities may include all forms of oral-genital, genital, or anal contact by or to the child, or nontouching abuses, such as exhibitionism, voyeurism, or using the child in the production of pornography. Sexual abuse includes a spectrum of activities ranging from rape to physically less intrusive sexual abuse. Sexual abuse can be differentiated from "sexual play" by determining whether there is a developmental asymmetry among the participants and by assessing the coercive nature of the behavior. Thus, when young children at the same developmental stage are looking at or touching each other's genitalia because of mutual interest, without coercion or intrusion of the body, this is considered normal (i.e., nonabusive) behavior. However, a 6-year-old who tries to coerce a 3-year-old to engage in anal intercourse is displaying abnormal behavior, and the health and child protective systems should be contacted although the incident may not be legally considered an assault. Children or adolescents who exhibit inappropriate sexual behavior may be reacting to their own victimization. (Committee on Child Abuse and Neglect, Guidelines for the Evaluation of Sexual Abuse of Children)

Echoing the teachings of the moral theology manualists, an Australian National Child Protection Clearinghouse research paper spoke of sexual abuse of a minor as relating to any use for sexual gratification:

> Put simply, child sexual abuse is the use of a child for sexual gratification by an adult or significantly older child/adolescent (Tower 1989). It may involve activities ranging from exposing the child to sexually explicit materials or behaviors, taking visual images of the child for pornographic purposes, touching, fondling and/or masturbation of the child, having the child touch, fondle or masturbate the abuser, oral sex performed by the child, or on the child by the abuser, and anal or vaginal penetration of the child. Sexual abuse has been documented as occurring on children of all ages and both sexes, and is committed predominantly by men, who are commonly members of the child's family, family friends or other trusted adults in positions of authority... Finkelhor (1979) argued against the term sexual assault and sexual abuse because he felt they implied physical violence which, it was contended, was often not the case... Finkelhor favored the term sexual victimization in order to underscore that children become victims of sexual abuse as a result of their age, naivete and relationship with the abusive adult. (Issues in Child Abuse Prevention Number 5 Summer 1995, Update on Child Sexual Abuse, by Adam M. Tomison [Research Fellow]).

Observing the above-quoted reference to 'trusted adults in positions of authority' and flowing from the juridic delineation of the delict, the Court is mindful of the issue of answerability. It is the presumption of the law that the actor (in this circumstance, a cleric) is responsible for his behavior, unless the opposite of this presumption of the law can be proved. This is the presumption in the doctrine and jurisprudence dealing with matrimonial consent (Canon 1101) and it is the presumption in penal trials as the following canon notes:

> Can.1321, §3: When an external violation has occurred, imputability is presumed unless it is otherwise apparent.

The Court then turns to the substantive material upon which a decision about the delicts that have been alleged will be made. Direction for this judicial *munus* is provided again both by doctrine and jurisprudence. The general norm is that proofs of any kind that seem useful for adjudicating the case can be brought forward (c.f., Canon 1527, §1). More specifically, a norm addresses the manner in which the Tribunal of judges uses the proofs:

> Can. 1608 §1. For the pronouncement of any sentence, the judge must have moral certitude about the matter to be decided by the sentence.

> §2. The judge must derive this certitude from the acts and the proofs.
>
> §3. The judge, however, must appraise the proofs according to the judge's own conscience, without prejudice to the prescripts of law concerning the efficacy of certain proofs.
>
> §4. A judge who was not able to arrive at this certitude is to pronounce that the right of the petitioner is not established and is to dismiss the respondent as absolved, unless it concerns a case which has the favor of law, in which case the judge must pronounce for that.

The norm of Canon 1572 is also of significance because so much of the acta is the testimony of witnesses. That Canon legislates how such testimony is to be evaluated:

> Can. 1572: In evaluating testimony, the judge, after having requested testimonial letters if necessary, is to consider the following:
>
> 1° what the condition or reputation of the person is;
> 2° whether the testimony derives from personal knowledge, especially from what has been seen or heard personally, or whether from opinion, rumor, or hearsay;
> 3° whether the witness is reliable and firmly consistent or inconsistent, uncertain, or vacillating;
> 4° whether the witness has co-witnesses to the testimony or is supported or not by other elements of proof.

Of significance also is the norm of Canon 1579, §1 which directs the Court to consider not just the conclusions but also the other findings of the case which a *peritus* might identify. This norm, which is evident also in Rotal jurisprudence, pertains whether the *peritus* is appointed by the Court or a professional whose work is incorporated into the *acta* from previous efforts with the same party.

Given the antecedent *iter processulis* of these cases in the United States today, the norm of Canon 1536, §2 must also be noted. Because *in tempore difficile* statements may have been made, it is essential that the evidentiary weight assigned to such statements be guided by canonical doctrine:

> Can. 1536: ...
>
> §2. In cases which regard the public good, however, a judicial confession and declarations of the parties which are not confessions can have a probative force which the judge must evaluate together with the other circumstances of the case; the

> force of full proof cannot be attributed to them, however, unless other elements are present which thoroughly corroborate them.

In a further elaboration of the above-cited canonical norm, the jurisprudence teaches that the truth emerges not from one or other element but from the whole complexus of the case. In a decision dealing with a case of simulation, a Rotal Auditor has noted:

> *Quod autem spectat pondus argumentorum, quibus nisus Iudex requisitam moralem certitudinem sibi comparare valet, recolatur veritatem non esse ex uno alterove elemento eruendam, sed ex toto causae complexu* (*coram* Rogers, 19/XII/64, #6, as found in *S.R.R.Dec.* 56 [1964], page 956).

The truth comes not from one or another element, but from all the elements taken together. Similarly in a decision dealing with simulation rendered by an earlier Rotal Auditor:

> *Quae etiam veritas resultat aliquando ex multis indiciis et probationibus, quae sumpta seorsim certitudinem vix ingerunt, at unita maxime iuvant* (*coram* Felici, 17/V/52, #2, as found in SRRD 44 [1952], page 448).

This jurisprudence on the whole complexus, or constellation of facts if you will, of indices underscores the significance, in the evaluation of proofs, of patterns of behavior. Again, the decisions of the Rota dealing with simulation of consent, both total and partial, illustrate the judicial importance of such patterns of behavior. In a decision resolving a case on the grounds of simulation of consent *contra bonum fidei*, a noted Rotal Auditor wrote:

> *Confessio itaque simulantis non necessario verbis facienda est: sufficit fiat factis, quae verbis sunt aliquando eloquentiora: dummodo tamen facta sint plura, sint certa, sint univoca, id nempe in communi aestimatione demonstrent, noluisse partem contrahentem se vinculo matrimonii obstringere* (coram Felici, 24/IV/56, #3, as found in SRRD 48 [1956], p 403).

As then Msgr. Felici noted, if the behavior is present, it is not necessary that the proper words be used to respond to the question before the Court; the facts speak louder than the words.

For the finding of this Tribunal, because the presumption of the law is the innocence of the *reus* (2006 Essential Norms, Norm 6), the Reverend Judges must have moral certitude to overcome the presumption of the law and find for his guilt. The Code legislates this requirement in Canon 1608, as quoted above. With regard to moral certitude, it must be remembered that the dynamic of this canonical standard of proof differs from common law. In common law, not only is believability figured into the standard, but also the quantity of evidence; thus, the language is phrased as 'the preponderance of evidence' and 'beyond a reasonable doubt'. In canonical doctrine, while the quantity of evidence is a consideration, the dynamic uses the quality of the evidence more significantly. In the former, quantity can affect the weight of the evidence. In the

latter, the search for truth moves toward an act of moral judgment about the quality of what has been brought forth. It is the exclusion of a reasonable doubt that does admit the absolute possibility of the contrary. This is significant in a case in which the evidence is the narrative of the parties, along with the background, circumstances and context that surrounds them. Moral certitude requires a judgment about the quality of what both parties have presented and the context of the situations, which are taken as a whole. As Pius XII stated in his address to the Roman Rota on October 1, 1942:

> Sometimes moral certainty is derived only from an aggregate of indications and proofs which, taken singly, do not provide the foundation for true certitude, but which, when taken together, no longer leave room for any reasonable doubt on the part of a man of sound judgment. This is in no sense a passage from probability to certainty through a simple cumulation of probabilities, which would amount to an illegitimate transit from one species to another essentially different one...; it is rather to recognize that the simultaneous presence of all these separate indications and proofs can have a sufficient basis only in the existence of a common origin or foundation from which they spring, that is, in objective truth and reality... Consequently, if in giving the reasons for his decision, the judge states that the proofs which have been adduced, considered separately, cannot be judge sufficient, but that, taken together and embraced in a survey of the whole situation, they provide the necessary elements for arriving at a safe definitive judgment, it must be acknowledged that such reasoning is in general sound and legitimate. (#2)

And of added relevance is the further statement of the Holy Father of the relationship of procedure to the attainment of this moral certitude:

> Hence you see why, in modern, even ecclesiastical, procedure, the first place is given, not to the principle of juridical formalism, but to the maxim of the free weighting of the evidence. (#4)

With regard to the integrity of judicial procedure, the Reverend Judges are distinctly mindful of the right of defense. As the Code specifically legislates:

> Can. 1620 A sentence suffers from the defect of irremediable nullity if: ...
>
> 7° the right of defense was denied to one or the other party; ...

To understand what the right of defense correctly entails in a judicial process, the Reverend Judges look to the jurisprudence of the Apostolic Tribunals. In a decision of the Roman Rota, the present Dean writes:

> *Quare substantiali iure defensionis is certo spoliatus habetur, qui nec actioni a parte adversa in iudicium deductae contradicere valuit ob agendi rationem ipsius Tribunalis, nec probationes tempore instructionis collectas impugnare, nec propriam declarationem iudicialem facere, nec argumenta exhibere quoad factum circa quod iudicium versabatur...* (coram Stankiewicz, 22/XI/84, #5, as found in Monitor Ecclesasticus 113 [1988], pages 320-327).

That is, a substantial denial of the right of defense takes place when the adversarial party is not able to offer a contradiction, or when he is not able to oppose the proofs which have been gathered, or when he is not able to present his own side of the story in court, or when he is not able to present arguments about the contested issue in court. This is further enunciated in a decree of the Apostolic Signatura:

> *Admitti nequit doctrina Tribunalis circa ius defensionis partis conventae, quod non solum requirit ut conventa audiatur, verum etiam ut iure contradicendi reapse gaudeat* (SA 19989/88 VT, art. C, n. 4).

Foundationally, the right of defense consists not just in being heard, but in having the opportunity to contradict the evidence. However, the jurisprudence also teaches that this is not merely a formalism. In this, the Rota echoes the teaching of Pius XII that was quoted above. In assessing the integrity of a judicial process, the Rota assesses whether or not the parties know the proofs and have an opportunity to respond to them. Commenting on the difference between observing all the solemnities and the essentials of the judicial process, in a marriage case the then-Dean Pompedda observes:

> *Concludendum quapropter est defuisse quidem iudicii sollemnitates sed essentialia processus (actricis petitionem, determinationem obiecti litis, citatione malterius partis, Vinculi Defensioris interventum, facultatem sese defendendi utriusque partis) tecta servata fuisse, atque ideo processus nullitatem nullomodo sustineri* (coram Pompedda, 17/VI/85, #16, as found in SRRD 77 [1985], page 291).

In understanding the right of defense, the Reverend Judges look to the opportunity to know and react to the proofs; they look to the essentials of the process. The creative innovation of non-Codal procedural steps will be understood as faux-solemnities urged upon the Court by a zealous Advocate. However, the appropriate efforts of a responsible Advocate are required by the norm of law (Canon 1723).

Finally, the Reverend Judges recall the force of particular legislation in the application of a penalty for this delict. As cited above, Norm 8 of the 2006 USCCB Essential Norms required that if there is moral certitude about the delict having been committed, then 'permanent removal from ecclesiastical ministry, not excluding dismissal from the clerical state' is indicated.

III. *IN FACTO.*

The Tribunal first notes that with regard to the question of determining probative value, the guiding principle of recent years has always been the 1942 address by Pope Pius XII to the prelate auditors of the Sacred Roman Rota. In that address the Holy Father indicated that the Church's Tribunal system must rest on the finding of truth wherein it is the "the aggregate of proofs and indications" that lead to judge's moral certitude. This being said, it is not necessarily the quantity of evidence that becomes the determinate of probative value, it is how the facts and the details themselves can integrate one with another and come to form a complete picture. Thus, a seeming insufficiency in a singular proof can be completed by the presence of another proof or even a mere "indication."

The generally accepted commentary of the Code of Canon Law on the notion of moral certitude defines said moral certitude as "the firm and unwavering assent of the mind to a proposition accepted upon evidence taken from the normal mode of action and human conduct, evidence which the mind finds sufficient to win its full assent." The pursuit of moral certitude entails a quality and qualifiers in our thoughts and deliberations. This Tribunal has maintained a good and clear notion of the standard of proof expected of it and a keen awareness of the true bar to be reached in order to establish such moral certitude.

The Tribunal now addresses the argument of the Advocate for the *reus* regarding human memory. The Advocate for the *reus* in this case raises in his brief questions regarding the notion of a malleable "human memory." What the Advocate wishes to do is to call into question the manner in which details can be conveyed to the court in the process of instructing a case after some twenty or thirty years. While there is serious reason to consider these questions (such is the underlying motive for the Church's rules on prescription), some of the Advocate's offerings are not necessarily applicable because they can in no way, in any given case, be proved or disproved.

For example, note the list of "professionally accepted statements" (an assertion which, it self, is given very limited citation and justification) about the use of "post-event information (PEI)." The Advocate conveys that "it is true that such PEI does shape memory but there is no way to determine whether or not 'memories can be created' nor is it possible to, on the face of them, distinguish between a created memory and an actual representation of facts." Given the required evaluation and use of discretion by the judges, the nature, and resolution thereof, of conflicting testimony before a court remains absolutely the same in the judgment process of the officers.

The Advocate also indicates that "people can fill in details of what they think they remember." But here the Advocate's premise argues that there is some greater context that has some degree of truth to it, and only secondary details themselves might be at variance. This creates a problem for the Advocate, who on occasion, will argue that it is in the inaccuracy of detail on the part of witnesses and therefore the greater picture must be called in question. But is this call to the judges actually supported by his premised theory, or is it essentially undermined?

The last point to be made relates to the Advocate's own assertion that "the human memory is malleable, active and vulnerable to various influences." This should be recognized as a statement that, in essence, cuts both ways. To the same extent that whatever circumstance might cause a person to recall or to attribute recollections to the actions of another when they are in the position of alleged victim or witness, would seem to hold equally applicable to the memory of the *reus*. It seems logical to assert that after twenty or thirty years from the incident being denied, the *reus* likewise can have an equally strong belief in his own innocence. Could not his own memory of the circumstances or even the facts have been marred by this same factor of malleability. This, according to the Advocate's premise, might be the case even without broaching the possibility of intentional fabrication or obscuring of facts.

The Advocate indicates that a person (the one making the allegation) may look at otherwise innocent behavior and attribute to it the look of sexual abuse. It would seem possible to also say that a person (the one accused) could, in retrospect, look at behaviors that might constitute sexual abuse and through the lens of their own mind and their own malleable memory see only innocent behavior on their own part, especially since it is a common human trait to rationalize one's own behavior.

Given these preliminary observations, the Court now addresses the issue that there were other witnesses, in addition to those mentioned above, that were willing to testify to the good character of the *reus*. However, in this regard, the prosecuting attorney in the civil trial of the *reus* made the following observation:

> Nobody has gotten up and said Father Knighton is a terrible human being. Nobody's asking you to judge his worth as a human being. You're asked to decide whether or not he assaulted a person. Good people do things that are crimes. Bad people do good things. [Civil Trial, Afternoon, August 22, 2003, page 163].

In response to the allegations, the testimony of opposing witnesses and other material in the *acta*, his Advocate presents the perspective of the *reus*. In general, this comprises reiterations of innocence and the presentation of character witnesses. The Advocate also attempts to impeach the credibility and the veracity of the accusers. The Advocate emphasizes the problems the complainants were experiencing in their lives at the time of the alleged incidents of abuse and the dysfunction in their families. But, it must be noted that conversely, the *reus*' ability to detect such dysfunction could be understood to have made them candidates for such exploitation.

The complaints were only placed years after the alleged abuse; clinicians cited in the Law Section speak commonly of the lengthy passage of time before such behavior is shared. The Advocate used terms such as "transference" and "flashbacks" in an attempt to discredit the complainants; however, the Advocate did not develop a logical, cogent argument about these matters. The Advocate presents the verdict of [redacted] civil suit as a proof of the innocence of the *reus*. The Advocate has placed a great deal of evidentiary weight on letters of support, as well as the testimony of friends; while such material demonstrates that the *reus* was successful in some of his ministry, it does not directly address the issues in the formulation of the doubt

Indeed, while many of the things the *reus* has done may not be classified in the technical sense as crimes either in canon or civil law, the fact is that he has demonstrated from the beginning of his clerical life on March 7, 1972, that he does not feel bound to observe church law and its concomitant disciplines, or be obedient to lawful church authority if that mean contradicting his own wishes. His own friend, [redacted] candidly states:

> Marv has always talked about his great love for the priesthood and felt that that was his calling and his vocation. Yet at the same time, he wanted to do what he felt he wanted to do. Authority is one big hurdle for Marv, and that has always been a hurdle for Marv [Penal Trial, Witness "K", page 18].

[redacted] had previously given an example of this in his testimony:

> We were at the seminary at that time in the theologate. Father lived at Holy Angels, as a seminarian at that time. He did not live on the seminary campus which was required, and somehow he was able to exceed that requirement [Penal Trial, Witness "K", page 3].

While there the *reus* gave people the impression he was a legitimately sanctioned church minister. While there he committed an offense against the sixth commandment with [redacted] An offense that likely would not have occurred if he had been living at the major seminary with the rest of his ordination class.

The investigator assigned to the case of the *reus*, Robert Beyer, makes the following statement after reviewing Archdiocesan files of the *reus*:

> His records reflect that he is an independent person. He took a job at Whitnall High School, and adopted three sons without first discussing the situation with the Archdiocese, and without prior approval from the Archbishop. There is correspondence in his file, which was written by Fr. Knighton, indicating that he does not like to live in a rectory setting, but prefers to have the privacy of living by himself. Fr. Knighton has not always been happy with his assignments and has let the Archdiocese know about it through correspondence. There is correspondence in his file indicating that he has done a good job in his assignments and was well liked. But there is also correspondence which is critical of his job performance [Tribunal File, "Confidential Sexual Abuse Investigation", page 066].

Not only Mr. Beyer, but anyone who reviewed the correspondence of the *reus* with his lawful superiors, would arrive at a similar assessment. (Notable here also is the eventually lived contradiction to his expressed preference to live "by himself.") The Advocate tries to rationalize this behavior in relation to superiors with this defense:

> While it is admitted that Father Knighton has not always acted in accord with the wishes of his bishop, he nonetheless has acted in an upright, moral manner. He has always followed his conscience to meet the moral obligations of a priest to the needs of the Church and its people. There has never been any punishment or penal sanction placed against Father Knighton for his actions. True, Father Knighton is not a submissive, compliant, and passive priest. Yes, there are copies of letters and materials from and to Father Knighton in the acts. Father Knighton can be direct, forthright, blunt, outspoken -- all good American qualities.
>
> During his priestly career, Father Knighton kept writing to his archbishop, communicating with him, sharing with him his hopes, his goals, his convictions, his respect and affection, along with his anger and frustration about various things. It is true that Father Knighton takes initiative; therefore he is not passive and submissive. Who would want a leader or a priest who is passive and submissive? Among some clergy it has been a common saying to state, "It is always easier to ask for forgiveness than it is to ask for permission." While a canonist or a legislator might not so quickly express such a statement, the practical and pastoral minded among the clergy frequently do so. Certainly, Father Knighton seems to have held this sentiment [Defense Brief]

Unfortunately, the Advocate for the *reus*, like the *reus* himself, might desire this Tribunal to function on sentiment rather than canons and legislation. A blatant example of this is found in the September 11, 1988 letter of the *reus* in which he informs his lawful superior, Archbishop Rembert Weakland, that he is finalizing his adoption of a ten year old boy and a six year old boy [Clergy File, pages 216-217]. The Archbishop replies:

> You have a pattern of doing what you please and then informing superiors. I simply want to go on record that I have not given you my permission to adopt the two children that you speak of in your letter.
>
> You cannot continue, Marv, to go on just doing what you please and then informing the rest of us later and expect that God's blessings will be abundant on your life and on your ministry [Clergy File, pages 218].

The September 22, 1988 letter of the *reus* in reply to this letter of the Archbishop clearly demonstrates that he will accept no one's judgment of him or his ministry. He alone decides whether he is a "faithful" priest. This can be seen in the following lengthy, verbatim excerpt from that letter:

Your last paragraph bothered me even more! "You cannot continue, Marv, to go on just doing what you please..." Your generalities, your judgemental comments are enough to make me disgorge.

I have been a priest for this Archdiocese for thirteen years. I was ordained by the late and loving Archbishop William E. Cousins. I served at St. Anne's parish on the north side for one year. I was then assigned to Pius XI High School in 1976 and remained there until 1987. Now, could you please have the courtesy of being specific how I have been doing as I please?

When I sought to look for a job in the public school, I came to you seeking your opinion. Sure I sent out applications, but I was open to your opinions and would have respected it.

As priest, I haven't been charged with any legal offense in this city nor state that would cause embarrassment to the priesthood. As priest I have not done anything against the Code of Cannon Law that would cause me to be tagged as "doing as I please." I have in my estimation have been faithful as a servant; people would vouch for that!

