

1 various priests of the Diocese?

2 A. No.

3 Q. So that if you made any documents about  
4 a -- generated any documents about a priest of the  
5 Diocese and it were maintained, it would be in that  
6 priest file?

7 A. That's right.

8 Q. Do you type -- you don't type your own  
9 letters, do you?

10 A. No.

11 Q. You have a secretary that does that?

12 A. I do, yes.

13 Q. Who is your secretary?

14 A. Mrs. Patricia Brocksterman.

15 Q. Mrs. Brocksterman is a layperson.

16 A. She is.

17 Q. How long has she been your secretary?

18 A. I'm guessing about 18, 19 years.

19 Q. If there is a problem with a priest of  
20 the Diocese in his service in the parish, what  
21 vehicle is there, if any, in place for dealing with  
22 that problem?

23 MR. MILLER: You mean any problem,  
24 Counsel?

25 MR. ANDERSON: Yes.

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1           A.    Depends on the problem. It might come to  
2 the Bishop, it might come to the dean. I might  
3 refer it to the dean. I might take care of it. I  
4 don't know. It just depends. Or it might come to  
5 some member of the Chancery staff, say, the  
6 Vicar-General.

7           Q.    Because the Diocese of Davenport is  
8 incorporated, I presume there are articles of  
9 incorporation.

10          A.    There are.

11          Q.    And there is also a directory that  
12 identifies all the individuals and their positions  
13 within the Diocese?

14          A.    That's right.

15          Q.    What other documents, if any, are there  
16 that describe the function and organization of the  
17 Diocese?

18          A.    I don't know.

19          Q.    Is there a code of conduct for the  
20 priests of the Diocese?

21          A.    No.

22          Q.    Is there a code of conduct for priests?  
23 Catholic priests, ordained?

24          A.    I don't know.

25          Q.    Is there a --

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1 THE WITNESS: Could we have a little  
2 break?

3 MR. ANDERSON: Sure.

4 (A brief recess was taken.)

5 (O'Keefe Deposition Exhibit 1 was  
6 mark'd for identification.)

7 Q. (BY MR. ANDERSON) Bishop, is there a  
8 policy manual that the Diocese of Davenport has  
9 prepared that pertains to the priests?

10 A. No.

11 Q. Other than yourself as the ultimate  
12 authority in the Diocese and the advisory role that  
13 the Personnel Board plays which you've described,  
14 who else is involved with handling the personnel  
15 matters of the priests of the Diocese?

16 A. I don't think anyone.

17 Q. Bishop, I'm going to show you, before you  
18 here is an exhibit. It's actually in two parts  
19 just because it's fat. But for purposes of  
20 identification, it's been marked O'Keefe 1. We  
21 have agreed that we have marked this as a  
22 exhibit.

23 Just for your information, Bishop, each  
24 document on the lower, it looks like a Frydholm  
25 corner has been numbered. Some of the documents,

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1 if there is writing on two sides, will be numbered  
2 on both sides. So the first document is numbered  
3 No. 1, the back is No. 2. For purposes of this  
4 exhibit and the questions I'm going to be asking  
5 here this morning, we will refer to this Exhibit 1  
6 and then refer to each item by page number. All  
7 right?

8 MR. MILLER: So the record is clear,  
9 O'Keefe Exhibit No. 1 consists of 161 separately  
10 numbered pages with writing or printing on it.

11 Q. (CONTINUING) Now, this is a document  
12 that -- or, some information that we've acquired  
13 and has been supplied to us this morning, Bishop.  
14 Have you yourself ever had occasion to review this  
15 in its entirety?

16 A. Yes.

17 Q. Can you tell us what it is?

18 A. It's the entire file that we have on  
19 Father James Leu.

20 Q. And do you know if there is anything in  
21 the exhibit that was not in the priest file and  
22 could fairly be described as a part of the priest  
23 file?

24 A. No.

25 Q. It is the entire priest file.

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1 A. Entire priest file.

2 Q. Do you have any knowledge of any  
3 documents ever having been generated and placed  
4 in the priest file that are not now included in  
5 the exhibit?

