

(*115) Q. Well, were you aware then that most

offenders accused of sexual abuse when confronted, deny it?

A. Yeah.

Q. Okay. And so it's no surprise that Mayer would deny it. Did you or any Archdiocesan officials conduct --

A. Pardon me, Jeff. I want to back up. Because I'm aware that in general, people tend to deny. My experience in dealing with the priests who I had to confront with this was that they admitted it.

Q. Did you consider most of those priests to be your family?

A. I -- I certainly consider them to be in a special relationship with the Bishop of the Diocese and therefore in a sense, brothers. Yes.

Q. And -- and you had no specialized training in investigation of crimes. Why didn't you turn this over to people that did have such training, such as law enforcement?

A. I think I've answered that a few times already today. At the present time, since about 1992 when the new policies went into effect,

(*116)

we've turned over everything to the civil

authorities.

Prior to that, we were not mandated reporters. We felt that the information that was exchanged between a priest on the Vicar For Priests was the confidential conversation that exists between a pastor and his parishioners. I saw them as my parishioners.

MR. ANDERSON: It looks like we have to take a break and change tapes.

THE VIDEOGRAPHER: We are off the record at 1:52 p.m. at the end of Tape 2.

(Whereupon, a short break was taken.)

VIDEOGRAPHER: Back on the record at 12:00 p.m. with the start of Tape Number 3.

BY MR. ANDERSON:

Q. Bishop, you had mentioned that at that point in time, when you were Vicar For Clergy -- and I think we were talking about '87, that most of the priests had admitted to you that when asked if they had abused, that they had; is that what you had said?

A. Yes.

(*117)

Q. How many priests before Mayer denied it had admitted to you that they had abused kids?

A. I won't be able to remember the number of priests that I interviewed. But that's just my recollection that most of them admitted --

maybe not to the same extent, but they admitted it.

Q. Do you remember the names of any of the priests who were asked if they had abused and made such an admission to you that they had before Mayer was denying this in '86, '87?

MR. GEOLY: I just want to make a clarification. Bishop Goedert started as Vicar For Priests in '87. So he wouldn't have been the Vicar For Priests before that.

MR. ANDERSON: I'm aware of that. But this question is broader, priests having admitted it to him.

MR. GEOLY: To him.

MR. ANDERSON: Yeah.

MR. GEOLY: That's why I'm confused by the question.

Do you understand how it's being asked?

THE WITNESS: Well, I presume he's

(*118)

asking about cases that I handled.

MR. GEOLY: That's why I'm confused. Because if it's cases he handled, it couldn't have been before '87.

MR. ANDERSON: Well, he may have been involved in another capacity, so that's why I'm asking.

MR. GEOLY: Okay. Fair enough.

MR. ANDERSON: He's saying that in 1987, most had admitted it. So that presumes that he had conversations with some before then. And that's what I want to know.

MR. GEOLY: Okay. I just think we're getting hung up on a turn of phrase that maybe doesn't mean much. So go ahead and clarify it. That's fine.

THE WITNESS: I never interviewed or spoke to any priests that were accused before I actually took over the office. So I would have no knowledge --

BY MR. ANDERSON:

Q. Okay.

A. -- of anything prior to '87.

Q. All right. One final question then I'm

(*119)

going to go to these documents and that is this. You say that when Father Mayer denied this to you or another priest admitted having abused children to you, that the Archdiocese and you consider that confidential at that time. And it was a requirement of confidentiality, correct?

A. Yes.

Q. And it's also -- was it a requirement that after a priest admitted that to you that the Archdiocese continue that priest in ministry?

A. Not in all cases. Dependent on the

case itself.

Q. It is a fact that a number of priests were continued in ministry after having admitted having committed crimes of sexual abuse, correct?

A. I'd have to say that some were. I wouldn't be saying that all were.

* * * * *

(*120)
(*121)

Do you know anything about Chester Przybylo and information concerning him in 1986 as to why he could not be incardinated into the Archdiocese of Chicago?

A. I wouldn't be able to say it had any connection with incardination. But I was aware -- and I don't know if it was as Vicar For Priests or as a friend of Chester's former pastor. I just recall him saying something to the effect that at a wedding practice, Chester kind of pushed somebody around. It had nothing to do with -- at that time, I didn't know anything about child abuse. But I remember a conversation like that.

* * * * *

(*122)

BY MR. ANDERSON:

Q. Were you aware of or did you ever receive information that in 1986, after a string of allegations involving possible sexual abuse

at St. Clemens, Robert Becker, Father Robert Becker was removed from his position?

A. Prior to becoming Vicar For Priests in 1987, I knew nothing about Father Becker's history. I only learned it when I became Vicar For Priests.

Q. How did you learn it?

A. Father Becker was one of those who was told by Father Ventura to report to the Vicar For Priests' office. I don't remember if it was once a month or whatever. And I would meet with

(*123)

him fairly regularly, maybe once a month, once every couple of months.

Q. So you learned at that time then that Father Becker was under monitoring for past -- for allegations of past abuse?

A. Yes.

Q. And at that time, what did monitoring mean and who was monitoring him?

A. At that time, I think the extent of the monitoring would have been certainly myself. He'd be reporting to me on occasion. And I don't remember whether at that time Father Ventura had anyone in the parish monitoring him.

Q. Okay. I'm showing you what has been produced and marked as Exhibit 4. This pertains to Becker and copied to Cardinal Bernardin or

sent to Cardinal Bernardin in 1986.

Have you ever reviewed this for any reason after having become Vicar For Priests?

A. At this point, I'd say I don't remember ever seeing this document. But I don't want to say I didn't see it. But I don't remember it.

* * * * *

(*124-126)

(*127)

BY MR. ANDERSON:

Q. Okay. Bishop, I want to move on. I'll show you what we have marked as Exhibit No. 6. This would pertain to Father Kenneth Ruge, R-U-G-E.

* * * * *

(*128)

Q. Did you know that Ruge had been accused of abuse and was on monitoring before you became Vicar For Priests?

A. No.

Q. Did you learn it after?

A. Yes.

Q. How?

A. By reading the file.

Q. Okay. And what -- and who was monitoring him, making sure that he wasn't around kids and didn't abuse other kids?

(*129)

A. Our understanding of monitoring then is quite different from what it is now. I think

that the Vicar For Priests would have asked someone at the parish, usually the pastor, to be sure that he doesn't violate that mandate.

Q. According to a sentencing transcript, we have information that Father Vincent McCaffrey, who was charged with violations involving pornography and convicted, when did you first become aware that Father McCaffrey had sexually abused or was accused of having sexually abused children?

A. When I became Vicar For Priests.

Q. How did you learn that?

A. Through the files, certainly.

Q. In February of 1987, a parishioner reports that her son had been abused by Father McCaffrey on four different occasions. Father McCaffrey is put on medical leave and is told to stay away from minors.

Other than him having been told to stay away from minors, did anybody from the Archdiocese to your knowledge, take any other action to keep him away from minors?

(*130)

A. If you're talking before July 1st of 1987, I simply don't know.

Q. And after July 1st of '87?

A. Well, my recollection in my dealings with him, we searched out a pastor who we thought would be both kind but tough. And we

had him be the monitor at the parish level.

Q. When you say we, is that yourself and the Cardinal?

A. At this point, I don't remember who all was involved in that. It certainly would have been myself. But beyond that, I don't remember. I presume we would have notified the Cardinal but --

Q. Yourself and perhaps somebody else under authority delegated you by the Cardinal; is that correct?

A. Yes.

Q. In the sentencing transcript, it was stated that McCaffrey had been treated at St. Luke's taking up to 30 medications a day, according to him. Did you know that?

A. No. Well, pardon me. I think I knew he was treated at St. Luke's. I'm not aware of

(*131)

medications.

Q. Okay. And according to McCaffrey, he was reassigned to a parish, after these earlier reports, where he was told to have, quote, limited contact with minors and that his pastor would be monitoring him. Who was that pastor?

A. I presume that they're talking about Father Marty O'Donovan at Lady Of Good Counsel, I think it was.

* * * * *

(*132)

Q. Did you know that Father McCaffrey was open and shared with other priests, including Patrick Cecil that he was receiving treatment at St. Luke's, not for alcoholism as some thought but for childhood sexual abuse, abuse of minors?

* * * * *

THE WITNESS: That's what I'm pondering. I would have to say no to that. I'm aware that he was a friend of Cecil's and aware of -- but I don't know that he shared that.

BY MR. ANDERSON:

Q. Okay. I'm going to show you what we've marked as 32. This pertains to McCaffrey and it goes -- and this is on Archdiocese of Chicago

(*133)

Vicar For Priests stationery. The date is February 8, '91. It's to the file. And then that's blacked out. Would this be to you?

