

1 Q. What is this?
 2 A. This is the report that there was
 3 insufficient information to make a finding of
 4 reasonable cause to suspect that Father Joseph
 5 Bennett engaged in sexual conduct with a minor so
 6 they're rejected the allegation. So, evidently,
 7 this was 2003. I knew of the allegation but I
 8 probably dismissed it from my mind because it was
 9 found not to be true at that time.
 10 Q. Where does it say that the allegation was
 11 found not to be true?
 12 A. There's insufficient information to make a
 13 finding of reasonable cause to suspect that
 14 Father Joseph Bennett engaged in sexual misconduct
 15 with a minor.
 16 Q. So that you -- you interpreted this
 17 language to mean it was not true?
 18 A. That is the language to say that they
 19 don't believe the incident took place.
 20 Q. You'll see at the third paragraph in a
 21 vote of five to one, the Board recommends three
 22 things. In other words, after saying there's
 23 insufficient information to make a finding, they're
 24 still making a recommendation to you, right?

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1 BY MR. ANDERSON:
 2 Q. What do you think or know?
 3 A. We --
 4 MR. KLENK: Objection. You're not interested
 5 in guesses.
 6 MR. ANDERSON: No. I'm asking what he knows.
 7 MR. KLENK: Fair enough.
 8 THE WITNESS: What -- what --
 9 MR. ANDERSON: It's a recommendation to him.
 10 Go ahead.
 11 THE WITNESS: What we knew was that Father Dubi
 12 was skilled in the 12 steps spirituality and,
 13 therefore, sensitive to self-deception and was in
 14 daily contact with Joe Bennett and, therefore,
 15 would do a good job as monitor which is why I
 16 presume that he was retained as monitor.
 17 BY MR. ANDERSON:
 18 Q. Well, they're recommending against him
 19 being monitored -- to -- to ensure that he's not
 20 being the monitor?
 21 A. Yes. I'm not sure they had that
 22 information about Father Dubi.
 23 Q. So are you saying that Father Dubi would
 24 be good to be monitoring him notwithstanding the

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1 A. Yes.
 2 Q. And the third thing in their
 3 recommendation is that the PFRA contact
 4 Father Kaczorowski, then Vicar for Priests --
 5 A. Yes.
 6 Q. -- to determine who is monitoring Joseph
 7 Bennett --
 8 A. Uh-huh.
 9 Q. -- and to ensure it is not Father Leonard
 10 Dubi, D-U-B-I?
 11 A. Yes.
 12 Q. In fact, Father Leonard Dubi was his
 13 monitor then, wasn't he?
 14 A. That's correct.
 15 Q. And, in fact, Father Dubi continued to be
 16 his monitor notwithstanding this recommendation in
 17 January of 2003?
 18 A. That is correct.
 19 Q. Why didn't they want him to be the monitor
 20 of Bennett?
 21 MR. KLENK: Objection, foundation.
 22 MR. ANDERSON: You can answer.
 23 THE WITNESS: I can't answer for them.
 24

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1 recommendation of the Board?
 2 A. On the information that this man was in
 3 daily contact with him and was very honest and
 4 would call people to account, we thought that he
 5 would be a good monitor --
 6 Q. Okay.
 7 So you made --
 8 A. -- and it seems he was.
 9 Q. You made the decision notwithstanding the
 10 recommendation of the Board to allow Dubi to
 11 continue to monitor -- monitor --
 12 A. Well, he was just beginning to be
 13 monitored at this time. So evidently, they felt
 14 that even though they didn't think he had done it,
 15 nonetheless, they wanted to put precautions in
 16 place.
 17 Q. Let me just ask you this, Cardinal --
 18 A. Sure.
 19 Q. -- did you ask anybody on the Board why
 20 the Board didn't want Dubi to be monitoring Joseph
 21 Bennett?
 22 A. I would have asked Leah McCluskey because
 23 that's my contact with the Board.
 24 Q. What answer did you get if you did ask

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1 her?
 2 A. I'm sorry. I don't recall that
 3 conversation. I recall a later conversation where
 4 we decided to name Dubi.
 5 Q. If the Board found the allegation, as you
 6 believe, not to be true, why would they be
 7 monitoring him at all?
 8 A. Because I think they were being super
 9 cautious which is truly wonderful.
 10 Q. But you chose not to be super cautious and
 11 continue him in ministry?
 12 A. No. We monitored as the review -- as the
 13 Review Board recommended.
 14 Q. And chose to have Dubi monitor him?
 15 A. Dubi was a very good monitor.
 16 Q. Okay.
 17 Look at 57. February 9, 2003 letter to
 18 Kaczorowski, then Vicar for Priests, from Joe
 19 Bennett.
 20 A. Uh-huh.
 21 Q. This is during the investigation of the
 22 first allegation made against Bennett?
 23 A. Uh-huh.
 24 Q. This, in fact, confirms that Dubi is

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1 good monitor for him?
 2 A. That they were in good contact and Dubi is
 3 a very honest man with himself and others.
 4 Q. Showing you Exhibit 59. It's April 28,
 5 2003. This is another letter to you from Leah
 6 McCluskey co'd to the same five individuals
 7 involving Bennett. In here, a decision is made and
 8 you'll see at the second paragraph, in a unanimous
 9 seven to one vote, the Board recommends that there
 10 is no reasonable cause to suspect that the
 11 misconduct occurred?
 12 A. That's correct.
 13 Q. To your knowledge, how many times has the
 14 Board reached that conclusion in connection with
 15 allegations of sexual abuse of priests while you've
 16 been Archbishop Cardinal?
 17 A. I can't answer that question with any
 18 exactitude. I don't know. I've never counted it.
 19 Q. Are you able to say if it's more than ten?
 20 A. I'm sorry. I can't say that.
 21 Q. And have you ever after they made such a
 22 determination as was made on April 28, 2003 ever on
 23 your own made an effort to review what they had
 24 done and to get additional information on your own

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1 continuing to be the monitor?
 2 A. Uh-huh.
 3 Q. And if you read the first paragraph,
 4 you'll say that -- you'll see that he's going on
 5 vacation.
 6 It looks like he's travelling to Mexico,
 7 right?
 8 A. That's correct, with his monitor.
 9 Q. And leaving the country with him?
 10 A. He's --
 11 Q. With the monitor, is that -- is that the
 12 way you read it?
 13 A. That's what it says, doesn't it? I
 14 believe.
 15 Q. Okay.
 16 Look at 59.
 17 A. May I see that, please?
 18 Q. Were you aware, Cardinal, that Dubi and
 19 Bennett owned property together?
 20 A. No, I was not at this time. I think I've
 21 heard that since but I'm not sure of that.
 22 Q. You're aware that they were very close?
 23 A. They were friends.
 24 Q. And that's why you thought that Dubi was a

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1 to -- to -- to make sure that the kids may be safe?
 2 MR. KLENK: Objection, that question is way
 3 overbroad. With respect to a -- to a specific
 4 incident?
 5 MR. ANDERSON: Let me interrupt then. Let me.
 6 BY MR. ANDERSON:
 7 Q. Have you ever after the Board made a
 8 finding of no cause to believe, such as this, asked
 9 them to continue the investigation or to reopen it?
 10 A. If new information came to me that I
 11 didn't think they had, I would do that.
 12 Q. Well, have you ever done it?
 13 A. No case comes to mind, sir.
 14 I do read what they report. They're very
 15 careful.
 16 Q. I'm directing your attention to
 17 Exhibit 211.
 18 And this is memorandum, December 19, 2003
 19 but it -- it refers to a December 3, 2003 phone
 20 call?
 21 A. Yes.
 22 Q. And you reviewed this, I trust, in
 23 preparation for today?
 24 A. I'm sorry. I did not review this

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1 particular document.
 2 Q. Okay.
 3 Well, let me just represent to you that it
 4 is a memorialization of a phone call received from
 5 a person on December 3, 2003 regarding the
 6 allegation of sexual misconduct against Bennett.
 7 During the call, the woman stated she did not wish
 8 to have her name released which she took back but
 9 it goes on to state after some conversation and an
 10 explanation of the process of formalizing an
 11 allegation of sexual misconduct, Ms. Blank named
 12 her alleged abuser as Reverend Joseph Bennett.
 13 A. Uh-huh.
 14 Q. This would now be another allegation --
 15 A. That's correct.
 16 Q. -- against Bennett?
 17 A. That's correct.
 18 Q. After the Board had made its
 19 determination?
 20 A. About another case.
 21 Q. And when did you learn about this
 22 allegation now having surfaced?
 23 A. Well, they would have brought this to me
 24 once she brought it to the Review Board.

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1 Q. Okay.
 2 So did you -- did you do your
 3 clarification to your satisfaction? You wanted to
 4 clarify that?
 5 A. Well, you had asked me a question and I
 6 said I can't remember. I remembered one case
 7 anyway where I did do that.
 8 Q. All right.
 9 A. For what it's worth.
 10 Q. Now, going back the Exhibit 212, Cardinal.
 11 A. Yes.
 12 Q. Excuse me. 211. Isn't this, in itself,
 13 enough information sufficient to reopen and
 14 reevaluate Bennett's stature and status as a priest
 15 working in a parish in December of 2003?
 16 A. This investigation did take place. They
 17 submitted this to the Review Board. It's of
 18 activity that happened in the '70s, of course, as
 19 was the other activity.
 20 Q. But isn't it enough to reopen the
 21 review -- Review Board determination that had been
 22 made earlier finding no cause?
 23 A. The Review Board didn't suggest that.
 24 Q. Do you know whether the review --

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1 May I respond?
 2 MR. KLENK: Wait until there's a question.
 3 THE WITNESS: May I respond to a question he
 4 asked before?
 5 MR. KLENK: Sure. Sure.
 6 THE WITNESS: You raised a very good question,
 7 have I ever gone back to the Board once they had
 8 decided there is no reasonable cause to suspect and
 9 asked them to review it again. I did that at least
 10 once that I can recall when the accuser came
 11 forward and explained that it was a different
 12 Review Board than the one we have now that had made
 13 that finding, that there was no reasonable cause,
 14 but that she wanted to reopen her case. I asked
 15 the Board to open the case again.
 16 BY MR. ANDERSON:
 17 Q. Who was that? What priest?
 18 A. It was against Father Bennett -- no, it
 19 was not. Again, these cases, some years back. It
 20 was another priest.
 21 Q. Who?
 22 A. I can't recall his last name. His first
 23 name is John. He's an elderly priest long out of
 24 ministry. Retired.

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1 A. But this was pursued.
 2 Q. Do you know when the Review Board was made
 3 aware of the December 3, 2003 allegation recorded
 4 in this exhibit?
 5 A. It must have been very quickly. Leah
 6 always does it very, very quickly, that kind of
 7 reporting.
 8 Q. Do you know how long it took Leah
 9 McCluskey to formalize the allegation under her
 10 process or your process?
 11 A. The allegation was formalized. It took a
 12 long time to investigate. As you can see from the
 13 allegation, there were many other people named and
 14 she had to visit many witnesses in different parts
 15 of the country.
 16 Q. Look at Exhibit 62.
 17 A. 62, please. Thank you.
 18 Q. I'm showing you what we've marked as
 19 Exhibit 2 as our sealed -- as our sealed exhibit
 20 and on the name -- on it, I put the name of the --
 21 A. Yes.
 22 Q. -- individual that I referred to as Jane
 23 Doe Two?
 24 A. Yes.

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1 Q. So we know who we're talking about here?
 2 A. Yes, sir.
 3 Q. Excuse me. Jane Doe One.
 4 A. Yes.
 5 Q. And I put the name on there so we won't
 6 use that name and we just agree this is Jane Doe
 7 One, okay?
 8 A. Sure.
 9 Q. This document pertains to Jane Doe One as
 10 identified on that exhibit?
 11 A. Yes.
 12 MR. KLENK: Which -- which document are you
 13 referring to?
 14 MR. ANDERSON: 62.
 15 BY MR. ANDERSON:
 16 Q. You'll see this is March 11, 2004 and it's
 17 written to McCluskey --
 18 A. Uh-huh.
 19 Q. -- In a follow-up of our meeting of March
 20 2nd, I have not heard back from you regarding our
 21 immediate concern about the suspension of
 22 Father Bennett.
 23 A. Uh-huh.
 24 Q. Do you see that?

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1 He was restricted. I chose to follow the protocol,
 2 sir, that we always have followed and protected
 3 children in the past and protected them also in
 4 this case.
 5 Q. But he remains in a parish.
 6 You could have removed him at least from a
 7 parish and kept him on administrative leave,
 8 correct?
 9 A. Not without the Review Board telling me
 10 they thought there was reasonable cause to suspect
 11 which they didn't at this time.
 12 Q. Are you aware that at that time, Bennett
 13 was the only priest in -- in that parish?
 14 A. I believe he was.
 15 Q. Showing you 63.
 16 A. He may have had a resident living with him
 17 but I'm not sure.
 18 Q. This is dated May 14, 2004 and this would
 19 be a letter from me to Jim Serritella, the lawyer,
 20 and John O'Malley?
 21 A. Uh-huh. Yes.
 22 Q. And in it -- this is really a second
 23 letter expressing concern. The first being an
 24 exhibit I showed you. We state I discovered that

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1 A. I do.
 2 Q. It goes on to state in the second
 3 paragraph, you advised us that you would bring this
 4 report of abuse to the attention of your
 5 supervisors including the cardinal that same day.
 6 A. Yes.
 7 Q. Did she?
 8 A. I presume she did.
 9 Q. Now, this is four months after the
 10 information surfaced in Exhibit 211, that is,
 11 another allegation and -- and Bennett is still in
 12 ministry at this point?
 13 A. The allegation hadn't been investigated at
 14 this point to a satisfactory conclusion. As you
 15 know, [REDACTED] wasn't even a nun any longer, a
 16 woman whom you accuse also in this letter of
 17 horrific abuse all of which is unfounded at least
 18 at this point.
 19 Q. So are you choosing -- is it your
 20 testimony then that you, basically, made the choice
 21 to keep him in ministry and to the extent there's a
 22 risk, you chose to take it?
 23 A. No. We thought there was no risk and
 24 there doesn't seem to have been. He was monitored.

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1 Father Joseph Bennett is still at Holy Ghost Parish
 2 as of this moment. The records reflect that this
 3 matter has been brought forward and the finalized
 4 report with Leah McCluskey has already been made to
 5 the Review Board. I'm extremely alarmed that this
 6 priest remains in the parish given this
 7 information. On its face, this appears to be in
 8 direct contravention and violation of the policy,
 9 the practice and the charter of the Archdiocese.
 10 Please advise immediately.
 11 Was this letter brought to your attention,
 12 Cardinal?
 13 A. No.
 14 Q. Exhibit 64 -- if you'll hand the Exhibit 2
 15 back. She's going to hand you Exhibit 64 and if
 16 you hand me 2 back, I'm going to put another name
 17 on it.
 18 A. Thank you.
 19 Q. On Exhibit 2, showing that to the Cardinal
 20 and counsel, this would be the sister that I marked
 21 in Jane Doe Two, the sister of Jane Doe One.
 22 A. Yes.
 23 Q. And this -- this Exhibit 64, that's the
 24 name that's been blocked out here so --

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1 A. Sure.
2 Q. -- we know who we're talking about here?
3 A. Yes, sir.
4 Q. And have you seen this?
5 A. I haven't seen it in writing. I was
6 apprised of her having changed her testimony from
7 not supportive of her sister to supportive.
8 Q. And in any case, at the time that this
9 exhibit was prepared, it's correct that you have
10 been advised and the Archdiocese personnel have
11 been advised that there are now four possible
12 victims of Bennett?
13 A. Well, there were the victims whose cause
14 was decided not founded and then there were the two
15 sisters, one of whom was abused. The other one
16 isn't a very clear case, is it?
17 Q. And this sister is corroborating a report
18 made by -- by Jane Doe One, correct?
19 A. That was taken into account even though it
20 had changed her earlier testimony that her sister
21 wasn't accurate.
22 Q. Exhibit 65, March 29, 2005, a memorandum.
23 A. Uh-huh.
24 Q. And at this time, Bennett is continued in

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1 ministry by you, correct?
2 A. He's during the investigation in his
3 ministry with restrictions so that children are
4 protected.
5 MR. KLENK: Can you just take a moment while I
6 read this, Mr. Anderson?
7 THE WITNESS: Uh-huh.
8 MR. KLENK: Thank you.
9 BY MR. ANDERSON:
10 Q. You'll see that the Review Board conducted
11 an initial review regarding the allegation made by
12 this individual. The claim is as follows,
13 Father Bennett exposed himself to Ms. Blank.
14 Father Bennett instructed Ms. Blank to perform oral
15 sex on him. By a vote of eight to zero, the Board
16 determined that this matter warrants additional
17 investigation.
18 Was this brought to your attention, this
19 information?
20 A. This is the ongoing investigation.
21 Q. I know but was it brought to your
22 attention?
23 A. I knew they were investigating this, yes,
24 and had some sense of the complexity that's

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1 evidenced here.
2 Q. It goes on to state the Board also
3 requested that PRA complete the following tasks?
4 A. Yes.
5 Q. And if you look at the last one, it states
6 that Father Bennett's monitor is either
7 Reverend Thomas Simma or Reverend Thomas Cabala and
8 not Reverend Leonard Dubi?
9 A. That's correct.
10 Q. And they bolded the not.
11 Did you see that?
12 A. I did. Well, I didn't remember reading
13 this but I knew that was --
14 Q. And do you know why they bolded the not on
15 Reverend Dubi?
16 MR. KLENK: Objection, foundation.
17 THE WITNESS: No, I don't.
18 BY MR. ANDERSON:
19 Q. Well, somebody's trying to draw your
20 attention to the fact that Dubi should not be
21 monitoring Bennett?
22 A. Yes.
23 MR. KLENK: I'll -- I'll object to that.
24

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1 BY MR. ANDERSON:
2 Q. Is that correct, Cardinal?
3 MR. KLENK: I'll object to that. I mean, this
4 memorandum was not sent to him so it's wrong to
5 suggest that they were -- somebody was trying to
6 direct it to his attention.
7 BY MR. ANDERSON:
8 Q. Well, you're decisionmaker on --
9 ultimately on whether the priest remains in
10 ministry under monitoring or not, correct?
11 A. If there's an allegation being processed,
12 he is always monitored and restricted so that he
13 doesn't have access to children. That's the
14 policy. As well as notifying the State
15 authorities, of course.
16 Q. So if the Review Board doesn't want this
17 guy monitoring Bennett as is indicated here, you
18 should be advised of that so you can do something
19 about it, right?
20 A. I think I probably was told that.
21 Q. And you chose to continue Bennett in
22 ministry under monitoring by Dubi?
23 A. Because he was in daily contact with him
24 and was a very responsible monitor as he is.

