

0200
 1 - S E A L E D -
 2 STATE OF CONNECTICUT : SUPERIOR COURT
 3 JUDICIAL DISTRICT OF FAIRFIELD
 4 AT BRIDGEPORT
 5 -----X VOLUME II
 6 GEORGE L. ROSADO, JR., ET AL., :
 7 Plaintiffs, :
 8 -versus- : CV98 08020725
 9 BRIDGEPORT ROMAN CATHOLIC,
 10 DIOCESAN CORP., ET AL., :
 11 Defendants. :
 12 -----X
 13 BRIAN FREIBOTT, ET AL., :
 14 Plaintiffs, :
 15 -versus- : CV94 03165745
 16 BRIDGEPORT ROMAN CATHOLIC :
 17 DIOCESAN CORP., ET AL., :
 18 Defendants. :
 19 -----X
 20
 21 Continued Videotaped Deposition of MONSIGNOR
 22 ANDREW T. CUSACK, taken pursuant to Notice, at
 23 the offices of Durant, Nichols, Houston,
 24 Mitchell & Sheahan, 1000 Lafayette Boulevard,
 25 Bridgeport, Connecticut, before Gerald Gale, a
 Registered Merit Reporter, a CSR and a Notary
 Public in and for the State of Connecticut, on
 Monday, November 18, 1996, at 10:07 a.m.

0201
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 2 For the Plaintiffs:
 3 TREMONT & SHELDON
 4 64 Lyon Terrace
 5 Bridgeport, Connecticut 06604
 6 By: T. PAUL TREMONT, ESQ.
 7 CINDY ROBINSON, ESQ.
 8 DOUGLAS MAHONEY, ESQ.
 9
 10 For Plaintiffs James Krug and Jamie
 11 Bellaville:
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 13 34 Sherman Court
 14 Fairfield, Connecticut 06430
 15 For the Defendant Father Pcolka:
 16 TIERNEY, ZULLO,
 17 FLAHERTY and MURPHY, P.C.
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 20 By: FRANK MURPHY, ESQ.
 21 For the Defendant The Diocese of
 22 Bridgeport:
 23 HALLORAN & SAGE
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 By: JOSEPH SWEENEY, ESQ.
 -and-
 DANAHER, TEDFORD, LAGNESE & NEAL
 21 Oak Street
 Hartford, Connecticut 06106
 By: MATTHEW G. CONWAY, ESQ.
 A L S O P R E S E N T :
 Kevin Aspinwall, Videographer
 Monsignor Laurence Bronkiewicz
 * * * * *

0202

1	WITNESS INDEX	
2		PAGE
3	Direct Examination by Mr. Tremont	205
4	Cross-Examination by Mr. Murphy	444
5	Cross-Examination by Mr. Sweeney	450
6	Redirect Examination by Mr. Tremont	461
7		
8		
9	EXHIBIT INDEX	
10	PLAINTIFFS' DESCRIPTION	PAGE
11	B Letter dated June 30, 1983.	393
12		
13	NOTE: Exhibits retained by counsel.	
14		
15		
16		
17		
18		

0203
 1 THE VIDEOGRAPHER: We are now on
 2 record. This is the continuation of testimony
 3 by Monsignor Andrew T. Cusack which was
 4 suspended November 11th, 1996, at or about 4:20
 5 p.m. Today's date is November 18th, 1996. The
 6 time on videotape record is 10:07 a.m. This
 7 deposition is being held at 1000 Lafayette
 8 Boulevard, Bridgeport, Connecticut. My name is
 9 Kevin Aspinwall and I'm employed by Hamilton
 10 Communications, of 60 Pine Lake Road, in
 11 Westbrook, Connecticut.
 12 Would everyone please introduce
 13 themselves for the record.
 14 MR. TREMONT: Paul Tremont,
 15 representing the plaintiffs.
 16 MS. ROBINSON: Cindy Robinson,
 17 representing the plaintiffs.
 18 MR. MAHONEY: Douglas Mahoney,
 19 the plaintiffs.
 20 MR. MURPHY: Frank Murphy,
 21 representing the Defendant Pcolka.
 22 MSGR. BRONKIEWICZ: Monsignor
 23 Laurence Bronkiewicz, representing the Diocese
 24 of Bridgeport.
 25 MR. CONWAY: Matthew Conway, on

0204
 1 behalf of the Bridgeport Roman Catholic Diocesan
 2 Corporation.
 3 MR. SWEENEY: Joseph T. Sweeney,
 4 in behalf of the defendants, Bridgeport Roman
 5 Catholic Diocesan Corporation and Monsignor
 6 Cusack, the witness, and Bishop Walter Curtis,
 7 and Bishop Edward Egan.
 8 THE WITNESS: Monsignor Cusack,
 9 witness.
 10 MR. TREMONT: All right. We'll
 11 just continue on.
 12 MR. SWEENEY: I think, Mr.
 13 Tremont, we can stipulate that the oath which
 14 was administered to Monsignor Cusack last week
 15 will apply to today's deposition.
 16 MR. TREMONT: I would assume so.
 17 MR. SWEENEY: Well, I just want
 18 to put it on the record.
 19 MR. TREMONT: I don't think it's
 20 necessary to swear in the Monsignor again and
 21 obviously it's merely a continuation so
 22 everything we did before applies.
 23
 24
 25

Page 205

- (1) MONSIGNOR ANDREW T.
- (2) CUSACK,
- (3) called as a witness, having previously
- (4) been duly sworn, was examined and
- (5) testified as follows:
- (6) CONTINUED DIRECT EXAMINATION
- (7) BY MR. TREMONT:
- (8) Q. Monsignor, let me ask you, with the
- (9) exception of this particular proceeding, have
- (10) you given any depositions?
- (11) A. On one occasion.
- (12) Q. Could you tell me what the nature of
- (13) that deposition was?
- (14) A. I can tell you the person that it
- (15) involved. Would that be --
- (16) Q. I mean, what was the nature of the
- (17) matter?
- (18) A. The alleged offenses of Gavin O'Connor.
- (19) Q. Okay. So it involved a claim of sexual
- (20) abuse?
- (21) A. That's right.
- (22) Q. And you were deposed by the lawyer
- (23) representing the person who claimed to be
- (24) abused?
- (25) A. Could you explain your language.

Page 206

- (1) Q. Yeah. You were deposed, your
- (2) deposition was taken by the -- was noted by the
- (3) attorney who represented the individual who
- (4) claimed to be abused?
- (5) A. Yes, attorney. Yes.
- (6) Q. And when was that taken, approximately?
- (7) A. Oh, the approximation would be vague.
- (8) I'd say a year ago.
- (9) Q. All right. Within the last couple of
- (10) years?
- (11) A. Yes, certainly. Certainly.
- (12) Q. And was that taken at Hartford,
- (13) Connecticut?
- (14) A. At Hartford, Connecticut.
- (15) Q. Was that Attorney Santos's office?
- (16) A. Attorney Santos.
- (17) Q. In fact, during that proceeding, if I
- (18) may ask, were you represented by Attorney
- (19) Sweeney's office?
- (20) A. I was.
- (21) Q. And outside of that particular
- (22) deposition, have you given any other depositions
- (23) in your life?
- (24) A. I have not, attorney.
- (25) Q. Okay. Have you testified in any court

Page 207

- (1) proceedings?
- (2) A. I have not, attorney.
- (3) Q. And you have, I believe, given
- (4) affidavits in cases involving the Bridgeport
- (5) Roman Catholic Diocese?
- (6) A. An affidavit would be what, attorney?
- (7) Q. An affidavit would be a sworn statement
- (8) that you would have made asserting facts.
- (9) A. Yes, attorney.
- (10) Q. Now, you gave an affidavit, at least
- (11) one, or there may be more, in a group of cases
- (12) in which we represent victims who have claims
- (13) against Father Pcolka, Father Federici, Father
- (14) Carr -- and I'm not saying you gave them in all
- (15) of these cases but some perhaps -- Father
- (16) Coleman, Father Gorecki, and Father Ahearn.
- (17) Now, have you given any
- (18) affidavits in any other cases in addition to the
- (19) ones that we've been involved with?
- (20) A. Not to my knowledge. Not to my recall,
- (21) no.
- (22) Q. Is there or what was there a priest in
- (23) the Bridgeport Diocese named Raymond Petruka,
- (24) P-e-t-r-u-k-a?
- (25) A. Yes, there was.

Page 208

- (1) Q. And where was he located?
- (2) A. Most of his priesthood was at St.
- (3) Joseph's High School in Trumbull, Connecticut,
- (4) as I recall.
- (5) Q. Okay. So that when you indicated that
- (6) you had received a call from Monsignor
- (7) Bronkiewicz regarding sexual abuse and you
- (8) thought it was -- he was talking about Father
- (9) Petruka, that would have been another priest of
- (10) the Diocese, that was within the Diocese at
- (11) about the same time as Father Pcolka?
- (12) A. That's right. Right.
- (13) Q. And that's why you answered as you said
- (14) that there was no claim that you knew of?
- (15) A. That's right, with regard to Father
- (16) Petruka.
- (17) Q. Father Petruka, right. Then did you --
- (18) how did you clarify that, what happened
- (19) thereafter?
- (20) A. I think, attorney, Larry called me up
- (21) again, and he was talking -- not to verify the
- (22) previous talk but he was talking about Father
- (23) Pcolka and that's when my recall -- well, more
- (24) accurately, when I realized we were talking
- (25) about two different priests.

Page 209

- (1) Q. All right. Now, could you tell me
- (2) specifically what were your duties as Episcopal
- (3) Vicar of Clergy and Religious?
- (4) MR. SWEENEY: Counsel, we spent
- (5) already one day in this deposition. I think
- (6) this has already been asked and answered.
- (7) MR. TREMONT: No. It's been
- (8) asked but it was not answered. The questions --
- (9) just to make the record clear, I am being very
- (10) careful not to be redundant. There are certain
- (11) questions which I asked and I believe were not
- (12) answered specifically, and that's why I say I'd
- (13) like to know specifically what your duties were
- (14) as Episcopal Vicar of Clergy and Religious.
- (15) MR. SWEENEY: Counsel, before we
- (16) proceed further, I'm going to allow this
- (17) question to proceed, but I've got to put you on
- (18) notice that we cannot relive all of last week's
- (19) questions and answers. So I reserve the right
- (20) to object to other things on this basis, but
- (21) giving you the benefit of the doubt on this one,
- (22) I withdraw my objection as to this particular
- (23) question.
- (24) A. Could you repeat your question,
- (25) attorney.

Page 210

- (1) Q. Yes. What were your specific duties,
- (2) specific duties, as Episcopal Vicar for Clergy
- (3) and Religious when you held that position in the
- (4) Diocese of Bridgeport?
- (5) A. Okay. Prior to the Episcopal Vicar,
- (6) the title was director of -- Director of
- (7) Ministry for Clergy and Religious. The specific
- (8) duties were Director of Vocations --
- (9) Q. Excuse me. I did ask and that's -- my
- (10) question is, what were your specific duties as
- (11) Episcopal Vicar for Clergy and Religious?
- (12) A. The duties did not change so -- but I
- (13) just wanted the clarity of the two titles, that
- (14) the clarification is made out of respect for the
- (15) church.
- (16) Q. But Monsignor, we had a horrible
- (17) problem last time between Director of Vocations
- (18) -- and Mr. Sweeney and yourself brought it to
- (19) my attention a couple of times -- and vicar for
- (20) clergy and religious, and that's why I'm asking
- (21) you, and you started talking about vocations.
- (22) I'm asking you about your specific duties.
- (23) A. Attorney, allow me to respectfully say
- (24) to you, you had the horrible experience with
- (25) it. Now, if you will just continue to ask me,

Page 211

- (1) and perhaps we can undo the experience that you
- (2) showed.
- (3) Q. I am asking you, what were your
- (4) specific duties as Episcopal Vicar for Clergy
- (5) and Religious in the Diocese?
- (6) A. Okay. Director of Vocations, Director
- (7) of Continuing Formation of Clergy, Director of
- (8) the Permanent Diaconate, Director of Personnel
- (9) and Vicar for Religious.
- (10) Q. Excuse me. What does Vicar for
- (11) Religious mean?
- (12) A. It's the vicar for the religious women
- (13) and brothers of the Diocese of Bridgeport in
- (14) consecrated life.
- (15) Q. These would be nonordained -- I
- (16) shouldn't say that. These would be persons who
- (17) may not be priests, they would be brothers and
- (18) nuns?
- (19) A. Yes. Hopefully, now, I can make it
- (20) clear for you. Except, attorney, when you're
- (21) dealing with religious orders, they have both
- (22) priests and brothers, so there's a bit blur
- (23) there but normally that blur would be clarified
- (24) by my title of vicar, Episcopal Vicar for
- (25) Clergy. They would come under that umbrella but

Page 212

- (1) there are some aspects of their life which would
- (2) be akin to the consecrated life, the vowed life
- (3) of brothers and sisters.
- (4) Q. As Vicar for Religious in this last
- (5) aspect which you just described, some of those
- (6) personnel would be in orders, would they not?
- (7) A. All would be, attorney. I am fairly
- (8) accurate on that, yes.
- (9) Q. Basically, would you have jurisdiction
- (10) over them, if you will, while they were in an
- (11) order?
- (12) A. We wouldn't have jurisdiction,
- (13) attorney. Their major superior would but
- (14) insofar as they were in the Diocese, my duties
- (15) would be essentially to see them cooperate with
- (16) the local bishop.
- (17) Q. So were you, if you will, I say a
- (18) coordinator? Did you sort of coordinate them or
- (19) be sure that they were not doing anything that
- (20) this bishop, whoever the local bishop might be,
- (21) might disapprove of?
- (22) A. Or approve of. In other words, it
- (23) would be a facilitator as well as, at times, an
- (24) investigator.
- (25) Q. All right. Now, you indicate that you

Page 213

- (1) were also personnel director?
- (2) A. Right.
- (3) Q. Now, what did your duties entail as
- (4) personnel director?
- (5) A. As personnel director, I would direct
- (6) the other persons on the personnel board and we
- (7) would meet, and there were three of us,
- (8) including myself, with the bishop and discuss
- (9) personnel, essentially changes in the Diocese.
- (10) Q. When you say you were personnel
- (11) director, did that mean that you kept -- did you
- (12) keep the personnel records on the priest, for
- (13) instance?
- (14) A. I would keep, for example, the bishop's
- (15) announcement of the changes. I would keep, for
- (16) example, the two preference sheets that I sent
- (17) out during my tenure where the priest listed his
- (18) preferences. I would keep his educational
- (19) background, which was a sheet, essentially
- (20) curriculum vitae, and that would be the extent
- (21) of what I would have, fairly much, in my office.
- (22) Q. And where would you keep, beyond in
- (23) your office -- I mean, where would you keep
- (24) that? Would you keep that in a file under the
- (25) priest's name?

Page 214

- (1) A. It would be a file to the left of my
- (2) desk.
- (3) Q. Under the priest's name?
- (4) A. That's right.
- (5) Q. So that in your office, you would have
- (6) a file for every priest in the Diocese?
- (7) A. Yes, a file that I just described.
- (8) Q. For every priest in the Diocese?
- (9) A. That's right. Excuse me. For every
- (10) Diocesan priest in the Diocese.
- (11) Q. For every Diocesan priest, because
- (12) again, you would have no basic control as far as
- (13) transferring or assigning priests who might be
- (14) associated with an order?
- (15) A. That's right.
- (16) Q. Now, when you came to your office,
- (17) whether as Episcopal Vicar, or before as
- (18) director, did your predecessor have those files?
- (19) A. I have no -- my files? No, he did not.
- (20) Q. Excuse me. You say your files. Did
- (21) you create new files?
- (22) A. That's right, that's right.
- (23) Q. Well, let's try to go back then because
- (24) that's my next question, which is: I'm
- (25) interested in records. You had indicated to us

Page 215

- (1) that there were three files in the Diocese.
- (2) A. So I'm told, right.
- (3) Q. That there was the bishop's secret
- (4) archives, that there was the personnel file and
- (5) there was your own file.
- (6) A. Right.
- (7) Q. Now, let's go back. When you first
- (8) undertook the duties of this office, what kind
- (9) of files were there in regard to the priests in
- (10) the Diocese?
- (11) A. In my office?
- (12) Q. In the chancery, in the Catholic
- (13) Center.
- (14) A. I have no idea.
- (15) Q. Monsignor, you came in and you became
- (16) the personnel director?
- (17) A. That's right.
- (18) Q. At the point you became personnel
- (19) director, I assume you wanted to see what your
- (20) personnel consisted of, no?
- (21) A. Not only did I know my personnel, I
- (22) knew where each man was stationed. I began my
- (23) own files when I was appointed.
- (24) Q. Well, there were no files before you
- (25) were appointed?

Page 216

- (1) A. I had no files before I was appointed,
- (2) received no files when I was appointed.
- (3) Q. So you are telling me that there were
- (4) no files -- when you came into this position,
- (5) the Diocese had no files on priests?
- (6) A. No, I'm not talking about the Diocese.
- (7) I'm talking about Monsignor Andrew Cusack.
- (8) Q. I understand that. Obviously before
- (9) you had the position, you would have no files.
- (10) I'm asking you, when you came into the position,
- (11) were there personnel files involving Diocesan
- (12) priests?
- (13) A. Oh, yes, in the bishop's office, no
- (14) doubt.
- (15) Q. You say, "no doubt." Didn't you ever
- (16) have to refer to a personnel file?
- (17) A. At no time during my tenure, did I go
- (18) to either file referenced by the bishop.
- (19) Q. Monsignor, you now get this position,
- (20) you've just been appointed to this position, and
- (21) a priest -- you have some involvement or some
- (22) question regarding a priest, a promotion of a
- (23) priest, a transfer, where would the -- you
- (24) wouldn't call the priest and ask him to send you
- (25) his CV, would you? Wouldn't that be someplace

Page 217

- (1) in the chancery?
- (2) **A.** I might not need a CV because I knew
- (3) the priests of our Diocese extremely well. I
- (4) had a great knowledge of the priests of the
- (5) Diocese.
- (6) **Q.** So you are telling me that you never
- (7) consulted files at all outside of a file which
- (8) you may have constructed when you first came
- (9) into the -- into this position?
- (10) **A.** As far as I can recall, I never saw the
- (11) two files in the bishop's section of the
- (12) Catholic Center.
- (13) **Q.** All right. Now, you say, "the two
- (14) files in the bishop's section." Just so we will
- (15) all understand this. One file we agree is the
- (16) secret archives; is that correct?
- (17) **A.** Yes.
- (18) **Q.** And the secret archives basically are
- (19) quote, unquote, the bishop's files. He's
- (20) required to keep those under the Canon Law?
- (21) **A.** That's right.
- (22) **Q.** Those files are, as the name implies,
- (23) secret?
- (24) **A.** Right.
- (25) **Q.** And I believe you -- all right. So you

Page 218

- (1) never saw those --
- (2) **A.** No.
- (3) **Q.** -- or never had reason to consult them?
- (4) **A.** No, nor did I know where they were
- (5) located.
- (6) **Q.** Now, there was a second file, a
- (7) personnel file, that you are aware of?
- (8) **A.** Right.
- (9) **Q.** Now, the personnel files, where were
- (10) the personnel files?
- (11) **A.** I do not know.
- (12) **Q.** So you never looked at a personnel
- (13) file?
- (14) **A.** In the bishop's section, no. I have no
- (15) memory of seeing that file.
- (16) **Q.** I don't want to argue with you. I just
- (17) want to be sure that we understand each other.
- (18) You say, "in the bishop's section."
- (19) I'm eliminating the secret
- (20) archives. Now, what do you mean when you say,
- (21) "the bishop's section"?
- (22) **A.** I think I can understand your --
- (23) attorney, I was not part of the chancery office
- (24) and that's what we mean by the bishop's
- (25) section. I was part of the Catholic Center

Page 219

- (1) section. I don't know if that makes it clearer.
- (2) **Q.** Somebody, for example, has to file
- (3) income tax returns, I assume, has to make W-2
- (4) forms, somebody -- in other words, there's
- (5) papers that have to be generated for all
- (6) employees, including priests; is that correct?
- (7) **A.** I believe so. I have my own
- (8) accountant, yes.
- (9) **Q.** But I am just saying; you were the
- (10) personnel director and what I am getting at,
- (11) someplace there had to be information generated
- (12) on priests just as you'd have information about
- (13) any employee, medical coverage, whatever it
- (14) might be.
- (15) **A.** Oh, that would not be in my file. That
- (16) would be in the bishop's file.
- (17) **Q.** You're calling that the bishop -- the
- (18) personnel file, okay, so I can distinguish it
- (19) from the secret archives?
- (20) **A.** See, attorney, I'm not able to tell you
- (21) what Bishop Curtis called his file, but
- (22) personnel file, yes, I hope that's the name he
- (23) gave it.
- (24) **Q.** Well, you're saying Bishop Curtis
- (25) called this file. I'm asking you about the file

Page 220

- (1) that included basically information regarding a
- (2) priest.
- (3) **MR. SWEENEY:** Pardon me, Counsel,
- (4) to just help you through this, I think you're
- (5) now referring to what may be described as
- (6) payroll records pertaining to priests. That I
- (7) think is a little different from the records
- (8) that would contain letters of appointment, his
- (9) seminary credentials and things of that type. I
- (10) think there is a distinction there.
- (11) **BY MR. TREMONT:**
- (12) **Q.** Let me ask you about the seminary
- (13) records of a priest. Where would that be?
- (14) **A.** They would be in the bishop's file.
- (15) **Q.** And you would have seen those?
- (16) **A.** Prior to going -- I would have seen
- (17) them when they were seminarians, yes, but not
- (18) after ordination.
- (19) **Q.** You did look at those files, did you
- (20) not, the files that included the seminary
- (21) records after you were vicar?
- (22) **A.** No, I knew of the files of seminarians
- (23) as Director of Vocations, and did I look at the
- (24) bishop's files on seminarians? To my knowledge,
- (25) attorney, once they were ordained, I did not

Page 221

- (1) look at these files.
- (2) **Q.** You told us, I believe, last week, that
- (3) you knew that Father Pcolka had been treated by
- (4) Dr. Meshkin while he was in the seminary.
- (5) **A.** That's right.
- (6) **Q.** How did you get that information?
- (7) **A.** From Monsignor George Curtis.
- (8) **Q.** So you asked -- you didn't look at a
- (9) file, Father Pcolka's file when you were trying
- (10) to make a determination as to whether Father
- (11) Pcolka may have molested a young woman, you
- (12) didn't look at his personnel file?
- (13) **A.** I did not, no.
- (14) **Q.** But you went and talked to somebody
- (15) else --
- (16) **A.** Monsignor George Curtis.
- (17) **Q.** -- to find out what might have been --
- (18) what he might have done in the seminary?
- (19) **A.** Yes, because Monsignor George Curtis
- (20) was the personnel person at that time, and also
- (21) to my knowledge, if not just friendly, was a
- (22) close friend of Dr. Meshkin on the -- well,
- (23) okay.
- (24) **Q.** Monsignor Curtis was a close friend of
- (25) Dr. Meshkin?

Page 222

- (1) **A.** That's right.
- (2) **Q.** But how would you have known, doctor,
- (3) to talk to Monsignor Curtis when you didn't know
- (4) that Dr. Meshkin had treated Raymond Pcolka?
- (5) **A.** Through Monsignor George Curtis.
- (6) **Q.** But how would you know that? How would
- (7) you know that he treated him?
- (8) **A.** Because he was vocation person at that
- (9) time, and I went to inquire about him.
- (10) **Q.** Why did you inquire about the -- to the
- (11) vocation person?
- (12) **A.** Why did I?
- (13) **Q.** Yes.
- (14) **A.** Because when we're vocation directors,
- (15) we know the personal life of a seminarian during
- (16) his seminary experience.
- (17) **Q.** Wouldn't it have been fruitful for you
- (18) to have taken a look at his file if indeed his
- (19) file contained letters from psychologists and/or
- (20) psychiatrists regarding Father Pcolka's
- (21) problems, his treatment, his diagnosis?
- (22) **A.** That certainly would have been an
- (23) option. I chose another one.
- (24) **Q.** I assume those personnel files were
- (25) available to you.

Page 223

- (1) A. Oh, yes, and I also – yes, those files
- (2) would be available to me, right.
- (3) Q. All right. Where were those files
- (4) located –
- (5) A. I have no idea.
- (6) Q. – in regard to your office? Do you
- (7) have any – you said they were in the bishop's
- (8) section.
- (9) A. You mean geographically?
- (10) Q. Yes.
- (11) A. They would be down the corridor.
- (12) Q. Same building?
- (13) A. Same building.
- (14) Q. But you never looked at them?
- (15) A. I did not.
- (16) Q. And how did you determine that Father
- (17) Pcolka went to Fairfield Prep?
- (18) A. From a Monsignor – then Father Bill
- (19) Scheyd.
- (20) Q. Father Scheyd?
- (21) A. Right.
- (22) Q. And how was it that you discussed
- (23) this with Father Scheyd?
- (24) A. Because they were classmates.
- (25) Q. Where?

Page 224

- (1) A. At Fairfield Prep.
- (2) Q. Well, how did you know they were
- (3) classmates at Fairfield Prep?
- (4) A. Because of their association and their
- (5) friendship and it came out in conversation.
- (6) Q. With whom?
- (7) A. With Bill Scheyd and I, who worked
- (8) together for some years.
- (9) Q. So he had indicated to you that he had
- (10) been to Fairfield Prep with Raymond Pcolka
- (11) before there was any complaint brought to your
- (12) mind about Raymond Pcolka?
- (13) A. That's correct.
- (14) Q. Now, the personnel – your own file,
- (15) the so-called – well, let's call it the Cusack
- (16) file, your own file, when would you generate,
- (17) start generating a file on a priest?
- (18) A. As of my appointment.
- (19) Q. As of your appointment, would you
- (20) generate a file on all the priests?
- (21) A. That's right.
- (22) Q. So you started – when you were
- (23) appointed, you started to make a file on the
- (24) priests?
- (25) A. I wrote to the priests of the Diocese

Page 225

- (1) to fill out the following form.
- (2) Q. You sent a form to them?
- (3) A. Right.
- (4) Q. What was the nature of the form,
- (5) generally?
- (6) A. I will give the general. It would be a
- (7) normal curriculum vitae, birth record,
- (8) educational record, a short section on
- (9) assignments, and the final would be – that
- (10) would, that would be essentially it.
- (11) Q. Now, in this – I will withdraw that.
- (12) And those forms were mailed back
- (13) to you?
- (14) A. That's right.
- (15) Q. And then using those forms, you created
- (16) alphabetically, if you will, a file on the
- (17) various priests?
- (18) A. My secretary did, that's right.
- (19) Q. Now, did the form ask them whether they
- (20) ever had any psychological problems –
- (21) A. The form would not, no.
- (22) Q. – any psychiatric problems?
- (23) A. No, the form would not.
- (24) Q. Any problems with alcohol?
- (25) A. The form would not.

Page 226

- (1) Q. Whether they were ever under any kind
- (2) of therapeutic process?
- (3) A. The form would not.
- (4) Q. You didn't think that information would
- (5) be of help to you as personnel director?
- (6) MR. SWEENEY: He didn't say that,
- (7) Counsel.
- (8) MR. TREMONT: Well, I'm asking.
- (9) This is cross-examination.
- (10) A. Repeat your question, please.
- (11) Q. You didn't think that that information
- (12) would be of help to you as personnel director?
- (13) A. Not in my beginning days, but my –
- (14) obviously my background and subsequent
- (15) knowledge, they would be very important to me.
- (16) Q. What do you mean when you say your
- (17) "background and subsequent knowledge"?
- (18) A. The fact that I'm a psychologist.
- (19) Q. What do you mean by that, Monsignor?
- (20) A. Direct to your question, none of those
- (21) questions that you just asked were in the file.
- (22) I had a personal commitment to the trust and
- (23) establishing the confidentiality of the Diocesan
- (24) priesthood, and so my questions were very much
- (25) in that form, guided by that ideal.

Page 227

- (1) Q. What does the trust in the Diocesan
- (2) priesthood have to do with asking somebody
- (3) whether they were under any type of psychiatric
- (4) or psychological treatment?
- (5) A. Because the greater the trust, the
- (6) greater the capacity for revelation.
- (7) Q. What does that have to do with asking
- (8) that question? How does that affect the trust,
- (9) Monsignor?
- (10) A. In my judgment?
- (11) Q. Yes.
- (12) A. It presents questions, in my judgment.
- (13) Q. Well, it does present a question. The
- (14) question is, have you ever been under treatment,
- (15) let's say, for alcohol abuse. Now, how does
- (16) that affect the trust with one of your clerics,
- (17) if indeed you asked that question and they're
- (18) assured that whatever this questionnaire is
- (19) going to be, it's going to be kept confidential?
- (20) A. In my mind, would this be any of my
- (21) business and would that be the general populace
- (22) assessment of such a question?
- (23) Q. Well, let me ask you, would it not be
- (24) your business in assigning priests to know that
- (25) a priest was an alcoholic?

Page 228

- (1) A. Subsequent, yes, right.
- (2) Q. You say, "subsequent." I mean, without
- (3) being a psychologist, just not being a
- (4) psychologist, just being a personnel director,
- (5) isn't it significant or of interest in trying to
- (6) place people in positions to know if they are an
- (7) alcoholic, if they have severe depression, if
- (8) they – if they're pedophiles or if they have
- (9) certain sexual proclivities towards children or
- (10) teenagers? Isn't that something that you'd be
- (11) interested in in placing people?
- (12) A. Well, at my appointment, I certainly
- (13) didn't arrive in the Diocese the day of my
- (14) appointment. I had been an active member of the
- (15) Diocese for 12 years at that time.
- (16) Q. What does that mean?
- (17) A. I had a keen knowledge of the
- (18) priesthood of the Diocese.
- (19) Q. But you told me, for example, the way
- (20) that the Diocese was run, you never knew, for
- (21) instance, what happened with Father Brett, the
- (22) reason that he was asked to leave.
- (23) A. That's correct.
- (24) Q. All right. You also told me that
- (25) before you became director, that you would have

Page 229

- (1) no knowledge of why an individual might be
- (2) undergoing a quote, unquote, therapeutic
- (3) process.
- (4) A. I would have no knowledge nor right to
- (5) that knowledge.
- (6) Q. Correct. So you didn't know any of
- (7) that, that's the way it was?
- (8) A. What "that"?
- (9) Q. Let's say if a person was undergoing a
- (10) therapeutic process, you would not know what the
- (11) reason for that was before you were director?
- (12) A. I would not know. Perhaps through
- (13) rumor, at best, but no, I would not know.
- (14) Q. Well, you say, "through rumor," but you
- (15) would not be told?
- (16) A. No, I would not be told, no.
- (17) Q. Because that was the policy of the
- (18) Diocese, not to tell, merely to indicate to
- (19) those that had need to know that there was a
- (20) quote, unquote, therapeutic process that the
- (21) priest was undergoing?
- (22) A. Prior to my appointment, I wouldn't
- (23) know if it was policy but it was certainly my
- (24) policy.
- (25) Q. Prior to your appointment, did - i

Page 230

- (1) will ask you specifically. You were in the
- (2) Diocese prior to your appointment. Were you
- (3) advised of the reason that a priest might be
- (4) either placed on a leave of absence or undergo a
- (5) therapeutic process?
- (6) A. I was not advised.
- (7) Q. Do you know if it was general knowledge
- (8) within the Diocese that, for example, that a
- (9) priest was undergoing therapeutic process for a
- (10) specific reason?
- (11) A. I would have no way of assessing that.
- (12) Q. Well, you said, "rumor." You talked to
- (13) other priests, did you not?
- (14) A. Which is an extremely poor criteria for
- (15) assessment.
- (16) Q. So that the fact of the matter is, when
- (17) you became personnel director, you really had no
- (18) knowledge of any particular problems in regard
- (19) to psychiatric, psychological problems, sexual
- (20) problems or alcohol problems that the priests
- (21) within the Diocese may have had?
- (22) A. Not to my knowledge.
- (23) Q. Now, in addition to this questionnaire
- (24) which was returned to you, what else would your
- (25) file contain?

Page 231

- (1) A. The preference sheet that I would send
- (2) out to priests.
- (3) Q. I think you may have indicated that in
- (4) the last deposition, that the preference sheet
- (5) would have been their request for an
- (6) assignment.
- (7) A. That's right. And then I would keep
- (8) records of their continuing formation.
- (9) Q. What do you mean by "records of their
- (10) continuing formation"?
- (11) A. We had a policy in the Diocese, each
- (12) priest was required, once a week, a week a year,
- (13) a month every five years, and six months every
- (14) 15 years, to take a sabbatical leave. That was
- (15) initiated in my office and the records were kept
- (16) in my file with regard to the accomplishment of
- (17) same.
- (18) Q. And I would ask you to give me an
- (19) example of that. Let's start, once a week.
- (20) What was the priest required to do once a week?
- (21) A. To go to a continuing formation program
- (22) for the entire week.
- (23) MR. SWEENEY: Pardon me. Was
- (24) that once a week or once a year for a week? I
- (25) think there's a little confusion here.

Page 232

- (1) MR. TREMONT: Well, he said once
- (2) a week, that's why I was asking.
- (3) A. Excuse me, then -
- (4) Q. You said once a week and then you said
- (5) once so much a -
- (6) A. The attorney is correct. It's a week a
- (7) year.
- (8) Q. One week a year? Okay.
- (9) A. Sorry.
- (10) Q. Would the priest send you a letter or
- (11) fill out a form indicating where he went and
- (12) what he did?
- (13) A. And also the closure, right.
- (14) Q. That would be put in the priest's file?
- (15) A. That's right.
- (16) Q. And where would those - what would
- (17) those programs be, would they have their own
- (18) option?
- (19) A. They certainly did, yes. Yes, that
- (20) they would be too varied. But there were two
- (21) criteria, firstly, that they were theologically
- (22) based and had something to do with personal
- (23) development.
- (24) Q. Now, you said the - it was once a
- (25) month every five years?

