

## THE DEPOSITION OF FRANCIS CARDINAL GEORGE

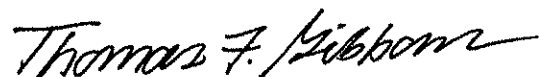
Francis Cardinal George gave a deposition on January 30, 2008 as part of the mediation of a group of legal claims brought by victims of childhood sexual abuse against the Archdiocese of Chicago. The purpose of the deposition was to allow the victims' attorney, Jeffrey R. Anderson, to ask Cardinal George questions to assist in resolving those claims fairly and promptly.

At a deposition only the witness provides testimony under oath. The words of the attorneys are not testimony. The attorney taking the deposition asks questions that he or she chooses. Accordingly, a deposition is not meant to provide a full view of a case.

The attorney taking a deposition also has wide latitude in the use of documents. He or she can present documents from the witness' files or other documents that the witness may not have seen. Documents created by attorneys, and statements made by attorneys, are not evidence and may not be accurate.

In a few places, the transcript and some exhibits have words blacked out. These are called "redactions." Their purpose is to protect the privacy of persons who are not directly involved in these cases, or to protect information that is required by law to be kept confidential. For the same reasons of privacy, a number of people discussed in the deposition are referred to as "John Doe," or by some other pseudonym. The parties have agreed that these redactions are appropriate in this case.

Other than the few instances of redaction, the written transcript reflects everything said by Cardinal George at the deposition. The complete transcript of the deposition is available by clicking on the link below.

A handwritten signature in black ink, reading "Thomas F. Gibbons". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Thomas F. Gibbons, Mediator

August 12, 2008

<p>1 STATE OF ILLINOIS )  2 ) SS:  3 COUNTY OF C O O K )  4  5 IN RE:  6 DOE, et al., )  7 Plaintiffs, )  8 vs: )  9 CHICAGO ARCHDIOCESE, )  10 Defendants. )  11  12 The discovery deposition of FRANCIS CARDINAL  13 GEORGE, taken in the above-entitled cause, before  14 Liza Marie Regan, a notary public of Cook County,  15 Illinois, on the 30th day of January, 2008, at the  16 hour of 10:18 a.m. at 330 North Wabash Avenue,  17 Suite 2200, Chicago, Illinois, pursuant to Notice.  18  19  20  21  22  23 Reported by: LIZA MARIE REGAN, CSR, RPR  24 License No. 084-004277</p>	<p>1 APPEARANCES (Continued):  2 BURKE, WARREN, MACKAY &amp; SERRITELLA, P.C.,  3 BY: MR. JAMES C. GEOLY,  4 330 North Wabash Avenue, Suite 2200  5 Chicago, Illinois 60611  6 (312) 840-7000  7 Representing the Defendant,  8  9 ALSO PRESENT:  10 MS. JESSICA ARBOUR.  11  12  13  14  15  16  17  18  19  20  21  22  23  24</p>
<p>1 APPEARANCES:  2 ANDERSON &amp; ASSOCIATES, P.A.,  3 BY: MR. JEFFREY R. ANDERSON,  4 332 Minnesota Street, E-1000  5 St. Paul, Minnesota 55101  6 (651) 227-9990  7 AND  8 KERNS, FROST &amp; PEARLMAN, LLC,  9 BY: MR. MARC J. PEARLMAN,  10 70 West Madison Street, Suite 5350  11 Chicago, Illinois 60602  12 (312) 261-4550  13 Representing Plaintiffs,  14  15 SONNENSCHNEIN, NATH &amp; ROSENTHAL, LLP,  16 BY: MR. JAMES A. KLENK,  17 233 South Wacker Drive, Suite 8000  18 Chicago, Illinois 60606  19 (312) 876-8000  20 AND  21  22  23  24</p>	<p>1 INDEX  2 WITNESS EXAMINATION  3 FRANCIS CARDINAL GEORGE  4 By Mr. Anderson 11  5 Mr. Klenk 285  6 Mr. Anderson (Further) 297  7  8  9 EXHIBITS  10 NUMBER MARKED FOR ID  11 Defendant Deposition Exhibit  12 AOC 1 286  13  14  15  16  17  18  19  20  21  22  23  24</p>

<p>1 (Whereupon, all Plaintiff 2 Exhibits were marked 3 previously.) 4 MR. ANDERSON: Before we begin the video 5 portion of the deposition, I'd just like to put a 6 couple of matters on the record. I've advised the 7 videographer and the court reporter of the nature 8 of this proceeding so they understand. 9 We marked Exhibit A which was our request 10 for the files and that request was made on 11 January 24th. Those files were delivered to us 12 yesterday as reflected by Exhibit B. The files 13 that were delivered to us yesterday involve a 14 number of the priests, Becker, Ruge, Ryniecki and 15 Steel which are pertinent to this inquiry but, 16 candidly, because they were delivered so late 17 yesterday, there was no way I or we could review 18 those materials. 19 Exhibit C is a letter that was delivered 20 to us yesterday also on the signature of Jay Franke 21 on behalf of the Archdiocese that produced us some 22 documents that by reason of whatever were not 23 produced earlier and these included, among other 24 things, McCormack's seminary files and some of his</p> <p>5</p>	<p>1 the appropriate form. You've identified the issue. 2 If it has to be taken up later, both sides will 3 have their opportunity to make their arguments. 4 MR. ANDERSON: With that in mind, we're going 5 to proceed. 6 For us here today, would you like me to 7 refer to you as your Eminence or Cardinal? 8 THE WITNESS: It's your choice but cardinal is 9 more -- 10 MR. KLENK: I think cardinal. 11 MR. ANDERSON: Okay. 12 Also, while we're doing this, a couple of 13 housekeeping things. We're on the transcription 14 record. We were scheduled to start at 9:30 but 15 because of a miscommunication, we didn't have a 16 court reporter so the time is 10:25. 17 We've also agreed that at various times in 18 this deposition, we may refer to some possible -- 19 want to refer to some possible names of some 20 possible victims. To protect their anonymity and 21 be respectful of that, we've agreed to mark 22 Exhibit 2 and we'll refer to them using pseudonyms 23 such as Does and Roes and things like that. When 24 we do, I'll write down or have you or Jim will</p> <p>7</p>
<p>1 employment records. There are 80 pages appended to 2 Exhibit C approximately. Again, because of the 3 late delivery of these materials that had been 4 requested, we just could not review them. There's 5 no way we could have been expected to have reviewed 6 them so I will not be able to ask about those. 7 Exhibit D is the cover letter of Jay 8 Franke with attachments. This was delivered to us 9 as we were preparing last night at 6:30 p.m. In 10 it, the Archdiocese is disclosing to us for the 11 first time that there are over 200 pages of 12 documents of what they call supplementary 13 production of materials from -- ranging from Becker 14 to Bennett to Craig to Hagan and right down the 15 list at page three that, again, it would be 16 impossible to have reviewed on such short notice. 17 So I put these matters into the record, 18 Jim, just so that we can take it up later, if 19 necessary, when we have an opportunity to review 20 those matters and leave it there for now. 21 MR. GEOLY: Let me make a very brief comment 22 that that approach is acceptable. You've stated 23 your concerns and we'll just reserve whatever 24 rights we have and any response we need to make in</p> <p>6</p>	<p>1 write down on Exhibit 2 their actual name. On the 2 left, you'll see there's Does one through 30. That 3 way, we can keep this document, Exhibit 2, sealed 4 by agreement and do what we can to protect their 5 privacy and the like. 6 Do you agree to that? 7 MR. KLENK: We'll do this. 8 THE WITNESS: I will know the name, however? 9 MR. ANDERSON: We will give you the name. 10 MR. KLENK: You'll know it. This is just a 11 procedure to protect the confidentiality of the 12 victims that we think is appropriate. 13 THE WITNESS: Sure. 14 MR. ANDERSON: We'll write the name down on 15 this exhibit. It will be before both of us. If we 16 need to talk about that individual by name, we'll 17 know who we're talking about but we'll be referring 18 to him or her as Jane Doe One or John Doe. 19 THE WITNESS: Sure. 20 MR. ANDERSON: Anything else? 21 MR. GEOLY: No. 22 THE VIDEOGRAPHER: My name is Kelly Woods, 23 legal video specialist with McCorkle Court 24 Reporters located at 200 North LaSalle Street,</p> <p>8</p>

<p>1 suite 300, Chicago, Illinois 60601. I am the  2 camera operator on January 30, 2008 for the  3 videotaping of the deposition of Cardinal Francis  4 George being taken at 330 North Wabash at the time  5 of 10:26 a.m. in the matter of Doe, et al.,  6 plaintiff, versus Chicago Archdiocese, defendant.  7 Will the attorneys please identify  8 themselves for the video record.  9 MR. ANDERSON: For the plaintiff, Jeff  10 Anderson.  11 MR. KLENK: For Cardinal George and the  12 Archdiocese of Chicago, James Klenk from  13 Sonnenchein, Nath and Rosenthal.  14 MR. GEOLY: And I don't know if you can pick  15 this up -- yes -- for Cardinal George and the  16 Archdiocese, James Geoly from Burke, Warren, MacKay  17 and Serritella.  18 THE VIDEOGRAPHER: Thank you.  19 Will the court reporter please swear in  20 the witness.  21 (Witness sworn.)  22 MR. ANDERSON: Cardinal, would you please state  23 your full name for the record?  24 THE WITNESS: My name is Francis Eugene George.</p> <p style="text-align: right;">9</p>	<p>1 FRANCIS CARDINAL GEORGE,  2 called as a witness herein, having been first duly  3 sworn, was examined and testified as follows:  4 EXAMINATION  5 BY MR. ANDERSON:  6 Q. Cardinal, you've been a priest now since  7 your ordination in '63 for -- is that 40 --  8 A. Almost 48 -- for 45 years. I -- 45 years,  9 yeah.  10 Q. And you were ordained as an -- as an  11 Oblate which is an order or religious priest,  12 correct?  13 A. Yes. I was ordained a priest as a member  14 of the Oblates of Mary Immaculate.  15 Q. And when ordained as a priest, you made  16 three vows, one of poverty, one of chastity and one  17 of obedience to your superior, correct?  18 A. I made those vows before I was ordained  19 when I entered the order.  20 Q. And those vows at all -- while -- while at  21 all times a priest remain in effect, do they not?  22 A. Yes.  23 Q. The vow of celibate chastity that you and  24 a priest takes and make, what does that mean?</p> <p style="text-align: right;">11</p>
<p>1 MR. ANDERSON: Cardinal, you understand and we  2 met this morning that this is being recorded both  3 by videotape and transcription?  4 THE WITNESS: I do.  5 MR. ANDERSON: And you're giving testimony here  6 today as if it is in a courtroom.  7 Do you understand that?  8 THE WITNESS: I do.  9 MR. ANDERSON: Okay.  10 You also understand that I'm one of the  11 lawyers for a number of individuals who have been  12 and have brought claims alleging sexual abuse by  13 very -- various clerics of the Archdiocese of  14 Chicago?  15 THE WITNESS: Yes.  16 MR. ANDERSON: Okay.  17 If you don't understand any question that  18 I ask you throughout the day, just let me know. If  19 you don't tell me that, I'll assume you understand  20 the question.  21 THE WITNESS: Thank you.  22 MR. ANDERSON: And should you want to take a  23 break at any time, feel free to.  24 THE WITNESS: Okay.</p> <p style="text-align: right;">10</p>	<p>1 A. It means that one must live a chaste life  2 as an unmarried man. Chaste meaning observing the  3 6th and the 9th commandments in your behavior and  4 their spirit, in your thoughts, in your life.  5 Q. Did you in preparation for your vocation  6 or even since your ordination ever receive any  7 training from anybody in terms of how to manage the  8 vow of celibacy and your own sexuality?  9 A. Yes. During our year of novitiate before  10 we made vows, much time was given to that subject.  11 Q. Okay.  12 Beyond that, has any formal training been  13 given to you or others like you to your knowledge?  14 A. To me, when we did the study of pastoral  15 counseling, the subject of various sexual  16 pathologies was addressed so we could recognize  17 them. We're not counselors so we can't treat them  18 but there was some further information given.  19 Q. Okay.  20 Cardinal, when in time as a priest in all  21 your years did you first come to believe, if you  22 did, that there was a problem of clerics sexually  23 abusing children?  24 A. The first time I heard of such an instance</p> <p style="text-align: right;">12</p>

<p>1 was in the mid-'80s when I heard that a member of 2 my own order had been accused of this sin and 3 crime. 4 Q. And where were you then working at that 5 time? 6 A. I was the Vicar General for the Oblates of 7 Mary Immaculate stationed in the city of Rome where 8 our General House is. 9 Q. And in response to having learned that an 10 Oblate had been accused, did you take any action or 11 were you required to do anything responsive to 12 that? 13 A. The case had been handled in the civil 14 courts before we heard about it. We went to the 15 Provincial, who is the superior in place, and asked 16 him for an account of what happened. 17 Q. And did you or anybody under your 18 direction report what you or the Oblates knew about 19 this priest's history to civil authorities in the 20 mid-'80s? 21 A. That had been done in the place where he 22 was accused. 23 Q. Okay. 24 So when you referred to the case, were you</p> <p style="text-align: right;">13</p>	<p>1 authorities? 2 A. There were criminal cases tried where the 3 priests had committed this terrible sin. We got it 4 after everything was done, basically. 5 Q. So in all three instances which we've 6 discussed, the civil authorities had the 7 information before you received it. 8 Is that your understanding? 9 A. Yes. 10 Q. Okay. 11 A. Before we received the report from the 12 Provincial. 13 Q. Okay. 14 Cardinal, in about 1985, the Catholic 15 Conference of Bishops, then the National Conference 16 of Bishops, at their annual meeting in November of 17 that year convened and received a presentation and 18 a report dealing with what has been called the 19 crisis of pedophilia in the priesthood. Cardinal, 20 that report was authored by a Father Tom Doyle. 21 Have you heard that name? 22 A. Yes, I have. 23 Q. And it was co-authored then by an 24 attorney, Ray Mouton.</p> <p style="text-align: right;">15</p>
<p>1 referring to a criminal case that had been brought 2 against the cleric? 3 A. That's right. 4 Q. So it had been brought to civil 5 authorities by somebody other than an Oblate? 6 A. I don't know that. 7 Q. Okay. 8 And at that time in the mid-'80s, did it 9 come to your attention that there was a larger 10 problem of sexual abuse by clerics either in the 11 Oblates or among the -- the priests beyond this one 12 cleric accused? 13 A. Not immediately. I did hear after that 14 about two other cases in the next several years. 15 Q. And approximately when would that have 16 been? 17 A. That would have been still in the 18 mid-'80s. 19 Q. And -- is -- while you were still Vicar 20 General of the Oblates in Rome? 21 A. That's correct. 22 Q. In -- in those two instances, did you or 23 anybody at your direction within the Oblates or 24 among the clerics report that information to civil</p> <p style="text-align: right;">14</p>	<p>1 Have you heard that name? 2 A. Perhaps in asking about the report. 3 Q. Okay. 4 And it was co-authored by a 5 Father Peterson who had formerly run a treatment 6 center that had treated a number of clerical 7 offenders. 8 A. Yes. 9 Q. My question to you is did that report or 10 the presentation given to the then National 11 Conference of Bishops in 1985 in any way come to 12 your attention at about that time? 13 A. No. 14 Q. Okay. 15 When would in time you have first heard of 16 that report then made by them to the conference? 17 A. I became a bishop in 1990. 18 Q. Okay. 19 At Yakima? 20 A. I was made the Bishop of Yakima in 21 September of 1990. 22 Q. And then after having been appointed and 23 installed as bishop in Yakima, how did you come to 24 learn of the report made to the conference or</p> <p style="text-align: right;">16</p>

<p>1 then -- then the bishops five years earlier?</p> <p>2 A. In November, I went to my first meeting as</p> <p>3 a bishop in 1990 and there was a committee in place</p> <p>4 to address this issue in the conference and when</p> <p>5 the bishop in charge of the committee opened the</p> <p>6 discussion, I had heard this report referred to.</p> <p>7 It was tangential, as I recall it, to the</p> <p>8 discussion at the time.</p> <p>9 Q. And, Cardinal, any time, at least to your</p> <p>10 knowledge, did any bishop or did the then National</p> <p>11 Conference of Bishops take any decisive action or</p> <p>12 any action at all responsive to the report made to</p> <p>13 them five years earlier --</p> <p>14 MR. KLENK: I --</p> <p>15 MR. ANDERSON: Just a moment.</p> <p>16 BY MR. ANDERSON:</p> <p>17 Q. -- beyond discussion of it?</p> <p>18 MR. KLENK: I just had an objection to the form</p> <p>19 of the question, compound. I didn't mean to</p> <p>20 interrupt you.</p> <p>21 MR. ANDERSON: That's okay.</p> <p>22 Do you want me to ask it again?</p> <p>23 THE WITNESS: If you would, please.</p> <p>24</p>	<p>1 A. Oh, very much so. Even one instance of an</p> <p>2 abuse of a child is a matter of grave importance.</p> <p>3 Q. To this day, have you ever viewed the</p> <p>4 issue of priests abusing youth, children, and --</p> <p>5 and the handling of that issue by superiors to be a</p> <p>6 crisis?</p> <p>7 A. I think you could call it a crisis.</p> <p>8 Q. When did you perceive that to be a crisis?</p> <p>9 A. The magnitude of the crisis became clear</p> <p>10 in 2002.</p> <p>11 Q. And then out of that came the charter and</p> <p>12 the very public meeting of the Catholic Conference</p> <p>13 of Bishops in Dallas?</p> <p>14 A. That's correct.</p> <p>15 Q. And at the time of the charter and the</p> <p>16 adoption of the protocols that came out of that,</p> <p>17 what was then your role and/or position with the</p> <p>18 Catholic Conference of Bishops?</p> <p>19 A. I was the Archbishop of Chicago and,</p> <p>20 therefore, a member of the conference. I was not</p> <p>21 an official. The discussion that took place then</p> <p>22 had to go to the Holy See so that we could have the</p> <p>23 special norms in order to put the promises of the</p> <p>24 charter into the laws of the church. I was part of</p>
<p>1 BY MR. ANDERSON:</p> <p>2 Q. To your knowledge, did any -- anybody take</p> <p>3 action responsive to that report beyond discussing</p> <p>4 it at the level of bishops?</p> <p>5 A. Whether or not it was directly responsive</p> <p>6 to the report, the bishops had put in place</p> <p>7 guidelines including the use of a review board to</p> <p>8 receive allegations that each Diocese was asked to</p> <p>9 implement in order to be sure children were</p> <p>10 protected and that reports were adequately handled.</p> <p>11 Q. To your knowledge, did that report and the</p> <p>12 information you received in connection with it</p> <p>13 identify a crisis in the clerical culture in the</p> <p>14 U.S.?</p> <p>15 A. May I ask which report?</p> <p>16 Q. The Doyle --</p> <p>17 A. The Doyle report you're talking about?</p> <p>18 Q. -- report.</p> <p>19 A. I don't know that the word crisis was used</p> <p>20 but I understood the report to say this is a matter</p> <p>21 of grave importance.</p> <p>22 Q. Okay.</p> <p>23 And did you then view it as a matter of</p> <p>24 grave importance?</p>	<p>1 the group that the conference asked to go and</p> <p>2 negotiate the creation of those special norms with</p> <p>3 the Holy See.</p> <p>4 Q. Was there resistance from the See and the</p> <p>5 congregation to the doctrine of the faith regarding</p> <p>6 the implementation of the norms as proposed by the</p> <p>7 bishops in the U.S.?</p> <p>8 A. Resistance, no.</p> <p>9 Q. Was there negotiation between the See's</p> <p>10 office and the Catholic Conference of Bishops --</p> <p>11 A. There was conversation, of course, what</p> <p>12 does this mean.</p> <p>13 Q. Who among the bishops advocated most</p> <p>14 strenuously for adoption of those norms to the See?</p> <p>15 A. There were four of us and we all -- we all</p> <p>16 asked the Holy See to create special legal norms to</p> <p>17 handle these cases.</p> <p>18 Q. And who were those four?</p> <p>19 A. I was one. Archbishop Levada. Bishop</p> <p>20 Levada -- Archbishop Levada.</p> <p>21 MR. ANDERSON: L-E-V-A-D-A.</p> <p>22 THE WITNESS: Bishop Thomas Dorin and</p> <p>23 Bishop William Laurie.</p> <p>24</p>

<p>1 BY MR. ANDERSON:  2 Q. And at the time of the discussion of these  3 norms in 2002 with the Office of the Holy See and I  4 presume a representative from the congregation; is  5 that correct?  6 A. Several congregations.  7 Q. Okay.  8 One of the proposals in that charter was  9 the so-called zero tolerance; correct?  10 A. That's correct.  11 Q. And, Cardinal, let me ask you about what  12 your view was then of that zero tolerance at least  13 as proposed.  14 Did you have serious concerns about the  15 zero tolerance as proposed?  16 A. No. I had voted for the charter which  17 included that as a promise. Listening to the  18 bishops' discussion, it became clear to me that was  19 an absolutely necessary requirement.  20 Q. Have you always adhered to the view and do  21 you still adhere to the view that zero tolerance is  22 a necessary requirement both in this Archdiocese  23 and across this country?  24 A. I do now, yes.</p> <p style="text-align: right;">21</p>	<p>1 A. There was no tolerance whatsoever for the  2 sexual abuse of children.  3 Q. Has there been a -- a zero tolerance  4 administered as written and adopted as a part of  5 the charter in the Archdiocese of Chicago since  6 2002?  7 A. Yes.  8 Q. And that's a zero tolerance by you?  9 A. By the Archdiocese, by the church, by me.  10 Q. And you, as Cardinal Archbishop of the  11 Archdiocese, you are in charge of all of the  12 affairs, ultimately, of the Archdiocese of Chicago?  13 A. I'm responsible for the Archdiocese as its  14 Bishop.  15 Q. And you, ultimately, answer to -- to the  16 See, correct?  17 A. In -- in some fashion, yes.  18 Q. In what fashion -- you say in some  19 fashion.  20 What's your qualification of that?  21 A. There are written reports at the end of  22 every year about sacramental practice so that is a  23 way of telling the people and the Holy See what the  24 state of the church is here. In that sense, yes.</p> <p style="text-align: right;">23</p>
<p>1 Q. When you say you do now, what -- what and  2 when did you change your view of that?  3 A. When I came to Chicago, the Chicago system  4 was regarded with great respect and the rules  5 permitted someone, with proper precautions in place  6 to protect children, to continue with a kind of  7 limited ministry. I inherited that situation. I  8 was told it was working well and I had not had time  9 to change it before 2002.  10 Q. You say you had not had time.  11 Does that mean -- what -- what do you mean  12 when you --  13 A. Well, we reviewed the situation several  14 times. I asked for a review when I first came,  15 what is the situation in the Archdiocese and as we  16 talked about it, that topic came up, is it  17 appropriate that even with restrictions to protect  18 children there should still be limited ministry  19 available to someone who has been accused of and  20 found to have had this behavior, this sin, in his  21 past?  22 Q. And was it your belief and perception that  23 there was a less than zero tolerance in the  24 Archdiocese of Chicago before 2002?</p> <p style="text-align: right;">22</p>	<p>1 Q. Okay.  2 Cardinal, going back to 2002 and when the  3 bishops are in discussions with the Office of the  4 Holy See about the charter, its adoption and the  5 like, at that time in 2002, did you know that the  6 Office of the Holy See through the congregation of  7 the doctrine of the faith had implemented a  8 protocol and an instruction to all the superiors  9 across the -- across the world regarding  10 solicitation in the confessional?  11 A. What was the year of that protocol,  12 please?  13 Q. The year the protocol that it was issued  14 was '62.  15 A. Oh, okay. Then yes.  16 Q. My question goes to 2002 and did you know  17 that such a protocol had been issued and  18 disseminated by the Office of the See to the  19 superiors?  20 A. Yes. I was a seminarian in 1962 and in  21 moral theology class, that was a document that was  22 given us when we discussed the sacrament of  23 penance.  24 Q. And when you received and reviewed that</p> <p style="text-align: right;">24</p>

<p>1 document and came to understand its effect, did you  2 understand that that document issued by the See and  3 the Office of the See, in effect, required you and  4 any other cleric to keep any solicitation of sex in  5 the confessional secret and to follow that  6 protocol?  7 A. I believe the purpose of the document, as  8 I recall it, was to see to it that if there was the  9 crime and the sin of solicitation for sexual  10 activity in the confessional, given the sacramental  11 confidentiality, how would it be possible to see  12 that someone who had committed this sin would be  13 prevented from ever hearing confessions or  14 preaching again.  15 Q. And do you recall being instructed on the  16 actual protocols to be followed when it was  17 revealed that a cleric had committed the crime of  18 solicitation in the confessional?  19 A. That is a sin and a crime that is reserved  20 to the Holy See and so the protocol would have --  21 would demand that the Holy See review the case  22 saving the seal of the sacrament which is a very  23 sacred confidentiality privilege in our sacramental  24 system.</p>	<p>1 Q. That would be soliciting sex, correct?  2 A. Of anyone.  3 Q. And when that becomes known by another  4 cleric, do you recall that that protocol required  5 clerics who learned of solicitation in the  6 confessional to keep that secret and if an  7 investigation is done, that is to go to the See and  8 only the Office of the See?  9 A. For the first time, it required him to  10 make the report.  11 Q. Okay.  12 And it required that that report be secret  13 at all times for the eyes and/or ears of the Office  14 of the See and the clerics only, correct?  15 MR. KLENK: I would object just -- just for  16 the --  17 MR. ANDERSON: Sure.  18 MR. KLENK: -- record here and we only have a  19 day to do this deposition. And my objection is  20 that this is not likely to lead to discoverable,  21 admissible evidence in the case because in the  22 mediations we have here of these claims, there's no  23 issue about sacramental confessions but please  24 proceed.</p>
<p>1 Q. And do you recall, Cardinal, that, in  2 fact, that protocol required that whoever in the  3 clerical culture receives evidence of that crime,  4 they are to keep that information secret and impart  5 it only to the See and the Office of the See?  6 A. And what was new was that they had to tell  7 someone to be sure the crime never was repeated  8 again even though it was within the seal.  9 Q. And within the seal means it needs to be  10 kept among the clerics only for the Office of the  11 See to be dealt with, correct?  12 A. No. The seal means that a confessor may  13 never in any circumstance himself reveal the  14 contents of a confession that's sacramentally made.  15 Q. Okay.  16 When you're referring to the seal, you're  17 referring to the priest penitent seal of  18 confession?  19 A. That's right, yes.  20 Q. But I'm referring to when -- when it  21 becomes known by another cleric that a cleric has  22 violated the confessional by engaging in sex with a  23 minor, for example.  24 A. By soliciting sex.</p>	<p>1 MR. ANDERSON: Just for the record, there is  2 solicitation in the confessional.  3 MR. KLENK: Please proceed.  4 BY MR. ANDERSON:  5 Q. Cardinal, was that a correct?  6 A. Could I ask you please to --  7 Q. Basically, it required under the protocols  8 to keep it a secret?  9 A. No. It's required to disclose it for the  10 first time.  11 Q. And to disclose it to whom?  12 A. To those who have responsibility for the  13 sacrament of the church, namely, to the Holy See.  14 Q. And only them, correct?  15 A. That's correct.  16 Q. Okay.  17 A. It doesn't talk about anybody else,  18 anyway.  19 Q. Got it.  20 You were Vicar General of the Oblates.  21 As Vicar General of the Oblates, were you  22 the -- is that the equivalent of the General  23 Superior in some orders?  24 A. No. I am the vicar to the General</p>



<p>1 Superior.  2 Q. Okay.  3 Who was then the General Superior?  4 A. Father Fernand Jette.  5 Q. Can you spell that last name?  6 A. J-E-T-T-E with an acute accent on the E.  7 Q. As the -- you were -- you were Vicar  8 General of the Oblates and worked in Rome from  9 approximately the mid-'70s to the mid-'80s?  10 A. From 1974 to 1986.  11 Q. And during that time, were you required to  12 investigate under the direction of the General  13 Superior allegations of sexual abuse and/or  14 solicitations in the confessional?  15 A. No.  16 Q. After -- after your work as Vicar General  17 with the Oblates, you were installed and appointed  18 Bishop for Yakima in September of 1990 and  19 served -- worked as the Bishop there for six years,  20 correct?  21 A. A little less than six years, correct.  22 Q. Then appointed and installed as Bishop of  23 the Archdiocese of Portland in 1996 and in that  24 capacity, worked for a -- a year?</p> <p style="text-align: right;">29</p>	<p>1 position, you -- you took and made an additional  2 oath that all cardinals take at a ceremony in which  3 you are promoted, correct?  4 A. That's correct.  5 Q. I'm going to show you what we've marked  6 Exhibit 200.  7 This is identified at the top by us as the  8 oath taken by cardinals during the ceremony at  9 which they are promoted.  10 Is this the oath that you took to the Holy  11 See at the time of your elevation?  12 A. Yes, I did.  13 Q. Directing your attention to the middle of  14 it, I'm going to read a portion of it and then ask  15 you a question, Cardinal.  16 In the middle, it states -- after it  17 begins I, Cardinal of the Holy Roman Church,  18 promise and swear to be faithful hence forth and  19 forever while I live. And then I'll direct your  20 attention to a portion of it. In the middle, it  21 says not to reveal to anyone what is confided to me  22 in secret nor to divulge what may bring harm or  23 dishonor to the Holy Church.  24 Did I read that correctly?</p> <p style="text-align: right;">31</p>
<p>1 A. That's correct.  2 Q. And then appointed Archbishop of Chicago  3 in May of 1997 and installed that month?  4 A. Yes. The appointment was some months  5 earlier but I was installed in May.  6 Q. And elevated to the sacred position of  7 Cardinal on February 21, 1998, correct?  8 A. That's correct.  9 Q. In looking at -- I'm going to show you  10 what we've marked Exhibit 216. And this is what  11 is --  12 A. Thank you.  13 Q. -- Identified as your curriculum vitae.  14 And we pulled it off the internet. And to be  15 brief, I'll just mark it, have you identify it as  16 such.  17 Is it?  18 A. I believe it is.  19 Q. Okay.  20 And I'd like to ask you a question about  21 your installation as -- and elevation to -- to  22 Cardinal.  23 Is it correct that when you became a  24 cardinal and what -- you were elevated to that</p> <p style="text-align: right;">30</p>	<p>1 A. You did.  2 Q. And does this oath, in effect, that you  3 and every cardinal takes and make require you to  4 keep certain matters secret?  5 A. As -- yes. Uh-huh. Yes.  6 Q. And does this oath require you, as  7 Cardinal, to keep secret matters that could subject  8 the Holy Church to scandal?  9 A. It depends. No. I would have to say no,  10 scandal doesn't enter into this. What this is  11 about is in the context of advising the Holy  12 Father, which is what cardinals sometimes are  13 called to do, to maintain the confidentiality of  14 the discussion. If I may, something like a  15 lawyer-client privilege. So it's a confidential  16 discussion when the matter itself demands  17 confidentiality.  18 Q. While a priest, you're aware that your  19 rights and obligations and those of your superiors  20 and policies that pertain to you are governed, in  21 part, by the canon law?  22 A. Oh, yes.  23 Q. And you're also aware, are you not,  24 Cardinal, that the canon law and specifically canon</p> <p style="text-align: right;">32</p>

<p>1 489 requires that should you receive information as  2 a superior that is scandalous or likely to subject  3 the Holy Church to scandal, that under that canon,  4 you are required to keep that secret or sub  5 secreto?  6 MR. KLENK: Objection to the form of the  7 question, compound.  8 MR. ANDERSON: That's okay.  9 BY MR. ANDERSON:  10 Q. Are you aware of that, Cardinal.  11 A. I'm not a canonist, sir. I would like to  12 see the canon but I think it is the same concern,  13 depending upon the matter, some confidentiality is  14 imposed by the matter itself. If it's not, well  15 then, of course, it can be discussed in other forum  16 but I would like to read the canon.  17 Q. Sure.  18 Are you aware of requirements as a  19 superior both in the Oblates and now as -- as a  20 cardinal that certain matters that could and do  21 subject the church to scandal are required to be  22 kept secret by protocols issued from the Vatican  23 including the canon?  24 A. Again, I think it depends upon the matter</p> <p style="text-align: right;">33</p>	<p>1 A. That's correct.  2 Q. So what leads you to make the assertion or  3 form the belief that we in Chicago have for decades  4 always reported to civil authorities?  5 A. When I came, I asked for a report on this  6 situation and they told me that was the policy of  7 the Archdiocese.  8 Q. Who told you that?  9 A. I believe one of the Diocesan attorneys  10 who gave me the report.  11 Q. Did you read the deposition that we took  12 of Bishop Goedert in this matter?  13 A. I did look at it, yes.  14 Q. Did it appear to you that his recitation  15 under oath of his involvement with allegations  16 of -- of sexual abuse made predating your  17 installation as Archbishop has always been reported  18 by the official of the Archdiocese to civil  19 authorities?  20 MR. KLENK: I object to foundation.  21 Go ahead.  22 THE WITNESS: I believe the times not only of  23 the reporting but of the action -- at least some of  24 them that Bishop Goedert was talking about meant</p> <p style="text-align: right;">35</p>
<p>1 that determines whether or not confidentiality is  2 morally necessary or legally necessary as in any  3 profession, I believe.  4 Q. What about sexual abuse of minors, has  5 there been and are you aware that there has been a  6 requirement that knowledge of sexual abuse of  7 minors by clerics is required to or was required to  8 have been kept secret?  9 MR. KLENK: Objection to the form of the  10 question, compound.  11 THE WITNESS: No. We've always in Chicago for  12 decades reported such matters immediately to the  13 civil authorities. And when it's clear that there  14 has been a crime, a sin committed, we go back to  15 the parishes where a priest served even though he  16 has been gone for many years or even perhaps out of  17 priesthood and ask people to come forward who know  18 of such crimes or if they perhaps themselves have  19 been victimized.  20 BY MR. ANDERSON:  21 Q. Cardinal, when you say that we've always  22 for decades reported sexual abuse or suspected  23 sexual abuse to civil authorities in Chicago,  24 you've been in Chicago since 1997, right?</p> <p style="text-align: right;">34</p>	<p>1 that the incident was so far in the past that I  2 don't think there was a legal obligation to report.  3 BY MR. ANDERSON:  4 Q. Cardinal, you've been --  5 A. That was my understanding, anyway.  6 Q. You've been in education for many years?  7 A. I was, yes.  8 Q. And looking at your CV, at least when I  9 reviewed it, you were in education from the early  10 '60s and have worked in education as a teacher in  11 various capacities for many, many years?  12 A. Ten years.  13 Q. And when did you first come to understand  14 that as an educator either on the ground or as an  15 overseer of education as a bishop or archbishop  16 that you're required to report suspicions of sexual  17 abuse, mandated to report suspicion of sexual abuse  18 to civil authorities?  19 A. I learned of that obligation for clerics  20 when it became an obligation in Illinois law.  21 Q. When did that obligation go into effect  22 for clerics in general?  23 A. In Illinois?  24 Q. Yes.</p> <p style="text-align: right;">36</p>

1 A. Was it 2003 or 2004? I'm not entirely  
2 sure, sir.  
3 Q. And when did that obligation go into  
4 effect for educators?  
5 A. I'm not sure of that either. I was an  
6 educator at the college level. And I think the  
7 instruction in that, I suppose, was usually given  
8 to grade school, high school teachers but I -- I'm  
9 really not sure, sir. And I was an educator in  
10 different states. The state laws differ.  
11 Q. When in time did you first come to believe  
12 or were you trained that you, as an educator or  
13 overseer of education, were a mandated reporter?  
14 A. The issue never came up when I was  
15 formally in education as a college professor but  
16 any person, I should think, knowing of such a  
17 terrible crime would want to bring it forward.  
18 Q. Well, my question to you, Cardinal, is do  
19 you consider yourself to be a mandated reporter as  
20 an overseer of Catholic education in this  
21 Archdiocese today?  
22 A. I think of it first as a cleric now in  
23 law.  
24 Q. My question to you is as an educator,

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1 when, in time, do you believe you first became a  
2 mandated reporter, that is, mandated by the civil  
3 law to report suspicions of sexual abuse?  
4 A. I am not a professional educator. I'm not  
5 responsible in law for educational enterprises.  
6 Q. You are responsible for overseeing all  
7 Catholic education in the Archdiocese of Chicago,  
8 are you not?  
9 A. As ministries of the church, yes.  
10 Q. And responsible for a training mandated  
11 reporters --  
12 A. We have --  
13 Q. -- ultimately?  
14 A. -- systems in place now to be sure that  
15 everyone involved in our schools is trained using  
16 the viratue (phonetic) system.  
17 Q. Cardinal, in your 48 years as a priest,  
18 have you ever personally or at your direction made  
19 a report of suspected sexual abuse of a minor to  
20 civil authorities?  
21 A. No.  
22 Q. Cardinal, I'd like to direct your  
23 attention now to your work as the Archbishop  
24 Cardinal of the Archdiocese of Chicago.

