

STATE OF NEW MEXICO
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS
ATTORNEY GENERAL

September 4, 2018

VIA EMAIL AND FIRST CLASS MAIL

Archbishop John C. Wester
Archdiocese of Santa Fe
4000 Saint Joseph's Place NW
Albuquerque, NM 87120-1741
Email: archbishop.office@archdiosf.org

Re: Office of the Attorney General's investigation of sexual abuse by priest(s), clergy member(s), or other church official(s) and individuals alleged to have aided, abetted or conspired to conceal sexual abuse

Dear Archbishop Wester,

I am writing to express my continued concern and assert that it is time to demand full disclosure and full transparency. I am focusing my efforts on assisting the victims of clergy sexual abuse. Since March of 2016, my office has engaged in several investigations of priests alleged to have perpetrated sexual abuse. Further, my office advanced legislation during the 2018 Legislative Session to amend child abuse reporting statutes to expand mandatory reporting to include abuse perpetrated by priests. Then on August 14, 2018, a Pennsylvania Grand Jury report was released, revealing ties to New Mexico, and shaking the conscience of those throughout the world by detailing the vast extent of sexual abuse perpetrated by priests and clerics and the shocking cover-up by church leaders. His Holiness, Pope Francis, in his August 20, 2018 letter, condemned these atrocities and recognized the importance of efforts to make, "all those who perpetrate or cover up these crimes accountable."

Like the majority of cases referenced in the most recent Pennsylvania Grand Jury Report, statutes of limitations prevented my office from moving forward with criminal charges. However, similar to you, I remain committed to "bring[ing] healing and strengthen[ing] protection of the innocent." Overall, seeking justice for anyone victimized remains a priority for my office.

As you referenced in your August 22, 2018 letter, to the Archdiocese of Santa Fe, these crimes of sexual abuse committed by clergy, “were enabled by a lack of transparency and a culture of self-preservation in the Church.” To that end, and in the interest of long overdue transparency, this demand is being sent to you in contemplation of litigation. All documents and/or other data which relate to either the subject matter of this demand in general or the requests of this demand in particular must be preserved. Any destruction involving such documents must cease, even if it is your normal or routine course of business to delete or destroy such documents or data and even if you believe such documents or data are privileged or otherwise need not be produced. Thank you for your cooperation.

Sincerely,



Hector Balderas
Attorney General

IN THE MATTER OF OFFICE OF THE ATTORNEY GENERAL'S INVESTIGATION OF SEXUAL ABUSE BY PRIEST(S), CLERGY MEMBER(S), OR OTHER CHURCH OFFICIAL(S) AND INDIVIDUALS ALLEGED TO HAVE AIDED, ABETTED OR CONSPIRED TO CONCEAL SEXUAL ABUSE

YOU ARE HEREBY COMMANDED by the authority of the State of New Mexico and the Attorney General of New Mexico, pursuant to NMSA 1978, § 8-5-2, to **produce on or before October 05, 2018**, the documents described herein.

GENERAL SUBJECT MATTER OF THE INVESTIGATION:

The Attorney General of New Mexico has cause to believe that the Archdiocese of Santa Fe, has either negligently or knowingly withheld records and/or omitted material facts from persons in connection with the allegations of child sexual abuse for over half a century.

I. INSTRUCTIONS

A. Nature of Demand: The document request calls for all described documents in your possession, custody or control without regard to the person or persons by whom or for whom the documents were prepared (e.g., employees, agents, law enforcement, or others).

B. Organization of Responses: The documents produced shall be identified and segregated to correspond with the number and subsection of the request. Identical copies of responsive documents need not be produced. However, any copy of a document that differs in any manner, including but not limited to the presence of handwritten notations, shall be produced.

Documents shall be produced in the order and in the manner in which they were maintained in your files, in (or identified with) copies of their original file folders, labeled with the folder's original file labels. For example, if you maintain a multipage document as a single file, please produce it as a single file. For each document produced, identify the individual from whose files the particular document was found. No portion of any document may be masked and the entire document shall be produced. All attachments to responsive documents shall be produced attached to the responsive documents.

C. Electronic Documents: If any responsive document is available in electronic format, the document shall be provided in electronic format in addition to hard copy.

