

19. Benham, Mike

August 7 and 8, 1997 - Concern expressed on the part of the parish secretary regarding coverage of the parish by a priest when Mike will be gone. There are 3 marriages in August and 3 marriages in September. They were concerned regarding coverage of the parish.

A message was sent by Mike to his niece (in the 8th grade), that she was to convey to the parish office. From the information I now have, the message was to cancel a meeting of key people which Mike scheduled for Monday. I just have the bare outline of information.

TFK

31. Benham, Mike

August 11, 1997 - Mike Benham arrived back from Ireland. He is ready for treatment and will leave on Wednesday, August 13, for Guest House. He is eager to go!

TFK

132. Benham, Michael

On October 23, 1997, Mike called to inform us that his therapeutic leave will be Tuesday morning, October 28 till November 3. He will arrange his own transportation, be picked up on Tuesday and will return with his own car.

SKS

112. Benham, Michael

December 23, 1997

1) Mike sounds well and he is very happy in the sober life, has a good sponsor. "I feel pretty secure today."

2) Returns May 4 to May 8 for aftercare.

3) His aftercare program looks great. This plan is extremely thoughtful.

4) I re-wrote the homework (Aftercare Program)... over and over - again and again.

5) I am very happy. (Extremely happy in his sober life.)

6) Mike goes to meetings (2 per week).

7) Mike should flourish in the sober life.

TFK

126. Benham, Michael

May 4-8, 1998 - are the dates for Mike Benham's Aftercare Program at Guest House. Jim Hamann was notified weeks ago by Tom Kerstein that Mike has a legitimate reason for not attending the Spring Assembly.

SKS

✓506. Michael Benham

On July 19, 1998 in the context of the special family celebration for Western Racine County Hispanic Ministry at St. Charles Parish in Burlington I had the opportunity to speak with Michael who gave assurances of his fidelity to the daily quest for sobriety. We also spoke about his diabetes and the possibility of requiring daily insulin shots in the near future. I learned that he is exceptionally sensitive to any comments about his loss of weight and thinness.

RJS

✓1043. Michael Benham

On November 4, 1996 I spoke with David Reith who reported his conversation with Carrol Straub and encouraged me to work with Carrol in addressing some specific needs associated with St. Charles Borromeo Parish at this point in Mike's treatment, namely the need to clarify the proper communication contact for the parish and Archdiocese (other than the Janitor who seems to be assuming this responsibility at Mike's direction), possibly one of the Trustees, and the need to have a common understanding of the reason being given for Mike's absence from the parish at this time. I learned that on Wednesday, October 30, 1996 Michael entered treatment at [REDACTED] -Waukesha 53188). I learned of ongoing concerns for Mike's health in terms of not eating, experiencing some serious toxic effects of alcohol abuse and continuing to indulge in addictive use of nicotine. I concurred in the need for "tough love" and the need to work with Carrol in establishing some dialogue with the Doctor before Michael is allowed to return home to the parish in order to achieve some assurance that the issues are indeed being confronted by Mike. I write Michael a letter of support and direction later that same day.

RJS

265. Benham, Mike

On November 7, 1996 I visited Michael at [REDACTED] in Waukesha. I was very pleased with the progress Michael has made in accepting and acknowledging his illness. He admitted he had been dishonest in the past as far as owning his struggle. He knew that of himself he is helpless and now has been immersed in the philosophy of AA. He will be on an outpatient basis after the first week of treatment. Then after November 14 he will join an after care program.

CCS

272. Benham, Michael

On November 14, 1996 I called Michael. He stated he is doing well with recovery. He will complete his program in Waukesha on 11/15/96, and also is going to AA in Burlington. He will contact Dave Braun to be his sponsor.

CCS

✓588. Michael Benham

On July 28, 1997 in the context of a meeting with the Archbishop I clarified that Fr. Kerstein had full authority to insist on alcohol assessment and treatment at Guest House if needed.

RJS

23. Benham, Michael

July 30, 1997 - an intervention was held on July 29. Present: Ken Knippel, Don Elverman, Dave Braun, Tom Kerstein, and Mike Benham. Mike has agreed to treatment for possible alcoholism. He will leave for Guest House on Wednesday, August 13.

TFK

362. Benham, Michael

On April 26, 1993 I visited Michael Benham at St. Charles, Burlington. Mike is happy that the parishes are working more together and his students are starting to go to Catholic Central, which they seldom did before. He is very pleased here and feels great support from the people. I told Mike I really appreciated that he visits George Kolanda every Friday at St. Camillus and takes him out for lunch. Mike enjoyed his years with George at St. John's. Mike's family is mostly around Chicago, so he appreciates being in Burlington so he can visit with them easily.

RTV

682. Benham, Michael

On June 10, 1994, we received the Periodic Review for Michael Benham. The Interviewer was Gerald Brittain on 12/1/93.

RTV

68. Benham, Mike

On February 20, 1996 I met with Mike Benham to discuss the intervention he had with his four priest friends (Ken Knippel, Tom Eichenberger, Mike Barrett, and Dave Reith). They thought he might work his alcoholism through alone with his doctor in Burlington. I tried to convince him to go to Guest House. I told him Monday was possible 2/26/96 to initiate the program at Guest House. Ken Knippel would be willing to drive up with him. We would take care of parish helpouts and all the rest if he would go to Guest House for treatment at this time. He was going to report our conversation to his friends this evening during dinner and ask their support. He will call me Friday 2/23/96 to confirm whether or not he will go to Guest House.

CCS

70. Benham, Mike

On February 23, 1996 I talked to Mike Benham again. He thought and prayed about Guest House. He felt the program was not something he wanted to embrace now. He is convinced he can remain abstinent through his own efforts, although he agreed to go for an evaluation at Guest House the week after Easter. If he slips before that he promised to go to Guest House immediately for the program. He also would be in close touch with Dave Reith for support. He promised to call 2 weeks before Easter to arrange for the evaluation.

CCS

249. Benham, Michael

On October 28, 1996 [REDACTED] called from Burlington to report on Mike's problem with alcohol. We are attempting to arrange time at Guest House. Mr. [REDACTED] phone numbers are [REDACTED]
[REDACTED]

CCS

254. Benham, Mike

On October 30, 1996 [REDACTED] [REDACTED] who is in charge of maintenance at St. Charles, Burlington, called me. Mike Benham is at [REDACTED] - south side of Waukesha. Mike seemed willing to accept any counseling necessary. He also has a heavy smoking problem, but alcoholism and depression are primary at this time. An eating disorder accompanies these addictions. Mike seemed at ease and comfortable with the admission process. He will be there for a week's evaluation and follow-up to be determined.

CCS

ADOM011460



CONGREGATIO
PRO DOCTRINA FIDEI

00120 Città del Vaticano,
Palazzo del S. Uffizio

19 July 2005

207/04-20808

PROT. N.

(In responsione fiat mentio huius numeri)

Your Excellency,

The Congregation for the Doctrine of the Faith has received the documentation you sent regarding the **Reverend Michael Charles BENHAM**, a priest of your Archdiocese who has been accused of sexual abuse of minors and concerning whom Your Excellency has requested dismissal from the clerical state *ex officio*.

After a careful study of the present case, I wish to inform you that this Congregation is of the mind that Your Excellency should approach Rev. Benham one last time in order that he might freely request the grace of a dispensation from the obligations of the Priesthood, including celibacy.

Furthermore, having also taken into account the fact that since 1980 no other accusations of sexual abuse have been brought against the cleric, Your Excellency, after having imposed a penal remedy on him (cf. can. 1348), may wish to consider allowing Rev. Benham a limited form of ministry within the diocese. This concession would only be permissible upon a favourable psychological evaluation of the said cleric and such ministry should not bring further scandal to the faithful nor risk to minors.

I take this opportunity to thank Your Excellency for your attentiveness in these difficult matters, I remain

Sincerely yours in Christ,

* Angelo AMATO, SDB
Titular Archbishop of Sila
Secretary

His Excellency
The Most Reverend Timothy M. DOLAN
Archbishop of Milwaukee
Office of the Archbishop
3501 South Lake Drive
Milwaukee, WI 53207-0912, U.S.A.

ADOM011461


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

September 27, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

This correspondence is concerning the matter of Reverend Michael Charles Benham. His case was originally submitted for consideration in April 2004. Enclosed are copies of the original request and a newly formatted reporting form.

Since the submission of this case, I have met again with the victim and there have been protracted mediations sessions finally arriving at an out of court settlement being paid fully by the Archdiocese. As a sign of repentance, since he has admitted the truthfulness of the charges, Father Benham has been asked again to submit a request for voluntarily laicization. He refuses to do so. He likewise has refused to make any offer, even a minor symbolic one, of compensation to the victim. I have recently learned that, despite being bound by precept not to perform any public ministry, he celebrated a funeral Mass. He indicated that he did not seek permission for this action because he knew it would be denied.

Father Benham is aware that he will never be able to serve in active ministry again. A timely conclusion to this case would be best for all involved.

Thank you for your consideration in this matter. If there is anything further that is needed, please do not hesitate to inform me. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

April 19, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

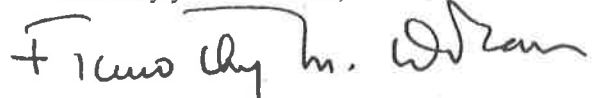
This correspondence is concerning the matter of Reverend Michael Charles Benham. As you will see in the attached documentation, he was accused of sexual abuse of a minor and has admitted that these allegations are true. He is prepared for whatever decision the Church will make in his case but is not willing to apply for voluntary laicization.

Given the nature of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. I have met personally with the victim in this case and believe the negative impact this abuse has had on his life, even fracturing family relationships. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, if it is your judgement that this case should proceed through a canonical penal process, I humbly request a dispensation from prescription as well as a sanation of any procedural errors that may have occurred during the time this case was under investigation. While only one victim has come forward at this time, the frequency of the admitted offenses and the young age of the victim are such that it is my opinion that these requests are justified. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

February 2, 2004

Reverend Michael C. Benham

██████████
Burlington, WI 53105

Dear Father Benham,

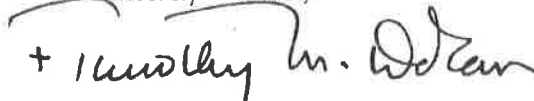
I have received your letter of resignation as pastor of St. Patrick Parish in Elkhorn. I accept that resignation, realizing that you have in mind the welfare of the people of the parish.

As you have the time to reflect and consider your options, I would ask that you consider making use of the services of a canon lawyer. Father Joseph Hornacek can assist you in that regard.

