

1 Q. When you directed that Father Leu see
2 Dr. McEchron, was it your understanding or belief
3 that you would be able to get information from
4 Dr. McEchron about Father Leu?

5 A. Yes.

6 Q. Did you feel that if you wanted to, you
7 could have gotten a report from Dr. McEchron or
8 called him to discuss what was going on with
9 Father Leu?

10 A. Yes, I suppose so.

11 Q. How did you learn, first learn, that
12 Father Leu had actually gone to Dr. McEchron?

13 A. I don't know. My recollection is not
14 very good.

15 Q. After you accepted his resignation and
16 directed that he ultimately see Dr. McEchron, what
17 is the next thing you did in any connection
18 relating to Father Leu?

19 A. Well, he was at the Kahl Home. The
20 Sisters knew of the situation and they kept very
21 close surveillance.

22 Q. How do you know the Sisters ~~what~~ what makes
23 you believe the Sisters knew of the situation?

24 A. I told them.

25 Q. Who did you tell?

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1 A. I told Sister Kathleen, who at that time
2 was the administrator.

3 Q. What did you tell her?

4 A. I told her that this man had some
5 difficulties and that it was important that he not
6 have visitors coming to the Kahl Home to see him,
7 and otherwise he would carry on the functions of
8 chaplain. But I felt they should know.

9 Q. Did you meet with Sister Kathleen when
10 you told her this?

11 A. Yes.

12 Q. And was the purpose of that meeting
13 singularly to tell her this information?

14 A. Yes.

15 Q. Do you know when that was you met with
16 her, Bishop?

17 A. I'm not sure. It was sometime in late
18 November or early December, I think.

19 Q. It would have been before Father Leu
20 reported to the Kahl Home, then.

21 A. Yes.

22 Q. When you say you told her, Sister
23 Kathleen, of Father Leu's difficulty, what
24 anything, did you tell her about that difficulty?

25 A. The only thing that I knew was that he

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1 was being accused of some kind of -- what should
2 I say? -- indecent touching with a boy.

3 Q. Did you tell her that, though?

4 A. Yes, I did.

5 Q. Did you withhold from Sister Kathleen any
6 information about the subject of the complaint or
7 complaints that had been made about Father Leu?

8 A. I don't know what you mean by that.

9 Q. In other words, did you want her to not
10 know exactly what Father Leu had been accused of?

11 A. No. I wanted her to know.

12 Q. So you told her.

13 A. I told her.

14 Q. And when you say the Sisters had been
15 told, did you assume --

16 A. I beg your pardon. That was a
17 misstatement. I told Sister Kathleen.

18 Q. Did you assume, then, that by telling
19 Sister Kathleen that the other Sisters would
20 ultimately know this, or not?

21 A. My presumption would be that perhaps they
22 would not, that perhaps her second in command, for
23 example, might know, but -- no, I misspoke myself.
24 I did not intend that she should
25 unless that's what she wanted to do.

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1 Q. Did you tell her to keep an eye on or
2 keep a watch over Father Leu in his assignment at
3 the Kahl Home?

4 A. In essence, yes.

5 Q. Can you tell us -- I appreciate you can't
6 tell under the circumstances verbatim what was
7 said, but can you tell us the substance of what
8 it was you told her about that? How did you
9 communicate that to her?

10 A. We talked about Father Leu's assignment
11 as chaplain to the Kahl Home. I said, "Sister,
12 this is the situation. I want you to know this,
13 that this is the accusation that's being made, and
14 I want him to get some help." And so, first of
15 all, I wanted to know if that would be agreeable to
16 her. She said it would be. And I said, "Now, we
17 must be careful that he has no visitors like young
18 boys, that kind of thing."

19 Q. That leads me to the next question.

20 When you said he should not have
21 visitors, did you specify what kinds of visitors he
22 should not have?

23 A. Yes, I really did. I said something like
24 young men and boys, that kind of thing. I said, "He
25 obviously, his mother or someone like that --

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1 Q. Do you know if Sister Kathleen knew
2 Father Leu at that time?

3 A. She didn't know him.

4 Q. What, then, is the next thing that you
5 did or said in connection with or relating to
6 Father Leu after meeting with Sister Kathleen?