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1 And when you became so in 1997, what did  
2 you do, if anything, to address the problem of  
3 sexual abuse relating to clerics in the Archdiocese  
4 upon your appointment?  
5 A. I asked for a report on both the policies  
6 and the practice of the Archdiocese.  
7 Q. And who gave you that report?  
8 A. One of our lawyers.  
9 Q. Who was that?  
10 A. Mr. John O'Malley.  
11 Q. Pardon me?  
12 A. Mr. John O'Malley.  
13 Q. Okay.  
14 And did you, as Cardinal then or Cardinal  
15 Archbishop, if you were, take any action responsive  
16 to that report?  
17 A. The report indicated that the policies and  
18 the practice were responsible, were designed to  
19 protect children and I was reassured by it.  
20 They also had a written report that was  
21 public that was done in the early '90s. And at  
22 that time, we talked about updating that report to  
23 make a report to the people now, again, making  
24 public the situation in the Archdiocese.

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1 Q. And so did you take any action beyond what  
2 you just described responsive to the report that  
3 you requested?  
4 A. I asked about the care of victims.  
5 Q. Did you at that time --  
6 MR. KLENK: Please -- please let him finish.  
7 MR. ANDERSON: I'm sorry.  
8 THE WITNESS: I'm sorry. I thought you were  
9 turned away and I didn't want to talk. I asked  
10 about the care of victims and how I might be  
11 involved in that.  
12 BY MR. ANDERSON:  
13 Q. And at that time in 1997 or shortly after,  
14 did you undertake any review of the files  
15 pertaining to offenders, clerical offenders, that  
16 had been accused of crimes of sexual abuse in the  
17 Archdiocese predating your installation?  
18 A. No, I did not personally review those  
19 files. I was told about them.  
20 Q. Who told you about them?  
21 A. The lawyer.  
22 Q. And what did he tell you?  
23 A. He outlined the major cases that had been  
24 handled in the -- the Review Board process and

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1 results of them.  
2 Q. At that time, did he tell you what clerics  
3 who had been accused of abusing and found to have  
4 been credibly accused of abusing a minor were still  
5 in ministry?  
6 A. He did.  
7 Q. How many were there?  
8 A. There were, I believe, eight.  
9 Q. And who were they?  
10 A. I'm not sure I can tell you all the names,  
11 sir.  
12 Q. I'll show you some documents later if you  
13 don't remember off the top of your head.  
14 A. Do you want me to tell you the names that  
15 I can recall now?  
16 Q. Well, I'll cover it so we can be more  
17 complete and fair.  
18 A. Okay.  
19 Q. Among those eight, did you take any action  
20 until 2002 --  
21 A. I --  
22 Q. -- to restrict or remove or investigate  
23 what they had done and why they were still in  
24 ministry?

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1 A. The investigation had been complete and I  
2 asked about the restrictions and the monitoring to  
3 be sure children were protected and the explanation  
4 assured me that protections were in place.  
5 Q. And you mentioned monitoring.  
6 You commissioned and had commissioned the  
7 child -- child -- Childers report, did you not?  
8 A. I did.  
9 Q. Specifically relating to monitoring?  
10 A. Uh-huh.  
11 Q. Correct?  
12 A. Yes. Monitoring of people who were  
13 already out of ministry.  
14 Q. But who had been credibly accused but were  
15 still being under so-called monitoring of the  
16 Archdiocese, right?  
17 A. No -- yes, if I understand you correctly.  
18 Q. And that Childers report was commissioned  
19 by you and your office --  
20 A. That's correct.  
21 Q. -- because there was, in effect, a scandal  
22 around monitoring, public disclosure of private  
23 information about either the failure of monitoring  
24 or problems relating to it, correct?

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1 MR. KLENK: Objection, compound, form of the  
2 question.  
3 THE WITNESS: The one egregious time when the  
4 protections of children failed to our great shame  
5 was the McCormack case where I had thought he was  
6 being supervised and it wasn't adequate.  
7 BY MR. ANDERSON:  
8 Q. So it was the McCormack case that prompted  
9 you to commission Terry Childers and -- to -- to --  
10 to evaluate the monitoring program?  
11 A. Yes, because it had been effective before  
12 that in our --  
13 Q. I'm showing you Exhibit 49.  
14 Is that the report on the Archdiocese of  
15 Chicago?  
16 A. I believe it is, yes.  
17 Q. And you -- you read and reviewed this, did  
18 you not?  
19 A. I did.  
20 Q. Do you take issue with or dispute any of  
21 the findings or conclusions made in it?  
22 A. No. He's -- no.  
23 Q. Do you agree that there was then in this  
24 Archdiocese a gross failure in the implementation

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1 of a monitoring program of priests accused?  
2 A. This is not just about priests accused, is  
3 it. It's about priests whom we know have been  
4 guilty of this great sin or crime. The standards  
5 here are those of accused criminals.  
6 Q. I'm sorry -- I'm sorry to interrupt you,  
7 Cardinal, but I guess I wanted to ask you the  
8 specific question instead of a general question. I  
9 think you were going with the general.  
10 A. I'm sorry.  
11 Q. My question to you is -- is do you agree  
12 with the finding of Childers that there was a gross  
13 deficiency in the monitoring of priests of the  
14 Archdiocese by the Archdiocese?  
15 A. It was inadequate if you're talking about  
16 supervising convicted criminals.  
17 Q. What about those -- you're saying only  
18 those -- what about those -- you say convicted.  
19 What do you mean by convicted criminals?  
20 A. People who -- whom the state has found  
21 guilty, that's his standard, and a priest's  
22 supposed police power and that's where the  
23 discrepancy is found.  
24 Q. What -- do you believe the findings to

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1 have been made by Childers pertaining to priests  
2 credibly accused of sexual abuse and removed from  
3 ministry and on monitoring?  
4 A. Yes.  
5 Q. Was their gross deficiencies pertaining to  
6 them as found by Childers or not?  
7 A. Certainly deficiencies, yes, sure, very  
8 much so.  
9 Q. I'm going to show you what we've marked as  
10 Exhibit 204.  
11 A. May I say that none of these priests so  
12 far as we know even with the inadequate monitoring  
13 committed another such grave sin.  
14 Q. You may say that, Cardinal, but I may say  
15 that if you're not monitoring them carefully,  
16 you're not going to know; isn't that correct?  
17 A. That could be the case. Doesn't have to  
18 be the case.  
19 Q. If they're allowed to go out of the  
20 country and not -- and not -- not required to abide  
21 by the monitoring system, it's --  
22 A. Oh, yes.  
23 Q. -- it's very likely and also very possible  
24 they're committing sexual abuse -- just a moment --

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1 while being monitored and you're not going to know  
2 it, correct?  
3 A. That's --  
4 MR. KLENK: Object to the form of the question.  
5 THE WITNESS: But -- but sure, you're right,  
6 Mr. Anderson.  
7 BY MR. ANDERSON:  
8 Q. I mean the purpose of monitoring, at least  
9 as it had been implemented and as reported by  
10 Childers, was to keep them from reoffending, right?  
11 A. That's certainly true.  
12 Q. And if you're not keeping an eye on them,  
13 you're not going to know if they're reoffending,  
14 right?  
15 A. Not immediately anyway, yes.  
16 Q. Okay.  
17 And you know enough about this topic now  
18 to know that once a cleric or an adult offends a  
19 child once that they're at risk for reoffending?  
20 A. That's true.  
21 Q. You've come to know that?  
22 A. Yes, I have, sir.  
23 Q. And that's been widely known by you and  
24 others in the positions of leadership here in the

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1 U.S. for a long time?  
2 MR. KLENK: Objection to the form of the  
3 question, compound.  
4 MR. ANDERSON: Well, let me talk about you.  
5 MR. KLENK: Just talk about him. That's fair.  
6 He can't -- you don't want to know what the rest of  
7 the world knows.  
8 MR. ANDERSON: You don't want to talk about the  
9 rest of them, right?  
10 THE WITNESS: I can't.  
11 MR. ANDERSON: I'll be fair. Let's talk about  
12 you.  
13 MR. KLENK: Please be fair.  
14 MR. ANDERSON: Yeah.  
15 MR. KLENK: Please be fair.  
16 THE WITNESS: I think in the studies that I  
17 read after 2002 I came to that conclusion for the  
18 first time. I realized the recidivism rate was  
19 unacceptable to take a chance.  
20 BY MR. ANDERSON:  
21 Q. What studies -- what studies were those,  
22 Cardinal, that you read that -- that revealed that  
23 to you for the first time?  
24 A. I'm sorry. I don't remember the authors.

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1 I read many different reports on child abuse. I  
2 followed the John Jay study. All those formed in  
3 my mind the conviction that the recidivism rate was  
4 too great to ever chance allowing someone to  
5 recommit this crime.  
6 Q. The John Jay study was in 2002 --  
7 A. U-huh.  
8 Q. -- was it not?  
9 A. Well, it started in 2002 but it was in the  
10 years after 2002 I -- I really tried to learn more  
11 about this terrible crime.  
12 Q. So if I'm hearing you correctly, you're  
13 testifying that it was really the recidivism rate  
14 and the risk of an offender who's offended once  
15 poses to reoffense really came to you for the first  
16 time post-2002.  
17 Is that what you're saying?  
18 A. I think that's true. Yes, I think that's  
19 true.  
20 Q. Let's look at Exhibit 204 and what we've  
21 done here is taken a portion, an excerpt, of a  
22 transcript of some comments attributed to you in an  
23 interview done with you or of you by Marianne  
24 Ahearn.

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<p>1 A. Uh-huh. 2 Q. After having been installed, I believe, 3 as -- as president of the Catholic Conference of 4 Bishops? 5 A. Could be. 6 Q. You are currently the president of the 7 Catholic Conference of Bishops? 8 A. I am, sir. 9 Q. You are currently the Cardinal Archbishop 10 presiding Ordinary of the third largest Archdiocese 11 in the U.S., right? 12 A. I think that's true. 13 Q. This may not be a fair question to ask you 14 but I need to ask it. 15 It would appear to me and I'm asking you 16 if you would agree that right now, by reason of the 17 fact of your position as -- in this Archdiocese 18 given its size -- 19 A. Yes. 20 Q. -- and position -- by virtue of your 21 position as the president of the Catholic 22 Conference of Bishops that you are currently the 23 most powerful and influential cleric in the U.S.? 24 A. Powerful, no. Influential, perhaps.</p> <p style="text-align: right;">49</p>	<p>1 Q. Okay. 2 And directing your attention to it -- 3 A. Yes. 4 Q. -- you begin by stating, well, I -- I am 5 always sorry if people are upset, especially 6 victims. 7 Do you see that? 8 A. I see that. 9 Q. Then going down to the middle of this, I'm 10 going to read a portion of this as it has been 11 attributed to you and then I'll ask you if you said 12 that, okay? 13 A. Sure. 14 Q. Looking to the body of the exhibit 15 beginning with the word the fact, the fact is the 16 fact. 17 Do you see that sentence? 18 A. Uh-huh. I do. Thank you. 19 Q. I'm going to read that and then ask you if 20 you recall saying it and if you do, I'll have some 21 questions, okay? 22 A. Sure. 23 Q. Reading that portion, it states the fact 24 is the fact remains that this abuse happened a</p> <p style="text-align: right;">51</p>
<p>1 Q. Okay. 2 Let's go to this interview. And I just 3 took an excerpt of it. And I'm going to direct 4 your attention to a portion in it. 5 A. Uh-huh. 6 MR. KLENK: Excuse me, Mr. Anderson, I think to 7 be fair to the witness, where was this interview 8 and when and -- 9 MR. ANDERSON: Well, I think we supplied this 10 earlier but -- to you all and I think Jim has been 11 given this so that it could be reviewed so we don't 12 have to waste time laying foundation but I'm happy 13 to -- 14 MR. KLENK: I would like to know for the 15 witness's point of view. 16 MR. ANDERSON: Yeah. 17 BY MR. ANDERSON: 18 Q. Do you remember giving an interview to 19 Marianne Ahearn? 20 A. Yes. 21 Q. And -- and in looking at this 22 transcript -- you -- you had a chance to look at 23 this? 24 A. I did just now.</p> <p style="text-align: right;">50</p>	<p>1 generation ago for the most part, from 1973 through 2 1985. That's when it all happened so we're talking 3 about it now. 4 Do you recall that's what you said to 5 Marianne Ahearn at that time? 6 A. I'm sure I did. 7 MR. KLENK: I think in fairness, you should 8 continue reading the rest of the sentence, 9 Mr. Anderson. 10 MR. ANDERSON: Well, it speaks for itself but 11 if you'd like me to, Cardinal, I will. 12 MR. KLENK: I'd like you to. 13 MR. ANDERSON: Okay. 14 BY MR. ANDERSON: 15 Q. But it's not actual now except McCormack, 16 of course, which is a terribly devastating period 17 in my life and the life of the church. 18 So is it correct to say that you're 19 stating in this interview that excepting McCormack, 20 this is all a problem that was a generation or more 21 ago before 70 -- between '73 and '85? 22 A. So far as -- as -- 23 Q. Is that what you're asserting? 24 A. Those are the statistics from the John Jay</p> <p style="text-align: right;">52</p>

<p>1 report.</p> <p>2 Q. I'm going to ask you to look at Exhibit 1.</p> <p>3 And as this is handed to you, you'll recognize this</p> <p>4 to be the list publicly disseminated and known as</p> <p>5 the Archdiocesan priests with substantiated</p> <p>6 allegations of sexual misconduct with minors and --</p> <p>7 MR. KLENK: Excuse me, Mr. Anderson. I have</p> <p>8 something that's marked Exhibit 1A. Is that the</p> <p>9 document we're talking about?</p> <p>10 MS. ARBOUR: It's one. Sorry.</p> <p>11 MR. KLENK: Thank you very much. Didn't mean</p> <p>12 to interrupt.</p> <p>13 MR. ANDERSON: No. Thank you.</p> <p>14 BY MR. ANDERSON:</p> <p>15 Q. And you'll see in the left-hand column,</p> <p>16 Bishop Goedert had marked part of this exhibit</p> <p>17 earlier but I'll just first ask you.</p> <p>18 I've reviewed this exhibit and this is the</p> <p>19 list of the substantiated allegations of sexual</p> <p>20 misconduct with minors, right, as substantiated by</p> <p>21 the Archdiocese?</p> <p>22 A. I'm sure it must be if -- if you've done</p> <p>23 that. I haven't read it but.</p> <p>24 Q. And in it, my count is that there are 33</p>	<p>1 A. In order to be removed, the Review Board</p> <p>2 had to give me a finding that there was reasonable</p> <p>3 cause to suspect they had abused a child no matter</p> <p>4 when that happened.</p> <p>5 Q. And would you agree, Cardinal, based on</p> <p>6 your knowledge of this topic, sexual abuse, that</p> <p>7 these priests once credibly accused are very likely</p> <p>8 to have reoffended?</p> <p>9 A. It's quite possible.</p> <p>10 Q. And then it's quite possible that they</p> <p>11 reoffended after 1985, is it not?</p> <p>12 A. Some -- well, some are dead. Some are</p> <p>13 long gone in other ways. But abstractly speaking,</p> <p>14 there's always that possibility.</p> <p>15 Q. And you're not going to know if they had</p> <p>16 reoffended after 1985 unless you, as Cardinal,</p> <p>17 either closely supervised them or removed them</p> <p>18 completely from ministry, correct?</p> <p>19 A. Or unless they're dead.</p> <p>20 Q. Well --</p> <p>21 A. Or they're no longer here. They're</p> <p>22 laicized. No -- we have no supervision of the</p> <p>23 laicized priests. So some are in nursing homes,</p> <p>24 quite a few now, but what would you -- like -- I</p>
<p>1 priests listed here who have been credibly accused</p> <p>2 and have been removed after you became cardinal?</p> <p>3 A. There -- yes.</p> <p>4 Q. Is it your position that those 33 or so</p> <p>5 priests that have been credibly recused -- accused</p> <p>6 and removed from ministry after 1997 stopped</p> <p>7 abusing?</p> <p>8 MR. KLENK: Objection, foundation.</p> <p>9 THE WITNESS: The -- I -- I can't say that's</p> <p>10 the case. I know of -- of a priest who abused --</p> <p>11 an Archdiocesan priest who abused a child while, to</p> <p>12 my shame, I was Archbishop Is McCormack.</p> <p>13 BY MR. ANDERSON:</p> <p>14 Q. Is McCormack the only priest that has been</p> <p>15 credibly accused on your watch?</p> <p>16 A. Oh, no, but there have been priests who</p> <p>17 have been credibly accused of crimes, sins that</p> <p>18 took place before I became Archbishop but only</p> <p>19 accused now since I've become Archbishop.</p> <p>20 Q. Each of these 33 priests on Exhibit 1 were</p> <p>21 removed after your Installation as Archdiocesan</p> <p>22 Cardinal but you're aware that each of them had</p> <p>23 been credibly accused of abuse that happened</p> <p>24 earlier, correct?</p>	<p>1 guess yes.</p> <p>2 Q. Okay.</p> <p>3 A. All I'm saying, sir, is that the</p> <p>4 circumstances are different from case to case.</p> <p>5 Q. I'm going to show you what we marked as</p> <p>6 Exhibit 201.</p> <p>7 A. Thank you.</p> <p>8 MR. KLENK: Thank you.</p> <p>9 BY MR. ANDERSON:</p> <p>10 Q. And we prepared this chart distilling the</p> <p>11 information given us by the Archdiocese --</p> <p>12 A. Uh-huh.</p> <p>13 Q. And using Exhibit 1 and --</p> <p>14 MR. KLENK: This is something you created then?</p> <p>15 MR. ANDERSON: Yes.</p> <p>16 BY MR. ANDERSON:</p> <p>17 Q. And in it, we've identified priests</p> <p>18 removed or that have resigned after 1997 for</p> <p>19 allegations of sexual abuse made prior to 1997 when</p> <p>20 you became Archbishop, okay?</p> <p>21 A. Yes, sir.</p> <p>22 Q. There are 11 names identified here and the</p> <p>23 first column you'll see that the date when at least</p> <p>24 the file shows that they were first known to have</p>

1 abused is listed.  
2 Do you see that?  
3 A. I do see that. Thank you.  
4 Q. And then the right-hand column is when  
5 they are identified as having been removed from  
6 ministry.  
7 Do you see that?  
8 A. I do, sir.  
9 Q. You'll note here that most all of them  
10 with the exception of Daniel McCormack were removed  
11 in 2002 and that would have been at -- at the time  
12 of and response to imposition of the charter?  
13 A. That's correct.  
14 Q. You'll agree, would you not, Cardinal,  
15 that you in 1997 continued each of these priests in  
16 ministry after it became first known to the  
17 Archdiocese that these were offenders?  
18 A. Yes, I -- they were in ministry when I  
19 came.  
20 Q. And --  
21 A. Partial ministry. Restricted ministry.  
22 Q. Beyond requesting the report that you  
23 identified and that you got from John O'Malley,  
24 have you done or did you do anything about these

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1 priests known to you and to the Archdiocese who  
2 have now -- who were continuing in ministry and  
3 known to be offenders?  
4 A. We maintained the restrictions that had  
5 been effective in protecting children.  
6 Q. So you did it pretty much as it had been  
7 done by your predecessor?  
8 A. In terms of limitations, yes.  
9 Q. And didn't make any changes at that time?  
10 A. At that time, I made no changes, no.  
11 Q. Until 2002, correct?  
12 A. That's correct. That's correct.  
13 Q. I'd like to show you 2002 -- I'm sorry --  
14 202 and this is another little chart prepared by us  
15 that distills some of the information given us by  
16 your office that's -- that is an adavocation  
17 (phonetic) of priests removed after 1997 for  
18 allegations made on your watch after 1997.  
19 A. Yes.  
20 Q. And you'll see, again, there are here  
21 one -- seven priests identified and in the first  
22 column, it's when the Archdiocese's files reflect  
23 they first knew -- that's files only -- and you'll  
24 see those dates there, Cardinal?

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1 A. I do.  
2 Q. And then on the right-hand column is when  
3 they left ministry or were removed by you from  
4 ministry and/or placed on restriction?  
5 A. Uh-huh. Yes.  
6 MR. KLENK: Objection to the form of the  
7 question. You can answer.  
8 MR. ANDERSON: Well, we'll go left ministry or  
9 removed from ministry. Does that correct your  
10 objection?  
11 MR. KLENK: Yes.  
12 MR. ANDERSON: Okay.  
13 BY MR. ANDERSON:  
14 Q. Now, you'll look at these and in the  
15 rot -- in the case of Robert Kealy, K-E-A-L-Y, you  
16 see, Cardinal, that it was first known in 2001  
17 and/or 2002 but not removed from -- until  
18 April 2006, some five or four years later, correct?  
19 A. That's correct.  
20 Q. Is it correct to say then that you, as the  
21 ultimate decider, Archbishop Cardinal, made the  
22 calculated risk to keep this guy in ministry after  
23 knowing that he had at least offended and been  
24 credibly accused of offending one child?

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1 A. No, that's not correct, sir.  
2 Q. Well, why did you keep him in ministry  
3 then for four, five years after it was first known  
4 to the Archdiocese?  
5 A. Once an allegation of having abused  
6 someone when he was a minor occurred, it went to  
7 the Review Board and he was then taken out of  
8 ministry. There were apparently some allegations  
9 in his file that were not about sexual abuse of  
10 minors.  
11 Q. And so in your view then, what prompted  
12 your removal from his ministry in 2006 when the  
13 files reflect it was -- he was first known to be an  
14 offender in 2001?  
15 A. Offender of a minor child?  
16 Q. Yes.  
17 A. Then the Review Board must have decided  
18 that the allegation wasn't credible.  
19 Q. So is it your view that this delay in  
20 taking action falls upon the Review Board and not  
21 on you?  
22 A. No. No. It's certainly on me, you're  
23 correct, sir, but I need the corroboration of the  
24 Review Board's judgment that there is reasonable

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<p>1 cause to suspect in order to responsibly remove a 2 man from ministry. 3 Q. You appoint the Review Board and they 4 answer to you as consultants, correct? 5 A. That's correct. 6 Q. Ultimately, you're the decider. You're 7 the one who makes the decision. All they can do is 8 make recommendations, right? 9 A. That is correct, I need the 10 recommendations to decide. 11 Q. Okay. 12 Look at John Robinson. 13 A. Uh-huh. 14 Q. You'll see that he was first known to have 15 been an offender in June of 2002 and not removed 16 from ministry by you until January of 2003. 17 Why the delay there, Cardinal? 18 A. You'd have to go back and look at when the 19 Review Board took it up and then when they made 20 their recommendation but in this case, I'm sure I 21 removed him very quickly after their 22 recommendation. 23 Q. And do you remember the reason for the 24 delay if this information is correct?</p> <p style="text-align: right;">61</p>	<p>1 had this allegation who were still in ministry but 2 none of them, with one exception, had an 3 appointment to a parish. 4 Q. Who's the one that -- when you say many 5 knew, who is many and who did they know about if 6 you didn't tell them? 7 A. The -- the -- the parish where John 8 Calicott was pastor knew. In fact, it was the 9 subject of many public discussions in the parish 10 itself. That's the only one who had a pastoral 11 ministerial assignment. 12 Q. And some people knew about Calicott 13 because there was some media coverage concerning 14 Calicott because of his refusal to leave and some 15 controversy around him, correct? 16 A. I wasn't here at that time, sir. 17 Q. In any case, those people knew about 18 Calicott because of actions taken not by you but by 19 others? 20 A. By the authorities of the Archdiocese, I 21 believe. 22 Q. So my question to you then -- 23 A. But I wasn't here. 24 Q. My question to you then, Cardinal, is what</p> <p style="text-align: right;">63</p>
<p>1 A. No. I'm sorry, I don't. 2 Q. Until 2002, did you, as the Cardinal 3 Archbishop, make any effort to alert the community 4 of faith and the public that you knew that you had 5 these credibly accused offenders in ministry with 6 or without restrictions? 7 A. I asked that question and it's mixed. In 8 some cases, the whole parish knew about the 9 allegation and that the Review Board thought it was 10 an accurate allegation. In some cases, only the 11 priests concerned was supervising the person in his 12 limited ministry. 13 None of these except one, I believe, had a 14 ministerial appointment but they did help out. 15 Q. Okay. 16 So it's correct to say then that at least 17 until 2002, you made no effort to specifically warn 18 the parishioners that these offenders and others 19 known to the Archdiocese to be in ministry 20 and/or -- let me rephrase that. 21 It's correct to say that before 2002, you 22 never made any effort to warn the parishioners that 23 you had a number of offenders in ministry? 24 A. Many knew that there were some priests who</p> <p style="text-align: right;">62</p>	<p>1 action did you take before 2002 to warn and alert 2 any of the community of faith or the public that 3 you knew and your office knew that there were 4 clerical offenders who were either in ministry or 5 were being monitored by the Archdiocese? 6 A. I was told that the people who were 7 responsible for protecting children knew and were 8 satisfied with the restrictions in place. 9 Q. Who told you that? 10 A. Again, Mr. O'Malley. 11 Q. Well, O'Malley's just an advisor. He's 12 not the one that decides this, right? 13 A. I believe so. 14 Q. So if there was a risk here, you're the 15 one that decided to take it, right? 16 MR. KLENK: Please don't point at the witness 17 when you ask questions. 18 MR. ANDERSON: That's -- I didn't mean to. 19 THE WITNESS: I -- I was -- no. That's all 20 right, sir. 21 MR. ANDERSON: Yeah. 22 THE WITNESS: I was assured there was no risk. 23 MR. ANDERSON: Okay. 24 THE WITNESS: I was operating under that</p> <p style="text-align: right;">64</p>

1 assumption.  
2 BY MR. ANDERSON:  
3 Q. And you, in any case, made the decision  
4 and the calculation based on the information given  
5 you, correct?  
6 A. Yes, I acted or didn't based on the  
7 information I had.  
8 MR. ANDERSON: Should we take a break here?  
9 MR. KLENK: Yes, but before we do, I'd like to  
10 note your chart here, 202, shows Robert Kealy as  
11 leaving ministry in 2006 and first known in 2001,  
12 2002. I think the correct record, it just occurred  
13 to me, is he left in 2002, not 2006 but this is --  
14 these are charts that you prepared.  
15 MR. ANDERSON: Yes. If we made a mistake,  
16 we'll take responsibility for it.  
17 MR. PEARLMAN: Just -- just for the record, the  
18 Archdiocese's website says 2006.  
19 MR. ANDERSON: We took it off the website  
20 information so --  
21 MR. PEARLMAN: If that's not accurate,  
22 that's --  
23 MR. ANDERSON: And that would be in Exhibit 1.  
24 MR. KLENK: Okay. Thank you very much.

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1 A. With the restriction in ministry and the  
2 fact that the civil authorities knew everything  
3 that we knew.  
4 Q. Were you aware and had it come to your  
5 attention that prior to your appointment as  
6 Archbishop and Cardinal that Father Mayer offended  
7 while he was under monitoring or restriction?  
8 A. I'm not sure of the details of that case  
9 because he was gone before I got here.  
10 Q. Are you aware that Father Mayday offended  
11 while under monitoring or restriction?  
12 A. That, I was not aware of. I thought that  
13 Mayday was in prison -- he was when I came -- and  
14 for an abuse that I was given to understand was the  
15 first reported but I -- you could be right.  
16 Q. Are you aware that Father Vincent  
17 McCaffrey prior to your appointment in 1997  
18 reoffended or offended while under monitoring or  
19 restriction?  
20 A. I don't know the details of that. I don't  
21 know how he was monitored or restricted.  
22 Q. Are you aware --  
23 A. He was gone also when I came.  
24 Q. Are you aware or has it come to your

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1 MR. PEARLMAN: But that may be inaccurate.  
2 MR. KLENK: Thank you.  
3 THE WITNESS: That one we moved fast on.  
4 MR. ANDERSON: Okay. We'll take a break here.  
5 MR. KLENK: Thank you very much.  
6 THE VIDEOGRAPHER: We are going off the record  
7 at 11:37 a.m. This is the end of videotape number  
8 one.  
9 (A short break was taken.)  
10 THE VIDEOGRAPHER: We are back on the record at  
11 11:52 a.m. This is the beginning of videotape  
12 number two.  
13 MR. KLENK: Before we get started, I checked on  
14 the break about this Kealy point. Kealy resigned  
15 in '06. I think that's what the website says but  
16 he was taken out in '02 which might cause a  
17 question for you. That's clear now.  
18 BY MR. ANDERSON:  
19 Q. Cardinal, I'd like to go back for a moment  
20 to something you had said before the break and,  
21 that is, that in 1997 and until 2002, you had been  
22 lead to believe that the monitoring program that  
23 had been in place was effective, at least you were  
24 lead to believe that, right?

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1 attention that Father Marion Sneig, S-N-E-I-G,  
2 offended or reoffended while under this monitoring  
3 or restriction?  
4 A. No, I'm not aware of that. I think he was  
5 restricted and then taken entirely out after the  
6 Review Board saw the case but my understanding was  
7 that was the first case that we knew of.  
8 Q. Are you aware that Father Robert Craig  
9 offended or reoffended while under this monitoring  
10 or restriction?  
11 A. I was not aware of that. He was gone also  
12 when I came.  
13 Q. Are you aware that Father Fitzharris  
14 offended or reoffended while under this monitoring  
15 or restriction?  
16 MR. KLENK: I would object to foundation but  
17 answer.  
18 THE WITNESS: No, I -- I -- I don't know that.  
19 I don't know that they were monitored or  
20 restricted. They were out of ministry before I  
21 ever got here.  
22 BY MR. ANDERSON:  
23 Q. I'm going to direct your attention to  
24 Exhibit 203.

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<p>1 A. Thank you.  2 MR. KLENK: Thank you.  3 BY MR. ANDERSON:  4 Q. And this would be dated in February  5 of 2006?  6 A. Uh-huh.  7 Q. It is a letter from you, as I read it, to  8 Dear Brothers and Sisters in Christ and that would  9 be from you to the community of faith in Chicago?  10 A. That's correct.  11 Q. And directing your attention to the third  12 paragraph, the last sentence, I'd like to read it  13 and then ask you a question. It states it now  14 seems that additional information was available  15 that did not reach our offices. The process we had  16 used well to remove predators was not engaged  17 quickly enough.  18 Are those your words?  19 A. They are.  20 Q. And what do you mean here?  21 A. I mean that the Defenbaugh report showed  22 how information that was available was not shared  23 and, therefore, the judgments were made on the  24 information available. It was not adequate and a</p> <p style="text-align: right;">69</p>	<p>1 Q. I'd like to read that and ask you a  2 question. It states I must apologize to all of you  3 for the great embarrassment every Catholic must now  4 feel in light of media scrutiny of these events.  5 My question to you, first, is why didn't  6 you apologize for failures by your office before  7 media scrutiny?  8 A. I think that's understood but the letters  9 I was receiving were always in reaction to what  10 they had learned from the media. That's all that's  11 intended there.  12 Q. The next sentence states and I quote, in  13 particular, I am deeply sorry for the pain of those  14 Catholics who are part of St. Agatha Parish.  15 When I read this, can you tell me where  16 you apologized to the community of faith, if you  17 do, for the decisions that you made?  18 A. I went to St. Agatha's school and church  19 when the allegations became public against him with  20 the second arrest and apologized there and I  21 continue to apologize as much as I can to both the  22 school community -- many of them not Catholic --  23 and to the Catholics of the parish, yes.  24 Q. Okay.</p> <p style="text-align: right;">71</p>
<p>1 boy was abused and this is -- this is something  2 that I have to live with because it's a terrible  3 crime and it was on my watch.  4 Q. And do you agree the Defenbaugh report  5 that you commissioned and you just referred to,  6 effectively, faults you for the failures of this  7 Archdiocese?  8 A. In the sense that I am responsible but I  9 think it also shows that I acted on the information  10 that was given to me.  11 Q. The next paragraph, I presume you're  12 sending this to the community of faith because  13 there's been a lot of public attention about the  14 Defenbaugh report and the disclosure regarding  15 McCormack, right? Is that right?  16 A. Yes, of course, that's --  17 Q. So you're offering an apology here, are  18 you not?  19 A. I'm apologizing to every Catholic because  20 that's a matter of great shock and embarrassment to  21 the whole church.  22 Q. And so the next paragraph is your apology,  23 correct?  24 A. That's right.</p> <p style="text-align: right;">70</p>	<p>1 So if I'm hearing you correctly, you made  2 a personal apology to the Catholics that attended  3 the meetings at St. Agatha but you chose not to  4 make such an apology for your decisions to the  5 community of faith at large in this document,  6 correct?  7 MR. KLENK: Object, the document speaks for  8 itself.  9 THE WITNESS: Yes. I'm sorry, sir. I don't  10 draw the same conclusion. I would draw just the  11 opposite conclusion from this document but perhaps  12 I'm not reading it well.  13 BY MR. ANDERSON:  14 Q. Well, maybe you can point to me where you  15 apologize for your decisions or your mistakes to  16 the community of faith?  17 A. I must apologize to all of you, the  18 community of faith, for the great embarrassment  19 every Catholic must now feel in the light of the  20 fact that we made all these mistakes and they're  21 all public. What the media scrutinized was our  22 mistakes so certainly, it's an apology for these  23 mistakes.  24 Q. Where do you say here that you made</p> <p style="text-align: right;">72</p>

<p>1 mistakes, Cardinal?</p> <p>2 A. Do you want me to read --</p> <p>3 Q. If you could point me to it. I'm just</p> <p>4 looking for it.</p> <p>5 A. You know, I -- I went before the cameras</p> <p>6 and admitted my mistakes and apologized at</p> <p>7 St. Agatha's and I think this is a reprise of that.</p> <p>8 Q. When you write this paragraph --</p> <p>9 A. I pray that a failure to act more quickly</p> <p>10 on my part will not harm the Archdiocese itself. A</p> <p>11 failure to act more quickly on my part will not</p> <p>12 harm the Archdiocese itself.</p> <p>13 Q. I'd like to refer you to the Defenbaugh</p> <p>14 and Associates report commissioned by you.</p> <p>15 A. Thank you. Yes.</p> <p>16 Q. And at the same time Defenbaugh and</p> <p>17 Associates were commissioned, you commissioned</p> <p>18 Childers to look at the monitoring --</p> <p>19 A. That's --</p> <p>20 Q. -- and we've already marked that exhibit,</p> <p>21 that was 49.</p> <p>22 The Defenbaugh report has been marked</p> <p>23 Exhibit 106; is that correct?</p> <p>24 A. Yes, sir.</p> <p style="text-align: right;">73</p>	<p>1 A. They had a chance to review any file that</p> <p>2 they wanted to.</p> <p>3 Q. Well, the information that they got was</p> <p>4 all that which was provided by your office,</p> <p>5 correct?</p> <p>6 A. I believe so. I wasn't part of that</p> <p>7 procedure as they were moved along.</p> <p>8 Q. And are you aware of Defenbaugh and</p> <p>9 Associates having received information pertaining</p> <p>10 to the files of any other priest besides McCormack</p> <p>11 and Bennett?</p> <p>12 A. I believe when the report was made to</p> <p>13 satisfy the requests of the big panel of experts</p> <p>14 that supervised our implementation of the</p> <p>15 Defenbaugh report, the report included satisfaction</p> <p>16 on his part that everyone who had been accused of</p> <p>17 sexual abuse and -- of a minor and the accusation</p> <p>18 was reasonably judged to be correct was out of</p> <p>19 public ministry.</p> <p>20 Q. So it's fair to say that you limited it to</p> <p>21 Bennett and McCormack?</p> <p>22 A. This focus is here, yes.</p> <p>23 Q. Okay.</p> <p>24 Referring you to the exhibit and I'd like</p> <p style="text-align: right;">75</p>
<p>1 Q. And you've read this and so you are</p> <p>2 familiar with it, correct?</p> <p>3 A. I read it many months ago now, yes.</p> <p>4 Q. And my first question to you is do you</p> <p>5 dispute any of the findings made or conclusions</p> <p>6 reached in it?</p> <p>7 A. No. In the course of months, sometimes</p> <p>8 other things come forward but this shows us where</p> <p>9 we made terrible mistakes in handling the McCormack</p> <p>10 allegations.</p> <p>11 Q. Defenbaugh and Associates were</p> <p>12 commissioned by you to look at a very narrow issue</p> <p>13 and, that is, the Archdiocese's pertaining --</p> <p>14 conduct pertaining to two priests that were</p> <p>15 selected by you, correct?</p> <p>16 A. That was the focus but they included, as</p> <p>17 you can tell, general policies and their effect but</p> <p>18 those were the cases.</p> <p>19 Q. And the -- their focus was then limited to</p> <p>20 Fathers Bennett and McCormack, correct?</p> <p>21 A. That's correct.</p> <p>22 Q. And they were then provided information</p> <p>23 pertaining only to Bennett and McCormack, at least</p> <p>24 their files?</p> <p style="text-align: right;">74</p>	<p>1 to direct your attention to the second page.</p> <p>2 A. Yes, sir.</p> <p>3 Q. And I've highlighted portions of that to</p> <p>4 save time. And at the bottom of it, the</p> <p>5 highlighted portion in it reads even after the</p> <p>6 arrest/detainment of Father McCormack on an</p> <p>7 allegation of sexual abuse of a minor in</p> <p>8 August 2005, Archdiocesan personnel delayed</p> <p>9 reporting his arrest/detainment to Cardinal George</p> <p>10 for almost three days even though Cardinal George</p> <p>11 was present within Archdiocesan territory and</p> <p>12 available for such information.</p> <p>13 Who is that that delayed this report to</p> <p>14 you as documented by Defenbaugh?</p> <p>15 A. Normally, since he had been arrested and</p> <p>16 then released back to society by the police, it</p> <p>17 would have been at that point the Vicar for Priests</p> <p>18 who would have been involved in that and that was</p> <p>19 the case here.</p> <p>20 Q. Father Grace?</p> <p>21 A. That's correct.</p> <p>22 Q. Who else knew before you were told of this</p> <p>23 besides Father Grace?</p> <p>24 A. I believe he told the one in charge while</p> <p style="text-align: right;">76</p>

1 I was gone, Bishop Rassas.  
 2 Q. Bishop Rassas?  
 3 A. George Rassas, yes. I think he was not  
 4 yet ordained a bishop. He had been appointed but  
 5 he wasn't yet ordained.  
 6 Q. He was then Vicar General?  
 7 A. Vicar General, that's correct, uh-huh.  
 8 Q. Who else besides Grace and Rassas?  
 9 A. I would imagine that the person in charge  
 10 of investigating child abuse allegations was  
 11 certainly notified also.  
 12 Q. And do you know who that was?  
 13 A. That would be Leah McCluskey.  
 14 Q. Anybody else?  
 15 A. Well, Leah would be in touch with the  
 16 Review Board and would let the Review Board know  
 17 what she knew. My canonical advisor to the Review  
 18 Board probably also knew then.  
 19 Q. Who's that?  
 20 A. Father -- I'm sorry. I'm not thinking  
 21 very well. I know his name. I'm very embarrassed.  
 22 Dan -- I'm -- I'm sorry. I --  
 23 Q. Smilanic?  
 24 A. I beg your pardon. Smilanic, yes. You're

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1 correct, sir. Thank you.  
 2 Q. What about Lago?  
 3 A. Lago would not have been in the loop at  
 4 that time. He was not responsible for these cases.  
 5 Q. Who is the point man for allegations of  
 6 sexual abuse at that time if it wasn't Lago?  
 7 A. The person responsible for receiving the  
 8 allegations, Ms. McCluskey and the Vicar For  
 9 Priests.  
 10 Q. What about O'Malley?  
 11 A. Well, certainly, O'Malley would have known  
 12 and did know because he is in good communication  
 13 always with the civil authorities. So he would --  
 14 Q. So O'Malley knew before you knew?  
 15 A. I'm -- I'm sure he must have.  
 16 Q. I refer you to page --  
 17 A. I would think he would anyway, I mean.  
 18 Yes, sir.  
 19 Q. And at the top of it, I'd like to read it  
 20 and then ask you a question. It states certain  
 21 Archdiocese personnel had within its possession  
 22 information from local law enforcement and the  
 23 State's Attorney that the August 2005 allegation  
 24 against Father McCormack was credible.