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1 Q. Look at 66.
2 A. I don't have that. I'm sorry, sir.
3 Q. I'm sorry. She's going to hand it to you.
4 MS. ARBOUR: I can only be in one place at
5 once.
6 BY MR. ANDERSON:
7 Q. Just briefly, you'll see that 66 reflects
8 at the last sentence --
9 MR. KLENK: Can you take a moment while --
10 while I look at it here. I haven't seen this
11 before.
12 MR. ANDERSON: I'm directing attention to the
13 last sentence.
14 BY MR. ANDERSON:
15 Q. If you'll see 66, I'll read it, PRA check
16 with Father Grace to determine if Dubi is currently
17 on sabbatical or not. Father Dubi is
18 Father Bennett's identified monitor.
19 At this time, were you aware that Dubi was
20 on sabbatical?
21 A. 2005, I don't recall whether he was or he
22 wasn't, sir. They didn't know either, apparently.
23 Q. Don't you think that that would be
24 important to know? If he's on sabbatical, how

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1 have any highlighting on mine. Where is this?
2 MR. ANDERSON: He does.
3 MR. KLENK: Thank you.
4 MR. ANDERSON: You bet.
5 BY MR. ANDERSON:
6 Q. I'll read it, Dwyer said the first
7 allegation against the priest was reported to the
8 Archdiocese in March 2004 and a monitor was
9 assigned in March 2005.
10 Now, this is information disseminated to
11 the public and given this reporter, correct?
12 A. Dwyer said that, yes.
13 Q. And that's not correct, is it?
14 A. My understanding is that when the
15 allegations were brought forward, he was given a
16 monitor but --
17 Q. But this was not the first allegation?
18 A. A priest is given a monitor whenever any
19 allegation comes forward.
20 Q. I'm not talking about the monitor. I'm
21 talking about the allegation.
22 Dwyer said this was the first allegation
23 that resulted in the removal of Bennett, correct?
24 That's what he said?

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1 could he be monitoring?
2 A. There should have been another monitor, of
3 course.
4 Q. I'm going to show you 67. Before I do,
5 I -- I think this would have been the third time
6 the Review Board had questioned monitoring of
7 Bennett and the adequacy of it with Dubi, isn't it?
8 Does that sound correct, Cardinal? This is the
9 third time the Review Board has questioned the
10 adequacy of the monitoring in particular that Dubi
11 is --
12 A. I was only aware of it once, sir.
13 Q. Okay.
14 Let's look at 67. There's a highlighted
15 portion here and I'll read it and this is an
16 article about pastor not being monitored for years
17 after allegation. Cardinal removes another priest.
18 And the highlighted portion says Dwyer -- now,
19 Dwyer is the public relations person?
20 A. He was in the press office of the
21 Archdiocese at the time.
22 Q. Okay.
23 Dwyer --
24 MR. KLENK: Excuse me, Mr. Anderson. I don't

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1 A. That's true.
2 Q. Okay.
3 A. Now, I'm sorry. I'm a little confused.
4 Which allegation are we talking about here?
5 Q. Well, we're talking about what -- what the
6 public relations office, your public relations
7 office is telling the public and I'm reading from
8 what is being said by Dwyer. Dwyer said the first
9 allegation against the priest was reported to the
10 Archdiocese in March 2004.
11 That's what he said, right?
12 MR. KLENK: Objection, this is -- this is
13 hearsay. You're reporting what the newspaper
14 reports he said.
15 THE WITNESS: That's what he said. In the
16 paper, that's what he said.
17 BY MR. ANDERSON:
18 Q. I read that correctly?
19 A. It's -- yes. It's not --
20 Q. Focus -- focus on that, not the
21 monitoring.
22 A. Okay.
23 Q. Focus on that, the first allegation.
24 A. I see what you're saying, yes.

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1 Q. Okay.
2 In fact, Cardinal, as we have seen through
3 the exhibits, at this point in time, there had been
4 four allegations made against Bennett, not one and
5 this was not the first, correct?
6 MR. KLENK: Objection, it's not clear what --
7 THE WITNESS: Yeah. Are you referring to the
8 allegations that were dismissed by the Review
9 Board? I'm not sure Dwyer knew about those.
10 BY MR. ANDERSON:
11 Q. I'm referring to previous allegations in
12 the documents that we just looked at and
13 notwithstanding the Review Board, the fact is we
14 looked at documents that show there had been four
15 allegations made against Bennett of sexual abuse,
16 not one as is being represented here?
17 A. The two unproven allegations perhaps
18 weren't known to Dwyer.
19 Q. They were allegations nonetheless, were
20 they not?
21 A. Yes.
22 Q. And Jane Doe One had made one in December
23 of 2003, correct?
24 A. I don't have that paper but I take your

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1 Review Board finding that she had not been abused.
2 Q. And you also recall that Mr. Fleischmann
3 had brought forward the allegations of his client
4 of two brothers earlier.
5 So as of this date and the time Dwyer
6 makes this statement, there are four allegations,
7 correct?
8 A. If you include all those, yes, that's
9 correct, sir.
10 Q. Okay.
11 So who was it that instructed Dwyer to
12 disseminate this information in this exhibit to the
13 public?
14 MR. KLENK: Objection. Which exhibit are you
15 referring to?
16 MR. ANDERSON: 67.
17 MR. KLENK: The newspaper article?
18 THE WITNESS: The newspaper article.
19 BY MR. ANDERSON:
20 Q. Who was it that instructed Dwyer to
21 disseminate this information as reflected in this
22 exhibit?
23 A. I doubt anyone instructed Dwyer.
24 Information that is brought to the communications

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1 word for it.
2 Q. And -- give me the paper, Exhibit 3,
3 please.
4 MS. ARBOUR: 2.
5 MR. ANDERSON: Exhibit 2.
6 MS. ARBOUR: I think it's 211 that you're
7 referencing.
8 MR. KLENK: Why don't you just wait until the
9 question is asked.
10 MR. ANDERSON: I'm showing counsel and then you
11 can pass it to the witness. I marked Jane Doe
12 Three on here.
13 THE WITNESS: Jane Doe Three.
14 MR. KLENK: Thank you.
15 BY MR. ANDERSON:
16 Q. And I just marked Jane Doe Three by a name
17 on the Exhibit 2, correct, Cardinal?
18 A. That's correct.
19 Q. And you're aware that in the Archdiocese's
20 documents, a report had been made by Jane Doe Three
21 in March of 2004?
22 A. I wasn't sure of the date but she was
23 another one whom I'd asked to take her case back to
24 the Review Board because she was unhappy with the

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1 department is then shared with the press as they
2 always do.
3 Q. Who's responsible for making sure that the
4 information given by Dwyer on your behalf is
5 accurate?
6 A. The communications people usually try to
7 be sure as best they can --
8 Q. Is this --
9 A. -- as I understand. I trust them to try
10 to do that.
11 Q. Is this a statement by Dwyer an accurate
12 representation of the state of the -- of the -- the
13 number of allegations made against Bennett?
14 A. No. There were allegations --
15 unfounded -- made previously, uh-huh.
16 Q. Look at 72 and 73 together because they're
17 related. And 72 pertains to Jane Doe Three and 73
18 pertains to Jane Doe One.
19 A. Uh-huh.
20 Q. Do you see that? First, directing your
21 attention to 72 --
22 A. Uh-huh.
23 Q. -- October 15, 2005. At the second
24 paragraph, it states the Board made the

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1 recommendation that in light of the information
2 presented, there is reasonable cause to suspect the
3 alleged misconduct occurred. The Board recommended
4 that Father Bennett be immediately withdrawn from
5 ministry and that restrictions and monitoring be
6 imposed in accordance with Archdiocesan policies
7 and procedures.

8 Did I read that correctly?

9 A. Yes.

10 May I check, again, please, sir, on 72, is
11 that Jane Doe Three?

12 Q. 72 would be, I believe, Jane Doe Three --

13 A. Would you --

14 Q. -- but -- but we're not sure of that but
15 we --

16 A. Okay.

17 Q. But I guess the importance of this is not
18 who it is but that the -- the Board recommended to
19 you in light of this additional information, that
20 you immediately withdraw him, right?

21 A. First of all, 72 and 73 are probably the
22 same person and it's Jane Doe One.

23 Q. I think that -- why do you say that?

24 They're two -- I think they're two different people

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1 but --

2 A. Perhaps. I'm -- I'm sorry. I didn't mean
3 to interrupt your question.

4 Q. It's just the same date. Two different
5 victims.

6 A. It is except in the case of Jane Doe
7 Three, the Board did not find reasonable cause to
8 suspect.

9 Q. Well, let's -- let's -- let's not --

10 A. It doesn't -- no. Please. Please. I'm
11 sorry.

12 Q. -- worry about whether it's one, two or
13 three. Let's worry about what the Board is saying
14 to you --

15 A. Yes.

16 Q. -- and what you did -- and what you did
17 about it.

18 A. Uh-huh.

19 Q. Okay.

20 In 72, they're saying the Board made a
21 recommendation that he be removed?

22 A. Uh-huh.

23 Q. Right?

24 A. Yes.

182

1 Q. And in 73, the Board similarly says that
2 Father Bennett should be immediately withdrawn from
3 ministry?

4 A. That's correct.

5 Q. So the same recommendation, two different
6 allegations, right?

7 A. I don't know there's two different
8 allegations.

9 Q. Okay.

10 A. I don't know that it matters for your --

11 Q. And look at the handwritten note here.

12 There's your handwriting, isn't it?

13 A. Yes, I'm afraid it is.

14 Q. And what did you write?

15 A. I accept this recommendation, October 18,
16 2005.

17 Q. And in both instances, you wrote I accept
18 this recommendation?

19 A. That's correct.

20 Q. And if you look at the handwriting, you'll
21 see it's a little different. It's not identical?

22 A. You're right, sir.

23 Q. It's two different notes?

24 A. It does look two different.

183

1 Q. So we have two different findings, two
2 different recommendations, two different reports
3 here, right?

4 A. And two different acceptances of the
5 recommendation.

6 Q. And two different acceptances. Thank you.
7 74, I'll -- I'll show you.

8 And before I do, was Bennett removed this
9 day by you?

10 A. When I went to remove him, that's when I
11 found out that the process was not complete because
12 he had no chance to defend himself.

13 Q. So you --

14 A. I asked the Review Board to go over it
15 quickly with the canonical defense necessary to
16 finish the case. And in the meantime, the same
17 restrictions to protect children would remain in
18 place.

19 Q. So you chose to not follow the
20 recommendation made to you by your board --

21 A. The Board --

22 Q. Just a moment. Let me finish the
23 question.

24 A. Oh, I'm sorry. Yes. Go ahead.

184

1 Q. You chose to not follow the recommendation
2 made to you by the Board in both Exhibit 72 and 73;
3 correct?

4 A. Because the Board did not follow its own
5 policies. Unfortunately.

6 Q. And so who told you and what lead you to
7 believe -- just who -- that the Board protocols
8 were deficient enough so that you should not follow
9 this recommendation to remove this priest from
10 ministry?

11 A. He, himself, said he had not defended
12 himself with counsel and then I checked with
13 Father Smilanic and he said that was true.

14 Q. So you relied upon Bennett?

15 A. No. I relied upon Father Smilanic who
16 told me what Bennett said was true.

17 Q. You were aware that as a part of the
18 process, Bennett had had a chance to respond to the
19 allegations, were you not?

20 A. I presumed that he had.

21 Q. So why did the existence or nonexistence
22 of a canonical lawyer make a difference at this
23 point? Aren't you concerned about the safety of
24 the kids, not the rights of the accused?

185

1 memo.

2 A. I see.

3 Q. You have it before you. This is to you.
4 It is from Laura in regards to Bennett and it is
5 now November 2nd and it looks like the
6 recommendation has been made to remove Bennett,
7 correct?

8 A. Yes, and accepted.

9 Q. And accepted by you and now you are taking
10 it upon yourself based on what Father Bennett told
11 you to review it on your own?

12 A. No. I reviewed a number of cases that
13 were particularly complex. This became --

14 Q. Talking about this one now. Let's --
15 let's focus on this.

16 A. Yes, but --

17 Q. This seems -- I read this to mean that you
18 have now asked that the file be forwarded to you so
19 you can review this on your own?

20 MR. KLENK: I object to the form of the
21 question.

22 BY MR. ANDERSON:

23 Q. Is that correct?

24 A. Well, I did ask for the file.

187

1 A. No. I'm concerned for the safety of the
2 children, of course. They were guaranteed by the
3 restrictions and the information given to the civil
4 authorities but I had to have a case that was
5 legally correct. I didn't have one.

6 Q. Cardinal, haven't you publicly stated that
7 the protocols imposed and placed by the charter in
8 2002 protect -- well, nevermind. Nevermind. I'm
9 going to withdraw that question.

10 A. Okay. I'm sorry.

11 Q. Cardinal, this business about needing a
12 canonical lawyer, I have seen numerous allegations
13 made and brought to the Board where no canon lawyer
14 was ever present.

15 Why is it that all of a sudden the process
16 is deficient because Bennett doesn't have a canon
17 lawyer in your view?

18 A. I'm not familiar with processes where they
19 did not have a canon lawyer. I take your word for
20 that. In this case, he protested that he -- the
21 process wasn't legal and that would have been
22 enough to invalidate the process.

23 Q. Okay.

24 Let's go to 74, Cardinal. This is a brief

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1 Q. Okay.

2 Why?

3 A. Because it was so terribly complicated and
4 because I wanted to in fairness read the evidence
5 of the victims themselves and not just take it in a
6 report from somebody else or Father Smilanic.

7 Q. So that you're --

8 A. I wanted to hear the voice of the victims.

9 Q. You really have questions about whether it
10 happened --

11 A. No.

12 Q. -- and it --

13 A. I wanted to --

14 Q. Let me finish the question.

15 A. I'm sorry. Yes. You're correct. I'm
16 sorry.

17 MR. KLENK: Some of his questions are quite
18 long. Please pause.

19 THE WITNESS: I'm sorry.

20 BY MR. ANDERSON:

21 Q. So you're referring to the complexity of
22 it?

23 A. Uh-huh.

24 Q. The fact is that based on what

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1 Father Bennett has told you, you had questions
2 about whether he had sexually abused?
3 A. No. I had questions about the form, the
4 legal form in order to make a case that could be
5 defended.
6 Q. So you're more concerned about the rights
7 of Bennett and the process than you are about the
8 children at risk if he remains in ministry?
9 A. No. The children at risk were, I thought,
10 protected and they were in this case by the
11 monitoring and the restrictions. I was interested
12 in fairness, the same values that permeate any
13 legal system.
14 Q. Up until this point in time, how many
15 times have you reviewed a file after the Board had
16 made a recommendation for removal?
17 A. I can't recall exactly.
18 Q. Would this have been the first?
19 A. I don't believe so.
20 Q. Can you identify any other time to date?
21 A. I'm sorry. I haven't had a chance to
22 think through those number of cases that you
23 brought forward.
24 Q. Look at 75. This is November 7, 2005 and

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1 A. I did not personally interview those
2 victims. That's why I wanted the --
3 Q. You were acting on your own here, were you
4 not, not on the recommendation of anybody other
5 than Father Bennett, were you?
6 A. I --
7 MR. KLENK: Objection to the form of the
8 question that Father Bennett recommended anything.
9 THE WITNESS: Father Bennett did not recommend
10 this at all.
11 BY MR. ANDERSON:
12 Q. Well, when you talk about the voice of the
13 victims --
14 A. Yes.
15 Q. -- what is it about that that caused you
16 to reconsider?
17 A. When you read an actual victims's
18 testimony or you talk to a victim, it's very
19 different from just getting a conclusion and I
20 wanted to --
21 Q. Did you talk to any of these victims?
22 MR. KLENK: Please -- please let him finish his
23 answer.
24 THE WITNESS: No.

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1 this is from you to Leah McCluskey?
2 A. Uh-huh.
3 Q. I'm writing to you with regard to the
4 matter of Reverend Joseph Bennett, a priest --
5 A. Uh-huh.
6 Q. -- who has been accused of sexual
7 misconduct by blank.
8 A. Uh-huh.
9 Q. I had initially indicated that I accepted
10 the Review Board's recommendation that there was a
11 reasonable cause to suspect that the misconduct did
12 occur. However, I have since reconsidered this
13 matter --
14 A. Uh-huh.
15 Q. -- and would like to postpone a final
16 decision for the time being.
17 So what made you reconsider?
18 A. The voice of the victims and the
19 witnesses' disagreement among themselves, the
20 complexity of the case that I knew was going to be
21 subject of a defense. I wanted to have the voice
22 of the victims as the defense was made.
23 Q. It sounds like you -- had you interviewed
24 any of these victims?

