

NO. 141-198356-03  
 JOHN DOE I and JOHN DOE II \* IN THE DISTRICT COURT  
 \*  
 VS. \*  
 \*  
 ROMAN CATHOLIC DIOCESE OF \*  
 FORT WORTH, BISHOP JOSEPH P. \*  
 DELANEY, Individually and as \* 141ST JUDICIAL DISTRICT  
 \*  
 Bishop, His Predecessors and \*  
 Successors, FATHER \*  
 THOMAS H. TECZAR, ROMAN \*  
 CATHOLIC BISHOP OF WORCESTER, \*  
 A CORPORATION SOLE AND BISHOP \*  
 GEORGE E. RUEGER, INDIVIDUALLY \* TARRANT COUNTY, TEXAS

VIDEOTAPED  
 ORAL DEPOSITION OF  
 DANIEL P. REILLY  
 SEPTEMBER 24, 2004  
 VOLUME 3

ORAL DEPOSITION OF DANIEL P. REILLY, produced as a witness at  
 the instance of the Plaintiffs, and being duly cautioned and  
 sworn, was taken in the above styled and numbered cause on  
 September 24, 2004, from 9:21 a.m. to 11:33 a.m., before Marion  
 Ward, a Certified Shorthand Reporter in and for the State of  
 Texas, at the offices of SHANNON, GRACEY, RATLIFF & MILLER, 777  
 Main Street, Suite 3800, Carter Burgess Plaza, Fort Worth,  
 Texas 76102, pursuant to the Texas Rules of Civil Procedure  
 and the provisions attached therein.  
 MARION WARD & ASSOCIATES 214/363-7471

## I N D E X

|                                     | PAGE |
|-------------------------------------|------|
| Appearances                         | 2    |
| DANIEL P. REILLY                    |      |
| Examination by Ms. Merritt          | 6    |
| Witness' Signature Page/Corrections | 90   |
| Reporter's Certificate              | 91   |

CERTIFIED QUESTIONS  
 PAGE 44, LINE 25 TO PAGE 45, LINE 11  
 PAGE 46, LINE 3 TO PAGE 46, LINE 20

## E X H I B I T S

| DEPOSITION EXHIBIT                             | PAGE FIRST MENTIONED |
|--|----------------------|
| No. 507 - Notice                               | 7                    |
| No. 508 - Affidavit of Bishop Daniel P. Reilly | 7                    |
| No. 509 - Documents                            | 8                    |
| No. 510 - Letter                               | 10                   |
| No. 511 - E-mail from Bishop Delaney           | 30                   |
| No. 512 - USCC Pedophilia Statement            | 41                   |
| No. 513 - Statement on Child Abuse             | 42                   |
| No. 514 - Letter                               | 65                   |
| No. 515 - Letter                               | 64                   |

MARION WARD & ASSOCIATES 214/363-7471

## A P P E A R A N C E S

FOR THE PLAINTIFF JOHN DOE II  
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 KHAN MERRITT  
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 Dallas, Texas 75231

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FOR THE DEFENDANTS ROMAN CATHOLIC BISHOP OF WORCESTER & BISHOP  
 GEORGE E. RUEGER  
 HON. MARK D. HATTEN  
 SHANNON, GRACEY, RATLIFF & MILLER  
 777 Main Street  
 Suite 3800  
 Carter Burgess Plaza  
 Fort Worth, Texas 76102  
 ALSO PRESENT:  
 MONTE FITE

VIDEOGRAPHER  
 WARREN GOODWYN

MARION WARD & ASSOCIATES 214/363-7471

## P R O C E E D I N G S

1  
 2 MR. HATTEN: This is Mark Hatten for the  
 3 Worcester Defendants and I want to put on the record and have  
 4 the record acknowledge the agreement of Ms. Merritt on this  
 5 point and that is: Prior to the deposition of Bishop Reilly,  
 6 which we are here to conclude today, we need an agreement among  
 7 all counsel that Bishop Reilly would be presented for another  
 8 two and one-half hours divided as two hours to Dan Shea and a  
 9 half an hour to Ms. Merritt, and Mr. Shea -- I have been  
 10 advised that Mr. Shea is not going to be here this morning and  
 11 Ms. Merritt has asked to -- and I have agreed to let her take  
 12 the full two-and-a-half-hour period with Bishop Reilly.  
 13 And I understand that -- what I would like to  
 14 get on the agreement is we are going to stay with that and also  
 15 that, Ms. Merritt, that you are going to be asking questions  
 16 for Mr. Shea so that I can make sure that Mr. Shea's portion of  
 17 what he has the right to take the deposition of is covered by  
 18 what we are doing here today.  
 19 MS. MERRITT: That is agreeable.  
 20 MR. HATTEN: Okay. And then also, everybody  
 21 knows that the Bishop has to be out of here by noon, so one way  
 22 or another we have got to make that happen.  
 23 THE WITNESS: May I ask a question just about --  
 24 with reference to the two-and-a-half hours because it could  
 25 very well be we will be here two-and-a-half hours on the

1 record. So are we talking about two-and-a-half hours on the  
 2 record?  
 3 MS. MERRITT: I will get you out of here for  
 4 your plane.  
 5 THE WITNESS: Yeah, because I have a mass at  
 6 8:00 o'clock tomorrow morning.  
 7 MS. MERRITT: Okay.  
 8 MR. HATTEN: We will be gone one way or another.  
 9 THE WITNESS: I just asked that because you  
 10 don't know until you get into it and then it becomes much more  
 11 important --  
 12 MS. MERRITT: Sure.  
 13 THE WITNESS: -- in two minutes.  
 14 MS. MERRITT: We will --  
 15 THE WITNESS: Okay.  
 16 MS. MERRITT: We will get you on the plane.  
 17 THE VIDEOGRAPHER: We are on the video record at  
 18 9:21 a.m., beginning tape 1.  
 19 (The witness was duly cautioned and sworn by the  
 20 court reporter.)  
 21 MR. BENNETT: Ms. Ward, can we make this Volume  
 22 3, please, just for housekeeping measures? Thank you.  
 23 BISHOP DANIEL P. REILLY,  
 24 the said witness, having been first duly cautioned and sworn to  
 25 testify to the truth, the whole truth and nothing but the

1 MR. HATTEN: Which was --  
 2 MS. MERRITT: On the First Amendment --  
 3 MR. HATTEN: -- and which I joined.  
 4 MS. MERRITT: Okay. That's fine.  
 5 Q. (By Ms. Merritt) Bishop Reilly, we met --  
 6 A. Yes.  
 7 Q. -- earlier in April in Worcester at your first part  
 8 of your deposition.  
 9 A. Yes.  
 10 Q. And I have sent you a document that I have marked  
 11 Exhibit No. 507 and it is Amended Notice for you to be here  
 12 today in Texas. Did you receive a copy of that Notice?  
 13 A. I don't believe I received a copy, but I was told  
 14 that I was expected to be here.  
 15 Q. Okay. Were you asked to bring any records?  
 16 A. No.  
 17 Q. Okay. Thank you, Bishop Reilly.  
 18 A. Okay.  
 19 Q. Let me show you Reilly -- what I have marked as  
 20 Reilly Exhibit No. 508 and ask you if this is an affidavit that  
 21 you executed on the 29th day of June, 2004?  
 22 A. Yes.  
 23 Q. Is that Exhibit No. 508 a true and correct copy of  
 24 the affidavit?  
 25 A. Yes, it is.

1 truth, testified under oath as follows:  
 2 EXAMINATION  
 3 BY MS. MERRITT:  
 4 Q. Bishop Reilly, we met before in your deposition --  
 5 A. Yes.  
 6 Q. -- in Worcester and you know that I represent John  
 7 Doe II?  
 8 MR. BENNETT: I am sorry. Additional  
 9 housekeeping -- same agreement that we had before that, you  
 10 know, one objection for the defense side goes for both so  
 11 there's no duplicity there.  
 12 MS. MERRITT: That's fine.  
 13 MR. BENNETT: Okay. And same agreement as far  
 14 as objections. I think we are doing all objections reserved to  
 15 the time of trial but for form of question and  
 16 nonresponsiveness.  
 17 MR. HATTEN: In other words, we are taking it --  
 18 MS. MERRITT: Under the Rules.  
 19 MR. HATTEN: -- under the Rules.  
 20 MR. BENNETT: Yeah, we are taking it pursuant to  
 21 the Rules.  
 22 And, also, my former running objection --  
 23 continuation of that running objection that I placed at the  
 24 beginning -- that I placed at the beginning of this deposition.  
 25 MS. MERRITT: Okay.

1 Q. Are all the statements that you made in this  
 2 affidavit in June of 2004 true and correct?  
 3 A. Yes, they are.  
 4 Q. It says in your affidavit here that you were  
 5 appointed as Bishop of the Roman Catholic Diocese of Worcester  
 6 on December 8th of 1994 and you served as Bishop until March 9,  
 7 2004.  
 8 So during that approximately, what -- little  
 9 over 10-year period of time?  
 10 A. A little over nine years, yeah.  
 11 Q. A little over nine years. Have you ever asked Father  
 12 Tom Teczar whether he abused minors?  
 13 A. No, I never asked him directly, but we had the  
 14 allegations presented to us, yeah.  
 15 MR. BENNETT: Object, nonresponsive.  
 16 Q. (By Ms. Merritt) My question to you, Bishop, is:  
 17 Have you ever asked in the nine years that you were Bishop of  
 18 the Diocese of Worcester -- have you ever asked Tom Teczar  
 19 directly whether or not he abused minor children?  
 20 A. No, I didn't.  
 21 Q. I want to show you a document that has been provided  
 22 to me by Mr. Hatten. It is DW 0225 and 0226 and I have marked  
 23 it as Reilly Exhibit No. 509, and ask you if you have seen this  
 24 document before.  
 25 MR. BENNETT: Do you have any extra copies of

1 these? If I may just see it quickly so I will know what it is  
 2 before you ask a question.  
 3 MS. MERRITT: Do you want to go off the record  
 4 while he is reading that so we don't waste a lot of time?  
 5 Let's go off the record while he reviews that.  
 6 THE VIDEOGRAPHER: We are off the video record  
 7 at 9:27 a.m.  
 8 (Recess taken at 9:27 a.m.; resumed at 9:29  
 9 a.m.)  
 10 THE VIDEOGRAPHER: Back on the video record at  
 11 9:29 a.m.  
 12 Q. (By Ms. Merritt) Bishop Reilly, I have handed you  
 13 what we have marked as Exhibit No. 509 to your deposition. And  
 14 have you ever seen that document before?  
 15 A. I don't believe I have ever seen it before.  
 16 Q. Okay. Are you familiar with the case that's styled  
 17 Chauthe vs. Roman Catholic Diocese of Worcester?  
 18 A. No, I am not.  
 19 Q. Okay. Do you know if that case involved clerical  
 20 misconduct with minors?  
 21 A. I am not sure.  
 22 MR. HATTEN: Object to the form of the question.  
 23 Q. (By Ms. Merritt) Do you have any idea why Exhibit No.  
 24 509 would have been prepared concerning -- I think it purports  
 25 to concern Father Tom Teczar -- why it would have been prepared

1 Q. Okay. And what is the date of that letter?  
 2 A. July 29, 2002.  
 3 Q. Let me show you Exhibit No. 451 to your deposition  
 4 and ask you if this is the letter that you just referenced from  
 5 Bishop Delaney to you concerning that complaint?  
 6 A. Yes, I presume that's it.  
 7 Q. Let me draw your attention to Bishop Delaney's  
 8 letter, which is part of the enclosures to Exhibit No. 451,  
 9 dated July 11, 2002. He copied you on this letter to the  
 10 District Attorney of Eastland, did he not? That was part of  
 11 the letter that he sent you?  
 12 MR. HATTEN: Object, form.  
 13 A. It doesn't say that in the letter to me.  
 14 Q. (By Ms. Merritt) Let's turn to the first page of the  
 15 letter.  
 16 A. Okay.  
 17 Q. His letter to you --  
 18 A. Yes.  
 19 Q. -- and does he not say, "I am enclosing a letter to  
 20 the complainant and to the District Attorney with this letter  
 21 to you"?  
 22 A. Oh, yes, and to the District Attorney.  
 23 Q. Okay.  
 24 A. I was looking for the "cc," yeah. Okay.  
 25 Q. All right. Would you read for us into the record

1 in that case?  
 2 MR. HATTEN: Objection, form.  
 3 MR. BENNETT: Objection.  
 4 A. Would you repeat your question?  
 5 Q. (By Ms. Merritt) Do you have -- have you seen a  
 6 document similar -- any document similar to Exhibit No. 509 in  
 7 any of the other clergy sexual abuse cases?  
 8 A. No, I haven't.  
 9 Q. Bishop Reilly, let me hand you what is marked Exhibit  
 10 No. 510 and ask you if you can identify that document for the  
 11 record, please?  
 12 I believe it has a Bate number on the bottom.  
 13 That might help identify it for the record.  
 14 A. 0175.  
 15 Q. It's FWD.  
 16 A. FWD.  
 17 Q. What is the number?  
 18 A. 0175.  
 19 Q. Okay. And can you identify that for the record,  
 20 please? Tell us what it is.  
 21 A. This is a letter in response to a letter that I  
 22 received from Bishop Delaney telling me about a complaint that  
 23 came to him after Father Teczar left --  
 24 Q. Okay.  
 25 A. -- the Fort Worth Diocese.

