

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

SUPERIOR COURT DEPARTMENT

-----:  
ANDREW NICASTRO, :

Plaintiff, :

vs. :

: CIVIL ACTION NO.  
: HDCV2010-300037B

JOSEPH F. MAGUIRE,  
THOMAS L. DUPRE,  
RICHARD S. SNIEZYK,

Defendants. :

-----:  
Washington, D.C.

Friday, April 16, 2010

Videotaped Deposition of:

THOMAS L. DUPRE

called for oral examination by counsel for Plaintiff,  
pursuant to notice, at Capital Reporting Company,  
1821 Jefferson Place, N.W., Washington, D.C., before  
Erick M. Thacker, RPR, of Capital Reporting Company,  
a Notary Public in and for the District of Columbia,  
beginning at 10:01 a.m., when were present on behalf  
of the respective parties:



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<p style="text-align: right;">6</p> <p>1 --</p> <p>2 MR. JENNINGS: No.</p> <p>3 MR. STOBIEFSKI: -- you care to put on</p> <p>4 record?</p> <p>5 MR. JENNINGS: No.</p> <p>6 WHEREUPON,</p> <p>7 THOMAS L. DUPRE</p> <p>8 called as a witness, and having been first duly</p> <p>9 sworn, was examined and testified as follows:</p> <p>10 EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>11 BY MR. STOBIEFSKI</p> <p>12 Q Bishop Dupre, my name is John Stobierksi.</p> <p>13 I represent Andrew Nicastro in a lawsuit that has</p> <p>14 been filed against three individuals, you being one</p> <p>15 of those individuals. Today, we are here to conduct</p> <p>16 your deposition</p> <p>17 Do you understand what a deposition is?</p> <p>18 A Yeah</p> <p>19 Q Now, during the course of this proceeding,</p> <p>20 if you need to take a break at all, please ask us,</p> <p>21 and we will give you a break at any time that you'd</p> <p>22 like</p>	<p style="text-align: right;">8</p> <p>1 privileges guaranteed to me by the Fifth and</p> <p>2 Fourteenth Amendments to the United States</p> <p>3 Constitution and Article 12 of the Declaration of</p> <p>4 Rights of the Constitution of the Commonwealth of</p> <p>5 Massachusetts</p> <p>6 BY MR. STOBIEFSKI</p> <p>7 Q Bishop Dupre, you understand that you are</p> <p>8 being deposed here today under subpoena issued by my</p> <p>9 office?</p> <p>10 A Yes</p> <p>11 Q And you've come here freely and voluntarily</p> <p>12 under the power of a subpoena, correct?</p> <p>13 A Yes</p> <p>14 Q May I ask your place of birth?</p> <p>15 A Holyoke, Massachusetts.</p> <p>16 Q And could you relate for me generally your</p> <p>17 education from college to the -- to current date?</p> <p>18 A I refuse to answer this question on the</p> <p>19 ground that to do so may tend to incriminate me.</p> <p>20 This refusal is based on the guaranteed rights and</p> <p>21 privileges previously referred to.</p> <p>22 Q So you're claiming the Fifth Amendment</p>
<p style="text-align: right;">7</p> <p>1 A Okay.</p> <p>2 Q If you need to consult with your attorney,</p> <p>3 you can take a break for that purpose as well. If</p> <p>4 you don't understand any of my questions, please ask</p> <p>5 me to rephrase them, for if you answer it, we will</p> <p>6 assume that you understood what I was asking you</p> <p>7 A Uh-huh.</p> <p>8 Q Before we begin, do you have any questions?</p> <p>9 A Not at the moment, no</p> <p>10 Q Could you please state your name?</p> <p>11 A Thomas L. Dupre.</p> <p>12 Q And what is your date of birth?</p> <p>13 A November 10th, 1933</p> <p>14 Q And where do you reside?</p> <p>15 THE WITNESS: This (indicating)?</p> <p>16 MR. JENNINGS: Uh-huh</p> <p>17 THE WITNESS: The whole thing? I refuse to</p> <p>18 answer this question on the ground that to do so may</p> <p>19 tend to incriminate me. I have been the subject of a</p> <p>20 criminal investigation unrelated to this case within</p> <p>21 the past five years, and counsel has advised me to</p> <p>22 assert this refusal. Refusal is based on rights and</p>	<p style="text-align: right;">9</p> <p>1 right with respect to your educational background?</p> <p>2 MR. JENNINGS: Yes, he is.</p> <p>3 BY MR. STOBIEFSKI</p> <p>4 Q My understanding is that you attended</p> <p>5 seminary, and I'd like to ask you, during your</p> <p>6 education in seminary, whether you were educated with</p> <p>7 respect to sexual contact with minors.</p> <p>8 A I refuse to answer this question on the</p> <p>9 ground that to do so may tend to incriminate me.</p> <p>10 This refusal is based on the guaranteed rights and</p> <p>11 privileges previously referred to.</p> <p>12 Q While you were a seminarian, were you aware</p> <p>13 if any instructors, priests, or seminarians had</p> <p>14 sexual contact with minors?</p> <p>15 A I refuse to answer this question on the</p> <p>16 ground that to do so may tend to incriminate me.</p> <p>17 This refusal is based on the guaranteed rights and</p> <p>18 privileges previously referred to.</p> <p>19 MR. JENNINGS: Can -- can we perhaps, if</p> <p>20 we're going to be here for a while, save a little</p> <p>21 time and agree that -- that by saying, "I assert the</p> <p>22 privilege," he is including those rights that he has</p>

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<p style="text-align: right;">10</p> <p>1 previously stated?</p> <p>2 MR. STOBIEFSKI: That would be fair. I've</p> <p>3 got -- I'd prefer if we're going to say the</p> <p>4 privilege, if we could just identify it, maybe be the</p> <p>5 Fifth Amendment privilege. "I assert the Fifth" is</p> <p>6 fine.</p> <p>7 MR. JENNINGS: I -- how about "I assert my</p> <p>8 right to remain silent?"</p> <p>9 MR. STOBIEFSKI: That's fine.</p> <p>10 MR. JENNINGS: Okay</p> <p>11 MR. STOBIEFSKI: That's fine. So do you</p> <p>12 want to go off record just for a second, so we might</p> <p>13 --</p> <p>14 MR. JENNINGS: Sure.</p> <p>15 MR. STOBIEFSKI: -- want to write it down?</p> <p>16 Let's go off the record for a moment</p> <p>17 MR. JENNINGS: "I assert my right to refuse</p> <p>18 to answer."</p> <p>19 VIDEO TECHNICIAN: I need to go off the</p> <p>20 record.</p> <p>21 MR. JENNINGS: Yeah, okay</p> <p>22 VIDEO TECHNICIAN: The time is</p>	<p style="text-align: right;">12</p> <p>1 A I assert my rights to refuse to answer.</p> <p>2 Q Were there ever any policies with respect</p> <p>3 to minors being permitted in clergy living quarters?</p> <p>4 A I assert my rights to refuse to answer.</p> <p>5 Q Did you ever have a minor in your living</p> <p>6 quarters?</p> <p>7 A I assert my rights to refuse to answer</p> <p>8 Q Bishop Dupre, are you a canon lawyer?</p> <p>9 A I assert my rights to refuse to answer.</p> <p>10 Q Is it fair to state that you went to canon</p> <p>11 law school between 1964 and 1967?</p> <p>12 A I assert my rights to refuse to answer.</p> <p>13 Q Did being a canon lawyer affect or enhance</p> <p>14 or change your duties as a priest in the diocese?</p> <p>15 A I assert my rights to refuse to answer.</p> <p>16 Q As a canon lawyer, did you learn anything</p> <p>17 about sexual activity between the clergy and minors?</p> <p>18 A I assert my rights to refuse to answer.</p> <p>19 Q Did you ever become aware while studying</p> <p>20 canon law about a document issued by the Vatican in</p> <p>21 1962 or thereabouts entitled "Instruction on the</p> <p>22 Manner of Proceeding in Cases of Solicitation" that</p>
<p style="text-align: right;">11</p> <p>1 approximately 10:07:58 a.m. We are now off the</p> <p>2 record.</p> <p>3 (Brief recess.)</p> <p>4 VIDEO TECHNICIAN: The time is</p> <p>5 approximately 10:09:52 a.m. We are now on the</p> <p>6 record.</p> <p>7 MR. STOBIEFSKI: Counsel for Bishop Dupre</p> <p>8 and myself have agreed to a stipulation, and the</p> <p>9 stipulation is, in lieu of the long assertion of the</p> <p>10 privilege that Bishop Dupre has made, he will make a</p> <p>11 short statement which will essentially incorporate by</p> <p>12 reference the entire recitation of the privilege he</p> <p>13 has previously asserted. Is that fair?</p> <p>14 MR. JENNINGS: That's agreed.</p> <p>15 MR. STOBIEFSKI: Okay.</p> <p>16 BY MR. STOBIEFSKI</p> <p>17 Q Bishop Dupre, are you an ordained member of</p> <p>18 the clergy?</p> <p>19 A I assert my rights to refuse to answer.</p> <p>20 Q At any time while you were a member of the</p> <p>21 clergy, did you become aware of sexual activity</p> <p>22 between clergy and minors?</p>	<p style="text-align: right;">13</p> <p>1 addressed the clergy -- clergy abuse of minors?</p> <p>2 A I assert my rights to refuse to answer.</p> <p>3 Q Was the practice in the Diocese of</p> <p>4 Springfield ever affected by that document?</p> <p>5 A I assert my rights to refuse to answer.</p> <p>6 Q As a canon lawyer, did you have any duties</p> <p>7 with respect to advising the bishop or any of the</p> <p>8 executive officers of the Diocese of Springfield</p> <p>9 dealing with the potential sexual abuse of minors?</p> <p>10 A I assert my rights to refuse to answer.</p> <p>11 Q Bishop Dupre, it is my understanding that</p> <p>12 you were given the title of Chancellor of the Diocese</p> <p>13 in March of 1977. Is that a fair statement?</p> <p>14 A I assert my rights to refuse to answer.</p> <p>15 Q Were you ever named Chancellor of the</p> <p>16 Diocese of Springfield?</p> <p>17 A I assert my rights to refuse to answer.</p> <p>18 Q As chancellor, isn't it a fair statement</p> <p>19 that you had supervisory duties over priests?</p> <p>20 A I assert my rights to refuse to answer.</p> <p>21 Q And it takes the special training of being</p> <p>22 a canon lawyer to be a chancellor; isn't that</p>