Maybe the difficulties doesn't lie with me Rembert. Maybe the difficulty is with you and your uncomfortableness of dealing with me and anyone who strive to be free in living the Gospel. By free, please don't interpret it doing what I damn well please. Maybe your uncomfortableness of relating with those who disagree with you is your problem. It seems that one can never disagree with you or be their own person. If they choose to do so, they are left in the cold! This has been my experience with you in the past and I choose not to allow that as an hindrance to my growth as person and priest.

If I am such a problem to you as you mentioned; I am willing, and this I mean I am most willing to leave and go elsewhere. I don't need this rash judging that I have received from you or anyone else because they fail to know who I am really am. I am tired of being judged from afar.

I gather you are under much stress with this event of Mr. [redacted] and now the passing of a good man, Archbishop William E. Cousins. Whatever is going with you; you must realize that I am not a lap dog and such unfounded comments and criticism I don't appreciate. I find it most uncharitable, offensive and totally unfair

> to me and how I've served in this diocese [Clergy File, pages 224-225].

By comparing this letter to the fullness of material in his Clergy File, it can be noted that the *reus* apparently glosses over both the abrupt ending of his multi-year assignment to St. Anne's parish, and the manner in which he was "assigned" to Pius XI High School. The *reus* sent a copy of this letter to the auxiliary bishop, the Most Reverend Richard J. Sklba, who sent a reply dated October 13, 1988. In this reply Bishop Sklba notes: "I do know that a vast number of priests feel that you have charted your own course without much prior consultation." [Clergy File, pages 229]

A review of the Chancery File clearly indicates that the *reus* had conflicts with this same Archbishop William E. Cousins, whom he tries to portray as understanding him so much better than Archbishop Weakland. In his letter dated July 13, 1975 (barely nineteen days after he was ordained a priest by this same Archbishop Cousins) the *reus* writes the following:

> To go to St. Ann's on a full-time basis at this point would be unfair to the people, to the Team and to myself, my heart is not there and would not be there. To go there by force would be done out of Blind Obedience and that I don't believe in. [Chancery File, page 023].

In his reply, Archbishop Cousins reminds the *reus* of the promise of obedience that he had publicly made in his recent ordination ceremony:

> The question now concerns your carrying out of the promise of obedience you made upon the occasion of your Ordination. You say in your letter, "I promised obedience to you and your successors. I promised these vows, and by the Grace of the Father, I will keep them". This is all that is being asked of you. Your implied insistence upon an appointment to Pius XI High School is at variance with your consistent statements that it is your desire to serve. You must immediately recognize that service cannot be confined or restricted to personal preference [Chancery File, page 024].

Even his friend and classmate, [redacted], states: "I think Marv has always found it relatively easy for him to exceed regulations and discipline that did not suit his purpose" [Penal Trial Testimony, Witness "K", page 5].

Having established that the *reus* alone decides for himself what his proper actions are, the Tribunal notes the following defense statement of the Advocate:

> In the case at hand, Father Knighton has a long history of involvement with both the education and pastoral care of young people. Indeed, many years ago a number of boys went swimming

> together with Father Knighton. Three of the boys from that long history now accuse Father Knighton of sexual misconduct. The three accusers seem each to come from troubled backgrounds. There seems to be some interconnection between or among them, though it seems the accusers deny it. The issue of their motivation in bringing forward these allegations is questionable. It would be expected that many accusers would have emerged if Father Knighton were really a predator of 13 and 14 year olds. It would also be expected that an adoption agency or child protective services would have discovered something in its examination of Father Knighton's readiness to adopt. Given that no other accusers have come forward and given that no adoption agencies or child protection services have made any allegations, all the more it would seem that Father Knighton is innocent of the allegations made by these 3 individuals [Advocate's Brief]

The Tribunal gives no weight to this defense, since the allegations set before this Tribunal do not include one that designates the *reus* as a "predator of 13 and 14 year olds". What is at issue is whether or not a delict against the Sixth Commandment of the Decalogue was committed by the *reus* with one or more minors. Since there are no direct witnesses to what took place other than the *reus* and his accusers, the Tribunal carefully sets forth in the following arguments concerning two accusers of the *reus* why it questions the credibility of the *reus* and not that of his accusers.

The Tribunal will address the accusations in chronological order to show that the same attitude motivated the conduct of the *reus* with all his accusers, namely that each was to give him what he wanted, when he wanted, because of his sense of entitlement. The Tribunal begins with the allegation of [redacted]. The Advocate insisted this allegation be dropped since it was evident that this incident took place before the *reus* became a deacon. This Advocate argues:

> It is not an incidental matter whether Father Knighton was ordained a deacon at the time of the alleged events. The crime of which he has been *reus* is that of sexually abusing a minor – not while as a lay person, but while a cleric in major orders. If Father Knighton was not yet ordained a deacon, then the *gravius delictum* of which he has been *reus* could not have taken place. According to the terms of The Essential Norms and of *Sacramentorum sanctitatis tutela,* it is a constitutive element of this *gravius delictum* that the act of sexual abuse of a minor be committed by one who is a priest or deacon. As will be explained below, for reasons of law this allegation should not be included in this proceeding [Advocate's Brief]

While acknowledging most of the above as accurate, the Tribunal distinguishes by noting that "the crime of which he has been accused is that of sexually abusing a minor – not while as a lay person, but while a cleric." The advocate carries his sentence too far by adding that the *reus*

was not "a cleric in major orders". It is indisputable that this delict took place under the norms of the 1917 Code of Canon Law (CIC). By the terms of that same CIC, Marvin T. Knighton was admitted to the clerical state by the act of tonsure (1917 CIC, Canon 108 §1), which he received on March 7, 1972. The *Motu Proprio* of Pope Paul VI, *Ministeria quaedam* — redefining admission to the clerical state as ordination to the diaconate — was issued on August 15, 1972. This document does not specify that those already admitted to the clerical state by tonsure were no longer to be regarded as clerics until their ordination to the diaconate.

The question of one's state in life at a given moment in time is mere fact and not a matter of penal law. Thus, it is documentary and not open to broadened or narrowed interpretation. Furthermore, the distinction that has occurred since 1972 when tonsure was still the initiating point of one's cleric state and the present, is the fact that under the old system (long pre-dating the socio-pastoral milieu of the 1970's) there was not perceived to be any likelihood in the seminary system of the day for any "ministry" entailing interactions with vulnerable persons being performed by persons other than deacons or priests. But, the *reus*, in retrospect, with his rather consistent desire to go against the systematic formation process expected of him by lawful superiors, decided of his own accord that he was ready to perform public ministry. He was presumably ready also to take on that public authority, or at least the airs of it, that comes from being a seminarian living outside the seminary community. It seems that the *reus* intentionally created the circumstance where he went beyond the situation anticipated by law, and placed himself in the role previously expected of only priests or deacons. By doing this he himself created the circumstance where he could possibly then have taken advantage of some imputed "position" in order to commit this delict.

The Promoter addresses this question with precision. He indicates that a distinction needs to be made between canons 2358 and 2359 in the 1917 CIC. Canon 2358, which has no parallel in the 1983 Code, applies to those in minor orders the norms of canon 2357. This means that a sin against the sixth commandment of the Decalogue can occur. But the parallel drawn into the 1983 Code, that of Canon 2359 §2, is the first to introduce the notion of a crime against a minor below the age of 16. The problem with the argument of the Advocate for the *reus* is that the narrowness that he seeks is based on a presumption within the law and within the formation structures of the Church at that time that those in minor orders would not be placed in any circumstances where they interacted with minors under the age of 16. It seems disingenuous for the *reus* to wish to avail himself of the distinction which becomes a protection, when he was unwilling at the time to adhere to the formational parameters that would not have allowed this circumstance to have arisen in the first place.

In asking the learned opinion of Bishop Thomas Doran, DD, JCD, on this matter, Bishop Doran stated that Canon 1395, as interpreted by the American Procedural Norms — which Bishop Doran helped to draft and finalize, envisions that offenses before ordination to the diaconate be included. Bishop Doran also indicated that clerical status is not affected by penal law, nor by the subsequent restructuring of how one enters the clerical state. If a person was a cleric under the Pio-Benedictine Code, he does not lose that status simply because under the current code a man does not become a cleric until he is ordained to the diaconate.

The Promoter notes the following regarding this allegation, which this Tribunal judges to be an accurate assessment of the credibility of [redacted] and the guilt of the *reus* (the Tribunal excerpts at length):

> [redacted] is hazy about some of the details of date and physical location, but he is very clear in his recollection of the incident, itself: "Father got into the same bed with me. It was just the two of us. There was just the one bed…[Father was] naked from the waist down. . . . I was laying next to him. He turned on his side, and almost in a spooning type fashion with me behind him. He took my hand, placed it on his penis and as it got erect, his hand was on top of my hand in a masturbating function until the act was complete." [Penal Trial, Witness "G" pages 5 & 20-21]
>
> [redacted] said that after the event was over, he was not particularly bothered by what had happened and that, at the time, he did not feel it had been inappropriate behavior; rather, "from that time forward, that essentially ended the relationship I had with Father Marvin, and he's the one that ended the relationship, which was probably the most devastating part of all that occurred with him was the fact that, for whatever reason, I was being discarded by him and no longer considered a friend. He no longer took me to movies or any of those things. He just pretty much threw me out" [Penal Trial, Witness "G" pages 5 & 12]. [redacted] contends that he never suffered from "repressed memory" concerning Father Knighton's actions, but that it was not until he underwent therapy for[redacted] that he came to appreciate the long-term impact which the sexual abuse had on him. [Penal Trial, Witness "G", page 11]
>
> In his testimony, [redacted] referred to Father Knighton's "constant hugging and kissing," [Penal Trial, Witness "G", pages 10 & 20] but cited no other actions which he would describe as "grooming" or sexually inappropriate behavior, and he is unequivocal in his insistence that this occurrence was a one-time event. He does, however, testify that a [redacted] who [redacted] "had a very similar relationship with Father Marvin," and he insinuates that [redacted] may have been abused by Father Knighton, as well. [Penal Trial, Witness "G", pages 8]
>
> [redacted] is very candid about his own troubled background, which included [redacted] and the [redacted] at his public high school teachers [Penal Trial, Witness "G", pages 28-29]. Yet there is nothing in his testimony to suggest that he is either

embellishing or overly dramatizing his story, nor is there any indication that he harbors a lingering hostility toward either Father Knighton or the Church [Penal Trial, Witness "G", pages 41-42].

It is unfortunate that medical circumstances prevented [redacted] from appearing in person to give his testimony inasmuch as observing his "body language" might have been helpful to the members of the Tribunal in assessing his credibility. Still, in recalling the tone and content of his telephonic responses to the judges' questions and in reading the transcript of that session, I cannot detect even the slightest basis for challenging his integrity or credibility.

For his part, Father Knighton acknowledged that there was an occasion on which [redacted]s, along with [redacted], may have stayed overnight with him; but he contended that, if such a visit had happened, it would have taken place at the parish rectory and the boys would have stayed in one of the guest rooms [Penal Trial, Witness "A", pages 5-10]. Father Knighton vaguely remembered the boys, but was unable to recall much detail, maintaining that contact with these boys had occurred early in his stay at Holy Angels and long before his ordination to the diaconate [Penal Trial, Witness "A", pages 8-9 & 17]. He admitted that it was "part of my nature" to hug people, provided they are comfortable with such gestures [Penal Trial, Witness "A", pages 17-18].

While Father Knighton's poor recollection of details is understandable, given that the events in question transpired more than thirty years ago, the Tribunal does have access to documentary evidence which could be held to constitute a recent admission on Father Knighton's part that some manner of inappropriate behavior involving [redacted] had, indeed, occurred. The admission was reported by Dr. Barbara Reinke (Director of *Project Benjamin* — the office created by the Archdiocese of Milwaukee in 1989 to respond to incidents of sexual abuse — in a log entry dated April 11, 2002, and entitled: "Addendum to the note about Father Marv Knighton." The note reads in part: "During this conversation [a telephone call from Father Knighton to Dr. Reinke] Father Marv admitted that he had 'made a mistake' in the incident with [redacted], but he insisted that this incident occurred in 1973, prior to his being ordained a deacon, and thus his behavior does not concern us" [Chancery File, page 344].

Not only did he make this statement to [redacted] but he was quizzed about it by Mr. Beyer:

> When I asked Fr. Knighton if the allegation was true, he stated, "There was inappropriate behavior". When questioned further Fr. Knighton responded, "No comment", and told me that he had nothing else to say about it. Fr. Knighton acknowledged that the inappropriate behavior was with [redacted]. I asked Fr. Knighton if the inappropriate behavior was of a sexual nature. He again told me that he had nothing more to say about it [Tribunal File, "Confidential Sexual Abuse Investigation", pages 55-56].

The Court does not find convincing the Advocate's attempt to change the meaning of this remark of the *reus* by stating the following:

> According to diocesan notes, Father Knighton was said to have "made a mistake" about the incident in later contact with the archdiocese. This misinterpretation by diocesan officials stems from the fact that Father Knighton only indicated that he was at Holy Angels Church in 1972 and 1973. The "mistake" was about the years being discussed. The alleged incident could not have taken place in winter 1975-76 when [redacted] was 15 years old since Father Knighton was not at Holy Angels at the time. He also admitted knowing [redacted], but denied anything occurred and refused to discuss the matter with any diocesan official due to concerns about his rights which up to that point he felt had been trampled [Advocate's Brief].

This directly contradicts the testimony of [redacted] in her exchange with Judge [redacted]

> Q. And in the second thing with [redacted], I take it he was just as vocal at denying stuff?
>
> A. Well, no, as I said, that one he — the argument was about the date it occurred. He wasn't denying it. He was saying it occurred before I was ordained [Penal Trial, Witness "J", pages 16-17].

In addition, one of the friends of the *reus* — principal of Pius XI High School at the time the accusations against the *reus* became public — was told at that time that the *reus* admitted to this allegation, although he did not know that this particular allegation came from [redacted]. This friend states the following in an exchange with Judge [redacted] concerning the fact that the *reus* was angry with him for not publicly defending him when the allegations became publicly known:

> A. We were told that the Diocese had two situations, one of which he admitted but it was beyond the statue of

> limitations, and the other one he said didn't happen, and that was going to trial. And I was, therefore, given the information that he admitted one of the allegations, and then the question was how could I defend him, and it's like I can't defend him. Now I've never heard that brought up again since, so I don't know if that's true or not
>
> Q. That Marv admitted it?
>
> A. That's what I was told by an Archdiocesan representative back then.[Penal Trial, Witness "H", page 39].

Moreover, if the interpretation of the Advocate were valid, then the Tribunal would expect that the *reus* would have "set the record straight" when he was later interviewed by Mr. Beyer. Instead, the nature of his response above indicates that he acknowledges wrongdoing but does not want to specify the nature of his "mistake" [Tribunal File, pages 55-56].

In view of all of the above, the Judges concur with the Promoter that [redacted] statements are credible. Moreover, they are consistent with those of the other accuser, [redacted] who testified to the Court about the *modus operandi* of the *reus*. Notwithstanding the hints of the Advocate to the contrary, there is absolutely no evidence of collusion between the two gentlemen. It is clear to the Judges that the event concerning [redacted] took place and it certainly fits into the category of an offense against the Sixth Commandment of the Decalogue.

With respect to the second allegation, this is the most problematic of the three because of [redacted] significant and willing involvement in this process and the degree and intensity that he brings to his testimony. It can be noted that both the Promoter and the Advocate resort, in a number of circumstances, to the possibility that [redacted] misunderstood the actions of the *reus*. All of this set a stage for boundary issues, both physical and emotional, with minors that seem consistent throughout the ministerial life of the *reus*. What is in question is whether there are sufficient proofs to indicate that what might otherwise be inappropriate and immature or merely "wrestling and horseplay" can be elevated to the point of being a delict, that is to say a violation of the sixth commandment of the Decalogue with a minor. Both the Promoter and the Advocate raise questions about the nature of the testimony and the overall credibility of [redacted] in this case, which the Tribunal will now address.

[redacted] the clinician to whom [redacted] referred him and who began counseling [redacted] on a weekly basis in November of 2001, submitted a claim for services twenty weeks later which included an [redacted] [Chancery File, pages 301-302]. The judges of this tribunal possess a certain familiarity with the diagnostic criteria of [redacted] and their associated features from their work with marriage nullity cases. Having been presented no reason to question the accuracy of Mr. [redacted] diagnosis, and understanding from the testimony of [redacted] father, [redacted] that [redacted] erratic behavior pre-dates any of the alleged occurrences of sexual abuse (indeed, [redacted] has testified that his relationship with his son was "stormy" even prior to the [redacted] [Penal Trial

Testimony, B:20-25, Jury Trial Transcripts Vol III:8,12,18,29], it is plausible that the [redacted] or its antecedent condition(s) had been a primary determinant of [redacted] behavior and perceptions long before Father Knighton entered his life. In view of this the Promoter questions whether this disorder may have impacted the nature of [redacted]s testimony.

In this regard the Court notes that lying, or the inability to discern right from wrong or truth from fiction, are not characteristics of the [redacted] Moreover, the following characteristics are not inconsistent with those who are sexually abused and then abandoned. They also account for what the Advocate of the *reus* says in an attempt to undermine [redacted] credibility: "[redacted] had a troubled and problematic youth" [Advocate's Brief]. The DSM-IV [redacted] notes the following diagnostic criteria:

The diagnostic criteria for a [redacted] are:

[redacted]

Certainly, if lying, or the inability to discern right from wrong or truth from fiction, were characteristics of the [redacted] the Defense Lawyer of the *reus* in the secular court action would definitely have mentioned this when he attacked the credibility of [redacted] However, neither in his opening remarks [Civil Trial, Morning of August 21, 2003, pages 14-17] nor at the time in which this Defense Lawyer of the *reus* questions [redacted]

does he mention that [redacted] personality disorder made him incapable of telling the truth [Civil Trial, Morning of August 21, 2003, pages 80-128; Afternoon of August 21, 2003, pages 21-72; Afternoon of August 22, 2003, pages 109-112].

The Advocate of the *reus* and the Promoter of Justice question [redacted] credibility because of inconsistency in some details of his account of what happened. The Advocate says:

> In the case at hand, it is clear that the testimony of the accusers is not reliable. There is confusion in the content of the testimony. Whether the testimony of the witnesses has been corrupted by memories shaped by post event information or whether the testimony has been corrupted by collusion and conspiracy, the testimony clearly is not reliable [Advocate's Brief]

The Promoter of Justice questions the veracity of [redacted] stating:

> Not only does the testimony appear to be laced with contradictions, it also appears in some respects to undergo embellishment with the passage of time. While it could be argued that this reflects an emerging clarification of detail as a victim-witness plumbs the depths of his memory, I suspect that it could be maintained with just as much validity that we are simply witnessing a demonstration of the adage "practice makes perfect" as applied to the task of crafting one's testimony in order to put forward the most convincing argument [Promoter's Brief]

However, the key details that support the substance of [redacted] accusation of sexual misconduct against the *reus* are the same in all of his accounts. The Court does not accept the theory of the Promoter of Justice that the contradictions result from "crafting one's testimony in order to put forward the most convincing argument", since that would mean that the testimony given by [redacted] in the Penal Trial would not omit earlier details that strengthened his case. Nor does the Court accept the arguments of the Advocate that [redacted] testimony "has been corrupted by memories shaped by post event information" or "has been corrupted by collusion and conspiracy." Instead, the Court believes that [redacted] experienced in his delayed puberty sexual actions by the *reus* that became the criteria for understanding the sexual nature of past actions by the *reus* that were not perceived as such at the time when they occurred.

Moreover, the Assistant District Attorney, Tiffin [hereinafter: Tiffin], states to the Jury:

> [redacted] has been very consistent. He's been very consistent in what happened to him. He's been very consistent when he told Detective Hoppe. He's been very consistent, he didn't tell a lie to his stepmother and his father. He wasn't ready.

> He said, I didn't tell the counselors. He didn't. He wasn't ready. He just told you the truth. He's hid nothing. ... He had no motive to lie [Civil Trial, Afternoon August 22, 2003, pages 163-164].

The Tribunal concurs with this previously quoted assessment again quoted immediately above. The Tribunal further notes that there is no financial motivation for [redacted] to make such an accusation, since he has not asked the Archdiocese of Milwaukee for any further funds but only for justice. The following exchange with [redacted] father and the associate judge, the Reverend [redacted], confirms this:

> Q Has there been a lawsuit against the diocese at all?
> A [redacted] has made a settlement with the diocese.
> Q But there's nothing open or outstanding at this point from your perspective.
> A No.

In his interview with this Tribunal, [redacted] was rational, lucid and was able to logically form his thoughts. There was no evidence when he appeared personally before this Tribunal, at the Civil Trial of the *reus*, or in any other context that [redacted] is a delusional person unable to discern truth from lies or fact from fiction.

By contrast, the Court finds that the *reus* definitely lies about key details in order to absolve himself of any blame. He also claims those in authority did not respect his rights. When questioned by his Defense Lawyer in his Civil Trial concerning whether he kissed [redacted] on the lips, the *reus* replied unequivocally:

> I don't kiss people on the lips. I never kissed [redacted] on the lips. [Civil Trial, Morning August 22, 2003, page 143].

However, [redacted] father directly witnessed the contrary as can be seen in the following exchange with the associate judge, the Reverend [redacted]

> Q Did you observe any of this hugging or kissing that [redacted] seems to describe?
> A No. I would observe Marvin Knighton kissing women on the lips as a greeting [Penal Trial, Witness "B", page 13].

