

1 Q. And that's to the -- delegate to the  
2 Board, correct?

3 A. Yes, that's correct.

4 Q. And then it says, the Office of Legal  
5 Services.

6 And that would be?

7 A. Mr. O'Malley.

8 Q. And then it says the Victim's Assistance  
9 Ministry.

10 And that would be?

11 A. Now it's Mike Honeycut. At that time, I  
12 think it was Mr. Ralph Bonaccorsi.

13 Q. Then Ralph Bonaccorsi.

14 And then it says and the Vicar for Priests  
15 which would have been?

16 A. Father Grace.

17 Q. Grace.

18 And it says advising them of the  
19 allegation and requesting file reviews.

20 So all of these people received this  
21 information at that point in time, correct?

22 A. As a request for further information that  
23 they might have in order to bring the allegation  
24 together, that's correct.

1 Q. And all of these people are also mandatory  
2 reporters, are they not?

3 A. I am not entirely certain if every single  
4 one was.

5 In this case, the police knew.

6 Q. The police already had this information --

7 A. Yes.

8 Q. -- that's where they got this information,  
9 correct?

10 A. No. The allegation was made directly to  
11 the police.

12 Q. Yes.

13 A. And so they had the victim, the accuser.

14 Q. And they're all aware of the police  
15 involvement?

16 A. I'm sure they must have been. I would  
17 think so, yes.

18 Q. And they're all working, effectively, for  
19 you. You've appointed each of them, have you not?

20 A. Yes.

21 Q. And they're all to keep you informed of --  
22 of the important matters relating to  
23 Father McCormack and sexual abuse?

24 A. They followed a process. They informed me  
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1 according to the process.

2 Q. And is this a failure of these people or a  
3 failure of process?

4 A. Well, people have process  
5 responsibilities. All I meant to say was that the  
6 Review Board system was set up to be sure that the  
7 archbishop, whoever he might be, would not  
8 interfere in the process and so that sometimes  
9 there is -- it wasn't in the past an immediate  
10 notification. There is now.

11 Q. As a result of Jimmy Lago's failure to  
12 inform you of this information involving  
13 Father McCormack, did you take action against him?

14 A. His obligation was to give the files that  
15 he had to Leah McCluskey in order it put the  
16 allegation together. He did not have an obligation  
17 to inform me.

18 Q. He is -- he -- he was the Chancellor, was  
19 he not?

20 A. That means he's in charge of files.

21 Q. And as Chancellor, he is one of your  
22 consultants and advisors?

23 A. In the areas that he's responsible for,  
24 yes.

1 Q. And is it your position that the  
2 Chancellor did not have an obligation to inform you  
3 of information that he possessed that  
4 Father McCormack was suspected of having abused?

5 A. That was not part of his formal  
6 obligations at that time.

7 Q. And so do you fault him in any way for  
8 failing to report this information in his  
9 possession to you?

10 A. To me?

11 Q. Yes.

12 MR. KLENK: Objection, foundation. It assumes  
13 he had information in his possession then.

14 MR. ANDERSON: That this allegation was  
15 credible.

16 THE WITNESS: Oh, I don't know that he had that  
17 information.

18 BY MR. ANDERSON:

19 Q. Have you taken any action against --  
20 discipline of the bishop's delegate for his failure  
21 to bring information to you at this time?

22 MR. KLENK: Object, again, foundation. It  
23 assumes he had information.

24

1 BY MR. ANDERSON:

2 Q. Have you taken any action against the  
3 delegate?

4 MR. KLENK: You can go ahead and answer it.

5 THE WITNESS: Oh, I'm sorry. I misunderstood.

6 His obligation is to see to it that in the  
7 process, the canonical rules, the charter are  
8 adhered to. It's not his direct obligation to  
9 bring me anything except the Review Board  
10 deliberations.

11 BY MR. ANDERSON:

12 Q. Going back to then Chancellor Lago, is it  
13 correct that since this point in time referred to  
14 in the report, Lago has even been given more  
15 responsibility for dealing with sexual abuse of  
16 minors in the Archdiocese?

17 A. We learned that information wasn't shared.  
18 He is now the one to see to it that information is  
19 shared as broadly as possible among all those  
20 concerned.

21 He has a new responsibility since the  
22 McCormack allegations.

23 Q. And the Vicar for Priests, Father Grace,  
24 is referred to here.

1           What action, if any, have you taken  
2     pertaining to him based on the findings of  
3     Defenbaugh?

4           A.   We discussed what went wrong and there  
5     have been corrections and I believe a letter is in  
6     the file to be sure that the memory of this is not  
7     lost.

8           Q.   What action, if any, have you taken to --  
9     pertaining to Father Rassas, now Bishop Rassas, in  
10    connection with this?

11          A.   We also have discussed this, why was  
12    information not passed on and I believe the same  
13    memorandum to keep us aware of what went wrong has  
14    been placed in his file as well.

15          Q.   So if I'm hearing you correctly, you  
16    placed a letter of reprimand in the files of  
17    Bishop Rassas and Father Grace?

18          A.   Yes.

19          Q.   Have you reprimanded anybody else for  
20    failure to report or act in connection with  
21    Father McCormack?

22          A.   Again, we discussed it because of this  
23    report to show how seriously wrong the system went  
24    and I think letters have gone into other files too

1 but I couldn't tell you which ones exactly.