1 Bishop Delaney's letter to the District Attorney of Eastland  
 2 County?  
 3 MR. BENNETT: Object, form.  
 4 A. "In accord with our Diocesan policies regarding  
 5 sexual abuse of minors by those employed by the Catholic  
 6 Church, I am writing to inform you of an allegation of sexual  
 7 abuse that took place in Eastland County. "I have just  
 8 received a letter from Wade B. Driskill with a number after it  
 9 -- 52 and Dallas, Texas --" I don't know what that's all about  
 10 "-- in which he alleges that he was abused in 1992 at the age  
 11 of 16, no other information or details, by Thomas Teczar, who  
 12 at that time was the pastor of St. Rita Church in Ranger,  
 13 Texas, where he has not -- he has not disclosed this  
 14 information to anyone until now.  
 15 Thomas Teczar left church ministry and moved to  
 16 Massachusetts in 1993. The last address I have for him is Post  
 17 Office Box 834, West Hyannisport, Massachusetts."  
 18 Q. All right. Bishop, what I want to ask you is the  
 19 last part of that letter says, "Tom Teczar left church ministry  
 20 and moved to Massachusetts in 1993."  
 21 When you received this letter, did you call the  
 22 Eastland County District Attorney and tell him that indeed he  
 23 was still a priest of the Worcester Diocese and residing in  
 24 Massachusetts?  
 25 A. No, that was not the procedure that would be used.

1 This would be turned over to the priest who handles the sexual  
2 abuse questions for us and he would deal with our attorneys and  
3 they would follow through.  
4 Q. Okay.  
5 A. So you would have to ask them.  
6 Q. Do you know, to your knowledge, whether or not anyone  
7 in July of 2002 from the Worcester Diocese contacted the  
8 District Attorney of Eastland County?  
9 A. That I don't know.  
10 Q. Okay. Who would have been responsible for that  
11 within the Diocese in July of 2002?  
12 A. Monsignor Sullivan.  
13 Q. Okay. Bishop Delaney does not tell the District  
14 Attorney in his letter, does he, that Tom Teczar in still a  
15 priest with the Worcester Diocese, does he?  
16 MR. BENNETT: Objection, form.  
17 MR. HATTEN: Object, form.  
18 A. Still a priest in the Worcester Diocese. I just want  
19 to --  
20 Q. (By Ms. Merritt) Well, he says, "Tom Teczar left  
21 church ministry and moved to Massachusetts in 1993."  
22 A. Yes.  
23 Q. Does that not imply that he is no longer a priest?  
24 MR. BENNETT: Objection.  
25 MR. HATTEN: Objection.

1 Q. (By Ms. Merritt) Is he telling you he is still a  
2 priest of the Worcester Diocese?  
3 A. Yes.  
4 MR. HATTEN: Objection, form.  
5 A. Once again, we are doing apples and oranges here. He  
6 could be a priest. Once a priest, you are always a priest. He  
7 is living in Massachusetts, but he is not functioning as a  
8 priest.  
9 Q. (By Ms. Merritt) I understand. What I am asking you  
10 is: When you received this letter, do you know whether or not  
11 Monsignor Sullivan picked up the phone and called the Eastland  
12 County District Attorney and said, "By the way, he is still a  
13 priest in the Worcester Diocese and we have records that might  
14 be relevant to your investigation"?  
15 A. I don't know.  
16 MR. HATTEN: Objection, form.  
17 A. I can't tell you what happened there.  
18 Q. (By Ms. Merritt) Would Monsignor Sullivan keep  
19 records concerning cases such as Tom Teczar's that were  
20 referred to various District Attorneys' offices?  
21 A. I know they would to the District Attorney in  
22 Worcester County, yeah.  
23 Q. Okay. And would he keep a separate file separate  
24 from the priest personnel file concerning those cases?  
25 A. All the files would be together, yes.

1 Q. Okay. Bishop Reilly, in your previous deposition in  
2 Massachusetts, I asked you about Exhibit No. 319 and this is  
3 your web letter concerning -- in response to the John Jay  
4 report, I believe; is that true?  
5 A. No, it's not true. It's previous to -- in line with  
6 that.  
7 Q. Okay. And what -- that exhibit identifies for us,  
8 does it not, 45 clerics that you have identified with credible  
9 "allegations" of sexual misconduct against minors that have  
10 been served in the Worcester Diocese during the -- during the  
11 years the Worcester Diocese has been in effect?  
12 A. 31 year -- 31 credible allegations.  
13 Q. Do you know the identity of all 31 of those priests?  
14 A. I don't know the names.  
15 Q. Okay. I think the names you gave me at your last  
16 deposition was Father Bagley, Father Devlin, John Gagnon --  
17 A. John Paul Gagnon.  
18 Q. -- Joseph Koonan --  
19 A. Yes.  
20 Q. -- John Walsh, Paul Enzerllo, Lee Bartlett and James  
21 Champion.  
22 Do you remember writing this out for me?  
23 A. Yes.  
24 Q. It's Exhibit No. 318.  
25 A. Yes, it's Peter and Jerry Lowe and Gerald Walsh and

1 then Lee Bartlett, yes.  
2 Q. Okay. So we have -- how many do we have on that list  
3 -- 1, 2, 3, 4, 5, 6, 7, 8 -- we have got 8 on this list.  
4 A. Yes.  
5 Q. And then 9 with Tom Teczar?  
6 A. See, that's a different list. Those are the priests  
7 that I removed from ministry.  
8 Q. All right. Would these priests be included in the  
9 30 --  
10 A. 31.  
11 Q. -- 31?  
12 A. Yes.  
13 Q. All right. Let me ask you if some of the 31 are  
14 Antonio Antonuchi?  
15 A. I never heard that name.  
16 Q. All right. What about Biron -- B-I-R-O-N (spelling)  
17 -- Ares -- A-R-E-S (spelling)?  
18 A. Biron Ares, I have heard that name, yes.  
19 Q. He would be one of the 31 clerics that were -- have  
20 credible allegations of sexual misconduct lodged against them?  
21 A. Yes.  
22 Q. All right. What about Henry Banach, B-A-N-A-C-H  
23 (spelling)?  
24 A. Banach, yes.  
25 Q. All right. Leo Battista, B-A-T-T-I-S-T-A (spelling)?

1 A. Yes.  
 2 Q. Bernard Bissonett, B-I-S-S-O-N-E-T (spelling)?  
 3 A. Bissonett is not -- I believe he is in the Diocese of  
 4 Norwich. I don't think he is in the Diocese of Worcester.  
 5 Q. Okay. That was the diocese that you were Bishop of?  
 6 A. Yes.  
 7 Q. All right. David Blizzard, B-L-I-Z-A-R-D (spelling)?  
 8 A. Yes.  
 9 Q. Richard Carelli, C-A-R-E-L-L-I (spelling)?  
 10 A. I am trying to think. I am not sure whether that  
 11 would be considered -- there was an allegation made. Whether  
 12 he would be listed among the credible allegations, I am not  
 13 sure. He is a deceased person.  
 14 Q. Was Father Carelli also in charge of at one time for  
 15 the Diocese as Moderator of the Curia or in charge of the  
 16 archives?  
 17 A. He was chancellor, I believe.  
 18 Q. Okay. Vincent Dwyer, D-W-Y-E-R (spelling)?  
 19 A. Vincent Dwyer. That name doesn't mean anything to  
 20 me.  
 21 Q. Joseph Fredette, F-R-E-D-E-T-T-E (spelling)?  
 22 A. Yes, I believe he was a religious priest in the sense  
 23 that he belonged to a religious order. The assumption was  
 24 Father was running the college in Worcester and he was out of  
 25 that community.

1 Q. But he was allowed to work within the Worcester  
 2 Diocese?  
 3 A. He worked within the Worcester Diocese, but he wasn't  
 4 a priest of the diocese.  
 5 Q. All right. But the person -- the minor that he  
 6 abused was a parishioner within the Worcester Diocese?  
 7 A. Right.  
 8 MR. HATTEN: Objection, form.  
 9 A. Yeah, I believe.  
 10 Q. (By Ms. Merritt) Okay. Victor Frobas, F-R-O-B-A-S  
 11 (spelling)?  
 12 A. Frobas, yes.  
 13 Q. I think you have told us about John Paul Gagnon.  
 14 David Hawley, we talked about --  
 15 A. David Hawley, yes.  
 16 Q. -- in our last deposition.  
 17 Norman Jalbert, J-A-L-B-E-R-T (spelling)?  
 18 A. Yes.  
 19 Q. Donat, D-O-N-A-T (spelling), Jette, J-E-T-T-E  
 20 (spelling)?  
 21 A. Jette, yes.  
 22 Q. Thomas Kane, K-A-N-E (spelling)?  
 23 A. Yes.  
 24 Q. Ted Kardas, K-A-R-D-A-S (spelling)?  
 25 A. Yes.

1 Q. Robert E. Kelly?  
 2 A. Yes.  
 3 Q. Raymond Messier, M-E-S-S-I-E-R (spelling)?  
 4 A. Yes.  
 5 Q. Edward Nicewicz, N-I-C-E-W-I-C-Z (spelling)?  
 6 A. Yes.  
 7 Q. Brandon O'Donoghue, D-O-N-O-G-H-U-E (spelling)?  
 8 A. Yes.  
 9 Q. Donald Petraitis, P-E-T-R-A-I-T-I-S (spelling)?  
 10 A. Donald Petraitis, I don't know. He is, once again, a  
 11 religious priest. He belonged to the Marion Fathers and was  
 12 living in Chicago when this allegation came out against him. I  
 13 don't know -- it was not something that we handled. So I don't  
 14 know just what the status of that would be.  
 15 Q. Do you know if the alleged abuse against a minor was  
 16 the Worcester Diocese, Massachusetts -- Worcester Diocese?  
 17 A. I am not sure, but I know it was in the Worcester  
 18 paper.  
 19 Q. Okay. Donald Provost, P-R-O-V-O-S-T (spelling)?  
 20 A. Donald Provost? Yes.  
 21 Q. Donald Rebokus, R-E-B-O-K-U-S (spelling)?  
 22 A. Rebokus, yes, yes.  
 23 Q. Robert Shauris, S-H-A --  
 24 A. Yes.  
 25 Q. -- U-R-I-S (spelling)?

1 A. Yes.  
 2 Q. Justin Steponitis.  
 3 A. Steponitis.  
 4 Q. S-T-E-P-O-N-I-T-I-S (spelling)?  
 5 A. Yes.  
 6 Q. John -- I have got to spell this one -- S-Z-A-N-T-Y-R  
 7 (spelling)?  
 8 A. Szantyr, yeah. Once again, that's a priest that came  
 9 from outside the diocese and belonged to a religious order. He  
 10 may have been incarnated into the Diocese of Worcester, but I  
 11 am not sure.  
 12 Q. Okay.  
 13 A. But I know the name and know the case.  
 14 Q. Okay. Raymond Tremblay, T-R-E-M-B-L-A-Y (spelling).  
 15 A. That doesn't ring a bell with me, but...  
 16 Q. Gerald P. Walsh. I think you gave me his name.  
 17 A. Yes.  
 18 Q. Are there any other names that other than the ones I  
 19 have talked to you about and the ones you gave us listed in 318  
 20 that you can recall at this time?  
 21 A. I just want to add to this list if I can -- you  
 22 mentioned the name Messier. He is another one that I removed  
 23 -- Raymond Messier.  
 24 Q. Okay. Can you write that on there for us?  
 25 A. Sure.

1 Q. Thank you.  
 2 A. Okay.  
 3 Q. And if you will date -- put today's date by Raymond  
 4 Messier --  
 5 A. Okay.  
 6 Q. -- so we can indicate that you added that today.  
 7 A. The 24th, today?  
 8 Q. Yes. Bishop Reilly, of all the people that we have  
 9 just -- all the clerics that we have just gone over in addition  
 10 to the list that you provided us earlier, have any of those men  
 11 been defrocked or laicized?  
 12 A. No.  
 13 THE VIDEOGRAPHER: Excuse me, Bishop. You just  
 14 lost your mike.  
 15 THE WITNESS: I lost my mike. I am stepping on  
 16 the wire, that's why. Excuse me.  
 17 Q. (By Ms. Merritt) Okay. Have any of those files been  
 18 referred to the Massachusetts District Attorney?  
 19 A. Yes, all of them.  
 20 Q. Okay. Now, when -- I want to talk to you about the  
 21 word "file" because there has been some confusion here on this.  
 22 What files would you give to the District  
 23 Attorney's office? Would you give them the files -- the  
 24 personnel files of the clerics? Would you give them what is in  
 25 the secret archives? Would you give them everything that you

1 and Seventies --  
 2 A. Yes.  
 3 Q. -- and Eighties?  
 4 A. All of those would have been sent to me, yes.  
 5 Q. All right. And I have not been provided -- I was  
 6 going to ask you if there is a letter transmitting that file  
 7 and outlining what is in it to the District Attorney's office  
 8 that would be in Tom Teczar's file?  
 9 A. That you would have to ask Monsignor Sullivan because  
 10 he is the liaison.  
 11 Q. Any of these clerics that you have identified in  
 12 Exhibit No. 318 following an allegation of sexual misconduct --  
 13 were any of these men placed back into ministry by you, Bishop  
 14 Reilly?  
 15 A. No.  
 16 Q. What about Peter Enzerello?  
 17 A. I am sorry. Peter Enzerello never had -- it's a very  
 18 complicated case we talked about before. He was included in a  
 19 settlement, but it was never really proven that he had done  
 20 anything wrong.  
 21 Q. Okay. Was Peter Enzerello accused of counseling and  
 22 sexually exploiting a 19-year-old man?  
 23 A. I would have to clarify. I know it had to do with  
 24 some sort of allegation.  
 25 Q. Okay. And at some point the diocese reached a

