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C O N F I D E N T I A L  
STATE OF CONNECTICUT : SUPERIOR COURT  
JUDICIAL DISTRICT OF FAIRFIELD  
AT BRIDGEPORT  
-----X  
GEORGE L. ROSADO, JR.,  
ET AL., :  
Plaintiffs, :  
-versus- : No. CV 93 0302072S  
BRIDGEPORT ROMAN CATHOLIC  
DIOCESAN CORP., ET AL., :  
Defendants. :  
-----X

VOLUME II

Continued videotaped deposition  
of BISHOP EDWARD EGAN, taken pursuant to  
Notice, at the law offices of Durant,  
Nichols, Houston, Mitchell & Sheahan, 1057  
Broad Street, Bridgeport, Connecticut,  
before James Martone, L.S.R., a Notary  
Public in and for the State of Connecticut,  
on September 23, 1999, at 10:09 a.m.

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A P P E A R A N C E S:  
For the Plaintiffs:  
TREMONT & SHELDON, P.C.  
64 Lyon Terrace  
Bridgeport, Connecticut 06604  
By: CINDY L. ROBINSON, ESQ.  
JASON TREMONT, ESQ.  
DOUGLAS MAHONEY, ESQ.  
For James Krug and Jamie Belleville:  
HENRY LYONS, III, ESQ.  
34 Sherman Court  
Fairfield, Connecticut 06430  
For the Defendants, Bridgeport Roman  
Catholic Diocesan Corp., the  
Estate of Bishop Walter Curtis, and  
the Witness, Bishop Edward Egan:  
HALLORAN & SAGE  
One Goodwin Square  
225 Asylum Street  
Hartford, Connecticut 06103  
By: JOSEPH T. SWEENEY, ESQ.  
- and -  
DANAHER, TEDFORD, LAGNESE & NEAL, P.C.  
21 Oak Street  
Hartford, Connecticut 06106  
By: CHRISTOPHER J. SOCHACKI, ESQ.  
For the Diocese of Bridgeport:  
MICHAEL T. DOLAN, ESQ.  
The Catholic Center  
238 Jewett Avenue  
Bridgeport, Connecticut 06606  
A L S O P R E S E N T:  
Monsignor Laurence Bronkiewicz  
Kevin Aspinwall,  
Hamilton Communications

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H Letter dated October 17, 1997  
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Sexual Misconduct 28  
I Letter dated September 22, 1999 76  
NOTE: Exhibits retained by counsel.  
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- (1) THE VIDEOGRAPHER: We're now on
- (2) record. This marks Volume II in the deposition
- (3) of Bishop Edward Egan which was suspended on
- (4) October 7th, 1997, at approximately 5:00 p.m.
- (5) This deposition is being taken on
- (6) behalf of the plaintiff in the case of George L.
- (7) Rosado, Jr., et al., versus Bridgeport Roman
- (8) Catholic Diocesan Corporation, et al., case
- (9) number CV 93 0302072S, filed in the Superior
- (10) Court, Judicial District of Fairfield at
- (11) Bridgeport.
- (12) Today's date is September 23rd,
- (13) 1999. The time on videotape record is 10:09 a.m.
- (14) This deposition is being held at 1057 Broad
- (15) Street in Bridgeport, Connecticut. My name is
- (16) Kevin Aspinwall and I'm employed by Hamilton
- (17) Communications of 60 Pine Lake Road, Westbrook,
- (18) Connecticut.
- (19) Would everyone please introduce
- (20) themselves for the record.
- (21) MS. ROBINSON: Cindy Robinson for
- (22) the plaintiffs.
- (23) MR. TREMONT: Jason Tremont for
- (24) the plaintiffs.
- (25) MR. LYONS: Henry Lyons

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- (1) representing two plaintiffs in companion cases.
- (2) MR. DOLAN: Michael Dolan, general
- (3) counsel for the Diocese of Bridgeport.
- (4) MR. SOCHACKI: Christopher
- (5) Sochacki from Danaher, Tedford, Lagnese & Neal
- (6) representing the defendants the Bridgeport Roman
- (7) Catholic Diocesan Corporation, the bishop - the
- (8) late Bishop Walter Curtis and Bishop Egan.
- (9) MONSIGNOR BRONKIEWICZ: Monsignor
- (10) Laurence Bronkiewicz, chancellor, Diocese of
- (11) Bridgeport.
- (12) MR. SWEENEY: Attorney Joe Sweeney
- (13) of Halloran & Sage, representing the witness
- (14) himself, Bishop Egan, who is seated to my right,
- (15) and the Bridgeport Roman Catholic Diocese, and
- (16) Monsignor Thomas Driscoll, as the executor of the
- (17) estate of the late Bishop Walter Curtis.
- (18) BISHOP EGAN: Shall I?
- (19) MR. SWEENEY: Bishop Edward Egan,
- (20) the bishop of the Bridgeport Diocese.
- (21) I'll be happy to stipulate that
- (22) the oath which was administered to Bishop Egan at
- (23) the first session of this deposition back on
- (24) October 7th, 1997 would apply and continue to be
- (25) in force and effect for today's deposition.

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- (1) I'd also be happy to stipulate on
- (2) behalf of Bishop Egan and the diocese and
- (3) Monsignor Driscoll as to the adequacy of a
- (4) notice of today's deposition, as to the adequacy
- (5) of Mr. Martone's qualifications, both as a court
- (6) stenographer and as a notary public, and to
- (7) reserve until the time of trial, all objections
- (8) to questions except objections as to matters of
- (9) form, which might be cured by a timely objection
- (10) and rephrasing of the question.
- (11) We do wish to have Bishop Egan
- (12) have an opportunity to read the transcript and to
- (13) sign it before it becomes final, so we would have
- (14) no stipulation relating to that issue. I think
- (15) it should also be brought up that this deposition
- (16) is being taken pursuant to a protective order
- (17) issued by Judge Bruce Levin of the Bridgeport
- (18) Superior Court, back on December 8th, 1994, which
- (19) requires that the content of the information
- (20) that's developed during this deposition be kept
- (21) confidential and restricted in the dissemination
- (22) and use of that information.
- (23) I would also, as a housekeeping
- (24) matter at this stage, like to bring up the fact
- (25) that just yesterday we learned that something has

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- (1) developed which required Bishop Egan to be in
- (2) Stamford by five o'clock this afternoon, so I
- (3) would have to request that we would terminate no
- (4) later than four o'clock today. If we can shorten
- (5) the lunch hour, perhaps we can make up some time
- (6) that way, because this has just developed and we
- (7) hope that we can get in a full day, but we will
- (8) need to terminate today as of four o'clock.
- (9) If those stipulations are
- (10) agreeable to other counsel, I'll be happy to
- (11) proceed.
- (12) MS. ROBINSON: That's acceptable.
- (13) BISHOP EDWARD EGAN,
- (14) 115 Bulmer Street, Stratford, Connecticut,
- (15) called as a witness, having previously duly
- (16) sworn, was examined and testified as
- (17) follows:
- (18) CONTINUED DIRECT EXAMINATION
- (19) BY MS. ROBINSON:
- (20) Q. Bishop Egan, do you recall that during
- (21) the - your last deposition, my late partner,
- (22) Mr. Tremont, had asked you a number of questions
- (23) regarding Father Brett?
- (24) A. I do.
- (25) Q. And in connection with that testimony,

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- (1) you were asked to produce at your next deposition
- (2) a copy of a writing indicating that sometime
- (3) after November 16th of 1992, and before further
- (4) allegations of sexual misconduct were made
- (5) against Father Brett in February of 1993, a
- (6) writing indicating that you contacted or
- (7) attempted to suspend or have Brett sign a letter
- (8) agreeing to remove himself from the clerical
- (9) state. Do you remember Mr. Tremont making that
- (10) request of you?
- (11) A. I don't remember the request. But I'm
- (12) sure that if the request were made, the - my
- (13) counsel would have followed through on the
- (14) request.
- (15) Q. And in that, we are -
- (16) MR. SWEENEY: Pardon me,
- (17) Ms. Robinson, let me say as counsel for Bishop
- (18) Egan and the diocese, I recall many things were
- (19) discussed at that first session. You did not, in
- (20) noticing today's session, request any particular
- (21) documents be produced. So I regret that, to the
- (22) extent there may have been any expectation of an
- (23) additional document being produced today, that we
- (24) do not have it at this stage.
- (25) I have, as you know, from time to

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- (1) time produced countless documents requested by
- (2) your office, and I don't recall whether or not
- (3) that document - particular document was produced
- (4) before.
- (5) MS. ROBINSON: Well, let me
- (6) clarify the record. At page 179 of that
- (7) October 7th, 1997 deposition, the question by
- (8) Mr. Tremont to Bishop Egan was, starting at line
- (9) 10, "Then will you, Bishop Egan, produce for me
- (10) at our next session please a copy of a letter or
- (11) something indicating that sometime after
- (12) November 16th of 1992, and before further
- (13) allegations of sexual misconduct in February of
- (14) 1993, that you contacted or attempted to suspend
- (15) or have Father Brett sign a letter agreeing to
- (16) remove him from the clerical state? Would you
- (17) please do that?" And the answer that Bishop Egan
- (18) gave was, "All right."
- (19) So based on that testimony, it
- (20) would be my position that it would be unnecessary
- (21) to file any formal request, as there was no
- (22) objection at the time to production of the same.
- (23) Q. So just so that I'm clear, Bishop Egan,
- (24) you have not brought with you today any writing
- (25) as was requested pursuant to your last deposition,

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- (1) correct?
- (2) MR. SWEENEY: Well, I want to state something for the record, Counsel. I have furnished your office since then and before now with countless documents --
- (6) MS. ROBINSON: Mr. Sweeney, this is a deposition of Bishop Egan.
- (8) MR. SWEENEY: I don't know but you're asking about the production of a document, and that comes through counsel. And I want to make it quite clear that --
- (12) MS. ROBINSON: I think you have made the record quite clear --
- (14) MR. SWEENEY: All right.
- (15) MS. ROBINSON: -- with your position.
- (17) MR. SWEENEY: As long as that's understood.
- (19) MS. ROBINSON: I still have a right to ask the questions, and, given the prior testimony, I think I certainly have a right to follow up on that request, which was not objected to. And I just want the record to be clear.
- (24) So could we just have my question read back, Mr. Martone?

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- (1) (Question read.)
- (2) A. I have not. I would like to read that deposition again so I understand your letter.
- (4) Q. In other words, you'd like to read the question?
- (6) A. Please.
- (7) Q. Absolutely.
- (8) MS. ROBINSON: Mr. Sweeney, do you have a copy?
- (10) MR. SWEENEY: I think we have it right here, Bishop.
- (12) MS. ROBINSON: Okay.
- (13) A. I have to say after this conference, which conference are we speaking of?
- (15) Q. If you'd like, you can read the prior two pages of that. It would put it in context for you.
- (18) MR. SWEENEY: I think the record can and should reflect the fact that no such document has been brought here today. Whether it was included in the documents produced after October 7th, I cannot be certain.
- (23) MS. ROBINSON: Well, Mr. Sweeney --
- (25) MR. SWEENEY: But none of it was

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- (1) brought today.
- (2) MS. ROBINSON: -- the deposition is not of you, with all due respect, so I would like the witness to answer the question, although I do appreciate your comments.
- (6) A. All right. The answer is that I did not bring this. This request was made two years ago. There has been a two-year hiatus between this information here, and what we're doing today. And I am sure that my counsel will be happy to provide any document, even a document which was requested fully two years ago.
- (13) Q. But the answer to my question is that you did not bring such a document with you here today?
- (16) A. The answer to your question is that I did not bring such a document with me today.
- (18) Q. Okay. And following the October 7th, 1997 deposition, shortly thereafter, did you make any search for such a document?
- (21) A. I do not recall making any search for a document.
- (23) Q. Did you request that anybody on your behalf make a search for any such document?
- (25) A. My attorney was with me and I was

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- (1) confident that my attorney would produce the documents that were requested.
- (3) Q. And let me just go back to the question. Did you yourself, Bishop Egan, make any request to any person to make a search for the document requested by Mr. Tremont?
- (7) A. My request was implicit in the fact that we agreed to send the document two years ago, and I was confident that Mr. Sweeney would obtain the document from the file or wherever it was to be found, and see to it that it was sent.
- (12) Q. And let's go back to my question once again. Did you yourself, Bishop Egan, make a request, an oral request or written request to any person to look for the document that was requested by Mr. Tremont?
- (17) A. If I made --
- (18) MR. SWEENEY: If you recall.
- (19) A. -- any request, I do not recall making it.
- (21) Q. Okay. So you don't recall doing that?
- (22) A. If I made any request, I do not recall making it.
- (24) Q. Okay. Would you be good enough, after this deposition, to once again entertain

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- (1) Mr. Tremont's prior request and look, in fact, for a document indicating that sometime after November 16th of 1992 and before further allegations of sexual misconduct against Father Brett in February of 1993, that you contacted or attempted to suspend or have Father Brett sign a letter agreeing to remove himself from a clerical state?
- (9) A. I will here present ask both Mr. Sweeney and Monsignor Bronkiewicz to obtain that document and see to it that it is forwarded to the proper person in the appropriate legal way.
- (14) Q. Thank you.
- (15) Bishop Egan, is Father Brett still receiving a stipend from the Diocese of Bridgeport?
- (18) A. Father Brett. Father Brett has not been receiving a stipend from the Diocese of Bridgeport, in my understanding, to my best remembrance, for a number of years.
- (22) Q. And at the present time, is Father Brett still suspended?
- (24) A. Father Brett is still suspended.
- (25) Q. And at the present time, he is not

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- (1) considered to be reduced to the -- to the lay state?
- (3) A. He is not reduced to the lay state because he has not requested to be reduced to the lay state. And his signed request is required.
- (6) Q. And if a priest is suspended, does it require that the diocese still continue to pay him a stipend?
- (9) A. It requires that the diocese continue to pay him a stipend if he has not the ability to sustain himself.
- (12) Q. So that that payment is dependent on whether the priest can support himself?
- (14) A. The tradition has been for many years in the Catholic Church simply to provide the stipend. However, if you want to know the exact law, we are required only if he isn't able to sustain himself in some other endeavor.
- (19) Q. And the reason, if you know why Father Brett is not receiving the stipend, is because he's able to sustain himself in some other manner?
- (23) A. In some other endeavor.
- (24) Q. And what other endeavor is that, if you know?

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- (1) A. You recall that the Father Brett
- (2) situation happened before I came here. To the
- (3) best of my knowledge, he is involved in a
- (4) publishing house of some kind, or was for many
- (5) years, either in Baltimore or in Washington or in
- (6) that area of the United States.
- (7) Q. And when was the last time that you
- (8) were in contact with Father Brett?
- (9) A. The last time? I can't give you the
- (10) specific date, but I asked Father Brett for a
- (11) request that he be laicized. He gave me that, he
- (12) acquiesced to my request sometime later and
- (13) signed the document. Sometime later, through a
- (14) lawyer, as I best recall, he retracted that
- (15) signature. I have not seen him since that date,
- (16) and I cannot name the date out specifically, but
- (17) I have not seen him since the date when I asked
- (18) him to sign the document for laicization.
- (19) Q. And other than actually seeing him,
- (20) have you spoken to him in any fashion since that
- (21) date that you do not recall?
- (22) A. Well, all right. I have not seen him.
- (23) Is that -- say your question again.
- (24) Q. Since the date that you attempted to
- (25) get him to sign the document so that he would be

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- (1) reduced to the lay state --
- (2) A. Yes.
- (3) Q. -- whatever date that may be, have you
- (4) spoken to Father Brett?
- (5) A. I have not spoken to Father Brett.
- (6) Q. Have you written to Father Brett?
- (7) A. I have not written to Father Brett.
- (8) Q. Okay. Is Father Brett receiving health
- (9) benefits from the Diocese of Bridgeport?
- (10) A. I am not 100 percent sure on that. My
- (11) expectation is that he is not, but I am not sure
- (12) and I'm not going to answer if I'm not sure.
- (13) Q. And why would your expectations be that
- (14) he would not be receiving health benefits --
- (15) A. Because --
- (16) Q. -- from the Diocese of Bridgeport at
- (17) this time?
- (18) A. My expectation is that he has been
- (19) associated with these endeavors, and I can't
- (20) identify them any further than I did, which would
- (21) have had an insurance program.
- (22) Q. Do you know whether he is a member of
- (23) any other diocese?
- (24) A. What do you mean by a member?
- (25) Q. In other words, is he part of the

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- (1) diocese out in the state where he's doing his
- (2) publishing work?
- (3) A. If you mean by part of a diocese, is he
- (4) incardinated into the diocese? Is that your
- (5) question?
- (6) Q. Well, is that different than being a
- (7) member, in your mind?
- (8) A. Every layperson can be a member of a
- (9) diocese.
- (10) Q. So in his official -- is he -- then
- (11) let's use your term. Is he incardinated, to your
- (12) knowledge, in any other diocese?
- (13) A. He is not.
- (14) Q. Okay. And how do you know that?
- (15) A. I know that because in order for
- (16) someone -- for another bishop to incardinate him,
- (17) he would need from me a declaration of
- (18) excardination.
- (19) Q. Okay. Now, before the October 7th,
- (20) 1997 deposition, Bishop Egan, what did you do
- (21) prior to the deposition in order to help you or
- (22) help you remember questions or help you remember
- (23) material, if anything?
- (24) MR. SWEENEY: You mean if he
- (25) recalled what he did specifically?

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- (1) MS. ROBINSON: Correct,
- (2) specifically.
- (3) Q. I know it was a while ago, but if you
- (4) recall.
- (5) A. Well, there's been a two-year hiatus.
- (6) Q. I understand.
- (7) A. And I certainly cannot remember what
- (8) was done. I am sure that I had whatever are the
- (9) appropriate discussions with Monsignor
- (10) Bronkiewicz, with Mr. Sweeney, or whoever else
- (11) might have been willing to discuss this matter
- (12) with me.
- (13) Q. Okay. And I certainly don't want to
- (14) know anything that you discussed with Mr. Sweeney
- (15) because he's your attorney, but do I take it that
- (16) you don't recall any of the conversations before
- (17) October 7th of 1997, that you might have had with
- (18) Monsignor Bronkiewicz, for instance?
- (19) A. I'm sure I had many conversations --
- (20) Q. Okay.
- (21) A. -- with Monsignor Bronkiewicz. This is
- (22) two years ago. I would not recall when they
- (23) were, obviously.
- (24) Q. Okay.
- (25) A. I have ongoing conversations with him.

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- (1) Q. Do you recall whether you looked at any
- (2) materials before that October 7th, 1997
- (3) deposition; for instance, a deposition
- (4) transcript, a videotape, things of that nature?
- (5) A. I may well have. It would have been
- (6) the appropriate and common thing to do, but I'm
- (7) not going to say that I recall all of that in
- (8) detail. One would, and I suspect I would.
- (9) Q. And when you say it would have been the
- (10) appropriate and common thing to do, that gives
- (11) the impression that this has occurred many
- (12) times. How many times has your deposition been
- (13) taken?
- (14) A. My depositions -- first of all, your
- (15) conclusion is without foundation. I said that I
- (16) did not look into it before, and I do not see
- (17) that that in any way implies that there were
- (18) several other times. So I'd ask you to reask the
- (19) question.
- (20) Q. The question is, and I think it's -- we
- (21) can go back to the court reporter, but the
- (22) question is, how many times have you been
- (23) deposed? That's a simple question. Can you
- (24) answer that?
- (25) MR. SWEENEY: It just calls for a

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- (1) simple number. To the best of your recollection,
- (2) Bishop, whatever it is.
- (3) A. To the best of my recollection, once.
- (4) Q. Once before?
- (5) A. Right.
- (6) MR. SWEENEY: Once before the
- (7) October session?
- (8) THE WITNESS: Exactly.
- (9) MR. SWEENEY: Yes.
- (10) Q. Okay. So this would be -- "this,"
- (11) meaning September 23rd of 1999, would be the
- (12) third time that you were actually giving a
- (13) deposition?
- (14) A. Correct.
- (15) Q. Okay. So when you're talking about
- (16) appropriate and common thing to do, is that what
- (17) you did in the first and second deposition?
- (18) A. I don't recall what I did --
- (19) Q. Okay.
- (20) A. -- in the first and second deposition.
- (21) Q. Well, let's go to this particular
- (22) deposition. Before this deposition, did you do
- (23) anything or look -- Strike that.
- (24) Did you look at any materials
- (25) before today's deposition?

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- (1) A. I looked at materials before today's
- (2) deposition.
- (3) Q. And would you be good enough to tell me
- (4) what materials those were?
- (5) A. I looked at the materials that were
- (6) available regarding this case, and they contained
- (7) depositions of others, documents that had been
- (8) presented to the lawyers, and things of the sort.
- (9) Q. Okay. And I would like to get into
- (10) specifics with you. To the best that you can
- (11) recall, what specific depositions did you review
- (12) or just look at before today?
- (13) A. Well, let's see. I looked over the
- (14) deposition of myself.
- (15) Q. Uh-huh. And when did you do that?
- (16) A. Of Bishop --
- (17) Q. I'm sorry. And when did you do
- (18) that? --
- (19) A. Don't interrupt me, please.
- (20) Of Bishop Curtis.
- (21) Q. Okay.
- (22) A. Of Monsignor Cusack.
- (23) Q. Okay.
- (24) A. Of Monsignor Genuario. And I think
- (25) that would be about it. That's what I recall now

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- (1) sitting here.
- (2) Q. And when in time did you look over your
- (3) own deposition?
- (4) A. Within the last several days. I don't
- (5) recall which day.
- (6) Q. Okay. And how about the Curtis, Cusack
- (7) and Genuario depositions, were those all in the
- (8) general same time frame?
- (9) A. I believe we learned about this
- (10) deposition about 10 days ago.
- (11) MR. SWEENEY: Well, I think the
- (12) record can indicate --
- (13) MS. ROBINSON: Well --
- (14) MR. SWEENEY: -- that there was a
- (15) notice --
- (16) MS. ROBINSON: -- I don't think
- (17) this there's any --
- (18) MR. SWEENEY: -- in August.
- (19) MS. ROBINSON: -- need for you to
- (20) offer any testimony at this time. It's not in
- (21) the form of an objection. If that's what Bishop
- (22) Egan learned about the deposition, that's fine.
- (23) A. I do not recall when I learned about
- (24) the deposition precisely, but I have, over the
- (25) last several days, given these -- looked at these

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- (1) matters that I've just outlined for you.
- (2) Q. Sometime within the last 10 days, you
- (3) think?
- (4) A. Ten days, two weeks, whatever it's
- (5) been.
- (6) Q. Okay. Other than reviewing
- (7) depositions, did you look at any videotapes?
- (8) A. I did not.
- (9) Q. Okay. And you had mentioned some other
- (10) documents or were describing to me some other
- (11) documents. Putting aside the depositions that
- (12) you looked at, could you better define for me the
- (13) other kinds or types of documents that you
- (14) reviewed?
- (15) A. I'm not going to try to recall
- (16) everything.
- (17) Q. I would like you to.
- (18) A. Well, I --
- (19) MR. SWEENEY: Well, Bishop, your
- (20) only obligation is what you could recall.
- (21) A. Yes. I remember there was a sheath of
- (22) appointments to various parishes. I remember
- (23) there were Priest Council documentation about our
- (24) policy. And I think I'm going to leave it
- (25) there. It was other -- I don't hold myself to

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- (1) recall all of this.
- (2) Q. And when in time did you review these
- (3) other materials, the appointments, Priest Council
- (4) documents?
- (5) A. All of this was done within the period
- (6) I mentioned above.
- (7) Q. Okay. Within two weeks to 10 days?
- (8) A. Ten days to two weeks.
- (9) Q. Okay. Now, since your deposition on
- (10) October 7th, 1997, have you learned of any other
- (11) settlements in connection with the Bridgeport
- (12) Roman Catholic Diocese?
- (13) A. If --
- (14) Q. Made on behalf of the Bridgeport Roman
- (15) Catholic Diocese, I should say.
- (16) MR. SWEENEY: Well, Counsel, I
- (17) want to take on a matter of form here, at least
- (18) the record should reflect that. Aside from what
- (19) was disclosed before, your office itself
- (20) participated in negotiation of a settlement
- (21) relating to a different priest, and I think there
- (22) is a confidentiality commitment relating to
- (23) that.
- (24) MS. ROBINSON: Well, Mr. Sweeney,
- (25) I'm not asking what priest. I'm asking just for

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- (1) whether or not there were any settlements, and I
- (2) don't think there's anything in any
- (3) confidentiality agreement which prevents Bishop
- (4) Egan from answering that question.
- (5) MR. SWEENEY: So this calls for a
- (6) simple "yes" or a "no."
- (7) MS. ROBINSON: I think that would
- (8) be it.
- (9) MR. SWEENEY: All right.
- (10) A. Yes.
- (11) Q. Okay. And how many --
- (12) A. Madam, ask the question again, so I am
- (13) sure that the form is correct. What is your
- (14) question?
- (15) MS. ROBINSON: Mr. Martone, can
- (16) you read my question back again?
- (17) (Question read.)
- (18) A. The answer is yes.
- (19) Q. Okay. And how many other settlements
- (20) have there been?
- (21) A. One.
- (22) Q. And just to be clear, when I'm speaking
- (23) of settlements, because I know there was some
- (24) discussion during the last deposition, that would
- (25) be with or without a lawsuit. That's -- when I

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- (1) say settlement, that's what I'm indicating.
- (2) A. That was clarified two years ago and I
- (3) do remember that.
- (4) Q. Okay. So that you recall one
- (5) additional settlement since October 7th of 1997?
- (6) A. That was the answer.
- (7) Q. Okay. Now, Bishop Egan, I'd like to
- (8) review with you this morning the sexual
- (9) misconduct policy which was provided to my office
- (10) following the October 7th of 1997 deposition. Is
- (11) that one of the documents that you reviewed
- (12) within the last two weeks prior to this
- (13) deposition?
- (14) A. I may have looked that over.
- (15) Q. Okay.
- (16) A. I believe it could have been in the
- (17) file. You're referring to a document that was
- (18) prepared in 1989 and issued in 1990? Are you
- (19) speaking of that?
- (20) Q. Well, you know what, I'm going to mark
- (21) what I'm referring to so you can take a look at
- (22) it to see if that helps you.
- (23) A. I didn't receive an answer but I'll
- (24) receive an answer --
- (25) MR. SWEENEY: Well, basically what

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- (1) she's saying is she's --
- (2) Q. Unfortunately, I don't have to give an
- (3) answer right now, but we'll clarify it for you.
- (4) A. Well, then --
- (5) MR. SWEENEY: The document is
- (6) being marked as an exhibit. She's going to
- (7) present it to you and then you can tell her
- (8) whether or not you recognize it.
- (9) THE WITNESS: It's dated and I'll
- (10) know then, all right.
- (11) MR. SWEENEY: Yes.
- (12) (Plaintiffs' Exhibit H marked
- (13) for identification.)
- (14) Q. Bishop, please take a moment to look
- (15) through Plaintiffs' Exhibit H to see whether that
- (16) might have been a document you reviewed prior to
- (17) today's deposition.
- (18) A. I don't see a date on that document.
- (19) Do you?
- (20) MR. SWEENEY: Well, I think
- (21) this --
- (22) Q. Well, in other words -- let me just get
- (23) an answer. Let me just request the witness to
- (24) take a look at the document and it may be that,
- (25) after looking at it, you can't tell. But would

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- (1) you be good enough, Bishop, to take a look at
- (2) that document, what has been marked as
- (3) Plaintiffs' Exhibit H, to see whether it might
- (4) have been something you reviewed.
- (5) A. Here it is, which was issued on
- (6) December 14th, 1990. This is a document which I
- (7) reviewed, perhaps in passing, over the last 10
- (8) days, two weeks or more.
- (9) Q. Okay.
- (10) MS. ROBINSON: And Mr. Sweeney, do
- (11) you happen to have another copy of that
- (12) because --
- (13) MR. SWEENEY: I don't think I have
- (14) it convenient.
- (15) MS. ROBINSON: Okay.
- (16) MR. SWEENEY: You may have a
- (17) duplicate that you can use. I don't think I have
- (18) that particular document.
- (19) MS. ROBINSON: Okay. I think I'm
- (20) going to have to make a copy of this just quickly
- (21) because I'm going to be reviewing it with Bishop
- (22) Egan.
- (23) MR. SWEENEY: All right. Can we
- (24) go off the record?
- (25) (Discussion off the record.)

