

**Fr. John Doerfler - 11/5/2010**  
**John Doe 119 vs. Roman Catholic Bishop of Las Vegas, et al.**

DISTRICT COURT  
CLARK COUNTY, NEVADA

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	)	
JOHN DOE 119,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. A555265
	)	Dept. No. II
	)	
ROMAN CATHOLIC BISHOP	)	
OF LAS VEGAS and His	)	
Successors, a Corporation	)	
Sole, f/k/a DIOCESE OF	)	
RENO-LAS VEGAS and its	)	
Predecessors and Successors,	)	
the CATHOLIC DIOCESE OF	)	
GREEN BAY, INC., and	)	
FR. JOHN PATRICK FEENEY,	)	
	)	
Defendants.	)	
	)	
-----	)	

**CERTIFIED  
TRANSCRIPT**

VIDEO DEPOSITION OF FR. JOHN DOERFLER  
Friday, November 5, 2010  
125 South Jefferson Street, Suite 205  
Green Bay, Wisconsin

COURT REPORTER: Jeffrey J. Watzak  
VIDEOGRAPHER: Depo International, Inc.

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1 Video Deposition of FR. JOHN DOERFLER, taken in the  
2 above-entitled matter before Jeffrey J. Watzak, a Notary  
3 Public, at 125 South Jefferson Street, Suite 205, Green  
4 Bay, Wisconsin, on Friday, November 5, 2010, commencing  
5 at approximately 2:28 p.m.  
6  
7  
8 **APPEARANCES:**  
9 Mr. Michael Finnegan  
10 Jeff Anderson & Associates  
11 366 Jackson Street  
12 Suite 100  
13 St. Paul, Minnesota 55101  
14 On behalf of the Plaintiff.  
15  
16 Mr. Peter Mazzeo  
17 Barron & Pruitt  
18 3890 West Ann Road  
19 North Las Vegas, Nevada 89031  
20 On behalf of the Defendants.  
21  
22 **ALSO PRESENT:**  
23 Deacon Timothy Reilly  
24  
25

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11 Original Notice of Taking Deposition --  
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20 **OBJECTIONS: Pages 25, 26, 27, 28, 29, 30, 31, 32, 33,**  
21 **34, 35, 37, 39, 41, 42, 43, 44, 46, 51, 52,**  
22 **53, 56, 57, 58, 63, 68, 77, 80.**  
23  
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1 **FR. JOHN DOERFLER,**  
2 **after having been duly sworn, testifies as follows:**  
3 **EXAMINATION**  
4 **BY MR. FINNEGAN:**  
5 Q. Father, could you state your full name and spell  
6 your last name for the record, please?  
7 A. **John Francis Doerfler, last name is spelled**  
8 **D-O-E-R-F-L-E-R.**  
9 Q. Father, could you -- have you ever had your  
10 deposition taken before?  
11 A. **No.**  
12 Q. What's -- what's your birth date?  
13 A. **November 2nd, 1964.**  
14 Q. Let me go over just a couple of the ground rules  
15 --  
16 A. **Sure.**  
17 Q. -- on a deposition. You understand that your  
18 testimony today is under oath?  
19 A. **Yes.**  
20 Q. You understand that the testimony that you give  
21 can get used in a court of law?  
22 A. **Yes.**  
23 Q. And that -- that brings up the next -- next set  
24 of instructions for you, and these are basically for the  
25 court reporter's benefit. A lot of times in normal

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1 conversation, we nod our heads, shake our heads like that  
2 and the court reporter can't get that down. And so if  
3 you do those, I'll ask you, Father, was that a yes, was  
4 that a no? And that's just so that he can get it down.  
5 Not trying to badger you at all. Does that make sense?  
6 A. **That makes sense.**  
7 Q. Another one that we do all the time in normal  
8 conversation is go hmm-mmm, um-mmm, same thing, it's very  
9 tough for Jeff, the court reporter, to get that down, and  
10 I'll ask you was that a yes or is that a no. Does that  
11 make sense?  
12 A. **That makes sense.**  
13 Q. The last one that -- that we tend to do all the  
14 time, it's hard for all of us, even the attorneys do it a  
15 lot, is not to talk over one another so that the court  
16 reporter can get it down. And so if you can try your  
17 best to wait until I'm all the way done with the  
18 question, even if you know exactly where I'm going with  
19 it, before you give your answer, I'll do the same for you  
20 on your answer and give you until the end before I ask  
21 you another one. Does that make sense?  
22 A. **That makes sense.**  
23 Q. If there's anything that -- any questions that I  
24 ask of you that you don't understand, I want you to stop  
25 and say I don't understand that, could you rephrase that.

