

IN THE IOWA DISTRICT COURT IN AND FOR SCOTT COUNTY

JAMES N. WELLS,)	
)	
Plaintiff,)	
)	Law No. 101220
vs.)	
)	PLAINTIFF'S STATEMENT
FATHER JAMES JANSSEN)	OF DISPUTED FACTS IN
AND THE DIOCESE OF DAVENPORT,)	RESISTANCE TO
)	DEFENDANTS' MOTIONS FOR
Defendants.)	SUMMARY JUDGMENT

COMES NOW, Plaintiff, James N. Wells, by and through his attorneys, Betty, Neuman & McMahon, L.L.P., and Jeff Anderson & Associates, P.A., and in resistance to Defendants' Motions for Summary Judgment, states as follows:

TABLE OF CONTENTS

Introduction	2
I. Sexual Abuse of James Wells and Other Children By Defendant Janssen is a Well Documented Fact	2
II. Defendant Janssen Has Fraudulently Concealed His Abuse	12
III. Defendant Diocese of Davenport Has Fraudulently Concealed The Abuse by Defendant Janssen	13
IV. James Wells, as a Childhood Sex Abuse Victim Suffers From Mental Illness and its Effects as a Result of The Sexual Abuse by Defendant Janssen	20
V. Defendant Janssen and the Diocese Imposed Coercion and Duress on James Wells	20
Conclusion	22

INTRODUCTION

The sexual abuse of James Wells and other children by Defendant Janssen is now a well documented fact. The cover-up of his perversion by the Bishop, priests and other personnel of the Davenport Diocese is a chilling story of the Diocese choosing to avoid a "scandal" instead of protecting the children of the Diocese.

I. SEXUAL ABUSE OF JAMES WELLS AND OTHER CHILDREN BY DEFENDANT JANSSEN IS A WELL DOCUMENTED FACT

Beginning in 1953, Defendant Janssen started abusing his 5 year old nephew and namesake, James Wells. This continued until Jim reached puberty at the age of 14. The abuse was frequent, perverted and illegal. Janssen invoked his power and authority as Jim Wells' spiritual leader to accomplish his perversions. After struggling with mental illness from the time of the abuse (mental illness that continues through the present), Jim Wells reported Janssen's sexual perversions to the Bishop. In response, Janssen, as spiritual leader, fraudulently denied the conduct and threatened his nephew and his mother with a ruinous lawsuit. As a direct result of this coercive threat and his mental disease, Jim Wells was unable to file suit until September 16, 2003. (See Affidavit of Jim Wells attached as Exhibit 1)

Defendant Janssen's abuse of children other than Jim Wells started before he abused Jim and occurred at almost every assignment Janssen held in the Davenport Diocese. His assignments by the Bishop as a priest with responsibility for the spiritual guidance of children included:

1948	Victor: St. Bridget
1948-1950	St. Paul Parish, Burlington, Iowa
1950-1953	St. Irenaeus Parish, Clinton, Iowa
7/9/53-8/16/53	St. Joseph, East Pleasant Plain
8/16/53-12/16/53	Leave of Absence
1953-1956	Sacred Heart Parish, Newton, Iowa
1956-1958	Sabbatical/Suspension – Psychological Counseling, Chicago
1958	St. Michael’s Parish, Holbrook
10/3/58 – 1/26/59	Suspension from Priestly Duties. Assignment to New Malleray Abbey, Dubuque, Iowa
1959	Administrator, St. Patrick’s Parish, Delmar, Iowa
1959-1961	St. Mary’s Parish, Davenport, Iowa
1961-1967	St. Joseph’s Parish, Fort Madison, Iowa
1967-1979	St. Joseph’s Parish, Sugar Creek
1979-1980	St. Anthony’s Parish, Davenport, Iowa
1980-1990	SS Phillip & James Parish, Grand Mound, Iowa
8/15/90-11/5/91	Leave of Absence “Health Reasons”
1991	Retired

Cautions and complaints about Janssen’s fitness to be a priest and his misconduct with children are recorded in his personnel file and the secret archives kept by the Diocese of Davenport. Although all documents have not been produced, the following are attached Exhibits from the personnel file and secret archives:

