

REV. KEVIN BARMASSE

**DOCUMENTS PRODUCED BY THE ARCHDIOCESE OF LOS ANGELES 2013
PURSUANT TO JCCP 4286 SETTLEMENT AGREEMENT**

Vicar for Clergy Database

Clergy Assignment Record (Detailed)

Mr Kevin P. Barmasse

Current Primary Assignment

<i>Birth Date</i>	7/20/1955	<i>Age:</i>	57
<i>Birth Place</i>	Buffalo, New York, USA	<i>Deanery:</i>	22
<i>Diaconate Ordination</i>			
<i>Priesthood Ordination</i>	6/19/1982		
<i>Diocese Name</i>	Archdiocese of Los Angeles		
<i>Date of Incardination</i>	6/19/1982		
<i>Religious Community</i>			
<i>Ritual Ascription</i>	Latin		
<i>Ministry Status</i>	To Lay State		
<i>Canon State</i>	Diocesan Priest	<i>Incard Process</i>	<input type="checkbox"/>
<i>Begin Pension Date</i>			

<i>Home phone</i>	(818) 865-9518
<i>Seminary</i>	St. John's Seminary, Camarillo
<i>Ethnicity</i>	American (USA)

Fingerprint Verification and Safeguard Training

Date Background Check
Virtus Training Date

Assignment History

<i>Assignment</i>	<i>Beginning Date</i>	<i>Completion Date</i>
Returned To Lay State, Rescript from the Congregation for the Doctrine of the Faith, Prot. N. 600/2004.	5/2/2006	
Inactive Leave	7/1/1992	5/2/2006
Active Leave, Diocese of Tucson.	10/1/1983	9/13/1985
St. Pancratius Catholic Church, Lakewood Associate Pastor (Parochial Vicar), Active Service	7/1/1982	9/13/1982

1-11-B

Fa. Kevin admits this is accurate. JAL

August 29, 1983

Bishop John Ward
1531 W. Ninth Street
Los Angeles, Ca 90015

Your Excellency:

After much thought and prayer I feel I must write you and let you know the following.

Let me begin by letting you know that my husband and I have lived in Lakewood for 13 years and have been parishoners of Saint Pancratius for the same number of years. We have REDACTED children REDACTED and a son REDACTED who in July turned REDACTED years of age. All of our children have gone through Saint Pancratius school with very good achievements, our oldest REDACTED received the highest scholarship for her academic achievements, our next REDACTED left there with a REDACTED grade average and our son finished last year with a REDACTED grade average.

Last year was my son's first year to volunteer to be an altar boy. He was very much looking forward to this and has always been willing to help the priests in this capacity. We only live a few blocks from the church so it really is convenient for all.

Father Kevin Barmasse came to our parish last year and all the boys were delighted by the interest he showed in their activities. My son said he really enjoyed Father Kevin's friendship.

REDACTED is a very good looking, well mannered young boy, facts you could easily find out by inquiring at school. He has high respect for all authority.

On August 11th of this year, Father Kevin invited REDACTED to go see a movie. He was allowed to go, but upon his return home that evening, my husband and I were devastated.

Father Kevin picked REDACTED up around 8:00 P.M. and brought him home at 11:00 P.M. When REDACTED came into the house he came into my bedroom and layed down at the end of my bed. I asked him what theatre they had gone to. He then told me father Kevin didn't take him to the show that he had taken him to his room at the rectory and they watched "Jaws II", on father Kevin's video machine.

Page 2

I could tell he had more to say so I asked him if he enjoyed being with Father Kevin. He said "No mom, You know what? We have a wacky priest now." I asked him why he said such a thing. He continued to tell me that during the evening father Kevin had asked him to try on his cassock and that father Kevin offered to massage his back. He said father Kevin took his shorts down to his knees and his underwear down to expose his "butt", he said father Kevin massaged him front and back and that he felt very scared and nervous. Especially when he was on his stomach and father Kevin helped him turn over on his back. He felt real nervous and scared and he was just glad to be home- then he hugged me.

I couldn't begin to tell you what went through my mind. My child has been molested- and by a PRIEST! My heart aches!

I asked REDACTED if father Kevin had asked him to do anything for him, he said father Kevin asked him to massage him (father Kevin) in return.

REDACTED came home that night very frightened and confused. He fully confided in me, but wanted me to be the one to tell his dad. He also wanted me to go talk to Father Kevin. I told him I would and assured him he had done nothing to be ashamed of.

I assured him that I would be talking to REDACTED REDACTED or Father Kevin the next day.

The next day, I was very ill, we were leaving for vacation that night. My husband stopped by the rectory and REDACTED REDACTED was only available to talk to him by phone and told him that we should just go ask father Kevin about it. My husband explained to him that when we came back from vacation we would certainly do so, but only wanted to inform REDACTED REDACTED of what took place.

When we returned on Saturday August 21st, we made an appointment with father Kevin and proceeded to ask him why he had done such a thing. His only reply was that he was sorry it upset REDACTED and me so much, he really didn't mean any harm. (ANY HARM!). This will be with my son for the rest of his life! I sincerely feel that my son has been molested and I know that if father Kevin was not a priest my husband and I would be doing all in our power to have him removed from society and to see that he would get professional help.

We feel he must be taken away from our boys and Saint Pancratius! We sincerely believe that father Kevin has no control over these actions.

Is anything "Sacred" anymore? These boys look to priests as "God." My husband and I have struggled and continue to struggle through the pressures of a "loose" moral society- please don't let us down on the only thing that helps us keep our sanity- "Our Faith in Our Catholic Religion!"

28255

Page 1

We feel we had to inform you of this in detail. We feel we have received inadequate response from our newly appointed pastor, Father REDACTEDREDACTED. We just can't find any peace of mind thinking it could happen again to some other innocent young boy.

In closing please know our prayers are with each of you.

Respectfully,
REDACTED

copies sent to: Bishop John Ward
Monsignor John Rawden
REDACTEDREDACTED
Rev. Kevin Barmasse

28256

MEMORANDUM

FROM: REDACTED
TO: CARDINAL MANNING
RE: FATHER KEVIN BARMASSE
DATE: 12 SEPTEMBER 1983

CONFIDENTIAL

Your Eminence:

This day arrangements were made with the Diocese of Tucson, REDACTED REDACTED to accomodate Father Barmasse in one of their parishes where they have an opening for the next several months.

While there Father Barmasse will need to undergo some psychological counseling and this office should be given proof that he has indeed taken this care.

REDACTED and REDACTED^{REDACTED} will report on this incident on Wednesday, September 14.

28843

II 000004



DIOCESE OF TUCSON

192 SOUTH STONE AVENUE

P. O. Box 31 • Tucson, Arizona 85702-0031 • Telephone (602) 792-3410

CHANCERY OFFICE

September 19, 1983

Rev. Msgr. John A. Rawden
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015

Dear Monsignor Rawden:

This is to inform you that Father Kevin Barmasse has been given the faculties of the Tucson Diocese to exercise his priestly ministry to the people of St. Andrew parish in Sierra Vista, Arizona. The faculties are in effect, until you wish to re-assign Father Kevin in the Archdiocese of Los Angeles.

The pastor of St. Andrew parish is REDACTED REDACTED who is fully aware of the reasons Father Kevin has come to Arizona. Having spent several days with Kevin, I find him to be a very good addition to the presbyterate of Tucson, and know he will be of much assistance to the parish in Sierra Vista.

To contact Father Kevin I give you the following information:

Rev. Kevin Barmasse
St. Andrew the Apostle Parish
800 Taylor Drive N.W.
REDACTED

May God bless you!

Yours in Christ,
REDACTED

REDACTED

September 19, 1983

Reverend Kevin Barmasse
St. Andrew's Church
800 Taylor Drive
Sierra Vista, 95635

Dear Father Barmasse:

I hope that you have found a pleasant assignment in the Diocese of Tucson.

As our attorney, Mr. REDACTED has advised you, it is absolutely essential that you undergo some psychological treatment, and have some verification of that treatment before you could receive another assignment in the Archdiocese of Los Angeles.

If you would care to call me about this matter, or any other matter I would be happy to hear from you.

I am enclosing a copy of a letter from Mr. REDACTED, dated 16 September 1983, for your information.

With kindest best regards, I am

Sincerely yours in Christ,

Reverend Monsignor John A. Rawden
Chancellor

REDACTED

(enclosure)

cc: Mr. REDACTED ; REDACTED

ON CHANGE LIST

SEP 30 1983

September 21, 1983

REDACTED

REDACTED

Diocese of Tucson
P.O. Box 31
Tucson, Arizona 95702-0031

Dear REDACTED

Please accept my sincere appreciation for your letter of 19 September. We are very grateful to you and the Diocese for your assistance in this matter.

Our only concern now is that Father Kevin take some kind of psychological care while there in Tucson. I have written to this effect to Father Barmasse, a copy of which was sent to you.

It is not quite as hot here as it was when you visited us, but the humidity is unbearable.

With kindest personal regards, I am

Sincerely yours in Christ,

Reverend Monsignor John A. Rawden
Chancellor

REDACTED

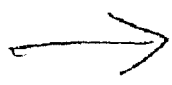
REDACTED

File

September 27, 1983

Monsignor John R. Pawdes

REDACTED



Reverend Kevin Barmasse
St. Andrew The Apostle Church
800 Taylor Drive, N. W.
Sierra Vista, Arizona 85635

Dear Father Kevin:

Thank you for your letter of September 21, 1983.
In answer to your questions:

1. The police report went well because
of the following factors:

a. The parents did not wish their
child to be interviewed by the
police and subjected to further
trauma. Therefore, they asked
that the matter not be prosecuted.
The police were agreeable to this.
However, they have made a file in
connection with it and indexed it
under your name in the event there
should be any future incident.

b. Of equal, or more importance,
in obtaining "no action" from the
police were the representations
made by the chancery office and
REDACTED that you have been
transferred out of the state and
are undergoing a course of medical
treatment. It will be essential if
you are ever to return to this area
that there be evidence of a full
course of treatment and a medical
report signed by your Arizona doctor
to the effect that the problem in-
dicated has been eliminated.

Reverend Kevin Barmasse
September 27, 1983
Page Two

- 2. As to your question about a "public record", the matter is not a public record, but it is subject under the "Freedom of Information Act" to inspection by any member of the public who makes application.

I am greatly disturbed by the self-centered nature of your inquiry. I question whether you realize the wrong you committed and the damage you have done to the boy involved. I summarized this in my letter to Monsignor Rawden, which I understand he sent to you. Because good Catholics have great respect and trust in priests, an errant priest who breaks that trust does much more damage to the faith of the injured parties than when the same act is that of one not enjoying the special position of trust and respect. I think you have weakened the faith of this boy and his parents.

Yours very truly,

REDACTED

REDACTED

REDACTED

St. Andrew The Apostle Church

*My
husband*

800 Taylor Drive, N. W.
Sierra Vista, Arizona 85635

10/19/83

Msgr. Rawden;

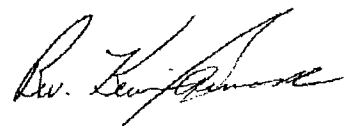
This letter is just to keep you informed as to what is going on here in Sierra Vista. I started seeing Dr. REDACTED REDACTED in Tucson. He was recommended by REDACTED REDACTED the pastor of the parish I am at. Dr. REDACTED and I are meeting once a week to begin with and then will meet on a less frequent schedule. As of now he cannot give me a duration period but then I really didn't expect him to.

I would like to ask you Monsignor if I am still covered by Blue Cross and do they cover this or what the procedure is. I told REDACTED REDACTED to bill me unless he heard otherwise from me.

REDACTED REDACTED and REDACTED REDACTED have been very hospitable and supportive of me while I have been here. Thank you too for helping me find a place.

Be assured of my prayers for you and the archdiocese.

In Christ,



Rev. Kevin Barmasse

St. Andrew The Apostle Church

RECEIVED 800 Taylor Drive, N. W.

OCT 24 1983 Sierra Vista, Arizona 85635

10/20/83

M. Spr.

REDACTED

I met with Dr. ^{yesterday} yesterday. He is very optimistic and so ~~and I think everything will work~~ out. I am going to be seeing him once a week to start and then maybe less regularly. He really can't set a time for finishing but then I don't expect him to.

I'm pleased with him so far, it's early but I know we started off well. I will keep you informed.

Thank you again for your kindness and support during my stay here. I am there on Tuesdays so maybe some evening we could get together. I would like it.

Jon Christ
 [Signature]

October Twenty Fifth
1983

Reverend Kevin Barmasse
ST. ANDREW THE APOSTLE CHURCH
808 Taylor Drive, N.W.
Sierra Vista, Arizona 95635

Reverend and dear Father Barmasse:

This is to acknowledge your letter of
October 19th directed to Monsignor Rawden.

We understand that you have started
seeing Dr. REDACTED in Tucson who had been recommended
to you, and that your meetings are taking place once a
week. However, you have not mentioned what he charges.
Blue Cross does not cover this nor does the Priests' Relief.
Due to the circumstances the Chancery will be agreeable to
reimbursing you for the bills for a maximum of 3 months.
Should your meetings become less frequent please advise me
of this. Toward the end of 3 months kindly ask the doctor
to give you a prognosis for future meetings. Ask your
doctor to give you your bill every month; send it to me
as soon as possible, and I will forward funds to cover it
immediately. If you can afford to pay him directly kindly
do so and I will reimburse you as soon as I receive the
bill.

I trust that this answers all your questions.
If not, do not hesitate to write me.

Sincerely yours in Christ,

Reverend Monsignor Benj. G. Hawkes
Vicar General

B

28834



DIOCESE OF TUCSON

192 SOUTH STONE AVENUE

P. O. Box 31 • Tucson, Arizona 85702-0031 • Telephone (602) 792-3410

REDACTED

November 14, 1983

Rev. Msgr. John A. Rawden
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015

File ↘

Dear Monsignor Rawden:

Enclosed find a hand written note from Father Kevin Barmasse that he is receiving counseling from Dr. REDACTED REDACTED a Tucson psychologist. This should be sufficient proof for the legal matter. I have kept in touch with Kevin and would say all seems to be going along smoothly at St. Andrew parish in Sierra Vista for him.

Thank you for giving him another three months stay in the Tucson Diocese. Will check back with you in January.

God's blessings.

Yours in Christ.

REDACTED

REDACTED

Enclosure

28832

XAB
V.S.
RW
REDACTED

REDACTED

February 14, 1984

Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, California 90015-1194

To Whom It May Concern:

Reverend Kevin Barmasse presented himself to me on October 20, 1983 for psychological evaluation and for whatever psychotherapy was thereby indicated.

REDACTED

Sincerely yours,
REDACTED

REDACTED

Ph.D.

REDACTED

28831

XAA I do not recommend any time beyond say a bit with Parents
St. Andrew The Apostle Church *Jay*

800 Taylor Drive, N. W.
Sierra Vista, Arizona 85635

1/17/85

Dear Msgr. Rawden;

Thank you for responding to my letter. I wasn't asking for an extension just wondering if there was going to be one. I do accept the Cardinal's wishes though. Please know that I am still interested and would like to return to the Archdiocese of Los Angeles.

I would ask you to do me one last favor please. Would you please find out if I can return and visit. I would like to see my family and also the teens here are planning a summer trip to California and I would like to know if I can, or should, go also.

I am soory to put you through all this trouble. Please know that I do appreciate all you've done for me. Thank you again.

Sincerely in Christ,



Rev. Kevin Barmasse

January 22, 1985

Reverend Kevin Barmasse
St. Andrew the Apostle Church
800 Taylor Drive, N.W.
Sierra Vista, Arizona 85635

Dear Father Barmasse:

After consulting with His Eminence, Cardinal Manning,
and the Archdiocesan attorney, I wish to respond to your letter
of January 17th.

REDACTED

REDACTED

If indeed
you feel the necessity of visiting your parents, we must advise
you that (2) or (3) days at a maximum is the advice ~~we~~ received
with no visitation to the parish or parish area.

With kindest best regards, I remain

Reverend Monsignor John A. Rawden
Chancellor

JAR/^{REDACTED}

REDACTED

REDACTED

January 16, 1986.

Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, California
90015 - 1194.

Dear Bishop,

Reverend Kevin Carmasse has
been in treatment with me

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED
REDACTED

Scorsolo
REDACTED

Ph.D.

28826

REDACTED

January 16, 1986.

Archdiocese of Los Angeles
1531 West North Street
Los Angeles, California
90015 - 1194.

Dear Bishop,

Reverend Kevin Barnase has
been in treatment with me.

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

Sincerely,

REDACTED

[Handwritten signature]

28251

St. Andrew The Apostle Church

800 Taylor Drive, N. W.
Sierra Vista, Arizona 85635

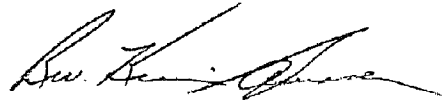
1/17/86

To Whom It May Concern;

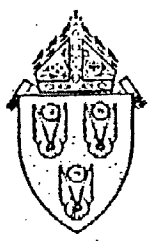
This letter is a request for further information as to my status with the Archdiocese of Los Angeles. I would greatly appreciate any information as to whether I will be returning in July of this year or will there be an extension. I am open to any decision that is made there in Los Angeles.

Thank you for your time and attention in this matter.

Sincerely In Christ,



Rev. Kevin Barmasse



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3200

COPY

February 18, 1986

Rev. Kevin Barmasse
St. Andrew the Apostle Church
800 Taylor Drive, N.W.
Sierra Vista, Arizona 85635

Dear Father Barmasse:

Thank you for your letter of January 17 requesting information as to your status with the Archdiocese.

Having considered your request carefully, we have come to the conclusion that it would be best for all concerned to tell you that we cannot offer you an appointment in the Archdiocese.

It is agreeable to the Archdiocese if you wish to seek an assignment in another diocese. We would, however, be bound to share the background information on your transfer with the diocesan authorities.

I do wish you good health and happiness and encourage you to contact me if I can be of assistance to you.

Sincerely yours in Christ,

(Rev. Msgr.) Thomas J. Curry
Vicar for Clergy



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3200

COPY

March 11, 1986

REDACTED

Dear ^{REDACTED} REDACTED :

Regarding Father Kevin Barmasse, our files show that on August 29, 1983 the parents of a boy living in the parish where Father Barmasse was stationed wrote to the Cardinal, stating that Father Kevin had entertained their son in his room and that he had engaged in sexual actions with the boy. There was no assertion that intercourse had taken place. Not wishing to subject the boy to further trauma, the parents decided not to sue in the matter.

In September 1983, the Archdiocese made arrangements with the Diocese of Tucson that Father Barmasse be moved there and also attend psychological counseling while there. Enclosed is the only report our files show of that counseling.

This is the extent of my knowledge. I hope it will be helpful to you in your evaluation.

Sincerely yours,

Thomas J. Gurry
(Rev. Msgr.) Thomas J. Gurry
Vicar for Clergy

REDACTED

Enclosure

28824



DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF CHAPLAINS
WASHINGTON, DC 20310

March 27, 1986

REPLY TO
ATTENTION OF

REDACTED

Reverend Monsignor Thomas J. Curry
1531 West Ninth Street
Los Angeles, California 90015-1194

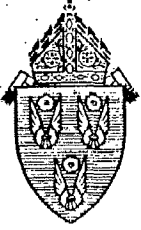
Dear Monsignor Curry:

Thank you for your timely response to our inquiry concerning Father Kevin Barmasse. Your response was critical in our decision to allow more time in the diocesan parish setting for Father Barmasse to integrate his treatment. We believe that such a radical change at this time in environment and ministry would not be helpful for his process of growth. His young age will allow him one or two more parish assignment before he again considers the military chaplaincy.

I have spoken with Father Barmasse by telephone explaining that we believed this to be the appropriate and prudent response at this time. He seemed to understand that this decision does not close out future options and is pastorally best for him.

Sincerely,
REDACTED

REDACTED



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3200

COPY

OFFICE OF VICAR FOR CLERGY
REDACTED

October 24, 1986

Most Reverend Manuel Moreno
Bishop of Tucson
192 South Stone Avenue
Tucson, Arizona 85701

Dear Bishop Moreno:

Enclosed is a copy of my letter to Kevin Barmasse. I am sorry that he seems to be so unrealistic and has apparently so little appreciation of his situation.

Also enclosed are copies of two communications that I may have omitted in my last letter to you. They were not in the "confidential" file.

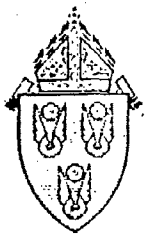
With warmest regards and appreciation of your unfailing kindness and patience.

Sincerely yours,

(Rev. Msgr. Thomas J. Curry
Vicar for Clergy

28820

11 000023



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3200

COPY

OFFICE OF VICAR FOR CLERGY
(213) 251-3284

October 24, 1986

Rev. Kevin Barmasse
Church of St. Elizabeth Ann Seton
8650 North Shannon Road
Tucson, Arizona 85741

Dear Father Barmasse:

Thank you for your letter of October 6, 1986. I will indeed try to clear up your question. I enclose a copy of my letter of February 18, 1986 regarding your status in the Archdiocese. The information there seems to me to be straightforward and still applies.

With regard to a letter of release to the Military, we have no such request from the Military, nor have we received any request from you that we write to anyone in authority. We cannot write a general letter releasing you to the Military unless we receive instructions as to where to direct it. However, as noted in my letter of February 18, 1986, we would consider ourselves bound in writing any letter of release to state clearly your status vis a vis the Archdiocese and the reasons for your transfer to Tucson.

I regret to state that your letters indicate to me little appreciation of how seriously the Archdiocese views your situation or, indeed, little appreciation of the support given you by Bishop Moreno and the Diocese of Tucson.

Sincerely yours in Christ,

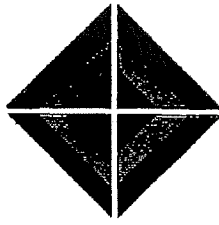
(Rev. Msgr.) Thomas J. Curry
Vicar for Clergy

REDACTED

Enclosure

cc: Bishop Manuel Moreno
Archbishop Roger Mahony

28821



Church Of
St. Elizabeth Ann Seton

11/18/87

Rev. Archbishop Mahoney;

I am writing to ask you whether a decision has been made with regard to my status here in the Diocese of Tucson. It is my understanding that if I am still here in September of 1988 that I automatically become incardinated into this diocese. I would like to know if you have made any plans so that if not I may begin my discernment of whether to stay here or not. I also would like time to write other dioceses if that is going to be necessary.

Thank you for your time and attention in this matter. If you have any questions please feel free to contact me.

Sincerely In Christ,

Rev. Kevin Barmasse

8650 N. Shannon Road ■ Tucson, Arizona 85741 ■ Phone (602) 297-7357



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3288

Office of the Archbishop

December 1, 1987

Reverend Kevin Barmasse
Church of St. Elizabeth Ann Seton
8650 North Shannon Road
Tucson, AZ 85741

Dear Kevin:

I wish to acknowledge your letter of November 18, 1987 and to respond to your inquiry about incardination.

The only way that "automatic incardination" could take place in September of 1988 is for you to request such a canonical procedure from both Bishop Moreno and from myself, and then receive no answer one way or the other. That would not be a relevant factor in your own current priestly assignment.

As you know, should you wish to request incardination in the Diocese of Tucson, and should Bishop Moreno be open to that step, then I would be disposed to grant excardination from the Archdiocese of Los Angeles.

Given the history of your particular case, I would strongly recommend that you not return to Southern California for any type of priestly ministry. You might be better advised to continue on there in Arizona where you have found a home and new friends in your pastoral work. I would not recommend that you begin looking for another Diocese unless your current situation should change dramatically, thus requiring such a special step.

Assuring you of my prayers and with kindest personal regards, I am

Sincerely yours in Christ,

Most Reverend Roger Mahony
Archbishop of Los Angeles

cc: Most Reverend Manuel D. Moreno
Reverend Monsignor Thomas Curry

28818

Blessed Sacrament Church

P.O. BOX 20
MAMMOTH, ARIZONA 85618

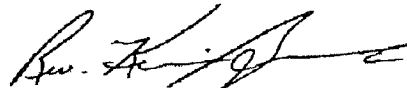
November 2, 1989

Dear Archbishop Mahony;

I first want to offer my prayers and best wishes for your priest assembly coming up this month. I do hope and pray the Spirit guides you and all the priests during this time. The other, and more personal reason I am writing you is to ask you a favor. I hope and pray you would reconsider my being here in Arizona and consider bringing me taking me back into the archdiocese of Los Angeles. I do apologize for all the trouble I caused the archdiocese and I do want to come back and minister there. I understand that St. Peter Claver in Simi Valley could use an associate. I have worked with ^{REDACTED} REDACTED and we get along well. I associate and I do feel I could and would work well out there. At least I ask that you consider talking with me on the phone or meeting with me in person to discuss this; I would really appreciate even that much.

Thank you for your time and attention in this matter. Please be assured of my continued prayers for you and the priests of the archdiocese.

Sincerely In Christ,



Rev. Kevin Barimasse

Blessed Sacrament Church

P.O. BOX 8870
MAMMOTH, ARIZONA 85618

T

November 2, 1989

Dear Archbishop Mahony;

I first want to offer my prayers and best wishes for your priest assembly coming up this month. I do hope and pray the Spirit guides you and all the priests during this time. The other, and more personal reason I am writing you is to ask you a favor. I hope and pray you would reconsider my being here in Arizona and consider bringing me taking me back into the archdiocese of Los Angeles. I do apologize for all the trouble I caused the archdiocese and I do want to come back and minister there. I understand that St. Peter Claver in Simi Valley could use an associate. I have worked with REDACTED and we get along well. I am an associate and I do feel I could and would work well out there. At least I ask that you consider talking with me on the phone or meeting with me in person to discuss this; I would really appreciate even that much.

Thank you for your time and attention in this matter. Please be assured of my continued prayers for you and the priests of the archdiocese.

Sincerely In Christ,



Rev. Kevin Barmasse

Blessed Sacrament Church

P.O. BOX 20
MAMMOTH, ARIZONA 85618

T

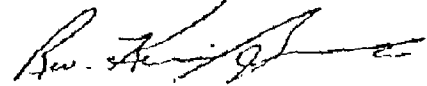
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Thank you for your time and attention in this matter. Please be assured of my continued prayers for you and the priests of the archdiocese.

Sincerely In Christ,



Rev. Kevin Barmasse

REFERRAL MEMORANDUM FROM ARCHBISHOP ROGER MAHONY

Date: 11-10-89

TO: Msgr. Curry

- Please review, then SEE me
- Please review, then RETURN to me
- Please review, then SEND me your COMMENTS
- Please review, then FILE

- Please handle this matter entirely
- Please answer; send copy of letter to me
- Please write a reply for my signature
- For your information

Please XEROX and send copy/copies to: _____

- original to file
- original back to me

REMARKS: Any advice on how to respond?

Thanks!

MEMORANDUM

November 10, 1989

TO: Archbishop Mahony
FROM: Monsignor Thomas Curry
RE: Father Kevin Barmasse

CONFIDENTIAL

Kevin was ordained in 1982 and went to serve in Tucson in 1983, because the Archdiocese received a complaint about his abusing a twelve-year-old boy. We have knowledge of only one complaint, and I attach REDACTED REDACTED REDACTED
REDACTED
REDACTED

I also attach a copy of the letter from the boy's parents and feel this is a very powerful and candid letter.

Kevin attended therapy for two years. The attached letter is the only medical information we have on him.

After reviewing Kevin's recent letter to you, I called REDACTED to see if he had discussed with Kevin the possibility of his coming to St. Peter Claver. REDACTED knows Kevin from his two summers working at the parish and would certainly consider him as an Associate, but they have not discussed this matter.

The young boy involved is now about eighteen, so Kevin should certainly not return for another two years by which time the period for filing law suits will have passed.

As in some other cases of this nature, the correspondence from Kevin over the years does not inspire great hope in me that he has understood his problem and dealt with it. Mostly he has written asking for favors for himself--recommendations for the army, his ecclesiastical status, permission to return to the Archdiocese.

This problem surfaced very early, and his behavior can not be attributed in any way to an abuse of alcohol. At no time has he given any indication of an insight into his problem or that he has confronted it. Rather he tends to apologize and then move on to the issue that is really on his mind.

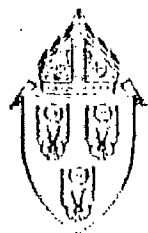
It strikes me that there is not much difference between the quality of his reaction to the parents as outlined in the enclosed letter, his concern that provoked REDACTED's response, and his request in his most recent letter to you. I sense that he is very self centered and still has little understanding of his problem.

If Kevin wishes to return, it is incumbent on him to prove that he has dealt successfully with this problem in his life. He would have to be willing to share all therapy reports and accept evaluation as requested by us. However, I strongly recommend you meet with Kevin or talk to him by phone if a meeting is difficult to arrange.

28812

CONFIDENTIAL

A



ARCHDIOCESE OF LOS ANGELES
1531 WEST HIGHT STREET
LOS ANGELES, CALIFORNIA 90015 1124
(213) 251-3288

Office of the Archbishop

November 29, 1989

Rev. Kevin Barmasse
Blessed Sacrament Church
P.O. Box 20
Mammoth, Arizona 85618

Dear Father Kevin:

Thank you for your letter of November 2, 1989, in which you petition to return to the Archdiocese. After a careful review of your situation, I present the following for your consideration:

The incident in Lakewood that led to your leaving the Archdiocese in 1983 was a devastating one for the boy involved and for his family. I would estimate he is now about eighteen, and therefore eligible for at least another year to file suit against you primarily and the Archdiocese secondarily. While such suits are not effective against the Archdiocese, in that the Archdiocese was not aware of your behavior and did take action as soon as it became aware of it, they are extremely painful for all parties involved. Our experience tells us your presence in this area, with the likelihood that it would become known to this family and consequently remind them of their hurt and pain, would greatly increase the possibility of a suit against you.

Apart from the legal issues, before accepting you for ministry in this Archdiocese, I would have to be morally certain a change had taken place in your life, and that we could both be reasonably sure such incidents would not reoccur. Since we have only the briefest medical reports on you, I would need, first, for you to indicate to me what changes have taken place in your life and how they have taken place. Second, I would need you to undergo an extensive therapeutic evaluation, so we could be sure of having the best medical assessment of your condition.

I do not intend to be severe, but I hope you realize that I have a responsibility to the people of the Archdiocese. Before I could appoint you to ministry here, I would have to be certain you have dealt effectively with the problems in your life.

I will indeed be most willing to meet with you, and I invite you to call REDACTED REDACTED REDACTED for an appointment. His number is REDACTED. If that is not convenient for you, please let me know and I will be glad to speak with you by phone.

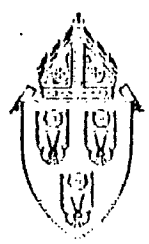
Wishing you God's blessings in this Advent Season, I remain

Sincerely yours in Christ,
+ *Roger Mahony*
Most Reverend Roger Mahony
Archbishop of Los Angeles

28072

CONFIDENTIAL

A



ARCHDIOCESE OF LOS ANGELES
1531 WEST THIRD STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3288

Office of the Archbishop

November 29, 1989

Rev. Kevin Barmasse
Blessed Sacrament Church
P.O. Box 20
Mammoth, Arizona 85618

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Wishing you God's blessings in this Advent Season, I remain

Sincerely yours in Christ,
+ *Roger Mahony*
Most Reverend Roger Mahony
Archbishop of Los Angeles

28247

October 8, 1990

ANNUAL FACULTIES

Each year at this time, the Archdiocese requests that priests on leave of absence from their own dioceses or religious priests residing outside their own communities renew their faculties, which will expire OCTOBER 31, 1990. A written request for renewal of faculties for the coming year should be sent to this office.

Cada año por este tiempo la Arquidiócesis pide que los sacerdotes con permiso de radicar fuera de sus diócesis o los religiosos que vivan fuera de sus propias comunidades renueven sus facultades ministeriales, que expiraran el 31 octubre 1990. Una solicitud por escrito para renovar sus facultades ministeriales debe ser enviada a esta oficina.

(Rev. Msgr.) Thomas J. Curry
Vicar for Clergy

28807

U

Blessed Sacrament Church

P.O. BOX 698
MAMMOTH, ARIZONA 85618

10/23/90

Dear Archbishop Mahony;

I am writing to respectfully ask you to respond to my assignment here in the diocese of Tucson. I was reading the Tidings and saw the article which stated that all Los Angeles Archdiocesan priests outside the archdiocese are to request, in writing, a renewal of their faculties. I am respectfully requesting this renewal. I would also ask that you allow me back to the archdiocese in 1992. Between now and then I will do whatever you ask. The Navy has called me and wanted to know if I would be interested in joining them as a chaplain. This also would be of interest to me but I informed them that they would have to contact you. I appreciate the hospitality and opportunity the Tucson Diocese has offered me, but my home, my family is in the Los Angeles Archdiocese. I am soory for the pain I caused everyone involved; I can never undue that pain. I would like to minister to the archdiocese or the military.

I will respect your wishes and obey your direction. I ask that you pray about my situation and then please let me know.

Thank you for your time and attention in this matter. Be assured of my continued prayers for you and the archdiocese. I ask for your prayers as well as I llok to the future in my ministry.

Sincerely In Christ,



Fr. Kevin Barmasse

CONFIDENTIAL



F. Kevin Barmasse

B

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

CONFIDENTIAL

November 21, 1990

Reverend Kevin Barmasse
Blessed Sacrament Church
P.O. Box 698
Mammoth, AZ 85618

Dear Father Barmasse:

I wish to acknowledge your letter of October 23, 1990, and I appreciate your writing to me in order to keep me updated and informed about your pastoral ministry in the Diocese of Tucson, Arizona.

Given the seriousness and gravity of your prior difficulty here in the Archdiocese of Los Angeles, it does not seem opportune to consider your reassignment here in this Archdiocese. In addition, it would not be appropriate to recommend you to the Military Chaplain Service nor to any other priestly ministry, including that in the Diocese of Tucson, without a full evaluation of your past history and current psychological and emotional reality.

I believe that our next step should be to have a full diagnostic evaluation for you in an institution such as St. Luke's Institute back in Washington, D.C. I believe that such a step is necessary both for yourself and for the good of the entire Church.

If you would be open to that possibility, I would recommend that sometime in early 1991 we schedule your participation in that diagnostic evaluation. Pending the results and recommendations from that evaluation, then all of us would be in a better position to discuss future priestly ministry options.

Assuring you of my prayers during these days and weeks, and with kindest personal regards, I am

Sincerely yours in Christ,

+ *Roger Mahony*
Most Reverend Roger Mahony
Archbishop of Los Angeles

cc: Bishop Manual Moreno

eb

28248



CONFIDENTIAL

COPY

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

CONFIDENTIAL

November 21, 1990

Most Reverend Manuel Moreno
Bishop of Tucson
192 S. Stone Ave.
Box 31
Tucson, AZ 85702

Dear Bishop Moreno:

Since you will be here in Los Angeles during the month of December to discuss the financial situation in Tucson, I thought it would also be opportune to discuss with you the status and situation with regards to REDACTED REDACTED REDACTED and Father Kevin Barmasse, two Los Angeles priests now living and working in the Diocese of Tucson.

I would like Monsignor Thomas Curry, my Vicar for the Clergy, to join us for a review and evaluation of these two assignments.

Thanking you for this opportunity during your coming visit, and with kindest personal regards, I am

Sincerely yours in Christ,

Most Reverend Roger Mahony
Archbishop of Los Angeles

REDACTED

28808



F. Kevin Barmasse

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

C O N F I D E N T I A L

November 21, 1990

Reverend Kevin Barmasse
Blessed Sacrament Church
P.O. Box 698
Mammoth, AZ 85618

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Assuring you of my prayers during these days and weeks, and with kindest personal regards, I am

Sincerely yours in Christ,

+ *Roger Mahony*
Most Reverend Roger Mahony
Archbishop of Los Angeles

cc: Bishop Manual Moreno

28803

eb

12/28/22

Tim, the following are some comments on priests who have confidential files. I have included some general comments and draw your attention to files you will probably need to look at soon.

REDACTED

Barmasse, Kevin ,

Bishop Moreno will talk to Kevin and AD arrange for testing at St. Luke-
-it takes about two weeks. Good to read this file soon. Same agreement
on REDACTED , but AB wanted to proceed with Kevin first.

REDACTED

REDACTED



DIOCESE OF TUCSON

192 SOUTH STONE AVENUE

P.O. Box 31 • Tucson, Arizona 85702-0031
602-792-3410

REDACTED

January 14, 1991

Rev. Kevin Barmasse
Blessed Sacrament Parish
P. O. Box 20
Mammoth, AZ 85718

Dear Father Kevin,


This is in response to your request to be incardinated into this Diocese. As you recall from our conversation on this in my office, I was to respond to you after I met with Archbishop Mahony.

I did report to the Archbishop of the fine work you have been doing in our Diocese, and that we are willing to accept you into our presbyterate. However, after discussion the reason why you came to the Diocese, we both felt that an evaluation by St. Luke's Institute is required before L.A. would grant excardination and we would incardinate. I know that you will understand why this procedure is necessary.

Please contact Fr. Tim Dwyer, the new Vicar of Priests of the Archdiocese of Los Angeles, to find out how the evaluation is to be accomplished and to make arrangements for it.

You may want to discuss all this with me, and I am available to do so. In the meantime, be assured of my prayers that the Lord will strengthen you through this so that you may be a better and holier priest of the Lord.

Sincerely yours in Christ,


Most Rev. Manuel D. Moreno, D.D.
Bishop of Tucson

REDACTED

cc: ✓ Most Rev. Roger Mahony
REDACTED

MEMORANDUM

DATE: January 16, 1991

FROM: [REDACTED]

TO: [REDACTED]

RE: Fr. Kevin Barmasse

Father called asking Father Tim to send him some information on St. Luke Institute.

Father gave the following address:

[REDACTED]

Father Kevin can be reached at (602) 487-2451 after 9:30 A.M. Monday through Friday and in the evening. There is a one hour (+) time difference. If Father Tim would like to call -- Father Kevin would be happy to hear from him.

7/6/10 - Let's 1-4 pm
Manned Airport
7/6/15 - return after 6 pm

He'll be going to Washington.

I'm calling St. Luke's for set up arrangements for admission - ticket

Will tell him to get his own ticket + not St. Luke's

TD:

This is a sleeping giant of an old problem. I think I think! See your faculty. As an Barmasse. What are you ST Luke's? Just simply with request + send a brochure of ST Luke's? yes I do



CONFIDENTIAL

Saint Luke Institute

CONFIDENTIAL

January 17, 1991

Reverend Timothy Dyer
 Vicar for Clergy
 Archdiocese of Los Angeles
 1531 West Ninth Street
 Los Angeles, California 90015

RE: Reverend Kevin Barmasse
 SLI No.: REDACTED

Dear Reverend Dyer:

We are writing to you regarding Reverend Kevin Barmasse who was discharged from the Saint Luke Institute January 14, 1992. REDACTED
 REDACTED

RE

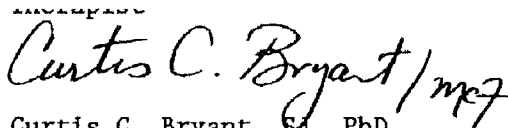
Reverend Timothy Dyer
January 17, 1992
Page 2

Re: Reverend Kevin Barmasse
SLI No.: REDACTED

REDACTED

Throughout Reverend Barmasse's treatment you have shown considerable support and encouragement. We thank you for your efforts as well as for the opportunity to work with this fine man. Please do not hesitate to contact us if we can assist you during his transition phase. Be assured of our prayers for you and your ongoing ministry to clergy in your archdiocese.

Sincerely
REDACTED



Curtis C. Bryant, Ed, PhD
Director
Inpatient Clinical Services

REDACTED

cc: Reverend Kevin Barmasse
Enclosure
REDACTED



CONFIDENTIAL

Saint Luke Institute

CONFIDENTIAL

January 17, 1991

Reverend Timothy Dyer
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 Archdiocese of Los Angeles
 1531 West Ninth Street
 Los Angeles, California 90015

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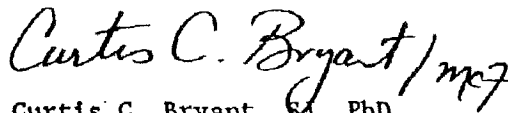
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Page 2

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REDACTED

REDACTED

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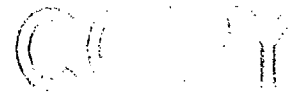
Sincerely
REDACTED



Curtis C. Bryant, Ed, PhD
Director
Inpatient Clinical Services

REDACTED

cc: Reverend Kevin Barmasse
Enclosure
REDACTED



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

January 31, 1991

St. Luke Institute
2420 Brooks Drive
Suitland, Maryland 20746-5294

Attention: REDACTED

Dear REDACTED :

Enclosed is background material on Rev. Kevin Barmasse, who will be arriving at St. Luke's February 9 for evaluation.

He was ordained in 1982 and in the summer of 1983 was discovered to have molested a 12-year-old boy in the parish school at the parish where he was an Associate Pastor.

Charges were not pressed at that time, and it was arranged that Father Barmasse be sent for some kind of therapy and assigned to work in the Diocese of Tucson. As you will see from the enclosed, there seems to have been very little therapy offered, and what was offered does not appear to me to have been sufficiently professional.

As far as we know, there has been only this one incident of molestation. It was, however, an egregious act, causing great trauma and hurt both to the young boy and to his parents.

Father Barmasse is now asking either to return to this Archdiocese and be assigned here or to be incardinated into the Diocese of Tucson. We feel we have a responsibility to send him for extensive evaluation before we could grant either request. Indeed, we have some question as to whether he should continue to serve as a priest in active ministry.

Please do not hesitate to contact me if you have further questions.

Sincerely yours,

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

28603

Rev. Kevin Barmasse

Summary Background

Kevin was ordained in 1982 and went to serve in Tucson in 1983 because the Archdiocese received a complaint about his abusing a twelve-year-old boy. We have knowledge of only one complaint. Attached is copy of letter from Archdiocesan lawyer, REDACTED
REDACTED

REDACTED Also attached is copy of a letter from the parents of the boy.

Kevin attended therapy for two years and the attached letter from Transactional Analysis Associates is the only medical information we have about him.

Correspondence from Kevin over the years does not inspire great hope that he has understood his problem and dealt with it. Mostly he has written asking for favors for himself--recommendations for the army, his ecclesiastical status, permission to return to the Archdiocese.

This problem surfaced very early and his behavior can not be attributed in any way to an abuse of alcohol. At no time has he given any indication of an insight into his problem or that he has confronted it. Rather he tends to apologize and then move on to the issue that is really on his mind.

From his most recent letter, copy attached, we sense that he still has little understanding of his problem.



CONFIDENTIAL

C

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

January 31, 1991

St. Luke Institute
2420 Brooks Drive
Suitland, Maryland 20746-5294

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Please do not hesitate to contact me if you have further questions.

Sincerely yours,

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

28798

Rev. Kevin Barmasse

Summary Background

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From his most recent letter, copy attached, we sense that he still has little understanding of his problem.



CONFIDENTIAL

C

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 751-3284

1531
West Ninth
Street

Los Angeles
California
90015-1124

January 31, 1991

St. Luke Institute
2420 Brooks Drive
Suitland, Maryland 20746-5294

Attention: REDACTED

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Please do not hesitate to contact me if you have further questions.

Sincerely yours,

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

28249

Rev. Kevin Barmasse

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From his most recent letter, copy attached, we sense that he still has little understanding of his problem.

MEMORANDUM

February 1, 1991

TO: Archbishop Mahony

FROM: Fr. Tim Dyer

RE: Fr. Kevin Barmasse

Arrangements have been made for Fr. Barmasse to begin a 5-day evaluation at St. Luke's Institute beginning February 10, 1991. I will keep you informed.

Very good - Thanks!

+ RMM

2-1-91



MEMORANDUM

TO: Fr. Tim Dyer
FROM: REDACTED
DATE: February 5, 1991

REDACTED REDACTED , U.S. Navy, REDACTED would like
to talk to you about Fr. Kevin Barmasse. REDACTED

REDACTED



ARCHDIOCESE OF LOS ANGELES
OFFICE OF VICAR FOR CLERGY
(213) 251-3284

TD: I have laid the groundwork for you to call the doctor in Salt Lake City re Kevin Barmasse (by chatting with his secretary, REDACTED).

Dr. REDACTED

He is in the office Monday through Friday and free to take calls from 8 minutes before the hour until the hour (when he starts the next patient session).

So if you could call him at, say, ___:50 it would be best idea. Or I guess you could leave a callback.

They do indeed do the testing mentioned.

I have not the slightest objection to doing this myself but think there may be things you want to mention to him that I am not knowledgeable enough about.

Let me know if/when you want me to start trying to make the connection. They are one hour ahead of us, time-wise.

REDACTED

28788

11 000054



ARCHDIOCESE OF LOS ANGELES
OFFICE OF VICAR FOR CLERGY
(213) 251-3284

Dr. REDACTED
ST. Luke

Kevin Barmese

- will we could be more definitive
- describing what his version of the ~~letter~~ incident & the letter
- says - no incident prior or since.
- in terms of information - ~~not~~ ^{not} new (we do already know).
- Testing: doesn't look terribly bad.
- seems to have fairly good emotional control
- doesn't seem to be compulsive.
- However - testing says there are clearly some lack of sexual devel. + lack of understanding of sexual aspect of his life. - which puts him at risk ... surprised by sexual ...



ARCHDIOCESE OF LOS ANGELES
OFFICE OF VICAR FOR CLERGY
(213) 251-3284

- some potential risk — unless he learn
something about his sexuality

- two edged: he has good stress tolerance
good -

but - usually a pers. like this sees
no way w. him - only
abuse himself.

A concern yours:

says he's sorry - it was stupid -
but I've seen good since &
should be able to return to

not able to come
to specific rec.

→ Needs one further test we
can't give her.
"SALAMetric testing" -
Tactics - but probably



ARCHDIOCESE OF LOS ANGELES
OFFICE OF VICAR FOR CLERGY
(213) 251-3284

measures sexual arousal (some Diocese
object) — can show if someone is
aroused by kids (not a totally
reliable test: — ^{a) see.} some v. mental
control — can force selves to not react
b) see, this aroused, — doesn't prove
that the person has ever acted out...

→ Still this test could help tell if there's
some kind of pedophile arousal pattern

REDACTED REDACTED REDACTED

REDACTED

REDACTED

(patient informed)

Toronto:
(have worked w. pedophiles)

~~REDACTED~~

after such testing — we'd recommend —
he certainly needs psych. treatment — around area of
sexualit. Best = intensive residential with the out-patient
-ll-



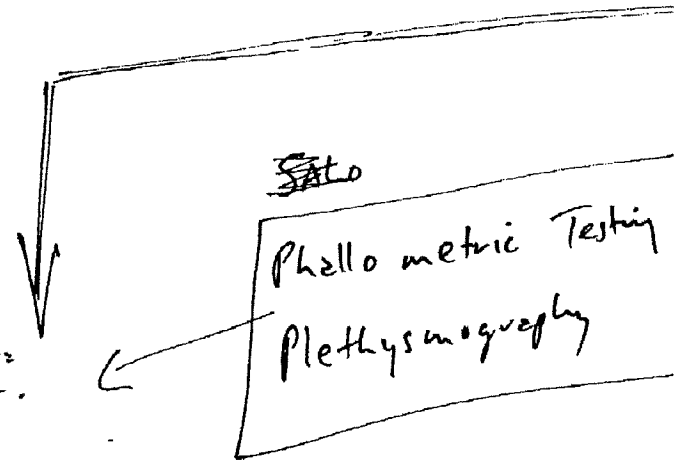
ARCHDIOCESE OF LOS ANGELES
OFFICE OF VICAR FOR CLERGY
(213) 251-3284

So - we'd like to see results by
a specif. we on our part...

If test suggests strong pedophile arousal pr.
- we'd recommend 6-8 mos. at St. Luke's

If not pedophile — still - intensive
therapy work of shorter duration.

nb.
Toronto
purpose of tests
to rule out
ephebophilia



Kevin would have to sign a release of
information



ARCHDIOCESE OF LOS ANGELES
OFFICE OF VICAR FOR CLERGY
(213) 251-3284

have we checked w. Tucson vicar
to see if there's

DIAGNOSIS

→ psycho sexual disorder
not all
"unintegrated sexuality"

emph info
to
make this
diagnosis

→ rule out paraphilia
not otherwise specified

a need
flag on
this - ex

Dependent + compulsive
traits
in personality test results.



