

STATE OF ILLINOIS)
) SS:
 COUNTY OF C O O K)
 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT - LAW DIVISION
 JOHN DOE #116,
 Plaintiff,)
 vs.) No. 07 L 8781
 THE CHICAGO PROVINCE OF THE)
 SOCIETY OF JESUS,)
 Defendant.)
 The discovery deposition of FATHER EDWARD
 SCHMIDT, taken in the above-entitled cause, before
 Elizabeth L. Vela, a notary public of Cook County,
 Illinois, on the 28th day of July, 2009 at the time
 of 9:36 a.m. at 70 West Madison Street, Chicago,
 Illinois, pursuant to Notice.

(Proceedings concluded at 2:21 p.m.)

Reported by: Elizabeth L. Vela, CSR
 License No.: 084-003650

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 15 -and-
 16 LAW OFFICES OF McCARTHY & TOOMEY, by
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 21 Representing the Defendant.

1 (Witness sworn.)
 2 FATHER EDWARD SCHMIDT,
 3 called as a witness herein, having been first duly
 4 sworn, was examined and testified as follows:
 5 EXAMINATION
 6 BY MR. PEARLMAN:
 7 Q. Good morning, Father Schmidt.
 8 A. Good morning.
 9 Q. My name is Marc Pearlman. I'm an attorney
 10 for the plaintiffs in this case. There are several
 11 plaintiffs. I think you know that.
 12 Can you just state and spell your name for
 13 the record?
 14 A. My name is Edward Schmidt, S-c-h-m-i-d-t.
 15 Q. And sir, your current position is?
 16 A. Is Provincial or Provincial Superior of
 17 the Chicago Province of the Society of Jesus.
 18 Q. And does that make you the -- for lack of
 19 a better term the head person within the Chicago
 20 Province?
 21 A. Yes.
 22 Q. And Father Schmidt, have you been deposed
 23 before?
 24 A. Once.

1 A. I don't know.
2 Q. So how do you know that you provided them
3 with what they asked for?
4 A. Because I trust my attorney.
5 Q. As you sit here today, do you have any
6 idea what the Jesuits shared with the authorities
7 in Wisconsin?
8 A. No.
9 Q. It could be that they didn't provide any
10 information regarding the 12 or so names we just
11 discussed, correct?
12 MR. HUEBSCH: Objection. It calls for
13 speculation. Anything is possible. But if you can
14 answer it, go ahead.
15 THE WITNESS: I don't know what they asked for.
16 I trust that we provided them with what they asked
17 for.
18 BY MR. PEARLMAN:
19 Q. Okay. Have you ever spoken to Phil Koss,
20 the district attorney in Wisconsin?
21 A. I don't recall. I don't recall speaking
22 with him.
23 (Whereupon, Exhibit S9 was
24 marked for identification.)

1 marked as Exhibit 9.
2 I'm showing you what's been marked as
3 Exhibit 9. It's a letter from you to
4 Father McGuire dated February 25th, 2004. Have you
5 seen this document before?
6 A. Yes.
7 Q. And you authored this document?
8 A. Yes.
9 Q. Okay. And why were you sending McGuire
10 this letter?
11 A. I don't recall the specific motivation for
12 it.
13 Q. It states that I'm writing to remind you
14 of the letter that Father Richard Baumann sent to
15 you on September 23rd, 2003.
16 Point 1 on that letter states that you are
17 to be in daily contact with Father Gschwend, my
18 Province Delegate, as to such matters at times to
19 be established by Father Gschwend. If you are
20 unable to keep such schedule, then please let
21 Father Gschwend know of a substitute time.
22 Is it your recollection that McGuire
23 wasn't following the directive to be in daily
24 contact with Father Gschwend?

1 BY MR. PEARLMAN:
2 Q. If Mr. Koss asked the Jesuits for
3 information that wasn't voluntarily provided, would
4 that meet your expectation?
5 MR. HUEBSCH: Objection. There can be legal
6 reasons why documentation wasn't provided. There's
7 no foundation that he would know those legal
8 reasons.
9 BY MR. PEARLMAN:
10 Q. Let me back up. Your expectation was
11 that -- your expectation as Provincial was that the
12 Jesuits provided the authorities in Wisconsin what
13 they asked for?
14 A. Yes.
15 Q. That was your expectation?
16 A. Yes.
17 Q. And if the Jesuits didn't do that --
18 A. Provided it was legal.
19 Q. And if the Jesuits didn't do that, that
20 would be against your expectations?
21 A. It would be against my expectations.
22 Q. Would that concern you?
23 A. Yes.
24 Q. Okay. I'm going to show you what we've

1 A. Yes.
2 Q. Okay. And other than writing him this
3 letter telling him he needed to do that, did you do
4 anything else?
5 A. I don't recall.
6 Q. Okay. In this time frame, February 2004,
7 what were the Jesuits doing to monitor
8 Father McGuire?
9 A. Beyond leaving that to the local superior,
10 Father George Lane, I don't know.
11 Q. Well, what was your expectation of what
12 Father Lane was supposed to do as -- you're the
13 Provincial.
14 What was your expectation of what
15 Father Lane was supposed to do?
16 A. I don't recall.
17 Q. As of 2004, I think we've established that
18 you had had a chance at this point in time to
19 review the file to know the various names we've
20 talked about.
21 A. Uh-huh.
22 Q. Did you provide Father Lane with the
23 information -- all of the information regarding
24 McGuire that you knew?

1 A. Everything, no.
2 Q. Do you -- what did you tell him?
3 A. What the restrictions were.
4 Q. You didn't tell him why he had
5 restrictions?
6 A. No. We would not have given him victims'
7 names.
8 Q. Would you tell him that there might have
9 been a dozen or so -- a dozen or more victims?
10 A. We -- he -- I don't know that there were a
11 dozen or more victims.
12 MR. TOOMEY: Yeah.
13 BY MR. PEARLMAN:
14 Q. We went through --
15 MR. BROOKS: We can read it back.
16 BY MR. PEARLMAN:
17 Q. -- a bunch of names, right?
18 A. Yeah.
19 Q. Did you give him an idea of the number of
20 victims?
21 A. I have no recollection.
22 Q. As Provincial, would it change what you
23 felt your responsibility -- what your
24 responsibility was whether there was 1 victim or

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1 50 victims?
2 A. 1 victim is horrible.
3 Q. Okay. So it wouldn't change anything?
4 A. I don't know.
5 Q. By 2004 -- February of 2004, were you as
6 Provincial concerned that McGuire might be a sexual
7 predator?
8 A. I don't know that I would have used that
9 category. I was -- I would have been concerned
10 about his activities, yes.
11 Q. You say you wouldn't pick that word. Let
12 me -- by February of 2004, were you concerned that
13 McGuire was a risk to young people?
14 A. I certainly knew he had been a risk.
15 Q. What do you mean by that?
16 A. Because there was the record of his abuse.
17 Q. Okay. And did you have a concern that he
18 might be a risk to other young people from that day
19 forward?
20 A. We had him on these restrictions for that
21 reason.
22 Q. Okay. And the restrictions -- again, my
23 question is, other than telling him not to do these
24 things, what else did you do?

