

IN THE IOWA DISTRICT COURT IN AND FOR SCOTT COUNTY

JOHN DOE III,	)	
	)	
Plaintiff,	)	
	)	Law No. 101428
vs.	)	
	)	
FATHER JAMES JANSSEN,	)	PLAINTIFF'S STATEMENT OF
FATHER FRANCIS BASS,	)	DISPUTED FACTS IN
THEODORE ANTHONY GEERTS	)	RESISTANCE TO DEFENDANTS'
AND THE DIOCESE OF DAVENPORT,	)	MOTIONS FOR SUMMARY
	)	JUDGMENT
Defendants.	)	

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

**TABLE OF CONTENTS**

INTRODUCTION . . . . .	2
I. Sexual Abuse of Plaintiff and Other Children By Defendants Janssen, Bass and Geerts Are Well Documented Facts. . . . .	2
A. Defendant Janssen's History of Abuse . . . . .	3
B. Defendant Bass' History of Abuse . . . . .	12
C. Defendant Geerts' History of Abuse. . . . .	13
II. Defendant Diocese of Davenport Has Fraudulently Concealed The Abuse by Janssen, Bass and Geerts . . . . .	14
III. Defendants Janssen and Bass Have Fraudulently Concealed Their Abuse of Plaintiff. . . . .	23
IV. Plaintiff, As A Childhood Sex Abuse Victim Suffers From Mental Illness and Its Effect As a Result of the Abuse by Defendants Janssen, Bass and Geerts. . . . .	25
Conclusion. . . . .	27

## INTRODUCTION

The sexual abuse of Plaintiff and other children by Defendant Janssen, Bass and Geerts is now a well documented fact. The cover-up of their perversion by Janssen, Bass and Geerts, the Bishop, 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 PLAINTIFF AND OTHER CHILDREN BY DEFENDANTS JANSSEN, BASS AND GEERTS ARE WELL DOCUMENTED FACTS

Beginning in 1964, when Plaintiff was 12 years old, Defendants Janssen, Bass and Geerts started sexually abusing him. The abuse continued for three years, ending in 1967 when Plaintiff reached puberty. The abuse occurred at Janssen's office, in St. Joseph's School's basement, the gym locker room and in Janssen's restored Model A Ford in the garage next to the St. Joseph's School. The abuse also occurred at St. Boniface Church in Farmington and at Lampe's Cabin. While at both St. Boniface and Lampe's cabin, Janssen, Bass and Geerts engaged Plaintiff and other young boys in group sex.

The abuse was frequent, perverted and illegal. Janssen, Bass and Geerts invoked their power and authority as Plaintiff's spiritual leaders to accomplish their perversions. After struggling with mental illness from the time of the abuse (mental illness that continues through the present), Plaintiff reported the three priests' sexual perversions to the Bishop. In response, the three priests and the Diocese fraudulently concealed previous knowledge the Diocese had on the priests'

conduct and only pointed out that the priests no longer had any parish or diocesan assignments.

**A. Defendant Janssen's History of Abuse**

Defendant Janssen's abuse of children other than Plaintiff started before he abused Plaintiff and occurred at almost every assignment Janssen held in the Davenport Diocese. The following are cautions and complaints about Janssen's fitness as a priest and his misconduct with children. The cautions and complaints were recorded in his personnel file and some were placed in the secret archives kept by the Davenport Diocese:

- Exhibit 3     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 4     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 5     8/1/53     Letter to Janssen from Bishop Hayes bearing in mind practical points about "the matter of going swimming."
  
- Exhibit 6     9/30/54     Handwritten memo from Bishop Hayes - 4<sup>th</sup> 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 7      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 8      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 9      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 10     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 11    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 12    11/9/56    \* Janssen placed on leave of absence effective Tuesday, November 13, 1956.

Exhibit 13    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 14    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 15    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 16 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 17 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 18 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 steps in the matter. I regret that one of ours should have betrayed your hospitality and caused you such distress."

- Exhibit 19 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 20 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 21 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 22 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 23 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 24 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 25 Undated Memo from Janssen's file 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 26 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 27 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 28 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 29 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 8 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 30 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 31 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 32 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 33 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 34 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", (Exhibit 35).

