

IN THE CIRCUIT COURT OF MILWAUKEE COUNTY
STATE OF WISCONSIN

JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3 and CHARLES LINNEMAN,

Plaintiffs,

-vs-

Case No. 05-CV-1351

ARCHDIOCESE OF MILWAUKEE, et
al.,

Defendants.

JANE DOE 1,

Plaintiff,

-vs-

File No. 07-CV-008390

ARCHDIOCESE OF MILWAUKEE and
DIOCESE OF SIOUX FALLS,

Defendants.

JANE DOE 2 and JANE DOE 3,

Plaintiffs,

-vs-

File No. 2007-CV-10888,

ARCHDIOCESE OF MILWAUKEE and
DIOCESE OF SIOUX FALLS,

Defendants.

COPY

VIDEOTAPE DEPOSITION OF ARCHBISHOP REMBERT G. WEAKLAND

JUNE 5th AND 6th, 2008

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Video examination of ARCHBISHOP REMBERT G. WEAKLAND, taken at the instance of the Plaintiffs, under and pursuant to Section 804.05 of the Wisconsin Statutes, before MELISSA J. STARK, a Certified Realtime Reporter, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at Foley & Lardner, 777 East Wisconsin Avenue, Milwaukee, Wisconsin, on June 5 and June 6, 2008, commencing at 9:39 a.m. on June 5th and adjourning at 4:53 p.m. on June 5th and reconvening on June 6th at 9:03 a.m. and concluding on June 6th at 11:13 a.m.

A P P E A R A N C E S

JEFF ANDERSON & ASSOCIATES, P.A., by MR. JEFFREY R. ANDERSON and MR. MICHAEL G. FINNEGAN, 366 Jackson, Suite 100, St. Paul, Minnesota 55101, jeff@andersonadvocates.com, appeared on behalf of the Plaintiffs.

SMITH, GUNDERSON & ROWEN, S.C., by MR. KEVIN M. HENDERSON, 15460 West Capitol Drive, Brookfield, Wisconsin 53005, khenderson@sgr-law.com, appeared on behalf of the Plaintiffs. FOLEY & LARDNER, LLP, by MR. THOMAS L. SHRINER, 777 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, appeared on behalf of Archbishop Rembert G. Weakland.

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QUARLES & BRADY, LLP, by MR. JOHN A. ROTHSTEIN and MR. DAVID P. MUTH, 411 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, dpm@quarles.com, appeared on behalf of the Defendant Archdiocese of Milwaukee. LATHROP & CLARK, LLP, by MS. CARRIE M. BENEDON, 740 Regent Street, Suite 400, Madison, Wisconsin 53701-1507, cbenedon@lathropclark.com, appeared on behalf of the Defendant Diocese of Sioux Falls. NELSON, CONNELL, CONRAD, TALLMADGE & SLEIN, S.C., by MR. MARK S. NELSON, N14 W23755 Stone Ridge Drive, Suite 150, P.O. Box 1109, Waukesha, Wisconsin 53187-1109, mnelson@ncctslaw.com, appeared on behalf of Commercial Union.

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Mr. John Spohnholtz, Videographer.

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TRANSCRIPT OF PROCEEDINGS

(All exhibits were previously marked.)

THE VIDEOGRAPHER: We are on the record at 9:39 a.m. Today's date is June 5th, 2008. This is disk number one in the deposition of Archbishop Rembert Weakland. This deposition is being taken in the matter of Does, et al., versus Archdiocese of Milwaukee and Archdiocese of Sioux Falls. This matter is pending in the Circuit Court, Civil Division of Milwaukee County, Case No. 05-CV-1351 and File Nos. 07-CV-008390 and 2007-CV-10888.

This deposition is taking place at the offices of Foley & Lardner, located at 777 East Wisconsin Avenue, Milwaukee, Wisconsin. My name is John Spohnholtz, videographer for Brown & Jones Reporting, and the court reporter is Melissa Stark. Will counsel please state their appearances and whom they represent, beginning with plaintiffs' counsel, and then the reporter will swear in the witness.

MR. ANDERSON: For the Does, Jeff Anderson.

MR. FINNEGAN: Mike Finnegan for the Does.

MR. HENDERSON: Kevin Henderson, local

counsel for the Does.

MR. ROTHSTEIN: For the Archdiocese of Milwaukee, it's John Rothstein.

MR. MUTH: Also for the Archdiocese of Milwaukee, David Muth.

MS. BENEDON: For the Archdiocese of Sioux Falls, Carrie Behedon.

MR. NELSON: For Commercial Union, Mark Nelson.

MR. SHRINER: My name is Tom Shriner. I represent Archbishop Weakland.

ARCHBISHOP REMBERT G. WEAKLAND, called as a witness herein, having been first duly sworn on oath, was examined and testified as follows:

EXAMINATION

BY MR. ANDERSON:

Q Good morning, Archbishop. Would you please state your full name for the record?

A Rembert George Weakland.

Q Archbishop, we just met. As you know, my name is Jeff Anderson. I am one of the lawyers representing the plaintiffs in these actions whom we're referring to for most purposes as the Does. Would you prefer that I refer to you as Archbishop or Your Excellency?

A Whatever is most comfortable for you, Jeff.

Q All right. I'll use Archbishop, if that's okay.

A Okay.

Q I know you've been through this before, and so you understand that every question that I ask and any answer you provide is being recorded by the stenographer here and also on videotape. So that the stenographer can get it all down, try to wait for me to finish my question before you begin your answer, and then I'll try to do the same so that we don't talk over one another.

A Fine.

Q Should you not understand any question I ask, just let me know and I'll try to make it clear. Okay?

A Fine.

Q And if at any time should you wish to take a break for any reason, just feel free.

A Fine.

Q In terms of your current situation, I know you are retired. What is your current situation? Where do you live and what activities are you engaged in currently in association with the Archdiocese?

A I live at a retirement community called Wilson Commons on the south side of Milwaukee, and I've lived there now for about a year-and-a-half.

Before that I lived at Cousins Center, but since they're selling Cousins Center, I moved to Wilson Commons, and I have mass there every day, which a few people come, and on weekends I go out to several of the mother houses of nuns, and that's about all I do for the Archdiocese as such.

Q And you help the nuns of various orders of religious sisters?

A I go every Sunday to the same sisters, which are the Lake Franciscans, very close to Cousins Center.

Q And what do you do in connection with them?

A I have Sunday mass.

Q Okay. Currently do you have any health issues that prevent you from being able to understand the questions and the -- and able to give answers in this deposition today, such as medication, some mental impairments or anything like that?

A Well, I -- no, I don't know of any.

Q Okay. Do you take any medication that affects memory or anything like that?

A No.

Q Okay. Okay. Archbishop, by my calculation, you have been a priest for over 56 years?

A 57.

Q 57 years. And in that time you have served

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<p>1 certainly in many capacities, ordained a 2 benedictine, correct? 3 A Right. 4 Q And worked as a superior, as a chancellor and 5 then -- 6 A I have never been a chancellor. 7 Q Oh, I thought you were a chancellor at St. Vincent. 8 A Oh, that's chancellor of a college. That's 9 different. 10 Q Than chancellor of a diocese. 11 A Right. 12 Q Okay. And you also were appointed abbot primate of 13 the Benedictine Order Worldwide, correct? 14 A I was elected abbot primate, yes, by the abbots of 15 the world. 16 Q In order to be elected, is that by the worldwide 17 community or the -- all the superiors of the 18 community? 19 A That would be all of the abbots of the world, which 20 were about 220. 21 Q In order to be on the slate for election, does the 22 See nominate or have any role in that process? 23 A The Holy See? 24 Q Yes. 25 A No.</p>	<p>1 Q And tell us the circumstances of him having warned 2 you that there's a possible problem of abuse by 3 priests of minors. 4 A I can't put it that way. I'd have to say he warned 5 me about one priest, who when I got to high school 6 found that that priest was not there, so I probably 7 didn't meet that priest until many, many years 8 later. 9 Q Did you have a relationship to Pastor McFadden at 10 that time as a mentor of some kind? 11 A I could write a book on that one because he was a 12 very difficult Irish pastor, very brilliant but 13 very kind. We were on relief, the family. There 14 were six kids and my mother, and he hired my mother 15 to teach in the Catholic school, which was very 16 rare in the '30s, and then knowing that we would 17 lose the welfare check, had her volunteer and then 18 paid in kind so that every morning we would find 19 food on our back porch. So he took care of our 20 needs as a family for several years. 21 Then he would hire me to do interesting 22 things, like write names in the baptismal record 23 and pay me 20 bucks, which I could take home to 24 mother, or he would have me cut the grass and pay 25 me 20 bucks, which as a kid when you're 10,</p>
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<p>1 Q In your 57 years as a priest and having served in 2 many positions in that time, reflecting on that, 3 Archbishop, when in time do you believe you first 4 became aware that there was a problem of priests 5 abusing children? 6 A Already when I was in high school I knew that this 7 happened rarely. Before I even went away to high 8 school, I went to boarding school, my pastor called 9 me in and warned me about it, so I could say that 10 at least vaguely I knew that kind of thing 11 happened. Before that I -- 12 Q I'm going to stop you right there because you 13 mentioned something I just wanted to follow up on. 14 I'm sorry for interrupting. You said that in high 15 school you first became aware and then at some 16 point a pastor warned you about that? 17 A A pastor warned me before I went to high school. 18 Q Before you went to high school? 19 A Right. 20 Q Who was that pastor? 21 A Bertrand McFadden. 22 Q And this goes back a few years, but what year would 23 that have been that he would have warned you before 24 you went to high school that -- 25 A 1944.</p>	<p>1 12-years-old was -- and for us living on 30 some 2 dollars a month, that was big money. I was afraid 3 of him because he was typically, what should I say, 4 aloof but very kind to us, so that was my 5 relationship to the pastor. 6 Q And the priest about whom he warned you and -- who 7 was that? 8 A I can't remember his last name, but I could 9 remember his first name, but I don't know that 10 that's -- 11 MR. SHRINER: Is he still living? 12 THE WITNESS: No, he is dead. 13 BY MR. ANDERSON: 14 Q Why don't we just use the first name Father X. 15 A Alcuin. 16 Q Alcuin. Okay. It turned out Father Alcuin was not 17 at the school? 18 A Right. 19 Q But based on the warning given you by Father 20 McFadden, you would have known and your parents 21 would have known to stay away from him, correct, 22 that is from Alcuin? 23 A If I had -- if he had been at the school, I would 24 have stayed away from him, yes. 25 Q And is it fair to say that based on what Father</p>