- | | | |
|-----------|---------|--|
| Exhibit 2 | 3/26/48 | Letter from Director of Students at Kenrick Seminary to Bishop Hayes warning the Bishop that Janssen must be placed under supervision with an “understanding pastor”, Janssen did not have a grasp of the possible consequences of his actions, Janssen was short in maturity and Janssen had a “dangerous spirit of duplicity”. |
| Exhibit 3 | 7/14/53 | Letter from Father Dingman to Bishop Hayes that Janssen was on the verge of a nervous breakdown complaining of loneliness. Janssen expressed “his primary interest he says, is youth. He wants to be with them; he wants them around. There must be something going on.” |

- Exhibit 4 8/1/53 Letter to Janssen from Bishop Hayes bearing in mind practical points about "the matter of going swimming".
- Exhibit 5 9/30/54 Handwritten memo from Bishop Hayes – 4th year St. Ambrose Academy "solicited to acts of impurity = was first attempt and has not been repeated – has no knowledge that other boys were solicited = the attempt in question had nothing to do with sacrament of penance – he came to me at the behest of his confessor. This is the first accusation of this nature brought to my attention".
- Exhibit 6 10/14/55 Letter to Bishop Hayes from Father Dingman. Report of Father Corcoran from Burlington notifying Bishop that Chief of Police in Burlington had received a letter from the police in Newton and that Clinton police had also been contacted. Inquiry was about Father Janssen. Father Dingman believed the complaint had to do with a "morals charge". Father Corcoran felt there was an urgency to the matter. He thought something should be done before the blow up comes and the church suffer. He mentioned that maybe Father Walsh at Grinnell could look into the matter. Father Corcoran said he heard inklings of this a year ago, but dismissed it as having no foundation.
- Exhibit 7 10/21/55 Letter to Bishop Hayes from Father McCann of Newton replying to Bishop's letter of October 18, 1955 (letter not produced). "There have been some rumors, but owing to the fact that he has been here with me for some time, I would prefer it, if it suits your Excellency, to have you send an investigator of your own choosing and get the report directly from him".
- Exhibit 8 11/2/56 Letter "To Whom It May Concern" from George Alward, Secretary, Newton YMCA Board. "Several years ago, our general secretary reported to the Board of Directors that he had found Father Janssen in a hand ball court with two boys in a very improper activity...the Board instructed the secretary to prohibit Father Janssen from the YMCA. It was felt that this represented a very serious community problem."
- Exhibit 9 11/2/56 Letter from Harley Holliday, General Secretary, YMCA, Newton, Iowa, to Father T.J. McCann. "The General

Secretary of the YMCA of Clinton, Iowa, approached me and asked if the Catholic priest, Father Janssen, was still actively engaged in parish work in Newton. He informed me that Father Janssen had been serving the Catholic Church in Clinton and had been moved out as a result of homosexual tendencies on the part of Father Janssen. This substantiates the action by the Board of Directors of the Newton YMCA in placing the YMCA out of bounds for Rev. Janssen as a result of homosexual activities involving the same Father Janssen in the YMCA building."

- Exhibit 10 Undated Letter believed to be in Bishop's handwriting referring to "arrest in Des Moines with boys who were shoplifting, midnight shows, guard at the pool, YM serious charges, why forbidden to go to Y...A = Never to take off collar. B = Never to enter any Y. C = To leave Newton immediately."
- Exhibit 11 11/9/56 *Janssen placed on leave of absence effective Tuesday, November 13, 1956.
- Exhibit 12 5/31/57 Letter from Father and Dr. William J. Devlin, Loyola University to Bishop Hayes stating "I was forced to refer Father to one of the clinical psychologists at Loyola. He definitely will need psychotherapy."
- Exhibit 13 8/24/57 Letter from Dr. J.V.P. Stewart, Psychologist, to Bishop Hayes. "It seems that when Father was most in need of guidance and understanding 'fatherly' spiritual direction, there was none given. He went time after time to confession to two priests, having the same matter to confess, (i.e. masturbation and the problem of having some relationship with a male, this of course not as often as masturbation) and no word of counsel or spiritual direction was given. I suggest, Bishop, that this was a sad, and tragic omission. It seems too, that the accelerated program of studies may have failed to give him an adequate understanding of the significance of celibacy.

It is my belief that Father Janssen can become a very understanding and acceptable pastor and that the insight he has developed over a considerable period of therapy is such that he is not likely to fall into his past errors. However, and this is strongly emphasized, it is urgent and essential

that he have assigned to him particularly, a mature, understanding, spiritual director; one who can act almost one would say, as a father figure. Also that he have regular and frequent contact with this director."

