

MASTER'S OPINION

The attorneys representing the claimants and the Archdiocese in the above titled matter appeared before me on July 10, 2009 to review the parties' positions as to the publication of the deposition of Bishop Raymond E. Goedert taken in connection with the mediation of certain claims.

Background

The parties entered into a Mediation Agreement on September 23, 2006. The purpose of the Agreement was to establish a process whereby certain claims would be resolved through negotiation and mediation, rather than through litigation or a trial. Thomas F. Gibbons serves as the mediator and the undersigned serves as a Master to decide certain issues related to the sharing of information. To aid and facilitate the settlement of certain claims, Jeffrey R. Anderson took the deposition of Bishop Goedert on November 13, 2007 pursuant to provisions in the Agreement relating to the sharing of information. Bishop Goedert served as the Vicar for Priests in the Archdiocese from July 1, 1987 through September, 1991. As Vicar for Priests, his responsibilities included dealing with allegations that certain priests sexually abused minors. Many of the claims at issue have now been settled.

The claimants' attorneys have expressed an interest in disseminating Bishop Goedert's deposition. The Archdiocese expressed certain concerns regarding publication. Those concerns are addressed in this opinion.

The Archdiocese's Concerns

Both the Archdiocese and the claimants have expressed concern for the privacy of certain people who are identified in the original transcript and exhibits of the deposition. These people may be those who brought forward allegations or others who were not directly involved with the

allegations. They are either identified by name or by other circumstances that are described. Both the Archdiocese and the claimants agree that the names and identifying information of these third parties should not be disclosed.

In addition, the Archdiocese is concerned about how its observance of mandatory mental health confidentiality laws impacts the description of Bishop Goedert's efforts to respond to allegations of clergy misconduct. Bishop Goedert testified that it was the Archdiocese's regular practice to obtain a full forensic psychiatric evaluation of accused clergy from institutions that specialized in evaluation and treatment of sexual offenders and to rely on those evaluations. Bishop Goedert testified that he would not have recommended that any cleric remain in ministry where forensic psychiatrists identified a risk to children. The Archdiocese is concerned that without the disclosure of information about these opinions, Bishop Goedert's actions may appear arbitrary or unwarranted. The Archdiocese maintains that the professional advice it received cannot be disclosed because the Illinois Mental Health and Developmental Disabilities Confidentiality Act prohibits the disclosure of confidential mental health information. While the claimants disagree regarding the application and scope of the Illinois Mental Health and Developmental Disabilities Confidentiality Act under these circumstances, in an abundance of caution, all references to accused clergy receiving psychiatric evaluations or treatment have been redacted from the deposition transcript and exhibits. For the same reason, all of the advice and/or recommendations Bishop Goedert or the Archdiocese received from forensic psychiatrists concerning the suitability of accused clergy for any form of ministry have been redacted.

Finally, the Archdiocese expressed a concern that publication of Bishop Goedert's deposition may be confusing because Bishop Goedert's testimony describes practices prior to 1992. Joseph Cardinal Bernardin appointed a Special Commission in 1992 to review those

practices as part of an effort to improve the Archdiocese's response to allegations of sexual abuse of minors. As a result of the Special Commission's report, the Archdiocese adopted and promulgated new policies and procedures on September 21, 1992. From time to time since then, the Archdiocese has made changes intended to strengthen and improve those policies. These new policies and procedures have been in effect for more than sixteen years. Among other things, the policies create a nine-person review board (the majority of whom are lay people) to consider allegations that a priest sexually abused a minor. The policies also provide for a lay staff person to assist the Review Board. The lay staff person receives allegations on behalf of the Review Board and promptly reports them to the public authorities. A complete statement of the policies can be found on the Archdiocese's website at:

<http://policy.archchicago.org/policies/bk2ttl3chpt1num1100.pdf>.

Thus, the Archdiocese believes that readers of the transcript should be reminded that Bishop Goedert's testimony describes an approach that has not been in place since 1992.

The Claimants' Response

As mentioned above, the claimants share the Archdiocese privacy concerns for other victims and third parties. However, the claimants do not believe that the Archdiocese's other concerns create any particular problems for the disclosure of the deposition transcript and, in any event, believe that any concerns can be addressed by reasonable redactions or other means.

The Parties' Agreement

Because of this disagreement, the parties met with the Mediator, Thomas F. Gibbons, to review the deposition transcript and exhibits. They have agreed to delete or black out certain words from the deposition to help address the Archdiocese's concerns. Those deletions are sometimes called "redactions." The purpose of the redactions is to protect the privacy of those

bringing forward allegations as well as of persons who are not directly involved in these cases, and to protect information that the Archdiocese believes must be kept confidential by law. In the exhibits, the vast majority of the redactions protect the privacy of those bringing allegations. As a result of this mediation, the parties have agreed to publication of the deposition with these redactions.

OPINION

The parties have asked the Master to review the Archdiocese's concerns and the agreed upon redactions and render an opinion about these matters. The Master has carefully done so. However, it should be noted that the parties did not request and the Master has not provided a legal opinion regarding the applicability or scope of any legal privilege. Rather, the Master acknowledges the Archdiocese's concerns and the Claimants' response, approves the parties' agreed upon redactions and the attachment of this opinion to Bishop Goedert's deposition as means to address those concerns. In addition, the Master points out the following important facts about the deposition:

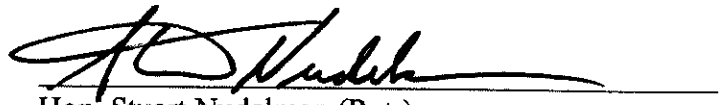
1. The purpose of the deposition was to allow the claimants' attorney, Jeffrey R. Anderson, to ask Bishop Goedert questions to assist in resolving certain claims fairly and promptly.
2. At a deposition, only the witness provides testimony under oath. The words of the attorneys are not testimony. The attorney taking the deposition asks questions that he or she chooses. Accordingly, a deposition is not meant to provide a full view of a case. In addition, Illinois law provides for discovery depositions, which are not intended to be used as evidence, and evidence depositions that require stricter standards. Bishop Goedert's deposition was a discovery deposition and therefore contains hearsay and other testimony that may or may not be admissible in evidence.
3. The attorney taking a deposition also has wide latitude in the use of documents. He or she can present documents from the witness files or other documents that the witness may not have seen, and that may or may not be accurate. Documents created by attorneys and statements made by attorneys are not evidence.

This opinion shall be attached to Bishop Goedert's deposition whenever it is published.

Based upon the information the Master has been supplied thus far, this ruling shall issue.

I wish to thank the parties and their attorneys for the professional and cooperative way in which they addressed the difficult questions presented by the dissemination of this deposition.

Entered July 15, 2009

A handwritten signature in black ink, appearing to read "Stuart Nudelman", is written over a horizontal line.

Hon. Stuart Nudelman (Ret.)
Master

(*1)

STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

COUNTY DEPARTMENT - LAW DIVISION

JOHN DOES AND WOES,)
 Plaintiffs,)
 vs.)
ARCHDIOCESE OF CHICAGO,)

Defendant.

videotaped deposition of RAYMOND GOEDERT, taken
in the above-entitled cause, before SUSAN
HASELKAMP, Certified Shorthand Reporter for the
State of Illinois, on the 13th day of November,
2007, at the hour of 9:43 a.m. at 330 North
LaSalle Street, Chicago, Illinois, pursuant to
notice.

Reported by: Susan Haselkamp, CSR

License No.: 084-004022

(*2)

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Representing the Defendant.

ALSO PRESENT: Jessica Arbour
Anthony Micheletto, Videographer

(*3)

I N D E X

WITNESS

EXAMINATION

RAYMOND GOEDERT

By Mr. Anderson

4

By Mr. Pearlman

239

E X H I B I T S

NUMBER

MARKED FOR ID

Goedert Deposition Exhibit

No. 1	4
No. 4-10	4
No. 12-13	4
No. 15-18	4
No. 20	4
No. 22-23	4
No. 25	4
No. 27-36	4
No. 38-41	4
No. 43	4
No. 45	4
No. 52	4
No. 55	4
No. 60	4
No. 70-71	4
No. 77	4
No. 80	4
No. 85	4
No. 100	4
No. 100A	4

(*4)

(Whereupon, Goedert Deposition
Exhibit Nos. 1, 4-10, 12-13,
15-18, 20, 22-23, 25, 27-36,
38-41, 43, 45, 52, 55, 60,
70-71, 77, 80, 85, 100 and 100A
were marked for
identification.)

THE VIDEOGRAPHER: This is Anthony
Micheletto in association with McCorkle Court
Reporters, 200 North LaSalle Street, Chicago,
Illinois. I am the operator of this camera. We
are on the record on November 13, 2007. The
time is 9:43 a.m. as indicated on the video
screen.

This is the videotaped deposition of
Bishop Raymond Goedert and it is being taken
pursuant to local rules of Civil Procedure on
behalf of the plaintiffs. We are at 330 North
Wabash, Chicago, Illinois. This case is
captioned to John Does and Roes versus
Archdiocese of Chicago. Will the attorneys
please identify themselves for the video record.

MR. ANDERSON: Representing several
plaintiffs, Jeff Anderson.

(*5)

MR. GEOLY: For the Catholic Bishop of Chicago and for the witness, James Geoly.

THE VIDEOGRAPHER: Our court reporter today is Susan Haselkamp also with McCorkle Court Reporters in Chicago, Illinois.

Please swear in the witness.

(Whereupon, the witness was duly sworn.)

RAYMOND GOEDERT,
having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. ANDERSON:

Q. Bishop, would you please state your full name for the record and we'd also ask you to spell your last name.

A. My name is Raymond Goedert,
G-O-E-D-E-R-T.

Q. Bishop, we met this morning and you understand that the testimony that you are giving today is being recorded both by videotape and transcription?

A. Yes.

Q. Okay. Have you ever sat for or given a

(*6)

deposition in any other matter prior to today?

A. Yes.

Q. How many times have you?

A. Once.

Q. In what kind of matter was that,
Bishop?

A. That was a case in which -- I have to
be careful. I can't use names here.

Q. You can use -- was that in the matter
involving Father Lutz?

A. Yes.

Q. Okay. That's L-U-T-Z?

A. Right.

Q. Yes. We have a paper that we have
agreed that when we use the names of some
victims or possible victims or their family
members, we'll use an index where we'll write
their names and then refer to them as Jane or
John Does, okay?

A. Sure.

Q. If for any reason, Bishop, you don't
understand any question that I ask you today,
just let me know and I'll try to make it clearer
to you. By my calculation, it looks like you

(*7)

have been working as a priest to the Archdiocese of Chicago now for over 55 years.

