

1 that school regarding discipline of the youth?

2 A. No.

3 Q. Have you ever spoken with Louise Ryan
4 about Father Leu? That's his housekeeper. Do you
5 know who she is?

6 A. No.

7 Q. At some point in time you obviously
8 learned the identity of the Kaspers and that they
9 were the family who had the youth that had been
10 allegedly abused by Father Leu. Is that right?

11 MR. MILLER: What, that he received
12 information?

13 MR. ANDERSON: Yes.

14 A. I'm not sure what that means.

15 Q. Let me ask you this: Did you at some
16 point direct that any of the officials at the
17 Chancellory, Monsignor Schmidt or Father
18 Linnenbrink, communicate to them that you provide
19 counseling to that family?

20 A. Yes. That was done. I can't tell you
21 who did it. I did not meet with them.

22 Q. But you directed that that be done? P. M.
A. M.

23 A. Yes. That was agreed.

24 Q. And it was directed to be done
25 that done after the criminal charges came up?

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1 A. I think before. I think it was before.

2 Q. Do you attend the National Conference of
3 Bishops meetings?

4 A. Yes.

5 Q. And the National Conference of Bishops is
6 what?

7 A. That's an organization of all the
8 Catholic Bishops in the United States. There are
9 two classes of members: datary and non-datary.
10 Datary are voting members, to make it plain. Those
11 are Bishops in active ministries, such as Bishops
12 of dioceses, auxiliary Bishops, coadjutor Bishops,
13 and Bishops with some special assignment.

14 Q. And there is an annual conference that is
15 held on the National Conference of Bishops; is that
16 right?

17 A. At least, yes.

18 Q. And you attend those?

19 A. Yes.

20 Q. And your purpose for attending those is?

21 A. I'm a Bishop and I belong to it.

22 Q. I know. Is it to get information? Is it
23 to establish policy?

24 A. Partly. Partly it's to establish policy,
25 partly to share information, partly to learn what's

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1 going on, partly to develop statements on various
2 subjects that may come up.

3 Q. Have you served in any capacity as an
4 officer in the national conference?

5 A. No, I've never been an officer.

6 Q. Did you attend the National Conference of
7 Bishops that was held in 1985 in Collegeville at
8 St. John's?

9 A. Yes.

10 Q. And at that time did you receive a report
11 that was submitted to the bishops at the national
12 conference in Collegeville by three individuals,
13 Father Tom Doyle, Ray Newton, and Father Michael
14 Peterson? It's referred to by various names, but
15 the document is called The Project, that addresses
16 the problem of pedophilia and sexual misconduct by
17 Catholic clergy and a plan in dealing with it?

18 A. I think so.

19 Q. And at the time you attended that
20 national conference, did any of your colleagues
21 from the Diocese of Davenport attend also?

22 A. No.

23 Q. It was just Bishops and auxiliaries?

24 A. Yes.

25 Q. Did you retain a copy of the

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1 A. I suppose it's with the minutes, but I
2 would have -- I would have to go to my file on that
3 meeting and look at the minutes. I can't answer
4 that off of the top of my head.

5 Q. I will ask, perhaps, if you can do that.
6 Do you keep minutes -- when you say "the
7 minutes," what do you mean?

8 A. The minutes of the meeting are sent to us
9 afterwards and --

10 Q. Have you retained those still?

11 A. Yes, I believe I have.

12 Q. Perhaps it's obvious that we are not
13 going to finish, conclude with you today. I would
14 ask that you, perhaps, see if you can look and see
15 if you have any records of that or the document
16 itself has been retained by you.

17 Do you remember reading that?

18 A. No.

19 Q. Do you remember discussing it with any of
20 the fellow Bishops or auxiliary Bishops?

21 A. No.

22 Q. Did you take any action in response to
23 it?

24 A. Since I have no recollection of
25 hesitant to say.

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1 Q. I thought you did say you thought you had
2 read it, but today are you saying you don't know if
3 you did?

