

VOLUME: I  
PAGES: 1 - 226  
EXHIBITS: Per index

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss.

DEPARTMENT OF THE TRIAL COURT  
SUPERIOR COURT DIVISION  
Docket No. 94-1158

EDWARD L. GAGNE,  
Plaintiff

vs.

BRENDAN O'DONOGHUE, PETER J.  
INZERILLO, BERNARD J. FLANAGAN,  
TIMOTHY J. HARRINGTON, and ROMAN  
CATHOLIC BISHOP OF WORCESTER,  
Defendants

COPY

DEPOSITION OF THOMAS A. KANE, taken on  
behalf of the Plaintiff, pursuant to the applicable  
provisions of the Massachusetts Rules of Civil  
Procedure, before Deborah Meeks Svirtunas, a  
Registered Professional Reporter and Notary Public  
within and for the Commonwealth of Massachusetts,  
at the offices of Klieman, Lyons, Schindler &  
Gross, 21 Custom House Street, Boston,  
Massachusetts, on Wednesday, July 9, 1997,  
commencing at 10:20 a.m.

DUNN & GOUDREAU COURT REPORTING SERVICE, INC..  
15 Broad Street  
Boston, Massachusetts 02109  
(617) 742-6900

1 right? And then I think there's another  
2 summer, I don't remember, a summer or two along  
3 the line over the years, I was at Rutgers to  
4 get the degree in alcoholic studies. It's very  
5 different from its requirement now. Now  
6 there's an alcohol therapist studies, but in  
7 those days, the institute of alcoholic  
8 studies. All right?

9 Q So, you have two certificates from Rutgers  
0 University?

1 A Yes.

2 Q One in teaching journalism and one, a  
3 certificate in alcohol counseling?

A Alcohol studies.

Q Excuse me. Thank you for correcting me.

And did you say that you attended Christ  
the King Seminary?

A Yes, I did. That's, that is St. Bonaventure  
University.

Q I see.

A It's a theological school at St. Bonaventure  
University. However, now they're two  
autonomous schools.

Q And you were ordained a Catholic priest on

May 15, 1969?

A Yes.

Q Now, during your description of your educational background, you had mentioned that you began serving as a parish priest after your graduation from Bonaventure University.

Can you now describe for me the positions that you held in chronological order, if possible, as a curate or a parish priest in the Worcester Diocese? I believe, did it begin with Saint Stephen's or was it Saint Mary's that you began at?

A No. It would have been -- actually, yes, it did begin at Saint Stephen's. I was a deacon there and then, after I was ordained, I was there for a few months.

Q So, you were at Saint Stephen's for four or five months?

A I don't remember how many months. Before I went to BU. Right.

Q It was less than a year?

A I was ordained in May, they had me stay at Saint Stephen's until September, when I moved to Boston to do graduate studies.

1 for Clergy and Religious counseling?  
2

3 MR. LAPOINTE: Objection.

4 A Well, the House of Affirmation dealt with  
5 mainly religious, spiritual, emotional issues.  
6 It could be a vocational issue.

7 If people came in with the diagnosis of  
8 alcohol, they were all referred out. Some of  
9 them had psychosexual issues that would be  
10 dealt with by their therapist. And it was also  
11 done within the new modalities then called  
12 milieu therapy or therapeutic communities. And  
13 it would be important to understand a little  
14 bit about that literature as to why putting a  
15 priest who was suffering emotional problems in  
16 a typical hospital setting where he then had to  
17 stay with his role, priest, and he was focused  
18 on more as priest than as a human person who  
19 was depressed. All right? That if you put in,  
20 it was thought, if you put him in the milieu  
21 where people appreciated religious values but  
22 didn't force them onto people, that there would  
23 be a better healing process.

