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1 Q It is to me, too, because I've taken the
2 depositions of a lot of archbishops and bishops and
3 cardinals and they talk in languages that a lot of
4 others don't and moral problems is often code for
5 sexual abuse, right?
6 A **That's often true.**
7 Q The problem reoccurring is often code for sexual
8 abuse?
9 A **Yes, I agree.**
10 Q The homosexual problem is often code for sexual
11 abuse but not necessarily?
12 A **Right. Okay.**
13 Q What other terms are often used between bishops
14 kind of in their nomenclature or code for sexual
15 abuse besides those I reiterated?
16 MR. ROTHSTEIN: Well, I'll simply show my
17 objection to foundation. I have no problem with
18 Archbishop Weakland and your practice or --
19 MR. ANDERSON: In his knowledge is all
20 I'm asking.
21 THE WITNESS: Well, if I had received a
22 letter saying an attraction towards kids, I would
23 have already looked twice at it. I think that's
24 probably what you do. Everybody would have done
25 that in today's world. That's the way we are.

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1 BY MR. ANDERSON:
2 Q How about undue familiarity?
3 A **That's a little harder.**
4 Q That's a little more vague?
5 A **That's a little harder. If it's undue familiarity**
6 **but at the same time coupled with he's extremely**
7 **immature, then I would have jumped at it.**
8 Q Okay. Do you have any information that the
9 Archdiocese provided a clear warning, such as
10 Cousins did to Bishop Johnson, to the parishioners
11 in Orange where Widera served and worked?
12 A **I've never heard of any bishop ever doing such a**
13 **thing.**
14 MR. ANDERSON: Okay. We're going to take
15 a break here. The tape is ending.
16 THE VIDEOGRAPHER: We are off the record
17 at 2:48 p.m. This is the end of disk number two of
18 the deposition of Archbishop Weakland.
19 (Recess taken.)
20 THE VIDEOGRAPHER: We are back on the
21 record at 2:59 p.m. This is the beginning of disk
22 number three of the deposition of Archbishop
23 Weakland.
24 BY MR. ANDERSON:
25 Q Archbishop, we had been discussing the letter by

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1 Cousins to Johnson, clear warning that Widera posed
2 a risk of harm to children, correct?
3 A **Yes.**
4 Q You, I think, indicated earlier that you clearly
5 learned in 1981 that Widera had a history of having
6 molested children in the Archdiocese and had been
7 convicted of having done so, correct?
8 A **Right.**
9 Q And at any time while archbishop from 1977 to 2002,
10 did you or any official of the Archdiocese at your
11 direction ever provide a clear warning of the known
12 risk that Widera posed to the parishioners where he
13 had served in the Archdiocese?
14 A **You keep asking that question, and let me put it**
15 **this way. It doesn't correspond to the kind of**
16 **decision I had to make. If I had had to reveal to**
17 **a pastor the entire picture, if you will, I would**
18 **never have assigned him there because it would have**
19 **been impossible. So this was not a choice. The**
20 **choice was -- the decision was what is the risk of**
21 **recidivism. That's the question we were -- that**
22 **you -- I was posing to myself. As I look at it**
23 **over the years, I don't think any man who has had a**
24 **track record this way, like Widera being one of the**
25 **worst, should be reassigned. I mean as I see it**

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1 now, I would say no, that's not possible and even
2 informing all of the people.
3 What worries me now is what's happening
4 to the men who are leaving the priesthood and being
5 thrown out onto society, and this was Fred Berlin's
6 concern back in 1985, who is going to track them
7 and how is that going to work out, so I'm not sure
8 that the question to me was well, let's inform all
9 the people of the parish because you wouldn't
10 assign somebody under those conditions.
11 Q Well, Archbishop, I think I'm hearing you say that
12 if you would have informed the parishioners of the
13 known risk of a priest such as Widera, you never
14 could have assigned him to that parish because
15 people wouldn't have it, right?
16 A **Right. Exactly.**
17 Q And so what the practice was was to not tell the
18 people and assign him hoping that they would not
19 reoffend, correct?
20 A **Hope is too modest a word.**
21 Q Let's say making the choice to take the risk that
22 they won't reoffend?
23 A **With safeguards, yes.**
24 Q And the safeguards were monitoring and treatment,
25 that was it?

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<p>1 A That was it pretty well, and the option of removing 2 them immediately from priesthood was not on the 3 table. 4 Q There was the option to restrict the faculties -- 5 the archbishop had the option to restrict the 6 faculties of any offender known short of removal 7 from the clerical state, correct? 8 A Yes, and I did this, but I can tell you it's worse. 9 Experience has shown that this is worse because you 10 have somebody sitting there with nothing to do and 11 it gets worse, not better. 12 Q Now -- 13 A Those diocese -- sorry to interrupt -- but those 14 diocese that tried to find some kind of clerical or 15 lay work for priests of this sort soon abandoned it 16 because you had them sitting around doing nothing. 17 They didn't have even the safeguards that they 18 would get normally in ministry. 19 Q What about reporting them to the police and letting 20 the police deal with it and prosecuting them and 21 allowing them to be prosecuted and turning the 22 files that you have and the knowledge you have over 23 to the police so they can be prosecuted and 24 incarcerated for life, what about that, did you 25 consider that option?</p>	<p>1 they could make the determination whether or not 2 this guy could be prosecuted and incarcerated for 3 crimes he committed in Wisconsin? 4 A Certainly the court in Ozaukee County had all that 5 information and they did not incarcerate him, and I 6 think I have a right to be angry about that, as you 7 do. 8 Q Yeah. 9 A Because with -- when you look at that, that 10 information, the number of people abused and how 11 horribly they were abused, that the court didn't 12 act more forcefully in that still just baffles me. 13 Q In the case of the archbishop, he is the one that 14 has the power to confer the collar upon a priest, 15 and when he confers the holy state of the 16 priesthood, vis-a-vis ordination and an assignment 17 to a priest, an archbishop is making a 18 representation to the community of faith that that 19 priest is fit, correct? 20 MR. ROTHSTEIN: Pardon me. Asking for a 21 legal conclusion. No foundation. 22 THE WITNESS: Well, we're dealing with 23 human beings. 24 MR. ANDERSON: Yes. 25 THE WITNESS: And we're -- we all have</p>
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<p>1 A We sure did, and if the Statutes of Limitation had 2 not expired, then it would have been possible. 3 Q Isn't that for the police and prosecutor to decide 4 and not you? 5 A And the police would decide it but that's also for 6 us, I would say. 7 Q When in time did you as archbishop turn the file 8 concerning Widera over to the police -- 9 A I -- 10 Q -- so they could make a determination -- 11 A I never saw the file until recently. 12 Q Okay. 13 A So it's a nonquestion for me. 14 Q Well, I don't mean to be argumentative but it's a 15 nonaction. This was no action taken by this 16 Archdiocese to ever turn the Widera file over to 17 the police, correct? 18 MR. ROTHSTEIN: Pardon me. You're asking 19 this witness -- 20 MR. ANDERSON: It's an awkward question. 21 I'm not going to argue about it. I'll rephrase it. 22 BY MR. ANDERSON: 23 Q It's correct, isn't it, Archbishop, that there's no 24 evidence that the Archdiocese of Milwaukee ever 25 turned the Widera file over to the police so that</p>	<p>1 limited knowledge of each other. I can't go around 2 this table and size up who is a risk and who isn't, 3 and difficulty with sex abuse is that so many of 4 these -- in fact, all of them, I think, arose when 5 men were in their thirties, so that when you 6 ordained them, they have good records. You 7 wouldn't ordain them otherwise, and the issue we 8 were dealing with then was mostly alcoholism, and 9 certainly at that time, in fact, even you would say 10 now, there seems to be no way of knowing a 11 confirmed addictive sex abuser of children in the 12 formation period. 13 BY MR. ANDERSON: 14 Q Okay. 15 A I don't know what you do with it. 16 Q Archbishop, did you or anybody at your direction 17 ever tell the parishioners in the Archdiocese of 18 Milwaukee what the Archdiocese knew about Widera's 19 history of molestation of youth? 20 A I couldn't have because I didn't know about it 21 myself. 22 Q Well, did you -- did you do it in '81? You learned 23 about it in '81. 24 A I learned about it in '81 with the letter that was 25 sent to me by the chancellor and with the</p>

1 excardination letter, but that was not then my
2 problem.
3 Q And incardination and excardination is an internal
4 church process, it's not something that is widely
5 disseminated to the parishioners, correct?
6 A I don't know. I don't know.
7 Q In any case, when you did learn about Widera in '81
8 and until 2002, you never disclosed to the
9 parishioners in the Archdiocese of Milwaukee what
10 you and the Archdiocese knew about Widera's history
11 of molestation, correct?
12 A I would have had very little to reveal because it
13 just wasn't on my radar screen. I had never seen
14 the man. He didn't appear on our list, so I never
15 met him.
16 Q I need you to answer this question, Archbishop.
17 It's correct to say that at no time you or anybody
18 at your direction ever disclosed to the
19 parishioners or the Archdiocese that the history
20 known to you and the Archdiocese concerning Father
21 Widera?
22 A I did not because it was a public case with
23 pictures in the paper because it was well known.
24 Q You say it was a public case that was in '73?
25 A Yes.