2 Q. Well, then Father Rassas, the Vicar  
3 General, was promoted to Auxiliary Bishop following  
4 this failure?

5 A. That appointment was made in the summer  
6 before this happened. It's a Roman appointment,  
7 not mine.

8 Q. Cardinal, I'm going to direct your  
9 attention to -- to Bob Davies for a moment.

10 Who is Bob Davies?

11 A. I'm sorry. I don't recognize the name.

12 Q. Let's get a document. I'm going to show  
13 you Exhibit 111.

14 A. Thank you.

15 Q. And you'll see that it is a memorandum  
16 from Leah McCluskey --

17 A. Uh-huh.

18 Q. -- regarding McCormack. It's dated in  
19 February of 2006 and it refers to some information  
20 earlier received wherein a Sister Mary Therese  
21 Cusack, C-U-S-A-C-K --

22 A. Uh-huh.

23 Q. -- imparted information and it -- to  
24 Mr. Robert, Bob, Davies at the second page, first

1 paragraph -- the fourth paragraph. Excuse me.  
2 You'll see after speaking with blank, Sister Mary  
3 Therese Cusack contacted Mr. Bob Davies?

4 A. Uh-huh.

5 Q. Who was the consultant for Holy Family  
6 School at the time?

7 A. Oh, okay. Yes.

8 Q. Are you aware that he's now assistant  
9 superintendent for the school?

10 A. No. I think he was removed from that  
11 position because this information wasn't brought  
12 forward when it should have been.

13 Q. And was that an action taken by you?

14 A. No. By the superintendent of schools  
15 who's responsible for the schools.

16 Q. And the superintendent of schools,  
17 ultimately, answers to you. You oversee the  
18 schools and education for the Catholic Archdiocese?

19 A. But I'm not involved in the schools. I  
20 make no appointments. I don't hire. I don't let  
21 people go. That is the job of the superintendent.  
22 It's not my responsibility.

23 I supervise to see that they are Catholic  
24 schools.



1 Q. Right.

2 You are the ultimate supervisor of the  
3 Catholic education in the Archdiocese?

4 A. Of the mission of Catholic education in  
5 the Archdiocese.

6 Q. And are you aware and did it come to your  
7 attention that on five different occasions,  
8 information came to Bob -- to the attention of Bob  
9 Davies that was suspicious of McCormack having  
10 sexually abused?

11 A. I was not aware of five. I had heard  
12 about the one incident after McCormack was arrested  
13 the second time.

14 Q. And as you sit here today, you're only  
15 aware of one instance -- one instance in which  
16 Davies received information from Sister Cusack or  
17 others --

18 A. I was aware of the information --

19 Q. -- that McCormack was engaged in conduct  
20 suspicious of sexual abuse?

21 A. I was aware of the information he received  
22 from Sister Cusack.

23 Q. On how many occasions did she bring him --  
24 it to his attention that McCormack was doing or

1 saying things that were suspicious of abuse?

2 MR. KLENK: Objection, foundation.

3 THE WITNESS: This is the first I see this  
4 memo, sir. I heard that she had received  
5 information at least once. That's all I know.

6 BY MR. ANDERSON:

7 Q. And what did you understand Bob Davies's  
8 response to her to have been when she brought it to  
9 him?

10 A. He did not pass it on. That's the  
11 important fact, I believe.

12 Q. Did you read and have you learned that he  
13 said to her let it go?

14 A. I heard verbally an explanation of the  
15 incident; that the parent did not want it pursued  
16 and in that context, I believe he said we should  
17 let it go.

18 Q. Was that -- would that have been Davies's  
19 decision to make as an educator?

20 A. He -- he made a mistake and for that, he's  
21 been demoted and reprimanded. I presume -- I  
22 shouldn't presume anything. He made a mistake.

23 Q. At that time, Cusack would be a mandatory  
24 reporter?

1           A.    Was she the principal at the time or was  
2 she --

3           Q.    Yes.

4           A.    Yes.

5           Q.    Davies was working for Holy Family School  
6 at the time and the Archdiocese Office of Catholic  
7 Education so that would have made him a mandatory  
8 reporter in education?

9           A.    I don't know the details of the mandatory  
10 reporting law for educators in the State of  
11 Illinois. I'm sorry.

12          Q.    And do you have any information that  
13 either of them ever reported to civil authorities  
14 the information received or perceived by either of  
15 them concerning McCormack?

16          A.    I don't believe they did.

17          Q.    I want to show you Exhibit 115.

18          A.    Thank you.

19          Q.    I'm showing you 115. This is a memo dated  
20 September 5, 2003.

21                This would be two years before McCormack's  
22 arrest, Cardinal?

23          A.    That's correct.

24          Q.    And it concerns St. Agatha Parish and

1 McCormack. And it is from a woman identified and  
2 it states I took a call from a woman who would not  
3 identify herself but gave me her phone number and  
4 it's stated in here, isn't it?

5 A. Yes, it is.

6 Q. So if somebody wanted to know who this  
7 woman was, it's not hard to find that out, is it?

8 A. They could have called that number, sir.

9 Q. Okay.

10 The second paragraph says her chief  
11 concern is the number the teenage boys that are  
12 always in the rectory. This has been going on for  
13 more than a year and many others in the area are  
14 talking about it. It then goes on to state in the  
15 last paragraph, last weekend, Father McCormack took  
16 several boys to Minnesota for shopping, I believe.

17 You would agree that the information in  
18 this memo from Mary Ann is suspicious of sexual  
19 abuse?

20 A. It raises a flag. It certainly does.

21 Q. And it should have been acted upon?

22 A. I believe it should have been.

23 Q. And wasn't?

24 A. I believe it was not.

1 Q. And Mary Ann Zrust, Z-R-U-S-T, is who?

2 A. At that time, she was the receptionist and  
3 secretary in the Vicars For Priest office.

4 Q. And that was Father Grace?

5 A. In 2003, I'm not sure that it was  
6 Father Grace.

7 Q. Well, it was the Vicar for Priest in any  
8 case?

9 A. Yes.

10 Q. There was -- there was more than one Vicar  
11 for Priest, though?

12 A. There were always two.

13 Q. So information of this type in this memo,  
14 Exhibit 115, certainly would have gone from the  
15 secretary to one of the vicars to whom she answered  
16 and it would have been either father -- in 2003, it  
17 would have been --

18 MR. ANDERSON: Am I in front of the camera?

19 THE VIDEOGRAPHER: A little bit.

20 THE WITNESS: That's okay.

21 MR. ANDERSON: I got to look -- I got to look  
22 at this chart here. I can tell you who -- 2003,  
23 Grace and Costello or Grace and Kaczorowski.

