IN THE IOWA DISTRICT COURT FOR CLINTON COUNTY

JOHN DOE (1-A),

Plaintiff,

-vs-

FATHER JAMES JANSSEN and DIOCESE OF DAVENPORT,

Defendants.

LAW NO. 29513

DEPOSITION OF MONSIGNOR MICHAEL MORRISSEY

DEPOSITION OF MONSIGNOR MICHAEL MORRISSEY, taken on Wednesday, June 2, 2004, at Lane & Waterman, 220 North Main Street, Suite 600, Davenport, Iowa, commencing at 9:05 a.m.

Also Present: Father James Janssen

Alanna G. Jeffery, RMR
Registered Merit Reporter
Certified in Iowa and Illinois

be able to deny the complaint?
A. No.
Q. Monsignor Morrissey, I want to hand you what has been marked Exhibit 147. You indicated earlier in your deposition that you had been deposed in a case involving Father Martinez. I want to hand you portions of a deposition that you gave in a case Casper versus Father James Leu, in the Iowa District Court for Johnson County, Law No. 53102.
A. Then I need to correct it. It was this one and not Martinez.
Q. You were deposed in the Casper case against Father Leu on January 13th, 1992, correct?
A. Yes.
Q. And you were under oath on that date, correct?
A. Correct.
Q. And you were represented by Attorney -- or, there were attorneys from the Diocese there, Attorney Chuck Miller. Correct?
A. Correct.
Q. Do you remember being questioned by Attorney Marty Diaz from Iowa City?
A. I wouldn't have known the name, but...
Q. At page -- page 9 of the deposition, which

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is the third page of the exhibit, the attorney asked you, "During the time that you've been affiliated with the Bishop's office -- and, for the most part, that's been full-time since 1976. Is that correct?" And your answer was, "I would say it's been full-time in general work since 1967." The question was, "Since that point in time, have you been aware of any claims made, other than this one, of any sexual misconduct on the part of any priest or any other Diocesan employee?" And your answer was, "Yes. One." Please feel free to read the rest of it. I believe the other one you referred to is the Martinez case.

So during the deposition, when asked under oath on January 13th, 1992, you identified two claims of sexual misconduct on priests, that would be only Father Martinez and Father Leu.

A. I'm presuming at that point that I interpreted claims to mean lawsuit for monetary damages. That would be my guess.

Q. Turn to what's listed as page 15 of the deposition that's a part of this exhibit, where Mr. Diaz questions you, "So that we are clear, besides the claim that's been made against Father Martinez and the claim made here against Father Leu, you are not aware of any other claims -- I use the word 'claims,'

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by the way, Monsignor, so that I avoid the use of the term lawsuit, because a claim can be made by someone that does not necessarily lead to a lawsuit. Do you understand that?" Answer: "Yes, I do." Question: "So when I use the term claim, I'm asking you if you are aware of any complaint or claim made by anyone alleging sexual misconduct by a priest. Am I to understand that the only ones that you are aware of are the one that's with Father Martinez, which you've related to me, and the one with Father Leu, that's the reason we are here for?" And your answer was, "That's the only claims that I am aware of."

A. I can't explain that answer.

Q. Actually, at that time, Monsignor, you were aware of Jim Wells' complaints about Father Janssen, about the complaints of Father Wiebler that occurred before 1992, and specifically about the McAleer memo of 1990, weren't you, where there were indications that Bass, Janssen, and Geerts had all molested multiple boys on multiple occasions?

A. Yes, I was aware of that.

Q. And, in fact, you knew in 1992 that in 1990 Father Janssen had voluntarily took a leave of absence for health reasons because of those specific allegations?

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A. Yes, I was.

Q. But you did not reveal that in this deposition, did you?

A. I did not.

Q. Could you turn to page 30 of this deposition, please? There is another question starting at line 18. I just want to make sure your answer would be the same.

"Now, before assigning a priest to a particular parish, is there any type of evaluation made or investigation made of that priest as to his appropriateness?" And your answer, "In our Diocese, not in any normal way, no."

MR. WONIO: I think that's "formal."

MR. LEVIEN: Formal way, correct.

