STATE OF ILLINOIS IN THE CIRCUIT COURT
FOR THE TENTH JUDICIAL CIRCUIT
PEORIA COUNTY, ILLINOIS

- - -

ANDREW WARD	:	
	:	
v.	:	
	:	NO. 2008 L 178
THE CATHOLIC DIOCESE OF PEORIA, a religious corporation, and ESTATE OF THOMAS MALONEY, deceased,	:	

- - -

May 12, 2010

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Oral deposition of ARCHBISHOP JOHN MYERS, taken pursuant to notice, was held at the Archdiocese of Newark, 171 Clifton Avenue, Newark, New Jersey, commencing at 1:09 p.m., on the above date, before Beth Ann Sauro, a Professional Shorthand Reporter and Notary Public in and for the Commonwealth of Pennsylvania.

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CERTIFIED
TRANSCRIPT

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Videographer

- - -

I N D E X

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Testimony of: ARCHBISHOP JOHN MYERS

By Mr. Anderson 7

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(It is hereby stipulated and agreed by and among counsel that sealing, filing and certification are waived; and that all objections, except as to the form of the question, will be reserved until the time of trial.)

THE VIDEOGRAPHER: Good afternoon. This is the video operator speaking, Eric Lenz, of Magna Legal Services in Philadelphia, Pennsylvania.

Today's date is May 12, 2010, and the time is approximately 1:09 in the afternoon.

We are here at the Archdiocese in Newark located at 171 Clifton Avenue, Newark, New Jersey to take the videotaped deposition of Archbishop John Myers in the matter of Andrew Ward versus The Catholic Diocese of Peoria, et al.

This is in the State of Illinois in the Circuit Court of the Tenth Judicial Circuit, Peoria County, Illinois, matter No. 2008 L 178.

Will counsel introduce themselves for the record and after which time our court reporter will swear the witness.

MR. ANDERSON: For the plaintiff, Jeff Anderson.

MR. FINNEGAN: Mike Finnegan for the plaintiff as well.

MR. FEEHAN: Joe Feehan for the defendant, Catholic Diocese of Peoria.

MR. CARELLA: Charles M. Carella from the law firm of Carella and Byrne for Archbishop Myers.

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ARCHBISHOP JOHN MYERS, after having been duly sworn, was examined and testified as follows:

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DIRECT EXAMINATION

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MR. FEEHAN: Before we get started, has there been an announcement about this is a discovery deposition under Illinois rules, correct?

MR. ANDERSON: Correct.

MR. FEEHAN: That's how it's been noticed?

MR. ANDERSON: Correct.

MR. FEEHAN: And I'd like to get on the record -- Mr. Anderson, if you'd just go ahead and state what you've agreed to with respect to the videotape.

MR. ANDERSON: Yes. Mr. Feehan did indicate an objection to the videotaping of this deposition. I told him that I would agree that the videotaped portion of this deposition will be kept for use at trial only and/or by agreement otherwise or by order

of the court.

MR. FEEHAN: And so I'm clear. Your agreement -- your statement does not include the transcript?

MR. ANDERSON: That's correct. It does not include the transcript.

MR. FEEHAN: Okay. And prior -- when we had this discussion about a month ago in exchange of correspondence, I initially requested that you agree to a protective order to be entered by the Court to encompass not just this deposition transcript or this deposition video but all deposition transcripts or all deposition videos which may take place in the future as well as any discovery exchanged -- exchanged by the parties today and in the future.

It's my understanding that you have objected to that. And I

have informed you that I am going to seek an entry of such an order by the Court which is typically entered in these types of cases.

MR. ANDERSON: You may do that and just for the record, pertaining to this deposition, you did send me a letter saying you wanted me to give you a reason why the video should be used and I gave you a reason why I felt it needed to be. Because he was an out-of-state witness, it maybe necessary for trial if he's otherwise unavailable.

And while it's a discovery deposition, if he's an out-of-state witness and we can't compel his testimony at trial, it will be used for trial.

Number two, I told you that for that reason we've agreed to some limitation on the use of the videotaped portion of this.

Our recent discussions were

limited to that only. Earlier you had sought and made a request for a protective order pertaining to any discovery deposition that we took and I told you, as I've stated here today, that we do not agree to that and will not and you can seek whatever relief you deem appropriate from the Court. Fair enough?

MR. FEEHAN: I think that's a fair summary of what we talked about.

MR. ANDERSON: Okay, thanks.

BY MR. ANDERSON:

Q. Archbishop, good afternoon.

A. Good afternoon, Jeff.

Q. Nice to meet you. You've been through this process before and you understand that I'll be asking you a number of questions this afternoon?

A. That's correct.

Q. And that the answers that you give as well as the questions that I ask are being recorded by a stenographer

to my right and by videotape over here (Indicating)?

A. Yes.

Q. And you are under oath?

A. Yes.

Q. And you've given deposition before?

A. I have.

Q. How many times?

A. Once.

Q. Have you ever given testimony in trial in a courtroom before?

A. I have to think about that. There may be an instance when I was Chancellor of the Diocese of Peoria in an estate that I testified in the courtroom in Lincoln, Illinois. But that would be the only instance.

Q. What kind of matter was that?

A. It was the disposition of certain assets of an estate.

Q. Nothing having to do with sexual abuse?

A. No.

Q. You have been, now, Archbishop for Newark for how many years?

A. Going on nine.

Q. And you were Bishop of the Diocese of Peoria from 1990 to 2002?

A. 2001.

Q. And that would have been over 11 years, Archbishop?

A. From January 1990 until October 2001.

Q. And you were Coadjutor before that for approximately three years?

A. For two years and three months, I believe.

Q. And --

A. From September to January.

Q. And you were Coadjutor to whom?

A. Bishop Edward W. O'Rourke.

Q. And you were appointed by John Paul, II?

A. Yes.

Q. And at that time while you were Coadjutor to Bishop O'Rourke was he

in failing health?

A. He was. He had had some TIAs and -- and a stroke.

Q. When you were appointed Coadjutor and during the time that you worked as Coadjutor with then Bishop O'Rourke, did you discuss with him any of the priests of the diocese and any problems pertaining to sexual abuse that he was aware of?

A. No. Bishop O'Rourke was a very private man and he simply did not share that information with me.

Q. Did you ever ask him while Coadjutor if there had ever been any problems or allegations, complaints, pertaining to priests in the diocese and sexual abuse?

A. Asked him directly, no. There was one priest who had a reputation which was -- we were never able to establish. But I did advise him to remove the priest from ministry.

Q. When you say "there was one priest who had a reputation", what do you

mean by that?

A. There was some thought that not -- not -- not minors but with other men, that he was sexually active.

Q. So there was a reputation or reason to believe that the priest had engaged in some violations of the -- the -- the promise of celibacy with other men?

A. Yes, yes.

Q. And you said "we were never able to establish that". When you say "we", who is the we?

A. Would be the diocesan officials who were there before myself and then Bishop O'Rourke and myself.

Q. Okay. And so that was while you were Coadjutor?

A. It was actually before I was Coadjutor that I gave the advice. It was in the early 1980s.

Q. Were you then Vicar General?

A. I became Vicar General in '84, I believe. So I was either Chancellor or Vicar General. I'm not

sure.

Q. Who was the priest to whom you were just referring?

A. Father Louis Condon, C-O-N-D-O-N.

Q. Was a canonical investigation or some kind of investigation done concerning whether that priest had engaged in conduct that was inappropriate to his position?

A. We -- we -- we dealt with civil authorities and asked them if they were aware of anything like that, county sheriffs and police chiefs and that sort of thing. And then they weren't able to give clear answers.

Q. Okay. Concerning this priest, when did information first come to your attention that he was suspected of having engaged in inappropriate sexual conduct?

A. There's a funny answer to that. Actually, it was my first year in a parish in Peoria which was 1967. And we went to a priest meeting and my

pastor, Father Walter Buche, pastor of Holy Family Parish, Father Condon had invited himself to dinner at our rectory. And then I went for a walk with him afterwards. And then when I got back from the walk, Father Buche said don't ever go for a walk with him again.

Q. Father Buche you said?

A. Buche, B-U-C-H-E.

Q. And he was pretty much giving you a warning --

A. Yes.

Q. -- to not go for a walk with him alone because he might make a sexual advance to you, correct?

A. Yes.

Q. And did you heed his warning?

A. Yes, of course.

Q. So in order for you to have gotten the message that this guy might pose a risk of some inappropriate advance to you, a simple warning from Father Buche to you was enough for you to get the message?

A. Yes. Father Buche could be rather direct.

Q. Okay. Do you know if Father Buche or any other priests of the Diocese of Peoria made a similar warning to any members of the public that Father Louis Condon may pose some kind of risk of inappropriate advances to them?

A. I'm -- I'm not aware.

MR. FEEHAN: I'll just place an objection as to relevancy.

I'll let you go down this path a little bit but --

MR. ANDERSON: Standing.

MR. FEEHAN: Not standing. This case is about Father Maloney not about Father Condon or Father Buche or -- but subject to that you can certainly go ahead and answer but I would hope you're going to use your time more efficiently.

THE WITNESS: I don't know the answer to that question.

BY MR. ANDERSON:

Q. And --
A. I was not a diocesan official at the time. I was simply an assistant to the pastor.
Q. And that was '67. You were ordained in '66, I believe?
A. December '66 in Rome.
Q. And Father Maloney was ordained in --
A. '66 also. But we were never classmates or were never at the same seminary. I was -- I was sent to Rome and he -- he went to the seminary, I think, in Missouri.
Q. And at some point in time did you become friends with Father, later to be, Monsignor Maloney?
A. I -- I don't know if friends would -- I had many other priests that I was closer to. I can say that.
But for that first year from August 1st of '67 until, I think, probably June of '68, we were two of the more recently ordained priests in the city of Peoria. So two or three times we

would either take a day off or go out to dinner. So we were friendly in that sense but --

In fact, our paths really didn't cross a lot after that. I was in doctoral work and working Washington, DC and in different parts of the diocese. He was moved, I believe, to Ottawa, Illinois. I'm not certain. And then back to east Peoria, Illinois.

Then I think he was assistant, even, at Epiphany for a while. So I -- when I got back from doctoral work, I was in the chancery and pretty much supervising -- helping the Bishop supervise the diocese.

Q. Did you ever work at the same assignment or with then Father or Monsignor Maloney?

A. No.

Q. Do you remember when he was given the title of, the honorary title, of Monsignor?

A. It was in around Memorial Day in the year 2000.

Q. And what is your understanding of why he was conferred with the honor of Monsignor by his ordinary?

A. He was a very popular pastor. He cared for his people, visited the hospitals regularly. And he was a friendly sort. Plus he was a native of Bloomington, Illinois. Bloomington and Normal are twin cities and so he knew lots of people there. And the parish needed a lot of attention.

Q. What role, if any, did you play, Archbishop, in him having received or been conferred with the honor of Monsignor?

A. I would have, after consultation with my immediate staff, I would have recommended him to the Vatican for the honor. There were a number at the same time. I don't know how many.

Q. So you were -- you were a presenting Bishop at the time he was recommended to have received --

A. Yes.

Q. -- the honor of Monsignor?

A. Yes, I was.

Q. And ultimately that is a decision to be made by the Vatican on the recommendation of the -- the -- the Bishop or superior?

A. Diocesan Bishop, yes.

Q. It's in the record we've looked at -- we've seen it, this reflection of a number of times where gifts were either given to you it looks like by a Monsignor Maloney.

Did you receive gifts from him?

A. I've received gifts from a lot of people. It -- our diocese was kind of very sprawling. In fact, the area of the Diocese of Peoria is bigger than the entire state of New Jersey.

And -- and so it was -- it was not uncommon when the Bishop came to do confirmation that some gift be given.

And also, we had -- it was kind of outmoded but it continued until I started the process of eliminating it,

the pastor received the Christmas collection. So it was not unusual at all around Christmas for me to receive gifts from some of the priests.

Q. And in terms of the gifts that you received from Monsignor Maloney, was that from him to you to be used for your personal use?

A. Yes.

Q. Okay. Did you -- at some point in time did you ever give him gifts?

A. I'm trying to recall. I don't remember that I did. And although going for -- for confirmation and meeting with the confirmation class and all was -- was a gift of my time which I had to give a lot of in Peoria.

Q. And did you ever vacation and travel with Monsignor Maloney?

A. No.

Q. At some point in time would it be fair to say that you considered him a friend or a close personal friend?

A. Not a close personal friend.

I -- a number of priests in the diocese when they were having health problems, I would call, even from here, just to wish them well and tell them they were in my prayers.

And he -- his health started deteriorating really shortly after I left. In 2001 he had a fall in his -- in his parent's -- the garage of his parent's house. He had heart trouble. He had diabetes for some time. I really don't know how long he had diabetes. But near the end he was on dialysis, I do know that, for kidney failure.

Q. When you say "his health started deteriorating shortly after I left", you mean after you left the diocese --

A. Yes.

Q. -- of Peoria?

A. Uh-huh.

MR. FEEHAN: Just one note. Archbishop, can you try to -- we're going to drive her nuts. Just be patient and wait until

Mr. Anderson is finished with his question --

THE WITNESS: I'm sorry.

MR. FEEHAN: -- and then answer him.

THE WITNESS: I apologize.

MR. ANDERSON: No problem.

BY MR. ANDERSON:

Q. And for her purposes and for the clarity of the record, it's also important that if you can, you answer a yes or a no as opposed to the uh-huh or huh-hu --

A. Okay.

Q. -- because those are not clearly --

A. Hard to distinguish.

Q. Precisely.

A. I apologize.

Q. No problem.

A. I was a speech minor in college. I should do better than that.

Q. Well, this is not the ordinary experience for any of us.

Archbishop, you were trained

in the canon law and became a canon lawyer, correct?

A. Yes. I have a doctorate in canon law from Catholic University of America.

Q. Do you have a -- a degree in civil law as well?

A. I have an honorary degree in civil law from Seton Hall law school.

Q. Did you have to study and do anything to be credentialed to receive the honorary degree?

A. No. It was a honoris causa. In fact, I received it the same day our current governor did.

Q. Okay. And did you attend a seminary with Monsignor, then Father, Maloney?

A. No.

Q. Okay.

A. The only thing that I may have -- he -- he was an educator for -- for a while before he entered the seminary. And I don't remember exactly where. It was not far from Peoria. We

had -- had a practice for the Diocese of Peoria of the seminarians gathering for a month at St. Bede Abbey in Peru, Illinois.

And I honestly don't recall if we were there at the same time. I don't think we were because I think he started five or six years after I did.

Q. In the years that you worked as Coadjutor and as a Bishop to the Diocese of Peoria at any time in the those -- would that have been 13 years?

A. 13.

Q. In that 13-year period did you or anybody at your direction ever report suspicions of sexual abuse of minors to civil or law enforcement authorities?

A. Yes, we did.

Q. When would that have been --

A. But it was -- the policy wasn't as clear then as it is now in, say, New Jersey. But, yes, we did.

Q. When would have been the first time you or anybody at your

direction reported suspicions of sexual abuse of minors to law enforcement authority?

MR. FEEHAN: Just a point of clarification. Anybody under his direction?

MR. ANDERSON: Yes.

MR. FEEHAN: Are you -- can you define that a little further for him?

BY MR. ANDERSON:

Q. Under your direction, that would be any priest or employee of the Diocese of Peoria.

A. I honestly don't remember.

Q. When I asked you if report -- if -- if any reports had been made, you answered pretty affirmatively that you thought they had during that period. But now when I ask you when the first time was you're not able to remember.

What can you tell me about what you do remember about reports, if any, having been made in that 13-year

period?

A. Well, they may have been made before I was a Bishop. And the reports were not necessarily about priests of Peoria but of clergy from other jurisdictions.

Q. What do you remember about reports having been made concerning suspicions of sexual abuse of minors by any clergy from any jurisdiction to law enforcement authorities in that 13-year period that you were Coadjutor and Bishop of the Diocese of Peoria?

A. Let me be clear. You're -- you're talking about minors not -- not -- not --

Q. Yes. So we understand what we're talking about. During the 13-year period we're talking about clergy being suspected of abusing, sexually, any other individual under the age of 18.

A. I -- I think it would have been shortly after I became diocesan Bishop in 1990. I can think of some priests who were reported to local

officials because we did not consider ourselves law enforcement or especially equipped to investigate some cases.

Q. What priests were reported then?

A. I believe it would have been Father Frank Engels, who is still in prison in Wisconsin, and Father Bill Harbor, who is deceased. And I can't remember anyone else immediately.

Q. And who reported Frank Engels and what do you know about how he was reported?

A. Very often I left that work to the Vicar General or Chancellor.

Q. In 1990 who was the Vicar General and/or Chancellor?

A. Monsignor James F. Campbell whom I appointed Vicar General-Chancellor a few days after becoming diocesan Bishop.

Q. And how long did he remain one of your top officials as Vicar General and/or Chancellor?

A. I know Monsignor Rohlfs

became Vicar General but maybe late '90s. I don't remember the specific date but it's approximately the late '90s. Monsignor Campbell had been in World War II and the invasion of Italy and -- and severely wounded so that his health started to give way a bit.

Q. And so he fell ill and you replaced him with Monsignor Rohlfs?

A. Monsignor Rohlfs, R-O-H-L-F-S.

Q. And as it pertains to Father Frank Engels and the report that you believe was made by somebody from the Diocese of Peoria, it's your recollection that -- what's your recollection as to who made the report to law enforcement?

A. I don't have -- I don't have a clear recollection. Monsignor Rohlfs was the vocation director at the time and one of the accusers, I guess was the right word, had been a seminarian of the diocese. So it well might have been Monsignor Rohlfs, but I'm not certain.

Q. Okay. And as it pertains to

Father Bill Harbor?

A. Yes.

Q. You said that you believe that a report had been made concerning suspicions of him having abused minors. Who made that report?

A. It was the family of one of our priests, Father [redacted] who -- and evidently more than one person was abused in the family and Father Harbor was considered almost a family member.

Q. Going back to Father Frank Engels.

To what law enforcement agency was he reported by some official of the Diocese of Peoria?

A. I'm not certain. It could have been -- he was stationed near Kewanee, Illinois in Woodhull. So it may have been one of those persons or -- ultimately he was reported to Wisconsin authorities.

Q. Well, let me ask you this. Are you certain that some official of the diocese or employee of the Diocese of

Peoria actually reported Engels to law enforcement?

A. I'm not certain. I think so but I think -- I'm not certain.

Q. Okay. And as it pertains to Bill Harbor it sounds like the family made a report.

But my question to you is are you aware of whether or not any official or employee of the Diocese of Peoria made a report to law enforcement of suspicions of sexual abuse concerning -- concerning Bill Harbor?

A. I'm not absolutely certain. But I -- I may have because -- because I -- I -- I did deal with him and remove him from ministry. But I don't remember -- and he was living in the Rock Island, Moline area. I don't remember precisely.