Page 233

- (1) A. Every five years, one month.
- (2) Q. One month. And again, they would file
- (3) a report as to what they did?
- (4) A. That's right.
- (5) Q. And that was the same two criteria that
- (6) you mentioned before?
- (7) A. That's right.
- (8) Q. Then you indicated that there would be
- (9) a sabbatical that they took once every 15 years?
- (10) A. Every 15 years, they would have been
- (11) entitled to a six months sabbatical.
- (12) Q. And that again would be reported?
- (13) A. That's right. All of these, attorney,
- (14) would be classified sabbaticals.
- (15) Q. From the one week through the six
- (16) months?
- (17) A. Right.
- (18) Q. And those would be put in your - in
- (19) the priest's file that you held?
- (20) A. That's right and before doing so, I
- (21) would discuss them with the bishop, particularly
- (22) the every 15th year.
- (23) Q. Now, what do you mean, before doing it,
- (24) you would discuss it?
- (25) A. Just out of courtesy and the bishop was

Page 234

- (1) interested in his priests, and so we would have
- (2) a conversation about what the priests were
- (3) doing, particularly on the six-month, every 15th
- (4) year.
- (5) Q. Well, let me ask you, did they require
- (6) anyone's prior approval for the six-month
- (7) sabbatical?
- (8) A. Yes, both ours. Well, I - mine
- (9) wouldn't be as weighty. They have to have the
- (10) - it began in my office but the bishop had to
- (11) give permission and there were no exceptions.
- (12) Q. So that they would send in then to you
- (13) a request, if you will, to go - I think Father
- (14) Federici indicated that he went to the
- (15) University of San Francisco with another
- (16) priest. So they would have to make that request
- (17) and then you and/or the bishop would approve it?
- (18) A. That's right, attorney.
- (19) Q. That's when you're talking about the
- (20) fact that you would discuss it with the bishop.
- (21) A. That's right.
- (22) Q. Now, when there was a complaint made in
- (23) regard to a priest, a complaint of alcohol,
- (24) would that be recorded?
- (25) A. It wouldn't be in my file but it would

Page 235

- (1) be in the bishop's file, yes.
- (2) Q. Well, now, how would it get into the bishop's file?
- (3) A. Through my information.
- (4) Q. How was that – physically, how was that done?
- (5) A. I would immediately inform the bishop of the complaint and/or rumor.
- (6) Q. Yes, and? You said it would get into the bishop's file?
- (7) A. That's right.
- (8) Q. How would that be done?
- (9) A. He would put a notation of such.
- (10) Q. Would that be done by a memo, would it be a typed notation?
- (11) A. I have no idea, attorney.
- (12) Q. Well, how do you know he would put a notation in?
- (13) A. My trust that that was his methodology.
- (14) Q. I am sorry. Why do you say your trust that it was his methodology?
- (15) A. Well, because it was a behavioral communication, alleged to – or true, and even though assumptions are poor, I would assume that he would – he would do that. Excuse me. No,

Page 236

- (1) he would write it down in my presence. He would write it down in my presence.
- (2) Q. All right. Let me ask you, and that would go – I'll withdraw that.
- (3) That would go in the bishop's file?
- (4) A. Right.
- (5) Q. Now, as far as your file was concerned, would you also make a notation?
- (6) A. I would not.
- (7) Q. Any reason why you wouldn't?
- (8) A. Yes, again, under the notion of continued trust and the professionalism of my office.
- (9) Q. What does continued trust have to do with making a notation in your personnel files that a complaint was made about a – one of your priests?
- (10) A. I saw no reason for duplication of file and because of the expertise that we use, I further saw no reason to put it in my file.
- (11) Q. Excuse me. You say because of the expertise that you use.
- (12) A. That's right.
- (13) Q. What do you mean by that?

Page 237

- (1) A. We would immediately require – in the beginning of my term, an expert in assessing alcoholism. Toward the end of my tenure, there was a hospital process, a threefold testing, that tested for whether we were dealing with alcoholism or problem drinking.
- (2) Q. Now, let's assume that there was treatment, as you're indicating now, would the treatment be recorded someplace?
- (3) A. That's right, in the bishop's file.
- (4) Q. In the bishop's file?
- (5) A. That's right.
- (6) Q. Not in your file?
- (7) A. That's right.
- (8) Q. What would that consist of, that treatment recording?
- (9) A. Attorney, I would have to say I would not know, at least I would not recall because all such would be given to me orally. I would be visiting the priest in question while he was under treatment, on one, perhaps two occasions the bishop came with me, and so I saw no need for duplication of record.
- (10) If, in fact, the institution decided to send a full report, then the bishop's

Page 238

- (1) interest was, was this man – did this man bring the treatment to closure and was he fit to return to active ministry. Those were the two inquiries of the bishop.
- (2) Q. Who indicated, in other words – I will withdraw that.
- (3) Where was that indicated, in other words, that he was fit to return? Would that be indicated in a document in the bishop's file?
- (4) A. It would be indicated to me orally, certainly, and since most frequently we used that time when it was an alcoholic treatment center and not its present thrust – Dr. Valcour and I would, in my visit to the treatment center, share the results of the experience there orally. He would also bring in the staff persons that dealt with the priest during the time.
- (5) Q. There would be no evaluation made in writing?
- (6) A. Not to my knowledge.
- (7) Q. Was there a reason for that?
- (8) A. More accurately, not to my recall.
- (9) Yes, there was a reason, because

Page 239

- (1) our visit to the treatment center prior to the man's release was an extremely thorough one and then one of the treatment persons would come up to the returning assignment of the priest.
- (2) Q. What do you mean by that, that he would come up to the returning assignment?
- (3) A. Sometimes the priest would be recommended to go back to the assignment that he left prior to going for treatment, other times he would be advised by the expertise of St. Luke's for a new assignment.
- (4) Q. But you said something about the returning assignment. Who would – would somebody come up from the institution?
- (5) A. That's right, and I would join them.
- (6) Q. Where would they go?
- (7) A. Well, they would come to my office initially and – but when I went down there prior to the man's discharge, we would discuss such matters as his returning assignment. It would be 30 days prior to his discharge.
- (8) Q. But that would not be in writing?
- (9) A. That would not, to my knowledge.
- (10) Q. Now, where are your files, the Cusack files?

Page 240

- (1) A. At the moment?
- (2) Q. Yeah.
- (3) A. I have no idea.
- (4) Q. Where were they when you left the Diocese?
- (5) A. In my office.
- (6) Q. Did you give them to Monsignor Bronkiewicz?
- (7) A. Insofar as I gave him my office.
- (8) Q. Did you discuss them with him?
- (9) A. I had no discussion with – of my files with Monsignor Bronkiewicz.
- (10) Q. You didn't tell him that you had these files that you had set up?
- (11) A. Oh, surely. We were associates prior to the assignments, so he knew where our files were, yes.
- (12) Q. When you say, "we were associates," what do you mean by that?
- (13) A. Well, Father Bronkiewicz, again I think I am accurate in these details, when he returned from study in Rome, I believe his immediate assignment was to be my associate.
- (14) Q. Approximately how long was he your associate before you left, approximately?

Page 241

- (1) A. I'd have to approximate. It was over a
- (2) year. Again, underscore "approximation."
- (3) Q. As far as - under your setup,
- (4) Monsignor, how would someone know, for instance,
- (5) that a priest might have been previously accused
- (6) of sexually abusing a child if there was no
- (7) record of it?
- (8) A. Under my what, please?
- (9) Q. Under your setup, the way you had your
- (10) setup, as personnel director and as Episcopal
- (11) Vicar of the Clergy, how would one know if a
- (12) priest had been previously sexually abusing a
- (13) child?
- (14) A. Who's the one you're referencing?
- (15) Q. Another person in your position as
- (16) Episcopal Vicar.
- (17) A. He would have to speak to the bishop.
- (18) Q. Let's assume the bishop was
- (19) unavailable, the bishop had died or the bishop
- (20) was incompetent, let's assume you were
- (21) unavailable, you had the same - the same thing
- (22) happened to you and to the bishop, how would
- (23) anyone know?
- (24) A. Then, the administrator of the Diocese
- (25) would have to give him permission to go to the

Page 242

- (1) bishop's files.
- (2) Q. Because it would be in the bishop's
- (3) files?
- (4) A. That's right.
- (5) Q. So that, for instance, you indicated to
- (6) us that you did not know about Father Brett, in
- (7) other words, you didn't know what the charges
- (8) were against Father Brett?
- (9) A. I did not know the specific charges
- (10) against Father Brett.
- (11) Q. And that at some point, a priest had
- (12) asked you, a friend of Father Brett, had asked
- (13) you whether Father Brett could come back to the
- (14) Diocese?
- (15) A. That's correct, attorney.
- (16) Q. And at that point, you had no knowledge
- (17) as to why Father Brett had been terminated while
- (18) he was at Sacred Heart?
- (19) A. No knowledge.
- (20) Q. And if it bishop at that point were
- (21) unavailable - when I say, "unavailable," he had
- (22) passed away or because of illness or something
- (23) was unable to communicate, how would a new
- (24) bishop, for instance, determine whether Father
- (25) Brett would be a good candidate to come back to

Page 243

- (1) the Diocese?
- (2) A. Through the bishop's files.
- (3) Q. Through the bishop's files. So you
- (4) always knew then that there were, in the
- (5) bishop's files, the allegations of sexual abuse
- (6) that might have been made?
- (7) A. To my knowledge, yes.
- (8) Q. Were you also aware of the fact that
- (9) the bishop destroyed some of the complaints of
- (10) sexual abuse that were in his files?
- (11) A. I did not have that knowledge.
- (12) Q. He never discussed that with you?
- (13) A. He never did, attorney.
- (14) Q. Now, let me ask you, as far as Father
- (15) Brett is concerned, I had asked you last time -
- (16) I had asked you about Father Brett and you
- (17) indicated that you found out about Father Brett
- (18) - let me - from Bishop Curtis after he came
- (19) back from a conference, do you recall that?
- (20) A. I believe my words were, attorney, the
- (21) first that I knew - well, I knew that something
- (22) occurred because Father Brett was no longer in
- (23) our Diocese.
- (24) Q. But on page 42 you said - and I said
- (25) "And you don't know until this date," and your

Page 244

- (1) answer was "No, I learned of this when the
- (2) bishop's conference of 1986, approximation,
- (3) addressed the pedophilia aspect of the priests
- (4) of the United States."
- (5) MR. SWEENEY: Counsel, I had that
- (6) page open in front of me and it's not 42 -
- (7) MR. TREMONT: Pardon?
- (8) MR. SWEENEY: It's not on page
- (9) 42.
- (10) MR. TREMONT: No, it isn't, it's
- (11) 142.
- (12) MR. SWEENEY: Oh, excuse me.
- (13) BY MR. TREMONT:
- (14) Q. Now, here's the question: "Now, were
- (15) you aware of the fact that the bishop was aware
- (16) of the fact that Father Brett had sodomized
- (17) individuals while he was a priest at Sacred
- (18) Heart University?"
- (19) "I was not."
- (20) "You were not?"
- (21) "No, I was not."
- (22) "He never told you?"
- (23) "He never told me this."
- (24) "And you never asked him?"
- (25) "I never asked him."

Page 245

- (1) "And you don't know until this
- (2) date?" Answer, "No, I learned of this when the
- (3) bishop's conference of 1986, approximation,
- (4) addressed the pedophilia aspect of the priests
- (5) of the United States." All right.
- (6) A. Attorney, I would have to say that when
- (7) I had learned of this - my recall, I never knew
- (8) - well, certainly, I knew nothing of the
- (9) sodomization or the specifics that you just
- (10) read.
- (11) I knew - because Father Brett,
- (12) Larry, applied to the Diocese during my tenure
- (13) on two occasions, possibly a third occasion to
- (14) return to the Diocese. The bishop said, "He is
- (15) unwelcome," and never explained himself to me as
- (16) to what it was all about.
- (17) Q. Yes, but I'm asking you, going back to
- (18) that comment, you indicated that apparently you
- (19) found out about it - "I learned of this when
- (20) the bishop's conference of 1986... addressed the
- (21) pedophilia aspect of priests in the United
- (22) States." At that time, you said you learned
- (23) about it.
- (24) A. I have no recall that as a result of
- (25) the conference, if I'm getting your question

Page 246

- (1) rightly, that I subsequently knew as a result of
- (2) the content of that conference that Father Brett
- (3) was a pedophile, that would be inaccurate.
- (4) Q. Well, I thought that was your answer.
- (5) "When the bishop returned - the speaker at
- (6) that particular conference was Jim Gill, a
- (7) Jesuit MD, psychiatrist, he gave the address -
- (8) and I asked the bishop's permission, could I ask
- (9) Jim, who was then a professional friend of mine,
- (10) also speaker, to come to the Diocese, which he
- (11) did, and I wouldn't be able to tell you the year
- (12) but the priest's friend, of Larry Brett, and the
- (13) Diocese, asked me to ask the bishop, was there
- (14) any possibility that the bishop would allow
- (15) Larry to return to the Diocese."
- (16) So you're saying that you never
- (17) knew about Father Brett?
- (18) A. Oh, that's an entirely different
- (19) communication.
- (20) Q. No, I'm saying that you didn't know
- (21) about Father Brett.
- (22) A. I did not. I did not.
- (23) Q. And up until this day, you don't know
- (24) it?
- (25) A. Up to this - well, I'm knowing it from

Page 247

- (1) you.
- (2) Q. From me. I'm the first one to tell you
- (3) -
- (4) A. That's right.
- (5) Q. - that he apparently sodomized an individual at Sacred Heart University.
- (6) A. Yes, that was not my knowledge.
- (7) Q. All right. And -
- (8) MR. SWEENEY: Counsel, I think
- (9) you're crossing wires here. The information was
- (10) that he had an episode with an adult male but
- (11) that's not pedophilia.
- (12) MR. TREMONT: That's sodomy. I
- (13) said sodomized. I used the word sodomized. I
- (14) believe that's sodomy.
- (15) BY MR. TREMONT:
- (16) Q. That is, sexual relations between
- (17) males, would you consider that sodomy?
- (18) A. Say it again, please.
- (19) Q. Sexual relations between males?
- (20) A. Does not necessitate sodomy.
- (21) Q. It does not necessitate sodomy?
- (22) A. That's right.
- (23) Q. Would you explain that answer.
- (24) A. Yes, there could be oral sex, there

Page 248

- (1) could be mutual masturbation.
- (2) Q. So oral sex would not be considered
- (3) sodomy?
- (4) A. Not to my knowledge. Certainly, in
- (5) psychology, it would not.
- (6) Q. Now, the bishop never shared with you
- (7) then the fact that before your tenure one of the
- (8) priests in the Diocese had had - sodomized, and
- (9) I use the word "sodomized" because the bishop
- (10) used the word "sodomized" - had sodomized a
- (11) student at Sacred Heart University?
- (12) A. The bishop never communicated this to
- (13) me, no.
- (14) Q. You indicated to us whenever there was
- (15) a behavioral report - you talked about
- (16) behavioral reports. Could you tell me what you
- (17) meant by the terminology "behavioral reports."
- (18) A. Well, among human persons, there are
- (19) different behaviors, they're good and not so
- (20) good, and with regard to priests, behavioral
- (21) reports might include interpersonal
- (22) relationships going on in the rectory,
- (23) interpersonal relationships going on between
- (24) parish council and a priest of their respective
- (25) parish, things of that nature.

Page 249

- (1) Q. What is a behavioral report, is that a
- (2) - what is it?
- (3) A. Poor communication, what I would call
- (4) more than poor manners in dealing with people.
- (5) Q. But I'm asking you about the word
- (6) "report." You are saying a behavioral report.
- (7) A. Right.
- (8) Q. Something that was reported to you?
- (9) A. A priest would come in and state this,
- (10) and/or a rumor of such going on.
- (11) Q. Now, Monsignor, you indicated that
- (12) whenever there was a behavioral report, it was
- (13) immediately given to James O'Connell.
- (14) A. By the bishop and/or myself, that's
- (15) right.
- (16) Q. So every time that you got a behavioral
- (17) report on a priest, you'd give it to Attorney
- (18) O'Connell?
- (19) A. Thanks, attorney. That - behavioral,
- (20) in this instance, with regard to Attorney
- (21) O'Connell would invariably mean something to do
- (22) with sexuality. However, if it were a public
- (23) disorder, for example, the parish wanted the man
- (24) removed or something like this, I might well
- (25) share that with the attorney.

Page 250

- (1) Q. Well, you wouldn't - would you share
- (2) every behavioral report with Attorney O'Connell?
- (3) A. Not at all, attorney.
- (4) Q. No, you wouldn't. The reason I'm
- (5) asking, again, I just want to get it clear, you
- (6) indicated that "It was our procedure, whenever
- (7) there was a behavioral report to us, it was
- (8) immediately given to James O'Connell to handle
- (9) the legalities of it."
- (10) You are saying that there were
- (11) only certain behavioral reports that you would
- (12) have given to Attorney O'Connell?
- (13) A. That's right.
- (14) Q. What were those reports?
- (15) A. Certainly all sexual reports would be
- (16) given to Attorney O'Connell.
- (17) Q. What do you mean by sexual reports, the
- (18) word "sexual"?
- (19) A. Any alleged, whether misunderstood or
- (20) not, sexual approaches on the part of a priest.
- (21) I think that's -
- (22) Q. Let's assume that you had a report that
- (23) a priest was having an affair with a woman,
- (24) would you give that to Attorney O'Connell?
- (25) A. I would, yes. I would.

Page 251

- (1) Q. And what would he do with that?
- (2) A. You'd have to ask -
- (3) Q. I'm saying, why would you give - let's
- (4) say that some woman indicated or you heard a
- (5) rumor that an adult female was having a
- (6) consensual relationship with a priest of the
- (7) Bridgeport Diocese, and that came to your
- (8) attention, that behavioral report, now, why
- (9) would you give that to your attorney?
- (10) A. Because when I began, within the
- (11) two-week period, Bishop Curtis, Attorney
- (12) O'Connell and I, at a luncheon meeting,
- (13) discussed that would be one of the things that I
- (14) would share with him.
- (15) Q. Well, what was - that luncheon
- (16) meeting, what things was it discussed that you
- (17) should share with him at that time?
- (18) A. Anything of a sexual nature, anything
- (19) that might come to public attention. That would
- (20) be my recall.
- (21) Q. So it was yourself, Attorney O'Connell
- (22) and the bishop were present, and at that point,
- (23) the bishop indicated that he expected you to
- (24) share with Attorney O'Connell anything that
- (25) might come to public attention or any sort of

Page 252

- (1) sexual reports?
- (2) A. That's right.
- (3) Q. And now, I had asked you about Father
- (4) Coleman and whether you had any sexual
- (5) complaints in regard to him.
- (6) Let me ask you, did you ever have
- (7) any alcohol complaints in regard to Father
- (8) Coleman?
- (9) A. Not to my recall, attorney. Alcohol?
- (10) Phil Coleman? Not to my recollection.
- (11) Q. Now, we also talked briefly about a
- (12) lawsuit which you - regarding Father Coleman.
- (13) And I want to ask you some specific questions
- (14) about that. Father Coleman filed - I'll
- (15) withdraw that.
- (16) A lawsuit was filed by a Judy
- (17) Knecht against the Diocese of Bridgeport and
- (18) Father Coleman in March of 1985, alleging that
- (19) he was living with her and that they owned
- (20) property jointly. Now, what was your
- (21) involvement with that Coleman complaint?
- (22) A. Attorney, I don't believe that - what
- (23) legal term did you use, please?
- (24) Q. Lawsuit.
- (25) A. - that that lawsuit was against the

Page 253

- (1) Diocese. I believe that lawsuit was against
- (2) Father Coleman.
- (3) Q. Are you sure the Diocese wasn't a party
- (4) to that lawsuit?
- (5) A. I am quite certain.
- (6) Q. Now, how do you know about the lawsuit?
- (7) A. At that time, Bishop Curtis, with
- (8) Bernie Reidy, gave me that. And you brought
- (9) this up -- I thought we were talking last time
- (10) about, you know, was there any -- did I ever
- (11) receive any sexual misgiving about Father
- (12) Coleman, so I answered that.
- (13) Now, I consulted, since last
- (14) Monday, with Attorney Sweeney, and in fact there
- (15) was a letter written to me by Attorney Keenan
- (16) concerning a lawsuit against Father Coleman, not
- (17) against the Diocese.
- (18) Q. Now, I had asked you about Attorney
- (19) Keenan, did I not?
- (20) A. You did, attorney.
- (21) Q. And I believe you indicated that you
- (22) never -- Well, I'll withdraw that.
- (23) Let me go back. Mr. Sweeney
- (24) showed you a letter, is that it? You talked
- (25) about a letter that was written to you.

Page 254

- (1) A. That's right. Since our last -- since
- (2) our last --
- (3) Q. Mr. Sweeney, he showed you the letter?
- (4) A. He did, yes.
- (5) Q. Where did he get the letter from?
- (6) A. You'd have to ask Attorney Sweeney.
- (7) Q. And this letter refreshed your
- (8) recollection?
- (9) A. Yes, it did. Yes.
- (10) Q. And I had asked you this, if I can go
- (11) through the questions and answers --
- (12) MR. SWEENEY: Pardon me,
- (13) Counsel. What page are you referring to?
- (14) MR. TREMONT: Page 42, 43.
- (15) BY MR. TREMONT:
- (16) Q. "Let's assume the priest -- let's
- (17) assume he's not necessarily having sex with a
- (18) woman but living with a woman, for example. I
- (19) think that would be a lapse of the vow of
- (20) chastity," and your answer is, "If there were
- (21) ever such a case, that would certainly come to
- (22) my attention. During my time, never." And I
- (23) said, "Did you know father Walter Coleman?" "To
- (24) my recall."
- (25) Question: "Father Walter

Page 255

- (1) Coleman, you knew him?" Answer: "Yes."
- (2) "Did you ever have complaints
- (3) made to you in regard to Father Walter Coleman?"
- (4) Answer: "I have no recollection of a
- (5) complaint."
- (6) "You have no recollection of a
- (7) complaint?"
- (8) "Of a complaint with regard to
- (9) living with a woman? No."
- (10) "Did you know an Attorney Keenan
- (11) from Westport?" Answer: "No, not by name."
- (12) "Did you know a woman named Judy
- (13) Knecht?"
- (14) "No, not by name."
- (15) Now, could you tell us what you
- (16) recall now about that incident.
- (17) A. Well, attorney, again, in asking one to
- (18) recall something since 1985 allows the human
- (19) dimension, and when Attorney Sweeney during the
- (20) past week showed me that complaint, I recalled
- (21) that, and I further recalled that at no time did
- (22) I see that as that he was living with this
- (23) woman.
- (24) Q. Well, you never -- now, you never
- (25) discussed the complaint with Attorney Keenan?

Page 256

- (1) A. Not to my knowledge. Not to my
- (2) knowledge.
- (3) Q. You're sure you never had a conference
- (4) with him about it?
- (5) A. Not to my knowledge, because the
- (6) complaint was -- did not involve the Diocese but
- (7) I did discuss it with Father Coleman.
- (8) Q. All right. What did you discuss with
- (9) Father Coleman?
- (10) A. The details of the complaint.
- (11) Q. And what was that?
- (12) A. The notion of -- first of all, what was
- (13) the relationship, was he in fact living with
- (14) this woman and I think that's the extent of
- (15) that.
- (16) Q. And what did he tell you?
- (17) A. He was not.
- (18) Q. Did you check further?
- (19) A. I did.
- (20) Q. All right. How did you check?
- (21) A. With one of our priests.
- (22) Q. Who was that?
- (23) THE WITNESS: Am I free to
- (24) answer?
- (25) MR. SWEENEY: Well, you mean --

Page 257

- (1) this is just a clarification. You're asking --
- (2) counsel is asking the witness the name of the
- (3) priest, if he recalls, with whom he checked.
- (4) MR. TREMONT: Yeah.
- (5) MR. SWEENEY: Yeah, I think --
- (6) THE WITNESS: I'm able to name
- (7) the priest?
- (8) MR. SWEENEY: Yes. If you
- (9) consulted a priest and you can recall his name,
- (10) you can tell counsel.
- (11) A. Father William Sangiovanni.
- (12) Q. Sangiovanni?
- (13) A. Sangiovanni.
- (14) Q. And where was Father William
- (15) Sangiovanni?
- (16) A. At that time, he was either living
- (17) with, as a resident at St. Patrick Parish, or
- (18) had lived with him for a number of years.
- (19) Q. Did you talk to the woman?
- (20) A. I did not.
- (21) Q. Did you ask the attorney for further
- (22) information in regard to the proof that she had?
- (23) A. I did not.
- (24) Q. Did you see any photographs that she
- (25) had with Father Coleman on -- Oh, I'll withdraw

Page 258

- (1) that.
- (2) Did you know that he had a boat?
- (3) A. Yes, he had it for a number of years.
- (4) Q. And he'd take a lot of people out on
- (5) the boat?
- (6) A. That's right.
- (7) Q. Did you know that he also lived with
- (8) this woman in Milford, that he owned property in
- (9) Milford with her? Did you ever hear that?
- (10) A. I did not.
- (11) Q. And did you do any further
- (12) investigation to determine whether indeed he
- (13) would go to this woman's house and stay
- (14) overnight on Lindly Street, which was right near
- (15) St. Patrick's?
- (16) A. I had no knowledge, nor did he
- (17) communicate that he had stayed overnight.
- (18) Q. Did you question any of the
- (19) parishioners, the parish council?
- (20) A. Oh, no, I would not.
- (21) Q. Well, why wouldn't you do that?
- (22) A. Because it's a violation of a
- (23) professional person.
- (24) Q. I'm sorry. What do you mean by a
- (25) violation of a professional person?

Page 259

- (1) A. Father Coleman, and the priest council
- (2) would not be the kind of person that you would
- (3) inquire such a knowledge from.
- (4) MR. SWEENEY: The problem is it's
- (5) the parish council to which Attorney Tremont
- (6) refers.
- (7) THE WITNESS: That's right.
- (8) That's right.
- (9) MR. SWEENEY: I think you said
- (10) priest council.
- (11) THE WITNESS: Oh, I'm sorry.
- (12) Parish council, no.
- (13) BY MR. TREMONT:
- (14) Q. Parish council.
- (15) A. No, I did not.
- (16) Q. And I said, why not?
- (17) A. Because that's not their job
- (18) description, if you will. It wouldn't be one of
- (19) the resource people we would go to.
- (20) Q. Well, you wanted some -- you wanted to
- (21) do an investigation, right?
- (22) A. We had enough in our own fraternity of
- (23) priests to investigate.
- (24) Q. Did you ever -- I don't understand,
- (25) when you say you have enough in your own

Page 260

- (1) fraternity of priests to investigate.
- (2) A. Well, the knowledge that Father
- (3) Sangiovanni would have of Phil Coleman was
- (4) extensive and persuasive.
- (5) Q. So he told you there was never a
- (6) problem?
- (7) A. That's right. He did not have any
- (8) knowledge of his living with a woman.
- (9) Q. All right. Did you ever check the
- (10) deeds? Did you ever --
- (11) What did Father Coleman tell you
- (12) about the property that he owned with this
- (13) woman?
- (14) A. I don't recall, attorney. I don't
- (15) recall about the property. I would only be able
- (16) to answer directly to your question about --
- (17) since it was not against the Diocese, the claim,
- (18) that my interest was simply was he living a
- (19) celibately chaste life, and he assured me he
- (20) was.
- (21) Q. That is the point of my question,
- (22) Monsignor. I mean, I think you indicated to us
- (23) that you wouldn't be interested in financial
- (24) matters, in other words, you wouldn't been
- (25) interested in a lawsuit as such --

Page 261

- (1) A. Right.
- (2) Q. -- that that would be somebody else's
- (3) jurisdiction but you would be interested in the
- (4) vow of chastity?
- (5) A. Right, and other vows as well.
- (6) Q. And the reason I bring that to your
- (7) attention is the fact that the parties claim,
- (8) all right, that you were involved in that
- (9) lawsuit and that you had a meeting with the
- (10) attorney. Now, are you sure that you didn't
- (11) have a meeting with him?
- (12) A. I have to stay with -- I have no recall
- (13) of this, attorney.
- (14) Q. So there are then -- I'll withdraw
- (15) that.
- (16) Before you gave the deposition in
- (17) this case, did you review any files in order to
- (18) refresh your recollection in regard to
- (19) complaints that may have been made against
- (20) priests of the Diocese?
- (21) A. Of Father Coleman?
- (22) Q. Of any priest.
- (23) A. Did I review --
- (24) Q. Any files.
- (25) THE VIDEOGRAPHER: Excuse me,

Page 262

- (1) I'm sorry to interrupt. Monsignor, can you
- (2) reposition your microphone.
- (3) THE WITNESS: Okay. Sorry about
- (4) that.
- (5) (Discussion off the record.)
- (6) A. Repeat the question, please, attorney.
- (7) Q. Prior to giving this deposition or any
- (8) time before this, did you review any files or
- (9) letters in order to refresh your recollection
- (10) regarding complaints made against priests in the
- (11) Diocese for sexual complaints?
- (12) A. Yes, I would have preparatory,
- (13) essentially, with Attorney Sweeney.
- (14) Q. What did you review? What did you
- (15) review?
- (16) A. Detail your question, please.
- (17) Q. What did you review? I'm asking
- (18) specifically what you reviewed.
- (19) MR. SWEENEY: I need to clarify
- (20) the question.
- (21) He's asking you, Monsignor, what
- (22) specific documents do you today recall you
- (23) reviewed, getting ready for this deposition, am
- (24) I correct, Counsel?
- (25) MR. TREMONT: Yeah.

Page 263

- (1) A. What documents did I -- well, to be
- (2) accurate, the documents that you gave to me.
- (3) Q. What are they? Would you please tell
- (4) me what they are?
- (5) MR. SWEENEY: If you recall.
- (6) A. I do not recall. I couldn't A, B, C
- (7) them.
- (8) Q. Let's try to recall. You have a good
- (9) memory, you told me.
- (10) A. That's right, an excellent memory.
- (11) Q. Okay. You got a number of documents
- (12) from Attorney Sweeney; is that right?
- (13) A. That's right, yes.
- (14) Q. Were they sent to you down in New
- (15) Jersey?
- (16) A. That's right.
- (17) Q. How long ago was that?
- (18) A. I suppose the first would be to prepare
- (19) me for the last deposition.
- (20) Q. So would that have been for this
- (21) deposition?
- (22) A. No.
- (23) Q. In the Brett deposition? I'm sorry. I
- (24) mean the Attorney Santos's deposition.
- (25) A. That's right.

Page 264

- (1) Q. So you received documents at that time?
- (2) A. That's right.
- (3) Q. Then you received additional documents?
- (4) A. That's right, I received documents
- (5) preparing for this deposition.
- (6) Q. And so let's start with this
- (7) deposition. What documents did you -- I'll
- (8) withdraw that.
- (9) And the documents that you had
- (10) received for the previous deposition, that was
- (11) the O'Connor deposition, did you keep those
- (12) documents?
- (13) A. I did not.
- (14) Q. You gave them back to Mr. Sweeney?
- (15) A. No, I destroyed them.
- (16) Q. You destroyed them. Then when this
- (17) deposition came along, you received additional
- (18) documents?
- (19) A. That's right.
- (20) Q. And where are those documents? Do you
- (21) have them with you?
- (22) A. I have not.
- (23) Q. Where are they?
- (24) A. I'm just trying to decide whether I
- (25) destroyed them already -- no, they are in my

Page 265

- (1) office, in my file, closed file and they will be
- (2) destroyed.
- (3) MR. TREMONT: We may want to have
- (4) those kept under seal.
- (5) MR. SWEENEY: Counsel, don't
- (6) worry about it. You're going to find, when you
- (7) get into it, that he has reviewed the
- (8) transcripts of the Bishop Curtis deposition
- (9) testimony, you're going to find that he's read
- (10) your briefs and mine on the summary judgment
- (11) motions, that's the kind of thing you are going
- (12) to find.
- (13) BY MR. TREMONT:
- (14) Q. Now, what -- would you be good enough
- (15) to tell me what you reviewed?
- (16) A. Bishop Curtis's deposition --
- (17) Q. Did you review the Pcolka personnel
- (18) file?
- (19) A. Yes, Attorney Sweeney sent me
- (20) information on Ray Pcolka, yes.
- (21) Q. Did he also send you information on
- (22) Father Federici?
- (23) A. Yes, his appointment file, yes.
- (24) Q. And when you say his appointment file,
- (25) is that similar to a personnel file?

Page 266

- (1) A. Yes, where he was stationed as a
- (2) priest.
- (3) Q. And that would have indicated the
- (4) complaints that were made against him?
- (5) A. I believe attorney shared those orally
- (6) with me.
- (7) Q. He shared them orally with you?
- (8) A. Orally with me.
- (9) MR. SWEENEY: Any discussions
- (10) that Monsignor and I have had are obviously
- (11) privileged communications.
- (12) MR. TREMONT: Well, it isn't
- (13) privileged for him to tell me what he has and
- (14) what he used in order to prepare for this
- (15) deposition, and that's certainly not
- (16) attorney/client privilege, that he has a
- (17) document that he's reviewed.
- (18) MR. SWEENEY: Any document,
- (19) agreed. However, to the extent he and I had any
- (20) oral communications, which is what he just said,
- (21) I believe are privileged.
- (22) MR. TREMONT: Well, it depends on
- (23) what the oral communication is, you know. I
- (24) think if it's information that he's testifying
- (25) to, all right, that's something else. If he's

Page 267

- (1) not testifying to it, that's something else.
- (2) BY MR. TREMONT:
- (3) Q. What about Father Carr, you got stuff
- (4) on Father Carr?
- (5) A. I believe I got Father Carr's
- (6) deposition, is it?
- (7) Q. Deposition?
- (8) A. Deposition. And also we discussed
- (9) Father Carr, Attorney Sweeney and I.
- (10) MR. SWEENEY: Again, oral
- (11) communications, Monsignor, are different from
- (12) documents. Mr. Tremont has a right to find out
- (13) what documents you recall reviewing. As far as
- (14) conversations are concerned, that's a different
- (15) category.
- (16) THE WITNESS: I'm sorry. I
- (17) thought he said -- Okay. All right.
- (18) BY MR. TREMONT:
- (19) Q. Now, did you get Father Pcolka's
- (20) deposition?
- (21) A. I did not.
- (22) Q. You did not?
- (23) A. I do not recall that -- let me rethink
- (24) that. I don't recall receiving anything of
- (25) Father Pcolka's deposition.

Page 268

- (1) Q. And did you get Father Federici's
- (2) deposition?
- (3) A. I don't recall receiving his
- (4) deposition.
- (5) Q. Are you aware of the fact that Father
- (6) Federici took the Fifth Amendment when asked
- (7) whether he abused minors while a Roman Catholic
- (8) priest in the Diocese of Bridgeport?
- (9) A. I am not aware of that.
- (10) Q. No one ever told you that?
- (11) A. No.
- (12) Q. Now, after your discussion with Father
- (13) Coleman, you were satisfied, you indicated, that
- (14) he was not living with another woman.
- (15) A. That's right.
- (16) Q. And did you transfer him at that time?
- (17) A. Father Coleman, 1985, did we transfer
- (18) him? He resigned from the pastorate of St.
- (19) Patrick parish and received another assignment.
- (20) Q. Do you recall where he was transferred,
- (21) if you recall?
- (22) A. I think I do, attorney. I am going to
- (23) say Immaculate Conception High School in Danbury
- (24) and with residence at Sacred Heart parish. I
- (25) think I am accurate there.