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1 Does that make sense?  
2 **A. It does.**  
3 **Q. And, lastly, if you need any breaks at all, we**  
4 **can take as many breaks as you need. The only thing that**  
5 **I'd ask is if there's a question pending that you answer**  
6 **that, but otherwise, you're free to take as many breaks**  
7 **as you need, all right?**  
8 **A. Okay, thank you.**  
9 **Q. You were ordained in 1991?**  
10 **A. That's correct.**  
11 **Q. And what -- what seminary did you attend?**  
12 **A. I attended College Seminary at St. John Vianney**  
13 **Seminary in St. Paul, Minnesota, and theology at the**  
14 **North American College in Rome.**  
15 **Q. And you have a licen -- licentiate, is that how**  
16 **you say it?**  
17 **A. Licentiate.**  
18 **Q. Licentiate in canon law?**  
19 **A. That is correct.**  
20 **Q. And also in sacred theology?**  
21 **A. Correct.**  
22 **Q. And when did you get those degrees, Father?**  
23 **A. I completed the licentiate in canon law in 1995,**  
24 **the licentiate in theology in 1997. And I also have a**  
25 **doctorate in theology as well.**

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1 **Q. And the -- for the licentiate in -- in canon**  
2 **law, what was your thesis for that?**  
3 **A. I wrote on the -- on associations of the**  
4 **faithful, in particular the Rule of Life of the Secular**  
5 **Order Discalced Carmelites and did a canonical analysis**  
6 **of that in light of the Code of Canon Law.**  
7 **Q. What about with the sacred liturgy or sacred**  
8 **theology, what was the thesis with that?**  
9 **A. I wrote on the ethics of reproductive**  
10 **technologies.**  
11 **Q. And the doctorate, did you have to do a thesis**  
12 **for that as well?**  
13 **A. I did, and it was also in the field of the**  
14 **ethics of reproductive technologies, but a different**  
15 **topic in that area.**  
16 **Q. And when -- when you took -- when you were**  
17 **ordained in 1991, you made a promise of obedience to your**  
18 **then bishop?**  
19 **A. That is correct.**  
20 **Q. And you also made that promise of obedience ran**  
21 **from your current bishop at that time, Bishop Banks, and**  
22 **any of his successors?**  
23 **A. That is correct.**  
24 **Q. What -- what official positions have you held,**  
25 **if any, within the Diocese of Green Bay, Father?**

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1 **A. I've held a number of different positions. I**  
2 **was the parochial vicar at St. John Nepomucene Parish in**  
3 **Little Chute, Wisconsin. I was assigned for further**  
4 **studies in canon law and in theology. I was the**  
5 **parochial vicar at St. Francis Xavier Cathedral Parish.**  
6 **I served as Defender of the Bond of the diocesan**  
7 **tribunal. I served as a judge on the diocesan tribunal.**  
8 **I served as the administrator of St. Francis Xavier**  
9 **Cathedral on two different occasions. I served as the**  
10 **administrator of St. John the Evangelist Parish. I**  
11 **served as the administrator of Holy Trinity Parish in**  
12 **Caseo. I served as the assistant chancellor, the**  
13 **chancellor and vicar general. I think that sums up most**  
14 **of them unless I forgot something somewhere down the**  
15 **line. Oh, yes, the rector of the Shrine of Our Lady of**  
16 **Good Health.**  
17 **Q. And timeline wise, when were you first assistant**  
18 **chancellor?**  
19 **A. That would have been around 1997 or 1998.**  
20 **Q. And what about chancellor?**  
21 **A. Chancellor in 2005.**  
22 **Q. Is that still a position that you hold today?**  
23 **A. Correct.**  
24 **Q. And then vicar general, what are the years on**  
25 **that?**