7 A. Then he went to the Kahl Home. He went
8 there Christmas Eve, and that was the next thing.

9 Q. That is a somewhat unusual time of year
10 for a priest to be moving from an assignment in a
11 parish, is it not?

12 A. Well, it depends on -- in this Diocese,
13 we move people as the vacancies come along. We
14 don't always wait for spring ordination or
15 something like that. So I suppose to move on
16 Christmas Eve might have been unusual. I don't
17 know.

18 Q. After Father Leu reported to his
19 assignment at the Kahl Home, what is, then, the
20 next thing you did in connection with Father Leu?

21 A. Well, I asked Monsignor Morrissey to
22 arrange for Father Leu to see Dr. ~~McEchron~~ ^{A.M.} ~~McEchron~~ ^{P.M.}

23 Q. Why Monsignor Morrissey, now?

24 A. Well, he is my vicar-general. I depend
25 on him to help me on things like that.

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1 Q. Now, Monsignor Schmidt had been pretty
2 actively involved in this situation earlier when
3 it surfaced and in reporting to you.

4 A. Yes.

5 Q. Monsignor Schmidt at that time was the
6 Chancellor, wasn't he?

7 A. No. Monsignor Schmidt was vicar for
8 priests.

9 Q. That's right, vicar for priests.
10 Was there any reason, now, that you asked
11 Monsignor Morrissey, then, to do that?

12 A. I think probably because Monsignor
13 Morrissey worked with the vocation director
14 in getting the seminarians lined up with
15 Dr. McEchron. So I think that's why I asked him to
16 do it. Monsignor Morrissey also had charge of the
17 financial affairs of the Diocese, and whatever
18 charges would be made, he would have to see they
19 were paid. So I think that's why I asked him to
20 make those arrangements.

21 Q. Monsignor Morrissey is still vicar-
22 general, isn't he?

23 A. He is still the vicar-general.

24 Q. When you asked Monsignor Morrissey
25 have Father Leu see Dr. McEchron, what reason did

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1 you give Monsignor Morrissey for doing that?

2 A. I think I told him that we needed an
3 evaluation, that some accusation had been made
4 against Father Leu at the parish, and that I felt
5 we needed some kind of a -- what do I want to
6 say? -- report.

7 Q. When did you first tell Monsignor
8 Morrissey this?

9 A. Oh, my. First part of December.

10 Q. And what were the circumstances of
11 reporting this to Monsignor Morrissey? Was it just
12 something that you felt he should know because of
13 the vicar-general, or was there some reason that
14 you went to him? What caused you to tell him?

15 A. To talk to him about sending Father Leu
16 to Dr. McEchron. I talked to him because I wanted
17 him to make the arrangements.

18 Q. When you talked to Monsignor Morrissey
19 about him making arrangements for Father Leu to
20 see Dr. McEchron, was that the first time you had
21 broached the subject with Monsignor Morrissey?

22 A. I'm sorry. I just -- I have no
23 recollection. I can't tell you.

24 Q. Monsignor Morrissey was at
25 at those earlier meetings you had with Father

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1 Linnenbrink and Monsignor Schmidt. Is that
2 correct?

3 A. That's correct.

4 Q. When you told Monsignor Morrissey of --
5 or requested that he arrange for Father Leu to see
6 Dr. McEchron, I trust you told him that there had
7 been an accusation made of sexual misconduct by
8 Father Leu.

9 A. Yes, I did.

10 Q. And that it happened at the Lone Tree
11 parish.

12 A. Yes.

13 Q. Did Monsignor Morrissey tell you that he
14 had information about some other prior conduct
15 involving Father Leu?

16 A. I have no recollection that he did.

17 Q. What was Monsignor Morrissey's reaction,
18 if any, when you told him that Father Leu had been
19 accused of sexual misconduct at the Lone Tree
20 parish?

21 A. I don't recall. I presume he felt badly
22 about it. I'm sorry. I just don't recall.

23 Q. After asking Monsignor Morrissey to
24 then, do what you've described, what
25 thing you did, Bishop, in connection with or

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1 relating to Father Leu?