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<p style="text-align: right;">14</p> <p>1 correct?</p> <p>2 A I assert my rights to refuse to answer.</p> <p>3 Q And in 1977, when you became a canon</p> <p>4 lawyer, you were one of the three top executives of</p> <p>5 the Diocese of Springfield?</p> <p>6 A I assert my rights to refuse to answer.</p> <p>7 Q And as canon lawyer, it was your</p> <p>8 responsibility to review documents concerning clergy</p> <p>9 candidates sent -- being sent to diocese from</p> <p>10 seminars or colleges?</p> <p>11 A I assert my rights to refuse to answer.</p> <p>12 Q And as chancellor, one of your duties was</p> <p>13 to maintain the personnel files of the Diocese of</p> <p>14 Springfield?</p> <p>15 A What was that question again?</p> <p>16 Q As chancellor, was it one of your</p> <p>17 responsibilities to maintain the files, personnel</p> <p>18 files, of the Diocese of Springfield?</p> <p>19 A I assert my rights to refuse to answer.</p> <p>20 Q And you had access and the occasion to</p> <p>21 review the files of the members of clergy of the</p> <p>22 Diocese of Springfield while you were chancellor?</p>	<p style="text-align: right;">16</p> <p>1 whether any other priests were alleged to be involved</p> <p>2 in sexual activities with minors?</p> <p>3 A I assert my rights to refuse to answer.</p> <p>4 Q Did you participate in the appointment,</p> <p>5 transfer, or promotion of Father Graves?</p> <p>6 A I assert my rights to refuse to answer.</p> <p>7 Q Did you participate in the appointment,</p> <p>8 transfer, or promotion of Richard Lavigne?</p> <p>9 A I assert my rights to refuse to answer.</p> <p>10 Q Did you participate in the appointment,</p> <p>11 transfer, or promotion of Francis Lavelle?</p> <p>12 A I assert my rights to refuse to answer.</p> <p>13 Q Did you participate in the appointment,</p> <p>14 transfer, or promotion of Richard Meehan?</p> <p>15 A I assert my rights to refuse to answer.</p> <p>16 Q Of John Koonz?</p> <p>17 A I assert my rights to refuse to answer.</p> <p>18 Q Roy Jeness?</p> <p>19 A I assert my rights to refuse to answer.</p> <p>20 Q Edward Kennedy?</p> <p>21 A I assert my rights to refuse to answer.</p> <p>22 Q Clarence Forand?</p>
<p style="text-align: right;">15</p> <p>1 A I assert my rights to refuse to answer</p> <p>2 Q Did you ever review a priest's file and</p> <p>3 learn about allegations of misconduct by a priest</p> <p>4 prior to 1981?</p> <p>5 A I assert my rights to refuse to answer.</p> <p>6 Q Have you ever reviewed the file of Father</p> <p>7 Graves?</p> <p>8 A I assert my rights to refuse to answer.</p> <p>9 Q Have you ever reviewed the file of Richard</p> <p>10 Lavigne?</p> <p>11 A I assert my rights to refuse to answer</p> <p>12 Q Have you ever met any of the individuals</p> <p>13 who are alleged to have been molested by Father</p> <p>14 Graves?</p> <p>15 A I assert my rights to refuse to answer</p> <p>16 Q Have you ever met any of the individuals</p> <p>17 who alleged they were sexually abused by Richard</p> <p>18 Lavigne?</p> <p>19 A I assert my rights to refuse to answer</p> <p>20 Q Now, Richard Lavigne was indicted for</p> <p>21 sexually abusing a minor in 1991.</p> <p>22 Did you take any actions to determine</p>	<p style="text-align: right;">17</p> <p>1 A I assert my rights to refuse to answer</p> <p>2 Q Or Michael Devlin?</p> <p>3 A I assert my rights to refuse to answer.</p> <p>4 Q Did your tenure at the diocese overlap at</p> <p>5 any times with that of a Richard M. Sniezyk?</p> <p>6 A I assert my rights to refuse to answer.</p> <p>7 Q Now, Richard M Sniezyk is a codefendant of</p> <p>8 yours in this case.</p> <p>9 Are you -- do you know who he is?</p> <p>10 A Yes</p> <p>11 MR JENNINGS: No, read it</p> <p>12 THE WITNESS: Oh. I assert my rights to</p> <p>13 refuse to answer.</p> <p>14 BY MR. STOBIEFSKI</p> <p>15 Q Was Richard Sniezyk a subordinate of yours</p> <p>16 any time prior to 1984?</p> <p>17 A I assert my rights to refuse to answer</p> <p>18 Q Would you have expected him to report to</p> <p>19 you if he had heard of any priest engaging in sexual</p> <p>20 activity with minors?</p> <p>21 A I assert my rights to refuse to answer</p> <p>22 Q Were you aware that Richard Sniezyk</p>

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<p style="text-align: right;">18</p> <p>1 commented to The Boston Globe that he was aware that 2 there were priests having sexual activity with minors 3 in the 1950s and 1960s? 4 A I assert my rights to refuse to answer. 5 Q Do you agree with Father Richard Sniezyk's 6 comments that in the area -- era of the 1960s to the 7 1980s that the attitude among priests about 8 priesthood sexual conduct with minors was that, 9 quote, No one thought that much about it, close 10 quote, because it wasn't recognized as mentally and 11 emotionally damaging? 12 A I assert my rights to refuse to answer. 13 Q Do you believe in the 60s through the early 14 80s that priests having conduct with sexual -- 15 with -- sexual conduct with minors was permissible? 16 A I assert my rights to refuse to answer. 17 Q Do you agree that from the 1960s to 1984, 18 the atmosphere among members of the clergy and the 19 Diocese of Springfield regarding priests having 20 sexual contact with minors was that of a, quote, 21 unquote, okay to do? 22 A I assert my rights to refuse to answer</p>	<p style="text-align: right;">20</p> <p>1 A I assert my rights to refuse to answer. 2 Q Do you recall your answer? "I do not have 3 that knowledge that any, you know, church records 4 were destroyed by anyone, no. I assume that that has 5 not happened because I do not have that information." 6 A I assert my rights to refuse to answer. 7 Q Do you maintain that that statement is 8 still true, that you had no knowledge or information 9 that diocesan records were destroyed by anyone? 10 A I assert my rights to refuse to answer. 11 MR. STOBIEFSKI: I'd like to have that 12 exhibit marked as Exhibit I. 13 (Dupre Exhibit Number 1 14 was marked for identification) 15 BY MR STOBIEFSKI 16 Q Bishop Dupre, over the course of this 17 deposition, I'm going to submit various documents to 18 you You're entitled to read it, to have sufficient 19 time. After you've read it, please indicate that 20 you've seen the document, and I'll ask you further 21 question on it. 22 You've had an opportunity to read the</p>
<p style="text-align: right;">19</p> <p>1 Q Now, Bishop Dupre, I have deposed you once 2 before. Do you recall that? 3 A I assert my rights to refuse to answer. 4 Q Now, you recall that the day that I deposed 5 you was September 29th, 2003? 6 A I assert my rights to refuse to answer 7 Q Now, it's fair to say that this deposition 8 was noticed and taken by the attorneys for the 9 Diocese of Springfield as well as your own attorneys; 10 is that correct? 11 A I assert my rights to refuse to answer 12 Q And it occurred because you wanted to give 13 sworn testimony regarding what you felt were false 14 allegations by Father Scahill regarding the 15 destruction of records of priests who abused minors? 16 A I assert my rights to refuse to answer. 17 Q Do you recall testifying at the deposition 18 in a question from your own attorney -- Question: 19 "Bishop, do you have any knowledge that any diocesan 20 records or diocesan personnel files were ever 21 destroyed by anybody?" 22 Do you recall that question?</p>	<p style="text-align: right;">21</p> <p>1 document? 2 A I read it, yes. 3 Q Bishop, this document, it's fair to state, 4 is a memorandum directed to you from Father Liston 5 and Sister Carol dated July 7th, 2003; is that 6 accurate? 7 A I assert my rights to refuse to answer. 8 Q And this memorandum was dated approximately 9 three months before you were deposed; is that an 10 accurate statement? 11 A I assert my rights to refuse to answer 12 Q And Father Liston and Sister Carol are 13 both -- were both chancellors of the diocese in 2003 14 and were in charge of the diocesan personnel files 15 Is that a fair statement? 16 A I assert my rights to refuse to answer. 17 Q And isn't -- isn't it true, Bishop Dupre, 18 that approximately three months before your 19 deposition, both Father Liston and Sister Carol told 20 you, quote, unquote, As we have long suspected, 21 Bishop Weldon's files were all destroyed by Monsignor 22 David Welsh since Bishop Weldon unwisely kept these</p>

