

Archbishop John Myers - 5/12/2010
Andrew Ward vs. The Catholic Diocese of Peoria, et al.

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STATE OF ILLINOIS IN THE CIRCUIT COURT
FOR THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

ANDREW WARD :
 :
v. :
 : NO. 2008 L 178
THE CATHOLIC DIOCESE OF :
PEORIA, a religious :
corporation, and ESTATE :
OF THOMAS MALONEY, :
deceased, :

May 12, 2010

Oral deposition of
ARCHBISHOP JOHN MYERS, taken pursuant to
notice, was held at the Archdiocese of
Newark, 171 Clifton Avenue, Newark,
New Jersey, commencing at 1:09 p.m., on
the above date, before Beth Ann Sauro, a
Professional Shorthand Reporter and
Notary Public in and for the Commonwealth
of Pennsylvania.

CERTIFIED
TRANSCRIPT

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2

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ALSO PRESENT: Eric Lenz
Videographer

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2 I N D E X

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Testimony of: ARCHBISHOP JOHN MYERS

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6 By Mr. Anderson 7

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E X H I B I T S

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14 NO. DESCRIPTION PAGE

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2 DEPOSITION SUPPORT INDEX

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5 Direction to Witness Not to Answer

6 Page Line Page Line Page Line

7 None

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10 Request for Production of Documents

11 Page Line Page Line Page Line

12 205 23 206 4

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15 Stipulations

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20 Question Marked

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22 None

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1 (It is hereby stipulated and
2 agreed by and among counsel that
3 sealing, filing and certification
4 are waived; and that all
5 objections, except as to the form
6 of the question, will be reserved
7 until the time of trial.)

8
9 THE VIDEOGRAPHER: Good
10 afternoon. This is the video
11 operator speaking, Eric Lenz, of
12 Magna Legal Services in
13 Philadelphia, Pennsylvania.

14 Today's date is May 12,
15 2010, and the time is
16 approximately 1:09 in the
17 afternoon.

18 We are here at the
19 Archdiocese in Newark located at
20 171 Clifton Avenue, Newark,
21 New Jersey to take the videotaped
22 deposition of Archbishop John
23 Myers in the matter of Andrew Ward
24 versus The Catholic Diocese of
25 Peoria, et al.

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1 This is in the State of
2 Illinois in the Circuit Court of
3 the Tenth Judicial Circuit, Peoria
4 County, Illinois, matter
5 No. 2008 L 178.

6 Will counsel introduce
7 themselves for the record and
8 after which time our court
9 reporter will swear the witness.

10 MR. ANDERSON: For the
11 plaintiff, Jeff Anderson.

12 MR. FINNEGAN: Mike Finnegan
13 for the plaintiff as well.

14 MR. FEEHAN: Joe Feehan for
15 the defendant, Catholic Diocese of
16 Peoria.

17 MR. CARELLA: Charles M.
18 Carella from the law firm of
19 Carella and Byrne for
20 Archbishop Myers.

21

22

23 ARCHBISHOP JOHN MYERS, after
24 having been duly sworn, was
25 examined and testified as follows:

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2 DIRECT EXAMINATION

3 - - -

4 MR. FEEHAN: Before we get
5 started, has there been an
6 announcement about this is a
7 discovery deposition under
8 Illinois rules, correct?

9 MR. ANDERSON: Correct.

10 MR. FEEHAN: That's how it's
11 been noticed?

12 MR. ANDERSON: Correct.

13 MR. FEEHAN: And I'd like to
14 get on the record -- Mr. Anderson,
15 if you'd just go ahead and state
16 what you've agreed to with respect
17 to the videotape.

18 MR. ANDERSON: Yes.
19 Mr. Feehan did indicate an
20 objection to the videotaping of
21 this deposition. I told him that
22 I would agree that the videotaped
23 portion of this deposition will be
24 kept for use at trial only and/or
25 by agreement otherwise or by order

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1 of the court.

2 MR. FEEHAN: And so I'm
3 clear. Your agreement -- your
4 statement does not include the
5 transcript?

6 MR. ANDERSON: That's
7 correct. It does not include the
8 transcript.

9 MR. FEEHAN: Okay. And
10 prior -- when we had this
11 discussion about a month ago in
12 exchange of correspondence, I
13 initially requested that you agree
14 to a protective order to be
15 entered by the Court to encompass
16 not just this deposition
17 transcript or this deposition
18 video but all deposition
19 transcripts or all deposition
20 videos which may take place in the
21 future as well as any discovery
22 exchanged -- exchanged by the
23 parties today and in the future.

24 It's my understanding that
25 you have objected to that. And I

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1 have informed you that I am going
2 to seek an entry of such an order
3 by the Court which is typically
4 entered in these types of cases.

5 MR. ANDERSON: You may do
6 that and just for the record,
7 pertaining to this deposition, you
8 did send me a letter saying you
9 wanted me to give you a reason why
10 the video should be used and I
11 gave you a reason why I felt it
12 needed to be. Because he was an
13 out-of-state witness, it maybe
14 necessary for trial if he's
15 otherwise unavailable.

16 And while it's a discovery
17 deposition, if he's an
18 out-of-state witness and we can't
19 compel his testimony at trial, it
20 will be used for trial.

21 Number two, I told you that
22 for that reason we've agreed to
23 some limitation on the use of the
24 videotaped portion of this.

25 Our recent discussions were

1 limited to that only. Earlier you
2 had sought and made a request for
3 a protective order pertaining to
4 any discovery deposition that we
5 took and I told you, as I've
6 stated here today, that we do not
7 agree to that and will not and you
8 can seek whatever relief you deem
9 appropriate from the Court. Fair
10 enough?

11 MR. FEEHAN: I think that's
12 a fair summary of what we talked
13 about.

14 MR. ANDERSON: Okay, thanks.

15 BY MR. ANDERSON:

16 Q. Archbishop, good afternoon.

17 A. Good afternoon, Jeff.

18 Q. Nice to meet you. You've
19 been through this process before and you
20 understand that I'll be asking you a
21 number of questions this afternoon?

22 A. That's correct.

23 Q. And that the answers that
24 you give as well as the questions that I
25 ask are being recorded by a stenographer

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1 to my right and by videotape over here
2 (Indicating)?

3 A. Yes.

4 Q. And you are under oath?

5 A. Yes.

6 Q. And you've given deposition
7 before?

8 A. I have.

9 Q. How many times?

10 A. Once.

11 Q. Have you ever given
12 testimony in trial in a courtroom before?

13 A. I have to think about that.

14 There may be an instance when I was
15 Chancellor of the Diocese of Peoria in an
16 estate that I testified in the courtroom
17 in Lincoln, Illinois. But that would be
18 the only instance.

19 Q. What kind of matter was
20 that?

21 A. It was the disposition of
22 certain assets of an estate.

23 Q. Nothing having to do with
24 sexual abuse?

25 A. No.

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1 Q. You have been, now,
2 Archbishop for Newark for how many years?

3 A. Going on nine.

4 Q. And you were Bishop of the
5 Diocese of Peoria from 1990 to 2002?

6 A. 2001.

7 Q. And that would have been
8 over 11 years, Archbishop?

9 A. From January 1990 until
10 October 2001.

11 Q. And you were Coadjutor
12 before that for approximately three
13 years?

14 A. For two years and three
15 months, I believe.

16 Q. And --

17 A. From September to January.

18 Q. And you were Coadjutor to
19 whom?

20 A. Bishop Edward W. O'Rourke.

21 Q. And you were appointed by
22 John Paul, II?

23 A. Yes.

24 Q. And at that time while you
25 were Coadjutor to Bishop O'Rourke was he

1 in failing health?

2 A. He was. He had had some
3 TIAs and -- and a stroke.

4 Q. When you were appointed
5 Coadjutor and during the time that you
6 worked as Coadjutor with then
7 Bishop O'Rourke, did you discuss with him
8 any of the priests of the diocese and any
9 problems pertaining to sexual abuse that
10 he was aware of?

11 A. No. Bishop O'Rourke was a
12 very private man and he simply did not
13 share that information with me.

14 Q. Did you ever ask him while
15 Coadjutor if there had ever been any
16 problems or allegations, complaints,
17 pertaining to priests in the diocese and
18 sexual abuse?

19 A. Asked him directly, no.
20 There was one priest who had a reputation
21 which was -- we were never able to
22 establish. But I did advise him to
23 remove the priest from ministry.

24 Q. When you say "there was one
25 priest who had a reputation", what do you

1 mean by that?

2 A. There was some thought that
3 not -- not -- not minors but with other
4 men, that he was sexually active.

5 Q. So there was a reputation or
6 reason to believe that the priest had
7 engaged in some violations of the --
8 the -- the promise of celibacy with other
9 men?

10 A. Yes, yes.

11 Q. And you said "we were never
12 able to establish that". When you say
13 "we", who is the we?

14 A. Would be the diocesan
15 officials who were there before myself
16 and then Bishop O'Rourke and myself.

17 Q. Okay. And so that was while
18 you were Coadjutor?

19 A. It was actually before I was
20 Coadjutor that I gave the advice. It was
21 in the early 1980s.

22 Q. Were you then Vicar General?

23 A. I became Vicar General in
24 '84, I believe. So I was either
25 Chancellor or Vicar General. I'm not

1 sure.

2 Q. Who was the priest to whom
3 you were just referring?

4 A. Father Louis Condon,
5 C-O-N-D-O-N.

6 Q. Was a canonical
7 investigation or some kind of
8 investigation done concerning whether
9 that priest had engaged in conduct that
10 was inappropriate to his position?

11 A. We -- we -- we dealt with
12 civil authorities and asked them if they
13 were aware of anything like that, county
14 sheriffs and police chiefs and that sort
15 of thing. And then they weren't able to
16 give clear answers.

17 Q. Okay. Concerning this
18 priest, when did information first come
19 to your attention that he was suspected
20 of having engaged in inappropriate sexual
21 conduct?

22 A. There's a funny answer to
23 that. Actually, it was my first year in
24 a parish in Peoria which was 1967. And
25 we went to a priest meeting and my

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1 pastor, Father Walter Buche, pastor of
2 Holy Family Parish, Father Condon had
3 invited himself to dinner at our rectory.

4 And then I went for a walk
5 with him afterwards. And then when I got
6 back from the walk, Father Buche said
7 don't ever go for a walk with him again.

8 Q. Father Buche you said?

9 A. Buche, B-U-C-H-E.

10 Q. And he was pretty much
11 giving you a warning --

12 A. Yes.

13 Q. -- to not go for a walk with
14 him alone because he might make a sexual
15 advance to you, correct?

16 A. Yes.

17 Q. And did you heed his
18 warning?

19 A. Yes, of course.

20 Q. So in order for you to have
21 gotten the message that this guy might
22 pose a risk of some inappropriate advance
23 to you, a simple warning from
24 Father Buche to you was enough for you to
25 get the message?

1 A. Yes. Father Buche could be
2 rather direct.

3 Q. Okay. Do you know if
4 Father Buche or any other priests of the
5 Diocese of Peoria made a similar warning
6 to any members of the public that
7 Father Louis Condon may pose some kind of
8 risk of inappropriate advances to them?

9 A. I'm -- I'm not aware.

10 MR. FEEHAN: I'll just place
11 an objection as to relevancy.

12 I'll let you go down this
13 path a little bit but --

14 MR. ANDERSON: Standing.

15 MR. FEEHAN: Not standing.
16 This case is about Father Maloney
17 not about Father Condon or
18 Father Buche or -- but subject to
19 that you can certainly go ahead
20 and answer but I would hope you're
21 going to use your time more
22 efficiently.

23 THE WITNESS: I don't know
24 the answer to that question.

25 BY MR. ANDERSON:

1 Q. And --

2 A. I was not a diocesan
3 official at the time. I was simply an
4 assistant to the pastor.

5 Q. And that was '67. You were
6 ordained in '66, I believe?

7 A. December '66 in Rome.

8 Q. And Father Maloney was
9 ordained in --

10 A. '66 also. But we were never
11 classmates or were never at the same
12 seminary. I was -- I was sent to Rome
13 and he -- he went to the seminary, I
14 think, in Missouri.

15 Q. And at some point in time
16 did you become friends with Father, later
17 to be, Monsignor Maloney?

18 A. I -- I don't know if friends
19 would -- I had many other priests that I
20 was closer to. I can say that.

21 But for that first year from
22 August 1st of '67 until, I think,
23 probably June of '68, we were two of the
24 more recently ordained priests in the
25 city of Peoria. So two or three times we

1 would either take a day off or go out to
2 dinner. So we were friendly in that
3 sense but --

4 In fact, our paths really
5 didn't cross a lot after that. I was in
6 doctoral work and working Washington, DC
7 and in different parts of the diocese.
8 He was moved, I believe, to Ottawa,
9 Illinois. I'm not certain. And then
10 back to east Peoria, Illinois.

11 Then I think he was
12 assistant, even, at Epiphany for a while.
13 So I -- when I got back from doctoral
14 work, I was in the chancery and pretty
15 much supervising -- helping the Bishop
16 supervise the diocese.

17 Q. Did you ever work at the
18 same assignment or with then Father or
19 Monsignor Maloney?

20 A. No.

21 Q. Do you remember when he was
22 given the title of, the honorary title,
23 of Monsignor?

24 A. It was in around Memorial
25 Day in the year 2000.

1 Q. And what is your
2 understanding of why he was conferred
3 with the honor of Monsignor by
4 his ordinary?

5 A. He was a very popular
6 pastor. He cared for his people, visited
7 the hospitals regularly. And he was a
8 friendly sort. Plus he was a native of
9 Bloomington, Illinois. Bloomington and
10 Normal are twin cities and so he knew
11 lots of people there. And the parish
12 needed a lot of attention.

13 Q. What role, if any, did you
14 play, Archbishop, in him having received
15 or been conferred with the honor of
16 Monsignor?

17 A. I would have, after
18 consultation with my immediate staff, I
19 would have recommended him to the Vatican
20 for the honor. There were a number at
21 the same time. I don't know how many.

22 Q. So you were -- you were a
23 presenting Bishop at the time he was
24 recommended to have received --

25 A. Yes.

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1 Q. -- the honor of Monsignor?

2 A. Yes, I was.

3 Q. And ultimately that is a
4 decision to be made by the Vatican on the
5 recommendation of the -- the -- the
6 Bishop or superior?

7 A. Diocesan Bishop, yes.

8 Q. It's in the record we've
9 looked at -- we've seen it, this
10 reflection of a number of times where
11 gifts were either given to you it looks
12 like by a Monsignor Maloney.

13 Did you receive gifts from
14 him?

15 A. I've received gifts from a
16 lot of people. It -- our diocese was
17 kind of very sprawling. In fact, the
18 area of the Diocese of Peoria is bigger
19 than the entire state of New Jersey.

20 And -- and so it was -- it
21 was not uncommon when the Bishop came to
22 do confirmation that some gift be given.

23 And also, we had -- it was
24 kind of outmoded but it continued until I
25 started the process of eliminating it,

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1 the pastor received the Christmas
2 collection. So it was not unusual at all
3 around Christmas for me to receive gifts
4 from some of the priests.

5 Q. And in terms of the gifts
6 that you received from Monsignor Maloney,
7 was that from him to you to be used for
8 your personal use?

9 A. Yes.

10 Q. Okay. Did you -- at some
11 point in time did you ever give him
12 gifts?

13 A. I'm trying to recall. I
14 don't remember that I did. And although
15 going for -- for confirmation and meeting
16 with the confirmation class and all
17 was -- was a gift of my time which I had
18 to give a lot of in Peoria.

19 Q. And did you ever vacation
20 and travel with Monsignor Maloney?

21 A. No.

22 Q. At some point in time would
23 it be fair to say that you considered him
24 a friend or a close personal friend?

25 A. Not a close personal friend.

1 I -- a number of priests in the diocese
2 when they were having health problems, I
3 would call, even from here, just to wish
4 them well and tell them they were in my
5 prayers.

6 And he -- his health started
7 deteriorating really shortly after I
8 left. In 2001 he had a fall in his -- in
9 his parent's -- the garage of his
10 parent's house. He had heart trouble.
11 He had diabetes for some time. I really
12 don't know how long he had diabetes. But
13 near the end he was on dialysis, I do
14 know that, for kidney failure.

15 Q. When you say "his health
16 started deteriorating shortly after I
17 left", you mean after you left the
18 diocese --

19 A. Yes.

20 Q. -- of Peoria?

21 A. Uh-huh.

22 MR. FEEHAN: Just one note.
23 Archbishop, can you try to --
24 we're going to drive her nuts.
25 Just be patient and wait until

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1 Mr. Anderson is finished with his
2 question --

3 THE WITNESS: I'm sorry.

4 MR. FEEHAN: -- and then
5 answer him.

6 THE WITNESS: I apologize.

7 MR. ANDERSON: No problem.

8 BY MR. ANDERSON:

9 Q. And for her purposes and for
10 the clarity of the record, it's also
11 important that if you can, you answer a
12 yes or a no as opposed to the uh-huh or
13 huh-hu --

14 A. Okay.

15 Q. -- because those are not
16 clearly --

17 A. Hard to distinguish.

18 Q. Precisely.

19 A. I apologize.

20 Q. No problem.

21 A. I was a speech minor in
22 college. I should do better than that.

23 Q. Well, this is not the
24 ordinary experience for any of us.

25 Archbishop, you were trained

1 in the canon law and became a canon
2 lawyer, correct?

3 A. Yes. I have a doctorate in
4 canon law from Catholic University of
5 America.

6 Q. Do you have a -- a degree in
7 civil law as well?

8 A. I have an honorary degree in
9 civil law from Seton Hall law school.

10 Q. Did you have to study and do
11 anything to be credentialed to receive
12 the honorary degree?

13 A. No. It was a honoris causa.
14 In fact, I received it the same day our
15 current governor did.

16 Q. Okay. And did you attend a
17 seminary with Monsignor, then Father,
18 Maloney?

19 A. No.

20 Q. Okay.

21 A. The only thing that I may
22 have -- he -- he was an educator for --
23 for a while before he entered the
24 seminary. And I don't remember exactly
25 where. It was not far from Peoria. We

1 had -- had a practice for the Diocese of
2 Peoria of the seminarians gathering for a
3 month at St. Bede Abbey in Peru,
4 Illinois.

5 And I honestly don't recall
6 if we were there at the same time. I
7 don't think we were because I think he
8 started five or six years after I did.

9 Q. In the years that you worked
10 as Coadjutor and as a Bishop to the
11 Diocese of Peoria at any time in the
12 those -- would that have been 13 years?

13 A. 13.

14 Q. In that 13-year period did
15 you or anybody at your direction ever
16 report suspicions of sexual abuse of
17 minors to civil or law enforcement
18 authorities?

19 A. Yes, we did.

20 Q. When would that have been --

21 A. But it was -- the policy
22 wasn't as clear then as it is now in,
23 say, New Jersey. But, yes, we did.

24 Q. When would have been the
25 first time you or anybody at your

1 direction reported suspicions of sexual
2 abuse of minors to law enforcement
3 authority?

4 MR. FEEHAN: Just a point of
5 clarification. Anybody under his
6 direction?

7 MR. ANDERSON: Yes.

8 MR. FEEHAN: Are you -- can
9 you define that a little further
10 for him?

11 BY MR. ANDERSON:

12 Q. Under your direction, that
13 would be any priest or employee of the
14 Diocese of Peoria.

15 A. I honestly don't remember.

16 Q. When I asked you if
17 report -- if -- if any reports had been
18 made, you answered pretty affirmatively
19 that you thought they had during that
20 period. But now when I ask you when the
21 first time was you're not able to
22 remember.

23 What can you tell me about
24 what you do remember about reports, if
25 any, having been made in that 13-year

1 period?

2 A. Well, they may have been
3 made before I was a Bishop. And the
4 reports were not necessarily about
5 priests of Peoria but of clergy from
6 other jurisdictions.

7 Q. What do you remember about
8 reports having been made concerning
9 suspicions of sexual abuse of minors by
10 any clergy from any jurisdiction to law
11 enforcement authorities in that 13-year
12 period that you were Coadjutor and Bishop
13 of the Diocese of Peoria?

14 A. Let me be clear. You're --
15 you're talking about minors not -- not --
16 not --

17 Q. Yes. So we understand what
18 we're talking about. During the 13-year
19 period we're talking about clergy being
20 suspected of abusing, sexually, any other
21 individual under the age of 18.

22 A. I -- I think it would have
23 been shortly after I became diocesan
24 Bishop in 1990. I can think of some
25 priests who were reported to local

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1 officials because we did not consider
2 ourselves law enforcement or especially
3 equipped to investigate some cases.

4 Q. What priests were reported
5 then?

6 A. I believe it would have been
7 Father Frank Engels, who is still in
8 prison in Wisconsin, and Father Bill
9 Harbor, who is deceased. And I can't
10 remember anyone else immediately.

11 Q. And who reported
12 Frank Engels and what do you know about
13 how he was reported?

14 A. Very often I left that work
15 to the Vicar General or Chancellor.

16 Q. In 1990 who was the Vicar
17 General and/or Chancellor?

18 A. Monsignor James F. Campbell
19 whom I appointed Vicar General-Chancellor
20 a few days after becoming diocesan
21 Bishop.

22 Q. And how long did he remain
23 one of your top officials as Vicar
24 General and/or Chancellor?

25 A. I know Monsignor Rohlfs

1 became Vicar General but maybe late '90s.
2 I don't remember the specific date but
3 it's approximately the late '90s.
4 Monsignor Campbell had been in World War
5 II and the invasion of Italy and -- and
6 severely wounded so that his health
7 started to give way a bit.

8 Q. And so he fell ill and you
9 replaced him with Monsignor Rohlf's?

10 A. Monsignor Rohlf's,
11 R-O-H-L-F-S.

12 Q. And as it pertains to
13 Father Frank Engels and the report that
14 you believe was made by somebody from the
15 Diocese of Peoria, it's your recollection
16 that -- what's your recollection as to
17 who made the report to law enforcement?

18 A. I don't have -- I don't have
19 a clear recollection. Monsignor Rohlf's
20 was the vocation director at the time and
21 one of the accusers, I guess was the
22 right word, had been a seminarian of the
23 diocese. So it well might have been
24 Monsignor Rohlf's, but I'm not certain.

25 Q. Okay. And as it pertains to

1 Father Bill Harbor?

2 A. Yes.

3 Q. You said that you believe
4 that a report had been made concerning
5 suspicions of him having abused minors.
6 Who made that report?

7 A. It was the family of one of
8 our priests, Father [REDACTED] who --
9 and evidently more than one person was
10 abused in the family and Father Harbor
11 was considered almost a family member.

12 Q. Going back to Father Frank
13 Engels.

14 To what law enforcement
15 agency was he reported by some official
16 of the Diocese of Peoria?

17 A. I'm not certain. It could
18 have been -- he was stationed near
19 Kewanee, Illinois in Woodhull. So it may
20 have been one of those persons or --
21 ultimately he was reported to Wisconsin
22 authorities.