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1 When it is stated here that Archdiocese  
 2 personnel had in its possession this information,  
 3 who does this refer to?  
 4 MR. KLENK: Objection, foundation.  
 5 THE WITNESS: Would you then please ask the  
 6 question again if you want me to answer.  
 7 BY MR. ANDERSON:  
 8 Q. Who is the Archdiocese -- who is the  
 9 Archdiocese personnel that had within its  
 10 possession information from local law enforcement  
 11 and the State's Attorney that the August '05  
 12 allegation against McCormack was credible?  
 13 A. I am not entirely certain but of the  
 14 people we mentioned, I would believe it would be  
 15 Father Grace and Mr. O'Malley.  
 16 I did not know then.  
 17 Q. It goes on to state the recommendation for  
 18 removal of Father McCormack of his pastoral duties  
 19 and to sever Father McCormack's conduct with minors  
 20 was not made until October 15, 2005 when the Review  
 21 Board recommended that Father McCormack be removed  
 22 from ministry.  
 23 Why, Cardinal, was there a delay between  
 24 August of '05 and October 15, 2005?

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1 A. I think that's incorrect. Because when  
 2 Father Grace told me, almost by accident assuming  
 3 that I knew, that Father McCormack had been  
 4 arrested, he also told me that his ministry was  
 5 restricted to adults; that he could not be alone  
 6 with minors and that a supervisor, a monitor, had  
 7 been appointed. In other words, the restrictions  
 8 that had been effective in our history here were in  
 9 place already at the end of August regarding  
 10 McCormack.  
 11 Q. Is it your testimony then, Cardinal, that  
 12 you removed him from ministry as soon as you  
 13 received any information that he was suspected of  
 14 abusing a child?  
 15 A. No. I didn't say that, sir.  
 16 Q. And then what was incorrect then about the  
 17 statement I just read to you?  
 18 A. The recommendation to sever  
 19 Father McCormack's contact with minors was not made  
 20 until October 15th. In fact, he was put under  
 21 restrictions to not have contact with minors as  
 22 soon as he was arrested.  
 23 Q. And those restrictions were simply  
 24 somebody telling him not to be around kids alone,

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<p>1 right?</p> <p>2 A. That's correct. I presume they were</p> <p>3 spelled out. They always have been in these cases.</p> <p>4 Q. It was the Review Board that recommended</p> <p>5 he be removed from ministry October 15th, was it</p> <p>6 not?</p> <p>7 A. They gave me that advice, yes. I wish</p> <p>8 that I had followed it with all my heart.</p> <p>9 Q. You didn't follow it?</p> <p>10 A. I didn't because I thought that they had</p> <p>11 not finished the case's investigation. They hadn't</p> <p>12 considered all the evidence.</p> <p>13 Q. Well, if you don't follow their</p> <p>14 recommendations, why do you have them?</p> <p>15 A. Because they do wonderful work but their</p> <p>16 conclusions depend upon the evidence they've</p> <p>17 considered. If evidence isn't considered, then the</p> <p>18 conclusion isn't final.</p> <p>19 Q. Well, the State's Attorney and</p> <p>20 Archdiocesan personnel, according to this in the</p> <p>21 first sentence, had information that this was a</p> <p>22 credible allegation in August of 2005?</p> <p>23 A. I didn't hear that but I would also -- I</p> <p>24 did ask myself if they thought he was guilty,</p>	<p>1 A. I had my responsibilities as Archbishop,</p> <p>2 yes.</p> <p>3 Q. So when you ask yourself why you never</p> <p>4 asked the question when the State's Attorney had</p> <p>5 this, Archdiocesan personnel had this, they knew it</p> <p>6 was credible in August of '05, do you now ask</p> <p>7 yourself why didn't I ask? Why didn't I look? Why</p> <p>8 didn't I --</p> <p>9 A. And I ask myself first why didn't they</p> <p>10 tell me.</p> <p>11 Q. First, what's your answer to yourself?</p> <p>12 What answer do you give us today as to why you</p> <p>13 didn't ask?</p> <p>14 A. I trusted in the system that I thought had</p> <p>15 served us well and I'm sorry that I did.</p> <p>16 Q. What system did you trust in that failed?</p> <p>17 A. The system of reporting immediately to the</p> <p>18 police. In this case, they knew and they had set</p> <p>19 him free which I interpreted to mean they didn't</p> <p>20 think he was a danger. The system that had us</p> <p>21 restricting ministry so that he had no contact with</p> <p>22 children and the system that put a supervisor in</p> <p>23 place to whom he reported to be sure that he was</p> <p>24 limiting his ministry while the investigation moved</p>
<p>1 surely, the State would not have released him back</p> <p>2 to society to be a danger to children.</p> <p>3 Q. So you made the calculation to,</p> <p>4 essentially, disregard the State's Attorney this</p> <p>5 was credible and Archdiocesan personnel that this</p> <p>6 was credible, didn't you?</p> <p>7 MR. KLENK: Objection to the form of the</p> <p>8 question.</p> <p>9 THE WITNESS: No, I did not.</p> <p>10 BY MR. ANDERSON:</p> <p>11 Q. Well, you didn't act on it.</p> <p>12 A. They didn't tell me that. They,</p> <p>13 themselves, released him back to society --</p> <p>14 Q. Did you --</p> <p>15 A. -- which is something I don't understand</p> <p>16 very well.</p> <p>17 Q. You say they didn't tell you, Cardinal.</p> <p>18 Did you ever ask them?</p> <p>19 A. No. I had the usual conduits of</p> <p>20 information that I relied on. I ask myself now why</p> <p>21 I did not more aggressively --</p> <p>22 Q. Were you --</p> <p>23 A. -- pursue it.</p> <p>24 Q. Were you too busy with other things?</p>	<p>1 forward.</p> <p>2 Q. Are the failures that you're referring to</p> <p>3 now, Cardinal, your failures or the failures of</p> <p>4 people who answer to you?</p> <p>5 A. I think all of us failed in the end. I</p> <p>6 must take responsibility for it.</p> <p>7 Q. In October 15, 2005, the review -- Review</p> <p>8 Board recommends his removal, correct?</p> <p>9 A. They advised me to remove him without</p> <p>10 telling me they thought he was guilty.</p> <p>11 Q. Well, they wouldn't advise you to remove</p> <p>12 him from ministry unless they received information</p> <p>13 that caused them or gave them reason to believe,</p> <p>14 correct?</p> <p>15 A. No, that's correct. They didn't say that.</p> <p>16 Had they said that, that would have been the end.</p> <p>17 They didn't have the information necessary to</p> <p>18 pursue an allegation. They told me that.</p> <p>19 Q. Who told you that?</p> <p>20 A. Leah McCluskey. In making the advice, she</p> <p>21 said we have not finished the case. We can't</p> <p>22 finish it. We're stymied.</p> <p>23 Q. But the Board on October 15th recommended</p> <p>24 to you remove him, right?</p>

1 A. They advised that he be removed from  
2 ministry, that's correct.  
3 Q. And that was the full board acting  
4 unanimously, was it not?  
5 A. I believe it was. I don't recall the --  
6 you know. You've read the report.  
7 Q. And Leah McCluskey doesn't sit on that  
8 board. It was the -- It was your board that you  
9 appointed as consultants on this issue that  
10 unanimously made the recommendation of removal,  
11 correct?  
12 A. They had --  
13 MR. KLENK: Please don't -- please don't point  
14 at him.  
15 MR. ANDERSON: I'm not pointing at him.  
16 THE WITNESS: They advised that he be removed  
17 from ministry but they could not tell me they  
18 thought he was guilty --  
19 BY MR. ANDERSON:  
20 Q. Well --  
21 A. -- which was a condition for removing from  
22 ministry.  
23 Q. Well, Cardinal, isn't guilt or innocence  
24 to be determined by the civil authorities?

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1 A. No. I didn't talk to Father McCormack.  
2 It was Father Grace who had heard this from the  
3 school.  
4 Q. So it was Father Grace that gave you the  
5 information that McCormack couldn't have committed  
6 the sexual abuse.  
7 Is that what you're saying?  
8 A. There was an allegation to that point that  
9 had to be investigated, go back and check. That  
10 might not be true. In fact, it wasn't. And I  
11 asked the Review Board to finish their work to  
12 investigate that fact.  
13 Q. Any other evidence upon which you relied  
14 to disregard in -- in making the decision to  
15 disregard the recommendation of -- of the Board  
16 other than what Grace told you?  
17 A. May I say, sir, I did not -- I'm sorry. I  
18 did not disregard it. I said it wasn't yet ripe  
19 for a conclusion and there were other comments that  
20 apparently were coming from the school to say that  
21 in place in the school was a policy that forbade  
22 any adult to take a child alone outside of a  
23 classroom.  
24 The situation hadn't been investigated

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1 A. Finally at the criminal case, yes.  
2 Q. And when it comes to your priest in this  
3 case, McCormack, upon the recommendation of your  
4 Review Board that he be removed, you decided to  
5 take the risk to leave him in ministry, didn't you?  
6 A. They had not finished their investigation.  
7 There was evidence I was getting from the school  
8 that indicated he had to be innocent. And as far  
9 as I knew, the police had finished their work and  
10 they set him free but they certainly knew about it.  
11 Q. And you're referring to the evidence.  
12 Whose job is it then to collect the  
13 evidence that pertains to guilt or innocence?  
14 A. The person who was in charge of the office  
15 for investigating who was Leah McCluskey.  
16 Q. You chose to rely upon some evidence you  
17 said from the school that he was innocent.  
18 What evidence was that, Cardinal?  
19 A. I was receiving allegations that he could  
20 not possibly have done this because he was not  
21 physically present in the school the two years  
22 earlier when the abuse was supposed to have taken  
23 place because he was laid up with an injured leg.  
24 Q. Was that from Father McCormack?

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1 fully yet.  
2 Q. You said there were other comments besides  
3 information given you by Father Grace.  
4 Comments by whom to whom?  
5 A. No. All the information I had that I'm  
6 referring to now, sir, was from Father Grace.  
7 Q. Okay.  
8 So in terms of the evidence upon which you  
9 relied in the decision to not follow the  
10 recommendation came from Father Grace is what  
11 you're saying?  
12 A. The information. It didn't rise to the  
13 level of evidence. I wanted it to be investigated  
14 to complete the work of the Review Board. They  
15 never finished their process.  
16 Q. Isn't that board appointed to investigate?  
17 A. No. They receive the results of the  
18 investigation that's done by Leah. They scrutinize  
19 but they don't go out physically and investigate.  
20 We hire investigators sometimes.  
21 Q. Leah is the investigator for the Board?  
22 A. Yes.  
23 Q. And they made recommendation to you based  
24 on an investigation she had done, correct?

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<p>1 A. I don't think so because they couldn't --  2 they said they couldn't finish the investigation.  3 That was the problem. They were unable to finish  4 the investigation.  5 If they had finished the investigation,  6 they would have given me a recommendation that he  7 was guilty or not. They didn't do that.  8 Q. Cardinal, referring to the exhibit, moving  9 down, I'm going to direct your attention and I  10 think it should be highlighted. The sentence  11 begins with to the contrary, individual specific  12 protocols.  13 Do you see that sentence?  14 A. Yes, sir, I do.  15 Q. I'm going to read it and ask you a  16 question. It states to the contrary, individual  17 specific protocols for monitoring were not  18 addressed by the Professional Conduct  19 Administrative Committee which included the Vicar  20 of Priests and the Professional Responsibility  21 Administrator.  22 Who is then the Vicar of Priests?  23 A. Father Grace.  24 Q. And who is the Professional Responsibility</p> <p style="text-align: right;">89</p>	<p>1 carried the Archdiocese further into a slippery  2 slope, what is your role in this chain of events  3 described as a watershed carrying the Archdiocese  4 into a slippery slope?  5 MR. KLENK: Objection to form.  6 THE WITNESS: I found about that complaint only  7 after the second arrest. The audit found, if I may  8 quote it myself, that Cardinal George did not know  9 what he needed to know to make a definitive  10 decision regarding Father McCormack because he was  11 not advised of all the information in possession of  12 his staff. I was not advised of that particular  13 information that is described as a watershed event  14 from years earlier.  15 MR. ANDERSON: Okay.  16 BY MR. ANDERSON:  17 Q. Let's go down to the next sentence I think  18 highlighted. It says Cardinal George was not  19 apprised of the entirety of information in  20 possession of the Archdiocese staff regarding the  21 credibility allegation.  22 Is that -- is that what it says?  23 A. Yes, it does, sir.  24 Q. You were advised of some information?</p> <p style="text-align: right;">91</p>
<p>1 Administrator?  2 A. Leah McCluskey.  3 Q. Moving down, the next highlighted portion  4 should be a sentence in the middle. It begins with  5 the audit identified.  6 Do you see that?  7 A. Yes, I do.  8 Q. It -- it states -- and I'll then ask you a  9 question -- the audit identified that had a  10 complaint of misconduct on the part of  11 Father McCormack in September of 2003 been properly  12 dealt with at the time, it would have identified  13 another alleged sexually abused minor by  14 Father McCormack. There's then -- it looks -- it  15 appears to be a typo but I read it to say but no  16 further investigation this complaint, the  17 September 2003 allegation was the watershed event  18 which carried the Archdiocese further into a  19 slippery slope due to lack of responsive and action  20 on the part of the Archdiocesan personnel to  21 another misconduct complaint against  22 Father McCormack.  23 I appreciate that's a long passage but  24 when reference is made to the watershed event which</p> <p style="text-align: right;">90</p>	<p>1 A. Oh, sure, yes.  2 Q. And that information was that  3 Father McCormack had abused a child?  4 A. No. It wasn't information, sir. That was  5 an allegation and the police had it and set him  6 free.  7 Q. And you were apprised that the police had  8 detained Father McCormack for the crime of sexual  9 abuse?  10 A. Yes, and set him free.  11 Q. And you -- and you were apprised of that  12 by Father Grace?  13 A. Yes.  14 Q. And others?  15 A. Well, first of all, by Father Grace  16 although he thought I knew when he did talk to me  17 about it.  18 Q. And you assumed that because the police  19 released him from custody that he was thus not  20 guilty?  21 A. Well, they also didn't charge him and I  22 did assume that, sir.  23 Q. Are you aware that Father Grace was  24 apprised that it was a credible allegation?</p> <p style="text-align: right;">92</p>



<p>1 A. He did not speak that way to me.  2 Q. Did you ever ask Dan McCormack if he had  3 abused a kid?  4 A. No, I did not.  5 Q. To this day, have you ever?  6 A. No. He confessed in court so I'm sure he  7 did.  8 Q. Are you aware that he is alleged to have  9 abused up to 23 children?  10 A. I was not aware of that number, sir.  11 Q. At page four, the top of it -- it starts  12 actually at the bottom of three. It begins the  13 audit identified that on August 29, 2005,  14 Cardinal George approved the official appointment  15 of Father McCormack as Dean of the Deanery.  16 That's a supervisory position, isn't it?  17 A. It is, sir.  18 Q. And that was effective September 1, 2005.  19 It then goes on to state the office for  20 the Vicar for Priests.  21 And who was then the Vicar for Priests?  22 A. That would have been Father Grace.  23 Q. Had in their position -- possession. It  24 says their possession.</p> <p style="text-align: right;">93</p>	<p>1 you.  2 Q. The highlighted portion says audit  3 review --  4 A. Yes.  5 Q. I'll read that and ask a question. Audit  6 review of Father McCormack's seminarian files  7 failed to locate any documentation of allegations  8 of sexual misconduct or allegations of sexual abuse  9 on the part of Father McCormack. However,  10 interview of the former Vice Rector.  11 Who's the former Vice Rector?  12 A. That would have been at that time --  13 again, before I got here -- but I -- I believe it  14 was Father John Canary.  15 Q. Wasn't it Kicanas?  16 A. I had thought that Father Kicanas was the  17 Rector.  18 Q. Okay.  19 And it goes on to state of the seminary  20 identified that three distinct allegations of  21 sexual misconduct of both adults and of a minor on  22 the part of Father McCormack were brought to the  23 attention of the seminary officials in the spring  24 quarter of 1992. The former Vice Rector recalls</p> <p style="text-align: right;">95</p>
<p>1 Do you know who besides Grace?  2 A. The other Vicar for Priests is  3 Father Vince Costello.  4 Q. And it goes on to say in their possession  5 derogatory information concerning Father McCormack  6 which they delayed reporting to the Vicar General.  7 And who is then the Vicar General?  8 A. Father Rassas.  9 Q. Now -- now bishop?  10 A. Yes.  11 Q. It then states the Vicar General was  12 telephonically advised of the derogatory  13 information but allowed the appointment to proceed  14 without requiring further investigation into the  15 allegation.  16 So that would be Rassas?  17 A. Yes, sir.  18 Q. The next paragraph highlighted portion  19 beginning with audit review.  20 Do you see that?  21 A. Additional allegations, that paragraph,  22 sir?  23 Q. It begins with additional allegations --  24 A. I see. I see what you're saying. Thank</p> <p style="text-align: right;">94</p>	<p>1 that these allegations were documented to  2 Father McCormack's file.  3 Have you seen that documentation?  4 A. Only the memo that the Vice Rector wrote  5 at the time. I have not seen the original. And  6 that came to my attention in January of 2006. I  7 remember reading it and being very disturbed by it.  8 Q. And what was it that was in it that  9 disturbed you?  10 A. What you've just read, sir.  11 Q. The memo reflected that there had been  12 multiple allegations of sexual misconduct by  13 McCormack in seminary, correct?  14 A. I believe there were only two when he was  15 a college seminarian and then the immediate  16 incidents of misconduct when he was in Mexico which  17 was the only time there was any indication about a  18 minor. The others were sexual misconduct with his  19 peers in the seminary, I believe.  20 Q. So that would be three involving minors  21 and there's some other adults?  22 A. No. One. I'm sorry, sir. One involving  23 a minor.  24 Q. One involving a minor?</p> <p style="text-align: right;">96</p>

<p>1 A. Yes.</p> <p>2 MR. KLENK: Jeff, we're getting near 12:30</p> <p>3 here. Whenever you reach a suitable stopping</p> <p>4 point.</p> <p>5 MR. ANDERSON: Okay. I'll -- I'll go through</p> <p>6 this. I'm almost done.</p> <p>7 THE WITNESS: Sure.</p> <p>8 MR. ANDERSON: All right.</p> <p>9 BY MR. ANDERSON:</p> <p>10 Q. I'm going to show you what is marked as</p> <p>11 206.</p> <p>12 A. Thank you.</p> <p>13 MR. KLENK: Thank you.</p> <p>14 BY MR. ANDERSON:</p> <p>15 Q. And this is a Sun-Times article quoting a</p> <p>16 number of folks, among them, Bishop Kicanas,</p> <p>17 K-I-C-A-N-A-S. And it states referring to</p> <p>18 McCormack and his seminary days, quote, it would</p> <p>19 have been grossly unfair not to or -- have ordained</p> <p>20 him meaning Father McCormack.</p> <p>21 Based on your review of the memo you</p> <p>22 received and as reflected in the Defenbaugh report,</p> <p>23 do you agree with Kicanas's assertion?</p> <p>24 A. No.</p> <p style="text-align: right;">97</p>	<p>1 THE WITNESS: This is a memo based upon report</p> <p>2 and the memo does say that his problem is drinking.</p> <p>3 BY MR. ANDERSON:</p> <p>4 Q. It also says that he had sexually abused</p> <p>5 at least one minor --</p> <p>6 A. Yes.</p> <p>7 Q. -- and had engaged in inappropriate sexual</p> <p>8 conduct --</p> <p>9 A. Absolutely.</p> <p>10 Q. -- with others --</p> <p>11 A. That's --</p> <p>12 Q. -- while in seminary?</p> <p>13 A. But -- and that's why he should have never</p> <p>14 been ordained. I agree with you, sir.</p> <p>15 Q. And so he was not only a problem drinker,</p> <p>16 he was a pedophile?</p> <p>17 A. I believe you're correct, sir.</p> <p>18 MR. ANDERSON: Let's take a break.</p> <p>19 THE VIDEOGRAPHER: We are going off the record</p> <p>20 at 12:36 p.m. This is the end of videotape number</p> <p>21 two.</p> <p>22 (A short break was taken.)</p> <p>23 THE VIDEOGRAPHER: We are going back on the</p> <p>24 record at 1:08 p.m. This is the beginning of</p> <p style="text-align: right;">99</p>
<p>1 Q. He should never have been ordained, should</p> <p>2 he, based on that -- based on that memo you</p> <p>3 reviewed?</p> <p>4 A. He would not have been ordained now and he</p> <p>5 should never have been ordained then.</p> <p>6 Q. The last paragraph of this document states</p> <p>7 there was a sense -- and this is quoting Kicanas --</p> <p>8 there was a sense that his activity was part of the</p> <p>9 developmental process and that he had learned from</p> <p>10 the experience. Kicanas said, quote, I was more</p> <p>11 concerned about his drinking. We sent him to</p> <p>12 counseling for that.</p> <p>13 It's correct to say that that memo that</p> <p>14 you reviewed and those documents regarding</p> <p>15 McCormack's seminary years belie the assertion made</p> <p>16 by Bishop Kicanas?</p> <p>17 MR. KLENK: I would object to the extent that</p> <p>18 this deals with any report from a mental health</p> <p>19 advocate or he's done an analysis. I don't want</p> <p>20 him to do that because we are precluded by law, as</p> <p>21 you know, from getting into that sort of</p> <p>22 information.</p> <p>23 MR. ANDERSON: I think you can answer,</p> <p>24 Cardinal.</p> <p style="text-align: right;">98</p>	<p>1 videotape number three.</p> <p>2 BY MR. ANDERSON:</p> <p>3 Q. Cardinal, referring you back to</p> <p>4 Exhibit 106, the Defenbaugh report, I direct your</p> <p>5 attention to page 15 and in the middle of it -- it</p> <p>6 may be highlighted -- the paragraph beginning with</p> <p>7 during. I'm going to read that and then ask you</p> <p>8 some questions.</p> <p>9 During the review of the case files</p> <p>10 involving allegations of sexual abuse of minors by</p> <p>11 Father McCormack, it was determined that the</p> <p>12 Archbishop was not notified of the</p> <p>13 allegations/arrest of Father McCormack until three</p> <p>14 days after the Archbishop's return to the</p> <p>15 Archdiocese. During the preliminary activities and</p> <p>16 inquiry phase of the review process, the PRA sends</p> <p>17 a memorandum to the Chancellor.</p> <p>18 The Chancellor is --</p> <p>19 A. Mr. --</p> <p>20 Q. -- Lago?</p> <p>21 A. Jimmy Lago, yes.</p> <p>22 Q. It then says the Archbishop's delegate.</p> <p>23 And that is?</p> <p>24 A. Father Dan Smilanik.</p> <p style="text-align: right;">100</p>

<p>1 Q. And that's to the -- delegate to the 2 Board, correct? 3 A. Yes, that's correct. 4 Q. And then it says, the Office of Legal 5 Services. 6 And that would be? 7 A. Mr. O'Malley. 8 Q. And then it says the Victim's Assistance 9 Ministry. 10 And that would be? 11 A. Now it's Mike Honeycut. At that time, I 12 think it was Mr. Ralph Bonaccorsi. 13 Q. Then Ralph Bonaccorsi. 14 And then it says and the Vicar for Priests 15 which would have been? 16 A. Father Grace. 17 Q. Grace. 18 And it says advising them of the 19 allegation and requesting file reviews. 20 So all of these people received this 21 information at that point in time, correct? 22 A. As a request for further information that 23 they might have in order to bring the allegation 24 together, that's correct.</p> <p style="text-align: right;">101</p>	<p>1 according to the process. 2 Q. And is this a failure of these people or a 3 failure of process? 4 A. Well, people have process 5 responsibilities. All I meant to say was that the 6 Review Board system was set up to be sure that the 7 archbishop, whoever he might be, would not 8 interfere in the process and so that sometimes 9 there is -- it wasn't in the past an immediate 10 notification. There is now. 11 Q. As a result of Jimmy Lago's failure to 12 inform you of this information involving 13 Father McCormack, did you take action against him? 14 A. His obligation was to give the files that 15 he had to Leah McCluskey in order it put the 16 allegation together. He did not have an obligation 17 to inform me. 18 Q. He is -- he -- he was the Chancellor, was 19 he not? 20 A. That means he's in charge of files. 21 Q. And as Chancellor, he is one of your 22 consultants and advisors? 23 A. In the areas that he's responsible for, 24 yes.</p> <p style="text-align: right;">103</p>
<p>1 Q. And all of these people are also mandatory 2 reporters, are they not? 3 A. I am not entirely certain if every single 4 one was. 5 In this case, the police knew. 6 Q. The police already had this information -- 7 A. Yes. 8 Q. -- that's where they got this information, 9 correct? 10 A. No. The allegation was made directly to 11 the police. 12 Q. Yes. 13 A. And so they had the victim, the accuser. 14 Q. And they're all aware of the police 15 involvement? 16 A. I'm sure they must have been. I would 17 think so, yes. 18 Q. And they're all working, effectively, for 19 you. You've appointed each of them, have you not? 20 A. Yes. 21 Q. And they're all to keep you informed of -- 22 of the important matters relating to 23 Father McCormack and sexual abuse? 24 A. They followed a process. They informed me</p> <p style="text-align: right;">102</p>	<p>1 Q. And is it your position that the 2 Chancellor did not have an obligation to inform you 3 of information that he possessed that 4 Father McCormack was suspected of having abused? 5 A. That was not part of his formal 6 obligations at that time. 7 Q. And so do you fault him in any way for 8 failing to report this information in his 9 possession to you? 10 A. To me? 11 Q. Yes. 12 MR. KLENK: Objection, foundation. It assumes 13 he had information in his possession then. 14 MR. ANDERSON: That this allegation was 15 credible. 16 THE WITNESS: Oh, I don't know that he had that 17 information. 18 BY MR. ANDERSON: 19 Q. Have you taken any action against -- 20 discipline of the bishop's delegate for his failure 21 to bring information to you at this time? 22 MR. KLENK: Object, again, foundation. It 23 assumes he had information. 24</p> <p style="text-align: right;">104</p>

<p>1 BY MR. ANDERSON:  2 Q. Have you taken any action against the  3 delegate?  4 MR. KLENK: You can go ahead and answer it.  5 THE WITNESS: Oh, I'm sorry. I misunderstood.  6 His obligation is to see to it that in the  7 process, the canonical rules, the charter are  8 adhered to. It's not his direct obligation to  9 bring me anything except the Review Board  10 deliberations.  11 BY MR. ANDERSON:  12 Q. Going back to then Chancellor Lago, is it  13 correct that since this point in time referred to  14 in the report, Lago has even been given more  15 responsibility for dealing with sexual abuse of  16 minors in the Archdiocese?  17 A. We learned that information wasn't shared.  18 He is now the one to see to it that information is  19 shared as broadly as possible among all those  20 concerned.  21 He has a new responsibility since the  22 McCormack allegations.  23 Q. And the Vicar for Priests, Father Grace,  24 is referred to here.</p>	<p>1 but I couldn't tell you which ones exactly.  2 Q. Well, then Father Rassas, the Vicar  3 General, was promoted to Auxiliary Bishop following  4 this failure?  5 A. That appointment was made in the summer  6 before this happened. It's a Roman appointment,  7 not mine.  8 Q. Cardinal, I'm going to direct your  9 attention to -- to Bob Davies for a moment.  10 Who is Bob Davies?  11 A. I'm sorry. I don't recognize the name.  12 Q. Let's get a document. I'm going to show  13 you Exhibit 111.  14 A. Thank you.  15 Q. And you'll see that it is a memorandum  16 from Leah McCluskey --  17 A. Uh-huh.  18 Q. -- regarding McCormack. It's dated in  19 February of 2006 and it refers to some information  20 earlier received wherein a Sister Mary Therese  21 Cusack, C-U-S-A-C-K --  22 A. Uh-huh.  23 Q. -- imparted information and it -- to  24 Mr. Robert, Bob, Davies at the second page, first</p>
<p>1 What action, if any, have you taken  2 pertaining to him based on the findings of  3 Defenbaugh?  4 A. We discussed what went wrong and there  5 have been corrections and I believe a letter is in  6 the file to be sure that the memory of this is not  7 lost.  8 Q. What action, if any, have you taken to --  9 pertaining to Father Rassas, now Bishop Rassas, in  10 connection with this?  11 A. We also have discussed this, why was  12 information not passed on and I believe the same  13 memorandum to keep us aware of what went wrong has  14 been placed in his file as well.  15 Q. So if I'm hearing you correctly, you  16 placed a letter of reprimand in the files of  17 Bishop Rassas and Father Grace?  18 A. Yes.  19 Q. Have you reprimanded anybody else for  20 failure to report or act in connection with  21 Father McCormack?  22 A. Again, we discussed it because of this  23 report to show how seriously wrong the system went  24 and I think letters have gone into other files too</p>	<p>1 paragraph -- the fourth paragraph. Excuse me.  2 You'll see after speaking with blank, Sister Mary  3 Therese Cusack contacted Mr. Bob Davies?  4 A. Uh-huh.  5 Q. Who was the consultant for Holy Family  6 School at the time?  7 A. Oh, okay. Yes.  8 Q. Are you aware that he's now assistant  9 superintendent for the school?  10 A. No. I think he was removed from that  11 position because this information wasn't brought  12 forward when it should have been.  13 Q. And was that an action taken by you?  14 A. No. By the superintendent of schools  15 who's responsible for the schools.  16 Q. And the superintendent of schools,  17 ultimately, answers to you. You oversee the  18 schools and education for the Catholic Archdiocese?  19 A. But I'm not involved in the schools. I  20 make no appointments. I don't hire. I don't let  21 people go. That is the job of the superintendent.  22 It's not my responsibility.  23 I supervise to see that they are Catholic  24 schools.</p>

1 Q. Right.  
2 You are the ultimate supervisor of the  
3 Catholic education in the Archdiocese?  
4 A. Of the mission of Catholic education in  
5 the Archdiocese.  
6 Q. And are you aware and did it come to your  
7 attention that on five different occasions,  
8 information came to Bob -- to the attention of Bob  
9 Davies that was suspicious of McCormack having  
10 sexually abused?  
11 A. I was not aware of five. I had heard  
12 about the one incident after McCormack was arrested  
13 the second time.  
14 Q. And as you sit here today, you're only  
15 aware of one instance -- one instance in which  
16 Davies received information from Sister Cusack or  
17 others --  
18 A. I was aware of the information --  
19 Q. -- that McCormack was engaged in conduct  
20 suspicious of sexual abuse?  
21 A. I was aware of the information he received  
22 from Sister Cusack.  
23 Q. On how many occasions did she bring him --  
24 it to his attention that McCormack was doing or

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1 A. Was she the principal at the time or was  
2 she --  
3 Q. Yes.  
4 A. Yes.  
5 Q. Davies was working for Holy Family School  
6 at the time and the Archdiocese Office of Catholic  
7 Education so that would have made him a mandatory  
8 reporter in education?  
9 A. I don't know the details of the mandatory  
10 reporting law for educators in the State of  
11 Illinois. I'm sorry.  
12 Q. And do you have any information that  
13 either of them ever reported to civil authorities  
14 the information received or perceived by either of  
15 them concerning McCormack?  
16 A. I don't believe they did.  
17 Q. I want to show you Exhibit 115.  
18 A. Thank you.  
19 Q. I'm showing you 115. This is a memo dated  
20 September 5, 2003.  
21 This would be two years before McCormack's  
22 arrest, Cardinal?  
23 A. That's correct.  
24 Q. And it concerns St. Agatha Parish and

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1 saying things that were suspicious of abuse?  
2 MR. KLENK: Objection, foundation.  
3 THE WITNESS: This is the first I see this  
4 memo, sir. I heard that she had received  
5 information at least once. That's all I know.  
6 BY MR. ANDERSON:  
7 Q. And what did you understand Bob Davies's  
8 response to her to have been when she brought it to  
9 him?  
10 A. He did not pass it on. That's the  
11 important fact, I believe.  
12 Q. Did you read and have you learned that he  
13 said to her let it go?  
14 A. I heard verbally an explanation of the  
15 incident; that the parent did not want it pursued  
16 and in that context, I believe he said we should  
17 let it go.  
18 Q. Was that -- would that have been Davies's  
19 decision to make as an educator?  
20 A. He -- he made a mistake and for that, he's  
21 been demoted and reprimanded. I presume -- I  
22 shouldn't presume anything. He made a mistake.  
23 Q. At that time, Cusack would be a mandatory  
24 reporter?

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1 McCormack. And it is from a woman identified and  
2 it states I took a call from a woman who would not  
3 identify herself but gave me her phone number and  
4 it's stated in here, isn't it?  
5 A. Yes, it is.  
6 Q. So if somebody wanted to know who this  
7 woman was, it's not hard to find that out, is it?  
8 A. They could have called that number, sir.  
9 Q. Okay.  
10 The second paragraph says her chief  
11 concern is the number the teenage boys that are  
12 always in the rectory. This has been going on for  
13 more than a year and many others in the area are  
14 talking about it. It then goes on to state in the  
15 last paragraph, last weekend, Father McCormack took  
16 several boys to Minnesota for shopping, I believe.  
17 You would agree that the information in  
18 this memo from Mary Ann is suspicious of sexual  
19 abuse?  
20 A. It raises a flag. It certainly does.  
21 Q. And it should have been acted upon?  
22 A. I believe it should have been.  
23 Q. And wasn't?  
24 A. I believe it was not.

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1 Q. And Mary Ann Zrust, Z-R-U-S-T, is who?  
2 A. At that time, she was the receptionist and  
3 secretary in the Vicars For Priest office.  
4 Q. And that was Father Grace?  
5 A. In 2003, I'm not sure that it was  
6 Father Grace.  
7 Q. Well, it was the Vicar for Priest in any  
8 case?  
9 A. Yes.  
10 Q. There was -- there was more than one Vicar  
11 for Priest, though?  
12 A. There were always two.  
13 Q. So information of this type in this memo,  
14 Exhibit 115, certainly would have gone from the  
15 secretary to one of the vicars to whom she answered  
16 and it would have been either father -- in 2003, it  
17 would have been --  
18 MR. ANDERSON: Am I in front of the camera?  
19 THE VIDEOGRAPHER: A little bit.  
20 THE WITNESS: That's okay.  
21 MR. ANDERSON: I got to look -- I got to look  
22 at this chart here. I can tell you who -- 2003,  
23 Grace and Costello or Grace and Kaczorowski.  
24 THE WITNESS: Yes.

