

IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

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
BISHOP GERALD
O'KEEFE

ORIGINAL

DEPOSITION OF BISHOP GERALD O'KEEFE,

taken at the Law Offices of Lane & Waterman,

600 Davenport Bank Building, Davenport, Iowa, on

June 12, 1991, commencing at 9:10 a.m., before

Alanna G. Jeffery, Certified Shorthand Reporter and

Notary Public in and for the State of Iowa. Also

present: Defendants Monsignor W. Robert S.

and Father Harry Linnenbrink; and Kathy Flynn from

The Aetna.

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A P P E A R A N C E S

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2
3 Plaintiffs by: ATTORNEY JEFFREY R. ANDERSON
4 Reinhardt & Anderson
5 E-1400 First National Bank
6 Building
7 332 Minnesota Street
8 St. Paul, Minnesota 55101
9 and
10 ATTORNEY ROBERT L. HORAK
11 Horak and Rasmussen Law Offices
12 112 East State Street
13 P.O. Box 349
14 Jefferson, Iowa 50129

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Defendant ATTORNEY PETER HAYEK
Father James Hayek, Hayek, Holland & Brown
Elmer Leu by: Bremer Building
120 1/2 East Washington Street
Iowa City, Iowa 52240-3976

Defendants ATTORNEY CHARLES E. MILLER
O'Keefe, Schmidt, ATTORNEY MARSHA L. WEG
Linnenbrink, Lane & Waterman
and Diocese of 600 Davenport Bank Building
Davenport by: Davenport, Iowa 52801

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Witness

Examination

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EXHIBITS

Exhibit

Marked

O'Keefe Deposition Exhibit 1..... 33
(Priest File on Father Leu)

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S T I P U L A T I O N

1
2 MR. HAYEK: If you would, please let
3 the record show this is the deposition of Bishop
4 Gerald O'Keefe being taken on June 12, 1991, at the
5 offices of Lane & Waterman. We are beginning now
6 at approximately 9:10 a.m. Present for the
7 deposition in addition to, of course, Bishop
8 O'Keefe, is Bob Horak, who is one of the attorneys
9 for the plaintiffs; Jeffrey B. Anderson, who is
10 another lawyer for the plaintiffs; Father Harry
11 Linnenbrink, one of the co-defendants in this
12 matter; and Monsignor W. Robert Schmidt. Of
13 course, additionally present is Chuck Miller,
14 attorney for the other defendants. Of course, I'm
15 representing Father Leu in this matter.

16 May the record further show that
17 this deposition is being taken by agreement of
18 counsel and that I would like to suggest that all
19 objections except for the form of the question be
20 reserved to trial.

21 Is that all right with everyone? P.M.
22 MR. ANDERSON: No objection. A.M.

23
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1 BISHOP GERALD O'KEEFE,

2 being first duly sworn, was examined
3 and testified as follows:

4 EXAMINATION BY MR. ANDERSON:

5 Q. Bishop, would you please state your full
6 name for the record.

7 A. Gerald Francis O'Keefe.

8 Q. Bishop, as you know, my name is Jeff
9 Anderson. I, along with Bob Horak, represent the
10 plaintiffs in this action. I will be asking you
11 some questions here, obviously, this morning.

12 Have you ever had occasion to have your
13 deposition taken before?

14 A. Never.

15 Q. I know you were present yesterday, so you
16 saw how it works generally when Mr. Hayek and
17 Mr. Miller questioned Michael Kasper. Let me just
18 cover a couple things with you.

19 It's necessary for you to wait for me to
20 finish my question before you begin your answer so
21 that the stenographer or court reporter can record
22 everything. All right?

23 A. Yes, sir.

24 Q. Also, it is necessary to answer any
25 questions audibly because she cannot record a

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1 gesture of the hand or a nod of the head.

2 A. I understand.

3 Q. Finally, if you don't understand any
4 question that I ask, just please let me know, and I
5 will clarify it for you. Because I will assume if
6 you don't say otherwise, you do understand the
7 question. All right?