- Exhibit 14 8/12/58 **Letter from Dr. J.V.P. Stewart, Psychologist, to Bishop Hayes. Dr. Stewart was checking up on case of Janssen and stated "I believe I suggested the assignment of some mature understanding priest, as Father Janssen's spiritual director—someone with whom he might develop a close relationship. A relationship such that Father might feel he could call on him at any time."
- Exhibit 15 8/18/58 Letter from Bishop Hayes to Dr. Stewart discussing Janssen's assignment to St. Michael's Parish Holbrook as the only priest. "I've given him a temporary assignment due to the absence of a pastor...I haven't assigned any particular priest as his spiritual director."
- Exhibit 16 9/29/58 Letter believed to be from Pastor at St. Isaac Jogues rectory in Hinsdale, Illinois, to Bishop Hayes. (Identity of pastor improperly deleted). States "it is with deep regret and after much meditation, prayer and consultation with other priests that I am sending to your Excellence this letter and its contents. Item No. 1 is a letter addressed to Father James Janssen, now at Holbrook, Iowa and type written by a 14 year old boy of this parish. Item No. 2 is addressed to _____ and written by Father Janssen. Mrs. _____, the heartbroken mother, intercepted the letters and presented them to me. After much pondering over the principals of fraternal correction, scandalum inductio, etc., I have decided this is a matter that should be presented to your attention. Mr. _____, a convert and the child's father, after questioning his son, is convinced that this horrible thing has not spread to other boys in the parish - Thank God! According to _____, this relationship between Father Janssen and himself began last Christmas. Father Janssen, as your Excellency knows, was with us at _____ (reference improperly deleted) for almost a year and did excellent work, I thought among the Boy Scouts and teenagers of the parish. The other priests and the parishioners are of the same opinion. If your Excellency desires, I will go to Davenport offer more details

about this sordid mess. With this letter, however, Your Excellency possesses the essential facts. Sincerely yours in Christ, _____ Pastor”

- Exhibit 17 10/1/58 Letter from Bishop Hayes to Rev. Dear Father M. A. Henehan “I wish to acknowledge receipt of your letter of September 29 with enclosed letters. You will appreciate how shocked I was at the disclosure. It is consoling to know that no general notoriety has arisen, and I pray that none may result...I have arranged to confront the party concerned in a day or so and will take all necessary ateps[sp.] in the matter. I regret that one of ours should have betrayed your hospitality and caused you such distress.”
- Exhibit 18 10/3/58 Letter from Bishop Hayes to Janssen. “After an accurate inquiry, performed by me, I suspend you from all acts of your priestly ministry...this suspension shall be a vindicated penalty and shall continue for an indefinite period of time...you are hereby sub grave forbidden to reside in, or visit, the town of _____ (improperly deleted).
- Exhibit 19 10/3/58 — Attestation signed by Chancellor Maurice Dingman and Bishop Ralph L. Hayes. “I, Maurice Dingman, Chancellor of the Diocese of Davenport, having before me the Holy Bible which I touch with my hand, having witnessed by my signature the document of suspension, ex informata conscientia issued by the Most Reverend Ralph L. Hayes, Bishop of Davenport, against Reverend James Janssen, priest of said Diocese of Davenport, do hereby swear that I will maintain secrecy regarding all facts of the case.”
- Exhibit 20 10/3/58 Handwritten notes from Bishop Hayes “I. Interviewed Father Janssen this afternoon at 3:30 o’clock in my house. II. He confessed his guilt. III. Informed him of his suspension and handed him the Decree in Latin and in English. IV. Recommended that he go to Via Calli, but did not order him to go. He begged for a few days of reflection. V. I was not too favorably impressed with his general attitude and my hopes for his emendation are not too high.

Exhibit 21 1/22/59 Handwritten note from Bishop Hayes appointing Father James Janssen [to] St. Patrick's Church, Delmar, the following conditions were imposed: I. That he have absolutely no contact with _____ boy in _____, Illinois. II. That he refrain from visiting in Clinton and Newton.

(No reference – Janssen's 6/25/59 assignment to St. Mary's Church in Davenport)

Exhibit 22 9/4/59 Handwritten note from Bishop Hayes. "Conference with Father James Janssen...admitted he had been picking up boys and taking them to Fejervary Park swimming pool and to outdoor movies. Strict orders given to him never again at any time, under any circumstances, to pick up boys in his autos. Warning given that disobedience would lead to severe punishment."