Because of the nature of this situation, I am also formalizing the restrictions on any ministry as discussed with Father Hornacek. A copy of the relevant precept is enclosed.

Know that I continue to keep you and your intentions in prayer.

Sincerely in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee



Saint Patrick Parish



107 West Walworth • Elkhorn, WI 53121

Parish Office 262-723-5565 • Fax 262-723-7856 • E-mail stpatelkhorn@elknet.net

Dear Archbishop Dolan,

With this letter I ask that you accept my resignation as pastor of St. Patrick's Parish, Elkhorn, effective February 1, 2004.

May God's power continue to animate your ministry and His Spirit strengthen you in its more arduous responsibilities.

Sincerely in the Lord,

Michael C. Beuland

COPY



TIMOTHY MICHAEL DOLAN

Miseratione Divina et Apostolicae Sedis Gratia
Archiepiscopus Milvauchiensis

PRECEPT

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

- 1) To refrain from all contact with minors, vulnerable adults, and other persons or categories of persons who have proven to be occasions of temptation in the area of sexual morality;
- 2) To cease until further notice all public ministry including the celebration of Eucharist;
- 3) To avoid all places and situations that, from past experience, have been occasions of serious temptation in the area of sexual morality;
- 4) To cease any and all activities and relationships that may be described under the broad category of pastoral counseling;
- 5) Until further notice the faculty to hear confession is revoked;
- 6) To refrain from clerical attire or identification in public.

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

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

Given this 23rd day of January, 2004.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

Ecclesiastical Notary

SEAL

ADOM011467

ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

July 8, 2004

Dear [REDACTED]

Thanks for your thoughtful letter of June 25, 2004.

I am grateful for your concern for Michael Benham - - a solicitude I share - - and for your stress on the necessity of mercy and forgiveness.

Just last week, eight victims of sexual abuse by the same priest - - not Father Benham -- met with representatives of the archdiocese. Their major pain was not so much the horror of their abuse, but rather that it was done to them by a priest whom they contend was already known as an offender who had still been reassigned by the archdiocese.

I have pledged that will never happen again.

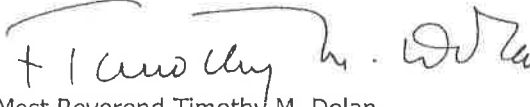
When I visited Elkhorn to deliver the sad news, a very considerate gentleman made the exact observations you expressed in your correspondence. He concluded by asking, "Couldn't you reassign him somewhere?" Before I could reply, his wife chimed in, "But, honey, you're asking Archbishop Dolan to do exactly what Cardinal Law did - - reassign an admitted offender."

I can certainly forgive Father Benham; we know the Lord will; some people have; I hope he has forgiven himself. You have - - thank you for that inspiration. The question is not mercy; the question is reassignment. That we cannot do.

Your letter was caring, thoughtful, and respectful. Thank you. I have struggled with the same questions you ask.

With prayerful best wishes, I am,

Faithfully in Christ,


Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ARCHDIOCESE OF MILWAUKEE

Reverend Michael C. Benham

Date of Birth: October 23, 1950 Age: 53
Presbyteral Ordination: May 28, 1976 Years of Ministry: 27

Diocese of Incardination: Milwaukee
Ministry in other Diocese: None
Address: 31068 Timberlane
Burlington, WI 53105

ASSIGNMENTS:

<u>Year</u>	<u>Assignment</u>	<u>Location</u>	<u>Appointment</u>
1976-1982	St. John Nepomuk Parish	Racine, WI	Associate Pastor
1982-1988	St. Joseph High School	Kenosha, WI	Faculty
1988-2000	St. Charles Parish	Burlington, WI	Pastor
2000-2004	St. Patrick Parish	Elkhorn, WI	Pastor

ACCUSATIONS:

<u>Year</u>	<u>Victim</u>	<u>Age</u>	<u>Alleged acts</u>	<u>Denunciation</u>
1976-1980	██████████	11-14	Full body massages with genital fondling; disrobing victim; at least 25 incidents Benham was associate pastor at the alleged victim's parish and used his office to gain access and trust Abuse occurred in rectory with other young boys in the next room	November 2003

CIVIL PROCEEDINGS

<u>Year</u>	<u>Type/case</u>	<u>Conviction</u>	<u>Sentence</u>
2003	Referred to Racine County District Attorney		
2004	Racine County District Attorney determined criminal prosecution not possible because of expired statute of limitations		

MEASURES ADOPTED BY THE DIOCESE

<u>Year</u>	<u>Action</u>
November 2003	Referred for civil review
January 2004	Presented accusation to Father Benham, he admitted they were true; submitted letter of resignation as pastor; precept issued restricting all ministry; advised to seek canonical counsel
April 2004	Case referred to the Congregation for the Doctrine of the Faith

SUSTENANCE PROVIDED BY THE DIOCESE

Father Benham is provided with the monthly equivalent of a pensioned priest, \$1,250. He is also provided with health and dental coverage.

RESPONSE / RECOURSE BY THE CLERIC

<u>Year</u>	<u>Action</u>
2004	Admitted that the sexual abuse had occurred as reported

ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

APR 19 2000

April 19, 2000

Rev. Michael C. Benham
St. Charles Borromeo Parish
[REDACTED]
Burlington, WI 53105

Dear Father Benham,

It is with a sense of joy in our shared faith that I ask you to become the Pastor of St. Patrick Parish in Elkhorn. Following the recommendation of the Priests' Placement Board, I am happy to entrust this office to your pastoral care beginning on June 20, 2000. This appointment is being made for six years and will be reviewed for a possible renewal.

As Pastor of this parish, you are called upon to serve the needs of God's people so that they can take their rightful place as baptized Catholics in their own Faith-community and in society. Your mission, like my own, is one of teaching and sanctifying, and also of administering to this parish, together with the Parish Council and those organizations designated to work with you. Also, I trust that you will work diligently with the priests in your district and enter fully into the current Archdiocesan parish planning efforts. It is a privilege to share my ministry with you. May God's blessings fill your life.

Sincerely yours in the Lord,

Most Reverend Rembert G. Weakland, OSB
Archbishop of Milwaukee

MAR 17 2000


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

March 16, 2000

Reverend Michael Benham
Saint Charles Borromeo Parish
[REDACTED]
Burlington WI 53105

Dear Mike,

Sorry for being so slow in getting back to you about your request for an extension at Saint Charles Borromeo. I always take these requests to the Consultants so they can check my biases and short-sightedness.

The Consultants met with me yesterday afternoon and it was felt, Mike, that I should deny this request since other parishes have opened up that would fit your needs and where you could bring your gifts and talents. I see you have already listed some of these in your response to the Priest Placement Board.

Thanks for being open to this suggestion. I hope the change will also give you the possibility of a fresh start. Thanks, too, for all the personal support.

Sincerely yours in the Lord,



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

CC: Bishop Richard J. Sklba
Vicar for Clergy Personnel
Priest Placement Board
Chancery

ARCHDIOCESE  OF MILWAUKEE

DEPARTMENT FOR CLERGY PERSONNEL
August 20, 1997

FILE COPY

Guest House

Rochester, MN 55903

Dear [REDACTED],

On behalf of the Archdiocese of Milwaukee, I would like to extend our gratitude for the care extended to Father Mike Benham. During the course of the past month, Bob Martin and I have been in regular contact regarding intervention and treatment for Father Mike. The road to Guest House for Father Mike has not been an easy journey. He was involved in a brief treatment ordered by Father Straub who was Vicar for Clergy before me.

His brother priests and, in a special way, the ordination class of 1976, of which Father Mike is a member, expressed grave concern to me when I became Vicar General and Vicar for Clergy on July 1, 1997. An intervention was held on Tuesday, July 28. Father Mike was most cooperative and arrangements were made for Father Mike to leave on August 13.

I hope you find this information helpful:

- 1) Father Mike has been pastor of St. Charles Parish in Burlington, WI for 10 years. He has an excellent reputation as a good parish priest. When I told Archbishop Weakland that I planned to send Father Mike to treatment, the Archbishop stated that he was delighted since Father Mike is a good priest.
- 2) From a physical standpoint, there was concern Mike was experiencing weight loss and abuse of alcohol was taking a toll on his body.
- 3) In November 1996, Father spent time at [REDACTED] in Waukesha, WI. The program was brief and the after care was never totally developed.
- 4) I have made a most careful search of Father Mike's personnel file. There is little more to share.

I thank you for your most gracious welcome of Father Mike, and I am sure that he will get the best of treatment.

Please keep me informed of Father Mike's treatment.

In Our Lord,

Very Reverend Thomas F. Kerstein
Vicar for Clergy

TFK/sks

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

ADOM011522



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AUG 18 1997

August 13, 1997

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Donato F. Sarapo, M.D.
Adrian, Michigan

Very Reverend Thomas F. Kerstein
Archbishop Cousins Catholic Center
PO Box 07912
Milwaukee, WI 53207-0912

Dear Msgr. Kerstein:

Thank you for your referral of Reverend Michael C. Benham to Guest House for the treatment of alcoholism. We assure you that we will do everything possible to make his stay here comfortable and therapeutic.

The majority of individuals referred for treatment have a tendency not to fully recognize their need for being at Guest House. Alcoholism is often described as an insightful disease which the victim is not able to fully comprehend without observations and feedback from others.

At Guest House, we believe open communication with the patient's referent is very important and the input which is provided can be integrated into the individual treatment plan.

You can assist us in the diagnostic and treatment process. All specific information you provide will be important to the recovery process.

1. Specify excessive or inappropriate use of alcohol and any harmful consequences experienced, any medical, psychological, vocational, legal or social issues involved.
2. Indicate any previous history of treatment(s) or intervention efforts.
3. If others have observed or commented upon Father's drinking or related behaviors, documentation from them would also be invaluable.
4. Any additional comments and information regarding possible future consequences would be beneficial.

ADOM011523



To: Very Reverend Thomas F. Kerstein

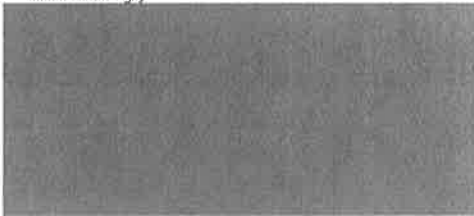
August 13, 1997

Re: Reverend Michael C. Benham

Page 2

Please be as specific as possible and ask others who are documenting to do likewise. Thank you for your demonstrated support and please remember Guest House and our special apostolate in your prayers.