23 Q. Well, let me ask you this.
24 Are you certain that some official of the
25 diocese or employee of the Diocese of

1 Peoria actually reported Engels to law
2 enforcement?

3 A. I'm not certain. I think so
4 but I think -- I'm not certain.

5 Q. Okay. And as it pertains to
6 Bill Harbor it sounds like the family
7 made a report.

8 But my question to you is
9 are you aware of whether or not any
10 official or employee of the Diocese of
11 Peoria made a report to law enforcement
12 of suspicions of sexual abuse
13 concerning -- concerning Bill Harbor?

14 A. I'm not absolutely certain.
15 But I -- I may have because -- because
16 I -- I -- I did deal with him and remove
17 him from ministry. But I don't
18 remember -- and he was living in the
19 Rock Island, Moline area. I don't
20 remember precisely.

21 I remember talking with --
22 with police in that area but I -- I don't
23 remember precisely.

24 Q. But the question now is
25 really focusing on reports having been

1 made either by yourself, by officials or
2 employees of the diocese. And it sounds
3 like there was at least a police
4 investigation of Harbor, correct?

5 A. To the best of my knowledge,
6 yes.

7 Q. But as you're testifying
8 here today, at least, you cannot testify
9 with any clarity on whether or not Harbor
10 was actually reported to the law
11 enforcement by diocesan officials and
12 employees, correct?

13 A. Yes. I'm not certain.

14 Q. Okay. Any other instances
15 in which you believe there either was or
16 may have been a report of suspicions of
17 sexual abuse of minors made in that
18 13-year period either by yourself or by
19 priests or employees of the Diocese of
20 Peoria to law enforcement?

21 A. I don't really recall
22 because if -- if -- have you been in the
23 city of the Peoria to know --

24 Q. Yeah.

25 A. -- that -- that the Bishop's

1 office was in the cathedral rectory. The
2 chancery, including the office of the
3 Vicar General and Chancellor, was a block
4 away. And very often I would simply
5 delegate or presume that -- that it was
6 being handled by an official in that
7 office. Although it's a much smaller
8 diocese than, say, this one.

9 Q. And what's your recollection
10 of having ever delegated the obligation
11 to report suspicions of sexual abuse in
12 that 13-year period to any priests or
13 employees of the diocese?

14 A. I would copy them with
15 correspondence and they knew that my
16 general expectation is that it would be
17 dealt with.

18 Q. And do you have any
19 recollection of having ever delegated the
20 reporting of suspicions of abuse to any
21 employees or officials of the diocese in
22 that 13-year period as you testify here
23 today?

24 A. I would have informed them
25 of -- of suspicions or complaints.

1 Whether I gave a direct order to report
2 to the authorities I don't recall.

3 Q. Okay. And at any time in
4 that 13-year period as Coadjutor and
5 Bishop of Peoria, did you ever consider
6 yourself to have been a mandatory
7 reporter?

8 A. I don't know that there was
9 mandatory reporting in Illinois at that
10 time. I'm not aware that there was.

11 Q. While you were Coadjutor or
12 a Bishop of Peoria it is your belief that
13 you were not a mandatory reporter?

14 A. No. Certainly my belief was
15 that our responsibility was to make sure
16 that young people were safe. And that's
17 developed even more strongly as the
18 recent decant shows.

19 Q. And as the Bishop you were
20 in charge of the care of the souls of all
21 the faithful within the geographical
22 limits of the Diocese of Peoria, correct?

23 A. That's correct.

24 Q. And as Bishop you're also in
25 charge of the education, the parochial

1 education, within the Diocese of Peoria,
2 correct?

3 A. Yes. Although I have
4 delegates and superintendents of schools
5 and things like that. But I exercised my
6 authority through others.

7 Q. Is the Diocese of Peoria a
8 corporation sole or how is it run today?

9 A. Each parish is a separate
10 corporation.

11 Q. And what about the schools?
12 How are they organized?

13 A. Owned by the parishes for
14 the most part. A few of them are owned
15 by religious communities.

16 Q. And the parish corporations
17 are separately -- each parish is
18 separately incorporated?

19 A. Yes.

20 Q. And in each parish then, you
21 as Bishop, when you were Bishop, would be
22 on the board of the corporation?

23 A. Yes.

24 Q. And serve as head of the
25 board ex officio, correct?

1 A. I as president. The Vicar
2 General was vice-president. The pastor
3 was secretary and there were two lay
4 trustees.

5 Q. And -- and then the schools
6 would be owned and operated -- excuse me.

7 The schools would be
8 operated by the parish?

9 A. Yes.

10 Q. Under the control of the
11 board of the parish corporation?

12 A. Yes.

13 Q. Which was under the control
14 of the Bishop?

15 A. More or less.

16 Q. And when in time, if you
17 know, were educators, those teachers and
18 those in charge of the education of the
19 children, made to have been mandatory
20 reporters? And when I say "mandatory
21 reporters", do you know who I'm referring
22 to?

23 A. I -- I presume so but I --

24 Q. Let me define it for you.

25 MR. FEEHAN: You mean under

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1 the Illinois mandatory reporter
2 statute?

3 MR. ANDERSON: Yes.

4 BY MR. ANDERSON:

5 Q. In Illinois there is --

6 A. I don't know the answer to
7 that.

8 Q. Let me ask the question --

9 A. Okay. I'm sorry.

10 Q. -- to give you a chance.

11 A. I'm sorry.

12 Q. That's okay. In Illinois
13 there is and was a mandatory reporting
14 statute for educators. That is that any
15 suspicions of sexual abuse of minors were
16 required by certain classes of people,
17 educators among them, to report to law
18 enforcement.

19 Were you aware of that,
20 number one?

21 A. I don't think I was.

22 Q. Prior to your installation
23 as Coadjutor in Peoria and then as
24 Bishop, had you ever been trained by your
25 Bishop or any official in the Diocese of

1 Peoria as to obligations of reporting
2 suspicions of sexual abuse within the
3 diocese?

4 A. Not that I'm aware of. I --
5 I did -- the church started to become
6 much more aware of problems and the
7 damage that could be done in the early
8 '80s. And that's when we started having
9 workshops with the Canon Law Society of
10 America. So I would have had some
11 acquaintance there.

12 Q. And as Coadjutor and/or as
13 Bishop did you ever implement the
14 establishment of policies, written
15 policies, in the Diocese of Peoria
16 pertaining to sexual abuse and how to
17 handle it?

18 A. I believe so.

19 Q. When did you do that?

20 A. It would have been maybe
21 even when I was Vicar General. I
22 recommended it to Bishop O'Rourke.

23 Q. Do you remember actual
24 policies pertaining to sexual abuse
25 having been implemented and put into

1 writing and/or practice while you were
2 Coadjutor and/or Bishop?

3 A. It would have been before
4 I -- I was Bishop. And we had a diocesan
5 school board which in the schools --
6 superintendent of schools and associate
7 superintendent of schools whose
8 responsibility was to make sure that
9 appropriate policies were both written
10 down and enforced.

11 Q. The Bishop appoints the
12 superintendent of schools, correct?

13 A. With the advice of the
14 school board.

15 Q. And the history that is --
16 is reflected in your work as a priest in
17 the Diocese of Peoria demonstrates, among
18 other things, that you worked as a parish
19 priest in a couple of different locations
20 in the Diocese of Peoria before being
21 elevated to Coadjutor and Bishop,
22 correct?

23 A. That's correct. I was
24 assistant pastor at Holy Family in Peoria
25 and then I was assistant at St. Matthews,

1 Champaign. And then I was sent for canon
2 law studies.

3 And then I was -- when I
4 came back from canon law studies, for
5 about a year I was administrator of the
6 cathedral parish. And then off and on I
7 was administrator of the cathedral parish
8 when it was vacant.

9 So that would be the kind of
10 thing that extended my parish experience.

11 Q. And in your work at Holy
12 Family, St. Matthews and at cathedral did
13 you have responsibility over the schools
14 that either were appended to or a part of
15 those -- those parishes?

16 A. I did not have
17 responsibility. I did -- at Holy Family
18 I taught two days a week in junior high
19 religion and at the same time while I was
20 teaching at -- it was called Bergen High
21 School. And at St. Matthews I did not
22 teach regularly but I regularly visited
23 the classrooms.

24 Q. In -- since your ordination
25 in '66 to your installation as Coadjutor

1 in '87 and in that time frame,
2 Archbishop, do you -- did you, yourself,
3 as a priest of the Diocese of Peoria ever
4 suspect or receive complaints of sexual
5 abuse by other priests?

6 A. No.

7 Q. Did you ever have reason to
8 report suspicions of sexual abuse by
9 other priests up the line to your Bishop
10 while a priest of the Diocese of Peoria?

11 A. No.

12 Q. But when you became Bishop
13 and Coadjutor before that, was it your
14 expectation that if priests in the
15 Diocese of Peoria suspected sexual abuse
16 by a cleric, that it would get reported
17 to you as Bishop?

18 A. I hoped that it would.

19 Q. Did you ever direct the
20 priests as Bishop of the Diocese of
21 Peoria that if they ever suspected sexual
22 abuse by -- by a priest of the diocese,
23 they were required by canon law or you to
24 report it to you?

25 MR. FEEHAN: Are you talking

1 about -- when you say "direct",
2 you mean orally? At a workshop?
3 Or a meeting? Or by virtue of the
4 mere presence of the institution
5 of the written policy which was
6 done before he became Bishop? Do
7 you mean in a letter?

8 BY MR. ANDERSON:

9 Q. Did you understand the
10 question, Archbishop?

11 A. I'm certain that I gave oral
12 directions and that when -- when I worked
13 with the seminarians and young priests
14 that this expectation was made clear.

15 Did I ever put it in a
16 letter? I suspect I would have left that
17 for the superintendent of schools or the
18 Vicar General to do.

19 Q. Do you have any knowledge
20 that they did?

21 A. I think so.

22 Q. And you say you're certain
23 that you gave oral direction to the
24 priest to report suspicions.

25 How are you certain that you

1 gave such oral direction?

2 A. Because it was a concern.

3 It was a growing concern. And I wanted
4 to have parents and families know that
5 their children were safe with us.

6 Q. When did sexual abuse of
7 minors by clerics first become of concern
8 to you as a priest?

9 A. Well, I didn't know about it
10 until sometime in the early to mid '80s.
11 And I immediately was concerned because
12 it was of growing national concern.

13 Q. And when did it become of
14 growing concern to you, sexual abuse of
15 minors by clergy?

16 A. When some families talked to
17 me about it and -- and I took action.

18 Q. When was that?

19 A. Shortly after I became
20 diocesan Bishop. Because as I indicated
21 Bishop O'Rourke did not share that kind
22 of information with me.

23 Q. And did you ever ask
24 Bishop O'Rourke to share that information
25 with you because you knew you were taking

1 over for him and that was something you
2 would want to know?

3 A. He was -- he was an Irishman
4 who did not like to talk about such
5 things.

6 Q. So did you feel that you
7 were not given permission to ask? Or did
8 you just feel that he was too
9 intimidating? Or what?

10 A. Not that he was too
11 intimidating but that he had a very clear
12 notion about his role as a diocesan
13 Bishop and my role -- my supporting role.

14 Q. When you were installed as
15 Bishop of the Diocese of Peoria, did you,
16 yourself, ever make an effort to review
17 the files of the priests of the Diocese
18 of Peoria to see what, if anything, the
19 files showed about sexual abuse of minors
20 by the priests in the diocese?

21 A. No.

22 Q. Did you, yourself, either as
23 Coadjutor or while Bishop of the Diocese
24 of Peoria, ever inspect the sub secreto
25 file that was kept to see if there was

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1 anything in there that showed evidence of
2 sexual abuse of minors by priests of the
3 Diocese of Peoria?

4 A. Well, we called it -- we
5 didn't call it sub secreto. We called
6 it -- there was a gated part of our
7 vault.

8 And yes, I did go through
9 the files that were in there to see if
10 there was any incriminating evidence.
11 And -- and I did not find any as a matter
12 of fact.

13 Q. When did you go through
14 those files to see if there was
15 incriminating evidence?

16 A. I think it was, maybe, the
17 first summer.

18 Q. 1990?

19 A. Uh-huh.

20 Q. Yes?

21 A. Yes.

22 Q. Okay. And why did you do
23 that?

24 A. Because there was, first of
25 all, growing concern in our country and

1 the church about this problem. And I
2 wanted to make sure that none of our
3 priests were under suspicion.

4 Q. And did you do it in
5 response to a particular complaint or
6 incident or just in a generalized
7 concern?

8 A. I think it probably was in
9 response to Father [REDACTED]
10 complaint to me. And -- and then there
11 was another priest who subsequently
12 after -- after my departure was found to
13 be guilty. But I -- I took him out --
14 off of duty and had a rather serious
15 investigation of him. And I was not able
16 to establish what eventually was
17 discovered to be true.

18 Q. Who are you referring to
19 then?

20 A. Father John Anderson.

21 Q. And so your inspection of
22 these -- these -- what did you call that
23 archive of files?

24 A. The gate. We called it the
25 gate.

1 Q. The gate, okay.

2 A. The cage, I'm sorry. Not
3 gate, cage.

4 Q. Okay. And the cage would
5 be -- to be precise here. The -- the
6 file that is kept secret and confidential
7 for the Bishop's eyes only and his
8 designee, correct?

9 A. Not entirely, no. That's
10 not exactly right. We had a variety of
11 things in there. Some deeds to property
12 owned by the Diocesan Corporation.
13 Some -- the documents from the tribunal
14 of cases that have been decided kept
15 there so that people's reputations would
16 not be tainted.

17 Sometimes a priest who was
18 troubled would write the Bishop and that
19 might be kept there. So there were a
20 variety of documents in there.

21 Q. And so for -- so that we're
22 referring to same thing, for the
23 description let's call it -- let's use a
24 descriptor for it.

25 Shall we call that the caged

1 files? Or what would we call that?

2 A. That would be okay, caged
3 files.

4 Q. When you would refer to
5 those files to others, how would you
6 refer to them as Bishop?

7 A. I would say the cage in the
8 vault.

9 Q. Okay. Probably the vaulted
10 files then. Would that be correct?

11 A. Well, no, because some of
12 the files in the vault were not caged.

13 Q. Okay. Then I think caged
14 files?

15 A. See, the canonical documents
16 for parishes, the resolution -- the
17 corporate resolutions for parishes. We
18 had -- each parish had a box --

19 Q. Okay.

20 A. -- that we kept, like bank
21 box, vault.

22 Q. As a canon lawyer and
23 trained in canon law with a licentiate in
24 canon law --

25 A. Doctor of canon law.

1 Q. Doctor of canon law?

2 A. Licentiate in theology.

3 Q. Okay, excuse me. You're
4 aware that there is a section in the code
5 of 1983 and its predecessor canon 489
6 that says that any material that's deemed
7 to be scandalous is required to be kept
8 in a secret file for the eyes of the
9 Bishop and his designee only.

10 You're aware of that, are
11 you not?

12 A. Yes.

13 Q. Okay.

14 A. I don't remember the precise
15 wording but I know that it's there.

16 Q. And -- and those scandalous
17 materials, what files would be kept by
18 the Diocese of Peoria?

19 A. In the vaulted cage.

20 Q. Okay. And let's go back to
21 your inspection of the caged files then
22 kept under -- that are deemed to be
23 scandalous.

24 A. Well, I don't know -- I
25 didn't find anything particularly

1 scandalous when I read through them, as a
2 matter of fact, which somewhat surprised
3 me.

4 But you needed a special key
5 to -- to get into the cage. And the
6 Vicar General and the Vice Chancellor
7 were authorized to get in the cage.

8 Q. When you say it surprised
9 you, you would have expected there to
10 have been more scandalous material in
11 that file because it was required to have
12 been kept by canon law, correct?

13 A. Yes. Although I don't know
14 what scandal would mean exactly. I don't
15 know if we're talking about the same
16 thing.

17 Q. Well, sexual abuse of minors
18 is scandalous.

19 A. So that's certainly
20 scandalous. Carrying on -- violating
21 celibacy with either sex is scandalous.

22 Q. Impregnating women and
23 having children is scandalous?

24 A. Yes.

25 Q. Okay. Did you ever ask

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1 Bishop O'Rourke why there wasn't more
2 material in the caged or secret files
3 that pertained to --

4 A. No.

5 Q. -- scandal?

6 A. No.

7 Q. Did you ever question him
8 about his protocol for the preservation
9 of scandalous materials and/or the
10 utilization of the practice that required
11 them to be kept there?

12 A. No. And the reason being
13 that for about 30 years the Chancellor of
14 the diocese, who was, I believe, a
15 classmate of Bishop O'Rourke,
16 Monsignor George Carton, C-A-R-T-O-N,
17 pretty much -- who was also a canon
18 lawyer. But -- so that really the
19 Bishops, more or less, trusted
20 Monsignor Carton's judgment.

21 Q. And who is Monsignor Carton
22 again?

23 A. He was a Chancellor of the
24 diocese for about 30 years.

25 Q. And he was Chancellor under

1 Bishop O'Rourke and his predecessors
2 then?

3 A. That's correct. Going all
4 the way back to, I think, Archbishop
5 Schlerman.

6 Q. And was he the one that was
7 primarily responsible besides the Bishop
8 for the keeping of the caged file?

9 A. Yes. I would say so.

10 Q. Did you ever have a
11 discussion with Monsignor Carton about
12 his document retention practice or
13 protocol?

14 A. No.

15 Q. You mentioned that there was
16 investigation or suspicions of abuse by
17 Father [REDACTED] I think you said a
18 complaint was made to you?

19 A. By him about -- about
20 Father Harbor.

21 Q. Okay. [REDACTED] complained to
22 you about Father Harbor?

23 A. Yes.

24 Q. Okay.

25 A. And then -- and then I -- I

1 met with him and his entire family in my
2 residence.

3 Q. And -- and the action that
4 you took in response to the complaint you
5 received was to have met with the family,
6 correct?

7 A. I did. And to see if they
8 needed help or assistance.

9 Q. Do you recall having taken
10 any action beyond having met with the
11 family to offer and provide assistance to
12 them such as reporting?

13 A. I offered to do that and I
14 think that I said -- as I said earlier, I
15 think I either inquired or reported to,
16 because they lived in the Rock Island,
17 Moline area, to the authorities there.

18 Q. And you made mentioned of
19 Father John Anderson?

20 A. Yes.

21 Q. What did you do and/or what
22 involvement did you have with him
23 pertaining to sexual abuse or suspicions
24 of it?

25 A. I didn't -- I did not

1 personally suspect him of sexual abuse.

2 Although he had a getaway place and --

3 and some seminarians of the diocese would

4 stay over with him. And even one of my

5 young priests.

6 And I specifically asked --

7 had them -- asked them if anything had

8 occurred. And one of them, who I wasn't

9 sure was being direct with me, he's now a

10 priest in North Carolina or South

11 Carolina, I asked him to sign a statement

12 saying that I urged him to report

13 anything that might have untoward

14 happened report to authorities.

15 And so that statement -- I

16 don't know if the file went with him to

17 North Carolina or not. But because I

18 wasn't satisfied with his answer I asked

19 him to sign a specific document.

20 Q. Archbishop, prior to your

21 appointment and installation in Newark as

22 Archbishop here, how many -- in how many

23 different incidents did you either

24 suspect or investigate allegations of

25 sexual abuse of minors by priests of the

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1 Diocese of Peoria?

2 A. At least five.

3 Q. And the first one was?

4 A. I think Father Engels.

5 Q. And in connection --

6 A. And Father Harbor.

7 Q. Okay. Let's go back. Let's
8 go down the five.

9 With Father Engels, what
10 action did you take upon suspicion?

11 A. I removed him from priestly
12 assignment and forbade him to present
13 himself as a priest.

14 MR. CARELLA: Mr. Anderson,
15 I just want to make sure when you
16 say you, you're talking about the
17 Archbishop personally as opposed
18 to the diocese?

19 BY MR. ANDERSON:

20 Q. Well, at the time you were
21 Bishop?

22 A. I was the diocesan Bishop.

23 MR. CARELLA: But again, I
24 mean are you asking what he did
25 personally or what the diocese did

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1 generally when you say you?

2 BY MR. ANDERSON:

3 Q. Well, you in your capacity
4 as Bishop and those under your control?

5 A. Yes, I did remove him.

6 Q. And when was that?

7 A. I -- I -- I -- my
8 recollection is -- is not clear but I
9 think it would have been early to mid
10 '90s.

11 Q. And did you ask him if he
12 had committed?

13 A. I did.

14 Q. And did he admit having
15 committed it?

16 A. Yes.

17 Q. From his lips to your ears?

18 A. Yes.

19 Q. How many kids did he admit
20 to?

21 A. He -- he didn't give me any
22 numbers.

23 Q. It was more than one and
24 less than ten?

25 A. I -- I don't remember. The

1 one -- the presenting case was the
2 seminarian who came to me and made the
3 complaint.

4 Q. And was that admission that
5 he made to you made known to law
6 enforcement?

7 A. Eventually it was. He's in
8 prison in Wisconsin now.

9 Q. How do you know that law
10 enforcement learned of the confession or
11 admission he made to you that he had
12 committed a crime of sexual abuse?

13 A. I'm not certain of that
14 except that I think the seminarian took
15 it. And I encouraged the seminarian to
16 take it to law enforcement.

17 Q. And when you removed him
18 from ministry, that is, took him out of
19 the parish that he had been assigned?

20 A. I meant completely out of
21 ministry.

22 Q. Okay.

23 A. And he worked in hotels for
24 years.

25 Q. Okay. When you removed him

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1 from ministry completely, what was the
2 reason you gave to the community of faith
3 in the area as to the reason for the
4 removal?

5 A. I don't think I gave -- made
6 a public announcement.

7 Q. Who was the second priest
8 who you had suspicions of having
9 committed sexual abuse?

10 A. Of minors?

11 Q. Of minors, yes.

12 A. Father Harbor.

13 Q. And approximately that was?

14 A. About the same time.

15 Q. Okay. And how did you
16 receive the suspicions or information
17 that he had?

18 A. From the [REDACTED] family.

19 Q. And what action did you take
20 responsive so that?

21 A. Removed him from ministry.
22 Retired him. Removed him into
23 retirement.

24 Q. Did you ask him if he had,
25 in fact, committed?

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1 A. Yes.

2 Q. And he -- did he admit to
3 you that he had committed sexual abuse of
4 minors?

5 A. Yes.

6 Q. How many minors?

7 A. I think this -- there are
8 four or five children in his family.

9 Q. And did you transmit and
10 report his admission to you to law
11 enforcement that he admitted to having
12 committed sexual abuse against four or
13 five of the kids?