Exhibit 23 12/28/59 Letter by Father Dingman to Bishop Hayes referencing a professor at St. Ambrose "observing Janssen with one hand on a boy's head and rubbing the front part of the boy's body. Witnessed by a mother or mother in law of _____ and also Sister _____. The boy was 10. The professor said he had been hearing a number of things but that this is the first specific incident that has come to his attention. He is of course deeply involved now that his boy is concerned. Man was willing to come to see the Bishop and was considered an unimpeachable witness".

Exhibit 24 Undated Memo regarding strange priest and improper activities including frequent swimming and wrestling with boys at Fejervary Park, picking up kids in his car for swimming, organizing smoking parties, recommending a dirty movie to a boy, picking up kids at teen hops without wearing priest garb, wrestling and hugging boys (scouts), taking boys of poor and weak character to drive-in movies and swimming.

Exhibit 25 9/8/60 Letter from Father Dingman to Bishop Hayes - Dr. Neufield reported that a mother had come to him in tears about her son spending too much time with Father Janssen. The mother had went to the store and her son and Father Janssen were sitting in the back seat. She thought it strange that Father Janssen should take this boy on his lap,

as there was plenty of room in the back seat and it was a hot day. It also was reported that Janssen had access to a cottage and this worried the mother.

- Exhibit 26 9/10/60 Handwritten notes by Bishop Hayes after meeting with Janssen. Janssen denied ever taking boys in his auto unless accompanied by parent, denied ever taking boys to the Optimist Club unless accompanied by parent or adult and claimed he had nothing to do with dances for grade school children. Bishop Hayes placed in his hand a letter of warning.
- Exhibit 27 9/10/60 Letter of Warning from Bishop Hayes to Janssen. "You are hereby placed under obedience as follows: 1) You are strictly forbidden to have boys ride with you in your automobile at any time for any reason whatsoever; 2) You are strictly forbidden to take boys or to accompany boys to any cabin or cottage. If you at any time disregard these injunctions, it will be necessary for me to order you to sell your automobile and compose appropriate canonical penalties; 3) You are strictly forbidden to encourage dances of any kind for grade school and high school boys and girls."
- Exhibit 28 12/16/60 Typed memo of Bishop Hayes outlining complaints received from witnesses whose names have been obliterated, including the mother who found Janssen with his arms around her 14 year old son in 8th grade at St. Mary's. She found a dirty note on the floor. Complained that Janssen frequently takes son for rides in his car, has driven with four other boys alone to Chicago and drove two boys to Florida alone. Another woman complained she found Janssen with one of her sons alone in a room in a very compromising position.
- Exhibit 29 12/19/60 Handwritten notes from Bishop Hayes regarding an interview with Janssen. Janssen denied he had acted improperly, admitted visiting frequently at the home, but denied wrongdoing, admitted disobeying the Bishop's orders not to take boys in his auto. His excuse was he did not think the order was fair and other priests are not given similar orders. Janssen admitted taking another boy alone to Chicago the day after Thanksgiving. Bishop Hayes

Conclusion: "A - I do not know whether to believe him, his past record is against him. B. His attitude was that of offended innocence, claiming he was falsely accused. He did not cringe or beg for mercy. He insisted he was not guilty and offered to confront Mrs. _____."

Exhibit 30 2/10/61

Letter from Father Dingman to Bishop Hayes. Father Hopkins became worried that a Mrs. _____ might go to the police and have action taken against Father Janssen. Mrs. _____'s son got in trouble and this brought the problem to a head again...Mrs. _____ talked to Father Hopkins this morning. Not knowing which way to turn, Father Hopkins promised that he would report the matter to the Chancery office. Father Hopkins got the impression that she might very well take action civilly. If she does, the matter could break in the newspaper and become nationally known. Father Hopkins wants to avoid any scandal. There is no evidence to prove anything specific. Even Mrs. _____ admits her boy hasn't talked...Father Hopkins thinks the police would find it difficult to make the boys talk. Father Janssen has them intimidated. Father Hopkins himself has no proof of wrongdoing. Circumstantial evidence is available-St. Mary's gets a bill now and then from the Black Hawk Hotel for a room. Father Janssen says it was for a friend of his who was passing through. Four boys in particular are with him constantly. There are the trips to the Optimist cabin. But it doesn't add up to anything definite. Father Hopkins was hoping he could wait until ordinations to see your Excellency, but he is not sure now that he can "hold the lid on" that long.

Exhibit 31 1/13/88

Letter from Vicar General Michael Morrissey to Janssen. "Your nephew, James Wells, visited me yesterday and told me his life story, or at least a portion of it. Rumors, which I have heard for a number of years, are one thing; direct allegations are another."