Q. (CONTINUING) Would that still be your answer?

A. Correct.

Q. Could you turn to page 64, then, of the deposition, line 19? You were asked a question, "Have you reviewed any documentation in preparation for today?" And your answer, at line 21, "I saw the deposition for -- that Bishop O'Keefe gave." Do you remember reviewing Bishop O'Keefe's deposition before you gave your deposition?

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A. Yes.

Q. And then if you look at page 65, starting at line 4, there is a question that the lawyers ask, "Is there any of the testimony of Father Linnenbrink that you disagree with?" Then you give an answer. Then look down at line 23. "What about the Bishops?" I thought that's referring to whether you disagreed with anything.

A. I'm sorry.

Q. I'm sorry. It's page 65, line 23, is where it's asking you -- I believe the question is asking you about the Bishop's deposition, whether there is anything you disagree with. And your answer, at line 24, "There was nothing in there that I remember objecting to or saying, No, that's not true. I didn't read it with a fine -- you know, every fine point in mind that I might argue with, that I disagree with. No. I didn't spot anything that I had a disagreement with there," referring to Bishop O'Keefe's deposition.

A. Right.

Q. I would like to hand you what has been marked Exhibit 148, which is portions of Bishop O'Keefe's deposition taken in the Casper versus Leu case, on June 12th, 1991, which was taken before your deposition in that case. You were here -- I'm sorry.

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Bishop O'Keefe was here at the law offices of Lane & Waterman, and Attorney Jeffrey Anderson questioned him on that date.

Could you turn first to page 17 of Bishop O'Keefe's deposition? And line 15, there was a question asked, "What are the responsibilities of the Chancellor in relationship to you?" And the first part of that answer, "Well, he is, first of all, in charge of all the archives and records and things of that kind."

Would you agree with that statement, that the Chancellor is in charge of the archives and records and things of that kind?

A. Uh-huh.

Q. I'm sorry. You have to say yes on the record.

A. Yes.

Q. Thank you.

Could you turn to page 18 of that deposition? Starting at line 22, Mr. Anderson questioned Bishop O'Keefe with the following question and answer: "Now, there is a file maintained by the Chancellor on each priest of the Diocese, is there not?" The answer was, "That's right." Then at the top of 19, "And that is called the priest file?" Answer:

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"Yes." Question: "And that is just maintained in the Chancellory office, is it not?" Answer: "That's right." Question: "And it's maintained by each -- under the name of each of the various priests; is that right?" Answer: "That's right." Question, at line 9, "In connection with the priests of the Diocese, are there any other files maintained by the Chancellory about any of the priests?" Answer: "No." Question: "For example, there is a Priest Personnel Board. Do you know if they maintain separate files?" Answer: "No, they do not." Question: "So that every document that has been either generated or preserved about a priest of the Diocese of Davenport would be, if it has been preserved, in the file of the priest. Is that right?" Answer: "That's correct." Question: "Is there a process or procedure where certain kinds of documents about a priest of the Diocese of Davenport, because they are of a sensitive nature or a personal nature, that they are not maintained in the priest file and placed in the archive, for example?" Answer: "No. We don't do that." Question: "You don't do that?" Answer: "No." Question: "Are you aware that some diocese and archdiocese do do that?" Answer: "Yeah." Question: "And are you also aware that there is provision for that practice in canon law?" Answer:

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"Yeah."

Monsignor Morrissey, is that testimony I just read truthful?

A. I don't know that he ever placed anything in the secret archives. He would have put them in sealed envelopes and put them in the priest's files, to my -- so the early stuff that was in the secret archives, I wasn't aware of that. So to that extent, yes, I think he would seal things and put them in the file. So to that extent, it's accurate. In the archives there would have been files for dead priests and so forth.

Q. Monsignor Morrissey, didn't Bishop O'Keefe testify under oath that the Davenport Diocese does not place material of a sensitive nature in an archive? Isn't that the testimony I just read to you?

MR. WONIO: Well, and the Bishop said, "No. We don't do that." And I believe that Monsignor Morrissey just said the same thing, that at the time this deposition was taken, they weren't doing that. Now, Bishop Hayes, obviously and apparently, was. So I don't think you have pointed out untruthfulness in this testimony, and any further questions of that nature are argumentative.