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- (1) (Recess: 10:37 to 10:42 a.m.)
- (2) BY MS. ROBINSON:
- (3) Q. Bishop Egan, Plaintiffs' Exhibit H, the
- (4) first page is a letter from your attorney,
- (5) Mr. Sweeney, enclosing an 11-page sexual
- (6) misconduct policy. Looking at the first page of
- (7) that document, it's entitled "Diocese of
- (8) Bridgeport Policy Relating to Sexual Misconduct."
- (9) My question to you, Bishop Egan,
- (10) is, did you have anything to do with formulating
- (11) this policy that's been marked as Plaintiffs'
- (12) Exhibit H?
- (13) A. Yes.
- (14) Q. Okay. And when did you commence the
- (15) formulation of this particular policy? When in
- (16) time?
- (17) A. 1989. I believe early in 1989.
- (18) Q. And would you be good enough to tell us
- (19) what process you went through in terms of
- (20) formulating the policy that we have before us?
- (21) A. I spoke to Monsignor Bronkiewicz. I
- (22) spoke to our lawyers. I informed myself of what
- (23) was done in other areas about this matter. I
- (24) can't be more specific than that. And I asked
- (25) that a policy be developed and that I be kept

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- (1) aware of its development along the way.
- (2) Q. Did you assign the project to someone
- (3) else in your office?
- (4) A. The project was assigned to Monsignor
- (5) Laurence Bronkiewicz and our diocesan attorneys.
- (6) Q. Okay. And how did you go about
- (7) informing yourself of what was done in other
- (8) areas?
- (9) A. I believe that I may have asked friends
- (10) of mine at other dioceses or simply from other
- (11) dioceses to send us copies of theirs, and I
- (12) believe I shared these with Monsignor
- (13) Bronkiewicz.
- (14) Q. Do you recall which of your friends you
- (15) spoke with on this matter?
- (16) A. I believe it might have been -- I
- (17) prefer not to guess. I don't recall exactly
- (18) which ones.
- (19) Q. So you don't have any sense of that, as
- (20) you sit here today?
- (21) A. A lot of years have passed. I don't
- (22) want to take a guess.
- (23) Q. Okay. And do you recall from which
- (24) diocese you received policies?
- (25) A. My recollection today is that we

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- (1) probably received policies from several dioceses
- (2) in the process of preparing this document.
- (3) Q. And do you have any specific
- (4) recollection as to which diocese you received
- (5) such documents from?
- (6) A. I do not.
- (7) Q. Okay. Do you know how many policies
- (8) you received?
- (9) A. I wouldn't go much further than saying
- (10) several.
- (11) Q. Do you know whether there is a file
- (12) regarding the generation of the Bridgeport
- (13) Diocese sexual misconduct policy?
- (14) A. I would expect there might be but I am
- (15) not 100 percent sure.
- (16) Q. Do you know whether other diocesan
- (17) policies from other diocese might be in such a
- (18) file?
- (19) A. I have not looked at such a file. It
- (20) would not surprise me if they were.
- (21) Q. If there was such a file, where would
- (22) that file be?
- (23) A. It would be in the office of the
- (24) aforementioned Monsignor Bronkiewicz.
- (25) Q. Okay. And is it my understanding from

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- (1) your testimony on October 7th, that this policy
- (2) that we have before us, Plaintiffs' Exhibit H,
- (3) basically committed to writing what the oral
- (4) policy already was at the Diocese of Bridgeport?
- (5) A. Is the question is that your
- (6) understanding?
- (7) Q. No. Is that your understanding?
- (8) A. The policy -- the excellent policy that
- (9) was in place beforehand was substantially this.
- (10) However, I believe that there are elements of
- (11) this that perhaps are more specific.
- (12) Q. Do you know what elements of
- (13) Plaintiffs' Exhibit H are more specific than the
- (14) oral policy of the Diocese of Bridgeport?
- (15) MR. SWEENEY: You mean the former
- (16) oral?
- (17) MS. ROBINSON: Former oral
- (18) policy.
- (19) A. In an oral policy, for instance, one
- (20) would not have a page full of citations from
- (21) civil law. This is that to which I refer. You
- (22) would have not have citations in oral policy. I
- (23) notice that there's a page and a half or almost a
- (24) full page quoting canon law and so forth. But,
- (25) substantially, the excellent policy that was in

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- (1) place before matches the excellent policy that's
- (2) in place now.
- (3) Q. Okay. Well, let's examine the
- (4) excellent policy that we have before us,
- (5) Plaintiffs' Exhibit H, in some detail.
- (6) It took over -- about two years to
- (7) formulate this policy after you came to the
- (8) Diocese of Bridgeport; is that correct?
- (9) A. I believe this policy is 1990. And I
- (10) was operating in the diocese the beginning of
- (11) 1989. I was installed on December 14th of 1988.
- (12) Q. So it took about a year?
- (13) A. It took however long that was, yes.
- (14) Q. Okay. And what specific reasons did
- (15) you have in your mind for committing the oral
- (16) policy to writing, as we see here in Plaintiffs'
- (17) Exhibit H?
- (18) A. Your predecessor asked the same
- (19) question, and while I can't repeat the exact
- (20) words, I mentioned two years ago that this is my
- (21) style. I am comfortable with having matters in
- (22) writing if they seem to me to be better in
- (23) writing than not.
- (24) Q. So you like to have things documented?
- (25) A. I would rather stand with my own

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- (1) statement. In matters that are of importance, I
- (2) like to have them in writing, yes.
- (3) Q. Do you like to document matters of
- (4) importance or don't you?
- (5) MR. SWEENEY: Just calls for a
- (6) "yes" or "no" answer.
- (7) A. All right, yes, I like to document
- (8) matters of importance.
- (9) Q. Okay. And it's your feeling that
- (10) having a policy relating to sexual misconduct is
- (11) an important issue for the Diocese of Bridgeport,
- (12) correct?
- (13) A. Yes.
- (14) Q. Okay. Now, with respect to the
- (15) definition section of the policy, it indicates
- (16) that "sexual misconduct means any actions or
- (17) words of a sexual nature which are contrary to
- (18) the moral doctrine, teachings and canon law of
- (19) the Catholic Church," and goes on to indicate
- (20) some other -- "some other definitions are
- (21) prescribed by federal, state or local law or
- (22) cause harm to another."
- (23) Did you have anything to do with
- (24) formulating the definitional meaning for sexual
- (25) misconduct for the purposes of this policy?

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- (1) A. This policy was formed in 1989-1990. I
- (2) certainly reviewed it at every step along the
- (3) way. I would certainly have approved it and, in
- (4) approving it, would have approved the definition.
- (5) Q. Would it be fair to say that you did
- (6) not actually write any portion of the document,
- (7) but reviewed written portions of it?
- (8) A. I might have had a hand in writing
- (9) parts of it.
- (10) Q. Okay. And with respect to the use of
- (11) the term sexual misconduct, you accept the fact
- (12) that sexual misconduct can include words as well
- (13) as actions?
- (14) A. Yes.
- (15) Q. Okay. And in terms of evaluating the
- (16) potential clergy sexual misconduct of one of the
- (17) priests within the Diocese of Bridgeport, that is
- (18) the term or the definition that is used in
- (19) defining potential sexual misconduct, whether it
- (20) be actions or words, correct?
- (21) A. Correct. Yes.
- (22) Q. So you would agree with me that a
- (23) priest could sexually -- could be -- could be
- (24) found sexually -- found guilty of sexual
- (25) misconduct even though the priest did not touch a

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- (1) child?
- (2) A. The statement here is the sexual
- (3) misconduct includes also words that imply
- (4) unwelcome sexual advances and so forth. That is
- (5) correct.
- (6) Q. Okay. And when you talk -- or the
- (7) document talks of moral doctrine, what is it
- (8) referring to?
- (9) A. The ethical positions taken by the
- (10) Catholic Church.
- (11) Q. Okay. And how did the diocese go about
- (12) distributing the policy to its members?
- (13) A. I would like to review the file to be
- (14) 100 percent sure --
- (15) Q. Sure.
- (16) A. -- of how the diocese went about it. I
- (17) believe this happened in -- what are we, 1999 --
- (18) 10 or more years ago. And the exact method I
- (19) don't know. It probably was done through the
- (20) mail. It was also done through meetings for --
- (21) with the clergy and with other personnel of the
- (22) diocese.
- (23) Q. I'm sorry, do you want to review that
- (24) further?
- (25) A. No.

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- (1) Q. I thought you had indicated that you --
- (2) A. Not at all.
- (3) Q. Okay.
- (4) A. I would have to look at the file to see
- (5) how it was sent out, what the dates were of any
- (6) meetings we had to explain it. But it was done,
- (7) I would imagine, through the mail and through
- (8) meetings.
- (9) Q. When you say you'd have to look at the
- (10) file, what file would that be?
- (11) A. The file concerning this policy.
- (12) Q. The file that would be in Monsignor
- (13) Bronkiewicz's possession?
- (14) A. It would be in Monsignor Bronkiewicz's
- (15) office, correct.
- (16) Q. Okay. And has the policy since
- (17) October -- excuse me, December 14th of 1990, been
- (18) revised in any fashion or updated, if you know?
- (19) A. I recall no substantial revisings or
- (20) datings.
- (21) Q. Okay. And with respect to -- Strike
- (22) that.
- (23) You had indicated that you
- (24) understanding is that -- Strike that.
- (25) Am I correct that the oral policy

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- (1) of the diocese, for the most part, is basically
- (2) being committed to writing in Plaintiffs'
- (3) Exhibit H, except for certain elements that you
- (4) had previously indicated?
- (5) A. Is that the question you asked before?
- (6) We had an excellent policy in place, which was a
- (7) policy that we followed effectively. The
- (8) substance of that policy was committed to writing
- (9) and we have that document here before us.
- (10) Q. Okay. What I would like to know is
- (11) that the definitional phrase for sexual
- (12) misconduct, would that have been defined in a
- (13) similar fashion for the oral policy that was in
- (14) effect prior to you coming to the diocese in
- (15) 1988?
- (16) A. The substance of that definition would
- (17) have been the substance of the former policy.
- (18) Q. So the excellent policy that you felt
- (19) was in place when you came to the diocese,
- (20) included the fact that sexual misconduct would be
- (21) defined by both actions or words?
- (22) A. Yes.
- (23) Q. Okay. And the personnel definition --
- (24) A. What page are you on?
- (25) Q. This is on page two. In the written

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- (1) policy includes --
- (2) **A.** You're on what paragraph?
- (3) **Q.** 2.3, Bishop.
- (4) **A.** All right. Thank you.
- (5) **Q.** Sure. The definitional phrase for
- (6) personnel includes "all persons, clergy,
- (7) religious and laity, who are employed by, are
- (8) under personal contract with, or volunteer in any
- (9) of the entities encompassed by the diocese."
- (10) My question to you, Bishop, is,
- (11) does personnel include the priests of the
- (12) Bridgeport Diocese?
- (13) **A.** The words clergy, include priests and
- (14) deacons.
- (15) **Q.** So that the word personnel does include
- (16) priests?
- (17) **A.** The same as volunteers includes
- (18) priests -- include -- are included in personnel.
- (19) **Q.** So that personnel includes both
- (20) volunteers and priests?
- (21) **A.** Correct.
- (22) **Q.** Okay. So that if we take out the
- (23) parenthetical "clergy, religious and laity,"
- (24) personnel would include priests who are employed
- (25) by the diocese, correct?

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- (1) **A.** The vast majority of priests are not
- (2) employed by the diocese. There are a few
- (3) employed by the diocese.
- (4) **MR. SWEENEY:** Just a "yes" or "no"
- (5) answer, Bishop.
- (6) **Q.** Okay.
- (7) **A.** What was the question?
- (8) **Q.** Well, that's okay. I think you
- (9) answered the question.
- (10) **A.** Well, no, I'd like to hear the question
- (11) again.
- (12) **MR. SWEENEY:** Again, can we have
- (13) the question --
- (14) **MS. ROBINSON:** Can we have the
- (15) question?
- (16) **MR. SWEENEY:** Yes.
- (17) (Question read.)
- (18) **A.** Yes.
- (19) **Q.** And you had indicated that the vast
- (20) majority of priests are not employed by the
- (21) diocese; and I would like to know what you mean
- (22) by that.
- (23) **A.** They're employed by the parishes, but I
- (24) see now here, as I read again, personnel includes
- (25) "all persons who are employed by, are under

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- (1) personal contract with, or volunteer in any of
- (2) the entities encompassed by the diocese," so I
- (3) believe the parishes would be included in this
- (4) definition.
- (5) **Q.** Did your attorney just point that out
- (6) to you?
- (7) **A.** He did.
- (8) **Q.** Okay. And --
- (9) **A.** He pointed out that I should read it.
- (10) **Q.** Okay. And would I be correct that, in
- (11) fact, the oral policy also encompassed the fact
- (12) that personnel would include all priests employed
- (13) by the diocese as well?
- (14) **A.** All priests employed by the diocese.
- (15) Yes.
- (16) **Q.** And going down to the definitional
- (17) phrase for 2.4, reasonable cause, it indicates,
- (18) "means a prudent estimation based on trustworthy
- (19) information that an incident occurred or has been
- (20) perceived as having occurred."
- (21) Would you be good enough to tell
- (22) me what prudent estimation means?
- (23) **A.** Prudent estimation means that one would
- (24) consider a particular event or statement and
- (25) wisely and carefully consider how serious it may

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- (1) or may not be.
- (2) **Q.** And when you're discussing how serious
- (3) it may or may not be, when it comes to, for
- (4) instance, clergy sexual abuse of children, what
- (5) would your considerations be?
- (6) **A.** Who made the accusation. Against whom
- (7) it was made. Whether there was any circumstance
- (8) to support the accusation in matters of this
- (9) sort.
- (10) **Q.** Could you tell me what is meant by
- (11) trustworthy information?
- (12) **A.** Information which is worthy of being
- (13) taken as serious and something that is to be
- (14) considered with attention.
- (15) **Q.** Okay. Now, looking on to --
- (16) **A.** What page are you on now?
- (17) **Q.** I'm about to tell you, Bishop.
- (18) Looking on to page three,
- (19) paragraph 5.0 indicates background and reference
- (20) checks. And it indicates that "beginning
- (21) September 1st of 1990, the following prospective
- (22) and current personnel of the diocese shall
- (23) complete an informational questionnaire," and it
- (24) goes on to state that "in supervisory capacities,
- (25) or in particularly sensitive areas, such as those

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- (1) who work with or around children, the very
- (2) elderly or physically or mentally infirm."
- (3) My question to you --
- (4) **A.** All right, hold a second.
- (5) **Q.** Sure.
- (6) **A.** I'm going to read the --
- (7) **Q.** Sure.
- (8) **A.** -- document. We're going to talk about
- (9) 5.0?
- (10) **Q.** Correct. Take your time.
- (11) (Pause in the proceedings.)
- (12) **A.** Very well.
- (13) **Q.** And my question to you, Bishop, is, was
- (14) this particular part of the policy, the written
- (15) policy, was it also part of the oral policy?
- (16) **A.** To my knowledge, it was not.
- (17) **Q.** So would this be one of the new
- (18) elements that you had talked about earlier?
- (19) **A.** It would be a new element.
- (20) **Q.** And would I be correct in stating that
- (21) any priest incardinated after September 1st, 1990
- (22) would have to fill out one of these informational
- (23) questionnaires?
- (24) **A.** From reading this, yes. And I believe
- (25) that is the case.

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- (1) **Q.** Have you ever seen an informational
- (2) questionnaire that's been filled out by a priest
- (3) that has been incardinated since September 1st of
- (4) 1990?
- (5) **A.** I -- I am not sure.
- (6) **Q.** Do you know what the actual
- (7) questionnaire looks like?
- (8) **A.** I saw it when it was presented.
- (9) **Q.** Okay. Would that questionnaire, draft
- (10) questionnaire or the actual questionnaire, do you
- (11) think that that might be something that would be
- (12) in the file that's being maintained by Monsignor
- (13) Bronkiewicz?
- (14) **A.** By Monsignor Bronkiewicz and by the
- (15) heads of the different departments where this is
- (16) done.
- (17) **Q.** And what departments would those be?
- (18) **A.** For instance, Catholic Charities, the
- (19) Diocese of Bridgeport, the Catholic schools
- (20) office. And so forth.
- (21) **Q.** Can you think of anything other than
- (22) the three that you mentioned, Catholic Charities,
- (23) the diocese and schools office?
- (24) **A.** Let's see. Catholic health care.
- (25) **Q.** Any other department that you can think



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- (1) of, as you sit here?
- (2) **A.** Catholic cemeteries, I suspect. It's
- (3) all of the personnel.
- (4) **Q.** So that all of the departments that you
- (5) just mentioned, and there may be others, would
- (6) maintain these informational questionnaires?
- (7) **A.** That is correct.
- (8) **Q.** So that any person who was hired,
- (9) whether it be for cleaning or for teaching,
- (10) whatever the case may be, would have to fill out
- (11) one of these informational questionnaires, or
- (12) only those people working with children or the
- (13) elderly or physically infirm?
- (14) **A.** I believe that it is everyone, but with
- (15) special emphasis upon those which are in such
- (16) areas as the elderly and the physically
- (17) handicapped and so forth.
- (18) **Q.** Okay. And how are the informational
- (19) questionnaires utilized? In other words, you
- (20) request it of people who are applying or
- (21) incardinated. And how are they utilized by the
- (22) diocese?
- (23) **A.** They are utilized by the superior of
- (24) that particular person. If that person finds out
- (25) that there is nothing to impede this person's

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- (1) accepting a position, that is the end of it. He
- (2) reads the questionnaire, and sees no difficulty.
- (3) **Q.** Do you know what kinds of questions are
- (4) being asked in order to discern whether an
- (5) individual would be appropriate to work with
- (6) children or the elderly or physically, mentally
- (7) infirm?
- (8) **A.** I've seen the form and the request but
- (9) I'm not going to try to recite it. I'm sure we
- (10) could send you a copy.
- (11) **Q.** I would appreciate that, thank you.
- (12) **A.** All right. Now ask that formally.
- (13) **MR. SWEENEY:** Yeah, well,
- (14) Ms. Robinson, at the end of today's session -
- (15) **MS. ROBINSON:** I think we could -
- (16) **MR. SWEENEY:** - to the extent you
- (17) need any documents, let me know and then we can
- (18) try to deal with it.
- (19) **MS. ROBINSON:** I think we can go
- (20) on. Okay.
- (21) **Q.** Now, backtracking one step, still on
- (22) page three, Bishop Egan, but going to paragraph
- (23) 4.0, there is a - education is addressed. And
- (24) this paragraph discusses the fact that from time
- (25) to time there will be designated educational

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- (1) programs on methods of recognizing and preventing
- (2) sexual misconduct involving children or others.
- (3) And I'd like to ask you whether
- (4) that policy of having designated educational
- (5) programs was one that was generated prior to the
- (6) institution of this written policy?
- (7) **A.** All right. I'm going to read the 4.0.
- (8) You're talking about 4.0?
- (9) **Q.** Correct, Bishop.
- (10) (Pause in the proceedings.)
- (11) **A.** Would you repeat your question?
- (12) **Q.** Sure. Do you know whether this element
- (13) of the written policy was also an element of the
- (14) prior oral policy which was in effect in the
- (15) diocese?
- (16) **A.** I wasn't here before this policy, but
- (17) it was certainly something that was done -
- (18) **Q.** Okay.
- (19) **A.** - in education.
- (20) **Q.** I'm sorry, I didn't know you were not
- (21) finished answering the question.
- (22) You just indicated that you
- (23) weren't here before the - obviously you weren't
- (24) here before 1988 or 1989 when you became active
- (25) as bishop. But you've indicated a couple of

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- (1) times that you felt that this policy, the prior
- (2) policy was excellent. Why did you feel that way?
- (3) **A.** It was excellent because it covered all
- (4) of the needs of that period.
- (5) **Q.** And what do you mean by the needs of
- (6) that period?
- (7) **A.** Before there was concern and attention
- (8) to the extent there was after 19 - the late
- (9) 1980s, it handled the situation very well.
- (10) **Q.** And when you say before there was
- (11) concern, before - did you say the late 1980s?
- (12) **A.** That's right.
- (13) **Q.** Concern of what?
- (14) **A.** Concern about these methods - issues
- (15) of misconduct. I think in all organizations this
- (16) came forward pretty much in the late 1980s.
- (17) **Q.** Is it your testimony here today that
- (18) the issues involving clergy sexual abuse only
- (19) arose in the late 1980s?
- (20) **A.** My statement was that attention came to
- (21) be given to this in the late 1980s, in all
- (22) organizations. We are not the only organization
- (23) that created such a policy at this time.
- (24) **Q.** You would agree with me though, Bishop,
- (25) that many organizations gave the issue of clergy

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- (1) sexual abuse attention well before the late
- (2) 1980s?
- (3) **A.** We gave it attention as well, yes.
- (4) **Q.** Okay. So that really whether it's the
- (5) late 1980s or the late 1970s, the Bridgeport
- (6) Diocese always gave attention to the issues
- (7) regarding clergy sexual abuse?
- (8) **A.** Had there been issues, it would have,
- (9) yes.
- (10) **Q.** Well, Bishop, you're not stating that
- (11) there were no issues regarding clergy sexual
- (12) abuse before 1979, for instance, are you?
- (13) **A.** Very, very few.
- (14) **Q.** Very few?
- (15) **A.** Yes.
- (16) **Q.** Okay. Well, how many were there?
- (17) **A.** I can't give you a specific number but
- (18) out of hundreds and hundreds of priests, it would
- (19) be a very small number.
- (20) **Q.** And how did you - well, do you have
- (21) any sense as to what that small number would be?
- (22) **A.** I don't think it would be more than two
- (23) or three.
- (24) **Q.** And are you saying that over time, the
- (25) instances of clergy sexual abuse have increased?

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- (1) **A.** Over time the allegations have
- (2) increased.
- (3) **Q.** Okay. Well, I'd like to -
- (4) **A.** Did you hear that? Not instances -
- (5) your word was instances.
- (6) **Q.** Bishop, I can hear quite well, knock on
- (7) wood right now, so I heard what you said.
- (8) Would you be good enough to tell
- (9) me how you became acquainted with the very small
- (10) number of sexual allegations that had been made
- (11) against Bridgeport Diocesan priests before you
- (12) became bishop in 1988?
- (13) **A.** I didn't become informed before 1988.
- (14) I became informed after 1989, by asking.
- (15) **Q.** Okay. And who did you ask?
- (16) **A.** I asked Monsignor Bronklewicz, I asked
- (17) the then vicar general, Monsignor Scheyd, and I
- (18) asked the then chancellor, Monsignor Driscoll,
- (19) all of whom had been for years associated with
- (20) the diocese and its direction.
- (21) **Q.** And is it your testimony here today
- (22) that when you took over your duties as bishop in
- (23) 1989, that you asked, for instance, Monsignor
- (24) Bronklewicz the specific question of, "How many
- (25) sexual abuse or clergy sexual abuse allegations

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- (1) have there been made against priests before me
- (2) coming here?"
- (3) A. I did not say that, no.
- (4) Q. Okay. Well, would you be good enough
- (5) to specifically tell me the nature of your
- (6) inquiry. First let's start with Monsignor
- (7) Bronkiewicz, the nature of the inquiry that you
- (8) had made to Monsignor Bronkiewicz.
- (9) A. When the allegations began, I looked
- (10) into them in an orderly fashion. I looked into
- (11) them with the people whom I mentioned.
- (12) Q. And you just added a different - an
- (13) additional phrase, when the allegations began.
- (14) What do you mean by that?
- (15) A. Allegations began against clergy of our
- (16) diocese. Shortly after my arrival I heard of
- (17) these allegations and I inquired about them and
- (18) found out the situation.
- (19) Q. Would it be fair to say that before you
- (20) became aware of an allegation made during your
- (21) tenure of bishop, you didn't ask that question?
- (22) A. I believe the allegations were made a
- (23) few months before my arrival.
- (24) Q. Okay. So that when you came on board
- (25) as bishop of Bridgeport, immediately upon taking

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- (1) over that office, you knew that there were
- (2) pending clergy sexual abuse allegations?
- (3) A. I had heard of one immediately upon my
- (4) arrival.
- (5) Q. How did you hear of one immediately
- (6) upon your arrival?
- (7) A. I was informed of it by the vicar for
- (8) clergy and religious, Monsignor Bronkiewicz. Did
- (9) I say immediately upon my arrival? Shortly after
- (10) my arrival.
- (11) Q. Well, I thought - and again, I could
- (12) be confused. I thought you said you knew about
- (13) this before coming on board.
- (14) A. I knew about what?
- (15) Q. You knew about a pending allegation.
- (16) A. All right. There were pending - there
- (17) was an allegation before I came to the diocese.
- (18) After my arrival, I was informed of it.
- (19) Q. Okay. And which priest - against
- (20) which priest was this allegation made?
- (21) A. Gavin O'Connor.
- (22) Q. Okay. So upon learning that there had
- (23) been a sexual misconduct allegation made against
- (24) Gavin O'Connor, what was the inquiry, the
- (25) specific inquiry, that you made to Monsignor

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- (1) Bronkiewicz at that time?
- (2) A. I cannot give you specifics of
- (3) conversations that went on over 10 years ago.
- (4) Q. Okay.
- (5) A. I spoke to Monsignor Bronkiewicz and
- (6) the others about this matter in an appropriate
- (7) fashion. I do not know dates and so forth.
- (8) Q. And when you said you spoke to
- (9) Bronkiewicz - Monsignor Bronkiewicz and the
- (10) others, would that be Monsignor Scheyd and
- (11) Monsignor Driscoll?
- (12) A. That's right. That is correct.
- (13) Q. Okay. And when you spoke to them, do
- (14) you know whether you spoke to them specifically
- (15) about the allegations against Gavin O'Connor, or
- (16) generally about sexual allegations against any
- (17) priest within the diocese that you had just taken
- (18) over?
- (19) A. In inquiring about Gavin O'Connor, I
- (20) also inquired about other allegations and
- (21) considerations about our own priests.
- (22) Q. So it was - in other words, the -
- (23) your knowledge or your learning of the
- (24) allegations against Gavin O'Connor led you to
- (25) inquire of these three monsignors as to sexual

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- (1) allegations against any priest within the
- (2) diocese?
- (3) A. That was a factor, but of course after
- (4) 1986, the late 1980s, this issue was before the
- (5) public and I would have asked about it in any
- (6) case. So it might have been a factor, shall we
- (7) say, in my inquiry.
- (8) Q. What difference would it make whether
- (9) or not these issues were before the public?
- (10) A. The public was becoming aware and I was
- (11) becoming aware in the 1980s, late 1980s, of
- (12) allegations. When I came to the Diocese of
- (13) Bridgeport, I was interested in knowing about
- (14) allegations in our diocese because there had been
- (15) one against Gavin O'Connor.
- (16) Q. Were you aware of allegations of
- (17) sexual - clergy sexual misconduct before the
- (18) 1980s?
- (19) A. I was not.
- (20) Q. In other words, it's your testimony
- (21) here today that you only became aware of the
- (22) issues regarding sexual - clergy sexual abuse in
- (23) the 1980s?
- (24) A. That is correct.
- (25) Q. And when you say that there was this

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- (1) public concern or awareness, were there
- (2) particular lawsuits or claims or things that
- (3) caused you to become aware of in the 1980s?
- (4) A. There were, in the late 1980s,
- (5) particular lawsuits that were reported in the
- (6) newspaper in other parts of the country.
- (7) Q. And did you find those reports
- (8) shocking?
- (9) A. I find any suggestion that anyone,
- (10) especially anyone in religious life, anyone, a
- (11) clergy person, would be involved in any improper
- (12) sexual activity to be upsetting.
- (13) Q. And at the time that you heard about
- (14) this for the first time in the 1980s, did you
- (15) find that shocking?
- (16) A. I would be happy to stand with my
- (17) answer. I was of course upset to find out that
- (18) anyone would be involved in anything of the
- (19) sort.
- (20) Q. And you were upset then, too, when you
- (21) found out about it in the 1980s, I assume?
- (22) A. That's what I'm saying. The 1980s,
- (23) when I found out about this, I was upset that
- (24) anyone would be involved in such activity.
- (25) Q. Were you surprised to learn that the

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- (1) Diocese of Bridgeport had experience with clergy
- (2) sexual misconduct dating back to the 1960s?
- (3) A. Are you speaking of allegations?
- (4) Q. Well, I think we established in the
- (5) first deposition that Father Brett actually
- (6) confessed to sexual misconduct, so I think that
- (7) goes beyond allegations, wouldn't it, Bishop
- (8) Egan?
- (9) A. The Diocese of Bridgeport would not
- (10) have known about that unless the information came
- (11) forward. I have no knowledge of specifics before
- (12) 1989.
- (13) Q. Okay. But we learned during the last
- (14) deposition that there were actual memos in priest
- (15) files within the Diocese of Bridgeport indicating
- (16) sexual misconduct on the part of Father Brett
- (17) dating back to 1964.
- (18) A. You are correct in that.
- (19) Q. Okay. And when you spoke with
- (20) Monsignor Bronkiewicz and Monsignor Scheyd and
- (21) Monsignor Driscoll, did any of these gentlemen
- (22) tell you why - when you asked about sexual
- (23) misconduct of Bridgeport Diocesan priests, why
- (24) yes, we actually have had complaints dating back
- (25) to 1960?