2 A. Well, the next thing that I recall was
3 that -- and I don't know how that came to us --
4 that Dr. McEchron decided that he was a mandatory
5 reporter, and then I was told that he was going
6 to -- or, had, in fact, turned this over to the
7 civil authorities.

8 Q. How did you learn of that?

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

10 Q. In any case, about what time did you
11 learn that Dr. McEchron was either going to report
12 or had reported it to the civil authorities?

13 A. I don't know. I presume it was the end
14 of January, first part of February, but I just --
15 I'm sorry. My recollection is not good.

16 Q. When you learned that that was either
17 happening or had happened, did you direct that
18 anything be done or not done?

19 A. No. I felt that we -- that we would have
20 to -- whatever the civil authorities decided to do,
21 they would do.

22 Q. What, then, is the next thing you did in
23 any connection relating to Father Leu after that?

24 A. Well, Father Leu -- and I'm very
25 dates or anything. But, Father Leu, wanted

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1 to leave the Kahl Home, and he did that. He told
2 me that he would like to leave and he was going to
3 leave and he was going to live with his mother. We
4 had told him to get an attorney and all of that
5 once the civil process was in place.

6 Q. Did you tell him to get a lawyer?

7 A. Yes.

8 Q. Did you tell him what lawyer to get?

9 A. No.

10 Q. You just said, Get a lawyer?

11 A. Yes.

12 Q. Why did you tell him to get a lawyer?

13 A. Because he was going to be charged with a
14 criminal charge and he had better be defended. It
15 was not my place to defend him. So he selected
16 Mr. Lane, and that was it.

17 Q. Do you know how it was you learned that
18 he was going to be charged?

19 A. I don't know. I don't know. I just
20 can't tell you.

21 Q. Was he, then, charged shortly after that?

22 A. Yes, it is my understanding that he was.

23 Q. How long after that was there --
24 appear in the newspapers?

25 A. It didn't appear in the newspapers

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1 until, I think, the hearing on sentence. In other
2 words -- that's when I think it appeared in the
3 newspaper.

4 Q. What newspapers did it appear in, do you
5 know?

6 A. I think first Iowa City, then I think
7 Cedar Rapids, and then the Quad-City Times picked
8 it up, then I think finally our own Catholic
9 Messenger Diocesan paper. That's the sequence,
10 as I recall it. I could be off on some of those.

11 Q. You indicated that Father Leu wanted to
12 leave the Kahl Home. Did he leave the Kahl Home
13 because he wanted to?

14 A. Yes.

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

16 A. I don't know. Previously I said I
17 thought it was in an interview which we had. Now
18 I'm not sure. I don't know whether it was a
19 telephone call or an interview. I'm just not sure.

20 Q. So you have the belief that he wanted to
21 leave the Kahl Home, and that's why he left, but
22 you don't know how it was -- as you said here today,
23 how it was he formed that belief.

24 A. Except that he told me.
25 know. I can't tell you how he told me.

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1 Q. Up until the time Father Kahl left --

2 A. Father Leu.

3 Q. Excuse me. -- Father Leu left the Kahl
4 Home, had you met with him personally?

5 A. I don't know. I don't know. I might
6 have seen him someplace.

7 Q. Had you not made any -- you hadn't
8 summoned him in the chancellory to specifically
9 discuss that, I presume?

10 A. That's right.

11 Q. Did you ever have any other discussion
12 with Sister Kathleen about Father Leu?

13 A. Now, how far do you want to go?

14 Q. At any time.

15 A. At any time. After Father Leu was
16 released from the penitentiary, it was my
17 understanding through Monsignor Schmidt that the
18 psychologist down there thought a place like the
19 Kahl Home would be a good placement for him. And
20 so I discussed the matter with the Personnel Board
21 on a couple of occasions, and they concurred. **FILED** WPM.
22 also had Dr. Gersh. We had a letter from him **A.M.**
23 then asked Sister Kathleen if she would accept **AUG 25 1992**
24 back as chaplain, and she said she would accept **EDWARD F. STEINBRECH**
25 reason for that, she said, was that after the **CLERK OF DISTRICT COURT** The

1 matter came out in the newspapers, it was WOC,
2 maybe, then or KWQAD --

3 MR. MILLER: --QC.

4 A. (CONTINUING) A local television station
5 went to her and asked for an interview. She didn't
6 give an interview. They then took a picture of
7 the outside of the home and put it on the screen
8 that night and said, That's where this man was
9 chaplain. She felt this was very embarrassing to
10 the Sisters and to the residents of the Kahl Home,
11 and so she didn't want him back.