Page 269

- (1) Q. You indicated that you were -- at some
- (2) point you were on the retreat circuit, I think
- (3) you called it that.
- (4) MR. SWEENEY: Pardon me,
- (5) Counsel. I notice you are starting a new
- (6) topic. It's about 11:30. Could we have our
- (7) normal mid-morning break.
- (8) MR. TREMONT: Yes, okay.
- (9) THE VIDEOGRAPHER: Going off
- (10) record at 11:27 a.m.
- (11) (Recess: 11:27 to 11:48 a.m.)
- (12) THE VIDEOGRAPHER: We are now
- (13) back on record, 11:48 a.m.
- (14) BY MR. TREMONT:
- (15) Q. Now, you had indicated to us that the
- (16) -- that you were one of the priests that was
- (17) on, you called it the retreat circuit.
- (18) A. Yes, or the speaker circuit, right.
- (19) Same thing.
- (20) Q. And I think you called it the retreat
- (21) circuit, that's the only reason I'm using that
- (22) particular parlance.
- (23) Now, were you on a retreat
- (24) circuit while you were either director or Vicar
- (25) of the Clergy?

Page 270

- (1) A. I was, yes.
- (2) Q. And how much time would that take,
- (3) generally, Monsignor?
- (4) A. Generally it involved my days off.
- (5) Q. I am saying, how much time would it
- (6) take.
- (7) A. Overnight.
- (8) Q. But how often would you speak?
- (9) A. How often would I speak? Maybe roughly
- (10) within less than 10 times yearly.
- (11) Q. Did you do that regularly while you
- (12) were with the Diocese?
- (13) A. Yes, on my normal days off.
- (14) Q. I'm not questioning when, whether it
- (15) was your days off --
- (16) A. Well, no, I want to communicate when.
- (17) Q. All right. So you did it on your days
- (18) off?
- (19) A. That's right.
- (20) Q. How many days off did you have a week?
- (21) A. Overnight.
- (22) Q. Overnight.
- (23) A. We had an overnight.
- (24) Q. So you would -- where would you speak,
- (25) for instance?

*Page 271

- (1) A. Well, throughout the United States.
- (2) Q. And that would be overnight?
- (3) A. Some days -- sometimes, some days,
- (4) single days. Then on my vacation time, I might
- (5) speak in Africa, Turkey, Ireland, England,
- (6) Scotland, Canada. On my vacation time.
- (7) Q. So all over the world, you spoke?
- (8) A. South America, all over the world, yes.
- (9) Q. You indicated, I believe, there would
- (10) be certain topics that would evolve in these
- (11) retreats?
- (12) A. That's correct, attorney.
- (13) Q. What were the topics, for instance,
- (14) during the 1970s?
- (15) A. The 1970s would be transitional topics
- (16) adapting from, let's say, the pre-Vatican
- (17) experience of church and the post-Vatican period
- (18) of church. That would be in the 1970s.
- (19) Q. And what about the pedophilia, was that
- (20) ever a topic?
- (21) A. Not in my regard, no. And -- no, I did
- (22) not speak on pedophilia.
- (23) Q. Did you ever speak on pedophilia? I
- (24) mean up until today.
- (25) A. I did, attorney, when I answered to the

Page 272

- (1) supposedly psychiatrist Richard Sipe, S-I-p-e.
- (2) I addressed his book with three other
- (3) psychologists.
- (4) Q. Excuse me. You said, "supposedly
- (5) psychiatrist." He is not a psychiatrist?
- (6) A. He is not a psychiatrist. His wife is.
- (7) Q. He's not. What is he?
- (8) A. I'm not certain, attorney. I'm not
- (9) certain if he has a Master's but I am certain he
- (10) is not a psychiatrist. I only reference this
- (11) because often he's referred to as a
- (12) psychiatrist.
- (13) Q. Now, you said that you addressed his
- (14) book. You and two others?
- (15) A. Three others.
- (16) Q. Three others. Four persons?
- (17) A. Four persons.
- (18) Q. And how did you address his book?
- (19) A. We were asked to make the videotape by,
- (20) I believe the Ignatian Press of California.
- (21) Q. And what was the nature of your
- (22) comments?
- (23) A. My main comments in that book was the
- (24) unprofessionalism and unreliability and
- (25) invalidity of his data in the book. That was my

Page 273

- (1) main, my main concern.
- (2) Q. Which book was this?
- (3) A. Yes. I think it's his only book. I
- (4) don't recall the name of his book, even though
- (5) for this program, I read it.
- (6) Q. In any event, that was the only time
- (7) that you have spoken on pedophilia?
- (8) A. The topic of pedophilia, yes.
- (9) Q. And --
- (10) A. Excuse me. Let me clarify. The
- (11) assignment was that textbook, so the assignment
- (12) was not to speak on pedophilia. Part of the
- (13) book was on pedophilia, and then other persons
- (14) would address it more than I did on that
- (15) particular tape.
- (16) Q. The book was generally purported to be
- (17) about celibacy, was it not, generally?
- (18) A. I think generally, yes, attorney.
- (19) Q. At that time, did you indicate that
- (20) pedophilia did not exist in the church?
- (21) A. Well, I was not called upon to address
- (22) that.
- (23) Q. You obviously were aware at that point
- (24) that there was a problem with pedophilia?
- (25) A. According to the press, there was an

Page 274

- (1) emerging problem of pedophilia.
- (2) Q. You say, "according to the press." I
- (3) mean, you experienced the problem yourself in
- (4) the Diocese, did you not?
- (5) A. I had alleged experience which were
- (6) highly isolated, but I certainly wouldn't --
- (7) Q. Well, you say, "alleged experience"?
- (8) A. That's right.
- (9) Q. You told us that Father Pcolka denied
- (10) that he ever abused anyone?
- (11) A. That's right.
- (12) Q. But Father Federici didn't deny it, did
- (13) he?
- (14) MR. SWEENEY: The technical
- (15) problem, Counsel, are you talking about
- (16) pedophilia?
- (17) MR. TREMONT: No, no, no.
- (18) MR. SWEENEY: I think the facts
- (19) are that neither of the complainants regarding
- (20) Father Federici were under the age of puberty.
- (21) MR. TREMONT: We're not talking
- (22) about --
- (23) BY MR. TREMONT:
- (24) Q. I am asking, did Father Federici deny
- (25) that he had sexual relations with a child? He

Page 275

- (1) didn't deny it, did he?
- (2) A. What do you mean by "sexual relations,"
- (3) attorney?
- (4) Q. Well, how about taking the child's
- (5) penis and sucking it.
- (6) A. That certainly was not communicated to
- (7) me.
- (8) Q. It wasn't?
- (9) A. It was not, by Father Federici.
- (10) Q. What about the man that came to the
- (11) bishop's office with a gun, all right? Do you
- (12) remember what he said that occurred between
- (13) Federici and his son?
- (14) A. As far as I recall, attorney, the
- (15) father did not describe the actions that were
- (16) done to his son, as far as I can recall.
- (17) Q. The father never described the actions?
- (18) A. That's right.
- (19) Q. Do you remember now that you may have
- (20) met with the son?
- (21) A. I do not recall.
- (22) Q. You still don't remember?
- (23) A. I do not recall meeting with the son.
- (24) Q. Did you attempt to refresh your
- (25) recollection during the week by looking at some

Page 276

- (1) files or documents?
- (2) A. I did not, no.
- (3) Q. Now, what did Father Federici tell you
- (4) happened between the boy and himself?
- (5) A. To my knowledge, Father Federici and I
- (6) did not discuss the behavioral that went on
- (7) simply because I was sending him for treatment.
- (8) MR. SWEENEY: Monsignor, that's
- (9) not the question. Attorney Tremont's asking
- (10) you, to the extent you remember, what did Father
- (11) Federici tell you of a sexual nature between him
- (12) and the young man whose father had come into the
- (13) chancery with the begun. That's the point of
- (14) the question, just what did Father Federici tell
- (15) you went on between the two people?
- (16) A. My recall is that we did not discuss
- (17) what went on.
- (18) Q. Well, someone has made a claim of
- (19) sexual abuse; is that correct --
- (20) A. That's right.
- (21) Q. -- with enough anger that he appears at
- (22) the chancery with a gun?
- (23) A. That's right.
- (24) Q. And, firstly, you don't find out from
- (25) this father what was the alleged conducted?

Page 277

- (1) A. The father did not communicate that to
- (2) me.
- (3) Q. Well, did you ask him?
- (4) A. I did not.
- (5) Q. But why wouldn't you?
- (6) A. Because the information came to me from
- (7) Monsignor Tetreault.
- (8) Q. All right. Well, what did Monsignor
- (9) Tetreault tell you?
- (10) A. Monsignor Tetreault shared with me that
- (11) the boy came to confession, Marty and/or the boy
- (12) asked to come to the rectory, was asked to come
- (13) to the rectory, and there was no genital contact
- (14) on the part of Marty with the boy. The boy was
- (15) asked -- I believe Marty exposed himself to the
- (16) boy, and that was the extent of the behavior
- (17) that I recall.
- (18) Q. Marty exposed himself to the boy and
- (19) that was the extent of it?
- (20) A. That I recall.
- (21) Q. So the boy did nothing? The boy did
- (22) nothing.
- (23) A. I don't know what you are saying,
- (24) attorney.
- (25) Q. Well, you say that the priest exposed

Page 278

- (1) himself to the boy and that was the extent of
- (2) what occurred, so the boy did nothing?
- (3) MR. SWEENEY: I think the
- (4) question being asked --
- (5) MR. TREMONT: No, I've got -- I
- (6) don't think -- I've asked the question,
- (7) Mr. Sweeney.
- (8) A. To my recall, there was no further
- (9) contact.
- (10) Q. You say, "further contact" --
- (11) A. Genital contact.
- (12) Q. Now, you told us last time, quote, "The
- (13) father was ill -- wasn't ill-tempered but
- (14) certainly was hyper or frenetic, may be
- (15) better" --
- (16) A. Frenetic.
- (17) Q. -- "frenetic, and I asked him to
- (18) continue to talk, to describe. He wasn't able
- (19) to do that. It was obviously a misgiving on the
- (20) part of the father towards his own son."
- (21) A. Right.
- (22) Q. What did you mean by that?
- (23) A. At that time, a loud content that the
- (24) father shared with me was his poor relationship
- (25) with his son.

Page 279

- (1) Q. The father's poor relationship with his
- (2) song?
- (3) A. That's right.
- (4) Q. You said, "It was obviously a misgiving
- (5) on the part of the father towards his own son."
- (6) What does a "misgiving" mean?
- (7) A. Well, feeling, you know, distant from
- (8) his son. My recall, I believe there was actual
- (9) reference to the idea that he wasn't athletic.
- (10) There was an estrangement that I picked up in
- (11) his conversation and part of the emotionality
- (12) that he shared with me.
- (13) Q. So he came in with a gun and he --
- (14) A. Not to --
- (15) Q. I understand, not to you. To the
- (16) Monsignor, and ultimately you saw him, and this
- (17) man was upset, he was hyper and he said that his
- (18) boy didn't care for athletics; is that -- that's
- (19) what you remember from the conversation?
- (20) A. Yes, and if he didn't use those words,
- (21) they would be my words.
- (22) Q. He didn't talk about oral sex with you
- (23) at all?
- (24) A. He did not, the father, not that I
- (25) recall.

Page 280

- (1) Q. You told us that you spent some time
- (2) with Father Carr regarding the fact that he had
- (3) touched the knees of two boys, I believe, at a
- (4) theater, you had forgotten the specific
- (5) information as to what he might have done, and
- (6) you never said to Father Federici, "Look it,
- (7) what happened?" You never asked him that?
- (8) A. Each case, I treated individually and
- (9) my recall with Father Federici, I did not ask
- (10) him that.
- (11) Q. Well, how would you know then -- how
- (12) are you going to determine the truth if you
- (13) don't ask about the incident?
- (14) A. By my decision to send him to an
- (15) expert.
- (16) Q. Well, how does that help you determine
- (17) the truth?
- (18) A. The expert then does all the probing
- (19) that is necessary and then this is given to me.
- (20) Q. So what did the expert tell you that he
- (21) determined that had occurred between the boy and
- (22) Father Federici?
- (23) A. Firstly, the involvement of a
- (24) confessional, Father Doctor Groeschel mentioned
- (25) that did not take place, it did not involve a

Page 281

- (1) confessional. Marty's exposure of himself --
- (2) and as I recall, I do not remember Father
- (3) Benedict sharing that there was oral sex.
- (4) Q. Did he describe the incident in the
- (5) course of his report?
- (6) A. Did he describe what incident?
- (7) Q. That occurred. You said the
- (8) confessional was not involved, for instance.
- (9) A. That's right.
- (10) Q. The boy says it was involved.
- (11) A. Right.
- (12) Q. I assume Father Benedict never spoke
- (13) with the boy.
- (14) A. I'm sorry. Are we talking about -- I
- (15) thought we were talking about Father Federici.
- (16) Q. Yes, right. We are. I'm saying, I
- (17) assume that Father Benedict never spoke with the
- (18) victim.
- (19) A. Excuse me, attorney. No, he did not.
- (20) No, he did not. Sorry.
- (21) Q. So he got it from Father Federici?
- (22) A. That's right, yes.
- (23) Q. And he said that the confessional was
- (24) not involved?
- (25) A. That's right.

Page 282

- (1) Q. What was not involved in the
- (2) confessional?
- (3) A. See, there was a -- if the confessional
- (4) were involved, the bishop would have been
- (5) required to suspend him immediately. The bishop
- (6) would -- it's just, you are automatically
- (7) suspended. So that was an important item that
- (8) Father Benedict had to clarify with the bishop.
- (9) Q. Well, how did you determine that the
- (10) confessional was not involved, Monsignor?
- (11) A. The boy denied it.
- (12) Q. The boy denied it?
- (13) A. That's right.
- (14) Q. Who did the boy deny it to?
- (15) A. To -- Excuse me. Marty denied it.
- (16) Sorry.
- (17) Q. All right. Marty denied it. Marty
- (18) said the confessional wasn't involved.
- (19) A. Right.
- (20) Q. But the boy said it was.
- (21) A. Initially, and what was involved was
- (22) the rectory of the --
- (23) Q. Go ahead.
- (24) A. -- the rectory parlor was involved.
- (25) Q. Yes, but you said that the boy -- and

Page 283

- (1) you just said it now, said that the confessional
- (2) was involved, and you said thereafter, you never
- (3) spoke with the boy?
- (4) A. See, again, attorney, when I mentioned
- (5) "the boy," I meant Marty Federici. Are we
- (6) talking about Marty Federici's communication
- (7) with Father Groeschel?
- (8) Q. All right. Well, let's go back again.
- (9) You indicated that a complaint was given to you
- (10) by Monsignor Tetreault --
- (11) A. Right.
- (12) Q. -- that a boy indicated that there was
- (13) sexual contact, a parishioner, between Father
- (14) Federici and that boy, which started in the
- (15) confessional and moved on to the rectory, that's
- (16) what you were told by Father Tetreault?
- (17) A. I was told by Father Tetreault that the
- (18) boy came to Father Federici in confession and in
- (19) confession, either the boy invited himself,
- (20) "Could I see you in the parlor," or and Father
- (21) Federici invited the boy to the parlor of the
- (22) rectory.
- (23) Q. You told me last week, quote, Monsignor
- (24) Tetreault, "He told me that the son first came
- (25) to the confession and then he was invited over

Page 284

- (1) to the rectory, and in the rectory parlor, he
- (2) was invited by Father Federici to have genital
- (3) contact with Father Federici." That that's what
- (4) you were told.
- (5) A. I would like to stay with the idea that
- (6) what was given to me was that Marty exposed
- (7) himself.
- (8) Q. It's not a question of staying with the
- (9) idea, Monsignor. It's answering the question.
- (10) A. Okay, give me the question, please.
- (11) MR. TREMONT: Read it back,
- (12) please.
- (13) (Questions and answers read.)
- (14) BY MR. TREMONT:
- (15) Q. Is that what you were told?
- (16) A. My recollection was, clearly, there was
- (17) an exposure on the part of Marty. I have vaguer
- (18) recollection, and therefore, I don't recall that
- (19) there was oral sex.
- (20) Q. I am asking you now about the
- (21) confessional.
- (22) A. Okay.
- (23) Q. All right. You indicated to me that
- (24) there was a concern about what may have occurred
- (25) in the confessional.

Page 285

- (1) A. That's right.
- (2) Q. You indicated that Father Federici
- (3) denied that anything occurred in the
- (4) confessional.
- (5) A. To Father Groeschel, right.
- (6) Q. That was communicated to you?
- (7) A. Father Groeschel communicated that to
- (8) me.
- (9) Q. By Father Groeschel, okay. I'm saying
- (10) to you that you never determined whether indeed
- (11) the boy claimed it did occur in the
- (12) confessional.
- (13) A. Again, please.
- (14) Q. That you never determined whether the
- (15) boy claimed it did occur in the confessional.
- (16) A. The boy, as communicated to me by
- (17) Father Groeschel, communicated, according to
- (18) Marty, that there was no physical contact in the
- (19) confessional.
- (20) Q. You say "the boy communicated."
- (21) A. To Father Federici.
- (22) Q. Well, the boy --
- (23) A. Excuse me --
- (24) Q. Did the boy talk to Father Federici?
- (25) A. Father Federici communicated to Father

Page 286

- (1) Groeschel that there was no physical contact in
- (2) the confessional.
- (3) Q. All right, but I understand that. But
- (4) you never determined that from the victim?
- (5) A. Did I?
- (6) Q. Yes.
- (7) A. No, I did not, no.
- (8) Q. Or nobody on your behalf?
- (9) A. No, that's right.
- (10) Q. Now, when you were on these retreat
- (11) circuits, was there a time that sexual abuse of
- (12) children by the clergy was discussed as retreat
- (13) topics?
- (14) A. I do not recall a single question and
- (15) answer period of priests, that involved the
- (16) question of pedophilia.
- (17) Q. Or not only pedophilia but sexual abuse
- (18) of minors, let's put it that way, ubophilia
- (19) (Ph.), under the age of 18?
- (20) A. There would be questions about
- (21) homosexuality but not questions about -- I don't
- (22) recall a single question about pedophilia.
- (23) MR. SWEENEY: The question,
- (24) Monsignor, is even if it was not pedophilia, do
- (25) you recall any questions about sexual contact by

Page 287

- (1) a priest with any minor under the age of 18, and
- (2) perhaps over the age of 12 or 13.
- (3) MR. TREMONT: That wasn't the
- (4) question, though --
- (5) MR. SWEENEY: I think that's what
- (6) you're asking.
- (7) MR. TREMONT: No, not whether he
- (8) recalled any questions.
- (9) BY MR. TREMONT:
- (10) Q. I'm asking whether there was any topics
- (11) or discussions in the retreat concerning sexual
- (12) activity with priests and minors, persons under
- (13) the age of 18?
- (14) A. There would be content in talks on the
- (15) question of sexuality in general,
- (16) heterosexuality and homosexuality, in
- (17) particular, and were there questions that would
- (18) emanate from that contact, yes.
- (19) Q. What was the nature of those questions?
- (20) A. Is there anything that you could do
- (21) about this, professionally?
- (22) Q. About what?
- (23) A. The idea of heterosexual, homosexual
- (24) acting out.
- (25) Q. You mean by that, in other words, being

Page 288

- (1) sexually active, either as a heterosexual or a
- (2) homosexual?
- (3) A. That's right.
- (4) Q. When you say, "Could you do something
- (5) about that, professionally," what do you mean by
- (6) "do something"?
- (7) A. Well, in the professional world, there
- (8) is a real division of opinion, increasingly so
- (9) in 1996, that when you're dealing with
- (10) homosexuality, and I believe it's safe to say
- (11) normative to psychological/psychiatric
- (12) literature internationally, that post-puberty
- (13) and the word "homosexuality" is used. I don't
- (14) believe in the DSM-4, that the word -- you'll
- (15) have to help me with this because it's new to
- (16) our nomenclature -- ebophilia, when it involves
- (17) someone under 18.
- (18) Q. That is also referred to, I think, or
- (19) was; as ubophilia (Ph.)?
- (20) MR. SWEENEY: Ebophilia?
- (21) E-b-o-p-h-i-l-i-a.
- (22) A. That would be it, yes, whatever way you
- (23) pronounce it. This was not in my -- we did not
- (24) draw that distinction when I was in doing
- (25) doctoral work. Post-puberty was considered

Page 289

- (1) homosexuality, and it was in our talks, we stood
- (2) with the side that there is something that you
- (3) can do with the question of post-puberty, with
- (4) one's own gender.
- (5) Q. So you are saying that basically in the
- (6) earlier part of your career, you looked at
- (7) pedophilia as an act involving children that
- (8) were pre-puberty but once they got beyond
- (9) pre-puberty, if there was sex with those
- (10) children by one of the same gender, you called
- (11) it, or professionally, homosexuality?
- (12) A. That's right. But the more common
- (13) parlance, and yes, would reference this as
- (14) homosexuality.
- (15) Q. And if a priest - if anybody, forget a
- (16) priest, if any person had sex with a 13- or 14-
- (17) or 15-year-old child of the opposite gender,
- (18) that would be heterosexuality?
- (19) A. Heterosexuality.
- (20) Q. But obviously the church specifically
- (21) made a distinction about having sex and having
- (22) sex with minors, did it not?
- (23) A. Oh, yes. Oh, yes, surely. By "minors"
- (24) - would you explain what you mean by
- (25) "minors"?

Page 290

- (1) Q. I believe the Canon Law has a
- (2) definition and I believe - and I could be
- (3) mistaken, Monsignor - that it was 16 years old
- (4) or 14 years old.
- (5) A. I think 14, right. And I believe, but
- (6) you'd have to get more research on that, as the
- (7) nutritional expertise developed, the puberty
- (8) comes earlier, in other words, the age of 14 is
- (9) the normative of the menstrual in girl, the
- (10) erection in boy, that's the age given in Canon
- (11) Law - I believe it's 14.
- (12) But in a commentary on that, and
- (13) I think this is germane to your question, even
- (14) in psychology, because, for example, in America,
- (15) the post-puberty is coming earlier and earlier
- (16) and they're blaming it on the nutritional
- (17) substance of our country.
- (18) Q. But at time, I assume that puberty
- (19) reached man and woman at the age of six or seven
- (20) or eight years as opposed to -
- (21) A. Puberty?
- (22) Q. Puberty.
- (23) A. When?
- (24) Q. Pardon?
- (25) A. When did this occur?

Page 291

- (1) Q. Way, way back, millions and billions of
- (2) years ago.
- (3) A. I see, I see. That would be new
- (4) knowledge.
- (5) Q. All right. Now, during the - did
- (6) there ever come a time - well, I'll withdraw
- (7) that. I'll withdraw that.
- (8) Now, I'd like to go through the
- (9) various faculties and facilities that you may
- (10) have used while you were vicar and director in
- (11) regard to the treatment of priests that had
- (12) problems. All right? Now, let me start off,
- (13) you indicated in the last deposition - portion
- (14) of the deposition, I think you indicated two
- (15) places, St. Luke's and Trinity. So let me start
- (16) off, if I may -
- (17) A. No, attorney. Southdown in East
- (18) Aurora, a suburb of Toronto, Canada, and St.
- (19) Luke's, and they had at one time, two, let's say
- (20) agencies, one in Massachusetts, the other in
- (21) Suitland, Maryland.
- (22) Q. First, you have St. Luke's, which had a
- (23) place in Massachusetts and a place in Maryland?
- (24) A. That's right.
- (25) Q. And then you have Southdown, is it?

Page 292

- (1) A. Southdown.
- (2) Q. S-o-u-t-h, and that's - where is that?
- (3) A. In East Aurora, A-u-r-o-r-a, Canada.
- (4) Q. Now, what other places did you use
- (5) during your tenure? You used Trinity House?
- (6) A. No, attorney, that would not be a
- (7) treatment center. It would be a retreat center
- (8) but because of the presence, and that's were
- (9) Benedict Groeschel lived, it would be a place
- (10) that we would send men, yes.
- (11) Q. So Trinity House was not a treatment
- (12) center?
- (13) A. No. No. The treatment person at
- (14) Trinity House would be Benedict Groeschel.
- (15) Q. Well, first, the institution itself,
- (16) Trinity House was not a treatment center?
- (17) A. In other words, would it be listed
- (18) professionally as a treatment center?
- (19) Q. Yes.
- (20) A. No, attorney.
- (21) Q. What is Trinity House?
- (22) A. It's a retreat center where a number of
- (23) - well, on the major level - the major
- (24) experience at Trinity House would be a priest
- (25) going on retreat. And because of the expertise

Page 293

- (1) of Benedict Groeschel, it's nationally known
- (2) that priests are sent to him mainly for
- (3) diagnosis.
- (4) (Henry Lyons arrived at
- (5) 12:20 p.m.)
- (6) BY MR. TREMONT:
- (7) Q. But the place itself, Trinity House, is
- (8) generally as you said, a retreat house?
- (9) A. That's right.
- (10) Q. And priests would voluntarily go there
- (11) and go there for a spiritual retreat?
- (12) A. That's right.
- (13) Q. Now, what other places besides
- (14) St. Luke's and Southdown?
- (15) A. Those would be the only two centers we
- (16) would send people. Our preference was private
- (17) care.
- (18) Q. Did you ever use the Institute of
- (19) Living?
- (20) A. I believe, attorney, during my tenure,
- (21) no. During my tenure.
- (22) Q. But you knew the Jesuit that was
- (23) running it?
- (24) A. I don't think, attorney, he was there
- (25) until after I had left office but we're close

Page 294

- (1) friends.
- (2) Q. I didn't mean to interrupt you.
- (3) A. That's all right.
- (4) Q. Now, as far as St. Luke's is concerned,
- (5) what program did they have for priests that may
- (6) have been attracted to children?
- (7) A. That became the primary place of
- (8) reference, jointly with Johns Hopkins Hospital,
- (9) for pedophilia. I wouldn't know the year. I
- (10) would want to guess after, more near the close
- (11) of my tenure.
- (12) Q. Well, let's start at the beginning of
- (13) your tenure.
- (14) A. It was an alcoholic center. It was for
- (15) the treatment of the disease of alcoholism.
- (16) Q. Did you send Father Federici anywhere,
- (17) to any center?
- (18) A. Father Federici, to my knowledge, was
- (19) never sent to any center, except again
- (20) Trinity -
- (21) Q. We'll get to the individuals or the
- (22) retreat place, but none of the two centers that
- (23) you indicated, that St. Luke's and Southdown,
- (24) that you used?
- (25) A. Not that I recall, no.

Page 295

- (1) Q. And did you send Father Pcolka to any center?
- (2) A. Did I send? No, attorney.
- (3) Q. Did you send Father Carr to any center?
- (4) A. No, attorney.
- (5) Q. And what about Gavin O'Connor, did you send him to any center?
- (6) A. I did not, no.
- (7) MR. TREMONT: We're just about out on the tape, I think, so that we can stop at this point. I think we have about a minute left.
- (8) THE VIDEOGRAPHER: This concludes videotape number one on this testimony. Going off record, 12:25 p.m.
- (9) (Discussion off the record.)
- (10) (Recess: 12:25 p.m. to 1:49 p.m.)
- (11) THE VIDEOGRAPHER: We're back on record, this marks videotape number two in this testimony, 1:49 p.m.
- (12) BY MR. TREMONT:
- (13) Q. Monsignor, we were discussing before the luncheon break the institutions to which you may have sent trouble priests while you were director or vicar of the Diocese of Bridgeport,

Page 296

- (1) and you've indicated two places, St. Luke's and Southdown, and you've indicated those would be the only institutions that you would have used as opposed to sending someone to an individual psychologist or psychiatrist; is that correct, sir?
- (2) A. That's right.
- (3) Q. Now, as far as Southdown is concerned, when you first became involved in this position, what kind of a program did Southdown have?
- (4) A. Yes. Southdown was a combination of therapeutic center and the treatment of the disease of alcoholism.
- (5) Q. Did it treat anything besides alcoholism?
- (6) A. They would talk in terms of personality disorder in general.
- (7) Q. Well, would you only send people to Southdown that had alcohol problems?
- (8) A. Would I?
- (9) Q. Yes.
- (10) A. My decision about, at the initial -- the more announced and renowned was St. Luke's center. If I thought there was a further need beyond the disease of alcoholism, in other

Page 297

- (1) words, that there was some kind of personality maladjustments, whatever, then that would be my suggestion, Southdown.
- (2) Q. All right. I think you mean St. Luke's?
- (3) A. No, Southdown.
- (4) Q. Southdown.
- (5) A. If there was a combination, even though, again -- yes, Southdown would be a therapeutic center as well as a 12-step disease of alcoholism.
- (6) Q. Let's go back, let's start with St. Luke's then. As far as St. Luke's, did you ever send anyone to St. Luke's that you believed had any problem except alcohol?
- (7) A. No. Southdown would be my preference when -- no, I sent no one to St. Luke's.
- (8) Q. So St. Luke's was strictly alcohol?
- (9) A. The disease of alcoholism.
- (10) Q. The disease of alcoholism.
- (11) A. At that time.
- (12) Q. "At that time," meaning at the beginning?
- (13) A. That's right.
- (14) Q. Now, as -- let's now go right through

Page 298

- (1) to the end of your tenure. Did you ever send anyone to St. Luke's that had problems that were beyond alcohol?
- (2) A. To my knowledge, no, and I make that qualification -- to my knowledge, no.
- (3) Q. No, all right. So that the only individuals that you would have requested get treatment at St. Luke's, were persons whom you believe had strictly alcohol problems?
- (4) A. Who had the disease of alcoholism.
- (5) Q. The disease of alcoholism. I think you mentioned, for instance, that Father Moore was one of the priests that you had treated for alcohol?
- (6) A. That's right.
- (7) Q. And where did you have him treated?
- (8) A. The treatment was at both institutions, at St. Luke's as well as Southdown. The reason for the repeat of the disease of alcoholism, Father Moore lived with me for two days and during that study of Father Moore, it was my clear impression, and I consulted another psychiatrist in this instance, that he concurred with me, that he needed both, a rehabilitation with regard to the disease of alcoholism as well

Page 299

- (1) as therapy.
- (2) Q. So when --
- (3) A. And thus he went to Southdown.
- (4) Q. Why would he need the therapy as well?
- (5) A. Well, there were --
- (6) MR. SWEENEY: Pardon me. Isn't this getting in -- if it's got anything to do with a sexual disorder, I think your question is legitimate because I think Judge Levin has said that he can -- you can inquire with respect to sexual misconduct complaints regarding any one of a dozen and a half priests, including Father Moore. Now, to the extent your getting into disorders that have nothing to do with sex, and it's not Father Pcolka, then I question the -- whether your question is germane.
- (7) MR. TREMONT: Well, the claim on the question is that, you may recall that it is my claim that there were sexual complaints, which I think I'll be able to verify without any difficulty, against Father Moore and that relates to the answers that the deponent had previously given in regard to Father Moore and that's why I am pursuing this. So there is a specific reason for this that I can, you know,

Page 300

- (1) back up and verify. And that's, incidentally, all the alcohol questions, because of some combinations we'll get into very soon, I think relate, Mr. Sweeney, to the sexual stuff, or the treatment. And I'm trying to be careful about that. I'm not making -- raising broad questions but for the specific instances.
- (2) BY MR. TREMONT:
- (3) Q. So could you tell me what were -- what was the therapeutic thing that you thought he needed, what was his problem?
- (4) A. I made an assessment that he had a poor self-image, that the amount of drinking that he was doing indicated self-destructive patterns. Was there anything further that I -- just, with him, I sensed that he needed more than the treatment of the disease of alcoholism.
- (5) Q. Let's go back, if we can. I believe you indicated to me previously that you heard rumors in regard to Father Moore's drinking, that's how it came to your attention; is that correct?
- (6) A. To my knowledge.
- (7) Q. Was there a specific complaint?
- (8) A. To my knowledge. Was there a specific



Page 301

- (1) complaint? See, those things are – can often
- (2) be concomitant. I am not sure but certainly I
- (3) heard rumors about his drinking, and also I
- (4) recall at one of our sessions, continuing
- (5) education sessions, at Three Door Restaurant in
- (6) Bridgeport, my own observation of Joe.
- (7) Q. Now, as a result of that, you – you
- (8) saw him? Did you see him to indicate that you
- (9) felt he should undergo some sort of therapy?
- (10) A. Oh, yes. Oh, yes.
- (11) Q. So you saw him and you talked with him?
- (12) A. That's right.
- (13) Q. And at that time, you sent him to
- (14) St. Luke's?
- (15) A. The – we sent him to Southdown.
- (16) Q. Southdown?
- (17) A. Okay.
- (18) Q. So you sent him to Southdown and you
- (19) sent him for what purpose?
- (20) A. To primarily receive therapeutic
- (21) therapy.
- (22) Q. For what, for the alcoholism?
- (23) A. No, for what they would discover at
- (24) Southdown.
- (25) Q. So I thought you had indicated that if

Page 302

- (1) you thought there was a therapeutic problem,
- (2) you'd send them to Southdown but that Father
- (3) Moore had been sent to St. Luke's first?
- (4) A. Yeah. I was wrong on the sequence of
- (5) this, but the content is exactly as I gave it.
- (6) Q. But you first – he first went to
- (7) Southdown, is that what you mean by "sequence"?
- (8) Well, you say it.
- (9) A. I'm going to have to – the first
- (10) center was St. Luke's.
- (11) Q. Now, incidentally, you're doing all
- (12) this from memory, Father?
- (13) A. That's right.
- (14) Q. So that you don't have any notes
- (15) anywhere, for example, that would indicate where
- (16) Father Moore had been sent and how long he was
- (17) there and what your evaluation was, why you sent
- (18) him, again, that Monsignor Bronkiewicz could sit
- (19) back and look at now if he were, for example,
- (20) trying to evaluate a complaint or something in
- (21) regard to Father Moore; is that correct?
- (22) A. Well, it would be correct now but it
- (23) wouldn't be correct when I was in office.
- (24) Q. Well, you were there. You remembered
- (25) it?

Page 303

- (1) A. That's right.
- (2) Q. But if you're not there, there is no
- (3) recordation of these things that – these
- (4) conferences and these conclusions?
- (5) A. Well, except in my ability to recall
- (6) what I can recall, honestly, what took place.
- (7) Q. But that presupposes that you're alive
- (8) and competent and all of us are expendable. In
- (9) other words, the fact of the matter is that if
- (10) you are not alive or you are not competent,
- (11) there is no other place where the Diocese, in
- (12) trying to ascertain the personality or conduct
- (13) of its priest, and/or its more than employees
- (14) obviously, its priests can look for these
- (15) observations, for instance, that you're sharing
- (16) with us about Father Moore?
- (17) A. Oh, sure. In the bishop's file, this
- (18) would be there.
- (19) Q. So the bishop's file then would contain
- (20) your conclusions and analysis of this?
- (21) A. No, they would contain the conclusions
- (22) of both institutions.
- (23) Q. Okay. Let me go back. You first then
- (24) sent him to Southdown?
- (25) A. That's right.