1 have or who would make -- first of all, who would make that  
 2 decision?  
 3 A. Well, we would be --  
 4 MR. HATTEN: Objection, form.  
 5 A. Yes.  
 6 MR. HATTEN: I think the question is not real  
 7 clear.  
 8 MS. MERRITT: Okay. I will break it down.  
 9 Q. (By Ms. Merritt) Who would make the decision as to  
 10 what files would be sent to the District Attorney's office?  
 11 A. The decision was made that we would send to the  
 12 District Attorney all things relevant to the charges. In other  
 13 words, you wouldn't take the whole history of the priest and  
 14 seminary and all of that business, but records having to do  
 15 with the allegation.  
 16 Q. Okay. And would that be whatever current allegations  
 17 that the District Attorney is investigating or would it be the  
 18 entire history of the cleric?  
 19 A. It would be the entire history, yes.  
 20 Q. All right. So would it be safe for me to assume that  
 21 the District Attorney of Massachusetts Middle District has  
 22 files concerning Thomas Teczar?  
 23 A. Yes.  
 24 Q. Okay. And would they have files including files from  
 25 as far back as the files we went back through -- the Sixties

1 settlement with that victim --  
 2 A. That's right.  
 3 Q. -- did they not?  
 4 A. That's right.  
 5 Q. And then after that settlement, you placed him back  
 6 into a parish, didn't you?  
 7 A. No. Let me -- see, once again, it is not as clear as  
 8 that. This all happened before I went to the diocese. And as  
 9 I came to the diocese, the settlement was just being made and  
 10 they said nothing was even proven against Peter Enzerello, but  
 11 the opposite side wanted his name included in the settlement.  
 12 So it was one of those things where it is not  
 13 very clear that you are putting somebody who is guilty of a  
 14 crime back into the parish.  
 15 Q. At some point, the parish asked you to remove Father  
 16 Enzerello, didn't they?  
 17 A. No.  
 18 Q. When was he removed and why was he removed from the  
 19 parish?  
 20 A. He was removed from the parish because an allegation  
 21 came in that I thought had credence.  
 22 Q. Okay. So subsequent to the allegation that was  
 23 settled, another allegation surfaced concerning Father  
 24 Enzerello --  
 25 A. That it happened before that it was brought out in

1 light of all this, yes.  
 2 MR. BENNETT: Object, form. Object,  
 3 nonresponsive.  
 4 Q. (By Ms. Merritt) And did you remove Father Enzerello  
 5 based on that second allegation?  
 6 A. Yes.  
 7 Q. Are any of the clerics that we talked about earlier  
 8 -- the list that I went through as well as the people  
 9 identified in Exhibit No. 318 -- are any of those with the  
 10 exception of Father Kelly and Father Hawley -- have those been  
 11 incarcerated?  
 12 A. I would say I can't answer that because some of these  
 13 would have happened before I came, so I would have to check  
 14 into that. I couldn't give you a good answer to that.  
 15 Q. Okay. Just from what you know --  
 16 A. We have --  
 17 Q. All right. From what you know from when you came in  
 18 '94 -- December, '94 to 2004, were any of the clerics that you  
 19 are aware of -- were any of those incarcerated other than  
 20 Robert Kelly?  
 21 A. I understand -- once again, I am going from memory --  
 22 that Father Fredette went to prison in Canada.  
 23 Q. Okay. Are all of the men that I went through, as  
 24 well as the persons identified in 318 -- are all of these  
 25 individuals still priests of the Worcester Diocese -- those

1 official of the Worcester Diocese before you became Bishop of  
 2 Norwich; right?  
 3 A. No.  
 4 Q. Okay.  
 5 A. No, I was priest of the Diocese of Providence --  
 6 Q. Okay.  
 7 A. -- and then became Bishop of Norwich and then came to  
 8 Worcester.  
 9 Q. All right. So when you became Bishop of Worcester in  
 10 '84 -- '94, sorry.  
 11 A. '94.  
 12 Q. -- '94, did you review all of your priests' files?  
 13 A. No.  
 14 Q. Did you -- were any of -- particular priests' files  
 15 brought to your attention by Bishop Harrington?  
 16 A. Not Bishop Harrington -- by Monsignor Tinsley, who  
 17 was -- he -- what shall I call it -- with the post-knowledge  
 18 about the situation in those days.  
 19 MR. HATTEN: Objection, nonresponsive.  
 20 Q. (By Ms. Merritt) Did Monsignor Tinsley make you aware  
 21 of any particular priests that -- when you became Bishop in  
 22 1994 that were problems?  
 23 A. Yes.  
 24 Q. And was Tom Teczar one of those priests?  
 25 A. It became clear that Father Teczar was one of those

1 that are still alive?  
 2 MR. HATTEN: Objection, form.  
 3 A. Yes. Once again, the way these expressions are used,  
 4 I wouldn't express it the same way. The priests in the  
 5 Worcester Diocese makes it looks like the ministry in the  
 6 diocese.  
 7 Q. (By Ms. Merritt) Okay.  
 8 A. They are priests of the Worcester Diocese.  
 9 Q. Okay. Let me make it clearer.  
 10 A. Okay.  
 11 Q. With the exception of the clerics that are deceased,  
 12 the ones that are living that you have identified for us this  
 13 morning, as well as the ones previously identified in 318, are  
 14 all those men still being financially supported by the  
 15 Worcester Diocese?  
 16 A. Yes.  
 17 MR. HATTEN: Objection, form.  
 18 A. I would like to say some of them are. I am not sure  
 19 that all of them are. But we do have an obligation to help  
 20 support them if they don't have any other means.  
 21 Q. (By Ms. Merritt) When you became Bishop in 1994, did  
 22 you -- now, you had had a -- what was your position before you  
 23 came into the Diocese of Worcester as Bishop?  
 24 A. I was the Bishop of Norwich, Connecticut.  
 25 Q. Okay. But prior to that time, you had worked as an

1 priests, but I don't know at what point that happened. He  
 2 didn't have a meeting just to talk about Father Teczar.  
 3 Q. Do you recall the names of any other clerics that  
 4 Father Tinsley brought to your attention at the time you became  
 5 Bishop of Worcester?  
 6 A. I can't recall that right now.  
 7 Q. What was Father Tinsley's position with the diocese  
 8 in '94 when you became Bishop?  
 9 A. In '94 when I became Bishop, he was a Director of  
 10 Finance.  
 11 Q. So would it be accurate to say that he may have been  
 12 aware of these certain priests because he was the one paying  
 13 out the money to support them?  
 14 A. No. He was the one who would be the liaison with the  
 15 diocese attorney for the Bishop.  
 16 Q. From the time you became Bishop of Worcester, how  
 17 many clerics would you say you have sent for treatment to the  
 18 House of Affirmation in Whitinsville, Massachusetts?  
 19 A. None.  
 20 Q. All right. What about the Institute for the Living?  
 21 A. None.  
 22 Q. Servants of the Paraclete?  
 23 A. None.  
 24 Q. St. Luke Institute?  
 25 A. I think if I ever sent anybody there -- I know Father

1 Teczar was there. I don't recall.

2 MR. BENNETT: Objection, nonresponsive.

3 Q. (By Ms. Merritt) Have the priests on Exhibit No. 318  
4 that you have identified for us -- have any of these priests  
5 been sent for treatment outside the diocese following  
6 allegations of sexual misconduct?

7 A. No, no.

8 Q. What about the priests that -- the list that I went  
9 through with you earlier? Have any of those -- did the diocese  
10 send them to any form of treatment center?

11 A. I wouldn't be able to say for those people.

12 Q. Okay. While you were Bishop of Worcester, did you  
13 send any clerics accused of sexual misconduct against minors to  
14 another diocese?

15 A. No.

16 Q. What about as Bishop of Norwich, Connecticut?

17 A. To another diocese, no.

18 Q. What about to any Catholic facility outside the  
19 United States?

20 A. Would you clarify by "Catholic facility?" Do you  
21 mean to go and serve in a facility --

22 Q. Yes.

23 A. -- serve in an institution or --

24 Q. Yes.

25 A. No.

1 Q. Do you recall a specific conversation with Bishop  
2 Delaney about Tom Teczar?

3 A. No, I don't.

4 Q. I want to show you what we have marked as Exhibit No.  
5 209 in this case and ask you if your signature is on that  
6 document -- the Mark Barry settlement document?

7 THE VIDEOGRAPHER: Microphone --

8 MR. HATTEN: Object to form.

9 Q. (By Ms. Merritt) Bishop Reilly, what is the exhibit  
10 number on that, please?

11 A. This is 209.

12 Q. All right. Do you recognize that document?

13 A. I don't recognize it, no, but I can familiarize  
14 myself with it.

15 Q. Is that your signature on the last page of that  
16 document?

17 A. That's my signature, yes. May I read the document?

18 Q. Of course.

19 A. Okay.

20 Q. Do you need some time to review that?

21 A. Yes, I would like to because I'm not familiar with  
22 this.

23 Q. All right.

24 THE VIDEOGRAPHER: Going off the video record at  
25 10:00 a.m.

1 Q. What about to a treatment center outside the United  
2 States?

3 A. Outside the United States, no.

4 Q. Do you have -- do you recall meeting with Tom Teczar  
5 when you became Bishop of Worcester in December of 1994?

6 A. No, I don't recall meeting with him. I would see him  
7 at Mass.

8 Q. Bishop Reilly, let me show you what I am going to  
9 mark as 511 to your deposition. It's FWD 0167 and it is an  
10 e-mail message from Bishop Delaney to Reyna Catelan and it's  
11 regarding a conversation with you, I believe, and Bishop  
12 Delaney.

13 If you can review that, I will ask you some  
14 questions about it.

15 MR. BENNETT: Is there a question?

16 Q. Do you recall the conversation with Bishop Delaney in  
17 addition to the letters that you received that I think we have  
18 marked as 451 to your deposition?

19 A. No, I don't recall the conversation, no.

20 We used to sit beside one another in Bishops  
21 meetings. He probably mentioned it to me.

22 What's the date on that, by the way?

23 Q. It is July 12, 2002.

24 A. Yeah, so it would have been right after a Bishops  
25 meeting. I think that's the year we met in Dallas.

1 (Recess taken at 10:00 a.m.; resumed at 10:07  
2 a.m.)

3 THE VIDEOGRAPHER: Back on the video record at  
4 10:07 a.m.

5 Q. (By Ms. Merritt) Okay. Have you reviewed Exhibit No.  
6 209?

7 A. 209, yes.

8 Q. And can you tell us what that document is?

9 A. It is a confidentiality agreement between the Diocese  
10 of Worcester and the House of Affirmation, Thomas Kane and Mark  
11 Barry as the complainant.

12 Q. Okay. What were the allegations in that lawsuit  
13 against the House of Affirmation and Tom Kane?

14 MR. HATTEN: objection, form.

15 A. The specific allegations -- I don't know if they are  
16 written out in here.

17 Q. (By Ms. Merritt) Was it sexual abuse alleged by Mr.  
18 Barry --

19 A. Yes.

20 Q. -- against Father Kane?

21 A. Yes.

22 MR. HATTEN: Don't talk over her.

23 THE WITNESS: Oh, I am sorry.

24 MR. HATTEN: Let her finish her question before  
25 you answer nice and slow so that the record is clear for the



1 court reporter.

2 Q. (By Ms. Merritt) And as Bishop of Worcester, you  
3 would have signed that document?

4 A. I signed that, yes.

5 Q. Okay. And what is the date on that document?

6 A. October 6, 1995.

7 Q. Okay. And who else's signature is on that document,  
8 other than yours?

9 MR. HATTEN: Can we pause? Since this is a  
10 confidentiality agreement, to the degree that you are going to  
11 ask questions about the contents of this document that may be  
12 confidential, can we also have the agreement that this portion  
13 of the deposition will be confidential?

14 MS. MERRITT: Well, it has been released in  
15 other lawsuits, so I don't think it's confidential anymore.

16 MR. HATTEN: Well, to whatever degree the  
17 confidentiality could still be binding, can we make the  
18 agreement?

19 MS. MERRITT: To do what?

20 MR. HATTEN: That the confidentiality will  
21 remain as to this deposition?

22 MS. MERRITT: I don't understand what you are  
23 asking. What are you asking me to do?

24 MR. HATTEN: There is a confidentiality  
25 agreement in this document, and I haven't had a chance to

1 aspect as to direct the finances for the diocese.

2 Q. Okay. This document also mentions Reverend Robert  
3 Sirois -- who you have told us is one of the clerics accused of  
4 sexual misconduct -- Thomas Teczar, Brandon Reardon and Thomas  
5 Kane.

6 Brandon Reardon, was he a cleric of the  
7 Worcester Diocese?

8 A. Yes.

9 Q. Was he at the House of Affirmation along with Father  
10 Kane and Tom Teczar and Robert Sirois?

11 MR. BENNETT: Objection, form.

12 A. Not that I know of.

13 Q. (By Ms. Merritt) What did you review prior to your  
14 deposition today, Bishop Reilly? Have you reviewed any  
15 documents?

16 A. I looked at pretty much the letters that we went  
17 through the last time we were together -- it has been a long  
18 time -- just to review the unfurling of this whole situation.

19 Q. Okay. Did you review any depositions?

20 A. No.

21 Q. Did you -- so you didn't read Father Beil's  
22 deposition?

23 A. No, I didn't.

24 Q. All right. I want to ask you about the sprinkler  
25 system incident at -- in March of 1996 in the chancery.

1 review what it is yet as to duties of my client.