4 A. I'm saying I can't recall what it was.

5 Q. Since that time, has anybody discussed
6 that document with you before today?

7 A. I don't think so.

8 Q. Have you read anything about that
9 document since that time?

10 A. I don't know. I just have to say I don't
11 know.

12 Q. You indicated -- I think we have a copy
13 somewhere -- that you established or directed that
14 a policy be established about a year ago and that
15 policy was specifically pedophilia. Is that right?

16 A. Right.

17 Q. Why did you direct that that be done?

18 A. What?

19 Q. Why did you direct that that be done?

20 A. Oh, because of the occurrences. We took
21 a long time. I had a committee which took a long
22 time in studying all the various documents and
23 plans of other dioceses and so on, and we came up
24 with this one in April of last year.

25 Q. And was it in response to what

1 learned about Father Leu and what he did?

2 A. Partly. Only partly.

3 Q. What else was it in response to?

4 A. It was in response to another case that
5 you've referred to. In response to the general
6 discussion of the matter which was going on through
7 the country.

8 Q. When you say "the general discussion of
9 the matter," in what context was that coming about?

10 A. Well, you know, various articles and
11 discussions and concerns.

12 Q. Do you have any specific recollection of
13 what articles and where they appeared or who wrote
14 them?

15 A. No.

16 Q. Have you read any of the articles that
17 have appeared in the National Catholic Reporter?

18 A. I presume I have.

19 Q. Do you read that?

20 A. I do read it.

21 Q. Would it be fair to assume that if there
22 were articles that have appeared periodically in
23 the National Catholic Reporter, that you have read
24 it?

25 A. Yes. I know that won't answer

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I'm

1 not sure that I could make a presumption. I do
2 read it and I presume that I've read these
3 articles, but if you say be more specific, I
4 cannot.

5 Q. The other matter that has been referred
6 to that you indicate in part brought you to direct
7 that the policy be formulated, is that in civil
8 litigation, or was it? Was a lawsuit brought?

9 MR. MILLER: You mean the other
10 priest that he was talking about?

11 MR. ANDERSON: Yes.

12 Q. (CONTINUING) Is that presently pending?

13 A. Yes.

14 Q. And your deposition, obviously, has not
15 been taken as a result of that matter?

16 A. No.

17 Q. And have you given any statements in
18 connection with that matter? I'm not talking about
19 anything with Mr. Miller or any other attorney
20 representing the Diocese in that matter.

21 A. It's not Mr. Miller, but

22 Q. Who is the attorney that is bringing that
23 matter for the claimant?

24 A. For the claimant?

25 Q. The person bringing the suit.

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1 A. John Roehrick? Is that the right -- John
2 Roehrick of Des Moines, I believe. I don't know
3 whether I have the name precisely right.

4 Q. When were the incidents that are the
5 subject of that lawsuit discovered by you or the
6 Diocese?

7 A. I'm vague on dates. I'm sorry. It
8 was December -- the end of December. Around
9 December 26th, 1986, '87, something like that.

10 Q. And you indicated that you formed this
11 committee prior to the formulation of this policy?

12 A. Yes.

13 Q. When was that, Bishop?

14 A. My recollection is that it was sometime
15 in late 1987. They maybe worked through 1988 and
16 into the spring of 1989.

17 Q. Who was on that committee?

18 A. Let's see. There were several priests.
19 Off the top of my head, I don't know that I can
20 name them all.

21 Q. Can you recall any of them?

22 A. Oh, yeah. There was Father Drake, Father
23 of the college, Father George McDaniel, Father
24 Edward O'Melia. I'm drawing a blank.

25 Q. Were there any non-clergy members of that

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1 committee?

2 A. No.

3 Q. Were there any professionals in the
4 psychiatric or psychological community that were
5 consulted by that committee, to your knowledge?

6 A. No.

7 Q. Did you approve that policy?

8 A. Yes.

9 Q. Did you sign it?

10 A. Yes.

11 Q. Have you attended any conferences either
12 at the National Conference of Bishops or any other
13 conferences where the topic of the sexual
14 misconduct or pedophilia by clergy has been
15 addressed by speakers?