I remember talking with -- with police in that area but I -- I don't remember precisely.

Q. But the question now is really focusing on reports having been

made either by yourself, by officials or employees of the diocese. And it sounds like there was at least a police investigation of Harbor, correct?

A. To the best of my knowledge, yes.

Q. But as you're testifying here today, at least, you cannot testify with any clarity on whether or not Harbor was actually reported to the law enforcement by diocesan officials and employees, correct?

A. Yes. I'm not certain.

Q. Okay. Any other instances in which you believe there either was or may have been a report of suspicions of sexual abuse of minors made in that 13-year period either by yourself or by priests or employees of the Diocese of Peoria to law enforcement?

A. I don't really recall because if -- if -- have you been in the city of the Peoria to know --

Q. Yeah.

A. -- that -- that the Bishop's

office was in the cathedral rectory. The chancery, including the office of the Vicar General and Chancellor, was a block away. And very often I would simply delegate or presume that -- that it was being handled by an official in that office. Although it's a much smaller diocese than, say, this one.

Q. And what's your recollection of having ever delegated the obligation to report suspicions of sexual abuse in that 13-year period to any priests or employees of the diocese?

A. I would copy them with correspondence and they knew that my general expectation is that it would be dealt with.

Q. And do you have any recollection of having ever delegated the reporting of suspicions of abuse to any employees or officials of the diocese in that 13-year period as you testify here today?

A. I would have informed them of -- of suspicions or complaints.

Whether I gave a direct order to report to the authorities I don't recall.

Q. Okay. And at any time in that 13-year period as Coadjutor and Bishop of Peoria, did you ever consider yourself to have been a mandatory reporter?

A. I don't know that there was mandatory reporting in Illinois at that time. I'm not aware that there was.

Q. While you were Coadjutor or a Bishop of Peoria it is your belief that you were not a mandatory reporter?

A. No. Certainly my belief was that our responsibility was to make sure that young people were safe. And that's developed even more strongly as the recent decant shows.

Q. And as the Bishop you were in charge of the care of the souls of all the faithful within the geographical limits of the Diocese of Peoria, correct?

A. That's correct.

Q. And as Bishop you're also in charge of the education, the parochial

education, within the Diocese of Peoria, correct?

A. Yes. Although I have delegates and superintendents of schools and things like that. But I exercised my authority through others.

Q. Is the Diocese of Peoria a corporation sole or how is it run today?

A. Each parish is a separate corporation.

Q. And what about the schools? How are they organized?

A. Owned by the parishes for the most part. A few of them are owned by religious communities.

Q. And the parish corporations are separately -- each parish is separately incorporated?

A. Yes.

Q. And in each parish then, you as Bishop, when you were Bishop, would be on the board of the corporation?

A. Yes.

Q. And serve as head of the board ex officio, correct?

A. I as president. The Vicar General was vice-president. The pastor was secretary and there were two lay trustees.

Q. And -- and then the schools would be owned and operated -- excuse me.

The schools would be operated by the parish?

A. Yes.

Q. Under the control of the board of the parish corporation?

A. Yes.

Q. Which was under the control of the Bishop?

A. More or less.

Q. And when in time, if you know, were educators, those teachers and those in charge of the education of the children, made to have been mandatory reporters? And when I say "mandatory reporters", do you know who I'm referring to?

A. I -- I presume so but I --

Q. Let me define it for you.

MR. FEEHAN: You mean under

the Illinois mandatory reporter statute?

MR. ANDERSON: Yes.

BY MR. ANDERSON:

Q. In Illinois there is --

A. I don't know the answer to that.

Q. Let me ask the question --

A. Okay. I'm sorry.

Q. -- to give you a chance.

A. I'm sorry.

Q. That's okay. In Illinois there is and was a mandatory reporting statute for educators. That is that any suspicions of sexual abuse of minors were required by certain classes of people, educators among them, to report to law enforcement.

Were you aware of that, number one?

A. I don't think I was.

Q. Prior to your installation as Coadjutor in Peoria and then as Bishop, had you ever been trained by your Bishop or any official in the Diocese of

Peoria as to obligations of reporting suspicions of sexual abuse within the diocese?

A. Not that I'm aware of. I -- I did -- the church started to become much more aware of problems and the damage that could be done in the early '80s. And that's when we started having workshops with the Canon Law Society of America. So I would have had some acquaintance there.

Q. And as Coadjutor and/or as Bishop did you ever implement the establishment of policies, written policies, in the Diocese of Peoria pertaining to sexual abuse and how to handle it?

A. I believe so.

Q. When did you do that?

A. It would have been maybe even when I was Vicar General. I recommended it to Bishop O'Rourke.

Q. Do you remember actual policies pertaining to sexual abuse having been implemented and put into

writing and/or practice while you were Coadjutor and/or Bishop?

A. It would have been before I -- I was Bishop. And we had a diocesan school board which in the schools -- superintendent of schools and associate superintendent of schools whose responsibility was to make sure that appropriate policies were both written down and enforced.

Q. The Bishop appoints the superintendent of schools, correct?

A. With the advice of the school board.

Q. And the history that is -- is reflected in your work as a priest in the Diocese of Peoria demonstrates, among other things, that you worked as a parish priest in a couple of different locations in the Diocese of Peoria before being elevated to Coadjutor and Bishop, correct?

A. That's correct. I was assistant pastor at Holy Family in Peoria and then I was assistant at St. Matthews,

Champaign. And then I was sent for canon law studies.

And then I was -- when I came back from canon law studies, for about a year I was administrator of the cathedral parish. And then off and on I was administrator of the cathedral parish when it was vacant.

So that would be the kind of thing that extended my parish experience.

Q. And in your work at Holy Family, St. Matthews and at cathedral did you have responsibility over the schools that either were appended to or a part of those -- those parishes?

A. I did not have responsibility. I did -- at Holy Family I taught two days a week in junior high religion and at the same time while I was teaching at -- it was called Bergen High School. And at St. Matthews I did not teach regularly but I regularly visited the classrooms.

Q. In -- since your ordination in '66 to your installation as Coadjutor

in '87 and in that time frame, Archbishop, do you -- did you, yourself, as a priest of the Diocese of Peoria ever suspect or receive complaints of sexual abuse by other priests?

A. No.

Q. Did you ever have reason to report suspicions of sexual abuse by other priests up the line to your Bishop while a priest of the Diocese of Peoria?

A. No.

Q. But when you became Bishop and Coadjutor before that, was it your expectation that if priests in the Diocese of Peoria suspected sexual abuse by a cleric, that it would get reported to you as Bishop?

A. I hoped that it would.

Q. Did you ever direct the priests as Bishop of the Diocese of Peoria that if they ever suspected sexual abuse by -- by a priest of the diocese, they were required by canon law or you to report it to you?

MR. FEEHAN: Are you talking

about -- when you say "direct", you mean orally? At a workshop? Or a meeting? Or by virtue of the mere presence of the institution of the written policy which was done before he became Bishop? Do you mean in a letter?

BY MR. ANDERSON:

Q. Did you understand the question, Archbishop?

A. I'm certain that I gave oral directions and that when -- when I worked with the seminarians and young priests that this expectation was made clear.

Did I ever put it in a letter? I suspect I would have left that for the superintendent of schools or the Vicar General to do.

Q. Do you have any knowledge that they did?

A. I think so.

Q. And you say you're certain that you gave oral direction to the priest to report suspicions.

How are you certain that you

gave such oral direction?

A. Because it was a concern. It was a growing concern. And I wanted to have parents and families know that their children were safe with us.

Q. When did sexual abuse of minors by clerics first become of concern to you as a priest?

A. Well, I didn't know about it until sometime in the early to mid '80s. And I immediately was concerned because it was of growing national concern.

Q. And when did it become of growing concern to you, sexual abuse of minors by clergy?

A. When some families talked to me about it and -- and I took action.

Q. When was that?

A. Shortly after I became diocesan Bishop. Because as I indicated Bishop O'Rourke did not share that kind of information with me.

Q. And did you ever ask Bishop O'Rourke to share that information with you because you knew you were taking

over for him and that was something you would want to know?

A. He was -- he was an Irishman who did not like to talk about such things.

Q. So did you feel that you were not given permission to ask? Or did you just feel that he was too intimidating? Or what?

A. Not that he was too intimidating but that he had a very clear notion about his role as a diocesan Bishop and my role -- my supporting role.

Q. When you were installed as Bishop of the Diocese of Peoria, did you, yourself, ever make an effort to review the files of the priests of the Diocese of Peoria to see what, if anything, the files showed about sexual abuse of minors by the priests in the diocese?

A. No.

Q. Did you, yourself, either as Coadjutor or while Bishop of the Diocese of Peoria, ever inspect the sub secreto file that was kept to see if there was

anything in there that showed evidence of sexual abuse of minors by priests of the Diocese of Peoria?

A. Well, we called it -- we didn't call it sub secreto. We called it -- there was a gated part of our vault.

And yes, I did go through the files that were in there to see if there was any incriminating evidence. And -- and I did not find any as a matter of fact.

Q. When did you go through those files to see if there was incriminating evidence?

A. I think it was, maybe, the first summer.

Q. 1990?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Okay. And why did you do that?

A. Because there was, first of all, growing concern in our country and

the church about this problem. And I wanted to make sure that none of our priests were under suspicion.

Q. And did you do it in response to a particular complaint or incident or just in a generalized concern?

A. I think it probably was in response to Father [redacted] complaint to me. And -- and then there was another priest who subsequently after -- after my departure was found to be guilty. But I -- I took him out -- off of duty and had a rather serious investigation of him. And I was not able to establish what eventually was discovered to be true.

Q. Who are you referring to then?

A. Father John Anderson.

Q. And so your inspection of these -- these -- what did you call that archive of files?

A. The gate. We called it the gate.

Q. The gate, okay.

A. The cage, I'm sorry. Not gate, cage.

Q. Okay. And the cage would be -- to be precise here. The -- the file that is kept secret and confidential for the Bishop's eyes only and his designee, correct?

A. Not entirely, no. That's not exactly right. We had a variety of things in there. Some deeds to property owned by the Diocesan Corporation. Some -- the documents from the tribunal of cases that have been decided kept there so that people's reputations would not be tainted.

Sometimes a priest who was troubled would write the Bishop and that might be kept there. So there were a variety of documents in there.

Q. And so for -- so that we're referring to same thing, for the description let's call it -- let's use a descriptor for it.

Shall we call that the caged

files? Or what would we call that?

A. That would be okay, caged files.

Q. When you would refer to those files to others, how would you refer to them as Bishop?

A. I would say the cage in the vault.

Q. Okay. Probably the vaulted files then. Would that be correct?

A. Well, no, because some of the files in the vault were not caged.

Q. Okay. Then I think caged files?

A. See, the canonical documents for parishes, the resolution -- the corporate resolutions for parishes. We had -- each parish had a box --

Q. Okay.

A. -- that we kept, like bank box, vault.

Q. As a canon lawyer and trained in canon law with a licentiate in canon law --

A. Doctor of canon law.

Q. Doctor of canon law?
A. Licentiate in theology.
Q. Okay, excuse me. You're aware that there is a section in the code of 1983 and its predecessor canon 489 that says that any material that's deemed to be scandalous is required to be kept in a secret file for the eyes of the Bishop and his designee only.
You're aware of that, are you not?
A. Yes.
Q. Okay.
A. I don't remember the precise wording but I know that it's there.
Q. And -- and those scandalous materials, what files would be kept by the Diocese of Peoria?
A. In the vaulted cage.
Q. Okay. And let's go back to your inspection of the caged files then kept under -- that are deemed to be scandalous.
A. Well, I don't know -- I didn't find anything particularly

scandalous when I read through them, as a matter of fact, which somewhat surprised me.

But you needed a special key to -- to get into the cage. And the Vicar General and the Vice Chancellor were authorized to get in the cage.

Q. When you say it surprised you, you would have expected there to have been more scandalous material in that file because it was required to have been kept by canon law, correct?

A. Yes. Although I don't know what scandal would mean exactly. I don't know if we're talking about the same thing.

Q. Well, sexual abuse of minors is scandalous.

A. So that's certainly scandalous. Carrying on -- violating celibacy with either sex is scandalous.

Q. Impregnating women and having children is scandalous?

A. Yes.

Q. Okay. Did you ever ask

Bishop O'Rourke why there wasn't more material in the caged or secret files that pertained to --

A. No.

Q. -- scandal?

A. No.

Q. Did you ever question him about his protocol for the preservation of scandalous materials and/or the utilization of the practice that required them to be kept there?

A. No. And the reason being that for about 30 years the Chancellor of the diocese, who was, I believe, a classmate of Bishop O'Rourke, Monsignor George Carton, C-A-R-T-O-N, pretty much -- who was also a canon lawyer. But -- so that really the Bishops, more or less, trusted Monsignor Carton's judgment.

Q. And who is Monsignor Carton again?

A. He was a Chancellor of the diocese for about 30 years.

Q. And he was Chancellor under

Bishop O'Rourke and his predecessors then?

A. That's correct. Going all the way back to, I think, Archbishop Schlerman.

Q. And was he the one that was primarily responsible besides the Bishop for the keeping of the caged file?

A. Yes. I would say so.

Q. Did you ever have a discussion with Monsignor Carton about his document retention practice or protocol?

A. No.

Q. You mentioned that there was investigation or suspicions of abuse by Father [redacted] I think you said a complaint was made to you?

A. By him about -- about Father Harbor.

Q. Okay. [redacted] complained to you about Father Harbor?

A. Yes.

Q. Okay.

A. And then -- and then I -- I

met with him and his entire family in my residence.

Q. And -- and the action that you took in response to the complaint you received was to have met with the family, correct?

A. I did. And to see if they needed help or assistance.

Q. Do you recall having taken any action beyond having met with the family to offer and provide assistance to them such as reporting?

A. I offered to do that and I think that I said -- as I said earlier, I think I either inquired or reported to, because they lived in the Rock Island, Moline area, to the authorities there.

Q. And you made mentioned of Father John Anderson?

A. Yes.

Q. What did you do and/or what involvement did you have with him pertaining to sexual abuse or suspicions of it?

A. I didn't -- I did not

personally suspect him of sexual abuse. Although he had a getaway place and -- and some seminarians of the diocese would stay over with him. And even one of my young priests.

And I specifically asked -- had them -- asked them if anything had occurred. And one of them, who I wasn't sure was being direct with me, he's now a priest in North Carolina or South Carolina, I asked him to sign a statement saying that I urged him to report anything that might have untoward happened report to authorities.

And so that statement -- I don't know if the file went with him to North Carolina or not. But because I wasn't satisfied with his answer I asked him to sign a specific document.

Q. Archbishop, prior to your appointment and installation in Newark as Archbishop here, how many -- in how many different incidents did you either suspect or investigate allegations of sexual abuse of minors by priests of the

Diocese of Peoria?

A. At least five.

Q. And the first one was?

A. I think Father Engels.

Q. And in connection --

A. And Father Harbor.

Q. Okay. Let's go back. Let's go down the five.

With Father Engels, what action did you take upon suspicion?

A. I removed him from priestly assignment and forbad him to present himself as a priest.

MR. CARELLA: Mr. Anderson, I just want to make sure when you say you, you're talking about the Archbishop personally as opposed to the diocese?

BY MR. ANDERSON:

Q. Well, at the time you were Bishop?

A. I was the diocesan Bishop.

MR. CARELLA: But again, I mean are you asking what he did personally or what the diocese did

generally when you say you?
BY MR. ANDERSON:
Q. Well, you in your capacity as Bishop and those under your control?
A. Yes, I did remove him.
Q. And when was that?
A. I -- I -- I -- my recollection is -- is not clear but I think it would have been early to mid '90s.
Q. And did you ask him if he had committed?
A. I did.
Q. And did he admit having committed it?
A. Yes.
Q. From his lips to your ears?
A. Yes.
Q. How many kids did he admit to?
A. He -- he didn't give me any numbers.
Q. It was more than one and less than ten?
A. I -- I don't remember. The

one -- the presenting case was the seminarian who came to me and made the complaint.

Q. And was that admission that he made to you made known to law enforcement?

A. Eventually it was. He's in prison in Wisconsin now.

Q. How do you know that law enforcement learned of the confession or admission he made to you that he had committed a crime of sexual abuse?

A. I'm not certain of that except that I think the seminarian took it. And I encouraged the seminarian to take it to law enforcement.

Q. And when you removed him from ministry, that is, took him out of the parish that he had been assigned?

A. I meant completely out of ministry.

Q. Okay.

A. And he worked in hotels for years.

Q. Okay. When you removed him

from ministry completely, what was the reason you gave to the community of faith in the area as to the reason for the removal?

A. I don't think I gave -- made a public announcement.

Q. Who was the second priest who you had suspicions of having committed sexual abuse?

A. Of minors?

Q. Of minors, yes.

A. Father Harbor.

Q. And approximately that was?

A. About the same time.

Q. Okay. And how did you receive the suspicions or information that he had?

A. From the [redacted] family.

Q. And what action did you take responsive so that?

A. Removed him from ministry. Retired him. Removed him into retirement.

Q. Did you ask him if he had, in fact, committed?

A. Yes.

Q. And he -- did he admit to you that he had committed sexual abuse of minors?

A. Yes.

Q. How many minors?

A. I think this -- there are four or five children in his family.

Q. And did you transmit and report his admission to you to law enforcement that he admitted to having committed sexual abuse against four or five of the kids?

A. Actually, he was in -- retired to a -- I don't know what the right term would be. A sheltered care facility.

Q. And did you -- did you report the information either he gave from his lips to your ears that he had abused four or five of those kids to law enforcement?

A. I don't believe that I did because he was out of circulation.

Q. Did you report -- what

reason did you give, if any, to the community of faith where he had worked as a priest as to his removal?

A. I don't think I -- my policy back then was not to make a public announcement.

Q. Okay.

A. I might today.

Q. And so you didn't tell the people that you were removing him from ministry because he had committed crimes against kids?

A. No.

Q. Correct?

A. Correct.

Q. Okay. Who would have been the third priest then?

A. Ultimately -- Father John Anderson would have been one. And -- but he had done in -- he had been indiscrete. But we couldn't prove that there was actual sexual activity.

Subsequently, Bishop Jenky was able to get solid evidence and he removed him completely from ministry.

Q. When you said he had been indiscrete and we weren't able to prove it, you say the we as you and some of the officials under your --

A. Yes.

Q. Your --

A. Yes.

Q. Okay. And did you report that for investigation by law enforcement authorities to see if they could discern more evidence of --

A. Not at that time. It subsequently was.

Q. Okay. By whom?

A. I'm not absolutely certain. But one of the things that happens, as I explained, in Peoria the Bishop's office and the chancery are a block apart. And the tribunal was in the chancery. And someone, and I don't really know who it was, discovered that Monsignor Campbell -- so everything, you know, got filed a little bit haphazardly.