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<p style="text-align: right;">22</p> <p>1 files apart from the vault in the chancery? 2 A I assert my rights to refuse to answer. 3 Q Did you direct Father Liston to inquire 4 into whether Father Welsh had an assignment in the 5 diocese? 6 A I assert my rights to refuse to answer. 7 Q And you were aware at that time that Father 8 Welsh had an accusation of sexual abuse lodged 9 against him? 10 A I assert my rights to refuse to answer. 11 Q And you're aware that there was a note in 12 the diocesan files that Father Welsh had documents 13 that were contained in a secret file? 14 A Pardon? 15 Q Are you aware that in the files that were 16 contained in the diocese that there's indication that 17 there were secret files that Father Welsh had kept? 18 A I assert my rights to refuse to answer. 19 Q And you knew at least as early as July 7th, 20 2003 that your chancellor determined that Monsignor 21 Welsh destroyed secret personnel files? 22 A I assert my rights to refuse to answer</p>	<p style="text-align: right;">24</p> <p>1 Maguire indicating that he was sexually molested and 2 he was -- and that Alfred Graves attempted to rape 3 him; do you recall that? 4 A I assert my rights to refuse to answer 5 Q And this letter was received when you were 6 chancellor of the diocese, correct? 7 A I assert my rights to refuse to -- to 8 answer 9 Q And you're aware that Bishop Maguire 10 subsequently met with Mr Roberts, as well as his 11 father and another victim? 12 A I assert my rights to refuse to answer 13 Q And Bishop Maguire's response to the 14 Roberts family was that he would take care of it 15 He'd make sure it would never happened again 16 Are you aware of that? 17 A I assert my rights to refuse to answer. 18 Q And as chancellor of the diocese during 19 that time, you would be aware of those things, 20 correct? 21 A I assert my rights to refuse to answer 22 Q Now, in 1992, you were a bishop at that</p>
<p style="text-align: right;">23</p> <p>1 MR. STOBIEFSKI: I'd like to have another 2 exhibit marked as Exhibit 2. 3 (Dupre Exhibit Number 2 4 was marked for identification) 5 BY MR. STOBIEFSKI 6 Q Finished reading the document? 7 A I read it, yeah. 8 Q Now, Exhibit 2 is a memorandum to Bishop 9 Marshal from Bishop Dupre, subject, "Letter to 10 Mr Roberts," dated October 28th, 1992 11 Is that accurate? 12 A I assert my rights to refuse to answer. 13 Q Now, you're aware, Bishop Dupre, are you 14 not, that Mr Roberts, in 1977, reported that he was 15 molested by Alfred Graves to Bishop Maguire? 16 A I assert my rights to refuse to answer. 17 Q And Alfred Graves is the same Father Graves 18 that we've been speaking about previously; is that 19 fair to state? 20 A I assert my rights to refuse to answer. 21 Q And in 1992, Mr. Roberts claimed that he 22 wrote -- that his parents wrote a letter to Bishop</p>	<p style="text-align: right;">25</p> <p>1 time; is that correct? 2 A I assert my rights to refuse to answer 3 Q And there was -- you were not the head of 4 the diocese, but there was another bishop by the name 5 of Bishop Marshal, and he was the city -- 6 A I assert my rights to refuse to answer. 7 Q You were also the vicar general of the 8 diocese at that time; is that correct? 9 A I assert my rights to refuse to answer. 10 Q And as part of your duties, you 11 investigated allegations of sexual abuse? 12 A I assert my rights to refuse to answer 13 Q Now, in this letter, Exhibit No 2, you 14 comment in paragraph 11, "You must remember that in 15 1976, the focus was on moral fault which needed to be 16 acknowledged and repented of. There also ought to be 17 assurance that the delinquent person would not repeat 18 the offense. Depending upon the circumstances of 19 each case, counseling and/or therapy might be 20 required as whether -- as well as other measures if 21 deemed necessary. If and only if the delinquent were 22 considered to be reformed would he be given an</p>

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<p style="text-align: right;">26</p> <p>1 assignment."</p> <p>2 Is that a fair statement of your writing in</p> <p>3 1992?</p> <p>4 A I assert my rights to refuse to answer.</p> <p>5 Q And you're aware that in 1997, when the</p> <p>6 Roberts family rose or presented the 1976 allegation</p> <p>7 concerning Alfred Graves, that he admitted to it?</p> <p>8 A I assert my rights to refuse to answer.</p> <p>9 Q And as chancellor of the diocese during</p> <p>10 that time, you would be the custody of -- you would</p> <p>11 be the custodian of any and all documents related to</p> <p>12 Alfred Graves?</p> <p>13 A I assert my rights to refuse to answer.</p> <p>14 Q Now, the diocese, when you were chancellor</p> <p>15 and responsible for the maintenance of documents,</p> <p>16 kept two different files, a regular personnel file</p> <p>17 and a special or secret personnel file; is that fair</p> <p>18 to say?</p> <p>19 A I assert my rights to refuse to answer.</p> <p>20 MR STOBIEFSKI: I'm going to present you</p> <p>21 another document, Bishop Dupre</p> <p>22 (Dupre Exhibit Number 3</p>	<p style="text-align: right;">28</p> <p>1 evaluations from the Institute of Living or St.</p> <p>2 Luke's of Richard Lavigne, correct?</p> <p>3 A I assert my rights to refuse to answer</p> <p>4 Q And those are documents that were not</p> <p>5 given, even though they were requested, to an</p> <p>6 attorney, Richard E Brody, and kept by the diocese?</p> <p>7 A I assert my rights to refuse to answer.</p> <p>8 MR STOBIEFSKI: I'd like to mark this</p> <p>9 exhibit I believe it's four. I'm going to present</p> <p>10 another document and note it as Exhibit 4 to you.</p> <p>11 (Dupre Exhibit Number 4</p> <p>12 was marked for identification)</p> <p>13 BY MR. STOBIEFSKI</p> <p>14 Q Mr. Dupre, have you had an opportunity to</p> <p>15 read that document?</p> <p>16 A Yes.</p> <p>17 Q And it's fair to state that it is a</p> <p>18 memorandum to you from Bishop Marshal, the subject is</p> <p>19 "Special Files," and the date is January 6th, 1993?</p> <p>20 Is that accurate?</p> <p>21 A I assert my rights to refuse to answer.</p> <p>22 Q And Bishop Marshal, in January of 1993,</p>
<p style="text-align: right;">27</p> <p>1 was marked for identification)</p> <p>2 BY MR. STOBIEFSKI</p> <p>3 Q You've read Exhibit 3, Bishop Dupre?</p> <p>4 A I read it, yeah</p> <p>5 Q And it's fair to state that it's an</p> <p>6 interoffice memo to you from Father Liston dated</p> <p>7 September 15th, 1993? Is that accurate?</p> <p>8 A I assert my rights to refuse to answer</p> <p>9 Q And in 1993, Father Liston was -- was an</p> <p>10 executive officer of the Diocese of Springfield in</p> <p>11 the capacity of -- as a chancellor and a canon</p> <p>12 lawyer?</p> <p>13 A I assert my rights to refuse to answer</p> <p>14 Q And it appears from this memo that you</p> <p>15 asked him to review the file of Richard Lavigne?</p> <p>16 A Can you repeat that, please?</p> <p>17 Q Excuse me. It appears in this memorandum</p> <p>18 that you asked Father Liston to review both the</p> <p>19 secret and regular files of Father Richard Lavigne?</p> <p>20 A I assert my rights to refuse to answer.</p> <p>21 Q And it is clear that there is a secret file</p> <p>22 from this document that included psychological</p>	<p style="text-align: right;">29</p> <p>1 wrote to you about what to put in, quote, unquote,</p> <p>2 special files, what to have in regular files, and</p> <p>3 what to have only in the privileged attorney-client</p> <p>4 file Is that accurate?</p> <p>5 A I assert my rights to refuse to answer</p> <p>6 Q He was also writing about how to hide</p> <p>7 documents that might be useful to the prosecution of</p> <p>8 priests who were accused of sexual molestation of</p> <p>9 minors; is that correct?</p> <p>10 A I assert my rights to refuse to answer</p> <p>11 Q And he was writing to you to hide documents</p> <p>12 and to protect those documents that might be subject</p> <p>13 to a subpoena; is that correct?</p> <p>14 A I assert my rights to refuse to answer</p> <p>15 Q In the memo dated January 6th, 1993, Bishop</p> <p>16 Marshal suggested that the memo itself be put in the</p> <p>17 privileged file; is that fair?</p> <p>18 A I assert my rights to refuse to answer</p> <p>19 Q And you recognize yourself, Bishop, as a</p> <p>20 canon lawyer, that the memo was not properly</p> <p>21 classified as a privileged document according to</p> <p>22 canon law?</p>