16 A. I don't know. I'm trying to think.
17 Maybe that was the institute -- January 23rd
18 institute in Dallas, but I'm vague.

19 Q. What year was that?

20 A. That's what I'm vague about. 1987,
21 maybe, or maybe '88.

22 Q. Do you have a recollection of an
23 attorney addressing a number of clergy, Bishop BRECH

24 included, by the name of Jim Serrin, CLERK OF DISTRICT COURT

25 S-e-r-r-i-t-e-l-l-a -- who is the attorney for,

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1 among other things, the Archdiocese of Chicago, in
2 which he addressed this topic and how to deal with
3 it if it arises?

4 A. I have no recollection of that.

5 Q. Bishop, I'm just going to direct you to
6 Exhibit 1, and I have a question about page 132.
7 If you would turn to that.

8 You will see page 132 and 133 are a
9 letter. And is this a letter to you, Bishop?

10 A. It seems to be.

11 Q. And this is from Father Leu?

12 A. Yes.

13 Q. And did you receive this around
14 November 28th, 1988?

15 A. I think it was after that.

16 Q. Shortly after that, in any case?

17 A. Yes.

18 Q. And this is the letter that indicates
19 in the first sentence that he is submitting his
20 resignation to you?

21 A. That's right.

22 Q. You will see at the third paragraph, the
23 first sentence, it states, "I am sorry once
24 again caused you problems."

25 What problems before this time had he

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1 caused you?

2 A. I have no idea what he is talking about.

3 Q. Did you ever ask him what he was
4 referring to?

5 A. No, I don't think so. I don't know,
6 without -- I simply cannot answer that. I don't
7 know.

8 MR. MILLER: It's 12:30. Are we at
9 a point now?

10 MR. ANDERSON: Do you want to?

11 MR. MILLER: I think we should.

12 (The deposition was adjourned at
13 12:30 p.m. on June 12, 1991.)
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1 STATE OF IOWA)
2) ss.
3 SCOTT COUNTY)

4 I, Alanna G. Jeffery, a Certified
5 Shorthand Reporter and Notary Public in and for the
6 State of Iowa, do hereby certify that the facts as
7 stated in the caption hereto are true; that the
8 witness named on the face sheet was by me sworn to
9 testify to the truth and nothing but the truth
concerning the matters in controversy in this
cause; that said witness was thereupon examined on
oath and the examination reduced to writing under
my supervision, consisting of the foregoing pages,
and the computer-aided transcript is a true record
of the testimony given by said witness and all
objections made.

10 I further certify that I am neither
11 attorney or counsel for, nor related to or employed
12 by, any of the parties to the action in which this
13 deposition is taken; and, further, that I am not a
relative or employee of any attorney or counsel
employed by the parties hereto or financially
interested in the action.

14 In witness whereof I have hereunto
15 set my hand this 2nd day of August, 1991.

16
17 *Alanna G. Jeffery, CSR*
18 Alanna G. Jeffery, CSR RPR, CM
19 P.O. Box 520
Bettendorf, Iowa 52722
20 (319) 355-3338

21
22
23
24
25

My commission expires September 15, 1992

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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

CONTINUING
DEPOSITION OF
BISHOP GERALD
O'KEEFE

COPY

CONTINUING DEPOSITION OF BISHOP GERALD

O'KEEFE, taken at the Law Offices of Lane &
Waterman, 600 Davenport Bank Building, Davenport,
Iowa, on October 22, 1991, commencing at
10:00 a.m., before Alanna G. Jeffery, Certified
Shorthand Reporter and Notary Public in and for
the State of Iowa.