But one of the marriage cases in the cage was a case of one of

his first cousins which was sealed, which I never saw. Should have seen, but did not.

And -- but when they opened it they found clear testimony that he had abused children and he was removed immediately. And it could have been Monsignor Rohlfs. It could have been -- I don't know who it was.

Q. Okay. What was it that led you to believe that he had been, at least, indiscrete before you later learned and Jenky later learned that he had been engaged in criminal sexual conduct?

A. In conversation with some of the seminarians and young priests who -- he called his getaway place PAX, P-A-X, meaning peace.

Q. And he took kids there?

A. I don't know if he took minors. I think he took seminarians there.

Q. Taking -- if it was either Father Anderson or other priests taking

kids to a cabin alone, would that be suspicious of --

A. It would be for me, yes. That's why I investigated it.

Q. And would a priest hugging and kissing a child on the lips or on the cheek be suspicious of possible sexual abuse?

MR. CARELLA: Well, there's two questions there. One is lips the other is cheek.

MR. ANDERSON: Let me break it down.

MR. FEEHAN: Hold on. You're not really explaining the circumstances.

Are you talking about in a getaway house? Or are you talking about in the back of the church after mass in front of the parents with a hundred people standing around?

You need to put more specifics in your question.

MR. ANDERSON: I'll be happy

to clarify the question if -- if the Archbishop doesn't understand it.

BY MR. ANDERSON:

Q. Let's just talk about what would or would not be suspicious of possible sexual abuse that merits inquiry or investigation.

In your experience as Bishop and Coadjutor of Peoria, would a priest having engaged in the kissing on the lips of a youth be suspicious of sexual abuse?

A. Yes.

Q. In your -- in the same context, would a priest having a youth stay overnight at his rectory be suspicious meriting further investigation for sexual abuse?

A. It certainly would today. And I -- I would have -- as the situation was developing in the church -- yes, I think it would merit. And it should be contrary to policy.

Q. And under canon law there's also an obligation of a Bishop to

investigate suspicions of sexual abuse of minors by clerics within his control, correct?

A. Yes.

Q. Okay. If a priest, during your tenure as Coadjutor and Bishop in Peoria had supplied alcohol to minors, would that have been suspicious for some kind of misconduct meriting investigation by the Bishop?

A. Well, it would be illegal, and therefore, should be investigated.

Q. And would a priest who would engage in questioning in a sacrament of -- penance and reconciliation in the confessional. Making inquiries of the -- of a youth about their sexual interests and/or activities, if it came to your attention, be suspicious of solicitation in the confessional?

A. It certainly could be. Sometimes it -- in order to understand the specific sin being confessed the priest have might have to ask a question or two. But it should be very discrete

and -- and -- and not explicit.

And -- and if he went beyond that, I think it would be -- could be suspicious.

Q. Would a grade-school girl alone with a priest at night in a car in itself be suspicious meriting further investigation for sexual abuse?

A. Not necessarily. But it could be depending on the circumstances.

Q. And the crime of solicitation in the confessional is considered very grave?

A. Very grave. It's reserved to the Pope.

Q. And in fact, when was that crime required to go to the Vatican for -- for investigation?

A. The Bishop will have, usually, the judicial Vicar for the diocese investigate. And if it appears to be well founded, then the Bishop will almost immediately forward it to Rome.

Q. Was that always the case that you understood it was required to go

to Rome for investigation as soon as there was --

A. It would be an investigation -- preliminary investigation -- I didn't mean to interrupt you if you want to --

Q. I didn't really get a chance to finish. Maybe I should.

A. Okay.

Q. When did you first learn or understand that solicitation in the confessional by a priest or suspicions of it were required to be reported and investigated -- reported to and investigated by the Vatican?

A. Certainly in the seminary in the Rome and -- but the mere suspicion does not bring the requirement to report to Rome. But after preliminary investigation by diocesan officials and if it appears to be well founded, then it's required to go to Rome.

Q. And a preliminary investigation is required to be done by the Bishop or his designees, correct?

A. Yes. Usually his judicial Vicar.

Q. And was Monsignor Campbell your judicial Vicar --

A. No.

Q. -- that would he have been required to do that?

A. No. Monsignor -- for the most part Monsignor Joseph Zube, Z-U-B-E. He still works in the tribunal as a matter of fact.

Q. And did you ever report solicitation in the confessional to the Vatican as --

A. I never had occasion to.

Q. Did you ever have suspicion to do preliminary investigation of a solicitation in the confessional?

A. No.

Q. To your knowledge was the sexual abuse of minors or the suspicion of sexual abuse of minors ever required to have been reported to the Vatican for investigation?

A. Not the suspicion. The

initial investigation is done locally. And it if it seems well founded, then it must be reported to the Vatican.

Q. And the standard for what is well founded after preliminary investigation is set forth where?

A. I would think it would be based in the -- I don't know of a specific canon. But the judicial Vicar would have experience in dealing with marriages and -- and -- and other matters.

And so the presumption is that if the Bishop delegated, he has confidence that he can investigate.

Q. And the protocol that you're referring to is largely the canon law, correct?

A. Yes.

MR. ANDERSON: Should we take a break?

MR. FEEHAN: Yeah. You know what, we've been going about an hour.

MR. ANDERSON: Sure.

THE VIDEOGRAPHER: We're going to go off the record at 2:18. We'll end tape one.

- - -

(Whereupon, a brief recess was taken.)

- - -

(Whereupon, Exhibit A-1 was marked for identification.)

- - -

THE VIDEOGRAPHER: We are back on the record at 2:34. This is tape two in the deposition of Myers.

BY MR. ANDERSON:

Q. Archbishop, off the record we had a discussion and in order to protect the names of the victims and/or their families or possible victims and/or their families that we're going to be discussing we decided to use a sealed exhibit called Exhibit-A we marked on here and we've talked to you about this.

And what we're going to do is you made reference to one family in

the No. 1 -- under the No. 1 Doe List we calling that the E family here.

A. Right.

Q. Okay?

A. Yes.

Q. And then if we refer to others, we'll have you write the name in the sealed Exhibit-A and then we'll refer to them by 2, 3, 4, 5 or by initial, whichever comes easier, okay?

A. Uh-huh.

Q. Is that acceptable?

A. Sure.

MR. ANDERSON: Agreed, Counsel?

MR. CARELLA: That's fine.

MR. ANDERSON: Okay. And we agreed that this is a sealed exhibit, agreed?

MR. FEEHAN: Yes.

MR. ANDERSON: Okay, thanks.

BY MR. ANDERSON:

Q. Archbishop, did you ever send while -- while Bishop in Peoria or Coadjutor, any reports of sexual abuse

concerning priests to the Vatican?

A. No.

Q. Why not?

A. I tried to deal with the victim's expressed needs and tried to be of assistance to them, but I did not. And it was not standard policy. That came in in 2001, I believe, or 2002 that the procedure was established.

Q. Is it your understanding that when Cardinal Joseph Rossinger was installed as prefect for the Congregation of the Doctrine of Faith in 2001 that the policy and practice --

A. He was prefect from '85, I think.

Q. Excuse me.

A. Yeah.

Q. Is -- is it your understanding that in 2001 something was changed at the Congregation for the Doctrine of Faith and/or the Vatican that asked and required Bishops and Archbishops to report these allegations --

A. Yes.
Q. -- to them?
A. Yes. It was directed from the Pope.
Q. And that was then Pope?
A. John Paul, II.
Q. And what did you understand the directive to have been?
A. Well, the Bishops dealt with that at Dallas and the directive was that we -- credible accusations. And that's when we established review boards and all that sort.
We had a review board starting in '93. And -- and that -- they would be removed from ministry, the investigation would be held, an announcement would be made as to why they were removed from ministry and then the documentation would be sent to the Congregation for the Doctrine of Faith which would send directives back to the Bishop on how we were to deal with the case.
Q. And since that -- that

directive was issued from the Pope have you ever received directives from the CDF concerning this matter?

A. Absolutely.

Q. And how many and when?

MR. FEEHAN: Concerning the Maloney matter?

MR. ANDERSON: Any matter of sexual abuse.

THE WITNESS: I -- I don't know.

MR. FEEHAN: Hold it. Excuse me. Two things. A, you're not confining your question to Maloney. B, it's not confined to the Diocese of Peoria.

It's, you know, getting on 2:30 here. Or I'm sorry.

MR. ANDERSON: Make your legal objection then. Don't take the time then -- don't use my time for making talking objections.

MR. FEEHAN: Well, I'm just trying -- my objection is relevancy and scope. Let's

confine this -- the questioning to Father Maloney and the Diocese of Peoria. Or -- or -- it's your time.

MR. ANDERSON: I know.

MR. FEEHAN: Use it how you want.

MR. ANDERSON: So don't take it.

BY MR. ANDERSON:

Q. Archbishop, did you ever receive directives from the Vatican or the CDF as to handle -- as to how to handle sexual abuse of minors while you were Bishop of Peoria?

A. No, not to the best of my knowledge.

Q. Did you ever receive instructions or training from the Vatican apart from your canon law training as to how to handle that?

A. No.

Q. Okay. And have you -- since the -- since the directives came from the Pope received directives from the Vatican

as to how to handle sexual abuse?

A. In specific cases.

Q. Okay. And is that only where cases are brought to the Vatican and then you receive instructions or what?

A. Yes.

Q. And that the practice of the Vatican involvement and the directive from the Pope you said it came out of the meeting of the Catholic Conference of Bishops in 2002, is that your understanding?

A. I think. And my memory may be faulty, but I think we had the Dallas meeting in response and created this very elaborate system in response to the directive from the Pope through the CDF.

Q. Okay. Were there ever lawsuits brought concerning claims of sexual abuse while you were the Bishop of Peoria?

A. I believe not. Yes -- no, there was. There was one major lawsuit.

Q. Okay. And was the identity

of the victims or victim in that case made known publicly or not?

A. They made it known publicly themselves.

Q. Okay. What was the name that was made public, if you remember?

A. I -- I don't -- I don't know how to handle --

Q. That's okay. Who --

A. It was the family from -- a group of families from Lincoln, Illinois.

Q. Okay. And who -- who is the accused cleric that was accused to have been the offender?

A. Norman Goodman.

Q. And when was that, approximately, that the lawsuit was made or brought?

A. I -- I would guess it would be late '90's.

Q. And prior to the initiation of the suit had you, as Bishop, taken any action responsive to suspicions of sexual abuse by Norman Goodman?

A. Yes.

Q. What?

A. We limited his ministry and -- and -- and then he -- the group retained a lawyer and we ended up in arbitration. Is that the right word?

MR. FEEHAN: Mediation.

THE WITNESS: Mediation Genoa and Block in Chicago. I knew Mr. Genoa. I used to played poker with him occasionally.

MR. FEEHAN: Your co-counsel in this case, Fred Nessler, had all 14 of the -- of the lawsuits and filed claims. So he can get you all the information about names and when the lawsuit was filed.

BY MR. ANDERSON:

Q. At any time while you were Coadjutor or Bishop in Peoria did you or anybody at your direction ever make public information that you had -- that a priest of the Diocese of Peoria had committed sexual abuse and action was being taken because of it by you?

A. It wasn't necessary for us to do so because Mr. What's-his-face, the attorney --

MR. FEEHAN: Nessler.

THE WITNESS: Nessler, made it public.

BY MR. ANDERSON:

Q. Well, that was concerning Goodman. My question was broader than that. My question is pertaining to any priest accused or investigated for having committed sexual abuse and in any instance where you took some action, either by way of investigation or removal.

Did you ever make what you learned in that investigation, such as the priest being removed from ministry because of sexual abuse allegations, did you ever make that public? Known to the parishioners or the public that you were taking that action or removing that priest because of sexual abuse while you were Bishop or Coadjutor?

A. I -- I -- I believe so. But

I -- I -- I'm not absolutely certain.

Q. And can you identify, if you did, what priest you did make known to the community of faith that was being removed because of suspicions and/or investigation of sexual abuse?

A. Well, if there were one it would have been [redacted] And I -- I personally investigated that and it was only one accuser. And -- and I did not find his story consistent with the facts as we knew them.

Q. And so when you talked about the priest that had been accused, you said there were five, John Anderson was third. Who was the fourth and fifth?

A. [redacted] and -- and -- and then that -- that Louis Condon that I mentioned.

Q. And -- and then what about Goodman? Did -- Goodman had been in that category of somebody that had been accused?

A. Yes, he would have. And

I -- I believe he retired.

Q. Okay.

A. He's retired now. I don't think he's in ministry.

Q. And in the case of John Anderson, you found that you -- later to -- Bishop Jenky had -- had found it to be credible, correct?

A. Beyond credible. He had -- he had witnesses.

Q. But you had not found it to be credible, correct?

A. That's correct. Even though I attempted to investigate.

Q. Did you attempt to let the police do further investigation of that matter?

A. Of John Anderson?

Q. Yes.

A. No. I encouraged the -- the specific -- one specific seminarian, now a priest, to go to the police and asked him to. And he's the one I asked to sign the statement that I had urged him to and he had -- he declined to.

Q. And why don't you write his -- that victim or possible victim's name on here as No. 2.

A. Okay. I'm not absolutely certain of the spelling.

Q. You made mention of [redacted] -- thank you, Archbishop.

You made mention of [redacted] -- [redacted] having been accused but you found it to not have been credible?

A. I did. I spent a morning talking with the accuser and his -- his story was really inconsistent with the facts.

Q. And what training, if any, had you had before then in -- in the investigation of the crime of criminal sexual conduct?

A. I don't know what you mean exactly.

Q. Well, you're aware that law enforcement, police officers, are trained in investigating?

A. Yes. We cooperate very

closely.

Q. Okay. My question then to you is had you had any training when you interviewed that possible victim concerning [redacted] in investigating suspicions or crimes of sexual abuse?

A. Not other than attending workshops at the Canon Law Society of America meetings.

Q. And when you found the accuser of [redacted] to have not been credible, did you, either before, during or after making that finding, ever seek the assistance of outside professionals in making that determination?

A. Not law enforcement but someone who was a counsellor in this area. I did discuss the case in some detail with that counsellor.

Q. And in the case of [redacted] why don't you write down who the victim was that you interviewed?

A. I -- I don't remember his name.

Q. And what was the name of the counsellor whose counselling you sought?

A. He's from Bloomington, Illinois but I don't remember his name.

Q. And was that somebody trained in counselling people as opposed to investigating crimes committed by them?

A. He was trained in evaluating and treating people.

Q. Okay. When it comes to Father Monsignor Maloney, at any time while Bishop or Coadjutor or while a priest of the Diocese of Peoria, did you have any suspicions or receive any information from any source suspicions of sexual abuse by him?

A. I did not have any suspicions. I -- because of the, perhaps slipshod filing system that we had between the two different buildings of the office of the Bishop, there may have been things that got by me. But I did

not have any suspicions.

Q. Since this lawsuit has been brought you've -- now that this deposition scheduled or attempted to have been scheduled for some time, have you gone back and looked at the Maloney case and the files that you have and come to the realization that complaints and/or suspicions of sexual abuse by Maloney were missed by the diocese?

A. I don't know if they were missed by the diocese. I was unaware of them. But other diocesan officials may have been.

Q. Who was aware of them?

A. The two Vicars General probably and Monsignor Campbell and Monsignor Rohlfs.

Q. How did you come to that observation or belief?

A. I don't know how I answer that.

Q. Apart from discussions with counsel, did you come to learn that by review of the file?

A. **No.**

Q. Okay. Did you come to learn that apart from -- let me ask it this way.

I don't want to know what you learned from your lawyer or any discussions you've had with your lawyer.

A. **Okay.**

Q. Okay?

A. **Yes.**

Q. For that matter, either of your lawyers.

A. **Yes.**

Q. But what I want to know is, apart from that, did you receive information by review of the file or from other -- any other source that Monsignor Campbell or --

A. **Rohlfs.**

Q. -- Rohlfs may have received reports and/or complaints regarding sexual abuse by Maloney?

A. **The only thing that I heard is it that someone from the Bloomington/ Normal area -- when -- I guess when this**

lawsuit was filed or some -- or it was reported to the authorities said there's a brief article in the Bloomington Pantograph. So that's really the first indication I had.

Q. Okay. And that really was my next question.

What was the first indication you personally had that Father Maloney had either been reported to have committed sexual abuse or there were suspicions of him having committed sexual abuse by diocesan officials from Peoria?

A. I think it would be at the time of this publication of this article.

Q. And it was after this lawsuit?

A. I believe so.

Q. I think this lawsuit was filed -- was it in 2007?

MR. FEEHAN: I think so.

MR. ANDERSON: Something like that.

BY MR. ANDERSON:

Q. So it would be after 2007?
A. Yes.
Q. While you were Archbishop here?
A. Yes.
Q. Did you ever personally hear of or become aware of any problems concerning Maloney while in seminary or while working as a priest in the Diocese of Peoria?
A. Never.
Q. Nothing at all?
A. No.
Q. What about an alcohol problem? Did you ever notice that he had an alcohol problem?
A. To the best of my knowledge because of his diabetes I -- I very seldom saw him take a drink.
Q. Okay. I'm just going to show you -- start to go through some exhibits here and I'm just going to try to run through them as quickly as I can.
A. I've never seen this before.
Q. And my first question is,

have you in preparation for this deposition reviewed any materials, Archbishop?

A. Of my own or with --

Q. Well, concerning Maloney?

A. -- with counsel?

Q. Well, I guess any material, any written documents, concerning this lawsuit, the file or anything else?

A. Not specifically about the lawsuit, no.

Q. Okay. Have you looked at the Maloney file?

A. No. I don't have one.

Q. Okay.

A. I've only been back to Peoria two or three times.

Q. While you were Bishop or Coadjutor of the Diocese of Peoria did you ever review the Maloney file for any reason?

A. No -- well, I'll take that back. I had it reviewed at the time he was made a Monsignor. I had a group of priests made Monsignors and I asked the

Vicar General and maybe a Vice Chancellor or someone to review the files.

Q. That was in 2000?

A. Yes.

Q. And at least a couple of times you promoted Monsignor Maloney, then Father Maloney, to be a Vicar for the vicariate, did you not?

A. One time he was -- the nomination comes from the priests. At one time he was Vicar under O'Rourke and I may have -- he may have been nominated one time while I was diocesan Bishop. I am not certain.

Q. Looking at Exhibit-5 that you have before you, you said you have not seen this before?

A. I haven't, no.

MR. FEEHAN: If you're going to ask him questions, can he have a chance to read it?

MR. ANDERSON: Well, I don't think we want to do that.

BY MR. ANDERSON:

Q. There's a part of it I'll

ask you a question about though.