Exhibit 32 7/23/90

Memo by priest at St. Mary's in Burlington (Father McAleer) documents significant history of knowledge by the Diocese of improper sexual activities by Janssen. Memo further documents that Father Hyland, Father Amborn and Father David Hitch possessed information regarding Janssen's improper sexual activities.

Exhibit 33 7/31/90 Bishop O'Keefe letter to Janssen. "I am accepting your resignation as Diocesan chaplain for Scouting effective immediately. I am also granting to you an indefinite leave of absence for health reasons effective on August 15, 1990."

Attached is the Supplemental Answer to Interrogatory by the Diocese listing approximately 15 other victims of Janssen identified as "IP's". (See Exhibit 34).

In addition to the documents supplied by the Diocese, Affidavits and sworn Answers to Interrogatories document Janssen's abuse. He abused {101} while he was a child from 1952-1955; {101} witnessed his access to other children. (See {101}' Affidavit, Exhibit 35). He continued such actions at St. Irenaeus Parish in Clinton and abused {102}. (See {102} Affidavit, Exhibit 36). Other children were also involved. {103} was abused while in Newton (See {103} Affidavit, Exhibit 37). He abused {104} while on sabbatical in Chicago and while he was receiving psychiatric treatment for his abusive behavior. He also abused {104} when reassigned, without supervision, to a parish in Holbrook, Iowa (See Affidavit of {104}, Exhibit 38). While assigned to St. Mary's in Davenport, he abused {105} (See {105} Affidavit, Exhibit 39). He also abused {106} (See {106} Affidavit, Exhibit 40) in Davenport from 1957-1959. He had access to many other children, as shown by these Affidavits. During his assignment in Davenport during the years 1959-1961, he continued to abuse Jim Wells, (See Exhibit 1, Wells Affidavit)

He was moved by the Bishop and reassigned to St. Joseph's Parish in Fort

Madison, Iowa in 1961. While in Fort Madison, he abused [redacted] (See [redacted] Affidavit, Exhibit 41), [redacted] (See [redacted] Affidavit, Exhibit 42), John Doe III, (See John Doe III Affidavit, Exhibit 43) John Doe IV (See Plaintiff John Doe IV's Answers to Interrogatories, Exhibit 44), John Doe V and John Doe VI. These boys witnessed the abuse of many other boys. The abuse of James Wells ceased in 1962, as he had reached puberty.

Janssen continued to abuse numerous boys when re-assigned to Sugar Creek from Fort Madison in 1967, (See Answers to Interrogatories by John Doe I-A [Exhibit 45] and John Doe II, [Exhibit 46]) and, again, when re-assigned to Grand Mound in 1980 (See Donald Green Petition at Law, Exhibit 47). When his retirement was announced in 1990, he left a chilling 40 year history of sexually abusing children.

II. DEFENDANT JANSSEN HAS FRAUDULENTLY CONCEALED HIS ABUSE

Initially, Janssen concealed the wrongful nature of the abuse from James Wells by telling him to "trust him" while engaging in the abuse (See Wells' Affidavit, Exhibit 1). Jim Wells was educated, trained and conditioned by the Diocese of Davenport and by Janssen to respect, honor and obey Janssen because he was a priest (See Wells' Affidavit, Exhibit 1). The victims were taught that the priest was Christ on earth and had supernatural powers (See Confirmation material attached as Exhibit 48).

Janssen reinforced the concealment by telling Jim Wells that the abuse was "our little secret".

Despite overwhelming evidence of his abuse, Janssen continues to fraudulently conceal his abuse. Attached are his Response to Request for Admission No. 29

where he denies improper sexual contact with James Wells (Exhibit No. 49), denies that as a parish priest he holds himself out as a devoutly religious man (Exhibit No. 50), denies that as a parish priest he holds himself out as a spiritual advisor to the minor members of the parish (Exhibit No. 50), denies that complaints about sexual contact between him and minors under the age of majority were received by the Diocese of Davenport before January of 1967 (Exhibit No. 51), denies that complaints about sexual contact between him and minors under the age of majority were received by him before January, 1976 (Exhibit No. 51), denies in Answer to Interrogatory No. 23 that he had ever been suspended or placed on inactive status (Exhibit No. 52), denied in Answer to Interrogatory No. 24 that there were any persons to whom he made admissions of sexual misconduct (Exhibit No. 53) and denied in Answer to Interrogatory No. 29 ever sleeping overnight in the same bed with a minor member of the parish within the Diocese of Davenport (Exhibit No. 54). As seen, this was actually occurring as late as 1989, or, perhaps, 1990 according to Father McAleer in Burlington, Iowa. (See Exhibit 32). All of these denials are false and continue his ongoing concealment of his perverted illegal acts.