1 McFadden told you in 1944 at the age of 10, 11 or
2 12, that in effect he told you Father Alcuin is not
3 safe to be around alone, correct?
4 A Yes, he would have told me that.
5 Q And he also told you -- or at least conveyed to you
6 in so many words that he may pose a risk of harm to
7 you, may try to hurt you by abusing you?
8 A He didn't say that.
9 Q What did he say?
10 A He just said to be aware of this priest, and I
11 don't know that I understood what he meant totally.
12 Up until then my mother had always told me never
13 get in the car with a strange person, all this kind
14 of thing, but it had nothing to do with sexual
15 abuse, as I think back about my mother. It had
16 more to do with the Linberg (phonetic) case. We
17 would always laugh at mother when she said this to
18 us, not getting in the car with strangers. Nobody
19 would pay a penny for us poor ragamuffins. We
20 didn't take it too seriously.
21 Q In any case, Father McFadden imparted enough
22 information to you about Father Alcuin for you to
23 know that you couldn't trust him?
24 A That would have been it, yeah.
25 Q And it's fair to say that as a then good Catholic

1 boy, you were taught to trust priests?
2 A Oh, we had enough pastors in that time and also
3 there were other Catholic churches in the town. I
4 was the organist in the slovak church that changed
5 pastors regularly. I think trust is not perhaps
6 the word. Each one was different.
7 Q You were taught at least in your catechisms and in
8 your Catholic teachings that priests were special?
9 A I don't know that we'd even say that. My mother
10 was very Irish and she complained a lot about
11 priests and at home wasn't reluctant to humanize
12 them greatly, but if a Protestant did that, that
13 was another story.
14 Q Right.
15 A She would defend on her church at all costs.
16 Q And that's another conversation --
17 A That's another conversation.
18 Q -- not for today. In any case, when Father
19 McFadden warned you about Father Alcuin, did you
20 tell your mom, "Hey, mom, father had told me
21 there's a priest I need to be wary of"?
22 A No. I don't remember at that moment ever talking
23 to my mother about it.
24 Q Did you ever tell anybody that Father McFadden had
25 warned you about Father Alcuin, to stay away from

1 him?
2 A It's very difficult with the word never. I can't
3 remember ever telling anybody about that.
4 Q Given the nature of what Father McFadden said to
5 you back then, the warning that he gave you, did
6 you infer that it had something to do with Alcuin
7 not being sexually safe towards boys, namely you?
8 A I would have to answer yes to that.
9 Q Fair enough. When would have been the next time
10 then, Archbishop, that you would have come to
11 believe that there was some kind of problem with
12 priests abusing children or being at risk for
13 abusing children?
14 A When I was a junior in high school.
15 Q And that year approximately?
16 A 1943.
17 Q And what happened there?
18 A You know how kids talk in the corridors or out for
19 a smoke and there was talk about one of the priests
20 molesting boys, one of the professors, and I was
21 not touched, there was no doubt about that, but I
22 also was among the ones who felt that those who had
23 been molested should go to the superior and report
24 this. So we had a big discussion on that, and
25 finally those who were molested did talk to the --

1 we didn't call him headmaster. I don't remember
2 what we did call him. Father Vitus was his name,
3 V-I-T-U-S, and again I don't remember his last
4 name. That might be partly psychological because I
5 didn't like him, but he was also a civil lawyer.
6 That's another story. I don't want to embarrass
7 anybody, but he was a civil lawyer as well as the
8 headmaster, or whatever you want to call him, and
9 not a man that I thought understood boys. That's
10 either here nor there, and so a group did go to see
11 Father Vitus about this.
12 I remember he called in every kid in the
13 high school, in the section that dealt with us who
14 were going on -- or thought we might go on for
15 priesthood. He did talk to each one, and I can't
16 tell you to this day how he made his decisions.
17 Some of the boys left the school immediately. Some
18 of the boys went on to the end of the year and some
19 of them -- and I don't mean big numbers here --
20 some of them stayed and went on, left on their own
21 years later. So that was the first major time when
22 I -- again, I saw this as an individual person, as
23 I did Father Alcuin, not as a prevalent thing
24 because there was so many wonderful priest teachers
25 that were incredibly good to me and helpful in my

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<p>1 life.</p> <p>2 Q Was there a point in time, Archbishop, where you</p> <p>3 saw this, that is sexual abuse by priests, as a</p> <p>4 prevalent thing?</p> <p>5 A As a --</p> <p>6 Q Prevalent thing.</p> <p>7 A I didn't see it as a prevalent thing until I became</p> <p>8 a bishop.</p> <p>9 Q '77?</p> <p>10 A '77.</p> <p>11 Q Okay.</p> <p>12 A Even during the years when I was the head of the</p> <p>13 Benedictine Order, which was 9,000 priests, I can't</p> <p>14 say that I knew or thought it was a prevalent</p> <p>15 thing.</p> <p>16 Q What made you see it as a prevalent thing, that is</p> <p>17 sexual abuse by priests, when you became a bishop</p> <p>18 in '77?</p> <p>19 A When I became a bishop, I expected that somewhere I</p> <p>20 would bump into it. I have to say that honestly,</p> <p>21 but I became aware of the prevalence of it in 19 --</p> <p>22 I'll be precise -- 1985. I think for me 1985 was a</p> <p>23 turning point. It was the first time that the</p> <p>24 bishops at the Conference of Bishops, we were</p> <p>25 meeting at St. John's in Collegeville, actually</p>	<p>1 say, Archbishop, I'm sorry?</p> <p>2 A I began to wonder if it might be more prevalent</p> <p>3 than I felt it would be, but life goes on and we</p> <p>4 dealt with the cases that would come. It was only,</p> <p>5 I think, in '85 that I became convinced, that would</p> <p>6 be the best word, it was a more serious problem</p> <p>7 than I had first imaged.</p> <p>8 Q Archbishop, I'll bring you back then to junior high</p> <p>9 where some of your friends and other kids were</p> <p>10 talking about a priest having molested them; is</p> <p>11 that correct?</p> <p>12 A Yes.</p> <p>13 Q And who was that priest that kids -- you said boys</p> <p>14 were talking about?</p> <p>15 MR. ROTHSTEIN: Jeff, maybe I should</p> <p>16 raise this. I didn't raise this with the first</p> <p>17 one, but it seems to make sense to me. We have a</p> <p>18 list here of various Jane Does and John Does for</p> <p>19 the plaintiffs in this action to protect their</p> <p>20 confidentiality, et cetera. This first priest, as</p> <p>21 I listen to the information, we don't know if that</p> <p>22 was substantiated or not. Archbishop Weakland just</p> <p>23 mentioned Father Effinger, who I believe was a</p> <p>24 public case, so I think that that was a</p> <p>25 substantiated one.</p>
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<p>1 talked openly about it and it became, I think,</p> <p>2 clear to me that this was not just something I had</p> <p>3 bumped into a few times in Milwaukee but it was a</p> <p>4 national phenomenon that had to be dealt with.</p> <p>5 Q And that was in '85, the Catholic Conference of</p> <p>6 Bishops meeting in Collegeville, St. John's, where</p> <p>7 the topic was taken up?</p> <p>8 A Right.</p> <p>9 Q And a report was prepared, and I'll be asking you</p> <p>10 about that, but you had said that you saw it as --</p> <p>11 and that was in '85. You had said you saw it as a</p> <p>12 prevalent thing when you first became bishop --</p> <p>13 archbishop, and according to my records, that would</p> <p>14 have been in May of '77. What would have been in</p> <p>15 '77?</p> <p>16 A Nothing I remembered from '77 was -- I wouldn't</p> <p>17 have known it right away when I arrived. The first</p> <p>18 big case that I had to deal with was '79, and it</p> <p>19 was Father Effinger, a public case, well-known.</p> <p>20 That would have been the first, and almost in</p> <p>21 succession there were two or three others at that</p> <p>22 point that I had to deal with so that I began to</p> <p>23 wonder.</p> <p>24 Q What were those -- when you say -- excuse me. When</p> <p>25 you say you began to wonder, what were you about to</p>	<p>1 My only concern here is that since we're</p> <p>2 dealing with confidentiality, I think where we have</p> <p>3 nonpublic unsubstantiated claims about priests who</p> <p>4 are not -- there's been no proof of that, et</p> <p>5 cetera, particularly if they're dead, there should</p> <p>6 be some equal treatment for their confidentiality</p> <p>7 for the same reasons. I don't know how to handle</p> <p>8 that, though.</p> <p>9 MR. ANDERSON: Well, I think when we</p> <p>10 have, as the Archbishop has indicated, testimony or</p> <p>11 evidence that there are suspicions of sexual abuse</p> <p>12 by a priest, we're going to use the names, and if</p> <p>13 you feel that for some reason that's not</p> <p>14 appropriate, you can seek court relief to strike</p> <p>15 that from the record.</p> <p>16 MR. ROTHSTEIN: Well, I'll finish this,</p> <p>17 and then I don't want to butt in. This first one</p> <p>18 is a good example. Here we have one individual</p> <p>19 making a hearsay report to Archbishop Weakland.</p> <p>20 There's no substantiation apart from a statement</p> <p>21 from an individual. That would never be</p> <p>22 sufficient, I think. And, you know, it's one thing</p> <p>23 if there's a public dissemination of the name, but</p> <p>24 what I would hate to be is that every individual</p> <p>25 against whom there's any assertion, that that now</p>