8 A. Yes. I understand.

9 Q. Bishop, how long have you been the
10 presiding Bishop of the Diocese of Davenport?

11 A. Something over 24 years. I came in
12 January of 1967. January 3rd.

13 Q. And before you were installed as the
14 Bishop of the Diocese of Davenport, where did you
15 serve?

16 A. Well, immediately before that, I was
17 Auxiliary Bishop in St. Paul from July of 1961 to
18 January 3rd, 1967.

19 Q. Did you serve under Bishop Byrne, then,
20 or under Archbishop Binz.

21 A. Archbishop Brady ordained me Bishop, died.
22 three months later. Then I served with Bishop
23 Cowley as administrator. I was administrator from
24 October 1st until -- February of '61
25 28th of '62 when Archbishop Binz came.

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1 Q. When you served in the archdiocese of
2 St. Paul, Minneapolis, then, you served as
3 Auxiliary Bishop?

4 A. Yes, from 1961.

5 Do you want before that?

6 Q. What did you do before that?

7 A. Before that I was Chancellor of the
8 archdiocese from August 25th, 1945. And I was
9 ordained on January 29th, 1944; did weekend work
10 until May 30, 1944. Then I was at the Cathedral of
11 St. Paul until September -- day after Labor Day,
12 anyhow, that year. Then I was at St. Thomas
13 Military Academy for the school year of 1944-
14 1945. And the summer of 1945 I was a part-time
15 assistant at the Cathedral and going to
16 St. Thomas. In August of 1945, the Archbishop
17 appointed me Chancellor.

18 Q. That's kind of unusual, at least from my
19 perspective or limited experience, for somebody to
20 be appointed a position of Chancellor shortly after
21 ordination.

22 A. It was unusual.

23 Q. Yes.

24 A. I should also comment, though
25 Bishop Hillary Hacker, Father Hacker in those days,

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1 was the Vicar-General, and he was full-time. So
2 there were two of us in the office. I was not the
3 senior man.

4 Q. And when you served as Chancellor, at
5 least initially, in 1945, did you also have a
6 parish assignment?

7 A. No.

8 Q. You worked in the Chancellory full-time?

9 A. Full-time.

10 Q. You served, then, as Chancellor under how
11 many archbishops?

12 A. Archbishop John Gregory Murray,
13 Archbishop William O. Brady, and Archbishop Leo
14 Binz.

15 Q. I would expect, then, that your
16 responsibilities in some ways changed as you served
17 under each archbishop, in some way?

18 A. Yes. Particularly under Archbishop Brady
19 when Bishop Hacker was made Bishop of Bismarck and
20 left the office. I had a new set of responsibili-
21 ties.

22 Q. Are you trained as a canon lawyer?

23 A. No.

24 Q. At the time that you served as
25 in the archdiocese, was there a canon lawyer that

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1 was advising the Archbishop?

2 A. Bishop Hacker had a bachelor's degree in
3 canon law from the Gregorian University. Father
4 Moriarity was a professor of canon law at St. Paul
5 Seminary. Eugene Moriarity. I suppose if there
6 was a canon consultant, it was he.

7 Q. You indicated that you attended
8 St. Thomas. Is that correct?

9 A. That's right.

10 Q. Where did you go to school before
11 St. Thomas and what did you do?

12 A. I went to Wayzata Elementary School and
13 Wayzata High School.

14 Q. You grew up --

15 MR. ANDERSON: This is off the
16 record.

17 (A discussion was held off the
18 record.)

19 Q. (BY MR. ANDERSON) You were, then,
20 ordained a priest of the Archdiocese of St. Paul-
21 Minneapolis.

22 A. That's right.

23 Q. And who ordained you?

24 A. Archbishop Murray.

25 Q. And since your installation as the Bishop

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1 of Davenport, have any other bishops served as
2 coadjutor or Auxiliary Bishop?