III. DEFENDANT DIOCESE OF DAVENPORT HAS FRAUDULENTLY CONCEALED THE ABUSE BY DEFENANT JANSSEN

Until Bishop Franklin's news conference of February 25, 2004, all information about the sexual perversion of Defendant Janssen was concealed from the children and adults of the Diocese by Bishops, priests and other knowledgeable Diocese officials. This horrible secret was hidden to avoid scandal

and liability. The result was a 50 year systematic fraudulent concealment of the abuse of children by the Diocese of Davenport. The late admission and recognition that a "sacred trust has been violated" does not soften the deception practiced against the child victims.

The information that was known and in the Diocese files was concealed from Janssen's victims. As a result, James Wells and his parents did not know, before or during the time period that Jim was abused, the following facts:

- a) The Diocese had been warned of Janssen's immaturity and questionable qualifications to serve as a priest. (Exhibit 2).
- b) That complaints about sexual misconduct had been made. (Exhibits 5, 8, 9, 16, 23, 25, 28 and 30).
- c) That Janssen was forbidden from returning to Clinton, Iowa. (Exhibit 21).
- d) That he was ordered not to return to Newton, Iowa. (Exhibit 21).
- e) That he was ordered not to go to the YMCA in Newton, Iowa. (Exhibit 8).
- f) That he was sent for psychiatric treatment as a result of his sexual perversions. (Exhibit 12).
- g) That Bishop Hayes was warned that Janssen needed to be assigned a spiritual director and have regular and frequent follow-up visits with a director. (Exhibit 13).
- h) That he was caught and admitted to improper sexual conduct with a child during the time he was receiving psychotherapy. (Exhibits 16, 20).
- i) That he was sent to a monastery because of his sex conduct with a child. (Exhibit 20).

- j) That Bishop Hayes privately and secretly forbade Janssen to have boys ride in the car with him, (Exhibits 22, 27) go to a cabin with him, (Exhibit 27) go to Newton, (Exhibit 21) go to Clinton, (Exhibit 21) take off his collar (Exhibit 10) or enter a "Y" because of sexual misconduct with minor aged boys (Exhibit 10)

Even after the abuse of Jim Wells ended, the Diocese concealed Janssen's pattern of sexual abuse until Bishop Franklin's report on February 25, 2004. The Defendant Diocese accuses Jim Wells of waiting too long to file a lawsuit against the Diocese. However, when Defendant Wells requested an investigation into Janssen in 1988, no investigation was performed, although the Vicar General of the Diocese, Monsignor Morrissey, agreed to provide Jim Wells with a follow-up report. Although Jim, as a childhood victim of abuse by his priest, sought information from his Diocese where he received his religious and ethical instruction and education, none was made until February 25, 2004. Although the Bishop himself has admitted this was "a sacred trust violated", he denies any legal responsibility for these actions because somehow the information the Diocese concealed from James Wells should have been known by him earlier. The wrongdoer is attempting to benefit from his secret wrongdoing.

The Bishop and priests of the Diocese have repeatedly expressed the intent and carved out the intent to keep the information about Janssen's perversions "secret" from anyone:

1. Much of the information documenting Janssen's abuse was kept in a locked "secret archive". Original sworn Answers to Interrogatories were untrue because officials of the Diocese did not know about the hidden documents.

(Exhibit 55).

2. When Janssen was suspended for improper sexual activity with a minor on October 3, 1958, the Chancellor Father Maurice Dingman, while touching the Holy Bible with his hand swore to "maintain secrecy regarding all facts of the case". This occurred during the time Jim Wells was abused by his uncle and priest.

3. None of the numerous ongoing complaints about Janssen were made public by the Diocese until 2004.

4. That a July 23, 1990, memo by Father McAleer detailing Janssen's abuse was kept in an envelope or with a cover sheet stating "Strictly Confidential – Bishop Eyes Only", (Exhibit 56). The Diocese then announced on July 31, 1990 that Janssen resigned as Diocesan Chaplain for Scouting and that he was taking an "indefinite leave of absence for health reasons effective on August 15, 1990". (Exhibit 57). The true reason for these actions was kept secret from the public.