A. No. It's a file that I created.

Q. Okay.

A. That was my habit. Memo to file. It's just for my own sake to keep track of what's going on.

Q. Okay. So because we got this from the Court, a lot of -- there's a lot of what we call redactions, black outs. So under -- see at the top it says, to file and then there's a paren.

Is that -- would that be you? Does your name appear there?

A. I presume it's my name.

Q. Okay. And it regards Vincent McCaffrey. And the date is February 8, 1991, correct?

A. Yes.

Q. And then the person that -- the first part is blacked out. It says -- and it follows, the pastor of Our Lady of Good Counsel called at 9:50 and said that he wanted to get advice on a situation involving Vince. That would be Marty

(*134)

O'Donnell?

A. He's the pastor of Good Counsel. Am I able to talk about the things that are redacted? I'm not --

MR. GEOLY: Yeah. No, I don't have a problem with you speaking about Father O'Donnell's name. I mean, that's fine.

THE WITNESS: It's Marty O'Donovan.

BY MR. ANDERSON:

Q. O'Donovan. Pardon me.

A. Yes.

MR. GEOLY: I didn't hear you right the first time, either.

THE WITNESS: Maybe I mumbled.

BY MR. ANDERSON:

Q. Was -- Bishop, was Father O'Donovan the

person assigned to monitor McCaffrey, told that McCaffrey's problem was sexual abuse of minors?

A. Yes. He knew fully the history.

Q. Who told him that?

A. I did. And I suspect Vince told him, too.

Q. In the case of McCaffrey, we have allegations of sexual abuse involving minors,

(*135)

correct?

A. Yes.

Q. We have treatment of him, correct?

A. Am I able --

MR. GEOLY: Well, you've reflected it in information you provided.

BY MR. ANDERSON:

Q. These are public records.

A. All right, yes. Yes.

Q. And then we have reassignment of him in a pastorate of monitoring?

MR. GEOLY: Not as a pastor.

THE WITNESS: He's not a pastor.

BY MR. ANDERSON:

Q. He was continued as a priest, was he not?

A. Yes.

Q. And he was continued and transferred to what assignment?

A. Lady of Good Counsel. I haven't read the whole memo to refresh my memory. But I think that was the last place he was.

Q. And at our Lady Of Good Counsel, more allegations surfaced, did they not?

(*136)

A. Outside of what Marty told me in this memo, I don't remember other people coming forward. But I just don't remember.

Q. Well, this memo reflects more allegations, does it not?

MR. GEOLY: Should we refer to the memo?

THE WITNESS: I better read -- I better read the memo, then.

BY MR. ANDERSON:

Q. I'm going to go through some of the things in the memo. You'll see at the first sentence, blank has observed that Vince continues to associate with high school boys. Is not suggesting that there is anything sexual in the relationship, but he feels uneasy.

Let me just -- at Paragraph two it says, what really upset blank was the fact that Vince did take one kid overnight this past weekend. That's a violation of his restrictions, wasn't it?

A. Yes, unless there were other adults present.

Q. Ten lines down, it says, this is the

(*137)

boy that blank is most concerned about as the relationships seems to be very close. Vince and the boy went to Vince's cottage on February 1st in the afternoon and stayed through Sunday February 3rd. This is information that's pretty suspicious of more sexual abuse, isn't it, Bishop?

A. It's suspicious, yeah.

Q. Over what period of time did Father O'Donovan observe this behavior going on as reflected in the memo you created?

MR. GEOLY: Objection, calls for speculation.

BY MR. ANDERSON:

Q. What timeframe?

A. At this point, I don't remember if he told me how long it had been going on.

Q. There were allegations of impropriety, suspicions of sexual abuse against Vince McCaffrey before he was ordained. Were you aware of that?

A. Before he was ordained?

Q. Yeah, while a deacon.

A. I'm not sure if he was a deacon at a

(*138)

parish in Calumet City St. Victors. Was he a

deacon? Do your records show that?

MR. GEOLY: The question was, do you remember it. He can't help you with it.

BY MR. ANDERSON:

Q. Did you receive information that Vince McCaffrey had committed or was suspected of having committed sexual abuse of minors before he even became ordained as a priest, for example, as a deacon?

A. I was not aware of it until I became Vicar For Priests.

Q. And then once you became Vicar For Priests, did you learn that Vince McCaffrey had been accused or reports have been made of him having committed sexual abuse at every parish that he had served?

MR. GEOLY: Did you hear that question?

THE WITNESS: Well, it sounded like you were asking if I heard that he was accused at every parish.

BY MR. ANDERSON:

Q. Yes.

A. And I wouldn't be able to say yes to

(*139)

that because I don't even know all of the parishes he was in.

Q. Okay. I'm going to direct your attention because I'm not working chronologically. We're bouncing around a bit.

But I'm directing your attention to Father Joseph L. Fitzharris. He's on the list that we already discussed to have had allegations substantiated against him. And Exhibit 7 is a document that obviously is of recent origin. But my question is in March of 1987, Father Fitzharris was convicted of child sexual abuse in Cook County. Were you aware of that, Bishop?

A. I was not aware of it in March of '87. I became aware of it after I became Vicar For Priests. Let me -- let me -- I'm not sure when I became aware of it about Cook County and whatnot. I presume it was in the record and I saw it there.

Q. Okay. Well, you'll see in this document that it states in a request made by us about him that it states, in March of 1987 Fitzharris was convicted of the offense of

(*140)

criminal sexual abuse in the Circuit Court of Cook County and was sentenced to supervision.

MR. GEOLY: What's the question?

BY MR. ANDERSON:

Q. Did you know that?

A. When I became Vicar For Priests, I did.

Q. And then it states, the Archbishop placed Joseph L. Fitzharris under restrictions

with monitoring. Were you aware of that when you became Vicar For Clergy?

A. For Priests?

Q. For Priests?

A. Yes. I --

Q. Who was his monitor?

A. At that time, the monitor would be myself. And the pastor of the parish, wherever he lived, would usually know the situation and be told to watch him.

Q. So if I'm reading this correctly, a convicted sex offender is being continued in ministry by the Archbishop with monitoring; is that correct?

A. He -- because a priest has to live somewhere, he's allowed to remain in a parish

(*141)

setting. But his ministry is certainly restricted. In his case, he would not be allowed to be alone with any minors. And so -- but he remained in the parish, yes.

Q. And he remained in ministry to the extent he was allowed to administer all of the sacraments --

A. Yes.

Q. -- at mass?

A. Yes.

Q. And do all the priestly functions that a priest is allowed to do with the possible

exception of being alone with minors, correct?

A. I would probably say yes, except I have hesitation because he was in -- again, am I -- anything on this list I'm able to speak about, mental health and that?

MR. GEOLY: Not necessarily mental health information. But the names of the priests on that list, you can use in the deposition.

THE WITNESS: I don't know how to answer that, then.

MR. GEOLY: You're also free to discuss

(*142)

the practices that you employed and your general approach.

THE WITNESS: Well, the practices would require that he was --

BY MR. ANDERSON:

Q. Getting some help for the problem?

A. Yeah, okay. If I could do that without violating the rule.

Q. If we look at the exhibit, the next paragraph reads, in October of 1991, Joseph Fitzharris was withdrawn from ministry. Now, this would be four years after he was convicted, right?

A. Yes.

Q. And is it also correct to say that when

Fitzharris was convicted in 1987, that was not very publicly known, nothing was reported, for example, in the newspapers about it?

A. I don't know if it was in the newspapers or not.

Q. The same paragraph goes on to state that in January 1995, Joseph Fitzharris resigned from priestly ministry. And that would be four years after he was withdrawn and eight years

(*143)

after he was convicted. Does that sound right?

A. I have to presume those are the right dates, yeah.

Q. To your knowledge, Bishop, was Fitzharris withdrawn from in 1991 because another allegation came forward or another report had been made?

A. I was not Vicar For Priests at that time. So I don't know what the reason was. But keen in mind that we had quite a switch. The whole procedure that we followed evolved. And at this point, the Cardinal had appointed the commission. And eventually out of the Commission, came the policies of 1992.

So it could be that as a result of the commissions work, that he was removed. But I don't know that for a fact.

Q. It would appear to me, at least on my review of this, that the commissions were -- it

was reflected in policies and some practices that were implemented in '92. There were quite a few removals in '92. The withdrawal of ministry of Fitzharris was '91 before a number of other withdrawals. So my question to you is

(*144)

do you really know the reason for his withdrawal of ministry in '91?

A. No.

* * * * *

(*145)

Q. Okay. I'm going to show you Exhibit 8. Now, this pertains to Bishop -- Father Mayer, again. And we're in May of 1987. And if you look at this document, it is on Archdiocese of Chicago stationery, it looks like from the office for priests.

A. Uh-huh.

Q. And at that point in time, this would still be Ventura, correct?

A. Right.

Q. And this is marked confidential at the upper right hand corner and it's underlined. Is this the same kind of confidentiality that you

(*146)

were talking about before that you and your predecessor operated under that caused you to believe that this was information that should be kept in and among members of the Archdiocese and

their advisors?