In the third paragraph it says, "The picture of Thomas Maloney is not exactly clear as the Bishop. It appears that the main problem with Thomas at this time is a lack of prudential judgment and an unwillingness to ask advice."

Do you have any knowledge of Maloney having had a lack of prudential judgement in the mid '60s as a fellow seminarian?

A. Well, first of all, I didn't know him as a fellow seminarian.

Q. Excuse me. I misspoke. Do you have any knowledge of him having a lack of prudential judgment either at any point in time in the '60s or later?

A. His style of celebrating the liturgy was eccentric. I think that would be a lack of prudential judgment.

Do you want this back?

Q. You can just put it right here (Indicating). It's going to be attached.

A. **Okay.**

Q. Did it ever come to your attention, Archbishop, that Monsignor Maloney was delayed by the then presiding ordinary and/or rector in his ability to advance in the seminary to ordination?

A. **No. I never knew that.**

Q. It is correct to say that any priest of a diocese, such as Peoria, takes and makes a promise of obedience to the -- the Bishop and its successors?

A. **A reverence of obedience to the Bishop and his successors.**

Q. It's also correct that they make a promise of celibate chastity?

A. **That's correct.**

Q. What does that mean when made and taken?

A. **Which one, sir?**

Q. Celibate chastity.

A. **It means no sexual activity.**

Q. And what does reverence of obedience mean when taken and made by a priest to his --

A. It means to -- I'm sorry.
Q. -- to his Bishop and his -- the Bishop's successors?
A. Reverence, that you don't run the Bishop down and -- and -- are -- are cooperative.
And obedience is you do what he judges best with your abilities for the good of the church.
Q. Does that meaning include obeying the Bishop in all matters of life and faith?
A. Well, the Bishop can't tell you which spiritual director to go to. I mean, there are -- there are things that the Bishop can't do. But it -- it primarily has to do with where you are assigned and where you work as a priest.
Q. And the Bishop has authority to ordain, assign, to provide privileges and impose restrictions on any priest of the diocese, correct?
A. That's correct.
Q. The Bishop, however, is limited in his authority to remove the

priest from the clerical state. And that has to be done by the Vatican, correct?

A. That's not entirely correct. Usually it is -- it's done by the Vatican. But there is a process in the code of canon law for removing a cleric from the clerical state for commission of a canonical crime.

Q. And does a Bishop have authority to -- to actually remove under the canon law?

A. Not to remove. But the -- it would be a church court can -- can do that.

Q. Is that part of the jurisdiction of the Bishop or under the jurisdiction of the Vatican?

A. It's done, usually, under the jurisdiction of the Vatican. But it can be done with the authority of the Bishop working through a panel of judges.

Q. Did you as Bishop of Peoria ever remove or attempt to remove any priest from the clerical state for a canonical crime?

A. I did not. Although I did remove them from ministry and limit their ministry.

Q. Let me -- the ability to limit their -- restrict their ministry is exclusively within the authority of the Bishop and he can do so on his -- in his discretion for a good cause?

A. For a good cause.

Q. Who provides health insurance and retirement benefits for priests of the diocese?

A. Well, it -- that has changed since I became a priest.

Q. When you -- when you were Bishop for Peoria?

A. The premium is paid by the institution to which the priest is assigned. Generally dioceses have insurance programs, either self -- protected self insurance or some form of insurance.

Q. So it's largely funded through the diocese?

A. Through -- largely funded

from the institution to which the priest is assigned.

Q. By the Bishop?

A. By the Bishop.

Q. And then, in terms of file maintenance for the Diocese of Peoria while you were Bishop, at least, there are two separate files pertaining to any given priest such as Maloney. One would be the ordinary personnel file maintained by the chancery, is that correct?

A. That would be correct, which would be primarily letters of appointment and faculties and form -- form letters like that.

Q. What is the second file that then that could or would pertain to a priest?

A. It would be a correspondence file.

Q. Okay. Is that -- was that maintained separately?

A. Yes.

Q. By whom?

A. Well, it got so confusing

I'm not certain. But I think it was primarily in the vault.

Q. And the vault is the caged area?

A. No. The vault is a broader area.

Q. Okay.

A. It's a big walk-in vault about as big as this room.

Q. Who had access to the files in the vault that you're referring to?

A. Primarily the Chancellor, the Vicar General, the Bishop. And -- but the correspondence files -- the secretaries would file copies of the correspondence, I think.

Q. And then there's a third file that would have some materials pertaining to priests that we had talked about earlier that could -- in which there would be scandalous and other materials and those would be in the caged area where files would be maintained, correct?

A. That's correct. Except as I

told you I did not find much material there.

Q. And in the materials that were in the caged area maintained under the canon we talked about, was there -- were those files organized by priest?

A. Yes.

Q. Did you ever look to see if there was a file there in the caged or secret file maintained under the canon law pertaining to Maloney?

A. Yes.

Q. And when did you look to see if there was?

A. When I told you in the summer of 1990.

Q. And what, if anything, was there pertaining to Maloney?

A. Nothing.

Q. How many priests had files there by number would you estimate?

A. It would be an estimate of 15 to 20.

Q. And any of the priests who you've identified here today as

individuals to whom allegations or about allegation were made of sexual abuse, did any of them have files in the secret or caged area?

A. Only Louis Condon.

Q. And did you make the information that was in the secret file or caged area available to law enforcement in their investigation of him?

A. There was no crime involved.

Q. How do you know that?

A. Because they -- they exclusively included adults.

Q. Were there any other files on priests maintained by the Diocese of Peoria other than the three we've -- the three --

A. Not to my knowledge. It could be that in the other building there were but not to my knowledge.

Q. Did the priest personnel board keep files or minutes pertaining to their --

A. I would presume so.

Q. I'm showing you -- I'm going to show you some more exhibits here and run through them.

When did you first come to really know Thomas Maloney as a fellow priest?

A. I think that that nine months that we were both assistants in the city of Peoria.

Q. What year would that have been, approximately?

A. That would be from August '67 and he -- and he was moved in June of '68.

Q. And did you ever notice that he had a particular interest in youth or young people, kids?

A. Not anything unusual or unnatural.

Q. Did you notice that his ministry was more devoted to youth than, say, yours or others?

A. Very difficult to answer. I was teaching in two different schools in Peoria. And I -- I don't know.

Q. Okay. You're aware that he was appointed to be the assistant at Epiphany Parish in Normal at one point in time?

A. Yes, yes.

Q. And the records show that he was appointed to be assistant there in January of 1973. Does that sound --

A. That sounds about right.

Q. I've -- I've got the records here so I --

A. Yeah. It sounds about right.

Q. Okay. And while -- while he was in Normal between '73 and 1975 where would you have been then working?

A. '70 -- I -- I -- one year I was -- it was my third year at St. Matthews Champaign. And then the next two years I would have been in graduate work at Catholic University of America in Washington, DC.

Q. The records show that on October 7, 1976, he was appointed as pastor to St. Joseph's Parish in Chenoa

and also at St. Mary's Mission, Lexington?

A. That's correct.

Q. Does that sound familiar to you?

A. Sounds about right.

Q. Okay. And he, also, four years later had an appointment as a part-time chaplain to students and faculty at Central Catholic?

A. That's correct.

Q. Does that sound familiar?

A. That sounds right.

Q. At -- in 1977 you were the Vice Chancellor, were you not?

A. I was.

Q. And who was the Chancellor?

A. Monsignor George Carten.

Q. And you were also the vocation's director for many years?

A. Yes.

Q. And then in '78 you became Chancellor?

A. That's correct.

Q. What were your duties as

chancellor as it pertained to the -- to the Bishop? At that time I know he had a Vicor General, correct?

A. Yes.

Q. And who was the Vicar General at the time you were appointed Chancellor by the Bishop?

A. Monsignor Grisbowski.

Q. And the Bishop was then?

A. O'Rourke.

Q. And would it be fair at that time of your appointment as Chancellor to say that the Vicar General served kind of to the right hand of the Bishop and the Chancellor to the left hand of the Bishop?

A. That's not the way Bishop O'Rourke envisioned it.

Q. How did he work it?

A. Monsignor Grisbowski was pastor of St. Monica Parish in east Peoria, Illinois. And he came in for, maybe, a couple of half days per week. So he was not as involved in the day-to-day operations of the -- of the

diocese.

Q. There are letters that I looked at in the files that were written from you to Monsignor Maloney where there's talk about having dinner at some time and/or getting together.

Was it -- was it frequent for you to have dinner with him?

A. No. It was usually around the time of confirmation in his parish.

Q. Okay.

A. We really did not travel in the same circles.

Q. Did you do annual visits -- as Bishop or Coadjutor did you do annual visits to the parishes to see and make sure things were in order?

A. Because of the large area involved and the number of small parishes we had a system. If you had 40 kids for confirmation, you could have -- or more, you could have confirmation every year.

If you had to go two years to get the 40, it would be every second year. And no -- less frequently, then

every third year.

So in the course of a six-year period I was in every parish of the diocese.

Q. I'm going to write down here a name under the doe list, three, and you'll see under that No. 3 I wrote a name there.

A. I don't know who that is.

Q. And just to show to Counsel, under the doe three list I'll use the initials EB.

A. Okay.

Q. Is that name familiar to you as somebody who has either reported or complained of sexual abuse to the Diocese of Peoria?

A. Not to my recollection.

Q. Do you have recollection of father Maloney having given you gifts of cash?

A. Yes. After confirmation once or twice he did.

Q. In total, once or twice?

A. If you said cash, yes.

Q. Do you have recollection of Father Maloney having given you gifts of other kinds such as --

A. Coins.

Q. Did you say coins?

A. Coins, yes.

Q. How many times did he give you coins?

A. Two or three.

Q. Okay. What kinds of coins? Under what circumstances?

A. After confirmation. And it would be -- I don't have them anymore but I think they were, like, gold coins.

Q. Were they valuable? And if so, how so? How much?

A. I don't have any idea.

Q. Okay. And why would he give you coins and cash?

A. He liked -- he liked to collect things and it was a custom to give a Bishop a gift when he did confirmation.

Q. So did Father Maloney depart from custom when he gave you cash and

coins?

A. Not necessarily. Different priests handled it differently.

Q. Did all the Bishops give you cash? Excuse me. All the priests give you, as Bishop, cash?

A. No. Sometimes it was a check.

Q. And was that for your own personal use?

A. Yes.

Q. Was that a practice that was written anywhere or just something that developed over the years or what?

A. It's standard in the church.

Q. Is it?

A. Uh-huh.

Q. Do you have any recollection of Maloney having given you other gifts besides the cash at confirmation and the coins that you've just identified?

A. Not that I can recall.

Q. I'm going to show you 23 and this came from the Maloney file, Archbishop. And it's November 9, '92, a

letter from you to him, "Dear Tom", and it states in the first sentence, "I really do feel a bit squeamish about being the recipient of your much loved camera."

Do you remember him giving you the camera?

A. I do not.

Q. Do you have any recollection of why you felt squeamish about -- about such a thing?

A. Because it was something that was very precious to him.

Q. So you do remember that he had a precious camera?

A. Yes.

Q. And so --

A. I don't remember him giving it to me.

Q. You don't remember him giving it to you?

A. No.

Q. By the reading of this letter do you doubt that he did?

A. No.

Q. Okay. I'm showing you 24 and I'll hand -- I'll put it before you in a moment here. It's a letter on the Diocesan Chancery dated March 13, 1992, and -- from you to Thomas Maloney, "Dear Tom", it states, "Just a note to thank you for the silver."

What is this referring to, Archbishop?

A. I have no idea.

Q. It then says, "That one is even too big for a watch fob."

Does that refresh your recollection of what it was he had given you here?

A. I presume it was a silver dollar or something. I don't know. I have no idea.

Q. It goes on to state, "It could be tied around one's neck like the proverbial 'millstone'".

Does that refresh --

A. (Witness nodding.)

Q. Okay. Do you remember -- when you're referring to that proverbial

millstone, is that -- do you remember the biblical verse that refers to whoever shall violate a child shall have a millstone hung from their neck?

A. I'm sure that had no reference to that.

Q. Okay. I'm going to show you Exhibit-25 -- okay, I'm going to show you rather 26, Archbishop. This again on the Diocesan Chancery from you to Tom Maloney. "Dear Tom", last sentence of the first paragraph, "I will put the address and phone number at the bottom of the letter."

This refers to a gift. Can you tell us what this is referring to? What gift? The third sentence, "I am grateful also for your gift."

A. I'm looking at the date. I would presume it was a Christmas gift.

Q. It goes on to state, "I'll try not to lose it at the 'dogs' in Florida."

A. Uh-huh.

Q. Is that the gambling dogs?

Dog track?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Okay. So it sounds like that would be cash then?

A. Or a check. It could be either.

Q. Was it a common practice for either Father Maloney or other priests to give you money so that you could -- so that you could gamble?

A. I don't gamble very much. So I would sometimes go to the race -- horse racing track once -- this Gene Lamb that they mentioned was the chairman of the Illinois Racing Commission and a horse owner. So I would go maybe once a year.

Q. As compared to the other priests in the diocese while you were Bishop, was Maloney more generous? Less generous? Or about average when it came to gifts to you by way of cash?

A. About the same.

Q. The records that we have reflect that Maloney was assigned again to Epiphany Parish on May 12, 1995, and then appointed as pastor of Epiphany in Normal, Illinois.

Do you recall having appointed him the pastor?

A. Yes.

Q. And do you recall that while he worked then in Normal at Epiphany any concerns about his conduct as the pastor there and a priest of the diocese in terms of his fitness? How he conducted himself pertaining to the youth or any of the other people of faith?

A. No, I really don't. His -- one of his sisters lived with him. He was very good about visiting hospitals and nursing homes. And the only thing that I could -- could add once again is that he was somewhat eccentric in his celebration of the liturgy.

Q. What sister are you referring to?

A. I don't remember her first

name. He has two sisters.

Q. And where was that -- where did that sister live?

A. I think she lived in the rectory. At least she worked there. I don't -- I don't know if she actually lived there or not because I wasn't around that much.

Q. And are you referring to Epiphany at Normal?

A. Yes. They also maintained his parent's home in Bloomington.

Q. Who else was assigned to Epiphany while Maloney was at Normal, if you recall?

A. I really don't recall. Father John King was pastor when he was assistant, I think.

Q. Was it also customary for the pastor to have employees, lay employees, such as housekeepers, secretaries, cooks and maintenance people?

A. I think his sisters did most of that for him.

Q. And as Bishop was it your expectation that if lay employees had suspicions of sexual abuse by a priest such as Maloney that they would, in fact, and should report it up the line to you as Bishop?

A. Surely.

Q. Do you ever have any recollection of any lay employees or any other priests ever reporting suspicions or rumors of sexual abuse by Maloney to you as Bishop?

A. No.

Q. Is Monsignor Campbell, your former Vicar and Chancellor, still around?

A. No. He died two or three years ago.

Q. I'm going to show you what we marked Exhibit-29 and this is from the Office of the Vicar General. The date, Archbishop, is December 6, 1995.

A. Uh-huh.

Q. It's to the file of Reverend Maloney.

Now, when it says, to the file, which file would that have been when we're talking about files here? Would this be the secret file or the caged file? The personnel file? Or the correspondence file?

A. Maybe neither. But Monsignor Campbell, I think, maintained separate Vicar General files in his office in the pastoral center.

Q. Before I show you this memo here today you have seen this?

A. This (Witness indicating)?

Q. Yes.

A. Not before -- not before today.

Q. This is the first time you've seen this?

A. Yes.

Q. Let's look at it together then.

It says to the file of Maloney from then Monsignor James Campbell who was then your Vicar General and Chancellor, correct?

A. Yes.

Q. And the subject is an incident report, correct?

A. That's what it says.

Q. It says, "The following information concerning this case came this date from Father Ward?"

Who is Father Ward?

A. I think it would be Father Gerald T. Ward who is pastor of St. Patrick's -- St. Patrick of Merna Parish which is in the suburbs of Bloomington.

Q. And Father -- Monsignor James Campbell as Vicar General, as Chancellor and as a priest of the diocese, you're the one that delegated authority to him as -- both appointed and delegated the authority to him as Vicar General and Chancellor of the diocese?

A. I appointed him to those offices.

Q. Okay. And when he was acting as Vicar General, as Chancellor and as a priest of the Diocese of Peoria

that was within authority given him by you as the ordinary, correct?

A. It's -- you could say it that way. Essentially the authority is attached to the office of the Vicar General. So by appointing him Vicar General I gave him the authority.

Q. It goes on to say, "Father Ward was contacted by a woman now living in Springfield, Illinois, formerly of Bloomington. The Springfield woman said she was calling on behalf of her sister who lived in New York and was formerly of Bloomington. The New York woman alleges that Father Maloney abused her when he was stationed at Epiphany in Normal."

As I read that to you is this the first time you have heard from any source, apart from discussion with counsel about which I don't want to know, that he had ever been accused of having abused a girl when he was stationed at Epiphany in Normal?

MR. FEEHAN: Meaning at

this --

MR. ANDERSON: Before 1995.

MR. FEEHAN: At this point meaning right now?

MR. ANDERSON: Yes.

MR. FEEHAN: Because you talked about the date of the letter when you said at this point.

MR. ANDERSON: Yes.

THE WITNESS: For right now this is the first time I'm seeing this.

BY MR. ANDERSON:

Q. And do you know anything about who this woman is? What she alleged he -- he committed and what information she brought to Monsignor Campbell?

A. No.

Q. Do you know what action, if any, Monsignor Campbell took responsive to this information given him as recorded in this memo?

A. No.

Q. It goes on to state, "I asked Father Ward to contact the woman in Springfield".

Do you have any knowledge of whether or not he did?

A. No.

Q. It goes on to state, "I asked Father Ward to indicate that there would be no way to confront Father Maloney without clear indication of an allegation against him and to indicate, at the same time, that we do not doubt her sincerity."

Do you know anything about that?

A. No.

Q. Is Father Ward still around?

A. Yes.

Q. Or alive?

A. Yes.

Q. Where is he now?

A. In the same parish. He just built a new church.

Q. What parish is that?

A. St. Patrick's of Merna.

Q. And did he have an official capacity at this time in '95, do you know?

A. He may have been Vicar but I'm not certain.

Q. A Vicar for a vicariate?

A. Yes.

Q. It goes on to state, "The alleged incident involving Father Maloney took place when the alleged victim was 10 years of age."

This is suspicious of sexual abuse, is it not?

A. It could be, certainly.

Q. And do you know what investigation was done by the Diocese of Peoria responsive to the report as recorded in this document?

A. I do not.

Q. Do you know if any investigation was done?

MR. FEEHAN: That's basically the same question.

THE WITNESS: If --

MR. FEEHAN: If he doesn't

know if an investigation was done, how would he know what investigation was done?

THE WITNESS: Father Ward would have to answer the question. I don't know.