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<p style="text-align: right;">30</p> <p>1 A I assert my rights to refuse to answer. 2 Q Bishop Marshal also suggested to you in 3 this memo that handwritten letters of complaints 4 against priests be kept in the privileged file 5 because it was unlikely that the writer would have a 6 copy, correct? 7 A I assert my rights to refuse to answer. 8 Q And that differed from complaints of typed 9 letters, because Bishop Marshal indicated in the 10 memorandum that a individual might retain a copy of a 11 typed letter; is that correct? 12 A I assert my rights to refuse to answer. 13 Q So the policy of the diocese in 1993 was 14 only to keep typed letters in a priest's regular file 15 and to keep handwritten letters in special or 16 privileged files; is that a fair statement? 17 A I assert my rights to refuse to answer 18 Q Bishop Dupre, you are aware that someone 19 within the diocese destroyed all of the secret files 20 or special files kept by Bishop Weldon after his 21 death in the early 80s? 22 A Could you repeat that?</p>	<p style="text-align: right;">32</p> <p>1 A I assert my rights to refuse to answer. 2 Q Is it a fair statement that you had sexual 3 relations with Tom Deshaies starting in 1981 when he 4 was approximately 15 years old? 5 A I assert my rights to refuse to answer 6 Q Do you know of an individual named Tuan 7 Iran, Bishop Dupre? 8 A I assert my rights to refuse to answer. 9 Q Are you aware that his family immigrated to 10 the Springfield area from Vietnam? 11 A I assert my rights to refuse to answer 12 Q Is it true that you had sexual relations 13 with Mr Iran before 1981 when he was approximately 14 12 years old? 15 A I assert my rights to refuse to answer. 16 Q And are you aware that the allegations of 17 Mr Nicaastro that he was molested by Father Alfred 18 Graves started in 1991? 19 A I assert my rights to refuse to answer. 20 Q Now, isn't it true, Bishop Dupre, that 21 you -- isn't it true, Bishop Dupre, that you were 22 actively engaged in having sexual relations with</p>
<p style="text-align: right;">31</p> <p>1 Q You're aware, Bishop Dupre, that all of the 2 special files or secret files that would have 3 allegations of sexual abuse against minors were 4 destroyed in the early 80s? 5 A I assert my rights to refuse to answer 6 Q Now, Bishop Dupre, were you ever at a 7 meeting of priests in Ogunquit, Maine, where you 8 became aware that priests engaged in sexual activity 9 with men and minors? 10 A I assert my rights to refuse to answer. 11 Q Have you ever heard of a group of priests 12 from the Diocese of Springfield called the Unholy 13 who were known to be part of a ring of pedophiles? 14 A I assert my rights to refuse to answer 15 Q When did you first become aware of any 16 priests in the Diocese of Springfield to be rumored 17 to have had sexual contact with minors? 18 A I assert my rights to refuse to answer. 19 Q Do you know an individual by the name of 20 Tom Deshaies? 21 A I assert my rights to refuse to answer. 22 Q Last name is spelled D-E-S-H-A-I-E-S?</p>	<p style="text-align: right;">33</p> <p>1 minors at the very same time that you had supervisory 2 authority over Alfred Graves between the years of 3 1981 and 1984? 4 A I assert my rights to refuse to answer 5 Q Is it a fair statement, Bishop Dupre, that 6 you asked Mr. Deshaies not to talk about any sexual 7 contact with him when you were being considered to be 8 named bishop from Springfield? 9 A I assert my rights to refuse to answer 10 Q And in 2004, before you resigned as a 11 bishop, you had a meeting with Mr. Deshaies where you 12 asked him to be untruthful about your relationship 13 with him? 14 A I assert my rights to refuse to answer. 15 Q And you asked Mr. Deshaies to try to 16 convince his mother not to talk with a reporter from 17 The Springfield Union by the name of Bill Zajak? 18 A I assert my rights to refuse to answer 19 Q And isn't it fair to state that you 20 resigned as bishop of the Springfield diocese because 21 the allegations of Mr. Deshaies and Mr. Iran were 22 about to become public?</p>

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<p style="text-align: right;">34</p> <p>1 A I assert my rights to refuse to answer. 2 Q Do you recall in that last meeting with 3 Mr. Deshaies just months before you resigned as 4 Bishop of Springfield that you solicited 5 Mr. Deshaies, as an adult at that time, to have 6 sexual relations with him? 7 A Can you repeat that? 8 Q Isn't it true, Bishop Dupre, that in your 9 meeting with Mr. Deshaies shortly before you resigned 10 as Bishop of Springfield that you asked him to have 11 sexual relations with you? 12 A I assert my rights to refuse to answer. 13 Q Do you recall Mr. Deshaies telling you that 14 Mr. Iran was threatening to commit suicide and asking 15 for your help? 16 A I assert my rights to refuse to answer. 17 Q And you refused to lend Mr. Deshaies any 18 assistance -- or Mr. Iran any assistance in his own 19 personal turmoil resulting from your interaction with 20 him? 21 A I assert my rights to refuse to answer 22 Q About a month before you abruptly left the</p>	<p style="text-align: right;">36</p> <p>1 record. 2 BY MR. STOBIERSKI 3 Q Bishop Dupre, while you were bishop and 4 this scandal had erupted, isn't it fair to state that 5 you were trying to mislead the press and the public 6 with regards to your involvement in this affair? 7 A This one? Oh I assert my rights to 8 refuse to answer. 9 Q And in 2004 -- there are two exhibits that 10 are before you, correct, Exhibit 5 and 6, which 11 you've just had an opportunity to read? 12 A Five and six? 13 Q Yes 14 A Yeah. 15 Q Those are the -- those are the documents 16 that we read while we were on break? 17 A Uh-huh 18 Q Document 5 is a memo -- memorandum to you, 19 dated January 12th, 2004, from Sister Carol and 20 Father Liston, correct? 21 A I assert my rights to refuse to answer 22 Q And in 2004, you were the head of the</p>
<p style="text-align: right;">35</p> <p>1 diocese in 2004, you asked your staff to help you out 2 with a clarification that occurred in some -- in an 3 article in The Sunday Republican; is that a fair 4 statement? 5 A I assert my rights to refuse to answer. 6 MR. STOBIERSKI: You know, Michael, I'm 7 going to suggest that maybe we turn off the video 8 while he's reviewing the documents. When he's done, 9 we'll go back on record, so we're just not wasting 10 videographer time and jury time, if that's -- if 11 that's involved. So we'll go off the record by 12 agreement, and when you're done, we'll just come back 13 on, and we'll have these marked as the next exhibit. 14 I believe it's five 15 (Dupre Exhibits Numbers 5 and 6 16 were marked for identification) 17 VIDEO TECHNICIAN: The time is 18 approximately 10:51:18 a.m. We are now off the 19 record 20 (Brief recess.) 21 VIDEO TECHNICIAN: The time is 22 approximately 10:58:36 a.m. We are now on the</p>	<p style="text-align: right;">37</p> <p>1 Diocese of Springfield; is that correct? In 2 January 12th of 2004. 3 A I assert my rights to refuse to answer. 4 Q And Sister Carol and Father Liston were 5 both executive members of the corporation sole and 6 the Diocese of Springfield? 7 A I assert my rights to refuse to answer. 8 Q Document 6, which is -- should be before 9 you, what you just read, is entitled a "Statement of 10 Clarification," dated 1/12/04. Is that accurate? 11 A I assert my rights to refuse to answer. 12 Q And this statement of clarification was 13 drafted by you; isn't that correct? 14 A I assert my rights to refuse to answer. 15 Q And you drafted this in order to attempt to 16 rebut some of the newspaper articles that were 17 occurring regarding your involvement in the clergy 18 abuse scandal? 19 A I assert my rights to refuse to answer. 20 Q And you wrote this statement of 21 clarification and then showed it to the -- two of the 22 other executive officers in the corporation, correct?</p>