In addition to the documents supplied by the Diocese, the following Affidavits and sworn Answers to Interrogatories further document Janssen's history of abusing children. Janssen abused {101} while he was a child from 1952-1955; {101} witnessed his access to other children. (See {101} Affidavit, Exhibit 36). He continued such actions at St. Irenaeus Parish in Clinton in 1953 or 1954 and abused {102}. (See {102} Affidavit, Exhibit 37)

Still more children were abused. {103} was abused while in Newton in 1955. (See {103} Affidavit, Exhibit 38) Janssen abused {104} from 1956-1958 while on sabbatical in Chicago, while he was receiving psychiatric treatment for his abusive behavior. Janssen continued to abuse {104} when he was reassigned, without supervision, to a parish in Holbrook, Iowa (See {104} Affidavit, Exhibit 39) While assigned to St. Mary's in Davenport, he abused {105} in 1960 (See {105} Affidavit, Exhibit 40) He also abused {106} in Davenport from 1957-1959. (See {106} Affidavit, Exhibit 41) He had access to many other children, as shown by these Affidavits.

In 1961, he was moved yet again by the Bishop and reassigned to St. Joseph's Parish in Fort Madison, Iowa. While in Fort Madison, he abused Plaintiff, (See John Doe III Affidavit, Exhibit 1) {107} starting in 1961, (See {107} Affidavit, Exhibit 42) {108}, (See {108} Affidavit, Exhibit 43) 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 young boys.

Janssen continued his abuse of numerous boys when re-assigned to Sugar Creek from Fort Madison in 1967, (See Answers to Interrogatories by John Doe I-A, Exhibit 45; Answers to Interrogatories by John Doe II, Exhibit 46) and, again, when re-assigned to Grand Mound in 1980. (See Donald Green Petition at Law, Exhibit 47)

**B. Defendant Bass' History of Abuse**

Defendant Bass also has a history of abuse that has been documented by the Diocese. In approximately 1957, Defendant Bass attempted to abuse [ ] [109] when he was only fourteen (14) years old. [109] was one of many boys that Bass "befriended." Bass would "wrestle" with the boys and on one particular occasion, Bass took [109] and some other boys to the Cook County Morgue in Chicago. It was then that Bass attempted to abuse [109] when he was just a young boy, (Exhibit 48-49). In 1992, Monsignor Morrissey received a call from [109], whom at that time was professor at Northern Illinois University in DeKalb, reporting that Father Bass had attempted to abuse him. This was not the first time [109] had reported the abuse. Right after the incident in Chicago, [109] told many people in Davenport what Bass had done, including one of the parish priests at St. Mary's, Father Janssen. Janssen told [109] his suspicions were incorrect, (Exhibit 49). [109] reported the abuse again in 1974 to a Davenport Diocese representative. [109] heard nothing and felt the representative was disinterested with what he had to say, (Exhibit 49).

In addition, the following affidavits and sworn Answers to Interrogatories further document Bass' history of abusing children. [ ] [104] was passed off

between Father Janssen and Father Bass for sexual use. (See {104} Affidavit, Exhibit 39) Father Bass would take {106} swimming at St. Ambrose Pool where {106} would have to endure sexual advances by Bass. (See {106} Affidavit, Exhibit 41) Father Bass took {107} into the shower with him and forced {107} to "finish him off." (See {107} Affidavit, Exhibit 42)

In 1964, John Doe IV was "pimped" by Janssen to Father Bass. Bass was visiting Janssen and led John Doe IV to Janssen's bedroom where he fondled John Doe IV and took a picture of him naked. (See Answers to Interrogatories by John Doe IV, Exhibit 44) Finally, Janssen would take John Doe II to visit Bass, whereupon Bass would also sexually abuse John Doe II. (See Answers to Interrogatories by John Doe II, Exhibit 46).

### **C. Defendant Geerts' History of Abuse**

Defendant Geerts has not denied or defended the allegations of this lawsuit. Affidavits and sworn Answers to Interrogatories document Geerts' history of abusing children. Father Geerts, along with Janssen and Bass, abused John Doe III (Exhibit 1). {108}, {107} and John Doe IV observed sexual misconduct by Geerts. (See {107} Affidavit, Exhibit 42; {108} Affidavit, Exhibit 43 and Answers to Interrogatories by John Doe IV, Exhibit 44) The abuse occurred at St. Boniface Church in Farmington, Iowa, where Geerts was pastor. Geerts supplied the boys and Janssen with alcohol and pornographic movies and magazines, (Exhibit 43). While John Doe IV was there, he saw an older classmate playing cards without any clothes on, (Exhibit 44).

The above facts detail a chilling 40-year history of Janssen, Bass and Geerts sexually abusing young boys before the age of puberty. With Janssen as the ringleader, Geerts and Bass would engage these young boys in orgies and other sexual situations.

