



1 (The following proceedings  
2 commenced at 10:00 a.m. on  
3 June 5, 2014.)

\* \* \* \* \*

JEFF HUARD,

6 having been first duly sworn, testified as  
7 follows:

\* \* \* \* \*

EXAMINATION

10 BY MR. GROSS:

- 11 Q. Good morning.
- 12 A. **Good morning.**
- 13 Q. Would you please state your full name?
- 14 A. **Jeffrey Herbert Huard, H-u-a-r-d.**
- 15 Q. Mr. Huard, would you like me to refer to you as
- 16 Father Huard, Mr. Huard? What is your
- 17 preference?
- 18 A. **Father Jeff is just fine.**
- 19 Q. All right. Your date of birth?
- 20 A. **8/2/55.**
- 21 Q. Your address?
- 22 A. **2260 Summit Avenue, St. Paul, 55105.**
- 23 Q. And what is your occupation?
- 24 A. **Roman Catholic priest. I'm currently the**
- 25 **Director of Spiritual Formation at the St. Paul**

1 **Seminary School of Divinity.**

- 2 Q. Are you an employee of the Seminary, employee of
- 3 the Archdiocese?
- 4 A. **You know, actually it's a bit mixed. I'm an**
- 5 **employee of the University of St. Thomas but**
- 6 **also in this role, you know, the Archdiocese as**
- 7 **well.**
- 8 Q. For how long have you been an employee of St.
- 9 Thomas?
- 10 A. **Most recently five years.**
- 11 Q. And --
- 12 A. **Previous to that it was ten years Director of**
- 13 **Campus Ministry at the University.**
- 14 Q. So you've been in your current position for five
- 15 years?
- 16 A. **Yes.**
- 17 Q. And again what is the title of that position?
- 18 A. **Director of Spiritual Formation.**
- 19 Q. And ten years you were Director of Campus
- 20 Ministry at St. Thomas?
- 21 A. **That's correct. I was also between this**
- 22 **assignment and my being Director, I was two**
- 23 **years a pastor at St. Mark's Parish in St. Paul.**
- 24 Q. When were you ordained?
- 25 A. **May 28, 1994.**

- 1 Q. What is your education?
- 2 A. **I have undergraduate degrees in theology and**
- 3 **philosophy and a master in divinity.**
- 4 Q. Where did you do your undergraduate?
- 5 A. **University of St. Thomas, and my graduate work.**
- 6 Q. Did you review anything in preparation for your
- 7 deposition today?
- 8 A. **Yes.**
- 9 Q. Tell me what you've reviewed.
- 10 A. **I reviewed my remarks to the priest review board**
- 11 **and data I collected there. I reviewed an**
- 12 **account that I had written up in which Father**
- 13 **Keating self reported to me having a passionate**
- 14 **encounter with a young woman from Italy. I**
- 15 **reviewed a letter that the family received from**
- 16 **Leonard, Street, Deinard because we had reviewed**
- 17 **with them -- we went to visit their firm and**
- 18 **retold her story to some of their lawyers.**
- 19 Q. All right. And do you have those documents with
- 20 you now?
- 21 A. **Yes.**
- 22 Q. May I see them please?
- 23 A. **I also reviewed a letter by the initial**
- 24 **counselor who I've used a great deal through the**
- 25 **years, Catherine Mollner, and her report that we**

1 **hoped was going to get to the priest review**

- 2 **board, but I'm not confident it did.**
- 3 Q. May I see that too please?
- 4 A. **(Indicating). Also I reviewed the summary of**
- 5 **the clergy review board recommendations from the**
- 6 **Archdiocese.**
- 7 Q. Anything else?
- 8 A. **Here's the account that I was asked to write up**
- 9 **in which Father Keating self reported to me. I**
- 10 **was on a sabbatical in Ireland. He called me to**
- 11 **report about this incident with the young**
- 12 **Italian gal. I also have a letter to Archbishop**
- 13 **Nienstedt, one I wrote to Archbishop Nienstedt**
- 14 **because it was not clear to us that any of the**
- 15 **recommendations were being implemented at the**
- 16 **University. And once he became Archbishop I**
- 17 **wrote him a letter to reflect, you know, what**
- 18 **we'd been given. And then he responds to the**
- 19 **family so the family letter in which he shares**
- 20 **that this was news to him.**
- 21 Q. All right.
- 22 MR. ANDERSON: It looks like,
- 23 Roger, the witness has presented a number of
- 24 original documents to you. Would you like us to
- 25 take these, mark them and make copies?

1 MR. GROSS: Yes. Let me just see  
 2 whatever is in here and then we'll do that.  
 3 MR. ANDERSON: Sure.  
 4 A. **That would be the substance of it.**  
 5 Q. Then I noticed you've got some handwritten --  
 6 A. **Notes, yeah.**  
 7 Q. -- notes. What are those?  
 8 A. **One reflects conversation with Archbishop Flynn**  
 9 **when the family had become so frustrated with**  
 10 **the whole process and so unaware of what was**  
 11 **supposed to be happening, how it was supposed to**  
 12 **happen, that I called him and noted some of the**  
 13 **things I wanted to say to him.**  
 14 Q. Okay. May I see that as well? And then you  
 15 have a couple of other documents. Why don't you  
 16 tell me what those are?  
 17 A. **This was a list that my niece drew up for the**  
 18 **review board once she began to find her voice, a**  
 19 **fuller articulation of the sexual misconduct.**  
 20 **Again I don't know if it ever -- I'm not sure**  
 21 **the review board actually saw the list.**  
 22 Q. And there are just a few other things in there.  
 23 Why don't you describe to me what else is in  
 24 there?  
 25 A. **This was notes I took of a conversation with**

1 **Kevin McDonough, Father Kevin McDonough, then**  
 2 **Vicar General in which he described to me**  
 3 **that -- that he saw this as tremendously serious**  
 4 **boundary violations and unethical behavior but**  
 5 **not something that he would register as child**  
 6 **sexual abuse. Then I put back to him, you know,**  
 7 **when did these serious boundary violations**  
 8 **become sexual abuse, and that wasn't answered.**  
 9 Q. Then there's at least one other document or  
 10 maybe more.  
 11 A. **This is a repeat of the write-up. This is the**  
 12 **directions here. This is my check.**  
 13 Q. And, I'm sorry, what is the document -- no.  
 14 Right there.  
 15 A. **This is from Greta Sawyer. She is a victim**  
 16 **abuse advocate in the Archdiocese. "Here is the**  
 17 **summary of the Review Board's recommendation. I**  
 18 **also included the condition Andy wanted to go**  
 19 **along with the summary. As always call if you**  
 20 **have any questions."**  
 21 Q. Finally the last document?  
 22 A. **This is again a repeat of just copies of this.**  
 23 Q. Of what I already have here?  
 24 A. **Yeah.**  
 25 Q. So why don't you give me that one as well and

1 then we'll have each of these marked separately  
 2 and copies made.  
 3 MR. ANDERSON: Sure. If you want  
 4 to give them to us, I'll have somebody out there  
 5 mark them and bring copies in if you like.  
 6 MR. GROSS: That's fine.  
 7 \* \* \* \* \*  
 8 (Discussion off the record.)  
 9 \* \* \* \* \*  
 10 BY MR. GROSS:  
 11 Q. As Director of Spiritual Formation at the  
 12 Seminary what are your job duties? Give me a  
 13 brief description of what that means.  
 14 A. **In essence it's like being a pastor of the**  
 15 **St. Paul Seminary. I would do retreat planning**  
 16 **for the men, certain mission trips. I do a lot**  
 17 **of one-on-one spiritual direction. Each man in**  
 18 **the Seminary, currently 106, would have a**  
 19 **personal spiritual director. I'm also confessor**  
 20 **for the house and it's also where I do my**  
 21 **regular liturgical service.**  
 22 Q. And then as the head of campus ministry at St.  
 23 Thomas what were your duties there?  
 24 A. **I was again there essentially the pastor of the**  
 25 **campus so regular liturgist at the UST Chapel,**

1 **also oversaw mission trips for the students. I**  
 2 **had a staff member who oversaw that work. Did a**  
 3 **lot of, you know, retreat work with students and**  
 4 **a lot of counseling, you know, pastoral**  
 5 **counseling.**  
 6 Q. So I take it you must have received training  
 7 somewhere on reporting of sexual abuse.  
 8 A. **Yes.**  
 9 Q. And recognizing issues related to sexual abuse,  
 10 is that correct?  
 11 A. **That's correct.**  
 12 Q. Tell me about your background or training in  
 13 that area.  
 14 A. **Essentially all the seminarians were given**  
 15 **classes from the canon lawyers of the Diocese on**  
 16 **mandatory reporting. We go through VIRTUS**  
 17 **training. That would be the formal training.**  
 18 Q. And have you ever made a report to the  
 19 authorities on sexual abuse?  
 20 A. **No, I haven't.**  
 21 Q. How about within your organization, for  
 22 instance, St. Thomas or within the Seminary or  
 23 the Archdiocese; have you ever made any reports  
 24 within any of those organizations about sexual  
 25 abuse?

- 1 A. **Yes.**
- 2 Q. What were the circumstances?
- 3 A. **None save my niece involved children. I was**  
**involved in conversation with Father McDonough**  
**around a particular priest in the Diocese who**  
**was trying to seduce one of the seminarians so I**  
**called, gave an account and that was handled**  
**from the Chancery. Another situation that**  
**involved a priest being discovered with a great**  
**deal of pornography so I was brought into that**  
**conversation. And he was sent away for therapy.**
- 12 Q. At some point you were -- well, you've known  
 13 Father Keating for long time?
- 14 A. **That's correct.**
- 15 Q. At some point you were actually roommates with  
 16 Father Keating?
- 17 A. **That's correct.**
- 18 Q. And you were --
- 19 A. **We lived in the same household.**
- 20 Q. -- members of an organization or association  
 21 whose name I can't remember. Companions --
- 22 A. **We were together first in a lay brotherhood**  
**called the Servants of the Word and then Father**  
**Keating was released from that brotherhood and**  
**eventually did doctoral studies and then**

- 1 **approached -- then we started another community**  
 2 **called the Companions of Christ here in the**  
 3 **Archdiocese.**
- 4 Q. Within that organization, Companions of Christ  
 5 -- well, first tell me how the organization was  
 6 set up, what the purpose of that is.
- 7 A. **We're called a public clerical association so we**  
**have a canonical standing in the Diocese but**  
**we're all Diocesan priests so the real focus is**  
**to try to bring us a stable kind of community**  
**life to support a man in his priestly service.**  
**We currently have twenty priests and probably**  
**ten young men interested and pursuing priesthood**  
**and eventually a community. It's humanly very**  
**helpful to live in community.**
- 16 Q. And when you say live in community, you, at  
 17 least some of you actually will share a house?
- 18 A. **That's correct.**
- 19 Q. And then you, for instance, share meals, share  
 20 chores?
- 21 A. **That's correct.**
- 22 Q. And it's really a communal living setting?
- 23 A. **That's correct.**
- 24 Q. And do you also, for instance, hold meetings  
 25 amongst yourselves or --

- 1 A. **Yes. There's a whole rule of life for daily**  
 2 **prayer, for prayer times when we'll all gather**  
 3 **for prayer together. There's regular meals. We**  
 4 **each year we take our priests on retreat**  
 5 **together, each summer do a conference with the**  
 6 **community. So there's a whole pattern of life.**  
 7 **What's unique about it is it's diocesan, it's**  
 8 **not a religious order.**
- 9 Q. As part, for instance, of the meetings and group  
 10 sessions that you have do you bring up maybe  
 11 problems that you observed, you know, in  
 12 lifestyle issues, communal living issues that  
 13 sort of thing? I mean are those things that you  
 14 talk about?
- 15 A. **Yes. Everyone, all the priests are -- they each**  
**have a fraternal group and there's some serious**  
**sharing of life that goes on in those groups.**
- 18 Q. And were you in that type of group with Father  
 19 Keating at some point?
- 20 A. **Yes, I was.**
- 21 Q. Did the issue of your niece come up in any of  
 22 those meetings or groups at Companions of  
 23 Christ?
- 24 A. **No. It came up when my niece approached me to**  
 25 **say she had been experiencing unwanted touch**

- 1 **from Father Keating so that was the first I was**  
 2 **to hear of it.**
- 3 Q. But I mean did the issue then arise within the  
 4 confines of a Companions of Christ group session  
 5 ever?
- 6 A. **Once Father Keating was under investigation on**  
**behalf of the community now Bishop Cozzens did**  
**essentially a review into other concerns**  
**regarding Father Keating. That wouldn't have**  
**been with the whole community. That was with he**  
**and one other member of the community, Father**  
**Jon Vander Ploeg, and they put together some**  
**documentation to present to the review board**  
**although it wasn't -- it didn't go to the review**  
**board.**
- 16 Q. Okay. And were you part of this investigation  
 17 process?
- 18 A. **No.**
- 19 Q. Were you --
- 20 A. **I stood down. I mean I was the superior of the**  
**community, but as soon as the issue got raised**  
**and an investigation started I had to stand down**  
**and not be the man to reflect on the matter in**  
**regards to for the community.**
- 25 Q. Who have you spoken with regarding the

17

1 allegations that are being made by your niece?

2 I know that you spoke with an investigator at

3 the Chisago County Sheriff's Department.

4 A. **That's correct.**

5 Q. Who else besides that individual?

6 A. **I talked with Bishop Cozzens and Father Jon**

7 **Vander Ploeg. We were encouraged to see a**

8 **canonical advisor so that things would be**

9 **handled in a way that was protecting Father**

10 **Keating's rights and so we used a priest in**

11 **Rome, Father -- I think it's G-e-i-s-e-r if I**

12 **recall. And he was the -- he's a Jesuit and was**

13 **the man who handled matters for the Jesuits, he**

14 **was a canon lawyer so he advised us, including**

15 **Bishop Cozzens.**

16 Q. When did this series of meetings take place?

17 When was the time frame for that?

18 A. **I don't have my notes.**

19 Q. Would that be within the documents that are now

20 being copied?

21 A. **Correct.**

22 Q. So we'll wait and get that. So that group would

23 have consisted of Bishop Cozzens, Father Vander

24 Ploeg and a priest in Rome?

25 A. **Correct.**

18

1 Q. And you would have spoken with all three of

2 those individuals?

3 A. **Correct.**

4 Q. Again what was the priest's name in Rome?

5 A. **I'm spacing on it right now. It was Bob. I'm**

6 **wanting to say Geiser, G-e-i-s-e-r.**

7 Q. Did he come to the Twin Cities?

8 A. **No. I actually -- when much of this was -- I**

9 **was on sabbatical and ended my sabbatical in**

10 **Rome. Father Cozzens at the time was studying**

11 **in Rome so he connected with Father guy cervical**

12 **and I for a meeting.**

13 Q. And what were the discussions at that meeting?

14 A. **It was a review. It was my personal opportunity**

15 **to do a review of what I'd been told what my**

16 **niece had talked with me about, what was the**

17 **purpose of the priest review board, how did the**

18 **review board work, what are some of the**

19 **implications that might come of the matter. He**

20 **has a great deal of had expertise because he**

21 **does it for the Jesuits.**

22 Q. So we have a time frame and you've said, as I

23 understand it, based on your interview with the

24 investigator in Chisago County as far as you

25 understood you were the first person that your

19

1 niece had talked to about these allegations of

2 abuse.

3 A. **That's correct.**

4 Q. Is that still your understanding to this day?

5 A. **Yes.**

6 Q. Okay. When was it that you were contacted by

7 your niece? What was the time frame?

8 A. **It was after her freshman year at Holy Cross**

9 **College in South Bend so it was the summer of**

10 **'03.**

11 Q. Now, in the statement that you gave to the

12 investigator you indicate that it was either in

13 December of '04 or January of '05. And I can

14 show you that.

15 A. **You know, I know the dates are -- even in my own**

16 **notes as I recall it was before her sophomore**

17 **year as I thought more clearly about it because**

18 **I remember meeting with she and Father Keating**

19 **in one of our households on campus, just off**

20 **campus on Summit Avenue and it was a summer day**

21 **so that became clearer to me. And then Marie**

22 **went to college again for her sophomore year but**

23 **wasn't able to complete her sophomore year. She**

24 **came home after the first semester and was**

25 **beginning to experience a great deal of panic,**

20

1 **anxiety, all things related to this interaction**

2 **with Father Keating. And then I note it was**

3 **around that time, it would have been December or**

4 **January that we connected through Catherine**

5 **Mollner.**

6 Q. So it's your best recollection now that the

7 first contact you had with your niece about

8 sexual abuse was in the summer of 2003?

9 A. **That's correct to the best of my recollection.**

10 Q. And how did that contact occur? By phone?

11 A. **No. My niece approached me and I would see the**

12 **family frequently. She was working near the**

13 **University of St. Thomas and also had an**

14 **apartment there. So she approached me to have a**

15 **personal conversation with her.**

16 \* \* \* \* \*

17 (Deposition Exhibit No. 30

18 marked for identification.)

19 \* \* \* \* \*

20 Q. Father, I'm showing you what's now been marked

21 as Deposition Exhibit 30. I'll represent to you

22 that this is a document that sets forth, it's

23 actually a transcript of an oral statement that

24 you gave to an investigator at Chisago County

25 Sheriff's Office, and it appears that it was

1 taken on March 13th, 2006.  
 2 MR. ANDERSON: That is the first  
 3 page there.  
 4 Q. That's actually the second page. The first page  
 5 is the end of another interview I think maybe  
 6 with Mr. Spehar, Pat Spehar. But so the  
 7 interview with you begins at the bottom of the  
 8 first page and then continues from there.  
 9 A. Yes.  
 10 Q. And it appears at the time that this statement  
 11 was taken you were in Ireland.  
 12 A. That's correct.  
 13 Q. Okay. So this was a phone conversation  
 14 obviously.  
 15 A. Yes.  
 16 Q. Now, going to page - at the top if you look  
 17 where it says page 49 of 68?  
 18 A. Yes.  
 19 Q. And then you go down towards the bottom of that  
 20 page and you're asked a question. Well, you're  
 21 asked a series of questions about when you  
 22 received the report and you indicate there that  
 23 it was late December or early January of '05.  
 24 Do you see that?  
 25 A. Yes.

1 Q. And --  
 2 MR. ANDERSON: I'm not sure what  
 3 the question -- look at the questions above  
 4 that, Roger. Are you sure what it's referring  
 5 to? I think they're referring to a different  
 6 event here.  
 7 A. **Yeah, in the -- in January of '06 I alerted the**  
 8 **Archdiocese and Eisenzimmer of the abuse**  
 9 **allegations. My brother-in-law and sister met**  
 10 **with Father McDonough on two occasions and then**  
 11 **Pat met and my niece met with Archbishop Flynn.**  
 12 **And then I went away to sabbatical in January of**  
 13 **'06 and then it was on February 16th, 2006 that**  
 14 **Father Keating called me to self report on what**  
 15 **he described as a passionate encounter.**  
 16 Q. If we look at this, look at the top of page 49.  
 17 A. Yes.  
 18 Q. Okay. And then the question is asked to you and  
 19 I believe it's referring to this first contact  
 20 that you had with your niece concerning these  
 21 allegations. And the question is, "Okay. And  
 22 was that in person or was it over the phone or  
 23 how was that?" And your response, "I think --  
 24 well, in fact, you know, and that's a good one  
 25 because I think she in fact first called me from

1 -- she was at Holy Cross College which is in  
 2 South Bend right next to Notre Dame." And then  
 3 it goes on to say, the investigator says --  
 4 A. Yes.  
 5 Q. "She had called and began to let me know that  
 6 there had been a couple of -- then she was --  
 7 she had just said a couple of occasions of  
 8 inappropriate touch."  
 9 A. Yes.  
 10 Q. Does this refresh your recollection that your  
 11 first contact regarding the allegations of  
 12 sexual abuse were actually made by phone when  
 13 your niece was at Holy Cross and she called you?  
 14 A. **She certainly called me from Holy Cross. I**  
 15 **think there she was beginning to counsel with a**  
 16 **permanent deacon at Holy Cross. And then she**  
 17 **called to say she wanted to let me know there**  
 18 **was occasions of unwanted touch by Father**  
 19 **Keating, but it was -- it wasn't by any means a**  
 20 **full account or she hadn't yet found the words**  
 21 **to fully describe it.**  
 22 Q. I understand. The further question was, "She  
 23 didn't go into details on that?" You say, "No.  
 24 She did in January. In January she sat down,  
 25 actually she sat down with me and with Michael

1 and brought to us" -- you see where I'm reading?  
 2 A. Yes.  
 3 Q. But I want to get a better understanding of the  
 4 timing of this because what you're at least  
 5 telling the investigator is that this first  
 6 report occurred per a telephone call that you  
 7 received from your niece.  
 8 A. Yes.  
 9 Q. Okay. And is that accurate?  
 10 A. **To my recollection, yes.**  
 11 Q. Okay.  
 12 A. **I think the issue for me was that she would give**  
 13 **a much fuller account, the fullest account when**  
 14 **we sat down with Father Keating.**  
 15 Q. Okay.  
 16 A. **I'm trying to locate when that is in my mind.**  
 17 Q. All right. And before we get to that point I  
 18 just want to make sure that what we're talking  
 19 about then is the first time you become aware of  
 20 any of these allegations is in this phone call.  
 21 And would you agree that that was in December of  
 22 2004/January 2005, somewhere in that time  
 23 period?  
 24 MR. ANDERSON: I think that's not  
 25 what the exhibit says, Roger.

1 MR. GROSS: I think it does, but  
2 let's have the witness answer.  
3 MR. ANDERSON: Let him answer but  
4 don't try to suggest the exhibit says that  
5 because it doesn't.

6 MR. GROSS: I think it does.

7 MR. ANDERSON: Read the exhibit.  
8 I'm going to object to the form of the question.  
9 Just ask him when it was, but you can't use the  
10 exhibit to say when it was.

11 MR. GROSS: I greatly appreciate you  
12 suggesting how I should ask my questions, but  
13 I'm going to respectfully decline.

14 MR. ANDERSON: Okay.

15 BY MR. GROSS:

16 Q. So, Father, I'd like to give you the opportunity  
17 to read through this if you like because it may  
18 help with that, but I want to get a sense of  
19 when this timing was. And my reading of this is  
20 that this call occurred at the time that I've  
21 suggested, but if you read it and think that  
22 there's something else in there, you can correct  
23 me on that.

24 MR. ANDERSON: Do you want him to  
25 read it or ask the question?

1 Q. No, go ahead and look at it.

2 A. **The other thing I would note is I've seen this**  
3 **and have read it and one of the things in some**  
4 **of these interviews that's challenging is**  
5 **getting the dates completely lined up. I do**  
6 **know that Marie called me in South Bend.**

7 Q. Let me do this. Let me refer you to page 48 on  
8 this. Then I'm going to go about two-thirds of  
9 the way down. It says, "Okay. And what"--and  
10 then it gives a blank and that's for your niece,  
11 they blank out her name--"told me was that she  
12 believes you were the first person she talked to  
13 regarding Michael Keating touching her  
14 inappropriately." Is that correct?

15 A. **Yes.**

16 Q. You say, "I believe that's true, yes." The next  
17 question, "Okay. Do you remember when that  
18 was?" And then you say, "It was actually -- it  
19 was a year ago January, would have been early --  
20 either late December or early January last  
21 year." Then he goes on to say, "So January of  
22 2005?" And you say, "Mm, hmm." Do you see  
23 that?

24 A. **Yes.**

25 Q. All right. So then he goes on the next page to

1 say, "Was that in person or was it over the  
2 phone or how was that?" You see that at the top  
3 of the next page?

4 A. **Yeah.**

5 Q. All right. So you can disagree with my reading  
6 of it, but it looks to me like what you're  
7 telling him is that this phone conversation that  
8 you had with your niece occurred in either  
9 January of 2005 or December of 2004.