6 A. No.

7 Q. Do you have any knowledge of any  
8 documents, for example, that have been destroyed  
9 for any reason?

10 A. No.

11 Q. Is there a policy of destruction of  
12 documents in the Diocese?

13 A. No.

14 Q. For example, let me give you an example  
15 to see if it's a policy that has ever been employed  
16 or a practice that's been utilized in the Diocese.

17 In some dioceses, and I think it's even  
18 recognized in canon law, if there are documents  
19 that -- I can't remember the exact words, but it's  
20 something like documents that could subject the  
21 church to disgrace and/or public scandal that  
22 there is provision for destruction of those  
23 documents within five years.

24 Is there any such practice or policy that  
25 or policy that has ever been employed or utilized

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1 in the Diocese of Davenport since you have been  
2 Bishop?

3 A. No.

4 Q. Have you at any time ever directed  
5 that any documents in either letters, documents,  
6 memorandums, or recordings that have been in a  
7 priest's file -- have you ever directed that it be  
8 removed or destroyed?

9 A. No.

10 Q. Have you ever directed that any of the  
11 documents in the priest file be sent to the  
12 archive?

13 A. I have not so directed. The policy would  
14 be that on the death of a priest, his file would be  
15 sent to the archivist.

16 Q. Any other occasion that a file or  
17 portions of it be sent to the archivist?

18 A. Possibly if a man leaves the priesthood.

19 Q. And that's more of a practice as opposed  
20 to a written policy?

21 A. That's correct.

22 Q. Is there a file that's maintained on the  
23 Bishop?

24 A. Yes.

25 Q. In the Chancellory, just

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a priest

1 file?

2 A. Yes.

3 Q. What about extern priests, priests who  
4 are not ordained to the Diocese serving in the  
5 Diocese? Are there files maintained about them?

6 A. Yes.

7 Q. Same as the priest file as if he had been  
8 ordained?

9 A. Yes.

10 Q. Bishop, in anticipation or in preparation  
11 for this deposition today, have you reviewed or  
12 looked at any materials?

13 A. This.

14 Q. Exhibit 1?

15 A. Exhibit 1.

16 Q. Anything else?

17 A. Yesterday we got something from you, and  
18 I read that through last night.

19 MR. MILLER: The record should  
20 reflect that we furnished the Bishop copies of  
21 the request for production, interrogatories  
22 interrogatories as to experts, interrogatories  
23 to punitive damages which were delivered to STEINBRECH  
24 yesterday, June 11th, for -- on behalf of  
25 plaintiffs. Also, the request for production was

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1     afforded the Bishop since you indicated you wanted  
2     those materials today, if possible. And O'Keefe  
3     Exhibit 1 is the fruits of those labors.

4                     MR. ANDERSON: All right.

5             Q.     (BY MR. ANDERSON) Anything else that  
6     you've reviewed?

7             A.     No.

8             Q.     Other than your review of those  
9     materials, have you reviewed any other documents  
10    or materials in connection with this lawsuit or  
11    the subject of this lawsuit?

12                    MR. MILLER: I'm going to object.  
13    It's vague and indefinite as to time. Are you  
14    talking at any time and not just in preparation  
15    for the deposition?

16                    MR. ANDERSON: That's right.

17             A.     No.

18             Q.     For example, have you reviewed at any  
19    time the answers to interrogatories supplied by us  
20    to the defendants?

21             A.     Yes.

22             Q.     Have you reviewed the complaint that

23    was -- or, the petition that was brought in this

24    matter? That would be the original people

25                    MR. MILLER: That's the formal

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1 written claim that was filed in court.

2 A. Yes.

3 Q. Have you reviewed any statements by  
4 any -- or memorandum by any priest about the  
5 subject of this lawsuit or Father Leu that is not  
6 in Exhibit 1?

7 A. No.

8 Q. I had asked you earlier, Bishop, about  
9 if there is a problem of a priest of the Diocese,  
10 for example, what procedure there is for how it's  
11 addressed. You generally said, well, it really  
12 depends a little bit on how -- or, the nature of  
13 the problem. Is that right?

14 A. That's right.

15 Q. There, then, is no formal written vehicle  
16 or procedure that has been generated either by  
17 yourself or your office that addresses how the  
18 Diocese generally deals with a problem involving a  
19 priest. Is that correct?