1 Q And that was in the newspaper in Milwaukee?
2 A It certainly was in the newspapers in Ozaukee
3 County. I don't know about Milwaukee.
4 Q And right after he was convicted, he was moved to
5 Delavan, St. Andrew's of Delavan, which is way on
6 the outskirts of the Archdiocese of Milwaukee,
7 isn't it, right in the hinterlands of the
8 Archdiocese, so to speak?
9 A Don't tell them that.
10 Q I won't.
11 A It's not. It's a resort town and no, it's not
12 considered hinterland.
13 Q How far is it from Milwaukee?
14 A An hour's drive.
15 Q There are 10 counties in Milwaukee, and that's one
16 of the outlying counties of the Archdiocese,
17 correct?
18 A (Witness motions.) Sorry.
19 Q I'm going to ask you some questions about Franklyn
20 Becker, Archbishop. When did you first learn that
21 he was a child molester?
22 A As far as I know, the first victim that came
23 forward for Franklyn Becker was in the '90s
24 sometime.
25 Q When did you first have any suspicions or receive

1 any information from any source, that is report,
2 complaint or rumor that Franklyn Becker was a child
3 molester?
4 A Probably sometime in the late '80s. I can't say a
5 child molester, but it was -- he was very
6 indiscreet with younger kids.
7 Q Teenagers?
8 A Well, teenagers, yes, but also seventh, eighth
9 graders. There was a case where -- it's in the
10 files I'm sure -- brought to our attention that --
11 Q Well, for our purposes, we'll agree, can we not,
12 that teenagers are children or do you want to draw
13 a distinction between children and teenagers?
14 A I think you can draw a distinction but not legally,
15 so it's pointless legally.
16 Q Let's just use the word minors. How does that one
17 work?
18 A That's best.
19 Q That's best. Okay. So you did have suspicions
20 that he had abused minors sometime in the '80s. Do
21 you know when?
22 A I don't have the file, but I do remember an
23 admiration on the part of everybody that he went on
24 some kind of a cruise with an eighth grade boy, and
25 yet when we quizzed the boy and the parents quizzed

1 the boy and so on, they said there was no abuse, so
2 what can you do.
3 Q When you say, "We quizzed," who is the we?
4 A Vicar of clergy.
5 Q And that was then whom?
6 A I can't tell you at that point.
7 Q Okay. And was Bishop Sklba the guy designated by
8 you to deal more often than not with problems of
9 sexual abuse in the Archdiocese?
10 A Bishop Sklba and Bishop Brust were the vicars of
11 clergy for six years, I think it was, after Father
12 Janicki, and I thought at the time it would be good
13 to have auxiliary bishops because they had a little
14 bit more clout than the other vicar would have in
15 dealing with such delicate things.
16 Q I'm going to show you Exhibit 301, but before I do,
17 I think I need to get a little more information
18 about this information you received in '80. The
19 vicar for clergy was then involved. It sounds like
20 you and/or the vicar for clergy interviewed the boy
21 or the mother?
22 A I don't know who did but somebody did because they
23 both -- the report that reached me was that no
24 abuse had taken place.
25 Q Who reported that to you, that no abuse had taken

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1 place?
2 **A I can't tell you. I can't tell you.**
3 MR. SHRINER: The report was that the
4 mother had said no abuse?
5 THE WITNESS: The mother had said no
6 abuse had taken place.
7 BY MR. ANDERSON:
8 Q And did you report that to the police?
9 **A No.**
10 Q Why not?
11 **A I -- without evidence, you don't report.**
12 Q Isn't that the job of the police, to discern if
13 there's evidence of a crime, not the job of the
14 archbishop?
15 **A Well, you can't have it both ways.**
16 Q Why not?
17 **A Well, if you're going to make me responsible, make**
18 **me responsible. That's -- I don't quite --**
19 Q But, Archbishop, you don't have any power to put
20 Franklyn Becker behind bars and incarcerate him for
21 criminal sexual conduct, do you?
22 **A No. I wish I had but I don't.**
23 Q And the one that do is the police and prosecutors,
24 right?
25 **A Yes.**

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1 Q And so you can't have it both ways. You can find
2 out if your priest committed the abuse and you can
3 turn it over to the police, right?
4 **A Yes, you could.**
5 Q And you can deal with the priest canonically with
6 your power and you can turn it over to the police
7 to deal with the offender with their powers,
8 correct?
9 **A It was a possibility, but I don't know that it**
10 **would have been any more effective than with Widera**
11 **or any of the other cases, so I was not that -- if**
12 **it was within the Statute of Limitation, it was a**
13 **clear cut case, fine, but I don't think suspicious**
14 **I would have reported.**
15 Q As the archbishop, you were in charge of education
16 in the Archdiocese, weren't you?
17 **A Yes.**
18 Q When in time did you believe that you became a
19 reporter mandated under law?
20 MR. ROTHSTEIN: Pardon me. Now asking
21 for a legal conclusion about Wisconsin Statutes.
22 No showing that the archbishop is a legal expert.
23 THE WITNESS: I'm not sure when all that
24 happened. I can't tell you, counsel.
25 BY MR. ANDERSON:

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1 Q At some point in time did you -- were you -- did
2 you come to believe that you were a mandated
3 reporter because you oversaw education in the
4 Archdiocese?
5 MR. ROTHSTEIN: Same objection.
6 THE WITNESS: Not because I oversaw
7 education in the Archdiocese. I don't connect
8 those two. This is a new way of formulating it.
9 BY MR. ANDERSON:
10 Q What -- how did you learn you were a mandated
11 reporter?
12 MR. ROTHSTEIN: Same objection. Calls
13 for a legal conclusion and assumes a fact.
14 THE WITNESS: I'm sure it was the
15 Archdiocesan lawyer at the time who talked about
16 the legislation before the state and then would
17 have talked to me about this.
18 BY MR. ANDERSON:
19 Q And when did you believe that you became a mandated
20 reporter in any capacity as a priest?
21 MR. ROTHSTEIN: Pardon me. Assumes the
22 same facts not established. No foundation.
23 THE WITNESS: Well, I couldn't make a
24 distinction between me as bishop and priest in that
25 regard.

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1 BY MR. ANDERSON:
2 Q Okay.
3 **A And I can't tell you when that happened. You would**
4 **have to look at the state legislature and what was**
5 **there and how that was then interpreted for us by**
6 **counsel.**
7 Q In the '80s when you received the report regarding
8 Franklyn Becker and interviewed the mother, where
9 your report says he wasn't abused, did you consider
10 yourself to have been a mandated reporter then?
11 **A No.**
12 MR. ROTHSTEIN: Same objection.
13 BY MR. ANDERSON:
14 Q Okay. It was sometime after that?
15 **A Yes.**
16 Q How long do you think?
17 **A It could be as high as 10 years.**
18 Q Okay.
19 **A At least five years.**
20 Q I'm going to show you Exhibit 70, Archbishop.
21 Excuse me. It's 301, and it's the year 1970 and
22 it's fall 1970. It's a memo from Father Robert
23 Sampon. Father Sampon would have been an official
24 of the Diocese and, I think, in 1970 he would have
25 been the chancellor?

44 (Pages 170 to 173)

1 A Yes.
 2 Q This states, "Blank came to chancery to tell of
 3 problem re her son Blank and Father Franklyn
 4 Becker." Do you know what problem it is she is
 5 reporting to then Chancellor Sampon?
 6 A I don't remember ever seeing this before, and I
 7 have no idea. I would have to guess.
 8 Q Have you ever heard, before I showed you this today
 9 and read this to you, that a report was made to the
 10 Archdiocese vis-a-vis the chancellor in 1970?
 11 A This is the first time I hear of that.
 12 Q Okay. It goes on to state, "No follow through at
 13 the time." And since you don't know anything about
 14 this, you don't know what this refers to, correct?
 15 A Right.
 16 Q Okay. It goes on to state, "This note filed
 17 6/23/76." That would be six years after the date
 18 of the note. Do you see that? Do you have any
 19 information as to if that's the case why it took
 20 six years for this to be filed in the files of the
 21 Archdiocese?
 22 MR. ROTHSTEIN: Objection from me, simply
 23 no foundation. This again precedes Archbishop
 24 Weakland.
 25 MR. ANDERSON: I understand, but I'm just

1 asking if you know.
 2 THE WITNESS: I have no idea what that
 3 might mean.
 4 BY MR. ANDERSON:
 5 Q Okay. The reading of this note in itself is
 6 suspicious of sexual abuse; is it not?
 7 A Probably for somebody around the year 1970, it
 8 would not have been taken as such. It would be
 9 today I'm sure.
 10 Q In any case, this is the kind of thing an
 11 archbishop, if a report is made concerning one of
 12 the priests of the Archdiocese, would want to know
 13 so it could be investigated under Canon Law?
 14 A Yes.
 15 Q And the archbishop has an obligation to investigate
 16 reports of misconduct by a priest under Canon Law,
 17 correct?
 18 A It depends on the evidence and who brings it, yes.
 19 Q The record of Father Becker reflect various
 20 assignments that I'm not going to walk you through
 21 because I want to use our time together as it's
 22 been allocated and try to get through this. I'm
 23 going to skip a number of things, but there is some
 24 information both from Father Becker and in the
 25 files that indicate that in the late '70s Becker

1 had some information with NAMBLA, N-A-M-B-L-A,
 2 that's a North American Boy Love Association.
 3 MR. SHRINER: Man/Boy.
 4 MR. ANDERSON: What is it?
 5 MR. SHRINER: You left out Man.
 6 MR. ANDERSON: Oh, I left out --
 7 MR. SHRINER: Isn't that what it is?
 8 MR. ANDERSON: It's North American
 9 Man/Boy Love Association?
 10 MR. SHRINER: Right, I think so.
 11 BY MR. ANDERSON:
 12 Q And so have you heard of or do you have any
 13 information about what, if any, association he had
 14 with NAMBLA?
 15 A No.
 16 Q I'm going to show you Exhibit 303, and this one
 17 would be on Saint Brigid's Church stationery. It
 18 is dated February 16th, 1978. This is a letter,
 19 two-page, addressed from Father Becker to you,
 20 Archbishop, correct?
 21 A Yes.
 22 Q And do you have -- have you reviewed this in
 23 preparation for this deposition?
 24 A I don't recall this letter.
 25 Q Okay. So that was my next question. Do you recall

1 receiving this letter at the moment?
 2 A I don't.
 3 Q Okay. Maybe as we go through it, you will, and if
 4 you do, we can --
 5 MR. SHRINER: Would you like him to read
 6 it through?
 7 MR. ANDERSON: No.
 8 MR. SHRINER: Okay.
 9 BY MR. ANDERSON:
 10 Q The letter indicates that Becker at this time was
 11 out in California and working out there and he's
 12 seeking permission to stay there. Do you remember
 13 receiving information from Becker by this letter or
 14 otherwise that I'm in California, I want to stay
 15 here, please give me permission to do so?
 16 A I don't remember that at all.
 17 Q Okay. I'm going to refer you to Exhibit 304. This
 18 one is dated January 30th, 1979, and this would be
 19 about a year later, and this is from you to the
 20 Most Reverend Leo T. Maher -- is that Maher or
 21 Maher?
 22 A Maher he called it.
 23 Q Maher in San Diego?
 24 A Yes, he was.
 25 Q And it states, "Dear Bishop Maher, recently it was