A. Right.

Q. And in that time, you have served in a number of capacities and worked for the Archdiocese as an Associate Pastor, as a Pastor, as a Vicar General, as an administrator, as a Vicar For Clergy among other things, correct?

A. Yes.

Q. And it's also correct to say that at all times as a priest of the Archdiocese, you worked under a promise of obedience to your superior the Cardinal Archbishop?

A. Yes.

Q. And you also operate under a promise of celibate chastity, do you not?

A. Yes.

Q. What does celibate chastity mean?

A. Celibate chastity would indicate that I've accepted the responsibility of never engaging in any type of sexual activity with anyone else and would never marry.

Q. In your training to become a priest or since having become one in the Archdiocese, did

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you receive any training in how to manage your own sexuality and abide by the promise of celibate chastity?

A. Yes.

Q. When did you first get training of that sort?

A. It would have been in the years that I was in theology. So that would be roughly '48, '49 to '52. In that area.

Q. Any training since then?

A. Only the same training that all of us have received from time to time, particularly since the sexual abuse issue became so prominent, the diocese would sponsor days in which this would be discussed.

Q. In your view, when did the issue of sexual abuse in the Archdiocese become so prominent?

A. I would put it probably in the area of 1985, '86. When I became Vicar For Priests in '87, it was -- I don't know whether prominent is the word. But it was certainly very much on the minds of all of us.

Q. What event or circumstances caused it

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to be on the minds of you or as you say, all of us in the Archdiocese?

A. Well, for me, personally, it became prominent because I became Vicar For Priests and my responsibility was to deal with it.

Q. And when is the first time as a priest of the Archdiocese you had to or did deal with the issue of sexual abuse by one of the clergy?

A. The first time I had to deal with it would have been sometime in 1987 when I became Vicar For Priests.

Q. Okay. And thinking to 1987, in that timeframe, what priest would that have been that you first became involved in having to deal with that issue?

MR. GEOLY: I think we have to at this point establish whether this is somebody who -- whose name is among the list of priests that have been acknowledged. I'm going to use a word that's not a term of art, my word, a substantiated case. If it's not, perhaps there's a way we could use your same list and refer to the person anonymously for now and then figure out later if that's a name that has been

(*10)

or should be disclosed.

There's no problem at all if it's somebody that's already on the list of substantiated cases.

BY MR. ANDERSON:

Q. Yeah. Why don't -- I'm going to hand you what we have marked as Exhibit 100, Bishop. And this is a posting that has been made by the Archdiocese of Chicago as priests who have been identified in which there has been substantiated allegation made?

MR. GEOLY: And just so we're clear, we'll use that word for our common understanding today. That may not necessarily be the standard for the process used to evaluate these cases.

BY MR. ANDERSON:

Q. Right. And I think the document itself, if you look at the top of it, it says, Archdiocesan Priests With Substantiated Allegations of Sexual Misconduct With Minors. Do you see that at the top, Bishop?

A. I do.

Q. Okay. So looking at that exhibit, do you see the name of the priest who you first had

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to deal with as it pertains to sexual abuse?

A. The difficulty I have, Jeff, is I honestly don't remember who was the first, you know. I could guess, but I don't want to guess to answer your question.

Q. Right. And let's just think back to that moment in time, then. Why don't you, without identifying the name of the priest because you're not able to remember that at the moment -- and if you do, Bishop, during the deposition, just let me know I do remember who it is now and then you can identify that person. But --

A. Could I ask --

Q. Sure.

A. -- to get a clear understanding of your question? Are you really concerned? I mean, who literally was the very first one that I dealt with or -- in other words, I can remember dealing with different ones. But whether they were the very first, I would have a hard time.

Q. I understand. And I think what we'll try to do is try to get your best recollection. If -- you know, if it's one of the earliest or

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one of the earliest that might suffice and I'll give you an opportunity to clarify that.

A. Okay. I could answer it that way.

Q. Okay. So thinking back to the instance in -- in or about 1987 where you had your first experience where you dealt with an allegation of sexual abuse by one of the clergy, what do you remember about how that information came to you, Bishop?

A. Now, I'm going to have to ask you to help me to understand. The difficulty I'm having is I was trying to understand who was literally the first case I handled. I can -- in the case that is coming to my mind now, the allegation came to me through previous information that was already in the file. And a new allegation had been made anonymously. And it was at that point that I became Vicar For Priests. So I never really received myself an allegation that wasn't already in process.

Q. All right. And so do you remember now the name of that priest or not? You just remember --

A. Oh, no, I remember it. It's just was

(*13)

he the first.

Q. Okay.

A. There might have been another one before that I don't remember.

Q. Okay. With that qualification, let's talk about that priest then.

A. It was certainly early on.

Q. Okay. And who was that priest?

A. I'm able to say it? Father Mayer, Robert Mayer.

Q. In your best estimate, how many different times have you become involved in the handling of complaints or the receiving of reports or something having to do with the dealing with any allegation of sexual abuse by one of the clergy while you have worked as a priest of the Archdiocese? Do you have any way of making an estimate of that?

A. I really couldn't give you a number. You know, it's -- it would be pretty difficult. I wasn't keeping tally or anything.

Q. I understand. It's fair to say that there have been many times where allegations have been made and you have become involved in

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some capacity, either as a priest, as Vicar For Clergy, as a Vicar in General or as an Auxiliary Bishop, correct?

A. Yes.

Q. Are you able to make a gross number or a gross estimate of what that number may have been or would you have become involved in some capacity? Less than 100, more than 100?

A. I would rather not guess. I never kept track of the numbers and, you know, I could easily be off.

Q. Fair enough. In preparation for today, Bishop, did you have an opportunity or did you review any materials?

A. With our attorneys I did review some of the cases.

Q. Okay. And I'm not interested what was said between you and your attorneys. But I am interested in what materials, if any, you actually reviewed or looked at in preparation for today.

MR. GEOLY: I'm going to -- go ahead.

BY MR. ANDERSON:

Q. Would you --

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MR. GEOLY: Let me let you finish first.

BY MR. ANDERSON:

Q. Okay. What would that have been?

MR. GEOLY: I'm just going to ask to caution the Bishop. If you've reviewed materials on your own, that is fine to disclose that. I would caution the Bishop not to disclose specific items that your attorney may have shown you for the purposes of preparation.

BY MR. ANDERSON:

Q. With that caution and with the question before you, if you could answer it, good luck.

A. Ask it once more.

Q. Yeah, let's ask it this way. I trust you reviewed some materials, some priest files?

A. Again, with my attorney. I don't have any files no, so --

Q. Okay. Let me -- let me ask you. That leads to the next question I was going to ask you. Have you ever maintained any of your own files and/or records in connection with any investigation or reports or activity that you have undertaken responsive to a report of sexual

(*16)

abuse?

A. If your question is have I ever in the past retained records, yes, I did, all the time that I was Vicar For Priests and frequently after. Because I continued to assist even as Vicar General. But I no longer have those records.

Q. And the records that you did recreate as Vicar For Priests in that connection, where would they be today?

A. I presume in the Vicar For Priests file.

Q. Okay. Did you ever create records, notes or files that didn't go into some file, be it the priest file or the subsecretal file?

MR. GEOLY: Could we hear that question, again, please?

BY MR. ANDERSON:

Q. Did you ever create any notes or records concerning allegations of sexual abuse that didn't go into the priest file or the subsecretal file?

MR. GEOLY: We haven't established that there is a subsecretal file.

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BY MR. ANDERSON:

Q. Is there a subsecretal file maintained by the Archdiocese under Canon [489]?

A. If there is, I don't know where it is.

Q. There was, was there not?

A. At one time years and years ago.

Q. Okay. How many years ago?

A. When I started working at the Chancery Office, that would have been 1956, I was aware that there was. I never knew the contents, but I knew that there was supposedly such a file. But I'm not aware of any.

Q. Okay. And you are aware that under canon law and specifically Canon [489] under the 83 Code, there is a requirement that the ordinary keep any material deemed to be scandalous in a subsecretal file to be accessed only by him and his designee called the subsecretal file; is that correct?

A. Yes.

Q. Okay. And as far as you know, Bishop, how long was a subsecretal file maintained by the Archdiocese of Chicago?

A. I wouldn't be able to answer that.

(*18)

Q. Okay. So let's go back to the question about your own records or files. Are there any records, files, notes that you made pertaining to allegations of sexual abuse that would not have made their way into the Archdiocesan files, for example, you kept on your own or destroyed?

A. I hear your question asking me if it's anything I made. Is that --

Q. Yes.

A. The answer is no.

Q. Okay. Are you aware of any records having been made by any employee, clergy or official of the Archdiocese that pertained to sexual abuse that were destroyed for some reason --

A. No.

Q. -- purposefully or inadvertently?

A. No.

Q. So as far as you know, Bishop, are all of the files, reports, complaints, at least those documented and of which you're aware, still in the existence and somewhere maintained in the files of the Archdiocese?

A. I would presume so.

(*19)

Q. Okay. Are you aware of any practice in this Archdiocese -- because there is in some dioceses across the country of a routine purging of the priest files after a period of time, for example, after death or after the passage of a designated period of time where parts of files are destroyed or all the files are destroyed?

A. I'm really not aware of any instance of this. It was never anything I would be responsible for. But I can't say that it hasn't happened, particularly not in these kinds of cases. But the ordinary priest file where the priest dies, they may purge it of some of the data, the appointments. That, I don't know.

Q. Okay. Are you aware of any instances where any clergy or officials of the Archdiocese have removed and/or destroyed files pertaining to sexual abuse for the purpose of avoiding scandal?

A. I'm not aware of that, no.

Q. Okay. It would appear that you were first appointed Vicar For Clergy did you say in 1987?

A. Yes.

(*20)

Q. And you also have served as Vicar General for a number of years, it looks like by my calculation, over 13 years in total. Does that sound right?

A. Well, February of '95 to September of '03. And then for maybe three or four months in '04 when Bishop Conway died.

Q. Okay. So that would be closer to nine years, I guess.

A. As far as I know, yeah.

Q. And you have worked as Auxiliary Bishop and was actually appointed and installed as Auxiliary Bishop in 1991; were you not?

A. Yes.

Q. So that would be 16 years in that capacity?

A. Yes.

Q. As Auxiliary Bishop, do you have responsibility for a given vicariate or do you have responsibility over the entire geographic Archdiocese?

A. As Auxiliary Bishop, we had responsibility for a particular vicariate.

Q. And in the 16 or so years that you have

(*21)

been Auxiliary Bishop, have you had a particular vicariate?