D. Format of Electronic Documents: All responsive documents that are maintained in an electronic format shall be produced in a searchable, PDF format with linking files, on CD-ROM

or hard drive. If You are unable to produce documents in PDF format, they may be produced in native format, if such format is readily accessible by and searchable in commonly available personal computer software programs. Responsive documents produced in an electronic format shall:

1. Be properly identified;
2. Be produced in a format that accurately captures each version of the document, including handwritten notes, signatures, etc.;
3. Include all associated electronically-searchable text files;
4. Include all metadata associated with the document; and
5. Otherwise comply with other provisions of these instructions.

E. Privileged Documents: If any responsive document, or portion thereof, is withheld for any reason, including but not limited to a claim of privilege, provide a detailed log that contains the following information for each document that You have withheld:

1. The name of each author, writer, sender, creator, or initiator of such document;
2. The name of each recipient, addressee, or party for whom such document was intended;
3. The date of such document, or an estimate thereof if no date appears on the document;
4. The general subject matter of the document; and
5. The claimed grounds for withholding the document, including but not limited to the nature of any claimed privilege and grounds in support thereof.

F. Earlier or Predecessor Documents: In each instance in which a document is produced in response to a request, the current edition should be produced together with all earlier editions, or predecessor documents during the relevant time period, even though the title of earlier documents may differ from current versions.

G. Documents No Longer in Possession of Respondent/Destroyed Documents: If any responsive document was, but no longer is, in your possession, custody or control, produce a description of each such document. The description shall include the following:

1. The name of each author, sender, creator, and initiator of such document;
2. The name of each recipient, addressee, or party for whom such document was intended;
3. The date the document was created;
4. The date(s) the document was in use;

5. A detailed description of the content of the document;
6. The reason it is no longer in your possession, custody or control; and
7. The document's present whereabouts.

If the document is no longer in existence, in addition to providing the information indicated above, state on whose instructions the document was destroyed or otherwise disposed of, and the date and manner of the disposal.

H. Language: Produce the requested documents in all languages in which they are or were made available to any requestor.

I. Abbreviations: Documents using abbreviations shall be accompanied by a key to all abbreviations used in the documents. Where documents include reference to proprietary and/or non-standard research methods or protocols, the documents shall be accompanied by additional documents sufficient to explain such methods or protocols, along with citations to all peer-reviewed publications describing, discussing, or otherwise regarding the use of such methods or protocols.

J. Duty to Supplement: This document request is continuing in nature, so as to require supplementary documents if you obtain further responsive documents.

K. Litigation Hold: All documents and/or other data which relate to either the subject matter of this demand in general or the requests of this demand in particular must be preserved. Any destruction involving such documents must cease, even if it is your normal or routine course of business to delete or destroy such documents or data and even if you believe such documents or data are privileged or otherwise need not be produced.

II. DEFINITIONS

A. **“Attorney General”** and **“OAG”** shall mean the Attorney General of the State of New Mexico and the New Mexico Office of the Attorney General.

B. **“Communication”** shall mean any means of disclosure, transfer, exchange or transmittal of information, whether oral or written, whether handwritten, typewritten, tape-recorded, or produced by electronic data processing, regardless of how conveyed (e.g., telephone, telegram, telegraph, e-mail, text message, SMS, United States mail, private mail, personal delivery or courier service, facsimile transmittal, face-to-face contact or otherwise), including but not limited to: inquiries, discussions, conversations, negotiations, agreements, reports, understandings,

meetings, telephone conversations, letters, notes, telegrams, advertisements, or other forms of communication, whether oral or written.

C. **“Document”** or **“Documents”** shall mean all physically or electronically stored information, including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained, and shall include drafts, non-identical copies, and file folders and jackets in which Documents are contained. “Non-identical copies” are reproductions of original documents which have notations, markings, comments, or other material not appearing in the original.

D. **“You,” “Your,”** or **“Your Company”** shall mean the Archdiocese of Santa Fe and its entities, divisions, units, and subsidiaries (whether or not wholly owned), its merged, consolidated or acquired predecessors, and its present and former officers, directors, agents, employees, and representatives of any of the foregoing including their contractors, attorneys, and investigators who are charged with the possession, custody or control of the documents that are the subject of this demand.

E. **“Person”** shall mean any entity, including but not limited to, any natural person, limited liability company, partnership, corporation, trust, estate, joint venture, or association with any persons, without limitation.