24 Q And this was a service that was not available  
at the previous center because it would require

1 Missouri, which is in the suburbs. And in  
2 Florida, in Clearwater, Florida.

3 Q Was there also one in England?

4 A That was not part of the House of Affirmation.

5 Q So, there was the center in Worcester, in  
6 Whitinsville; correct?

7 MR. REARDON: Objection as to form.

8 A They call it Whitinsville. Yes.

9 Q Thank you for correcting me.

10 A All right.

11 Q There was a center in Florida?

12 A Yes. Later on.

13 Q Excuse me?

14 A Years later. Not at this time.

15 Q There was eventually a center in Webster  
16 Groves, Missouri?

17 A Right.

18 Q And by the way, was the House of Affirmation  
19 always located at the Whitinsville location?

20 A The Whitinsville one was always located in  
21 Whitinsville.

22 Q But there was another center at some point?

23 Did you move into a new facility?

24 A We built a wing there.

1 board?

2 MR. REARDON: Objection as to the form.

3 A Is his name there? Oh, yes. He would have  
4 been on the international advisory board.

5 Q Do you remember Bishop Harrington ever having  
6 anything to do with the running of the House of  
7 Affirmation, either in an advisory capacity or  
8 in any other capacity?

9 A He would often come to celebrate mass for us.

10 Q Other than to celebrate mass, did he receive  
11 reports from you or anyone else at the staff on  
12 the activities going on at the House of  
13 Affirmation?

14 A Yes. There would be -- not from me, I don't  
15 think, anyway. If they went out under my  
16 signature, they would have Dr. Polcino's  
17 signature, too.

18 One of the things the house was built upon  
19 and the bishops agreed upon and got its  
20 credibility in the early days was that  
21 confidentiality of the priest and religious was  
22 assured. Prior to that, priest and religious,  
23 and even today, some feel that their bishops  
24 have privy to the most personal things of that,

1 their therapist. It was set up very clearly  
2 with Bishop Harrington and that is that priests  
3 and sisters would have anonymity when they came  
4 to the house, but they also required that a  
5 report would be sent and the patient would be  
6 shown the report. The patient wouldn't have,  
7 in any case, have any control over that,  
8 whether it would be sent, but they would know  
9 it was being sent to their superiors.

10 Also, Bishop Harrington also did do one  
11 other thing at the House of Affirmation. He  
12 sat in and did for a couple years, would come a  
13 few times a year to, this sounds funny, I don't  
14 know how he ever did it, but he had a lot of  
15 humility and he was a very kind man, "Take your  
16 anger out on the bishop sessions." All right.  
17 So, all these priests who were angry at the  
18 bishops, he would sit there -- not necessarily  
19 Worcester priests -- and they'd direct their  
20 anger and he would try to deal with, not as a  
21 therapist, although he was a social worker, but  
22 as a bishop. And that was very helpful to some  
23 of the priests.

24 Q Can I back you up to a part of your answer? I

1 believe you said that one of the activities of  
2 the House of Affirmation would be to provide  
3 the diocese with some sort of report concerning  
4 the persons who had come under its treatment.  
5 Is that correct?

6 A Well, we have to be precise there, because it  
7 was very clear to us that this was not going to  
8 the diocese. This was going to the bishop or  
9 the bishop's representative, personnel  
10 director, it could have been over the years.  
11 Some bishops had a pastoral director. All  
12 right?

13 Q Well, then, let me be as precise as possible.  
14 Who was it that these reports would be provided  
15 to? Can you name the persons?

16 A No. What I could tell you -- when a client  
17 came in, they had to sign, "Do you want reports  
18 sent to someone, who is that person, do you  
19 authorize it." And so it would be sent to that  
20 person and only that person.

21 If a bishop called and said, "Father  
22 So-and-so is there" -- Bishop Harrington and  
23 Bishop Flanagan never did this, but sometimes  
24 other bishops -- "I want to know what's going

on, boom, boom, boom."

And we would say we could not say anything without the client giving us permission to do that. If the client had not signed a release, then we couldn't say even if the client was there. That was set up by Dr. Polcino.