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- (1) A. We had a complaint dating back to
- (2) 1964. A complaint.
- (3) Q. Is it your testimony that the only
- (4) prior sexual - clergy sexual abuse allegation
- (5) before 1989 was one complaint in 1964?
- (6) A. There was one other and there was also
- (7) one that probably had to do with alcohol rather
- (8) than sexual matters.
- (9) Q. Okay. Well, let me ask you this.
- (10) These conversations that you had with Monsignor
- (11) Bronkiewicz, Monsignor Scheyd and Monsignor
- (12) Driscoll, were they one-on-one conversations or
- (13) did you have it in a group session?
- (14) A. Both.
- (15) Q. Okay. How many of these meetings or
- (16) sessions did you have?
- (17) A. I could not recall what happened 10
- (18) years ago with that kind of accuracy.
- (19) Q. Okay. Do you recall whether you had
- (20) any private conversations with Monsignor
- (21) Bronkiewicz?
- (22) A. I did.
- (23) Q. Do you recall whether you had any
- (24) private conversations with Monsignor Scheyd?
- (25) A. I can't recall for sure -

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- (1) Q. Okay.
- (2) A. - whether it was a private
- (3) conversation or with the others mentioned.
- (4) Q. Do you recall whether you had any
- (5) private conversations with Monsignor Driscoll?
- (6) A. My answer would be the same. It may
- (7) have been, it might have been in a group.
- (8) Q. Okay. And would these conferences or
- (9) conversations have kind of taken place during the
- (10) same period of time or over a course of time? In
- (11) other words, in a matter of weeks or a matter of
- (12) years?
- (13) A. I believe the conversations have been
- (14) ongoing.
- (15) Q. Okay. But initially, when you first
- (16) came to the diocese, did you have - and you
- (17) learned about the accusations against Gavin
- (18) O'Connor -
- (19) A. That's right.
- (20) Q. - did you then have these
- (21) conversations soon thereafter with Monsignor
- (22) Bronkiewicz, Scheyd and Driscoll?
- (23) A. As I mentioned, the allegations
- (24) regarding Gavin O'Connor were not the only reason
- (25) for my concern about this matter. This was

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- (1) something being discussed in the public forum. I
- (2) had conversations which were appropriate with the
- (3) appropriate officials, the exact dates and who
- (4) was present for each and every one 10 years ago
- (5) I'm not in a position to say.
- (6) Q. And I'm not asking you for exact
- (7) dates. I'm just trying to get a time period
- (8) whether, for instance, you had all of these in
- (9) 1989?
- (10) A. They were ongoing beyond 1989.
- (11) Q. But they began in 1989?
- (12) A. That is correct.
- (13) Q. And in 1989 when you had these first
- (14) conversations, let's say, what did the monsignors
- (15) tell you with respect to the sexual abuse -
- (16) prior sexual abuse allegations that had been made
- (17) against priests within the Bridgeport Diocese?
- (18) A. They told me of the excellent program
- (19) we had in place to address this, and they told me
- (20) of whatever allegations there had been, and I
- (21) cannot recall specifically more than that.
- (22) Q. Did you ask them specifically to tell
- (23) you what other sexual - clergy sexual abuse
- (24) allegations have there been other than the one
- (25) involving Father -

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- (1) A. Through the course of -
- (2) Q. - involving Father O'Connor? Just let
- (3) me finish, Bishop. Thank you.
- (4) A. Say that again, I didn't hear you.
- (5) Q. Did you specifically ask them to tell
- (6) you about other sexual - clergy sexual abuse
- (7) allegations other than the ones levied against
- (8) Father O'Connor?
- (9) A. I don't have a specific response -
- (10) answer to that question. I was interested in all
- (11) cases that were of interest at that time.
- (12) Q. So it would be fair to say that you
- (13) expected them at that time to tell you all there
- (14) was to know about any priest who had been accused
- (15) of sexual misconduct?
- (16) A. Any priest that had been the object of
- (17) allegations which were serious, yes.
- (18) Q. Okay. And when you say which were
- (19) serious, what did you mean by that?
- (20) A. The same that you said, and I said
- (21) before about trustworthy - I forget the - do
- (22) you want me to read the wording again?
- (23) Q. You're going back to the wording that
- (24) you had cited earlier -
- (25) A. That's right.

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- (1) Q. - we had talked about.
- (2) A. It would have to be a serious
- (3) allegation, a trustworthy allegation, an
- (4) allegation that would merit consideration,
- (5) concern, yes.
- (6) Q. Okay. And what did they tell you,
- (7) either individually or as a group, specifically
- (8) against, in other words, numbers, against whom,
- (9) what did they tell you at that time?
- (10) A. They told me of the cases that we had
- (11) mentioned here.
- (12) Q. And -
- (13) A. And they have told me of the large
- (14) number, hundreds and hundreds of priests, and the
- (15) outstanding record that we have in this regard.
- (16) Q. And specifically, because I don't think
- (17) we discussed it this morning - if we did, I
- (18) forgot - but what specific cases did they
- (19) mention to you?
- (20) A. We mentioned Gavin O'Connor. We -
- (21) Q. Who you already knew about?
- (22) A. We mentioned Gavin O'Connor. We
- (23) mentioned Father Brett. And there were two
- (24) others, whose names I don't know if I am free to
- (25) mention, one of whom is doubtful that it even had

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- (1) to do with sex, and another one about which I am
- (2) not 100 percent clear, but they made indication
- (3) that there was a question in his regard.
- (4) Q. Okay. And there's nothing preventing
- (5) you because everything is under seal. You can
- (6) indicate the names of the priests, if you recall
- (7) them, that were mentioned to you back in 1989.
- (8) MR. SWEENEY: Well, Counsel,
- (9) objection on that, and, for the record, let me
- (10) state we're operating today under some
- (11) restrictions. As you know, we have in this
- (12) lawsuit currently an application for intervenor
- (13) status filed by Attorney Kravitz on behalf of a
- (14) number of nonparty priests, which is the subject
- (15) of an appeal currently before the Connecticut
- (16) Appellate Court.
- (17) And as I'm sure you'll recall, not
- (18) only last October, but again last March, Judge
- (19) Skolnick said he would put a hold on your effort
- (20) to pursue information regarding those nonparty
- (21) priests. Attorney Kravitz obviously represents
- (22) them and has an interest in what is disclosed
- (23) regarding them, and of course we have the hold
- (24) order entered by Judge Skolnick.
- (25) So to the extent you're going to

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- (1) ask questions about those nonparty priests, I
- (2) think it's out of order at today's session until
- (3) such time as the issues raised by that appeal
- (4) have been resolved.
- (5) MS. ROBINSON: And Mr. Sweeney, I
- (6) respectfully disagree with your interpretation of
- (7) Judge Skolnick's ruling. The only thing that
- (8) Judge Skolnick's ruling has done is, it's stayed,
- (9) prevented our ability to obtain copies of -- for
- (10) him to obtain copies of certain files so that he
- (11) can conduct an in camera review. There is no
- (12) order which -- if you can show it to me, which
- (13) would prevent this witness from indicating to me
- (14) what he was so advised back in 1989 regarding a
- (15) priest, whether it is a priest against whom a
- (16) claim has been made, or a priest against which a
- (17) claim at this point has not been made.
- (18) So I would urge the witness to
- (19) answer the question. Otherwise, we will find
- (20) ourselves in another session of the deposition.
- (21) MR. SWEENEY: Well, that may have
- (22) to be, Counsel. At such time, as the appeal has
- (23) been resolved, it may very well be that we'll
- (24) have to reopen this deposition to deal with
- (25) issues relating to the nonparty priests who are

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- (1) the subject of that.
- (2) MS. ROBINSON: I don't think we
- (3) have to wait to the appeal.
- (4) MR. SWEENEY: Well --
- (5) MS. ROBINSON: If we go to Judge
- (6) Skolnick, I'm sure he will require the witness to
- (7) answer because the issues for which Attorney
- (8) Kravitz is representing these nonparty priests,
- (9) have nothing to do with any person's ability to
- (10) say what they were told. It has to do with the
- (11) judge doing an in camera review of paperwork, of
- (12) documents, of files, and that's not what this
- (13) question is asking.
- (14) MR. SWEENEY: Well, for the
- (15) record, Counsel, obviously you and I have
- (16) different views of things, but the fact of the
- (17) matter is several of these nonparty priests have
- (18) an attorney who was seeking to exercise their
- (19) rights to prevent the diocese -- and Bishop Egan
- (20) of course is the chief officer of the diocese --
- (21) from disclosing any information relating to any
- (22) misconduct allegations against those priests.
- (23) So in light of the position that
- (24) those priests have taken through counsel, which
- (25) is the current subject of an appeal, the position

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- (1) of the diocese is that we are restrained and
- (2) prevented from furnishing you at this deposition
- (3) with any information of misconduct complaints
- (4) relating to any of those nonparty priests.
- (5) I would direct your attention to
- (6) the fact that the former Father Gavin O'Connor
- (7) was not one of those nonparty priests, which is
- (8) why I have no problem in that being disclosed.
- (9) And in a similar vein, Father Lawrence Brett is
- (10) not one of those nonparty priests.
- (11) MS. ROBINSON: Well, the fact of
- (12) the matter is, Mr. Sweeney, that plaintiffs'
- (13) counsel is working at quite a disadvantage
- (14) because we don't even know who Attorney Kravitz'
- (15) clients are at this point. But for the record, I
- (16) would request that the witness ask -- answer the
- (17) question. If the witness refuses to answer the
- (18) question that I asked, then I ask for Mr. Martone
- (19) to mark the question so that we can go to court
- (20) and have a judge rule on that question.
- (21) MR. SWEENEY: Well --
- (22) MS. ROBINSON: Bishop Egan --
- (23) MR. SWEENEY: -- Counsel, I'm
- (24) going to continue before you move into this. I'm
- (25) going to make -- I'm going to take the position,

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- (1) I'm going to instruct Bishop Egan not to answer
- (2) any question of non -- regarding any misconduct
- (3) complaints or information relating to any of
- (4) those nonparty priests who are believed and
- (5) understood to be represented by Attorney Kravitz
- (6) at this time for the reasons stated. You are
- (7) welcome to have the question marked.
- (8) MS. ROBINSON: Then I think you at
- (9) least have to state on the record who those
- (10) nonparty priests are.
- (11) MR. SWEENEY: I'll be happy to
- (12) state on the record. I understand -- and I
- (13) believe you know who they are, but I'll state on
- (14) the record. I understand those nonparty priests
- (15) represented by Attorney Kravitz to include, I
- (16) believe there's a Father Alfred Bietgoffer, there
- (17) is a Father Mark Grimes, there is a Father
- (18) Thorne, there is a Father Joseph Moore, there's a
- (19) Monsignor Gregory Smith, Monsignor Charles
- (20) Stubbs. I think I've listed at least six. There
- (21) may be a seventh whom I cannot recall off --
- (22) there are at least seven whom he has identified
- (23) and I believe he's furnished you with this
- (24) information. But I understand each of those
- (25) people who are still priests and represented by

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- (1) Attorney Kravitz to be the subject of that legal
- (2) proceeding.
- (3) And I distinguish them of course
- (4) from Gavin O'Connor, who is no longer a priest,
- (5) he's been laicized, and from Father Brett, who we
- (6) know is suspended, but he's not part of the
- (7) client group of Attorney Kravitz. So that's our
- (8) position.
- (9) MS. ROBINSON: So it's your
- (10) position in the deposition that you will not
- (11) allow Bishop Egan to answer any questions
- (12) regarding Father Stubbs, Father Grimes, Father
- (13) Thorne, Father Bietgoffer, Father Moore and
- (14) Father Smith during this deposition today?
- (15) MR. SWEENEY: Any questions
- (16) regarding any misconduct complaints or
- (17) allegations relating to them, that is correct.
- (18) We believe the diocese is inhibited and prevented
- (19) from that as a result of the legal proceeding
- (20) which Attorney Kravitz has commenced in their
- (21) behalf which has not yet been resolved.
- (22) MS. ROBINSON: Well, I think that
- (23) seriously misconstrues the court order. But, in
- (24) any event, we tend to go to court and get a
- (25) ruling on that.

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- (1) MR. SWEENEY: Fine.
- (2) Q. Now, Bishop Egan --
- (3) MR. SWEENEY: By the way, Counsel,
- (4) since we've hit the normal 11:30 recess time,
- (5) would this be a good time --
- (6) MS. ROBINSON: Would you like to
- (7) take the customary break?
- (8) MR. SWEENEY: Yes, I think this
- (9) might be a good time for that.
- (10) MS. ROBINSON: Okay.
- (11) (Recess: 11:31 to 11:51 a.m.)
- (12) BY MS. ROBINSON:
- (13) Q. Bishop Egan, you were telling me about
- (14) your initial meetings with Monsignor Bronkiewicz,
- (15) Scheyd and Driscoll, at which time you learned
- (16) about four instances of clergy sexual misconduct,
- (17) and you had indicated that one of those instances
- (18) involved Father Gavin O'Connor, and another
- (19) instance involved Father Lawrence Brett. I take
- (20) it that there were two other instances involving
- (21) other priests other than Father O'Connor and
- (22) Father Brett?
- (23) A. You have misquoted me. I did not say
- (24) that I learned about other instances of sexual
- (25) misconduct. I would be grateful if the gentleman

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- (1) here on my right would read your question.
- (2) Q. Well, I -- in other words, you don't
- (3) understand my question?
- (4) A. I understand your question. I did not
- (5) say that I was informed of other instances of
- (6) sexual misconduct.
- (7) Q. Okay.
- (8) MR. SWEENEY: Pardon me,
- (9) Counsel --
- (10) Q. Then I'll ask another question.
- (11) MR. SWEENEY: All right. I think
- (12) it's correctable as a matter of form.
- (13) Q. Isn't it true, Bishop Egan, that at
- (14) that 1989 meeting or meetings, you were advised
- (15) of clergy sexual misconduct allegations --
- (16) A. Thank you.
- (17) Q. -- against four priests?
- (18) A. I was advised of allegations, one of
- (19) which is not clearly about matters sexual.
- (20) Q. Okay. So --
- (21) A. During the 1989-1990 conversations with
- (22) various members of the diocesan staff, that is
- (23) correct.
- (24) Q. Okay. So that these conversations took
- (25) place during that 1989-1990 time period?

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- (1) A. And continued thereafter.
- (2) Q. Okay. And with various people, would
- (3) that include others beyond the three monsignors
- (4) that you had indicated previously?
- (5) A. It would include the ones I mentioned,
- (6) and of course while not on our staff, nonetheless
- (7) our legal counsel.
- (8) Q. Okay. And with respect to the
- (9) allegations that you learned of at that time,
- (10) that 1989-90 time period, one of the allegations
- (11) involved -- were made against Father Gavin
- (12) O'Connor, correct?
- (13) A. That is correct.
- (14) Q. And allegations -- you were advised at
- (15) that time that allegations had also been made
- (16) against Father Brett, correct?
- (17) A. That is correct.
- (18) Q. And you were also advised that
- (19) allegations had been made against two other
- (20) priests, correct?
- (21) A. That is correct.
- (22) Q. And your counsel at this time will not
- (23) allow you to tell me the names of those two other
- (24) priests, correct?
- (25) A. That is correct.

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- (1) Q. Then, in fact, the other two priests
- (2) that you were advised about, did it involve
- (3) Father Federici, for instance?
- (4) MR. SWEENEY: Counsel, I've got to
- (5) make an objection and state for the record here
- (6) Father Federici we know is not one of Attorney
- (7) Kravitz' clients. He's one of Attorney Minogue's
- (8) clients. You currently have pending, your office
- (9) does right now, a separate lawsuit against the
- (10) diocese and Father Federici, at which he's
- (11) represented by counsel.
- (12) MS. ROBINSON: Well, no one has
- (13) appeared -- no one -- I have not received any
- (14) appearance for Father Federici in that lawsuit.
- (15) MR. SWEENEY: It hasn't arrived
- (16) yet?
- (17) MS. ROBINSON: I haven't received
- (18) any appearance.
- (19) MR. SWEENEY: Well, basically --
- (20) MS. ROBINSON: Do you intend to
- (21) prevent this witness from answering questions
- (22) regarding Father Federici?
- (23) MR. SWEENEY: Yes, Counsel. And
- (24) let me state my position for the record quite
- (25) clearly. To the extent you wish to question

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- (1) Bishop Egan, or any diocesan official, about
- (2) Father Federici, I think it's appropriate that
- (3) you do so in a deposition that is noticed for the
- (4) lawsuit in which he is --
- (5) MS. ROBINSON: Well, Mr. Sweeney,
- (6) this is not your time.
- (7) MR. SWEENEY: Counsel, I am
- (8) speaking.
- (9) MS. ROBINSON: This is a discovery
- (10) deposition. I don't intend to note my
- (11) depositions the way you want me to note it. It's
- (12) entirely appropriate for me to be talking about
- (13) these priests in this deposition because at the
- (14) trial of the George Rosado case, we intend to
- (15) bring up all of these issues. The fact that we
- (16) may have to take a deposition in another case has
- (17) nothing to do with the fact that we have a right
- (18) to ask these questions at this deposition.
- (19) MR. SWEENEY: Are you finished?
- (20) MS. ROBINSON: It's sanctionable
- (21) that you are preventing us from going forward at
- (22) a deposition which has been scheduled over two
- (23) years ago, now we've scheduled this over a month
- (24) ago, and now you're not allowing this witness to
- (25) answer questions over -- right now we have seven

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- (1) priests that this witness will not answer
- (2) questions about.
- (3) MR. SWEENEY: And there are three
- (4) others, who are currently defendants in other
- (5) pending lawsuits, they have their own attorneys,
- (6) who have a right to be present, as a matter of
- (7) procedural due process, to participate in
- (8) questioning about them. And I'll state it for
- (9) the record now, Counsel, and I want to make my
- (10) statement on the record before you continue.
- (11) And those other priests are the
- (12) Reverend Father Walter Philip Coleman and the
- (13) Reverend Father Charles T. Carr, each of whom are
- (14) represented by Attorney Robert Golger in the
- (15) other lawsuits that have been brought against
- (16) them. And the Reverend Martin Federici, who is
- (17) represented by the law firm of Kleban & Samor,
- (18) primarily within that firm, Attorney Stephen
- (19) Donahue and Attorney Thomas Minogue.
- (20) It is my position that at such
- (21) time as you wish to question Bishop Egan about
- (22) any of those other three priests, represented by
- (23) other counsel, in pending -- other pending
- (24) lawsuits, that you issue a deposition notice
- (25) relating to those lawsuits, and you may do so.

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- (1) At this time, I think it
- (2) inappropriate that without Attorney Golger
- (3) present, for example, questions to be asked about
- (4) his clients, they are -- because neither of
- (5) Attorney Golger's clients had anything to do with
- (6) the subject matter of this lawsuit. Now, I
- (7) realize you'd like to draw all the priests in,
- (8) but as a practical matter, I think we've got to
- (9) confine ourselves to --
- (10) MS. ROBINSON: We're not going to
- (11) confine ourselves. The plaintiffs have a right
- (12) to prove, they have to prove their case, it's
- (13) their burden of proof. And in proving the case,
- (14) we intend to bring in all instances of sexual
- (15) misconduct in order to show a pattern of
- (16) negligence on the part of the diocese.
- (17) With respect to giving notice, at
- (18) the present time, my law firm has no notification
- (19) that Father Federici is being represented by any
- (20) attorney. We have not received any appearance
- (21) from anyone with respect to the most recent
- (22) lawsuit.
- (23) MR. SWEENEY: It is my
- (24) understanding --
- (25) MS. ROBINSON: With respect to

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- (1) Mr. Golger --
- (2) MR. SWEENEY: -- there will be an
- (3) appearance entered there.
- (4) MS. ROBINSON: With respect to
- (5) Mr. Golger, I'd like to have marked a letter that
- (6) I had sent to him -- faxed to him, indicating
- (7) that he had no interest in coming to this
- (8) deposition today.
- (9) (Plaintiffs' Exhibit I marked
- (10) for identification.)
- (11) MR. SWEENEY: May I see the
- (12) letter, please? What has been marked as Exhibit
- (13) 1 for identification -- oh, I for
- (14) identification -- appears to be a letter dated
- (15) yesterday, from Attorney Robinson to Attorney
- (16) Golger, and it recites, "This will confirm the
- (17) fact that last month you, as counsel for Father
- (18) Carr and Father Coleman, received notice of the
- (19) reconvening of Bishop Egan's deposition for
- (20) Thursday," and so on... "On that date, you advised
- (21) my office you did not intend to appear at the
- (22) deposition."
- (23) We did not -- we were not given a
- (24) copy of this letter. My understanding is that
- (25) Attorney Golger received a notice of this

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- (1) deposition because he had entered an appearance
- (2) in this particular George Rosado lawsuit, on
- (3) behalf of Father Stanley Koziol, who has since
- (4) become one of the seven nonparty priests
- (5) represented by Attorney Kravitz. And that's why
- (6) he received notice.
- (7) I understand that Attorney Golger
- (8) does wish to be present when questions are asked
- (9) of Bishop Egan.
- (10) MS. ROBINSON: Well, that's --
- (11) MR. SWEENEY: And this is not a
- (12) letter that he signed. It's -- it's a
- (13) self-serving letter.
- (14) MS. ROBINSON: You have no
- (15) authority to say what Attorney Golger should or
- (16) shouldn't do, what he intends to do. The fact of
- (17) the matter is that Attorney Golger was advised of
- (18) this deposition. We confirmed it with him
- (19) yesterday. He told us that he wasn't coming. I
- (20) certified it by way of letter that we were going
- (21) forward with the deposition. He called my office
- (22) to indicate that he received the fax and told me
- (23) once again that he wasn't coming to today's
- (24) deposition.
- (25) So you have absolutely no

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- (1) authority to tell this witness not to answer
- (2) questions because Father Carr's and Father
- (3) Coleman's attorney is not here. If Mr. Golger
- (4) doesn't want to be here, Mr. Sweeney, you can't
- (5) do anything about that and you should not be
- (6) preventing a witness from answering questions
- (7) regarding both Father Carr and Father Coleman. I
- (8) think that your actions are sanctionable. I'd
- (9) ask the court reporter to mark those questions as
- (10) well.
- (11) MR. SWEENEY: Certainly. And just
- (12) so the record is complete, it is my position --
- (13) because I've received different communication
- (14) from Attorney Golger than the one you claim to
- (15) have had, my position is that if you want to ask
- (16) questions of this witness about Father Carr or
- (17) Father Coleman, the way to do it is to issue a
- (18) deposition notice for any cases involved.
- (19) MS. ROBINSON: When you issue your
- (20) deposition notice, you can do it in that
- (21) fashion. I'm following the Rules of Practice and
- (22) there's -- we've done everything that we can do
- (23) properly pursuant to the Rules of Practice.
- (24) There's no need for me to give notice to Father
- (25) Federici's attorney whom, at this point, I don't

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- (1) even know who he or she is, and the fact that you
- (2) may have other information outside the record is
- (3) totally illegitimate in this proceeding. And I
- (4) think it's completely sanctionable that you're
- (5) once again preventing the witness from answering
- (6) questions at this point on probably about nine
- (7) different priests.
- (8) MR. SWEENEY: Counsel, you're
- (9) entitled to your opinions. I stand by what I've
- (10) said and in the interest of efficiency, I'd
- (11) suggest you defer your questions regarding those
- (12) other priests to an appropriate time, at such
- (13) time we'll be very happy to do what's appropriate
- (14) and proper. But for today's purposes, I believe
- (15) it is out of order to question this witness about
- (16) any of the seven nonparty priests represented by
- (17) Attorney Kravitz, either of the two nonparty
- (18) priests represented by Attorney Golger, and
- (19) Father Federici, who I understand is represented
- (20) by other counsel who will be appearing on his
- (21) behalf, I understand, in this most recently
- (22) commenced lawsuit.
- (23) So I'm going to make it simple for
- (24) you. I'm going to instruct this witness not to
- (25) answer any questions regarding any of those 10

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- (1) priests, and I'm going to urge you to get on with
- (2) the questions that you do have to ask.
- (3) BY MS. ROBINSON:
- (4) Q. And Bishop Egan, would you please tell
- (5) me whether one of those four priests that you
- (6) were told about in 1989 included Father Raymond
- (7) Pcolka?
- (8) A. One of the four, no, it did not.
- (9) Q. Okay. Did it include Father Kieran
- (10) Ahearn?
- (11) A. No, it did not.
- (12) Q. Did it include Father Gorecki?
- (13) A. I know nothing about Father Gorecki. I
- (14) don't even know who he is, to tell you the truth.
- (15) Q. So is that a no, it did not include
- (16) Father Gorecki?
- (17) A. I can't recall about Gorecki anything.
- (18) Q. So it may have included Father Gorecki,
- (19) you just can't recall right now?
- (20) A. I know nothing about Gorecki.
- (21) Q. So is that -- so that one of the four
- (22) did not include Father Gorecki?
- (23) A. All right, fine.
- (24) Q. Well, no, I'm asking. I just want the
- (25) record to be clear.

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- (1) A. All right. Ask your question again.
- (2) Q. Sure. One of the four priests that you
- (3) were advised about at that 1989-1990 conversation
- (4) or conversations --
- (5) A. Yes.
- (6) Q. -- did it include allegations that had
- (7) been made against Father Gorecki?
- (8) A. No, it did not.
- (9) Q. Okay. Now, what did you do with the
- (10) information at that point, once you were given
- (11) information that there had been these four
- (12) instances where allegations of sexual misconduct
- (13) had been made against four priests within the
- (14) Diocese of Bridgeport? What did you do with the
- (15) information at that point?
- (16) A. I asked for the story on them, and I
- (17) found out what was alleged and what action was
- (18) taken.
- (19) Q. Okay.
- (20) A. And I kept that information in mind.
- (21) Q. And what were you told with respect to
- (22) the story on Gavin O'Connor?
- (23) A. I was told about the Bruin family and
- (24) the allegations that were made, and I can't pull
- (25) out of my memory each thing. If you want to ask

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- (1) me step by step. But I was told about a family
- (2) which he was associated, and allegations made
- (3) regarding him.
- (4) Q. What were the specifics of the
- (5) allegations of sexual misconduct that you recall?
- (6) A. They were allegations of sexual
- (7) misconduct with -- with young people.
- (8) Q. How many young people?
- (9) A. I'd prefer not to guess at the exact
- (10) number. It was more than one or two.
- (11) Q. More than one or two?
- (12) A. That's right.
- (13) Q. So at least two, maybe more?
- (14) A. That's right.
- (15) Q. And were these people related, friends?
- (16) A. They were related.
- (17) Q. Do you know how they were related?
- (18) A. They were related. They were members
- (19) of the same family.
- (20) Q. Okay. Brother-sisters, if you know?
- (21) A. They were children of the same family.
- (22) I'll stop there.
- (23) Q. Do you know whether they -- these
- (24) victims were girls or boys?
- (25) A. There were certainly boys. Whether

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- (1) there was more than that, I can't immediately
- (2) pull out of my remembrance.
- (3) Q. And do you know for how long the abuse
- (4) took place, the allegations of abuse took place?
- (5) A. Over a period of time, but I cannot
- (6) remember the exact period of time.
- (7) Q. And at the time that you began your
- (8) tenure as bishop at the Diocese of Bridgeport,
- (9) was Father O'Connor an active priest in the
- (10) Diocese of Bridgeport?
- (11) A. He was not.
- (12) Q. Okay. Where was he at that time?
- (13) A. To the best of my remembrance, he was
- (14) in Illinois.
- (15) Q. And do you know what he was doing in
- (16) Illinois?
- (17) A. He was involved in the work of a
- (18) prison.
- (19) Q. Okay. And was he incardinated in
- (20) another diocese other than the Diocese of
- (21) Bridgeport at that time?
- (22) A. No.
- (23) Q. Was he still incardinated in the
- (24) Diocese of Bridgeport when he was doing the
- (25) outside work in a prison in Illinois?