10 A. **Yeah. You know, I correct myself on it because**  
11 **I just remember clearly having the conversation**  
12 **with Father Keating at my Summit Avenue house in**  
13 **the summer.**

14 Q. Yeah. And then we'll get there, but I just want  
15 to find out the chronology here and I want to  
16 establish that as best we can.

17 MR. ANDERSON: Roger, you want to  
18 look at the second sentence at page 49 there?  
19 It might clear up some confusion. I'm confused  
20 too. I'm not trying to obstruct your questions  
21 here, but it looks like he's referring to the  
22 first call there as a different time frame. If  
23 you want to --

24 Q. It says, "I think -- well, in fact, you know,  
25 that's a good one because I think she in fact

1 first called me from, she was at Holy Cross  
2 College which is in South Bend right next to  
3 Notre Dame."

4 MR. ANDERSON: Sorry. The question  
5 is when would that have been?

6 Q. Yes. And you said earlier that this contact you  
7 say at the bottom of the page 48 you remember  
8 when it was that she first contacted you with  
9 this. And you said it would have been a year  
10 ago January. Now you are having this interview  
11 in March 2006. A year ago January would have  
12 been January 2005. Do you agree with that?

13 A. **Yes.**

14 Q. Then you say "or December." So based on this  
15 I'm led to believe that the first contact you  
16 had had with your niece regarding any sexual  
17 abuse was December 2004 or January of 2005.

18 A. **That might be correct, but I can't recall it.**

19 Q. Okay. Is there something that would give you --  
20 that would provide you with --

21 A. **That data?**

22 Q. -- that information?

23 A. **Well, one would be my niece and her specific**  
24 **years of going to college and her recall of when**  
25 **she first raised the matter. That would help.**

1 Q. Okay. Anything else? In other words, you don't  
2 have a calendar where you marked it off or  
3 anything of that nature?

4 A. No.

5 Q. So then let's go then to this phone conversation  
6 that you had with your niece while she was at  
7 Holy Cross, the one you referred to in your  
8 statement. Okay?

9 A. Yes.

10 Q. Tell me to the best of your ability what it was  
11 that she said to you.

12 A. **To the best of my ability at this time she told  
13 me that she was troubled by her interactions,  
14 some way that Father Keating was interacting  
15 with her and that she had begun to counsel with  
16 a permanent deacon at the college.**

17 Q. Now, I presume you would have said what is it  
18 about the way Father Keating is interacting with  
19 you that's causing you problems, something to  
20 that effect?

21 A. **Yes. I was very sensitive because she was very  
22 sensitive. I was letting her take her pace, say  
23 what she felt like she needed to say. At that  
24 point it was very limited.**

25 Q. Okay. But you're talking to your niece who

1 calls you up, tells you about something going on  
2 in her life that's troublesome. I assume you  
3 wanted to find out what it was. I mean what was  
4 it about this relationship that was causing her  
5 problems.

6 A. Yes.

7 Q. Okay. And so what did she say?

8 A. **Again to the best of my recollection that there  
9 had been some unwanted touch but still not  
10 finding it easy to get to specifics about it.**

11 Q. Now correct me. When you hear a young woman, a  
12 niece or not, who tells you that there's been  
13 unwanted touch by a friend of yours, a priest or  
14 not, you're going to want to find out what that  
15 means?

16 A. Yes.

17 Q. That's fair?

18 A. Yes.

19 Q. All right. So did you ask her what do you mean  
20 by unwanted touch? What's going on here? I  
21 mean isn't that something that's going through  
your mind now?

22 A. **Yes. And the question from me was did you feel  
23 like he was being inappropriate emotionally with  
24 you. At that time she didn't name the specifics**

25

1 **and she was getting counsel at Notre Dame and I**  
2 **knew it was a very, very sensitive matter so I**  
3 **didn't press her.**

4 Q. Okay. Well, did you get the sense that what she  
5 was talking about was some type of emotional  
6 issues that she was going through or was it your  
7 impression that there was some sort of  
8 inappropriate sexual action that was taking  
9 place?

10 A. **I don't recall actually. You know, Father**  
11 **Keating had been a long-time friend to me, to**  
12 **the family, to her parents. These are very hard**  
13 **things for her to begin to describe. And I**  
14 **was -- I knew from history with Father Keating**  
15 **that he could be inappropriate with women**  
16 **particularly relationally and at first that's**  
17 **how I was lining this up.**

18 Q. Well, I assume that's what you wanted to find  
19 out from your niece is all right, are we talking  
20 about on a relationship/emotional level? Is  
21 this inappropriateness or is this something that  
22 has to do with actual sexual abuse? I mean  
23 you're in a position where you've got to make  
24 that determination at this point I presume.

25 A. **Yeah. The initial conversations I said here**

1 **that she wanted to inform me she was seeing**  
2 **counsel at Notre Dame. And at first though the**  
3 **details were light I took it very seriously. I**  
4 **never doubted that something was amiss, but**  
5 **there again I knew that when you've been a**  
6 **victim of abuse people often won't talk about it**  
7 **for the rest of their life. And I was just very**  
8 **sensitive not to in this initial conversation or**  
9 **in this phone conversation -- eventually she**  
10 **would say I want to sit down with Father Keating**  
11 **and you.**

12 Q. Well, if in the course of this phone  
13 conversation you got the impression that even  
14 perhaps your niece is being sexually abused or  
15 has been sexually abused by a friend of yours  
16 who's a priest, you're going to take some  
17 immediate action, are you not?

18 A. **The action we took was, one, I knew she was in**  
19 **counseling. I didn't know the full degree of**  
20 **what would eventually come forward. I always**  
21 **took her very seriously. Still do.**

22 Q. And, Father, that's not what I'm asking. I  
23 don't doubt that you take it very seriously.  
24 What I'm asking is if you are left with any  
25 serious concerns that your niece is being



1 sexually abused by a friend of yours who's a  
2 priest, aren't you going to take some immediate  
3 action at least to find out what it is that is  
going on?

A. **Yes.**

6 Q. And you said that she was very vague. Tell me  
7 what it was that she told you in this phone  
8 conversation about the relationship she had had  
9 or was having with Father Keating.

10 A. **She wasn't having a relationship at that point.  
11 This had happened a number of years earlier.  
12 She didn't raise that with me at the time. She  
13 just said she was very uncomfortable with some  
14 of the ways that he touched her, and I didn't  
15 press for details.**

16 Q. Okay. Now, my normal reaction if somebody told  
17 me that, especially someone in my family, my  
18 first question would be tell me about the way he  
19 touched you, how did he touch you. You didn't  
20 even ask her that?

21 A. **Well, we have a very close relationship and my  
22 immediate sense of the situation is that I just  
23 needed for her to take her pace on saying she's  
24 -- and now this had happened several years  
25 earlier. She needed to take her pace and find**

1 her voice which she would do. I mean when we  
2 first met with Father Keating, you know, she had  
3 been in counseling. We met with Father Keating.  
4 I give an account of that, the things she said  
5 to him there and -- but her counselor, again  
6 with Marie's permission, I called her counselor  
7 and she said -- and I said, "How do you think we  
8 should proceed with this?" She said, "I think  
9 Marie needs to take her pace."

10 Q. But I want to stay with this phone call. Why  
11 didn't you ask her what the touching was? Why  
12 didn't you ask her how was he touching you? Why  
13 didn't you ask that question?

14 A. **I don't recall. I was certainly very concerned.  
15 And I think some of it was partly in the initial  
16 conversation on the phone my niece was still  
17 vague and so I couldn't tell if this was -- and,  
18 you know, don't know that it was probably wiser  
19 that I would have tried to press more  
20 immediately.**

21 Q. But were you --

MR. ANDERSON: Roger, I don't think  
23 he was done. Why don't you let him finish.  
24 Were you done?

25 THE DEPONENT: Yes.

1 Q. Well, were you suspicious in that phone call  
2 that she had been sexually abused by Father  
3 Keating?

4 A. **I certainly was suspicious that there was  
5 something incorrect in how he was relating to  
6 her.**

7 Q. All right. And that's not my question.

8 A. **No but --**

9 Q. My question is I'm talking about sexual abuse.  
10 Were you suspicious that he had sexually abused  
11 your niece when she made this phone call to you?

12 A. **Not initially.**

13 Q. Okay. Is it fair to say that you thought there  
14 was some relationship or relational emotional  
15 context to this and that that had made your  
16 niece very uncomfortable?

17 A. **Yes.**

18 Q. Or that that was the problem?

19 A. **Yes.**

20 Q. Okay. And then so we've got the framework of  
21 December or January '05 and then I know that you  
22 met with Father Keating and your niece the  
23 following summer sometime during that late  
24 spring or early summer, is that correct?

25 A. **To the best of my recollection.**

1 Q. Okay. So how about in the interim between this  
2 phone call that you received from your niece and  
3 when you then had the sit-down meeting at your  
4 house? What contacts did you have with your  
5 niece about this issue or with Father Keating  
6 about the issue?

7 A. **The -- well, the -- let me recall here. My  
8 niece and I were family so we have ongoing  
9 relating. She was back from her sophomore year.  
10 She'll know the dates much more clearly than I  
11 do. She had gone immediately into counseling  
12 with Catherine Mollner.**

13 Q. When she returned from Holy Cross?

14 A. **That's correct.**

15 Q. How about while she was still there? Okay. I'm  
16 going to assume that their semester ended  
17 sometime in May or at the latest sometime in  
18 June. I mean that's fairly typical.

19 A. **Yes, although she returned home. She didn't get  
20 through her sophomore year. She came mid  
21 semester. Or mid year.**

22 Q. Did you have conversations with her either  
23 before she came home about these issues, these  
24 issues being, you know, an inappropriate  
25 relationship with Father Keating? I mean was

- 1 there other phone calls?
- 2 **A. There were to -- I mean we would have talked**
- 3 **periodically, but I don't recall us conversing**
- 4 **again about the Keating matter until she came**
- 5 **home.**
- 6 **Q.** So then she comes home, and what do you recall
- 7 about the first conversation you had with her
- 8 then? First of all, when did it occur?
- 9 **A. Again I don't -- I've got that summer meeting.**
- 10 **That's where I'm out of my chronology meeting**
- 11 **here. We had the summer meeting and she**
- 12 **presented some things there specifically.**
- 13 **Q.** Again because I want to keep you focus, do you
- 14 recall any meetings, telephone conversations,
- 15 anything of that nature before the summer
- 16 meeting that you had with your niece and Father
- 17 Keating?
- 18 **A. No.**
- 19 **Q.** Okay. But you do --
- 20 **A. Not to the best of my recollection, no.**
- 21 **Q.** Is it your belief that you actually had referred
- 22 her to a therapist before the summer meeting or
- 23 was that after the summer meeting?
- 24 **A. After.**
- 25 **Q.** And then tell me how -- and before the summer

- 1 meeting did you have any conversations with
- 2 Father Keating to the extent, you know, I got a
- 3 call from my niece, she's saying that the
- 4 relationship is inappropriate, she's troubled by
- 5 the relationship with you, anything of that
- 6 nature?
- 7 **A. I certainly -- I set a meeting up, so I would**
- 8 **have necessarily talked with Father Keating**
- 9 **about he and I sitting down with Marie, that she**
- 10 **had some things she needed to say to him.**
- 11 **Q.** Okay. So you approached Father Keating
- 12 about this --
- 13 **A. Yes.**
- 14 **Q.** -- matter?
- 15 **A. Yes.**
- 16 **Q.** And he would have said what's going on, you
- 17 know, what's bothering her. Is that fair? I
- 18 mean did he say something like that?
- 19 **A. I think the request for the meeting was clear**
- 20 **enough, which was something is bothering her she**
- 21 **wants me there to visit with you about.**
- 22 **Q.** All right. He didn't even ask you what it is
- 23 that's bothering her?
- 24 **A. I wasn't -- you know, in my best recollection it**
- 25 **wasn't for me to -- I would have best recalled**

- 1 **that, you know, I said she's bothered by the**
- 2 **relationship and she needs to bring some things**
- 3 **to you.**
- 4 **Q.** But that was the extent of your conversation? I
- 5 mean you didn't tell him what it was that she
- 6 had said in your phone conversation back in
- 7 December or January?
- 8 **A. No.**
- 9 **Q.** You never spoke with Father Keating about that
- 10 conversation?
- 11 **A. No, not to my recollection. And in fact when we**
- 12 **sat down with Father Keating and my niece, that**
- 13 **was the first kind off fuller description of**
- 14 **what she'd experienced that I heard from her.**
- 15 **Q.** You say that she was getting counseling from a
- 16 deacon at Holy Cross?
- 17 **A. Correct.**
- 18 **Q.** Was that formal counseling?
- 19 **A. No, I don't believe so.**
- 20 **Q.** Do you know if she had had any formal counseling
- 21 when she was at Holy Cross?
- 22 **A. I don't know that she did.**
- 23 **Q.** Okay. Why don't we then go to this meeting that
- 24 you had with Father Keating and your niece that
- 25 was sometime in the summer of 2005? Where did

- 1 that meeting take place?
- 2 **A. Trying to think of the -- it's my previous**
- 3 **residence on Summit Avenue.**
- 4 **Q.** And in attendance was just the three of you?
- 5 **A. That's correct.**
- 6 **Q.** How did the meeting start out?
- 7 **A. We started with prayer and then I just invited**
- 8 **Marie to, you know, say what she felt she needed**
- 9 **to say.**
- 10 **Q.** Okay. Now, you gave in your statement to the
- 11 investigators or the investigator -- well, why
- 12 don't you tell me as best you recall what your
- 13 niece said at this meeting with Father Keating?
- 14 **A. She described to him she wanted to confront him**
- 15 **with some instances of unwanted touch. She**
- 16 **described it at that meeting as one instance of**
- 17 **hands over her chest, putting his fingers in her**
- 18 **mouth, massaging her gums, pulling her up on**
- 19 **himself with her face on his chest.**
- 20 **Q.** With his face on her chest?
- 21 **A. With her face on his chest. Massaging her back**
- 22 **under her shirt and her calves and when she said**
- 23 **she was uncomfortable with that he still**
- 24 **persisted. She read a section from her journal**
- 25 **which she had written when she was thirteen or**

1 **fourteen. One of the things she noted in it was**  
 2 **my dad and my uncle would never touch me this**  
 3 **way.**

4 Q. In reading from the journal did she describe  
 5 what it was that they would never touch her in  
 6 that way?

7 A. **No.**

8 Q. Okay. Now, going back to the statement that you  
 9 gave to the investigator which has been marked  
 10 as Exhibit 30, and at the bottom of page 49 it  
 11 talks about it's kind of an introductory to this  
 12 meeting that you had with Father Keating and  
 13 your niece. Question, "Okay. So you guys were  
 14 meeting at your residence there on Summit  
 15 Avenue?" And then it says, "And that was the  
 16 one in late December, early January '05?" But  
 17 that's correct, that was the first initial phone  
 18 call, this meeting was in the summer of '05?

19 A. **Yeah, to the best of my recollection.**

20 Q. It goes on to say, "And she talked about him  
 21 putting fingers in her mouth?" Do you see that?

22 A. **Yes.**

23 Q. That's something you've just told us. It goes  
 24 on to page 50 and then you say, "Yes? And,  
 25 "Okay." Then you say, "She mentioned there the

1 A. **That's right.**

2 Q. That was something that came up down the road  
 3 later?

4 A. **That's correct.**

5 Q. It sounds like your niece has maintained a diary  
 6 or journal for a long time.

7 A. **That's correct.**

8 Q. Does she still do that as far as you know?

9 A. **As far as I know.**

10 Q. And this was something that she actually  
 11 introduced in this matter when she actually  
 12 pulled out her journal and read that?

13 A. **Yes.**

14 MR. GROSS: We made a request for  
 15 that document and you denied it saying that this  
 16 is privileged. You know, I mean we can go ahead  
 17 and go to the judge.

18 MR. ANDERSON: Do your deposition.  
 19 I'm happy to discuss it with you.

20 MR. GROSS: We do have a discovery  
 21 dispute, but we'll talk about it.

22 MR. ANDERSON: I'm going to do a  
 23 meeting to confront the issue.

24 BY MR. GROSS:

25 Q. How long did the meeting last?

1 issue of the breasts but it was -- it seemed to  
 2 -- she stopped and she was -- she didn't say  
 3 this directly. She would later there. She  
 4 said, yeah, you know, he, he had his arms over  
 5 her breasts."

6 So what you told the investigator, he  
 7 didn't have his hands on her breasts but he had  
 8 his arms over her breasts is what she had said  
 9 at this meeting.

10 A. **That's correct.**

11 Q. All right. Is that what she said at the  
 12 meeting, that Father Keating had his arms over  
 13 her breasts?

14 A. **Over her chest.**

15 Q. Okay. Do you know, did she somehow indicate how  
 16 that happened? I mean in other words, did he  
 17 have his arm around her in some fashion? I mean  
 18 how was his arm over her breasts?

19 A. **I think it was an occasion where he was reading**  
 20 **to her at their home.**

21 Q. Okay.

22 A. **He had his arm around her.**

23 Q. And then it goes on to say at this meeting, "She  
 24 never accused Father Keating when she met with  
 25 him of fondling her breast."

1 A. **To the best of my recollection about forty-five**  
 2 **minutes.**

3 Q. Were there also concerns raised at that meeting  
 4 about the relational emotional components where  
 5 your niece had sort of read some things into how  
 6 Father Keating would relate to her on an  
 7 emotional level, where she felt very close to  
 8 him or when she was getting a message of  
 9 something that was confused?

10 A. **Not that I recall.**

11 Q. Okay. So you recall this meeting as just simply  
 12 on inappropriate touching?

13 A. **Correct.**

14 Q. No other issues?

15 A. **That's what I recall, yes.**

16 Q. Okay. Do you recall anything else she said  
 17 other than an arm over her chest, Father Keating  
 18 putting his fingers in her mouth, your niece  
 19 having her face or head on Father Keating's  
 20 chest, massaging her back and then massaging her  
 21 calves? Anything else that you recall?

22 A. **He was massaging her back under her shirt.**

23 Q. And how did Father Keating respond?

24 A. **He thanked her for bringing this forward, noted**  
 25 **that it had to be very hard for her. He said he**

- 1 **remembered some of this, not all of it and he**  
 2 **asked her to forgive him.**  
 3 Q. Did he say what he remembered?  
 4 A. **No, he didn't.**  
 5 Q. And what did your niece respond?  
 6 A. **That she wasn't able to forgive at that time.**  
 7 Q. Did Father Keating also tell her that he would  
 8 be willing to talk with her again about this if  
 9 she wanted?  
 10 A. **Not at that meeting, no.**  
 11 Q. Do you know if your niece and Father Keating  
 12 then did meet again?  
 13 A. **I don't believe they did, no.**  
 14 Q. You're not aware of your niece making any calls  
 15 to Father Keating and meeting for lunch  
 16 anywhere?  
 17 A. **No, I'm not.**  
 18 Q. So after this meeting did you take some formal  
 19 action to report what your niece had said to  
 20 either people at St. Thomas or the Archdiocese  
 21 or the police?  
 22 A. **No, I didn't. I called -- with her permission I**  
 23 **called her counselor Catherine Mollner. And her**  
 24 **advice to me at the time was to let her take her**  
 25 **pace on the matter.**

- 1 Q. So you didn't feel any obligation to report this  
 2 to the authorities?  
 3 A. **Not immediately, no.**  
 4 Q. Well, what do you mean not immediately?  
 5 A. **I was waiting for Marie. As soon as Marie**  
 6 **signaled that she wanted to bring this forward**  
 7 **formally, then I was very happy to call the**  
 8 **Archbishop, Father McDonough and Andy**  
 9 **Eisenzimmer.**  
 10 Q. Now, did you convey that to your niece that, you  
 11 know, that as soon as she wanted you to report  
 12 you would or did you talk to her about what the  
 13 next steps would be?  
 14 A. **No. Again I was relying on her counselor and**  
 15 **the kind of direction from her counselor that we**  
 16 **should wait until Marie felt she was ready to**  
 17 **act on the issues.**  
 18 Q. How many conversations did you have with her  
 19 counselor?  
 20 A. **Just one.**  
 21 Q. And her name is Catherine Mollner?  
 22 A. **M-o-l-l-n-e-r.**  
 23 Q. And where does she office?  
 24 A. **Midwest Counseling right on University and 280.**  
 25 Q. And you had worked with her before?