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<p style="text-align: right;">38</p> <p>1 A I assert my rights to refuse to answer. 2 Q And on January 12th, 2004 -- actually, the 3 very same day -- both Sister Carol and Father Liston 4 responded in the memorandum noted as Exhibit 5, 5 correct? 6 A I assert my rights to refuse to answer. 7 Q You wrote in your statement of 8 clarification, Exhibit 6, that "The first direct 9 information which Father Dupre received regarding 10 Father Lavigne and sexual abuse of minors in the 11 diocese was at an interviewer meeting with the father 12 of one of the victims, either in 1986 or thereafter." 13 Is that a fair reading of your drafting of 14 your own memo? 15 A I assert my rights to refuse to answer 16 Q And you never, in your clarification, 17 addressed any indirect knowledge you may have had of 18 either Lavigne or anyone else abusing minors; is that 19 correct? 20 A I assert my rights to refuse to answer. 21 Q And it's fair to say that you had much 22 indirect information of the abuse of -- sexual abuse</p>	<p style="text-align: right;">40</p> <p>1 Exhibit 5 that "We are concerned that you claim not 2 to have seen anything about this matter in reviewing 3 Richard Lavigne's files as the years passed. There 4 are documents indicating Bishop Weldon knew of these 5 matters. It would seem highly improbable that those 6 who are presently involved with this matter could 7 find it plausible that this material was overlooked." 8 Is that -- is that what the document says? 9 A I assert my rights to refuse to answer. 10 Q And isn't it true that you had seen 11 documents concerning Lavigne's sexual abuse far 12 before 1986? 13 A I assert my rights to refuse to answer. 14 Q For as long as you've held an executive 15 position in the diocese, you've attempted to cover up 16 acts of clergy abuse when you could get away with it? 17 A I assert my rights to refuse to answer 18 Q Now, is it true, Bishop Dupre, that you had 19 knowledge of numerous other priests who were 20 molesting children prior to Andrew Nicastro being 21 molested from 1982 to 1984? 22 A I assert my rights to refuse to answer</p>
<p style="text-align: right;">39</p> <p>1 of minors in the Diocese of Springfield prior to 2 1984? 3 A I assert my rights to refuse to answer 4 Q In fact, Bishop Dupre, you had indirect 5 knowledge through rumors, documents, through Bishop 6 Weldon that Richard Lavigne was suspected of abusing 7 minors prior to 1986; is that a fair statement? 8 A I assert my rights to refuse to answer. 9 Q And is it a fair statement that you had 10 indirect knowledge through rumors, documents, through 11 Bishop Weldon, through Bishop Maguire that Father 12 Alfred Graves had abused a child prior to 1982? 13 A I assert my rights to refuse to answer 14 Q Now, in the document that's labeled Exhibit 15 5 -- and that's the memorandum from Sister Carol and 16 Father Liston -- they informed you that they couldn't 17 endorse your own statement because it falsely claimed 18 that chancery officials did not recall seeing any 19 documents concerning Lavigne's sexual misconduct; is 20 that a fair statement? 21 A I assert my rights to refuse to answer. 22 Q Father Liston and Sister Carol wrote in</p>	<p style="text-align: right;">41</p> <p>1 Q You were aware that when you became 2 co-chancellor in March of 1977 that in 1969, a Father 3 Paul Boudreau was given a one-year leave of absence 4 for quote, unquote, purposes of study and research? 5 A I assert my rights to refuse to answer. 6 Q And that one-year leave of absence was 7 actually to study and research why he should no 8 longer engage in sexual relations with children; is 9 that accurate? 10 A I assert my rights to refuse to answer 11 Q And because you were custodian of the files 12 of the diocese, there is a note on a copy of a letter 13 to Mr. Boudreau to, quote, Check the bishop's special 14 files for an explanation of, quote, for the purposes 15 of study and research we have discussed. 16 Is that accurate? 17 A I assert my rights to refuse to answer 18 MR. STOBERSKI: This is a short document, 19 so we'll stay on the record on this, but I'm going to 20 show you what's -- we'll mark that as Exhibit 7. 21 (Dupre Exhibit Number 7 22 was marked for identification)</p>

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<p style="text-align: right;">42</p> <p>1 BY MR. STOBIERSKI 2 Q Bishop Dupre, you've been able to review 3 Exhibit 7? 4 A Yes. 5 Q And this is a letter dated October 3rd, 6 1969 to Reverend Paul I. Boudreau at St Mary's 7 Rectory from the Bishop of Springfield; isn't that 8 accurate? 9 A I assert my rights to refuse to answer. 10 Q And on the top of this letter, it said -- 11 it says, "Note. Check bishop's special file for 12 explanation for the purposes of study and research we 13 have discussed." 14 That's what it states on that letter; isn't 15 that accurate? Isn't that what's on this document, 16 Bishop Dupre? 17 A I assert my rights to refuse to answer 18 Q And so this is a document which indicates 19 that there is a special file, that there is a 20 document there, and that no document has ever been 21 found of what -- what that explanation is 22 Is that true, Bishop Dupre?</p>	<p style="text-align: right;">44</p> <p>1 Q During the summer of 1977. 2 A I didn't hear the last part of the 3 sentence 4 Q Fair enough. Please, if you don't 5 understand, I want to make sure you understand this 6 You became co-chancellor of the diocese in March of 7 1977 8 Do you recall in the summer of 1977, as 9 custodian of the files of the diocese, receiving a 10 letter from the mother of a James Erickson regarding 11 a claim of abuse at the hands of Father Alfred 12 Graves? 13 A I assert my rights to refuse to answer. 14 Q Are you aware who James Erickson is? 15 A I assert my rights to refuse to answer. 16 Q Are you aware that he's an individual who 17 settled his case against the diocese alleging that he 18 was abused by Alfred Graves in 2002? 19 A I assert my rights to refuse to answer. 20 Q And are you aware that his mother wrote to 21 the Diocese of Springfield that he was molested by 22 Alfred Graves between the years of 1973 and 1976</p>
<p style="text-align: right;">43</p> <p>1 A I assert my rights to refuse to answer. 2 Q And from 1977, when you became custodian of 3 these documents to when you retired as Bishop of 4 Springfield in 2004, you had access to all those 5 documents; is that accurate? 6 A I assert my rights to refuse to answer 7 Q Now, were you aware when you were custodian 8 of those documents that in the summer of 1977, 9 literally two to four months after you became 10 co-chancellor, that the mother of a abuse victim by 11 the name of James Erickson wrote to the Diocese of 12 Springfield? Are you aware of that? 13 A Would you repeat that? 14 Q I'll break it up into several different 15 questions. 16 You became co-chancellor of the diocese in 17 early March of 1977, and during the summer of 1977, 18 several months after you became co-chancellor, do you 19 recall receiving a letter from the mother of a James 20 Erickson regarding allegations of sexual abuse at the 21 hands of Alfred Graves? 22 A At what?</p>	<p style="text-align: right;">45</p> <p>1 during the summer of 1977? 2 A I assert my rights to refuse to answer 3 Q Now, it's fair to say that as chancellor, 4 it is your role to review the files of priests when 5 there is an accusation of sexual abuse, correct? 6 A I assert my rights to refuse to answer. 7 Q And as a canon lawyer for the Diocese of 8 Springfield, it was also one of your responsibilities 9 to determine whether there were any canon law 10 violations when a priest is accused of sexually 11 molesting a child? 12 A I assert my rights to refuse to answer 13 Q Do you recall, Bishop Dupre, that at your 14 prior deposition in 2003, you testified that Bishop 15 Marshal had asked you to review Richard Lavigne's 16 file and write a memo saying what it is -- what's in 17 the file and advising you what should be done with 18 Bishop Dupre -- I mean -- excuse me, with Richard 19 Lavigne? 20 A I assert my rights to refuse to answer. 21 Q And do you recall, in 1991, you were asked 22 by Bishop Maguire to meet with Paul Babeau's father,</p>