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- (1) A. He was.
- (2) Q. Okay. So at that time, he was
- (3) receiving health benefits from the Diocese of
- (4) Bridgeport?
- (5) A. Again, he may have been -- he could
- (6) have been. I imagine he also had or had his
- (7) health benefits from his employment out there.
- (8) But I cannot be expected to remember who was
- (9) getting health benefits.
- (10) Q. Was he receiving any type of stipend
- (11) from the Diocese of Bridgeport at that time?
- (12) A. No.
- (13) Q. Okay. And why not?
- (14) A. For the reason I explained above, he
- (15) had a fine position with the federal government.
- (16) Q. Okay. And at the time that you learned
- (17) of the allegations being made against Gavin
- (18) O'Connor, what, up until that point, had been
- (19) done with respect to the handling of these
- (20) allegations on the part of the diocese or your
- (21) predecessor, Bishop Curtis?
- (22) A. The allegations were made toward the
- (23) end of 1988, as I recall, and the appropriate
- (24) efforts were made for finding out what truth
- (25) there might be to them. He was sent for

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- (1) appropriate care and investigation. As I say,
- (2) this was before I arrived. And he was still in
- (3) Illinois. He was under the care, as I recall, of
- (4) a psychiatrist, whose name I cannot call out of
- (5) my mind right now.
- (6) Q. So at the time that the allegations
- (7) were made against Father O'Connor, was he already
- (8) being treated by a psychiatrist?
- (9) A. No. Afterwards. I don't know if he
- (10) was being treated by a psychiatrist. I do know
- (11) afterwards.
- (12) Q. Okay. And were you interested to learn
- (13) the severity of the sexual abuse allegations at
- (14) that time?
- (15) A. I would always be interested in
- (16) learning any sexual abuse allegations of any
- (17) severity whatever.
- (18) Q. And what were you told with respect to
- (19) the specifics of these sexual allegations?
- (20) A. I told you above that he was accused of
- (21) sexual abuse to young people, of a family by the
- (22) name of Bruin.
- (23) Q. And let me be more specific. Did it
- (24) involve oral sex, sexual intercourse, words,
- (25) actions? What was your understanding as to the

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- (1) extent of the actual sexual abuse?
- (2) A. Certainly it included words. It also
- (3) included actions. But I'm not in a position to
- (4) specify exactly what they were because I don't
- (5) have that in my memory.
- (6) Q. Okay. And who brought the complaint
- (7) forward to the diocese? How did the diocese
- (8) learn of this allegation?
- (9) A. This happened before my arrival. I
- (10) presume that the family, through a lawyer, was
- (11) the way it was brought to the diocese.
- (12) Q. Was it your understanding that the
- (13) first time that the diocese learned about any
- (14) sexual misconduct allegations against Father
- (15) Bruin happened --
- (16) A. Father --
- (17) Q. -- excuse me, against Father O'Connor
- (18) happened at the end of 1988?
- (19) A. That's correct.
- (20) Q. Okay.
- (21) A. It may have been in the autumn or late
- (22) summer. I can't give you the exact date.
- (23) Q. And when we --
- (24) A. I'm wondering who this man is down
- (25) here.

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- (1) (Discussion off the record.)
- (2) MR. SWEENEY: I think the record
- (3) should reflect we've had another person enter the
- (4) room, Attorney Douglas Mahoney has joined us. I
- (5) just explained to Bishop Egan that Attorney
- (6) Mahoney is one of the attorneys with the firm of
- (7) Tremont & Sheldon.
- (8) THE WITNESS: All right.
- (9) MR. SWEENEY: Welcome, Mr.
- (10) Mahoney.
- (11) MR. MAHONEY: Thank you, Mr.
- (12) Sweeney.
- (13) Q. And when you were told of the sexual
- (14) misconduct allegations made against Father
- (15) O'Connor, did you ask to see his file?
- (16) A. Yes.
- (17) Q. Okay. And in looking through his file,
- (18) if you can recall, what did you -- did you learn
- (19) anything further regarding his past conduct
- (20) within the Diocese of Bridgeport?
- (21) A. I learned nothing further about his
- (22) conduct of a negative sort.
- (23) Q. Okay. So that it's your understanding,
- (24) based on what you were told and from the file
- (25) that you looked at, that the first time any

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- (1) sexual allegation complaint was made against
- (2) Father O'Connor was at the end of 1988?
- (3) A. I don't know if I said the end. It was
- (4) late in 1988.
- (5) Q. But certainly it was sometime in 1988?
- (6) A. That's right.
- (7) Q. Okay. And at the time that you were --
- (8) Strike that.
- (9) How soon after you were told this
- (10) information did you look through or review Father
- (11) O'Connor's file?
- (12) A. I can't tell you the exact date but I'm
- (13) sure it was very quickly.
- (14) Q. Would it have been in that 1989 time
- (15) period or early 1990?
- (16) A. 1989 time period, yes.
- (17) Q. Okay. And based on what you were told
- (18) and based on your review of the file, it was
- (19) still your impression that, as far as you knew,
- (20) he had not been previously treated by a
- (21) psychiatrist?
- (22) A. You'll have to ask that question
- (23) again.
- (24) Q. Sure. It was your impression after
- (25) speaking with the monsignors and reviewing Father

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- (1) O'Connor's file, that prior to that 1989
- (2) complaint, he had not been treated by a
- (3) psychiatrist or evaluated by a psychiatrist?
- (4) MR. SWEENEY: Pardon me, Counsel,
- (5) a technical issue of form. You said 1989
- (6) complaint. I think the evidence is that the
- (7) complaint against Father O'Connor --
- (8) MS. ROBINSON: Well, let me --
- (9) MR. SWEENEY: -- came in at a
- (10) different time.
- (11) MS. ROBINSON: Let me just -- let
- (12) me be very clear.
- (13) Q. Bishop Egan, is it your testimony here
- (14) today that the first time that the diocese
- (15) learned of any sexual misconduct allegation
- (16) against Father O'Connor occurred sometime in
- (17) 1989?
- (18) MR. SWEENEY: If you recall.
- (19) A. No, ma'am, it is not.
- (20) Q. Okay.
- (21) A. The complaint of which I spoke was
- (22) from -- I believe I said from a lawyer at the
- (23) request of the family.
- (24) Q. Okay.
- (25) A. Yes. Now what's your question?

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- (1) Q. My question is, is it your
- (2) understanding that that 1989 allegation, that
- (3) that was the first time that you heard about it?
- (4) MR. SWEENEY: Counsel --
- (5) A. I've said it three times.
- (6) MR. SWEENEY: Counsel, there's a
- (7) technical issue here, it's a matter of form. I
- (8) don't think you mean to say what you're saying.
- (9) MS. ROBINSON: Thank you,
- (10) Mr. Sweeney. What do you think I mean to say?
- (11) MR. SWEENEY: You're saying a 1989
- (12) complaint about Gavin O'Connor. The fact of the
- (13) matter is the complaint came in before 1989.
- (14) MS. ROBINSON: That is my -- I'm
- (15) asking this witness --
- (16) Q. And I thought it would be pretty
- (17) obvious, Bishop Egan, but perhaps not. I'm
- (18) interested in learning when the diocese learned
- (19) about the sexual misconduct allegation. When was
- (20) the first time that the Diocese of Bridgeport
- (21) learned about the sexual misconduct allegation
- (22) against Father O'Connor?
- (23) A. I believe the first time would be 1986.
- (24) Q. Okay.
- (25) A. That was not a complaint brought by a

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- (1) lawyer for the family.
- (2) Q. What difference does it make if it was
- (3) brought by a lawyer from the family or the mother
- (4) of the children? What difference would that
- (5) make?
- (6) MR. SWEENEY: Counsel, you're
- (7) being argumentative with the witness. He's
- (8) trying to tell you his best recollection.
- (9) Q. Well, apparently it seems to be
- (10) changing over time so I want to be clear on this,
- (11) Bishop Egan, because I misunderstood you.
- (12) When were you advised that the
- (13) first allegation or the first knowledge of a
- (14) sexual misconduct came in 1986?
- (15) A. I was involved -- I was advised, the
- (16) first I had heard about this, in 1989. There had
- (17) been a complaint through a lawyer in 1988,
- (18) perhaps in the autumn or late summer. The first
- (19) time any mention of this came to the diocese was
- (20) in 1986.
- (21) Q. Okay. And as a result of getting that
- (22) information in 1986, when you were not part of
- (23) the Diocese of Bridgeport, what did the diocese
- (24) do at that point back in 1986?
- (25) A. That's right. They put him in the --

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- (1) under the care and investigation of psychiatric
- (2) expert.
- (3) Q. Okay. And when did you -- in other
- (4) words, in 1989, you were so advised that the
- (5) diocese first learned of an allegation against
- (6) Father O'Connor in 1986?
- (7) A. You are correct.
- (8) Q. Okay. So that in 1989, when you
- (9) learned about this, was he currently seeing a
- (10) psychiatrist?
- (11) A. I am quite sure the answer to that is
- (12) yes, but I'm not going to be 100 percent sure.
- (13) He had been seeing a psychiatrist over a period,
- (14) before, between 1986 and 1988.
- (15) Q. And when, in fact, did Father O'Connor
- (16) leave the Diocese of Bridgeport, physically leave
- (17) the Diocese of Bridgeport, for other work?
- (18) A. I don't recall from the file when he
- (19) left. I wasn't there. He was already gone when
- (20) I got there.
- (21) Q. Okay. And do you know why he left the
- (22) diocese?
- (23) A. He left the diocese, as I recall, to
- (24) become a chaplain in a federal or at least a
- (25) government-operated prison.

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- (1) Q. Okay. And what else were you told at
- (2) that meeting regarding this allegation against
- (3) Father O'Connor?
- (4) A. I believe I've said what I was told.
- (5) Q. Okay. And you indicated that you
- (6) looked at the file?
- (7) A. I did.
- (8) Q. And what else did you do?
- (9) A. I asked to see Father O'Connor.
- (10) Q. Okay. And why did you ask to see
- (11) Father O'Connor?
- (12) A. Because after reading the file, I
- (13) believed the appropriate action to be taken was
- (14) to ask him to sign a document whereby I could
- (15) have him reduced to the lay state.
- (16) Q. And why did you feel it was necessary
- (17) to ask him to sign a document so that he would be
- (18) reduced to the lay state?
- (19) A. Because within the Catholic Church,
- (20) that is required if I wanted to have him reduced
- (21) to the lay state.
- (22) Q. No, I understand that, but why did you
- (23) want to have him reduced to the lay state?
- (24) A. Because of the allegations that were
- (25) made.



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- (1) Q. Would it be fair to say, Bishop Egan,
- (2) that you felt that these were more than
- (3) allegations, that you felt that this was
- (4) truthful?
- (5) A. I felt they were substantial.
- (6) Q. So that you felt that Father O'Connor
- (7) indeed had -- was guilty of sexual misconduct
- (8) with children?
- (9) A. I felt there was substantial
- (10) allegations, felt the circumstances were such as
- (11) to make them substantial, and it was my judgment
- (12) that he would be best reduced to the lay state.
- (13) Q. That's a pretty serious action to take,
- (14) is it not, Bishop Egan?
- (15) A. It is a serious action.
- (16) Q. And for you to take that action, you
- (17) would have to be convinced in your own mind,
- (18) would you not, that the claims that were being
- (19) made were truthful claims, correct?
- (20) A. I believe I said that the claims were
- (21) substantial and they were enough for me to
- (22) believe that it would be best for him not to be
- (23) in the clerical state.
- (24) Q. And when you say substantial, isn't it
- (25) true, Bishop Egan, that you believed, in fact,

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- (1) that Father O'Connor had sexually abused children
- (2) while a priest in the Bridgeport Diocese?
- (3) A. The allegations had been made. There
- (4) were substantial accusations and I took the
- (5) action I thought appropriate.
- (6) Q. And you took that action because you
- (7) believed that the allegations were true, correct?
- (8) A. I did not want to say that I had a
- (9) certainty about truth or falsity. Excuse me, I
- (10) do not want to say I had a certainty about truth
- (11) or falsity.
- (12) Q. So although you were not sure whether
- (13) the allegations of sexual misconduct on the part
- (14) of Father O'Connor were true, you still asked him
- (15) to be reduced to the lay state?
- (16) A. This is correct.
- (17) Q. Okay. And that would mean that all of
- (18) his priestly faculties would be removed, correct?
- (19) A. You are correct.
- (20) Q. And you were willing to do that even
- (21) though you were not sure whether these
- (22) allegations were truthful?
- (23) A. I was willing to ask him to request
- (24) reduction to the lay state given the allegations
- (25) and the circumstances about which both he and I

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- (1) were informed.
- (2) Q. Now, how many meetings did you have
- (3) with Father O'Connor?
- (4) A. I recall only one.
- (5) Q. And what was his reaction to you asking
- (6) that he sign this document which would reduce him
- (7) to the lay state?
- (8) A. His reaction was affirmative.
- (9) Q. He agreed to do so?
- (10) A. That is correct.
- (11) Q. Okay. And do you know when in time you
- (12) had this meeting with Father O'Connor?
- (13) A. In 1989. I can't tell you the exact
- (14) date.
- (15) Q. Now, do you know why Bishop Curtis
- (16) never requested or never required Father O'Connor
- (17) to sign this document reducing him to the lay
- (18) state?
- (19) A. No.
- (20) Q. Did you ever discuss that with Bishop
- (21) Curtis?
- (22) A. No.
- (23) Q. Did you ever discuss Father O'Connor
- (24) with Monsignor Andrew Cusack?
- (25) A. No.

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- (1) Q. So that you were -- you felt
- (2) comfortable requesting that this priest sign a
- (3) document removing all of his priestly faculties
- (4) without speaking with the bishop who was in
- (5) charge at the time that the allegations were
- (6) made, nor the monsignor, the vicar -- the
- (7) monsignor who was in charge of priestly personnel
- (8) at the time?
- (9) A. I had others with whom to speak, and I
- (10) would like to answer the question thus. I was
- (11) willing at that time to ask him to sign the
- (12) document.
- (13) Q. No, I understand that. And you were
- (14) willing to do that without speaking to the
- (15) bishop, who was present at the time the
- (16) allegations, and without speaking to the
- (17) monsignor who was in charge of personnel and --
- (18) hence in charge of Father O'Connor at the time?
- (19) A. My decision was made on the basis of my
- (20) consultations with those whom I have mentioned.
- (21) I can't pull out of my memory precisely any
- (22) developed conversations with Cusack or -- with
- (23) Monsignor Cusack or Bishop Curtis at that time.
- (24) There was probably some kind of consultation, but
- (25) my decision was based on the reasons I gave.

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- (1) Q. Okay. And I just want the record to be
- (2) clear because I think you may have said something
- (3) a little different. Is it your testimony now
- (4) that you may have spoken to Bishop Curtis or
- (5) Monsignor Cusack before you requested Father
- (6) O'Connor to sign the paper reducing him to the
- (7) lay state?
- (8) A. Not in a developed conversation. I may
- (9) recall some conversations but not a developed
- (10) conversation. The developed conversation was
- (11) with the people whom I have mentioned.
- (12) Q. And the action that you were taking,
- (13) would not that have dictated a developed
- (14) conversation with either Bishop Curtis or
- (15) Monsignor Cusack, given the seriousness of the
- (16) action?
- (17) A. It was not my judgment that it would
- (18) require more than I did.
- (19) Q. Okay. And how many times, Bishop Egan,
- (20) if you can recall, have you requested that a
- (21) priest within the Diocese of Bridgeport sign a
- (22) document reducing him to the lay state?
- (23) A. Twice.
- (24) Q. Okay. So the other time was with
- (25) Father Brett?

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- (1) A. That's correct.
- (2) (Pause in the proceedings.)
- (3) THE WITNESS: Am I free to ask --
- (4) MR. SWEENEY: Would you like to
- (5) consult counsel?
- (6) THE WITNESS: The word complaint,
- (7) do you want to define that? What does complaint
- (8) mean?
- (9) MR. SWEENEY: On the record, well,
- (10) if it comes up in another question --
- (11) THE WITNESS: All right, we'll
- (12) wait.
- (13) MR. SWEENEY: -- we'll ask for a
- (14) clarification.
- (15) THE WITNESS: All right.
- (16) MS. ROBINSON: Could I have my
- (17) last question read back, Mr. Martone?
- (18) (Question read.)
- (19) Q. Now, Bishop Egan, you just wanted to
- (20) speak to your counsel for a moment. I'm just
- (21) concerned that perhaps there's a problem with
- (22) respect to the -- to our understanding of terms.
- (23) Are you questioning what the term complaint
- (24) means? Is that correct?
- (25) A. Yes. I just was going to ask him what

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- (1) a complaint means. To me, it has a legal sound.
- (2) We can wait until another one comes up that way.
- (3) Q. And was that in connection with a
- (4) particular answer that you gave to one of my
- (5) questions?
- (6) A. Yes.
- (7) Q. And what -- do you recall what question
- (8) that was?
- (9) A. It had to do with when was the
- (10) complaint made? Was it in 1988? And I said yes,
- (11) in 1988.
- (12) Q. Okay. And are you questioning whether
- (13) that -- whether your answer is accurate, given
- (14) the definition of complaint?
- (15) A. I think the answer has been clarified
- (16) by what we said afterwards.
- (17) Q. In other words, the complaint
- (18) against -- the first complaint against Father
- (19) O'Connor really occurred in 1986, correct?
- (20) A. Not a legal complaint, but a complaint
- (21) if you want to use --
- (22) Q. Okay. So in other words, you were
- (23) thinking of legal, you were thinking of lawyer as
- (24) it relates to complaint; is that correct?
- (25) A. That is correct.

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- (1) Q. Just for future questions in the
- (2) deposition, when I use the word complaint, I'm
- (3) not talking specifically of complaints --
- (4) A. That's all I wanted to know.
- (5) Q. -- that are attached to a lawyer.
- (6) A. That's all I wanted to know.
- (7) Q. Okay.
- (8) A. Complaint sounds -- all right.
- (9) Q. Okay. Now, do you know what action
- (10) Bishop Curtis took when the diocese learned of
- (11) the complaint made against Father O'Connor in
- (12) 1986?
- (13) A. Yes. He was referred to Monsignor
- (14) Cusack, who was the vicar for clergy at that
- (15) time. And he was -- Monsignor Cusack had it
- (16) arranged that he would get psychiatric
- (17) evaluation, and the psychiatrist, whose name as I
- (18) said I don't have in my memory right now, gave
- (19) reports and evaluations.
- (20) Q. And was there any action taken against
- (21) Father O'Connor with respect to his ability to
- (22) operate as a priest?
- (23) A. To my knowledge, there was not.
- (24) Q. So that he was not suspended at that
- (25) time?

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- (1) A. I do not believe he was suspended after
- (2) the report from the psychologist or the
- (3) psychiatrist.
- (4) Q. Okay. So you're not familiar with the
- (5) fact that apparently a decree of suspension
- (6) against Father O'Connor was lifted by Bishop
- (7) Curtis in August of '88?
- (8) A. I am not aware of that.
- (9) Q. Okay. Now, just so that I'm clear, the
- (10) allegations that were made in '86, were these the
- (11) same allegations involving the same people in
- (12) 1989?
- (13) A. I think the same family. I'm not sure
- (14) it was exactly the same members of the family.
- (15) Q. Okay. Did anything else occur between
- (16) the initial '86 complaint and the '89 time
- (17) period, when you came on board with the diocese?
- (18) A. There may have been more family
- (19) members. I cannot remember.
- (20) Q. But it would be fair to say that you
- (21) had the same information regarding the complaints
- (22) made against Father O'Connor as did Bishop
- (23) Curtis, correct?
- (24) A. Substantially, I had the same
- (25) information.

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- (1) Q. Okay. And when you say substantially,
- (2) would there being any difference in the
- (3) information that you had versus what Bishop
- (4) Curtis had?
- (5) A. I don't know of any sub -- I am not
- (6) exactly sure what information Bishop Curtis had.
- (7) I know what information I had.
- (8) Q. Okay. And yet despite this information
- (9) which was substantially similar, it's your
- (10) understanding that Bishop Curtis did not suspend
- (11) Father O'Connor, correct?
- (12) A. If the suspension was lifted, I would
- (13) have to say he must have suspended him.
- (14) Q. But in other words, you're not familiar
- (15) that he lifted a suspension, that's not --
- (16) A. I don't recall all of this. All of
- (17) this occurred before I arrived in Bridgeport.
- (18) And I don't want to -- I don't specifically
- (19) recall those particularities. I wasn't there.
- (20) Q. Okay. So you don't recall now whether
- (21) or not Bishop Curtis suspended Father O'Connor
- (22) upon hearing about the 1986 allegations?
- (23) A. I do not recall.
- (24) Q. Okay. But with the substantially
- (25) similar information, you, on the other hand, soon

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- (1) after learning about it, requested that this
- (2) gentleman be reduced to the lay state?
- (3) A. I requested him to request that.
- (4) Q. I understand. That's something that
- (5) the priest himself has to do voluntarily,
- (6) correct?
- (7) A. That is correct.
- (8) Q. Okay. And that is action that
- (9) certainly Bishop Curtis did not take?
- (10) A. I took the action. Bishop Curtis did
- (11) not.
- (12) Q. Would you agree with me, then, that the
- (13) oral policy that Bishop Curtis was operating
- (14) under was different than the policy that you were
- (15) operating under when you overtook the Diocese of
- (16) Bridgeport?
- (17) A. I would say that the implementation of
- (18) a policy by different persons would be different.
- (19) Q. Well, the implementation of a policy
- (20) really is the whole policy; in other words, if
- (21) you have a policy and you don't choose to
- (22) implement it, it really doesn't do you any good,
- (23) does it?
- (24) A. How one person implements a policy is
- (25) virtually always different from how another

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- (1) person would implement a policy.
- (2) Q. And what was the policy that you were
- (3) following at that time which led you to request
- (4) this individual to sign a document reducing him
- (5) to the lay state?
- (6) A. I considered the allegations and the
- (7) circumstances so serious, that I watched him -- I
- (8) wished to ask him to request reduction to a lay
- (9) state. This was my judgment and my action.
- (10) Q. Do you know whether any legal action
- (11) was ever brought against Father O'Connor or the
- (12) bishop for Father O'Connor's actions?
- (13) A. Yes.
- (14) Q. And when was that legal suit brought?
- (15) A. I can't give you the exact date. It
- (16) was before I took my action.
- (17) Q. How soon before you took your action?
- (18) A. I cannot give you the exact date. I do
- (19) not recall specifically.
- (20) Q. Did the fact that a legal suit was
- (21) brought have anything to do with the fact that
- (22) you took such serious action?
- (23) A. My own decision was based, as I said,
- (24) on my judgment of the situation.
- (25) Q. Is it your testimony that the fact that

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- (1) a legal suit had been brought was not part of
- (2) your decision to have this man reduced to --
- (3) **A.** Part of the information. Whether or
- (4) not it was a motivation in my decision, I am not
- (5) going to attempt to say.
- (6) **Q.** So you don't know whether the fact that
- (7) a lawsuit had been brought was part of your
- (8) motivation to request that Father O'Connor sign a
- (9) document reducing him to the lay state?
- (10) **A.** I do not recall how much of a part, if
- (11) any, that played in my decision.
- (12) **Q.** Okay. And what happened in connection
- (13) with that lawsuit? Is it still pending, do you
- (14) know?
- (15) **A.** The lawsuit with --
- (16) **Q.** Against the diocese and Father
- (17) O'Connor.
- (18) **A.** It's been concluded.
- (19) **Q.** And when was it concluded?
- (20) **A.** I cannot give you the exact date. It's
- (21) been concluded.
- (22) **Q.** And was that within the last two years,
- (23) five years, if you know?
- (24) **A.** Within the last -- I'm not going to --
- (25) I don't recall the exact date. I don't recall

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- (1) even the year.
- (2) **Q.** Okay.
- (3) **A.** It was concluded.
- (4) **Q.** Was it con --
- (5) **MR. SWEENEY:** Counsel, this has
- (6) been disclosed to you already. You have the
- (7) documents.
- (8) **MS. ROBINSON:** Mr. Sweeney, the
- (9) fact that counsel may have disclosed information
- (10) to opposing counsel does not prevent one from
- (11) asking questions. As you well know --
- (12) **MR. SWEENEY:** You do know the
- (13) answer to the question you're asking.
- (14) **MS. ROBINSON:** Well, Mr. Sweeney,
- (15) then when we take the deposition of all the
- (16) damage experts, of Dr. Pratt, then really you
- (17) shouldn't be asking any questions because we've
- (18) given you all of the documentation, so really
- (19) that doesn't make any sense, and you know that I
- (20) have right to ask these questions.
- (21) **Q.** Now, with respect to this lawsuit, did
- (22) it actually go to trial, do you know?
- (23) **A.** The lawsuit did not go to trial.
- (24) **Q.** Was there a settlement?
- (25) **A.** There was a settlement.

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- (1) **Q.** And is that one of the settlements that
- (2) you told Mr. Tremont about during your October
- (3) 7th, 1997 deposition?
- (4) **A.** I don't recall what I said in my
- (5) October 7th, 1997 deposition. If you wish to
- (6) pass it over to me, I'll be happy to look at it.
- (7) **Q.** Well, do you know whether that suit had
- (8) been settled in October of 1997?
- (9) **A.** As I said, I don't recall exactly the
- (10) date of the settlement. I recall the fact of the
- (11) settlement.
- (12) **Q.** Okay. I know we began the deposition,
- (13) I asked you how many settlements have occurred
- (14) since your last deposition on October 7th of
- (15) 1997. And you indicated that there had been one
- (16) settlement, correct?
- (17) **A.** Mm-mm.
- (18) **Q.** That's correct?
- (19) **A.** That's correct. There -- and I don't
- (20) know about this one you're asking about, when
- (21) that took place.
- (22) **Q.** Okay. Well, the one settlement that
- (23) you told me about, was that involving Gavin
- (24) O'Connor?
- (25) **A.** It was.

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- (1) **Q.** Okay. So the one settlement that you
- (2) know of since October 7th of 1997 was a
- (3) settlement against Gavin O'Connor?
- (4) **A.** You'll have to read back the question
- (5) that you asked me about the settlements. I'm
- (6) confused on what you're talking about right now.
- (7) **Q.** Okay. I can restate that question.
- (8) I asked you, Bishop Egan, how many
- (9) settlements have occurred on behalf of the
- (10) Diocese of Bridgeport, in which the Diocese of
- (11) Bridgeport paid monies, since October 7th of
- (12) 1997.
- (13) **A.** Uh-huh.
- (14) **Q.** And you had answered at the beginning
- (15) of the deposition this morning that there was one
- (16) such settlement.
- (17) **A.** To the best of my remembrance, there
- (18) was one.
- (19) **Q.** Okay. And that one that you're
- (20) remembering, did that involve claims made against
- (21) Gavin O'Connor?
- (22) **A.** I believe there has been a settlement
- (23) regarding Gavin O'Connor after my deposition, but
- (24) I am not going to be held to remembering all of
- (25) these dates.

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- (1) **Q.** Okay.
- (2) (Discussion off the record.)
- (3) **Q.** Bishop Egan, do you know where Father
- (4) O'Connor is at the present time?
- (5) **A.** I'm not 100 percent sure where he is.
- (6) **Q.** Okay.
- (7) **A.** I've heard different things. I'm not
- (8) sure.
- (9) **Q.** And even though he has been -- he
- (10) voluntarily reduced himself, I guess, to the lay
- (11) state --
- (12) **A.** He voluntarily requested.
- (13) **Q.** -- would he still be considered a
- (14) priest?
- (15) **A.** He is not able -- he would not be
- (16) considered a priest as far as acting as a priest
- (17) is concerned. He is not to exercise any
- (18) priest-type action, priestly action.
- (19) **Q.** Isn't it a fact the -- that once one is
- (20) a priest, one always will be a priest, until
- (21) death?
- (22) **A.** One is by the sacrament marked with a
- (23) sign whereby one is a priest. What reduction to
- (24) the lay state does is preclude any action
- (25) following upon that state.