5. On April 1, 1996, the Diocese, by Vicar General Morrissey, secretly restricted Janssen's activity by order from the Bishop and told Janssen in a letter "Both you and the church are fortunate that this is not being pursued in a more public forum" (Exhibit 58).

6. On May 24, 1996, Vicar General Morrissey wrote a letter "To Active Priests in the Diocese of Davenport" with a heading that stated "Confidential – For Your Information Only". It stated "Father Janssen is not available for fill-up, substitute work nor assisting you in other duties". At this point, the Diocese

advised all priests in the Diocese of the restriction in Janssen's duties, but not members of the public or victims of his abuse. (Exhibit 59).

7. On February 5, 1997, Bishop Franklin sent a letter to Janssen further restricting his activities, although not publicly revealing the restrictions. He stated keeping it secret "allows Father Janssen to function as a priest, protects his reputation and shows the concern of the Diocese for its members, clergy, religious and laity", (See Exhibit 60). It will be for the jury to determine how concern was shown for the members of the public when no information was provided explaining why Janssen's activities were being restricted.

8. As a direct result of Bishop Franklin keeping the information about Janssen's restrictions secret, Janssen was able to become a life guard at the Davenport Outing Club, as documented in the Quad City Times article of Friday, August 4, 2000 (attached as Exhibit 61).

9. Soon after the article appeared about Janssen being a life guard at a pool where children were present, Bishop Franklin, on August 30, 2000, secretly issued a "precept" against Janssen binding him to the following obligations:

- 1) To refrain from all contact with minors (those under the age of 18);
- 2) To cease work in places of employment where contact with minors is likely to occur;
- 3) To further avoid all places and situations that, from past experience, have been occasions of serious temptations in the areas of sexual morality.

10. Bishop Franklin apparently did not conduct any type of formal

documented investigation into Janssen's activities, but took this action and stated ..."whatever the full truth of the alleged behaviors, in fact scandal has arisen among numerous members of the Diocesan community". (Exhibit 62). This precept was not disclosed to victims, victims' families or members of the public until the Bishop's published report of February 25, 2004.

10. The single most telling piece of evidence of fraudulent concealment by the Diocese is Bishop Franklin's own February 25, 2004 report entitled "A Historical Accounting of Clergy Sexual Abuse of Minors and Action Taken Regarding Certain Priests", (See Exhibit 63). The report states, at Page 4, that "the procedure for dealing with sexual abuse allegations against priests has dramatically changed over the years". It further states that "Dioceses were given recommendations by mental health care professionals that the problem had been satisfactorily addressed and that priests could safely be returned to ministry. Regrettably, this procedure was followed in the 1950's and the 1960's with Father Janssen." Bishop Franklin, in the next paragraph of the report, selectively quotes a portion of an August 24, 1957 letter by a Loyola University doctor to Bishop Hayes advising that Father Janssen "can become a very understanding and acceptable pastor...not likely to fall into past errors". However, intentionally deleted from the Bishop's report, following this quote, were the next two sentences that state: "However, and this is strongly emphasized, it is urgent and essential that he have assigned to him particularly, a mature, understanding, spiritual director; one who can act almost one would say, as a father figure. Also

that he have regular and frequent contact with this Director". Despite this specific warning from Janssen's treating psychologist, no such spiritual director was ever assigned to Janssen, nor were there regular and frequent contacts with the director. He was assigned to an unsupervised parish in Holbrook, Iowa, where he continued to abuse the same boy he was abusing while receiving psychotherapy, (See {104} Affidavit, Exhibit 38). He also continued to abuse Jim Wells, boys in Davenport, Fort Madison, Sugar Creek and Grand Mound after the Bishop failed to follow the psychologist's advice. The deletion of the psychologist's warning by Bishop Franklin from his report is direct evidence that even in February of 2004, the Diocese is concealing the full truth it knew about Janssen's dangerous perversions.

11. The Diocese has never made any documented, comprehensive, independent investigation into Janssen's immoral sexual activities. In fact, the Diocese did not fully document complaints received about Janssen. In 1983, complaints were made about Janssen to Monsignor Morrissey by parishioners of the SS Phillip & James Parish in Grand Mound, Iowa, but no record of the complaint was made or the document no longer exists. (See Affidavit of Bobbi R. Martin, attached herein as Exhibit 64).