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1 MR. ANDERSON: I'm sorry.
2 THE WITNESS: No. No. I read the witness
3 they'd given to the Review Board.
4 MR. ANDERSON: Okay.
5 BY MR. ANDERSON:
6 Q. So the only person involved here between
7 the victims and Bennett that you had talked to was
8 Bennett, right?
9 A. I don't understand the question.
10 Q. You hadn't talked to any of the victims?
11 A. No. That's why I asked for their
12 testimony.
13 Q. Okay.
14 A. This was the testimony that was going to
15 be given to his lawyer.
16 Q. Now, before you said you changed your mind
17 because Bennett didn't have a lawyer, a canon
18 lawyer. Now, you're saying that you changed your
19 mind because the voice of the victims and the
20 complexity.
21 Which is it, Cardinal?
22 A. No. It's the same. It's exactly the
23 same. This complex case and the voice of the
24 victims were going to be presented now for the

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1 first time to his defense lawyer. I wanted to hear
2 it too.

3 Q. You wanted to what?

4 A. I wanted to listen to it as well from the
5 testimony they had given. It was going to go to
6 his defense lawyer.

7 Q. So you wanted to override the Board?

8 A. No. I didn't over -- do that at all. I
9 did not override the Board.

10 Q. Well, you have that right, don't you?
11 You're the cardinal.

12 A. I have the right to ask them to reconsider
13 if I think they've made a mistake, yes, I could do
14 that but I didn't think they made a mistake here.
15 As it says, assure them this does not represent any
16 lack of confidence in them for the fine work they
17 do. I didn't override the Board.

18 Q. Did you ever doubt the facts or the
19 allegations of the -- of the reports made by the
20 victims?

21 A. There was contrary witnesses. The sisters
22 did not agree among themselves. The sister who had
23 been a nun at the time adamantly disagreed. In
24 fact, denied under oath that any of this happened.

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1 It was a complicated case but I accepted their
2 recommendation.

3 Q. Were you getting information from Bennett
4 that conflicted with the accounts of the victims
5 that caused you to -- to wonder whether or not he
6 had abused?

7 A. I got no information from Bennett about
8 the cases. His complaint was simply could I have a
9 chance to have a canonical lawyer in my defense in
10 order to complete the process.

11 Q. Did you receive information about the
12 accounts given by the victim pertaining to certain
13 physical characteristics of Bennett?

14 A. Not from Father Bennett himself.

15 Q. Well, did you hear it from Father Grace?

16 A. I read it.

17 Q. Okay.

18 Showing you --

19 A. That was the voice of the victims.

20 Q. Showing you Exhibit 212. This is
21 November 9th and this is a memo you reviewed?

22 A. No. This is memo to file, sir.

23 Q. Have you reviewed it before today?

24 A. No.

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1 Q. I'm going to --

2 MR. KLENK: I -- I haven't seen this before.

3 MR. ANDERSON: That's fine. You can read it.

4 I'm going to ask a question. I'll read it.

5 BY MR. ANDERSON:

6 Q. The second paragraph says concerning Joe's
7 11-19 appointment with the Review Board.

8 That means he's going before the Review
9 Board, right?

10 A. Yes, with -- with an attorney if they can
11 find a canon -- canonical lawyer.

12 Q. And it states he has a dermatologist, one,
13 two, he has a typewritten report from the
14 dermatologist --

15 A. Uh-huh.

16 Q. -- and three, I suggested points -- that
17 means Father Grace is suggesting points -- that
18 Father Bennett should make with the Board.

19 Is that appropriate for Grace to be doing?

20 A. Well, perhaps not but he is the Vicar for
21 Priests. He can speak to the priests about their
22 cases.

23 Q. And you're the vicar for the vicar, right?

24 A. I'm the Archbishop. He's my vicar.

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1 Q. Yeah, but you're his vicar?

2 A. No, sir.

3 Q. As the Archbishop, aren't you?

4 A. No. A vicar --

5 Q. In any case, you're his Archbishop?

6 A. Yes, I am.

7 Q. And you -- are you suggesting to him that
8 he suggest to Bennett that --

9 A. No, I did not.

10 Q. Okay.

11 You'll see that at 3a, he's suggesting
12 that Bennett, number one, should make the following
13 points with the Board, 1a, accuser spoke of
14 birthmark. There is no birthmark.

15 A. That's in the dermatologist's report, I
16 believe.

17 Q. B, accuser spoke of freckles. Even a
18 child knows that, quote, freckles, unquote, are not
19 purplish blue. They are brown.

20 Did you know that freckles are not
21 purplish blue?

22 A. I'm not sure either.

23 Q. I didn't know that.

24 And, C, dermatologist characterized

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1 purplish blue marks as age spots not likely there
 2 at the time of the allegation.
 3 Now, these are all suggestions being made
 4 by Grace to Bennett to be brought to the Board,
 5 right?
 6 A. Well, the dermatologist report is brought
 7 to the Board. It's in writing from the
 8 dermatologist, not from Grace.
 9 Q. It looks like Father Grace is being an
 10 advocate for the priest, not the children now here,
 11 doesn't it?
 12 A. You could draw that conclusion.
 13 Q. Don't you?
 14 A. I don't know Father Grace's frame of mind.
 15 Q. This is the same Father Grace we talked
 16 about getting McCormack, isn't it?
 17 A. He's a trained lawyer, sir.
 18 Q. Well, look, you know, he's -- I'm
 19 protecting my clients because they're victims.
 20 Father Grace is protecting this offender.
 21 A. At that point --
 22 MR. KLENK: Excuse me. There's no question
 23 pending.
 24 THE WITNESS: I'm sorry.

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1 MR. KLENK: He just made a speech. Please ask
 2 a question, Mr. Anderson.
 3 Please wait for the question.
 4 THE WITNESS: Okay. I'm sorry.
 5 BY MR. ANDERSON:
 6 Q. Simply because he's a lawyer, does that
 7 excuse his protection of Bennett?
 8 A. No.
 9 Q. Look at 76.
 10 A. 76, please. Thank you.
 11 Q. You'll see this is to the file, again,
 12 from Grace regarding Bennett, November 14th. Today
 13 I received a copy of Joe's dermatologist's report.
 14 I called Joe to suggest that he ask the
 15 dermatologist for a clarification, one,
 16 specifically, since Joe had stated to me that the
 17 scrotum marks were/might be aging marks, did the
 18 doctor have an opinion on whether the spots would
 19 have been present years ago at the time of the
 20 allegation.
 21 You're aware, Cardinal, that these -- this
 22 whole issue now is did he have freckles on his
 23 scrotum, right?
 24 A. Yes, sir.

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1 Q. Because the victim had reported that he
 2 had freckles on his scrotum?
 3 A. That's correct.
 4 Q. And now Father Grace -- now there is
 5 information from a dermatologist that's he got
 6 spots on his scrotum, right?
 7 A. Yes, sir.
 8 Q. And Grace is -- looks like he's trying to
 9 explain it away.
 10 Do you read it that way?
 11 A. It could be read that way.
 12 Q. The second point here is secondly, some
 13 mark bigger than a golf ball, smaller than a soft
 14 ball was alleged on his back.
 15 You're aware that the victim also said
 16 that he had a mark, a birthmark on his back, right?
 17 A. Yes.
 18 Q. And now the dermatologist has revealed
 19 that he's got a mark on his back but it looks like
 20 Grace is trying to quibble about the size of it.
 21 Do you read it that way?
 22 A. I think that's a legitimate way to read
 23 it.
 24 Q. It turns out that, in fact, Grace has

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1 marks on his back, doesn't he -- I mean, not Grace,
 2 Bennett?
 3 A. I presume he does. I --
 4 MR. KLENK: Objection, foundation. I don't
 5 know how this witness knows that.
 6 BY MR. ANDERSON:
 7 Q. Well, you're aware that that was an issue
 8 before the Board on -- on whether or not
 9 Father Bennett had marks on his back as --
 10 A. Yes. Yes, I am.
 11 Q. -- at least one victim has alleged?
 12 A. Yes, I am.
 13 Q. And when she was --
 14 A. I believe it was a birthmark as the voice
 15 of the victim had it.
 16 Q. The voice of the victim had said she
 17 thought he had a birthmark. She, of course, was
 18 eight years old at the time of the alleged abuse,
 19 right?
 20 A. Sure. That's right.
 21 Q. And the dermatologist, you're aware, on
 22 Exhibit 76 called it a keratosis,
 23 K-E-R-A-T-O-S-I-S, right?
 24 A. Yes. I don't know what that means, sir.

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1 Here -- I see the word here.
 2 Q. Right.
 3 And you see that on Exhibit 76, don't you?
 4 A. Yes, I do. I see it here.
 5 Q. Let me show you Exhibit 213. We took this
 6 off the internet --
 7 A. Uh-huh.
 8 Q. -- because we didn't know what a keratosis
 9 is either. And so when we looked at this, this
 10 gave us a picture of what -- what is described as a
 11 cluster of keratosis.
 12 Do you see it now?
 13 A. I do.
 14 MR. KLENK: Objection, is this something that's
 15 purported to be of Father Bennett?
 16 MR. ANDERSON: No. No. This is to help us
 17 understand what keratosis means.
 18 MR. KLENK: Oh, you went for medical advice to
 19 the Internet. Okay.
 20 MR. ANDERSON: If you've got an objection, make
 21 it. I'm going to ask a question.
 22 MR. KLENK: Please do.
 23 BY MR. ANDERSON:
 24 Q. We got this from the Mayo Clinic so we

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1 Q. Okay.
 2 Why don't we just -- you know, 78 is the
 3 memorandum of the Review Board where you met with
 4 them and -- and, essentially, the Review Board said
 5 the medical evidence was against Grace and Bennett
 6 and you --
 7 MR. KLENK: Not so fast. I don't know if this
 8 man's ever seen this before.
 9 THE WITNESS: I'm sorry. I don't see what
 10 you're saying is in here. Where is what you're
 11 saying in here, please?
 12 MR. ANDERSON: Okay.
 13 BY MR. ANDERSON:
 14 Q. Let me just ask you this --
 15 MR. KLENK: Could you let him take a moment to
 16 read the document that you just --
 17 MR. ANDERSON: No. No, I don't want to take --
 18 we don't need to.
 19 MR. KLENK: You don't want him to read it?
 20 MR. PEARLMAN: Hold on. Let's just say it
 21 different.
 22 MR. ANDERSON: Let me --
 23 MR. PEARLMAN: If he remembers the meeting. He
 24 doesn't need the document.

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1 could understand what is a keratosis. I didn't
 2 know the word either, Cardinal, so, you know. And
 3 this -- this picture is -- purports to represent a
 4 cluster of keratosis, that is, spots.
 5 When you look at one of those, what does
 6 it look like to you?
 7 A. A spot on the skin.
 8 Q. It looks like a birthmark, doesn't it?
 9 A. I wouldn't know how to distinguish a spot
 10 like that and a birthmark.
 11 Q. I wouldn't either.
 12 How would a nine-year-old?
 13 A. Yeah.
 14 Well, in fact, the Review Board said
 15 reasonable cause to suspect based upon the physical
 16 evidence and I accepted that and then put the case
 17 together and sent it to Rome.
 18 Q. And in fact --
 19 A. I took him out of ministry.
 20 Q. Father Grace, however, was the one that
 21 was trying to keep this from being adjudicated
 22 against Bennett, wasn't he?
 23 A. I think you'd have to ask Father Grace
 24 that.

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1 MR. KLENK: Fair enough. Fair enough.
 2 MR. ANDERSON: Let me just ask the question.
 3 BY MR. ANDERSON:
 4 Q. Do you remember meeting with the Board as
 5 this document reflects?
 6 A. Yes, I did.
 7 Q. Okay.
 8 And is the document -- okay.
 9 A. Uh-huh.
 10 Q. And -- and as a result of your meeting
 11 with that board, you became aware that the Review
 12 Board believed the medical evidence and thus the
 13 account of the victim?
 14 A. I knew that when I accepted the
 15 recommendation before this meeting.
 16 Q. When -- how long before the meeting?
 17 A. You had the date on the other document,
 18 sir. This is a December 3rd meeting. I think it
 19 was in November, wasn't it? I'm not sure. We just
 20 had that document.
 21 Q. And when you accepted the
 22 recommendation --
 23 A. October 15th, wasn't it?
 24 Q. On October 15th, was Bennett still in

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<p>1 ministry? 2 A. Yes. 3 Q. And you continued him in ministry? 4 A. Until the Review Board process was 5 complete -- 6 Q. Look at -- 7 A. -- and then I removed him. 8 Q. -- Exhibit 79. 9 The Review Board process was still ongoing 10 when you removed Bennett? 11 A. Yes. We changed the policy as a result of 12 the McCormack case. 13 Q. Look at 79. And this is another letter 14 from me to the Archdiocese and Leah McCluskey. And 15 this would be another letter of alarm and concern 16 wherein I state when I met with you in our offices 17 in connection with another matter on October 24th, 18 I asked you about the status of this matter and you 19 reported to me that it was being given immediate 20 consideration by the Cardinal at that time and 21 would let us know immediately. And I asked that 22 your prompt attention to this be greatly 23 appreciated. 24 Was this letter brought to your attention,</p> <p style="text-align: right;">205</p>	<p>1 at page five beginning at -- actually, it's five at 2 the top. 3 A. Uh-huh. 4 Q. Question, may I ask you who the friend 5 was? Answer, Father Lenny Dubi. Question, and how 6 did Father Len Dubi approach this topic with you? 7 Answer, pushed me in a corner and said keep your 8 nose out of Bennett's business. Question, did you 9 share with Len the substance with -- did you share 10 with Father Dubi the substance of your concerns, 11 why you were concerned? Answer, yes I did. 12 Question, and how did he respond to you? Answer, 13 it's none of your business he said. Question, so 14 he did not respond to your line of argumentation? 15 Answer, no, he did not respond to my line of 16 argumentation at all. 17 My question to you, Cardinal, is do you -- 18 did you know about Dubi and Father Kub's account of 19 Dubi's conduct in response to -- 20 A. Not when -- 21 MR. KLENK: Excuse me. Are you finished with 22 the question? 23 THE WITNESS: I'm sorry. Yes? 24 MR. ANDERSON: Yes.</p> <p style="text-align: right;">207</p>
<p>1 Cardinal? 2 MR. KLENK: I would object to the form of the 3 question. 4 THE WITNESS: Well, this is the first time I've 5 seen this letter. 6 MR. ANDERSON: Okay. 7 Let's just take -- let's just take a few 8 minute break here. 9 THE VIDEOGRAPHER: We are going off the record 10 at 3:23 p.m. 11 (A short break was taken.) 12 THE VIDEOGRAPHER: We are going back on the 13 record at 3:38 p.m. This is the beginning of 14 videotape number five. 15 BY MR. ANDERSON: 16 Q. Cardinal, you had said, I think, several 17 times that Father Dubi was a suitable monitor for 18 Father Bennett and I think you maintain that to 19 that -- to this day? 20 A. I believe so, yes. 21 Q. I'd like to show you Exhibit 100 and this 22 is testimony taken in a canonical trial in a 23 canonical matter under oath from Father Kub. And 24 I'll direct your attention to just a portion of it</p> <p style="text-align: right;">206</p>	<p>1 THE WITNESS: No, I did not when I appointed 2 him monitor -- when the Vicar For Priests appointed 3 him monitor. 4 BY MR. ANDERSON: 5 Q. Is this the first time anybody has brought 6 this particular testimony involving Dubi and his 7 relationship to Bennett and response to this matter 8 to your attention? 9 A. No. I have seen this. 10 Q. Just recently in preparation for today? 11 A. Perhaps a couple weeks ago. 12 Q. So you still think that Dubi was the guy 13 to be monitoring Bennett? 14 MR. KLENK: What was -- what's the date -- 15 what's the date on this? Does it have a date for a 16 foundation? 17 MR. ANDERSON: This would be August 7, 2006. 18 MR. KLENK: Thanks. Thanks. 19 MR. ANDERSON: And the cover on it is 20 Archdiocese Chicago. 21 Okay. 22 BY MR. ANDERSON: 23 Q. In connection with Father Bennett, you had 24 indicated earlier that there had been no</p> <p style="text-align: right;">208</p>

<p>1 allegations made against Bennett since his removal; 2 is that right? 3 A. I think there are further allegations that 4 have come forward since he was first removed about 5 the case we were speaking about but I -- I'm sorry. 6 Go ahead. 7 Q. And when Bennett was removed, it appeared 8 in the newspaper and became published -- 9 A. Yes. 10 Q. -- for the first time that Bennett had 11 been accused, right? 12 A. Uh-huh. 13 Q. Yes? 14 A. Yes. 15 Q. And the date of Bennett's removal by you 16 was? 17 A. It would have been in -- in January 2006 18 or the first part of February 2006. 19 Q. And that was several years after the first 20 allegation against him had been actually lodged, 21 correct? 22 A. The one that the Review Board found 23 unsubstantiated. 24 Q. And showing you 82.</p> <p style="text-align: right;">209</p>	<p>1 A. I'm sorry. 2 Q. Let me ask the question. 3 At least now, 82 came forward with an 4 allegation -- Exhibit 82 shows that another 5 allegation -- another victim came forward, correct? 6 A. That's correct. 7 Q. And this, by our count, would now have -- 8 be allegation number five that we've talked about 9 against Bennett? 10 A. If you take all the allegations, proved 11 and unproved, yes. 12 Q. Okay. 13 Showing you Exhibit 84. This says 14 February 3, 2006 and this is a letter from you to 15 the Bishop of Indiana then -- actually, your Vicar 16 for -- for Priests, Vince Costello? 17 A. Uh-huh. 18 Q. And I presume he wrote this with your 19 permission? 20 A. I asked him to be sure that Bennett had a 21 monitor where he was living and that the Bishop 22 knew. 23 Q. And -- 24 A. I haven't seen this but --</p> <p style="text-align: right;">211</p>
<p>1 This would be another allegation and by my 2 count, allegation number five made against 3 Father Bennett of sexual abuse? 4 A. That is reported to have occurred 20 years 5 earlier. 6 Q. Yes. 7 But it now came forward -- 8 A. Yes. 9 Q. -- as a result of -- 10 A. That's right. 11 Q. -- public disclosure of Bennett having 12 been accused which had earlier been kept quiet, 13 right? 14 MR. KLENK: Objection to the form of the 15 question. 16 THE WITNESS: We always told everybody when we 17 removed a priest from ministry. 18 MR. ANDERSON: Okay. 19 BY MR. ANDERSON: 20 Q. So now the public and the community of 21 faith know that Bennett has been accused as a 22 result of -- 23 A. Not just -- 24 Q. Just a moment.</p> <p style="text-align: right;">210</p>	<p>1 Q. This letter appears to reflect that you 2 and Father Costello are attempting to permit 3 Bennett to live out of state? 4 MR. KLENK: Excuse me. Can I take a moment to 5 read this? 6 BY MR. ANDERSON: 7 Q. And work out of state; is that correct, 8 Cardinal? 9 A. Not to work out of state, no. He's 10 removed from ministry. 11 Q. To live in Gary, Indiana? 12 A. In a home that he has there. 13 Q. And are you aware that that's a property 14 owned with Dubl, Father Dubi? 15 A. I was not aware of that. 16 Q. Showing you 85. 17 By the way, in order for Father Bennett to 18 live in Gary, Indiana, it requires both your 19 permission as his Ordinary and the permission of 20 the Ordinary of the Diocese in which he's going to 21 reside, correct? 22 A. No. 23 Q. Can he live -- can -- can one of your 24 priests live in the Diocese of another bishop</p> <p style="text-align: right;">212</p>