The *reus* shows a pattern of being unequivocal about details when it suits his goal, and equivocal with details when that suits him. Another example of this is the refusal of the *reus* — barely nineteen days after his ordination to the priesthood in which he promised obedience to Archbishop Cousins and his successors — to accept the parish assignment given to him by Archbishop Cousins. The *reus* states to the Tribunal: "I don't ever recall where I said, 'No, I'm not going there.' I think the assignment that I finally got was St. Anne's, and that's where I went for a year, and then I went into education after that" [Penal Trial, Witness "A", page 77]. While he may not have said the exact words he states, the words he used in his letter of July 13, 1975 to Archbishop Cousins are clear in their implication and intent:

> To go to St. Ann's on a full-time basis at this point would be unfair to the people, to the Team and to myself, my heart is not there and would not be there. To go there by force would be done out of Blind Obedience and that I don't believe in. [Chancery File, page 023]

His account of a preliminary meeting on February 28, 2002 with Fr. Hornacek, and Dr. Barbara Reinke states the following in his formal complaint against Dr. Barbara Reinke to the Department of Regulation and Licensing of the State of Wisconsin:

> Throughout this process, Fr. Joseph Hornacek and Dr. Barbara Reinke abused their specific roles and responsibilities. It was obvious to me that they both had taken on a prosecutor's role against me" [Clergy File, page 345].

The mercurial manner of the reus also raises some question. In the aforementioned formal complaint the *reus* asserts that, after agreeing at this meeting to meet with his "accuser", he had second thoughts after consulting with the Diocesan Lawyer and his own attorney. He only went ahead with the meeting because Fr. Hornacek and Dr. Reinke accused him of trying to "hide something" [Clergy File, page 345]. Fr. Hornacek's log confirms that the *reus* had second thoughts but states that he and Dr. Reinke explained this was only a "fact-finding meeting". Later Fr. Knighton phoned to ask that [redacted] be present at this meeting and there were no objections to this [Clergy File page 072].

This "fact finding" meeting took place on March 8, 2002. The Vicar of Clergy's log regarding this meeting states the following:

> March 8, 2002 – Vicar joins Dr. Barbara Reinke in a fact-finding meeting between Fr. Marv Knighton alleged perpetrator and [redacted] alleged victim of inappropriate physical contacts from approximately '86 to '91 when [redacted] was between 13 and 18 years old. Marv's Advocate: [redacted] who also tutored [redacted] was present as were [redacted]'s therapist Dr. [redacted] stepmother [redacted] and [redacted]'s cousin [redacted] w[redacted]. [redacted] was focused, forthright and specific about his allegations. Marv has denied all except what he claims was consensual hugging and kissing
> [Clergy File, page 072].

Dr. Reinke's log of this same event states:

> Fr. Joe Hornacek, [redacted], [redacted] (psychotherapist), [redacted] ([redacted]'s stepmother), [redacted] (cousin of [redacted] and family friend to [redacted]) and I met as scheduled with Fr. Marv Knighton for the purpose of confronting him with [redacted]

> account of molestation. (Also present was [redacted] (?spelling?) who was brought as a support person by Fr. Marv but also knew [redacted] well through tutoring at the end of high school). [redacted] presented himself in a compelling manner. Fr. Marv continued to deny these events, casting [redacted] as someone who would regularly lie and accuse others falsely. When Fr. Marv brought up events, [redacted] acknowledged some wrongdoing on his part (getting caught drinking with friends, participating in Marv's sons' usage of offensive words in Korean, though he denied teaching them American slang words). Several persons attempted to ask Fr. Marv why [redacted] would make these allegations now if they were not true. [redacted] had an outburst in which he called Fr. Marv a liar. The meeting ended when it became clear that nothing more could be accomplished [Tribunal File, page 003].

[redacted] corroborates [redacted] "outburst" [Penal Trial, Witness "C", page 16]. Dr. Reinke on March 9, 2002 notes the following:

> Fr. Joe and I conferred. Neither Fr. Joe nor I doubt the truth of [redacted] story. Joe does not find Fr. Marv amenable to treatment and I questioned what its value would be. Joe and I discussed as next steps that he would make Maureen Gallagher aware of these allegations as she is Fr. Marv's current supervisor, and that he would discuss appropriate restrictions with the Archbishop. Both Fr. Joe and I believe Fr. Marv should not have any one-on-one contact with minors, with the potential that this would make moot his current interest in obtaining a position as a principal [Tribunal File, page 003]

The *reus* gives this account of that meeting in his formal complaint — dated July 12, 2004 — against Dr. Barbara Reinke for unprofessional conduct to the Department of Regulation and Licensing of the State of Wisconsin:

> Friday, March 8, 2002 was the day that I met with my accuser. At the end of that meeting, Dr. Barbara Reinke asked my accuser if I had ever touched him or him me inappropriately. His response to that question was, "No, in no way did Marv ever do anything like that." The tragedy following that meeting was, that my accuser must have spoken with someone following that meeting, for when he later met with the District Attorney, the information he gave to him or her is quite different. In substance, he changed his story about three times. [Clergy File, page 345-346].

Fr. Knighton repeats this rather unique interpretation of what happened at that meeting when giving his testimony to this Tribunal on September 21, 2006: "In relationship to [redacted] when I had to meet with him, he was specifically asked whether or not I ever touched him

or made him touch me inappropriately, and he flatly said no" [Penal Trial, Witness "A", page 67]. At the time this statement was made, the Judges did not have available to them the above logs or the above mentioned letter to the Department of Regulation and Licensing of the State of Wisconsin. Thus, the truthfulness or falsity of this statement could not be challenged at that time.

It is conceivable that such a statement may have been omitted by one but not by four different participants in that same March 8, 2002 meeting. For not only the logs of the Vicar of Clergy and Dr. Reinke quoted above, but also the testimony of [redacted] and that of his stepmother make no mention of this admission by [redacted] that the *reus* was innocent of any delict against the sixth commandment of the Decalogue.

Even if there was some kind of conspiracy on the part of the staff of the Archdiocese and [redacted] and his witnesses to conceal this alleged exoneration of the *reus* — which there is no shred of evidence to support — certainly the Defense Lawyer of the *reus* would have mentioned such a powerful piece of evidence during the civil trial proceedings of August 21-22, 2003 to support his client's innocence. However, there is no record of this alleged statement of [redacted] in Defense Lawyer's cross examination of Dr. Barbara Reinke, who was present at that March 8, 2002 meeting [Civil Trial, Afternoon of August 21, 2003, pages 21-31]. Nor was this brought up in the cross examination of [redacted] by this same Defense Lawyer of the *reus* [Civil Trial, Afternoon of August 21, 2003, pages 32-73]. Most of all it was not part of the extensive examination of the *reus* by his own Defense Lawyer [Civil Trial, Morning of August 22, 2003, pages 117-145 and Civil Trial, Afternoon of August 22, 2003, pages 3-61]. The Court can only conclude that this is a lie on the part of the *reus* to cast doubt on the veracity of [redacted] or an attempt to support his allegation that the Archdiocese did not respect his rights.

Another crucial detail is whether the *reus* was ever alone with a minor that he brought to the Archbishop Cousin's Center to play basketball or go swimming. Hartmann questioned the *reus* on September 21, 2005:

> Q. So it was always during the day that you brought kids?
> A. Yes.
> Q. Did you have access to the building at night?
> A. No. And, again, I want to emphasize that there was always usually another adult with me in a group
> [Penal Trial, testimony of Witness "A", page 41].

However, from personal knowledge and direct observation, one of the associate judges — who attended St. Francis de Sales Seminary for nine years adjacent to the Archbishop Cousins Catholic Center, and having used these same facilities in question with regularity during that time and, following on that, having worked at the Archbishop Cousin Catholic Center for the last nine years with access to these same facilities — informed the *praeses* and the other associate judge that on more than one occasion he personally witnessed the *reus* alone with a minor, or minors at these facilities. Consequently, it is a lie that the *reus* was never alone with "kids" as the *reus* alleges above.

A further instance of what the Tribunal can only conclude is another deliberate lie on the part of the *reus* is his testimony that [redacted] called him "gay" at their first meeting [Civil Trial, Afternoon August 22, 2003, pages 163-164; and [Penal Trial, Witness "A", page 50]. When questioned about this at the Penal Trial, [redacted] had this exchange with the *praeses*:

> Q. Okay. Do you recall was it either at that point or shortly after that you were dismayed by his touching and accused him of being gay?
>
> A. Never once did I ever accuse him of being gay. Yeah, I have a lot of feelings and emotions that — This is intense. You know, and that's something that came up during the trial that I heard of for the first time [Penal Trial, Witness "D", page 6].

If [redacted] actually stated that the *reus* was "gay", as the *reus* alleges above, why would the *reus* risk possible future charges of sexual misconduct by allowing [redacted] to stay alone at his house with no other person present on some fourteen separate days from June 22, 1987 to May 18, 1989 [Civil Trial, Afternoon of August 22, 2003, pages 7-11] during a time in which he had not yet adopted his children, who came on July 3, 1989 at 7:24 in the evening [Civil Trial, Afternoon August 22, 2003, page 11] ? However, if [redacted] never said this and made no allegations to anyone about inappropriate conduct by the *reus* before 1993, then the following question proposed by the Advocate is answered:

> If Mr. [redacted] was so uncomfortable with what he perceived to be Father Knighton's sexual misconduct, why did Mr. [redacted] keep returning to Father Knighton's home? It might be understandable that he returned a couple of more times. But if he were truly uncomfortable, surely he would have found an excuse not to return so many times as he says [Advocate's Brief].

Essentially, the logic of the *reus'* own advocate once again cuts both ways. Furthermore, in regards to the number of visits made by [redacted] to the home of the *reus*, the Tribunal notes that the first characteristic of the [redacted] noted above is "frantic efforts to avoid real or imagined abandonment". [redacted] was emotionally tied to the *reus* and did not want the *reus* to abandon him as he perceived his [redacted] Moreover [redacted] had not yet had the therapy that enabled him to identify that he had been used for the sexual gratification of the *reus*.

Given that there were no formal charges made against him, the Tribunal questions why the *reus* — shortly after his encounter with [redacted] father and after his meeting with the Archdiocesan lawyer — would write a letter (dated November 15, 1993) to the Vicar of Clergy, informing the Vicar that the *reus* was going to work in Phoenix, when he had given the Archdiocese no previous notification that he was considering moving there [Clergy File, # 974, page 067]. In responding to the March 23, 1994 letter of the *reus* to move to Phoenix, Archbishop Weakland, in his letter of March 28, 1994, stated the following:

> I would like to state in writing what I said in our conversation. I do not want at this point of history to give permission for anyone to be on loan to another diocese. If you wish to make that change, then you must do so with the intention of incardination into Phoenix [Clergy File, page 249].

The *reus*, however, gives the impression in the following response during his Civil Trial that the Archbishop did not want him to incardinate in the Diocese of Phoenix and that was why he was unable to do so. The *reus* states the following:

> I stayed in Milwaukee until 1994. And I went to Phoenix to work in a public school. I wanted to work for the Diocese in Phoenix, but there were some things that happened that I was not able to work, because the bishop here at the time did not want me to go, and wanted me to stay here. And he just said, fine, if you want to go there and work just work, but I really don't want you to leave. So I took a semester — I mean I took a personal leave [Civil Trial, Morning August 22, 2003, page 124].

In point of fact, in seeking incardination the *reus* gave permission — in his letter of June 6, 1994 — for his Clergy Personnel File to be sent to the Bishop of Phoenix [Clergy File, page 253]. This file held no record of any accusations of sexual impropriety but it did clearly delineate that the *reus* had his own understanding of what obedience to his Bishop means. Following reception of this information, the Bishop of Phoenix told the *reus* he could not accept him into the incardination process for his diocese [Clergy File, page 256].

From 1994 until 2000, the *reus* went back and forth between assignments in Milwaukee and positions in various public school systems within the Diocese of Phoenix. These relocations seem to have been made in an attempt to change the mind of Bishop O'Brien and enter the incardination process for the Phoenix Diocese. His last attempt in this regard was to secure a position in a Diocesan High School in Phoenix, which he was able to do only after the following recommendation in the June 5, 2000 letter of the Vicar of Clergy in Milwaukee to the vicar for Clergy in Phoenix:

> There has never been cause to withdraw Father Knighton's faculties nor to curtail his ministry in the Archdiocese of Milwaukee. He is not now, and has not been, under any ecclesiastical penalty. There is nothing in his background that would require us to limit any ministry with children. To the best of our knowledge, he does not suffer from any untreated substance abuse problem [Clergy File, page 299].

While this recommendation is itself questionable in many ways, it is hard to reconcile this letter with the allegation of the *reus* that this particular Vicar of Clergy was a racist. In fact, when [redacted] was asked about this specific allegation, he replied: "I've known Fr. [redacted]

[redacted] as long as I had been in Milwaukee. I've never know him to be racist or accused of any racist practices" [Penal Trial, Witness "K", page 2].

Following the reception of the above letter from the Vicar of Clergy, Bishop O'Brien — in a letter dated August 21, 2000 — granted faculties to the *reus* and stated: "I wish you well in your important ministry to our youth as the Campus Minister at St. Mary's High School" [Clergy File, page 301]. Apparently, the *reus* decided that Bishop O'Brien still would not change his mind about the process of incardination, so the *reus* returned to Milwaukee, once again seeking another assignment. At that time the Archbishop appointed the *reus* as "a consultant in the Office for Child, School and Youth Ministry" effective September 1, 2001 [Clergy File, p. 316]. This position was only funded for a year, so the *reus* would again be seeking another educational assignment on February 20, 2002 [Clergy File, page 071]. On February 25, 2002 [redacted] brings his accusations to the Archdiocese of Milwaukee in an interview with Dr. Barbara Reinke, the head of *Project Benjamin* [Tribunal File, pages 001-002].

Given all of the above, the Tribunal judges that the *reus* had a sexual encounter with the sixteen year old [redacted] just prior to the arrival of his adopted children, some time during May 15-18, 1989 when [redacted] stayed with the *reus*. This fits all the facts in this case. The basement was remodeled [Civil Trial, Morning August 22, 2003, p. 111] and had the sofa bed that [redacted] consistently refers to in all his accounts. The *reus* admitted that he had such a sofa bed in 1989 [Civil Trial, Afternoon August 22, 2003, p. 16]. This is also the last time the *reus* admits that [redacted] stayed overnight at his house before his two adopted sons came to live with him and occupy the first floor sleeping arrangements [Civil Trial, Afternoon August 22, 2003, p. 11].

The *praeses* knows from personal experience that a traumatic event can cause the mind to focus on a particular detail to the exclusion of other details, even ones that would help others to see the truth of the event. As context, what happened is that the *praeses* was involved in a car accident caused by someone becoming impatient and moving into the intersection before they had a green light. Even to this day, the *praeses* vividly recalls seeing the car in the middle of the intersection waiting to turn left because traffic was coming from the opposite direction in which the *praeses* was proceeding and only registering the fact that the light was green and that car should not have been in the intersection. In explaining to the Police Officer what happened the detail that the *praeses* focused on was the green light, excluding the important detail that traffic was coming from the opposite direction and that traffic prevented the car situated in the intersection from turning or the *praeses* from swerving into the opposite lane to avoid hitting that same car.

In the same way, the Tribunal judges that since the most traumatic event that happened to [redacted] — once he had the awareness of puberty — while staying overnight with the *reus* took place on the sofa bed in the basement. The Tribunal can only surmise that the imminent arrival of his adopted children made the *reus* aware that this would be the last time he had [redacted] alone with him in the house, the last time he could go beyond grooming behavior with no other witnesses present. Since this was a much longer relationship with more of himself invested that in his brief encounter with [redacted], the *reus* was ambivalent about ending his relationship with [redacted], so he did not bring himself to climax since, unlike [redacted], [redacted] did not indicate a willingness to be an object of self-gratification for the *reus*.

Even though the *reus* did not ejaculate on [redacted], this "humping", or frottage, became the defining detail — the archetypal event divorced from a specific date [Civil Trial, Afternoon August 21, 2003, pages 51-53] — that [redacted] mind focused on as his basic frame of reference to identify past events of a sexual nature with the *reus*. Concerning the shower and the pool, this Tribunal views these as grooming behaviors, whose content may have been heightened by being filtered through the episode in the basement. Adminicular proof of this is that it is only after this event that [redacted] shows signs of [redacted] and other behaviors often seen in victims of sexual abuse [Penal Trial, Witness "B", pages 8-12 & 20; Witness "C", pages 6-7 & 29] — especially those with [redacted] who often use [redacted]

Nevertheless, the Tribunal again stresses the fact that the full significance of this encounter, however traumatic it may have been, only became apparent to [redacted] in 2002 in his counseling with [redacted] [Penal Trial, Witness "D", pages 36-37]. Prior to that time he was unable to articulate, even to his family, what exactly happened with the *reus* [Civil Trial, Morning of August 21, 2003, pages 120-123]. [redacted] [Civil Trial, Afternoon of August 22, 2003, page 44]. [redacted] [Civil Trial, Afternoon of August 22, 2003, pages 43-44].

It was following this [redacted] — with prompting from his future stepmother — that [redacted] first indicated to his father that the *reus* had acted improperly toward him. This in turn triggered the hostile encounter attested to by [redacted] father and stepmother [Penal Trial, Witness "B", pages 39-30 & Witness "C", pages 29-30] and by the *reus* himself [Civil Trial, Afternoon August 22, 2003, pages 53-54; and Penal Trial, Witness "A", page 78]. This hostility warned the *reus* that [redacted] was beginning to recall improper conduct on the part of the *reus*. Not knowing if [redacted] or his family had already contacted the Archdiocese with accusations against him, the *reus* immediately took steps to counter these accusations by contacting his classmate, the current Bishop Perry, asking advice on what to do, then contacting the Vicar of Clergy and the Archdiocesan Civil Attorney [Civil Trial, Afternoon August 22, 2003, pages 55-58; Penal Trial, Witness "A", pages 78-82]. All of these actions are used by the *reus* with the help of his Defense Lawyer to convey to the jury in his civil trial that the *reus* was an innocent person seeking to defend his reputation but that the Archdiocese did not defend or support him when this issue first surfaced in 1993:

> I couldn't get the Archdiocese to tell me what was going on. I mean, I couldn't get the support from the Archdiocese to deal with this issue and to be proactive. And so I was — I was left with — with nothing. And now I'm dealing with a mess [Civil Trial, Afternoon August 22, 2003, page 58].

In point of fact, however, the practice of the Archdiocese at that time was not to act on any rumors or anonymous accusations but to intervene only when a definite accusation was

presented to the Archdiocese by a definite person. This did not happen in person until February 25, 2002.

The evidence demonstrates that [redacted] had not yet reached the stage where he was emotionally ready to present such an accusation of his own accord. At the urging of his stepmother, [redacted] did consult a civil attorney, Nick Kostich in 1993. However, the Defense Attorney's detailed examination of why [redacted] did this shows that by that time [redacted] was able to tell Kostich only the same vague information that [redacted] had previously told his stepmother and father [Civil Trial, Afternoon August 21, 2003, pages 58-66]. [redacted] had fifteen sessions with a psychotherapist. Yet despite this therapeutic environment, [redacted] was still not yet ready to discuss the actions of the *reus* [Civil Trial, Morning of August 21, 2003, pages 127-129; Civil Trial, Afternoon August 22, 2003, page 105-108]. In fact in an interview — appearing in the Milwaukee Journal Sentinel on June 19, 2002, prior to the Civil Trial of the *reus* — Marie Rohde, a staff member of that local newspaper, records in the course of her interview with [redacted] the following incident that took place at the March 8, 2002 meeting:

> At the meeting, Knighton denied any misconduct, [redacted] said. A woman who was a teacher at the school came with Knighton and asked [redacted] why he hadn't come to her if he had been abused.
>
> "I told her that she didn't know how many times I sat outside her house, but I couldn't tell anyone about it," [redacted] said [Tribunal File, page 238].

Despite the attempts of the Defense Lawyer for the *reus* to present [redacted] as telling different versions of his accusations [Civil Trial, Afternoon August 22, 2003, pages 152-154]; Tiffin rightly presents to the jury that [redacted] accusations only changed by becoming more detailed as he came to greater awareness through therapy of the true meaning of what actually was done to him by the *reus* and was enabled to speak more openly about it to others:

> [redacted] didn't tell inconsistent stories. An inconsistent story is somebody saying, X, Y and Z happened to me, and my brother was there and the brother getting on the witness stand and saying, I wasn't there, it didn't happen. That's an inconsistent story. [redacted] has been very consistent. He's been very consistent in what happened to him. He's been very consistent when he told Detective Hoppe. He's been very consistent, he didn't tell a lie to his stepmother and his father.
>
> He wasn't ready. He said, I didn't tell the counselors. He didn't. He wasn't ready. He just told you the truth. He's hid nothing. And the State does bear the burden of proof. And it comes down to whether or not you believe [redacted] and watching him and what he has told you, he told the truth in going through this. He

had no motive to lie. He had no motive to come forward in 2002 to go to the Catholic Church and say this. He was telling the truth. [Civil Trial, Afternoon August 22, 2003, pages 163-164].

This Tribunal judges that [redacted] is telling the truth concerning his sexual abuse by the *reus*. The law section above makes clear that an offense against the Sixth Commandment of the Decalogue is not confined to genital contact leading to orgasm. What [redacted] describes in the Civil Trial of the *reus* as "humping" [Civil Trial, Morning August 21, 2003, page 52] and before this Tribunal as "grinding" [Penal Trial, Witness "D", pages 12-13] are acts of frottage which fit the descriptions given in the law section above for a delict against the Sixth Commandment of the Decalogue

This Tribunal judges that the *reus* was so psychologically and sexually driven that he believed that he was somehow invincible in regard to any possible accusation of wrong doing. Not only did he feel invincible, but he truly rationalized his behavior as something that was normal or acceptable. He definitely did not, and does not, take into consideration the consequences of his decisions. If he feels that some sort of physical contact is called for in a situation, he will do it no matter how inappropriate it may be. The evidence shows that there is a long standing continuous thread of this type of behavior throughout his interactions with male minors. The Tribunal judges that the evidence is sufficient to lead to an affirmative finding as regards this second allegation.