A. Yes.

Q. Okay.

MR. GEOLY: And for the record, though, this document was produced to you by the Archdiocese in discovery. So it has not been withheld, other than the redactions that are on here.

MS. ARBOUR: That's actually mine.

MR. GEOLY: Those are your redactions so we didn't even redact it.

MR. ANDERSON: Yeah. We redacted to take some names out of some possible victims, I think.

MR. GEOLY: Okay.

BY MR. ANDERSON:

Q. Look at the last page of this document. I'm not going to spend a lot more time with it because Father Ventura prepared it. But you'll see -- you have to look at the second to last

(*147)

page on 6/2/87. It states, meeting with Father Bob Mayer, Father Len Mezydlo, M-E-Z-Y-D-L-O, Father Ray Goedert and Father Ventura to discuss the conclusion of the investigation and the plan for the future.

So there's an investigation in which you're involved, at least in the meeting here on

6/2/87, correct?

A. Yes. I wasn't aware of it, but I presume it took place. Yes.

Q. And this would be an investigation of Mayer committing abuse against minors, correct?

A. Well, in reading the whole -- I haven't read the whole thing carefully. But it seems like it was primarily responding to that call that the Chief of Police had received and whatever investigation of that that Father Ventura did. Unless there's other things in there that I didn't catch.

Q. Okay. And then it states, to discuss a conclusion of the investigation on the plan for the future which involves a) continuance of his present assignment to its conclusion next June, which means he is allowed to continue ministry,

(*148)

correct?

A. Yes.

Q. B) complete psychological evaluation by Dr. Cavanaugh. And Dr. Cavanaugh was actually with Isaac Ray Center and one of the people utilized by the Archdiocese to help you do evaluations of these guys --

A. Yes.

Q. -- who were accused of abuse?

A. Yes.

Q. In making decisions to continue these

guys accused in ministry, you didn't rely exclusively on Cavanaugh to make that decision, did you?

A. No.

Q. You relied on your own judgment and the discretion of the -- ultimately the Archbishop cardinal, correct?

A. At that time, we would certainly utilize the input from the mental health people. And we would discuss it among our task force, our group and then a recommendation would be given to the Cardinal, so in effect, he responded to our recommendation.

(*149)

Q. Okay. So whether the decision was made to continue Mayer in ministry with at least these restrictions under this plan, you knew that he had been suspected of or had committed crimes against children?

MR. GEOLY: Well, this refers to an anonymous report to a TV station.

THE WITNESS: You know, that's where I'm confused. Because I'm not aware of any allegation about -- I don't know what the allegation was that was made to the TV station that was passed onto the Chief of Police. I don't know whether it was an allegation of abuse of children or not.

BY MR. ANDERSON:

Q. You knew that there had been a lawsuit brought against the Archdiocese and Mayer by Mother Doe 2, had you not?

A. Back in the early '80s?

Q. Yes.

A. Yes.

Q. And that at that time, there were allegations made that he abused several boys in addition to Doe 2, correct?

(*150)

A. Yes.

Q. Didn't that cause you to have additional concerns about this new allegation that is being reflected here in 1987?

A. Did I have concern, yes.

Q. And why wasn't this then brought to the police? Why wasn't this document and what you knew about him in the past brought to the police?

A. Probably for the same reason that I've mentioned as he states on there, the information that is given to us, we consider it confidential. Today, it's totally different.

But I'm thinking 20 years ago how we dealt with things. We've learned.

Q. Bishop, I'm going to hand you Exhibit 9. And while Jessica is giving that to you, this one pertains to Father Ruge. And

because I'm working chronologically now, I direct your attention to him and this document. June of 1987, Vicar For Priests, that would be either you or Ventura. And I think it's Ventura because it's from him. But it's to you. So it looks like -- it looks like, you know, you're

(*151)

just taking over for him. Is that --

A. Well, July 1. But I was meeting with him off and on prior to that, you know.

Q. So this is really kind of transitional information being exchanged?

A. That's how I would see it, yes.

Q. And as I read this, Ventura is writing to you to update you on Ruge. At this time, Ruge is in parish ministry working mostly with seniors. And he only has contact with youth if other adults are around. Do you see that in the third paragraph?

A. Yes.

Q. His only contact with youth is supervised situations such as a retreat outing for servers.

How is one to know that, if that's really being honored by him?

A. I would presume in this case that the pastor probably gave information to Father Ventura that there were teachers and parents and

so on. Is that your question, Jeff?

Q. Well, I think you answered it. How many allegations, reports or complaints had been

(*152)

made against Ruge having abused or been suspected of abusing minors at the time of this document?

A. I don't know.

Q. The confidentiality that you spoke of, didn't prevent you from sharing this information with other clergy, it just prevented you from sharing it with any non-clergy; is that correct?

MR. GEOLY: Which information?

BY MR. ANDERSON:

Q. Information that you're receiving about sexual abuse by priests and from priests?

A. I considered -- whatever I heard as Vicar For Priests I considered it confidential in the same way I would as pastor. I received a communication from a parishioner. I simply would not talk about it to anyone except those who had a right to know because of their position in the diocese.

Q. Well, what about those that are working with that priest who is accused, who is supposed to be monitored, the assistant pastors working with him, the housekeepers, the pastors, all those other people that are there. Did you

(*153)

believe that you could tell them?

A. Yes. Because we felt we had to have someone overseeing him, and so we did tell them. Yes.

Q. If you could tell the housekeepers, the other employees, the assistant pastors and the like, that this guy had a history and you should keep an eye on him, why couldn't you tell the parishioners?

A. I'm not aware of ever telling housekeepers. Where is that?

Q. Okay. Let's say assistant pastors, then, let's say pastors, let's say administrators.

A. We would only --

Q. Why don't you let me finish the question. I'm sorry, Bishop.

A. That's okay.

Q. And hearing you correctly, you're laboring the then belief that this information is confidential. But you could tell pastors, you could tell other priests, you could tell assistant pastors, you could tell other clergy, some -- and certainly anybody that was required

(*154)

to keep an eye on him, such as monitors, correct?

A. No. I would not feel free to tell this

clergyman or that clergyman or this housekeeper or that housekeeper. The only one I would feel free to tell would be the one whom we're asking to monitor his behavior.

Q. And that particular protocol under which you were then laboring, was that written somewhere or is that just passed down?

A. Well, if you read the Fitzgerald decision and all of the material that went into it, you will see that Father Ventura had written a document for the sake of the priests in the Diocese describing the role that he had as Vicar For Priests. He was the first one to be appointed such.

You'll also see a document in which I state how I see the position. And I think both of those documents speak to this issue of confidentiality.

Q. I'm going to show you Exhibit 10. This one pertains to Father Robert Mayer, June 2, 1987 Archdiocese stationery, Vicar For Priests'

(*155)

office. From Father Ventura regarding Mayer to the file and there are individuals signing it, you being one of them, correct?

A. Yes.

Q. This document reflects, does it not, that in June of 1987, Ventura's writing to update -- let me just see. This is June 2nd.

You and two other bishops are meeting with Mayer to lay out a series of mandates in response to a phone call from the Des Plaines Police, correct?

MR. GEOLY: I'm sorry, Jeff, I -- somewhere in that question, you lost me.

BY MR. ANDERSON:

Q. I think it's priest, excuse me. I think what -- I read this document as you and two other priests are meeting with Mayer to lay out a series of mandates in response to the May 11th phone call from the Des Plaines Police; is that correct?

A. Can you ask it again, please?

Q. You'll see it says on May 11, 1987, Police Chief Joseph Kozenczak of Des Plaines informed me that he received anonymous information?

(*156)

A. Uh-huh.

Q. Okay. And this involves Mayer, correct?

A. Yes.

MR. GEOLY: This is Ventura writing, right?

MR. ANDERSON: Yes.

BY MR. ANDERSON:

Q. And this last sentence of the first

paragraph says, however, the fact of the concerns indicates need for special supervision of Father Mayer. Now, this is special supervision as opposed to supervision. What is special supervision in contrast to the former supervision?

* * * * *

(*157)
Q. Yeah, okay. So what does this special supervision mean?

A. I know one thing, it means because of our concerns, we required that another assessment be made. Because we were concerned is he a risk to children. And we wanted to be certain that by leaving him there, that children would not be at risk.

And so we did call for a special evaluation. There was no new allegation made, other than this anonymous call to the TV station. And we don't know the content of that or anything. It was just because of the situation that we thought we've got to get another assessment of this fellow.

* * * * *

Q. And 2, a canonical mandate is given to Mayer to avoid all unsupervised contact with all persons under the age of 21. This applies especially to his private living quarters in the rectory. Why is that spelled out to apply

especially to his private quarters in the

(*158)

rectory?