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- (1) **Q.** But he would still -- he could still
- (2) call himself Father O'Connor?
- (3) **A.** No.
- (4) **Q.** He can't. Okay.
- (5) I want to go back to the sexual
- (6) misconduct policy that we were talking about.
- (7) And on page three, paragraph four, you had
- (8) reviewed the paragraph regarding education, which
- (9) also talked about the fact that there were
- (10) designated educational programs on methods of
- (11) recognizing and preventing sexual misconduct
- (12) involving children or others.
- (13) Is it your understanding that this
- (14) educational aspect of the policy was also a part
- (15) of the oral policy that had been in effect prior
- (16) to you coming to the Diocese of Bridgeport?
- (17) **A.** I am not sure whether it was or not. I
- (18) wasn't here.
- (19) **Q.** Okay. So although you felt that the
- (20) policy was excellent --
- (21) **A.** I did.
- (22) **Q.** -- you're not sure whether that policy
- (23) contained an educational component regarding
- (24) attendance at programs in order to help people
- (25) recognize and prevent sexual misconduct?

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- (1) **A.** I am not sure that it didn't include
- (2) such a policy.
- (3) **Q.** And you're not --
- (4) **A.** Such an activity.
- (5) **Q.** In other words, you don't know either
- (6) way?
- (7) **A.** I am not sure either way.
- (8) **Q.** And in formulating the written policy,
- (9) did you discuss that fact with anyone?
- (10) **A.** Did I discuss what fact?
- (11) **Q.** The fact of whether or not there was an
- (12) educational component to the preexisting oral
- (13) sexual abuse policy?
- (14) **A.** If I did, I do not recall. It happened
- (15) 10 years ago.
- (16) **Q.** Okay. So this, in fact, may or may not
- (17) be a new element of the sexual abuse policy that
- (18) is promulgated by the Bridgeport Diocese?
- (19) **A.** It may.
- (20) **Q.** And could you tell me about the
- (21) designated educational programs on methods of
- (22) recognizing and preventing sexual misconduct
- (23) involving children or others? How frequently are
- (24) those seminars or programs offered?
- (25) **A.** They have been offered at regular

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- (1) periods. I have attended them. I cannot tell
- (2) you the exact frequency of them. I attended last
- (3) year, if I'm not mistaken -- well, I'll just say
- (4) I attended such sessions for teachers last year.
- (5) It may have been two days, it may have been only
- (6) one.
- (7) **Q.** And where did you attend that program?
- (8) **A.** It may have been at the Catholic
- (9) Center, it may have been Villa Maria, I don't
- (10) recall.
- (11) **Q.** And was there a moderator for that
- (12) program?
- (13) **A.** Yes.
- (14) **Q.** And who was the moderator?
- (15) **A.** Moderator, I believe, would have been
- (16) Monsignor -- probably -- I'm not sure who the
- (17) moderator was. The speakers on that occasion,
- (18) the principal speaker, was a sister whose name
- (19) was Angela. I can't tell you more than that. I
- (20) don't have her name. She was very fine.
- (21) **Q.** What did she speak about?
- (22) **A.** This very issue.
- (23) **Q.** I'm sorry, what very issue?
- (24) **A.** The issue of things that we have to do
- (25) to be sure that we are protecting our people.

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- (1) **Q.** What did she say?
- (2) **A.** She -- she gave a -- she has written
- (3) several books. She outlined her books, how we
- (4) would be very careful, that everyone knows that
- (5) this is something to be avoided at all costs.
- (6) What would be the indication that this might be
- (7) happening, and so forth.
- (8) **Q.** And what did she say might be the
- (9) indication that this might be happening?
- (10) **A.** The way a child might react at home or
- (11) in school, and so forth.
- (12) **Q.** In other words, her comments of what
- (13) might -- what might indicate this might be
- (14) happening with respect to -- from a child's
- (15) perspective; in other words, how an older person
- (16) should recognize that a child might be the victim
- (17) of sexual abuse?
- (18) **A.** That was part of her talk, yes.
- (19) **Q.** Did she talk about how one might
- (20) recognize whether a priest was committing sexual
- (21) offenses against children?
- (22) **A.** She did not.
- (23) **Q.** Did she talk about rules or procedures
- (24) that should be in place in order to prevent
- (25) sexual misconduct -- clergy sexual misconduct

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- (1) from taking place?
- (2) **A.** She was talking about not merely
- (3) clergy, but clergy, religious and laity.
- (4) **Q.** Okay. And you attended that, I think
- (5) you said, within the last year?
- (6) **A.** I'm not going -- I -- say within the
- (7) last two years, I'll be safe.
- (8) **Q.** Okay. And my question to you is a more
- (9) generic question, with respect to with what
- (10) frequency, since December of 1990, has the
- (11) diocese offered these educational programs? Is
- (12) there a set schedule?
- (13) **A.** I'm sure we can find that information
- (14) for you. I don't have it in my head.
- (15) **Q.** Who would know that information best?
- (16) **A.** I'll have to find out for you.
- (17) **Q.** So you don't know, as you sit here
- (18) today, who would know that information?
- (19) **A.** I know who I would ask, yes.
- (20) **Q.** Who would you ask?
- (21) **A.** I would ask the chancellor.
- (22) **Q.** And who is that?
- (23) **A.** That's Monsignor Bronkiewicz.
- (24) **Q.** Okay. And would Monsignor Bronkiewicz,
- (25) as chancellor, be in charge of scheduling or

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- (1) generating these designated educational programs?
- (2) **A.** Some yes and some no. Others might be
- (3) in charge -- heads of other departments.
- (4) **Q.** Okay. But Monsignor Bronkiewicz would
- (5) clearly know with what frequency such educational
- (6) programs are offered?
- (7) **A.** He could certainly find that out.
- (8) **Q.** Okay. Is it required that personnel
- (9) within the diocese attend these programs?
- (10) **A.** In some cases, I believe it is.
- (11) **Q.** And in what cases would those be?
- (12) **A.** Certainly I remember one time writing a
- (13) letter to the clergy saying that the pastors had
- (14) to all attend. I know that teachers are required
- (15) to attend -- or at least principals are required
- (16) to attend. I can't pull it out of my memory
- (17) exactly.
- (18) **Q.** Okay. And do you have any memory of
- (19) attending any other educational program other
- (20) than the one in which Sister Angela spoke?
- (21) **A.** I have attended others. I don't recall
- (22) when they were or -- one we had a psychologist
- (23) and a lawyer.
- (24) **Q.** Who was the psychologist?
- (25) **A.** I don't recall that.

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- (1) **Q.** Do you recall who the lawyer was?
- (2) **A.** No. But he was very fine. He did a
- (3) fine job.
- (4) **Q.** Okay. Could it have been your counsel,
- (5) Mr. Sweeney?
- (6) **A.** I do not believe it was he.
- (7) **Q.** Okay. Has Mr. Sweeney ever spoken at
- (8) any of these educational programs?
- (9) **A.** I don't recall whether he did or not.
- (10) **Q.** Okay. But this was a lawyer other than
- (11) your present attorney?
- (12) **A.** Yes.
- (13) **Q.** Okay. Now, with respect to paragraph
- (14) six, it discusses -- page three, Bishop Egan -- a
- (15) summary of civil statutes and canon law. Now, is
- (16) it your understanding that the oral policy also
- (17) required the diocese to adhere to both civil
- (18) statutes and canon law?
- (19) **A.** Yes, it is.
- (20) **Q.** And would you agree with me that this
- (21) part of the written policy was also a part of the
- (22) prior oral policy that was in effect?
- (23) **A.** When you say "this part," what part do
- (24) you mean?
- (25) **Q.** The paragraph 6.0, page three, it goes

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- (1) on to page four, where it enunciates the criminal
- (2) laws and Connecticut law, further specific
- (3) Connecticut law.
- (4) MR. SWEENEY: Well, Counsel
- (5) objection, on form. And I think this really
- (6) needs a clarification. Are you asking the
- (7) witness whether these written provisions of
- (8) civil, statutory law and of canon law were
- (9) somehow written into an oral policy? I'm a
- (10) little confused by your question. What do you
- (11) mean by that?
- (12) MS. ROBINSON: Well, let's see if
- (13) Bishop Egan is confused by the question.
- (14) MR. SWEENEY: If he understands
- (15) the question, fine.
- (16) A. I don't understand your question
- (17) either.
- (18) Q. Okay.
- (19) A. You're asking whether or not a citizen
- (20) was bound by these laws, and whether or not a
- (21) member of the church was bound by these laws
- (22) before the written policy?
- (23) Q. Correct.
- (24) A. My answer was yes.
- (25) Q. Okay. So this is an element - in

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- (1) other words, we had discussed earlier that there
- (2) may be elements of the written policy that were
- (3) not part of the oral policy. You would agree
- (4) with me that as the policy relates to - the
- (5) written policy relates to civil statutes and
- (6) canon law, those would be in effect whether the
- (7) policy was written or the policy was oral,
- (8) correct?
- (9) A. That was my answer.
- (10) Q. So it's a yes?
- (11) A. Yes.
- (12) Q. Okay. Now, could you tell me, how does
- (13) the policy address the actual handling of reports
- (14) of sexual abuse to children or child abuse in
- (15) general?
- (16) A. If a report comes - regarding anyone
- (17) are you talking? Clergy, religious or laity?
- (18) Q. Within the Diocese of Bridgeport.
- (19) A. All right. We would immediately advise
- (20) the chancellor of the diocese and the head of the
- (21) department where this person was either an
- (22) employee or an agent or volunteer. We would -
- (23) Q. So - sorry.
- (24) A. We would look into the seriousness of
- (25) the report from the standpoint of who made it,

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- (1) against whom it was made, and what circumstances
- (2) were reported and, depending upon the person, we
- (3) would take whatever action was needed. If it was
- (4) clear that there had been some misconduct, we
- (5) would act on that. If it was unclear, we would
- (6) seek help from psychiatric persons, persons
- (7) involved in the psychiatric field. We would look
- (8) for a report.
- (9) If it was serious, we would ask
- (10) the person to step aside until we had the
- (11) report. If we had the report of an expert, and
- (12) the expert indicated to the best of his or her
- (13) knowledge that there was nothing to the report,
- (14) we would have to proceed as anyone else would
- (15) proceed, by presuming innocence until guilt is
- (16) proved.
- (17) If there were a proof or an
- (18) affirmation on the part of the expert that there
- (19) was something, we would have to then act in the
- (20) appropriate way. Maybe study the matter further
- (21) to be sure. And maybe to dismiss the person. It
- (22) may be any number of things, depending upon the
- (23) person about whom we're speaking.
- (24) Q. And this policy that you've just
- (25) enunciated for us, was that also the oral policy

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- (1) in effect prior to you coming to the Diocese of
- (2) Bridgeport?
- (3) A. As regards clergy, it certainly was.
- (4) As regards the laity, I believe in each office
- (5) there was the appropriate operation in accord
- (6) with the civil law and the technical way in which
- (7) individual offices operated.
- (8) Q. And when you say with respect to
- (9) clergy, with respect to priests, in other words,
- (10) this would have been the policy that was in
- (11) effect?
- (12) A. Fine.
- (13) Q. Okay. And based on what you've told
- (14) me, the first person or the person handling the
- (15) complaint would be the chancellor of the diocese?
- (16) A. Right now under me, and my way of
- (17) approaching it, I like it to go first to the
- (18) chancellor.
- (19) Q. Okay. And was that the way it was with
- (20) the oral policy prior to you coming?
- (21) A. Prior to my coming, I believe it would
- (22) go first to the vicar general. I am not 100
- (23) percent sure how they proceeded exactly. I
- (24) believe, from reading the documentation, that it
- (25) would go first to the vicar general and then to

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- (1) the vicar for clergy.
- (2) Q. Okay. And when you first came on
- (3) board, is it your testimony that that policy was
- (4) changed to, from the vicar to the chancellor?
- (5) A. I have always depended upon the
- (6) chancellor. Actually, I, in point of fact, have
- (7) always dealt with both. But if someone were to
- (8) ask me what would be my classical approach, I
- (9) would go to the chancellor.
- (10) Q. Okay.
- (11) A. In point of fact, I always went to
- (12) both.
- (13) Q. You always went to both?
- (14) A. Yes.
- (15) Q. And when you first came to the diocese,
- (16) who was the chancellor of the diocese?
- (17) A. Monsignor Smith.
- (18) Q. Okay. And what is his first name?
- (19) A. Gregory.
- (20) Q. Okay. And for how long was Monsignor
- (21) Smith chancellor of the diocese?
- (22) A. A year or two. You mean during my
- (23) time?
- (24) Q. Correct.
- (25) A. I don't know how long he was before my

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- (1) time.
- (2) Q. And when you came to the diocese, was
- (3) he already chancellor?
- (4) A. He was.
- (5) Q. Okay. And since your tenure as bishop,
- (6) how much longer did he serve as chancellor?
- (7) A. A year or two at the very most.
- (8) Q. So 1990 or '91 maybe?
- (9) A. Something like that.
- (10) Q. And why did he leave that position?
- (11) A. Because I wanted to have a catechetical
- (12) institute such -
- (13) Q. I'm sorry, I didn't hear you?
- (14) A. I wanted to have a catechetical
- (15) institute such as I had had in New York. He had
- (16) a degree in education and I put him in charge of
- (17) that institute.
- (18) Q. And what is a catechetical institute?
- (19) A. It's an institute whereby you train
- (20) people who are going to teach, to put it in
- (21) simplest terms, Sunday school.
- (22) Q. Catechism?
- (23) A. That's right.
- (24) Q. Okay. So is it your testimony that
- (25) when you first became bishop, that any sexual

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- (1) abuse complaints would be handled by Monsignor
- (2) Smith?
- (3) A. No, by the vicar general at that time.
- (4) It would go from the vicar general to the vicar
- (5) for clergy.
- (6) Q. And who was the vicar general?
- (7) A. Monsignor Scheyd.
- (8) Q. And who was the --
- (9) A. And before that --
- (10) Q. I'm sorry.
- (11) A. And vicar -- if you're going back --
- (12) what year are you talking about?
- (13) Q. When you first came on board in 1989?
- (14) A. When I first came on board, it would go
- (15) from the vicar general, Monsignor Scheyd, to
- (16) Monsignor Bronkiewicz, who was the vicar for
- (17) clergy and religious.
- (18) Q. And then on to the chancellor?
- (19) A. With me, it would go also to the
- (20) chancellor, but I'm telling you what my process
- (21) is.
- (22) Q. Right. And I don't know whether that
- (23) may have changed over time so I'm just starting
- (24) at the beginning of your tenure and then we can
- (25) move on.

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- (1) A. All right. Beginning of the tenure, I
- (2) would discuss the matter with the vicar general
- (3) and it would go then to the vicar for clergy and
- (4) religious.
- (5) Q. And how would you learn about it? From
- (6) whom would you learn about it?
- (7) A. Could come in a letter, it could come
- (8) in a telephone call, it could come in any kind of
- (9) a report.
- (10) Q. Okay. And has that -- all of those
- (11) occurrences happened with you?
- (12) A. No, ma'am, it has not. It could, I
- (13) said.
- (14) Q. Okay. And at what point in time --
- (15) well, let me ask you this. At the present time,
- (16) do these complaints still go through the vicar
- (17) general and the vicar for religious and then to
- (18) the chancellor?
- (19) A. Right now --
- (20) Q. Present time meaning 1999.
- (21) A. In 1999, if any complaint were to come
- (22) forward, I would ask the chancellor to come in
- (23) and I would say we have a complaint. The
- (24) chancellor has continued to do the work of vicar
- (25) for clergy and religious, as regards any issue of

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- (1) clerical misconduct.
- (2) I would, however, point out to you
- (3) that I have named a new vicar for clergy and
- (4) religious, who takes care of all of the works of
- (5) the vicar for clergy and religious, except this
- (6) particular area, because Monsignor Bronkiewicz
- (7) has been following this for 10 years or more.
- (8) Q. He has a lot of experience in dealing
- (9) with these sexual abuse allegations, correct?
- (10) A. Fine.
- (11) Q. That would be a true statement?
- (12) A. Yes.
- (13) Q. Okay. Is that one of the reasons why
- (14) you now are relying on him as chancellor, because
- (15) he's actually changed his position?
- (16) A. All right. But in point of fact, I
- (17) would rely on the -- I operate through the
- (18) chancellor back in other dioceses, but that's --
- (19) it's a matter of really knowing the priest.
- (20) Q. Okay. And who is the -- who will be
- (21) appointed as vicar for clergy and religious?
- (22) A. He's already been appointed. His name
- (23) is Reverend Frank McGrath.
- (24) Q. McGrath. Okay.
- (25) Now, you had indicated as part of

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- (1) your process, that if you felt the complaint was
- (2) serious enough, you would have the accused
- (3) examined by a psychiatrist?
- (4) A. I would have the accused examined by an
- (5) appropriate expert.
- (6) Q. Okay. Psychologist --
- (7) A. Psychologist, psychiatrist or institute
- (8) of psychology, so forth.
- (9) Q. Okay. With an appropriate professional
- (10) in that field?
- (11) A. Appropriate expert in the field.
- (12) Q. Okay. And that part of your decision
- (13) as to what action to take would be based on that
- (14) report, if a report was made?
- (15) A. Exactly. If it was serious enough to
- (16) go to an expert, a great part of my decision
- (17) would depend upon that expert's judgment in this
- (18) matter.
- (19) Q. Would the major part of your
- (20) decision-making process rely on what the expert
- (21) had to say?
- (22) A. In each case, I think it could be
- (23) somewhat different. You weigh it differently.
- (24) But basically, yes, I would depend, as we all
- (25) need to depend, upon experts.

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- (1) Q. Okay. And when you made the decision
- (2) to have Father O'Connor reduced to the lay state,
- (3) did you indeed rely on the report of the
- (4) appropriate professional, who rendered such a
- (5) report in his case?
- (6) A. We had reports from the appropriate
- (7) professionals. And I weighed those reports and I
- (8) took my own action on my own judgment, as I've
- (9) mentioned before in this deposition.
- (10) Q. Okay. And you just indicated that a
- (11) large part of the decision-making process for you
- (12) would be based on what the professional had to
- (13) say, correct?
- (14) A. I didn't say that. I think I said that
- (15) depending upon the particular case, we determine
- (16) how much weight was given to one indication or
- (17) another. But as a general rule of thumb, of
- (18) course, expert opinion would be very weighty and
- (19) would, in many cases, be in the area of -- be
- (20) very clear and important, yes.
- (21) Q. And I take it that if you were going to
- (22) take such serious action as requesting that the
- (23) individual voluntarily reduce -- be reduced to
- (24) the lay state, that in those situations, you
- (25) would probably have a medical report indicating

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- (1) that the person should not serve as a priest?
- (2) A. I had reports and they were not in that
- (3) direction. I had other indications of my own. I
- (4) felt and do still believe it was the proper thing
- (5) for him to request reduction to the lay state.
- (6) Q. Okay. And again, mine is a general
- (7) question. I think you're answering it
- (8) specifically as it relates to Father O'Connor, so
- (9) I just am asking a general question, that before
- (10) reducing or requesting that someone reduce
- (11) themselves to the lay state, would it be fair to
- (12) say that you would rely, to a certain extent, on
- (13) what the expert has to say?
- (14) A. As a general rule, yes.
- (15) Q. Okay. And would you find it unusual
- (16) that you would request someone to be reduced to
- (17) the lay state, even if the professional's report
- (18) indicated that they should -- could still
- (19) continue as a priest?
- (20) A. Each individual case is -- has its own
- (21) particularities and I would make my decision on
- (22) the basis of the particularities.
- (23) Q. So, in fact, you wouldn't always rely
- (24) on the assessment of the professional, correct?
- (25) A. I would study it and give it great

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- (1) weight, but it might not be the only
- (2) consideration.
- (3) Q. So that there could be cases in which
- (4) the professional indicated that the priest could
- (5) go back into the priesthood and function, and you
- (6) might still feel, "You know, I still think that
- (7) we should request that this individual be reduced
- (8) to the lay state?"
- (9) A. The professional may make that
- (10) suggestion with varying degrees of emphasis and
- (11) certainty. And that would be taken into
- (12) consideration.
- (13) Q. Okay. But as a general proposition,
- (14) the mere fact that a professional has indicated
- (15) that a priest is -- can serve, in their
- (16) professional opinion, as a priest, without
- (17) causing harm to anyone, would not always be the
- (18) dictating factor in your mind in terms of what
- (19) action you might take?
- (20) A. Each case is different. Each person is
- (21) different. Each set of circumstances is
- (22) different. I believe I've been quite clear. I
- (23) would give great weight to professional expert
- (24) advice.
- (25) Q. But it wouldn't be the determining

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- (1) factor?
- (2) A. In some cases it could be, and in other
- (3) cases it may not be.
- (4) Q. That's what I'm getting at. That it
- (5) would not always be the determining factor? In
- (6) other words, you would not necessarily agree with
- (7) the assessment of the professional?
- (8) A. The professional comes to a conclusion
- (9) with a greater or less assurance, and I have
- (10) other circumstances which focus upon my judgment,
- (11) which bear upon my judgment, and I make my
- (12) decision seeing the particular case in its
- (13) totality. At least I seek to do that.
- (14) Q. So there might be situations where
- (15) although the professional feels that the priest
- (16) should not function as a priest, you might feel
- (17) differently?
- (18) A. I would say that the question of the
- (19) professional advising not to have him, would be
- (20) very much stronger than his saying I advise that
- (21) you may be safe.
- (22) Q. Okay.
- (23) A. And I believe that you must allow me to
- (24) insist that each case is particular.
- (25) Q. Okay. And --

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- (1) A. Professor may say -- professional may
- (2) say, "Do not allow him to continue." A
- (3) professional may say, "Allow him to continue,"
- (4) with varying degrees of certainty and enthusiasm.
- (5) All of that is taken in any judgment about a
- (6) particular case.
- (7) Q. And am I understanding you that if you
- (8) received a report from an expert which indicated
- (9) that the priest should not function in that
- (10) capacity, that you would weigh that heavier than
- (11) if a professional said the priest could serve or
- (12) continue to serve; is that correct?
- (13) A. Yes.
- (14) Q. Okay.
- (15) MR. SWEENEY: Pardon me, Counsel,
- (16) I'm not sure what would be convenient for you --
- (17) MS. ROBINSON: Sure.
- (18) MR. SWEENEY: -- but we've passed
- (19) one o'clock.
- (20) MS. ROBINSON: Fine.
- (21) MR. SWEENEY: And this might be a
- (22) good time to break for lunch.
- (23) MS. ROBINSON: That's fine.
- (24) (Lunch: 1:03 to 2:05 p.m.)
- (25) (Deposition resumed in the absence

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- (1) of Attorney Tremont.)
- (2) BY MS. ROBINSON:
- (3) Q. Bishop Egan, we were speaking about
- (4) section 6.0, which deals with -- page three, I
- (5) should say, of the policy, dealing with the
- (6) summary of civil statutes and canon law. Does
- (7) that -- does the policy at all discuss
- (8) Connecticut General Statute 17A-101? Are you
- (9) familiar with that statute?
- (10) A. I'm not familiar with that statute.
- (11) Q. Okay. Do you understand that at the
- (12) present time and for some years, if certain
- (13) persons are aware of sexual abuse of children,
- (14) they have a duty to report it to the authorities?
- (15) A. I do.
- (16) Q. Does this policy, to your knowledge,
- (17) encompass that part of civil law?
- (18) A. Is that contained in this here?
- (19) Q. In this -- anywhere in this policy, to
- (20) your knowledge.
- (21) A. Well, we can read it together and find
- (22) out. I'm not sure.
- (23) (Pause in the proceedings.)
- (24) MR. SWEENEY: Counsel, are you
- (25) referring to what's in section 6.3?

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- (1) MS. ROBINSON: I'm just asking a
- (2) question as to whether based on the bishop's
- (3) review and knowledge of the policy, whether it
- (4) does, in fact, encompass that part of civil law.
- (5) A. On page five, you referred to
- (6) Connecticut General Statute 1738, is that what
- (7) you said?
- (8) Q. I referred to another General Statute,
- (9) but is this the part of the policy which includes
- (10) a reporting requirement?
- (11) A. Well, Counselor, I don't know the
- (12) different numbers of the statutes in
- (13) Connecticut.
- (14) Q. No, I'm not asking you if you know
- (15) them. Forget the -- what the number is. I'm
- (16) asking you substantively, does the policy
- (17) incorporate or include that portion of civil law
- (18) which requires certain persons, clergymen,
- (19) teachers, et cetera, to make reports to the
- (20) authorities if they are aware of sexual abuse of
- (21) children?
- (22) A. Well, on page five, number six, you see
- (23) it's entitled "Reporting Incidents of Child Abuse
- (24) or Maltreatment." And you're asking if it is
- (25) treated here, and I would say it is treated

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- (1) here.
- (2) Q. Before reviewing page five of
- (3) Plaintiffs' Exhibit H, was it your impression
- (4) that, in fact, the written policy did include or
- (5) incorporate that reporting requirement?
- (6) A. Yes.
- (7) Q. Okay. And since you have been bishop,
- (8) have you ever reported to the authorities an
- (9) instance of child abuse or sexual molestation of
- (10) a child?
- (11) A. I have not personally.
- (12) Q. Okay. Has anyone on your behalf done
- (13) so?
- (14) A. Not on my behalf. On their own
- (15) behalf. If a school principal or if it were
- (16) referred to the superintendent of schools, for
- (17) example, it would be reported and I would
- (18) suspect -- and they would report it.
- (19) Q. Okay. And --
- (20) A. No one has brought me a case that I
- (21) would be required to report myself.
- (22) Q. So you personally have never reported
- (23) it?
- (24) A. Yes.
- (25) Q. Okay. But persons over whom you have

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- (1) authority have reported such instances?
- (2) **A.** Persons who respond to me in conducting
- (3) their offices would be expected to, and I have
- (4) reason to believe that there have been occasions
- (5) when they have done so.
- (6) **Q.** If they were to do so, would that be
- (7) something they would have to make you aware of?
- (8) **A.** Not necessarily, no.
- (9) **Q.** Okay. So that, for instance, a school
- (10) teacher or principal at one of your parochial
- (11) schools could make such a report to the
- (12) authorities without consulting you first?
- (13) **A.** The principal would report immediately
- (14) to the superintendent of schools at the Catholic
- (15) Center, who handles these, and I suspect in every
- (16) case tells me about it, but I'm not going to make
- (17) that as a statement. I have full confidence in
- (18) him, just as I have full confidence in the man
- (19) that heads Catholic Charities, and so forth, to
- (20) know the law and to abide by it.
- (21) **Q.** Does the policy within the diocese
- (22) require that, for instance in that situation, the
- (23) superintendent advise you, as bishop, of such a
- (24) reporting?
- (25) **A.** It does not.

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- (1) **Q.** Okay. And how many times do you recall
- (2) there being reports made to the authorities based
- (3) on suspicions of child abuse, sexual or physical?
- (4) **A.** I don't know if I would dare a number,
- (5) but I know that in most cases when it is brought
- (6) to me, I hear that there is nothing to it, this
- (7) is some angry person, or something, and it will
- (8) be properly decided by the state or whoever it is
- (9) that makes the decision.
- (10) I do remember one case in which a
- (11) school principal reported a case, and it was
- (12) thereafter wondered whether or not it was really
- (13) a case that should have been reported, and it was
- (14) brought to my attention. But I don't recall,
- (15) over the period of more than 10 years, all of
- (16) those particulars.
- (17) **Q.** Of the cases that you have a general
- (18) memory that it's occurred, did that involve
- (19) instances where there was a suspicion that the
- (20) child was abused by a clergy member?
- (21) **A.** Never.
- (22) **Q.** Okay. So let me ask you this
- (23) question. Do you know of any instance since you
- (24) have been bishop, that anyone on your behalf or
- (25) any official within the diocese has made a report

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- (1) to the authorities because of a suspicion that a
- (2) Bridgeport Diocesan priest sexually abused a
- (3) minor?
- (4) **A.** I have no such knowledge. However, I
- (5) could imagine that a case could go to somewhere
- (6) else, to a hospital or something of the sort, and
- (7) somebody else could report it. But I have no
- (8) such case.
- (9) **Q.** If someone within the diocese were to
- (10) have reported to the authorities that a priest
- (11) within the diocese --
- (12) **A.** Uh-huh.
- (13) **Q.** -- was suspected of committing an
- (14) offense against a child, would that be something
- (15) you would have to be made aware of?
- (16) **A.** You said a priest?
- (17) **Q.** Correct.
- (18) **A.** Yes, it would.
- (19) **Q.** Okay. And as you sit here today, you
- (20) know of no instance in which anybody within the
- (21) diocese has made such a report to the police or
- (22) to the authorities?
- (23) **A.** You're correct.
- (24) **Q.** What is your understanding as to when
- (25) such a report has to be made to the authorities?