3 A. No.

4 Q. So since 1967 you have been the chief
5 presiding officer of the Diocese of Davenport.

6 A. I presume that characterization is
7 correct.

8 Q. Diocese of Davenport is incorporated?

9 A. Yes.

10 Q. And what is your position in the
11 corporate structure?

12 A. I'm the president.

13 Q. Are each of the individual parishes
14 within the Diocese of Davenport separately
15 incorporated?

16 A. They are.

17 Q. And then St. Mary's parish at Lone Tree
18 is individually incorporated?

19 A. It is.

20 Q. In the corporation scheme of St. Mary's
21 at Lone Tree, are you also the president of that
22 corporation?

23 A. Yes.

24 Q. And that is the case with all
25 parishes within the Diocese, is it

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1 A. That's true.

2 Q. I want to ask you some questions about
3 the hierarchy of the Diocese of Davenport, if I
4 may.

5 Who in the Diocese would be considered
6 first officials of the Diocese besides yourself?

7 A. Well, I presume the Vicar-General, and
8 then probably the Chancellor and Vice Chancellor.
9 Vice Chancellor and Judicial Vicar are the same
10 persons. And the Vicar-General and the Adjutant --
11 I should say Judicial Vicar are the same. That, I
12 think, would be it for the Diocese. We have the
13 diocesan Board of Consultors.

14 Q. When was the Board of Consultors
15 established, Bishop?

16 A. Oh, at the beginning of the Diocese in
17 1881.

18 Q. Is there a Priest Personnel Board?

19 A. Yes.

20 Q. Any other officials that you would
21 identify as being -- or titles or individuals that
22 you would identify as being officials of the
23 Diocese of Davenport?

24 MR. MILLER: Well, I would like to ask you
25 you explain what you mean by "officials."

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1 Q. (CONTINUING) Well, officers in charge or
2 charged with responsibility for the administration
3 and operation of the religious business of the
4 Diocese of Davenport.

5 A. I would say no.

6 Q. Who is the Vicar-General?

7 A. Monsignor Michael Morrissey.

8 Q. Now, I notice that there is an individual
9 identified as Vicar for Priests.

10 A. Right.

11 Q. Who is that?

12 A. That is Monsignor Robert Schmidt,
13 W. Robert Schmidt.

14 Q. And if you can identify in their
15 hierarchy where the position of Vicar for Priests
16 stands, where does that stand in the hierarchy of
17 the Diocese of Davenport?

18 A. I would find that difficult because that
19 position is a service position. It's to aid the
20 priests, help them. It's a liaison between me and
21 the priests. I'm hesitant because I'm not sure
22 where I would place it.

23 Q. I understand.

24 Is that a position that you
25 Bishop?

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1 A. Yes.

2 Q. And did you create that position to help
3 you address issues with the priests in the Diocese?

4 A. Yes.

5 Q. Is that a position that is designated as
6 an official position in canon law, or is that just
7 something that you've created?

8 A. Frankly, I don't know.

9 Q. When did you create that position?

10 A. 19- --

11 Q. If you know.

12 A. -- -85.

13 May I ask him?

14 MONSIGNOR SCHMIDT: January 1st,
15 1987. It's a new office.

16 Q. (BY MR. ANDERSON) Was the creation of
17 that office in response to a particular situation
18 or development or problem?

19 A. I don't think so. It was the result
20 of considerable discussion between me and the
21 Vicar-General, as spiritual counsel, about
22 relationships. I thought it would be a good idea,
23 and eventually they did it.

24 Q. Is the Diocese broken up into
25 geographical areas such as deaneries?

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1 A. Yes.