12 She told me, though, since I was making
13 the request, she would ask the board of directors.
14 She polled the board of directors in the next
15 couple of days by telephone, reached everybody but
16 one, and reported to me that everyone she talked
17 to said they agreed that this was an embarrassing
18 situation and they did not want Father Leu back.
19 So I was the only vote on the board for him, so
20 that's the last conversation I had with Sister
21 Kathleen.

22 Q. So at the time Father Leu was released
23 from the penitentiary, you were trying to find
24 another place to serve, and the Kahl Home seemed
25 like a good place.

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1 A. Yes.

2 Q. After Sister Kathleen reported to you
3 that they wouldn't take him back there, did you
4 make any effort to place Father Leu at some other
5 location within or outside of the Diocese?

6 A. No, I did not. I did not. I didn't
7 think there was any place for him.

8 Q. Bishop, at some point you wrote Father
9 Leu a letter suggesting that because of the
10 lawsuit, he would have to resign, or words to that
11 effect. Is that correct?

12 A. I think I said we didn't have any place
13 that we could assign him.

14 Q. I will pull that letter out and see what
15 it actually says.

16 MR. MILLER: Do you have a number on
17 it?

18 MR. ANDERSON: I think so.

19 Q. (CONTINUING) What is the number on the
20 bottom of that page?

21 A. 161.

22 Q. Looking at what's been marked as
23 Exhibit 1, sub 161, I guess --

24 MR. MILLER: If that's the letter.
25 I don't know if that's the letter, Jeff.

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1 Q. (CONTINUING) Let's look at page 161. Is
2 that the letter from Father Leu to you?

3 A. Father Leu to me.

4 Q. Paragraph one says, "In view of the legal
5 action taken by the Kaspers last week, you will
6 understand that there is no future ministry for
7 you in the Diocese of Davenport." Is that correct?

8 A. That's right.

9 Q. And what you were saying there is that
10 because of this civil lawsuit, you couldn't place
11 him anyplace in the Diocese. Is that right?

12 A. That's right. The publicity.

13 Q. Was it the existence of the lawsuit
14 itself or the publicity that had been garnered
15 around the lawsuit or the publicity that you
16 anticipated would be, or all three?

17 A. I would say all three.

18 Q. What is it about the existence of the
19 lawsuit itself that led you to believe that he
20 had no place in the ministry?

21 A. Well, simply that once the lawsuit was
22 announced, then anyplace that I would go to take
23 him would say no because of what is being said
24 about him.

25 Q. Was there anything in the civil lawsuit

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1 that was being said about what Father Leu did that
2 hasn't already been said about him before in the
3 criminal case?

4 A. I don't know. I don't suppose so.

5 Q. I guess, then, what I'm asking you, if
6 you can answer this, is, what is it about the
7 existence of the civil lawsuit in itself that led
8 you to believe that he couldn't minister in the
9 Diocese?

10 A. Simply that there would be publicity
11 given to this and the publicity would be such that
12 he would not be acceptable.

13 Q. Now, when we last met and I had asked you
14 some questions earlier, at that time Father Leu was
15 without assignment, and his faculties, as I recall,
16 were under suspension. Was that correct?

17 A. Pretty much so, except for private mass.

18 Q. Has there been any change in Father Leu's
19 status since that time?

20 A. There has been no change.

21 Q. So how would you describe his present
22 status?

23 A. His present status would be that he would
24 be a priest without assignment who is not
25 restricted in his ministry. He can say mass by

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1 himself, and that's it.

2 Q. He still receives some financial support,
3 then, from the Diocese?

4 A. He does not.

5 Q. He receives none. What about benefits?

6 A. He has the insurance through our Priest
7 Aid Society, so he has hospitalization insurance.

8 Q. What, if you know, is the future for
9 Father Leu in connection with his employment and
10 association with the Diocese?