Page 304

- (1) Q. Now, you say you sent him there for
- (2) alcohol and for other therapy, and you mentioned
- (3) the 12 points or steps. What are they?
- (4) A. What I'd like to state, he went to
- (5) St. Luke's for the disease of alcoholism. He
- (6) came home from St. Luke's and their judgment was
- (7) that he had brought to successful closure the
- (8) treatment offered at St. Luke's.
- (9) Shortly after he came home, he
- (10) began to drink again and it was my observation,
- (11) and that was collaborated by the file of Bishop
- (12) Curtis, that we needed to do more than was
- (13) offered at St. Luke's, and thus, he was sent to
- (14) Southdown.
- (15) Q. How was it collaborated by the file of
- (16) Bishop Curtis?
- (17) A. Well, let me just, because the file
- (18) system has come up, once we received a complaint
- (19) and/or a rumor, I saw the bishop immediately,
- (20) okay. The bishop would immediately check his
- (21) file, his personnel file to see if there was any
- (22) collaborative knowledge in his file about a
- (23) respective active priest. If that was so, the
- (24) bishop would share that with me and I would in
- (25) turn share that with the referral, in this

Page 305

- (1) instance, agency of Southdown and – Excuse me,
- (2) St. Luke's and Southdown.
- (3) Q. You told us before that you never saw
- (4) the bishop's files.
- (5) A. I never saw the bishop's files, that's
- (6) right. The bishop communicated his files – he
- (7) looked into his files when I communicated that
- (8) this priest, either by rumor, by a person
- (9) sharing with us, or my own information, was
- (10) brought to our attention. The bishop would
- (11) check his file and come back and say, yes, this
- (12) was in his file or this was not in his file.
- (13) Q. The bishop then would – Bishop Curtis
- (14) would, instead of giving you the file with the
- (15) information in it – would synthesize for you
- (16) the psychologist or psychiatrist's report in the
- (17) file if the person was previously treated; is
- (18) that what you're telling us?
- (19) A. No, I'm telling you, I think, more,
- (20) attorney. Because again, this has come a few
- (21) times. Let me be very clear because I do think
- (22) it's dis-serving the exactitude with which we
- (23) went at each report given to us.
- (24) When it came to my attention, as
- (25) the initial contact person, of a rumor or an

Page 306

- (1) actuality of any kind of misbehavior, in this
- (2) instance of drinking, I would report it to the
- (3) bishop. The primary reason for reporting it to
- (4) the bishop was, he would check his file, was
- (5) there anything previous in his file. If there
- (6) was, he would share that. If there wasn't, he
- (7) would not share it, and then he would give me
- (8) permission to follow through on what I was
- (9) recommending.
- (10) Q. Now, you say if it was there, he would
- (11) share it. How would he share it?
- (12) A. He would share it; for example, there
- (13) was a report on the disease of alcoholism.
- (14) Q. So he would give you the report?
- (15) A. He would not give me the report. What
- (16) he would – this was an oral conversation about
- (17) what his files indicated.
- (18) Q. Now, you're a professional, you're a
- (19) psychologist, correct?
- (20) A. That's right.
- (21) Q. And you are going to refer Father
- (22) Moore, in this instance let's say, out for
- (23) treatment.
- (24) A. Yes.
- (25) Q. And you know or it appears that Father

Page 307

- (1) Moore has been previously treated, and there is
- (2) a report that was generated in regard to his
- (3) prior treatment.
- (4) A. That's right.
- (5) Q. And Bishop Curtis was not a
- (6) psychologist?
- (7) A. Right.
- (8) Q. And is it fair to say that he relied on
- (9) you for your expertise in psychological
- (10) assessment?
- (11) A. He relied on it but -- are we keeping
- (12) to the Jim Moore report?
- (13) Q. No, generally.
- (14) A. Generally, yes, he relied on, but again
- (15) I want clarity because you brought it up enough,
- (16) that my file, okay, would not have this
- (17) information. The bishop's file would, and the
- (18) primary reason for my going from my office to
- (19) the bishop's office with a report or an alleged
- (20) or even rumor, is to see, was there anything in
- (21) the bishop's file that collaborated the story.
- (22) Q. I think that's a little different that
- (23) what you told us before lunch, and of course the
- (24) transcript will indicate that, Monsignor, but
- (25) the fact is you're telling us now, that the

Page 308

- (1) bishop had in his file a report, a psychiatric
- (2) or psychological report, a treatment report,
- (3) about a priest, and the bishop would say to you,
- (4) yes, this individual was treated before but
- (5) would not give you, the expert, if you will, the
- (6) report for you to analyze and digest.
- (7) A. He would not. He would give me the
- (8) oral substance of what he had in the file.
- (9) Q. So he'd read it and he would give you
- (10) the oral -- and you would never say, "Gee, I'd
- (11) like to see the report"?
- (12) A. I had no desire to.
- (13) Q. You had no desire to at all?
- (14) A. No.
- (15) Q. So that as a medical individual, as a
- (16) person who treats, you have no desire of getting
- (17) the history and getting the treatment mode from
- (18) the individual, the professional, who did it as
- (19) opposed to a patient?
- (20) A. Well, I'm not a medical person, but as
- (21) a psychologist, I would not have interest -- if
- (22) there was a previous report, in my judgment, we
- (23) were going on with a greater effort at healing
- (24) the respective priest.
- (25) Q. So you don't think that the prior

Page 309

- (1) complaints, the prior treatment, the prior
- (2) diagnosis of an individual is of interest to you
- (3) in treating --
- (4) A. No, attorney.
- (5) MR. SWEENEY: That's not what
- (6) he's saying, Paul.
- (7) MR. TREMONT: Well, I'm asking
- (8) him. This cross-examination, Mr. Sweeney.
- (9) MR. SWEENEY: I know, but you're
- (10) going over the same ground.
- (11) MR. TREMONT: Well, I'm not going
- (12) over the same ground.
- (13) BY MR. TREMONT:
- (14) Q. Is that what you're saying --
- (15) THE WITNESS: Well, shall I --
- (16) MR. SWEENEY: Answer the question
- (17) as best you can.
- (18) A. When there is recidivism of any kind,
- (19) there's a need for greater therapeutic process.
- (20) Insofar as the bishop would say there's a
- (21) previous behavior and now there's a return to
- (22) the behavior, then it would be the bishop's
- (23) expectancy and my expertise to get a greater
- (24) care system for the priest.
- (25) Q. But wouldn't you like to know what the

Page 310

- (1) specific finding was?
- (2) A. The bishop would give me a summary
- (3) report of what he had in his file, yes.
- (4) Q. How would he give you the summary
- (5) report?
- (6) A. Well, it would vary with each summary.
- (7) Q. How would he do it?
- (8) A. By conversation in his office. I was
- (9) in his office, or he'd be in my office.
- (10) Q. He wouldn't say, "Here" -- he wouldn't
- (11) say, "Take a look at the report"?
- (12) A. He would not --
- (13) Q. Why wouldn't he share the report --
- (14) A. -- nor would I ask.
- (15) MR. SWEENEY: This has been asked
- (16) and answered about a half a dozen times.
- (17) BY MR. TREMONT:
- (18) Q. Why wouldn't he share the report with
- (19) you?
- (20) A. Perhaps because I did not ask for it
- (21) and I did not ask for it because, again, we have
- (22) a return to the similar behavior or, for
- (23) example, to worse behavior. Any return to a
- (24) previous behavior from the consultation --
- (25) again, I want to repeat that my file would not

Page 311

- (1) indicate this. But primary, going to the
- (2) bishop, because again our approach was not to
- (3) leave any unstone turned (sic), with regard to
- (4) rumor or report.
- (5) Q. Are you saying you don't want to leave
- (6) any unstone turned (sic) but the point of the
- (7) matter is that we now have Father Moore, whom
- (8) you sent to St. Luke's -- you sent him the first
- (9) time? Did you send him there?
- (10) A. Yes, I was responsible for his going to
- (11) St. Luke's.
- (12) Q. And you sent him there because you felt
- (13) he had an alcohol problem?
- (14) A. That's right.
- (15) MR. SWEENEY: That's been asked
- (16) and answered at least a half a dozen times
- (17) already.
- (18) BY MR. TREMONT:
- (19) Q. And it was strictly an alcohol problem,
- (20) is that what you're saying?
- (21) A. That's right, as they found. Now,
- (22) again --
- (23) MR. SWEENEY: Monsignor, there's
- (24) no question.
- (25) THE WITNESS: Okay. Thank you.

Page 312

- (1) MR. SWEENEY: We have to move
- (2) along.
- (3) MR. TREMONT: He can speak. If
- (4) he wants to speak, it's all right.
- (5) MR. SWEENEY: No. You can answer
- (6) the questions asked. You're going to be here
- (7) all day saying the same things if you don't
- (8) limit your answers to the question asked.
- (9) BY MR. TREMONT:
- (10) Q. Now, the -- It was strictly an alcohol
- (11) problem at that point?
- (12) MR. SWEENEY: I'm going to object
- (13) on principle. It's been asked and answered. On
- (14) to the next question, Mr. Tremont.
- (15) MR. TREMONT: It's not on
- (16) principle. I mean, you are interrupting the
- (17) witness when the witness is trying to answer,
- (18) Mr. Sweeney. It's your own witness and you're
- (19) interrupting him. I'm just trying to follow a
- (20) simple flow.
- (21) MR. SWEENEY: Mr. Tremont, you've
- (22) asked the question, you've gotten the answer
- (23) already at least four times. On to the next
- (24) question, please.
- (25) MR. TREMONT: I've gotten four

Page 313

- (1) different answers, okay, and that's the basis
- (2) for it. Four answers -
- (3) MR. SWEENEY: One last time.
- (4) Please listen to the question and answer it so
- (5) we can go on to something else.
- (6) BY MR. TREMONT:
- (7) Q. Now, when he came back from St. Luke's,
- (8) was that the time that he spent two days with
- (9) you or was it sometime subsequent?
- (10) A. Sometime after that he spent a time
- (11) with me.
- (12) Q. So he came back from St. Luke's and he
- (13) was in the active ministry.
- (14) A. He was in -
- (15) Q. The active ministry.
- (16) A. That's right. He was found fit for the
- (17) active ministry.
- (18) Q. And he was in it?
- (19) A. That's right.
- (20) Q. Then at some point, why was it that you
- (21) spent two days with him after that?
- (22) A. Because we had received rumors that he
- (23) had returned to drink.
- (24) Q. So these were the - if you will, the
- (25) second rumors that you received or reports?

Page 314

- (1) A. Well, all right, the second rumors.
- (2) Q. Yes, because the first ones brought him
- (3) to St. Luke's.
- (4) A. That's right.
- (5) Q. So now, when you received the second
- (6) rumor, you decided at that point to what, test
- (7) him, observe him or what?
- (8) A. I didn't need to go by rumor. The
- (9) evening, the first evening he spent in the
- (10) adjacent residence to my own in Wilton, Father
- (11) Moore got drunk, and when he sobered up, we
- (12) talked and it was clear to me that he needed
- (13) more intensification of, with regard to the
- (14) disease and his self-concept.
- (15) Q. How did that come about, that you
- (16) determined that he had a problem beyond the
- (17) alcoholism -
- (18) A. My own expertise. My own education.
- (19) Q. Yes, but I mean, what did you do? Was
- (20) it through observation, what was it through
- (21) conversation, what was it through testing?
- (22) A. Well, it's not consistent to come out
- (23) of one's room, no matter where one is, and to
- (24) find a man lying in the bushes and totally
- (25) drunk.

Page 315

- (1) Q. What does that have to do with
- (2) self-esteem?
- (3) A. Well, it's my judgment that that's the
- (4) root of all human behavior, or better, human -
- (5) it's at the root of all behavior. This is
- (6) preexisting from God. At the root of all
- (7) behavior, for better or for worse.
- (8) Q. Is what?
- (9) A. The problem of self-esteem.
- (10) Q. If that's the case then, why would you
- (11) not have sent every alcoholic, including Father
- (12) Moore, immediately to Southdown because they had
- (13) a program that related to that?
- (14) A. Because our preference - first of all,
- (15) each priest was treated individually and we sent
- (16) them where it was in his best interests.
- (17) Q. But you indicated just now that the
- (18) reason that Father Moore went to Southdown the
- (19) second time, is you felt that he needed therapy
- (20) for things other than his alcoholism, which you
- (21) said specifically one thing was self-esteem?
- (22) A. Yes. When I spoke to Dr. Eigner, the
- (23) admission person at Southdown, I asked him to
- (24) look at both, the disease as well as the
- (25) personality profile.

Page 316

- (1) Q. What I am saying to you is that if, in
- (2) fact, your conclusion in finding him drunk
- (3) behind the bushes, in other words, that any
- (4) person that was involved in that or an alcoholic
- (5) had a self-esteem problem, why wouldn't you send
- (6) them all to Southdown?
- (7) A. It wasn't my option. I don't treat
- (8) people globally.
- (9) Q. I thought you had an option. I thought
- (10) it was up to you to decide where to send them.
- (11) A. Well, I had an option, because I don't
- (12) treat people as group but as individuals, my
- (13) option would be St. Luke or Southdown. I would
- (14) make a professional judgment and I would
- (15) invariably collaborate with others.
- (16) Q. Right but I'm saying, what's the basis
- (17) of that professional judgment, why choose one
- (18) over the other?
- (19) A. It would vary with each person.
- (20) Q. I thought you said that you chose
- (21) St. Luke's if it was strictly alcohol, didn't
- (22) you say that?
- (23) MR. SWEENEY: He said it. It's
- (24) been asked. He's answered it. Now, please go
- (25) on to the next question. We're going to be here

Page 317

- (1) all day long.
- (2) MR. TREMONT: Mr. Sweeney, he's
- (3) saying something different now, and this
- (4) cross-examination.
- (5) MR. SWEENEY: He's not.
- (6) MR. TREMONT: You can say he's
- (7) not but he is and you know it's in the
- (8) transcript. This is what he's saying.
- (9) MR. SWEENEY: He's already told
- (10) you the reason he sent him to St. Luke's
- (11) institute was because he needed alcohol
- (12) treatment. He's said it at least six times.
- (13) You don't need to hear it a seventh.
- (14) BY MR. TREMONT:
- (15) Q. Southdown, you would send someone that
- (16) needed more than alcohol treatment, correct?
- (17) MR. SWEENEY: That's been asked
- (18) and answered already. On to the next question,
- (19) please.
- (20) BY MR. TREMONT:
- (21) Q. Why did you send Father Moore to
- (22) St. Luke's initially when you knew he needed
- (23) more than alcohol treatment?
- (24) A. Because we had in mind a follow-up when
- (25) he returned from the disease of alcoholism at

Page 318

- (1) St. Luke's, to follow-up on his seeing a
- (2) psychiatrist in our area.
- (3) Q. So you had planned then, from the
- (4) beginning - when you sent him to St. Luke's,
- (5) you had planned that he was going the require
- (6) further care which was beyond alcohol?
- (7) A. As a professional person, that was my
- (8) assessment.
- (9) MR. SWEENEY: The answer is "yes"
- (10) or "no," Monsignor.
- (11) A. Yes.
- (12) MR. SWEENEY: Mr. Tremont, we're
- (13) going to be here all afternoon if we don't move
- (14) along.
- (15) MR. TREMONT: Well, we may be
- (16) here all afternoon. We may have to have another
- (17) session. The point is, the witness, it's - I'm
- (18) running this deposition. The witness is
- (19) answering. I don't think you should interrupt
- (20) him.
- (21) MR. SWEENEY: But you have no
- (22) right to ask him the same question six times.
- (23) MR. TREMONT: Mr. Sweeney, I do
- (24) when I get six different answers, okay?
- (25) MR. SWEENEY: Well, you haven't

Page 319

- (1) had six different answers, you've had consistent
- (2) answers, and let's go on. Come on.
- (3) BY MR. TREMONT:
- (4) Q. Now, what psychiatrist were you going
- (5) to send him to when he left St. Luke's?
- (6) A. Dr. George Kelly of Fairfield -- of
- (7) Fairfield, Connecticut.
- (8) Q. And did you send him to Dr. Kelly?
- (9) A. That's right.
- (10) Q. For how long a period was he with
- (11) Dr. Kelly?
- (12) A. A little over a year.
- (13) Q. And did you communicate with Dr. Kelly
- (14) during this period?
- (15) A. During the entire time, right.
- (16) Q. And then for a year, he was sober?
- (17) A. That's right, and to my -- well, yes.
- (18) Q. He was taking care of his other
- (19) psychological, psychiatric problems that he had
- (20) -- Dr. Kelly was taking care?
- (21) A. That's right.
- (22) Q. And during that time, you had no
- (23) complaint of sexual abuse by Father Moore?
- (24) A. I do not recall any sexual complaints
- (25) during that time.

Page 320

- (1) Q. And you never -- let me ask you this,
- (2) did you ever ask that someone assess Father
- (3) Moore to determine whether he was a homosexual?
- (4) A. Did I ask the therapeutic center?
- (5) Q. Did you ask anyone.
- (6) MR. SWEENEY: "Yes" or "no"
- (7) answer.
- (8) A. No, I did not.
- (9) Q. You didn't. And did you ever get any
- (10) information from anyone, whether it's Dr. Kelly
- (11) or St. Luke's or Southdown, that he was or was
- (12) not a homosexual?
- (13) A. There was the statement made to us from
- (14) Southdown that there was psychosexual confusion,
- (15) which does not necessitate homosexuality.
- (16) Q. What does psychosexual confusion, what
- (17) does that mean to you?
- (18) A. We don't have six months.
- (19) Q. We can --
- (20) A. Psychosexual confusion means that he
- (21) needed a stronger identity with regard to his
- (22) image of himself as a man.
- (23) Q. What did you do with that conclusion,
- (24) how did that affect --
- (25) A. That was worked on in both therapeutic

Page 321

- (1) centers, more extensively at Southdown, and
- (2) followed up by doctor George Kelly.
- (3) Q. How long was Father Moore at Southdown?
- (4) A. Attorney, I'd only be able to guess,
- (5) but I'm --
- (6) MR. SWEENEY: You have no
- (7) obligation to guess, Monsignor. You either know
- (8) or you don't.
- (9) BY MR. TREMONT:
- (10) Q. Give us an estimate.
- (11) MR. SWEENEY: If you can give us
- (12) an estimate, fine. Do not guess.
- (13) BY MR. TREMONT:
- (14) Q. Give us an estimate.
- (15) A. I can give an estimate. Almost a year.
- (16) Q. Almost a year. During the time that he
- (17) was there, I assume he obviously was not engaged
- (18) in any priestly duties in Connecticut.
- (19) A. Or anyplace.
- (20) Q. Well, certainly not Connecticut.
- (21) A. No.
- (22) Q. And then he returned?
- (23) A. He returned.
- (24) Q. When he returned, did you place any
- (25) restrictions on him?

Page 322

- (1) A. Both places met with the pastor -- they
- (2) sent up a member of the staff to speak to the
- (3) pastor and they outlined the after care with
- (4) where he was living, and he returned to both
- (5) institutions, to the outcare provisions that
- (6) were assigned to him and he continued his
- (7) outcare when he was with Dr. George Kelly.
- (8) Q. Now, did you assign any restrictions?
- (9) A. I did not. I followed the expertise of
- (10) the institution.
- (11) Q. And what -- where was he at that point,
- (12) what church was he assigned to?
- (13) A. I am not certain.
- (14) Q. Did you do anything to be assured that
- (15) he wouldn't be involved with young parishioners?
- (16) A. We were not given that advice and there
- (17) was no need to have this kind of prohibition.
- (18) MR. SWEENEY: It calls for a
- (19) "yes" or "no" answer. Yes or no.
- (20) BY MR. TREMONT:
- (21) Q. You say there was no need to have this
- (22) kind of prohibition. You said he had some sort
- (23) of sexual problems, right?
- (24) A. When he went to the --
- (25) Q. Right?

Page 323

- (1) A. To be sent home from such institutions,
- (2) there would be a remediation if not an
- (3) elimination of the confusion.
- (4) Q. So that you believe that persons, let's
- (5) take an example -- I'm not saying Father Moore,
- (6) but a pedophile goes to an institution and he
- (7) goes for six months or a year, and he comes out
- (8) and he's cured?
- (9) A. I did not say that.
- (10) Q. All right. So that the fact that
- (11) Father Moore came out of an institution, why
- (12) would you assume that he was cured, if you will,
- (13) of the sexual problems that he was having?
- (14) A. We don't use the word "cured." It was
- (15) given to us that he was now competent, capable
- (16) of having greater insight, thereby greater
- (17) responsibility in -- not controlling, but in not
- (18) being a danger in this area.
- (19) Q. Well, wouldn't you think it would be
- (20) safer to keep him away from youth groups or
- (21) altar boys?
- (22) A. It was not their judgment.
- (23) Q. Whose judgment?
- (24) A. The institutions where we sent him to.
- (25) Q. Well, what about yourself, you're a

Page 324

- (1) psychologist, you were a psychologist at that
- (2) time. Didn't you have any judgment?
- (3) A. I had a judgment but I followed the
- (4) judgment of the people that we sent him to, and
- (5) continued the judgment in a supportive way, in
- (6) other words, to follow through with George
- (7) Kelly. This was not the advice.
- (8) Q. Let me ask you, if a priest had an
- (9) alcoholic problem, what would you do about him
- (10) saying mass, as far as the using wine during
- (11) the --
- (12) A. It depended on the priest. Again, the
- (13) expert of their respective agency, some
- (14) necessitated the dispensation -- I think that's
- (15) this right word, of the church to use grape
- (16) juice. Others were not given this requirement.
- (17) Q. Who determined whether -- not the
- (18) dispensation, I realize comes from Rome, but who
- (19) determined it was necessary for a priest to have
- (20) that dispensation?
- (21) A. The institution that he attended.
- (22) Q. And by "institution, you" mean
- (23) St. Luke's or Southdown?
- (24) A. St. Luke's or Southdown.
- (25) Q. Would you tell an alcoholic, a person



Page 325

- (1) who is recovering from alcoholism, that he
- (2) should be able to drink?
- (3) A. At no time, at no time.
- (4) Q. And I assume then that if someone had a
- (5) proclivity sexually towards children, would you
- (6) not try to keep him away from an environment
- (7) where there were a lot of children?
- (8) A. If that was the instruction given to us
- (9) by the, either private therapist or the agency,
- (10) yes, we would, right.
- (11) Q. But you would do it on your own, you
- (12) wouldn't think that would be a prudent thing to
- (13) do?
- (14) A. No, because again, what my role, once
- (15) they were in the hands of the expert, was to
- (16) follow the expert. And my role then, having the
- (17) expert's advice, was more as priest than as
- (18) psychologist.
- (19) Q. But you're an expert?
- (20) A. Yes, and but - for example, should it
- (21) ever happen, if I went to dinner with you, I
- (22) would not use my expertise. I would be off
- (23) duty.
- (24) Q. I don't quite understand that. If you
- (25) went to dinner with me, if I had - if I

Page 326

- (1) happened to be a good cook, and I would use my
- (2) expertise in cooking if we had dinner together,
- (3) but actually if you went to dinner with me, you
- (4) mean you wouldn't psychoanalyze me?
- (5) A. Let me draw the analogy -
- (6) Q. You probably have already, I'm sure.
- (7) In fact, I'm positive you have, and you know you
- (8) have.
- (9) A. Well, I certainly would - what I'm
- (10) saying is, I was off duty once I received the
- (11) expert's opinion.
- (12) Q. But you read Bishop Curtis's
- (13) deposition, you told us. You did read Bishop
- (14) Curtis's deposition?
- (15) A. What do you mean, "deposition"?
- (16) Q. Well, I think you indicated that
- (17) Mr. Sweeney sent you the deposition of Bishop
- (18) Curtis.
- (19) A. Sorry, attorney, yes.
- (20) MR. SWEENEY: The transcripts,
- (21) Counselor, the transcripts of his testimony?
- (22) MR. TREMONT: I said he read the
- (23) deposition, transcript.
- (24) BY MR. TREMONT:
- (25) Q. And you see that Bishop Curtis relied

Page 327

- (1) on you.
- (2) A. Oh, no question at all.
- (3) Q. He was very proud of you.
- (4) A. And I was proud of him.
- (5) Q. Part of his reliance is because he said
- (6) this man has a degree, he's a psychologist.
- (7) A. That's right.
- (8) Q. He knew what to do about these things.
- (9) A. That's right.
- (10) Q. Now, you had some complaints about
- (11) Father Carr, if you recall -
- (12) A. Yes.
- (13) Q. - you told us.
- (14) MR. SWEENEY: One complaint,
- (15) Counsel.
- (16) MR. TREMONT: No, he didn't say
- (17) one complaint. He had two boys -
- (18) MR. SWEENEY: All right.
- (19) MR. TREMONT: All right?
- (20) A. In the one scene.
- (21) Q. A hand on each lap, if I recall, in a
- (22) movie theatre.
- (23) A. Not lap, the knee.
- (24) Q. The knee in a movie theatre.
- (25) A. At the same time, simultaneously.

Page 328

- (1) Q. Now, subsequently, Father Carr wound up
- (2) at the Notre Dame Boys High School, right?
- (3) A. That's right.
- (4) Q. Do you think that was a good place for
- (5) a priest to go when there were complaints
- (6) brought by parents that he may have sexually
- (7) touched young persons?
- (8) A. That was the advice of Dr. Bill Larkin.
- (9) Q. Dr. Larkin said it was good to put him
- (10) in a boys school; is that what you are telling
- (11) me?
- (12) A. I'd have to ask you what you mean by
- (13) "good." If that's a value judgment, he was
- (14) speaking as a psychologist. It wasn't a value
- (15) judgment - it was a conviction that he was not
- (16) in a dangerous environment.
- (17) Q. So you're saying that Dr. Larkin
- (18) recommended that he be put in a boys high
- (19) school?
- (20) A. We would have to go back a step,
- (21) attorney. In the personnel board, it was asked
- (22) that he be assigned to Notre Dame High School.
- (23) The bishop was present and I asked, could we
- (24) leave this agenda until the next session, and I
- (25) asked at that time Dr. Larkin's opinion about

Page 329

- (1) such an appointment and he saw no reason for his
- (2) having such an appointment.
- (3) Q. You're telling me that you called
- (4) Dr. Larkin -
- (5) A. No, I visited with him. It was that
- (6) serious and also - yes.
- (7) Q. Why do you say, "it was that serious"?
- (8) MR. SWEENEY: Well, pardon me.
- (9) Can let him finish his answer. You said it
- (10) was -
- (11) MR. TREMONT: That serious, he
- (12) said.
- (13) MR. SWEENEY: And you also said
- (14) you visited with him. Did you finish that
- (15) answer?
- (16) MR. TREMONT: He said that
- (17) before, yeah.
- (18) BY MR. TREMONT:
- (19) Q. So why do you say, "it was that
- (20) serious"?
- (21) A. Because again, the - when I
- (22) recommended Dr. Larkin after the Wilton
- (23) experience, I shared the idea that this was what
- (24) the personnel board had in mind, and that I
- (25) thought I had a serious obligation, not because

Page 330

- (1) of the behavior, but to confer that Dr. Larkin
- (2) would agree with our assessment.
- (3) Q. What do you mean when you say not
- (4) because of the behavior? For what other reason
- (5) would you have -
- (6) A. Any time we used a psychologist, when a
- (7) man was in therapy, before an appointment was
- (8) given, I would consult with him, does he have
- (9) any reason to have misgiving about or does he
- (10) have any advice for the board.
- (11) Q. So you're telling me that each time you
- (12) had a man in therapy, you called up the
- (13) psychologist or the psychiatrist, whoever it
- (14) might be, to determine whether that person
- (15) approved of this type of an assignment?
- (16) A. That would be correct.
- (17) Q. Do you have a letter, for instance,
- (18) from Dr. Larkin indicating that he was thought
- (19) it was a good place for Father Carr to be, at a
- (20) school, a high school for boys?
- (21) A. I do not have a letter, no.
- (22) Q. Was Father Carr under treatment of
- (23) Dr. Larkin during that period of time, or had he
- (24) completed -
- (25) A. That's right.

Page 331

- (1) Q. Oh, he was still under treatment?
- (2) A. And much after he went to Notre Dame.
- (3) Q. So that it was during his treatment and
- (4) therapy that you assigned him to the Notre Dame
- (5) High School for Boys?
- (6) A. Bishop Curtis assigned him to Notre
- (7) Dame Boys High School, at the advice of the
- (8) personnel board.
- (9) Q. Well, didn't you interview Father Carr
- (10) about that assignment?
- (11) A. We all did, yes.
- (12) Q. No, didn't you interview him, not "we
- (13) all"? You alone, separately.
- (14) A. No, I did not.
- (15) Q. You did not?
- (16) A. No.
- (17) Q. So you would disagree with the
- (18) statement of Father Carr who said that you
- (19) interviewed him in 1986 regarding his request to
- (20) be placed at the Notre Dame High School for
- (21) Boys?
- (22) MR. SWEENEY: Well, there's no
- (23) inconsistency.
- (24) BY MR. TREMONT:
- (25) Q. I am asking, do you --

Page 332

- (1) A. I followed strictly the advice of
- (2) Dr. Larkin with regard to his appointment.
- (3) MR. SWEENEY: Monsignor, the
- (4) question is --
- (5) Q. That's not the question.
- (6) MR. SWEENEY: -- whether you
- (7) participated in any view of Father Carr before
- (8) he was assigned to Notre Dame.
- (9) MR. TREMONT: No, that's not the
- (10) question, Mr. Sweeney. It's not the question.
- (11) MR. SWEENEY: I think the
- (12) question was --
- (13) MR. TREMONT: It's not the
- (14) question.
- (15) BY MR. TREMONT:
- (16) Q. I said, did you yourself, alone,
- (17) interview Father Carr in 1986 --
- (18) MR. SWEENEY: If you recall.
- (19) Q. -- when he requested that he go to
- (20) Notre Dame High School?
- (21) A. He saw me about the request, as the
- (22) member of the personnel board, that he would
- (23) like to go to Notre Dame High School. Did I
- (24) discuss, was that --
- (25) What is your question?

Page 333

- (1) Q. So you did interview him privately?
- (2) A. He came to me about wanting to teach at
- (3) Notre Dame High School.
- (4) Q. Right. So this individual, against
- (5) whom you had a complaint by at least two people
- (6) that he was doing something with their children,
- (7) you went ahead and decided that it would be fine
- (8) for him to go to an all-boys school while he was
- (9) under therapy for sexual problems that he had
- (10) with children?
- (11) A. This was not my interview. The
- (12) interview was, Father Carr came to me of his
- (13) interest in going to Notre Dame, and I in turn
- (14) went to Dr. Larkin.
- (15) Q. All right. So said to you, "I want to
- (16) go to Notre Dame." Isn't that like sending
- (17) Dracula to guard the blood bank?
- (18) MR. SWEENEY: You don't have to
- (19) answer that question. That's argumentative.
- (20) Please go on to the next question.
- (21) BY MR. TREMONT:
- (22) Q. I mean, you're taking -- this man made
- (23) that request. Why didn't you put him some other
- (24) place?
- (25) A. That was not the advice of Dr. Larkin.

Page 334

- (1) Q. So you're saying Dr. Larkin thought it
- (2) was a good idea that he was in a boys high
- (3) school?
- (4) A. And -- yes.
- (5) Q. Okay, that's what Dr. Larkin would say?
- (6) A. Yes.
- (7) Q. Incidentally, do you know where
- (8) Dr. Larkin is now?
- (9) A. Yes, in Hamden, Connecticut.
- (10) Q. And did you get a report or something
- (11) from Dr. Larkin to cover that?
- (12) A. Oral.
- (13) Q. Oral. Nothing in writing?
- (14) A. That's right.
- (15) Q. Obviously, the personnel board was
- (16) unaware of the fact that Father Carr was under
- (17) therapy because of the sexual charges brought by
- (18) parents begins him?
- (19) A. The parents did not conclude, as you
- (20) are, that these were sexual charges.
- (21) Q. Well, you said that last time, except
- (22) two parents came to you.
- (23) A. That's right, a husband and wife of
- (24) both boys.
- (25) Q. So there were four parents?

Page 335

- (1) A. Two parents, yes, or four persons.
- (2) Q. Four persons?
- (3) A. Okay.
- (4) Q. And I thought there were only two
- (5) before, but there's four of them. Okay.
- (6) So the four parents came to you
- (7) and they indicated that their children were
- (8) disturbed, right?
- (9) A. That's right.
- (10) Q. So why would you think the children
- (11) would be disturbed?
- (12) A. Because it's unusual behavior to put
- (13) one's hand at the same time on boys' knees.
- (14) Q. So you thought it was unusual behavior?
- (15) A. That's right.
- (16) Q. What would you make of it?
- (17) A. I would not immediately conclude that
- (18) it was a sexual advance, and why I didn't want
- (19) to conclude anything is that I knew that I could
- (20) get the expertise of Dr. Larkin.
- (21) Q. Do you know why the boys were upset
- (22) about that? I mean, how would one boy know what
- (23) he did to the other boy?
- (24) MR. SWEENEY: "Yes" or "no."
- (25) A. No.

Page 336

- (1) Q. You don't know why they were upset.
- (2) In that particular case, you
- (3) immediately, as I understand it, insisted that
- (4) he undergo treatment.
- (5) A. Yes.
- (6) Q. Now, what was the conclusions that you
- (7) reached in regard to Father Carr, what did they
- (8) tell you about him? What was wrong with him?
- (9) A. Who are the "they"?
- (10) Q. Where did you send him for the first --
- (11) did you -- where did you send him first?
- (12) A. Dr. Larkin, for four years.
- (13) Q. What did Dr. Larkin tell you?
- (14) A. Well, there were many things over the
- (15) course of the four years with Charlie Carr, and
- (16) he was fully cooperative, and he saw no reason
- (17) for the being reticent, in fact, encouraged his
- (18) appointment to Notre Dame and was very exacting
- (19) while he was there of Charlie and increasingly
- (20) found him less danger.
- (21) Q. All right. Less dangerous?
- (22) A. No danger.
- (23) Q. Well, let's find out -- he found him
- (24) less dangerous.
- (25) Let's go back. What was his

Page 337

- (1) first assessment that you got when you first
- (2) sent him down there?
- (3) **A.** What was his first --
- (4) **Q.** Yes. He gave you an assessment. You
- (5) talked to Dr. Larkin, I assume, when you sent
- (6) Father Carr there.
- (7) **A.** I am sorry. I can answer that. He was
- (8) in favor of the appointment, the continuance of
- (9) the appointment.
- (10) **MR. SWEENEY:** That's not the
- (11) question.
- (12) **BY MR. TREMONT:**
- (13) **Q.** That's not the question. The question
- (14) is, that you had these complaints about Father
- (15) Carr, okay? And when you had the complaints,
- (16) you sent him to Dr. Larkin. Is that the first
- (17) place you sent him?
- (18) **A.** That's right.
- (19) **Q.** Okay. And I think you indicated that
- (20) you had interviewed him and that you told the
- (21) parents that Sunday night that Charlie would be
- (22) seeing a psychologist to undergo assessment to
- (23) see exactly what we were dealing with?
- (24) **A.** That's right.
- (25) **Q.** That's what you did, all right. When

Page 338

- (1) you sent him to Dr. Larkin at that point for the
- (2) assessment, what was the assessment that
- (3) Dr. Larkin gave you?
- (4) **A.** That the problem was essentially one of
- (5) self-esteem.
- (6) **Q.** Go on. What else? He said it's a
- (7) problem of self-esteem, period? What else did
- (8) he tell you?
- (9) **A.** No, through the years there were other
- (10) communications.
- (11) **Q.** Let's start with the first
- (12) communication. You sent him down there because
- (13) of the fact that you got this complaint, all
- (14) right. And you wanted him assessed?
- (15) **A.** Uh-huh. Yes, sorry.
- (16) **Q.** You wanted him assessed. So what was
- (17) the assessment?
- (18) **A.** The assessment was that we made the
- (19) right judgment that Charlie was in -- first of
- (20) all, good hands and that we weren't dealing with
- (21) a sexual advancement.
- (22) **Q.** What do you mean, we made the right
- (23) judgment? The assessment of the psychiatrist --
- (24) he called you up or you called him? Did you
- (25) talk to Dr. Larkin?