20 A. Not completely, but in the last year  
21 we have established and published a policy on P. M.  
22 pedophilia.

23 Q. I've got a copy of that, and I  
24 asking you some questions about the policy and  
25 its genesis.

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1           Other than that, is there any written  
2 policy of that kind that addresses dealing with  
3 specific problems relating to priests or their  
4 conduct?

5           A.     No.

6           Q.     If a report of some kind, for example, a  
7 letter, comes to or is addressed to the Chancellory  
8 complaining of conduct of a priest of the Diocese,  
9 is there a certain procedure as to how that would  
10 be handled and who would address it?

11          A.     I would not say there was a policy. That  
12 would depend on to whom the letter was sent, what  
13 it was about.

14          Q.     Addressing issues of alleged misconduct  
15 by priests, you indicate that there is a recent  
16 policy -- recent, that means a policy established  
17 roughly a year ago. Is that right?

18          A.     That's right.

19          Q.     Prior to that time, had there been any  
20 policies or procedures written or generated by the  
21 Diocese or yourself addressing how to deal with  
22 alleged conduct -- or, misconduct of priests?

23          A.     No, not to my recollection.

24          Q.     Bishop, other than with  
25 Mr. Miller, with whom have you discussed, if

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1 anybody, the giving of your deposition here today?

2 A. Well, the Vicar-General, Monsignor  
3 Morrissey, knows of it. He doesn't know the  
4 subject of -- he doesn't know, obviously, details.  
5 And he knows that I'm here and he knows what I'm  
6 doing. Of course, Monsignor Schmidt and Father  
7 Linnenbrink know because they have been present.

8 Q. Anybody else you have sat down with and  
9 talked about this in anticipation of today, for  
10 example?

11 A. No.

12 Q. Since this lawsuit was initiated -- by  
13 that I mean since it was started by the service of  
14 the petition or complaint -- other than with your  
15 attorney, Mr. Miller, and his colleagues, with whom  
16 have you discussed the subject of this lawsuit?

17 A. Outside of Monsignor Schmidt, Father  
18 Linnenbrink, and Monsignor Morrissey, no one.

19 Q. Since the start of this lawsuit, Bishop,  
20 has any information been received by you, other  
21 than yesterday -- been received by you from any  
22 source about the alleged conduct -- or, alleged  
23 misconduct of Father Leu that you didn't know  
24 before the lawsuit was started?

25 MR. MILLER: Can I have that

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1 question back?

2 (The reporter read the record as  
3 requested.)

4 MR. MILLER: To the extent you are  
5 seeking any information he might have received from  
6 me on any topic, I'm directing the witness not to  
7 answer. As to any information of any sort that he  
8 received other than from me or my partners or  
9 associates, if there is any such, he is permitted  
10 to answer.

11 Q. (CONTINUING) Do you understand the  
12 question?

13 A. I think so. And I think I would answer  
14 no.

15 Q. Have you personally met with any members  
16 of the Kasper family?

17 A. No.

18 Q. Have you ever discussed the subject of  
19 the claim of the misconduct by Father Leu with  
20 Father Leu?

21 A. No.

22 Q. When is the last time you spoke with  
23 Father Leu?

24 A. I think about the time the  
25 Kahl Home.

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1 Q. And what were the circumstances of that  
2 conversation? Did you call him, he call you, you  
3 meet with him, him you, or what?

4 A. I think it was a question of his coming  
5 to my office to tell me that he was going to Iowa  
6 City. He was leaving his post.

7 Q. And what is Father Leu's present status  
8 in the Diocese?

9 A. He is without an assignment.

10 Q. No canonical action or disciplinary  
11 action has been brought against Father Leu; is that  
12 correct?

13 A. To this extent, that I have restricted  
14 his faculties only to private mass.

15 Q. So you have restricted his faculty to,  
16 for example, minister the sacrament publicly, do  
17 parish work, and generally administer the ordinary  
18 priestly duties. Is that correct?