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1 A. He was -- well, we told him to make the
2 weekly visit to the office, to call Father Gschwend
3 every day.
4 Q. So I believe this was referenced in one of
5 the earlier notes.
6 He was left to self-monitor himself,
7 correct? To obey the directives, correct?
8 A. Father Lane would have been aware of the
9 restrictions on him also by then.
10 Q. But not of the details of why?
11 A. Yes.
12 Q. He would not be aware of those, correct?
13 A. Right.
14 Q. Correct? Yes?
15 A. Yes.
16 Q. Okay. And since the Jesuits only tell
17 people on a need-to-know basis, the others in the
18 community wouldn't know that he was on restriction
19 or why, correct?
20 MR. HUEBSCH: You mean community in which
21 McGuire resided?
22 BY MR. PEARLMAN:
23 Q. Within the Jesuits, other than the list of
24 people that you previously identified as needing to

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1 know, no one else would know, correct?
2 A. They wouldn't know what the restrictions
3 were.
4 The fact that he had -- you know, that
5 these accusations have come in and that we were
6 taking them seriously, they would certainly know
7 that and that he would be under -- that would lead
8 to restrictions, of course.
9 Q. You're saying they would know generally
10 that the Jesuits take these kind of allegations
11 seriously and that the Jesuits were taking care of
12 it?
13 A. Uh-huh. Yes.
14 Q. Without knowing about McGuire or any
15 specifics about his situation?
16 A. Without knowing specifics, yes.
17 Q. In order to properly monitor McGuire and
18 make sure he wasn't a danger to young people, did
19 it occur to you that maybe more people needed to
20 know about his restrictions and his issues with
21 young people?
22 A. I don't know what occurred to me.
23 (Whereupon, Exhibit S10 was
24 marked for identification.)

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1 asking you whether as the Provincial for the
2 Province whether you felt that.
3 A. I don't know.
4 Q. You understood that Father Muller was
5 concerned that he wasn't cooperating with the
6 police, correct?
7 A. Who's he?
8 Q. Himself. Isn't that what he's expressing
9 here, I feel like I'm helping hide Don from the
10 law?
11 A. He has an uncomfortable feeling that he
12 indirectly abetted Don in avoiding contact with a
13 legitimate police investigation. That's what he
14 says.
15 Q. I feel as though I helped an accused
16 priest hide from the law. That's what he says,
17 right?
18 A. Yes.
19 Q. But you didn't feel that way? You didn't
20 feel like you were helping --
21 A. I don't know.
22 Q. You didn't feel like you were helping an
23 accused priest hide from the law?
24 A. I don't recall what I felt.

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1 Q. Okay. You say you made no judgment
2 regarding his guilt or innocence at this point in
3 time.
4 As the Provincial, what have you done to
5 investigate the allegations so that you can make a
6 determination of his guilt or innocence?
7 A. The allegations that were contained in the
8 complaints by C and B, is that what you're asking
9 about?
10 Q. Any of the allegations. You were aware of
11 lots of allegations by that time, correct?
12 A. Okay.
13 Q. Okay. What had you done to satisfy
14 yourself regarding Don McGuire's guilt or
15 innocence?
16 A. I had Father Gschwend investigating it.
17 Q. What was your understanding of what he was
18 doing?
19 A. That he was trying to get to the truth.
20 Q. What was your understanding of what he was
21 doing?
22 MR. HUEBSCH: Do you understand his question?
23 I think he's --
24 THE WITNESS: You mean --

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1 MR. HUEBSCH: Mechanically, what was he doing?
2 THE WITNESS: Mechanically, what steps he was
3 taking? I don't recall.
4 BY MR. PEARLMAN:
5 Q. You didn't give him any direction in that
6 regard?
7 A. I don't recall.
8 Q. Were you expecting that he would be
9 calling witnesses or anybody that might have
10 information to find out what they knew?
11 A. I was expecting that we would -- that
12 Father Gschwend would get to the bottom of what was
13 going on, yes.
14 Q. As Provincial, were you expecting that
15 lawyers like myself or law enforcement would get to
16 the bottom of those allegations or were you
17 expecting to find out for yourself?
18 A. I believe at this point is the first that
19 law enforcement came into it. So that was not in
20 our awareness.
21 Q. No. 6 says I'm concerned that George Lane
22 and I both said truthfully to the officer who
23 visited us on Tuesday that Don is out for most of
24 the day every day and that we -- and that we don't

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1 know where he is or how to reach him when he is
2 out. Do you see that?
3 A. I do.
4 Q. And George Lane is the Superior, right?
5 A. Yes.
6 Q. This was not your expectation that
7 George Lane would not know where he was or how to
8 reach him, correct?
9 A. That he would -- I was expecting that
10 there would be a level of monitoring where he was,
11 yes.
12 Q. And in fact, there wasn't as outlined in
13 this memo?
14 A. As Paul Muller says.
15 Q. And what did you do about that?
16 A. I don't recall.
17 Q. Well, do you recall whether you did
18 anything?
19 A. I don't recall.
20 Q. Okay. It strikes me that in the spirit of
21 the Dallas Charter, there is the expectation there
22 would be some sort of appropriate supervision for
23 priests who are suspended from ministry.
24 The visiting officer might have concluded

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40 (Pages 157 to 160)

1 that the Jesuits are not supervising Don. Do you
 2 see that?
 3 A. I do.
 4 Q. Did you share that concern?
 5 A. I don't recall.
 6 Q. Okay. He's raising fairly significant,
 7 serious things --
 8 A. Yes.
 9 Q. -- Father Muller, isn't he?
 10 A. Yes.
 11 Q. Worth consideration, you would agree?
 12 A. Yes.
 13 Q. And he doesn't have very much information,
 14 does he?
 15 A. No.
 16 Q. But you would agree that he's asking all
 17 the right questions, isn't he?
 18 MR. HUEBSCH: In retrospect, at this point, or
 19 then? Don't answer it until we get some time
 20 frame.
 21 MR. PEARLMAN: Okay.
 22 MR. HUEBSCH: What's --
 23 BY MR. PEARLMAN:
 24 Q. Then. He was asking legitimate, good

1 with this memo?
 2 MR. HUEBSCH: It's been answered -- asked and
 3 answered several times. Answer it again.
 4 THE WITNESS: I don't recall specifically how I
 5 reacted to this.
 6 BY MR. PEARLMAN:
 7 Q. No. 7. With some frequency, Don leaves
 8 the house in clerical attire. Do you see that?
 9 A. I do.
 10 Q. That's a violation of the charter,
 11 correct?
 12 A. I don't know --
 13 Q. I believe earlier, you testified --
 14 A. -- at this point.
 15 Q. I believe earlier in the deposition, you
 16 testified that your understanding of the charter
 17 was that you're not supposed to be dressed publicly
 18 as a priest, correct?
 19 A. I'm not sure when that came into effect,
 20 though.
 21 Q. Okay. So you don't know whether that was
 22 true or not?
 23 A. No.
 24 Q. Did you look into it?