II. **DEFENDANT DIOCESE OF DAVENPORT HAS FRAUDULENTLY CONCEALED THE ABUSE BY JANSSEN, BASS AND GEERTS**

Until Bishop Franklin's news conference of February 25, 2004, the Diocese concealed Defendant Janssen, Bass and Geerts' sexual perversions from the children and adults of the Diocese. This horrible secret was kept hidden to avoid scandal and liability. The result was 50 years of systematic concealment by the Diocese, concealing Janssen, Bass and Geerts', and other priests', sexual abuse of children.

The following facts show that the Diocese had a clear warning of Janssen's dangerous propensities and did not disclose this information to Plaintiff or his parents:

- a) The Diocese had been warned of Janssen's immaturity and questionable qualifications to serve as a priest. (Exhibit 3).
- b) That complaints about sexual misconduct had been made. (Exhibits 6, 9, 10, 17, 24, 26, 29 and 31).
- c) That Janssen was forbidden from returning to Clinton, Iowa. (Exhibit 22).
- d) That he was ordered not to return to Newton, Iowa. (Exhibit 23).
- e) That he was ordered not to go to the YMCA in Newton, Iowa. (Exhibit 9).
- f) That he was sent for psychiatric treatment as a result of his sexual perversions. (Exhibit 13).

- g) That Bishop Hayes was warned that Janssen needed to be assigned a spiritual director and have regular and frequent follow-up visits with the director. (Exhibit 14).
- h) That he was caught and admitted to improper sexual conduct with a child during the time he was receiving psychotherapy (Exhibits 17, 21).
- i) That he was sent to a monastery because of his sex conduct with a child. (Exhibit 21).
- j) That Bishop Hayes privately and secretly forbade Janssen to have boys ride in the car with him, (Exhibits 23, 28) go to a cabin with him, (Exhibit 28) go to Newton, (Exhibit 22) go to Clinton, (Exhibit 22) take off his collar (Exhibit 11) or enter a "Y" because of sexual misconduct with minor aged boys (Exhibit 11).

The Diocese also had many indications that Geerts was likely engaging in inappropriate behavior. Janssen and Geerts were good friends and had an extensive history together. In 1969, Geerts inquired to Bishop O'Keefe of "the possibility of Father Janssen and I living in community and taking pastoral care of Charlotte, Sugar Creek, Villa Nova and as you suggested, perhaps Petersville... I would much prefer to share a pastorship with Father Janssen. I know we would be a good team." (Exhibit 50-A). This was after the Diocese had knowledge that Janssen was engaging in inappropriate activity with young boys. Geerts' comradery with Janssen continued through 1992 at which time Geerts was living in Las Vegas and wanted to concelebrate masses with another priest in Las Vegas. Father Janssen communicated with Bishop O'Keefe informing the Bishop of Geerts' wishes to perform some limited ministry, (Exhibit 50-B). It was during Geerts' time in Las Vegas that Geerts got into trouble with the law and was asked by the Bishop of Las Vegas to stop concelebrating mass, (Exhibit 51A-51B).

In the documents produced by the Diocese, it is clear that the Diocese had to have had some knowledge or warning that Geerts was engaging in inappropriate activity. In 1970, Father Geerts was allowed to go on a 20 year leave of absence. Geerts spent most of his leave in San Diego. Although the Diocese has not mentioned any reports of abuse by Geerts, in 1970, the Diocese felt it was necessary to warn the Bishop of San Diego that Father Geerts was in San Diego. In Bishop O'Keefe's letter dated December 11, 1970, Bishop O'Keefe informs Bishop Maher of Father Geerts' address and states "I do not think he will cause any problem. He has been in California for some months now, although farther north, I think. He, of course, does not function as a priest and would not attempt to do so." (Exhibit 52) As of this date, the Diocese has yet to explain why Geerts was on a 20 year leave of absence and why he was not allowed to function as a priest.

Even after Plaintiff's abuse ended, the Diocese continued to conceal Janssen and Bass' patterns of sexual abuse until Bishop Franklin's report on February 25, 2004. However, the Diocese has continued to conceal allegations of abuse by Geerts, including Plaintiff's. Plaintiff reported his abuse in 1998. He reported specifically that he was abused by Geerts, (Exhibit 2). At that time the Diocese already had knowledge that both Janssen and Bass had dangerous propensities. But, the Diocese never informed Plaintiff of this information. Furthermore, if the Diocese had conducted a proper investigation in the 1950's or early 1960's when it had received numerous complaints on Janssen, it would have uncovered a horrific sex ring that included not only Janssen, but Bass and Geerts



as well. Moreover, it would have prevented many children from being later abused by these priests.