<p style="text-align: right;">Page 178</p> <p>1 brought to my attention that Father Franklyn Becker</p> <p>2 will be returning to the Archdiocese of Milwaukee.</p> <p>3 I thought it would be helpful to write to you a</p> <p>4 personal and confidential letter to see if there is</p> <p>5 anything that you feel I should know as he returns</p> <p>6 here to this Diocese." So you're writing a</p> <p>7 personal and confidential letter asking him if</p> <p>8 there's anything you should know. This is kind</p> <p>9 of -- I don't mean to be sinister but code kind of,</p> <p>10 communication between bishops, saying look, is</p> <p>11 there a problem here that you've got to talk to me</p> <p>12 about?</p> <p>13 A Yes.</p> <p>14 Q And did he?</p> <p>15 A I never remember -- I don't remember ever talking</p> <p>16 to Leo Maher about Becker.</p> <p>17 Q You did have enough concerns about Becker's history</p> <p>18 to put this in here, so this is significant; is it</p> <p>19 not?</p> <p>20 A Yes, it is. I did have concerns.</p> <p>21 Q It's not the ordinary language you'd use if there</p> <p>22 was an ordinary reassignment, this signals that</p> <p>23 there's a history here that you really need to ask</p> <p>24 questions about?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 180</p> <p>1 Q Okay.</p> <p>2 A But if you looked at a case where he had been in</p> <p>3 West Virginia in a university as chaplain, he had</p> <p>4 been out in California. These rapid changes,</p> <p>5 naturally I wanted to know what's going on.</p> <p>6 Q Becker has a lot of different changes in</p> <p>7 assignments when I look at his assignment history</p> <p>8 and he's assigned out of state. Isn't that in and</p> <p>9 of itself a little unusual?</p> <p>10 A It would be unusual now. In '79 it wasn't as</p> <p>11 unusual for a priest to seek assignments in other</p> <p>12 states, and bishops were pretty agreeable. There</p> <p>13 were Catholic periodicals that would list openings,</p> <p>14 especially chaplaincies at universities, hospital</p> <p>15 chaplains, things of this sort, and that would</p> <p>16 attract many priests to go outside their own</p> <p>17 diocese.</p> <p>18 Q I'm going to show you Exhibit 305. This is a</p> <p>19 response from Bishop Maher to you dated</p> <p>20 February 5th, 1979, responsive obviously to the</p> <p>21 earlier exhibit. "Dear Archbishop Weakland," the</p> <p>22 last sentence in it states, "No doubt there are</p> <p>23 psychological problems in Father Franklyn Becker's</p> <p>24 life that he must solve." Now, that's a signal to</p> <p>25 you of something; is it not?</p>
<p style="text-align: right;">Page 179</p> <p>1 Q It goes on to state, "I would be" -- excuse me. It</p> <p>2 goes on to state, "It would be helpful if I could</p> <p>3 get some idea of his conduct while he was with you</p> <p>4 and if there is some reason why he is now returning</p> <p>5 to Milwaukee." Again, this is more language from</p> <p>6 you to him saying look, did he abuse kids?</p> <p>7 A No. That wasn't necessarily on the agenda. Could</p> <p>8 have been anything, and as I recall from --</p> <p>9 somebody must have told me this, perhaps it was the</p> <p>10 vicar, he was suing the pastor of his parish out</p> <p>11 there, and I wanted some information what in the</p> <p>12 hell is going on here. That's about kind of what</p> <p>13 it was.</p> <p>14 Q Weren't you suspicious about his history with kids</p> <p>15 at this point?</p> <p>16 A No, I never met him.</p> <p>17 Q Okay.</p> <p>18 A I never met him.</p> <p>19 Q And you had no knowledge of the 1970 letter that</p> <p>20 appeared in the file when you wrote this?</p> <p>21 A None at all.</p> <p>22 Q Did you get guidance or input from any other</p> <p>23 officials who had preceded your installation as</p> <p>24 Archdiocese about Franklyn Becker?</p> <p>25 A No, I didn't.</p>	<p style="text-align: right;">Page 181</p> <p>1 A It's a signal that there's a problem.</p> <p>2 Q Okay.</p> <p>3 A It's not very explicit.</p> <p>4 Q I agree.</p> <p>5 A That could be anything.</p> <p>6 Q But bishops communicating to one another, it does</p> <p>7 take on different meanings for bishops and</p> <p>8 archbishops when you're talking about your priests,</p> <p>9 and I think as you've indicated, Archbishop, my</p> <p>10 question to you is did you ever inquire into what</p> <p>11 psychological problems Bishop Maher was referring</p> <p>12 to here?</p> <p>13 A I cannot answer whether I ever talked to Leo Maher</p> <p>14 about this or not.</p> <p>15 MR. SHRINER: Perhaps you should read the</p> <p>16 whole letter.</p> <p>17 MR. ROTHSTEIN: The middle paragraph may</p> <p>18 give an indication here.</p> <p>19 THE WITNESS: The conflict in the</p> <p>20 rectory --</p> <p>21 BY MR. ANDERSON:</p> <p>22 Q My question is do you remember inquiring as to what</p> <p>23 the problems were?</p> <p>24 A I do recall talking to my -- the vicar and people</p> <p>25 of this sort, and the problem seemed to be, as I</p>

1 had it then, that he never had enough money. He
2 was always seeking more money. He was very money
3 conscious and complaints that he wasn't doing his
4 work and earning the money he did have, so that was
5 the major problem that I would have known about at
6 that time.

7 Q Archbishop, you in your studies and work came to
8 understand some things about paraphilias, in
9 particular ephebophilia and pedophilia, did you
10 not?

11 A Yes.

12 Q When in time did you first learn that Becker was an
13 ephebophile or pedophile, depending on who is
14 describing and diagnosing?

15 A Somewhere along the line in his file there should
16 be a document from the institute where we sent him
17 where a Dr. Gillette sent back a report saying that
18 he was attracted to children. Yes, that would have
19 been the first clear response that I would have
20 had. I'm not sure of the date of that.

21 Q Okay. We'll get that date because I have that
22 document. I'll show it to you. That's the first
23 clear response. My question to you is before that
24 time where he's identified as an ephebophile or
25 pedophile, or as you say a clear response, what

1 indications were there before that point in time
2 that were suspicious that Becker was an ephebophile
3 or a pedophile or had a compulsive sexual interest
4 in youth?

5 A The only sign I would have had was from the first
6 parish he was in when he came back and I remember
7 after some time in that parish, which was
8 St. Margaret Mary, the pastor, who by the way was
9 Father Sampon at that point, so I had moved him
10 from the chancery to that parish and the Personnel
11 Board assigned Becker to that parish, which in a
12 way was very wise because Father Sampon probably
13 knew more about Father Becker than I would have
14 known about him because I had never met him before,
15 but so the question is when was this first
16 discovered? I think there was some suspicion at
17 St. Margaret Mary because the -- his hanging around
18 the younger people but no evidence that would
19 have -- that you could have brought against him.

20 Q And he was at St. Margaret Mary in '78ish, '79ish?

21 A That's when he came back, that would have been
22 correct.

23 Q Did you ask Becker about your suspicions at that
24 time?

25 A It was not customary to ask questions like that of

1 people and, in fact, there is a -- in the code,
2 there was a Canon which stated that a superior
3 could not ask of a priest a manifestation of
4 conscious, so that would have been considered one
5 of those questions that you didn't have really a
6 right out of nowhere to ask somebody. Now, the
7 Jesuits are a little different. I think they have
8 that written in their rule. We're benedictines. I
9 couldn't as an abbot have asked one of the monks a
10 question like that.

11 Q Is the doctrine of manifestation of conscious in
12 your view an admonition against asking somebody
13 like Becker did you abuse kids?

14 A Yes, it would be. He would not have to have
15 answered that in the affirmative to his bishop.

16 Q Would it be some kind of violation of norms,
17 protocols or law for you as the archbishop to ask
18 your priest that question?

19 MR. ROTHSTEIN: Object. Question vague.

20 MR. ANDERSON: You can answer.

21 THE WITNESS: As far as I know, it would
22 have been contrary to what a bishop has the right
23 to ask of a priest.

24 BY MR. ANDERSON:

25 Q Well, a bishop is the one responsible for the

1 ordination, the placement, the transfer, the
2 assignment of all priests of the Archdiocese,
3 correct?

4 A Yes.

5 Q When you refer to the doctrine of the manifestation
6 of conscious, does that act as some prohibition
7 imposed upon the Archdiocese to say to Becker did
8 you abuse kids?

9 A I would say that that -- he could have very rightly
10 have said that's none of your business. I think
11 that would have been a part of his right in doing
12 that. That's my judgment. I might be wrong, but
13 that was how I would have interpreted a
14 manifestation of conscious.

15 Q My question to you, Archbishop, is did you ever ask
16 Franklyn Becker the question, "Did you abuse kids
17 while you were my priest?"

18 A I never asked him that question as you worded it,
19 no.

20 Q And why not? You had suspicions.

21 A Yes, but it's like asking all kinds of questions of
22 people, do you have a right to ask them or don't
23 you. I didn't think I had the right to pose a
24 question that way.

25 Q Well, as bishop, as ordinary archbishop, excuse me,

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1 you're the shepherd of the flock and that is the
 2 flock is the shepherd of the priest and the entire
 3 community of faith, right?
 4 **A** Yes, but it would be like in your -- let's say in a
 5 law firm, what questions can you ask somebody of a
 6 lawyer or a person coming into the firm, what are
 7 you -- what are the parameters that you can say
 8 there, and I think here, too, the priests have
 9 their rights as well, and to ask them to reveal
 10 that way any kind of past transgressions is not
 11 really your right to do that, and I don't remember
 12 ever asking any priest that question because I
 13 wouldn't have asked them how many times have you
 14 fornicated or whatever. I just don't think that
 15 would have been a right on my part.
 16 **Q** Who led you to believe that it would have been a
 17 violation of the priest's right for you as the
 18 priest ordinary to ask them the question, "Have you
 19 abused children as a priest?"
 20 **A** I think that would have been my interpretation at
 21 least of the way in which the code is set up.
 22 **Q** So it's fair to say then based on that, Archbishop,
 23 that you never really asked any of these priests
 24 who were suspected of sexual abuse if they, in
 25 fact, had abused kids?