1 questions, wasn't he?
 2 A. Yes.
 3 Q. Did you ask yourself the same questions
 4 when you were reading this and saying -- and think
 5 that maybe you should address them?
 6 A. I don't recall.
 7 Q. Okay. The visiting officer might have
 8 concluded the Jesuits are not supervising Don.
 9 It seems to me that prudence would dictate
 10 setting up at least the appearance of appropriate
 11 supervision of Don. Do you see that?
 12 A. I do.
 13 Q. Again, let me just ask a general question.
 14 Was this memo alarming to you?
 15 A. I don't recall my reaction to it.
 16 Q. I'm trying to get a feel, Father, that we
 17 agree that this is very, very significant --
 18 A. Yes.
 19 Q. -- information?
 20 A. Yes.
 21 Q. Okay. And I understand that you don't
 22 necessarily recall your reaction in any specific
 23 sense, but in a general sense, you don't recall
 24 whether you took any action at all in connection

1 A. I don't recall.
 2 Q. Did you ever look into it?
 3 A. Yes.
 4 Q. When -- did you ever tell Don McGuire
 5 don't dress as a priest?
 6 A. I believe so.
 7 Q. When?
 8 A. I don't recall.
 9 Q. Why did you tell him that?
 10 A. To bring us into conformity with what was
 11 expected.
 12 Q. By whom?
 13 A. The Dallas Charter.
 14 Q. Which went into effect in 2002, correct?
 15 A. I don't know.
 16 Q. Okay. It is my understanding -- well, you
 17 were aware that there was a Dallas Charter?
 18 A. Yes.
 19 Q. And you see it's being referenced in this
 20 e-mail?
 21 A. Yes.
 22 Q. So by 2004, you were aware the Dallas
 23 Charter was in effect?
 24 A. I can't tell you today when it came into

1 effect, when it received the approval from Rome.
2 Q. Okay. If we assume that the Dallas
3 Charter went into effect in 2002, you would agree
4 with me that McGuire wearing clerical attire was a
5 violation in 2004?
6 A. If it was in effect in 2002, yes.
7 Q. At any time prior -- well, at some point,
8 did you make yourself aware of whether the Dallas
9 Charter required that priests with allegations of
10 sex abuse would not wear clerical garb?
11 A. Did I ever make myself aware of that?
12 Q. Well, did you ever go look -- I think you
13 said you don't --
14 A. Yes, yes, yes.
15 Q. And you concluded that they weren't
16 supposed to be wearing clerical garb?
17 A. Yes.
18 Q. Okay. You just don't know when you did
19 that?
20 A. Right.
21 Q. So in 2006, Father McGuire appeared in
22 court in Wisconsin in trial in clerical garb,
23 correct?
24 MR. HUEBSCH: Objection. I think there's been

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1 A. I believe he was there for at least part
2 of it.
3 Q. Was Father Gschwend as your delegate on
4 sex abuse aware of the fact that Father McGuire was
5 not supposed to be wearing clerical garb?
6 A. You asked me to speculate and I would
7 speculate yes.
8 Q. Okay. Well, did you ever tell him, hey,
9 the Dallas Charter, he can't wear clerical garb?
10 A. Father Gschwend would have been more aware
11 of those things than I would so --
12 Q. Okay. Have you ever discussed with
13 Father Gschwend why McGuire was allowed to wear
14 clerical garb at his trial in Wisconsin?
15 A. Why he was allowed to as opposed to --
16 Q. Do you know whether Father Gschwend ever
17 said to McGuire don't wear your clerical garb in
18 Wisconsin?
19 A. I don't know.
20 MR. HUEBSCH: Are you through with that exhibit
21 for the moment?
22 MR. PEARLMAN: Yeah.
23 MR. HUEBSCH: Okay. I want to take a break.
24 MR. PEARLMAN: Fair enough.

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1 no foundation that he was there.
2 BY MR. PEARLMAN:
3 Q. Are you aware of that? As you sit here
4 today, are you aware that he showed up in court
5 with clerical garb?
6 A. I believe I've seen a photo of him, yes.
7 Q. Okay. And as you sit here today, you know
8 that that was a violation of the Dallas Charter?
9 A. Yes.
10 Q. And as the Provincial, did you ever tell
11 him not to wear his clerical garb in court?
12 A. In court?
13 Q. In Wisconsin.
14 A. I don't think I was ever that specific.
15 Q. Did you ever tell him to not wear his
16 clerical garb in public?
17 A. I believe so.
18 Q. Prior to his trial in Wisconsin?
19 A. I don't think so.
20 Q. You don't think so? Why not?
21 A. He knew the rules. He was supposed to
22 follow them.
23 Q. Are you aware of whether Father Gschwend
24 was at his criminal proceedings in Wisconsin?

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1 (A lunch break was taken from
2 12:44 p.m. to 1:15 p.m.)
3 (Whereupon, Exhibit S11 was
4 marked for identification.)
5 BY MR. PEARLMAN:
6 Q. Father, I'm going to show you what we've
7 marked as Deposition Exhibit 11.
8 This is a letter from May of 2004 to you
9 from Father Gschwend. Have you seen this document
10 before?
11 A. Yes.
12 Q. Okay. It reads Dear Ed, it concerns me
13 that once again by his own decisive behavior and
14 against the explicit direction of the Provincial,
15 Father McGuire avoids accountability and
16 supervision.
17 He neither checks in with the delegate as
18 instructed, nor does he supply his local superior
19 with the schedule of his destinations and
20 activities. Do you see that?
21 A. I do.
22 Q. Okay. Do you recall discussing this with
23 Father Gschwend?
24 A. No.

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42 (Pages 165 to 168)

STATE OF ILLINOIS)
COUNTY OF C O O K) SS:
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION
JOHN DOE #116,
Plaintiff,
vs.
THE CHICAGO PROVINCE OF THE) No. 07 L 8781
SOCIETY OF JESUS,)
Defendant.