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1 **A. I started as vicar general in 2005. I ceased in**  
2 **that position when the bishop, at that time Bishop Zubik,**  
3 **was transferred because vicars automatically cease in**  
4 **office when a bishop is -- when the seat is vacant, and**  
5 **then I was reappointed to that position after Bishop**  
6 **Ricken was installed as bishop of Green Bay in 2008.**  
7 **Q. And so you currently today hold both positions,**  
8 **chancellor and vicar general?**  
9 **A. That is correct.**  
10 **Q. What -- what are your responsibilities as vicar**  
11 **general of the Diocese of Green Bay?**  
12 **A. A vicar is someone who acts in the place of**  
13 **another, so as a vicar general I act in the place of the**  
14 **bishop general basically in all matters. Practically**  
15 **speaking, if one were to read the Code of Canon Law and**  
16 **wherever it says local ordinary, that's the type of**  
17 **duties that could -- that could be part of what I would**  
18 **do. Practically speaking, it entails giving**  
19 **dispensations, permissions, delegations, some of those**  
20 **areas where those canonical faculties are necessary.**  
21 **Q. In any of the powers you have as vicar general,**  
22 **those are given to you by the bishop?**  
23 **A. In -- in virtue of the office, they're had --**  
24 **they're had in virtue of the office.**  
25 **Q. And what about as chancellor, what are your**

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1 responsibilities as chancellor?  
2 **A. They would entail overseeing diocesan**  
3 **recordkeeping, drafting curial documents, serving as an**  
4 **official notary of the Curia and also serving as a**  
5 **resource for matters of canon law and church doctrine in**  
6 **the diocese.**  
7 **Q. And in both those positions as chancellor and**  
8 **vicar general, your direct superior is the bishop?**  
9 **A. Yes, and to some extent, but also Deacon Tim**  
10 **Reilly as well.**  
11 **Q. And which -- which position? Tell me how Deacon**  
12 **Tim is one of your supervisors within that.**  
13 **A. He serves to coordinate the various diocesan**  
14 **departments, and so as chancellor I fall under -- under**  
15 **that overall coordination of the different diocesan**  
16 **departments.**  
17 **Q. And then as far as the -- the recordkeeping at**  
18 **the diocese, would that responsibility -- do you have a**  
19 **staff of your own, I mean people that --**  
20 **A. Yes, I do.**  
21 **Q. And who -- who's on that?**  
22 **A. I have an executive assistant, Mary Jo Krueger.**  
23 **I also have -- there's also a diocesan archivist,**  
24 **Mr. John LeDoux. And there are two assistant archivists,**  
25 **Kris Matthies and Olivia Dart.**

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1 **Q. Anyone else besides yourself and the four people**  
2 **that you listed there that has responsibility for the**  
3 **diocesan documents?**  
4 **A. No, we would be the ones that would be**  
5 **responsible for recordkeeping.**  
6 **Q. Is there any type of written policy here in the**  
7 **Diocese of Green Bay about how documents are maintained**  
8 **within the diocese?**  
9 **A. Yes, there is. Our current archivist was hired**  
10 **in 2001 to develop a -- sort of a policy of recordkeeping**  
11 **that would embrace all of our different diocesan**  
12 **departments. And so that was his initial charge, that is**  
13 **when the -- you know, the work on that began. And -- and**  
14 **he has put together an overall process or an overall**  
15 **record schedule that affects all -- all diocesan**  
16 **documents.**  
17 **Q. And is that schedule that he put together, is**  
18 **that a written document?**  
19 **A. It is written. It was, you know, put together**  
20 **or assembled by, you know, by Mr. LeDoux, but of course**  
21 **approved by the diocesan bishop.**  
22 **Q. And do you know before Mr. LeDoux put together**  
23 **the written document that was approved by the bishop that**  
24 **covers the documents within the diocese, was there**  
25 **anything else that predated that that was a written**

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1 policy that related to the documents here?  
2 **A. Not to my knowledge.**  
3 **Q. And do all four of the people that you**  
4 **mentioned, Mary Jo Krueger, John LeDoux, I missed one of**  
5 **the names, and then Olivia, the two assistants, do all of**  
6 **them answer to you?**  
7 **A. Yes. The two assistant archivists would answer**  
8 **to me indirectly. John LeDoux would be their direct**  
9 **supervisor.**  
10 **Q. All right. Can you tell me where -- where most**  
11 **of the -- or how are the documents maintained for the**  
12 **individual priests within the diocese?**  
13 **A. They are maintained in files in -- in our vault,**  
14 **in our archives.**  
15 **Q. And is that -- do you -- do you call it the**  
16 **vault or the archives or what do you refer to it as or**  
17 **both?**  
18 **A. The vault is a specific area in our archives**  
19 **that is, you know, secure, temperature controlled, you**  
20 **know, and so forth.**  
21 **Q. And is -- are all the -- do you call them priest**  
22 **files or do you have a name for the -- for the individual**  
23 **files on each priest?**  
24 **A. We would call them in general clergy records.**  
25 **That would be our overall, you know, archiving term for**