Page 339

- (1) **A.** I called Dr. Larkin.
- (2) **Q.** You called him, all right. And you
- (3) said, "Look, it this is" -- what did he tell
- (4) you? What was his diagnosis?
- (5) **MR. SWEENEY:** You've already
- (6) heard this. He's told you, he said it was a
- (7) self-esteem problem and it was not a sexual
- (8) component to it. He said that.
- (9) **MR. TREMONT:** No, no, no.
- (10) **BY MR. TREMONT:**
- (11) **Q.** Let me ask you. He was in treatment
- (12) for over a year.
- (13) **A.** He was in treatment, I told you
- (14) already, attorney, for almost four years.
- (15) **Q.** Now --
- (16) **A.** With the same doctor.
- (17) **MR. SWEENEY:** Counsel, I think
- (18) you're question was what was the initial
- (19) assessment.
- (20) **MR. TREMONT:** That's what I'm
- (21) trying to find out.
- (22) **MR. SWEENEY:** You got an answer.
- (23) **MR. TREMONT:** I don't think I
- (24) have an answer.
- (25) **MR. SWEENEY:** I think you do have

Page 340

- (1) an answer.
- (2) **MR. TREMONT:** All right. We'll
- (3) find out.
- (4) **MR. SWEENEY:** Do you want to have
- (5) it read back?
- (6) **BY MR. TREMONT:**
- (7) **Q.** Are you telling me the only assessment
- (8) he gave you, "Well, he has low self-esteem."
- (9) **A.** That's right.
- (10) **Q.** That was it, period?
- (11) **A.** Right.
- (12) **MR. SWEENEY:** I think the witness
- (13) has also said that Dr. Larkin also said that he
- (14) did not see a sexual component to it.
- (15) **MR. TREMONT:** You can say that,
- (16) Mr. Sweeney.
- (17) **MR. SWEENEY:** Well, I think
- (18) that's on the record.
- (19) **MR. TREMONT:** Well, all right, if
- (20) it's on the record, you don't have to say it.
- (21) **MR. SWEENEY:** So you found out
- (22) the initial assessment, now what's your next
- (23) question.
- (24) **BY MR. TREMONT:**
- (25) **Q.** Now, so he had low self-esteem and for

Page 341

- (1) four years he was treated because he had low
- (2) self-esteem?
- (3) **A.** That's right. That's right.
- (4) **Q.** That's the only think that Dr. Larkin
- (5) found?
- (6) **MR. SWEENEY:** Counsel, your
- (7) question initially was, what was the initial
- (8) assessment.
- (9) **Q.** What else did he find?
- (10) **A.** Self-esteem has many variables to it.
- (11) For example, the idea of emotional immaturity,
- (12) the idea of overall self-esteem, the idea of
- (13) body image, the idea of sexual integration.
- (14) **Q.** What do you mean by "sexual
- (15) integration"?
- (16) **A.** That he was comfortable with his
- (17) sexuality.
- (18) **Q.** That he was or wasn't?
- (19) **A.** He was comfortable with his sexuality.
- (20) **Q.** And what was his sexuality?
- (21) **A.** With Dr. Larkin, he was secure as that
- (22) he was not homosexual.
- (23) **Q.** So you wanted to know whether he was
- (24) homosexual?
- (25) **A.** I did not. Dr. Larkin communicated

Page 342

- (1) that to me.
- (2) **Q.** That he was not homosexual?
- (3) **A.** That's right.
- (4) **Q.** Did he indicate anything to you about
- (5) his sexual immaturity?
- (6) **A.** Yes, but when we say that, attorney,
- (7) "sexual immaturity," it would be correct to say
- (8) that's true of every one of us. We could all
- (9) use maturity in that area.
- (10) **Q.** Well, we could all use it but I don't
- (11) see --
- (12) Do you believe that most of us
- (13) require treatment because of our sexual
- (14) immaturity?
- (15) **A.** Hopefully not.
- (16) **Q.** Well, okay. So you'd say, I would
- (17) assume, that a substantial number of people, if
- (18) not a majority, don't require treatment because
- (19) of their sexual immaturity.
- (20) **A.** All right.
- (21) **Q.** Now, in this particular situation,
- (22) Father Carr did require treatment because of his
- (23) sexual immaturity; is that correct?
- (24) **A.** Mm-hmm, that's right. That was part of
- (25) the --

Page 343

- (1) Q. Part of the treatment?
- (2) A. The investigation. Whether he was
- (3) treated for this, I am not saying this. What I
- (4) am saying is that Dr. Larkin brought up that
- (5) this was part of the variable of his
- (6) self-esteem, that he probed with Charlie.
- (7) Q. And was he treated by anyone other than
- (8) Dr. Larkin?
- (9) A. Not to my knowledge.
- (10) Q. So that you never sent him anywhere
- (11) else?
- (12) A. I did not.
- (13) Q. And what kind of a did you get — what
- (14) kind of a report did you get from Dr. Larkin?
- (15) A. Dr. Larkin was pleased that Charlie, on
- (16) his own, elicited to stay longer and the report
- (17) given to me was that he — there was no reason
- (18) for him to be considered unfit for ministry.
- (19) Q. And that was in writing?
- (20) A. No, this was orally.
- (21) Q. Did you have any written reports from
- (22) Father — from Dr. Larkin regarding Father Carr?
- (23) A. We did not. And the reason for that —
- (24) MR. SWEENEY: No, Monsignor,
- (25) there is no question pending.

Page 344

- (1) BY MR. TREMONT:
- (2) Q. What was this reason for that?
- (3) A. The reason for that is because of our
- (4) high regard for the expertise of Dr. Larkin and
- (5) his associate, Dr. Levin, MD.
- (6) Q. What does the high regard have to do
- (7) with a written report?
- (8) A. No. Our — with all our therapists, we
- (9) agreed that there would be oral communication
- (10) throughout the treatment of the person.
- (11) Q. Then you had — there's no record of
- (12) it?
- (13) A. There is not, to my knowledge.
- (14) Q. Thereby, you were able to keep all
- (15) these problems that you had with priests, they
- (16) were never recorded, were they?
- (17) MR. SWEENEY: Well, that's
- (18) argumentative, Counsel.
- (19) MR. TREMONT: It's not
- (20) argumentative. It's a question.
- (21) MR. SWEENEY: "All these
- (22) problems," you say.
- (23) MR. TREMONT: Well, I think these
- (24) are problems, Mr. Sweeney. To have oral sex and
- (25) anal sex and various things that are occurring,

Page 345

- (1) I would consider them a problem.
- (2) MR. SWEENEY: Mr. Tremont, I
- (3) think you've overextend there. I think that as
- (4) far as Father Carr is concerned, he put his
- (5) hands on the knees of two boys in a movie
- (6) theatre, and that's not oral sex, it's not
- (7) sexual.
- (8) BY MR. TREMONT:
- (9) Q. I had asked you about Father Palmer in
- (10) regard to Father Carr, whether you had any
- (11) conversations with Father Palmer regarding
- (12) claims of sexual abuse by Father Carr and your
- (13) answer was no?
- (14) A. Father Palmer never came to me about
- (15) Father Carr.
- (16) Q. Did you ever hear, as the Vicar of
- (17) Clergy, about the charges that were made in
- (18) regard to Father Carr while he was under the
- (19) pastorship of Father Palmer?
- (20) A. No, I did not.
- (21) Q. You never heard it?
- (22) A. I did not.
- (23) Q. Do you know whether the bishop heard
- (24) it?
- (25) MR. SWEENEY: Just calls for a

Page 346

- (1) "yes" or "no" answer.
- (2) A. I would not be able to answer that.
- (3) Q. Do you know now that there were
- (4) complaints that were brought to Father Palmer
- (5) regarding Father Carr? Do you know that now?
- (6) MR. SWEENEY: Aside from anything
- (7) you learned from me.
- (8) MR. TREMONT: Wait a second. No,
- (9) no, no, no.
- (10) MR. SWEENEY: Anything he learns
- (11) from counsel, he doesn't have to tell.
- (12) MR. TREMONT: That's ridiculous.
- (13) That's no privilege, Mr. Sweeney. It's not a
- (14) privilege, that he learns from —
- (15) MR. SWEENEY: Whatever he has —
- (16) MR. TREMONT: That is not —
- (17) attorney/client privilege is any communication
- (18) between the two of you that is a private
- (19) communication. If he knows a fact, if I'm
- (20) asking him if he knows a fact, okay, he can tell
- (21) me whether he knows a fact, whether he heard it
- (22) from you or anybody else, if he knows a fact.
- (23) That's not attorney/client privilege.
- (24) A. Would you give the —
- (25) Q. I am asking you whether you know now

Page 347

- (1) that complaints were made, a number of
- (2) complaints were made, to Father Palmer
- (3) concerning Father Carr?
- (4) A. I do not know that there were a number
- (5) of complaints given to Father Palmer concerning
- (6) Father Carr. I do not know that.
- (7) Q. So now, to this straight then, as the
- (8) individual in charge of assigning and
- (9) transferring priests, and the individual in
- (10) charge of priests who may have had claims
- (11) against them for abusing children, you were
- (12) never told by anyone in the Diocese regarding
- (13) any complaints regarding Father Carr while he
- (14) was an associate under Father Palmer?
- (15) A. No complaints were given to me by
- (16) Father Palmer.
- (17) Q. Or anyone else?
- (18) A. No, they were not.
- (19) Q. The only complaint you ever knew about,
- (20) with Carr, were the two boys, with the fathers
- (21) that came in — the parents, period?
- (22) A. Right.
- (23) Q. Now, what was — at Southdown, what was
- (24) the treatment program? You indicated that
- (25) St. Luke's was strictly alcohol. Now, what was

Page 348

- (1) Southdown?
- (2) A. It was a psychiatric as well as
- (3) psychological therapeutic center, that also
- (4) dealt with the disease of alcoholism.
- (5) Q. What else did it deal with in addition
- (6) to that?
- (7) A. Their communication would be any kind
- (8) of personality disorder.
- (9) Q. And who ran that institution while you
- (10) were vicar?
- (11) A. I believe, attorney, it was Dr.
- (12) Eisner. I stand corrected on that, but I'm
- (13) almost sure and certain it was Dr. Eisner.
- (14) Q. Where was that located, in Canada?
- (15) A. In East Aurora. East Aurora, outside
- (16) of Toronto, Canada.
- (17) Q. It's outside of Toronto. How did you
- (18) choose to use that facility?
- (19) A. I met Dr. Eisner at a symposium and
- (20) really respect him.
- (21) Q. Now, what was their program?
- (22) A. Sorry, please?
- (23) Q. What was their program as far as
- (24) treating persons that had disorders outside of
- (25) alcoholism?

Page 349

- (1) A. Their program of course was extensive.
- (2) Q. Yeah, but what was it?
- (3) A. It was announced to be a holistic therapeutic center.
- (4) Q. Now, what does "holistic therapeutic center" mean?
- (5) A. It involves body, soul and spirit.
- (6) Q. And did you review the program?
- (7) A. Oh, yes, I -- in fact, Dr. Eisner and I went through the entire program, yes.
- (8) Q. You went through it. You mean by that, you reviewed it?
- (9) A. Yeah, we had a conversation on.
- (10) Q. Yeah, you didn't undergo it, you reviewed it?
- (11) A. No, I did not undergo it.
- (12) Q. The only reason I ask is that, if you recall, a lot of persons who studied analysis would go through analysis themselves, in order to understand the process. That's the only reason I mentioned that.
- (13) A. No, I did not go through it.
- (14) Q. But you reviewed the program?
- (15) A. That's right.
- (16) Q. What did the program consist of?

Page 350

- (1) A. I couldn't exhaust it, but I certainly can answer your question directly. It included anything to do with therapeutic aspects of body, soul and spirit.
- (2) Q. How would they -- what was the treatment? What was the nature of the treatment?
- (3) A. It would be eclectic, even if they chose, it would be psychoanalytic. Eclectic, meaning it brought in many theories of healing of human life. It was the best of therapeutic center.
- (4) Q. Would they use -- they would use psychoanalysis?
- (5) A. They would, yes.
- (6) Q. And would they use drugs?
- (7) A. Yes, but very gingerly. Yes, they would use drugs.
- (8) Q. Did they treat pedophilia?
- (9) A. To my knowledge, at that time, no.
- (10) Q. You say, "at that time." At any time during your appointment, did they?
- (11) A. To my knowledge, no.
- (12) Q. So that -- you left I believe in 19 -- was it '87 or '89?

Page 351

- (1) A. '87.
- (2) Q. So up to the time you left the Diocese of Bridgeport, there was no place that you sent anyone for the treatment of pedophilia. I mean by "place," institution.
- (3) A. There was not.
- (4) Q. And was there any place that you sent a person for the treatment of sexual disorders while you were --
- (5) A. In each instance, to private therapy.
- (6) Q. But outside of private therapy.
- (7) A. No.
- (8) Q. So there's still no institution, all right.
- (9) Now, you mentioned a pastoral book. What is a pastoral book?
- (10) A. It would be guidelines of more effective Diocesan living within a Diocese.
- (11) Q. And how often was the pastoral book revised?
- (12) A. I wouldn't be able to give a direct answer but it was revised. That's as much as I can --
- (13) Q. That book was distributed to the various clergy in the Diocese?

Page 352

- (1) A. Yes.
- (2) Q. And where are the copies of the pastoral book kept?
- (3) A. In each priest's private apartment.
- (4) Q. And did you have any input into the pastoral book?
- (5) A. I am sure I would have, attorney, during my time, yes.
- (6) Q. In what regard would you have an input in it?
- (7) A. I would not recall. They would be varied areas and I would not be able to answer your question.
- (8) Q. And would that pastoral book contain rules of the Diocese?
- (9) A. Guidelines.
- (10) Q. Guidelines?
- (11) A. Yes.
- (12) Q. For the priests?
- (13) A. That's right. The priests and religious.
- (14) Q. And religious?
- (15) A. Yes.
- (16) Q. All right.
- (17) A. I believe also laity but I could stand

Page 353

- (1) corrected there.
- (2) Q. Now, what I'd like to do is -- let me ask you a couple, and then we'll go back.
- (3) Did you have any claims regarding Father Gregory Smith?
- (4) A. I did not.
- (5) Q. You know who he is?
- (6) A. I know Father Gregory Smith.
- (7) Q. Did you have any claims -- you say you had no claims of sexual abuse, let me be specific, in regard to Father Smith.
- (8) A. I did not.
- (9) Q. What about Father Francis McKenna, have you had any claims -- any claims about Father McKenna?
- (10) MR. SWEENEY: I think it should be limited, Counsel, to claims of sexual misconduct, by Judge Levin's order.
- (11) MR. TREMONT: That's not Judge Levin's order. He said I can ask about these priests.
- (12) BY MR. TREMONT:
- (13) Q. Have you had any claims of alcohol against Father McKenna?
- (14) MR. SWEENEY: Counsel, I think

Page 354

- (1) it's spelled out. There are three questions that Judge Levin said you could ask about each of these priests.
- (2) MR. TREMONT: Not in this context. Not in this context. I'm asking about -- it all relates to the same thing, and I have got, again, evidence regarding this and that's why I am asking the claims.
- (3) MR. SWEENEY: I think you can ask about sexual misconduct but we're not going to get into those nonsexual misconduct issues with other priests, other than the priest who's the subject of this lawsuit. You can put it on the record --
- (4) MR. TREMONT: I'm going to state it on the record.
- (5) MR. SWEENEY: I'm going to state on the record that I'm guided by the rule that Judge Levin issued for us, he defined specific questions that you could ask about priests other than Father Pcolka in the Bishop Curtis deposition, and I'm following that guideline here.
- (6) MR. TREMONT: Well, we're not involved in the Bishop Curtis deposition. We're

Page 355

- (1) involved with the individual here who supposedly
- (2) has treated - what's the Father McKenna claim?
- (3) He's dead, there's no privacy.
- (4) MR. SWEENEY: Any issue relating
- (5) to Father McKenna is not germane to the issues
- (6) in this lawsuit.
- (7) MR. TREMONT: I claim it is
- (8) germane.
- (9) MR. SWEENEY: Well, you can put
- (10) it on the record, Counsel. Let's move on or
- (11) we're going to be here for weeks.
- (12) MR. TREMONT: Well, maybe we'll
- (13) be here for weeks.
- (14) MR. SWEENEY: I'm taking the
- (15) position and I'm objecting to the question that
- (16) - any question other than questions relating
- (17) to sexual misconduct complaints about Father
- (18) McKenna, among others, are out of bounds.
- (19) MR. TREMONT: I'm am going to ask
- (20) the question.
- (21) BY MR. TREMONT:
- (22) Q. Have you had any - did you have any
- (23) complaints about Father McKenna in regard to
- (24) alcohol?
- (25) MR. SWEENEY: Again, objection.

Page 356

- (1) Don't answer it, Monsignor. Since this question
- (2) is not restricted to sexual misconduct
- (3) complaints, I am instructing the witness not to
- (4) answer it.
- (5) BY MR. TREMONT:
- (6) Q. Have you had any complaints against
- (7) Father McKenna regarding improper conduct with
- (8) males or females?
- (9) A. I did not.
- (10) Q. Did you have any reason to send Father
- (11) McKenna into treatment?
- (12) A. I did not.
- (13) Q. Have you ever had any claims - Well,
- (14) I'll withdraw that.
- (15) Did you know the Reverend Andrew
- (16) Farkas?
- (17) A. Did I know him? No, attorney.
- (18) Q. You didn't know him?
- (19) A. No.
- (20) Q. You don't know who he is?
- (21) A. I knew of him. I would have been just
- (22) ordained. I knew of him.
- (23) Q. So that he was an older priest?
- (24) A. That's right.
- (25) Q. And did you ever have any - hear any

Page 357

- (1) claims regarding Father Farkas fathering a
- (2) child?
- (3) A. I did not.
- (4) Q. You didn't. Did you ever have any
- (5) claims or hear any claims of sexual misconduct
- (6) in regard to Father Farkas?
- (7) A. I did not. This would be -
- (8) MR. SWEENEY: The answer is
- (9) simply no, you did not.
- (10) BY MR. TREMONT:
- (11) Q. This is before you were vicar.
- (12) A. That's all I was going to say.
- (13) Q. The reason I'm asking is because you
- (14) had indicated before about that you had been in
- (15) the Diocese a long time.
- (16) A. I did not.
- (17) Q. Now, did you know Father Bietighofer -
- (18) is that his name, Bietighofer?
- (19) MR. SWEENEY: Bietighofer.
- (20) A. I did, attorney.
- (21) Q. Did you have any claims, any complaints
- (22) about Father Bietighofer?
- (23) A. Yes, I had one complaint from a woman
- (24) in his parish on his methods of discipline.
- (25) Q. And what parish was that?

Page 358

- (1) A. It was in Bridgeport.
- (2) Q. On Colorado Avenue?
- (3) A. I'm going to say Blessed Sacrament
- (4) parish. But there was a split - the best
- (5) answer I can give, I believe it was Blessed
- (6) Sacrament.
- (7) Q. Blessed Sacrament would have been in
- (8) the East End -
- (9) A. That's right.
- (10) Q. - down off of Union Avenue, I think.
- (11) A. That's right.
- (12) Q. And what was that complaint?
- (13) A. The complaint was that he spanked
- (14) children when they were disciplinary problems.
- (15) Q. How did he spank that them?
- (16) A. He asked them to pull down their pants
- (17) and he spanked their bottom.
- (18) Q. And he spanked their bottom naked?
- (19) A. Yes, I believe that was the
- (20) communication.
- (21) Q. When was that?
- (22) A. What year?
- (23) Q. Well, approximately.
- (24) A. I don't recall.
- (25) Q. What did you do in regard to that

Page 359

- (1) complaint?
- (2) A. I saw Alan and there was no - even by
- (3) on the part of the mother, there was no sexual
- (4) incrimination of Al. Al affirmed this was not
- (5) his intent. This was the way that culture was
- (6) used to disciplining their children, especially
- (7) their boys.
- (8) Q. Now, excuse me, you say, "that
- (9) culture." What culture?
- (10) A. They were - well, Hispanic I suppose
- (11) you'd call it today.
- (12) Q. Well, he wasn't Hispanic, was he?
- (13) A. No, he was not.
- (14) Q. But you said it's the way that culture
- (15) was used to disciplining the boys, but he wasn't
- (16) Spanish?
- (17) A. No, but he was highly Spanish, you
- (18) know, in training and in pastoral life. Well,
- (19) directly to the question, it was Al's conviction
- (20) this was the discipline of the Hispanic
- (21) community.
- (22) Q. Now, he was active with the Hispanic
- (23) ministry?
- (24) A. That's right.
- (25) Q. Was he also at - is it St. Peter's

Page 360

- (1) over on Colorado Avenue, do you know?
- (2) A. St. Peter's? Peter Cullen was there.
- (3) Was Al there? You see, during my tenure - I
- (4) wouldn't be able to answer that, attorney.
- (5) Q. Then what happened after you discussed
- (6) this with Father Bietighofer?
- (7) A. I asked him to desist, that that was a
- (8) - at best, a highly imprudent - there were
- (9) other ways of disciplining. I also had his
- (10) assurance that he would follow my advice, but he
- (11) was highly insulted that any sexual implication
- (12) was given, and I had to assure him that was not
- (13) the communication of the mother.
- (14) Q. Did you ever have any other complaint?
- (15) A. I did not.
- (16) Q. And did you ever have any sort of
- (17) evaluation made?
- (18) A. I did not.
- (19) Q. So you did nothing. I'm just - except
- (20) for what you told us?
- (21) A. I continued to follow-up with Al
- (22) personally.
- (23) Q. How did you continue to follow-up?
- (24) A. I would call him to my office and ask
- (25) him how things were going in terms of his - how

Page 361

- (1) was he disciplining students. I also asked Al
- (2) to attend some of our continuing formation
- (3) programs.
- (4) Q. Which continuing formation programs?
- (5) What kind did you ask him to --
- (6) A. Well, the ones on spirituality, the
- (7) ones on human development, the ones on
- (8) intercultural skills.
- (9) Q. And you had no further complaints?
- (10) A. I did not, attorney, to my recall.
- (11) Q. Did you know when you received this
- (12) complaint -- did you ask the bishop whether
- (13) there were any prior complaints about Father
- (14) Bietighofer?
- (15) A. Yes, I did, and he had none. That was
- (16) the first.
- (17) Q. He did not have any?
- (18) A. He did not have any complaints.
- (19) Q. Now, did you have any complaints about
- (20) Father Joseph Fitzgerald?
- (21) A. I did not, attorney.
- (22) Q. You know who he is?
- (23) A. Oh, yes, surely.
- (24) Q. And what about Father Fred Constantino?
- (25) A. I did not.

Page 362

- (1) Q. And again, he was over -- was he at St.
- (2) Raphael's or one of the Holy Rosary --
- (3) A. Way on the East Side. Holy Rosary.
- (4) Q. Holy Rosary, one of the -- it was an
- (5) Italian parish, was it not?
- (6) A. That's right, he was an older priest.
- (7) Q. Now, I don't know, would you have known
- (8) a Reverend Kieran Ahearn --
- (9) MR. SWEENEY: Pardon me, is it
- (10) Kieran Ahearn?
- (11) MR. TREMONT: Kieran Ahearn.
- (12) A. I would have known him in his process
- (13) of his coming into the Diocese. In other words,
- (14) I would have received the reports from his
- (15) Capuchin order, and then I would have presented
- (16) him to the personnel board, obviously, prior to
- (17) this. All of this would have been with the
- (18) bishop.
- (19) Q. Did you have any complaints regarding
- (20) Father Ahearn?
- (21) A. I did not, attorney.
- (22) Q. Prior to coming into the Diocese, when
- (23) you were presenting him and reviewing him, did
- (24) you have any information that Father Ahearn may
- (25) have been involved or there was a complaint

Page 363

- (1) against him in New York State?
- (2) A. The Capuchins never gave us a single
- (3) complaint prior to, and did I investigate, yes.
- (4) Q. You did investigate?
- (5) A. Yes.
- (6) Q. And there was no complaint?
- (7) A. Just as I investigated his whole
- (8) personality profile.
- (9) Q. And did you find that there was indeed
- (10) a complaint that occurred later on, in other
- (11) words, that you had seen that they had not given
- (12) you a complaint which existed?
- (13) A. Attorney, directly to your question, I
- (14) believe that was after I had left office but if
- (15) it wasn't, yes, I heard of the complaint in
- (16) Massachusetts.
- (17) Q. I don't mean that complaint. I
- (18) understand the one in Massachusetts.
- (19) What I'm asking you is whether
- (20) you later found that Father Ahearn had a
- (21) previous problem while -- not in the Diocese,
- (22) before he came to the Diocese?
- (23) A. I did not.
- (24) Q. So you never heard that?
- (25) A. I did not.

Page 364

- (1) Q. You wrote your thesis on personal
- (2) characteristics in job satisfaction. Was that
- (3) in the Bridgeport Diocese or in the Archdiocese
- (4) of Hartford, in other words, the entire state?
- (5) A. The entire state.
- (6) Q. The entire state?
- (7) A. That's right.
- (8) Q. And at the time that you wrote it, that
- (9) would have encompassed three dioceses?
- (10) A. That's right.
- (11) Q. And could you tell me, how did you go
- (12) about that research?
- (13) A. It was piggybacking the research done
- (14) by Yale University on the priesthood of the
- (15) Archdiocese of Hartford, and the two men that
- (16) did that research, one began with an H. I
- (17) wouldn't recall the two men but there were two,
- (18) I believe sociologists on the staff of Yale
- (19) University, at the invitation of Archbishop
- (20) Whalen did a study. My study came out of that,
- (21) was different to that in the sense of not only
- (22) did I seek the job satisfaction scales but --
- (23) Excuse me, job satisfaction but also personality
- (24) characteristics of priests in light of job
- (25) satisfaction.

Page 365

- (1) Q. And what kind of research did you do
- (2) for that, for instance, the personality
- (3) characteristics of priests? I mean, what kind
- (4) of research?
- (5) A. We had a -- we had the, as you might or
- (6) might not know, in 1975 and once one finishes a
- (7) doctoral dissertation, at least in psychology,
- (8) one hardly if ever references -- I'll do the
- (9) best I can. My instruments of investigation
- (10) were using the Guilford Zimmerman test which has
- (11) high validity and high reliability and then the
- (12) woman psychologist scales of measuring job
- (13) satisfaction -- guessing at her name, Dr. Hite
- (14) but that's a guess, but it was a valid and a
- (15) reliable test.
- (16) Q. How did you do the test? I mean,
- (17) physically, what did you do about your
- (18) research? That's what I'm saying, did you test
- (19) a priest --
- (20) A. I am sorry. I sent a copy to every
- (21) priest of the state.
- (22) MR. SWEENEY: A copy of what?
- (23) MR. TREMONT: Of the test.
- (24) THE WITNESS: Of the test that I
- (25) just --

Page 366

- (1) BY MR. TREMONT:
- (2) Q. And asked them if they would --
- (3) A. Participate.
- (4) Q. -- participate?
- (5) A. That's right.
- (6) Q. Do you recall what kind of
- (7) participation you got?
- (8) A. Yes, I did. 70 some-odd percent, which
- (9) is incredible.
- (10) Q. Very high participation. It was as a
- (11) result of that that you wrote this thesis?
- (12) A. That's correct, dissertation. Same
- (13) thing.
- (14) Q. Now, you indicated to us that you had
- (15) not discussed with your predecessor, Father
- (16) Toomey, or with the bishop any personnel
- (17) problems that may have existed in the Diocese
- (18) before you took office?
- (19) A. That's correct.
- (20) Q. Never --
- (21) A. To my recollection, no.
- (22) Q. You never thought that was important to
- (23) discuss?
- (24) MR. SWEENEY: He didn't say that.
- (25) MR. TREMONT: Well, he never

Page 367

- (1) discussed it.
- (2) A. To my recollection, I did not discuss
- (3) it.
- (4) Q. And I think you told me that one reason
- (5) that you didn't discuss it, because it - let me
- (6) get this right. Your answer is "Because I was
- (7) educated enough and I had a different approach
- (8) to this kind of possible revelation, and also
- (9) important to me as a priest in the service of
- (10) priests to establish as much trust as I possibly
- (11) could, so that in the trust they would be as
- (12) confidential as they possibly could with me, and
- (13) when that caught on, I saw that this worked and
- (14) this was my mode of leadership."
- (15) A. That's right. Shortly after I was
- (16) appointed -
- (17) MR. SWEENEY: What's the
- (18) question?
- (19) A. The question is -
- (20) Q. That's the reason that you - in other
- (21) words, is that the reason you are giving us why
- (22) you didn't discuss it with him?
- (23) A. Yes, but to that statement, I would
- (24) want to give the background to that statement.
- (25) Two weeks after my appointment, the bishop met

Page 368

- (1) with the entire Presbyterate of the Diocese,
- (2) explained to them exactly my position and
- (3) explained to them that I would have my own
- (4) personnel file and in any kind of report,
- (5) unfavorable report, or for that matter, he also
- (6) mentioned favorable report, I would give that to
- (7) the bishop, and from his file, he would
- (8) collaborate, for example, a misbehavior report
- (9) to me, and then he would take it to the
- (10) expertise method that he allowed me to.
- (11) Now, again, when I mentioned the
- (12) idea of "he allowed me to," in every instance
- (13) before a priest went before an expert, the
- (14) bishop knew he was going and also we clearly
- (15) matched with, "Is there anything in your files,
- (16) Bishop, that collaborate or say nothing about
- (17) the report I've just come to you with?"
- (18) Q. You've never told us that before.
- (19) MR. SWEENEY: He said it earlier
- (20) today, Counsel.
- (21) BY MR. TREMONT:
- (22) Q. Yeah. You didn't tell us last time,
- (23) did you?
- (24) A. No, I -
- (25) Q. So let's go back then. You told us

Page 369

- (1) last time that you did not speak to the bishop,
- (2) you never asked him about any prior misconduct
- (3) and you would not do that because you thought
- (4) that was a violation of a trust.
- (5) MR. SWEENEY: Pardon me,
- (6) Counsel. I think his testimony last time was
- (7) that at the outset of the job, he did not sit
- (8) down and do this.
- (9) MR. TREMONT: I know you ran over
- (10) the transcript very clearly, Mr. Sweeney, to try
- (11) to work this out but I'm asking the questions.
- (12) All right?
- (13) MR. SWEENEY: You are but I think
- (14) you're misstating -
- (15) MR. TREMONT: I'm not misstating
- (16) anything.
- (17) BY MR. TREMONT:
- (18) Q. Would you please answer. Let's take it
- (19) piece by piece. So you told us you never saw
- (20) the bishop's files.
- (21) A. That's right.
- (22) Q. You still hold to that statement?
- (23) A. I never saw the bishop's files.
- (24) Q. Secondly, you told us you never, ever
- (25) discussed with Father Toomey or the bishop any

Page 370

- (1) prior acts of misconduct that may have occurred
- (2) in the Diocese.
- (3) A. I stay with that.
- (4) Q. And you stay with that, okay.
- (5) Now, could you tell me, did you
- (6) discuss with your successor, Monsignor
- (7) Bronkiewicz, the various problems or the
- (8) complaints that were brought against priests
- (9) while you were vicar?
- (10) A. Father Bronkiewicz would call me on
- (11) certain priests that he got information on and
- (12) when - I have to back up. In the presence of
- (13) Father Bronkiewicz, Bishop Curtis and Bishop
- (14) Egan, Bishop Egan asked me - this was the first
- (15) time we met, he was recently in the Diocese -
- (16) Bishop Egan asked me, "Is there anything that he
- (17) should know of the priests of the Diocese," and
- (18) I stated at that time, because we did not have
- (19) this, you know, the current media communication,
- (20) that I would do so with both bishops but not in
- (21) the presence of Larry Bronkiewicz.
- (22) Q. So the answer is that you told Bishop
- (23) Egan the problems that you had with these
- (24) priests but not in the presence of Monsignor
- (25) Bronkiewicz?

Page 371

- (1) A. No, and no such follow-up was had.
- (2) Bishop Egan nor Bishop Curtis and I had no such
- (3) meeting, no.
- (4) Q. Now, I'm confused. Let's go through
- (5) that again. I had asked you whether you ever
- (6) told Monsignor Bronkiewicz about the problems
- (7) and the complaints that were made against
- (8) various priests in the Diocese while you were
- (9) vicar, and what is your answer to that?
- (10) A. Only the problems that came in when we
- (11) were associates, Larry would know. He would
- (12) become either informed with -
- (13) Q. This is when he became your assistant?
- (14) A. That's right.
- (15) Q. But you didn't tell him about anything
- (16) that happened before?
- (17) A. Prior, no. When he was my associate,
- (18) no.
- (19) Q. You never did?
- (20) A. I did not.
- (21) Q. Now, you're saying you had a
- (22) conversation - I will withdraw that.
- (23) So then Monsignor Bronkiewicz,
- (24) for instance, would not know that you had a
- (25) claim of sexual abuse brought against Father

Page 372

- (1) Pcolka, when he might have received a subsequent
- (2) complaint about Father Pcolka regarding sexual
- (3) abuse?
- (4) A. When the media then became involved, by
- (5) telephone, obviously private telephone, I went
- (6) through the entire list of priests of the
- (7) Diocese with Father Bronkiewicz with whom we had
- (8) reports or there were allegations made and I
- (9) shared with him what we did in each case.
- (10) Q. So you did that with Father Bronkiewicz
- (11) at some later time after a lawsuit started?
- (12) A. I'm not sure that it was a lawsuit here
- (13) as much as in, I am fairly certain it was a
- (14) result of the Louisiana upsurge.
- (15) Q. So you're saying as a result of
- (16) publicity in Louisiana -
- (17) A. In general.
- (18) Q. - in Lafayette, wasn't it, the Diocese
- (19) of Lafayette, Louisiana, I think -
- (20) A. Right.
- (21) Q. - that as a result of that publicity,
- (22) you shared with Monsignor Bronkiewicz the
- (23) complaints that you had regarding various
- (24) priests?
- (25) A. That's right.