14 A. Actually, he was in --
15 retired to a -- I don't know what the
16 right term would be. A sheltered care
17 facility.

18 Q. And did you -- did you
19 report the information either he gave
20 from his lips to your ears that he had
21 abused four or five of those kids to law
22 enforcement?

23 A. I don't believe that I did
24 because he was out of circulation.

25 Q. Did you report -- what

1 reason did you give, if any, to the
2 community of faith where he had worked as
3 a priest as to his removal?

4 A. I don't think I -- my policy
5 back then was not to make a public
6 announcement.

7 Q. Okay.

8 A. I might today.

9 Q. And so you didn't tell the
10 people that you were removing him from
11 ministry because he had committed crimes
12 against kids?

13 A. No.

14 Q. Correct?

15 A. Correct.

16 Q. Okay. Who would have been
17 the third priest then?

18 A. Ultimately -- Father John
19 Anderson would have been one. And -- but
20 he had done in -- he had been indiscrete.
21 But we couldn't prove that there was
22 actual sexual activity.

23 Subsequently, Bishop Jenky
24 was able to get solid evidence and he
25 removed him completely from ministry.

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1 Q. When you said he had been
2 indiscrete and we weren't able to prove
3 it, you say the we as you and some of the
4 officials under your --

5 A. Yes.

6 Q. Your --

7 A. Yes.

8 Q. Okay. And did you report
9 that for investigation by law enforcement
10 authorities to see if they could discern
11 more evidence of --

12 A. Not at that time. It
13 subsequently was.

14 Q. Okay. By whom?

15 A. I'm not absolutely certain.
16 But one of the things that happens, as I
17 explained, in Peoria the Bishop's office
18 and the chancery are a block apart. And
19 the tribunal was in the chancery. And
20 someone, and I don't really know who it
21 was, discovered that Monsignor
22 Campbell -- so everything, you know, got
23 filed a little bit haphazardly.

24 But one of the marriage
25 cases in the cage was a case of one of

1 his first cousins which was sealed, which
2 I never saw. Should have seen, but did
3 not.

4 And -- but when they opened
5 it they found clear testimony that he had
6 abused children and he was removed
7 immediately. And it could have been
8 Monsignor Rohlf's. It could have been --
9 I don't know who it was.

10 Q. Okay. What was it that led
11 you to believe that he had been, at
12 least, indiscrete before you later
13 learned and Jenky later learned that he
14 had been engaged in criminal sexual
15 conduct?

16 A. In conversation with some of
17 the seminarians and young priests who --
18 he called his getaway place PAX, P-A-X,
19 meaning peace.

20 Q. And he took kids there?

21 A. I don't know if he took
22 minors. I think he took seminarians
23 there.

24 Q. Taking -- if it was either
25 Father Anderson or other priests taking

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1 kids to a cabin alone, would that be
2 suspicious of --

3 A. It would be for me, yes.
4 That's why I investigated it.

5 Q. And would a priest hugging
6 and kissing a child on the lips or on the
7 cheek be suspicious of possible sexual
8 abuse?

9 MR. CARELLA: Well, there's
10 two questions there. One is lips
11 the other is cheek.

12 MR. ANDERSON: Let me break
13 it down.

14 MR. FEEHAN: Hold on.
15 You're not really explaining the
16 circumstances.

17 Are you talking about in a
18 getaway house? Or are you talking
19 about in the back of the church
20 after mass in front of the parents
21 with a hundred people standing
22 around?

23 You need to put more
24 specifics in your question.

25 MR. ANDERSON: I'll be happy

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1 to clarify the question if -- if
2 the Archbishop doesn't understand
3 it.

4 BY MR. ANDERSON:

5 Q. Let's just talk about what
6 would or would not be suspicious of
7 possible sexual abuse that merits inquiry
8 or investigation.

9 In your experience as Bishop
10 and Coadjutor of Peoria, would a priest
11 having engaged in the kissing on the lips
12 of a youth be suspicious of sexual abuse?

13 A. Yes.

14 Q. In your -- in the same
15 context, would a priest having a youth
16 stay overnight at his rectory be
17 suspicious meriting further investigation
18 for sexual abuse?

19 A. It certainly would today.
20 And I -- I would have -- as the situation
21 was developing in the church -- yes, I
22 think it would merit. And it should be
23 contrary to policy.

24 Q. And under canon law there's
25 also an obligation of a Bishop to

1 investigate suspicions of sexual abuse of
2 minors by clerics within his control,
3 correct?

4 A. Yes.

5 Q. Okay. If a priest, during
6 your tenure as Coadjutor and Bishop in
7 Peoria had supplied alcohol to minors,
8 would that have been suspicious for some
9 kind of misconduct meriting investigation
10 by the Bishop?

11 A. Well, it would be illegal,
12 and therefore, should be investigated.

13 Q. And would a priest who would
14 engage in questioning in a sacrament
15 of -- penance and reconciliation in the
16 confessional. Making inquiries of the --
17 of a youth about their sexual interests
18 and/or activities, if it came to your
19 attention, be suspicious of solicitation
20 in the confessional?

21 A. It certainly could be.
22 Sometimes it -- in order to understand
23 the specific sin being confessed the
24 priest have might have to ask a question
25 or two. But it should be very discrete

1 and -- and -- and not explicit.

2 And -- and if he went beyond
3 that, I think it would be -- could be
4 suspicious.

5 Q. Would a grade-school girl
6 alone with a priest at night in a car in
7 itself be suspicious meriting further
8 investigation for sexual abuse?

9 A. Not necessarily. But it
10 could be depending on the circumstances.

11 Q. And the crime of
12 solicitation in the confessional is
13 considered very grave?

14 A. Very grave. It's reserved
15 to the Pope.

16 Q. And in fact, when was that
17 crime required to go to the Vatican
18 for -- for investigation?

19 A. The Bishop will have,
20 usually, the judicial Vicar for the
21 diocese investigate. And if it appears
22 to be well founded, then the Bishop will
23 almost immediately forward it to Rome.

24 Q. Was that always the case
25 that you understood it was required to go

1 to Rome for investigation as soon as

2 there was --

3 A. It would be an
4 investigation -- preliminary
5 investigation -- I didn't mean to
6 interrupt you if you want to --

7 Q. I didn't really get a chance
8 to finish. Maybe I should.

9 A. Okay.

10 Q. When did you first learn or
11 understand that solicitation in the
12 confessional by a priest or suspicions of
13 it were required to be reported and
14 investigated -- reported to and
15 investigated by the Vatican?

16 A. Certainly in the seminary in
17 the Rome and -- but the mere suspicion
18 does not bring the requirement to report
19 to Rome. But after preliminary
20 investigation by diocesan officials and
21 if it appears to be well founded, then
22 it's required to go to Rome.

23 Q. And a preliminary
24 investigation is required to be done by
25 the Bishop or his designees, correct?

1 A. Yes. Usually his judicial
2 Vicar.

3 Q. And was Monsignor Campbell
4 your judicial Vicar --

5 A. No.

6 Q. -- that would he have been
7 required to do that?

8 A. No. Monsignor -- for the
9 most part Monsignor Joseph Zube, Z-U-B-E.
10 He still works in the tribunal as a
11 matter of fact.

12 Q. And did you ever report
13 solicitation in the confessional to the
14 Vatican as --

15 A. I never had occasion to.

16 Q. Did you ever have suspicion
17 to do preliminary investigation of a
18 solicitation in the confessional?

19 A. No.

20 Q. To your knowledge was the
21 sexual abuse of minors or the suspicion
22 of sexual abuse of minors ever required
23 to have been reported to the Vatican for
24 investigation?

25 A. Not the suspicion. The

1 initial investigation is done locally.

2 And it if it seems well founded, then it
3 must be reported to the Vatican.

4 Q. And the standard for what is
5 well founded after preliminary
6 investigation is set forth where?

7 A. I would think it would be
8 based in the -- I don't know of a
9 specific canon. But the judicial Vicar
10 would have experience in dealing with
11 marriages and -- and -- and other
12 matters.

13 And so the presumption is
14 that if the Bishop delegated, he has
15 confidence that he can investigate.

16 Q. And the protocol that you're
17 referring to is largely the canon law,
18 correct?

19 A. Yes.

20 MR. ANDERSON: Should we
21 take a break?

22 MR. FEEHAN: Yeah. You know
23 what, we've been going about an
24 hour.

25 MR. ANDERSON: Sure.

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1 THE VIDEOGRAPHER: We're
2 going to go off the record at
3 2:18. We'll end tape one.

4 - - -
5 (Whereupon, a brief recess
6 was taken.)

7 - - -
8 (Whereupon, Exhibit A-1 was
9 marked for identification.)

10 - - -
11 THE VIDEOGRAPHER: We are
12 back on the record at 2:34. This
13 is tape two in the deposition of
14 Myers.

15 BY MR. ANDERSON:

16 Q. Archbishop, off the record
17 we had a discussion and in order to
18 protect the names of the victims and/or
19 their families or possible victims and/or
20 their families that we're going to be
21 discussing we decided to use a sealed
22 exhibit called Exhibit-A we marked on
23 here and we've talked to you about this.

24 And what we're going to do
25 is you made reference to one family in

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1 the No. 1 -- under the No. 1 Doe List we
2 calling that the E family here.

3 A. Right.

4 Q. Okay?

5 A. Yes.

6 Q. And then if we refer to
7 others, we'll have you write the name in
8 the sealed Exhibit-A and then we'll refer
9 to them by 2, 3, 4, 5 or by initial,
10 whichever comes easier, okay?

11 A. Uh-huh.

12 Q. Is that acceptable?

13 A. Sure.

14 MR. ANDERSON: Agreed,
15 Counsel?

16 MR. CARELLA: That's fine.

17 MR. ANDERSON: Okay. And we
18 agreed that this is a sealed
19 exhibit, agreed?

20 MR. FEEHAN: Yes.

21 MR. ANDERSON: Okay, thanks.

22 BY MR. ANDERSON:

23 Q. Archbishop, did you ever
24 send while -- while Bishop in Peoria or
25 Coadjutor, any reports of sexual abuse

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1 concerning priests to the Vatican?

2 A. No.

3 Q. Why not?

4 A. I tried to deal with the
5 victim's expressed needs and tried to be
6 of assistance to them, but I did not.
7 And it was not standard policy. That
8 came in in 2001, I believe, or 2002 that
9 the procedure was established.

10 Q. Is it your understanding
11 that when Cardinal Joseph Rossinger was
12 installed as prefect for the Congregation
13 of the Doctrine of Faith in 2001 that the
14 policy and practice --

15 A. He was prefect from '85, I
16 think.

17 Q. Excuse me.

18 A. Yeah.

19 Q. Is -- is it your
20 understanding that in 2001 something was
21 changed at the Congregation for the
22 Doctrine of Faith and/or the Vatican that
23 asked and required Bishops and
24 Archbishops to report these
25 allegations --

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1 A. Yes.

2 Q. -- to them?

3 A. Yes. It was directed from
4 the Pope.

5 Q. And that was then Pope?

6 A. John Paul, II.

7 Q. And what did you understand
8 the directive to have been?

9 A. Well, the Bishops dealt with
10 that at Dallas and the directive was that
11 we -- credible accusations. And that's
12 when we established review boards and all
13 that sort.

14 We had a review board
15 starting in '93. And -- and that -- they
16 would be removed from ministry, the
17 investigation would be held, an
18 announcement would be made as to why they
19 were removed from ministry and then the
20 documentation would be sent to the
21 Congregation for the Doctrine of Faith
22 which would send directives back to the
23 Bishop on how we were to deal with the
24 case.

25 Q. And since that -- that

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1 directive was issued from the Pope have
2 you ever received directives from the CDF
3 concerning this matter?

4 A. Absolutely.

5 Q. And how many and when?

6 MR. FEEHAN: Concerning the
7 Maloney matter?

8 MR. ANDERSON: Any matter of
9 sexual abuse.

10 THE WITNESS: I -- I don't
11 know.

12 MR. FEEHAN: Hold it.
13 Excuse me. Two things. A, you're
14 not confining your question to
15 Maloney. B, it's not confined to
16 the Diocese of Peoria.

17 It's, you know, getting on
18 2:30 here. Or I'm sorry.

19 MR. ANDERSON: Make your
20 legal objection then. Don't take
21 the time then -- don't use my time
22 for making talking objections.

23 MR. FEEHAN: Well, I'm just
24 trying -- my objection is
25 relevancy and scope. Let's

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1 confine this -- the questioning to
2 Father Maloney and the Diocese of
3 Peoria. Or -- or -- it's your
4 time.

5 MR. ANDERSON: I know.

6 MR. FEEHAN: Use it how you
7 want.

8 MR. ANDERSON: So don't take
9 it.

10 BY MR. ANDERSON:

11 Q. Archbishop, did you ever
12 receive directives from the Vatican or
13 the CDF as to handle -- as to how to
14 handle sexual abuse of minors while you
15 were Bishop of Peoria?

16 A. No, not to the best of my
17 knowledge.

18 Q. Did you ever receive
19 instructions or training from the Vatican
20 apart from your canon law training as to
21 how to handle that?

22 A. No.

23 Q. Okay. And have you -- since
24 the -- since the directives came from the
25 Pope received directives from the Vatican

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1 as to how to handle sexual abuse?

2 A. In specific cases.

3 Q. Okay. And is that only
4 where cases are brought to the Vatican
5 and then you receive instructions or
6 what?

7 A. Yes.

8 Q. And that the practice of the
9 Vatican involvement and the directive
10 from the Pope you said it came out of the
11 meeting of the Catholic Conference of
12 Bishops in 2002, is that your
13 understanding?

14 A. I think. And my memory may
15 be faulty, but I think we had the Dallas
16 meeting in response and created this very
17 elaborate system in response to the
18 directive from the Pope through the CDF.

19 Q. Okay. Were there ever
20 lawsuits brought concerning claims of
21 sexual abuse while you were the Bishop of
22 Peoria?

23 A. I believe not. Yes -- no,
24 there was. There was one major lawsuit.

25 Q. Okay. And was the identity

1 of the victims or victim in that case
2 made known publicly or not?

3 A. They made it known publicly
4 themselves.

5 Q. Okay. What was the name
6 that was made public, if you remember?

7 A. I -- I don't -- I don't know
8 how to handle --

9 Q. That's okay. Who --

10 A. It was the family from -- a
11 group of families from Lincoln, Illinois.

12 Q. Okay. And who -- who is the
13 accused cleric that was accused to have
14 been the offender?

15 A. Norman Goodman.

16 Q. And when was that,
17 approximately, that the lawsuit was made
18 or brought?

19 A. I -- I would guess it would
20 be late '90's.

21 Q. And prior to the initiation
22 of the suit had you, as Bishop, taken any
23 action responsive to suspicions of sexual
24 abuse by Norman Goodman?

25 A. Yes.

1 Q. What?

2 A. We limited his ministry
3 and -- and -- and then he -- the group
4 retained a lawyer and we ended up in
5 arbitration. Is that the right word?

6 MR. FEEHAN: Mediation.

7 THE WITNESS: Mediation

8 Genoa and Block in Chicago. I
9 knew Mr. Genoa. I used to played
10 poker with him occasionally.

11 MR. FEEHAN: Your co-counsel
12 in this case, Fred Nessler, had
13 all 14 of the -- of the lawsuits
14 and filed claims. So he can get
15 you all the information about
16 names and when the lawsuit was
17 filed.

18 BY MR. ANDERSON:

19 Q. At any time while you were
20 Coadjutor or Bishop in Peoria did you or
21 anybody at your direction ever make
22 public information that you had -- that a
23 priest of the Diocese of Peoria had
24 committed sexual abuse and action was
25 being taken because of it by you?

1 A. It wasn't necessary for us
2 to do so because Mr. What's-his-face, the
3 attorney --

4 MR. FEEHAN: Nessler.

5 THE WITNESS: Nessler, made
6 it public.

7 BY MR. ANDERSON:

8 Q. Well, that was concerning
9 Goodman. My question was broader than
10 that. My question is pertaining to any
11 priest accused or investigated for having
12 committed sexual abuse and in any
13 instance where you took some action,
14 either by way of investigation or
15 removal.

16 Did you ever make what you
17 learned in that investigation, such as
18 the priest being removed from ministry
19 because of sexual abuse allegations, did
20 you ever make that public? Known to the
21 parishioners or the public that you were
22 taking that action or removing that
23 priest because of sexual abuse while you
24 were Bishop or Coadjutor?

25 A. I -- I -- I believe so. But

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1 I -- I -- I'm not absolutely certain.

2 Q. And can you identify, if you
3 did, what priest you did make known to
4 the community of faith that was being
5 removed because of suspicions and/or
6 investigation of sexual abuse?

7 A. Well, if there were one it
8 would have been [REDACTED]

9 [REDACTED] And I --
10 I personally investigated that and it was
11 only one accuser. And -- and I did not
12 find his story consistent with the facts
13 as we knew them.

14 Q. And so when you talked about
15 the priest that had been accused, you
16 said there were five, John Anderson was
17 third. Who was the fourth and fifth?

18 A. [REDACTED] and -- and --
19 and then that -- that Louis Condon that I
20 mentioned.

21 Q. And -- and then what about
22 Goodman? Did -- Goodman had been in that
23 category of somebody that had been
24 accused?

25 A. Yes, he would have. And

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1 I -- I believe he retired.

2 Q. Okay.

3 A. He's retired now. I don't
4 think he's in ministry.

5 Q. And in the case of
6 John Anderson, you found that you --
7 later to -- Bishop Jenky had -- had found
8 it to be credible, correct?

9 A. Beyond credible. He had --
10 he had witnesses.

11 Q. But you had not found it to
12 be credible, correct?

13 A. That's correct. Even though
14 I attempted to investigate.

15 Q. Did you attempt to let the
16 police do further investigation of that
17 matter?

18 A. Of John Anderson?

19 Q. Yes.

20 A. No. I encouraged the -- the
21 specific -- one specific seminarian, now
22 a priest, to go to the police and asked
23 him to. And he's the one I asked to sign
24 the statement that I had urged him to and
25 he had -- he declined to.

1 Q. And why don't you write
2 his -- that victim or possible victim's
3 name on here as No. 2.

4 A. Okay. I'm not absolutely
5 certain of the spelling.

6 Q. You made mention of [REDACTED] --
7 thank you, Archbishop.

8 You made mention of [REDACTED] --
9 [REDACTED] having been accused
10 but you found it to not have been
11 credible?

12 A. I did. I spent a morning
13 talking with the accuser and his -- his
14 story was really inconsistent with the
15 facts.

16 Q. And what training, if any,
17 had you had before then in -- in the
18 investigation of the crime of criminal
19 sexual conduct?

20 A. I don't know what you mean
21 exactly.

22 Q. Well, you're aware that law
23 enforcement, police officers, are trained
24 in investigating?

25 A. Yes. We cooperate very

1 closely.

2 Q. Okay. My question then to
3 you is had you had any training when you
4 interviewed that possible victim
5 concerning [REDACTED] in
6 investigating suspicions or crimes of
7 sexual abuse?

8 A. Not other than attending
9 workshops at the Canon Law Society of
10 America meetings.

11 Q. And when you found the
12 accuser of [REDACTED] [REDACTED]
13 [REDACTED] to have not been credible, did
14 you, either before, during or after
15 making that finding, ever seek the
16 assistance of outside professionals in
17 making that determination?

18 A. Not law enforcement but
19 someone who was a counsellor in this
20 area. I did discuss the case in some
21 detail with that counsellor.

22 Q. And in the case of
23 [REDACTED] why don't you write
24 down who the victim was that you
25 interviewed?

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1 A. I -- I don't remember his
2 name.

3 Q. And what was the name of the
4 counsellor whose counselling you sought?

5 A. He's from Bloomington,
6 Illinois but I don't remember his name.

7 Q. And was that somebody
8 trained in counselling people as opposed
9 to investigating crimes committed by
10 them?

11 A. He was trained in evaluating
12 and treating people.

13 Q. Okay. When it comes to
14 Father Monsignor Maloney, at any time
15 while Bishop or Coadjutor or while a
16 priest of the Diocese of Peoria, did you
17 have any suspicions or receive any
18 information from any source suspicions of
19 sexual abuse by him?

20 A. I did not have any
21 suspicions. I -- because of the, perhaps
22 slipshod filing system that we had
23 between the two different buildings of
24 the office of the Bishop, there may have
25 been things that got by me. But I did

1 not have any suspicions.

2 Q. Since this lawsuit has been
3 brought you've -- now that this
4 deposition scheduled or attempted to have
5 been scheduled for some time, have you
6 gone back and looked at the Maloney case
7 and the files that you have and come to
8 the realization that complaints and/or
9 suspicions of sexual abuse by Maloney
10 were missed by the diocese?

11 A. I don't know if they were
12 missed by the diocese. I was unaware of
13 them. But other diocesan officials may
14 have been.

15 Q. Who was aware of them?

16 A. The two Vicars General
17 probably and Monsignor Campbell and
18 Monsignor Rohlf.

19 Q. How did you come to that
20 observation or belief?

21 A. I don't know how I answer
22 that.

23 Q. Apart from discussions with
24 counsel, did you come to learn that by
25 review of the file?

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1 A. No.

2 Q. Okay. Did you come to learn
3 that apart from -- let me ask it this
4 way.

5 I don't want to know what
6 you learned from your lawyer or any
7 discussions you've had with your lawyer.

8 A. Okay.

9 Q. Okay?

10 A. Yes.

11 Q. For that matter, either of
12 your lawyers.

13 A. Yes.

14 Q. But what I want to know is,
15 apart from that, did you receive
16 information by review of the file or from
17 other -- any other source that
18 Monsignor Campbell or --

19 A. Rohlfs.

20 Q. -- Rohlfs may have received
21 reports and/or complaints regarding
22 sexual abuse by Maloney?

23 A. The only thing that I heard
24 is it that someone from the Bloomington/
25 Normal area -- when -- I guess when this

1 lawsuit was filed or some -- or it was
2 reported to the authorities said there's
3 a brief article in the Bloomington
4 Pantograph. So that's really the first
5 indication I had.

6 Q. Okay. And that really was
7 my next question.

8 What was the first
9 indication you personally had that
10 Father Maloney had either been reported
11 to have committed sexual abuse or there
12 were suspicions of him having committed
13 sexual abuse by diocesan officials from
14 Peoria?

15 A. I think it would be at the
16 time of this publication of this article.

17 Q. And it was after this
18 lawsuit?

19 A. I believe so.

20 Q. I think this lawsuit was
21 filed -- was it in 2007?

22 MR. FEEHAN: I think so.

23 MR. ANDERSON: Something
24 like that.

25 BY MR. ANDERSON:

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1 Q. So it would be after 2007?

2 A. Yes.

3 Q. While you were Archbishop
4 here?

5 A. Yes.

6 Q. Did you ever personally hear
7 of or become aware of any problems
8 concerning Maloney while in seminary or
9 while working as a priest in the Diocese
10 of Peoria?