Q So, as I understand your answer, the reports were only made when the client authorized ---

A Absolutely.

Q --- a report to be made?

A And only to that person. Not to an institution or ---

Q When you say "that person," you're referring to a particular person, either the bishop or, as you describe, one of the other individuals who were authorized by the patient to see the report?

MR. REARDON: Objection. That's not what he said.

A No. What I'm saying is, it was not given to an office, like a bishop or a personnel director. It was, authorization was given precisely to, say, Bernard Flanagan. Couldn't say "the Bishop of Worcester." It had to give us a

1 Q (By Mr. Lyons) Can you tell me, physically, at  
2 this time, do you know the whereabouts of the  
3 records of the House of Affirmation?

4 A I have absolutely no knowledge as to where they  
5 are.

6 MR. REARDON: I'm sorry, Father. I can't  
7 hear you down here.

8 A I have absolutely no knowledge as to where the  
9 records of the House of Affirmation are.

10 MR. REARDON: I hear you now, Father.

11 MR. DONIGER: Is that a stress ball here?

12 MR. REARDON: Yes. I'm under stress  
13 here. I broke both wrists.

14 Q (By Mr. Lyons) At any time while you were in  
15 the position of executive director of the House  
16 of Affirmation, did you have any discussions  
17 with either Bishop Flanagan or Bishop  
18 Harrington regarding patients who were treated  
19 at the House of Affirmation for pedophilia?

20 MR. REARDON: Objection. As I previously  
21 stated, I think that crosses the line and  
22 impinges upon the very strict statute construed  
23 in Massachusetts law and I strongly suggest  
24 that he has no right to talk about that.

1 MR. DONIGER: I'm going to let him answer  
2 that in the very general form that you present  
3 it, Steve, because I don't believe that the  
4 statute precludes a general question like  
5 this.

6 MR. REARDON: He might answer yes or no.

7 MR. DONIGER: Exactly.

8 MR. REARDON: All right. After that ---

9 THE WITNESS: Could you re-ask the  
10 question?

11 MR. LYONS: Why don't we have the Reporter  
12 read it back this time.

13 MR. REARDON: Great.

14 (The Court Reporter read back the pending  
15 question, beginning at page 84, line 14.)

16 MR. REARDON: I still object to it.

17 MR. DONIGER: Just a yes or no.

18 A Yes.

19 Q And can you tell me, to the best of your  
20 recollection, how many times you may have had  
21 such discussions?

22 MR. REARDON: Objection.

23 MR. LAPOINTE: Objection.

24 MR. DONIGER: You can answer that.

1 A Once.

2 Q And can you tell me when in time? In other  
3 words, a year, as precisely as you can recall,  
4 this discussion that you are referring to took  
5 place?

6 MR. REARDON: Objection.

7 MR. LAPOINTE: Objection.

8 MR. REARDON: That might then suggest the  
9 name of the participant or the person who was  
10 allegedly being treated.

11 MR. DONIGER: He wasn't -- I don't  
12 understand.

13 MR. REARDON: Well, you may zero in on the  
14 year and say, look it, that's, that's the  
15 particular time that Mr. Lyons may be talking  
16 about. So it may identify a person, so I  
17 object to the year coming forth because I think  
18 that then zeroes in on a particular  
19 individual. I would say that the ---

20 MR. DONIGER: Well, okay. Under those  
21 circumstances, I think I'm going to have to  
22 instruct him not to answer. I don't know  
23 enough about this case and that may very well  
24 be the case, that a particular year will have

1 established for persons who wanted to go to the  
2 center for treatment; is that correct?

3 MR. REARDON: Objection to form.

4 A I think there was a waiting list. Yeah, there  
5 was a waiting list, but I don't know when it  
6 was.

7 Q How long were you executive director of the  
8 House of Affirmation?

9 A Oh, from 1972 to 1986.

10 Q And have you described for me all of your  
11 duties and responsibilities for that position  
12 at least in general terms for your entire  
13 tenure?