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1 **A** I would only ask on particular cases that came in.
 2 I would ask did you do this or didn't you, if an
 3 accusation came in, but I wouldn't ask them at
 4 random, every priest, to tell me what they have
 5 done wrong. It just wouldn't have happened.
 6 **Q** Well, then when you had the suspicions regarding
 7 Becker the first time, why didn't you ask him then?
 8 **A** I took the route of saying we've got to monitor
 9 this guy.
 10 **Q** So you made a choice at that time and the choice
 11 was to take a risk; is that right?
 12 **MR. ROTHSTEIN:** Pardon me. Object as
 13 false dilemma.
 14 **THE WITNESS:** I think the choice was also
 15 his rights, which if you know a history of the
 16 Church of the United States in particular, the
 17 rights of priests are very serious business.
 18 **BY MR. ANDERSON:**
 19 **Q** Okay. I'm showing you now Exhibit 306. This is
 20 three pages from Franklyn Becker addressed to you.
 21 The date of it is February 11th, 1980. "Your
 22 Excellency," it states, "I am writing to you on the
 23 advice of Father Joseph Hornacek regarding the
 24 matter I presented to him last Monday and which has
 25 been brought to your attention." Do you remember

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1 this letter?
 2 **A** Vaguely.
 3 **Q** Okay. It goes on to state, "I sincerely regret
 4 having to write this letter which is in the nature
 5 of an apology for my actions, which are an
 6 embarrassment not only to me but to the priesthood
 7 in general." Do you recall, Archbishop, that the
 8 actions for which he is apologizing and that which
 9 are an embarrassment to him and the Archdiocese was
 10 that he was inappropriate with a minor?
 11 **A** I don't remember that.
 12 **MR. SHRINER:** By the way, let the
 13 archbishop read the letter. I think it would be
 14 fair, Mr. Anderson.
 15 **MR. ANDERSON:** Counsel, look, if we do
 16 that, I'm not going to get done by 4:30. It's your
 17 choice. I'm not going to -- I can't -- I have too
 18 many documents to do that. I'm not trying to be
 19 difficult. I'm trying to be helpful. Your choice.
 20 If we do that, we work late. If we go my way, we
 21 might get done by 4:30.
 22 **MR. SHRINER:** Well, it's your choice.
 23 It's only making a suggestion. It's a 28-year-old
 24 letter. He said he doesn't remember it, but I
 25 don't want later on somebody to suggest that if he

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1 had read the letter, he could have seen what you
 2 were talking about.
 3 **MR. ANDERSON:** I'll cover some portions
 4 then. I want to be fair, but I also want to get
 5 done and work within some limits that you are
 6 asking me to, and I can't give any guarantees.
 7 **MR. SHRINER:** Okay.
 8 **BY MR. ANDERSON:**
 9 **Q** But the next sentence says, "You have been most
 10 kind to me since my return to the Archdiocese in
 11 Milwaukee and I'm most grateful for your compassion
 12 and benevolence." Do you remember why he felt so
 13 grateful to you?
 14 **A** No, I don't.
 15 **Q** Going down this paragraph, in the middle of the
 16 paragraph, two-thirds of that paragraph down,
 17 there's a sentence that begins with, "My
 18 orientation." Do you see that, "With my
 19 orientation, the frequent presence?"
 20 **A** Yes.
 21 **Q** I'm going to read that and then ask you a question.
 22 He states, "With my orientation" -- first, when he
 23 says with my orientation to you, do you know what
 24 he means by orientation?
 25 **A** I would presuppose that meant an attraction toward

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1 teenage boys.
 2 Q Okay. So when he goes -- I'll read this. When he
 3 states, "With my orientation, the frequent presence
 4 of teenage boys in the house at night was
 5 tantalizing, to say the least. It was during that
 6 time that I met the boy with whom I became
 7 involved." So he is admitting to you here that he
 8 has an orientation toward teenage boys and he
 9 became involved with a boy, correct?
 10 A Yes.
 11 Q And he's apologizing for that above, correct?
 12 A Yes.
 13 Q The next paragraph begins with, "I have been in
 14 communication with the mother of the boy involved
 15 and she is sympathetic and does not intend to press
 16 any charges." Do you remember this?
 17 A Strangely enough I don't and I don't know why.
 18 Q Was this information, his apology and admission to
 19 you that he had become involved with this boy as he
 20 writes, ever made known to the police by you or any
 21 of your officials?
 22 A Not to my knowledge.
 23 Q The first sentence of the next paragraph says, "I
 24 am grateful for the opportunity to meet with
 25 Dr. Dale Olen," O-L-E-N. Is he another therapist

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1 that you sent suspected offenders to?
 2 A He did mostly group counseling, group sessions, but
 3 he did have some private practice as well.
 4 Q And did you send Becker to him because of his
 5 orientation towards teenagers?
 6 A I don't recall that.
 7 Q Do you recall doing any investigation or follow-up
 8 responsive to Becker's admission that he had done
 9 what he describes here and that he is now
 10 apologizing for it to you?
 11 A I'm not sure when we sent him away for the
 12 evaluation, so I can't tell you if there was any
 13 follow-up on this particular case.
 14 Q Now, here you have a suspicion and not only a
 15 suspicion, you have an admission by him, so this
 16 would have been an opportunity for you, had you
 17 taken it, then to ask Becker okay, you did this
 18 kid, what about the others, have there been others?
 19 A That would have been occasion, you're right.
 20 Q And the manifestation of conscious did not prevent
 21 you from asking this question of Becker in 1980,
 22 correct?
 23 A That's true. That's true.
 24 Q But you didn't?
 25 A But I didn't.

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1 Q And he continued ministry?
 2 A He was taken out of Margaret Mary.
 3 Q But he was continued in ministry?
 4 A Not for awhile. There was a period there where we
 5 had him sitting on a shelf, which was not good at
 6 all.
 7 Q And then he was returned after that hiatus,
 8 correct?
 9 A Yes. When I look at this now, it's easy in
 10 hindsight. I regret that I didn't take that to the
 11 police. That would have solved many problems.
 12 Q Thank you.
 13 A Not because that would have put him behind bars but
 14 we could have dealt with the victims, which I think
 15 would have been paramount at that point.
 16 Q Well, we don't know. Maybe he could have been put
 17 behind bars, and I guess we just can't know that
 18 now.
 19 A Yeah, we can't know that.
 20 Q But if you never give the police the chance, it
 21 can't happen, right?
 22 A True.
 23 Q I'm going to show you Exhibit 307, and this is a
 24 document, Archbishop, two pages, dated February 22,
 25 1980, and we don't know who sent it, but it is

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1 addressed to the then Raymond Vint, pastor at
 2 St. Margaret Mary Parish.
 3 A Okay.
 4 MR. SHRINER: Not Sampon.
 5 THE WITNESS: Not Sampon, yep. Sampon
 6 must have followed Vint.
 7 BY MR. ANDERSON:
 8 Q And it says, "Dear Father Vint," and this came from
 9 the Archdiocese files again, and I want to direct
 10 your attention to the first paragraph. This is
 11 referring to the first sentence, "It has come to
 12 our attention during the past few weeks that Father
 13 Becker has been involved in an incident which could
 14 cause consternation in our parish." The last
 15 sentence states in that paragraph, "The incident
 16 which occurred in December is an isolated one, an
 17 incident which perhaps was not so much an
 18 inappropriate act but a concern for a teenage boy
 19 who might be struggling with his own identity."
 20 What do you remember about this incident, if
 21 anything, Archbishop?
 22 A I don't remember, counsel, ever seeing this letter
 23 before.
 24 Q Okay.
 25 A It was written to the pastor and a copy was sent to

me, but I don't remember ever reading it.

Q All right. Last paragraph of the first page I'll read. "When a member of a family is in error, it is a sad and unfortunate turn when that member is rejected and turned away from the family unit. Surely the family name is tarnished. There is a certain amount of embarrassment, but the family that stands behind such a person and works through the problem is to be admired and commended. If the priests in this parish were to stand together in support, it is our guess that the rumors will slowly dwindle and the incident forgotten." I guess you hadn't read this letter before, so it's not really fair to ask you what you think this writer is saying, but --

MR. SHRINER: Don't stop now, Jeff.

MR. ANDERSON: Don't start now. Yeah, I don't think -- I don't think I'm going to.

BY MR. ANDERSON:

Q I'm going to go to 308 here, Archbishop, and this is a shorter letter. This is two months later, April 11th, 1980, this is a letter to Franklyn Becker from you. "Dear Franklyn, I am sorry that I did not at least drop you a little note in response to your letter of February 11th to let you know

some victim came forward because with Becker, anything could go. Becker was probably the most manipulative priest at the time, and I don't think anybody trusted anything he said or wrote.

Q It was your obligation as archbishop and ordinary to make sure that the priests were safe and abiding by their promise of celibacy?

A Insofar as it's humanly possible to know about it, yes.

Q It's also your obligation that if a priest commits a crime under the Canon Law, a delict, to investigate and take canonical action, correct?

A Yes, but you needed pretty absolute information and witnesses to do that.

Q Becker's admission to you that he had abused a teenage kid and acted inappropriately towards a minor as a priest is documented admission by him. What more evidence did you need to take action, Archbishop?

A I could have started action at that time. I could have begun some kind of canonical procedure against him. I don't know if I would have been successful, this is 1980, whether or not that would have worked. I had never heard at -- up to that period of anybody taking canonical action against a priest

that I had received it and was indeed concerned." What was your concern?

A Yeah, that could be interpreted as many things to be concerned about. Concerned about --

Q Was it response to the February 11th, 1980, letter from Becker to you apologizing about the orientation toward the teenage boy?

A Yes, I'm sure that was it.

Q And what, if anything, did you do responsive to your concern about his admission, his apology and his admitting the orientation and the conduct towards the teenage boy?

A I shuddered because I knew we had a problem on our hands but couldn't get a grip of it totally. I didn't trust anything Becker said or wrote, as I think you can see. I didn't want to say anything in my response that could be misinterpreted by Becker, so I was working with Father Hornacek at that time, as you can see, as a vicar to try to get some way of proceeding with regard to Becker.

Q Well, you knew he wasn't safe to teenagers and you knew he wasn't celibate, right?

A I guessed that, yes.

Q Well, you knew that?

A I didn't know it. I wouldn't have known it until

and being successful at it.

Q I guess you don't know if you don't try, though, so you didn't try in any case, correct?

A I tried later but not in this case.

Q Okay. I'm showing you now Exhibit 309. This is June 23rd, 1980. This is a letter from then Chancellor Sampson to Franklyn Becker. It's CC'd to Hornacek and the Priest Personnel Board. "Dear Father Becker, following the recommendation of the Reverend Joseph Janicki, vicar for priest personnel, the most Reverend Rembert Weakland, O.S.B., herewith appoints you temporary administrator of St. Joseph's Parish, Lyons, with the Mission of St. Kilian, Lyons Township, until a new pastor is appointed." It then goes on to state, "As temporary administrator." It is correct to say that what you did was temporarily place him in a parish to serve in the full care of the souls of that parish?

A Yes, a parish without a school.

Q He still was permitted by reason of the faculties conferred him by you at that parish access to youth without restrictions, correct?

A I'm not sure about that in terms of what was said to him privately about -- before accepting this, so

1 certainly in the document itself, there are no
2 restrictions listed.

3 Q And there's no documentation that I've seen that
4 there were restrictions imposed by you upon him.
5 Are you aware of having imposed any restrictions on
6 his faculties to minister to the full care of the
7 souls in this parish and others?

8 A If there's no document there, it means if there was
9 any, it was oral, verbal.

10 Q Who did you tell at the parish where you assigned
11 him in 1980 that you had already known and learned
12 that Becker was a child molester or a molester of
13 minors?