Regarding the third allegation, both the Promoter and the Advocate in this case make appropriate note of the fact that [redacted] has not provided a formal, sworn statement either through written rogatory or verbal testimony within the context of these canonical proceedings. In fact, it is the case that [redacted] himself never lodge a formal complaint of sexual abuse against the *reus* with the Archdiocese of Milwaukee. The court does have information indicating that there was discussion between [redacted] and two investigative persons 1) a detective working for the district attorney of Milwaukee County, Wisconsin and 2) an investigator retained by the Archdiocese of Milwaukee to consider a preliminary investigation into information that had been brought before archdiocesan and/or civil authorities by an attorney who is related to another accuser in this case through the accuser's stepmother. While the information gathered by these two detectives is compelling and worthy of note, the fact that there is no primary accuser before this Tribunal, nor within the instruction of this case, deprives the judges of the ability to attain any sense of proper moral certitude regarding this allegation. Therefore, the decision will have to be designated as negative.

Thus, having reached moral certitude on the first two allegations and in accord with the norm of law, canonical doctrine and the constant jurisprudence of the Roman dicasteries, considering the facts, the circumstances, the testimonies and the arguments as a whole, this Tribunal of Judges responds affirmatively to the first two questions. Imputability is presumed when there is an external violation of the law.

Norm 8 of the 2006 USCCB Essential Norms requires that if there is moral certitude about the delict having been committed, then 'permanent removal from ecclesiastical ministry,

not excluding dismissal from the clerical state' is indicated. In accord with the norm of law, the penalty of permanent removal from ecclesiastical ministry is imposed.

DISPOSITIVE

ARCHDIOCESE OF MILWAUKEE

In view of the foregoing, and with due consideration to the law and its application to the particular circumstances, We, the undersigned Judges of the Metropolitan Tribunal of the Archdiocese of Milwaukee, Wisconsin, acting as the judges in this case, do before God, hereby decree, declare and pronounce the following definitive sentence:

> To the question "Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with Mr. [redacted], who had not completed his sixteenth year of age at the time of this offense?",
>
> *we respond IN THE AFFIRMATIVE.*

> To the question "Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with Mr. [redacted] who had not completed his sixteenth year of age at the time of this offense?",
>
> *we respond IN THE AFFIRMATIVE.*

> To the question "Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with Mr. [redacted], who had not completed his sixteenth year of age at the time of this offense?",
>
> *we respond IN THE NEGATIVE.*

Further, attentive to Norm 8 of 2006 USCCB ESSENTIAL NORMS, we impose on the Rev. Marvin T. E. Knighton the perpetual penalty of **permanent removal from all Ecclesiastical Ministry with the admonition that he is to lead a life of prayer and penance.**

In accord with the particular law currently in force, this includes:

- not celebrating Mass publicly,
- not administering the sacraments (with due regard for canon 976),
- not wearing clerical garb and
- not presenting himself publicly as a priest.

Given the nature of the delicts and the pattern of behavior, the Court further imposes on the Rev. Marvin T. E. Knighton the restriction that, with the exception of persons with whom he has a legal relationship by virtue of full and legal adoption, he never be alone with anyone who is below the age of 18. It is for his Ordinary, the Archbishop of Milwaukee, to determine if further specifications are indicated which may be necessary to implement this penalty and to oversee the cooperation of Fr. Knighton with it.

Further, it is hereby directed that the sentence is to be published according to the norms of law (c. 1615);

In accord with Canon 1628, the Rev. Marvin T. Knighton and the Promoter of Justice are to be instructed that they have a right to appeal to the Congregation for the Doctrine of the Faith against both the Definitive Sentence and the penalty;

i) in accord with Canon 1630, any appeal must be introduced within fifteen (15) days of the publication of this Definitive Sentence, and that any appeal is to be communicated to the Judicial Vicar of the Archdiocese of Milwaukee who will transmit it to the Congregation for the Doctrine of the Faith; in accord with Canon 1633 and SST article 23, any appeal must be pursued within one month (30 days) from the date of the introduction of the appeal; for the Rev. Marvin T. Knighton, his Advocate may pursue the appeal in his name;

ii) this decision and the complete *acta* are to be transmitted to the Congregation for the Doctrine of the Faith.

BE IT KNOWN TO ALL

that this case is explicitly subject to the Pontifical Secret (art. 25, *Graviora Delicta, Normae Processuales*); this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [*AAS* 66 1974, pages 89-92]).

Signed, decreed, witnessed, notarized and published on the 27th day of July, 2007, at the Archdiocese of Milwaukee, U.S.A.

[redacted]
Very Rev[redacted]
Praeses and *Ponens*

[redacted]
Associate Judge

[redacted]
Rev. [redacted]
Associate Judge

Ecclesiastical Notary
July 27, 2007

Seal

Congregation for the Doctrine of the Faith

DEFINITIVE SENTENCE
IN THE CASE OF
THE REVEREND MARVIN T. KNIGHTON

CDF [redacted]

On this 13th day of January 2011, in the sixth year of the Pontificate of His Holiness Benedict XVI, in the second year of the archepiscopate of Most Reverend Dennis M. Schnurr, in the Archdiocese of Cincinnati, in the city of Cincinnati, this Appeal Court of Congregation of the Doctrine of the Faith issues a definitive sentence in the appeal made by the Reverend Marvin T. Knighton of the Archdiocese of Milwaukee against the sentence issued in First Instance by a three judge tribunal of that archdiocese on 27 July 2007 that found him not guilty of the allegation of the sexual abuse of a minor by a cleric against Mr. [redacted] and found him guilty of the allegation of the sexual abuse by a cleric against Mr. [redacted] and [redacted]

This case is explicitly subject to the Pontifical Secret (art 25. *Gravior Delicta. Normae Processualis);* this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [*AAS*, 66 1974, pages 89-92]).

I. SPECIES FACTI

The Rev. Marvin T. Knighton was ordained to the Roman Catholic priesthood for the Archdiocese of Milwaukee, Wisconsin on May 24, 1975. On February 25, 2002, [redacted] accused Father Knighton [hereinafter: *reus*]of sexually abusing him on a number of separate occasions. This information is found in the Sexual Abuse Intake Report taken by Dr. Barbara Reinke, PhD. [Tribunal File, pages 001 & 002]

A second allegation was introduced by Attorney Nick Kostich alleging that the *reus* sexually abused Mr. [redacted] on or about June 25,2002. A third accusation was made by Mr. [redacted] [hereinafter: [redacted] on or about January 17,2003. These allegations were brought to the attention of the then-Archbishop of Milwaukee, the Most Reverend Rembert G. Weakland, OSB.

Following the prescribed preliminary investigation, the Diocesan Review Board and the Archbishop found that none of the allegations involving these victims were either frivolous or false. It was determined that the allegations carried the semblance of truth and were credible, and, in accord with the norm of law, they were then referred to the Congregation of the Doctrine of the Faith (hereinafter: *CDF)* for direction as to the process to be used. The *CDF* directed that a penal judicial trial be conducted in the Tribunal of the Archdiocese of Milwaukee and granted a derogation from prescription.

Exercising his office as Promoter of Justice for the Archdiocese of Milwaukee, on February 4,2005, the Reverend Philip D. Reifenberg, JCL, presented to the Judicial Vicar of the Archdiocese of Milwaukee, the Very Reverend Paul B. R. Hartmann JCL, a libellus charging the Reverend Marvin T. Knighton, a priest incardinated in the Archdiocese of Milwaukee, with offenses against the sixth commandment of the Decalogue involving the sexual abuse of three minors. All of the incidents are alleged to have occurred within the Archdiocese of Milwaukee. In response to the libellus, a collegiate tribunal was constituted on March 21, 2005 by the Most Reverend Timothy Dolan, DD, Archbishop of Milwaukee, consisting of the [redacted] as *prases,* with t[redacted] of the Archdiocese of

[redacted], and [redacted], as associate Judges. The Promoter of Justice was the Reverend Philip Reifenberg, JCL; (hereinafter: Promoter1"). The duly-mandated Advocate of the *reus* is Mr. J. Michael Ritty, JCL, PhD, (hereinafter: "Advocate"). A penal trial against Father Knighton was then begun.

It should be noted that at the start of the case, the Advocate raised objections to the role that the [redacted] would play in the case because of his connection to the Archdiocesan officials and structures who were being presumed as those leveling the charges against the *reus*. During the discussion of the three judge panel it was noted - within the norms of Canon Law and the historic manner in which trials are to be handled - a penal trial would normally be staffed by members of the local clergy as judges within the local tribunal. Thus, the use of two outside judges out of the three on the collegiate tribunal is itself exceptional in the eyes of the law. This exception is a contemporary accommodation that is used to react to the unique circumstances of this time in history. Given that there are two out of the three judges who do not have any objections raised against them by the Advocate, nor has the Promoter objected to the empanelled Tribunal, it was felt that equity and fairness could be protected and maintained. Thus, the objections of the Advocate to the role of this associate judge were set aside.

In accord with Canon 1513, §1, the *contestatio litis* in first instance was conducted on July 1,2005, and the doubt was formulated in the following fashion:

1) Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with Mr. [redacted] who had not completed his sixteenth year of age until the time of offense?
2) Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with [redacted] who had not completed his sixteenth year of age at the time of the offense?
3) Is the Reverend Marvin T. KNIGHTON guilty of offending against the sixth commandment of the Decalogue with [redacted] who had not completed his sixteenth year of age at the time of the offense?

Also, by the same decree the *prases* in first instance incorporated into the *acta* the Clergy Personnel File [hereinafter: Clergy File] and the Chancery File [hereinafter Chancery File] of the *reus,* and the transcript of the Civil Trial of the State of Wisconsin versus the Reverend Marvin T. Knighton [hereinafter: Civil Trial]. According to the norm of Canon 1516, by the same decree the *prases* directed that the *reus,* as well as those nominated as witness by the Advocate and the Promoter, be cited for their testimony.

On 27 July 2007 the First Instance Court responded in the NEGATIVE to the question posed as to the guilt of the *reus* relative to Mr. [redacted] and in the AFFIRMATIVE to the questions posed as to the guilt of the *reus* relative to Mr. [redacted] and to Mr. [redacted] As a penalty, it imposed "the perpetual penalty of **permanent removal from all Ecclesiastical Ministry with the admonition that he is to lead a life of prayer and penance**" and furthermore restricted him from being "alone with anyone who is below the age of 18" with the exception of those "with whom he has a legal relationship by virtue of full and legal adoption."

On 4 September 2007 the "Advocate" appealed the decision to the Congregation for the Doctrine of the Faith. On 31 January 2009 Archbishop Luis F LaDaria, SJ, Secretary of the CDF, asked Archbishop Daniel E. Pilarczyk to host the second instance trial. On 24 July 2009, after having received the required dispensations, Archbishop Pilarczyk appointed [redacted] presider; Reverends [redacted], and [redacted] as the associate judges; Sister Victoria Vondenberger, RSM, JCL, Promoter of Justice; and Reverend Joseph R. Binzer, JCL, Notary. Those appointments were confirmed by the former CoAdjutor Archbishop Dennis M. Schnurr on 21 December 2009 when he became Archbishop of Cincinnati.

On 20 January 2010, after making sure that the First Instance File was complete, Sr. Victoria Vondenberger gave the Libellus in Second Instance to the Judges. The libellus mentioned specifically not only the appeal sent by the Advocate to the CDF, but also the appeals of Archbishop Timothy Dolan, the former Ordinary of Milwaukee, and of the Archdiocesan Adminstrator seeking stricter penalties. Archbishop Jerome E. Lisecki became the Archbishop of Milwaukee on 4 January 2010.

On 28 January 2010 acting on behalf of the Court, Reverend Christopher R. Armstrong, the Presider, issued a decree accepting the libellus and citing Reverend Martin T. Knighton and his Advocate for the purpose of the *contestatio litis* in Second Instance.

As a result, Mr. Michael Ritty, the Advocate, sent a cover letter dated 3 March 2010 raising an **incidental question** and including both his original appeal and a number of other materials.

The primary contention of the Advocate is that "Father Marvin Knighton did not commit any act of sexual abuse of a minor. The defense has presented and will continue to present those matters which disprove the allegations where possible, which undermine the credibility of the accusers, and which eliminate or preclude criminal action in canon law." Mr. Ritty in his appeal brief goes on for 31 more pages to outline his arguments in eight sections. In short, 1) the outcome of the trial was pre-determined; and 2) only a few persons including the accused are truly credible. Procedurally, 1) Father Knighton's "human dignity and his rights" were disrespected because the judges took four months to issue the decision due to the disability of the *ponens*. 2) The judges limited the number of pages for the Advocate's brief, and then chided him for responding to certain points briefly. 3) A memo dated 4 November 2004 from [redacted], acting as the judicial vicar, to Archbishop Timothy Dolan suggested ways that the Ordinary could get around the recommendation by the promoter of justice that the case against the Accused was weak. This memo was in the original acts viewed by the Advocate, but is missing from the current acts. It is a principal reason for asking that Father [redacted] be replaced as a judge in first instance. The fact that the memo is missing leads one to question the integrity of the acts and the decision to keep the prejudicial judge. The judges ignored the other "reasonable and substantive" explanations for the allegations, and thus could not have arrived at the moral certainty demanded by Pius XII. One key area for an alternative explanation is that are a number of reasons for fallible memories. The Advocate lists a number of reasons why false memories can be created or what did happen can be morphed into something else. However, the Advocate argues that the Court itself was prejudiced against the *reus* because they ignored the morally certain finding of the civil court that he was not guilty. The Advocate argues that the Court considered the *reus* "disobedient and willful" contrary to what [redacted] had testified. Fr. Knighton, for instance, did request permission

prior to adopting his children. He did stand up to authority. Even if his "willfulness"is granted, however, no actual abuse has been proven.

The allegation of [redacted] should be discounted for several reasons. Marv Knighton had not yet been ordained a deacon. The timeline in question is not clear. The place where the incident in question took place is not clear. The other person cited as a victim of abuse [redacted] and has denied the claim. What Marv Knighton was wearing or not wearing is not clear. The only consistent point is the action of the *reus* placing the accuser behind him and guiding his hand to masturbate the *reus*. Then there is question of the admission of the "mistake". The paper trail is not good as to what that word "mistake" meant.

The allegation of [redacted] should be discounted as a misunderstanding of a troubled youth of an incident of horseplay. The civil trial found the accused not guilty and raises a serious issue of his incredibility. Instead, the Court focused on the credibility of the accused and wrongly concluded that he was a liar.

The allegation of [redacted] was rightly rejected by the First Instance Court. However, his presence raises the issue of collusion of the accusers due to SNAP bringing them together.

In short, according to Advocate Ritty , there cannot be moral certainty about the guilt of the accused.

For these reasons, in order to take a fresh look at the proofs, this Second Instance Court at the session for the *contestatio* joined the issues as:

> "Is the accused, the Reverend Marvin T. Knighton, guilty of an offense against one or more minor children as stated in Canon 1395.2 and defined by The Essential Norms for the Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of minors by Priests or Deacons (as approved by the Congregation of Bishops on December 8, 2002) and the norms established in Sacramentorum Sanctitatis tutela (promulgated on November 5, 2001) with the derogations promulgated subsequently and as stated in Canons 2358 and 2359 of the 1917 Code of Canon law?"

"If the allegations are proven, what penalty should be imposed?"

Mr. Michael Ritty objected that the formulation of the doubt to be resolved was too vague. As a result, it was revised on 16 May 2010:

> Having considered the Libellus of the Promoter of Justice in Second Instance, Sister Victoria Vondenberger, RSM, JCL, and the 4 September 20007 appeal of the accused Reverend Marvin T. Knighton via his Advocate, J. Michael Ritty, JCL, PhD, and the 27 August 2007 covering letter of the then Archbishop of Milwaukee, the Most Reverend Timothy M. Dolan, submitting the Acta of the First Instance Trial to the Congregation for the Doctrine of the Faith and the 12 July 2009 votum of the then Apostolic Administrator of the Archdiocese of Milwaukee, Most Reverend William P. Callahan, OFM Conv,, upon being informed of the appointment of this Court **and the request of the Advocate that the decree of 22 April 2010 be amended because too vague**: I, the undersigned Presiding Judge in this Second Instance Court, hereby decree the terms of this present case are as follows:
>
> Are the **affirmative decisions** of the First Instance Court that the accused, the Reverend Marvin T. Knighton, was guilty of an offense against the minors Mr. [redacted] and Mr. [redacted] as specified in current Canon 1395 §2, formerly in the 1917 Pio Benedictine Code Canons 2358 and 2359, and defined in the *The Essential Norms for the Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* in the United States as approved by the Congregation of Bishops on 8 December 2002 and the norms established in *Sacramentorum Sanctitatis Tutela* as promulgated on 5 November 2001 with the subsequently promulgated derogations **and the negative decision** in the offense alleged against the minor Mr. [redacted] as defined above **to be upheld or revised?**
>
> Is the **penalty applied** of permanent removal from All Ecclesiastical Ministry with the admonition that he is to lead a life of prayer and penance **to be upheld** or revised?

Furthermore, this Second Instance Court incorporated into the *acta* all the materials submitted in First Instance as well as those referenced by the Advocate and submitted by him.

II. IN IURE.

This Court adopts as its own the Law Section of the First Instance Court with several additions with the possibility of the penalty being revised should the guilty findings be upheld.

Mindful that this matter was similarly legislated by the 1917 Code of Canon Law in Canons 2358 and 2359, §2, the Court begins with the legislation concerning this delict from the 1983 Code of Canon Law for the Latin Church:

> Can. 1395. § 1. A cleric who lives in concubinage, other than the case mentioned in can. 1394, and a cleric who persists with scandal in another external sin against the sixth commandment of the Decalogue is to be punished by a suspension. If he persists in the delict after a warning, other penalties can gradually be added, including dismissal from the clerical state.
>
> §2. A cleric who in another way has committed an offense against the sixth commandment of the Decalogue, if the delict was committed by force or threats or publicly or with a minor below the age of sixteen years, is to be punished with just penalties, not excluding dismissal from the clerical state if the case so warrants.

The grave nature of this delict and of allegations of this delict is further indicated by the derogations granted by the Holy Father on April 25, 1994. In a rescript responding to a petition made by the United States Conference of Catholic Bishops *[hereinafter* USCCB], the Supreme Legislator conformed the norm of Canon 1395, §2 to the norm of Canon 97, §1 so that for an initial period of five years, this delict would involve offenses against the Sixth commandment of the Decalogue with anyone below the age of eighteen years. In the same rescript he modified prescription so that a criminal action would not be extinguished until a longer period of time had passed. This particular legislation was made more explicit and extended to the universal Church by *Sacramentorum Sanctitatis Tutela (Graviora Delicta)* of April 30, 2001.

§ 1. Reservation to the Congregation for the Doctrine of the Faith is also extended to a delict against the Sixth Commandment of the Decalogue committed by a cleric with a minor below the age of eighteen years.

§2. One who has perpetrated the delict mention in § 1 is to be punished according to the gravity of the offense, not excluding dismissal or deposition.

With regard to this delict, in response to a petition made by the USCCB, on December 8, 2002 the Apostolic See gave the *recognitio* for the Norms that upon promulgation became particular law for two years for the Church in the United States of America. Upon expiration of the time period, the Apostolic See gave the *recognitio* to the revised Norms; these were promulgated on May 5, 2006 and became particular law for 'the dioceses, eparchies, clerical religious institutes and societies of the apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States ... [note # 1]'. In this matter, the particular law for the Church in the United States legislates: For purposes of these Norms, sexual abuse shall include any offense by a cleric against the Sixth Commandment of the Decalogue with a minor as understood in *CIC,* canon 1395, §2 and *CCEO* 1453, §1 *(Sacramentorum Sanctitatis Tutela,* article 4, §1) [Preamble, final paragraph].

When even a single act of sexual abuse of a minor by a priest or deacon is admitted or is established after an appropriate process in accordance with canon law, the offending priest or deacon will be removed permanently from ecclesiastical ministry, not excluding dismissal from the clerical state ... [Norm 8]

.If the case would otherwise be barred by prescription, because sexual abuse of a minor is a grave offense, the bishop/eparch may apply to the Congregation for the Doctrine of the Faith for a derogation from the prescription, while indicating relevant grave reasons ... [Norm 8A]

Mindful of the norm of law with regard to the passage of time as it applies to this delict (Canon 1362), in view of the *recognitio* given to the above-cited legislation, it is noted that a derogation from prescription may be given.

In understanding what constitutes a juridic offence against the Sixth Commandment of the Decalogue, the opinions of Moral Theologians are to be considered. The focus of these manualists is sacramental confession, but they provide analyses of what constitutes the act, the gravity of the act and the significance of intentionality. This enables a clearer understanding of the nature and scope of the delict. This is necessary because allegations of this delict often involve more, or actions other, than just a completed act of sexual intercourse, either heterosexual or homosexual. There are a variety of possible physical contacts as well as a complex psychological dynamic which the delict can entail. As the law simply states the name of the delict, and there is little available dicasterial jurisprudence, these analyses assist the judges in assessing whether or not a delict has been committed, and if so the magnitude of the act.

With regard to determining the possible sexual content and moral gravity of an act which involves solely touching or other physical contact, the Reverend Henry Davis SJ, comments:

> *Si vero protrahantur sine causa et concomitante delectatione vererea sunt gravia peccata* (Moral and Pastoral Theology [London & New York: Sheed and Ward, 1959], vol. II, page 248).