<p>1 without securing the permission of that bishop? 2 A. Yes. 3 Q. So it wasn't necessary to write to the 4 Bishop of Gary -- Gary, Indiana -- Indiana then to 5 get permission for him to -- to live there? 6 A. Not for permission to live, no. 7 Q. Then why was permission being sought? 8 A. We were notifying him for the safety of 9 children that this is a priest who we have found to 10 be reasonably suspect and for the sake of the 11 protection, here are all the restrictions placed on 12 him and would you please be sure that he does no -- 13 does no ministry. You do need permission for 14 ministry, not to live. And we wanted to be sure he 15 would not ask for permission to minister by telling 16 the Bishop what the circumstances were. 17 Q. If a priest is living outside the Diocese 18 and he is in residence as -- nevermind, 19 Let's go to Exhibit 85. This is a letter 20 from Bishop then Vicar General Rassas -- 21 A. Yes. 22 Q. -- to Reverend Melczek? 23 A. Uh-huh. 24 Q. A priest of the Archdiocese, Reverend</p> <p style="text-align: right;">213</p>	<p>1 correct? 2 A. Unfounded, yes. I wasn't aware on 3 February 1st that the Review Board had founded the 4 other allegations. That was later, wasn't it, that 5 same week? 6 Q. In any case, this refers to allegations 7 and we have established that at least four, perhaps 8 more, allegations have been made at the time of 9 this letter? 10 A. There were the two that you mentioned, 11 yes. 12 Q. Showing you 86. This would be the 13 Archdiocese's documentation of additional 14 allegations against accused Father Bennett. 15 And by my count, if you agree, this would 16 be -- or do you agree this would be allegation six 17 against Father Bennett? 18 A. I'm not sure, sir. It says third party so 19 I presume it was. The others, I think, were 20 brought forward by the accuser themselves. 21 Q. Okay. 22 But this is, none the -- nonetheless, the 23 document -- Archdiocesan documentation of another 24 allegation against Bennett?</p> <p style="text-align: right;">215</p>
<p>1 Bennett, pastor of Holy Ghost Parish in South 2 Holland has been placed on leave. As of this 3 moment, he has been asked to reside at the home 4 that is within the Diocese of Gary. His address 5 is. The next paragraph, the incident in question 6 occurred about 30 years ago and surfaced about two 7 years ago here in the Archdiocese. The 8 circumstances have been under review for some time 9 but the information is not completely clear. For 10 this reason, he has not been canonically removed 11 from his parish. To the best of our knowledge, 12 there have been no other reported allegations 13 related to him. 14 First, that last sentence, to the best of 15 our knowledge, there have been no other reported 16 allegations related to him is just not true, is it? 17 A. This is February 1st. The other 18 allegations came in after that as did the Review 19 Board finding but the prior unfounded allegations 20 were, of course, a couple years earlier, yes, as I 21 recall. 22 Q. As of this date, there have been two 23 allegations that have been founded now and two 24 allegations that have been made but unfounded,</p> <p style="text-align: right;">214</p>	<p>1 A. Yes. I don't know what the date -- this 2 is April. It's 1997 -- of 2007 rather, yes. 3 Q. You can see that the date the allegation 4 was received was February 6, '06. 5 Do you see that? 6 A. Oh, yes, I see. 7 Q. At this point in time, has the Archdiocese 8 or you requested that the original determination 9 made of no cause be revisited? 10 A. We were visiting the further allegations 11 and all we needed was one and they were proceeding 12 very quickly. With one allegation, we can take him 13 permanently out of ministry and so it was important 14 to finish the current allegations. 15 Q. We're going to show you Exhibit 89. This 16 is a summary time line of an allegation against 17 Bennett. The date of this allegation received is 18 February 9, '06. 19 And this, by my count, ours so far, at 20 least, would be number seven, correct? Allegation 21 number seven against Bennett? 22 A. I don't see the name of the accuser so I 23 really am unable to -- 24 Q. Well, no, I don't either --</p> <p style="text-align: right;">216</p>

1 A. -- respond.
 2 Q. -- because it hasn't been provided but my
 3 question, Cardinal, is that it is documentation --
 4 Archdiocesan documentation of another allegation of
 5 sexual misconduct made against Bennett and it's
 6 documented as such on another date?
 7 A. It is another date?
 8 Q. Yes. This is February 9, '06.
 9 A. Yes, but we had other allegations, didn't
 10 we, from --
 11 Q. That was the 6th of February. This is the
 12 9th.
 13 A. I see. Well, then this is another
 14 allegation.
 15 Q. I'm showing you now 90 and this is a
 16 memorandum from Leah McCluskey regarding Bennett.
 17 It's cc'd on the second page to the delegate on the
 18 Board, the Vicar of Priests and Assistance Ministry
 19 and it details on February 10th that two voice
 20 messages had been received on February 8th and an
 21 allegation of sexual misconduct by Bennett.
 22 So this would be allegation number eight?
 23 A. Unless since the date is February 9th it's
 24 the same as the one you just showed me.

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1 Q. Showing you 91.
 2 A. He was, of course, removed at this time,
 3 wasn't he? I think. I'm sure he was, yes.
 4 Q. Cardinal, you just said we just need one
 5 report to take action, didn't you?
 6 A. Yes.
 7 Q. Well, think back to those two women that
 8 were the original victims -- or two boys that were
 9 the original victims and who made the original
 10 report, first report against Bennett and think
 11 about what -- think about the fact that no cause
 12 had been found as it pertained to one of those who
 13 passed a polygraph.
 14 Doesn't it seem at this point in time that
 15 you had a duty to go back to them through their
 16 lawyer and otherwise and say, hey, we better take a
 17 look at this --
 18 A. I think we --
 19 Q. -- and we better minister to them?
 20 A. I think we should revisit that, yes.
 21 Q. Yeah. Thank you.
 22 A. Yeah.
 23 Q. Showing you 91. This is from
 24 [REDACTED] copied

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1 to McCluskey and is sent to the Vicar for Priests
 2 Costello.
 3 I'd very quickly like to read the second
 4 paragraph because it just contains some
 5 information.
 6 MR. KLENK: Excuse me. I just take a moment.
 7 I need to read this.
 8 MR. ANDERSON: I will read it and then I'll --
 9 I'll ask a question while you read.
 10 BY MR. ANDERSON:
 11 Q. Three of the people mentioned that they
 12 had knowledge of Father Joe Bennett being sexually
 13 active with women in the parish when he was here
 14 back in the late 1960s and later when he was
 15 pastor. One of the people mentioned that when he
 16 was a teenager here in the late '60s, his teenage
 17 friends often spoke of going to the rectory and
 18 being given alcoholic drinks by Father Joe Bennett.
 19 The last sentence in the next paragraph says the
 20 four people who came forward told me these things
 21 with the understanding that I would pass it on.
 22 Is this information that was brought to
 23 your attention, Cardinal?
 24 A. I don't recall this being brought to my

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1 attention. It's February 14th. None of the forms
 2 stated they had been directly involved
 3 personally --
 4 Q. Yeah.
 5 A. -- with the alleged misconduct.
 6 Q. But this is more alarming information,
 7 isn't it?
 8 A. Oh, it -- it -- it creates an --
 9 MR. KLENK: Objection to the form of the
 10 question. I'm sorry. You can answer it.
 11 THE WITNESS: Well, it -- it -- it creates an
 12 atmosphere of sexual misconduct surrounding a name.
 13 BY MR. ANDERSON:
 14 Q. Showing you 92. This would be a
 15 memorandum dated February 27, '06 and it attaches a
 16 copy of a new allegation received by their office
 17 on February 24, '06.
 18 So this would be another allegation
 19 against Bennett which would, by my count, be
 20 allegation number nine, sound correct?
 21 A. By someone unknown.
 22 Q. Showing you Exhibit 93. This is March 23,
 23 '06, a letter to Shauna Bollker, Assistant State
 24 Attorney, from John O'Malley, the director of legal

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1 service for the Archdiocese, copied to others. And
 2 it states please be advised the Archdiocese of
 3 Chicago received a notice of investigation from the
 4 Department of Children and Family Services dated
 5 February 2, '06 on behalf of, quote, unknown two
 6 minor, unquote. The unknown minor alleged that an
 7 Archdiocesan priest, Father Joe Bennett, had
 8 sexually abused him/her at Holy Ghost Church in
 9 South Holland.
 10 What do you know about this?
 11 A. The date is unknown. The accuser is
 12 unknown. Someone received a call at the DCFS that
 13 told us and we told the State's Attorney according
 14 to our policy to share any information with the
 15 civil authorities even in this case about an act
 16 whose date is unknown and the accuser is unknown
 17 but I think we depend, therefore, on DCFS to do the
 18 investigating.
 19 Q. Okay.
 20 And if this is a minor, that is, somebody
 21 under the age of 18, this is recent, isn't it?
 22 A. Well, that is unknown. The date of birth
 23 is unknown.
 24 Q. But it's being referred to as a minor,

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1 first time you've seen it -- what would you -- what
 2 are you going to do about this?
 3 A. It was given, I'm sure, to Leah McCluskey
 4 to open a file for an unknown accuser whose date of
 5 birth is unknown and a date of the alleged incident
 6 is also unknown. And it's important to have those
 7 files because then when other information comes in,
 8 you have a framework to put it into.
 9 Q. It's even more important to have some of
 10 these facts known, whether there is a minor out
 11 there who has been abused by Father Bennett and get
 12 some facts known, isn't it?
 13 A. To the extent that it's possible to know
 14 that, yes. DCFS is investigating, apparently.
 15 Q. What is the Archdiocese doing about it?
 16 A. We are saying if someone unknown
 17 previously comes forward with a date for the
 18 alleged abuse which is still unknown and is willing
 19 to say that he or she was a minor when the abuse
 20 took place, we have a case that we can investigate.
 21 Q. Look at 94.
 22 A. I don't know what else --
 23 MR. KLENK: We don't have 94.
 24 THE WITNESS: I'm sorry. I don't have 94.

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1 isn't it?
 2 A. How would you know it if it's unknown?
 3 The date of birth is unknown. I'm sorry. I don't
 4 mean to be difficult. It just that -- it says date
 5 of birth is unknown. Date of alleged abuse is
 6 unknown. The minor is unknown.
 7 Q. Well, that's, you know, one of the reasons
 8 I'm inquiring of you, Cardinal, because I think
 9 you've said that you really want to protect these
 10 children.
 11 A. Absolutely.
 12 Q. And if -- if this is a minor, that means
 13 that is a recent allegation and I guess I'm asking
 14 you that -- if you know anything more about this
 15 than what -- what is reflected in the document?
 16 A. I --
 17 MR. KLENK: Objection -- objection to the form
 18 of the question and the assumptions in it.
 19 Go ahead.
 20 THE WITNESS: I don't and the document doesn't
 21 know anything about it either.
 22 BY MR. ANDERSON:
 23 Q. Well, now that you reviewed this document
 24 and I presented it to you, and I presume for the

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1 BY MR. ANDERSON:
 2 Q. This is dated May 3, 2006, a memorandum
 3 again, Archdiocese, copy to a number -- the same
 4 individuals. May 3rd, PRA received a phone call
 5 today from Ms. Brigitte Broadway of the department
 6 regarding Mr. Blank allegation of sexual misconduct
 7 of a minor against Reverend Bennett.
 8 This would be, by my count, now 11
 9 allegations against him?
 10 A. Joe Bennett is withdrawn.
 11 Q. Yes.
 12 A. This is old actions which I'm sure are
 13 being investigated now so that the victim can be
 14 helped. That's the protocol.
 15 Q. And you'll look at the third paragraph
 16 from the bottom, it states Ms. Broadway stated that
 17 she was calling to clarify if PRA had or had not
 18 spoken with blank and/or knew of his claim that
 19 Father Bennett had molested his children.
 20 Children is in the plural, isn't it, so
 21 that's more than one?
 22 A. Yes.
 23 Q. So there's -- okay. Let's look at number
 24 98. This, again, is another memorandum. This one

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1 dated June 29, '06. Ms. Broadway expressing her
2 frustration and at the third paragraph,
3 Ms. Broadway then asked PRA the following
4 questions, what is the status?
5 A. Uh-huh.
6 Q. And at the second page, the paragraph
7 indented right above the last paragraph begins with
8 ask PRA. I'd like to read that and ask you a
9 question. Ask PRA if anyone at the Archdiocese of
10 Chicago has spoken with either Ms. Blank or
11 Ms. Blank. PRA provided Ms. Broadway with
12 Dr. Michael Bland's name and contact information.
13 This appears to be another victim so that
14 would be, if it is, victim 12, correct?
15 A. I don't know if it's another victim. The
16 first paragraph would lead me to think it might be
17 Jane Doe One and Jane Doe Two.
18 This is testimony to our ongoing
19 cooperation with DCFS, the civil authorities, in
20 trying to pursue every bit of information that they
21 get and that we get. And in that sense, to reach
22 out. This is the Victim's Assistance Ministry
23 report of how they had reached out to the victims
24 to try to be of some help.

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1 Q. And that outreach that you're referring to
2 by Victim's Assistance Ministry is done privately
3 between them and the victims, right?
4 A. Yes. It's counseling. It's spiritual
5 help. Privately, it's known --
6 Q. Cardinal --
7 A. The lawyers know it.
8 Q. Okay.
9 Cardinal, as of June 29, 2006, what had
10 the Archdiocese done to reach out to the public and
11 the community of faith to inform them that other
12 victims of Bennett have come forward?
13 A. We've informed every parish where he has
14 been stationed that if there are other victims,
15 they should come forward which is why [REDACTED]
16 in the other parish has come forward with other
17 information.
18 Q. To date, the only news accounts that have
19 been publically disseminated by the Archdiocese is
20 been -- has been Dwyer's statement there was one
21 allegation that resulted in his removal, that's it?
22 MR. KLENK: Objection.
23 Go ahead.
24 THE WITNESS: I tell you that's -- that's not

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1 true.
2 BY MR. ANDERSON:
3 Q. Well, tell me, Cardinal, then if there is
4 any other information --
5 A. The withdrawal was public.
6 Q. Just a moment. Let me ask the question.
7 A. I'm sorry. I'm sorry. Sure.
8 Q. That's okay.
9 Tell me, Cardinal, if there's been any
10 other information disseminated by the Archdiocese
11 representatives, your office or otherwise, other
12 than that given by father -- the public relations,
13 Mr. Dwyer, that -- that there was one allegation
14 resulted in Bennett's removal?
15 A. I'm sure there were other reports when he
16 was removed. That was one story. Whenever we
17 remove a priest, there are reports in the paper and
18 explanations given.
19 Q. But what has the public been told?
20 A. In the paper, they can read the fact of
21 the removal for reasonable cause to suspect that he
22 had abused a minor.
23 Q. For one allegation, right?
24 A. No. That's just one story you read. The

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1 papers were full of these stories.
2 Q. I know but has there been any
3 dissemination by you or the Archdiocese beyond that
4 which I showed you there was one allegation?
5 A. Yes, of course.
6 Q. There -- of course? Why do you say that?
7 Where is it? I haven't seen it.
8 A. We go to every single parish where he
9 served and said there have been allegations against
10 him and we have reasonable cause to suspect and,
11 therefore, he's removed from ministry. Would other
12 victims please come forward. That's dissemination
13 it seems to me, sir.
14 Q. Cardinal, I got to tell you, you know that
15 I've been working across the table with the
16 Archdiocese in connection with these cases for a
17 long time.
18 You know that?
19 A. I respect your work, sir.
20 Q. And you got to know -- and this is a
21 question -- I am absolutely shocked to have gotten
22 this information that I've reviewed with you this
23 week and to have seen now that there are as many as
24 a dozen allegations against Bennett. It came as a

