

THE DEPOSITION OF FRANCIS CARDINAL GEORGE

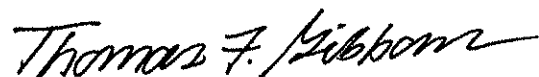
Francis Cardinal George gave a deposition on January 30, 2008 as part of the mediation of a group of legal claims brought by victims of childhood sexual abuse against the Archdiocese of Chicago. The purpose of the deposition was to allow the victims' attorney, Jeffrey R. Anderson, to ask Cardinal George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



Thomas F. Gibbons, Mediator

August 12, 2008

CONFIDENTIAL

<p>1 STATE OF ILLINOIS) 2) SS: 3 COUNTY OF COOK) 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 & 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 & 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 & 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 & 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 style="text-align: right;">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 style="text-align: right;">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 style="text-align: right;">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 style="text-align: right;">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>

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.

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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.

27

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.

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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

28

<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,

37

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.

38

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.

39

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

40

<p>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?</p> <p style="text-align: right;">41</p>	<p>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</p> <p style="text-align: right;">43</p>
<p>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?</p> <p style="text-align: right;">42</p>	<p>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</p> <p style="text-align: right;">44</p>

<p>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 --</p> <p style="text-align: right;">45</p>	<p>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.</p> <p style="text-align: right;">47</p>
<p>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</p> <p style="text-align: right;">46</p>	<p>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.</p> <p style="text-align: right;">48</p>

<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>

1 report.
2 Q. I'm going to ask you to look at Exhibit 1.
3 And as this is handed to you, you'll recognize this
4 to be the list publicly disseminated and known as
5 the Archdiocesan priests with substantiated
6 allegations of sexual misconduct with minors and --
7 MR. KLENK: Excuse me, Mr. Anderson. I have
8 something that's marked Exhibit 1A. Is that the
9 document we're talking about?
10 MS. ARBOUR: It's one. Sorry.
11 MR. KLENK: Thank you very much. Didn't mean
12 to interrupt.
13 MR. ANDERSON: No. Thank you.
14 BY MR. ANDERSON:
15 Q. And you'll see in the left-hand column,
16 Bishop Goedert had marked part of this exhibit
17 earlier but I'll just first ask you.
18 I've reviewed this exhibit and this is the
19 list of the substantiated allegations of sexual
20 misconduct with minors, right, as substantiated by
21 the Archdiocese?
22 A. I'm sure it must be if -- if you've done
23 that. I haven't read it but.
24 Q. And in it, my count is that there are 33

53

1 priests listed here who have been credibly accused
2 and have been removed after you became cardinal?
3 A. There -- yes.
4 Q. Is it your position that those 33 or so
5 priests that have been credibly recused -- accused
6 and removed from ministry after 1997 stopped
7 abusing?
8 MR. KLENK: Objection, foundation.
9 THE WITNESS: The -- I -- I can't say that's
10 the case. I know of -- of a priest who abused --
11 an Archdiocesan priest who abused a child while, to
12 my shame, I was Archbishop Is McCormack.
13 BY MR. ANDERSON:
14 Q. Is McCormack the only priest that has been
15 credibly accused on your watch?
16 A. Oh, no, but there have been priests who
17 have been credibly accused of crimes, sins that
18 took place before I became Archbishop but only
19 accused now since I've become Archbishop.
20 Q. Each of these 33 priests on Exhibit 1 were
21 removed after your Installation as Archdiocesan
22 Cardinal but you're aware that each of them had
23 been credibly accused of abuse that happened
24 earlier, correct?

54

1 A. In order to be removed, the Review Board
2 had to give me a finding that there was reasonable
3 cause to suspect they had abused a child no matter
4 when that happened.
5 Q. And would you agree, Cardinal, based on
6 your knowledge of this topic, sexual abuse, that
7 these priests once credibly accused are very likely
8 to have reoffended?
9 A. It's quite possible.
10 Q. And then it's quite possible that they
11 reoffended after 1985, is it not?
12 A. Some -- well, some are dead. Some are
13 long gone in other ways. But abstractly speaking,
14 there's always that possibility.
15 Q. And you're not going to know if they had
16 reoffended after 1985 unless you, as Cardinal,
17 either closely supervised them or removed them
18 completely from ministry, correct?
19 A. Or unless they're dead.
20 Q. Well --
21 A. Or they're no longer here. They're
22 laicized. No -- we have no supervision of the
23 laicized priests. So some are in nursing homes,
24 quite a few now, but what would you -- like -- I

55

1 guess yes.
2 Q. Okay.
3 A. All I'm saying, sir, is that the
4 circumstances are different from case to case.
5 Q. I'm going to show you what we marked as
6 Exhibit 201.
7 A. Thank you.
8 MR. KLENK: Thank you.
9 BY MR. ANDERSON:
10 Q. And we prepared this chart distilling the
11 information given us by the Archdiocese --
12 A. Uh-huh.
13 Q. And using Exhibit 1 and --
14 MR. KLENK: This is something you created then?
15 MR. ANDERSON: Yes.
16 BY MR. ANDERSON:
17 Q. And in it, we've identified priests
18 removed or that have resigned after 1997 for
19 allegations of sexual abuse made prior to 1997 when
20 you became Archbishop, okay?
21 A. Yes, sir.
22 Q. There are 11 names identified here and the
23 first column you'll see that the date when at least
24 the file shows that they were first known to have

56

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

57

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 advocacy
 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?

58

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?

59

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

60

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?

61

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

63

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

62

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

64

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.

65

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

67

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?

66

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.

68

<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

77

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.

78

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?

79

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,

80

<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 style="text-align: right;">81</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 style="text-align: right;">83</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 style="text-align: right;">82</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> <p style="text-align: right;">84</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?

85

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

87

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?

86

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?

88

<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

109

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

111

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?

110

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.

112

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.

113

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 --

114

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?

115

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?

116

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

117

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?

118

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

119

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.

120

<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

125

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

127

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

126

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,

128

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

129

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

131

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

130

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.

132

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.

133

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

134

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.

135

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

136

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.

137

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

138

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

139

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?

140

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

141

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.

142

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

143

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

144

<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.

149

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

150

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

151

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.

152