Page 373

- (1) Q. Why did you do it then? Why did you do
- (2) it at that time?
- (3) A. Because I felt at that time it was
- (4) necessary for father to have this information.
- (5) Q. Why?
- (6) A. My motivation? I suspect my primary
- (7) motivation was respect for father but also I
- (8) felt at that time he had a right to the
- (9) information in case this kind of communication
- (10) would begin in our Diocese.
- (11) Q. Kind of communication or -
- (12) A. Media communication.
- (13) Q. So until you believed that this media
- (14) communication would begin, you felt there was no
- (15) need to share that?
- (16) A. With the exception of the two bishops,
- (17) I did make the offering to the two bishops, that
- (18) in their presence and their presence alone I
- (19) would share each priest's - that there were
- (20) difficulties with, and the follow-up.
- (21) Q. Obviously, there was no need to make
- (22) that offer with Bishop Curtis, was there?
- (23) A. How do you mean that, attorney?
- (24) Q. Bishop Curtis knew all this.
- (25) A. Bishop Curtis knew all of this, yes,

Page 374

- (1) but I'm talking about in the presence of Bishop
- (2) Egan.
- (3) Q. But I'm saying, Bishop Curtis, he knew
- (4) it all so you didn't have to make it known to
- (5) him?
- (6) A. Oh, no.
- (7) Q. No, he was totally aware?
- (8) A. He realized that, yes.
- (9) Q. As a matter of fact, Bishop Curtis
- (10) could have made Bishop Egan aware?
- (11) A. Exactly -
- (12) Q. And you offered to do so?
- (13) A. But that wasn't your question.
- (14) Q. No. And you offered to do so?
- (15) A. That's right.
- (16) Q. And did indeed Bishop Egan accept that
- (17) offer?
- (18) A. From me, he did not.
- (19) Q. He did not?
- (20) A. He did not.
- (21) Q. Did he indicate that he wasn't
- (22) interested?
- (23) A. I did not know Bishop Egan aside from
- (24) the day of his ordination as bishop. That was
- (25) the first time I met him, so I wouldn't be able

Page 375

- (1) to honestly answer your question.
- (2) Q. Now, you said that you gave this
- (3) information to Monsignor Bronkiewicz out of
- (4) respect for Monsignor Bronkiewicz.
- (5) A. Mm-hmm.
- (6) Q. What do you mean by that?
- (7) A. Well, again, there is a fraternity in
- (8) the priesthood and I felt his job would be made
- (9) easier if, in fact, things would be announced in
- (10) the media and that kind of thing.
- (11) Q. So you didn't think it was the respect
- (12) that you had for him, that he shouldn't have
- (13) gotten that information when he took over your
- (14) duties?
- (15) MR. SWEENEY: That's not what he
- (16) said, Counsel.
- (17) MR. TREMONT: I'm asking him.
- (18) It's cross-examination.
- (19) A. I don't think it showed any kind of
- (20) disrespect.
- (21) Q. Well, I'm saying, wouldn't it have been
- (22) better for him to have gotten that information
- (23) as soon as he took over your duties so he would
- (24) know that if a complaint was made, that it might
- (25) be a complaint that had been made against

Page 376

- (1) someone previously?
- (2) A. When Monsignor Bronkiewicz took over,
- (3) complaint was not the communication at the
- (4) time. Would it have been better to do this? I
- (5) did not feel it would be better.
- (6) Q. You didn't feel it was better?
- (7) A. That's right.
- (8) Q. It was better that he be left in the
- (9) dark as far as complaints of sexual abuse that
- (10) may have been made against -
- (11) A. No, no.
- (12) MR. SWEENEY: That's not what
- (13) he's saying, Counsel.
- (14) MR. TREMONT: This is
- (15) cross-examination.
- (16) MR. SWEENEY: You're putting
- (17) words -
- (18) MR. TREMONT: Well, that's
- (19) cross-examination -
- (20) MR. SWEENEY: You're misstating
- (21) his statements.
- (22) MR. TREMONT: Well, I'm going to
- (23) state the statements, my own statements. It's
- (24) my observation. He can answer it any way he
- (25) wishes.

Page 377

- (1) BY MR. TREMONT:
- (2) Q. You thought that he would be better
- (3) served to be left in the dark regarding claims
- (4) that were made previously of sexual abuse of
- (5) priests that were under his jurisdiction?
- (6) A. I also felt it would have been a
- (7) violation of the ethic, the little we have, in
- (8) terms of psychology and psychiatric information.
- (9) Q. But then that violation of ethics was
- (10) violated when you gave him that information
- (11) after the media?
- (12) A. It was not.
- (13) Q. It was not?
- (14) A. It was not.
- (15) Q. Well, what's -
- (16) A. My communication to Larry was what he
- (17) asked for, were there any names that were given
- (18) to us in terms of any kind of misbehavior and
- (19) then I gave him the clinician, the doctor that
- (20) he could consult with, if he chose.
- (21) Q. Now, I'm going to ask you for the same
- (22) information, except that I'm not going to ask
- (23) you for the names, okay?
- (24) First thing I want you to do is
- (25) give me - we can do it by A, B, C, D, E and you

Page 378

- (1) can use any paper you want if you want to keep
- (2) track, and I will not touch it or look at it. I
- (3) would like to know the number of priests against
- (4) whom you had claims, whether you believe they
- (5) were justified or not, about some sort of sexual
- (6) abuse or misconduct.
- (7) MR. SWEENEY: Counsel, to try to
- (8) be efficient on this, you mean other than the
- (9) ones he's told us about in this deposition?
- (10) MR. TREMONT: Well, we'll include
- (11) those, and we can include those by name to make
- (12) it clear.
- (13) MR. SWEENEY: I think to be
- (14) efficient -
- (15) MR. TREMONT: Well, I can ask all
- (16) the names but I assume you would object to
- (17) that. I don't care.
- (18) MR. SWEENEY: First of all, you
- (19) have given us a list of six names and then 12
- (20) names. We've been through all of that. I think
- (21) it's all on the record. What are you
- (22) specifically asking him beyond what he's already
- (23) said?
- (24) MR. TREMONT: I want to go
- (25) through all the complaints he's had of sexual

Page 379

- (1) abuse, okay?
- (2) MR. SWEENEY: Of sexual abuse?
- (3) Is it limited to sexual abuse of children, or
- (4) any sort of sexual abuse?
- (5) MR. TREMONT: No, sexual abuse,
- (6) sexual misconduct.
- (7) MR. SWEENEY: So any kind of
- (8) sexual misconduct by any priest in the Diocese,
- (9) known to this witness?
- (10) MR. TREMONT: Right. The list he
- (11) went over with Monsignor Bronkiewicz. He said
- (12) he went over a list of priests.
- (13) MR. SWEENEY: As best he recalls
- (14) it.
- (15) MR. TREMONT: Yeah, and I want to
- (16) go -- all I'm saying is the reason I'm -- I
- (17) don't want to get confused on numbers, so we can
- (18) say A, B, C and if you want to mention the names
- (19) of those priests that we've discussed already,
- (20) fine.
- (21) MR. SWEENEY: To be efficient and
- (22) to minimize the risk of miscommunication, why
- (23) don't we take, very simply, the names you've
- (24) already brought up in this deposition, go
- (25) through those. My sense is you're going to have

Page 380

- (1) no others, but let's do it that way.
- (2) MR. TREMONT: Now, wait. You
- (3) say, "My sense is you're going to have no
- (4) others" --
- (5) BY MR. TREMONT:
- (6) Q. Let me ask you, are you telling me the
- (7) only complaints you've had -- the only
- (8) complaints you ever had from the time you became
- (9) director up until the time you left of sexual
- (10) abuse or sexual misconduct were those specific
- (11) priests that you mentioned by name in this
- (12) deposition?
- (13) A. As far as I can recall, all names that
- (14) I gave to Larry have been mentioned last week
- (15) and this week.
- (16) Q. Every name?
- (17) A. As far as I can recall.
- (18) Q. You say as far as you can recall. How
- (19) did you recall the names? I mean, how did you
- (20) recall all these people that you had claims of
- (21) sexual abuse against?
- (22) A. Again, some of the names that you gave
- (23) to us were not sexual abuse claims.
- (24) Q. No, I'm saying, how did you --
- (25) (Recess: 3:26 p.m. To 3:45 p.m.)

Page 381

- (1) BY MR. TREMONT:
- (2) Q. Monsignor, I just want to be clear so
- (3) that we don't make any misnomer. So I am not
- (4) going to use Mr. Sweeney's suggestion about
- (5) priests that we've mentioned because we have
- (6) mentioned a lot of priests, including, for
- (7) instance, yourself and Monsignor Bronkiewicz,
- (8) and I assume there were never any complaints
- (9) about either of you. So let me list names
- (10) first. I am going to ask you about every
- (11) complaint that you've had --
- (12) MR. SWEENEY: Pardon me,
- (13) Counsel. Is this limited to complaints of
- (14) sexual misconduct?
- (15) MR. TREMONT: No. Every, any
- (16) complaint regarding --
- (17) BY MR. TREMONT:
- (18) Q. Let's put it this way so we'll make it
- (19) clear. A violation of the vow of chastity,
- (20) which includes sexual misconduct. Let's use
- (21) that terminology. It may be normal sexual
- (22) relations, it may be abnormal, it may be
- (23) bestiality, I don't know what it is, but let's
- (24) just go on the basis of the violation of the vow
- (25) of chastity, and let me ask you, you had a

Page 382

- (1) complaint about Father Carr, right?
- (2) A. It wasn't given to us as sexual.
- (3) Q. Now, let me ask you that. Father
- (4) Carr's complaint, you would not consider sexual,
- (5) correct?
- (6) A. That's why I sent him to Dr. Larkin, to
- (7) find out exactly what we were dealing with.
- (8) Q. What kind of a complaint would you
- (9) consider Father Carr's? I mean, what category
- (10) do you call it?
- (11) A. I could not conclude, in fact, that
- (12) this was a sexual advance.
- (13) Q. I understand. What kind of a complaint
- (14) would you call it?
- (15) A. An imprudent complaint in light of
- (16) modern times.
- (17) Q. So you give me then a list not only of
- (18) any violations of chastity but any imprudent
- (19) complaints that you may have had involving
- (20) priests and then I'll ask you about them
- (21) specifically.
- (22) MR. SWEENEY: Pardon me,
- (23) Counsel. You mean imprudent misconduct
- (24) complaints? That's what you're really talking
- (25) about.

Page 383

- (1) MR. TREMONT: Well, I'm talking
- (2) about what Monsignor described. I don't want to
- (3) get the category closed out, Mr. Sweeney, and we
- (4) can go through that.
- (5) BY MR. TREMONT:
- (6) Q. So in any event, you had a complaint
- (7) against Father Carr which was a complaint of
- (8) imprudent behavior?
- (9) A. Yes, I would -- "imprudent" is a little
- (10) strong.
- (11) MR. SWEENEY: All right. That's
- (12) the answer.
- (13) Q. You say it's a little strong?
- (14) A. Well, it's all right. Imprudent
- (15) behavior.
- (16) Q. I mean, you said the word "imprudent,"
- (17) did you not? I mean, use a softer term if you
- (18) wish, another adjective.
- (19) A. In light of modern time, it was
- (20) imprudent behavior.
- (21) Q. Father Federici, you had a sexual
- (22) complaint?
- (23) A. Yes.
- (24) Q. Father Pcolka was a sexual complaint?
- (25) A. Yes.

Page 384

- (1) Q. Father Coleman?
- (2) A. I did not, a sexual complaint.
- (3) Q. But you did have a sexual complaint --
- (4) I mean, let me ask you, Father Coleman, you had
- (5) a complaint. I say, "a complaint," it was
- (6) brought to your attention that he might have
- (7) been living with a woman. That certainly was a
- (8) violation of the vow of chastity if it were so.
- (9) A. Well, I did not interpret that as a
- (10) sexual complaint.
- (11) Q. How do you interpret that complaint?
- (12) A. That complaint involved finances and it
- (13) didn't involve the Diocese.
- (14) Q. Well, okay. We're not going to get
- (15) very far, Monsignor, unless we can understand
- (16) the category. I'm precluded from asking you the
- (17) names of priests, so I can't say to you, give me
- (18) the name of every single priest that you had a
- (19) complaint about and the nature of the complaint
- (20) and then we'll figure out whether it applies or
- (21) not. I'm prevented from doing that. In fact, I
- (22) might have to go back and try to get a court
- (23) order if that's the only way we can do it.
- (24) However, what I'm trying to do is
- (25) determine whether you had complaints that relate



Page 385

- (1) to the vow of chastity and impropriety that
- (2) could be construed of a sexual nature. You are
- (3) construing things one way, I may be construing
- (4) another. The reason that I have opened up the
- (5) category is because of the Carr matter, in which
- (6) we interpreted the touching as a sexual
- (7) complaint, whether it was true or not true;
- (8) you're interpreting it as imprudent behavior in
- (9) the light of modern times.
- (10) Father Coleman, the -- as I
- (11) understand it, the information that you got was
- (12) that he might have been cohabitating with a
- (13) woman, which in my mind would be a violation of
- (14) the vow of chastity, would it not, if it were
- (15) so?
- (16) A. If in fact it's in writing that he was
- (17) -- it was true that he was cohabiting with a
- (18) woman, that would be a violation.
- (19) Q. You determined that he wasn't?
- (20) A. That's right.
- (21) Q. All I'm trying to find out then, it was
- (22) brought to your attention, in other words, the
- (23) question was brought and it was brought to your
- (24) attention to such an effect that it required you
- (25) to investigate.

Page 386

- (1) A. All right, attorney, yes.
- (2) Q. So let's take all these people, use
- (3) that category, that it's brought to your
- (4) attention, it violates chastity, it's
- (5) improvident -- it violates -- it's a child
- (6) thing, children are involved and you
- (7) investigated it and if you found the
- (8) investigation to be untrue, fine.
- (9) Now, we have -- you mentioned a
- (10) Father Sangenarro.
- (11) A. Sangiovanni.
- (12) Q. Sangiovanni. Did you have any
- (13) complaints in regard to him?
- (14) A. I did not.
- (15) Q. You mentioned a Father Scheyd in the
- (16) deposition. Did you have any complaints against
- (17) him?
- (18) A. I did not.
- (19) Q. Now, you mentioned that there was a
- (20) complaint in regard to Father Bietighofer or
- (21) Bietighofer; is that correct?
- (22) A. Bietighofer.
- (23) Q. You told us about that complaint.
- (24) And you indicated that there was
- (25) no complaint in regard to Father Moore?

Page 387

- (1) A. Concerning sexuality, to me.
- (2) Q. Concerning sexuality, to you, and that
- (3) you didn't know of the complaint against Father
- (4) Brett concerning sexuality?
- (5) A. I did not.
- (6) Q. So you had no complaint nor knew of
- (7) any, all right.
- (8) (Discussion off the record.)
- (9) Q. You had mentioned also, just in the
- (10) deposition, Father Toomey and there were no
- (11) complaints against him?
- (12) A. There was none.
- (13) Q. No. The only reason I mention that is
- (14) to get that aspect clear.
- (15) So we've got -- I've got one,
- (16) two, three, four, five individuals, and I think
- (17) that we also have father -- your deposition
- (18) priest, Father O'Connor, correct? You had a
- (19) complaint regarding Father O'Connor?
- (20) A. We did, yes.
- (21) Q. Now, that's one, two, three, four,
- (22) five, six complaints or six individuals.
- (23) Were there any others?
- (24) A. Not to my knowledge.
- (25) Q. So you are saying, outside of those six

Page 388

- (1) people --
- (2) A. With regard to sexuality.
- (3) Q. The items, categories I mentioned,
- (4) sexuality, involvement with children or
- (5) violation of chastity. And I am not asking for
- (6) names -- or imprudent misconduct in accordance
- (7) with the times.
- (8) A. There would be five if -- imprudent
- (9) conduct, and also the idea of your
- (10) interpretation of Walter Coleman, right.
- (11) Q. Yes?
- (12) A. Yes.
- (13) Q. Are there any more?
- (14) A. Not to my knowledge.
- (15) Q. Only the ones that I mentioned?
- (16) A. That's right.
- (17) Q. So that you're saying during this whole
- (18) time, you had no other complaints?
- (19) A. Not to my knowledge, right.
- (20) Q. When you say not to your knowledge,
- (21) you've reviewed the records to make that
- (22) determination. You thought back about it, have
- (23) you not? You thought about it?
- (24) A. Oh, yes. Oh, yes.
- (25) Q. And you were able to come up with these

Page 389

- (1) names, as I understand it, when you went through
- (2) the list with Monsignor Bronkiewicz.
- (3) Were these the only six people
- (4) that you raised the issue on?
- (5) A. With regard to sexuality?
- (6) Q. Yes.
- (7) A. Yes, or imprudent conduct.
- (8) Q. None others, none others but these?
- (9) A. With regard to sexuality.
- (10) Q. Yes?
- (11) A. Mm-hmm.
- (12) Q. Or violation of the vow of chastity.
- (13) A. To my knowledge, right.
- (14) Q. Those were the only people that you
- (15) raised the issue with.
- (16) Now, when you had a complaint
- (17) against these -- any of these people that you
- (18) mentioned, why would you investigate it?
- (19) A. Why would I investigate it?
- (20) Q. Yeah.
- (21) A. Out of respect for both the alleged
- (22) victim as well as the accused.
- (23) Q. What do you mean when you say, "out of
- (24) respect for the alleged victim"?
- (25) A. Well, again, it warranted my

Page 390

- (1) investigation for the truth or falsity of what
- (2) was brought before me.
- (3) Q. Why was that important to you,
- (4) Monsignor?
- (5) A. So that we could move ahead in our
- (6) Diocesan policy of, in every instance, using
- (7) professional means, both for the alleged victim
- (8) as well as for the accused priest.
- (9) Q. Now, we had discussed last time two
- (10) letters. There was a letter that was sent to
- (11) you by a J. Landro on June 30th of 1983, and you
- (12) recall --
- (13) A. May I see the letter?
- (14) Q. -- that letter again. Take a look at
- (15) it.
- (16) A. This letter was shown to me the last
- (17) time I was present?
- (18) Q. Correct. That was a letter --
- (19) THE WITNESS: Is this correct,
- (20) attorney?
- (21) Q. I'm sorry. That was the letter you
- (22) received.
- (23) MR. SWEENEY: No. The one in his
- (24) hand is the one you were shown before.
- (25) BY MR. TREMONT:

Page 391

- (1) Q. No. You received that letter.
- (2) A. I was not shown this letter, no.
- (3) Your question, attorney, was did
- (4) I receive - that this was given to me the last
- (5) time I was here and I'm asking -
- (6) Q. That letter was - you read that
- (7) letter?
- (8) A. Yeah, but this letter was not given to
- (9) me the last time I was here.
- (10) MR. SWEENEY: I think we can
- (11) stipulate this letter was not on the table at
- (12) last week's session of this deposition.
- (13) BY MR. TREMONT:
- (14) Q. Well, you saw that letter, had you not?
- (15) MR. SWEENEY: This was addressed
- (16) to you back in June of '83.
- (17) A. I would like to read it, attorney. It
- (18) was not given to me the last session.
- (19) MR. SWEENEY: We can stipulate to
- (20) that.
- (21) A. Yes, I received this letter, yes.
- (22) Q. That letter -
- (23) MR. TREMONT: We should mark this
- (24) as Plaintiff's Exhibit B for identification. I
- (25) think we only marked one thing before, okay.

Page 392

- (1) (Plaintiff's Exhibit B marked for
- (2) identification.)
- (3) BY MR. TREMONT:
- (4) Q. Now, this letter is dated June 30th of
- (5) 1983 and it signed by a J. Landro and addressed
- (6) to you. Now -
- (7) MR. SWEENEY: Pardon me,
- (8) Counsel. Doesn't the signature read "Jamie Jo
- (9) Landro"?
- (10) MR. TREMONT: As I say, it says
- (11) "J. Landro." It's typed up.
- (12) MR. SWEENEY: But the signature
- (13) above the name is Jamie Jo, is it not?
- (14) MR. TREMONT: What difference
- (15) does that make?
- (16) MR. SWEENEY: Well, I think we
- (17) got to identify it correctly.
- (18) MR. TREMONT: Well, I think the
- (19) way to identify it, I see a "J. Landro" on the
- (20) bottom. Is that a problem? I think we've got
- (21) it marked for identification. I don't think
- (22) we're going to lose the letter, Mr. Sweeney,
- (23) like the other letter that we lost, Plaintiff's
- (24) Exhibit A.
- (25) BY MR. TREMONT:

Page 393

- (1) Q. In any event, this letter is dated June
- (2) 30th of 1983. I want to ask you, Monsignor,
- (3) after you received this letter, after you
- (4) received it, and while you were in your position
- (5) as vicar, did you receive another complaint in
- (6) writing from a Mr. Slosser (Ph.) regarding
- (7) Father Pcolka?
- (8) A. I have no recollection of receiving
- (9) such a letter.
- (10) Q. If you had received that letter, where
- (11) would it be?
- (12) A. It would be in the bishop's file.
- (13) Q. When you say, "the bishop's file," that
- (14) would be the bishop's personnel file as opposed
- (15) to the secret archives?
- (16) A. Personnel file.
- (17) Q. Incidentally, do you know where this
- (18) letter was, this letter, B for identification?
- (19) A. Yes, that would be in the bishop's
- (20) file, personnel file.
- (21) Q. But it was addressed to you?
- (22) A. That's right.
- (23) Q. Why wouldn't it be in your file?
- (24) A. Because just as this letter and the
- (25) answer to this letter, that's what the bishop

Page 394

- (1) would ask, where they'd be placed, that they be
- (2) placed in his file.
- (3) Q. What was the request as far as that is
- (4) concerned?
- (5) A. I am sorry, attorney.
- (6) Q. What was the bishop's request as far
- (7) as -
- (8) A. That he would place these letters in
- (9) his own personnel file.
- (10) Q. What do you mean by "these letters"?
- (11) A. The two that are before you.
- (12) Q. How do you categorize this letter
- (13) that's addressed to you, Monsignor, regarding
- (14) Father Pcolka, as opposed to other letters that
- (15) might be addressed to you regarding priests?
- (16) A. Well, you'd have to show me the
- (17) individual letter and then I could answer you,
- (18) why are they in the bishop's file.
- (19) Q. Why is this one in the bishop's file?
- (20) A. The bishop asked that that's where they
- (21) be filed.
- (22) Q. That specifically he asked you?
- (23) A. That's right, as well as the subsequent
- (24) letter of July 7.
- (25) Q. So did he say to you, "Would you,

Page 395

- (1) please, in other words, be sure that we put in
- (2) my file this letter from J. Landro"?
- (3) A. That's right, yes.
- (4) Q. Is there any reason the bishop asked
- (5) you to put that letter in?
- (6) A. Yes, that was the advice given to him
- (7) by Judge O'Connell.
- (8) Q. The judge advised him to put it in his
- (9) file as opposed to your file?
- (10) A. That's right, on the date of - and the
- (11) next letter, which I believe is July 7th.
- (12) Q. Now, a copy of this letter apparently
- (13) was sent to Bishop Walter Curtis?
- (14) A. That's right.
- (15) Q. So wouldn't Bishop Curtis have a copy
- (16) in his file?
- (17) A. I am sure he did, if it's a CC letter.
- (18) That did not change the advice of the attorney.
- (19) Q. So did the attorney tell you to take
- (20) your copy out of your file; is that what you're
- (21) saying?
- (22) A. No. This was already in the hands of
- (23) Bishop Curtis, given to him by me. I knew about
- (24) his receiving the carbon copy, and we were
- (25) trying to have it - a session with Attorney

Page 396

- (1) O'Connell, to give a response to Jamie - but
- (2) let's get the right name. Wasn't she called
- (3) Jamie?
- (4) Q. I don't know. Mr. Sweeney indicates
- (5) it's in the letters.
- (6) MR. SWEENEY: It looks like
- (7) JamieJo to me, one word.
- (8) A. JamieJo, again, I thought in our
- (9) exchange, it was Jamie. JamieJo, fine.
- (10) Q. So there were two copies, there were
- (11) two letters, copies of Plaintiff's Exhibit B?
- (12) A. Oh, sure. Otherwise, we wouldn't have
- (13) "CC" on it.
- (14) Q. Now, who requested that the two copies
- (15) be kept in one file?
- (16) A. Attorney O'Connell.
- (17) Q. Attorney O'Connell?
- (18) A. Mm-hmm.
- (19) Q. Did you contact Attorney O'Connell
- (20) before you received this letter of June 30 of
- (21) 1983?
- (22) A. Attorney O'Connell would have been
- (23) informed of the date that Jamie came in with her
- (24) counselor from - and that was done by myself
- (25) and Bishop Curtis.



Page 397

- (1) Q. Now, when would you have informed him,
- (2) after the meeting or before the meeting?
- (3) A. No, after the meeting.
- (4) Q. After the meeting. After the meeting
- (5) that you had, the --
- (6) How long did that meeting take,
- (7) do you recall? Do you recall how long the
- (8) meeting was? If you recall. You may not
- (9) recall.
- (10) A. Oh, I'll say an hour.
- (11) Q. And what did they tell you Father
- (12) Pcolka did to her?
- (13) A. As far as I can recall, the word
- (14) "fondle" by JamieJo was used. Because she was,
- (15) in my judgment, heavily coached, book kind of
- (16) knowledge, questions, I began to question the
- (17) counselor. I asked, but was not recognized,
- (18) that JamieJo speak more. I must say, she was --
- (19) and I did that because she was extremely afraid
- (20) that I would violate what she was sharing in the
- (21) meeting, particularly with her own father whom
- (22) she had seen as a friend of Ray, but she also
- (23) correspondingly grew into a fear that anyone in
- (24) her family would get out, and then the closing
- (25) fear that this would become in any way public

Page 398

- (1) knowledge.
- (2) Q. This was during the course of the
- (3) conversation?
- (4) A. That's right.
- (5) Q. And you assured her that that would not
- (6) happen?
- (7) A. I assured her that wouldn't happen,
- (8) right.
- (9) Q. And your remembrance is that the only
- (10) thing she said or they said was "fondling"?
- (11) A. That's the only thing I can recall,
- (12) attorney.
- (13) Q. Do you recall that she told you that
- (14) this started on her seventh birthday?
- (15) A. I recall that she told me it occurred
- (16) on -- as a young girl. I recall that vividly.
- (17) Did I recall the date of the birth -- the date
- (18) that it took place? No.
- (19) Q. Not the date, but that it was her
- (20) seventh birthday.
- (21) A. No, I just recall that it was as a
- (22) young girl.
- (23) Q. Do you recall that she said that Father
- (24) Pcolka, in the presence of the psychologist that
- (25) was with her, was going to give her a birthday

Page 399

- (1) spanking?
- (2) A. I do not recall that, attorney.
- (3) Q. Do you recall that he told her that
- (4) they would do 69 and that as a seven-year-old
- (5) child, he took his penis and put it in her mouth
- (6) and performed oral sex on her?
- (7) A. I don't recall that, attorney.
- (8) Q. You'd remember that, I assume, it's
- (9) pretty graphic.
- (10) A. I would.
- (11) Q. And that that was said to you in the
- (12) presence of a psychologist, a counselor that
- (13) came with her?
- (14) A. A counselor in training.
- (15) Q. Whoever it was, the individual was
- (16) there with her when she gave you this
- (17) information.
- (18) A. That's right.
- (19) Q. But you don't remember that?
- (20) A. I do not, attorney, no.
- (21) Q. All you remember is fondling.
- (22) A. Mm-hmm.
- (23) Q. Now, let me ask you, you've heard about
- (24) the other complaints now about Father Pcolka?
- (25) A. I do.

Page 400

- (1) Q. And you've heard that, as we mentioned
- (2) the last time, there were a substantial number
- (3) of complaints, as I went through the entire
- (4) Diocese, practically, from his first
- (5) assignment.
- (6) In retrospect, do you agree that
- (7) your judgment on Pcolka was incorrect?
- (8) A. No, I would have to stay with my
- (9) judgment as a professional and as accurate.
- (10) Q. All right. So you think he's okay?
- (11) A. As a result of that meeting, from
- (12) Benedict, my thorough investigation with the
- (13) various persons that knew Ray and also my
- (14) concluding consultation with Dr. Peter Holland
- (15) in New York, and then at our dinner at the New
- (16) York Athletic Club, in the Pelham, with Bishop
- (17) Curtis, Father Benedict Groeschel and myself, I
- (18) have moral certitude I did what a professional
- (19) would do with the information that he had at the
- (20) end.
- (21) I did ask, at the end, that the
- (22) -- that JamieJo return with her -- the
- (23) counselee's supervisor.
- (24) Q. So that you do not believe then that
- (25) your judgment was incorrect?

Page 401

- (1) A. I do not.
- (2) Q. Now, after she told you the story, you
- (3) indicated that you disbelieved it. You didn't
- (4) believe her?
- (5) A. Oh, no, I did not indicate that. I
- (6) left this entirely -- I wanted him to be
- (7) immediately evaluated by Benedict Groeschel. I
- (8) didn't have belief or disbelief, I just had
- (9) disgust.
- (10) Q. Disgust over what?
- (11) A. What was given to me by JamieJo, who
- (12) was a very fine young woman, and my disgust was
- (13) with the hope that my judgment was accurate and
- (14) that's why I did a thorough investigation on my
- (15) part.
- (16) Q. Why did you have disgust? You had
- (17) disgust over what?
- (18) A. I would find it -- I find it
- (19) disgusting, for fondling a child that young.
- (20) Q. Obviously, I think we all would do
- (21) that, Monsignor.
- (22) A. That would be a hope.
- (23) Q. But are you not indicating that you
- (24) thought she was coached, you didn't believe her?
- (25) A. I thoroughly found her counselee

Page 402

- (1) incompetent to the situation.
- (2) Q. It's not a question of her counselor
- (3) being competent or not. The fact is, didn't you
- (4) indicate that you felt that her story was
- (5) coached, that it was untrue?
- (6) A. It was coached and also the language
- (7) was almost missing JamieJo as a person. It was
- (8) coming out of a textbook rather than trying to
- (9) understand a fine young woman.
- (10) Q. Well, you said she said, "fondling"?
- (11) A. Right.
- (12) Q. Is that coming out of a textbook?
- (13) A. That's my recall.
- (14) Q. And you did indicate, though, that you
- (15) basically -- you didn't believe her, did you?
- (16) When you're saying she's coached, it's coming
- (17) out of a textbook, aren't you saying that you --
- (18) MR. SWEENEY: Counsel, this has
- (19) been asked and answered already.
- (20) BY MR. TREMONT:
- (21) Q. Aren't you saying that didn't you
- (22) believe her?
- (23) A. I am not saying that. I wouldn't have
- (24) gone through the investigation I did with regard
- (25) to Father Pcolka, nor would I have called

Page 403

- (1) JamieJo and offered three psychologists, MD,
- (2) Ph.D., and also a further option if she so chose
- (3) - because I believed at that time she was in
- (4) New Britain. I could stand corrected there.
- (5) Q. Excuse me. Where did you offer her --
- (6) you called her and offered her two psychologists
- (7) and a Ph.D.?
- (8) A. Three psychologists.
- (9) Q. When did you do that?
- (10) A. When she references it -- there was
- (11) phone tag, is that the word you use? I asked
- (12) her to be in touch with me because I thought it
- (13) would be offensive to her counselee to state
- (14) that I found the meeting unprofessional, and so
- (15) I wanted to tell her, to make her the offer of
- (16) - I made the offer prior to her leaving to
- (17) have her supervisor come in with the counselee,
- (18) and then in my telephone call, I offered three
- (19) psychologists, psychiatrists that we would
- (20) propose or if she had a person, and I said to
- (21) JamieJo on the telephone, hopefully with a great
- (22) compassion, "JamieJo, I do feel, with this kind
- (23) of story that you communicated to me, you
- (24) deserve that level of competency."
- (25) Q. And you remember that?

Page 404

- (1) A. I do.
- (2) Q. But the fact of the matter is, you
- (3) never were able to reach her. You never talked
- (4) to her on the telephone.
- (5) A. Yes. Read the first paragraph there.
- (6) Q. You never told her -- it says, "I thank
- (7) you. I am writing this letter to find out some
- (8) information since my telephone calls have not
- (9) been able to reach you. I thank for you calling
- (10) to answer my question about Father Pcoika.
- (11) Unfortunately, when you called, I became
- (12) flustered and so could not answer you the two
- (13) questions which were most important to me."
- (14) You never offered her any
- (15) psychological care.
- (16) A. I certainly did.
- (17) Q. Let me ask you this, you later told us
- (18) that you discussed this with Attorney O'Connell,
- (19) okay, and you indicated with Attorney O'Connell,
- (20) that he dictated a letter for you; is that
- (21) correct? And that would be the letter that's
- (22) Exhibit A for identification.
- (23) MR. SWEENEY: Counsel, this has
- (24) been asked and answered already in this
- (25) deposition.

Page 405

- (1) MR. TREMONT: No, no, no. Wait.
- (2) I'm identifying the letter, sir. I'm just
- (3) trying to identify the letter, okay, so we don't
- (4) have a problem of not remembering the letter.
- (5) MR. SWEENEY: We can stipulate
- (6) that the letter dated July 7, 1983, which was
- (7) marked Exhibit A, was the subject of Monsignor's
- (8) testimony last week on this very subject.
- (9) BY MR. TREMONT:
- (10) Q. You indicated that that letter was
- (11) written, okay, and the purpose of the letter was
- (12) to bring forth the truth of what was alleged.
- (13) MR. SWEENEY: Counsel, he's
- (14) already answered that question.
- (15) MR. TREMONT: I know that.
- (16) MR. SWEENEY: There's no need for
- (17) him to answer it again. It's been asked and
- (18) answered and I object for that reason.
- (19) BY MR. TREMONT:
- (20) Q. Would you answer the question, please.
- (21) MR. SWEENEY: No, you don't have
- (22) to, Monsignor.
- (23) Move on to the next question.
- (24) Counsel. You've asked it many times, he's
- (25) answered it already.