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<p>1 complete shock to me and I'm tracking everything 2 that you are doing on this issue. 3 Why is it that this comes as news to me 4 when you claim that people -- all these other 5 people know this? 6 MR. KLENK: I object to the form of the 7 question. 8 BY MR. ANDERSON: 9 Q. What do you think? 10 A. Well, you learn, don't you, sir, of 11 allegations when accusers come to you and ask to be 12 defended which you do well. In every one of these 13 cases, the Archdiocese is addressing with the help 14 of another lawyer or yourself the claim. The 15 Victim's Assistance Ministry is outreaching to 16 them. The civil authorities are informed. 17 Bennett is out of ministry permanently. 18 Q. But the people out there believe that 19 there was only one allegation. I was lead to 20 believe that the Archdiocese thought there was only 21 one allegation until this week, Cardinal. 22 A. Well, the people who are writing in know 23 there are more than one allegation and that all 24 goes into the newspapers, sir.</p> <p style="text-align: right;">229</p>	<p>1 A. Every time the Review Board comes up with 2 reasonable cause to suspect, we look at where we 3 should bring that information next. So I think the 4 information is public, sir. 5 Q. If it's not -- 6 A. His name is on the list. It's been in the 7 newspapers. Others have come in because it is 8 public. The very fact the people come forward, 9 doesn't that mean, I think, that -- 10 Q. Well, others came forward because his 11 removal was made public and his removal was, 12 according to Dwyer, based on one allegation. We 13 now know that there are at least a dozen. 14 And so those victims who are still 15 suffering in silence who may not have come forward 16 and those that did and weren't believed the first 17 time, don't you think they need to know as well as 18 the public that this priest may have abused this 19 many kids? 20 MR. KLENK: Objection, compound to the form. 21 You can answer. 22 THE WITNESS: To the last thing, I believe the 23 public does know, sir, and that's why we're getting 24 more allegations.</p> <p style="text-align: right;">231</p>
<p>1 Q. I'm going to show you 81. 2 Do you have doubt whether Joe Bennett 3 committed sexual abuse against minors, Cardinal? 4 A. No. I share the Review Board's 5 conviction. 6 Q. That he abused minors? 7 A. Yes. 8 Q. How many do you believe he abused? 9 A. Well, you've presented a good number here. 10 I don't know of all these cases. I wasn't aware -- 11 haven't had findings in all these cases. So I 12 usually wait for the Review Board's finding before 13 I make up my own mind but I would say -- yeah, 14 the -- the ones that the Review Board has found 15 reasonable cause to suspect, I'm sure of those. 16 The others are still being investigated. 17 Q. Okay. 18 Cardinal, I have presented to you in 19 making this case to you the documents that the 20 Archdiocese has retained and I just received this 21 week. 22 Wouldn't you agree that it's time for you 23 and us to make this information that we just shared 24 here on the record known to the public?</p> <p style="text-align: right;">230</p>	<p>1 BY MR. ANDERSON: 2 Q. You know that -- 3 A. I think -- go ahead. I'm sorry. 4 MR. KLENK: He was going to finish his answer. 5 THE WITNESS: Go ahead. 6 MR. ANDERSON: No. You finish, please. I 7 didn't meant to interrupt. 8 THE WITNESS: I agree with you that we should 9 go back and check again in the case of the two 10 where a prior Review Board had found there was no 11 reasonable cause to suspect, to reach out to them 12 as possible victims. 13 MR. ANDERSON: Okay. 14 BY MR. ANDERSON: 15 Q. Well, I'm -- I'm asking you to consider 16 and having your representatives consider making a 17 further public dissemination that elaborates on the 18 information that I've presented to you and the case 19 that I made here today. I'm asking you to consider 20 doing that. 21 Will you consider that? 22 23 24</p> <p style="text-align: right;">232</p>

1 A. Of course, I'll consider anything that we
2 can do to be sure that more victims come forward
3 and know they're not alone.
4 Q. You understand and you've come to
5 understand that victims of abuse by clergy and any
6 authority figure suffer in silence and they blame
7 themselves and they think they're the only ones,
8 right?
9 A. I -- I have heard many say that. That's
10 why the importance of making this so public because
11 then they have a chance to know I'm not alone. I
12 don't have to imagine I'm the only one. That's
13 very important, yes.
14 Q. Okay.
15 Cardinal, I'm going to show you 81.
16 Do you have that before you?
17 A. Yes, I have.
18 Q. Okay.
19 This is from you to a Mr. [REDACTED].
20 And what is this? Is this a response to a
21 letter received?
22 A. This is a response to a man from South
23 Holland who was very adamantly convinced that
24 Father Bennett was innocent and was being

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1 mistreated by the Archdiocese in being removed.
2 Q. And -- and you did respond to him and
3 provide him with the information -- with this
4 information in this letter, right?
5 A. Yes, sir.
6 Q. In the second paragraph, you say as you
7 may know, the Archdiocese of Chicago follows the
8 national protocols for investigating allegations of
9 sexual abuse against a priest.
10 Did you and your Archdiocese follow the --
11 the national protocols for the investigating the
12 allegation made against Bennett?
13 A. Yes, we did.
14 Q. It then says the allegations -- excuse
15 me -- the allegation.
16 That's singular, isn't it, not
17 allegations?
18 A. Yes, because that's all he was talking to me about.
19 He was talking to me about Jane Doe One.
20 Q. Well, he was talking to you about one
21 allegation because there's only been one allegation
22 that's been made public, right?
23 A. No, because it's the only one that he had
24 a personal opinion about as far as I know from his

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1 letter.
2 Q. Okay.
3 The sentence says the allegation -- and
4 you wrote the allegation against Father Bennett was
5 made about two and one half years ago and the
6 investigation has taken an extraordinary long
7 period of time because of its complexity.
8 That's what you wrote?
9 A. That's true.
10 Q. And, actually, it's taken four years, not
11 two and a half years, correct?
12 A. I don't believe so but I'd have to go back
13 and check the dates. I'm sorry if that's
14 incorrect. I believe, again, we're talking about
15 Jane Doe One.
16 Q. Then you write normally, the investigation
17 is finished and a decision has been made before the
18 future of a priest is decided. In the case of
19 Father Bennett, because the investigation had taken
20 so long, there were external pressures.
21 What external pressures?
22 A. The change in the policy because of the
23 McCormack case. He was asking why when it wasn't
24 completed he was still taken out. We changed our

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1 policy.
2 Q. And when you say that the -- because the
3 investigation had taken so long, the fact is,
4 Cardinal, the investigation took so long because
5 once the Review Board made its recommendation, you
6 chose to get the file and delay it and do your own?
7 A. I didn't do an investigation. I wanted to
8 see what the victims were saying because it did
9 take a very long time for Leah to visit all these
10 people in Washington, in San Antonio. The victims
11 were scattered across the length of the land. It
12 took a long time to get the investigation even
13 before the Review Board in complete form. Longer
14 than usual.
15 Q. The next paragraph says with you, I hope
16 that Father Bennett is innocent of these
17 allegations.
18 A. I always hope that an allegation is not
19 true because it means somebody's been hurt.
20 Q. Well, if you just told me that you believe
21 he had did it -- done it as you did here under oath
22 today, why didn't you tell Mr. [REDACTED] you believe
23 that this allegation was -- was true and that there
24 were many more allegations that have been made?

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1 Why didn't you tell him?
 2 A. Because I didn't know of all the
 3 allegations that you brought forward at the time
 4 that I wrote this letter.
 5 Q. How many did you know of as of July 14,
 6 2006 when you wrote this?
 7 A. What I had in mind was Jane Doe One, that
 8 was what the letter -- his letter to me which was a
 9 very strong letter in his defense. I was trying to
 10 respond to that.
 11 Q. You then write the Review Board does
 12 careful work but should the Holy See find he is
 13 innocent of these charges, he will be returned to
 14 active ministry unless there are charges to be
 15 investigated -- excuse me -- unless there are other
 16 charges to be investigated.
 17 So you're implying here that there are no
 18 other charges to be investigated?
 19 A. No. I can't tell people about other
 20 victims. I can't divulge that kind of information
 21 and I was in a sense telling him that even though
 22 you may think he's innocent here, there are
 23 probably other charges to be investigated.
 24 Q. You can tell him there are multiple

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1 allegations against Father Bennett, some of which
 2 have been found to have been -- cause to believe
 3 were true and further allegations to be
 4 investigated, couldn't you?
 5 A. Would you go over that again, please?
 6 Q. You could have told this person in July
 7 of 2006 that there were two substantiated
 8 allegations and there have been other allegations
 9 that are being investigated that have been brought
 10 against Bennett?
 11 A. I did tell him that by saying unless there
 12 are other charges to be investigated.
 13 Q. No. You said unless there are other
 14 charges to be investigated. You didn't tell him
 15 there are other charges being investigated?
 16 A. No, but that's enough to tell him that
 17 just because he's concerned about one case doesn't
 18 mean it's the only case.
 19 Q. You chose these words, didn't you,
 20 Cardinal?
 21 A. And that's what I meant to say.
 22 Q. Look at the P.S. P.S., we have no choice
 23 but to send the case.
 24 When you say we have no choice --

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1 A. That's right. That's the protocol.
 2 Q. -- but to send the case to the Holy See
 3 for review, that is the regulation for every case?
 4 A. That's true.
 5 Q. You then go on to say, of course, I hope
 6 Father Bennett is innocent. Who would not?
 7 A. I hope all the charges are not true
 8 because it means that somebody's been abused.
 9 That's a terrible, terrible development in
 10 someone's life. You always hope that the
 11 allegation isn't quite what the accuser says it is.
 12 Q. Well, hope is one thing but facts are
 13 another and the facts are that there have been
 14 multiple allegations against this priest and
 15 instead of telling this writer this, you told him
 16 that you're hoping he's innocent, right?
 17 A. I would hope that he would be innocent. I
 18 don't believe it but who would not, that's what I
 19 said.
 20 Q. Then why didn't you tell this writer that
 21 you -- that not only you didn't believe it, that
 22 your board didn't believe it and that there were
 23 multiple allegations? Why didn't you do that?
 24 MR. KLENK: Please don't point at the witness.

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1 MR. ANDERSON: I didn't.
 2 THE WITNESS: I think the letter says that in a
 3 form that a very, very angry friend and defender of
 4 Father Bennett might take to heart. That's what I
 5 was hoping to do here.
 6 BY MR. ANDERSON:
 7 Q. The last sentence I'm going to read and
 8 then I'd like to ask you about it. You state
 9 rather than with me, I suggest you talk to his
 10 accusers.
 11 Cardinal, are you telling Mr. [REDACTED] to
 12 contact these victims and intimidate them or
 13 interrogate --
 14 A. No.
 15 Q. -- them and talk to them?
 16 MR. KLENK: Objection.
 17 THE WITNESS: No, I'm not saying that.
 18 BY MR. ANDERSON:
 19 Q. What are you saying to him?
 20 A. He wanted to know the details of the
 21 allegations, what was said and I can't divulge
 22 that. It would be wrong to divulge that. The only
 23 one -- he knows the -- he knows the accuser. If he
 24 wants to get the kind of information he wants, he

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1 can't get it from me.
 2 Q. This is, obviously, a man of faith that
 3 had contacted you that you are writing back and you
 4 are giving him guidance to contact the accusers.
 5 And you used the word accusers, right?
 6 A. That's correct.
 7 Q. You don't use the word victims who have
 8 been found to have been credibly believed by me and
 9 the Review Board, do you?
 10 A. No, I don't.
 11 Q. You call them accusers like this is
 12 unsubstantiated, don't you?
 13 A. It's the word he used in his letter to me.
 14 Q. This is not good, is it, Cardinal?
 15 A. It could have been better written, yes.
 16 Q. Cardinal, don't you think you ought to
 17 correct this? You ought to write this guy and say,
 18 look, I've got some more information and the
 19 information is as we've established here today, we
 20 know there are multiple accusers, we know that your
 21 board has found it to be true and we know that you
 22 believe it to be true and --
 23 MR. KLENK: Please don't point at this witness.
 24 MR. ANDERSON: I'm just --

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1 of Raymond Skriba, S-K-R-I-B-A?
 2 A. Yes.
 3 Q. And do you recall that the Review Board
 4 found that there were credible allegations that had
 5 been made against him; that you continued him in
 6 ministry after that finding?
 7 A. He was removed from ministry as he is now
 8 and I thought it was on the basis of what the
 9 Review Board found.
 10 Q. Don't you recall that before you removed
 11 him and after they made the finding of cause to
 12 believe that you asked the Board to go back and
 13 take another look at it?
 14 A. If I did, it was because other information
 15 had come to me either from the parish or from
 16 someone else that meant the discussion wasn't
 17 completed.
 18 Q. And do you recall then that you did not
 19 remove him immediately on the recommendation but
 20 rather did so later after you had asked them to
 21 reconsider?
 22 A. I don't recall all the details but it
 23 would have been on the basis of further information
 24 that I wasn't sure they had considered.

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1 MR. KLENK: You are.
 2 MR. ANDERSON: I apologize for pointing. I'm
 3 just using my hand to direct my question.
 4 THE WITNESS: Sure.
 5 BY MR. ANDERSON:
 6 Q. Don't you think it's time to write
 7 Mr. [REDACTED] and set the record straight here?
 8 A. I think I will make inquiry about him and
 9 I had thought even when I wrote this that the time
 10 was going to come when we would go back and I would
 11 go back personally to South Holland after the Holy
 12 See has returned the case to us, as I'm sure they
 13 will, with permanent removal and explain the whole
 14 situation to everybody once again.
 15 Q. Okay. Thank you, Cardinal. I appreciate
 16 that you're going to do that.
 17 A. Yes.
 18 Q. And I appreciate that you're going to do
 19 that soon because --
 20 A. Well, I was supposed to do it in two weeks
 21 and we don't have the case back and the present
 22 pastor said it's best to wait until we have the
 23 case back.
 24 Q. Cardinal, there was a priest by the name

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1 Q. And at least, initially, you agreed then
 2 that you did not follow the recommendation of the
 3 Board in connection with Skriba?
 4 A. Well, I did but I --
 5 Q. Not initially?
 6 MR. KLENK: Please -- please let him finish.
 7 THE WITNESS: I did but I wanted them to be
 8 sure they had all the information.
 9 BY MR. ANDERSON:
 10 Q. In the -- and there's several other cases
 11 where you did not follow the recommendation of the
 12 Review Board and we've talked about McCormack where
 13 you didn't?
 14 A. That was advice. It was not reasonable
 15 cause to suspect. I asked them to finish the
 16 investigation.
 17 Q. And October 15, '05, the Board found and
 18 recommended removal and you did not follow that?
 19 A. Because they didn't -- couldn't tell me
 20 that there was reasonable cause to suspect. The
 21 investigation wasn't finished but I wish I had.
 22 You're -- you're -- what you're saying is -- is --
 23 I've taken to heart. I'm very sorry.
 24 Q. In connection with Father Mayday, the

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1 Board recommended laicization, did they not?
 2 A. And he has been laicized.
 3 Q. And you --
 4 A. I'm not sure that the Board recommended
 5 that, sir, but we have acted to laicize him.
 6 Q. Do you have recollection that the Board
 7 having recommended to you on three different
 8 occasions in 2000 that Mayday be laicized and you
 9 declined to follow that?
 10 A. I don't recall that. Mayday was in prison
 11 when I came to the Archdiocese so I've never talked
 12 to him and I don't recall all the incidents of the
 13 further allegations that have come since he's in
 14 prison.
 15 Q. When was Mayday laicized?
 16 A. A few months ago.
 17 Q. When did you petition for it?
 18 A. Some months before that.
 19 Q. So it was this year sometime -- or late
 20 last year?
 21 A. I don't remember the exact date.
 22 Q. Are you aware that Mayday is in prison
 23 now?
 24 A. I believe he's in protective custody of

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1 A. Yes. When his 20-year term was coming to
 2 an end and the State was going to release him,
 3 because I'd come to know of the case in more detail
 4 and the many allegations were coming forward and
 5 because he would not take the treatment that the
 6 State wanted to give him, I consider him a danger
 7 to children and I made that case to the State and
 8 asked him to keep him in some sense in custody to
 9 protect children.
 10 Q. Cardinal, the attorney for the State of
 11 Wisconsin who is attempting to civilly commit
 12 Mayday contacted me and reported to me that you and
 13 your office was refusing to provide them with the
 14 information concerning Father Mayday so they could
 15 civilly commit him.
 16 MR. KLENK: Objection. I'm sorry.
 17 BY MR. ANDERSON:
 18 Q. Have you at any time become aware that
 19 those that are trying to commit him are under the
 20 belief that you're refusing to cooperate?
 21 MR. KLENK: Objection to the form of the
 22 question and evidentiary assumptions in it.
 23 THE WITNESS: I wrote a letter, maybe two,
 24 asking that the State of Wisconsin not release him

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1 the State of Wisconsin at our request.
 2 Q. And he had been and was in prison for
 3 three counts of sexual assault on a minor and one
 4 count of intimidation of a witness?
 5 A. I wasn't sure of the last one. I knew he
 6 was in prison, I was told when I got here, for
 7 sexual abuse of a minor child.
 8 Q. Other than him being a priest of the
 9 Archdiocese, do you have any special relationship
 10 with or to him?
 11 A. No. I've never met him.
 12 Q. Do you know how many allegations of sexual
 13 abuse have been made and/or recorded by the
 14 Archdiocese against Father Mayday?
 15 A. I don't know the number but they are
 16 multiple.
 17 Q. My staff has counted between 35 and 45.
 18 Does that come as a shock or news to you?
 19 A. I didn't know it was that high but I knew
 20 there were a good number.
 21 Q. That's actually a bad number, isn't it?
 22 A. Yes, it is.
 23 Q. Did you participate in any way or help in
 24 trying to get him civilly committed?

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1 for the protection of children. I don't understand
 2 what you're telling me. It's news to me.
 3 BY MR. ANDERSON:
 4 Q. Well, I'm representing to you that they
 5 contacted me three months ago and said they were
 6 petitioning him. He was scheduled to get out of
 7 prison and they were petitioning to civilly commit
 8 him.
 9 A. Yes.
 10 Q. They were trying to get files and
 11 allegations regarding Mayday so they could commit
 12 him as a predator, sexual offender after his
 13 release.
 14 A. Uh-huh.
 15 Q. And they told me that your office would
 16 not give them the files so they got them from me.
 17 Do you know anything about that?
 18 A. No, I don't. I asked them to do just
 19 that. I wrote two letters, I believe.
 20 Q. I'd like to show you Exhibit 21. Now,
 21 this is dated September 8, 1997 and so this would
 22 be shortly after your appointment and installation
 23 as cardinal -- as Archbishop of Chicago, correct?
 24 A. Yes.