11 A. I have no hope for any employment. I
12 don't know.

13 Q. In other words, you don't intend to place
14 him back in a parish?

15 A. I would not place him in a parish.

16 Q. And why is that?

17 A. I think there has been so much publicity
18 about him that the people simply will not trust
19 him.

20 Q. Have you given consideration to assigning
21 Father Leu outside of the Diocese?

22 A. I have not given much consideration to
23 that because I think, as a general rule, another
24 Bishop would not want to take a problem like
25 Q. So you haven't even discussed that with

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1 other bishops or anything like that, or have you?

2 I don't know.

3 A. Not specifically, no.

4 Q. Generally?

5 A. Generally, you know, I mean, somebody
6 says, Would you take someone like that? And the
7 other man will say, No, I don't think I would.

8 Q. Have you corresponded or communicated
9 with Father Leu since the deposition, the last
10 deposition, was convened?

11 A. No, I have not.

12 Q. Have you heard from him indirectly
13 through anybody else?

14 A. Not to my recollection.

15 Q. When Father Leu was asked to resign and
16 did resign the parish at Lone Tree, the reason
17 given parishioners for his departure was health
18 reasons. Is that correct?

19 A. Yes, I think that's what we did.

20 Q. Was that something that -- when you say
21 "we," something that you, along with your staff,
22 had suggested or directed?

23 A. Yes, it would be staff.

24 Q. Why was health reasons the reason given

25 for his departure to parishioners?

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1 A. I don't know.

2 Q. Bishop, prior to your learning that
3 Father Leu's conduct was being reported or had been
4 reported to the civil authorities by Dr. McEchron,
5 prior to that time, had you yourself ever had any
6 discussion with Monsignor Morrissey, Father
7 Linnenbrink, Monsignor Schmidt, or anybody else
8 about the fact that what Father Leu was being
9 accused of was criminal conduct; against the law,
10 in other words?

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

12 Q. When did you first realize, if you ever
13 did, that what Father Leu had done or what he had
14 been accused of was criminal conduct?

15 A. I guess when he was charged.

16 Q. Am I to believe, then, that there was
17 no -- even any discussion of that between yourself
18 and the others before that time?

19 A. I don't recall that there was.

20 Q. You ultimately learned that Dr. McEchron
21 believed he had a duty to report this under the
22 law.

23 A. Yes.

24 Q. Is that correct?

25 A. Yes.

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1 Q. And that under the law, I think, of Iowa
2 it's what we call mandatory reporting.

3 A. Yes.

4 Q. Before you learned that -- and that
5 presumably was in 1990, was that?

6 MR. MILLER: '89.

7 Q. (CONTINUING) 1989.

8 Had you ever heard of that law or a duty
9 of some professionals to report suspected child
10 abuse?

11 A. Yes, I had heard of the law.

12 Q. How had you learned about that or heard
13 of it?

14 A. I think it was through the schools, that
15 the schools department had received some notice, I
16 think, about that.

17 Q. After Father Leu was released from the
18 penitentiary and you made some efforts to place him
19 at the Kahl Home, he wasn't able to be placed there
20 for reasons you've already given, sometime after
21 that, the lawsuit was started. Is that correct?

22 A. I don't know. I'm not sure of the date
23 of the lawsuit.

24 Q. What else have you done in connection
25 with Father Leu before the initiation of this

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1 lawsuit that we haven't covered?

2 MR. MILLER: I'm sorry. Could I
3 have the question back? I didn't hear it.

4 Q. (CONTINUING) What, Bishop, have you done
5 in connection with Father Leu before this lawsuit
6 was started that we haven't talked about?

7 A. I don't know.

8 Q. Nothing else you can think of at the
9 present time?

10 A. Nothing I can think of.

11 Q. You've never spoken to the civil
12 authorities about Father Leu, or they have not
13 spoken to you. Is that correct?