BY MR. ANDERSON:

Q. Under canon law you're aware that if there is an allegation of sexual abuse by a priest, the Bishop is required to conduct investigation, correct?

A. If he knows about it.

Q. Okay. And would you not have expected your Vicar General and Chancellor if an allegation had been made, such as recorded in this memo, to have brought that to you?

A. Not necessarily. Monsignor Campbell was -- had been a -- he was a trained counsellor. He had been in Catholic charities for ten years. His health was starting to be problematical and he may not have.

Q. And did -- under canon law did a Vicar General or Chancellor

actually have authority to conduct and oversee an investigation?

A. Yes.

Q. Did a Vicar General or a Chancellor have authority to restrict the ministry or remove the priest from ministry?

A. No.

Q. That was the Bishop wasn't it?

A. Yes.

Q. And at any time did Monsignor Campbell ever tell you that -- that Maloney's ministry should be restricted by you because of a report or investigation of sexual abuse?

A. No.

Q. To look at this document now and you see this as it's written and included in the file, what does that make you think?

A. That I would prefer to have had an investigation.

Q. Does that alarm you?

MR. FEEHAN: Objection.

Asked and answered. You've asked him what he would have done.

What do you mean by "does that alarm you"?

BY MR. ANDERSON:

Q. Does it upset you to see that this report was made?

A. I -- I -- I am committed publicly and profoundly to the safety of children. So of course it alarms me.

Q. Okay. I'm going to show you Exhibit-31, Archbishop. And this would be a handwritten exhibit several pages in length. The date on it isn't perfectly clear on the photocopy given us. But we are -- we are by the return date concluding that it's approximately January 4, 1996.

And It's addressed to "Dear Monsignor". And in this document you can see the name of the writer at the last page. And the initials on that writer will be KS.

A. All right.

Q. We'll call this writer doe

four. And I'll write on here the name of this person with the initials appearing after that on the exhibit. Do you see that?

A. Yes.

Q. Okay. I direct your attention to that handwritten six-page letter to Monsignor.

And my first question is, have you seen this before?

A. No. Do you presume that this is to Monsignor Campbell?

Q. Well, he does write back, yes. So we are believing that to be the case by the other documents.

A. Okay.

Q. And so at the second page, the last sentence in it, I direct your attention -- I'll read it.

It states -- it states, "Once mass begins and throughout its context he sits on the altar laughing with the altar kids."

And then I'm going to direct your attention to two pages after that.

At the top of it it says, "To where the picture" do you see that page?

A. Uh-huh.

Q. And in the middle of it I'm going to read a passage. It states, "As I approached Father Maloney he was once again acting unprofessional hugging --

MR. FEEHAN: Them.

BY MR. ANDERSON:

Q. -- "hugging, them kissing on the cheek a rather young teenage girl." I think it's "then", "hugging, then kissing".

A. I think it's then, uh-huh.

Q. So let's just take that in the context of -- this is written in the context in reference to kids earlier and now the writer is saying, "he was acting unprofessional hugging, then kissing on the cheek a rather young teenage girl."

As you read that, Archbishop, would that have then been suspicious to you as Bishop?

MR. FEEHAN: Okay. Just --

MR. ANDERSON: Wait a

minute. Let me finish the question.

Of sexual abuse of this child?

MR. FEEHAN: You just handed him, what, seven pages? A six-page letter and asked him a couple of sentences out of context.

I would ask that he take the time to, at least, read the paragraph before that sentence you just asked about so that he understands that this was after mass in front of several people out in the middle of public.

MR. ANDERSON: Well, look --

MR. FEEHAN: As opposed to in a room with just one girl by themselves.

MR. ANDERSON: Yeah. I wasn't suggesting any context. I wasn't trying to mislead him. I'm trying to get through it and you're timing this thing.

If you're going to -- wait a minute. If you want me to have him read the exhibits, we'll take more time and we'll continue the deposition. If you want me to try to finish today, we can't go that way, okay?

So let me rephrase the question so it's acceptable to you --

MR. FEEHAN: Rephrase your question so it's a fair question and in context. You want to take it right out of context, Jeff. That's not fair.

You tried to do that earlier when you asked him that question and I knew what you were going to do later with this letter. And you asked him the question, would he consider it sex abuse for somebody to kiss somebody on the lips? And I asked you are you talking about in public? In front of the parents?

MR. ANDERSON: What's your concern about the context?

MR. FEEHAN: You're taking one sentence out of a six-page letter. It's like asking a hypothetical question without all the facts.

MR. ANDERSON: Okay. Let me ask you this --

MR. FEEHAN: You want it both ways. You want to be able to ask --

MR ANDERSON: Counsel, I'm going to ask a questions that's acceptable to you so I don't have to spend any more time with you.

MR. FEEHAN: Okay.

MR. ANDERSON: So we can do it with him, okay?

MR. FEEHAN: Let's go. I mean, you spent the first half hour of this deposition talking about Father Engels who is in prison and Father Harbor so who is dead.

So don't talk to me about timeliness, okay? Let's go.

BY MR. ANDERSON:

Q. Archbishop, in any context a priest of the Diocese of Peoria acting in a way that he is hugging and kissing the cheek of a young teenage girl, the kind of thing that would be suspicious and worthy of investigation by the Bishop?

A. I want to just read that again.

Q. It's just in any context text, the hugging and kissing on the cheek of a young teenage girl by the priest.

A. It could be. At the same time Monsignor Maloney was a native of Bloomington/Normal and he knew many, many people and had lots of friends and that might change the context.

Q. And in order to know whether it is suspicious and/or inappropriate and/or criminal you would have to investigate it, wouldn't you?

A. It could -- it could be

criminal but it might be innocent.

Q. And the only way you could really know whether it was was to investigate it?

A. If you knew about it.

Q. Okay. And I'm going to show you Exhibit-32 and this is how we know this was responded to by at least Monsignor Campbell.

And it's a letter from him to Father Maloney dated January 5th. And you'll see that it says, "Dear Father, Enclosed please find a letter from KS."

And my question to you is, do you have any memory or recollection of this claim having been made by KS to Campbell and Campbell having responded to KS in any way, shape or form over concerns about Maloney?

A. The only thing that I remember is that he did take Father King's picture down from the whelk of the church.

Q. You have an independent recollection of that?

A. I do because some people were upset.

Q. When you see this letter, Exhibit-32 before you, does it alarm you that he does take action by, as your memory, by taking the picture of Father King down because of something inappropriate about that. But there's nothing in this letter about the complaint pertaining to the kissing and hugging of a teenage girl?

A. I can't explain that. I do recall that there was tension between Father King and Father Maloney.

Q. If Monsignor Campbell and yourself got involved enough to take down the picture of Father King --

A. We did not.

Q. Who did?

A. Maloney.

Q. Okay. Maloney took it down?

A. Yes.

Q. But he took it down because Campbell got involved and brought it to you?

A. No. I think he just took it down.

Q. Okay. Well, how is it that you remember that that happened then if you didn't get involved?

A. Because some people called me and complained about it.

Q. In the same year -- I'm going to show you exhibit -- let me -- let me say in the same year Exhibit-33 shows that you appointed Father Maloney for another term as Vicar in 19 -- September of 1996, would that sound correct?

A. It does if he were not -- he would have been nominated by the priests of the area.

Q. Okay. Was that kind of an additional responsibility for a pastor or priest to have?

A. Yes.

Q. Okay. So it's kind of an honor to be asked by the priest and nominated and then appointed by you?

A. Yes. And he would gather

all the priests together for meetings to discuss common problems and that sort of thing.

Q. Kind of a promotion in some ways?

A. In some ways.

Q. I know Monsignor Campbell is not alive so he can't answer this question. But you did know him and he was a your Chancellor and Vicar General?

A. Yes.

Q. And you did see the response that he made to KS.

A. Yes.

Q. Knowing Monsignor Campbell and how he was and who he was as your Vicar General and Chancellor back then, can you offer any context or explanation as to why he responded to KS as to the picture and the other concerns, but no response was given as to the concern of the hugging and kissing of the teenage girl?

A. I have no idea. What I do know about him is that he was -- he had

an MA in counselling, he had been 10 years doing counselling in our Catholic charities and he would tend to process things.

Q. Did he have any training in the investigation of sexual abuse and protocols to be followed in the discernment of it?

A. Not to the best of my knowledge. But I don't know what other courses he took when he took his MA.

Q. I'm going to show you 33A and this refers, Archbishop, to -- this is a letter from you, as Bishop, to Father Maloney and it states at the third sentence, "I am very grateful for your most generous gift. In fact, it does enable me to do a number of things including vacation and helping my father with mom's nursing home expenses."

What do you remember about this gift?

A. Well, the date, again, is telling, right after Christmas. It was not uncommon for priests -- because at

that time, until I ended it, the pastors in the Peoria diocese got to keep the Christmas collection. And as a result of that they sometimes remembered the Bishop.

And Al Hallin, who is now Monsignor Hallin, and I have vacationed together for over 40 years. Tom would visit an uncle in Florida and occasionally come down and have lunch -- you know, once in the winter and come down and have lunch with us.

Q. This refers to a generous gift. How much money was it?

A. I have no idea. Maybe $500. I really don't have any idea.

Q. Would he vacation with you?

A. No.

Q. It looks like he's coming down to Florida?

A. He stayed with an uncle in northern Florida and would come down and have lunch with us once in the winter.

Q. There are some other documents I have and because you haven't

reviewed the file I don't know if I want to take the time to review with you right now. If I have time I'll go back over them.

But after this point in time at which he gave you this gift you described as generous, how many other gifts in cash or otherwise do you recall having received from him and how often?

A. It would most likely be an annual gift at the time of confirmation. He had a large confirmation class. And I don't recall what else might be -- it would not break the bank.

Q. Who -- what do you mean "not break the bank"? What do you mean?

A. That I don't think that they would be that large.

Q. I'm going to show you Exhibit-39. It came from the file provided to us in this litigation and the date is 1999. And on this sealed Exhibit-A I'm going to write the name of the letter writer.

And as you look at the

exhibit, Archbishop, you will see that I have identified that one as doe five. It looks like, you know, a husband and wife and then I used the initial TM, okay?

A. Uh-huh.

Q. And have you seen this before?

A. No.

Q. It's addressed to then Monsignor Rohlfs, correct?

A. Who was Vicar General at the time, I believe.

Q. And was it his obligation if there was evidence of a solicitation in the confessional brought to him as Vicar General to bring it to you as Bishop?

MR. CARELLA: Read the whole letter, Archbishop.

MR. FEEHAN: Right.

MR. ANDERSON: I'm not asking about the letter.

BY MR. ANDERSON:

Q. I'm asking you -- listen to the question.

MR. FEEHAN: Hold on.

You're asking him in general. You asked him questions before about solicitation in the confessional and he answered those.

MR. ANDERSON: Just a minute. Let me ask the question and if you have an objection --

MR. FEEHAN: So now, if you have a question about the letter, let's focus on the letter.

BY MR. ANDERSON:

Q. Archbishop, before you read the letter I want to ask you a question.

A. All right. Sure.

Q. My question is in 1999 if your Vicar General, then Monsignor Rohlfs, received evidence or suspicions of a solicitation in the confessional, was it his obligation to bring it to you as Bishop?

A. Or he could start the investigation through the tribunal process. He had the authority to do that also.

Q. Do you have any memory to date of Monsignor Rohlfs ever bringing any concerns about Maloney soliciting sex or engaging in inappropriate conduct towards youthful penitents in the confessional?

A. No.

Q. Okay. And before when we talked about solicitation in the confessional you said that is a grave manner under canon law.

Why is that considered to be so grave?

A. Because it's a -- it's a sacrament and it's a natural secret. And people have a right to confess without fear of being -- of its ever being exposed.

Q. And there are protocols issued by the Vatican as to how that is to be handled and because of its gravity the Vatican takes jurisdiction over such matters, is that correct?

A. As I said before, the initial investigation is done at the

local level. And then if it seems substantiated, it's for the Vatican.

Q. Did Monsignor Rohlfs as Vicar General actually have canonical authority or any authority to conduct an investigation of a possible solicitation in the confessional without consultation with his Bishop at the time?

A. Yes. The Vicar General has the ordinary authority of the Bishop -- executive authority throughout the diocese.

Q. Do you have any recollection of Rohlfs ever -- Rohlfs ever having done an investigation of that kind without your authority or knowledge?

A. I'm not aware. I don't know.

Q. Okay. Let's look at Exhibit-39. You have -- okay.

Have you seen this before? This memo?

A. This one (Witness indicating)?

Q. Yes.

A. No.

MR. FEEHAN: We've been going about an hour and 15 minutes.

MR. ANDERSON: Okay. Let's take a break.

THE VIDEOGRAPHER: We're going to go off the record at 3:48. We're on tape two.

\- - -

(Whereupon, a brief recess was taken.)

\- - -

THE VIDEOGRAPHER: We are back on the record at 4:01. This is tape three of the deposition of Myers.

BY MR. ANDERSON:

Q. Okay. Archbishop, you did want -- you just said you wanted to make a comment on this last exhibit, 39. What was that?

A. If I could.

Q. Sure.

A. This is -- this is not truly

a solicitation in the confessional. In order to solicit -- it's certainly inappropriate and the priest should be resoundly disciplined.

But for it to be solicitation he would have to be trying to get the kid or the penitent to engage in sex with him and this does not do that.

Q. So 39 on its reading is not in itself a solicitation in the confessional?

A. And I told you how I would handle it before.

Q. Okay. Do you agree, however, on having read 39 that it certainly is suspicious of some inappropriate use of the sacrament that might merit, based on this in itself, investigation by your office?

A. It is not solicitation. I would -- I certainly would have had it investigated if I knew of it. But we couldn't treat it as solicitation. So the things I said about solicitation

would not apply to this.

Q. And you say had you known of it. You have no recollection of having received this information of any kind at any time?

A. No.

Q. I'm going refer you, Archbishop, to exhibit -- the next exhibit, 39A, and it's actually two pages.

A. Uh-huh.

Q. And 39A is dated August 18, 1999. This is six days after Exhibit-39. And you can see it is addressed to the writers of Exhibit-39, to the parents.

A. Yes.

Q. Okay. And you can also see that it is sent from Monsignor Rohlfs, Vicar General and Chancellor --

A. Yes.

Q. -- to this family.

A. Yes.

Q. And it is cc to you.

A. Yes.

Q. So do you remember receiving

this copy, August 18th?

A. I do not.

Q. Not at all?

A. And again, I underscore the kind of loose system that we had with the two different buildings in Peoria. And it could be sometimes two weeks of copies that I would get when they moved them from building to building and I sometimes didn't have time to read them all.

Q. You would agree with the sentence in paragraph three stated by then Vicar General -- Rohlfs, is he still around?

A. Not in Peoria.

Q. Where is he now?

A. He's in Maryland.

Q. What's -- what's his assignment?

A. He is rector of Mount St. Mary's Seminary.

Q. So he's still a priest of the Diocese of Peoria?

A. Yes.

Q. But extern right now?

A. Yes.

Q. Okay. You would agree -- would you agree with the statement made by him to the family in paragraph three in the last sentence, "It is certainly inappropriate for a person who already knows his sins to be questioned by the priest in the fashion which you refer to in your letter of August 12th."

Do you agree with that or have enough information to agree or disagree?

A. It's hard -- there are situations when, for example, a -- someone who is a deaf-mute goes to confession where they -- they can have another person there to relate their sins to the priest. So there -- it depends somewhat on the situation.

But there has been a ruling by the International Code Commission on canon law, which I happen to be a voting member, that people have a right to go either face to face or behind a screen. So there is a right to that. I would

agree with that.

Q. Let's look at Exhibit-40 for a moment and this would be dated September 1, 1999. And again, to the same family from Monsignor Rohlfs. In this instance you are copied along with Monsignor Campbell and the law firm is copied.

Was this then the law firm for -- for you as the Bishop and the diocese?

A. I believe it's -- yes. Heyl, Royster they were -- it's --

MR. FEEHAN: Yes.

THE WITNESS: -- the law firm.

BY MR. ANDERSON:

Q. Do you remember having received this copy of this letter?

A. I do not.

Q. Do you remember at this point and time a family, whether it be this family or any family, being concerned about their well-being and their identity being made known to

Monsignor Maloney because they were concerned about retaliation from him to them or anything like that?

A. I don't remember the threat of retaliation but I know that people would -- could be worried that their children would be treated differently in school if it were known.

Q. You knew Monsignor Maloney pretty well. Was he kind of an intimidating figure as a priest?

A. No.

Q. He wasn't?

A. He was kind of an Irish leprechaun.

Q. I'm going to refer you to Exhibit-44 -- let's see. I've got an exhibit that shows that you were -- July 10th -- no, let me -- just a moment.

A. Sure.

Q. I'm going refer you to Exhibit-41, Archbishop.

A. Uh-huh.

Q. And this one is dated September 1, 2000. I will take and use

the name of the people here and mark them on the doe list as No. 6 and we will just identify it as JT by initial just to protect the identity of the individual here.

A. Okay.

Q. Or individuals involved. And this is a letter addressed to you from these -- from this mom and dad.

My question to you is, do you remember receiving this?

A. No, I do not.

Q. Okay. When we looked at other exhibits from you --

MR. ANDERSON: Just for purposes of foundation, Counsel, is there -- is there any dispute on foundation on any of these exhibits in terms of this being --

MR. FEEHAN: As far as genuineness?

MR. ANDERSON: Yeah.

MR. FEEHAN: No.

MR. FINNEGAN: You don't want us to go through each one and

ask if this is the signature for the gifts?

MR. FEEHAN: The documents that we supplied that -- I can't vouch, for example, of letters from [redacted] is this [redacted] signature.

MR. ANDERSON: No, no, no. I'm talking about diocesan officials and that these coming out of the files in the ordinary course of business.

MR. FEEHAN: You'll get no problem with me on the business -- Illinois has a business records rule, Rule 236. Basically, the burden would be on me to say that if I produce them and I Bate stamp them and they've got a diocese logo on them or they come from Monsignor Rohlfs or from Bishop, now Archbishop Myers or Bishop Jenky, they're -- they're essentially deemed genuine.

MR. ANDERSON: Okay.

MR. FEEHAN: As far as the foundational issues, not a problem.

MR. ANDERSON: Understood. I appreciate that. It just takes some time. Now, of course, on this next exhibit we can't and we're not asking about foundation on this because it's a letter sent from somebody else to the Bishop.

MR. FEEHAN: Right.

MR. ANDERSON: And then now Archbishop. So that's a different conversation. But it came out of the file in any case in the ordinary course of business.

MR. FEEHAN: Yes. I believe it should have a Bates stamp on there also underneath your exhibit sticker.

MR. ANDERSON: Okay, thank you. I appreciate it.