2 MS. MERRITT: I see.

3 MR. HATTEN: If there are any, then we are going  
4 to have to seal this portion of the deposition. If you are  
5 asking questions about something he might be bound to --

6 MS. MERRITT: I am not going to ask him about  
7 the contents of the document. I am just going to ask him whose  
8 signature -- whose other signature is on the document.

9 MR. HATTEN: Okay.

10 MS. MERRITT: That's it.

11 MR. HATTEN: Okay. Go ahead.

12 A. So signatures include Mark Barry, Plaintiff, Thomas  
13 Kane, Defendant, Edward Tinsley, for the House of Affirmation  
14 for the Diocese, and Bishop Reilly.

15 Q. (By Ms. Merritt) Okay. And is Thomas Teczar also on  
16 that document?

17 A. Thomas Teczar didn't sign this, no.

18 Q. All right. Is his name in that document?

19 A. I don't recall. I think his name is, yes. Yes, his  
20 name is here.

21 Q. And Father Tinsley -- did Father Tinsley take over  
22 the House of Affirmation from Father Kane?

23 A. No. I believe what happened there was that the House  
24 of Affirmation closed and the corporation still existed and  
25 Monsignor Tinsley is -- runs that or is in charge of that

1 A. Yes.

2 Q. And as I understand from your attorneys and from  
3 newspaper articles that were provided to me by your lawyers,  
4 there was a sprinkler that burst in the attic of the chancery  
5 in March of 1996.

6 A. Yes.

7 Q. All right. And you were Bishop at the time?

8 A. Yes.

9 Q. All right. And were you advised -- who advised you  
10 that there was damage to the priest files?

11 MR. HATTEN: Objection, form.

12 Q. (By Ms. Merritt) Or did anyone advise you there was  
13 damage to priest files?

14 A. I don't recall anybody saying that, but that would be  
15 part of the responsibility of Bishop Rueger. He was in charge  
16 of the building.

17 Q. Okay. Bishop Rueger has described for us a vaulted  
18 room -- walk-in vaulted room where the personnel files and the  
19 special archives are kept. To your knowledge, was that room  
20 damaged by the sprinkler in March of 1996?

21 A. I am not aware one way or the other.

22 Q. Okay. For example, did Bishop Rueger come to you and  
23 tell you that "we have lost a lot of priest files in this --  
24 due to this flood"?

25 A. No, he never said that.

1 Q. All right. Are you aware of whether or not certain  
2 matters that are kept in the special archives of the diocese,  
3 specifically -- let me give you an example -- allegations of  
4 sexual misconduct or whether those matters are summarized and  
5 sent to the congregation in Rome -- Congregation for the  
6 Doctrine of the Faith in Rome?  
7 A. You mean just as routine, you mean?  
8 Q. Yes.  
9 A. Yes. No, I am not aware of that.  
10 Q. All right. If there is a file started by the  
11 congregation concerning a particular cleric in this case -- Tom  
12 Teczar -- would files from your diocese concerning Tom Teczar  
13 be transmitted to the Congregation for the Doctrine of the  
14 Faith?  
15 MR. BENNETT: Objection, form.  
16 A. I don't get the question.  
17 Q. (By Ms. Merritt) Okay. Let me show you some  
18 documents in this case. Let me show you Exhibit No. 226 and 86  
19 in this case.  
20 86 is a letter from Bishop Harrington dated  
21 April 6th of 1990. Have you seen this letter before?  
22 A. This letter I saw the last time we were together.  
23 Q. Okay.  
24 A. It was one of the ones that was mentioned up here.  
25 Q. What my question is: This is a letter to Bishop

1 the Worcester Diocese file?  
2 MR. BENNETT: Objection, form.  
3 A. That I couldn't say.  
4 Q. (By Ms. Merritt) Should there --  
5 A. I may -- we don't have these letters?  
6 Q. Should those letters be in Tom Teczar's file with the  
7 Worcester Diocese?  
8 MR. BENNETT: Object, form.  
9 MR. HATTEN: Objection, form.  
10 A. I am not aware that they are not.  
11 Q. (By Ms. Merritt) Okay. Thank you.  
12 Do you recall receiving a copy of the Doyle  
13 Mouton Peterson report, as Bishop?  
14 MR. HATTEN: Objection, form.  
15 A. No, I don't recall.  
16 Q. (By Ms. Merritt) Have you read that document?  
17 A. I don't recall even the reading of it.  
18 Q. Okay. Let me show you a copy of it and see if this  
19 maybe will refresh your memory if you have seen that before.  
20 And if it refreshes your memory, I will mark it. If not, we  
21 will move on to something else.  
22 A. No, I have no recall on it in the matter.  
23 Q. Have you served on any committees of the United  
24 States Catholic Conference or the National Conference of  
25 Catholic Bishops?

1 Harrington to the Congregation for the Clergy; is that not  
2 correct?  
3 A. That's right.  
4 Q. All right. So would it be safe to assume that the  
5 Congregation for the Doctrine of the Faith has a file with that  
6 letter in it from Bishop Harrington?  
7 MR. BENNETT: Object, form.  
8 MR. HATTEN: Objection, form.  
9 A. I would believe so, yes.  
10 Q. (By Ms. Merritt) All right. Here is a letter from --  
11 which we have marked as Exhibit No. 226 in this case dated May  
12 28, 1990 from the Congregation for the Doctrine of --  
13 Congregation of the Clergy to Mr. and Mrs. Maciorowski  
14 concerning Tom Teczar and their son.  
15 Have you seen that document before?  
16 A. If it was in the group we looked at the last time,  
17 yes.  
18 Q. All right. So does that letter indicate that there  
19 is a file in Rome concerning Tom Teczar?  
20 MR. HATTEN: Objection, form.  
21 A. I would -- you know, how they would handle it,  
22 certainly there must be copies of these letters in Rome, yeah.  
23 MR. BENNETT: Object, nonresponsive.  
24 Q. (By Ms. Merritt) And if there's copies of those  
25 letters in Rome, why aren't there copies of those letters in

1 A. Yes.  
2 Q. Can you tell me what committees you have served on?  
3 A. I served on the Catholic Relief Services -- I was  
4 Chairman of that. That's a Bishops arm for development  
5 overseas. So it's a very large -- very, very large  
6 organization and agency to serve people in developing  
7 countries. Then I served on the International Policy Committee  
8 as Chairman.  
9 Q. What years did you serve on the Catholic Relief  
10 Services Committee?  
11 A. Oh, it was about nine years. I was Chairman nine  
12 years, so it's somewhere around 1978 to '87, something like  
13 that.  
14 Q. And that was the United States Catholic Conference?  
15 A. United States Catholic Conference in the United  
16 States, yes.  
17 Q. Okay. And during that time period from 1978 to 1987,  
18 did you ever attend any meetings or seminars concerning clergy  
19 sexual abuse of minors sponsored by the United States Catholic  
20 Conference?  
21 A. Not that I can recall.  
22 Q. What about the National Conference of Catholic  
23 Bishops?  
24 A. It would be pretty much the same, not that I can  
25 recall.

1 Q. Is there a -- in Texas we have what is called the  
 2 Texas Catholic Conference. It's an organization of Catholic --  
 3 Texas Diocese and their Bishops. Do you have a similar  
 4 organization in Massachusetts?  
 5 A. Yes.  
 6 Q. And what is the name of that?  
 7 A. Massachusetts Catholic Conference.  
 8 Q. Okay. And have you served on any committees or any  
 9 organizations relative to the Massachusetts Catholic  
 10 Conference?  
 11 A. Yes, I am member of the Board.  
 12 Q. How long have you been a member of the Board?  
 13 A. Since I became Bishop in December of '94.  
 14 Q. Okay. And has the Massachusetts Catholic Conference  
 15 sponsored any seminars or put any literature concerning sexual  
 16 abuse of minors by clerics?  
 17 A. Yes, in recent years, that has been done.  
 18 Q. Would it have been after 2000?  
 19 A. I believe, yes.  
 20 Q. Bishop Reilly, let me show you what I have marked as  
 21 Exhibit No. 512 to your deposition and ask you if you can  
 22 identify that or have seen this document before?  
 23 It's the United States Catholic Conference  
 24 Statement on Pedophilia dated 1988.  
 25 A. Yes, I was Bishop at that time. I don't -- can't

1 Q. -- policy statement?  
 2 A. Apparently, yes.  
 3 Q. Is the sexual abuse of a child by a cleric illegal  
 4 under civil law and Canon law?  
 5 MR. BENNETT: Objection, form.  
 6 MR. HATTEN: Object, form.  
 7 MR. BENNETT: Repetitious.  
 8 A. Yes.  
 9 Q. (By Ms. Merritt) Does it matter to the Church whether  
 10 that child is Catholic or Protestant?  
 11 A. No.  
 12 Q. If the child is Protestant, does that lessen the  
 13 responsibility of the Church toward the victim?  
 14 A. No. The Church deals with human beings.  
 15 Q. So does a Catholic -- can a Catholic child -- does a  
 16 Catholic child have to -- or nonCatholic child have to expect  
 17 less from the church --  
 18 A. No.  
 19 MR. BENNETT: Objection, form.  
 20 Q. (By Ms. Merritt) -- than a Protestant child?  
 21 A. No.  
 22 MR. BENNETT: Same objection.  
 23 Q. (By Ms. Merritt) Have you participated in any  
 24 laicization trials since you have been Bishop?  
 25 A. No.

1 recall the specifics of it, but I remember that coming out.  
 2 Q. Do you remember that in February of '88 the United  
 3 States Catholic Conference issued a statement on pedophilia?  
 4 A. If you hadn't shown that to me, I wouldn't be able to  
 5 say yes, but now that I see it, yes.  
 6 Q. I want to show you what I have marked as Exhibit No.  
 7 513 to your deposition and this is a statement on child abuse  
 8 released by the National Conference of Catholic Bishops,  
 9 November 5, 1989, and ask you if you recognize this document?  
 10 MR. BENNETT: For the record, that's also  
 11 Exhibit No. 475.  
 12 A. I don't recall the document, but...  
 13 Q. (By Ms. Merritt) Do you recall the National  
 14 Conference of Catholic Bishops issuing a statement on child  
 15 abuse in November of 1989?  
 16 A. Not specifically, no.  
 17 Q. Okay. Exhibit No. 509 that I showed you before, do  
 18 you know who would have prepared that document?  
 19 A. No, it's the first time I have seen this document.  
 20 Q. I think Exhibit No. 458 you have identified before  
 21 for me, Bishop Reilly, and that -- is that the policy statement  
 22 on pedophilia that was in place in 1988 in your diocese?  
 23 A. I wasn't in Worcester, so I wouldn't --  
 24 Q. That would be Bishop Harrington's --  
 25 A. That would be Bishop --

1 Q. What is your --  
 2 A. Let me back up. Yes.  
 3 Q. Okay.  
 4 A. Not a trial, but a case -- I have submitted a case to  
 5 Rome.  
 6 Q. And whose case was that?  
 7 A. That's Monsignor Battista.  
 8 Q. And what was Monsignor Battista accused of?  
 9 A. Sexual violation of a young woman.  
 10 Q. Was the woman a minor --  
 11 A. Yes.  
 12 Q. -- at the time?  
 13 A. Claimed she was a minor.  
 14 Q. Okay. And why did you feel strongly enough about  
 15 that case to recommend that case to Rome?  
 16 A. Because the case was so strong and it was really  
 17 something that this woman felt was necessary for her to achieve  
 18 her fullness as a person again.  
 19 Q. Is it important, based on your experience with  
 20 dealing with clergy abuse victims, that they have some type of  
 21 closure?  
 22 A. Some type of what?  
 23 Q. Closure.  
 24 A. Closure?  
 25 MR. BENNETT: Objection, form.

1 A. Yes.  
 2 Q. (By Ms. Merritt) And that can come in the form of a  
 3 conviction of their perpetrator?  
 4 MR. HATTEN: Objection, form.  
 5 Q. (By Ms. Merritt) Or some type of vindication, some  
 6 type of acknowledgement that this happened to them from the  
 7 wrongdoer?  
 8 MR. HATTEN: Objection, form.  
 9 This witness has not been put up as an expert on  
 10 psychology.  
 11 MS. MERRITT: Are you instructing him not to  
 12 answer my question?  
 13 MR. HATTEN: I object to the form of the  
 14 question. If you keep on going down this line of asking him  
 15 for what appears to be expert opinions in psychology, I am  
 16 going to instruct him not to answer.  
 17 Q. (By Ms. Merritt) Bishop Reilly, how many cases of  
 18 clergy sexual abuse have you dealt with since you have been  
 19 Bishop of Worcester and Bishop of Norwich?  
 20 A. I don't put the number down, but I would say at least  
 21 somewhere -- dealing with cases that came before me -- because  
 22 all of those came out again.  
 23 Q. Personally, you dealing with them personally?  
 24 A. Oh, you mean that I would be dealing with the  
 25 committee?