19 A. That's correct.

20 Q. That, however, is not as a result of any  
21 formal canonical proceeding, is it?

22 A. No.

23 Q. You have the power as the Bishop of the  
24 Diocese to restrict the faculty of any priest of  
25 the Diocese. Is that correct?

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1 A. That's correct.

2 Q. Just as you have the power to transfer  
3 that priest.

4 A. Yes.

5 Q. Or to reassign that priest.

6 A. Yes.

7 Q. You also, as the Bishop of the Diocese,  
8 have the power in canon law and I think the  
9 authority to initiate canonical proceedings, do you  
10 not, against a priest for misconduct? When I say  
11 canonical proceedings, that would be removal from  
12 the clerical state, such as laicization.

13 A. I don't think so.

14 Q. What's your understanding as to how  
15 that's initiated?

16 A. Well, wait a minute. Let me -- yeah,  
17 there is a canonical procedure, but it's most  
18 difficult. There is another procedure in which the  
19 priest himself could make application to the Holy  
20 See. Eventually it goes to the Holy Father himself  
21 to be dispensed.

22 Q. That is, if a priest, for example, wants  
23 to resign, if you will.

24 A. Yeah.

25 Q. For example, if a priest

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1 married.

2 A. Yeah.

3 Q. So based on your understanding, in any  
4 case, there is a procedure where a priest can  
5 seek -- is it dispensation from the priestly  
6 state?

7 A. Dispensation from the priestly state,  
8 right.

9 Q. Is there also a procedure where the  
10 Bishop can initiate proceedings for dispensation?

11 A. No. Not now.

12 Q. When did that change? You say, "Not  
13 now."

14 A. That's a future hope. We don't have it  
15 now.

16 Q. Are you aware of any authority or power  
17 that you have as the Bishop to initiate proceedings  
18 for dispensation or removal from the clerical  
19 state?

20 A. Yes.

21 Q. What do you do and what are those  
22 proceedings?

23 A. Well, the proceedings would be to have a  
24 formal trial. Then depending on the outcome  
25 that trial, the disposition would be made.

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1 Q. And no such proceedings have been  
2 initiated as to Father Leu. Is that correct?

3 A. That's correct.

4 Q. I'm not going to ask the name of the  
5 priest, if any, but have you ever initiated such  
6 proceedings as Bishop?

7 A. No.

8 Q. Is it your understanding that it is a  
9 difficult process?

10 A. Yes.

11 Q. What leads you to that belief or  
12 conclusion?

13 A. Only what I've read. I don't know that  
14 for sure, my own knowledge.

15 Q. Are you aware or have you ever been told  
16 that the canon law provides that if a priest  
17 engages in a violation of the Decalogue, and  
18 specifically the commandment against adultery, and  
19 does so with a minor under the age of 16 or with  
20 public scandal, that the canon law provides that  
21 that cleric shall be removed from the clerical  
22 state?

23 MR. MILLER: Can you give us  
24 citation of canon law for the provision you  
25 asserted as present therein?

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1 MR. ANDERSON: I think it's 1632.

2 Do you have the canons here?

3 MR. MILLER: Not in this room.

4 MR. HORAK: You are asking for his  
5 knowledge.

6 Q. (CONTINUING) The question, just so you  
7 understand, have you ever been told or do you know  
8 if that is the case?

9 A. I would have to say no, I do not.

10 Q. Have you discussed with anybody the  
11 dismissal of Father Leu from the clerical state?

12 A. No.

13 Q. Do you have any present intention to  
14 initiate proceedings against Father Leu for removal  
15 from the clerical state?

16 A. I would say no.

17 Q. And why not?

18 A. Well, I think I would like to see what he  
19 would do on his own. Secondly, I would like to see  
20 how this comes out.

21 Q. When you say "this," is that the  
22 conclusion of the lawsuit?

23 A. This lawsuit, yeah.

24 Q. Father Leu is presently without  
25 assignment. Does he receive present assignment?

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1 payments?