11 A. Never.

12 Q. Nothing at all?

13 A. No.

14 Q. What about an alcohol
15 problem? Did you ever notice that he had
16 an alcohol problem?

17 A. To the best of my knowledge
18 because of his diabetes I -- I very
19 seldom saw him take a drink.

20 Q. Okay. I'm just going to
21 show you -- start to go through some
22 exhibits here and I'm just going to try
23 to run through them as quickly as I can.

24 A. I've never seen this before.

25 Q. And my first question is,

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1 have you in preparation for this
2 deposition reviewed any materials,
3 Archbishop?

4 A. Of my own or with --

5 Q. Well, concerning Maloney?

6 A. -- with counsel?

7 Q. Well, I guess any material,
8 any written documents, concerning this
9 lawsuit, the file or anything else?

10 A. Not specifically about the
11 lawsuit, no.

12 Q. Okay. Have you looked at
13 the Maloney file?

14 A. No. I don't have one.

15 Q. Okay.

16 A. I've only been back to
17 Peoria two or three times.

18 Q. While you were Bishop or
19 Coadjutor of the Diocese of Peoria did
20 you ever review the Maloney file for any
21 reason?

22 A. No -- well, I'll take that
23 back. I had it reviewed at the time he
24 was made a Monsignor. I had a group of
25 priests made Monsignors and I asked the

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1 Vicar General and maybe a Vice Chancellor
2 or someone to review the files.

3 Q. That was in 2000?

4 A. Yes.

5 Q. And at least a couple of
6 times you promoted Monsignor Maloney,
7 then Father Maloney, to be a Vicar for
8 the vicariate, did you not?

9 A. One time he was -- the
10 nomination comes from the priests. At
11 one time he was Vicar under O'Rourke and
12 I may have -- he may have been nominated
13 one time while I was diocesan Bishop. I
14 am not certain.

15 Q. Looking at Exhibit-5 that
16 you have before you, you said you have
17 not seen this before?

18 A. I haven't, no.

19 MR. FEEHAN: If you're going
20 to ask him questions, can he have
21 a chance to read it?

22 MR. ANDERSON: Well, I don't
23 think we want to do that.

24 BY MR. ANDERSON:

25 Q. There's a part of it I'll

1 ask you a question about though.

2 In the third paragraph it
3 says, "The picture of Thomas Maloney is
4 not exactly clear as the Bishop. It
5 appears that the main problem with Thomas
6 at this time is a lack of prudential
7 judgment and an unwillingness to ask
8 advice."

9 Do you have any knowledge of
10 Maloney having had a lack of prudential
11 judgement in the mid '60s as a fellow
12 seminarian?

13 A. Well, first of all, I didn't
14 know him as a fellow seminarian.

15 Q. Excuse me. I misspoke. Do
16 you have any knowledge of him having a
17 lack of prudential judgment either at any
18 point in time in the '60s or later?

19 A. His style of celebrating the
20 liturgy was eccentric. I think that
21 would be a lack of prudential judgment.

22 Do you want this back?

23 Q. You can just put it right
24 here (Indicating). It's going to be
25 attached.

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1 A. Okay.

2 Q. Did it ever come to your
3 attention, Archbishop, that
4 Monsignor Maloney was delayed by the then
5 presiding ordinary and/or rector in his
6 ability to advance in the seminary to
7 ordination?

8 A. No. I never knew that.

9 Q. It is correct to say that
10 any priest of a diocese, such as Peoria,
11 takes and makes a promise of obedience to
12 the -- the Bishop and its successors?

13 A. A reverence of obedience to
14 the Bishop and his successors.

15 Q. It's also correct that they
16 make a promise of celibate chastity?

17 A. That's correct.

18 Q. What does that mean when
19 made and taken?

20 A. Which one, sir?

21 Q. Celibate chastity.

22 A. It means no sexual activity.

23 Q. And what does reverence of
24 obedience mean when taken and made by a
25 priest to his --

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1 A. It means to -- I'm sorry.

2 Q. -- to his Bishop and his --
3 the Bishop's successors?

4 A. Reverence, that you don't
5 run the Bishop down and -- and -- are --
6 are cooperative.

7 And obedience is you do what
8 he judges best with your abilities for
9 the good of the church.

10 Q. Does that meaning include
11 obeying the Bishop in all matters of life
12 and faith?

13 A. Well, the Bishop can't tell
14 you which spiritual director to go to. I
15 mean, there are -- there are things that
16 the Bishop can't do. But it -- it
17 primarily has to do with where you are
18 assigned and where you work as a priest.

19 Q. And the Bishop has authority
20 to ordain, assign, to provide privileges
21 and impose restrictions on any priest of
22 the diocese, correct?

23 A. That's correct.

24 Q. The Bishop, however, is
25 limited in his authority to remove the

1 priest from the clerical state. And that
2 has to be done by the Vatican, correct?

3 A. That's not entirely correct.
4 Usually it is -- it's done by the
5 Vatican. But there is a process in the
6 code of canon law for removing a cleric
7 from the clerical state for commission of
8 a canonical crime.

9 Q. And does a Bishop have
10 authority to -- to actually remove under
11 the canon law?

12 A. Not to remove. But the --
13 it would be a church court can -- can do
14 that.

15 Q. Is that part of the
16 jurisdiction of the Bishop or under the
17 jurisdiction of the Vatican?

18 A. It's done, usually, under
19 the jurisdiction of the Vatican. But it
20 can be done with the authority of the
21 Bishop working through a panel of judges.

22 Q. Did you as Bishop of Peoria
23 ever remove or attempt to remove any
24 priest from the clerical state for a
25 canonical crime?

1 A. I did not. Although I did
2 remove them from ministry and limit their
3 ministry.

4 Q. Let me -- the ability to
5 limit their -- restrict their ministry is
6 exclusively within the authority of the
7 Bishop and he can do so on his -- in his
8 discretion for a good cause?

9 A. For a good cause.

10 Q. Who provides health
11 insurance and retirement benefits for
12 priests of the diocese?

13 A. Well, it -- that has changed
14 since I became a priest.

15 Q. When you -- when you were
16 Bishop for Peoria?

17 A. The premium is paid by the
18 institution to which the priest is
19 assigned. Generally dioceses have
20 insurance programs, either self --
21 protected self insurance or some form of
22 insurance.

23 Q. So it's largely funded
24 through the diocese?

25 A. Through -- largely funded

1 from the institution to which the priest
2 is assigned.

3 Q. By the Bishop?

4 A. By the Bishop.

5 Q. And then, in terms of file
6 maintenance for the Diocese of Peoria
7 while you were Bishop, at least, there
8 are two separate files pertaining to any
9 given priest such as Maloney. One would
10 be the ordinary personnel file maintained
11 by the chancery, is that correct?

12 A. That would be correct, which
13 would be primarily letters of appointment
14 and faculties and form -- form letters
15 like that.

16 Q. What is the second file that
17 then that could or would pertain to a
18 priest?

19 A. It would be a correspondence
20 file.

21 Q. Okay. Is that -- was that
22 maintained separately?

23 A. Yes.

24 Q. By whom?

25 A. Well, it got so confusing

1 I'm not certain. But I think it was
2 primarily in the vault.

3 Q. And the vault is the caged
4 area?

5 A. No. The vault is a broader
6 area.

7 Q. Okay.

8 A. It's a big walk-in vault
9 about as big as this room.

10 Q. Who had access to the files
11 in the vault that you're referring to?

12 A. Primarily the Chancellor,
13 the Vicar General, the Bishop. And --
14 but the correspondence files -- the
15 secretaries would file copies of the
16 correspondence, I think.

17 Q. And then there's a third
18 file that would have some materials
19 pertaining to priests that we had talked
20 about earlier that could -- in which
21 there would be scandalous and other
22 materials and those would be in the caged
23 area where files would be maintained,
24 correct?

25 A. That's correct. Except as I

1 told you I did not find much material
2 there.

3 Q. And in the materials that
4 were in the caged area maintained under
5 the canon we talked about, was there --
6 were those files organized by priest?

7 A. Yes.

8 Q. Did you ever look to see if
9 there was a file there in the caged or
10 secret file maintained under the canon
11 law pertaining to Maloney?

12 A. Yes.

13 Q. And when did you look to see
14 if there was?

15 A. When I told you in the
16 summer of 1990.

17 Q. And what, if anything, was
18 there pertaining to Maloney?

19 A. Nothing.

20 Q. How many priests had files
21 there by number would you estimate?

22 A. It would be an estimate of
23 15 to 20.

24 Q. And any of the priests who
25 you've identified here today as

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1 individuals to whom allegations or about
2 allegation were made of sexual abuse, did
3 any of them have files in the secret or
4 caged area?

5 A. Only Louis Condon.

6 Q. And did you make the
7 information that was in the secret file
8 or caged area available to law
9 enforcement in their investigation of
10 him?

11 A. There was no crime involved.

12 Q. How do you know that?

13 A. Because they -- they
14 exclusively included adults.

15 Q. Were there any other files
16 on priests maintained by the Diocese of
17 Peoria other than the three we've -- the
18 three --

19 A. Not to my knowledge. It
20 could be that in the other building there
21 were but not to my knowledge.

22 Q. Did the priest personnel
23 board keep files or minutes pertaining to
24 their --

25 A. I would presume so.

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1 Q. I'm showing you -- I'm going
2 to show you some more exhibits here and
3 run through them.

4 When did you first come to
5 really know Thomas Maloney as a fellow
6 priest?

7 A. I think that that nine
8 months that we were both assistants in
9 the city of Peoria.

10 Q. What year would that have
11 been, approximately?

12 A. That would be from
13 August '67 and he -- and he was moved in
14 June of '68.

15 Q. And did you ever notice that
16 he had a particular interest in youth or
17 young people, kids?

18 A. Not anything unusual or
19 unnatural.

20 Q. Did you notice that his
21 ministry was more devoted to youth than,
22 say, yours or others?

23 A. Very difficult to answer. I
24 was teaching in two different schools in
25 Peoria. And I -- I don't know.

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1 Q. Okay. You're aware that he
2 was appointed to be the assistant at
3 Epiphany Parish in Normal at one point in
4 time?

5 A. Yes, yes.

6 Q. And the records show that he
7 was appointed to be assistant there in
8 January of 1973. Does that sound --

9 A. That sounds about right.

10 Q. I've -- I've got the records
11 here so I --

12 A. Yeah. It sounds about
13 right.

14 Q. Okay. And while -- while he
15 was in Normal between '73 and 1975 where
16 would you have been then working?

17 A. '70 -- I -- I -- one year I
18 was -- it was my third year at
19 St. Matthews Champaign. And then the
20 next two years I would have been in
21 graduate work at Catholic University of
22 America in Washington, DC.

23 Q. The records show that on
24 October 7, 1976, he was appointed as
25 pastor to St. Joseph's Parish in Chenoa

1 and also at St. Mary's Mission,
2 Lexington?

3 A. That's correct.

4 Q. Does that sound familiar to
5 you?

6 A. Sounds about right.

7 Q. Okay. And he, also, four
8 years later had an appointment as a
9 part-time chaplain to students and
10 faculty at Central Catholic?

11 A. That's correct.

12 Q. Does that sound familiar?

13 A. That sounds right.

14 Q. At -- in 1977 you were the
15 Vice Chancellor, were you not?

16 A. I was.

17 Q. And who was the Chancellor?

18 A. Monsignor George Carten.

19 Q. And you were also the
20 vocation's director for many years?

21 A. Yes.

22 Q. And then in '78 you became
23 Chancellor?

24 A. That's correct.

25 Q. What were your duties as

1 chancellor as it pertained to the -- to
2 the Bishop? At that time I know he had a
3 Vicor General, correct?

4 A. Yes.

5 Q. And who was the Vicar
6 General at the time you were appointed
7 Chancellor by the Bishop?

8 A. Monsignor Grisbowski.

9 Q. And the Bishop was then?

10 A. O'Rourke.

11 Q. And would it be fair at that
12 time of your appointment as Chancellor to
13 say that the Vicar General served kind of
14 to the right hand of the Bishop and the
15 Chancellor to the left hand of the
16 Bishop?

17 A. That's not the way
18 Bishop O'Rourke envisioned it.

19 Q. How did he work it?

20 A. Monsignor Grisbowski was
21 pastor of St. Monica Parish in east
22 Peoria, Illinois. And he came in for,
23 maybe, a couple of half days per week.
24 So he was not as involved in the
25 day-to-day operations of the -- of the

1 diocese.

2 Q. There are letters that I
3 looked at in the files that were written
4 from you to Monsignor Maloney where
5 there's talk about having dinner at some
6 time and/or getting together.

7 Was it -- was it frequent
8 for you to have dinner with him?

9 A. No. It was usually around
10 the time of confirmation in his parish.

11 Q. Okay.

12 A. We really did not travel in
13 the same circles.

14 Q. Did you do annual visits --
15 as Bishop or Coadjutor did you do annual
16 visits to the parishes to see and make
17 sure things were in order?

18 A. Because of the large area
19 involved and the number of small parishes
20 we had a system. If you had 40 kids for
21 confirmation, you could have -- or more,
22 you could have confirmation every year.

23 If you had to go two years
24 to get the 40, it would be every second
25 year. And no -- less frequently, then

1 every third year.

2 So in the course of a
3 six-year period I was in every parish of
4 the diocese.

5 Q. I'm going to write down here
6 a name under the doe list, three, and
7 you'll see under that No. 3 I wrote a
8 name there.

9 A. I don't know who that is.

10 Q. And just to show to Counsel,
11 under the doe three list I'll use the
12 initials EB.

13 A. Okay.

14 Q. Is that name familiar to you
15 as somebody who has either reported or
16 complained of sexual abuse to the Diocese
17 of Peoria?

18 A. Not to my recollection.

19 Q. Do you have recollection of
20 father Maloney having given you gifts of
21 cash?

22 A. Yes. After confirmation
23 once or twice he did.

24 Q. In total, once or twice?

25 A. If you said cash, yes.

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1 Q. Do you have recollection of
2 Father Maloney having given you gifts of
3 other kinds such as --

4 A. Coins.

5 Q. Did you say coins?

6 A. Coins, yes.

7 Q. How many times did he give
8 you coins?

9 A. Two or three.

10 Q. Okay. What kinds of coins?
11 Under what circumstances?

12 A. After confirmation. And it
13 would be -- I don't have them anymore but
14 I think they were, like, gold coins.

15 Q. Were they valuable? And if
16 so, how so? How much?

17 A. I don't have any idea.

18 Q. Okay. And why would he give
19 you coins and cash?

20 A. He liked -- he liked to
21 collect things and it was a custom to
22 give a Bishop a gift when he did
23 confirmation.

24 Q. So did Father Maloney depart
25 from custom when he gave you cash and

1 coins?

2 A. Not necessarily. Different
3 priests handled it differently.

4 Q. Did all the Bishops give you
5 cash? Excuse me. All the priests give
6 you, as Bishop, cash?

7 A. No. Sometimes it was a
8 check.

9 Q. And was that for your own
10 personal use?

11 A. Yes.

12 Q. Was that a practice that was
13 written anywhere or just something that
14 developed over the years or what?

15 A. It's standard in the church.

16 Q. Is it?

17 A. Uh-huh.

18 Q. Do you have any recollection
19 of Maloney having given you other gifts
20 besides the cash at confirmation and the
21 coins that you've just identified?

22 A. Not that I can recall.

23 Q. I'm going to show you 23 and
24 this came from the Maloney file,
25 Archbishop. And it's November 9, '92, a

1 letter from you to him, "Dear Tom", and
2 it states in the first sentence, "I
3 really do feel a bit squeamish about
4 being the recipient of your much loved
5 camera."

6 Do you remember him giving
7 you the camera?

8 A. I do not.

9 Q. Do you have any recollection
10 of why you felt squeamish about -- about
11 such a thing?

12 A. Because it was something
13 that was very precious to him.

14 Q. So you do remember that he
15 had a precious camera?

16 A. Yes.

17 Q. And so --

18 A. I don't remember him giving
19 it to me.

20 Q. You don't remember him
21 giving it to you?

22 A. No.

23 Q. By the reading of this
24 letter do you doubt that he did?

25 A. No.

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1 Q. Okay. I'm showing you 24
2 and I'll hand -- I'll put it before you
3 in a moment here. It's a letter on the
4 Diocesan Chancery dated March 13, 1992,
5 and -- from you to Thomas Maloney, "Dear
6 Tom", it states, "Just a note to thank
7 you for the silver."

8 What is this referring to,
9 Archbishop?

10 A. I have no idea.

11 Q. It then says, "That one is
12 even too big for a watch fob."

13 Does that refresh your
14 recollection of what it was he had given
15 you here?

16 A. I presume it was a silver
17 dollar or something. I don't know. I
18 have no idea.

19 Q. It goes on to state, "It
20 could be tied around one's neck like the
21 proverbial 'millstone'".

22 Does that refresh --

23 A. (Witness nodding.)

24 Q. Okay. Do you remember --
25 when you're referring to that proverbial

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1 millstone, is that -- do you remember the
2 biblical verse that refers to whoever
3 shall violate a child shall have a
4 millstone hung from their neck?

5 A. I'm sure that had no
6 reference to that.

7 Q. Okay. I'm going to show you
8 Exhibit-25 -- okay, I'm going to show you
9 rather 26, Archbishop. This again on the
10 Diocesan Chancery from you to
11 Tom Maloney. "Dear Tom", last sentence
12 of the first paragraph, "I will put the
13 address and phone number at the bottom of
14 the letter."

15 This refers to a gift. Can
16 you tell us what this is referring to?
17 What gift? The third sentence, "I am
18 grateful also for your gift."

19 A. I'm looking at the date. I
20 would presume it was a Christmas gift.

21 Q. It goes on to state, "I'll
22 try not to lose it at the 'dogs' in
23 Florida."

24 A. Uh-huh.

25 Q. Is that the gambling dogs?

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1 Dog track?

2 A. Uh-huh.

3 Q. Yes?

4 A. Yes.

5 Q. Okay. So it sounds like
6 that would be cash then?

7 A. Or a check. It could be
8 either.

9 Q. Was it a common practice for
10 either Father Maloney or other priests to
11 give you money so that you could -- so
12 that you could gamble?

13 A. I don't gamble very much.
14 So I would sometimes go to the race --
15 horse racing track once -- this Gene Lamb
16 that they mentioned was the chairman of
17 the Illinois Racing Commission and a
18 horse owner. So I would go maybe once a
19 year.

20 Q. As compared to the other
21 priests in the diocese while you were
22 Bishop, was Maloney more generous? Less
23 generous? Or about average when it came
24 to gifts to you by way of cash?

25 A. About the same.

1 Q. The records that we have
2 reflect that Maloney was assigned again
3 to Epiphany Parish on May 12, 1995, and
4 then appointed as pastor of Epiphany in
5 Normal, Illinois.

6 Do you recall having
7 appointed him the pastor?

8 A. Yes.

9 Q. And do you recall that while
10 he worked then in Normal at Epiphany any
11 concerns about his conduct as the pastor
12 there and a priest of the diocese in
13 terms of his fitness? How he conducted
14 himself pertaining to the youth or any of
15 the other people of faith?

16 A. No, I really don't. His --
17 one of his sisters lived with him. He
18 was very good about visiting hospitals
19 and nursing homes. And the only thing
20 that I could -- could add once again is
21 that he was somewhat eccentric in his
22 celebration of the liturgy.

23 Q. What sister are you
24 referring to?

25 A. I don't remember her first

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1 name. He has two sisters.

2 Q. And where was that -- where
3 did that sister live?

4 A. I think she lived in the
5 rectory. At least she worked there. I
6 don't -- I don't know if she actually
7 lived there or not because I wasn't
8 around that much.

9 Q. And are you referring to
10 Epiphany at Normal?

11 A. Yes. They also maintained
12 his parent's home in Bloomington.

13 Q. Who else was assigned to
14 Epiphany while Maloney was at Normal, if
15 you recall?

16 A. I really don't recall.
17 Father John King was pastor when he was
18 assistant, I think.

19 Q. Was it also customary for
20 the pastor to have employees, lay
21 employees, such as housekeepers,
22 secretaries, cooks and maintenance
23 people?

24 A. I think his sisters did most
25 of that for him.

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1 Q. And as Bishop was it your
2 expectation that if lay employees had
3 suspicions of sexual abuse by a priest
4 such as Maloney that they would, in fact,
5 and should report it up the line to you
6 as Bishop?

7 A. Surely.

8 Q. Do you ever have any
9 recollection of any lay employees or any
10 other priests ever reporting suspicions
11 or rumors of sexual abuse by Maloney to
12 you as Bishop?

13 A. No.

14 Q. Is Monsignor Campbell, your
15 former Vicar and Chancellor, still
16 around?

17 A. No. He died two or three
18 years ago.

19 Q. I'm going to show you what
20 we marked Exhibit-29 and this is from the
21 Office of the Vicar General. The date,
22 Archbishop, is December 6, 1995.

23 A. Uh-huh.

24 Q. It's to the file of
25 Reverend Maloney.

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1 Now, when it says, to the
2 file, which file would that have been
3 when we're talking about files here?
4 Would this be the secret file or the
5 caged file? The personnel file? Or the
6 correspondence file?

7 A. Maybe neither. But
8 **Monsignor Campbell**, I think, maintained
9 **separate Vicar General files** in his
10 **office in the pastoral center.**

11 Q. Before I show you this memo
12 here today you have seen this?

13 A. This (Witness indicating)?

14 Q. Yes.

15 A. Not before -- not before
16 **today.**

17 Q. This is the first time
18 you've seen this?

19 A. Yes.

20 Q. Let's look at it together
21 then.

22 It says to the file of
23 Maloney from then Monsignor James
24 Campbell who was then your Vicar General
25 and Chancellor, correct?

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1 A. Yes.

2 Q. And the subject is an
3 incident report, correct?

4 A. That's what it says.

5 Q. It says, "The following
6 information concerning this case came
7 this date from Father Ward?"

8 Who is Father Ward?

9 A. I think it would be
10 Father Gerald T. Ward who is pastor of
11 St. Patrick's -- St. Patrick of Merna
12 Parish which is in the suburbs of
13 Bloomington.

14 Q. And Father -- Monsignor
15 James Campbell as Vicar General, as
16 Chancellor and as a priest of the
17 diocese, you're the one that delegated
18 authority to him as -- both appointed and
19 delegated the authority to him as Vicar
20 General and Chancellor of the diocese?

21 A. I appointed him to those
22 offices.

23 Q. Okay. And when he was
24 acting as Vicar General, as Chancellor
25 and as a priest of the Diocese of Peoria

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1 that was within authority given him by
2 you as the ordinary, correct?

3 A. It's -- you could say it
4 that way. Essentially the authority is
5 attached to the office of the Vicar
6 General. So by appointing him Vicar
7 General I gave him the authority.