14 A I can't recall that I ever told anybody in the
15 parish this, and in 1980 I don't think it would
16 have been done. Hindsight is easy, knowing how he
17 turned out, but at that time I can't recall that
18 there would have been any.

19 Q And it's fair to say that you didn't make that
20 warning and/or disclosure to the parishioners
21 because of a variety of things. One of those I
22 heard you say is that you treated priests like
23 family members, right?

24 A That's true.

25 Q Another thing is the way the Canons, the Canon Law,

1 instincts that they had, that this is possible, and
2 we operated under that assumption that people are
3 responsible for their actions and, therefore, could
4 control that kind of an attraction.

5 Q In any case, you didn't send a clear warning to the
6 parishioners of what you knew, correct?

7 A No, and I would not have done that then, that's
8 true.

9 Q And did you represent to the parishioners then by
10 reason of any assignment of this priest, as well as
11 any others, that when you assign a priest to a
12 parish, you are representing to the parishioners
13 and that community of faith that that priest is fit
14 to wear the collar and administer to the care of
15 their souls, correct?

16 MR. ROTHSTEIN: Pardon me. You're now
17 asking the archbishop to interpret the mind of
18 third-party parishioners at this time. No
19 foundation.

20 THE WITNESS: I think --

21 MR. ANDERSON: You can answer.

22 THE WITNESS: I think it's true when you
23 assign someone, you feel that they have the
24 capabilities of ministering and that the risks are
25 minimal, if in existence at all, so I think that's

1 operated, it made it difficult for you to take
2 action against the priests?

3 A At least to remove them from priesthood, yes.

4 Q It didn't impede your ability to assign him to a
5 parish, however, correct?

6 A No.

7 Q Beyond that whole family dynamic that you
8 described, treating Becker as a family member, a
9 member of your family not just of faith but like
10 blood, what other explanation do you have for not
11 having told the people at the parish that this guy
12 is a molester?

13 A I think I can say honestly that if that's -- that
14 was the criterion that had to be used, then there
15 would have been no one assigned at that point
16 because no parish would have accepted a priest,
17 unless you could say that he has gone through the
18 kind of psychological examination and that he's not
19 a risk to the parish, which would have been what
20 was happening here.

21 Q Okay.

22 A Otherwise, I don't think you could have. And there
23 still was -- as you noticed in the letters of
24 Archbishop Cousins, there still was the idea that a
25 person, any person, had to be able to control those

1 true.

2 BY MR. ANDERSON:

3 Q So you represent to them that he's a priest in good
4 standing, correct?

5 A Right.

6 Q That he's fit to serve and minister the sacrament?

7 A Yes.

8 Q That he's worthy of trust?

9 A I'm not saying that worthy of trust is -- what does
10 that mean.

11 Q Okay. That he's safe?

12 A Is anybody safe? It's -- I would say yes, you feel
13 that the danger is minimal.

14 Q That he is celibate?

15 A I wouldn't want to have to vouch for that for every
16 priest out of 500.

17 Q Well, if the Archbishop of the Priests can't, who
18 can?

19 A Nobody.

20 Q Is that -- is that part of the -- is the
21 requirement of celibacy in the Archdiocese part of
22 the reason there's such a problem with the priests
23 in the Archdiocese?

24 MR. ROTHSTEIN: Pardon me. Now we're
25 asking, I think, First Amendment issues which have

1 nothing to do with this case. I object.

2 MR. ANDERSON: You can answer.

3 THE WITNESS: Celibacy is not the cause.

4 MR. ANDERSON: No, I wouldn't suggest
5 that.

6 BY MR. ANDERSON:

7 Q But does the suppression of -- the suppression of
8 sexuality, vis-a-vis the requirement of celibacy,
9 contribute to sexual abuse by priests?

10 MR. ROTHSTEIN: Show my objection. Now
11 calling for an expert opinion as a psychologist
12 beside the First Amendment issue.

13 MR. ANDERSON: You can answer.

14 THE WITNESS: All I can say is that this
15 is hotly debated, and I don't think that one could
16 say a final answer has come about. You would have
17 to do a lot of extensive studies comparing the
18 Catholic clergy with, let's say, the Lutheran or
19 some other group which is not celibate and see the
20 number of instances, et cetera, but I don't know of
21 anybody who has done a thorough study of the
22 relationship between the celibacy and the sexual
23 abuse in question. I think there are other causes
24 that are more clear.

25 BY MR. ANDERSON:

1 THE WITNESS: All right.

2 MR. SHRINER: We don't ask anybody else
3 what they want.

4 MR. ANDERSON: We'll just consider this
5 our parade.

6 BY MR. ANDERSON:

7 Q I'm showing you, Archbishop, what we marked Exhibit
8 300, and this is a somewhat lengthy document, but
9 it is a log that has been represented to be a part
10 of the Archdiocese file, and this one pertains to
11 Becker, and why don't you tell me, if you can, what
12 it is?

13 A I had appointed a vicar for clergy, and every two
14 weeks or so he would send out these little blurbs
15 of this log indicating that he had dealt with
16 something as an alert to me and to others what was
17 happening, so this was the vicar's log.

18 Q And --

19 A They are not complete and they are just indications
20 of some things there.

21 Q Okay. And who was the vicar then in 1980?

22 A It would have been Joe Janicki.

23 Q And this log goes from 1980 to 2003, so it could
24 have been prepared by more than one vicar then?

25 A Certainly.

1 Q Fair enough. At any case, when you assigned Becker
2 to the parish as administrator with the history
3 that you knew, at least you represented to the
4 community of faith and the parishioners this guy is
5 not a molester?

6 A I don't think it would have been on the radar
7 screen, no.

8 Q Fair enough. Do you want to take a break?

9 A I'm fine.

10 MR. SHRINER: Jeff, if you want to take a
11 break, my only concern is obviously as we get along
12 toward the end of the afternoon, it's more
13 difficult for anybody and Archbishop Weakland, I
14 think, to stay alert and so on.

15 MR. ANDERSON: I understand.

16 MR. SHRINER: If we're going to get done
17 this afternoon and you want to take a break and
18 we'll be out of here by five, that's fine.
19 Otherwise, I'd rather stop at 4:30 and come back
20 tomorrow morning, as I said to Mike we would. I
21 mean that's your call.

22 MR. ANDERSON: Okay. Let's press forward
23 and work together. If you feel overly fatigued or
24 pressed, feel free to take a break, and let's see
25 if we can get her done.

1 Q Okay. And I'm going to show you the first page of
2 it, and you'll see there's Bates stamps, and this
3 page is Bates stamped 862 on the first page. Do
4 you see that number?

5 MR. SHRINER: On the lower right-hand
6 corner, Archbishop.

7 THE WITNESS: Yes, I see that.

8 BY MR. ANDERSON:

9 Q And then under the last paragraph, in the middle of
10 it there's an entry, I want to read it and then ask
11 you a question. It states, "He must not talk
12 openly about the gay movement in a militant way.
13 He assured me absolutely that he would cause no
14 more problems along this line in the future if he
15 got a position." Do you know -- do you remember
16 what this is about?

17 A It may refer to something you brought up earlier
18 about the male/boy thing, but I doubt that. I
19 really don't -- he may have been talking, I don't
20 know, about gay lifestyles or something. I don't
21 know what he was talking about.

22 Q I'm going to refer you to the next page and under
23 944, which is the fourth paragraph down in the
24 middle of that paragraph, the paragraph begins
25 with, "Father Stoll informed me that he would

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<p>1 prefer not to have Franklyn Becker as an 2 associate," and then in the middle it says, "Stoll 3 is afraid that if Becker's problems" -- excuse 4 me -- I have to reread that. It states, "Stoll is 5 afraid that if Becker's problem manifests itself in 6 the small community, the damage will be 7 irreparable." This is referring to sexual abuse, 8 isn't it? 9 A I don't know. I -- that would be the first 10 inclination you might have, but it also could be he 11 is talking too much about gay sex or something 12 else. You never know with Becker. 13 Q But homosexuality would not cause irreparable harm 14 to the community. 15 A In 1980? 16 Q What do you think? 17 A I think it could be a number of things. 18 Q Okay. 19 A Your first thing would be it could be with -- 20 Q Is Father Stoll still alive? 21 A No, he's been dead many years. 22 Q I'm going to refer to you the next page, 23 Archbishop. At the top, number 32, to the right, 24 "Franklyn Becker," it says, "Yesterday Heffron," 25 who is Father -- who is Heffron?</p>	<p>1 Q I'm going to read that again. "Olen told me of a 2 couple of instances recently when Becker was able 3 to control himself. He continues to see Olen and I 4 reminded him of the celibacy statement we are 5 looking for." What can you tell me about this 6 entry, if anything? 7 A Occasionally with something of this sort, we would 8 ask someone to sign a statement that he accepts 9 celibacy, and we would have asked that of him. 10 That seems to be what this is about. It may also 11 be that Dale Olen was a part of that discussion. 12 Q But this is more about child abuse than celibacy, 13 isn't it? 14 A It would be under the same category, that's all. 15 Q I mean it's in the same year that the information 16 at the top of the page where he's touching the 17 teenage boy inappropriately, so -- 18 A Yeah, it's not specific here, you're right. 19 Q Yeah, I mean that's why he's seeing Olen, because 20 of abuse, right? 21 A Exactly. 22 Q The next page at the top -- I'm going to take you 23 away from this exhibit for a moment because I have 24 something else I need to ask you about. I'm going 25 to show you what I've marked as Exhibit 400, and</p>
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<p>1 A Father Bill Heffron. 2 Q Is he alive? 3 A No, he's dead. 4 Q It states, "Yesterday Heffron contacted me with the 5 information that the mother of one of the seventh 6 grade boys told him that Becker was associating 7 rather intimately with their son. The son claimed 8 that he held his hand in the movie and touched him 9 rather improperly in a swimming session." Now, 10 that's suspicious of sexual abuse, right? 11 A It is. 12 Q Okay. Down in that same paragraph, third sentence 13 from the end of it, it states, "After the parents 14 left, I asked Becker to get in touch with Dale 15 Olen." So Olen is being -- Becker is being 16 referred to Olen for -- 17 A Yes. 18 Q Did Olen see any other offenders that you recall? 19 A Not to my knowledge. 20 Q Okay. On the same page at 892, in the middle of 21 it, I'll read and then ask you a question. Third 22 sentence, it states, "Olen told me of a couple of 23 instances recently when Becker was able to control 24 himself." That's not funny. I'm sorry I laughed. 25 A I agree. I agree. Sad.</p>	<p>1 you can keep that exhibit because I'm going to keep 2 him referring back to it. 3 MR. SHRINER: While you're asking him 4 about 400? 5 MR. ANDERSON: Yes. I just want to 6 direct your attention to 400 at the moment. 7 MR. SHRINER: He's trying to get you to 8 multitask after you told him you don't do that 9 anymore. 10 BY MR. ANDERSON: 11 Q There was an article or a series that appeared in 12 the Milwaukee Journal that was a six part series. 13 MR. SHRINER: It looks like the Sentinel. 14 MR. ANDERSON: Excuse me. The Milwaukee 15 Sentinel. 16 MR. SHRINER: Yeah. 17 BY MR. ANDERSON: 18 Q It appears in 1981, June of '81. And Exhibit 400 19 would be the first in the series. It's called, 20 "Churches Face Major Issues in the '80s." Do you 21 see that? 22 A Yes, I do. 23 Q Okay. You and other officials of the Archdiocese 24 knew this story was going to run before it ran, 25 correct?</p>

1 A I remember a meeting in which the reporters came to
2 see me to talk about it, and so I knew at that time
3 it was going to run, yes.