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1 becomes a public matter. So again, I don't know
 2 how to handle that, other than if it's public, my
 3 concern is, as I stated, that's not a concern at
 4 all, but for individuals who all we have is an
 5 unsubstantiated report, that's a problem.
 6 MR. ANDERSON: I guess I need to know if
 7 you have a legal objection to the use of the name,
 8 John. If it is, give me the legal objection and
 9 maybe we'll deal with that.
 10 MR. ROTHSTEIN: Jeff, it would be the
 11 same legal objection as the plaintiffs in this case
 12 for the same reasons. I don't think there's a
 13 legal objection for Jane Doe, John Doe, et cetera.
 14 It's simply an accommodation that's made between
 15 the parties, and I'd ask for the same
 16 accommodation. That's all.
 17 MR. ANDERSON: Okay. We did agree to
 18 seal and keep the names of victims on this Doe list
 19 in advance of the deposition and off the record.
 20 You're now asking for a similar accommodation
 21 essentially. Let's -- if the priest who is
 22 suspected of sexual abuse whose name has not been
 23 made public by newspaper accounts or otherwise, I
 24 will give you this accommodation to move this
 25 forward so that we can move it forward and keep

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1 what we call priests suspected of abuse, we'll call
 2 this one accommodation list and I'll number that
 3 one, two and then we can just fill that in.
 4 MR. ROTHSTEIN: Good.
 5 MR. ANDERSON: And we'll call that
 6 Exhibit B and the Doe list will be called Exhibit
 7 A.
 8 MR. ROTHSTEIN: Thank you.
 9 BY MR. ANDERSON:
 10 Q What I'm going to have you do as an accommodation
 11 is, if you would and if you can remember, the name
 12 of the priest who was suspected of molesting those
 13 boys, under number one, if you'd write that name.
 14 A Number one, shall I put Alcuin or is that --
 15 MR. ROTHSTEIN: Yes.
 16 MR. ANDERSON: We've got Alcuin's name
 17 out there. That's enough.
 18 THE WITNESS: So number one would be
 19 this --
 20 MR. ANDERSON: Yeah, This would be in
 21 junior high.
 22 MR. SHRINER: Junior year of high school.
 23 MR. ANDERSON: I misspoke. I'm sorry.
 24 THE WITNESS: Okay.
 25 MR. SHRINER: Can you read it, the

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1 handwriting?
 2 MR. ANDERSON: I can, and I'll pass it
 3 around and then I just want you to know, John, that
 4 I'm not agreeing to not -- not agreeing to seal
 5 this. I'm agreeing to accommodate this process so
 6 that we can work together to get through this today
 7 as quickly and as easily as we can.
 8 MR. ROTHSTEIN: Thank you.
 9 BY MR. ANDERSON:
 10 Q So we'll refer to that as priest one on Exhibit B.
 11 In that connection, how many boys would you
 12 estimate were either molested by him, how many
 13 kids?
 14 A This could only be a guess on my part, but I would
 15 judge about 15.
 16 Q And you were one of the ones that thought this
 17 should be kind of brought to the superior who may
 18 have been the headmaster but it was Father Vitus?
 19 A Right.
 20 Q And what made you think that that needed to be
 21 dealt with?
 22 A Because I thought it was a serious matter.
 23 Q And you would have been about 15 or 16-years-old?
 24 A Yes.
 25 Q And you and other boys then brought it to the --

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1 whoever was in charge, Father Vitus?
 2 A Right.
 3 Q What happened to this priest, father -- priest one,
 4 after you and others reported it to Father Vitus?
 5 A He left the high school, and I couldn't tell you
 6 what -- how it ended up at that time.
 7 Q Was it the next day or the next week that he --
 8 A Yes, immediate.
 9 Q So he was pulled in mid year?
 10 A (Witness nods head.)
 11 Q Not in the ordinary course?
 12 A In mid year.
 13 Q Okay. And did you, Archbishop, ever hear anything
 14 more about that then as you progressed through
 15 formation, what happened to this priest number one
 16 after he was pulled from your school based on
 17 reports of abuse by you and others?
 18 A I would have been a young -- I wouldn't have known
 19 much about it. I can say that his name occurred
 20 occasionally, and as far as -- this is memory
 21 back -- he was assigned to travel all over giving
 22 retreats, I don't know what -- with a group of
 23 priests. That's about as much as I know.
 24 Q So you did learn that he was allowed to continue in
 25 ministry, correct?

Page 26

1 A Oh, yes.

2 Q And to your knowledge, to this day did that

3 priest's superiors or Father Vitus' superiors ever

4 notify the community of faith that this priest,

5 priest one, had abused many boys, up to 15 by your

6 account?

7 MR. ROTHSTEIN: I simply show my

8 objection to "community of faith" undefined.

9 THE WITNESS: I'm not quite sure how that

10 would happen.

11 BY MR. ANDERSON:

12 Q Well, did -- to your knowledge, to this day did any

13 officials of the Archdiocese -- this was in

14 Pennsylvania, wasn't it?

15 A Yes.

16 Q Excuse me. Did any officials of the -- what

17 diocese was that?

18 A At that point it would have been under Pittsburgh.

19 Q And was that a benedictine school?

20 A The school was benedictine.

21 Q Okay. So in Pennsylvania or through the

22 benedictines, to your knowledge did any of the

23 superiors at that time release information to the

24 public that a report of abuse had been made by you

25 and others concerning priest number one?

Page 27

1 A Not to my knowledge.

2 Q And before today and you having told us about what

3 happened back in your junior year here, have you

4 ever disseminated any information to anybody about

5 this priest number one and what you learned about

6 him having abused your friends and colleagues?

7 A When you say disseminate, could you clarify that

8 for me?

9 Q Anybody outside the clerical culture, that is

10 fellow priests and superiors.

11 A Outside of the clerical culture?

12 Q Yes.

13 A That's -- I'm not quite sure what that means, but I

14 do not remember ever talking about that to anyone.

15 Q Okay. And when I say clerical culture, I'm

16 referring to priests, diocesan and religious

17 brothers, ordained clergy and officials of the

18 orders and the diocese. Have you discussed that

19 topic and what you learned and reported and the

20 continuation of this priest in ministry after the

21 report with other members of the clergy?

22 A I can't -- I can't remember that. I couldn't

23 remember ever talking about it.

24 Q Okay. Do you know if this priest number one is

25 still alive?

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1 A To my knowledge, he's long dead.

2 Q Okay. And did you ever hear or receive information

3 that he had continued to abuse youth in his

4 ministry after you and others reported it to Father

5 Vitus?

6 A I don't know of any case surfacing after that, and

7 in all the recent publications and publicity of

8 cases, I don't remember any case surfacing after

9 that, no.

10 Q When would have been the next time, Archbishop,

11 that you encountered -- let me back up. After this

12 report was made by you and others and at the time

13 this priest was removed in midterm, was any warning

14 given by Father Vitus or his superiors to the

15 public and the parishioners and the employees at

16 the school that this guy had hurt kids?

17 A I can't answer that. I don't know of any.

18 Q Okay. So his departure from there was abrupt and

19 quiet; is that a fair description?

20 A Yes.

21 Q When would have been the next time you encountered

22 sexual abuse or suspicions of sexual abuse by a

23 priest after this?

24 A I would have to say it was not until I became a

25 bishop.

Page 29

1 Q Okay. When you -- when you were elected abbot

2 primate of the Benedictine Order Worldwide, I

3 recall you having given testimony that you dealt

4 with three cases of some kind in that capacity. Do

5 you recall having done that?

6 A No --

7 Q Okay.

8 A -- I can't.

9 Q So as you sit here today, do you have any

10 recollection of having had any other dealings with

11 or suspicions of priests abusing kids before your

12 appointment as archbishop in, I guess it was,

13 November of 1977?

14 A I cannot think of any during the 10 years I was

15 primate because I didn't deal with things of this

16 sort, and I would not have come in contact with it.

17 Q As the abbot primate, was it your responsibility to

18 bring allegations of sexual abuse concerning

19 benedictines to the Office of the Holy See for

20 disciplinary action?