The Defendant Diocese accuses Plaintiff of waiting too long to file a lawsuit against the Diocese. But, when Plaintiff reported the abuse in July 1998, Plaintiff had no reason to believe that the Diocese was liable. Plaintiff did not learn until February 25, 2004 that the Diocese had prior knowledge of abuse. The Bishop himself admitted that the Diocese's actions resulted in "a violation of a sacred trust". However, the Diocese continues to deny any legal responsibility for its actions, claiming the Plaintiff should have known about this information earlier. But the information Plaintiff needed to know was concealed from him by the Diocese. The wrongdoer is attempting to benefit from his secret wrongdoing.

The Diocese of Davenport has systematically concealed all information about Janssen, Bass and Geerts' perversions, keeping it secret from everyone. The following exemplifies the "standard operating procedures" of the Davenport Diocese in maintaining secrecy:

1. Much of the information documenting Janssen's, Bass' and Geerts' 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 53).
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", (Exhibit 20).
3. 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 54) 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, 1 990", (Exhibit 55) The true reason for these actions was kept secret from the public.
  4. 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 56).
  5. 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 57).

6. 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”, (Exhibit 58). 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.
7. As a direct result of Bishop Franklin keeping the information about Janssen’s restrictions secret, Janssen was able to become a lifeguard at the Davenport Outing Club, as documented in the Quad City Times article of Friday, August 4, 2000, (Exhibit 59).
8. 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. (Exhibit 60)
9. 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 60). 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. On June 29, 1992, the Vicar General wrote a letter to the Bishop concerning a report from a professor at Northern Illinois University that the professor was abused by Father Bass when he was fourteen years old. The letter stated "\_\_\_\_\_ is just reporting this now. He does not want anything except to alert us. I told him Bass was retiring in October and he seemed somewhat relieved by that." The letter further stated that "[T]his memo should be sealed and placed in Father Bass' file. If something comes up, I don't think we can deny this telephone call." (Exhibit 48).
11. In 1992 when Father Geerts was having problems with the law in Las Vegas, it was recommended to Geerts to move to

another city. In Father Swenson's letter to Geerts, dated December 15, 1992, Swenson stated, "I would recommend to you, and I hope you will consider, in order to get a fresh start in your priestly life that you might move to another city as we do not want any public scandal against the church and especially here in our own diocese where we have a good record and good priests. It would be a great embarrassment to all of us if your life-style should be published in the paper, (Exhibit 51-B).

12. 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 61). 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 39). 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.

13. The Diocese has never made any documented, comprehensive, independent investigation into Janssen, Bass and Geerts' immoral sexual activities. In fact, the Diocese did not fully document complaints received about Janssen, Bass or Geerts. In 1983, complaints were made about Janssen to Monsignor Morrissey by parishoners 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 62).

The Bishop did not report the Diocese's knowledge of abuse by Janssen and Bass until 2004. The Bishop's late admission and recognition that a "sacred trust had been violated" does not negate the fact that deception was practiced to the detriment of child victims. Furthermore, the deception is still being practiced. The Diocese continues to keep Plaintiff's report of abuse by Father Geerts a secret and not warn the public.

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

III. **DEFENDANTS JANSSEN AND BASS HAVE FRAUDULENTLY CONCEALED THEIR ABUSE OF PLAINTIFF**

Initially, Janssen concealed the wrongful nature of the abuse from the Plaintiff by telling him to "trust him" while engaging in the abuse, (Exhibit 1).

Plaintiff John Doe III was educated, trained and conditioned by the Diocese of Davenport and by Janssen to respect, honor and obey Janssen and Bass because they were priests, (Exhibit 1). Plaintiff was taught that the priest was Christ on earth and had supernatural power, (See attachment to Exhibit 1). Janssen reinforced the concealment by telling Plaintiff that the abuse was "our little secret" (Exhibit 1).

Despite overwhelming evidence of his abuse, Janssen continues to fraudulently conceal his abuse. Attached are Janssen's Responses to Request for Admissions 1-56, (Exhibit 63). In these Responses, he denies improper sexual contact with the Plaintiff, denies performing an oral sex act on the Plaintiff, denies he has had sexual contacts with minors, denies that he holds himself out as a devoutly religious holy man and denies that as a parish priest, he holds himself out as a spiritual advisor to minor members of the parish. Interestingly, he asserts his rights under the Fifth Amendment to the Constitution against self incrimination in responding to whether he ever had improper sexual contacts with minors, whether he had improper sexual contact with more than ten male members of the parishes within the Davenport Diocese under the age of 18, that sexual contact by him with a minor is wrong, that he had sexual contacts with minors at a parish where he served as pastor and whether he had sexual contacts with any minor member of a parish at any of the parishes where he was assigned. Incredibly, these Responses to Request for Admissions are fresh and were recently served by fax by Attorney Edward Wehr on May 12, 2004.