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<p style="text-align: right;">46</p> <p>1 who complained of sexual abuse by Richard Lavigne? 2 Do you recall that? 3 A I assert my rights to refuse to answer. 4 Q And you're aware that Paul Babeau had come 5 to the diocese in 1986 alleging that he was molested 6 by Richard Lavigne? 7 A I assert my rights to refuse to answer. 8 Q And his father was quite upset in 1991 that 9 Richard Lavigne had remained a priest in the diocese 10 and had molested other people and that Bishop Maguire 11 requested you be present at a meeting with 12 Mr. Babeau, yourself, and Mr Maguire? That's Bishop 13 Maguire. 14 A I assert my rights to refuse to answer. 15 Q Now, at the time of Alfred Graves' abuse of 16 Andrew Nicasastro between 1982 and '84, you knew that 17 the diocese already had the knowledge of numerous 18 other priests who had acted sexually inappropriate 19 with children, including -- and I'm going to give you 20 some names and you can assert your privilege, but -- 21 Andrew Corbin, are you aware of the 22 knowledge that the diocese had and you had with</p>	<p style="text-align: right;">48</p> <p>1 Bishop Maguire about that; do you recall that? 2 A I assert my rights to refuse to answer. 3 Q Prior to 1990 -- excuse me -- strike that. 4 Prior to 1982, you were aware that Father 5 Richard Welsh and Father Clarence Forand had been 6 identified by the diocese as engaging in sexual 7 misconduct with minors? 8 A I assert my rights to refuse to answer 9 Q Is it fair to say, in 1982, you did nothing 10 to assist in the supervision of any of these priests 11 to make sure that they did not -- do not sexually 12 molest children? 13 A I assert my rights to refuse to answer. 14 Q Well, you also were aware that in 1981 15 there was a scandal relating to the Stigmatines in 16 Feeding Hills; do you recall that? 17 A I assert my rights to refuse to answer 18 Q And there was a Father Ahearn who was 19 molesting children at the Sacred Heart Parish in 20 Feeding Hills, and you were part of the discussions 21 and deliberations to get him removed from the 22 Springfield diocese?</p>
<p style="text-align: right;">47</p> <p>1 respect to Andrew Corbin? 2 A I assert my rights to refuse to answer. 3 Q Father Jeness. Are you aware prior to 1982 4 that Father Jeness had molested children? 5 A I assert my rights to refuse to answer. 6 Q Were you aware that a Father Malbouf was a 7 raging alcoholic and sexual deviant and was suspected 8 of having sexual relations with young boys, underage 9 boys, prior to 1982? 10 A I assert my rights to refuse to answer 11 Q In fact, Bishop Dupre, while you were 12 working in a parish in West Springfield, you, 13 yourself, came to pick up Father Malbouf, who was 14 arrested naked in the streets of Springfield after 15 being rolled by male prostitutes that he had been 16 soliciting. Do you recall that? 17 A I assert my rights to refuse to answer. 18 Q And you participated in getting Father 19 Malbouf to voluntarily agree to leave the priesthood 20 and become laicized? 21 A I assert my rights to refuse to answer 22 Q And you, in fact, sent a memorandum to</p>	<p style="text-align: right;">49</p> <p>1 A I assert my rights to refuse to answer 2 Q It was common knowledge among priests, 3 principals of school -- and principals of schools 4 that certain priests were child molesters prior to 5 1982; is that correct? 6 A I assert my rights to refuse to answer. 7 Q Some religious schools, as early as 1993, 8 Catholic schools, indicated they didn't want Father 9 Malbouf around kids or Father Lafleur around kids; is 10 that correct? 11 A I assert my rights to refuse to answer. 12 Q And you shared a common knowledge among the 13 executive members of the Diocese of Springfield that 14 there were certain priests that engaged in sexual 15 conduct -- contact with minors in 1982? 16 A I assert my rights to refuse to answer 17 Q Now, Bishop Dupre, during your tenure as 18 Bishop of Springfield, is it fair to say that you did 19 not comply with the Dallas Norms with respect to 20 priests who were accused of abusing minors? 21 A I assert my rights to refuse to answer 22 Q Dallas Norms required a bishop to send</p>

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<p style="text-align: right;">50</p> <p>1 reports about clergy against who claims had been made 2 to the Congregation of the Doctrine of Faith; is that 3 correct? 4 A I assert my rights to refuse to answer. 5 Q And you never self-reported yourself to the 6 Congregation for the Doctrine of Faith, did you? 7 A I assert my rights to refuse to answer. 8 MR. STOBIEFSKI: Now I'm going to show you 9 another document, and this is kind of a longer 10 document, so maybe we'll go off record while you 11 review it. We'll mark it as eight 12 (Dupre Exhibits Numbers 8 and 9 13 were marked for identification) 14 VIDEO TECHNICIAN: The time is 15 approximately 11:19:15 a.m. We are now off the 16 record. 17 (Brief recess.) 18 VIDEO TECHNICIAN: The time is 19 approximately 11:34:35 a.m. We are now on the 20 record 21 BY MR. STOBIEFSKI 22 Q Bishop Dupre, during the break, you've had</p>	<p style="text-align: right;">52</p> <p>1 Bishop McDonnell to give a summary to now Pope 2 Ratzinger about the history of the sexual abuse 3 scandal in Springfield, as well as to give him notice 4 of something; is that accurate? 5 A I assert my rights to refuse to answer 6 Q Page 2 of that document -- and I'm going to 7 quote Bishop McDonnell -- says, first paragraph, "I 8 do not believe that the reports about clergy against 9 whom claims have been made have been sent to the 10 Congregation for the Doctrine of Faith as required by 11 particular law for the United States Dallas Norms " 12 Do you see that there -- 13 A Uh-huh. 14 Q -- Bishop Dupre? "And the appropriate 15 notifications are therefore attached to this letter. 16 They are 12 in number. You will note that some 17 claimants have been accused by more than one priest." 18 Is that a fair reading of what was 19 contained in the document? 20 A Huh? 21 Q That's what -- that's what the document 22 says?</p>
<p style="text-align: right;">51</p> <p>1 a chance to fully review Exhibit 8 that's before you 2 now, correct? 3 A You mean this last one? 4 Q Should have a number eight. It's the last 5 one I gave to you. 6 A No. 9? 7 Q No. 9 should be a list, and No. 8 should be 8 a list to the Eminence Joseph Cardinal Ratzinger 9 A Yes, I read both. 10 Q All right. And Exhibit 8 is dated 11 August 28th, 2004, and that is after you retired as 12 the Bishop of the Diocese of Springfield; isn't that 13 correct? 14 A Right 15 Q And this is a document that is addressed to 16 Joseph Cardinal Ratzinger, and it's from Timothy A 17 McDonnell, Bishop of Springfield, correct? 18 Is that accurate? 19 MR. JENNINGS: Yeah. 20 A All right. I assert my right to -- right 21 to refuse to answer 22 Q And this is a document that is drafted by</p>	<p style="text-align: right;">53</p> <p>1 MR. JENNINGS: Just keep reading it. 2 A I assert my right to refuse to answer. 3 Q Bishop Dupre, while you were Bishop of 4 Springfield -- strike that. 5 Dallas Norms came into effect in 2002 to 6 address many of the issues -- to address many of the 7 issues with respect to clergy abuse in the United 8 States; is that a fair statement? 9 A I assert my rights to refuse to answer. 10 Q And the Dallas Norms required that if a 11 bishop believes that there is a credible allegation 12 of abuse and amongst -- against a clergy member, that 13 it needs to be reported to the Congregation for the 14 Doctrine of Faith; is that correct? 15 A I assert my rights to refuse to answer. 16 Q Bishop McDonnell is notifying Cardinal 17 Ratzinger, now Pope, that you did not do this for 12 18 individuals. Can you tell us why? 19 A I assert my rights to refuse to answer. 20 Q Now, I'm going to ask you to go back to -- 21 strike that. There is another exhibit -- it's 22 Exhibit 9 -- and it was marked outside of the</p>

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<p style="text-align: right;">54</p> <p>1 presence of the videographer. Do you see that 2 exhibit? It's a list of names. 3 And Exhibit 9 is a letter from Bishop 4 McDonnell, the current Bishop of Springfield, 5 reporting various names; is that a fair statement? 6 A I assert my right to refuse to answer. 7 Q And these are priests -- well -- and that 8 list includes Alfred Graves, correct? 9 A I assert my rights to refuse to answer. 10 Q And this is a list of names of priests that 11 the diocese had credible allegations of clergy abuse, 12 that you, as bishop, neglected to report as required 13 by internal church policy and procedure? 14 A I assert my rights to refuse to answer. 15 Q All right. And now I'd like to turn, 16 Bishop McDonnell, to -- excuse me -- Bishop Dupre, to 17 your knowledge of Father Alfred Graves as a child 18 molester before 1982 19 I'd like to draw your attention back to 20 Exhibit 2 And Exhibit 2, once again, is a memo from 21 yourself, as bishop, to Bishop Marshal dated 22 October 28th, 1992</p>	<p style="text-align: right;">56</p> <p>1 BY MR STOBIERSKI 2 Q Now, you described the atmosphere in 1976, 3 at the time when Mr. Roberts was molested and before 4 Mr. Nicastro was molested, as focusing on -- and I'm 5 going to quote your words -- "moral fault which 6 needed to be acknowledged and repented of." 7 Is that correct? 8 A I assert my rights to refuse to answer. 9 Q And the molestation of children at that 10 time was not considered a crime, nor was it 11 considered something for which someone would be 12 civilly responsible; it was -- it was thought of in 13 the Diocese of Springfield and by yourself as a moral 14 failure. Isn't that fair? 15 A I assert my rights to refuse to answer 16 Q And it was your duty as a chancellor, as an 17 executive officer from the Diocese of Springfield in 18 1977, to make sure that if the priest had a moral 19 failing that would cause harm to a child to make sure 20 that didn't happen again? 21 A I assert my rights to refuse to answer 22 Q You also wrote in this instruction to</p>
<p style="text-align: right;">55</p> <p>1 Is that what Exhibit 2 is? 2 A I assert my rights to refuse to answer 3 Q And isn't it -- isn't it an accurate 4 statement, Bishop Dupre, that you wrote this memo to 5 Bishop Marshal in response to a letter from a 6 Mr. Roberts who had indicated he was molested as a 7 boy by Father Graves? 8 A I assert my rights to refuse to answer. 9 Q And you were assisting Bishop Marshal in 10 responding to Mr. Roberts, is that correct, in the 11 drafting of this memo? 12 A I assert my rights to refuse to answer. 13 Q And isn't it true that Bishop Marshal 14 adopted your words, "in whole cloth," in the middle 15 of paragraph 11 for his response to a Mr. Roberts, 16 and that paragraph begins, "You must remember that in 17 1976?" 18 A I assert my rights to refuse to answer 19 MR JENNINGS: What exhibit are -- is that? 20 MR. STOBIERSKI: Exhibit 2. 21 MR JENNINGS: Okay Thank you. 22</p>	<p style="text-align: right;">57</p> <p>1 Bishop Marshal in 1992 that "There had also to be 2 assurance that the delinquent person would not repeat 3 the offense " 4 And that's what the 1992 document says, 5 correct? 6 A I assert my right to refuse to answer. 7 Q What did you do, Bishop Dupre, in 1982 to 8 make sure that after he admitted he had abused a 9 child that in 1977 that he never did so again? 10 A I assert my rights to refuse to answer 11 Q Did you do anything whatsoever to make sure 12 that Al Graves abused no more children after he 13 admitted to abusing one in 1977? 14 A I assert my rights to refuse to answer 15 Q You also wrote in this memo, "If and only 16 if the delinquent was considered to be reformed would 17 he be given an assignment " 18 Is that a fair reading of your writing in 19 1992? 20 A I assert my right to refuse to answer 21 Q Is it a fair statement, Bishop Dupre, that 22 you made no inquiry whatsoever whether Alfred Graves</p>