Page 406

- (1) BY MR. TREMONT:
- (2) Q. You indicated to us that JamieJo was
- (3) afraid that publicity would come out, correct?
- (4) MR. SWEENEY: Again, you've asked
- (5) him, he's answered it already. Let's go on to a
- (6) new question.
- (7) Q. And she talked with you, did she not?
- (8) She came to consult you.
- (9) MR. SWEENEY: He's answered that
- (10) question already.
- (11) Q. You're not going to answer it?
- (12) MR. SWEENEY: Counsel, you're
- (13) just retracing prior testimony --
- (14) MR. TREMONT: I'm not retracing.
- (15) I'm trying to --
- (16) MR. SWEENEY: I think you are.
- (17) BY MR. TREMONT:
- (18) Q. I want to ask you, how did Attorney
- (19) O'Connell, okay, how was the letter that you
- (20) sent her, telling her that you are not going to
- (21) speak to her anymore and that she should talk
- (22) with an attorney, how was that going to help her
- (23) with her counselling?
- (24) MR. SWEENEY: That's a new
- (25) question, Monsignor, so give your best answer as

Page 407

- (1) best you recall it, if you have an opinion.
- (2) A. I'm just reading this. You mentioned,
- (3) attorney, that I stated that I would have no
- (4) further contact. I want to see those words.
- (5) Are your words coming from my
- (6) statement here, "Your letter of June 30th seems
- (7) to indicate some doubt that in fact this has
- (8) been done."
- (9) Q. No, it's the next portion.
- (10) A. "I ask you that direct all necessary
- (11) and future communications" -- that's right, that
- (12) was an advised judgment to me by Judge
- (13) O'Connell. The words that you mentioned before,
- (14) it was the mind of Judge O'Connell that this
- (15) letter, if there was any veracity to -- and this
- (16) is a verbatim from Judge O'Connell, if there was
- (17) any veracity to this statement, to her
- (18) accusation, this would bring it forth.
- (19) Q. How would that bring it forth? I'm
- (20) asking you. Tell me, how would that bring it
- (21) forth.
- (22) MR. SWEENEY: If you have an
- (23) opinion, you can answer, but if you don't have
- (24) an opinion, tell him.
- (25) A. I don't have an opinion because I, like

Page 408

- (1) anyone with expertise, I have an easy time
- (2) listening to them, and I had known Judge
- (3) O'Connell for many, many years and that was his
- (4) focused mind, that this letter would bring forth
- (5) any veracity to the accusation.
- (6) Q. Judge O'Connell was a lawyer, trained
- (7) as a lawyer, correct? He was a lawyer?
- (8) A. I am sure he was. I am sure he was.
- (9) Q. You're a psychologist?
- (10) A. Right.
- (11) Q. And there's a woman who's in fear, you
- (12) told me, total fear of being exposed and comes
- (13) and sees you, along with a counselor, to advise
- (14) you of her claim of sexual abuse by a priest in
- (15) the Diocese, and you send this letter to her
- (16) saying, I'm cutting off any communication with
- (17) us, talk to my attorney. Do you believe that
- (18) that process is a process that would make the
- (19) victim come out with the truth? I mean, you
- (20) really believe that?
- (21) MR. SWEENEY: Counsel, I think
- (22) you've asked the question. A moment ago, he
- (23) said he has no opinion on that, it was Judge
- (24) O'Connell's decision.
- (25) MR. TREMONT: Well, I'm asking

Page 409

- (1) him if he has. He wrote the letter, he signed
- (2) it.
- (3) **A.** I have no opinion because Judge
- (4) O'Connell, in asking me to do so, was coming out
- (5) of, if I could use without sounding corny, great
- (6) wisdom, in his experience through the years.
- (7) This was my first experience with such an
- (8) encounter, which I -- because of its first, and
- (9) also my personal distaste, relied very much on
- (10) Judge O'Connell, and I did exactly as
- (11) instructed.
- (12) **Q.** Now, you didn't advise JamieJo that you
- (13) were going to share this information with an
- (14) attorney?
- (15) **A.** Would you put that in the form of a
- (16) question?
- (17) **Q.** I did.
- (18) **MR. SWEENEY:** Well, that's a
- (19) question, "Did you or did you not?" It's a
- (20) "yes" or "no" answer. "Did you advise
- (21) JamieJo" --
- (22) **MR. TREMONT:** Mr. Sweeney, why do
- (23) you have to repeat the questions that I ask?
- (24) **MR. SWEENEY:** Counsel, I think
- (25) we're going over the same stuff time and time

Page 410

- (1) again.
- (2) **MR. TREMONT:** We're not. I don't
- (3) think I ever asked this question. Do you want
- (4) to find it in the transcript?
- (5) **MR. SWEENEY:** Do you understand
- (6) the question, Monsignor?
- (7) **A.** Would you repeat your question.
- (8) **MR. TREMONT:** Could we have the
- (9) question read.
- (10) (Question read.)
- (11) **A.** Okay. And your question --
- (12) **MR. SWEENEY:** It calls for a
- (13) "yes" or "no" answer.
- (14) **A.** I do not recall.
- (15) **Q.** You don't recall whether you told her
- (16) that?
- (17) **A.** That's right.
- (18) **Q.** Is it a possibility that you might have
- (19) told her, "I'm going to let a lawyer know about
- (20) this"?
- (21) **A.** If I did, attorney, I assured her out
- (22) of my respect for her -- again, I focused my
- (23) respect on JamieJo. Out of respect for her, if
- (24) I did, I would have told her that this in no way
- (25) would violate her desire for confidentiality.

Page 411

- (1) **Q.** If you did but you don't remember
- (2) whether you did or not?
- (3) **A.** I do not.
- (4) **Q.** Now, when the first incident with
- (5) Father Federici, the first complaint, you never
- (6) told me what was the specific nature of that
- (7) first complaint?
- (8) **MR. SWEENEY:** Objection, Counsel,
- (9) I think he has. It's in there.
- (10) **MR. TREMONT:** No, he hasn't. He
- (11) hasn't. He never told me.
- (12) **MR. SWEENEY:** That it was a
- (13) touching of a knee in the car. I think it's in
- (14) the record.
- (15) **BY MR. TREMONT:**
- (16) **Q.** Tell me about that first complaint when
- (17) you got a call from the police department, you
- (18) advised me; is that correct, there was a call
- (19) from the police department involving Father
- (20) Federici?
- (21) **A.** No, that was following -- Father
- (22) Federici was already scheduled for testing for a
- (23) matter other than sexuality, and either the day
- (24) before or the day of -- I believe the day before
- (25) the testing, the police department contacted,

Page 412

- (1) other than me, with a report of Marty in a car
- (2) with a boy.
- (3) **Q.** Now, how old was the boy?
- (4) **MR. SWEENEY:** If you recall.
- (5) **A.** I do not recall. Yes, I don't recall
- (6) that, attorney.
- (7) **MR. SWEENEY:** Counsel, I just
- (8) want to direct your attention to page 54 where
- (9) he has already given you the description. It
- (10) starts on 54, lines 8 through 15. That was this
- (11) witness's answer to that question given to you a
- (12) week ago today. It's been asked and answered
- (13) already.
- (14) **BY MR. TREMONT:**
- (15) **Q.** Now, did you call Judge O'Connell at
- (16) that time?
- (17) **A.** Judge O'Connell was informed. Yes, I
- (18) informed Judge O'Connell. Was it by telephone
- (19) or was it in person, I would not be able to
- (20) answer that.
- (21) **Q.** But you informed him?
- (22) **A.** No question.
- (23) **MR. SWEENEY:** Again, Counsel,
- (24) page 58 of the transcript of last week, he's
- (25) already answered this question.

Page 413

- (1) **MR. TREMONT:** No, I don't see it.
- (2) **MR. SWEENEY:** Well, page 58, I'll
- (3) tell you the line.
- (4) **MR. TREMONT:** Okay.
- (5) **MR. SWEENEY:** Look at around
- (6) lines 11 and 12.
- (7) **MR. TREMONT:** He says that the
- (8) victim -- he says Attorney O'Connell found out
- (9) the name of the victim at that particular time.
- (10) **MR. SWEENEY:** Attorney O'Connell
- (11) was involved, at least prior to this.
- (12) **BY MR. TREMONT:**
- (13) **Q.** Now, did you call Attorney O'Connell
- (14) when you had your first complaint in regard to
- (15) Father Carr?
- (16) **A.** Father Carr, my first and only
- (17) complaint -- yes, I did, yes.
- (18) **Q.** And in the Federici --
- (19) **MR. SWEENEY:** There's no question
- (20) pending, Monsignor.
- (21) **Q.** In the Federici case and in the Carr
- (22) case, did Attorney O'Connell instruct you to
- (23) send a letter to the victim?
- (24) **MR. SWEENEY:** It calls for a
- (25) "yes" or "no" answer.

Page 414

- (1) **A.** To the --
- (2) **Q.** To the victim.
- (3) **A.** Who is the victim, please?
- (4) **Q.** The person that apparently was abused.
- (5) **A.** He gave me no such instruction.
- (6) **Q.** But he did give you the instruction in
- (7) the Pcolka matter --
- (8) **MR. SWEENEY:** Objection, Counsel,
- (9) I am going to tell the witness not to answer
- (10) it. It's been asked and answered at least half
- (11) a dozen times. On to the next question,
- (12) please.
- (13) **BY MR. TREMONT:**
- (14) **Q.** -- is that correct? Well, why didn't
- (15) you -- did you discuss a letter with him in
- (16) regard to the Carr matter or the Federici
- (17) matter, sending a letter to the victim?
- (18) **MR. SWEENEY:** If you recall.
- (19) "Yes" or "no."
- (20) **A.** Repeat it. I am sorry, because I
- (21) was --
- (22) **Q.** Did you discuss a letter, sending a
- (23) letter, communicating with the victim in the
- (24) Federici matter and the Carr matter?
- (25) **A.** Did I discuss it with Marty and --

Page 415

- (1) Q. No, with O'Connell, with --
- (2) A. Oh, yes. Send a letter, no. I
- (3) instructed him about what took place.
- (4) Q. Yes, but not about sending a letter?
- (5) A. I never told O'Connell his job.
- (6) Q. I am not saying that. I am saying you
- (7) never --
- (8) Well, he sent a letter in this
- (9) case. I am asking about the other cases,
- (10) whether any letters were sent, whether there was
- (11) a discussion?
- (12) A. I don't recall at this time.
- (13) MR. TREMONT: I may be near the
- (14) end, Mr. Sweeney.
- (15) MR. SWEENEY: Mr. Murphy may have
- (16) a few questions too.
- (17) BY MR. TREMONT:
- (18) Q. You indicated to us last week that
- (19) victims received counseling, that the Diocese
- (20) paid for counseling for victims, okay. Now,
- (21) would you tell me the number of victims who
- (22) received counseling from the Diocese?
- (23) A. No. Last week, attorney, I mentioned
- (24) to you that each victim was offered counseling
- (25) by the Diocese.

Page 416

- (1) Q. What victims were offered counseling by
- (2) the Diocese in your tenure as vicar? What
- (3) victims were offered --
- (4) A. The Bruhin boys were offered --
- (5) Q. Excuse me. Bruhin? Two boys or three
- (6) boys?
- (7) A. Three boys.
- (8) Q. And the three were offered counseling?
- (9) A. That's right.
- (10) Q. And who offered it?
- (11) A. I did, with the permission of Bishop
- (12) Curtis.
- (13) Q. Did you do it directly to the family,
- (14) in other words, where did this happen?
- (15) A. At St. Catherine rectory in Riverside.
- (16) Q. In other words, you met with the family
- (17) and offered it? I'm asking about the offering
- (18) of the counseling.
- (19) A. My first meeting of the --
- (20) MR. SWEENEY: Monsignor, the
- (21) question is simple, where, at what location was
- (22) this offer of counseling made to the Bruhin
- (23) family?
- (24) A. Attorney, the first meeting was my
- (25) demand.

Page 417

- (1) Q. Well, tell us about -- you say your
- (2) demand. What do you mean when you say the
- (3) meeting was your demand?
- (4) A. Sorry, please?
- (5) Q. What do you mean when you say the
- (6) meeting was your demand?
- (7) A. They did not want anyone to know of
- (8) what took place.
- (9) Q. But you demanded a meeting?
- (10) A. Within a 24-hour period, right.
- (11) Q. And the meeting took place at
- (12) St. Catherine's?
- (13) A. That's right.
- (14) Q. And tell me what happened during that
- (15) meeting. Who was present?
- (16) A. The parents of the boys.
- (17) Q. Two parents?
- (18) A. Right.
- (19) Q. Who else?
- (20) A. And myself.
- (21) Q. And the boys were not present?
- (22) A. They were not present.
- (23) Q. Was there anyone else besides yourself
- (24) present?
- (25) A. There was not.

Page 418

- (1) Q. And during that meeting, could you tell
- (2) me what happened in regard to counseling.
- (3) A. I offered the parents that the Diocese
- (4) would be willing to, would be willing and also
- (5) want to offer counseling or if they wanted to
- (6) pursue it themselves, that the Diocese would
- (7) support them.
- (8) Q. And did you suggest any names?
- (9) A. I did not.
- (10) Q. And what was their response to that?
- (11) A. I do not know.
- (12) Q. You don't know what their response was?
- (13) A. I don't recall their response, except
- (14) at not giving any answer to my offer.
- (15) Q. As far as you know -- I will withdraw
- (16) that.
- (17) They never accepted counseling
- (18) from the Diocese; is that correct, or did they?
- (19) A. During my tenure?
- (20) Q. During your tenure, yes.
- (21) A. To my knowledge, no.
- (22) Q. Let me ask you, litigation was started
- (23) in that case? I will withdraw that.
- (24) As far as the Bruhin case is
- (25) concerned, the case of two of the boys has been

Page 419

- (1) settled, has it not?
- (2) A. I'm told, yes.
- (3) Q. And the other case is presently
- (4) pending, it's the one that you gave your
- (5) deposition at.
- (6) A. I see, okay. It is pending?
- (7) Q. Well, you gave a deposition --
- (8) A. I did, I gave one.
- (9) Q. -- at one. And the other cases were,
- (10) the other boys were settled.
- (11) A. Okay.
- (12) Q. Now, do you know whether the -- Well,
- (13) I'll withdraw that.
- (14) When you offered the counseling,
- (15) wasn't that in lieu of the people not making a
- (16) civil claim against the church?
- (17) A. Not at all. At no time.
- (18) Q. At no time?
- (19) A. At no time.
- (20) Q. Do you know how much the case was
- (21) settled for?
- (22) A. I know nothing of that, no.
- (23) Q. Did you ask about it?
- (24) A. I did not.
- (25) Q. You weren't curious?

Page 420

- (1) A. No.
- (2) Q. You're not curious about that?
- (3) A. No.
- (4) Q. Now, at the time that the -- that
- (5) conference occurred, were you aware of the fact
- (6) that three boys were abused or only two?
- (7) A. No, we were aware of three.
- (8) Q. You were aware of three?
- (9) A. Yes, I was.
- (10) Q. To whom else did you offer counseling?
- (11) A. Any victim that -- I offered counseling
- (12) to the -- if the parents thought that, as
- (13) necessary, to the -- well, the Carr parents.
- (14) Unfortunately, I couldn't give you their names
- (15) now.
- (16) Q. You don't have to give me their names.
- (17) Now, those parents, did they accept counseling?
- (18) A. That was in our first meeting. They
- (19) did not accept it, and I asked them, "Could you
- (20) think this over during the succeeding week," we
- (21) were going to meet on the following Sunday
- (22) evening. If the parents -- I gave this already,
- (23) if the parents wanted their children to be
- (24) present, they were most welcome, and at that
- (25) time I said I would ask the question again, "Do

Page 421

- (1) you want the boys to go on?" In the interim, I
- (2) asked both parents to observe during the week
- (3) any extraordinary behavior.
- (4) Q. Did they accept any counseling?
- (5) A. They did not.
- (6) Q. To whom else did you offer counseling?
- (7) A. To my knowledge, those were the only
- (8) victims that came to me, at this moment.
- (9) Q. Now, you had indicated before, we had
- (10) gone through the institutions that you used in
- (11) treating persons.
- (12) Now, I want to ask about the
- (13) individuals whom you used. Why don't you give
- (14) me the names -- let's start off with the first
- (15) one. I say, "the first one," anyone you wish.
- (16) A. Let me do the best I can. Monsignor
- (17) James Cassidy, Ph.D.
- (18) Q. Monsignor Cassidy, what is he?
- (19) A. Ph.D., a psychologist.
- (20) Q. He has a Ph.D. in psychology.
- (21) A. Psychology, right.
- (22) Q. Do you know what kind of a psychologist
- (23) he is? I mean, is he a clinical psychologist,
- (24) is he a neuropsychologist?
- (25) A. Attorney, I believe he's a clinical

Page 422

- (1) psychologist. Dr. James O'Toole.
- (2) Q. No, please, let's stay with the first
- (3) one.
- (4) A. I'm sorry.
- (5) Q. And where -- is he also a priest?
- (6) A. He's also a priest.
- (7) Q. And what kind of a priest is he?
- (8) A. Archdiocesan priest of New York.
- (9) Q. So he's a Diocesan as opposed to an
- (10) order?
- (11) A. Right.
- (12) Q. Where does he practice?
- (13) A. At the present, I do not know.
- (14) Q. Where did he practice at the time that
- (15) you used him?
- (16) A. At the Archdiocesan office in 1011 1st
- (17) Avenue.
- (18) Q. And was his practice out of the,
- (19) outside of the -- I mean, within the
- (20) Archdiocesan office?
- (21) A. Building, and he also had a private
- (22) practice on West 57th Street.
- (23) Q. Would he see these people in his
- (24) private practice?
- (25) A. That's right.

Page 423

- (1) Q. And tell me, what type of therapy would
- (2) he give?
- (3) A. Well, it's very difficult for a
- (4) psychologist to limit his descriptive of therapy
- (5) and even more so today, most of us would be
- (6) described best as eclectic.
- (7) Q. Do you know whether -- would he be able
- (8) to use drugs or not in New York State?
- (9) A. He would not, except if he had
- (10) third-party service, which I suspect he did.
- (11) Q. And by "third-party service," would be
- (12) a psychiatrist or a hospital?
- (13) A. Work together with an MD, yes.
- (14) Q. But you don't know whether he did or
- (15) not?
- (16) A. I do not.
- (17) Q. Whom would you send to him? I mean,
- (18) what kind of people would you send to him?
- (19) A. This would be an individual judgment.
- (20) Whom I would -- either with consultation or on
- (21) my own, say this would be the best man for him.
- (22) Q. Who else did you -- that's one person.
- (23) A. Dr. James O'Toole.
- (24) Q. Who is Dr. O'Toole, what is he?
- (25) A. A counseling psychologist.

Page 424

- (1) Q. So he's also -- does he have a Ph.D.,
- (2) is that it?
- (3) A. Ph.D., yes.
- (4) Q. And you say a counseling psychologist.
- (5) A. Right.
- (6) Q. Is his degree similar to yours?
- (7) A. That's correct.
- (8) Q. And where did he practice?
- (9) A. He practiced in Ridgefield,
- (10) Connecticut, at his apartment and also at St.
- (11) Mary Hospital, Waterbury.
- (12) Q. And how did you know Dr. O'Toole?
- (13) A. He was a former -- he was a brother
- (14) when I was in college.
- (15) Q. Was he religious?
- (16) A. At one time.
- (17) Q. So he had previously been a --
- (18) A. A brother.
- (19) Q. -- a brother, and wasn't at the time
- (20) that he is seeing people for you?
- (21) A. No.
- (22) Q. And again, how would he treat people?
- (23) A. Again, I'd have to give the same
- (24) answer. His methodology was eclectic, bordering
- (25) on -- I think I'm accurate, psychoanalytic

Page 425

- (1) methodology.
- (2) Q. Now, what other person did you use?
- (3) A. Doctor, I believe Anthony D'Apice,
- (4) capital D, capital A-p-i-c-e, MD, Fairfield,
- (5) Connecticut.
- (6) Q. And who was Dr. D'Apice? I mean, what
- (7) kind of doctor is she?
- (8) A. No, it's a he.
- (9) Q. I'm sorry.
- (10) A. He's a psychiatrist.
- (11) Q. He's an MD --
- (12) A. MD.
- (13) Q. -- psychiatrist?
- (14) A. Right.
- (15) Q. And when would you use Dr. D'Apice?
- (16) When I say, "when," as opposed to Dr. O'Toole,
- (17) for instance.
- (18) A. When the situation -- again, it was
- (19) individuation, would obviously involve medicine.
- (20) Q. What do you mean by saying it "would
- (21) involve medicine"? Giving medication or using
- (22) medication?
- (23) A. That's right, and his expertise, as I
- (24) as assessed them, was in dealing with any kind
- (25) of depression, he was most successful.

Page 426

- (1) Q. Who else did you use?
- (2) A. Dr. George Kelly, Fairfield University
- (3) -- excuse me, Fairfield -- the Town of
- (4) Fairfield.
- (5) Q. Now, who's Dr. Kelly, what is he?
- (6) A. A psychiatrist.
- (7) Q. He is also an MD?
- (8) A. MD.
- (9) Q. What --
- (10) A. His therapeutic, I'm almost certain,
- (11) exclusively psychoanalytic.
- (12) Q. Why would you use him? I mean, what
- (13) would be your --
- (14) A. I would use him mainly with younger
- (15) priests. He had an expertise.
- (16) Q. And who else would you use?
- (17) A. Dr. Benedict Groeschel.
- (18) Q. Tell me about, what is
- (19) Dr. Benedict Groeschel? When I say, "what,"
- (20) what degree does he have?
- (21) A. ED.D.
- (22) Q. A what?
- (23) A. ED.D.
- (24) Q. You mean a doctor of education?
- (25) A. That's right.

Page 427

- (1) Q. So he's not a psychiatrist?
- (2) A. He's a psychologist, licensed
- (3) psychologist.
- (4) Q. But he has a doctorate in education, is
- (5) that what you're --
- (6) A. That's right.
- (7) Q. He has a doctorate in education as
- (8) opposed to any kind of medical degree or
- (9) psychological degree?
- (10) A. I stand corrected. At Columbia
- (11) University, I am fairly certain and ED.D. is not
- (12) just education but it's also psychology.
- (13) Q. How did you come across Dr. Groeschel?
- (14) A. We've been friends for years.
- (15) Q. Could you tell me something about his
- (16) background. I know you mentioned --
- (17) A. What would you like to know?
- (18) Q. He's a priest?
- (19) A. He's a priest.
- (20) Q. Is he a Diocesan priest or an order?
- (21) A. He's an order.
- (22) Q. What order is that?
- (23) A. He founded his own community. He had
- (24) been what they call a Franciscan Capuchin, and
- (25) some I believe eight years ago he formed, the

Page 428

- (1) CFR is behind his name, the Congregation of
- (2) Franciscan Reform.
- (3) Q. Is that a recognized order of the
- (4) church?
- (5) A. It will be shortly. It's a recognized
- (6) order in that Cardinal O'Connor is his
- (7) supervisor, the community supervisor, but now
- (8) that they have 40 members, they will proceed to
- (9) the Vatican to become a recognized order.
- (10) Q. And what's Dr. Groeschel's background,
- (11) educational background that you know of, that
- (12) you recall?
- (13) A. The ED.D., beyond that you mean?
- (14) Q. Or before that.
- (15) A. I wouldn't know enough, except seminary
- (16) training, theological training.
- (17) Q. And at the time that you were using
- (18) him, you indicated, I believe, that he was at
- (19) Trinity House?
- (20) A. Trinity Retreat Center. He was the
- (21) director.
- (22) Q. He was the director?
- (23) A. Mm-hmm.
- (24) Q. Did he have any kind of a private
- (25) practice?

Page 429

- (1) A. He certainly had a practice. "Private"
- (2) generally connotes that there was a fee
- (3) involved, so I'm not able to answer.
- (4) Q. Well, do you know whether he was -- you
- (5) mentioned somebody else was a licensed
- (6) psychologist, whether he was licensed?
- (7) A. He was licensed, mm-hmm.
- (8) Q. Do you know whether he saw people in an
- (9) office?
- (10) A. Yes, he did, attorney, yes.
- (11) Q. And was the office at the Trinity
- (12) Retreat Center?
- (13) A. Trinity Retreat Center, at Iona College
- (14) Counseling Center -- Iona College pastoral
- (15) graduate school office. He had a third office
- (16) in Children's Village of Brooklyn, New York.
- (17) Q. Are there any other persons that you
- (18) used outside of the ones that you just
- (19) mentioned?
- (20) A. Yes. Just give me time -- Dr. Bill
- (21) Larkin.
- (22) Q. Dr. Larkin. And who is Dr. Larkin?
- (23) A. He's the director of the Spiritual Life
- (24) Center in Hamden, Connecticut.
- (25) Q. What is he, Dr. Larkin?

Page 430

- (1) A. He's a -- his degree is Th.D.
- (2) Q. A what?
- (3) A. Th.D.
- (4) Q. Well, what is a Th.D., doctor of
- (5) theology?
- (6) A. Doctor of theology.
- (7) Q. So he's a theologian?
- (8) A. No, he's not.
- (9) Q. No, he's not.
- (10) A. He's a psychotherapist.
- (11) Q. Well, does he have a degree in
- (12) psychology?
- (13) A. What he did, he preferred to -- he's a
- (14) convert to Catholicism while he was at Yale, and
- (15) at Harvard, he felt that he would be a more
- (16) effective psychotherapist with a theological
- (17) degree.
- (18) Q. So he has a degree in theology?
- (19) A. I couldn't give you enough information
- (20) on that because I don't know the -- the
- (21) variables that Harvard would announce about him.
- (22) Q. But you indicated that you know him
- (23) having a degree in theology?
- (24) A. That's right.
- (25) Q. Now, is that it? Are those the people?

Page 431

- (1) A. No, I'm not finished. Dr. William
- (2) Sires.
- (3) Q. Now, let me ask you about Dr. Sires.
- (4) Dr. Sires is a psychiatrist?
- (5) A. That's right.
- (6) Q. Was Dr. Sires a doctor that you used
- (7) for priests in the Diocese that had problems?
- (8) Did you refer priests to him?
- (9) A. In my early tenure.
- (10) Q. So he was still around, in other words,
- (11) and you were referring people to him when you
- (12) were director?
- (13) A. Just, yes, a year or two.
- (14) Q. That would be the end. I say, "the
- (15) end," in other words, when you were starting,
- (16) Dr. Sires was sort of phasing out?
- (17) A. No, it was my decision that I would not
- (18) any longer be using him.
- (19) Q. Why?
- (20) A. That would be a personal matter
- (21) involving Dr. Sires.
- (22) Q. Well, what do you mean by that?
- (23) A. Well, I don't think I am free to share
- (24) that because it has something to do with his
- (25) practice.

Page 432

- (1) Q. I mean, you decided not to use him.
- (2) A. That's right.
- (3) Q. Did you feel that he was unsatisfactory
- (4) for the purpose?
- (5) A. Yes, and this was also verified.
- (6) Q. All right, I don't care if -- I'm
- (7) saying from your standpoint --
- (8) A. Yes.
- (9) Q. -- you felt that he was --
- (10) A. Right, Dr. William Sires.
- (11) Q. -- he was unsatisfactory for the
- (12) purpose, all right. Is that it?
- (13) A. Dr. George DeNittis.
- (14) Q. Now, who is Dr. DeNittis?
- (15) A. Ph.D., his practice was in New Canaan,
- (16) Connecticut, and also in New York City.
- (17) Q. Do you recall what his Ph.D. is? I
- (18) mean, whether he's a clinical psychologist.
- (19) A. A clinical psychologist.
- (20) Dr. Walter Coville,
- (21) C-o-v-i-l-l-e, Ph.D.
- (22) Q. Where is Dr. Coville?
- (23) A. He was at St. Vincent Hospital, West
- (24) 12th Street, and his office was on West 11th
- (25) Street.

Page 433

- (1) Q. And what is he?
- (2) A. He was a clinical psychologist.
- (3) Dr. Peter Holland, Ph.D.
- (4) Q. And what was his Ph.D. in?
- (5) A. Clinical psychology, and his method is psychoanalytic.
- (6) Q. Where was he?
- (7) A. East 86th Street, between Madison and Park Avenue.
- (8) Let's see I also had a woman or
- (9) two. Mary Ann Reilly but -- are you asking me
- (10) for just doctors, attorney?
- (11) Q. Well, I'm asking you for doctors or
- (12) psychologists. I mean, they're not MD's, but
- (13) that would treat your priest that had
- (14) disorders.
- (15) A. Mary Ann, Sister Mary Ann Reilly at
- (16) Notre Dame High School. She had a Ph.D. in
- (17) guidance counseling, had a practice at Notre
- (18) Dame High School and also in her convent at Park
- (19) Avenue. It was then her convent.
- (20) In an advisory capacity -- what
- (21) was her first name? Dr. Kelly. This is a
- (22) woman.
- (23) Q. You mentioned Dr. George Kelly. Is
- (24)
- (25)

Page 434

- (1) this another Dr. Kelly?
- (2) A. Yeah. No, this is a woman. Doctor --
- (3) I'd only be guessing at her first name. And I
- (4) just give her as an advisory. She came to some
- (5) of our dinners where all of these people were
- (6) present, and I knew her and referred -- I'm not
- (7) sure, other than priests who wanted to see a
- (8) psychologist in terms of health, becoming
- (9) healthier. Dr. Patricia Kelly.
- (10) Q. Patricia Kelly.
- (11) A. Right.
- (12) Q. Where did she practice?
- (13) A. She practices in Philadelphia. I
- (14) believe the Town of Chester.
- (15) Q. Is that it?
- (16) A. Dr. Tom McGrath, SJ, Ph.D., clinical
- (17) psychologist.
- (18) And in one instance, Dr. Walter
- (19) Smith, SJ, Ph.D., Fairfield University, but I
- (20) underscore, one instance.
- (21) If you just give me two minutes,
- (22) I'll be able to -- Excuse me. Father James
- (23) Lloyd, L-to-y-d, CSP. That's the society they
- (24) belong to as a Paulist father. Ph.D. And he's
- (25) a clinical psychologist.

Page 435

- (1) I believe that's enough, and if I
- (2) forgot anyone --
- (3) Q. Now, those people that you have just
- (4) mentioned, the group of professionals, they were
- (5) individuals who would treat your or consult with
- (6) your priests in the Diocese for various
- (7) psychological problems?
- (8) A. Not necessarily. In fact, the
- (9) majority, attorney, would not be for problems.
- (10) Many of them would be for priests, because of
- (11) our emphasis on health, becoming healthier, they
- (12) would see them, some would consider them their
- (13) spiritual directors, with a clinical background,
- (14) they found the combination best. So it was not
- (15) always problem centered, no.
- (16) Q. Well, how would they see them? I mean,
- (17) why would you refer them to these people if the
- (18) priest was in good mental health?
- (19) A. Well, excellent question. They would
- (20) come in and that's exactly what they wanted to
- (21) do, that was exactly the tenor we created
- (22) through our continuing education program. The
- (23) psychology was clearly moving away from
- (24) problem-centeredness into a healthy person
- (25) becoming healthier.

Page 436

- (1) Q. In other words, the person would
- (2) express the need, or -- that's what I'm trying
- (3) to ask. Is the person expressing it or are you
- (4) telling the person, "Look, we think you should
- (5) do this"?
- (6) A. Either, or as a result of a talk that
- (7) we would have, they were encouraged this way.
- (8) Another name would be Dr. James
- (9) Gill. He was very much active in our -- MD, SJ.
- (10) Q. Now, where was Dr. Gill at that time?
- (11) A. His practice at that time, attorney,
- (12) was -- James Gill, at that time. He's been
- (13) around. When we were using him, he was at the
- (14) Jesuit House in Cambridge, Massachusetts. He
- (15) saw one or two of our priests at that center.
- (16) Q. You never sent to Dr. Gill any of the
- (17) priests that there was -- that at least there
- (18) was a claim or belief that they might have had
- (19) sexual problems?
- (20) A. To Dr. Gill?
- (21) Q. Yes.
- (22) A. We did not, no.
- (23) Q. Now, you didn't mention Dr. Meshkin.
- (24) You didn't use Dr. Meshkin, did you; is that
- (25) correct?

Page 437

- (1) A. Yes, in fact, thank you. With
- (2) Dr. Meshkin, I want to mention his understudy,
- (3) Dr. John Ragowski, we used both of those.
- (4) Q. Did you use Dr. Meshkin?
- (5) A. Yes, we did. Certainly, did I use him,
- (6) yes.
- (7) Q. So that you used Dr. Meshkin from the
- (8) time you became vicar?
- (9) A. That's right. That's right.
- (10) Q. And also Dr. Ragowski?
- (11) A. Dr. Ragowski. More commonly, Dr.
- (12) Ragowski because of the commitment of
- (13) Dr. Meshkin as the head of the hospital of
- (14) psychiatry at St. Vincent.
- (15) Q. They had separate practices --
- (16) A. They had separate practices.
- (17) Q. -- correct?
- (18) A. That's right.
- (19) Q. Now --
- (20) A. Also, he was an advisor to our --
- (21) Dr. Meshkin was an advisor to some of the things
- (22) I did. We were professional friends.
- (23) Q. Do you agree with the statement that
- (24) the Catholic parents had a right to assume that
- (25) their priests were celibate?

Page 438

- (1) A. Focus your question, please.
- (2) Q. Do you agree with the statement that
- (3) Catholic parents had a right to assume that
- (4) their priests were celibate?
- (5) A. Yes, and with every right for the human
- (6) responsibility.
- (7) Q. Now, you mentioned the -- that there
- (8) was an issue with Father Federici as to whether
- (9) an act of sexual misconduct occurred in the
- (10) confessional or outside of the confessional, and
- (11) you said that if it occurred within the
- (12) confessional, it was very significant.
- (13) Could you explain that to me?
- (14) A. Yes, it's automatic excommunication.
- (15) In other words, the priest, of himself, is
- (16) excommunicated.
- (17) Q. If he does what?
- (18) A. Solicitation in the confessional.
- (19) Q. Solicitation of sex in the
- (20) confessional?
- (21) A. That's right. Excuse me. Any form of
- (22) solicitation. You'd have to ask a canonist, is
- (23) there a more variable to solicitation.
- (24) Q. So if you had concluded that Father
- (25) Federici had solicited the sex in the

Page 439

- (1) confessional, that would be, you believe, an
- (2) automatic excommunication?
- (3) A. The canonical procedure, I'm almost
- (4) certain would be automatic excommunication,
- (5) reserved to the Holy See.
- (6) Q. And that also would be the same
- (7) punishment for a priest who heard the confession
- (8) of his own victim, would it not, absolve the
- (9) person of a sin as a result of the activity of
- (10) the priest?
- (11) A. Yeah. I know we're not allowed to do
- (12) this. Your question, is it automatic
- (13) excommunication? You'd have to ask a canonist.
- (14) Q. Fair enough. I think I'm almost done.
- (15) I think we're right near the end.
- (16) You had indicated with Father
- (17) O'Connor that "He had been invited back to the
- (18) Diocese by families that he was in touch with
- (19) and I was given information by parents that the
- (20) same procedures were going on in at least two
- (21) family cases." Do you recall that testimony?
- (22) A. No. Those are not my words.
- (23) Q. All right. Let me read it to you then?
- (24) MR. SWEENEY: What page,
- (25) Counsel?