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1 BY MR. ANDERSON:  
2 Q. So it would -- had -- there at that time  
3 two Vicars for Priest?  
4 A. Yes.  
5 Q. And so whoever it was that she brought  
6 this to should have taken action on this and  
7 didn't, you know that now?  
8 A. Yes. I regret deeply that action was not  
9 taken.  
10 Q. Have you ever asked Grace, Kaczorowski or  
11 Costello why they didn't act on this action back  
12 then in 2003?  
13 MR. KLENK: Objection, assumes that they were  
14 aware of it.  
15 THE WITNESS: The anonymity, I think, perhaps  
16 might have entered into it but you really must  
17 have -- ask them. I can't speak for them. I'm  
18 sorry for it.  
19 BY MR. ANDERSON:  
20 Q. My question to you, Cardinal, is did you  
21 ask them? They're answering to you. You're their  
22 boss. Did you ask them?  
23 A. I inquired why there was no follow-up  
24 and --

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1 Q. And --  
2 A. -- when I found this out, you know, after  
3 he was arrested.  
4 Q. Who did you inquire you?  
5 A. The Vicars for Priests.  
6 Q. Who?  
7 A. Father Grace.  
8 Q. What was his explanation for his failure?  
9 A. It was an anonymous report and in the  
10 context, got lost in a lot of other things,  
11 apparently.  
12 Q. Did you say to him, Father Grace, giving  
13 the phone number is not anonymous. All you have to  
14 do is call her up and say, ma'am, what's your name?  
15 This is important information. Did you point that  
16 out to him?  
17 A. Yes, I did.  
18 Q. And his explanation was?  
19 A. He made a mistake. He didn't follow-up.  
20 Q. Father Grace or whoever it was that you  
21 confronted with this is -- is under the -- under  
22 the same requirements that you have been as a  
23 priest, that is, to keep certain matters secret and  
24 quiet to avoid scandal, correct?

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1 MR. KLENK: Objection to the form of the  
2 question.  
3 THE WITNESS: That's -- that has nothing to do  
4 with this.  
5 BY MR. ANDERSON:  
6 Q. Well, isn't the disclosure of sexual abuse  
7 by a priest scandalous if made public?  
8 A. There is no accusation of sexual abuse  
9 here, sir.  
10 Q. There's a suspicion of an accusation of  
11 sexual abuse here, isn't there?  
12 A. I suppose a flag is raised as I said.  
13 Q. So the Vicar for Clergy in 2003 in any  
14 case chose to keep it a secret and not report it to  
15 you or the civil authorities, correct?  
16 A. I don't know that he chose to keep it a  
17 secret. What you're talking about here is behavior  
18 which is not sexual.  
19 Q. I'm going to show you Exhibit 117 and you  
20 will see it is a memo of July 13, 2005 to Father Ed  
21 Grace and Father Vince Costello from then George  
22 Rassas now bishop.  
23 And Father Dan McCormack is being made a  
24 dean, correct?

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1 A. Yes. That's in July as you'll notice.  
 2 Q. And look at the handwriting.  
 3 Whose handwriting is that?  
 4 A. I can't tell you that, sir.  
 5 Q. As I read it, it says we suggested no  
 6 because of boys in rectory letter.  
 7 And you're the one that, ultimately,  
 8 appointed McCormack dean?  
 9 A. That's correct. I didn't see this.  
 10 Q. And it's not because it wasn't available  
 11 to you but it's because you didn't look or ask,  
 12 correct?  
 13 MR. KLENK: Objection to the form of the  
 14 question, compound.  
 15 THE WITNESS: The information wasn't given me  
 16 and in every case, the question asked is is he  
 17 vetted or isn't he --  
 18 BY MR. ANDERSON:  
 19 Q. And --  
 20 A. The response came back yes.  
 21 Q. And Rassas didn't tell you, did he?  
 22 A. He didn't tell me about this, no.  
 23 Q. And he didn't tell you that it was  
 24 suggested that he was not fit to be a dean because

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1 of boys in the rectory letter?  
 2 A. No, he did not tell me that.  
 3 Q. So he was made dean by you?  
 4 A. Yes, I appoint deans.  
 5 Q. And then you received information that  
 6 McCormack was not fit and had been suspected of  
 7 abusing boys, correct?  
 8 A. After his second arrest, I received this  
 9 information that we're looking at now.  
 10 Q. And when did you rescind or did you ever  
 11 rescind the appointment of Dan McCormack to his  
 12 position as Dean of the Deanery?  
 13 A. When he's taken out of ministry, that  
 14 appointment is automatically rescinded.  
 15 Q. And that -- and that was January, was it  
 16 not?  
 17 A. That's correct.  
 18 Q. But you learned he had been arrested for  
 19 criminal sexual conduct of a minor -- albeit  
 20 released -- but arrested in October, correct?  
 21 A. Oh, I knew that at the end of August, sir.  
 22 Q. And in August when you knew that, you  
 23 chose to keep him in the position of Dean of  
 24 the Deanery as well as the ministry?

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1 A. The police let him go, sir. He was  
 2 innocent as far as they were concerned. We  
 3 conducted an investigation on the presumption of  
 4 innocence. He was freed with the civil authorities  
 5 full knowledge.  
 6 Q. Cardinal, who told you that Dan McCormack  
 7 was innocent?  
 8 A. The release to me meant they couldn't  
 9 charge him and they had reason to believe that he  
 10 was not a danger to children.  
 11 Q. You've never really believed in the zero  
 12 tolerance policy, have you?  
 13 A. I beg your pardon, sir, but that's  
 14 entirely inaccurate. I believe it.  
 15 Q. I want to direct your attention to 118.  
 16 This is to the file from Ed Grace. It's dated  
 17 August 30, '05. It states I was called at Queen of  
 18 All Saints rectory by Reverend McCormack. He  
 19 informed me that he was being questioned by police  
 20 at the local police station, correct?  
 21 A. That's what it says, yes, sir.  
 22 Q. Concerning an allegation made against him  
 23 by the mother of a ten-year-old boy. He put the  
 24 detective on the phone to explain the circumstances

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1 to me, correct?  
 2 A. Yes.  
 3 Q. Then it goes on to say in the last  
 4 sentence of the next paragraph, Father McCormack  
 5 succeeded in lowering the boy's pants and  
 6 fondling -- fondled his genitalia.  
 7 That's what it states, doesn't it?  
 8 A. It does.  
 9 Q. It goes on to state in the next sentence  
 10 detective found the boy's story credible?  
 11 A. It does say that.  
 12 Q. It goes on to state I asked if  
 13 Father McCormack was being detained. He said not  
 14 at that time. And it is Father Grace that says I  
 15 then suggested that given the hour, Father be sent  
 16 home and return the next morning with an attorney  
 17 to continue the interview.  
 18 Cardinal, was it Father Grace's job as  
 19 Vicar for Priests to suggest to the police that  
 20 McCormack be released and brought home?  
 21 A. Not as Vicar for Priests, no.  
 22 Q. I mean, Father Grace is out of line here,  
 23 isn't he?  
 24 A. I think it was very imprudent.

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<p>1 Q. And it is also your policy and your 2 expectation that the Vicar for Priests will arrange 3 to get the attorney for the -- the -- the accused 4 child abusing cleric? 5 A. That does happen sometimes to be sure that 6 a process is fair. We see to it that lay people, 7 priests, others, even those who bring an accusation 8 have civil counsel. 9 Q. It's also -- is it your instruction as 10 cardinal to -- to Father Grace and others under 11 your control to -- excuse me. 12 Is it also -- let me ask you this, the 13 next sentence says I then spoke with Dan again and 14 advised him not to discuss the matter further with 15 the police. 16 So as I read this and as I just read it to 17 you, Father Grace, your Vicar for Priests, is 18 telling Dan McCormack don't talk to the police, 19 don't tell them that you've abused these kids, 20 don't tell them anything. 21 Is that something that you approve of? 22 MR. KLENK: I object to the form of the 23 question. 24 THE WITNESS: No. That's not part of his</p> <p style="text-align: right;">121</p>	<p>1 conviction or an arrest, in fact. 2 Q. Isn't it -- isn't it Father Grace's job to 3 first protect the children instead of protecting 4 the priest when the priest is accused of hurting 5 children? 6 A. It is. I can't believe that he believed 7 Father McCormack was a danger. He would have told 8 me, I think, if he really believed that but you're 9 right, the first obligation is to protect children. 10 That's the obligation of the police as well, I 11 believe. 12 Q. And it was the detective in this memo that 13 found the boy's story credible. So what 14 Father Grace believed, whether Dan was innocent or 15 not, is really -- is not important. 16 What the detective found is, though, isn't 17 it? 18 A. I didn't see this memo until after the 19 second arrest. In fact, until just a little while 20 ago. Certainly, the witness of the detective had I 21 received that would have meant the sequence of 22 events was very different. 23 Q. Going to the second page of this memo, it 24 states 9:30 a.m., I met with Dan at our office.</p> <p style="text-align: right;">123</p>
<p>1 responsibilities. 2 BY MR. ANDERSON: 3 Q. It looks to me, Cardinal, like this is 4 being -- Father Grace is trying to keep this secret 5 and avoid scandal. 6 Does it look that way to you? 7 A. It's a public arrest, sir. It's not a 8 secret. 9 Q. I know but right now, the only ones that 10 know are Father Grace, Father Dan and the police, 11 right? 12 A. At this point, yes. 13 Q. So the parishioners and the community of 14 faith don't know -- 15 A. Not at this point. 16 Q. -- about this arrest, do they? 17 A. I don't know whether it was ever reported 18 in the police register. I really don't know that. 19 Q. Well, you do know that Father Dan did get 20 a lawyer and that was Pat Reardon because it's 21 reflected in this memo? 22 A. Yes. 23 Q. The Archdiocese hired him, right? 24 A. We pay for a lawyer until there is a</p> <p style="text-align: right;">122</p>	<p>1 That is at the office of the Archdiocese 2 that is of the Vicar for Clergy? 3 A. That's correct. 4 Q. That's your office? 5 A. No. It's the office of the Vicar for 6 Priests. 7 Q. It's in your offices, though, isn't it? 8 A. No. It's physically in another building. 9 Q. Oh, okay. 10 It states I asked Dan to tell what the 11 police had said to him and what he had said to them 12 but nothing else and the but nothing else is in 13 caps. Now, I read this to be recording that Grace 14 is asking him, that is, McCormack, to tell him what 15 he had told the police. 16 How do you read this? What is -- what is 17 Grace doing here and recording? 18 MR. KLENK: Object to the form of the question, 19 the speech followed by the question. 20 BY MR. ANDERSON: 21 Q. Let me put in this way, why is this in 22 caps? 23 A. I don't know why it's in caps. 24 Q. Grace is telling McCormack to keep his</p> <p style="text-align: right;">124</p>



1 mouth shut so that he doesn't get in trouble, so  
 2 the Archdiocese doesn't get in trouble, right?  
 3 A. I don't believe that's true.  
 4 Q. Well, then what is true?  
 5 A. I think perhaps Father Grace's training as  
 6 a defense attorney was instrumental in his reacting  
 7 in this way but that's just conjecture on my part,  
 8 sir.  
 9 Q. Wasn't it your job to make sure that  
 10 Father Grace and other vicars and other leaders and  
 11 educators in this Archdiocese were trained in the  
 12 protection of children?  
 13 A. And they have been trained.  
 14 Q. And, again, at the next -- three  
 15 paragraphs down, it -- it reiterates the  
 16 detectives -- there are multiple detectives here --  
 17 witnessed the interview and found the boy credible.  
 18 Now we have more than one detective. We have  
 19 multiple detectives witnessing an interview of the  
 20 child who's been abused and finding the child to be  
 21 credible; is that right?  
 22 MR. KLENK: I object to the speech. I object  
 23 to the form of the question.  
 24

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1 Reardon and arranged for him to represent Dan.  
 2 So he's contacting the lawyer and making  
 3 arrangements for Dan McCormack to have a lawyer,  
 4 right?  
 5 A. Yes, but there, that sometimes is the  
 6 case.  
 7 Q. That's in accord with your policy?  
 8 A. When people need defense in a process,  
 9 whether it's canonical or civil, for the sake of  
 10 fairness, we often suggest that it might be good to  
 11 have a lawyer.  
 12 Q. I'm going to show you Exhibit 124.  
 13 A. Thank you.  
 14 Q. I'm not going to -- I'm not going to --  
 15 this is Exhibit 124 and this is dated September 15,  
 16 2005, two weeks after the police find the  
 17 allegation credible. And I'm not going to ask you  
 18 to read this because I know you've had a chance to  
 19 look at some of these things but my question to you  
 20 is there were reports in the media, information  
 21 disseminated by your office that the woman referred  
 22 to here?  
 23 A. Yes.  
 24 Q. And we know who we're talking about here

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1 BY MR. ANDERSON:  
 2 Q. Is that the way you read this, Cardinal?  
 3 A. I read this a couple of weeks ago. I  
 4 deeply regret that they, themselves, didn't keep  
 5 Dan in custody.  
 6 Q. Cardinal, did you read this a couple weeks  
 7 ago for the first time in prepping for this  
 8 deposition?  
 9 A. It was one of the documents given to me,  
 10 yes.  
 11 Q. So that was the first time you've seen  
 12 this was in preparation for this today, right?  
 13 A. So far as I can recall.  
 14 Q. So now having seen this, is this going to  
 15 cause you to do anything different in the future  
 16 either as it pertains to Grace and the others in  
 17 your charge?  
 18 A. I've already spoken to Father Grace about  
 19 the responsibilities as the Vicar for Priests being  
 20 to protect children and to search for the truth,  
 21 not to -- to protect a priest as if he were a  
 22 client.  
 23 Q. Look at this memo at -- at the bottom, it  
 24 says today, 8-31-05. It says I contacted Pat

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1 as the mother, don't we?  
 2 A. Yes, sir.  
 3 Q. Okay.  
 4 It's -- it's reported in the media and  
 5 claimed that the family wouldn't come forward and  
 6 that's why no action was taken responsive to her  
 7 report.  
 8 Did you make that claim to the media?  
 9 A. That was my understanding at the time. I  
 10 did not have this memo.  
 11 Q. And who lead you to believe that at the  
 12 time you made that representation to the public in  
 13 the media?  
 14 A. Several times I kept asking whether or not  
 15 we could pursue this case and do the investigation  
 16 and each time, I was told they're still trying to  
 17 the get the allegation together.  
 18 Q. Who was that?  
 19 A. Well, the people whom we've mentioned.  
 20 Sometimes it was the Vicar for Priests or the  
 21 lawyer or Leah McCluskey even was talking about the  
 22 difficulties of getting an allegation in form to be  
 23 tried by the Review Board.  
 24 Q. So this exhibit and other information,

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1 through it, you kind of realized you were  
2 misinformed then, correct?  
3 A. I was not adequately informed.  
4 Q. Exhibit 126 is from the Review Board dated  
5 January 28, 2006.  
6 This is addressed to you, Cardinal,  
7 correct?  
8 A. That's correct.  
9 Q. And it's from -- is this all the members  
10 of the Review Board --  
11 A. I believe it's --  
12 Q. -- appointed by you?  
13 A. Yes, all the members at that time.  
14 Perhaps there's one missing.  
15 Q. In any case, you received this.  
16 And did you know that you were going to  
17 receive this before it was sent?  
18 A. No, I did not.  
19 Q. It states Dear Cardinal George, I'm  
20 writing this letter on behalf of the Professional  
21 Review Board members who participated in  
22 January 24, 2006 teleconference regarding  
23 Father Daniel McCormack.  
24 It looks like the only one that was on

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1 to our attention and that action was not taken in a  
2 timely manner.  
3 What is your response to this?  
4 A. I am very dismayed myself. This is  
5 terrible that more precipitous action was not taken  
6 so I share that concern. I understand it and I  
7 share it as my own as well.  
8 Q. Have you ever written a letter responding  
9 to this letter to the Board?  
10 A. I went and talked to them personally for  
11 several hours.  
12 Q. When they state we are extremely dismayed  
13 that yet another claim.  
14 Yet another claim is referring to what?  
15 A. I presume the Bennett case.  
16 Q. And this one is first referring to the  
17 McCormack case, is it not?  
18 A. It is.  
19 Q. And then it's referring back to another  
20 claim?  
21 A. Yes.  
22 Q. And that refers back to Bennett?  
23 A. Well, they didn't make that explicit but I  
24 presume in the context that's the case. I wouldn't

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1 the -- the Review Board was your delegate and that  
2 was Father Smilanic?  
3 A. Smilanic.  
4 Q. Smilanic?  
5 A. Yes.  
6 Q. Did he choose not to sign on to this  
7 purposefully or what?  
8 A. I have no idea. I doubt that. I have no  
9 idea.  
10 Q. The second paragraph --  
11 A. He is not technically a member of the  
12 Review Board.  
13 Q. He is the delegate?  
14 A. Yes.  
15 Q. In any case, is he the only one that's on  
16 the Board that's not a signer of this letter?  
17 A. I thought there were eight members of the  
18 Board but perhaps not at this time.  
19 Q. Well --  
20 A. This is the Board speaking.  
21 Q. Okay.  
22 The Board says in the second paragraph we  
23 are extremely dismayed that yet another claim of  
24 clerical sexual abuse of a minor has been brought

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1 know what other case they could possibly be talking  
2 about.  
3 Q. Well, this is before Joseph Bennett was  
4 removed from ministry by you, Cardinal.  
5 A. He was removed around this same time and  
6 we changed our policy to remove priests not after  
7 they offended but even while they were being  
8 investigated.  
9 Q. In any case, on January 28, 2006,  
10 Father Bennett had not been removed from ministry,  
11 correct?  
12 A. He was removed around that time. I'm not  
13 sure of the exact date, either just before or just  
14 after.  
15 Q. It was February 1st, I think, that he was  
16 removed. That was after this letter was sent to  
17 you after the St. Agatha meeting.  
18 A. If it was --  
19 Q. Does that sound correct?  
20 A. Yes, he was removed just after the  
21 St. Agatha meeting.  
22 Q. And --  
23 A. I'm not sure when this letter was received  
24 but.

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1 Q. The -- the next paragraph goes on to talk  
2 about the media statements being made by you  
3 wherein you are quoted, correct?  
4 A. I presume that's a quote from me.  
5 Q. And then it goes on in the next paragraph  
6 to talk about the information pertaining to the  
7 Review Board and criminal investigation, correct?  
8 A. Which paragraph, please, sir?  
9 Q. Well, third paragraph is -- I'll -- I'll  
10 direct your attention to the fourth paragraph and  
11 that states our recommendations were presented to  
12 you on October 17, 2005 at the post-Review Board  
13 meeting.  
14 What is a post-Review Board meeting?  
15 A. It's the meeting that I have with the head  
16 of the Office For Investigation, Leah McCluskey,  
17 and with my representative for canonical process to  
18 the Review Board, Father Smilanic. They come to  
19 see me after the Board to explain what the Board  
20 said.  
21 Q. Okay.  
22 The Board then writes to you, you chose  
23 not to act on them and we now have a situation that  
24 reflects very poorly and unfairly on the Board.

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1 When they write that, you chose not to act  
2 on their recommendations, that is correct, isn't  
3 it?  
4 A. That is --  
5 Q. That was a choice that you made?  
6 A. That is correct.  
7 Q. Do you take responsibility for that?  
8 A. Of course I must take responsibility for  
9 it.  
10 Q. How many kids did McCormack abuse after  
11 you made that choice?  
12 A. I believe that's being investigated now  
13 but at least one and probably two that I know of  
14 and there may be others.  
15 Q. How many kids did Father Joseph Bennett  
16 have -- are suspected of -- of having abused and  
17 that have come forward after -- after you chose not  
18 to act?  
19 MR. KLENK: Object to the form of question,  
20 compound.  
21 THE WITNESS: If you mean how many allegations  
22 have been made against Joseph Bennett, currently,  
23 none. There were none made after the Review Board  
24 had its finding. And, again, they didn't have a

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1 finding here because they hadn't considered all the  
2 evidence as they themselves say, it is true there  
3 was not a formal presentation of this allegation.  
4 BY MR. ANDERSON:  
5 Q. At the last -- next paragraph, the last  
6 sentence states and they write to you we take  
7 offense at the lack of truth telling.  
8 A. I was mistaken in what I said. I didn't  
9 realize that they had as much information as they  
10 did. They still didn't have enough to pursue the  
11 allegation as they say.  
12 Q. Well, they use the words lack of truth  
13 telling which is equivalent of a lie.  
14 A. If I --  
15 Q. Cardinal, let me ask the question.  
16 A. I'm sorry. Please. I'm sorry.  
17 Q. You're saying it was a mistake. They're  
18 saying it was a lie?  
19 A. Uh-huh.  
20 Q. Right?  
21 A. I presume they are.  
22 Q. Exhibit 127 is DCSF pertaining to  
23 McCormack?  
24 A. Uh-huh.

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1 Q. And you've seen this now, have you not?  
2 A. No, I've never seen this before. This is  
3 the first time.  
4 Q. Well, it -- it means that -- it says that  
5 sexual molestation by McCormack at the second --  
6 third paragraph as indicated finding means the DCSF  
7 investigation found credible evidence of child  
8 abuse, neglect. Credible evidence means that the  
9 facts gathered during the investigation would lead  
10 a reasonable person to believe that a child was  
11 abused or neglected.  
12 You didn't know that DCFS has ever made  
13 such a finding?  
14 A. No, I did not. With all my heart, I wish  
15 they had given me this on December the 14th. They  
16 gave it to Dan McCormack. Had they given it to me,  
17 he would have been out immediately.  
18 Q. Father Grace communicated to you that he  
19 had been arrested and that the police had found the  
20 allegations to have been credible enough to -- to  
21 arrest and interrogate him, correct?  
22 MR. KLENK: Objection, asked and answered.  
23 THE WITNESS: And let him go.  
24

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1 BY MR. ANDERSON:  
2 Q. They let him go and so did you.  
3 You kept him in the ministry, didn't you?  
4 A. I did it because there was no evidence.  
5 Q. Well, how can you say that you would have  
6 acted on DCSF if you would have known it when you  
7 didn't act when Father Grace advised you of the  
8 arrest?  
9 A. This is entirely different. They have a  
10 judgment there that he did, in fact, abuse a child.  
11 These are the people whom the State puts in charge  
12 of children. If they say that, then, obviously,  
13 this is the case.  
14 Q. Didn't you put the Review Board to  
15 investigate the allegations of sexual abuse so they  
16 can make recommendations to you?  
17 A. I did.  
18 Q. And didn't they recommend Dan McCormack's  
19 removal from ministry?  
20 A. They didn't come to a conclusion that he  
21 had done it.  
22 Q. Didn't they recommend his removal from  
23 ministry, Cardinal?  
24 A. They advised that, yes.

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1 Q. They recommended it?  
2 A. They advised it. They advised it.  
3 Q. And you didn't follow it --  
4 MR. KLENK: Please don't point at him.  
5 BY MR. ANDERSON:  
6 Q. -- correct?  
7 A. I couldn't follow it, sir.  
8 Q. What kept you from following it?  
9 A. There was no evidence. The investigation  
10 hadn't been completed.  
11 They completed the investigation.  
12 Q. I'm showing you what's been marked 128.  
13 This is Archdiocese of Chicago memorandum from  
14 McCluskey regarding McCormack January 19, 2006 and  
15 it's a brief question but the first sentence says a  
16 meeting was held this afternoon in John O'Malley's  
17 office regarding the allegations of sexual  
18 misconduct made by blank against Dan McCormack.  
19 The following was present for the meeting, John  
20 O'Malley, Revered Grace, Diane Dunnagan, Dan  
21 Fitzgerald, Ralph Bonaccorsi and Dan Smilanec.  
22 Did you call this meeting?  
23 A. No, I did not.  
24 Q. And what did you understand the purpose of

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1 it to have been?  
2 A. As you can see from the people to whom  
3 this is copied, these are the people who are the  
4 principals in getting the allegations together and  
5 pursuing them with the Review Board so that a final  
6 recommendation can be given to me.  
7 Q. At the second page, you'll see at the  
8 first sentence it says Mr. Fitzgerald determined  
9 from officials at presentation campus that  
10 Father McCormack has been teaching a math class for  
11 four days per week at the school since  
12 September 2005.  
13 That's when he's supposed to be on  
14 monitoring, isn't he?  
15 A. Yes, and restricted.  
16 Q. Yeah.  
17 And then it says a parent named blank sat  
18 in Father McCormack's classes, quote, the first few  
19 weeks, end quote. Mr. Fitzgerald stated that  
20 Father McCormack was also coaching boys -- the boys  
21 basketball team at this school until yesterday when  
22 Father Grace directed McCormack to cease contact  
23 with the team.  
24 So that was he was also coaching while

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1 under these so-called restrictions, right?  
2 A. Yes, that's right.  
3 Q. The last sentence of this says it was  
4 reported to Mr. Fitzgerald that Father McCormack  
5 took the boys to Dave and Busters.  
6 That's a bar and restaurant?  
7 MR. KLENK: Objection, form of the --  
8 foundation.  
9 BY MR. ANDERSON:  
10 Q. Well, it says an arcade, restaurant and  
11 bar and then returned them home at the end of the  
12 day.  
13 A. That's what it says.  
14 Q. So just to get this right, he's under  
15 restriction while he's alleged to have been doing  
16 this as recorded in this memo, right?  
17 A. That's correct.  
18 Q. Under monitoring, right?  
19 A. That's correct.  
20 Q. And he's been teaching since September  
21 of 2005?  
22 A. That's correct, unfortunately.  
23 Q. And on monitoring since 2003 -- since  
24 September of 2005?

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1 A. 2005, I believe. After the first arrest.  
 2 Q. Were you aware that Tom Walsh was supposed  
 3 to have been the monitor for --  
 4 A. Yes. I asked who the monitor was and he  
 5 is -- was the monitor.  
 6 Q. Were you also aware that Tom Walsh was at  
 7 another parish and he communicated that it was  
 8 difficult for him to be McCormack's monitor because  
 9 he's at another parish?  
 10 A. I think, sir, that information isn't  
 11 correct. He was a resident at St. Agatha's. That  
 12 was my understanding but maybe --  
 13 Q. Tom Walsh -- Tom Walsh was living there  
 14 but he wasn't working there. He was gone every day  
 15 from --  
 16 A. I see.  
 17 Q. -- 2:00 to 11:00, wasn't he?  
 18 A. Yes. He was responsible for other  
 19 pastoral duties.  
 20 Q. So if he's serving another faith  
 21 community, another pastorate, how can he be  
 22 monitoring McCormack?  
 23 A. I'm not supervising the monitoring but  
 24 monitor doesn't mean you live with them every

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1 moment of the day, I believe.  
 2 Q. I'm referring you to the Defenbaugh report  
 3 page 21.  
 4 Would you look back at that for a moment,  
 5 Cardinal?  
 6 A. Sure. I think it's here. Uh-huh.  
 7 Q. And I'm going to -- have you found 21 yet?  
 8 A. I have. Thank you.  
 9 Q. Okay.  
 10 This would be the first paragraph, the  
 11 first full sentence. I'm going to read it and then  
 12 ask you a question. The priest assigned to monitor  
 13 advised the Vicar for Priests that he would not be  
 14 able to actively monitor Father McCormack's  
 15 activities as this priest was assigned full-time  
 16 ministry at another church, was a teacher and coach  
 17 at a different school and would be away from the  
 18 rectory over the Labor Day weekend visiting family.  
 19 It goes on to state the priest was advised  
 20 by the Vicar for Priests to monitor  
 21 Father McCormack when the priest was around the  
 22 rectory and to advise that the priest was going to  
 23 be away from the rectory for an extended period of  
 24 time such as a period of absence of a week or more.

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1 It says the only follow-up this priest  
 2 received was possibly one to two telephone calls  
 3 from the Vicar for Priests within the first two  
 4 weeks of this, quote, monitoring, unquote, and  
 5 possibly one face to face meeting with the Vicar  
 6 for Priests?  
 7 Is this adequate monitoring?  
 8 A. No, of course not, sir.  
 9 Q. And Father Grace knew all this?  
 10 A. Yes.  
 11 Q. Let's go back to the Defenbaugh exhibit  
 12 again and at page four. I'm now going to ask you  
 13 about Father Bennett.  
 14 A. Sure.  
 15 Q. And look at page four, the last paragraph  
 16 in it, it states the audit found that delays in  
 17 removing Father Bennett from his pastoral duties  
 18 were primarily the result of Father Bennett not  
 19 having been provided canonical counsel. However,  
 20 this mere fact is not sufficient for not having  
 21 removed Father Bennett when the Review Board made  
 22 its recommendation to Cardinal George.  
 23 Now, it then states this action still  
 24 could have been taken while awaiting advice of

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1 canonical counsel. The Cardinal should immediately  
 2 remove a priest or deacon from pastoral duties as  
 3 soon as there is a belief that children could be at  
 4 risk and particularly at the recommendation of  
 5 removal by the PRA or Review Board.  
 6 Do you agree with this finding?  
 7 A. We have changed our policy because I agree  
 8 with that last sentence. At the time, protocols  
 9 did not permit me to remove someone who had not  
 10 been canonically counseled. The process was not  
 11 complete.  
 12 Q. And it is correct as stated here that you  
 13 didn't remove Father Joseph Bennett immediately  
 14 upon receiving information --  
 15 A. I did in the sense that I agreed to remove  
 16 him. Then when he came to me and said that he had  
 17 never had a chance to mount a defense, he had no  
 18 counsel, I said then the form of the investigation  
 19 is not complete and we must give him the counsel  
 20 and permit him to defend himself.  
 21 Q. Is it -- is it because he didn't have  
 22 counsel or because you didn't believe that Bennett  
 23 had committed the offense?  
 24 A. Because he didn't have counsel. The

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<p>1 process was not complete.  2 Q. Simply because of that?  3 A. The process was not complete, sir.  4 Q. And in the case of Joseph Bennett, you  5 didn't follow the recommendations they made to you  6 just as you did not follow the recommendation that  7 they had made to you involving McCormack?  8 A. Without counsel, the recommendation was  9 premature.  10 Q. So the counsel is to -- that is the canon  11 lawyer for Bennett, the one accused, right?  12 A. He had no chance to defend himself against  13 the accusation. It's an incomplete process.  14 Q. It's even more incomplete if it's not  15 protecting the children, isn't it?  16 A. You --  17 Q. It sounds, Cardinal -- let me -- let me  18 just ask you this, it sounds like you're more  19 concerned about the rights of -- of the accused  20 priests than you are the rights and the safety of  21 the children out there. That's what it sounds like  22 to me.  23 What do you say to that?  24 A. I say you're mistaken, sir. It is the</p> <p style="text-align: right;">145</p>	<p>1 A. It's correct that we changed our policies  2 in the light of the McCormack allegations to permit  3 this kind of action to happen more quickly.  4 Q. Isn't it correct, Cardinal, that you have  5 the power as the Ordinary on suspicion or for any  6 reason to remove a cleric from an assignment on a  7 phone call if you feel that there is a -- for any  8 reason?  9 A. No, sir, that's not correct.  10 Q. That's not correct?  11 A. No.  12 Q. Okay.  13 Is it correct to say that you have the  14 power as the Ordinary to remove a priest from an  15 assignment pending an investigation by the Review  16 Board if there is a possible risk of harm to the  17 community of faith?  18 A. Yes, with a process that would follow.  19 Q. But you don't have to have the process go  20 forward. You can remove them while -- while the  21 process is underway, can't you?  22 A. With one exception, sexual abuse of a  23 minor. And since the process was formalized and  24 the discretion of the bishop was taken away by the</p> <p style="text-align: right;">147</p>
<p>1 protection of the children that is always primary  2 but within a process that presupposes some  3 fairness.  4 Q. So is this zero tolerance?  5 A. Yes, it's zero tolerance. Once there is  6 an allegation that is proven to the certain  7 threshold of reasonable cause to suspect, a priest  8 is removed and not returned.  9 Q. Look at Exhibit 134.  10 A. May I see that, please? Thank you.  11 Q. This is from Father Dan Smilanic, the  12 delegate on the Board, among other things. Your  13 delegate to the Board to McCluskey. It's dated  14 January 24, 2006.  15 And have you reviewed this?  16 A. No. I'm sorry. I didn't see this before.  17 Q. My reading of this is that canon law and  18 the Archdiocese policies does not require a  19 former -- a formal allegation from the victim for  20 you to remove a priest or initiate the Review Board  21 process.  22 MR. KLENK: Objection, compound question.  23 BY MR. ANDERSON:  24 Q. My question to you is is that correct?</p> <p style="text-align: right;">146</p>	<p>1 norms, the process was more delineated. A bishop  2 didn't have the authority in these cases that he  3 had in other cases as a result of the special  4 norms.  5 Q. Cardinal, I might have misheard you but if  6 I heard you -- if I think I heard you correctly, I  7 think you said the norms took away your power to  8 remove Bennett or McCormack from their assignment  9 pending an investigation?  10 A. That's correct.  11 Q. So in other allegations except for sexual  12 abuse you can do that but with sexual abuse, you  13 couldn't? Is that what you're saying?  14 A. The discretionary power of the Ordinary  15 was reduced by the Holy See in these cases.  16 Q. So, in effect, it's the Holy See's fault  17 that you didn't remove McCormack and Bennett right  18 away?  19 MR. KLENK: Objection -- I object to the  20 question.  21 THE WITNESS: No, sir, you can't say that.  22 BY MR. ANDERSON:  23 Q. Well, you're saying that it was the  24 influence of the See upon -- upon the charter that</p> <p style="text-align: right;">148</p>

1 prevented you from removing Bennett and McCormack,  
2 aren't you?  
3 A. The processes that were given us to  
4 guarantee one strike, you're out, zero tolerance,  
5 also put in place some precautions to be sure that  
6 the allegation was substantiated.  
7 MR. KLENK: Do you want to take a five-minute  
8 break?  
9 THE WITNESS: Sure.  
10 MR. ANDERSON: Let's do it. Let's take a five  
11 minute.  
12 THE WITNESS: Okay.  
13 THE VIDEOGRAPHER: We are going off the record  
14 at 2:08 p.m. This is the end of videotape number  
15 three.  
16 (A short break was taken.)  
17 THE VIDEOGRAPHER: We are back on the record at  
18 2:21 p.m. This is the beginning of videotape  
19 number four.  
20 BY MR. ANDERSON:  
21 Q. Cardinal, sometimes I -- I might be  
22 raising my voice here. I'm not trying to be rude.  
23 You understand that, sir?  
24 A. I understand that, sir.

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1 Q. I do get upset when I look at some of  
2 these documents and -- and some of these you looked  
3 at for the first time too.  
4 Do you feel upset when you look at some of  
5 this stuff as we've gone through it today?  
6 A. What upsets me is the record of abuse, no  
7 matter when it happened. I truly do get upset  
8 about that as do you. That I haven't seen a  
9 particular administrative document, perhaps it  
10 would have been better had I seen it but whatever  
11 the reason, it wasn't shared. Unless it's  
12 something that gave me information that I should  
13 have had, then I -- then I get upset.  
14 Q. Well, that the police found this to be  
15 credible on McCormack, things like that and --  
16 A. I wish -- if that memo saying credible had  
17 come to me, I think I would have reacted  
18 differently, sir, but the police let him go. How  
19 would the police let someone go that they thought  
20 was a threat?  
21 Q. Because Father Grace urged them to let him  
22 go. That's why they let him go. Father Grace said  
23 please let him come back tomorrow.  
24 MR. KLENK: Objection, we don't need to have an

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1 argument here with the witness.  
2 MR. ANDERSON: Okay.  
3 THE WITNESS: I don't think that's accurate,  
4 sir. That isn't how I read it.  
5 MR. KLENK: We want to ask fair questions here.  
6 MR. ANDERSON: Okay. Let's move on. Let's  
7 move on.  
8 BY MR. ANDERSON:  
9 Q. Let's look at Exhibit 54.  
10 This pertains to Father Bennett?  
11 A. Yes, sir.  
12 Q. And the date of this is November 12, 2002.  
13 It's a letter to Leah McCluskey and to the  
14 attorney -- James Serritella, the attorney for the  
15 Archdiocese, from Tom Fleischmann, an attorney for  
16 an individual who had reported to the Archdiocese  
17 that Bennett had abused a child?  
18 A. Yes.  
19 Q. And have you ever seen this before?  
20 A. No, I haven't seen these letters here.  
21 Q. When you look at this at the third  
22 paragraph, you will see in this letter that  
23 enclosed is the report of the polygraph examination  
24 conducted by Steven Kirby and -- and attached to it

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1 was the findings in the polygraph that if you want  
2 to look, you may but I'll represent to you that the  
3 polygraph operator found that the victim was  
4 telling the truth when reporting sexual abuse by  
5 Bennett.  
6 My question to you is, Cardinal, did you  
7 ever know that -- that this victim had taken and  
8 passed a polygraph?  
9 A. I don't recall ever having got that --  
10 that information given to me.  
11 Q. So this is the first time that you've  
12 heard that?  
13 A. I believe so, sir.  
14 Q. Is this also the first time that you're  
15 aware of this allegation? This involves a boy and  
16 his -- possibly his brother.  
17 A. This came to me, as I recall, after the  
18 prior allegation that took such a long time to put  
19 together.  
20 Q. I'm showing you 55. This is from Leah  
21 McCluskey, copy to Bishop Paprocki,  
22 Father Kaczorowski, Bonaccorsi, Lagges and O'Malley  
23 and to you?  
24 A. Yes.