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1 Q. And this is a letter to then the Governor
2 of Wisconsin where Mayday is incarcerated --
3 A. Yes.
4 Q. -- Tommy Thompson?
5 A. Uh-huh.
6 Q. And the first sentence, you say thank you
7 for your personal thoughtfulness in granting an
8 extra -- extraordinary permission for the body of
9 Catherine Mayday to be brought to the Fox Lake
10 Correctional Facility for the viewing of her son
11 Norbert. It was an exceptional act of charity.
12 Are you seeking some special privileges be
13 granted Father Mayday?
14 A. I asked that he be able to see the body of
15 his mother whose death apparently, as I was told,
16 had affected him grievously.
17 Q. Was it granted?
18 A. Yes, it was. That's why I wrote this
19 letter of thanks.
20 Q. Showing you 22. It says October of '97, a
21 month later the same year. And the Vicar for
22 Priests, then McBrady, at -- I presume with your
23 permission writes to Robert Mayday -- excuse me --
24 Norbert Mayday in prison, Dear Norb and I'd like to

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1 to do this program so he can get out early, right?
2 A. Yes. This was '97 before the full extent
3 of his crimes was evident and the attempt was to
4 make him come to recognize the evil that he had
5 done, the abuse of children, which he could not do.
6 And one way to force him to do that was to say this
7 is the only chance you have as you appeal for an
8 early release. If you don't take this, there will
9 be no chance of early release.
10 Q. It doesn't say that in your -- in -- in
11 the letter, though.
12 The end game here in the letter is to
13 secure an early release, isn't it?
14 A. No. The end game is to get him to go to
15 treatment.
16 Q. Okay.
17 A. Early release is the carrot that is
18 dangled in front of him to keep the hope of early
19 release there.
20 Q. Let's look at 23. This is another letter
21 but this one is from you directly to
22 Father Mayday --
23 A. Uh-huh.
24 Q. -- at prison. He's still a priest of the

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1 read from the second paragraph in the middle. I
2 met with Warden Berge and Associate Warden Benik
3 who, as you know, oversees treatment programs.
4 They were both adamant that no special program
5 would be designed for you or any other inmate.
6 Were you seeking through your Vicar for
7 Priests then some special treatment for him?
8 A. No, I was not. He was seeking special
9 treatment for himself.
10 Q. The next paragraph says that the
11 Archbishop would like you to go to the Oshkosh
12 program because he feels this is your best
13 opportunity.
14 Is this -- does that mean that's his best
15 opportunity for early release?
16 A. It meant his best opportunity to come to
17 terms with what he had done which he still refuses
18 to do.
19 Q. The last paragraph says the Archbishop
20 hopes you will accept the parameters of your
21 confinement and avail yourself of this program
22 which offers the possibility for early release?
23 A. Yes.
24 Q. So the -- the benefit is to Mayday to --

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1 Archdiocese, however?
2 A. Uh-huh.
3 Q. And it's dated May 23, '98. Second
4 paragraph you state, as one of my priests, you know
5 our relationship is very special to me?
6 A. Uh-huh.
7 Q. At the last sentence of --
8 A. Is a very special one.
9 Q. Excuse me. I'm sorry, I misread.
10 Third paragraph, last sentence, you state
11 entrance into this program is one sure way you can
12 possibly change your entire future and then you
13 state as your Archbishop, I insist you enter the
14 Denier's Group. Know that I urge this for your own
15 good, right?
16 A. That's correct.
17 Q. Then there's your handwritten note to him.
18 Would you read that?
19 A. I still look forward to our meeting and
20 I've asked Father Coughlin to look into the
21 question of your lawyer's actions or better, lack
22 of action.
23 Q. What are you referring to here?
24 A. I was told when the Mayday case, among

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1 others, were -- was first presented to me when I
2 asked for a review of all our cases that this was
3 someone who was incarcerated in Wisconsin without a
4 fair trial. That's what was told me. So I was
5 under the impression that he was guilty but that
6 there were circumstances that elicited some kind of
7 sympathy and I think I was still somewhat
8 sympathetic to him here as I am not now.

9 Q. So you then laboring under the belief that
10 he had been perhaps wrongly incarcerated or --

11 A. No, I did not believe that. Nobody told
12 me that. They believed he did it but that he
13 hadn't had a fair trial.

14 Q. And that he -- okay.

15 I'd like to show you 25. This is
16 December 1, '98 now and from the Professional
17 Fitness Review Administrator to Co-Vicar for
18 Priests, Coughlin. In the second paragraph, she
19 states in reviewing the files, his stipend was
20 decreased to \$200 in November. As Father Mayday
21 requested, we will increase this to \$300 a month.

22 What this seems to reflect and as copied
23 to Paprocki, Mayday is being paid by the
24 Archdiocese while he's in prison; is that right?

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1 Q. Okay.

2 Let me just ask you a couple questions
3 about it. The second -- the first paragraph, last
4 sentence, the Archdiocese established the Vicar for
5 Priests office in '84. One of the principles of
6 the office is to care for priests who have been
7 accused of serious misconduct. The last -- I guess
8 I have no question there. I'm sorry I asked that.

9 The third paragraph, last sentence, it
10 says the Review Board oversees the entire file --
11 excuse me -- entire life situation of such a priest
12 for the duration of his priesthood even if he's
13 released by the court or other public body.

14 That's a correct statement of fact, is it
15 not?

16 A. I'm not sure what it means. If it means
17 that someone who comes out of prison and he is
18 still a priest is subject to the restrictions of
19 the Review Board, yes, that would be true.

20 Q. If you'll look at the second page, you'll
21 see that the Vicar for Priests is making a number
22 of representations to the parole board. And I
23 guess I'll just in the interest of brevity direct
24 you to the last paragraph of the third page.

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1 A. He gets a small stipend -- did as long as
2 he was a priest of the Archdiocese, yes.

3 Q. I'd like to show you 26. This is dated
4 May 20, 1999.

5 A. I wasn't aware of that exact detail
6 because I hadn't seen this before but nonetheless.

7 Q. This is a three-page letter from
8 Reverend Daniel Coughlin who was then the Vicar for
9 Priests, correct?

10 A. That's correct.

11 Q. And this is to Mr. Smith at the Parole
12 Commission for the State of Wisconsin where Mayday
13 is incarcerated?

14 A. Uh-huh.

15 Q. The first paragraph, your vicar states --
16 and this is with your permission, of course, he
17 writes, correct?

18 A. I have never seen this before.

19 MR. KLENK: Objection.

20 BY MR. ANDERSON:

21 Q. But it's with your -- under your authority
22 that your -- your Vicar sends a letter such as
23 this?

24 A. In the -- a general fashion, yes.

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1 He states we would be pleased to receive
2 Norbert Mayday into the Archdiocese of Chicago
3 system outlined above. We would also accept
4 financial responsibility for his maintenance,
5 monitoring and then something is blocked out. This
6 would relieve the State of Wisconsin from the
7 financial burden of caring for Mayday.

8 Would he, Coughlin, have made such
9 representation without acting outside of authority
10 given him by you?

11 A. He has authority as vicar but I didn't
12 approve this letter.

13 Q. And now that you've read it, what do you
14 think of it, at least what you've seen?

15 A. What he is doing, I believe, is telling
16 Commissioner Smith here are the restrictions under
17 which Mayday released from Wisconsin prison would
18 live; that he would never be alone with minors;
19 that he would have to keep a log; that he would be
20 monitored; that he could not move without
21 permission of the Professional Fitness
22 Administrator; all of these restrictions to tell
23 him that even if the State of Wisconsin paroled
24 him, he would still be subject to restrictions and

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1 supervision by the Archdiocese. I think it's a
2 straightforward statement in 1999. Maybe
3 Father Coughlin thought that he was going to be
4 released or at least they should know in the Parole
5 Commission what his life would be like when he was
6 released.

7 More recently, as I've said, we asked that
8 he not be released.

9 Q. Well, you're aware that the recent report
10 commissioned by Childers by you in the Archdiocese
11 reflected factual findings and the conclusions that
12 the monitoring program in place by this Archdiocese
13 was grossly deficient?

14 A. That's true. I accept that and that's why
15 we wouldn't write a letter like this today.

16 Q. Showing you Exhibit 28. This is an
17 October '99 letter from the Vicar for Priests
18 McBrady to [REDACTED]. Cardinal George asked that I
19 respond to your letter. Second paragraph, the
20 Vicar for Priests office continues to be in contact
21 with Father Norb and we are looking for ways to
22 bring about his freedom; is that right?

23 A. This is 1999. The assumption that he
24 hadn't been given a fair trial meant that people

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1 were concerned about his not being subjected to his
2 full 20-year sentence and I think that was written
3 in this context.

4 Q. At the time that this letter was written
5 under your authority, did you ever go back to the
6 Mayday file, pull it out and see what was in it?

7 MR. KLENK: I object to the form of the
8 question.

9 Go ahead and answer.

10 THE WITNESS: I went to the Mayday file when we
11 began to get more allegations in the early 2000s.
12 I'm not sure exactly when I first asked to see the
13 file, 2003, 2004. We were getting a number of
14 allegations and I began to realize that this man
15 had seriously abused many, many innocent children.

16 BY MR. ANDERSON:

17 Q. And so the first review you ever did of
18 the Mayday file or any investigation into whether
19 he was innocent or not or had had a fair trial or
20 not and/or had abused kids was in 2002 or three?

21 MR. KLENK: Objection, compound question.

22 THE WITNESS: No, No, that's not true as you
23 say it, sir. Evidently, [REDACTED] and
24 others believed he was innocent and they wrote to

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1 support him in many ways. I did not believe he was
2 innocent. I had been told he didn't have a fair
3 trial but he was not innocent.

4 BY MR. ANDERSON:

5 Q. I'd like to show you 29. This was dated
6 January 12, 2000. This is a letter directly from
7 you to Norbert Mayday in prison.

8 A. Uh-huh.

9 Q. And second paragraph, you state the very
10 calling to mind of Isaiah's words in the year of
11 jubilee echo my prayer for the release of
12 prisoners. As you know, Father Dan Coughlin and
13 the lawyers have something underway. I pray these
14 efforts will bear fruit.

15 At this time, what outreach, if any, had
16 you or effort had you made to discern how many
17 victims Mayday had?

18 A. I was told of the allegations that he
19 pled -- that he had been convicted of. I didn't
20 know, I believe, of many others at that point.

21 This is a father's letter to a son in
22 prison, a sinful son, and it was designed to give
23 him some hope and encouragement. He just lost to
24 death his best friend as well as his mother.

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1 Q. I'd like to show you Exhibit 30. This is
2 a memo to you from McBrady, February 2000, and the
3 first sentence says this is the appropriate time
4 for you to speak with Bishop Wycislo regarding Norb
5 since the paperwork has now been filed with the
6 governor's office.

7 So McBrady is suggesting you should
8 contact the bishop where Mayday is serving his time
9 in -- in -- which is Green Bay. Bishop Wycislo is
10 the Bishop of Green Bay as you know.

11 A. That's correct.

12 Q. To try to intervene on -- on -- on
13 Mayday's behalf with that bishop, right?

14 A. That's correct.

15 Q. And this was being suggested to you and
16 you -- you were doing this because there was
17 some -- some public criticism of the Archdiocese of
18 Chicago for attempting to influence the way things
19 were done and the incarceration of Mayday?

20 A. Uh-huh.

21 Q. Is that right?

22 A. That was -- was told me. I wasn't aware
23 of that.

24 Q. Look at the last bullet point there. It

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1 states it's important for Bishop Wycislo to
2 intercede with the governor in his own name and not
3 merely convey our message. We feel this is
4 important because at the time of the media coverage
5 regarding the prayer service for Mrs. Mayday at the
6 prison, the media take on the story was that
7 Chicago was attempting to influence the way things
8 are done in Wisconsin.

9 So -- so, basically, you're -- you're
10 being advised to contact Wycislo to do it to take
11 the heat off here, is that it?

12 A. In fact, I didn't contact the bishop.

13 Q. Okay.

14 31, March 6, 2000, a letter from you to
15 Mayday again. Second paragraph, as you know, we
16 are trying in Wisconsin to make some definite
17 efforts to have a sentence reduction in your case.

18 What efforts are you making?

19 A. They did some conversations which I'm not
20 aware of. This letter was to try to convince him
21 to go to the Denier's Group, which he would not do,
22 as a condition of his even being considered for
23 early parole and to encourage him personally. It
24 was in 2000.

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1 A. No, I didn't.

2 Q. 32 is a letter to Mayday and it's not
3 signed on our copy because this is a carbon copy
4 that was produced.

5 Do you know if this is written by you or
6 by the Vicar For cleric -- Priests?

7 A. I'm really not sure.

8 Q. Okay.

9 The third paragraph says --

10 A. Oh, it wasn't written by me, obviously,
11 was it?

12 Q. No, it doesn't look like it.

13 A. No.

14 Q. It looks like it's written by Vicar for
15 Clergy. It's referring to you, however?

16 A. Uh-huh. Yes.

17 Q. And it says Dear Norb, third paragraph,
18 our attorney, John O'Malley, continues to monitor
19 developments to gain your early release. As you
20 well know, these things never move quickly but I
21 can assure you it is in progress and the Cardinal
22 remains committed to doing whatever needs to be
23 done.

24 Is that -- is that the state of affairs at

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1 Q. In the middle of the last paragraph, you
2 state it would be great fulfillment of millennium
3 spirit to see your captive heart set free.

4 What does that mean, Cardinal?

5 A. It means that if he goes to the Denier's
6 Group and owns his own behavior, he will be free in
7 a way that is impossible as long as you refuse to
8 accept responsibility for your actions.

9 Q. When you wrote this to Father Mayday, had
10 you written anything to any of his victims wherein
11 you expressed prayers for them and that it would be
12 great fulfillment of the millennium spirit and that
13 you wanted to help them set them free from the
14 captive damage that Mayday had imposed upon them?

15 A. Our Victim's Assistance Ministry is
16 designed to do that and I talk to everyone who asks
17 to talk to me.

18 Q. My question is did you ever take any
19 initiative to write them when they hadn't demanded
20 or personally requested it?

21 A. At this time, I wasn't aware of their
22 names. It all happened before I came to Chicago.

23 Q. But their names are in the file but you
24 never went and looked?

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1 least --

2 A. This is still the year 2000 and, again,
3 these are letters written to encourage him to
4 cooperate with the authorities and to get the
5 psychological help he needs.

6 Q. 34, I'll show you quickly, is a letter
7 directly from you to Norbert Mayday dated September
8 7, 2000. The last sentence in the first paragraph
9 says let us pray for an early release.

10 So you're still working and praying for
11 his release, early?

12 A. This is the year 2000.

13 Q. Got it.

14 A. The last several years, I'm working and
15 praying that he not be released for the protection
16 of kids.

17 Q. I'm going to skip a couple and go to 2002
18 now, February 4th. And this is another letter from
19 you to Mayday in 2002. The second paragraph --

20 MR. KLENK: Could you identify it please for
21 the record, Mr. Anderson.

22 MR. ANDERSON: 39. I'm sorry.

23 BY MR. ANDERSON:

24 Q. Do you have that before you, Cardinal?

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1 A. I have that. Thank you.
2 Q. Second paragraph, you state we have tried
3 as you know a number of avenues to see if your
4 sentenced might be reduced or parole be given
5 early. So far, we have not had any success but
6 we'll keep trying and I personally hope that you
7 will not lose hope.

8 So you haven't reviewed the file yet of
9 Mayday or you have?

10 A. No, I have not.

11 This is a letter from a bishop to a priest
12 to try to be a father to a son.

13 Q. Did -- did it occur to you in 2002 what it
14 would mean to the victims that he had been
15 convicted of having abused as children if you had
16 been successful in facilitating the early release
17 of this convicted offender?

18 A. The victims were being cared for by the
19 Victim's Assistance Ministry. And, in fact, later,
20 I did talk to some in a larger group. The fact
21 that he would never function as a priest again was
22 what most of the victims that I spoke to were most
23 concerned about, not whether he was in prison or
24 not.

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1 Q. Those victims that you referred to that
2 you spoke to, did you ever let them or anybody
3 outside your control group ever know -- ever let
4 them or anybody outside of your control group know
5 that you were trying to secure the early release of
6 Mayday?

7 MR. KLENK: Objection to the form of the
8 question.

9 Please answer.

10 THE WITNESS: It never came up.

11 BY MR. ANDERSON:

12 Q. Exhibit 40. This is a memorandum. This
13 was now June 25, 2003.

14 Would this be a point in time where you
15 have now reviewed the file or have yet to review
16 the file of Mayday?

17 A. I reviewed in this sense, the report from
18 the Review Board itself in this rudimentary fashion
19 of what the cases disclosed in general.

20 Q. Okay.

21 And this is a summary of the discussion
22 from the Professional Fitness Review Board meeting
23 in June of 2003, correct?

24 A. That's correct.

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1 Q. And the last paragraph after stating that
2 they conducted a second stage of an allegation that
3 he had fondled genitals and gave minors alcohol and
4 pot and that he was in bed with somebody who is
5 blanked out at a hotel. Last paragraph, they state
6 in a unanimous six-oh vote, the Review Board
7 recommended to uphold their first stage review
8 recommendation that there is reasonable cause to
9 suspect the alleged misconduct occurred. Further,
10 the Board reiterated their earlier recommendation
11 that Mr. Mayday be laicized.

12 Is that -- did I read that correctly?

13 A. Yes, you did, sir.

14 Q. Did you follow the recommendation of the
15 Review Board in 2003 to initiate the petition for
16 laicization?

17 A. The list of those who would be laicized
18 was being assembled. Until 2002, as you know, sir,
19 a priest had to be asked to be laicized. Often
20 after 2002 at the bishop's request could he be
21 involuntary laicized and we were beginning to put
22 the list together.

23 Father Mayday has been involuntarily
24 laicized now.

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1 Q. Well, I was under the impression that for
2 misconduct and de lex or violations of the canons
3 and crimes that the Ordinary has the power and the
4 ability under the -- the 1913 code of canon law as
5 revised in 1983 to petition Rome for laicization
6 involuntarily.