A. Yes, but only until 1995.

Q. Okay. And then what changed in '95?

A. In February of 1995, Cardinal Bernardin appointed me Vicar General.

Q. Okay. And once appointed Vicar General, is it fair to say that at least the time you were appointed by Cardinal Bernardin and worked under him that the Vicar General was kind of the right-hand man to the Archbishop Cardinal?

A. We don't use that word. But I guess you would say that, yeah.

Q. Who would have been the primary consultor in your view and experience to Cardinal Bernardin at least after you were appointed Vicar General?

A. Say that, again, please, Jeff?

Q. Who do you believe to have been the primary advisor to Cardinal Bernardin, at least after the time you were appointed the Vicar General by him?

A. Are you asking in all matters?

(*22)

Q. Yeah. There's usually somebody that they look to more than anybody else. And I appreciate in this Archdiocese, given its size, there's six auxiliary bishops and a number of officials. But in general, who more than anybody else would have been Cardinal Bernardin's primary advisor?

A. Well, in the time that I was Vicar General, which was from '95 until he died in November of '96, I would say the principal advisor was Sister Brian Costello.

Q. And where is she now?

A. She's retired.

Q. And what was her title during that time?

A. I think it was Chief of Staff.

Q. During that time, who was the Moderator of the Curia?

A. While I was Vicar General? The Moderator of the Curia was initially Father Kevin Spiess and subsequently Father Peter Bowman.

Q. As Vicar For Clergy and during the time that you served as Vicar For Clergy, would it be

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fair to say that one of your primary responsibilities was to deal with any problems that surfaced pertaining to clergy in the Archdiocese?

A. On paper, that probably wouldn't appear as so. In reality, yes.

Q. Ultimately, all the priests answer to the Cardinal Archbishop, correct?

A. Yes.

Q. And so as Vicar For Clergy, you are effectively appointed to deal with those problems. And when they arise, bring them to the Cardinal in his office. Is that a fair description?

A. If you're saying the Cardinal in his office, yes.

Q. Or is it more correct to say just to the Cardinal?

A. No. More correct, his office. Because the person to whom I reported directly, was the Vicar General.

Q. In terms of allegations of sexual abuse by clergy in the Archdiocese and when a complaint or report would arise, is it fair to

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say that that is the kind of matter that is to be handled ultimately by the presiding ordinary, the Cardinal Archbishop?

A. I would not say yes to that if you mean that he would have to handle it personally. It would be utterly impossible for him. And so he delegates. That's what a Vicar For Priests was, a delegate by the Cardinal.

Q. So it's fair to say that the Vicar For Priests, as you understood the position while you had it, was the Cardinal's delegate to deal with sexual abuse issues when they arose by clergy?

A. Among his other responsibilities, yes.

Q. And ultimately report those to the Cardinal?

A. Yes. But ordinarily through his Vicar General.

Q. Bishop, how many times, if any, have you personally reported suspicions of sexual abuse of minors by clergy to law enforcement authorities?

A. How many times have I personally reported to the civil authorities?

(*25)

Q. Yes.

A. None.

Q. How many times, if any, have you delegated the responsibility to someone in the Archdiocese in which that individual has reported suspicions of sexual abuse by minors -- by clergy of minors to law enforcement authorities?

A. I would have to say none. But only because you used the word delegated. And I did not delegate anyone. Our usual practice was when an allegation came in, I would consult with our legal advisors.

And if there was any need for the matter to be reported, they would see to it that it was reported. If it was in a school issue, they'd have whoever discovered it in the school would make the report and so on if it hadn't been made already. But that would be an automatic thing that we would -- I would discuss it with the legal advisors and ask them to take whatever action was necessary.

Q. When you referred to the usual practice, why is it that it was to go to the

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legal advisors for the Archdiocese first before to law enforcement?

A. At that time, as you know, the clergy were not mandated reporters. And so we would not -- you know, unless apart from my role if I had heard it when I was pastor or something like that, it would be a different story. But this was our usual practice that -- I don't know the civil law. I'm not a civil lawyer. So I would refer to them. They would know whether or not it should be reported.

Q. When do you believe, if at all, you became a mandated reporter, that is, somebody required to report suspicions of sexual abuse to law enforcement?

A. I'm pretty sure the law was just passed in Illinois maybe a year or so ago that clergy became mandated reporters. It might be two years. I don't know.

Q. Is it correct to say that the Archdiocese runs and owns and operates several schools?

A. Yes.

Q. So is it also correct to say that the

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cardinal and his delegates, including the Auxiliary Bishops oversee the operation of those schools?

A. Yes.

Q. Is it also correct to say that the Cardinal and his Bishops are, in fact, the shepherds of the flock of the Archdiocese?

A. Yes.

Q. And in that flock, that includes parishioners and their children?

A. Yes.

Q. Is it also correct to say that -- that the Bishop is the head of schools?

A. Not to my way of thinking. We don't talk that way.

Q. When in your understanding, Bishop, were teachers required to be reporters, mandated reporters of suspicions of sexual abuse?

A. As far as I knew, they were mandated reporters at the time I became Vicar For Priests. They probably were mandated before that. But I don't remember when the law came into effect.

Q. When in time do you believe principals

(*28)

of the parochial schools operated by the Archdiocese were required to be reporters mandated by law to report suspicions of abuse?

A. Again, I would say I was aware of it when I became Vicar For Priests because I had to deal with it. Prior to that, I might have been aware of it, but it wasn't, you know, something that I thought about.

Q. And in a parochial school system in the Archdiocese above the principals, there are superintendents of schools, are there not?

A. Yes.

Q. When in time do you believe the superintendents of schools were required to make mandated reports?

A. I'd have to say the same.

Q. And who is the -- oversees the superintendent of schools, the parochial schools in the Archdiocese of Chicago?

A. He would report to the Cardinal.

Q. And in any given vicariate, a school, a superintendent of school would also report to the Bishop in charge of that particular vicariate who then in turn reports to the

(*29)

Cardinal, correct?

A. I don't think it works that way. But I'm not -- I'm not totally sure if he reports -- but his primary reporting would be to the Cardinal. He certainly would consult with the vicar of the area if -- whatever the situation was required it.

Q. Certainly the Cardinal can't individually hire and supervise all the principals, correct?

A. Correct.

Q. And it is correct to say that the superintendents of schools are required to participate in hiring and the supervision of the principals, correct?

A. Only -- I believe only recently does the contract with the principal require the superintendent's signature. Prior to that, I don't think he would have anything to do about the hiring. But I'm not really sure of that.

Q. Who in your view or experience supervises the superintendent of schools, then?

A. The primary person would be the Cardinal.

(*30)

Q. Okay. Going back to what you described as the usual practice. You indicated that it had been the usual practice to consult with legal advisors, if needed, when an allegation of sexual abuse arose.

What policy or protocol, if there is one in writing, that required or mandated that you or other clergy would consult with legal advisors first when a suspicion of sexual abuse arose?

MR. GEOLY: You're asking if there's a written protocol?

MR. ANDERSON: Yes.

THE WITNESS: At the time that I became Vicar For Priests?

BY MR. ANDERSON:

Q. Yes.

A. I'm not aware of any written protocol. And I don't think it's fair to say that the first ones we consulted were the legal advisors for this reason. At that time, I wouldn't know how to work a conference call with all these machines.

When I became Vicar For Priests, I felt

(*31)

the need to have people with whom I could consult in order to make sure that I was making appropriate decisions. Not in every case. In some cases it was so clear, it was -- but I felt it was important to have a group. And I began to develop -- I don't recall what we -- I think we called it just a task force at the beginning. If I could have reached all five or so at the same time, I would have done it.

But I would usually call our legal advisor because he did have the capacity for plugging in others. And one of the others would be a mental health person. Because we usually arranged for an assessment and so on. And as time went on, others were added.

So it isn't like we were looking to the legal advisor to be the key decision maker. He was one of a group that participated.

Q. And you mentioned a mental health professional as being a member of that group, correct?

A. Yes.

Q. Somebody that would look at the priest to see whether they were fit or dangerous or the

(*32)

like?

A. Well, initially, we just wanted to know what do we do. We needed to get an assessment and so on. We wanted to find out is this person really a danger to children. Are children at risk. And so that would be our --

Q. Is that mental health professional that you looked to most frequently Dr. Cavanaugh of Cavanaugh and Associates?

A. At that time it was.

Q. What time are you referring to?

A. '87 to '91.

Q. And then after that, who would have been the mental health professional looked to by the Archdiocese, after '91?

A. I really can't answer because I was no longer working with the cases.

Q. Okay. You did maintain some involvement in your capacity as Vicar General, did you not?

A. Yes. At that time, what I called the task force before had developed into a regular group. I think we called it -- well, the initials are PCAC. I'd have to think what they

(*33)

stand for. Professional committee or something. And I was asked to stay on because I had experience with those kinds of cases. And so I stayed as a member of that committee.

Q. Is it fair to say that of all of the people in the Archdiocese, you're the one that's probably had more experience dealing with allegations of sexual abuse than any other individual in the Archdiocese in Chicago at least since 1970?

A. I have no idea, Jeff. I don't keep tabs of those things.

Q. Well, you know, thinking -- I know you don't and I wouldn't expect you to. But when you think about it and reflect on it for a moment, which I'm asking you to do, I mean, is there anybody else that you can think of that has had to deal with this issue more often or longer than you?

A. Well, I would think Jimmy Lago has probably had much more certainly in recent years in dealing with the issue.

Q. And he became Chancellor approximately -- I've got it here somewhere, but

(*34)

do you know?

A. Jeff, I'm 80-years old.

Q. Well, I tell you, you're doing pretty darn good. And I'm not going to expect you to remember. But I have a chart, Bishop, and --

A. What does it show?

Q. And according to my chart it says that in 2000, he was appointed Chancellor. And his predecessor was a Father and now Auxiliary Bishop Thomas Paprocki. Does that sound right?

A. Yeah.

Q. Okay. And then the predecessor to Bishop Paprocki as Chancellor would have been Robert Kealy, K-E-A-L-Y. Is he still alive?

A. Yes.

Q. Okay. Where is he now?

A. I don't know.

Q. Okay. You had referred to the usual practice in the Archdiocese. And when -- particularly during the time where you have been involved with allegations of sexual abuse, is it fair to say that the usual practice in this Archdiocese had been that when an allegation was made, that after legal advisors were consulted,

(*35)

that the priest was sent to treatment or evaluation?

A. Do you mind phrasing that question, again, Jeff? Because --

Q. Sure. Is it fair to say that -- you had referred to the usual practice when allegations arose. And is it fair to say that the usual practice in this Archdiocese has been that when an allegation was made in the past against a priest, that after consulting with legal advisors, the priest was sent to treatment or evaluation?