14 A No.

15 Q At some point, did your duties and  
16 responsibilities change appreciably?

17 A It got a lot more administrative, giving a lot  
18 more retreats, spiritual retreats for priests  
19 and sisters, a lot of publishing, things like  
20 that. Yeah.

21 Q When did you begin giving retreats for priests  
22 and religious persons?

23 A Well, somewhere in the seventies.

24 Q And what type of retreats did you ---

1 meditate on that maybe. Maybe some places, you  
2 gave two conferences a day plus mass.

3 (Recess taken from 12:06 to 12:15 p.m.)

4 Q (By Mr. Lyons) How long were you at the House  
5 of Affirmation, until what date?

6 A Until October of, the 26th -- I mean, October  
7 of '86. Then I went on sabbatical and I was  
8 off the payroll, I think, the following spring,  
9 in '87.

10 Q And can you tell me, please, what was the  
11 reason for your leaving the House of  
12 Affirmation?

13 A I resigned.

14 Q And were you asked to resign the House of  
15 Affirmation?

16 A Nope.

17 Q It's your testimony that you were not  
18 terminated from your position as executive  
19 director; is that correct?

20 A No. I resigned.

21 Q Did any event precipitate your decision to  
22 resign from the House of Affirmation?

23 A Yes. I think there was a lot of burnout on my  
24 part. And I was on sabbatical and I felt that

1 it was just best ---

2 MR. REARDON: I'm having trouble again  
3 hearing you. I'm sorry.

4 A I was just on sabbatical and I thought it was  
5 in my best interests. And then Bishop  
6 Harrington said he was going to reassign me,  
7 so ---

8 Q And was your decision to resign or the decision  
9 of the bishop to reassign you based in any way  
10 on allegations of financial impropriety at the  
11 House of Affirmation on your part?

12 MR. DONIGER: Objection.

13 MR. LAPOINTE: Objection.

14 MR. DONIGER: Why don't you break the  
15 question up? Because you're asking him if he  
16 knows what was in the Bishop's mind.

17 Q Sure. Was your decision to resign in any way  
18 based upon allegations involving financial  
19 improprieties on your part at the House of  
20 Affirmation?

21 A No.

22 Q Was it at any time alleged that you had  
23 misappropriated funds from the House of  
24 Affirmation to purchase properties in Florida

1 and Maine?

2 MR. DONIGER: Was it alleged?

3 MR. LYONS: Yes, sir.

4 A By whom?

5 Q By anyone?

6 A By the media.

7 Q This was something that was alleged only by the  
8 media?

9 A I never got allegations from anybody else.

10 Q At any point, were allegations such as I've  
11 described for you conveyed by anyone from the  
12 Worcester Diocese to you?

13 MR. DONIGER: Objection.

14 MR. REARDON: I object. It's nothing to  
15 do with this particular case, whether the  
16 diocese found financial difficulty or did  
17 financial difficulty. You're representing  
18 someone who alleged some sexual improprieties.  
19 What the diocese did or did not do with regard  
20 to his money, I don't admit that they did, has  
21 nothing to do with the present situation. I  
22 think it's outside of the scope of the case.

23 Q Do you have in mind my question?

24 A Um-hum.

1 THE WITNESS: Could you read the question  
2 back?

3 MR. LYONS: Let me ask it again.

4 Q Are you aware generally from any source whether  
5 or not the House of Affirmation undertook the  
6 treatment of any priest where it was alleged  
7 that that priest had engaged in inappropriate  
8 sexual contact with children?

9 MR. FARREY: Objection.

10 MR. REARDON: Objection.

11 MR. DONIGER: Now you're asking a slightly  
12 different question. I thought what you were  
13 asking was, did the House of Affirmation ever  
14 treat a priest for pedophilia, as opposed to  
15 the question you just asked, which is,, did the  
16 House of Affirmation treat a priest for  
17 anything as to whom it had been alleged that he  
18 had -- I mean, they might have been treating  
19 him for alcohol abuse.