The continued discovery deposition of
FATHER EDWARD SCHMIDT, taken in the above-entitled
cause, before Elizabeth L. Vela, a notary public of
Cook County, Illinois, on the 17th day of August,
2009 at the time of 9:37 a.m. at 70 West Madison
Street, Chicago, Illinois, pursuant to Notice.

(Proceedings concluded at 12:14 p.m.)

Reported by: Elizabeth L. Vela, CSR
License No.: 084-003650

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20 (847) 675-0060
21 Representing the Defendant.
22
23
24

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1 (Witness sworn.)
2 FATHER EDWARD SCHMIDT,
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:
5 EXAMINATION
6 BY MR. PEARLMAN:
7 Q. Good morning, Father Schmidt.
8 A. Good morning.
9 Q. You realize this is a continuation of your
10 deposition that we took a few weeks back, correct?
11 A. Yes, I do.
12 Q. And have you had a chance to review the
13 transcript of your first day of testimony?
14 A. No, I haven't.
15 Q. Okay. I believe when we left off, we were
16 just talking about the criminal trial in Wisconsin.
17 A. Okay.
18 Q. And what information was shared with the
19 district attorney, Philip Koss there.
20 You're aware that there's also another
21 criminal proceeding involving McGuire in the
22 Federal Court in Illinois, are you not?
23 A. Right. Yes.
24 Q. Okay. And are you aware of the documents

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1 (Pages 227 to 230)

1 I believe Father George Lane was there for
 2 some of it, but I didn't send him with the purpose
 3 of monitoring.
 4 Q. So you didn't instruct anybody -- you
 5 didn't tell anybody I want you to go to this trial,
 6 watch what's going on, and tell me, because I need
 7 to know that as the Provincial of the Chicago
 8 Province?
 9 A. No, I didn't.
 10 Q. Did you think about doing that?
 11 A. I don't recall.
 12 Q. And I think, likewise, you said at the
 13 criminal trial in the Illinois proceeding, you
 14 didn't attend any of that?
 15 A. No, I didn't.
 16 Q. And did you instruct any Jesuit to be
 17 there on behalf of the Province to watch what was
 18 going on?
 19 A. I did not instruct anyone to be there to
 20 watch what was going on, no.
 21 Q. And why not?
 22 A. It didn't occur to me.
 23 Q. And in terms of the sentencing as distinct
 24 from his trial, you did not attend his sentencing?

1 dressed as a priest? Do you recall that?
 2 A. Not specifically, no.
 3 Q. This was Exhibit 17 we had showed you last
 4 time, Father. If you would go to Page 1872. This
 5 is a letter from in July of 2 -- July 25th,
 6 2005.
 7 Do you see in the -- about three-quarters
 8 of the way down, it says he is allowed to wear a
 9 collar, question mark? He is facing criminal
 10 charges in Wisconsin and is appearing in court
 11 wearing his collar. Do you see that?
 12 A. I see it.
 13 Q. And it says does this conflict with the
 14 USCCB Charter? Do you see that?
 15 A. I do.
 16 Q. Do you know what the USCCB charter is? Is
 17 that what's referred to --
 18 A. United States Conference of Catholic
 19 Bishops.
 20 Q. That's the Dallas Charter he's talking
 21 about, correct?
 22 A. I believe.
 23 Q. Okay. And you said you guys follow that
 24 Dallas Charter?

1 A. No, I didn't.
 2 Q. And you didn't -- you didn't ask any
 3 Jesuit to attend his sentencing on behalf of the
 4 Province?
 5 A. No, I didn't.
 6 Q. And were you aware that his victims and
 7 their families were making statements at his
 8 sentencing?
 9 A. Beforehand, I don't believe I was aware.
 10 I knew it had happened after it happened.
 11 Q. No one told you that the victims and their
 12 families would be speaking?
 13 A. I don't recall that anyone told me that.
 14 Q. I believe we discussed briefly the fact
 15 that at his criminal proceeding in Wisconsin,
 16 Father McGuire was dressed in his collar? I mean,
 17 he was dressed as a priest, correct?
 18 A. I believe so.
 19 Q. And you were aware of that?
 20 A. I don't know whether I was aware of that
 21 specific fact. I don't know. I mean, I saw
 22 pictures later.
 23 Q. Well, do you recall that last time, we
 24 looked at a letter from where he said he's

1 A. Yes.
 2 Q. And I think we were able to establish that
 3 that charter was in place approximately in 2002?
 4 A. If we --
 5 Q. If you're --
 6 A. Yeah.
 7 Q. All right. So -- and you know this is
 8 July of 2005?
 9 A. And 5, yes.
 10 Q. McGuire's criminal trial in Wisconsin was
 11 in 2006, right, the beginning of 2006?
 12 A. Okay.
 13 Q. Right?
 14 A. I don't know.
 15 Q. Okay. Did you do anything to see if he
 16 was wearing his collar in court?
 17 Did you investigate whether, in fact, that
 18 was occurring?
 19 A. No.
 20 Q. Why not?
 21 A. I didn't expect him to comply with what we
 22 told him anyhow.
 23 Q. So you didn't -- if he was wearing his
 24 collar in court, it was a violation of the Dallas

1 Charter, correct?
 2 A. Okay. Yes.
 3 Q. Yes, you agree?
 4 A. Yes.
 5 Q. He was not supposed to be dressing as a
 6 priest any longer, correct?
 7 A. Correct.
 8 Q. Okay. In addition to weren't
 9 others reporting back to you telling you that he
 10 was dressing as a priest, that he was wearing his
 11 clerical garb?
 12 A. I don't recall specifically.
 13 Q. Okay. But you didn't do anything to
 14 investigate it, because you didn't anticipate that
 15 he would listen anyway?
 16 A. I'm not sure that's my whole reason but --
 17 Q. What other reasons?
 18 A. I don't know.
 19 Q. Okay. I think also in this letter, he
 20 references the buttons people were wearing, I
 21 support Father McGuire?
 22 A. Okay. Yes.
 23 Q. Were you aware that there were other
 24 Jesuit priests at Father McGuire's trial supporting

1 conviction, correct?
 2 A. I believe so.
 3 Q. And had you corresponded with Mr.
 4 prior to this letter, do you know?
 5 A. I don't remember.
 6 Q. Okay. Well, I know you said you weren't
 7 at the criminal trial.
 8 After he was convicted, did you become
 9 more involved in dealings with the State of
 10 Wisconsin as it relates to McGuire?
 11 A. Well, this indicates that I did in terms
 12 of the probation officer in terms of where he would
 13 reside, yes.
 14 Q. Well, just more generally, I'm asking you,
 15 irrespective of the document, after his conviction,
 16 did you have a -- did you become more involved in
 17 monitoring the situation?
 18 A. No. I don't recall.
 19 Q. Okay. If we can look at the -- do you
 20 recall authoring this letter?
 21 A. Yes.
 22 Q. Okay. The second paragraph says because
 23 of Father Donald McGuire's religious status, I am
 24 ultimately responsible for his residence and