BY MR. ANDERSON:

Q. So the question I have is,

looking at this letter that is, at least, addressed to you as you testify today you don't remember having seen it, correct?

A. Yes.

Q. Do you -- do you think -- do you dispute that you -- that you received it in 2000?

A. I don't really know how to answer that.

Q. Okay. Let me just read a part of it.

MR. ANDERSON: And I appreciate that it's out of context, Counsel. But just for purposes of time, I'm going to see if it will help refresh his recollection about the context of the letter.

BY MR. ANDERSON:

Q. Now, taking the 2000 -- you'll see the bullet points in the middle of it. There's something written here that says, "Coincidentally, I saw him in a Walgreen's parking lot after 9:00 p.m. on a school night in his car

with a grade-school girl. She went in alone and purchased about $20.00 worth of candy, then returned to his car. He typically takes eighth grade girls from school out to lunch at a place called 'The Pub'."

My question to you is I just read from this, I appreciate it's out of context, but does that information kind of refresh your recollection about information coming to you in about 2000 about concerns about Maloney and this girl or others in that age group?

A. I just don't recall.

Q. Okay.

A. I really don't. And this would have been shortly after he was made a Monsignor.

Q. Okay.

A. One of the things that I would have done, certainly, is have anyone I was proposing to be Monsignor vetted. In other words, go through the files.

Q. I'm going to show you

Exhibit-42. And this would be to the family that wrote Exhibit-41. And this is from you, is it not?

A. It appears to be, yes. It looks like my signature.

Q. And copied to Monsignor Rohlfs?

A. Yes.

Q. And in the fourth paragraph I will -- I will read the words that you then wrote and then I'll ask you a question.

"I do know that Father loves people, especially young people, and that he cares for them generously. We have never had allegations of impropriety."

A. And that would be to the best of my knowledge.

Q. Now, this was copied to Rohlfs.

After you sent this to this family did Monsignor Rohlfs ever come to you and say, Bishop, you know, this representation you made to the family on September 14, 2002, may need to be

somehow changed because there's some information that I have or that we have in the files that shows otherwise?

A. No.

Q. This is, indeed, a representation made by you to the family that there had never been an allegation of impropriety?

A. Yes.

Q. Do some of the documents I showed you that are in this file earlier indicate indications of impropriety by him?

A. At least potentially.

Q. Who was involved in the vetting of the Monsignor process when you appointed or recommended Father Maloney for the honorarium of Monsignor?

A. It would have been Monsignor Rohlfs, Monsignor Campbell and -- and myself. I don't know if I would have gone -- sometimes I would have gone to the superintendent of schools or included a few others, diocesan officials.

Q. So when he was made a Monsignor by you, I trust -- and ultimately by Rome on your recommendation?

A. Yes, yes.

Q. I trust there is a bit of a kind of a celebration around that and kind of a --

A. I think it was probably in September.

Q. Yeah. And it would be like the people in the community of faith both where he had served or where was then kind of -- kind of liked to give him kudos for his years of service and you would have been among those?

A. I would have presided at the ceremony.

Q. You would have presided at the ceremony?

A. Uh-huh.

Q. How many attended that?

A. Well, usually we had it at the civic center and that would hold up to 3,000 people.

Q. And was he then represented to you, not using these words, but in effect represented by you as then the Bishop to have been one of the finest priests to have served in the diocese?

A. Not necessarily. Sometimes it's -- it's positional. So he had been Vicar a couple of times, at least. And so it was a way to honor the ariete of that area of the diocese too.

Q. How many priests had you so honored as Bishop from Rome before Maloney as Monsignor?

A. He was not alone. There was a class. I usually waited every fourth or fifth year. So I imagine 25 or 30 priests. But then my -- my first class was -- it included 80 lay people.

Q. Before you -- before you recommended him to Rome and Rome made the determination to allow him to be named and celebrated as a Monsignor, did you send any documents or did the diocese send any documents to Rome to vet him? So they could vet him as you say you had

vetted him?

A. No. The -- the procedure is that you do about a half-page summary of the life and services of each priest recommended and Rome accepts that.

Q. You said you had vetted him. How did you vet him then when you appointed him?

A. If you will recall I asked that files all be searched.

Q. I'm going to show you Exhibit-45.

Did Campbell ever say anything to you about the '95 report that had been made when you were vetting him?

A. No, no, no.

Q. Nothing?

A. No.

Q. Did Rohlfs say anything about that?

A. No.

Q. Ward? Did Ward?

A. No. He was not a diocesan official.

Q. Okay.

A. He was a local pastor.

Q. Okay. I'm going to show you -- okay. I'm going to show you Exhibit-45. I'm going to make this quick because this appears to be a 2002 -- after, you know, you're here --

A. Uh-huh.

Q. -- as Archbishop. But you are copied here so --

A. I don't know why I would be copied.

Q. -- I'm going to show it to you.

A. I don't know why I would copied here.

Q. Well, this is dated February 1, 2002. And -- and when you left Peoria is it correct to say that -- actually, when you were appointed Archbishop of Newark, is it correct to say that they had not yet appointed and installed a new Bishop in Peoria and so there was a time frame in which you kind of presided both Peoria and Newark?

A. No. Until I left Peoria on

October 1, 2001, I was the administrator, not the diocesan Bishop. An administrator has more limited power. Monsignor Rohlfs was elected by the consultors as an administrators. And you'll see that he signs this as administrator of the diocese.

Q. And so you'll see that as of February 1, 2002, this letter sent by then administrator Rohlfs, he was really serving in your -- in the capacity of Bishop but named as administrator?

A. He was elected administrator by the college of consultors.

Q. Okay. And you're copied on this letter.

Do you remember receiving this?

A. No. And if you recall it was right after 9/11 and my time was very greatly occupied by memorial masses and visiting families and helping families of victims of 9/11.

Q. At some point in time I think when I asked you about files, did

you tell me that you thought there may have been separate files kept by the Vicar General pertaining to Maloney or other priests?

A. I -- I don't know who would be included in those. But it was -- it's my impression, maybe not a clear recollection, that in the pastoral center in the office of the Vicar General, Chancellor and his secretary there were files kept. I really don't know what they were exactly.

Q. As Bishop of the Diocese of Peoria is it correct to say that if there is to be any land held by the diocese and sold, it is the Bishop that has to approve the sale and transfer of land or property?

A. That's partly true. But also at -- it's above certain levels, but I don't remember what they were at that time, Roman permission was also required, Vatican permission.

Q. And the closing of a parish also requires an expressed approval and

authority of the Bishop?

A. Yes. But after consultation with the pastoral council.

Q. And the quinquennial report that is made by the diocese to the Vatican --

A. Yes. We haven't made one in seven years. But anyway that's --

Q. Peoria made it though, didn't it?

A. We made it last in 2003, I believe.

Q. Okay. Here we go.

A. Yeah. This Pope has not called the American Bishops to make a report.

Q. What about, you know, when you were Coadjutor and Bishop of Peoria, did you do such a report?

A. Yes. We did it in 1988, 1993, 1998 and then in 2003. 2003 was for the Archdiocese and the others were for Peoria.

Q. And in any of those reports -- how did you make such a report

and what was the purpose of it?

A. They sent a different set of question every -- every time. And I asked different department heads to do a draft of a report on their area of responsibility and then I edited it.

Q. Did you ever raise concerns or questions about problems of sexual abuse by clergy in the Diocese of Peoria with the Vatican either in or pertaining to the quinquennial report?

A. I think I did it in '93 and '98, both. I would have mentioned that we had some of these incidents which I've shared with you.

Q. Do you remember, today, Archbishop what incidents you would have mentioned at that time to the Vatican in your report to them?

A. No. I may have been more generic.

Q. Do you remember any Vatican instruction or directive responsive to your report of concerns about the sexual abuse of those that you brought to them?

Or involvement at all by Vatican officials?

A. We met with most of the congregations, the divisions of the Vatican, with the leadership, discussed questions and met with the Pope. And they had prepared for the Pope a one-page summary of the diocese.

And whether or not there was a specific directive I don't know. I think the 2002 instruction from the CDF would have been in Vatican response to this kind of concern.

Q. Do you have or does the diocese customarily keep a copy of the quinquennial report?

A. Yes, they do and it's -- but it's considered confidential, I believe.

Q. It is confidential under the canon law or under directive from the Vatican?

A. Canon law. That would be my presupposition.

Q. Okay. Where would that be held? Would that be in the cage?

A. Wherever this Bishop of Peoria wants it.

Q. When you were Bishop of Peoria, you would have kept that in --

A. I kept a copy in my office.

Q. In your office?

A. Yes.

Q. What else -- what other documents that would have any reference to abuse or clergy abuse would be kept in your office as the Bishop of the Diocese of Peoria?

A. We would have used the -- the filing system.

Q. In 1994 there's some indication that the United States Catholic Conference Bishops sent out some procedures that among others said that even if a report of sexual abuse is made anonymously, it should be investigated by the Bishop.

A. Yes.

Q. My question to you is, do you remember protocols being recommended by the U -- UCCB regarding sexual abuse

in '94?

A. I -- I believe I do. And I think we tried to comply.

Q. There is, and of course it's now well known that Father Tom Doyle, Ray Mooton and Ray Peterson made reports --

A. Yes.

Q. -- to the Catholic Conference of Bishops in '85 --

A. Yes.

Q. -- about the problem of clerical sexual abuse.

A. Yes.

Q. I know you were not -- what knowledge, if any, do you have about the reports made to the Conference in '85?

A. I wasn't a Bishop but I was in canon law studies with Father Doyle and I don't hold him in high regard.

Q. Well, he's been a critic of the Bishops you know that?

A. But an unfair critic for the most part.

Q. And you also know that he

was also the canon lawyer to the Apostolic See?

A. And he was fired from there.

Q. And you also know that he was required and called upon to investigate allegations of sexual abuse by clergy in 1984 that led to the report made to the Catholic Conference. You're aware of that?

A. Yes.

Q. Okay. Now, you were as a canon lawyer were -- and maybe you are still a member of the Midwest Canon Law Society, correct?

A. I'm not a member of that society.

Q. Were you ever?

A. Yes.

Q. In 1990 there was a meeting of the Canon Law Society.

A. Yes.

Q. And Bishop, then auxiliary Bishop Quinton from Cleveland, presented and presided that?

A. That's correct.

Q. Do you have a memory of that meeting?

A. Not a clear memory. I just remember that Jim spoke to us.

Q. Okay. I'm just going to show you some stuff from it and see if it --

MR. FEEHAN: Have these been produced in discovery?

MR. ANDERSON: I don't know.

MR. FEEHAN: Well, you know you have an obligation to produce those to us. How long have you had this?

The rules of Illinois say you have an obligation to seasonably supplement us with any new documents that you obtain.

MR. ANDERSON: Well, we didn't obtain these in this case. These are documents we've obtained --

MR. FEEHAN: Well, you're using them in this case, obviously.

MR. ANDERSON: Okay. Well, if you have an objection and it's inappropriate, you know, I'll --

MR. FEEHAN: Here's my objection. It can be cured.

My objection is those were not seasonally produced to us. They should not be allowed to be used in this case. And I'm going to ask the judge to not let you use them in the case.

MR. ANDERSON: Okay.

MR. FEEHAN: Because otherwise you're ambushing me with them right now and the witness. I have no opportunity to even review those in advance which is the whole purpose of the rule.

MR. ANDERSON: Joe, if it requires me -- in order to use it and ask him questions about it and, you know, it's not appropriate to do that, I'm not going to do that, okay? So if that's the case I'm not going to

do it.

So are you saying that because I haven't produced it to you I shouldn't ask him about it?

MR. FEEHAN: I'm saying --

MR. ANDERSON: For example, what I want to do -- let me just tell you what I want to do and then see if you object to it, okay?

I want to show him parts of the presentation done and see if he remembers that, having been there -- there and/or has any comment on what was said there.

MR. FEEHAN: I don't have any problem with him looking at that as long as he has plenty of time to sit here and look at it and digest it in the context as opposed to just taking out sentences.

I don't know if you've got that much time here today. But I will not agree to come back or

have any further depositions on documents that were not previously disclosed to us.

MR. ANDERSON: No. I understand that. I'm not going to --

THE WITNESS: If I could, Jeff, just to -- in 1987 when I went to -- I was running for president, vice president -- president of the Canon Law Society. And -- and there was a very unfortunate incident at the convention in 1987 and I have not been back since. So I wasn't at the 1990 meeting.

MR. ANDERSON: Okay. Let's forget it.

MR. FEEHAN: That takes care of that.

BY MR. ANDERSON:

Q. As part of the -- as part of the Canon Law Society do you have any recollection of protocols being advocated and/or practiced by the canon lawyers and

as advisors to the Bishop that would cause scandalous documents evidencing sexual abuse by priests to be sent to the Apostolic See so they could be protected under a seal of the papal kind of thing?

A. No. I'm not aware of anything like that.

Q. To your knowledge did the Diocese of Peoria, or any other Bishops for that matter while you were Bishop there, engage in such a practice?

A. No.

Q. Okay.

A. And I don't think the Apostolic Nunciature would accept information under those -- under that auspice.

Q. While you were Bishop of Peoria -- wait a minute.

Before you became Bishop and appointed and installed as Bishop in Peoria, was there a shortage of priests in Peoria?

A. No.

Q. Was there a shortage of

priests while you were Bishop?

A. No.

Q. Was there -- to your knowledge has there been a shortage of priests in that area since?

A. To some degree.

Q. In general, has there been a shortage of priests in America?

A. It depends on the area.

Q. Do you think that that shortage of priests at any time, at least from your perspective, has caused bishops to keep priests that were otherwise unfit?

A. No. I have -- I have more priests than I can use here.

Q. You're unusual from my experience, at least, having talked to a few folks like yourself. But that's good for you too.

A. Uh-huh.

Q. In terms of treatment facilities for priests who have offended, some of whom you identified to us by name and we discussed very early in this

deposition, did you, yourself, ever get involved in the -- the sending of any of those priests to any -- any facilities for evaluation on their fitness to continue in ministry?

A. Yes.

Q. What facilities did you use?

A. Southtown St. John Vianney and Benedict Rochelle's group here. And if -- if -- if drugs or alcohol were involved, then Guest House.

Q. What about if it just involved -- often times sexual abuse and drugs and alcohol kind of went hand in hand with this problem, did it not?

A. Yes.

Q. So if it was -- if it involved just drugs or alcohol, you would send them to Guest House?

A. Uh-huh.

Q. But if it involved drugs and alcohol and/or sexual abuse -- excuse me.

If it involved drugs and alcohol and sexual abuse you would send them to Southtown St. John Vianney?

A. And -- and the other place in -- in Maryland.

Q. Well, there's St. Lukes? St. Lukes?

A. St. Lukes.

Q. What about the Servants of the Paraclete in New Mexico? Did you Send anyone there?

A. I've never sent anyone there.

Q. Were you familiar that they have a facility there, treatment facility?

A. Yes, yeah. We would have priests from here, unfortunately, who attended there.

Q. Did you have priests attend there from the Diocese of Peoria at any time for any sexual --

A. Not to the best of my knowledge. I use these other facilities. We also -- there's also a place in St. Louis. I just don't remember what it is.

MR. CARELLA: That might

also have been run by the Servants of the Paraclete.

MR. ANDERSON: There was a Servants of the Paraclete in St. Louis also?

MR. CARELLA: Yes.

BY MR. ANDERSON:

Q. Did you ever have a protocol while Bishop that you would go to the, or practice, where you'd go to the parish to make sure the priests that were serving and working under you were fit to be and continue as priests either in parish or in ministry?

A. Well, as I described to you, I got to every parish every six years and the big ones every year. And of course I was checking for things like that. At the same time in a small borough diocese you have some parishes that are 50, 60, 70 families and -- and you don't have to be a Harvard grad to be pastor there.

Q. And was Peoria a small borough diocese?

A. Yes.

Q. Okay. And the numbers of priests you had at that time, at least while you were Bishop, was approximately how many in number, roughly?

A. I would think 200 to 250. I'm not absolutely certain.

Q. And did you ever ask or request that any of your consultors, be it the Vicar General, the Chancellor, the Vicar Clerk for clergy or any of your appointed officials review the files of the priests that both predated you and served under you to make sure that the files didn't have evidence of unfitness, to pose a risk of harm to kids?

A. I would have asked the priest personnel board to do that.

Q. Do you remember asking the board to review every file to make sure there wasn't anything in there?

A. I asked them to make sure that when they proposed an assignment, that they were secure that it was good for the parish and good for the church.

Q. Did the priest personnel

board have access to the entire file including that -- the gated or caged file?

A. To the best of -- I don't know about that. But to the best of my knowledge they had general access to the files.

Q. What about the files maintained by Campbell? Did they have access to them?

A. I don't know.

Q. Was he always on the priest personnel board file -- excuse me, priest personnel board?

A. I don't think he was a member of the priest personnel board.

Q. So Campbell's knowledge that he gained as reflected in some of the letters he sent and now reviewed by us in this file would not necessarily be available to the priest personnel board when you asked them to review the priest for fitness and sexual abuse allegations?

A. I can't really answer your question. I don't know.

Q. Okay. Are there any other files that you know of that we haven't talked about that may have existed or do exist pertaining to the priests of Peoria?

A. I don't understand the question.

Q. Any other files that were maintained by Peoria where there might be letters, evidence of sexual abuse, history and things like that that we haven't talked about?

A. Not to the best of my knowledge.

Q. At any point when you dealt with the five priests you identified by name as having had allegations of sexual abuse, four of whom I believe you deem to have been credible?

A. Uh-huh.

Q. Correct?

A. Yes.

Q. Did you at any time ever make the information that you got concerning the investigation done by your

officials available to the public by letting them know that these priests were being removed because of credible allegations?

A. No. That was not the practice at that time.

Q. Why not?

A. It just wasn't the practice. It now has become the practice but it wasn't then.

Q. Did -- did -- was there something then in terms of practice in the canon law and the requirement to avoid scandal that kind of overrode or influenced the practice back then?

A. I think that there was a great sensitivity to caring for victims but also to the reputation of priests. If a priest loses his reputation, he's done.

Q. And the canon law does talk in one of the sections we talked about, 489, talks about the avoidance of scandal. And I think that appears in canon law?

A. Yes.

Q. As a canonist you get that piece?

A. Yes.

Q. Is it fair to say, Bishop, on reflection that at least, you know, in the '80s -- or the '70s, '80s and '90s certainly there was a practice where a Bishop would be indeed loyal to a priest wanting to take care of a priest and also concerned for scandal?

A. Yes. And it would have been more so in the '60s and '70s. In the '80s it started to shift and the bishop's tended to adopt a psychiatric style, I guess would be the best thing. You know, evaluation, treatment, and then follow the recommendation of those who did the treatment.

Q. In a small diocese like Peoria is it fair to say that the Bishop would become pretty close to the priests because they were fewer in number than a large diocese like this?