21 A No.

22 Q Whose responsibility was that?

23 A The Benedictine Confederation is the word we use,

24 and I have to explain that the Benedictine Order is

25 not structured like the Jesuits. It's not

Page 30

1 militaristic in that sense. The Benedictine Order
 2 is a confederation of congregations, so there were
 3 22 benedictine congregations around the world that
 4 confederated, and I was the head of the
 5 confederation. Each of the congregations had their
 6 own president, and such cases would have gone
 7 through his counsel and directly to the Holy See.
 8 Q And did you have any role or contact with the
 9 congregation for the doctrine of faith or the
 10 investigation of priests suspected of sexual abuse
 11 while working as abbot primate?
 12 A Nothing.
 13 Q You had worked in Rome at some time as a part of
 14 your formation, two different times, I believe,
 15 correct?
 16 A I had studied in Rome from 1948 to 1951, so I lived
 17 in Rome at that time as a student doing theology,
 18 and then I spent a year in Milan in 1956, '57 and
 19 then again as primate, the order from 1967 to '77,
 20 so all told I would have lived 14 years in Italy,
 21 13 in Europe.
 22 Q To your knowledge, at any time while serving and
 23 working in any capacity that you have in the last
 24 57 years, did you become aware of a document or
 25 protocol issued by the Vatican, the Office of the

Page 31

1 See, concerning practices to be followed when there
 2 is solicitation in the confessional?
 3 A I certainly knew about the solicitation in the
 4 confessional from the code, the Canon Law, but
 5 there was a separate document I did not know about.
 6 MR. SHRINER: The code being about a 1916
 7 document?
 8 THE WITNESS: The code is 1917, and then
 9 it was redone in 1983, so in the code it talks
 10 about solicitation, but there was a separate
 11 document from the Congregation of Religious. I
 12 didn't find out about that until probably in the
 13 '90s. I couldn't tell you when I did.
 14 BY MR. ANDERSON:
 15 Q When you're referring to the code, you're referring
 16 to the code of Canon Law first promulgated in 1917
 17 and then revised in 1983, correct?
 18 A Right.
 19 Q And it's also correct to say that that code
 20 effectively establishes both the laws and the
 21 protocols that every priest and superior is
 22 required to live by and every norm that they are
 23 required to adhere to?
 24 A "Every" is a big word.
 25 Q Well --

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1 A Basic, yes.
 2 Q How would you describe the code as it applied to
 3 the conduct of clerics?
 4 A Naturally it deals only with the negatives, so I
 5 think the code would be considered an inadequate
 6 document for formation.
 7 Q The code basically is a set of rules and
 8 regulations that prohibits certain kinds of
 9 conduct?
 10 A One section does that, but that's a small section.
 11 Q And I'll get to that. Referring back to a -- the
 12 question of instructions issued by the Vatican
 13 concerning solicitation in the confessional, I'm
 14 going to show you what I've marked 412 and 412-A.
 15 412 is the Latin version called "Instructio" and
 16 412-A is called "Instruction on the Manner of
 17 Proceeding in Cases of Solicitation, the Decree,
 18 Crimen Sollicitationis, the Vatican Press,
 19 March 16th, 1962." So I'll put the English version
 20 before you, Archbishop, and my question to you is
 21 did you at some point become familiar with the
 22 protocol issued by the Vatican that required that
 23 solicitation in the confessional be dealt with in a
 24 certain manner?
 25 A I became -- I knew from -- I don't know when --

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1 that there was reference to this in the code. This
 2 particular document from '62 I became aware of 20
 3 years after it was published.
 4 Q And how did you become aware of it?
 5 A In discussion among the -- probably in the '85
 6 meeting or after that of the bishops. I certainly
 7 didn't know it before that, and nor could I even
 8 find a copy of it in our archives at the time, so
 9 the first copy I would have seen was the Latin
 10 copy, and I think it has been updated since then,
 11 but I -- it would have been at a later time, and I
 12 don't think it was very helpful because most of the
 13 cases we had did not involve solicitation in the
 14 confessional, so I don't think the document would
 15 have been that useful to us.
 16 Q You do recall, however, that being discussed by
 17 your colleagues and the fellow bishops at the --
 18 then the U.S. Catholic Conference of Bishops -- or
 19 the National Conference of Catholic Bishops in '85?
 20 A It certainly was mentioned by Canon I'm sure.
 21 Q Let's turn to that meeting at Collegeville in '85.
 22 And what do you remember, Archbishop, about the
 23 bishops at that conference doing in connection with
 24 the problem of pedophilia or sexual abuse by
 25 clerics?

1 A I think for the first time it was discussed openly
2 so that the problem was admitted and with experts
3 to talk to us about it. The person who at the time
4 seemed to be the most important expert on the
5 agenda was a psychiatrist from the Georgetown --
6 no, from Johns Hopkins University, Fred Berlin,
7 and --
8 Q I'm sorry, Archbishop. Go ahead.
9 A But I don't remember many of the other speakers --
10 Q Okay.
11 A -- on that occasion. Fred Berlin was considered to
12 be an expert throughout the nation, and we talked
13 quite openly to the bishops about how he thought
14 they should proceed. There probably would have
15 been at that meeting also representation from the
16 various places where bishops could send priests,
17 like St. Luke's, at that time I think it was still
18 in Washington. I don't know if some of the
19 others -- which ones were in existence at that
20 time, whether Southdown in Canada was there or not,
21 but there was a representation from those groups
22 that were dealing with sex predators. I'm sure
23 there were some Canonists because we always have
24 Canonists present to talk about this.
25 MR. SHRINER: Why don't you explain what

1 a Canonist is.
2 THE WITNESS: A Canonist is a church
3 lawyer, but I don't think that was the issue at the
4 meeting as much as it was a question of what we
5 were dealing with in terms of not just a sexual
6 attraction towards kids but an addiction and the
7 extent of that addiction, which was very important.
8 I came away convinced that probably sexual
9 attraction toward kids was more prevalent than we
10 would have thought in our society, but not all
11 people were acting out on that but some were, and
12 it's that some that we had to be concerned about,
13 especially those that might be priests or working
14 for the Catholic church in any capacity who would
15 because of that attraction be attracted to any kind
16 of work where they would have access then to
17 children.
18 BY MR. ANDERSON:
19 Q You say you came away from that conference and
20 these discussions involving sexual abuse at the
21 conference that the problem of sexual attraction
22 towards kids was more serious than you had realized
23 before, correct?
24 A Yes.
25 Q Did you also come away from that conference and

1 that discussions with the fellow bishops and the
2 experts invited with the belief that there was a
3 serious problem in the clerical culture and among
4 the bishops in dealing with the issue?
5 A That's a difficult question to answer because it
6 involves a distinction here between what is the
7 legal setup of the conference and what some of us
8 may have wanted to do simply as bishops. The
9 conference did not have the power to mandate any
10 kind of program on every diocese of the country.
11 That simply was not in the legal setup, so that
12 each diocese, each bishop, was responsible directly
13 to Rome. Even though some of us may have wanted to
14 set up national ways of proceeding that could be
15 imposed, it would not have been a part of the legal
16 setup as was then known.
17 Q Okay. Is it fair to say that by your last answer,
18 that the bishops, at least some, wanted to do more
19 and have more power to do something about this but
20 that their hands were tied by Rome?
21 A Hands were tied by the Code of Canon Law, yes.
22 Q Okay.
23 A Yes, that was true.
24 Q And who created the Code of Canon Law?
25 A It was -- that was way back in 1917 at that time,

1 or 1983 revised by Rome, yes.
2 Q Okay. And I'm looking at an article, and I don't
3 have a copy, so I'm just going to read from it and
4 ask you a question. That was in the Journal
5 Sentinel on March 25th, 2002, title is, "Six
6 Priests Linked to Abuse," and there's a quote from
7 Father Thomas Brundage, B-R-U-N-D-A-G-E, who is
8 judicial vicar of the Milwaukee Catholic
9 Archdiocese. Do you know him?
10 A Yes, I do.
11 Q Okay.
12 A He no longer is in that capacity, though.
13 Q And I'm reading from the article, and he says that,
14 "Father Thomas Brundage called priest pedophilia,
15 quote, 'a form of homicide,' unquote, in that it
16 takes away children's innocence." Would you agree
17 or disagree with that observation?
18 A If you had asked me that in 1979, I would not have
19 agreed with it. If you ask me that now in the year
20 2008, I would say in almost every case, yes.
21 Q And when do you think in time you would first have
22 agreed with that observation?
23 A Between 1985 and 1992.
24 Q Okay.
25 A I'll put it precise.

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1 Q That's fair enough.

2 A I think '92 I was totally convinced. '85 I still

3 was believing that some of those psychiatrists who

4 felt that there were younger people who had handled

5 it well, if that's the right way, and did not show

6 the kind of traces of any kind of heavy guilt,

7 whatever you want to call it, but after '85,

8 between '85 and '92, by dealing more and more with

9 victims and meeting with victims and especially

10 victim families, I think we tried to deal with

11 victims not adequately. We had still much to do,

12 and I'm concerned that there hasn't been enough

13 progress in dealing with victims. It's become too

14 much of, I'll say it frankly, a money question

15 rather than healing, so that worries me.

16 It worries me even more what has happened

17 to parents, and we need a program -- I'm

18 pontificating here. I think we need a program for

19 greater help for parents because so many of the

20 parents of victims whom I met felt somehow they had

21 been inadequate as parents and that somehow -- and

22 I'd hear them say this to me, "I don't know why my

23 son didn't talk to me about it when it happened. I

24 was a good father or a good mother." And I feel

25 sorry about that, and I'm sure we've learned that

Page 39

1 those who were abused don't readily talk to parents

2 about it. It takes a long time to do that.

3 You asked me earlier if I talked to my

4 mother about what Father Bertrand said to me, and

5 the answer was no, but I can tell you I did talk to

6 her probably when I was about in the first year of

7 college about the other case, the second case, the

8 John Doe --

9 Q The priest -- it's priest one is what we'll call

10 him.

11 A Priest one, I did talk to her about that once, but

12 it took me about three years and the right

13 circumstances to do this. Should I go ahead and

14 talk about that?

15 MR. SHRINER: Go ahead.

16 THE WITNESS: I had a big truck garden

17 and it was one way of supplying food for the

18 family, and she took care of the flowers, so often

19 in the dusk in the evening we would be out working

20 together. She would be putting with her flowers

21 and I'd be cutting my lettuce, but I did talk to

22 her about this and what had happened and my

23 puzzlement about the decision of Father Vitus

24 concerning kind of dividing the group into three,

25 some who left immediately, some who left at the end

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1 of the year, et cetera, and I was talking to her

2 about this.

3 So that was the first time I opened up,

4 but it took me about three years, and her response

5 is something I'll never forget, and I still think

6 about it. It wasn't what I had expected at all.