MR. GEOLY: Are we talking about when Bishop Goedert was Vicar For Priests or other times?

MR. ANDERSON: We could limit it to certain -- let's talk about before Jimmy Lago who is a lay person, so we call him Jimmy, became Chancellor in 2000.

MR. GEOLY: I'm a little unclear of the scope of the question. I'm not trying to make you work harder. But could we make it clearer? Either read it back or just say it one more time?

(*36)

MR. ANDERSON: Sure. I'll take another run at it.

MR. GEOLY: Thank you.

BY MR. ANDERSON:

Q. Bishop, is it fair to say that the usual practice of the Archdiocese has been when an allegation of abuse surfaced after consulting to legal -- after consulting with legal advisors, to refer the priest to treatment or for evaluation?

A. The way I understand your question, Jeff, the answer is no.

Q. What have -- what would have been the usual practice as you understood it before 2000 and particularly while you worked as Vicar For Clergy and on the committee?

A. My usually --

MR. GEOLY: Do you need to break that down into different time frames?

THE WITNESS: Well, I don't think so in order to -- I'm trying to answer his question. And the reason I said no was because I thought there was something missing in what you said about --

(*37)

BY MR. ANDERSON:

Q. What was missing? What would have been -- what would have been the usual practice?

A. Well, the usual practice that I would have had, I would interview the victim and receive the allegation from him or her. I would then interview the accused and receive his response. And that was almost like the same day. There was hardly any time lag.

And then I would consult with our team, which would include legal advisors, mental health experts and so on. And on the basis of that conversation, we would decide whether or not assessments should be made at one place or another and so on. Do you see --

Q. I got it.

A. Okay.

Q. I'm just making some notes because I was listening carefully. And if I heard you correctly, your response to the usual practice that you employed was first to interview the victim, second step was to interview the accused cleric or employee, whoever it was.

A. Well, I didn't deal --

(*38)

Q. Just the cleric?

A. Yeah, I didn't deal with lay people.

Q. Second, accused cleric. The third would be to consult with the team that you already referred to. And the fourth step then would be to make a decision to send them to assessment or evaluation?

A. Yes.

Q. And then when we're talking about the usual practices after they were sent to -- for assessment or evaluation, what would have then been the next step in employing the usual practice paradigm? What happened?

A. One of the first things that we would do after receiving the allegation from the victim would be to see whether or not the victim was under treatment or counseling. And if they were, we would indicate that the Archdiocese would cover the cost of that. If they did not have anyone, we would have them talk with -- if they had an attorney and have him arrange someone for them.

With regard to the accused, it would depend on what the assessment showed, if it

(*39)

required inpatient treatment, we would arrange for that. The same with if it was outpatient, we would arrange for that.

Q. And is it also correct to say that more often than not, after assessment, the accused was returned to ministry in some form with some kind of monitoring?

A. If the assessment showed he needed treatment, that would have to take place before he would be returned to any form of ministry.

Q. So is it correct to say that you and the team that was created to deal with this relied heavy on the mental health professionals that did the assessment to determine whether or not an accused was fit for ministry and to continue in it?

A. Well, that kind of matter is not my expertise and it's not the lawyers' expertise. So we did rely on those who were expert in this and particularly locally, we had a group that was highly regarded by the Federal Bureau of Investigation and a few others. The courts used them and we thought, you know, that was the best help we could get. So we would rely -- I don't

(*40)

want to say solely, but I would have to say their opinions were regarded highly.

Q. Under the usual practice where you'd interview the victim first, what training have you had ever, Bishop, in protocols for interviewing victims of sexual abuse?

A. For that specifically, none.

Q. I know you are trained as a canon lawyer and are certainly trained for the priesthood. Beyond the training you received for those two aspects of vocation, what training have you had in -- in sexual abuse at all?

A. Training, I would have to say no specific training. Counseling, I did participate in a course at Loyola. But that wasn't for specifically these kinds of cases.

Q. When was that course, Bishop?

A. Boy, I don't remember the year.

Q. Okay.

A. It would have been before I became pastor. So probably in the latter '60s, early '70s.

MR. GEOLY: Jeff.

BY MR. ANDERSON:

(*41)

Q. What training --

MR. GEOLY: Jeff, I don't want to break you up. I'd like to take a break soon.

MR. ANDERSON: Sure.

MR. GEOLY: We can do it now or you can proceed with the next question, if you like.

MR. ANDERSON: Sure. No. You want to take a break right now? Sure.

VIDEOGRAPHER: We're off the record at 10:35 a.m.

(Whereupon, a short break was taken.)

THE VIDEOGRAPHER: We are back on the record at 10:49 a.m.

BY MR. ANDERSON:

Q. Bishop, I want to follow-up on a couple of things you mentioned before the break. I've got these people next to me saying you have to ask about this stuff.

A. Go ahead.

Q. I know. You mentioned at one point that in response to one of my questions about -- I think it was having to do with principal advisors to the Cardinal at a given point in

(*42)

time. And you said that -- we were talking about Sister Costello. And then at some point we were talking about -- you made a mention of Father Robert Peter Bowman and having some role. What role did he have?

A. He was Moderator of the Curia. That's the title.

Q. Okay. And to your knowledge, what involvement did Father Robert Bowman have in matters pertaining to sexual abuse by the clergy, the investigation of it and/or the handling of it?

A. I don't think he had any.

Q. Okay. If you look at Exhibit 100, you'll see a Robert Peter Bowman who was removed from public ministry on 5/2002. Is that the Robert Peter Bowman you were just referring to?

A. Yes. Robert is his first name, but he always went by Peter.

Q. Okay. When we were talking about people who were handling it currently, that is, matters of sexual abuse, you said that Jimmy Lago as Chancellor is kind of the go-to guy?

A. Well, he -- go-to guy. He was

(*43)

designated by the Cardinal. I forget what title he was given. But he was kind of to oversee everything involved with this issue.

Q. Okay. And as I had mentioned, Thomas and now Bishop Thomas Paprocki was his predecessor as Chancellor, correct?

A. Yes.

Q. And according to the records I have, he was Chancellor from '93 to Lago's appointment in 2000. Does that sound about right?

A. Probably, yeah.

Q. What involvement did Bishop Paprocki have in these matters, to your knowledge; that is, matters pertaining to the reports, complaints and suspicions of sexual abuse?

A. When he was -- Father Paprocki as Chancellor, he also sat in on the meetings of our group which at that time was called PCAC. And he was actually the secretary or chairperson who conducted the meetings. He subsequently became, I'm pretty sure, the Cardinal's delegate to the review board.

Q. When would that have been?

A. Well, it would be sometime before he

(*44)

was ordained Bishop. I don't know the exact years.

Q. And approximately when was Thomas Paprocki installed as a Bishop, roughly?

A. I would say '97 or so, maybe '98.

Q. Okay. Yeah. Actually, it looks like according to the Catholic Directory, which I refer to, it might have been later than that. It might have been as late as 2002. But this could be wrong.

A. No, my memory could be wrong.

Q. Who knows. We'll see. It's not important. In any case, Bishop Paprocki's predecessor was Robert Kealy, Father Robert Kealy, K-E-A-L-Y, as Chancellor?

A. Yes.

Q. What was his role in these matters pertaining to suspicions, investigations and the handling of sexual abuse?

A. My recollection is that he also participated in the meetings of PCAC, which would review various cases from, you know, once a month or so.

Q. Okay. If you look at Page 2, Bishop,

(*45)

of the -- of Exhibit 100, that is the
Archdiocesan Priests With Substantiated
Allegations of Sexual Misconduct, two-thirds of
the page down, do you see Robert Louis Kealy?

A. Yes.

Q. As a man designated as having had
substantiated allegations of sexual misconduct
with minors?

A. Yes.

Q. Is that the same one we were just
talking about who served as Chancellor and on
the committee?

A. Yes.

Q. I'd like to go back to the usual
practices that we had been talking about and
follow-up on some of the questions that -- and
information that you're providing to us and that
connection.

I had asked you about your experience
in interviewing victims and training and you
said, really, I hadn't had any. My next
question is what experience -- in step two of
your usual practice was to interview the accused
cleric.

(*46)

My question to you, Bishop, is what training have you had in interview techniques of an individual accused of a crime such as sexual abuse?

A. I was a member of the Metropolitan Tribunal for 20 years. And this was pretty much our responsibility. In church law, it's a little different than, I think, civil law. In church law, the Judge does a lot of the questioning.

So I would -- I would think over the years, I learned how to question adult -- most of the victims that came to us were adults. I never interviewed what you would consider a young child. Most of the -- in fact, I think most of them when they came -- I don't even remember anybody coming that was still a minor.

I may have done one, but I don't remember. So I was dealing with adults, whether it was the victim or the accused. In our life as parish priests, we're doing this all the time. Were we trained specifically in dealing with sexual abuse, no.

Q. So if I'm hearing you correctly, then,

(*47)

your experience or training and all of it that you received was in the context of having been a member of the Metropolitan Tribunal for 20 years and in church law; is that correct?

A. Plus the years that I was a parish priest before I --

Q. Are you aware -- in interviewing a victim and in interviewing then the accused, is your purpose and -- excuse me. In the usual practices that you're discussing here in interviewing the victim and interviewing the accused, is your purpose to determine whether or not sexual abused has occurred?

A. I'd have to say no.

Q. Okay. What would have been your purpose then in interviewing the victim and then the accused?

A. The purpose of interviewing the victim was to simply learn from him or her what -- what is the allegation.

Q. And then how would you and did you determine whether the allegation was true, substantiated or not?

A. Are you asking immediately after

(*48)

interviewing the victim?

Q. Well, as a part of the usual practice that you employed, how would that determination be made by you or others that it, in fact, had happened?

A. After I interviewed the victim and received the allegation, I would call in the priest accused and I would present it to him and ask his response. In those days, the priest frequently, if not almost always, admitted.

Q. And in those instances where the priest after being interviewed by you, and to use your words, almost always admitted, the sexual abuse, after the priest admitted that to you on those occasions, in how many instances did you turn that admission over to the law enforcement or civil authorities?

A. None.

Q. Why not, Bishop?

A. At that time, we were not mandated reporters. And almost always the victim was no longer a minor. We had attempted to present it to the DCFS and they refused to accept it because they said they were only handling cases

(*49)

of minors.

At times we would present it anyway, but they wouldn't -- they wouldn't handle it. I'm talking about 20 years ago. Things are different, quite different now.

Q. And is it fair to say then that because the law didn't require you to, at least in your view, you didn't turn it over to law enforcement?

MR. GEOLY: Objection, asked and answered. I think the Bishop just answered that very question.