24 THE WITNESS: Yes.

1 BY MR. ANDERSON:

2 Q. So it would -- had -- there at that time  
3 two Vicars for Priest?

4 A. Yes.

5 Q. And so whoever it was that she brought  
6 this to should have taken action on this and  
7 didn't, you know that now?

8 A. Yes. I regret deeply that action was not  
9 taken.

10 Q. Have you ever asked Grace, Kaczorowski or  
11 Costello why they didn't act on this action back  
12 then in 2003?

13 MR. KLENK: Objection, assumes that they were  
14 aware of it.

15 THE WITNESS: The anonymity, I think, perhaps  
16 might have entered into it but you really must  
17 have -- ask them. I can't speak for them. I'm  
18 sorry for it.

19 BY MR. ANDERSON:

20 Q. My question to you, Cardinal, is did you  
21 ask them? They're answering to you. You're their  
22 boss. Did you ask them?

23 A. I inquired why there was no follow-up  
24 and --

1 Q. And --

2 A. -- when I found this out, you know, after  
3 he was arrested.

4 Q. Who did you inquire you?

5 A. The Vicars for Priests.

6 Q. Who?

7 A. Father Grace.

8 Q. What was his explanation for his failure?

9 A. It was an anonymous report and in the  
10 context, got loss in a lot of other things,  
11 apparently.

12 Q. Did you say to him, Father Grace, giving  
13 the phone number is not anonymous. All you have to  
14 do is call her up and say, ma'am, what's your name?  
15 This is important information. Did you point that  
16 out to him?

17 A. Yes, I did.

18 Q. And his explanation was?

19 A. He made a mistake. He didn't follow-up.

20 Q. Father Grace or whoever it was that you  
21 confronted with this is -- is under the -- under  
22 the same requirements that you have been as a  
23 priest, that is, to keep certain matters secret and  
24 quiet to avoid scandal, correct?

1           MR. KLENK:  Objection to the form of the  
2           question.

3           THE WITNESS:  That's -- that has nothing to do  
4           with this.

5           BY MR. ANDERSON:

6           Q.   Well, isn't the disclosure of sexual abuse  
7           by a priest scandalous if made public?

8           A.   There is no accusation of sexual abuse  
9           here, sir.

10          Q.   There's a suspicion of an accusation of  
11          sexual abuse here, isn't there?

12          A.   I suppose a flag is raised as I said.

13          Q.   So the Vicar for Clergy in 2003 in any  
14          case chose to keep it a secret and not report it to  
15          you or the civil authorities, correct?

16          A.   I don't know that he chose to keep it a  
17          secret.  What you're talking about here is behavior  
18          which is not sexual.

19          Q.   I'm going to show you Exhibit 117 and you  
20          will see it is a memo of July 13, 2005 to Father Ed  
21          Grace and Father Vince Costello from then George  
22          Rassas now bishop.

23                   And Father Dan McCormack is being made a  
24          dean, correct?



1 A. Yes. That's in July as you'll notice.

2 Q. And look at the handwriting.

3 Whose handwriting is that?

4 A. I can't tell you that, sir.

5 Q. As I read it, it says we suggested no  
6 because of boys in rectory letter.

7 And you're the one that, ultimately,  
8 appointed McCormack dean?

9 A. That's correct. I didn't see this.

10 Q. And it's not because it wasn't available  
11 to you but it's because you didn't look or ask,  
12 correct?

13 MR. KLENK: Objection to the form of the  
14 question, compound.

15 THE WITNESS: The information wasn't given me  
16 and in every case, the question asked is is he  
17 vetted or isn't he --

18 BY MR. ANDERSON:

19 Q. And --

20 A. The response came back yes.

21 Q. And Rassas didn't tell you, did he?

22 A. He didn't tell me about this, no.

23 Q. And he didn't tell you that it was  
24 suggested that he was not fit to be a dean because

1 of boys in the rectory letter?

2 A. No, he did not tell me that.

3 Q. So he was made dean by you?

4 A. Yes, I appoint deans.

5 Q. And then you received information that  
6 McCormack was not fit and had been suspected of  
7 abusing boys, correct?

8 A. After his second arrest, I received this  
9 information that we're looking at now.

10 Q. And when did you rescind or did you ever  
11 rescind the appointment of Dan McCormack to his  
12 position as Dean of the Deanery?

13 A. When he's taken out of ministry, that  
14 appointment is automatically rescinded.

15 Q. And that -- and that was January, was it  
16 not?

17 A. That's correct.

18 Q. But you learned he had been arrested for  
19 criminal sexual conduct of a minor -- albeit  
20 released -- but arrested in October, correct?

21 A. Oh, I knew that at the end of August, sir.

22 Q. And in August when you knew that, you  
23 chose to keep him in the position of Dean of  
24 the Deanery as well as the ministry?

1           A.    The police let him go, sir.  He was  
2   innocent as far as they were concerned.  We  
3   conducted an investigation on the presumption of  
4   innocence.  He was freed with the civil authorities  
5   full knowledge.

6           Q.    Cardinal, who told you that Dan McCormack  
7   was innocent?

8           A.    The release to me meant they couldn't  
9   charge him and they had reason to believe that he  
10  was not a danger to children.

11          Q.    You've never really believed in the zero  
12  tolerance policy, have you?

13          A.    I beg your pardon, sir, but that's  
14  entirely inaccurate.  I believe it.

15          Q.    I want to direct your attention to 118.  
16  This is to the file from Ed Grace.  It's dated  
17  August 30, '05.  It states I was called at Queen of  
18  All Saints rectory by Reverend McCormack.  He  
19  informed me that he was being questioned by police  
20  at the local police station, correct?