- 1 A. **That's correct.**  
 2 Q. Had you referred other people to her?  
 3 A. **Yes.**  
 4 Q. So moving ahead, what's the next time you have  
 5 any involvement in these allegations? In other  
 6 words, when is it brought up again?  
 7 A. **I went to -- I went away for my sabbatical, and**  
 8 **to the best of my recollection again Marie was**  
 9 **home now. She couldn't finish her sophomore**  
 10 **year and started to get counseling. At one**  
 11 **point she was hospitalized with severe panic**  
 12 **attacks and anxiety. And as I recorded and**  
 13 **recalled it, it was in January '06. Once Pat**  
 14 **and Annette with Marie's, you know, directive**  
 15 **met with Father McDonough, then it was more**  
 16 **clearly brought up that there was -- and they**  
 17 **also met with Archbishop Flynn once. I was**  
 18 **calling them at the same time because Marie was**  
 19 **ready and I could say what I knew of the matter.**  
 20 Q. So between your meeting with Father Keating and  
 21 your niece and then January of '06 did you have  
 22 any contacts with anybody over these allegations  
 23 besides you said you had one call with Marie's  
 24 counselor. Anybody else?  
 25 A. **I had -- I certainly had a conversation with**

- 1 **Father Cozzens and Father Vander Ploeg and also**  
 2 **with Bob Geiser, the Jesuit in Rome. We had sat**  
 3 **down to meet and to review the case.**  
 4 Q. Again when was it that you went on sabbatical to  
 5 Ireland?  
 6 A. **It would have been the end or the beginning of**  
 7 **February because Father Keating called me in**  
 8 **February.**  
 9 Q. I think those might be the documents that are  
 10 being -- are those back?  
 11 A. **Yeah, he called me on February 16th, 2006.**  
 12 Q. Okay. And you were in Ireland at that point?  
 13 A. **That's correct.**  
 14 Q. But when was it that you went to Ireland?  
 15 A. **It would have been like February 1st.**  
 16 Q. Well, were you here, here being the Twin Cities,  
 17 when your niece was hospitalized?  
 18 A. **I don't believe I was. I think it was overseas.**  
 19 Q. And I might be wrong but I'm thinking that that  
 20 was January of '06.  
 21 A. **And I don't recollect either. January is -- I**  
 22 **hadn't yet left for my sabbatical as I recall**  
 23 **and I don't quite recollect either -- I knew she**  
 24 **was hospitalized and I was praying for her, but**  
 25 **I don't recall the actual dates.**

- 1 Q. Do we have one of these that we can use?  
 2 MR. ANDERSON: Right here.  
 3 Q. All right. Those have been marked. If you  
 4 would then -- are you looking at number 4 right  
 5 now, Exhibit 4?  
 6 MR. ANDERSON: Those were his? Do  
 7 you have another copy there? You've got a copy  
 8 there, Roger. Why don't you give him the one  
 9 you want him to look at?  
 10 MR. GROSS: That's what I'm trying  
 11 to find which is the Sequence of Events but it's  
 12 not in this group. That's why I'm wondering if  
 13 maybe you picked it out of there.  
 14 MR. ANDERSON: A letter dated --  
 15 MR. GROSS: It was right in front of  
 16 me. I'm sorry. Here we go, the Sequence of  
 17 Events.  
 18 BY MR. GROSS:  
 19 Q. I'll show you then what's been marked as Exhibit  
 20 4. That is a sequence of events that you put  
 21 together from your recollection?  
 22 A. **That's correct.**  
 23 Q. Of the various events that occurred, correct?  
 24 A. **Yes.**  
 25 Q. If you want to take a second to look at that and

- 1 see if it indicates to you when it was that you  
 2 went to Ireland.  
 3 A. **It doesn't, no.**  
 4 Q. Okay. What prompted you -- well, first of all,  
 5 do you know what initiated the contact with the  
 6 authorities? Do you know how that came about?  
 7 And the authorities first of all is the  
 8 Sheriff's Office?  
 9 A. **Yes. When Pat and Annette went to talk with**  
 10 **Father Kevin McDonough about the allegations and**  
 11 **when the specific issue of the touching of the**  
 12 **breasts came up, he said he'd need to call that**  
 13 **in, which he did.**  
 14 Q. And did you inform your sister and your  
 15 brother-in-law of the allegation?  
 16 A. **To the best of my recollection my niece had done**  
 17 **so.**  
 18 Q. And do you know what time frame? Was it before  
 19 the meeting that you had with Father Keating or  
 20 after that meeting?  
 21 A. **I don't know.**  
 22 Q. Do you recall having any conversations with your  
 23 sister or brother-in-law before the time you  
 24 went to Ireland on sabbatical?  
 25 A. **I don't know specifically about this matter**

- 1 **although it -- Father Keating had been a regular**  
 2 **visitor to the family for some time. And as**  
 3 **Marie began to -- I don't know. She certainly**  
 4 **had talked with me and I was assuming that she**  
 5 **was talking to her mother and father as well**  
 6 **because I do remember saying to Father Keating**  
 7 **that as she brought these things forward it**  
 8 **wasn't a good time to try to continue to visit**  
 9 **and go see the family.**  
 10 Q. Okay. Well, after your meeting with Keating and  
 11 your niece, you continued to see Father Keating  
 12 on a regular basis; you were still part of the  
 13 same group? You were not living together at  
 14 that time?  
 15 A. **No.**  
 16 Q. But weren't you still in the same group?  
 17 A. **Yes.**  
 18 Q. Did the issue ever come up in the group context?  
 19 A. **Not that I -- not in our fraternal group, no.**  
 20 Q. Why not? Why didn't you ever raise the issue  
 21 there?  
 22 A. **To me again it was -- he had talked to me on one**  
 23 **occasion after the confrontation in which he**  
 24 **expressed that he -- he clearly lacked prudence**  
 25 **and that he was treating a young woman like a**

- 1 **girl. But again I was letting Marie unfold the**  
 2 **issues at her pace and she was the voice that**  
 3 **was critical.**  
 4 Q. I'm sorry. Father Keating told you something to  
 5 the effect that he was treating a young women  
 6 like a girl?  
 7 A. **That's correct.**  
 8 Q. Was he referring to your niece?  
 9 A. **Yes.**  
 10 Q. Okay. And did he say -- I mean is that the  
 11 exact words? Are those the exact words he used?  
 12 A. **Yes. To my recollection, yes.**  
 13 Q. Okay. And what did you understand that to mean?  
 14 A. **Well, I frankly didn't think that he was getting**  
 15 **a hold of the issue, but I don't believe, you**  
 16 **know, that he thought he had been abusing her.**  
 17 **And I was waiting again on my niece's pace to**  
 18 **say as soon as she wanted to step forward we'd**  
 19 **step forward.**  
 20 Q. When did your niece claim that Father Keating  
 21 had fondled her breasts?  
 22 A. **When they met with Father McDonough.**  
 23 Q. And do you know when that was?  
 24 A. **Again I think it was around January '06 to the**  
 25 **best of my recollection.**

- 1 Q. And as part of the church's investigation of  
2 this were you interviewed?
- 3 A. **No.**
- 4 Q. Have you ever been interviewed by anyone from  
5 the church as to any of these allegations?
- 6 A. **Yes. Initially or recently the Diocese reopened  
7 investigation on Father Keating and so there's a  
8 lawyer investigating and so he took my -- he  
9 asked me to do an interview.**
- 10 Q. Okay. Do you remember who that was?
- 11 A. **No.**
- 12 Q. Did you provide anything in writing --
- 13 A. **No.**
- 14 Q. -- to that person? So it was just an interview,  
15 somebody sitting across the table from you --
- 16 A. **Yes.**
- 17 Q. -- and taking notes. It wasn't recorded or  
18 anything as far as you know?
- 19 A. **No.**
- 20 Q. How about as part of the initial investigation  
21 going back to the time of the clergy review  
22 board? You were not interviewed in that process  
23 at all?
- 24 A. **Yes. I spoke to the priest review board.**
- 25 Q. Oh, okay.

- 1 A. **Yes.**
- 2 Q. So do you recall when that was?
- 3 A. **It was after -- I think I have it recorded in  
4 another place, but we met when the review board  
5 went to meeting on June 24th, 2006. Archbishop  
6 Flynn, Father McDonough met with the Spehar  
7 family, myself and Father Keating. Marie was  
8 there, my nephew Jacob was there, mom and dad,  
9 and the other kids weren't there. And so the  
10 review board came up after that.**
- 11 Q. Okay. So you attended a meeting with Archbishop  
12 Flynn and Kevin McDonough and Michael Keating  
13 and then the Spehar family?
- 14 A. **That's correct.**
- 15 Q. How about after that? Were you ever formally  
16 interviewed by anyone?
- 17 A. **No. I was just -- I was invited to give my  
18 reflections to the priest review board.**
- 19 Q. So separate from this meeting you had with  
20 Archbishop Flynn?
- 21 A. **That's correct.**
- 22 Q. Who was it that you talked to at the clergy  
23 review board? Do you remember?
- 24 A. **Well, Andy Eisenzimmer was a liaison, but I  
25 think there were eight people on the review**

- 1 **board. Two of the priests I knew. One was  
2 Father Donahue, one was Father Michael Byron. I  
3 didn't know the others who were present.**
- 4 Q. Do you recall what you said?
- 5 A. **Yeah. Essentially what I'm saying to you.**
- 6 Q. Okay. You told them about the initial phone  
7 call where your niece didn't say very much in  
8 terms of any specific inappropriate touching,  
9 correct?
- 10 A. **I think that's correct, yes.**
- 11 Q. And then you told them that then you had a later  
12 meeting with Father Keating where she did talk  
13 about some of these allegations that she made  
14 that we already went through today?
- 15 A. **Yes.**
- 16 Q. All right. And then essentially that was your  
17 total involvement in the process until the  
18 authorities got involved with -- the church  
19 authorities got involved?
- 20 A. **That's correct, yes.**
- 21 Q. And so you mentioned then that the  
22 fondling--that's how we got onto this--I asked  
23 you when your niece made an allegation that her  
24 breasts had been fondled and you said when she  
25 met with Kevin McDonough. What meeting was

- 1 this?
- 2 A. **Pat and Annette first met with Father McDonough  
3 first alone as I recall. They did have a  
4 meeting with Pat and Annette, and my niece met  
5 with Archbishop Flynn in that same time period.**
- 6 Q. Just the four of them?
- 7 A. **Yes.**
- 8 Q. Okay.
- 9 A. **And I think it was in a second meeting. I'm not  
10 sure if Marie was at this meeting with Father  
11 McDonough, but the specific issue of him  
12 fondling her breasts came up at that meeting.  
13 That's when Father McDonough said, "I have to  
14 call this in and it will have to be  
15 investigated."**
- 16 Q. Is it your understanding that the criminal  
17 investigation, the onset of that was a call by  
18 McDonough or did someone else contact the  
19 authorities?
- 20 A. **I thought initially it was a call by McDonough  
21 although he may have handed it off to Andy  
22 Eisenzimmer.**
- 23 Q. But in any event, you think it was somebody at  
24 the Archdiocese --
- 25 A. **Yes, it was.**

- 1 Q. -- who initiated the investigation by --
- 2 A. **Yeah.**
- 3 Q. -- the authorities?
- 4 A. **That's correct.**
- 5 Q. Okay. All right. You at least implied to me
- 6 that there were some other issues that you had
- 7 seen with Father Keating and the Spehar family.
- 8 Was my reading accurate on that? Were there
- 9 some concerns you had about the relationship
- 10 with Father Keating and your sister's family?
- 11 A. **There was some things that he and I had talked**
- 12 **about, for example, when he -- there were a**
- 13 **number of times when he would spend the night**
- 14 **and they had a guest room for him. He would**
- 15 **stay up late at times talking with my sister.**
- 16 **And there was at one point tension about when my**
- 17 **brother-in-law went to bed, then the night is**
- 18 **over. So there were issues like that.**
- 19 Q. How many times did Father Keating stay overnight
- 20 at your sister's house?
- 21 A. **I don't quite recall. In my recollection it**
- 22 **would be several times.**
- 23 Q. Several being?
- 24 A. **Like five to seven. He would often -- you know,**
- 25 **probably twice a month he was up to visit the**

- 1 **family.**
- 2 Q. Did he go up there with you at times?
- 3 A. **There were times that we would go together, yes.**
- 4 Q. Of the times that he would go up about how often
- 5 did you go with him?
- 6 A. **Again there were several occasions because it's**
- 7 **a whole social group. We're friends. We visit,**
- 8 **have parties, events.**
- 9 Q. Were there other people that would be there
- 10 outside of the Spehar family?
- 11 A. **Yes.**
- 12 Q. Who would be the other people that would
- 13 routinely go up and visit?
- 14 A. **At the time there was a lot of interaction at**
- 15 **least with Tom and Sylvia Ryan and with John and**
- 16 **Andrea Marvel (phonetic spelling).**
- 17 Q. Anyone else?
- 18 A. **Probably in terms of regular visiting it would**
- 19 **have been that kind of group of us.**
- 20 Q. And you say your sister and brother-in-law had a
- 21 separate guest room?
- 22 A. **Yes. They would -- he would have a separate**
- 23 **room if he stayed.**
- 24 Q. I mean was it a designated guest room or was it
- 25 somebody would move out of their room?

- 1 A. **Someone would move out of their room.**
- 2 Q. So in any event, Father Keating talking to your
- 3 sister late at night caused some tension between
- 4 your sister and her husband?
- 5 A. **Yes.**
- 6 Q. Did you talk to Father Keating about that?
- 7 A. **My brother-in-law did.**
- 8 Q. Okay. Were you there?
- 9 A. **No.**
- 10 Q. This is just something that's been reported to
- 11 you?
- 12 A. **Yes.**
- 13 Q. Do you know what he said?
- 14 A. **I think the gist of it was that -- well, the**
- 15 **follow-up between Father Keating and I were, you**
- 16 **know, when a husband goes to bed, you go to bed,**
- 17 **the night is done. So again my brother-in-law**
- 18 **was raising that he was not comfortable with**
- 19 **Father Keating staying up very late and of**
- 20 **course raised it with my sister as well.**
- 21 Q. Did you talk to Father Keating about it?
- 22 A. **Yeah, he talked with me about it.**
- 23 Q. Oh, okay. Is this something that you had --
- 24 have you ever observed any inappropriate
- 25 relationship between your sister and Father

- 1 Keating?
- 2 A. **No.**
- 3 Q. At any time prior to receiving this call from
- 4 your niece in December '04, January of '05 did
- 5 you ever see any inappropriate interaction
- 6 between your niece and father Keating?
- 7 A. **No.**
- 8 Q. You never suspected that there was anything
- 9 inappropriate going on in that relationship?
- 10 A. **That's correct.**
- 11 Q. And how would you describe that relationship
- 12 between your niece and father Keating back in
- 13 these years when she was, oh, twelve, thirteen
- 14 years old?
- 15 A. **Well, she had a great deal of admiration for**
- 16 **him. He's a very talented man, very gifted**
- 17 **musically. There had been times when, you know,**
- 18 **at these events there would be singing. She**
- 19 **was -- they were -- it was a warm relationship**
- 20 **and he would often, you know, read to the**
- 21 **children. He had a kind of talent for reading.**
- 22 **So she had a great trust. Frankly, so did the**
- 23 **family.**
- 24 Q. Was Father Keating's relationship with your
- 25 niece different than the relationship with the

- 1 other children?
- 2 **A. He was particularly fond of my niece and she was**  
 3 **the oldest. They enjoyed music. There were**  
 4 **times he would, you know -- he had gone to**  
 5 **concerts with her at the Cathedral, that kind of**  
 6 **thing.**
- 7 Q. When you say gone to concerts with her, the  
 8 family brought her in to go to a concert or  
 9 something?
- 10 **A. Yes.**
- 11 Q. Weren't they living up in Chisago?
- 12 **A. Yes. So on those occasions, you know, to my**  
 13 **recollection it would have been my sister and my**  
 14 **niece joining Father Keating at a concert.**
- 15 Q. Did your niece have sort of a, for want of a  
 16 better description, childhood crush on Father  
 17 Keating?
- 18 **A. No, I don't believe so. She again had a lot of**  
 19 **admiration for him, respected him greatly,**  
 20 **trusted him, confided in him. But when it was**  
 21 **proposed to her, you know, that question was**  
 22 **raised to her by friends, she found it very**  
 23 **humiliating and embarrassing that it would even**  
 24 **be raised.**
- 25 Q. Who raised that question?

- 1 **A. I think Sylvia Ryan as her confirmation sponsor.**
- 2 Q. Did you and Father Keating ever have any  
 3 discussion about your niece Marie going into the  
 4 religious life, becoming a nun or a sister or  
 5 some other religious position?
- 6 **A. I don't recall that we did, no.**
- 7 Q. Did you ever talk to Father Keating about some  
 8 of the emotional problems your niece was having  
 9 back at this time?
- 10 **A. Not to my recollection, no.**
- 11 Q. It's correct that she did have some emotional  
 12 difficulties during that time period, isn't it?
- 13 **A. That's correct, yes.**
- 14 Q. She had kind of obsessive/compulsive type  
 15 problems?
- 16 **A. No, it wasn't obsessive/compulsive.**
- 17 Q. How would you categorize the problems she was  
 18 having?
- 19 **A. From my perspective because of Father Keating's**  
 20 **abuse she started to have kind of severe panic**  
 21 **attacks when seeing him or seeing a picture of**  
 22 **him. She would deal with a great deal of**  
 23 **anxiety. At times she struggled again with her**  
 24 **sense of safety. And it was around some of**  
 25 **that, that was the reason she was hospitalized.**

- 1 Q. Okay. But I want to go back now to this period  
 2 back in the late 90s when your niece was ten  
 3 years old. Didn't she have some  
 4 emotional/mental health issues at that time?
- 5 **A. No.**
- 6 Q. She wasn't an insomniac from very early in life?
- 7 **A. Not that I knew of, no.**
- 8 Q. She didn't have anxiety issues as a pre-teen and  
 9 early teenager?
- 10 **A. She was -- she's a highly sensitive and strong**  
 11 **woman, but as a girl, you know, she was also**  
 12 **very sensitive person and also very talented,**  
 13 **creative. I knew there were times when she**  
 14 **would worry about the family, worry about if**  
 15 **there was a strain between mom and dad. She**  
 16 **could -- she was --**
- 17 Q. Were there strains between the parents that you  
 18 observed?
- 19 **A. At times, yes.**
- 20 Q. Did the parents have money problems?
- 21 **A. They have had, yes. They no longer do, but they**  
 22 **were strained financially.**
- 23 Q. And in fact had you loaned them some money?
- 24 **A. Yes. I actually just gave them money.**
- 25 Q. Did you know that Father Keating was approached

- 1 to co-sign a college loan?
- 2 **A. Yes.**
- 3 Q. He told you about that, didn't he?
- 4 **A. I actually brought it up to him. He hadn't told**  
 5 **me about it. My niece had approached me to**  
 6 **co-sign and I told her that given my priest**  
 7 **salary I wouldn't, it wasn't wise to, and if I**  
 8 **had money I'd give her money. And in fact then**  
 9 **I heard that Father Keating had done it. I**  
 10 **raised it with him in the context of a**  
 11 **one-on-one meeting with him that I was very**  
 12 **surprised to hear that he had co-signed this**  
 13 **loan. I told him that I hadn't done it, and**  
 14 **frankly I was in a better position to do it than**  
 15 **he was because he was writing his doctorate.**
- 16 Q. Do you know how that came about? Did your niece  
 17 approach him or did your sister or  
 18 brother-in-law?
- 19 **A. I don't believe it was my brother-in-law, but I**  
 20 **don't know how he was approached.**
- 21 MR. ANDERSON: What do you say we  
 22 take a break?
- 23 (Recess)
- 24 BY MR. GROSS:
- 25 Q. Did your niece ever tell you what, for instance,



1 what triggered her recollection of these  
2 allegations or the understanding of the  
3 allegations?

- 4 **A. Well, one key piece was at Father Keating's**  
5 **ordination, which was 2002, he had this visit**  
6 **from this young woman from Italy who came to**  
7 **attend the ordination. And she was seventeen at**  
8 **the time and so was my niece. And she had -- it**  
9 **became kind of -- Father Keating asked my niece**  
10 **to kind of host her at various of the events.**  
11 **And in their discussion at the time, you know,**  
12 **the young woman from Italy, had told**  
13 **my niece that she was Father Keating's**  
14 **girlfriend in Rome and was -- she was his**  
15 **girlfriend here. She at that time did indicate**  
16 **that there was -- the relationship involved**  
17 **kissing. And that became a very key turning**  
18 **point for Marie in how she was looking at Father**  
19 **Keating. And the young woman from Italy asked**  
20 **Marie if she loved Michael as she did. And that**  
21 **was when, you know, Marie -- it turned on a set**  
22 **of lights around Father Keating and certainly**  
23 **damaged seriously her admiration for him.**  
24 **Q. How did you become aware of this, that that was**  
25 **a significant change or --**

1 **have been late May after the ordination.**

- 2 **Q. Okay. And did she tell you that this woman said**  
3 **that she and Father Keating were -- that there**  
4 **was some sort of a romantic relationship when**  
5 **they were in Rome and that they were kissing? I**  
6 **mean did that come out at that time?**  
7 **A. You know, I actually confronted Father Keating**  
8 **about how the relationship appeared, as did the**  
9 **others. And then later it would come out from**  
10 **my niece that she'd had this kind of interaction**  
11 **with the young woman from Italy. And Father**  
12 **Keating put it just in the category of it's how**  
13 **Italians relate. He wasn't admitting, you know,**  
14 **until later when he called and self reported to**  
15 **me that he had had a passionate encounter with**  
16  
17 **Q. That's Exhibit No. 1 I believe in this group.**  
18 **A. Yes.**  
19 **Q. And in your memorandum here you say, "Father**  
20 **Keating told me there was one incident where he**  
21 **and had had a passionate physical**  
22 **encounter." Were those Father Keating's words?**  
23 **A. Yes.**  
24 **Q. He said that?**  
25 **A. Yes.**

- 1 **A. Marie told me.**  
2 **Q. -- significant event? When was it that she told**  
3 **you this?**  
4 **A. Well, it would have been after the -- it was --**  
5 **the ordination was in May of '02 and she raised**  
6 **with me after the ordination some of this**  
7 **conversational piece about how Father Keating**  
8 **and were relating to each other in her**  
9 **observation. And actually it was true for**  
10 **several of us who each had words with Father**  
11 **Keating, myself, Tom and Sylvia Ryan, Miriam**  
12 **Torres, who was a consecrated woman who was in**  
13 **attendance at the ordination, and my**  
14 **brother-in-law Pat Spehar.**  
15 **Q. So you talked to Father Keating about --**  
16 **A. About how he was relating to the young Italian**  
17 **gal.**  
18 **Q. How was he relating to her?**  
19 **A. It was very warm, very affectionate. It was**  
20 **clear that she was from my observation just**  
21 **completely romantically in love with him.**  
22 **Q. So when did your niece tell you about this**  
23 **conversation she had with this Italian girl,**  
24 **woman?**  
25 **A. Again to the best of my recollection it would**

- 1 **Q. What did he say happened?**  
2 **A. He said that everyone -- he said that she had**  
3 **come to his room in whatever setting he was in**  
4 **and they had a passionate encounter. He said**  
5 **everyone's clothes stayed on, but it was deeply**  
6 **disturbing to him, had seduced him. He**  
7 **also said he had not told me about the incident**  
8 **because it was not a nice way to talk about a**  
9 **girl.**  
10 **Q. I'm sorry. Go ahead.**  
11 **A. So the incident, the first place, the first year**  
12 **he was in Rome Father Keating was forty-three.**  
13 **The young Italian girl would have been fourteen**  
14 **or fifteen years old.**  
15 **Q. Do you know what actually happened in the**  
16 **encounter?**  
17 **A. You know, this is my direct encounter that I**  
18 **wrote down as soon as I got done with the phone**  
19 **conversation.**  
20 **Q. So in other words, you didn't ask him what**  
21 **happened as far --**  
22 **A. That's correct.**  
23 **Q. You know, were you standing up, were you lying**  
24 **down, none of those details?**  
25 **A. That's correct.**

- 1 Q. Okay. Other than the allegations made by your  
2 niece have you ever heard allegations that  
3 Father Keating has sexually abused anyone?  
4 A. **No.**  
5 Q. Have you ever noticed any inappropriate touching  
6 by Father Keating of anyone?  
7 A. **No.**  
8 Q. And of course in all the times in your  
9 observations of his relationship with your niece  
10 you never observed anything that raised any  
11 concern in your mind about any sexual activity?  
12 A. **That's correct.**  
13 Q. Have you ever even heard any reports about  
14 Father Keating inappropriately touching anyone?  
15 A. **There was a -- Bishop Cozzens has put together a  
16 dossier of materials that he was working on on  
17 behalf of the Companions of Christ, our  
18 community, because concerns were raised. There  
19 was a young woman in Costa Rica where he stayed  
20 with her family when he was learning Spanish and  
21 she eventually would move to the Ann Arbor area  
22 where we were working and our main community  
23 was. Father Keating was on the step to make  
24 what we'll call the lifelong commitment, the  
25 consecration. What came to light was some**

- 1 **misconduct with this young woman. And Father  
2 Keating was told by the leadership of the group  
3 that they were going to delay his being able to  
4 make the consecration. And actually although I  
5 wasn't in attendance I was given a report of it  
6 that to those that were committed members of the  
7 community he made a public repentance for an  
8 inappropriate relationship with the young woman.**  
9 Q. Do you know what the nature of the relationship  
10 was?  
11 A. **No.**  
12 Q. Do you know how old this woman was?  
13 A. **I think at the time she was -- she would have  
14 been, I think at the time she was like twenty  
15 years old.**  
16 Q. So she was an adult?  
17 A. **Yeah.**  
18 Q. And Father Keating had not taken any vows of  
19 celibacy at that point, had he?  
20 A. **Not his permanent vows.**  
21 Q. So it was frowned upon but it wasn't like he was  
22 breaking -- I mean of course you don't know the  
23 nature of this relationship.  
24 A. **That's correct.**  
25 Q. You don't know if there was sort of real sexual

- 1 activity, correct?  
2 A. **That's correct.**  
3 Q. But even if there was, I mean people would frown  
4 upon it, certainly maybe a sin in the eyes of  
5 the church but not necessarily uncommon these  
6 days for two consenting adults to have a sexual  
7 relationship?  
8 A. **That's correct.**  
9 Q. All right. When did you first meet Father  
10 Keating approximately?  
11 A. **Probably 1980.**  
12 Q. What type of work was he doing at that time?  
13 A. **He was doing -- we were both involved in youth  
14 University work. He was at the University of  
15 Michigan. I was at the University of Minnesota.**  
16 Q. What does that mean, youth University work?  
17 A. **Again it's a lot of conferences, retreats,  
18 speaking engagements.**  
19 Q. Counseling?  
20 A. **Pastoral counseling.**  
21 Q. So it's working with young people?  
22 A. **That's correct.**  
23 Q. It sounds like he has spent most of his career  
24 working with young people, is that correct?  
25 A. **That's correct, yes.**

- 1 Q. And as far as you know this is the only  
2 allegation of any sort of inappropriate sexual  
3 touching?  
4 A. **That's correct.**  
5 Q. And you know that -- did you know that the  
6 Archdiocese actually took some steps to  
7 investigate this relationship with this Italian  
8 woman?  
9 A. **Yes.**  
10 Q. And she denied that there was ever any improper  
11 activity between them. Did you know that?  
12 A. **Yes.**  
13 Q. And do you have any evidence contrary to her  
14 denial that there was inappropriate sexual  
15 activity?  
16 A. **When Father Keating reported to me about his  
17 passionate encounter.**  
18 Q. Now, it doesn't say in there that that was an  
19 encounter initiated by Father Keating. In fact,  
20 it suggests that he broke off the encounter or  
21 he told her, he set the boundaries with her.  
22 Isn't that what he told you?  
23 A. **Eventually. I don't know -- he said he set her  
24 straight and she had seduced him, but he also  
25 gave the detail that it was passionate but**

1 **everyone's clothes stayed on and it was deeply**  
2 **disturbing to him.**

3 Q. All right. So if indeed he viewed it as a young  
woman -- was she an attractive woman by the way?

4 A. **Yes.**

6 Q. A young, attractive woman attempted to seduce  
7 him. At least from what he is saying, it could  
8 well be disturbing to him. Would you agree?