Page 440

- (1) MR. TREMONT: Page 116.
- (2) BY MR. TREMONT:
- (3) Q. "What happened to Gavin thereafter?"
- (4) "Yes." Answer: "He remained in Marion. I was
- (5) also in close contact with Marion because I
- (6) found it incredulous that one of the boys was
- (7) allowed by his parents to go to the University
- (8) of Marion which was within five-mile radius of
- (9) where Gavin was living. Gavin was also invited
- (10) back to the Diocese by families that he was in
- (11) touch with, and that I was given information by
- (12) parents that the same procedures were going on
- (13) in at least two family cases."
- (14) A. Sorry. The reason for -- it was the
- (15) Bruhin family that gave me that information,
- (16) right.
- (17) Q. Whoever gave you the information, you
- (18) said -- what did you mean when you said, "I was
- (19) given information by parents that the same
- (20) procedures were going on in at least two family
- (21) cases"?
- (22) A. They were more than implying that Gavin
- (23) was staying at these two fine families, made an
- (24) issue of they were families mainly of boys and
- (25) that this conduct was going on with those boys.

Page 441

- (1) Q. What conduct? That's what I'm saying,
- (2) "same procedures," what conduct?
- (3) A. I suspect what they meant is the
- (4) behaviors that their sons were undergoing, Gavin
- (5) was doing the same thing to these other boys.
- (6) Q. Well, what? What was that?
- (7) A. What was given to me by the parents was
- (8) oral sex.
- (9) Q. Oral sex between the boys and the
- (10) priest?
- (11) A. And the priest.
- (12) Q. Both ways?
- (13) A. I don't believe. I think, attorney,
- (14) you call it before, earlier in the testimony,
- (15) sodomy.
- (16) Q. Sodomy?
- (17) A. Yeah. I make a distinction, though,
- (18) oral sex and sodomy.
- (19) Q. Now, just one final question and I am
- (20) all done. You indicated that -- how did Father
- (21) O'Connor get to the ministry at the United
- (22) States Penitentiary? He was at St. Peter's
- (23) Church in Danbury. How did he get to that
- (24) ministry?
- (25) A. Well, attorney, he was chaplain at

Page 442

- (1) Danbury state -- Federal Penitentiary. I think
- (2) that's the --
- (3) Q. Federal, yes.
- (4) A. He was so acclaimed in that work and
- (5) around that time in the United States church,
- (6) similar to military personnel, priests that had
- (7) become chaplains, they were about to form their
- (8) own -- what they hoped to be analogous to the
- (9) military. At that time, they just had one
- (10) person involved, trying to lead that movement
- (11) but also facilitating through going to various
- (12) dioceses, new personnel to prison chaplains, and
- (13) Gavin was already at the Danbury State
- (14) Penitentiary, with a great acclaim and this man
- (15) -- I'd only be guessing at his name but it's
- (16) easy to check the record, he was in charge of
- (17) the United States federal system, wrote a letter
- (18) to Bishop Curtis asking that he be assigned to
- (19) what -- I recall the letter even, the most --
- (20) this is paraphrasing, most severe penitentiary
- (21) of the United States, which was Marion,
- (22) Illinois.
- (23) Q. Now, was this letter received before or
- (24) after the complaints regarding Father O'Connor?
- (25) A. Before.

Page 443

- (1) Q. Before?
- (2) A. Yeah, he was in Marion.
- (3) Q. Then you indicated to us that he was
- (4) getting treatment?
- (5) A. That's right.
- (6) Q. Now, how were you supervising the
- (7) treatment while he was in Marion, Illinois?
- (8) A. Well, I think the supervision would be
- (9) brought out in that documentation that we had.
- (10) I think it was present here last --
- (11) Q. What documentation?
- (12) MR. SWEENEY: I think the
- (13) question was -- this was already answered the
- (14) other day. You asked about this, and he
- (15) explained Dr. Kabir of St. Louis --
- (16) BY MR. TREMONT:
- (17) Q. Is that the fellow, that he was -- he
- (18) was under treatment himself?
- (19) A. That's right.
- (20) Q. And you wanted to ascertain the
- (21) credentials of Dr. Kabir, et cetera?
- (22) A. That's right.
- (23) MR. TREMONT: I have no further
- (24) questions.
- (25) MR. SWEENEY: I think Mr. Murphy

Page 444

- (1) has a few, and because of the video audio stuff,
- (2) I wonder if he could switch places with you.
- (3) (Discussion off the record.)
- (4) CROSS-EXAMINATION
- (5) BY MR. MURPHY:
- (6) Q. Monsignor Cusack, I just have a couple
- (7) of questions.
- (8) In your meeting with JamieJo
- (9) Landro, do you know the name of the counselor or
- (10) the person who was with her?
- (11) A. I do not, attorney.
- (12) Q. Did she identify the supervisor of the
- (13) program that they described to you when they
- (14) came to visit?
- (15) A. To my -- that they described to
- (16) before? Perhaps they did when I suggested a
- (17) meeting with the supervisor.
- (18) Q. And what was the program of study that
- (19) the two people who visited you were involved
- (20) with?
- (21) A. A social worker. I would suspect they
- (22) were going on for their MSW, but that's just a
- (23) suspicion. It was in the field of social work.
- (24) Q. Was Ms. Landro a college student at the
- (25) time?

Page 445

- (1) A. She was 18. She went on to New England
- (2) - to New Britain - I don't believe so. I
- (3) don't believe so. She was 18. I don't believe
- (4) so.
- (5) Q. Did she tell you that she was about to
- (6) enter into a college program to study social
- (7) work or something of that type?
- (8) A. She was going - she did mention going
- (9) on to education. Did she mention social work?
- (10) I don't recall, attorney.
- (11) Q. Why did she tell you she was bringing
- (12) the other young woman with her?
- (13) A. Because it assured her - it gave her
- (14) greater, first of all, personal support system
- (15) to come in to see me. Secondly, I found her
- (16) floundering in actually what did happen with Ray
- (17) Pcolka.
- (18) Q. Would you explain what you mean by
- (19) "floundering"?
- (20) A. Yeah. Even when she used the word
- (21) "fondling," the social worker might well have
- (22) been the person that said the word. In other
- (23) words, when she couldn't come to a word, she
- (24) would interject, the counselee would interject.
- (25) Q. How did Ms. Landro appear to you when

Page 446

- (1) she was meeting with you?
- (2) A. When she first came in, attorney, she
- (3) was extremely nervous, unfortunately. She's a
- (4) very fine - she was, you know, this is some
- (5) years ago - a very fine, sincere, fearful young
- (6) lady. Is that enough for your question?
- (7) Q. And she was fearful of what?
- (8) A. Revelation, that this would in any way
- (9) get out, particularly to her family, and most
- (10) particularly to her father, whom she described
- (11) as very close to Father Pcolka.
- (12) Q. You stated earlier that after the
- (13) letter that you have before you there, July 7,
- (14) 1983, was sent to her, that she did not contact
- (15) you further?
- (16) A. Right.
- (17) Q. Do you know whether she contacted
- (18) either Attorney O'Connell or any other Diocesan
- (19) representative?
- (20) A. Attorney, I know she didn't contact
- (21) Attorney O'Connell, and the only reason I know
- (22) that would be he said that he would contact me
- (23) immediately were such a contact made.
- (24) Q. And you're not aware of any other
- (25) person that she may have contacted in the

Page 447

- (1) Diocese?
- (2) A. I am not, attorney, no.
- (3) Q. At that time, how long had you known
- (4) Father Pcolka?
- (5) A. Father Pcolka was ordained in the early
- (6) '60s, am I right? I'd only be guessing.
- (7) Q. 1965, I believe.
- (8) A. Okay. I knew him since October - I
- (9) mean, 1965. As a priest of the Diocese, as a -
- (10) he was always friendly to me. Initially, the
- (11) friendship was based upon, we met at a Slovak
- (12) dinner, because at that time they thought I was
- (13) Slovak, and Ray did not know this. So he was, I
- (14) would say, friendlier to me because he thought I
- (15) was a Slovak priest. He knew that I respected
- (16) him. He attended our continuing education -
- (17) Excuse me. That would be - when I came into
- (18) office, he attended our continuing formation
- (19) programs but I could not use the word
- (20) "friendship." I'd be much more comfortable
- (21) with using, he was an acquaintance of mine as a
- (22) priest of the Diocese.
- (23) Q. What was the general opinion of him
- (24) among priests as to how he performed his
- (25) functions?

Page 448

- (1) A. He had outstanding recommendations and
- (2) evaluations as a priest, to those who I went
- (3) with.
- (4) Q. Did he have good recommendations from
- (5) the pastors that he served under?
- (6) A. The pastors I spoke with, yes,
- (7) attorney, yes.
- (8) Q. And with regard to his functioning as a
- (9) priest, what was the opinion of his
- (10) parishioners?
- (11) A. We never received a complaint from the
- (12) parishioners to my knowledge. Certainly no
- (13) sexual complaint.
- (14) Q. How about his - whether his
- (15) performance was good or bad as a priest.
- (16) A. I think the perception was that he was
- (17) better than average, by his parishioners.
- (18) Q. Were any of his changes in assignment
- (19) related to discipline or punishment in any way?
- (20) A. No, they were not.
- (21) Q. Were they such that would be considered
- (22) promotions?
- (23) A. Attorney, I'm not sure we use that
- (24) language but let's say we did, you know, in a
- (25) sense of transferring from Bridgeport to

Page 449

- (1) Greenwich. I'm not sure how Ray's mind would be
- (2) at. I could give you my mind but that wouldn't
- (3) be Ray's mind perhaps. Were they promotions?
- (4) Like any other priests of the Diocese, they were
- (5) variables of assignment, to get as much variance
- (6) of experience as a priest.
- (7) Q. And how about when he was appointed as
- (8) a pastor, would that be considered a promotion?
- (9) A. Oh, that would be a promotion, yes.
- (10) Yes.
- (11) Q. And is it inevitable that every
- (12) priest of the Diocese becomes a pastor?
- (13) A. It's not inevitable, no, but at that
- (14) time, it was - I think it's fair to say that
- (15) the number one criteria was seniority, but
- (16) increasingly with Bishop Curtis and with bishops
- (17) now - not that it didn't center on merit then,
- (18) but I think the top asset of merit would have
- (19) been seniority. He was ready for - but that
- (20) did not conclude that he would be automatically
- (21) appointed.
- (22) Q. What was the evaluation of the
- (23) personnel board of him when they decided to make
- (24) him a pastor?
- (25) A. That he was ready and able and

Page 450

- (1) competent, you know, to be a pastor.
- (2) MR. MURPHY: I have no another
- (3) questions.
- (4) CROSS-EXAMINATION
- (5) BY MR. SWEENEY:
- (6) Q. I have a few just to clarify some
- (7) issues that have come up. Monsignor, you have
- (8) to keep looking at the camera.
- (9) Monsignor Cusack, I'd just like
- (10) to clarify the time sequence of these things
- (11) we've been hearing about these last two weeks
- (12) that you've been questioned by Attorney
- (13) Tremont.
- (14) First of all, as I understand it,
- (15) you first took on this then new position of
- (16) director of the Office of Ministry for Clergy
- (17) and Religious in September of 1972; is that
- (18) correct?
- (19) A. That's right, yes.
- (20) Q. And although you were given additional
- (21) powers later, the duties of the office stayed
- (22) the same from September of 1972 until September
- (23) of 1987 when you left the position.
- (24) A. That's correct, yes.
- (25) Q. And with respect to the time sequence

Page 451

- (1) of these complaints, I think, as I listened to
- (2) your testimony today, you've indicated there
- (3) were two complaints about Father Martin
- (4) Federici; is that correct?
- (5) **A.** That's right, yes.
- (6) **Q.** The first of those complaints came, was
- (7) it sometime around October of 1978?
- (8) **A.** That's correct.
- (9) **Q.** As a result of that complaint, you had
- (10) him evaluated by Monsignor Cassidy?
- (11) **A.** Cassidy, O'Toole and Groeschel.
- (12) **Q.** And that he took his treatment from
- (13) Dr. O'Toole?
- (14) **A.** Dr. O'Toole, right, and he continued
- (15) treatment with Dr. Groeschel.
- (16) **Q.** And then the next complaint against
- (17) Father Federici involved the young man in the
- (18) rectory, is that correct?
- (19) **A.** That's right.
- (20) **Q.** And that occurred in March, 1983, did
- (21) it?
- (22) **A.** That's correct.
- (23) **Q.** And then the complaint that Ms. JamieJo
- (24) Landro brought to you about Father Pcolka, that
- (25) occurred, was that in June of 1983?

Page 452

- (1) **A.** June of 1983.
- (2) **Q.** And then the complaint you received
- (3) about Father Charles Carr from the parents up in
- (4) Bethel, was in that October of 1984?
- (5) **A.** August of 1984.
- (6) **Q.** August of '84.
- (7) **A.** Right.
- (8) **Q.** Now, the complaint you received from
- (9) Attorney Tom Keenan about Father Coleman
- (10) involving Mrs. Knecht, did that come to you in
- (11) April of 1985?
- (12) **A.** 1985, that's right.
- (13) **Q.** And the complaint you received from the
- (14) Bruhin family about Father Gavin O'Connor, did
- (15) that first come to you in February of 1986?
- (16) **A.** February of 1986.
- (17) **Q.** Now, there was a little confusion, I
- (18) think today, with respect to information to
- (19) which you had access, and as I understand it,
- (20) you described both Bishop Curtis and you as each
- (21) maintaining a separate personnel file for each
- (22) priest; is that correct?
- (23) **A.** That's correct.
- (24) **Q.** And as I understand it, there were some
- (25) documents that might have been the same in both

Page 453

- (1) Bishop Curtis's file and your file for the
- (2) individual priest.
- (3) **A.** There was overlap. There was overlap.
- (4) **Q.** Then there were certain things in
- (5) Bishop Curtis's file that were not in your file?
- (6) **A.** Were not in my file.
- (7) **Q.** Now, whenever you received a complaint
- (8) about a priest, particularly any complaint
- (9) involving any possible sexual misconduct or
- (10) imprudent misbehavior by a priest, was it your
- (11) practice to consult with Bishop Curtis?
- (12) **A.** Yes, attorney. I'd like to add a word
- (13) because we were thorough here. Even in rumors,
- (14) I would bring the rumor that came to me, go to
- (15) Bishop Curtis and he would check his file to see
- (16) if there was more than rumor.
- (17) **Q.** Are you satisfied that as you dealt
- (18) with each of these complaints or rumors about
- (19) priests, that you had the benefit from Bishop
- (20) Curtis of knowing whatever was in his file about
- (21) that priest?
- (22) **A.** No question, Bishop Curtis had no
- (23) reason to withhold any of that information.
- (24) **Q.** And the only complaint that you
- (25) received regarding Father Pcolka during your

Page 454

- (1) entire 15 years as either director of the Office
- (2) of Ministry to Clergy and Religious or as Vicar
- (3) for Clergy and Religious, was this one complaint
- (4) you received from Ms. JamieJo Landro about
- (5) Father Pcolka back there around the month of
- (6) June 1983.
- (7) **A.** That's right, the only complaint.
- (8) **Q.** And there was another issue brought up
- (9) today regarding your passing on information to
- (10) Monsignor Bronkiewicz. Do I correctly
- (11) understand that before you left the office of
- (12) Episcopal Vicar, Monsignor Bronkiewicz worked as
- (13) your assistant for about 14 months?
- (14) **A.** That's right. Today, I gave the answer
- (15) approximately a year, so I was off by --
- (16) generally I say, standard deviation but I was
- (17) off by two months.
- (18) **Q.** During those 14 months, you had an
- (19) opportunity to show Monsignor Bronkiewicz how
- (20) you did business, how you handled these things,
- (21) your procedures?
- (22) **A.** Oh, yes, and I would think we would
- (23) both agree we were extremely compatible, and in
- (24) fact he brought another professionalism that
- (25) complemented my own in terms of how would he see

Page 455

- (1) the cases that we would talk about from a
- (2) spiritual dimension, from a theological
- (3) dimension, and I from a psychological. And
- (4) there would even be overlap there because Larry
- (5) had a great deal of training, particularly under
- (6) James Gill, on his own initiative, in the field
- (7) of psychology and psychiatry.
- (8) **Q.** Now, after you left the office of
- (9) Episcopal Vicar -- that was in September of
- (10) 1987, was it?
- (11) **A.** '87.
- (12) **Q.** -- Bishop Curtis remained in charge of
- (13) the Diocese until December of 1988; is that
- (14) correct?
- (15) **A.** I would, yes -- I would -- I just want
- (16) to go back to another -- attorney. About this
- (17) -- I don't need to be -- my letter of
- (18) appointment to the university was October 7th,
- (19) 19 --
- (20) **Q.** '87?
- (21) **A.** '87, yes.
- (22) **Q.** But it was two weeks before you left
- (23) the office of Vicar?
- (24) **A.** Oh, okay, I just wanted to be exact,
- (25) right.

Page 456

- (1) **Q.** So was it true that Monsignor
- (2) Bronkiewicz was the Episcopal Vicar under Bishop
- (3) Curtis for about 14 months after you left that
- (4) position?
- (5) **A.** That's right.
- (6) **Q.** Now, a question was raised today about
- (7) the transition of information. As I understand
- (8) it, when you took over this new position in
- (9) September of 1972, the position was redesigned
- (10) by Bishop Curtis; is that correct?
- (11) **A.** When I took it?
- (12) **Q.** Yes.
- (13) **A.** Yes.
- (14) **Q.** And you did not then sit down with
- (15) anyone and get a wholesale information about
- (16) prior priest problems; is that correct,
- (17) priests's misconduct problems?
- (18) **A.** I did not, no.
- (19) **Q.** As you went along, during the next 15
- (20) years that you served in this position, did you
- (21) have access to information from your predecessor
- (22) and the other people on the chancery staff as to
- (23) things that happened before you became --
- (24) **A.** No question. Monsignor John Toomey, I
- (25) would consider a personal friend until he died.

Page 457

- (1) Q. And he remained the —
- (2) A. Vicar General, for a while.
- (3) Q. Until the late 1970s, was it?
- (4) A. Yeah, I'd only be guessing at the date.
- (5) Q. I don't want you to guess. I don't
- (6) want you to guess.
- (7) Now, but if you had a complaint
- (8) come up about a priest, you were able to access
- (9) Monsignor Toomey as well as Bishop Curtis; is
- (10) that correct?
- (11) A. That's right, right.
- (12) Q. Now —
- (13) A. Also I would like to mention, it would
- (14) be Bishop Curtis would bring in Monsignor
- (15) Toomey. These were isolated times but I did not
- (16) reference them, but he would bring him in to be
- (17) part of the threefold discussion of a given
- (18) problem.
- (19) Q. Now, I'd just like to clarify when it
- (20) was that you — in response to one of
- (21) Mr. Tremont's questions today, you indicated
- (22) that there came a point in time when you went
- (23) over with Monsignor Bronkiewicz all of the
- (24) priests's misconduct problems or complaints you
- (25) had dealt with during your time as Episcopal

Page 458

- (1) Vicar and as the director of the Ministry for
- (2) Clergy and Religious.
- (3) What's your recollection of how
- (4) that was done? What was it done in reference to
- (5) a list or something like that?
- (6) A. It was done to a reference of a list
- (7) and — yes, a reference to a list.
- (8) Q. And you indicated it didn't happen
- (9) right away but it happened sometime after Bishop
- (10) Egan became bishop?
- (11) A. That's right.
- (12) Q. Could it have been after these Father
- (13) Pcolka related lawsuits started?
- (14) A. It could well be. I wouldn't — it was
- (15) my — I mentioned Louisiana, quite frankly,
- (16) because I was down there. I was the person
- (17) brought in to speak to the priesthood of that
- (18) area.
- (19) Now, when I came home, it could
- (20) have been, in all fairness to Larry, and I
- (21) remember our conversation — the list that I
- (22) gave to Larry, Larry was abreast of it, that's
- (23) what Larry told me, and I wouldn't say all, but
- (24) most were during our 14 months together.
- (25) Q. What do you mean most were during your

Page 459

- (1) 14 months together?
- (2) A. That Larry knew about them, whatever
- (3) way it happened. Larry knew about the names I
- (4) brought up. I don't think — I would forget was
- (5) there anything new in the listing that I brought
- (6) to Larry.
- (7) Q. Well, for example, the Gavin O'Connor
- (8) matter came up in early 1986; is that correct?
- (9) A. Yes, Larry would know about that.
- (10) Q. And the Father Martin Federici
- (11) situation involved the complaint in the late
- (12) 1970s and then in 1983. Do you remember when
- (13) you discussed that with Monsignor Bronkiewicz?
- (14) A. I don't but do I remember discussing
- (15) him with Monsignor Bronkiewicz and because
- (16) Monsignor Bronkiewicz knew about other than the
- (17) sexual involvement.
- (18) Q. What about Father Charles Carr, do you
- (19) remember having a discussion with Monsignor
- (20) Bronkiewicz about Father Charles Carr?
- (21) A. I believe we did in the sense of the
- (22) custodial care that he was under with John
- (23) Toomey.
- (24) Q. What about the Dr. Larkin care?
- (25) A. He would know that he was in therapy

Page 460

- (1) with Dr. Larkin, yes. This custodial care was
- (2) our joint —
- (3) Q. Yes. Now, what about with respect to
- (4) Father Pcolka, do you recall when it was that
- (5) you first had occasion to relay onto Monsignor
- (6) Bronkiewicz the fact that you had this complaint
- (7) from JamieJo Landro in 1983, do you remember
- (8) when it was that you conveyed that one to
- (9) Monsignor Bronkiewicz?
- (10) A. Spontaneously, I was going to say the
- (11) first — you know, raising to my —
- (12) Restate the question again,
- (13) please.
- (14) Q. Do you recall approximately when it was
- (15) that you first had occasion to pass onto
- (16) Monsignor Bronkiewicz your recollection of this
- (17) complaint you had received about Father Pcolka
- (18) from JamieJo Landro, that is, the complaint of
- (19) June 1983?
- (20) A. I would not be able to answer that. I
- (21) could only —
- (22) Q. Let me put it another way. In response
- (23) to one of Mr. Tremont's questions today, you
- (24) mentioned that there was a matter of misidentity
- (25) to another priest with a similar sounding name.

Page 461

- (1) A. Oh, when Larry first called me, it was
- (2) Father Petruka who was at St. Joseph High
- (3) School. Somehow, I received that name but Larry
- (4) was calling me about Father Pcolka.
- (5) Q. It wasn't until a follow-up telephone
- (6) call that you figured out that it was a
- (7) misidentity?
- (8) A. That's right. That's right.
- (9) Q. And had you had occasion to discuss
- (10) this Father Pcolka complaint with Monsignor
- (11) Bronkiewicz before that time, if you recall?
- (12) A. I would not have. I'm almost sure the
- (13) second call was what precipitated my sharing the
- (14) story. First, I clarified that I had the wrong
- (15) person.
- (16) MR. SWEENEY: Thank you,
- (17) Monsignor, I have no further questions. Mr.
- (18) Tremont.
- (19) REDIRECT EXAMINATION
- (20) BY MR. TREMONT:
- (21) Q. Monsignor, you tell us that the bishop
- (22) shared the information in his file with you
- (23) regarding the problems that priests might have
- (24) had before.
- (25) A. When I would report to him on a given

Page 462

- (1) priest, he would look at his file and then share
- (2) with me was there anything in the file
- (3) collaboratively or in any way.
- (4) Q. But you never saw his files?
- (5) A. I did not, attorney.
- (6) Q. Never?
- (7) A. No.
- (8) Q. As a matter of fact, you just said the
- (9) bishop would have no reason to withhold that
- (10) information from you.
- (11) A. That's right.
- (12) Q. But you read the bishop's deposition,
- (13) did you not? You read his deposition.
- (14) A. I read his deposition, yes, attorney.
- (15) Q. And you saw in the deposition that
- (16) Bishop Curtis specifically said that he would
- (17) destroy information that was in the file if it
- (18) was antiquated or in order to give somebody a
- (19) fresh start. That's a reason, isn't it?
- (20) MR. SWEENEY: Counselor, I object
- (21) to that as a misstatement of what he said. He
- (22) said if it was antiquated, but he didn't say
- (23) just to give a person a fresh start. That's a
- (24) misstatement of the record.
- (25) A. I didn't use the terminology. The

Page 463

- (1) bishop used the statement of "fresh"
- (2) terminology. That would not be mine nor would
- (3) it be my procedure.
- (4) Q. I'm not saying it's your procedure, I'm
- (5) merely saying that's a reason why you might not
- (6) get the information, isn't it, because the
- (7) bishop destroyed what was in the file?
- (8) A. I'm almost sure, attorney, in the
- (9) bishop's testimonial, but I bow to your own
- (10) expertise, that he mentioned this was after some
- (11) years, he would do this. And then I think he
- (12) further clarified, especially if the priest was
- (13) dead.
- (14) Q. But not only dead people. I'm asking
- (15) you, in other words, that's a reason why, bishop
- (16) chose not to give you the information, you
- (17) wouldn't get it, correct?
- (18) A. Repeat. Focus it more, please.
- (19) Q. I'll focus it specifically. If the
- (20) bishop decided that he didn't want to give you
- (21) that information, he wouldn't have given it to
- (22) you.
- (23) A. Attorney, as much as you can measure
- (24) this, Bishop Curtis and I did not enjoy such
- (25) relationship. There was no -- because of our

Page 464

- (1) mutual respect. I'd also like to say, even
- (2) though this is not judicial language, I consider
- (3) Bishop Curtis a saint, that's from the conduct
- (4) that we enjoyed and the awesomeness with which I
- (5) observed this man as a leader of the Diocese,
- (6) and therefore, directly to your question, I
- (7) would have to say because of this kind of
- (8) descriptive I give of the person, he would never
- (9) do such a thing.
- (10) Q. Never do what?
- (11) A. That he would withhold information that
- (12) he had had in a discarded file.
- (13) Q. Well, he didn't tell you about Father
- (14) Brett, did he?
- (15) A. He did not tell me about Father Brett.
- (16) Q. No. He withheld that information from
- (17) you, didn't he?
- (18) A. Could I explain that, attorney?
- (19) Q. Well, yes, he withheld that
- (20) information.
- (21) MR. SWEENEY: Answer the question
- (22) as best you can.
- (23) A. He did not withhold it.
- (24) Q. He told you about it then?
- (25) A. No, attorney. Could I just finish?

Page 465

- (1) Q. Go ahead. Go on, finish.
- (2) A. All Bishop Curtis stated to me, when I
- (3) went with a priest of the Diocese that asked me
- (4) to ask the bishop could Larry accept assignment
- (5) back in the Diocese -- Bishop Curtis's only
- (6) sharing with me was that he would not be
- (7) returning to the Diocese.
- (8) Q. So he did not share the information in
- (9) the file that he had in regard to Father Brett,
- (10) did he?
- (11) MR. SWEENEY: Objection, Counsel,
- (12) I think your word "share" assumes a holding --
- (13) it implies a holding back.
- (14) MR. TREMONT: Well, I'm asking
- (15) him that question.
- (16) BY MR. TREMONT:
- (17) Q. He never shared it?
- (18) A. He never shared it but -- I'll
- (19) piggyback. Are you implying that that's a
- (20) holding back?
- (21) Q. I'm asking you, he never gave you -- he
- (22) never shared that information?
- (23) A. That's right.
- (24) Q. You don't know whether that information
- (25) was or was not in the Brett file, do you?

Page 466

- (1) A. I would not.
- (2) Q. And as a matter of fact, you also read
- (3) the fact that the bishop said he would destroy
- (4) records regarding sexual misconduct in the
- (5) file.
- (6) A. Attorney, are you in any way implying
- (7) he would do that for any kind of coverup?
- (8) Q. Listen, forget what I'm implying. I'm
- (9) asking you a question, all right? I'm asking
- (10) you a question.
- (11) A. Well, it's like your procedure through
- (12) the day, my question has some bearing on my next
- (13) question.
- (14) Q. No. I'm questioning, you're
- (15) answering.
- (16) MR. SWEENEY: Mr. Tremont is
- (17) asking the question. Listen to the question.
- (18) Q. I'm asking the question. Now, let's
- (19) have the question read.
- (20) (Question read.)
- (21) BY MR. TREMONT:
- (22) Q. You read that, did you not?
- (23) A. Yes.
- (24) Q. So that in effect, the bishop said he
- (25) would do that, for whatever his motivation?

Page 467

- (1) A. Right.
- (2) Q. As a matter of fact, you said the
- (3) bishop was a saint.
- (4) A. That's right.
- (5) Q. Okay. Maybe he did it because he
- (6) believed in forgiveness, a reasonable
- (7) motivation. He was a good man and wanted to
- (8) forgive people and give them a fresh start. Is
- (9) that a reasonable thing?
- (10) A. Well, again, I can only -- the reason
- (11) the bishop doing -- I can only do as you're
- (12) doing now, give assumptions, and they're
- (13) extremely poor communicators.
- (14) Q. I'm not asking for assumptions, sir.
- (15) You're making a comment the bishop would have no
- (16) reason to withhold that information and I'm
- (17) suggesting that the bishop himself indicated
- (18) that there were times when he would destroy the
- (19) information so that other people would not see
- (20) it. He said it.
- (21) A. Okay.
- (22) Q. All right, okay. Now, you told us now
- (23) that you shared this information with Monsignor
- (24) Bronkiewicz and that he knew about all these
- (25) names that we had brought up. You indicated

Page 468

- (1) that in answer to Mr. Sweeney's question,
- (2) correct?
- (3) A. That's right.
- (4) Q. But you told us this morning that you
- (5) refused, in front of Monsignor Bronkiewicz, to
- (6) give the names of any of the priests that were
- (7) -- against whom claims of sexual abuse might
- (8) have been brought, in his presence. You would
- (9) tell the bishops, Bishop Egan and Bishop Curtis,
- (10) but you would not say it in the presence of
- (11) Monsignor Bronkiewicz. Didn't you say that?
- (12) A. I don't believe this morning I limited
- (13) it to the idea of sexual misbehavior. I believe
- (14) this morning I stated that to -- that I would
- (15) not give any kind of information about priest
- (16) personnel of the Diocese to other than the two
- (17) bishops.
- (18) Q. And you said in the presence of
- (19) Monsignor Bronkiewicz, you would not do it?
- (20) A. That's right, and Larry heard me say
- (21) that.
- (22) Q. I understand that he heard you say it.
- (23) That's not the point. The point is this -- in
- (24) other words, you were keeping that information
- (25) to yourself?

Page 469

- (1) A. No, I was keeping that information to
- (2) the two people that had a right to it and that's
- (3) two bishops.
- (4) Q. And that excluded Monsignor
- (5) Bronkiewicz?
- (6) A. That excluded, at that time, Monsignor
- (7) Bronkiewicz. However, part of my statement was,
- (8) by this time, the two bishops had been in
- (9) consultation with one another. How much they
- (10) knew, I would not be able to say.
- (11) Q. Now, you tell us that you could get
- (12) information -- you just indicated in answer to
- (13) Mr. Sweeney's question, that you could get
- (14) information about priests and their prior
- (15) activities because you had access to the people
- (16) in the chancery staff, right?
- (17) Now, you had told us that you
- (18) would not ask this information because you
- (19) believed that it would be a violation of trust
- (20) to ask?
- (21) A. That's right. That's right.
- (22) Q. So you thought it was a violation of
- (23) trust, so you wouldn't ask?
- (24) A. I remain with that statement.
- (25) Q. Fine.

Page 470

- (1) MR. TREMONT: I have no further
- (2) questions.
- (3) MR. SWEENEY: I have a couple.
- (4) Mr. Murphy, you have any?
- (5) MR. MURPHY: No, I have nothing
- (6) further.
- (7) MR. SWEENEY: Well, this will
- (8) narrow it down.
- (9) RE-CROSS EXAMINATION
- (10) BY MR. SWEENEY:
- (11) Q. Monsignor Cusack, during your tenure,
- (12) either as director of the Office of Ministry for
- (13) Clergy and Religious or as Episcopal Vicar for
- (14) Clergy and Religious, did you ever have to deal
- (15) with any complaint of any kind relating to
- (16) Father Lawrence Brett?
- (17) A. I did not.
- (18) Q. Did you ever have any reason or any
- (19) need to find out from Bishop Curtis or anybody
- (20) else the reasons why Father Brett was
- (21) effectively banished from the Diocese?
- (22) A. I did not. This was much before my
- (23) tenure.
- (24) Q. You never asked the bishop for that
- (25) information?

Page 471

- (1) A. Not only didn't ask him, I had no need
- (2) to ask him. It was much before my time.
- (3) Q. Now, on this other point that
- (4) Mr. Tremont's brought up, you did not, when you
- (5) took over the office, go around asking questions
- (6) about all the priests and any misconduct about
- (7) them; isn't that correct, when you first, in
- (8) 1972, took over your new position?
- (9) A. Going to the priest involved in?
- (10) Q. Yes.
- (11) A. Under no circumstances.
- (12) Q. However, as you might have occasion to
- (13) respond to a complaint about any priest, did you
- (14) feel it violated any trust for you to go around
- (15) and ask of Monsignor Toomey and Bishop Curtis
- (16) and anyone else in the chancery staff any
- (17) information you might need for the purpose of
- (18) responding to any complaints about any priests?
- (19) A. Well, except with Bishop Curtis, with
- (20) every other person, my questions were general.
- (21) They were not specific.
- (22) Q. Would you, for example -- I think you
- (23) told us yesterday in response, or last week in
- (24) response to a question, how did you do it. You
- (25) asked, was he living an un priestly life or

Page 472

- (1) something to that effect?
- (2) A. Yes, was there living an un priestly
- (3) life, was there any reason you would believe
- (4) that he was disrespectful to the girls of your
- (5) school. Let's see, Marty Hitchcock -- I would
- (6) ask him, how is he doing here and how is he
- (7) doing with his people, is he well received, and
- (8) this kind of thing.
- (9) Q. This is you say, you solicited
- (10) information without divulging the reason for
- (11) which you were seeking the information about
- (12) these priests?
- (13) A. Correct. Correct.
- (14) MR. SWEENEY: Thank you,
- (15) Monsignor, I have no further questions.
- (16) MR. TREMONT: I have no
- (17) questions.
- (18) MR. SWEENEY: Well, we've
- (19) concluded this one.
- (20) THE VIDEOGRAPHER: That concludes
- (21) this deposition. Going off the videotape number
- (22) 3 at 5:38 p.m.
- (23) (The deposition was concluded at
- (24) 5:38 p.m.)

Page 473

- (3) MONSIGNOR ANDREW T. CUSACK
- (6) SUBSCRIBED AND SWORN TO BEFORE
- (7) ME, the undersigned authority, on this
- (8) the day of , 1996.