Q. (CONTINUING) Monsignor Morrissey, did you tell me under oath earlier in this deposition that the

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Chancery was moved in 1970 from 410 Brady Street to 911 Kahl Building?

A. I did.

Q. And at that time there was actually a purchase of the safe that still exists at this time, which is where the secret archives are kept?

A. Correct.

Q. And did we look through exhibits where, in Bishop O'Keefe's own handwriting, he wrote in there in 1970 --

A. That's correct.

Q. -- opened and resealed?

A. Correct.

Q. And is it your testimony, based on that, that Bishop O'Keefe, in 1970, opened unsealed secret archives? There had been a purchase of a new safe, and that secret archives were placed in the safe?

A. Yes.

Q. And so it was true that in 1991 the Davenport Diocese stored materials of a sensitive or personal nature in a locked archive, correct?

A. Correct. I think that -- I think what Bishop O'Keefe was trying to say there is that he did not do that. There was material there that Bishop Hayes had put in there. I don't know that anything was

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put in there by O'Keefe. When he gave his testimony, that wasn't being done. I think that's what he -- that's how I would interpret his statement there. If he had something confidential, he put it in an envelope and sealed it, put it in the priests' files in the Chancery office.

Q. But the question asked about maintaining documents.

A. I understand that.

MR. WONIO: No, the question was, quote, "Is there a process or procedure where certain kinds of documents about a priest of the Diocese of Davenport, because they are of a sensitive nature or a personal nature, that they are not maintained in the priest file and placed in the archive, for example?" And he said, "No. We don't do that." That doesn't address whatever Bishop Hayes was doing at all.

MR. LEVIEN: Okay.

Q. (BY MR. LEVIEN) Could you turn to page 49, please? Line 23, was the following question asked of Bishop O'Keefe while he was under oath: "Before Father Leu was accused of sexual misconduct, Bishop, have you had any priest of the Diocese accused of sexual misconduct?" And the answer was, "Yes." "When, in time, did it happen before?" "I think about a year

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before." And then there is a further discussion about that, if you read about it, and it talks about the Father Martinez case.

And then if you turn to page 196, line 17, Bishop O'Keefe is again asked, "Other than that priest and Father Leu, to this day, have any other priests, to your knowledge, been accused of sexual misconduct with youths since you've been Bishop?" Answer: "Not to my knowledge, no." Question: "And so the only times you had to deal with that situation would be this involving Father Leu and the other priest. Is that correct?" And his answer is, "That is right."

Is that testimony truthful, Monsignor?

MR. WONIO: And the specific question was sexual misconduct with youths since he has been Bishop. Now, what are we understanding, then? Are we saying accusations since he has been Bishop or --

MR. LEVIEN: Is this an objection, Rand?

MR. WONIO: Yes, it is.

MR. LEVIEN: Well, then, make the objection and not lead the witness.

MR. WONIO: -- or is it conduct since he has been Bishop? I object to the question as being vague, ambiguous, confusing, and argumentative.

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MR. LEVIEN: Are you directing him not to answer?

MR. WONIO: Please repeat the question, Ms. Reporter.

(The reporter read the record, as requested.)

A. I don't know Bishop O'Keefe's mind in answering that and what he may have thought an accusation was. From what we've been discussing, there were other accusations against priests, so he is --

Q. On June 12th, 1991, though, you know that Bishop O'Keefe had received Father McAleer's memo, correct?

A. Yes, that's correct.

Q. And as of June 1991, Bishop O'Keefe also knew about what happened down in Ottumwa with Father Wiebler, correct?

A. Correct.

Q. And both of those -- and the incident with Father Wiebler had been accusations of sexual misconduct with youths while he was Bishop, wasn't it?

A. Yes.

Q. And Bishop O'Keefe had to deal not only with the Father Leu case and the Father Martinez case, but also the Father Wiebler case and the Father Janssen

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case as of June 1991, hadn't he?

A. Correct.

Q. And also in accordance with the Father McAleer memo, he had to deal with the allegations against Father Bass and Father Geerts, correct, because the McAleer memo has those allegations in it?

A. Those names were mentioned, yes.