4 Q Did you and other officials of the Archdiocese make
5 an effort to have them not run this story?

6 A Have you ever tried to get a newspaper not to run a
7 story?

8 Q Well, the question is did you try?

9 MR. SHRINER: Mr. Anderson's problem is
10 the opposite.

11 MR. ANDERSON: Yeah.

12 THE WITNESS: I think --

13 MR. ANDERSON: He's over here taking
14 shots.

15 MR. MUTH: Tom said it. I was thinking
16 it.

17 THE WITNESS: I don't think the Diocese
18 made any effort, but I do think that a couple
19 politicians in the town heard about this, as you can
20 imagine the number of people involved, and their
21 only concern was that the original plan was to
22 do the Catholic church, and the politico said if
23 you do the Catholic church, you've got to include
24 all religions in the city. That was the only time
25 I can recall that there was any intervention in the

1 story as it moved ahead, and I do remember the
2 reporters coming to see me about the story.

3 BY MR. ANDERSON:

4 Q Was there a meeting with you and the other bishops
5 at the Diocese about this and how to deal with it?

6 Excuse me. I meant other bishops in Wisconsin.

7 A No, not to my knowledge.

8 Q Was there a meeting with you and other officials of
9 the Archdiocese about this and how to deal with it?

10 A I'm sure we talked about it, yes.

11 Q Before it ran, while it ran or after?

12 A Probably all three.

13 Q And who was a part of your consultants in those
14 meetings?

15 A Certainly Bishop Skiba and Bishop Brust and I don't
16 know who else would have been a part of it.

17 Q Directing your attention to 400, Archbishop, at the
18 third page of the article --

19 MR. SHRINER: Page three, in the upper
20 corner, the one that has three up here in the upper
21 left-hand corner.

22 MR. ANDERSON: I'm sorry. That's the
23 fourth page.

24 MR. SHRINER: Okay. The next one, I
25 think.

1 BY MR. ANDERSON:

2 Q In one-third of the column down on the left-hand
3 side, there's several bullet points, but there's
4 one that I want to draw your attention to, and it
5 starts with, "A Catholic priest in Wisconsin." Do
6 you see that one?

7 MR. SHRINER: There are a couple of them
8 that say the same thing.

9 MR. ANDERSON: I'll read it.

10 BY MR. ANDERSON:

11 Q It says, "A Catholic priest in Wisconsin who says
12 he likes to fondle men." Do you see that one?

13 A Yes.

14 Q Okay. Follow along. I'm going to read it. It
15 says, "A Catholic priest in Wisconsin who says he
16 likes to fondle men and who secretly admires
17 handsome boys in his parish. He sees himself as
18 having an, quote, 'occasional weakness,' unquote,
19 that he has satisfied with adults despite guilt
20 feelings." Who is this priest that is being
21 referred to here?

22 A I would have no knowledge of that.

23 Q Did you or your other officials make an effort to
24 find out who this priest is that is telling the
25 Sentinel that he's doing this?

1 A When we met with the reporters, they gave us a list
2 of all of the names that they had of gay priests in
3 the Archdiocese of Milwaukee. The list had been
4 supplied to them by Franklyn Becker, and they came
5 to the realization that it was not an accurate
6 list, that there were men on that list who weren't
7 gay at all but who Becker was kind of being
8 vindictive about and put their name on the list.

9 So this had left them to be very
10 concerned about what they were doing here, and I
11 would say that the editors were concerned because
12 to get the information that they had -- and I'm not
13 disputing it, to get the information they had after
14 they tried to weed out of the list that Becker had
15 given them -- and, by the way, he did this because
16 he had time on his hands between assignments when I
17 wouldn't assign him anywhere, so you can see
18 what -- the reporters of the Sentinel were -- it
19 was a form of entrapment of priests, and this
20 worried the editors a little bit about the method
21 in which they were obtaining their information, so
22 they were very -- there was a lot going on here
23 behind the scenes.

24 Q My question to you is did you ever identify Becker
25 as the source of this information?

1 A I didn't. I didn't.

2 Q This is -- on reading of this, this is suspicious
3 of sexual abuse, isn't it?

4 A It is.

5 Q And homosexuality and sexual abuse are two
6 different things?

7 A Yes.

8 Q And as an archbishop, you definitely want to get to
9 the bottom of suspicious sexual abuse, right?

10 A Yes, that's true.

11 Q The question of homosexuality and acting on
12 homosexuality is a different matter?

13 A Right.

14 Q And as an archbishop, you would deal with that
15 differently than you would sexual abuse, right?

16 A Yes, right.

17 Q This is suspicious of sexual abuse, so to this day
18 do you know who this person is?

19 A I don't. They wouldn't reveal it to me. They
20 wouldn't give me any names to go with this as it
21 went ahead.

22 Q The next page on the left-hand column, the caption
23 in small print says, "Bishops reportedly met." It
24 states, "Most of the word seemed to be getting
25 around the Catholic church upon which the project

1 sort.

2 Q Okay.

3 A If anybody from my office would have made the call,
4 it would have had to have been from the Archdiocese
5 of Milwaukee.

6 Q It then states, "False rumors were spreading that
7 priests had been approached by reporters and
8 threatened with blackmail if they didn't
9 cooperate." Do you know anything about that?

10 A I don't, and the fact that it came from the
11 Conference of Bishops, it could have been from
12 another of the diocese and not Milwaukee.

13 Q The next paragraph, first sentence states, "Bishops
14 reportedly met to discuss the subject." What can
15 you tell me and what do you remember about this
16 meeting that's being referred to here?

17 A I don't remember anything about such a meeting.

18 Q Did you as archbishop take any action responsive to
19 this -- this series or any action against any
20 priests referred to in it to investigate whether
21 they were abusing minors?

22 A We didn't have that kind of information from these
23 articles, and I don't think that was the intent of
24 the articles as such.

25 Q Okay. I'm going to show you 401, and while Mike is

1 had first focused. A telephone call came from a
2 staff member of the Wisconsin Conference of
3 Catholic Bishops." Who made that call?

4 A Where are you?

5 MR. SHRINER: I'm sorry. Let me show
6 you.

7 MR. ANDERSON: I'm sorry. It's right
8 here, Archbishop, right above --

9 MR. SHRINER: He's reading right here.

10 THE WITNESS: Okay.

11 BY MR. ANDERSON:

12 Q It says, "A telephone call came from a staff member
13 of the Wisconsin Conference of Catholic Bishops."
14 Do you know who would have called from the
15 Wisconsin Conference of Catholic Bishops? You
16 would have been the Metropolitan of the Wisconsin
17 Conference of the Catholic Bishops, right?

18 A Um-hum.

19 Q Yes?

20 A Yes, I was, yes.

21 Q So do you know who the caller was representing --

22 A I don't know that at all. The secretary of the
23 conference at the time was a man by the name of
24 Chuck Phillips, and I can't imagine anybody else
25 from the conference would have made a call of that

1 getting that, this would be a June 4th part of the
2 series, same series, and the second page of it, the
3 caption is, "Three Catholic Priests Tell of
4 Struggle with Personal, Career Problems." On the
5 right-hand side, Archbishop, I'm going to direct
6 your attention to the second to the last column.
7 It begins, "For years a Wisconsin priest has lived
8 on the edge of trouble." Do you know who that --
9 was that Becker?

10 A We're on the right-hand column?

11 Q Yeah, the second column on the right-hand side,
12 second to the last column.

13 MR. SHRINER: Over here. Right here.

14 THE WITNESS: Second to the last column.

15 BY MR. ANDERSON:

16 Q It states, "He says he has been shunned and
17 rebuffed by some of his colleagues in the Catholic
18 church. Life has left him stranded, isolated from
19 others."

20 A I have no way of knowing who that was.

21 Q It then states, "He is homosexual. His attraction
22 is to young men, usually teenagers." Now, that's
23 sexual abuse, isn't it?

24 A Yes, it is.

25 Q And do you know of any official of the Archdiocese,

1 if you didn't, did anybody make any effort to
2 investigate who this is that may be committing
3 sexual abuse?

4 **A It says his attraction is to a young man. It**
5 **doesn't say he was acting it out. It could have**
6 **been of any one of the five diocese.**

7 **Q The next paragraph states, "His bishop is aware of**
8 **him and his orientation. In fact, the priest has**
9 **been seeing a psychologist." Is this being -- is**
10 **this you that's being referred to here?**

11 **A I don't know. I have no idea.**

12 **Q At the bottom of that column it states, "In an**
13 **interview and written account of his life, he said**
14 **his orientation has led to repeated problems and**
15 **repeated transfers to new positions." So do you**
16 **know anything about that?**

17 **A I don't.**

18 **Q Okay. Next column to the right, third paragraph**
19 **down states, "His first two assignments as a priest**
20 **gave him searching duties" --**

21 **MR. SHRINER: Teaching.**

22 **BY MR. ANDERSON:**

23 **Q "Teaching duties and responsibilities among young**
24 **boys. Both assignments led to sexual involvement."**
25 **So this refers to young boys. "Such assignments**

1 **we know that this source is not to be trusted, that**
2 **he fantasizes a lot and talks about things that he**
3 **doesn't know about and there's a certain**
4 **vindictiveness involved, so I think even they were**
5 **concerned about what they were writing.**

6 **Q The --**

7 **A All they're saying is that some priest said this to**
8 **them, and you take it for what it's worth.**

9 **Q Well, he's making an admission, as I read it, that**
10 **he was committing sexual abuse, but we can move on.**

11 **A You'd have to get him alone to say whether he meant**
12 **himself there.**

13 **Q And you knew Becker was the source but the bottom**
14 **line is you didn't ask Becker because you didn't**
15 **trust him?**

16 **A Right.**

17 **Q But you trusted him enough to keep him in the**
18 **ministry, in the Archdiocese, didn't you?**

19 **A I was doing my best to keep him under lock and key.**

20 **Q The next paragraph says, "Finally his home diocese**
21 **in Wisconsin placed him in a parish where he fell**
22 **in love with a youth." Now, that's suspicious of**
23 **sexual abuse?**

24 **A It is, but it doesn't sound like Becker to talk**
25 **that way.**

1 led to sexual involvement," that's suspicion of
2 sexual abuse right there, isn't it?