A. It certainly was true for

me. I mean I grew up in the Diocese of Peoria and I knew the priests and we had been vocation director and Chancellor and Vicar General.

And so yes, I did know the priests. And so the answer is basically, yes.

Q. Do you think there was until 1992, let's say just as an earmark, kind of a loyalty by Bishops to priests that made them deeply concerned about the well-being of the priests and making sure they got help that sometimes led to not thinking about the risk of the priest re-offending when it involved sexual abuse?

A. I think if a mistake were made, it would have been on taking the advice of psychiatric professionals because basically what -- that's what we relied on.

Q. When you look at some of these documents that I showed you concerning some of the complaints involving Maloney, does it appear to you

that there was -- there were mistakes made by the Diocese of Peoria in continuing him in ministry and exalting him to Monsignor?

A. Well, I don't know if being a -- I was never a Monsignor so I --

Q. No. Exalting him to Monsignor.

A. I don't know if that's being exalted or not.

Q. Okay.

A. But, you know, having seen all of this together, you know, I think other questions should have been asked. But I hadn't seen it all together. So it's just a hypothetical.

Q. Do you think that Monsignor Campbell was so close to Monsignor, then Father Maloney, that he may have erred because of that relationship?

A. No.

Q. Okay.

A. They -- they were not close.

Q. They were not, okay.

A. No.

Q. If he erred then, why would you think that would have been so and not brought some of this stuff that he had in his possession to you.

A. Because he was a counsellor and trained for counselling. And so the pattern that the church was following was one that he was comfortable with.

Q. To your knowledge has any diocesan official from Peoria, or any other diocese for that matter, ever gone to Maloney and asked him before he died, did you sexual abuse Andrew Ward?

A. I don't know of anyone asking the question. I do know that when he called me to say he was going to go off hemodialysis, he also said, how can they tell these lies about me? He was referring to the newspaper article which I mentioned.

But he said I don't want to live in this condition any longer.

Q. And at the time he said that did you know about -- about doe No. 3

right here (Indicating) --

A. If I can see what it is.

No, I do not.

Q. -- this woman having brought allegations of sexual abuse forward?

A. No, I do not.

Q. Okay. So you weren't able to ask him, well, what about this other one?

A. No, no.

Q. You didn't know, at least if I heard you correctly today, about what No. 4 brought forward here (Indicating)?

A. No, no.

Q. And you didn't know when you talked to him near his death about No. 5?

A. That's correct.

Q. And you didn't know, or at least have a recollection, of No. 6?

A. That's correct.

MR. ANDERSON: Just let me take a moment. I'm going to consult the brains here.

MR. FEEHAN: Fine.

BY MR. ANDERSON:

Q. When and how did you have the conversation with Monsignor Maloney that you just talked to? What was the circumstances?

A. That he -- I was out at my country place and he called me. I knew he had been ill and that he was in kidney failure and dialysis and he had heart problems and that he had become quite feeble. So he called me just to say and he -- I called him Tommy and he called me Johnny. That -- that I'm -- he said I'm going to pull the plug tomorrow. And so he said, I won't be around much longer.

Q. How much longer after that did he live?

A. Three or four days.

Q. After you became installed as the Archbishop of Newark, do you remember receiving any information apart from this lawsuit that brings us here today --

A. Uh-huh.

Q. -- that Maloney had been earlier accused of sexual abuse of boys

or girls?

A. No. I think the -- the clear proof of that is that I sent his name in to Rome to be a Monsignor. I never would have done that to the church.

Q. In your experience at the Bishop's Conference, either the National Catholic Conference of Bishops or the U.S. Catholic Conference of Bishops, had conferences that you have attended where the topic of sexual abuse by clergy was definitively or in any way addressed prior to 2002?

A. Not definitively but it was -- it was a concern. We did have committees work on it. And the Bishops were increasing their awareness.

Q. You were on the Ad Hoc Committee in 2002, weren't you?

A. I don't remember if I was a member or if I was a spokesman for -- for what was going on. One or the other.

Q. I read in your CV that you were on the Ad Hoc Committee.

A. Well, Okay.

Q. Do you remember doing anything if you were on the Ad Hoc Committee?

A. Sure. I would have to go to meetings. But also, they used me as a spokesperson for the media because it was a media frenzy.

Q. Okay. And what were you supposed to say to the media about this topic?

A. That it's a problem, we're taking it seriously and we intend to get to the bottom of it.

Q. How long, in your own experience, had you believed that it was a problem before you became a spokesman and identified it as such in 2002?

A. I -- I started to become aware of it in the mid '80s through work with the Canon Law Society and then just increasingly as -- I know it's hard for people to believe but Bishop O'Rourke just did not bring me in on those things when he was the Bishop.

Q. And it sounds like he really

kept it close to his vest?

A. He did.

Q. Yeah. And --

A. I think that was his Irish blood.

Q. Did you ever bring concerns to the Vatican that the way the Vatican was dealing with the sexual abuse and requiring the Bishops to deal with it was in some way infirm or deficient?

A. Yes. We -- we would do it during our meetings with the congregation for clergy and the CDF. And we did express our concerns and they understood them. And the wheels turned slowly but they're -- they turned.

Q. Did you, while Bishop of Peoria, ever raise such a concern to the level of the Vatican? Any officials --

A. We would meet in groups. So the -- region seven is 30 bishops. And so 30 Bishops would meet with the various head of dicastery, as we call it, and the concerns surfaced.

But it -- well, I don't want

to say too much. But, you know, not all Bishops were of one mind in the matter.

Q. I'm sure. But talking to your mind in terms of the concerns that you raised in these meetings as a Bishop of Peoria, did you feel and express to the Vatican officials that the canon law was tying your hands in terms of really dealing with this issue effectively? That is, the issue of sexual abuse.

A. Well, I helped teach the bishops 1983 code. And I think that that code of canon law is deficient in that it makes it difficult for Bishops to do what they would want to do and should do.

Q. And it's really the provisions in the code that really require to you avoid scandal and keep certain things secret that you think otherwise should not have been, is that fair to say?

A. I wouldn't go that far. It's usually the procedures that -- that -- that the -- the code of canon law is -- it imitates the Napoleonic Code to

a great degree. And because that's true procedures are utterly important. And Americans aren't especially good at some of those procedures, although we're learning quickly.

Q. And they are procedures that must be obeyed because as a Bishop you make and take a vow of obedience to the Holy Father?

A. That's right.

Q. Did the Vatican officials while Bishop of Peoria ever respond or seem like they were capable of addressing the concerns raised by you concerning this issue?

MR. FEEHAN: Just, again, objection to scope. We've got about another ten minutes.

MR. ANDERSON: I'm going to be done in ten.

MR. FEEHAN: And these questions aren't about Maloney.

MR. ANDERSON: Well, yeah, they are. They are, Joe. But I'm going to be done in ten so

don't -- don't worry.

MR. FEEHAN: Okay. Well, let's try to get these on Maloney.

Did the Vatican ever send you any communications about Maloney?

THE WITNESS: No.

MR. ANDERSON: Well -- you know, it was a more general question because we're talking about the general practices at the time and the general protocols at the time and in -- well, Maloney specifically as well.

BY MR. ANDERSON:

Q. So the question is, did Vatican officials, at the CDF or otherwise, ever give you adequate responses to the concerns raised?

A. I would say that they genuinely tried to listen and to understand. But I did think they found it difficult to understand American society and how the media functioned in American society.

Q. Was there a requirement or a practice where if there was a lawsuit brought that pertained to sexual abuse by clergy against the Diocese of Peoria that it would go to the Vatican?

A. No.

Q. Would the Vatican get involved in litigation at all?

A. No.

Q. Would bishops consult with one another about the litigations?

A. Yes.

Q. Did you ever have any discussions with Cardinal Rossinger about the topic of sexual abuse and what was happening?

A. Not directly with Cardinal Rossinger but with officials of the CDF. And I go along with John Allen's analysis. I'm sure you're surprised I read John Allen.

But he said this Pope has, more than any other, has really taken leadership in these matters in a recent NCR article on line.

Q. Well, I'm not surprised you read John Allen. Why do you think I would be surprised that you would read him?

A. Because of the image some people have of me.

Q. I don't know what that is. What are you referring to? Really, seriously, the image. What you do you mean by that?

A. Some people think of me as a hopeless conservative.

Q. Okay. You are a traditionalist conservative, I trust, theologically?

A. I'm with the church. But I'm -- obviously, I have Seton Hall University, and you know, a thousand priests, and well, maybe a million and a half Catholics and we live at peace.

Q. I've got to go back to this. I touched on it but I didn't complete the question that I wanted to complete. I think it's the last question.

Going back to the Diocese of

Peoria when you presided and the written policies pertaining to the sexual abuse if they existed.

Were there at that -- at the time that you were Bishop were there ever written policies implemented by you that applied to the clerics and the employees of the diocese pertaining to sexual abuse protocol?

A. I believe so. I believe you would find it in synod six and synod seven. And that you would find them in the policy handbook for the Catholic schools.

Q. Would they have been only for the Catholic schools then?

A. Not synod six and synod seven. That was a particular law for the whole diocese, for everyone.

Q. Okay. What is that?

MR. ANDERSON: Are you able to produce that for us, Joe?

MR. FEEHAN: If you send me -- you want -- which year do you want a policy for?

MR. ANDERSON: What year do you think you had written policy?

MR. FEEHAN: There are -- if you wanted them right now, it's on line. You just print it right off.

MR. ANDERSON: I would -- I would want the --

BY MR. ANDERSON:

Q. When do you think there was first -- a first written policy promulgated by you, as Bishop, that was pertinent to sexual abuse?

A. Well, I'm not sure -- I think they pre-existed me. O'Rourke became Bishop in 1971. I -- I joined the Chancery staff in 1977. I -- I would think sometime in the '70s or early '80s that there would be written policies.

Q. Okay.

MR. FEEHAN: I -- I personally am aware of policies being in existence throughout, you know, from the mid '90s on.

MR. ANDERSON: Okay.

MR. FEEHAN: And they've been tweaked every once in a while.

BY MR. ANDERSON:

Q. So did you, yourself, ever cause to be implemented any particular policies or protocols specific to sexual abuse by the clergy or the laity of the diocese? Not by the laity, the employees I mean.

A. Yeah. To the best of my recollection when I did, and I'm not certain, is to say that there should not be young people manning the desks in the rectories. You know, that young people should not work in the rectories of the Diocese. That would be one specific instance.

Q. Was that an oral kind of instruction or a written?

A. No. I think I did something in writing.

Q. Okay.

MR. ANDERSON: If that does exist and if you're able to locate

it and produce it, can this serve as a request for it, Joe?

MR. FEEHAN: Sure.

MR. ANDERSON: And if there's any other polices during that time that were written by his predecessor or promulgated before his installation as Archbishop here, I'd make a request for that.

MR. FEEHAN: Sure. Can you follow up with a letter?

MR. ANDERSON: I will -- he will. Thank you, Archbishop.

THE WITNESS: Thank you, gentlemen.

THE VIDEOGRAPHER: That will conclude this deposition at 4:58.

(Witness excused.)

(Deposition concluded at approximately 4:58 p.m.)

CERTIFICATE

I HEREBY CERTIFY that the witness was duly sworn by me and that the deposition is a true record of the testimony given by the witness.

It was requested before completion of the deposition that the witness, ARCHBISHOP JOHN MYERS, have the opportunity to read and sign the deposition transcript.

Beth Ann Sauro, a
Professional Shorthand Reporter
and Notary Public in and for the
Commonwealth of Pennsylvania
Dated: May 20, 2010

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within 30 (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

Ex. A

DOE LIST

1. [redacted] "E"
2. [redacted] "K"
3. [redacted]
4. [redacted] KS
5. [redacted] IN
6. [redacted] TX
7.
8.
9.
10.
11.
12.



April 12, 1966

Very Rev. Conrad Falk, O.S.B.
Rector
Immaculate Conception Seminary
Conception, Missouri

Dear Father Conrad:

COPY

Enclosed is a certificate attesting that Louis Anthony Sigman has received the last two Minor Orders.

Bishop Franz has asked me to acknowledge your letter of April 9, 1966, reporting the action of your faculty in reference to the promotion of our students to various Orders for which they would be eligible.

The picture of Thomas Maloney is not exactly clear to the Bishop. It appears that the main problem with Thomas at this time is a lack of prudential judgment and an unwillingness to ask advice. Could you give the Bishop some clarification of that problem? The report we received from the seminary in regard to Thomas in May of 1965 described his "emotional reactions and judgment" as somewhat above average. The report described him as well above average in cooperation and humility. Has there been some kind of a marked change in him during the past year, or do last May's report and the present concern of the faculty refer to different types of judgment? Can you give us a clearer picture of how his lack of judgment and his unwillingness to seek advice shows itself? In what areas of judgment has he occasioned the faculty's concern? The Bishop is anxious to get as accurate a picture as possible about the problem. A real lack of judgment in a priest can cause more harm than all his zeal might be able to undo. The Bishop will be grateful for any further help you can give him in the matter.

Sincerely yours,

Rt. Rev. Msgr. George A. Carton
Chancellor

GAC/amw
encl.: certificate of ordination

Exhibit 05

R6455
D-0271

Diocesan Chancery
607 N. E. Madison Avenue
Post Office Box 1406
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

"MYSTERIUM ECCLESIAE LUCEAT"

Office of the Bishop

November 9, 1992

Rev. Thomas Maloney
Church of St. Joseph
225 Owsley
Chenoa, IL 61726

Dear Tom:

I really do feel a bit squeamish about being the recipient of your much-loved camera. I would be very happy to hand it back and to look for one on my own. As usual, your spontaneous generosity is too much. Thank you for that. Even more fun is your sense of humor.

Try to keep [redacted] holding on. Maybe I can do something in January.

With kindest personal regards, I am

Sincerely in the Lord,

+John J. Myers

+Most Reverend John J. Myers
BISHOP OF PEORIA

JJM/epp

Exhibit 23

R6455
D-0134

Diocesan Chancery
607 N. E. Madison Avenue
Post Office Box 1405
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

March 13, 1992

Office of the Bishop

Rev. Thomas Maloney
Church of St. Joseph
225 Owsley
Chenoa, IL 61726

Dear Tom:

Just a note to thank you for the silver. That one is even too big for a watch fob. It could be tied around one's neck like the proverbial "millstone."

It was good to see you. Hope things are going well.

With kindest personal regards, I am

Fraternally,

+John

+Most Reverend John J. Myers
BISHOP OF PEORIA

Exhibit 24

R6455
D-0135

Diocesan Chancery
607 N. E. Madison Avenue
Post Office Box 1406
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

+MYSTERIUM ECCLESIAE LUCEAT+

Office of the Bishop

January 30, 1995

Rev. Thomas Maloney
Church of St. Joseph
225 Owsley
Chenoa, IL 61726

Dear Tom:

Just a note to thank you for the lunch. I do enjoy our chats. I am grateful also for your gift. I'll try not to lose it all at the "dogs" in Florida. From February 4 through about the 15th, Al and I should be at the Gene Lamb condo on Captiva. I will put the address and phone number at the bottom of the letter.

I'm not quite sure of the phone number of the place we will be for the additional week, but the Chancery or St. Columba Parish will have the number after we arrive.

All the best.

Fraternally,

+Most Reverend John J. Myers
BISHOP OF PEORIA

JJM/epp

Tom —
Captiva [redacted]
Chancery will have the number after February 14.

9

Exhibit 26

R6455
D-0132

Office of the Vicar General
412 N.E. Madison Avenue
Peoria, Illinois 61603-3720
Telephone 309-671-1550
FAX 309-671-1568
DIOCESE OF PEORIA

To: File of Rev. Thomas Maloney

From: Msgr. James F. Campbell JFC

Date: December 6, 1995

Subject: Incident Report

The following information concerning this case came this date from Father Ward.

Father Ward was contacted by a woman now living in Springfield, Illinois, formerly of Bloomington.

The Springfield woman said she was calling on behalf of her sister, who live in New York and was formerly of Bloomington.

The New York woman alleges that Father Maloney abused her when he was stationed at Epiphany in Normal.

The New York woman now wants Father Maloney confronted and stopped if he is now engaged in sexual activity with children.

I asked Father Ward to contact the woman in Springfield in order that she might talk with her sister in New York. My request to the New York sister is that she call or write, giving her name, so that Father Maloney may be confronted.

I asked Father Ward to indicate that there would be no way to confront Father Maloney without clear indication of an allegation against him and to indicate, at the same time, that we do not doubt her sincerity. However, Father Maloney has the right to defend himself against any person making allegations touching on his reputation.

The alleged incident involving Father Maloney took place when the alleged victim was 10 years of age. She is now 32 years old.

At this writing I am awaiting a call from Father Ward or from the woman in Springfield.

Exhibit 29

[redacted]

JAN – 4 [illegible]
CHANCELLOR

Dear Monsignor,

I'm writing this letter with very mixed feelings right now. I'm having alot of trouble understanding what + why things are happening at Epiphany Parish. When I saw Father Kings picture it made [illegible] remember it breaks my heart.

About two years ago my husband who had fallen away from the church and I decided we weren't complete without the catholic church in our lives. We went to Father King. He very graciously explained what all the steps would be in getting my husband back in good grace and me + our son baptized.

Throughout my instructions I could have never asked for a more

Exhibit 31

wonderful person to
teach me than Father King.
His love for the catholic
church and religion was
so great it made me
want to learn everything
there is to know. Father
King died very quickly
because my Lord also &
my daily praying & thanks
god for Father King for
playing such an instrumental
role in my teachings.
What we got now
new priest I was totally
shocked at the way mass
was given and I don't
mean that past tense.
Father Maloney
dances as parades
around the church with
his collar flapping. Once
mass begins and through
out its context he
sits on the altar laughing

with the altar kids and
I don't get mad once
they smiled. That doesn't
show much respect for
the altar or the mass
does it? And the creep
that did the big yoke. He had
had gotten one third of the way
down the aisle before somebody
can get on their feet and
join in. I always look
around and the father
parishioners are always last
to ~~to~~ I don't feel so bad
~~except~~ except I didn't get
to recite it and it is
an important part of
mass isn't it? In the
first four months I have
yet to follow any Eucharist
prayer because he doesn't
follow them. Other than
the readings the missalette
is really useless. Maybe
we should save our money

from Epiphany and not
get the missal any more.
I'm always glad
when the Deacon assists
at mass because at least
there are friendly face
greeting the parishioners.
Now as to what
I found most disturbing
when I relived that Father
Kings picture was gone
from the church. My
heart broke for a man
who devoted so much of
his life to the Epiphany
Church to have his picture
removed is a disgrace.
Not only to the man
but also to the parishioners.
On Dec 17th when
I went to the 10:30 mass
I started to get very
emotional immediately
upon entering the church.
My eyes went straight

to where the picture hung and there was the empty hole where the nail use to be.