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1 **them.**  
2 **Q. Are the -- are all the clergy records, are all**  
3 **those kept within the vault?**  
4 **A. Yes.**  
5 **Q. Explain for me, if you can, how those are broken**  
6 **down, the clergy records within the vault are organized.**  
7 **A. They are organized by the name of the priest, of**  
8 **course, so each priest would, you know, have a -- have a**  
9 **file. And there are three -- well, there are two basic**  
10 **series and potentially a third. One is the priest's, you**  
11 **know, basic file. The other we -- we consider to be sort**  
12 **of a general, you know, biographical file that may**  
13 **include newspaper clippings or program from an**  
14 **anniversary mass. It's a general public access file.**  
15 **And then there may be a third file which would contain**  
16 **more confidential matters.**  
17 **Q. And would -- would each of those three files,**  
18 **the basic file, the public access file and the**  
19 **confidential file, would you -- would all those three**  
20 **files for a specific priest be within -- within the**  
21 **vault?**  
22 **A. They would all be within the vault in different**  
23 **locations in different -- in different, you know,**  
24 **cabinets.**  
25 **Q. And is the -- any other files on an individual**

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1 priest besides those three, besides the basic file, the  
2 public access file and the confidential file?  
3 **A. We keep all -- all of our files in, you know, in**  
4 **one place together, you know, to make sure that -- that**  
5 **we have them all.**  
6 **Q. And so the -- are there any files outside of**  
7 **those that are maintained on individual priests that you**  
8 **know of?**  
9 **A. There would be what we have is say for the vicar**  
10 **for clergy would have what's called a temporary working**  
11 **file, so if -- if there's something that, you know, he is**  
12 **working with, he has his temporary working file. All of**  
13 **the original documents are -- are to be forwarded to**  
14 **those files in the archives to make sure that we have all**  
15 **of those originals, you know, in one place. But he may,**  
16 **you know, need to have copies of things, you know, for**  
17 **his own, you know, his own reference, etcetera.**  
18 **Q. And is there an expectation that -- that for**  
19 **each priest that you maintain documents on each priest?**  
20 **A. Yes, there is.**  
21 **Q. And what about the bishop, does the bishop have,**  
22 **if you know, files of his own on individual priests?**  
23 **A. Not to my knowledge. According to the record**  
24 **retention policy, the bishop doesn't keep files.**  
25 **Q. And then does the -- at the chancery, is there a**

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1 file for each parish?  
2 **A. Yes, there is.**  
3 **Q. And where are those located?**  
4 **A. They are also located in the vault.**  
5 **Q. And what type of documents go in the parish**  
6 **files?**  
7 **A. They would be matters such as the articles --**  
8 **you know, civil Articles of Incorporation of the parish,**  
9 **would be sort of general correspondence about parish**  
10 **functions or -- or matters related to the parish per**  
11 **se.**  
12 **Q. And what's the -- on the individual priests, is**  
13 **there an expectation that if there's a document sent out**  
14 **from the bishop or from one of the other officials in the**  
15 **diocese that -- that a copy of that would go into the**  
16 **priest file?**  
17 **A. That is correct.**  
18 **Q. And is there also an expectation that if the**  
19 **chancery receives a document about an individual priest,**  
20 **that that document would go into the priest file?**  
21 **A. That is correct.**  
22 **Q. Are there any -- for the three files that you**  
23 **discussed for the individual priest, is there any type of**  
24 **index as far as the documents that are within that**  
25 **file?**

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1 **A. There is not.**  
2 **Q. Is that problematic sometimes for you?**  
3 **A. Not necessarily because there's, you know, a**  
4 **great difficulty in trying to keep up an index just**  
5 **because of the amount of work that that would entail, and**  
6 **it's -- we have everything filed chronologically so we**  
7 **can find things that way.**  
8 **Q. Is -- and that does -- I think you answered it,**  
9 **but my next question was for each priest file, are all**  
10 **the documents that are -- that are put in there placed in**  
11 **chronological order?**  
12 **A. Yes.**  
13 **Q. And is there -- you said that the -- would the**  
14 **basic file be in a different place from the public access**  
15 **file on an individual priest?**  
16 **A. They're in different file cabinets.**  
17 **Q. And then what about the confidential files, are**  
18 **those -- where are those kept relative to the other two**  
19 **files?**  
20 **A. If one exists, you know, for that priest, that's**  
21 **kept in a different file cabinet. So we would have**  
22 **public access, you know, files in, you know, one or more**  
23 **cabinets, the general files in one or more cabinets, and**  
24 **any confidential files in, you know, a separate series of**  
25 **cabinets.**