9 A. **Yes.**

10 Q. You indicate that at least it was your sense or  
11 observation that your niece's admiration for  
12 Father Keating diminished after his ordination?

13 A. **That's correct.**

14 Q. And did their contact pretty much cease after  
15 that or did they continue to, you know, to have  
16 a strong relationship, or something in between?

17 A. **Yeah, something in between.**

18 Q. Tell me what you observed after the ordination.

19 A. **After the ordination what I saw and observed was**  
20 **that for my niece, you know, his star had fallen**  
21 **out of the sky and she started to get very**  
22 **disturbed by the thought that she might be**  
23 **considered as someone, who like the young woman**  
24 **from Italy, was kind of essentially romantically**  
25 **in love with him. She said it made her sick to**

1 **campuses.**

2 Q. Difficult to get in?

3 A. **Not as difficult as Notre Dame but it's a**  
4 **respected place.**

5 Q. How would it be say compared to St. Thomas?

6 A. **Parallel.**

7 Q. So they would be equal?

8 A. **Yes.**

9 Q. So in any event, your niece must have done well  
10 enough in school to get into a pretty good  
11 college.

12 A. **That's correct.**

13 Q. Did she have while she was in high school any  
14 psychological issues, emotional issues?

15 A. **No.**

16 Q. Can you explain to me as far as you understand  
17 why it was that all of a sudden this issue -- I  
18 mean she goes through high school, no emotional  
19 problems even though she had seen Father Keating  
20 and this Italian woman at his ordination and yet  
21 when she's away at Holy Cross what all of a  
22 sudden triggered this concern, realization that  
23 she had been abused?

24 A. **I'm not sure what the trigger event was. I know**  
25 **that the -- after Father Keating's ordination**

1 **her stomach that such a thing would be**  
2 **suggested. She'd always just related to him in**  
3 **her heart, you know, and mind it was just a**  
4 **deeply trusted friend.**

5 Q. So did she start to avoid contacts with him?

6 A. **I think it was just less and less contact. And**  
7 **then things started to evolve with her as she**  
8 **went off to college.**

9 Q. Okay. I think I saw somewhere where she had  
10 been homeschooled for a period of time.

11 A. **That's correct.**

12 Q. When was she homeschooled?

13 A. **To the best of my recollection I think she was**  
14 **homeschooled through like sixth grade.**

15 Q. So then was it public school or Catholic school  
16 after that?

17 A. **Public.**

18 Q. How did she do in school?

19 A. **She did well. She's bright.**

20 Q. I don't know a great deal about Holy Cross  
21 except that it has some association with Notre  
Dame.

23 A. **That's correct.**

24 Q. Maybe a sister college or something?

25 A. **Yeah. It's run by the Holy Cross Fathers, both**

1 **and then her observations and interactions with**  
2 **the Italian girl and then this kind of -- then**  
3 **she started to see Father Keating in a very**  
4 **different light and much more soberly. And I'm**  
5 **not sure later what, you know, as a freshman in**  
6 **college some of that to me is kind of -- a**  
7 **sexual abuse counselor or someone knows the**  
8 **trajectory of how these things work or what**  
9 **triggers them.**

10 Q. I saw, maybe it was a statement that your niece  
11 gave, where she mentioned that she took a  
12 sociology class or social work class or  
13 something like that and that was what sparked  
14 this realization. Did she ever talk to you  
15 about that?

16 A. **Yes, I think she did. You know, she talked to**  
17 **me about her classes and that she was coming to**  
18 **a much fuller realization through some of the**  
19 **course work of what she realized she had**  
20 **experienced.**

21 Q. When did you have that conversation?

22 A. **I think some of that was, you know, what she**  
23 **phoned me about.**

24 Q. So in that initial phone conversation?

25 A. **Yes, to the best of my recollection.**

- 1 Q. Your niece has never said as far as you know  
2 that Father Keating ever touched her breasts  
3 under her shirt? Am I accurate on that?  
4 A. **That's correct, yes.**  
5 J. The only --  
6 A. **Yeah.**  
7 Q. The only thing she said as far as you understood  
8 in terms of skin to skin was rubbing her back  
9 and then rubbing her calves. Is that accurate?  
10 A. **That's correct, yes.**  
11 Q. After your meeting with your niece and father  
12 Keating, which we think was the summer of '05?  
13 A. **Yes.**  
14 Q. Did Father Keating continue to interact with the  
15 Spehar family?  
16 A. **At that point, no.**  
17 Q. So not at all or tell me what happened.  
18 A. **One conversation I do remember was that given**  
19 **the things that were coming up and out now in**  
20 **regards to what Marie experienced, what he had**  
21 **done, it was not a good time to try to stay**  
22 **connected to the family.**  
23 Q. That's what you told him?  
24 A. **Yes.**  
25 Q. And do you remember when that was or does your

- 1 sequence of events give you any indication of  
2 when that was?  
3 A. **No.**  
4 Q. All right. It indicates in your sequence of  
5 events that the concerns of the Companions are  
6 broader than the Spehar case.  
7 A. **That's correct.**  
8 Q. What were the concerns of the Companions?  
9 A. **That would be best to ask Bishop Cozzens.**  
10 **Bishop Cozzens was the one who both did the**  
11 **investigation and also put together a document**  
12 **for the priest review board, although the priest**  
13 **review board as far as I know never received it,**  
14 **because Father Keating when he knew that the**  
15 **actual community was going to take some**  
16 **disciplinary steps decided to step out of the**  
17 **community.**  
18 Q. You haven't spoken with Father Keating in a  
19 number of years, is that correct?  
20 A. **That's correct.**  
21 Q. Did your sister have any mental health issues  
22 back in this time period when Father Keating was  
23 first coming into contact with the family?  
24 A. **She has periodically struggled with depression**  
25 **through the years.**

- 1 Q. Did she make a suicide attempt?  
2 A. **No. Not a suicide attempt, no.**  
3 Q. Was she hospitalized?  
4 A. **Yes, yes.**  
5 Q. For depression?  
6 A. **Yes.**  
7 Q. Have you and Father Keating or did you back at  
8 that time talk about that?  
9 A. **I don't recall if we talked about it as much as**  
10 **prayed for her and the family, but I don't**  
11 **remember specifically a specific conversation.**  
12 Q. For instance, is it typical within your group,  
13 for instance, to do a prayer for, you know,  
14 people that are close to you?  
15 A. **Yes.**  
16 Q. Like to say a prayer for someone? Do you recall  
17 actually asking the group to pray for your  
18 sister, and Father Keating later saying what's  
19 going on and having a conversation? Does that  
20 refresh your recollection at all?  
21 A. **No.**  
22 Q. Do you recall when that was that your sister was  
23 hospitalized?  
24 (Off the record--reporter's  
25 machine loses power.)

- 1 A. **No, not specifically.**  
2 Q. And then I asked -- I think I asked if she'd  
3 been hospitalized more than once and you said  
4 yes?  
5 A. **Yes.**  
6 Q. And then I asked whether it was not unusual for  
7 members of the Spehar family to, you know, to  
8 when they greet people coming into their  
9 household to give them hugs or to tell, you  
10 know, friends and associates that they love  
11 them, using the word love. Those are not  
12 unusual in that family?  
13 A. **That's correct, for very close friends or family**  
14 **members.**  
15 Q. Okay.  
16 MR. ANDERSON: I think you also  
17 asked about mental health in the family and gave  
18 a description of other family members.  
19 Q. That might be. And no one else has any mental  
20 health issues --  
21 A. **No.**  
22 Q. -- in the family other than your niece and your  
23 sister?  
24 A. **That's correct.**  
25 Q. Okay. And --

1 MR. ANDERSON: How did you describe  
2 the family? You used a term before.

3 THE DEPONENT: Strong, healthy group  
4 of people.

5 MR. ANDERSON: Yeah.

6 BY MR. GROSS:

7 Q. Did Father Keating ever relay to you a statement  
8 that was made by the youngest child in the  
9 Spehar family about how she was happy when  
10 Father Keating would come over because the  
11 parents didn't yell at each other when he would  
12 come?

13 A. No.

14 Q. You don't remember ever having that type of a  
15 conversation with him?

16 A. No.

17 Q. Was there marital strife?

18 A. **There were times when there was strain in the  
19 marriage. Again finances were very tight. They  
20 were working long hours. But in other ways --  
21 but never discussions of divorce for example.  
22 Tremendous commitment, we're all part of the  
23 same Christian community, all very active  
24 Catholics.**

25 Q. Did they ever, your sister and brother-in-law

1 ever have marital counseling?

2 A. **Not that I'm aware of, no.**

3 Q. Was one of the children killed in --

4 A. Yes.

5 Q. In the military?

6 A. **Yes. My godson and nephew was a Navy SEAL,  
7 killed three years ago.**

8 Q. I'm sorry --

9 A. Yes.

10 Q. -- to hear that. Did you ever speak with Kevin  
11 McDonough about their findings when they did  
12 their investigation?

13 A. No.

14 Q. How about Andy Eisenzimmer?

15 A. **We had a meeting with Archbishop Flynn and Andy  
16 Eisenzimmer and my brother-in-law Pat was there  
17 and my nephew Luke at which time, you know, they  
18 communicated to us that they didn't believe that  
19 this was a case of sexual abuse or enough  
20 evidence to support that and it would be after  
21 that that we were then sent -- but that they did  
22 let us know that there were going to be  
23 restrictions and eventually we would be given a  
24 copy of the restrictions.**

25 Q. Why would there be restrictions?

1 A. **Well, because they did think there were  
2 boundaries -- what Kevin McDonough said was  
3 these are very serious boundary violations and  
4 this was unethical behavior. He nevertheless --  
5 and at one point to my recollection told Marie  
6 that they were having a hard time trying to  
7 figure out what to call this and so the review  
8 board, if you look at that document, said there  
9 were real questions about -- they just -- you  
10 can read that document.**

11 Q. I think that's Exhibit No. 7.

12 A. **The summary of the clergy review board  
13 recommendations.**

14 Q. Well, it says there that there's insufficient  
15 evidence to support a finding of sexual abuse of  
16 a minor in violation of the Charter. That's why  
17 I asked why, you know, they made any  
18 recommendations if they found that the  
19 allegations of any sexual abuse were not  
20 founded.

21 A. **Well, that for us of course was -- you know, it  
22 wasn't that they didn't say there was nothing  
23 that needed attention. They certainly felt  
24 like, as I understood it, that his behavior had  
25 been very imprudent, that he was, as they**

1 **described, you know, kind of obtuse to aspects  
2 of how he relates and therefore -- and as Father  
3 McDonough expressed to me that there were in his  
4 consideration at the time serious boundary  
5 violations and so a set of things needed to be  
6 put in place as directives.**

7 Q. At no time that you met with your niece did she  
8 make any allegation that she felt Father  
9 Keating's erect penis?

10 A. **She did eventually, yes, bring that forward.**

11 Q. But not to you?

12 A. **Yes, to me as well.**

13 Q. When? When did she tell you that?

14 A. **Before we went to the priest review board where  
15 we were trying to -- you know, more and more she  
16 was beginning to verbalize what she had  
17 experienced. And I said those would be  
18 important to get in front of the review board  
19 and so then she gave a much more detailed list.  
20 And I don't know if it was complete, but it was  
21 the list that we tried to put forward to the  
22 review board.**

23 Q. And that review board was after your meeting  
24 with Archbishop Flynn?

25 A. **That's the best of my recollection, but I'm**

1 **actually -- this is where I'm off my game in**  
2 **terms of specific dates.**

3 Q. It indicates on June 24th, 2006 is when you met  
4 with the Archbishop Flynn.

5 A. **That's correct.**

6 Q. And do you think the review board then would  
7 have been --

8 A. **I think our visit with the review board was**  
9 **after that.**

10 Q. Because your notes say that at the conclusion of  
11 the meeting with the Archbishop, Archbishop  
12 Flynn said that the matter would now go to the  
13 priest review board?

14 A. **Yes.**

15 Q. This was something different from the clergy  
16 review board?

17 A. **No.**

18 Q. Same organization?

19 A. **Correct.**

20 Q. So the matter went to that board and that's  
21 where they ultimately made these recommendations  
22 but found that there was -- that the allegations  
23 of sexual abuse were not founded?

24 A. **Yes. And it was more carefully stated to us**  
25 **that there wasn't -- not that -- they weren't**

1 **exonerating Father Keating, simply --**

2 Q. I understand. In this list that was submitted  
3 to the priest review board by your niece, going  
4 down to the bottom it talks about a number of  
5 times that she had confronted Father Keating  
6 about --

7 A. **That's correct, yes.**

8 Q. -- this. Now you've told me about the one time,  
9 the one meeting that you had.

10 A. **Yes.**

11 Q. Do you know about these other times?

12 A. **Yes.**

13 Q. Okay. Well, tell me about these. Tell me about  
14 what's the next time that your niece met with  
15 Father Keating.

16 A. **Well, before she sat down -- the reason she**  
17 **called the meeting with me and father Keating is**  
18 **because on four other occasions she had tried to**  
19 **express to him that she was being made very**  
20 **uncomfortable by the way he was touching her.**  
21 **So you get that list of what she describes and**  
22 **then she called me to sit down with him because**  
23 **she was not getting anywhere individually.**

24 Q. So what she's -- from your understanding these  
25 were all meetings she had had with Father

1 Keating before the meeting she had with you and  
2 Father Keating?

3 A. **That's correct.**

4 Q. All right. Does your niece still see Catherine  
5 Mollner?

6 A. **No. Eventually she went to another set of**  
7 **counselors, some that have particular expertise**  
8 **in sexual abuse.**

9 Q. Did you help her make that switch or were you  
10 involved in that at all?

11 A. **No.**

12 Q. And I think we're getting close to getting  
13 finished. Because I hadn't seen this document  
14 it takes a little longer.

15 A. **Okay.**

16 Q. By the way, what we marked as Exhibit No. 30,  
17 the statement that you gave, that appears to you  
18 to be a correct transcript of the conversation  
19 you had with the investigative officer?

20 MR. ANDERSON: How can he give  
21 testimony about the correctness of it? He can  
22 represent that it appears to be a transcript of  
23 what was transcribed, but he can't tell you that  
24 it's correct.

25 MR. GROSS: Well, I think he can.

1 MR. ANDERSON: No, he can't.

2 MR. GROSS: Yes, he can.

3 MR. ANDERSON: You know --

4 MR. GROSS: But whether we argue or  
5 not about it doesn't matter.

6 BY MR. GROSS:

7 Q. Does that appear to you to be a correct  
8 transcription or do you believe that you told  
9 the officers something different than what the  
10 county transcribed?

11 MR. ANDERSON: Before you get an  
12 answer to that question you should have him read  
13 it to see if he thinks it's correct. You're  
14 asking him to assert that what is recorded is  
15 correctly recorded?

16 MR. GROSS: Yes.

17 MR. ANDERSON: As opposed to simply  
18 state that that is a recording of the  
19 conversation. Two different things, counsel,  
20 you know that.

21 MR. GROSS: I don't think we're  
22 arguing --

23 MR. ANDERSON: We're going to take  
24 a break and he can read the transcription and  
25 then you can ask the question. Okay?

1 MR. GROSS: That's fine.  
2 MR. ANDERSON: I'm going to do it on  
3 redirect. I'm going to do it as soon as we have  
4 the Father read it right now and I'll ask him  
5 whether there are any inaccuracies in that or  
6 something in there that he didn't tell him.

7 MR. GROSS: I'm simply trying to  
8 avoid calling the investigator. We can call the  
9 investigator and say is this the transcript of a  
10 recorded statement. I'm just trying to avoid  
11 that, that's all.

12 MR. ANDERSON: That doesn't  
13 accomplish that.

14 MR. GROSS: Yes, it does.

15 MR. ANDERSON: Well, us arguing  
16 about it isn't going to help. We are going to  
17 take a lunch break. The witness can read it and  
18 you can come back and ask him the question.

19 MR. GROSS: It would be silly to  
20 take a lunch break for this.

21 MR. ANDERSON: Because I'm going to  
22 have questions. I'm not going to make Carol go  
23 through without lunch. We're going to have to  
24 do it anyway. It looked like you are just about  
25

1 accommodate me.

2 MR. ANDERSON: So you can ask the  
3 question and get an answer that is appropriately  
4 formed.

5 MR. GROSS: Well, let's --

6 MR. ANDERSON: We're taking a  
7 break. I'm not going to have an argument.

8 MR. GROSS: Jeff, this is not your  
9 witness. We don't take breaks when you want to  
10 take a break. If you want to take a break  
11 before you ask questions, that's fine, but we're  
12 not taking a break right now of this witness  
13 because it will take him five minutes to read  
14 this and we will get an answer on the record.

15 If you say then that we need to take a break,  
16 all right, so be it. But while I'm asking  
17 questions we're not going to take a lunch break.

18 MR. ANDERSON: So you want him to  
19 read that right now?

20 MR. GROSS: Yeah, he can read it  
21 right now.

22 THE DEPONENT: Fine.

23 (Off the record.)

24 BY MR. GROSS:

25 Q. Father, you've now had a chance to read that

1  
2 MR. GROSS: I was just about done.  
3 I just asked if there is any reason for him to  
4 believe that this was inaccurately transcribed.  
5 You're making a much bigger deal than needs to  
6 be made.

7 MR. ANDERSON: I heard your  
8 question, but you can't ask a witness to attest  
9 to the accuracy of a statement that he hasn't  
10 read.

11 MR. GROSS: Well, no, but we've been  
12 referring to it throughout his deposition.

13 MR. ANDERSON: To two pages.

14 MR. GROSS: I don't think so, but  
15 why don't we simply let him --

16 MR. ANDERSON: It's fifty pages.

17 MR. GROSS: It's what? Ten pages.  
18 Why don't we have him read it, ask the question.  
19 I'm then pretty much done and then if you've  
20 got, if you've got on hour, we'll take a break  
21 for fifteen minutes.

22 MR. ANDERSON: Counsel, I want to  
23 accommodate you. We're going to take a break.

24 MR. GROSS: You don't want to  
25 accommodate me. You want to say you want to

1 statement, is that correct?

2 A. Yes.

3 Q. Okay. Is there anything in your review where  
4 you believe that your conversation with the  
5 officer was different than what was transcribed?  
6 In other words, are there things that are in  
7 that statement that you say I never said that to  
8 them or, oh, no, I said not such and such and  
9 that wasn't in the statement?

10 A. No.

11 Q. As far as you're concerned, that statement is  
12 accurate?

13 A. Yes.

14 Q. It's an accurate transcription of the  
15 conversation?

16 A. Yes.

17 MR. GROSS: Thank you. That's all  
18 the questions I have.

19 EXAMINATION,

20 BY MR. ANDERSON:

21 Q. Before we take a break I'm going to need to take  
22 just a moment to have you read something so we  
23 can digest it. I'm going to show you, Father,  
24 what you've brought along among the exhibits  
25

1 that have now been marked here. We marked this  
2 as Exhibit 11. This is one of the documents you  
3 brought with you, correct?

4 A. **Correct.**

5 Q. What is this?

6 A. **This was notes of a phone call that I prepared  
7 so that I could tell Archbishop Flynn, you know,  
8 what the views of the family was.**

9 Q. Would you look at your originals? And what I'm  
10 going to ask you to do because your handwriting  
11 is hard to read is I'm going to ask you to read  
12 very slowly what you have written here. Then  
13 we'll take a break.

14 A. **Okay.**

15 Q. And she's going to be transcribing this and when  
16 we read sometimes we go faster than what we do  
17 in normal conversation so try to if you could  
18 read it fairly slowly.

19 A. **Okay. This was a phone conversation I had with  
20 Archbishop Flynn. I told him that the family is  
21 coming to a breaking point, that there is no  
22 clear advocate for the family, eventually the  
23 family pursued Greta Sawyer.**

24 MR. GROSS: Let me just stop you. I  
25 think you had asked him to read this. I think

1 what you're doing is you're kind of interpreting  
2 as you read. Did you want him to read it  
3 directly into the record, Jeff?

4 Q. You can read it the way you need. You filled in  
5 Sawyer. So read it to give its meaning as you  
6 recorded it.

7 A. **She was comforting and perplexed but has  
8 reported to the family that Father Kevin said he  
9 was handling the matter. Father Kevin in his  
10 first conversation with my niece said the  
11 problem they are having is to know what to call  
12 what Father Keating did to Marie. There's more  
13 to this, but my sister and Marie don't trust  
14 that Kevin is handling this well. Mixed  
15 messages, no time table. A great anxiety that  
16 he's deciding the whole matter and has too many  
17 hats, too many 100-hour weeks and has agreed  
18 with Father Keating's troubled girl, troubled  
19 family defense. Father Keating told Father  
20 Cozzens that both the civil authorities and the  
21 Diocese has found him innocent of all charges.**

22 We told Father Kevin several weeks ago  
23 we were ready at any time to have a  
24 confrontation meeting. Now the family would  
25 like to meet first with you, Father Kevin, and a

1 sex abuse professional and an advocate help the  
2 family for clarity on the process. The family  
3 needs assurance that the matter is being treated  
4 with the gravity it deserves.

5 I'd like to avoid the whole thing  
6 escalating. There's also financial issues and I  
7 asked when did you receive Catherine Mollner's  
8 letter.

9 Q. And the purpose for which you prepared this was?

10 A. **I and the family were very unhappy with how  
11 Kevin McDonough was handling the matter. I told  
12 him that directly and why. And they decided  
13 that they wanted a conversation with the  
14 Archbishop.**

15 MR. ANDERSON: Okay. Thank you,  
16 Father. We'll take a break.

17 \* \* \* \* \*

18 (Recess.)

19 \* \* \* \* \*

20 BY MR. ANDERSON:

21 Q. Father, before the break we had -- let's go back  
22 to Exhibit 11. You had read that one to us and  
23 had written this out because of your concern  
24 about the ways it was being handled. Who was to  
25

1 be handling this thing on behalf of the  
2 Archbishop? Was it Kevin McDonough?

3 A. **Yes.**

4 Q. What was it that he had done or not done that  
5 troubled you?

6 A. **Well, initially he -- he deferred it to, you  
7 know, to the criminal investigation. We needed  
8 to wait and see what came of it. But then the  
9 thing that got very concerning to me and to the  
10 family was the long delays in dealing with the  
11 matter. I told him myself that -- he said,  
12 "Aren't you happy with how I'm handling this?"  
13 I said, "No, I'm not happy." I said, "Frankly,  
14 you're working long hours as a vicar general and  
15 you're also trying to be -- you're also trying  
16 to run a parish and school. It's not timely for  
17 victims. So the sense of justice stretches."**

18 I was also concerned that even though  
19 he was prepared to call this a serious boundary  
20 violation and unethical behavior he couldn't  
21 really answer me the question of when do  
22 boundary violations become sexual abuse? I  
23 again was concerned that although the -- when we  
24 talked with Greta Sawyer, the victim abuse  
25 advocate, she wasn't clear. She kept seeming to



1 have to have to defer things to Kevin and Andy  
 2 Eisenzimmer and it all seemed to get put back to  
 3 Kevin's desk. So things like promptly paying  
 4 counseling expenses, we were encouraged not to  
 5 worry about our counseling expenses but it was  
 6 frankly a regular nightmare to get it handled.  
 7 Eventually it did get handled but so I didn't --  
 8 I or the family didn't feel like he was taking  
 9 this with the kind of seriousness it needed, and  
 10 it prompted me to want to talk to Archbishop  
 11 Flynn.