COPY

Archdiocese of Los Angeles

Office of Vicar for Clergy (213) 251-3284 1531 West Ninth Street Los Angeles California 90015-1094

REDACTED

February 27, 1991

Dear Doctor REDACTED

Father Kevin Barmasse has been a priest of this Archdiocese since his Ordination to the priesthood in 1982. In 1983, he admitted to having sexually molested a young boy in his room at his place of residence. At that time, he was removed from his parish assignment and sent for treatment--which, in retrospect, was not adequate for an understanding of his sexual problem or his potential for recovery.

When the new Archbishop arrived in Los Angeles, he reviewed the case and determined to have Father Barmasse go through more extensive testing, which has now been completed at St. Luke's Institute. As I told you by phone, St. Luke's cannot do the phallometric testing that is needed for them to complete their report and make recommendations for Father Barmasse's future.

During the past seven years, Father Barmasse has been on assignment at a church in the Diocese of Tucson, Arizona, and he now wishes to return to this Archdiocese. He claims there were never any incidents prior to the one here mentioned above and that there have never been any subsequent to his leaving here. However, before we can go on with an assignment for him either here or in Arizona, we need to have moral certitude that incidents of sexual acting out with minors will not happen again.

This test can give us an indication as to whether there is present an addiction to youth.

If you have any other questions, I would be happy to speak with you. You may certainly send your report directly to Dr. REDACTED at St. Luke's, and we would appreciate it if you could let us know when that has been done.

Sincerely yours,

(Rev.) Timothy J. Dyer Vicar for Clergy

28784

MEMORANDUM

DATE: March 13, 1991
 FROM: Father Timothy J. Dyer
 TO: Archbishop Mahony
 RE: Costs for Father Kevin Barmasse

Father Barmasse's evaluation by St. Luke's is close to completion. The final report was delayed until he had completed a special test in Utah, results of which should now be on the way to St. Luke's (probably with a copy to us).

Only minor bills have come in as yet, but there will doubtless be some heavy ones soon. Father Barmasse is not covered by RETA, since priests on active leave in other dioceses are presumed insured by those dioceses.

May I have your thinking on whether if Father Barmasse is insured by the Diocese of Tucson, claims should be submitted to them with this Archdiocese picking up any amounts that Tucson insurance does not cover.

Or should we simply assume total expenses?

REDACTED

Let's try the approach above - if they cannot cover, then we will assume the total costs.

+ RMM

3-19-91

ST LUKE INSTITUTE
REDACTED

1531 West Ninth Street
Los Angeles, CA 90015-1194

A 092729

DATE	INVOICE NO.	DESCRIPTION	AMOUNT
3/06/91	12365E	CHARGES FOR THERAPY	2,250.00
TOTAL -			2,250.00

HW



The Roman Catholic Archbishop of Los Angeles
(A Corporation Sole)
Los Angeles, California 90015-1194

A 092729

OLYMPIC-UNION BRANCH
BANK OF AMERICA
LOS ANGELES, CALIFORNIA

CHECK NO.	92729
DATE	AMOUNT
3/08/91	2,250.00

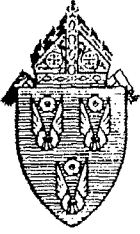
PAY:
TO THE ORDER OF *****2,250 DOLLARS AND 00 CENTS

ST. LUKE INSTITUTE 20746-5294
2420 BROOKS DRIVE
SUITLAND MD 20746
REDACTED

VOID AFTER 90 DAYS

THE ROMAN CATHOLIC ARCHBISHOP
OF LOS ANGELES

NOT NEGOTIABLE



NO

EMERGENCY

YES

RETURN CHECK TO DEPARTMENT

REASON: COVER LETTER

ENTERED

ARCHDIOCESE OF LOS ANGELES CHECK REQUEST

Vendor # 34090

REDACTED
Department name/number

PAYEE INFORMATION: (All Information must be provided.)

NAME ST. LUKE INSTITUTE, INC.

ADDRESS 2420 BROOKS DRIVE

CITY/ST/ZIP SUITLAND, MARYLAND 20746-5294

PHONE ()

SS# - - - - - OR FEDERAL I.D. NUMBER - - - - -

PLEASE INDICATE: CHANCERY/CEMETERY EMPLOYEE

ARCHDIOCESAN PRIEST - - - - - RELIGIOUS ORDER: PRIEST
BROTHER
SISTER

DESCRIPTION: CHARGES FOR THERAPY FOR ARCHDIOCESAN PRIEST NOT COVERED BY RETA

~~(REV. KEVIN BARMASSE) 02/11/91 - 02/15/91~~

NOTE: ATTACH ORIGINAL SUPPORTING DOCUMENTS

INVOICE NO.	ENTITY (X)	FUND (X)	COST CENTER (XXX)	OBJECT (XXXXXX)	SUBSIDIARY (XXXXX)	AMOUNT
	1	1	133	574507		\$ 2,250.00
						\$
						\$
						\$

REDACTED \$ 2,250.00

REQUESTOR: REDACTED DEPT APPROVAL: DT 3/6 EXT 284

White/Yellow Copies - Accounting Department
Pink Copy - Department Copy

RCA 101 AP REV 07 MAR 89

28782

DUE DATE: 03/08/91

DATE: 03/06/91



SAINT LUKE INSTITUTE

2420 Brooks Drive, Suitland, Maryland 20746-5294

(301) 967-3700



Affiliated with the
DAUGHTERS OF CHARITY
NATIONAL HEALTH SYSTEM

TYPE OF BILL
FINAL
DATE
02-15-91
PAGE NO.
REF. NO.
ADMIT DATE
02-10-91
DIS. DATE
02-10-

STATEMENT OF ACCOUNT

PATIENT **KEVIN BARMASSE**

MAIL TO

REDACTED

1531 W. 9TH STREET
LOS ANGELES, CA. 90015

341090

PATIENT NO.
REDACTED

INSURANCE CARRIER POLICY ID

PT: EV FC: EV
ESTIMATED INSURANCE BALANCE

DATE	SERVICE DESCRIPTION	AMOUNT	ESTIMATED INSURANCE BALANCE
1 02-15-91	513-0003 REDACTED		
2 02-11-91	513-0300		
3 02-11-91	513-0320		
4 02-11-91	513-0366		
5 02-12-91	513-0360		
6 02-13-91	513-0303		
7 02-15-91	513-0327		
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REDACTED

3/6

28783

INVOICE



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

March 27, 1991

Most Reverend Manuel D. Moreno
Bishop of Tucson
192 South Stone Avenue
P.O. Box 31
Tucson, Az 85702-0031

Dear Bishop Moreno:

As you know, before coming to a decision with regard to excommunicating Father Kevin Barmasse to your own Diocese, it was the mind of Archbishop Mahony that Father Kevin undergo a thorough diagnostic evaluation, results of which are still pending.

Charges for this evaluation are coming in regularly now from St. Luke Institute, from various laboratories, and for certain tests the Institute felt necessary before it could present its final report.

The Archdiocese of Los Angeles has paid all these expenses in the interest of promptness and kept copies of the billings.

Since Father Barmasse, being on Active Leave from the Archdiocese of Los Angeles, is not covered by our health plan, I am writing now to ask whether he is covered for health insurance by the Diocese of Tucson and, if so, whether we could submit the bills we have paid to that carrier for reimbursement to the Archdiocese of Los Angeles of whatever amounts are coverable under the Tucson plan.

In turn, we are most willing to assume any amounts not covered in that way. We have also assumed total expense for Father Barmasse's transportation.

Enclosed are copies of all bills paid to date, totalling \$3,501.

With thanks for your consideration of this request and best wishes for a joyous Easter season, I remain

Most respectfully yours in Christ,

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

Enclosures

28779

CONFIDENTIALMEMORANDUM

DATE: April 9, 1991
 FROM: Fr. Dyer
 TO: File - Rev. Kevin Barmasse
 RE: Conversation with Dr. REDACTED of St. Luke Institute

Notes from conversation with Dr. REDACTED of St. Luke Institute:

Report from special test given by Dr. REDACTED in Utah showed some tendency for F.B. to be attracted to young boys. It wasn't the strongest reading, but there was a positive response to young boys.

- K.B. denial of any sexual incident since.....
- entire staff met at St. Luke--in light of Utah report--and had difficulty reaching consensus and decided then to speak to Fr. REDACTED in Tucson
- REDACTED : K.B.'s work and conduct = fine/no complaints/however, "off the record" (with permission to say it to me): In November 1990 a priest of REDACTED acquaintance said to him as REDACTED "I may have a problem out there for you with D.B." --possible incident away from parish with a teenager --
 2 to 5 years ago/possibly an overture was made with no sexual contact. No formal complaint made.
 REDACTED told this priest to continue to look into this and follow out Tucson guidelines -- REDACTED was at this point when Dr. REDACTED called and said "We felt it was important for us to know more. REDACTED gave Dr. REDACTED permission to talk to K.B. about "this vague hint of something" he'd received from this Tucson priest.
- Dr. REDACTED "likely we will recommend K.B. see a therapist with specialty in sexual awareness." Dr. has told K.B. that she feel she has unconscious sexual impulses which are controlling him to some extent.
- One of the problems: It's hard to get to know K.B. He's unaware of a lot of the psychological things that affect him.
- Right now--even at this point--we can recommend that if he is in ministry, he shouldn't be working with kids (boys).
- We are open to in-house rather than outpatient counseling...because it is so hard to get to know him inpatient may be the best way to go.

April 12, 1991:

I related the above to REDACTED
 REDACTED did not get the full story when K.B. moved to Tucson, i.e., no details, only that he had been involved with a boy.
 I asked REDACTED to tell REDACTED to follow up with priest who brought the story in in November 1990.

28760

11 000067

REDACTED

DR.

(St. Louis)

4/5

re Kevin B.

~~When K.B. was at St. Louis - they did~~

Report from UTAH

- some tendency for KB to attracted to young boys / wasn't the strongest reading - but there was a positive response to young boys.

- ~~Kevin insisted on more~~
- KB's denial of any sexual interest since
- while still met here - in light of UTAH report & had difficulty reading consensus / decided then to ~~cancel~~ go to p. in Tucson:

REDACTED

KB's work + conduct:
 fine / no complaints / however
 "off the record" (w/ his permission to say so) : (ref p3)

(2)

11/90 - a priest of ^{acc. antism} ~~REDACTED~~ ^{ED} ~~REDACTED~~
said to: "I may have a
problem out there for you w. K.B."

- possible incident away for parish -
w. a teenage

2 years to 5 years ago / possibly an overture was made / no formal
w. no sexual contact ~~REDACTED~~
complaint made / ~~REDACTED~~ told

this priest to continue to look into
this + follow out Tucson guidelines
~~(S)~~ ~~REDACTED~~ was at this ~~REDACTED~~

pt. when ~~Dr. called~~ Dr. ~~called~~
~~Att. called back to priest~~
~~do said to I done with this.~~

Dr "We (St. C.) felt it was ^{important} ~~important~~ for us to
know more. ~~do not~~ ~~know why K.B. in Tucson~~

[Kevin gave me (St. C.) permission to ask
re his work...]

St. C. ~~was~~ encouraged to speak to ~~Dr.~~

3

REDACTED

gave Dr. permission to talk to KB about
"this vague hint of something" he'd rec'd
from this Tucson priest

REDACTED

likely we will recommend KB see a therapist
w/ specialty in sexual awareness

Dr. has told KB that she feels he has
unconscious sexual impulses which are controlling
him to some extent

Friday
① Dr. will call KB & report this to him
② I will call REDACTED

One of the problems - it's hard to get to know KB
~~of~~ He's unaware of a lot of the
psychological things that affect him

→ Right now - even at this pt. - we can
recommend that if he's in ministry - he should be
minister

be working in ~~the~~ field (long)

→ ?

We are open to in-house full time outpatient
counseling. It is ^{hard} to get to
know him - that important may be the best
way to go.

REDACTED

4/12

→ Related to above to him
REDACTED

→ did not get the fully full story when KD
moved to Tucson - i.e. details - only
that he'd been involved w- a boy
REDACTED
→ Asked REDACTED to tell to follow up
w. priest who'd brought the story in 11/50



Saint Luke Institute

April 11, 1991

CONFIDENTIAL

Most Reverend Roger M. Mahony, D.D.
 Archbishop of Los Angeles
 1531 West Ninth Street
 Los Angeles, California 90015

Re: Rev. Kevin Barmasse
 REDACTED

Dear Archbishop Mahony:

Thank you for the referral of Father Kevin Barmasse to the Saint Luke Institute for evaluation. We appreciate your patience in waiting for this report. We have tried to be as comprehensive as possible in understanding a rather complex situation involving, as you know, two separate dioceses. Both Father Dyer of your archdiocese and REDACTED the Diocese of Tucson, have been most helpful to our efforts. Father Barmasse was admitted to the Institute on February 10, 1991 and was cooperative with our evaluation process. As you know, Father Barmasse is a 35 year old priest from the Archdiocese of Los Angeles. Our understanding of the referral question relates to an incident which occurred in 1983 after Father Barmasse had been ordained for about one year. A complaint was made by the family of a young boy who was an altar server regarding inappropriate touching of the youngster by Father Barmasse. Father Barmasse does not deny that he gave the boy a back rub, although there are some differences between his version of what happened and that of the parents. We understand that Father Barmasse was subsequently placed on active leave and has been working in the diocese of Tucson from 1983 until the present time. REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

- 3 -

REDACTED

With regard to the referral question, Father Barmasse acknowledged that an incident had occurred in 1983, which led to his being removed from the Archdiocese of Los Angeles. He explained that he had invited a group of altar servers to a movie but they all canceled except one boy. Instead of going out, Father Barmasse invited the boy to watch a video in the rectory. The movie was "Jaws." Father Barmasse reported that while they were watching the movie, the boy commented that when his family watched videos at home they would give each other massages. Father Barmasse then asked the boy if he wanted a massage and the boy said yes. The youngster was about 12 years old. He lay on his stomach and Father Barmasse lifted up his shirt to massage his shoulders and back. He then undid the boy's jeans and pulled them down in order to massage the boy's legs. He stated he massaged the boy's legs to about the middle of the thigh but denied touching his inner thigh or buttocks or penis. He stated that the youngster did not appear to have any reaction and that afterward Father Barmasse took him home. Father Barmasse later learned that when the boy went home he told his parents that he (Father Barmasse) was "crazy" or "strange". The parents of the boy then wrote a letter of complaint to the Bishop regarding this incident. In the letter the mother of the boy stated that her son had come home that night "frightened and confused." She believed that her son had been molested. Father Kevin,

28774

however, has consistently denied any sexual intent although he knew he had been imprudent. In particular, he denies having asked the boy to massage him, denies that he felt sexually aroused at any time, and denies any awareness of being attracted to adolescent boys. He also denied ever giving a massage such as that one before or since. He stated that he had been naive and that since that time he has been more prudent, more cautious and more reserved. In addition to being transferred out of the Los Angeles Archdiocese, Father Barmasse was asked to go into counselling, which he did in Arizona. REDACTED
REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

- 7 -

REDACTED

We hope that this report will be of help to you and to Father Kevin. If we may be of any further assistance, please do not hesitate to contact us.

Sincerely,

REDACTED

Staff Psychiatrist

cc: Rev. Kevin Barmasse

REDACTED

28778

II 000078

MEMORANDUMMay 1, 1991

TO: Archbishop Mahony
FROM: Father Timothy Dyer
RE: Fr. Barmasse

We made arrangements today for Fr. Barmasse to begin in-patient therapy at St. Luke's Institute beginning July 3rd. Fr. Barmasse had made plans for vacation in June and REDACTED asked that, if at all possible, we honor the request to wait until July to initiate the program.

I have not yet been able to contact Fr. Barmasse, but have left messages and expect to speak to him today or Friday.

*Sounds acceptable - please proceed,
+ RMM*

5-1-91

28766

11 000079

MEMORANDUM

CONFIDENTIAL

DATE: May 6, 1991

FROM: Fr. Dyer

TO: Archbishop Mahony

RE: Rev. Kevin Barmasse

Attached are notes from a phone conversation with Dr. of St. Luke Institute last month.

Based on this conversation, we have made arrangements for Father Kevin Barmasse to start inpatient therapy at St. Luke's on July 3.

*Please keep me informed.
+ RMM*

5-7-91



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

May 16, 1991

Rev. Kevin Barmasse
Blessed Sacrament Church
122 Church Road West
P.O. Box 20
Mammoth, Arizona 85618

Dear Kevin:

I write to let you know that we have made arrangements for you to begin residential treatment at St. Luke's Institute on July 3, 1991 and that REDACTED is aware of these arrangements.

Sometime in the course of therapy, Kevin, the matter of your future assignment will come up for discussion and I wanted you to know this.

If you have any questions about this, I will be happy to speak with you.

Wishing you God's blessing, I remain

Sincerely yours in Christ,

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

28758



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

May 6, 1991

REDACTED

Medical Director
St. Luke Institute
2420 Brooks Drive
Suitland, Maryland 20746-5294

Dear Dr. REDACTED :

We have made arrangements for Father Kevin Barmasse to begin residential treatment on July 3, 1991 at St. Luke's. Having spoken with REDACTED the Diocese of Tucson, we think it is important to bring up the question of future assignment and diocese with Father Barmasse at some point in his treatment.

At this time, it has not been determined whether the Archbishop of Los Angeles, where Father Barmasse is incardinated, will accept Father back into the Archdiocese for a full-time ministry assignment. The decision will rest largely on the outcome of his therapy and your recommendations.

The Diocese of Tucson has had nothing but good things to report about Father Barmasse, although there has been one veiled reference brought to REDACTED about the possibility of his having made an "overture" to a teenager some years ago during a camping trip. This, however, remains at the level of hearsay, and I believe Dr. REDACTED will be in touch with REDACTED of Tucson to see if anything about this rumor has since come to light.

At any rate, we rely on you to give us some indication during the therapy as to whether you will be recommending a continuance of full-time ministry, so that our Archbishop can begin to dialogue with Father Kevin about his coming back to Los Angeles --as Father Kevin would evidently like to do. If restrictions are to be placed on him, Los Angeles would likely be the better place, since it is a large diocese with more variety in forms of ministry. If there are to be no restrictions, Tucson seems very pleased with him and Father Kevin would have to enter into the dialogue between REDACTED involved.

If you have any questions about this, I will be happy to speak with you.

Sincerely yours,

28765

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED



Saint Luke Institute

July 5, 1991

CONFIDENTIAL

Cardinal Roger Mahony, D.D.
Archbishop of Los Angeles
1531 West 9th Street
Los Angeles, California 90015

Re: Reverend Kevin Barmasse
Saint Luke Institute - REDACTED
Date of Admission: 7-3-91

Dear Cardinal Mahony:

We are writing to inform you that Reverend Kevin Barmasse has been admitted to the Saint Luke Institute, and is adjusting to the program.

Father Barmasses's individual therapist during his treatment is REDACTED
REDACTED will write you monthly to apprise you of Father Barmasse's progress during his time here at Saint Luke's.

Please be assured of our prayers for you, and the ministry of service you undertake on behalf of Christ's Church.

Sincerely,

Curtis C. Bryant, S.J. Ph.D.
Director, Inpatient Clinical Services

REDACTED

REDACTED

REDACTED

cc: Reverend Kevin Barmasse

[Faint, mostly illegible text]

28750

REDACTED



DIOCESE OF TUCSON

192 SOUTH STONE AVENUE

P.O. Box 31 • Tucson, Arizona 85702-0031
602-792-3410

REDACTED

July 16, 1991

Rev. Timothy Dyer
Vicar for Clergy
Archdiocese of Los Angeles
1531 W. Ninth St.
Los Angeles, CA 90015-1194

Dear Tim:

Thanks for your recent letter outlining your support for Fr. Kevin Barmasse. All things seem to be in proper order and we have made the necessary adjustments to our insurance rosters here in Tucson.

I understand that Kevin has provided you with the necessary information that you requested in your letter. Should there be anything more your office needs, please feel free to call us here. I did send Kevin a recent letter responding to his desire to stay on our dental plan. It seems it will not do him too much good, except in the case of emergencies, but I will let you know what he decides to do.

Hope all is well in LA. Say hello to my classmates with whom I, unfortunately, have not kept in contact. It must be the desert sun. Take Care

Fraternally in Christ,

REDACTED

REDACTED



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

July 24, 1991

REDACTED

Diocese of Tucson
192 South Stone Avenue
Tucson, Arizona 85701

Dear REDACTED

I have just received your good letter about Kevin Barmasse and appreciate keeping in contact with us.

REDACTED

EDACTED

When I came into this Office last January, I was told that Cardinal Mahony had determined to look into the cases of Father Barmasse and REDACTED REDACTED, and to begin with Father Barmasse.

Once therapy for Kevin was underway, REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED

REDACTED REDACTED

REDACTED

REDACTED

In Christ,

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

28748



Saint Luke Institute

August 20, 1991

CONFIDENTIAL

Reverend Timothy Dyer
 Vicar for Clergy
 1531 West Ninth Street
 Los Angeles, California 90015

Re: Reverend Kevin Barmasse
 Saint Luke Institute - REDACTED
 Date of Admission: July 3, 1991

Dear Reverend Dyer:

We are writing to you regarding Reverend Kevin Barmasse, who has completed six weeks at the Saint Luke Institute. In addition, we want to thank you for your visit on August 7, 1991. We believe it was very helpful for both the staff and for Reverend Barmasse to have a clearer sense of the archdiocese' position regarding treatment and Reverend Barmasse's return to active ministry.

During your visit, you were able to give some additional information regarding complaints which had arisen in Tucson. Although it was difficult for you to bring these facts to our meeting, it gave some data to Reverend Barmasse that other individuals had experienced boundary violations during times with him.

REDACTED

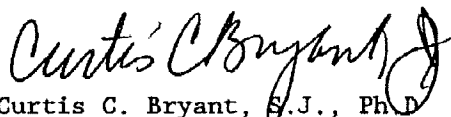
Reverend Timothy Dyer
August 20, 1991
Page 2

Re: Reverend Kevin Barmasse

We will continue to write to you regarding Reverend Barmasse's progress in treatment. In consultation with Reverend Barmasse, we agreed it might be more helpful to correspond directly with you, given your active involvement in Reverend Barmasse's treatment program.

Please feel free to contact us at any time if questions arise. Thank you again for your support. Please be assured of our prayers for you and the ministry of service you undertake on behalf of Christ's Church.

Sincerely,
REDACTED



Curtis C. Bryant, S.J., Ph.D.
Director, Inpatient Clinical Services

REDACTED

REDACTED

cc: Reverend Kevin Barmasse

CONFIDENTIAL**MEMORANDUM****August 24, 1991**

TO: Cardinal Mahony
FROM: Father Timothy Dyer ✓
RE: Fr. Kevin Barmasse

I want to give you a report on recent developments in the case of Fr. Barmasse -- beginning with my visit to St. Luke's on August 7, 1991.

I met with Fr. Barmasse and the therapist in charge of his program. This was at the special request of the Institute for the express purpose of stating the Archdiocese' position with regard to Fr. Barmasse's present situation and the options we see for the future. I began by making it clear that while there might be an air of unfairness in Fr. Kevin's mind over our re-examining his case, that is something he would have to deal with in therapy. I stated that our review of the incident in 1982 and the subsequent actions that were taken do not give us moral certitude in the present day to entrust him with a priestly assignment. I told him that throughout his history he has been difficult to know and that that has a good deal to do with our uncertainty as to his future. This was confirmed by the recommendation from St. Luke's (following his 5-day evaluation) which called for residential treatment so that therapists might get to know Kevin better. His present counselor interjected at this point -- saying that Fr. Kevin, during his first month, has still "given very little" by way of information about himself and has real difficulty "opening up". I said we would hold this out as our first expectation for him in his program at St. Luke's.

I then explained that should the Institute give a favorable recommendation at the end of therapy, it is possible that you would give him an assignment within the Archdiocese -- although it would not necessarily be a parochial assignment and it would certainly not be a ministry involving minors. If an unfavorable recommendation were given, I told Fr. Kevin there was little likelihood you would give any assignment and in that case would assist him to seek another career and laicization.

I also related to Fr. Kevin and his therapist that REDACTED had called me just prior to my leaving for St. Luke's. REDACTED said that a pastor and youth minister had just made a report to his office of inappropriate conversations initiated by Fr. Kevin with several young men concerning sexual matters and innuendo. I told Fr. Kevin that while neither REDACTED nor I had details, the matter would be investigated and reported to St. Luke's. Fr. Kevin had nothing to say.

Since that time, in conjunction with REDACTED office, I have tried

28502

to get the details of incidents that took place in recent years involving Fr. Kevin's relationship with five young men. To this point I have spoken to REDACTED REDACTED of St. Elisabeth Ann Seton in Tucson as well as with REDACTED the parish youth minister. REDACTED reports that he has recently heard a number of angry remarks from parishioners with regard to Fr. Barmasse. One young man who was involved in the youth group when Fr. Kevin was in the parish (1985-1988), told REDACTED that his mother said she would "sue the diocese" if REDACTED continued to move Fr. Barmasse around from parish to parish -- "knowing that he (Fr. Barmasse) was a child offender". Another young man told the youth minister that Fr. Kevin had made some inappropriate "approaches" to five young men during a youth group trip to California. This involved the offer of back-rubs; only one of the five was a minor. On another occasion Fr. Kevin is said to have taken one of these young men with him on vacation and the "back-rub" turned in to genital fondling. He said that on following nights Fr. Barmasse invited the young man to fondle him and was refused. Later, he said Fr. Barmasse offered financial favors if this young man would help relieve Fr. Barmasse's "loneliness".

I have been asked by REDACTED and the youth minister to call three other people who know more of the details and have expressed a willingness to talk. I hope to reach them early this week so that I can put together a report for St. Luke's.

I will keep you informed.

*Very sad - I see no hope or future -
 he must be laicized as soon as
 possible. Please keep me informed.*

+ RMM

8-26-91

.. Kevin Barmasse Case

Testimony 8/27/91

Information has come to us by way of REDACTED REDACTED at St. Elizabeth parish in Tucson, that Fr. Barmasse made sexual advances toward five young men when he was assigned to that parish (1985-June 1988). This information was confirmed by REDACTED REDACTED in the neighboring parish of St. Odilia's. In addition the REDACTED of St. Elizabeth's, REDACTED REDACTED spoke to me about the same boys mentioned by the two youth ministers -- saying that he has recently heard rumors about their relationships with Fr. Barmasse as well as a few angry remarks by some of their parents.

The names of the young men are: REDACTED REDACTED and REDACTED . REDACTED gave me the details that follow in the case of REDACTED , and REDACTED spoke to me directly to report his story:

REDACTED

REDACTED
REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED said that REDACTED was close to 20 years of age at the time of this incident, but that most of the other young men reported that sexual advances they experienced were made while they were in late high school -- approximately three to four years ago. When REDACTED approached Fr. Barmasse -- "as a friend" -- with these reports, Fr. Barmasse denied them. REDACTED says he remembers seeing REDACTED oftentimes in the company of Fr. Barmasse at youth group socials; he would be by his side a lot of the time. Fr. REDACTED said that REDACTED 's mother had a "big problem" with regard to Fr. Barmasse. He said that REDACTED is now in college in another state and did not want to say anything bad about Fr. Barmasse and that he had never done anything wrong to him. Fr. REDACTED did not know much about REDACTED -- only that the others mentioned him as having had the kind of sexual advances all of them had experienced. Fr. REDACTED suggested that I talk to REDACTED ; that REDACTED had told him that his mother would "sue the diocese" if Fr. Barmasse continued as a priest.

REDACTED

REDACTED

REDACTED

Kevin Barmasse Case

Testimony

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED he said he thought REDACTED's first time, as well as REDACTED's, may have been when they were 17. The others all reported the same kind of incidents, right down to the story of the girlfriend in the fiery crash.

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED said rumors began to go around the parish during this past year, and it was then, when his mother asked him about them, that he told her what had happened. This was the reason for her threat "If the REDACTED -- knowing that he (Fr. Barmasse) is a child molester -- continues to move him from parish to parish, I'll sue the diocese".

Finally, REDACTED reported some strange behavior back in the youth group years that involved Fr. Barmasse and women. "He (Fr. Barmasse) would get really mad when we boys would go "girl-chasing" at one of the outings." Once a woman from his previous parish pulled up in front of church in a taxi, got out with bags in hand -- saying she wanted to "move in." Fr. Barmasse got agitated, yelled at her and told us boys she was a "psycho bitch". REDACTED said that Fr. Barmasse "hung out with REDACTED mother" after her divorce. He "stalked her at the bars" telling her she shouldn't be there. Finally, REDACTED said that Fr. Barmasse once tried to get REDACTED sister into his van, which he referred to as his "fuck truck". (He said he didn't know the whole story, but that REDACTED could tell me.)

I REDACTED WOULD LIKE TO SUBMIT THE LAST PARAGRAPH OF THIS PAGE TO MY WRITTEN TESTIMONY. REDACTED ACTED 5-23-93



F

Archdiocese of Los Angeles

Office of Vicar for Clergy 1531 West Ninth Street Los Angeles California 90015-1194

August 30, 1991

FAX: REDACTED

REDACTED

St. Luke Institute 2420 Brooks Drive Suitland, Maryland 20746-5294

Dear REDACTED :

I am expecting further reports, but feel there is enough here to give a picture of alleged behavior on Fr. Barmasse's part with several young people.

At this point, I must say that the Archdiocese's stance has changed, and I see little possibility of Father Barmasse's returning to any priestly ministry here or in any other diocese. This is a result of both the reports of sexual abuse, which clearly involve manipulation, as well as his repeated denial of such incidents over the years.

We will have to talk about a new focus for Father Barmasse's therapy--namely, a preparation for education in a new career.

I will be in touch with you.

Sincerely yours,

(Rev.) Timothy J. Dyer Vicar for Clergy

REDACTED

28266



MEMORANDUM

FAX TRANSMITTAL COVER SHEET

DATE: August 30, 1991

TIME: 9:35 A.M.

TO: REDACTED
REDACTED

FROM: Rev. Timothy J. Dyer

FAX # REDACTED

NUMBER OF PAGES (Including Cover Sheet): 4

COMMENTS:



Saint Luke Institute

October 21, 1991

CONFIDENTIAL

Reverend Timothy Dyer
 Vicar for Clergy
 1531 West 9th Street
 Los Angeles, California 90015

Re: Reverend Kevin Barmasse
 Saint Luke Institute - REDACTED
 Date of Admission: July 3, 1991

Dear Reverend Dyer:

We are writing to you regarding Reverend Kevin Barmasse who has completed his third month at the Saint Luke Institute. REDACTED
 REDACTED

REDACTED

28731

Reverend Timothy Dyer
October 21, 1991
Page 2

Re: Reverend Kevin Barmasse

We continue to appreciate the support you are showing for Reverend Barmasse during his inpatient treatment. Please be assured of our prayers for you and your ministry on behalf of Christ's Church.

Sincerely,
REDACTED



Curtis C. Bryant, S.J., Ph.D.
Director, Inpatient Clinical Services

REDACTED
REDACTED

REDACTED

cc: Reverend Kevin Barmasse

REDACTED

REDACTED

The

yes - this is "fair" + fine.

Pls tell REDACTED that I'll

be seeing Kevin again on Nov 5

& will have more to report

about his "future" following that

mtg

You can tell him that at

this point it is most unlikely

that we would allow him to

return to active ministry in

the near future - if at all.

p.s. REDACTED - you might remind me to call

him REDACTED personally after my trip. REDACTED



REDACTED

CONFIDENTIAL

Saint Luke Institute

October 21, 1991

CONFIDENTIAL

Reverend Timothy Dyer
Vicar for Clergy
1531 West 9th Street
Los Angeles, California 90015

Re: Reverend Kevin Barmasse
Saint Luke Institute - REDACTED
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Reverend Timothy Dyer
October 21, 1991
Page 2

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Sincerely,
RE[REDACTED]

REDACTED

cc: Reverend Kevin Barmasse

28270

28734

MORANDUM

PRIORITY

DATE: October 24, 1991

FROM: _____

TO: _____

RE: Fr. Barmasse

Tucson makes appointments twice a year on 7/1 and 2/1. They are now sending out notices in advance to their incardinated priests of parishes coming up. (He says if they mentioned nothing about the one in Mammoth where Fr. Barmasse was--and then it turned out to be available, they would be in trouble).

So he is including words to this effect in notice: THERE MAY BE A POSSIBILITY OF OUR NEEDING SOMEONE FOR MAMMOTH AFTER THE FIRST OF THE YEAR. I ASK YOU TO KEEP THIS CONFIDENTIAL AMONG THOSE OF YOU RECEIVING THE INFORMATION.....

Wants to know if this is o.k. with us--he thinks it is fair to Fr. Barmasse--

I NEED AN ANSWER FOR HIM BY EARLY TOMORROW (THIS FRIDAY) MORNING AS I PROMISED TO GET THE WORD FROM YOU AND CALL HIM THEN--THEY ARE HOLDING UP THE MAILING.

If decision is Barmasse is not going back to ministry there, then he is free to advertise the parish with a DRAFT MEMO CONCERN

} send

CONFIDENTIALMEMORANDUMOctober 28, 1991

TO: Cardinal Mahony
FROM: Father Timothy Dyer
RE: Fr. Barmasse

The attached is the latest report from St. Luke's on Fr. Kevin Barmasse. I have indicated to St. Luke's that, at this point, we see no possibility of Fr. Barmasse's returning to active ministry following his completion of the program at St. Luke's. I will have an appointment with him and his counselor on November 5th and plan to tell him that an essential part of his therapy during the next three months must involve dealing with the transition from active ministry to another field of work.

*I concur - please proceed along
these lines.*

+ RMT

10-30-91

28730

T.D.

1/8/92

Phone Discussion with REDACTED , St. Luke's Institute
Re Fr. Kevin Barmasse

- Kevin has done a fair amount of work while here. In particular, the main reason he was sent to St. Luke's -- not being in touch with nor acknowledging his improper sexual behavior with teens -- has been an area of progress.
- He is now working on a contract for aftercare. At times he feels great anger toward the AD and wants to simply have nothing to do with you. However, he will draw up a contract and will probably ask to have someone with whom he can meet bimonthly once he returns in order to give a progress report.
- He is pulling back somewhat in his group therapy -- i.e. not investing himself in the discussion.
- His family has offered him a place to stay and he will look for a part-time job.
- AD should have its own contract w. KB setting out clear limits of what AD and can't do and timelines for his withdrawal from dependency on AD. KB must be proactive in the process. He can tend to get comfortable, as he is now becoming at St. Luke's, and rely on others to take care of his needs.

28721

II 000101



Saint Luke Institute

CONTINUING CARE CONTRACT

PATIENT: BARMASSE, Reverend Kevin DATE OF ADMISSION: July 3, 1991 PRIMARY THERAPIST: REDACTED ADMITTING PHYSICIAN: REDACTED	Saint Luke Institute: REDACTED DATE OF DISCHARGE: January 14, 1992 , M.D.
--	---

I, Kevin Barmasse, enter into this contract for a period of six months beginning January 14, 1992. At this time I understand that revisions can be made during this period of time and afterwards. These renegotiations will take place with the advice of my support group, therapist and aftercare therapist. Having completed the Inpatient Program at the Saint Luke Institute, I agree to the following terms to the best of my ability:

A. Ongoing Support

1. I will attend four 12-step meetings (at least) a week. Two will be SA/SLAA, one will be EA and one will be Al Anon or ACOA. The regularity of these meetings will begin one month after I leave treatment. This will allow me time to search out the meetings, the times and the atmosphere of the groups in the area.
2. Within a period of six to eight weeks from my departure, I will ask six to eight people to be part of my support team. This support team will consist of a) my spiritual director, b) my primary therapist, c) my brother REDACTED, d) my friend REDACTED, e) two priests from the archdiocese, f) my 12-step sponsor.
3. Within six to eight weeks of departure, I will begin ongoing therapy. I will meet with my primary therapist once each week to once alternate weeks, depending on what we negotiate together. This may include a therapy group, as determined between myself and my therapist.

B. Physical Health and Well-being

1. I will plan an exercise program utilizing one hour intervals to include brisk walking, working out or a physical sport such as racquetball, swimming, etc. I will follow this program three times per week.
2. I will monitor my weight and blood pressure once per week.

C. Relaxation and Well-being

1. I will take one hour for music, a walk on the beach or some form of relaxation three times per week.
2. I will take off one full day per week.
3. I will take two weeks vacation each year. I will plan this two weeks at least six months in advance.

28274

D. Ongoing Communication

- 1. I will contact the archdiocese at least every other week or as negotiated between us to let them know of my status and continuing plans and recovery.
- 2. I will contact my sponsor every few days, even if there are no problems or crises to report.
- 3. I will contact at least one member of my support group or 12-step fellowships once each day.

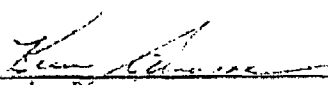
E. Work Activities

- 1. I will begin looking for a part time job within three to four weeks of discharge.
- 2. I will work for a maximum of 25 hours per week, while developing concrete plans for alternate career training. I will develop these plans with the support of the Archdiocese.


F. Continuing Care

- 1. I will contact my Continuing Care Therapist at the Saint Luke Institute every seven to ten days.
- 2. As supported by my Archdiocese I will return for Aftercare Workshops at the Saint Luke Institute. These will be for one week every six months and will be scheduled with the Saint Luke Institute Continuing Care Staff.
- 3. I will negotiate other re-entry needs with the Continuing Care Department, my Archdiocese and my Support Group.

REDACTED
REDACTED



 Kevin Barmasse
 Patient



 Curtis C. Bryant, S.J., Ph.D.
 Director, Inpatient Clinical Services

REDACTED

D: 1-9-92, T: 1-9-92

CONFIDENTIAL



CONFIDENTIAL

REDACTED

Saint Luke Institute

CONFIDENTIAL

January 17, 1992

Reverend Timothy Dyer
 Vicar for Clergy
 Archdiocese of Los Angeles
 1531 West Ninth Street
 Los Angeles, California 90015

RE: Reverend Kevin Barmasse
 SLI No.: REDACTED

Dear Reverend Dyer:

We are writing to you regarding Reverend Kevin Barmasse who was discharged from the Saint Luke Institute January 14, 1992. As stated in our recent REDACTED

Reverend REDACTED
January REDACTED
Page 2

Re: Reverend Kevin Barmasse
SLI No.: 12365

REDACTED

Throughout Reverend Barmasse's treatment you have shown considerable support and encouragement. We thank you for your efforts as well as for the opportunity to work with this fine man. Please do not hesitate to contact us if we can assist you during his transition phase. Be assured of our prayers for you and your ongoing ministry to clergy in your archdiocese.

Sincerely,
REDACTED

REDACTED
REDACTED

cc: Reverend Kevin Barmasse
Enclosure
SFK/MAZ

J

Dear Tim;

I hope and pray your holidays were happy and holy for you. I want to thank you for your Christmas card and the thoughts and prayers that came with it. I am writing this letter to keep you updated as to who I am and what my plans are.

When you came and told me that I was not being welcomed back to active ministry I was stunned. I am understanding of your position but do not agree with you. I want you to also know that I am angry with the archdiocese (you if you are the decider of this move). I am a priest with the archdiocese of Los Angeles who has a disease of addiction. I didn't ask for this disease and God knows I don't want it but I have it nonetheless. This addiction got the best of me in the past and I acted out with some young men, and one teenager, in the past. I am sorry to them, their families, and the archdiocese. I can't go back and change the past, I wish I could but that is not possible. St. Luke's has helped me seen myself as a sick person, not a bad one and that is a big step for me. I came here, and stayed here to help me get better and deal with this addiction. I was and still am a good priest. Not being able to go back to ministry hurts me very deeply.

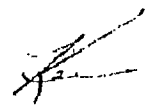
I will be leaving here on the 16th of the month. I leave with alot of fear about the future and still some anger. My sobriety is the most important thing to me, and will always be the most important thing. I am putting together my needs and wants from the archdiocese. I would appreciate any ideas that you, or the Cardinal might be having with respect to my situation. Negotiations are not something I am used to or very familar with and that frightens me to think that I will have

to negotiate my future with you. I will be sending you a letter later after I get some input from others.

There are other priests here who report of meetings with their bishops or vicars and tell of how they feel welcomed back to ministry. I want you to know I am envious and angered that my diocese does not see it the same way in welcoming me back. This is an awkward situation for both of us I am sure and I do not like being in this spot.

I will be in touch after I leave here. Be assured of my prayers for you and the archdiocese and I ask for your continued prayers as well.

Sincerely In Christ;



Needs and Wants from the Archdiocese

Needs:

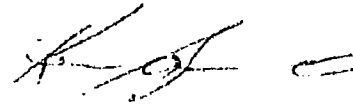
1. Health and Dental Insurance Coverage
2. Ongoing therapy
3. Tuition and Books (college and length to be determined)
4. Retirement Coverage Program
5. Room and Board (Cost of and not recotry living prefered)
6. Auto and Auto Insurance Allowance
7. Expense Allowance (amount to be negotiated)

Wants:

1. To be considered for future ministry in the archdiocese
2. To have emotional support of the archdiocese and not just financial.
3. To remain a priest in the archdiocese even if not ministry (active) is allowed.

I do plan on getting a part time job to help me with some of my other expenses. My plans are to work 20 - 25 hours a week while not in college and those hours may have to be cut back when I am in college.

Thank you for your time and attention in this matter.



M. ORANDUM

DATE: January 29, 1992

FROM: Msgr. Timothy Dyer

TO: Cardinal Mahony

RE: Attached

Attached is final report from St. Luke Institute on
Father Kevin Barmasse.

Thank - keep me informed,

+ R M H

1-29-92

CONFIDENTIAL

MEMORANDUM

March 19, 1992

TO: Cardinal Mahony
FROM: Father Timothy Dyer
RE: Kevin Barmasse

I met yesterday with Kevin Barmasse and his brother, who is an attorney, to discuss Kevin's plans for the future and the question of support from the Archdiocese.

Kevin is now living with one of his brothers but would like to get a job as soon as possible and move to an apartment -- most likely in the San Fernando Valley. By the fall of this year or spring of '93 he hopes to get into a nursing school which, with prerequisites, would mean three years of studies. His plan would be to work part-time if and when he begins this schooling.

For the time being he is proposing that the Archdiocese support him with \$1500 a month to cover his housing and utilities, food, clothing and transportation costs. In addition to this the Archdiocese would have the cost of ongoing therapy and health coverage until he gets his own health plan. I told him I would present this for your consideration.

I explained that the intention of the Archdiocese is to assist him on his way to independence and that we have set a guideline of two years during which financial assistance would be reviewed regularly and taper off as he is able to take care of his own needs. His brother pressed me on the question of "two years" -- saying that retooling for another field of work in mid-life takes several years of schooling during which a person cannot bring home a full-time income. I said that this was a guideline and that I was sure the Archdiocese would be open to negotiation.

Inasmuch as this is somewhat precedent-setting with several more men about to leave residential therapy at St. Luke's, I suggest several people look at the above financial figure and elements within the package I discussed with Kevin. I would think Msgr. Curry, someone from REDACTED department and perhaps Mr. REDACTED could offer counsel as to whether this proposal (\$1500/mo., therapy, health coverage) is fair to Kevin and to the Archdiocese. Then I could bring back a final proposal to you.

Please see me - important!
+ RMM

28713

3-23-92

May 13, 1992

Dear Tim;

I am writing to update you on my circumstances here. I misunderstood you and thought you were going to get with the cardinal and get back to me so I have been waiting to hear from you. I went to the junior college and found out it will take three years for my nursing credentials; one year prerequisites and a two year program. I will be starting in the fall. I am also meeting with REDACTED once a week. I am enclosing my statement for the times I met with her in April. I will send the statement to you after I receive it each month. I ask that you please reimburse me for these sessions.

Tim, please get with the cardinal and come up with figures so I can start paying my share of the rent, and other expenses. My auto insurance is \$900.00 a year and I already had to pay half of that, and the other half is due in a few months. There will be other major expenses in the near future and the present salary isn't going to cover it. A desk, computer, and supplies for school. I will be applying for part time work now that I have an area to settle in to for a time.

Thank you for doing this for me. If you have any questions please feel free to call me. My prayers are with you and the diocese.

Sincerely In Christ;





COPY
REDACTED

see
Diocese of Tucson

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

May 14, 1992

Rev. Kevin Barmasse
REDACTED

Dear Kevin:

I deeply apologize for having taken so long to write you about the plan of the Archdiocese on your behalf. Since I met with you and your brother, I have discussed this matter thoroughly and at length with my staff and with Cardinal Mahony. The Cardinal has come to the decision that he wishes to provide you with help in the form of a "gift" from the Archdiocese, a one-time sum of assistance in the amount of \$10,000.

You will also continue on the Archdiocesan Payroll through June 1992. REDACTED
REDACTED

Up to this time, the Archdiocese has been reimbursing the Diocese of Tucson for REDACTED That will be paid through June 1992, after which you will need to assume that responsibility.

A check for \$10,000 is now ready and can be mailed to you or picked up by you here at my office. Please just give me a call and let me know your preference in that regard. My home number is REDACTED Should you wish, I would be happy to speak with you about this.

Sincerely yours,

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

28707

Monday

CONFIDENTIAL

MEMORANDUM

June 8, 1992

TO: Cardinal Mahony
FROM: Father Timothy Dyer
RE: Kevin Barmasse

*we need our
 canon lawyers
 involved now*

*get details on
 COBRA that
 should always be
 the norm*

*OK - but a
 time/money
 limit*

I met with Kevin Barmasse and his brother, REDACTED, on May 27th. As you recall, you had approved a gift of \$10,000 to assist Kevin in his transition from priestly life. His brother, an attorney, advised him to turn this down in lieu of seeking a better settlement through a canon lawyer.

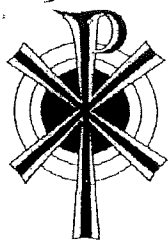
They also questioned the issuance of Cobra -- which is due to take place at the end of 1992. Kevin maintains that I assured him, during our first talk at St. Luke's, that we would provide him with health care until he was established in an employment where he could afford or take part in a group policy. I would like to know your decision in this regard.

Finally, we have not been paying for his counseling bills -- he is presently seeing REDACTED as part of his aftercare contract with St. Luke's. I would recommend in this matter that we give financial support. I say this because the cost is relatively low and because we want to give him all the help possible to avoid further acting out in society. I do not see this as an indefinite period of counseling and I will check with REDACTED to get a prognosis.

Please see me -

+ RMM

6-10-92



REDACTED

JUL 6 1992

July 6, 1992

COPY

Rev. Timothy Dyer
Archdiocese of Los Angeles
1531 W. Ninth Street
Los Angeles, CA 90015-1194

Dear Father Dyer:

I am writing this letter to clarify some points that were brought up in our telephone conversation of last Monday. We had agreed to talk at 2:30 p.m. The conversation, by phone, with you, with Rev. Craig Cox present, began about 3:45 p.m. My position in this affair is that of canonical counsel for Rev. Kevin Barmasse, at the moment an incardinated priest of the Archdiocese, though without an assignment.

The purpose of my phone call last week was to determine the position of the Archdiocese as regards Rev. Barmasse. The facts as I understand them are as follows:

There is an allegation that in 1982 some kind of sexual contact took place between Father Barmasse and a juvenile, aged 13 or 14. As a result of this, Fr. Barmasse was asked to take an assignment in Tucson, Arizona. Concurrent with that assignment was the request by the Archdiocese that he receive inpatient therapy, the site of which, to my knowledge was, the St. Luke Institute. He was supposedly diagnosed with compulsive behavioral problems. That statement is dependent upon my receiving a copy of the reports from said Institute, pursuant to your receiving a mandate from Fr. Barmasse appointing me his procurator and advocate.

Subsequently, according to Fr. Cox's reading of the file, there are allegations of some kind of sexual activity on the part of Fr. Barmasse with juveniles. None of these juveniles, again according to Fr. Cox, would be minors in the canonical sense of the term. I also add that the specifics of these allegations have not been made known to me except in the most general of terms. I would like to speak with you again, Fr. Dyer, and hear from you the exact nature of the allegations, as regards frequency, nature and subsequent action on the part of the Archdiocese.