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- (1) **A.** I believe it should be made immediately.
- (2) **Q.** In other words, under what
- (3) circumstances? Any time that someone hears
- (4) about --
- (5) **A.** Oh, I see.
- (6) **Q.** -- a suspected clergy sexual abuse
- (7) instance against a child?
- (8) **A.** That's right.
- (9) **Q.** So any time that a person within the
- (10) diocese, personnel, official, et cetera, learns
- (11) of that, pursuant to both the written policy of
- (12) the diocese and Connecticut state law, they would
- (13) have to go to the authorities with that
- (14) information?
- (15) **A.** You are correct.
- (16) **Q.** Okay. Now, going to page seven of the
- (17) policy, specifically referring to paragraph
- (18) seven, obligation to report, it indicates that
- (19) "any personnel of the diocese who have actual
- (20) knowledge of or who have reasonable cause to
- (21) suspect sexual misconduct by any other personnel
- (22) of the diocese shall comply with the requirements
- (23) of law as set forth." And then it has a
- (24) parenthetical, "unless to do so would violate the
- (25) priest/penitent relationship of the Sacrament of

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- (1) Reconciliation. And shall report to the diocese
- (2) as follows," and it goes through a number of
- (3) areas.
- (4) My question to you, Bishop, is,
- (5) whether this obligation to report was also a part
- (6) of the oral policy in effect prior to you coming
- (7) to the Diocese of Bridgeport?
- (8) **A.** The obligation to report before I set a
- (9) written policy was determined by the civil law.
- (10) And the policy of the diocese has always been to
- (11) obey the civil law.
- (12) **Q.** And what did the civil law require with
- (13) respect -- what is your understanding that the
- (14) civil law required with respect to the obligation
- (15) to report --
- (16) **A.** I know the civil law requirement, since
- (17) I came here, and it's in this policy here, I
- (18) believe it's something like within 72 hours when
- (19) you have a founded reason and so forth, you must
- (20) make a report to a specific department, I believe
- (21) it's mentioned. I would not presume to say what
- (22) it was before my arrival here because these laws
- (23) are changing all the time.
- (24) **Q.** Okay. But to the extent that civil law
- (25) required there being a reporting requirement,

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- (1) then the oral policy, prior to you coming to the
- (2) diocese, would have required an obligation to
- (3) report as well?
- (4) **A.** To the extent that the civil law
- (5) required it, the obligation would have been there
- (6) quite apart from the oral policy or no oral
- (7) policy -- the presence of an oral policy or not.
- (8) They were to abide by the civil law in any case.
- (9) It has nothing to do with an oral policy.
- (10) **Q.** The civil law that you're speaking of,
- (11) is that -- are you speaking of a law requiring an
- (12) individual to report the alleged abuse to the
- (13) authorities?
- (14) **A.** I'm speaking of any civil law that is
- (15) laid upon a citizen of the State of Connecticut,
- (16) would have been required in the Diocese of
- (17) Bridgeport to be obeyed.
- (18) **Q.** And my question to you is, the
- (19) obligation to report that's discussed in
- (20) paragraph seven, isn't that discussed in the
- (21) obligation to report to the diocese, versus the
- (22) obligation to report to other authorities?
- (23) **A.** I was under the impression you were
- (24) talking about reporting to the state.
- (25) **Q.** No. I'm talking in -- please take your



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- (1) time and I may be misunderstanding the policy.
- (2) But on page seven, paragraph seven, which
- (3) indicates that "any personnel of the diocese,"
- (4) and it goes on, dot, dot, dot, "and shall report
- (5) to the diocese as follows." Am I reading that
- (6) paragraph incorrectly, that --
- (7) **A.** "Any personnel of the diocese who have
- (8) actual knowledge of or a reasonable cause to
- (9) suspect questionable conduct by any other
- (10) personnel of the diocese shall comply with the
- (11) requirements of the law as set forth above."
- (12) And I believe that's the laws
- (13) about which you and I spoke. And those were the
- (14) laws of the State of Connecticut. Now, I do not
- (15) hold myself forward as a civil lawyer. I read
- (16) this to mean the laws above being the laws
- (17) discussed that you and I have discussed. If
- (18) that's not correct, you ask another question.
- (19) **Q.** Well, I'm really trying to get your
- (20) understanding of the policy, seeing that you
- (21) formulated it. So I might be mistaken, but does
- (22) paragraph seven speak of the obligation of
- (23) personnel to report offenses, suspected sexual
- (24) misconduct offenses, to the diocese?
- (25) **A.** 7.0, the one we're talking about, seems

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- (1) to me to be talking about civil law. If you're
- (2) going to go down to 7.1 and 7.2 and 7.3, then
- (3) we're into another area. Now you're talking
- (4) about reporting, according to our policy, to
- (5) people within our organization.
- (6) **Q.** Doesn't all of paragraph seven discuss
- (7) that? In other words, the first part of the
- (8) paragraph sets forth a general statement and then
- (9) subparagraphs 7.1, 7.2, 7.3 --
- (10) **A.** I read the first --
- (11) **Q.** Let me just finish -- just set forth in
- (12) more specific terms what one must do?
- (13) **A.** Well, both of us read 7.0 to mean very
- (14) likely the civil law. If you wish to go on to
- (15) 7.1 and so forth, then I'll be happy to go on.
- (16) That has to do with making a report to people
- (17) within our organization.
- (18) **Q.** Bishop, correct me if I'm wrong, but
- (19) the very last sentence of that paragraph,
- (20) obligation to report, indicates "and shall report
- (21) to the diocese as follows," correct?
- (22) **A.** All right. Fine.
- (23) **Q.** Okay.
- (24) **A.** Yes.
- (25) **Q.** So would you agree with me that the

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- (1) obligation to report that's discussed here, while
- (2) it may reference civil law, really is talking
- (3) about what a personnel of the diocese obligation
- (4) is in terms of reporting such complaints to the
- (5) diocese?
- (6) **A.** Clearly what's under seven, obligation
- (7) to report, has to do with all kinds of reports.
- (8) When you get down to 7.1 and 7.2, it specifies
- (9) what you do with the diocese. So the answer to
- (10) your question is yes, this document here has to
- (11) do, as well, with reporting to personnel of the
- (12) diocese, to superiors, to different persons in
- (13) the diocese.
- (14) **Q.** In other words, it's setting forth the
- (15) procedure to be followed if a -- if anyone in
- (16) personnel of the diocese, which is defined
- (17) earlier, laity, religious, clergymen, learn or
- (18) suspect of a sexual misconduct, what they are
- (19) supposed to do with that information, correct?
- (20) **A.** Very good.
- (21) **Q.** Is that a yes?
- (22) **A.** Yes.
- (23) **Q.** Okay. And my question to you is,
- (24) what's set forth with respect to the procedure or
- (25) policy they're supposed to follow, was that the

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- (1) same policy or procedure that they would have
- (2) followed before this written policy was enacted?
- (3) **A.** Whether it is in its -- all of its
- (4) particulars the same, I don't know. I wasn't
- (5) here. It was in substance the same.
- (6) **Q.** Okay. And again, just going back to
- (7) the fact that you felt this was an excellent
- (8) policy when you came on board as bishop, what was
- (9) your understanding of the procedure to be
- (10) followed by any personnel who had reasonable
- (11) cause to suspect sexual misconduct, in terms of
- (12) what they should do -- he or she should do with
- (13) that information?
- (14) **A.** On the part of the clergy?
- (15) **Q.** Well, you can start with on the part of
- (16) a clergy person, a clergyman had such
- (17) information, what he should do with that
- (18) information.
- (19) **A.** So whether the -- how the clergy should
- (20) report or how we should report about the clergy?
- (21) **Q.** My question to you --
- (22) **A.** Would you put the question to me again,
- (23) please?
- (24) **Q.** Sure. And just going back once again,
- (25) you had indicated that some elements of this

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- (1) written policy may not have been part of the
- (2) prior oral policy, and my question, I'm trying to
- (3) determine whether this obligation to report,
- (4) personnel's obligation to report, was similar, in
- (5) other words, whether the policy that's set forth
- (6) in paragraph seven and the subparagraphs, was the
- (7) same in the prior oral policy?
- (8) **A.** There was an obligation to report and
- (9) the obligation would have come not only from the
- (10) policy, but from the ordinary ethics of any
- (11) organization such as this one. If someone knew
- (12) that someone were doing something wrong with a
- (13) child, that someone would be expected to report
- (14) it.
- (15) The -- the avenue of the reports,
- (16) to whom each reported and when and so forth, is
- (17) substantially the same in this as what I
- (18) understood it to be before I came.
- (19) **Q.** And what is your understanding of what
- (20) the written policy was or is at this time?
- (21) Either from your general knowledge or from
- (22) reviewing this document.
- (23) **A.** Do you want to say who -- about whom
- (24) are we reporting? You were talking about --
- (25) about whom are we -- anyone?

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- (1) **Q.** Well, let's start with anyone.
- (2) **A.** All right. The person that thinks that
- (3) someone is molesting a child or abusing a child
- (4) in some way at all, would go to the head of that
- (5) particular department. That particular head
- (6) would immediately take this matter to the
- (7) director of we call finance and administration,
- (8) or, more ordinarily, to the episcopal vicar for
- (9) clergy and religious. They would immediately
- (10) direct how we proceed from there. I could add
- (11) that they would check with our counsel, inform
- (12) him or her, whoever, of the situation.
- (13) There is then a responsibility on
- (14) the part of either of those two persons that you
- (15) went to, either the director of finance and
- (16) administration or the vicar of clergy, to make
- (17) the proper report.
- (18) Then we would immediately tell me
- (19) about this thing. The insurance carrier would be
- (20) told. We would then handle the thing in
- (21) confidence. Finding out what substance there was
- (22) to it and so forth. And we would run the usual
- (23) kinds of meetings anyone runs in this kind of an
- (24) operation.
- (25) **Q.** So that in the event that any

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- (1) personnel – you basically gave me a rundown, a
- (2) general rundown, of what personnel should do in
- (3) the event that they learned of or suspected a
- (4) sexual misconduct complaint?
- (5) **A.** Any member of the defined personnel.
- (6) **Q.** And you clearly would be in that chain
- (7) of command; in other words –
- (8) **A.** I would be informed, that's correct.
- (9) **Q.** Okay. And basically who would be
- (10) informing you of such a complaint or such a
- (11) suspicion?
- (12) **A.** If it went to the diocesan director of
- (13) finance and administration, he would. If it went
- (14) to the episcopal vicar for clergy and religious,
- (15) he would.
- (16) **Q.** Okay. And just to mention one thing,
- (17) right before we concluded the morning session, we
- (18) spoke a little bit about the definition of
- (19) complaint, and that when I mean complaint, I
- (20) don't mean a legal complaint. Was there any
- (21) answers that you gave me to our questions this
- (22) morning, because that word complaint came up
- (23) quite a bit, that would need to be changed given
- (24) the fact that we're using a very broad term of
- (25) complaint?

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- (1) **A.** No. I've made my peace with complaint
- (2) being more than a legal entity.
- (3) **Q.** Okay. And could you explain to me –
- (4) it just seems rather strange that the director of
- (5) finance administration would be part of this
- (6) chain of command or procedure in terms of
- (7) notification of a sexual abuse complaint. Why
- (8) would that department be involved?
- (9) **A.** The man that heads that department is
- (10) intimately involved with everything we do in the
- (11) diocese. And he is especially involved with any
- (12) questions we would have with the insurance
- (13) company or with lawyers. And so it is simply our
- (14) policy, since we have always had him in that key
- (15) position, for us to include him among the people
- (16) to whom you could go.
- (17) If the issue were a teacher, a
- (18) Catholic Charities social worker – incidentally
- (19) these things don't happen, we are talking about
- (20) ifs. If there were, the inclination would be to
- (21) go to one or the other and know that in going to
- (22) the man that has that position, he is very well
- (23) advised about all of this sort of thing,
- (24) especially its involvement with the legalities
- (25) and the insurance.

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- (1) **Q.** Forgive me, Father – Bishop, but these
- (2) things do happen because that's the reason why
- (3) we're seated here today and that's the reason why
- (4) you have requested that two priests voluntarily
- (5) reduce themselves to the lay state, correct?
- (6) **A.** These things happen in such small
- (7) numbers. It's marvelous when you think of the
- (8) hundreds and hundreds of priests and how very few
- (9) have even been accused, and how very few have
- (10) even come close to having anyone prove anything,
- (11) so it is not a commonplace, by any means at all.
- (12) It's a unique and unexpected occurrence.
- (13) **Q.** Well, Bishop, you don't, or do you,
- (14) keep statistics with respect to the number of
- (15) lawsuits or claims brought against the diocese
- (16) with respect to sexual clergy abuse, or do you?
- (17) **A.** Claims are one thing. One does not
- (18) take every claim against every human being as a
- (19) proved misdeed. I'm interested in proved
- (20) misdeeds.
- (21) **Q.** Yet the misdeeds against Father
- (22) O'Connor were never proved; in other words, you
- (23) didn't know if those were true but you requested
- (24) that he be reduced to the lay state, correct?
- (25) **A.** That is correct.

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- (1) **Q.** And with respect to – just getting
- (2) back to my question, I take it you don't keep
- (3) statistics or percentages with respect to how
- (4) many claims or how many lawsuits have been
- (5) brought over the years against the diocese for
- (6) this kind of –
- (7) **A.** Claims are not of interest to me.
- (8) Realities are.
- (9) **Q.** So is it your position that a claim,
- (10) unless someone brings a lawsuit, that it doesn't
- (11) have validity?
- (12) **A.** A claim can be with or without a
- (13) lawsuit. The bringing of a lawsuit adds
- (14) nothing.
- (15) **Q.** Okay. And isn't it true that –
- (16) **A.** I'd like to be sure that that answer
- (17) was gotten correctly.
- (18) Could you read that question and
- (19) answer back, please? Is that permitted?
- (20) **MR. SWEENEY:** Yes.
- (21) **MS. ROBINSON:** Well, not really.
- (22) **MR. SWEENEY:** I think if there's
- (23) uncertainty as to how we're dealing with an
- (24) issue, I think it's appropriate to ask to have it
- (25) read back.

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- (1) **MS. ROBINSON:** Well, I don't think
- (2) it's really necessary.
- (3) **A.** Only to be sure that it's on the
- (4) record.
- (5) **MS. ROBINSON:** Only because Bishop
- (6) Egan is going to have a chance to have the errata
- (7) sheet. And he can read it.
- (8) **A.** Well, I'm not going to remember
- (9) everything and I want that on the record.
- (10) Well –
- (11) **MR. SWEENEY:** Well, now, let me –
- (12) **MS. ROBINSON:** And we have a
- (13) videotape here. So even if for some reason the
- (14) record wasn't created, we can always go look for
- (15) the videotape.
- (16) **MR. SWEENEY:** I am requesting
- (17) that –
- (18) **MS. ROBINSON:** I think we'll be
- (19) all secure about that.
- (20) **MR. SWEENEY:** – we take time out
- (21) to have read back, the last question and answer,
- (22) for clarity's sake. If there's a
- (23) misunderstanding, we'd rather clear it up right
- (24) now.
- (25) May we have it read back, Mr.

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- (1) Reporter?
- (2) **MS. ROBINSON:** I'm not
- (3) misunderstanding it.
- (4) (Portion referred to read.)
- (5) **MR. SWEENEY:** Thank you very
- (6) much.
- (7) **Q.** So that despite the fact that a lawsuit
- (8) is not brought, a claim could have a great deal
- (9) of validity, correct?
- (10) **A.** That is correct.
- (11) **Q.** And there is a subjective opinion as to
- (12) whether the claim has validity, and that
- (13) subjective opinion is being made on behalf of the
- (14) officials in the diocese, correct?
- (15) **A.** I don't know what you said.
- (16) **Q.** Okay. You indicated to me that many
- (17) claims – just because there's a claim doesn't
- (18) really mean anything. You're not interested in
- (19) claims, you're interested in the, you know, the
- (20) truth, so to speak.
- (21) **A.** In the reality, that's correct.
- (22) **Q.** In the reality. And the reality would
- (23) be the truth, correct?
- (24) **A.** Thank you.
- (25) **Q.** And my question to you is, would you

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- (1) agree with me that there is a certain amount of
- (2) subjectivity on the part of the diocesan official
- (3) in determining whether the claim has a reality?
- (4) A. There is.
- (5) Q. Okay. For instance, when you first
- (6) became bishop, you indicated to us earlier this
- (7) morning that you were told of four instances of
- (8) clergy sexual abuse, allegations, allegations --
- (9) instances that allegations were made, correct?
- (10) A. I was informed of allegations.
- (11) Q. And we can agree, can we not, Bishop
- (12) Egan, that the allegations against Father Brett
- (13) are more than allegations, that is a reality
- (14) because he actually confessed to that?
- (15) A. We can agree that on very small number,
- (16) remarkably small number, in a huge number of
- (17) priests, that there were some -- there was the
- (18) one case you gave and there may have been
- (19) another, but I don't like the plural used, as
- (20) though there was a large number. We have a
- (21) remarkably small number. You probably won't find
- (22) any other group that can match this record.
- (23) Q. And --
- (24) A. Claims are claims. Allegations are
- (25) allegations.

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- (1) Q. And just to get back to my question,
- (2) you would agree with me that the claims against
- (3) Father Brett come out of the realm of
- (4) allegations, that those claims are reality,
- (5) because Father Brett confessed to those
- (6) offenses --
- (7) A. They are allegations --
- (8) Q. -- correct?
- (9) A. -- that proved to be true.
- (10) Q. Okay. And you would agree with me that
- (11) with respect to the allegations against Father
- (12) O'Connor, you felt so strongly about those
- (13) allegations that you requested this man to
- (14) voluntarily reduce to the lay state, correct?
- (15) A. I felt so strongly about the
- (16) circumstances of Father O'Connor, that I made my
- (17) judgment that it was appropriate for me, as
- (18) bishop, to ask him to request reduction to the
- (19) lay state.
- (20) Q. And there were two other priests
- (21) against whom you were advised of instances of
- (22) allegations, which your attorney will not let us
- (23) get into, but we know that at that time, you were
- (24) not advised of any allegations or instances of
- (25) allegations made against, for instance, Father

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- (1) Pcolka, correct?
- (2) A. There --
- (3) MR. SWEENEY: Counsel, can you
- (4) specify the time to which you have reference?
- (5) MS. ROBINSON: I'm referencing the
- (6) time that we've been speaking about this morning,
- (7) that 1989 to 1990 period, when Bishop Egan met
- (8) initially with the Monsignors Scheyd, Bronkiewicz
- (9) and Driscoll.
- (10) MR. SWEENEY: Any time during the
- (11) 1989 calendar year?
- (12) MS. ROBINSON: That 1989 to 1990 I
- (13) think is the time period that Bishop Egan had
- (14) indicated this morning when he had those initial
- (15) meetings to find out about the sexual -- the
- (16) clergy sexual abuse allegations.
- (17) MR. SWEENEY: Thank you.
- (18) A. All right. There had been an
- (19) allegation, we learned, by a Landro person and I
- (20) believe that we were -- they were looked into, an
- (21) expert's advice was sought and the conclusion was
- (22) that we're speaking of an allegation which had
- (23) not moved into the area you describe as truth.
- (24) Q. Just so that the record is clear, I am
- (25) correct that of the four priests that you

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- (1) discussed this morning, two that were named and
- (2) two that you will not name for us on the advice
- (3) of your attorney, none of the four involved you
- (4) being advised that any instance of -- allegation
- (5) of sexual abuse had been made against Father
- (6) Pcolka, correct?
- (7) A. I don't understand the question.
- (8) Q. Okay. You had indicated to us that
- (9) during that meeting or meetings which you had
- (10) with the various Monsignors that you mentioned --
- (11) A. Yes.
- (12) Q. -- you were advised of four allegations
- (13) against -- or allegations against four different
- (14) priests.
- (15) A. All right.
- (16) Q. That's what you said this morning,
- (17) correct?
- (18) A. It is.
- (19) Q. One of those priests is Father Brett,
- (20) correct?
- (21) A. Correct.
- (22) Q. One of these priests is Father
- (23) O'Connor?
- (24) A. That's right.
- (25) Q. There were two other priests which your

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- (1) attorney has instructed you not to give us the
- (2) names. Correct?
- (3) A. That is correct.
- (4) Q. I had asked you whether either of those
- (5) priests, three and four, let's say, priest number
- (6) three and priest number four, was Father Pcolka
- (7) and you had told me that it was not Father
- (8) Pcolka.
- (9) A. That's right.
- (10) Q. So would it be fair to say that when
- (11) you were having these meetings with the
- (12) Monsignors, neither Monsignor Bronkiewicz, nor
- (13) Monsignor Driscoll, nor Monsignor Scheyd advised
- (14) you that there had -- prior to your coming to the
- (15) diocese, that there had been an allegation, a
- (16) complaint, levied against Father Pcolka?
- (17) A. A complaint that was found to be
- (18) inadequate because we had expert advice that that
- (19) complaint was not to be taken -- any action was
- (20) to be taken on it.
- (21) Q. Okay. So are you telling me now that
- (22) in addition to the Monsignors advising you of
- (23) allegations of sexual misconduct against four
- (24) priests, that they also mentioned unsubstantiated
- (25) claims that had been made against other priests?

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- (1) A. Father Pcolka's claim against him
- (2) happened in, if I recall correctly, in August of
- (3) 1989. At that time, if I again recall correctly,
- (4) there had been the claim about the Landro
- (5) person. I also seem to recall that there had
- (6) been a misfiling of the letter regarding this. I
- (7) immediately -- upon finding out about the claim
- (8) in 1989, in August, I immediately had Father
- (9) Pcolka go to the Institute of Living, which at
- (10) that time was commonly indicated, for example, in
- (11) the U.S. News and World Report each year, as an
- (12) outstanding, if not the best, institution or
- (13) agency for handling difficulties of a
- (14) psychological nature.
- (15) I had him go there. I had a
- (16) judgment about him made by a distinguished
- (17) psychiatrist, who said -- I cannot quote the
- (18) letter but I'm sure counsel would be happy to
- (19) make it available to you -- that he did not find
- (20) reason to conclude that there was any danger in
- (21) this person. I would say that at that point,
- (22) that claim did not move into the area of
- (23) reality.
- (24) Q. Okay.
- (25) A. This is a nation where just because

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- (1) someone accuses you of something, you do not
- (2) thereby stand condemned.
- (3) Q. That's what makes this country so
- (4) wonderful.
- (5) Now, I would be very pleased if
- (6) you would ask your attorney to provide us the
- (7) report that you're speaking of in reference to
- (8) Father Pcolka because we don't actually have a
- (9) copy of it. So if you, Bishop, have one, or if
- (10) your counsel has one -
- (11) A. If I am permitted to, I certainly
- (12) will.
- (13) Q. - I'll be happy to take a look at it.
- (14) MR. SWEENEY: Well, I think a
- (15) statement should be made for the record,
- (16) Ms. Robinson, ~~and you may or may not recall this,~~
- (17) ~~but this is one of those documents in Father~~
- (18) ~~Pcolka's personnel file which Judge Bruce Levin~~
- (19) ~~examined. It's a report from the Institute of~~
- (20) ~~Living dated August 1989, which, at the~~
- (21) ~~insistence of Father Pcolka's counsel, Attorney~~
- (22) ~~Murphy, I was not allowed to turn over to you.~~
- (23) But there does exist such a report. It's listed,
- (24) I think, as the second item on the list of
- (25) documents not -

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- (1) MS. ROBINSON: I was just making a
- (2) statement for the record.
- (3) THE WITNESS: Well, Counsel, I
- (4) couldn't possibly remember that particular and I
- (5) didn't -
- (6) MR. SWEENEY: I - Bishop, I want
- (7) to state for the record that there is a court
- (8) order that has blocked us from turning this
- (9) report over to Attorneys Tremont and Sheldon,
- (10) which goes back to 1994. The report exists but
- (11) we - we're not free to turn it over. Put it
- (12) that way.
- (13) Q. Let me go back. I'm just trying to
- (14) understand the testimony that was given this
- (15) morning, as well as the testimony that was given
- (16) on October 7th of 1997, with respect to the
- (17) discussions that Bishop Egan had regarding his
- (18) endeavor to find out about the sexual - clergy
- (19) sexual abuse within the diocese that he was
- (20) coming into, and I understood that this morning
- (21) you had indicated you had had meetings or -
- (22) meeting or meetings with a number of the
- (23) Monsignors that you had mentioned, at which time
- (24) you were advised of allegations that had been
- (25) raised or levied against four different priests.

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- (1) Correct?
- (2) A. That is correct.
- (3) Q. Now I'm understanding that in addition
- (4) to being advised about allegations against four
- (5) different priests, that during that same time
- (6) period, you were advised of other matters that
- (7) had been - other claims that had been levied
- (8) against other priests, but you're basically
- (9) saying that these claims were not substantiated?
- (10) A. I believe your original question was
- (11) when I arrived, what were the previous claims.
- (12) And I believe I answered that appropriately. As
- (13) the time went on, we had a claim against Father
- (14) Pcolka. I do not remember exactly if the Landro
- (15) document came when that came forward. I know it
- (16) came forward but I don't remember the exact
- (17) time. Obviously, if there were a claim during
- (18) 1989 and 1990, I would scarcely need Monsignor
- (19) anyone to tell me about it.
- (20) Q. It depends on time. I don't know - in
- (21) other words, it could have been that you had
- (22) these meetings with the Monsignors in March of
- (23) '89, at which point they told you about these
- (24) four priests, none of whom included Father
- (25) Pcolka. And then later you found out about the

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- (1) August of '89 complaint, at which point you,
- (2) "Aha, oh, by the way, there was a claim against
- (3) Pcolka."
- (4) A. There was no -
- (5) Q. That's what I'm trying to find out, as
- (6) to how it happened.
- (7) A. There was no "aha," by the way. The
- (8) development of the policy was an ongoing effort
- (9) in 1989 and the early part of 1990. When I
- (10) arrived in due course, and I can't tell you exact
- (11) date, I found about the four claims. During the
- (12) 1989 effort, in writing this policy, this matter
- (13) of Father Pcolka came forward.
- (14) Q. Okay.
- (15) A. Was I informed by then, yes. Was it in
- (16) a particular meeting when I was speaking about
- (17) the policy, I don't know.
- (18) Q. Okay.
- (19) A. I suspect it was discussed also there.
- (20) Q. Would it be fair to say that you
- (21) learned in that same time period about a fifth
- (22) priest, about Father Pcolka, during that same
- (23) time frame in addition to Father O'Connor and in
- (24) addition to Father Brett and in addition to the
- (25) two priests that you can't give us the names?

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- (1) A. I learned about a claim against Father
- (2) Pcolka in August of the first year I was there,
- (3) 1989. I dealt with it immediately at the highest
- (4) level of psychiatric information.
- (5) Q. Okay.
- (6) A. During that period, I was in the
- (7) process with others of working out a policy. My
- (8) statements are consistent and clear.
- (9) Q. No one is suggesting that they're not.
- (10) I'm just trying to be clear as to the names or
- (11) the numbers of other priests, Bishop Egan, that
- (12) had charges levied against them or allegations
- (13) made against them, because of your statements on
- (14) the record that it was such a small, small
- (15) percentage given the large number of priests
- (16) within the Diocese of Bridgeport.
- (17) A. That is correct.
- (18) Q. That's what I'm trying to get at.
- (19) Would you agree with me that in 1983, a claim
- (20) against Father Pcolka was indeed made?
- (21) A. I would.
- (22) Q. Okay. And -
- (23) A. Is this the Landro complaint?
- (24) Q. Well, do you know of another complaint
- (25) that was made against Father Pcolka?