2 Q. How many deaneries are in the Diocese?

3 A. Six.

4 Q. And is each deanery, then, presided over
5 by a designated dean?

6 A. That's right.

7 Q. And what is the purpose of the dean of
8 each of the deaneries?

9 A. Well, he is to assemble the clergy and
10 talk about the problems that they have within the
11 deanery, or things they might do together. It's
12 kind of an educational process in which they
13 discuss pastoral matters and so on, that kind of
14 thing. It also has a general supervisory capacity
15 that --

16 Q. In what deanery is the St. Mary's Church
17 at Lone Tree located?

18 A. Iowa City.

19 Q. And who presently is the dean at that
20 deanery?

21 A. Father Francis Lenocho.

22 Q. Can you spell that last name?

23 A. L-e-n-o-c-h.

24 Q. Do you know how long he has been dean of
25 that deanery?

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1 A. About six years, I think.

2 Q. You appoint the deans of the deanery,
3 don't you?

4 A. I do.

5 Q. And would it be fair to describe him
6 loosely as a supervisor of his deanery?

7 MR. MILLER: Wait a minute.
8 I'm going to object to the use of the term
9 "supervisory," however loosely. If you want to
10 ask the Bishop what his role is and what he does,
11 that would be fair.

12 Q. (CONTINUING) What is the role?

13 A. His role is kind of to preside over the
14 deanery meetings, to represent the deanery, to kind
15 of, you know, bring the business of the deanery
16 together, to be available to the priests for
17 counsel and help.

18 Q. Is there any mechanism that you know of
19 where the deans of the various deaneries report to
20 the Vicar for Priests?

21 A. No.

22 Q. They report directly to you, ^{you} scheduled?

23 A. Yes.

24 Q. Do you have any regularly scheduled
25 meetings with the various deans of the deaneries to

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1 discuss matters having to do with the priests in
2 each of their deaneries?

3 A. No.

4 Q. How long has Monsignor Morrissey been
5 Vicar-General? Roughly.

6 A. Oh, boy. 19, 20 years.

7 Q. What is the role of the Vicar-General?

8 A. I'm sorry. I think I'm -- he was
9 Chancellor for 20 years. He made Chancellor
10 20 years ago; Vicar-General, at the death of
11 Monsignor Feeney.

12 When was that?

13 Q. Whatever your best estimate is.

14 A. I'm going to say eight years.

15 Q. And he was Vicar-General -- excuse me --
16 he was Chancellor before Vicar-General?

17 A. That's right.

18 Q. And served under you as Chancellor for
19 many years.

20 A. Yes.

21 Q. Who is presently Chancellor?

22 A. Monsignor Leo Feeney.

23 Q. Is he priest of the Diocese of St. Louis?

24 A. Yes, he is.

25 Q. How long has he been Chancellor?

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1 A. Well, as long as Monsignor Morrissey has
2 been Vicar-General.

3 Q. And what are the duties and the
4 responsibilities of the Vicar-General in
5 relationship to you?

6 A. Well, the Vicar-General would be one who
7 would act in my place if I'm absent. He is my
8 chief assistant. And in our particular setup in
9 Davenport, he would be in charge of the financial
10 affairs.

11 Q. In other words, if you, for example, went
12 to Rome, he would be the chief administrator here
13 in your absence.

14 A. That's right.

15 Q. What are the responsibilities of the
16 Chancellor in relationship to you?

17 A. Well, he is, first of all, in charge of
18 all the archives and records and things of that
19 kind. He is also -- in our setup, he handles the
20 routine marriage things. That would be like
21 dispensations and the administrative arrangements. **FILED**
22 say, for lack of form, Catholic married ~~not in~~ **A.M.** **11**
23 presence of a priest, that kind of thing. **AUG 25 1992**
24 is also, of course, my liturgist and **EDWARD F. STEINBRECH**
25 ceremonies. That's our particular setup. That **CLERK OF DISTRICT COURT**

1 doesn't belong directly to the office.