If the act has been protracted and lacks a justification while providing sexual gratification, then it is gravely sinful, and concomitantly a crime. In describing the nature of imperfect, that is non-consummated, same-sex acts, the Rev. Edward Genicot, SJ writes:

> *Imperfecta dicitur quando inter personas eiusdem sexus non datur coitus seu copula (applicatio corporum cum penetratione et effusione seminis) sed concubitus tantum, i. e. application corporum et unius saltem genitalium, sine penetratione sed cum voluptate complecta conaturaliter sequente, ut si fit inter duas feminas, vel etiam inter duos viros it tamen ut effusion seminis extra vas posterum peragatur* (Institutiones Theologiae Moralis [*Bruxellis: L 'Edition Universelle S.A.*, 1939], vol. 1, page 319)

With regard to physical contact, if it is because of *'tantum officii, aut moris patrii, aut am oris honesti vel benevolentiae augendae causa,* it may not be a violation of the Sixth Commandment of the Decalogue (opcit., page 331). However, if the act

is motivated by sexual pleasure, then it is a violation of the Sixth Commandment of the Decalogue:

> *Hoc actus ponere intendendo delectationem veneream complectam vel incomplectam, semper grave peccatum est, ex intentione luxuria directe voluntaria* ... (opage cit., page 329).

In Moral Theology if the intention which motivates an act is for venereal pleasure, it is grave matter: thus it would be the delict. For such gravity of matter, it is not necessary that there be complete sexual intercourse, either heterosexual or homosexual. Incomplete, that is imperfect, acts which are motivated by a desire for sexual or psychologically venereal pleasure are grave matter and consequently fit within the definitions of the delict. In determining the character and gravity of act, what is intended is of more significance than the completed emission of semen in some particular action.

With regard to physical contact, the Reverend Antonio M Arregui, SJ teaches:

> *Tangere ... sine justa causa morose et cumcommotione venera, mortale est .. .[tangere I etiam supra vestem, generatim mortale est. .. (Summarium Theologiae Moralis ad Codicem luris Canonici accommodatum [Bilbao: Editorial EI Mensajero del Corazon de Jesus,* 1952J, #268).

Thus even contact over clothing may be grave matter and consequently a delict. This will be articulated clinically by the various *peritii* who are quoted below. In determining the responsibility for, and the gravity of, an act, the classic Moral Theology manual by the authors H. Noldin, SJ and A. Schmitt, SJ underscores the subjective significance of the person who is acting:

> *Delectatio igitur venerea (vel pollutio) in causa volita grave est peccatum, si ipsa causa ex se graviter in turpem commotionem injluit (Summae Theologiae Moralis, vol I De Principiis, De Sexto Praecepio [Romae: Oeniponte,* 1924J, #13).

And more specifically with regard to personal responsibility:

> *Si fiunt ex prave et libidinoso affectu, licet ex se parum in libidinem influant ut aspectus mulieris, contrectatio manus etc., semper grave peccatum sunt propter intentionem gravite malam; ideo nihil refert, utrum actus ipsi magis an minus turpes sint. .. Si jiunt ex sola intentione delectationis sensualis*

leve peccatum sunt, nisi inducant proximum periculum commotonis carnalis et consentiendi in delectationem veneream, ut evenire potest, si cum aliquo afJectu et mora exerceantur (opagecit., #52

In discussing alternative sexual appetites, the authors comment:

> *Peccata, quae ab Us committuntur, qui hac perversione laborant, sunt pollutiones per tactus provocatae et concubitus sodomitici. Si perversa inclinatio in pueros fertur, paederastia vocatur, ...* (opagecit., #47).

With regard to actual physical contact, even over clothing, they write:

> *Tangere personam eiusdem sexus in partibus inhonestis sine iusta causa grave est, etsi mediate supra vestes tantum fiat, quia multum commovet.: Tangere personam eiusdem sexus in partibus minus honestis exclusa prava intentione, vix erit peccatum, saltem grave ...* (opage cit., #55).

An external violation of the Sixth Commandment of the Decalogue can involve simply physical contact. Therefore, a complete act of sexual intercourse, either heterosexual or homosexual, is not required. If the intention of the contact is for sexual pleasure, then it is a violation of the commandment; if it involves a minor it is also a canonical delict. This is succinctly stated by a *peritus* in the law who describes in a negative fashion what constitutes the delict:

> *Non e necessario che gli atti di lussuria siano consumati, ma bastano anche atti non consumati, quali toccamenti* 0 *bad libidinosi, contatti di organi sessuali, ecc.* (Antonio Calabrese, Diritto Penale Canonico [Citra del Vaticano: Libreria Editrice Vaticana, 1996], page 354).

This juridic understanding of a violation of the Sixth Commandment of the Decalogue, based on Moral Theology, did not begin with the 1983 Code of Canon Law. Commentators on the 1917 Code of Canon Law commonly held that 'an offense against the sixth commandment' refers generically to 'crimes of lust' (Pio Ciprotti, *De consummatione delictorum attento eorum elementum obiectivo: Caput IV,* Apollinaris 9 [1936], pages 404-414]. Bringing together both the insights of Moral Theology and the juridic norms, the Catechism of the Catholic Church states the following:

The tradition of the Church has understood the sixth commandment as encompassing the whole of human sexuality (n. 2336)

Along with the teaching of moral theologians, to understand this delict, and in accord with the norm of law (e.g., Canon 1574), the researched, validated, and generally accepted insights of psychology and the mental health disciplines are

quite relevant. This is important not just to provide an intellectual framework to comprehend the delict, but also to evaluate the facts, the testimony and all other evidence to determine if the clinical indicators of the delict are present. The opinions of *periti* are needed not just for the juridic theory but also for the evaluation of proofs.

Consistent with the above-quoted canonical opinion, the American Academy of Child and Adolescent Psychiatry has defined sexual abuse of minors in the following manner:

> Sexual abuse of children refers to sexual behavior between a child and an adult or between two children whom one of them is significantly older or uses coercion. The perpetrator [offender] and the victim may be of the same sex or the opposite sex. The sexual behaviors include touching breasts, buttocks, and genitals, whether the victim is dressed or undressed, exhibitionism [indecent exposure], fellatio [oral stimulation of the penis], cunnilingus [oral stimulation of the female vaginal area], and penetration of the vagina or anus with sexual organs or objects. Exposure to pornographic material is also sexually abusive to children ... *(Practice Parameters for the Forensic Evaluation of Children and Adolescents who may have been physically or sexually abused,* 1997)

The literature indicates that there is no definitive indicator of a sexually abused child, but there are symptoms that present frequently in young survivors; these include anxiety/numbing, hypersensitivity, depression, alcohol and/or drug use, problem sexual behaviors, and aggression. Another symptom is an attachment abnormality; the victim cannot give up the attachment to, and involvement with, the perpetrator [Ross Colin, The Trauma Model: A Solution to the Problem of Comorbidity in Psychiatry (Manitou Communications: 2000) page 286]. In defining sexual abuse of a minor, the American Academy of Pediatrics notes the significance of age symmetry in differentiating sexual abuse and sexual play; what may be sexual play for age-symmetrical individuals is abuse for age-asymmetrical individuals:

> The sexual [abuse] activities may include all forms of oral-genital, genital, or anal contact by or to the child, or non touching abuses, such as exhibitionism, voyeurism, or using the child in the production of pornography. Sexual abuse includes a spectrum of activities ranging from rape to physically less intrusive sexual abuse. Sexual abuse can be differentiated from "sexual play" by determining whether there is a developmental asymmetry among the participants and by assessing the coercive nature of the behavior. Thus, when young children at the same developmental stage are looking at or touching each other's genitalia because of mutual

> interest, without coercion or intrusion of the body, this is considered normal (i.e., nonabusive) behavior. However, a 6-year old who tries to coerce a 3-year-old to engage in anal intercourse is displaying abnormal behavior, and the health and child protective systems should be contacted although the incident may not be legally considered an assault. Children: or adolescents who exhibit inappropriate sexual behavior may be reacting to their own victimization. (Committee on Child Abuse and Neglect, Guidelines for the Evaluation of Sexual Abuse of Children)

Echoing the teachings of the moral theology manualists, an Australian National Child Protection Clearinghouse research paper spoke of sexual abuse of a minor as relating to any use for sexual gratification

> Put simply, child sexual abuse is the use of a child for sexual gratification by an adult or significantly older child/adolescent (Tower 1989). It may involve activities ranging from exposing the child to sexually explicit materials or behaviors, taking visual images of the child for pornographic purposes, touching, fondling and/or masturbation of the child, having the child touch, fondle or masturbate the abuser, oral sex performed by the child, or on the child by the abuser, and anal or vaginal penetration of the child. Sexual abuse has been documented as occurring on children of all ages and both sexes, and is committed predominantly by men, who are commonly members of the child's family, family friends or other trusted adults in positions of authority ... Finkelhor (1979) argued against the term sexual assault and sexual abuse because he felt they implied physical violence which, it was contended, was often not the case... Finkelhor favored the term sexual victimization in order to underscore that children become victims of sexual abuse as a result of their age, naivete and relationship with the abusive adult. (Issues in Child Abuse Prevention Number 5 Summer 1995, Update on Child Sexual Abuse, by Adam M. Tomison

Observing the above-quoted reference to 'trusted adults in positions of authority' and flowing from the juridic delineation of the delict, the Court is mindful of the issue of answerability. It is the presumption of the law that the actor (in this circumstance, a cleric) is responsible for his behavior, unless the opposite of this presumption of the law can be proved. This is the presumption in the doctrine and jurisprudence dealing with matrimonial consent (Canon 1101) and it is the presumption in penal trials as the following canon notes:

> Can.1321, §3: When an external violation has occurred, imputability is presumed unless it is otherwise apparent.

The Court then turns to the substantive material upon which a decision about the delicts that have been alleged will be made. Direction for this judicial *munus* is provided again both by doctrine and jurisprudence. The general norm is that proofs of any kind that seem useful for adjudicating the case can be brought forward (c.f., Canon 1527, §1). More specifically, a norm addresses the manner in which the Tribunal of judges uses the proofs:

> Can. 1608 §1. For the pronouncement of any sentence, the judge must have moral certitude about the matter to be decided by the sentence.
>
> §2. The judge must derive this certitude from the acts and the proofs.
>
> §3. The judge, however, must appraise the proofs according to the judge's own conscience, without prejudice to the prescripts of law conceming the efficacy of certain proofs.
>
> §4. A judge who was not able to arrive at this certitude is to pronounce that the right of the petitioner is not established and is to dismiss the respondent as absolved, unless it concerns a case which has the favor of law, in which case the judge must pronounce for that.

The norm of Canon 1572 is also of significance because so much of the acta is the testimony of witnesses. That Canon legislates how such testimony is to be evaluated:

> Can. 1572: In evaluating testimony, the judge, after having requested testimonial letters if necessary, is to consider the following:
>
> 1° what the condition or reputation of the person is;
>
> 2° whether the testimony derives from personal knowledge, especially from what has been seen or heard personally, or whether from opinion, rumor, or hearsay;
>
> 3 ° whether the witness is reliable and firmly consistent or inconsistent, uncertain, or vacillating;
>
> 4° whether the witness has co-witnesses to the testimony or is supported or not by other elements of proof.

Of significance also is the norm of Canon 1579, §1 which directs the Court to consider not just the conclusions but also the other findings of the case which a *peritus* might identify. This norm, which is evident also in Rotal jurisprudence, pertains whether the *peritus* is appointed by the COUlt or a professional whose work is incorporated into the *acta* from previous efforts with the same party.

Given the antecedent *iter processulis* of these cases in the United States today, the norm of Canon 1536, §2 must also be noted. Because *in tempore difficile* statements may have been made, it is essential that the evidentiary weight assigned to such statements be guided by canonical doctrine:

> Can. 1536: §2. In cases which regard the public good, however, a judicial confession and declarations of the parties which are not confessions can have a probative force which the judge must evaluate together with the other circumstances of the case; the force of full proof cannot be attributed to them, however, unless other elements are present which thoroughly corroborate them.

In a further elaboration of the above-cited canonical norm, the jurisprudence teaches that the truth emerges not from one or other element but from the whole complexus of the case. In a decision dealing with a case of simulation, a Rotal Auditor has noted:

> *Quod autem spectat pondus argumentorum, quibus nisus Iudex requisitam moralem certitudinem sibi comparare valet, recolatur veritatem non esse ex uno alterove elemento eruendam, sed ex toto causae complexu (coram* Rogers, 19/XII/64, #6, as found in *S.R.R.Dec.* 56 [1964], page 956).

The truth comes not from one or another element, but from all the elements taken together. Similarly in a decision dealing with simulation rendered by an earlier Rotal Auditor:

> *Quae etiam veritas resultat aliquando ex multis indiciis et probationibus, quae sumpta seorsim certitudinem vix ingerunt, at unita maxime iuvant (coram* Felici, *17/V/52,* #2, as found in SRRD 44 [1952], page 448).

This jurisprudence on the whole complexus, or constellation of facts if you will, of indices underscores the significance, in the evaluation of proofs, of patterns of behavior. Again, the decisions of the Rota dealing with simulation of consent, both total and partial, illustrate the judicial importance of such patterns of behavior. In a decision resolving a case on the grounds of simulation of consent *contra bonum fidei,* a noted Rotal Auditor wrote:

> *Confessio itaque simulantis non necessario verbis facienda est: sufficit fiat factis, quae verbis sunt aliquando eloquentiora: dummodo ramen facta sint plura, sint certa, sint univoca, id nempe in communi aestimatione demonstrent, noluisse partem contrahentem se vinculo matrimonii obstringere* (coram Felici, *24/IV/56,* #3, as found in SRRD 48 [1956], P 403).

As then Msgr. Felici noted, if the behavior is present, it is not necessary that the proper words be used to respond to the question before the Court; the facts speak louder than the words.

For the finding of this Tribunal, because the presumption of the law is the innocence of the *reus* (2006 Essential Norms, Norm 6), the Reverend Judges must have moral certitude to overcome the presumption of the law and find for his guilt. The Code legislates this requirement in Canon 1608, as quoted above. With regard to moral certitude, it must be remembered that the dynamic of this canonical standard of proof differs from common law. In common law, not only is believability figured into the standard, but also the quantity of evidence; thus, the language is phrased as 'the preponderance of evidence' and 'beyond a reasonable doubt'. In canonical doctrine, while the quantity of evidence is a consideration, the dynamic uses the quality of the evidence more significantly. In the former, quantity can affect the weight of the evidence. In the latter, the search for truth moves toward an act of moral judgment about the quality of what has been brought forth. It is the exclusion of a reasonable doubt that does admit the absolute possibility of the contrary. This is significant in a case in which the evidence is the narrative of the parties, along with the background, circumstances and context that surrounds them. Moral certitude requires a judgment about the quality of what both parties have presented and the context of the situations, which are taken as a whole. As Pius XII stated in his address to the Roman Rota on October 1, 1942:

> Sometimes moral certainty is derived only from an aggregate of indications and proofs which, taken singly, do not provide the foundation for true certitude, but which, when taken together, no longer leave room for any reasonable doubt on the part of a man of sound judgment. This is in no sense a passage from probability to certainty through a simple cumulation of probabilities, which would amount to an illegitimate transit from one species to another essentially different one ... ; it is rather to recognize that the simultaneous presence of all these separate indications and proofs can have a sufficient basis only in the existence of a common origin or foundation from which they spring, that is, in objective truth and reality... Consequently, if in giving the reasons for his decision, the judge states that the proofs which have been adduced, considered separately, cannot be judged sufficient, but that, taken together and embraced in a survey of the whole situation, they provide the necessary elements for arriving at a safe definitive judgment, it must be acknowledged that such reasoning is in general sound and legitimate. (#2)

And of added relevance is the further statement of the Holy Father of the relationship of procedure to the attainment of this moral certitude:

> Hence you see why, in modern, even ecclesiastical, procedure, the first place is given, not to the principle of juridical formalism, but to the maxim of the free weighting of the evidence. (#4)

With regard to the integrity of judicial procedure, the Reverend Judges are distinctly mindful of the right of defense. As the Code specifically legislates:

> Can. 1620 A sentence suffers from the defect of irremediable nullity if: ... 7° the right of defense was denied to one or the other party; ...

To understand what the right of defense correctly entails in a judicial process, the Reverend Judges look to the jurisprudence of the Apostolic Tribunals. In a decision of the Roman Rota, the present Dean writes

> *Quare substantiali iure defensionis is certo spoliatus habetur, qui nec actioni a parte adversa in iudicium deductae contradicere valuit ob agendi ration em ipsius Tribunalis, nee probationes tempore instructionis collectas impugnare, nec pro priam declarationem iudicialem facere, nee argumenta exhibere quoad factum circa quod iudicium versabatur...* (coram Stankiewicz, 22/XII84, #5, as found in Monitor Ecclesasticus 113 [1988], pages 320-327).

That is, a substantial denial of the right of defense takes place when the adversarial party is not able to offer a contradiction, or when he is not able to oppose the proofs which have been gathered, or when he is not able to present his own side of the story in court, or when he is not able to present arguments about the contested issue in court. This is further enunciated in a decree of the Apostolic Signatura

> *Admitti nequit doctrina Tribunalis circa ius defensionis partis conventae, quod non solum requirit ut conventa audiatur, verum etiam itt iure contradicendi reapse gaudeat* (SA 19989/88 VT, mi. C, n. 4).

Foundationally, the right of defense consists not just in being heard, but in having the opportunity to contradict the evidence. However, the jurisprudence also teaches that this is not merely a formalism, In this, the Rota echoes the teaching of Pius XII that was quoted above. In assessing the integrity of a judicial process, the Rota assesses whether or not the parties know the proofs and have an opportunity to respond to them. Commenting on the difference between observing all the solemnities and the essentials of the judicial process, in a marriage case the then-Dean Pompedda observes

> *Concludendum quapropter est defuisse quidem iudicii sollemnitates sed essentialia processus (actricis petitionem, determinationem obiecti litis, citatione malterius partis, Vinculi Defensioris interventum, facultatem sese defendendi utriusque partis) tecta servata fuisse, atque ideo processus nullitatem nullornodo sustineri*

(coram Pompedda, *17/VI/85*, #16, as found in SRRD 77 [1985], page 291).

In understanding the right of defense, the Reverend Judges look to the opportunity to know and react to the proofs; they look to the essentials of the process. The creative innovation of non-Codal procedural steps will be understood as faux-solemnities urged upon the Court by a zealous Advocate. However, the appropriate efforts of a responsible Advocate are required by the norm of law (Canon 1723).

In these cases, it is also important to remember how Canon 1620 is phrased:

Can. 1620 A sentence suffers from the defect of irremediable nullity if: ...

7° the right of defense was denied to one or the other party; ...

The accused is one party. However, it is the Ordinary who has the responsible to institute a judicial or administrative process when a penalty should be applied (Can. 1341). And in these cases, it is clear that the Apostolic See itself is involved according to ST. The procedure specified in ST requires the votum of the Ordinary. It furthermore requires the Ordinary to inform the Congregation of the Doctrine of the Faith if there has been a change in circumstances. This would likewise apply to the Apostolic Administrator during the time of transition after the death or resignation or transfer of the Ordinary. Therefore, the Ordinary and the Administrator have an obligation to do what is required in the law. The Promoter of Justice is acting on behalf of the Ordinary in lodging the libellus with the proper Court. However, the exercise of that role by the Promoter of Justice does not absolve the Ordinary nor the Administrator from that obligation. Therefore, to exclude the vota of these officials acting on behalf of the common good of the diocese would be in effect also a denial of the right of defense of the diocese.

Finally, the Reverend Judges recall the force of particular legislation in the application of a penalty for this delict. As cited above, Norm 8 of the 2006 USCCB Essential Norms required that if there is moral certitude about the delict having been committed, then 'permanent removal from ecclesiastical ministry, not excluding dismissal from the clerical state' is indicated. The reason for the application of the penalty is for the protection of the common good of the diocese and for the Church as a whole.

In this regard in this case, since the penalty of permanent removal imposed by the Court of First Instance is to be either upheld or revised, there is guidance in the 1995 USCCB document on *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State.*

Once an external violation has been proven, imputability is presumed unless otherwise evident (*nisi aliud appareat*) (c. 1321, §3). This is a *presumpitio iuris*. It is, therefore, rebuttable, but only by admissible evidence, not simply by bare denial.

Under the 1917 Code, the accused had to prove with moral certitude that the presumption of *dolus* was not verified in his case (*donec contrariumprobetur* in c. 2200, §2). That level of proof is no longer required in order to rebut the presumption of imputability, But sufficient evidence must be introduced which makes it clear to the judges that the presumption lacks force and that a reasonable doubt exists concerning imputability in this particular case, a doubt which must be resolved for a morally certain finding of guilt. In this regard, the tribunal must be careful not to substitute statistics or hypothetical theories for evidence. It is the actual deliberation and freedom of the accused cleric himself that is at issue, and it is only sufficient evidence about the accused's own imputability that will rebut the presumption.

For instance, some might think that there is an inherent impossibility in dismissing a pedophile from the clerical state since the proof of the accused's psychological illness, manifested by the external violations, is itself proof of his lack of full imputability. This kind of facile and simplistic statement is incorrect. It would render the prescription of canon 1395, §2 meaningless in se, relegating its application to some sort of imaginary cleric who, though free of all psychological illness and disordered desire, chose, with impeccable deliberation and freedom, to abuse a young person sexually. Though assisted by the advice of experts in the field of psychiatry, the tribunal must not permit itself to become a spiritual or psychological counselor. It must remain always and only an interpreter of the law and a judge of proven facts.

The following represent some of the rules and facts that a tribunal might take into account in deciding whether the penalty of dismissal may be imposed. We are assuming here that at least one external act of sexual abuse of a minor has been proven with moral certainty and that the only issue before the tribunal is whether the imputability of the accused and the circumstances warrant dismissal from the clerical state.

1. The presumption of canon 1321, §3 resolves the doubt in the external forum. Without evidence of facts which clearly show that the imputability of the accused was diminished, the tribunal must find in favor of full imputability.