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- (1) A. No, ma'am. I'm asking you what you're
- (2) speaking about. What complaint are you talking
- (3) about? He might be complained about by any
- (4) number of people about any number of things.
- (5) Q. Well, this is not a complaint about his
- (6) sermons being too long. This is a complaint
- (7) dealing with what this whole deposition is
- (8) about. It's a complaint against sexual abuse of
- (9) children.
- (10) A. Very well, then we have it, that's the
- (11) complaint.
- (12) Q. Okay. So that we're clear, you know of
- (13) only one sexual abuse - clergy sexual abuse
- (14) complaint levied against Father Pcolka in 1983?
- (15) A. You are correct, ma'am.
- (16) Q. Okay. And it's your memory that that
- (17) involved a Miss Landro?
- (18) A. I believe the name was Miss Landro. It
- (19) was Landro. I'm not sure exactly who you're -
- (20) Miss or Mr.
- (21) Q. Okay. You don't know whether it was a
- (22) male or a female?
- (23) A. I do not recall the particular right
- (24) now. I wasn't here in that year.
- (25) Q. And is it your testimony that at the

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- (1) time that that complaint was made to the diocese,
- (2) the diocese at that time -- I know you weren't
- (3) part of the diocese at that time, but the diocese
- (4) at that time, the bishop and the vicar of clergy
- (5) made a determination that it wasn't a
- (6) substantiated claim?
- (7) A. That is correct.
- (8) Q. Okay. So that if we go back to your
- (9) numbers in terms of it's a very small numbers and
- (10) there's lots of claims and claim doesn't mean
- (11) anything, in your mind, the claim made by Jamie
- (12) Jo Landro, Miss Landro, had no credence, and
- (13) shouldn't be counted as a claim against Father
- (14) Pcolka?
- (15) A. It should be counted as a claim. It
- (16) shouldn't be counted as a proved reality.
- (17) Q. Okay. Do you still feel that way,
- (18) Bishop Egan, that --
- (19) A. It's not a matter of feeling, madam,
- (20) it's a matter of reality.
- (21) Q. Okay.
- (22) A. It has not been a proved reality. We
- (23) are talking about an American citizen with the
- (24) right to his good name until an accusation has
- (25) been proved.

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- (1) Q. Well, didn't Father O'Connor have that
- (2) same right as Father Pcolka? Didn't Father
- (3) O'Connor have the right to assume that he was
- (4) innocent until proven guilty, prior to you
- (5) requesting he be reduced to the lay state?
- (6) A. My asking him to be reduced to the lay
- (7) state was not a punishment for an act. It was an
- (8) administrative decision of mine about what was
- (9) best for him and the church.
- (10) Q. Because you made a decision -- even
- (11) though he had not been found guilty in a court of
- (12) law, you made a decision that it was not in the
- (13) church's best interest or his best interest to
- (14) continue to be a priest, correct?
- (15) A. Yes.
- (16) Q. In the same fashion, you're making a
- (17) determination -- I'm asking you to make -- based
- (18) on your feelings, in other words, you based that
- (19) on what you knew at the time regarding Father
- (20) O'Connor. Based on what you know at the time
- (21) regarding Father Pcolka, are you telling me --
- (22) are you stating under oath here today in front of
- (23) the video camera --
- (24) A. Ma'am, I'm under oath and don't ever
- (25) worry about that. I'm well aware of that. Just

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- (1) the question.
- (2) Q. Well, I'll phrase the questions as I
- (3) see fit. I'm sorry if you find them upsetting.
- (4) Are you telling us now, Bishop
- (5) Egan, that based on all that you know up until
- (6) this date, up until September of 1999, that you
- (7) still feel that the complaint made by J. Landro
- (8) was unsubstantiated, was not a reality?
- (9) A. It has not been proved, madam.
- (10) Q. Okay. Have you read the deposition of
- (11) Miss Landro?
- (12) A. I have not.
- (13) Q. Have you read the deposition of Father
- (14) Pcolka?
- (15) A. I have not.
- (16) Q. Are you aware of the fact that Father
- (17) Pcolka took the Fifth Amendment over 100 times
- (18) when asked whether he committed sexual offenses
- (19) against children?
- (20) A. I am.
- (21) Q. Based on that information alone, you
- (22) cannot make or give an opinion to us at this
- (23) point as to whether you feel that the claim made
- (24) by Miss Landro was a reality?
- (25) A. Of course not. And you know that as

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- (1) well as I.
- (2) Q. I'm sorry, but I don't know that,
- (3) Bishop Egan.
- (4) A. All right, I'll help you.
- (5) Q. I don't think that I need the help, but
- (6) I'll be happy to hear your answer.
- (7) A. All right. Part of this occurred, I
- (8) understand, in another state. The statute of
- (9) limitations would not have been running in that
- (10) other state. Therefore, there could be a court
- (11) case in another state which could ask for the
- (12) court records in this state. I could well
- (13) imagine that we should listen to -- I would well
- (14) imagine that his lawyer would direct him to keep
- (15) that in mind and that would be a valid and common
- (16) reason for doing what he did.
- (17) Q. Okay.
- (18) MR. SWEENEY: Pardon me, would
- (19) this be a good time for a break? Maybe a
- (20) five-minute break?
- (21) MS. ROBINSON: Well, I thought our
- (22) customary break is 3:30?
- (23) MR. SWEENEY: I know but we're
- (24) breaking at 4:00 anyway. Frankly, I need to use
- (25) the plumbing.

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- (1) MS. ROBINSON: Well, then any
- (2) time.
- (3) MR. SWEENEY: Thank you.
- (4) (Recess: 2:47 to 2:55 p.m.)
- (5) BY MS. ROBINSON:
- (6) Q. Bishop Egan, I'd like to revisit our
- (7) ability to determine the identity of priests
- (8) three and four that you were so advised about
- (9) during that -- in that 1989-1990 period. I
- (10) understand that your counsel has instructed you
- (11) not to witness -- not to answer the question as
- (12) it relates to a number of nonparty priests that
- (13) he listed on the record, as well as not to answer
- (14) as it might relate to Father Federici, Father
- (15) Carr and Father Coleman.
- (16) My question to you is, either
- (17) priest -- does either priest three and four, are
- (18) they -- the identity of those two priests or one
- (19) of those priests, outside of the names that
- (20) Mr. Sweeney has indicated on the record -- and if
- (21) you'd like, we could go over those names because
- (22) there were quite a few.
- (23) A. Well, I guess you'll just have to go
- (24) over the names.
- (25) MR. SWEENEY: I'll be happy to

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- (1) state them again if you'd like, Counsel.
- (2) MS. ROBINSON: Sure.
- (3) MR. SWEENEY: The seven nonparty
- (4) priests, clients of Attorney Mark Kravitz who
- (5) have the pending appeal right now are as
- (6) follows: Father Alfred Bietgoffer, Father Mark
- (7) Grimes, Father Stanley Koziol, Father Thomas
- (8) Thorne, Monsignor Charles Stubbs, Monsignor
- (9) Gregory Smith, and Father Joseph Moore. Now,
- (10) those are the seven clients of Attorney Kravitz,
- (11) the proposed intervenors.
- (12) The others who are not party to
- (13) this lawsuit but who are parties to other
- (14) lawsuits and who have separate defense counsel
- (15) representing their interests, are Father Charles
- (16) Carr, Father Walter Philip Coleman and Father
- (17) Martin Federici. So we have a total of 10
- (18) priests in all.
- (19) Q. My question to you is, was priest three
- (20) or four that was discussed during one or more of
- (21) these meetings, anyone other than one of those 10
- (22) priests that Mr. Sweeney just mentioned?
- (23) A. No.
- (24) Q. Okay. And you had indicated in your
- (25) explanation about learning about -- learning of

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- (1) the Polka incident, that there was some type of
- (2) misfiling, and I don't know whether I understood
- (3) you correctly. Could you please explain what --
- (4) A. All right. I could have confused a
- (5) name here and there too.
- (6) We're talking about 1989-1990 when
- (7) this was being written, as I recall. In August
- (8) of 1989, the name I believe was Krug, if I said
- (9) Landro, I meant Krug. I don't recall what I
- (10) said. The allegation came and we followed our
- (11) precise policy, as I described to you. I
- (12) understand that many years later, and I can't
- (13) give you the exact time, and I wasn't able to
- (14) give the exact time a few minutes ago, a letter
- (15) emerged regarding a Landro, whom you've
- (16) identified as Miss Landro.
- (17) Q. Many years after '89, 1989?
- (18) A. That's right. That's right. '92, '93,
- (19) in that area. Therefore, that was not under
- (20) consideration when I came and it was not under
- (21) consideration when I was making the policy in '89
- (22) and '90, which is your question.
- (23) Q. I don't think that was my -- my
- (24) question to you is that you had indicated there
- (25) had been some misfiling. What specifically was

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- (1) misfiled?
- (2) A. Some kind of a letter that referred to
- (3) Landro.
- (4) Q. Okay. So in other words, in '89, when
- (5) you were discussing the complaint made by
- (6) Mr. Krug, you were not advised or aware of the
- (7) 1983 complaint made by Miss Landro; is that what
- (8) you're saying?
- (9) A. Yes.
- (10) Q. Okay. And did you ever find that
- (11) letter?
- (12) A. We did.
- (13) Q. Where was it?
- (14) A. I can't tell you exactly. It was -- I
- (15) believe it was misfiled and I'm going to take
- (16) a -- no, I'm not going to guess. It was
- (17) misfiled.
- (18) Q. Do you know where it was misfiled?
- (19) A. I just told you I wasn't going to take
- (20) a guess where it was misfiled. It could have
- (21) been -- ideally it would have been in the file of
- (22) the vicar for clergy and religious under his
- (23) name. But I'm -- it's even in one of these
- (24) testimonies. It was found in another file that
- (25) had been misfiled, inappropriately filed at the

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- (1) time.
- (2) Q. Who found it?
- (3) A. I believe your organization found it or
- (4) advised us of it, or something of the sort. I'm
- (5) not sure.
- (6) Q. Well, are you saying that -- Strike
- (7) that.
- (8) Was the letter ever found within
- (9) any of the diocesan files?
- (10) A. Yes.
- (11) Q. Okay.
- (12) A. Misfiled.
- (13) Q. Okay. But you're not saying that, in
- (14) other words, plaintiffs' counsel found it? I'm
- (15) confused by that answer.
- (16) A. Plaintiffs' counsel knew there was
- (17) something or something of the sort, and we went
- (18) and looked further in files and found a letter.
- (19) Q. And who specifically was directed to do
- (20) the search for that letter?
- (21) A. Monsignor Bronkiewicz.
- (22) Q. Was there -- how many letters were you
- (23) looking for?
- (24) A. We were looking for whatever there
- (25) was.

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- (1) Q. Okay. And how many letters were you
- (2) able to find?
- (3) A. I know we found at least one.
- (4) Q. Okay. Were you looking for more than
- (5) one letter?
- (6) A. I was looking for all available letters
- (7) regarding this matter.
- (8) Q. Okay. Do you know whether you found
- (9) all of the available letters regarding this
- (10) matter?
- (11) A. I found -- we found all the ones we
- (12) were able to find.
- (13) Q. Okay. You had indicated that --
- (14) Strike that.
- (15) Is it your testimony that in the
- (16) beginning of -- in 1989, up until the time that
- (17) Mr. Krug made his complaint, none of the
- (18) monsignors was aware of the 1983 complaint?
- (19) A. Mr. Krug never made a complaint.
- (20) Q. He didn't.
- (21) A. My understanding is that his mother
- (22) came, or a relative of -- somehow -- some kind of
- (23) a relative, and Mr. Krug, if you're speaking of
- (24) the one who was allegedly abused, did not come,
- (25) was not willing to come. This is my remembrance.

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- (1) Q. Okay. Did you ever speak to Monsignor
- (2) Cusack about the 1983 complaint made by Miss
- (3) Landro?
- (4) A. I did not. Neither did I have any
- (5) reason to speak about it because I had no idea
- (6) there had been a matter of any kind in that
- (7) year.
- (8) Q. When was the -- what was it that you
- (9) found anyway, specifically? A report, a letter?
- (10) What was it?
- (11) MR. SWEENEY: Pardon me, Counsel,
- (12) you mean what was found in his behalf, not that
- (13) he found it, but --
- (14) MS. ROBINSON: Not -- I don't mean
- (15) so literal.
- (16) Q. What did the diocese find?
- (17) A. I asked Monsignor Bronkiewicz to do a
- (18) very, very thorough search, even in places which
- (19) would be unlikely to have had a letter, for
- (20) instance to anyone that someone might have filed
- (21) the letter because the author of the letter was
- (22) the one under whose name the letter was filed.
- (23) One might have filed it because the receiver of
- (24) the letter, one might have filed it because of
- (25) the subject of the letters, and so forth. And I

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- (1) asked Monsignor Bronkiewicz to find out if we had
- (2) anything on this complaint. He came up with what
- (3) I have already told you.
- (4) Q. When in time did you ask him to do
- (5) this?
- (6) A. I believe it was around 1992 or 1993,
- (7) when we were told that there had been a
- (8) complaint.
- (9) Q. In addition, before actually searching
- (10) for this document, were you able to see what it
- (11) looked like?
- (12) A. Your fellow -- would you want to say
- (13) that again?
- (14) Q. Sure. Did you know what you were
- (15) looking for? In other words, did you know
- (16) specifically what you were looking for at that
- (17) time?
- (18) A. To repeat my former answer, I was
- (19) looking for anything that might have a connection
- (20) with the complaint.
- (21) Q. Well, you -- are you aware of the fact
- (22) that that -- that a letter from Miss Landro --
- (23) strike that -- that a letter from Monsignor
- (24) Cusack, the text of that letter appeared in the
- (25) newspaper?

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- (1) A. When?
- (2) Q. I'm just asking you, are you aware of
- (3) that?
- (4) A. I don't know that it appeared in the
- (5) newspaper. But if it appeared in 1983, I wasn't
- (6) here.
- (7) Q. I'm not talking 1983, I'm talking
- (8) during the period of time that you were bishop.
- (9) A. In 19 -- well, I don't know about the
- (10) newspaper.
- (11) Q. Okay.
- (12) A. I don't remember that.
- (13) Q. Were you aware of the fact that when
- (14) you were asking Monsignor Bronkiewicz to search
- (15) for a document, that it was a document authored
- (16) by Monsignor Cusack?
- (17) A. I was asking him to search for any
- (18) documents that there were.
- (19) Q. Did you -- were you looking for one
- (20) specifically that was authored by Monsignor
- (21) Cusack?
- (22) A. I was looking for no specific
- (23) document. I had no reason to believe there would
- (24) be any document.
- (25) Q. Well, then if you thought there -- if

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- (1) you had no reason to believe there would be a
- (2) document, well, why were you looking for one?
- (3) A. Because your group alleged that there
- (4) had been a complaint.
- (5) Q. And that's the only reason you were
- (6) looking for a document?
- (7) A. The reason I was looking for the
- (8) document is that someone from your group alleged
- (9) that there had been a complaint.
- (10) Q. And in answer to that, did you have
- (11) your counsel write a letter accusing us of liable
- (12) and making up falsehoods?
- (13) A. In answer to that, I asked Monsignor
- (14) Bronkiewicz to look and see if there was any
- (15) documentation regarding the complaint.
- (16) Q. And before you made the search and
- (17) actually found the letter, did you direct your
- (18) counsel to write a letter to our firm accusing us
- (19) of liable and making up falsehoods about prior
- (20) complaints?
- (21) A. I know nothing about any letters to
- (22) your firm of that kind.
- (23) Q. You weren't aware of that, that your
- (24) attorney filed such a letter to our firm?
- (25) A. Whether I was aware then, I don't

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- (1) know. I have no remembrance of it now.
- (2) Q. Okay. But to the extent that anybody
- (3) accused Tremont & Sheldon of misstating the facts
- (4) that a prior complaint before 1993 was made
- (5) against Father Pcolka, and before 1989, that
- (6) would be -- in other words, that would be a true
- (7) statement?
- (8) A. It's not for me to judge. I don't know
- (9) the facts on that.
- (10) Q. Well, you know that a complaint was
- (11) made --
- (12) A. I don't know what Sheldon said or
- (13) didn't say.
- (14) Q. Please let me finish the question,
- (15) Bishop Egan. I don't know who you're referring
- (16) to with respect to Sheldon. You know --
- (17) MR. SWEENEY: The firm of Tremont
- (18) & Sheldon.
- (19) Q. You know, Bishop Egan, that a complaint
- (20) was indeed made against Father Pcolka in 1983,
- (21) correct?
- (22) A. This emerged in 1992 or 1993.
- (23) Q. Well, whenever it emerged, the fact of
- (24) the matter is, it was made back in 1983, correct?
- (25) A. This is correct.

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- (1) Q. Okay. And up until this date, have you
- (2) ever had any conversations with Monsignor Cusack,
- (3) regarding that complaint?
- (4) A. I have not directly had any
- (5) conversations with Monsignor Cusack regarding
- (6) that complaint. Others on my staff have.
- (7) Q. Why haven't you spoken to Monsignor
- (8) Cusack about that?
- (9) A. Because I have total confidence that
- (10) it's being handled very carefully by those who
- (11) know all of the facts and have been watching them
- (12) carefully for years.
- (13) Q. But aren't you interested in knowing
- (14) those specific facts directly?
- (15) A. I am interested and I think it's clear
- (16) my knowledge of this matter is very complete when
- (17) you consider how many years ago we're speaking
- (18) of.
- (19) Q. Now, with respect to the allegations
- (20) that you learned about in '89 through '90,
- (21) against these four priests, two of whom we know,
- (22) Father Brett and Father O'Connor, pursuant to
- (23) your policy, your written policy, and pursuant to
- (24) civil law, did you report these abuses to the
- (25) authorities?

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- (1) A. The abuses that are alleged would have
- (2) happened well before I came, and I have every
- (3) reason to believe that whoever's duty it was to
- (4) report them, reported them.
- (5) Q. Well, did you ask whether they had been
- (6) reported to the authorities?
- (7) A. I don't recall asking if they had been
- (8) reported to the authorities.
- (9) Q. And do you know of any time limitation
- (10) with respect to when a report is supposed to be
- (11) made to the authorities?
- (12) A. I believe that there is now a time
- (13) limitation of 72 hours, although I would look
- (14) that up if I had to be sure.
- (15) Q. Are you aware of the fact that it's a
- (16) criminal offense not to report such abuses to the
- (17) authorities, punishable by jail term?
- (18) A. If it were done and it were proved to
- (19) have been done, if the crime had been committed,
- (20) there would be an offense.
- (21) Q. My question --
- (22) A. Excuse me, I'm sorry, if the crime had
- (23) been committed, there would be a penalty that
- (24) would have been -- I forget the words you used.
- (25) Q. In other words, my question to you is,

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- (1) are you aware that violating the statute,
- (2) violating the reporting statute, can be
- (3) punishable with a jail term?
- (4) A. I am aware that if one were to violate
- (5) it, there is a punishment in law.
- (6) Q. Okay. Were you aware that that
- (7) punishment involved jail time, imprisonment?
- (8) A. I'm not sure that I knew it was jail
- (9) time.
- (10) Q. Okay. And I take it that when you
- (11) learned about these four instances in 1989, you
- (12) did not ensure, in other words, that, in fact,
- (13) they had been reported to the authorities?
- (14) A. I trust that they were handled
- (15) appropriately.
- (16) Q. But you -- but, in other words,
- (17) trusting that they were handled appropriately and
- (18) ensuring that they were handled appropriately
- (19) could be two different things?
- (20) A. They are two different things.
- (21) Q. Right. And my question to you is, what
- (22) did you do to make sure that they had been
- (23) reported to the appropriate authorities, if
- (24) anything?
- (25) A. I did nothing to make sure that years

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- (1) ago something was done. I had confidence that
- (2) what was needed to be done was done.
- (3) Q. And in 1989, when you learned of
- (4) Mr. Krug's complaint --
- (5) A. Uh-huh.
- (6) Q. -- was that reported to the authorities?
- (7) A. I don't remember just now how it was
- (8) handled, if it was such a thing as required
- (9) report, I'm quite confident it was.
- (10) Q. When you say whether such a thing is
- (11) required, we just went over the policy of the
- (12) diocese as well as civil law and, in fact, it is
- (13) required?
- (14) MR. SWEENEY: Well, objection,
- (15) Counsel. You and I know and it's in the record
- (16) in this case already, Judge Thim has expressly
- (17) ruled that when anyone learns of such abuse
- (18) occurring to somebody who has already reached the
- (19) age of 18, there is no such obligation, and you
- (20) have categorically said just the opposite. It's
- (21) not the law.
- (22) MS. ROBINSON: Mr. Sweeney, you
- (23) can put your objections on the record. If the
- (24) witness is not understanding something, I'm sure
- (25) he'll let me know. And I'd like the question

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- (1) read back.
- (2) MR. SWEENEY: I object to it as
- (3) presently phrased.
- (4) (Question read.)
- (5) Q. Is that --
- (6) A. And my answer?
- (7) Q. Is that not so?
- (8) A. I would like to hear my answer.
- (9) Q. I think there was an objection.
- (10) MR. SWEENEY: The objection is
- (11) it's a misstatement of the law.
- (12) Q. You can answer the question.
- (13) A. Before I answered the question, and my
- (14) answer is that we received a report and it was
- (15) required by law that we make a report. I am
- (16) confident that my people made it. I do not have
- (17) a particular recall of that facet of this.
- (18) Q. You've indicated several times in the
- (19) deposition, in the last deposition, that you're
- (20) the kind of person that likes to have things
- (21) documented. Would you agree with me that if such
- (22) a report were made to the authorities, that it
- (23) would be documented somewhere in the file?
- (24) A. If it were required by the law, it
- (25) would be in the file, I presume.

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- (1) Q. Well, for what reason wouldn't it be
- (2) required under law?
- (3) A. I would have to ask a civil lawyer. I
- (4) just heard a reason.
- (5) Q. And what reason was that?
- (6) A. It's a reason of civil law and I am not
- (7) a civil lawyer. But my answer stands.
- (8) Q. Okay.
- (9) A. Whatever I was required to -- whatever
- (10) was required to be done, I am confident it was
- (11) done. What your interpretation of the civil law
- (12) is is very interesting to you, and to me as
- (13) well. I don't have an interpretation. I do say
- (14) that what was required I am confident was done.
- (15) Q. In October -- on October 7th of 1997,
- (16) Mr. Tremont had asked a question on page 213 --
- (17) A. I'd like to see it.
- (18) Q. Certainly.
- (19) In the question on page 213, line
- (20) 11 -- and again, you may have to read a couple
- (21) pages ahead and behind in order to get the
- (22) context of it.
- (23) MR. SWEENEY: This is much easier.
- (24) Q. "And as a result of that particular
- (25) complaint --"

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- (1) A. Which complaint is that?
- (2) Q. This is page -- line 11, I'm reading
- (3) Tremont's question. But in order to put it into
- (4) context, it may be necessary for you to read
- (5) pages 212 or 211. But just for the record, the
- (6) question that I'm referring to and the answer
- (7) that you gave are as follows.
- (8) Question: And as a result of that
- (9) particular complaint, let me ask you this. Were
- (10) you aware of the fact that Father Federici had
- (11) been apprehended by the police who found him with
- (12) a young boy. Apparently the claim was that he
- (13) was attempting to commit some sort of sexual act
- (14) with a young boy in his car. Were you aware of
- (15) that?
- (16) And your answer was: When I found
- (17) out about this complaint, that came after I
- (18) arrived, I found out about what had happened
- (19) before I arrived, and I hope I get the place
- (20) right this time, I think it was in Shelton, that
- (21) there was some sexual misconduct alleged.
- (22) My question to you, Bishop Egan,
- (23) is the complaint that you found out about after
- (24) you arrived, that was the complaint that occurred
- (25) in 1993 at the All Saints School, correct?

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- (1) MR. SWEENEY: Objection.
- (2) Objection. Again, Counsel, you're asking about a
- (3) complaint relating to Father Martin Federici.
- (4) That's outside the scope of this deposition.
- (5) It's properly --
- (6) MS. ROBINSON: Well, he wasn't --
- (7) MR. SWEENEY: -- within the scope
- (8) of the -- it's properly within the scope of any
- (9) deposition you might want to notice in the Father
- (10) Federici case, where his lawyer can be present --
- (11) MS. ROBINSON: Mr. Sweeney --
- (12) MR. SWEENEY: -- but -- Counsel --
- (13) MS. ROBINSON: I think you're
- (14) living -- I think you living in some lala land.
- (15) This deposition in which we spoke about Father
- (16) Federici, Tom Minogue was not part of the
- (17) deposition and there was no objection made about
- (18) us speaking about Father Federici. So for you to
- (19) suddenly manufacture this new standard, this new
- (20) objection that suddenly Mr. Minogue has to be
- (21) present when, in fact, there was an ongoing
- (22) lawsuit at the time of the October 7th, 1997
- (23) deposition, Mr. Minogue was not present and you
- (24) did not object to this witness answering any
- (25) questions about Father Federici.