2 Q. Right. I appreciate that every diocese
3 is a little different in connection with their
4 relationships.

5 Is there also an archivist in addition to
6 the Chancellor?

7 A. Yes. Sister Madeleine Marie Schmidt.

8 Q. And the Diocese does maintain an archive?

9 A. Yes.

10 Q. And that's maintained at the Chancellory?

11 A. Yes.

12 Q. And who has access to the archive?

13 A. The archivist, the Bishop, Vicar-General,
14 Chancellor.

15 Q. And what is -- I'm not asking for a
16 description of what is in there, but what types
17 of documents or materials are maintained in the
18 archive?

19 A. Historical. The parish files, priest
20 files, those are the main things. The diocesan
21 files. It's mostly a historical thing.

22 Q. Now, there is a file maintained by the
23 Chancellor on each priest of the Diocese is there
24 not?

25 A. That's right.

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1 Q. And that is called the priest file?

2 A. Yes.

3 Q. And that is just maintained in the
4 Chancellory office, is it not?

5 A. That's right.

6 Q. And it's maintained by each -- under the
7 name of each of the various priests; is that right?

8 A. That's right.

9 Q. In connection with the priests of the
10 Diocese, are there any other files maintained by
11 the Chancellory about any of the priests?

12 A. No.

13 Q. For example, there is a Priest Personnel
14 Board. Do you know if they maintain separate
15 files?

16 A. No, they do not.

17 Q. So that every document that has been
18 either generated or preserved about a priest of
19 the Diocese of Davenport would be, if it has been
20 preserved, in the file of the priest. Is that
21 right?

22 A. That's right.

23 Q. Is there a process or procedure where

24 certain kinds of documents about a priest of the
25 Diocese of Davenport, because they are of a

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1 sensitive nature or a personal nature, that they
2 are not maintained in the priest file and placed in
3 the archive, for example?

4 A. No. We don't do that.

5 Q. You don't do that?

6 A. No.

7 Q. Are you aware that some dioceses and
8 archdioceses do do that?

9 A. Yeah.

10 Q. And are you also aware that there is
11 provision for that practice in canon law?

12 A. Yeah.

13 Q. Who is your canonical advisor?

14 A. Either Monsignor Michael Morrissey or
15 Monsignor James Parizek.

16 Q. Can you spell Parizek, please?

17 A. P-a-r-i-z-e-k.

18 Q. Does the Diocese of Davenport have an
19 official directory?

20 A. Yes.

21 Q. What is it called?

22 A. Directory.

23 Q. How many dioceses are there in
24 of Iowa?

25 A. Four.

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1 Q. And they are all dioceses, are they not?

2 A. No. One is an archdiocese.

3 Q. Which one?

4 A. Dubuque.

5 Q. Who is presently the Archbishop of
6 Dubuque?

7 A. Daniel Kucera.

8 Q. And you do not answer to the Archbishop
9 of Dubuque, correct?

10 A. No.

11 Q. Because he is an Archbishop, is he
12 considered to be kind of metropolitan, if you will?

13 A. Exactly.

14 Q. You, however, as the Bishop of the
15 Diocese of Davenport, answer directly to the Holy
16 See in Rome, do you not?

17 A. Yes.

18 Q. What, if any, relationship is there in
19 the handling of the affairs of the Diocese as
20 Bishop -- what relationship is there, if any, to
21 the apal delegate in D.C.?

22 A. Well, the Pro-Nuncio would represent the
23 Holy Father personally to us. He would represent the
24 Father's personal representative.

25 Q. The Pro-Nuncio, however, serves primarily

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1 as an administrative capacity for the See, does he
2 not?

3 A. I'm sorry. I don't understand.

4 Q. You don't answer to the Pro-Nuncio. You
5 answer to the See, or the Holy Father, in Rome. Is
6 that correct?

7 MR. MILLER: I'm going to object to
8 the use of the term "answer to." I think it's
9 giving the Bishop problems. Perhaps you might
10 rephrase your question.