7 She said, "Well, I just hope that your first sexual

8 experience will be a wonderful one," and that's all

9 she said, and I thought, as I think about it, this

10 was a tremendous response in her own way, but I get

11 back to the point, I don't know what we do to help

12 parents get over the fact that they were good

13 parents even though a kid didn't feel that he could

14 reveal this to them at that time.

15 BY MR. ANDERSON:

16 Q Okay. Archbishop, as I was listening to you there,

17 I think I heard you say that you first became very

18 aware of the problem in '85 and then in 1992 you

19 became convinced of the gravity of it; is that a

20 fair summary?

21 A That's a very fair statement.

22 Q Okay. And after having become aware in '85 and

23 then convinced in '92 of the gravity of the

24 problem, did you as archbishop at any time advocate

25 to your fellow bishops or to the Vatican that more

Page 41

1 must be done by the leadership in the church in

2 America?

3 A I remember -- and I couldn't give you the date on

4 this -- sitting down with the archbishop in the

5 congregation of the clergy for an hour-and-a-half

6 to talk about the problem, and I can't give you the

7 date. It was certainly during one of our Ad Limina

8 visits, A-D --

9 MR. SHRINER: L-I-M-I-N-A.

10 THE WITNESS: Ad Limina, so that would

11 have been probably in 1992, I'd have to look that

12 up, to talk to him about the seriousness of the

13 cases and just pouring out my heart.

14 BY MR. ANDERSON:

15 Q When you say "him," who are you referring to?

16 A At the time I'd have to look up his name. He's

17 right now the cardinal of Naples.

18 Q So it was one of the high ranking officials at the

19 Vatican?

20 A Yes.

21 Q Probably one of the heads of one of the

22 congregations?

23 A Congregation of Clergy.

24 Q Congregation of Clergy?

25 A That's where I thought this should be, and they

Page 42

1 were the ones that should handle it.

2 Q At that time was the Congregation of Clergy, at
3 least as you understood it, the department in the
4 Vatican structure that was to be dealing with
5 sexual abuse and the investigation and discipline
6 and handling of it?

7 A Yes.

8 Q Okay. And did you tell -- did you tell me you did
9 remember who that was or not that you spoke to?

10 A I do remember, but his name escapes me now.

11 Q Okay.

12 A And all I can tell you is at present he is the
13 cardinal of Naples.

14 MR. SHRINER: Mr. Anderson, the
15 videographer would like to close the blinds, and
16 I'm afraid it will make some noise. Perhaps we
17 could take a second here to figure out how to do
18 it.

19 THE VIDEOGRAPHER: We are off the record
20 at 10:36 a.m.

21 (Recess taken.)

22 THE VIDEOGRAPHER: We are back on the
23 record at 10:40 a.m.

24 MR. SHRINER: We've adjusted the blinds
25 so that the glare is out of the witness' eyes.

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1 BY MR. ANDERSON:

2 Q Archbishop, you were telling us about the meeting
3 where you advocated for change, it sounds like, to
4 then the head of the Congregation of Clergy, now a
5 cardinal in Milan?

6 MR. SHRINER: Naples.

7 MR. ANDERSON: Excuse me, in Naples.

8 BY MR. ANDERSON:

9 Q Tell us about that conversation. What did you ask
10 him and the Office of the See to do about this
11 problem then?

12 A It would be impossible for me to respond to that
13 clearly because I don't remember that I asked him
14 anything, except to tell him what -- the severity
15 of the cases, what we were trying to do. I didn't
16 have any specific agenda at that point for him.

17 Q What response, if any, did you receive from the
18 head of the Congregation for the Clergy?

19 A I must say a good -- they listened -- or he
20 listened well and -- but I received no kind of
21 positive feedback.

22 Q Did you get -- while he listened to you, did you
23 get a cold shoulder?

24 A No, no, no. I felt he was truly interested in it,
25 and I did also go then to talk to the cardinal,

Page 44

1 then he was the archbishop, who was the head of the
2 commission for doing the new code and its
3 interpretation. His name was Herranz,
4 H-E-R-R-A-N-Z. I think he's deceased since then,
5 but I did talk to him at great length about the
6 situation, not only because he was a Canon lawyer
7 but also because in his previous life he had been a
8 psychiatrist, was a member of Opus Dei and I
9 thought could be helpful to talk about it.

10 Q And when you spoke to him, were you making a
11 similar plea for reform by the Office of the Pope
12 to deal with the issue that was now prevalent of
13 sexual abuse?

14 A I can't say that.

15 Q Okay.

16 MR. ROTHSTEIN: Pardon me, Jeff. If I
17 could just lodge this so I don't have to butt in.
18 In terms of the timing, we talked about timing,
19 from what my records show is that the events
20 involving Jane Does were between '65 and '70 and
21 those involving the John Does were 1973 to 1976 and
22 the most recent was Mr. Linneman, who is a
23 disclosed plaintiff, was 1982 and the events that
24 we're talking about now so far as I can see are 10
25 years after the fact, so I won't -- if I can have a

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1 standing objection, I think these are outside the
2 scope of anything that's discoverable or relevant
3 to the cases that we have.

4 MR. ANDERSON: Well, you have a standing
5 objection so you don't have to make it again, but
6 if you want to waive any defense on Statute of
7 Limitations or any assertion by the Archdiocese
8 that any of these plaintiffs knew or should have
9 known of the fraud or the misconduct by the
10 Archdiocese, I'd be happy not to ask the questions.

11 MR. ROTHSTEIN: Well, I'll take the
12 standing objection so I don't have to interfere.

13 MR. ANDERSON: Okay.

14 MR. ROTHSTEIN: I've just noted for the
15 record I think the basis. Thank you.

16 MR. ANDERSON: Okay. And noted.

17 BY MR. ANDERSON:

18 Q Was the -- was the conversation with the Cardinal
19 Archbishop -- how do you pronounce that?

20 A Herranz.

21 Q -- Herranz sometime after you had the meeting with
22 the head of the Congregation for the Clergy or
23 about that same time?

24 A About the same time.

25 Q It sounds like you at that time -- was this in the

12 (Pages 42 to 45)

<p style="text-align: right;">Page 46</p> <p>1 early '90s?</p> <p>2 A Yes.</p> <p>3 Q It sounds like at that time you were frustrated by</p> <p>4 what wasn't being done by the leadership in America</p> <p>5 and you were going to Rome to get them to hear your</p> <p>6 plea about doing more?</p> <p>7 A Yes.</p> <p>8 Q Okay. And one of the things you were asking them</p> <p>9 to do was revise the Code of Canon Law to get tough</p> <p>10 with the priests who abuse and with the bishops and</p> <p>11 leaders that allow them to, right?</p> <p>12 A I wasn't saying that.</p> <p>13 Q Okay.</p> <p>14 A You would be putting words in my mouth.</p> <p>15 Q Why don't you tell us what you were.</p> <p>16 A The Code of Canon Law had its own set of rules for</p> <p>17 handling cases of this sort so, for example, the</p> <p>18 age differences were clear. While the code had, I</p> <p>19 believe, 16 as adulthood for men and 14 for girls,</p> <p>20 this certainly contradicted what we would have in</p> <p>21 the State of Wisconsin, so there was need for some</p> <p>22 adjustments of the code to our present</p> <p>23 circumstances, and it was a little later then when</p> <p>24 Pope John Paul himself adjusted those but</p> <p>25 temporarily from the code for United States. That</p>	<p style="text-align: right;">Page 48</p> <p>1 section of the code was that every case that you</p> <p>2 would try in United States had to be appealed to</p> <p>3 Rome and would linger over there for years, and so</p> <p>4 there was a tendency to shy away from trying to</p> <p>5 implement that section of the code in United</p> <p>6 States. Rome was very critical of how we handled</p> <p>7 the annulment cases. I can only imagine how</p> <p>8 critically they would have dealt with handling the</p> <p>9 cases of sexual abuse, so we shied away from using</p> <p>10 the code in that respect.</p> <p>11 I remember some of us were pushing for a</p> <p>12 more streamlined kind of way of treating these</p> <p>13 cases, which came in after 2002, but this is 10</p> <p>14 years before that, and we unfortunately used the</p> <p>15 word, "an administrative tribunal," which had the</p> <p>16 holy father furious because he said it's the word</p> <p>17 that the communists had always used to subvert</p> <p>18 justice rather than to help justice. So he didn't</p> <p>19 want anything to do with an administrative process</p> <p>20 that in any way would be unjust, so it's -- all of</p> <p>21 this was discussed, and it's not something that we</p> <p>22 just sat there and just twiddled our thumbs.</p> <p>23 Q There were other bishops and archbishops besides</p> <p>24 yourself advocating for these reforms at this time</p> <p>25 in the early 1990s, correct?</p>
<p style="text-align: right;">Page 47</p> <p>1 would be one example of the way in which this would</p> <p>2 work.</p> <p>3 I don't think the code had any knowledge,</p> <p>4 and probably most of us didn't, of the depth of the</p> <p>5 addiction of sexual attraction to kids. I don't</p> <p>6 think the code had any psychological awareness of a</p> <p>7 problem of this sort, nor what to do with cases of</p> <p>8 that, so it just -- it's not clear there how to</p> <p>9 handle it, so it was more -- as we were discussing</p> <p>10 more and more among the bishops how to do it, it</p> <p>11 became evident that we needed help and how to</p> <p>12 handle the code. The procedures of the code,</p> <p>13 that's the penal section of the code, were</p> <p>14 extremely complicated and such that I don't think</p> <p>15 many Canonists in United States had ever dealt</p> <p>16 with. This was a whole new field for them.</p> <p>17 They knew very well the section that</p> <p>18 dealt with annulling marriages, but the rest of the</p> <p>19 Penal Code was almost a mystery. When I studied</p> <p>20 Canon Law, that section we didn't even look at as a</p> <p>21 regular seminarian because it was something that</p> <p>22 the professionals would take care of. Now that</p> <p>23 became center stage, if you will, and, therefore,</p> <p>24 we had to look at it and see what happened.</p> <p>25 Our general experience with handling that</p>	<p style="text-align: right;">Page 49</p> <p>1 A Yes, there were.</p> <p>2 Q How many in number would you estimate?</p> <p>3 A Out of 260 bishops, so I suppose about half were</p> <p>4 considered.</p> <p>5 Q And the meetings that you had with -- the meeting</p> <p>6 that you had with Herranz, was that -- who else</p> <p>7 attended that?</p> <p>8 A Just me.</p> <p>9 Q Okay. Is it fair to say, Archbishop, that at that</p> <p>10 time in the early '90s and at the time of these</p> <p>11 meetings and your advocacy for reform, that there</p> <p>12 was frustration with the ordinaries' ability to</p> <p>13 deal with this problem because the code tied their</p> <p>14 hands?</p> <p>15 A I can't speak for other bishops. I can only speak</p> <p>16 for myself, and speaking for myself, I'll say yes.</p> <p>17 Q And is it correct to say that the code was</p> <p>18 effectively the only real protocol that was in</p> <p>19 place that you were allowed to use in dealing with</p> <p>20 sexual abuse at that time?</p> <p>21 A Yes.</p> <p>22 Q And is it also fair to say that the code in effect</p> <p>23 required you as an ordinary and the other</p> <p>24 ordinaries to keep these matters secret, that is</p> <p>25 allegations of sexual abuse?</p>