It is my understanding the following is the position of the Archdiocese at this time:

- Fr. Barmasse is at the moment without an assignment.
- He is an incardinated priest of the Archdiocese.
- He is receiving the salary of an associate through August, 1992.

Rev. T. Dyer, July 6, 1992, 2

He does not now have faculties. Fr. Cox stated that these are delegated faculties, and that said delegation has ceased. And as he has no faculties, he therefore is unavailable for an assignment. Fr. Cox stated that in his opinion an incardinated priest of the Archdiocese has no right to an assignment, especially if the person is not fit. As a result he is not due a salary.

At this point it is my contention that these are in fact penalties, penalties inflicted without any kind of a process. There seems to have been no prior investigation, at least as envisioned by our Law (cc. 1717-1719 in the '83 Code, cc. 1939 ff. in the '17 Code). It is also my contention that no penalty can be levied as a result of the 1982 allegation, as prescription bars that action (c. 1362, 2°).

Recently a meeting took place between Rev. Dyer, Rev. Barmasse and Fr. Barmasse's brother, REDACTED. At that meeting the Archdiocese offered Fr. Barmasse the following: a settlement of \$10,000 in exchange for no further demand on the Archdiocese, although he would remain incardinated. At that point Rev. Barmasse approached me to act as his advocate. Also to be noted is there has never been an offer of canonical counsel to Fr. Barmasse in this whole process. It is my contention that the withdrawal of the salary, the offer of the \$10,000, the withdrawal of faculties and the lack of an assignment are de facto penalties. Thus it would seem necessary to follow the prescription of c. 1481. While that deals specifically with a penal process, (and we do not have, strictly speaking, a penal process yet), we are somewhere in the the penal process area, if for no other reason than by the actions of the Archdiocese.

As I said to you at the beginning, Fr. Dyer, I hope, as advocate, to be able to help in the resolution of this process. At the same time, as advocate, it is my duty to represent Fr. Barmasse, advising him of the various canonical ramifications of this case. Hopefully in the coming weeks, as we attempt to resolve this matter, we will be able to arrive at a solution acceptable to all sides.

I hope that the above reflects our conversation, and also clarifies some of initial concerns. I will await the copies of the reports from the inpatient treatment that Fr. Barmasse received and which you said you would sent me, pending the arrival of the mandate appointment me his procurator-advocate. With all kind regards, and wishing the blessings of the Lord upon you, I am

Sincerely yours in Christ,

REDACTED

cc. Rev. Kevin Barmasse
Rev. Craig Cox, J.C.D.

COPY



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

July 13, 1992

M.

Rev. Kevin P. Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

As you are aware, at present you have no Archdiocesan assignment. Given the current circumstances and the Cardinal's responsibility to foster the spiritual welfare of the People of God in Los Angeles, the Archdiocese has no plans to provide an assignment for you. Because of this, I am writing to inform you that Cardinal Mahony has revoked your Archdiocesan faculties in accord with his authority under canon 142, section 1. A copy of the Cardinal's decree is enclosed.

The faculties were initially extended to enable you to fulfill the responsibilities connected to your assignment as a priest. Thus, the revocation of these faculties reflects the fact that the cause for which they were granted has ceased, and you no longer have any need for the authority they conveyed.

Further, acting in accord with canon 764, the Archbishop has revoked your faculty to preach. You are not authorized to preach in any capacity within the Archdiocese of Los Angeles or in any other diocese.

This action in no way affects your basic canonical status as an incardinated priest of the Archdiocese of Los Angeles. Nor does it affect the other issues presently under discussion between us. Please feel free to call me if you have any questions.

You continue to be in my prayers. May God bless you.

Sincerely yours in Christ,

Timothy J. Dyer
(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

Enclosure

28282



N.

COPY

DECREE

Acting in accord with the pastoral responsibility for the spiritual welfare of the portion of the People of God entrusted to me as Archbishop of Los Angeles (canon 142, section 1), it has been determined that, at least for the present, no Archdiocesan assignment can be entrusted to REV. KEVIN P. BARMASSE. Given this fact, I hereby decree the following:

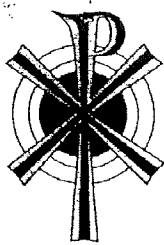
- 1) The faculties of the Archdiocese of Los Angeles which were heretofore entrusted to Rev. Kevin P. Barmasse are hereby revoked in accord with the provisions of canon 142, section 1. This reflects the fact that the cause for which those faculties were initially extended has ceased, and there is no longer any need for the authority of those faculties.
- 2) Furthermore, in accord with canon 764, I hereby revoke the faculty to preach of Rev. Kevin P. Barmasse, since this authority is likewise no longer needed for the service of the People of God in Los Angeles.

This revocation is effective immediately, and is to be communicated in writing to Rev. Kevin P. Barmasse.

Given at the Curia of the Archdiocese of Los Angeles this 13th day of July in the Year of Our Lord 1992.

+ *Roger Cardinal Mahony*
 Cardinal Roger Mahony
 Archbishop of Los Angeles

REDACTED



REDACTED

REDACTED

July 20, 1992

Rev. Timothy Dyer
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Dear Father Dyer:

I wrote to you on July 6, in which letter I outlined my understanding of the case as regards Rev. Kevin Barmasse. Since that time I have not heard from you. It is my understanding that the Archdiocese wishes to resolve this matter, yet I do not feel that I can adequately represent Fr. Barmasse, if I am not given the materials that we have already agreed upon. In our telephone conversation you agreed to send me the reports from the institutions where Fr. Barmasse received inpatient treatment. That was dependent upon receiving a mandate appointing me as Fr. Barmasse's Procurator-Advocate. I am sure that you have received such a mandate. The Archdiocese agreed to pay Fr. Barmasse a salary for another two months, ending August, 1992. However, if we don't expedite this matter a bit, then I will have to insist that date be moved.

I wish to formally ask the following of you:

A copy of the reports for any and all inpatient treatment that Father Barmasse has received.

A detailed list of the allegations, with complete specifics of what Father Barmasse is charged with. Merely stating that there was an allegation in 1982 is insufficient. These are serious charges which have been leveled against Father Barmasse. They touch that part of the Code which has to do with crimes and penalties. Since they touch that section, everything must be interpreted most strictly. Thus a detailed listing of the charges is a necessity. For example, if sodomy is an allegation, then please use that word. If it is nothing else than a back massage, then that word should be used. Also, the ages of the alleged victims is also vital. Would you be so kind as to prepare that and send that to me? I enclose a copy of the mandate appointing me as Fr. Barmasse's Procurator-Advocate.

Thank you for your consideration in this matter. Awaiting your reply, I am

Sincerely yours in Christ,
REDACTED

cc. Rev. Kevin Barmasse
Rev. Craig Cox, J.C.D.



CONFIDENTIAL

0

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

July 21, 1992

REDACTED

JUL 24 1992

COPY

Dear REDACTED REDACTED:

This is in response to your letter of July 6, 1992. Let me first inform you that we have received a mandate from Father Barmasse appointing you as his canonical advocate. I now consider myself able to provide additional information to you without violating Father Barmasse's canonical right to privacy.

I will be on vacation from July 20 until August 10. I regret that my time away from the office interferes with our ability to move forward more quickly in this matter.

I wish to clarify the position of the Archdiocese, which is not adequately characterized in your letter. You are correct in stating that:

1. Father Barmasse remains an incardinated priest of the Archdiocese
2. He is receiving an Associate's salary through August of 1992
3. He is at the moment without an assignment

The third of these three needs to be placed in context. Father Barmasse's last assignment was for treatment at St. Luke Institute. That assignment has ceased because of the completion of the normal course of treatment there. No new assignment to a ministerial responsibility has been given to Father Barmasse because, in the judgment of the Cardinal, myself and the Placement Board, Father Barmasse is not presently qualified for pastoral ministry. This judgment has been made based on the history of Father Barmasse's service both in this Archdiocese and in the Diocese of Tucson, as well as on the assessment provided by St. Luke Institute. The decision not to assign him reflects the responsibility of the Archbishop to the spiritual welfare of the People of God.

On July 13, 1992, Cardinal Mahony revoked the faculties of the Archdiocese of Los Angeles that had previously been enjoyed by Father Barmasse. The decree of revocation has been communicated to Father Barmasse in writing with a summary of the motives for the decree. That revocation is not a penalty and was not intended as a penalty. It merely reflects the fact that Father Barmasse is not entrusted with pastoral responsibilities and hence has no need for the faculties at this time. Since the code specifies that faculties are governed by the norms for delegated power (Canon 132.1) and were given solely for the purpose of enabling Father Barmasse to fulfill his responsibilities when assigned to active ministry, the purpose for the original delegation has ceased and the one who originally delegated the power is free to revoke it (Canon 142.1).

In your letter you contend that this action is penal in nature. That simply is not the case. While in his history there have been allegations that Father Barmasse has engaged in behaviors that would well merit penal sanctions, the Archdiocese has striven in accord with the principle of Canon 1341 to avoid resorting to penalties and seek pastoral

remedies. The willingness of the Archdiocese to expend in the neighborhood of \$60,000 (excluding laboratory fees, etc.) for treatment for Father Barmasse should be ample testimony to this pastoral approach. No penal process was begun because, at the time of the first intervention with Father Barmasse concerning the allegations, other remedies were agreed upon mutually. Finally, you are correct in stating that the statute of limitations has run out for any action on the 1982 allegations. That is of no relevance to me because the Archdiocese did not and does not have any desire to initiate a penal action against Father Barmasse on that or any of the other allegations made against him. However, we do intend to protect the People of God of the Archdiocese from any possible future damage.

You also questioned why the Archdiocese did not specifically offer canonical counsel to Father Barmasse under Canon 1481. Since the decision was made not to initiate a penal process, and since our efforts were to reach a settlement directly with him, such an offer was not necessary and would have been premature at best. However, we fully respect Father Barmasse's choice to seek advocacy and hope his work with you will lead to a quick and just resolution to this dispute.

It is our contention that Father Barmasse is incapacitated for active priestly ministry for reasons of a psychological nature. It is our belief that he has already incurred the impediment to the exercise of orders already received described in Canon 1044.2, n.2. If necessary, the Archdiocese will formally initiate a process to verify and declare the existence of that impediment. However, it is still our desire, in accord with the principles of Canons 1446 and 1713, to reach a settlement rather than resort to a full canonical process. That was the intent of my meeting with Father Barmasse and his REDACTED at which time the Archdiocese offered a settlement.

The Archdiocese recognizes and is fully committed to its responsibilities for Father Barmasse. It has paid him a full salary while on sick leave and covered all of the expenses connected with his treatment. The Archdiocese accepts that it remains responsible for the "social assistance" needed to provide for the suitable needs of Father Barmasse as provided in Canon 281.2. However, given that Father Barmasse cannot be accepted back into full time ministry, he has no right to the remuneration (typical priestly salary) described in Canon 281.1.

In order to provide for his "social assistance", an offer was made to Father Barmasse for a sum of \$10,000. This offer was designed to allow him to secure lodging, transportation, and other basic needs. Of course, Father Barmasse would be expected to obtain at least some part time employment on his own to supplement the provision from the Archdiocese, especially since the program of treatment urged by St. Luke Institute stressed the need for him to engage in productive labor. We believe the sum offered is very fair and more than adequate to meet the responsibilities of the Archdiocese toward Father Barmasse.

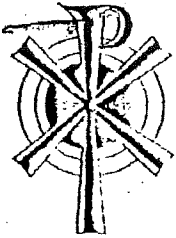
I would welcome your assistance in arriving at a solution acceptable to both Father Barmasse and the Archdiocese. It is my firm hope that we can reach a settlement that is truly equitable for all involved.

May God bless you.

Sincerely yours in Christ,

Timothy J. Dyer
(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

COPY



REDACTED

July 27, 1992

P.

His Eminence, Roger Cardinal Mahony, D.D.
Archbishop of Los Angeles
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

COPY

Your Eminence:

I am writing in regard to the Decree you issued, dated July 13, 1992, revoking the faculties of Fr. Kevin Barmasse. I represent Fr. Barmasse as his canonical procurator and advocate. I hold a mandate appointing me to that position dated June 29, 1992.

I fax this letter to you for the following reasons: the decree is dated July 13; Fr. Barmasse received notice of it on Monday, July 20, 1992. I was made aware of it through Fr. Cox when we talked about another matter on July 21, 1992. Fr. Barmasse notified me of the receipt on July 22. As Fr. Barmasse's procurator, I ask you to revoke that decree, dated July 13, 1992, for two reasons:

1. I have been unable to receive sufficient information from your Office of Clergy to adequately represent Fr. Barmasse. I can explain that at greater length if you so desire. Suffice it to say that to date I have not been given documents that were promised to me since June 29, 1992 and have yet to receive. I also have asked Fr. Dyer to send me a detailed list of the allegations against Fr. Barmasse.
2. I request the revocation of the decree on canonical grounds as well. To my knowledge, to date, the allegations against Fr. Barmasse are precisely that, allegations. The removal of the faculty granted by c. 764 can only be done with serious reasons. I do not see the serious reasons enumerated in the Decree. Here again I am hampered from representing Fr. Barmasse sufficiently because of the lack of information. I have been dependent upon Fr. Dyer's giving me that information, but to date I have received less than sufficient information.. Friday, July 24, I received a letter from Fr. Dyer, the first communication since our conversation of June 29. He did not provide me with the mutually agreed upon information, so I still have to wait for that. According to his letter he is out of the office until August 10.

The removal of the faculties according to c. 142,1 is the removal of habitual faculties, granted to incardinated priests. There should be serious reasons enumerated for this removal, otherwise all that would be needed would be your statement that the cause for the grant has ceased, therefore the faculties are withdrawn.

R. Cardinal Mahony, July 27, 1992, 2

I respectfully request that you rescind your decree, pending the resolution of this case. Thank you for your consideration in this regard. With all kind regards, and wishing the blessing of the Lord on you in your pastoral ministry, I am.

Sincerely yours in Christ,
REDACTED

COPY

Porcurator-Advocate for Fr. Kevin Barmasse

FRUIN . REDACTED

P01

July 27, 1992

His Eminence, Roger Cardinal Mahony, D.D.
 Archbishop of Los Angeles
 Archdiocese of Los Angeles
 1531 West Ninth Street
 Los Angeles, CA 90015-1194

Your Eminence:


On Monday you received a fax message from my Procurator and Advocate, Rev. REDACTED J.C.D. In that fax message he, acting as my procurator, ask you to revoke your decree of July 13, 1992. I was notified by letter of that decree, receiving said letter last Monday, July 20. I communicated that decree, with the cover letter, to REDACTED on Wednesday by regular mail. In order not to lose my right of recourse, I request that you revoke that decree for the following reasons:

1. I appointed Fr. REDACTED as my Procurator and Advocate by virtue of a mandate dated June 29, 1992. I communicated that mandate to Rev. Tim REDACTED Dyer. On receipt of that mandate, Fr. Dyer was to have sent certain documents to REDACTED. To date, those documents have not been forthcoming. Thus REDACTED is hampered in his efforts to adequately represent me.

2. The removal of the faculty of c. 764 should be accompanied by serious reasons. Those reasons were not listed in the decree. Also, the removal of the faculties granted to incardinated priests should also be accompanied by serious reasons. Again, those reasons were not enumerated. Therefore, I ask that you rescind said decree.

Thanking you for your consideration in this matter, and wishing you the Lord's blessings on your work as our Archbishop, I am

Sincerely yours in Christ,



Rev. Kevin Barmasse

28684

II 000125



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

REDACTED

July 28, 1992

REDACTED

COPY

CONFIDENTIAL

REDACTED, REDACTED
Dear :

In the absence of Father Timothy Dyer, Vicar for Clergy, I am responding on his behalf concerning your request for the documents relevant to the status of Rev. Kevin Barmase. These documents are provided to you as Rev. Barmase's duly mandated advocate. They are provided under the following conditions:

- 1) that no further copies be made or provided to anyone else without our specific authorization;
- 2) that the materials be used only for the sake of the negotiations between Rev. Barmase and the Archdiocese of in any canonical process that may ensue.

The materials I am enclosing include all of the reports received by this office from the Saint Luke Institute in addition to other material concerning the allegations made against Father Barmase. Specifically, the materials included are:

- A. A copy of a letter from then Archbishop Mahony to Father Barmase dated November 29, 1989.
- B. A copy of a letter of then Archbishop Mahony to Father Barmase dated November 21, 1990.
- C. A packet of materials provided to the St. Luke Institute under a cover letter dated January 31, 1991 from Father Dyer. This packet contains:
 - a) a background summary prepared by Father Dyer
 - b) a copy of a report from Father Barmase's counselor in Arizona
 - c) a copy of a letter to Father Barmase dated September 27, 1983, from REDACTED that summarizes information related to the first incident in which Father Barmase was involved.
 - d) a copy of the letter of complaint from REDACTED dated August 29, 1983.
- D. The initial report of the Saint Luke Institute on Father Barmase dated April 11, 1991.

28288

COPY

- E. A report from the Saint Luke Institute dated August 20, 1991.
- F. Father Dyer's letter to REDACTED at the St. Luke Institute with a copy of the testimony concerning Father Barmasse's involvement with a number of young men in the Diocese of Tucson.
- G. A report from the Saint Luke Institute dated October 21, 1991.
- H. Father Dyer's summary of a conversation with REDACTED at the Saint Luke Institute dated January 8, 1992.
- I. A report from the Saint Luke Institute dated January 17, 1992 (note that we have corrected the incorrect date on page one, the correct date was on page two).
- J. An undated letter from Father Barmasse to Father Dyer written near the end of his stay at the Institute.

I hope you find these materials helpful. May God bless you.

Sincerely yours in Christ,

REDACTED

REDACTED

enclosures: exhibits A through J

cc: Rev. Craig A. Cox



COPY

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-32881531
West Ninth
StreetLos Angeles
California
90015-1194

1

REDACTED

August 5, 1992

COPY

Reverend Kevin Barmasse
REDACTED

Dear Father Barmasse:

I received your letter of July 27, 1992, asking that I rescind the decree revoking the faculties of the Archdiocese of Los Angeles which had previously been entrusted to you. I have also received the letter of the same date sent by your advocate, REDACTED REDACTED J.C.D., making the same request. I accept that these letters meet the requirement of Canon 1734 and have been lodged within the proper time period provided by that canon.

This is to inform you that, after reviewing your request, I have decided not to rescind or modify that decree. It remains in force.

The original decree was issued after careful deliberation. It was issued because of my responsibility to protect the rights of all the Christian faithful. Both in this Archdiocese and in the Diocese of Tucson, you engaged in behaviors that violated the trust which the People of God place in their priests. That violation of trust did serious damage. Because of this, and because of the results of your assessment and treatment at The Saint Luke Institute, I cannot in conscience assign you in priestly ministry. My responsibilities to the spiritual and personal welfare of God's People compel me to this decision.

The removal of the faculties of the Archdiocese of Los Angeles (which were entrusted to you for the purpose of priestly service) simply recognizes the reality of your present situation.

In your letter and in REDACTED REDACTED's letter, you present two reasons in asking that I rescind my action. First, you claim that certain documents requested by REDACTED REDACTED had not been delivered to him before the decree was issued. It was not possible to release any of those documents until we received your mandate appointing him as your advocate. After receiving that mandate, the appropriate documents from your file had to be pulled and copies made. Those documents were recently sent to REDACTED REDACTED. However, the discussions between you and

28290

Letter to Reverend Kevin Barmasse
Page 2
August 5, 1992

COPY

Monsignor Dyer, for which you sought the canonical assistance of an advocate, have involved a dispute over what provisions the Archdiocese should make to assist you in the transition into other employment. REDACTED REDACTED requested those documents to advise you in that dispute. Those discussions were never about providing an Archdiocesan assignment or restoring you to active priestly minister. Thus, the removal of your faculties has no bearing whatsoever on this dispute over the nature and amount of the social assistance (Canon 281, §2) the Archdiocese will provide for you. Your faculties were revoked because the purpose for which they were given has ceased. It makes no sense for me to continue to delegate authority to you when there is no longer any need for it.

Second, you and REDACTED REDACTED specifically claim that the removal of the faculty to preach extended in Canon 764 can only be done for "serious reason." Note carefully that "serious reason" (*causa gravis*) is a technical canonical term which is not found in the text of Canon 764. The canon merely refers to the possibility that the faculty to preach may be restricted or taken away by competent authority. The text of the canon leaves that competent authority the discretion to determine what causes are sufficient to do so. Furthermore, in accord with the requirements of Canon 51, the text of the decree does provide "in summary fashion" (*saltem summarie*) the cause for the removal of the faculty to preach (as well as the other faculties of the Archdiocese.) That cause is that no Archdiocesan assignment can be provided for you; hence, there is no need for you to possess this faculty. The decision not to provide an assignment for you is sufficient cause for the removal of faculties. That decision not to provide an assignment for you (a decision which you have not heretofore challenged) is based on your history of ministry and the underlying psychological difficulties which have led you to engage in ministerially irresponsible behaviors.

c 18

In conclusion, I believe that my decree removing your faculties is just and was issued in full accord with the norms of law. Of course, I recognize your prerogative to propose recourse against this decree in accord with the provisions of Canon 1737. Let me note that, should you choose to propose recourse, this is not a matter in which hierarchical recourse automatically suspends the execution of the decree (Canon 1736, §1) Nor is it my intent to suspend the execution of the decree (Canon 1737 §3) if you propose recourse against it. Therefore, the terms of the decree continue to have full effect.

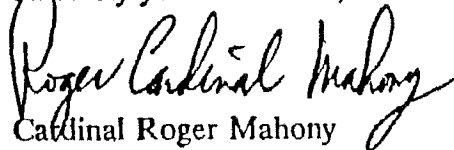
Letter to Reverend Kevin Barmasse
Page 3
August 5, 1992

COPY

Finally, I trust that you and Monsignor Dyer can continue your discussions over the other issues involved with facilitating your transition out of active priestly ministry.

You are in my prayers.

Sincerely yours in Christ,

+ 
Cardinal Roger Mahony
Archbishop of Los Angeles

cc: REDACTED REDACTED , J.C.D. ✓

REDACTED

A list of documents provided with this request. Documents "A" through "J" are to be provided by the Archdiocese of Los Angeles, the remainder, documents "K" through "S" are attached.

A. A copy of a letter from then Archbishop Mahony to Father Barmasse dated November 29, 1989;

B. A copy of a letter of then Archbishop Mahony to Father Barmasse dated November 21, 1990;

C. A packet of materials provided to the St. Luke Institute under a cover letter dated January 31, 1991, from REDACTED. This packet contains:

a) a background summary prepared by Father Dyer

b) a copy of a report from Father Barmasse's counselor in Arizona

c) a copy of a letter to Father Barmasse dated September 27, 1983, from REDACTED that summarizes

information related to the first incident in which Father Barmasse was involved;

d) a copy of the letter of complaint from REDACTED dated August 29, 1983,

D. The initial report of the Saint Luke Institute on Father Barmasse dated April 11, 1991.

E. A report from the Saint Luke Institute dated August 20, 1991.

F. Father Dyer's letter to REDACTED, at the St. Luke Institute with a copy of the testimony concerning Father Barmasse's involvement with a number of young men in the Diocese of Tucson.

G. A report from the Saint Luke Institute dated October 21, 1991.

H. Father Dyer's summary of a conversation with REDACTED at the Saint Luke Institute dated January 8, 1992.

I. A report from the Saint Luke Institute dated January 17, 1992.

J. An undated letter from Father Barmasse to Father Dyer written near the end of his stay at the Institute.

I include the following documents that have been generated since the end of June, 1992. They are:

K. A letter to Father Timothy Dyer from REDACTED REDACTED, dated July 6, 1992

L. A copy of the appointment of REDACTED REDACTED as procurator/advocate by Father Barmasse.

M. A letter from Father Dyer to Father Barmasse, dated July 13, 1992.

N. The Decree of Cardinal Mahony, dated July 13, 1992.

O. A Letter from Father Dyer to Father REDACTED, dated July 21, 1992.

P. A letter from REDACTED to Cardinal Mahony, dated July 27, 1992.

Q. A copy of a letter from Father Barmasse to Cardinal Mahony, dated July 27, 1992.

R. A letter from REDACTED to REDACTED REDACTED, dated July 28, 1992.

S. A letter from Cardinal Mahony to Father Barmasse, dated August 5, 1992.



*Mrs. H. Judy Meyer
Ray Dyer*

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

August 5, 1992

REDACTED

REDACTED

Dear REDACTED REDACTED

I have received your letter (sent by FAX) dated July 27, 1992, and Father Barmasse's letter of the same date. Enclosed is a copy of my response addressed to Father Barmasse in the matter. As you can see, I have chosen not to rescind the decree removing the faculties.

Thank you for providing your canonical expertise to Father Barmasse. May God continue to bless you.

Sincerely yours in Christ,

Cardinal Roger Mahony

Cardinal Roger Mahony
Archbishop of Los Angeles

Enclosures

REDACTED

28075



REDACTED

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-32881531
West Ninth
StreetLos Angeles
California
90015-1194

August 28, 1992

MEMORANDUM

TO: Reverend Monsignor Timothy Dyer
Vicar for the Clergy

FROM: Cardinal Roger Mahony

SUBJECT: Reverend Kevin Barmasse

I have received your Memorandum dated August 22, 1992 with respect to the case of the Reverend Kevin Barmasse.

After careful consideration of the proposal of Father Barmasse, I cannot accept in good conscience the offer made through the REDACTED advocate for Father Barmasse. That proposal asked the Archdiocese of Los Angeles to give Reverend Kevin Barmasse the amount of \$50,000 (fifty thousand dollars), in exchange for which Reverend Kevin Barmasse would voluntarily petition our Holy Father, Pope John Paul II, for a formal Return to the Lay State and a Dispensation from the Obligations of Sacred Orders.

As you know, I authorized a most generous offer in the amount of \$10,000 (ten thousand dollars) to the Reverend Kevin Barmasse from the Archdiocese to provide for his basic needs and assist him in making the transition from the active priestly ministry to secular employment. I consider this settlement offer to have been extremely liberal given the short time of Father Barmasse's service and the history of sexual misconduct on his part. That offer of \$10,000 also has to be understood in the context of the large sums of money, in excess of \$60,000, already expended on behalf of Reverend Kevin Barmasse's therapy and medical treatment.

The Reverend Kevin Barmasse finds himself in this difficult situation as the direct result of his own personal behavior, behavior in total contradiction to the Ten Commandments, to the Teachings and the Gospel of Jesus Christ, to the duties and obligations of the Priesthood, and to the responsibilities accompanying Priestly Chastity and Celibacy. The Reverend Kevin Barmasse is not the victim in this matter; rather, he is the perpetrator of actions and conduct in total violation of his promises and commitment as a Catholic Priest. The real victims are those he has violated, the families of those victims, the Parish Communities in which he has served, and the entire Body of Christ, the Church.

28236

Memo to Rev. Msgr. Timothy Dyer
August 28, 1992
Page Two

The Reverend Kevin Barmasse is personally and totally responsible for his own misconduct, and yet he seems to believe that he deserves this huge and totally inappropriate sum he has requested. Father Barmasse has been well provided for by the Church. His education for the priesthood was heavily subsidized and gives him a solid education foundation upon which to find excellent employment and provide for his needs. Many others have found this solid education in the liberal arts to be of great value while seeking employment and in other business endeavors. The Church does not have a responsibility, in justice or charity, to retrain Reverend Kevin Barmasse for whatever career he wishes. He must now make his way in the world as do the People of God whose monies he is seeking. I would be an unfaithful steward of those donations, often given by people mired in poverty and at great sacrifice, if I provided for Father Barmasse in the fashion he requests. Should he decide to pursue a profession or career that requires additional education and training, then he must do so like countless other men and women in this country, while working a regular job and pursuing additional education at night school or on weekends until he achieve the new professional goal he has set for himself.

The case of the Reverend Kevin Barmasse causes the Archdiocese of Los Angeles and the entire Church much embarrassment and sadness. I find the suggestion that somehow the \$50,000 is "linked" to his willingness to petition for a Return to the Lay State demeaning to the Sacred Priesthood and to the role of the Priest in the Church. I would welcome a petition for dispensation from the obligations of sacred orders from Father Barmasse in its own right, submitted as a recognition that the priesthood is not his vocation. But his proposed settlement is totally unacceptable.

I reiterate my recognition that some form of social assistance (canon 281, §2) during a brief transition period to secular employment is appropriate. I renew the offer of the Archdiocese to provide an amount of \$10,000 to assist the Reverend Kevin Barmasse in his transition. In addition, he will be kept on the Archdiocesan medical insurance until either he obtains employment which offers health insurance as a benefit, or for a period of time ending December 31, 1993, whichever occurs first. This provision is more than adequate for him to secure housing, transportation, and other basic necessities while he secures employment that will enable him to care for his own needs.

Thank you for your continuing attention to this matter. Please communicate my decision to the Reverend Kevin Barmasse and to his advocate. I ask that you also communicate to them that given the impasse in our negotiations, I feel a responsibility to act more definitively in regard to the status of the Reverend Kevin Barmasse. If a settlement is not reached by October 23, 1992, the Archdiocese will initiate a formal examination with a view towards verifying and declaring Father Barmasse impeded from the exercise of Sacred Orders.

28237

COPY

August 28, 1992

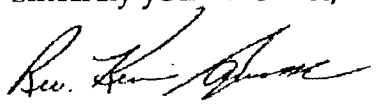
His Eminence, Antonio Cardinal Innocenti, Prefect
Sacred Congregation for the Clergy
Palazzo delle Congregazioni
Piazza Pio XII 3
Rome 00193 Italy

Your Eminence:

Enclosed please find the various documents connected with my appeal against the actions of REDACTED Roger Cardinal Mahony, Archbishop of Los Angeles. I present these with respect and hope. I have asked that Cardinal Mahony remit these documents to you, so he is aware of this action and has sent this letter through the offices of the Apostolic Nuncio in Washington, DC. If there is anything else that would be needed, I will be more than happy to provide it. Thank you very much.

With sentiments of esteem, I remain,

Sincerely your in Christ,



Rev. Kevin Barmasse
REDACTED

I, Reverend Kevin Barmasse, hereby appeal the actions of my diocesan Bishop, Roger Cardinal Mahony, Archbishop of Los Angeles, namely:

1) By decree of July 13, 1992, he removed all diocesan faculties, as well as the faculty to preach;

2) The reason for the removal of the faculties was that he would not provide a diocesan assignment for me, and thus I did not need the faculties.

3) By a letter dated July 27, I asked that he revoke the decree. In a letter dated August 5, which I received on August 7, Cardinal Mahony refused to revoke the decree.

4) I therefore wish to take hierarchical recourse against the action of Cardinal Mahony.

I will present this request in three parts, that is, the Facts, the Law and the Argument.

Facts:

In 1982 I was accused of an action with a young teenager in the parish where I was serving. As a result of that allegation, I was transferred to the diocese of Tucson. I worked in that diocese until the end of 1989. At that point I was ordered to undergo treatment at the St. Luke Institute in Maryland. I completed the treatment that was required of me. At the end of that treatment I was surprised to be informed that I would not be given any archdiocesan assignment. That decision had been arrived at because of other allegations as to my behavior while I was in the Diocese of Tucson, specifically during the years 1985-1988. In a decree of July 13, 1992, Roger Cardinal Mahony, Archbishop of Los Angeles, removed my faculties. The reason for the removal of these faculties was stated as follows: "as these faculties are delegated, the Cardinal stated that the reason for the delegation no longer exists and therefore the removal of the faculties is the logical consequence." (cf. Decree of Cardinal Mahony, 13 July 1992) The Cardinal also removed the faculty to preach, granted by law to all ordained clergy. Yet in the Cardinal's conversations with me, and my conversations with Father Dyer, Vicar for clergy, I was told that I remain an incardinated priest of the archdiocese. I do not understand the reasoning. Either the Cardinal desires me to leave the priesthood, and thus he is penalizing me by what amounts to a de facto suspension, and a de facto reduction to the lay state, or he wants me to remain as an incardinated priest. To say that I am an incardinated priest, but cannot function, in the Archdiocese of Los Angeles or any other diocese, seems to be incongruous.

Law:

Canon 18 states: "Leges que poenam statuunt aut liberum iurium exercitium coarctant aut exceptionem a lege continent, strictae subsunt interpretationi."

Canon 1321,§ 1 states: "Nemo punitur, nisi externa legis vel praecepti violatio, ab eo commissa, sit graviter imputabilis ex dolo vel ex culpa."

Canon 1333,§1 states, in part: "Suspensio, quae clericos tantum afficere potest, vetat: 1° vel omnes vel aliquos actus potestatis ordinis;

3° exercitium vel omnium vel aliquorum iurium vel munerum officio inhaerentium;

Canon 1341 states: "Ordinarius proceduram iudicalem vel administrativam ad poenas irrogandas vel declarandas tunc tantum promeendam curet, cum perspexerit neque fraterna correctione neque correptione neque aliis pastoralis sollicitudinis viis satis posse scandalum reparari, iustitiam restitui, reum emendari;"

Canon 1342, §2 states: "Per decretum irrogari vel declarari non possunt poenae perpetuae, neque poenae quas lex vel praeceptum eas constituens vetat per decretum applicari.

Canon 1717 and following provide for the procedure to be followed in the application of the penalty. Specific reference is made to Canon 1720 which requires the ordinary to inform the accused about the accusation and the proofs, giving the person the opportunity of self-defense, to discuss the proofs and arguments with two assessors, and to issue a decree in the event that the offense is proven and the criminal action has not been terminated.

Argument:

I contend that the decree of Cardinal Mahony, dated July 13, 1992, establishes two penalties. On the one hand, the regular delegated faculties of an incardinated priest of the archdiocese have been taken away, but without any process. Secondly, the faculty to preach, given by the law itself, has been removed, without a process. The reason for the removal is that "no assignment can be given me." That decision is in itself a penalty, but levied without the regular canonical process. The allegation in question took place in 1982, at which time the CJC of 1918 was in force. Cc. 1939 and following (CJC 1918) would have been the operative canons. No such investigation was conducted at that time. Furthermore, if that allegation was indeed proved, the prescription spoken of in c. 1362 is in force, thus no penalty can be levied at this time for that alleged offense, as prescription would bar that penalty. The other allegations also have not been sufficiently proved in a juridical sense. Also I wish to point out that these alleged actions took place between 1985 and 1988. Again, if they are penal actions on my part, prescription would barr the infliction of a penalty because of them. I wish to point out that they remain allegations. If in penal law the law is to be interpreted strictly, that does not seem to have been the case.

It is also my contention that the decree of Cardinal Mahony is intended as a perpetual penalty. At the end of August, the Archdiocese no longer will pay me a regular priestly salary. At the end of December of this year they will withdraw any health benefits. The Archdiocese has offered me \$10,000 as a severance pay. They insist that I would still remain as an incardinated priest. The amount of \$10,000 was arrived at by a complex computation of life in the Los Angeles area over a six month period. It is their contention that is the time needed to seek other employment and to begin studying for a new career. It is evident that Cardinal Mahony has no intention of reinstating those faculties, thus the penalty is de facto a perpetual penalty, but levied by a decree, not by any judicial process. Cardinal Mahony also has no intention of allowing me to work

in any other diocese, as witnessed by the letter of Father Timothy Dyer, REDACTED in which he states: "At this point, I must say that the Archdiocese's stance has changed, and I see little possibility of Father Barmasse's returning to any priestly ministry here or in any other diocese." (Dyer to REDACTED, August 30, 1992)

C. 1333, §1, 1° & 3° explain the effects of suspension. It is my contention that the removal of my faculties, and the prohibition to preach is indeed a de facto suspension, but a suspension that was levied without due process of law.

C. 1321 states that no one is punished unless the external violation of the law or precept that was committed by that person is seriously imputable to that person by reason of malice or culpability. It is my contention that that imputability has not been established by the norms of law. Also the question of prescription applies here. I have in fact completed in patient psychiatric treatment and have been given a positive recommendation from the St. Luke institute.

The above explains my contentions regarding this affair. I respectfully ask the Sacred Congregation for its opinion in this matter. Thank you very much for hearing me out.

I have asked Cardinal Mahony to transmit this document to you. I request that the Office for Clergy send the following documents along with this request, documents which are in my file and which documents were provided to my Procurator/Advocate:

A. A copy of a letter from then Archbishop Mahony to Father Barmasse dated November 29, 1989;

B. A copy of a letter of then Archbishop Mahony to Father Barmasse dated November 21, 1990;

C. A packet of materials provided to the St. Luke Institute under a cover letter dated January 31, 1991, from Father Dyer. This packet contains:

a) a background summary prepared by Father Dyer

b) a copy of a report from Father Barmasse's counselor in Arizona

c) a copy of a letter to Father Barmasse dated September 27, 1983, from REDACTED, that summarizes information related to the first incident in which Father Barmasse was involved;

d) a copy of the letter of complaint from REDACTED dated August 29, 1983,

D. The initial report of the Saint Luke Institute on Father Barmasse dated April 11, 1991.

E. A report from the Saint Luke Institute dated August 20, 1991.

F. Father Dyer's letter to REDACTED, at the St. Luke Institute with a copy of the testimony concerning Father Barmasse's involvement with a number of young men in the Diocese of Tucson.

G. A report from the Saint Luke Institute dated October 21, 1991.

H. Father Dyer's summary of a conversation with REDACTED at the Saint Luke Institute dated January 8, 1992.

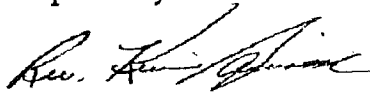
I. A report from the Saint Luke Institute dated January 17, 1992.

J. An undated letter from Father Barmasse to Father Dyer written near the end of his stay at the Institute.

I include the following documents, copies of letters and other documents, that have been generated since the end of June, 1992. They are:

- K. A letter to Father Timothy Dyer from Father REDACTED dated July 6, 1992
- L. A copy of the appointment of Father REDACTED as procurator/advocate by Father Barmasse.
- M. A letter from Father Dyer to Father Barmasse, dated July 13, 1992.
- N. The Decree of Cardinal Mahony, dated July 13, 1992.
- O. A Letter from Father Dyer to Father REDACTED, dated July 21, 1992.
- P. A letter from Father REDACTED to Cardinal Mahony, dated July 27, 1992.
- Q. A copy of a letter from Father Barmasse to Cardinal Mahony, dated July 27, 1992.
- R. A letter from REDACTED to Father REDACTED, dated July 28, 1992.
- S. A letter from Cardinal Mahony to Father Barmasse, dated August 5, 1992.

Respectfully submitted



Rev. Kevin Barmasse
Thousand Oaks, California
August 28, 1992

August 28, 1992

His Eminence, Roger Cardinal Mahony
Archbishop of Los Angeles
1531 West 9th Street
Los Angeles, CA 90015-1194


Dear Cardinal Mahony

I wish to take recourse against your decree of July 13, 1992. I ask that you transmit this request for recourse to the proper dicastery in Rome, i.e., the Congregation of the Clergy. In a letter dated July 27, 1992, I asked you to reconsider that decree and revoke it. On August 7, 1992 I received your reply that you would not revoke that decree. Please be so kind as to remit the following recourse, with the documents that I ask to be included. Those documents are the documents, copies of which you sent to my procurator/advocate, ^{REDACTED}REDACTED

REDACTED^{REDACTED} I attach a list of those documents to this letter.

If there are going to be any other documents sent, I would ask to be provided a copy. I would object to any other documents being sent from my file if I have not been provided a copy.(cf. c 1720). Thank you for your attention in this regard. Wishing you all of the Lord's blessings, I am

Sincerely yours in Christ,



Rev. Kevin Barmasse

August 28, 1992

His Eminence, Antonio Cardinal Innocenti, Prefect
Sacred Congregation for the Clergy
Palazzo delle Congregazioni
Piazza Pio XII 3
Rome 00193 Italy

Your Eminence:

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With sentiments of esteem, I remain,

Sincerely your in Christ,



Rev. Kevin Barmasse
REDACTED

**Response of Cardinal Mahony to the Petition of Reverend Kevin Barmasse
for Hierarchical Recourse Against the Decree Removing Archdiocesan Faculties**

Reverend Kevin Barmasse has submitted a four-page petition with accompanying letters and documentation seeking hierarchical recourse against the decree which I issued on July 13, 1992. In that decree, the faculties of the Archdiocese of Los Angeles formerly entrusted to Reverend Barmasse were revoked.

To respond appropriately to Reverend Barmasse's petition seeking recourse, may it please the Most Reverend Members of the Congregation to consider the following background, explanation and argumentation for this action. The decree was issued with sadness, but with a firm conviction that was necessary to protect the rights of all the People of God of Los Angeles and the mission of the Catholic Church.

Facts:

1. Reverend Kevin Barmasse was ordained to the sacred priesthood for service in the Archdiocese of Los Angeles on June 19, 1982, and was assigned to the Parish of Saint Pancratius located in Lakewood, California.
2. In a letter from REDACTED dated August 29, 1983, most serious accusations were leveled against Reverend Kevin Barmasse relating to an incident that occurred on August 11, 1983. This letter and additional information regarding the incident are contained in the documents submitted by Reverend Barmasse as part of his petition for recourse (Exhibit C). Note that the incident in question took place just a little more than a year after Reverend Barmasse began his parish assignment. Specifically, it was alleged that he engaged in immoral sexual contact with a minor, a violation of canon 2359, §2 of the 1917 *Code of Canon Law*, then in force. In the investigation conducted under the direction of my predecessor, Cardinal Timothy Manning, then Archbishop of Los Angeles, Reverend Barmasse did dispute some of the specifics of the allegation, but freely admitted to behavior that was inappropriate. That admitted behavior involved an abuse of his priestly office in which he took advantage of the young boy concerned. It was also behavior clearly at odds with Reverend Barmasse's solemn promise of celibacy. No canonical penal action was lodged against Reverend Barmasse at that time because of his admission of inappropriate behavior, the desire of the parents of the boy involved not to further traumatize their son, the desire of all involved to avoid publicity and scandal, and because it appeared that other less stringent responses were available. As a result, the Archdiocese removed Reverend Kevin Barmasse from his assignment, made provisions that he seek counseling, and arranged that he be given an opportunity to serve in the Diocese of Tucson, Arizona.
3. After several years of service in parish communities of the Diocese of Tucson, Father Barmasse inquired about the possibility of returning to service in the Archdiocese of Los Angeles (Exhibits T, U). Reverend Barmasse gave no indications of any further problems and, since the initial reports from the Diocese of Tucson were favorable, the Archdiocese of Los Angeles was expressed openness to this request. However, acting out of prudence and concern for both Reverend Barmasse and the People of God, the Archdiocese first asked that he receive an evaluation at The Saint Luke Institute, Suitland, Maryland (Exhibit B). This was envisioned as an assignment of very short duration for testing and assessment. The purpose of this was to assure that Reverend Barmasse could indeed minister effectively, as well as provide the Archdiocese with information about any special support or counseling he

Response of Cardinal Mahony to Reverend Barmasse's Petition for Recourse
Page 2

might need for effective ministry. Reverend Barmasse freely agreed with this recommendation for an evaluation and traveled to The Saint Luke Institute to undergo an evaluation.

4. On the basis of the initial testing and assessment, the staff of The Saint Luke Institute recommended that Reverend Barmasse remain for additional testing and a full course of treatment (Exhibit D). Their findings indicated issues that needed to be probed. Reverend Barmasse, admittedly with some reluctance, agreed to remain for a full course of treatment. The Archdiocese committed itself to pay all expenses for this treatment. The hope at this time remained that Reverend Barmasse could resume active priestly ministry in the Archdiocese of Los Angeles.

5. While Reverend Barmasse was in the program of treatment, the Diocese of Tucson reported that it had discovered indications of abusive behavior involving Reverend Barmasse and a number of older teenagers and young adults. These initial reports were brought to the attention of Reverend Barmasse and the staff of the Saint Luke Institute by the Vicar for Clergy of the Archdiocese of Los Angeles, Reverend Timothy Dyer (Exhibit E). Subsequently, Reverend Dyer consulted with ecclesiastical authorities in Tucson, specifically REDACTED, Youth Minister of St. Elizabeth's, Tucson, REDACTED Youth Minister, St. Odilia's, Tucson, and Reverend REDACTED, Pastor, St. Elizabeth's, Tucson. Reverend Dyer also spoke with one of the young men involved, REDACTED to obtain additional information. A summary of these allegations was prepared and the information was sent to The Saint Luke Institute where the information was presented to Reverend Kevin Barmasse (Exhibits F, G). There is no evidence that Reverend Barmasse at any time denied these accusations. There is no protest or challenge to the stories of the young men either in the reports from the Institute connected with his treatment or in any of Reverend Barmasse's written communications with the Archdiocese.

6. The revelation of these continued immoral and inappropriate behaviors led the Archdiocese of Los Angeles to reconsider its goals for Reverend Barmasse (letter of Reverend Dyer to REDACTED Exhibit F). The abuse suffered by the victims was and remains the foremost concern, but that concern was compounded by the fact that Reverend Barmasse had concealed these additional incidents from his ecclesiastical superiors when requesting a new assignment within the Archdiocese. There is no evidence he shared any information about these additional behaviors in his therapy until confronted with the allegations. Reverend Barmasse's lack of honesty, his failure to realize the serious nature of his behavior, and his lack of any genuine concern for the victims was most troubling. He had requested reassignment within the Archdiocese without revealing the continued difficulties in sexually acting out during his service in Tucson. Failure to provide this information of his continued sexual difficulties was totally irresponsible and jeopardized the mission of the Archdiocese of Los Angeles. It also manifested a singular lack of concern for the rights and welfare of the People of God. As a result, upon learning of these previously concealed incidents, the Archdiocese determined that unless there was a strong report from The Saint Luke Institute with solid assurances that Reverend Barmasse would not fall into such destructive behaviors again, that it would be totally irresponsible to provide an assignment to priestly ministry for Reverend Barmasse.

7. This change in the thinking of the Archdiocese was communicated to Reverend Barmasse through the staff of the Institute in a letter from Reverend Timothy Dyer, Vicar for Clergy (Exhibit F). That thinking was also communicated personally to Reverend Barmasse by

Response of Cardinal Mahony to Reverend Barmasse's Petition for Recourse
Page 3

Reverend Dyer during a visit at the Saint Luke Institute in the period of November 4-6, 1991. Despite the serious nature of the new information of additional abusive behavior and violations of his commitment to celibacy, no penal action was contemplated against Reverend Barmasse. This decision to avoid penal remedies was motivated by the fact that Reverend Barmasse was in therapy; thus, it was felt canon 1341 made any penal action inappropriate in this context. This decision not to initiate a penal process in no way minimizes the conviction of the Archdiocese that there were external violations of a number of canons which could well merit the imposition of a penalty (i.e. violation of celibacy producing scandal, canon 1395, §1; abuse of ecclesiastical office, canon 1389, §1). Penal remedies were not pursued because it was determined other, less harsh, means of proceeding were available (canon 1341).

8. Upon completion of his treatment at The Saint Luke Institute, the final report mentioned progress, but also highlighted continuing concerns. There was no recommendation to permit Reverend Barmasse to return to active ministry. Instead, the report discussed the nature of steps appropriate to assist him to secure secular employment (Exhibits H, I). Upon receiving the report of the Institute, counsel was sought from Reverend Dyer and from Monsignor Thomas Curry, formerly the Vicar of Clergy of the Archdiocese. After this consultation, the report of the Institute was not deemed sufficient to justify assigning Reverend Barmasse to active priestly ministry. Reverend Barmasse, who had been previously warned of the possibility, was informed that no Archdiocesan assignment would be forthcoming. While he expressed disappointment in this decision, he has never raised a direct challenge to the decision. Instead, he entered into negotiations to seek support from the Archdiocese while making a transition into secular employment (Exhibit J).

9. The generous offer of the Archdiocese of Los Angeles was rejected by Reverend Barmasse, who was advised by his brother, a civil attorney. Reverend Barmasse then sought canonical counsel, a step welcomed by the Archdiocese (Exhibits L, O). In the meantime, since Reverend Barmasse had no assignment and was not going to be given any assignment, it was apparent that he had no need for using the habitual faculties of the Archdiocese of Los Angeles. The reason for which that delegation had been initially conferred had ceased. Furthermore, given Reverend Barmasse's history, it was important that the Archdiocese make clear he was not authorized to act in a ministerial capacity. The decree of revocation was issued, with the required summary of reasons, and communicated to Reverend Barmasse (Exhibits M, N).