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1 Q. What is this?  
 2 A. This is the report that there was  
 3 insufficient information to make a finding of  
 4 reasonable cause to suspect that Father Joseph  
 5 Bennett engaged in sexual conduct with a minor so  
 6 they're rejected the allegation. So, evidently,  
 7 this was 2003. I knew of the allegation but I  
 8 probably dismissed it from my mind because it was  
 9 found not to be true at that time.  
 10 Q. Where does it say that the allegation was  
 11 found not to be true?  
 12 A. There's insufficient information to make a  
 13 finding of reasonable cause to suspect that  
 14 Father Joseph Bennett engaged in sexual misconduct  
 15 with a minor.  
 16 Q. So that you -- you interpreted this  
 17 language to mean it was not true?  
 18 A. That is the language to say that they  
 19 don't believe the incident took place.  
 20 Q. You'll see at the third paragraph in a  
 21 vote of five to one, the Board recommends three  
 22 things. In other words, after saying there's  
 23 insufficient information to make a finding, they're  
 24 still making a recommendation to you, right?

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1 A. Yes.  
 2 Q. And the third thing in their  
 3 recommendation is that the PFRA contact  
 4 Father Kaczorowski, then Vicar for Priests --  
 5 A. Yes.  
 6 Q. -- to determine who is monitoring Joseph  
 7 Bennett --  
 8 A. Uh-huh.  
 9 Q. -- and to ensure it is not Father Leonard  
 10 Dubi, D-U-B-I?  
 11 A. Yes.  
 12 Q. In fact, Father Leonard Dubi was his  
 13 monitor then, wasn't he?  
 14 A. That's correct.  
 15 Q. And, in fact, Father Dubi continued to be  
 16 his monitor notwithstanding this recommendation in  
 17 January of 2003?  
 18 A. That is correct.  
 19 Q. Why didn't they want him to be the monitor  
 20 of Bennett?  
 21 MR. KLENK: Objection, foundation.  
 22 MR. ANDERSON: You can answer.  
 23 THE WITNESS: I can't answer for them.  
 24

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1 BY MR. ANDERSON:  
 2 Q. What do you think or know?  
 3 A. We --  
 4 MR. KLENK: Objection. You're not interested  
 5 in guesses.  
 6 MR. ANDERSON: No. I'm asking what he knows.  
 7 MR. KLENK: Fair enough.  
 8 THE WITNESS: What -- what --  
 9 MR. ANDERSON: It's a recommendation to him.  
 10 Go ahead.  
 11 THE WITNESS: What we knew was that Father Dubi  
 12 was skilled in the 12 steps spirituality and,  
 13 therefore, sensitive to self-deception and was in  
 14 daily contact with Joe Bennett and, therefore,  
 15 would do a good job as monitor which is why I  
 16 presume that he was retained as monitor.  
 17 BY MR. ANDERSON:  
 18 Q. Well, they're recommending against him  
 19 being monitored -- to -- to ensure that he's not  
 20 being the monitor?  
 21 A. Yes. I'm not sure they had that  
 22 information about Father Dubi.  
 23 Q. So are you saying that Father Dubi would  
 24 be good to be monitoring him notwithstanding the

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1 recommendation of the Board?  
 2 A. On the information that this man was in  
 3 daily contact with him and was very honest and  
 4 would call people to account, we thought that he  
 5 would be a good monitor --  
 6 Q. Okay.  
 7 So you made --  
 8 A. -- and it seems he was.  
 9 Q. You made the decision notwithstanding the  
 10 recommendation of the Board to allow Dubi to  
 11 continue to monitor -- monitor --  
 12 A. Well, he was just beginning to be  
 13 monitored at this time. So evidently, they felt  
 14 that even though they didn't think he had done it,  
 15 nonetheless, they wanted to put precautions in  
 16 place.  
 17 Q. Let me just ask you this, Cardinal --  
 18 A. Sure.  
 19 Q. -- did you ask anybody on the Board why  
 20 the Board didn't want Dubi to be monitoring Joseph  
 21 Bennett?  
 22 A. I would have asked Leah McCluskey because  
 23 that's my contact with the Board.  
 24 Q. What answer did you get if you did ask

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1 her?  
 2 A. I'm sorry. I don't recall that  
 3 conversation. I recall a later conversation where  
 4 we decided to name Dubi.  
 5 Q. If the Board found the allegation, as you  
 6 believe, not to be true, why would they be  
 7 monitoring him at all?  
 8 A. Because I think they were being super  
 9 cautious which is truly wonderful.  
 10 Q. But you chose not to be super cautious and  
 11 continue him in ministry?  
 12 A. No. We monitored as the review -- as the  
 13 Review Board recommended.  
 14 Q. And chose to have Dubi monitor him?  
 15 A. Dubi was a very good monitor.  
 16 Q. Okay.  
 17 Look at 57. February 9, 2003 letter to  
 18 Kaczorowski, then Vicar for Priests, from Joe  
 19 Bennett.  
 20 A. Uh-huh.  
 21 Q. This is during the investigation of the  
 22 first allegation made against Bennett?  
 23 A. Uh-huh.  
 24 Q. This, in fact, confirms that Dubi is

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1 good monitor for him?  
 2 A. That they were in good contact and Dubi is  
 3 a very honest man with himself and others.  
 4 Q. Showing you Exhibit 59. It's April 28,  
 5 2003. This is another letter to you from Leah  
 6 McCluskey co'd to the same five individuals  
 7 involving Bennett. In here, a decision is made and  
 8 you'll see at the second paragraph, in a unanimous  
 9 seven to one vote, the Board recommends that there  
 10 is no reasonable cause to suspect that the  
 11 misconduct occurred?  
 12 A. That's correct.  
 13 Q. To your knowledge, how many times has the  
 14 Board reached that conclusion in connection with  
 15 allegations of sexual abuse of priests while you've  
 16 been Archbishop Cardinal?  
 17 A. I can't answer that question with any  
 18 exactitude. I don't know. I've never counted it.  
 19 Q. Are you able to say if it's more than ten?  
 20 A. I'm sorry. I can't say that.  
 21 Q. And have you ever after they made such a  
 22 determination as was made on April 28, 2003 ever on  
 23 your own made an effort to review what they had  
 24 done and to get additional information on your own

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1 continuing to be the monitor?  
 2 A. Uh-huh.  
 3 Q. And if you read the first paragraph,  
 4 you'll say that -- you'll see that he's going on  
 5 vacation.  
 6 It looks like he's travelling to Mexico,  
 7 right?  
 8 A. That's correct, with his monitor.  
 9 Q. And leaving the country with him?  
 10 A. He's --  
 11 Q. With the monitor, is that -- is that the  
 12 way you read it?  
 13 A. That's what it says, doesn't it? I  
 14 believe.  
 15 Q. Okay.  
 16 Look at 59.  
 17 A. May I see that, please?  
 18 Q. Were you aware, Cardinal, that Dubi and  
 19 Bennett owned property together?  
 20 A. No, I was not at this time. I think I've  
 21 heard that since but I'm not sure of that.  
 22 Q. You're aware that they were very close?  
 23 A. They were friends.  
 24 Q. And that's why you thought that Dubi was a

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1 to -- to -- to make sure that the kids may be safe?  
 2 MR. KLENK: Objection, that question is way  
 3 overbroad. With respect to a -- to a specific  
 4 incident?  
 5 MR. ANDERSON: Let me interrupt then. Let me.  
 6 BY MR. ANDERSON:  
 7 Q. Have you ever after the Board made a  
 8 finding of no cause to believe, such as this, asked  
 9 them to continue the investigation or to reopen it?  
 10 A. If new information came to me that I  
 11 didn't think they had, I would do that.  
 12 Q. Well, have you ever done it?  
 13 A. No case comes to mind, sir.  
 14 I do read what they report. They're very  
 15 careful.  
 16 Q. I'm directing your attention to  
 17 Exhibit 211.  
 18 And this is memorandum, December 19, 2003  
 19 but it -- it refers to a December 3, 2003 phone  
 20 call?  
 21 A. Yes.  
 22 Q. And you reviewed this, I trust, in  
 23 preparation for today?  
 24 A. I'm sorry. I did not review this

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1 particular document.  
 2 Q. Okay.  
 3 Well, let me just represent to you that it  
 4 is a memorialization of a phone call received from  
 5 a person on December 3, 2003 regarding the  
 6 allegation of sexual misconduct against Bennett.  
 7 During the call, the woman stated she did not wish  
 8 to have her name released which she took back but  
 9 it goes on to state after some conversation and an  
 10 explanation of the process of formalizing an  
 11 allegation of sexual misconduct, Ms. Blank named  
 12 her alleged abuser as Reverend Joseph Bennett.  
 13 A. Uh-huh.  
 14 Q. This would now be another allegation --  
 15 A. That's correct.  
 16 Q. -- against Bennett?  
 17 A. That's correct.  
 18 Q. After the Board had made its  
 19 determination?  
 20 A. About another case.  
 21 Q. And when did you learn about this  
 22 allegation now having surfaced?  
 23 A. Well, they would have brought this to me  
 24 once she brought it to the Review Board.

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1 Q. Okay.  
 2 So did you -- did you do your  
 3 clarification to your satisfaction? You wanted to  
 4 clarify that?  
 5 A. Well, you had asked me a question and I  
 6 said I can't remember. I remembered one case  
 7 anyway where I did do that.  
 8 Q. All right.  
 9 A. For what it's worth.  
 10 Q. Now, going back the Exhibit 212, Cardinal.  
 11 A. Yes.  
 12 Q. Excuse me. 211. Isn't this, in itself,  
 13 enough information sufficient to reopen and  
 14 reevaluate Bennett's stature and status as a priest  
 15 working in a parish in December of 2003?  
 16 A. This investigation did take place. They  
 17 submitted this to the Review Board. It's of  
 18 activity that happened in the '70s, of course, as  
 19 was the other activity.  
 20 Q. But isn't it enough to reopen the  
 21 review -- Review Board determination that had been  
 22 made earlier finding no cause?  
 23 A. The Review Board didn't suggest that.  
 24 Q. Do you know whether the review --

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1 May I respond?  
 2 MR. KLENK: Wait until there's a question.  
 3 THE WITNESS: May I respond to a question he  
 4 asked before?  
 5 MR. KLENK: Sure. Sure.  
 6 THE WITNESS: You raised a very good question,  
 7 have I ever gone back to the Board once they had  
 8 decided there is no reasonable cause to suspect and  
 9 asked them to review it again. I did that at least  
 10 once that I can recall when the accuser came  
 11 forward and explained that it was a different  
 12 Review Board than the one we have now that had made  
 13 that finding, that there was no reasonable cause,  
 14 but that she wanted to reopen her case. I asked  
 15 the Board to open the case again.  
 16 BY MR. ANDERSON:  
 17 Q. Who was that? What priest?  
 18 A. It was against Father Bennett -- no, it  
 19 was not. Again, these cases, some years back. It  
 20 was another priest.  
 21 Q. Who?  
 22 A. I can't recall his last name. His first  
 23 name is John. He's an elderly priest long out of  
 24 ministry. Retired.

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1 A. But this was pursued.  
 2 Q. Do you know when the Review Board was made  
 3 aware of the December 3, 2003 allegation recorded  
 4 in this exhibit?  
 5 A. It must have been very quickly. Leah  
 6 always does it very, very quickly, that kind of  
 7 reporting.  
 8 Q. Do you know how long it took Leah  
 9 McCluskey to formalize the allegation under her  
 10 process or your process?  
 11 A. The allegation was formalized. It took a  
 12 long time to investigate. As you can see from the  
 13 allegation, there were many other people named and  
 14 she had to visit many witnesses in different parts  
 15 of the country.  
 16 Q. Look at Exhibit 62.  
 17 A. 62, please. Thank you.  
 18 Q. I'm showing you what we've marked as  
 19 Exhibit 2 as our sealed -- as our sealed exhibit  
 20 and on the name -- on it, I put the name of the --  
 21 A. Yes.  
 22 Q. -- individual that I referred to as Jane  
 23 Doe Two?  
 24 A. Yes.

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1 Q. So we know who we're talking about here?  
 2 A. Yes, sir.  
 3 Q. Excuse me. Jane Doe One.  
 4 A. Yes.  
 5 Q. And I put the name on there so we won't  
 6 use that name and we just agree this is Jane Doe  
 7 One, okay?  
 8 A. Sure.  
 9 Q. This document pertains to Jane Doe One as  
 10 identified on that exhibit?  
 11 A. Yes.  
 12 MR. KLENK: Which -- which document are you  
 13 referring to?  
 14 MR. ANDERSON: 62.  
 15 BY MR. ANDERSON:  
 16 Q. You'll see this is March 11, 2004 and it's  
 17 written to McCluskey --  
 18 A. Uh-huh.  
 19 Q. -- In a follow-up of our meeting of March  
 20 2nd, I have not heard back from you regarding our  
 21 immediate concern about the suspension of  
 22 Father Bennett.  
 23 A. Uh-huh.  
 24 Q. Do you see that?

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1 He was restricted. I chose to follow the protocol,  
 2 sir, that we always have followed and protected  
 3 children in the past and protected them also in  
 4 this case.  
 5 Q. But he remains in a parish.  
 6 You could have removed him at least from a  
 7 parish and kept him on administrative leave,  
 8 correct?  
 9 A. Not without the Review Board telling me  
 10 they thought there was reasonable cause to suspect  
 11 which they didn't at this time.  
 12 Q. Are you aware that at that time, Bennett  
 13 was the only priest in -- in that parish?  
 14 A. I believe he was.  
 15 Q. Showing you 63.  
 16 A. He may have had a resident living with him  
 17 but I'm not sure.  
 18 Q. This is dated May 14, 2004 and this would  
 19 be a letter from me to Jim Serritella, the lawyer,  
 20 and John O'Malley?  
 21 A. Uh-huh. Yes.  
 22 Q. And in it -- this is really a second  
 23 letter expressing concern. The first being an  
 24 exhibit I showed you. We state I discovered that

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1 A. I do.  
 2 Q. It goes on to state in the second  
 3 paragraph, you advised us that you would bring this  
 4 report of abuse to the attention of your  
 5 supervisors including the cardinal that same day.  
 6 A. Yes.  
 7 Q. Did she?  
 8 A. I presume she did.  
 9 Q. Now, this is four months after the  
 10 information surfaced in Exhibit 211, that is,  
 11 another allegation and -- and Bennett is still in  
 12 ministry at this point?  
 13 A. The allegation hadn't been investigated at  
 14 this point to a satisfactory conclusion. As you  
 15 know, [REDACTED] wasn't even a nun any longer, a  
 16 woman whom you accuse also in this letter of  
 17 horrific abuse all of which is unfounded at least  
 18 at this point.  
 19 Q. So are you choosing -- is it your  
 20 testimony then that you, basically, made the choice  
 21 to keep him in ministry and to the extent there's a  
 22 risk, you chose to take it?  
 23 A. No. We thought there was no risk and  
 24 there doesn't seem to have been. He was monitored.

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1 Father Joseph Bennett is still at Holy Ghost Parish  
 2 as of this moment. The records reflect that this  
 3 matter has been brought forward and the finalized  
 4 report with Leah McCluskey has already been made to  
 5 the Review Board. I'm extremely alarmed that this  
 6 priest remains in the parish given this  
 7 information. On its face, this appears to be in  
 8 direct contravention and violation of the policy,  
 9 the practice and the charter of the Archdiocese.  
 10 Please advise immediately.  
 11 Was this letter brought to your attention,  
 12 Cardinal?  
 13 A. No.  
 14 Q. Exhibit 64 -- if you'll hand the Exhibit 2  
 15 back. She's going to hand you Exhibit 64 and if  
 16 you hand me 2 back, I'm going to put another name  
 17 on it.  
 18 A. Thank you.  
 19 Q. On Exhibit 2, showing that to the Cardinal  
 20 and counsel, this would be the sister that I marked  
 21 in Jane Doe Two, the sister of Jane Doe One.  
 22 A. Yes.  
 23 Q. And this -- this Exhibit 64, that's the  
 24 name that's been blocked out here so --

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1 A. Sure.  
2 Q. -- we know who we're talking about here?  
3 A. Yes, sir.  
4 Q. And have you seen this?  
5 A. I haven't seen it in writing. I was  
6 apprised of her having changed her testimony from  
7 not supportive of her sister to supportive.  
8 Q. And in any case, at the time that this  
9 exhibit was prepared, it's correct that you have  
10 been advised and the Archdiocese personnel have  
11 been advised that there are now four possible  
12 victims of Bennett?  
13 A. Well, there were the victims whose cause  
14 was decided not founded and then there were the two  
15 sisters, one of whom was abused. The other one  
16 isn't a very clear case, is it?  
17 Q. And this sister is corroborating a report  
18 made by -- by Jane Doe One, correct?  
19 A. That was taken into account even though it  
20 had changed her earlier testimony that her sister  
21 wasn't accurate.  
22 Q. Exhibit 65, March 29, 2005, a memorandum.  
23 A. Uh-huh.  
24 Q. And at this time, Bennett is continued in

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1 evidenced here.  
2 Q. It goes on to state the Board also  
3 requested that PRA complete the following tasks?  
4 A. Yes.  
5 Q. And if you look at the last one, it states  
6 that Father Bennett's monitor is either  
7 Reverend Thomas Simma or Reverend Thomas Cabala and  
8 not Reverend Leonard Dubi?  
9 A. That's correct.  
10 Q. And they bolded the not.  
11 Did you see that?  
12 A. I did. Well, I didn't remember reading  
13 this but I knew that was --  
14 Q. And do you know why they bolded the not on  
15 Reverend Dubi?  
16 MR. KLENK: Objection, foundation.  
17 THE WITNESS: No, I don't.  
18 BY MR. ANDERSON:  
19 Q. Well, somebody's trying to draw your  
20 attention to the fact that Dubi should not be  
21 monitoring Bennett?  
22 A. Yes.  
23 MR. KLENK: I'll -- I'll object to that.  
24

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1 ministry by you, correct?  
2 A. He's during the investigation in his  
3 ministry with restrictions so that children are  
4 protected.  
5 MR. KLENK: Can you just take a moment while I  
6 read this, Mr. Anderson?  
7 THE WITNESS: Uh-huh.  
8 MR. KLENK: Thank you.  
9 BY MR. ANDERSON:  
10 Q. You'll see that the Review Board conducted  
11 an initial review regarding the allegation made by  
12 this individual. The claim is as follows,  
13 Father Bennett exposed himself to Ms. Blank.  
14 Father Bennett instructed Ms. Blank to perform oral  
15 sex on him. By a vote of eight to zero, the Board  
16 determined that this matter warrants additional  
17 investigation.  
18 Was this brought to your attention, this  
19 information?  
20 A. This is the ongoing investigation.  
21 Q. I know but was it brought to your  
22 attention?  
23 A. I knew they were investigating this, yes,  
24 and had some sense of the complexity that's

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1 BY MR. ANDERSON:  
2 Q. Is that correct, Cardinal?  
3 MR. KLENK: I'll object to that. I mean, this  
4 memorandum was not sent to him so it's wrong to  
5 suggest that they were -- somebody was trying to  
6 direct it to his attention.  
7 BY MR. ANDERSON:  
8 Q. Well, you're decisionmaker on --  
9 ultimately on whether the priest remains in  
10 ministry under monitoring or not, correct?  
11 A. If there's an allegation being processed,  
12 he is always monitored and restricted so that he  
13 doesn't have access to children. That's the  
14 policy. As well as notifying the State  
15 authorities, of course.  
16 Q. So if the Review Board doesn't want this  
17 guy monitoring Bennett as is indicated here, you  
18 should be advised of that so you can do something  
19 about it, right?  
20 A. I think I probably was told that.  
21 Q. And you chose to continue Bennett in  
22 ministry under monitoring by Dubi?  
23 A. Because he was in daily contact with him  
24 and was a very responsible monitor as he is.

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1 Q. Look at 66.  
2 A. I don't have that. I'm sorry, sir.  
3 Q. I'm sorry. She's going to hand it to you.  
4 MS. ARBOUR: I can only be in one place at  
5 once.  
6 BY MR. ANDERSON:  
7 Q. Just briefly, you'll see that 66 reflects  
8 at the last sentence --  
9 MR. KLENK: Can you take a moment while --  
10 while I look at it here. I haven't seen this  
11 before.  
12 MR. ANDERSON: I'm directing attention to the  
13 last sentence.  
14 BY MR. ANDERSON:  
15 Q. If you'll see 66, I'll read it, PRA check  
16 with Father Grace to determine if Dubi is currently  
17 on sabbatical or not. Father Dubi is  
18 Father Bennett's identified monitor.  
19 At this time, were you aware that Dubi was  
20 on sabbatical?  
21 A. 2005, I don't recall whether he was or he  
22 wasn't, sir. They didn't know either, apparently.  
23 Q. Don't you think that that would be  
24 important to know? If he's on sabbatical, how

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1 have any highlighting on mine. Where is this?  
2 MR. ANDERSON: He does.  
3 MR. KLENK: Thank you.  
4 MR. ANDERSON: You bet.  
5 BY MR. ANDERSON:  
6 Q. I'll read it, Dwyer said the first  
7 allegation against the priest was reported to the  
8 Archdiocese in March 2004 and a monitor was  
9 assigned in March 2005.  
10 Now, this is information disseminated to  
11 the public and given this reporter, correct?  
12 A. Dwyer said that, yes.  
13 Q. And that's not correct, is it?  
14 A. My understanding is that when the  
15 allegations were brought forward, he was given a  
16 monitor but --  
17 Q. But this was not the first allegation?  
18 A. A priest is given a monitor whenever any  
19 allegation comes forward.  
20 Q. I'm not talking about the monitor. I'm  
21 talking about the allegation.  
22 Dwyer said this was the first allegation  
23 that resulted in the removal of Bennett, correct?  
24 That's what he said?

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1 could he be monitoring?  
2 A. There should have been another monitor, of  
3 course.  
4 Q. I'm going to show you 67. Before I do,  
5 I -- I think this would have been the third time  
6 the Review Board had questioned monitoring of  
7 Bennett and the adequacy of it with Dubi, isn't it?  
8 Does that sound correct, Cardinal? This is the  
9 third time the Review Board has questioned the  
10 adequacy of the monitoring in particular that Dubi  
11 is --  
12 A. I was only aware of it once, sir.  
13 Q. Okay.  
14 Let's look at 67. There's a highlighted  
15 portion here and I'll read it and this is an  
16 article about pastor not being monitored for years  
17 after allegation. Cardinal removes another priest.  
18 And the highlighted portion says Dwyer -- now,  
19 Dwyer is the public relations person?  
20 A. He was in the press office of the  
21 Archdiocese at the time.  
22 Q. Okay.  
23 Dwyer --  
24 MR. KLENK: Excuse me, Mr. Anderson. I don't

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1 A. That's true.  
2 Q. Okay.  
3 A. Now, I'm sorry. I'm a little confused.  
4 Which allegation are we talking about here?  
5 Q. Well, we're talking about what -- what the  
6 public relations office, your public relations  
7 office is telling the public and I'm reading from  
8 what is being said by Dwyer. Dwyer said the first  
9 allegation against the priest was reported to the  
10 Archdiocese in March 2004.  
11 That's what he said, right?  
12 MR. KLENK: Objection, this is -- this is  
13 hearsay. You're reporting what the newspaper  
14 reports he said.  
15 THE WITNESS: That's what he said. In the  
16 paper, that's what he said.  
17 BY MR. ANDERSON:  
18 Q. I read that correctly?  
19 A. It's -- yes. It's not --  
20 Q. Focus -- focus on that, not the  
21 monitoring.  
22 A. Okay.  
23 Q. Focus on that, the first allegation.  
24 A. I see what you're saying, yes.

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1 Q. Okay.  
2 In fact, Cardinal, as we have seen through  
3 the exhibits, at this point in time, there had been  
4 four allegations made against Bennett, not one and  
5 this was not the first, correct?  
6 MR. KLENK: Objection, it's not clear what --  
7 THE WITNESS: Yeah. Are you referring to the  
8 allegations that were dismissed by the Review  
9 Board? I'm not sure Dwyer knew about those.  
10 BY MR. ANDERSON:  
11 Q. I'm referring to previous allegations in  
12 the documents that we just looked at and  
13 notwithstanding the Review Board, the fact is we  
14 looked at documents that show there had been four  
15 allegations made against Bennett of sexual abuse,  
16 not one as is being represented here?  
17 A. The two unproven allegations perhaps  
18 weren't known to Dwyer.  
19 Q. They were allegations nonetheless, were  
20 they not?  
21 A. Yes.  
22 Q. And Jane Doe One had made one in December  
23 of 2003, correct?  
24 A. I don't have that paper but I take your

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1 Review Board finding that she had not been abused.  
2 Q. And you also recall that Mr. Fleischmann  
3 had brought forward the allegations of his client  
4 of two brothers earlier.  
5 So as of this date and the time Dwyer  
6 makes this statement, there are four allegations,  
7 correct?  
8 A. If you include all those, yes, that's  
9 correct, sir.  
10 Q. Okay.  
11 So who was it that instructed Dwyer to  
12 disseminate this information in this exhibit to the  
13 public?  
14 MR. KLENK: Objection. Which exhibit are you  
15 referring to?  
16 MR. ANDERSON: 67.  
17 MR. KLENK: The newspaper article?  
18 THE WITNESS: The newspaper article.  
19 BY MR. ANDERSON:  
20 Q. Who was it that instructed Dwyer to  
21 disseminate this information as reflected in this  
22 exhibit?  
23 A. I doubt anyone instructed Dwyer.  
24 Information that is brought to the communications

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1 word for it.  
2 Q. And -- give me the paper, Exhibit 3,  
3 please.  
4 MS. ARBOUR: 2.  
5 MR. ANDERSON: Exhibit 2.  
6 MS. ARBOUR: I think it's 211 that you're  
7 referencing.  
8 MR. KLENK: Why don't you just wait until the  
9 question is asked.  
10 MR. ANDERSON: I'm showing counsel and then you  
11 can pass it to the witness. I marked Jane Doe  
12 Three on here.  
13 THE WITNESS: Jane Doe Three.  
14 MR. KLENK: Thank you.  
15 BY MR. ANDERSON:  
16 Q. And I just marked Jane Doe Three by a name  
17 on the Exhibit 2, correct, Cardinal?  
18 A. That's correct.  
19 Q. And you're aware that in the Archdiocese's  
20 documents, a report had been made by Jane Doe Three  
21 in March of 2004?  
22 A. I wasn't sure of the date but she was  
23 another one whom I'd asked to take her case back to  
24 the Review Board because she was unhappy with the

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1 department is then shared with the press as they  
2 always do.  
3 Q. Who's responsible for making sure that the  
4 information given by Dwyer on your behalf is  
5 accurate?  
6 A. The communications people usually try to  
7 be sure as best they can --  
8 Q. Is this --  
9 A. -- as I understand. I trust them to try  
10 to do that.  
11 Q. Is this a statement by Dwyer an accurate  
12 representation of the state of the -- of the -- the  
13 number of allegations made against Bennett?  
14 A. No. There were allegations --  
15 unfounded -- made previously, uh-huh.  
16 Q. Look at 72 and 73 together because they're  
17 related. And 72 pertains to Jane Doe Three and 73  
18 pertains to Jane Doe One.  
19 A. Uh-huh.  
20 Q. Do you see that? First, directing your  
21 attention to 72 --  
22 A. Uh-huh.  
23 Q. -- October 15, 2005. At the second  
24 paragraph, it states the Board made the

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1 recommendation that in light of the information  
2 presented, there is reasonable cause to suspect the  
3 alleged misconduct occurred. The Board recommended  
4 that Father Bennett be immediately withdrawn from  
5 ministry and that restrictions and monitoring be  
6 imposed in accordance with Archdiocesan policies  
7 and procedures.

8 Did I read that correctly?

9 A. Yes.

10 May I check, again, please, sir, on 72, is  
11 that Jane Doe Three?

12 Q. 72 would be, I believe, Jane Doe Three --

13 A. Would you --

14 Q. -- but -- but we're not sure of that but  
15 we --

16 A. Okay.

17 Q. But I guess the importance of this is not  
18 who it is but that the -- the Board recommended to  
19 you in light of this additional information, that  
20 you immediately withdraw him, right?

21 A. First of all, 72 and 73 are probably the  
22 same person and it's Jane Doe One.

23 Q. I think that -- why do you say that?

24 They're two -- I think they're two different people

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1 but --

2 A. Perhaps. I'm -- I'm sorry. I didn't mean  
3 to interrupt your question.

4 Q. It's just the same date. Two different  
5 victims.

6 A. It is except in the case of Jane Doe  
7 Three, the Board did not find reasonable cause to  
8 suspect.

9 Q. Well, let's -- let's -- let's not --

10 A. It doesn't -- no. Please. Please. I'm  
11 sorry.

12 Q. -- worry about whether it's one, two or  
13 three. Let's worry about what the Board is saying  
14 to you --

15 A. Yes.

16 Q. -- and what you did -- and what you did  
17 about it.

18 A. Uh-huh.

19 Q. Okay.

20 In 72, they're saying the Board made a  
21 recommendation that he be removed?

22 A. Uh-huh.

23 Q. Right?

24 A. Yes.

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1 Q. And in 73, the Board similarly says that  
2 Father Bennett should be immediately withdrawn from  
3 ministry?

4 A. That's correct.

5 Q. So the same recommendation, two different  
6 allegations, right?

7 A. I don't know there's two different  
8 allegations.

9 Q. Okay.

10 A. I don't know that it matters for your --

11 Q. And look at the handwritten note here.

12 There's your handwriting, isn't it?

13 A. Yes, I'm afraid it is.

14 Q. And what did you write?

15 A. I accept this recommendation, October 18,  
16 2005.

17 Q. And in both instances, you wrote I accept  
18 this recommendation?

19 A. That's correct.

20 Q. And if you look at the handwriting, you'll  
21 see it's a little different. It's not identical?

22 A. You're right, sir.

23 Q. It's two different notes?

24 A. It does look two different.

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1 Q. So we have two different findings, two  
2 different recommendations, two different reports  
3 here, right?

4 A. And two different acceptances of the  
5 recommendation.

6 Q. And two different acceptances. Thank you.  
7 74, I'll -- I'll show you.

8 And before I do, was Bennett removed this  
9 day by you?

10 A. When I went to remove him, that's when I  
11 found out that the process was not complete because  
12 he had no chance to defend himself.

13 Q. So you --

14 A. I asked the Review Board to go over it  
15 quickly with the canonical defense necessary to  
16 finish the case. And in the meantime, the same  
17 restrictions to protect children would remain in  
18 place.

19 Q. So you chose to not follow the  
20 recommendation made to you by your board --

21 A. The Board --

22 Q. Just a moment. Let me finish the  
23 question.

24 A. Oh, I'm sorry. Yes. Go ahead.

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1 Q. You chose to not follow the recommendation  
2 made to you by the Board in both Exhibit 72 and 73;  
3 correct?

4 A. Because the Board did not follow its own  
5 policies. Unfortunately.

6 Q. And so who told you and what lead you to  
7 believe -- just who -- that the Board protocols  
8 were deficient enough so that you should not follow  
9 this recommendation to remove this priest from  
10 ministry?

11 A. He, himself, said he had not defended  
12 himself with counsel and then I checked with  
13 Father Smilanic and he said that was true.

14 Q. So you relied upon Bennett?

15 A. No. I relied upon Father Smilanic who  
16 told me what Bennett said was true.

17 Q. You were aware that as a part of the  
18 process, Bennett had had a chance to respond to the  
19 allegations, were you not?

20 A. I presumed that he had.

21 Q. So why did the existence or nonexistence  
22 of a canonical lawyer make a difference at this  
23 point? Aren't you concerned about the safety of  
24 the kids, not the rights of the accused?

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1 memo.

2 A. I see.

3 Q. You have it before you. This is to you.  
4 It is from Laura in regards to Bennett and it is  
5 now November 2nd and it looks like the  
6 recommendation has been made to remove Bennett,  
7 correct?

8 A. Yes, and accepted.

9 Q. And accepted by you and now you are taking  
10 it upon yourself based on what Father Bennett told  
11 you to review it on your own?

12 A. No. I reviewed a number of cases that  
13 were particularly complex. This became --

14 Q. Talking about this one now. Let's --  
15 let's focus on this.

16 A. Yes, but --

17 Q. This seems -- I read this to mean that you  
18 have now asked that the file be forwarded to you so  
19 you can review this on your own?

20 MR. KLENK: I object to the form of the  
21 question.

22 BY MR. ANDERSON:

23 Q. Is that correct?

24 A. Well, I did ask for the file.

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1 A. No. I'm concerned for the safety of the  
2 children, of course. They were guaranteed by the  
3 restrictions and the information given to the civil  
4 authorities but I had to have a case that was  
5 legally correct. I didn't have one.

6 Q. Cardinal, haven't you publicly stated that  
7 the protocols imposed and placed by the charter in  
8 2002 protect -- well, nevermind. Nevermind. I'm  
9 going to withdraw that question.

10 A. Okay. I'm sorry.

11 Q. Cardinal, this business about needing a  
12 canonical lawyer, I have seen numerous allegations  
13 made and brought to the Board where no canon lawyer  
14 was ever present.

15 Why is it that all of a sudden the process  
16 is deficient because Bennett doesn't have a canon  
17 lawyer in your view?

18 A. I'm not familiar with processes where they  
19 did not have a canon lawyer. I take your word for  
20 that. In this case, he protested that he -- the  
21 process wasn't legal and that would have been  
22 enough to invalidate the process.

23 Q. Okay.

24 Let's go to 74, Cardinal. This is a brief

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1 Q. Okay.

2 Why?

3 A. Because it was so terribly complicated and  
4 because I wanted to in fairness read the evidence  
5 of the victims themselves and not just take it in a  
6 report from somebody else or Father Smilanic.

7 Q. So that you're --

8 A. I wanted to hear the voice of the victims.

9 Q. You really have questions about whether it  
10 happened --

11 A. No.

12 Q. -- and it --

13 A. I wanted to --

14 Q. Let me finish the question.

15 A. I'm sorry. Yes. You're correct. I'm  
16 sorry.

17 MR. KLENK: Some of his questions are quite  
18 long. Please pause.

19 THE WITNESS: I'm sorry.

20 BY MR. ANDERSON:

21 Q. So you're referring to the complexity of  
22 it?

23 A. Uh-huh.

24 Q. The fact is that based on what

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1 Father Bennett has told you, you had questions  
2 about whether he had sexually abused?  
3 A. No. I had questions about the form, the  
4 legal form in order to make a case that could be  
5 defended.  
6 Q. So you're more concerned about the rights  
7 of Bennett and the process than you are about the  
8 children at risk if he remains in ministry?  
9 A. No. The children at risk were, I thought,  
10 protected and they were in this case by the  
11 monitoring and the restrictions. I was interested  
12 in fairness, the same values that permeate any  
13 legal system.  
14 Q. Up until this point in time, how many  
15 times have you reviewed a file after the Board had  
16 made a recommendation for removal?  
17 A. I can't recall exactly.  
18 Q. Would this have been the first?  
19 A. I don't believe so.  
20 Q. Can you identify any other time to date?  
21 A. I'm sorry. I haven't had a chance to  
22 think through those number of cases that you  
23 brought forward.  
24 Q. Look at 75. This is November 7, 2005 and

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1 A. I did not personally interview those  
2 victims. That's why I wanted the --  
3 Q. You were acting on your own here, were you  
4 not, not on the recommendation of anybody other  
5 than Father Bennett, were you?  
6 A. I --  
7 MR. KLENK: Objection to the form of the  
8 question that Father Bennett recommended anything.  
9 THE WITNESS: Father Bennett did not recommend  
10 this at all.  
11 BY MR. ANDERSON:  
12 Q. Well, when you talk about the voice of the  
13 victims --  
14 A. Yes.  
15 Q. -- what is it about that that caused you  
16 to reconsider?  
17 A. When you read an actual victims's  
18 testimony or you talk to a victim, it's very  
19 different from just getting a conclusion and I  
20 wanted to --  
21 Q. Did you talk to any of these victims?  
22 MR. KLENK: Please -- please let him finish his  
23 answer.  
24 THE WITNESS: No.

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1 this is from you to Leah McCluskey?  
2 A. Uh-huh.  
3 Q. I'm writing to you with regard to the  
4 matter of Reverend Joseph Bennett, a priest --  
5 A. Uh-huh.  
6 Q. -- who has been accused of sexual  
7 misconduct by blank.  
8 A. Uh-huh.  
9 Q. I had initially indicated that I accepted  
10 the Review Board's recommendation that there was a  
11 reasonable cause to suspect that the misconduct did  
12 occur. However, I have since reconsidered this  
13 matter --  
14 A. Uh-huh.  
15 Q. -- and would like to postpone a final  
16 decision for the time being.  
17 So what made you reconsider?  
18 A. The voice of the victims and the  
19 witnesses' disagreement among themselves, the  
20 complexity of the case that I knew was going to be  
21 subject of a defense. I wanted to have the voice  
22 of the victims as the defense was made.  
23 Q. It sounds like you -- had you interviewed  
24 any of these victims?