A. Well, I can only speculate now. But I presume it was because a number of allegations were made in the past that he seemed to invite young people into his room at the rectory. And we -- you know, we thought it's inappropriate and we wanted to make sure that he understands that he's not to do that.

Q. And among those allegations was him supplying alcohol to minors?

A. That was one of them, yes.

Q. Among those allegations was him engaging in circle jerks, masturbation with him and other kids?

A. I don't remember -- as you described it, I don't remember that. But it may have been there.

Q. Among those allegations was him smoking marijuana with kids in the rectory?

A. I seem to remember that allegation.

Q. Among the allegations was nudity by him and encouraging other kids to be nude in his presence in the rectory?

A. I don't remember the precise thing that

(*159)

he was nude. I do remember something about him

coming out of the shower. Whether he had a towel on or not, I don't remember that.

* * * * *

Q. Okay. So tell me this, then, Bishop,

(*160)

when is the first time you, as Vicar For Priests, warned any parishioners that Father Mayer posed a risk of harm to their children?

A. My memory of it is -- the first time was when we went to St. Odilo's. Unfortunately, it was after the fact he had already been removed. And we also went to St. Edna and I believe St. Stephen. But at the moment, I can't remember whether it was before or after the Odilo thing.

Q. And you're correct, that was after the fact that you told parishioners. It was too late because the kids had already been hurt, right?

A. (Nodding).

Q. Tell me this. When in time did you warn any parishioners that any of these priests who were under restrictions and against whom allegations have been made, were told about what you knew?

A. Well, as I said, our policies, our procedures evolved quite a bit over the years. In the beginning, we did not notify the

parishioners. I believe that we began to notify

(*161)

the parishioners only at the time when we removed a priest from the parish. I can't put a date on that. But that's when we started to have someone go and read a letter, a statement at the parish.

* * * * *

BY MR. ANDERSON:

Q. Because there are a number of priests who continue in the ministry under restriction. We've identified some of them and I have more to ask you about that are in these documents.

So my question to you, Bishop, is when is the first time that you personally or were involved in the Archdiocese warning parishioners that there is a priest in ministry against whom allegations have been made of sexual abuse and

(*162)

is being monitored by us?

MR. GEOLY: So it's the monitoring situation that you're asking about?

MR. ANDERSON: Yes.

THE WITNESS: At this time, I'm drawing a blank as to when we began to go to parishes, whether or not it predated removal from ministry. I just don't remember exactly when.

BY MR. ANDERSON:

Q. I looked at these documents, Bishop,

and I haven't seen anyplace where it was documented that you ever told the parishioners that you were removing a priest from ministry for sexual abuse.

I've seen documentation that you removed them from ministry for personal reasons or health reasons. Do you have any recollection of ever having told parishioners that a priest was being removed from ministry for having abused children?

A. Well, we certainly did, for instance, in the Holihan case. They already knew it.

Q. Holihan was convicted, wasn't he?

A. No.

(*163)

Q. Okay. Did you tell them it was for sexual abuse?

A. Yeah, they knew the story.

Q. Okay. Other than Holihan, do you or anybody -- I'll ask you the question again. Do you have any personal recollection of you or anybody else from the Archdiocese ever warning the parishioners and/or informing the parishioners that you were removing the priests from ministry because of sexual abuse?

A. Well, we certainly did in the Mayer case. But we had already -- he had already been removed, though, when we told the people.

I know we went to St. Mary's in Des
Plaines about the Strand case. But again, I
don't know the -- you know, the exact timing of
it. But he had already been removed.

MR. GEOLY: But the question is whether
you told the parishioners the reason for the
removal.

THE WITNESS: In the Strand case?

MR. GEOLY: In general.

BY MR. ANDERSON:

Q. In any case. I was -- if you had any

(*164)

recollection of ever having told the reason for
the removal of it being sexual abuse as opposed
to it being personal reasons, health reason or
some other.

A. All right. Yeah, I'd say the Strand
case we certainly told the people.

Q. Any others?

A. The three cases that I remember where
we actually told them the whole story was Mayer,
Holihan and Strand. Now, whether there were
others, at the moment, I'm not thinking of any.

* * * * *

BY MR. ANDERSON:

* * * * *

(*165)

Q. Okay. I'm showing you Exhibit 12.
This is from you to Mayer. And at the second

paragraph, the last sentence says, but rather for your own protection lest any occasion be given to persons who may want to hurt you by bringing up again the charges from the past.

Here it's written that there's concern about Father Mayer and it's being expressed by you. And that sentence begins with, again, the

(*166)

purpose of this is not our concern that something inappropriate might happen, but rather for your protection.

My question, Bishop, is did you ever write or express in writing concern about the protection of the children?

MR. GEOLY: Can I just ask you, Bishop, to read the entire -- to yourself just read the entire Paragraph 2 so you can see the context of that sentence.

BY MR. ANDERSON:

Q. So my question is, you're expressing concern about protecting Father Mayer, correct?

A. Yes. But we'd be concerned that children not be in any way hurt. But at the moment what I'm saying there is to protect you. Because it seems like he would somehow bring out accusations, allegations and ones which we can never establish with certainty. But somehow his behavior would create that.

Q. I'm showing you Exhibit 13 again. It

again pertains to Mayer. The second paragraph, third sentence, it refers to, I explained that I would like it to be a place that would both

(*167)

physically and psychologically distant from the three parishes where difficulty has arisen.

Were all those three parishes where difficulty arisen involved his conduct pertaining to minors?

MR. GEOLY: Pardon me. Where are we? On the document, where is that?

MR. ANDERSON: Paragraph 2, first sentence.

THE WITNESS: At the three parishes that he's talking, allegations were made. Usually it regarded his conduct with minors, all though at St. Stephens, we have no idea what the allegation was.

BY MR. ANDERSON:

Q. All right. 17 is another one involving Mayer in May of '88. Is this authored by you?

A. If it's in 1988, it had to be me. Yes.

Q. I'm showing you now Exhibit 15 pertaining to Father James Hagan. And it appears the Archdiocese learns that Hagan is being investigated by DCFS for his sexually graphic discussions with children, correct?

A. Yes.

(*168)

Q. And then showing you Document 16, you wrote this also pertaining to Hagan. It appears here that the same time, a mother calls because some of parents said that Hagan has been abusing boys. Is this written by you?

A. The memo is mine.

Q. Okay. Is it correct to say that Hagan remained in the parish as pastor?

A. I don't think he's pastor. I think he's at -- I think he's still at St. Gertrude's as an associate pastor.

Q. It appears that he's a pastor at St. Dennis in May of '88. Oh, St. Gertrude, excuse me. It says, pastor at St. Gertrude's.

MR. GEOLY: But that's not referring to Hagan.

BY MR. ANDERSON:

Q. So is it correct to say that he remained at least then as associate pastor at St. Gertrude's after this information was recorded?

A. The answer to your question is yes. But before when you asked the question, you said he was accused of fondling boys and I don't

(*169)

think that was accurate.

Q. Look at Paragraph 3 of 16. In the course of her comments, she mentioned that some

of the parents are disturbed now about the associate pastor who is accused of fondling the children; that is correct, isn't it? That's what it says.

A. Yeah, as long as you didn't say boys. Because it seemed to me that the case I dealt with was a girl.

Q. Okay. I got it. Exhibit 18 goes back to Mayer. And this is November of '88. The first paragraph, fourth sentence says, also it will give us another year or so to sit out a possible threat of the book or TV movie coming out.

The negative side is that Dionysius is a place where the lay person got in trouble with pedophilia and there is a criminal case pending against that person. Thus far, there are no lawsuits against our church. However, if people who want to do harm to Bob decide to spread gossip out in Cicero, it could become a can of worms inasmuch as the people would be saying

(*170)

first they put up but this lay person who is active in the parish and now they send us a pedophile pastor.

My question to you is, is it correct to say that the concern is about avoiding scandal and keeping this a secret as opposed to

protecting the kids?

A. I don't like -- you are separating the two and I'd like to think we were concerned for the children. And up to this point, we still had no [certitude] about him abusing children. We were giving him another chance to prove himself. And we obviously were concerned about causing scandal, yes.

You have to keep in mind, all of this was when I was Vicar For Priests. And our policies evolved and are quite different now. I mean, today there would be no way he'd be in that parish.

Q. I'm handing you Exhibit 19, Bishop. And this is to the Clergy Personnel Board. It's written by Auxiliary Bishop Jay Jakubowski. It -- essentially, there's a recommendation here. Did you agree with the recommendation

(*171)

being made?

MR. GEOLY: Do you want to take a look at it?

THE WITNESS: Could I read it?

BY MR. ANDERSON:

Q. Well, let me cut through it so you don't have to. At the third paragraph in the middle, it says -- let me read it. We agree that Father Mayer would be the ideal priest to bring St. Dionysius to a level of where we

thought a parish should be. In other words,
he's being recommended for a position there.