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<p style="text-align: right;">58</p> <p>1 was a reformed child abuser before he was placed back 2 in the priesthood? 3 A I assert my right to refuse to answer. 4 Q Did you do anything whatsoever to satisfy 5 yourself that Father Graves was reformed in 1977? 6 A I assert my right to refuse to answer. 7 Q Isn't it true, Bishop Dupre, that Father 8 Graves was not suspended from his duties for even one 9 day because of his admission of child abuse? 10 A I assert my right to refuse to answer. 11 Q Now, Father Graves was given a number of 12 assignments after he acknowledged abusing children, 13 correct? 14 A I assert my rights to refuse to answer. 15 Q One was up at the Farren Care Center in 16 Turners Falls, Massachusetts, and he was the chaplain 17 of the Farren Care Center, correct? 18 A I assert my rights to refuse to answer. 19 MR. STOBIEFSKI: We're going to take a 20 break right now. The videographer needs to change 21 his tapes 22 VIDEO TECHNICIAN: This concludes Tape No.</p>	<p style="text-align: right;">60</p> <p>1 A I assert my rights to refuse to answer. 2 Q And you know that Bishop Maguire took no 3 actions whatsoever to be sure that Graves would not 4 commit child molestation again after 1977? 5 A I assert my rights to refuse to answer. 6 Q And you also know that Father Sniezyk -- 7 strike that. 8 Monsignor Sniezyk took no actions 9 whatsoever to be sure that Father Graves would not be 10 a repeat offender and molest children again after 11 1977? 12 A I assert my rights to refuse to answer. 13 Q And you did -- you also wrote in your -- 14 that statement that "If and only if the delinquent 15 were considered to be reformed would he be given an 16 assignment." 17 And Mr. Graves -- Father Graves was given 18 lots of assignments, and the only assignment that may 19 have been at issue would be the Farren Care Center, 20 where he was taken out of direct contact with 21 children; is that correct? 22 A I assert my rights to refuse to answer</p>
<p style="text-align: right;">59</p> <p>1 I of the deposition of Bishop Thomas Dupre. The time 2 is approximately 11:45:42 a.m. We are now off the 3 record. 4 (Brief recess.) 5 VIDEO TECHNICIAN: This begins Tape No. 2 6 of the deposition of Bishop Thomas Dupre. The time 7 is approximately 11:59:49 a.m. We are now on the 8 record. 9 BY MR. STOBIEFSKI 10 Q You wrote in that document, Bishop Dupre, 11 that there had to be assurances that the delinquent 12 person would not repeat the offense. 13 Is that a fair reading of that statement? 14 A I assert my rights to refuse to answer. 15 Q And you wrote that because it's important 16 because you knew young people could be seriously 17 harmed if pedophile priests repeated their offenses, 18 correct? 19 A I assert my rights to refuse to answer. 20 Q And you took no actions whatsoever to 21 provide you with assurances that Alfred Graves would 22 not repeat the offense?</p>	<p style="text-align: right;">61</p> <p>1 Q After his tenure as a priest at the Farren 2 Care Center, he was sent from Springfield or from the 3 Farren Care Center to Williamstown, where he was the 4 only priest in a church that served the Williamstown 5 community, correct? 6 A I assert my rights to refuse to answer. 7 Q He had no one supervising him or monitoring 8 him at all; is that true? 9 A I assert my rights to refuse to answer. 10 Q And as you know, in Williamstown in 1982, 11 that's when Mr. Nicastro alleges that he was molested 12 by Father Alfred Graves; is that correct? 13 A I assert my rights to refuse to answer. 14 Q At no time from 1977 through 1992 did you 15 take any action whatsoever to supervise Alfred Graves 16 to be certain or sure that he did not molest any 17 other children; is that fair? 18 A I assert my rights to refuse to answer. 19 Q And isn't it true, in fact, that during 20 19-- the 1982 to 1984 period, when Drew Nicastro 21 was being molested, you were having sexual relations 22 with minors?</p>



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<p style="text-align: right;">62</p> <p>1 A I assert my rights to refuse to answer. 2 Q And you also know that Bishop Maguire took 3 no actions whatsoever to supervise Alfred Graves to 4 make sure he would not be abusing any other children 5 between 1977 and 1984? 6 A I assert my rights to refuse to answer. 7 Q Now, you were the principal canon lawyer 8 for the diocese after 1977; isn't that correct? 9 A I assert my rights to refuse to answer. 10 Q And it was your job to make sure that the 11 diocese and its priests acted at all times in 12 compliance with the codes of canon law and the 13 directives from the Vatican, correct? 14 A I assert my rights to refuse to answer 15 Q And it is absolutely prohibited for clergy 16 members to have sexual relations with minors 17 according to the directives of the Vatican and canon 18 law? 19 A I assert my rights to refuse to answer. 20 Q It was also, as a canon -- canon lawyer and 21 as chancellor prior to 1984, your duty and 22 responsibility to advise the bishop, Bishop Maguire;</p>	<p style="text-align: right;">64</p> <p>1 allegations of sexual misconduct as secret as 2 possible; isn't that true? 3 A I assert my rights to refuse to answer. 4 Q You acknowledged, Bishop Dupre, other than 5 Bishop Maguire warning Alfred Graves not to abuse a 6 child again, that the diocese did nothing to prevent 7 him from reoffending, correct? 8 A I assert my rights to refuse to answer. 9 MR. STOBIERSKI: Now, Bishop Dupre, there 10 are two more documents in front of you. We've 11 labeled them off the video screen, so let me label 12 them as we speak. Document No 10 is a letter dated 13 July 18th, 1992, and it's to Father Richard Sniezyk. 14 It is a one, two, three, four-page document beginning 15 with Bates stamps 6791, including with 6794, and it's 16 drafted by a James J. Roberts. 17 (Dupre Exhibits Numbers 10 and 11 18 were marked for identification) 19 BY MR. STOBIERSKI 20 Q You've had an opportunity to review this 21 document while we were off the video record; isn't 22 that correct?</p>
<p style="text-align: right;">63</p> <p>1 isn't that correct? 2 A I assert my rights to refuse to answer. 3 Q And Bishop Maguire repeatedly sought out 4 your advice and the advice of Monsignor Sniezyk 5 between the periods of 1977 and 1984; is that 6 correct? 7 A I assert my rights to refuse to answer 8 Q And you initiated no programs, initiated no 9 supervision of any of the priests prior to 1984 that 10 were either known or suspected of molesting children? 11 A I assert my rights to refuse to answer 12 Q And you know that as of 1962, the Vatican 13 had set out instructions on how to handle cases of 14 sexual misconduct by priests, correct? 15 A I assert my rights to refuse to answer 16 Q And it was your responsibility to follow 17 that document and to root out sexual misconduct and 18 to make sure it was handled in accordance with church 19 law, correct? 20 A I assert my rights to refuse to answer. 21 Q And that very document also instructed you 22 and the bishop to keep any -- any of these</p>	<p style="text-align: right;">65</p> <p>1 A Yes. 2 Q There's another document, and it's labeled 3 Document 11, and it is a letter from the Bishop John 4 A. Marshal directed to James J. Roberts, dated 5 November 5th, 1992 6 And while we were on break, you reviewed 7 this document as well, correct? 8 A Yes. 9 Q Now, I previously had referenced another 10 document that was drafted by you which were 11 instructions to Bishop Marshal as to how to respond 12 to Mr. Roberts. 13 Is it a fair statement that this document, 14 Document No 11, is the document Bishop Marshal was 15 preparing to respond to Mr Roberts? 16 A I assert my rights to refuse to answer 17 Q Now, in this letter, it references the -- 18 Document 11, the letter of November 5th, 1992, 19 references Mr Roberts' letter of October 22nd, 1992, 20 correct? 21 A I assert my rights to refuse to answer 22 Q Now, this letter of October 22nd, 1992 is</p>