12 Q. You made reference to the criminal investigation  
 13 and there was kind of a deference to that and  
 14 that they were waiting for that to be concluded,  
 15 correct?

16 A. **Yes.**

17 Q. You learned, as did others, that the criminal  
 18 authorities made a decision not to charge him  
 19 with a crime of criminal sexual conduct also  
 20 known as a sexual abuse, correct?

21 A. **Correct.**

22 Q. And as you heard it said by McDonough or  
 23 Eisenzimmer or others, was that interpreted or  
 24 expressed by them to be effectively an  
 25 exoneration of Keating? In other words, they

1 A. **One was the letter by Catherine Mollner, one was  
 2 the brief statement by Leonard, Street and  
 3 Deinard and their evaluation of the legitimacy  
 4 of the case. I wasn't confident that they got  
 5 the write-up to Father McDonough.**

6 Q. Let's refer to that exhibit. I think that's one  
 7 of the things you brought with you.

8 A. **Yes.**

9 Q. The write-up you're referring to is marked  
 10 Exhibit 1?

11 A. **Correct.**

12 Q. And one of the things that you believe they may  
 13 not have seen is Exhibit 1 which is what Keating  
 14 told you, right?

15 A. **That's correct.**

16 Q. And you recorded that Keating had told you there  
 17 was one incident where he and \_\_\_\_\_ had had a  
 18 passionate physical encounter?

19 A. **Correct.**

20 Q. And that would have been when she was fourteen  
 21 or fifteen years old, correct?

22 A. **Yes.**

23 Q. A passionate physical encounter as he described  
 24 that to you, what did that mean to you,  
 25 passionate physical encounter?

1 determined that he didn't actually abuse her?

2 A. **Yes.**

3 Q. Did they express it that way to you or others?

4 A. **No.**

5 Q. Did Keating?

6 A. **I was aware that Father Keating had expressed  
 7 that he had been totally exonerated.**

8 Q. He wanted it known that it was shown to law  
 9 enforcement and because law enforcement did not  
 10 charge him he had thus been cleared of the  
 11 charge, correct?

12 A. **Yes.**

13 Q. Did you see what Peg Griffith said about him  
 14 having been exonerated? Did you see that?

15 A. **Was that in the papers?**

16 Q. There was a statement by him. Did you ever see  
 17 that?

18 A. **Yes.**

19 Q. Okay. You made mention of the fact that you had  
 20 some concern or some reason to believe that the  
 21 clergy review board didn't get all the  
 22 information that might have helped them in  
 23 making a more complete review of the matter to  
 24 come to a conclusion. What were you referring  
 25 to?

1 A. **To me it meant kissing and touching.**

2 Q. Of a sexual nature?

3 A. **Yes.**

4 Q. I mean your experience and your training, this  
 5 alone, his admission to you looks like evidence  
 6 of what?

7 MR. GROSS: Objection, foundation.

8 Q. You can go ahead.

9 A. **Sexual abuse.**

10 Q. And then you also said that you had some  
 11 concerns that perhaps they hadn't seen the  
 12 report prepared by her therapist. I think you  
 13 brought that along too.

14 A. **That's correct.**

15 Q. That's Exhibit 2 here.

16 A. **Uh-huh.**

17 Q. Right here, Father. But that is addressed to  
 18 Harry Flynn.

19 A. **Yes.**

20 Q. So if it's addressed to Harry Flynn--I see it's  
 21 copied to you, McDonough and a Mr. and Mrs. Pat  
 22 Spehar--what makes you think that maybe the  
 23 review board didn't get this?

24 A. **Although we made copies to present to the review  
 25 board and Andy Eisenzimmer was the liaison, I'm**

1 **not sure it got handed to them.**  
 2 Q. It's reported in this letter around December --  
 3 on the first page, last paragraph it says,  
 4 "Around December 2004/January 2005 Marie  
 5 confronted Father Keating about the abuse. Her  
 6 report of his response was troubling as it  
 7 appeared he minimized the seriousness of his  
 8 actions and does not seem to understand the  
 9 damage left in the wake of his sexually abusive  
 10 behavior."

11 In your encounters with Keating and  
 12 confrontation of him and discussions around him,  
 13 is that a fair -- is that the way you saw him,  
 14 minimizing his responsibility.

15 A. **Yes.**

16 Q. Are you aware that a lot of people accused of --  
 17 who have committed sexual abuse deny, minimize  
 18 and blame others?

19 A. **Yes.**

20 MR. GROSS: Foundation, objection.

21 BY MR. ANDERSON:

22 Q. She goes on to write, the therapist, to  
 23 Archbishop Flynn, "I am deeply concerned that  
 24 there will be more victims if Father Keating  
 25 does not receive treatment for his

1 Q. You learned of

2 A. **Directly from Father Keating.**

3 Q. Directly from Father Keating. Tell us what  
 4 Father Keating admitted to you, his lips to your  
 5 ears, about what he had done with or to  
 6 ?

7 A. **This in my write-up is what he said to me, that  
 8 they had a very passionate physical encounter.  
 9 He said everyone's clothes stayed on but it was  
 10 deeply disturbing to him. He said that  
 11 had seduced him and he had set her straight on  
 12 the nature of the relationship. He also said he  
 13 had not told me about the incident because it  
 14 was not a nice way to talk about a girl.**

15 Q. At the time of that incident was  
 16 fourteen or fifteen and he was forty?

17 A. **Forty-three, yes.**

18 Q. There was also an investigation done when he --  
 19 let me go back to . Did you learn what  
 20 investigation was done or efforts were made to  
 21 actually interview and discern whether or not he  
 22 had sexually abused as he had at least  
 23 recounted to you?

24 MR. GROSS: Object to the form of  
 25 the question and --

1 illness/disorder." Do you know, did he get  
 2 treatment?

3 MR. GROSS: Objection, foundation.

4 A. **Not that I'm aware.**

5 Q. It goes on to state, "It appears as though he  
 6 ingratiated himself to the Spehar family, gained  
 7 their acceptance and trust, took advantage of  
 8 his access to an adolescent girl and abused her  
 9 on multiple occasions." Do you agree or  
 10 disagree with that statement?

11 MR. GROSS: Objection, foundation.

12 A. **I agree.**

13 Q. It goes on to state, "Clearly this is evidence  
 14 of a serious disorder. It is not normal for an  
 15 adult male to experience an attraction to an  
 16 adolescent girl and sexually abuse her for his  
 17 own satisfaction. It is not likely that this  
 18 was a 'one-time-only' circumstance."

19 My question to you is you told us what  
 20 Marie reported to you and what she later  
 21 reported was more detailed and then how it was  
 22 brought forward. There is some indication there  
 23 are at least two other youth involved sexually  
 24 with him or by him. One is correct?

25 A. **Correct.**

1 MR. ANDERSON: I'm not going to  
 2 argue. I'm not going to argue. I got your  
 3 objection. I'm going to rephrase it. Okay?

4 MR. GROSS: Why don't you ask an  
 5 appropriate question to begin with?

6 MR. ANDERSON: I know how to ask  
 7 appropriate questions.

8 MR. GROSS: If you did you wouldn't  
 9 have withdrawn so quickly. I don't want to  
 10 spend time arguing. Go ahead, Jeff.

11 MR. ANDERSON: We can have fun with  
 12 this all you want. Okay?

13 BY MR. ANDERSON:

14 Q. What were you told? Were you told by  
 15 Eisenzimmer or McDonough that they had actually  
 16 made some effort to investigate whether he had  
 17 committed similar conduct with other girls  
 18 including ?

19 A. **No.**

20 Q. Okay. Do you know what the board was told about  
 21 what he had done or not done to from  
 22 the investigation done by McDonough or  
 23 Eisenzimmer?

24 A. **No.**

25 Q. Eisenzimmer testified that they did not actually

- 1 interview her but he had sent her an email.
- 2 A. **Yes.**
- 3 Q. And did you hear that?
- 4 A. **Yes.**
- 5 Q. And he also testified under oath that he asked
- 6 her if in effect she had been sexually abused or
- 7 had had sexual contact with Keating when she was
- 8 a youth and Keating was an adult, and in the
- 9 email she denied it. Did you read that?
- 10 A. **Yes.**
- 11 Q. And had you ever heard before having read that
- 12 that that information in effect was presented to
- 13 the review board?
- 14 A. **No.**
- 15 Q. Eisenzimmer testified that he did not believe
- 16 Marie when she was interviewed. And had you
- 17 ever heard that --
- 18 A. **No.**
- 19 Q. -- statement? When you testified before the
- 20 review board, was anybody present besides the
- 21 board?
- 22 A. **I think Greta Sawyer was present.**
- 23 Q. Were you aware that Eisenzimmer and McDonough
- 24 were the ones that were investigating this?
- 25 A. **Yes.**

- 1 Q. Eisenzimmer testified when asked a question did
- 2 anybody in the clergy review board express why
- 3 they found the claims to have not been
- 4 substantiated thus sending a message she wasn't
- 5 believed, his answer was they were of the belief
- 6 that she believed something had happened but I
- 7 think the fact that she hadn't characterized her
- 8 relationship with Keating as abusive until after
- 9 she took course work in college somehow touched
- 10 on that topic. Had you ever heard that factored
- 11 in to how they made their finding?
- 12 A. **No.**
- 13 Q. Did you find anything suspicious about the way
- 14 she came forward to you initially and told you
- 15 one thing and then you learned later that more
- 16 had happened?
- 17 A. **No.**
- 18 Q. Why was that not suspicious to you, Father?
- 19 A. **One, because I've known her for years and her**
- 20 **character and she's simply a truth teller.**
- 21 **Secondly, what I was experiencing is it was a**
- 22 **tremendously sensitive matter to try to**
- 23 **articulate and she was still finding her voice**
- 24 **so I was waiting for more to come but letting**
- 25 **her take her pace.**

- 1 Q. Eisenzimmer says that he thought the review
- 2 board made the finding because either based on
- 3 his report or their own belief that she had
- 4 embellished. Did you ever see her embellish?
- 5 A. **No.**
- 6 Q. He also testified that he thought they made the
- 7 finding because they thought there was also
- 8 question about the nature of the family dynamics
- 9 in that family. Do you know anything about the
- 10 family dynamics in that family that would cause
- 11 the review board to not believe Marie's account
- 12 of what Keating did to her?
- 13 A. **No.**
- 14 Q. He also testified that the review board made a
- 15 finding of no substantiation; in other words,
- 16 did not occur, in their view because there was a
- 17 real question about how this could have occurred
- 18 in the presence of all these others. The way
- 19 she gave you the accounts that she did and as
- 20 you understood and recorded some of those
- 21 things, what do you know about him having done
- 22 it, any of these sexually inappropriate things
- 23 to her in the presence of others?
- 24 A. **There are times of course that Father Keating**
- 25 **and Marie were alone. He gave her a driving**

- 1 **lesson and she experienced there he had her sit**
- 2 **on his lap, had an erection. She felt obviously**
- 3 **very disturbed by it. So there were times they**
- 4 **were alone. There were times that the younger**
- 5 **kids would fall asleep and he would still be**
- 6 **reading to Marie. That's the main, you know --**
- 7 **she also notes there was a time when he got up**
- 8 **in the middle of the night to, you know, ask for**
- 9 **a back rub and a neck massage.**
- 10 Q. Keating was continued at St. Thomas but
- 11 according to the review board recommendations
- 12 they put him on some kind of monitoring. Did
- 13 anybody at St. Thomas to your knowledge get
- 14 informed of that?
- 15 A. **Not to my knowledge.**
- 16 Q. And did the review board or did McDonough or
- 17 Eisenzimmer or anybody else from the Archdiocese
- 18 inform you why if they found he hadn't committed
- 19 the offense still put some restrictions on him?
- 20 A. **When we met, Pat, myself, Luke Spehar and**
- 21 **Archbishop Flynn with Andy Eisenzimmer to get**
- 22 **the conclusion of the review board, what was**
- 23 **expressed to us then was they didn't feel there**
- 24 **was enough evidence to invoke the Dallas Charter**
- 25 **but that they were putting restrictions on and**

1 **it seemed to be around the discussion of prudent**  
2 **behavior and boundary issues.**

3 Q. At the time the review board convened and  
4 reviewed this the criminal investigation had  
5 closed and the decision not to charge him had  
6 been made, correct?

7 A. **Right.**

8 Q. The review board knew that, didn't they?

9 A. **Yes.**

10 Q. And so Keating testifies at the review board and  
11 of course denies the conduct as he has in this  
12 case. To your knowledge did the Archdiocese  
13 ever turn over the file that they have on  
14 Keating at the time they knew the police  
15 investigation was underway to law enforcement so  
16 they could have the benefit of what was in that  
17 file to make a determination of whether or not  
18 to charge him?

19 A. **I don't know.**

20 Q. Okay. And you've never seen the Keating file,  
21 have you?

22 A. **No.**

23 Q. Did you get the impression that Kevin McDonough  
24 was working harder to exonerate Keating of this  
25 charge than he was to establish the evidence

1 necessary to prove it?  
2 A. **Again my experience with Kevin is that I found**  
3 **him quite dismissive of the matter which**  
4 **concerned me greatly, but I don't know that --**  
5 **and I'd also not again because I had this**  
6 **concern about what things were actually getting**  
7 **in front of the review board or in their hands,**  
8 **concerns that things were just being bottled up**  
9 **and kept on his desk, not still -- kind of**  
10 **simply put, you know, a good investigation not**  
11 **occurring.**

12 Q. You did give some testimony about the meeting  
13 that was called I think that you had attended  
14 with Archbishop Flynn.

15 A. **Yes.**

16 Q. That was before the review board?

17 A. **Yes.**

18 Q. After the criminal investigation had concluded,  
19 correct?

20 A. **Correct. Yes.**

21 Q. And the Spehars, the parents, were in attendance  
22 at that meeting, correct?

23 A. **Pat Spehar, not my sister.**

24 Q. Okay. And as far as you know, had -- and Marie  
25 was there also?

1 A. **No, not at the concluding meeting she wasn't.**

2 Q. Okay.

3 A. **It was Pat, my nephew Luke and myself, Andy**  
4 **Eisenzimmer, the Archbishop.**

5 Q. Were you ever in attendance at a meeting with  
6 the Archbishop where the parents and Marie were  
7 present?

8 A. **Yes.**

9 Q. When was that meeting?

10 A. **That was the meeting when we gathered as a**  
11 **family to confront Keating. I was there, my**  
12 **niece Marie was there. My nephew Jacob was**  
13 **there, Pat Spehar was there, the Archbishop was**  
14 **there along with Kevin McDonough. And that was**  
15 **on June 24th, 2006.**

16 Q. And at the June 24th meeting, 2006 you were in  
17 attendance?

18 A. **Yes.**

19 Q. The Archbishop testified under oath that at that  
20 meeting he came to the conclusion that he did  
21 not believe Marie had been sexually abused by  
22 Keating because the parents were putting words  
23 in her mouth. First, as a witness to that  
24 meeting did you see any evidence of either of  
25 those parents trying to put words in Marie's

1 mouth?

2 A. **No.**

3 Q. At any time in your relationship with this  
4 family and Marie and the Archdiocese and all of  
5 the interactions did you ever see mom or dad  
6 ever put words in Marie's mouth?

7 A. **No. And at this meeting we viewed with Marie**  
8 **present, she had videotaped a description of**  
9 **what she had been through and experienced and at**  
10 **least at that point as she could articulate that**  
11 **and we all viewed that together with Father**  
12 **Keating and the Archbishop with Kevin McDonough**  
13 **present. And then the Archbishop when it was**  
14 **done, he said to Father Keating, "How would you**  
15 **respond to this?" And Father Keating says,**  
16 **"Well, particularly what do you want,**  
17 **Archbishop?" He said, "If I saw something like**  
18 **this, I would want to make a response." And at**  
19 **that meeting Father Keating said, "I know that**  
20 **Marie is not making this up but that I had a**  
21 **very different experience than she had."**

22 Q. That's what Keating said?

23 A. **Yes.**

24 Q. To the Archbishop?

25 A. **Yes. And to Kevin McDonough and to the family.**

- 1 Q. Do you know of any notes of that meeting?
- 2 A. **I have notes of the meeting.**
- 3 Q. Did you take notes of that meeting?
- 4 A. **Yes.**
- 5 J. You did?
- 6 A. **Yes.**
- 7 Q. Are they in the packet you brought?
- 8 A. **Yes. You can see it here.**
- 9 Q. Under your time line?
- 10 A. **Yes. June 24th.**
- 11 Q. Okay. This is Exhibit 4 and this is page 4. At
- 12 the top it says, "On June 24th."
- 13 A. **Yes.**
- 14 Q. Okay. Why don't you read for us first what you
- 15 wrote in your own hand there to the left?
- 16 A. **That Father Keating felt very loved by the**
- 17 **Spehars and then that they had made a place for**
- 18 **him.**
- 19 Q. Then why don't you walk through using your notes
- 20 as a guide what happened at this meeting, what
- 21 was said and by whom, using your notes kind of
- 22 as your map.
- 23 A. **The first thing was that we reviewed this video.**
- 24 **And his response to the video was that he knew**
- 25 **she wasn't making this up, but he experienced it**

- 1 **very differently than she did. My sister spoke**
- 2 **to Father Keating. My brother-in-law, I recall**
- 3 **my brother-in-law in particular said, you know,**
- 4 **we had made -- you had a special place in our**
- 5 **home and we trusted you completely and you've**
- 6 **violated that trust. I remember in particular**
- 7 **my nephew Luke who was just a teenager at the**
- 8 **time, he said -- they didn't called him Father**
- 9 **Keating. They called him Mr. Keating. He said,**
- 10 **"Mr. Keating, you have one of the best memories**
- 11 **I've ever seen someone have." And he goes, "I**
- 12 **know you remember this," at which Keating got**
- 13 **very angry with him, had an outburst of anger.**
- 14 Q. What did Keating say? Do you know?
- 15 A. **He was kind of -- for me the experience of like**
- 16 **slapping down your little brother. He felt**
- 17 **shocked by it. It was the first thing that kind**
- 18 **of he reacted to and then defended himself.**
- 19 And then I -- I gave brief remarks, a
- 20 few remarks. I want you to look at me clearly.
- 21 A year and a half ago I and Marie sat down as
- 22 she needed to confront you on inappropriate
- 23 touch. At that time he said he had been
- 24 thoughtless and asked her forgiveness. You've
- 25 just heard a much fuller articulation of what

- 1 she was beginning to be able to say. Recently
- 2 you remarked that Marie's allegations are
- 3 sincere but inaccurate. I think they are
- 4 sincere and accurate. I think you sexually
- 5 abused Marie and did her great harm. I said
- 6 Marie was not a troubled girl. You traumatized
- 7 her and she became troubled. She is courageous
- 8 and healing.
- 9 I said to him again I think you have a
- 10 deep sin sickness and more than Marie had been
- 11 damaged over the years of consecrated life you
- 12 have damaged several women. Their level of
- 13 anguish and anger over their relationship with
- 14 you even years later is stunning. I noted that
- 15 he self reported on . I've had and
- 16 still have strong love for you. This stands
- 17 between us now, and the future of our friendship
- 18 depends on your response and repentance.
- 19 At the conclusion of the meeting
- 20 Archbishop Flynn said this would now go to the
- 21 priest review board.
- 22 In connection I would say Father
- 23 Keating never once in all the years expressed
- 24 that he thought Marie was troubled or the Spehar
- 25 family was deeply troubled. I noted that there

- 1 had been a number of emails back and forth
- 2 between Father Keating and Marie.
- 3 He has consistently minimized and
- 4 normalized his violating touch. Father Keating
- 5 is very disconnected from the anguish he's
- 6 caused Marie and others.
- 7 I noted that I've heard, but it's
- 8 hearsay from friends, that Father Keating is
- 9 saying he got tangled up with a troubled girl
- 10 and a troubled family. The truth is he is a
- 11 troubled man who brought trouble to a fine young
- 12 woman and good family.
- 13 Q. Right at the bottom in your own writing, what
- 14 does that say?
- 15 A. **I believe Father Keating has a deep sin sickness**
- 16 **and a deep sin blindness and until he seriously**
- 17 **deals with the issues both through repentance**
- 18 **and therapy he should not function as a priest.**
- 19 Q. He functioned as a priest at St. Thomas with
- 20 faculty until the day I sued him, correct?
- 21 A. **That's correct.**
- 22 Q. On behalf of Marie.
- 23 A. **Yes.**
- 24 Q. Let's talk about your reference here in that
- 25 meeting to other women or girls and what you

1 know about that. I think a mention was made the  
2 first you learned there was an investigation  
3 done of Keating by Cozzens when Keating was  
4 working to become consecrated as a brother in --  
5 what order was that?

6 A. **The Servants of the Word in Ann Arbor, Michigan.**

7 Q. The Servants of the Word. Tell us about how --  
8 what was Keating alleged to have done to whom?  
9 Was that the consecrated virgin?

10 A. **No.**

11 Q. That was somebody else?

12 A. **Yes.**

13 Q. Tell us what you know about that.

14 A. **Steve Clark, who was the Superior of the  
15 community at the time, had written and submitted  
16 to Father Cozzens a reflection on Father Keating  
17 when he would -- he wouldn't have made permanent  
18 promises but he would have been in -- they were  
19 called, he was what was called a full  
20 relationship and then the final was final  
21 promise.**

22 Q. Aren't those like preliminary or temporary vows?

23 A. **Yes.**

24 Q. And they're really vows of celibacy and chastity  
25 to see if you can live by it?

1 community in Ann Arbor. At one point -- this is  
2 via Miriam Torres. Miriam had called me. She's  
3 a consecrated woman and sadly now has  
4 Alzheimer's, but she raised concerns for a  
5 consecrated virgin that was in the network. So  
6 there was a woman here in St. Paul-Minneapolis  
7 and Father Keating was one of their -- was  
8 spiritual director to one of them and Miriam was  
9 also in connection with this woman. I didn't  
10 know her name. But she also brought to me that  
11 there were two other women in the community who  
12 still had -- along with the women from Costa  
13 Rica. She was going to visit with me about it  
14 and decided not to.

15 Q. Did she tell you why she withdrew from her  
16 desire to speak with you more about it?

17 A. **I got this from Miriam. She just said she's too  
18 anguished to talk about it.**

19 Q. Did you either hear or learn from her that she  
20 had actually been contacted by a representative  
21 of the Archdiocese?

22 A. **Miriam, yes. Not the young woman from Costa  
23 Rica.**

24 Q. Do you have a name of the woman from Costa Rica?

25 A. **and I don't know, I'm forgetting her**

1 A. **That's correct.**

2 Q. You're required to live by it if you're going to  
3 advance to become a deacon, a brother or a  
4 priest, correct?

5 A. **Yes.**

6 Q. And so tell us what you learned. Steve Clark  
7 came forward and some investigation was done.  
8 Tell us about that.