MR. ANDERSON: Are you instructing him not to answer?

MR. GEOLY: No. That's my objection. You asked why and he told you why. And now you're asking him again.

MR. ANDERSON: Okay. I'll ask another question.

BY MR. ANDERSON:

Q. Bishop, given your training and 20 years as a -- in the Metropolitan Tribunal and your training in the church law, as you said it, and then your training as a parish priest,

(*50)

is it fair to say that all that training was in the usual practice of the Catholic church in terms of how to handle a problem such as this?

A. When you say, such as this, Jeff, were you referring to sex abuse?

Q. Yes.

A. Run the question once more, please?

Q. Is it fair to say that all the training you've had in interviewing victims and/or accused and employing the usual practice you've described all came from experience and training you received in how a Catholic church official is expected to handle this matter as opposed to a non-cleric?

A. I think to that question, I'd answer no.

Q. Well, then what outside resources did you draw upon then, outside of the resources of the Catholic church in interviewing victims and/or accused?

A. We used many resources. I don't even know if they were Catholic or not. We didn't -- we weren't concerned of what their religion was. We were concerned about their competence. We

(*51)

relied on the ones that were trained to deal with this to question both the victim and the priest accused.

If the victim wished to, you know, attend to someone in that position. With regard to the accused, the treatment centers that we used, as I say -- and some of them, I'm sure, were Catholic, but I don't know that they were. But they would pursue the questioning with them. That's their training. I didn't pretend to be a counselor to any of them. I just wanted to know what are the facts.

Q. Okay. Would it be fair to say, Bishop, in your experience at least prior to the creation of the charter in 2002, that it was the practice of the priests and the officials of this diocese and others that when a problem of sexual abuse would come forth, that the practice was to keep that internal within the priests and the officials of the church?

A. No.

Q. When is the first time to your knowledge any allegation of sexual abuse by a priest of the Archdiocese was made known to

(*52)

members of the public or law enforcement by any officials of the church?

A. Exactly when the first time?

Q. Yes.

A. I don't know. It was certainly when I was Vicar For Priests. Because we were involved very much with the State's Attorney at that time.

Q. And --

A. But it might very well have been prior to my becoming Vicar For Priests. I'm just not familiar with what was done at that time.

Q. Other than making certain information available to the State's Attorney, which it sounds like you believe had been made; is that correct?

A. Well, in the case that I'm thinking of, it clearly was made.

Q. What case are you thinking of?

A. Am I --

MR. GEOLY: Is that a name that's on this list?

THE WITNESS: Yes.

MR. GEOLY: Then you can use the name.

(*53)

THE WITNESS: I can use it? In the case of Holihan.

BY MR. ANDERSON:

Q. And on Exhibit 100, you're referring to Daniel Mark Holihan?

A. Right.

Q. He was removed from public ministry in 2002?

A. Yeah.

Q. When was that information concerning Father Holihan made known to anybody outside the Archdiocese?

A. I wouldn't be able to give the exact date. But it would be sometime between '87 and '91. I was still Vicar For Priests when we dealt with it.

Q. And who brought that information outside of the Archdiocese?

A. I presume the principal of the school or the teacher of the children that spoke. But I don't know for certain.

Q. Do you have a name or recall who that would have been or was?

A. I can't remember the name. But I'm

(*54)

sure it's on the record.

Q. And so is it your recollection, Bishop, that the principal or a teacher reported the information concerning Holihan to somebody outside of the Archdiocese?

A. They reported -- my understanding is that they made the report to DCFS.

Q. DCFS, okay. And other than in that connection and in that instance, are there any other instances prior to 2002 that you're aware of where information pertaining to sexual abuse by a cleric was reported to individuals outside of the Archdiocese?

A. I'm not saying it didn't happen. But right now, I'm drawing a blank. It's too long ago.

Q. Bishop, when in -- when an adult, whether it's a priest or a family member or anybody else, engages in sexual contact with a child or a minor, you understand that's a crime, do you not?

A. Yes.

Q. When did you first come to know that that was a crime?

(*55)

A. Well, I obviously knew it once I became Vicar For Priests because I had to deal with it. Whether I knew it before then, at this point, I presume I just took it for granted that it was a crime.

Q. As an adult and as a priest now for over 55 years, you know the police are the ones that handle crimes and are trained to investigate them, do you not?

A. Yes.

Q. If you know that to be the case, then why were you, as a matter of usual practice, interviewing victims and accused priests of crimes instead of turning it over to law enforcement who are trained to do that?

A. Today, that's what we would do. In those days, that wasn't what we did. The people that we dealt with, the victims, for the most part as far as I can remember, were adults. And they certainly were free to go to the civil authorities. Most of them that I interviewed in those days wanted no part of that. They wanted the situation to remain confidential. And we would respect that.

(*56)

Q. Isn't it also true that there has been and there is a practice prior to at least 2002 in this Archdiocese and elsewhere to keep crimes by clerics of sexual abuse secret and to handle it internally and allow the church officials to handle it?

A. I guess I wouldn't use the word secret. If you're using the word confidential, I would answer yes. When I became Vicar For Priests, I saw my role similar to what a pastor's role is, whether I'm dealing with victims or whether I'm dealing with the accused.

And I think certainly the accused looked upon the relationship as a confidential relationship. And so I tried to observe that with both the accused and the victim. Most of the victims at that time, simply wanted to have help for the victim and make sure that the accused wouldn't do it again or hoped that the accused wouldn't do it again. They were not looking to get involved with the civil law.

We never told them they could not or anything like that or even encouraged them. But it was their choice.

(*57)

Q. So instead of using the word secret, I'll use the term confidential. It was the practice to keep this confidential. And when you say confidential, that would be among members of the clergy and the officials in the Archdiocese, correct, and their advisors?

A. I would think so.

Q. Well, you're trained in canon law. And canon law, among other things, has protocols that set forth how certain matters are to be handled, disciplinary -- disciplining the priest, precepts, suspensions, removal of the faculties and the obligations of the priests to the bishops and the like, correct?

A. Yes.

Q. And it's also fair to say that a part of the canon law sets forth the -- really the policy manual relating to the employment of priests and the obligations of priests to bishops and vice versa?

MR. GEOLY: Objection, vague and ambiguous and calls for legal conclusions.

BY MR. ANDERSON:

Q. Well, you're a canon lawyer, aren't

(*58)

you?

A. Yeah, but I'm a has been.

Q. Well, you were the president of the Canon Law Society for some time, weren't you?

A. It wasn't my fault.

Q. But in any case, we digress for a moment. The fact is that the canon law provides for a broader array of things. And among it, it sets certain rules for handling certain problems within the clerical culture, correct, and there are penalties?

A. Yeah.

Q. And there are crimes designated, correct?

A. Yes.

Q. And in the canon law, a priest engaging -- abusing a child is a crime, is it not?

A. Yes.

Q. Is it fair to say then that -- is it fair to say, Bishop, that you and others in the Archdiocese at least prior to 2002, relied more upon your history and training in the canon law in dealing with this than in the civil law?

(*59)

A. Give me that once more, Jeff.

Q. Is it fair to say that in the handling of sexual abuse, at least prior to 2002, you relied upon your training and experience and what is written in the canon law as opposed to what is written in the civil laws?

A. I think I'd say no.

MR. ANDERSON: I guess we're out of tape. We're going to change tape here for a moment.

THE VIDEOGRAPHER: We're off the record at 11:17 a.m. with the end of Tape Number 1.

(Whereupon, a discussion was had off the record.)

THE VIDEOGRAPHER: We're back on the record at 11:23 a.m. with the start of Tape Number 2.

BY MR. ANDERSON:

Q. Bishop, I just want to follow-up with your last response about reliance upon Catholic church practices and protocols and canon laws versus reliance upon the civil laws in handling of sexual abuse.

You say that you answered no to the

(*60)

question regarding whether in your view at least prior to 2002 you and others like you relied upon church practices as opposed to civil practices in handling this. Why do you say no to that?

A. The reason I said no, Jeff, was that if we followed what canon law says -- I forget the canon now, whatever the number. A crime of this kind would require a church trial. And the difficulty with the church trial is the church law -- I presume civil law is similar. The church law allows for certain degrees of guilt, degrees of imputability and so on.

And we almost knew beforehand that if a person actually did this crime that he's accused of, very likely his imputability would be diminished in many cases, particularly if he was under the influence of alcohol or marijuana or something like that. And as a result, we could go through the whole thing of a trial and in the end you'd have nothing because they would say it hasn't been proven that the crime was committed by somebody who was fully conscious of what he was doing and so on.

(*61)

So we rarely used that. Maybe with hindsight, we would use it more frequently. But I don't even know that we relied on the civil law. I'm not a civil lawyer, so I wasn't -- I knew the civil law considered it a crime. But all -- civil law also has degrees of guilt and so on.

But I'm not a civil lawyer. I think we just relied on -- a lot on our -- we knew it was wrong, what was done. And we used our common sense and prudence with the help of people -- expert in the field to assist us in resolving these cases.

Q. It is fair to say that when you say we, that means you and other officials in the church relied upon assistance of others, those are consultants that you hired and lawyers, right?

A. Yes.

Q. And is it also fair to say that in all instances at least prior to 2002 that you're aware, this was kept confidential, except in the Holihan situation that you mentioned?

A. Well, I know that within the time -- you better ask the question again. I'm --

(*62)

Q. Can you cite other than to the instance of Father Holihan that you mentioned, any instance where an allegation of sexual abuse surfaced and was handled by the Archdiocese and officials and their advisors where it was not kept confidential?

A. The answer is yes. And I'm looking at -- if a name is on the chart, I can say it?

Q. Yes.

A. In the Strand case, we went to I believe it was St. Mary's Church in Des Plaines. And we went with a group which included two women who were experts in dealing with child care. I don't know what the name is.

Q. When was that, Bishop?

A. Well, again, I don't know the year. But it would have been while I was Vicar For Priests. So sometime between '87 and '91.

Q. And my question to you is was there anybody within the Archdiocese or its advisors that brought the information pertaining to Stand to outside authorities first before others did?

MR. GEOLY: Did you understand the question?

(*63)

THE WITNESS: Yeah. I'm trying to think. I don't think I was Vicar For Priests when Strand was first dealt with.

BY MR. ANDERSON:

Q. Wasn't the Strand situation in response to others having reported it to members of the parish and making it public as opposed to Archdiocesan people?

A. I just don't know.

Q. Okay. Any other instances that you can point to or remember where the information pertaining to sexual abuse was not kept confidential by the Archdiocese and officials, priests or their advisors and made known to members of the public or authorities?