2 A. I am not sure of that. I would have to  
3 ask the office.

4 Q. Who would know that?

5 A. Monsignor Morrissey.

6 Q. Does he perform any duty or function  
7 in service of the Diocese or as a priest at the  
8 present time?

9 A. No.

10 Q. He is permitted to minister sacrament  
11 privately?

12 A. Say masses by himself.

13 Q. When was that restriction on his faculty  
14 imposed?

15 A. At the time that he left the Kahl Home.

16 Q. Do you have a month in mind that that  
17 happened, Bishop?

18 A. January, February of 1989.

19 Q. And why was his faculty restricted at  
20 that time?

21 A. Because he was leaving the assignment  
22 which he had and was not receiving another one, and  
23 because of the impending criminal action against  
24 him.

25 Q. Do you know when the criminal action was

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1 initiated against him, or began?

2 A. I'm not sure. It was sometime in the  
3 spring of '89.

4 Q. Was it before you suspended his  
5 faculties?

6 A. No, afterwards, I think.

7 Q. What, then, prompted you to suspend his  
8 faculty?

9 A. His leaving the Kahl Home.

10 Q. Why did he leave the Kahl Home?

11 A. I can't tell you what his own disposition  
12 was. I don't know.

13 Q. Was that an action that he took on his  
14 volition?

15 A. Yes. That's correct.

16 Q. You didn't ask him to leave.

17 A. I did not ask him.

18 Q. Why would the leaving the Kahl Home in  
19 itself, if it did, result in suspension of his  
20 faculty?

21 A. Because he wasn't ministering to anybody,  
22 and the criminal action had become more imminent.

23 Q. Before Father Leu was accused of sexual  
24 misconduct, Bishop, have you had any priest of the  
25 Diocese accused of sexual misconduct?

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1 A. Yes.

2 Q. When, in time, did it happen before?

3 A. I think about a year before.

4 Q. Was any canonical proceedings initiated  
5 against the priest accused of that conduct?

6 A. No. We suspended his faculties, and  
7 he went away for treatment.

8 Q. And before that time, a year before  
9 Father Leu was accused, any other priest accused  
10 while you've been Bishop?

11 A. No.

12 Q. There was no criminal proceeding in  
13 connection with that priest, was there?

14 A. That is correct. There was not.

15 Q. Now, you are aware that Father Leu  
16 ultimately got charged in the criminal courts and  
17 ultimately pled guilty to a matter and that the  
18 public record reflects that it happened very  
19 quickly.

20 My question to you, Bishop, is, did you  
21 become involved in any way in that matter?

22 A. Only after he pleaded guilty, I was asked  
23 to write a letter to the judge.

24 Q. Who asked you to do that?

25 A. His attorney, Mr. Berger. Mr. Lane was

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1 his attorney, but he was away, and Mr. Berger was  
2 acting, and he asked me to write to Judge Sladek  
3 about the sentencing.

4 Q. And what reason did he give you for  
5 making that request of you?

6 A. It was their hope that Father Leu  
7 wouldn't be imprisoned.

8 Q. When you wrote that letter to Judge  
9 Sladek, did you know that that was a letter of  
10 public record and document?

11 A. No, I don't think I did.

12 Q. Did you know, for example, that it would  
13 be something that would be very likely made known  
14 to the Kasper family?

15 A. No.

16 Q. Did you in any other way become involved  
17 or involved in a way in that criminal process other  
18 than writing the letter?

19 A. No.

20 Q. For example, did you ever speak with the  
21 county attorney or the judge or anybody involved in  
22 that process?

23 A. No.

24 Q. Other than when Mr. Berger asked you to  
25 write a letter, did you ever meet with or speak to

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1 his lawyer, Father Leu's lawyer?

2 A. I don't think so.

3 Q. Now, you are aware that Mr. Hayek is  
4 representing Father Leu in these proceedings and  
5 he is present today.

6 A. Yes.

7 Q. Before today, had you ever met Mr. Hayek  
8 before?

9 A. No.

10 Q. Had you ever spoken with him before?

11 A. I don't think so.

12 Q. Had you ever talked with Father Leu's  
13 representative, other than Mr. Berger, before, any  
14 other representatives?

15 A. No.

16 Q. Father Leu was ordained a priest of the  
17 Diocese of Davenport in 1971. You presided at his  
18 ordination, did you not?