Did you support the recommendation in
the placement to him at St. Odilo?

A. Well, I don't actually remember
supporting the recommendation. I presume I did.
But I don't support and didn't support all the
phrases that were used.

Q. Okay.

A. I didn't consider him ideal.

Q. And at this point in time, had any of
the parishioners been warned of the concerns,
the complaints, the restrictions, the
evaluations or the settlements that have been

(*172)

made in the past regarding this guy?

A. The parishioners at St. Dionysius?

Q. At anywhere.

A. At this time --

Q. At St. Dionysius.

A. I doubt it. I would think not.

Q. I'm showing you Exhibit 20, again,
Father Mayer. It's a call from
[REDACTED] -- actually, you called her. And
at 3 it says, I explained to [REDACTED] the nature
of my call. I wanted to put her at ease. Did
you tell her anything about the history that you
knew that the Archdiocese had concerning Mayer

and the sexual abuse and suspicions around it?

A. I would presume I did. But I don't have a memory of it at the moment.

Q. It's not reflected in this moment. Was the Archdiocese expecting her to be his monitor then?

A. I think we were expecting Bishop Jay Jakubowski to be his monitor. But --

MR. GEOLY: Look at the date of the memo, Bishop. This is a little out of order. This memo is from 1988. So it's not the

(*173)

St. Odilo's appointment that was discussed in the 1990 document.

THE WITNESS: It's the St. Dionysius, isn't it?

MR. GEOLY: Right, right.

THE WITNESS: Yes. Did I answer your question, Jeff?

BY MR. ANDERSON:

Q. Yeah, I think you did.

A. Okay.

* * * * *

(*174)

Q. Okay. Do you remember anything to do with Kissane in '88?

A. I dealt with Kissane, but I don't remember the date.

Q. What do you remember doing pertaining

to Kissane?

A. With regard to Kissane, again, I'm not sure of the very first allegation or if there were many. But I do recall an allegation being made. I interviewed the person who made the allegation and we followed our usual practice of requiring him to -- I presume I did it in this case. That was my usual practice, to require that he be assessed and so on.

Q. Okay. He was continued in ministry?

A. Well, I'm drawing a blank right now whether we allowed him to stay -- to stay there or what. I just don't remember.

Q. In June of 1989, the information I have is that a woman comes forward and tells the Archdiocese that as an 8th grader [REDACTED] she

(*175)

was abused by Joe Kissane, [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] Do you know anything about that? Do you remember that?

A. I remember that. Yes.

* * * * *

(*176)

Q. Exhibit 22 pertains to Father Maday. The date is July 8, 1988 and -- from the Archbishop and he takes a sabbatical. Is there any other paperwork on file -- well, let me ask you this. What do you know about Maday taking a

sabbatical at this point in time and his request for it?

A. I don't remember. But --

Q. Had he been involved inappropriately with children?

MR. GEOLY: I think he was still answering your question.

MR. ANDERSON: I'm sorry, Bishop.

THE WITNESS: What were you --

MR. GEOLY: Were you still answering the question or were you done?

THE WITNESS: All I was going to say

(*177)

was I don't remember but it could have happened.

BY MR. ANDERSON:

Q. Yes.

A. I didn't deal with --

Q. This document says he's requesting a sabbatical. And so you don't remember the reason for that?

A. See, I was never involved with those kinds of decisions.

Q. I'm showing you now Exhibit No. 33 -- 23. This pertains to Vincent McCaffrey. It's dated March 30, '89, Archdiocese of Chicago, Vicar For Priests' stationery, several typed written pages. Is this something you prepared, Bishop? It's got a lot of deletions on it. But --

A. Should I read the rest of it or what?

Q. My question is did you prepare it?

A. Well, given the date, it certainly looks like my, you know --

Q. Look at the last Page, No. 23. It states, it seemed unfair to insist that Vince move out of St. Josaphat. But on the other hand, I don't see much of an alternative. If he

(*178)

stays, we run the risk that someone else might be phoned just as the blank were and they may not be as discrete.

Moreover, what do we do if someone starts checking things out and finds that Vince does have a past history, question mark. This would certainly compromise both blank, myself and the Diocese. It would appear as though we were covering up for Vince and not telling the blank exactly what the story is.

When you wrote this, your concern was to avoid scandal and keep this secret?

A. I think that's -- I think that's something that in every case I would like to think we use the word confidential than secret. But in this particular case, I was also concerned at the discomfort that was felt by the couple that had mentioned this.

They weren't accusing him of anything

that happened at that parish. They simply had heard from somebody about Vince's previous history.

* * * * *

(*179)

BY MR. ANDERSON:

Q. Was McCaffrey removed from ministry at this point?

A. It was at this point -- the answer is no. It was at this point that he went to Lady of Good Counsel.

Q. In 1989, Bishop, Father Maday is assigned, according to records, to St. Jude the Apostle. The other priests there were Fathers Murphy and Powers.

And police investigators were told that Maday was warned not to have boys in his rectory room and did not comply. Were you involved in that?

(*180)

A. What's the date?

Q. 1989 Maday.

A. I would have been, yes.

MR. GEOLY: Do you remember that happening?

THE WITNESS: I don't.

BY MR. ANDERSON:

Q. Why was Fathers Murphy and Powers told

that he couldn't have boys in his room? What had he done or what had been reported that he had done that caused them to have been told that?

A. At this point, I just -- I vaguely remember something about St. Jude. But I don't remember telling Father Powers and the other that -- you know, I just don't remember.

* * * * *

(*181-183)
(*184)

BY MR. ANDERSON:

Q. Okay. In May of 1990, Father Robert Craig -- and I'm showing you a letter that he wrote to Cardinal Bernardin apologizing for attending Quigley Seminary graduation. But given his involvement with the seminary over the years, we didn't feel right about not being allowed to go.

In the first page it states I may as well -- at the start of the first -- second paragraph. It states, I may as well get the bad news out first. I was at Quigley South's final graduation. I know you don't agree, but I think you made a mistake. What -- do you know what Cardinal Bernardin -- or excuse me, what Father Craig is referring to here?

(*185)

MR. GEOLY: Objection, calls for speculation. But you can answer the question.

THE WITNESS: Well, I presume it's the closing of Quigley South that many people disagreed with.

BY MR. ANDERSON:

Q. Why would that be related to Craig?

A. I really don't know.

* * * * *

Q. In June of 1, 1990 -- I'm going to show

(*186)

you a document Exhibit 27. Again, this is to Cardinal Bernardin, Archdiocese of Chicago, Vicar For Priests' stationery from you.

* * * * *

(*187)

BY MR. ANDERSON:

Q. I'll direct your attention to the second page of this document. It's numbered Paragraph 4 in the last sentence. I'm going to read it and then I'll ask you a question.

If someone does go public and digs up the past, the possibility of scandal can be minimized if we're able to counter such an attack with the data revealed in blank. Did you write that?

A. Well, I'm presuming I wrote the whole memo. I don't know now what's under the blank.

Q. Well, I think it's probably an evaluation. But you don't remember what it is, so I'm not going to speculate, if you don't

remember.

A. Well --

Q. The first question is you wrote this, obviously?

A. Yes.

Q. And so you're concerned about scandal, are you not?

(*188)

A. Yes.

Q. And you were at all times concerned about scandal?

A. Yeah.

Q. Okay. I'm showing you Exhibit 28.

This involves Norbert Maday, July of 1990.

Detective called St. Jude the Apostle pastor to report that Maday molested his son in 1988.

Were you involved in this?

A. I was certainly involved with this. It sounds like -- Father McDonagh wrote the memo. But it sounds similar to what I had learned, that a policeman whom we can never track down because he gave an address or a phone number that wasn't --

Q. Did you make the effort to track him down?

A. Well, Father McDonagh was the assistant Vicar For Priests. And since he wrote the memo, I presume at the time that he would have done

whatever was appropriate.

Q. So it's correct to say that Maday was continued in parish work without warning to parishioners and without report to police?

(*189)

A. Yeah, as was the practice then. It's totally different now, but that was the practice.

Q. Okay. Exhibit 29 is a -- is to the file prepared by you. The date is August 25, 1990. And the last sentence says, on the other hand if it causes some sort of public situation, it would be much better that Bob not be in a position of pastor when things erupt.

And it refers to earlier Bob's deposition. Why is Bob's deposition being taken, do you know?

A. No.

Q. And then again your words at the last sentence here about the public situation and it's better that Bob not be in a position when things erupt. Try to avoid scandal and keep this confidential, correct?

A. Yes.

Q. Okay. Exhibit 30, Bishop, we'll hand you involves Father Craig. It's dated September 13, 1990. And the mother of victim tells her parish priest he had Father Ed Maloney, M-A-L-O-N-E-Y, that her son was abused

(*190)

by Craig. And here -- here you write, Father Ed said that Bob has kids on the second floor of the rectory all the time. Do you see that at 4?