Sincerely,



ADOM011524

ARCHDIOCESE
OF MILWAUKEE

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

OFFICE OF THE ARCHBISHOP

BISHOP SKLBA

May 16, 1988

The Reverend Michael C. Benham

████████████████████
Racine, Wisconsin 53404

Dear Father Benham,

It is with great pleasure that I ask you to become the pastor of St. Charles Parish in Burlington. Following the recommendation of the Personnel Board, I am happy to entrust the faithful of that parish to your pastoral care beginning on June 16, 1988. This appointment is being made for a period of time up to six years, after which time it will be reviewed for possible extension.

As representative of the Archbishop in that parish, you are called upon to serve the needs of God's people so that they can take their rightful place as baptized Catholics in their own Faith-community and in society. Your mission, like my own, is one of teaching and sanctifying, and also of administrating the parish, together with the Parish Council and those organizations designated to collaborate with you.

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

Sincerely yours in the Lord,

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

ADOM011539

June 1, 1982

C
The Reverend Michael C. Benham
St. John Nepomuk Parish
[REDACTED]
Racine, Wisconsin 53402

Dear Father Benham:

O
Following the recommendation of the Personnel Board regarding your assignment, and with the concurrence of the Archbishop, I herewith transfer you from your present position as Associate Pastor at St. John Nepomuk Parish, Racine, and appoint you to the Faculty at St. Joseph High School, Kenosha, effective July 13, 1982. You will kindly report on that date to the Principal, Mr. Robert Carbone.

P
In keeping with the Term of Office Policy inaugurated August 1, 1980, your assignment will exist for a period of up to six years from its effective date and after that will be reviewed for possible extension.

Y
Accept my prayers and good wishes as you move on to a new area of priestly work.

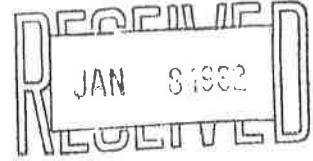
Sincerely yours in the Lord,

Reverend Joseph A. Janicki
Vicar for Priest Personnel

ADOM011544

ARCHDIOCESAN PERSONNEL BOARD

6033 West Lloyd Street
Milwaukee, Wisconsin 53213
475-0150



January 5, 1982

The Reverend Michael C. Benham ✓
St. John Nepomuk Parish

[REDACTED]
Racine, Wisconsin 53402

Dear Mike,

I hope this letter finds you in good health at the beginning of this New Year and pleased with the degree of success you enjoy in your ministry at St. John Nepomuk Parish.

The Personnel Board notes that you will have completed your 6th year this Spring in your first appointment as Associate Pastor at St. John's. You are aware, I am sure, that the Term of Office Policy (cf., Clergy Manual II-29) requires that an Associate Pastor transfer after 6 years of service in his first or second appointment; and while it is true that the Term of Office Policy allowed every Associate to set his first term from the date the policy was approved by the Archbishop in 1980, the spirit of the policy implies that priests like yourself not remain in the same assignment for the maximum number of years allowable.

Therefore, Mike, after conferral with Father Joseph Janicki, Vicar for Priest Personnel, the Board recommends that you plan to transfer from your current assignment in June, 1982, even though you previously set your term for 1987. I write to you now in order that you may take sufficient time to reflect on the wisdom of this recommendation and to plan accordingly. I trust that the confidence which you have gained from the good work you have accomplished to date will serve to encourage you to be open now to sharing your priestly ministry in another parish of our Archdiocese. One of our Board members will personally contact you to discuss this in February.

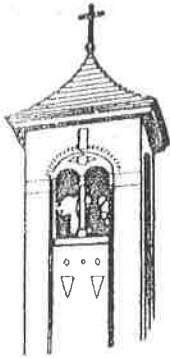
Thank you for your continuing good work in the ministry and your cooperation with the Board on this matter.

Fraternally yours in the Lord,

Reverend Joseph F. Hornacek
Executive Secretary
Priests' Personnel Board

CC: Reverend Joseph Janicki, Vicar for Priest Personnel ✓

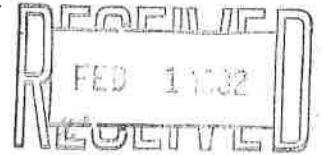
ADOM011545



SAINT JOHN NEPOMUK CHURCH

700 English Street, Racine, Wis. 53402 - Phone: (414) 634-5647

Rev. George Kolanda and Rev. Michael Benham ✓



January 28, 1982

Priests' Personnel Board
6033 West Lloyd St.
Milwaukee, Wis. 53213

Reverend and Dear Fathers:

Several weeks ago you sent Father Benham a letter suggesting to him that he consider accepting a new appointment. He showed me the letter and we discussed it together.

Several years ago, when you had each of us make you aware of our future plans, Father and I talked of ours. I told him that when I come to my fortieth anniversary in the Priesthood, I would like to retire from active duty. The date of that anniversary comes up in 1984. Father thought that he would like to stay on at St. John's until then. He hasn't changed his thinking as of now.

Father Benham came to St. John's as a newly ordained priest and during his years here has been developing new programs. He started a CYO for our young people and is now in the process of developing a two year program of instructions for the Sacrament of Confirmation. It still has a year to go. I think he should be allowed to finish that.

It would be a source of great relief to me if I did not have to worry about going through the trauma of changing associates in these last two years of my active priestly life. The tempo of this parish is very fast. We have so many activities going on that I could not possibly manage alone. Father and I have gotten along together very well. While we do not officially call it a Team Parish" it probably is and works better than many who do call it a team.

In the light of the above, would you, please, leave the personnel at St. John's as is? Thank you.

Sincerely yours in Christ


George Kolanda

copy to Father Janicki

ADOM011546

STRATEGIES FOR EMERGENCY ACTION/INTERVENTION

I. Convening of emergency team

Upon notification from a reliable source that allegations are substantiated, charges are to be filed, allegations to be published, or other public attention to be given regarding a case of misconduct by a priest, the Chancery will convene a team to respond to the emergency. The Archbishop and Bishop Skiba will be notified about the meeting should they choose to attend.

Those to be convened: Vicar for Clergy [check]
Assoc. Vicar
Communications [check]
Coord. of Response [check]
Dept For Parishes [check]
Chancery [check]
Catholic Charities [check]
[Legal Counsel]

Other persons contacted: No
(e.g., Human Resources, parish consultant)

Date, place, and time of meeting 1/23/04 Conf Rm 200
communicated to each of the above at time of contact.

II. Development of strategies

A. Designate contact person(s) for additional incoming calls on same case and determine appropriate response at time of initial call.

Contact person:
Response: Phone #

B. Decide if parish/institution intervention is needed.

Contact pastor/pastoral staff of affected parish(es) with notice. [check] Yes ___ No

Who is contacted?
By whom? Joe It
What is to be said? Facts / consequences

Trustees Staff
PC Chair

1/30 or 1/31

Send diocesan representative for coordination of on site responses. [check] Yes ___ No

Dept for Parishes

NEXT MEETING OF EMERGENCY TEAM IF NEEDED: _____

RESULTS OF CRISIS TEAM MEETING

Decision/Action	Time line	Person(s)
1.		
2.		
3.		
4.		
5.		

Who is sent? Dept. of Par.
Role:

Prepare announcement for communication with trustees, parish council president, full council, parish. Yes No

Who prepares? Jerry T
Summary of content: _____

Provide intervention for parishioners/staff. Yes No

Team members: Drane

Role:

Provide intervention team in parish school. Yes No

Team members:

Role: Schools office - letter to parents

C. Determine public response(s)

Who will act as diocesan spokesperson with the media? Kathleen

Will a formal statement from the archdiocese/archbishop be prepared? Yes No
by whom? _____

Need to be checked with legal counsel? Yes No
by whom? JT

Contact with sheriff/district atty needed? Yes No
by whom? DONE

Contact with social services of the area needed? Yes No
by whom? _____

Contact with other public agencies needed? Yes No
what agencies? _____
by whom? _____

II. Other Strategies

What: By whom: When:

E-mail to clergy - Sun. afternoon
" " staff → Kathleen
Kathleen

May 28, 1976

C
The Reverend Michael C. Benham

Palatine, Illinois 60067

O
Dear Father Benham:

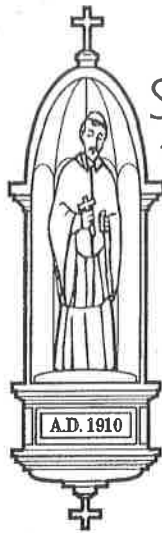
P
Following the recommendation of the Personnel Board regarding your assignment, I herewith appoint you Associate Pastor at St. John Nepomuk Parish, Racine, effective June 15, 1976. You will kindly report on that date to the Pastor, Father George A. Kolanda.

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

Fraternally yours in Christ,

Most Reverend William E. Cousins
Archbishop of Milwaukee

ADOM011596



SAINT CHARLES BORROMEEO CATHOLIC CHURCH

456 Kendall Street Burlington, Wisconsin 53105 • Father Michael C. Benham, Pastor • Phone 414-763-2260

February 17, 2000

The Most Rev. Rembert G. Weakland OSB
3303 S. Lake Dr.,
St. Francis, Wisconsin 53235-3703

Dear Archbishop Weakland,

I write to you at this rather late date to request that you consider my request for an extension of my term of office as pastor of Saint Charles Borromeo in Burlington,

I felt disinclined to make the request at the time of the publication of the Spring open listing because of the burden that you were bearing subsequent to last year's situation in Plymouth. It was my hunch that you did not need yet another exception to consider, nor did I think that it was my prerogative to expect one. I resolved to respect the integrity of the term of office policy and to find the will and wisdom of God in it.

Because of my present needs I find that this year's open listing choices are rather limited for me. These are needs that I have relative to my state in life as a recovering person and someone who is under regular medical supervision as an insulin dependant diabetic.

While AA related recovering groups are to be found throughout the Archdiocese, participation in my home group is an important component in my recovering today.

Where my medical needs (diabetes management) are concerned, while they could be supervised by any competent endocrinologist, I would prefer not to have to change doctor, nurse practitioner and medical supervision at this time.

I referred above to pastoral reasons. Those of course have to do with the feelings expressed by the leaders of the parish and staff who attended Fr. Kohler's listening session on February 15th. Perhaps he could inform you of them more precisely but there seems to have been a consensus expressed that I be retained in my present position. While I find the consensus to be both gratifying and affirming, I also know that no priest or pastor is indispensable. A large measure of concern voiced on the 15th has to do with a hoped-for expansion of facilities project. Pending the necessary approvals and permissions, our parish is hoping to renovate the former convent and build an activity center as we have outgrown our present facilities. The parish staff and leadership are fearful of the appointment of a pastor who would not promote nor support such an undertaking.