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1 MR. ANDERSON: I'm sorry.  
2 THE WITNESS: No. No. I read the witness  
3 they'd given to the Review Board.  
4 MR. ANDERSON: Okay.  
5 BY MR. ANDERSON:  
6 Q. So the only person involved here between  
7 the victims and Bennett that you had talked to was  
8 Bennett, right?  
9 A. I don't understand the question.  
10 Q. You hadn't talked to any of the victims?  
11 A. No. That's why I asked for their  
12 testimony.  
13 Q. Okay.  
14 A. This was the testimony that was going to  
15 be given to his lawyer.  
16 Q. Now, before you said you changed your mind  
17 because Bennett didn't have a lawyer, a canon  
18 lawyer. Now, you're saying that you changed your  
19 mind because the voice of the victims and the  
20 complexity.  
21 Which is it, Cardinal?  
22 A. No. It's the same. It's exactly the  
23 same. This complex case and the voice of the  
24 victims were going to be presented now for the

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1 first time to his defense lawyer. I wanted to hear  
2 it too.

3 Q. You wanted to what?

4 A. I wanted to listen to it as well from the  
5 testimony they had given. It was going to go to  
6 his defense lawyer.

7 Q. So you wanted to override the Board?

8 A. No. I didn't over -- do that at all. I  
9 did not override the Board.

10 Q. Well, you have that right, don't you?  
11 You're the cardinal.

12 A. I have the right to ask them to reconsider  
13 if I think they've made a mistake, yes, I could do  
14 that but I didn't think they made a mistake here.  
15 As it says, assure them this does not represent any  
16 lack of confidence in them for the fine work they  
17 do. I didn't override the Board.

18 Q. Did you ever doubt the facts or the  
19 allegations of the -- of the reports made by the  
20 victims?

21 A. There was contrary witnesses. The sisters  
22 did not agree among themselves. The sister who had  
23 been a nun at the time adamantly disagreed. In  
24 fact, denied under oath that any of this happened.

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1 It was a complicated case but I accepted their  
2 recommendation.

3 Q. Were you getting information from Bennett  
4 that conflicted with the accounts of the victims  
5 that caused you to -- to wonder whether or not he  
6 had abused?

7 A. I got no information from Bennett about  
8 the cases. His complaint was simply could I have a  
9 chance to have a canonical lawyer in my defense in  
10 order to complete the process.

11 Q. Did you receive information about the  
12 accounts given by the victim pertaining to certain  
13 physical characteristics of Bennett?

14 A. Not from Father Bennett himself.

15 Q. Well, did you hear it from Father Grace?

16 A. I read it.

17 Q. Okay.

18 Showing you --

19 A. That was the voice of the victims.

20 Q. Showing you Exhibit 212. This is  
21 November 9th and this is a memo you reviewed?

22 A. No. This is memo to file, sir.

23 Q. Have you reviewed it before today?

24 A. No.

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1 Q. I'm going to --

2 MR. KLENK: I -- I haven't seen this before.

3 MR. ANDERSON: That's fine. You can read it.

4 I'm going to ask a question. I'll read it.

5 BY MR. ANDERSON:

6 Q. The second paragraph says concerning Joe's  
7 11-19 appointment with the Review Board.

8 That means he's going before the Review  
9 Board, right?

10 A. Yes, with -- with an attorney if they can  
11 find a canon -- canonical lawyer.

12 Q. And it states he has a dermatologist, one,  
13 two, he has a typewritten report from the  
14 dermatologist --

15 A. Uh-huh.

16 Q. -- and three, I suggested points -- that  
17 means Father Grace is suggesting points -- that  
18 Father Bennett should make with the Board.

19 Is that appropriate for Grace to be doing?

20 A. Well, perhaps not but he is the Vicar for  
21 Priests. He can speak to the priests about their  
22 cases.

23 Q. And you're the vicar for the vicar, right?

24 A. I'm the Archbishop. He's my vicar.

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1 Q. Yeah, but you're his vicar?

2 A. No, sir.

3 Q. As the Archbishop, aren't you?

4 A. No. A vicar --

5 Q. In any case, you're his Archbishop?

6 A. Yes, I am.

7 Q. And you -- are you suggesting to him that  
8 he suggest to Bennett that --

9 A. No, I did not.

10 Q. Okay.

11 You'll see that at 3a, he's suggesting  
12 that Bennett, number one, should make the following  
13 points with the Board, 1a, accuser spoke of  
14 birthmark. There is no birthmark.

15 A. That's in the dermatologist's report, I  
16 believe.

17 Q. B, accuser spoke of freckles. Even a  
18 child knows that, quote, freckles, unquote, are not  
19 purplish blue. They are brown.

20 Did you know that freckles are not  
21 purplish blue?

22 A. I'm not sure either.

23 Q. I didn't know that.

24 And, C, dermatologist characterized

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1 purplish blue marks as age spots not likely there  
2 at the time of the allegation.  
3 Now, these are all suggestions being made  
4 by Grace to Bennett to be brought to the Board,  
5 right?  
6 A. Well, the dermatologist report is brought  
7 to the Board. It's in writing from the  
8 dermatologist, not from Grace.  
9 Q. It looks like Father Grace is being an  
10 advocate for the priest, not the children now here,  
11 doesn't it?  
12 A. You could draw that conclusion.  
13 Q. Don't you?  
14 A. I don't know Father Grace's frame of mind.  
15 Q. This is the same Father Grace we talked  
16 about getting McCormack, isn't it?  
17 A. He's a trained lawyer, sir.  
18 Q. Well, look, you know, he's -- I'm  
19 protecting my clients because they're victims.  
20 Father Grace is protecting this offender.  
21 A. At that point --  
22 MR. KLENK: Excuse me. There's no question  
23 pending.  
24 THE WITNESS: I'm sorry.

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1 Q. Because the victim had reported that he  
2 had freckles on his scrotum?  
3 A. That's correct.  
4 Q. And now Father Grace -- now there is  
5 information from a dermatologist that's he got  
6 spots on his scrotum, right?  
7 A. Yes, sir.  
8 Q. And Grace is -- looks like he's trying to  
9 explain it away.  
10 Do you read it that way?  
11 A. It could be read that way.  
12 Q. The second point here is secondly, some  
13 mark bigger than a golf ball, smaller than a soft  
14 ball was alleged on his back.  
15 You're aware that the victim also said  
16 that he had a mark, a birthmark on his back, right?  
17 A. Yes.  
18 Q. And now the dermatologist has revealed  
19 that he's got a mark on his back but it looks like  
20 Grace is trying to quibble about the size of it.  
21 Do you read it that way?  
22 A. I think that's a legitimate way to read  
23 it.  
24 Q. It turns out that, in fact, Grace has

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1 MR. KLENK: He just made a speech. Please ask  
2 a question, Mr. Anderson.  
3 Please wait for the question.  
4 THE WITNESS: Okay. I'm sorry.  
5 BY MR. ANDERSON:  
6 Q. Simply because he's a lawyer, does that  
7 excuse his protection of Bennett?  
8 A. No.  
9 Q. Look at 76.  
10 A. 76, please. Thank you.  
11 Q. You'll see this is to the file, again,  
12 from Grace regarding Bennett, November 14th. Today  
13 I received a copy of Joe's dermatologist's report.  
14 I called Joe to suggest that he ask the  
15 dermatologist for a clarification, one,  
16 specifically, since Joe had stated to me that the  
17 scrotum marks were/might be aging marks, did the  
18 doctor have an opinion on whether the spots would  
19 have been present years ago at the time of the  
20 allegation.  
21 You're aware, Cardinal, that these -- this  
22 whole issue now is did he have freckles on his  
23 scrotum, right?  
24 A. Yes, sir.

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1 marks on his back, doesn't he -- I mean, not Grace,  
2 Bennett?  
3 A. I presume he does. I --  
4 MR. KLENK: Objection, foundation. I don't  
5 know how this witness knows that.  
6 BY MR. ANDERSON:  
7 Q. Well, you're aware that that was an issue  
8 before the Board on -- on whether or not  
9 Father Bennett had marks on his back as --  
10 A. Yes. Yes, I am.  
11 Q. -- at least one victim has alleged?  
12 A. Yes, I am.  
13 Q. And when she was --  
14 A. I believe it was a birthmark as the voice  
15 of the victim had it.  
16 Q. The voice of the victim had said she  
17 thought he had a birthmark. She, of course, was  
18 eight years old at the time of the alleged abuse,  
19 right?  
20 A. Sure. That's right.  
21 Q. And the dermatologist, you're aware, on  
22 Exhibit 76 called it a keratosis,  
23 K-E-R-A-T-O-S-I-S, right?  
24 A. Yes. I don't know what that means, sir.

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1 Here -- I see the word here.  
 2 Q. Right.  
 3 And you see that on Exhibit 76, don't you?  
 4 A. Yes, I do. I see it here.  
 5 Q. Let me show you Exhibit 213. We took this  
 6 off the internet --  
 7 A. Uh-huh.  
 8 Q. -- because we didn't know what a keratosis  
 9 is either. And so when we looked at this, this  
 10 gave us a picture of what -- what is described as a  
 11 cluster of keratosis.  
 12 Do you see it now?  
 13 A. I do.  
 14 MR. KLENK: Objection, is this something that's  
 15 purported to be of Father Bennett?  
 16 MR. ANDERSON: No. No. This is to help us  
 17 understand what keratosis means.  
 18 MR. KLENK: Oh, you went for medical advice to  
 19 the Internet. Okay.  
 20 MR. ANDERSON: If you've got an objection, make  
 21 it. I'm going to ask a question.  
 22 MR. KLENK: Please do.  
 23 BY MR. ANDERSON:  
 24 Q. We got this from the Mayo Clinic so we

201

1 Q. Okay.  
 2 Why don't we just -- you know, 78 is the  
 3 memorandum of the Review Board where you met with  
 4 them and -- and, essentially, the Review Board said  
 5 the medical evidence was against Grace and Bennett  
 6 and you --  
 7 MR. KLENK: Not so fast. I don't know if this  
 8 man's ever seen this before.  
 9 THE WITNESS: I'm sorry. I don't see what  
 10 you're saying is in here. Where is what you're  
 11 saying in here, please?  
 12 MR. ANDERSON: Okay.  
 13 BY MR. ANDERSON:  
 14 Q. Let me just ask you this --  
 15 MR. KLENK: Could you let him take a moment to  
 16 read the document that you just --  
 17 MR. ANDERSON: No. No, I don't want to take --  
 18 we don't need to.  
 19 MR. KLENK: You don't want him to read it?  
 20 MR. PEARLMAN: Hold on. Let's just say it  
 21 different.  
 22 MR. ANDERSON: Let me --  
 23 MR. PEARLMAN: If he remembers the meeting. He  
 24 doesn't need the document.

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1 could understand what is a keratosis. I didn't  
 2 know the word either, Cardinal, so, you know. And  
 3 this -- this picture is -- purports to represent a  
 4 cluster of keratosis, that is, spots.  
 5 When you look at one of those, what does  
 6 it look like to you?  
 7 A. A spot on the skin.  
 8 Q. It looks like a birthmark, doesn't it?  
 9 A. I wouldn't know how to distinguish a spot  
 10 like that and a birthmark.  
 11 Q. I wouldn't either.  
 12 How would a nine-year-old?  
 13 A. Yeah.  
 14 Well, in fact, the Review Board said  
 15 reasonable cause to suspect based upon the physical  
 16 evidence and I accepted that and then put the case  
 17 together and sent it to Rome.  
 18 Q. And in fact --  
 19 A. I took him out of ministry.  
 20 Q. Father Grace, however, was the one that  
 21 was trying to keep this from being adjudicated  
 22 against Bennett, wasn't he?  
 23 A. I think you'd have to ask Father Grace  
 24 that.

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1 MR. KLENK: Fair enough. Fair enough.  
 2 MR. ANDERSON: Let me just ask the question.  
 3 BY MR. ANDERSON:  
 4 Q. Do you remember meeting with the Board as  
 5 this document reflects?  
 6 A. Yes, I did.  
 7 Q. Okay.  
 8 And is the document -- okay.  
 9 A. Uh-huh.  
 10 Q. And -- and as a result of your meeting  
 11 with that board, you became aware that the Review  
 12 Board believed the medical evidence and thus the  
 13 account of the victim?  
 14 A. I knew that when I accepted the  
 15 recommendation before this meeting.  
 16 Q. When -- how long before the meeting?  
 17 A. You had the date on the other document,  
 18 sir. This is a December 3rd meeting. I think it  
 19 was in November, wasn't it? I'm not sure. We just  
 20 had that document.  
 21 Q. And when you accepted the  
 22 recommendation --  
 23 A. October 15th, wasn't it?  
 24 Q. On October 15th, was Bennett still in

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1 ministry?  
 2 A. Yes.  
 3 Q. And you continued him in ministry?  
 4 A. Until the Review Board process was  
 5 complete --  
 6 Q. Look at --  
 7 A. -- and then I removed him.  
 8 Q. -- Exhibit 79.  
 9 The Review Board process was still ongoing  
 10 when you removed Bennett?  
 11 A. Yes. We changed the policy as a result of  
 12 the McCormack case.  
 13 Q. Look at 79. And this is another letter  
 14 from me to the Archdiocese and Leah McCluskey. And  
 15 this would be another letter of alarm and concern  
 16 wherein I state when I met with you in our offices  
 17 in connection with another matter on October 24th,  
 18 I asked you about the status of this matter and you  
 19 reported to me that it was being given immediate  
 20 consideration by the Cardinal at that time and  
 21 would let us know immediately. And I asked that  
 22 your prompt attention to this be greatly  
 23 appreciated.  
 24 Was this letter brought to your attention,

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1 Cardinal?  
 2 MR. KLENK: I would object to the form of the  
 3 question.  
 4 THE WITNESS: Well, this is the first time I've  
 5 seen this letter.  
 6 MR. ANDERSON: Okay.  
 7 Let's just take -- let's just take a few  
 8 minute break here.  
 9 THE VIDEOGRAPHER: We are going off the record  
 10 at 3:23 p.m.  
 11 (A short break was taken.)  
 12 THE VIDEOGRAPHER: We are going back on the  
 13 record at 3:38 p.m. This is the beginning of  
 14 videotape number five.  
 15 BY MR. ANDERSON:  
 16 Q. Cardinal, you had said, I think, several  
 17 times that Father Dubi was a suitable monitor for  
 18 Father Bennett and I think you maintain that to  
 19 that -- to this day?  
 20 A. I believe so, yes.  
 21 Q. I'd like to show you Exhibit 100 and this  
 22 is testimony taken in a canonical trial in a  
 23 canonical matter under oath from Father Kub. And  
 24 I'll direct your attention to just a portion of it

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1 at page five beginning at -- actually, it's five at  
 2 the top.  
 3 A. Uh-huh.  
 4 Q. Question, may I ask you who the friend  
 5 was? Answer, Father Lenny Dubi. Question, and how  
 6 did Father Len Dubi approach this topic with you?  
 7 Answer, pushed me in a corner and said keep your  
 8 nose out of Bennett's business. Question, did you  
 9 share with Len the substance with -- did you share  
 10 with Father Dubi the substance of your concerns,  
 11 why you were concerned? Answer, yes I did.  
 12 Question, and how did he respond to you? Answer,  
 13 it's none of your business he said. Question, so  
 14 he did not respond to your line of argumentation?  
 15 Answer, no, he did not respond to my line of  
 16 argumentation at all.  
 17 My question to you, Cardinal, is do you --  
 18 did you know about Dubi and Father Kub's account of  
 19 Dubi's conduct in response to --  
 20 A. Not when --  
 21 MR. KLENK: Excuse me. Are you finished with  
 22 the question?  
 23 THE WITNESS: I'm sorry. Yes?  
 24 MR. ANDERSON: Yes.

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1 THE WITNESS: No, I did not when I appointed  
 2 him monitor -- when the Vicar For Priests appointed  
 3 him monitor.  
 4 BY MR. ANDERSON:  
 5 Q. Is this the first time anybody has brought  
 6 this particular testimony involving Dubi and his  
 7 relationship to Bennett and response to this matter  
 8 to your attention?  
 9 A. No. I have seen this.  
 10 Q. Just recently in preparation for today?  
 11 A. Perhaps a couple weeks ago.  
 12 Q. So you still think that Dubi was the guy  
 13 to be monitoring Bennett?  
 14 MR. KLENK: What was -- what's the date --  
 15 what's the date on this? Does it have a date for a  
 16 foundation?  
 17 MR. ANDERSON: This would be August 7, 2006.  
 18 MR. KLENK: Thanks. Thanks.  
 19 MR. ANDERSON: And the cover on it is  
 20 Archdiocese Chicago.  
 21 Okay.  
 22 BY MR. ANDERSON:  
 23 Q. In connection with Father Bennett, you had  
 24 indicated earlier that there had been no

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<p>1 allegations made against Bennett since his removal;  2 is that right?  3 A. I think there are further allegations that  4 have come forward since he was first removed about  5 the case we were speaking about but I -- I'm sorry.  6 Go ahead.  7 Q. And when Bennett was removed, it appeared  8 in the newspaper and became published --  9 A. Yes.  10 Q. -- for the first time that Bennett had  11 been accused, right?  12 A. Uh-huh.  13 Q. Yes?  14 A. Yes.  15 Q. And the date of Bennett's removal by you  16 was?  17 A. It would have been in -- in January 2006  18 or the first part of February 2006.  19 Q. And that was several years after the first  20 allegation against him had been actually lodged,  21 correct?  22 A. The one that the Review Board found  23 unsubstantiated.  24 Q. And showing you 82.</p> <p style="text-align: right;">209</p>	<p>1 A. I'm sorry.  2 Q. Let me ask the question.  3 At least now, 82 came forward with an  4 allegation -- Exhibit 82 shows that another  5 allegation -- another victim came forward, correct?  6 A. That's correct.  7 Q. And this, by our count, would now have --  8 be allegation number five that we've talked about  9 against Bennett?  10 A. If you take all the allegations, proved  11 and unproved, yes.  12 Q. Okay.  13 Showing you Exhibit 84. This says  14 February 3, 2006 and this is a letter from you to  15 the Bishop of Indiana then -- actually, your Vicar  16 for -- for Priests, Vince Costello?  17 A. Uh-huh.  18 Q. And I presume he wrote this with your  19 permission?  20 A. I asked him to be sure that Bennett had a  21 monitor where he was living and that the Bishop  22 knew.  23 Q. And --  24 A. I haven't seen this but --</p> <p style="text-align: right;">211</p>
<p>1 This would be another allegation and by my  2 count, allegation number five made against  3 Father Bennett of sexual abuse?  4 A. That is reported to have occurred 20 years  5 earlier.  6 Q. Yes.  7 But it now came forward --  8 A. Yes.  9 Q. -- as a result of --  10 A. That's right.  11 Q. -- public disclosure of Bennett having  12 been accused which had earlier been kept quiet,  13 right?  14 MR. KLENK: Objection to the form of the  15 question.  16 THE WITNESS: We always told everybody when we  17 removed a priest from ministry.  18 MR. ANDERSON: Okay.  19 BY MR. ANDERSON:  20 Q. So now the public and the community of  21 faith know that Bennett has been accused as a  22 result of --  23 A. Not just --  24 Q. Just a moment.</p> <p style="text-align: right;">210</p>	<p>1 Q. This letter appears to reflect that you  2 and Father Costello are attempting to permit  3 Bennett to live out of state?  4 MR. KLENK: Excuse me. Can I take a moment to  5 read this?  6 BY MR. ANDERSON:  7 Q. And work out of state; is that correct,  8 Cardinal?  9 A. Not to work out of state, no. He's  10 removed from ministry.  11 Q. To live in Gary, Indiana?  12 A. In a home that he has there.  13 Q. And are you aware that that's a property  14 owned with Dubl, Father Dubi?  15 A. I was not aware of that.  16 Q. Showing you 85.  17 By the way, in order for Father Bennett to  18 live in Gary, Indiana, it requires both your  19 permission as his Ordinary and the permission of  20 the Ordinary of the Diocese in which he's going to  21 reside, correct?  22 A. No.  23 Q. Can he live -- can -- can one of your  24 priests live in the Diocese of another bishop</p> <p style="text-align: right;">212</p>

<p>1 without securing the permission of that bishop?  2 A. Yes.  3 Q. So it wasn't necessary to write to the  4 Bishop of Gary -- Gary, Indiana -- Indiana then to  5 get permission for him to -- to live there?  6 A. Not for permission to live, no.  7 Q. Then why was permission being sought?  8 A. We were notifying him for the safety of  9 children that this is a priest who we have found to  10 be reasonably suspect and for the sake of the  11 protection, here are all the restrictions placed on  12 him and would you please be sure that he does no --  13 does no ministry. You do need permission for  14 ministry, not to live. And we wanted to be sure he  15 would not ask for permission to minister by telling  16 the Bishop what the circumstances were.  17 Q. If a priest is living outside the Diocese  18 and he is in residence as -- nevermind,  19 Let's go to Exhibit 85. This is a letter  20 from Bishop then Vicar General Rassas --  21 A. Yes.  22 Q. -- to Reverend Melczek?  23 A. Uh-huh.  24 Q. A priest of the Archdiocese, Reverend</p> <p style="text-align: right;">213</p>	<p>1 correct?  2 A. Unfounded, yes. I wasn't aware on  3 February 1st that the Review Board had founded the  4 other allegations. That was later, wasn't it, that  5 same week?  6 Q. In any case, this refers to allegations  7 and we have established that at least four, perhaps  8 more, allegations have been made at the time of  9 this letter?  10 A. There were the two that you mentioned,  11 yes.  12 Q. Showing you 86. This would be the  13 Archdiocese's documentation of additional  14 allegations against accused Father Bennett.  15 And by my count, if you agree, this would  16 be -- or do you agree this would be allegation six  17 against Father Bennett?  18 A. I'm not sure, sir. It says third party so  19 I presume it was. The others, I think, were  20 brought forward by the accuser themselves.  21 Q. Okay.  22 But this is, none the -- nonetheless, the  23 document -- Archdiocesan documentation of another  24 allegation against Bennett?</p> <p style="text-align: right;">215</p>
<p>1 Bennett, pastor of Holy Ghost Parish in South  2 Holland has been placed on leave. As of this  3 moment, he has been asked to reside at the home  4 that is within the Diocese of Gary. His address  5 is. The next paragraph, the incident in question  6 occurred about 30 years ago and surfaced about two  7 years ago here in the Archdiocese. The  8 circumstances have been under review for some time  9 but the information is not completely clear. For  10 this reason, he has not been canonically removed  11 from his parish. To the best of our knowledge,  12 there have been no other reported allegations  13 related to him.  14 First, that last sentence, to the best of  15 our knowledge, there have been no other reported  16 allegations related to him is just not true, is it?  17 A. This is February 1st. The other  18 allegations came in after that as did the Review  19 Board finding but the prior unfounded allegations  20 were, of course, a couple years earlier, yes, as I  21 recall.  22 Q. As of this date, there have been two  23 allegations that have been founded now and two  24 allegations that have been made but unfounded,</p> <p style="text-align: right;">214</p>	<p>1 A. Yes. I don't know what the date -- this  2 is April. It's 1997 -- of 2007 rather, yes.  3 Q. You can see that the date the allegation  4 was received was February 6, '06.  5 Do you see that?  6 A. Oh, yes, I see.  7 Q. At this point in time, has the Archdiocese  8 or you requested that the original determination  9 made of no cause be revisited?  10 A. We were visiting the further allegations  11 and all we needed was one and they were proceeding  12 very quickly. With one allegation, we can take him  13 permanently out of ministry and so it was important  14 to finish the current allegations.  15 Q. We're going to show you Exhibit 89. This  16 is a summary time line of an allegation against  17 Bennett. The date of this allegation received is  18 February 9, '06.  19 And this, by my count, ours so far, at  20 least, would be number seven, correct? Allegation  21 number seven against Bennett?  22 A. I don't see the name of the accuser so I  23 really am unable to --  24 Q. Well, no, I don't either --</p> <p style="text-align: right;">216</p>

1 A. -- respond.  
 2 Q. -- because it hasn't been provided but my  
 3 question, Cardinal, is that it is documentation --  
 4 Archdiocesan documentation of another allegation of  
 5 sexual misconduct made against Bennett and it's  
 6 documented as such on another date?  
 7 A. It is another date?  
 8 Q. Yes. This is February 9, '06.  
 9 A. Yes, but we had other allegations, didn't  
 10 we, from --  
 11 Q. That was the 6th of February. This is the  
 12 9th.  
 13 A. I see. Well, then this is another  
 14 allegation.  
 15 Q. I'm showing you now 90 and this is a  
 16 memorandum from Leah McCluskey regarding Bennett.  
 17 It's cc'd on the second page to the delegate on the  
 18 Board, the Vicar of Priests and Assistance Ministry  
 19 and it details on February 10th that two voice  
 20 messages had been received on February 8th and an  
 21 allegation of sexual misconduct by Bennett.  
 22 So this would be allegation number eight?  
 23 A. Unless since the date is February 9th it's  
 24 the same as the one you just showed me.

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1 Q. Showing you 91.  
 2 A. He was, of course, removed at this time,  
 3 wasn't he? I think. I'm sure he was, yes.  
 4 Q. Cardinal, you just said we just need one  
 5 report to take action, didn't you?  
 6 A. Yes.  
 7 Q. Well, think back to those two women that  
 8 were the original victims -- or two boys that were  
 9 the original victims and who made the original  
 10 report, first report against Bennett and think  
 11 about what -- think about the fact that no cause  
 12 had been found as it pertained to one of those who  
 13 passed a polygraph.  
 14 Doesn't it seem at this point in time that  
 15 you had a duty to go back to them through their  
 16 lawyer and otherwise and say, hey, we better take a  
 17 look at this --  
 18 A. I think we --  
 19 Q. -- and we better minister to them?  
 20 A. I think we should revisit that, yes.  
 21 Q. Yeah. Thank you.  
 22 A. Yeah.  
 23 Q. Showing you 91. This is from  
 24 [REDACTED]

copied  
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1 to McCluskey and is sent to the Vicar for Priests  
 2 Costello.  
 3 I'd very quickly like to read the second  
 4 paragraph because it just contains some  
 5 information.  
 6 MR. KLENK: Excuse me. I just take a moment.  
 7 I need to read this.  
 8 MR. ANDERSON: I will read it and then I'll --  
 9 I'll ask a question while you read.  
 10 BY MR. ANDERSON:  
 11 Q. Three of the people mentioned that they  
 12 had knowledge of Father Joe Bennett being sexually  
 13 active with women in the parish when he was here  
 14 back in the late 1960s and later when he was  
 15 pastor. One of the people mentioned that when he  
 16 was a teenager here in the late '60s, his teenage  
 17 friends often spoke of going to the rectory and  
 18 being given alcoholic drinks by Father Joe Bennett.  
 19 The last sentence in the next paragraph says the  
 20 four people who came forward told me these things  
 21 with the understanding that I would pass it on.  
 22 Is this information that was brought to  
 23 your attention, Cardinal?  
 24 A. I don't recall this being brought to my

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1 attention. It's February 14th. None of the forms  
 2 stated they had been directly involved  
 3 personally --  
 4 Q. Yeah.  
 5 A. -- with the alleged misconduct.  
 6 Q. But this is more alarming information,  
 7 isn't it?  
 8 A. Oh, it -- it -- it creates an --  
 9 MR. KLENK: Objection to the form of the  
 10 question. I'm sorry. You can answer it.  
 11 THE WITNESS: Well, it -- it -- it creates an  
 12 atmosphere of sexual misconduct surrounding a name.  
 13 BY MR. ANDERSON:  
 14 Q. Showing you 92. This would be a  
 15 memorandum dated February 27, '06 and it attaches a  
 16 copy of a new allegation received by their office  
 17 on February 24, '06.  
 18 So this would be another allegation  
 19 against Bennett which would, by my count, be  
 20 allegation number nine, sound correct?  
 21 A. By someone unknown.  
 22 Q. Showing you Exhibit 93. This is March 23,  
 23 '06, a letter to Shauna Bollker, Assistant State  
 24 Attorney, from John O'Malley, the director of legal

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1 service for the Archdiocese, copied to others. And  
 2 it states please be advised the Archdiocese of  
 3 Chicago received a notice of investigation from the  
 4 Department of Children and Family Services dated  
 5 February 2, '06 on behalf of, quote, unknown two  
 6 minor, unquote. The unknown minor alleged that an  
 7 Archdiocesan priest, Father Joe Bennett, had  
 8 sexually abused him/her at Holy Ghost Church in  
 9 South Holland.  
 10 What do you know about this?  
 11 A. The date is unknown. The accuser is  
 12 unknown. Someone received a call at the DCFS that  
 13 told us and we told the State's Attorney according  
 14 to our policy to share any information with the  
 15 civil authorities even in this case about an act  
 16 whose date is unknown and the accuser is unknown  
 17 but I think we depend, therefore, on DCFS to do the  
 18 investigating.  
 19 Q. Okay.  
 20 And if this is a minor, that is, somebody  
 21 under the age of 18, this is recent, isn't it?  
 22 A. Well, that is unknown. The date of birth  
 23 is unknown.  
 24 Q. But it's being referred to as a minor,

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1 first time you've seen it -- what would you -- what  
 2 are you going to do about this?  
 3 A. It was given, I'm sure, to Leah McCluskey  
 4 to open a file for an unknown accuser whose date of  
 5 birth is unknown and a date of the alleged incident  
 6 is also unknown. And it's important to have those  
 7 files because then when other information comes in,  
 8 you have a framework to put it into.  
 9 Q. It's even more important to have some of  
 10 these facts known, whether there is a minor out  
 11 there who has been abused by Father Bennett and get  
 12 some facts known, isn't it?  
 13 A. To the extent that it's possible to know  
 14 that, yes. DCFS is investigating, apparently.  
 15 Q. What is the Archdiocese doing about it?  
 16 A. We are saying if someone unknown  
 17 previously comes forward with a date for the  
 18 alleged abuse which is still unknown and is willing  
 19 to say that he or she was a minor when the abuse  
 20 took place, we have a case that we can investigate.  
 21 Q. Look at 94.  
 22 A. I don't know what else --  
 23 MR. KLENK: We don't have 94.  
 24 THE WITNESS: I'm sorry. I don't have 94.

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1 isn't it?  
 2 A. How would you know it if it's unknown?  
 3 The date of birth is unknown. I'm sorry. I don't  
 4 mean to be difficult. It just that -- it says date  
 5 of birth is unknown. Date of alleged abuse is  
 6 unknown. The minor is unknown.  
 7 Q. Well, that's, you know, one of the reasons  
 8 I'm inquiring of you, Cardinal, because I think  
 9 you've said that you really want to protect these  
 10 children.  
 11 A. Absolutely.  
 12 Q. And if -- if this is a minor, that means  
 13 that is a recent allegation and I guess I'm asking  
 14 you that -- if you know anything more about this  
 15 than what -- what is reflected in the document?  
 16 A. I --  
 17 MR. KLENK: Objection -- objection to the form  
 18 of the question and the assumptions in it.  
 19 Go ahead.  
 20 THE WITNESS: I don't and the document doesn't  
 21 know anything about it either.  
 22 BY MR. ANDERSON:  
 23 Q. Well, now that you reviewed this document  
 24 and I presented it to you, and I presume for the

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1 BY MR. ANDERSON:  
 2 Q. This is dated May 3, 2006, a memorandum  
 3 again, Archdiocese, copy to a number -- the same  
 4 individuals. May 3rd, PRA received a phone call  
 5 today from Ms. Brigitte Broadway of the department  
 6 regarding Mr. Blank allegation of sexual misconduct  
 7 of a minor against Reverend Bennett.  
 8 This would be, by my count, now 11  
 9 allegations against him?  
 10 A. Joe Bennett is withdrawn.  
 11 Q. Yes.  
 12 A. This is old actions which I'm sure are  
 13 being investigated now so that the victim can be  
 14 helped. That's the protocol.  
 15 Q. And you'll look at the third paragraph  
 16 from the bottom, it states Ms. Broadway stated that  
 17 she was calling to clarify if PRA had or had not  
 18 spoken with blank and/or knew of his claim that  
 19 Father Bennett had molested his children.  
 20 Children is in the plural, isn't it, so  
 21 that's more than one?  
 22 A. Yes.  
 23 Q. So there's -- okay. Let's look at number  
 24 98. This, again, is another memorandum. This one

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1 dated June 29, '06. Ms. Broadway expressing her  
2 frustration and at the third paragraph,  
3 Ms. Broadway then asked PRA the following  
4 questions, what is the status?  
5 A. Uh-huh.  
6 Q. And at the second page, the paragraph  
7 indented right above the last paragraph begins with  
8 ask PRA. I'd like to read that and ask you a  
9 question. Ask PRA if anyone at the Archdiocese of  
10 Chicago has spoken with either Ms. Blank or  
11 Ms. Blank. PRA provided Ms. Broadway with  
12 Dr. Michael Bland's name and contact information.  
13 This appears to be another victim so that  
14 would be, if it is, victim 12, correct?  
15 A. I don't know if it's another victim. The  
16 first paragraph would lead me to think it might be  
17 Jane Doe One and Jane Doe Two.  
18 This is testimony to our ongoing  
19 cooperation with DCFS, the civil authorities, in  
20 trying to pursue every bit of information that they  
21 get and that we get. And in that sense, to reach  
22 out. This is the Victim's Assistance Ministry  
23 report of how they had reached out to the victims  
24 to try to be of some help.