9 A. **Steve said to the best of his recollection they  
10 definitely delayed Father Keating being able to  
11 make his final promises, that it was related to  
12 misconduct with a young woman in the community.  
13 And what I understood of that matter was that he  
14 had met this young woman in Costa Rica when he  
15 was staying with her family to learn Spanish,  
16 and she would have been a teenager at the time.  
17 And then she came to Ann Arbor to join our  
18 community as an adult.**

19 And Steve Clark said that the  
20 relationship definitely involved kissing and he  
21 didn't know if it involved sexual intercourse,  
22 but they definitely -- and then that they'd  
23 asked him actually to repent to the community of  
24 brothers, of the committed men. Later -- the  
25 same young woman was now married in that

1 **last name.**

2 Q. So about Miriam is reporting -- Miriam  
3 has Alzheimer's now, right?

4 A. **Yes.**

5 Q. But she is reporting to you that there were  
6 concerns about two women in the community. When  
7 you say the community, what community?

8 A. **There's a large renewal community in Ann Arbor,  
9 Michigan, interdenominational. There's  
10 Catholics, Presbyterians, Lutherans and Free  
11 Church.**

12 Q. And I know you're the -- you're the kind of head  
13 of Companions of Christ here kind of called a  
14 community here, correct?

15 A. **Yes.**

16 Q. That is a similar kind of community there?

17 A. **There's two things. The brotherhood is very  
18 similar to Companions of Christ. We're all men  
19 in consecrated life and have made vows. I'd  
20 been spiritual director for fifteen years. Now  
21 the younger priests have it. The community in  
22 Ann Arbor, we have similar communities here in  
23 St. Paul. The communities in Ann Arbor had both  
24 a lay brotherhood, a lay sisterhood of woman,  
25 women consecrated and 1,800 families with a**

- 1 **broader community.**
- 2 Q. So of these two young women that were being
- 3 referred to by Miriam Torres did she give you
- 4 any information about the approximate age and/or
- 5 circumstance or relationship that raised
- 6 these -- that Keating had to these women and, if
- 7 so, what did she tell you about these women,
- 8 their ages and the circumstances of these
- 9 relationships.
- 10 A. **One of the young women, she did**
- 11 **send a document describing her experience which**
- 12 **would have began as a teenager because he was**
- 13 **doing youth work. And what she describes is**
- 14 **that in her teenage years she received a great**
- 15 **deal of attention from him, felt like she had**
- 16 **special time with him. She didn't express that**
- 17 **there was any physical misconduct but that she**
- 18 **felt essentially emotionally abused by him.**
- 19 Q. And can you spell ?
- 20 A.
- 21 Q. Do you know where she is now?
- 22 A. **Ann Arbor, Michigan.**
- 23 Q. Is she still in the community there?
- 24 A. **Yes.**
- 25 Q. And do you know anything more about that? Do

- 1 you know if she was ever asked directly if there
- 2 had been sexual conduct or not?
- 3 A. **I don't know for sure.**
- 4 Q. Do you know if she's given information to Bishop
- 5 Cozzens who was investigating the Keating
- 6 fitness at the time to remain in the community?
- 7 A. **Yes.**
- 8 Q. Anything else about experience
- 9 with Keating as reported and understood by you
- 10 to have existed?
- 11 A. **No. Just that again it was the -- it was marked**
- 12 **by a lot of anger and anguish, the experience of**
- 13 **the relationship.**
- 14 Q. You mean was feeling some anguish
- 15 and anger now?
- 16 A. **Yes.**
- 17 Q. Because she had been attached to him
- 18 emotionally?
- 19 A. **In her teenage years.**
- 20 MR. GROSS: I'm going to object as
- 21 calling for speculation and foundation.
- 22 BY MR. ANDERSON:
- 23 Q. What is the source of the anger as she expressed
- 24 it?
- 25 A. **I think there again I defer to this written**

- 1 **document that Bishop Cozzens has.**
- 2 Q. Did you read that?
- 3 A. **Yes.**
- 4 Q. And we haven't seen that written document.
- 5 We'll be asking for that. Tell me about that,
- 6 the other woman or girl that had come up as one
- 7 of the two in Ann Arbor.
- 8 A. **I think the other was**
- 9 Q. Did we get a last name of
- 10 A. **No.**
- 11 Q. Was she referred to in the document prepared by
- 12 Cozzens?
- 13 A. **I don't know if she was by name.**
- 14 Q. Okay. But she may have been referenced?
- 15 A. **Yes.**
- 16 Q. Miriam Torres did tell you her name though?
- 17 A. **Yes.**
- 18 Q. And then is there another woman who we haven't
- 19 identified by name or talked about yet that had
- 20 brought some -- there is some information where
- 21 Keating engaged in some questionable conduct
- 22 with who lives in St. Paul that we haven't
- 23 identified that you have some information
- 24 concerning?
- 25 A. **Yes. No.**

- 1 Q. Have we identified at least the names of the
- 2 women and/or girls with whom Keating had some
- 3 kind of a relationship that either was
- 4 investigated or concerns were raised about that
- 5 we haven't talked about?
- 6 A. **No. It would be again though this report that**
- 7 **Bishop Cozzens gave.**
- 8 Q. And that report was addressed to whom?
- 9 A. **Good question. I felt like it was -- it was**
- 10 **being prepared for the sake of the community for**
- 11 **disciplinary measures they thought necessary,**
- 12 **but it was also being prepared and made**
- 13 **available to the priest review board, but it**
- 14 **wasn't requested partly because the timing, when**
- 15 **Father Keating knew that there were going to be**
- 16 **consequences he simply stepped out of the**
- 17 **community.**
- 18 Q. Cozzens did an investigation, interviewed some
- 19 witnesses, was preparing a report and it was
- 20 evident to you and it sounds like Keating that
- 21 there would be consequences to him, correct?
- 22 MR. GROSS: Object as speculation
- 23 and foundation.
- 24 A. **Yes.**
- 25 Q. You said that he withdrew from the community.

1 Tell us how that happened, what you saw and what  
2 you witnessed and why that happened.

3 A. **Of course we had the canon lawyer in Rome. He  
4 was our extraordinary advisor for this thing.  
5 So he laid out particular steps to make sure  
6 that Father Keating's rights were also regarded  
7 in terms of the community and, you know, but at  
8 the same time he was, you know, he laid out  
9 potential consequences both canonical and for a  
10 community like ours. And as the allegation --  
11 as the investigation was going on now Bishop  
12 Cozzens told Father Keating that he wanted to  
13 put him in a different location in one of our  
14 other households, that we wouldn't have him  
15 attend at that time our summer conference or  
16 renew his -- until the investigation was  
17 completed or renew his commitment and  
18 recommended to him that he get a spiritual  
19 formator, someone -- a spiritual director to  
20 help him through the time. And eventually I  
21 think what became clear to Father Keating, it  
22 became clear to Father Keating -- there was a  
23 meeting if I recall between Father Keating and  
24 Father Cozzens, Father Vander Ploeg, Don Briel,  
25 Dr. Don Briel was in attendance.**

1 Q. When do you think that meeting occurred?

2 A. **It would have been the -- it would have been in  
3 July or August of 2006.**

4 Q. So after Keating had been ordained a priest?

5 A. **Correct.**

6 Q. And years after he had -- would have voluntarily  
7 withdrawn from the original community because of  
8 the investigation, correct?

9 A. **Yes.**

10 Q. Do you have any information that anything about  
11 what you just told us about -- oh, by the way,  
12 when Keating withdrew and before he withdrew in  
13 the face of the investigation being done by  
14 Cozzens, did you tell us earlier that Keating to  
15 the community, his lips to their ears, repented  
16 and asked for forgiveness?

17 A. **That was years earlier.**

18 Q. When he was first under investigation?

19 A. **At the Servants of the Word.**

20 Q. Servants of the Word.

21 A. **Yeah. And --**  
MR. GROSS: Object to foundation on  
23 that.

24 A. **Yes. So he was -- and you'll see that in the  
25 memo that Steve Clark sent that he was asked to**

1 **repent to the committed brothers of the Servants  
2 of the Word, which would have been years  
3 earlier.**

4 Q. And who is Steve Clark by the way?

5 A. **Steve Clark is -- he was the first -- the  
6 founder and the first Superior of the Servants  
7 of the Word when I was part of it. And Father  
8 Keating was -- we were about a hundred strong.  
9 And what was unique is it was ecumenical so  
10 there was Catholics and Protestants living a  
11 consecrated life.**

12 Q. Is he Catholic or Protestant?

13 A. **Catholic.**

14 Q. Do you know where he is now?

15 A. **Ann Arbor.**

16 Q. What's his title or position?

17 A. **He's now retired.**

18 Q. Okay. Will you look at Exhibit 4? There's also  
19 some handwritten notes here. We can read the  
20 typewritten part. In the first paragraph would  
21 you read what you wrote in your own hand there  
22 so we can understand it right here?

23 A. **"I am Marie Spehar's uncle"**

24 Q. Then you write?

25 A. **I was in the same lay brotherhood as Father**

1 **Keating. He was one of my closest friends.**

2 Q. And at the third paragraph number 3?

3 A. **Yes. In my handwriting, Father Keating told me  
4 that he felt at times from the Spehars he had  
5 more of welcoming and honor than his own family.**

6 Q. And it was evident to you then that he was close  
7 to them and they were close to him?

8 A. **Correct.**

9 Q. And you considered him your very good friend, if  
10 not your best friend?

11 A. **Good friend, not my best.**

12 Q. In paragraph 5 walk us through that because some  
13 of it is handwritten and then you can just  
14 narrate using your notes what you are referring  
15 to here at number 5.

16 A. **Here I'm referring to the ordination events. I  
17 note that \_\_\_\_\_ attended the  
18 ordination. Father Keating had met her and seen  
19 her family in Rome. \_\_\_\_\_ was the same age  
20 as my niece and Father Keating asked Marie to  
21 help host her. Father Keating was delighted to  
22 have Marie and my nephew Nick, now deceased, say  
23 some words of honor at the ordination reception  
24 and I was the MC for the event.**  
told Marie that she was Father



- 1 Keating's girlfriend in Rome, that the  
2 relationship involved kissing. This was one key  
3 turning point in Marie's seeing Father Keating  
4 in a different light. She asked Marie if she  
loved Michael as she did.
- 6 Q. That is asked Marie that?
- 7 A. **Yes.**
- 8 Q. And then the next page you continue.
- 9 A. **Yeah. At the top it's in '02 Father Keating  
10 cosigned a school loan for Marie. This was very  
11 much a surprise to me as I had declined to  
12 co-sign.**
- 13 Q. You had made reference to that. There's also  
14 some evidence or indication that at some point  
15 Father Keating bought a car for Marie. Do you  
16 have any information about that?
- 17 A. **Yeah. He gave his used car to Marie.**
- 18 Q. Okay. What kind of car was that? Do you  
19 remember?
- 20 A. **It was a Ford Focus.**
- 21 Q. When was that? Was that before he cosigned the  
22 note or after?
- 23 MR. GROSS: Object to foundation.
- 24 A. **It was actually after.**
- 25 Q. Okay. And then at 6 why don't you walk us

- 1 through what you're recording here?
- 2 A. **Here again my dates I'm cloudy. Marie brought  
3 to me for the first time that Father Keating had  
4 touched her in ways that made her uncomfortable.  
5 She was still very careful in how she said it.  
6 You know, I raised the question was it mainly  
7 emotional or disappointment with seeing him more  
8 clearly. She was quite shocked by again this  
9 interaction with the romantic  
10 attachment.**
- 11 Marie returned to Holy Cross College  
12 for her sophomore year. I've got that September  
13 '03. She counseled with a permanent deacon at  
14 Notre Dame and began to experience much more of  
15 the damage due to the sexual abuse and to  
16 verbalize it.
- 17 Q. Before this point in time had, and let's say  
18 before Marie was twelve years old, you knew  
19 obviously that she's a member of your family.  
20 Had you ever seen any evidence of any mental  
21 illness, depression, anxiety, panic attacks or  
22 other mental health issues in her as a young  
23 girl before age twelve?
- 24 A. **No.**
- 25 Q. When in time did you first witness or come to

- 1 see in her what could be described as anxiety,  
2 panic attacks or depression or symptoms of any  
3 of those?
- 4 A. **It was her sophomore year at college the first  
5 semester.**
- 6 Q. And then number 7, why don't you read that? You  
7 write "key" here. Walk us through number 7,  
8 would you, Father?
- 9 A. **Marie returns home midway through her sophomore  
10 year and we connected her with Catherine Mollner  
11 for professional counseling.**
- 12 Q. Who is the we there?
- 13 A. **My brother-in-law, sister and I.**
- 14 Q. Okay.
- 15 A. **I called with Marie's permission to talk with  
16 Catherine Mollner. My main concern was I wanted  
17 her counseling advice for how to proceed with  
18 matters like this. And her advice was to let  
19 Marie take her pace on the matter, that we  
20 should wait until she felt ready to act on  
21 issues.**
- 22 Q. So you were trying to help -- your intention  
23 here is to do what, Father?
- 24 A. **To help Marie unpack it all and get the needed  
25 therapy for how to recover from this kind of**

- 1 **damage.**
- 2 Q. And then number -- why do you write "key" there?  
3 What does that mean?
- 4 A. **It was key to where we would next -- what next  
5 step we took.**
- 6 Q. Number 8, why don't you walk us through that one  
7 too?
- 8 A. **Now this is especially when I'm seeing Catherine  
9 Mollner's letter in summer of '05, Marie, Father  
10 Keating and I sat down so Marie could confront  
11 Father Keating. One instance of hands over her  
12 chest as he read to her, putting his fingers in  
13 her mouth, pulling her up on himself with her  
14 face on his chest, massaging her back under her  
15 shirt and feet and calves. I put persisted  
16 because Marie said, "I told him I'm  
17 uncomfortable with this and he still persisted."  
18 She read sections of her journal when she would  
19 have been thirteen or fourteen years old  
20 including, "My dad and my uncle wouldn't touch  
21 me this way."**
- 22 Father Keating thanked her for bringing  
23 this forward noting it must be hard for her. He  
24 said he remembered some of this, not all of this  
25 and asked her to forgive him, and she couldn't

1 at the time.

2 Q. Did he give any explanation as to why he made  
3 the claim that he didn't remember it as opposed  
4 to denying it?

5 A. **No. And again the qualifier is he didn't  
6 remember all of it, he remembered some of it.**

7 Q. Did he say which parts he did remember?

8 A. **No.**

9 Q. At number 9 why don't you walk us through that  
10 one?

11 A. **Marie took a job and continued counseling. The  
12 panic attacks and anguish and bouts of  
13 depression increased. She was hospitalized in  
14 January '06 and began to receive much more  
15 specific therapy for her recovery from sexual  
16 abuse. A much fuller list resulted from this  
17 counseling.**

18 Q. What do you mean by a much fuller list?

19 A. **At least the list I brought for an exhibit and  
20 gave -- was trying to get to the review board.**

21 Q. Let's look at which one that one is. And that  
22 refers to Exhibit 10?

23 A. **Yes.**

24 Q. Okay. That's typewritten so that speaks for  
25 itself, right?

1 A. **Yes.**

2 Q. Let's walk through 10 then. Why don't you walk  
3 us through that? There's some handwritten notes  
4 to the left as well.

5 A. **Right. In January '06 I alerted the Archbishop  
6 and Vicar General and Andy Eisenzimmer of the  
7 abuse allegations. It was essentially  
8 simultaneous to when Pat and Annette met with  
9 Father McDonough. They met at least twice with  
10 Father McDonough in which the allegation of  
11 fondling, massaging of her breasts was brought  
12 out. Then they also asked to have a meeting  
13 with Archbishop Flynn so Pat and Annette and  
14 Marie met with the Archbishop.**

15 Q. How do you know the fondling and the massaging  
16 of the breasts of Marie as a young girl by  
17 Keating was brought out at that meeting?

18 A. **Because Father McDonough put to them if you're  
19 -- are you telling me that the sexual touch  
20 involved her breasts? They said yes, we are  
21 telling you that.**

22 Q. And then what's the handwritten notes on the  
23 left?

24 A. **Yeah. So Pat and Annette, actually we  
25 essentially took the field and reported at the**

1 **same time to the Archbishop and Father  
2 McDonough.**

3 Q. And why don't you walk us through 11 as well?

4 A. **In January of '06 without solicitation I was  
5 called by Miriam Torres, a woman living  
6 consecrated life in Ann Arbor, Michigan. She  
7 raised serious concerns for a consecrated virgin  
8 in our diocese who Father Keating was spiritual  
9 direction -- given spiritual direction for  
10 inappropriate attachment.**

11 Q. Hold on a second. What does this refer to here,  
12 Father, she raised concerns for a consecrated  
13 virgin?

14 A. **There was a woman living a consecrated life and  
15 he was her spiritual director and Miriam --  
16 there's a -- from community to community the  
17 women who are living consecrated lives have  
18 their own forum of sisterhood together, although  
19 it's more distant but there's regular meetings  
20 throughout the year. And Miriam was concerned  
21 that with one of the women that she was  
22 inappropriately attached to Father Keating.**

23 Q. And Keating was a spiritual director so he had a  
24 position over the consecrated woman?

25 A. **Yes.**

1 Q. Do you know who that woman is?

2 A. **I don't.**

3 Q. Okay.

4 A. **Then she raised as well two other women in Ann  
5 Arbor who still carried great anger and anguish  
6 over their relationship with Father Keating. He  
7 had known them first as teenagers when he was a  
8 consecrated brother.**

9 Q. Did she tell you the circumstances of him being  
10 a consecrated brother and them being teenagers  
11 and, if so, what?

12 A. **Again we were all either in the full  
13 consecration to our brotherhood or on our way,  
14 in the lay brotherhood. Father Keating had a  
15 role in that community of 1,800 families as a  
16 youth worker in the community.**

17 Q. Are consecrated men and women that we're  
18 referring to here also making promises of  
19 chastity?

20 A. **Yes.**

21 Q. And as made in that context what does the  
22 promise of celibacy, chastity mean?

23 A. **In that context there's a format for the  
24 consecrated virgin to dedicate her life to the  
25 church. It's something that -- actually there's**

- 1 simpler and stronger forms of it. The strongest  
 2 form is the Bishop of the Diocese will receive  
 3 that consecration. For a set of these women,  
 4 again we were a lay community and in that  
 5 context we make lifelong promises to live a  
 6 celibate life. And Miriam for example had made  
 7 those promises years ago.
- 8 Q. And then you write beneath there to the left  
 9 underneath that paragraph 11 in your own hand  
 10 what?
- 11 A. Yeah. I noted the Virtus training and the  
 12 emphasis they put on how the abuser can be  
 13 disconnected from the abuse, and I was raising  
 14 in my mind the question why these women, why  
 15 there was some anguish and anger towards Father  
 16 Keating.
- 17 Q. And to this day do you know anything more about  
 18 the origins of their anguish and anger towards  
 19 Keating beyond what you've described?
- 20 A. No.
- 21 Q. Okay. And then on February 16, 2006 why don't  
 22 you walk us through number 12?
- 23 A. There again Father Keating called me to self  
 24 report on a passionate encounter with  
 25 He was afraid may have

- 1 mentioned it to Marie. would have been  
 2 fifteen or sixteen at the time. Father Keating  
 3 was forty-three or forty-four.
- 4 When I wrote up the incident and  
 5 presented it -- I called Father McDonough  
 6 immediately on it. I wrote it up immediately,  
 7 sent him a copy. And then when I got home from  
 8 my sabbatical I met with him at his rectory at  
 9 St. Peter Parish. And he described to me three  
 10 categories of sexual abuse. The first two were,  
 11 you know, one was -- the first two had multiple  
 12 victims and they profiled differently. Some  
 13 were just one age bracket, some were completely  
 14 indiscriminate for boys or girls. But both  
 15 profile was many, many victims. He raised with  
 16 me this category what he called the incestual  
 17 category that you actually had -- there are  
 18 fewer victims because you had to be very  
 19 acquainted with the family and ingratiate  
 20 yourself, that kind of thing.
- 21 Q. So you are basically kind of abbreviating what  
 he was telling you about these categories?
- 22 A. Yes.
- 23 Q. And did he describe to you then Keating's  
 24 conduct as it applied to any of these

- 1 categories?
- 2 A. No.
- 3 Q. What more did he say about that, if at all, as  
 4 it applied to Keating and what he had done or  
 5 was being reported to have done to Marie?
- 6 A. Nothing with Marie but he was asking  
 7 specifically for this write-up on And  
 8 upon reading it and reviewing it he told me, you  
 9 know, he needed to investigate it further but it  
 10 could be -- it could --
- 11 Q. So it could end in priesthood?
- 12 A. Yes.
- 13 Q. And let's go to 13 then. Walk us through that.
- 14 A. Once I alerted the Archbishop, I stood down from  
 15 handling this matter as Superior of the  
 16 Companions of Christ. Father Andrew Cozzens and  
 17 the leadership council took charge of the issue.  
 18 Father Cozzens has a full view of the matter and  
 19 has had several interviews with Father Keating.  
 20 He would be happy to meet with the review board  
 21 if requested. The Companions' concerns are  
 22 broader than the Spehar case but certainly  
 23 include it.
- 24 Here, you know, Father Keating had said  
 25 there'd been -- told the now Bishop Cozzens that

- 1 he and Marie had exchanged a couple of emails  
 2 and in his investigation realized it was sixty  
 3 pages of emails that Marie had kept. Father  
 4 Cozzens could address these concerns if the  
 5 board wants him to do so.
- 6 Q. And then you continue at the next page.
- 7 A. Yeah, that's a review again of the meeting.
- 8 Q. We already went through that one?
- 9 A. Yeah.
- 10 Q. Okay. When you have watched this family and  
 11 Marie as a youth before the age of twelve did  
 12 she appear to be happy, unhappy, or how would  
 13 you describe her mood and demeanor?
- 14 A. Happy, beautiful girl. Very sensitive, very  
 15 creative. Laughed easily. Delightful.
- 16 Q. And then as she progressed into and through high  
 17 school did you ever notice any or have any  
 18 concerns about her mental wellness through high  
 19 school?
- 20 A. No.
- 21 Q. And then when in time is the first time you ever  
 22 became concerned about her mental health?
- 23 A. In her sophomore year and the experience of  
 24 facing panic attacks and kind of paralyzing  
 25 anxiety as things came to light for her and she

- 1 **began to verbalize what she experienced.**
- 2 MR. GROSS: Sophomore in college?
- 3 THE DEPONENT: Sophomore in college.
- 4 BY MR. ANDERSON:
- 5 Q. And you remained close to her?
- 6 A. **Yes, very close.**
- 7 Q. To this day?
- 8 A. **Yes.**
- 9 Q. Then I'd like to ask you the description before
- 10 we filed this case. I think it must have been
- 11 October, wasn't it?
- 12 A. **Yes.**
- 13 Q. Yeah. Before October how had she been doing as
- 14 you saw her as a priest, as a family member, as
- 15 somebody that has already watched her throughout
- 16 life?
- 17 A. **Yeah. She was doing very well. She's happily**
- 18 **married. Of course there was a real stretch of**
- 19 **tremendous grief in the family when we lost**
- 20 **Nicholas in Afghanistan.**
- 21 Q. It was awful.
- 22 A. **Yes. And while we were all together for her**
- 23 **wedding which I did at St. Mark's, Nicholas was**
- 24 **present before he deployed, so a beautiful**
- 25 **moment, beautiful time, tremendous joy, very**

- 1 **fine and happy marriage. There's a baby that's**
- 2 **a beauty and there's another one on the way.**
- 3 Q. Her husband, her faith and her baby bring her a
- 4 lot of joy, don't they?
- 5 A. **Yes.**
- 6 Q. Is it fair to say that she had been through some
- 7 very dark times when she was in the hospital?
- 8 A. **Yes.**
- 9 Q. Tell us about the dark times and what you saw?
- 10 A. **Again there were occasions when she'd be kind of**
- 11 **overwhelmed with panic. And so on one occasion**
- 12 **she called me in the evening just to come to my**
- 13 **household and I just -- so that we could be**
- 14 **together. She was in this kind of -- she was**
- 15 **experiencing moments of tremendous anguish of**
- 16 **seeing Father Keating or some reminder of Father**
- 17 **Keating. So there were times when she'd feel in**
- 18 **danger of cutting herself, and that was the**
- 19 **occasion for her safety to make sure that she**
- 20 **went to the hospital.**
- 21 Q. Do you know that she had been cutting herself?
- 22 A. **I think there were times when she had, yes.**
- 23 MR. ANDERSON: That's all I have.
- 24 Thank you, Father.
- 25

## EXAMINATION

- 1 BY MR. GROSS:
- 2 Q. You mentioned the name, you were asked about Pat
- 3 Griffith telling you that Father Keating had
- 4 been exonerated. Do you recall that?
- 5 A. **Yes. I mean if I'm remembering correctly there**
- 6 **was a quote in the newspapers.**
- 7 Q. Who is Pat Griffith?
- 8 A. **That I don't know. I was identifying with this**
- 9 **lawyer getting quoted in the newspaper.**
- 10 Q. Oh, all right.
- 11 A. **I'm probably wrong. I don't know who Pat**
- 12 **Griffith is.**
- 13 Q. When you went to the clergy review board --
- 14 A. **Yes.**
- 15 Q. -- did your niece, did Marie testify there?
- 16 A. **Yes.**
- 17 Q. Okay. She didn't do it by videotape on that
- 18 occasion?
- 19 A. **We had submitted -- no. They had submitted the**
- 20 **videotape for the review board to review but**
- 21 **I -- I've heard that the Diocese has now lost**
- 22 **the tape and so I don't know if she saw it or**
- 23 **not. She actually testified for the review**
- 24 **board with her brother Luke with her.**
- 25

- 1 Q. Were you there at the time?
- 2 A. **No.**
- 3 Q. Do you know if the review board asked her
- 4 questions?
- 5 A. **Yes.**
- 6 Q. They did ask her questions?
- 7 A. **I believe so, yes.**
- 8 Q. All right. You've mentioned a time I think when
- 9 you met with the Archbishop and your nephew Luke
- 10 said something to Father Keating about his
- 11 memory. You said Father Keating got angry.
- 12 What did he do or say?
- 13 A. **That was my nephew Jacob.**
- 14 Q. I'm sorry.
- 15 A. **Yeah. And I remember most clearly that Jacob**
- 16 **said: Mr. Keating, you have one of the best --**
- 17 **you know, you are one of the brightest men I've**
- 18 **ever met and you have an outstanding memory and**
- 19 **I think you do remember these things. And I**
- 20 **think it was also something about: And I think**
- 21 **the Lord knows you do. And that's when Father**
- 22 **Keating reacted.**
- 23 Q. That's what I'm asking about. What did you see?
- 24 A. **Visual anger.**
- 25 Q. What? Describe that.