8 Q. It goes on to say,
9 "Father Ward was contacted by a woman now
10 living in Springfield, Illinois, formerly
11 of Bloomington. The Springfield woman
12 said she was calling on behalf of her
13 sister who lived in New York and was
14 formerly of Bloomington. The New York
15 woman alleges that Father Maloney abused
16 her when he was stationed at Epiphany in
17 Normal."

18 As I read that to you is
19 this the first time you have heard from
20 any source, apart from discussion with
21 counsel about which I don't want to know,
22 that he had ever been accused of having
23 abused a girl when he was stationed at
24 Epiphany in Normal?

25 MR. FEEHAN: Meaning at

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1 this --

2 MR. ANDERSON: Before 1995.

3 MR. FEEHAN: At this point
4 meaning right now?

5 MR. ANDERSON: Yes.

6 MR. FEEHAN: Because you
7 talked about the date of the
8 letter when you said at this
9 point.

10 MR. ANDERSON: Yes.

11 THE WITNESS: For right now
12 this is the first time I'm seeing
13 this.

14 BY MR. ANDERSON:

15 Q. And do you know anything
16 about who this woman is? What she
17 alleged he -- he committed and what
18 information she brought to
19 Monsignor Campbell?

20 A. No.

21 Q. Do you know what action, if
22 any, Monsignor Campbell took responsive
23 to this information given him as recorded
24 in this memo?

25 A. No.

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1 Q. It goes on to state, "I
2 asked Father Ward to contact the woman in
3 Springfield".

4 Do you have any knowledge of
5 whether or not he did?

6 A. No.

7 Q. It goes on to state, "I
8 asked Father Ward to indicate that there
9 would be no way to confront
10 Father Maloney without clear indication
11 of an allegation against him and to
12 indicate, at the same time, that we do
13 not doubt her sincerity."

14 Do you know anything about
15 that?

16 A. No.

17 Q. Is Father Ward still around?

18 A. Yes.

19 Q. Or alive?

20 A. Yes.

21 Q. Where is he now?

22 A. In the same parish. He just
23 built a new church.

24 Q. What parish is that?

25 A. St. Patrick's of Merna.

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1 Q. And did he have an official
2 capacity at this time in '95, do you
3 know?

4 A. He may have been Vicar but
5 I'm not certain.

6 Q. A Vicar for a vicariate?

7 A. Yes.

8 Q. It goes on to state, "The
9 alleged incident involving Father Maloney
10 took place when the alleged victim was 10
11 years of age."

12 This is suspicious of sexual
13 abuse, is it not?

14 A. It could be, certainly.

15 Q. And do you know what
16 investigation was done by the Diocese of
17 Peoria responsive to the report as
18 recorded in this document?

19 A. I do not.

20 Q. Do you know if any
21 investigation was done?

22 MR. FEEHAN: That's
23 basically the same question.

24 THE WITNESS: If --

25 MR. FEEHAN: If he doesn't

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1 know if an investigation was done,
2 how would he know what
3 investigation was done?

4 THE WITNESS: Father Ward
5 would have to answer the question.
6 I don't know.

7 BY MR. ANDERSON:

8 Q. Under canon law you're aware
9 that if there is an allegation of sexual
10 abuse by a priest, the Bishop is required
11 to conduct investigation, correct?

12 A. If he knows about it.

13 Q. Okay. And would you not
14 have expected your Vicar General and
15 Chancellor if an allegation had been
16 made, such as recorded in this memo, to
17 have brought that to you?

18 A. Not necessarily.
19 Monsignor Campbell was -- had been a --
20 he was a trained counsellor. He had been
21 in Catholic charities for ten years. His
22 health was starting to be problematical
23 and he may not have.

24 Q. And did -- under canon law
25 did a Vicar General or Chancellor

1 actually have authority to conduct and
2 oversee an investigation?

3 A. Yes.

4 Q. Did a Vicar General or a
5 Chancellor have authority to restrict the
6 ministry or remove the priest from
7 ministry?

8 A. No.

9 Q. That was the Bishop wasn't
10 it?

11 A. Yes.

12 Q. And at any time did
13 Monsignor Campbell ever tell you that --
14 that Maloney's ministry should be
15 restricted by you because of a report or
16 investigation of sexual abuse?

17 A. No.

18 Q. To look at this document now
19 and you see this as it's written and
20 included in the file, what does that make
21 you think?

22 A. That I would prefer to have
23 had an investigation.

24 Q. Does that alarm you?

25 MR. FEEHAN: Objection.

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1 Asked and answered. You've asked
2 him what he would have done.

3 What do you mean by "does
4 that alarm you"?

5 BY MR. ANDERSON:

6 Q. Does it upset you to see
7 that this report was made?

8 A. I -- I -- I am committed
9 publicly and profoundly to the safety of
10 children. So of course it alarms me.

11 Q. Okay. I'm going to show you
12 Exhibit-31, Archbishop. And this would
13 be a handwritten exhibit several pages in
14 length. The date on it isn't perfectly
15 clear on the photocopy given us. But we
16 are -- we are by the return date
17 concluding that it's approximately
18 January 4, 1996.

19 And it's addressed to "Dear
20 Monsignor". And in this document you can
21 see the name of the writer at the last
22 page. And the initials on that writer
23 will be KS.

24 A. All right.

25 Q. We'll call this writer doe

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1 four. And I'll write on here the name of
2 this person with the initials appearing
3 after that on the exhibit. Do you see
4 that?

5 A. Yes.

6 Q. Okay. I direct your
7 attention to that handwritten six-page
8 letter to Monsignor.

9 And my first question is,
10 have you seen this before?

11 A. No. Do you presume that
12 this is to Monsignor Campbell?

13 Q. Well, he does write back,
14 yes. So we are believing that to be the
15 case by the other documents.

16 A. Okay.

17 Q. And so at the second page,
18 the last sentence in it, I direct your
19 attention -- I'll read it.

20 It states -- it states,
21 "Once mass begins and throughout its
22 context he sits on the altar laughing
23 with the altar kids."

24 And then I'm going to direct
25 your attention to two pages after that.

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1 At the top of it it says, "To where the
2 picture" do you see that page?

3 A. Uh-huh.

4 Q. And in the middle of it I'm
5 going to read a passage. It states, "As
6 I approached Father Maloney he was once
7 again acting unprofessional hugging --

8 MR. FEEHAN: Them.

9 BY MR. ANDERSON:

10 Q. -- "hugging, them kissing on
11 the cheek a rather young teenage girl."
12 I think it's "then", "hugging, then
13 kissing".

14 A. I think it's then, uh-huh.

15 Q. So let's just take that in
16 the context of -- this is written in the
17 context in reference to kids earlier and
18 now the writer is saying, "he was acting
19 unprofessional hugging, then kissing on
20 the cheek a rather young teenage girl."

21 As you read that,
22 Archbishop, would that have then been
23 suspicious to you as Bishop?

24 MR. FEEHAN: Okay. Just --

25 MR. ANDERSON: Wait a

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1 minute. Let me finish the
2 question.

3 Of sexual abuse of this
4 child?

5 MR. FEEHAN: You just handed
6 him, what, seven pages? A
7 six-page letter and asked him a
8 couple of sentences out of
9 context.

10 I would ask that he take the
11 time to, at least, read the
12 paragraph before that sentence you
13 just asked about so that he
14 understands that this was after
15 mass in front of several people
16 out in the middle of public.

17 MR. ANDERSON: Well, look --

18 MR. FEEHAN: As opposed to
19 in a room with just one girl by
20 themselves.

21 MR. ANDERSON: Yeah. I
22 wasn't suggesting any context. I
23 wasn't trying to mislead him. I'm
24 trying to get through it and
25 you're timing this thing.

1 If you're going to -- wait a
2 minute. If you want me to have
3 him read the exhibits, we'll take
4 more time and we'll continue the
5 deposition. If you want me to try
6 to finish today, we can't go that
7 way, okay?

8 So let me rephrase the
9 question so it's acceptable to
10 you --

11 MR. FEEHAN: Rephrase your
12 question so it's a fair question
13 and in context. You want to take
14 it right out of context, Jeff.
15 That's not fair.

16 You tried to do that earlier
17 when you asked him that question
18 and I knew what you were going to
19 do later with this letter. And
20 you asked him the question, would
21 he consider it sex abuse for
22 somebody to kiss somebody on the
23 lips? And I asked you are you
24 talking about in public? In front
25 of the parents?

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1 MR. ANDERSON: What's your
2 concern about the context?

3 MR. FEEHAN: You're taking
4 one sentence out of a six-page
5 letter. It's like asking a
6 hypothetical question without all
7 the facts.

8 MR. ANDERSON: Okay. Let me
9 ask you this --

10 MR. FEEHAN: You want it
11 both ways. You want to be able to
12 ask --

13 MR ANDERSON: Counsel, I'm
14 going to ask a questions that's
15 acceptable to you so I don't have
16 to spend any more time with you.

17 MR. FEEHAN: Okay.

18 MR. ANDERSON: So we can do
19 it with him, okay?

20 MR. FEEHAN: Let's go. I
21 mean, you spent the first half
22 hour of this deposition talking
23 about Father Engels who is in
24 prison and Father Harbor so who is
25 dead.

1 So don't talk to me about
2 timeliness, okay? Let's go.

3 BY MR. ANDERSON:

4 Q. Archbishop, in any context a
5 priest of the Diocese of Peoria acting in
6 a way that he is hugging and kissing the
7 cheek of a young teenage girl, the kind
8 of thing that would be suspicious and
9 worthy of investigation by the Bishop?

10 A. I want to just read that
11 again.

12 Q. It's just in any context
13 text, the hugging and kissing on the
14 cheek of a young teenage girl by the
15 priest.

16 A. It could be. At the same
17 time Monsignor Maloney was a native of
18 Bloomington/Normal and he knew many, many
19 people and had lots of friends and that
20 might change the context.

21 Q. And in order to know whether
22 it is suspicious and/or inappropriate
23 and/or criminal you would have to
24 investigate it, wouldn't you?

25 A. It could -- it could be

1 criminal but it might be innocent.

2 Q. And the only way you could
3 really know whether it was was to
4 investigate it?

5 A. If you knew about it.

6 Q. Okay. And I'm going to show
7 you Exhibit-32 and this is how we know
8 this was responded to by at least
9 Monsignor Campbell.

10 And it's a letter from him
11 to Father Maloney dated January 5th. And
12 you'll see that it says, "Dear Father,
13 Enclosed please find a letter from KS."

14 And my question to you is,
15 do you have any memory or recollection of
16 this claim having been made by KS to
17 Campbell and Campbell having responded to
18 KS in any way, shape or form over
19 concerns about Maloney?

20 A. The only thing that I
21 remember is that he did take
22 Father King's picture down from the wheelk
23 of the church.

24 Q. You have an independent
25 recollection of that?

1 **A.** I do because some people
2 **were upset.**

3 **Q.** When you see this letter,
4 Exhibit-32 before you, does it alarm you
5 that he does take action by, as your
6 memory, by taking the picture of
7 Father King down because of something
8 inappropriate about that. But there's
9 nothing in this letter about the
10 complaint pertaining to the kissing and
11 hugging of a teenage girl?

12 **A.** I can't explain that. I do
13 **recall that there was tension between**
14 **Father King and Father Maloney.**

15 **Q.** If Monsignor Campbell and
16 yourself got involved enough to take down
17 the picture of Father King --

18 **A.** **We did not.**

19 **Q.** Who did?

20 **A.** **Maloney.**

21 **Q.** Okay. Maloney took it down?

22 **A.** **Yes.**

23 **Q.** But he took it down because
24 Campbell got involved and brought it to
25 you?

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1 A. No. I think he just took it
2 down.

3 Q. Okay. Well, how is it that
4 you remember that that happened then if
5 you didn't get involved?

6 A. Because some people called
7 me and complained about it.

8 Q. In the same year -- I'm
9 going to show you exhibit -- let me --
10 let me say in the same year Exhibit-33
11 shows that you appointed Father Maloney
12 for another term as Vicar in 19 --
13 September of 1996, would that sound
14 correct?

15 A. It does if he were not --
16 he would have been nominated by the
17 priests of the area.

18 Q. Okay. Was that kind of an
19 additional responsibility for a pastor or
20 priest to have?

21 A. Yes.

22 Q. Okay. So it's kind of an
23 honor to be asked by the priest and
24 nominated and then appointed by you?

25 A. Yes. And he would gather

1 all the priests together for meetings to
2 discuss common problems and that sort of
3 thing.

4 Q. Kind of a promotion in some
5 ways?

6 A. In some ways.

7 Q. I know Monsignor Campbell is
8 not alive so he can't answer this
9 question. But you did know him and he
10 was a your Chancellor and Vicar General?

11 A. Yes.

12 Q. And you did see the response
13 that he made to KS.

14 A. Yes.

15 Q. Knowing Monsignor Campbell
16 and how he was and who he was as your
17 Vicar General and Chancellor back then,
18 can you offer any context or explanation
19 as to why he responded to KS as to the
20 picture and the other concerns, but no
21 response was given as to the concern of
22 the hugging and kissing of the teenage
23 girl?

24 A. I have no idea. What I do
25 know about him is that he was -- he had

1 an MA in counselling, he had been 10
2 years doing counselling in our Catholic
3 charities and he would tend to process
4 things.

5 Q. Did he have any training in
6 the investigation of sexual abuse and
7 protocols to be followed in the
8 discernment of it?

9 A. Not to the best of my
10 knowledge. But I don't know what other
11 courses he took when he took his MA.

12 Q. I'm going to show you 33A
13 and this refers, Archbishop, to -- this
14 is a letter from you, as Bishop, to
15 Father Maloney and it states at the third
16 sentence, "I am very grateful for your
17 most generous gift. In fact, it does
18 enable me to do a number of things
19 including vacation and helping my father
20 with mom's nursing home expenses."

21 What do you remember about
22 this gift?

23 A. Well, the date, again, is
24 telling, right after Christmas. It was
25 not uncommon for priests -- because at

1 that time, until I ended it, the pastors
2 in the Peoria diocese got to keep the
3 Christmas collection. And as a result of
4 that they sometimes remembered the
5 Bishop.

6 And Al Hallin, who is now
7 Monsignor Hallin, and I have vacationed
8 together for over 40 years. Tom would
9 visit an uncle in Florida and
10 occasionally come down and have lunch --
11 you know, once in the winter and come
12 down and have lunch with us.

13 Q. This refers to a generous
14 gift. How much money was it?

15 A. I have no idea. Maybe \$500.
16 I really don't have any idea.

17 Q. Would he vacation with you?

18 A. No.

19 Q. It looks like he's coming
20 down to Florida?

21 A. He stayed with an uncle in
22 northern Florida and would come down and
23 have lunch with us once in the winter.

24 Q. There are some other
25 documents I have and because you haven't

1 reviewed the file I don't know if I want
2 to take the time to review with you right
3 now. If I have time I'll go back over
4 them.

5 But after this point in time
6 at which he give you this gift you
7 described as generous, how many other
8 gifts in cash or otherwise do you recall
9 having received from him and how often?

10 A. It would most likely be an
11 annual gift at the time of confirmation.
12 He had a large confirmation class. And I
13 don't recall what else might be -- it
14 would not break the bank.

15 Q. Who -- what do you mean "not
16 break the bank"? What do you mean?

17 A. That I don't think that they
18 would be that large.

19 Q. I'm going to show you
20 Exhibit-39. It came from the file
21 provided to us in this litigation and the
22 date is 1999. And on this sealed
23 Exhibit-A I'm going to write the name of
24 the letter writer.

25 And as you look at the

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1 exhibit, Archbishop, you will see that I
2 have identified that one as doe five. It
3 looks like, you know, a husband and wife
4 and then I used the initial TM, okay?

5 A. Uh-huh.

6 Q. And have you seen this
7 before?

8 A. No.

9 Q. It's addressed to then
10 Monsignor Rohlfs, correct?

11 A. Who was Vicar General at the
12 time, I believe.

13 Q. And was it his obligation if
14 there was evidence of a sollicitation in
15 the confessional brought to him as Vicar
16 General to bring it to you as Bishop?

17 MR. CARELLA: Read the whole
18 letter, Archbishop.

19 MR. FEEHAN: Right.

20 MR. ANDERSON: I'm not
21 asking about the letter.

22 BY MR. ANDERSON:

23 Q. I'm asking you -- listen to
24 the question.

25 MR. FEEHAN: Hold on.

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1 You're asking him in general. You
2 asked him questions before about
3 solicitation in the confessional
4 and he answered those.

5 MR. ANDERSON: Just a
6 minute. Let me ask the question
7 and if you have an objection --

8 MR. FEEHAN: So now, if you
9 have a question about the letter,
10 let's focus on the letter.

11

12 BY MR. ANDERSON:

13 Q. Archbishop, before you read
14 the letter I want to ask you a question.

15 A. All right. Sure.

16 Q. My question is in 1999 if
17 your Vicar General, then
18 Monsignor Rohlf, received evidence or
19 suspicions of a solicitation in the
20 confessional, was it his obligation to
21 bring it to you as Bishop?

22 A. Or he could start the
23 investigation through the tribunal
24 process. He had the authority to do that
25 also.

1 Q. Do you have any memory to
2 date of Monsignor Rohlf's ever bringing
3 any concerns about Maloney soliciting sex
4 or engaging in inappropriate conduct
5 towards youthful penitents in the
6 confessional?

7 A. No.

8 Q. Okay. And before when we
9 talked about solicitation in the
10 confessional you said that is a grave
11 manner under canon law.

12 Why is that considered to be
13 so grave?

14 A. Because it's a -- it's a
15 sacrament and it's a natural secret. And
16 people have a right to confess without
17 fear of being -- of its ever being
18 exposed.

19 Q. And there are protocols
20 issued by the Vatican as to how that is
21 to be handled and because of its gravity
22 the Vatican takes jurisdiction over such
23 matters, is that correct?

24 A. As I said before, the
25 initial investigation is done at the

1 local level. And then if it seems
2 substantiated, it's for the Vatican.

3 Q. Did Monsignor Rohlf's as
4 Vicar General actually have canonical
5 authority or any authority to conduct an
6 investigation of a possible solicitation
7 in the confessional without consultation
8 with his Bishop at the time?

9 A. Yes. The Vicar General has
10 the ordinary authority of the Bishop --
11 executive authority throughout the
12 diocese.

13 Q. Do you have any recollection
14 of Rohlf's ever -- Rohlf's ever having done
15 an investigation of that kind without
16 your authority or knowledge?

17 A. I'm not aware. I don't
18 know.

19 Q. Okay. Let's look at
20 Exhibit-39. You have -- okay.
21 Have you seen this before?
22 This memo?

23 A. This one (Witness
24 indicating)?

25 Q. Yes.

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1 A. No.

2 MR. FEEHAN: We've been
3 going about an hour and 15
4 minutes.

5 MR. ANDERSON: Okay. Let's
6 take a break.

7 THE VIDEOGRAPHER: We're
8 going to go off the record at
9 3:48. We're on tape two.

10 - - -

11 (Whereupon, a brief recess
12 was taken.)

13 - - -

14 THE VIDEOGRAPHER: We are
15 back on the record at 4:01. This
16 is tape three of the deposition of
17 Myers.

18 BY MR. ANDERSON:

19 Q. Okay. Archbishop, you did
20 want -- you just said you wanted to make
21 a comment on this last exhibit, 39. What
22 was that?

23 A. If I could.

24 Q. Sure.

25 A. This is -- this is not truly

1 a solicitation in the confessional. In
2 order to solicit -- it's certainly
3 inappropriate and the priest should be
4 resoundly disciplined.

5 But for it to be
6 solicitation he would have to be trying
7 to get the kid or the penitent to engage
8 in sex with him and this does not do
9 that.

10 Q. So 39 on its reading is not
11 in itself a solicitation in the
12 confessional?

13 A. And I told you how I would
14 handle it before.

15 Q. Okay. Do you agree,
16 however, on having read 39 that it
17 certainly is suspicious of some
18 inappropriate use of the sacrament that
19 might merit, based on this in itself,
20 investigation by your office?

21 A. It is not solicitation. I
22 would -- I certainly would have had it
23 investigated if I knew of it. But we
24 couldn't treat it as solicitation. So
25 the things I said about solicitation

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1 would not apply to this.

2 Q. And you say had you known of
3 it. You have no recollection of having
4 received this information of any kind at
5 any time?

6 A. No.

7 Q. I'm going refer you,
8 Archbishop, to exhibit -- the next
9 exhibit, 39A, and it's actually two
10 pages.

11 A. Uh-huh.

12 Q. And 39A is dated August 18,
13 1999. This is six days after Exhibit-39.
14 And you can see it is addressed to the
15 writers of Exhibit-39, to the parents.

16 A. Yes.

17 Q. Okay. And you can also see
18 that it is sent from Monsignor Rohlfis,
19 Vicar General and Chancellor --

20 A. Yes.

21 Q. -- to this family.

22 A. Yes.

23 Q. And it is cc to you.

24 A. Yes.

25 Q. So do you remember receiving

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1 this copy, August 18th?

2 A. I do not.

3 Q. Not at all?

4 A. And again, I underscore the
5 kind of loose system that we had with the
6 two different buildings in Peoria. And
7 it could be sometimes two weeks of copies
8 that I would get when they moved them
9 from building to building and I sometimes
10 didn't have time to read them all.

11 Q. You would agree with the
12 sentence in paragraph three stated by
13 then Vicar General -- Rohlf, is he still
14 around?

15 A. Not in Peoria.

16 Q. Where is he now?

17 A. He's in Maryland.

18 Q. What's -- what's his
19 assignment?

20 A. He is rector of
21 Mount St. Mary's Seminary.

22 Q. So he's still a priest of
23 the Diocese of Peoria?

24 A. Yes.

25 Q. But extern right now?

1 A. Yes.

2 Q. Okay. You would agree --
3 would you agree with the statement made
4 by him to the family in paragraph three
5 in the last sentence, "It is certainly
6 inappropriate for a person who already
7 knows his sins to be questioned by the
8 priest in the fashion which you refer to
9 in your letter of August 12th."

10 Do you agree with that or
11 have enough information to agree or
12 disagree?

13 A. It's hard -- there are
14 situations when, for example, a --
15 someone who is a deaf-mute goes to
16 confession where they -- they can have
17 another person there to relate their sins
18 to the priest. So there -- it depends
19 somewhat on the situation.

20 But there has been a ruling
21 by the International Code Commission on
22 canon law, which I happen to be a voting
23 member, that people have a right to go
24 either face to face or behind a screen.
25 So there is a right to that. I would

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1 agree with that.

2 Q. Let's look at Exhibit-40 for
3 a moment and this would be dated
4 September 1, 1999. And again, to the
5 same family from Monsignor Rohlf's. In
6 this instance you are copied along with
7 Monsignor Campbell and the law firm is
8 copied.