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A P P E A R A N C E S

Plaintiffs by:

ATTORNEY JEFFREY R. ANDERSON
Reinhardt & Anderson
E-1400 First National Bank
Building
332 Minnesota Street
St. Paul, Minnesota 55101

and

ATTORNEY ROBERT L. HORAK
Horak and Rasmussen Law Offices
112 East State Street
P.O. Box 349
Jefferson, Iowa 50129

Defendants
O'Keefe, Schmidt,
Linnenbrink,
and Diocese of
Davenport by:

ATTORNEY CHARLES E. MILLER
Lane & Waterman
600 Davenport Bank Building
Davenport, Iowa 52801

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Certificate of Shorthand Reporter **EDWARD F. STEINBRECH**
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BISHOP GERALD O'KEEFE,

being first duly sworn, was examined

and testified as follows:

EXAMINATION BY MR. ANDERSON:

Q. Bishop, as you know, this is a continuation of a deposition we started earlier that didn't get concluded. Essentially the same rules apply. If you don't understand any question I ask you, please tell me to clarify it. She is recording everything you say here. You understand that.

A. Yes.

Q. Bishop, you had indicated last time we met and I had an opportunity to ask you some questions that you first learned of some claim of some misconduct by Father Leu, I believe, in and around the time there was a meeting at the Ironmen Inn. Is that correct?

A. Yes. That is correct.

Q. And that information was given you by Father Linnenbrink and Monsignor Schmidt at that time?

A. That's right.

Q. I believe you testified that they told you what they had learned and how they had learned

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1 it at that meeting?

2 A. Yes.

3 Q. After that meeting, what is the next
4 thing you did or said to anybody in connection
5 with the information given you at that meeting?

6 A. My recollection is that Father
7 Linnenbrink and Monsignor Schmidt said that they
8 would meet with Mrs. Kasper and then they would
9 meet with Father Leu with Mrs. Kasper. That's my
10 recollection of what we did next. And I asked them
11 to do that, and they did.

12 Q. Do you recall that there was any
13 discussion of meeting with Mr. Kasper as well
14 as Mrs. Kasper?

15 A. There was no discussion, so far as I
16 recall.

17 Q. And I trust you did not know the Kaspers
18 or who they were before that time.

19 A. I did not know the Kaspers.

20 Q. And, to your knowledge, did Monsignor
21 Schmidt and Father Linnenbrink meet with
22 Mrs. Kasper?

23 A. Yes, they did.

24 Q. How did you learn that or come to know
25 that?

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1 A. They told me.

2 Q. And do you know how long it was after
3 your meeting at the restaurant that they actually
4 met with Mrs. Kasper?

5 MR. MILLER: Excuse me. I believe
6 it was a motel, not a restaurant.

7 MR. ANDERSON: Pardon me.

8 A. It was in the motel, the Ironmen motel.
9 I think it was about four days.

10 Q. And then how did you learn what had been
11 said or done at that meeting?

12 A. Monsignor Schmidt made a report to me.

13 Q. How did he make that report to you,
14 Bishop?

15 A. Orally.

16 Q. How long after the meeting did he do
17 that?

18 A. I suppose it was the next day. I'm
19 sorry. My recollection isn't clear.

20 Q. Did he put anything in writing to you at
21 that time?

22 A. I don't recall. He may have, but I don't
23 recall it.

24 Q. What do you recall he recalled to you?
25 A. He said that he and Father Linnenbrink

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1 had met with Mrs. Kasper and they had got her
2 story. Then they went, the three of them,
3 to see Father Leu in the rectory at Lone Tree.
4 Mrs. Kasper stated the case, and Father Leu denied
5 at least a great part of it.

6 Q. Is that what Monsignor Schmidt told you?

7 A. Yes.

8 Q. Did Monsignor Schmidt tell you that
9 Father Leu admitted any part of it?

10 A. My recollection is not good, but I think
11 he said that he did not admit -- he did not admit
12 it, but that -- I don't want to misspeak. Let me
13 think.

14 I think he said that he did not admit to
15 what Mrs. Kasper was charging.

16 Q. And the substance of what Mrs. Kasper was
17 charging was that he had engaged one or more of her
18 sons in sexual conduct; is that correct?

19 A. Yes, I think so.

20 Q. Then the information that Monsignor
21 Schmidt, then, gave you and reported to you, did
22 you make notes of that?

23 A. No, I did not.

24 Q. On that occasion, then, what did
25 Monsignor Schmidt, if anything, tell
you to do about

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1 this?