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1 **Q. And are those -- those confidential files, is**  
2 **that what I would consider a secret archive or a Canon 49**  
3 **file?**  
4 **A. We don't have any secret archives per se,**  
5 **because, you know, according to canon law, you know, the**  
6 **secret archive is a file that just the bishop has access**  
7 **to. We do not and we have not had to the best of my**  
8 **knowledge ever a secret archives because even though**  
9 **that's mentioned in canon law, it's very difficult from**  
10 **the point of view of diocesan administration. So the**  
11 **confidential files, basically the difference between that**  
12 **and the general file is how many people have access to**  
13 **those files, so there's fewer people have access to those**  
14 **confidential files.**  
15 **Q. And -- and who has access to the confidential**  
16 **files?**  
17 **A. Would be the bishop, you know, the chancellor,**  
18 **vicar general, you know, vicar for clergy, our diocesan**  
19 **assistance coordinator.**  
20 **Q. And what -- what type of documents or what --**  
21 **what makes something go in the confidential file versus**  
22 **go into the basic file?**  
23 **A. It -- it generally would have to do with**  
24 **potentially, you know, problematic matters. It could be**  
25 **anything from allegations of misconduct to some personal**

5 (Pages 14 to 17)

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1 problems that a priest might be having in his life or  
2 those types -- those kinds of things.  
3 Q. What about psychological treatment, would that  
4 -- for an individual priest, if you got records from that  
5 treatment, would that go into a confidential file?  
6 A. Well, in order to comply with HIPAA laws and the  
7 priest's rights to privacy, we do not keep, you know,  
8 those psychological reports. They would be kept by the  
9 person to whom it would be released for a temporary  
10 period of time, you know, but then because, you know,  
11 that file -- you know, that report would have been  
12 released to a specific person, that file then, you know,  
13 or that report when no longer needed is destroyed to  
14 protect the -- you know, the priest's rights under HIPAA  
15 laws and just the fact of the psychological report is  
16 retained, that there -- that there was one done.  
17 Q. And what about the -- any of the priests that  
18 were seen for psychological treatment in the past, has  
19 there been a look back where you've looked through the  
20 files to destroy those documents?  
21 A. Yes, yes, there was, in 2007.  
22 Q. So --  
23 A. And --  
24 Q. -- tell me about that, Father, then. There was  
25 a process where -- where you went back through the priest

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1 files and any treatment records were destroyed, is that  
2 correct?  
3 A. That is correct. And just to -- to kind of put  
4 that in context, I mentioned earlier that, you know, we  
5 had developed this diocesan wide, you know, policy for  
6 record retentions beginning in 2001. Well, it took, you  
7 know, a few years to develop that policy. It was finally  
8 promulgated by the bishop in 2006, and then after that it  
9 was implemented. And so we then, you know, organized all  
10 of our files according to that retention policy. So  
11 then, you know, in 2007 was the time when we worked with  
12 all the priest files to kind of organize them into  
13 that -- you know, those three tiers that I just described  
14 to you. And -- and at that time is when any previous  
15 psychological reports that were there, you know, would  
16 have been -- would have been eliminated, with the -- with  
17 the one condition that it states, you know, very clearly  
18 in our policy if there would be any pending claims or  
19 other types of things, obviously no records are  
20 destroyed.  
21 Q. And what about the -- so then with the -- with  
22 the treatment records that were destroyed in 2007 for  
23 some of the individual priests, was there a record then  
24 put into the file, the priest file that indicated that --  
25 that there was a document there that had been

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1 destroyed?  
2 A. Yes, yes. We just -- it would have been a  
3 simple sheet of paper that indicated that the priest  
4 was -- had received treatment or a psychological  
5 evaluation. It would have listed the name of the  
6 institution and the date.  
7 Q. And I think you may have said it, but -- and  
8 what was the reason for destroying the past treatment  
9 records that were in the priest files?  
10 A. It would be the -- you know, the compliance with  
11 the HIPAA laws or privacy laws.  
12 Q. Any other reasons besides that?  
13 A. No.  
14 Q. Any other documents in the individual priest  
15 files that -- that when you went back through them got  
16 destroyed?  
17 A. We destroyed duplicates because if there were  
18 other kinds of -- you know, if we were putting the files  
19 together and there were, you know, several copies of the  
20 same document, just for space purposes, we don't need to  
21 keep multiple copies, so we -- you know, we destroyed  
22 duplicates.  
23 Q. And within that policy, did -- was there a  
24 distinction between documents that were identical versus  
25 documents that appeared the same but maybe had some notes