10. While the issue upon which Reverend Barmasse is taking recourse at this time concerns solely the question of the revocation of the faculties of the Archdiocese of Los Angeles that had been entrusted to him (Exhibits P, Q, S), it is important to note that there are other areas of dispute remaining. Those wider disputes, which may eventually also lead to a petition for recourse, provide a context within which the present dispute over faculties is situated. Advised by his advocate, Reverend Barmasse recently made a proposal seeking a payment of \$50,000, in return for which he would relinquish all other claims on the Archdiocese and agree to petition for laicization. This settlement offer has been rejected by the Archdiocese (Exhibit V).

Response of Cardinal Mahony to Reverend Barmasse's Petition for Recourse
Page 4

The Law:

In his petition seeking recourse, Reverend Barmasse cites a number of canons, all but one of which refer to penal law or penal procedures. His petition neglects other texts which are far more appropriate to the issue at hand. I direct the attention of the Most Reverend Members of the Congregation to the following canons:

Canon 381, §1 states: *Episcopo diocesano in dioecesi ipsi commissa omnis competit potestas ordinaria, propria et immediata, quae ad exercitium eius muneris pastoralis requiritur, exceptis causis quae iure aut Summi Pontificis decreto supremae aut alii auctoritati ecclesiasticae reserventur.*

Canon 132, §1 states: *Facultates habituales reguntur praescriptis de potestate delegata.*

Canon 142, §1 states, in part: *Potestas delegata extinguitur: expleto mandato; elapso tempore vel exhausto numero casuum pro quibus concessa fuit; cessante causa finali delegationis; revocatione delegantis delegato directe intimata*

It is also vital to point out that nowhere in the enumeration of the obligations and rights of clerics (canons 273-289) is there any indication of a "right" to habitual faculties.

Canon 764 states, in part: . . . *facultate ubique praedicandi, de consensu saltem praesumpto rectoris ecclesiae exercenda, gaudent presbyteri et diaconi, nisi ab Ordinario competenti eadem facultas restricta fuerit aut sublata, aut lege particulari licentia expressa requiratur.*

Canon 277 states, in part: §1. *Clerici obligatione tenentur servandi perfectam perpetuamque propter Regnum coelorum continentiam, ideoque ad coelibatum adstringuntur, . . .*

§2. *Debita cum prudentia clerici se gerant cum personis, quarum frequentatio ipsorum obligationem ad continentiam servandam in descimen vocare aut in fidelium scandalum vertere possit.*

The Argument:

This argument will consist of two elements. First, it involves a response to the contentions of the Reverend Kevin Barmasse in his petition for recourse. Second, it offers the rationale for the revocation of the faculties entrusted to the Reverend Barmasse.

1. In the Argument section of his petition for recourse, Reverend Barmasse contends that the decree of July 13, 1992, revoking the habitual faculties of the Archdiocese of Los Angeles "establishes two penalties." He further contends that the decree "is intended as a perpetual penalty." Finally, he contends that the decree in question "a de facto suspension, but a suspension that was levied without due process of law." Throughout this process, Reverend Barmasse and his advocate have maintained that the revocation of faculties is a penalty, a position I have consistently rejected. The Archdiocese has studiously avoided resorting to penalties, but at the same time has acted to insure the integrity of pastoral

Response of Cardinal Mahony to Reverend Barmasse's Petition for Recourse
Page 5

ministry and to protect the People of God. It is my contention that the real rights at issue are those of the Christian faithful who must be able to trust the clergy assigned to serve them. Reverend Barmasse has betrayed that trust and given no indication that he is now worthy of such trust.

2. Reverend Barmasse's claims that the revocation of the faculties of the Archdiocese is a penalty ignores basic canonical principles. First, as noted in the Law section above, there is no "right" to faculties enunciated in the *Code of Canon Law*. Reverend Barmasse seems to be acting out of a very individualistic and narrow understanding of rights that separates them entirely from corresponding obligations and from the rights of the wider community. His understanding is thus at odds with the canonical tradition. I will grant that, when entrusted with the responsibility of some ecclesiastical office, the duties inherent in that office would give rise to corresponding rights to the authority to meet those responsibilities. That is not the case here. At present, Reverend Barmasse is not entrusted with any ecclesiastical office, and it would be irresponsible of the Archdiocese to assign him to any such office. Clerics have no canonical right to an ecclesiastical office. Rather, the provision of an ecclesiastical office is entrusted to the judgment of the competent ecclesiastical authorities (canon 147) to be conferred upon a person who has been judged suitable (canon 149, §1). I have sadly concluded that Reverend Kevin Barmasse is not presently suitable for any ecclesiastical office entailing the care of souls. Thus, no right of Reverend Barmasse has been violated.

3. Furthermore, Reverend Barmasse's contentions betray a misinterpretation of canon 1333, §1, which defines the penalty of suspension. No prohibition of the "power of orders" has been imposed (canon 1333, §1, 1°). The decree in question has merely revoked delegated power, authority belonging to diocesan bishops and other local ordinaries that is beyond the power of presbyteral orders. Such delegated power may be entrusted to clerics to assist them in their ministry at the discretion of an ordinary. Granted, such delegated powers are most important for exercise of pastoral ministry, but they are powers belonging to the wider Church to enable service, not possessions of an individual presbyter. Nor has the revocation of faculties forbidden Reverend Barmasse the power of governance (canon 1333, §1, 2°), since he has not been entrusted with any responsibility that involves the exercise of *potestas regiminis*. By the sacrament of orders, Reverend Barmasse may be radically capable of such power (canon 129, §1), but has no right to it. Nor has the decree revoking the faculties of the Archdiocese forbidden the exercise of any right or function attached to an office (canon 1333, §1, 3°), since Reverend Barmasse has not been entrusted with any such office.

4. The *Code of Canon Law* is very clear in providing that habitual faculties are governed by the prescriptions for delegated power (canon 132, §1) and the canons governing delegated power clearly provide that such power ceases when revoked by the delegator after notification to the one delegated (canon 142, §1). Reverend Barmasse's argument is contrary to these clear provisions, and thus asks for more than the Code demands. Should his argument be upheld, it would seriously hinder the free exercise of my rights as diocesan bishop to shepherd the portion of the People of God entrusted to my solicitude (canon 381, §1).

5. The only faculty revoked in the decree of July 13, 1992, that was not freely conferred by the habitual faculties of the Archdiocese of Los Angeles (and hence revocable at the discretion of the delegator) is the faculty to preach granted to presbyters by canon 764. However, the canon in question specifically provides for situations in which the faculty may be "restricted or taken away by the competent authority." The canon does not expressly

Response of Cardinal Mahony to Reverend Barmasse's Petition for Recourse
Page 6

require a *causa gravis* for the competent authority to revoke or restrict this faculty as claimed in the July 27, 1992, letter of Reverend REDACTED advocate for Reverend Barmasse (Exhibit P). Even though such a *causa gravis* is not specifically required, in this case the ministerial history of Reverend Barmasse as outlined in the Facts section above illustrates that there is such a serious cause. The petition of Reverend Barmasse refers to canon 18, apparently to argue that a "strict interpretation" of canon 764 precludes the revocation of this faculty to preach. I reject that argument. Canon 764 speaks of rights of clerics, but also of rights of competent ecclesiastical authority in overseeing the ministry of preaching the Word of God.

6. Thus, the action of revocation of faculties is not a penalty, was never intended as a penalty, but was an administrative action fully justifiable by my responsibilities to protect the rights of all the People of God of the Archdiocese. It is fully in accord with canonical principles and simply reflects the present status of Reverend Barmasse. It is Reverend Barmasse who has violated his obligation of celibacy (canon 277, §1) by failing to act with due prudence in keeping his commitment (canon 277, §2). In those violations he has harmed the spiritual welfare, the *suprema lex*, of a number of young people and their families. The actions taken by the Archdiocese have been designed to prevent future similar damage.

7. In his petition for recourse, Reverend Barmasse contended that the allegations of misconduct on his part "have not been sufficiently proved in a juridical sense." Granted, no formal penal trial or other judicial trial or administrative hearing has been conducted, but the behaviors in question are not mere allegations. While disputing details, Reverend Barmasse admitted inappropriate behavior in the 1983 incident, and agreed to a transfer and therapy. When confronted by the allegations of misconduct in Tucson, Reverend Dyer reports that Reverend Barmasse tended to "diminish" the nature of his behaviors and claimed to lack recollection, but never denied that he had acted inappropriately. On the contrary, in Reverend Barmasse's undated letter to Reverend Dyer (Exhibit J) he confessed that he had "acted out with some young men, and one teenager" and stated that he "has a disease of addiction." Furthermore, the reports from The Saint Luke Institute offer corroboration of underlying psychological difficulties that give a glimpse at the roots of the inappropriate behavior. Thus, it makes no sense for Reverend Barmasse to now characterize the evidence of his behaviors as merely allegations. There is more than adequate evidence to justify the decision not to provide an assignment to Reverend Barmasse and the decree revoking the faculties of the Archdiocese.

8. Finally, should the Congregation uphold the petition for recourse lodged by Reverend Kevin Barmasse, it would be establishing an extremely significant precedent that would seriously hamper the ability of diocesan bishops throughout the world to govern those entrusted to their care. It would effectively establish a "right to faculties" beyond the provisions of the Code, a "right" the implications of which would be vast. I fully agree that no ecclesiastical authority should lightly revoke faculties, precisely because the People of God require the service of priests authorized to care for their spiritual welfare. But the freedom of the competent local authority to concede, revoke or restrict faculties is vital for that very same reason, to serve the genuine spiritual welfare of God's People.

Response of Cardinal Mahony to Reverend Barmasse's Petition for Recourse
Page 7

Further Documentation:

In addition to the documents submitted by the Reverend Kevin Barmasse with his petition for recourse, several other exhibits are included in order to provide context to these other documents and the ongoing discussions with Reverend Barmasse. As requested, copies of these additional documents have been provided to Reverend Barmasse and to his advocate. The additional exhibits are:

- T. A letter of Reverend Barmasse dated November 2, 1989, to which Exhibit A is a response.
- U. A letter of Reverend Barmasse dated October 23, 1990, to which Exhibit B is a response.
- V. A memo to Monsignor Timothy Dyer dated August 28, 1992, copies of which were provided to Reverend Barmasse and his advocate, rejecting the settlement offer they presented to the Archdiocese.

Conclusion:

I respectfully request that the Most Reverend Members of the Congregation for the Clergy carefully analyze the issues involved in Reverend Barmasse's petition for recourse. I am convinced that, after such analysis, you will reject his petition and confirm my decree of July 13, 1992.

My prayers are with you in your deliberations.

Sincerely yours in Christ,

+ Roger Cardinal Mahony
 Cardinal Roger M. Mahony
 Archbishop of Los Angeles

August 31, 1992



COPY

Archdiocese of Los Angeles

Office of the Archbishop (213) 251-3288 1531 West Ninth Street Los Angeles California 90015-1194

September 1, 1992

Most Reverend Agostino Cacciavillan
Apostolic Pro-Nuncio
3339 Massachusetts Ave., N.W.
Washington, D.C. 20008-3687

Dear Archbishop Cacciavillan:

Enclosed please find a packet addressed to His Eminence, Cardinal Jose T. Sanchez, Prefect of the Congregation for the Clergy.

I would be most grateful if you could please forward this through the diplomatic pouch. A copy of the cover letter to Cardinal Sanchez is enclosed for your files.

Assuring you of my prayers, and with kindest personal regards, I am

Sincerely yours in Christ,

+ *Roger Card. Mahony*
Cardinal Roger Mahony
Archbishop of Los Angeles

REDACTED

28063



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3788

1531
West Ninth
Street

Los Angeles
California
90015-1194

September 1, 1992

His Eminence Jose T. Sanchez, Prefect
Congregation for the Clergy
Palazzo delle Congregazioni
Piazza Pio XII 3
Rome 00193, ITALY

Your Eminence:

I have received a petition for recourse against a decree in which I revoked the habitual faculties of the Archdiocese of Los Angeles previously entrusted to the Reverend Kevin Barmasse. I recognize that this petition has been submitted within the peremptory period of fifteen days tempus utile provided in Canon 1737, Section 2. Thus, in accord with the provisions of Canon 1737, Section 1, I am immediately forwarding the petition of Reverend Kevin Barmasse to you.

Enclosed with the August 28, 1992 letter of Reverend Barmasse is his formal petition. Also enclosed are the following:

1. My response to the petition of Reverend Barmasse;
2. Copies of all documents pertaining to the dispute which Reverend Barmasse requested be included;
3. Several additional documents pertaining to the matter which I have chosen to include.

Copies of those additional documents, as well as my response to the petition, have been provided to Reverend Barmasse and his advocate in recognition of his right of defense.

I would appreciate the prompt attention of the Congregation to this matter, and I stand ready to provide any additional information you deem necessary.

With prayers that God's blessings may continue to accompany you and with the highest regard for your vital service to the Church, I remain

Sincerely yours in Christ,

Roger Cardinal Mahony
Cardinal Roger M. Mahony
Archbishop of Los Angeles

Enclosures

cc: Reverend Kevin Barmasse
REDACTED REDACTED

28064



COPY

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251 3288

1531
West Ninth
Street

Los Angeles
California
90015 1104

September 1, 1992

Most Reverend Agostino Cacciavillan
Apostolic Pro-Nuncio
3339 Massachusetts Ave., N.W.
Washington, D.C. 20008-3687

Dear Archbishop Cacciavillan:

Enclosed please find a packet addressed to His Eminence, Cardinal Jose T. Sanchez, Prefect of the Congregation for the Clergy.

I would be most grateful if you could please forward this through the diplomatic pouch. A copy of the cover letter to Cardinal Sanchez is enclosed for your files.

Assuring you of my prayers, and with kindest personal regards, I am

Sincerely yours in Christ,

+ *Roger Card. Mahony*
Cardinal Roger Mahony
Archbishop of Los Angeles

REDACTED

28055



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

September 1, 1992

Rev. Kevin Barmasse

REDACTED

Dear Father Barmasse:

This is to inform you that Cardinal Mahony has received your petition for hierarchical recourse. That petition, together with the documentation requested, has been forwarded to the Congregation for the Clergy, via the offices of the Apostolic Pro-Nuncio. A copy of the Cardinal's letter to the Congregation is enclosed.

In forwarding your petition, the Cardinal also included his response and several additional documents. Copies of that response and of exhibits T, U, and V are enclosed, to preserve your right of defense. A similar letter, with the same enclosures, is being sent to your advocate, REDACTED

I will inform you promptly of any response from the Congregation.

Sincerely yours in Christ,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

REDACTED

Enclosures: Copy of letter to Cardinal Sanchez
Copy of "Response"
Exhibits T through V

28081



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 751-3284

1531
West Ninth
Street

Los Angeles
California
90015-0104

September 1, 1992

REDACTED
REDACTED

Dear REDACTED^{REDACTED}:

This is to inform you that Cardinal Mahony has received Reverend Kevin Barmasse's petition for hierarchical recourse. That petition, together with the documentation requested, has been forwarded to the Congregation for the Clergy, via the offices of the Apostolic Pro-Nuncio. A copy of the Cardinal's letter to the Congregation is enclosed.

In forwarding Reverend Barmasse's petition, the Cardinal also included his repose to the petition and several additional documents. Copies of that response and of exhibits T, U, and V are also enclosed, to preserve Reverend Barmasse's right of defense. A similar letter, with the same enclosures, is being sent directly to Reverend Barmasse.

Thank you for lending your canonical assistance to Reverend Barmasse. I will inform you promptly of any response from the Congregation.

Sincerely yours in Christ,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

Enclosures: Copy of letter to Cardinal Sanchez
Copy of "Response"
Exhibits T through V

28082



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3778

1531
West Ninth
Street

Los Angeles
California
90015-4194

September 1, 1992

His Eminence Jose T. Sanchez, Prefect
Congregation for the Clergy
Palazzo delle Congregazioni
Piazza Pio XII 3
Rome 00193, ITALY

Your Eminence:

I have received a petition for recourse against a decree in which I revoked the habitual faculties of the Archdiocese of Los Angeles previously entrusted to the Reverend Kevin Barmasse. I recognize that this petition has been submitted within the peremptory period of fifteen days tempus utile provided in Canon 1737, Section 2. Thus, in accord with the provisions of Canon 1737, Section 1, I am immediately forwarding the petition of Reverend Kevin Barmasse to you.

Enclosed with the August 28, 1992 letter of Reverend Barmasse is his formal petition. Also enclosed are the following:

1. My response to the petition of Reverend Barmasse;
2. Copies of all documents pertaining to the dispute which Reverend Barmasse requested be included;
3. Several additional documents pertaining to the matter which I have chosen to include.

Copies of those additional documents, as well as my response to the petition, have been provided to Reverend Barmasse and his advocate in recognition of his right of defense.

I would appreciate the prompt attention of the Congregation to this matter, and I stand ready to provide any additional information you deem necessary.

With prayers that God's blessings may continue to accompany you and with the highest regard for your vital service to the Church, I remain

Sincerely yours in Christ,

Roger Cardinal Mahony
 Cardinal Roger M. Mahony
 Archbishop of Los Angeles

Enclosures

cc: Reverend Kevin Barmasse
REDACTED

28083

MEMORANDUM

*Barmasse
Barmasse
petition*

DATE: September 1, 1992
FROM: REDACTED
TO: Cardinal Mahony
RE: Attached

My instructions are that time is of the essence -- and that you are to review the top letter, to the Prefect of the Congregation for Clergy, for approval and signature or for whatever changes you deem necessary

AND ALSO

to review the material with the yellow post-it -- which is your response to the Barmasse petition, but in which Monsignor Cox had made some minor changes.

*Dore - good job!
in two places!
+ RMH
9-1-92*

*Note need for SEAL
Jensen!*

28084



3339 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D. C. 20008-3687

APOSTOLIC NUNCIATURE
UNITED STATES OF AMERICA

No.9489.....

September 4, 1992

This No. Should Be Prefixed to the Answer

Your Eminence:

Your letter of September 1, 1992, and enclosure destined for His Eminence, Cardinal Jose T. Sanchez, Prefect of the Congregation for the Clergy arrived safely.

Please rest assured that the packet will be duly forwarded.

Your kindness in providing a copy of the cover letter for our files is appreciated.

With warm personal regards and very best wishes, I am,

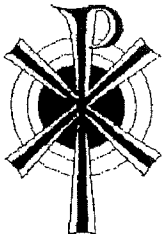
Sincerely yours in Christ,


Apostolic Pro-Nuncio

His Eminence
Roger Cardinal Mahony
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

28052

II 000156



REDACTED

REDACTED

Feast of the Exaltation of the Cross
September 14, 1992

His Eminence, Roger Cardinal Mahony
Archbishop of Los Angeles
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Dear Cardinal Mahony:

Enclosed is the rebuttal to your response in the Rev. Kevin Barmase matter. I have sent this under separate cover to the Congregation of the Clergy. I send this copy so that you have a copy of all that is in Rome.

Wishing you the blessings of the Lord, I am

Sincerely yours in Christ,

REDACTED

Procurator / Advocate for Rev. Kevin Barmasse

COPY

Rebuttal of Father Kevin Barmasse, through his Procurator/Advocate, to the Response of Cardinal Mahony

Cardinal Mahony, in his argument dated August 31, 1992, raises issues that should be responded to. They are as follows:

1. In number 1, Cardinal Mahony states that the "Archdiocese has studiously avoided resorting to penalties." yet in the following sentence states that Father Barmasse has "betrayed that trust and given no indication that he is now worthy of such trust." I ask, who has decided that Father Barmasse has "betrayed that trust"? Has there been a declaration of some culpable conduct? If so, that has been determined only on the insistence of the Ordinary. It is precisely for this reason that the Code contains Book VI. The statement that "Fr. Barmasse has betrayed that trust" is non other than a determination of culpability, but a determination accomplished without use of accepted canonical procedure.

2. Cardinal Mahony quotes C. 381 in the Law section of his argument. In that canon, it clearly states that "a diocesan Bishop has all the ordinary, proper and immediate power which is required for the exercise of his pastoral office *except for those cases which the law or a decree of the Supreme Pontiff reserves to the supreme authority of the Church or to some other ecclesiastical authority.*" In #4 the Cardinal states: "should his (Fr. Barmasse's) argument be upheld, it would seriously hinder the free exercise of my rights as diocesan bishop to shepherd the portion of the People of God entrusted to my solicitude." Yet as noted, that very canon states that there are limits to that power of the diocesan bishop, and one of those limits is precisely the requirements of Book VI of the Code of Canon Law, as well as Cc. 1717-1731. Upholding the argument for the requirement for regular canonical procedure in the discipline of clerics will not in any way hinder the rights of Cardinal Mahony, but will rather strengthen the regular discipline of the Church.

3. Medicinal penalties are penalties applied to errant clerics to help them amend their ways and return to priestly service in the community. They declare the person culpable, and set a limit or a set of conditions to enable that person to return to fruitful ministry. Perpetual penalties are precisely that, perpetual. They do not offer to the accused a term or a set of conditions to be fulfilled but terminate the case. In the memo of Cardinal Mahony to Fr. Dyer, and in Cardinal Mahony's argument, it is clear that the action taken against Father Barmasse is intended to be perpetual in character. In his memo dated August 28, Cardinal Mahony states: "He must now make his way in the world as do the People of God whose monies he is seeking.....Should he decide to pursue a career that requires additional education and training, then he must do so like

Rebuttal of Father Barmasse to Cardinal Mahony, September 14, 1992, 2

COPY

countless other men and women in this country, while working a regular job and pursuing additional education....." Cardinal Mahony speaks of this person as one already reduced to the lay state. Yet there has been no process, no trial, no hearing of any kind conducted, by Cardinal Mahony's own admission in #7 of his argument. I maintain that Father Barmasse is being reduced to the lay state against his will. C. 1342,§2 clearly states that perpetual penalties may only be applied through a judicial process.

4. In # 7 Cardinal Mahony state "no formal penal trial or other judicial trial or administrative hearing has been conducted," yet he goes on to state, in the manner of a judgement, that Father Barmasse "is not worthy of an assignment." Clearly this is the imposition of a penalty with no prior canonical procedure.

5. In #6, Cardinal Mahony insists that the revocation of faculties, as a result of not giving an assignment to Fr. Barmasse, is not a penalty. Yet in the same paragraph he accuses Father Barmasse of "violations" which have harmed the spiritual welfare, the suprema lex, of a number of young people. Because of this decision, it is the "judgement of the Cardinal that Father Barmasse is now unsuitable for an assignment." Is that not a description of a penalty inflicted for wrongful conduct? If indeed it is, then the diocesan bishop is to follow prescribed canonical procedure. Yet on Cardinal Mahony's own admission, no canonical penal procedure has been followed.

6. Father Barmasse has no objection to the penal process. Father Barmassee objects to the infliction of the penalties without that process. Because the Archdiocese of Los Angeles did not follow that procedure at the very beginning and because of the statue of limitation, that process is now unavailable to the Archdiocese. This fact is important to the outcome of this case.

7. In # 7 of Cardinal Mahony's argument, he states that "Rev. Dyer reports that Rev. Barmasse tended to 'diminish' the nature of his behaviors and claimed to lack recollection, but never denied that he had acted inappropriately." Not denying is not a confession. C. 1728 is clear in its guarantee that an accused person cannot be constrained to incriminate himself. For the Cardinal to assume that a lack of a denial was therefore a confession is unacceptable canonical reasoning. The burden of proof rests with the accuser in penal law. That burden of proof has not been met in this case.

8. Another important factor in this case is the situation in the United States of America at this time. Because of several unfavorable monetary awards against dioceses in this country, Diocesan Bishops are, understandably, concerned about the monetary liability arising in abuse cases. As a result of the advice of civil attorneys and diocesan insurance executives, procedures are sometimes followed that do not take into account sufficiently our own Canonical procedures. Canonical procedure is another system,, a system that United States civil attorneys are usually unaware of and not interested in. Their tendency is to

Rebuttal of Father Barmasse to Cardinal Mahony, September 14, 1992, 3

COPY

denigrate the Roman Catholic Canon Law tradition. We should be true to our own tradition, and respect that legal tradition. Also unfortunately, at times, the canonical experts in dioceses are ignored by the civil authorities, and even sometimes by the Diocesan Bishop.. Should we not have to follow our canonical tradition, as well as local civil law, when it is a question of allegations, indeed serious allegations, against a presbyter? If we do not follow and respect our canonical tradition, and instead only follow the advice of the civil attorneys, will we not become slaves of the civil authorities?, and the independence of the Church will be seriously compromised!

9. I wish to thank the Most Reverend Members of the Congregation for the Clergy for hearing the above arguments. May the Lord continue to bless you in your pastoral concern for the Church of Jesus Christ.

With all kind regards, and awaiting your reply, I am

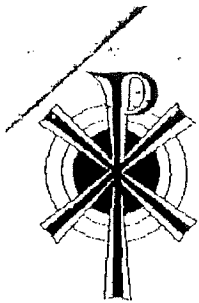
Sincerely yours in Christ,

REDACTED

Procurator/Advocate for Fr. Kevin Barmasse

Copies sent: Cardinal Mahony
Rev. Kevin Barmasse

Feast of the Exultation of the Cross
September 14, 1992



REDACTED

Feast of the Exaltation of the Cross
September 14, 1992

His Eminence, Roger Cardinal Mahony
Archbishop of Los Angeles
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Dear Cardinal Mahony:

Enclosed is the rebuttal to your response in the Rev. Kevin Barmase matter. I have sent this under separate cover to the Congregation of the Clergy. I send this copy so that you have a copy of all that is in Rome.

Wishing you the blessings of the Lord, I am

Sincerely yours in Christ,

REDACTED

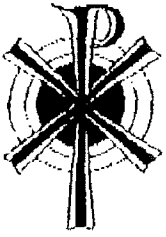
Procurator/Advocate for Rev. Kevin Barmasse

09/21/92

10 3

ARCHDIOCESE LA FAX 213 51-2607

002



REDACTED

REDACTED

Feast of the Exaltation of the Cross
September 14, 1992

His Eminence, Roger Cardinal Mahony
Archbishop of Los Angeles
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Dear Cardinal Mahony:

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Wishing you the blessings of the Lord, I am

Sincerely yours in Christ,

REDACTED

Procurator/Advocate for Rev. Kevin Barmasee

28058

II 000162

08/21/92 10:10

ARCHDIOCESE LA FAX 213-71-2607

003

COPY

Rebuttal of Father Kevin Barmasse, through his Procurator/Advocate, to the Response of Cardinal Mahony

Cardinal Mahony, in his argument dated August 31, 1992, raises issues that should be responded to. They are as follows:

1. In number 1, Cardinal Mahony states that the "Archdiocese has studiously avoided resorting to penalties." yet in the following sentence states that Father Barmasse has "betrayed that trust and given no indication that he is now worthy of such trust." I ask, who has decided that Father Barmasse has "betrayed that trust"? Has there been a declaration of some culpable conduct? If so, that has been determined only on the insistence of the Ordinary. It is precisely for this reason that the Code contains Book VI. The statement that "Fr. Barmasse has betrayed that trust" is non other than a determination of culpability, but a determination accomplished without use of accepted canonical procedure.

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Rebuttal of Father Barmasse to Cardinal Mahony, September 14, 1992, 2

COPY

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8. Another important factor in this case is the situation in the United States of America at this time. Because of several unfavorable monetary awards against dioceses in this country, Diocesan Bishops are, understandably, concerned about the monetary liability arising in abuse cases. As a result of the advice of civil attorneys and diocesan insurance executives, procedures are sometimes followed that do not take into account sufficiently our own Canonical procedures. Canonical procedure is another system,, a system that United States civil attorneys are usually unaware of and not interested in. Their tendency is to

09/21/92 10:57

ARCHDIOCESE LA FAX 213-771-2607

005

Rebuttal of Father Barmasse to Cardinal Mahony, September 14, 1992, 3

COPY

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9. I wish to thank the Most Reverend Members of the Congregation for the Clergy for hearing the above arguments. May the Lord continue to bless you in your pastoral concern for the Church of Jesus Christ.

With all kind regards, and awaiting your reply, I am

Sincerely yours in Christ,

REDACTED

Procurator/Advocate for Fr. Kevin Barmasse

Copies sent: Cardinal Mahony
Rev. Kevin Barmasse

Feast of the Exultation of the Cross
September 14, 1992



CONGREGATIO
PRO CLERICIS

Rome, September 21, 1992

Prot. 1750/I

His Eminence
Roger Cardinal Mahoney
Archbishop of Los Angeles
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Your Eminence:

This Congregation has received your letter of September 1, 1992, which accompanied the petition and other materials pertaining to the recourse of the Reverend Kevin Barmasse, a priest of the Archdiocese of Los Angeles, against the decree revoking the habitual faculties of the Archdiocese of Los Angeles.

In the event that additional information should be necessary, both yourself and Father Barmasse and his Advocate will be promptly notified.

With sentiments of esteem and every best wish, I remain,

Faithfully yours in Christ,

+ *C. Sepe*
Secret.

MEMORANDUM

DATE: September 21, 1992
FROM: Father Timothy Dyer
TO: Cardinal Mahony
RE: Attached

I spoke with Monsignor Cox regarding the attached letter from REDACTED REDACTED and Kevin Barmasse. Monsignor Cox sees no need to respond in any significant way at present; however, he does suggest that you write the Congregation and mention three points:

- 1) That you have received a copy of the 9/14/92 rebuttal from REDACTED in the case of Kevin Barmasse;
- 2) That you disagree with the characterization made therein re your actions;
- 3) That you would be happy to respond to it, should the Congregation think that necessary.

Copies of this letter to the Congregation should be sent to REDACTED and to Kevin Barmasse. Addresses are below:

REDACTED

Rev. Kevin Barmasse

REDACTED

Protocol Number on Pro-Nuncio acknowledgment of receipt of your earlier letter is 9489.

MEMORANDUM

COPY

DATE: September 21, 1992
FROM: Father Timothy Dyer
TO: Cardinal Mahony
RE: Attached

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- 1) That you have received a copy of the 9/14/92 rebuttal from REDACTED in the case of Kevin Barmasse;
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- 3) That you would be happy to respond to it, should the Congregation think that necessary.

Copies of this letter to the Congregation should be sent to REDACTED and to Kevin Barmasse. Addresses are below:

REDACTED
Parish Community of St. Jude
REDACTED

Rev. Kevin Barmasse
REDACTED

Protocol Number on Pro-Nuncio acknowledgement of receipt of your earlier letter is 9489.



CONGREGATIO
PRO CLERICIS

Rome, September 21, 1992

Prot. 1750/I

His Eminence
Roger Cardinal Mahoney
Archbishop of Los Angeles
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Your Eminence:

This Congregation has received your letter of September 1, 1992, which accompanied the petition and other materials pertaining to the recourse of the Reverend Kevin Barmasse, a priest of the Archdiocese of Los Angeles, against the decree revoking the habitual faculties of the Archdiocese of Los Angeles.

In the event that additional information should be necessary, both yourself and Father Barmasse and his Advocate will be promptly notified.

With sentiments of esteem and every best wish, I remain,

Faithfully yours in Christ,

+ C. Sepe
Secret.

28053



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

September 24, 1992

Most Reverend Agostino Cacciavillan
Apostolic Pro-Nuncio
3339 Massachusetts Ave., N.W.
Washington, D.C. 20008-3687

Dear Archbishop Cacciavillan:

Enclosed please find a letter addressed to His Eminence, Cardinal Jose T. Sanchez.

I would be most grateful if you could please forward this through the diplomatic pouch. A copy is enclosed for your files.

Assuring you of my prayers, and with kindest personal regards, I am

Sincerely yours in Christ,

Cardinal Roger Mahony
Cardinal Roger Mahony
Archbishop of Los Angeles

REDACTED

28026



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

September 24, 1992

His Eminence
Cardinal José T. Sanchez
Prefect
Congregation for the Clergy
00120 VATICAN CITY STATE
Europe

Your Eminence:

On August 31, 1992 I sent to Your Eminence a seven page response from me to the petition of the Reverend Kevin Barmasse for hierarchical recourse against the decree removing Archdiocesan faculties.

I have now received a letter from the ^{REDACTED} ^{REDACTED} J.C.D., the Canonical Advocate for Father Kevin Barmasse.

The purpose of this letter is threefold:

1. I wish to acknowledge that I have received a copy of ^{REDACTED} ^{REDACTED} letter of rebuttal in the case of the Reverend Kevin Barmasse, and that ^{REDACTED} letter is dated September 14, 1992.
2. I would disagree entirely and totally with the assumptions, characterizations, and conclusions made in that letter of September 14, 1992 by REDACTED
3. Since I am convinced that ^{REDACTED} ^{REDACTED} does not deal with the core issues in the case of the conduct of the Reverend Kevin Barmasse, I do not believe there is need to respond to the letter of September 14, 1992. However, should Your Eminence wish a full response to that letter, I would be pleased to prepare a response and forward it to ^{REDACTED} Eminence if you should so instruct me.

Thanking you for your continuing assistance in this very serious matter, and with kindest personal regards, I am

Sincerely yours in Christ,

Cardinal Roger Mahony
Cardinal Roger Mahony
Archbishop of Los Angeles

cc: REDACTED REDACTED J.C.D.
Reverend Kevin Barmasse

28027

Pastoral Regions: Our Lady of the Angels San Fernando San Gabriel San Pedro Santa Barbara

REDACTED

MEMORANDUM

DATE: OCTOBER 21, 1992

FROM: REDACTED

TO: REDACTED

RE: Rev. Kevin Barmasse

You will note from the attached that a check in the amount \$1,000 was mailed (priority) per T.D./Msgr. Cox instructions.

1. Please note the object code used...you may want to change that for the record -- we used that just to get it processed.
2. T.D. wants you to arrange to have a \$500 check sent to Fr. Barmasse UNTIL THE DEFINITE RESOLUTION OF HIS STATUS.



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 291-3294

1531
West Ninth
Street

Los Angeles
California
90015-1104

October 23, 1992

Rev. Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

As you know, in his memo of August 28, 1992, Cardinal Mahony stated that if a settlement of our disputes over adequate support had not been reached by October 23, 1992, the Archdiocese would initiate a formal examination to ascertain whether you had incurred an impediment to the exercise of Orders. That deadline is almost here. Before initiating such a formal process, I wanted to see if there is still a possibility of reaching a negotiated settlement suitable to all concerned.

You have deemed an offer of \$10,000 made by the Archdiocese to be inadequate. The Cardinal has determined that your request for \$50,000 is not justifiable. I would be most willing to talk with you and/or your advocate concerning this impasse over the amount appropriate to assist you in your transition. Whether we are able to reach a mutual agreement or not, I believe it is important to try one additional time.

As a sign of the good faith of the Archdiocese in this matter, we have determined to supply you with the amount of \$500.00 a month until the definitive resolution of your status. This is not a salary, but assistance for your basic needs as provided in canon 281, 2. Enclosed is a check in the amount of \$1,000.00 for this assistance covering the months of September and October.

I hope to hear from you soon. The Cardinal will briefly delay initiating any formal process to give you and your advocate an opportunity to respond to this invitation.

May God bless you.

Sincerely yours in Christ,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

cc: REDACTED REDACTED

Enclosure

28020



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(714) 251-3204

1531
West North
Street

Los Angeles
California
90015-1194

October 23, 1992

Rev. Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

As you know, in his memo of August 28, 1992, Cardinal Mahony stated that if a settlement of our disputes over adequate support had not been reached by October 23, 1992, the Archdiocese would initiate a formal examination to ascertain whether you had incurred an impediment to the exercise of Orders. That deadline is almost here. Before initiating such a formal process, I wanted to see if there is still a possibility of reaching a negotiated settlement suitable to all concerned.

You have deemed an offer of \$10,000 made by the Archdiocese to be inadequate. The Cardinal has determined that your request for \$50,000 is not justifiable. I would be most willing to talk with you and/or your advocate concerning this impasse over the amount appropriate to assist you in your transition. Whether we are able to reach a mutual agreement or not, I believe it is important to try one additional time.

As a sign of the good faith of the Archdiocese in this matter, we have determined to supply you with the amount of \$500.00 a month until the definitive resolution of your status. This is not a salary, but assistance for your basic needs as provided in canon 281, 2. Enclosed is a check in the amount of \$1,000.00 for this assistance covering the months of September and October.

I hope to hear from you soon. The Cardinal will briefly delay initiating any formal process to give you and your advocate an opportunity to respond to this invitation.

May God bless you.

Sincerely yours in Christ,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

cc: REDACTED REDACTED

Enclosure

28024

REDACTED

--NO-- EMERGENCY YES RETURN CHECK TO DEPARTMENT

REASON: Cover Letter

ARCHDIOCESE OF LOS ANGELES CHECK REQUEST

Vendor Number: 01001

111 VICAR FOR CLERGY
Department Name/Number

PAYEE INFORMATION: (All Information must be provided)

NAME: Rev. Kevin Barmasse
ADDRESS: **REDACTED**

DUE DATE:

CITY/ST/ZIP:

DO NOT MAIL

PHONE:

S.S NUMBER: OR FEDERAL I.D. NUMBER:

PLEASE INDICATE: CHANCERY/CEMETERY EMPLOYEE:

ARCHDIOCESAN PRIEST: --YES-- RELIGIOUS ORDER: Priest:
Brother:
Sister:

DESCRIPTION: Confidential, per Vicar for Clergy Assistance as provided
in canon 281.2

NOTE: ATTACH ORIGINAL SUPPORTING DOCUMENTS.

Invoice No.	Entity (X)	Fund (X)	Cost Center (XXX)	Object (XXXXX)	Subsidiary (XXXXX)	Amount
_____	REDACTED	_____	_____	_____	_____	<u>\$1,000.00</u>
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
TOTAL						\$1000

ck # A040009

REQUESTOR: Rev. T. Dyer DEPT. APPROVAL: _____ EXT. 284

DUE DATE: DATE: 10/21/92

28025

White/Yellow Copies - Accounting Department
Pink Copy - Department Copy

rca 101 ap rev 07 Mar 89



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-32841531
West Fourth
StreetLos Angeles
California
90015-1104

October 23, 1992

Rev. Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

As you know, in his memo of August 28, 1992, Cardinal Mahony stated that if a settlement of our disputes over adequate support had not been reached by October 23, 1992, the Archdiocese would initiate a formal examination to ascertain whether you had incurred an impediment to the exercise of Orders. That deadline is almost here. Before initiating such a formal process, I wanted to see if there is still a possibility of reaching a negotiated settlement suitable to all concerned.

You have deemed an offer of \$10,000 made by the Archdiocese to be inadequate. The Cardinal has determined that your request for \$50,000 is not justifiable. I would be most willing to talk with you and/or your advocate concerning this impasse over the amount appropriate to assist you in your transition. Whether we are able to reach a mutual agreement or not, I believe it is important to try one additional time.

As a sign of the good faith of the Archdiocese in this matter, we have determined to supply you with the amount of \$500.00 a month until the definitive resolution of your status. This is not a salary, but assistance for your basic needs as provided in canon 281, 2. Enclosed is a check in the amount of \$1,000.00 for this assistance covering the months of September and October.

I hope to hear from you soon. The Cardinal will briefly delay initiating any formal process to give you and your advocate an opportunity to respond to this invitation.

May God bless you.

Sincerely yours in Christ,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

cc: REDACTED REDACTED

Enclosure

28014

VENDOR 01001 REV. KEVIN BARMASSE
THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES
(A CORPORATION SOLE)

1531 West Ninth Street
Los Angeles, CA 90015-1194

A 040009

DATE	INVOICE NO.	DESCRIPTION	AMOUNT
10/21/92	102192	CONFIDENTIAL, PER VICAR FOR CLERGY	1,000.00
TOTAL -			1,000.00

V-01001



The Roman Catholic Archbishop of Los Angeles

(A Corporation Sole)

Los Angeles, California 90015-1194

16-66
1220

A 040009

OLYMPIC-UNION BRANCH
BANK OF AMERICA
LOS ANGELES, CALIFORNIA

CHECK NO.	40009
DATE	AMOUNT
10/23/92	1,000.00

VOID AFTER 90 DAYS

THE ROMAN CATHOLIC ARCHBISHOP
OF LOS ANGELES

REDACTED

PAY:

TO THE
ORDER
OF

*****1,000 DOLLARS AND 00 CENTS

REV. KEVIN BARMASSE

REDACTED

THE ROMAN CATHOLIC ARCHBISHOP OF LOS ANGELES
(A CORPORATION SOLE)

1537 West Ninth Street
Los Angeles, CA 90015-1194

A 040009

DATE	INVOICE NO.	DESCRIPTION	AMOUNT
10/21/92	102192	CONFIDENTIAL, PER VICAR FOR CLERGY	1,000.00
TOTAL -			1,000.00

REDACTED

--NO-- EMERGENCY YES RETURN CHECK TO DEPARTMENT

REASON: Cover Letter

ARCHDIOCESE OF LOS ANGELES CHECK REQUEST

Vendor Number: 01001

111 VICAR FOR CLERGY
Department Name/Number

PAYEE INFORMATION: (All Information must be provided)

NAME: Rev. Kevin Barmasse

ADDRESS: **REDACTED**

DUE DATE:

CITY/ST/ZIP:

DO NOT MAIL

PHONE:

S.S NUMBER: OR FEDERAL I.D. NUMBER:

PLEASE INDICATE: CHANCERY/CEMETERY EMPLOYEE:

ARCHDIOCESAN PRIEST: --YES-- RELIGIOUS ORDER: Priest:
Brother:
Sister:

DESCRIPTION: Confidential, per Vicar for Clergy Assistance as provided in canon 281.2 *[for September & October 1992]*

NOTE: ATTACH ORIGINAL SUPPORTING DOCUMENTS.

Invoice No.	Entity (X)	Fund (X)	Cost Center (XXX)	Object (XXXXX)	Subsidiary (XXXXX)	Amount
_____	REDACTED	_____	_____	_____	_____	<u>\$1,000.00</u>
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
TOTAL						\$1000

ck. # A040009

REQUESTOR: Rev. T. Dyer DEPT. APPROVAL: _____ EXT. 284

DUE DATE: DATE: 10/21/92 28017

White/Yellow Copies - Accounting Department
Pink Copy - Department Copy rca 101 ap rev 07 Mar 89

REDACTED

--NO-- EMERGENCY YES RETURN CHECK TO DEPARTMENT

REASON: Cover Letter

ARCHDIOCESE OF LOS ANGELES CHECK REQUEST

Vendor Number: 01001

111 VICAR FOR CLERGY
Department Name/Number

PAYEE INFORMATION: (All Information must be provided)

NAME: Rev. Kevin Barmasse

ADDRESS: **REDACTED**

DUE DATE:

CITY/ST/ZIP:

DO NOT MAIL

PHONE:

S.S NUMBER: OR FEDERAL, I.D. NUMBER:

PLEASE INDICATE: CHANCERY/CEMETERY EMPLOYEE:

ARCHDIOCESAN PRIEST: --YES-- RELIGIOUS ORDER: Priest:
Brother:
Sister:

DESCRIPTION: Confidential, per vicar for Clergy Assistance as provided in canon 281.2 *(for September & October 1992)*

NOTE: ATTACH ORIGINAL, SUPPORTING DOCUMENTS.

Invoice No.	Entity (X)	Fund (X)	Cost Center (XXX)	Object (XXXXX)	Subsidiary (XXXXX)	Amount
_____	REDACTED	_____	_____	_____	_____	<u>\$1,000.00</u>
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
_____	_____	_____	_____	_____	_____	\$
TOTAL						\$1000

ck # A040009

REQUESTOR: Rev. T. Dyer DEPT. APPROVAL: _____ EXT. 284

DUE DATE: DATE: 10/21/92

White/Yellow Copies - Accounting Department
Pink Copy - Department Copy

rca 101 ap rev 07 Mar 89

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 250-7771

1541
West Ninth
Street

Los Angeles
California
90015-4854

October 23, 1992

Rev. Kevin Barmagne
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmagne:

As you know, in his memo of August 28, 1992, Cardinal Mahony stated that if a settlement of our disputes over adequate support had not been reached by October 23, 1992, the Archdiocese would initiate a formal examination to ascertain whether you had incurred an impediment to the exercise of Orders. That deadline is almost here. Before initiating such a formal process, I wanted to see if there is still a possibility of reaching a negotiated settlement suitable to all concerned.

You have deemed an offer of \$10,000 made by the Archdiocese to be inadequate. The Cardinal has determined that your request for \$50,000 is not justifiable. I would be most willing to talk with you and/or your advocate concerning this impasse over the amount appropriate to assist you in your transition. Whether we are able to reach a mutual agreement or not, I believe it is important to try one additional time.

As a sign of the good faith of the Archdiocese in this matter, we have determined to supply you with the amount of \$500.00 a month until the definitive resolution of your status. This is not a salary, but assistance for your basic needs as provided in canon 281, 2. Enclosed is a check in the amount of \$1,000.00 for this assistance covering the months of September and October.

I hope to hear from you soon. The Cardinal will briefly delay initiating any formal process to give you and your advocate an opportunity to respond to this invitation.

May God bless you.

Sincerely yours in Christ,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

cc: REDACTED EDACTED

Enclosure

28523

MEMORANDUM

October 30, 1992

TO: Cardinal Mahony
FROM: Father Timothy Dyer
RE: Kevin Barmasse

I met today with Kevin Barmasse and his brother, ^{REDACTED}, who made the following proposal:

- That Kevin be given a "gift" of \$35,000 (a non-negotiable amount).
- That Kevin be covered by our health insurance until he is able to acquire coverage under new employment or up to a maximum of 24 months -- beginning January 1993.
- That Kevin's documents and confidential file be sealed and nothing given out without his consent (which I explained is our policy apart from this case).

In response to fulfillment of the above requests on the part of the Archdiocese, Kevin would seek voluntary laicization. They made a particular point and asked me to relay to you that this should not be characterized as bartering away his priesthood in return for money.

Earlier this week in a phone conversation and again today at our meeting, Kevin's brother (an attorney) made very clear their intention to sue the Archdiocese in civil court should the above proposal be denied at both the level of the Archdiocese and the Vatican.

I discussed the above with Msgr. Cox who was disappointed that ^{REDACTED} their amount was so high and that it was non-negotiable. he said that ^{REDACTED} had implied to him, in a conversation this week, that the amount would be lower. Msgr. Cox also pointed out the real advantage of voluntary laicization in that it would bring finality to any question of responsibility for Kevin's future on the part of the Archdiocese.

I will need to respond to Kevin in writing on Monday and will do so upon receiving your response to the above proposal.

28519

MEMORANDUMOctober 30, 1992

TO: Cardinal Mahony
FROM: Father Timothy Dyer
RE: Kevin Barmasse

I met today with Kevin Barmasse and his brother, ^{REDACTED} who made the following proposal:

- That Kevin be given a "gift" of \$35,000 (a non-negotiable amount).
- That Kevin be covered by our health insurance until he is able to acquire coverage under new employment or up to a maximum 24 months -- beginning January 1993.
- That Kevin's documents and confidential file be sealed and nothing given out without his consent (which I explained is our policy apart from this case).

In response to fulfillment of the above requests on the part of the Archdiocese, Kevin would seek voluntary laicization. They made a particular point and asked me to relay to you that this should not be characterized as bartering away his priesthood in return for money.

I discussed the above with Msgr. Cox who was disappointed that their amount was so high and that it was non-negotiable. He said that ^{REDACTED} _{REDACTED} had implied to him, in a conversation this week, that the amount would be lower. Msgr. Cox also pointed out the real advantage of voluntary laicization in that it would bring finality to any question of responsibility for Kevin's future on the part of the Archdiocese.

I will need to respond to Kevin in writing on Monday and will do so upon receiving your response to the above proposal.

28520

11/18/92

Msgr. Dyer would like Cardinal Mahony to know no action in re phone conversation referred to in memo from Msgr. Cox re "Draft of Letter to Kevin Barmasse" has yet been taken--pending Cardinal's response to the memo.

REDACTED

PRIORITY

Excellent ✓

*Please
Type!*

28569



Archdiocese of Los Angeles

Office of
the Archbishop
(713) 251-3700

1531
West Ninth
Street

Los Angeles
California
90015-1194

CONFIDENTIAL

November 20, 1992

Reverend Kevin Barnasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barnasse:

Monsignor Dyer informed me of the proposal you and your brother presented to him on October 30, 1992. Due to my travel outside the Archdiocese, I have not been able to respond until this time.