- 1 A. **Agitated and then he got forceful with Jacob to**  
 2 **say you're out of place essentially. I don't**  
 3 **recall it word for word. I just know I clearly**  
 4 **remember the reaction.**
- 5 Q. You mentioned a car being transferred. It's  
 6 correct, is it not, that when Father Keating  
 7 went to Rome --
- 8 A. **Yes.**
- 9 Q. I think that was 1999 he left his car with the  
 10 Spehar family for their use, true?
- 11 A. **Yes.**
- 12 Q. They smashed it up, true?
- 13 A. **Yes.**
- 14 Q. Okay. And then when --
- 15 A. **They repaired the car. Obviously it was**  
 16 **insured.**
- 17 Q. And they continued to use that car?
- 18 A. **Yes.**
- 19 Q. Then when Father Keating came back he got  
 20 another -- did he get that car back or did he  
 21 buy another car?
- 22 A. **Initially got that car back, used it for a time**  
 23 **but was interested to get a new car.**
- 24 Q. Was it basically what we described as a junker  
 25 by that time? It was in pretty rough shape?

- 1 A. **Yeah, it was. It definitely had road miles left**  
 2 **on it, but it wasn't new or anything.**
- 3 Q. When was that car transferred from Father  
 4 Keating to the Spehars?
- 5 A. **I don't know.**
- 6 Q. You have no conception at all or idea?
- 7 A. **No.**
- 8 Q. Now you mentioned emails that were exchanged.
- 9 A. **Yes.**
- 10 Q. And we've been provided some of those but only  
 11 emails sent by Father Keating. Why did your  
 12 niece destroy all the emails she sent to Dr.  
 13 Keating?
- 14 A. **I'm not aware that she did.**
- 15 Q. Have you seen emails that she sent to Father  
 16 Keating?
- 17 A. **I don't believe so.**
- 18 Q. Have you seen emails that Father Keating sent to  
 19 her?
- 20 A. **Yes.**
- 21 Q. Well, do you have any idea where the emails she  
 22 sent to him are?
- 23 A. **No. I mean I -- no, I don't.**
- 24 Q. You didn't realize that all of the emails she  
 25 sent to him that she destroyed or deleted?

- 1 A. **No.**
- 2 Q. Okay. So this is the first time you've heard  
 3 that?
- 4 A. **Yes.**
- 5 Q. Were you instrumental early on in encouraging  
 6 Marie to bring this litigation?
- 7 A. **With the family. We sat down with Leonard,**  
 8 **Street and Deinard. Another of Marie's uncles**  
 9 **worked for the firm, now deceased. So they had**  
 10 **us come in and interviewed Marie at length.**
- 11 Q. How about then when she ultimately retained  
 12 Mr. Anderson and his firm? Were you involved in  
 13 that process?
- 14 A. **No.**
- 15 Q. Have you met with Mr. Anderson at any time?
- 16 A. **I just initially met him when I first met Marie**  
 17 **at her home.**
- 18 Q. So you were there when that happened?
- 19 A. **Yes.**
- 20 Q. So you understood that Marie was going to bring  
 21 a lawsuit?
- 22 A. **Oh, yes. She had called me and said**  
 23 **particularly through Michael Finnegan. She had**  
 24 **been nanny for his family and was very -- had a**  
 25 **lot of rapport with him and told him her story,**

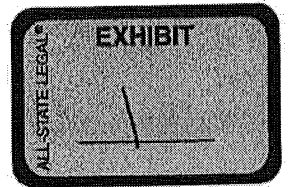
- 1 **at which point he asked -- as I understand it,**  
 2 **he talked with Jeff Anderson and that followed.**
- 3 Q. And then so you were there at this initial  
 4 meeting with Mr. Anderson?
- 5 A. **Yes.**
- 6 Q. All right. And did you -- and did you give in  
 7 essence a rendition of the facts as you  
 8 understood them?
- 9 A. **No.**
- 10 Q. Did you say anything at that meeting?
- 11 A. **No. Just that if you wanted me to step away I**  
 12 **would.**
- 13 Q. Then did you end up stepping away?
- 14 A. **Didn't need to. It was mainly a procedural**  
 15 **here's how you proceed with these matters.**
- 16 Q. And have you ever shared with Mr. Anderson any  
 17 of the events you've discussed today prior to  
 18 today?
- 19 A. **No.**
- 20 Q. And you didn't have any conversations with him  
 21 over the noon hour today when we took a break?
- 22 A. **No.**
- 23 Q. When Marie talked with -- Marie was not at the  
 24 meeting with Archbishop Flynn, is that correct?
- 25 A. **The final meeting with the Archbishop and**

1 **Eisenzimmer, myself, Pat Spehar and Luke Spehar,**  
 2 **right at that meeting Marie was not there.**  
 3 Q. Were you at any meeting besides the one with  
 4 Father Keating where Marie sort of outlined what  
 5 she alleges as abusive episodes?  
 6 A. **No. Just at this -- at that meeting we watched**  
 7 **her film. We watched the film she had put**  
 8 **together in case she didn't feel that she could**  
 9 **face Keating.**  
 10 Q. Okay. And as you watched the film that she put  
 11 together was it consistent with what she had  
 12 told you over the past six months, nine months  
 13 before this had happened?  
 14 A. **Yes.**  
 15 Q. Was there anything inconsistent?  
 16 A. **No.**  
 17 Q. Was there anything she left out that you recall?  
 18 A. **At that session not that I recall, no.**  
 19 Q. Do you know whether Marie has ever taken a  
 20 polygraph or lie detector test regarding this  
 21 incident?  
 22 A. **No, I'm not aware of that, that she has.**  
 23 Q. You know Father Keating did?  
 24 A. **Yes.**  
 25 Q. And you know based on the test, the test came

1 back saying that he was not lying about his  
 2 version or there had been no sexual abuse?  
 3 A. **Yes.**  
 4 Q. You understood that?  
 5 A. **Yes.**  
 6 MR. ANDERSON: That's what they  
 7 reported on the news, right?  
 8 MR. GROSS: That's what it says in  
 9 the report.  
 10 MR. ANDERSON: How did you learn  
 11 about that?  
 12 THE DEPONENT: Give me the question  
 13 again.  
 14 BY MR. GROSS:  
 15 Q. I think Mr. Anderson is asking you how did you  
 16 hear about it.  
 17 A. **How I heard about it. I don't know how I heard**  
 18 **that Father Keating had taken the test. I knew**  
 19 **he had. I think I may have heard about it**  
 20 **possibly through Bishop Cozzens.**  
 21 Q. In your career has anyone ever raised a concern  
 22 about your relationship with anyone? Of all the  
 23 people, other priests, other students, anything  
 24 brought up in your career about, you know --  
 25 A. **No.**

1 Q. There's never been a concern about how you dealt  
 2 with anybody?  
 3 A. **No.**  
 4 Q. In your entire career?  
 5 A. **Yes. No.**  
 6 MR. GROSS: Okay. Those are all the  
 7 questions I have. Thanks.  
 8 MR. ANDERSON: Thank you, Father.  
 9 (Deposition concluded at 2:55 p.m.)  
 10 \* \* \* \* \*

1 STATE OF MINNESOTA)  
 2 ) ss.  
 3 COUNTY OF HENNEPIN)  
 4 BE IT KNOWN THAT I, Carol McTie, the  
 5 undersigned, do hereby certify that before the  
 6 giving of his deposition, the said witness was  
 7 by me first duly sworn upon his oath to depose  
 8 the whole truth and nothing but the truth;  
 9 That the foregoing is a true and  
 10 correct copy of my original stenotype notes  
 11 taken at said deposition;  
 12 That the reading and signing and notice  
 13 of filing of the deposition were duly waived;  
 14 That I am neither a relative of, nor  
 15 attorney for, any of the parties to the cause  
 16 and have no interest whatever in the result of  
 17 the same.  
 18 WITNESS MY HAND this 11th day of June,  
 19 2014.  
 20  
 21  
 22  
 23 \_\_\_\_\_  
 24 Carol McTie  
 25 Court Reporter



Date: April 22, 2006

To: Fr. Kevin McDonough

From: Fr. Jeff Huard

*Fr. Jeff Huard*

Re: Fr. Michael Keating

On February 16, 2006 Fr. Keating called me in Northern Ireland. He said he'd been racking his brain in regards to Marie Spehar and any instances of misconduct. The one thing he was concerned to tell me was in regards to Fr. Keating had met and her family in Rome. He got very close this family. attended his ordination. Fr. Keating knew had talked with Marie at some length about her relationship with him. Marie Spehar had; in fact, raised with me and Fr. Keating that had said she was Fr. Keating's girlfriend in Rome. had also given Marie the impression it was a romantic relationship that involved kissing.

Fr. Keating told me there was one incident where he and had had a passionate physical encounter. He said everyone's clothes stayed on but it was deeply disturbing to him. Fr. Keating said had seduced him and he had set her straight on the nature of their relationship. He also said he had not told me about the incident because it was not a nice way to talk about a girl. This incident took place the first year he was in Rome. Fr. Keating was 43 years old at the time and would have been 14 or 15 years old. She was 17 years old when she attended his ordination.

June 8, 2006

Archbishop Harry J. Flynn  
Archdiocese of St. Paul and Minneapolis  
226 Summit Avenue  
St. Paul, MN 55102-2197

Re: Marie Spehar

Dear Archbishop Flynn;

At the request of, and with the signed permission of Marie Spehar, I am writing this letter to share my professional opinion of her circumstances. In terms of my professional background, I hold a Master of Arts in Counseling and Psychological Services. I have been licensed by the State of Minnesota as a Licensed Psychologist since May 1994. I am the Clinical Director of MidWest Center for Personal and Family Development where I work with couples, adolescents and adults to assess functioning, then develop and implement a treatment plan to bring about emotional/behavioral change and psychological health. In my practice I frequently work with women who are experiencing emotional difficulties subsequent to being sexually abused at a younger age.

I first met with Marie on July 14, 2004 and saw her eleven times between then and November 7, 2005. Over the course of our therapeutic work, the details how Marie was sexually abused by Mr. Michael Keating (now Father Keating) unfolded:

- He rubbed her chest area, including her breasts both outside her shirt and under her shirt
- He placed her on top of him in such a way that his legs were spread and her body was between with her head on his chest
- He rubbed her lips and massaged her gums

The repercussions of the above have been serious. Marie shows several classic symptoms of having been sexually abused.

- She has suffered from repeated panic attacks and not been able to trust her ability to keep herself safe. In fact, she recently was hospitalized for several days.
- She has experienced sleep disturbance, severely depressed mood, extreme agitation, fear, social withdrawal and thoughts of death.
- Her functioning became impaired to the extent she needed to withdraw from school and was unable to work.
- She has described flashbacks of the abuse along with troubling dreams.
- She has reported suicidal ideation and desire to cut herself.
- She has been troubled by a deep sense of shame and confusion.

As is common for those trying to heal from the trauma of sexual abuse, the extent of the abuse and subsequent damage unfolds over time.

Around December 2004/January 2005 Marie confronted Fr. Keating about the abuse. Her report of his response was troubling, as it appeared he minimized the seriousness of his actions and does not seem to understand the damage left in the wake of his sexually abusive behavior. I am deeply concerned that there will be more victims if Fr. Keating does not receive treatment for his illness/disorder. It appears as though he ingratiated himself to the Spehar family; gained their



acceptance and trust; took advantage of his access to an adolescent girl and abused her on multiple occasions. Clearly this is evidence of a serious disorder. It is not normal for an adult male to experience an attraction to an adolescent girl and sexually abuse her for his own satisfaction. It is not likely that this was a "one time only" circumstance. On the contrary, it is evidence of a serious and persistent disorder that he will continue to act out on if he is not treated.

If you would like to speak with me about my contact with Marie, please feel free to call me at 651-647-1900, extension 507.

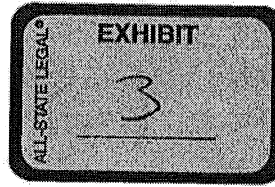
Sincerely,



Catherine Mollner, MA, LP

Cc: Reverend Kevin McDonough  
✓ Reverend Jeffrey Huard  
Mr. and Mrs. Pat Spehar

LEONARD  
STREET  
AND  
DEINARD



130 SOUTH FIFTH STREET SUITE 2300  
MINNEAPOLIS, MINNESOTA 55402  
612-335-1100 MAIN  
612-335-1657 FAX

JOHN M. SHERAN  
612-335-1843 DIRECT  
JOHN.SHERAN@LEONARD.COM

July 17, 2006

VIA FACSIMILE  
651-962-6503

The Rev. Jeffrey Huard

*Re: Marie Spehar*

Dear Fr. Huard:

This is to confirm the June 21, 2006 meeting between Marie Spehar and her family, and my partner, Dan Oberdorfer and myself, at the offices of Leonard, Street and Deinard.

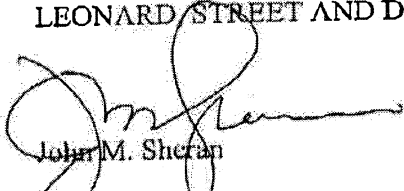
Marie's allegations describe what is unquestionably inappropriate sexually abusive conduct between an adult and a minor, at that time age 13. Both Mr. Oberdorfer and I are in agreement that these allegations would support a civil cause of action against Fr. M.K.

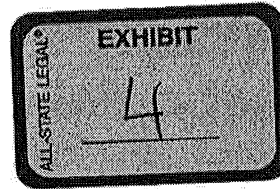
Marie's story is unsettling and, in our opinion, a reasonable jury would find it to be credible, and would, in all likelihood, award significant damages.

Please advise if we can be of any further assistance in this regard.

Yours very truly,

LEONARD, STREET AND DEINARD

  
John M. Sheran  
JMS/ph



## Sequence of Events

April 16, 2007

1. I and the Spehar's became friends in the 1980's with Fr. Keating.
  - I am Marie Spehars uncle - ~~she is my uncle~~
  - I was in the same lay brotherhood - one of his closest friends
  - The Spehar's were in the renewal community that Fr. Keating was serving / 1989-1991 (met in 1983)
2. Fr. Keating was released from the lay brotherhood in 1995 and began doctoral studies at Notre Dame.
3. Fr. Keating moved into my Companions household in 1997-98 and completed his doctoral dissertation. Started seminary in September of 1998.
  - He began at this time to have an active friendship with the Spehar family.
  - He visited regularly
    - 2 x's a month or more
  - The Spehars had great fondness and admiration for him and opened their doors completely to him.
  - They would open a room for him if he wished to spend the night which he did several times. (5-6) <sup>times Spehars</sup>
  - Michael told me he felt at ~~his~~ <sup>times Spehars</sup> he had more welcome + honor
4. In 1999-2002, Fr. Keating moved to Rome to finish his preparation for priesthood. <sup>than his own family</sup>
  - On visits home the Spehars were top on the list to spend time with. He brought gifts for all of them on at least one visit from Rome.
5. Fr. Keating is ordained in May of '02
  - <sup>was delighted to have</sup> attends the ordination. Fr. Keating had met she and her family in Rome. <sup>was my niece's age - 17 at the time and Fr. Keating asked Marie to help host her.</sup>
  - ? Fr. Keating also (asked) Marie and my nephew Nick to say some words of honor at the ordination reception. <sup>I was the M.C.</sup>
  - told Marie that she was Fr. Keating's girlfriend in Rome and that the relationship involved kissing.
    - this was one key turning point in Marie seeing Fr. Keating in a different light.
  - She asked if Marie loved Michael as she did.

'02 Fr Keating Co-signed a school loan for Marie.  
This very much surprised me as I had declined co-signing.

6. In the summer of '03 Marie brought to me for the first time that Fr. Keating had touched her in ways that made her uncomfortable.

- she was still very careful in how she said it

(Mainly emotional?)

(Disappointment with seeing him more clearly)

→ *smothered*  
\* *etc. Romantic attachment*

- Marie returned to Holy Cross College for her sophomore year (September, '03). She counseled with a permanent deacon at Notre Dame and began to experience much more of the damage due to the sexual abuse. and to verbalize it.

7. Marie returns home mid-way through her sophomore year and ~~we~~<sup>ad</sup> connect her with Catherine Mollner for professional counseling.

- Key**
- I called (with permission) to talk with Catherine Mollner.
  - \*Her advice was to let Marie take her pace on the matters.
  - that we should wait until she felt ready to act on the issues.

*Summer '03*  
8. In ~~December~~<sup>Summer '03</sup> '04 Marie, Fr. Keating and I sat down so Marie could confront Fr. Keating.

- one instance of hands over her chest as he read to her.
- putting his finger in her mouth.
- pulling her up on himself with her face on his chest.
- massaging her back under her shirt and her feet and calves. (*persisted*)
- she read sections of her journal / 13-14 years old

*"my Dad and Uncle ..."*  
Fr. Keating thanked her for bringing his forward, noting it must be hard for her. He said he remembered some of this not all of this and asked her to forgive him.

- she couldn't at the time.

9. Marie took a job and continued counseling.

- the panic attacks and anguish and bouts of depression increased
- she was hospitalized in January, '06 and began to receive much more specific therapy for recovery from sexual abuse.

*a much fuller list resulted from this counseling*

10. In January, '06 - I alerted the Archbishop, the Vicar General and Andy Eisenzimmer of the abuse allegations.

*In the same period*

- Pat and Annette met with Fr. McDonough
- Pat, Annette and Marie met with the Archbishop

Due to the allegation of touching the breasts (of then a minor) it went to a criminal investigation.

11. In January of '06 without solicitation, I was called by Miriam Torres - a woman living consecrated life - in Ann Arbor, Michigan

*Victims  
Trauma  
Abuse - Incest*

- she raised serious concerns for a consecrated virgin in our diocese who Fr. Keating was spiritual direction for inappropriate attachment.
- she raised as well two other women in Ann Arbor who still carried great anger and anguish over their relationship to Fr. Keating.
- he had known them 1<sup>st</sup> as teenagers when he was a consecrated brother.

12. On February 16, 2006

- Fr. Keating called me to self-report on a passionate encounter with Marie. He was afraid *his words* may have mentioned it

- would have been 15 or 16 at the time and Fr. Keating 43-44.

*Fr. McDonough - Incest category -- asked me to write up the incident.*

13. Once I alerted the Archbishop I stood down from handling this matter as Superior of the Companions of Christ. Fr. Andrew Cozzens and the leadership council of the Companions took charge of this issue.

- Fr. Cozzens has a full view of the matter and has had several interviews with Fr. Keating. He would be happy to meet with the Review Board, if requested.
- The Companions concerns are broader than the Spehar case. *but certainly include it.*

*(e.g. 1 or 2 e-mails vs a # of pages)*

*- Fr. Cozzens could address these concerns if the Board wants him to do so.*

On June 24, 2006, Archbishop Flynn and Fr. McDonough met with the Spehar family, myself and Fr. Keating.

*That he felt very  
loved by the Spehars  
and they had made  
a place for him.*

- The family confronted Fr. Keating on his misconduct.
- His response to Marie's video and to Marie that day is that he knew she wasn't making this up but he experienced it very differently than she did.
- My remarks to Fr. Keating were:

I'm speaking today as a family member and a friend.

- \*1. A few remarks –  
I want you to locate me clearly.
- \*1 ½ years ago you, I and Marie sat down as she needed to confront you on inappropriate touch.

At that time you said you had been thoughtless and asked her forgiveness.

\*You've just heard a much fuller articulation of what she was just beginning to be able to say.

Recently – you marked that Marie's allegations are sincere but inaccurate.

I think they are sincere and accurate. I think you sexually abused Marie and did her great harm.

Marie was not a troubled girl. You traumatized her and she became troubled. She is courageous and healing.

I think you have a deep sin sickness and more than Marie have been damaged.  
-over the years of consecrated life you have damaged several women.

*(Self-reported)* =

-their level of anguish<sup>anger</sup> over their relationship with you even years later is stunning.

I've had and still have strong love you. This stands between us now and the future of our friendship depends on you response and repentance.

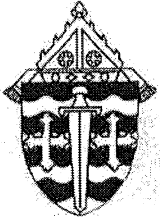
At the conclusion of the meeting, Archbishop Flynn said this would now go to the Priests' Review Board.

In conclusion, I would say –

- \* Fr. Keating never once in all of the years expressed he thought Marie was troubled or the Spehar family. *was deeply troubled*  
*Ec. e-mails*
- He has consistently minimized and normalized his violating touch. Fr. Keating has been very disconnected from the anguish he has caused to Marie and others.
- ( • I have heard from friends that Fr. Keating is saying he got tangled up with a troubled girl and a troubled family. )

The truth is he is a troubled man who brought trouble to a fine young women and a good family.

• I believe Fr. Keating has a deep sin sickness and a deep sin blindness and until he seriously deals with <sup>the</sup> issues -- both through repentance & ~~necessity~~ <sup>therapy</sup> he should not function as a priest.

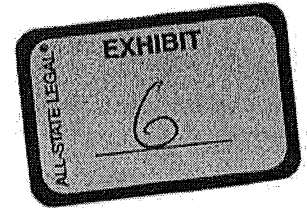


"Jesus Christ is the same yesterday, today and forever." Heb. 13:8

Archdiocese of  
Saint Paul and Minneapolis

Advocacy

December 7, 2007



Fr Jeff Huard  
2137 Marshall Avenue  
St Paul, MN 55104

Dear Fr Huard,

Here is the summary of the Review Board recommendation. I also included the condition Andy wanted to go along with the summary. As always call if you have questions or concerns.