3 **A Yes, it is.**

4 **Q Did any official of the Archdiocese investigate**
5 **this to your knowledge?**

6 **A The reporters gave us no names to fit each one of**
7 **these, and since Becker was the source, I would**
8 **doubt that he would expose himself that clearly if**
9 **it were he.**

10 **Q Did you ever call Becker in and say Franklyn, was**
11 **this you that is telling the Sentinel that, you**
12 **know, you had these transfers, the bishop knows**
13 **about it and you're involved with young boys and**
14 **sexual abuse?**

15 **A I did not call him in and ask if he was that**
16 **person, no.**

17 **Q Why not --**

18 **A I --**

19 **Q -- if you knew he was the source?**

20 **A I didn't trust him on anything on this. I didn't**
21 **want anything to do with it, and I was surprised**
22 **because I recall vividly when the reporters came to**
23 **see me, they turned off their tape recorder, and it**
24 **was evident they knew that I knew who the source of**
25 **all this was, and when it came to Becker, they said**

1 **Q So we might be talking about another priest here,**
2 **but you don't even know because you didn't look or**
3 **ask, right?**

4 **A I couldn't get an answer.**

5 **Q Okay. What did you ask?**

6 **A I asked the press about the information but**
7 **couldn't -- they wouldn't put a name on anybody,**
8 **which makes this a very dubious document, very**
9 **dubious document, and they knew it was a dubious**
10 **document.**

11 **Q I'm going to refer you to Exhibit 312. Now, while**
12 **Mike is getting it, this is dated August 2nd, 1981,**
13 **so this would be after the Sentinel series ran in**
14 **June of '81. Okay. And Exhibit 12 -- excuse me --**
15 **312 is on stationery of St. John's Rectory in South**
16 **Milwaukee dated August 2, '81. It's a letter from**
17 **Becker to you. Do you remember receiving this?**

18 **A Yes, I do.**

19 **Q It says, "Your Excellency, at the request of Father**
20 **Joseph Janicki and after due consultation with**
21 **Dr. Dale Olen, I am hereby complying with your**
22 **request for a written letter of commitment to the**
23 **priestly ideal of celibacy," so in August you have**
24 **taken the extraordinary action of demanding that he**
25 **sign a letter of a commitment to celibacy when he's**

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1 already made a commitment to that at ordination
2 that continues, right?

3 **A Yes.**

4 **Q** So this is kind of an extraordinary action. Why
5 did you do this?

6 **A I probably did it on the basis of suspicions,**
7 **not -- you know, I had my doubts, too.**

8 **Q** You had suspicions that he had sexually abused?

9 **A Or could abuse, yeah.**

10 **Q** And the next paragraph states, "As you know, the
11 last five years of my priesthood have been years of
12 struggle and searching, a struggle to deal honestly
13 with myself and the church into which I was born.
14 While the struggle is by no means over, I feel that
15 with the aid of Dr. Olen, I've been given greater
16 insights into myself and am now able to deal with
17 my orientation in a way that will not be
18 destructive to me or to the church." So he's
19 making some assurances to you now that he's not
20 going to do this again what he had done before,
21 right?

22 **A It would seem that way.**

23 **Q** And you already told me that you didn't trust him
24 at this time anyway, so these assurances didn't
25 mean a thing to you, did they?

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1 **A They still left me worried.**

2 **Q** But he continued in ministry?

3 **A Yes. The question was how do we get rid of him.**

4 **Q** I'm going to show you Exhibit 300 now. We're going
5 to go back to that 300 exhibit.

6 **MR. SHRINER:** The one in front of you.

7 **MR. ANDERSON:** Thank you.

8 **BY MR. ANDERSON:**

9 **Q** And I'm going to direct your attention in Exhibit
10 300 to the date which is -- the page is Bates
11 stamped 846. Look at that one.

12 **MR. SHRINER:** They're out of order, I
13 think. It's after -- it's right after 847.

14 **THE WITNESS:** I have 846.

15 **BY MR. ANDERSON:**

16 **Q** Do you see 846?

17 **A Yes.**

18 **Q** Look at the top of 846, number 740, "Franklyn
19 Becker." I'll read it. "Father Carl Last called
20 to say that." Do you know who Father Carl is?

21 **A Yes, I do.**

22 **Q** Who is that?

23 **A He is at present Director of the Cathedral.**

24 **Q** And is his name Father Carl Last?

25 **A Yes.**

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1 **Q** Okay. And at this time what was he, do you know?

2 **A I don't know.**

3 **Q** Okay. It says, "Father Carl Last called to say
4 that Blank who live in St. John Parish are worried
5 about the relationship that exists between Becker
6 and their teenage son. Becker is lavishing gifts
7 and attention on the boy and the two are spending a
8 lot of time together. I told Last it would be
9 helpful if the parents of the boy went directly to
10 Becker and informed him that they wanted this to
11 stop." What did you know about this, Archbishop?

12 **A I don't remember this at all, but it's possible it**
13 **existed.**

14 **Q** This is suspicious of sexual abuse, correct?

15 **A It's suspicious, yes. It shows all the signs of**
16 **the way predators begin their actions.**

17 **Q** And this, as in the earlier incidents that have
18 been recorded and/or reported, was not made known
19 to law enforcement, correct?

20 **A No.**

21 **Q** By the Archdiocese, correct?

22 **A Correct.**

23 **Q** And it was not made known to the parishioners where
24 Becker had been serving and was serving at this
25 time, correct?

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1 **A Correct.**

2 **Q** Turn to the next page, and in the middle of the
3 first paragraph it begins with, "Father Heffron
4 told me he is very upset because Becker has been
5 acting very strangely since Heffron received his
6 new assignment." In the middle it says, "The most
7 recent was Becker's acceptance of a chaplaincy for
8 one week on a Caribbean cruise. Heffron did not
9 object to this but later has found out that Becker
10 has taken a seventh grade boy on a trip with him --
11 on the trip with him," which means that he took the
12 boy on the Caribbean cruise?

13 **A Right.**

14 **Q** Did you learn about that?

15 **A I learned about it later, yes.**

16 **Q** How much later?

17 **A Probably after he got back.**

18 **Q** This is 12/1/82 the notation is made.

19 **A I probably learned about it 12/7, by this next one.**

20 **Q** Did you take any remedial action?

21 **A As I recall, the vicar at the time investigated it.**
22 **I was under the impression that the mother had said**
23 **that nothing had happened. That's as I recalled**
24 **it.**

25 **Q** It is certainly suspicious for sexual abuse again,

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<p>1 isn't it?</p> <p>2 A It is. It is. We knew that.</p> <p>3 Q Turn two pages to 842 in Exhibit 300.</p> <p>4 A 842?</p> <p>5 Q Yeah.</p> <p>6 A I have it.</p> <p>7 Q And you'll see under 112, "Father X," do you see</p> <p>8 that?</p> <p>9 A Yes.</p> <p>10 Q "Father X is Franklyn Becker for the purpose of</p> <p>11 this news note. I received a letter from Blank."</p> <p>12 What does Father X mean?</p> <p>13 A I have no idea.</p> <p>14 Q Okay. In the middle of this, I'm going to read</p> <p>15 something and then I'll ask you a question. It</p> <p>16 states, "What is disturbing is the fact that Becker</p> <p>17 continues to associate with the young boy he took</p> <p>18 on the cruise from St. John's Parish in South</p> <p>19 Milwaukee. Most recently they both attended the</p> <p>20 permanent diaconate ordination at the Cathedral.</p> <p>21 He is also seeing a boy from St. Eugene's Parish in</p> <p>22 violation of the wishes of the boy's mother, who is</p> <p>23 a widow." So we have more reports of suspicions of</p> <p>24 sexual abuse by Becker in January of '83, correct?</p> <p>25 A Correct.</p>	<p>1 destroyed --</p> <p>2 A Um-hum.</p> <p>3 Q -- so that it would not be disseminated, correct?</p> <p>4 MR. ROTHSTEIN: Pardon me. Pardon me.</p> <p>5 The question is compound asking about multiple</p> <p>6 documents now of different sorts.</p> <p>7 BY MR. ANDERSON:</p> <p>8 Q Is that correct, Archbishop?</p> <p>9 A Here?</p> <p>10 Q Yes.</p> <p>11 A As I understood it, after a certain period it was</p> <p>12 to be destroyed and no one was permitted to see it</p> <p>13 but the person who -- the priest who had signed off</p> <p>14 on with their name.</p> <p>15 Q Right. In this case the referral source was the</p> <p>16 vicar for clergy, Joseph Janicki, the vicar for</p> <p>17 Priest Personnel, Archdiocese of Milwaukee, who was</p> <p>18 under you at the time, correct?</p> <p>19 A Yes.</p> <p>20 Q I'm going to direct your attention to this report</p> <p>21 that is Bates stamped -- I think it's page seven of</p> <p>22 it. Look at page seven of the report. It's</p> <p>23 numbered at the top. Under psychiatric evaluation,</p> <p>24 the second paragraph reads, "The recurrent problems</p> <p>25 are due to Father Becker's gay orientation." In</p>
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<p>1 Q Becker has continued in ministry without</p> <p>2 restriction, correct?</p> <p>3 A I'm not sure about that, but he probably had to see</p> <p>4 his psychiatrist weekly and that kind of</p> <p>5 restriction.</p> <p>6 Q He is sent to a psychologist. Do you recall that?</p> <p>7 A Dale Olen.</p> <p>8 Q Okay. And I'll show you Exhibit 313, and that's</p> <p>9 Psychological Associates, and this is -- this is</p> <p>10 Psychological Associates -- or Psychology</p> <p>11 Associates, and this is, I think, Dr. Gillette,</p> <p>12 isn't it?</p> <p>13 A Yes.</p> <p>14 Q This is a multi-page report, and I'm going to just</p> <p>15 direct your attention to a few portions of it.</p> <p>16 You'll note it's dated February 21st, '83. It</p> <p>17 references Franklyn Becker, and obviously they had</p> <p>18 permission from him to share this with you, right?</p> <p>19 A They had permission to -- yes, I was looking, I</p> <p>20 can't find it, whether there was any note that it</p> <p>21 had to be destroyed after a certain time. Usually</p> <p>22 these things had to be destroyed.</p> <p>23 Q Yeah, and that was a regular practice when there</p> <p>24 was scandalous material that was in something like</p> <p>25 this, there was often a practice that it would be</p>	<p>1 the middle it states, "He states he will tend to</p> <p>2 become involved with adolescent boys in the age</p> <p>3 range of 12 to 16 years of age. The youngest was</p> <p>4 12 years of age." This is an admission by Becker</p> <p>5 to the evaluator that he had engaged in criminal</p> <p>6 sexual conduct with these boys, correct?</p> <p>7 A Yes.</p> <p>8 Q At the bottom of this document, the first sentence</p> <p>9 in that paragraph states, "The diagnostic</p> <p>10 impression would be pedophilia," correct?</p> <p>11 A Yes.</p> <p>12 Q And pedophilia you know is a compulsive sexual</p> <p>13 interest in prepubescent children?</p> <p>14 A Yes. Here it may mean more than that.</p> <p>15 Q It's often broadly used to refer also to a</p> <p>16 compulsive sexual interest in children in general?</p> <p>17 A Yes.</p> <p>18 Q Correct?</p> <p>19 A Yes.</p> <p>20 Q And we know -- at least you know that ephebophilia</p> <p>21 is a compulsive sexual interest in postpubescent --</p> <p>22 A Right, but here I wasn't sure whether that meant --</p> <p>23 also when they use pedophilia, they might also mean</p> <p>24 ephebophilia because it was used for a larger</p> <p>25 category.</p>