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1 on them, is that -- would those be considered two  
2 different documents? Do you understand what I'm saying  
3 or does that not make sense?  
4 A. Yeah, I guess I'm not -- I'm not --  
5 Q. So what I'm -- what I'm saying is sometimes in a  
6 file there will be -- there will be a document and then  
7 maybe it's a letter sent to the bishop and then there's a  
8 copy of that document that the bishop writes on, writes a  
9 note on, and then there'd be -- so there'd be two  
10 documents in the file. Were one of those pulled or was  
11 it --  
12 A. We would have, you know, certainly kept a copy  
13 where there were, you know, say notes from the bishop, if  
14 there were instructions about something, we certainly  
15 would have kept that.  
16 Q. Besides the duplicates and the treatment  
17 records, any other documents that were destroyed that  
18 were in the priest files?  
19 A. There was also a document that was used, you  
20 know, in seminary called the priest perceiver that had  
21 very limited time value to it, and, you know, that -- you  
22 know, so it was used for a certain time in seminary  
23 candidates just to kind of point out a person's strengths  
24 or weaknesses. That document was not kept.  
25 Q. And what was that document called?

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1     **A. Priest perceiver.**  
2     **Q. And was that the technical name of it or is that**  
3 **the name that you guys called them?**  
4     **A. That's -- that's the technical name.**  
5     **Q. And explain to me if you can, and you maybe just**  
6 **did but maybe I need a little more on it, on what that**  
7 **document was and how it was created and what it meant.**  
8     **A. Well, I think maybe the way to describe it is it**  
9 **might be something like to look at a potential priest**  
10 **candidate's aptitudes, what he might be good at or that**  
11 **type of thing. And that had limited value as far as, you**  
12 **know, permanent retention, you know, so we, you know,**  
13 **decided that that, you know, did not need to be kept.**  
14     **Q. And was that -- was the priest perceiver**  
15 **document, who generally authored those documents?**  
16     **A. It was generally the vocation director who did**  
17 **that, and that -- and they started using that document I**  
18 **think maybe for a time maybe in the 1980s for seminary**  
19 **candidates.**  
20     **Q. Anything else besides the treatment -- treatment**  
21 **records, the duplicates and the priest perceiver**  
22 **documents that were destroyed when you reviewed all the**  
23 **priest files?**  
24     **A. The only other things, you know, would have been**  
25 **sometimes we found just a simple, you know, like a phone**

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1     **record slip, you know, call Father, and that has no**  
2 **lasting value, so it was destroyed.**  
3     **Q. And what about if the -- if the call slip had --**  
4 **had the person's name on it or did they have the name on**  
5 **it, would it say, you know, Mary Jones called, you**  
6 **know?**  
7     **A. On --**  
8     **Q. On such and such date, were those the type that**  
9 **got destroyed?**  
10     **A. Yeah.**  
11     **Q. Was there any notation made anywhere within the**  
12 **file that -- that those slips had -- had been destroyed**  
13 **or what was on the slips?**  
14     **A. No.**  
15     **Q. Anything else besides the priest perceivers, the**  
16 **call slips, the duplicates and the treatment records that**  
17 **were destroyed when you went back and organized those**  
18 **files?**  
19     **A. Not that I recall.**  
20     **Q. With the -- with the organization of the files,**  
21 **was there any -- any effort with those three files to**  
22 **retain electronic copies of any of the documents?**  
23     **A. No. We prefer to retain paper copies.**  
24     **Q. And there's -- is there any type of scanning**  
25 **system that the diocese uses to make .pdf's of any of --**

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1     any of these documents?  
2     **A. We don't keep, you know, electronic copies of**  
3 **the documents. They are paper copies in our files.**  
4     **Q. What about for deceased priests, is there any**  
5 **policy as far as retaining their -- their files?**  
6     **A. Yes, there is.**  
7     **Q. And what's the -- what's the policy on that?**  
8     **A. A year after a priest dies, you know, one goes**  
9 **through the file and retains only basic biographical**  
10 **information or something that may be of particular**  
11 **historical value to the diocese. And -- and then all**  
12 **other documents would be destroyed, unless, of course,**  
13 **there would be a matter of a pending claim.**  
14     **Q. And that one year after the priest dies, if you**  
15 **had a priest that had a confidential file on that priest**  
16 **and he died, would that confidential file also get**  
17 **destroyed?**  
18     **A. Yes. Again, however, if there would be any**  
19 **pending claims, of course, it would not be.**  
20     **Q. Is there -- were you involved in crafting that**  
21 **policy at all?**  
22     **A. Yes, I was.**  
23     **Q. And did you see any -- any value in keeping any**  
24 **of the confidential files of the priests that had passed**  
25 **away?**