9 Was this then the law firm
10 for -- for you as the Bishop and the
11 diocese?

12 A. I believe it's -- yes.
13 Heyl, Royster they were -- it's --

14 MR. FEEHAN: Yes.

15 THE WITNESS: -- the law
16 firm.

17 BY MR. ANDERSON:

18 Q. Do you remember having
19 received this copy of this letter?

20 A. I do not.

21 Q. Do you remember at this
22 point and time a family, whether it be
23 this family or any family, being
24 concerned about their well-being and
25 their identity being made known to

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1 Monsignor Maloney because they were
2 concerned about retaliation from him to
3 them or anything like that?

4 A. I don't remember the threat
5 of retaliation but I know that people
6 would -- could be worried that their
7 children would be treated differently in
8 school if it were known.

9 Q. You knew Monsignor Maloney
10 pretty well. Was he kind of an
11 intimidating figure as a priest?

12 A. No.

13 Q. He wasn't?

14 A. He was kind of an Irish
15 leprechaun.

16 Q. I'm going to refer you to
17 Exhibit-44 -- let's see. I've got an
18 exhibit that shows that you were --
19 July 10th -- no, let me -- just a moment.

20 A. Sure.

21 Q. I'm going refer you to
22 Exhibit-41, Archbishop.

23 A. Uh-huh.

24 Q. And this one is dated
25 September 1, 2000. I will take and use

1 the name of the people here and mark them
2 on the doe list as No. 6 and we will just
3 identify it as JT by initial just to
4 protect the identity of the individual
5 here.

6 A. Okay.

7 Q. Or individuals involved.

8 And this is a letter addressed to you
9 from these -- from this mom and dad.

10 My question to you is, do
11 you remember receiving this?

12 A. No, I do not.

13 Q. Okay. When we looked at
14 other exhibits from you --

15 MR. ANDERSON: Just for
16 purposes of foundation, Counsel,
17 is there -- is there any dispute
18 on foundation on any of these
19 exhibits in terms of this being --

20 MR. FEEHAN: As far as
21 genuineness?

22 MR. ANDERSON: Yeah.

23 MR. FEEHAN: No.

24 MR. FINNEGAN: You don't
25 want us to go through each one and

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1 ask if this is the signature for
2 the gifts?

3 MR. FEEHAN: The documents
4 that we supplied that -- I can't
5 vouch, for example, of letters
6 from [REDACTED] is this [REDACTED]
7 signature.

8 MR. ANDERSON: No, no, no.
9 I'm talking about diocesan
10 officials and that these coming
11 out of the files in the ordinary
12 course of business.

13 MR. FEEHAN: You'll get no
14 problem with me on the business --
15 Illinois has a business records
16 rule, Rule 236. Basically, the
17 burden would be on me to say that
18 if I produce them and I Bate stamp
19 them and they've got a diocese
20 logo on them or they come from
21 Monsignor Rohlfis or from Bishop,
22 now Archbishop Myers or
23 Bishop Jenky, they're -- they're
24 essentially deemed genuine.

25 MR. ANDERSON: Okay.

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1 MR. FEEHAN: As far as the
2 foundational issues, not a
3 problem.

4 MR. ANDERSON: Understood.
5 I appreciate that. It just takes
6 some time. Now, of course, on
7 this next exhibit we can't and
8 we're not asking about foundation
9 on this because it's a letter sent
10 from somebody else to the Bishop.

11 MR. FEEHAN: Right.

12 MR. ANDERSON: And then now
13 Archbishop. So that's a different
14 conversation. But it came out of
15 the file in any case in the
16 ordinary course of business.

17 MR. FEEHAN: Yes. I believe
18 it should have a Bates stamp on
19 there also underneath your exhibit
20 sticker.

21 MR. ANDERSON: Okay, thank
22 you. I appreciate it.

23

24 BY MR. ANDERSON:

25 Q. So the question I have is,

1 looking at this letter that is, at least,
2 addressed to you as you testify today you
3 don't remember having seen it, correct?

4 A. Yes.

5 Q. Do you -- do you think -- do
6 you dispute that you -- that you received
7 it in 2000?

8 A. I don't really know how to
9 answer that.

10 Q. Okay. Let me just read a
11 part of it.

12 MR. ANDERSON: And I
13 appreciate that it's out of
14 context, Counsel. But just for
15 purposes of time, I'm going to see
16 if it will help refresh his
17 recollection about the context of
18 the letter.

19 BY MR. ANDERSON:

20 Q. Now, taking the 2000 --
21 you'll see the bullet points in the
22 middle of it. There's something written
23 here that says, "Coincidentally, I saw
24 him in a Walgreen's parking lot after
25 9:00 p.m. on a school night in his car

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1 with a grade-school girl. She went in
2 alone and purchased about \$20.00 worth of
3 candy, then returned to his car. He
4 typically takes eighth grade girls from
5 school out to lunch at a place called
6 'The Pub'."

7 My question to you is I just
8 read from this, I appreciate it's out of
9 context, but does that information kind
10 of refresh your recollection about
11 information coming to you in about 2000
12 about concerns about Maloney and this
13 girl or others in that age group?

14 A. I just don't recall.

15 Q. Okay.

16 A. I really don't. And this
17 would have been shortly after he was made
18 a Monsignor.

19 Q. Okay.

20 A. One of the things that I
21 would have done, certainly, is have
22 anyone I was proposing to be Monsignor
23 vetted. In other words, go through the
24 files.

25 Q. I'm going to show you

1 Exhibit-42. And this would be to the
2 family that wrote Exhibit-41. And this
3 is from you, is it not?

4 A. It appears to be, yes. It
5 looks like my signature.

6 Q. And copied to
7 Monsignor Rohlfs?

8 A. Yes.

9 Q. And in the fourth paragraph
10 I will -- I will read the words that you
11 then wrote and then I'll ask you a
12 question.

13 "I do know that Father loves
14 people, especially young people, and that
15 he cares for them generously. We have
16 never had allegations of impropriety."

17 A. And that would be to the
18 best of my knowledge.

19 Q. Now, this was copied to
20 Rohlfs.

21 After you sent this to this
22 family did Monsignor Rohlfs ever come to
23 you and say, Bishop, you know, this
24 representation you made to the family on
25 September 14, 2002, may need to be

1 somehow changed because there's some
2 information that I have or that we have
3 in the files that shows otherwise?

4 A. No.

5 Q. This is, indeed, a
6 representation made by you to the family
7 that there had never been an allegation
8 of impropriety?

9 A. Yes.

10 Q. Do some of the documents I
11 showed you that are in this file earlier
12 indicate indications of impropriety by
13 him?

14 A. At least potentially.

15 Q. Who was involved in the
16 vetting of the Monsignor process when you
17 appointed or recommended Father Maloney
18 for the honorarium of Monsignor?

19 A. It would have been
20 Monsignor Rohlfs, Monsignor Campbell
21 and -- and myself. I don't know if I
22 would have gone -- sometimes I would have
23 gone to the superintendent of schools or
24 included a few others, diocesan
25 officials.

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1 Q. So when he was made a
2 Monsignor by you, I trust -- and
3 ultimately by Rome on your
4 recommendation?

5 A. Yes, yes.

6 Q. I trust there is a bit of a
7 kind of a celebration around that and
8 kind of a --

9 A. I think it was probably in
10 September.

11 Q. Yeah. And it would be like
12 the people in the community of faith both
13 where he had served or where was then
14 kind of -- kind of liked to give him
15 kudos for his years of service and you
16 would have been among those?

17 A. I would have presided at the
18 ceremony.

19 Q. You would have presided at
20 the ceremony?

21 A. Uh-huh.

22 Q. How many attended that?

23 A. Well, usually we had it at
24 the civic center and that would hold up
25 to 3,000 people.

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1 Q. And was he then represented
2 to you, not using these words, but in
3 effect represented by you as then the
4 Bishop to have been one of the finest
5 priests to have served in the diocese?

6 A. Not necessarily. Sometimes
7 it's -- it's positional. So he had been
8 Vicar a couple of times, at least. And
9 so it was a way to honor the ariete of
10 that area of the diocese too.

11 Q. How many priests had you so
12 honored as Bishop from Rome before
13 Maloney as Monsignor?

14 A. He was not alone. There was
15 a class. I usually waited every fourth
16 or fifth year. So I imagine 25 or 30
17 priests. But then my -- my first class
18 was -- it included 80 lay people.

19 Q. Before you -- before you
20 recommended him to Rome and Rome made the
21 determination to allow him to be named
22 and celebrated as a Monsignor, did you
23 send any documents or did the diocese
24 send any documents to Rome to vet him?
25 So they could vet him as you say you had

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1 vetted him?

2 A. No. The -- the procedure is
3 that you do about a half-page summary of
4 the life and services of each priest
5 recommended and Rome accepts that.

6 Q. You said you had vetted him.
7 How did you vet him then when you
8 appointed him?

9 A. If you will recall I asked
10 that files all be searched.

11 Q. I'm going to show you
12 Exhibit-45.

13 Did Campbell ever say
14 anything to you about the '95 report that
15 had been made when you were vetting him?

16 A. No, no, no.

17 Q. Nothing?

18 A. No.

19 Q. Did Rohlfs say anything
20 about that?

21 A. No.

22 Q. Ward? Did Ward?

23 A. No. He was not a diocesan
24 official.

25 Q. Okay.

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1 A. He was a local pastor.

2 Q. Okay. I'm going to show
3 you -- okay. I'm going to show you
4 Exhibit-45. I'm going to make this quick
5 because this appears to be a 2002 --
6 after, you know, you're here --

7 A. Uh-huh.

8 Q. -- as Archbishop. But you
9 are copied here so --

10 A. I don't know why I would be
11 copied.

12 Q. -- I'm going to show it to
13 you.

14 A. I don't know why I would
15 copied here.

16 Q. Well, this is dated
17 February 1, 2002. And -- and when you
18 left Peoria is it correct to say that --
19 actually, when you were appointed
20 Archbishop of Newark, is it correct to
21 say that they had not yet appointed and
22 installed a new Bishop in Peoria and so
23 there was a time frame in which you kind
24 of presided both Peoria and Newark?

25 A. No. Until I left Peoria on

1 October 1, 2001, I was the administrator,
2 not the diocesan Bishop. An
3 administrator has more limited power.
4 Monsignor Rohlf's was elected by the
5 consultors as an administrator. And
6 you'll see that he signs this as
7 administrator of the diocese.

8 Q. And so you'll see that as of
9 February 1, 2002, this letter sent by
10 then administrator Rohlf's, he was really
11 serving in your -- in the capacity of
12 Bishop but named as administrator?

13 A. He was elected administrator
14 by the college of consultors.

15 Q. Okay. And you're copied on
16 this letter.

17 Do you remember receiving
18 this?

19 A. No. And if you recall it
20 was right after 9/11 and my time was very
21 greatly occupied by memorial masses and
22 visiting families and helping families of
23 victims of 9/11.

24 Q. At some point in time I
25 think when I asked you about files, did

1 you tell me that you thought there may
2 have been separate files kept by the
3 Vicar General pertaining to Maloney or
4 other priests?

5 A. I -- I don't know who would
6 be included in those. But it was -- it's
7 my impression, maybe not a clear
8 recollection, that in the pastoral center
9 in the office of the Vicar General,
10 Chancellor and his secretary there were
11 files kept. I really don't know what
12 they were exactly.

13 Q. As Bishop of the Diocese of
14 Peoria is it correct to say that if there
15 is to be any land held by the diocese and
16 sold, it is the Bishop that has to
17 approve the sale and transfer of land or
18 property?

19 A. That's partly true. But
20 also at -- it's above certain levels, but
21 I don't remember what they were at that
22 time, Roman permission was also required,
23 Vatican permission.

24 Q. And the closing of a parish
25 also requires an expressed approval and

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1 authority of the Bishop?

2 A. Yes. But after consultation
3 with the pastoral council.

4 Q. And the quinquennial report
5 that is made by the diocese to the
6 Vatican --

7 A. Yes. We haven't made one in
8 seven years. But anyway that's --

9 Q. Peoria made it though,
10 didn't it?

11 A. We made it last in 2003, I
12 believe.

13 Q. Okay. Here we go.

14 A. Yeah. This Pope has not
15 called the American Bishops to make a
16 report.

17 Q. What about, you know, when
18 you were Coadjutor and Bishop of Peoria,
19 did you do such a report?

20 A. Yes. We did it in 1988,
21 1993, 1998 and then in 2003. 2003 was
22 for the Archdiocese and the others were
23 for Peoria.

24 Q. And in any of those
25 reports -- how did you make such a report

1 and what was the purpose of it?

2 A. They sent a different set of
3 question every -- every time. And I
4 asked different department heads to do a
5 draft of a report on their area of
6 responsibility and then I edited it.

7 Q. Did you ever raise concerns
8 or questions about problems of sexual
9 abuse by clergy in the Diocese of Peoria
10 with the Vatican either in or pertaining
11 to the quinquennial report?

12 A. I think I did it in '93 and
13 '98, both. I would have mentioned that
14 we had some of these incidents which I've
15 shared with you.

16 Q. Do you remember, today,
17 Archbishop what incidents you would have
18 mentioned at that time to the Vatican in
19 your report to them?

20 A. No. I may have been more
21 generic.

22 Q. Do you remember any Vatican
23 instruction or directive responsive to
24 your report of concerns about the sexual
25 abuse of those that you brought to them?

1 Or involvement at all by Vatican
2 officials?

3 A. We met with most of the
4 congregations, the divisions of the
5 Vatican, with the leadership, discussed
6 questions and met with the Pope. And
7 they had prepared for the Pope a one-page
8 summary of the diocese.

9 And whether or not there was
10 a specific directive I don't know. I
11 think the 2002 instruction from the CDF
12 would have been in Vatican response to
13 this kind of concern.

14 Q. Do you have or does the
15 diocese customarily keep a copy of the
16 quinquennial report?

17 A. Yes, they do and it's -- but
18 it's considered confidential, I believe.

19 Q. It is confidential under the
20 canon law or under directive from the
21 Vatican?

22 A. Canon law. That would be my
23 presupposition.

24 Q. Okay. Where would that be
25 held? Would that be in the cage?

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1 A. Wherever this Bishop of
2 Peoria wants it.

3 Q. When you were Bishop of
4 Peoria, you would have kept that in --

5 A. I kept a copy in my office.

6 Q. In your office?

7 A. Yes.

8 Q. What else -- what other
9 documents that would have any reference
10 to abuse or clergy abuse would be kept in
11 your office as the Bishop of the Diocese
12 of Peoria?

13 A. We would have used the --
14 the filing system.

15 Q. In 1994 there's some
16 indication that the United States
17 Catholic Conference Bishops sent out some
18 procedures that among others said that
19 even if a report of sexual abuse is made
20 anonymously, it should be investigated by
21 the Bishop.

22 A. Yes.

23 Q. My question to you is, do
24 you remember protocols being recommended
25 by the U -- UCCB regarding sexual abuse

1 in '94?

2 A. I -- I believe I do. And I
3 think we tried to comply.

4 Q. There is, and of course it's
5 now well known that Father Tom Doyle,
6 Ray Mooton and Ray Peterson made
7 reports --

8 A. Yes.

9 Q. -- to the Catholic
10 Conference of Bishops in '85 --

11 A. Yes.

12 Q. -- about the problem of
13 clerical sexual abuse.

14 A. Yes.

15 Q. I know you were not -- what
16 knowledge, if any, do you have about the
17 reports made to the Conference in '85?

18 A. I wasn't a Bishop but I was
19 in canon law studies with Father Doyle
20 and I don't hold him in high regard.

21 Q. Well, he's been a critic of
22 the Bishops you know that?

23 A. But an unfair critic for the
24 most part.

25 Q. And you also know that he

1 was also the canon lawyer to the
2 Apostolic See?

3 A. And he was fired from there.

4 Q. And you also know that he
5 was required and called upon to
6 investigate allegations of sexual abuse
7 by clergy in 1984 that led to the report
8 made to the Catholic Conference. You're
9 aware of that?

10 A. Yes.

11 Q. Okay. Now, you were as a
12 canon lawyer were -- and maybe you are
13 still a member of the Midwest Canon Law
14 Society, correct?

15 A. I'm not a member of that
16 society.

17 Q. Were you ever?

18 A. Yes.

19 Q. In 1990 there was a meeting
20 of the Canon Law Society.

21 A. Yes.

22 Q. And Bishop, then auxiliary
23 Bishop Quinton from Cleveland, presented
24 and presided that?

25 A. That's correct.

1 Q. Do you have a memory of that
2 meeting?

3 A. Not a clear memory. I just
4 remember that Jim spoke to us.

5 Q. Okay. I'm just going to
6 show you some stuff from it and see if
7 it --

8 MR. FEEHAN: Have these been
9 produced in discovery?

10 MR. ANDERSON: I don't know.

11 MR. FEEHAN: Well, you know
12 you have an obligation to produce
13 those to us. How long have you
14 had this?

15 The rules of Illinois say
16 you have an obligation to
17 seasonably supplement us with any
18 new documents that you obtain.

19 MR. ANDERSON: Well, we
20 didn't obtain these in this case.
21 These are documents we've
22 obtained --

23 MR. FEEHAN: Well, you're
24 using them in this case,
25 obviously.

1 MR. ANDERSON: Okay. Well,
2 if you have an objection and it's
3 inappropriate, you know, I'll --

4 MR. FEEHAN: Here's my
5 objection. It can be cured.

6 My objection is those were
7 not seasonally produced to us.
8 They should not be allowed to be
9 used in this case. And I'm going
10 to ask the judge to not let you
11 use them in the case.

12 MR. ANDERSON: Okay.

13 MR. FEEHAN: Because
14 otherwise you're ambushing me with
15 them right now and the witness. I
16 have no opportunity to even review
17 those in advance which is the
18 whole purpose of the rule.

19 MR. ANDERSON: Joe, if it
20 requires me -- in order to use it
21 and ask him questions about it
22 and, you know, it's not
23 appropriate to do that, I'm not
24 going to do that, okay? So if
25 that's the case I'm not going to

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1 do it.

2 So are you saying that
3 because I haven't produced it to
4 you I shouldn't ask him about it?

5 MR. FEEHAN: I'm saying --

6 MR. ANDERSON: For example,
7 what I want to do -- let me just
8 tell you what I want to do and
9 then see if you object to it,
10 okay?

11 I want to show him parts of
12 the presentation done and see if
13 he remembers that, having been
14 there -- there and/or has any
15 comment on what was said there.

16 MR. FEEHAN: I don't have
17 any problem with him looking at
18 that as long as he has plenty of
19 time to sit here and look at it
20 and digest it in the context as
21 opposed to just taking out
22 sentences.

23 I don't know if you've got
24 that much time here today. But I
25 will not agree to come back or

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1 have any further depositions on
2 documents that were not previously
3 disclosed to us.

4 MR. ANDERSON: No. I
5 understand that. I'm not going
6 to --

7 THE WITNESS: If I could,
8 Jeff, just to -- in 1987 when I
9 went to -- I was running for
10 president, vice president --
11 president of the Canon Law
12 Society. And -- and there was a
13 very unfortunate incident at the
14 convention in 1987 and I have not
15 been back since. So I wasn't at
16 the 1990 meeting.

17 MR. ANDERSON: Okay. Let's
18 forget it.

19 MR. FEEHAN: That takes care
20 of that.

21 BY MR. ANDERSON:

22 Q. As part of the -- as part of
23 the Canon Law Society do you have any
24 recollection of protocols being advocated
25 and/or practiced by the canon lawyers and

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1 as advisors to the Bishop that would
2 cause scandalous documents evidencing
3 sexual abuse by priests to be sent to the
4 Apostolic See so they could be protected
5 under a seal of the papal kind of thing?

6 A. No. I'm not aware of
7 anything like that.

8 Q. To your knowledge did the
9 Diocese of Peoria, or any other Bishops
10 for that matter while you were Bishop
11 there, engage in such a practice?

12 A. No.

13 Q. Okay.

14 A. And I don't think the
15 Apostolic Nunciature would accept
16 information under those -- under that
17 auspice.

18 Q. While you were Bishop of
19 Peoria -- wait a minute.

20 Before you became Bishop and
21 appointed and installed as Bishop in
22 Peoria, was there a shortage of priests
23 in Peoria?

24 A. No.

25 Q. Was there a shortage of

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1 priests while you were Bishop?

2 A. No.

3 Q. Was there -- to your
4 knowledge has there been a shortage of
5 priests in that area since?

6 A. To some degree.

7 Q. In general, has there been a
8 shortage of priests in America?

9 A. It depends on the area.

10 Q. Do you think that that
11 shortage of priests at any time, at least
12 from your perspective, has caused bishops
13 to keep priests that were otherwise
14 unfit?

15 A. No. I have -- I have more
16 priests than I can use here.

17 Q. You're unusual from my
18 experience, at least, having talked to a
19 few folks like yourself. But that's good
20 for you too.

21 A. Uh-huh.

22 Q. In terms of treatment
23 facilities for priests who have offended,
24 some of whom you identified to us by name
25 and we discussed very early in this

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1 deposition, did you, yourself, ever get
2 involved in the -- the sending of any of
3 those priests to any -- any facilities
4 for evaluation on their fitness to
5 continue in ministry?

6 A. Yes.

7 Q. What facilities did you use?

8 A. Southtown St. John Vianney
9 and Benedict Rochelle's group here. And
10 if -- if -- if drugs or alcohol were
11 involved, then Guest House.

12 Q. What about if it just
13 involved -- often times sexual abuse and
14 drugs and alcohol kind of went hand in
15 hand with this problem, did it not?

16 A. Yes.

17 Q. So if it was -- if it
18 involved just drugs or alcohol, you would
19 send them to Guest House?

20 A. Uh-huh.

21 Q. But if it involved drugs and
22 alcohol and/or sexual abuse -- excuse me.

23 If it involved drugs and
24 alcohol and sexual abuse you would send
25 them to Southtown St. John Vianney?

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1 A. And -- and the other place
2 in -- in Maryland.

3 Q. Well, there's St. Lukes?
4 St. Lukes?

5 A. St. Lukes.

6 Q. What about the Servants of
7 the Paraclete in New Mexico? Did you
8 Send anyone there?

9 A. I've never sent anyone
10 there.

11 Q. Were you familiar that they
12 have a facility there, treatment
13 facility?

14 A. Yes, yeah. We would have
15 priests from here, unfortunately, who
16 attended there.

17 Q. Did you have priests attend
18 there from the Diocese of Peoria at any
19 time for any sexual --

20 A. Not to the best of my
21 knowledge. I use these other facilities.

22 We also -- there's also a
23 place in St. Louis. I just don't
24 remember what it is.

25 MR. CARELLA: That might

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1 also have been run by the Servants
2 of the Paraclete.