F. **“Relevant Time Period”** shall mean the time period for which documents are requested. For purposes of this demand the relevant time period is: **January 01, 1950, through September 01, 2018.**

G. To the extent necessary to bring into the scope of the document production requests any document that might otherwise be construed to be outside their scope, (i) the word **“or”** means “and/or,” (ii) the word **“and”** means “and/or,” (iii) the word **“all”** means “any and all,” (iv) the word **“any”** means “any and all,” and (v) the singular form of a word includes the plural form, and the plural includes the singular.

III. DOCUMENTARY MATERIAL AND INFORMATION REQUESTED

YOU ARE HEREBY DIRECTED TO PRODUCE COPIES OR PERMIT INSPECTION AND COPYING OF THE FOLLOWING DOCUMENTS:

1. Complaints submitted to either a church, parish or a diocese of sexual abuse or sexual misconduct by a priest(s), clergy member(s), or other church official(s).

2. Complaint forms completed by those alleging to have been a victim(s) of sexual abuse or sexual misconduct perpetrated by a priest(s), clergy member(s), or other church official(s).
3. A diocese, parish or church official responding to and/or addressing the allegations of the sexual abuse or sexual misconduct by a priest(s), clergy member(s), or church official(s).
4. Relocations of a priest(s), clergy member(s), or other church official(s) to a diocese within New Mexico or from a diocese within New Mexico to an out of state/country diocese for any reason related to allegations of sexual abuse, sexual misconduct, inappropriate contact, boundary issues, familiarity, addiction, serious misconduct or scandal.
5. A priest, clergy member or other church official seeking or receiving counseling and/or rehabilitation for any issues related to allegations of sexual abuse, sexual misconduct, inappropriate contact, boundary issues, familiarity, addiction, serious misconduct, scandal, grooming of children, pornography, socializing with children, or drug or alcohol abuse.
6. Complete copies of the personnel file(s) for priest(s), clergy member(s), or other church official(s) alleged to have committed or associated with sexual abuse, sexual misconduct, inappropriate contact, boundary issues, familiarity, addiction, scandal, serious misconduct, grooming of children, pornography, socializing with children, or drug or alcohol abuse prior to the date of receipt of this letter
7. Complete copies of the personnel file(s) for priest(s), clergy member(s), or other church official(s) alleged to have committed or associated with sexual abuse, sexual misconduct, inappropriate contact, boundary issues, familiarity, addiction, scandal, serious misconduct, grooming of children, pornography, socializing with children, or drug or alcohol abuse to include but not limited to:

Fr. Augustine Abeywickrema	Fr. Paul Greenwell	Fr. John Peris
Fr. Marvin Archuleta	Fr. Sabine Griego	Fr. Arthur Perrault
Fr. Paul Baca	Fr. Richard Hennessey	Fr. Roman Pfalzer
Fr. Donald Bean	Fr. David Holley	Fr. James Porter
Fr. Earl Bierman	Fr. Barry Finbar Coyle	Fr. Louis Prefontaine
Fr. Bernard Bissonnette	Fr. Ed Donelan	Fr. John Quinn
Seminarian Rudy Blea	Fr. John Esquibel	Fr. John Rodriguez
Fr. Wilfred Bombardier	Fr. Octavio Coggiola	Fr. Paul Rodriguez
Fr. Laurence Brett	Fr. Leon Corpuz	Fr. Ronald Roth
Br. Luis Brouseau	Fr. Leo Courcy	Fr. Charles Rourke
Fr. Ronald Bruckner	Deacon Hector Garcia	Fr. Lorenzo Ruiz