1 him and wearing these buttons?
 2 A. No, I'm not aware of any of that.
 3 Q. Well, he's writing that here, right? He's
 4 stating --
 5 A. He says there were people there, religious
 6 personnel. He doesn't say Jesuits.
 7 Q. Okay. Did you do anything to see whether
 8 there were Jesuits who were wearing buttons saying
 9 I support Father McGuire during the court
 10 proceeding in Wisconsin?
 11 A. I did not.
 12 Q. And why not?
 13 A. It didn't occur to me.
 14 (Whereupon, Exhibit S20 was
 15 marked for identification.)
 16 BY MR. PEARLMAN:
 17 Q. Father, I'm handing you what's been marked
 18 as Exhibit 20 for your deposition.
 19 This is an August 11th, 2006 letter from
 20 you to _____?
 21 A. Okay.
 22 Q. Do you know who _____ is?
 23 A. Probation Officer, State of Wisconsin.
 24 Q. Okay. And this is after McGuire's

1 well-being. Do you see that?
 2 A. I do.
 3 Q. And that's your -- that's the case with
 4 all of the Jesuits, right?
 5 A. Yes.
 6 Q. All of your members?
 7 A. Yes.
 8 Q. In the next paragraph, it says I would
 9 like to be able to move Donald McGuire to our
 10 Jesuit health care facility, which is in Clarkston,
 11 Michigan. It is called --
 12 A. Colombiere.
 13 Q. Colombiere Center. And in fact, there is
 14 a sheriff's office at the other end of the
 15 building, which is very large.
 16 I would best be able to care for his
 17 health and well-being there. Unless he is living
 18 there, I cannot provide even minimal supervision,
 19 let alone care for his health needs.
 20 When you say unless he's there, you cannot
 21 provide even minimal supervision, what did you
 22 mean?
 23 A. That in any of our standard residences,
 24 there's nobody who would check people in and out.

1 Q. You're trying to move McGuire from
2 Illinois to Michigan?
3 A. Yes.
4 Q. That's the purpose of this letter?
5 A. Yes.
6 Q. And is your point that in Illinois, you
7 cannot even provide even minimal supervision of
8 McGuire?
9 A. Yes.
10 Q. Okay. And that was the case prior to
11 August of 2006 or did something change?
12 A. Prior to 2006, he was living at -- I don't
13 recall the sequence -- the exact dates when he went
14 to the hospital in Waukegan.
15 And then, he was under supervision of
16 Wisconsin for quite a bit of that time and I don't
17 remember that sequence of events.
18 Q. Let me ask the question differently.
19 Between the time when McGuire returned from
20 California through the time of his conviction, his
21 primary residence was in Illinois?
22 A. Yes.
23 Q. And is it your testimony that in any of
24 those residences in Illinois, it was not possible

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1 conviction by the time I wrote this letter. By
2 then, there were higher standards from the Dallas
3 Charter and so forth.
4 Q. But people had come forward in 1970,
5 correct?
6 A. I didn't know about that until it
7 went public.
8 Q. You knew of that when you started
9 reviewing the files?
10 A. I knew about that from the press
11 conferences either in August or September of 2003.
12 Q. So you personally didn't know is your
13 point?
14 MR. HUEBSCH: I'm sorry?
15 BY MR. PEARLMAN:
16 Q. The Jesuits -- you personally didn't know?
17 A. Right.
18 Q. The Jesuits knew?
19 A. Not all -- I mean, some authorities may
20 have known something. I don't know exactly what
21 they knew, but yes.
22 Q. Well, we've looked at those documents?
23 A. Right. Yeah, somebody knew that there
24 were allegations, right.

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1 to provide even minimal supervision of him?
2 A. It was becoming more evident that he
3 needed more supervision than we could provide.
4 When I say minimal, I mean minimal by the
5 standards that they would expect someone under
6 conviction.
7 Q. And was it your view that he needed more
8 supervision after he was convicted than before he
9 was convicted?
10 A. I don't recall.
11 Q. Sir, would you agree with me that between
12 as early as 1960 and through 2006, there were
13 numerous allegations regarding McGuire's
14 interactions with young people, correct?
15 A. 1960?
16 Q. Yes.
17 A. I don't know of anything that old but in
18 the '60s, yes.
19 Q. In the '60s. Okay. And why is it that
20 you believed he needed more supervision in 2006
21 than he did in 2002?
22 A. Because by now, we had victims who had
23 come to us, who had testified in court.
24 By then, he was under a criminal

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1 Q. Okay. And by the time you became the
2 Provincial, you knew -- or shortly thereafter, when
3 you reviewed the McGuire file, you knew about the
4 allegation, correct?
5 A. I know that name. I don't know when I
6 became aware of an allegation from that individual.
7 Q. you knew about that?
8 A. Again, I don't know when I became aware of
9 that name.
10 Q. Okay. So in 2003, when you became
11 Provincial, did it occur to you that you could not
12 provide even minimal supervision of McGuire in
13 Illinois and that he required supervision?
14 A. He was in -- I said this before. In 2002,
15 he was moved out of Canisius House down to Clark
16 Street, because we thought we could monitor him
17 better.
18 It didn't. And then, the house fell down
19 and we had to move him out to the Woodlawn
20 residence where he was alone a lot of the time.
21 Q. And in 2004, in fact, that e-mail that we
22 reviewed from the young Jesuit detailed the fact
23 that he was never around?
24 A. Yes.

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1 Q. No one was supervising him?
2 A. Yes.
3 Q. So in 2004, did you consider moving him
4 and sending him somewhere where he could be
5 properly supervised?
6 A. Yes.
7 Q. And what did you do?
8 A. We couldn't care for his health in the
9 facilities that were available.
10 Q. In 2004?
11 A. Yes.
12 Q. So what did you do?
13 A. What did we do?
14 Q. To better supervise him.
15 A. I don't know.
16 (Whereupon, Exhibit S21 was
17 marked for identification.)
18 BY MR. PEARLMAN:
19 Q. I'm going to show you what's been marked
20 as Exhibit 21.
21 This is an October 10th, 2006 letter from
22 you to Judge Carlson. Have you seen this document
23 before?
24 A. Yes. I believe I wrote it.