3 MR. ANDERSON: There was a
4 Servants of the Paraclete in
5 St. Louis also?

6 MR. CARELLA: Yes.

7 BY MR. ANDERSON:

8 Q. Did you ever have a protocol
9 while Bishop that you would go to the, or
10 practice, where you'd go to the parish to
11 make sure the priests that were serving
12 and working under you were fit to be and
13 continue as priests either in parish or
14 in ministry?

15 A. Well, as I described to you,
16 I got to every parish every six years and
17 the big ones every year. And of course I
18 was checking for things like that. At
19 the same time in a small borough diocese
20 you have some parishes that are 50, 60,
21 70 families and -- and you don't have to
22 be a Harvard grad to be pastor there.

23 Q. And was Peoria a small
24 borough diocese?

25 A. Yes.

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1 Q. Okay. And the numbers of
2 priests you had at that time, at least
3 while you were Bishop, was approximately
4 how many in number, roughly?

5 A. I would think 200 to 250.
6 I'm not absolutely certain.

7 Q. And did you ever ask or
8 request that any of your consultors, be
9 it the Vicar General, the Chancellor, the
10 Vicar Clerk for clergy or any of your
11 appointed officials review the files of
12 the priests that both predated you and
13 served under you to make sure that the
14 files didn't have evidence of unfitness,
15 to pose a risk of harm to kids?

16 A. I would have asked the
17 priest personnel board to do that.

18 Q. Do you remember asking the
19 board to review every file to make sure
20 there wasn't anything in there?

21 A. I asked them to make sure
22 that when they proposed an assignment,
23 that they were secure that it was good
24 for the parish and good for the church.

25 Q. Did the priest personnel

1 board have access to the entire file
2 including that -- the gated or caged
3 file?

4 A. To the best of -- I don't
5 know about that. But to the best of my
6 knowledge they had general access to the
7 files.

8 Q. What about the files
9 maintained by Campbell? Did they have
10 access to them?

11 A. I don't know.

12 Q. Was he always on the priest
13 personnel board file -- excuse me, priest
14 personnel board?

15 A. I don't think he was a
16 member of the priest personnel board.

17 Q. So Campbell's knowledge that
18 he gained as reflected in some of the
19 letters he sent and now reviewed by us in
20 this file would not necessarily be
21 available to the priest personnel board
22 when you asked them to review the priest
23 for fitness and sexual abuse allegations?

24 A. I can't really answer your
25 question. I don't know.

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1 Q. Okay. Are there any other
2 files that you know of that we haven't
3 talked about that may have existed or do
4 exist pertaining to the priests of
5 Peoria?

6 A. I don't understand the
7 question.

8 Q. Any other files that were
9 maintained by Peoria where there might be
10 letters, evidence of sexual abuse,
11 history and things like that that we
12 haven't talked about?

13 A. Not to the best of my
14 knowledge.

15 Q. At any point when you dealt
16 with the five priests you identified by
17 name as having had allegations of sexual
18 abuse, four of whom I believe you deem to
19 have been credible?

20 A. Uh-huh.

21 Q. Correct?

22 A. Yes.

23 Q. Did you at any time ever
24 make the information that you got
25 concerning the investigation done by your

1 officials available to the public by
2 letting them know that these priests were
3 being removed because of credible
4 allegations?

5 A. No. That was not the
6 practice at that time.

7 Q. Why not?

8 A. It just wasn't the practice.
9 It now has become the practice but it
10 wasn't then.

11 Q. Did -- did -- was there
12 something then in terms of practice in
13 the canon law and the requirement to
14 avoid scandal that kind of overrode or
15 influenced the practice back then?

16 A. I think that there was a
17 great sensitivity to caring for victims
18 but also to the reputation of priests.
19 If a priest loses his reputation, he's
20 done.

21 Q. And the canon law does talk
22 in one of the sections we talked about,
23 489, talks about the avoidance of
24 scandal. And I think that appears in
25 canon law?

1 A. Yes.

2 Q. As a canonist you get that
3 piece?

4 A. Yes.

5 Q. Is it fair to say, Bishop,
6 on reflection that at least, you know, in
7 the '80s -- or the '70s, '80s and '90s
8 certainly there was a practice where a
9 Bishop would be indeed loyal to a priest
10 wanting to take care of a priest and also
11 concerned for scandal?

12 A. Yes. And it would have been
13 more so in the '60s and '70s. In the
14 '80s it started to shift and the bishop's
15 tended to adopt a psychiatric style, I
16 guess would be the best thing. You know,
17 evaluation, treatment, and then follow
18 the recommendation of those who did the
19 treatment.

20 Q. In a small diocese like
21 Peoria is it fair to say that the Bishop
22 would become pretty close to the priests
23 because they were fewer in number than a
24 large diocese like this?

25 A. It certainly was true for

1 me. I mean I grew up in the Diocese of
2 Peoria and I knew the priests and we had
3 been vocation director and Chancellor and
4 Vicar General.

5 And so yes, I did know the
6 priests. And so the answer is basically,
7 yes.

8 Q. Do you think there was until
9 1992, let's say just as an earmark, kind
10 of a loyalty by Bishops to priests that
11 made them deeply concerned about the
12 well-being of the priests and making sure
13 they got help that sometimes led to not
14 thinking about the risk of the priest
15 re-offending when it involved sexual
16 abuse?

17 A. I think if a mistake were
18 made, it would have been on taking the
19 advice of psychiatric professionals
20 because basically what -- that's what we
21 relied on.

22 Q. When you look at some of
23 these documents that I showed you
24 concerning some of the complaints
25 involving Maloney, does it appear to you

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1 that there was -- there were mistakes
2 made by the Diocese of Peoria in
3 continuing him in ministry and exalting
4 him to Monsignor?

5 A. Well, I don't know if being
6 a -- I was never a Monsignor so I --

7 Q. No. Exalting him to
8 Monsignor.

9 A. I don't know if that's being
10 exalted or not.

11 Q. Okay.

12 A. But, you know, having seen
13 all of this together, you know, I think
14 other questions should have been asked.
15 But I hadn't seen it all together. So
16 it's just a hypothetical.

17 Q. Do you think that
18 Monsignor Campbell was so close to
19 Monsignor, then Father Maloney, that he
20 may have erred because of that
21 relationship?

22 A. No.

23 Q. Okay.

24 A. They -- they were not close.

25 Q. They were not, okay.

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1 A. No.

2 Q. If he erred then, why would
3 you think that would have been so and not
4 brought some of this stuff that he had in
5 his possession to you.

6 A. Because he was a counsellor
7 and trained for counselling. And so the
8 pattern that the church was following was
9 one that he was comfortable with.

10 Q. To your knowledge has any
11 diocesan official from Peoria, or any
12 other diocese for that matter, ever gone
13 to Maloney and asked him before he died,
14 did you sexual abuse Andrew Ward?

15 A. I don't know of anyone
16 asking the question. I do know that when
17 he called me to say he was going to go
18 off hemodialysis, he also said, how can
19 they tell these lies about me? He was
20 referring to the newspaper article which
21 I mentioned.

22 But he said I don't want to
23 live in this condition any longer.

24 Q. And at the time he said that
25 did you know about -- about doe No. 3

Archbishop John Myers - 5/12/2010
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1 right here (Indicating) --

2 A. If I can see what it is.

3 No, I do not.

4 Q. -- this woman having brought
5 allegations of sexual abuse forward?

6 A. No, I do not.

7 Q. Okay. So you weren't able
8 to ask him, well, what about this other
9 one?

10 A. No, no.

11 Q. You didn't know, at least if
12 I heard you correctly today, about what
13 No. 4 brought forward here (Indicating)?

14 A. No, no.

15 Q. And you didn't know when you
16 talked to him near his death about No. 5?

17 A. That's correct.

18 Q. And you didn't know, or at
19 least have a recollection, of No. 6?

20 A. That's correct.

21 MR. ANDERSON: Just let me
22 take a moment. I'm going to
23 consult the brains here.

24 MR. FEEHAN: Fine.

25 BY MR. ANDERSON:

1 Q. When and how did you have
2 the conversation with Monsignor Maloney
3 that you just talked to? What was the
4 circumstances?

5 A. That he -- I was out at my
6 country place and he called me. I knew
7 he had been ill and that he was in kidney
8 failure and dialysis and he had heart
9 problems and that he had become quite
10 feeble. So he called me just to say and
11 he -- I called him Tommy and he called me
12 Johnny. That -- that I'm -- he said I'm
13 going to pull the plug tomorrow. And so
14 he said, I won't be around much longer.

15 Q. How much longer after that
16 did he live?

17 A. Three or four days.

18 Q. After you became installed
19 as the Archbishop of Newark, do you
20 remember receiving any information apart
21 from this lawsuit that brings us here
22 today --

23 A. Uh-huh.

24 Q. -- that Maloney had been
25 earlier accused of sexual abuse of boys

Archbishop John Myers - 5/12/2010
Andrew Ward vs. The Catholic Diocese of Peoria, et al.

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1 or girls?

2 A. No. I think the -- the
3 clear proof of that is that I sent his
4 name in to Rome to be a Monsignor. I
5 never would have done that to the church.

6 Q. In your experience at the
7 Bishop's Conference, either the National
8 Catholic Conference of Bishops or the
9 U.S. Catholic Conference of Bishops, had
10 conferences that you have attended where
11 the topic of sexual abuse by clergy was
12 definitively or in any way addressed
13 prior to 2002?

14 A. Not definitively but it
15 was -- it was a concern. We did have
16 committees work on it. And the Bishops
17 were increasing their awareness.

18 Q. You were on the Ad Hoc
19 Committee in 2002, weren't you?

20 A. I don't remember if I was a
21 member or if I was a spokesman for -- for
22 what was going on. One or the other.

23 Q. I read in your CV that you
24 were on the Ad Hoc Committee.

25 A. Well, Okay.

1 Q. Do you remember doing
2 anything if you were on the Ad Hoc
3 Committee?

4 A. Sure. I would have to go to
5 meetings. But also, they used me as a
6 spokesperson for the media because it was
7 a media frenzy.

8 Q. Okay. And what were you
9 supposed to say to the media about this
10 topic?

11 A. That it's a problem, we're
12 taking it seriously and we intend to get
13 to the bottom of it.

14 Q. How long, in your own
15 experience, had you believed that it was
16 a problem before you became a spokesman
17 and identified it as such in 2002?

18 A. I -- I started to become
19 aware of it in the mid '80s through work
20 with the Canon Law Society and then just
21 increasingly as -- I know it's hard for
22 people to believe but Bishop O'Rourke
23 just did not bring me in on those things
24 when he was the Bishop.

25 Q. And it sounds like he really

1 kept it close to his vest?

2 A. He did.

3 Q. Yeah. And --

4 A. I think that was his Irish
5 blood.

6 Q. Did you ever bring concerns
7 to the Vatican that the way the Vatican
8 was dealing with the sexual abuse and
9 requiring the Bishops to deal with it was
10 in some way infirm or deficient?

11 A. Yes. We -- we would do it
12 during our meetings with the congregation
13 for clergy and the CDF. And we did
14 express our concerns and they understood
15 them. And the wheels turned slowly but
16 they're -- they turned.

17 Q. Did you, while Bishop of
18 Peoria, ever raise such a concern to the
19 level of the Vatican? Any officials --

20 A. We would meet in groups. So
21 the -- region seven is 30 bishops. And
22 so 30 Bishops would meet with the various
23 head of dicastery, as we call it, and the
24 concerns surfaced.

25 But it -- well, I don't want

1 to say too much. But, you know, not all
2 Bishops were of one mind in the matter.

3 Q. I'm sure. But talking to
4 your mind in terms of the concerns that
5 you raised in these meetings as a Bishop
6 of Peoria, did you feel and express to
7 the Vatican officials that the canon law
8 was tying your hands in terms of really
9 dealing with this issue effectively?
10 That is, the issue of sexual abuse.

11 A. Well, I helped teach the
12 bishops 1983 code. And I think that that
13 code of canon law is deficient in that it
14 makes it difficult for Bishops to do what
15 they would want to do and should do.

16 Q. And it's really the
17 provisions in the code that really
18 require to you avoid scandal and keep
19 certain things secret that you think
20 otherwise should not have been, is that
21 fair to say?

22 A. I wouldn't go that far.
23 It's usually the procedures that --
24 that -- that the -- the code of canon law
25 is -- it imitates the Napoleonic Code to

1 a great degree. And because that's true
2 procedures are utterly important. And
3 Americans aren't especially good at some
4 of those procedures, although we're
5 learning quickly.

6 Q. And they are procedures that
7 must be obeyed because as a Bishop you
8 make and take a vow of obedience to the
9 Holy Father?

10 A. That's right.

11 Q. Did the Vatican officials
12 while Bishop of Peoria ever respond or
13 seem like they were capable of addressing
14 the concerns raised by you concerning
15 this issue?

16 MR. FEEHAN: Just, again,
17 objection to scope. We've got
18 about another ten minutes.

19 MR. ANDERSON: I'm going to
20 be done in ten.

21 MR. FEEHAN: And these
22 questions aren't about Maloney.

23 MR. ANDERSON: Well, yeah,
24 they are. They are, Joe. But I'm
25 going to be done in ten so

Archbishop John Myers - 5/12/2010
Andrew Ward vs. The Catholic Diocese of Peoria, et al.

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1 don't -- don't worry.

2 MR. FEEHAN: Okay. Well,
3 let's try to get these on Maloney.

4 Did the Vatican ever send
5 you any communications about
6 Maloney?

7 THE WITNESS: No.

8 MR. ANDERSON: Well -- you
9 know, it was a more general
10 question because we're talking
11 about the general practices at the
12 time and the general protocols at
13 the time and in -- well, Maloney
14 specifically as well.

15 BY MR. ANDERSON:

16 Q. So the question is, did
17 Vatican officials, at the CDF or
18 otherwise, ever give you adequate
19 responses to the concerns raised?

20 A. I would say that they
21 genuinely tried to listen and to
22 understand. But I did think they found
23 it difficult to understand American
24 society and how the media functioned in
25 American society.

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1 Q. Was there a requirement or a
2 practice where if there was a lawsuit
3 brought that pertained to sexual abuse by
4 clergy against the Diocese of Peoria that
5 it would go to the Vatican?

6 A. No.

7 Q. Would the Vatican get
8 involved in litigation at all?

9 A. No.

10 Q. Would bishops consult with
11 one another about the litigations?

12 A. Yes.

13 Q. Did you ever have any
14 discussions with Cardinal Rossinger about
15 the topic of sexual abuse and what was
16 happening?

17 A. Not directly with
18 Cardinal Rossinger but with officials of
19 the CDF. And I go along with
20 John Allen's analysis. I'm sure you're
21 surprised I read John Allen.

22 But he said this Pope has,
23 more than any other, has really taken
24 leadership in these matters in a recent
25 NCR article on line.

Archbishop John Myers - 5/12/2010
Andrew Ward vs. The Catholic Diocese of Peoria, et al.

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1 Q. Well, I'm not surprised you
2 read John Allen. Why do you think I
3 would be surprised that you would read
4 him?

5 A. Because of the image some
6 people have of me.

7 Q. I don't know what that is.
8 What are you referring to? Really,
9 seriously, the image. What do you
10 mean by that?

11 A. Some people think of me as a
12 hopeless conservative.

13 Q. Okay. You are a
14 traditionalist conservative, I trust,
15 theologically?

16 A. I'm with the church. But
17 I'm -- obviously, I have Seton Hall
18 University, and you know, a thousand
19 priests, and well, maybe a million and a
20 half Catholics and we live at peace.

21 Q. I've got to go back to this.
22 I touched on it but I didn't complete the
23 question that I wanted to complete. I
24 think it's the last question.

25 Going back to the Diocese of

1 Peoria when you presided and the written
2 policies pertaining to the sexual abuse
3 if they existed.

4 Were there at that -- at the
5 time that you were Bishop were there ever
6 written policies implemented by you that
7 applied to the clerics and the employees
8 of the diocese pertaining to sexual abuse
9 protocol?

10 A. I believe so. I believe you
11 would find it in synod six and synod
12 seven. And that you would find them in
13 the policy handbook for the Catholic
14 schools.

15 Q. Would they have been only
16 for the Catholic schools then?

17 A. Not synod six and synod
18 seven. That was a particular law for the
19 whole diocese, for everyone.

20 Q. Okay. What is that?

21 MR. ANDERSON: Are you able
22 to produce that for us, Joe?

23 MR. FEEHAN: If you send
24 me -- you want -- which year do
25 you want a policy for?

Archbishop John Myers - 5/12/2010
Andrew Ward vs. The Catholic Diocese of Peoria, et al.

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1 MR. ANDERSON: What year do
2 you think you had written policy?

3 MR. FEEHAN: There are -- if
4 you wanted them right now, it's on
5 line. You just print it right
6 off.

7 MR. ANDERSON: I would -- I
8 would want the --

9 BY MR. ANDERSON:

10 Q. When do you think there was
11 first -- a first written policy
12 promulgated by you, as Bishop, that was
13 pertinent to sexual abuse?

14 A. Well, I'm not sure -- I
15 think they pre-existed me. O'Rourke
16 became Bishop in 1971. I -- I joined the
17 Chancery staff in 1977. I -- I would
18 think sometime in the '70s or early '80s
19 that there would be written policies.

20 Q. Okay.

21 MR. FEEHAN: I -- I
22 personally am aware of policies
23 being in existence throughout, you
24 know, from the mid '90s on.

25 MR. ANDERSON: Okay.

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Andrew Ward vs. The Catholic Diocese of Peoria, et al.

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1 MR. FEEHAN: And they've
2 been tweaked every once in a
3 while.

4 BY MR. ANDERSON:

5 Q. So did you, yourself, ever
6 cause to be implemented any particular
7 policies or protocols specific to sexual
8 abuse by the clergy or the laity of the
9 diocese? Not by the laity, the employees
10 I mean.

11 A. Yeah. To the best of my
12 recollection when I did, and I'm not
13 certain, is to say that there should not
14 be young people manning the desks in the
15 rectories. You know, that young people
16 should not work in the rectories of the
17 Diocese. That would be one specific
18 instance.

19 Q. Was that an oral kind of
20 instruction or a written?

21 A. No. I think I did something
22 in writing.

23 Q. Okay.

24 MR. ANDERSON: If that does
25 exist and if you're able to locate

Archbishop John Myers - 5/12/2010
Andrew Ward vs. The Catholic Diocese of Peoria, et al.

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1 it and produce it, can this serve
2 as a request for it, Joe?

3 MR. FEEHAN: Sure.

4 MR. ANDERSON: And if
5 there's any other policies during
6 that time that were written by his
7 predecessor or promulgated before
8 his installation as Archbishop
9 here, I'd make a request for that.

10 MR. FEEHAN: Sure. Can you
11 follow up with a letter?

12 MR. ANDERSON: I will -- he
13 will. Thank you, Archbishop.

14 THE WITNESS: Thank you,
15 gentlemen.

16 THE VIDEOGRAPHER: That will
17 conclude this deposition at 4:58.

18
19 (Witness excused.)

20
21 (Deposition concluded at
22 approximately 4:58 p.m.)

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CERTIFICATE

I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

It was requested before completion of the deposition that the witness, ARCHBISHOP JOHN MYERS, have the opportunity to read and sign the deposition transcript.

Beth Ann Sauro, a
Professional Shorthand Reporter
and Notary Public in and for the
Commonwealth of Pennsylvania
Dated: May 20, 2010

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

1 INSTRUCTIONS TO WITNESS

2

3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within 30 (30) days of
17 receipt of the deposition transcript by
18 you. If you fail to do so, the
19 deposition transcript may be deemed to be
20 accurate and may be used in court.

21

22

23

24

25

DOE LIST

EX-A

2/23

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KS

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JJ

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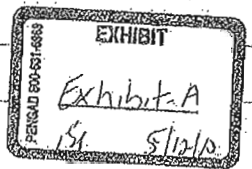
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April 12, 1966

Very Rev. Conrad Falk, O.S.B.
Rector
Immaculate Conception Seminary
Conception, Missouri

Dear Father Conrad:

Enclosed is a certificate attesting that Louis Anthony Sigman has received the last two Minor Orders.

Bishop Franz has asked me to acknowledge your letter of April 9, 1966, reporting the action of your faculty in reference to the promotion of our students to various Orders for which they would be eligible,

The picture of Thomas Maloney is not exactly clear to the Bishop. It appears that the main problem with Thomas at this time is a lack of prudent judgment and an unwillingness to ask advice. Could you give the Bishop some clarification of that problem? The report we received from the seminary in regard to Thomas in May of 1965 described his "emotional reactions and judgment" as somewhat above average. The report described him as well above average in cooperation and humility. Has there been some kind of a marked change in him during the past year, or do last May's report and the present concern of the faculty refer to different types of judgment? Can you give us a clearer picture of how his lack of judgment and his unwillingness to seek advice shows itself? In what areas of judgment has he occasioned the faculty's concern? The Bishop is anxious to get as accurate a picture as possible about the problem. A real lack of judgment in a priest can cause more harm than all his zeal might be able to undo. The Bishop will be grateful for any further help you can give him in the matter.

Sincerely yours,

Rt. Rev. Msgr. George A. Carton
Chancellor

GAC/smw
encl.: certificate of ordination

Exhibit 05

R6455
D-0271

COPY

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Office of the Bishop

Rev. Thomas Maloney
Church of St. Joseph
225 Owsley
Chenoa, IL 61726

Dear Tom:

I really do feel a bit squeamish about being the recipient of your much-loved camera. I would be very happy to hand it back and to look for one on my own. As usual, your spontaneous generosity is too much. Thank you for that. Even more fun is your sense of humor.

Try to keep [redacted] holding on. Maybe I can do something in January.

With kindest personal regards, I am

Sincerely in the Lord,

Sincerely in the Lord,

+ Most Reverend John J. Myers
BISHOP OF PEORIA

JJM/epp

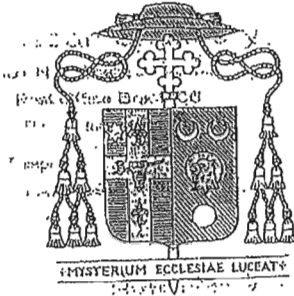
Diocesan Chancery

807 N. E. Madison Avenue
Post Office Box 1406
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

November 9, 1992

Exhibit 23

R6455
D-0134



Office of the Bishop

Diocesan Chancery

607 N. E. Madison Avenue
Post Office Box 1406
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

March 13, 1992

Rev. Thomas Maloney
Church of St. Joseph
225 Owsley
Chenoa, IL 61726

Dear Tom:

Just a note to thank you for the silver. That one is even too big for a watch, for it could be tied around one's neck like the proverbial millstone.

It was good to see you. Hope things are going well.