The substance of your proposal included two items: 1) a "non-negotiable" payment to you of \$35,000 and 2) continued coverage under Archdiocesan health insurance until you acquire coverage under new employment up to a maximum of twenty-four months. By this letter, I officially inform you that I cannot accept this proposed settlement. I find your request totally inappropriate.

Recognizing its responsibility under canon 281, §2, to provide you with "social assistance," the Archdiocese has already spent tremendous sums of money on your medical bills, health care and auto insurance, salary and other assistance. Clearly, the Archdiocese has been most generous in meeting its canonical responsibility to provide for your basic needs and obtain professional assistance for you.

The fact remains, however, that by your behavior you abused your priestly office and victimized members of the People of God. I fully recognize that your abusive behaviors reflect the fact that you suffer from psychological impairments. That is why, true to the norm of canon 281, §2, the Archdiocese was willing to offer assistance in your incapacity. But your rights to such assistance under canon law are not unlimited. For me to approve the amount of \$35,000 in addition to the support already provided you would be further victimization of God's People.

At this time, I renew what I am convinced is a very fair offer to enable you to make the transition to secular employment. The Archdiocese will provide a payment of \$10,000. The purpose of this payment is to enable you to secure lodging, transportation, food and basic necessities for an interim period while you find employment and begin to provide for your own needs. In addition, the Archdiocese will keep you on its health insurance policy for a maximum of twelve months, unless you obtain health coverage elsewhere before the expiration of that period. These provisions more than fulfill our responsibility under canon 281, §2. It is the last offer of the Archdiocese.

Confidential Letter to Reverend Kevin Barnasse
November 20, 1992
Page Two

I hope you will accept this settlement, and I ask that you reply by December 4, 1992. Should you choose to reject this offer, I recognize your right to take recourse against this decision to the Congregation for the Clergy and will forward any petition you may prepare in accord with my responsibility under canon 1737.

Quite apart from the question of the responsibilities of the Archdiocese under canon 281, §2, I hope you have come to the realization that you are not qualified for priestly service. I ask that, in recognition of this fact, you voluntarily submit a petition for laicization. In your discussions with Monsignor Dyer, you stated that you were willing to make such a petition and that your willingness to do so was not to be seen as any sort of bargain. If this is truly the case, then there is no reason for you to delay submitting a petition for laicization. Please do so for the good of the Church.

If you decide to petition for laicization, there will be no need for the Archdiocese to initiate any other canonical action. However, if you do not initiate such a petition, I have a responsibility to end the ambiguous canonical situation that exists. Therefore, I will initiate the process to investigate the existence of an impediment to the exercise of orders unless I receive a written petition for laicization by December 4, 1992.

Sincerely yours in Christ,

Roger Cardinal Mahony

Cardinal Roger Mahony
Archbishop of Los Angeles

cc: REDACTED DACTED REDACTED

REDACTED



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 751-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

December 1, 1992

EXPENSES PAID BY THE ARCHDIOCESE OF LOS ANGELES
IN THE CASE OF THE REVEREND KEVIN BARMASSE

I.	HEALTH CARE PREMIUMS PAID TO DATE 1991 - November, 1992	\$ 5,780.00
II.	MEDICAL CLAIMS PAID TO DATE Beginning July 1, 1991 <i>(Extensive medical and psychological evaluation and treatment at St. Luke's Institute)</i>	\$ 58,627.41
III.	AUTOMOBILE INSURANCE PREMIUMS PAID TO DATE Beginning July 1, 1991	\$ 19,652.00
IV.	ADDITIONAL EXPENDITURES <i>(Airfare, laboratory fees not included above, reimbursement to the Diocese of Tucson for car insurance expenses, and individual doctor's fees)</i>	\$ 6,185.00
V.	PAYROLL 1991 1992	\$ 4,330.72 \$ 5,723.14
VI.	CURRENT MONTHLY SALARY Beginning September 1, 1992	\$ 1,500.00
	<u>GRAND TOTAL</u>	<u>\$101,798.27</u>

28396

Pastoral Regions: Our Lady of the Angels San Fernando San Gabriel San Pedro Santa Barbara



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

December 1, 1992

His Eminence
Cardinal José T. Sanchez
Prefect
Congregation for the Clergy
00120 VATICAN CITY STATE
Europe

Prot. 1750/I

Your Eminence:

I am writing to advise you that I have sent a further letter to the Reverend Kevin Barmasse dated November 20, 1992.

I am enclosing a copy of that letter as part of the file of the case which is currently before you and your Congregation for the Clergy.

In addition, I am enclosing an additional sheet which indicates that to date the Archdiocese of Los Angeles has expended more than \$100,000 in various expenses dealing with the Reverend Kevin Barmasse. I believe that the Archdiocese of Los Angeles has responded most generously in helping the Reverend Kevin Barmasse to make a transition to another way of life.

Thanking you for your assistance in this continuing matter, and with kindest personal regards, I am

Sincerely yours in Christ,

Cardinal Roger Mahony
Archbishop of Los Angeles

REDACTED

28393



COPY

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

December 7, 1992

Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

In my letter to you of November 20, 1992, I invited you to submit a petition for laicization. That invitation was in response to your statement to Monsignor Timothy Dyer indicating your willingness to present such a petition, and further indicating that such a petition was not to be understood as a part of any bargain.

In that letter of November 20, I also informed you that, in the absence of any petition for laicization, I have a responsibility to end the ambiguous canonical status that exists. I stated that if I had not received your petition for laicization by December 4, 1992, I would initiate a process to investigate the existence of an impediment to Orders.

The deadline of December 4, 1992, has passed. Since I have not received such a petition from you, I have decreed that an administrative process be opened to investigate the presence of an impediment described in canon 1044, §2, 2o. Enclosed is a copy of that decree.

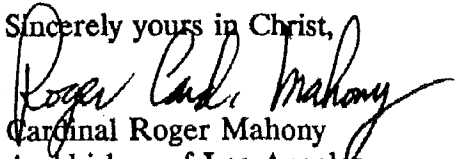
As noted in the decree, I invite you, with your canonical advocate, to present any evidence or argumentation concerning the question of the impediment that you deem appropriate. Please do so by December 22, 1992.

I had sincerely hoped you would voluntarily submit a petition for laicization and deeply regret that I must initiate this process. There is no reason for further delay. I remain willing, however, to suspend the process to investigate the possible

28552

presence of an impediment if you submit a petition for laicization. I am enclosing a sample of such a petition to assist you if you decide to take this course of action.

Sincerely yours in Christ,

+ 
Cardinal Roger Mahony
Archbishop of Los Angeles

REDACTED

Enclosures: Decree
Sample Petition for Laicization

cc: ^{REDACTED} REDACTED Advocate

D E C R E E

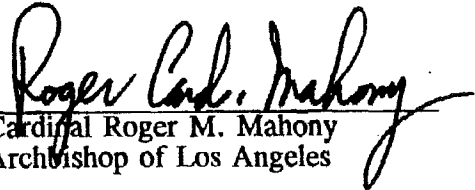
Evidence having been presented that Reverend Kevin Barmasse may be laboring under the impediment to the exercise of orders described in canon 1044, §2, 2º, I hereby decree the opening of an administrative process to verify whether this suspicion is true. If the investigation establishes the presence of the impediment, that fact is to be formally declared.

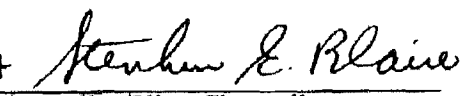
I further decree that all of the materials which were included in Father Barmasse's petition for recourse to the Congregation for the Clergy (Prot. N. 1750/I) are to be incorporated into the acts of this process.

I hereby appoint Monsignor Timothy Dyer to serve as auditor in this process to conduct further examinations. Monsignor Dyer is authorized to delegate other auditors as the need warrants.

To protect his right of defense, I direct that Reverend Kevin Barmasse and his advocate be informed that this process has been initiated by providing them a copy of this decree. I further invite Reverend Kevin Barmasse and his advocate to provide any additional statements or argumentation they deem appropriate to the issue of the suspected impediment. Such additional information should be submitted to me by Tuesday, December 22, 1992.

Issued in the Curia of the Archdiocese of Los Angeles in California on this 7th day of December in the Year of Our Lord 1992.

+ 
Cardinal Roger M. Mahony
Archbishop of Los Angeles

+ 
Chancellor/Vice-Chancellor

Archdiocesan Seal



Dec. 11, 1992

His Eminence, Roger Cardinal Mahony, D.D.
Archbishop of Los Angeles
1531 E. 9th Street
Los Angeles, CA

Dear Cardinal Mahony;

I am writing in response to your letter of November 20. In it you gave me until December 4 to respond. Unfortunately I have not been able to complete my response until today. I would like to say as regards to my letter the following;

You dated your letter November 20. It was not postmarked until November 24, the Tuesday before Thanksgiving, and did not reach me until Friday, November 27. That left only 5 effective days to respond. Normally our law allows anywhere from 10 to 30 days to respond, counting from the date of effective notice. I hope that you will take this into consideration as regards this response.

In response to your letter, I offer the following. I did not make a "proposal" to Msgr. Dyer. To review briefly; On July 13, 1992, you issued a decree revoking my faculties. After subsequent correspondence, I took recourse against that decree. That recourse is pending as of this date.

In attempting to settle upon a sum for, as you say, social assistance, we have been in negotiations. Your initial offer of \$10,000 was based upon a calculation relative to a six month transition period. According to information supplied by Fr. Craig Cox to my procurator/advocate, REDACTED that figure was arrived at through a computation of living in the Los Angeles area for six months. My request, in response, was based upon a time of two years, to educate myself for a new career and to fully establish myself.

28555

You chose to consider that offer extravagant. My purpose here is not to argue, merely to clarify the record. At that point the recourse took place. I was content to wait for the outcome of the recourse. As you had rejected my counter offer and had not changed your offer, I felt that negotiations were at an impasse. Again, as stated above, I was content to await the outcome of my recourse. Thus I was surprised by the letter of Msgr. Dyer, your Vicar for Clergy, dated October 23, 1992. I attach a copy of that letter. In paragraph 2, Msgr. Dyer seems to suggest that the negotiations might not be at an impasse. It was because of his, Msgr. Dyer's, your representative, reinauguration of the proceedings that my brother and I met with him at Our Lady of Grace in Encino. I wish it to be clear that the meeting was not the locus for a new "Proposal" of mine, as your letter of November 20 seems to infer. Rather it was part of what I thought would be negotiations in good faith. I see I was mistaken.

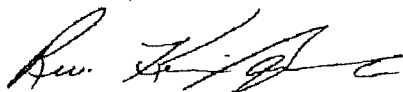
At this time I would ask that we await the recourse that at this moment is still pending in the Congregation of the Clergy. I think that it is fair to request that we await the outcome of this recourse.

On this advice of my advocate, I would request that you do not initiate the process that you mention at this time. I think that it is inappropriate. Should we not wait until the outcome of the present process in Rome is known? If your action is upheld, would there be a need for a further process? I would be without faculties and without appointment. If your action is not upheld, then it would be appropriate to initiate further action.

I respectfully request that you withhold further action until such time as the Congregation responds to my request. Thank you.

With all kind regards, and wishing you the blessing of the Lord during this Advent Season, I am

Sincerely Yours in Christ,



Rev. Kevin Barmasse

COPY

COPY

Dec. 11, 1992

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Archbishop of Los Angeles
1531 E. 9th Street
Los Angeles, CA

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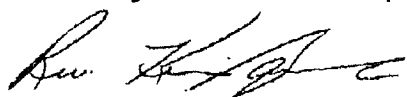
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I respectfully request that you withhold further action until such time as the Congregation responds to my requestion. Thank you.

With all kind regards, and wishing you the blessing of the Lord during this Advent Season, I am

Sincerely Yours in Christ,



Rev. Kevin Barmasse

COPY



COPY

 Archdiocese of Los Angeles

 Office of
the Archbishop
(213) 251-3288

 1531
West Ninth
Street

 Los Angeles
California
90015-1194

December 17, 1992

 Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

I have received your letter of December 11, 1992. I believe it is important to recognize that there are three distinct, although interrelated, issues which are under dispute. First, you have disputed my action in revoking your habitual faculties and have taken recourse to Rome with regard to that decision. Second, there is an ongoing dispute concerning the nature and the amount of the assistance the Archdiocese will provide to assist your transition into secular employment. Third, there is the action to investigate the presence of any impediment which I have formally initiated. My letter of December 7, 1992, informed you of this action.

The first of these disputes is presently in Rome. I feel quite confident that the Congregation for the Clergy will uphold my decision in that matter. Roman congregations, however, often take a great deal of time to respond. A decision in the matter of your recourse may still be months in the future. Since I originally envisioned the revocation of faculties as an immediate but interim step before a more definitive canonical action, I do not believe waiting for a decision in that matter has any bearing on whether or not I should proceed with an investigation into the presence of the impediment. Whether the Congregation for the Clergy upholds or overturns my revocation of the faculties, I remain convinced that the process to investigate the impediment is appropriate. Therefore, I intend to proceed in the matter. However, recognizing the delays in the mails and the activities of this holiday season, I hereby extend the deadline contained in the decree (Tuesday, December 22) to Friday, January 8, 1993. I do not believe a longer extension is needed, since both you and ~~REDACTED~~ had been officially informed in my memorandum of August 28, 1992, that I would initiate such an action. Thus, for a period of several months you have been aware that such a process was likely to ensue.

The second of the three issues involves the question of the nature and the amount of "social assistance" to aid your transition to secular employment. As I read your recent letter, the crux of the dispute is not primarily the amount, but

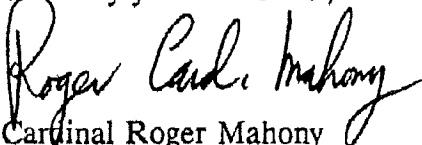
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Letter to Reverend Kevin Barmasse
December 17, 1992
Page Two

the nature of what you expect. I reject any contention that the Archdiocese has a responsibility to support you for a two year period and provide significant additional education for you. The differences in the amounts of the offer of the Archdiocese and of your request reflect this basic disagreement over what type of support canon 281, §2, requires. Given this basic difference, it appears to me that further negotiations will be fruitless. Given the impasse, you certainly retain the right to take recourse on the issue of the appropriate nature and amount of support to the Congregation for the Clergy. Should you choose to lodge such a recourse, I will forward it to the Congregation upon receipt.

Finally, I reiterate my invitation to submit a petition for laicization. As indicated earlier, if you submit such a petition, I will immediately halt the action to investigate the impediment, thus eliminating the third of the three disputes between us.

Sincerely yours in Christ,

+ 
Cardinal Roger Mahony
Archbishop of Los Angeles

cc: REDACTED REDACTED , Advocate

REDACTED



FILE COPY

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

December 17, 1992

Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

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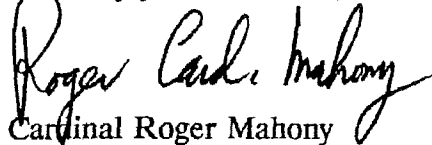
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Letter to Reverend Kevin Barmasse
December 17, 1992
Page Two

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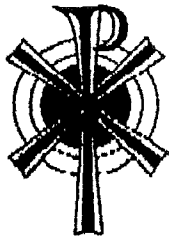
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Sincerely yours in Christ,

+ 
Cardinal Roger Mahony
Archbishop of Los Angeles

cc: REDACTED EDACTED , Advocate

REDACTED



REDACTED

COPY

December 21, 1992

His Eminence Roger Cardinal Mahony
Archbishop of Los Angeles
1531 W. Ninth Street
Los Angeles, CA 90015-1194

Dear Cardinal Mahony:

On behalf of Rev. Kevin Barmasse I wish to acknowledge receipt of your letter dated December 7, 1992. For the purpose of the record, I note that letter was mailed from you office on Friday, December 11, 1992 and arrived in my office on December 14, 1992, one week after you dated it. In your letter you begin by referring to your letter dated November 20, 1992. That letter was mailed from your office on November 24, 1992 and did not reach my office until November 30, 1992. The weekend of November 26-29 was the Thanksgiving weekend and as you know, offices are usually closed those four days. Thus effective notice did not reach either Father Barmasse or myself until November 30, leaving us only four days to respond to your first requests.

I spoke with Father Dyer during the week following December 4, 1992 and he assured me that if we responded by December 14 it would be acceptable as he stated you were not even in the country (being in the Phillipines). Thus I was surprised to receive a letter on December 14, 1992, dated on December 7, 1992, a day that supposedly you were in the Phillipines. Obviously you had not received Father Barmasse's letter in response to your November 20 communication. Nor has that letter been acknowledged.

As to the substance of your letter of December, I wish to acknowledge the opening of an administrative process to investigate the presence of an impediment described in c. 1044, §2, 2^o. I acknowledge this as a citation to a process. I do not acknowledge December 22, 1992 as the date whereby all rights to present proofs to the contrary are estopped. Not only because of the problems of time as mentioned above, but I would request more detail as to the accusation of the impediment. C. 1044, §2, 2^o is general in its specification. Thus a more clinical diagnosis is needed to enable me to properly defend Father Barmasse. I expect that after whatever further evidence is gathered, my client will be afforded the usual right of defense, as guaranteed by c. 50.

I renew my objection to this process, pending the outcome of the recourse which Father Barmasse presently is waiting for from the Congregation of the Clergy in Rome.

At this time there is nothing further that Father Barmasse wishes to add to the evidence already presented. However, as noted above, if there is any further interview, I expect that I will be informed in sufficient time to allow my presence, as well as access to any further evidence added to the case. I request this to protect Father Barmasse's canonical right of defense.

Wishing you the Blessings of the Lord in this Advent season, I am

Sincerely yours in Christ,

REDACTED

Advocate for Father Barmasse



MEMORANDUM

TO: Tim Dyer
FROM: Craig Cox *cc*
RE: Kevin Barmasse process
DATE: 23 December 1992

I am not sure what copies of materials you have or haven't been receiving, so I am attaching the most recent exchanges of correspondence.

We do need to talk about this matter as soon as possible after your return. I hope that you have been able to arrange for testimony to be taken in Arizona already, as well as for some further material from the Institute.

During the furlough, I will be in the office at least part of Monday and Tuesday. You can also reach me at Our Lady of Grace over the holidays.



COPY

Archdiocese of Los Angeles

Office of the
Archdiocesan Tribunal
(213) 251-3245

933
South Grattan
Street

Los Angeles
California
90015-1194

December 23, 1992

REDACTED

Dear REDACTED:REDACTED,

Cardinal Mahony has asked me to respond on his behalf to your FAX of December 21, 1992.

By now, you should have received a copy of the Cardinal's letter of December 17, 1992, to Father Barmasse. In that letter, he extended the deadline for the presentation of evidence or an initial defense to January 8, 1993.

The Cardinal's letter of December 17 to Father Barmasse contains his decision on the request to delay the process to investigate the possible impediment until a determination by the Congregation for the Clergy on the question of the faculties. The Cardinal takes note of your objection, but does not believe that there is any reason to wait for a resolution of that earlier question before proceeding with this canonical process.

You expressed your expectation that Father Barmasse's right of defense would be protected and that he be given access to any additional evidence collected. Throughout this process the Cardinal has made all such material available. He will continue to do so. Likewise, you and Father Barmasse will be provided an opportunity to present your case in person as the process develops.

Finally, you asked for a specification of canon 1044, §2, 2° as it applies to this case. The operative specification of that canon is in its reference back to canon 1041, 1°. There must be some psychological infirmity that renders a person "incapable of rightly carrying out the ministry." The canons do not specify particular illnesses that do or do not result in such an incapacity. The judgment is to be made upon the facts of the case after appropriate consultation with experts. You already have access to materials from Father Barmasse's treatment that provide some significant clinical data. As his advocate, you will be granted appropriate access to any additional material from experts. But a particular clinical diagnosis is not the

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Archdiocese of Los Angeles

Office of the
Archdiocesan Tribunal
(213) 251-3245

933
South Grattan
Street

Los Angeles
California
90015-1194

-2-

central issue; ability to rightly exercise ministry is. The judgment about the presence or absence of any impediment is of a different nature than a clinical judgment about a psychological condition, even if the judgment must take into account clinical data. This is very similar to the judgment in marriage nullity cases, where incapacity for marriage need not depend upon or follow as a necessary consequence a clinical diagnosis. Thus, the Cardinal does not see that there is any impairment of Father Barmasse's right of defense in the fact that a more detailed clinical diagnosis is not available at this moment.

I trust that this brief response to your FAX has addressed your major concerns. The Cardinal wishes me to reiterate his invitation to Father Barmasse to eliminate the need for any process by petitioning for laicization. He also stands ready to forward any recourse on the question of monetary support to the Congregation for the Clergy.

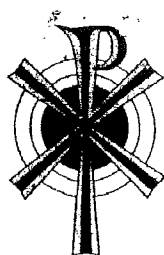
May God bless you.

Yours in Christ,

Msgr. Craig A. Cox, J.C.D.
Judicial Vicar

cc: Cardinal Roger M. Mahony

28539



REDACTED

January 6, 1993

His Eminence, Roger Cardinal Mahony, D.D.
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Cardinal Mahony:

I wish to offer the following remarks in the case of Rev. Kevin Barmasse, whose procurator-advocate I am. Since I do not have at hand any of the other evidence that may have to date been gathered, these remarks must perform be preliminary in nature.

The administrative process that you have begun is to declare an impediment to the exercise of orders already received. I begin with the presumption that the impediment is not present, and its existence must be proved. Thus the burden of proof rests with this process, as c. 1526, §1 states.

One of the offenses alleged in this process is with the son of REDACTED REDACTED of REDACTED This alleged offense took place in August of 1983. The only information that we have is the letter of the mother of the boy. It is difficult to asses the exact nature of the offense alleged. To extrapolate the existence of an impediment from the evidence at had will be difficult. We do not even know the exact nature of the alleged offense.

It was as a result of this that Father Barmasse was assigned to the Diocese of Tucson for ministry. After some years there, he requested an assignment in the Archdiocese of Los Angeles. Prior to receiving one, he was treated at the St. Luke Institute in the Washington, DC area. The final diagnosis/letter from the Institute is not so negative as to support a declaration of the existence of the impediment.

Father Barmasse entered into this treatment with the view to be able to return to ministry. During the course of the treatment, it seemed to be the position of the Archdiocese that he would be returned to ministry, if the prognosis was good. It was only after other allegations surfaced, allegations as to actions taken by Father Barmasee prior to his treatment, that the position of the Archdiocese changed. So there is no knowledge, theoretical nor practical, whether Father Barmasse is now fit for ministry. How can an impediment to orders be proven when no priestly activity is allowed following extensive and intensive psychiatric treatment, in a leading center for such treatment? The prognosis following that treatment was not negative.

The history of this case is: allegations of sexual misconduct with one minor and other allegations of sexual misconduct with adults. Presumably the second

group were consenting adults. This is then a situation of possible sins committed against priestly celibacy. This latter should not be the basis for a declaration of an impediment.

At the conclusion of the case, I am confident that I will have access to any new information that may be added to the acta of the case and to present a final argument. If there is need for testimony to be given by Father Barmasse, I would ask that I be given sufficient prior notice to enable me to be present. To date, as I referred to in my previous communication with you, you have not given us much time to respond to your letters.

Thank you for your attention to the above. Wishing you a most Blessed New Year, I am

Sincerely yours in Christ,

REDACTED

Procurator/Advocate for Rev. Barmasse

c. Rev. Kevin Barmasse



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

January 20, 1993

REDACTED

Dear ^{REDACTED} ^{REDACTED}

I wish to acknowledge receipt of your two page letter dated January 6, 1993.

Please be assured that we will take into account the points and the canonical argument which you have raised. If any additional evidence is gathered or made available, you will obviously have access to any such evidence.

And finally, if it is necessary for us to take any testimony from Father Kevin Barmasse, please be assured that we will give adequate notice to permit you to be present as his Canonical Advocate.

With every best wish, I am

Sincerely yours in Christ,

+ *Roger Cardinal Mahony*
Cardinal Roger Mahony
Archbishop of Los Angeles

cc: Reverend Kevin Barmasse
Reverend Monsignor Craig Cox
Reverend Monsignor Timothy Dyer

REDACTED

28524



copy

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

January 28, 1993

REDACTED

St. Luke Institute
2420 Brooks Drive
Suitland, Maryland 20746-5294

Dear REDACTED

I write in regard to Father Kevin Barmasse. I am asking for a report that will go somewhat further than the final report from the Institute dated January 17, 1992.

The impression I received from my two visits to St. Luke's when I met with Father Barmasse left me disturbed. The long silences that would follow my questions, which continued even after you would urge him to respond, the fact that he disclosed nothing of the incidents involving the young men from the two parishes in Tucson until I brought in information from them, the discounting of the original incident here in Los Angeles, all left me with a sense that Father Barmasse was a mystery and, therefore, unpredictable as regarding future behavior.

I would appreciate, then, your comments and response to the following questions:

Did you find Kevin Barmasse, even by the end of treatment, to be seriously lacking in his ability to disclose inner feelings and thinking?

Would it be fair to say that his reticence to give information about himself made Kevin even by the end of treatment a mystery to someone trying to determine his reliability in ministry?

Would you continue to have concerns regarding further acting out with young males at or near the age of minors?

Since Kevin's departure from the Institute have you, or the Continuing Care Department, discovered any new information about Kevin and his behavior that would be of significance to the Archdiocese's evaluation of him?

Would you comment from your professional point of view on my conclusion that even after treatment at St. Luke Institute, it would be unwise to send Kevin back into ministry, and that this conclusion was based primarily not on the history of misconduct, but a lack of knowing Kevin's true identify.

Sincerely yours,

Timothy J. Dyer
(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

27974

CONFIDENTIAL



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

March 8, 1993

REDACTEIREDACTED

St. Elizabeth Ann Seton Church
8650 North Shannon Road
Tucson, Arizona 85741

Dear REDACTED

Enclosed is the material I promised to send you regarding the case of Kevin Barmasse.

At this point, we need the testimony of as many as possible of the young men you could speak with, as well as your own comments and knowledge about Father Kevin when he was in your area. The names of the young men are:

REDACTED

It would be important to note the age of each at the time of the incidents they have described.

If you are unable to contact certain ones on the above list, you may ask the others to testify to any conversations they have had with them or any knowledge they have of Father Kevin's relationship with them.

Also enclosed is a summary of testimony I took in August 1991, indicating which of the boys I was able to contact directly. I would not want this material to be given to anyone else, but inasmuch as you are going to take much of the same testimony, it might give you some background. Everything here came from the young men to me directly over the phone. I may not have gotten all the details, and the purpose of this new testimony to be taken by you is that they would formally review whatever testimony you take down from them and sign it in your presence.

You will also find enclosed a sample oath, with places for signatures and parish seal, which you would affix to each one's testimony.

I deeply appreciate your taking the time to do this. Please call me if you have any questions. My home phone is REDACTED
May God bless you.

In Christ,

(Rev.) Timothy J. Dyer, Vicar for Clergy

28494

Pastoral Regions: Our Lady of the Angels San Fernando San Gabriel San Pedro Santa Barbara

OATH TO TESTIFY TRUTHFULLY

(Placing a hand on the Bible)

I, _____, hereby swear that I will answer all questions posed to me in this interview with the truth, the whole truth, and nothing but the truth, so help me God.

Affiant

I certify that this oath to tell the truth has been administered in my presence in accord with canons 1199 and 1562.

Special Auditor

Given on the _____ day of _____, 1993, in
the city of _____, State of _____.

PARISH
Diocesan Seal

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Special Auditor

Given on the _____ day of _____, 1993, in
the city of _____, State of _____.

PARISH
Diocesan Seal



Saint Luke Institute

March 11, 1993

Confidential

Reverend Timothy Dyer
Vicar for Clergy
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, California 90015

Re: Father Kevin Barmasse
SLI #REDACTED
Date of Admission: 7/3/91
Date of Discharge: 1/14/92

Dear Father Dyer,

We are writing to you in reference to your recent enquiry about Father Kevin Barmasse. Father Barmasse was in inpatient treatment at the Saint Luke Institute from 7/3/91 through 1/14/92. REDACTED
REDACTED

Reverend Timothy Dyer
Re: Reverend Kevin Barmasse

March 11, 1993
Page 2

REDACTED

Our belief, at the time of discharge, was that Father Barmasse did not pose a serious risk for future acting out sexual behavior if he fulfilled his Continuing Care Contract.
REDACTED

Since his discharge from the Saint Luke Institute on 1/14/92, Father Barmasse has not participated in Continuing Care workshops. We therefore have no information other than what we were able to present to you at that time.

From your recent telephone conversations and your letter, we understand you have serious questions about returning Father Barmasse to active ministry, based on your lack of knowledge of Father Barmasse. In reviewing Father Barmasse's Continuing Care Contract, he stated he would have a support group that would include two priests from the diocese, that he would continue in therapy, and that he would be in contact with a representative of the archdiocese at least every other week, or as negotiated between the two parties. Your concerns suggest that Father Barmasse has not developed or maintained these areas of communication with the archdiocese.

REDACTED

REDACTED

REDACTED it would be inappropriate to assign him to active ministry without a clear understanding of his current commitment to and involvement with the 12 Step fellowships, his current efforts in therapy, and his commitment to his vocation and to the archdiocese. Again, your letter suggests these necessary steps have not been fulfilled on the part of Father Barmasse.

Reverend Timothy Dyer
Re: Reverend Kevin Barmasse

March 11, 1993
Page 3

We hope that this review of Father Barmasse's issues are helpful to achieving some resolution to this difficult situation. We appreciate your efforts to achieve clarity for the archdiocese and for Father Barmasse.

Sincerely,
REDACTED

REDACTED

cc: Rev. Kevin Barmasse

28515

II 000214



MEMORANDUM

CONFIDENTIAL

April 1, 1993

TO: CARDINAL MAHONY
FROM: MONSIGNOR DYER
RE: KEVIN BARMASSE

Attached is the response to a series of questions (also attached) that I sent to Kevin Barmasse's inpatient therapist at St. Luke's.

As you know, Monsignor Cox and I are continuing to work on this--particularly in light of the REDACTED case.

Please keep me informed.

+ RkM

4-2-93

MEMORANDUM**May 1, 1993**

TO: Msgr. Craig Cox
FROM: Father Timothy Dyer
RE: Fr. Kevin Barmasse

Attached is material re the Barmasse case that I thought you might want to review prior to our meeting on the matter:

First, you will find a copy of my January 28, 1993 letter to St. Luke's Inst. and their March 11, 1993 response.

Second, you will find my letter to ^{REDACTED} REDACTED, March 8, 1993. I have called ^{REDACTED} REDACTED and he is due to call me tomorrow re progress of his gathering testimony. At that time I will determine if there is need for us to send in someone else to get this matter concluded. I have spoken to one of the young men who has already given his testimony -- so, it has, at least, begun.

28512



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

CONFIDENTIAL

May 20, 1993

REDACTED
REDACTED
St. Elizabeth Ann Seton Church
8650 North Shannon Road
Tucson, Arizona 85741

Dear REDACTED

Attached are the materials I promised to send to you. I very much appreciate your assistance in this case.

If the other five boys you mentioned wish to give testimony, they may be included.

This extends to REDACTED REDACTED who may want to testify to the effect this case has had on the parish.

Please call me if you have any questions.

Again, thank you very much.

Sincerely yours in Christ,

(Rev.) Timothy J. Dyer
Vicar for Clergy

REDACTED

28493

May 23, 1993

In July of 1987, I, REDACTED went to our Parish Associate Priest, Kevin Barmasse, to seek help and guidance with some problems I was facing. I just graduated from High School and I wasn't sure what to do with my life and Fr. Kevin was a man I could trust with helping me make a good decision. I was a leader in our church youth group along with Kevin and several other youths.

First Kevin thought that he should take me to the Picture Rocks Retreat for a friendship retreat. There he would hear my problems and help me. I met Kevin at St. Elizabeth Ann Seaton Church and then we were on our way. I was pretty excited because I love retreats and I was getting away from the busy city. We stopped off at a grocery store to get soda and snacks and headed on.

As we approached the freeway, Kevin decided that we should go somewhere else for our friendship retreat. I asked him, "why?" and "where?" and he just said, "I know of a much better place." Well, I agreed and we got on the freeway and headed to where ever.

As we approached downtown Tucson, Kevin took an exit and pulled up into the Desert Inn. I asked him, "why are we here?" and he told me that, "we can relax by the pool and have dinner before we get started." At first it was questionable, but hey, I can handle a pool with babes and a good dinner. So we went ahead and did that.

28452

After dinner, we headed up to our two bed hotel room. We played some board games, watched some t.v., and I played my guitar. After doing all of this we started talking about my problems. After telling Kevin everything he came over and sat next to me on my bed. He handed me a card and told me that we had a, "very special friendship." I opened and started to read the card. It was an uplifting friendship card and almost had me in tears. As I was reading Kevin came up behind me and put his hands on my shoulders, as if to comfort me. He then started to massage my shoulders as I read on. He told me to lay down so he could give me a back rub. I was hesitant at first, but hey, it's only Fr. Kevin. I layed down and I continued reading the card. He was rubbing my lower back when he started telling me things like, "you're not the good christian boy that people think you are." And other negative things like, "you're not good at anything." I was lying there thinking, "why is he saying these things?" And before I knew it Fr. Kevin Barmasse shoved both of his hands down the back of my shorts and underpants. I basically went into shock, I broke out in a cold sweat and I kind of blacked out but still could see images and shadows of the room.

I came through pretty quick and when Kevin attempted to pull my shorts off of me, I got up and moved away. I realized my body had just been violated by another man, a Priest, a person I could trust. He sat there as if nothing ever happened, and then started to tell me his life story. He told me of a high school sweetheart he had, but she died tragically in a fiery

car accident. He also told me that the back rub was from her and to thank her for it. As if it was her spirit.

As I sat on my bed cursing God for letting this happen. I didn't know what to do or say. I was just assaulted sexually by the person I had the most trust in. Kevin sat on the floor to do his night devotions. He asked me to join him hesitantly, I did. He asked me to lay my hands upon his head and bless him. I did as he said. Should have just ripped it off.

After this incident, Kevin remained at our Parish for another year, and I tried to just blow this thing off, by turning to alcohol. Kevin left our Parish and went to another one in Mammoth, Az. That's when my mother came home from church one night and told me that there were rumors going around the church that Kevin molested two boys from the youth group and was transferred to Mammoth. That's when I realized it wasn't just me. After a month I found out four of my other friends were assaulted, and I'm sure two of them were 17 at the time. A friends' mother was stalked by Fr. Kevin, and friends' sister was lured into his so called, "fuck truck," as he would call his custom van.

Life's been rough and there's so much that needs to be done to prevent this from happening again. Kevin Barmasse needs to be removed from the Priesthood and given Psychological help, for the remainder of his life !!! Families are upset, and peoples' lives, including mine, are shattered. REDACTED

OATH TO TESTIFY TRUTHFULLY

(Placing a hand on the Bible)

REDACTED

I, _____, hereby swear that I will answer all questions posed to me in this interview with the truth, the whole truth, and nothing but the truth, so help me God.

REDACTED

REDACTED

I certify that this oath to tell the truth has been administered in my presence in accord with canons 1199 and 1562.

REDACTED

Special Auditor

Given on the 23rd day of May, 1991, in the city of Tucson, State of Arizona.

REDACTED

Bishop's Seal

May 23, 1993

I, REDACTED have known REDACTED for over three years. We started dating two and a half years ago. Shortly after we began to see each other he related to me details about Fr. Kevin Barmasse in which he described the events of what happened shortly after he graduated high school. At this time, (December, 1990) he was just beginning to tell people about these events. To my knowledge, at the time he told me, only myself, REDACTED, and REDACTED knew what had happened.

REDACTED described to me the friendship that Fr. Kevin and he had shared. He told me that after graduation he had many questions and was not sure what direction he wanted to take with his life. Seeing as Fr. Kevin was a good friend to him and the fact that REDACTED was considering a life in the priesthood, Fr. Kevin seemed like a good person to talk to. Fr. Kevin and he planned a private retreat to talk about what REDACTED could do. However, instead of going to Picture Rocks like they planned they went to a motel. When REDACTED questioned this Kevin stated that it was for privacy. They spent time at the pool to relax and later returned to the room. At this time Kevin gave REDACTED a card to read which was very emotional. While REDACTED read the letter Kevin started to rub REDACTED's back, then he put his hands down the back of REDACTED's pants. REDACTED stated to me that during this encounter Kevin made negative comments concerning REDACTED's self image. When REDACTED got up to get away from the advance, Kevin started to explain about his old girlfriend who had died in a car crash. REDACTED is still dealing with the memories from this brief encounter.

Two years ago, just before Easter there was a Communal Penance service at St. Odilia's where REDACTED was employed doing maintenance. Fr. Kevin was at this service to hear confessions. Knowing that REDACTED would be caught off guard if he ran into Kevin, I went to find him after the service to let him know that Kevin was around. I knew that REDACTED would be upset but I was not prepared for the severe effect it had on him.

REDACTED was visibly shaken. He became very pale and very nervous. He went into a room that was unoccupied, closed the drapes, and turned out the lights. He would not leave that area until I made sure that Kevin had left the church.

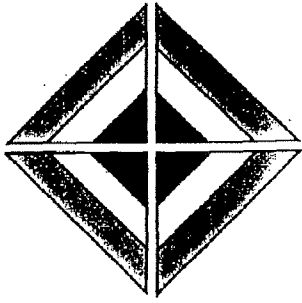
On other occasions, REDACTED has come across something that Kevin gave to him (cards, letters, gifts). When this occurred, he became upset and nervous. Usually he would get pale and sweaty. He continues to have nightmares from time to time. He is uncomfortable being alone with any male. He is nervous going to places that he knows Kevin used to go. At one time REDACTED contemplated suicide. All of this is due to one brief encounter with this man.

REDACTED, his friends, family, others that this has happened to, and I want to see this

28444

man stopped once and for all. We are aware that similar occurrences have happened in at least one other diocese and that Kevin Barmasse has received counseling on at least two occasions for problems relating to this matter. It seems obvious that this man needs help. He needs to be stopped from hurting any more people and made to understand the seriousness of what he has done. We ask that he not be allowed to remain in the priesthood and that the moral obligation of the church be fulfilled to keep its parishioners, children, young adults, and community safe from harm. The church does have a moral responsibility to see that this never happens again.

Very Sincerely, ~
REDACTED



Church Of St. Elizabeth Ann Seton

June 3rd, 1993

Dear REDACTED

We regret the trouble and distress that was caused you in your relations with a former priest at St. Elizabeth Ann Seton. If you feel that you want professional counseling regarding this incident, it will be provided at no cost to you. You can call Catholic Social Services (REDACTED) or call us for names of other counselors.

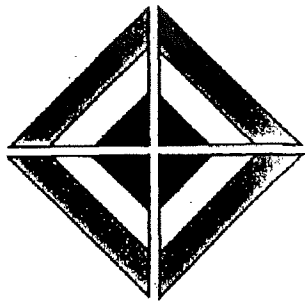
Thanks for your cooperation and know that you have our continued prayers.

In Christ,

REDACTED
EDACTED

EDACTED

28389



Church Of
St. Elizabeth Ann Seton

June 3rd, 1993

Dear REDACTED

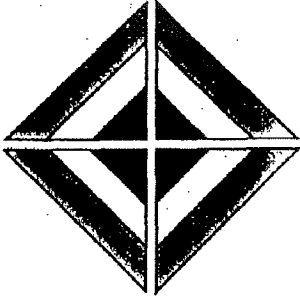
We regret the trouble and distress that was caused you in your relations with a former priest at St. Elizabeth Ann Seton. If you feel that you want professional counseling regarding this incident, it will be provided at no cost to you. You can call Catholic Social Services (REDACTED) or call us for names of other counselors.

Thanks for your cooperation and know that you have our continued prayers and support.

In Christ,
REDACTED REDACTED

REDACTED

28390



Church Of St. Elizabeth Ann Seton

June 3rd, 1993

Dear REDACTED

We regret the trouble and distress that was caused you in your relations with a former priest at St. Elizabeth Ann Seton. If you feel that you want professional counseling regarding this incident, it will be provided at no cost to you. You can call Catholic Social Services (REDACTED) or call us for names of other counselors.

Thanks for your cooperation and know that you have our continued prayers and support.

In Christ,

REDACTED

REDACTED

REDACTED

28391

MEMORANDUMJune 4, 1993

TO: Msgr. Craig Cox
FROM: Father Timothy Dyer
RE: Barmasse Case

Inasmuch as I will be at Priests' Retreat the better part of the next three weeks, I have decided to send the attached materials for the Barmasse case to your office.

I have now received testimony from three of the original five young men named in connection with Fr. Barmasse: REDACTED and REDACTED (as well as an additional commentary from REDACTED REDACTED's girlfriend). The priest who has taken this testimony is REDACTED REDACTED. He has indicated to me that it is unlikely he will be able to get testimony from REDACTED (who has not returned his calls) nor REDACTED (whom he has not been able to locate).

Also attached are copies of my letter to and the response from St. Luke's Institute regarding this case.

I can be reached during my weeks at the retreat -- as I call in to the office each day. If, after reviewing these materials, you find that all is in order, I would appreciate your sending them on to the proper authorities.

Many thanks.

28486

MEMORANDUM

CONFIDENTIAL

DATE: July 22, 1993

FROM: Monsignor Dyer

TO: Cardinal Mahony

RE: Rev. Kevin Barmasse

Attached for your approval is draft of letter for you to send to Father Kevin Barmasse, together with enclosures mentioned therein.

Letter is fine - let's proceed.

+ Rmk

7-24-93

DRAFT

DRAFT

DRAFT

DRAFT

Rev. Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

As you know, I initiated a formal process to determine whether you are impeded from the exercise of Sacred Orders. I regret the delays in this process.

We are, however, now at the point where I wish to invite you and your advocate to meet with me to discuss the issues involved. At that time, I will welcome any statements you may wish to make.

I believe you have received a copy of the March 11, 1993 report from REDACTED I am now enclosing the sworn statements of several persons from the Diocese of Tucson concerning their experiences with you. These are being provided to you to protect your right of defense.

I ask that you meet with me on Tuesday, September 7, 1993 at 10 A.M. in my office. Please call REDACTED REDACTED REDACTED to confirm this appointment.

(Cardinal's ending)



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

August 2, 1993

CONFIDENTIAL

Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

As you know, I initiated a formal process to determine whether you are impeded from the exercise of Sacred Orders. I regret the delays in this process.

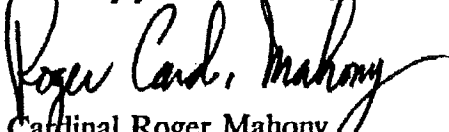
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I ask that you meet with me on Tuesday, September 7, 1993 at 10:00 AM in my office. Please call REDACTED REDACTED to confirm this appointment.

Assuring you of my prayers, I am

Sincerely yours in Christ,



Cardinal Roger Mahony
Archbishop of Los Angeles

Enclosures

cc: Monsignor Timothy Dyer

REDACTED

28459



COPY

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-32881531
West Ninth
StreetLos Angeles
California
90015-1194

August 2, 1993

CONFIDENTIAL

Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

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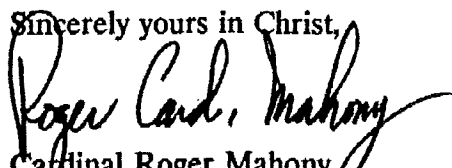
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Assuring you of my prayers, I am

Sincerely yours in Christ,

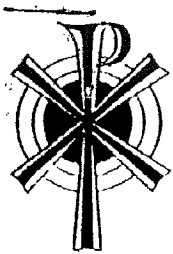
+ 
Cardinal Roger Mahony
Archbishop of Los Angeles

Enclosures

cc: Monsignor Timothy Dyer ✓

REDACTED

28460



REDACTED

Msgr Dyer

August 30, 1993

COPY

REDACTED

Dear Sirs:

I am the canon lawyer who is representing Rev. Kevin Barmasse before the Archdiocese of Los Angeles and with his canonical case in the Congregation of the Clergy in Rome. I attach a copy of the mandate appointing me.

I am in receipt of your letter of March 11, 1993. In it you made two points which I wish to address:

- 1) the Continuing Care Contract that Father Barmasse was to fulfill on return to the Archdiocese of Los Angeles; and
- 2) the statement in the letter "it would be inappropriate to assign him to active ministry without clear understanding of his current commitment to and involvement with the 12 Step fellowships, his current efforts in therapy, and his commitment to his vocation and to the archdiocese."

In a letter dated August 30, 1991, Father Dyer stated that "I see little possibility of Father Barmasse's returning to any priestly ministry here or in any other diocese." It is my understanding that Fr. Barmasse still had about four months of treatment left. By the time he was discharged it was clear that there would probably not be an assignment to ministry. Shortly upon his return to Los Angeles his faculties were taken away (the subject of hierarchical recourse with the Congregation of the Clergy) and in one of his letters the Cardinal said: "He must now make his way in the world as do the People of God whose monies he is seeking.....Should he decide to pursue a career that requires additional education and training, then he must do so like countless other men and women in this country, while working a regular job and pursuing additional education."

At this point the situation is pending in Rome. The Cardinal has instituted a process to declare an impediment to orders on the part of Fr. Barmasse. My question to you is this: What incentive is there for Father Barmasse to fulfill a "Continuing Care Contract" when the Archdiocese wishes to sever all relationships with him?

As to the second point of your letter which I raised above, why are you being asked by the Archdiocese to respond to the appropriateness of an assignment to ministry when they have no intention of so assigning Father Barmasse?

The statement you made in your letter of January 17, 1992 was that Father Barmasse REDACTED

REDACTED

In that same letter it was clear that no further assignment to ministry would be forthcoming. Is there any incentive for Father Barmasse to engage in any further therapy with you if there is no possibility of ministry in the future? Father Barmasse might have some personal interest in this, but I hardly see any need to report its outcome to anyone in the Archdiocese, given the nature of the present relationship between the Cardinal and Father Barmasse. Would your treatment and subsequent report be any different if the possibility of ministry were present and Father Barmasse was actively involved in this process? I don't know. But certainly to infer from the above that it "would be inappropriate to assign to ministry" seems to speak more to the process to declare an impediment than out of concern for therapy.

I would appreciate a response to my questions above. On September 7, 1993, Father Barmasse and I will meet with the Cardinal to attempt to resolve the issues still present.

Thanking you for your concern in this matter, I am

Sincerely yours in Christ,

REDACTED

COPY

Advocate for Father Barmasse

- c. Roger Cardinal Mahony
- Rev. Kevin Barmasse



REDACTED

August 30, 1993

COPY

REDACTED

Dear Sirs:

I am the canon lawyer who is representing Rev. Kevin Barmasse before the Archdiocese of Los Angeles and with his canonical case in the Congregation of the Clergy in Rome. I attach a copy of the mandate appointing me.

I am in receipt of your letter of March 11, 1993. In it you made two points which I wish to address:

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I would appreciate a response to my questions above. On September 7, 1993, Father Barmasse and I will meet with the Cardinal to attempt to resolve the issues still present.

Thanking you for your concern in this matter, I am

Sincerely yours in Christ,

REDACTED

COPY

Advocate for Father Barmasse

- c. Roger Cardinal Mahony
- Rev. Kevin Barmasse

Meeting Regarding Rev. Kevin Barmasse
September 7, 1993

The ISSUE is focused solely on whether Father Barmasse has incurred the impediment to the exercise of sacred orders already received as provided in Canon 1044, §2, 2°. It is this issue which I must decide.

- A. The EVIDENCE presently in the acts of this matter is the following:
1. All materials included in the file sent to the Congregation for the Clergy in the matter of the recourse against the removal of Father Barmasse's faculties.
 2. Additional sworn testimony from young people with whom Father Barmasse was involved during his ministry in Arizona, copies of which were provided with the letter to you and Father Barmasse dated August 2, 1993.
 3. The additional report from St. Luke Institute dated March 11, 1993, also provided to you in the August 2 letter.
- B. Is there ADDITIONAL EVIDENCE you wish to provide on your client's behalf. Perhaps a response to your letter of August 30, 1993 to St. Luke's?
- C. You have provided brief initial ARGUMENTS on behalf of Father Barmasse.
1. In your letter of December 21, 1992, you asked that the process be delayed until a response from the Congregation of the Clergy.
 2. In your letter of January 6, 1993, you raised a number of substantive arguments.
- D. Is there ADDITIONAL ARGUMENTATION, written or oral, which you wish to present.
- E. Other Issues, you may discuss with Msgr. Dyer and Msgr. Cox,

CONFIDENTIAL

COPY

Transcript of Hearing Concerning Rev. Kevin Barmasse
 September 7, 1993
 Page: 1

Present for the hearing was Cardinal Roger M. Mahony, Monsignor Timothy J. Dyer, Vicar for Clergy, Monsignor Craig A. Cox, Judicial Vicar, and REDACTED REDACTED Advocate for Father Kevin Barmasse. In the transcript below, the speakers will be identified by their initials.