I read with interest your recent "Herald of Hope" reflection regarding the life of the Monk in the marketplace. If I may presume to add my own thought to it, I have always understood my own promise of obedience as the obligation


ADOM011621



August 8, 2002

By means of this letter we verify that Reverend Michael C. Benham, born October 23, 1950 was ordained a priest for the Archdiocese of Milwaukee on May 28, 1976. He is incardinated and in good standing in the Archdiocese of Milwaukee. He is authorized for ministry within the Archdiocese, currently serving as pastor at St. Patrick Parish in Elkhorn, Wisconsin

If there is any further information needed, please do not hesitate to contact us. Thank you for any consideration you are able to extend to Father Benham.


Barbara Anne Cusack
Chancellor

Given at Milwaukee

August 8, 2002

February 1, 2004

Media Release

For Immediate Release

Contact: Kathleen Hohl, 414-769-3494

Priest Leaves Active Ministry as a Result of Substantiated Allegations of Sexual Abuse of a Minor

MILWAUKEE – Rev. Michael C. Benham, pastor at St. Patrick Parish, Elkhorn, has left active ministry due to a substantiated allegation of sexual abuse of a minor.

In November 2003, the Archdiocese of Milwaukee received an allegation of sexual abuse of a minor against Rev. Benham. The incident in question occurred more than 20 years ago. In accordance with archdiocesan policy, the intake report was immediately referred to the Racine County District Attorney's Office.

During the second week of January 2004, the intake report was returned to the Archdiocese from the District Attorney's Office, stating no action could be taken because the statute of limitations had expired.

Following archdiocesan policy, Fr. Benham was notified of the allegation and he substantiated the allegation. Fr. Benham was asked to step aside from active ministry on January 24, 2004.

The steps taken by archdiocesan staff members follow archdiocesan policies, which are consistent with those established as a result of the implementation of the United States Conference of Catholic Bishops' *Charter for the Protection of Children and Young People*. Once an allegation of sexual abuse of a minor by a clergy member is substantiated, the clergy member is no longer allowed to function in active ministry.

"The sexual abuse of a minor is a crime we take very seriously in the Archdiocese of Milwaukee," said Archbishop Timothy M. Dolan. "Our first priority is the care for the victim in this case. This case is an indication that the system we have in place to handle allegations of sexual abuse of a minor is working. ~~No one ever wants to have put these kinds of policies in motion. However,~~ It is reassuring to know that our system and policies that are in place to protect children and young people do indeed work."

-more-

ADOM011629

Priest Leaves Active Ministry

add one

Rev. Paul Daniels, will assume duties of temporary administrator on Monday, February 2. Archdiocesan central office staff members will work closely with Rev. Daniels and the parish pastoral staff to ensure that the sacramental and pastoral needs of the parish community are being met.

Rev. Benham has served as pastor at St. Patrick Parish since June 20, 2000. Prior to that, he was pastor at St. Charles Borromeo Parish, Burlington (1988-2000); a faculty member at St. Joseph High School, Kenosha (1982-88); and assistant pastor at St. John Nepomuk Parish, Racine (1976-82). He was born on October 23, 1950, and was ordained on May 28, 1976, by Archbishop William E. Cousins.

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ADOM011630

Saturday, January 31, 2004

Dear Members of the St. Patrick Community:

I write to you today with a very heavy heart and imagine that you have confusing emotions after learning that Father Michael Benham will no longer serve as your pastor.

The sexual abuse of a minor is a crime that we in the Archdiocese of Milwaukee take very seriously. That is why I joined the parish this evening to celebrate Mass and to share this information about Father Benham with you first hand. As your ~~leader and~~ shepherd, it is important that I am with you for the good times and for the bad times.

The Catholic Church worldwide has suffered from the tragedy of sexual abuse of minors. Of course, that suffering is much closer to home when the issue affects our parish community. As we have worked our way through this scandal over the last two years, there has been much anger, sadness, confusion, hurt and even hope. I'm sure that you will be experiencing these emotions over the next several months.

Since coming to the Archdiocese, I have ~~dealt with~~ ^{consolated} parishioners whose leaders have been asked to leave active ministry. I have been asked why, in obedience to Jesus, we cannot forgive these priests who have abused ~~young children~~ ^{minors}. My response is: we do forgive these men. We know God forgives them; we must forgive them too; and I hope they can forgive themselves.

Forgiveness, however, does not eliminate the need for those accused to take responsibility and to be held accountable for their behavior. In this regard, the words of our Holy Father and from the United States' Bishops' *Charter for the Protection of Children and Young People* are quite clear. We do forgive Father Benham. We acknowledge that he served your parish community to the best of his ability. We want to stay close to him and offer him our support.

All professionals – teachers, physicians, nurses, counselors, for example – are held to high standards. Priests can be no different. The ~~offense was~~ ^{allegation} serious and substantiated. If we are firm in our resolve to protect children and restore trust, we must be able to assure our people that no priest who has ever abused a minor is in active ministry.

I understand that the coming days, weeks and months may be unsettling. You may be wondering what the future holds for you and your parish. We are making every effort to provide for your pastoral needs. Father Benham cooperated and has agreed to step aside from active ministry, in accordance with archdiocesan and national policies. For now, Father Paul Daniels will serve as temporary administrator of St. Patrick's Parish. We want to be sure that we take the time necessary to determine how best to meet the sacramental and pastoral needs of your parish community.

I will keep all members of your parish and school community in my daily prayers. I ask that you pray for all involved. Our Church will be made stronger as we suffer through this turmoil. May you find God's strength to help you through this most difficult time.

Faithfully in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM011631

JAN 14 2004

ROBERT S. FLANCHER
DISTRICT ATTORNEY



Office of the District Attorney
Racine County Courthouse
730 Wisconsin Avenue
Racine, Wisconsin 53403-1274

General: (262) 636-3172
Victim/Witness: (262) 636-3858
Consumer Fraud: (262) 636-3125
Facsimile: (262) 636-3346

January 13, 2004

Ms. Barbara Anne Cusack, Chancellor
Archdiocese of Milwaukee
3501 S. Lake Drive
P.O. Box 070912
Milwaukee, WI 53207-0912

Re: Your letter of November 4, 2003 of allegations against Father Mike Benham

Dear Ms. Cusack:

Please excuse the delay in responding to you. I attempted to contact the victim when the initial letter was received, and I never received a call back. When you contacted me last week, my memory was not stirred by the descriptions you gave me. However, in reviewing the sexual abuse intake report, I do recall reviewing this matter. Our determination was that based upon the date of the allegations from 1976 through 1980, that this matter is not suitable for prosecution due to the statute of limitations. I had never received contact back from the victim. If I do receive contact, I will notify you. Please perform any investigation you consider appropriate. It will not be interfering with any law enforcement efforts on this end. The only factor that would change my mind would be if Father Benham was out of the state for a significant period of time upwards of 15 to 18 years, during the pendency of these matters, that may move this within this framework of the statute of limitations. If you receive that information through your investigation, please contact me. I will again reconsider.

Sincerely,

MICHAEL E. NIESKES
Deputy District Attorney

MEN/ec

Aug. 17, '97

Dear Archbishop Weakland,

As you are aware, I arrived at Guest House last Wednesday (8/13). Ken Kruppel was kind enough to accompany me, which was a great help to me.

Upon arrival I became acquainted with a staff who could not have been more cordial or accomodating.

My fellow guests (about 25) are all very dedicated men who have many interesting stories to tell about their years of ministry. Many of the priests are from the East coast, about half of them being members of religious communities. I am finding it both interesting and stimulating to mingle with priests from other parts of the country. This has been my first opportunity to do so.

On a more personal level, I have begun to feel a sense of calm + peace, a sort of tranquility that had seemed so elusive of late.

Physically I feel terrific. My appetite is better than ever, as the food is quite tempting.

May I express my gratitude to you for this opportunity for healing and renewal, and for your support not only of me, but of my brothers in the Archdiocese with whom I share this disease. There are many men here whose recovery is made all the more difficult for the lack of their bishop's concern for their welfare.

I hope that you are well and feeling stronger every day. As in the past you will remain in my daily prayers.

Please feel free to share this note with Bishop Skelba, as it conveys my gratitude to him as well.

Asking your blessing and in fraternal love,
Mike Senham

AUG 05 2002

Vicar for Canonical Services

Diocese of Helena
515 North Ewing • PO Box 1729
Helena, MT 59624-1729 • (406) 442-5820



Tribunal

2100 Farragut • PO Box 3269
Butte, MT 59702-3269
(406) 723-1255 • Fax (406) 723-0182

August 1, 2002

Barbara Anne Cusack
Chancellor
Archdiocese of Milwaukee
P O Box 070912
Milwaukee WI 53207-0912

*Jay -
Please issue
Sawyer
letter
NB FAX
request
Thurs*

Dear Barbara Anne,

The Diocese of Helena maintains the practice of obtaining a letter from an appropriate diocesan official when a priest or deacon from another diocese or religious community will be functioning in the Diocese of Helena. We ask that the letter include basic information (date of birth, date of ordination, current assignment) and the assurance that the man is a priest or deacon in good standing as well as the assurance that there is nothing in the man's background which could limit or disqualify him from functioning as a priest or deacon in the Diocese of Helena.

Father Michael Benham, who I understand is a Priest of the Archdiocese of Milwaukee, has been asked to to celebrate a memorial Mass for the Special Forces Veterans in Helena. I understand that he assigned to St. Patrick Parish in Elkhorn, Wisconsin.

I am writing, therefore, to ask for an assurance that Father Michael Benham serves with the Faculties of the Archdiocese of Milwaukee and that he is a Priest in good standing. If you need additional information regarding our request, please call me at 406-723-1255.

Thank you for your kind consideration of this request.

Sincerely yours,

John W Robertson
Reverend John W. Robertson
Vicar for Canonical Services

P.S. Since I will be on vacation for the next two weeks, please Fax a copy of the letter to: Father Kevin O'Neill, Vicar General at 406-442-1085. Thank you.

ADOM027237

2-18-07

SEP 9 2 2007

Dear Archbishop,

The clarification that you requested per your letter of 2/13.

I did lead the prayers of the wake service in clerical collar on the occasion of the death of my former coworker and friend, Sister Mary Lou Fischbach. I did so out of respect for her death bed request of me that I do so.

On one other occasion I led the "Prayers at the First Viewing of the Body," and did so privately before the scheduled times of the wake of my former secretary. I led these prayers at the request of her family and I did so on the condition that it be done only in the presence of immediate family.

More recently, I attended the wake of another of my late friends, prayed privately at the bier according to Catholic custom, consoled with the family and left.