19 A. Yes, I did.

20 Q. And I trust, then, that you knew him  
21 before he was ordained?

22 A. Yes.

23 Q. And at the time of his ordination, he  
24 took what is known as vows. Is that correct?

25 A. No.

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1 Q. He took vows before that, did he not?

2 A. No.

3 Q. He didn't?

4 A. No.

5 Q. I thought ordained priests take vows.

6 A. No. That's for religious. I'm being  
7 technical.

8 Q. I want to know the distinction because  
9 I would like to get it correct. I understood a  
10 diocesan priest to have taken a vow of obedience  
11 and chastity.

12 A. Let me be technical. Those are promises.

13 Q. That is correct. I think it is.  
14 Ordained priests take vows; diocesan priests make  
15 promises.

16 At the time of his ordination, actually,  
17 he had made temporary promises before the  
18 ordination. Is that correct?

19 A. Well, I could quarrel with the --

20 MR. MILLER: Yes.

21 Q. (BY MR. ANDERSON) Go ahead and clarify.

22 MR. MILLER: You answer the question. Don't rely upon the way he stated it.

23 question. Don't rely upon the way he stated it.

24 happened. It's your testimony.

25 A. At the time he was ordained, I believe

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1 he was still in the group that was ordained  
2 subdeacon. At the time that man was ordained  
3 subdeacon, at the same time he made his promise of  
4 celibacy. And when he was ordained deacon, he made  
5 a promise of obedience. When he was ordained  
6 priest, those were renewed.

7 I can see how you would consider one  
8 to be temporary and the other not. But had he  
9 concluded his studies when he was ordained a  
10 deacon, those promises would have remained unless  
11 dispensed by the Holy See.

12 Q. The promise of celibacy, what is that?

13 A. That's a promise not to marry and not to  
14 engage in any sexual activities.

15 Q. And what training, if any, do you know,  
16 was provided formally to a priest in the early  
17 1970s, specifically one ordained in 1971, about  
18 how to deal with and cope with, if you will, the  
19 promise of celibacy and what it means?

20 A. I can't respond precisely to what Father  
21 Leu learned. I can only tell you what was the  
22 general.

23 Q. I would like you to answer that.

24 A. That was done, first of all, by the spiritual  
25 from the spiritual director of the seminary, or the

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1 rector, and then was probably touched on in the  
2 classes on the sins against the Sixth Commandment.  
3 But more precisely to your question, I would say  
4 either the spiritual director or the rector of the  
5 seminary provided classes on that topic.

6 Q. When you refer to the Sixth Commandment,  
7 are you referring "Thou shall not commit adultery,"  
8 you are talking about?

9 A. Yeah. That was the overall -- the old-  
10 fashioned way of saying it. That would be all sins  
11 of impurity, of sexuality, against the commandment.

12 Q. Now, the promise of obedience is  
13 obedience to the Bishop, is it not?

14 A. Yes.

15 Q. And what does that mean?

16 A. Technically, it means that the man will  
17 go where the Bishop asks him to go and will serve  
18 the diocese in whatever capacity the Bishop asks  
19 him to do it.

20 Q. Now, you touched on this, but I want to  
21 ask a couple follow-up questions.

22 In 1987 you established the position of  
23 Vicar for Priests. Is that right?

24 A. Correct.

25 Q. And what prompted you to

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1           A.    I thought that I needed someone who could  
2 assist the priests, help them, and be a kind of  
3 liaison between the priests and myself.

4           Q.    Was there one incident or situation that  
5 made you come to that conclusion?

6           A.    No.   No.

7           Q.    Did it have anything to do with Father  
8 Leu?

9           A.    No.

10          Q.    Has that worked satisfactorily for you?

11          A.    I think it has, yes.

12          Q.    In what way?

13          A.    Well, in the way that I think the priests  
14 feel they have someone that they can approach who  
15 is non-threatening. He is not the Bishop. He is  
16 not somebody empowered to do things. They can say,  
17 I'm concerned about this or that, and Monsignor can  
18 counsel them and help them, encourage them, which  
19 he does.

20          Q.    Have you ever discussed the subject of  
21 Father Leu with the dean of the Iowa City ~~City~~ <sup>McManery,</sup>  
22 is it?