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1 MR. ROTHSTEIN: Pardon me. I'll simply
2 show my objection. I think they're calling for the
3 Archbishop to give expert testimony as a Canonist.
4 THE WITNESS: This is beyond -- a little
5 bit beyond me here. Certainly the protocols of a
6 trial were secret, but I'm not sure about anything
7 else beyond that. I couldn't tell you.
8 BY MR. ANDERSON:
9 Q Was there anything in the code or practices that
10 existed in the early 1990s that -- let me just
11 strike that question and ask you this. Apart from
12 the code that you have referred to, are you aware
13 of any procedures or policies that were written and
14 in place that guided how you as an ordinary were to
15 deal with sexual abuse up and to and through the
16 early 1990s?
17 A After 1985 a committee was formed and documents
18 were produced by that committee. The title of
19 these were restoring trust, and these we all dealt
20 with, talked about and were used by most dioceses
21 but not all throughout the country.
22 Q Any other efforts made by you in the early '90s to
23 reform the practices being employed and/or the code
24 that required those practices pertaining to sexual
25 abuse that you haven't identified?

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1 A I did try to use the processes twice and -- well,
2 first let me preface this by saying I was one of
3 those who advocated for regional tribunals to
4 handle these cases because I felt that not every
5 diocese had trained Canon lawyers to set up a court
6 to meet the requirements of the code, and it would
7 be better if these were done regionally throughout
8 the nation, so I joined the group of bishops who
9 were interested in regional tribunals, but when
10 that didn't come about, I moved ahead and tried two
11 cases in the '90s in the diocese using lawyers,
12 church lawyers from Green Bay and Chicago. We're
13 well situated. We can draw on a broader group.
14 We tried these two cases. They were
15 appealed to Rome, and I don't think -- the one man
16 died later and I don't think the other has ever
17 been answered, but I don't know what's happened
18 after 2002.
19 Q And those two cases that were tried by the
20 Archdiocese with the help of Green Bay and Chicago
21 and the priests that were tried, it was for sexual
22 abuse, right?
23 A Yes.
24 Q Was that fact known that they were accused and
25 tried for sexual abuse of minors ever made known to

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1 the public by the Archdiocese officials at any
2 time?
3 A The one case had been public knowledge, so it had
4 gone through a civil court.
5 Q What case is that?
6 A That is Larry Murphy --
7 Q Okay.
8 A -- had gone through a civil court before I came to
9 Milwaukee, but it's typical of the way in which
10 even civil courts handled these cases in those
11 days. The case had gone to court and was thrown
12 out by the judge.
13 Q On the Statute of Limitations?
14 A No. And it's a case that I feel very, very
15 sensitive about because these -- this was the
16 School for the Deaf and these were all deaf kids,
17 and I don't think -- because of the deafness, I
18 don't think they ever got a fair hearing in court
19 and the cases were simply thrown out. Father
20 Murphy had been relieved of his role as head of the
21 School for the Deaf, so I'm not quite sure -- how
22 did I get onto this one?
23 MR. SHRINER: He asked about whether it
24 was publicized.
25 THE WITNESS: It was public knowledge in

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1 that sense and certainly among the deaf community
2 it was public knowledge, and once -- and we sent it
3 on to Rome, and once in Rome, it would have been
4 1998, because I was there for an Ad Limina visit
5 and we had a meeting in the congregation for the
6 doctrine of faith with their Canonists in which
7 this case was discussed, which I pleaded that even
8 though he was retired and in ill health, that he be
9 reduced to the lay state to bring some kind of
10 closure to this in our deaf community, and instead
11 it dragged and he died about six months later.
12 BY MR. ANDERSON:
13 Q You said that Father Larry Murphy was one of the
14 cases that did become known public, that had
15 been --
16 A Well, certainly the accusations were public because
17 of the trial, and that was 1975.
18 Q And those accusations were made public because of
19 the civil suit that was brought by a victim,
20 correct?
21 A Yes. Yes.
22 Q To your knowledge, did the Archdiocese disseminate
23 any information about what they knew Father Larry
24 Murphy had done to many kids at the deaf school,
25 that is sexually abuse them?

1 A I couldn't tell you what Archbishop Cousins did
2 about that because that was before my time.
3 Q Did you ever disseminate any information to the
4 public, we have reason to believe that Father Larry
5 Murphy abused over a dozen kids at the deaf school
6 and are trying him for those delicts or crimes?
7 A I -- that doesn't surprise me at all, that
8 information, but I -- I know that we did write
9 articles for the newsletter that the deaf put out
10 in the Chicago area because most of these kids were
11 from the Chicago area and the Milwaukee area. Yes,
12 we did do that.
13 Q And the other priest that was tried that you
14 referred to, who was that?
15 MR. ROTHSTEIN: Again, is this a public
16 matter? Has this been a substantiated matter, I
17 guess? The question is should he go on this list
18 or not?
19 MR. ANDERSON: I think it's a
20 substantiated matter. They tried him.
21 BY MR. ANDERSON:
22 Q He was found to have committed crimes of abuse
23 against minors, correct?
24 A Yes.
25 MR. ROTHSTEIN: Then I withdraw my

1 comment. Thank you.
2 MR. ANDERSON: That's fine.
3 THE WITNESS: His first name comes to me
4 and the second I'd have to --
5 BY MR. ANDERSON:
6 Q You don't have to write it down. You can state
7 what it is.
8 A I don't know.
9 Q Okay.
10 A I know his first name, but his last name doesn't
11 come to me right away.
12 Q What is his first name?
13 A Mike.
14 Q Do you remember what locale he committed the crimes
15 against children for which he was tried in the
16 tribunal or parish?
17 A They would have happened back in the -- long before
18 I came here, and he was an associate of Father
19 Groppi's in the central city, so it was probably
20 St. Boniface, the old St. Boniface in the central
21 city.
22 Q And to your knowledge, to this day has any
23 information ever been disseminated by the officials
24 of the Archdiocese of Milwaukee that we tried this
25 priest for crimes of sexual abuse and found or had

1 reason to believe he had committed crimes and that
2 the Archdiocese had knowledge of it?
3 A His name is certainly on the list of those that
4 were published by the Archdiocese. I don't know
5 more than that because what happened after 2002 is
6 not mine.
7 Q And the list you referred to was disseminated and
8 created as a result of the Dallas Charter in 2002?
9 A Right. Right.
10 Q Okay. Archbishop, do you recall having put Father
11 Murphy back into ministry in 1977 or '78 after
12 reports or complaints had been made against him for
13 having abused?
14 MR. ROTHSTEIN: Pardon me. Simply show
15 my objection. The three accused priests in these
16 proceedings, I believe, are Bruce MacArthur from
17 South Dakota, Siegfried Widera from Milwaukee and a
18 Franklyn Becker. I'm not aware of any other
19 priests being involved in the proceedings that
20 we're involved with here, so I have an objection
21 based upon relevance.
22 MR. ANDERSON: Okay. You may answer.
23 THE WITNESS: By the time I arrived here,
24 Father Murphy, I had never met, was living on a
25 lake in northern Wisconsin, retired there, and I

1 had forbidden him -- after the deaf community, I
2 realized there was a turmoil among them over him, I
3 had forbidden him to come down to Milwaukee and
4 ever celebrate mass here in Milwaukee, so that's on
5 the books.
6 BY MR. ANDERSON:
7 Q Okay. You forbid him from celebrating mass in
8 Milwaukee, that means minister in the sacraments of
9 mass here in Milwaukee. Did you tell anybody
10 outside the officials of the Archdiocese, that is
11 the public or the parishioners, that you had
12 forbidden Father Murphy from celebrating mass in
13 Milwaukee because of suspicions of sexual abuse?
14 A This certainly was known in the deaf community, so
15 I don't know how -- whether the chancery put it
16 into their letter or how, but it was well-known in
17 the deaf community and was a very sad case because
18 the older deaf people did not believe it and that
19 pitted them against the youngsters. This was a
20 sad, sad situation, so that's the way it was.
21 Q After it had become known by the Archdiocese that
22 Murphy had abused kids and was suspected of having
23 done so, are you aware that he worked outside of
24 Milwaukee?
25 A I'm not sure what the disposition of the