Father Barmasse was present in the chancery, but declined to participate in the meeting.

1. RMM: I see the purpose of our meeting as very clearly focused, that is, at this point, for me to decide, whether now or in the future, to decide whether or not Father Kevin Barmasse has incurred the impediment to the exercise of orders as provided in canon 1044, §2, 2°. That's the issue that I need to decide, and our meeting is to look at the arguments for or against that decision. Other kinds of concerns, other issues, are not included.
2. REDACTED: All right.
3. RMM: So, the way I would like to proceed is just simply to give some kind of [*note: inaudible*]. The evidence presently in the acts of this matter include the following:
 - a) all materials included in the file that was sent to the Congregation for the Clergy in the matter of the recourse against the removal of Father Barmasse's faculties.
 - b) Secondly, additional sworn testimony from young people with whom Father Barmasse was involved during his ministry in Arizona, copies of which were provided with the letter to you and Father Barmasse dated August 2, 1993.
 - c) And finally, the additional report from Saint Luke Institute dated March 11, 1993, also provided to you in the August second letter.
 So I think at this point it would be helpful if you have additional evidence that you wish to present applicable to the matter of Father Barmasse.
4. REDACTED: I would just like to know what's the, what would be the basis of using 1044, §2, 2°? What would be the basis of the declaration of the impediment?
5. CAC: That moves into a question with regard to the arguments. Let's, let's just be definitive. So there's no additional testimony, evidence, that either Father Kevin [Barmasse] wishes to provide himself, or that you wish to provide on his behalf. Then we'll move into question of the arguments.
6. REDACTED: No, I have no further evidence.
7. RMM: So then, that's really to discuss, from our perspective as well as yours. Could you summarize those arguments for me?
8. REDACTED: I would say at this point that Monsignor Dyer should explain reasons why he would believe the impediment would be present.
9. TJD: REDACTED I'd see the basis for any assignment in the Archdiocese being the matter of trust in relationship between a bishop and his priests. And if that trust is so broken down that we're not sure if a man telling the truth, and if there had been, as there has been in this case, serious testimony that misconduct has been part of Father Kevin Barmasse's ministry, and he is not forthcoming on things that involved that

misconduct, it breaks down trust. And I think that's the basis for saying here, the fundamental issue is the lack of trust. More than even the misconduct itself, for which we offered a great deal of therapy and help to seek change in his way of ministering and his behavior. More than all that, more than the particular acts involved, it's this sense that we don't know Kevin. We don't know when he is telling us the truth. We don't know when he is being open about his own inner problems that led to the misconduct in the past. We have no solid recommendation from Saint Luke's after six or seven months of therapy that would indicate that they really got down to the core of what it is that is going on inside him and that they knew him much better than they knew him when he first arrived. That is definitely at odds with the experience we've had in many cases where priests went Saint Luke's for residential treatment [note: inaudible], we've seen tremendous improvement, tremendous change. In Kevin's case we did not. The first clear incidence of this was that after two and a half months of his being at Saint Luke's, I went back to visit him. And just prior to my leaving, the week before I got a call from the chancellor in Tucson saying that he had just talked to his pastor, and that I needed to talk to his pastor about the reports he'd been getting from some young men there. After talking to him about these reports and talking to some of the young men at that time prior to leaving for Saint Luke's, I went back to ask the therapist, ask Kevin, "Had you brought these things up, have these come into play?" And Kevin basically sat there in the room and wouldn't talk. And, it even got to the point where after we gave some time, I know it is difficult thing to say to a man, and I wanted to be sensitive, but even his therapist, who was very much someone who had Kevin's best interests in mind and wanted the best for him, I think wanted to see him return to ministry, finally, he just said to him, "Kevin," this is REDACTED "Kevin, you have to speak to this [note: inaudible], you have to talk to us." Well, he kind of hesitated and didn't deny these things, but he just didn't [note: inaudible]. He didn't give us any real understanding. So at that point I said to him, "Kevin, this makes us enter into a much more serious situation than the one that brought you here two and a half months ago. When you came, it was because there had been an incident in the past. You had gone to Tucson. You applied to come back to Los Angeles. The Cardinal was already making plans with me to bring you back from Tucson when you asked to return, and the policy of this administration, of Cardinal Mahony, is to send a man who has been geographically transferred because of a problem back to residential treatment for some kind of clear evaluation of a serious matter so we can see what arrangements [note: inaudible]." And I said, "Kevin, now we are in a situation where you've been two and a half months where the real focus has been your conduct in these areas of sexual issues with others who are in your care in ministry, and you haven't even brought it up. Your therapist here is telling me that you haven't even mentioned these things. You're not denying them, now, before the two of us, but you haven't even brought them up." And again, after saying all that, he just hardly made any response at all. And then he, I told him, "Kevin, we are in a more serious situation now because, we don't know what's really going on. We expected you to be open and really focus on this issue." I said, "This really puts the question of future ministry in doubt, in serious doubt." I said, "We have no final decision on that, but I will come back prior to your last month's [note: inaudible] at St. Luke's so you can hear what the Cardinal has said based on whatever progress goes on between now and then. And if it is going to be a remote, not be a ministry assignment for you then you can use that last period of time at St. Luke's to work out that kind of issue with these professionals whose skills in therapy can help you face that transition well." So that the basis then became the fact that we saw

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Kevin as a mystery, that we did not know whether to trust what he was saying, that we never really got a clear indication from St. Luke's that he was really opening up and talking about his problem and therefore in a state of recovery. So with that in mind I had to recommend to REDACTED that I could not see his entrusting Kevin into another assignment.

10. REDACTED: Now, however, what we are at issue here is an impediment to the exercise of an order. And it therefore devolves upon you to show, you have to have expert testimony, to show that the existence of the impediment which has nothing to do with imputability. So, you know, are we talking about a penal process or are we talking about 1044, §2, 2^o? Because 1044, §2, 2^o, means you've got to show, you have to have *amentia* or serious psychic disorders.
11. CAC: The canon 1044, §2, subparagraph 2, specifies that a person incurs an impediment to the exercise of orders already received and, let me find the text here just to be very clear on it, who is afflicted with *amentia* or some other psychic defect, with a cross-reference to canon 1041, 1^o, and the consultation with an expert. We are dealing with a situation where we have significant input from the experts at St. Luke's Institute, who have established in their reports that there is in fact a psychological problem here. We have testimony from people who have suffered as a result of Father Kevin's ministry and the way that it is related to those psychological problems. So it is for that reason that the administrative process to determine whether or not the impediment is incurred was chosen. It is not a penal process, but it is a matter of the combination of the psychological expertise, the incidents over a period of years in Father Kevin's ministry, and the judgment of Msgr. Dyer in his expertise at knowing what is needed for assignment to ministry today. It is those three elements that are being brought in, and it is on that basis that the Cardinal will make a decision.
12. REDACTED: That's true. But according to the Signatura jurisprudence, you've got to have a good expert opinion as to his *amentia* or serious, or psychic disturbance which is more than just borderline personality. The advocate in the REDACTED case argued successfully that that is a psychoses. And I don't see anything, that second thing that means a psychoses according to the psychiatric thing. And I see nothing in St. Luke's to indicate that.
13. CAC: That then is the point that the Cardinal must take into account. I would, as the Cardinal's canonical advisor, point out that the decision of the Signatura in the case involving REDACTED REDACTED does not have the value of a precedent in accord with the norms of law. The Cardinal is free to use his best judgment as the Archbishop of Los Angeles in making the determination that fits the facts of this case. I would also add on his behalf, that you have not chosen to have Father Kevin present evidence from an expert that would in any way, shape or form challenge or contradict the material that is presently in the file from St. Luke's Institute.
14. REDACTED: Well, now like St. Luke's Institute, he was sent there and then two, two and a half months into the process he was told that there would be no assignment here or in any other diocese.
15. CAC: I believe you have misconstrued Msgr. Dyer's remarks.

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16. REDACTED I believe there is a letter to that effect, in that stuff, isn't there, about two and a half months into the treatment that the letter came from you saying [*note: there was a pause as the acts of the case were searched*].
17. CAC: I think you are referring to the letter of Father Dyer dated August 30, 1991, to REDACTED at the Institute in which he told REDACTED, "At this point I must say that the Archdiocese's stance has changed and I see little possibility of Father Barmasse's returning to any priestly ministry here or in any other diocese. This is a result of both the reports of sexual abuse which clearly involve manipulation as well as his repeated denial of such incidents over the years." I assume that's what you are referring to.
18. REDACTED: That's what I'm referring to there, because then he was only in, he had another six months, four months to go in St. Luke's. And at the end of the second month he's told he's finished.

[Note: There was some confusion and discussion here over the exact time Father Barmasse was admitted to the treatment program. Rather than reproduce the conversation which was full of delays and inaccurate conclusions as the documents were searched, it was finally agreed (after consultation with the medical documents in the acts) that Father Barmasse's treatment consisted in the following:

- a) Admission for initial evaluation February 10, 1991, lasting five to ten days.*
 - b) Report of the results of that evaluation dated April 11, 1991.*
 - c) Admission for treatment July 3, 1991.*
 - d) Visit of Msgr. Dyer with information about some of the Tucson incidents on August 7, 1991.*
 - e) Letter of Msgr. Dyer to REDACTED " (sic) dated August 30, 1991.*
 - f) Discharge from St. Luke's Institute on January 14, 1992.]*
19. REDACTED: So then, July the third he is admitted and in August the twentieth he is told that he is never going to minister again.
20. TJD: August the twentieth, where is that?
21. REDACTED: That's your letter of
- CAC: August the thirtieth I believe.
- REDACTED: August the thirtieth, excuse me.
22. REDACTED: ~~NYLVIV~~: If I could ask REDACTED those aren't the words that are in the letter. You are using different words. In fact, your letter of August 30, you sent us a copy [*note: The Cardinal was referring to REDACTED letter of August 30, 1993, to officials at St. Luke's Institute*]. When I first read this, and I didn't go back to the original letter, you give the impression that there is one sentence that says "I see little possibility of Father Barmasse's returning to priestly ministry here or in another diocese." That isn't the sentence. That's part of the sentence. And I think that the sentence which you just read there, Msgr. Cox [*note: referring to Father Dyer's letter of August 30,*

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1991], states more fully the reality. And I think if we are going to use that, we better use the sentence as it is written, not a cryptic version of it.

REDACTED All right.

23. RMM: I think the cryptic version is not accurate. You just read it.
24. REDACTED Yes, I did. It was at this point and I think it [*note: the letter*] gave the reasoning for that, which by its very statement left open the possibility of a change of opinion should there have been evidence brought forward that a change should be made. Plus, that was the preliminary comment of the Vicar for Clergy. The issue present here is a decision by the Cardinal on the question of the impediment, which is a wider and more profound question than just an assignment at that time.
25. REDACTED Yeah, but the impediment
26. CAC: In fact, he has not been assigned since release from St. Luke's Institute.
27. REDACTED The declaration of the impediment rests upon, there needs to be psychological testimony that he is suffering with an impediment. I don't see that present in that diagnosis of January, when he was discharged. And in the repetition just recently.
28. TJD: It was for that reason that I wrote to them again, REDACTED Because it was very clear from his therapist and the Director of the Institute that he was to them too, one of the hardest cases they have ever had in terms of trying to help him be forthcoming and open up to them about the things that were seriously wrong in his own life so they could offer him some help. And I wrote back to the Institute recently to say to REDACTED, you know, you told me these things orally, but in your reports we have not got a record of the things you told me, that Kevin was just very, very difficult to deal with because he just wouldn't talk, couldn't remember things, couldn't enter into the kind of dialogue that we are very much accustomed to in residential treatment facility experiences. That's why I wrote, because it was very clear to me that therapist there had a very difficult time with Kevin as we did. That's the basis for my recommendation to the Cardinal. And I told Kevin the day I was there, I was presenting to him these stories from the young men in Tucson the first time back, the very first time I was there, and I believe my second visit was in November, I'll check my records to make sure. But it was only in November that I gave him the final word that this would be the case. I know, I am certain of this, and I think REDACTED would be very much able to verify my recollection, when I first presented these things to Kevin after he had been there for a few months at St. Luke's, the very first time I was there, I was there twice, I said to him, "These things really call into question the possibility of future ministry, but I will let you know, with more time that has been given than has been to people in the past." Normally we go to a person a month before to tell them what the decision will be about their future in ministry. And I said, "I think you need to have enough time, if the recommendation is that you are not to return to ministry, to use the facility here and the expertise here to make the transition, to really start to get used to, psychologically, emotionally and spiritually, what's that going to mean for you. And I will let you know ahead of time." I did not tell him the first time I was there that there would be no ministry. I said "this really calls into question" or something to that effect. But I definitely did not tell him that

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he would not have any ministry. No decision was going to be made at that point. And I told the people at St. Luke's, "We'll wait and see how things go here, but I'm just telling you right now, so that this isn't a surprise to anybody, things don't look good."

29. CAC: May I just try to specify the issue. The point it appears you are making on Father Barmasse's behalf is that the psychic cause required by the canon is not verified in the evidence. Is that true?
30. REDACTED: That's correct.
31. CAC: I think it would be to the Cardinal's benefit and to the justice of the process if you would take just a couple of minutes to argue why you do not see in the evidence, that we have all agreed is part of the acts of the case, the psychic cause verified. Father Dyer might then might want to make an argument of a minute or two to the Cardinal on why he does see that there is a psychological cause present that impedes Father Barmasse from the exercise of orders. Because I think that is the key issue you are raising, and therefore we should allow you and Msgr. Dyer to both speak to that directly.
32. REDACTED: Well, I think, you know, in our practice, in canon law practice, if it is going to rest on *amentia*, which is a serious psychosis, and that guy needs _____ or thiazine sixty milligrams a day in the county lockup. That's what *amentia* is, I mean, or other psychic, and the argument that the advocate did in the REDACTED case was that it is close to that. Now I don't see in the St. Luke Institute any diagnosis that you'd find, there is no reference to *DSM-III*, no reference to any of the usual psychological terms, in which he would be considered borderline, schizophrenic, schizoid, any one of those things. "Father Barmasse has been able to explore his sexual feelings and behaviors, particularly in individual therapy." This is January 17, 1992, St. Luke Institute. "There is evidence of an increased awareness and acceptance of himself as a sexual person. In addition, he presents much more empathy for those who were victimized when he violated professional boundaries. There was also progress in Father Barmasse allowing himself to be vulnerable . . . While Barmasse was more able to be more self-revealing, he will need to invest in this area during ongoing therapy if he is to continue his progress." I don't see anywhere in here it says he is absolutely suffering under the kind of impediment which impedes his exercise of his orders.
33. TJD: My response to that, REDACTED, is that I don't think that the main argument here is his psychological disorder. I think he has a psychological disorder, I'm speaking as a layman of course in the field, but these symptoms that I see of it are simply that he just doesn't know how to talk, he doesn't know how to be forthcoming. And that was very clear to me from the oral reports of the therapist and that's why I wrote back. I don't see that as the main argument. I think the main argument here that we have is trust.
34. CAC: Msgr. Dyer, let me intervene. The argument canonically is over a psychic cause that may be underneath that trust.

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35. **TJD:** Okay, but I'm saying that I don't know that that has ever been our basis for saying that he is not able to exercise ministry, that he is suffering from dementia or that he is just short of that condition where he would have to be locked up. You know, we're not talking that he should be locked up in jail, we're not talking . . .
36. **REDACTED:** No, I mean the state hospital.
37. **TJD:** We're not talking about a man like that. But we have a man who could not be forthcoming, could not tell us that these things happened. And then finally by the end of the reports is saying, well yes, he is obviously, finally, admitted to it, because it was out of context, that part you looked at out of that final report of St. Luke's in January 1992, was his saying that he had more empathy for the victims. Well, we just have had ongoing experience with Kevin as being someone who is very reticent to tell us anything until it is almost pried out of him, and then we find out that these are very serious things and then we just don't know what else is out there. We don't know what kind of a man we have here, morally. So I think it is more on moral grounds, and by that I mean his moral conduct with parishioners, as well as moral, basis of morality in the sense that we don't know if he is being honest, we don't what kind of integrity is there.
38. **RMM:** If I could ask both of you a question, as I understand the issue on the floor, in terms to orders? Is not the fact that this, from my reading of the file, has been an ongoing problem, that we are not dealing with one incident, we are dealing with a pattern through virtually his entire priestly ministry, and that to me is something which the Church is understandably concerned about. The pattern of egregious behavior, it is very much a part of a very serious thing. Do you, is there anything in the record that you know of, **REDACTED**, that shows there wasn't a pattern? I see a pattern over the years of his short priestly ministry.
39. **REDACTED:** First of all, to get back to the issue, 1044, §2, 2^o, is a serious psychological impediment which excludes imputability. If you want to get into imputability, that means doing bad things and being responsible for them, we have to get out of 1044, because that's a psychic question where there's no imputability. "He's crazy," and as a crazy person he's accepted as that and it's not imputability and the Cardinal says he can no longer, for the protection of the Church and the people, he can no longer exercise his ministry because he's crackers, whatever *DSM-III* thing you are going to hinge that on. Now, my contention . . .
40. **RMM:** Excuse me, **REDACTED** but what is *DSM-III*?
41. **REDACTED:** *Diagnostic and Statistical Manual III*, that's what psychiatrists, it's the categorization of mental illnesses according to a variety of things. It is used for, when you have an expert in psychiatry, they'll usually give you, you know, I'm a, whatever.
42. **CAC:** I would like to specify, we are dealing with psychological and not primarily moral questions here.
43. **REDACTED:** Precisely.

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44. **CAC:** It would be a criminal trial if we were dealing with moral questions, and imputability, for the non-canonists present, deals with the moral culpability with regard to that. However, immoral actions, as the Cardinal's question has not been answered yet, a pattern of that may very well be rooted in psychic causes. That is why this issue has been chosen. Canon 1044, §2, 2º, refers back to canon 1041, 1º. I think REDACTED has been stressing the *amentia* portion. I think we are dealing with the other psychic cause portion, and I think it is very, very important to note what 1041, 1º, states. A person who labors under some form of insanity, which is *amentia* again, or "other psychic defect due to which, after consultation with experts, he is judged incapable of rightly carrying out the ministry." Now, much as in a marriage case, the decision at issue is a canonical decision, not a psychological decision. *Periti* in psychology in marriage cases do not decide for or against nullity, they provide evidence upon which the judge makes a decision. Likewise here, a diagnosis does not establish the existence of an impediment, or the lack of diagnosis does not establish that there is no impediment. What the Cardinal must decide upon is, number one, "Is there a psychological problem of a serious nature that is causing an inability to rightly carry out ministry?" There is testimony of numerous activities that are far from the right exercise of ministry, but are an abusive exercise of ministry. Those have not been denied. There may be other incidents of which we are not aware, but we are aware of a number over a period of years. There is evidence of psychological basis to that from the reports of St. Luke's Institute. The question before the Cardinal is, "Do the psychic causes connected with that behavior equal the impediment to exercise orders?" So it's not a psychological decision. It is a decision of the Archbishop on canonical grounds making use of psychological evidence. And I want to clarify that. It is not a psychological decision, although the *periti* must be taken into account by the very canon itself.
45. REDACTED: But I'm also, you know I agree with you, but you can't come to the decision without the expert witness. You've got to have that in there. Number two . . .
46. **CAC:** And your argument . . .
47. REDACTED: I'm arguing, I'm going to answer the Cardinal now in a second.
48. **CAC:** Your argument is the expert testimony presently in the file is inadequate to establish the psychic cause.
49. REDACTED: That's right. Secondly, the lack of a denial of the accusation is not a confession. Because he hasn't denied it does not mean he is guilty.
50. **CAC:** That is correct.
51. REDACTED: And it's only been allegations, to date.
52. **CAC:** There is sworn testimony in the file.
53. REDACTED: That's right. But that's, if you want to bring, if we're going to a formal process, a penal process, fine.
54. **CAC:** It's not a penal process.

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55. REDACTED It's a sworn statement.
56. CAC: Which is to be accorded evidentiary value in accord with the norms of proof.
57. REDACTED: Fine. But, in answer to your question, Your Eminence, one of the things that I see about this case is the fact that it was alleged, the first allegation and he was sent to Tucson. Then, in the process of he was going to be sent back to St. Luke's, then after two months some more allegations came up, for the purpose of whatever is going to happen later on. The first one was the only alleged crime. The other ones were not alleged crimes, but they would be sins as such, because everybody was over sixteen years of age.
58. REDACTED CAC: The crime of the abuse of ecclesiastical authority could have been raised, but was not, because the decision was made not to use a penal process, but you do have abuse, alleged abuse of ecclesiastical authority.
59. REDACTED: But then he went into treatment and he's never had a chance. The pattern was always before, the pattern has existed, the alleged pattern has existed before treatment. Since treatment, we don't know, because he has not had a chance to be in any kind of a ministerial situation. So, we don't know anymore what's going on. And there's been, as I said in my letter to St. Luke's, there's no reason for him to come and talk to you because you've told him you don't want him and he's never going to have a job here, nor in any other diocese. So, he really has no, unless he wants to for his own psychic health, which we all should hopefully [*note: inaudible*]. So we don't know what's going on and what he would be as a minister. I think the St. Luke's ruled out pedophilia and all that stuff. And then they said there was probably not a chance of him doing this again, I think there was somewhere in there something to that effect. But we haven't had a chance to know what's going on, what he would do as a minister after the six months in St. Luke's. So that's the answer to your question, Your Eminence. That's all.
60. REDACTED TJD: I'm afraid that you men who have expertise in canon law are not going to have much patience with my point of view. So we may be at loggerheads forever. But, from my point of view it's just incredible to think of the rights of this man without thinking of the rights of the People of God. I know they are protected in the canon law, but to my way of thinking this was really a clear, the *Code* is written with a clear defense and care for the rights of priests, but, you know, to send a man back out because we don't know. You're saying we don't know how he would do at this point, which means you are implying that we send him back out there to find out. I think we've got abundant testimony from the people who have been with him that leaves us in clear doubt as to what he's going to do. And I don't think you can send a man out there when you have that kind of doubt about him. I think that just breaks down the trust between a bishop and his priests that, you know, "I don't know this man, we know nothing. He hasn't been forthcoming about what really happened. He hasn't been able to remember and we don't know him well enough." And then you would send a man back out into that same situation again? I could never recommend that.

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61. REDACTED: All right, but once he's ordained he has a right to ministry. You take that right away and then we're into taking away . . .
62. CAC: I challenge your statement. There is no right to an assignment.
63. REDACTED All right. Fine. I don't agree with you, but we'll leave that, we'll let other people decide that. I don't agree with you in the sense that I think the *Code* protects the people, it protects clergy. There are, most of the writers talk about that there are conflicts of rights that we have to deal with. We have to deal with the individual who has been accused, who has been accused and there's been no formal process, so all these are is allegations.
64. CAC: I also disagree with that. There is sworn testimony that the Cardinal in making his decision on this matter has to assess as to whether that establishes the truth or not. We have far, far more than a mere allegation. We have numerous sworn statements that have an inner consistency, that have agreement with regard to each other, that under the norms of canonical proof the Cardinal may very responsibly decide are far more than an allegation, that have established a number of irresponsible ministerial behaviors. That's his decision to make, but to term what is in the file "mere allegations" does not do justice.
65. REDACTED Well, the sworn testimony happened what, two months ago?
66. CAC: When it happened doesn't matter. Sworn testimony in a marriage nullity case may occur twenty years after the incidents involved.
67. REDACTED That's true, but prior to that we didn't have any sworn testimony.
68. CAC: Sworn testimony has been obtained. That's the acts of the case.
69. REDACTED REDACTED: That's true. But we've already, the acts of the case in Rome don't include that sworn testimony because that came in all after that happened.
70. CAC: That acts of the case in Rome contain material that was not taken under a formal manner. An ecclesiastical judge or administrator is able to use affidavits that are not sworn testimony in the evidence process in accord with the canonical norms of proof. So to say that they are mere allegations, they were not taken in a formal manner, it since has been. But I think we are getting off the, the main dispute here is over whether there is sufficient psychic cause to conclude that the man is impeded from the exercise of orders.
71. REDACTED: And that's basically what the Cardinal has to decide.
72. CAC: And that is what the Cardinal has to decide. And as I understand your argument, you find the material from, the expertise in the present file, the various documents from St. Luke's Institute to be inadequate in establishing that. As I understand Msgr. Dyer's point of view, although he has not put it in psychological language, that the combination of the reports from the experts both with regard to the behaviors in ministry and with regard to his whole demeanor and way he cooperated or did not cooperate with the treatment process, does establish that there is a

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psychological reason to conclude he is not fit for ministry. That appears to me to be the two poles of the argument.

73. ^{REDACTED}: The latest letter from St. Luke's though, Kevin wasn't consulted, wasn't asked what he's doing, whether he's going to the "Twelve-Step" program or not. All they did was presume that none of the above is happening. And as I said, you know, what is his reason to be in contact with you any more given the atmosphere? I know he's going to, I understand he's going to "Twelve-Step" programs, but no one has gone to him and St. Luke's didn't call him up and say "What are you doing to fulfill your continuing care contract?" And then I asked a question, given the situation and the declarations so far, "What is the motivation for him to do this, for your benefit?" There might be for his own benefit and what he would do is keep his own counsel. But I don't see any benefit, I don't see any reason for him to report to anybody else at this point given the situation.
74. TJD: I'd like to respond to that, ^{REDACTED} It is a good question but I have a very clear answer to it. It is for Kevin's own sake. It's really a gift on the part of the Church to take care of this man in the future. It is probably the most expert and most expensive care that is going to be given to anybody anywhere in the country. There's no secular company that would ever, under these kind of circumstances, give this sort of help to its employees as we are doing to our priests here. We are not simply saying to him, "You're finished with ministry, therefore we don't have anything to do with you. We don't care what happens in the future." In fact, we've said to him, "Kevin, you are free and we will pay for your flights, for your therapy, for the every six month continuing care contract sessions, five day sessions about every six months over a five year period." He's open to go to all of those, for that whole five year period at the expense of the Archdiocese.
75. ^{REDACTED} Is that in writing anywhere?
76. TJD: No, it's part of the understanding. He knows that very well.
77. ^{REDACTED}: I don't know that.
78. TJD: Well, he knows it very well. They spend the last two weeks talking about the ongoing care contract and he has to write up a contract, and then that's the basis for what he's going to be doing in the next year. He's got that contract in our file. It tells that he will go back every six months to St. Luke's, that he will, that's what he's asked to do. He I think, I don't know what he put in writing, but when he spoke to me he was hesitant about whether or not he was going to go. And I said to him his very first day back, when we met here in my office, I said to him, "Kevin, before anything else let me just say to you that, okay, while this may be hard for you to hear because you look at me as part of the authority that has come down with this administrative decision about your future ministry," but I said, "Speaking to you as a brother, the important thing on the table here is your sobriety, your being in recovery, so that you can have a happy life no matter what you do in the future." That is very clear to him. He was hesitant on whether or not he'd go back. You can ask him, I don't believe he's ever gone back to one of these institutes, but it is not just to report back to us. There's no need for that. So, the only motive in doing this was for his care and so that he would be safe around other people in whatever walk of life he

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takes in the future. Because in our experience of him he hasn't been what you would call safe, people haven't been safe in his care.

79. CAC: Let me also add as motive, he has appealed the revocation of faculties, which is still before the Congregation for the Clergy. While he has not been given an assignment, he has certainly given indications that he would welcome being accepted back and assigned. He's aware that the Archdiocese is not going to do it at this time. He entered into a contract for continuing care. Certainly if his goal is to be reinstated in any kind of active ministry, in addition to the goal of personal growth and dealing with his own sickness, which certainly a minister must be able to do, there were added motivations. If he were trying to establish for the Archdiocese that he was a very good risk . . .

[Note: Side one of the tape ended here. After being turned over, the session continued.]

. . . that he would have jumped at the opportunity to engage wholeheartedly in the continuing care for which he contracted and for which the Archdiocese had a commitment to pay. He has chosen not to be at this meeting so he can be asked what continuing care he has or hasn't done, but certainly from the letter received from St. Luke's, they have no record of him having been involved in continuing care. So I think there is a personal motive and that's very important, but I think there were other motives that would have meant that a person who can be entrusted with the responsibility of ministry would have jumped at these opportunities.

80. REDACTED It has never been my impression that return to ministry was a possibility. If I had heard this a year and a half ago, I might have suggested something. But I didn't hear this from the Archdiocese. I heard in fact that he, the impression that I got, wrongly or rightly, was that he was never going to be back. So there was really no motivation that I could understand in my dealings with the Archdiocese that would ever even give him a clue, a hint, that down the road there might be the possibility of assignment.
81. CAC: His desire, I wasn't speaking on behalf of the Archdiocese, his desire say in opposing the revocation of faculties seems to be that he sees himself as fit to minister and wants to exercise that ministry. Otherwise, why oppose the revocation of a faculty which is designed solely for the purpose of doing that kind of ministry? So it's been his behavior that has indicated he has not fully accepted that he is not fit to be doing priestly ministry somewhere. This process has been initiated, and it has taken much too long, because the Archdiocese's conviction, or at least, let me take that back, Msgr. Dyer's conviction as Vicar for Clergy, is that he is not fit for ministry and is not in the foreseeable future. It is the Cardinal now who will decide definitively on that.
82. REDACTED: Okay. I just, you know, I don't think that, to turn the tables and say that it's because he didn't show the abounding desire, that he was not asking for an assignment every week, that therefore an example which proves that he doesn't want to come back. That argument would not follow.

Transcript of Hearing Concerning Rev. Kevin Barmasse
September 7, 1993
Page: 13

83. CAC: No, the argument fits in with what Msgr. Dyer said with regard to the most recent report from St. Luke's is that, by consistent pattern of behavior, Father Kevin Barmasse has not taken advantage of the opportunities to develop as a person, and to deal with the kinds of problems that beset him psychologically. He never was fully open to the treatment. He never was forthcoming with regard to abuses of his office in Arizona until those were presented to him. He has never taken advantage of opportunities provided to him to grow and to deal with things. That is precisely one of the pieces of the psychic cause that needs to be brought into the decision. Given this consistent pattern of denial behavior, of choosing not to grow and whatever, in addition to the consistent pattern of abusive behavior, it's those two things combined that appear to me to be very relevant to the judgment as to whether he is able to exercise ministry or not.
84. ^{REDACTED} The assumption that he "chooses not to grow" I think is an assumption. There's no proof that he has chosen not to grow, because there's been no contact. I think that's somewhat gratuitous.
85. CAC: You have been invited to provide evidence establishing Father Barmasse's point of view. You have chosen, he has chosen not to do so. And the Cardinal must make a decision based on the evidence in the file, and he is within his rights to draw conclusions and to make presumptions in accord with that evidence in accord with the norms of the *Code*.
86. ^{REDACTED} That's true. But the burden is on the Cardinal to prove the existence of the impediment.
87. CAC: Should the Cardinal decide that, he has to have . . .
88. ^{REDACTED} The burden of proof is very definitely on the side of the person to prove, declaring the impediment.
89. CAC: That is correct.
90. ^{REDACTED} And it's my position that there is not enough psychological evidence to base that conclusion. That's basically my position. I don't think you have enough.
91. TJD: Pardon me, I'd like to make a final statement that is, I hope, a correction of the record if there was anything implied otherwise in the previous statement I made. When I say that the rights of the priest as well as the rights of the people have to be protected in canon law, I did not imply, didn't mean to say they are not protected in canon law. This is what I mean. In practice, in the way we put canon law into practice, for the defense of priests and for the defense of people, there is certainly a difference. This priest, as I would be if I was in his situation, is given the right to seek out a canonist who will act as his advocate. In practice, most of the time that is spent in an office like in talking about the rights of this priest, I have no problem with the rights of that priest, but I think we're speaking with a lack of balance here. Because no canonist has been appointed or advocate has been appointed to come into this office with all of those who are victims, those who've suffered, to present their case as to why their rights need to be defended so that in the future other people will not be victimized. And I think in this whole process of treating Kevin's case it is

Transcript of Hearing Concerning Rev. Kevin Barmasse
 September 7, 1993
 Page: 14

becoming hard for me to understand the whole matter we are doing here in this hour in terms of more than just the canons that defend priests. There is a broader picture which we all agree to, and I have great respect for both of you as canonists. I don't have that skill and I sit here and feel dumb sometimes while you go back and forth with your numbers, but I am, from my perspective in serving the Cardinal for the priests, I'm conscious every day of the rights of the whole pastoral picture, of the victims, the people who come in to complain, parishioners, as well as of those of the priest. I think that we can be accused, in my position, of neglecting the rights of the priest even when we bring up the rights of the victims. I'm not saying you have done that in any way, but I've experienced that kind of a thing. And we have to keep in balance when we're recommending to the Cardinal what he must do in a case of an individual priest, what's been the experience of the people here? What are the rights of the people that have to be defended against? And my principle, and right or wrong, has been that in making these recommendations, the most fundamental thing I am looking for is we have trust in this man. Not his particular act, egregious or not, that's not the end all and be all of where we're going to come down in terms of a recommendation to the Cardinal. It's whether or not the way this man has comported himself in terms of being honest, in showing integrity in terms of a recovery program. Those are the most important things, so that I know that I can say to the Cardinal, "Listen, in everything I've seen this man has really entered into this with a spirit of openness, he is really able to do that. He is trustworthy and you can entrust him to a group of people or a particular ministry assignment and not have undue concerns that he is going to, despite whatever behavior in the past, going to be all right." In Kevin's case, I cannot, in conscience, recommend him because I do not see him as trustworthy [*note: inaudible*]. Thank you very much. I appreciate your forbearance.

92. REDACTED. I, to a certain degree must disagree with you, respectfully. That's the reason why a bunch of us canon lawyers have started this advocacy project. We just aren't interested in priests. We are interested in anyone who feels aggrieved. You are not, you don't become friends of the hierarchy when you begin to represent people who have grievances with the Church. And it's hard to find people to be advocates for people because some guys don't want to jeopardize their careers. So it's somewhat more nuanced than that. I think that, but still when you do have someone accused of something, he does have rights. And someone needs to defend those. And just because there's an accusation doesn't mean he's guilty, and because of an accusation then all of a sudden lose everything without some, quote unquote, due process, is also a concern of ours. And if the people had come to me asking me to represent them, I would have represented them. So, my concern is, and the ones of us who are involved in this advocacy project, is precisely to make sure that people who feel aggrieved have some kind of counsel. We would be more than willing to deal with the complexity of the rights involved here -- the victims, the Church, and the individual accused. And that's the difficulty that the Cardinal, or anybody in his position, because he has to balance all three of those. So that's where we are.

93. TJD: I appreciate that. I thank you for it.

94. CAC: Are we ready to conclude?

[*Note: The tape was turned off by mutual agreement.*]



MEMORANDUM

COPY

TO: Cardinal Roger Mahony
FROM: Msgr. Craig A. Cox
RE: Father Kevin Barmasse
DATE: 8 September 1993

Following up our discussion after yesterday's interview, I have prepared several questions to put to REDACTED REDACTED and the Staff of Saint Luke's.

Attached are those questions. You or Tim Dyer might want to revise them as you feel appropriate.

I have taken the liberty of putting the questions into the context of a draft letter that would be sent to Saint Luke's.



MEMORANDUM

TO: Cardinal Roger Mahony
FROM: Msgr. Craig A. Cox *ca*
RE: Father Kevin Barmasse
DATE: 8 September 1993

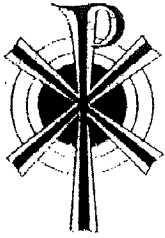
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Attached are those questions. You or Tim Dyer might want to revise them as you feel appropriate.

I have taken the liberty of putting the questions into the context of a draft letter that would be sent to Saint Luke's.



Have Msgr. Dyer review first



REDACTED

Msgr Dyer
COPY

September 9, 1993

His Eminence, Roger Cardinal Mahony, D.D.
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Dear Cardinal Mahony:

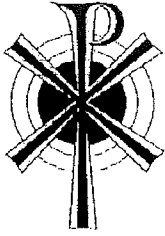
Thank you for the opportunity to meet with you regarding the case of Father Kevin Barmasse. We agreed at the end of the meeting that we would make a transcript of the meeting. I would like to write my brief with that in hand. Also, I will be on a few days of vacation until the 17th of September. I will be able to submit my brief within five days of receiving the transcript of the meeting, taking into consideration that I will not be back in the parish until September 20th, effectively. Thank you for your consideration in this matter.

It was good to see you and I hope that the Lord continues to bless your ministry there in the Archdiocese. Wishing you all of God's blessings, I am

Sincerely yours in Christ,

REDACTED

Advocate for Rev. Kevin Barmasse



REDACTED

September 9,1993

His Eminence, Roger Cardinal Mahony, D.D.
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

Dear Cardinal Mahony:

Thank you for the opportunity to meet with you regarding the case of Father Kevin Barmasse. We agreed at the end of the meeting that we would make a transcript of the meeting. I would like to write my brief with that in hand. Also, I will be on a few days of vacation until the 17th of September. I will be able to submit my brief within five days of receiving the transcript of the meeting, taking into consideration that I will not be back in the parish until September 20th, effectively. Thank you for you consideration in this matter.

It was good to see you and I hope that the Lord continues to bless your ministry there in the Archdiocese. Wishing you all of God's blessings, I am

Sincerely yours in Christ,

REDACTED

Advocate for Rev. Kevin Barmasse



COPY

Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3200

1531
West Eltham
Street

Los Angeles
California
90015-1104

September 27, 1993

REDACTED
REDACTED

Saint Luke Institute
2420 Brooks Drive
Suitland, MD 20746-5294

RE: FATHER KEVIN BARMASSE
REDACTED

Dear REDACTED REDACTED

A canonical process has been initiated to investigate whether Father Kevin Barmasse has incurred the impediment to the exercise of orders described in canon 1044, Paragraph 2, N.2. As you know, that canon is closely related to canon 1041, N.1.

The judgment before me is a canonical one, not a psychological one. The Code specifies, however, that such a judgment is to be made after consultation with experts.

The advocate for Father Barmasse has argued that his client does not suffer from a "psychic defect" that truly renders him "incapable of rightly carrying out the ministry" as provided by these canons. His claim is that the medical reports from Saint Luke Institute do not establish conditions that warrant the declaration of an impediment.

To the contrary, the Vicar for Clergy, Monsignor Dyer, argues that there is abundant evidence that Father Barmasse suffers from serious psychological impairments that do render him unable rightly to carry out the priestly ministry.

To protect Father Barmasse's right of defense, and to assure that my decision will be made on the basis of the best possible information, I ask that you and the staff of Saint Luke Institute respond in writing to the following questions:

1. Based on Father Barmasse's treatment in Saint Luke Institute and the psychological testing he underwent, what diagnosis or diagnoses were reached concerning his psychological condition? Please explain why the diagnoses are appropriate. If no specific diagnosis is possible, please explain why.

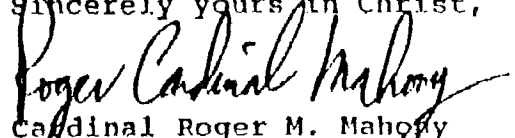
28333

- 2. How might Father Barmasse's psychological condition affect his abilities in the following areas:
 - A) to be open and honest with ecclesiastical superiors;
 - B) to live a chaste life fully in accord with Catholic moral teaching and the priestly commitment of celibacy;
 - C) to be able to relate as a priest in a fully healthy manner to young people, especially young men.
- 3. There is evidence that Father Barmasse engaged in a pattern over a period of years, in which he manipulated and took advantage of young people in a ministerial context. Please reflect on the psychological dimensions of this sort of manipulative behavior in Father Barmasse's case (its root causes, etc.).
- 4. The Vicar for Clergy experienced and noted in his conversations with Father Barmasse's therapist, REDACTED that Father Barmasse showed great reticence or perhaps an inability to disclose his story with openness. Please comment on this from a psychological perspective.
- 5. Father Barmasse entered into a continuing care contract for a period of six months beginning January 14, 1992. Please detail what the records of Saint Luke Institute indicate concerning Father Barmasse's compliance with those agreed-upon obligations. While the records of the Institute may not speak to each element of the contract, please provide specific information on section F of the contract, which contained agreements for ongoing contact with members of the Institute staff. Please reflect on the psychological significance of Father Barmasse's compliance or lack of compliance with these contracted obligations.
- 6. Given Father Barmasse's history, what risks would be present should he be restored to active priestly ministry?

I would deeply appreciate your considered reply to these questions, if at all possible within the next few weeks.

Thank you for your attention to this matter. May God continue to bless you.

Sincerely yours in Christ,

+ 
 Cardinal Roger M. Mahony
 Archbishop of Los Angeles

cc: Rev. Kevin Barmasse



MEMORANDUM

DATE: October 13, 1993
FROM: Monsignor Timothy Dyer
TO: Monsignor Craig Cox
RE: Kevin Barmasse

Attached is a copy of the most recent letter to REDACTED the head of St. Luke Institute, as it actually went out.

On Monday, October 11, the Cardinal's Office received a call from St. Luke Institute (we assume from REDACTED or his deputy) indicating they cannot send the information the Cardinal is requesting without a signed release from Kevin Barmasse. The release they already have will not cover this.

The Cardinal's Office sent the phone message to me in his absence, and I am, in turn, asking if you will please draft a proper letter to Kevin requesting such a release. Please call if any questions and thanks for your help.

REDACTED died this summer. As far as I know, there is no new Advocate in the picture at this time.

REDACTED



MEMORANDUM

TO: Tim Dyer
FROM: Craig Cox
RE: Kevin Barmasse
DATE: 19 October 1993

Attached is a draft of a letter to Kevin as I promised. Add the consent form you receive from St. Luke's along with the mandate. I thought that a copy to REDACTED would be wise to warn him Kevin would be calling.



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

November 3, 1993

Rev. Kevin Barmasse
REDACTED

Dear Father Barmasse:

As you may have heard, REDACTED REDACTED died recently. I decided I should write you to be sure you knew this. We want you to have the opportunity to appoint a new advocate before we proceed further.

REDACTED REDACTED close friend REDACTED REDACTED who is also a canon lawyer, has custody of his files. I recommend that you contact REDACTED REDACTED. He should be able to advise you on other canonists who would be available to serve as your advocate. He would also be able to send the file materials to whomever you select. He may be reached at
REDACTED

Enclosed is a blank mandate for you to use in appointing a new advocate. Once you have selected a qualified canonist, please complete the mandate, have it notarized, and send it back to me.

Also, you should have received a copy of Cardinal Mahony's letter of September 27, 1993 to REDACTED REDACTED at St. Luke Institute. The letter was written to follow up the argument REDACTED REDACTED made in your behalf that there was insufficient underlying psychological cause to declare the existence of an impediment to the exercise of orders.

St. Luke's has informed us that, in order to respond to the Cardinal's questions, they require updated consent from you. Enclosed is a "consent form" to permit the staff at St. Luke's to provide the assessment relevant to your situation. I ask that you please sign and date this form, have it witnessed, and return it to me.

May God continue to bless you.

Sincerely yours in Christ,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

REDACTED

Enclosures: 2

cc: REDACTED REDACTED

28370

Mandate for Procurator and Advocate

I, Reverend Kevin Barmasse, hereby appoint and give my mandate to _____ to serve as my procurator and advocate in any and all actions connected with my dispute with the Archbishop of Los Angeles.

I authorize _____ to have access to confidential information relevant to the issues under discussion.

The limits of my procurator/advocate's ability to act on my behalf will be determined in a discussion between us. Those limits will be put into writing as a specification of this mandate.

Given by me on the _____ day of _____ in the Year of Our Lord 1993.

Rev. Kevin Barmasse

Ecclesiastical Witness/Public Notary

Parish/Civil Seal

*Nov 28 '93
letter to
Barmasse*



10:30 AM



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

November 27, 1993

FAX MEMORANDUM

REDACTED

REDACTED

TO: His Eminence
Cardinal Jose T. Sanchez
Prefect
Congregation for the Clergy

FROM: Cardinal Roger Mahony
Archbishop of Los Angeles

SUBJECT: UPDATE ON A PENDING CASE

I will be arriving in Rome on Tuesday evening, November 30, for our Ad Limina Visit which is to take place from December 2 through 6.

While in Rome, I would like very much to consult with Your Eminence about a case from Los Angeles that is pending there in your Congregation. It is Protocol No. 1750/I, and involves the Reverend Kevin Barmasse.

What concerns me is that this case involves my removing the Faculties from Father Barmasse when serious sexual misconduct with minors became evident. In fact, there were more cases that came to light after we began our investigation.

Father Barmasse had appealed my revocation of Faculties to your Congregation, and the case has been there for many, many months. Father Barmasse is interpreting the lack of response from your Congregation as favorable to his appeal.

Since the revocation of Faculties for good cause is a reasonable exercise of the powers by Diocesan Bishops in serious cases, I am presuming that your Congregation will uphold my action in this case. But the lengthy delay has created serious problems for my own credibility as a Diocesan Bishop.

28404

I have also initiated a process to investigate whether an impediment to Orders has been incurred according to Canon 1044, §2, 2°. I wish to pursue that canonical option, but my ability to do so has been held up because no decision has yet been received about my revocation of the Faculties of Father Barmasse.

I might emphasize once again that should your Congregation oblige me to re-instate Father Barmasse's Faculties, I would be unable to do so since both the Psychological Reports and the Legal Impediments would prevent me morally and legally from entrusting Father Barmasse to the care of souls.

During my stay in Rome I will be at the apartments of Archbishop Justin Rigali, Via della Conciliazione, 36 -- very near to your offices.

I would be very pleased to discuss this case with you in more detail on the occasion of my visit.

Thank you so very much.

+ Roger Cardinal Mahony

REDACTED

REDACTED
A PROFESSIONAL LAW CORPORATION
REDACTED

REDACTED

December 2, 1993

Rev. Msgr. Timothy J. Dyer
Vicar for Clergy
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, California 90015-1194

Re: Rev. Kevin Barmasse

Dear Tim:

Please allow this letter to serve as a follow-up to our telephone conversation of last week and acknowledge the receipt of your November 3, 1993 correspondence to my brother. As a result of the passing of REDACTED REDACTED I have contacted REDACTED REDACTED REDACTED of the Archdiocese of San Francisco. REDACTED REDACTED has indicated to me that he would assist Kevin in the canonical process that the Los Angeles Archdiocese has initiated.

Unfortunately, REDACTED REDACTED is presently out of the country and will return shortly.

Accordingly, I have instructed my brother not to execute any consent forms, which would allow St. Luke Institute to provide any records to you until this issue is discussed with REDACTED REDACTED. If you have any further questions, please feel free to contact me.

Thank you.

I remain,

Very truly yours,
REDACTED

28365

*Copy to Msgr. Craig Cop
01/03/94 [Signature]*

Page 2
Rev. Msgr. Timothy J. Dyer
Vicar for Clergy
December 2, 1993

cc: REDACTED
REDACTED

REDACTED
REDACTED, J.C.D.

28366

MEMORANDUM

DATE: December 3, 1993

FROM: Cardinal Mahony (phone message from Rome)

TO: Monsignor Dyer

RE: Rev. Kevin Barmasse

Cardinal Mahony left a message on [REDACTED] Audix to the effect that Congregation for the Clergy is granting document upholding removal of Fr. Barmasse's faculties.

Cardinal Mahony wants to talk with both you and Monsignor Cox regarding difficulties encountered in the process.

12/12/93



CONGREGAZIONE
PER IL CLERO

Rome, December 14, 1993

Prot.n. 93004064

The Reverend Kevin Barmasse
REDACTED

Dear Father Barmasse:

This Congregation would like to resume the examination of your recourse against the decree of your Ordinary, which revoked your priestly faculties.

We were under the impression that negotiations were under way between the Archdiocese and yourself so that a reasonable settlement may be reached in the controversy. Only recently we were made aware of the fact that a letter dated December 11, 1992, was sent by you to REDACTED in which you were asking him "to withhold further action until such time as the Congregation responds".