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1     **A. No, after a priest had died, we didn't see any**  
2 **particular value.**  
3     **Q. Who -- who carried out the destruction of the**  
4 **documents that you've talked about on the files when you**  
5 **went back and took out the stuff that you discussed?**  
6     **MR. MAZZEO: Objection, relevance.**  
7     **THE WITNESS: It would have been myself**  
8 **and a couple other of my assistants.**  
9 **BY MR. FINNEGAN:**  
10     **Q. Any -- in the policy for priests that have**  
11 **passed away, any provisions in that that if there's**  
12 **anything dealing with allegations of child sexual abuse**  
13 **that those documents are retained?**  
14     **A. There's no such specification.**  
15     **Q. And did you -- when did this policy on the**  
16 **deceased priests go into effect with the one year after**  
17 **the priest dies?**  
18     **A. In 2006.**  
19     **Q. And at that point, did you go back and destroy**  
20 **all of the priest files of any of the priests that had**  
21 **been dead for more than a year?**  
22     **A. I believe so, yes.**  
23     **Q. And had some of those priests been accused of**  
24 **sexually abusing kids?**  
25     **A. Yes.**

7 (Pages 22 to 25)

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1 Q. And so there were priests that were accused of  
2 sexually molesting kids whose files were destroyed in  
3 2006 or thereafter?  
4 MR. MAZZEO: Objection, relevance.  
5 THE WITNESS: It -- it would have been in  
6 2007 that we actually did that work. The policy was  
7 promulgated in 2006.  
8 BY MR. FINNEGAN:  
9 Q. Let me -- let me restate it with that -- that in  
10 mind. So in 2007, there were files of priests that had  
11 been accused of sexually molesting kids that were  
12 destroyed?  
13 MR. MAZZEO: Same objection.  
14 THE WITNESS: They would have been priests  
15 who were deceased and there were no pending claims and  
16 documents were destroyed.  
17 BY MR. FINNEGAN:  
18 Q. I think I asked a poor question, so let me ask  
19 it better with your qualifications there. The -- in  
20 2007, it's correct to say that -- that you destroyed  
21 priest files of priests that had been accused of sexually  
22 molesting kids that had been dead more than a year?  
23 A. That is correct.  
24 Q. And why did you do that?  
25 A. In compliance with the policy of record

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1 retention for the diocese.  
2 Q. And did the -- who was the bishop in 2006, was  
3 it -- was it Zubik or was it --  
4 A. Bishop Zubik.  
5 Q. Zubik. So it was Bishop Zubik that approved the  
6 document destruction portion of the document policy?  
7 A. Yes.  
8 MR. MAZZEO: Standing objection on the  
9 grounds of relevance to this whole line of questioning.  
10 BY MR. FINNEGAN:  
11 Q. When -- when those priest files of any of the  
12 priests that had been dead more than a year and had been  
13 accused of sexually molesting a minor, when those were  
14 being destroyed in 2007, was there anyone that -- that  
15 objected to that or said wait a minute, we probably  
16 shouldn't do this?  
17 A. No, those discussions about how to keep the  
18 files were all conducted prior to the promulgation of  
19 that policy.  
20 Q. Did -- when the discussions were going on -- so  
21 let me -- I'll break it down. So in 2007 when the files  
22 were being destroyed pertaining to the priests that had  
23 been accused of sexually molesting a minor and had been  
24 dead more than a year, at that point in 2007, nobody  
25 raised any objections at that point --

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1 MR. MAZZEO: Same objection.  
2 MR. FINNEGAN: -- in 2007?  
3 MR. MAZZEO: Same objection. Same  
4 objection.  
5 MR. FINNEGAN: I'm going to ask you that  
6 --  
7 THE WITNESS: Yeah, I'm --  
8 MR. FINNEGAN: I'm going to ask you --  
9 THE WITNESS: Yeah, I'm confused.  
10 BY MR. FINNEGAN:  
11 Q. I know, I'll break it down for you.  
12 A. Okay.  
13 Q. So I'm going to ask you the question in -- as it  
14 pertains to 2007 --  
15 A. Yes.  
16 Q. -- and then I'll ask you the question as it  
17 pertains to the creation of the policy --  
18 A. Okay.  
19 Q. -- and so I think that's probably what you're  
20 thinking that there's --  
21 A. Right.  
22 Q. -- two different things, so I'll start with the  
23 -- with the 2007 and then I'll follow up with the --  
24 A. Okay.  
25 Q. -- with the policy itself, so making that