21          A.    That's what it says, yes, sir.

22          Q.    Concerning an allegation made against him  
23  by the mother of a ten-year-old boy.  He put the  
24  detective on the phone to explain the circumstances

1 to me, correct?

2 A. Yes.

3 Q. Then it goes on to say in the last  
4 sentence of the next paragraph, Father McCormack  
5 succeeded in lowering the boy's pants and  
6 fondling -- fondled his genitalia.

7 That's what it states, doesn't it?

8 A. It does.

9 Q. It goes on to state in the next sentence  
10 detective found the boy's story credible?

11 A. It does say that.

12 Q. It goes on to state I asked if  
13 Father McCormack was being detained. He said not  
14 at that time. And it is Father Grace that says I  
15 then suggested that given the hour, Father be sent  
16 home and return the next morning with an attorney  
17 to continue the interview.

18 Cardinal, was it Father Grace's job as  
19 Vicar for Priests to suggest to the police that  
20 McCormack be released and brought home?

21 A. Not as Vicar for Priests, no.

22 Q. I mean, Father Grace is out of line here,  
23 isn't he?

24 A. I think it was very imprudent.

1           Q.   And it is also your policy and your  
2           expectation that the Vicar for Priests will arrange  
3           to get the attorney for the -- the -- the accused  
4           child abusing cleric?

5           A.   That does happen sometimes to be sure that  
6           a process is fair. We see to it that lay people,  
7           priests, others, even those who bring an accusation  
8           have civil counsel.

9           Q.   It's also -- is it your instruction as  
10          cardinal to -- to Father Grace and others under  
11          your control to -- excuse me.

12                   Is it also -- let me ask you this, the  
13          next sentence says I then spoke with Dan again and  
14          advised him not to discuss the matter further with  
15          the police.

16                   So as I read this and as I just read it to  
17          you, Father Grace, your Vicar for Priests, is  
18          telling Dan McCormack don't talk to the police,  
19          don't tell them that you've abused these kids,  
20          don't tell them anything.

21                   Is that something that you approve of?

22           MR. KLENK: I object to the form of the  
23          question.

24           THE WITNESS: No. That's not part of his

1 responsibilities.

2 BY MR. ANDERSON:

3 Q. It looks to me, Cardinal, like this is  
4 being -- Father Grace is trying to keep this secret  
5 and avoid scandal.

6 Does it look that way to you?

7 A. It's a public arrest, sir. It's not a  
8 secret.

9 Q. I know but right now, the only ones that  
10 know are Father Grace, Father Dan and the police,  
11 right?

12 A. At this point, yes.

13 Q. So the parishioners and the community of  
14 faith don't know --

15 A. Not at this point.

16 Q. -- about this arrest, do they?

17 A. I don't know whether it was ever reported  
18 in the police register. I really don't know that.

19 Q. Well, you do know that Father Dan did get  
20 a lawyer and that was Pat Reardon because it's  
21 reflected in this memo?

22 A. Yes.

23 Q. The Archdiocese hired him, right?

24 A. We pay for a lawyer until there is a

1 conviction or an arrest, in fact.

2 Q. Isn't it -- isn't it Father Grace's job to  
3 first protect the children instead of protecting  
4 the priest when the priest is accused of hurting  
5 children?

6 A. It is. I can't believe that he believed  
7 Father McCormack was a danger. He would have told  
8 me, I think, if he really believed that but you're  
9 right, the first obligation is to protect children.  
10 That's the obligation of the police as well, I  
11 believe.

12 Q. And it was the detective in this memo that  
13 found the boy's story credible. So what  
14 Father Grace believed, whether Dan was innocent or  
15 not, is really -- is not important.

16 What the detective found is, though, isn't  
17 it?

18 A. I didn't see this memo until after the  
19 second arrest. In fact, until just a little while  
20 ago. Certainly, the witness of the detective had I  
21 received that would have meant the sequence of  
22 events was very different.

23 Q. Going to the second page of this memo, it  
24 states 9:30 a.m., I met with Dan at our office.

1           That is at the office of the Archdiocese  
2   that is of the Vicar for Clergy?

3           A.   That's correct.

4           Q.   That's your office?

5           A.   No.  It's the office of the Vicar for  
6   Priests.

7           Q.   It's in your offices, though, isn't it?

8           A.   No.  It's physically in another building.

9           Q.   Oh, okay.

10           It states I asked Dan to tell what the  
11   police had said to him and what he had said to them  
12   but nothing else and the but nothing else is in  
13   caps.  Now, I read this to be recording that Grace  
14   is asking him, that is, McCormack, to tell him what  
15   he had told the police.

16           How do you read this?  What is -- what is  
17   Grace doing here and recording?

18           MR. KLENK:  Object to the form of the question,  
19   the speech followed by the question.

20           BY MR. ANDERSON:

21           Q.   Let me put in this way, why is this in  
22   caps?

23           A.   I don't know why it's in caps.

24           Q.   Grace is telling McCormack to keep his



1 mouth shut so that he doesn't get in trouble, so  
2 the Archdiocese doesn't get in trouble, right?

3 A. I don't believe that's true.

4 Q. Well, then what is true?

5 A. I think perhaps Father Grace's training as  
6 a defense attorney was instrumental in his reacting  
7 in this way but that's just conjecture on my part,  
8 sir.

9 Q. Wasn't it your job to make sure that  
10 Father Grace and other vicars and other leaders and  
11 educators in this Archdiocese were trained in the  
12 protection of children?

13 A. And they have been trained.

14 Q. And, again, at the next -- three  
15 paragraphs down, it -- it reiterates the  
16 detectives -- there are multiple detectives here --  
17 witnessed the interview and found the boy credible.  
18 Now we have more than one detective. We have  
19 multiple detectives witnessing an interview of the  
20 child who's been abused and finding the child to be  
21 credible; is that right?