2 A. The conclusion was, after Father Schmidt
3 and Father Linnenbrink had reported, was that we
4 should ask Father Leu to leave the parish. To
5 resign as pastor, in other words.

6 Q. And was that a conclusion reached between
7 yourself and Monsignor Schmidt?

8 A. Yes, I think so.

9 Q. And why was it concluded that Father Leu
10 should leave the Lone Tree parish?

11 A. First of all, this is what Mrs. Kasper
12 had requested. And we felt, for the good of all,
13 it would be best for him to do that.

14 Q. At the time that the conclusion was
15 reached to have Father Leu leave the parish at
16 Lone Tree, did you yourself have any doubt in your
17 own mind on whether or not Father Leu had committed
18 sexual misconduct?

19 A. I would have to say that I was not sure
20 what he had done, but it seemed there was some kind
21 of statement made that he had done this, but I was
22 not sure exactly what he had done.

23 Q. At that point in time, you yourself had
24 never spoken to Father Leu about this, is that
25 correct?

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1 A. No, I never had.

2 Q. Once the conclusion was reached that
3 Father Leu should leave the Lone Tree parish, what
4 action was taken?

5 A. He submitted his letter of resignation,
6 which I accepted, and I gave him an appointment as
7 chaplain of the Kahl Home.

8 Q. After the conclusion was reached that
9 Father Leu should leave the parish, how long after
10 that was his letter of resignation submitted?

11 A. It was a matter of days. I can't tell
12 you. Two, three days.

13 Q. Do you know, Bishop, how Father Leu was
14 told or how it was communicated to him that he
15 should leave that parish?

16 A. It's my recollection and understanding
17 that Father Linnenbrink and Monsignor Schmidt had
18 indicated this might be the procedure.

19 Q. You yourself didn't tell him.

20 A. I did not tell him, no.

21 Q. In any case, it was your decision,
22 because you are the one that has the ultimate power
23 and authority to move him or transfer him?

24 A. Yes. So it was my suggestion, yes.

25 Q. This was implied, but I didn't

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1 What, then, was the reason Father Leu was moved out
2 of the Lone Tree parish?

3 A. Well, he resigned the parish, and I gave
4 him another assignment. He resigned the parish,
5 and so then my action was to appoint him as a
6 chaplain.

7 Q. You requested, however, that he resign.
8 Is that correct?

9 A. Through Monsignor Schmidt and Father
10 Linnenbrink gave them the suggestion, yes.

11 Q. Let me ask that again, then, because I
12 don't think you answered the question.

13 Then what was the reason Father Leu was
14 asked to leave the Lone Tree parish and ultimately
15 resign from it?

16 A. Because of the statements that
17 Mrs. Kasper had made.

18 Q. You then received a letter of resignation
19 from Father Leu?

20 A. I did.

21 Q. What instructions, if any, were given
22 by you to Monsignor Linnenbrink - excuse me -

23 Monsignor Schmidt, Father Linnenbrink, or Father
24 Leu about what the parishioners should be told or
25 would be told about the reasons for Father Leu's

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1 departure?

2 A. I don't think I said anything.

3 Q. Was there any discussion by you or with
4 Monsignor Schmidt or Father Linnenbrink about
5 keeping this claim or this accusation that
6 Mrs. Kasper made secret?

7 A. Yes. They said that Mrs. Kasper wished
8 it to be kept confidential.

9 Q. What did they tell you about that?

10 A. Simply that Mrs. Kasper didn't want her
11 family involved anymore. She wanted Father Leu out
12 of the parish.

13 Q. And who told you that?

14 A. Either Father Linnenbrink or Monsignor
15 Schmidt. I can't tell you which one.

16 Q. Was there any discussion with you and
17 Father Linnenbrink and/or Monsignor Schmidt about
18 police involvement and whether or not the police
19 should be involved?

20 A. I don't recall that we had any such
21 discussion.

22 Q. Did Monsignor Linnenbrink or Monsignor Schmidt tell
23 me -- Father Linnenbrink or Monsignor Schmidt tell
24 you that Mrs. Kasper wanted Father Leu out of the
25 parish or out of the priesthood?