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1 Q. Did you think about those things prior to
2 his convictions?
3 A. I don't recall.
4 Q. Did it concern you whether McGuire prior
5 to his conviction would be in the presence of
6 children?
7 A. Yes.
8 Q. And what did you do about that other than
9 his restrictions? Strike that.
10 Other than tell him he couldn't be, what
11 did you do?
12 A. I don't recall.
13 Q. You don't recall that?
14 A. No.
15 Q. You would agree with me that prior to his
16 conviction, the Jesuits had a lot of information
17 regarding McGuire?
18 A. Yes.
19 Q. Would you agree that it was more important
20 that he be monitored before his conviction when the
21 State wasn't watching him than after?
22 A. I don't believe I thought that way.
23 (Whereupon, Exhibit S22 was
24 marked for identification.)

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1 Q. Okay. The last sentence of the first
2 paragraph -- again, it states I said I can provide
3 nothing in Illinois that would provide, in quotes,
4 any supervision if that is expected, closed quotes,
5 correct?
6 A. Yes.
7 Q. Okay. And again, in October of 2006, was
8 it your view that you could not provide any
9 supervision for Donald McGuire in the state of
10 Illinois?
11 A. Yes.
12 Q. Okay. And in the next paragraph, the last
13 sentence says Donald McGuire's attorney proposes a
14 house in Evanston, Illinois.
15 Donald McGuire would be alone there most
16 of the day. It is also close to a public park and
17 beach. Do you see that?
18 A. I do.
19 Q. And those were concerns of yours?
20 A. Yes.
21 Q. Again, my question is, why didn't -- why
22 weren't you asking yourself these same questions
23 prior to his conviction?
24 A. I don't know.

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1 BY MR. PEARLMAN:
2 Q. Sir, we're handing you what's been marked
3 as Deposition Exhibit No. 22.
4 This is a September 19th, 2007 letter from
5 you to -- addressed to Dear Jesuit Family and
6 Friends. Do you recall this letter?
7 A. Yes.
8 Q. Okay. And do you know who this ultimately
9 went out to?
10 I don't mean specifically, but who are the
11 Dear Jesuit Family and Friends?
12 A. Specifically, they're people who were
13 associated with us, who support our missions, who
14 are blood relatives, our personal families.
15 A lot of people are interested in our
16 activities and we keep in contact with them.
17 Q. Okay. At the end of that first paragraph,
18 the last sentence says he -- the he is referring to
19 Donald McGuire was completely removed from
20 public -- from priestly ministry in the summer of
21 2003. Do you see that?
22 A. I do.
23 Q. And is that when he couldn't get the
24 credentials from the Chicago Archdiocese, correct?

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6 (Pages 247 to 250)

1 A. Yes.
2 Q. Did the Jesuits allow him to continue
3 doing any ministry within the Jesuit community
4 after that?
5 A. That would have been allowed under these
6 norms, yes.
7 Under the norms from the bishops and so
8 forth, he would have been allowed to celebrate the
9 mass in private in a Jesuit residence with no
10 outsiders present.
11 Q. That's permitted under the norms. My
12 question is, did you allow him to do that?
13 A. I allowed him to do what the norms
14 permitted, yes.
15 Q. Well, let me ask the question differently.
16 If you had concerns about him and you believed --
17 if at that time, you believed he was a sexual
18 abuser, you could have prevented him from saying
19 mass even within the Jesuit community, correct?
20 A. No. I couldn't have.
21 Q. What would you have had to do in order to
22 do that?
23 A. Have him removed from the priesthood.
24 Q. All right. And you didn't do that?

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1 A. My best recollection is that I began
2 discussions of that in the summer of 2004, but
3 until -- yes. That's my best recollection.
4 Q. And when did you first -- I presume you
5 have to write a letter to Rome?
6 A. It's --
7 MR. HUEBSCH: Eventually or as the first thing
8 in 2004?
9 BY MR. PEARLMAN:
10 Q. To get him removed from the -- I think you
11 outlined that the Superior General -- I presume the
12 Superior General is in Rome?
13 A. Yes.
14 Q. Okay. And you have to send him a petition
15 or a letter to start that process?
16 A. It's not a simple letter. It would be a
17 letter with documentation.
18 Q. Okay. And when did you start putting
19 together that letter and the documentation?
20 And just -- I know you said you started
21 discussing it. I understand that. That's 2004.
22 When did you decide that that was going to
23 be an action you as the Provincial were going to
24 take?

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1 A. At that point, no.
2 Q. When did you do that?
3 A. The decree came down -- we received it in
4 January 2008.
5 Q. Okay. And before a decree comes down, I
6 presume you as the Provincial have to start a
7 process?
8 A. Yes.
9 Q. What is that -- what do you have to do?
10 A. You prepare the documentation. You
11 petition, first of all, for his removal from the
12 Society of Jesus, which the Superior General can
13 grant, but that's conditional and its going then to
14 the Vatican for their endorsement of what you have
15 done.
16 The Society of Jesus of itself cannot
17 remove him from the priesthood. That's done by the
18 Vatican. So they go hand in hand, but the Society
19 of Jesus removes him from the society, but as I
20 said, it's conditional with the Vatican going
21 forward with the process.
22 Q. And can you tell me when you first as the
23 Provincial started the process going of having him
24 removed from the Society?

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1 A. My best recollection is that in the summer
2 of 2004, I began investigating how do I do this,
3 how do I accomplish this.
4 Q. Okay. And tell me about that
5 investigation. Who were you talking with? What
6 did you do?
7 A. I consulted Canon lawyers.
8 Q. Who did you consult?
9 A. There were at least three.
10 Q. Do you recall their names?
11 A. Two of them, I do not. The third one is a
12 Jesuit.
13 Q. Okay. What's his name?
14 THE WITNESS: Do I need to answer this? This
15 is getting close to where I think it should be
16 privileged.
17 MR. HUEBSCH: Well, I think he can ask the
18 name, yes.
19 THE WITNESS: Okay.
20 MR. HUEBSCH: The conference and the conduct
21 between the two of you is privileged, but you
22 can --
23 THE WITNESS: The name is Robert Geisinger,
24 G-e-i-s-i-n-g-e-r.