If I visit a sick room it is only at the request of the sick person or his/her family and I do not do so uttered as a priest. As far as I am concerned, because they are private visits, I felt and do feel that I was not violating the proscriptions of the policy regarding public ministry. It is very difficult to grapple with the needs of the suffering and bereaved, one's own conscience, charity and the works of mercy (the duty of any Christian) and the present policy. I would rather be left alone entirely to cultivate my own peace of mind and emotional health.

I do not solicit opportunities to exercise priestly ministry nor do I interfere with the work of those approved for parochial service. I only dedicate every

ADOM027265

day that God's Providence allows me, to living faithfully, attending to my own life of prayer and penance, and being true to all that my own daily celebration of the Eucharist binds me to.

I do celebrate Mass once a month with a small group of friends and do so only on the condition that they remain present and active in their parish community. You may recall my telling you about that when you visited me at home and I described them to you as a life-saving community whose gift to me is the feeling that I am not completely "ex-communicated".

Your "reliable source" put me in mind of some old-fashioned names for sins that aren't spoken of much any more - such things as "calumny" and "detraction". My antidote must be nothing other than this past Sunday's gospel. The one who would seem to be my adversary must become my path to greater virtue, a goal to my own continued conversion.

Thank you for past and present kindness, generosity and pastoral and fraternal concern. May the holy days and weeks of Lent bring you a profusion of grace.

Sincerely,

Michael Benham

MOST REV. TIMOTHY M. DOLAN

FEB 21 2007

ADOM027266

April 19, 2004

His Eminence Joseph Cardinal Ratzinger
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Eminence:

This correspondence is concerning the matter of Reverend Michael Charles Benham. As you will see in the attached documentation, he was accused of sexual abuse of a minor and has admitted that these allegations are true. He is prepared for whatever decision the Church will make in his case but is not willing to apply for voluntary laicization.

Given the nature of the alleged and admitted sexual abuse, along with the serious abuse of office, I have pondered long and hard to arrive at an opinion about the most appropriate action to be taken. I have met personally with the victim in this case and believe the negative impact this abuse has had on his life, even fracturing family relationships. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. Furthermore, if it is your judgement that this case should proceed through a canonical penal process, I humbly request a dispensation from prescription as well as a sanation of any procedural errors that may have occurred during the time this case was under investigation. While only one victim has come forward at this time, the frequency of the admitted offenses and the young age of the victim are such that it is my opinion that these requests are justified. I look forward to your further instructions in this matter.

With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM027270

B.a.c.


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

March 1, 2007

Michael Benham
[REDACTED]
Burlington, WI 53105

Dear Michael,

I acknowledge your letter of February 18, 2007.

While appreciating the explanation you kindly gave, I must be clear and firm in renewing the rescript against you: *you may exercise no public ministry as a priest, nor present yourself as one.* This means any public Mass, the sacraments, or public prayer.

We have stated to this community that there is no priest against whom there has been a substantiated allegation of sexual abuse of a minor who is publicly exercising priestly ministry. Your admitted actions make it inaccurate for me to state that.

This has also caused confusion among the faithful of your former parish, and will thus probably necessitate a published clarification from me. I doubt if you will welcome this; I certainly do not look forward to it.

It also raises a question about whether you properly understand the nature of "a life of prayer and penance," which must be of weight in the Holy See's eventual decision about your status as a priest.

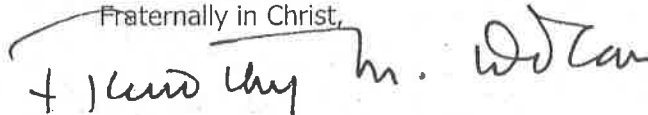
For the record, although, during our visit in November, I do recall you telling me of visits to the sick (not as a priest), I do not remember you mentioning anything about a Mass with a small group of people. I would have asked you to stop.

While I can prohibit no one from exercising the corporal and spiritual works of mercy, I can restrict one from doing such as *public priestly ministry.*

I owe you this frank clarification and reminder.

With prayerful best wishes, I am,

Fraternally in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

CONFIDENTIAL

Date: December 7, 2006

Memorandum Re: Rev. Michael Benham

To: Most Rev. Timothy M. Dolan
Archbishop of Milwaukee

From: Deacon David L. Zimprich 

I have read your memo regarding Fr. Michael Benham. I can appreciate what he has been through and how he has suffered for his actions 26 years ago. No doubt he continues to suffer mentally, emotionally and physically. I am glad he no longer contemplates suicide. I know from working with other priests in his situation that finding employment is extremely difficult, i.e., Frs. Michael Krejci and Ronald Engel. I can also sympathize with the problems that he faces based on the limited financial resources available to him. I don't think anyone wants to see someone lose their home.

I would be happy to meet with him to offer company and concern. However, I am wondering why this support wasn't mandated and/or begun long before now.

That said, what about the physical, emotional, mental and probably spiritual damage he did to his victim(s)? What financial burdens were levied upon them because of his actions? How hard was it for them to face their family and friends and at what cost? Has the crime against their person(s) cost them the careers and employment opportunities that may have been available to them if their meeting Fr. Benham had never occurred? What about the financial burden to the Archdiocese in providing therapy, monetary settlements and costly attorney's fees to our attorney's and the victim(s) attorney's? What about the scandal that he has brought to the victim(s), their families and to the Church of the Archdiocese of Milwaukee, and particularly the faithful at St. Patrick in Elkhorn when he had to be removed and the reason made known? What about the toll his actions have taken on the person(s) of other people such as those involved in the mediation sessions with his victim(s)?

Fr. Benham is 56 years of age. Based on current statistical information he can easily be expected to live for at least another 20+ years. This would perpetuate the Archdiocese's financial outlay to him for all those years. The Archdiocese would have to pay him a salary as well as his insurance premiums. Both of those amounts will continue to escalate.

I am sympathetic to your inclination of allowing Fr. Benham to lead a life of prayer and penance versus the loss of the clerical state. However, I do not agree. I would recommend in favor of laicization.

Memo

Confidential

To: Bishop Richard Sklba
Very Reverend Curt Frederick
Dr. Barbara Anne Cusack
Deacon Dave Zimprich

From: +Timothy M. Dolan

Date: December 6, 2006

Re: Michael Benham

+ T.M. Dolan

As you are aware, I have delayed a long time in making a decision about the future of Michael Benham.

The most recent communication from CDF suggested that I might ask him one more time to request voluntarily a return to the lay state. It also asks that, given the long time (26 years) that has passed since the abuse, I might consider allowing him a "limited form of ministry in the archdiocese . . . upon a favorable psychological evaluation . . . that such ministry would not bring further scandal to the faithful nor risk to minors."

The first option - - laicization - - Michael is unwilling to do. The second option I would never be willing to do.

Based upon this, Barbara Anne prepared a letter for CDF dated October 20, 2005, asking CDF to laicize Michael *ex officio*.

I never sent the letter, and have been mulling over the case since then.

Last week, I visited Michael at his home in Burlington. We concelebrated Mass and had a lengthy conversation. This very fruitful and moving visit only confirmed my observations about him, which have come from correspondence and telephone conversations since his removal from all ministry:

1. Michael has true remorse for his past abusive actions.
2. He lives a textbook "life of prayer and penance:" daily does he offer Mass and prays the liturgy of the hours; he considers himself a priest to the core and, while he realizes that he will never again publicly exercise his ministry, he still longs to live as a priest in seclusion and silence.

3. His health is fragile: he has advanced diabetes, much emotional stress, and is a recovering alcoholic. He was close to suicidal after his removal from office, but is much more stable now, thanks to counseling.
4. He has tried to find employment. Because he is honest about his past, he has been unsuccessful.
5. He continues in sobriety and in his program.
6. His financial state is shaky, and he would not make it without the insurance and minimal subsidy from the archdiocese. He will probably soon have to sell his house.

My strong inclination is to allow Michael Benham to live a life of prayer and penance. I would very much appreciate your thoughts.

(Whatever happens, it would be good to add Michael to your list, David. Not that I fear a relapse; but he would enjoy the company and expression of concern).

To: Archbishop Dolan
From: Barbara Anne Cusack
Re: Rev. Michael Benham
Date: December 7, 2006

Thank you for consulting on the Benham case. I appreciate your desire to bring this matter to resolution as well as your care and concern for Michael. There is probably no one here who minimizes the pain that abusers suffer when their actions result in their removal from ministry.

Although Michael has apparently expressed remorse to you, I have not seen that remorse translate into action. The victim in this case requested a token amount of money as a gesture of recognition of the harm he had caused; Michael has consistently and adamantly refused to do so. You and I have both met – on multiple occasions – with [REDACTED] and been witness to the terrible effects the four years of abuse beginning at age 11 has had on him. This was not a one-time incident of indiscretion. There have to be consequences to actions. I do not doubt that an all-merciful God has forgiven Michael but an all-just God will also probably require some purgation for these actions. We are not asked to judge those larger questions. We need only look at the temporal effects of Michael's actions and we know that they have caused serious and deep wounds for [REDACTED]

Michael's life of solitude is made possible because we are paying his subsidy and could be doing so for the next 10 years until he is eligible for pension. Even beyond that subsidy is health and dental insurance with continued payments even after he reaches pension age. I am not sure how we can justify this as "good stewardship" of the resources people have entrusted to us. Thus far, we have limited the application of a life of prayer and penance to those of extremely advanced age or with very serious illness. I believe this practice should be continued. How do I honestly look a victim-survivor in the face in mediation and say we are acting consistently with Pope John Paul II's statement that "there is no place in the priesthood for those who would harm a child"? I have been able to speak frankly when asked how we are handling the perpetrators; I would not feel I could do so going forward if we take this step backward.

I can appreciate that Michael's finances are strained. But what about those of the Archdiocese? How many more people are we going to have to terminate because our finances have been so adversely affected not only by settlements but also by paying unassignable priests? What about the adverse financial effect of the long-term damage to victims-survivors as we have seen with [REDACTED]

When all is said and done, my desire would be to continue our present policy on the limited use of prayer and penance and to re-submit a petition for laicization in this case.

ADOM027305


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

ex

February 13, 2007

The Reverend Michael Benham

██████████
Burlington, WI 53105

Dear Michael,

I am compelled to write you on a delicate and significant matter.

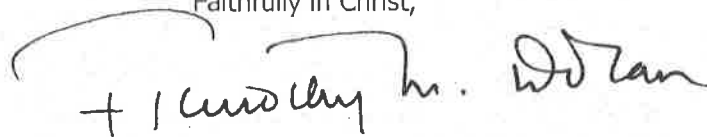
It has come to my attention from reliable sources that you still on occasion publicly exercise your priestly ministry. Allegedly, you have offered Mass for a small group, presided at wake services, brought Holy Communion to the sick, and worn clerical garb.