I cried through the entire mass where I couldn't decided I decided to ask why the picture was gone.

As I approced Father Malony he was once again ~~talking~~ acting professional hugging this beautiful young teenage girl.

I asked if I could speak to him in the sacristy I tried through my tears to explain to him I was a convert and how hard the whole transitition has been for me. I asked why the picture was gone? He started to tell me it is at the school. I already

know that because I have a son in his second year of preschool this.

He proceeded to tell me how hard this transition is on him. My exact words to him were "You are going to put the picture back up aren't you?" He told me "That's a decision I'll have to make." He said he told us there would be some changes. I told him I would play he made the right decision I was so upset I had to sit in my car for quite awhile and regain my composure before I could drive. I got the impression he really didn't care what I thought.

I remember Father King teaching me that

The church is the people
& we the people would like
to see the picture as
we enter the church
& what's wrong with it
hanging in the entryway?
It's a beautiful picture
of a beautiful & faith filled
man & someone I will be
grateful to forever for
placing gods grace on my
son & I said quite rightly
& example of what a true
Catholic should be.
Thank you for your
understanding in this
situation.

Sincerely & Prayerfully

[redacted]

January 5, 1996

Reverend Thomas Maloney
Epiphany Church
1006 East College Avenue
Normal, Illinois 61761

Dear Father:

Enclosed please find a letter from [redacted] She seemed saddened about many things. Perhaps a conversation or two with her might be of some help.

Perhaps you could also consider putting Father King's picture back in the church. It would seem the pastoral thing to do, Tom.

I am sorry that you are having these transition problems. Evidently Father King left a large pair of shoes behind him to be filled.

Some attention to liturgical changes might also be helpful. It will all take time.

Fraternally in Christ,

Monsignor James F. Campbell
Vicar General/Chancellor

JFC/ps

Exhibit 32

Diocesan Chancery
607 N.E. Madison Avenue
Post Office Box 1406
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

MYSTERIUM ECCLESIAE LUCEAT

Office of the Bishop

January 10, 1997

Rev. Thomas Maloney
Church of the Epiphany
1006 E. College Avenue
Normal, IL 61761

Dear Tom,

Well, you certainly are consistent. You take me by surprise. I am very grateful for your most generous gift. In fact, it does enable me to do a number of things, including vacation and helping my Father with mom's nursing home expenses.

We look forward to seeing you in Florida if you decide to come down. Al Hallin has the basic information since he is our tour guide.

With kindest personal regards, I am

Sincerely in the Lord,

✠Most Reverend John J. Myers
BISHOP OF PEORIA

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D-0131

[redacted]

CONFIDENTIAL

Protected by Attorney/Client Privilege

August 12, 1999

Monsignor Steven P. Rohlfs
Catholic Diocese of Peoria
412 N. E. Madison
Peoria, IL 61603

RE: CONFIDENTIAL

Dear Monsignor Rohlfs:

Our names our [redacted] We are parishioners of Epiphany Catholic Church in Normal. Our children have been enrolled at Epiphany School for the past six years. This year our son will enter Central Catholic High School as a freshman.

For reasons that we will make clear to you, this is a very difficult letter that we attempt to write. We have prayed about whether we should write this letter as well as asking for God's words as to the letter's content. Today, we asked God for confirmation, and God led us to Galatians 6:1 *"Brothers, if someone is caught in a sin, you who are spiritual should restore him gently."* It is the words *"restore him gently"* that ring in our ears as we place our concerns before you. Our prayer for you is that you will seek God's direction regarding discretion, confidentiality, and the appropriate action to take.

Our concern is with Father Maloney of Epiphany Parish. First, we begin by telling you that our intention is not to judge Father Maloney nor to be critical of him or to shame him, but in using the Holy Spirit's gift of discernment, to intercede on his behalf, and thus, we proceed with this letter.

Back in March of this year, Father Maloney held confession for the Epiphany students in preparation for Easter. It was after our son, an eighth grade student, received this sacrament, that he came to us and in an uneasy manner, discussed the conversation he had with Father Maloney during his confession. During the Sacrament of Reconciliation, Father Maloney proceeded to inappropriately discuss with our son the sexual acts of a fellow priest. (As we are uncertain as to the handling of this letter, we have chosen not to disclose the exact content or language of their conversation.) It was during this talk with my son, that we began to ask questions regarding the details of every moment to be accounted for in the confessional. Some other areas of concern came forward. We were not aware that our children are not allowed to confess their sins. They are presented with a format of questions: "Have you disobeyed your mother and father? Do you fight with your brothers and sisters? Do you swear?" (etc.) The children are made to go face to face. Also during this particular confession, Father Maloney took a call on his cell phone. My son estimates he was probably in the confessional for twenty minutes. We do not know what Father Maloney's intention was by stating these graphic details to a 13 year old boy. We only know what we've been taught -- that the Sacrament of Reconciliation is a time of confessing one's sins in a reverent and holy manner for the purpose of seeking forgiveness. This was not to be during this particular confession.

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We're sure you are wondering why it has taken us so long to inform you of this matter. There are many reasons -- First, our original intention was to go directly to Father Maloney. My husband and I have a good rapport with Father Maloney as we have served on the Epiphany School Club for the past two years. However, we decided to wait until our son had graduated. We were concerned about the consequences to our children and thought it would be best handled when school was out of session. But the longer we waited, the harder it became. We have no hatred for this man. He is after all, like each of us, a sinner. God says, "Love the sinner, hate the sin." And as you are well aware, Father Maloney has suffered a heart attack. We cannot, in good conscience, present this to him at this time. And yet, school is again fast approaching, and we have a duty and a responsibility to other children. We do not presume anything, but in this position of Priest and Pastor of our parish, why would he want to set himself up for even the smallest accusation? There has been enough damage to our Catholic heritage through the sins and wrongful conduct of other Catholic leaders.

We are fully aware that we have not walked in this man's shoes nor can we possibly imagine the responsibilities to which he is accountable. When we pray for Father Maloney, we thank God for all the unseen things that this man has done whether it's in visiting the sick, counseling the down-hearted and grief stricken, lifting up the weak with a kind word, or spending countless hours overseeing our new addition which includes a new junior high building and a spectacular gymnasium. We recognize his duties are enormous, and this is one of the reasons for our asking for your wisdom in dealing with this fragile matter.

We humbly and sincerely ask that you look into this most serious issue at hand. We are not asking for Father Maloney's removal from our parish, but we are asking for intervention of some kind. Our parish is large and the needs are great. Possibly, an assistant pastor would help to relieve some of the burdens of our growing parish and help to hold others accountable. We will continue to pray and thank God for Father Maloney and for the circumstances to which our church and school have been placed for the bible says *"Be joyful always, pray continually, give thanks in all circumstances; for this is God's will for you in Christ Jesus."* (1Thessalonians 5:16-18). We especially pray that you will see our comments not as condemnation but as a plea for help.

Please know that we have anguished over our decision to communicate this with you. Even now we are uncertain and fearful about the potential consequences and repercussions to our children if our names should be given to Father Maloney. So for this reason, we ask for the utmost confidentiality. Also, there is a part of us that wants to defend the character of our son so that you will not doubt the truthfulness of this letter. But we have decided, that although you have never met him, his character needs no defending.

If you should need to contact us, we can be reached at [redacted] Thank you for your time.

In Him,

[redacted]

August 18, 1999

CONFIDENTIAL

Protected by Attorney/Client Privilege

[redacted]

Dear [redacted]

I would like to begin by thanking you for your letter of August 12th in which you bring to my attention some serious problems which your son, [redacted], had in the Sacrament of Penance at Epiphany Parish in Normal. I want to assure you that you did the right thing by writing to me so that we could investigate this allegation insofar as we are able and make an intervention to see that such things do not happen in this parish again.

While I do not intend to revisit all of the topics we discussed by phone on the morning of August 18th, I do want to assure you and your family of the following.

1. Please express to your son my deepest sorrow at the way in which his confession was handled by Father Maloney. It is certainly inappropriate to discuss such things as [redacted] recalls with anyone in such a manner, let alone in the Sacrament of Penance. Please assure him that the Church is deeply distressed at the scandal which was taken by him and presumably given to him by his confessor.

2. Also, please assure your son that he has the right to go to confession anonymously if he so chooses. It is simply not right to force anyone to go to confession "face-to-face".

3. Also assure your son that he has the right to confess his sins in a normal fashion without being interrogated or questioned by the priest unless there is some aspect of the sin that the priest does not understand and which would make a difference in judging his spiritual situation before Almighty God. It is certainly inappropriate for a person who already knows his sins to be questioned by the priest in the fashion which you refer to in your letter of August 12th.

As I indicated to you over the phone, because the Seal of Confession is involved it is very difficult to intervene in a situation such as this. It is doubly difficult since you have refused me permission (which I can understand in this case) to reveal your name to Father Maloney. This does

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not mean, however, that there is nothing I can do - only that there is a limited amount that I can do. As I stated to you in our phone conversation, in the next week or so (as soon as Father Maloney regains his strength from his recent heart surgery) I will be visiting with him and discuss with him this letter without, of course, using your names. I will indicate to him that I realize that he cannot offer a defense because of the seal of confession, but that he should adjust his confessional practice in light of these allegations. I will also direct him to provide anonymous confession and to cease interrogating penitents unless they request his help in making an integral confession.

Once again, on behalf of the Church and myself, I express our deep sorrow for any sadness and scandal which was caused to your family and especially to your son, [redacted]. Please assure him of a special remembrance in my prayers that he will be able to realize that this is not normally done in the Sacrament of Penance and certainly not by the normal priest/confessor. I hope that he will in the future find a fine confessor who will help him grow in the faith and express to him the love of the Lord, even when he sins.

If I can be of any further assistance or if you know of any other concerns which I should know of, please contact me as soon as possible.

With warmest personal regards, I remain

Sincerely in Christ,

Monsignor Steven P. Rohlfs, S.T.D., V.G.
Vicar General - Chancellor

SPR/ps

cc: Most Rev. John J. Myers
Msgr. James F. Campbell

Office of the Vicar General
412 N.E. Madison Avenue
Peoria, Illinois 61603-3720

Telephone 309-671-1550
FAX 309-671-1558

DIOCESE OF PEORIA

September 1, 1999

CONFIDENTIAL

Protected
by
Attorney/Client Privilege

[redacted]

Dear [redacted]

I just wanted to let you know that as per our agreement reached in our telephone conversation, I met with Father Tom Maloney on August 31st at 12:15 P.M.

As directed by you, I did not use your names, but indicated to Father Maloney that there have been some complaints regarding aspects of his confessional practice. I then delineated these complaints in general terms to him in order to safeguard the identity of your son. I asked him to adjust his confessional practice in light of these complaints. I told him that I was fully aware that he was unable to comment on these allegations due to the Seal of Confession. I simply asked him to reflect on these allegations in his own mind and adjust his practice accordingly. I honestly believe that there will be no further difficulty in these areas with Father Maloney.

If I can be of any further service to you or to you family, please feel free to contact me. Once again, my apology for any scandal that was given to your son in this unfortunate matter.

With warmest personal regards, I remain

Sincerely in Christ,

Monsignor Steven P. Rohlfs, S.T.D., V.G.
Vicar General - Chancellor

SPR/ps
bcc: Most Rev. John J. Myers
Msgr. James F. Campbell
Heyl, Royster, Voelker and Allen

Exhibit 40

R6455
D-0110

Visum
Msgr. Steven P. Rohlfs V.G.

[redacted]

September 01, 2000

Most Reverend Bishop Myers
Diocese of Peoria
Diocesan Office
607 NE Madison Avenue
Peoria, Illinois 61603

Dear Bishop Myers,

It is with great prayer and love for our church that we are writing to you. We have been concerned about a particular situation for quite some time. After counseling with our priest and prayer, we have decided that writing you was the right thing to do.

[redacted]

The concern is regarding what we and many others believe to be the unacceptable and inappropriate behavior of Father Maloney. Despite giving him every opportunity to learn more about him and give him every benefit of the doubt, we finally had to leave Epiphany Church and School, transferring to Holy Trinity. The past two years have been both difficult and painful. Many, many times it has been difficult to us, as parents, and their teachers at Epiphany to explain Father Maloney's behavior. Let us be specific.

- On Super Bowl Sunday, as he was administering communion, he said, "The Body of Christ, is the beer cold yet?" My oldest son, sitting next to me in the front row gasped and said to me, "Mom, I can't believe he said that."
- His "homilies," if any, are usually 3 minutes long and consist of inappropriate jokes.
- While in the confessional, as I was explaining my difficulties with moving, getting new schools and a new job, etc-- he said, "You women are just too emotional, maybe you should just get a life."
- Coincidentally, I saw him in a Walgreen's parking lot, after 9pm on a school night in his car with a grade school girl. She went in alone and purchased about $20.00 worth of candy, then returned to his car.
- He typically takes eighth grade girls from school out to lunch at a place called, "The Pub."

Better = White Frog. - 3 black ones.

Here are but a few of the many specifics. We've encountered many more, and have talked with other parents who have similar stories. Sure, his masses are packed, but don't we want more for our brothers and sisters than a 20 minute Sunday mass that is referred to as the "Drive-through Mass of Bloomington/Normal?"

After a difficult 18 months, I felt both angry and guilty for having these concerns and feelings about a priest. I contacted my long-term confessor and good friend back home. Father assured me that even Christ felt anger with the money-changers, and what I was feeling was appropriately called "righteous indignation." He encouraged us to write Father Maloney and explain our concerns. We did.

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[redacted]

We wrote a polite, yet direct letter regarding our concerns, our encounters and our specifics. The night he received our letter, he called our home about 8 times, leaving messages on caller ID. Finally, about 11pm (on a school night) he reached us. He told my husband that we were "out of line," and totally out to get him. He spent about 20 minutes talking about how well-loved he is and how he doesn't drink at all. He was incredibly rude and did not act Christian at all.

It is clear that he has problems. We have heard the same excuse for his behavior-- "Oh we all know Father has problems," from the principal, teachers, and even his sister who works in the rectory.

Our final encounter with Father occurred after the phone conversation at my youngest son's first communion. As my husband went up for communion, Father was not only visibly angry but said something rude to my husband, which he will not repeat to me. Thought we were just being overly reactive, the next day at work my friend who was also at first communion approached me. (Not knowing about the letter or the phone call from Father) She said, "Oh my, what on earth happened between [redacted] and Father Maloney?" They apparently got the whole thing on videotape.

This behavior is truly unacceptable. Yes, we have moved to another parish and school, but Father still has influence over people, especially children.

It with the utmost love and sincere concern that we respectfully ask you to give attention to these issues.

Sincerely Yours in Christ,

[redacted]

Diocesan Chancery
607 N. E. Madison Avenue
Post Office Box 1406
Peoria, Illinois 61655
Telephone 309-671-1550
FAX 309-671-5079

MYSTERIUM ECCLESIAE LUCEAT

Office of the Bishop

September 14, 2000

Visum
Msgr. Steven P. Rohlfs V.G.

[redacted]

Dear Mr. and Mrs. [redacted]

I am in receipt of your letter to me of September 1, 2000, with reference to Father Thomas Maloney. I am sorry that you do not approve of his approach to priestly ministry.

We are aware that Father is not perfect, but we are also aware that he is a much-loved pastor, that he cares generously for people and that Epiphany School is thriving under his leadership.

I must say that I have inquired among other parishioners as has Monsignor Steven P. Rohlfs, Vicar General. Your characterization of Father's liturgies is not generally accurate according to the responses I have received to my inquiries. The celebration of Holy Mass at Epiphany, while it may not be as long or as formal as in some other parishes, is respectful and prayerful.

I don't know what to say about other matters which you mention. Basically, your experience does not seem to correspond with that of many other people. I don't know in what context others would have said "we know that Father has problems..."

I do know that Father loves people, especially young people, and that he cares for them generously. We have never had allegations of impropriety.

Since you are obviously so unhappy with Epiphany Parish and School, I think it wise that you have made other options. I am happy those other options are available to you. And I hope and pray that you find yourself well-served and satisfied at Holy Trinity Parish and School.

With kindest personal regards, I am

Sincerely in the Lord,

✠Most Reverend John J. Myers
BISHOP OF PEORIA

cc: Rev. Monsignor Steven P. Rohlfs

Exhibit 42

R6455
D-0108

OFFICE OF THE ADMINISTRATOR
412 N. E. Madison Avenue
Peoria, Illinois 61603-3720

Telephone 309-671-1550
FAX 309-671-1558

DIOCESE OF PEORIA

February 1, 2002

Rev. Msgr. Thomas Maloney
Epiphany Church
1006 E. College Avenue
Normal, IL 61761

Dear Monsignor Maloney:

Our Diocesan Superintendent of Schools, Pat Kawczynski, came to see me today regarding an anonymous phone call she received from a parent at Epiphany School. The parent relayed to her concerns about an incident regarding yourself last week.

According to this woman you supposedly went to the junior high building to talk with the eighth grade boys about "morality." You took one class of boys and asked the teacher to leave and then locked the classroom door. According to this woman, you spent about two and one half hours with the boys and told them not to talk with anyone about what the talked about or you would expel them. The parent refused to give her name to Pat because she was concerned about "retaliation toward her children".

The woman also cited two incidents last semester which supposedly occurred while you were giving out report cards. On one occasion she said you became angry with the students and stormed out and did not give that class their report cards for almost three days. The other incident she relayed was that you gave one student two dollars for a good report card in front of the other students. She also stated that apparently you are perceived to have favorites with the girls, "especially blond ones." She stated that some parents have called the principal saying that their daughters "felt uncomfortable with you and did not want to be alone with you."

As you can well imagine, I have no idea as to whether and to what degree any of these allegations and concerns are accurate, and since the woman refused to give her name there is no way anyone, including yourself, can respond to her. It is my practice in such situations simply to alert the priest of the anonymous concern and ask him to examine his memory regarding the events in the complaint to see if any of the elements of the complaint are accurate or examine how this person could have misperceived something the priest.

Exhibit 45

As I am sure you can appreciate, in the present atmosphere we have to use extreme caution so that no one can even remotely misunderstand our intentions in such delicate areas.

If you have any questions about the matter please feel free to call me or Pat Kawczynski and we would be happy to discuss the matter with you. I really have no other information than what I gave you as I did not speak to the woman who made the complaint. I did think it important to relay the complaint to you since this woman is obviously concerned and could continue to possibly misinterpret your attitude in these situations which could be very damaging on a number of fronts.

Once again, my gratitude for all the work you do at your parish and the vicariate.

With warmest personal regards, I remain

Sincerely in Christ,

Monsignor Steven P. Rohlfs, S.T.D.
Administrator of the Diocese

SPR/ps
bcc: Most Rev. John J. Myers
Msgr. James F. Campbell