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1 Q. And that outreach that you're referring to  
2 by Victim's Assistance Ministry is done privately  
3 between them and the victims, right?  
4 A. Yes. It's counseling. It's spiritual  
5 help. Privately, it's known --  
6 Q. Cardinal --  
7 A. The lawyers know it.  
8 Q. Okay.  
9 Cardinal, as of June 29, 2006, what had  
10 the Archdiocese done to reach out to the public and  
11 the community of faith to inform them that other  
12 victims of Bennett have come forward?  
13 A. We've informed every parish where he has  
14 been stationed that if there are other victims,  
15 they should come forward which is why [REDACTED]  
16 in the other parish has come forward with other  
17 information.  
18 Q. To date, the only news accounts that have  
19 been publically disseminated by the Archdiocese is  
20 been -- has been Dwyer's statement there was one  
21 allegation that resulted in his removal, that's it?  
22 MR. KLENK: Objection.  
23 Go ahead.  
24 THE WITNESS: I tell you that's -- that's not

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1 true.  
2 BY MR. ANDERSON:  
3 Q. Well, tell me, Cardinal, then if there is  
4 any other information --  
5 A. The withdrawal was public.  
6 Q. Just a moment. Let me ask the question.  
7 A. I'm sorry. I'm sorry. Sure.  
8 Q. That's okay.  
9 Tell me, Cardinal, if there's been any  
10 other information disseminated by the Archdiocese  
11 representatives, your office or otherwise, other  
12 than that given by father -- the public relations,  
13 Mr. Dwyer, that -- that there was one allegation  
14 resulted in Bennett's removal?  
15 A. I'm sure there were other reports when he  
16 was removed. That was one story. Whenever we  
17 remove a priest, there are reports in the paper and  
18 explanations given.  
19 Q. But what has the public been told?  
20 A. In the paper, they can read the fact of  
21 the removal for reasonable cause to suspect that he  
22 had abused a minor.  
23 Q. For one allegation, right?  
24 A. No. That's just one story you read. The

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1 papers were full of these stories.  
2 Q. I know but has there been any  
3 dissemination by you or the Archdiocese beyond that  
4 which I showed you there was one allegation?  
5 A. Yes, of course.  
6 Q. There -- of course? Why do you say that?  
7 Where is it? I haven't seen it.  
8 A. We go to every single parish where he  
9 served and said there have been allegations against  
10 him and we have reasonable cause to suspect and,  
11 therefore, he's removed from ministry. Would other  
12 victims please come forward. That's dissemination  
13 it seems to me, sir.  
14 Q. Cardinal, I got to tell you, you know that  
15 I've been working across the table with the  
16 Archdiocese in connection with these cases for a  
17 long time.  
18 You know that?  
19 A. I respect your work, sir.  
20 Q. And you got to know -- and this is a  
21 question -- I am absolutely shocked to have gotten  
22 this information that I've reviewed with you this  
23 week and to have seen now that there are as many as  
24 a dozen allegations against Bennett. It came as a

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<p>1 complete shock to me and I'm tracking everything 2 that you are doing on this issue. 3 Why is it that this comes as news to me 4 when you claim that people -- all these other 5 people know this? 6 MR. KLENK: I object to the form of the 7 question. 8 BY MR. ANDERSON: 9 Q. What do you think? 10 A. Well, you learn, don't you, sir, of 11 allegations when accusers come to you and ask to be 12 defended which you do well. In every one of these 13 cases, the Archdiocese is addressing with the help 14 of another lawyer or yourself the claim. The 15 Victim's Assistance Ministry is outreaching to 16 them. The civil authorities are informed. 17 Bennett is out of ministry permanently. 18 Q. But the people out there believe that 19 there was only one allegation. I was lead to 20 believe that the Archdiocese thought there was only 21 one allegation until this week, Cardinal. 22 A. Well, the people who are writing in know 23 there are more than one allegation and that all 24 goes into the newspapers, sir.</p> <p style="text-align: right;">229</p>	<p>1 A. Every time the Review Board comes up with 2 reasonable cause to suspect, we look at where we 3 should bring that information next. So I think the 4 information is public, sir. 5 Q. If it's not -- 6 A. His name is on the list. It's been in the 7 newspapers. Others have come in because it is 8 public. The very fact the people come forward, 9 doesn't that mean, I think, that -- 10 Q. Well, others came forward because his 11 removal was made public and his removal was, 12 according to Dwyer, based on one allegation. We 13 now know that there are at least a dozen. 14 And so those victims who are still 15 suffering in silence who may not have come forward 16 and those that did and weren't believed the first 17 time, don't you think they need to know as well as 18 the public that this priest may have abused this 19 many kids? 20 MR. KLENK: Objection, compound to the form. 21 You can answer. 22 THE WITNESS: To the last thing, I believe the 23 public does know, sir, and that's why we're getting 24 more allegations.</p> <p style="text-align: right;">231</p>
<p>1 Q. I'm going to show you 81. 2 Do you have doubt whether Joe Bennett 3 committed sexual abuse against minors, Cardinal? 4 A. No. I share the Review Board's 5 conviction. 6 Q. That he abused minors? 7 A. Yes. 8 Q. How many do you believe he abused? 9 A. Well, you've presented a good number here. 10 I don't know of all these cases. I wasn't aware -- 11 haven't had findings in all these cases. So I 12 usually wait for the Review Board's finding before 13 I make up my own mind but I would say -- yeah, 14 the -- the ones that the Review Board has found 15 reasonable cause to suspect, I'm sure of those. 16 The others are still being investigated. 17 Q. Okay. 18 Cardinal, I have presented to you in 19 making this case to you the documents that the 20 Archdiocese has retained and I just received this 21 week. 22 Wouldn't you agree that it's time for you 23 and us to make this information that we just shared 24 here on the record known to the public?</p> <p style="text-align: right;">230</p>	<p>1 BY MR. ANDERSON: 2 Q. You know that -- 3 A. I think -- go ahead. I'm sorry. 4 MR. KLENK: He was going to finish his answer. 5 THE WITNESS: Go ahead. 6 MR. ANDERSON: No. You finish, please. I 7 didn't meant to interrupt. 8 THE WITNESS: I agree with you that we should 9 go back and check again in the case of the two 10 where a prior Review Board had found there was no 11 reasonable cause to suspect, to reach out to them 12 as possible victims. 13 MR. ANDERSON: Okay. 14 BY MR. ANDERSON: 15 Q. Well, I'm -- I'm asking you to consider 16 and having your representatives consider making a 17 further public dissemination that elaborates on the 18 information that I've presented to you and the case 19 that I made here today. I'm asking you to consider 20 doing that. 21 Will you consider that? 22 23 24</p> <p style="text-align: right;">232</p>

1 A. Of course, I'll consider anything that we  
2 can do to be sure that more victims come forward  
3 and know they're not alone.  
4 Q. You understand and you've come to  
5 understand that victims of abuse by clergy and any  
6 authority figure suffer in silence and they blame  
7 themselves and they think they're the only ones,  
8 right?  
9 A. I -- I have heard many say that. That's  
10 why the importance of making this so public because  
11 then they have a chance to know I'm not alone. I  
12 don't have to imagine I'm the only one. That's  
13 very important, yes.  
14 Q. Okay.  
15 Cardinal, I'm going to show you 81.  
16 Do you have that before you?  
17 A. Yes, I have.  
18 Q. Okay.  
19 This is from you to a Mr. [REDACTED].  
20 And what is this? Is this a response to a  
21 letter received?  
22 A. This is a response to a man from South  
23 Holland who was very adamantly convinced that  
24 Father Bennett was innocent and was being

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1 mistreated by the Archdiocese in being removed.  
2 Q. And -- and you did respond to him and  
3 provide him with the information -- with this  
4 information in this letter, right?  
5 A. Yes, sir.  
6 Q. In the second paragraph, you say as you  
7 may know, the Archdiocese of Chicago follows the  
8 national protocols for investigating allegations of  
9 sexual abuse against a priest.  
10 Did you and your Archdiocese follow the --  
11 the national protocols for the investigating the  
12 allegation made against Bennett?  
13 A. Yes, we did.  
14 Q. It then says the allegations -- excuse  
15 me -- the allegation.  
16 That's singular, isn't it, not  
17 allegations?  
18 A. Yes, because that's all he was talking to me about.  
19 He was talking to me about Jane Doe One.  
20 Q. Well, he was talking to you about one  
21 allegation because there's only been one allegation  
22 that's been made public, right?  
23 A. No, because it's the only one that he had  
24 a personal opinion about as far as I know from his

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1 letter.  
2 Q. Okay.  
3 The sentence says the allegation -- and  
4 you wrote the allegation against Father Bennett was  
5 made about two and one half years ago and the  
6 investigation has taken an extraordinary long  
7 period of time because of its complexity.  
8 That's what you wrote?  
9 A. That's true.  
10 Q. And, actually, it's taken four years, not  
11 two and a half years, correct?  
12 A. I don't believe so but I'd have to go back  
13 and check the dates. I'm sorry if that's  
14 incorrect. I believe, again, we're talking about  
15 Jane Doe One.  
16 Q. Then you write normally, the investigation  
17 is finished and a decision has been made before the  
18 future of a priest is decided. In the case of  
19 Father Bennett, because the investigation had taken  
20 so long, there were external pressures.  
21 What external pressures?  
22 A. The change in the policy because of the  
23 McCormack case. He was asking why when it wasn't  
24 completed he was still taken out. We changed our

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1 policy.  
2 Q. And when you say that the -- because the  
3 investigation had taken so long, the fact is,  
4 Cardinal, the investigation took so long because  
5 once the Review Board made its recommendation, you  
6 chose to get the file and delay it and do your own?  
7 A. I didn't do an investigation. I wanted to  
8 see what the victims were saying because it did  
9 take a very long time for Leah to visit all these  
10 people in Washington, in San Antonio. The victims  
11 were scattered across the length of the land. It  
12 took a long time to get the investigation even  
13 before the Review Board in complete form. Longer  
14 than usual.  
15 Q. The next paragraph says with you, I hope  
16 that Father Bennett is innocent of these  
17 allegations.  
18 A. I always hope that an allegation is not  
19 true because it means somebody's been hurt.  
20 Q. Well, if you just told me that you believe  
21 he had did it -- done it as you did here under oath  
22 today, why didn't you tell Mr. [REDACTED] you believe  
23 that this allegation was -- was true and that there  
24 were many more allegations that have been made?

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1 Why didn't you tell him?  
 2 A. Because I didn't know of all the  
 3 allegations that you brought forward at the time  
 4 that I wrote this letter.  
 5 Q. How many did you know of as of July 14,  
 6 2006 when you wrote this?  
 7 A. What I had in mind was Jane Doe One, that  
 8 was what the letter -- his letter to me which was a  
 9 very strong letter in his defense. I was trying to  
 10 respond to that.  
 11 Q. You then write the Review Board does  
 12 careful work but should the Holy See find he is  
 13 innocent of these charges, he will be returned to  
 14 active ministry unless there are charges to be  
 15 investigated -- excuse me -- unless there are other  
 16 charges to be investigated.  
 17 So you're implying here that there are no  
 18 other charges to be investigated?  
 19 A. No. I can't tell people about other  
 20 victims. I can't divulge that kind of information  
 21 and I was in a sense telling him that even though  
 22 you may think he's innocent here, there are  
 23 probably other charges to be investigated.  
 24 Q. You can tell him there are multiple

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1 allegations against Father Bennett, some of which  
 2 have been found to have been -- cause to believe  
 3 were true and further allegations to be  
 4 investigated, couldn't you?  
 5 A. Would you go over that again, please?  
 6 Q. You could have told this person in July  
 7 of 2006 that there were two substantiated  
 8 allegations and there have been other allegations  
 9 that are being investigated that have been brought  
 10 against Bennett?  
 11 A. I did tell him that by saying unless there  
 12 are other charges to be investigated.  
 13 Q. No. You said unless there are other  
 14 charges to be investigated. You didn't tell him  
 15 there are other charges being investigated?  
 16 A. No, but that's enough to tell him that  
 17 just because he's concerned about one case doesn't  
 18 mean it's the only case.  
 19 Q. You chose these words, didn't you,  
 20 Cardinal?  
 21 A. And that's what I meant to say.  
 22 Q. Look at the P.S. P.S., we have no choice  
 23 but to send the case.  
 24 When you say we have no choice --

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1 A. That's right. That's the protocol.  
 2 Q. -- but to send the case to the Holy See  
 3 for review, that is the regulation for every case?  
 4 A. That's true.  
 5 Q. You then go on to say, of course, I hope  
 6 Father Bennett is innocent. Who would not?  
 7 A. I hope all the charges are not true  
 8 because it means that somebody's been abused.  
 9 That's a terrible, terrible development in  
 10 someone's life. You always hope that the  
 11 allegation isn't quite what the accuser says it is.  
 12 Q. Well, hope is one thing but facts are  
 13 another and the facts are that there have been  
 14 multiple allegations against this priest and  
 15 instead of telling this writer this, you told him  
 16 that you're hoping he's innocent, right?  
 17 A. I would hope that he would be innocent. I  
 18 don't believe it but who would not, that's what I  
 19 said.  
 20 Q. Then why didn't you tell this writer that  
 21 you -- that not only you didn't believe it, that  
 22 your board didn't believe it and that there were  
 23 multiple allegations? Why didn't you do that?  
 24 MR. KLENK: Please don't point at the witness.

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1 MR. ANDERSON: I didn't.  
 2 THE WITNESS: I think the letter says that in a  
 3 form that a very, very angry friend and defender of  
 4 Father Bennett might take to heart. That's what I  
 5 was hoping to do here.  
 6 BY MR. ANDERSON:  
 7 Q. The last sentence I'm going to read and  
 8 then I'd like to ask you about it. You state  
 9 rather than with me, I suggest you talk to his  
 10 accusers.  
 11 Cardinal, are you telling Mr. [REDACTED] to  
 12 contact these victims and intimidate them or  
 13 interrogate --  
 14 A. No.  
 15 Q. -- them and talk to them?  
 16 MR. KLENK: Objection.  
 17 THE WITNESS: No, I'm not saying that.  
 18 BY MR. ANDERSON:  
 19 Q. What are you saying to him?  
 20 A. He wanted to know the details of the  
 21 allegations, what was said and I can't divulge  
 22 that. It would be wrong to divulge that. The only  
 23 one -- he knows the -- he knows the accuser. If he  
 24 wants to get the kind of information he wants, he

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1 can't get it from me.  
 2 Q. This is, obviously, a man of faith that  
 3 had contacted you that you are writing back and you  
 4 are giving him guidance to contact the accusers.  
 5 And you used the word accusers, right?  
 6 A. That's correct.  
 7 Q. You don't use the word victims who have  
 8 been found to have been credibly believed by me and  
 9 the Review Board, do you?  
 10 A. No, I don't.  
 11 Q. You call them accusers like this is  
 12 unsubstantiated, don't you?  
 13 A. It's the word he used in his letter to me.  
 14 Q. This is not good, is it, Cardinal?  
 15 A. It could have been better written, yes.  
 16 Q. Cardinal, don't you think you ought to  
 17 correct this? You ought to write this guy and say,  
 18 look, I've got some more information and the  
 19 information is as we've established here today, we  
 20 know there are multiple accusers, we know that your  
 21 board has found it to be true and we know that you  
 22 believe it to be true and --  
 23 MR. KLENK: Please don't point at this witness.  
 24 MR. ANDERSON: I'm just --

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1 of Raymond Skriba, S-K-R-I-B-A?  
 2 A. Yes.  
 3 Q. And do you recall that the Review Board  
 4 found that there were credible allegations that had  
 5 been made against him; that you continued him in  
 6 ministry after that finding?  
 7 A. He was removed from ministry as he is now  
 8 and I thought it was on the basis of what the  
 9 Review Board found.  
 10 Q. Don't you recall that before you removed  
 11 him and after they made the finding of cause to  
 12 believe that you asked the Board to go back and  
 13 take another look at it?  
 14 A. If I did, it was because other information  
 15 had come to me either from the parish or from  
 16 someone else that meant the discussion wasn't  
 17 completed.  
 18 Q. And do you recall then that you did not  
 19 remove him immediately on the recommendation but  
 20 rather did so later after you had asked them to  
 21 reconsider?  
 22 A. I don't recall all the details but it  
 23 would have been on the basis of further information  
 24 that I wasn't sure they had considered.

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1 MR. KLENK: You are.  
 2 MR. ANDERSON: I apologize for pointing. I'm  
 3 just using my hand to direct my question.  
 4 THE WITNESS: Sure.  
 5 BY MR. ANDERSON:  
 6 Q. Don't you think it's time to write  
 7 Mr. [REDACTED] and set the record straight here?  
 8 A. I think I will make inquiry about him and  
 9 I had thought even when I wrote this that the time  
 10 was going to come when we would go back and I would  
 11 go back personally to South Holland after the Holy  
 12 See has returned the case to us, as I'm sure they  
 13 will, with permanent removal and explain the whole  
 14 situation to everybody once again.  
 15 Q. Okay. Thank you, Cardinal. I appreciate  
 16 that you're going to do that.  
 17 A. Yes.  
 18 Q. And I appreciate that you're going to do  
 19 that soon because --  
 20 A. Well, I was supposed to do it in two weeks  
 21 and we don't have the case back and the present  
 22 pastor said it's best to wait until we have the  
 23 case back.  
 24 Q. Cardinal, there was a priest by the name

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1 Q. And at least, initially, you agreed then  
 2 that you did not follow the recommendation of the  
 3 Board in connection with Skriba?  
 4 A. Well, I did but I --  
 5 Q. Not initially?  
 6 MR. KLENK: Please -- please let him finish.  
 7 THE WITNESS: I did but I wanted them to be  
 8 sure they had all the information.  
 9 BY MR. ANDERSON:  
 10 Q. In the -- and there's several other cases  
 11 where you did not follow the recommendation of the  
 12 Review Board and we've talked about McCormack where  
 13 you didn't?  
 14 A. That was advice. It was not reasonable  
 15 cause to suspect. I asked them to finish the  
 16 investigation.  
 17 Q. And October 15, '05, the Board found and  
 18 recommended removal and you did not follow that?  
 19 A. Because they didn't -- couldn't tell me  
 20 that there was reasonable cause to suspect. The  
 21 investigation wasn't finished but I wish I had.  
 22 You're -- you're -- what you're saying is -- is --  
 23 I've taken to heart. I'm very sorry.  
 24 Q. In connection with Father Mayday, the

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1 Board recommended laicization, did they not?  
 2 A. And he has been laicized.  
 3 Q. And you --  
 4 A. I'm not sure that the Board recommended  
 5 that, sir, but we have acted to laicize him.  
 6 Q. Do you have recollection that the Board  
 7 having recommended to you on three different  
 8 occasions in 2000 that Mayday be laicized and you  
 9 declined to follow that?  
 10 A. I don't recall that. Mayday was in prison  
 11 when I came to the Archdiocese so I've never talked  
 12 to him and I don't recall all the incidents of the  
 13 further allegations that have come since he's in  
 14 prison.  
 15 Q. When was Mayday laicized?  
 16 A. A few months ago.  
 17 Q. When did you petition for it?  
 18 A. Some months before that.  
 19 Q. So it was this year sometime -- or late  
 20 last year?  
 21 A. I don't remember the exact date.  
 22 Q. Are you aware that Mayday is in prison  
 23 now?  
 24 A. I believe he's in protective custody of

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1 A. Yes. When his 20-year term was coming to  
 2 an end and the State was going to release him,  
 3 because I'd come to know of the case in more detail  
 4 and the many allegations were coming forward and  
 5 because he would not take the treatment that the  
 6 State wanted to give him, I consider him a danger  
 7 to children and I made that case to the State and  
 8 asked him to keep him in some sense in custody to  
 9 protect children.  
 10 Q. Cardinal, the attorney for the State of  
 11 Wisconsin who is attempting to civilly commit  
 12 Mayday contacted me and reported to me that you and  
 13 your office was refusing to provide them with the  
 14 information concerning Father Mayday so they could  
 15 civilly commit him.  
 16 MR. KLENK: Objection. I'm sorry.  
 17 BY MR. ANDERSON:  
 18 Q. Have you at any time become aware that  
 19 those that are trying to commit him are under the  
 20 belief that you're refusing to cooperate?  
 21 MR. KLENK: Objection to the form of the  
 22 question and evidentiary assumptions in it.  
 23 THE WITNESS: I wrote a letter, maybe two,  
 24 asking that the State of Wisconsin not release him

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1 the State of Wisconsin at our request.  
 2 Q. And he had been and was in prison for  
 3 three counts of sexual assault on a minor and one  
 4 count of intimidation of a witness?  
 5 A. I wasn't sure of the last one. I knew he  
 6 was in prison, I was told when I got here, for  
 7 sexual abuse of a minor child.  
 8 Q. Other than him being a priest of the  
 9 Archdiocese, do you have any special relationship  
 10 with or to him?  
 11 A. No. I've never met him.  
 12 Q. Do you know how many allegations of sexual  
 13 abuse have been made and/or recorded by the  
 14 Archdiocese against Father Mayday?  
 15 A. I don't know the number but they are  
 16 multiple.  
 17 Q. My staff has counted between 35 and 45.  
 18 Does that come as a shock or news to you?  
 19 A. I didn't know it was that high but I knew  
 20 there were a good number.  
 21 Q. That's actually a bad number, isn't it?  
 22 A. Yes, it is.  
 23 Q. Did you participate in any way or help in  
 24 trying to get him civilly committed?

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1 for the protection of children. I don't understand  
 2 what you're telling me. It's news to me.  
 3 BY MR. ANDERSON:  
 4 Q. Well, I'm representing to you that they  
 5 contacted me three months ago and said they were  
 6 petitioning him. He was scheduled to get out of  
 7 prison and they were petitioning to civilly commit  
 8 him.  
 9 A. Yes.  
 10 Q. They were trying to get files and  
 11 allegations regarding Mayday so they could commit  
 12 him as a predator, sexual offender after his  
 13 release.  
 14 A. Uh-huh.  
 15 Q. And they told me that your office would  
 16 not give them the files so they got them from me.  
 17 Do you know anything about that?  
 18 A. No, I don't. I asked them to do just  
 19 that. I wrote two letters, I believe.  
 20 Q. I'd like to show you Exhibit 21. Now,  
 21 this is dated September 8, 1997 and so this would  
 22 be shortly after your appointment and installation  
 23 as cardinal -- as Archbishop of Chicago, correct?  
 24 A. Yes.

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<p>1 Q. And this is a letter to then the Governor 2 of Wisconsin where Mayday is incarcerated -- 3 A. Yes. 4 Q. -- Tommy Thompson? 5 A. Uh-huh. 6 Q. And the first sentence, you say thank you 7 for your personal thoughtfulness in granting an 8 extra -- extraordinary permission for the body of 9 Catherine Mayday to be brought to the Fox Lake 10 Correctional Facility for the viewing of her son 11 Norbert. It was an exceptional act of charity. 12 Are you seeking some special privileges be 13 granted Father Mayday? 14 A. I asked that he be able to see the body of 15 his mother whose death apparently, as I was told, 16 had affected him grievously. 17 Q. Was it granted? 18 A. Yes, it was. That's why I wrote this 19 letter of thanks. 20 Q. Showing you 22. It says October of '97, a 21 month later the same year. And the Vicar for 22 Priests, then McBrady, at -- I presume with your 23 permission writes to Robert Mayday -- excuse me -- 24 Norbert Mayday in prison, Dear Norb and I'd like to</p> <p style="text-align: right;">249</p>	<p>1 to do this program so he can get out early, right? 2 A. Yes. This was '97 before the full extent 3 of his crimes was evident and the attempt was to 4 make him come to recognize the evil that he had 5 done, the abuse of children, which he could not do. 6 And one way to force him to do that was to say this 7 is the only chance you have as you appeal for an 8 early release. If you don't take this, there will 9 be no chance of early release. 10 Q. It doesn't say that in your -- in -- in 11 the letter, though. 12 The end game here in the letter is to 13 secure an early release, isn't it? 14 A. No. The end game is to get him to go to 15 treatment. 16 Q. Okay. 17 A. Early release is the carrot that is 18 dangled in front of him to keep the hope of early 19 release there. 20 Q. Let's look at 23. This is another letter 21 but this one is from you directly to 22 Father Mayday -- 23 A. Uh-huh. 24 Q. -- at prison. He's still a priest of the</p> <p style="text-align: right;">251</p>
<p>1 read from the second paragraph in the middle. I 2 met with Warden Berge and Associate Warden Benik 3 who, as you know, oversees treatment programs. 4 They were both adamant that no special program 5 would be designed for you or any other inmate. 6 Were you seeking through your Vicar for 7 Priests then some special treatment for him? 8 A. No, I was not. He was seeking special 9 treatment for himself. 10 Q. The next paragraph says that the 11 Archbishop would like you to go to the Oshkosh 12 program because he feels this is your best 13 opportunity. 14 Is this -- does that mean that's his best 15 opportunity for early release? 16 A. It meant his best opportunity to come to 17 terms with what he had done which he still refuses 18 to do. 19 Q. The last paragraph says the Archbishop 20 hopes you will accept the parameters of your 21 confinement and avail yourself of this program 22 which offers the possibility for early release? 23 A. Yes. 24 Q. So the -- the benefit is to Mayday to --</p> <p style="text-align: right;">250</p>	<p>1 Archdiocese, however? 2 A. Uh-huh. 3 Q. And it's dated May 23, '98. Second 4 paragraph you state, as one of my priests, you know 5 our relationship is very special to me? 6 A. Uh-huh. 7 Q. At the last sentence of -- 8 A. Is a very special one. 9 Q. Excuse me. I'm sorry, I misread. 10 Third paragraph, last sentence, you state 11 entrance into this program is one sure way you can 12 possibly change your entire future and then you 13 state as your Archbishop, I insist you enter the 14 Denier's Group. Know that I urge this for your own 15 good, right? 16 A. That's correct. 17 Q. Then there's your handwritten note to him. 18 Would you read that? 19 A. I still look forward to our meeting and 20 I've asked Father Coughlin to look into the 21 question of your lawyer's actions or better, lack 22 of action. 23 Q. What are you referring to here? 24 A. I was told when the Mayday case, among</p> <p style="text-align: right;">252</p>



1 others, were -- was first presented to me when I  
2 asked for a review of all our cases that this was  
3 someone who was incarcerated in Wisconsin without a  
4 fair trial. That's what was told me. So I was  
5 under the impression that he was guilty but that  
6 there were circumstances that elicited some kind of  
7 sympathy and I think I was still somewhat  
8 sympathetic to him here as I am not now.

9 Q. So you then laboring under the belief that  
10 he had been perhaps wrongly incarcerated or --

11 A. No, I did not believe that. Nobody told  
12 me that. They believed he did it but that he  
13 hadn't had a fair trial.

14 Q. And that he -- okay.

15 I'd like to show you 25. This is  
16 December 1, '98 now and from the Professional  
17 Fitness Review Administrator to Co-Vicar for  
18 Priests, Coughlin. In the second paragraph, she  
19 states in reviewing the files, his stipend was  
20 decreased to \$200 in November. As Father Mayday  
21 requested, we will increase this to \$300 a month.

22 What this seems to reflect and as copied  
23 to Paprocki, Mayday is being paid by the  
24 Archdiocese while he's in prison; is that right?

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1 Q. Okay.

2 Let me just ask you a couple questions  
3 about it. The second -- the first paragraph, last  
4 sentence, the Archdiocese established the Vicar for  
5 Priests office in '84. One of the principles of  
6 the office is to care for priests who have been  
7 accused of serious misconduct. The last -- I guess  
8 I have no question there. I'm sorry I asked that.

9 The third paragraph, last sentence, it  
10 says the Review Board oversees the entire file --  
11 excuse me -- entire life situation of such a priest  
12 for the duration of his priesthood even if he's  
13 released by the court or other public body.

14 That's a correct statement of fact, is it  
15 not?

16 A. I'm not sure what it means. If it means  
17 that someone who comes out of prison and he is  
18 still a priest is subject to the restrictions of  
19 the Review Board, yes, that would be true.

20 Q. If you'll look at the second page, you'll  
21 see that the Vicar for Priests is making a number  
22 of representations to the parole board. And I  
23 guess I'll just in the interest of brevity direct  
24 you to the last paragraph of the third page.

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1 A. He gets a small stipend -- did as long as  
2 he was a priest of the Archdiocese, yes.

3 Q. I'd like to show you 26. This is dated  
4 May 20, 1999.

5 A. I wasn't aware of that exact detail  
6 because I hadn't seen this before but nonetheless.

7 Q. This is a three-page letter from  
8 Reverend Daniel Coughlin who was then the Vicar for  
9 Priests, correct?

10 A. That's correct.

11 Q. And this is to Mr. Smith at the Parole  
12 Commission for the State of Wisconsin where Mayday  
13 is incarcerated?

14 A. Uh-huh.

15 Q. The first paragraph, your vicar states --  
16 and this is with your permission, of course, he  
17 writes, correct?

18 A. I have never seen this before.

19 MR. KLENK: Objection.

20 BY MR. ANDERSON:

21 Q. But it's with your -- under your authority  
22 that your -- your Vicar sends a letter such as  
23 this?

24 A. In the -- a general fashion, yes.

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1 He states we would be pleased to receive  
2 Norbert Mayday into the Archdiocese of Chicago  
3 system outlined above. We would also accept  
4 financial responsibility for his maintenance,  
5 monitoring and then something is blocked out. This  
6 would relieve the State of Wisconsin from the  
7 financial burden of caring for Mayday.

8 Would he, Coughlin, have made such  
9 representation without acting outside of authority  
10 given him by you?

11 A. He has authority as vicar but I didn't  
12 approve this letter.

13 Q. And now that you've read it, what do you  
14 think of it, at least what you've seen?

15 A. What he is doing, I believe, is telling  
16 Commissioner Smith here are the restrictions under  
17 which Mayday released from Wisconsin prison would  
18 live; that he would never be alone with minors;  
19 that he would have to keep a log; that he would be  
20 monitored; that he could not move without  
21 permission of the Professional Fitness  
22 Administrator; all of these restrictions to tell  
23 him that even if the State of Wisconsin paroled  
24 him, he would still be subject to restrictions and

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1 supervision by the Archdiocese. I think it's a  
2 straightforward statement in 1999. Maybe  
3 Father Coughlin thought that he was going to be  
4 released or at least they should know in the Parole  
5 Commission what his life would be like when he was  
6 released.

7 More recently, as I've said, we asked that  
8 he not be released.

9 Q. Well, you're aware that the recent report  
10 commissioned by Childers by you in the Archdiocese  
11 reflected factual findings and the conclusions that  
12 the monitoring program in place by this Archdiocese  
13 was grossly deficient?

14 A. That's true. I accept that and that's why  
15 we wouldn't write a letter like this today.

16 Q. Showing you Exhibit 28. This is an  
17 October '99 letter from the Vicar for Priests  
18 McBrady to [REDACTED]. Cardinal George asked that I  
19 respond to your letter. Second paragraph, the  
20 Vicar for Priests office continues to be in contact  
21 with Father Norb and we are looking for ways to  
22 bring about his freedom; is that right?

23 A. This is 1999. The assumption that he  
24 hadn't been given a fair trial meant that people

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1 were concerned about his not being subjected to his  
2 full 20-year sentence and I think that was written  
3 in this context.

4 Q. At the time that this letter was written  
5 under your authority, did you ever go back to the  
6 Mayday file, pull it out and see what was in it?

7 MR. KLENK: I object to the form of the  
8 question.

9 Go ahead and answer.

10 THE WITNESS: I went to the Mayday file when we  
11 began to get more allegations in the early 2000s.  
12 I'm not sure exactly when I first asked to see the  
13 file, 2003, 2004. We were getting a number of  
14 allegations and I began to realize that this man  
15 had seriously abused many, many innocent children.

16 BY MR. ANDERSON:

17 Q. And so the first review you ever did of  
18 the Mayday file or any investigation into whether  
19 he was innocent or not or had had a fair trial or  
20 not and/or had abused kids was in 2002 or three?

21 MR. KLENK: Objection, compound question.

22 THE WITNESS: No, No, that's not true as you  
23 say it, sir. Evidently, [REDACTED] and  
24 others believed he was innocent and they wrote to

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1 support him in many ways. I did not believe he was  
2 innocent. I had been told he didn't have a fair  
3 trial but he was not innocent.

4 BY MR. ANDERSON:

5 Q. I'd like to show you 29. This was dated  
6 January 12, 2000. This is a letter directly from  
7 you to Norbert Mayday in prison.

8 A. Uh-huh.

9 Q. And second paragraph, you state the very  
10 calling to mind of Isaiah's words in the year of  
11 jubilee echo my prayer for the release of  
12 prisoners. As you know, Father Dan Coughlin and  
13 the lawyers have something underway. I pray these  
14 efforts will bear fruit.

15 At this time, what outreach, if any, had  
16 you or effort had you made to discern how many  
17 victims Mayday had?

18 A. I was told of the allegations that he  
19 pled -- that he had been convicted of. I didn't  
20 know, I believe, of many others at that point.

21 This is a father's letter to a son in  
22 prison, a sinful son, and it was designed to give  
23 him some hope and encouragement. He just lost to  
24 death his best friend as well as his mother.

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1 Q. I'd like to show you Exhibit 30. This is  
2 a memo to you from McBrady, February 2000, and the  
3 first sentence says this is the appropriate time  
4 for you to speak with Bishop Wycislo regarding Norb  
5 since the paperwork has now been filed with the  
6 governor's office.

7 So McBrady is suggesting you should  
8 contact the bishop where Mayday is serving his time  
9 in -- in -- which is Green Bay. Bishop Wycislo is  
10 the Bishop of Green Bay as you know.

11 A. That's correct.

12 Q. To try to intervene on -- on -- on  
13 Mayday's behalf with that bishop, right?

14 A. That's correct.

15 Q. And this was being suggested to you and  
16 you -- you were doing this because there was  
17 some -- some public criticism of the Archdiocese of  
18 Chicago for attempting to influence the way things  
19 were done and the incarceration of Mayday?

20 A. Uh-huh.

21 Q. Is that right?

22 A. That was -- was told me. I wasn't aware  
23 of that.

24 Q. Look at the last bullet point there. It

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1 states it's important for Bishop Wycislo to  
2 intercede with the governor in his own name and not  
3 merely convey our message. We feel this is  
4 important because at the time of the media coverage  
5 regarding the prayer service for Mrs. Mayday at the  
6 prison, the media take on the story was that  
7 Chicago was attempting to influence the way things  
8 are done in Wisconsin.

9 So -- so, basically, you're -- you're  
10 being advised to contact Wycislo to do it to take  
11 the heat off here, is that it?

12 A. In fact, I didn't contact the bishop.

13 Q. Okay.

14 31, March 6, 2000, a letter from you to  
15 Mayday again. Second paragraph, as you know, we  
16 are trying in Wisconsin to make some definite  
17 efforts to have a sentence reduction in your case.

18 What efforts are you making?

19 A. They did some conversations which I'm not  
20 aware of. This letter was to try to convince him  
21 to go to the Denier's Group, which he would not do,  
22 as a condition of his even being considered for  
23 early parole and to encourage him personally. It  
24 was in 2000.

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1 A. No, I didn't.

2 Q. 32 is a letter to Mayday and it's not  
3 signed on our copy because this is a carbon copy  
4 that was produced.

5 Do you know if this is written by you or  
6 by the Vicar For cleric -- Priests?

7 A. I'm really not sure.

8 Q. Okay.

9 The third paragraph says --

10 A. Oh, it wasn't written by me, obviously,  
11 was it?

12 Q. No, it doesn't look like it.

13 A. No.

14 Q. It looks like it's written by Vicar for  
15 Clergy. It's referring to you, however?

16 A. Uh-huh. Yes.

17 Q. And it says Dear Norb, third paragraph,  
18 our attorney, John O'Malley, continues to monitor  
19 developments to gain your early release. As you  
20 well know, these things never move quickly but I  
21 can assure you it is in progress and the Cardinal  
22 remains committed to doing whatever needs to be  
23 done.

24 Is that -- is that the state of affairs at

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1 Q. In the middle of the last paragraph, you  
2 state it would be great fulfillment of millennium  
3 spirit to see your captive heart set free.

4 What does that mean, Cardinal?

5 A. It means that if he goes to the Denier's  
6 Group and owns his own behavior, he will be free in  
7 a way that is impossible as long as you refuse to  
8 accept responsibility for your actions.

9 Q. When you wrote this to Father Mayday, had  
10 you written anything to any of his victims wherein  
11 you expressed prayers for them and that it would be  
12 great fulfillment of the millennium spirit and that  
13 you wanted to help them set them free from the  
14 captive damage that Mayday had imposed upon them?

15 A. Our Victim's Assistance Ministry is  
16 designed to do that and I talk to everyone who asks  
17 to talk to me.

18 Q. My question is did you ever take any  
19 initiative to write them when they hadn't demanded  
20 or personally requested it?

21 A. At this time, I wasn't aware of their  
22 names. It all happened before I came to Chicago.

23 Q. But their names are in the file but you  
24 never went and looked?

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1 least --

2 A. This is still the year 2000 and, again,  
3 these are letters written to encourage him to  
4 cooperate with the authorities and to get the  
5 psychological help he needs.

6 Q. 34, I'll show you quickly, is a letter  
7 directly from you to Norbert Mayday dated September  
8 7, 2000. The last sentence in the first paragraph  
9 says let us pray for an early release.

10 So you're still working and praying for  
11 his release, early?

12 A. This is the year 2000.

13 Q. Got it.

14 A. The last several years, I'm working and  
15 praying that he not be released for the protection  
16 of kids.

17 Q. I'm going to skip a couple and go to 2002  
18 now, February 4th. And this is another letter from  
19 you to Mayday in 2002. The second paragraph --

20 MR. KLENK: Could you identify it please for  
21 the record, Mr. Anderson.

22 MR. ANDERSON: 39. I'm sorry.

23 BY MR. ANDERSON:

24 Q. Do you have that before you, Cardinal?

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1 A. I have that. Thank you.  
2 Q. Second paragraph, you state we have tried  
3 as you know a number of avenues to see if your  
4 sentenced might be reduced or parole be given  
5 early. So far, we have not had any success but  
6 we'll keep trying and I personally hope that you  
7 will not lose hope.

8 So you haven't reviewed the file yet of  
9 Mayday or you have?

10 A. No, I have not.

11 This is a letter from a bishop to a priest  
12 to try to be a father to a son.

13 Q. Did -- did it occur to you in 2002 what it  
14 would mean to the victims that he had been  
15 convicted of having abused as children if you had  
16 been successful in facilitating the early release  
17 of this convicted offender?

18 A. The victims were being cared for by the  
19 Victim's Assistance Ministry. And, in fact, later,  
20 I did talk to some in a larger group. The fact  
21 that he would never function as a priest again was  
22 what most of the victims that I spoke to were most  
23 concerned about, not whether he was in prison or  
24 not.

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1 Q. Those victims that you referred to that  
2 you spoke to, did you ever let them or anybody  
3 outside your control group ever know -- ever let  
4 them or anybody outside of your control group know  
5 that you were trying to secure the early release of  
6 Mayday?

7 MR. KLENK: Objection to the form of the  
8 question.

9 Please answer.

10 THE WITNESS: It never came up.

11 BY MR. ANDERSON:

12 Q. Exhibit 40. This is a memorandum. This  
13 was now June 25, 2003.

14 Would this be a point in time where you  
15 have now reviewed the file or have yet to review  
16 the file of Mayday?

17 A. I reviewed in this sense, the report from  
18 the Review Board itself in this rudimentary fashion  
19 of what the cases disclosed in general.

20 Q. Okay.

21 And this is a summary of the discussion  
22 from the Professional Fitness Review Board meeting  
23 in June of 2003, correct?

24 A. That's correct.

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1 Q. And the last paragraph after stating that  
2 they conducted a second stage of an allegation that  
3 he had fondled genitals and gave minors alcohol and  
4 pot and that he was in bed with somebody who is  
5 blanked out at a hotel. Last paragraph, they state  
6 in a unanimous six-oh vote, the Review Board  
7 recommended to uphold their first stage review  
8 recommendation that there is reasonable cause to  
9 suspect the alleged misconduct occurred. Further,  
10 the Board reiterated their earlier recommendation  
11 that Mr. Mayday be laicized.

12 Is that -- did I read that correctly?

13 A. Yes, you did, sir.

14 Q. Did you follow the recommendation of the  
15 Review Board in 2003 to initiate the petition for  
16 laicization?

17 A. The list of those who would be laicized  
18 was being assembled. Until 2002, as you know, sir,  
19 a priest had to be asked to be laicized. Often  
20 after 2002 at the bishop's request could he be  
21 involuntary laicized and we were beginning to put  
22 the list together.

23 Father Mayday has been involuntarily  
24 laicized now.

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1 Q. Well, I was under the impression that for  
2 misconduct and de lex or violations of the canons  
3 and crimes that the Ordinary has the power and the  
4 ability under the -- the 1913 code of canon law as  
5 revised in 1983 to petition Rome for laicization  
6 involuntarily.

7 MR. KLENK: Objection, that's not a question.

8 BY MR. ANDERSON:

9 Q. Is that incorrect?

10 A. I believe that's incorrect.

11 Q. In any case, the Board in this exhibit  
12 says that they reiterated their earlier  
13 recommendation that he be laicized and it's your  
14 testimony that you couldn't petition for  
15 laicization then?