If these reports are accurate, your actions are in direct violation of the rescript. You may not publicly present yourself as a priest, nor publicly exercise any ministry.

A clarification from you would be helpful and appreciated.

With prayerful best wishes, I am,

Faithfully in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

Entry for the File of [REDACTED] Michael Rev.
By Barbara Reinke

January 26, 2004

After several attempts I succeed^d in reaching [REDACTED] by phone. I reviewed with him the steps that have occurred, and that Father Mike Benham acknowledged sexual abuse as described by [REDACTED] indicated that he graduated from 8th grade in [REDACTED] and from high school in [REDACTED]. He also steadfastly maintains that the abuse occurred before he got to high school. I explained to [REDACTED] that Father Mike has been removed from ministry. And, how announcements will be made to his parish this upcoming weekend. Also that [REDACTED] can expect to see information in the newspapers shortly thereafter. I assured [REDACTED] that his name would not be released.

[REDACTED]

I explained to [REDACTED] that he will be eligible for mediation with the Archdiocese, but that his priorities at this time are simply the next few weeks. [REDACTED] agreed. I clarified for [REDACTED] that he may leave a message for me at any time and I will return the call.

BR:saz
Typed 2/3/04

ADOM037192

Entry for the File of [REDACTED] Rev. Michael
By Barbara Reinke

January 7, 2004

[REDACTED] called wanting follow-up on his case now that the holidays are over. His phone number is [REDACTED]. I explained to [REDACTED] that it has not yet come back from the Racine County District Attorney's office, and that we are continuing to pester the Racine County District Attorney's office to either take action themselves or to release this case so that we may take action. I explained to [REDACTED] that as soon as the case is released by the Racine County District Attorney's office, we will start an investigation and I will be notifying him of the name of the investigator who would contact him. [REDACTED] is, of course, concerned about the possibility that the priest could re-offend in his current position.

I also asked [REDACTED] about his current need for therapy. [REDACTED]

[REDACTED] We agreed that I would supply him a short list of therapist to check out.
[REDACTED]

BR:saz
Typed 1/29/04

ADOM037193

COPY

February 5, 2004



It is only appropriate to summarize in writing for you the information you and I have discussed by phone on multiple occasions last week. As you yourself have noted, it has been a lot for you to process all at once. I continue to be concerned about your well-being during this period, and I hope you have connected with a therapist as we have discussed. I am sorry that we did not talk a few days ago when I called back at the time you requested. I will, of course, respect your wishes about contact, but please know that I would like to provide you resources and support at this difficult time.

After the report of sexual abuse you gave me on November 3, 2003 was eventually returned by the Racine County District Attorney's office, Fr. Michael Benham was confronted with your report of full body massages, which you indicated started the summer before sixth grade and continued through eighth grade graduation. Michael Benham acknowledged the truthfulness of your account. As I told you, he believes it occurred a couple years later than you do, but this is irrelevant to the overall situation.

He was immediately removed from all ministries. It was important to reach you before this was publicly announced. You and I finally succeeded in reaching each other on Monday, January 26, and I explained to you that announcements would be made on the upcoming weekend. We also clarified that I am available to return your calls at any time that you request.

February 5, 2004

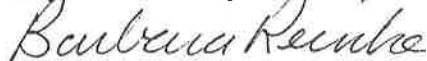
Page 2

I also explained to you your eligibility to seek restitution through the new Clergy Sexual Abuse Mediation Service. We clarified that you can pursue this individually, and do not have to be part of a group. I encouraged you to focus on immediate priorities of connecting with a therapist and getting yourself through the period of publicity before focusing on mediation and restitution.

I trust that you are aware of how personal information about you got into the newspaper; we have not nor will we release any personal information about you. I did want to let you know that I received a call suggesting that some of your former classmates may have identified you.

I remain concerned about you. Please know that the Archdiocese of Milwaukee would like to assist you and your family with healing and restoring wholeness.

May God be with you,



Barbara Reinke, Ph.D.
Sexual Abuse Prevention & Response
Archdiocese of Milwaukee

BR:saz

ADOM037201

ARCHDIOCESE  OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

Prot. No. 207/04 -20808

October 20, 2005

Most Reverend Angelo Amato, SDB
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

This correspondence is concerning the matter of Reverend Michael Charles Benham. As you requested, we have approached Father Benham one additional time to ask that he seek voluntary laicization as a sign of repentance for the repeated sexual abuse of a minor, offenses which has admitted took place. Once again, he has stated that he is unwilling to so do.

Given the seriousness of the offenses and the length of time over which they occurred, I do not see any way that Father Benham could be restored to any ministerial position without grave scandal. As we are all aware, assurances from psychological evaluations in the past have not safeguarded the Church's good name nor have they protected against civil liability.

In this present situation, therefore, I would reiterate my original *votum*. In order that justice may be made manifest and healing of the victim and the Church may proceed, I am asking that Reverend Michael Benham be dismissed *ex officio* from the clerical state. Whatever financial needs he may have can be negotiated in justice. He is vested in the pension plan and will be eligible for benefits. He will also be assisted with transition expenses.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation. With sentiments of deepest esteem, I am,

Sincerely yours in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

10


ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

February 22, 2007

Prot. No. 207/04-20808

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

I write again in the matter of Reverend Michael C. Benham. He remains reluctant to seek voluntary laicization despite his admission of long-term sexual abuse of a minor. While it is correct that no additional victims have made allegations, the one case that was reported involved a very young boy, initially aged 11, and was protracted over a four year period with multiple sexual assaults.

As previously reported, Father Benham acted in violation of the penal precept restricting him from any public ministry by presiding at a Funeral Mass. Further reports have come in recently about additional violations. I have asked Father Benham to address these concerns and his response is that he is living in the "spirit" of the restrictions but then admits to public celebration of the Eucharist on a monthly basis and other ministerial activity when he is personally asked. He has obviously not taken this whole matter seriously and will continue to act as he deems fit regardless of any action on my part.

The faithful who have learned of these actions on his part are confused and angry. Because he has not moved from the immediate vicinity of his last parish assignment, the current pastor is also distraught over these actions. He believes the parish cannot move toward healing while Father Benham does not observe the restrictions on his ministry.

The suggestion of appointing Father Benham to some form of limited ministry is thus out of the question. I have been clear and deliberate in assuring the faithful entrusted to my care that there is no priest who has against him a substantiated case of sexual abuse of a minor who is functioning in priestly ministry. We relied in the past on the opinion of psychological experts to assure us that offenders were not at risk to repeat that behavior; we have seen in retrospect how flawed that advice was. Our people have a right to be assured that no offending clerics are exercising ministry.

Father Benham has displayed behavior in direct disobedience to a penal precept and has betrayed my confidence that he might be able to lead a life of prayer and penance with no public ministry. The Archdiocese of Milwaukee is under fiscal constraints and to continue to have to provide financial support to an individual who is quite capable of some form of work but refuses to seek any, is not good stewardship of the resources entrusted to us. It will be almost ten years before he is eligible for a pension. I cannot be accountable to my people and continue to provide that level of financial output to an offending cleric.

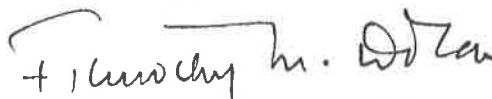
Therefore, I renew my request that Reverend Michael C. Benham be dismissed *ex officio* from the clerical state.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

A handwritten signature in black ink, appearing to read "Timothy M. Dolan". The signature is written in a cursive style with a large initial 'T' and a long horizontal stroke.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM039413

January 15, 2008

Prot. No. 207/04-20808

Most Reverend Angelo Amato, SDB
Secretary
Congregation for the Doctrine of the Faith
Palazzo del S. Uffizio
00120 Vatican City

Your Excellency:

I write again in the matter of Reverend Michael C. Benham. You will recall that he has been asked to seek voluntary laicization multiple times. He refuses to do so and remains obstinate in that position. Despite his admission of long-term sexual abuse of a minor, he will not take this step. While it is correct that no additional victims have made allegations, the one case that was reported involved a very young boy, initially aged 11, and was protracted over a four year period with multiple sexual assaults.

As previously reported, Father Benham has acted in violation of the penal precept restricting him from any public ministry by presiding at a Funeral Mass. Further reports have come in about additional violations, such as anointing of the sick and wake services. I have asked Father Benham to address these concerns and his response is that he is living in the "spirit" of the restrictions but then admits to public celebration of the Eucharist on a monthly basis and other ministerial activity when he is personally asked. He has obviously not taken this whole matter seriously and will continue to act as he deems fit regardless of any action on my part. His blatant disobedience should be a sign of the character flaws with which we are dealing. He fails to see how his actions have and do harm the community of the faithful.

The faithful who have learned of these actions on his part are confused and angry. Because he has not moved from the immediate vicinity of his last parish assignment, the current pastor is also distraught over these actions. He believes the parish cannot move toward healing while Father Benham does not observe the restrictions on his ministry.

As I noted previously, the suggestion of appointing Father Benham to some form of limited ministry is simply out of the question. I have been clear and deliberate in assuring the faithful entrusted to my care that there is no priest who has against him a substantiated case of sexual abuse of a minor who is functioning in priestly ministry. Our people have a right to be assured that no offending clerics are exercising ministry. Given the assurances put forth by the U.S. bishops, any proposal that he minister elsewhere is also not an option. We will not transfer priests who have sexually abused minors.

ADOM039414

Father Benham has displayed behavior in direct disobedience to a penal precept and has betrayed my confidence that he might be able to lead a life of prayer and penance with no public ministry. The Archdiocese of Milwaukee is under dire fiscal constraints all of which can be traced directly to the evil of clergy sexual abuse. To continue to have to provide financial support to an individual who is quite capable of some form of work but refuses to seek any, is not good stewardship of the resources entrusted to us. It will be almost ten years before he is eligible for a pension. I cannot be accountable to my people and continue to provide that level of financial output to an offending cleric. There is a blatant injustice when I have to terminate lay employees who have done nothing to harm the Church but continue to support someone who has.

Therefore, I renew my request that Reverend Michael C. Benham be dismissed *ex officio* from the clerical state.

If the judgement of Your Excellency is that this case should proceed to a dismissal by decree of your Congregation, I would cede to that judgement. If it is judged that an administrative penal process would be appropriate, I am prepared to conduct one upon your authorization. Given his recent response, I have no reasonable hope that Father Benham would participate in a penal trial.

Thank you again for your consideration of this case and for the ongoing ministry of the Congregation.

With sentiments of deepest esteem and prayerful best wishes, I am,

Sincerely yours in Christ,

A handwritten signature in cursive script, reading "Timothy M. Dolan". The signature is written in dark ink and is positioned to the left of the typed name.