With kindest personal regards, I am,

Fraternally,

+ Most Reverend John J. Myers
BISHOP OF PEORIA

Exhibit 24

R6455
D-0135

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+MYSTERIUM ECCLESIAE LUCEAT+

Office of the Bishop

Diocesan Chancery

607 N. E. Madison Avenue
Post Office Box, 1406
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

January 30, 1995

Rev. Thomas Maloney
Church of St. Joseph
225 Owsley
Chenoa, IL 61726

Dear Tom:

Just a note to thank you for the lunch. I do enjoy our chats. -I am grateful also for your gift. I'll try not to lose it all at the "dogs" in Florida. From February 4 through about the 15th, Al and I should be at the Gene Lamb condo on Captiva. I will put the address and phone number at the bottom of the letter.

I'm not quite sure of the phone number of the place we will be for the additional week, but the Chancery or St. Columba Parish will have the number after we arrive.

All the best,

Fraternally,

+Most Reverend John J. Myers
BISHOP OF PEORIA

JJM/epp

Tom -
Captiva



Chancery will have the number for after February 14.

9

Exhibit 26

R6455
D-0132

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Office of the Vicar General

412 N.E. Madison Avenue

Peoria, Illinois 61603-3720

Telephone 309-671-1550

FAX 309-671-1568

DIocese of Peoria

To: File of Rev. Thomas Maloney

From: Msgr. James F. Campbell JFC

Date: December 6, 1995

Subject: Incident Report

The following information concerning this case came this date from Father Ward.

Father Ward was contacted by a woman, now living in Springfield, Illinois, formerly of Bloomington.

The Springfield woman said she was calling on behalf of her sister, who live in New York and was formerly of Bloomington.

The New York woman alleges that Father Maloney abused her when he was stationed at Epiphany in Normal.

The New York woman now wants Father Maloney confronted and stopped if he is now engaged in sexual activity with children.

I asked Father Ward to contact the woman in Springfield in order that she might talk with her sister in New York. My request to the New York sister is that she call or write, giving her name, so that Father Maloney may be confronted.

I asked Father Ward to indicate that there would be no way to confront Father Maloney without clear indication of an allegation against him and to indicate, at the same time, that we do not doubt her sincerity. However, Father Maloney has the right to defend himself against any person making allegations touching on his reputation.

The alleged incident involving Father Maloney took place when the alleged victim was 10 years of age. She is now 32 years old.

At this writing I am awaiting a call from Father Ward or from the woman in Springfield.





JAN 4 1956

GENERAL CHANCELLOR

Dear Monsignor,

I'm writing this letter with very mixed feelings right now. I'm having a lot of trouble understanding what + why things are happening at Epiphany Parish. When I saw Father King's picture had been removed it breaks my heart.

About two years ago my husband who had fallen away from the church and I decided we weren't complete without the catholic church in our lives. We went to Father King. He very graciously explained what all the steps would be in getting my husband back in good grace and me + our son baptized.

Throughout my instructions I could have never asked for a more

wonderful person to
teach me than Father King.
His love for the catholic
church and religion was
so great, it made me
want to learn everything
there is to know. That
love of his very quickly
became my love. Also in
my daily prayers I thank
god for Father King for
playing such an instrumental
role in my teachings.
When we got our
new priest I was totally
shocked at the way mass
was given and I don't
mean that past tense.

Father Maloney
prances or parades
around the church with
his collar flopping. Once
mass begins and through-
out its context he
sits on the altar laughing

with the altar kids and I don't just mean since they smiled. That doesn't show much respect for the altar or the mass does it? And the creed that's the big joke. He had a copy here third of it. He labeled out before anyone can get on their feet and join in. I always look around and the other parishioners are always lost to so I don't feel so bad ~~except~~ except I didn't get to recite it and it is an important part of mass isn't it? In his first four months I have yet to follow any Eucharist prayer because he doesn't follow them. Other than the readings the missalette is really useless. Maybe we should save our money

from Epiphany and not
get the missal any more

I'm always glad
when the peacock assists
at mass because at least
there's one friendly face
greeting the parishioners.

Now as to what
I find most disturbing

when I realized that the
kings picture was gone

from the church. My
heart broke for a man

who devoted so much of
his life to the Epiphany

Church to have his picture
removed is a disgrace.

Not only to the man
but also to the parishioners

One Dec 17th when
I went to the 10:30 mass

I started to get very
emotional immediately

upon entering the church.
My eyes went straight

to where the picture
hung and there was the
empty hole where the
nail use to be.

I cried through
the entire mass. When
it ended I decided to
ask why the picture was
gone.

As I approached Father
Maloney he was once again
~~acting~~ acting unprofessional
hugging this kissing on
the cheek a rather young
teenage girl.

I asked if I could
speak to him in the sacristy.
I tried through my tears
to explain to him I was
a convert and how hard
the whole transition has
been for me. I asked why
the picture was gone? He
started to tell me it
is at the school. I already

knew that because I
have a son in his
second year of preschool
this

He proceeded to
tell me how hard this
transition is on him
My exact words to him were
"You are going to put the
picture back up aren't you?"
He told me "That's a
decision I'll have to make"
He said he told us there
would be some changes
I told him I would play
he made the right decision
I was so upset I had to
sit in my van for quite
awhile and regain my
composure before I could
drive I got the impression
he really didn't care what
I thought.

I remember Father
King teaching me that

the church is the people
If we the people would like
to see the picture as
we enter the church
what's wrong with it
hanging in the entryway?
It's a beautiful picture
of a beautiful + faith-filled
man. Someone I will be
grateful to forever for
placing god's grace on my
son + God giving us the
example of what a true
Catholic should be.

Thank you for your
understanding in this
situation.

Sincerely + Prayerfully



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○

January 5, 1996

Reverend Thomas Maloney
Epiphany Church
1006 East College Avenue
Normal, Illinois 61761

Dear Father:

Enclosed please find a letter from [REDACTED]. She seemed saddened about many things. Perhaps a conversation or two with her might be of some help.

Perhaps you could also consider putting Father King's picture back in the church. It would seem the pastoral thing to do, Tom.

I am sorry that you are having these transition problems. Evidently Father King left a large pair of shoes behind him to be filled.

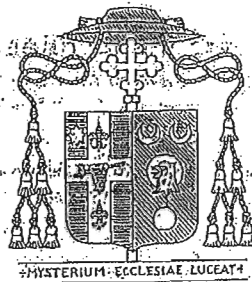
Some attention to liturgical changes might also be helpful. It will all take time.

Fraternally in Christ,

Monsignor James F. Campbell
Vicar General/Chancellor

JFC/ps





Office of the Bishop

Diocesan Chancery

607 N. E. Madison Avenue
Post Office Box 1406
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

January 10, 1997

Rev. Thomas Maloney
Church of the Epiphany
1006 E. College Avenue
Normal, IL 61761

Dear Tom,

Well, you certainly are consistent. You take me by surprise. I am very grateful for your most generous gift. In fact, it does enable me to do a number of things, including vacation and helping my Father with mom's nursing home expenses.

We look forward to seeing you in Florida if you decide to come down. Al Hallin has the basic information since he is our tour guide.

With kindest personal regards, I am

Sincerely in the Lord,

†Most Reverend John J. Myers
BISHOP OF PEORIA

33A

R6455
D-0131

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CONFIDENTIAL

August 12, 1999

Monsignor Steven P. Rohlf
Catholic Diocese of Peoria
412 N. E. Madison
Peoria, IL 61603

Aug 17 1999
Protected
Attorney/Client Privilege

RE: CONFIDENTIAL

RE: CONFIDENTIAL

Dear Monsignor Rohlf:

Dear Monsignor Rohlf:

Our names are [redacted]. We are parishioners of Epiphany Catholic Church in Normal. Our children have been enrolled at Epiphany School for the past six years. This year our son will enter Central Catholic High School as a freshman.

For reasons that we will make clear to you, this is a very difficult letter that we attempt to write. We have prayed about whether we should write this letter, as well as asking for God's words as to the letter's content. Today, we asked God for confirmation, and God led us to Galatians 6:1 "Brothers, if someone is caught in a sin, you who are spiritual should restore him gently." It is the words "restore him gently" that ring in our ears as we place our concerns before you. Our prayer for you is that you will seek God's direction regarding discretion, confidentiality, and the appropriate action to take.

Our concern is with Father Maloney of Epiphany Parish. First, we begin by telling you that our intention is not to judge Father Maloney nor to be critical of him or to shame him, but in using the Holy Spirit's gift of discernment, to intercede on his behalf, and thus, we proceed with this letter.

Back in March of this year, Father Maloney held confession for the Epiphany students in preparation for Easter. It was after our son, an eighth grade student, received this sacrament, that he came to us and in an uneasy manner, discussed the conversation he had with Father Maloney during his confession. During the Sacrament of Reconciliation, Father Maloney proceeded to inappropriately discuss with our son the sexual acts of a fellow priest. (As we are uncertain as to the handling of this letter, we have chosen not to disclose the exact content or language of their conversation.) It was during this talk with my son, that we began to ask questions regarding the details of every moment to be accounted for in the confessional. Some other areas of concern came forward. We were not aware that our children are not allowed to confess their sins. They are presented with a format of questions: "Have you disobeyed your mother and father? Do you fight with your brothers and sisters? Do you swear?" (etc.) The children are made to go face to face. Also during this particular confession, Father Maloney took a call on his cell phone. My son estimates he was probably in the confessional for twenty minutes. We do not know what Father Maloney's intention was by stating these graphic details to a 13 year old boy. We only know what we've been taught -- that the Sacrament of Reconciliation is a time of confessing one's sins in a reverent and holy manner for the purpose of seeking forgiveness. This was not to be during this particular confession.

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We're sure you are wondering why it has taken us so long to inform you of this matter. There are many reasons -- First, our original intention was to go directly to Father Maloney. My husband and I have a good rapport with Father Maloney as we have served on the Epiphany School Club for the past two years. However, we decided to wait until our son had graduated. We were concerned about the consequences to our children and thought it would be best handled when school was out of session. But the longer we waited, the harder it became. We have no hatred for this man. He is after all, like each of us, a sinner. God says, "Love the sinner, hate the sin." And as you are well aware, Father Maloney has suffered a heart attack. We cannot, in good conscience, present this to him at this time. And yet, school is again fast approaching, and we have a duty and a responsibility to other children. We do not presume anything, but in this position of Priest and Pastor of our parish, why would he want to set himself up for even the smallest accusation? There has been enough damage to our Catholic heritage through the sins and wrongful conduct of other Catholic leaders.

We are fully aware that we have not walked in this man's shoes nor can we possibly imagine the responsibilities to which he is accountable. When we pray for Father Maloney, we thank God for all the unseen things that this man has done whether it's in visiting the sick, counseling the down-hearted and grief stricken, lifting up the weak with a kind word, or spending countless hours overseeing our new addition which includes a new Junior high building and a spectacular gymnasium. We recognize his duties are enormous, and this is one of the reasons for our asking for your wisdom in dealing with this fragile matter.

We humbly and sincerely ask that you look into this most serious issue at hand. We are not asking for Father Maloney's removal from our parish, but we are asking for intervention of some kind. Our parish is large and the needs are great. Possibly, an assistant pastor would help to relieve some of the burdens of our growing parish and help to hold others accountable. We will continue to pray and thank God for Father Maloney and for the circumstances to which our church and school have been placed. The bible says "Be joyful always, pray continually, give thanks in all circumstances; for this is God's will for you in Christ Jesus." (1 Thessalonians 5:16-18). We especially pray that you will see our comments not as condemnation but as a plea for help.

Please know that we have anguished over our decision to communicate this with you. Even now we are uncertain and fearful about the potential consequences and repercussions to our children if our names should be given to Father Maloney. So for this reason, we ask for the utmost confidentiality. Also, there is a part of us that wants to defend the character of our son so that you will not doubt the truthfulness of this letter. But we have decided, that although you have never met him, his character needs no defending.

If you should need to contact us, we can be reached at [REDACTED] Thank you for your time.
In Him,

[REDACTED]



August 18, 1999

CONFIDENTIAL

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by

Attorney/Client Privilege

Dear [REDACTED]

I would like to begin by thanking you for your letter of August 12th in which you bring to my attention some serious problems which your son, [REDACTED] had in the Sacrament of Penance at Epiphany Parish in Normal. I want to assure you that you did the right thing by writing to me so that we could investigate this allegation insofar as we are able and make an intervention to see that such things do not happen in this parish again.

While I do not intend to revisit all of the topics we discussed by phone on the morning of August 18th, I do want to assure you and your family of the following:

1. Please express to your son my deepest sorrow at the way in which his confession was handled by Father Maloney. It is certainly inappropriate to discuss such things as [REDACTED] recalls with anyone in such a manner, let alone in the Sacrament of Penance. Please assure him that the Church is deeply distressed at the scandal which was taken by him and presumably given to him by his confessor.

2. Also, please assure your son that he has the right to go to confession anonymously if he so chooses. It is simply not right to force anyone to go to confession "face-to-face".

3. Also assure your son that he has the right to confess his sins in a normal fashion without being interrogated or questioned by the priest unless there is some aspect of the sin that the priest does not understand and which would make a difference in judging his spiritual situation before Almighty God. It is certainly inappropriate for a person who already knows his sins to be questioned by the priest in the fashion which you refer to in your letter of August 12th.

As I indicated to you over the phone, because the Seal of Confession is involved it is very difficult to intervene in a situation such as this. It is doubly difficult since you have refused me permission (which I can understand in this case) to reveal your name to Father Maloney. This does

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not mean, however, that there is nothing I can do - only that there is a limited amount that I can do. As I stated to you in our phone conversation, in the next week or so (as soon as Father Maloney regains his strength from his recent heart surgery) I will be visiting with him and discussing with him this letter without, of course, using your names. I will indicate to him that I realize that he cannot offer a defense because of the seal of confession, but that he should adjust his confessional practice in light of these allegations. I will also direct him to provide anonymous confession and to cease interrogating penitents unless they request his help in making an integral confession.

Once again, on behalf of the Church and myself, I express our deep sorrow for any sadness and scandal which was caused to your family and especially to your son, [REDACTED]. Please assure him of a special remembrance in my prayers that he will be able to realize that this is not normally done in the Sacrament of Penance and certainly not by the normal priest/confessor. I hope that he will in the future find a fine confessor who will help him grow in the faith and express to him the love of the Lord, even when he sins.

If I can be of any further assistance or if you know of any other concerns which I should know of, please contact me as soon as possible.

With warmest personal regards, I remain

Sincerely in Christ,

Monsignor Steven P. Rohlf, S.T.D., V.G.
Vicar General, Chancellor

SPR/ps
cc: Most Rev. John J. Myers
Msgr. James F. Campbell

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DIOCESE OF PEORIA

Office of the Vicar General

412 N.E. Madison Avenue
Peoria, Illinois 61603-3720

Telephone 309-671-1550
FAX 309-671-1558

September 1, 1999

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Dear [Redacted]

I just wanted to let you know that as per our agreement reached in our telephone conversation, I met with Father Tom Maloney on August 31st at 12:15 P.M.

As directed by you, I did not use your names, but indicated to Father Maloney that there have been some complaints regarding aspects of his confessional practice. I then delineated these complaints in general terms to him in order to safeguard the identity of your son. I asked him to adjust his confessional practice in light of these complaints. I told him that I was fully aware that he was unable to comment on these allegations due to the Seal of Confession. I simply asked him to reflect on these allegations in his own mind and adjust his practice accordingly. I honestly believe that there will be no further difficulty in these areas with Father Maloney.

If I can be of any further service to you or to your family, please feel free to contact me. Once again, my apology for any scandal that was given to your son in this unfortunate matter.

With warmest personal regards, I remain

Sincerely in Christ,

Monsignor Steven P. Rohlf, S.T.D., V.G.
Vicar General - Chancellor

SPR/ps

bcc: Most Rev. John J. Myers
Msgr. James F. Campbell
Heyl, Royster, Voelker and Allen

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Msgr. Steven P. Rohlf's V.G.



September 01, 2000

Most Reverend Bishop Myers
Diocese of Peoria
Diocesan Office
607 NE Madison Avenue
Peoria, Illinois 61603

Dear Bishop Myers,

It is with great prayer and love for our church that we are writing to you. We have been concerned about a particular situation for quite some time. After counseling with our priest and prayer, we have decided that writing you was the right thing to do.



The concern is regarding what we and many others believe to be the unacceptable and inappropriate behavior of Father Maloney. Despite giving him every opportunity to learn more about him and give him every benefit of the doubt, we finally had to leave Epiphany Church and School, transferring to Holy Trinity. The past two years have been both difficult and painful. Many, many times it has been difficult to us, as parents, and their teachers at Epiphany to explain Father Maloney's behavior. Let us be specific.

- On Super Bowl Sunday, as he was administering communion, he said, "The Body of Christ, is the Body cold yet?" My oldest son, sitting next to me in the front row gasped and said to me, "Mom, I can't believe he said that."
- His "homilies," if any, are usually 3 minutes long and consist of inappropriate jokes.
- While in the confessional, as I was explaining my difficulties with moving, getting new schools and a new job, etc-- he said, "You women are just too emotional, maybe you should just get a life."
- Coincidentally, I saw him in a Walgreen's parking lot, after 9pm on a school night in his car with a grade school girl. She went in alone and purchased about \$20.00 worth of candy, then returned to his car.
- He typically takes eighth grade girls from school out to lunch at a place called, "The Pub."

*Besting
- White frog -
- 3 kids away*

Here are but a few of the many specifics. We've encountered many more, and have talked with other parents who have similar stories. Sure, his masses are packed, but don't we want more for our brothers and sisters than a 20 minute Sunday mass that is referred to as the "Drive-through Mass of Bloomington/Normal?"

After a difficult 18 months, I felt both angry and guilty for having these concerns and feelings about a priest. I contacted my long-term confessor and good friend back home. Father assured me that even Christ felt anger with the money-changers, and what I was feeling was appropriately called "righteous indignation." He encouraged us to write Father Maloney and explain our concerns. We did.

*From this
and from
to see him*

We wrote a polite, yet direct letter regarding our concerns, our encounters and our specifics. The night we received our letter, he called our home about 8 times, leaving messages on caller ID. Finally, about 11pm (on a school night) he reached us. He told my husband that we were "out of line," and totally out to get him. He spent about 20 minutes talking about how well-loved he is and how he doesn't drink at all. He was incredibly rude and did not act Christian at all.

It is clear that he has problems. We have heard the same excuse for his behavior-- "Oh we all know Father has problems," from the principal, teachers, and even his sister who works in the rectory.

Our final encounter with Father occurred after the phone conversation at my youngest son's first communion. As my husband went up for communion, Father was not only visibly angry but said something rude to my husband, which he will not repeat to me. Thought we were just being overly reactive, the next day at work my friend who was also at first communion approached me. (Not knowing about the letter or the phone call from Father) She said, "Oh my, what on earth happened between [redacted] and Father Maloney?" They apparently got the whole thing on videotape.

This behavior is truly unacceptable. Yes, we have moved to another parish and school, but Father still has influence over people, especially children.

It with the utmost love and sincere concern that we respectfully ask you to give attention to these issues.

Sincerely Yours in Christ,

[Redacted signature]



Office of the Bishop

Diocesan Chancery

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September 14, 2000

Visum
Msgr. Steven P. Rohlf's V.G.



Dear Mr. and Mrs. [REDACTED]

I am in receipt of your letter to me of September 1, 2000, with reference to Father Thomas Maloney. I am sorry that you do not approve of his approach to priestly ministry.

We are aware that Father is not perfect, but we are also aware that he is a much-loved pastor, that he cares generously for people and that Epiphany School is thriving under his leadership.

I must say that I have inquired among other parishioners as has Monsignor Steven P. Rohlf's, Vicar General. Your characterization of Father's liturgies is not generally accurate according to the responses I have received to my inquiries. The celebration of Holy Mass at Epiphany, while it may not be as long or as formal as in some other parishes, is respectful and prayerful.

I don't know what to say about other matters which you mention. Basically, your experience does not seem to correspond with that of many other people. I don't know in what context others would have said "we know that Father has problems..."

I do know that Father loves people, especially young people, and that he cares for them generously. We have never had allegations of impropriety.

Since you are obviously so unhappy with Epiphany Parish and School, I think it wise that you have made other options. I am happy those other options are available to you. And I hope and pray that you find yourself well-served and satisfied at Holy Trinity Parish and School.

With kindest personal regards, I am

Sincerely in the Lord,

Most Reverend John J. Myers
BISHOP OF PEORIA

cc: Rev. Monsignor Steven P. Rohlf's

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DIOCESE OF PEORIA

OFFICE OF THE ADMINISTRATOR

412 N. E. Madison Avenue
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February 1, 2002

Rev. Msgr. Thomas Maloney
Epiphany Church
1006 E. College Avenue
Normal, IL 61761

Dear Monsignor Maloney:

Our Diocesan Superintendent of Schools, Pat Kawczynski, came to see me today regarding an anonymous phone call she received from a parent at Epiphany School. The parent relayed to her concerns about an incident regarding yourself last week.

According to this woman, you supposedly went to the junior high building to talk with the eighth grade boys about "morality." You took one class of boys and asked the teacher to leave and then locked the classroom door. According to this woman, you spent about two and one half hours with the boys and told them not to talk with anyone about what they talked about or you would expel them. The parent refused to give her name to Pat because she was concerned about "retaliation toward her children".

The woman also cited two incidents last semester which supposedly occurred while you were giving out report cards. On one occasion she said you became angry with the students and stormed out and did not give that class their report cards for almost three days. The other incident she relayed was that you gave one student two dollars for a good report card in front of the other students. She also stated that apparently you are perceived to have favorites with the girls, "especially blond ones." She stated that some parents have called the principal saying that their daughters "felt uncomfortable with you and did not want to be alone with you."

As you can well imagine, I have no idea as to whether and to what degree any of these allegations and concerns are accurate, and since the woman refused to give her name there is no way anyone, including yourself, can respond to her. It is my practice in such situations simply to alert the priest of the anonymous concern and ask him to examine his memory regarding the events in the complaint to see if any of the elements of the complaint are accurate or examine how this person could have misperceived something the priest.

Rev. Msgr. Thomas Maloney
February 1, 2002
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As I am sure you can appreciate, in the present atmosphere we have to use extreme caution so that no one can even remotely misunderstand our intentions in such delicate areas.

If you have any questions about the matter please feel free to call me or Pat Kawczynski and we would be happy to discuss the matter with you. I really have no other information than what I gave you as I did not speak to the woman who made the complaint. I did think it important to relay the complaint to you since this woman is obviously concerned and could continue to possibly misinterpret your attitude in these situations which could be very damaging on a number of fronts.

Once again, my gratitude for all the work you do at your parish and the vicariate.

With warmest personal regards, I remain

Sincerely in Christ,

Monsignor Steven P. Rohlf, S.T.D.
Administrator of the Diocese

SPR/ps
Most Rev. John J. Myers
Msgr. James F. Campbell