2. The years of seminary formation in theology and spirituality as well as the exercise of the ministry (particularly, the act of judging others in the confessional) support the presumption that the accused understood the immorality of what he was doing.

3. The tribunal's judgments about sin, rationality, and freedom should be grounded in Christian anthropology. The fact that society has, in many ways, lost a sense of serious sin or personal culpability does not mitigate the individual cleric's guilt if he has adopted such a clearly un-Christian attitude.

4. It is unlikely that an accused cleric who has sexually abused a minor is free of all psychological illness. The existence of such an illness and its effect on imputability, however, must appear from the evidence. Thus, if the accused has introduced expert testimony that he suffers from such an illness, the tribunal can admit such testimony and give it appropriate weight. Such an illness, however, should not be automatically equated with lack of personal responsibility for the external violations themselves. Despite the illness, the accused may have been fully aware of the nature and consequences of his actions and have possessed sufficient freedom in a theological sense, to be charged with not merely grave, but full mputability as understood in the penal law. For example, when the accused has repeated evil acts over and over again without self-reform, this should not necessarily be deemed, in some sort of deterministic fashion, to lessen his imputability. In a way, the more a person identifies himself with his repetitious acts the greater the imputability may be of those acts. In short, if the accused claims to have been subject to a compulsion, the judges must evaluate the meaning of compulsions, the exact nature of the one claimed, and the evidence of the degree of its influence on the accused in the commission of the delict.

5. Canons 1324-1326 serve as a guide for the tribunal in weighing all the mitigating and aggravating factors that may have an effect on imputability and the severity of the appropriate penalty. It should also be noted that particular law can determine other exempting, mitigating, or aggravating circumstances, and specific circumstances can be set down in a precept which will exempt, mitigate, or aggravate the penalty threatened in that precept (c, 1327).

6. Two mitigating factors that may occur are the lack of the use of reason caused by drunkenness or some other narcotic agent as well as the commission of an act in the heat of passion (c. 1324, §1, 2°-3°). Of course, if one is aware that drunkenness or narcotic use often leads to such acts and decides to drink or ingest such narcotics anyway, the resulting loss of the use of reason does not diminish full imputability (c. 1325). Similarly, when passion is freely stimulated or fostered by the accused, it cannot be taken into account as a mitigation if imputability (c. 1325).

7. Even if full imputability is shown to have been lessened in the particular case or there are other mitigating circumstances, the tribunal must also take account of aggravating circumstances as described in canon 1326. It may be that the cleric used his position in the Church or his authority or his office to commit the offense (c. 1326, §1, 2°). If a cleric uses his familiarity with parishioners or other youth to create situations in which such acts are committed, or as an authority figure,

exercises undue influence over the victim, the acts become even more heinous and admit of more severe punishment, offsetting the mitigation which might otherwise be applicable.

8. Another common aggravating circumstance may be recidivism. When the accused, because of his own history and self-awareness, foresees what is going to happen and takes none of the precautions to avoid such acts that a reasonably prudent person would take, the resulting acts may warrant a more severe penalty. In other words, prior acts which contribute to the occurrence of foreseeable intentional acts may counteract the mitigation which might result from a lessening of freedom through compulsion. One who is aware of a tendency toward a certain delict has the responsibility to take due precautions — e.g., the persons he associates with, his use of alcoholic beverages, the need for psychiatric therapy, the nature of the ministerial assignment he accepts. To omit such precautions can be grounds for infliction of a more severe penalty.

9. Finally, related to recidivism is the situation where a cleric is charged with several violations of canon 1395, §2. Multiple delicts may demonstrate an ingrained pattern of behavior that convinces the tribunal that (he accused is incorrigible and represents a real threat to young persons in the future, A delict may also be aggravated by the fact that it violates more than one provision of the code. For example, the cleric in question may have sexually abused a minor with force or threats or in some public fashion, or may have also solicited the minor in the confessional. In such situations, the justification for dismissal from the clerical state may be extremely strong even though some psychopathology may have diminished the malice or culpability involved in the acts.

10. The accused's iniputability is an essential element of any decision to dismiss a cleric from the clerical state. It cannot be looked upon simplistically nor can any legal rules alone settle the matter in some sort of mechanical fashion. The actual facts and circumstances of the accused cleric himself, his history, the context within which the proven acts took place and especially the gravity of the acts must all be taken into account. The tribunal must balance both mitigating and aggravating circumstances to determine whether dismissal is in fact warranted or a lesser penalty suffices in light of the threefold goal of reparation of harm, restoration of justice, and reformation of the cleric.

III. IN FACTO

In this case, there are three persons who made formal accusations of sexual abuse of them as minors against Marvin T. Knighton as a cleric.

In this case, Marvin T. Knighton has consistently stated that these accusations are false. In his appearance before these judges, he categorically denied that he had sexually abused anyone. He did not engage in sexual activity with anyone in violation of his sacred status as a cleric.

In this case, Marvin T. Knighton and his Advocate have consistently questioned the credibility of the accusers and pointed out deficiencies in the process after a certain point. This Court, however, also has to address the issue of the Accused's credibility. It begins with an assessment of his history and outlook on that history.

Marvin T. Knighton, one of the first two African-american priests ordained for the Archdiocese of Milwaukee, has been consistent in his quest to regain his active status as a priest and to address the deficiencies he sees in the activity in the United States to stop the clerical abuse scandal. He considers himself as a victim of a type of prejudice against those who have been accused.

This being a victim of prejudice is something that had its roots for Marvin T. Knighton in his seminary years by those who opposed his being a black becoming a priest. He cites as his friends and chief supporters in those days both Archbishop Cousins and his classmate now Bishop Joseph Perry.

In his Penal Trial testimony, [redacted] said:

> Marv has always talked about his great love for the priesthood and felt that that was his calling and his vocation. Yet at the same time, he wanted to do what he felt he wanted to do. Authority was one big hurdle for Marv, and that has always been a hurdle for Marv (Penal Trial, Witness "K", page 18).

Marvin feeling that he was called to be a priest led him on a journey that began in Detroit where he had been born in 1950. However, because he had not been accepted in the Detroit seminary, he entered St. Lawrence Seminary, Mt. Calvary, Wisconsin, in 1967 for part of that year. This seminary was run by the Capuchins. In 1970, he would return to the seminary as a college student at St. Francis College. He would go into St. Francis Seminary for his theology in 1971 and then be ordained in 1975.

According to his last statement to the Court, that first year of 1967 was not without some problems. According to Marvin, there were some conflicts from the college days. One of those that entered into whether or not he should be ordained is his non-completion of the requirement that one have a college degree. This is referenced by Marvin in a letter to Archbishop Cousins.

In this letter, one can read for oneself how Marvin argues for his point based on his having already sent out the invitations and how he knows at that time that he is perceived as bending the rules and being disobedient. He is doing those things because of his desire to serve and serve where he thinks best.

This point is also brought out in Marvin's letters about his assignments.

But it is also reflected in his field experience that plays out in the first allegation chronologically. As [redacted] would point out:

> We were at the seminary at that time in the theologate. Father lived at Holy Angels, as a seminarian at that time. He did not live on the seminary campus which was required, and somehow he was able to exceed that requirement (Penal Trial, ibid, page 3).

Marvin explains this fact as follows:

> "I was living at the then St. Boniface Rectory with the Capuchins with the 'permission' of the late Msgr. William Schuit who was then rector. I was granted this permission so I could get an understanding of the then Black Community in Milwaukee. I was living with the Capuchins who at the time were ministering to that parish. I was not at Holy Angels until I became a deacon" (MTK, 30 July 2007 e-mail).

Marvin was doing what he wanted to do, but with permission obtained because he had the desire as a black man to understand the "Black Community in Milwaukee" to prepare himself to serve well.

This independence is an important factor in this case in assessing the credibility of the Accused. This Court does not question the sincerity of Marvin Knighton. But the proof taken from a number of witnesses points to the conclusion that Marvin at times sees things as he sees them in a different way than others look at the same facts. A key purpose of law is to keep order. When someone keeps bending or stretching the law, there can be disorder. In this case, the disorder seems to be in the perception of Marvin Knighton about his behavior compared to the perception of others in authoritative positions or as peers or also as subjects of his influence or authority.

This outlook of the Accused is a factor in this case because it could color how he views the reality of the facts as presented by others. It is a case that in the viewpoint of the Accused and his Advocate rests heavily on the credibility of the Accusers as well as on himself as the Accused and on the trustworthiness of the process used in arriving at the conclusions being appealed.

As the Court of First Instance noted, the Advocate is faithful to the viewpoint of the Accused in arguing for alternative explanations of the facts as presented by others. The preponderance of the argumentation of Marvin Knighton and his Advocate is

that the proofs presented by others have alternative explanations leading to positive doubts about their credibility. The argument is that moral certainty does not allow for any positive doubt.

And yet, the law section presents the doctrine of moral certainty as reached more on the quality of the proofs indicating the truth rather than on their quantity. Moral certainty does not exclude the possibility of doubt. It does mean that the one who reaches this moral certainty is assured of the truth of the heart of the matter.

This Court will address each of the accusations and then draw its conclusions.

The first accusation is that of [redacted] And the first issue to be resolved is whether the accusation should be considered if Marvin Knighton had not yet been ordained a deacon.

Rather than dancing around determining the dating depending on the place where the incident occurred, this Court takes the accused at his word and places it in 1973, a least "prior to his being ordained a deacon" in 1974 (Appeal, p. 22; Chancery File, p 344). In that context, the "behavior" of the accused was dismissed as not the "concern" of the Court. The reason given is that Marvin Knighton would not have then been a cleric. This line of reasoning as to the timing of the incident is accepted by the investigators based on the instructions for the penal trial and by the accused.

However, it is very clear that Archbishop Amato meant to be very specific in stating that the investigation be restricted to "only those delicts he is alleged to have committed while in the clerical state" (Appeal, p 15).

This Court notes that Marvin Knighton has admitted becoming acquainted with [redacted] at this time . Marvin would have been 22 or 23. The allegation could have occurred a little later than 1973 but before the accused's ordination to the diaconate on 4 May 1974. But even the accused waffles on the dating since it goes from 1972 to 1974 (Penal Trial, pp. 8, 17). He asserts that there was no more contact with [redacted] after May 1974.

This Court respects the wording of Archbishop Amato, but notes that his intent is to restrict the judicial process precisely to those actions allegedly committed by the accused as a cleric. And in this instance, Marvin Knighton was a cleric because he was tonsured on 17 March 1972. The provision in canon 1313 is specified in §2 as applying to the imposition of penalties and not to one's status in law.

According to the First Instance Decision, Marvin Knighton became a cleric on 7 [sic] March 1972 (p. 16). The decree of Pope Paul VI *Ministeria quaedam* was not issued until 15 August 1972. The effect date that tonsure would no longer be conferred and that joining the clerical state was tied to the diaconate was 1 January 1973. Canon 9 is applicable since the new law effective in January 1973 would have regarded only the future since it did not explicitly "provide for the past." Legally, Marvin Knighton was a cleric at the time of the incident alleged by [redacted]

The proofs from the Archdiocese of Milwaukee's personnel file and the seminary record indicate very clearly that Marvin Knighton was tonsured and thus entered the clerical state on 17 March 1972. Noteworthy in the following record is the specificity of the action performed. There is the Oath of Stability signed by Marvin T. Knighton on 7 March 1972 and by the seminary rector who witnessed his taking this oath in his presence as a "candidate for admission into the Clerical State". Moreover, there is the statement in the register from the Archdiocese that "On Friday, March 17, 1972, the Most Reverend William E. Cousins admitted the following seminarians to the Clerical State in the Immaculate Conception Chapel, St. Francis School of Pastoral Ministry" among whom Marvin T. Knighton is listed.

However, the Court notes that Marvin Knighton has no memory of this event. That seems puzzling since it should have been an important point in his achieving his dream. It would have been a foundation for the kind of at least moral authority he seems to have possessed in the minds of [redacted] aunt and uncle although Marvin states his authority as coming from his being assigned to do youth work by the pastor.

The place where the alleged behavior took place is consistently where the accused was living. The problem is pining down the location of that place.

One argument would make this St. Boniface Rectory. "I was living at the then St. Boniface Rectory with the Capuchins with the 'permission' of the late Msgr. William Schuit who was then rector. I was granted this permission so I could get an understanding of the then Black Community in Milwaukee. I was living with the Capuchins who at the time were ministering to that parish. I was not at Holy Angels until I became a deacon" (MTK, 30 July 2007 e-mail). And yet, in the Penal Trial statement of the accused he states that met [redacted] through his aunt and uncle at Holy Angels Rectory where he worked before and during his diaconate (Penal Trial, p 5). And it there that [redacted] would have stayed overnight in a "guest room" (Ibid, p. 5). And this would have been at the beginning of the accused's time at Holy Angels (Ibid, pp. 6-8). Marvin Knighton is very clear about his doing youth work there at the direction of Fr. Weber (Ibid, p. 13). He also states that there would be a change in the relationship with his ordination to the diaconate as the reasoning why the incident would have taken place prior to that ordination (Ibid, p17).

The occasion for the meeting of [redacted] and Marvin Knighton would have been that this minor was having trouble with his father and that his aunt and uncle wanted some help for him.

The place in [redacted] testimony is an apartment at the YMCA or at Holy Angels. It would be a single room with a queen-size bed. It had a distinctive bed-spread like one knitted by his grandmother. This recollection of the place as an apartment is affirmed by his mother who learned from [redacted] about the allegation three or four years before being reported to the civil authorities.

[redacted] associates the incident with Fr. Knighton's priesthood ordination. But he was not going to church in those days. His relationship with Fr. Knighton happened because of [redacted]. However, once the incident happened, Fr. Knighton cleaned himself up and broke off his association with [redacted]

This association of [redacted] with Marvin through the [redacted] is affirmed by him consistently in his sworn statements.

The problem in establishing an exact place is in part due to what [redacted] describes as Fr. Marv's idea of ministry as needing to live close to the people. It meant his arranging to live outside the seminary where most of his classmates lived, then at Holy Angels, and in another place downtown (p 560). This behavior is affirmed by Marvin in his 13 July 1975 letter to Archbishop Cousins (p. 1577). In his 28 February 2004 interview with [redacted], Marvin states that during the time in question, 1972-1974, he also spent some nights at the St Charles Boys Home. This would fit the kind of place remembered by [redacted]

The Court does note that there is an alternative explanation of the place. It is clear from Father Knighton's statements that he did have his own apartment after ordination to the priesthood. If [redacted] would be correct about the dating in terms of the actual years and if his mother is accurate about the habit of "Father" Knighton taking young people to the "Y" and about the apartment, then there would be no question about the Accused's being a cleric.

The behavior in question from p35 of [redacted] Penal Trial as described by Mr. [redacted] is: "Mr. [redacted] then immediately began a description of himself lying behind Father Knighton guiding Mr. [redacted] hands onto Father Knighton's penis, masturbating Father Knighton. This part of Mr. [redacted]s story seems to be consistent from the beginning" (Appeal, p. 18). The behavior is asserted by Mr. [redacted] two times (Acts, p 383, 400).

Then Mr. [redacted] adds that this action "is quite distinctly different from Mr. [redacted] description of Father Knighton being the assertive, hugging, touching, physically very strong person whom he otherwise describes" (Appeal, p. 18). The accused admits hugging as the kind of physical contact he would have had provided the person was comfortable with it (Penal Trial, pp. 17-18). [redacted], however, also speaks about Fr. Knighton's "kissing" him ([redacted], p. 6, Acts 383).

Although Marvin Knighton denies that anything sexual happened, it is clear that something unsettling seems to have happened. Some remember that he admitted the accusation prior to all the publicity, e.g. Mr. [redacted] where Fr. Marv as "the one he said probably happened, it's so old that the civil courts won't touch it" (Acts p. 469). [redacted] remembers his "rather startling admission" to Fr. "Joe Horniseck and myself (acts 522). There are the arguments about what the "mistake" was. The key point consistently about the mistake was the dating, i.e. in 1973 prior

to his ordination as a deacon (Acts pp. 523-533) Marvin Knighton is unusually consistent with "No comment" in this regard. There is both the admission that "There was inappropriate behavior" and the "No Comment" in his 28 February 2004 interview with [redacted] (p 1830)..

This Second Instance Court is more concerned with what are the facts indicated consistently in the accusation of [redacted] and the facts asserted by the accused Marvin Knighton than with the character of Marvin Knighton as one who could push boundaries at that time in his life. These years were years of experimentation with field education and the beginning of alternative living arrangements. Marvin Knighton had his reasoning for his requests that were acknowledged with the permission of the rector and was doing what he was appointed to do by his pastor Fr. Weber. The focal point is his personal behavior with the accuser. The years in question were years when some things happened because circumstances were looser than they had been or are now. The allegation of the behavior itself is consistent as acknowledged even by the Advocate. The place and the approximate dating is described well by the Accused. These are the primary facts on which the Court must focus.

The secondary details in the memories of both the Accused and the Accuser are admittedly sometimes unclear. Focusing too much on the trees can obscure the fact that one is looking at a distinct forest. The memory arguments made by the Advocate cut both ways in relation to the Accused and the Accuser. One alternative explanation would be that [redacted] is accurate as the dating in which the incident occurred between Marvin's ordination as a deacon and before his ordination as a priest. In this instance, he would have been a cleric also.

The primary point of discrepancy between Marvin Knighton and the official records of the Archdiocese of Milwaukee is that he was in fact tonsured. It may be simply a lapse of memory on the part of the Accused.

The primary point of discrepancy between Marvin Knighton and the witnesses is his denial that he kissed people on the lips and their statements that he did. [redacted] accuses Marvin Knighton of this behavior. And so does [redacted] and others. [redacted] states that Marvin both hugged him and kissed him on the lips when that latter came to visit him when his mother was in the hospital (Civil trial, Acts p. 611). This point of discrepancy will be addressed more later.

The proofs presented for the allegation of [redacted] have come from a number of sources. The persons who gave witness statements were interviewed more than one time for the most part. Despite some minor differences in detail, they are consistent as to the principal facts as to the time main frame, the place as Marvin's residence, and to something of a sexual nature even if it was considered a "mistake" by the Accused at one time in his being question and admitted on another occasion to a co-worker. Even the Advocate notes the consistency about the sexual act of the Accused at issue with the minor. The status of the Accused was that of a cleric.

The Second Accusation is that of [redacted] This accusation is that of behavior that occurred on more than one occasion.

[redacted], the accuser, remembers clearly meeting then Fr. Marvin Knighton through his mother on the street while playing basketball. Fr. Marv was helping his mother who had been [redacted] was in the 7th grade and 12 or 13. He found the first meeting awkward for him since Fr. Marv both hugged him and kissed him "on the lips". This began a period of their spending time together playing basketball at the Cousins Center, swimming, or spending the "night at his house." Then at the Cousins Center, there was [redacted] feeling awkward at being told by Fr. Marv to take off his swimming suit while showering and then to hear comments by Fr. Marv about his penis ([redacted] 6-11). There was one incident when Fr. Marv's hand touched [redacted] penis on the hand off of a towel. What is striking is how [redacted] reacted in that he was a bit frightened, but also did not want to lose this person who was supporting him (pp. 617-619). Then while sleeping over at Fr. Marv's house, Fr. Marv would get into bed with [redacted] which at first he thought was being tucked in. However, Fr. Marv began to kiss him and call him [redacted] and grind on him even thoug[redacted] would try to resist at first. Fr. Marv was much larger than he. The behavior progressed from the kissing to the humping or grinding. There were at least one incident also of this grinding behavior in the swimming pool. This was the same kind of behavior [redacted] would experience with women. [redacted] asserts that he is heterosexual (BTK, 11-14). [redacted] remembers consistently that he felt Fr. Marv's penis as Fr. Marv grinded or humped on him. This behavior seems to have happened most often with Fr. Marv's clothing on (Acts 624-629).

[redacted] stated very clearly at the civil trial that he felt the behavior was wrong, but was afraid to confront it because he looked up to Fr. Marv as father figure whom he needed (Acts 624-629). [redacted] relates that later [redacted] told him that he had experienced similar behavior (pp. 15-16). And this was also confirmed as similar behavior with [redacted] (p.16). [redacted] also speaks about Fr. Marv pulling down his swimming trunks even in front of his adopted sons (p. 20).

These behaviors including attempts to push the accused away are affirmed by [redacted], [redacted]'s stepmother, as being told her by [redacted] before his [redacted], pp.8-10). [redacted], [redacted]'s father, affirms hearing from [redacted] about the incidents in question. He had even asked Fr. Marv if [redacted] could stay over at his house [redacted], 8-10, Ac262-264). It would not be until [redacted] was 17 and had been in treatment that the accusations came out. There is no reason in the witness's mind to doubt the accusations of his son. This witness is most upset about what he considers Marvin Knighton's explicit lying about not kissing others.

One detail that was significant for the accused's civil lawyer was that [redacted] could not recall that Fr. Marv had ejaculated. One reason would have been the sweating and that he had on clothing.

One detail about which Marv is consistent is that he did not kiss [redacted] on the lips (p. 1007). He will admit to kissing people on the cheek (p. 1044). He denies hugging [redacted] after the first time they met because [redacted] resisted the touch (p. 1004). He denies any sexual type contact (p. 1004).

The time frame for the accusation to have come out was 1993. This is in the report and the recollection of [redacted] (p. 523). The revelation of the behavior was a gradual one. It began a bit with his step-mother, then with his father, and finally with the detective for the Archdiocese and a lawyer suggest by his mother. The more he talked, the more he revealed (pp. 770-771).