Since we feel that the above named letter is of importance for the examination of the case, we are surprised that neither you nor your advocate had thought of forwarding copy of the letter to this Office. May we now impose upon you to, please, send us whatever documentation you may deem useful for the discussion of the case.

We insist, however, that the best solution would be if you, in the spirit of the obedience promised on the day of the Ordination to the Priesthood, would abide by the decision of your Ordinary.

With every best wish, I remain

Faithfully in Christ,

REDACTED

12/17/93



COPY

CONGREGAZIONE
PER IL CLERO

Rome, December 14, 1993

Prot.n. 93004064

The Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

This Congregation would like to resume the examination of your recourse against the decree of your Ordinary, which revoked your priestly faculties.

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With every best wish, I remain

Faithfully in Christ,

José T. Card. Sinigaglia
Prof.

28309



CONGREGAZIONE
PER IL CLERO

COPY

Rome, December 14, 1993

Prot.n.93004064

The Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

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with every best wish, I remain

Faithfully in Christ,

José T. Card. Sinigaglia
Prof.

28306



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

January 12, 1994

Dr. REDACTED
REDACTED

Dear Dr. REDACTED :

Attached is what we received recently when we requested a copy of your release form.

In its muddied condition, probably the FAX is the culprit, we cannot use it.

I would very much appreciate your sending us a clean copy of the release form by mail as soon as possible.

We need to use it in the case of Father Kevin Barmasse, and we are in need of forwarding it to him so that we can proceed with his case--which is now in Rome.

As there are deadlines in this type of canonical process, I will be most grateful for your immediate attention to our request.

With warmest regards, I remain

Sincerely yours,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

REDACTED

28362

COPY

MEMORANDUM

January 12, 1994

TO: ~~Cardinal Mahony~~ *Msgr. Cot*

FROM: Father Timothy Dyer

RE: ~~Msgr. Craig Cox~~ *FYI Kevin Barmasse*

I found the attached letter after our meeting yesterday but before sending the letter you drafted to Kevin Barmasse. I also discovered that we never had a hard copy of the St. Luke's "Release of Information" form (which means we sent the fax copy to him). ^{REDACTED} has now written St. Luke's for a clean copy which we will send Kevin once _{REDACTED} has made contact with us.

Thanks for your ongoing help in this and many other matters.



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

January 21, 1994

Rev. Kevin Barmasse
REDACTED

Dear Kevin:

I received a letter from your REDACTED last month, indicating that you wish to appoint REDACTED REDACTED as your Advocate.

I would therefore appreciate your signing the enclosed mandate appointing REDACTED REDACTED so that we can proceed with your case.

Please have your signature notarized by a priest or a Notary Public, and return the dated, signed mandate in the enclosed self-addressed envelope.

I extend my prayers for a good new year for you and members of your family.

Sincerely yours,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

REDACTED

Enclosures

28359

Mandate for Procurator and Advocate

I, Reverend Kevin Barmasse, hereby appoint and give my mandate to _____ to serve as my procurator and advocate in any and all actions connected with my dispute with the Archbishop of Los Angeles.

I authorize _____ to have access to confidential information relevant to the issues under discussion.

The limits of my procurator/advocate's ability to act on my behalf will be determined in a discussion between us. Those limits will be put into writing as a specification of this mandate.

Given by me on the _____ day of _____ in the Year of Our Lord 1994.

Rev. Kevin Barmasse

Ecclesiastical Witness/Public Notary

Parish/Civil Seal



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

March 3, 1994

FAX MEMORANDUM

TO: Rev. Monsignor Hilary Franco
Congregation for the Clergy

FROM: Cardinal Roger Mahony
Archbishop of Los Angeles

SUBJECT: The Case of Rev. Kevin BARMASSE
Prot. No. 1750/1

I hope that all is well with you there in Rome, and that your burdens are not too overpowering. I so admire the tremendous work which all of you perform in the Congregation for the Clergy, and I pray that the Lord will sustain you in the many responsibilities that are yours.

You may recall our visit in early December, 1993 during the course of our Ad Limina visit. I had inquired about the status of the case involving the Rev. Kevin Barmasse, and you advised me that the Congregation was waiting for some response to our 1992 correspondence.

We then discovered that Father Barmasse's advocate, the late REDACTED REDACTED had not sent to you a copy of Father Barmasse's response to me.

I was able to obtain a copy via FAX for you, and you advised me that this was all that was necessary in order to give a response to my original decree and decision--the one appealed by Father Barmasse.

I believe it was on December 3, 1993 that you advised me the matter was almost concluded, and that I would receive a document or decree from your Congregation shortly.

As of this time, we have not yet received this document or decree, and I am wondering if there might still be something that I am supposed to be doing here in Los Angeles to trigger the issuing of those papers. If there is

28351

2

something that I need to be doing, please let me know and I will take care of it at once.

My very best to Cardinal José T. Sanchez and to Archbishop Crescenzo Sepe.

Thank you so very much for all your assistance in this matter!

+ Roger Card. Mahony

28352



CONGREGAZIONE
PER IL CLERO

Rome, March 4, 1994

Prot.n. 93004064

His Eminence
Roger Cardinal Mahony
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, Calif. 90015-1194

Your Eminence:

Enclosed, please, find copy of a letter addressed by this Congregation to Father Barmasse, back on December 14, 1993.

We presumed that a letter of that kind would have had some kind of positive effect on Father, but apparently he has not contacted either Your Eminence nor this Dicastery to provide us with the pertinent documentation which is necessary in order to proceed with the case.

As you can see, we have also clearly stated to him that the best solution would be if he would abide by the decision of Your Eminence.

Please, let us know if you have any further suggestion, so that we can speedily reach a decision on the issue at stake.

With sentiments of cordial esteem and every best wish, I remain

Faithfully in Christ,

Enclosure.



CONGREGAZIONE
PER IL CLERO

Rome, March 4, 1994

Prot.n. 93004064

His Eminence
Roger Cardinal Mahony
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, Calif. 90015-1194

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With sentiments of cordial esteem and every best wish, I remain

Faithfully in Christ,

t. D. Sepe
Sec.

Enclosure.



CONGREGAZIONE
PER IL CLERO

Prot.n. 93004064

Rome, March 4, 1994

Msgr Dyer
COPY

His Eminence
Roger Cardinal Mahony
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, Calif. 90015-1194

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With sentiments of cordial esteem and every best wish, I remain

Faithfully in Christ,

t. D. Sepe
Sec.

Enclosure.

28308



Mayer Cox
COPY

CONGREGAZIONE
PER IL CLERO

Rome, March 4, 1994

Prot.n. 93004064

His Eminence
Roger Cardinal Mahony
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, Calif. 90015-1194

Your Eminence:

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With sentiments of cordial esteem and every best wish, I remain

Faithfully in Christ,

t. D. Sepe
Sec.

Enclosure.



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 251-3288

1531
West Ninth
Street

Los Angeles
California
90015-1194

March 7, 1994

His Eminence
Cardinal José T. Sanchez
Prefect
Congregation for the Clergy
00120 Vatican City State
Europe

In re: Prot. No. 93004064
(Recourse of Rev. Kevin Barmasse)

Your Eminence:

I am very grateful to His Excellency, the Most Reverend Crescenzo Sepe, Secretary for your Congregation, and to Monsignor Hilary Franco, official of the Congregation, for their continuing assistance with this matter pending before your Congregation. Indeed, Archbishop Sepe very kindly wrote to me recently to apprise me of the status of the matter pending before your Congregation.

Thank you very much for writing Reverend Kevin Barmasse on December 14, 1993. Archbishop Sepe sent me a copy of that letter on March 4, 1994.

I certainly appreciate your efforts to encourage Father Barmasse to resolve this situation in an equitable and non-contentious manner. While past experience gives no cause for optimism that he will be open to a reasonable negotiated settlement in the future, I certainly would welcome such an outcome.

Nonetheless, there remains the fact that he has taken recourse to your Congregation against my Decree removing his Faculties. While I fully understand that my Decree remains in full force despite that recourse, it is vitally important that the Congregation rule in the matter and uphold my action.

Given the pastoral situation in the United States today, which is all too well known, Bishops need to be able to act quickly and decisively in cases of alleged clerical misconduct to assure the People of God that their rights are being fully protected.

Given the evidence at my disposal, Father Barmasse's history, and his lack of openness, I am fully convinced that my action in removing the Faculties of Father Barmasse pending the outcome of more definitive canonical actions was fully warranted. For me not to have acted in that fashion would have been a dereliction in my duties as Shepherd of this Local Church.

In a conversation with Father Barmasse's advocate, I have become aware that the lack of a response from your Congregation upholding my ruling in removing his Faculties has given Father Barmasse the impression that I have acted improperly. Father Barmasse and his advocate asked that we not pursue the full canonical process of investigating the possibility of an impediment until the Congregation ruled on the matter of Faculties.

While I did not accede to that request, I am certain that a Decree from the Congregation of the Clergy upholding my actions in removing his Faculties is necessary if he is to be aided in facing the full reality of his situation. Only in that situation is there any possible hope for efforts to negotiate a solution with Father Barmasse.

Therefore, I urge that the Congregation please review this matter at your earliest possible convenience. I ask that the Congregation uphold my action in removing Father Barmasse's Faculties.

Finally, let me update you on other aspects of his case. I formally initiated the process to investigate whether Father Barmasse is impeded from the exercise of Sacred Orders. Further evidence was gathered and Father Barmasse was invited to appear. Father Barmasse chose not to be interviewed in the matter. I respected this choice since I did not want to put him in the position of being forced to incriminate himself under oath.

Father Barmasse's advocate was present and presented arguments on behalf of his client. He indicated that he and Father Barmasse had no further evidence to bring forward. After this hearing, I determined that in fairness to Father Barmasse I wanted to ask further questions from the experts who treated him. I wrote Father Barmasse asking that he sign a new "Consent for Release of Confidential Information" to allow me to pursue that questioning. So far, Father Barmasse has not signed that authorization.

In the interim, Father Barmasse's advocate has died. I delayed the process because I wish to give Father Barmasse every opportunity to protect his rights. Our Vicar for Clergy asked Father Barmasse to seek a new advocate in a letter of November 3, 1993. So far, Father Barmasse has not named a new advocate. I believe he has had sufficient time to do so, and will be contacting him shortly to inform him of a date when I will resume the process.

Consequently, it is imperative that Your Eminence and the Congregation for the Clergy rule on the appeal now before you. I respectfully urge that you uphold my Decree removing the Faculties of Father Kevin Barmasse.

With gratitude for your attention to this matter and with every good wish, I remain

Sincerely yours in Christ,
+ *Roger Cardinal Mahony*
His Eminence
Cardinal Roger M. Mahony
Archbishop of Los Angeles

REDACTED



COPY

msgr. copy

Archdiocese of Los Angeles

1531
West Main
Street

Los Angeles
California
90015-1004

March 7, 1994

His Eminence
Cardinal José T. Sanchez
Prefect
Congregation for the Clergy
00120 Vatican City State
Europe

In re: Prot. No. 93004064
(Recourse of Rev. Kevin Barmasse)

Your Eminence:

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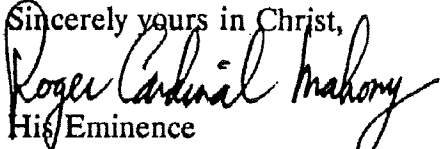
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+ 

His Eminence
Cardinal Roger M. Mahony
Archbishop of Los Angeles

j



COPY

Msr. Ager

Archdiocese of Los Angeles

Office of
the Archbishop
231 291-5285

1531
West Ninth
Street

Los Angeles
California
90015-1194

March 7, 1994

His Eminence
Cardinal José T. Sanchez
Prefect
Congregation for the Clergy
00120 Vatican City State
Europe

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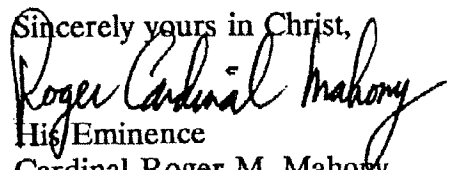
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With gratitude for your attention to this matter and with every good wish, I remain

Sincerely yours in Christ,

+ 

His Eminence
Cardinal Roger M. Mahony
Archbishop of Los Angeles

REDACTED

REFERRAL MEMORANDUM from CARDINAL ROGER MAHONY
REDACTED

TO: _____ DATE: 3-8-99

- Please REVIEW, then SEE ME
- Please REVIEW, then RETURN to me
- Please REVIEW, then SEND me your COMMENTS
- Please REVIEW, then FILE
- Please HANDLE this matter ENTIRELY
- Please ANSWER; send copy of letter to me
- Please WRITE A REPLY for my signature
- For your INFORMATION
- Please XEROX - FAX and send copy/copies to:

Msgr. Dyer - Craig Cox

Original to: file back to me *mail airmail to Cardinal*

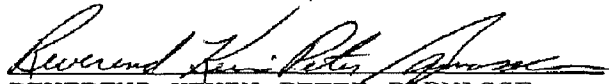
REMARKS:

Thanks!

STATEMENT OF REVEREND KEVIN PETER BARMASSE
REGARDING APPOINTMENT OF PROCURATOR/ADVOCATE

I, REVEREND KEVIN PETER BARMASSE, declare that:

1. I hereby appoint REDACTED REDACTED, JCD, of the Tribunal of Oakland, California, as my procurator/advocate, to represent me in any and all actions and appeals which might arise as I resolve my canonical status with the Roman Catholic Archdiocese Los Angeles, California.


REVEREND KEVIN PETER BARMASSE

REDACTED

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 17. DAY OF APRIL 19 97.
REDACTED

.....
NOTARY PUBLIC



COPY

Archdiocese of Los Angeles

Office of
the Archbishop

1531
West Ninth
Street

Los Angeles
California
90015-1104

April 26, 1994

Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

Our office has received the mandate appointing REDACTED --, as your procurator and advocate. I am glad you have finally chosen an advocate. In fact, I had just prepared a letter to you setting a deadline for naming an advocate so that the process could be moved forward.

I am enclosing a mandate that is specifically canonical. I ask that you sign and return this to me. In the meantime, we will act on the basis of the mandate you sent.

Monsignor Timothy Dyer will be in touch with REDACTED, providing to him the argumentation REDACTED made on your behalf.

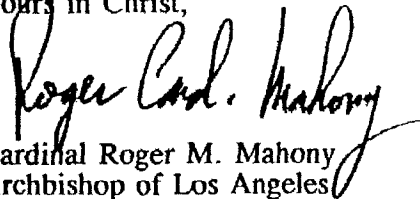
At this point, I reiterate my request that you sign the "Consent for Release of Confidential Information" form that I sent you in my letter of November 3, 1993. I requested that further release precisely because of REDACTED argument on your behalf. I want to be sure I make my final decision on the basis of the best possible information. You are aware of the questions I will be asking, since they were incorporated into my letter of September 27, 1993, to REDACTED REDACTED. You received a copy of that letter.

Please consult with REDACTED to determine whether you will complete that consent form. I ask that you have the completed consent form to me no later than May 17, 1994. If you complete that consent, I will seek further information from The Saint Luke Institute. If you choose not to complete that consent, I will request a final written argument from your advocate and move the case to a conclusion.

Finally, in recognition of the letter of Cardinal José T. Sanchez sent to you on December 14, 1993, I invite you again to consider a petition for laicization as the most appropriate response to your situation.

May God bless you.

Yours in Christ,

+ 
Cardinal Roger M. Mahony
Archbishop of Los Angeles

enclosure: mandate

28314



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 251-3284

1531
West Ninth
Street

Los Angeles
California
90015-1194

April 26, 1994

REDACTED

REDACTED
Dear

Cardinal Mahony has received the mandate of Father Kevin Barmasse appointing you as his procurator and advocate. The Cardinal has written Father Barmasse to ask for a more formal and specifically canonical version of the mandate. Copies of both this letter and the requested mandate are enclosed.

It is my understanding that the file which had been in the possession of REDACTED REDACTED REDACTED has been entrusted to you. Therefore, I am not enclosing copies of past documentation. If my understanding is incorrect, please inform me and I will be happy to make available any materials you need to assist Father Barmasse and protect his right of defense.

I am enclosing the transcript of the hearing held before Cardinal Mahony on September 7, 1993. That transcript had not been completed as of the time of REDACTED REDACTED's death.

In that hearing, REDACTED REDACTED argued on behalf of Father Barmasse that no impediment to the exercise of orders already received has been verified. Taking REDACTED REDACTED argument into account, the Cardinal determined it would be most appropriate to seek further information from those who treated Father Barmasse at The Saint Luke Institute. The Cardinal wrote REDACTED REDACTED on September 27, 1993, asking questions pertinent to the issues under discussion. A copy of that letter is enclosed for your information. REDACTED REDACTED informed the Cardinal that, to respond to those questions, a new release form from Father Barmasse would be needed. We sent Father Barmasse the form provided by The Saint Luke Institute. Father Barmasse declined to sign it until he secured the services of a new advocate.

At this point, the Cardinal has reiterated his request that Father Barmasse sign the consent form required by Saint Luke's. Since this process has already been excessively delayed, the Cardinal has asked that the consent form be returned to us by May 17, 1994. If we receive the consent form by then, we will seek further information from The Saint Luke Institute. If Father Barmasse decides not to complete that consent form, the Cardinal will move to a decision based on the present acts of the case.

28315

In any event, we ask you to begin preparing any written argumentation you wish to present to supplement ^{REDACTED REDACTED}s oral arguments and further the cause of your client.

Finally, if you wish to discuss this with me at any time, please feel free to phone me. Thank you and may God bless you.

Sincerely yours in Christ,

Rev. Msgr. Timothy Dyer
Vicar for Clergy

enclosures: letter to Fr. Barmasse of April 26, 1994
copy of requested mandate
transcript of hearing
letter to ^{REDACTED} REDACTED of September 27, 1993



COPY

Archdiocese of Los Angeles

Office of the Archbishop

1511 West Third Street

Los Angeles, California 90012-1004

April 26, 1994

Reverend Kevin Barmasse
REDACTED

Dear Father Barmasse:

Our office has received the mandate appointing REDACTED REDACTED JCD, as your procurator and advocate. I am glad you have finally chosen an advocate. In fact, I had just prepared a letter to you setting a deadline for naming an advocate so that the process could be moved forward.

I am enclosing a mandate that is specifically canonical. I ask that you sign and return this to me. In the meantime, we will act on the basis of the mandate you sent.

Monsignor Timothy Dyer will be in touch with REDACTED REDACTED, providing to him the argumentation REDACTED made on your behalf.

At this point, I reiterate my request that you sign the "Consent for Release of Confidential Information" form that I sent you in my letter of November 3, 1993. I requested that further release precisely because of REDACTED's argument on your behalf. I want to be sure I make my final decision on the basis of the best possible information. You are aware of the questions I will be asking, since they were incorporated into my letter of September 27, 1993, to REDACTED REDACTED. You received a copy of that letter.

Please consult with REDACTED to determine whether you will complete that consent form. I ask that you have the completed consent form to me no later than May 17, 1994. If you complete that consent, I will seek further information from The Saint Luke Institute. If you choose not to complete that consent, I will request a final written argument from your advocate and move the case to a conclusion.

Finally, in recognition of the letter of Cardinal José T. Sanchez sent to you on December 14, 1993, I invite you again to consider a petition for laicization as the most appropriate response to your situation.

May God bless you.

Yours in Christ,

+ *Roger Carl. Mahony*
Cardinal Roger M. Mahony
Archbishop of Los Angeles

enclosure: mandate

28317

COPY

Mandate for Procurator and Advocate

In accord with canons 1481, 1484 and 1485 of the *Code of Canon Law*, I, Reverend Kevin Peter Barmasse, hereby appoint and give my mandate to REDACTED REDACTED, J.C.D., to serve as my procurator and advocate in any and all actions connected with my dispute with the Archdiocese of Los Angeles.

I authorize my procurator and advocate to have full access to confidential information relevant to the issues under discussion.

The extent of REDACTED REDACTED; authorization to act as my procurator will be determined in a discussion between us. Any limits or special mandates will be put into writing as a specification of this mandate. Unless and until any such additional written specification is presented, the Archdiocese may consider my procurator and advocate as authorized to act validly in my name in all matters connected with this dispute except those exempted by canon 1485.

Given by me on the _____ day of _____, 1994.

Reverend Kevin Peter Barmasse

Ecclesiastical Witness/Public Notary

Official Seal



Barmasse

Archdiocese of Los Angeles

Office of the Archbishop

1531 West Ninth Street

Los Angeles California 90015-1194

April 26, 1994

Reverend Kevin Barmasse
REDACTED

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Finally, in recognition of the letter of Cardinal José T. Sanchez sent to you on December 14, 1993, I invite you again to consider a petition for laicization as the most appropriate response to your situation.

May God bless you.

REDACTED

Roger Kard. Mahony
Cardinal Roger M. Mahony
Archbishop of Los Angeles

enclosure: mandate

28335

Mandate for Procurator and Advocate

In accord with canons 1481, 1484 and 1485 of the *Code of Canon Law*, I, Reverend Kevin Peter Barmasse, hereby appoint and give my mandate to REDACTED REDACTED J.C.D., to serve as my procurator and advocate in any and all actions connected with my dispute with the Archdiocese of Los Angeles.

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Given by me on the _____ day of _____, 1994.

Reverend Kevin Peter Barmasse

Ecclesiastical Witness/Public Notary

Official Seal

June 12-14, 1994 -



Archdiocese of Los Angeles

Office of the Archbishop (213) 251-3286 1531 West Fourth Street Los Angeles California 90015-1196

April 27, 1994

His Eminence
Cardinal Jose Sanchez
Prefect
Congregation for the Clergy
00120 VATICAN CITY STATE
Europe

Prot. N. 93004064

Your Eminence:

I am writing as a follow up to my letter to you dated March 7, 1994 involving the Reverend Kevin Barmasse.

I am somewhat puzzled by the fact that I have not received any response to my letter, which was sent to you via fax and via air mail.

What seems most puzzling to me is that this matter was discussed by me with you, Archbishop Crescenzo Sepe, and REDACTED REDACTED on Friday, December 3, 1993. At that time, I was advised that your Congregation had decided to uphold my action in this matter, and that the Decree would be signed that very day and sent to me. It is now almost five months since my meeting with you, and yet nothing further has come from you or your Congregation.

If there are other factual details, other information, or other aspects of this case which need further development or information, please advise me so that we can prepare and send those to you at once.

May I suggest that during the Assembly of Cardinals which is to be held on May 9 and 10 in Rome, we might have a few moments to discuss briefly this pending matter.

Thanking Your Eminence and your officials for your continuing interest in this matter, and looking forward to seeing you soon, I am

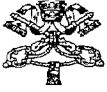
Sincerely yours in Christ,

Roger Cardinal Mahony

His Eminence
Cardinal Roger Mahony
Archbishop of Los Angeles

28301

REDACTED



CONGREGATIO
PRO CLERICIS

Rome, May 6, 1994

N. 94001239

His Eminence
Cardinal Roger M. Mahoney
Archdiocese of Los Angeles
1531 West Ninth Street
Los Angeles, CA 90015-1194

U.S.A.

Your Eminence,

This Congregation has studied the petition for hierarchic recourse placed by the Reverend Kevin Barmasse against your action revoking the faculties of the Archdiocese, including the faculty to preach.

The recourse has been legitimately placed according to canons 1734 and 1737. Further, the Code, in Canon 1336 §1, would include the withdrawal of ordinary diocesan faculties from a priest who habitually possessed those same faculties as at least an expiatory penalty to be applied according to the norms provided in Canons 1717ff. Therefore, the recourse as presented ought to be accepted.

Documentation dated March 7, 1994, indicates that subsequent to the recourse having been presented to this Dicastery, a preliminary investigation leading to a definitive resolution of the status of the recurrant has been initiated. Your Eminence is asked to provide this Dicastery with a copy of the decision and complete acts of the case when it shall have been completed.

The Congregation has indicated its response to the Reverend Kevin Barmasse and a copy of that letter included here.

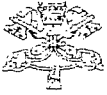
With sentiments of esteem and prayerful best wishes, I remain,

Fraternally yours in Christ,

Enclosure

José T. Card. Jany
Prof.
+ C. Sepe

28299



CONGREGATIO
PRO CLERICIS

Rome, May 6, 1994

N. 94001239

The Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

U.S.A.

Reverend Father,

This Congregation has completed a thorough study of your petition for hierarchic recourse against the actions of the Ordinary of the Archdiocese of Los Angeles revoking the faculties of the Archdiocese, including the faculty to preach.

Recourse has been legitimately placed according to canons 1734 and 1737. The Congregation asks that you cooperate with the investigation and penal process begun by the Ordinary in order to bring this matter to a final disposition.

This same decision has been communicated to His Eminence the Most Reverend Ordinary.

With cordial best wishes, I remain,

Sincerely yours in Christ,

Jose T. Card. Sainza
Prq.

+ D. Sepe
Secr.

28300

CONFIDENTIAL

MEMORANDUMOctober 22, 1994

TO: Msgr. Craig Cox
FROM: Father Timothy Dyer^{TD}
RE: Fr. Kevin Barmasse

I concur in Dr. REDACTED 's being called upon for another evaluation in the case of Fr. Barmasse. I have not had a chance to speak to the Cardinal about this and presume he will be in touch with you.

28296

II 000317



MEMORANDUM

TO: Monsignor Timothy Dyer
 FROM: Monsignor Craig A. Cox
 RE: Reverend Kevin Barmasse
 DATE: 26 October 1994

The Cardinal also agreed that having Kevin evaluated by Doctor REDACTED was a good idea.

I spoke with REDACTED EDACED today. Kevin has agreed.

Please inform Doctor REDACTED that the referral is being made. REDACTED REDACTED asks that you send Doctor REDACTED 's address and phone to him rather than directly to Kevin.

Finally, REDACTED REDACTED wanted to discuss with you a little bit the way materials would be provided to Doctor REDACTED. He wanted Doctor REDACTED to interview and do some testing of Kevin with only some general background, not having the complete history from the very beginning. REDACTED REDACTED wanted the evaluator's initial impression to be fresh. Then the complete file would be sent, further interviewing/testing done, and the report written. I'd appreciate it if you would call REDACTED REDACTED about this approach. I don't know if Doctor REDACTED will feel comfortable with it or not.

REDACTED REDACTED has a new ministry (campus ministry). It is easiest to reach him during the week at REDACTED. His beeper number is REDACTED. His prior number, REDACTED REDACTED is still good as well.

Thanks.



Barmasse

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 751-3224

1531
West Hooth
Street

Los Angeles
California
90015 1104

December 2, 1994

REDACTED

COPY

Dear ^{REDACTED}REDACTED :

I have not been able to reach you by phone this past month regarding the case of Father Kevin Barmasse. I realize that both our schedules are difficult, and I will continue to try to reach you that way.

In the meantime, I am listing below the address that I believe you have already received on your message tape for Dr. REDACTED :

REDACTED

I understand from Monsignor Cox that you would like to discuss with me the way in which background materials are to be provided to Dr. REDACTED. It is his practice to do the initial sessions with a patient prior to receiving a complete history from the Archdiocese. I would, of course, give him some general background and would be glad to speak with you as to what it is I plan to tell him.

Eventually, the complete file would have to be sent prior to Dr. REDACTED's final written Evaluation Report.

Father Kevin, if he has not already done so, can therefore make an appointment with Dr. REDACTED as soon as possible.

Sincerely yours in Christ,

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

cc: Rev. Kevin Barmasse

28293



CONFIDENTIAL

MEMORANDUM

March 21, 1995

TO: Monsignor Dyer
FROM: REDACTED
RE: Kevin Barmasse

According to my records, as of SEPTEMBER 1992 we began paying Father Kevin Barmasse \$500 per month (from Accounts Payable) "until matter is completely resolved."

Since that was 2-1/2 years ago, Accounting checked with me today to see if they should still be doing this.

There is no problem, as long as you indicate the payment remains authorized. Could you just sign the statement below, so they can have it for their files? Many thanks.

March 21, 1995



As of this date, monthly payments of \$500 to Kevin Barmasse should continue until further notice.

Timothy J. Dyer

(Rev. Msgr.) Timothy J. Dyer
Vicar for Clergy

REDACTED

MAY-07-1996 13:40
04/23/96 10:30

REDACTED
BIOCESE OF TUCSON

P.02
002/004

April 15, 1996

REDACTED

P.O. Box 31
Tucson, AZ 85702

Dear REDACTED

I understand this is a hard time for the Diocese of Tucson after the article that was written in the newspaper about a lawsuit filed by a gentleman who was sexually abused by a priest many years ago, but I have a great concern myself after being sexually assaulted myself by a priest in your Diocese nine years ago.

My name is REDACTED, and I was sexually assaulted by Kevin Barmasse, who was associate pastor at St. Elizabeth Ann Seton's Church, along with four other boys in the summer of 1987. Since that time I have come forward with what Mr. Barmasse had done to me and the others, but only to Church officials. I was directed to the Archdiocese of Los Angeles California and have been dealing with Rev. Msgr. Timothy J. Dyer. The Diocese of Los Angeles had agreed to take care of my therapy, which I am still attending to till this day. My marriage is hanging by a thread right now and I had considered a lawsuit at one time, but withdrew because it would have been wrong.

REDACTED you were the one who confirmed me and I have always looked up to you and seen you as a great man of inspiration. I've received many awards for my activities and dedication as a youth in the Diocese and also a leader to those who were in my Church's youth group. I have many good memories of being part of the Church, but now I do not

participate in the Mass because so much reminds me of Mr. Barmasse and I just cannot deal with it anymore. I was, and still am, very upset that I did not receive any sort of courtesy call or letter from you. Yes, I have received many apologies from other priests, but they were not responsible for what had happened. I at least deserve an apology from you! Don't you think so?

What really angers me the most, REDACTED, is that I was informed by Msgr. Dyer that Mr. Barmasse has had this problem before in the past back in Los Angeles! He received therapy and then was moved to Sierra Vista to be Pastor of a Church there. For some reason he was then transferred to St. Elizabeth Ann Seton's Church. After the assault there, he was transferred to Mammoth, AZ to become head pastor! Did you know about all this!! Why was he let in to work with young people when he had a record???? I also found out that you were REDACTED before you came to Tucson. Did you have knowledge of Mr. Barmasse before, and is that why he was transferred to your Diocese afterwards?

None of us deserved any of this REDACTED and I think it could have been avoided! Because of what happened, I cannot live a life I looked forward to when I was young and had many dreams to fulfill! I wasted two years of college because my concentration was focused on what had happened. I turned to alcohol to get my mind off of what happened! To prove to myself I was still a man, I turned to fornication!! I had to use girls just to keep Mr. Barmasse away from me!!! I'm in therapy and I'm getting alot out of me, but it is going to take time. My wife cannot wait much longer, for I am having trouble being intimate with her, and might lose her before I can take control of my life once again!!!!

REDACTED I am doing the best I can on my part on my emotional healing and controlling my anger, and all I ask from you is to help me with my healing by answering

MAY-07-1996 13:41

REDACTED

P. 04

the questions I have that angers me. This is just between you, me, and my therapist with no one else involved. No lawsuits; no media; just us and God. Please be honest with me for I have been very honest with you and the Diocese of Los Angeles. I have been through nine years of hell and I need to put it all behind me so I can get on with the life I once dreamed of. Please contact me as soon as you possibly can. Thank you for taking the time out of your busy schedule to read this and I pray we can resolve this.

Sincerely,

REDACTED

27927

REDACTED



DIOCESE OF TUCSON

192 SOUTH STONE AVENUE
P.O. Box 91 • Tucson, Arizona 85702-0091
520 - 792-3410 FAX 520 - 792-0291

DRAFT

REDACTED

May 7, 1996

REDACTED

CONFIDENTIAL

Dear REDACTED

As I pray that Christ's peace be granted to you, I also say I am saddened by all you have gone through because of Kevin Barmasse. You are also very hurt and upset by the fact that I have not reached out to you. Please forgive me for that, but this is the first time that I have known it was you, by name. I did know that a young man was receiving help from the Archdiocese of Los Angeles, because of what Kevin had done to him, however, I did not know his name -- your name!

You are further angered because Kevin was assigned to Sierra Vista and St. Elizabeth Ann Seton Parish after he was counseled. While that is true, we were assured by the counselor that he was fit for ministry and that he would cause no problem to anyone. We would never have assigned him to any parish in the diocese if there had been any doubt about him in any way. I did not have any knowledge of Kevin Barmasse's wrong doing when I was in Los Angeles.

You have asked me to be honest. Please believe me, I am. If there is something else that I may respond to, could we meet personally so that we may go over any other concerns you may have.

MAY-07-1996 13:43

REDACTED

05/07/80 11:26

2802 79 0281

DIOCESE OF TUCSN

P.06
003/003

From your letter, I can feel all the pain that you have gone through because of Kevin. Again, I am truly sorry that a priests did you such harm.

May the Lord help you heal completely, so that you may return to enjoy life and love as you so much desire, and the Lord wants you too.

Assuring you of my prayers, I am

Sincerely yours in Christ,

REDACTED

TOTAL P.06

27924

11 000325



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-7284

3424
Wilshire
Boulevard

Los Angeles
California
90010-2241

April 9, 1997

Reverend Kevin Barmasse
3058 Camino Graciosa
Thousand Oaks, CA 91360

Dear Father Barmasse:

Since September, 1992, we have been issuing support checks for \$500.00 per month. The Archdiocese of Los Angeles is going to begin reducing these payments by \$100.00 every other month unless I hear from you and can verify that we should adopt another course.

I have also received an inquiry from our insurance carrier and will have to authorize the issuance of COBRA since I do not find in your file any written arrangement to the contrary.

If there is some error in this regard, once again, please feel free to get in touch with me.

Pax!

Reverend Monsignor Richard A. Loomis
Vicar for Clergy

REDACTED

27905

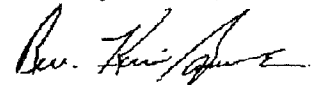
Kevin Barmasse
REDACTED

Dear Msgr. Loomis;

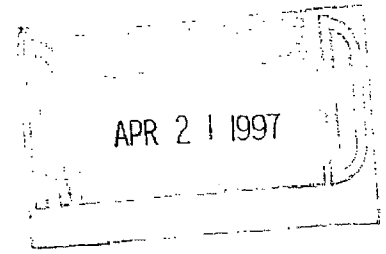
I am writing in response to your letter which I recently received. I first want to thank the archdiocese for the support in the past. I am not sure I understand your letter. Is the archdiocese going to keep reducing my support every month until there is no further support or is this a one time reduction so that one month I will receive \$500 and the next month \$400 and then \$500, then \$400, etc. The other interpretation is that the support will be reduced to \$400 then \$300, then \$200, etc. I will be starting a 1 and 1/2 year school cullinary program in the fall. I have been working and saving so as to be able to go to school and work part time; I am working full time now and saving. If the archdiocese is going to reduce my support to \$400 then, \$300, then \$200, etc. this would be a financial burden to me. If the plan is to be \$500 one month and \$400 the next and then \$500 and \$400 the next I can continue with my school plans. I would appreciate this consideration over the other. As regards the insurance I would appreciate being covered by the archdiocese as medical insurance for me would mean another \$200-\$250 a month.

Once again I appreciate all you and the archdiocese has done for me in the past. I ask, hope, and pray that you can and will continue for a while longer until I finish my cullinary schooling. Thank you for your time and attention in this matter. I have moved and am sending my new address. Please be assured of my prayers for you and your ministry.

Sincerely In Christ;



Rev. Kevin Barmasse



27902



COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-72843424
Wilshire
BoulevardLos Angeles
California
90010-2241

April 22, 1997

Reverend Kevin Barmasse
31577 Lindero Canyon Rd., Apt. 4
Westlake Village, CA 91361

Dear Father Barmasse:

Thank you for your response to my letter of April 9 which I received yesterday.

In response to your questions, number 1, we have maintained health insurance through the Archdiocese for as long as it is possible. The issuance of COBRA is required at this time. We really have no choice in that matter.

The plan concerning financial assistance which I outlined in my letter would mean that the Archdiocese would maintain the supplement of \$500 for two months. The following two months, you will receive \$400. The following two months, \$300 and so on until financial supplement would be ended.

However, I am happy to hear that you will be beginning a culinary program in the fall. I understand that this would take 1½ years to complete. Could you please send me your financial obligations for this program so that I can assess what financial assistance the Archdiocese would be able to give you in this situation.

Looking forward to hearing from you, I am

Sincerely yours,

Reverend Monsignor Richard A. Loomis
Vicar for Clergy

REDACTED

27901



COPY

MEMORANDUM
OFFICE OF THE VICAR FOR CLERGY

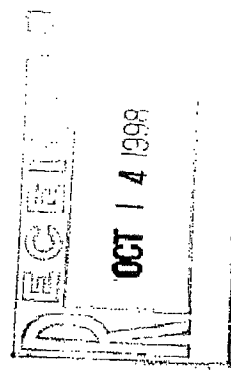
TO: REDACTED
REDACTED
FROM: REDACTED
RE: *Monthly Payments from Accounts Payable to
Father Kevin Barmasse*
DATE: February 3, 1998

As a follow-up to my memorandum to you dated June 23, 1997, this is to confirm in writing that the Archdiocese will no longer issue support checks to Father Barmasse. *The February check was his last check.*

Thank you for your taking note of this information.

REFERRAL MEMORANDUM from CARDINAL ROGER MAHONY

TO: Prop. Rooms DATE: 10-13-98



- Please REVIEW, then SEE ME
- Please REVIEW, then RETURN to me
- Please REVIEW, then SEND me your COMMENTS
- Please REVIEW, then FILE
- Please HANDLE this matter ENTIRELY
- Please ANSWER; send copy of letter to me
- Please WRITE A REPLY for my signature
- For your INFORMATION
- Please XEROX - FAX and send copy/copies to:

Original to: () file () back to me ()

REMARKS: Wow!! Guidance, please! Maybe you should be the one to answer this. - Thanks!

Your Eminence;

I am writing this letter first to say I am very glad, and thankful to God, for your recovery. My prayers continue to be with you in your health and in your ministry.

The other reason for my writing this letter is to ask for your prayerful consideration in allowing me to return to ministry in the priesthood. I am aware of the problems I have caused the archdiocese and for this I am truly sorry. I feel like the prodigal son returning to the father and asking him to take me back, not as a son but as a servant. I realize I cannot be assigned to a parish, but ministry in the tribunal, a hospital, or other area of ministry. I want you to know that I have spent time and prayer in asking to come back and I feel a real call and desire to return. I ask the same of you; to think and pray about your decision. I realize there will be conditions and I am willing to do whatever it takes to return.

Thank you for taking the time and attention in this matter. Again, be assured of my continued prayers for you and the people of the archdiocese.

Sincerely in Christ,



Kevin P. Barmasse



MEMORANDUM

To: Cardinal Roger Mahony

From: Monsignor Richard Loomis ^{REDACTED} 7

CONFIDENTIAL

Date: Friday, October 16, 1998

Re: Reverend Kevin Barmasse

I have reviewed Father Barmasse's file. It fills three, large file-folders. In a little less than eight years in active ministry (one here in Los Angeles and seven in Tucson), he left a wake of devastation that is hard to comprehend. I am distressed that he could even presume to write concerning a return to ministry. We are still providing therapy to one of his victims.

His self-centered approach to this entire situation illustrates his lack of comprehension of the hurt he has caused. Misconduct does have consequences. He seems only able to see those consequences in regard to himself. He seems blind to the hurt those consequences have caused for several families and two dioceses. To style himself "a prodigal son" is an insult to the scriptural type.

His psychological evaluation warns us that he presents a risk in ministry. The plethysmography test showed an unconscious tendency to sexual attraction to minor boys. Even at the conclusion of residential treatment, the treatment team could not recommend a return to ministry. I am sure that the Sexual Abuse Advisory Board would balk at any suggestion of re-entry into active ministry.

Both the criminal and civil laws concerning the abuse of minors have changed. As I understand it, the statutes of limitations have been substantially reworked for criminal and civil cases (in response to the case against ^{REDACTED} EDACTED The Archdiocese is clearly "on notice" regarding his problems. There would be no insurance coverage. Any acting out after a return to ministry would be financially devastating, as well as a disaster in the public eye. If he was granted a limited ministry, our current policy would demand that the clergy and people with whom he lived and worked would have to know his story and be willing to accept the risks implied in working with him. Even so, we do not have a ministry assignment or living situation which could possibly provide sufficient supervision.

I do not see how we could possibly accede to his request. His past behavior makes a return impossible. However, my files do not show the status of the canonical proceeding. I suggest that we wait to answer him until Monsignor ^{REDACTED} returns from the Canon Law Convention.

I see no way we could ever consider this - best if you respond after seeing
REDACTED REDACTED
+ RLM

27890

10-19-98



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-7284

3424
Wilshire
Boulevard

Los Angeles
California
90010-2241

January 4, 1999

Father Kevin P. Barmasse

REDACTED

Dear Father Barmasse:

Cardinal Mahony has asked that I respond to your letter. With the holidays intervening and a death in my family, I am only just now responding. I have to inform you that a return to ministry is not possible.

I deal fairly regularly with some of those affected by your actions. They are still dealing therapeutically and spiritually with the hurts from their contact with you. I can tell you with certainty that a return to ministry on your part would create a legal and public relations quagmire that would make it impossible for you to serve in any ministry in the Archdiocese.

Further, the fact that there would be no liability insurance for the Archdiocese nor for yourself would create an untenable situation. No institution or ministry in the Archdiocese could provide the degree of supervision that would be required. So many people would have to know your history that any effective ministry would be impossible.

I am sorry if this letter sounds bleak and harsh, but I must be honest with you concerning your request.

Sincerely yours in Christ,

Reverend Monsignor Richard A. Loomis
Vicar for Clergy

REDACTED

27888

CLERGY DATABASE

Last:Barmasse Title:Rev. First: Kevin Middle:P.

Color Blue

08/29/83 Mr. and Mrs. REDACTED wrote to REDACTED to let him know that Father had entertained their son, REDACTED in his room and that he had engaged in sexual actions with the boy. Not wishing to subject their son to further trauma, the parents decided not to sue in this matter. 09/12/83 REDACTED, made arrangements with the Diocese of Tucson that Father be moved there and also attend psychological counseling while there. 05/10/85 Excerpts from our lawyer:

REDACTED

REDACTED 01/17/86 Wrote inquiring about his status in the Ad. 02/18/86 Msgr. Curry informed him that we cannot offer him an assignment here. 08/24/91 Report from SLI REDACTED There have been some other incidents of sexual misconduct with minors while he was in AZ. Card. Mahony does not see any hope or future other than we must laicized him asap. Final actions: \$10,000 "retraining" check refused and returned to Accounting. Canon lawyer from Diocese of Stockton, REDACTED REDACTED Inactive Leave 7/1/92. 07/13/92 Faculties revoked by Decree. 10/23/92 Fr. received a check for \$1000. This was to cover September and October of a new payment of \$500 per month "until matter is completely resolved." On 11/02/92, REDACTED sent to Accts. Payable a memo to start paying him \$500 at the end of each month (starting 11/30/92) until further notice. After death of REDACTED, canonical advocate is REDACTED. As of 1/17/95, Ad. began therapy payments for victim REDACTED. 04/09/97 Msgr. Loomis sent a letter informing him that we will start reducing his mthly. checks by \$100 every other month unless he hears from him that we should adopt another course. Since we do not have a written agreement for his medical insurance, we will have to authorize the issuance of COBRA unless there is some error in this regard. 04/10/97 Our insurance Dept. has informed us that the last time he filed a medical claim was in May of '95. 04/21/97 Since we have not heard from him, Vicar authorized the Acct'g. Dept. to start reducing his mthly. ck. by \$100 every other month. Insurance Dept. was instructed to issue COBRA. 04/21/97 We received an undated letter from him. He is working full-time and is saving. He will be starting a 1 1/2 yr. culinary school program in the fall. He is thanking the Ad. for the support in the past. However, he does not understand the terms of the letter regarding reducing the amount of the support ck. He also wants us to continue paying for his health insurance as this would mean another expense for him. New address: REDACTED REDACTED. 05/12/97 COBRA was offered to him. His RETA benefits terminated on 04/30/97. 06/23/97 Since he did not submit copies of his financial obligations for his education program, Vicar authorized the Acct'g. Dept. to start reducing his support cks. by \$100 every other month starting with the July check. He received his last support ck. in Feb. of 1998. 10/14/98 Card. Mahony referred to Msgr. Loomis the undated letter he had received from him; however, it was post marked 10/09/98. He is asking the Cardinal for his consideration to allow him to return to ministry in the priesthood. He is aware of the problems he has caused in the past, and for this he is truly sorry. He realizes that he cannot be assigned to a parish, but ministry in the Tribunal, a hospital, or other area of ministry. He is asking the Cardinal to think and pray about his request. Cardinal Mahony is seeking Msgr. Loomis' guidance. 10/16/98 Excerpts from Msgr. Loomis' memo to the Cardinal: He left a wake of devastation that is hard to comprehend. I'm distressed that he could even presume to write concerning a return to ministry. We are still providing therapy to one of his victims. I do not see how we could possibly accede to his request. His past behavior makes a return impossible. However, my files do not show the status of the canonical proceeding. 10/19/98

Cardinal's remarks: I see no way we could ever consider this -- best if Msgr. Loomis respond after seeing Msgr. Cox and ^{REDACTED}_{REDACTED} . 01/04/99 Excerpts from Msgr. Loomis' letter to him: I have to inform you that a return to ministry is not possible. I deal fairly regularly with some of those affected by your actions. They are still dealing therapeutically and spiritually with the hurts from their contact with you. A return to ministry would create a legal and public relations quagmire that would make it impossible for you to serve in any ministry in the Ad. Further, the fact that there would be no liability insurance for the Ad. nor for yourself would create an untenable situation. So many people would have to know your history that any effective ministry would be impossible.



Archdiocese of Los Angeles

Office of the
Vicar for Canonical Services
(213) 637 7888

3424
Wilshire
Boulevard

Los Angeles
California
90010-2241

March 3, 1999

Rev. Kevin P. Barmasse
31577 Lindero Canyon Road, Apt. #4
Westlake Village, CA 91361

Dear Kevin:

REDACTED and I, under the direction of the Cardinal, have undertaken the task of reaching out to the men who are no longer in active ministry of the priesthood for the Archdiocese of Los Angeles. We have discovered older communications with you in the files here at the Archdiocesan Catholic Center but we didn't find anything recent about how you are getting along. Striving to continue the compassionate concern Christ surely has for you, we would like to invite you to share with us how things are going for you at this time, and to inquire if there is any way we can be of help or service to you. The Cardinal and we do care and want to be available to you.

There is no indication that you asked to initiate a laicization case for yourself. Perhaps you hadn't heard that the Holy Father has begun accepting those petitions again, several of them for men who once served here in Los Angeles are being processed right now. If you would like to know more about this please feel free to contact REDACTED or myself and we will be happy to discuss the way this would proceed in your particular situation.

We are eager to help facilitate the full practice of the Faith for everyone. But even if you have no particular need or desire at this time, we would appreciate hearing from you.

If you think we can be of service to you in any way please don't hesitate to call upon us.

Sincerely in Christ

REDACTED

REDACTED

27884

REDACTED

From: REDACTED
Sent: Thursday, March 27, 2003 3:57 PM
To: REDACTED
Subject: Attention: Msgr. Cox



spr32703.doc (46 KB)

Dear Msgr. Cox:

The attached document is the pastoral report REDACTED is making this weekend. You will note the section related to Father Kevin Barmasse.

I expect this report to be public on Saturday.

As you may be aware, REDACTED of the SF Weekly had a report last week which "exposed" the arrangement that led to Father Barmasse coming to the Diocese of Tucson.

Please contact me if you have any questions.

REDACTED
Diocese of Tucson

REDACTED

SPECIAL PASTORAL REPORT FROM ^{REDACTED} REDACTED
 March 27, 2003
 TO THE CLERGY, RELIGIOUS AND LAITY OF THE DIOCESE
 "Proceeding honestly on our journey towards forgiveness."
 My Dear Sisters and Brothers in Christ Jesus:

Over the last four months, the Diocese of Tucson Sexual Misconduct Review Board, with the full cooperation of the Diocese and with the assistance and direction of Dr ^{REDACTED} REDACTED, director of the Office of Child, Adolescent, and Adult Protection, has been reviewing allegations of sexual misconduct involving minors that have been made against priests and other Church personnel who have served in the Diocese.