A. Uh-huh.

Q. He spends an awful lot of time with kids. It's correct to say that Father Craig was continuing in the ministry after this memo was created and this information received?

A. I'm not sure I remember getting this and I remember interviewing him, whether we allowed him to stay there with the pastor knowing the situation or whether we removed him at that time. Because there was a time when we put them in a separate setting.

Q. Okay. Actually, Exhibit 31 reflects that a month later, Craig is put on a medical leave of absence. [REDACTED]

[REDACTED]

Craig is also given permission by you to celebrate a jubilee mass at his parish so as not to upset his mother. And you write in this exhibit, quote, I told him there is a pattern in Bob's activity that some of the things he'd done will constitute criminal behavior, unquote.

(*191)

Do you see that at the third paragraph?

A. Yes.

* * * * *

Q. I'm showing you what we've marked now as 80. And this is a letter from you to Robert Craig, -- Rev. Robert Craig October 16, 1990. And you're asking him for a list of names and addresses of his -- I presume is that of kids he abused?

A. He had mentioned -- when I confronted him on the abuse that was already brought by that woman before, he had indicated that there were others.

Q. Did you ask him how many?

A. I did not ask him how many. He did -- he did tell me, but I don't remember the number.

Q. Okay. It was -- it was more than five?

A. My recollection is yes, but I wouldn't be able to go --

Q. And this information was kept

(*192)

confidential?

A. Confidential from whom?

Q. Well, in the hands of the Archdiocese and for its representatives only?

A. I'd have to say --

MR. GEOLY: Well look at the document.

BY MR. ANDERSON:

Q. Well, let me say its representatives and its advisors.

A. Well, we did want to contact others who

were victims. But so in that sense, we were going beyond just the Archbishop and his advisors.

Q. And you didn't because?

A. Well, at this point, I'm not sure whether we did or didn't. Apparently his attorney recommended against it.

Q. Did you make this request of any other offenders before Craig in 1990, to give the names of your victims so we can reach out to them and/or help them?

A. At this point, I don't remember. Because usually we only had the one allegation and I did not ask.

(*193)

Q. This actually came up with Craig because he raised it?

A. Yes.

Q. I'm showing you Exhibit 33. This involves Father Robert Mayer, May 30, 1991, a three-page memo to the file prepared by you.

This is a memo that you wrote concerning Mayer and an anonymous allegation has been made -- at least another allegation has been made against him. And this is an anonymous one; is that correct?

A. No. Are you looking at the same one?

Q. 33?

A. It was not anonymous. The name is right above there where it says, he came to see me.

* * * * *

(*194)

(*195)

Q. So I'm showing you Exhibit 34. And this involves Father Kenneth Ruge, again to the file prepared by you, correct, Bishop?

A. Yeah, it has my name, so I own it.

* * * * *

Q. And he was abused by Ruge, correct?

A. Yes. I'd have to read this whole thing. But --

Q. Look at the third page, Paragraph 12. It states, blank said that he has never heard anything about Ken since. He doesn't know whether or not the Diocese is aware of this or if he was ever treated.

But blank said he just doesn't want any scandal for the church. He has no intention of making this public and he certainly doesn't wish harm to Ken but blank feels that we cannot

(*196)

afford any more scandals.

What did you do responsive to this?

MR. GEOLY: Do you need to look at the whole document?

THE WITNESS: I think I would have to

read it because I don't know what the document is about.

BY MR. ANDERSON:

Q. Okay.

A. Do you want me to read it or --

Q. Okay. Let's look at 35. I think that answers pretty much -- at least what you documented what was done.

And if you look at it on June 4, 1991, a memo prepared by you the day after the priest -- victim met with you. Did you give Ruge the okay to be assigned for a pastorate?

A. No.

Q. Was he removed from ministry as a result of this information?

A. He was removed from ministry. But I don't recall if it was a result of this particular case or others. I don't remember.

Q. I'm handing you Exhibit 36, Bishop.

(*197)

This one refers back to Father Robert Mayer. And I'm not going to go through the whole thing. But there is one sentence I want to ask you about at Paragraph 2. I asked Dave whether or not he was aware of any inappropriate behavior on Bob's part. He said it appeared that Bob lacked good judgment.

When I asked him to what he was referring, he responded, anyone who had the

problem that he had, would be expected to use much greater discretion. When the word the problem is being used by you and it pertained to the priest, is that code for sexual abuse?

A. I would never describe it as code for sexual abuse. But I presume that's what we're talking about, yeah.

Q. Was Mayer removed from ministry as a result of this information in this memo?

A. I think his removal was right around this time. The other -- now, I forget the date on the other memo about the -- the one that came to see me. It all came to a head at that time. He was -- he was asked to resign. So whether it was right after this or not, I'm not sure.

(*198)

Q. I'm now showing you Exhibit 38. And this is actually -- there's documentation that shows that on July 1, 1991, you met with Mayer to receive his resignation as pastor and Cardinal Bernardin was in that meeting.

And this would appear to be a draft of a message given by Cardinal Bernardin. Did you prepare this draft for the Cardinal?

A. I'm pretty sure I did.

Q. Were you taking the position here in the Archdiocese that if he goes to treatment, he'd be allowed back in ministry?

MR. GEOLY: Where is that?

THE WITNESS: I don't see it.

BY MR. ANDERSON:

Q. Paragraph 5. Furthermore, I direct you, then black out, the Vicar of Priests and then I will remain in contact with you, and then blank, and a determination will eventually be made as to whether or not you will be permitted to return to active ministry.

MR. GEOLY: That's Number 5.

THE WITNESS: I see it. At that time, keep in mind that our practice was we would

(*199)

return a person to ministry if there was no danger to children. Our practice has changed radically over the years. And since 1991, shortly after he was asked to resign, the policy became quite different. And we have adhered to it ever since. That for the most part, they would not be allowed to stay in ministry.

There was no way -- at this time the Cardinal was getting ready to meet with him to tell him to resign. And this was a statement that I gave that the Cardinal could use in the conversation.

BY MR. ANDERSON:

Q. You'll see in Exhibit 38 the message to be given under the name of Cardinal Bernardin at the first paragraph. I'll read it and then ask

you a question. In the middle it states, over the years you have repeatedly been the subject of allegations of sexual impropriety, and yet you have refused to modify your behavior in such a way that the risk to yourself and to the church would be eliminated.

Now, there's no mention of the children in here, is there, just Father Mayer and the

(*200)

church, right?

A. You have to understand. I think in all our dealings, we were concerned about children. We never had a clear allegation that was substantiated until that individual came forward.

And the Cardinal is simply saying that you had been given many chances. We never were able to have proven allegations, but there was smoke all the time. And we asked you to revise your behavior and he obviously didn't.

Q. Paragraph -- Exhibit 39 that you have before you -- that we're placing before you, as you receive this, this is to Cardinal Bernardin from you, June 24, '91 involving Mayer.

At the second page, Paragraph D -- 7D it states, Bob should be told that if he cooperates (i.e., resigns and agrees to enter treatment) a more benign statement will be read

at all the weekend masses, a statement that will simply say that Bob has decided to resign the parish for personal reasons, et cetera.

So, Bishop, as I read this, you and the Cardinal are prepared to inform the masses that

(*201)

he would be resigning for personal reasons, not for reasons of sexual abuse, right?

A. Yes.

Q. And what did -- what did the parish get told?

A. The parish was told for personal reasons.

Q. I'm showing you Exhibit 40, which is effectively just a memo of the July 1st meeting with the Cardinal, Bishop Jakubowski and you with Mayer, correct?

A. Yes.

Q. And I've read this and I don't see any reference to protecting children. But in Paragraph 4, I see at the first sentence it's written, Bob said that we're going to have to help him to handle the political fallout and the Cardinal responded that he was going to do whatever he could to protect Bob's reputation.

Did I read that correctly?

MR. GEOLY: Do you want to read the rest of it?

BY MR. ANDERSON:

Q. Now, this is before Bob Mayer is

(*202)

arrested, isn't it?

A. Yeah.

Q. Okay. At Paragraph 6, Bishop, let me read a part of it and ask you a question. After the meeting concluded, the Cardinal, Bishop Jakubowski and I continued to discuss the situation. We agreed that if a priest asked us why Bob was treated in this fashion, we would tell the truth. In a sense, Bob has forfeited his right to privacy and we will not let the church or any of us take the heat for his behavior. On the other hand, we will do our best to protect him as far as his parishioners and others are concerned.

So what are you contemplating there, lying until comply?

A. Lying?

Q. Yes.

A. Where do you mean?

Q. Well, you say that we agreed we would tell -- we agreed that if priests ask us why Bob was treated in this fashion, we would tell the truth.

A. We would let the priests know what had

(*203)

happened in that case.