The time frame for the behavior would be before [redacted] began high school and through out until the behavior came out first with [redacted]'s step-mother and then with his father. [redacted] met Fr. Marv at the time of his graduation from grade school in June 1987. It is supposed to have begun before [redacted] started high school in September 1987. The incident in the pool would have happened in September or October of his sophomore year, 1988. The behavior declined in his sophomore and junior years as [redacted] could distance himself more from Fr. Marv. Fr. Marv had a notebook with dates that [redacted] stayed over with a number of those dates in 1988.

The place of the behavior would be principally at Fr. Marv's home, i.e. except for the incident at the pool. It is clear from Fr. Marv's notebooks as well as from Mr. [redacted] tha[redacted] began staying over at the father's request in June 1987. Mr. [redacted] helped Fr. Marv remolded his basement into a guest room finished in 1989 after the latter had adopted his two sons in July 1989 (pp. 1019-1023). It is clear that the father's relationship with [redacted] deteriorated after the time of [redacted] It would be a stormy relationship between father and son until after [redacted] received treatment for [redacted]

The time frame for the accusation to have come out was 1993. This is in the report and the recollection of [redacted] (p. 523). This is also affirmed by the Accused. The revelation was a gradual one. It began a bit with his step-mother, the with father, and finally with the detective for the Archdiocese, and a lawyer suggested by his step-mother. The more he talked, the more he revealed (pp. 770-771).

In 1993, the accusations of abuse by Fr. Marv were revealed to his step-mother and then his father. As a result, there was a confrontation between Mr. [redacted] and then Fr. Marv. As a result of this Fr. Marv contacted then Fr. Joseph Perry, who advised him to contact the vicar for priests, and then the diocesan attorney. Since nothing came of the incident at that time, it was dropped.

The accusations themselves are called into question as a [redacted] because [redacted] had been [redacted] that had ended the relationship between Fr. Marv and himself in 1992. This [redacted] is given by the Advocate and the Accused as a reason to [redacted]. There is no proof that this

[redacted] What is consistent is that there were reasons for the behavior not being revealed before. [redacted] notes that he had not confronted the behavior at the time it occurred because it had begun as a result of the [redacted] that he was not sure he would be believed, and that it did not become a major issue for him until he had to look at all his past in his treatment for [redacted] And when it came to light as result of treatment, nothing seems to have happened.

The Advocate and the Accused both noted that the therapist in 1993 should have reported the incident to the civil authorities at the same time the Accused presented the accusation to the archdiocese.

However, in 2002, [redacted] did come forward to begin the process that led ultimately to both his civil and his ecclesiastical trial. His concern was that Fr. Marv could still have many years ahead of him as an active priest. It was the time when allegations of sexual abuse of minors by priests was becoming known. And it was a time as a result of the civil trial that SNAP became involved. It was an occasion for [redacted] and [redacted] to come forward. However, of the two only [redacted] pursued his allegation before the ecclesiastical court.

One point made by Marv's attorney at the civil trial is that anything that might have happened before April 21 or 22 of 1988 would be excluded as prosecutable because of the statute of limitations in Wisconsin. However, that same statute would not apply in an ecclesiastical trial.

The key difference in this second allegation is the clear "He said; He said" nature. [redacted] alleges the behavior; Fr. Marv denies it.

[redacted] has been consistent about what happened with Fr. Marv even though it did not come out all at once initially in 1993. And in one instance in 2002 at the meeting with a number of people including Marvin and [redacted], [redacted] did say that there had be no inappropriate touching. However, since that time, it has been consistent. The key point is that there was kissing and hugging and grinding that [redacted] can only interpret as sexual in nature because of what he has since experienced with women. The story has not changed. Its support in dating is upheld by Fr. Marv's own notebooks and testimony. The reason for [redacted] staying over with Fr. Marv at his house is a matter of record supported by [redacted] father and Fr. Marv.

Marvin Knighton has consistently denied this allegation. The one teacher and then principal of St Pius High School affirms his denial of this allegation as well as his admission of the first. He admits being a hugger and even that he kisses on the cheek. However, he states explicitly that he would not have hugged [redacted] after that first instance when he met [redacted] through [redacted] mother. This assertion by Marvin Knighton is contrary to the experience o[redacted] as seen by both [redacted] father and another person present at the [redacted]. For someone who acknowledges himself as a hugger, his denial seems strange to this Court.

As the civil trial brought out, there are some inconsistencies on dates and exact places in Fr. Marv's house for the incidents involved in the pattern of abusive behavior alleged by [redacted] And yet, the pattern fits the timing. The motivation for [redacted] being in Fr. Marv's home is well established from the sworn statements of [redacted] and Fr. Marv as well as of [redacted] The reason for [redacted]'s hesitation in bringing up the behavior is his respect for Fr. Marv as well as for his mother who occasioned their meeting. One can even conclude that this kind of powerful respect was evident in that one meeting where [redacted] waffled .

The preponderance of the proofs favor the substantial credibility of [redacted]

Another reason for this conclusion is the third allegation itself. [redacted], a classmate of [redacted], alleges the identical kind of abusive behavior in the swimming pool at the Cousins Center. There is also a sleep-over at Fr. Marv's home. The sleep-over is affirmed by Marvin. Again Marvin denies the allegation. A discrepancy between the two is whether or not [redacted] That [redacted] had a [redacted] problem is clear from more than one source. That this was still going on in high school is denied by [redacted] and his mother. That this kind of behavior can still be episodic in time of stress later on is also known to occur. That the abusive behavior occurred is not something that the investigator doubted. How the two could have come up with the same description was a puzzle also to Marvin.

Although it was not presented to the ecclesiastical Court directly by the alleged victim, there is the matter of record in the preliminary canonical investigation that the mother of [redacted] stated that another of her sons also reported to her that Marvin Knighton had abused him. This "hearsay" allegation is referred to by Archbishop Dolan in his correspondence with CDF. Marvin admits that this other son "may have stayed the night with me" (MTK, p. 6). It is the same conversation that is referred to a number of times in that within it the mother had talked to her sister about the cousin [redacted] to find out that he was doing well and had denied any allegation of abuse by the Accused.

There are three allegations which were presented to the Court of First Instance. The Court found two of them proven; the third by [redacted] was not proven through the normal process of being affirmed by witnesses.

These allegations are once again denied by Marvin Knighton. The argument is made over and over by his Advocate that there is a problematic memory on the part of the witnesses and prejudice by the Court and by some officials of the Archdiocese of Milwaukee. And so, this Court has to turn to the pressing question of the credibility of Marvin Knighton.

The statement of [redacted] is one that is used both by the Court of First Instance and by Marvin and his Advocate. The key is to understand both what is said and not said. What is said is that Marvin Knighton from his days in the seminary has a habit of envisioning things in his own way and making them go in that way as far as he

can, sometimes going beyond and outside of what his superiors and peers alike think proper. What is not said is that Marvin Knighton is a bad person or is being directly disobedient in that statement.

As an example of this behavior in the seminary as he approached ordination first as a deacon, then as a priest. Marvin Knighton chose where he wanted to live. And he moved several times. He had permission for these experiments for which he had argued based on his own condition and how he saw himself as serving the Church. Then he argued that he be excused from the ordinary requirements of ordination in terms of a degree and pushed for this based on what he had already done in having his invitations printed. And then he did not fulfill the condition to which he had agreed in getting the required degree. He was envisioning things in his own way and making them go that way as far as he could, sometimes going beyond and outside what his superiors and peers alike thought proper.

Another example is his adoption of three sons. Marvin in his statement to the Court justified his adoption of the first two children as motivated by what another priest had done without objection in Detroit as well as the seeming approval of the Holy Father John Paul II of that behavior. He felt badly about the situation of the two South Korean boys and was moved to adopt them without the explicit permission of his Ordinary. And yet how his Ordinary viewed Marvin's actions is very clear in the interchange of correspondence that is part of the substantive acts. While Fr. Marvin explained his decision to sponsor the original two sons in his letter of 22 September 1988, it was also clear in another letter of 5 September 1989 that he had the intention to adopt then. In another statement of 25 August 2003, Marvin stated that he had adopted three children without the sanction of the previous Archbishop.

This Court was asked to take a look at all the proofs presented. And it has sought to do exactly that. One of those points made by the Advocate over and over is that the civil trial cleared the Accused. And yet, the nature of the proofs allowable in that trial excluded some proofs presented here precisely because of statute of limitations. And so, the Court of First Instance and this Court had more proofs than the civil court.

These proofs are the substantive ones.

There are two other "proofs" noted by the Promoter of Justice in Second Instance that are either procedural or confidential and not subject to publication. Thus, the documents were "withheld". These documents are procedural in that they are the cover letters or "vota" called for in the procedural law in Sacrosanctorum Tutelia at the time a case is iniitially submitted or should an update be needed. However, their content has been made known to the defense.

The first procedural letter was submitted by the then Archbishop of Milwaukee noting an allegation not formally lodged. This allegation was not pursued because it was not formally presented although it is referred to in the acts of the civil trial as

well as in the current promoter's response to the Advocate's brief. This document in question is not a formal part of the susbstantive acts. However, its content should be known to the Advocate from the Promoter's brief. The second procedural letter was by the then Administrator of the Archdiocese by way of an update to the CDF. It reported the behavior of the Accused as being a concern since he had been pursuing employment that would be questionable because it would in effect put him in what morally could be considered a proximate occasion for committing the same behavior of which he had been accused. It would be contrary to leading a life of prayer and penance. The "penance" part of the penalty is meant to assist the person from getting into the problematic situation. This content should be known to the Advocate and the Accused because they presented their letters to the Administrator and to the Vicar for Priests as well as the letters sent to the Accused. The procedural letters reports this exchange.

The Advocate for the Accused consistently argues for an alternative explanation for almost every act in the case presented by every person except the Accused. He is certainly doing his duty in representing the Accused. And yet, he himself notes how consistent is the presentation of the behavior of the accused in touching at least one of the victims. It is this point that the Court accepts as established.

Moreover, the Accused does not deny at least a playful kind of touching that is described as a "grinding" or "humping" one by the accusers although he would qualify it as "Horseplay." The behavior is noted by one of the accusers as familiar from his own relationship with women. It is the kind of touching that most would conclude was sexual in nature rather than simply playful if it occurred more than once.

This latter is a pattern of behavior that while seemingly acceptable to Marvin Knighton is contrary to the norms used by the professionals in the area of sexual abuse. Moreover, it fits the standards developed by the moral theologians in this regard. Whether the accused was clothed or not is irrelevant.

The Accused denies having done anything of a sexual nature with the Accusers. The Accusers have not alleged a completed act of intercourse or sodomy. Some would limit "sexual acts" to those completed acts. Marvin Knighton is not accused of performing an act with [redacted] in which there was ejaculation. Marvin Knighton is accused of an action in which his penis would have been felt by the Accusers. The first chronological accusation is one of masturbation by another. The second and third are of what is a mounting type behavior from the rear. These actions were perceived by the Accusers as unsettling, but inescapable at the moment. They were done by one in a position of authority. They are understood by the experts as to fulfill the criteria for sexual abuse. They were in these cases performed by one who is a cleric.

The Accused seems not to understand the meaning of what cannot be denied as his own behavior. Or he is again interpreting things in his own way. That the Accused has a tendency to do this with some of his actions has been proven.

The Accused has more than once asserted that the Civil Trial clears his name and that the Arizona licensing system has admitted him to serve in the school system there. And yet, the Civil Court had less proofs than this Court and was hindered by what was a statute of limitations.

This Court has not hindered the Accused and the Advocate from presenting additional proofs nor limited the briefs of the Advocate. It has sought to protect the right of defense.

The Court has sought to listen to both the Promoter and the Advocate as well as the Accused. The Court has gone through the proofs studied by the First Instance Court as well as the new ones presented. The Court recognizes that there are some discrepancies and weaknesses in some of the individual proofs. However, this Court concludes that the constellation of proofs coalesce and point to the fundamental truths underlying them. The overall argumentation in First Instance is sound.

What was alleged at least in the cases of [redacted] and [redacted] had come out before the civil and canonical proceedings. In [redacted] case, they had been revealed to his first wife several years before they were to his mother three or four years before 2002. What came to light in 1993 from [redacted] did not change in 2002.

And, now that the proofs have been reviewed and the fundamental argumentation presented, the Court concludes with moral certainty that the Accused is guilty of having violated the Sixth Commandment as a cleric with Mr. [redacted] a minor. Moreover, this Court concludes with moral certainty that the Accused is guilty of having violated the Sixth Commandment as a cleric with Mr. [redacted], a minor. Thus, this Court upholds the affirmative decisions of the Court of First Instance. Finally, the Court affirms the finding of Negative relative to the allegation as to its having been proven. However, it notes the allegation is not without merit.

And so, the Court turns to the upholding or revision of the penalty imposed by the Court of First Instance. That penalty was a "permanent removal from All Ecclesiastical Ministry with the admonition that Marvin T.Knighton is to lead a life of prayer and penance."

In this case, Marvin T. Knighton has abided by his removal from all ecclesiastical ministry. And he has vigorously objected to the treatment of at least some in the similar condition.

In this case, Marvin T. Knighton has also vigorously defended his actions in adopting three children despite the fact that it is also clear that his actions in his adoption of the first two children was objected to by his Archbishop and the third adoption had

to be known by the Accused as a violation of the policy of his archdiocese. These were decisions made in conscience without clear permission from the appropriate authority.

The purpose of a life of prayer and penance canonically is to keep one away from occasions of sin and to make reparation for any scandal. In this instance, the behavior pattern of Marvin T. Knighton seems to be that of one who can blame others, but not see the consequences of his own actions. What in his eyes could be called "horseplay" may be a hugging or kissing that goes beyond his intention if judged by the norms agreed upon by the experts in the arena of sexual abuse.

While it is true that the decision in the Civil Court led to his being able to regain his status as a teacher in Arizona, the issue for this Ecclesiastical Court is whether or not he can understand or accept the moral norms involved to at least avoid the scandal of an ecclesiastic engaging in the kinds of behavior that others find uncomfortable and unsettling. The proofs presented by those who experienced his behavior first-hand are at odds with his own presentation of himself and his justification for his behavior.

In this instance, there are not only three allegation of violation of the sixth commandment. The one allegation is supported as having happened by his own admission. It may have been a one-time situation. However, the circumstances in which it happened were not avoided subsequent to the event. In fact, Marvin T. Knighton acted in such a way that he would not only have a residence away from a rectory, but his own residence in which the kind of behavior that had occurred once could more easily happen again.

Marvin T. Knighton may very well have gifts that would enable him to work very successfully and well as an educator working with young people. However, the issue before this Court is whether the Catholic Church can sanction this in him as a cleric. It does not seem reasonable to expect him to lead a life of prayer and penance due to old age or disability.

Marvin T. Knighton's chosen lifestyle increases the likelihood of possible future scandal for the Church by his actions. He has a habit of pushing the boundaries seen as protective of the clerical lifestyle beyond what is acceptable.

There has been no reason to suspect that Marvin T. Knighton suffers from any psychological or emotional disease. Although he did not complete the process for his graduation as a condition for his ordination, there is no reason to conclude that he suffers from any disability preventing his being able to know or to understand the appropriate Catholic morality. And so, the Court sees no reason to mitigate his culpability in regard to an external violation of the sixth commandment.

And so, in this case, it seems unlikely that the cleric can be rehabilitated. The justice that is envisioned to protect the common good requires the co-operation of the one

penalized. Thus, this Court judges that the penalty imposed by the Court of First Instance should be revised upward.

For all of these reasons, this Court imposes the penalty of dismissal from the clerical state upon Marvin T. Knighton.

However, this Court also urges the Archdiocese of Milwaukee to provide a means to compensate Marvin T. Knighton in some way for the retirement benefit that would been earned in theory for his actual years of service to the diocese.

DISPOSITIVE

CONGREGATION OF THE DOCTRINE OF THE FAITH

This Court of Appeal of the Congregation of the Doctrine of the Faith upholds the findings of the Court of First Instance of the Archdiocese of Milwaukee in the AFFIRMATIVE as to the proven guilt of Marvin T. Knighton as a cleric of the allegations of the sexual abuse of a minor by a cleric presented by Mr. [redacted] and Mr. [redacted] This Court also uphold the finding of that same Court of First Instance in the NEGATIVE as to the guilt of Marvin T. Knighton of the allegation of the sexual abuse by a cleric of a minor presented by Mr. [redacted]

As a penalty for his violations of the obligations of the clerical state, this Court furthermore dismisses Marvin T. Knighton from the clerical state. He is permanently removed from the exercise of any ecclesiastical ministry except as provided in the Code of Canon Law and any faculties or privileges or compensation that would accompany the clerical state from the date of the execution of this decision unless it be part of the severance agreement reached by the Archdiocese of Milwaukee in view of justice due to his past service to the people of God.

This decision is to be published to Mr. Michael Ritty as Advocate "for his eyes only". It is to be published to the Archbishop of Milwaukee for the purposes of a review by Marvin T. Knighton without his receiving a copy. All are to be reminded of the Pontifical Secret in these matters.

As a decision of the Congregation for the Doctrine of the Faith acting on behalf of the Supreme Pontiff, this Decision is not subject to appeal.

Signed, decreed, witnessed, and published on this 13th day of January 2011 at the Tribunal Office of the Archdiocese of Cincinnati, Ohio, U.S.A.

[redacted]

Reverend [redacted], JCD, STD

Presiding Judge

[redacted]

Reverend [redacted], JCL

Associate Judge

Reverend Joseph R. Binzer, JCL
Notary

[redacted]

Reverend [redacted]

Associate Judge and Ponens

TRIBUNAL - ARCHDIOCESE OF CINCINNATI, OHIO

BE IT KNOWN TO ALL

that this case is explicitly subject to the Pontifical Secret (art 25. *Gravior Delicta. Normae Processualis);* this applies to all information, processes and decisions associated with this case (*Secreta continere*, February 4, 1974 [*AAS*, 66 1974, pages 89-92]).

ARCHDIOCESE OF MILWAUKEE

DEPARTMENT FOR HUMAN RESOURCES

April 5, 2002

E. Michael McCann
Office of District Attorney
821 W. State St.
Milwaukee WI 53202

Dear Mr. McCann,

Per our conversation yesterday, I am sending you copies of two recent reports I took of allegations of sexual abuse against minors by Fr. Marv Knighton, for your consideration and investigation. Both [redacted] and [redacted] are aware I am taking this action, and are supportive.

Fr. Marv Knighton does not know of this action, per our protocols, so that your office may first make him aware of it. However Fr. Joe Hornacek and I have discussed the allegations with Fr. Marv Knighton (and he has denied them), because we previously interpreted these allegations as falling within our protocol for allegations outside of statute of limitations. I sincerely apologize for any mistake we made in this regard. Fr. Marv Knighton was notified on April 2, 2002 that he has been removed from any form of ministry in the Archdiocese of Milwaukee.

I now understand from you that you are interested in any abuse of minors occurring since July 1, 1989. I can assure that we have recently reviewed all of our files and have no other reported incidents since that date.

Please let me know how I can provide you with whatever additional assistance you may need.

Sincerely,

Barbara Reinke

Barbara Reinke, Ph.D.
Director, Project Benjamin

C: Archbishop Weakland
Bishop Sklba
Fr. Joe Hornacek
Barbara Anne Cusack
Matt Flynn

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3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207-0912
PHONE: (414)769-3300 • FAX: (414)769-3408 • E-MAIL: humanresources@archmil.org • WEB SITE: www.archmil.org

Entry for the File of Father Marvin Knighton
By Barbara Reinke

April 19, 2002

I spoke with Paul Tiffin, an Assistant District Attorney. He informed me that his office sees the possibility of a charge filed against Fr. Marv Knigton by [redacted] He said that the next step for him would be to turn it over to the Wauwatosa Police Department to investigate. He assured me that they would let us know if any charge is filed. He understands the importance of us managing disclosure on that. In his opinion it is not necessary for us to continue to press Fr. Marv Knighton for a Child Protective Service investigation, seeing that we have no reason to suspect any abuse of his son.

BR:saz

AUG - 6 2002

Gesu Parish

1210 West Michigan Street
P.O. Box 495
Milwaukee, WI 53201-0495
(414) 288-7101

August 1, 2002

Dear Barbara,

Greetings from Gesu...and a note to try to put more clearly than I did last Sunday morning the concern that I have about Project Benjamin and the clergy abuse scandal.

From reading the Journal Semtinel from the time this broke months ago, my impression is that the Journal Sentinel quite consistently did not give Project Benjamin good marks in dealing with the victims of clergy sexual abuse. My impression is that the Journal Sentinel intimated that Project Benjamin was more inclined to be on the side of Archdiocesan lawyers. Project Benjamin was not really listening to victims.

Based on this impression, the question I was asking is whether the Journal Sentinel reporting was biased or whether there is foundation for their stance.

Along this line, I pass this along. I heard this at the Sunday morning meeting. It is hearsay, but I pass it along. I was told that when a victim involved in the case against Father Marvin appeared recently before Project Benjamin, the perpetrator, Father Marvin, was present along with lawyers. I repeat, this is hearsay, but if true, doesn't sound like Project Benjamin is listening to victims, but in this case was causing more pain.

Barbara, thanks for listening, and courage, as you continue to deal with extremely difficult problems.

Kenneth J. Herian, S.J.