Sincerely,

"Enclosed is a summary of the clergy review board report and recommendation solely for the purpose of communicating the contents thereof to you as the recipient. The summary may be used only to aid in your understanding of the contents and for no other purpose unless authorized by me. In giving you this summary, it is my intent that statements made therein are made for the purpose indicated and these statements are not meant to be a complete and exhaustive description of the review board's evaluation and recommendation in the matter in question. Further release or dissemination of this summary is unauthorized."



Dec 7, 2007

## Summary of Clergy Review Board Recommendation

### Clergy Review Board Conclusions:

- Based on the record as a whole, the Board finds that there is insufficient evidence to support a finding of sexual abuse of a minor in violation of the Charter.
- The Board does not believe that the priest's faculties should be suspended, given his effectiveness in many areas of his work.
- The Board did, however, make recommendations based on matters coming to its attention as a result of the review process.

### Clergy Review Board Recommendations:

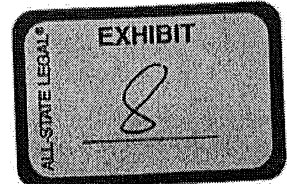
- The priest is to be restricted in activities in the nature of retreats, spiritual counseling, or mentoring, particularly of adolescents or young adults.
- The priest is to participate in a structured program of coaching with an industrial psychologist or comparable professional
- The priest is to be assigned a supervisor with sufficient ecclesiastical seniority and authority to supervise the priest's activities
- The recommendation is to be shared with the appropriate supervisors of the priest to permit appropriate levels of monitoring and compliance with it.
- The priest will be referred to work with the Promoter of Ministerial Standards
- The Board with a report concerning the status of the priest's compliance with the foregoing restrictions and conditions one year after the adoption and implementation of the recommendation.





# Church of Saint Mark

2001 Dayton Avenue • St. Paul, MN 55104  
[www.saintmark-mn.org/church](http://www.saintmark-mn.org/church) • 651-645-5717



May 23, 2008

+ *Handwritten signatures*

Dear Archbishop Nienstedt,

Thank you for hosting the Companions of Christ Council. Please rely on our prayers and ready obedience.

As I briefly expressed at the luncheon meeting, I would like to get on your schedule to get your counsel regarding Fr. Keating. I am very grateful for the care and wisdom you have given my nephew Luke Spehar.

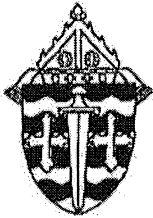
Archbishop Flynn assured us he accepted and would implement the priest's review board directives. Archbishop Flynn directed us to connect with the Director of Ministerial standards. We have done this but he had not at the time received the case. Finally he said he hoped Fr. Keating would learn from his failure, that the Priest's Review Board would evaluate progress in one year and that you would take up the case for your review.

It is not clear to me that anything has yet happened. I could use your help to navigate this matter.

Sincerely in Christ,

*Fr. Jeffery Huard*

Rev. Jeffery Huard



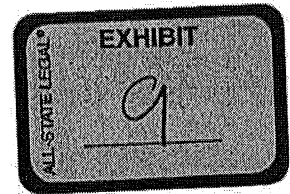
"Jesus Christ is the same yesterday, today and forever." Heb. 13:8

Archdiocese of Saint Paul and Minneapolis

Office of the Archbishop

October 27, 2008

Mr. Pat Spehar



Dear Pat,

I am in receipt of the letter of October 14, 2008. Obviously, much of the information that you shared was news to me. I was not aware that Gretta Sawyer had given you the summary of the Priests Review Board, and it had been my distinct impression that Father Keating was working with the Promoter of Ministerial Standards. You must understand that an archbishop is only as good as his senior staff, and obviously, mine have dropped the ball on getting me proper information. I do believe, moreover, that had I been invited to participate in the discussions you had in October of 2007 with Archbishop Flynn that much of this could have been avoided. Unfortunately, that was not the case, and I have been in a position of trying to play catch-up ever since. I apologize for that.

In addition, I did not indicate in my recent letter that I had spoken directly with Gretta Sawyer. I had asked one of my senior advisors her position, and I had presumed that she had been contacted.

Since receiving your letter, I have directed my staff to contact the Promoter of Ministerial Standards and to have him contact Father Keating with a specific intent of supplying me with a report on how the Clergy Review Board recommendations have been implemented. I promise to keep on top of this so as to regain your trust that the matter will be handled properly.

Finally, your letter seems to indicate a desire to have some "man-to-man" conversation regarding this matter. I am wondering what your intention is in that regard. If you could elaborate a little bit on that, I would be able to determine the benefit of such a meeting.

With every good wish and a remembrance in my prayer for you and your family, I remain

Cordially yours in Christ,

+ [Handwritten signature]

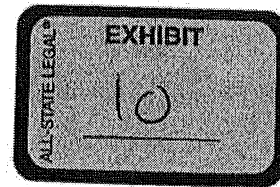
The Most Reverend John C. Nienstedt  
Archbishop of Saint Paul and Minneapolis

/dkt

cc: Mr. Andrew Eisenzimmer  
Ms. Gretta Sawyer



To: The Priest's Review Board  
Fr: Marie Spehar  
Re: A list of boundary violations by Mr. Keating



I wanted to list for the Board Mr. Keating's physical/sexual violations. The misconduct took place during the years I was 12-15.

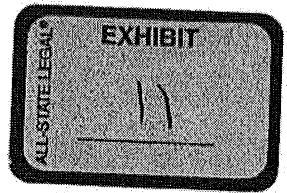
1. Massaged and fondled my breasts over my clothes while reading to me. I remember very clearly one occasion which lasted 45-60 minutes. I more vaguely remember two other occasions.
2. Put his fingers in my mouth and massaged my lips and gums. This occurred 25 or more times.
3. Massaged my back under my shirt.
4. Massaged my feet and legs below the knee under my pants.
5. Gave me a driving lesson in which he had me sit on his lap. He held me below the waist against his erect penis. He had his face in my hair on the back of my neck.
6. Pulled me up against his chest. The front of my body on the front of his. He again had an erect penis. This took place while reading to me.
7. Mr. Keating woke me up at 3am on a night he was staying at our house to give him a back and neck massage.
8. On one occasion I woke up to find Mr. Keating staring at me in the morning. He said I look so beautiful in the morning with the sun on my face. There were a number of occasions when he would flirt with me like a boyfriend and compliment me like he was my boyfriend.
9. Mr. Keating was touchy many times, holding my hand or placing his hand on my knee.
10. On departing to study in Rome he pulled my body to his in the pelvic area and gave me an open mouth kiss. It was wet and gross.

I made a number of attempts to confront Mr. Keating:

1. When I first told Mr. Keating I was uncomfortable with the way he was touching me, he said, "I'm sorry you took it that way".
2. The second time I confronted him he said, "this is how I treat my nephews and nieces".
3. I attempted to confront him two other times and was again dismissed and made to feel guilty for bringing it up.
4. The final confrontation was with my uncle, Fr Huard. Mr. Keating said he remembered some of this not all of it. He then asked my forgiveness.
5. When I perceived that Mr. Keating had minimized his sin and not truly owned his behavior, and when I had come to a much fuller understanding of being sexually abused, I felt the need to bring the matter to Archbishop Flynn.

I would be very willing to go over any details with the Priest's Review Board.

Sincerely,



Archbishop Flynn.

1. The family is coming to a breaking point.
  - no clear advocate for them
  - eventually they pursued Irene.
  - She was comforting & perplexed but last reported to the family that Fr. Kevin said he's handling the matter.

- Fr. Kevin in his 1st conversation with my niece said "the problem they are having is to know what to call what Fr. Keating did to Marie"

There's more to this but my Sister & Marie don't trust that Kevin is handling this well.

- mixed messages,
- no time table
- a great anxiety that he's deciding the whole matter & has too many hats, too many 100 hour weeks and has agreed with Fr. Keating's troubled girl, troubled family defense.
- Fr. Keating told Fr. Cozzens that both the civil authorities & the diocese has found him innocent of all charges.

2. Once we told Fr. Kevin several weeks ago we were ready at any time to have a confrontation meeting.

- Now the family would like to meet 1st with you (Fr. Kevin, (and a sex abuse professional) and an advocate to help the family.

Clarity of Process.

also financial issues

2.

The family needs assurance that the matter is being treated with the gravity it deserves.

3. I'd like to avoid the whole thing escalating

Did you receive Catherine Mollner's letter.

PS Ever. And like I said, he's never called me since this has all come forward.

TA Okay, so it's about a year and a half ago you haven't talked to him at all?

PS I've seen him I saw him at one church function in just basic passing

TA Mm, hmm.

PS otherwise, no I haven't spoken to him at all.

TA Okay. All right, well I don't have any further questions for you at this time.

PS Okay.

TA If there's anything further you think I need to know, by all means, now is the time to tell me.

PS Yeah, and I um that the last comment I just made has been something I've struggled with all along ya know with if I were to have a relationship with anybody for this long and I was accused of anything of this significance, I certainly would want to straighten that out with them.

TA Mm, hmm.

PS And just to ensure them that nothing has ever taken place. I would deny it ya know if I hadn't done it.

TA Right.

PS At least I would address whoever I was speaking to so that's about it.

TA Okay. I'm going to conclude the interview. Time is 1513 hours.

END OF STATEMENT

TA/hh

03162006

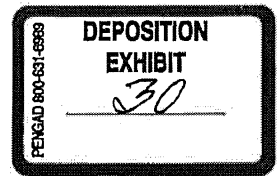
CCSO INV. T. ARMISTEAD, #131

ICR# 06-3128

TRANSCRIBED PHONE INTERVIEW OF JEFFREY HERBERT HUARD

TA All right John, I'm going to do a trial run here. I want to make sure that this is hooked up right, okay?

JH Okay good



TA So right now I'm doing a little short recording um and actually you know I wanted to talk to you.

JH I yeah I'm not fully but go ahead.

TA Okay, um I want to talk to you to find out exactly what ah told you.

JH Okay.

TA Um, apparently you were the first person that she told that um that ah Michael Keating touched her.

JH Correct.

TA Okay, so that's basically what I want to talk to you. Okay, hold on one second, I'm gonna see if this worked.

END OF CALL #1

TA/hh

03162006

CCSO INV. T. ARMISTEAD, #131

ICR# 06-3128

DATE: 03132006

TIME: 0907 HOURS

TRANSCRIBED TELEPHONE INTERVIEW OF JEFFREY HERBERT HUARD

TA Okay John, we are recording right now, okay?

JH Okay, great.

TA Date is 03132006, time is 0907 hours and this will be a telephone interview um and Jeff you're currently in Ireland?

JH Correct.

TA And ah you are referred to in report from her when I interviewed her as

JH Yes. Jeff.

TA Uncle Jeff.

JH Yes.

TA Okay, and you are a priest?



JH Correct, yeah.

TA Okay. And Jeff, I'm going to ask you for the record though um ya know to tell me your first, middle and last name. I just need that for reports and stuff and for dictation.

JH Oh yeah.

TA And then you can give me your title and ya know your relationship and stuff after that. I'm going to ask your DOB and all that so if you could give me your first, middle and last name.

JH Ah, Jeffrey Herbert Huard, H-u-a-r-d.

TA And is it J-e-f-f-r-e-y or a-r-y?

JH Yeah, J-e-f-f-r-e-y.

TA r-e-y. And what's your middle name?

JH Herbert.

TA Hubert?

JH H-e-r-b-e-r-t.

TA Okay, and what's your birth date?

JH Ah, 8-21-55.

TA Okay, and you're in Ireland so you don't have a current do you have a current address when you come back to Minnesota?

JH Yeah, it's 2156 Summit Avenue, St. Paul 55105.

TA And you have a phone there?

JH Ah, area

TA

JH Mm, hmm.

TA Okay. And you're currently a priest?

JH Yes, I'm priest and I'm the Director of Campus Ministry at the University of St. Thomas.

TA Okay, Director of um

JH Campus Ministry.

TA Campus Ministry.

JH Mm, hmm.

TA Okay, I can talk faster than I can write. All right, um and how do you want to be referred to during this interview?

JH Ah Jeff is fine.

TA Okay. All right and like I told you ... referred to you as Uncle Jeff throughout the interview.

JH Correct, yes.

TA Okay, just for the record. Okay and Jeff then what is your relationship with the victim in this case. ?

JH Um, yes, I'm her uncle.

TA Okay,

JH On her mother's side.

TA On her mother's side?

JH Yes.

TA And it was Annette, right?

JH Correct.

TA Okay. And what ... told me was that ah she believes you were the first person she talked to regarding Michael Keating touching her inappropriately.

JH I believe that's true, yes.

TA Okay, do you remember when that was?

JH It was actually it was ah a year ago January, would've been early ah either late December or early January last year.

TA So January of 2005?

JH Mm, hmm.

TA Okay, and was that in person or was it over the phone or how was that?

JH I think well in fact ya know and that's a good one because I think she in fact first called me from ah she was at Holy Cross college which is in South Bend right next to Notre Dame.

TA Mm, hmm.

JH And ah she had called and began to ah let me know that there had been a couple of then she was she had just said a couple of occasions of inappropriate touch.

TA She didn't go into details on that?

JH No, ah she did in January. In January, she sat down actually she sat down ah with me and with Michael and um brought to us that he had ah she named actually ah there one occasion of putting his fingers in her mouth. She mentioned there ah his touching her breasts but he it was later that she would tell me he actually fondled her breasts. She didn't bring that initially she didn't bring that forward. Ah that strictly

TA Okay, so for the first time she called you when she was at Holy Cross college that she just told you that there was a couple of occasions of inappropriate touching my Michael Keating?

JH Correct.

TA And then you guys met ah you met with her and Keating at the same time when she told you about the touching to the breasts?

JH Yes.

TA Okay, so that was during while Michael Keating was present?

JH Correct.

TA Okay, where did that take place?

JH Ah at my house on Summit Avenue. I just would note I'm also the religious superior of a community of priests and Michael is in my community.

TA Okay. All right so you guys were meeting at your residence there on Summit Avenue?

JH Correct.

TA And that was the one in late December early January of 05?

JH Yes.

TA Okay. And she talked about him putting his fingers in her mouth?

JH Yes.

TA Okay. And

JH She mentioned there the issue of the breasts but it was it seemed to ah she stopped and ah she was she didn't say this directly, she would later there she said ya know he ah ah he had his arms over her breasts and ah she mentioned his well she read from her journal to both of us at that point and in the journal she read a little section where she said my dad and Uncle Jeff would never touch me this way and described these two incidents and then an incident of his pulling her up onto his ah body her face um ya know it would've been she wasn't sitting on his lap, she was laying face down and pulled up onto his chest and she was very uncomfortable with that and then an occasion of his massaging her back ah ya know ah skin ya know his hands underneath her shirt and again she said she was very uncomfortable with that. A couple of other occasions of massaging her feet and her calves and expressing again her discomfort with that. So she brought those things to at that point um but she wasn't Tracy right then she wasn't saying you sexually abused me.

TA Okay.

JH Or that you ah fondled my breasts. She would later express that very specifically.

TA Okay, so what she said specifically to ah Michael Keating was and you was that he had his arms over her breasts but she didn't mention any kind of touching at that point?

JH No.

TA Okay, but she did mention the fingers in the mouth to him?

JH Yes.

TA Okay, and when he had pulled her on top of ah when he pulled her on top of him while he was laying down?

JH Correct.

TA And the massaging of her back or feet or calves and she basically expressed discomfort with his with what he was doing?

JH Yes.

TA Okay, how did ah how did Keating respond?

JH Um well I think he ah he expressed that he knew it would be hard for her to do this and ah that he didn't he said I don't remember ah he remembered some of this, not all of this and then he said he was ah he was very thoughtless and ah that was really ah the brunt of it.

TA Okay. Did he say that he had done any of these things?

JH Ah, yeah well yeah in fact ah um he said very clearly there he remembered some of this ah not all of it. He didn't specify.

TA Okay. All right um how did that end that ah meeting end?

JH That ah ya know that meeting ended with : having having had some room to say with some strength that she was very angry with him that he had caused her ya know some real grief. Ah he asked her forgiveness but she wasn't at that moment prepared to give it.

TA Okay, he asked her for her forgiveness?

JH Mm, hmm.

TA And she wasn't prepared to give it?

JH Yes.

TA Okay, so when was the next conversation you had with her when she went into detail about him touching her breasts?

JH Um, I think I probably would've talked to her I mean of course what I had done ah ah immediately is networked her with a very fine counselor I work with often.

TA Okay.

JH Ah her name is Katherine Mullner and ah ah it was at Katherine's direction that we let take her pace on this.

TA Okay.

JH Later . would there was one occasion I'm trying to remember now she ah it was there was a phone conversation I can't quite remember the date. It would've been at least though ah honestly like several months past that date.

TA Okay, so it would've been several months into 2005?

JH Yeah.

TA Okay.

JH That she told me on the phone very specifically that he had fondled her breasts.

TA Okay. Did she say whether it was over the clothes or under the clothes?

JH Ah I think over the clothes.

TA Okay, did you say where it happened?

JH She said yes, in the living room with her family home.

TA Okay. Did she say what they were doing when that happened?

JH Ah, he was reading to her.

TA He was reading to her?

JH Yes.

TA Was did she say if anybody else saw what was happening?

JH Ah she said she didn't say no, I think her ah mother may have been ah present or near by but it wasn't clear to me if my sister had fallen asleep or what.

TA Okay.

JH Cause I know my sister doesn't recall ya know seeing it for sure ya know she just (inaudible)

TA Okay. And did she say when it may have happened?

JH Ah the dates?

TA Yeah, like how old she was or anything?

JH Um, ah that's a good question. No, she didn't I mean I knew that a set of these things were happening when she was between she was between 12 to 15 years old.

TA Between 12 and 15 years.

JH Yes.

TA So it's hard to pinpoint which

JH Yeah, he went away to study in Rome

TA Okay.

JH ah when she was 14 so these things it definitely would happen between 12 and 14 or 11 and 14.

TA 11 and 14?

JH Mm, hmm.

TA Keating left for Rome. When did he leave for Rome?

JH Ah, he's been ordained he's coming up on 4 years so ah he would've left for Rome ah he studied in Rome for 3 years so if we go back seven years roughly

TA Does (inaudible) of 2002 sound right?

JH Ah

TA When he was 2002?

JH No, he would've been ordained in 2002.

TA Okay, so he would've been okay that's what I have in my notes here.

JH Yeah, he would've been in Rome 99, 2000, 2001, 2002. Those years.

TA 2001 and 2002 huh, in Rome. Okay. So would he have had any contact with ah Marie during those years then?

JH Yes ya know certainly there was e-mail contact.

TA Okay.

JH Ah and I'm trying to think if he ah he would've as well had some contact cause he would've been home for the summers.

TA Oh okay, so he would've during those four years is all the way up until he was ordained and um in May of 02 um he would've come back to St. Paul/Minneapolis for the summers for like three months?

JH Yes.

TA Do you know if he spent time at ah

JH I know he certainly yes spent time with the family then, yes.

TA He did, okay.

JH Mm, hmm.

TA Okay. All right okay and then okay so she told you about the fondling. Did she ever tell you about anything else?

JH Ah, the it would've been following the breasts it would've been the back rub under the skin being pulled up on her body, the fingers in her mouth and ah and then she also ya know

told me directly just about the kind of foot and massaging the legs.

TA Okay. The upper where he was rubbing her ankle and went up her calf.

JH Calves, yeah.

TA Okay. Okay. All right, can you think of anything else that may be pertinent to this case?

JH Ah, what I think Tracy is the one thing is there's an Italian there's another Italian young woman who was also at his ordination.

TA Okay.

JH Named \_\_\_\_\_, I think it's \_\_\_\_\_ but I'm not absolutely sure. I know the first name is \_\_\_\_\_

TA Okay.

JH I think the thing that's pertinent is ah she was at Michael's ordination and she was my nieces they were the same age then which they were both 17 at the time of his ordination.

TA Mm, hmm.

JH And Michael had known her for three in three years he was \_\_\_\_\_ and her family for three years he was in Rome and ah Michael had called me recently, February 16th, ah with some anxiety because um \_\_\_\_\_ and my niece \_\_\_\_\_ spent some time together when during the ordination ah events and \_\_\_\_\_ had expressed to her that she was Michael's girlfriend in Rome which would've put her also at the kind of 14, 15, 16 years and Michael would've been in his early 40's.

TA Okay.

JH And preparing for priesthood and um Michael recently called me just because he was anxious that \_\_\_\_\_ may have let my niece know they had what he said was one passionate encounter together in Rome in which he said it was ah passionate, no clothes came off but Michael expressed that \_\_\_\_\_ seduced him, which is not easy for me to take ya know ah ah

TA Mm, hmm.

JH A 15 year old and a 42 year old guy here.

TA So he just called you this past February?

JH Yes.

TA And he was anxious because he had found out the \_\_\_\_\_ had spent some time with



JH Well he knew that ah he he's looking back now and he's realizing when [redacted] was here for his ordination when he was in St. Paul for the ordination which he was, he began to worry about because [redacted] had told my niece then that ah she considered herself Michael's girlfriend in Rome and that had expressed at some level to my niece that there had been some kind of physical affection ah but that's all I heard from my niece and now Michael was calling me because he was anxious that I would hear um that I would get blindsided with that news ah that somehow that would be discovered ah that he had in fact had a passionate encounter with her at some level and again she would've been 14 or 15 years old.

TA Okay, do you know is that being investigated at least um in Rome?

JH Yes, the um I know that our Vicar General his name is Father Kevin McDonough.

TA Okay.

JH The Vicar General Father Kevin McDonough was gonna pursue that and ah pursue a discussion with [redacted] and her family and I don't know where that has come out.

TA Okay.

JH I've been waiting to hear.

TA Is ah would I be able to get copies of any kind of reports that were done in Rome?

JH Certainly. Ah, I think the ah what I should do here is let me give you a the ah Chancery number is area 651-291-4400.

TA Okay.

JH And the um our man who handles all these things along ya know with the Archbishop, his name is Father Kevin McDonough.

TA Okay. And he is an attorney too is my understanding?

JH Well no, he has a doctorate. He's a ah cannon lawyer, so he's a church lawyer.

TA He's a church lawyer? Okay.

JH Yeah but um you may have the other name is Andy I don't know Andy's last name but here's his phone number directly.

TA Okay.

JH 651-291-4405. Andy is a lawyer.

TA Okay.

JH And also working with Father Kevin McDonough and the Archbishop on these cases of ah misconduct by priests.

TA Okay, is Andy also is he a priest?

JH No.

TA Okay, so gotcha. Okay.

JH If you call either one of them, they will call you quickly I'm sure.

TA Okay.

JH Ah,

TA Yeah, I'm calling people today so

JH Yeah, let you know what the status is from their ah from what they've found out. I think the issue for me Tracy is that um the ah I know that has been contacting her mother because I've ah I've heard that they e-mailed Michael wondering what's happening ya know wondering what's going on ah and it was actually Michael who talked with me about this ah one event with ah

TA Okay. As far as touching her breasts? That's what he was talking to you?

JH Yeah, well no I think with all he told me directly was that he had a passionate encounter with her.

TA Okay.

JH That no one that everyone's clothes stayed on but it shook him and he expressed that he had felt seduced and ya know ah put the relationship (inaudible) it should be but

TA Okay.

JH I wasn't very excited with the news ya know.

TA Okay. Okay, well do you have any other any other things that maybe told you that you think I should know?

JH Ah, no I think that's the ah ah that's the substance of what said to me and ah if I think of anything else, certainly I'll call you.

TA Okay, I'm just going to turn the tape recorder off, okay?