A. Could I look at the list?

Q. Sure.

A. And you're talking about before 2002?

Q. I am right now.

A. I don't see any others on the list.

Q. Is it correct to say that there is a historical protocol in the Catholic church and employed by the Archdiocese that requires you as a priest and others like you to avoid scandal?

(*64)

A. That's ordinary common sense, that our

responsibility -- everybody, yours, too, to avoid scandal. If you mean scandal in the strict sense of the word, where, you know, your conduct or behavior would invite others to maybe perform similarly. That -- we have to avoid that.

* * * * *

(*65)

(*66)

BY MR. ANDERSON:

Q. Are you familiar with the term internal forum?

A. Yes.

Q. What does that mean?

A. It could mean two things. Internal forum the way we ordinarily understand it is the communication between a penitent and the confessor in the confessionals in the sacrament

(*67)

of penance.

That's what we call internal sacramental forum. It's within the sacrament of reconciliation. Anything that I hear in the sacrament of reconciliation, I must keep confidential forever.

Q. When a victim says that they were abused and report a sexual abuse to you or to one of your subordinates, would you consider that to be a communication in internal forum?

A. Have they confessed this --

Q. Outside the confessional.

A. Outside. Yes, I would consider that.

Again, I'm not talking about today. Because today we tell them right out, this is not something that's going to be kept confidential. So they -- you know, if they're going to tell us, fine. But they have to know.

Q. I'm talking about the past.

A. In the past, we would consider that internal non-sacramental forum. The communication between a parishioner and the pastor. That's how I saw most of what I heard as Vicar For Priests from the victim or accused.

(*68)

And that's what I tried to respect.

Q. And that accounts in part why this was not -- information pertaining to sexual abuse was not shared outside of the forum of the Archdiocese, correct?

A. Yeah, I was --

Q. You did point to Father Holihan as being an instance where you recall where an actual -- actual information was made outside of the Archdiocese or internal forum or its advisors.

And I'd like to ask you about that. In 1990, I have information that a good touch, bad touch video was being showed to sixth graders at

Our Lady of the Snows parish. That's where Mark Holihan had been serving, correct?

A. Yes.

Q. And a group of boys at that time told a teacher that they had been molested by Father Holihan. Does that sound pretty correct?

A. Yes.

Q. And at that time Father Holihan was removed from the parish and told not to be around kids. Does that sound correct?

(*69)

A. Yes.

Q. Who would have told him that?

A. I did.

Q. And at that time, the information I have says that his ministerial faculties were not removed nor was his reassignment published -- well. Let me ask. At that time, his ministerial faculties were not removed; is that correct?

A. I presume so.

Q. And it's also correct at that time, he resigned his pastorate at Our Lady of the Snows and began residing, living at a new parish?

A. I can't say now that it was at that time that he resigned from the parish. I'd have to look at the file to see when the resignation took place.

Q. Is it also correct and I think --

A. Pardon me, Jeff.

Q. I'm sorry.

A. No. I just wanted to -- you said and lived at another parish. I'm not sure of that either where he went -- I'd have to see the file again.

(*70)

Q. Fair enough. He did resign at our Lady of the Snows. You do remember that or not?

A. Well, resignation requires that he send a letter to the Cardinal resigning the parish. I don't know that he did it upon being removed. Usually we want to wait until we see what the facts are and so on.

Q. Whose idea was it for him to leave the parish?

A. I did.

Q. Okay. So you said, you have to leave the parish at least?

A. Yes.

Q. Okay. And did he resign sometime after that?

A. He would have resigned sometime after. Sure.

Q. Okay, got it. And I think you said in that instance, information was made available to those outside of the Archdiocese and their advisors. And that was a teacher reported it to

DCFS; is that correct?

A. Well, I'm presuming either the teacher or the principal.

(*71)

Q. Okay.

A. Probably the teacher.

Q. And do you recall that DCFS found that allegation to have been, quote, indicated or what we would call credible, that means believable?

A. Yes.

Q. And do you recall, Bishop, that for whatever reason, the State's Attorney declined to prosecute Father Holihan at that time?

A. I do recall.

Q. Do you recall if anybody from the Archdiocese discussed that decision before it was made with the then State's Attorney?

A. No.

Q. Did you?

A. I did not, no.

Q. Had you ever had contact with the then State's Attorney pertaining to a matter of sexual abuse prior to 1990 for any reason?

MR. GEOLY: There were a lot of words there. Can we hear the question one more time?

MR. ANDERSON: Sure. I'm sorry.

(*72)

BY MR. ANDERSON:

Q. Did you, Bishop, ever have any contact with the State's Attorney pertaining to any matters of sexual abuse by clergy in the Archdiocese?

A. No.

Q. Okay. Going back to Holihan. In the years that followed the DCFS having made that finding and Father Holihan, he remained a priest in the Archdiocese, correct?

A. Yes.

Q. And did it come to your attention that he was assigned to another parish?

A. If he was, I don't remember that.

Q. Do you recall that after the finding by DCFS and his departure from Our Lady of the Snows, that there were several phone calls and letters from concerned parishioners who saw Holihan with teenagers?

A. I do recall some -- bringing that to my attention, yes.

Q. What do you remember about that beyond what we just --

A. Right now, I just vaguely remember

(*73)

somebody saying they thought they saw him driving in a car with a teenager. But I don't

know if they even gave a name.

Q. Do you recall that at the time that that information was received by you, that Father Holihan was under a mandate from you -- actually issued by the Cardinal through you to not have contact with these teenagers and youth?

A. Not have contact, not be alone with teenagers under 18.

Q. And then after the information surfaced that he was with these teenagers or concerns were expressed by parishioners, did you then meet with Holihan and tell him -- give him some instructions?

A. I don't remember. But I would have presumed that I would have.

Q. I have some information that either you or somebody from the Archdiocese at that time told him to stop causing trouble for himself. Do you recall that or having information like that?

A. No.

Q. Are you aware that he eventually took a

(*74)

job with Catholic Charities, which is operated by the Archdiocese?

A. Yes.

Q. And while he was with Catholic Charities, are you aware that he was supposed to have been monitored?

A. Yes.

Q. And what did monitoring mean then as it pertained to Holihan and other priests such as him accused of abuse?

MR. GEOLY: Do you want to just address Holihan first? Because that's at least a specific case.

MR. ANDERSON: That's fair.

THE WITNESS: I would have to say I -- you know, you'd have to ask Bishop Conway what he considered monitoring. But you know he's deceased, so.

BY MR. ANDERSON:

Q. Was Bishop Conway the one that was supposed to be monitoring Holihan at the time or what?

A. He may have delegated it to someone else at Catholic Charities. I'm just not

(*75)

familiar with that.

Q. Do you recall that after all these events that we just described that Father Holihan was given frequent permission to travel for extended periods of time, sometimes out of the country to perform various sacraments such as weddings? Do you have any knowledge of that?

A. What years are we talking?

Q. This would have been after the allegations were indicated by DCFS and he left Our Lady of Snows and went to Catholic Charities and continued to work and be monitored?

A. I'm not aware of him traveling around the country to do weddings.

Q. Was Holihan ever asked if he had committed the sexual -- a crime of sexual abuse by these kids by you or any official in the diocese?

A. Yes.

Q. What did he say?

A. He never felt that he abused the children. He -- in his mind, he was showing friendliness and affection. But never in his

(*76)

mind did he consider his behavior as abuse, at least when I was dealing with him.

Q. Okay. He expressed that to you?

A. Yes.

Q. So he expressed to you that he didn't think what he was doing with these kids was sexual abuse, correct?

A. Yes.

Q. He did admit, however, having shown affection towards these kids including the touching of their genitals?

A. Over the clothes, yes.

Q. And when he told you that, you knew

that it was a crime for an adult, a priest to be touching youth on their genitals over the clothes or under the clothes, correct?

A. Yes.

(*77)

Q. I've got 10 to 12:00. I'm going to work for a while. But I want to be deferential to you, Bishop. Would you like to take a break for lunch now?

(*78)

MR. GEOLY: Well, what we've got is lunch coming in.

MR. ANDERSON: Okay.

MR. GEOLY: And I thought it would be set up or that they would be ready to set it up right now. It could be that they're waiting because our door is closed.

MR. PEARLMAN: Let me check.

MR. ANDERSON: If it's okay, we'll go ahead for a while here. If at any time you want to take a break, then we'll plan on taking breaks. See this pile of documents here?

THE WITNESS: Do we have to go through that?

MR. ANDERSON: I know. Here we go.

BY MR. ANDERSON:

Q. So I'm going to try and work through these fast. We are going to get done today. I

am hoping to be on a 6:30 flight. So that tells you I'm going to work fast.

A. Not too fast.

Q. I know. If I work too fast, we'd be gone, right? But I'm going to have -- Jessica hand me the pile of documents. I'm going to go

(*79)

through some of them with you, Bishop.

MS. ARBOUR: I think I just moved the camera.

THE WITNESS: Which way?

MS. ARBOUR: It scooted that way. So it may need to be turned this way, towards me.

BY MR. ANDERSON:

Q. We premarked these. And the first document that we're going to hand you and counsel is actually something for convenience. I just asked Mr. Geoly to prepare.

And I'm not asking you to certify that this is absolutely correct. But it basically was just kind of an outline of your assignment history, a cursory outline of your assignment history so that I didn't have to walk you through this date by date. It may be correct, it may not. But does it look -- does it look -- is it correct?

A. Just the spelling of Barnabas, if you don't mind, B-A-R-N-A-B-A-S.

Q. Got it, okay.

A. I think the rest of it is pretty

(*80)

accurate. Yeah.

Q. Close enough anyway for our purposes?

A. Yes.

* * * * *

(*81)

(*82)

Q. I'm going to write down a name here,
Bishop. And it's just John Doe 1. And you
can -- if you could show that to Mr. Geoly, as
well.

MR. GEOLY: I can see it. Thank you.

I can see it.

BY MR. ANDERSON:

Q. And we're going to call him John Doe 1.

A. Okay.

Q. And his family, you know, that -- Doe
family 1. You came to know that family, did you
not, while at St. Barnabas?

A. Yes.

Q. And you came to learn that Father Mayer
was accused of having sexually abused John Doe
1, did you not?

(*83)

A. Yes.

Q. And how did you learn that -- learn of
that?

A. John Doe 1 came to see me out of the clear blue. We received an e-mail. He wrote an e-mail to the diocese and information office asking how he could get in touch with me. And they gave him the information. And then he e-mailed me and then eventually came to Chicago and I met with him.

Q. That actually happened or was alleged to have happened at St. Barnabas?

A. Yes.

MR. GEOLY: The abuse we're talking about.