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7 (Pages 251 to 254)

1 MR. BROOKS: Well, I'm not so sure I agree with
2 your assertion that it's privileged. In fact,
3 Judge Lawrence has ruled to the opposite, but we'll
4 handle those as we go along. You have to see where
5 it's going.
6 MR. HUEBSCH: I can tell you he's not going to
7 ask any -- if you ask him --
8 MR. BROOKS: Judge Lawrence --
9 MR. HUEBSCH: Mike, let me make the objection,
10 and then, you can argue.
11 MR. BROOKS: I'm sorry. I apologize.
12 MR. HUEBSCH: All I'm going to say is, we're
13 going to claim that is privileged under these
14 circumstances, irrespective of what Judge Lawrence
15 has said to this point.
16 He's not going to answer it. You can feel
17 free to ask the questions to protect the record.
18 MR. PEARLMAN: Sure.
19 MR. HUEBSCH: I certainly appreciate that, but
20 I'm going to instruct you not to answer any
21 questions between you and -- any questions that ask
22 the conduct or the conference between you and
23 Geisinger.
24

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1 as a Jesuit.
2 If you can just walk me through what you
3 did or -- including what you instructed others to
4 do, whether it be delegating some of that to other
5 Jesuits.
6 A. Again, I don't recall specific dates when
7 steps were taken.
8 I'll tell you a point at which it was
9 clear that we could proceed. And that was after
10 the sworn testimony of the two men in Wisconsin.
11 We had sworn testimony at that point that
12 was compelling. After that, I was able to proceed
13 without difficulty.
14 Q. Did you seek to get sworn testimony of
15 anyone prior to their testimony in Wisconsin?
16 A. No.
17 Q. Was getting sworn testimony an important
18 part of the process? Was it necessary?
19 A. Absolutely necessary, no, but it was very
20 helpful.
21 Q. Okay. And I believe you testified on your
22 first day of deposition, by the time the Wisconsin
23 trial came along, you had formed an opinion in your
24 own mind about what you believed regarding the

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1 BY MR. PEARLMAN:
2 Q. Now, just so you understand, just for the
3 record, because there's been objections and
4 comments before a question was even asked, now, I'm
5 going to ask the question just so it's on the
6 record, okay?
7 MR. HUEBSCH: That's fair.
8 MR. BROOKS: Sorry.
9 BY MR. PEARLMAN:
10 Q. Can you please tell me the discussion that
11 you had with your -- with Father -- Geisinger?
12 A. Geisinger.
13 Q. Regarding the removal process with
14 McGuire.
15 MR. HUEBSCH: My instruction to you is to not
16 answer that question.
17 BY MR. PEARLMAN:
18 Q. Are you going to follow --
19 A. I will follow counsel's advice.
20 Q. Okay. Fair enough. Whatever discussion
21 took place, you're not going to testify to that.
22 When did you -- I want to know the process
23 from the time you talked to those lawyers and did
24 that investigation through the time he was removed

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1 truth of the allegations regarding Donald McGuire?
2 A. Yes.
3 Q. Okay. And knowing what you believed, did
4 you seek to -- did you seek to get sworn testimony
5 of people that could help in removing him?
6 A. No.
7 Q. And why not?
8 A. I don't recall why not.
9 Q. Okay. Do you know when you first sent
10 whatever paperwork was necessary to Rome to the
11 Superior General to get McGuire removed?
12 A. It would have been, I believe, in the
13 summer of 2007.
14 Q. September of 2007?
15 A. Summer.
16 Q. Summer? Okay. September is in the
17 summer, I guess, but -- I'm sorry. I misheard you.
18 And what took so long from the time of his
19 conviction -- which was February of 2006, right?
20 A. I'll trust you on that.
21 Q. Okay. What took -- why did it take a year
22 and a half?
23 A. I don't know. I don't know.
24 Q. Okay. In the first sentence of the next

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1 paragraph on Exhibit 22, it says during this time,
2 undoubtedly, we had all experienced a range of
3 emotions, shame, confusion, anger, regret, doubt.
4 Are those all feelings that you were
5 experiencing at that time?
6 A. Yes.
7 Q. And maybe if you can just tell me, when
8 you say shame, what shame were you feeling?
9 A. If a Jesuit did these things,
10 collectively, that brings shame on us.
11 Q. And what about regret? What were your
12 regrets?
13 A. Regrets? I don't know specifically but
14 regret that anybody let him into the order in the
15 first place.
16 Q. Did you have regrets that he wasn't
17 stopped sooner?
18 A. Sure.
19 Q. Did you have regrets regarding the level
20 of supervision that was -- that he had? Strike
21 that. Strike that. It's a poor question.
22 Did you have regrets regarding the --
23 strike that.
24 The next paragraph says as the stories in

1 know the truth about McGuire?
2 A. It's -- I meant what I said here, they
3 have the right to know that they can, in fact,
4 trust us that we're doing the right thing.
5 Q. And as you -- by September of 2007, had
6 you had the opportunity to reflect about the way
7 the Jesuits had handled the McGuire situation from
8 ordination onward?
9 A. Yes.
10 Q. Okay. And did you believe that mistakes
11 were made?
12 A. I believe that my predecessors acted
13 according to their best knowledge at the time. In
14 retrospect, we wish things had been done
15 differently.
16 Q. Like what could have been done
17 differently, do you think?
18 A. I'll speak not about McGuire personally,
19 but the more general situation is that early
20 psychological treatment programs thought that
21 somebody could be cured of these things.
22 By the 19 -- by 2007, we knew that that
23 wasn't so. We had better knowledge by then.
24 Q. But in your reflection in reviewing the

1 the media outlets have appeared, it would not be
2 surprising if you had questions about how we
3 handled various situations and demands.
4 Did you have anything in particular in
5 mind when you wrote that?
6 A. I don't recall.
7 Q. Were you concerned that when the media
8 reports regarding the -- regarding McGuire and the
9 Jesuits handling of McGuire came out that you might
10 lose support from your supporters?
11 A. Definitely, yes.
12 Q. Financial support?
13 A. Among other things.
14 Q. And then, it says and all of us
15 personally, our families, our colleagues, and
16 ministry have the right to know that they can, in
17 fact, trust us that we are doing the right thing.
18 Do you see that?
19 A. I do.
20 Q. Okay. And what did you mean by that?
21 A. That we are trying to do the best we can
22 to do right by this situation.
23 Q. And when you say have the right to know,
24 did you believe your supporters had the right to

1 file, McGuire wasn't compliant with the
2 psychological treatment he was receiving, was he?
3 A. I don't know.
4 Q. Well, you reviewed -- you had many --
5 there were letters where you were -- strike that.
6 The documentation between Father Gschwend,
7 McGuire, you would become involved in those
8 communications. They were about McGuire's
9 noncompliance, correct?
10 A. I'll trust you on that.
11 Q. Well, don't trust me.
12 A. I don't recall what was in these letters.
13 Q. Well, you were the Provincial. Do you
14 recall generally that McGuire was a noncompliant
15 person?
16 A. Yes.
17 Q. Okay. And do you recall that he wouldn't
18 comply with his aftercare?
19 A. I don't remember the aftercare.
20 Q. And then, in the next paragraph, the third
21 line down, do you see where it says second, comma,
22 we reached out quickly?
23 A. Yes.
24 Q. And have continued to reach out in

1 pastoral care and healing to the young men who
2 brought the complaint to our attention. Do you see
3 that?
4 A. I do.
5 Q. Okay. And what's your understanding of
6 that? How did you reach out to these young men?
7 A. In January 2007, we received a new
8 complaint. Should I say the name?
9 Q. You can say the name.
10 A. This is . We went to him
11 immediately with -- trying to start a healing
12 process.
13 Q. Okay. . came to you, correct?
14 A. By phone, yes.
15 Q. He -- but his name was a name the Jesuits
16 were aware of prior to him coming to you?
17 A. I believe so. There was material about
18 his adoption or --
19 Q. His guardianship?
20 A. His guardianship, yes.
21 Q. When he was 13 years old? There was
22 speculation that McGuire might be his legal
23 guardian when he was a 13-year-old boy?
24 A. I believe so, yes.

