

IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

RECORDED

FEB 03 1992

MICHAEL KASPER, ROBERT KASPER,
and ARDEN KASPER,

Plaintiffs,

vs.

FATHER JAMES ELMER LEU,
Individually and as agent
of Diocese of Davenport and
Roman Catholic Bishop of
Davenport; MOST REVEREND
GERALD O'KEEFE, FATHER HARRY
LINNENBRINK, and MONSIGNOR
W. ROBERT SCHMIDT, all
individually and as agents
of the Diocese of Davenport;
THE ROMAN CATHOLIC BISHOP OF
DAVENPORT; and THE DIOCESE OF
DAVENPORT,

Defendants.

LAW NO. 53102

DEPOSITION OF
MONSIGNOR
MICHAEL J.
MORRISSEY

ORIGINAL

DEPOSITION OF MONSIGNOR MICHAEL J.

MORRISSEY, taken at the Law Offices of Lane &
Waterman, 600 Davenport Bank Building, Davenport,
Iowa, on January 13, 1992, commenced at 2:05 p.m.,
before Alanna G. Jeffery, Certified shorthand
Reporter and Notary Public in and for the State of
Iowa. Also present: Mike St. Clair

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EXHIBIT

Green
3

1 A. Aside from just general working with the
2 Bishop on anything that he might assign me from
3 time to time, most of that was the business
4 operations of the Diocese and in continuing work in
5 the marriage tribunal.

6 Q. Now, at what point in time did you become
7 a Monsignor?

8 A. 1981.

9 Q. During the time that you've been
10 affiliated with the Bishop's office -- and, for the
11 most part, that's been full-time since 1976. Is
12 that correct?

13 A. I would say it's been full-time in
14 general work since 1967.

15 Q. Since that point in time, have you been
16 aware of any claims made, other than this one, of
17 any sexual misconduct on the part of any priest or
18 any other Diocesan employee?

19 A. Yes. One.

20 Q. When was that?

21 MR. MILLER: For clarification, when
22 was what? When he became aware of **FILED** P.M.

23 Q. (CONTINUING) When was this claim
24 asserted? When did somebody say, We've got a problem?
25

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1 A. The incident happened in 1987.

2 Q. What was the claim about?

3 A. That there had been sexual misconduct on
4 the part of one of our priests.

5 Q. Was that Father Leu or was it somebody
6 else?

7 A. It was somebody else.

8 Q. What was alleged to have been done?

9 A. This priest had made some sexual advance
10 on a young man.

11 Q. And how was that issue resolved?

12 MR. MILLER: I'm going to object.
13 It's vague and indefinite. Do you want to tell
14 me what you mean by "resolved"? Do you mean
15 internally in the church, or otherwise?

16 Q. (CONTINUING) Was it resolved to your
17 satisfaction in one way or another?

18 A. I still don't know how to answer that.

19 Q. Was there any decision made by the
20 Diocese as to how to handle the claim?

21 A. Yes. The priest was removed from his
22 assignment. Aside from that, it's still pending.

23 Q. It's still pending?

24 A. That's correct.

25 Q. Is there a lawsuit filed as

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1 that?

2 A. There has been.

3 Q. And who filed the lawsuit?

4 A. The parents of the young man involved.

5 Q. And where was this filed? In Scott
6 County or someplace else?

7 A. I'm sorry. I don't know today. I don't
8 remember where it was filed.

9 Q. Has it been filed in a court of law?

10 A. Yes.

11 Q. And has the priest's name been disclosed
12 as part of that process? In other words, was he
13 named?

14 A. Yes.

15 Q. What is that individual's name?

16 A. Frank Martinez.

17 Q. Where was he pastoring at or where was
18 he involved at at the time that this incident
19 occurred?

20 A. The incident did not occur in the parish,
21 but he was assigned to the parish at Melrose, Iowa.

22 Q. You say the incident didn't occur in the
23 parish. Where did it occur?

24 A. In Davenport.

25 Q. Was it on property owned by the parish?

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1 A. No.

2 Q. Why don't you tell me where it occurred
3 as far as you understand it to be.

4 A. At a motel here in Davenport.

5 Q. And the name of the parents that have
6 filed the lawsuit?

7 A. The last name is Lalor.

8 Q. Do you know how it's spelled?

9 A. I think it's L-a-l-o-r. I forget today
10 whether there is a W in there or not. L-a-l-o-r,
11 I think.

12 Q. When did you first become aware of this
13 incident?

14 A. At the time that it happened.

15 Q. How did you become aware of it?

16 A. The owner of the motel had called the
17 police, and the police called me.

18 Q. Had there been any prior allegations of a
19 similar nature asserted against Father Martinez at
20 that time?

21 A. No.

22 Q. I'm sorry. The answer is no?

23 A. The answer is no.

24 Q. Thank you.

25 Do you have recollection of the date that

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1 the owner of the motel contacted the police, which,
2 in turn, contacted you?