22 MR. KLENK: I object to the speech. I object  
23 to the form of the question.

24

1 BY MR. ANDERSON:

2 Q. Is that the way you read this, Cardinal?

3 A. I read this a couple of weeks ago. I  
4 deeply regret that they, themselves, didn't keep  
5 Dan in custody.

6 Q. Cardinal, did you read this a couple weeks  
7 ago for the first time in prepping for this  
8 deposition?

9 A. It was one of the documents given to me,  
10 yes.

11 Q. So that was the first time you've seen  
12 this was in preparation for this today, right?

13 A. So far as I can recall.

14 Q. So now having seen this, is this going to  
15 cause you to do anything different in the future  
16 either as it pertains to Grace and the others in  
17 your charge?

18 A. I've already spoken to Father Grace about  
19 the responsibilities as the Vicar for Priests being  
20 to protect children and to search for the truth,  
21 not to -- to protect a priest as if he were a  
22 client.

23 Q. Look at this memo at -- at the bottom, it  
24 says today, 8-31-05. It says I contacted Pat

1 Reardon and arranged for him to represent Dan.

2 So he's contacting the lawyer and making  
3 arrangements for Dan McCormack to have a lawyer,  
4 right?

5 A. Yes, but there, that sometimes is the  
6 case.

7 Q. That's in accord with your policy?

8 A. When people need defense in a process,  
9 whether it's canonical or civil, for the sake of  
10 fairness, we often suggest that it might be good to  
11 have a lawyer.

12 Q. I'm going to show you Exhibit 124.

13 A. Thank you.

14 Q. I'm not going to -- I'm not going to --  
15 this is Exhibit 124 and this is dated September 15,  
16 2005, two weeks after the police find the  
17 allegation credible. And I'm not going to ask you  
18 to read this because I know you've had a chance to  
19 look at some of these things but my question to you  
20 is there were reports in the media, information  
21 disseminated by your office that the woman referred  
22 to here?

23 A. Yes.

24 Q. And we know who we're talking about here

1 as the mother, don't we?

2 A. Yes, sir.

3 Q. Okay.

4 It's -- it's reported in the media and  
5 claimed that the family wouldn't come forward and  
6 that's why no action was taken responsive to her  
7 report.

8 Did you make that claim to the media?

9 A. That was my understanding at the time. I  
10 did not have this memo.

11 Q. And who lead you to believe that at the  
12 time you made that representation to the public in  
13 the media?

14 A. Several times I kept asking whether or not  
15 we could pursue this case and do the investigation  
16 and each time, I was told they're still trying to  
17 the get the allegation together.

18 Q. Who was that?

19 A. Well, the people whom we've mentioned.  
20 Sometimes it was the Vicar for Priests or the  
21 lawyer or Leah McCluskey even was talking about the  
22 difficulties of getting an allegation in form to be  
23 tried by the Review Board.

24 Q. So this exhibit and other information,

1 through it, you kind of realized you were  
2 misinformed then, correct?

3 A. I was not adequately informed.

4 Q. Exhibit 126 is from the Review Board dated  
5 January 28, 2006.

6 This is addressed to you, Cardinal,  
7 correct?

8 A. That's correct.

9 Q. And it's from -- is this all the members  
10 of the Review Board --

11 A. I believe it's --

12 Q. -- appointed by you?

13 A. Yes, all the members at that time.  
14 Perhaps there's one missing.

15 Q. In any case, you received this.

16 And did you know that you were going to  
17 receive this before it was sent?

18 A. No, I did not.

19 Q. It states Dear Cardinal George, I'm  
20 writing this letter on behalf of the Professional  
21 Review Board members who participated in  
22 January 24, 2006 teleconference regarding  
23 Father Daniel McCormack.

24 It looks like the only one that was on

1 the -- the Review Board was your delegate and that  
2 was Father Smilanic?

3 A. Smilanic.

4 Q. Smilanic?

5 A. Yes.

6 Q. Did he choose not to sign on to this  
7 purposefully or what?

8 A. I have no idea. I doubt that. I have no  
9 idea.

10 Q. The second paragraph --

11 A. He is not technically a member of the  
12 Review Board.

13 Q. He is the delegate?

14 A. Yes.

15 Q. In any case, is he the only one that's on  
16 the Board that's not a signer of this letter?

17 A. I thought there were eight members of the  
18 Board but perhaps not at this time.

19 Q. Well --

20 A. This is the Board speaking.

21 Q. Okay.

22 The Board says in the second paragraph we  
23 are extremely dismayed that yet another claim of  
24 clerical sexual abuse of a minor has been brought

1 to our attention and that action was not taken in a  
2 timely manner.

3 What is your response to this?

4 A. I am very dismayed myself. This is  
5 terrible that more precipitous action was not taken  
6 so I share that concern. I understand it and I  
7 share it as my own as well.

8 Q. Have you ever written a letter responding  
9 to this letter to the Board?

10 A. I went and talked to them personally for  
11 several hours.

12 Q. When they state we are extremely dismayed  
13 that yet another claim.

14 Yet another claim is referring to what?

15 A. I presume the Bennett case.

16 Q. And this one is first referring to the  
17 McCormack case, is it not?

18 A. It is.

19 Q. And then it's referring back to another  
20 claim?

21 A. Yes.

22 Q. And that refers back to Bennett?

23 A. Well, they didn't make that explicit but I  
24 presume in the context that's the case. I wouldn't

1 know what other case they could possibly be talking  
2 about.

3 Q. Well, this is before Joseph Bennett was  
4 removed from ministry by you, Cardinal.

5 A. He was removed around this same time and  
6 we changed our policy to remove priests not after  
7 they offended but even while they were being  
8 investigated.