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

ADOM039415

ARCHDIOCESE OF MILWAUKEE

Reverend Michael C. Benham

Date of Birth: [REDACTED] Age: 53
Presbyteral Ordination: May 28, 1976 Years of Ministry: 27

Diocese of Incardination: Milwaukee
Ministry in other Diocese: None
Address: [REDACTED]

ASSIGNMENTS:

Year	Assignment	Location	Appointment
1976-1982	St. John Nepomuk Parish	Racine, WI	Associate Pastor
1982-1988	St. Joseph High School	Kenosha, WI	Faculty
1988-2000	St. Charles Parish	Burlington, WI	Pastor
2000-2004	St. Patrick Parish	Elkhorn, WI	Pastor

ACCUSATIONS:

Year	Victim	Age	Alleged acts	Denunciation
1976-1980	[REDACTED]	11-14	Full body massages with genital fondling; disrobing victim; at least 25 incidents Benham was associate pastor at the alleged victim's parish and used his office to gain access and trust Abuse occurred in rectory with other young boys in the next room	November 2003

CIVIL PROCEEDINGS

Year	Type/case	Conviction	Sentence
2003	Referred to Racine County District Attorney		
2004	Racine County District Attorney determined criminal prosecution not possible because of expired statute of limitations		

MEASURES ADOPTED BY THE DIOCESE

<u>Year</u>	<u>Action</u>
November 2003	Referred for civil review
January 2004	Presented accusation to Father Benham, he admitted they were true; submitted letter of resignation as pastor; precept issued restricting all ministry; advised to seek canonical counsel
April 2004	Case referred to the Congregation for the Doctrine of the Faith

SUSTENANCE PROVIDED BY THE DIOCESE

Father Benham is provided with the monthly equivalent of a pensioned priest, \$1,250. He is also provided with health and dental coverage.

RESPONSE / RECOURSE BY THE CLERIC

<u>Year</u>	<u>Action</u>
2004	Admitted that the sexual abuse had occurred as reported

DIOCESE	Archdiocese of Milwaukee
NAME OF ORDINARY	Timothy M. Dolan
CDF PROT. N. (if available)	
NAME OF CLERIC	Michael C. Benham

PERSONAL DETAILS OF THE CLERIC	Date of Birth	[REDACTED]	Age	53
	Ordination	May 28, 1976	Years of ministry	27
ORIGINAL DIOCESE OF INCARDINATION		Milwaukee		
MINISTRY IN/TRANSFER TO OTHER DIOCESE		None		
CONTACT ADDRESS OF THE CLERIC		[REDACTED]		
PROCURATOR (include original signed mandate)		No mandate submitted		
CONTACT ADDRESS OF THE PROCURATOR				
ASSIGNMENTS				
Year	Parish	Location	Appointment	
1976	St. John Nepomuk Parish	Racine, WI	Associate Pastor	
1982	St. Joseph High School	Kenosha, WI	Faculty	
1988	St. Charles Parish	Burlington, WI	Pastor	
2000	St. Patrick Parish	Elkhorn, WI	Pastor	
ACCUSATIONS AGAINST THE CLERIC				
Year	Victim	Age	Imputable Acts	Denunciation
1976-1980	[REDACTED]	11-14	Full body massages with genital fondling; disrobing victim; at least 25 incidents; use of office to gain access to victim; abuse occurred in rectory with other young boys in the next room	November 2003

CIVIL PROCEEDINGS AGAINST THE CLERIC			
Year	Type/Case	Conviction	Sentence (include copies of civil documents)
2003	Referred to Racine County District Attorney		
2004	District Attorney determined criminal acts not able to be prosecuted because of expired statute of limitation		
MEASURES ADOPTED BY THE DIOCESE			
Year			
10/2003	Referred for civil review		
1/2004	Presented accusations to Father Benham; he admitted they were true; he submitted letter of resignation as pastor; presented with penal precept restricting all ministry; advised to seek canonical counsel		
4/2004	Case referred to Congregation for the Doctrine of the Faith		
8/2004	Out of court settlement reached		
SUSTENANCE PROVIDED BY THE DIOCESE TO THE CLERIC			
Monthly equivalent of a pensioned priest, \$1,250; health and dental insurance coverage			
RESPONSE/RECOURSE MADE BY THE CLERIC			
Year			
2004	Admitted that the sexual abuse had occurred as reported		
BISHOP'S VOTUM			
<i>Ex officio</i> dismissal from the clerical state or decree of administrative laicization since the facts in the case are not disputed and there is obstinate refusal to seek voluntary laicization			

ADOM039409



CONGREGATIO
PRO DOCTRINA FIDEI

3 November 2008

00120 Città del Vaticano,
Palazzo del S. Uffizio

PROT. N. 207/04 -26926
(In responsione fiat mentio huius numeri)

CONFIDENTIAL

Your Excellency,

I write regarding the case of the **Reverend Michael Charles BENHAM**, a priest of your Archdiocese who was accused of sexual abuse of a minor. In your *votum* Your Excellency requested his dismissal from the clerical state.

This Congregation, after a careful and attentive study of the facts, and in light of the *votum* expressed by Your Excellency, has decided to forward your request to the Holy Father "*cum voto favorabili*" for the dismissal of Rev. Benham from the clerical state *ex officio et pro bono Ecclesiae*.

In an audience granted on 27 August 2008 the **Holy Father, Pope Benedict XVI** decreed that the **Reverend Benham is dismissed *ex officio et pro bono Ecclesiae* from the clerical state and is, moreover, released from all obligations of the Sacred Priesthood, including that of celibacy.** Any censures under which he may be labouring are remitted by this decree.

Your Excellency is asked kindly to inform him of this decision according to paragraph 7 of the enclosed decree. A signed and notarized copy of the decree should be returned to this Dicastery at your earliest convenience.

I take this opportunity to express my sincere respects and I remain,

Yours devotedly in the Lord,

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

(Enclosures)

His Excellency
The Most Reverend **Timothy M. DOLAN**
Archbishop of Milwaukee
Office of the Archbishop
3501 South Lake Drive
Milwaukee, WI 53207-0912, U.S.A.

ADOM039416

I.W .

LAICIZATION RESCRIPT - UNOFFICIAL TRANSLATION
Congregation for the Doctrine of the Faith

Prot. N.: 207/04-26926

Milwaukee

Father Michael Charles BENHAM

August 27, 2008

The Supreme Pontiff Pope Benedict XVI

having heard the opinion of his Eminence the Cardinal Prefect of this Congregation concerning the serious actions of the above named presbyter of the Archdiocese of Milwaukee (Milwaukee, USA), with the proper documentation having been sent and finding this final decision to be beyond appeal and not subject to recourse,

has decreed

for the good of the Church that the penalty of dismissal from the presbyterate be imposed.

This same presbyter is also granted a dispensation from all of the obligations connected with sacred Orders in accord with the following consideration:

1. The dismissal and dispensation take effect at the very moment of the decision of the Roman Pontiff.
2. The decree of dismissal and dispensation are to be communicated to the presbyter by the competent Ordinary and no one has the right to separate those two elements. Indeed, further, it carries with it, insofar as it is necessary, absolution from censures.
3. Notice of the granting of the dismissal and dispensation is to be inscribed in the baptismal register of the aforementioned presbyter's parish.
4. With regard to the celebration of a canonical marriage, the norms set down in The Code of Canon Law must be applied. The Ordinary, however, should take care that the matter be discreetly handled without pomp or external display.
5. The ecclesiastical authority, to whom it belongs to notify the priest, should earnestly exhort him to take part in the life of the People of God, in a manner consonant with his new mode of living, to give edification, and thus to show himself a most loving son of the Church. At the same time, however, he should be informed of the following points:
 - a) the dismissed presbyter automatically loses the rights proper to the clerical state, as well as ecclesiastical dignities and offices; he is no longer bound by the other obligations connected with the clerical state;
 - b) he remains excluded from the exercise of the sacred ministry, with the exception of those functions mentioned in canons 976 and 986, §2, and, as a result, he may not give a homily nor is he able to hold a directive office in the pastoral field nor to exercise the function of parochial administrator;

ADOM039419

- c) similarly, he may not discharge any function in seminaries and in equivalent institutions. In other institutions of higher studies, which are in any way whatever dependent upon ecclesiastical authority, he may not exercise a directive function;
 - d) in those institutions of higher studies which are not dependent upon ecclesiastical authority, he may not teach any discipline which is properly theological or closely connected with the same;
 - e) in institutions of lower studies, which are dependent upon ecclesiastical authority, he may not exercise the function of teaching a discipline which is properly theological. A dismissed and dispensed presbyter is held by the same rule in teaching Religion in an institution of the same kind not dependent upon ecclesiastical authority.
6. The Ordinary of the dismissed presbyter, in keeping with required prudence, must care that scandal not be given to the faithful. This pastoral care of the Ordinary is most important if danger of abuse of a minor, although remote, is at hand.
 7. Notification of the dismissal and dispensation can be made either personally or through an ecclesiastical notary or through registered mail. The dismissed priest ought to retain a signed copy of his reception and acceptance of this dismissal and dispensation and also its regulations, but if he does not it does not impede the effect of this decree.
 8. At an opportune time, the Ordinary is to send a brief report to the Congregation on his completion of the notification, and, if there is any wonderment on the part of the faithful he is to provide a prudent explanation.

All things to the contrary notwithstanding.

From the Offices of the Congregation, the 27th day of August, 2008.

/s/ William Card. Levada
Prefect

/s/ Aloysius Francis Ladaria, SJ
Titular Archbishop of Thibica
Secretary

Date of notification: _____

/s/ _____
Signature of presbyter as sign of acceptance

/s/ _____
Signature of Ordinary



CONGREGATIO PRO DOCTRINA FIDEI
(Dimissio e statu clericali ac dispensatio ab oneribus)

Prot. N. 207/04

Milvaukiensis

D.nus **Michael Charles BENHAM**

Die 27 m. Augusti a. 2008

Summus Pontifex Benedictus, Papa XVI

perpensa relatione huius Congregationis circa gravem agendi rationem supradicti presbyteri archidioecesis Milvaukiensis (v.d. Milwaukee, U.S.A.), praemissis praemittendis, suprema atque inappellabili decisione nullique recursui obnoxia,

decrevit

pro bono Ecclesiae dimissionem dicto presbytero irrogandam esse.

Eidem presbytero etiam dispensationem concedit ab omnibus oneribus sacrae Ordinationi conexis iuxta sequentes rationes.