1 THE WITNESS: Wait, wait, I couldn't hear what  
 2 you said.  
 3 MR. HATTEN: I instructed you not to answer.  
 4 THE WITNESS: Okay.  
 5 Q. (By Ms. Merritt) When you came into the diocese in  
 6 1994, Tom Teczar, of course, had been returned from Texas; is  
 7 that true?  
 8 MR. BENNETT: Objection, form.  
 9 A. He had already returned from Texas?  
 10 Q. (By Ms. Merritt) Yes.  
 11 A. Yes.  
 12 Q. And did you ever discuss with Bishop Delaney why he  
 13 returned?  
 14 A. No.  
 15 Q. Did anyone talk to you -- either Bishop Delaney or  
 16 any other cleric, any other person from the Fort Worth Diocese,  
 17 concerning what had happened in 1993 in Ranger with Father  
 18 Teczar and the District Attorney there, Leslie Vance?  
 19 A. And the question is?  
 20 Q. Did anyone -- when you became Bishop in 1994, I think  
 21 you said you met with Monsignor Tinsley --  
 22 A. Yes.  
 23 Q. -- concerning Father Teczar and some other priests.  
 24 Did Father Tinsley ever tell you about Father  
 25 Teczar being under investigation when he left Fort Worth in

1 Q. With the victims, with the victims.  
 2 A. Oh, talking to the victims?  
 3 Q. Yes.  
 4 A. Oh, I would say about 10 or 12.  
 5 Q. Okay. And have any of those victims expressed to you  
 6 their need for closure in these type of matters?  
 7 A. Oh, yes.  
 8 Q. And you would agree with me, wouldn't you, Bishop  
 9 Reilly, that closure can come in the form of your -- the  
 10 perpetrator being convicted of a crime --  
 11 MR. HATTEN: objection, form.  
 12 Q. (By Ms. Merritt) -- and going to prison; isn't that  
 13 true?  
 14 MR. HATTEN: I am going to -- hold it --  
 15 A. It's a --  
 16 MR. HATTEN: wait, wait, wait.  
 17 THE WITNESS: Okay.  
 18 MR. HATTEN: I think you are going down the road  
 19 of what appears to be psychology expert opinions.  
 20 MS. MERRITT: Well --  
 21 MR. HATTEN: And this witness hasn't been  
 22 designated as such, so I am going to instruct him not to  
 23 answer.  
 24 MS. MERRITT: Okay.  
 25 Marion, you know to certify all these questions.

1 1993?  
 2 MR. BENNETT: Objection.  
 3 MR. HATTEN: Objection, form.  
 4 A. I am not sure. I became aware of the Teczar  
 5 case through conversations with Monsignor Tinsley or others in  
 6 the chancery and legal counsel. But just how it came about, I  
 7 don't know.  
 8 MR. BENNETT: Object, nonresponsive.  
 9 Q. (By Ms. Merritt) Since Father Teczar left the Diocese  
 10 of Worcester and went to a receiving Bishop -- which was Bishop  
 11 Delaney in Fort Worth -- and then he returned back to  
 12 Worcester, would that have indicated to you that he had been in  
 13 trouble for sexual misconduct in Texas?  
 14 MR. BENNETT: Object, form.  
 15 A. I would have a hard time answering that right now. I  
 16 knew he was there. I knew that there had been some sort of  
 17 problem, but I can't tell you exactly how I was thinking at  
 18 that time.  
 19 Q. (By Ms. Merritt) Well, for example, if he just  
 20 returned on his own from Fort Worth and got homesick and came  
 21 back to Massachusetts, you didn't put him back into ministry,  
 22 did you?  
 23 MR. BENNETT: Object, form.  
 24 A. That's right.  
 25 Q. (By Ms. Merritt) So the fact that he was no longer in

1 Fort Worth was most likely because there was a problem in Fort  
2 Worth; isn't that true?

3 MR. HATTEN: Objection, form.

4 MR. BENNETT: Object, form.

5 A. That's hypothetical in the sense that -- most likely.

6 Q. (By Ms. Merritt) Okay. Otherwise, he would still be  
7 working in Fort Worth?

8 A. Yes.

9 MR. BENNETT: Objection, form.

10 Q. (By Ms. Merritt) Right?

11 MR. BENNETT: Objection, form.

12 A. Yes. But he wasn't working when he was in the  
13 Diocese of Worcester.

14 Q. (By Ms. Merritt) That's right. So when he left to go  
15 to -- well, let's go back to your personal experience.

16 MR. BENNETT: Object, sidebar.

17 Q. (By Ms. Merritt) You inter --

18 MS. MERRITT: Are you finished, Jim?

19 MR. BENNETT: Yes. Thank you.

20 Q. (By Ms. Merritt) You interviewed Father Teczar for a  
21 job with the Norwich Diocese, did you not?

22 A. Yes.

23 MR. BENNETT: Object, form.

24 A. Oh, sorry. I didn't interview him for a job with the  
25 Norwich Diocese, no.

1 A. No, I don't recall giving any thought to that aspect  
2 of it. It was not a big thing in my mind when I was in Norwich  
3 about whether Father Teczar was in Texas or not.

4 Q. (By Ms. Merritt) Okay.

5 MR. HATTEN: Objection, nonresponsive.

6 Q. (By Ms. Merritt) What I am trying to understand is:  
7 Between the time you came in in 1994, we have got several  
8 letters from you to Tom Teczar in 1996 and 2002 -- there's a  
9 gap of two years. Did you have any meetings with Tom Teczar  
10 during that time period?

11 MR. BENNETT: Object, form.

12 A. No.

13 Q. (By Ms. Merritt) Was he trying to find, to your  
14 knowledge, another diocese to work in?

15 MR. BENNETT: Object, form.

16 A. I wasn't aware of that.

17 Q. (By Ms. Merritt) Would he have had to get your  
18 permission as Bishop of Worcester to look for another diocese?

19 A. Yes.

20 Q. Here's a letter we have marked as 420 to your  
21 deposition and it's your letter to Tom Teczar, September 19,  
22 1996. You are reaffirming to him, are you not in that letter,  
23 Bishop Reilly, that he doesn't have your permission to serve as  
24 a priest in the Worcester Diocese?

25 MR. HATTEN: Objection, form.

1 Q. (By Ms. Merritt) He came to the Norwich Diocese  
2 looking for a place?

3 A. That's right.

4 Q. Okay.

5 A. So this was from him, not from me.

6 Q. Okay. So let me --

7 A. I didn't know who he was.

8 Q. I got you. Let me clarify the question.

9 A. Okay.

10 Q. Father Teczar came to you looking for -- looking to  
11 serve in your diocese --

12 A. Right.

13 Q. -- at the time you were Bishop of Norwich; is that  
14 right?

15 A. Yes.

16 Q. All right. And at that time, I think your testimony  
17 was that you talked to him and then you talked to Bishop  
18 Harrington and you eliminated him as a candidate for your  
19 diocese; is that true?

20 A. Yes.

21 Q. All right. So when you became Bishop of Worcester  
22 and Tom Teczar was returned from Texas, you knew there had to  
23 be a problem in Texas, didn't you?

24 MR. HATTEN: Objection, form.

25 MR. BENNETT: Object, form.

1 A. Yes.

2 Q. (By Ms. Merritt) Is that true?

3 A. Yes.

4 Q. What would have prompted that letter, Bishop Reilly?  
5 Was he trying to seek another diocese or why did you write that  
6 letter?

7 MR. BENNETT: Object, form.

8 A. Once again, this would be -- I don't recall the  
9 specific incidence, but we would do this from time to time  
10 because priests would ask us -- if "Father So-and-so is here.  
11 Can he help me out on weekends? Can he say a Mass? I have got  
12 to be away."

13 And so we would do this with other priests, too,  
14 who would be off the job and say, "No, you cannot serve  
15 anywhere in the diocese."

16 Q. (By Ms. Merritt) What is the date on that letter?

17 A. This is September 19, 1996.

18 Q. Okay. And here's another letter, Exhibit No. 467, to  
19 you from -- to Tom Teczar from you, January 22, 1996, basically  
20 saying the same thing.

21 A. Yes.

22 Q. Is there something that prompted that letter in  
23 addition to the letter you just talked about?

24 A. I don't recall what prompted it, but I am glad it was  
25 written, yes.

1 MR. BENNETT: Object, nonresponsive.  
2 Q. (By Ms. Merritt) why are you glad it was written?  
3 A. Well, because it puts in writing just how we were --  
4 what our stance would be with reference to that, and this  
5 probably came from the same type -- once again, I'm drawing on  
6 speculation here -- the same thing, people asking him to serve  
7 as a priest somewhere or, you know, asking him to say a Mass or  
8 something like that.  
9 MR. BENNETT: Object, nonresponsive.  
10 Q. (By Ms. Merritt) Could these letters be in response  
11 to Father Teczar asking you to serve in another diocese  
12 somewhere?  
13 A. No, no. I am sure that's not true.  
14 Q. If he asked you to serve in another diocese, would  
15 there be documents in his file where -- recording meetings with  
16 you asking you to sponsor him for another diocese?  
17 A. Yes.  
18 Q. If Father Teczar was seeking admission to another  
19 diocese between the years 1994 and 1996, could he do so without  
20 your permission?  
21 MR. BENNETT: Object, form.  
22 MR. HATTEN: Objection, form.  
23 THE WITNESS: What, please?  
24 MR. HATTEN: I said, "Objection, form."  
25 A. Once again, it's speculation, but I will give you the

1 serving in the Vatican at the present time.  
2 Q. Okay.  
3 A. So that was in other circumstances than this. So  
4 that happens, but it's not always --  
5 MR. BENNETT: Object, nonresponsive.  
6 Q. (By Ms. Merritt) On the time that you were Bishop of  
7 Worcester, priests such as Father Teczar that are on-leave  
8 status, would you check on their status from time to time on  
9 what they are doing, who they are seeing, why are these guys  
10 still on our payroll, where are they, those type of --  
11 A. Yes.  
12 Q. How would you keep track of these men?  
13 MR. HATTEN: Objection, form.  
14 MR. BENNETT: Also object as repetitious.  
15 A. Someone like Father Teczar, I see at Mass from time  
16 to time, you know. That wouldn't be meeting and so forth, but  
17 I just see him there and know that his health was good and that  
18 sort of thing that you would be concerned about.  
19 MR. HATTEN: Objection, nonresponsive.  
20 A. But there was no system as to a way to stay in touch  
21 with him during this --  
22 MR. HATTEN: Objection, nonresponsive again.  
23 Q. (By Ms. Merritt) So Father Teczar didn't have to have  
24 your permission to leave the State, for example?  
25 A. No.

1 general answer.  
2 MR. HATTEN: You don't have to speculate.  
3 A. No, I mean the question is speculation. That's --  
4 Q. (By Ms. Merritt) Okay. I will rephrase the question.  
5 A. Is that --  
6 Q. I will rephrase the question.  
7 If a priest is looking for another diocese to  
8 serve in, such as Father Teczar, would he have to have the  
9 permission of his Bishop to do so?  
10 A. Yes.  
11 MR. BENNETT: Object, form.  
12 A. Yes, that would be the Diocesan policy, yes.  
13 Q. (By Ms. Merritt) And would it have to be in writing?  
14 MR. BENNETT: Object, form.  
15 A. That, I wouldn't be able to say. In general, it  
16 might be if a Bishop -- priest wanted to speak to some Bishop  
17 to see if it would be open to taking him, it might not be in  
18 writing.  
19 Q. (By Ms. Merritt) Okay. And have you had occasion  
20 since you have been Bishop of Worcester and Bishop of Norwich,  
21 to have priests come to you saying, "I want your permission to  
22 go to another diocese or work overseas or transfer out of your  
23 diocese?"  
24 A. Let me just see now. I don't recall any situation  
25 like that, but we do have a priest from Worcester who is

1 Q. If a receiving Bishop wanted to review special  
2 archives of Worcester before deciding whether to take a certain  
3 cleric or not, was that something that you would have allowed  
4 as Bishop?  
5 MR. BENNETT: Object, form.  
6 A. I would allow it, yes.  
7 Q. (By Ms. Merritt) How long did you work under Bishop  
8 Harrington?  
9 A. I didn't work under him.  
10 Q. Okay. The Diocesan Review Board that you have put  
11 into place, have any investigations of Tom Teczar been  
12 conducted by that Board, to your knowledge?  
13 A. Not to my knowledge.  
14 Q. Has the diocese conducted any type of investigation  
15 of Tom Teczar stemming from the allegations in this case that  
16 you know of?  
17 A. I would not be able to speak to that because that  
18 would have been before my time.  
19 Q. Well, you were Bishop of Worcester when these  
20 allegations arose?  
21 A. Yes.  
22 Q. Okay. Do you know if any investigation by the  
23 Diocesan Review Board or anybody in the diocese was instituted  
24 in response to these cases?  
25 MR. BENNETT: Object, form.

1 A. Not that I am aware of.  
 2 Q. (By Ms. Merritt) Did you meet with Bishop Harrington  
 3 when you came in as Bishop of Worcester to talk to him about  
 4 the diocese and the priests?  
 5 A. Yes.  
 6 Q. Okay. And did he mention Tom Teczar or any other  
 7 clerics with special problems?  
 8 MR. BENNETT: Object, form.  
 9 A. No.  
 10 Q. (By Ms. Merritt) I think your testimony was earlier  
 11 this morning that Bishop Rueger did not advise you that any  
 12 priest files were damaged or destroyed during the flood of '96;  
 13 is that true?  
 14 MR. HATTEN: Objection, form.  
 15 A. That's not --  
 16 Q. (By Ms. Merritt) Okay.  
 17 A. I think we had a double negative there.  
 18 Q. Okay. Let me ask you this: Did Bishop Rueger --  
 19 A. My response earlier, yeah.  
 20 Q. Did Bishop Rueger ever tell you that documents that  
 21 were kept in the vault were damaged because of the flood?  
 22 MR. HATTEN: Objection, form.  
 23 A. Not that I can recall.  
 24 Q. (By Ms. Merritt) What about Monsignor Tinsley or  
 25 Monsignor Sullivan, did they ever advise you that any records

1 Whitinsville?  
 2 A. Whitinsville.  
 3 Q. Whitinsville.  
 4 A. Father Thomas Kane, as far as I know.  
 5 Q. Okay. And he is one of the clerics who have been  
 6 accused of sexual misconduct with minors.  
 7 A. Yes.  
 8 Q. Where is Father Kane located these days? Do you know  
 9 where he is?  
 10 A. I am not quite sure where he is. I would have to  
 11 check the file. He has been in different places, but I am not  
 12 sure where he is now.  
 13 Q. Is he still being financially supported --  
 14 A. Yes.  
 15 Q. -- by the Worcester Diocese?  
 16 A. Yes.  
 17 MR. HATTEN: Let her finish her question. Slow  
 18 down.  
 19 THE WITNESS: Okay.  
 20 Q. (By Ms. Merritt) At some point, the House of  
 21 Affirmation was closed?  
 22 A. Yes.  
 23 Q. All right. And the House of Affirmation, was that a  
 24 Catholic treatment center for Catholic clerics?  
 25 A. Clerics and religious and women, too.