In summary, there is abundant evidence from which a jury can conclude the Diocese of Davenport concealed the truth about Janssen's sexual perversions from James Wells before, during and after his sexual abuse, making it impossible for him to have discovered the wrongdoing by the Diocese.

**IV. JAMES WELLS, AS A CHILDHOOD SEX ABUSE VICTIM
SUFFERS FROM MENTAL ILLNESS AND ITS EFFECTS AS A
RESULT OF THE SEXUAL ABUSE BY DEFENDANT JANSSEN**

Attached to this Statement of Disputed Facts are the Affidavit of Dr. Mark Schwartz (Exhibit 65) and Dr. Mic Hunter (Exhibit 66).

Dr. Mark Schwartz is a renowned expert in the field of sex abuse and has taught and provided consultation to Catholic Vicars on the issue. He has evaluated and counseled victims of sexual trauma and treated sexual offenders throughout his career. It is his opinion that James Wells suffers from post traumatic stress disorder attributable to the sexual trauma perpetrated by Defendant Janssen. It is his opinion that the condition has existed from the time of the abuse until the present. As a result of this disorder, James Wells suffers significant psychological disturbance and impairment. It is further his opinion that James Wells experienced significant emotional distress when Defendant Janssen threatened to sue him and his mother. His psychological condition prevented Jim Wells from appreciating the nature and impact of the sexual abuse, (See Exhibit 65).

Dr. Mic Hunter's Affidavit also provides the Court with insightful information regarding the effects of childhood sexual abuse on a victim. He confirms the difficulties the victims suffer in trying to vindicate their legal rights.

**V. DEFENDANT JANSSEN AND THE DIOCESE IMPOSED
COERCION AND DURESS ON JAMES WELLS**

On or about February 25, 1987, James Wells received a letter from Father

Janssen's attorney, Edward Wehr, which stated that Father Janssen would steadfastly deny that he sexually abused James Wells. (Exhibit 1, Paragraph 14). Said letter also threatened that Janssen would sue James Wells for damages if James Wells further pursued the allegations. (Exhibit 1, Paragraph 14). James Wells' mother also received a letter where similar threats were made against her. (Exhibit 1, Paragraph 14). Because of James Wells' mental illness, coupled with concern about his mother's mental health, and as a result of the duress and coercion, James Wells could not pursue the matter further. (Exhibit 1, Paragraph 14). During this time, Father Janssen continued to work as a priest within the Diocese. The Diocese was aware of these threats as they were contained in the Janssen files and did nothing to counteract them.

The conduct of Father Janssen individually and as a priest of the Diocese in making this direct threat against James Wells effectively prevented James Wells from taking any further action against either Defendant. After Father Janssen threatened to sue James Wells and/or his mother, James Wells was worried about his mother's mental health. (Exhibit 1, Paragraph 28). The threats lodged against James Wells and his mother coerced James Wells into not pursuing the matter further. (Exhibit 1, Paragraph 28). All of this was done with the knowledge of the Diocese and by a priest of the Diocese. The Diocese did nothing to counsel or counteract the threats made by Janssen and sat quietly while the threats coerced Wells into doing nothing.

CONCLUSION

In conclusion, Defendant Janssen sexually abused Plaintiff James Wells, and, as a result, caused his mental illness. Janssen compounded this abuse by threatening Jim and his mother. Jim's church failed to protect him by negligently supervising Janssen and fraudulently concealing the truth about him. There is overwhelming evidence of this negligent willful and wanton conduct.

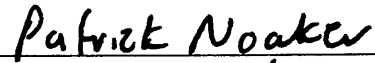
BETTY, NEUMAN & McMAHON, L.L.P.

By 

Craig A. Levien
SC00003129

600 Union Arcade Building
111 E. Third Street
Davenport, IA 52801
(563) 326-4491
(563) 326-4498 - Fax

JEFF ANDERSON & ASSOCIATES

By 
Patrick Noaker *by C.Z.*

E. 1000 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101
(651) 227-9990
(651) 297-6543 – Fax
ATTORNEYS FOR PLAINTIFF
JAMES WELLS

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause by depositing a copy thereof in the United States Mail, postage prepaid, in envelopes addressed to each party at their respective address disclosed on the pleadings as follows:

Rand Wonio
LANE & WATERMAN
220 N. Main Street
Suite 600
Davenport, IA 52801

Edward N. Wehr
WEHR, BERGER, LANE & STEVENS
326 W. Third Street
Suite 900
Davenport, IA 52801

On the 14th day of May, 2004.