11 MR. ANDERSON: Sure.

12 Q. (BY MR. ANDERSON) Who is presently the
13 delegate?

14 A. Cacciavillan.

15 Q. Pio Laghi preceded him, did he not?

16 A. He did.

17 Q. How many priests are there in the Diocese
18 of Davenport, if you know?

19 A. About -- all together, just under 200.
20 Something like 197, or something like that. 122, I
21 think, are active.

22 Q. And how many priests were there in the
23 Diocese of Davenport when you were installed as
24 Bishop in 1967?

25 A. Something over 200. I think about 205,

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1 if my memory -- but that's 25 years ago.

2 Q. Roughly 205 active priests?

3 A. Yeah. I think that would be fairly
4 accurate. I'm not certain.

5 Q. I understand.

6 Have there been, since you served as
7 Bishop, any new parishes added and included within
8 the Diocese?

9 A. Yes.

10 Q. Roughly how many would you estimate,
11 Bishop?

12 A. Two brand-new, one made up of a
13 combination of two parishes, and then in Clinton a
14 combination of five parishes making up one new
15 parish, but with the five churches remaining.

16 Q. So is it fair to say that, at least since
17 you've been installed as Bishop, there has been an
18 increase in the number of parishes, but a decrease
19 in the number of active priests?

20 A. I would say a decrease in both because
21 there have been three or four small parishes
22 suppressed, so --

23 Q. In your experience, has there been

24 an increasing shortage or growing
25 available active priests to serve within the

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1 Diocese?

2 A. Yes.

3 Q. Has that generally been the case across
4 the country, at least from your perception or
5 observation?

6 A. So far as I can say. But I would not
7 want to say --

8 Q. Speak for others.

9 A. That's right.

10 Q. Who is the Vice Chancellor, Bishop?

11 A. Vice Chancellor is Monsignor James
12 Parizek, same man who is Judicial Vicar.

13 Q. And I presume he is a canon lawyer.

14 A. He is.

15 Q. You also indicated there is an Adjunct
16 Judicial Vicar.

17 A. That's right.

18 Q. Who is that?

19 A. That's Monsignor Morrissey.

20 Q. And he is also Vicar-General

21 A. Yes.

22 Q. Why is he designated two separate titles?

23 A. Because we don't have that

24 Q. What does the Adjunct Judicial Vicar do?

25 A. He presides over what we call in this

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1 province the inter-diocesan tribunal.

2 Q. What is that?

3 A. That is an appeals court, if you will,
4 for the province, for the four dioceses. It's
5 established under the statutes set down by the
6 Holy See, and it has a seat in each diocese. The
7 main seat is in Dubuque where the Archbishop is
8 essentially the head of the tribunal, but his
9 Judicial Vicar presides. And then each diocese has
10 a court to hear appeals.

11 Q. What kinds of appeals are those at that
12 hearing?

13 A. Marriage cases.

14 Q. You indicated there is also a Board of
15 Consultors?

16 A. Yes.

17 Q. How many people serve on that board?

18 A. Six.

19 Q. And they are all appointed by you?

20 A. Yes.

21 Q. What is their purpose and role?

22 A. They are to advise me whatever I want,
23 particularly in financial matters.

24 Q. What about personnel matters?

25 A. No.

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1 Q. There is also a Priest Personnel Board?

2 A. Yes.

3 Q. How many people serve on that?

4 A. Five elected and three ex-officio.

5 Q. That means appointed by you?

6 A. No. By office. The Vicar for Priests,
7 the priest representing the retired priests, and --
8 I said three. I'm wrong. I'm wrong. Two. Vicar
9 for Priests and the man that represents the retired
10 priests.

11 Q. Was there a personnel -- Priest Personnel
12 Board in place when you were installed as Bishop?

13 A. No.

14 Q. You created it?

15 A. Yes.

16 Q. Why?

17 A. I felt that I needed advice and counsel
18 in making the appointments of the clergy because
19 they are very important to the priests, and I
20 wanted to do as good a job as I could.