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1 archbishop -- or the bishop of Superior was because
2 it was the diocese he was living in. I think --
3 but again you'd have to verify that from elder
4 sources, I think he was permitted to say mass in
5 the parish church where he was living, but you'd
6 have to verify that.
7 Q And when you imposed a restriction on him to not
8 say mass in Milwaukee because he had been accused
9 of sexual abuse in Milwaukee, what did you do to
10 make sure that he abided by that restriction?
11 A This is a good question because it touches not just
12 the diocese but our whole probation concept in U.S.
13 society. It's almost impossible to monitor
14 somebody 24 hours a day. I can only say that if we
15 ever got word that he was down in Milwaukee saying
16 mass, then it would have been dealt with, and the
17 way in which we wanted to handle it then was to
18 take him out of ministry totally, and that's why we
19 took the case to Rome.
20 Q At that time as the -- as the archbishop, you had
21 the power to prevent him from performing any
22 ministerial functions in the Archdiocese of
23 Milwaukee, correct?
24 A Right. Right.
25 Q And you did not do that, you just restricted him

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1 from coming to Milwaukee and saying mass, correct?
2 A No. Anything in the Archdiocese of Milwaukee was
3 forbid.
4 Q So you had the power as the archbishop to restrict
5 him from performing any ministerial functions in
6 the Archdiocese of Milwaukee and your testimony is
7 that you did, correct?
8 MR. ROTHSTEIN: Pardon me. Pardon me.
9 Simply show my objection to the term "power" as
10 being undefined as versus religious power versus a
11 civil power.
12 MR. ANDERSON: I'm talking about the
13 power over the priest.
14 BY MR. ANDERSON:
15 Q You know what I'm talking about, don't you?
16 A I think I do.
17 MR. ROTHSTEIN: Same objection.
18 BY MR. ANDERSON:
19 Q So my question is did you notify the bishop of
20 Superior, the diocese from which he originally came
21 and was ordained, that you had imposed this
22 restriction and why?
23 A Father Murphy was not a priest of Superior. He was
24 a priest of Milwaukee.
25 Q Oh, I thought he was Superior. Sorry.

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1 A So he was living up there, as often people in
2 retirement do, on a lake --
3 Q I see.
4 A -- in retirement, and I'm sure that the chancellor
5 of Superior was informed of the restrictions on his
6 acting in the Archdiocese of Milwaukee. I can't
7 tell you, though, what the bishop up there may have
8 done in that case. I don't know.
9 Q As his ordinary then, because he was a priest of
10 the Diocese of -- Archdiocese of Milwaukee, you had
11 the power to restrict his faculties to minister
12 altogether in this Archdiocese, correct?
13 A Exactly.
14 Q And you effectively had the power to do that on a
15 phone call?
16 A I wouldn't do it on a phone call, but you could.
17 Q And if he -- if you felt he had posed a risk of
18 harm to children, immediately you had the power to
19 immediately make a phone call or dispatch one of
20 your delegates so that he would not exercise any of
21 his faculties in the Archdiocese of Milwaukee,
22 correct?
23 A Yes.
24 Q I want to go back to that quote that I was reading
25 from Father Thomas Brundage because we digressed,

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1 and I'm reading from this article, and I'm going to
2 read a quote attributed to him and then ask you if
3 you agree with it. According to this article that
4 I referred to earlier, he states, "After 1985, all
5 churches in the United States were on notice that
6 they cannot put priests who have had incidents of
7 having sexual abuse in parishes or any setting
8 where they would have access to children." Do you
9 agree with that observation?
10 A I'm not quite sure what Tom would have been
11 referring to there.
12 MR. SHRINER: I know you only have one
13 copy but perhaps if you let him read it, he would
14 be clearer what you're asking.
15 THE WITNESS: At least what date it is
16 and so on.
17 MR. SHRINER: '02 I think you said.
18 MR. ANDERSON: Yes, this is '02, and I'll
19 show it to you.
20 BY MR. ANDERSON:
21 Q And the next quote that I'm going to ask you if you
22 agree with or disagree, it states, "For the church
23 authorities to have allowed this to happen was
24 sinful, more than negligent, and I believe they
25 should be held accountable." So I'll show you the

1 passage and the article that I'll read from and
2 then ask you about the first quote and then if you
3 want, you can read it out loud and then state
4 whether you would agree or disagree with that
5 observation.

6 MR. SHRINER: Why don't you just let him
7 read it silently and you can ask him your question.
8 I just want him to have the context.

9 MR. ROTHSTEIN: Could I see the article,
10 too? Thank you.

11 BY MR. ANDERSON:

12 Q Now that you read that highlighted portion in the
13 article, the quote attributed to him, would you
14 agree with that?

15 MR. ROTHSTEIN: I show my objection. The
16 question is compound. It involves multiple
17 statements in here.

18 THE WITNESS: There's several things he's
19 saying there, which he picked 1985, which is the
20 date I put down also as the moment when we began to
21 talk about these things seriously, but there are
22 other aspects of it that Tom would not have known
23 about because he had not attended the meeting of
24 1985 and had not heard what went on at that
25 meeting, so I think it's a little bit of too broad

1 a sweep.

2 BY MR. ANDERSON:

3 Q Fair enough. Would you agree with this statement?
4 After 1985 and what you and other bishops learned
5 about the problem of sexual abuse, would you agree
6 that -- can I have that -- "That no bishop should
7 put any priest who has sexually abused children
8 back into any parish for any reason"?

9 MR. ROTHSTEIN: Pardon me. Asking the
10 witness to comment on other bishops beyond himself.

11 THE WITNESS: It's difficult to say
12 never, and that's why there cannot be some
13 extenuating circumstance there or some that would
14 change things. I don't think this is getting at
15 the problem we were facing, though, which is a
16 problem of -- well, two problems actually. One of
17 them was what kind of legal procedures you could
18 bring so that the question would be solved more
19 permanently, and the second one would be what do
20 you do even if you take them out of ministry, how
21 do you monitor someone, and I don't think civil
22 society has done a very good job on that either.

23 We're still trying to figure out how you
24 monitor people 24 hours out of the day, and that
25 was what -- Fred Berlin and that talk he gave to

1 the bishops in 1985 suggested that we bishops not
2 proceed to get them out of priesthood but keep them
3 in the priesthood and monitor them there because he
4 felt that the church could monitor better than
5 civil society was doing. Now, that sounds strange,
6 but that was the advice that this so-called eminent
7 psychotherapist was giving to us at that time.

8 And as I looked at it at the time, I
9 thought well, what other choice does one have. If
10 you don't have the means to take legal action
11 that's not going to last in the courts -- church
12 courts for 10 years, how are you going to monitor
13 then somebody who you can't get rid of, as it were,
14 and that is the dilemma of that period that we were
15 thinking about talking about and trying to come up
16 with some kind of solution.

17 Certainly the idea of sending them for a
18 lengthy period to one of these centers that dealt
19 with priest pedophiles was probably the solution
20 that most bishops took, and when those centers
21 would -- or would say well, we think that they are
22 now safe, that would alter what the bishop's
23 decision might be, but even then there were no
24 clear guidelines on how you monitor, and even today
25 it's one of those things that I just am baffled by

1 because we're getting a society with so many people
2 who are dangerous on the streets. I don't know how
3 you monitor all this, and to me it's a baffle.

4 BY MR. ANDERSON:

5 Q Archbishop, as you talk about, and we do, the
6 problem of sexual abuse of minors by priests, you
7 said that you tried to understand this problem and
8 you asked the question and I wrote it down, when a
9 priest abuses a child and you know about it as the
10 archbishop, you ask the question what other choice
11 does one have but to monitor him, and let me ask a
12 question now. As archbishop, is it fair to say
13 that you chose to -- when a priest was suspected of
14 abusing a child, admitted or not, that you chose to
15 do your best to monitor him?

16 A Yes.

17 Q Okay. And other than monitoring him and sending
18 him for treatment, did you choose to do anything
19 else?

20 A We set up a program where a permanent deacon in the
21 diocese would come to us from Los Angeles where he
22 was in charge of the monitoring program for the
23 police force of Los Angeles.