14 A. No, I have not spoken to them.

15 Q. You have not spoken to Mrs. Kasper at any
16 time?

17 A. I have never spoken with Mrs. Kasper.

18 Q. And you have not made any attempts to
19 speak with her?

20 A. No.

21 Q. She did at one point write a letter to
22 you?

23 A. Or was it to Monsignor Schmidt
24 copy to me?

25 Q. I'm not certain.

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1 A. I think so.

2 Q. You responded to that?

3 A. No.

4 Q. Who did?

5 A. I think Monsignor Schmidt responded to
6 it. It was addressed to him.

7 Q. I will pull that letter out in a moment
8 and maybe ask you about that, then.

9 I think that's 123.

10 MR. HORAK: 143, I think.

11 Q. (CONTINUING) Bishop, showing you what's
12 been marked 143, is this the letter that you are
13 referring to by Mrs. Kasper that was sent to
14 Monsignor Schmidt?

15 A. Yes.

16 Q. And a copy was sent to you. Is that
17 correct?

18 A. Yes.

19 Q. So you did receive a copy of this.

20 A. Yes.

21 Q. And then showing you Exhibit 142, this is
22 a reply to Mrs. Kasper's letter?

23 A. Yes, that's what I believe it is.

24 Q. Now, when you received this letter or
25 a copy of this letter from Mrs. Kasper, did you

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A. M. 142, this is
A. M. 142, this is

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1 discuss it with anybody?

2 A. I'm not sure. I could have discussed it
3 with Monsignor Schmidt, but I'm just not sure.

4 Q. Did you direct that Monsignor Schmidt
5 reply to it and send a letter to her?

6 A. No. He did that himself.

7 Q. Did Monsignor Schmidt have the authority
8 to make the representations that he did in the
9 letter of March 22nd, 1989?

10 A. Which ones?

11 Q. Well, first, I guess, the second
12 paragraph.

13 A. That's his understanding.

14 Q. Did he ever discuss that with you?

15 A. No, I don't think so.

16 Q. The next paragraph says, "In keeping with
17 what we understand our previous discussions with
18 you to have been, we arranged to have Father Leu
19 evaluated by a knowledgeable psychologist, and we
20 and Father Leu intend to follow his advice with
21 respect to inpatient or outpatient care."

22 I appreciate that you are not the writer
23 of this letter, but he is using the word "we"
24 here.

25 A. Yes.

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1 Q. Do you know who he is referring to?

2 A. I have no idea, unless he means himself
3 and Father Linnenbrink.

4 Q. When he is addressing Mrs. Kasper here,
5 is he speaking for the Diocese?

6 MR. MILLER: Where in the letter in
7 particular?

8 A. He doesn't say so. I don't know.

9 Q. Do you recall, Bishop, after receiving
10 a copy of this letter, discussing it at all with
11 Monsignor Schmidt?

12 A. I don't. I do not. I may have, but I
13 don't recall it.

14 Q. This letter is on stationery of the
15 Diocese of Davenport.

16 A. That is right.

17 Q. After this letter was sent presumably on
18 March 22nd, 1989, or thereabouts, what additionally
19 have you done in any connection relating to Father
20 Leu?

21 A. I don't know. I don't know that I've
22 done anything.

23 Q. When Monsignor Schmidt sent this letter
24 to Mrs. Kasper in March of 1989,
25 at that time to act on behalf of the Diocese, did

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A. M.

AUG 25 1992

EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 he not?

2 MR. MILLER: I'm going to object as
3 vague and indefinite unless you specify in which
4 particular.

5 A. I don't know.

6 MR. MILLER: Let's have clarification
7 in which particular you want him to answer
8 whether Monsignor had a right to act on behalf of
9 the Diocese.

10 MR. HAYEK: I'm asking him about the
11 letter itself, I guess. Did he have authority to
12 send this letter to Mrs. Kasper?

13 A. (CONTINUING) I guess my problem is
14 with authority. He has received a letter from
15 Mrs. Kasper. He responds to it. And he doesn't
16 tell us in what capacity he responds, so I'm a
17 little concerned as to how I should answer about
18 authority.

19 MR. MILLER: Fair enough.

20 Q. (BY MR. HAYEK) Bishop, did you receive a
21 copy of the letter sent by Mrs. Kasper?

22 A. I did receive it.

23 Q. You did not, then, directly to
24 that letter in any way, did you?

25 A. I did not, no.

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1 Q. You did not respond to it directly?