Q. What about the parishioners, what would you tell them?

A. I think we were still following our procedures at that time. If this was 1991 or '92 after the policies were promulgated, there would be a total difference.

Q. Okay.

MR. GEOLY: Can we go off the record for a moment?

MR. ANDERSON: Do you want to take a break?

MR. GEOLY: I want to ask you about scheduling, given the time of day and all.

THE VIDEOGRAPHER: We are off the record at 4:26 p.m.

(Whereupon, a short break was taken.)

THE VIDEOGRAPHER: We're back on the record at 4:39 p.m. with the start of Tape Number 5.

BY MR. ANDERSON:

Q. Okay. Bishop, I'm handing you Exhibit 41, a letter to parishioners from

(*204)

Archbishop Bernardin. This involves Mayer. And it states in the body, because of personal reasons, however, he is asked that I accept his resignation effective immediately so that he may go on sabbatical.

In this case, Bernardin told him to resign, did he not?

A. Yes.

* * * * *

(*205)

Q. And in the case of Mayer here, it states, on sabbatical. What is that supposed to mean?

A. I don't know what Cardinal Bernardin had in mind. I presume it was to go for treatment.

Q. Well, it's a big word. But in effect what it means is we're getting him out of here to keep him quiet, to keep him away from the police and not let the parishioners know the true facts, that being that this guy is a criminal, right?

MR. GEOLY: Is that a question?

MR. ANDERSON: Yeah.

THE WITNESS: I don't think that is the thought process that we would go through in something like this.

BY MR. ANDERSON:

Q. But in terms of the actions, it is what

(*206)

you did or at least what the Archdiocese did, isn't it?

A. It is what we did. And I think the way you are characterizing it is not really what was

in our minds at the time any more than it is when a corporation does the same thing.

They don't spell out all of the problems and so on that somebody might have encountered, but they just say, he resigned for personal reasons.

Q. In this corporation, there's a problem with sexual abuse of minors by clerics.

A. Right.

Q. And the parishioners aren't being told. In the case of Father Maday, the parishioners were told, as they were in Mayer, that he was going on sabbatical in 1988 when, in fact, there had been a long history of abuse, correct?

MR. GEOLY: Objection. That does assume facts not in evidence. He testified not having any knowledge of that 1988 document on Maday and his sabbatical.

BY MR. ANDERSON:

Q. Well, I'll represent to you that

(*207)

documents reflect that the parishioners were never told this. And documents show him going on sabbatical. With that in mind, it's the same pattern that we've been talking about here, isn't it?

MR. GEOLY: Objection, vague and ambiguous and assumes facts not proven, not in

evidence concerning patterns. You can answer the question.

THE WITNESS: I can?

MR. GEOLY: You can if you can. Go right ahead and answer it, even if he's looking at papers.

BY MR. ANDERSON:

Q. You can answer that question.

A. Is that all right?

Q. Yeah, sure?

MR. GEOLY: Jeff's already onto the next question. He remembers that he asked you one, so you still have to answer it.

MR. PEARLMAN: And you're polite enough to wait for him.

THE WITNESS: The answer wasn't so specific to what you had asked. But I do think

(*208)

what you brought out is something that we are well aware of now. It's a lot easier for us to see clearly that we made a mistake.

And the Mayer case is probably what triggered the appointment of a commission to look into this whole question out of which came the policies of 1992. And so as bad as it all sounds, the Mayer case is what helped us to see that we were not doing the proper thing.

And from that point on, I do think we changed.

* * * * *

(*209-210)
(*211)

Q. Well, let me put it to you this way,
Bishop. You said that it changed in 1992,

(*212)

didn't you?

A. The procedures changed, yes.

* * * * *

Q. Let me show you Exhibit 43. This is
three-page notes of a parish a leadership
meeting at St. Odilo's parish, where you talk
about you being present here. And you'll see at
the second page at the third paragraph, it says,

[REDACTED]

(*213)

[REDACTED] spoke of how not knowing the
circumstances of Mayer's problem and
restrictions put her in a very vulnerable spot,
especially vis a vis the children. She was
controlled but angry and frustrated. Now, I
appreciate that this was written in 1991, was it
not?

A. Yes.

MR. GEOLY: Well, what's the date on
it. Have we established who wrote this
document?

BY MR. ANDERSON:

Q. Did you?

A. No.

Q. Okay. Someone -- you'll see at the middle it says -- you're referred to here. You'll see someone asked if the parish might be sued. Ray explained that that would not happen. Do you see that?

MR. GEOLY: Where is that?

THE WITNESS: No.

BY MR. ANDERSON:

Q. That's one, one, two, three, four, the fifth paragraphs down. Someone asked if the

(*214)

parish might be sued, Ray explained that that would not happen.

And above that, it states Ray Goedert answered that the school is being evaluated and is doing a very good job. So that Ray, I presume, is you; is it not, Bishop?

A. Well, where it says Ray Goedert -- I don't know who wrote the memo, but -- and I don't know what the question was.

MR. GEOLY: What was the question?

BY MR. ANDERSON:

Q. The question is, according to this memo, a parishioner asked if the parish might be sued?

MR. GEOLY: Do you remember being asked that question?

THE WITNESS. No.

BY MR. ANDERSON:

Q. Do you remember giving the answer no, it won't happen?

A. No, I don't remember that.

Q. Okay. And going back --

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

(*215)

Q. Okay. Just going back to [REDACTED] and the concerns that she was expressing about being in the dark and being vulnerable and her concerns about the children. Who is monitoring Mayer at this time?

A. In October, he was gone.

Q. At the time of St. Odilo's?

A. He was gone in -- I think it's June of '91. July 2nd he announced to the parishioners that he was gone.

Q. And who was monitoring him before he left then?

A. Well, I -- to some extent, Bishop Jakubowski is the vicar would be the one who would be concerned, and I as the Vicar For Priests would have been -- before he was removed, I would have been the one that was meeting with him.

Q. And so nobody at the parish knew that he was even being monitored?

A. Probably the only ones at the parish who knew were the family that -- because they were part of the parish, I mean they were very active.

(*216)

Q. And, Bishop, I know you're no longer the Vicar For Clergy and you recently have been Vicar General, but you remain auxiliary. Are you aware that the parishioners and the employees around Dan McCormack were never told that he was being monitored, that reports have been made and they expressed the same concerns about him that were being expressed about Mayer in 1991? Are you aware of that?

A. No. I really don't know the details of the McCormack case, but I accept that.

Q. It's disturbing, isn't it, Bishop?

A. Well, I think that's why I said that this case, as bad as it might seem, the pluses that it got us to look at our policies and procedures and while we maybe didn't arrive at the perfect solution, we certainly changed quite a bit.

Q. Well, did you look at the Defen Baugh report that was done, the audit that was done where the Archdiocese hired Defen Baugh to give them a report and they rendered findings in connection with Joseph Bennett and Dan McCormack. Did you read that?

(*217)

A. I did read the Defen Baugh report. At this point, I don't remember the content.

Q. And I'll represent to you that they found -- these independent auditors found that what the Archdiocese did in the case of Joseph Bennett and Dan McCormack in the last two years was the very same things that the Archdiocese had done and failed to do in 1991 and before.

MR. GEOLY: Wait for a question.

BY MR. ANDERSON:

Q. When you read the report, did you note the similarities?

MR. GEOLY: I'm going to object that it mischaracterizes the Defen Bough report and let you answer the question as best you can.

THE WITNESS: Well, it would be hard to answer the question because I did read the report at the time it came out. But I don't remember the content enough to even comment at this time.

BY MR. ANDERSON:

Q. I read the report, Bishop, and it made me sick. Did it make you sick?

A. Not that I can recall. It doesn't mean

(*218)

I was happy with it or anything like that. But I don't remember the report enough to,

you know --

Q. Okay. I'm going to go through these real quick now. 45 is October, '91. This involves Ruge. And under 4, it states, Father Steve Tebes, T-E-B-E-S, was appointed pastor a short time ago. He did not have knowledge of Father Ruge's previous history. And he's Ruge's supervisor and he's not told that Ruge has got a history of sexual molestation. What do you know about that?

A. Nothing.

(*219)

* * * * *

Q. Tell me what you remember about your dealings with Cloutier.

A. Yes.

Q. He was accused of sexual abuse, wasn't he?

A. Yes.

Q. He was actually accused of raping two kids. And then at gunpoint, threatening their lives and the lives of their parents if they told, right?

A. I remember it -- that goes back to the '70s or so?

Q. Yeah. That went to the Oak Lawn Police in '79, didn't it?

A. I didn't think it was Oak Lawn. But it was one of those southern, south towns.

(*220)

Q. Okay. So your knowledge of that is kind of after the fact?

A. Very much after, yeah.

Q. When did you first learn and how did you first learn Bill Cloutier was a predatory child molester?

A. When I became Vicar For Priests, it was one of the cases that I dealt with because he was reporting every month and that type of thing.