1. Dimissio ac dispensatio vim habent ab ipso momento decisionis Romani Pontificis.
2. Dimissionis ac dispensationis Decretum presbytero a competenti Ordinario loci notificetur, cui numquam fas est duo illa elementa seiungere. Idemque insuper secumfert absolutionem a censuris, quatenus opus sit.
3. Notitia dimissionis ac dispensationis adnotetur in Libris baptizatorum paroeciae praedicti presbyteri.
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 Decretum praefato sacerdoti 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:

ADOM039421

a) *presbyter dimissus 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 pastoralis 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 vel officio docendi 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 tradenda Religione in Institutis eiusdem generis non dependentibus ab Auctoritate ecclesiastica.*

6. Ordinarius curet, quantum fieri potest, ne nova condicio presbyteri dimissi fidelibus scandalum praebeat. Attamen, si adest periculum minoribus abutendi, Ordinarius potest factum dimissionis necnon causam canonicam divulgare.

7. Notificatio dimissionis et dispensationis fieri potest vel personaliter per notarium aut ecclesiasticum actuarium vel per "epistulas perscriptas" (*raccomandata, certificada, enregistrée, registered, Einschreiben*). Sacerdos dimissus unum exemplar restituere debet rite subsignatum ad fidem receptionis et acceptionis eiusdem dimissionis ac dispensationis ac simul etiam praeceptorum, quod si non faciat integer manet effectus huius Decreti.

8. 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 27 m. Augusti a. 2008

William Card. Levada

Gulielmus Cardinalis LEVADA

Praefectus

+ *Aloisius Ladaria*

✠ Aloisius Franciscus LADARIA, S.I.

Archiep. titularis Thibicensis

Secretarius

Dies notificationis _____

Subsignatio Presbyteri in signum
acceptionis

Subsignatio Ordinarii

ADOM039422



CONGREGAZIONE
PER LA DOTTRINA
DELLA FEDE

00120 Città del Vaticano,
Palazzo del S. Ufficio

December 2, 2008

DEC 15 2008

PROT. N. 207/04 - 28530

(Si prega citare il numero nella risposta)

CONFIDENTIAL

Your Excellency,

This Congregation writes to you concerning the case of the **Reverend Michael Charles BENHAM**, a priest of your Archdiocese who had been accused of the sexual abuse of a minor.

While I am pleased to note that recent correspondence from this Dicastery has communicated the resolution of this matter on the part of the Congregation for the Doctrine of the Faith. I would hereby kindly request the Archdiocese of Milwaukee to make a contribution of US\$ 550 to support the work of this Dicastery. The cheque, or other financial instrument, is to be paid to the "Apostolic Tribunal - Congregation for the Doctrine of the Faith".

With gratitude for your understanding and cooperation, I remain

Sincerely yours in Christ,

P. Joseph Augustine Di Noia, O.P.
Under-Secretary

His Excellency

Most Reverend Timothy M. DOLAN

Archbishop of Milwaukee

Office of the Archbishop

3501 South Lake Drive

Milwaukee, WI 53207-0912, U.S.A.

ADOM039424

ARCHDIOCESE  OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

January 12, 2009
Year of St. Paul

Most Reverend Luis Ladaria, S.J., Secretary
Congregation for the Doctrine of the Faith
00120 Vatican City
Europe

Your Excellency,

Thank you for your kind letter (N.207/04-26926) of November 3, 2008.

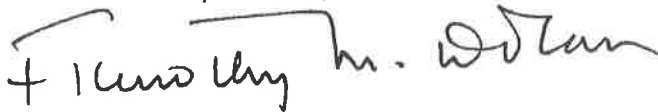
I am deeply grateful for the Holy Father's consideration of my request, especially given Michael Benham's continued attempts to exercise publicly his priestly ministry.

Not to my surprise, Mr. Benham refused to sign the decree, which I now return. Nevertheless, I did personally instruct him of the content of the decision. The parishes where he served and near where he now resides have been alerted.

Also enclosed is the *taxa* for the decree, as well as the documentation you requested.

With prayerful best wishes for a blessed New Year, I am,

Faithfully in Christ,



Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

Archdiocese of Milwaukee
Support and Safety Plan

June 12, 2008

Michael Benham

Address:

[REDACTED]

Telephone number(s):

[REDACTED]

E-mail:

[REDACTED]

Oversight Program Representative: Deacon David L. Zimprich

I, Michael Benham, have reviewed the following requirements which have been designed to assist me in living a life of holiness and to be supported in said life.

- I. I will continue to see Dr. [REDACTED] [REDACTED] Psy.D. for consultation and therapy as needed.
- II. I will continue to meet monthly with Deacon Zimprich for ongoing support and liaison between Archbishop Dolan and/or his designee.
- III. I will continue to meet with my spiritual director on a regular basis.
- IV. I will continue to receive the Sacraments, especially the Eucharist and Reconciliation, to assist me and strengthen my life of holiness. I will also spend meaningful time in prayer daily.
- V. I will continue to go to my regular AA (alcohol addiction) meetings.
- VI. I will not frequent places where young males hang out and/or congregate.

Signature

Michael Benham

Date

6-12-08

Witnessed by

Deacon David L. Zimprich

ADOM049018

ARCHDIOCESE OF MILWAUKEE
OFFICE OF THE ARCHBISHOP

CF

HRS

FWC

BAK

Please advise

July 21, 2008
Year of St. Paul

Michael Benham
[REDACTED]
Burlington, WI 53105

Dear Michael,

I regret having to write you on this sensitive and delicate matter.

Since the removal of your priestly faculties, the archdiocese has been providing you with monthly sustenance, pension benefits, and health insurance.

As of October 1, 2008, we can no longer send you a monthly sustenance check. We will continue to cover your health and pension.

The archdiocese is in serious financial difficulties. We recently had to let over twenty cherished lay employees go. The main reason we are in such straits is, as we have publicly stated, because of the towering expense of dealing with the results of the crisis caused by the clergy sexual abuse scandal. Many wonder how we can continue to pay the offenders. I find myself asking the same. I wish we had the money to continue to do. We do not.

Thank you for your understanding.

With prayerful best wishes, I am,

Faithfully in Christ,

Most Reverend Timothy M. Dolan
Archbishop of Milwaukee

AGREEMENT AND MUTUAL RELEASE

This Agreement and Mutual Release (hereafter "Agreement") is made by and between [REDACTED] (hereafter [REDACTED]) and the Roman Catholic Archdiocese of Milwaukee, and all of its affiliated entities, schools, and parishes, including, without limitation, St. John Nepomuk Congregation (hereafter "Archdiocese").

[REDACTED] has advised the Archdiocese that he was sexually abused by Michael Benham (hereafter "Benham"), a priest of the Archdiocese, when [REDACTED] was a minor. Benham has admitted that this report is accurate.

[REDACTED] and the Archdiocese entered into mediation to achieve reconciliation and restoration, to address issues of concern to both sides, to further prevent sexual abuse of minors and to enhance Church practices in this regard, and to otherwise resolve and settle all disputes between them.

Accordingly, the parties to this Agreement wish to resolve and satisfy all claims of any nature that [REDACTED] has against the Archdiocese, and all of the Archdiocese's employees, agents, insurers, officers, directors, affiliates, and assigns, including, without limitation, all members of the Roman Catholic clergy and all parishes, schools, and any person or entity affiliated with the Archdiocese, arising from the sexual abuse of [REDACTED] by Benham without the necessity of further proceedings or expense of any nature, and all

parties wish to generally release one another from all liability for any claims that may exist to the date of the signing of this Agreement, including, but not limited to, any claims for sexual abuse of [REDACTED] by Benham.

So, in consideration of the mutual promises made here, and other valuable consideration, receipt of which is hereby acknowledged, the parties to this Agreement agree as follows:

1. The Archdiocese agrees to provide [REDACTED] with \$50,000. These funds shall be used at [REDACTED] own discretion.
2. The Archdiocese agrees to provide payment for the professional services of a counselor, psychologist, psychiatrist and/or other mental health provider as deemed necessary and appropriate for [REDACTED] and his immediate family members (i.e., parents, siblings, spouse and children) to address issues regarding this abuse. The Archdiocese shall make payments to the counselor for reasonable costs, billed at the counselor's usual and customary rate. Notwithstanding any other provision in this Agreement, the Archdiocese's therapy payments owed under this provision shall be based upon treatment plans submitted by each individual and his/her counselor. This clause is not time-limited.
3. The Archdiocese agrees to request of Benham that he provide a monthly payment to [REDACTED]. Up until Benham either agrees to the request, or declines it, or alternatively, affirmatively instructs the Archdiocese not to contact him any longer regarding the matter (or alternatively, the Archdiocese becomes subject to any legal obligation not to contact him any further), a routine request, such as monthly, will be made by a representative of the Archdiocese to Benham for this purpose. The Archdiocese shall not be liable for any failure or refusal by Benham to respond to the

Archdiocese's requests, or of any refusal or failure by Benham to agree to such a plan or to provide such payment.

4. [REDACTED] and the Archdiocese will each bear their own costs and any attorney's fees associated with the settlement, and there will be no payment from the Archdiocese to [REDACTED] other than that specifically enumerated in these paragraphs.

5. In return for the payments set out above, and for the mutual promises contained herein, [REDACTED] releases and forever discharges the Archdiocese, and all of the Archdiocese's employees, agents, officers, directors, affiliates, insurers and assigns, including, without limitation, all members of the Roman Catholic clergy, and all parishes and schools, including, without limitation, St. John Nepomuk Congregation and any person or entity affiliated with the Archdiocese of Milwaukee from, and covenants not to sue them for, all claims, causes of action, charges, and demands, whether in tort, contract, or otherwise, of any nature that he may have had at any time up to and including the date of signing of this Agreement, including, without limitation, any claim of any nature arising from the assault, injury, whether physical or mental, or any other activity by Benham.

6. The Archdiocese hereby releases and forever discharges [REDACTED] from all claims, demands, and causes of action of any nature that were in existence up to and including the date of the signing of this Agreement.


7. This Agreement supersedes all prior understandings and agreements between the parties, and constitutes the full agreement of the parties. No change to this Agreement shall be enforced against any party unless it is in writing signed by both

parties. The Archdiocese shall continue rendering and fulfilling the terms of this Agreement when successors assume offices currently held by archdiocesan officials.

8. The undersigned represent and warrant that each has read the foregoing Agreement; had an opportunity to discuss it with a lawyer; and fully understands its terms; voluntarily, freely, and without coercion signs the Agreement; and that Dr. Barbara Anne Cusack is an authorized representative of the Archdiocese and is duly authorized to execute this Agreement and Mutual Release.



AUGUST 10, 2004
Date


Archdiocese of Milwaukee
by: Dr. Barbara Anne Cusack

8-20-04
Date