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- (1) MR. SWEENEY: Counsel, I'm --
- (2) MS. ROBINSON: You're grabbing
- (3) these things out of the sky.
- (4) MR. SWEENEY: Counsel, you can
- (5) hold whatever opinion you wish. I stand by what
- (6) I've said, I've said before today. And as far as
- (7) anything relating to Father Martin Federici, in
- (8) the way of sexual misconduct incident or
- (9) complaint is concerned, I think it's out of
- (10) bounds today. I stand by my position. I invite
- (11) you to schedule a deposition of Bishop Egan, or
- (12) anyone else you wish, in the Father Martin
- (13) Federici case. I stand by what I've said.
- (14) MS. ROBINSON: I'd like you to
- (15) state on the record so that when we go into
- (16) court, we can have it on the record, how you can
- (17) raise this new objection in 1999, which was not
- (18) raised on October 7th of 1997, a deposition in
- (19) which Mr. Minogue was not present and was not
- (20) even given notice of the deposition.
- (21) MR. SWEENEY: Well, I'm taking the
- (22) position that as far as today's deposition is
- (23) concerned, to the extent you wish to ask any
- (24) question about any priest who is represented by
- (25) counsel in a current -- and has pending against



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(1) him, a currently pending lawsuit, the proper  
 (2) remedy is to raise it that way. I made the  
 (3) statement this morning. I reiterate what I said  
 (4) this morning. And I am, in fact, instructing  
 (5) this witness to answer no question regarding any  
 (6) complaint or incident of alleged sexual  
 (7) misconduct on the part of Father Federici.  
 (8) Please proceed to your next  
 (9) question.  
 (10) Q. Isn't it a fact that you were made  
 (11) aware of a complaint against Father Federici in  
 (12) 1993, that occurred at the All Saints School?  
 (13) MR. SWEENEY: Objection. And I'm  
 (14) instructing the witness not to answer it for the  
 (15) reason already stated.  
 (16) Q. Now, you keep on saying the precise  
 (17) policy that was followed in August of '89, after  
 (18) you learned of this additional complaint against  
 (19) Father Pcolka, which was followed. And I'm just  
 (20) trying to get a sense of what that policy was  
 (21) because I am not clear on exactly what was done  
 (22) following that August of '89 complaint. Could  
 (23) you please tell me what was done? In other  
 (24) words, how did you learn about that complaint?  
 (25) A. My understanding is that Mrs. Krug or

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(1) Krug, I'm not sure of the pronunciation, came to  
 (2) see one of my staff.  
 (3) Q. And who --  
 (4) A. She --  
 (5) Q. Who was that on your staff?  
 (6) A. I would be confident that in due course  
 (7) if it wasn't originally to Monsignor Bronkiewicz,  
 (8) it would have also been to Monsignor  
 (9) Bronkiewicz.  
 (10) Q. Okay.  
 (11) A. She made an allegation and Monsignor  
 (12) Bronkiewicz, and whoever else was working with  
 (13) him, said, "Could we please speak with the person  
 (14) who was allegedly abused? It is my  
 (15) understanding that the person who came refused to  
 (16) allow that. Nonetheless, the one who had been  
 (17) accused, in accordance with our policy, was asked  
 (18) to go to the Institute of Living outside of  
 (19) Hartford, and there he was given an extensive  
 (20) examination, interrogation, study, however you  
 (21) express that.  
 (22) Q. How long did that last?  
 (23) A. I believe it was two days but I'm not  
 (24) sure. It might have been longer. It might  
 (25) have -- I -- it was extensive. It was whatever

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(1) is required at the Institute of the Living and it  
 (2) was enough for an expert of some renown to  
 (3) indicate to us that there was no reason for us to  
 (4) hesitate to allow this person to continue. This  
 (5) accused person, to continue in his duty.  
 (6) Q. Do you agree with me, Bishop Egan, that  
 (7) just because a renown expert says that there's no  
 (8) reason to stop this person from being a priest,  
 (9) that that would not be your only consideration?  
 (10) A. I agree with that completely. And  
 (11) there were other considerations.  
 (12) Q. Did you look through Father Pcolka's  
 (13) file at that point?  
 (14) A. I believe I did.  
 (15) Q. And did you see anything in the file  
 (16) which came into play when making a decision as to  
 (17) actions you would take or inactions you would  
 (18) take --  
 (19) A. I believe --  
 (20) Q. -- with respect to him?  
 (21) A. I can say safely that there were things  
 (22) in the file and, as important, there was  
 (23) information given to me by people who knew him  
 (24) very well. There is no advisor of mine in whom I  
 (25) have more confidence than Reverend Monsignor

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(1) William Scheyd, S-c-h-a-y-d. Shortly after I  
 (2) came here, I confirmed him as the vicar general  
 (3) of the diocese. He had been vicar general under  
 (4) Bishop Curtis.  
 (5) He described Pcolka, Father Pcolka  
 (6) in these terms to me. I believe I am giving them  
 (7) almost exactly as he spoke them.  
 (8) Q. Well, I'm glad you have such a good  
 (9) memory about that.  
 (10) A. He has said it to me several times, so  
 (11) my memory becomes, with each occasion,  
 (12) reinforced.  
 (13) Q. Good.  
 (14) A. He told me that if you were to give him  
 (15) a list of all the priests in the diocese, the  
 (16) last he would ever suspect of any misconduct of  
 (17) this sort would be Father Pcolka. I mention that  
 (18) as one person. He was one among many. So I  
 (19) repeat what I said before. In any organization,  
 (20) you make your decision on a particular case on  
 (21) the basis of many circumstances, not just what  
 (22) one does or does not find in a file.  
 (23) However, in the file I might  
 (24) mention I found approval for ordination from  
 (25) St. John's Seminary in Boston. That would be

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(1) considered a seminary whose estimate of people  
 (2) would be valuable. That was another  
 (3) circumstance, another facet in the  
 (4) decision-making process in which I engaged.  
 (5) Q. Did you also find the psychiatric  
 (6) reports during that period of time that Father  
 (7) Pcolka took a leave of absence from his seminary  
 (8) training, in which he was considered to have an  
 (9) obsessive-compulsive neurotic disorder?  
 (10) A. I found that and I know it and I know  
 (11) how to evaluate that.  
 (12) Q. And of all of the materials that you  
 (13) looked at, at that point in 1989, unfortunately,  
 (14) the 1983 complaint or letter from Miss Landro was  
 (15) missing at that time, correct?  
 (16) A. I have already stated it had been  
 (17) misfiled and emerged in 1992 or 1993.  
 (18) Q. So that in 1989, when you looked at  
 (19) that file and saw the school records and saw all  
 (20) the psychiatric report and other records, you did  
 (21) not have the benefit of seeing the letter from  
 (22) Monsignor Cusack and the letter from Miss Powers  
 (23) regarding her complaint of sexual molestation?  
 (24) MR. SWEENEY: Pardon me, from a  
 (25) technical point, you mean Miss Landro? She was

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(1) Miss Landro at the time of the correspondence in  
 (2) '83.  
 (3) Q. Miss Landro, now Miss Landro -- Miss  
 (4) Jamie Jo Landro Powers.  
 (5) A. All right. Whatever it was that  
 (6) emerged after the search, I did not have the  
 (7) benefit -- how did you put that, I forget.  
 (8) Q. Okay. So you didn't have the benefit  
 (9) of reviewing that information as it related to  
 (10) that 1983 incident?  
 (11) A. I did not have the benefit of seeing  
 (12) that information because it was not available.  
 (13) Q. And what is your understanding as the  
 (14) nature and extent of the complaint made by Miss  
 (15) Landro back in 1983?  
 (16) A. My understanding is that she came to  
 (17) see I believe Monsignor Cusack with a student of  
 (18) psychology or social work. And she, if I read  
 (19) the testimony correctly, was saying words that  
 (20) she did not seem to understand, words that seemed  
 (21) to have been prepared for her by this student.  
 (22) The student had been assigned to this, if I  
 (23) understand correctly, by a mentor. Monsignor  
 (24) Cusack asked to speak to the mentor. It is my  
 (25) understanding that the mentor did not -- either

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- (1) did not wish to or, in point of fact, did not
- (2) participate.
- (3) Q. Where are you getting this
- (4) understanding from, Bishop Egan?
- (5) A. From your – the different testimonies
- (6) I either saw or read two years ago.
- (7) Q. So in other words, you had read
- (8) Monsignor Cusack's deposition?
- (9) A. I either read it or watched it, if it
- (10) was watchable. I cannot remember everything I
- (11) did two years ago.
- (12) Q. Okay. So that you may have watched a
- (13) video prior to your 10/7/97 deposition?
- (14) A. Not prior to today –
- (15) Q. Right.
- (16) A. – but prior to then. And I'm not
- (17) sure, I may have both read it and seen it, I may
- (18) have – I have not seen it since then. I may
- (19) have read it since then too, I don't know.
- (20) Q. Well, wouldn't it be helpful in
- (21) evaluating the credibility of the claim if you
- (22) were to hear or see Monsignor Cusack's
- (23) deposition, wouldn't you want to read Miss Jamie
- (24) Jo Powers' deposition?
- (25) A. I did not think it was necessary for me

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- (1) to read these depositions other than the ones
- (2) which I read at the suggestion and direction and
- (3) encouragement of my advisers and my counsel.
- (4) Q. At the present time, Father Pcolka is a
- (5) priest incardinated in the Diocese of Bridgeport,
- (6) correct?
- (7) A. Yes.
- (8) Q. He is under your authority/correct?
- (9) A. Yes.
- (10) Q. As his superior, Bishop Egan, and
- (11) pursuant to the terms of your written policy and
- (12) your ethical obligations and your moral
- (13) obligations, don't you want to find out as much
- (14) as you can about these horrific claims that have
- (15) been made against this man?
- (16) A. In 1993, I sent Father Pcolka again to
- (17) the Institute of the Living. I had him there, I
- (18) believe, for 10 days to two weeks, seeking the
- (19) most thorough possible understanding of his
- (20) situation. Against my distinct and serious
- (21) directive, he left the Institute of the Living.
- (22) I am not in a position to do anything about him
- (23) right now until such a time as he returns. He is
- (24) not currently available to me. It's not my fault
- (25) that he's not available to me. I did the exact

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- (1) thing that the policy requires.
- (2) When the second report about the
- (3) Krug matter came, he was sent to the most
- (4) distinguished facility. He was sent to be kept
- (5) there until I had the most thorough analysis, and
- (6) I am sorry, no one regrets it more than I, that
- (7) he left there. And he has not returned to me.
- (8) Q. Now, at the present time, Father Pcolka
- (9) is receiving a stipend from the diocese, correct?
- (10) A. That is correct.
- (11) Q. You said you don't know where he is.
- (12) Where do you send those monies to?
- (13) A. When I say I don't – he's not – I
- (14) thought I said he's not available to me. I – I
- (15) am sure that we've asked him to come. But he's
- (16) not available to me. He doesn't respond to me.
- (17) Q. So you've actually called him and asked
- (18) him to come and meet with you?
- (19) A. I have not personally, but others have.
- (20) Q. Okay. Who has?
- (21) A. I'm sure Monsignor Bronkiewicz or
- (22) someone.
- (23) Q. And you said you're sure. How do you
- (24) know that?
- (25) A. I know it because we've been seeking

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- (1) him since the time of 1993.
- (2) Q. Now, you had indicated with respect to
- (3) finding out information about Monsignor – about
- (4) Father Pcolka, what about the victim in this
- (5) case, the alleged victim in this case, Miss
- (6) Powers, Miss Jamie Jo Landro Powers, are you not
- (7) concerned, as a bishop of this diocese, for her
- (8) well-being in terms of finding out what her story
- (9) is, her complete story, by reading a very
- (10) detailed, a very lengthy deposition, taken by
- (11) your very own attorneys?
- (12) A. I am very interested in anyone who's
- (13) been offended in any way at all. I have people
- (14) who are working very carefully to know what's in
- (15) every deposition. I also know that depositions
- (16) in plaintiffs are frequently prepared,
- (17) elaborated, exploded, and I don't feel that it is
- (18) necessary for me to consider every statement in a
- (19) deposition the truth. I –
- (20) Q. However –
- (21) A. I have people –
- (22) MR. SWEENEY: Let him finish.
- (23) A. – who are evaluating these things for
- (24) me, very competent people, and they know, as all
- (25) people who know me know, that I have great

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- (1) concern about anyone who has ever been offended.
- (2) How I judge whether someone has been offended is
- (3) frequently through expert advice that I receive.
- (4) I believe I have a good understanding of these
- (5) stories.
- (6) Q. Yet you listen to the deposition,
- (7) whether videotaped or reading the deposition, of
- (8) Monsignor Cusack, who is an agent of the
- (9) defendants in this case, and I must tell you –
- (10) do you realize that statements of defendants can
- (11) also be embellished and exploded as well?
- (12) A. I do indeed.
- (13) Q. But yet you're only reading – or
- (14) you're only looking at or reviewing one part of
- (15) the testimony in this case?
- (16) A. The agents – first of all, an agent of
- (17) the defendant – all right, and I'm not sure of
- (18) the meaning of that expression, agent of the
- (19) defendant, so I'm going to leave that aside.
- (20) I was advised by my expert staff
- (21) and counsel what I should see and I have looked
- (22) at that and I have looked at it carefully.
- (23) Q. Well, you say you've looked at it
- (24) carefully, but you're making statements during
- (25) this deposition as to the fact that nothing's

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- (1) been proven against Father Pcolka, yet you have
- (2) not read evidence which is readily available to
- (3) you in order to perhaps help you with that
- (4) decision.
- (5) MR. SWEENEY: Well, objection,
- (6) Counsel. I think you're getting argumentative
- (7) and this has been asked and answered any number
- (8) of times.
- (9) MS. ROBINSON: Well, I don't think
- (10) so.
- (11) MR. SWEENEY: Can you move on?
- (12) MS. ROBINSON: I think it's a
- (13) different question.
- (14) MR. SWEENEY: I think the same
- (15) question.
- (16) MS. ROBINSON: And I'll stand by
- (17) the question.
- (18) MR. SWEENEY: This is –
- (19) MS. ROBINSON: Well, I'll stand by
- (20) it and he can answer it any way he'd like.
- (21) MR. SWEENEY: Well, we'll answer
- (22) it this time but I think that you're repeating
- (23) yourself. It's asked and answered.
- (24) A. I've forgotten it so say it again.
- (25) MS. ROBINSON: Can you repeat the

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- (1) question or read the question back, Mr. Martone?
- (2) (Discussion off the record.)
- (3) (Question read.)
- (4) Q. Is that so? I can ask, so it's a
- (5) question.
- (6) A. I will not be making the decision. The
- (7) court will be making the decision from the
- (8) evidence.
- (9) Q. But, Bishop Egan, you have the ability
- (10) and the authority and the power to make the
- (11) decision, irrespective of what a civil court
- (12) does, with whether Father Pcolka will operate as
- (13) a priest again; that's not something the civil
- (14) court has any authority over, correct?
- (15) A. All right. I'll be happy to answer is
- (16) that. Father Pcolka is already suspended from
- (17) any priestly activity.
- (18) Q. But you have not asked -- are you not
- (19) finished?
- (20) A. I'm not finished.
- (21) Q. Okay.
- (22) A. Father Pcolka has not been asked to
- (23) give a request for a decree of secularization.
- (24) And the reason is because they have cut off all
- (25) communication. They have made it clear that they

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- (1) do not want this kind of involvement.
- (2) Q. Who is "they"? I'm sorry, who --
- (3) A. His representation.
- (4) Q. Who is that?
- (5) A. I can't say his name. He's a lawyer.
- (6) And therefore, it is to no point for me to try to
- (7) go further, but I don't have to go further. I
- (8) have effectively, in point of fact, securely seen
- (9) to it that he is not exercising any kind of
- (10) priestly function. And if, in the future, when
- (11) there is certitude about complaints, then you are
- (12) right, I will know what I should do next on the
- (13) basis of what emerges.
- (14) Q. The fact that you feel that Father
- (15) Pcolka is unavailable -- Strike that.
- (16) For a long period of time after
- (17) this suit was started, you, meaning the diocese,
- (18) were paying for Father Pcolka's attorneys' fees,
- (19) correct?
- (20) A. Yes.
- (21) Q. To the tune of about \$105,000?
- (22) A. I don't know the tune, but I do know
- (23) this, that it is the practice of every diocese
- (24) with which I've been involved, to assist a priest
- (25) who is accused with his court costs. There's

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- (1) nothing strange about this, anymore than there's
- (2) anything strange about continuing his stipend.
- (3) Q. That's not the point of my question.
- (4) A. I'm doing --
- (5) MR. SWEENEY: Let him answer --
- (6) finish his answer.
- (7) A. I'm doing the standard -- I'm following
- (8) the standard operation and no implications should
- (9) be drawn from it.
- (10) Q. My question, though, Bishop Egan, is,
- (11) to the extent that you were paying for Father
- (12) Pcolka's attorney, you knew who that was, your
- (13) attorney knew who that was, clearly during the
- (14) period of time that Father Pcolka was represented
- (15) by Attorney Frank Murphy, Father Pcolka was
- (16) indeed available to you and to your counsel?
- (17) A. Father Pcolka knew that we would
- (18) continue to pay to a certain point no matter how
- (19) he responded to us. And he was correct in that.
- (20) We were going to assist him to a certain extent
- (21) whether he cooperated with us or not. And that's
- (22) because it is a practice, just as we continue a
- (23) stipend, if the person does not have sufficient
- (24) sustenance, we give an assistance with legal
- (25) cost. We are not obligated to do that except

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- (1) that it is a practice that has a certain moral
- (2) implication.
- (3) Q. Did you ever ask Father Pcolka to sign
- (4) a document reducing him to the lay state?
- (5) A. I didn't have to. I didn't ask him
- (6) because I knew from the attorney that he would
- (7) not even consider it.
- (8) Q. Was that a consideration that you
- (9) thought about? In other words, would you have
- (10) liked him to have done that?
- (11) A. If I had proof of his having been out
- (12) of order, I certainly would have.
- (13) Q. Okay. And when you mean proof, what
- (14) kind of proof?
- (15) A. Proof that anybody would have from
- (16) any -- I don't know, all of the different sources
- (17) of evidence. I don't know what they are.
- (18) Q. The same kind of sources that you used
- (19) when you asked Father O'Connor that he sign a
- (20) document reducing him to the lay state?
- (21) A. Those would figure, yes.
- (22) Q. Okay. Are you aware of the specific
- (23) extent and nature of the sexual abuses that have
- (24) been levied against Father Pcolka?
- (25) A. I know what has been said about it and

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- (1) I know how -- who has said it and I know under
- (2) what circumstances and whatever preparation and
- (3) so forth would have led to some statements.
- (4) Q. But are you aware of the fact that it
- (5) involves instances of oral sex, anal sex,
- (6) beatings, violence, sadistic verbiage, are you
- (7) aware of the extent of the claims in this case?
- (8) A. I -- right now you're -- you ended
- (9) correctly. I am not aware of any of those
- (10) things. I am aware of the claims of those
- (11) things, the allegations of those things.
- (12) Q. And you are clearly aware of the number
- (13) of people that are making these similar claims
- (14) during the same periods of time, over a long
- (15) period of time, involving Father Pcolka, correct?
- (16) A. I am aware that there are a number of
- (17) people who know one another, some are related to
- (18) one another, have the same lawyers and so forth,
- (19) I am aware of the circumstances, yes.
- (20) Q. So that you understand that there is a
- (21) significant part of the Catholic faithful that
- (22) have claimed to be affected by Father Pcolka's
- (23) sexual abuses, correct?
- (24) A. I am not aware that a significant part
- (25) of the Catholic faithful claim to have been

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- (1) affected by father's abuses, no.
- (2) MR. SWEENEY: Counsel, I think we
- (3) can stipulate you have 12 plaintiffs in this
- (4) case.
- (5) Q. Bishop Egan, the fact --
- (6) (Discussion off the record.)
- (7) A. Say the question again because I really
- (8) have lost the context.
- (9) Q. I wasn't able to get it out actually,
- (10) so.
- (11) Bishop Egan, the fact that 19
- (12) individuals have come forward and have made
- (13) claims in the form of lawsuits against Father
- (14) Pcolka and the Catholic -- Roman Catholic Diocese
- (15) of Bridgeport, you don't consider that to be a
- (16) significant number of individuals?
- (17) A. I believe --
- (18) MR. SWEENEY: Objection, Counsel,
- (19) I think your number is wrong.
- (20) MS. ROBINSON: Well, you're
- (21) entitled to think that.
- (22) A. All right.
- (23) MR. SWEENEY: I think the record
- (24) can and should reflect that there are 12
- (25) plaintiffs in this case. And there are four

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- (1) other pending cases, that adds up to 16,
- (2) including both of Henry Lyons' clients.
- (3) MS. ROBINSON: Well, we may have a
- (4) difference of opinion regarding that.
- (5) A. I do not consider that a significant
- (6) segment or factor -- I forget the expression you
- (7) used. I'm trying to answer your question.
- (8) Q. Okay.
- (9) A. Significant --
- (10) Q. Significant portion of the Catholic
- (11) faithful.
- (12) A. All right. The Catholic faithful of
- (13) Fairfield County, of which this diocese is
- (14) comprised, is 360,911 signed up in our parishes.
- (15) I believe we can safely say there's probably
- (16) another 150,000 or more not signed up in our
- (17) parishes. Is 12 a significant portion? And then
- (18) let us please remember that the 12 have never
- (19) been proved to be telling the truth.
- (20) Q. And Father Pcolka, let us remember,
- (21) won't tell us the truth because he continues to
- (22) take the Fifth Amendment --
- (23) MR. SWEENEY: Well, objection,
- (24) Counsel --
- (25) Q. -- privilege --

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- (1) A. Are you asking me a question or --
- (2) Q. -- correct?
- (3) MR. SWEENEY: No. That's an
- (4) objectionable question. It's argumentative.
- (5) MS. ROBINSON: Fine.
- (6) MR. SWEENEY: I object to it.
- (7) MS. ROBINSON: Put your objection
- (8) on the record and let's go onwards. You can
- (9) object to any question that you would like,
- (10) Mr. Sweeney.
- (11) Q. So basically, Bishop Egan, you're
- (12) really judging the fact that this is an
- (13) insignificant number on the total number of
- (14) Catholic faithful within this particular -- this
- (15) Fairfield County?
- (16) A. I did not hear the word insignificant
- (17) used from ten o'clock this morning forward.
- (18) Therefore, I certainly did not say it.
- (19) Q. You have indicated over and over in the
- (20) deposition what a small number of allegations,
- (21) instances of allegations --
- (22) A. No. Small number of priests.
- (23) Q. -- have been made against priests,
- (24) exactly -- let me finish my question and perhaps
- (25) I'll make it clearer.

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- (1) The fact, you would agree with me,
- (2) Bishop Egan, that if one person, one individual,
- (3) has been affected by the sexual abuse of a clergy
- (4) member, when that person was a child, that that's
- (5) far too much to accept in any diocese, would you
- (6) agree with that?
- (7) A. If one person were to be affected, it
- (8) would be way, way too much. It would not be a
- (9) significant portion of the diocese. Your
- (10) question was a significant portion of the
- (11) diocese, and I have elected to answer questions.
- (12) Q. Sure. So you don't feel that's a
- (13) significant number, or significant portion?
- (14) A. I have not used the word significant.
- (15) Q. I know. That's my word and you're --
- (16) A. And I'm not --
- (17) Q. In answer to my question you don't
- (18) think that it is?
- (19) MR. SWEENEY: I think the word was
- (20) portion, wasn't it, Counsel, a significant
- (21) portion --
- (22) MS. ROBINSON: Correct.
- (23) MR. SWEENEY: -- of 360,000
- (24) people?
- (25) MS. ROBINSON: Well, that's the

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- (1) number that Bishop Egan has given me.
- (2) MR. SWEENEY: Yes.
- (3) A. It's -- well, all right. We're talking
- (4) about words here. Is 12 a big portion of
- (5) 360,911? I would not think that most people
- (6) would feel that way.
- (7) Q. Okay.
- (8) A. However, were even one person to have
- (9) been abused sexually, while that one person could
- (10) not numerically be categorized as a significant
- (11) portion, the activity would be significant and
- (12) more.
- (13) (Pause in the proceedings.)
- (14) Q. You have indicated to us that there may
- (15) come a time when you would request that Father
- (16) Pcolka agree to be reduced to the lay state,
- (17) correct?
- (18) A. That is correct.
- (19) Q. Okay. And I just want to go back to
- (20) the situation with Father O'Connor. What about
- (21) that situation in which one, two or three people
- (22) were making allegations of sexual abuse caused
- (23) you to take perhaps the most serious action you
- (24) can take with respect to a priest? What about
- (25) that situation caused you to do that?

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- (1) A. What about it? What do you mean?
- (2) Q. In other words, why -- you've gone on
- (3) and on about Father Pcolka, it's not proved, it's
- (4) not proved. We've already established that there
- (5) wasn't a trial in which the allegations against
- (6) Father O'Connor were proved. Yet even before
- (7) that period of time, you wanted him -- you asked
- (8) him to be reduced to the lay state immediately
- (9) upon hearing about this, based on allegations of
- (10) maybe three people.
- (11) A. All right.
- (12) Q. Yet we have the situation with Father
- (13) Pcolka, where at least 19 people have filed
- (14) lawsuits, and there are additional people who
- (15) have claims against Father Pcolka, yet you don't
- (16) feel comfortable asking Father Pcolka at this
- (17) point, even if he was available to you, to be
- (18) reduced to the lay state.
- (19) A. You've misstated both of your
- (20) sentences. If I could be allowed to clarify.
- (21) Q. Sure.
- (22) A. I informed you -- going to the second
- (23) issue, I want to return then to the O'Connor. I
- (24) informed you that I had been advised in the
- (25) clearest terms by a lawyer of Father Pcolka, that

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- (1) he will not sign any document requesting
- (2) reduction to the lay state. There is nothing I
- (3) can do about that. It has been made crystal
- (4) clear to me that he will not sign such a
- (5) document. That regarding Father Pcolka.
- (6) Now, regarding the first statement
- (7) you made, Father O'Connor. I did not make my
- (8) decision on the basis of any criminal, legal,
- (9) civil decision. I made my decision on the basis
- (10) of many other considerations, about what was good
- (11) for him and for the church.
- (12) Q. So that if I'm understanding you
- (13) correctly, Bishop Egan, if you understood that
- (14) Father Pcolka would agree to sign a document
- (15) reducing him to the lay state, that you would
- (16) request him to do so at this time?
- (17) A. I have -- I will wait now for further
- (18) information about the Father Pcolka situation.
- (19) You are of the opinion that everything is crystal
- (20) clear. I am not.
- (21) Q. And that's what I'm trying to find
- (22) out. Are you not asking Father Pcolka to sign
- (23) this document that you had asked Father O'Connor
- (24) to sign because, one, you know he won't sign it,
- (25) or two, because you don't think there is enough

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- (1) of a reason to have him sign it?
- (2) **A.** Because of one.
- (3) **Q.** Okay. So that if, in fact, he would
- (4) agree to sign this document, you would request
- (5) that he do so?
- (6) **A.** I did not -- I don't think I said
- (7) that. I said the reason that I have not
- (8) requested it is because I've been told there
- (9) would be no point to requesting it.
- (10) **Q.** And again, I --
- (11) **A.** And I've been told in the most clear
- (12) terms by a church lawyer --
- (13) **Q.** Okay.
- (14) **A.** -- that he has engaged.
- (15) **Q.** And I just want to be clear that, in
- (16) other words, in your mind, at this point, you
- (17) would -- if you had your influence over the
- (18) situation, you would prefer it if Father Pcolka
- (19) would indeed sign a document reducing him to the
- (20) lay state?
- (21) **A.** If the decision were available to me --
- (22) **Q.** Yes.
- (23) **A.** -- I would sit down with Monsignor
- (24) Bronkiewicz, Monsignor Scheyd and several others
- (25) who are informed of this matter, and come to a

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- (1) conclusion about it. I have not come to a
- (2) conclusion as yet because the action is not
- (3) available to me.
- (4) **Q.** So in other words, you haven't even
- (5) attempted to consider it? You haven't considered
- (6) the option because you know from others that it
- (7) would be pointless?
- (8) **A.** I did not say I haven't considered the
- (9) option. I said when everything is resolved and
- (10) clear, I will make the decision taking the proper
- (11) counsel.
- (12) **Q.** And who did you counsel with before
- (13) requesting that Father O'Connor sign this
- (14) document?
- (15) **A.** The people that were in those positions
- (16) at that time.
- (17) **Q.** Okay. With respect to this obligation,
- (18) going back to the sexual abuse policy that we
- (19) have here --
- (20) **A.** What page are you on now?
- (21) **Q.** I'm still on the obligation to report.
- (22) **A.** Page?
- (23) **Q.** Seven.
- (24) **A.** Yes.
- (25) **Q.** You were going through with me the

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- (1) avenues that a person would take if, in fact,
- (2) they were made aware or suspected sexual
- (3) misconduct. And you had indicated at one point
- (4) that they would go to the director of finance,
- (5) that could be an avenue.
- (6) **A.** I did not indicate that. I said two
- (7) possibilities existed. One was the diocesan
- (8) director of finance administration. And the
- (9) other possibility was the episcopal vicar for
- (10) clergy and religious.
- (11) **Q.** Okay.
- (12) **A.** If I didn't say that, that is what I
- (13) should have said and what I wanted to say.
- (14) **Q.** Okay. No. I understood that it was
- (15) the director of finance and administration or the
- (16) vicar. Correct, one or the other?
- (17) **A.** Correct.
- (18) **Q.** Okay.
- (19) **A.** In point of fact, in an individual
- (20) case, both would be involved and advised.
- (21) **Q.** Okay. And the reason for the -- for
- (22) going to the director of finance is because there
- (23) may be -- really because you're thinking about --
- (24) not you personally, but the diocese is
- (25) contemplating a potential lawsuit which might

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- (1) bring in the insurance aspects or insurance
- (2) coverage, so to speak?
- (3) **A.** That's your reason.
- (4) **Q.** I'm asking you, is that what the
- (5) thinking is?
- (6) **A.** That is not my thinking.
- (7) **Q.** Okay. That's not your thinking?
- (8) **A.** No.
- (9) **Q.** Okay. Is there such a thing as
- (10) involuntary laicization?
- (11) **A.** All right. I've never heard it said
- (12) that way but if you want the explanation of
- (13) laicization. If the person whom you feel should
- (14) be laicized, reduced to the lay state, refuses,
- (15) you do have another avenue open to you. The
- (16) other avenue would be to initiate a criminal case
- (17) in an ecclesiastical court. I am personally not
- (18) aware that this has ever been done in the United
- (19) States on any matter, quite apart from sexual
- (20) abuse or something of the sort.
- (21) The reason -- there are many
- (22) reasons. One is that it's a very complicated
- (23) procedure. Another is that it leads usually to
- (24) much anger and accusations and public
- (25) consternation, even if it emerges that there was

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- (1) nothing out of place. I could imagine, however,
- (2) being driven to that where one unable to handle
- (3) it at the request of the person you wanted to
- (4) remove. I have not arrived at that in my 10
- (5) years at the Diocese of Bridgeport as yet.
- (6) **Q.** And when I indicated involuntary
- (7) laicization, you indicated you never heard that
- (8) term used before. Is there another term that
- (9) that's referred to?
- (10) **A.** Yes. There are two routes to this, you
- (11) might say, two ways in which this is done. One
- (12) is in the administrative form, and that's the one
- (13) that I used with Father Gavin O'Connor.
- (14) **Q.** And that's voluntary?
- (15) **A.** All right. It requires his
- (16) acquiescence.
- (17) **Q.** Assent, right.
- (18) **A.** Good. And the other one would be in
- (19) the form of a criminal cause. Causa criminalis.
- (20) **Q.** Okay.
- (21) **A.** Form of a criminal trial, if you want
- (22) to call it.
- (23) **Q.** Okay. Okay.
- (24) **MR. SWEENEY:** I think we are very
- (25) close to that time.

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- (1) **MS. ROBINSON:** We can stop.
- (2) (Time noted: 3:56 p.m.)
- (6) **BISHOP EDWARD EGAN**
- (9) **SUBSCRIBED AND SWORN TO BEFORE ME,**
- (10) the undersigned authority, on this
- (11) the day of , 1999.