9 Q. In any case, on January 28, 2006,  
10 Father Bennett had not been removed from ministry,  
11 correct?

12 A. He was removed around that time. I'm not  
13 sure of the exact date, either just before or just  
14 after.

15 Q. It was February 1st, I think, that he was  
16 removed. That was after this letter was sent to  
17 you after the St. Agatha meeting.

18 A. If it was --

19 Q. Does that sound correct?

20 A. Yes, he was removed just after the  
21 St. Agatha meeting.

22 Q. And --

23 A. I'm not sure when this letter was received  
24 but.



1 Q. The -- the next paragraph goes on to talk  
2 about the media statements being made by you  
3 wherein you are quoted, correct?

4 A. I presume that's a quote from me.

5 Q. And then it goes on in the next paragraph  
6 to talk about the information pertaining to the  
7 Review Board and criminal investigation, correct?

8 A. Which paragraph, please, sir?

9 Q. Well, third paragraph is -- I'll -- I'll  
10 direct your attention to the fourth paragraph and  
11 that states our recommendations were presented to  
12 you on October 17, 2005 at the post-Review Board  
13 meeting.

14 What is a post-Review Board meeting?

15 A. It's the meeting that I have with the head  
16 of the Office For Investigation, Leah McCluskey,  
17 and with my representative for canonical process to  
18 the Review Board, Father Smilanic. They come to  
19 see me after the Board to explain what the Board  
20 said.

21 Q. Okay.

22 The Board then writes to you, you chose  
23 not to act on them and we now have a situation that  
24 reflects very poorly and unfairly on the Board.

1           When they write that, you chose not to act  
2   on their recommendations, that is correct, isn't  
3   it?

4           A.   That is --

5           Q.   That was a choice that you made?

6           A.   That is correct.

7           Q.   Do you take responsibility for that?

8           A.   Of course I must take responsibility for  
9   it.

10          Q.   How many kids did McCormack abuse after  
11   you made that choice?

12          A.   I believe that's being investigated now  
13   but at least one and probably two that I know of  
14   and there may be others.

15          Q.   How many kids did Father Joseph Bennett  
16   have -- are suspected of -- of having abused and  
17   that have come forward after -- after you chose not  
18   to act?

19          MR. KLENK: Object to the form of question,  
20   compound.

21          THE WITNESS: If you mean how many allegations  
22   have been made against Joseph Bennett, currently,  
23   none. There were none made after the Review Board  
24   had its finding. And, again, they didn't have a

1 finding here because they hadn't considered all the  
2 evidence as they themselves say, it is true there  
3 was not a formal presentation of this allegation.

4 BY MR. ANDERSON:

5 Q. At the last -- next paragraph, the last  
6 sentence states and they write to you we take  
7 offense at the lack of truth telling.

8 A. I was mistaken in what I said. I didn't  
9 realize that they had as much information as they  
10 did. They still didn't have enough to pursue the  
11 allegation as they say.

12 Q. Well, they use the words lack of truth  
13 telling which is equivalent of a lie.

14 A. If I --

15 Q. Cardinal, let me ask the question.

16 A. I'm sorry. Please. I'm sorry.

17 Q. You're saying it was a mistake. They're  
18 saying it was a lie?

19 A. Uh-huh.

20 Q. Right?

21 A. I presume they are.

22 Q. Exhibit 127 is DCSF pertaining to  
23 McCormack?

24 A. Uh-huh.

1 Q. And you've seen this now, have you not?

2 A. No, I've never seen this before. This is  
3 the first time.

4 Q. Well, it -- it means that -- it says that  
5 sexual molestation by McCormack at the second --  
6 third paragraph as indicated finding means the DCFS  
7 investigation found credible evidence of child  
8 abuse, neglect. Credible evidence means that the  
9 facts gathered during the investigation would lead  
10 a reasonable person to believe that a child was  
11 abused or neglected.

12 You didn't know that DCFS has ever made  
13 such a finding?

14 A. No, I did not. With all my heart, I wish  
15 they had given me this on December the 14th. They  
16 gave it to Dan McCormack. Had they given it to me,  
17 he would have been out immediately.

18 Q. Father Grace communicated to you that he  
19 had been arrested and that the police had found the  
20 allegations to have been credible enough to -- to  
21 arrest and interrogate him, correct?

22 MR. KLENK: Objection, asked and answered.

23 THE WITNESS: And let him go.

24

1 BY MR. ANDERSON:

2 Q. They let him go and so did you.

3 You kept him in the ministry, didn't you?

4 A. I did it because there was no evidence.

5 Q. Well, how can you say that you would have  
6 acted on DCSF if you would have known it when you  
7 didn't act when Father Grace advised you of the  
8 arrest?

9 A. This is entirely different. They have a  
10 judgment there that he did, in fact, abuse a child.  
11 These are the people whom the State puts in charge  
12 of children. If they say that, then, obviously,  
13 this is the case.

14 Q. Didn't you put the Review Board to  
15 investigate the allegations of sexual abuse so they  
16 can make recommendations to you?

17 A. I did.

18 Q. And didn't they recommend Dan McCormack's  
19 removal from ministry?

20 A. They didn't come to a conclusion that he  
21 had done it.

22 Q. Didn't they recommend his removal from  
23 ministry, Cardinal?

24 A. They advised that, yes.

1 Q. They recommended it?

2 A. They advised it. They advised it.

3 Q. And you didn't follow it --

4 MR. KLENK: Please don't point at him.

5 BY MR. ANDERSON:

6 Q. -- correct?

7 A. I couldn't follow it, sir.

8 Q. What kept you from following it?

9 A. There was no evidence. The investigation  
10 hadn't been completed.

11 They completed the investigation.

12 Q. I'm showing you what's been marked 128.  
13 This is Archdiocese of Chicago memorandum from  
14 McCluskey regarding McCormack January 19, 2006 and  
15 it's a brief question but the first sentence says a  
16 meeting was held this afternoon in John O'Malley's  
17 office regarding the allegations of sexual  
18 misconduct made by blank against Dan McCormack.  
19 The following was present for the meeting, John  
20 O'Malley, Revered Grace, Diane Dunnagan, Dan  
21 Fitzgerald, Ralph Bonaccorsi and Dan Smilanic.