BY MR. ANDERSON:

Q. Yeah, the abuse of John Doe 1 by Mayer.

A. Yes.

Q. And you were the -- you were actually the pastor in '76 to '87?

A. Right.

Q. And I think that the abuse was -- was that while you were pastor?

A. No.

(*84)

Q. It was right before?

A. No. Mayer had already been transferred elsewhere.

Q. Okay. Did you have any reason to believe that what John Doe reported to you wasn't true, that Mayer had abused him?

A. Was not true?

Q. Did you believe John Doe?

A. I believed John Doe. Yes.

Q. You believed that Robert Mayer had sexually abused him?

A. Yes.

Q. How many kids do you believe Robert Mayer abused besides John Doe 1?

A. I have no idea.

Q. More than 50?

A. I really have no idea.

Q. Did you ever investigate to find out?

A. I dealt with cases that were brought to my attention while I was Vicar For Priests and probably heard of others after I left. But I have no memory of it now.

Q. Do you know if any officials of the Archdiocese ever conducted any internal

(*85)

investigation to make some determination of how many kids Father Robert Mayer actually abused?

A. Well, prior to my becoming Vicar For Priests, there had been a lawsuit of some sort involving allegations made. And it was settled, resolved.

I'm not sure what was -- what the decisions were based on. I just don't know. All I know is that it was resolved, whatever the allegations were.

Q. Okay. And I'm writing down in our confidential list, No. 2, the name of somebody that we'll call as Doe 2. That would be the mom and the son Doe 2.

A. What's the son?

Q. I think that's the son's name. I might be wrong on the son's name.

A. Yeah.

Q. The mom's name --

A. Yes.

Q. -- is that the lawsuit you're referring to?

A. Yes.

Q. Okay. And what was your role in the

(*86)

settlement of that suit, Bishop?

A. I had no role.

* * * * *

(*87-88)

(*89)

Q. Do you remember making an effort to find Holihan's file and not being able to locate it or just don't remember at all?

A. I just don't remember.

Q. Okay. We can assume that if he's a priest of the diocese, there is a file, certainly a priest file maintained on all of them and that there would have been one on him. Is that a fair assumption?

A. I think so. In a letter as you described, though, would not be in what we call the priest file, like which covers appointments and so on. If the letter was of that nature, my guess is it would have gone to the Vicar For Priests.

Q. Okay. So that leads to another area that I needed to ask you about. There's a file -- a separate file maintained by the Vicar For Priests apart from the ordinary priest file, is what I'm hearing, correct?

A. Yes, yes.

(*90)

Q. Okay. And the -- a letter such as this, that is a report of possible sexual abuse, would you have customarily gone to the file for Vicar For Priests?

A. Yes.

Q. As opposed to the priest file?

A. I would presume so.

* * * * *

Q. How long was that separate file maintained by a Vicar For Clergy or Vicar For Priests?

A. Well, the Vicar For Priests file began when Father Ventura was named in 1983. So if such a request -- such a letter came in, I presume it would have been turned over to him.

(*91)

Q. I see. And what kind of materials would go to the file for Vicar For Priests as distinguished from the materials that go to the ordinary priest personnel file?

A. Ordinarily, the Vicar For Priests would have files on any priest who came of his own free will to meet with the Vicar For Priests. In addition, it would have any file that came in from any source regarding the conduct of a priest.

Q. And that would be misconduct?

A. Misconduct.

Q. Yeah. So if there was a report by a child or a parishioner of suspected sexual abuse, that would go to the priest -- the Vicar For Priests file?

A. That's my presumption.

Q. If there was a rumor and a document of a rumor of misconduct or sexual abuse by a priest and it was documented, that would go to the Vicar For Priests file?

A. Yeah, presuming this is not anonymous.

Q. Well, I don't know. Is there a -- do you make -- did you and -- does the Archdiocese

(*92)

make a distinction between an anonymous report and one that isn't?

A. Actually, we would also have the

anonymous report. The Vicar For Priests would -- at least he would notify the priest that such a report came in about him.

Q. And if there was a conversation between the Vicar For Priests, a non-confessional conversation between the Vicar For Priests and the priest such as you described with Father Holihan, and the priest says, well, I did abuse these kids or I did engage in sexual contact with them or, you know, something like that and the Vicar For Priests records that, that would be maintained also in the file for Vicar For Priests?

A. I could only speak for when I was Vicar For Priests. I would ordinarily memorialize meetings that I had, conversations that I had. But keep in mind that at that time, that kind of a conversation would be considered a confidential communication between the priest and myself.

And so I'm a little concerned even here

(*93)

whether I have a right to speak about this case. Do I?

MR. GEOLY: Well, the question is what would happen with the document. Would it go in your file? I think that's what you were asked.

THE WITNESS: I'm sorry, yes, it would.

It would be in the file.

BY MR. ANDERSON:

Q. Okay. And whether -- and whether the -- the conversation -- all such conversation as we just described is what you would consider confidential, which means you would keep that within the confines of the Archdiocese and/or the file you described, correct?

MR. GEOLY: Objection. I don't know what you mean by all there.

BY MR. ANDERSON:

Q. Well, the -- let's say a priest admits that he had sexually abused a child and he admits it to the Vicar For Priests, to you, you make a recording of that. You document that. You put that into the Vicar For Priests file, correct, of that -- of that priest?

A. Yes.

(*94)

Q. Okay. And it's your position, and I trust the position of the Archdiocese, that that is confidential information?

A. At that time, that's how the relationship was considered between the Vicar For Priests and priests.

Q. Who defined that for you to be a confidential relationship?

A. I'd have to say when I took over from Father Ventura, he -- he would have discussed

that aspect with me. I think it became clearer to all of us when the issue was resolved by Judge Fitzgerald, which he recognized that at that time, these conversations were considered confidential.

Q. So did -- if I'm hearing you correctly, was it Cardinal Bernardin through former Vicar For Priests Ventura that led you to the belief that that information would be considered confidential?

A. Yes. Because when I took over the office, that's exactly how I felt, that I was pastor to the priests.

Q. And you referred to Judge Fitzgerald

(*95)

making some kind of finding that is confidential. Tell me about that. That's news to me. What were you referring to?

A. At that time -- and I don't recall the case that was involved. But the question was what material can we give and what material shouldn't we give. And our attorneys gave the material to Judge Fitzgerald and indicated what they thought should be reserved from anyone else because of the confidential nature that that was considered to be, like the pastor/penitent privilege. And the decision that was made by Judge Fitzgerald was he accepted that as

confidential.

Q. And so was that effort you just described in 1992 in anticipation of disclosures being made by the Archdiocese to the then State's Attorney or another time?

A. It was -- I know the State's Attorney Office was trying -- again, my recollection. The State's Attorney was trying to subpoena a number of our files.

And we felt we could give him whatever he had a right to have. But we could withhold

(*96)

what he did not have a right to have. And the attorneys went through the case and redacted, I think is the word, any lawyer/client privilege, any penitent/priest privilege, any mental health privilege.

Q. Was that in connection with the Maday case that that was done?

A. Right now, I don't remember what it was in connection. And I don't remember whether I was still Vicar For Priests when the decision came down. I just don't remember.

Q. Was Judge Fitzgerald then a presiding sitting Judge where this determination was made that you believe?

A. To my memory, he was a presiding Judge at the criminal court.

Q. Okay. So it's in the context of some

criminal case?

A. Probably.

Q. And the prosecution of Father Maday or another priest of the Archdiocese?

A. I just don't remember which one.

Q. Fair enough. Just so I understand you and I think the position of the Archdiocese. Up

(*97)

until that decision, you and the Archdiocese had considered an admission by a priest documented to an official of the Archdiocese of sexual abuse to be confidential and that -- correct?

A. Yes.

Q. And that -- when that issue came up, Judge Fitzgerald decided that in that case, there was a determination that there was a confessional privilege that applied to that particular communication, correct?

MR. GEOLY: Time out. Objection. Let me just ask. Are you asking him to characterize Fitzgerald's opinion in detail now?

MR. ANDERSON: Well, your understanding of it is -- because he's operating on his understanding of this.

MR. GEOLY: Well, we're speaking in a very high level of generality right now and very hypothetically. We're not talking about any particular case or particular information you're

asking from him. So I don't have a problem with him telling you what he remembers about this. I just have a problem with him parsing a legal opinion for you.

(*98)

MR. ANDERSON: Maybe you can save us some time, Jim. Did he come down with a decision in one case that said in this particular case there's a confessional privilege that applies to --

MR. GEOLY: I can give you a copy of the decision. I can get one for you today.

MR. ANDERSON: Did it apply to one case?

MR. GEOLY: It wasn't one case. It was a grand jury investigation. And there wasn't a particular prosecution, as I recall. But I'd be happy to share a copy of the opinion with you.

MR. ANDERSON: Okay.

BY MR. ANDERSON:

Q. Bishop, what do you know about a grand jury investigation having been underway and what role did you have in that?

A. As far as my memory today, I had no role and I know nothing about the grand jury investigation. I probably heard something about it through the newspapers and others. But I had -- to my knowledge, I had no role in it at all.

(*99)

Q. Other than -- other than having given the deposition in a matter of the Lutz case, have you given any testimony either in grand jury or in trial or in any other place that pertains to your knowledge of sexual abuse in the Archdiocese by any of the cleric?

A. Yes.

Q. When and where?

A. I was called as a witness in the case of Father Mayer.

Q. And you were called by Father Mayer and his lawyers to testify?

A. I don't think so. I think it was -- I think it was the prosecuting.

Q. Prosecuting?

A. I think so.

Q. And what do you remember having testified to at that time?

A. I honestly don't remember. It wasn't a lengthy thing, I know that. But I don't remember what questions were asked. I simply answered whatever questions were asked of me. But I don't remember the questions now.

Q. Okay. Going back to the

(*100)

confidential -- let me rephrase this. Going back to the topic of the Archdiocese considering

the conversation wherein a priest admits to the Vicar For Clergy that he has engaged in sexual abuse or a crime of misconduct and that is documented by the Vicar For Clergy. I heard you say that it would be customarily placed in the file pertaining to that priest, maintained by the Vicar For Clergy, correct?

A. Yes.

Q. And -- and I also heard you say that at the time that was done while you were Vicar For Clergy and you were led to believe your predecessor, Father Ventura, that was considered confidential and not to be shared with anybody outside the Archdiocese, correct?

A. Yes.

Q. And to this day, have those documents maintained by your predecessor and/or by you wherein a priest may have admitted having committed crimes been shared with anybody outside of the Archdiocese?

A. I could only speak for when I was Vicar For Priests. What has happened afterwards, I

(*101)

don't know.