20 MR. LYONS: I'll choose the first one.  
21 That's what I've been attempting to get at.

22 MR. DONIGER: And that's what I'm going to  
23 let him answer.

24 MR. REARDON: May I make an-objection now?

1 MR. DONIGER: Indeed.

2 MR. REARDON: Just to go on the record for  
3 consistency ---

4 MR. FARREY: I object.

5 THE WITNESS: Can I ask a question?

6 MR. DONIGER: If you don't understand the  
7 question that's being asked, then don't answer  
8 the question. No, you don't ask any  
9 questions. Mr. Lyons asks the questions.

10 Q (By Mr. Lyons) Would you like to have the  
11 question reread to you?

12 THE WITNESS: Can I consult with my  
13 attorney for a moment?

14 MR. LYONS: Absolutely.

15 MR. DONIGER: Of course.

16 MR. LYONS: For privacy sake, why don't  
17 you go outside.

18 (Mr. Doniger and the witness leave the  
19 room to confer and subsequently return.)

20 A The answer to the question is yes.

21 MR. DONIGER: And by "House of  
22 Affirmation," just so we're -- we're talking  
23 about any number of the centers, both in this  
24 country and abroad.

1 MR. LYONS: That's fine.

2 Q Can I ask the same question with respect to the  
3 House of Affirmation in the Worcester Diocese?

4 MR. REARDON: My objection.

5 Q Are you aware of any instance where it  
6 undertook the treatment of a priest where there  
7 were allegations involved of inappropriate  
8 sexual contact with a child?

9 MR. FARREY: I object.

10 MR. REARDON: Objection.

11 MR. LAPOINTE: Objection.

12 MR. DONIGER: You can answer that.

13 A No.

14 Q Did you ever discuss with Sister Anna Polcino  
15 the policy of the House of Affirmation with  
16 respect to the reporting to law enforcement  
17 authorities of allegations involving childhood  
18 sexual abuse?

19 MR. REARDON: Objection.

20 A Yes.

21 Q When did that conversation take place to the  
22 best of your recollection?

23 A I was coming back to Whitinsville, I had been  
24 in, like out in the Midwest or far west, and

1 MR. REARDON: If he says yes, what's he  
2 saying yes to?

3 MR. DONIGER: Exactly. Condoned,  
4 encourage, you got all sorts of words in  
5 there.

6 MR. LYONS: Let me break it down.

7 Q During your tenure at the House of Affirmation,  
8 did you personally in any way encourage sexual  
9 relationships between priests and adolescent  
0 boys?

1 A No.

2 Q Did you in any way condone such activity?

3 A No.

4 Q Did you in any way by your actions or by  
5 example condone such activity?

6 A No.

7 Q Do you know whether anyone else at the House of  
8 Affirmation ever condoned such activities?

9 A With adolescent boys?

0 Q Yes, sir.

1 A No.

2 Q Do you know -- and by that I mean, do you know  
3 whether or not anyone else at the House of  
4 Affirmation, through actions or examples that

A I was in the seminary when he was in the seminary. I was a year or two ahead of him.

Q Are you aware of any complaints having been made about Peter Inzerillo involving inappropriate sexual contact with adolescents?

A I was shocked to read that in the paper. That's my only knowledge.

Q Prior to that, prior to reading about it in the newspaper, did you have any knowledge of such activities with Peter Inzerillo?

A No. Shocked. No.

Q Do you know whether or not, this is a yes or no question, do you know whether or not Peter Inzerillo was ever treated at the House of Affirmation for any reason?

MR. REARDON: Objection.

MR. FARREY: I object.

MR. DONIGER: Just if you have knowledge.

A I have no knowledge.

MR. LYONS: Maybe if I take a five-minute break, I can wrap up real fast.

(Recess taken from 2:54 to 2:59 p.m.)

(Copy of a article entitled "The House of Affirmation" from "Brothers Newsletter" marked