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1 A. Their statement was out of the parish.

2 Q. So you implied or meant that to mean just
3 out of the Lone Tree parish.

4 A. That is right.

5 Q. So that when you assigned him to the
6 chaplaincy at the Kahl Home, you believed at that
7 time you were complying with her request?

8 A. Yes, I thought so.

9 Q. Did Monsignor Schmidt or Father
10 Linnenbrink tell you what representations they
11 made to Mrs. Kasper about what would be done with
12 Father Leu?

13 A. I'm not sure. I just don't -- I just
14 don't know. I think they -- well, no, I better
15 not say what I thought. I'm not sure.

16 Q. So when Father Leu's resignation letter
17 was received by you, you had not talked with
18 Mrs. Kasper. Is that correct?

19 A. No, I never had.

20 Q. You had not spoken with Father Leu, is
21 that correct, about this matter?

22 A. No, I had not.

23 Q. And at the time that you received his
24 letter of resignation, everything you knew of
25 did not know came to you through her

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1 Linnenbrink or Monsignor Schmidt. Is that correct?

2 A. That's correct.

3 Q. How soon after you received Father Leu's
4 letter of resignation did he actually leave the
5 parish, do you know?

6 A. I think we have a date here. May I --

7 Q. If it will help you.

8 A. November 30 of 1988.

9 Q. And do you know the date of the
10 resignation?

11 A. It was about that same time. I accepted
12 the resignation on -- my letter accepting resigna-
13 tion and giving him the assignment was dated
14 December 24, but that's when he went to the Kahl
15 Home.

16 Here it is. November 30th. "I accept
17 your resignation as pastor of St. Mary's parish in
18 Lone Tree and St. Mary's, Nichols, immediately."
19 That would be that same day.

20 Q. You understood he would leave the same
21 day that letter was received?

22 A. That was my thought, yes.

23 Q. Do you actually know when he left,
24 physically, the parish?

25 A. I don't know. I thought it was the 30th

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1 of November. He then had about a month off. It
2 was the 24th of December when he reported to the
3 Kahl Home.

4 Q. Did you direct that he do something
5 during that time period he had off?

6 A. No, I did not direct anything.

7 Q. Was any action taken or restriction
8 placed on Father Leu's faculties or abilities
9 to minister at that time?

10 A. I don't think so. I think he was just
11 simply told to take some time off.

12 Q. Did you, Bishop, at that time direct that
13 Father Leu be treated or evaluated by some mental
14 health professional?

15 A. Yes. That was after he arrived at the
16 Kahl Home. I directed that he would go to
17 Dr. McEchron.

18 Q. And why did you direct that he do that?

19 A. To see what his situation was and to see
20 what help he could be given if he needed it. In
21 other words, I needed some kind of a diagnosis and
22 some idea of what we could do to help.

23 Q. Who chose that he see Dr. McEchron?

24 A. I did.

25 Q. Why Dr. McEchron?

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DEC 25 1992
A.M. P.M.
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 A. Well, Dr. McEchron was a psychologist
2 that had been doing the psychological testing for
3 our seminarians. We knew him, and he had a pretty
4 good idea of our situation.

5 Q. Had you ever had Dr. McEchron look at or
6 evaluate a priest under similar circumstances as
7 those presented by Father Leu?

8 A. Yes, once before. But he and the priest
9 didn't get along, and we had to go in a different
10 direction.

11 Q. And how long before this had that
12 occasion been?

13 A. About a year, I think.

14 Q. And do you know when Father Leu first saw
15 Dr. McEchron?

16 A. I'm sorry. I don't know.

17 Q. It's your belief or understanding it was
18 sometime after he went to the Kahl Home?

19 A. Yes, very soon, I think.

20 Q. Have you ever talked with or communicated
21 with Dr. McEchron about Father Leu?

22 A. I have not, no.

23 Q. Have you received any letters or reports
24 or memorandum from him about Father Leu?

25 A. He did not send me anything

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