2 A. It was not addressed to me, first of
3 all. When I get something marked copy, I don't
4 respond.

5 Q. You had earlier, at least in terms of the
6 information that had surfaced about Father Leu in
7 December the year before, delegated responsibility
8 to Monsignor Schmidt to meet with Mrs. Kasper and
9 follow through on that, had you not?

10 A. Yes.

11 Q. Had you similarly delegated authority to
12 him to respond to this letter from Mrs. Kasper?

13 A. I don't recall that I did.

14 Q. Is it your belief that when Monsignor
15 Schmidt sent this letter to Mrs. Kasper, that he
16 was doing it without your authority?

17 A. That's a hard question. I would say I
18 did not direct him to send the letter.

19 Q. Is there anything in the letter that you
20 as the Bishop takes issue with or disagrees with?

21 A. By and large, I think it's all right.

22 Q. Why don't you look at the document,
23 No. 16. I'm going to ask you some questions about
24 those documents.

25 MR. MILLER: 16?

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1 MR. ANDERSON: Yes.

2 Q. (BY MR. ANDERSON) It's not a very good
3 copy, but it looks like No. 16 is the result of
4 a syphilis examination of Father Leu. Is that
5 correct?

6 A. That's what it seems to be, yes.

7 Q. This actually precedes your installation
8 as Bishop, I think, however. Is it your under-
9 standing that examinations of this type were
10 routinely done by the Diocese in the screening of
11 priests for the --

12 A. Candidate for the priesthood?

13 Q. -- candidate for the priesthood?

14 A. I don't know what the practice was at
15 that time, but I presume it was part of a routine
16 examination.

17 Q. Look at No. 17, Bishop. That's a letter
18 of June 3rd, 1963, from the former bishop, Bishop
19 Hayes. Is Bishop Hayes alive, by the way?

20 A. No. He died 21 years ago.

21 Q. And this is a letter to Monsignor
22 Heinberg.

23 A. Meinberg.

24 Q. It just generally indicates that there
25 was a factor in the case of Father Leu and that at

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1 that time they were reviewing the fact that he was
2 an adopted child.

3 A. Yes.

4 Q. You will note later -- let me just --
5 there is a letter granting a dispensation, I think
6 is the word --

7 A. That's correct.

8 Q. What is a dispensation?

9 A. The canon law of the church says that a
10 man who is illegitimate should not be ordained.
11 Now, Father Leu was adopted. We never could
12 establish whether he was illegitimate or not, so
13 at the end, I granted a dispensation from the law
14 because he was an adopted child, he was raised by
15 good parents in a good family. There seemed to
16 be no dangers connected with that of scandal or
17 anything like that. So at the time, then, I
18 granted a dispensation so that he could be
19 ordained.

20 Q. Did somebody recommend to you that you
21 grant a dispensation?

22 A. Yes. It was recommended by the
23 Chancellor, Bishop Dingman, of Des Moines at
24 that time our Chancellor. Monsignor B. STEINBRECH
25 seminary, I think, somewhere in there indicated

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1 that this was a procedure that could easily be
2 done. I think Monsignor Dingman's problem was that
3 had he been born of an adulterous union or had he
4 been born of what they call sacrilegious would be,
5 say, a priest and a lady, that those would be
6 reserved to the Holy Father, but there was never
7 any evidence of that. In fact, he may have been
8 born legitimately, as far as we could determine.

9 Q. When you say those matters would be
10 reserved to the Holy Father, in other words, the
11 Holy Father could only grant a dispensation if that
12 was the case?

13 A. Yes. It was reserved to the Holy See, at
14 least.

15 Q. And it's your understanding that you had
16 the authority, then, under canon law to grant a
17 dispensation under the circumstances you had before
18 you.

19 A. I did, yes.

20 Q. Look at Exhibit No. 36, Bishop. This
21 is a letter on Mount Saint Bernard's Seminary
22 stationery from the rector, then rector.

23 A. Monsignor Heles.

24 Q. Generally, it just refers to
25 to be an investigation of life morals. Is that --

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