22 Did you call this meeting?

23 A. No, I did not.

24 Q. And what did you understand the purpose of  
138

1 it to have been?

2 A. As you can see from the people to whom  
3 this is copied, these are the people who are the  
4 principals in getting the allegations together and  
5 pursuing them with the Review Board so that a final  
6 recommendation can be given to me.

7 Q. At the second page, you'll see at the  
8 first sentence it says Mr. Fitzgerald determined  
9 from officials at presentation campus that  
10 Father McCormack has been teaching a math class for  
11 four days per week at the school since  
12 September 2005.

13 That's when he's supposed to be on  
14 monitoring, isn't he?

15 A. Yes, and restricted.

16 Q. Yeah.

17 And then it says a parent named blank sat  
18 in Father McCormack's classes, quote, the first few  
19 weeks, end quote. Mr. Fitzgerald stated that  
20 Father McCormack was also coaching boys -- the boys  
21 basketball team at this school until yesterday when  
22 Father Grace directed McCormack to cease contact  
23 with the team.

24 So that was he was also coaching while

1 under these so-called restrictions, right?

2 A. Yes, that's right.

3 Q. The last sentence of this says it was  
4 reported to Mr. Fitzgerald that Father McCormack  
5 took the boys to Dave and Busters.

6 That's a bar and restaurant?

7 MR. KLENK: Objection, form of the --  
8 foundation.

9 BY MR. ANDERSON:

10 Q. Well, it says an arcade, restaurant and  
11 bar and then returned them home at the end of the  
12 day.

13 A. That's what it says.

14 Q. So just to get this right, he's under  
15 restriction while he's alleged to have been doing  
16 this as recorded in this memo, right?

17 A. That's correct.

18 Q. Under monitoring, right?

19 A. That's correct.

20 Q. And he's been teaching since September  
21 of 2005?

22 A. That's correct, unfortunately.

23 Q. And on monitoring since 2003 -- since  
24 September of 2005?



1 A. 2005, I believe. After the first arrest.

2 Q. Were you aware that Tom Walsh was supposed  
3 to have been the monitor for --

4 A. Yes. I asked who the monitor was and he  
5 is -- was the monitor.

6 Q. Were you also aware that Tom Walsh was at  
7 another parish and he communicated that it was  
8 difficult for him to be McCormack's monitor because  
9 he's at another parish?

10 A. I think, sir, that information isn't  
11 correct. He was a resident at St. Agatha's. That  
12 was my understanding but maybe --

13 Q. Tom Walsh -- Tom Walsh was living there  
14 but he wasn't working there. He was gone every day  
15 from --

16 A. I see.

17 Q. -- 2:00 to 11:00, wasn't he?

18 A. Yes. He was responsible for other  
19 pastoral duties.

20 Q. So if he's serving another faith  
21 community, another pastorate, how can he be  
22 monitoring McCormack?

23 A. I'm not supervising the monitoring but  
24 monitor doesn't mean you live with them every

1 moment of the day, I believe.

2 Q. I'm referring you to the Defenbaugh report  
3 page 21.

4 Would you look back at that for a moment,  
5 Cardinal?

6 A. Sure. I think it's here. Uh-huh.

7 Q. And I'm going to -- have you found 21 yet?

8 A. I have. Thank you.

9 Q. Okay.

10 This would be the first paragraph, the  
11 first full sentence. I'm going to read it and then  
12 ask you a question. The priest assigned to monitor  
13 advised the Vicar for Priests that he would not be  
14 able to actively monitor Father McCormack's  
15 activities as this priest was assigned full-time  
16 ministry at another church, was a teacher and coach  
17 at a different school and would be away from the  
18 rectory over the Labor Day weekend visiting family.

19 It goes on to state the priest was advised  
20 by the Vicar for Priests to monitor  
21 Father McCormack when the priest was around the  
22 rectory and to advise that the priest was going to  
23 be away from the rectory for an extended period of  
24 time such as a period of absence of a week or more.

1           It says the only follow-up this priest  
2       received was possibly one to two telephone calls  
3       from the Vicar for Priests within the first two  
4       weeks of this, quote, monitoring, unquote, and  
5       possibly one face to face meeting with the Vicar  
6       for Priests?

7           Is this adequate monitoring?

8       A.   No, of course not, sir.

9       Q.   And Father Grace knew all this?

10      A.   Yes.

11      Q.   Let's go back to the Defenbaugh exhibit  
12     again and at page four. I'm now going to ask you  
13     about Father Bennett.

14      A.   Sure.

15      Q.   And look at page four, the last paragraph  
16     in it, it states the audit found that delays in  
17     removing Father Bennett from his pastoral duties  
18     were primarily the result of Father Bennett not  
19     having been provided canonical counsel. However,  
20     this mere fact is not sufficient for not having  
21     removed Father Bennett when the Review Board made  
22     its recommendation to Cardinal George.

23           Now, it then states this action still  
24     could have been taken while awaiting advice of

1 canonical counsel. The Cardinal should immediately  
2 remove a priest or deacon from pastoral duties as  
3 soon as there is a belief that children could be at  
4 risk and particularly at the recommendation of  
5 removal by the PRA or Review Board.

6 Do you agree with this finding?

7 A. We have changed our policy because I agree  
8 with that last sentence. At the time, protocols  
9 did not permit me to remove someone who had not  
10 been canonically counseled. The process was not  
11 complete.