23          A.    Iowa City. You are correct.

24                I don't think I have. I'm a little  
25 unsure, but I don't think so.

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1 Q. What is Monsignor Kallisch's (sic)  
2 position in the Diocese?

3 A. Kollasch?

4 Q. Kollasch. Pardon me.

5 A. Monsignor Kollasch does not belong to  
6 the Diocese of Davenport. He is a priest of the  
7 Diocese of Sioux City.

8 MR. MILLER: That's spelled  
9 K-o-l-a-s-c-h (sic).

10 Q. (BY MR. ANDERSON) Have you ever  
11 discussed the subject of Father Leu with Monsignor  
12 Kollasch?

13 A. No, I never have.

14 Q. How did you come to first know Father Leu  
15 prior to his ordination?

16 A. I met him as a seminarian. He was, I  
17 believe, at Mount Saint Bernard's Seminary.

18 Q. That's in Dubuque?

19 A. In Dubuque, since closed.

20 (Attorney Horak left the deposition  
21 room.)

22 Q. (BY MR. ANDERSON) Yes.

23 Were you aware -- at the time he became  
24 known to you while at Mount Saint Bernard's Seminary  
25 you aware of any of his background prior to that

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1 time, at that time?

2 A. Only through the file.

3 Q. More recent review of the file, you  
4 mean.

5 MR. MILLER: Excuse me. Are you  
6 talking about what did he know when he met him at  
7 that time?

8 MR. ANDERSON: Yes.

9 A. What I'm trying to say, we had a file of  
10 his time at St. Ambrose.

11 Q. When, if you know, did you begin  
12 maintaining some file or records of Father Leu?

13 A. This was done before I came, and it was  
14 done at the time that he entered St. Ambrose  
15 College, seminary department.

16 Q. I have him graduating from there in 1967?

17 A. So it would be 1963.

18 Q. You were up in the archdiocese when he  
19 started Ambrose.

20 A. When he started Ambrose. I suppose,  
21 then, in 1967 he came with the seminarians to my  
22 installation on January 3rd. I met them all in a  
23 room in the Blackhawk Hotel. If you want to  
24 tell you what I said to each of them, I can.  
25 you. I don't know.

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1 Q. I won't ask.

2 There is indication that after Ambrose  
3 College, he went to the Aquinas Institute of  
4 Theology. Is that different than --

5 A. Yes, it was different. But all the  
6 students at Mount Saint Bernard's Seminary took  
7 their classes at Aquinas Institute, which was  
8 taught by the Dominican Fathers. They are adjacent  
9 to each other. They simply walked over to it.

10 Q. What screening for fitness, if any, had  
11 been done in connection with Father Leu prior to  
12 his ordination into the priesthood?

13 (Attorney Horak re-entered the  
14 deposition room.)

15 A. It's contained in the file, the thick  
16 one, Exhibit 1 here. The screening was done  
17 through the seminary. A pastor of the parish  
18 was greatly involved. Other priests were also  
19 questioned and made recommendation. In the  
20 seminary itself, the rector of the seminary  
21 and whoever else he associated with made  
22 recommendations.

23 So these recommendations were made  
24 by Monsignor O'Connor, Edward O'Connor, St. Ambrose;  
25 then at Mount Saint Bernard, it would

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1 have been, I think, Monsignor Lynch was the rector;  
2 and then at Collegeville, St. John's, where he went  
3 subsequent to Mount Saint Bernard's closing, from  
4 Father John Eidenschink, who later on was Abbot of  
5 the monastery.

6 Q. Is there any record of Father  
7 Eidenschink's recommendations in the file?

8 A. It's there.

9 Q. At the time he recommended Father Leu, he  
10 was not abbot at St. John's.

11 A. No. He was director of the seminary and  
12 dean of the school of theology. I had known him  
13 for years.

14 Q. Have you?

15 A. Wonderful, wonderful man.

16 Q. Did you receive any indication of any  
17 unfitness of Father Leu prior to his ordination?

18 A. No.

19 Q. Did you receive any indication of any  
20 questions around his fitness prior to ordination?

21 A. No.

22 Q. Were you aware or do you know if  
23 any psychological instruments or tests were  
24 administered at the time or prior to his  
25 ordination?

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