Defendant Bass has similarly fraudulently concealed his abuse in discovery documents. Attached is Interrogatory No. 4, (Exhibit 64) in which Bass denies any complaints made against him alleging sexual misconduct. This is untrue, as Ed Thomas provided a specific complaint to the Diocese. Either the Diocese made no efforts to contact Bass regarding the complaint, or Bass concealed the complaint. In Answer to Interrogatory No. 12, (Exhibit 65) Defendant Bass denied any trips of more than 25 miles with a minor member of the Diocese. This conflicts with Ed Thomas' sworn Affidavit in this case. In Answer to Interrogatory No. 19, (Exhibit 66) Defendant Bass denies any incidents of sexual misconduct. In Answer to Interrogatory No. 21, (Exhibit 67) Defendant Bass denies any improper sexual contact with Plaintiff, John Doe III. In Answer to Interrogatory No. 22, (Exhibit 68) Defendant Bass denies any sexual contact between him and anyone under the age of 18. As is seen by other Affidavits in this case, all of these statements by Defendant Bass are materially false and misleading and intended to fraudulently conceal his illegal, immoral actions from Plaintiff John Doe III.

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

Because of the priests' abuse of Plaintiff and the concealment by the Diocese, Plaintiff suffers from mental illness and has developed symptoms of psychological distress. Plaintiff suffers from low self-esteem and depression. Because of the abuse and the misconduct by the Diocese, Plaintiff attempted suicide, has had problems with alcohol and with authority (John Doe III Affidavit, Exhibit 1).

In 1980, Plaintiff suffered a complete nervous breakdown. In 1998, Plaintiff received counseling at a sexual abuse counseling facility called "Standing Together Against Rape" ("STAR") for approximately seven to eight weeks (John Doe III Affidavit, Exhibit 1).

While receiving counseling at STAR, Plaintiff decided to write a letter to Bishop Franklin, informing him of Janssen, Bass and Geerts' abuse of him. The letter also reported that Plaintiff was not the only boy that was abused. (John Doe III Affidavit, Exhibit 1; Exhibit 2) Bishop Franklin offered him sympathy but provided nothing else. Bishop Franklin mentioned nothing about any investigation that would be conducted nor did Franklin offer Plaintiff any financial assistance with treatment if Plaintiff deemed it was necessary, (Exhibit 2).

It was not until 2003 that Plaintiff learned for the first time that the Diocese had received complaints about Father Janssen engaging minors in inappropriate conduct prior to 1967. In addition, it was not until February 25, 2004, when Bishop Franklin authored his public report that Plaintiff learned that there were also prior complaints against Bass, (Exhibit 61).

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 John Doe III suffers from post traumatic stress disorder attributable to the sexual trauma perpetrated by the Defendants Janssen, Bass and Geerts. It is his opinion that the condition has existed from the time of the abuse until the present. As a result of this disorder, John Doe III suffers

significant psychologist disturbance and impairment. His psychological condition prevented John Doe III from appreciating the nature and impact of the sexual abuse. It is further his opinion that John Doe III was greatly affected by the threats of Father Janssen that if John Doe III ever told anyone about the abuse, he would never get married because no woman would ever want to marry someone who committed such acts. In addition, John Doe III was significantly threatened and affected by Father Janssen's threat that if his wife found out about the abuse, she would never trust him around the kids because his wife would always think he was having sex with his son, (Exhibit 69).

Attached to this Statement of Disputed Facts is the Affidavit of Dr. Mic Hunter (Exhibit 70). 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.

### **CONCLUSION**

In conclusion, Defendant Janssen, Bass and Geerts sexually abused Plaintiff, and, as a result, caused his mental illness. Plaintiff's church failed to protect him by negligently supervising Janssen, Bass and Geerts and by fraudulently concealing the truth about these priests. There is overwhelming evidence of this negligent willful and wanton conduct.

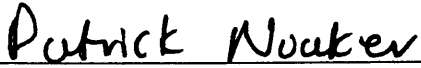
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ATTORNEYS FOR PLAINTIFF  
JOHN DOE III

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:

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Edward N. Wehr  
WEHR, BERGER, LANE & STEVENS  
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On the 14<sup>th</sup> day of May, 2004.  
Mura Weiner