12 Q. And it is correct as stated here that you  
13 didn't remove Father Joseph Bennett immediately  
14 upon receiving information --

15 A. I did in the sense that I agreed to remove  
16 him. Then when he came to me and said that he had  
17 never had a chance to mount a defense, he had no  
18 counsel, I said then the form of the investigation  
19 is not complete and we must give him the counsel  
20 and permit him to defend himself.

21 Q. Is it -- is it because he didn't have  
22 counsel or because you didn't believe that Bennett  
23 had committed the offense?

24 A. Because he didn't have counsel. The

1 process was not complete.

2 Q. Simply because of that?

3 A. The process was not complete, sir.

4 Q. And in the case of Joseph Bennett, you  
5 didn't follow the recommendations they made to you  
6 just as you did not follow the recommendation that  
7 they had made to you involving McCormack?

8 A. Without counsel, the recommendation was  
9 premature.

10 Q. So the counsel is to -- that is the canon  
11 lawyer for Bennett, the one accused, right?

12 A. He had no chance to defend himself against  
13 the accusation. It's an incomplete process.

14 Q. It's even more incomplete if it's not  
15 protecting the children, isn't it?

16 A. You --

17 Q. It sounds, Cardinal -- let me -- let me  
18 just ask you this, it sounds like you're more  
19 concerned about the rights of -- of the accused  
20 priests than you are the rights and the safety of  
21 the children out there. That's what it sounds like  
22 to me.

23 What do you say to that?

24 A. I say you're mistaken, sir. It is the

1 protection of the children that is always primary  
2 but within a process that presupposes some  
3 fairness.

4 Q. So is this zero tolerance?

5 A. Yes, it's zero tolerance. Once there is  
6 an allegation that is proven to the certain  
7 threshold of reasonable cause to suspect, a priest  
8 is removed and not returned.

9 Q. Look at Exhibit 134.

10 A. May I see that, please? Thank you.

11 Q. This is from Father Dan Smilanic, the  
12 delegate on the Board, among other things. Your  
13 delegate to the Board to McCluskey. It's dated  
14 January 24, 2006.

15 And have you reviewed this?

16 A. No. I'm sorry. I didn't see this before.

17 Q. My reading of this is that canon law and  
18 the Archdiocese policies does not require a  
19 former -- a formal allegation from the victim for  
20 you to remove a priest or initiate the Review Board  
21 process.

22 MR. KLENK: Objection, compound question.

23 BY MR. ANDERSON:

24 Q. My question to you is is that correct?

1           A.    It's correct that we changed our policies  
2           in the light of the McCormack allegations to permit  
3           this kind of action to happen more quickly.

4           Q.    Isn't it correct, Cardinal, that you have  
5           the power as the Ordinary on suspicion or for any  
6           reason to remove a cleric from an assignment on a  
7           phone call if you feel that there is a -- for any  
8           reason?

9           A.    No, sir, that's not correct.

10          Q.    That's not correct?

11          A.    No.

12          Q.    Okay.

13                Is it correct to say that you have the  
14           power as the Ordinary to remove a priest from an  
15           assignment pending an investigation by the Review  
16           Board if there is a possible risk of harm to the  
17           community of faith?

18          A.    Yes, with a process that would follow.

19          Q.    But you don't have to have the process go  
20           forward. You can remove them while -- while the  
21           process is underway, can't you?

22          A.    With one exception, sexual abuse of a  
23           minor. And since the process was formalized and  
24           the discretion of the bishop was taken away by the

1 norms, the process was more delineated. A bishop  
2 didn't have the authority in these cases that he  
3 had in other cases as a result of the special  
4 norms.

5 Q. Cardinal, I might have misheard you but if  
6 I heard you -- if I think I heard you correctly, I  
7 think you said the norms took away your power to  
8 remove Bennett or McCormack from their assignment  
9 pending an investigation?

10 A. That's correct.

11 Q. So in other allegations except for sexual  
12 abuse you can do that but with sexual abuse, you  
13 couldn't? Is that what you're saying?

14 A. The discretionary power of the Ordinary  
15 was reduced by the Holy See in these cases.

16 Q. So, in effect, it's the Holy See's fault  
17 that you didn't remove McCormack and Bennett right  
18 away?

19 MR. KLENK: Objection -- I object to the  
20 question.

21 THE WITNESS: No, sir, you can't say that.

22 BY MR. ANDERSON:

23 Q. Well, you're saying that it was the  
24 influence of the See upon -- upon the charter that



1 prevented you from removing Bennett and McCormack,  
2 aren't you?

3 A. The processes that were given us to  
4 guarantee one strike, you're out, zero tolerance,  
5 also put in place some precautions to be sure that  
6 the allegation was substantiated.

7 MR. KLENK: Do you want to take a five-minute  
8 break?

9 THE WITNESS: Sure.

10 MR. ANDERSON: Let's do it. Let's take a five  
11 minute.

12 THE WITNESS: Okay.

13 THE VIDEOGRAPHER: We are going off the record  
14 at 2:08 p.m. This is the end of videotape number  
15 three.

16 (A short break was taken.)

17 THE VIDEOGRAPHER: We are back on the record at  
18 2:21 p.m. This is the beginning of videotape  
19 number four.

20 BY MR. ANDERSON:

21 Q. Cardinal, sometimes I -- I might be  
22 raising my voice here. I'm not trying to be rude.

23 You understand that, sir?

24 A. I understand that, sir.

6           A.     What upsets me is the record of abuse, no  
7     matter when it happened. I truly do get upset  
8     about that as do you. That I haven't seen a  
9     particular administrative document, perhaps it  
0     would have been better had I seen it but whatever  
1     the reason, it wasn't shared. Unless it's  
2     something that gave me information that I should  
3     have had, then I -- then I get upset.

16           A.    I wish -- if that memo saying credible had  
17    come to me, I think I would have reacted  
18    differently, sir, but the police let him go.  How  
19    would the police let someone go that they thought  
20    was a threat?

24 MR. KLENK: Objection, we don't need to have an  
150