7 MR. KLENK: Objection, that's not a question.

8 BY MR. ANDERSON:

9 Q. Is that incorrect?

10 A. I believe that's incorrect.

11 Q. In any case, the Board in this exhibit
12 says that they reiterated their earlier
13 recommendation that he be laicized and it's your
14 testimony that you couldn't petition for
15 laicization then?

16 A. In 2003, we were beginning to get the
17 cases of involuntary laicization together but we
18 had to first ask if they would voluntarily be
19 laicized. That was part of the demands of the
20 process from the Holy See.

21 Q. So it took four years until late 2007 to
22 petition that?

23 A. Well, it took a long time for a man who
24 was in prison and, therefore, of no danger to

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1 anyone to get the case together. We had to be sure
2 he would not ask and it took too long probably but
3 he is laicized now.
4 Q. Well, if you had been successful in
5 securing his early release, he would have been a
6 danger to -- to these kids, wouldn't he have?
7 A. Yes --
8 MR. KLENK: Objection.
9 THE WITNESS: -- I suppose but in this case, we
10 were not going that way.
11 BY MR. ANDERSON:
12 Q. 42 --
13 MR. ANDERSON: I'm going to take a brief break
14 here.
15 THE VIDEOGRAPHER: We are going off the record
16 at 5:01 p.m. This is the end of videotape number
17 five.
18 (A short break was taken.)
19 THE VIDEOGRAPHER: We are going back on the
20 record at 5:23 p.m. This is the beginning of
21 videotape number six.
22 BY MR. ANDERSON:
23 Q. Cardinal, I need to go back on something
24 here and try to clarify it.

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1 In that ten days, did the norms change?
2 A. Yes. We recognized that we had to ask a
3 priest to step back while the investigation is
4 going on instead of only after we know that he has
5 offended.
6 Q. The bottom line, Cardinal, is that the
7 norms didn't change. You decided to change the way
8 you were doing business when it came to removal of
9 priests because of McCormack?
10 A. We went beyond the norms and still are
11 beyond the norms.
12 Q. Bottom line is that -- the norms are only
13 guidelines. You're not required to follow those
14 and you, as the Cardinal --
15 A. That's -- I'm sorry.
16 Q. Are you required to follow them?
17 A. I am.
18 Q. You, as Cardinal, had the power and at all
19 times had the power, notwithstanding the norms, to
20 remove McCormack if you thought he posed a risk of
21 harm to children, correct?
22 A. No. A bishop must always follow the norms
23 and laws of the church.
24 Q. Did you say that the norms actually

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1 Regarding McCormack, I believe you
2 testified that you could not remove him from
3 ministry because the norms prevented you from doing
4 so?
5 A. Until the process was completed but the
6 authorities knew and he was restricted and
7 monitored and --
8 Q. Okay.
9 A. -- the protection of children was in the
10 process.
11 Q. And I believe you also said that in
12 connection with Bennett, you removed Bennett before
13 the Board investigation was completed?
14 A. I removed him and then I discovered that
15 they hadn't fulfilled their own protocol in the
16 investigation.
17 Q. But you removed him before the Board
18 investigation was completed, did you not?
19 A. The -- the second time? That was because
20 we changed our policies and asked the priests to
21 step back voluntarily which is our policy now.
22 Q. Cardinal, the removal of McCormack was on
23 January 21, '06. The removal of Bennett was
24 February 1, '06. That's ten days.

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1 changed then between January 21, '06 and
2 February 1, '06?
3 A. Our application of the norms was altered
4 so that we could ask him to voluntarily step aside
5 and he did.
6 Q. So the norms didn't change?
7 A. No.
8 Q. You changed the way you wanted to handle
9 the problem, correct?
10 A. We are still within the norms because the
11 priest voluntarily steps aside. He's not removed
12 until after the Review Board makes its decision and
13 that's within the norms.
14 Q. So you had discretion, if you wanted to,
15 to have removed McCormack just as you did Bennett,
16 correct?
17 A. I did not feel that the norms permitted
18 it.
19 Q. But you did it anyway in the case of
20 Bennett?
21 A. We applied the situations' norms to say
22 would you please step down. That's different from
23 formal canonical removal.
24 Q. There was nothing that prevented you from

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1 having done that with McCormack, was there?
 2 A. Except that the norms that permit us to
 3 impose this penalty also say you can remove from
 4 ministry an offending priest, not an accused
 5 priest.
 6 Q. Did Father Stepek voluntarily step down?
 7 A. Yes, he did.
 8 Q. Is that because you would have begun the
 9 review process if he had not?
 10 A. Would you say that again, please?
 11 Q. Is that because you would have begun the
 12 removal process if he had not?
 13 A. They would have begun to investigate.
 14 They did that right away. We asked him to step
 15 back during the investigation instead of to be
 16 monitored in place while -- until the investigation
 17 was finished, yeah.
 18 Q. I'm going to -- are you suggesting by that
 19 answer then if the priest doesn't step down on his
 20 own having been accused that you're required to
 21 leave him in ministry?
 22 A. I would try to find some way to be sure
 23 that he was not in ministry now while the process
 24 of investigation was going on. I haven't had to

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1 about. So I'm going to ask you if -- if --
 2 about -- about this.
 3 So just to be brief on this, I'll
 4 represent to you that this is a declaration of
 5 Cardinal Norberto Rivera who is, as you know, the
 6 cardinal in Mexico City.
 7 A. Yes, I know.
 8 Q. And it also is in connection with a case
 9 involving Cardinal Roger Mahoney who you know to be
 10 the cardinal in L.A.?
 11 A. Yes.
 12 Q. And this document was filed in a case
 13 where both of them are named as defendants and
 14 Cardinal Rivera filed this, I'll represent, to
 15 explain his actions in that connection.
 16 And I direct your attention in this
 17 affidavit to the third page of it and the bottom of
 18 the affidavit. I'm just going to read a passage as
 19 recited by Cardinal Rivera under oath. However,
 20 because I suspected that Father Aguilar might be
 21 homosexual, I cautioned that the motivation for
 22 Father Aguilar's trip to Los Angeles was, quote,
 23 family and health reasons, unquote. The phrase
 24 family and health reasons was used within the

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1 find one so far because they've cooperated.
 2 Q. In other words, if you have the will,
 3 there is a way, Cardinal, right?
 4 MR. KLENK: Please don't point at the man.
 5 THE WITNESS: Within the process and the norms,
 6 a bishop must obey the rules of the church. We're
 7 all in a society of law in the church too.
 8 BY MR. ANDERSON:
 9 Q. In other words, if you have the will and
 10 you want to, there is a way within the norms and
 11 the process of the church to remove an offender
 12 who --
 13 A. Not always. You have to -- I'm sorry.
 14 Q. Just a moment.
 15 -- to remove an offender from ministry who
 16 may pose a risk of harm to children, right?
 17 A. Within -- within the rules that govern my
 18 conduct.
 19 Q. Cardinal, I'm going to show you 214. Now,
 20 this is a document that we had supplied that is in
 21 connection with another case. No case pertaining
 22 to this Archdiocese. It is a document filed with
 23 the court by another cardinal pertaining to some --
 24 some practices that these two cardinals are talking

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1 church to warn that a priest suffers from some sort
 2 of problem.
 3 My question to you, Cardinal, as a
 4 cardinal and former bishop and former Vicar General
 5 of the Oblates order, is it or was it -- is that
 6 correct? Is that phrase, family and health
 7 reasons, somehow used within the church by bishops
 8 and cardinals to warn if a priest suffers from some
 9 sort of problem?
 10 MR. KLENK: I would object to the form of the
 11 question. Also, that it's not likely to lead to
 12 discovery of admissible evidence in any dispute.
 13 You can answer.
 14 THE WITNESS: I don't recognize that as some
 15 kind of phrase to indicate a problem other than
 16 family and health reasons.
 17 BY MR. ANDERSON:
 18 Q. I've looked at a lot of files that have
 19 been maintained by the Archdiocese and there are
 20 often references to a problem, the problem and the
 21 like.
 22 ... Is there a code or a phrase such as the
 23 problem reoccurring and the problem being used
 24 among leadership in the church that's code for

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1 sexual abuse?
 2 MR. KLENK: Objection, form.
 3 THE WITNESS: I know of no such code. I don't
 4 use it. Never have. I'm not sure what they use in
 5 Mexico or what they may have used in years past
 6 even here but there is no such code that I'm
 7 familiar with or was ever introduced to.
 8 BY MR. ANDERSON:
 9 Q. Is there a code of secrecy among the
 10 clerics and the bishops in particular to keep
 11 offenses by their clerics secret to avoid scandal?
 12 A. No.
 13 Q. Why, Cardinal, until recently did you not
 14 make known the names of all of the offenders that
 15 have been known to this Archdiocese for so many
 16 years public?
 17 A. They were made known when they were
 18 removed from ministry and everyone was alerted to
 19 that fact. Their names appeared in the newspapers
 20 and have many times. Their names are public in
 21 the -- the website so that if somebody wants to
 22 check about the history of a priest to know if
 23 there was an allegation substantiated against him,
 24 that name is on our website.

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1 Q. Cardinal, isn't it correct that when
 2 priests were removed before 2002 from ministry by
 3 the Archdiocese for suspected sexual offenses, the
 4 parishioners were told they were being removed but
 5 they said it was for problems unspecified?
 6 A. I don't know what the past practice was.
 7 Q. I'm saying before 2002.
 8 A. When I came, the practice was to notify
 9 the parishes if we withdrew a priest for this crime
 10 and to say why he was removed. That's what I was
 11 told.
 12 Q. Can you tell me one instance, cite one
 13 instance between 1997 and 2002 where the
 14 parishioners were told the priest was being removed
 15 because he was suspected of or had committed sexual
 16 abuse?
 17 A. I don't know right now that I can recall
 18 any such removals.
 19 Q. Cardinal, I'd like to -- I'd like to draw
 20 your attention to Exhibit 208. This is a lawsuit
 21 that we filed against the Archdiocese and naming
 22 the Catholic Bishop and this was served and made
 23 public on January 31, 2006. You became aware of
 24 this action, did you not? This action was

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1 specifically to require this Archdiocese to make
 2 public the names of those offenders who had been
 3 found to have had credible allegations made against
 4 them to be made public and known to the community
 5 of faith.
 6 Do you recall this suit?
 7 A. I don't recall it as such. I recall the
 8 fact that there was such a suit to make public the
 9 names of all the offenders.
 10 Q. Yes.
 11 A. Yes.
 12 Q. And you can see on the date of this that
 13 it was filed on or about January 31, 2006.
 14 Is it correct, Cardinal, that as of that
 15 time, the names of the offenders known to you and
 16 the Archdiocese --
 17 MR. KLENK: Please don't point.
 18 BY MR. ANDERSON:
 19 Q. Isn't it correct that the names of the
 20 offenders known to you and the Archdiocese had not
 21 been made public as of January 31, 2006?
 22 A. Oh, they were public. They were in the
 23 newspapers. They were on our website. They were
 24 public.

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1 Q. Is it your testimony that the names of the
 2 offenders were posted on the website?
 3 A. Well, all the priests were on the website
 4 and anyone could write and ask for a complete file
 5 of the priest's history and then they would know if
 6 there was an allegation against him or not.
 7 Q. Isn't it correct that before February 1,
 8 2006 if somebody wanted to know if a priest had
 9 been credibly accused, they had to write the
 10 Archdiocese and request the information?
 11 A. That's true.
 12 Q. And isn't it true that there was no
 13 website that they could look on at that time that
 14 would tell them that information unless they
 15 requested it?
 16 A. That's true.
 17 Q. And isn't it also true that, ultimately,
 18 after this lawsuit was filed, that -- that you and
 19 the Archdiocese did create a website where those
 20 names were posted?
 21 A. Separately as a list. Given the fact that
 22 they were all out there anyway, with the exception
 23 of a few priests who were accused only after they
 24 had left the ministry, we decided it was good in

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1 the present circumstances to publish a list as
2 such.
3 Q. What prevented you, as Cardinal Archbishop
4 of the Archdiocese of Chicago, of making those
5 names public until you did put them on your website
6 sometime in 2006?
7 A. They were public, sir.
8 Q. I'm talking about a listing of the names.
9 A. To put a separate list, is that what --
10 Q. Yes.
11 What prevented you from having put the
12 list that you had already compiled and had in your
13 possession and making it public and known to the
14 public by posting it before 2006?
15 A. A concern that the process wasn't perfect
16 and reasonable cause to suspect is a very, very low
17 threshold and, therefore, it wasn't perhaps fair to
18 bring out the names of deceased people who had had
19 no chance to defend themselves, the names of
20 priests who had already left the ministry. A
21 concern of that nature about fairness.
22 Q. You didn't want to post that information
23 until 2006 because you wanted to protect against
24 false allegations and rash removals, right?

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1 A. Perhaps in part but that is hard for me to
2 reconstruct my mind-set. I'm sorry.
3 Q. I quoted you when I said protect against
4 false allegations and rash removals.
5 Do you remember using those words?
6 A. I don't remember but as I said, in part,
7 that would have been something that shaped my
8 thinking on this.
9 Q. I'm going to show you what we've marked
10 Exhibit 217. Again, this is a document that came
11 from Archdiocese files pertaining to McCormack.
12 And while the names have been, obviously, deleted
13 as has birth -- dates of birth, Review Board action
14 has been, at least, delineated in some instances.
15 Charges, DCFS action and claims have all been
16 delineated here.
17 Have you ever reviewed this document?
18 A. No. I --
19 MR. KLENK: I'm not sure -- is this an
20 Archdiocese document? There's no Bate's.
21 MS. ARBOUR: Because they covered up the
22 writing when they copied it.
23 MR. ANDERSON: Yes. Yes.
24 MR. KLENK: Sorry to interrupt.

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1 THE WITNESS: I have not seen this document
2 before, no.
3 BY MR. ANDERSON:
4 Q. Our read of -- reading of it is that there
5 appears to have been 23 individuals who have made
6 allegations of sexual abuse pertaining to
7 McCormack?
8 A. I don't see that here but I'll take your
9 word for it.
10 MR. KLENK: That's their reading of this.
11 MR. ANDERSON: Yes. That's the way it appears
12 to us to be a reading of it as it's been deleted by
13 the representatives of the Archdiocese.
14 BY MR. ANDERSON:
15 Q. In any case, there are -- to your
16 knowledge, Cardinal, how many allegations against
17 McCormack have been made?
18 A. I don't know.
19 Q. Cardinal, what in your job as the head of
20 the community of faith of the third largest Diocese
21 in this country is more important than finding out
22 who he has abused and ministering to them?
23 A. There are nothing that's more important
24 and that's being done by the people whom we talked

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1 about all afternoon. The process in place to take
2 each of these -- four of them have been decided as
3 reasonable and the rest are still being
4 investigated that you have on here. There are only
5 12 or so on here that I read but the process is in
6 place to try to address that, sir. And it's very
7 important that it be addressed. We have taken each
8 allegation as they've come forward and tried
9 respectfully to address the victim and then to
10 determine the facts of the case.
11 Q. I had showed you some earlier documents in
12 connection with Father Mayday and others where you
13 are personally writing to the offender accused and
14 in his case, convicted, that is, a letter from you
15 to him.
16 Do you recall these letters to Mayday, for
17 example?
18 A. I do.
19 Q. You told me that -- when I asked you
20 that -- about -- what about the victims, you said
21 that you delegate that to the -- to the Victim's
22 Assistance Ministry people, correct?
23 A. It begins there. I'm often involved in
24 the final discussions and I ask to be involved so I

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<p>1 can apologize and try to see if, in fact, we have 2 met the needs of the victims as much as we could. 3 Q. Why is it, Cardinal, that you can write 4 directly to the perpetrators accused to -- to try 5 to help them such as get Mayday out of jail or 6 whatever when you don't write directly to these 7 victims at the beginning of the process? 8 A. Because somebody has to tell me 9 information that I might base a letter on and it 10 isn't always sure what a victim will make of such a 11 letter. Sometimes victims resent being addressed 12 by a bishop out of the blue. We ask the victim 13 when can the cardinal apologize, when can the 14 cardinal come into the process. That is asked 15 right at the beginning. 16 MR. ANDERSON: That's all I have. 17 MR. KLENK: I -- I have a few questions. 18 EXAMINATION 19 BY MR. KLENK: 20 Q. I want to ask you a few questions. We've 21 been sitting here all day. This is not our time to 22 respond to every point but I would like to touch on 23 some things. 24 Do you recall being shown a series of</p> <p style="text-align: right;">285</p>	<p>1 Parole Commission in Wisconsin that it is dangerous 2 to allow Mayday to be out of custody and that we 3 are unable to monitor him or control him in any 4 way. He is going to be falsified, as he has been, 5 and we believe for the safety of children, Norbert 6 Mayday should remain in custody. 7 Q. I'd like to go through the reasons you set 8 forth for that in this letter. If you'd look at 9 the last paragraph on the first page of Exhibit 1 10 beginning my first reason. 11 Could you read that for the people? 12 A. My first reason is the protection of the 13 vulnerable. For the safety of young people and for 14 the peace of mind of the citizenry, Norbert Mayday 15 would require a comprehensive program of 16 monitoring. This Archdiocese lacks the resources 17 to monitor him. Equally significant, this 18 Archdiocese lacks the coercive police power to 19 effectively enforce such monitoring. This is also 20 why I'm seeking to have him dismissed from the 21 priesthood. 22 Q. If you would turn the page of the letter 23 and I'd like you to read to the people your second 24 reason?</p> <p style="text-align: right;">287</p>
<p>1 letters involving Norbert Mayday? 2 A. Yes. 3 Q. I want to show you a letter that 4 Mr. Anderson didn't show you and I would mark this 5 Exhibit A. 6 MS. ARBOUR: There is an A. You can go E if 7 you'd like. 8 MR. KLENK: We'll call it AO -- AOC 1. 9 (Whereupon, AOC Deposition 10 Exhibit No. 1 was marked for 11 identification.) 12 BY MR. KLENK: 13 Q. Cardinal, the court reporter has placed in 14 front of you what's been marked AOC 1. It's a 15 letter dated April 11, 2007 to the Parole 16 Commission in Wisconsin and it's from Francis 17 Cardinal George. 18 Is that your signature? 19 A. Yes, it is. 20 Q. Did you send this letter on or about the 21 date that it bears to -- 22 A. Yes, I believe I did. 23 Q. What is the purpose of this letter? 24 A. The purpose of this letter is to tell the</p> <p style="text-align: right;">286</p>	<p>1 A. My second reason is that the ministry and 2 life of this Archdiocese would be gravely affected 3 by simply receiving Norbert Mayday back into our 4 system as a priest even with restrictions and 5 conditions. The position of a Catholic priest is a 6 position of public trust, not just for Catholics 7 but for all people. To have him present in the 8 midst of the Archdiocese as a priest, even though 9 permanently withdrawn from public ministry, 10 undermines the credibility and ministry of us all. 11 Q. And there's a final reason that you have 12 for the Parole Commission not to release 13 Mr. Mayday. 14 What is that? 15 A. Finally, given the history and the 16 widespread knowledge of his situation, it would be 17 a cause of scandal to the Catholic faithful and to 18 all people if he were to return to the Chicago 19 metropolitan area and remain a priest. Because the 20 facts of his case are so public, it is no longer 21 possible for this Archdiocese to house him at an 22 ecclesiastical facility. 23 Q. What changed between the time you wrote 24 this letter and the ones that Mr. Anderson showed</p> <p style="text-align: right;">288</p>