Br. Marr Burbach	Fr. Ruben Garcia	Fr. Edward Rutowski
Fr. Walter Cassidy	Fr. Paul Greenwell	Deacon Julian Sanchez
Fr. Charles Charron	Br. Dennis Huff	Fr. Clarence Schoeppner
Fr. Johnny Lee Chavez	Fr. Theodore Isaias	Br. Fintan Shaffer
Br. Andrew Abdon	Fr. Roger Martinez	Fr. Frank Sierra
Fr. David Clark	Fr. Diego Mazon	Fr. Jason Sigler
Fr. Henry Clark	Fr. Thaddeus Mazur	Fr. George Silva
Fr. Dan Farris	Br. Tom McConnell	Fr. Robert Smith
Fr. Anthony Gallegos	Fr. Michael O'Brien	Fr. Ignacio Tafoya
Fr. Robert Galli	Fr. Don Osgood	Fr. Gordon Wagoner
Deacon Hector Garcia	Fr. Ralph Pairon	Fr. George Weisenborn
Fr. Ruben Garcia	Fr. George Pausch	Fr. Thomas Wilkinson
Fr. Edward R. Graff	Fr. Edmond A. Parrakow	Fr. Raymond Lukac
Rev. Robert G. Cofenas	Rev. James Gaffney	Rev. Thomas J. Kerestus
Rev. Francis Joseph McNelis	Rev. Joseph A. Rock	Rev. Henry F. Strassner
Rev. Bruno M. Tucci	Fr. Robert E. Hannon	

8. Relating to or referencing:

Fr. Edward R. Graff	Fr. Edmond A. Parrakow	Fr. Raymond Lukac
Rev. Robert G. Cofenas	Rev. James Gaffney	Rev. Thomas J. Kerestus
Rev. Francis Joseph McNelis	Rev. Joseph A. Rock	Rev. Henry F. Strassner
Rev. Bruno M. Tucci	Fr. Robert E. Hannon	

9. The Catholic Church's, the diocese and/or a parish's position on how to respond toward allegations of sexual abuse or misconduct by its priests, clergy members and/or other church officials.
10. Correspondence, written or electronic, between high ranking clergy members of other states with the diocese which reference alleged sexual misconduct, or "serious" misconduct.
11. Plans or policies on addressing sexual misconduct and/or "serious" misconduct by priests, clergy members and/or other church officials.

12. Agreements and/or contracts signed by priests, clergy members and/or other church officials which reference compliance with counseling and any other treatment required by the diocese.
13. Names of priests, clergy members and/or other church officials who may have been the subject of a sexual abuse/misconduct accusation, but where the diocese never received any further information about or substantiation of those accusations.
14. Names of priests, clergy members and/or other church officials in which accusations of sexual abuse or misconduct were withdrawn or were found to be unsubstantiated after investigation by diocese.
15. Confidentiality agreements related to matters where sexual abuse or sexual misconduct was alleged.
16. Names of attorneys retained by the Archdiocese, priests, clergy members and/or other church officials for accusations of sexual abuse or misconduct.
17. Referencing civil lawsuits or settlements related to allegations of sexual abuse or sexual misconduct.
18. Names of priests, clergy members and/or other church officials with knowledge of allegations of sexual abuse or misconduct alleged against other priests, clergy members and/or other church officials.
19. Identify, account and provide documentation for each account at any financial institution that you hold including joint accounts with any Person and safe deposit boxes.
20. Identify and provide any and all account applications, signature cards, or other account opening documents.
21. Identify and provide bank statement(s) or periodic statements for each account (Please Note: If that account had at any time been identified by a different number, please treat the prior number and this number as a request for both such account numbers).
22. Identify and provide bank deposit(s), including copies of the deposit slips including Safe Deposit Entry Records.
23. Identify and provide and Traveler's Checks received or issued.
24. Identify and provide any Currency Transaction Reports ("CTR").
25. Give an accounting of all monies, benefits, donations, gifts in kind, fees, sales or anything of value you have received, held in trust or is promised to you.
26. All documents showing or tending to show any business dealings or transactions between your entity and any other entity.
27. All documents, including but not limited to complaints, answers, summonses, notices, warrants, pleadings, and other court filings received by, filed by, or distributed by your entity.
28. All documents detailing settlements, agreements, memorandums of understanding, or other final pleadings involving you.
29. A listing for each year during the relevant time period of every priest, cleric or clergy member active or inactive within the Archdiocese of Santa Fe.

30. Any priest, cleric, clergy member or other church official residing at Servants of the Paraclete, Jemez Springs.

This demand shall be a matter of public records and may be published by the Attorney General. If any person neglects or refuses to comply with this demand the Attorney General may invoke the aid of the court to enforce the demand.

ANY INFORMATION YOU PROVIDE MAY BE USED AGAINST YOU IN ANY CIVIL OR CRIMINAL ACTION.

Executed this 4th day of **September, 2018.**



Tania Maestas
Chief Deputy Attorney General
Civil Affairs
(505) 490-4048