1 kept in the walk-in vault in the chancery office were damaged  
 2 or destroyed because of the flood in 1996?  
 3 A. No.  
 4 MR. HATTEN: Objection, form.  
 5 A. Not that I recall.  
 6 Q. (By Ms. Merritt) Is that something that you would  
 7 have wanted to know as Bishop?  
 8 A. Yes.  
 9 Q. Do you recall any policies either issued by the  
 10 United States Catholic Conference or the National Conference of  
 11 Catholic Bishops in 1990 regarding the transfer of one priest  
 12 to -- of priest or cleric from diocese to diocese?  
 13 A. I don't recall.  
 14 Can I take a break?  
 15 Q. Of course.  
 16 THE VIDEOGRAPHER: Going off the video record at  
 17 10:43 a.m.  
 18 (Recess taken at 10:43 a.m.; resumed at 10:51  
 19 a.m.)  
 20 THE VIDEOGRAPHER: Back on the video record at  
 21 10:51 a.m.  
 22 Q. (By Ms. Merritt) Bishop Reilly, I want to talk to you  
 23 a little bit about the House of Affirmation and kind of educate  
 24 the jury and myself a little bit about it.  
 25 Who founded the House of Affirmation in

1 Q. All right. And Father Teczar went to the House of  
 2 Affirmation in Whitinsville; is that true?  
 3 MR. BENNETT: Object, form.  
 4 A. I am not sure. The record is so short, I am not  
 5 aware of that.  
 6 Q. (By Ms. Merritt) Okay. Were you aware that he also  
 7 went to the House of Affirmation in Montera, California?  
 8 A. Yes, I saw in the documentation.  
 9 Q. And is the -- to your knowledge, is the House of  
 10 Affirmation in Montera, California still functioning and in  
 11 existence?  
 12 A. I don't believe so.  
 13 Q. Were all of the Houses of Affirmation, to your  
 14 knowledge, closed?  
 15 A. That's my understanding.  
 16 Q. And do you have any knowledge that you can help us  
 17 with as to where the records from the House of Affirmation  
 18 concerning, for example, Father Teczar were kept?  
 19 A. I am not aware. The person you would have to contact  
 20 on that would be Monsignor Tinsley.  
 21 Q. And Monsignor Tinsley -- did he, after Father came --  
 22 left the diocese, did he assume control over the House of  
 23 Affirmation records, to your knowledge?  
 24 A. I believe the corporation was set up. The  
 25 corporation stayed there and he was one of the members of the

1 corporation.

2 Q. Okay. And do you know if at anytime the records from  
3 the House of Affirmation were transferred to the chancery  
4 office?

5 A. I am not aware of that myself, but...

6 Q. At the closing of the House of Affirmation, do you  
7 know -- have any knowledge on where those records went?

8 A. No.

9 Q. And you believe that Monsignor Tinsley would be the  
10 best person to ask about that?

11 A. Yes.

12 Q. Monsignor Tinsley is a social worker also, is he not?

13 A. He was a social worker, yes, and head of Catholic  
14 Charities for a long period of time.

15 Q. I want to ask you specifically about a case involving  
16 Father Teczar and the name of the -- the young man's name is  
17 Jack Carlo. Are you familiar with that case?

18 A. No.

19 Q. Okay. Here is Exhibit No. 423 and this is a letter  
20 to Mrs. Carlo from Father Sullivan. And I want to ask you to  
21 look at that and then I will ask you a few questions about it.

22 Does that refresh your memory concerning Mr.  
23 Carlo's case?

24 A. The name does go back but Monsignor Sullivan told me  
25 we had a case with Father Teczar and we would be handling it,

1 Dr. Madonna, M-A-D-O-N-N-A (spelling). He would be the one  
2 that we would ask to go to to have some sort of evaluation  
3 made.

4 Q. Okay. And have you sent priests to him who have been  
5 accused of sexual misconduct with minors?

6 A. Yes.

7 Q. And where is he located?

8 A. In Worcester. I don't have his exact address. John  
9 Madonna.

10 Q. Do you know if Father Teczar was sent to Father  
11 Madonna?

12 A. Dr. Madonna.

13 Q. Dr. Madonna.

14 A. No, I am not aware of that.

15 Q. What about -- is there a particular psychologist or  
16 psychiatrist that the diocese would send victims of clergy  
17 abuse to?

18 A. Well, they usually choose their own psychiatrist or  
19 therapist.

20 Q. All right. Are you familiar or were you familiar  
21 with a psychologist by the name of Gilbert Skidmore?

22 A. No.

23 Q. Or Richard Gilmarten?

24 A. Richard Gilmarten. That name is familiar to me.

25 Q. And he was, I believe, one of the therapists at the

1 yes. That's not specifically in my mind.

2 Q. Is the fact that Mr. Carlo was over 18 years of age  
3 at the time of the abuse, would that somehow exempt him from  
4 the sexual misconduct of the office of Victims Assistance with  
5 the diocese?

6 MR. BENNETT: Object, form.

7 A. No, all these cases would be looked at by the review  
8 board, yes.

9 Q. (By Ms. Merritt) Is the fact that he is a blind  
10 individual, would that play into the Victims Assistance  
11 Ministry? Would that help him be considered getting some help  
12 -- some therapy help from the diocese because of Father  
13 Teczar's abuse?

14 MR. HATTEN: Objection, form.

15 A. Each case would be treated the same.

16 Q. (By Ms. Merritt) For example, is there any reason why  
17 Mr. Carlo, if he went to the diocese for help, would be turned  
18 away because he was over 18 at the time of the abuse?

19 A. No.

20 Q. Have you ever sent any Worcester Diocese priest for  
21 evaluation or treatment anywhere within the diocese?

22 A. Yes.

23 Q. And tell me what treatment centers within the  
24 diocese.

25 A. This would be to an individual doctor by the name of

1 House of Affirmation?

2 A. Yes. That's where I knew him.

3 Q. And do you recall any conversations you might have  
4 had with Dr. Gilmarten about Tom Teczar?

5 A. No.

6 Q. Have you been -- have you ever been invited to Tom  
7 Teczar's house on Cape Cod?

8 A. No.

9 Q. I had to ask you that.

10 You told me earlier that you had not asked  
11 Father Teczar whether he abused minors or not. Did anyone at  
12 your direction initiate any type of investigation of Tom  
13 Teczar --

14 MR. BENNETT: Object, form.

15 Q. (By Ms. Merritt) -- concerning his sexual abuse of  
16 minors?

17 MR. BENNETT: Object, form.

18 A. I am not aware of that -- what would have happened  
19 before I came.

20 MR. BENNETT: Object, nonresponsive.

21 Q. (By Ms. Merritt) Was Father Tinsley the liaison with  
22 the diocese and the law enforcement at the time the House of  
23 Affirmation closed?

24 MR. BENNETT: Objection, form.

25 A. I couldn't respond to that because I don't know how



1 Bishop Harrington would have handled that.

2 Q. (By Ms. Merritt) Okay.

3 (An off-the-record discussion was held.)

4 Q. (By Ms. Merritt) Okay. Bishop, let me show you what  
5 I have marked as Exhibit No. 515 to your deposition and ask you  
6 if this is a letter posted on the -- from you posted on the  
7 Worcester Web site in 2004?

8 A. Yes, I recall this very well.

9 Q. Okay. What does that letter -- first of all, does it  
10 have a date on it other than 2004?

11 A. Yes, February 20, 2004.

12 Q. Okay. And what is that letter in response to?

13 A. Just to let our people know how we were managing in  
14 the middle of all of this and the -- I assume it says down here  
15 the very reason -- because we are issuing the revised policies  
16 and procedures regarding the way the diocese would handle these  
17 cases.

18 Q. Okay.

19 A. We wanted the people to be aware of the changes.

20 Q. And here is Exhibit No. 514 to your deposition. Is  
21 this a similar letter of February 20, 2004?

22 A. That's the same letter.

23 Q. That's the same letter?

24 A. Yes.

25 Q. Okay.

1 A. The annual report for --

2 Q. I have written all over it, but --

3 A. May I take a quick look?

4 Q. Yeah.

5 A. Oh, this would be Monsignor Tinsley.

6 Q. Okay.

7 A. Yeah, financial report, yeah.

8 Q. I want to ask you about some funds that are in the  
9 annual report and you have a category here for legal services  
10 and it says "\$118,422." Is that a fund that pays legal  
11 services for sexual abuse cases or is that unrelated to these  
12 cases?

13 A. I think that would include both.

14 Q. Which fund is specified to pay priests such as Father  
15 Teczar the continuing support?

16 A. Let me just see what the -- could be that priest  
17 financial assistance.

18 Q. Could it also be the priest retirement fund?

19 A. It wouldn't be the retirement fund. It would be  
20 something different.

21 Q. Are you familiar with the Ratsinger letter of 2001  
22 concerning procedures to be brought before the Congregation for  
23 the Doctrine of the Faith on issues of clergy sexual  
24 misconduct?

25 A. I am familiar with it. I would have to review it to

1 A. That's February -- the other one is February 20th,  
2 too. It's on the second page.

3 Q. It looks like a different letter to me. This one  
4 says "In the Prayer for Victims web site," and this one says,  
5 "It is important for us to write you."

6 It looks like a different letter to me.

7 A. Well, you know, this probably went up on the web and  
8 this one went on to the newspapers.

9 Q. Okay. Let's start over.

10 A. That's --

11 Q. Okay. Exhibit No. 514, do you believe that went to  
12 the newspapers?

13 A. To the parishes, probably to the newspapers, yes.

14 Q. Okay. And Exhibit No. 514 was just posted on the Web  
15 site?

16 A. That would be the Web site, yes.

17 Q. Okay. Did you participate in the 2003 annual report  
18 that is found on the Web site for the Diocese of Worcester?

19 A. Did I participate in it?

20 Q. In the preparation and the review of it?

21 A. Only in the sense that we would provide material to  
22 persons who would be putting it there, but I wouldn't do that  
23 directly, no.

24 Q. Okay. Who would be in charge of putting together the  
25 annual report?

1 go to specifics of it.

2 Q. Do you know of any procedures that the Diocese of  
3 Worcester has instituted in response to that directive from the  
4 Congregation for the Doctrine of Faith as far as sending  
5 investigations to Rome?

6 A. No, I am not aware of any specific things happening,  
7 but I do know that there is a special statement in place right  
8 now as to how they might proceed with that.

9 Q. Okay. Do you know if Father Teczar's case is one  
10 that could possibly be sent to the Congregation for the  
11 Doctrine of Faith?

12 A. I wouldn't know.

13 Q. Okay. Now, I know that you didn't review Father  
14 Beil's deposition, but he told us in his deposition that as far  
15 back as the Council --

16 A. May I ask you who Father Beil --

17 Q. Father Beil is a Canon lawyer at Catholic  
18 University --

19 A. Yes.

20 Q. -- that was hired by Mr. Hatten on the Worcester  
21 diocese's behalf --

22 A. Okay.

23 Q. -- to review some matters involving the Krinan  
24 (phonetic spelling) document.

25 A. I see.

1 Q. Okay? And in his deposition, he testified that as  
2 far back as the Council of Trent in the Middle Ages, issues of  
3 clergy abusing minors were discussed.

4 Do you have any recollection of studying the Council  
5 of Trent or the Council of Elvira back in the Middle Ages  
6 concerning those issues?

7 A. No.

8 Q. See if you agree or disagree with this statement by  
9 Father Beil. He said -- I asked him or, actually, Mr. Shea  
10 asked him, "Did that more nuanced understanding --" he is  
11 talking about clergy sexual misconduct with minors, "-- at  
12 least come to the attention of the hierarchy as recently as  
13 1985?"

14 And he has responded -- Father Beil said, "Yes,  
15 if they were not aware of it before that individually they  
16 should have been if they weren't asleep made aware of it in a  
17 variety of ways as the scope of the problem within the Catholic  
18 Church and its society at large gain greater media attention  
19 and publicity."

20 MR. HATTEN: Objection, form.

21 Q. (By Ms. Merritt) Do you agree with Father Beil's  
22 statement?

23 A. I missed the first of the lead sentence there. The  
24 topic sentence.

25 Q. The topic sentence was: Did that more nuanced

1 Q. Would you agree with me that, at least, by 1985 that  
2 the Bishops of the Catholic Church were aware of -- more than  
3 aware of, the problem of clergy abuse with minors?

4 MR. HATTEN: Objection, form.

5 MR. BENNETT: Object, form.

6 A. I think that the Bishops were aware at that time,  
7 yes. I certainly was.

8 Q. (By Ms. Merritt) Okay. When do you -- when can you  
9 tell us that you first became aware of clergy sexual misconduct  
10 from your personal knowledge?