Kenneth J. Herian, S.J.
Associate Pastor

NAME:	Marvin Knighton
DATE OF BIRTH:	[redacted]
AGE:	52 years old
DATE OF ALLEGATIONS BROUGHT:	Feburary 25, 2002 and March 28, 2002
DATE OF INCIDENTS:	1985-1991 and 1975 or 1976
NATURE OF ALLEGATIONS:	1975 victim: having boy masturbate him 1985-1991 victim: hugging, kissing, pressing self against boy, comments regarding boy's sexual immaturity and girlishness
REPORTED TO CIVIL AUTHORITIES:	1ST incident outside of statute of limitations; 2nd incident reported to Milwaukee District Attorney Office
NUMBER OF KNOW VICTMS:	two
AGE OF VICTIM AT TIME OF INCIDENT:	1975 victim: 115-16 1985 victim: 14-18
AGE OF VICTIM WHEN NOTIFIED PROJECT BENJAMIN:	29 years old and 42 years old
ON GOING CONTACT WITH VICTIM:	yes, by Project Benjamin
SETTLEMENT AGREEMENT(S):	
PRIEST'S THERAPY:	none
RESIDENTIAL:	none
ONGOING:	none
CURRENT THERAPIST:	none
CLINICAL EVALUATION FROM THERAPIST:	N/A
ON-SITE MONITOR:	none

487. Marv Knighton
June 20, 2001 Marv is phoned in response to his voicemail message that he's back in town. He arrived about June 2nd and is staying in an efficiency apartment in a motel in Wauwatosa [redacted]. He was not chosen for Vice Principal for Academics at Pius H.S. for which he applied. He enjoyed both his H.S. ministry and parish help-out in Phoenix but found the climate and culture challenging. He was particularly disturbed by the unhealthy, emotional problems of many of the clergy and is happy to be back home. He will meet with the Archbishop and then get back to Vicar. He is encouraged to contact Pat Reiser for weekend helpouts.

JFH

533. Marvin Knighton
July 9, 2001 Church of Phoenix sent a check of $2000 for the retirement fund of Marv Knighton in accordance with their provisions for non-incarnated priests serving Phoenix in 2000-01. I informed Marv of its arrival and forwarded it to Wayne Schneider.

KS

631. Marv Knighton
August 21, 2001 Vicar speaks to Maureen Gallagher about her willingness to discuss a special position for Marv Knighton relative to his working with staffs of Choice Schools. Hornacek will confer with Archbishop about his feelings of Marv working for the Diocese in that position. Vicar then meets with Marv and has him registered for health insurance effective July 1st, 2001. Vicar tells Marv he will talk to Rembert and Maureen and one of us will contact him after Friday. Marv is to contact Vicar after an interview tomorrow for possible Associate Principal position in a suburban school district.

JFH

646. Marv Knighton
August 27, 2001 Maureen Gallagher reports she had a fine meeting with Marv Knighton. She will proceed to write up a job agreement for him which will take effect on September 1st 2001.

JFH

677. Marv Knighton
September 5, 2001 Vicar receives copy of Archbishop's letter to Marvin Knighton appointing him consultant in Office for Child, School and Youth Ministry from September 1, 2001 until June 30, 2002.

JFH

147. Marvin Knighton
February 20, 2002 Marvin is interviewed by Vicar for the Placement Board. He has been very pleased with his current assignment as Consultant for Office for Child, School and Youth Ministry. He hopes to find an administrative position in education here in the Archdiocese and would like till end of March to pursue this, and would also like to serve as an Assisting Priest in a parish that has a Parish Director.

JFH

187. Marv Knighton
February 28, 2002 Marv Knighton meets with Vicar and Dr. Reinke and is confronted with allegation of sexual abuse by [redacted]. Marvin states that [redacted] father [redacted] confronted Marv at a store years ago when an allegation of sexual abuse may have surfaced by [redacted] n therapy then at Milwaukee Psych Hospital. Marv denied this to [redacted] and reported the incident to Vicar [redacted] who sent him to Matt Flynn. Matt convinced Marv not to sue for defamation of character and to drop the issue. Dr. Reinke will schedule a meeting for [redacted] and his therapist (and father and stepmother if [redacted] desires) together with Marv, Vicar and herself as the next step. Vicar verbally shares this progress report with Bishop Sklba. JFH

E SKC BF

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. BOX 2018 • MILWAUKEE, WISCONSIN 53201 • PHONE 414/769-3300

OFFICE OF THE ARCHBISHOP

August 8, 1988

[redacted]

Dear Father Knighton,

It is with great pleasure that I ask you to join the Faculty at Pius XI High School. Following the recommendation of the Personnel Board, I am happy to entrust this office to your pastoral care beginning on August 1, 1988. This appointment is being made for a period of time up to six years, after which time it will be reviewed for possible renewal.

As my representative, you are called upon to serve the needs of God's people so that they can take their rightful place as baptized Catholics in their own Faith-community and in society. Your mission, like my own, is one of teaching and sanctifying. To accomplish this mission, I ask you to work closely and in collaboration with the administration of Pius XI High School.

It is a privilege to share my ministry with you. May God's blessings fill your life.

Sincerely yours in the Lord,

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

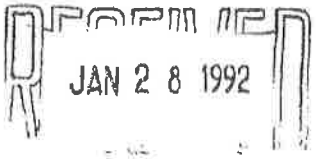
REV. MARVIN KNIGHTON

'THE HOME'

[redacted]

[redacted]

January 27, 1992



Rev. Thomas Venne
Vicar for Clergy Personnel
Archdiocese of Milwaukee
P.O. Box 07912
Milwaukee, Wisconsin 53207-0912

Dear Thomas:

As of February 1st I unofficially will be serving at Blessed Sacrament Parish until June or when a position opens for me. Fr. Robert Katorski, pastor of Blessed Sacrament needs a third priest (newly ordained will be assigned in June) and I have helped-out there for 5½ years. I am grateful to him requesting my presence at Blessed Sacrament.

Beginning February 1st I won't need the partial salary checks, nor will my health benefits need to be paid by the diocese. Those financial concerns, including health will be handled by the parish. I will remain on Pius XI high schools' package until I am assigned. Blessed Sacrament will be responsible for the billings to Pius. I will notify Pius high school regarding this change.

I am again grateful to you, Tom Trepanier and Archbishop Weakland for your concerns and understanding. Please keep me in your prayers during these time of discernemnt. I will do the same for you and the personnel board.

Sincerely,

Marv T. Knighton

Rev. Marv T. Knighton

cc.
Archbishop Rembert Weakland O.S.B.
Rev. Thomas Trepanier
Rev. Robert Katorski-Pastor, Blessed Sacrament

ARCHDIOCESE
OF MILWAUKEE
3501 SOUTH LAKE DRIVE • P.O. Box 07912 • MILWAUKEE, WISCONSIN 53207-0912 • PHONE 414/769-3300

OFFICE OF THE ARCHBISHOP

Copies to: Bishop Sklba
Vicar for Clergy Personnel
Priests' Personnel Board
Chancery

MAY 26 1994

May 23, 1994

His Excellency
The Most Reverend Thomas O'Brien
400 East Monroe
Phoenix, Arizona 85004

Dear Tom,

Marv Knighton, a priest in good standing in the Archdiocese of Milwaukee, has asked me about the possibility of transferring to Phoenix. I am willing to grant an excardination so that he can begin a trial period for the Diocese of Phoenix according to canon 267.

I would be reluctant just to grant permission for him to be on loan to another diocese, as such a permission would affect negatively the morale of the priests of this diocese. I am sure he has informed you that he has legal responsibility for two boys.

If there is more information needed, please let me know. Peace, Tom.

Sincerely yours in the Lord,

+ Rembert G. Weakland

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

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ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 325/200 - 18478

March 24, 2004

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

Thank you for your inquiry regarding the matter of Reverend Marvin T. Knighton. As I indicated in my previous correspondence, the preliminary investigation in this case was particularly challenging. The original investigator was not able to complete the task satisfactorily to the Diocesan Review Board's standards. A second investigator was then assigned and he completed the task and sent the report to the Diocesan Review Board last week. I have now received their recommendation.

While Father Knighton is referring to one situation in which a criminal trial resulted in an acquittal, there are actually three separate allegations against him by three different alleged victims and a fourth reported second hand by an alleged victim's mother. The attached report outlines the circumstances of those allegations. After preliminary investigation, I am satisfied that these have the semblance of truth to them. You will note that there was no collusion in the presentation of the three reports, that Father admits to one allegation of inappropriate conduct, and that the pattern of behavior described is consistent.

I am enclosing the standard reporting form for these allegations. Given Father Knighton's assignment in or independent employment at high schools over the years, I would not be surprised to learn of additional allegations. Father Knighton has a long history of being extremely independent and not accountable for his actions. His personnel file reveals that he would regularly leave a place of assignment on his own initiative and find employment on his own, only later informing diocesan officials. Against explicit directives, he adopted two children and later, again with no consultation or permission, adopted a third child. He has moved out of and back into the diocese frequently, often with no prior notice.

Given the nature of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. In order that justice may be made manifest and healing of the victims and the Church may proceed, I am asking that Reverend Marvin Knighton be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice.

3501 South Lake Drive, P.O. Box 070912, Milwaukee, WI 53207-0912
PHONE: (414)769-3497 • WEB SITE: www.archmil.org

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, if it is your judgement that this case should proceed through a canonical penal process, I humbly request a dispensation from prescription as well as a sanation of any procedural errors that may have occurred during the time this case was under investigation. The severity and frequency of the offenses are such that it is my opinion that these requests are justified. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

+ Timothy M. Dolan

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ARCHDIOCESE OF MILWAUKEE
Prot. No. [redacted]
Reverend Marvin T. Knighton

Date of Birth: [redacted] Age: 54
Presbyteral Ordination: May 24, 1975 Years of Ministry: 29

Diocese of Incardination: Milwaukee
Ministry in other Diocese: Phoenix
Address: [redacted]
Phoenix, Arizona 85028

ASSIGNMENTS:

Year	Assignment	Location	Appointment
August 1975 – June 1976	St. Anne Parish	Milwaukee	In solidum team member
June 1976 – August 1987	Pius XI High School	Milwaukee	Faculty
August 1987 – August 1988	Leave of Absence - Whitnall		
August 1988 – November 1991	Pius XI High School	Milwaukee	Faculty
November 1991 – July 1992	Unassigned - Temp Admin at St. Fred's		
July 1992 – July 1994	Mt. Mary College	Milwaukee	Campus minister
July 1994 – June 1995	Leave of Absence #1		
June 1995 – December 1995	St. Martin de Porres Parish	Milwaukee	Pastor
December 1995 – July 1997	All Saints Parish	Milwaukee	Associate pastor
July 1997 – August 1998	Leave of Absence - School mg		
August 1998 – July 2000	Dominican High School	Whitefish Bay	Asst Principal
August 2000 – June 2001	St. Mary High School	Phoenix, AZ	Campus minister
August 2001 – April 2002	Archdiocese of Milwaukee		Education consultant

ACCUSATIONS:

Year	Victim	Age	Alleged acts	Denunciation
1974 /75	[redacted]	15	Hugging, kissing, forced masturbation at priest's residence; one time; priest admits "inappropriate conduct"	March 28, 2002
1974/75	[redacted]	?	Not specified beyond "sexual abuse" as reported to the mother and handed on to the Archdiocese	March 3, 2004
1988/89	[redacted]	15	Genital touching; one time; in swimming pool at diocesan pastoral center	July 1, 2002
1989-92	[redacted]	13-15	Hugging, kissing, fondling in priest's residence and in swimming pool at diocesan pastoral center	February 25, 2002

CIVIL PROCEEDINGS

Year	Type/case	Conviction	Sentence
2003	Criminal trial – two counts second degree sexual assault	Acquittal	

MEASURES ADOPTED BY THE DIOCESE

Year	Action
2002	Requested his resignation from position in Education Office; resignation accepted Precept issued (April 1, 2002)
2003	Canonical investigation begun upon completion of criminal trial Precept re-issued (September 5, 2003)
2004	Case referred to the Congregation for the Doctrine of the Faith

SUSTENANCE PROVIDED BY THE DIOCESE

Father Knighton is provided with the monthly equivalent of a pensioned priest, $1,250. He is also provided with health and dental coverage.

RESPONSE / RECOURSE BY THE CLERIC

Year	Action
2002	Denies [redacted] and [redacted] allegations, admits to "inappropriate conduct" with [redacted] but states that because it occurred prior to ordination it is not an issue
2003	Sought hierarchical recourse against "administrative decisions" (not specified to the Archdiocese); continues to threaten legal action against the Archdiocese

CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

15 June 2004

PROT. N. 325/2003-19268
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

The Congregation for the Doctrine of the Faith has received the requested documentation you sent on 24 March 2004 regarding the **Reverend Marvin T. KNIGHTON**, a priest of your archdiocese who has been accused of sexual abuse of minors.

After a careful study of the facts, this Dicastery at its Particular Congress of 29 May 2004 decided to grant a derogation from the law of prescription and hereby authorises and instructs Your Excellency to conduct a judicial penal process against delicts allegedly committed by Fr. Knighton after his diaconal ordination, that is to say, only those delicts he is alleged to have committed while in the clerical state. Enclosed is a copy of the *motu proprio Sacramentorum sanctitatis tutela* which contains, apart from particular law for the United States of America, the norms governing such a penal process. Your Excellency is reminded that the acts of the process should kindly be forwarded to this Dicastery upon its completion at first instance.

I take this opportunity to thank Your Excellency for the vigilance that you keep over these serious matters and to offer you my sincere respects. With every best wish, I remain,

Yours devotedly in the Lord,

✠ Angelo Amato, SDB
Titular Archbishop of Sila
Secretary

Enclosure

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
3501 South Lake Drive, P.O. Box 070912
Milwaukee, WI, 53207-0912
U.S.A.

April 8, 1971

[redacted]

Dear Marvin:

Your application for entrance into the St. Francis School of Pastoral Ministry has been accepted by our Board of Admissions and their decision is favorable. Nevertheless, some concern was expressed arising out of the information we have with regard to your development to this point. Our positive ruling on your acceptance, therefore, has to be regarded as probationary. Upon your arrival at the School of Pastoral Ministry next fall, we will be happy to discuss with you what we recognize as matters of concern.

We look forward to having you with us, and working together toward your development into a happy and healthy priest.

Sincerely,

The Reverend Monsignor William N. Schuit,
Rector

WNS/lb

COPY

AGREEMENT AND MUTUAL RELEASE

This Agreement and Mutual Release (hereafter "Agreement") is made by and between [redacted] and the Roman Catholic Archdiocese of Milwaukee, and all of its affiliated entities, schools, and parishes (hereafter "Archdiocese").

[redacted] has brought to the attention of the Archdiocese that he was sexually abused by Marvin Knighton (hereafter "Knighton"), a priest of the Archdiocese, when [redacted] was a minor.

[redacted] and the Archdiocese entered into mediation to achieve reconciliation and restoration, to help repair the harm to [redacted], to address issues of concern to [redacted] about prevention of sexual abuse of minors in the future and reformation of Church practices in this regard, and to otherwise resolve and settle all disputes between them.

Accordingly, the parties to this Agreement wish to resolve and satisfy all claims of any nature that [redacted] has against the Archdiocese, and all of the Archdiocese's employees, agents, officers, directors, affiliates, insurers, and assigns, including, without limitation, all members of the Roman Catholic clergy and all parishes, schools, and religious orders, and any person or entity affiliated with the Roman Catholic Church in the territory of the Archdiocese, arising from the sexual abuse of [redacted] by Knighton without the necessity of further proceedings or expense of any nature, and all parties wish to generally release one another from all liability for any claims that may exist to the date of the signing of this Agreement, including, but not limited to, any claims for sexual abuse of [redacted] by Knighton.

So, in consideration of the mutual promises made here, and other valuable consideration, receipt of which is hereby acknowledged, the parties to this Agreement agree as follows:

1. The Archdiocese agrees to provide [redacted] with $40,000. These funds shall be used at [redacted] own discretion.

2. The Archdiocese further agrees to pay [redacted] $10,000 per year for three years in consideration of the special educational and counseling decisions he wishes to make. The first such payment shall be made by January 31, 2005 and continue each January until the year 2007 at which time any and all payments under this provision shall cease.

3. [redacted] and the Archdiocese will each bear their own costs and any attorney's fees associated with the Agreement, and there will be no payment t[redacted]ther than that specifically enumerated above.

4. In return for the payment set out above, and for the mutual promises contained herein, [redacted] releases and forever discharges the Roman Catholic Archdiocese of Milwaukee, and all of the Archdiocese's employees, agents, officers, directors, affiliates, insurers, and assigns, including, without limitation, all members of the Roman Catholic clergy, and all parishes, schools, and religious orders and any person or entity affiliated with the Roman Catholic Church in the territory of the Archdiocese of Milwaukee from, and covenants not to sue them for, all claims, causes of action, charges, and demands, whether in tort, contract, or otherwise, of any nature that he may have had at any time up to and including the date of signing of this Agreement, including, without limitation, any claim of any nature arising from the assault, injury, whether physical or mental, or any other activity by Knighton.

5. The Archdiocese hereby releases and forever discharges [redacted] from all claims, demands, and causes of action of any nature that were in existence up to and including the date of the signing of this Agreement.

6. This Agreement supersedes all prior understandings and agreements between the parties, and constitutes the full agreement of the parties. No change to this Agreement shall be enforced against any party unless it is in writing signed by both parties.

7. The undersigned represent and warrant that each has read the foregoing Agreement; had an opportunity to discuss it with a lawyer; and fully understands its terms; voluntarily, freely, and without coercion signs the Agreement; and that Dr. Barbara Anne Cusack is an authorized representative of the Archdiocese and is duly authorized to execute this Agreement and Mutual Release.

[redacted]

Date 12-07-04

Archdiocese of Milwaukee
by: Dr. Barbara Anne Cusack

Date 12-14-04

NOV 29 2004

AGREEMENT AND MUTUAL RELEASE

This Agreement and Mutual Release (hereafter "Agreement") is made by and between [redacted] (hereafter [redacted]) and the Roman Catholic Archdiocese of Milwaukee, and all of its affiliated entities, schools, and parishes (hereafter "Archdiocese").

[redacted] has brought to the attention of the Archdiocese that he was sexually abused by Marvin Knighton (hereafter "Knighton"), a priest of the Archdiocese, when [redacted] was a minor.

[redacted] and the Archdiocese entered into mediation to achieve reconciliation and restoration, to help repair the harm to [redacted], to address issues of concern to [redacted] about prevention of sexual abuse of minors in the future and reformation of Church practices in this regard, and to otherwise resolve and settle all disputes between them.

Accordingly, the parties to this Agreement wish to resolve and satisfy all claims of any nature that [redacted] has against the Archdiocese, and all of the Archdiocese's employees, agents, officers, directors, affiliates, insurers, and assigns, including, without limitation, all members of the Roman Catholic clergy and all parishes, schools, and religious orders, and any person or entity affiliated with the Roman Catholic Church in the territory of the Archdiocese, arising from the sexual abuse of [redacted] by Knighton without the necessity of further proceedings or expense of any nature, and all parties wish to generally release one another from all liability for any claims that may exist to the date of the signing of this Agreement, including, but not limited to, any claims for sexual abuse of [redacted] by Knighton.

So, in consideration of the mutual promises made here, and other valuable consideration, receipt of which is hereby acknowledged, the parties to this Agreement agree as follows:

1. The Archdiocese agrees to provide [redacted] with $40,000. These funds shall be used at [redacted] own discretion.

2. The Archdicoese agrees to keep [redacted] informed of any civil or canonical procedures involving Knighton [redacted] will be provided the opportunity to participate in any canonical processes involving Knighton in accord with the norms of canon law.

3. The Archdiocese agrees that a formal letter of apology will be sent to [redacted] by Archbishop Timothy Dolan by December 15, 2004.

4. [redacted] and the Archdiocese will each bear their own costs and any attorney's fees associated with the Agreement, and there will be no payment to [redacted] other than that specifically enumerated above.

5. In return for the payment set out above, and for the mutual promises contained herein, [redacted] releases and forever discharges the Roman Catholic Archdiocese of Milwaukee, and all of the Archdiocese's employees, agents, officers, directors, affiliates, insurers, and assigns, including, without limitation, all members of the Roman Catholic clergy, and all parishes, schools, and religious orders and any person or entity affiliated with the Roman Catholic Church in the territory of the Archdiocese of Milwaukee from, and covenants not to sue them for, all claims, causes of action, charges, and demands, whether in tort, contract, or otherwise, of any nature that he may have had at any time up to and including the date of signing of this Agreement, including, without limitation, any claim of

any nature arising from the assault, injury, whether physical or mental, or any other activity by Knighton.

6. The Archdiocese hereby releases and forever discharges [redacted] from all claims, demands, and causes of action of any nature that were in existence up to and including the date of the signing of this Agreement.

7. This Agreement supersedes all prior understandings and agreements between the parties, and constitutes the full agreement of the parties. No change to this Agreement shall be enforced against any party unless it is in writing signed by both parties.

8. The undersigned represent and warrant that each has read the foregoing Agreement; had an opportunity to discuss it with a lawyer; and fully understands its terms; voluntarily, freely, and without coercion signs the Agreement; and that Dr. Barbara Anne Cusack is an authorized representative of the Archdiocese and is duly authorized to execute this Agreement and Mutual Release.

[redacted]

Date 11-27-04

Archdiocese of Milwaukee
by: Dr. Barbara Anne Cusack

Date 11-29-04

Select Knighton Sexual Abuse Intake Reports

2/18/02 Sexual abuse intake report from a survivor who says Knighton abused him from 1986-1991 when he was about 12-13 years old and until he was 18-19 years old. Knighton hugged, kissed, and rubbed against the survivor. Knighton made comments about his and other boys' genitals while in the shower. The individual also says that at Pius High School there were other boys involved with Knighton.

3/28/02 Sexual abuse intake report from a survivor who reports abuse by Knighton from 1975-1976 when he was 15-16 years old. Knighton slept in bed with him and hugged, kissed, and touched him. Knighton forced the survivor to masturbate him. Notes also comment that Knighton has a young adopted son and there are concerns with regard to mandatory reporting laws. Knighton should contact Child Protection Center to sign a release allowing his son to be interviewed. There is nothing to suggest he has abused his children, or any child, since about 1990.