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<p style="text-align: right;">66</p> <p>1 nowhere to be found in the diocesan record; is that a 2 fair statement? 3 Do you know if there exists Mr. Roberts' 4 letter of October 22nd, 1992? 5 A I assert my rights to refuse to answer. 6 Q Well, you had to review that letter in 7 order to prepare the response, correct? 8 A I assert my rights to refuse to answer. 9 Q And you don't know whether that went into a 10 secret file that hasn't been produced to counsel yet, 11 do you? 12 A I assert my rights to refuse to answer 13 Q Now, it's fair to say, Bishop Dupre, that 14 you participated in crafting the diocese response to 15 Mr Roberts, correct? 16 A I assert my rights to refuse to answer 17 Q I'm going to direct your attention to the 18 letter of October 5th, the letter of Mr. Roberts to 19 Richard Sniezyk Mr Roberts, in this letter, 20 indicates -- and I'm going to pull a few statements 21 out here -- indicates to Father Sniezyk that Father 22 Graves attempted to rape him. That's the third</p>	<p style="text-align: right;">68</p> <p>1 the third paragraph. 2 Correct, that's what it says? 3 A I assert my right to refuse to answer. 4 Q And no record has been produced in this 5 case of Mrs. Roberts' letter, correct? 6 A I assert my right to refuse to answer. 7 Q If it was handwritten, that would be 8 consistent with the policy of Bishop Marshal to keep 9 handwritten letters in secret files? 10 A I assert my right to refuse to answer. 11 Q The letter goes on to state that "The 12 bishop" -- at the very bottom of the third paragraph 13 -- "assured us he would take care of the matter and 14 see this would never happen again. He stated that 15 Father Graves would be ousted from any position 16 dealing with children and made to undergo intense 17 therapy " 18 That's what Mr Roberts wrote to Father 19 Sniezyk back in 1992, correct? 20 A I assert my rights to refuse to answer 21 Q And, in fact, Father Graves was not ousted 22 from a position as a parish priest. Although he may</p>
<p style="text-align: right;">67</p> <p>1 paragraph. 2 He goes into the fourth paragraph, in 1992, 3 and tells Father Sniezyk, "That evening after dinner 4 and a movie, he came into the room where I was 5 sleeping, climbed into the bed, molested and 6 attempted unsuccessfully to rape me." He goes on to 7 say, "I broke from the struggle and hid in the 8 bathroom. I sat awake all night crying, shaking in a 9 petrified state in fear for my life " 10 That's a fair statement of what's in that 11 letter, correct? 12 A I assert my rights to refuse to answer. 13 Q And he said in the second paragraph, page 14 2, that "I overcame by fear and embarrassment and 15 agreed to meet with Bishop Maguire to report the 16 sexual molestation and attempted rape committed by 17 Father Graves." 18 It says that in that letter, doesn't it? 19 A I assert my rights to refuse to answer. 20 Q He also said, "My mother sent a letter to 21 Bishop Maguire describing the attempted rape and a 22 need for a normal meeting." It's the beginning of</p>	<p style="text-align: right;">69</p> <p>1 have been prevented from dealing with children when 2 he went to the Farren Care Center, he did not undergo 3 intense therapy; is that accurate? 4 A I assert my rights to refuse to answer 5 Q And you were aware of all these facts back 6 in 1977 when you were Chancellor of the Diocese of 7 Springfield and a canon lawyer for the Diocese of 8 Springfield? 9 A I assert my right to refuse to answer 10 Q Now, in 1992, when Mr. Roberts brought 11 forward his complaints that the diocese didn't do 12 anything about Father Graves, you participated in the 13 response of the -- of the Diocese of Springfield, 14 correct? 15 A I assert my rights to refuse to answer. 16 Q And in your response and in your 17 participation, the diocese crafted a response where 18 they would admit that Mr. Graves talked about an 19 attempted rape, but never -- never admitted that he 20 talked about the molestation; is that correct? 21 A Would you repeat that again? 22 Q The diocese tried to craft a response to</p>

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<p style="text-align: right;">70</p> <p>1 minimize Mr. Roberts' complaints in 1992? 2 A I assert my right to refuse to answer. 3 Q And the response was crafted so that the 4 response of Bishop Maguire would seem reasonable, 5 correct? 6 A I assert my right to refuse to answer. 7 Q And your response would seem reasonable, 8 correct? 9 A I assert my right to refuse to answer. 10 Q To minimize the response -- the response 11 was crafted to minimize the allegations of 12 Mr. Roberts and not -- and focus on the fact that 13 Mr. Graves or Father Graves was not able to rape 14 Mr. Roberts because he locked himself in a bathroom? 15 A I assert my right to refuse to answer. 16 Q And this is similar to the massaging of the 17 facts that has occurred throughout the -- throughout 18 the clergy abuse crisis in the Diocese of 19 Springfield? 20 A I assert my right to refuse to answer. 21 Q Now, you had authority in 1977 through 1984 22 to suspend any of Alfred Graves' assignments as a</p>	<p style="text-align: right;">72</p> <p>1 Q So you had the knowledge, the authority, 2 the power, and the capability to do something, and 3 you did nothing? 4 A I assert my right to refuse to answer. 5 MR. STOBIEFSKI: I have nothing further. 6 MR. JENNINGS: I have no questions. 7 MR. STOBIEFSKI: All right. We're done. 8 Thank you for participating in this. Sorry it's -- 9 VIDEO TECHNICIAN: Hang on. This concludes 10 the deposition of Bishop Thomas Dupre, consisting of 11 two VHS tapes and disks. The original VHS tapes and 12 disks of today's testimony will remain in the 13 custody (sic) -- in the custody of Stobierski &amp; 14 Stobierski, whose address is 377 Main Street, 15 Greenfield, Massachusetts 01373. The time is 16 approximately 12:17:52 p.m. We are now off the 17 record. 18 (Signature waived ) 19 (Whereupon, at 12:17 p.m., the 20 deposition of THOMAS L. DUPRE 21 was concluded.) 22 * * * * *</p>
<p style="text-align: right;">71</p> <p>1 priest in the diocese, correct? 2 A I assert my right to refuse to answer. 3 Q You had the power and ability to prevent 4 him from being in a position where he had 5 unrestrained access to underage boys? 6 A I assert my right to refuse to answer. 7 Q Ultimately, Bishop Dupre, you had the power 8 to prevent Father Graves from being able to sexually 9 abuse Drew Nicastro? 10 A I assert my right to refuse to answer. 11 Q And, Bishop Dupre, you did nothing to 12 prevent Alfred Graves from molesting Drew Nicastro? 13 A I assert my right to refuse to answer. 14 Q Bishop Maguire also had the ultimate 15 authority to prevent Graves -- Father Graves from 16 being able to sexually molest Andrew Nicastro, 17 correct? 18 A I assert my right to refuse to answer. 19 Q And like you, Bishop Maguire and Monsignor 20 Sniezyk did nothing to prevent Alfred Graves from 21 sexually abusing Andrew Nicastro for two years? 22 A I assert my right to refuse to answer</p>	<p style="text-align: right;">73</p> <p>1 CERTIFICATE OF NOTARY PUBLIC 2 I, ERICK M. THACKER, the officer before whom the 3 foregoing deposition was taken, do hereby certify 4 that the witness whose testimony appears in the 5 foregoing deposition was duly sworn by me; that the 6 testimony of said witness was taken by me in 7 stenotype and thereafter reduced to typewriting under 8 my direction; that said deposition is a true record 9 of the testimony given by said witness; that I am 10 neither counsel for, related to, nor employed by any 11 of the parties to the action in which this deposition 12 was taken; and, further, that I am not a relative or 13 employee of any counsel or attorney employed by the 14 parties hereto, nor financially or otherwise 15 interested in the outcome of this action. 16 17 18 ERICK M. THACKER 19 Notary Public in and for the 20 District of Columbia 21 My commission expires: 22 June 14, 2014</p>

1 CERTIFICATE OF NOTARY PUBLIC

2 I, ERICK M. THACKER, the officer before whom the  
3 foregoing deposition was taken, do hereby certify  
4 that the witness whose testimony appears in the  
5 foregoing deposition was duly sworn by me; that the  
6 testimony of said witness was taken by me in  
7 stenotype and thereafter reduced to typewriting under  
8 my direction; that said deposition is a true record  
9 of the testimony given by said witness; that I am  
10 neither counsel for, related to, nor employed by any  
11 of the parties to the action in which this deposition  
12 was taken; and, further, that I am not a relative or  
13 employee of any counsel or attorney employed by the  
14 parties hereto, nor financially or otherwise  
15 interested in the outcome of this action.



17 Erick M. Thacker

18 ERICK M. THACKER

19 Notary Public in and for the

20 District of Columbia

21 My commission expires:

22 June 14, 2014