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<p>1 Q And those are clinical terms, but the bottom line</p> <p>2 is if you're an ephebophile or pedophile, you're</p> <p>3 also a criminal, that means you're abusing kids,</p> <p>4 right?</p> <p>5 A Exactly.</p> <p>6 Q And if you do that, you belong in jail, right?</p> <p>7 A No doubt.</p> <p>8 Q And that's for the police and the prosecutors to do</p> <p>9 and --</p> <p>10 A If they do it, okay, yeah.</p> <p>11 Q And did you ever give this information to the</p> <p>12 police or the prosecutors?</p> <p>13 A That I wasn't allowed to do.</p> <p>14 Q Who said you weren't allowed to do it?</p> <p>15 A Because this was a document that had a confidential</p> <p>16 agreement between the priest and the analyst, and</p> <p>17 my understanding was that if this was disseminated</p> <p>18 like we're doing now, we could be sued by him for</p> <p>19 this break of confidentiality.</p> <p>20 Q This is evidence of a crime: Was it your belief</p> <p>21 that there was some contractual obligation between</p> <p>22 you and the priest that required you to conceal his</p> <p>23 crimes?</p> <p>24 A No, but I think there was an understanding that he</p> <p>25 went into this evaluation, that it would be</p>	<p>1 and chronologically I'm going to direct your</p> <p>2 attention to this because this would have occurred</p> <p>3 after. This is Bates stamped 840, Archbishop. The</p> <p>4 date is 3/15/83, but look at the Bates stamp.</p> <p>5 That's the best way to get it.</p> <p>6 A Yes.</p> <p>7 Q Okay. Do you see 840?</p> <p>8 A I see 840.</p> <p>9 Q At the top it says, "District attorney." Do you</p> <p>10 see that?</p> <p>11 A Yes.</p> <p>12 Q I'm going to read it. Number one, "Without any</p> <p>13 names mentioned and off the record, I described the</p> <p>14 situation regarding Franklyn Becker to E. Michael</p> <p>15 McCann, the district attorney." What do you know</p> <p>16 about -- who would this have been in '83?</p> <p>17 A I can't give it to you right away.</p> <p>18 Q This is the vicar --</p> <p>19 A I have it written down at home but not with me.</p> <p>20 Father Janicki would possibly still have been in</p> <p>21 office.</p> <p>22 Q Would this have been Sklba?</p> <p>23 A I think that came a little later.</p> <p>24 Q Okay. Mike tells me that he thinks it's either the</p> <p>25 vicar general -- one of the vicar generals, Burst</p>
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<p>1 restricted use. I don't think he would have said</p> <p>2 any of these things if it had been otherwise, and</p> <p>3 this is a problem you get into then in terms of</p> <p>4 confidentiality of it and, in fact, it gets worse</p> <p>5 now because nothing is confidential.</p> <p>6 Q I'm going to direct your attention to page 13 of</p> <p>7 this document, Archbishop. In the middle of it, at</p> <p>8 the fourth paragraph down and the second sentence,</p> <p>9 it reads -- page 13, fourth paragraph, middle, it</p> <p>10 reads, "It further suggests that there is a high</p> <p>11 likelihood that he will continue to act out</p> <p>12 sexually, especially with adolescent males if given</p> <p>13 the opportunity." So this expert retained by the</p> <p>14 Archdiocese is telling you and other officials this</p> <p>15 guy is going to continue to commit crimes against</p> <p>16 youth, right?</p> <p>17 A Right.</p> <p>18 Q And it is also correct to say that you and the</p> <p>19 officials of the Archdiocese continued him in</p> <p>20 ministry without warning the parishioners and the</p> <p>21 parents of the youth that he was continuing to be</p> <p>22 at risk for offending?</p> <p>23 A That's true.</p> <p>24 Q I'm going to put you back to 300 again, and it will</p> <p>25 be the last time I think we'll use that exhibit,</p>	<p>1 or Gass. Do you have any reason to believe that?</p> <p>2 MR. SHRINER: Are you thinking Brust?</p> <p>3 THE WITNESS: Brust --</p> <p>4 MR. ANDERSON: Brust I mean.</p> <p>5 MR. SHRINER: Or Glass.</p> <p>6 THE WITNESS: Phil Glass, it wouldn't</p> <p>7 have been Phil Glass. I don't think it would have</p> <p>8 been Brust.</p> <p>9 BY MR. ANDERSON:</p> <p>10 Q So it could have been Janicki?</p> <p>11 A Janicki would be my suspicion.</p> <p>12 Q In any case, he uses the term "I." He says -- what</p> <p>13 do you know about the vicar for clergy or one of</p> <p>14 the officials meeting with McCann about this?</p> <p>15 A Yes, I think that this was a way of trying to find</p> <p>16 out from McCann how we should move on a case like</p> <p>17 Becker where we were pretty sure that -- what his</p> <p>18 orientation was toward youngsters and yet we didn't</p> <p>19 have any kind of victims coming forth at that</p> <p>20 point, but how to -- what to do with him, how to</p> <p>21 work with it, and I'm sure that's what the vicar</p> <p>22 was talking to McCann about, what -- if the Statute</p> <p>23 of Limitation expires, how do we act? How do we</p> <p>24 move on it?</p> <p>25 Q Well, Becker had recently been sent to Psychology</p>

1 Associates where he admitted having abused kids and
2 admitted to having been a continuing risk and he
3 carried a diagnosis of pedophilia and/or
4 ephebophilia and the vicar for clergy is meeting
5 with McCann on March 15th, 1983, months after the
6 Psychology Associates reports and after multiple
7 reports regarding Becker; this is within any
8 Statute of Limitations, isn't it, Archbishop?

9 A It would sound to me given the dates now that it
10 would be within the Statute of Limitations.

11 Q This goes on to read, "His reaction immediately was
12 that the priest has been given adequate warnings
13 and enough chances and that he should not be
14 assigned anywhere he could come in contact with
15 youngsters. This precludes practically any kind of
16 assignment. His advice was that we restrict him
17 from ministry for about five years and if no
18 complaints come forth in that time, then perhaps he
19 can be given another chance." That advice is
20 recorded by the vicar for clergy as given by
21 McCann. Was that followed by you?

22 A I doubt that because it's rather vague, and I don't
23 know that I would have wanted him sitting around
24 for five years. It's either in or out. Sitting
25 around for five years was not something you -- I

1 think there was any special relationship that you
2 could say certainly I don't know of anybody on my
3 staff who would have socialized with Mike McCann.
4 That was just not a part of it.

5 BY MR. ANDERSON:

6 Q Were there any other instances where information
7 was reported to McCann within the Statute of
8 Limitations such as this where it wasn't prosecuted
9 that you're aware?

10 A I don't know of any offhand right now.

11 Q Any other priests that you can recall reported to
12 McCann besides Becker?

13 A Well, there were other cases that came forward,
14 like the Effinger or some of these that went to
15 trial, yes, those would have been reported, and
16 later I think almost all the cases that we had, the
17 old cases, were given to McCann.

18 Q I'm showing you 315. This is 315. "Dear Frank,"
19 at the second paragraph you state, "However, a
20 second reason I have in mind for writing this
21 letter is to caution you that because of past
22 personal problems." Is that kind of code referring
23 to his orientation -- his sexual abuse of the
24 teenagers?

25 A Yes. Yes.

1 think the real question at that point would have
2 been should he be -- should the case be sent to
3 Rome for dismissal.

4 Q The real question that I have is at this point in
5 time why isn't Becker prosecuted? Why -- go ahead
6 and answer.

7 A I'm not sure either why he wouldn't have been
8 prosecuted.

9 Q Why didn't the Archdiocese give Becker the --
10 excuse me -- give the prosecutor, McCann, the
11 information that you had in -- that it had in its
12 files that I've been reviewing with you here for
13 the last few hours?

14 A I don't know that. I don't know how much
15 information was given to McCann because it doesn't
16 tell us here. It seems to me --

17 Q What kind of relationship did the Archdiocese have
18 with McCann. Was it kind of cozy?

19 MR. ROTHSTEIN: Pardon me. Show my
20 objection. The question was as to the Archdiocese,
21 which is an organization, versus the witness here.
22 Go ahead.

23 THE WITNESS: My feeling was that McCann
24 wanted to be of help always to the Archdiocese, but
25 he was a darn good district attorney, so I don't

1 Q Okay. You go on to state, "Should further
2 occurrences of this same nature arise, I will have
3 no alternative but to take canonical steps that
4 would bar you from exercising any of the powers of
5 orders or jurisdiction which you have as a priest."
6 In other words, you're threatening to take
7 canonical action, but you chose not to, correct?

8 A At that point, yes.

9 Q Okay. When did you?

10 A Later on he was restricted, but I don't have all of
11 that in front of me.

12 Q He's at the hospital, he's a chaplain here, you'll
13 see, at St. Joseph's Hospital?

14 A Yes.

15 Q Who did you tell at the hospital that you knew that
16 this guy had admitted that he abused teens, there
17 were multiple reports and that he had been
18 diagnosed as a pedophile or any of the above?

19 A I don't recall that anybody at the hospital was
20 informed, but I don't know what Father Janicki may
21 have done in that regard.

22 Q All right.

23 A You omitted reading the strongest sentence that
24 affected Becker. "In addition, you would have no
25 right to any financial support from the