1 wounds if people don't want contact.
2 Q. Any other reasons?
3 A. I don't recall any.
4 Q. Do you recall after McGuire's conviction
5 in Wisconsin, you were quoted saying that you were
6 praying for the victims of McGuire --
7 A. Yes.
8 Q. -- correct? And do you recall saying that
9 you looked forward that you wanted to speak to
10 them?
11 A. I don't recall saying that. I believe I
12 might have said that, yes.
13 Q. Okay. Did you do anything to reach out to
14 those two individuals and make contact with them?
15 A. No.
16 Q. Why not?
17 A. I figured if they wanted to talk to me,
18 they would initiate it.
19 Q. So you were waiting for them to make the
20 contact?
21 A. Yes.
22 Q. Okay. Why wouldn't you initiate the
23 contact to call them and apologize?
24 A. Again, I didn't know that they wanted that

1 Q. After McGuire was convicted in Wisconsin,
2 did the Jesuits go back to reach out to all of the
3 people that had come forward in the past against
4 McGuire?
5 A. After the conviction? The individuals who
6 had come forward? There weren't any. There were
7 parents, but individuals, no.
8 Q. There were families that had come forward,
9 correct?
10 A. Parents, yes.
11 Q. Did you reach out to those families?
12 A. To some of them, I recall speaking. I
13 don't recall -- it was probably before the
14 conviction, yes.
15 Q. They would initiate the contact and you
16 would respond in kind, correct?
17 A. Yes.
18 Q. I'm asking you, did the Jesuits ever
19 initiate conduct -- contact with families or people
20 who may have been harmed by McGuire?
21 A. I don't recall that we did.
22 Q. Why not?
23 A. One reason would be that some people don't
24 want to be contacted. We wouldn't want to open old

1 contact. I didn't want to hurt them further if
2 they would find that hurtful.
3 Q. So now, just speaking of the two people
4 who -- the two victims of the Wisconsin proceeding.
5 They obviously had been public and
6 testified. You knew that, correct?
7 A. Yes.
8 Q. And it didn't occur to you that it might
9 be helpful if you initiate contact to apologize to
10 them personally?
11 A. I don't recall if it occurred to me or
12 not, but I didn't do it.
13 Q. Okay. In this -- in that same sentence I
14 was reading, it says we continue to reach out in
15 pastoral care and healing to the young man who
16 brought the complaint to our attention. I share
17 this not to make excuses but to establishing the
18 facts. Do you see that?
19 A. I do.
20 Q. And what -- the fact that you're referring
21 to is the fact that you were reaching out to this
22 young man?
23 A. I'll have to reread that. I don't know
24 what I was referring to.

1 Q. Well, let me ask you, was it a concern --
2 was part of the purpose of this letter was that
3 there were going to be media reports and that you
4 were concerned that when there are media reports
5 how those things are reported --
6 A. Yes.
7 Q. -- was that a concern? How they're
8 perceived?
9 A. Yes.
10 Q. And that it might not be the whole story?
11 A. Yes.
12 Q. Those were your concerns?
13 A. Those would have been my -- among my
14 concerns.
15 Q. Among them?
16 A. Yeah.
17 Q. And you wanted to take an opportunity to
18 tell your supporters that and the facts as you
19 perceived them?
20 A. Yes.
21 Q. Okay. Do you think those same supporters
22 had a right to know all the details the Jesuits
23 knew about McGuire and how that was handled?
24 A. No.

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1 Q. Do you know whose handwriting it is?
2 A. No.
3 Q. Okay. It's dated October 10th, 2007.
4 A. Okay.
5 Q. It says JL. Do those initials -- do you
6 know who JL might be?
7 A. JL might be Jeremy Langford.
8 Q. Okay. And who is Jeremy Langford?
9 A. He's our information officer. That's not
10 the exact title. I don't know what the exact title
11 is.
12 Q. Do you know who TF may be?
13 A. Timothy Friedman, perhaps. He's in charge
14 of the development office.
15 Q. And it says phone. Is that JG? Probably
16 Jim Gschwend?
17 A. Probably.
18 Q. And Kathleen, it says, underneath that?
19 A. That would be Kathleen McChesney.
20 Q. And she's the person the Jesuits hired to
21 deal with the misconduct claims?
22 A. No. She did some of that, but we mainly
23 hired her to investigate our office and operation
24 to see if it was the best it could be.

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1 Q. Why not?
2 A. Some of the details would reveal names
3 that were not public. All the details would reveal
4 things that shouldn't be revealed.
5 Q. But you can cure that, right, by just --
6 like we're doing in this deposition, by not using
7 names?
8 A. Okay. But you said all the details so --
9 Q. Okay.
10 A. Beyond that, I made the judgment I -- that
11 it would not be help -- I don't know that they
12 would have a right to know everything that went on,
13 no.
14 Q. So you don't necessarily believe the
15 supporters should have all of the facts, just the
16 facts that you want to provide to them?
17 A. And that others have provided to them.
18 (Whereupon, Exhibit S23 was
19 marked for identification.)
20 BY MR. PEARLMAN:
21 Q. I'm going to show you what we've marked as
22 Exhibit No. 23. Have you seen this document
23 before?
24 A. I don't recall it. That's not my writing.

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1 Q. Okay. And who's Bill?
2 A. Bill would be Bill Gavin. The same thing.
3 They worked together.
4 Q. Okay. And then, underneath that, do you
5 see the word
6 A. I do.
7 Q. Wants to settle this case in the next
8 week. Wants outreach to other victims unknown.
9 Wants robust new approach. Do you see that?
10 A. I do.
11 Q. Do you remember any discussions about the
12 - about coming forward again?
13 A. Yes.
14 Q. Okay. Tell me what you recall.
15 A. Exactly what it says here, that he was
16 insistent that he wanted to settle the case and
17 that he want -- he had -- he wanted us to be robust
18 in our new approach.
19 Q. And what about outreach to unknown
20 victims?
21 A. If that's what it says here, I --
22 that's -- that's consistent with discussions with
23
24 Q. Okay. And then, do you see under that, it

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