Q. What had -- what had -- what had happened up until your -- the end of your tenure for Vicar For Priests, which would have been

19 --

A. 91.

Q. -- 91. Up until that time, it remained confidential?

A. To my knowledge, it was, yes.

Q. And -- and you have no personal knowledge of the current practices and those employed until 2002?

A. I have no recollection of knowing what's involved.

Q. Okay. I'd like to go back to focus on Father Robert Mayer and mom Doe Number 2 has reported that in November of 1986, she made a call to you. In 1986, you were the Vicar For Priests?

A. No.

Q. You were not. In 1986, what was your title?

A. Pastor.

Q. You were a pastor at St. Barnabas?

(*102)

A. A pastor at St. Barnabas.

Q. I misspoke, yeah. You were a pastor at St. Barnabas. And Father Mayer had been an associate at St. Barnabas?

A. Yes.

Q. In any case, Jane Doe or Mom Doe 2 reports that she made a call to you concerned that Mayer was abusing kids or had abused kids in the parish. Do you remember such a call from

a mom who I've identified as Jane Doe 2 to you?

A. No. And are you saying it was in November of '86?

Q. Well, the date may not be precise --

A. I don't recall.

Q. That's why --

A. Yeah.

Q. Do you remember -- I guess the question to be more fair, Bishop, do you remember any call from Jane Doe 2, the mom who we'll describe as Mom Doe Number 2 to you saying, I'm concerned that Father Mayer is abusing kids in our parish at St. Barnabas?

MR. GEOLY: At St. Barnabas?

BY MR. ANDERSON:

(*103)

Q. Or at the new parish.

MR. GEOLY: Do you understand the question?

BY MR. ANDERSON:

Q. It was either at St. Barnabas or his later parish? Actually, Mom Doe would have been -- 2 would have been at St. Edna's.

A. Right.

Q. And the call would have come at the time, I think, Mayer was at St. Barnabas?

MR. GEOLY: Can you start over. Just start the question again so we have it straight?

BY MR. ANDERSON:

Q. Here's -- here's how I'll put the question. Do you have any memory of having received a call from Mom Doe 2 about concerns of Mayer having committed sexual abuse of kids at all?

A. Anywhere?

Q. Yeah, from this mom at any time?

A. I don't recall any call. But I don't want to say that it didn't happen. I just don't recall any call.

Q. Okay. She's given a statement to us

(*104)

that she made such a call and reported that it was to you. And I'm paraphrasing.

But she reports that you had stated to her that the Archdiocese was aware of Mayer's history and had been told to not have unsupervised contact with children. My question to you, Bishop, is do you remember having made such a statement to a mom or that mom pertaining to Father Mayer?

MR. GEOLY: Can we clarify something, Jeff? Were you stating that it was Mayer who was told not to have contact -- unsupervised contact with minors?

MR. ANDERSON: Yes. Did I misstate it?

MR. GEOLY: I'm not sure. I may have misunderstood you.

BY MR. ANDERSON:

Q. Do you want me to ask that question again, Bishop?

A. Yeah, let's try it.

Q. Do you remember telling any mom or Mom Doe 2 when concerns were expressed that Mayer was abusing children that the Archdiocese was aware of Mayer's history and he was not allowed

(*105)

to have unsupervised contact with children?

A. I don't recall the specifics that you're mentioning. But I would want to say I do recall having a conversation with Mom 2. My recollection is that conversation was at St. Edna's when a group of us went out there to give the people there a chance to tell us whether or not any of their children experienced this kind of -- so I did have a conversation and I remember specifically to her.

Because at that point -- you know, keep in mind, this is after everything unfolded at St. Odilo's. And I believe I apologized to her for any hurt that might have been caused by either him or ourselves in the way we handled things.

Q. Did you tell her what the Archdiocese was now doing about protecting other children and keeping Mayer away from those kids so that he would not repeat the crimes that the

Archdiocese knew he already committed?

A. Well, I can't say that I remember here and now what exactly I said, whether I said that or not. I just don't remember. It wouldn't

(*106)

surprise me if I said it because that was the case.

Q. I'm going to show you what we've marked as Exhibit 5. Now, this is handwritten. We've already provided you a copy of this, Jim.

MR. GEOLY: Thank you.

BY MR. ANDERSON:

Q. And to the extent necessary, we'll take -- we'll do redactions. Oh, they've already been done, okay. I'll represent to you that this is the handwriting of Mom Doe 2, okay?

And I'm not going to ask you to read the whole thing. But it is her account of some events in and around 1986. Look at the second page, Bishop. Well, let's just look at the first. Because let's just see if there's some mistake by somebody here. You'll see the first sentence says, father introduced himself --

A. Pardon me, Jeff. The first mistake is the year, if we could correct that.

Q. That's why I say there was a mistake.

A. I wasn't Vicar For Priests.

MR. GEOLY: Yeah, let him ask you the

question.

(*107)

THE WITNESS: Okay. I'm sorry. I'm sorry.

BY MR. ANDERSON:

Q. I was just looking like there was a mistake here. Because the first sentence says, Father introduced himself at the new -- at the new Vicar of Priests for the Diocese of Chicago, having taken over for Father Ventura.

And at the date above this, you'll see it says November 11th and then 1986 is written in. Now, there's a mistake by somebody here if you weren't Vicar For Priests yet, right?

A. Right.

Q. So did you serve as an interim or temporary Vicar For Priests for a period of time?

A. No. I became the Vicar For Priests July 1 of '87. And I just periodically met with Father Ventura before. But I was never considered temporary.

Q. Okay. So this '86 date that's written up there might be the wrong year?

A. I would think so.

Q. In any case, we're in agreement that

(*108)

you were the Vicar For Priests in November of 1987?

A. Yes.

Q. Okay. So the first sentence states that Father introduced himself as or at the new Vicar of Priests for the Diocese of Chicago having taken over for Father Ventura.

The last sentence in this document, I will read it and ask you a question. At this time, were you aware that there had been a settlement made of some kind with this woman and her mom -- this mom and her son?

A. I probably saw it in the case file.

Q. And do you recall her then raising concerns about the Archdiocese not having abided by their promises as they had been made to her in this settlement about Mayer and him not having contact with kids and the like?

A. I can't honestly say that I remember the details of the conversation.

Q. Okay.

A. I'm not saying it didn't happen, I just don't remember.

Q. Okay. Look at the last sentence of the

(*109)

first page. I'll read it and then see if it refreshes for you, Bishop.

It says, the Judge relayed to Serritella upon questioning that he had spoken with me and it seemed I was not satisfied with

settlement and that I was concerned that the Archdiocese had not and was not living up to its settlement agreement. And then it states, Goedert said he met with Serritella yesterday.

Does that refresh your recollection at all, Bishop, about these events at least as recounted by her?

A. No. I really have no knowledge of the contents of this settlement. And I don't recall ever being told what the contents were.

Q. Okay. Let's look at the last full sentence of the second page. I will read that to you then ask you a question, Bishop.

And it is the seventh line from the top. It states, I told Goedert what I am concerned about, always have been and always will be, is the possibility that Mayer could further harm young people. Because as far as I could see from other instances I had known about

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at St. Stephens, Mayer remains unrestricted.

Do you remember or does that refresh your recollection as to what Mom Doe 2 told you at that time?

A. No, because I don't really remember the conversation.

Q. Okay. Look at the third page. You'll see at the second -- the first paragraph that says, I told Goedert that, for various reasons,

I had gone into the Daley Center records and found that many people have been through the file in the past years. Most recently an attorney for the Des Plaines Police Department, which alarmed me because Mayer is in Des Plaines.

Do you remember that being told to you?

MR. GEOLY: By this person, by Mom Doe?

MR. ANDERSON: Yes.

THE WITNESS: No.

BY MR. ANDERSON:

Q. Okay.

A. I'm not saying she didn't, I'm just saying I have no memory of it.

Q. Fair enough. The next sentence and

(*111)

I'll read says, yes, Goedert said he'd already spoken with the Chief of Police there to find out what that was about. The Chief told Goedert that was prompted by an anonymous call he had received regarding Mayer.

Bishop, do you remember having spoken to the Chief of Police and/or anything having to do with this?

A. I'm hesitating because I don't remember if it was the Chief of Police or who. But I did speak to someone regarding this, yes.

Q. Who?

A. Well, that's why I say, I don't remember.

Q. It was a police officer?

A. It was somebody connected with the police station.

Q. What prompted you to do that? What motivated you to have that conversation? Was it initiated by you or by him?

A. I think at this time, my recollection is I think I heard it from him. The story that I got -- well, I'm not certain if he initiated it or if we heard it from some other source.

(*112)

But I was aware that there was an anonymous call.

The anonymous call, to my recollection, was actually to a TV station. And the TV station passed it onto the Chief of Police. And either he called us or -- I don't know, but I became aware of it.

Q. And at this point in time -- and we'll assume it was '87, Mayer was denying that he had abused boys and he was being continued in ministry, correct?

A. Yes.

Q. And how long after 1987 was Father Mayer continued in ministry by the Archdiocese?

A. He remained in ministry until it would

have been 1991, I believe, when -- July of 1991, I think when we -- the Cardinal required that he submit his resignation.

Q. And in 1987, you, as Vicar For the Priests and having talked with Mom Doe 2 and others, did you believe at that time Father Mayer had, in fact, abused children while serving as a priest at the Archdiocese?

(*113)

MR. GEOLY: I want to object that we have not established that Bishop Goedert had a conversation with Mom Doe of that kind. He didn't remember the conversation.

MR. ANDERSON: He said he had a conversation with her.

MR. GEOLY: That's my objection. But subject to the objection, you can answer the question.

THE WITNESS: Can you ask the question again, Jeff?

BY MR. ANDERSON:

Q. The question is in 1987, did you believe that Father Mayer had abused kids?

A. I did not believe that I had enough information to say that he had committed abuse of minor children. The reason why I was never sure is because we would hear accusations from people who were present at the time. And we

would hear just the opposite from other people who were there at the time, people who would deny that such a thing occurred, you know.

So we were always left with an uncertainty. I was well aware of some of his

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totally inappropriate behavior. But at that time, it never rose to the level that I thought gave me assurance that there was abuse of children as was being alleged. I have to admit it was very difficult dealing with this.

Q. Bishop, what was the level that these reports and/or information had to rise to that gave you enough assurance to believe that he had abused children?

A. What was the level that it would have to arise to?

Q. Yes. You said it never rose to the level that gave you the assurance that he had abused. My question is what level is that? What was required by you for it to be --

A. Had people that were present on the same occasions agreed that what was being alleged, happened, I think that would have been sufficient.

But we never were able to get that. People would always deny. There was always the confused situation. And of course he denied any impropriety.