21 Q. Do you continue or have you utilized the
22 Priest Personnel Board for that purpose since it
23 was appointed?

24 A. Yes.

25 Q. Perhaps you could, at least from your

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1 observation, describe how the Priest Personnel
2 Board works in connection with the placement or
3 movement of priests.

4 A. Okay. We start with a vacancy, position
5 that needs to be filled. This is made known to the
6 priests through the Catholic Messenger official
7 column. In other words, say, the pastor of
8 St. Bertha's has moved to St. Henry's. The priests
9 read this and they realize that St. Bertha's is now
10 vacant. They have a period of at least two weeks
11 to indicate to me or to the Personnel Board
12 that they are interested in being pastor of
13 St. Bertha's. Then we meet. I send out the agenda
14 saying St. Bertha's is vacant; these priests have
15 applied, if anyone has; then we meet. We discuss
16 the various applications, and the Personnel Board
17 usually makes a recommendation, and I usually
18 follow it.

19 Q. Ultimately it is the decision of you as
20 Bishop to place the priest.

21 A. Ultimately.

22 Q. And it is the Bishop who has the
23 responsibility for the placement, transfer
24 movement, and assignment of any priest of
25 Diocese of Davenport. Is that correct?

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1 A. That's correct. Yes.

2 Q. And the Personnel Board, although they
3 fulfill a role, is merely advisory. Isn't that
4 correct?

5 A. Technically, that's so.

6 Q. You listen to them, however.

7 A. I do.

8 Q. And often follow their recommendations.

9 A. Most often.

10 Q. And, however, aren't obliged to. Is that
11 correct?

12 A. You are right.

13 Q. Is the Vicar for Priests --

14 MR. MILLER: Excuse me.

15 (Attorney Miller was interrupted by
16 a telephone call.)

17 (Kathy Flynn left the deposition
18 room.)

19 Q. (CONTINUING) Is the Vicar for Priests --
20 he is one of the ex-officio members of the board.

21 A. That's right.

22 Q. Does he have any greater authority as P.M.
23 it pertains to his role on the board, or is he
24 an equal member on the board?

25 A. He has the right to speak to

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1 vote.

2 Q. How many voting members are there?

3 A. Five, and then two non-voting.

4 Q. The ex-officios are non-voting?

5 A. That's right.

6 Q. Do the four members -- is it four that
7 are elected?

8 A. Five.

9 Q. Are the five elected members --

10 A. Am I right? Wait. Wait. I think I
11 misspoke. I think there are four elected.

12 Q. In any case, that's of record somewhere,
13 so it's not -- are the elected members, in any
14 case, elected by the priest membership?

15 A. They are elected by age groups.

16 Q. How does that work?

17 A. Well, it works like those ordained and
18 inactive -- now, there would be retired priests.
19 That would be one category. Then, say, those
20 ordained 50 to 35 years, those ordained 35 years
21 to 20 years, those ordained 20 years to 10 years,
22 those newly ordained to 10, something like that.
23 That's kind of --

24 Q. How long do the elected members of the
25 board serve for?

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1 A. Three years.

2 Q. And how long do the ex-officio members
3 serve? As long as they are in their official
4 capacity?

5 A. No. Sorry. The Vicar for Priests, as
6 long as he is in office. But the man representing
7 the retired priests is elected every three years.

8 Q. In my experience, there have been
9 situations where Priest Personnel Boards have
10 maintained records about priests separate and apart
11 from the Chancellory priest file. In your
12 experience and in this Diocese, that is not the
13 case. Is that correct?

14 A. That is not the case.

15 Q. Who is the chief custodian of the priest
16 personnel or priest files?

17 A. I would say the Bishop and the
18 Chancellor.

19 Q. Bishop, do you -- and I'm not going to
20 ask the names of any priests for purposes of the
21 next inquiry, but I'm going to ask you about a
22 practice, if there is one.

23 Do you yourself or have you historically
24 on occasion maintained your own or separate
25 documents or records or filings in connection with

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