1 you earlier today?
 2 A. Two things. At least one is we began to
 3 receive more allegations and the Review Board found
 4 them reasonable. It was reasonable cause to
 5 suspect and there were many of them and they were
 6 terrible. Secondly, the lack of acceptance of
 7 responsibility for his own behaviors, his continued
 8 denial that he'd done anything wrong meant that he
 9 was dangerous and is dangerous.
 10 Q. I'm going to change subjects now to
 11 another subject that was raised to you. There were
 12 questions about Father Bennett. I'm going to show
 13 you what's -- was marked as Exhibit 86. 86 is one
 14 of the exhibits that was shown to you and on that
 15 Exhibit 86, there is a date of the alleged incident
 16 that the abuse occurred.
 17 Could you read that for us? What date is
 18 that?
 19 A. 1963.
 20 Q. What is your understanding of the time
 21 period in which the alleged abuse of Father Bennett
 22 occurred?
 23 A. Would you repeat that, please?
 24 Q. What is your understanding of the time

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1 period when Father Bennett was allegedly involved
 2 in abusing minors?
 3 A. This incident says from 1963 to 1964.
 4 Q. Do you have any understanding of when
 5 other incidents in the allegations that were shown
 6 you?
 7 A. I don't recall in detail but it was around
 8 the same time period or perhaps a few years later.
 9 Q. So that was 35 years ago?
 10 A. Yes, those incidents would have been.
 11 Q. Do you recall being asked questions about
 12 weighing what's important, the rights of priests
 13 versus protecting children?
 14 A. Yes.
 15 Q. And you recall a series of questions being
 16 asked about why you didn't talk to victims but
 17 wrote letters to priests.
 18 Do you recall that?
 19 A. Yes.
 20 Q. Do you care about victims of -- abuse of
 21 minors?
 22 A. Yes, I really do.
 23 Q. What does the Archdiocese of Chicago do to
 24 care for the victims of those who have been abused?

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1 A. Well, when an allegation is made, even
 2 before we know that there's reasonable cause to
 3 suspect, the Victim's Assistance Ministry is
 4 encouraged, even if they're not contacted directly
 5 by the accuser, to reach out and to offer spiritual
 6 help, counseling, to speak with the accuser and to
 7 try to discover how we might help. Part of that
 8 help, of course, is monetary settlements and part
 9 of it also is a conversation with me if that will
 10 not be burdensome to the victim.
 11 My experience is that sometimes victims
 12 are so injured by the church that for a cardinal to
 13 come into their lives at any time is not really
 14 helpful but I've also experienced times when
 15 because of the good work of the Victim's Assistance
 16 Ministry, my conversations with them, I think, have
 17 been helpful to them.
 18 Q. Do you and the Archdiocese of Chicago want
 19 victims that have been abused by priests to come
 20 forward?
 21 A. Absolutely.
 22 Q. Why is that?
 23 A. For the healing and for freeing someone so
 24 they don't go through life with this enormous

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1 burden. It always stays with them even when they
 2 seem to be in control of their life. If you touch
 3 a certain button, it's as if it happened yesterday
 4 for many of them. And so the more that they can
 5 understand that they're not alone and that there is
 6 some help, at least -- and sometimes it's quite
 7 successful and sometimes less -- the better off
 8 they will be and the better off all of us will be.
 9 This is some way of trying to make some
 10 reparation for this terrible crime against these
 11 victims.
 12 Q. Does the Archdiocese of Chicago -- how
 13 does it make it known to victims that you have
 14 assistance available to them?
 15 A. We have regular announcements in the
 16 Chicago New World, the Catholic paper, and also in
 17 the parish bulletins. If you go to our
 18 Archdiocesan website, there are many, many pages of
 19 information on how allegations are processed so the
 20 person isn't caught by surprise. The phone numbers
 21 are all there, the names of the people to contact.
 22 And every priest knows those numbers. Every
 23 receptionist at a rectory has those numbers in
 24 front of her or in front of him so that if a call

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1 comes in, it can be directed to the people who can
2 be of help.
3 Q. I want to switch to another subject now.
4 A. Yes.
5 Q. Mr. Anderson asked you some questions
6 about what was marked as Exhibit 106. Could you
7 get it there in front of you? Here we go. I'm
8 going to hand it to you.
9 A. Oh, yeah.
10 Q. Exhibit 106 is the Defenbaugh and
11 Associates report?
12 A. Yes, it is.
13 Q. Who is Daniel Defenbaugh?
14 A. He's a former FBI man who -- which is well
15 known and I think respected as an investigator. I
16 believe I mentioned he had investigated the
17 Oklahoma City bombings to try to get to the facts
18 of that case. Other very complex cases he's been
19 involved in. So we wanted to know what went so
20 wrong in the case of McCormack, why did this
21 terrible injury take place and we asked him to come
22 and make a report.
23 Q. So you asked Mr. Defenbaugh to make a
24 report?

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1 A. Yes.
2 Q. And -- and why did you ask Defenbaugh and
3 Associates to come in and take a look at the
4 Archdiocese and what happened in these cases?
5 A. So we would know what went wrong and we
6 could then correct the situation so it wouldn't
7 happen again.
8 Q. What did you do with this report that's
9 marked Exhibit 106 after you received it?
10 A. We released it to the press. We had a
11 press conference that presented it to them and it
12 is now on our website. It's public.
13 Q. And does this report recommend any changes
14 in how cases are treated in the Diocese?
15 A. The judgments have been taken to look at
16 our policies and make changes in the way we treat
17 the cases. We put together a group of 12 people
18 including a victim and a plaintiff's lawyer and
19 experts, some of who have been involved early on as
20 the Archdiocese addressed this in the early '90s
21 before I came, to see that the policy
22 recommendations that were indicated here have, in
23 fact, been put into place in the Archdiocese. They
24 made a report after a year to analyze not just

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1 Defenbaugh's work but our work in response to it.
2 Q. You'll set that aside. I have just one
3 more area I want to touch on. I know it's late
4 here.
5 Could you find Exhibit 127 which is in
6 front of you. Tell you what, I'll give -- I'll
7 give you mine so we can move this along. Here we
8 go. I've handed you what's been -- take a look at
9 that. Got it?
10 A. Yes.
11 Q. I've handed you what's been marked as
12 Exhibit 127?
13 A. Uh-huh.
14 Q. And would you tell me what that is?
15 A. This is a notification from the Illinois
16 Department of Children and Family Services given to
17 Dan McCormack on December 14, 2005, not given to
18 the Archdiocese until January 31, 2006.
19 Q. And this letter from DCFS was sent to who?
20 A. Dan McCormack.
21 Q. And this letter states in the -- looks
22 like the third full paragraph, an indication means
23 that DCF investigations found credible evidence of
24 child abuse and neglect. Credible evidence means

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1 that the facts gathered during the investigation
2 would lead a reasonable person to believe that a
3 child was abused or neglected.
4 Was this letter sent to -- to you?
5 A. No, it was not. No, it was not. This is
6 very painful.
7 Q. Was this letter sent to the offices of the
8 Archdiocese of Chicago?
9 A. No, it was not.
10 Q. Had you received this letter, what would
11 you have done?
12 A. Had I known that DCFS was investigating,
13 that would have been reason to remove
14 Father McCormack from ministry. Had I received
15 this, that would have been the equivalent of the
16 Review Board and he would have been out and that's
17 why I find it very painful to know that somebody
18 did believe and had concluded that he had abused a
19 child and we were not apprised of that information.
20 Q. You say you find it painful.
21 Why -- why is that?
22 A. Because children were abused after this
23 date when DCFS knew that he had most probably
24 abused a child.

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1 MR. KLENK: I have no further questions.
2 FURTHER EXAMINATION
3 BY MR. ANDERSON:
4 Q. Cardinal, you said that had you known DCF
5 was investigating, you would have removed McCormack
6 but you did know that the Chicago Police were
7 investigating McCormack and you didn't remove him,
8 did you?
9 A. I did not know they were investigating.
10 They had released him.
11 Q. But you knew they had arrested him and
12 that means that they were investigating him.
13 You knew that, didn't you?
14 A. No, I did not.
15 Q. You didn't know they had arrested him?
16 A. Yes.
17 Q. You didn't know they had detained him?
18 A. Yes.
19 Q. You -- what do you call the police
20 interrogating him and arresting him if it's not an
21 investigation? What do you call it?
22 A. The conclusion of their investigation was
23 they released him. That was -- they had terminated
24 their investigation, I thought.

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1 revealed to you here today?
2 A. I think he does go into the Bennett
3 report.
4 Q. He reaches a conclusion but he doesn't
5 detail any of the facts pertaining to Bennett that
6 underlies his conclusion or make reference to the
7 files that we've reviewed together here today, does
8 he?
9 A. I don't recall that but I'll take your
10 word for it. Those facts, of course, are decades
11 old reported more recently. So I think there was a
12 difference and perhaps -- I can't speak for
13 Defenbaugh -- he thought the two cases were very
14 different in the case --
15 Q. Well, because the facts of Bennett were so
16 old, are you suggesting that somehow because you
17 know it happened in '63-'64 that Bennett somehow
18 stopped abusing people in '63 or '64?
19 A. I'm not suggesting anything.
20 Q. Then why not make those facts as old as
21 you think they may be public knowledge so it -- so
22 it can be aired?
23 A. When he was removed, the facts without
24 going into details to expose a victim were made

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1 Q. You were just asked about the Defenbaugh
2 report that was made public by you?
3 A. Yes.
4 Q. And when was that made public?
5 A. I believe shortly after we received it.
6 Q. And what's the date on it? That's okay.
7 It was in 2007 or six?
8 A. Six, I think. I don't see any date here.
9 I'm sorry.
10 Q. In any case, this report was prepared by
11 you at your request under intense public pressure
12 over the McCormack scandal, correct?
13 MR. KLENK: I object to the form of the
14 question.
15 THE WITNESS: Well, it's fair enough but it was
16 also internal pressure. We wanted to know what
17 went wrong, a system that had worked, that had been
18 effective in protecting children suddenly didn't
19 work.
20 BY MR. ANDERSON:
21 Q. If you really wanted to know what went
22 wrong when you made this report public, why didn't
23 you have Defenbaugh make known to you and to the
24 public what happened with Bennett that we've

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1 public.
2 Q. You were asked about caring about victims
3 and what the Archdiocese has done.
4 If you care that much about victims, why
5 don't you make all the information that we have
6 shared with you today and that has been shared with
7 us just recently concerning all of this public and
8 why haven't you?
9 A. Mr. Anderson, I care very much about
10 victims. I've talked to them. I really do.
11 Q. Why don't you make this stuff public?
12 A. What stuff?
13 Q. The exhibits we reviewed here today that
14 have just been revealed to us concerning
15 Father Bennett, concerning Father Mayday,
16 concerning Father McCormack, concerning
17 Father Skriba and others.
18 Why haven't these files been made known to
19 the public?
20 A. The question is to take incidents that
21 involve minor children and publish them as stories?
22 Q. Are you done with the answer?
23 A. I'm sorry. I answered with a question.
24 Q. Okay.

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1 A. But it's -- It just seems to me not to be
2 the thing to do. The victims themselves would not
3 want to see their stories paraded in public, I
4 think. They should make that public if they want
5 to. I don't think we have a right to make those
6 stories public.
7 Q. The information that we've shared with you
8 today is not accessible to these victims about what
9 the Archdiocese knew and when they knew it and what
10 they did and what they didn't do with it. Only you
11 have this information and your representatives,
12 Cardinal.
13 A. I am not aware of that. I think if
14 someone asked are there other victims, they're told
15 that there are. When information is asked for,
16 provided you're not violating someone else's
17 privacy, my understanding is that it's given.
18 Q. Cardinal, you were shown by counsel AOC 1
19 that is the -- the Mayday letter of April 11, 2007.
20 And you said that you released this letter for a
21 number of reasons --
22 A. This is not what you're talking about
23 here.
24 Q. I know.

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1 And one of the reasons was because the
2 facts of this case are so public, right?
3 A. I'm not sure this letter was released to
4 the public.
5 Q. I'm referring to AO one -- AOC 1, the
6 one --
7 A. This is -- this is a private letter to
8 Alfonso Graham.
9 Q. Just a moment. I'm referring to the
10 exhibit you were given earlier and shown earlier,
11 that's the Parole Commission in Wisconsin letter.
12 You made that public?
13 A. I'm not aware of the fact that we made
14 this public. This is the April 11, 2007 letter.
15 Q. Yes. Okay.
16 You wrote this letter -- excuse me. You
17 didn't make this public.
18 You wrote this letter for the reasons you
19 stated, right?
20 A. Yes.
21 Q. The primary motivating reason that you
22 wrote this letter on April 11, 2007 was because you
23 and this Archdiocese was under intense public
24 scrutiny concerning your handling of sexual abuse

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1 of the priests, correct?
2 A. No, that's not correct.
3 Q. Well, you state in the last letter because
4 of the facts of his case are so public.
5 You're referring to the Mayday case or the
6 McCormack case?
7 A. This is about Mayday.
8 Q. Okay.
9 A. We had publicized the allegations as they
10 came forward when we went to parishes where the
11 victims had lived.
12 Q. The fact is that you didn't make this
13 information public until April 11, 2002 because
14 it -- 2007 because scandal could be avoided by not
15 making this out and known to others?
16 MR. KLENK: Objection to the form of the
17 question.
18 THE WITNESS: Would you please repeat the
19 question?
20 MR. ANDERSON: I'll withdraw the question.
21 BY MR. ANDERSON:
22 Q. I'm going to refer you to 45. You'll see
23 that 45 is dated January 20, 2007.
24 A. Uh-huh.

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1 Q. This pertains to Mayday and this is a
2 Review Board meeting that is four months before the
3 letter to the Parole Commission in Wisconsin,
4 correct?
5 A. Yes.
6 Q. You'll see that at the second paragraph,
7 the Board also made the following recommendations
8 regarding Father Mayday based upon the information
9 provided that the cleric is scheduled to be
10 released from prison in October 2007. And
11 recommendation to you number two there is on a
12 nine-zero vote that Cardinal George -- George
13 writes a letter and follows up with a phone call to
14 the Wisconsin Prosecutors Office to state that the
15 Archdiocese of Chicago recommends and supports that
16 Father Mayday's sentence is extended.
17 In fact, you wrote this letter because the
18 Review Board recommended it, correct?
19 A. Not only the Review Board, the Vicars For
20 Priest, everyone concerned and I as well thought
21 that he was a danger.
22 Q. And why did it take you four months to do
23 it after they recommended it?
24 A. The man was in prison and the authorities

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<p>1 of the Archdiocese including our legal department 2 made it very clear, I was told, and finally I wrote 3 a letter but, you know, we actively worked not to 4 permit this man to be released and he's not. 5 MR. ANDERSON: That's all I have. Thanks, 6 Cardinal. 7 THE WITNESS: Thank you very much. 8 THE VIDEOGRAPHER: We are off the record at 9 6:12 p.m. This is the end of videotape number six. 10 (FURTHER DEPONENT SAITH NAUGHT.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p>1 were present at the deposition the attorneys 2 hereinbefore mentioned. 3 I further certify that I am not counsel for nor 4 in any way related to the parties to this suit, nor 5 am I in any way interested in the outcome thereof. 6 IN TESTIMONY WHEREOF: I have hereunto set my 7 hand and affixed my notarial seal this _____ day 8 of _____, 2008. 9 10 11 12 13 NOTARY PUBLIC, COOK COUNTY, ILLINOIS 14 15 16 17 18 19 20 21 22 23 24</p>
<p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF C O O K) 4 I, Liza Marie Regan, a notary public within and 5 for the County of Cook and State of Illinois, do 6 hereby certify that heretofore, to-wit, on the 30th 7 day of January, 2008, personally appeared before 8 me, at 330 North Wabash Avenue, Suite 2200, 9 Chicago, Illinois, FRANCIS CARDINAL GEORGE, in a 10 cause now in Cook County, Illinois, wherein DOE, et 11 al. are the Plaintiffs, and CHICAGO ARCHDIOCESE is 12 the Defendant. 13 I further certify that the said witness was 14 first duly sworn to testify the truth, the whole 15 truth and nothing but the truth in the cause 16 aforesaid; that the testimony then given by said 17 witness was reported stenographically by me in the 18 presence of the said witness, and afterwards 19 reduced to typewriting by Computer-Aided 20 Transcription, and the foregoing is a true and 21 correct transcript of the testimony so given by 22 said witness as aforesaid. 23 I further certify that the taking of this 24 deposition was pursuant to Notice, and that there</p>	<p>305 307</p>
<p>306</p>	