11 MR. BENNETT: Object, form.

12 A. First aware of --

13 Q. (By Ms. Merritt) Of the problem of clergy sexual  
14 misconduct with minors?

15 MR. BENNETT: Object, form.

16 MR. HATTEN: Objection, form.

17 A. I would have known that as a seminarian because Canon  
18 Law deals with that -- that sort of thing, and we studied Canon  
19 Law. I would be aware that there was a problem, a human  
20 problem, in the churches as elsewhere.

21 Q. (By Ms. Merritt) Okay. In conformance with the  
22 Ratsinger -- or the directive from the Congregation for the  
23 Doctrine of Faith following 2001, do you know any other Vatican  
24 authority other than the Congregation for the Doctrine of Faith  
25 that such matters of clergy sexual misconduct would be referred

1 understanding of the issue of clergy sexual abuse at least come  
2 to the attention of the hierarchy as recently as 1985?

3 He said, "Yes. If they were not aware of it  
4 before that, individually, they should have been if they  
5 weren't asleep made aware of it in a variety of ways as the  
6 scope of the problem within the Catholic Church and the society  
7 at large gained greater media attention and publicity."

8 A. What is the more nuanced -- when you say more  
9 nuanced?

10 Q. Okay. What he is saying -- let me --

11 MR. HATTEN: Let him read it.

12 MS. MERRITT: Okay. I can do that.

13 MR. BENNETT: I am going to object to the form  
14 of the question to the extent that there is one on the table.

15 Q. (By Ms. Merritt) Well, let me ask it this way: By at  
16 least 1985 the case of Gilbert Gautier had hit the media; is  
17 that not true -- the priest in Louisiana?

18 A. What was the name again?

19 Q. Gilbert Gautier.

20 A. I don't -- I know the Louisiana case. I didn't  
21 know --

22 Q. Right. So would you agree with me that --

23 A. Is that the victim and --

24 Q. That is the priest.

25 A. That is the priest. Okay.

1 to?

2 MR. BENNETT: Object, form.

3 A. I believe that Canon Law would state that if it is  
4 not a priest, if it is a deacon -- something happens from a  
5 deacon, who is also an ordained minister in the church, that  
6 that would go to the Congregation for Worship, I think. Yeah,  
7 there is a distinction before priest and deacon.

8 Q. (By Ms. Merritt) But as far as clerics, it would go  
9 to the Congregation for the Doctrine of Faith?

10 A. Well, a deacon is called a cleric, too.

11 Q. Okay.

12 A. So that is why I am making that distinction.

13 Q. A priest, as far as a priest would be --

14 A. Would be to Congregation for the Doctrine of the  
15 Faith, yeah.

16 Q. And would you -- would the diocese receive reports  
17 back from the Congregation of the Doctrine of the Faith as to  
18 what their sentence was or what their investigation found?

19 A. Yes, there would be communication, uh-huh, oh, yes.

20 Q. And while you were Bishop of Worcester, did you see  
21 any of those types of cases come back from the Congregation for  
22 the Doctrine of the Faith?

23 A. No.

24 MR. BENNETT: Object, form.

25 A. No.

1 Q. (By Ms. Merritt) And those type --  
 2 MS. HATTEN: Let her finish her questions.  
 3 Q. (By Ms. Merritt) Those type of reports from the  
 4 Congregation for the Doctrine of the Faith, would those be the  
 5 types of reports that would be kept in the special archives?  
 6 A. Yes.  
 7 Q. Would a cleric file -- for example, Teczar's file,  
 8 would his file be separated, to your knowledge, of treatment  
 9 records in one file? The file that we looked at earlier in  
 10 April -- Congregation for the Doctrine of the Faith file --  
 11 would those all be separate files or would they be placed in  
 12 one file in special archives?  
 13 MR. BENNETT: Object, form.  
 14 A. That would have to be something of Monsignor Sullivan  
 15 or Bishop Rueger would respond to.  
 16 Q. (By Ms. Merritt) I brought the big book just for you,  
 17 Bishop.  
 18 A. All right.  
 19 MR. BENNETT: The old big book.  
 20 MS. MERRITT: The old big book.  
 21 THE WITNESS: It is a new big book.  
 22 MR. BENNETT: This is the new big book.  
 23 MS. MERRITT: Well, the Canons are the same,  
 24 just the commentaries are different, but the Canons are the  
 25 same.

1 dealing with one that has been superseded; right? This is the  
 2 earlier commentary; right?  
 3 MS. MERRITT: I think Father Beil identifies it  
 4 as a supplement, not superseding it, but -- regardless, yes, it  
 5 is the '85 Code.  
 6 MR. BENNETT: Commentary.  
 7 MS. MERRITT: The commentary. Yeah.  
 8 Q. (By Ms. Merritt) "The Bishop for his part has a  
 9 sacred duty to know his priests individually and intimately,  
 10 their character and talents, their likes and dislikes, their  
 11 spiritual life, zeal for and plans, their health and economic  
 12 situation, their family and whatever concerns them."  
 13 Do you agree that that is a sacred duty on the  
 14 part of a Bishop?  
 15 A. Yes.  
 16 MR. HATTEN: Objection, form.  
 17 MR. BENNETT: Object, form.  
 18 MR. HATTEN: Slow down. Objection, form. She --  
 19 MS. MERRITT: I haven't finish my question.  
 20 MR. HATTEN: I know that is is the point I was  
 21 going to make.  
 22 Bishop, you need to let her finish her question  
 23 fully and then...  
 24 A. I thought you asked a question.  
 25 Q. (By Ms. Merritt) I did, but I was interrupted. I was

1 (Sotto voce discussion held.)  
 2 Q. (By Ms. Merritt) Okay. Let me show you Canon 274,  
 3 comments to 274, which is on page 205. Now, you had some study  
 4 in Canon Law as a Bishop; is that right?  
 5 A. Yes, as a seminarian.  
 6 Q. When you make an assignment of a priest as a Bishop,  
 7 do you take into consideration what you know of this man and  
 8 his moral and psychological fitness to serve in that particular  
 9 parish?  
 10 A. It is a strange question that you ask because it's a  
 11 general -- his fitness to fill in because -- if a priest  
 12 doesn't have moral fitness, he wouldn't serve anywhere. And I  
 13 just don't want say whether his moral fitness accommodates this  
 14 parish or not. I just -- the way this question is phrased it's  
 15 ambiguous to me.  
 16 MR. BENNETT: Object, nonresponsive.  
 17 Q. (By Ms. Merritt) Well, for example, a cleric that has  
 18 been accused of sexual misconduct is certainly not fit --  
 19 A. That's right.  
 20 Q. -- to serve in a parish; is that true?  
 21 A. That is what I just said, yes.  
 22 MR. HATTEN: object to form. Slow down.  
 23 Q. (By Ms. Merritt) I am looking at page 205 under the  
 24 comments. It says --  
 25 MR. BENNETT: Again, for the record, we are

1 trying to answer (sic) and then they interrupted me, so let's  
 2 start over again.  
 3 A. Okay.  
 4 Q. Okay. Do you agree that a Bishop has a sacred duty  
 5 to know his priests intimately, to make sure that they are  
 6 morally fit and psychologically fit to serve?  
 7 MR. HATTEN: Objection, form.  
 8 MR. BENNETT: Object, form.  
 9 A. Where is that? That is not here.  
 10 Q. (By Ms. Merritt) Okay.  
 11 A. That is not --  
 12 Q. Well, let me read --  
 13 A. That is not in this commentary.  
 14 Q. All right. Let me read from this.  
 15 "The Bishop, for his part, has a sacred duty to  
 16 know his priests individually and intimately, their characters  
 17 and their talents, their likes and dislikes, their spiritual  
 18 life, zeals and plans, their health and economic situation,  
 19 their family and whatever concerns them."  
 20 Do you agree or disagree with that commentary?  
 21 A. Yes, I agree.  
 22 MR. HATTEN: Objection, form.  
 23 You need to slow down.  
 24 THE WITNESS: I am going pretty slow right now.  
 25 MR. BENNETT: Let her finish her question.

1 THE WITNESS: I thought she had. I would like  
2 to get it clear. I thought she had finished.  
3 MR. HATTEN: Okay. But even more so slow, so  
4 that if the attorneys want to do an objection they can squeeze  
5 it in there also.  
6 A. I thought you had finished.  
7 Q. (By Ms. Merritt) I had finished, but I think what he  
8 is saying is if you will pause for a minute after you give your  
9 response so they can -- well, no.  
10 MR. HATTEN: Pause for a few seconds after she  
11 finishes her question just in case there is an objection.  
12 THE WITNESS: All right.  
13 Q. (By Ms. Merritt) Okay. And then it continues, Bishop  
14 Reilly, and it says, "with the real appreciation of the  
15 principals of co-responsibility, the Bishop must enter into a  
16 serious consultation before making an assignment that will have  
17 a significant impact on the life of a priest."  
18 Do you agree with that statement?  
19 MR. HATTEN: Objection, form.  
20 MR. BENNETT: Object, form.  
21 A. Yes, I do.  
22 Q. (By Ms. Merritt) Placing a priest who has been  
23 accused of sexual misconduct into active ministry has serious  
24 consequences for those people that live in that community; is  
25 that not true?

1 just asking for comments on it.  
2 Q. (By Ms. Merritt) "The revised Code --" do you see  
3 where I am reading, Bishop?  
4 A. Yes, I have it now.  
5 Q. "The revised Code does not single out women as a  
6 likely cause of scandal. The association with certain males  
7 could be just as harmful."  
8 Paragraph 3 deals with the authority of Diocesan  
9 Bishop to safeguard the observance of celibacy.  
10 Is it part of the duty of a Diocesan Bishop to  
11 safeguard the celibacy of his priests?  
12 MR. HATTEN: Objection, form.  
13 A. I don't understand the question -- you say safeguard  
14 -- certainly "to promote" would be a better word. Is safeguard  
15 used somewhere?  
16 Q. (By Ms. Merritt) Yes, the next paragraph.  
17 A. I would say that to promote it in every way he could.  
18 MR. BENNETT: Object, nonresponsive.  
19 For the record, Counsel, I would like to get at  
20 least a copy of, if you are not going to mark it, of the  
21 document you are using to question this witness. I don't have  
22 access to it.  
23 MS. MERRITT: You can buy your own Code of Canon  
24 Law.  
25 MR. BENNETT: No, we can't. It's out of print.

1 MR. BENNETT: Object, form.  
2 A. Yes.  
3 Q. (By Ms. Merritt) Can you turn to Canon 177, page 211?  
4 Beginning on the left-hand side, second  
5 paragraph, it says --  
6 MR. BENNETT: Is this the Canon or the old  
7 commentary?  
8 MS. MERRITT: The commentary.  
9 MR. BENNETT: Okay.  
10 Q. (By Ms. Merritt) It says -- it makes an interesting  
11 statement.  
12 "The revised Code does not single out women as  
13 the likely cause of scandal."  
14 A. Excuse me, I don't --  
15 MR. BENNETT: Object, form.  
16 A. I don't see what --  
17 MR. BENNETT: Object, sidebar.  
18 A. The second paragraph did you say?  
19 Q. (By Ms. Merritt) Revised Code does not.  
20 A. Revised Code, okay.  
21 MR. BENNETT: Are these marked as exhibits?  
22 MS. MERRITT: No, I am --  
23 MR. BENNETT: Because, I mean, you are dealing  
24 with something that no one has anymore, so -- or I don't have.  
25 MS. MERRITT: I'm not going to agree -- I am

1 MS. MERRITT: No, it's not. I got it.  
2 MR. BENNETT: That is the original commentary.  
3 That is out of print.  
4 MS. MERRITT: I know. I just bought a copy of  
5 it. That's what I am telling you. But I will provide you with  
6 copies. That's fine.  
7 MR. BENNETT: I appreciate that.  
8 MS. MERRITT: You might check with the Diocese  
9 of Fort Worth Library. They may have one. But I can certainly  
10 provide you with the pages.  
11 MR. BENNETT: That would be very helpful. I  
12 appreciate that. Or we can make a copy. If you will give me a  
13 copy of those pages, we will copy from the book before you  
14 leave.  
15 MS. MERRITT: Okay.  
16 (Sotto voce discussion held.)  
17 Q. (By Ms. Merritt) If a Bishop knows that a cleric is a  
18 danger to minors, sexually -- a sexual danger to minors, do you  
19 believe that he has a duty to speak rather than be silent?  
20 MR. BENNETT: Object, form.  
21 A. Explain your question -- to speak to whom?  
22 Q. (By Ms. Merritt) To the public, to the District  
23 Attorney, to the people in the parish.  
24 MR. BENNETT: Object, form.  
25 A. Let me hear the question again.

1 Q. (By Ms. Merritt) Okay. Do you think that a Bishop in  
2 the face of an allegation by one of his clerics of sexual  
3 misconduct with a minor has a duty to speak about that  
4 misconduct rather than to remain silent and have another victim  
5 be victimized?

6 MR. BENNETT: Object --

7 MR. HATTEN: Objection, form of the question,  
8 calls for a hypothetical.

9 A. If an allegation comes forward, that's the way this  
10 is working now, yes.

11 MR. BENNETT: Object, nonresponsive.

12 Q. (By Ms. Merritt) Does the Worcester Diocese -- today  
13 in 2004 if they settle a case involving clergy sexual  
14 misconduct, do they enter into confidentiality agreements?

15 A. No --

16 MR. BENNETT: Object, form.

17 A. -- I don't believe they have confidentiality  
18 agreements.

19 Q. Okay.

20 A. I would have to check on that, however.

21 Q. Okay. Do you know, for example, if the case of John  
22 Riganotti, who was a victim of Father Teczar that was settled  
23 by the Worcester Diocese this year, if there was a  
24 confidentiality agreement in that case?