3 A. It was December 26th. That's an easy
4 date to remember.

5 Q. 1987, correct?

6 A. Yes.

7 Q. Is that the only incident that you are
8 aware of between a priest and anybody of a sexual
9 nature such as the one you've described?

10 MR. MILLER: I'm going to object.
11 It's overly broad and burdensome. I will permit
12 him to answer if that is the only situation he is
13 aware of between a priest in the Davenport Diocese
14 and a minor; otherwise you are asking him for the
15 universe of anything he might have read anywhere.

16 Q. (CONTINUING) I'm not asking for anything
17 you read anywhere. I'm asking you, Monsignor, for
18 anything that you know of a claim that's been
19 asserted against a priest by anyone, whether a
20 minor or adult, involving any sexual misconduct of
21 any kind by a priest, other than Frank Martinez and
22 Father Leu.

23 MR. MILLER: Do you understand the
24 question?

25 A. I am not aware of any other cases that have

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1 been made.

2 Q. Those are the only two.

3 A. Yes.

4 Q. Just so that I'm clear as to your
5 recollection, what has been alleged to have
6 occurred at that motel? In more specifics than
7 simply a sexual advance.

8 A. My understanding is that there was simply
9 some -- that nothing sexual, per se, happened.
10 That there was some initial contact, and the young
11 man went into a panic and ran out to the desk.
12 That's how the motel owner -- I said owner; it's
13 really the desk clerk that night -- called the
14 police.

15 Q. So, if I understand correctly, there was
16 a young man -- by "young," I'm assuming you are
17 talking about a minor. Is that --

18 A. I think he was 15 at the time.

19 Q. This 15-year-old boy comes out to the
20 desk clerk at a motel in Davenport, and then the
21 desk clerk contacts the police, which contacts
22 you. Correct?

23 A. That's correct.

24 Q. And is it your understanding that at the
25 time that the young man had come out to the desk

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1 clerk, nothing of a sexual nature had yet occurred?

2 A. That's my understanding.

3 Q. But is it your understanding that what
4 the family is alleging is that there was some type
5 of sexual conduct to be expected in that motel
6 room?

7 MR. MILLER: Can I have that
8 question back, please?

9 (The reporter read the record as
10 requested.)

11 A. I don't know what the family is
12 alleging. It hasn't gotten any farther than the
13 filing of the suit, so I have no idea what more is
14 involved in that case than that.

15 Q. So that we are clear, besides the claim
16 that's been made against Father Martinez and the
17 claim made here against Father Leu, you are not
18 aware of any other claims -- I use the word
19 "claims," by the way, Monsignor, so that I avoid
20 the use of the term lawsuit, because a claim can be
21 made by someone that does not necessarily lead to a
22 lawsuit. Do you understand that?

23 A. Yes, I do.

24 Q. So when I use the term "claim," I am not
25 asking you if you are aware of any complaint or

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1 claim made by anyone alleging sexual misconduct by
2 a priest.

3 Am I to understand that the only ones
4 that you are aware of are the one that's with
5 Father Martinez, which you've related to me, and
6 the one with Father Leu, that's the reason we are
7 here for?

8 A. That's the only claims that I am aware
9 of.

10 Q. Are you aware of any incidents in which
11 no claim or complaint has been lodged but which you
12 have knowledge, between a priest and a minor of a
13 sexual nature?

14 A. May I have the question back, please?

15 Q. Sure. Let me rephrase it.

16 I want to make sure that there is nothing
17 that you are aware of that was not brought to your
18 attention by somebody else. In other words,
19 something that you yourself are aware of between a
20 priest and a minor of a sexual nature.

21 MR. MILLER: Are you asking him, is
22 he aware of anything other than Leu and Martinez
23 based upon personal knowledge?

24 MR. DIAZ: Correct.

25 A. No.

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1 interrogatories.

2 A. (CONTINUING) Answers to interroga-
3 tories. I saw those last week.

4 Q. Is there any of the testimony of Father
5 Linnenbrink that you disagree with?

6 A. The only thing that struck me is that he
7 says that I was at a meeting at the Ironmen with
8 the four of them. I don't remember that. I can
9 visualize the motel because we've had meetings
10 there frequently, and I've tried to picture the
11 four of us meeting together there, and I don't.

12 Q. Was there anything in particular about
13 the conversation or the meeting that he discussed
14 in his deposition that you have no recollection of?

15 A. I didn't notice anything in reading that
16 that I strongly disagreed with, except the meeting
17 at the Ironmen Inn.

18 Q. What about Monsignor Schmidt's
19 testimony? Is there anything in his that you
20 disagree with?

21 A. Not that I remember. Nothing struck me
22 as --

23 Q. What about the Bishop's?

24 A. There was nothing in there that I
25 remember objecting to or saying, No, that's not

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