Included in this review have been the allegations made against the 15 priests who were identified by the Diocese last year in June and allegations that have come forward after June.

The review of allegations that have come forward after June has encompassed allegations reported directly to the Diocese, allegations reported through the Victim's Assistance Program and allegations that have become known through an extensive review of archival records.

As a result of its review, the Board has recommended to me that I inform our parish communities that there are credible allegations of sexual misconduct involving minors against six additional members of the clergy who served in the Diocese in the past.

None of those clergy is now serving in ministry. They are either dead, have been suspended, or have left ministry.

All known allegations against these clergy have been reported to proper authorities.

The Diocese has made efforts to contact all known victims to offer counseling and to express my interest in meeting with them so that I can offer sorrow and regret.

As painful and discouraging as such reports are, we know that they must be made so that we can reach out to victims and try to bring some healing to their pain.

Here is a compilation of the information about each of the clergy personnel.

Rev. Kevin Barmasse

Rev. Barmasse was ordained a priest for the Archdiocese of Los Angeles in 1982. He remained a priest of the Archdiocese during the time of his assignments in the Diocese of Tucson. He left the Diocese in 1991.

His assignments were:

St. Andrew the Apostle Parish, Sierra Vista (1983-1986);
 St. Elizabeth Ann Seton Parish, Tucson (1986-1988);
 Blessed Sacrament Parish, Mammoth (1988-1991).

REDACTED

REDACTED

252391

REDACTED

The review of archival records has shown that these presently or previously named priests were given assignments after there was awareness of an allegation: Rev. Kevin Barmasse; REDACTED
REDACTED

In the instance of Rev. Barmasse, when the Diocese accepted him for ministry in 1983, the Diocese was aware that an allegation of sexual misconduct with a minor had been made against him while he served as a priest in the Archdiocese of Los Angeles.

Documents reviewed by the Sexual Misconduct Review Board state that the allegation, reported to the Archdiocese in 1983, was investigated by law enforcement in Los Angeles at that time. The documents further state that prosecution was not pursued because the parents did not want to subject their child to interviews and because the parents and law enforcement believed that removal of Rev. Barmasse from the Archdiocese and psychiatric treatment would solve the problem.

The Diocese accepted Rev. Barmasse for ministry with the understanding that he would receive treatment. Documents show that Rev. Barmasse did receive treatment, but the information regarding that treatment is very limited. However, during and at the end of treatment, Rev. Barmasse was judged by the treating professional to be able to minister safely, although the prediction for the future was cautious.

An allegation against Rev. Barmasse, related to the time he served in the Diocese, was reported to the Diocese in 1996, five years after Rev. Barmasse had left the Diocese. The Diocese has reported this allegation to law enforcement.

The Diocese did not receive, while he was serving in the Diocese, any such notice of sexual misconduct involving minors by Rev. Barmasse.

Certainly, we know now that the arrangement that was made for Rev. Barmasse to come to the Diocese was wrong. He should not have been allowed to minister here or anywhere else. Such arrangements are not allowed to be made today, both by our own policies and by the policies the Bishops of the United States have put into place.

With this letter, I encourage anyone who may have experienced sexual misconduct or abuse by any Church personnel to come forward to make a report to law enforcement, to

receive what pastoral support the Church can offer, and to obtain support for counseling if it is needed now.

The report may be made directly to local law enforcement, and may also be made to the Diocese of Tucson in the person of REDACTED of the Diocesan Office for Child, Adolescent, and Adult Protection (520-792-3410), or through the Victim's Assistance Program at Catholic Social Services (1-800-234-0344 outside of Tucson and 623-0344 in the Tucson area).

Concluding this report to you, I am very confident that we have developed clear policies and procedures that will guide us in these matters in the future.

Also, the work of the Sexual Misconduct Review Board and REDACTED give me confidence that we will continue to address these matters with openness, honesty, and transparency.

I realize that for many the release of more names elicits a sense of burden. There may be a feeling that we have dwelt on these matters for too long. There is a desire to "get past it" or to "move on."

We stay with this course of reviewing allegations and revealing the names of those against whom credible allegations have been made, even allegations arising after many years have passed, for two important reasons.

The first is really for our own sake, as a people of faith. The first stage of wisdom lies in facing our own failings. As John wrote in his first letter, "If we acknowledge our sins, he is faithful and just, and will forgive."

The second is for the sake of those who have been injured. We believe that an important part of their healing is to know that they have not suffered alone. We believe that an important part of their healing is to know that their suffering is recognized. We believe that an important part of their healing is to hear that we are sorry.

There is hope, but it is not the hope that all our sins are now behind us. Our hope is in the truth and in the forgiveness that has been given us in Christ. We live out this hope in continuing our efforts to review and reveal what have been our failings, proceeding honestly on our journey towards forgiveness and striving to act with compassion for all.

We resolve to continue to seek to know what has happened. We will review our records and listen to allegations and complaints. We resolve to speak publicly about what we come to know when we believe that allegations are credible.

We will act, to the best of our ability, fairly and judiciously. We will not stand in the way of consequences to those who have harmed others, but we will act also with compassion for all, no matter their behavior, past or present.

Above all, we will act with perseverance to work through this crisis, in faith that Christ Jesus will see us through.

Sincerely yours in Christ,
REDACTED

TO: File

FROM: Monsignor Craig A. Cox

RE: ~~Reverend Kevin Barnasse~~
 REDACTEDREDACTED

DATE: 2 June 2004

REDACTED REDACTED a priest of this Archdiocese on Leave of Absence, spoke by phone. There was an item of business which we briefly discussed.

He then indicated that he had been involved in counseling and that wanted to take advantage of an earlier offer I made to him for help with counseling. He explained that Father Kevin Barnasse had sexually abused him when he was a minor. With the help of his counselor he is now able to acknowledge and talk about this.

I did not take any detail about this at the time, but do want to meet with REDACTED REDACTED at an appropriate time to take a fuller statement.

I told him that I would have REDACTED EDACTED, our Assistance Minister, contact him to arrange for the therapeutic assistance he needs. I did so.

I asked REDACTED REDACTED if I could share this information with the Cardinal, and he indicated that he was comfortable with me doing that.



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

25 July 2005

PROT. N. 600/2004 – 21483
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Reverend and Dear Father Cox,

The Congregation for the Doctrine of the Faith has received your inquiry regarding the case of the **Rev. Kevin P. BARMASSE**, a priest of the Archdiocese of Los Angeles, who has been accused of the sexual abuse of minors. You have asked if this Dicastery has received the cleric's request for a dispensation from the obligations of priesthood, including celibacy.

I would call your attention to the letter sent to His Eminence, Roger Cardinal Mahony on 10 June 2005. The aforementioned request for dispensation was received by this Office. In order, however, to prepare a petition for presentation to the Holy Father the complete *Acta* of a case are necessary so that His Holiness is fully apprised of the particulars of the situation as he exercises his grave responsibility in making a decision in this most serious matter.

With prayerful support and best wishes, I remain,

Sincerely yours in Christ,

Father Joseph Augustine DI NOIA, O.P.
Under-Secretary

Rev. Mons. **Craig A. COX**
Archdiocese of Los Angeles
3424 Wilshire Blvd.
Los Angeles, CA 90010-2241
UNITED STATES OF AMERICA

RE: Reverend Kevin Barmase

Interview with REDACTED REDACTED

The interview was conducted at the Curia of the Archdiocese of Los Angeles in California on Tuesday, August 23, 2005. REDACTED REDACTED is a priest of the Archdiocese of Los Angeles currently on an authorized leave of absence dealing with vocational issues. He had previously reported that as a teenager he had been abused by then Deacon Kevin Barmasse and that this had done psychological damage to him. The Archdiocese had provided counseling for him. The purpose of this interview was to learn the specifics of the abusive behavior in view of Father Barmasse's petition for a dispensation from clerical obligations.

REDACTED REDACTED was asked to describe in his own words his dealings with Deacon Barmasse and the events that led to the abuse.

I was very active in my home parish since the fourth grade and particularly close to a number of the priests. The pastor, REDACTED REDACTED was a great man. Among other priests there were REDACTED now REDACTED, REDACTED REDACTED, REDACTED REDACTED. I served Mass a lot and I also did other work around the church and rectory. I was thinking of being a priest and had a great love and respect for priests and was around them a lot. I was also friends with REDACTED the parish cook, and would visit her and she would give me food at times. For years, transitional deacons from the seminary were assigned to REDACTED EDACTED for pastoral experience. That is how I met Kevin Barmasse. I was a student in REDACTED at the time. [Auditor's note: A Catholic REDACTED high school operated by the REDACTED and located in REDACTED California.]

Kevin was friendly to me and learned I was interested in becoming a priest. One day he invited me up to his room. He asked if I'd like to know what it felt like to be dressed in priest's garb and if I'd like to try on his clerical suit. I thought that as different but was intrigued and agreed. He gave me his black suit and clerical shirt and had me change into them. Then he came up behind me and started rubbing my shoulders and telling me all kinds of things, mind games. I started feeling weird and his hands moved to my buttocks and genitals. That got me aroused and I could tell he was aroused too. He was touching my penis, fondling it though the clothes. I was very uncomfortable and decided to leave. I changed out of the clerics and left. I felt very guilty and embarrassed and did not know what to do. I didn't tell anyone.

I tried to avoid Kevin after that, without making it obvious that I was avoiding him. I remember there was a parish picnic on the Fourth of July. He approached me and we talked. Because I had such respect for priests, I was feeling maybe I had overreacted. Anyway, as a result I stopped avoiding him and shortly thereafter there was another occasion when he

groped me much as he had before. I was disgusted and kept completely away from him after that. His assignment ended the end of the summer.

I asked if the two incidents described were the only to incidents, and also whether he ever told anyone else about his experiences with Deacon Barmasse.

Those were the two incidents. I never gave him another opportunity. I did not tell anyone else. I held it inside until my contact with you to tell you about what happened.

REDACTED REDACTED reaffirmed that he had told the whole truth.

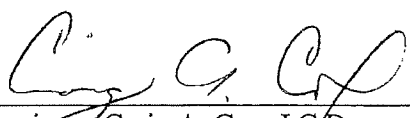
Background Information:

REDACTED was born on REDACTED. Archdiocesan records indicate that then Deacon Barmasse was assigned to St. Joseph Parish, Pomona, for a summer deacon internship from June 10 through August 12, 1981. This REDACTED was 18 years of age at the time of the incidents described above, not a minor either in canon or civil law. Therefore, this particular claim is not a delict for which prescription can be dispensed. Nonetheless, given the other claims regarding Father Barmasse, it is an indication of a troubling pattern of behavior.

Assessment:

REDACTED REDACTED was speaking because he anted to do the right thing and to be sure the truth about Father Barmasse emerged. He has no interest in any lawsuit and indicates he has forgiven Father Barmase. In ct, he inquired whether there might be an opportunity in the future to meet with him so he can share directly with him how his abusive actions affected him. I indicated that I would communicate that request to Father Barmasse in the future.

I have no reason to doubt the veracity of the testimony of REDACTED REDACTED. In fact, its straightforward nature coupled with his motivation for coming forward give me great confidence in his credibility.


Monsignor Craig A. Cox, J.C.D.
Vicar for Clergy

23 August 2005



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-7284

3424
Wilshire
Boulevard

Los Angeles
California
90010-2202

October 7, 2005

REDACTED

Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Città del Vaticano

RE: Reverend Kevin P. Barmasse
600/2004-21483

Dear ^{REDACTED}REDACTED


Thank you for your letter of 25 July 2005, in which you request copies of the *acta* related to Reverend Kevin P. Barmasse, who has petitioned for a dispensation from the obligations of the clerical state.

The *acta* in this case are extensive since Father Barmasse previously has a case before the Congregation for the Clergy. Please find enclosed all the materials from Father Barmasse's regular clergy file (including his seminary file), his confidential file (in three parts), and the materials related to his previous recourse.

I trust that these materials will aid the members of the Congregation in their assessment of his petition for a dispensation from the rights and obligations of the clergy.

May God continue to bless you in dealing with these very difficult issues!

Yours in Christ,



Monsignor Craig A. Cox, J.C.D.
Vicar for Clergy

enclosures

252379



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-7284

3424
Wilshire
Boulevard

Los Angeles
California
90010-2202

October 8, 2005

Archbishop Gabriel Montalvo, J.C.D.
Apostolic Nunciature
3339 Massachusetts Avenue, N.W.
Washington, DC 20008

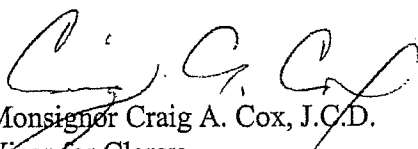
RE: CDF Prot. No. 600/2004-21483

Your Excellency:

Would you please be so kind as to forward the enclosed letter and materials to Father DiNoia at the Congregation for the Doctrine of the Faith?

Thank you very much for your attention to this matter. May God continue to bless you!

Yours in Christ,


Monsignor Craig A. Cox, J.C.D.
Vicar for Clergy

enclosures

252378



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

7 March 2006

PROT. N. 600/2004 - 22292

(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Eminence,

On 22 November 2004 you presented and supported the petition, dated 16 November 2004, of **the Rev. Kevin P. BARMASSE**, a priest of the Archdiocese of Los Angeles who has been accused of multiple acts of sexual abuse against minors and has requested from the Holy Father the grace of dispensation from all the obligations of the clerical state, including celibacy.

This Congregation, after having carefully examined the documents of the present case and in light of the *votum* expressed by Your Eminence, decided on 12 January 2006 to forward the petition to the Holy Father for his decision. Subsequently, on 17 February 2006, Pope Benedict XVI granted the Rev. Kevin P. Barmasse the grace of dispensation *iuxta petita*, from all priestly obligations, including celibacy. Enclosed you will find two copies of the relevant Decree. Your Eminence is kindly requested to ensure that the priest is duly notified thereof. I would ask you also to return one of the signed copies of the Decree to this Office.

With prayerful support and every best wish, I remain

Yours fraternally in the Lord,

✠ William Joseph LEVADA
Archbishop Emeritus of San Francisco
Prefect

-Enclosures-

His Eminence
Roger Cardinal MAHONY
Archbishop of Los Angeles
3424 Wilshire Boulevard
Los Angeles, CA 90010-2202
UNITED STATES OF AMERICA

187198



CONGREGATIO PRO DOCTRINA FIDEI

Prot. N. 600/2004

Angelorum in California
(Los Angeles, U.S.A.)

D.nus **Kevin P. BARMASSE**, presbyter huius arcidioecesis, humiliter petit dispensationem ab omnibus oneribus sacrae Ordinationi conexas

Summus Pontifex Benedictus, Papa XVI

Die 17 m. Februarii a. 2006

habita relatione de casu a Congregatione pro Doctrina Fidei,
precibus praedicti sacerdotis annuit iuxta sequentes rationes:

1. Dispensationis Rescriptum a competenti Ordinario oratori quamprimum notificandum est:

- a) Eius effectum sortitur a momento notificationis;
- b) Rescriptum amplectitur inseparabiliter dispensationem a sacro coelibatu et simul amissionem status clericalis. Nunquam oratori fas est duo illa elementa seiungere, seu prius accipere et alterum recusare;
- c) Si vero orator est religiosus, Rescriptum concedit etiam dispensationem a votis;
- d) Idemque insuper secumfert, quatenus opus sit, absolutionem a censuris.

2. Notificatio dispensationis fieri potest vel personaliter ab ipso Ordinario eiusve delegato aut per ecclesiasticum actuarium vel per "epistulas praescriptas" (*registered*). Ordinarius unum exemplar restituere debet rite ab oratore subsignatum ad fidem receptionis Rescripti dispensationis ac simul acceptationis eiusdem praeceptorum.

3. Notitia concessae dispensationis adnotetur in Libris baptizatorum paroeciae oratoris.

4. Quod attinet, si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriori apparatu.

5. Auctoritas ecclesiastica, cui spectat Rescriptum oratori rite notificare, hunc enixe hortetur, ut vitam Populi Dei, ratione congruendi cum nova eius vivendi condicione, participet, aedificationem praestet et ita probum Ecclesiae filium se exhibeat. Simul autem eidem notum faciat ea quae sequuntur.

187199

- a) *Sacerdos dispensatus eo ipso amittit iura statui clericali propria, dignitates et officia ecclesiastica; ceteris obligationibus cum statu clericali conexas non amplius adstringitur;*
- b) *exclusus manet ab exercitio sacri ministerii, iis exceptis de quibus in can. 976 et 986 § 2 CJC ac propterea nequit homiliam habere, nec potest officium gerere directivum in ambitu pastorali neve munere administratoris paroecialis fungi;*
- c) *item nullum munus absolvere potest in Seminariis et in Institutis aequiparatis. In aliis Institutis studiorum gradus superioris, quae quocumque modo dependent ab Auctoritate ecclesiastica, munere directivo fungi nequit;*
- d) *in aliis vero Institutis studiorum gradus superioris ab Auctoritate ecclesiastica non dependentibus nullam theologiam disciplinam tradere potest;*
- e) *in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradendo Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.*

6. Ordinarius curet ne presbyter dispensatus, propter defectum debitae prudentiae, fidelibus scandalum praebeat. Haec pastoralis sollicitudo Ordinarium a fortiori gravissime urget si adest periculum quamvis remotum minoribus abutendi.

7. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 17 m. Februarii a. 2006

+ William J. Levada

✠ Gulielmus Iosephus LEVADA
 Archiep. emeritus Sancti Francisci in California
 Praefectus

+ F. Amato

✠ Angelus AMATO, S.D.B.
 Archiep. titularis Silensis
 a Secretis

Dies notificationis _____

187200

Subsignatio Presbyteri in signum
 acceptionis

Subsignatio Ordinarii



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-7284

3424
Wilshire
Boulevard

Los Angeles
California
90010-2202

Acknowledgement of the Notification of the Rescript

CASE: Kevin P. Barmasse
Prot. N: 600/2004 – 22292

I attest that on Tuesday, May 2, at the parish of Our Lady of Grace, Encino, California, I meet with Kevin P. Barmasse. On that occasion I formally notified him of the rescript from the Congregation for the Doctrine of the Faith dispensing him from the obligations of the clerical state, including celibacy and I provided an authentic copy of the rescript and a translation for him. I informed him that the provisions of the rescript took effect from that moment.

Kevin P. Barmasse, acting on the advice of his brother who is also a civil attorney, indicated that he would not sign the rescript. Nor did he wish to ask any questions or receive any explanation of its contents. I indicated that I hoped, after he had read the document and discussed it with his brother, he would arrange to meet with me again to sign for the document. I explained, however, that the provisions of the rescript were in effect whether he ever signed the document or not. He indicated that he understood that fact.

Monsignor Craig A. Cox, J.C.D.
Vicar for Clergy/Delegate of the Archbishop

May 3, 2006

187180



Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-7284

3424
Wilshire
Boulevard

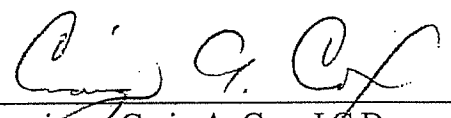
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Monsignor Craig A. Cox, J.C.D.
Vicar for Clergy/Delegate of the Archbishop

May 3, 2006

407585



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

7 March 2006

PROT. N. 600/2004 - 22292

(In responsione fiat mentio huius numeri)

CONFIDENTIAL

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With prayerful support and every best wish, I remain

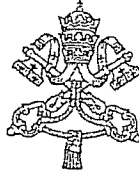
Yours fraternally in the Lord,

✠ William Joseph LEVADA
Archbishop Emeritus of San Francisco
Prefect

-Enclosures-

His Eminence
Roger Cardinal MAHONY
Archbishop of Los Angeles
3424 Wilshire Boulevard
Los Angeles, CA 90010-2202
UNITED STATES OF AMERICA

407586



CONGREGATIO PRO DOCTRINA FIDEI

Prot. N. 600/2004

Angelorum in California
(Los Angeles, U.S.A.)

D.nus Kevin P. BARMASSE, presbyter huius arcidioecesis, humiliter petit dispensationem ab omnibus oneribus sacrae Ordinationi conexis

Summus Pontifex Benedictus, Papa XVI

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habita relatione de casu a Congregatione pro Doctrina Fidei,
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3. Notitia concessae dispensationis adnotetur in Libris baptizatorum parociae oratoris.

4. Quod attinet, si casus ferat, ad celebrationem canonici matrimonii, applicandae sunt normae quae in Codice Iuris Canonici statuuntur. Ordinarius vero curet ut res caute peragantur sine exteriori apparatu.

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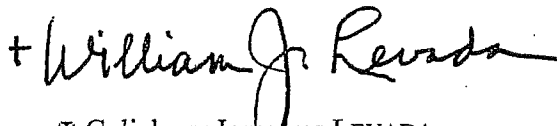
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- e) *in Institutis autem studiorum gradus inferioris dependentibus ab Auctoritate ecclesiastica, munere directivo vel officio docendi fungi nequit. Eadem lege tenetur presbyter dimissus ac dispensatus in tradendo Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.*

6. Ordinarius curet ne presbyter dispensatus, propter defectum debitae prudentiae, fidelibus scandalum praebeat. Haec pastoralis sollicitudo Ordinarium a fortiori gravissime urget si adest periculum quamvis remotum minoribus abutendi.

7. Tempore autem opportuno, Ordinarius competens breviter ad Congregationem de peracta notificatione referat, et si qua tandem fidelium admiratio adsit, prudenti explicatione provideat.

Contrariis quibuscumque minime obstantibus.

Ex Aedibus Congregationis, die 17 m. Februarii a. 2006



✠ Gulielmus Iosephus LEVADA
 Archiep. emeritus Sancti Francisci in California
 Praefectus



✠ Angelus AMATO, S.D.B.
 Archiep. titularis Silensis
 a Secretis

Dies notificationis _____

Subsignatio Presbyteri in signum
 acceptionis

Subsignatio Ordinarii



3339 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20008-3687

APOSTOLIC NUNCIATURE
UNITED STATES OF AMERICA

No.25.833.....

October 13, 2005

This No. Should Be Prefixed to the Answer

Dear Monsignor Cox:

Thank you for your kind letter of October 8 2005, with enclosure.

Rest assured that the letter and materials concerning the petition of **Reverend Kevin P. Barmasse** for a dispensation from the related obligations of the clerical state will be duly forwarded through the diplomatic pouch to *Reverend Father Joseph Augustine DiNoia, O.P., Undersecretary, Congregation for the Doctrine of the Faith.*

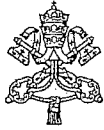
With cordial regards and best wishes, I remain

Sincerely yours in Christ,

*Archbishop Gabriel Montalvo
Apostolic Nuncio*

Monsignor Craig A. Cox, J.C.D.
Vicar for Clergy
Archdiocese of Los Angeles
3424 Wilshire Boulevard
Los Angeles, California 90010-2202

RECEIVED
OCT 17 2005
BY:



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Ufficio 13 June 2005

600/2004 – 21295

PROT. N.
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Eminence,

The Congregation for the Doctrine of the Faith received on 27 November 2004 the case regarding the alleged sexual abuse of a minor by **Reverend Kevin P. BARMASSE**, a priest of the Archdiocese of Los Angeles. Your Eminence submitted a summary of the case together with the priest's petition seeking a dispensation from the clerical state.

We write at this time to request the complete *Acta* of the case. Though written summaries are helpful, actual documents are necessary in order for the Congregation to examine the case. Each element of the summary that you have already submitted should be supported by the relevant evidence and documentation either in the original form or in an authentic copy.

In addition to the requested information, it would also be important to the Congregation to have your *Votum* in the matter as this is essential in our study of the case.

With prayerful support and best wishes, I remain

Yours sincerely in Christ,

✠Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

His Eminence
Roger Cardinal Mahony
Archbishop of Los Angeles
3424 Wilshire Boulevard
Los Angeles, California 90010-2202
UNITED STATES OF AMERICA



3339 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20008-3687

APOSTOLIC NUNCIATURE
UNITED STATES OF AMERICA

25.833

November 25, 2004

No.

This No. Should Be Prefixed to the Answer

Dear Monsignor Cox:

I acknowledge your kind letter of November 23, 2004, with enclosure.

Rest assured that the petition of Reverend Kevin Barmasse for a dispensation from clerical obligations will be duly forwarded through the diplomatic pouch to His Eminence, Joseph Cardinal Ratzinger, Prefect, Congregation for the Doctrine of the Faith.

With cordial regards and best wishes, I remain

Sincerely yours in Christ,

Archbishop Gabriel Montalvo
Apostolic Nuncio

Monsignor Craig A. Cox, J.C.D.
Vicar for Clergy
Archdiocese of Los Angeles
3424 Wilshire Boulevard
Los Angeles, CA 90010-2241

NOV 29 2004

407591



FILE

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-7284

3424
Wilshire
Boulevard

Los Angeles
California
90010-2202

November 23, 2004

Archbishop Gabriel Montalvo, J.C.D.
Apostolic Nunciature
3339 Massachusetts Avenue, N.W.
Washington, DC 20008


RE: Reverend Kevin Barmasse

Your Excellency:

Would you please be so kind as to forward this letter from Cardinal Roger Mahony and petition from Father Barmasse to Cardinal Joseph Ratzinger at the Congregation for the Doctrine of the Faith?

Thank you very much for your kind attention to this matter. May God continue to bless you!

Yours in Christ,



Monsignor Craig A. Cox, J.C.D.
Vicar for Clergy

enclosures

407592



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 637-7288

3424
Wilshire
Boulevard

Los Angeles
California
90010-2202

November 22, 2004

His Eminence
Cardinal Joseph Ratzinger
Congregation for the Doctrine of the Faith
Piazza del S. Uffizio, 11
00120 Vatican City
EUROPE

RE: Reverend Kevin P. Barmasse

Your Eminence:

On 17 November 2004, I wrote to you with regard to the situation of Father Kevin P. Barmasse. In that letter, I noted that we had received assurances that he was planning to present a petition for dispensation from clerical obligations and a return to the lay state.

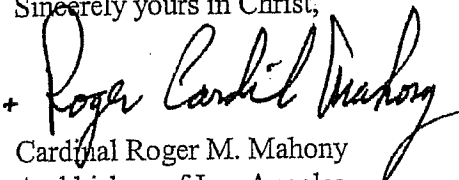
Enclosed, please find the petition submitted by Father Barmasse.

As noted in my letter and the summary of his situation submitted with it, there are numerous allegations that Father Barmasse engaged in various forms of sexual misconduct, some of which involved canonical minors. It is evident that he could never resume any sort of priestly ministry.

I ask that you please present this petition to His Holiness, Pope John Paul II, at the earliest possible time. I urge that the petition be granted, and granted speedily, for the good of the Church.

I would be happy to provide additional information or to discuss this with you or another official of the Congregation that you designate.

With great esteem, and assurance of continued prayers for you and the ministry of the Congregation for the Doctrine of the Faith, I am

Sincerely yours in Christ,

Cardinal Roger M. Mahony
Archbishop of Los Angeles

407593

enclosure: petition

Pastoral Regions: Our Lady of the Angels San Fernando San Gabriel San Pedro Santa Barbara

Kevin Barmasse
REDACTED

November 16, 2004

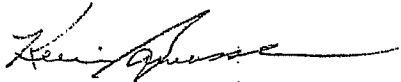
His Holiness
Pope John Paul II
Vatican

Your Holiness,

I, Reverend Kevin Barmasse, hereby petition for a dispensation from the obligations of the Sacred Order of Presbyter and the related obligations of the clerical state.

I present this petition because I recognize that it is impossible for me to return to any effective priestly ministry. Therefore, I freely petition this return to the lay state for the welfare of the Church and for my own spiritual welfare.

Sincerely yours in Christ,



Reverend Kevin Barmasse



FILE

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-7284

3424
Wilshire
Boulevard

Los Angeles
California
90010-2202

November 22, 2004

Reverend Kevin Barnasse
REDACTED

Dear Kevin:

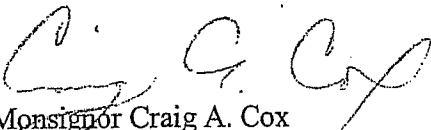
This is to acknowledge that I have received your letter of November 16, 2004, petitioning our Holy Father for a dispensation from the obligations of the clerical state.

I will forward that petition to the Vatican and I will keep you informed of developments.

Please give my best to your brother, REDACTED

May God bless you!

Yours in Christ,


Monsignor Craig A. Cox
Vicar for Clergy

407595



3339 MASSACHUSETTS AVENUE, N.W.
WASHINGTON, D.C. 20008-3687

APOSTOLIC NUNCIATURE
UNITED STATES OF AMERICA

No. 25.833
No.

November 21, 2004

This No. Should Be Prefixed to the Answer

Dear Monsignor Cox:

I acknowledge your kind letter of November 18, 2004, with enclosures.

Rest assured that the correspondence concerning Reverend Kevin P. Barmasse, including a check in amount \$500.00 for the taxa, will be duly forwarded through the diplomatic pouch to REDACTED
REDACTED Congregation for the Doctrine of the Faith.

With cordial regards and best wishes, I remain

Sincerely yours in Christ.
REDACTED

REDACTED

Archdiocese of Los Angeles
3424 Wilshire Boulevard
Los Angeles, CA 90010-2241

NOV 29 2004



Archdiocese of Los Angeles

REDACTED

3424
Wilshire
Boulevard

Los Angeles
California
90010-2202

November 18, 2004

REDACTED

Apostolic Nunciature
3339 Massachusetts Avenue, N.W.
Washington, DC 20008

RE: Reverend Kevin P. Barmasse

REDACTED

Enclosed, please find a letter from REDACTED to REDACTED at the Congregation of the Doctrine of the Faith, regarding Reverend Kevin P. Barmasse. With his letter are copies of the completed summary pages requested by the Congregation. All materials are submitted in triplicate.

REDACTED is seeking the assistance of the Congregation for the Doctrine of the Faith in this matter.

Would you please be so kind as to forward this to the Congregation on our behalf?

Also enclosed is a check made out to the Congregation of the Doctrine of the Faith to cover the usual *taxa* in such matters.

Thank you very much for your kind attention to this matter. May God continue to bless you!

Yours in Christ,
REDACTED

enclosures

407597

176247

Check Date: 16.Nov.2004

ACCLA

Check No.

Invoice Number	Invoice Date	Voucher ID	Gross Amount	Discount Available	Paid Amount
518 VC	15.Nov.2004	00118812	500.00	0.00	500.00

Vendor Number	Name	Total Discounts
0000002838	Congregation For The Doctrine	\$0.00

Check Number	Date	Total Amount	Discounts Taken	Total Paid Amount
	16.Nov.2004	\$500.00	\$0.00	\$500.00

DO NOT CASH IF THIS DOCUMENT DOES NOT HAVE A LARGE FAIR IMAGE OF THE SECURE DOCUMENT LOGO OVERLYING THE PATTERN OF THE WORDS SECURE DOCUMENT



REDACTED

3424 Wilshire Blvd.
Los Angeles, California 90010-2241
(213) 637-7691

Wachovia Bank, N.A.
Greenville, South Carolina
In Cooperation with & Payable if Desired at
Wells Fargo Bank, N.A.
4759-613201 67-1/532

176247

Date November 16, 2004 Pay Amount \$ 500.00***

Pay ****FIVE HUNDRED AND XX / 100 US DOLLAR****

To The Order Of

REDACTED

CONGREGATION FOR THE DOCTRINE
of the Faith
Piazza Del S Offizio II
00120 Vatican City

REDACTED REDACTED



Archdiocese of Los Angeles

Office of
the Archbishop
(213) 637-7288

3424
Wilshire
Boulevard

Los Angeles
California
90010-2202

November 17, 2004

His Eminence
Cardinal Joseph Ratzinger
Congregation for the Doctrine of the Faith
Piazza del S. Uffizio, 11
00120 Vatican City
EUROPE

RE: Reverend Kevin P. Barmasse

Your Eminence:

It is with deep regret that I am seeking the assistance and guidance of the Congregation for the Doctrine of the Faith with regard to Reverend Kevin P. Barmasse, a priest incardinated in the Archdiocese of Los Angeles. For a number of years, Father Barmasse also served in the Diocese of Tucson, Arizona.

There have been several reports that Father Barmasse engaged in sexual activities with both minors and adults, some of which were a clear violation of the provisions of canon 1395, §2. The first of these reports emerged in 1983, with others emerging in 1991-1993, and most recently in 2003 and 2004.

Thus, from the very beginning of his priestly service, there have been reports of sexual misconduct on the part of Father Barmasse. This purported misconduct took place both in this Archdiocese and in the Diocese of Tucson. He has been out of priestly ministry since beginning a sick leave in 1991.

Recently, we received firm verbal assurances that Father Barmasse now acknowledges that he can never return to priestly ministry, and intends to submit a petition seeking dispensation from clerical obligations and a return to the lay state. This is welcome news.

Should, however, Father Barmasse not follow through on this expressed intention, I hereby seek dispensation from prescription, since many of the reported misdeeds were denounced many years ago. Should Father Barmasse not petition for laicization, I further seek authorization to employ the administrative penal process of canon 1720, with a view to recommending the penalty of dismissal from the clerical state.

407599

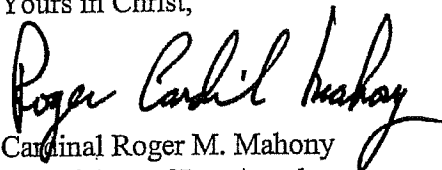
*Letter to Cardinal Joseph Ratzinger
Re: Reverend Kevin P. Barmasse
Page 2 of 2*

If it is your Congregation's judgment that some other course of action is more appropriate, I will see to its execution.

I would be most grateful for the guidance and assistance of the Congregation in this sensitive matter that raises difficult canonical and pastoral problems. Please know that you are in my prayers.

I remain,

Yours in Christ,

+ 
Cardinal Roger M. Mahony
Archbishop of Los Angeles

enclosures

DIOCESE	Los Angeles in California
NAME OF ORDINARY	Cardinal Roger M. Mahony
CDF PROT. N. (if available)	
NAME OF CLERIC	Reverend Kevin P. Barnasse

PERSONAL DETAILS OF THE CLERIC	Date of Birth	20 July 1955	Age	49
	Ordination	19 June 1982	Years of ministry	9
ORIGINAL DIOCESE OF INCARDINATION		Los Angeles in California		
MINISTRY IN/TRANSFER TO OTHER DIOCESE		Ministry in the Diocese of Tucson, Arizona		
CONTACT ADDRESS OF THE CLERIC				
PROCURATOR (include original signed mandate)		REDACTED Diocese of Sacramento 2110 Broadway Sacramento, CA 95818-2518		
CONTACT ADDRESS OF THE PROCURATOR				
ASSIGNMENTS				
Year	Parish	Location	Appointment	
1982	St. Pancratius	Lakewood, California	Parochial Vicar	
1983			Leave of Absence	
1983	St. Andrew	Sierra Vista, Arizona	Parochial Vicar	
1986	St. Elizabeth Ann Seton	Tucson, Arizona	Parochial Vicar	
1988	Blessed Sacrament	Mammoth, Arizona	Administrator	
1991			Left Diocese of Tucson and began Leave of Absence	

ACCUSATIONS AGAINST THE CLERIC				
Year	Victim	Age	Imputable Acts	Denunciation
1986	REDACTED	15	Rubbing of the buttocks of the minor, priest rubbing his crotch and erect penis on the minor, tried to have minor perform oral sex on him, fondling and masturbating the minor. Provided wine and beer to the minor. Priest masturbated and ejaculated on the minor, one incident of anal penetration. Sometimes these activities occurred in the context of private "prayer" services.	1991
1983	REDACTED	12	Parents claim that Fr. Barmasse had engaged in sexual acts with the boy in the priest's room	August 1983
1987	REDACTED	REDACTED		
1987	REDACTED	15	Provided alcohol to the minor to the point of getting him drunk, providing pornographic movies, unbuttoning the pants of the minor and masturbating him, once to the point of orgasm, fondling.	2003
1986-1987	REDACTED	16	Allegation of sexual molestation, but no specific information regarding the nature of the purported behavior is available.	1991
1986-1987	REDACTED	15	Rubbing of minor's body, lowering of his pants and fondling buttocks and testicles, masturbating the minor, have the minor perform oral sex on him, watching pornographic movies with the minor, anal sex.	1991
1986-1987	REDACTED	17	While saying prayers, forcing his crotch into the minor's face. Unzipping minor's pants and fondling genitals. A total of 7-10 occasions	1993
1983-1985	REDACTED	16	Offering alcohol to the minor, undressing himself and exhibiting his penis to the minor, having the minor orally copulate him to the point of ejaculation, rubbing the minor's groin. These events occurred perhaps a dozen times. Raped with anal penetration one time.	2003
??	REDACTED	minor	Initial report made, but an interview regarding the specifics has not yet been able to be arranged.	2004
CIVIL PROCEEDINGS AGAINST THE CLERIC				
Year	Type/Case	Conviction	Sentence (include copies of civil documents)	
2003	Civil Lawsuit for Damages (BC303616), REDACTED	pending		

2003	Civil Lawsuit for Damages (BC303675), REDACTED	pending	
2003	Civil Lawsuit for Damages (BC307191), REDACTED	pending	
2003	Civil Lawsuit for Damages (BC307192), REDACTED	pending	
2003	Civil Lawsuit for Damages (BC307550), REDACTED	pending	

MEASURES ADOPTED BY THE DIOCESE

Year	
1983	Faculties removed and placed on leave of absence. Father Barmasse was then accepted for service in the diocese of Tucson. Information about the complaint was communicated.
1991	After requests for assignment in the Archdiocese of Los Angeles or excardination for the purpose of incardinating into the Diocese of Tucson, Father Barmasse was asked to undergo an assessment at The Saint Luke Institute, Suitland, Maryland. The assessment report was issued in April of 1991. He entered residential treatment at Saint Luke in July of 1991.
1992	Father Barmasse was discharged from The Saint Luke Institute on January 14, 1992. The Archbishop decided not to entrust an assignment to ministry to him. The Archdiocese paid for ongoing therapy for Father Barmasse.

SUSTENANCE PROVIDED BY THE DIOCESE TO THE CLERIC

During his time at The Saint Luke Institute, Father Barmasse was provided salary and benefits. After his discharge, he was given transition assistance and the Archdiocese paid the costs of his ongoing therapy. At the time Father Barmasse took recourse to the Congregation for the Clergy, he was provided a payment of \$500.00 a month as well as medical insurance. This was maintained through June of 1997. Beginning July 1, 1997, the monthly allotment was progressively reduced by \$100.00 every other a month until it ceased entirely at the end of February 1998. Medical insurance ceased in May of 1997.

RESPONSE/RECOURSE MADE BY THE CLERIC

Year	
1992	On July 27, 1992, Father Barmasse petitioned Cardinal Mahony to rescind or modify his decree revoking his habitual priestly faculties. On August 5, 1992, Cardinal Mahony responded, declining to revoke the decree. Father Barmasse took recourse to the Congregation for the Clergy (Congregation for Clergy Prot. Nos. 1750/I, 93004064 and 94001239). Reverend REDACTED J.C.D. served initially as his advocate.
1992	On 7 December 1992, Cardinal Mahony issued a decree initiating a process to determine whether Father Barmasse was laboring under the impediment to exercise orders as specified by canon 1044, §2, 2°.
1994-1995	Congregation for the Clergy upholds the recourse but directs Father Barmasse to cooperate in a penalty investigation. In negotiation with his canonical advocate, Father Barmasse undertook an additional psychological evaluation, and he and the Archdiocese entered a mutual agreement that he would leave priestly ministry, and the Archdiocese provided transitional assistance.
1998	Father Barmasse wrote Cardinal Mahony requesting reinstatement to ministry. Monsignor Richard Loomis, as Vicar for Clergy, responded on behalf of the Cardinal on 4 January 1999, indicating that a return to ministry was not possible.

BISHOP'S VOTUM

From the very beginning of his priestly service, there have been reports of sexual misconduct on the part of Father Barmasse with both minors and young adults, both in this Archdiocese and in the Diocese of Tucson. He has been out of priestly ministry since beginning a sick leave in 1991.

Recently, we received firm verbal assurances that Father Barmasse now acknowledges that he can never return to priestly ministry, and intends to submit a petition seeking dispensation from clerical obligations and a return to the lay state. This is welcome news. Should, however, Father Barmasse not follow through on this expressed intention, I hereby seek dispensation from prescription, since many of the reported misdeeds were denounced many years ago. Should Father Barmasse not petition for laicization, I seek authorization to employ the administrative penal process of canon 1720, with a view to recommending the penalty of dismissal from the clerical state.

RECEIVED
NOV 22 2004
BY:

REDACTED

REDACTED

November 16, 2004

REDACTED

Archdiocese of Los Angeles
3424 Wilshire Boulevard
Los Angeles, CA 90010-2241

Re: Kevin Barmasse

Gentlepersons:

Thank you for your letter of November 12, 2004.

Enclosed please find the original petition for dispensation from the obligations of the clerical state.

Please provide me with a copy of the final order from His Holiness as soon as same is available to you.

Thank you.

I remain

REDACTED

CMOB# 189

Considered by CMOB

Inactive Date 6/24/2009

Case Name Inmate

Active Case?

Priest Name Barmasse, Kevin P.

DOB 7/20/1955

Ethnicity American (USA)

Diocese Archdiocese of Los Angeles

Canon State Diocesan Priest

Religious Order

Incardination

Date Of Ordination

Clergy Status To Lay State

Clergy (Faculties)

Religious

Diocesan

Description

Deacon

DOB

Diocese

Ethnicity

Ordination

Status

Date Referred to Vicar

Date Of Alleged Incident

Alleged Victim

Multiple Victims

Accusers

Investigation Complete

Investigator Name

Removed From Ministry

Date Removed From Ministry

Date Returned To Ministry

Case Disposition

DispositionComments

Intervention

Description

In April 2009^{REDACTED} was contacted by a representative of the ^{REDACTED} office in Tucson AZ. A man^{REDACTED} in Arizona stated that while he was at a parish in Sierra Vista, Arizona, Fr X exposed his penis and asked the complainant to touch it. On another occasion, Fr X put the complainant's penis in his mouth and then put his finger into the complainant's rectum. The complainant was about 11 at the time. Reportedly, Fr X told the complainant that he would "kill" his brother or sister if he ever disclosed what happened. Archdiocesan records show that Fr X was incardinated in Los Angeles in 1982. From 1983 to 1985 he was on leave to the diocese of Tucson. In May

409975

) of 2006 he was laicized.

Case Status

June 24, 2009	Since Fr X has been laicized no further action is required by the Board. Case will be moved to the inactive file.
---------------	---

Follow Up

Follow Up Date

Legal Proceedings

Legal Proceedings?

Court Cases Settled

Response

Response Date

Sent To Rome?

Date Sent To Rome

Canonical Trial

Canonical Trial Date

Canonical Disposition

Page

409976

Vicar for Clergy Database

Clergy Assignment Record (Detailed)

Mr Kevin P. Barmasse

Current Primary Assignment

<i>Birth Date</i>	7/20/1955	<i>Age:</i>	53
<i>Birth Place</i>	Buffalo, New York, USA	<i>Deanery:</i>	22
<i>Diaconate Ordination</i>			
<i>Priesthood Ordination</i>	6/19/1982		
<i>Diocese Name</i>	Archdiocese of Los Angeles		
<i>Date of Incardination</i>	6/19/1982		
<i>Religious Community</i>			
<i>Ritual Ascription</i>	Latin		
<i>Ministry Status</i>	To Lay State		
<i>Home phone</i>	REDACTED		
<i>Seminary</i>	St. John Seminary, Camarillo		
<i>Ethnicity</i>	American (USA)		

Fingerprint Verification and Safeguard Training

Date Background Check
Virtus Training Date

Assignment History

<i>Assignment</i>	<i>Beginning Date</i>	<i>Completion Date</i>
Returned To Lay State, Rescript from the Congregation for the Doctrine of the Faith, Prot. N. 600/2004.	5/2/2006	
Inactive Leave	7/1/1992	5/2/2006
Active Leave, Diocese of Tucson.	10/1/1983	9/13/1985
St. Pancratius Catholic Church, Lakewood Associate Pastor (Parochial Vicar), Active Service	7/1/1982	9/13/1982

Background Information

<i>Salutation</i>	Father	<i>Retired in Rectory?</i>	<input type="checkbox"/>
<i>Social Security Number</i>	REDACTED	<i>Will Filed?</i>	<input checked="" type="checkbox"/>
<i>Citizenship</i>	U.S.A.	<i>Reference</i>	<input checked="" type="checkbox"/>
<i>Immigration Status</i>	Citizen	<i>Power of Attorney Health Care</i>	<input type="checkbox"/>
<i>Green Card End Date</i>		<i>Power of Attorney Finance</i>	<input type="checkbox"/>
<i>Payroll in lieu of stipends</i>	<input type="checkbox"/>		
<i>Enrolled in Pension Plan</i>	<input type="checkbox"/>		
<i>Receiving Pension?</i>	<input type="checkbox"/>		



MEMORANDUM

July 27, 2009

TO: File

FROM: REDACTED
Clergy Misconduct Oversight Board

SUBJECT: Father Kevin Barmasse (CMOB 189)

The Clergy Misconduct Oversight Board considered the allegations against Father Kevin Barmasse on June 24, 2009.

A complaint was received from an adult male, who is REDACTED. The complainant alleges that when he was a minor he was sexually abused by Fr Kevin Barmasse. The abuse reportedly happened around 1984 when Fr Barmasse was on leave from Los Angeles to the diocese of Tucson. Fr Barmasse was laicized in 2006 for similar activity. The Board concluded that no further action is required and that the case be moved to the inactive file.

REDACTED

409979

CCI 007124

ACCUSED NAME: FR. Kevin Burmasse DATE: 4-20-09
returned to LAY STATE 5/2/2006
CONFIDENTIAL



ARCHDIOCESE OF LOS ANGELES
Child Abuse Report - Internal Routing Form

- This report involves allegations of:
- Current Minor and Church Employee/volunteer
 - Current Minor and Priest
 - Past Minor and Priest
 - Past Minor and Religious Brother
 - Past Minor and Religious Sister
 - Adult/Adult Case
 - Other

Sexual abuse: _____
 Physical abuse: _____
 Harassment: _____
 Brief Summary: _____

To: Msgr. Gonzales - Vicar of Clergy (2)
 REDACTED

Submitted by _____ OFFICE _____
 Date distributed: 4-27-09 REDACTED

Comments: ① Out read and report received by [unclear] Tucson AZ. Alleged abuse happens in Arizona.
② Parents have filed a claim form with bankruptcy court in AZ. [unclear] has contacted attorney.
 REDACTED
 REDACTED



ARCHDIOCESE OF LOS ANGELES
CHILD ABUSE AND NEGLECT REPORTING FORM

<input type="checkbox"/> MANDATORY	<input checked="" type="checkbox"/> NON-MANDATORY
Date Reported to the Archdiocese:	4/16/2009
Reported to Archdiocese by:	REDACTED
Alleged Victim :	
Current Address:	Currently in Cochise County Jail and was sentenced to four years in prison in March 2009.
Telephone:	REDACTED
Date of Birth:	REDACTED birth date REDACTED 74
Alleged Perpetrator:	Fr. Kevin Barmasse – while at St. Andrew the Apostle Parish in Sierra Vista, Arizona.
Reported Date of Incident: (s)	1983 or 1985. There is discrepancy in that the victim reported he was 11 or 12 and the victim's father wrote the abuse occurred in 1983.
Reported Circumstances of Incident(s):	REDACTED reports the first instance was in the rectory with his mother sitting "around the corner in the front office". REDACTED reports that the priest displayed his penis and had REDACTED place his hand on Barmasse's penis. The second incident allegedly occurred in the sacristy with the doors locked "before mass began with everyone waiting in the back of the Church". During this time, "Fr. Barmasse exposed his penis, took REDACTED penis into the priests mouth in an attempt to bring him to orgasm and Fr. Barmasse put his finder into REDACTED rectum". REDACTED stated that Fr. Barmasse threatened to personally kill REDACTED brother or sister should he disclose what happened and that his family would all go to hell if he told.
Reported Type of Abuse or Neglect:	Sexual
Reports to Public Authorities with dates:	Parents and REDACTED reported to both the Sierra Vista Police Department Cochise County law enforcement.
Comments:	The Diocese of Tuscon took the report and has offered outreach, counseling and made the police report. REDACTED
Report initiated by:	