25 MR. HATTEN: Objection, form.

1 (Sotto voce discussion held.)

2 A. Yeah, I think that's a very poor definition, to be  
3 honest with you.

4 Q. (By Ms. Merritt) Okay.

5 MR. HATTEN: Objection, nonresponsive.

6 Q. (By Ms. Merritt) Okay. That's fine.

7 A. Okay.

8 Q. Here's a definition of the United States Catholic  
9 Conference. The civil corporation and executive agency for the  
10 National Conference of Catholic Bishops, the UCC acts as a  
11 national public policy organization of the NCCB. Its purpose  
12 is to organize or promote Catholic activity in the United  
13 states and abroad, carry out the religious and social action of  
14 the catholic church in the United States. The major  
15 departments are education, communication and social development  
16 and world peace. Is that accurate?

17 MR. BENNETT: Object, form.

18 A. Well, this is not accurate.

19 MR. HATTEN: It's --

20 A. Excuse me.

21 MR. HATTEN: Objection, form of the question. I  
22 don't understand what the question is.

23 A. Well, it doesn't apply today because the United  
24 States Catholic Conference and the National Conference of  
25 Catholic Bishops are all one today -- the United States

1 A. It was settled this year?

2 Q. (By Ms. Merritt) Yes.

3 A. I am not aware. I would have to check that.

4 Q. Okay. Does the National Conference of Catholic  
5 Bishops decide matters of ecclesiastical law and issue policy  
6 statements on political and social issues?

7 MR. BENNETT: Object, form.

8 A. Let me hear that again.

9 Q. (By Ms. Merritt) The Episcopal Conference of the  
10 United States Bishops, the membership is comprised of Diocesan  
11 Bishops and their Associate Bishops. The Conference decides  
12 matters of ecclesiastical law and issues policy statements on  
13 political and social issues.

14 MR. BENNETT: Object, form.

15 Q. (By Ms. Merritt) Do you agree with that definition?

16 A. Where does it come from?

17 Q. Official Catholic Directory.

18 A. Yes, but I mean what is it referring to in general?

19 Q. The National Conference of Catholic Bishops -- it is  
20 the definition of the National Conference of Catholic Bishops  
21 and what they do.

22 MR. HATTEN: Do you want to look at the  
23 document?

24 A. Let me look at that. That doesn't seem to express  
25 the Conference that I know.

1 Conference of Catholic Bishops.

2 Q. (By Ms. Merritt) Okay. Sure.

3 A. So they were making a distinction between the legal  
4 arm and the -- if you want to decide on questions and so forth.  
5 So this is a whole new format right there.

6 Q. (By Ms. Merritt) All right.

7 MR. BENNETT: Object, nonresponsive.

8 Q. (By Ms. Merritt) Well, tell me then what is the  
9 function of the NCCB and the USCC.

10 MR. BENNETT: Object, form.

11 A. The -- what is the distinction? There is no  
12 distinction now.

13 Q. (By Ms. Merritt) What is the function of --

14 A. The function of -- the function --

15 MR. HATTEN: Objection, form, subject to --  
16 objection, form.

17 Go ahead.

18 A. The function is to provide a forum where the Bishops  
19 of the United States can work together on policies and legal  
20 questions, social services. It's really a forum. It has no  
21 power to television that has to do with this that and the  
22 other.

23 Q. (By Ms. Merritt) But it does promulgate suggested  
24 policies and procedures?

25 A. Coming from the Bishops.

1 Q. Correct.  
 2 A. Coming from committees of Bishops, yes.  
 3 Q. And each Diocesan Bishop can agree whether to  
 4 accept --  
 5 A. That's --  
 6 Q. -- the policy or not?  
 7 A. -- exactly right, exactly right.  
 8 Q. And that organization also studies issues dealing  
 9 with civil law, canon law --  
 10 A. Yes.  
 11 Q. -- social issues such as abortion, war --  
 12 A. -- health care --  
 13 Q. -- health care --  
 14 A. -- economics, housing.  
 15 Q. To your knowledge, does the conferences have a lobby  
 16 or lobbying body in Washington?  
 17 A. We have representatives -- people in the service of  
 18 the conference who have contacts in the legislative areas, yes.  
 19 Q. Does the Massachusetts Catholic Conference that you  
 20 talked to me about also have the same function --  
 21 A. Yes.  
 22 Q. -- with the State Legislature?  
 23 A. That's right.  
 24 Q. Let me show you what I have marked as Exhibit No. 110  
 25 -- what has been marked as Exhibit No. 110 in this case. It's

1 sidebar, whatever it is. Is there a question here?  
 2 Q. (By Ms. Merritt) I am getting to the question.  
 3 MR. HATTEN: Well, ask it.  
 4 Q. (By Ms. Merritt) Is there anything -- is this  
 5 allegation mentioned in 110 referenced in Exhibit No. 509?  
 6 MR. BENNETT: Object, form.  
 7 A. Is there any name here?  
 8 Q. (By Ms. Merritt) His name is Rick Newman.  
 9 A. Well, that's not in this letter, is it?  
 10 Q. No, it's redacted.  
 11 A. Yeah.  
 12 MR. BENNETT: Object, sidebar.  
 13 A. The question is: Is Newman mentioned in this letter?  
 14 Q. (By Ms. Merritt) Yes. Is there any allegation from  
 15 1994 in Exhibit No. --  
 16 A. There's a Plaintiff E --  
 17 Q. -- 509 from 1994?  
 18 A. Plaintiff E2 in the late 1960's or Seventies.  
 19 Q. No.  
 20 A. So I don't know what --  
 21 Q. What I am asking you is: This exhibit --  
 22 A. Yes.  
 23 Q. -- talks about an allegation that Bishop Delaney is  
 24 making Bishop Harrington aware of in March of 1994.  
 25 A. Yes.

1 FWD 0116 and -- yeah. And this is a letter to Bishop  
 2 Harrington from Bishop Delaney concerning Father Tom Teczar and  
 3 an allegation of sexual misconduct with another individual.  
 4 Have you seen that document before?  
 5 A. Yes.  
 6 MR. BENNETT: Object, form.  
 7 A. Yes, I have seen the document.  
 8 Q. (By Ms. Merritt) And you reviewed for me at the  
 9 beginning of your deposition, Bishop Reilly -- if I can find it  
 10 -- Reilly Exhibit No. 509. This is the list of Father Teczar's  
 11 sexual abuse allegations.  
 12 A. Yes.  
 13 MR. HATTEN: objection, form.  
 14 Q. (By Ms. Merritt) Okay. Is Exhibit No. 509 -- does it  
 15 describe various acts of sexual abuse by Father Teczar and  
 16 various victims of his abuse under E1 -- I think he is Father E  
 17 -- and different victims?  
 18 MR. HATTEN: objection, form.  
 19 A. No, it doesn't mention Father Teczar as such, does  
 20 it?  
 21 Q. (By Ms. Merritt) It doesn't mention Father Teczar,  
 22 but I believe that that has been provided to me by your lawyers  
 23 as representing Father Teczar and allegations of misconduct by  
 24 him against minors.  
 25 MR. HATTEN: objection, "something statement,"

1 Q. This exhibit that was provided to me by your attorney.  
 2 -- which is Exhibit No. 509 -- makes no mention of this March,  
 3 1994 allegation of sexual misconduct by Father Teczar, does it?  
 4 A. Oh, I see --  
 5 MR. BENNETT: Object, form.  
 6 A. I see what you are getting at now. It seems to be in  
 7 codes so it's hard to know, but --  
 8 Q. (By Ms. Merritt) Okay.  
 9 A. -- you will have to ask the lawyers about that.  
 10 Q. Okay. Exhibit No. 509, does it mention anywhere in  
 11 there an allegation in -- reported to the diocese in 1994?  
 12 MR. BENNETT: Object, form.  
 13 A. I don't see it.  
 14 Q. (By Ms. Merritt) Thank you.  
 15 During the time, Bishop -- during the time  
 16 Father Teczar was serving in Fort Worth, he was never  
 17 incardinated by the Diocese of Fort Worth, was he?  
 18 A. He never was.  
 19 Q. Okay. So, therefore, was he still the responsibility  
 20 during that time period of 1988 to 1993 -- was he still the  
 21 responsibility canonically of the Diocese of Worcester?  
 22 MR. HATTEN: objection, form.  
 23 A. Yes.  
 24 Q. (By Ms. Merritt) I think that's all I have, Bishop  
 25 Reilly. I will pass the witness.

1 A. Thank you so much. I really appreciate it.  
 2 MR. HATTEN: Let's just take a quick break.  
 3 THE VIDEOGRAPHER: Going off the video record at  
 4 11:33 a.m.  
 5 (An off-the-record discussion was held.)  
 6 MR. BENNETT: We have no questions at this time.  
 7 MS. MERRITT: Okay.  
 8 MR. HATTEN: We have no questions at this time.  
 9 Reserve until the time of trial.  
 10 (Deposition concluded at approximately 11:33  
 11 a.m.)  
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NO. 141-198356-03  
 JOHN DOE I and JOHN DOE II \* IN THE DISTRICT COURT  
 \*  
 VS. \*  
 \*  
 \*  
 ROMAN CATHOLIC DIOCESE OF \*  
 FORT WORTH, BISHOP JOSEPH P. \*  
 DELANEY, Individually and as \* 141ST JUDICIAL DISTRICT  
 Bishop, His Predecessors and \*  
 Successors, FATHER \*  
 THOMAS H. TECZAR, ROMAN \*  
 CATHOLIC BISHOP OF WORCESTER, \*  
 A CORPORATION SOLE AND BISHOP \*  
 GEORGE E. RUEGER, INDIVIDUALLY \* TARRANT COUNTY, TEXAS  
 REPORTER'S CERTIFICATION  
 DEPOSITION OF BISHOP DANIEL P. REILLY  
 September 24, 2004

I, Marion Ward, Certified Shorthand Reporter and  
 Notary Public in and for the State of Texas, hereby certify to  
 the following:

That the witness, BISHOP DANIEL P. REILLY, was duly  
 sworn by the officer and that the transcript of the oral  
 deposition is a true record of the testimony given by the  
 witness;

That the deposition transcript was submitted on the  
 \_\_\_\_ day of \_\_\_\_\_, 2004, to  
 \_\_\_\_\_, attorney for the witness, for  
 examination, signature, and return to the court reporter by  
 \_\_\_\_\_, 2004;

That the amount of time used by each party at the  
 deposition is as follows:

MS. MERRITT: 1 HOUR 57 MINUTES

That pursuant to information given to the deposition  
 officer at the time said testimony was taken, the following  
 includes all parties of record:

FOR THE PLAINTIFFS  
 HON. TAHIRA KHAN MERRITT  
 KHAN MERRITT  
 8499 Greenville Avenue

MARION WARD & ASSOCIATES 214/363-7471

CHANGES AND SIGNATURE  
 PAGE LINE CHANGE REASON

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I, BISHOP DANIEL P. REILLY, have read the foregoing deposition  
 and hereby affix my signature that same is true and correct,  
 except as noted above.

BISHOP DANIEL P. REILLY

THE STATE OF \_\_\_\_\_ /  
 COUNTY OF \_\_\_\_\_ /

Before me, \_\_\_\_\_ on this day personally  
 appeared BISHOP DANIEL P. REILLY, known to me on the oath of  
 \_\_\_\_\_ or through \_\_\_\_\_  
 (description of identity card or other document) to be the  
 person whose name is subscribed to the foregoing instrument and  
 acknowledged to me that said witness executed the same for the  
 purposes and consideration therein expressed.

GIVEN under my hand and seal of office this \_\_\_\_ day  
 of \_\_\_\_\_, 2004.

Notary Public: State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

MARION WARD & ASSOCIATES 214/363-7471

Suite 206  
 Dallas, Texas 75231

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 GEORGE E. RUEGER  
 HON. MARK D. HATTEN  
 SHANNON, GRACEY, RATLIFF & MILLER  
 777 Main Street  
 Suite 3800  
 Carter Burgess Plaza  
 Fort Worth, Texas 76102

I further certify that I am neither counsel for,  
 related to, nor employed by any of the parties in the action in  
 which this proceeding was taken, and further that I am not  
 financially or otherwise interested in the outcome of the  
 action.

Further certification requirements pursuant to Rule  
 203 of TRCP will be certified to after they have occurred.

Certified to by me on this \_\_\_\_ day of  
 \_\_\_\_\_, 2004.

MARION WARD, CSR NUMBER 876  
 Firm Registration No. 126  
 Expiration Date: December 31, 2004

FURTHER CERTIFICATION UNDER RULE 203 TRCP  
 The original deposition was/was not returned to the  
 deposition officer on \_\_\_\_\_;

If returned, the attached changes and Signature page  
 contains any changes and the reasons therefor;

MARION WARD & ASSOCIATES 214/363-7471

If returned, the original deposition was delivered to \_\_\_\_\_, Custodial Attorney;

That \$ \_\_\_\_\_ is the deposition officer's charges for preparing the original deposition transcript and any copies of exhibits, charged to \_\_\_\_\_;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein and filed with the Clerk.

Certified to by me this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
MARION WARD, CSR NUMBER 876  
Firm Registration No. 126  
Certified Shorthand Reporter in  
and for the State of Texas  
MARION WARD & ASSOCIATES  
6440 North Central Expressway  
412 University Tower  
Dallas, Texas 75206  
214/363-7471

MARION WARD & ASSOCIATES 214/363-7471