16 A. In 2003, we were beginning to get the  
17 cases of involuntary laicization together but we  
18 had to first ask if they would voluntarily be  
19 laicized. That was part of the demands of the  
20 process from the Holy See.

21 Q. So it took four years until late 2007 to  
22 petition that?

23 A. Well, it took a long time for a man who  
24 was in prison and, therefore, of no danger to

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1 anyone to get the case together. We had to be sure  
2 he would not ask and it took too long probably but  
3 he is laicized now.  
4 Q. Well, if you had been successful in  
5 securing his early release, he would have been a  
6 danger to -- to these kids, wouldn't he have?  
7 A. Yes --  
8 MR. KLENK: Objection.  
9 THE WITNESS: -- I suppose but in this case, we  
10 were not going that way.  
11 BY MR. ANDERSON:  
12 Q. 42 --  
13 MR. ANDERSON: I'm going to take a brief break  
14 here.  
15 THE VIDEOGRAPHER: We are going off the record  
16 at 5:01 p.m. This is the end of videotape number  
17 five.  
18 (A short break was taken.)  
19 THE VIDEOGRAPHER: We are going back on the  
20 record at 5:23 p.m. This is the beginning of  
21 videotape number six.  
22 BY MR. ANDERSON:  
23 Q. Cardinal, I need to go back on something  
24 here and try to clarify it.

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1 In that ten days, did the norms change?  
2 A. Yes. We recognized that we had to ask a  
3 priest to step back while the investigation is  
4 going on instead of only after we know that he has  
5 offended.  
6 Q. The bottom line, Cardinal, is that the  
7 norms didn't change. You decided to change the way  
8 you were doing business when it came to removal of  
9 priests because of McCormack?  
10 A. We went beyond the norms and still are  
11 beyond the norms.  
12 Q. Bottom line is that -- the norms are only  
13 guidelines. You're not required to follow those  
14 and you, as the Cardinal --  
15 A. That's -- I'm sorry.  
16 Q. Are you required to follow them?  
17 A. I am.  
18 Q. You, as Cardinal, had the power and at all  
19 times had the power, notwithstanding the norms, to  
20 remove McCormack if you thought he posed a risk of  
21 harm to children, correct?  
22 A. No. A bishop must always follow the norms  
23 and laws of the church.  
24 Q. Did you say that the norms actually

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1 Regarding McCormack, I believe you  
2 testified that you could not remove him from  
3 ministry because the norms prevented you from doing  
4 so?  
5 A. Until the process was completed but the  
6 authorities knew and he was restricted and  
7 monitored and --  
8 Q. Okay.  
9 A. -- the protection of children was in the  
10 process.  
11 Q. And I believe you also said that in  
12 connection with Bennett, you removed Bennett before  
13 the Board investigation was completed?  
14 A. I removed him and then I discovered that  
15 they hadn't fulfilled their own protocol in the  
16 investigation.  
17 Q. But you removed him before the Board  
18 investigation was completed, did you not?  
19 A. The -- the second time? That was because  
20 we changed our policies and asked the priests to  
21 step back voluntarily which is our policy now.  
22 Q. Cardinal, the removal of McCormack was on  
23 January 21, '06. The removal of Bennett was  
24 February 1, '06. That's ten days.

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1 changed then between January 21, '06 and  
2 February 1, '06?  
3 A. Our application of the norms was altered  
4 so that we could ask him to voluntarily step aside  
5 and he did.  
6 Q. So the norms didn't change?  
7 A. No.  
8 Q. You changed the way you wanted to handle  
9 the problem, correct?  
10 A. We are still within the norms because the  
11 priest voluntarily steps aside. He's not removed  
12 until after the Review Board makes its decision and  
13 that's within the norms.  
14 Q. So you had discretion, if you wanted to,  
15 to have removed McCormack just as you did Bennett,  
16 correct?  
17 A. I did not feel that the norms permitted  
18 it.  
19 Q. But you did it anyway in the case of  
20 Bennett?  
21 A. We applied the situations' norms to say  
22 would you please step down. That's different from  
23 formal canonical removal.  
24 Q. There was nothing that prevented you from

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1 having done that with McCormack, was there?  
 2 A. Except that the norms that permit us to  
 3 impose this penalty also say you can remove from  
 4 ministry an offending priest, not an accused  
 5 priest.  
 6 Q. Did Father Stepek voluntarily step down?  
 7 A. Yes, he did.  
 8 Q. Is that because you would have begun the  
 9 review process if he had not?  
 10 A. Would you say that again, please?  
 11 Q. Is that because you would have begun the  
 12 removal process if he had not?  
 13 A. They would have begun to investigate.  
 14 They did that right away. We asked him to step  
 15 back during the investigation instead of to be  
 16 monitored in place while -- until the investigation  
 17 was finished, yeah.  
 18 Q. I'm going to -- are you suggesting by that  
 19 answer then if the priest doesn't step down on his  
 20 own having been accused that you're required to  
 21 leave him in ministry?  
 22 A. I would try to find some way to be sure  
 23 that he was not in ministry now while the process  
 24 of investigation was going on. I haven't had to

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1 about. So I'm going to ask you if -- if --  
 2 about -- about this.  
 3 So just to be brief on this, I'll  
 4 represent to you that this is a declaration of  
 5 Cardinal Norberto Rivera who is, as you know, the  
 6 cardinal in Mexico City.  
 7 A. Yes, I know.  
 8 Q. And it also is in connection with a case  
 9 involving Cardinal Roger Mahoney who you know to be  
 10 the cardinal in L.A.?  
 11 A. Yes.  
 12 Q. And this document was filed in a case  
 13 where both of them are named as defendants and  
 14 Cardinal Rivera filed this, I'll represent, to  
 15 explain his actions in that connection.  
 16 And I direct your attention in this  
 17 affidavit to the third page of it and the bottom of  
 18 the affidavit. I'm just going to read a passage as  
 19 recited by Cardinal Rivera under oath. However,  
 20 because I suspected that Father Aguilar might be  
 21 homosexual, I cautioned that the motivation for  
 22 Father Aguilar's trip to Los Angeles was, quote,  
 23 family and health reasons, unquote. The phrase  
 24 family and health reasons was used within the

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1 find one so far because they've cooperated.  
 2 Q. In other words, if you have the will,  
 3 there is a way, Cardinal, right?  
 4 MR. KLENK: Please don't point at the man.  
 5 THE WITNESS: Within the process and the norms,  
 6 a bishop must obey the rules of the church. We're  
 7 all in a society of law in the church too.  
 8 BY MR. ANDERSON:  
 9 Q. In other words, if you have the will and  
 10 you want to, there is a way within the norms and  
 11 the process of the church to remove an offender  
 12 who --  
 13 A. Not always. You have to -- I'm sorry.  
 14 Q. Just a moment.  
 15 -- to remove an offender from ministry who  
 16 may pose a risk of harm to children, right?  
 17 A. Within -- within the rules that govern my  
 18 conduct.  
 19 Q. Cardinal, I'm going to show you 214. Now,  
 20 this is a document that we had supplied that is in  
 21 connection with another case. No case pertaining  
 22 to this Archdiocese. It is a document filed with  
 23 the court by another cardinal pertaining to some --  
 24 some practices that these two cardinals are talking

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1 church to warn that a priest suffers from some sort  
 2 of problem.  
 3 My question to you, Cardinal, as a  
 4 cardinal and former bishop and former Vicar General  
 5 of the Oblates order, is it or was it -- is that  
 6 correct? Is that phrase, family and health  
 7 reasons, somehow used within the church by bishops  
 8 and cardinals to warn if a priest suffers from some  
 9 sort of problem?  
 10 MR. KLENK: I would object to the form of the  
 11 question. Also, that it's not likely to lead to  
 12 discovery of admissible evidence in any dispute.  
 13 You can answer.  
 14 THE WITNESS: I don't recognize that as some  
 15 kind of phrase to indicate a problem other than  
 16 family and health reasons.  
 17 BY MR. ANDERSON:  
 18 Q. I've looked at a lot of files that have  
 19 been maintained by the Archdiocese and there are  
 20 often references to a problem, the problem and the  
 21 like.  
 22 ... Is there a code or a phrase such as the  
 23 problem reoccurring and the problem being used  
 24 among leadership in the church that's code for

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1 sexual abuse?  
 2 MR. KLENK: Objection, form.  
 3 THE WITNESS: I know of no such code. I don't  
 4 use it. Never have. I'm not sure what they use in  
 5 Mexico or what they may have used in years past  
 6 even here but there is no such code that I'm  
 7 familiar with or was ever introduced to.  
 8 BY MR. ANDERSON:  
 9 Q. Is there a code of secrecy among the  
 10 clerics and the bishops in particular to keep  
 11 offenses by their clerics secret to avoid scandal?  
 12 A. No.  
 13 Q. Why, Cardinal, until recently did you not  
 14 make known the names of all of the offenders that  
 15 have been known to this Archdiocese for so many  
 16 years public?  
 17 A. They were made known when they were  
 18 removed from ministry and everyone was alerted to  
 19 that fact. Their names appeared in the newspapers  
 20 and have many times. Their names are public in  
 21 the -- the website so that if somebody wants to  
 22 check about the history of a priest to know if  
 23 there was an allegation substantiated against him,  
 24 that name is on our website.

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1 Q. Cardinal, isn't it correct that when  
 2 priests were removed before 2002 from ministry by  
 3 the Archdiocese for suspected sexual offenses, the  
 4 parishioners were told they were being removed but  
 5 they said it was for problems unspecified?  
 6 A. I don't know what the past practice was.  
 7 Q. I'm saying before 2002.  
 8 A. When I came, the practice was to notify  
 9 the parishes if we withdrew a priest for this crime  
 10 and to say why he was removed. That's what I was  
 11 told.  
 12 Q. Can you tell me one instance, cite one  
 13 instance between 1997 and 2002 where the  
 14 parishioners were told the priest was being removed  
 15 because he was suspected of or had committed sexual  
 16 abuse?  
 17 A. I don't know right now that I can recall  
 18 any such removals.  
 19 Q. Cardinal, I'd like to -- I'd like to draw  
 20 your attention to Exhibit 208. This is a lawsuit  
 21 that we filed against the Archdiocese and naming  
 22 the Catholic Bishop and this was served and made  
 23 public on January 31, 2006. You became aware of  
 24 this action, did you not? This action was

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1 specifically to require this Archdiocese to make  
 2 public the names of those offenders who had been  
 3 found to have had credible allegations made against  
 4 them to be made public and known to the community  
 5 of faith.  
 6 Do you recall this suit?  
 7 A. I don't recall it as such. I recall the  
 8 fact that there was such a suit to make public the  
 9 names of all the offenders.  
 10 Q. Yes.  
 11 A. Yes.  
 12 Q. And you can see on the date of this that  
 13 it was filed on or about January 31, 2006.  
 14 Is it correct, Cardinal, that as of that  
 15 time, the names of the offenders known to you and  
 16 the Archdiocese --  
 17 MR. KLENK: Please don't point.  
 18 BY MR. ANDERSON:  
 19 Q. Isn't it correct that the names of the  
 20 offenders known to you and the Archdiocese had not  
 21 been made public as of January 31, 2006?  
 22 A. Oh, they were public. They were in the  
 23 newspapers. They were on our website. They were  
 24 public.

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1 Q. Is it your testimony that the names of the  
 2 offenders were posted on the website?  
 3 A. Well, all the priests were on the website  
 4 and anyone could write and ask for a complete file  
 5 of the priest's history and then they would know if  
 6 there was an allegation against him or not.  
 7 Q. Isn't it correct that before February 1,  
 8 2006 if somebody wanted to know if a priest had  
 9 been credibly accused, they had to write the  
 10 Archdiocese and request the information?  
 11 A. That's true.  
 12 Q. And isn't it true that there was no  
 13 website that they could look on at that time that  
 14 would tell them that information unless they  
 15 requested it?  
 16 A. That's true.  
 17 Q. And isn't it also true that, ultimately,  
 18 after this lawsuit was filed, that -- that you and  
 19 the Archdiocese did create a website where those  
 20 names were posted?  
 21 A. Separately as a list. Given the fact that  
 22 they were all out there anyway, with the exception  
 23 of a few priests who were accused only after they  
 24 had left the ministry, we decided it was good in

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1 the present circumstances to publish a list as  
2 such.  
3 Q. What prevented you, as Cardinal Archbishop  
4 of the Archdiocese of Chicago, of making those  
5 names public until you did put them on your website  
6 sometime in 2006?  
7 A. They were public, sir.  
8 Q. I'm talking about a listing of the names.  
9 A. To put a separate list, is that what --  
10 Q. Yes.  
11 What prevented you from having put the  
12 list that you had already compiled and had in your  
13 possession and making it public and known to the  
14 public by posting it before 2006?  
15 A. A concern that the process wasn't perfect  
16 and reasonable cause to suspect is a very, very low  
17 threshold and, therefore, it wasn't perhaps fair to  
18 bring out the names of deceased people who had had  
19 no chance to defend themselves, the names of  
20 priests who had already left the ministry. A  
21 concern of that nature about fairness.  
22 Q. You didn't want to post that information  
23 until 2006 because you wanted to protect against  
24 false allegations and rash removals, right?

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1 A. Perhaps in part but that is hard for me to  
2 reconstruct my mind-set. I'm sorry.  
3 Q. I quoted you when I said protect against  
4 false allegations and rash removals.  
5 Do you remember using those words?  
6 A. I don't remember but as I said, in part,  
7 that would have been something that shaped my  
8 thinking on this.  
9 Q. I'm going to show you what we've marked  
10 Exhibit 217. Again, this is a document that came  
11 from Archdiocese files pertaining to McCormack.  
12 And while the names have been, obviously, deleted  
13 as has birth -- dates of birth, Review Board action  
14 has been, at least, delineated in some instances.  
15 Charges, DCFS action and claims have all been  
16 delineated here.  
17 Have you ever reviewed this document?  
18 A. No. I --  
19 MR. KLENK: I'm not sure -- is this an  
20 Archdiocese document? There's no Bate's.  
21 MS. ARBOUR: Because they covered up the  
22 writing when they copied it.  
23 MR. ANDERSON: Yes. Yes.  
24 MR. KLENK: Sorry to interrupt.

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1 THE WITNESS: I have not seen this document  
2 before, no.  
3 BY MR. ANDERSON:  
4 Q. Our read of -- reading of it is that there  
5 appears to have been 23 individuals who have made  
6 allegations of sexual abuse pertaining to  
7 McCormack?  
8 A. I don't see that here but I'll take your  
9 word for it.  
10 MR. KLENK: That's their reading of this.  
11 MR. ANDERSON: Yes. That's the way it appears  
12 to us to be a reading of it as it's been deleted by  
13 the representatives of the Archdiocese.  
14 BY MR. ANDERSON:  
15 Q. In any case, there are -- to your  
16 knowledge, Cardinal, how many allegations against  
17 McCormack have been made?  
18 A. I don't know.  
19 Q. Cardinal, what in your job as the head of  
20 the community of faith of the third largest Diocese  
21 in this country is more important than finding out  
22 who he has abused and ministering to them?  
23 A. There are nothing that's more important  
24 and that's being done by the people whom we talked

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1 about all afternoon. The process in place to take  
2 each of these -- four of them have been decided as  
3 reasonable and the rest are still being  
4 investigated that you have on here. There are only  
5 12 or so on here that I read but the process is in  
6 place to try to address that, sir. And it's very  
7 important that it be addressed. We have taken each  
8 allegation as they've come forward and tried  
9 respectfully to address the victim and then to  
10 determine the facts of the case.  
11 Q. I had showed you some earlier documents in  
12 connection with Father Mayday and others where you  
13 are personally writing to the offender accused and  
14 in his case, convicted, that is, a letter from you  
15 to him.  
16 Do you recall these letters to Mayday, for  
17 example?  
18 A. I do.  
19 Q. You told me that -- when I asked you  
20 that -- about -- what about the victims, you said  
21 that you delegate that to the -- to the Victim's  
22 Assistance Ministry people, correct?  
23 A. It begins there. I'm often involved in  
24 the final discussions and I ask to be involved so I

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<p>1 can apologize and try to see if, in fact, we have  2 met the needs of the victims as much as we could.  3 Q. Why is it, Cardinal, that you can write  4 directly to the perpetrators accused to -- to try  5 to help them such as get Mayday out of jail or  6 whatever when you don't write directly to these  7 victims at the beginning of the process?  8 A. Because somebody has to tell me  9 information that I might base a letter on and it  10 isn't always sure what a victim will make of such a  11 letter. Sometimes victims resent being addressed  12 by a bishop out of the blue. We ask the victim  13 when can the cardinal apologize, when can the  14 cardinal come into the process. That is asked  15 right at the beginning.  16 MR. ANDERSON: That's all I have.  17 MR. KLENK: I -- I have a few questions.  18 EXAMINATION  19 BY MR. KLENK:  20 Q. I want to ask you a few questions. We've  21 been sitting here all day. This is not our time to  22 respond to every point but I would like to touch on  23 some things.  24 Do you recall being shown a series of</p> <p style="text-align: right;">285</p>	<p>1 Parole Commission in Wisconsin that it is dangerous  2 to allow Mayday to be out of custody and that we  3 are unable to monitor him or control him in any  4 way. He is going to be falsified, as he has been,  5 and we believe for the safety of children, Norbert  6 Mayday should remain in custody.  7 Q. I'd like to go through the reasons you set  8 forth for that in this letter. If you'd look at  9 the last paragraph on the first page of Exhibit 1  10 beginning my first reason.  11 Could you read that for the people?  12 A. My first reason is the protection of the  13 vulnerable. For the safety of young people and for  14 the peace of mind of the citizenry, Norbert Mayday  15 would require a comprehensive program of  16 monitoring. This Archdiocese lacks the resources  17 to monitor him. Equally significant, this  18 Archdiocese lacks the coercive police power to  19 effectively enforce such monitoring. This is also  20 why I'm seeking to have him dismissed from the  21 priesthood.  22 Q. If you would turn the page of the letter  23 and I'd like you to read to the people your second  24 reason?</p> <p style="text-align: right;">287</p>
<p>1 letters involving Norbert Mayday?  2 A. Yes.  3 Q. I want to show you a letter that  4 Mr. Anderson didn't show you and I would mark this  5 Exhibit A.  6 MS. ARBOUR: There is an A. You can go E if  7 you'd like.  8 MR. KLENK: We'll call it AO -- AOC 1.  9 (Whereupon, AOC Deposition  10 Exhibit No. 1 was marked for  11 identification.)  12 BY MR. KLENK:  13 Q. Cardinal, the court reporter has placed in  14 front of you what's been marked AOC 1. It's a  15 letter dated April 11, 2007 to the Parole  16 Commission in Wisconsin and it's from Francis  17 Cardinal George.  18 Is that your signature?  19 A. Yes, it is.  20 Q. Did you send this letter on or about the  21 date that it bears to --  22 A. Yes, I believe I did.  23 Q. What is the purpose of this letter?  24 A. The purpose of this letter is to tell the</p> <p style="text-align: right;">286</p>	<p>1 A. My second reason is that the ministry and  2 life of this Archdiocese would be gravely affected  3 by simply receiving Norbert Mayday back into our  4 system as a priest even with restrictions and  5 conditions. The position of a Catholic priest is a  6 position of public trust, not just for Catholics  7 but for all people. To have him present in the  8 midst of the Archdiocese as a priest, even though  9 permanently withdrawn from public ministry,  10 undermines the credibility and ministry of us all.  11 Q. And there's a final reason that you have  12 for the Parole Commission not to release  13 Mr. Mayday.  14 What is that?  15 A. Finally, given the history and the  16 widespread knowledge of his situation, it would be  17 a cause of scandal to the Catholic faithful and to  18 all people if he were to return to the Chicago  19 metropolitan area and remain a priest. Because the  20 facts of his case are so public, it is no longer  21 possible for this Archdiocese to house him at an  22 ecclesiastical facility.  23 Q. What changed between the time you wrote  24 this letter and the ones that Mr. Anderson showed</p> <p style="text-align: right;">288</p>

1 you earlier today?  
 2 A. Two things. At least one is we began to  
 3 receive more allegations and the Review Board found  
 4 them reasonable. It was reasonable cause to  
 5 suspect and there were many of them and they were  
 6 terrible. Secondly, the lack of acceptance of  
 7 responsibility for his own behaviors, his continued  
 8 denial that he'd done anything wrong meant that he  
 9 was dangerous and is dangerous.  
 10 Q. I'm going to change subjects now to  
 11 another subject that was raised to you. There were  
 12 questions about Father Bennett. I'm going to show  
 13 you what's -- was marked as Exhibit 86. 86 is one  
 14 of the exhibits that was shown to you and on that  
 15 Exhibit 86, there is a date of the alleged incident  
 16 that the abuse occurred.  
 17 Could you read that for us? What date is  
 18 that?  
 19 A. 1963.  
 20 Q. What is your understanding of the time  
 21 period in which the alleged abuse of Father Bennett  
 22 occurred?  
 23 A. Would you repeat that, please?  
 24 Q. What is your understanding of the time

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1 period when Father Bennett was allegedly involved  
 2 in abusing minors?  
 3 A. This incident says from 1963 to 1964.  
 4 Q. Do you have any understanding of when  
 5 other incidents in the allegations that were shown  
 6 you?  
 7 A. I don't recall in detail but it was around  
 8 the same time period or perhaps a few years later.  
 9 Q. So that was 35 years ago?  
 10 A. Yes, those incidents would have been.  
 11 Q. Do you recall being asked questions about  
 12 weighing what's important, the rights of priests  
 13 versus protecting children?  
 14 A. Yes.  
 15 Q. And you recall a series of questions being  
 16 asked about why you didn't talk to victims but  
 17 wrote letters to priests.  
 18 Do you recall that?  
 19 A. Yes.  
 20 Q. Do you care about victims of -- abuse of  
 21 minors?  
 22 A. Yes, I really do.  
 23 Q. What does the Archdiocese of Chicago do to  
 24 care for the victims of those who have been abused?

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1 A. Well, when an allegation is made, even  
 2 before we know that there's reasonable cause to  
 3 suspect, the Victim's Assistance Ministry is  
 4 encouraged, even if they're not contacted directly  
 5 by the accuser, to reach out and to offer spiritual  
 6 help, counseling, to speak with the accuser and to  
 7 try to discover how we might help. Part of that  
 8 help, of course, is monetary settlements and part  
 9 of it also is a conversation with me if that will  
 10 not be burdensome to the victim.  
 11 My experience is that sometimes victims  
 12 are so injured by the church that for a cardinal to  
 13 come into their lives at any time is not really  
 14 helpful but I've also experienced times when  
 15 because of the good work of the Victim's Assistance  
 16 Ministry, my conversations with them, I think, have  
 17 been helpful to them.  
 18 Q. Do you and the Archdiocese of Chicago want  
 19 victims that have been abused by priests to come  
 20 forward?  
 21 A. Absolutely.  
 22 Q. Why is that?  
 23 A. For the healing and for freeing someone so  
 24 they don't go through life with this enormous

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1 burden. It always stays with them even when they  
 2 seem to be in control of their life. If you touch  
 3 a certain button, it's as if it happened yesterday  
 4 for many of them. And so the more that they can  
 5 understand that they're not alone and that there is  
 6 some help, at least -- and sometimes it's quite  
 7 successful and sometimes less -- the better off  
 8 they will be and the better off all of us will be.  
 9 This is some way of trying to make some  
 10 reparation for this terrible crime against these  
 11 victims.  
 12 Q. Does the Archdiocese of Chicago -- how  
 13 does it make it known to victims that you have  
 14 assistance available to them?  
 15 A. We have regular announcements in the  
 16 Chicago New World, the Catholic paper, and also in  
 17 the parish bulletins. If you go to our  
 18 Archdiocesan website, there are many, many pages of  
 19 information on how allegations are processed so the  
 20 person isn't caught by surprise. The phone numbers  
 21 are all there, the names of the people to contact.  
 22 And every priest knows those numbers. Every  
 23 receptionist at a rectory has those numbers in  
 24 front of her or in front of him so that if a call

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1 comes in, it can be directed to the people who can  
2 be of help.  
3 Q. I want to switch to another subject now.  
4 A. Yes.  
5 Q. Mr. Anderson asked you some questions  
6 about what was marked as Exhibit 106. Could you  
7 get it there in front of you? Here we go. I'm  
8 going to hand it to you.  
9 A. Oh, yeah.  
10 Q. Exhibit 106 is the Defenbaugh and  
11 Associates report?  
12 A. Yes, it is.  
13 Q. Who is Daniel Defenbaugh?  
14 A. He's a former FBI man who -- which is well  
15 known and I think respected as an investigator. I  
16 believe I mentioned he had investigated the  
17 Oklahoma City bombings to try to get to the facts  
18 of that case. Other very complex cases he's been  
19 involved in. So we wanted to know what went so  
20 wrong in the case of McCormack, why did this  
21 terrible injury take place and we asked him to come  
22 and make a report.  
23 Q. So you asked Mr. Defenbaugh to make a  
24 report?

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1 A. Yes.  
2 Q. And -- and why did you ask Defenbaugh and  
3 Associates to come in and take a look at the  
4 Archdiocese and what happened in these cases?  
5 A. So we would know what went wrong and we  
6 could then correct the situation so it wouldn't  
7 happen again.  
8 Q. What did you do with this report that's  
9 marked Exhibit 106 after you received it?  
10 A. We released it to the press. We had a  
11 press conference that presented it to them and it  
12 is now on our website. It's public.  
13 Q. And does this report recommend any changes  
14 in how cases are treated in the Diocese?  
15 A. The judgments have been taken to look at  
16 our policies and make changes in the way we treat  
17 the cases. We put together a group of 12 people  
18 including a victim and a plaintiff's lawyer and  
19 experts, some of who have been involved early on as  
20 the Archdiocese addressed this in the early '90s  
21 before I came, to see that the policy  
22 recommendations that were indicated here have, in  
23 fact, been put into place in the Archdiocese. They  
24 made a report after a year to analyze not just

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1 Defenbaugh's work but our work in response to it.  
2 Q. You'll set that aside. I have just one  
3 more area I want to touch on. I know it's late  
4 here.  
5 Could you find Exhibit 127 which is in  
6 front of you. Tell you what, I'll give -- I'll  
7 give you mine so we can move this along. Here we  
8 go. I've handed you what's been -- take a look at  
9 that. Got it?  
10 A. Yes.  
11 Q. I've handed you what's been marked as  
12 Exhibit 127?  
13 A. Uh-huh.  
14 Q. And would you tell me what that is?  
15 A. This is a notification from the Illinois  
16 Department of Children and Family Services given to  
17 Dan McCormack on December 14, 2005, not given to  
18 the Archdiocese until January 31, 2006.  
19 Q. And this letter from DCFS was sent to who?  
20 A. Dan McCormack.  
21 Q. And this letter states in the -- looks  
22 like the third full paragraph, an indication means  
23 that DCF investigations found credible evidence of  
24 child abuse and neglect. Credible evidence means

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1 that the facts gathered during the investigation  
2 would lead a reasonable person to believe that a  
3 child was abused or neglected.  
4 Was this letter sent to -- to you?  
5 A. No, it was not. No, it was not. This is  
6 very painful.  
7 Q. Was this letter sent to the offices of the  
8 Archdiocese of Chicago?  
9 A. No, it was not.  
10 Q. Had you received this letter, what would  
11 you have done?  
12 A. Had I known that DCFS was investigating,  
13 that would have been reason to remove  
14 Father McCormack from ministry. Had I received  
15 this, that would have been the equivalent of the  
16 Review Board and he would have been out and that's  
17 why I find it very painful to know that somebody  
18 did believe and had concluded that he had abused a  
19 child and we were not apprised of that information.  
20 Q. You say you find it painful.  
21 Why -- why is that?  
22 A. Because children were abused after this  
23 date when DCFS knew that he had most probably  
24 abused a child.

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1 MR. KLENK: I have no further questions.  
2 FURTHER EXAMINATION  
3 BY MR. ANDERSON:  
4 Q. Cardinal, you said that had you known DCF  
5 was investigating, you would have removed McCormack  
6 but you did know that the Chicago Police were  
7 investigating McCormack and you didn't remove him,  
8 did you?  
9 A. I did not know they were investigating.  
10 They had released him.  
11 Q. But you knew they had arrested him and  
12 that means that they were investigating him.  
13 You knew that, didn't you?  
14 A. No, I did not.  
15 Q. You didn't know they had arrested him?  
16 A. Yes.  
17 Q. You didn't know they had detained him?  
18 A. Yes.  
19 Q. You -- what do you call the police  
20 interrogating him and arresting him if it's not an  
21 investigation? What do you call it?  
22 A. The conclusion of their investigation was  
23 they released him. That was -- they had terminated  
24 their investigation, I thought.

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1 revealed to you here today?  
2 A. I think he does go into the Bennett  
3 report.  
4 Q. He reaches a conclusion but he doesn't  
5 detail any of the facts pertaining to Bennett that  
6 underlies his conclusion or make reference to the  
7 files that we've reviewed together here today, does  
8 he?  
9 A. I don't recall that but I'll take your  
10 word for it. Those facts, of course, are decades  
11 old reported more recently. So I think there was a  
12 difference and perhaps -- I can't speak for  
13 Defenbaugh -- he thought the two cases were very  
14 different in the case --  
15 Q. Well, because the facts of Bennett were so  
16 old, are you suggesting that somehow because you  
17 know it happened in '63-'64 that Bennett somehow  
18 stopped abusing people in '63 or '64?  
19 A. I'm not suggesting anything.  
20 Q. Then why not make those facts as old as  
21 you think they may be public knowledge so it -- so  
22 it can be aired?  
23 A. When he was removed, the facts without  
24 going into details to expose a victim were made

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1 Q. You were just asked about the Defenbaugh  
2 report that was made public by you?  
3 A. Yes.  
4 Q. And when was that made public?  
5 A. I believe shortly after we received it.  
6 Q. And what's the date on it? That's okay.  
7 It was in 2007 or six?  
8 A. Six, I think. I don't see any date here.  
9 I'm sorry.  
10 Q. In any case, this report was prepared by  
11 you at your request under intense public pressure  
12 over the McCormack scandal, correct?  
13 MR. KLENK: I object to the form of the  
14 question.  
15 THE WITNESS: Well, it's fair enough but it was  
16 also internal pressure. We wanted to know what  
17 went wrong, a system that had worked, that had been  
18 effective in protecting children suddenly didn't  
19 work.  
20 BY MR. ANDERSON:  
21 Q. If you really wanted to know what went  
22 wrong when you made this report public, why didn't  
23 you have Defenbaugh make known to you and to the  
24 public what happened with Bennett that we've

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1 public.  
2 Q. You were asked about caring about victims  
3 and what the Archdiocese has done.  
4 If you care that much about victims, why  
5 don't you make all the information that we have  
6 shared with you today and that has been shared with  
7 us just recently concerning all of this public and  
8 why haven't you?  
9 A. Mr. Anderson, I care very much about  
10 victims. I've talked to them. I really do.  
11 Q. Why don't you make this stuff public?  
12 A. What stuff?  
13 Q. The exhibits we reviewed here today that  
14 have just been revealed to us concerning  
15 Father Bennett, concerning Father Mayday,  
16 concerning Father McCormack, concerning  
17 Father Skriba and others.  
18 Why haven't these files been made known to  
19 the public?  
20 A. The question is to take incidents that  
21 involve minor children and publish them as stories?  
22 Q. Are you done with the answer?  
23 A. I'm sorry. I answered with a question.  
24 Q. Okay.

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1 A. But it's -- It just seems to me not to be  
2 the thing to do. The victims themselves would not  
3 want to see their stories paraded in public, I  
4 think. They should make that public if they want  
5 to. I don't think we have a right to make those  
6 stories public.  
7 Q. The information that we've shared with you  
8 today is not accessible to these victims about what  
9 the Archdiocese knew and when they knew it and what  
10 they did and what they didn't do with it. Only you  
11 have this information and your representatives,  
12 Cardinal.  
13 A. I am not aware of that. I think if  
14 someone asked are there other victims, they're told  
15 that there are. When information is asked for,  
16 provided you're not violating someone else's  
17 privacy, my understanding is that it's given.  
18 Q. Cardinal, you were shown by counsel AOC 1  
19 that is the -- the Mayday letter of April 11, 2007.  
20 And you said that you released this letter for a  
21 number of reasons --  
22 A. This is not what you're talking about  
23 here.  
24 Q. I know.

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1 And one of the reasons was because the  
2 facts of this case are so public, right?  
3 A. I'm not sure this letter was released to  
4 the public.  
5 Q. I'm referring to AO one -- AOC 1, the  
6 one --  
7 A. This is -- this is a private letter to  
8 Alfonso Graham.  
9 Q. Just a moment. I'm referring to the  
10 exhibit you were given earlier and shown earlier,  
11 that's the Parole Commission in Wisconsin letter.  
12 You made that public?  
13 A. I'm not aware of the fact that we made  
14 this public. This is the April 11, 2007 letter.  
15 Q. Yes. Okay.  
16 You wrote this letter -- excuse me. You  
17 didn't make this public.  
18 You wrote this letter for the reasons you  
19 stated, right?  
20 A. Yes.  
21 Q. The primary motivating reason that you  
22 wrote this letter on April 11, 2007 was because you  
23 and this Archdiocese was under intense public  
24 scrutiny concerning your handling of sexual abuse

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1 of the priests, correct?  
2 A. No, that's not correct.  
3 Q. Well, you state in the last letter because  
4 of the facts of his case are so public.  
5 You're referring to the Mayday case or the  
6 McCormack case?  
7 A. This is about Mayday.  
8 Q. Okay.  
9 A. We had publicized the allegations as they  
10 came forward when we went to parishes where the  
11 victims had lived.  
12 Q. The fact is that you didn't make this  
13 information public until April 11, 2002 because  
14 it -- 2007 because scandal could be avoided by not  
15 making this out and known to others?  
16 MR. KLENK: Objection to the form of the  
17 question.  
18 THE WITNESS: Would you please repeat the  
19 question?  
20 MR. ANDERSON: I'll withdraw the question.  
21 BY MR. ANDERSON:  
22 Q. I'm going to refer you to 45. You'll see  
23 that 45 is dated January 20, 2007.  
24 A. Uh-huh.

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1 Q. This pertains to Mayday and this is a  
2 Review Board meeting that is four months before the  
3 letter to the Parole Commission in Wisconsin,  
4 correct?  
5 A. Yes.  
6 Q. You'll see that at the second paragraph,  
7 the Board also made the following recommendations  
8 regarding Father Mayday based upon the information  
9 provided that the cleric is scheduled to be  
10 released from prison in October 2007. And  
11 recommendation to you number two there is on a  
12 nine-zero vote that Cardinal George -- George  
13 writes a letter and follows up with a phone call to  
14 the Wisconsin Prosecutors Office to state that the  
15 Archdiocese of Chicago recommends and supports that  
16 Father Mayday's sentence is extended.  
17 In fact, you wrote this letter because the  
18 Review Board recommended it, correct?  
19 A. Not only the Review Board, the Vicars For  
20 Priest, everyone concerned and I as well thought  
21 that he was a danger.  
22 Q. And why did it take you four months to do  
23 it after they recommended it?  
24 A. The man was in prison and the authorities

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1 of the Archdiocese including our legal department	1 were present at the deposition the attorneys
2 made it very clear, I was told, and finally I wrote	2 hereinbefore mentioned.
3 a letter but, you know, we actively worked not to	3 I further certify that I am not counsel for nor
4 permit this man to be released and he's not.	4 in any way related to the parties to this suit, nor
5 MR. ANDERSON: That's all I have. Thanks,	5 am I in any way interested in the outcome thereof.
6 Cardinal.	6 IN TESTIMONY WHEREOF: I have hereunto set my
7 THE WITNESS: Thank you very much.	7 hand and affixed my notarial seal this _____ day
8 THE VIDEOGRAPHER: We are off the record at	8 of _____, 2008.
9 6:12 p.m. This is the end of videotape number six.	9
10 (FURTHER DEPONENT SAITH NAUGHT.)	10
11	11
12	12
13	13 NOTARY PUBLIC, COOK COUNTY, ILLINOIS
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
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24	24
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1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )  
4 I, Liza Marie Regan, a notary public within and  
5 for the County of Cook and State of Illinois, do  
6 hereby certify that heretofore, to-wit, on the 30th  
7 day of January, 2008, personally appeared before  
8 me, at 330 North Wabash Avenue, Suite 2200,  
9 Chicago, Illinois, FRANCIS CARDINAL GEORGE, in a  
10 cause now in Cook County, Illinois, wherein DOE, et  
11 al. are the Plaintiffs, and CHICAGO ARCHDIOCESE is  
12 the Defendant.  
13 I further certify that the said witness was  
14 first duly sworn to testify the truth, the whole  
15 truth and nothing but the truth in the cause  
16 aforesaid; that the testimony then given by said  
17 witness was reported stenographically by me in the  
18 presence of the said witness, and afterwards  
19 reduced to typewriting by Computer-Aided  
20 Transcription, and the foregoing is a true and  
21 correct transcript of the testimony so given by  
22 said witness as aforesaid.  
23 I further certify that the taking of this  
24 deposition was pursuant to Notice, and that there

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