Q. And so he was being continued in ministry under monitoring, right?

A. Yes.

(*221)

* * * * *

Q. Yeah, I'm sorry. And so Father Cloutier remained in ministry and nobody was told about that, parishioners or anybody else?

A. Well, the pastor of the parish where he was at the time I dealt with him was aware.

Q. And that was about it, though, right?

A. As far as I know, probably.

Q. In fact, the public didn't even know about Cloutier and all these other priests until -- until we brought suit and brought this all out to the public, right?

A. Well, I don't know, you know, when all

(*222)

that happened. Whether that was a question of whether you were the one that brought Cloutier out to the public, I didn't know that.

Q. I was. And can you point to an instance in which any one of these priests who had known histories of sexual molestation had been made known to the public by representatives of the Archdiocese, yourself or others?

A. Well, I remember being present at -- I think I mentioned it before. St. Stephens, St. Edna's, St. Mary's, Lady Of the Snows, at which it was communicated to the public exactly what the problem was. I'm not sure of the timing of it.

* * * * *

Witness was shown Exhibits 52, 55, 60, 70, 71, 77

(*223-233)

(*234)

BY MR. ANDERSON:

Q. Okay. It looks like on November 1, '96, you assumed the day-to-day responsibilities for the Archdiocese as Cardinal Bernardin's health continued to decline. Does that sound right?

A. What date did you give?

Q. November 1, '96.

A. I thought it was a little earlier. It could have been.

Q. He died on November 17, '96?

A. No, November 14th.

Q. Okay.

A. Tomorrow is his anniversary.

Q. Okay.

A. He was quite, quite sick. And I thought it was the end of October, but I could be wrong. Your date might be right.

But I again, I was not taking over as adjutor as Vicar General. He was asking me to carry the responsibility.

* * * * *

(*235)

Q. I'm showing you Exhibit 85. This is dated May of 2005. And it's a declaration in which Cardinal George and yourself signed that Mayer left the priesthood because of violations of Canon 1395, a violation of chastity. Is it fair and correct to say that this could have been signed by you and/or the presiding Cardinal at any time while Mayer was a priest of the Archdiocese?

A. It was signed by us on May 28th.

Q. It was signed in 2005.

A. Yeah.

Q. My question is why wasn't it signed in 1970, '71, '72, '73, '74, '75, '76 or earlier?

A. 1970, I don't know that we had any issues at all with Mayer. The reason it's signed --

(*236)

Q. Then let's use 1990, '91.

A. That's okay.

Q. Why wouldn't have --

A. The reason why it is signed in '05 is because the Cardinal had asked me to look into the question of whatever priests had left the active ministry, not anything with regard to sexual abuse or whatever. Whatever reason they left, if they had not been laicized, we wanted the records to show in the file that they were no longer authorized to represent the Diocese, et cetera, all the things that we said there.

I did this in some 260 cases. It had nothing to do -- except in this case, sometimes Paragraph 2, I would say, because they entered a marriage outside the church. In this case, it was referring to the sexual misconduct.

Q. Look at 2d and e. D says that the Archdiocese does not consider itself in any way responsible for the activities of Robert E. Mayer. Why is that so?

A. It's simply a document to let whoever would see that file know that we do not consider him in any way a representative of the

(*237)

Archdiocese of Chicago.

Q. From this point forward you mean. Is that what that means?

A. Well, we haven't considered it for quite a while. But this is when -- because he just asked me probably some time in 2005 -- 2005 to do this. So that's why it's done in that year.

Q. Okay. And then Exhibit 2e -- excuse me, Number 2e says that the Archdiocese is not to be held liable for any scandal or harm to souls for which he has been or is responsible. That refers to the past. Why is this written so?

A. I suppose basically because we don't believe that whatever he has done, he's responsible for his own behavior, that the Archdiocese really can't be held accountable. Now, we've been held accountable by society and by lawsuits, et cetera. But basically, he is responsible for his own behavior.

In this particular case, if it came down to somebody asking now today did we act responsibly by allowing him to stay in ministry,

(*238)

I would say yes, but it was a poor decision when you look at everything about this man.

[REDACTED]

[REDACTED]

[REDACTED] And until that final case, we never had a substantiated allegation, I mean a

proven one. We had lots of people saying things.

Q. Would you say the same thing about Cloutier?

MR. GEOLY: With respect to what? What?

BY MR. ANDERSON:

Q. You never had substantiated allegations?

A. No, I would not say the same. Because apparently the police, you know, had the -- why they didn't pursue prosecution, I don't know.

Q. But he was continued in ministry.

A. Yes.

Q. Would you say the same thing about Fitzharris? He was convicted but continued in ministry. Excuse me, Holihan. Yeah, we'll just say the same thing.

(*239)

A. When was Fitzharris convicted?

Q. 1987. It was quiet but it was a conviction.

MR. GEOLY: Do you know that? I know it came up earlier in the deposition. But it's now --

THE WITNESS: At this point, I don't remember.

MR. GEOLY: Okay. We've been going eight hours.

THE WITNESS: Yeah.

MR. GEOLY: So I want to make sure that the Bishop is clear on what you're asking him. Let's do this, I'll withdraw that question.

Mark just whispered in my ear that he wants to take a break for five minutes. I think I'm done in five minutes. So between the two of us, I think we're done in ten. So I'm going to try to be done in ten. After we take a 35-minute break.

THE WITNESS: Do we count the break?

MR. ANDERSON: Well, let me put it this way, I'm kind of devilish.

VIDEOGRAPHER: We're off the record at

(*240)

5:28 p.m.

(Whereupon, a short break was taken.)

THE VIDEOGRAPHER: We're back on the record at 5:43 p.m.

EXAMINATION

BY MR. PEARLMAN:

Q. Bishop Goedert, previously you were shown Exhibit 100, which is a list that's in front of you.

I want to mark something as Exhibit 100A. And what I'd like you to do is just if we can go through this list -- and I'm

not going to read each name to you. But maybe if you can just put an X next to each of the names on here where during your tenure as Vicar For Priests you were aware of an allegation either through a review of the files or through an allegation being made to you of each of the priests on this list.

A. During my role as Vicar For Priests?

Q. Yes. I appreciate that you may not recall every one. So I'm asking you to do this by memory. And I'm not holding you to the

(*241)

accuracy of that without the benefit of documents. I appreciate that.

MR. GEOLY: So as best you can recall.

BY MR. PEARLMAN:

Q. As best you can recall from any source, whether it was Father Ventura telling you, whether it was a file review of a file that existed or any allegation from any source?

A. But just during the period of '87 to '91 when I was Vicar For Priests.

Q. Right. I'm not asking you for things you learned after 1991.

A. Okay. An X is that what you want?

Q. Just an X next to the name is fine.

A. It's a little difficult because of my involvement continuing on PCAC and whether I dealt with a case as vicar or as a member of

PCAC. In some -- in some of them, I know clearly I dealt with. Can I mention --

Q. Sure. If there's --

MR. GEOLY: Just try to use your best recollection and do the best you can. We understand this may not be perfect.

THE WITNESS: Yeah.

(*242)

MR. GEOLY: This represents what you remember right now.

THE WITNESS: Well, you know, I remember about a case. But whether it started with me or I heard it --

BY MR. PEARLMAN:

Q. Yeah, you don't know why you know of it?

A. Yeah.

Q. I understand just go with the ones that you --

A. Any allegation?

Q. Yes, of sexual abuse.

A. Does it -- sex abuse of a minor, is that what we're asking?

Q. Yes.

A. So if it was adult misconduct -- I may have made a mistake here. I put an X in front of a name. I dealt with him, but it had nothing to do with sex abuse.

Q. You could cross that off.

A. Delete it? Okay.

Q. Scratch it out. I'm fine with that.

A. It's harder than I thought to

(*243)

separate -- I know a lot about some of these,
but I don't know what the source was, whether I
really dealt with it.

The Xs are the ones I'm pretty certain
about. There are others that I really just have
doubt. I just don't remember.

MR. GEOLY: When we're done, I can make
a copy of that, right.

MR. PEARLMAN: Sure. And we have no
further questions. Thank you for your time.

MR. GEOLY: Okay.

(FURTHER DEPONENT SAITH NOT.)

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:

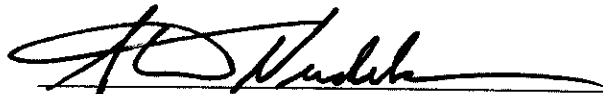
1. The purpose of the deposition was to allow the claimants' attorney, Jeffrey R. Anderson, to ask Bishop Goedert questions to assist in resolving certain claims fairly and promptly.
2. At a deposition, only the witness provides testimony under oath. The words of the attorneys are not testimony. The 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



Hon. Stuart Nudelman (Ret.)
Master