24 Q When would this have been, Archbishop?

25 A This would have been in the '90s. His name was

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<p>1 McGuire, and he was teaching even the monitoring 2 system for the police of Los Angeles, and he came 3 then to Milwaukee, and Tom was his first name, Tom 4 McGuire, and he -- 5 Q Is that Donald McGuire's brother? 6 A I have no idea. 7 Q The Jesuit priest. 8 A I don't think so. It's a common Irish name. 9 MR. SHRINER: Lot of McGuires out there. 10 THE WITNESS: Lot of McGuires. But he 11 set up for me kind of a monitoring system where he 12 would keep track of the person, visit the person 13 regularly, and he was shrewd, and he could pick 14 when there was a problem, and then we had -- in 15 part of that system was that the members of the 16 parish council and staff were informed so that they 17 could monitor the priest, plus all the restrictions 18 about any kind of contact with minors. So yes, we 19 had a program in force during the '90s, which I 20 confess I saw as all you could do at that time and 21 you did the best you could with it and leave it at 22 that. 23 BY MR. ANDERSON: 24 Q Did you feel constrained by the Canon Law that all 25 you could really do when a priest was -- had abused</p>	<p>1 priests, MacArthur, Widera and Becker. This is way 2 beyond that. 3 THE WITNESS: I can't recall ever doing 4 so personally. 5 BY MR. ANDERSON: 6 Q Okay. 7 A And -- 8 Q Then I have a next question. 9 A I have an addendum to my answer. 10 Q Sure. 11 A I don't think that's the problem because cases 12 that -- where the Statute of Limitation had not 13 expired, as in something like the Effinger case or 14 the Peter Burns case, these were easy because you 15 hand them over to the civil authorities and they 16 take their course, but it's the cases where the 17 Statute of Limitation had expired, these were the 18 hard cases for us to handle. 19 Q Are you talking about the Civil Statute of 20 Limitations? 21 A Yes, the Civil Statute of Limitations, which, by 22 the way, were used -- 23 MR. SHRINER: You're saying civil but he 24 may be drawing the distinction between civil and 25 criminal.</p>
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<p>1 kids was to monitor them? 2 A Not so much by the code as such but by the long 3 delays, and these cases I knew would all be 4 appealed to Rome where it could sit there, as the 5 case we had did, for many years and then what do 6 you do in a case that's just suspended? 7 Q Archbishop, during the time that you worked and 8 served as the ordinary of the Archdiocese from 9 November of '77 until, I think it was, May of 2001? 10 A 2002. 11 Q Excuse me, 2002, did you ever report suspicions of 12 sexual abuse by one of your priests to any civil 13 authorities? This question goes to you as the 14 archbishop. 15 A I probably wouldn't have done it myself, but the 16 vicar for clergy I would have told to report it, 17 and we had -- 18 Q So I want to break this down, Archbishop. I don't 19 want to interrupt you, but I want to make sure that 20 you're answering the question that I'm asking. I'm 21 asking personally as the archbishop, did you ever 22 make any report of suspected sexual abuse between 23 '77 and 2002 to civil authorities? 24 MR. ROTHSTEIN: Pardon me. Simply show 25 my objection. We're here about three individual</p>	<p>1 BY MR. ANDERSON: 2 Q You're talking about the civil law's ability to 3 prosecute him? 4 A No, criminal, I'm talking a criminal case, and the 5 criminal -- but also the Statute of Limitations in 6 the canonical sense, which were not the same as the 7 civil, which meant if you wanted to present the 8 case to Rome as -- and try it, you would have even 9 more difficulty doing so, presenting a valid case, 10 because the two were -- did not have the same kinds 11 of Statute of Limitations. 12 Q Okay. My next question, Archbishop, pertains to 13 reporting. You said that you personally as the 14 ordinary had never reported. Did anybody at your 15 direction ever report suspected sexual abuse to 16 civil authorities from '77 to 2002? 17 A I would have to look at every case, and I can't 18 possibly do that. 19 Q Do you have any memory of having directed that that 20 be done between 1977 and 2002? 21 A I certainly know that I asked the vicar for clergy 22 to talk to civil authority about cases, yes. 23 Q Who was that that you asked to talk to civil 24 authorities about cases? 25 A Well, the vicar for clergy, and that changed many</p>

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1 times during that period.
2 Q Well, from 1977 the vicar for clergy is --
3 A I created the job of vicar for clergy --
4 Q Who was the first under your --
5 A -- in about 1980, and that was Joe Janicki, and he
6 was succeeded by Bishop Sklba and Bishop Brust and
7 then after that came Tom Venne, Tom Kerstein, who
8 died prematurely in the job after a few months,
9 Carrol Straub, who also died of a heart attack
10 after a short period in that job. I might be out
11 of order there in the succession, but after that
12 was Joe Hornacek, and he was vicar for clergy when
13 I retired.
14 Q And what vicar for clergy do you have a memory of
15 having directed to report sexual abuse to civil
16 authorities?
17 A I had them consult, and I think Joe Janicki did
18 this once, especially about the Statute of
19 Limitation. I don't remember anything in the next
20 years, but it would have been after '85 that I
21 would have asked them to consult on the Statute of
22 Limitation.
23 Q As opposed to -- besides Janicki, do you have any
24 recollection of ever asking any other vicar for
25 clergy to make a contact with civil authorities?

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1 A I can't answer that because I'm not sure I could
2 think of -- we had -- we also had Liz Piasecki in
3 our -- who was a psychologist taking care of the
4 victims and what she was doing, our lawyer at the
5 time, Matt Flynn. I can't keep all of that
6 straight who would have reported.
7 Q By the way, you answered the question, Archbishop,
8 it sounds like you had the vicar for clergy consult
9 the civil authorities on whether the Statute of
10 Limitations had expired; is that correct?
11 A Yes. Yes.
12 Q Did you ever direct any official under your control
13 actually turn the information that you had received
14 or that the Archdiocese had received concerning
15 sexual abuse over to the civil authorities so they
16 could investigate it?
17 A That happened later.
18 Q When is the first time that happened, Archbishop?
19 A I couldn't tell you, but it was probably in the
20 '90s.
21 Q In connection with what priest?
22 A I couldn't tell you, but I know that they did do
23 investigations.
24 Q Well, I'm not asking whether they did
25 investigations. We know they did some

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1 investigations, and we'll get to that, but I'm
2 asking the question is to your knowledge and
3 recollection, did any official of the Archdiocese
4 ever report the information that the Archdiocese
5 had to the police or civil authorities so that the
6 civil authorities could investigate?
7 A I'm sure it happened, but I can't tell you who
8 would have done it, and I confess that I was not
9 too convinced that the civil authorities handled
10 these cases well.
11 Q Tell me about that. What led you to believe that?
12 A Well, the Widera case.
13 Q And who was it that didn't handle it well in
14 your --
15 A The judge, the probation officer. All of this to
16 me was simply not handled -- and maybe one has to
17 take -- in that period, in the '70s, these things
18 were not organized on any level, so I would -- I
19 don't think that from a civil point of view that
20 case was the kind of thing that I would say boy,
21 I'm going to go to them to solve this problem. I'd
22 say the same thing about the case that I feel
23 deeply about, and that is the Larry Murphy and the
24 deaf community where I don't think the judge in
25 that case handled that professionally, so -- and my

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1 way of looking at it at the time was that this was
2 not just a way in which the courts handled priests
3 but the way in which they handled professional
4 people, that it was a different way, if you will,
5 my dealings with professional societies, like say
6 those that gave credentials to therapists and
7 whatnot, were not good and they did not handle
8 cases.
9 In one case in particular where a man's
10 license should have been pulled, I had to pull him
11 because you would have waited years before the
12 accrediting association came to any decision. So
13 my feeling about the way in which things were
14 handled in the '70s and into the '80s in the -- in
15 the civil order was not what I would call efficient
16 or promising, so I was not happy with it.
17 Q Well, when you fault the judge in the Widera case
18 and the prosecutor, you were aware that when you
19 were installed as Archbishop in 1977, that Widera
20 had been convicted of child abuse, criminal sexual
21 conduct against a child in 1973, right?
22 A I knew that had happened. Not immediately. There
23 were 500 and some priests of the Archdiocese. He
24 was on a list, but I came to know the case.
25 Q What judge were you faulting when you said that the

judge --

A The judge of Ozaukee County.

Q In what connection did the judge, you believe, fail in his responsibility of protection of the children?

A This is -- I'm no expert on all of this. All I can tell you is how I felt about it, but apparently if what I learned after '81, the police blot was extremely serious. This was not just a simple case and that Widera was given only probation and with no clear kind of setup for monitoring what that was about, that's hard for me to believe looking at it from present day standards. In those days there may have been a different way in which they looked at it, but you're asking the question of me. I certainly didn't have much confidence in the legal system to solve these problems, and it was curious that stayed with me up until '85, too, when Fred Berlin said that the church should take care of and not put these people out on society but the church should take care of the monitoring. I kept thinking that should not be so in our society.

Q Did you ever have a conversation with the district attorney about where you were told or it was discussed that you should deal with the priests as

A This gets me into --

THE WITNESS: Should I answer all of this?

MR. SHRINER: If you can. Whatever you remember.

THE WITNESS: Well, as I remember, it was the DA of Waukesha County, Paul Bucher.

BY MR. ANDERSON:

Q And what came of that investigation? Was Wagner ever charged or was it turned back over to you to handle?

A As this shows the difficulty of these cases because for almost every case we had five sets of lawyers. I have nothing against lawyers, but when you have to deal with five sets for every case, it gets a little complicated, so that the priest had his own civil lawyer and his own canonical lawyer, the victims had their own lawyers and then the diocese had its own lawyer and canonical lawyer and then you had the insurance companies, so when you put all of this together, sometimes it got a little bit out of control.

I have no -- I had no problem with a priest having his own lawyer. I think this was absolutely necessary and even his own canonical

opposed to the prosecuting authorities?

A The reason why I can't answer that real clearly is that we did have a case where the district attorney met with the personal lawyer of the priest that none of us were present and got some kind of an agreement out of this sort.

Q Who is the priest, Archbishop?

A Well, later this became almost impossible to unravel, but I --

Q Who was the priest on that?

MR. ROTHSTEIN: Again, was this a conviction or what was it?

MR. ANDERSON: Well, this is a priest that's being investigated by the district attorney's --

THE WITNESS: It's not a conviction.

MR. ANDERSON: -- office, right?

THE WITNESS: Right.

BY MR. ANDERSON:

Q So who was the priest?

A The priest was Jerome Wagner.

Q And when was that?

A Somewhere in the '80s.

Q And who was the prosecutor that was investigating, the DA?

lawyer to defend his own rights, but in this particular case it was the lawyer of the individual priest who was dealing with the civil and not us, and that happened in several cases until we had somehow come to some agreement on who would handle this so that I'm not working one against another. So in this case it was the priest's individual lawyer who was working with the DA, and it was that lawyer who then reported to me what that conversation was all about and what was expected of me. Now, later when I tried to verify all of this, I had a lot of problems trying to get any clarity, he said, he said, he said and it was not a good situation. I admit this.

Q And did you after that -- after that investigation or involvement by the DA continue Wagner in ministry in the Archdiocese?

A I did, but what they had agreed on, which was that he be moved to another place and the police in that place were informed and they supervised him, that was the agreement.

Q What police agency was supposed to have supervised Wagner?

A Fond du Lac.

Q And did he abuse after that?