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1 distinction. So in 2007 when the documents relating to  
2 priests that had been sexually -- had been accused of  
3 sexually molesting minors who had been dead for more than  
4 a year were destroyed, were there any objections in  
5 2007?  
6 A. Not that I recall.  
7 Q. And then shifting our focus back to the  
8 discussions where the policy was created, at that time  
9 during -- during the time that the policy for the  
10 destruction of these files was created, was there anyone  
11 within those discussions that you remember that voiced an  
12 opinion that we should not destroy the documents that  
13 relate to priests that were accused of sexually molesting  
14 minors?  
15 MR. MAZZEO: Objection as to time frame  
16 regarding allegations of misconduct.  
17 THE WITNESS: There were different  
18 discussions as to whether those documents, you know,  
19 should be retained or they should be destroyed and  
20 different people who were involved in the process voiced  
21 differing opinions on that. I don't recall exactly who,  
22 you know, said what, but I know there were differing --  
23 differing opinions.  
24 BY MR. FINNEGAN:  
25 Q. Was anyone outside the -- outside the diocese

8 (Pages 26 to 29)

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1 involved with creating that policy, the document  
2 destruction policy?  
3 **A. It would be better to -- to look at our policy**  
4 **as a matter of record retention and disposition, so**  
5 **that's -- that's what we call it, you know, in general.**  
6 **The -- we did -- I know, you know, did seek the advice of**  
7 **other persons in general as we were going through the**  
8 **whole formation of -- of our diocesan-wide policies.**  
9 Q. In 2007 when -- when the files for priests that  
10 had been accused of sexually molesting minors that had  
11 been dead more than a year were destroyed, how many files  
12 did that involve?  
13 **A. I do not remember.**  
14 Q. More than five?  
15 **A. I -- I do not remember.**  
16 Q. Do you have any idea how many files there  
17 were?  
18 **A. No.**  
19 Q. Could you say that it was for sure less than  
20 five or can you not say either way?  
21 MR. MAZZEO: Asked and answered.  
22 THE WITNESS: Yeah, I do not remember.  
23 BY MR. FINNEGAN:  
24 Q. Was there -- was there at that time a list made  
25 or any notation made for the priests that had been

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1 accused of sexually molesting minors that had been  
2 deceased for more than a year?  
3 **A. We do have such a list.**  
4 Q. And was that a list that was made during the  
5 whatever investigation or research you did for the John  
6 J. study?  
7 **A. I was not involved in recordkeeping at that**  
8 **time, so I don't know when that list was first**  
9 **compiled.**  
10 Q. Where is the -- so it's a -- it's an actual  
11 document that has the list of names of the priests that  
12 have been accused of sexually molesting minors?  
13 **A. Yes.**  
14 Q. And where is that list kept?  
15 **A. That --**  
16 MR. MAZZEO: Objection, relevance.  
17 Objection as to the time frame as well.  
18 THE WITNESS: Okay. That is kept with the  
19 files of our diocesan assistance coordinator.  
20 BY MR. FINNEGAN:  
21 Q. And is there just one copy of that or is there  
22 multiple copies or is that on a computer? What's the --  
23 how is that maintained?  
24 **A. I'm not sure whether there's more than one copy**  
25 **of that.**

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1 Q. But you've actually witnessed and seen a hard  
2 copy of that?  
3 **A. Yes.**  
4 Q. And what -- is there any criteria for -- for  
5 putting somebody on that list, if you know?  
6 **A. That list would -- you know, would contain, you**  
7 **know, priests against whom an allegation has been**  
8 **lodged.**  
9 Q. Has that -- has that list been made public?  
10 MR. MAZZEO: Objection, relevancy.  
11 THE WITNESS: No.  
12 MR. MAZZEO: I have a standing objection  
13 to this whole line of questioning.  
14 BY MR. FINNEGAN:  
15 Q. Why not?  
16 **A. We turn all allegations over to the civil**  
17 **authorities.**  
18 Q. And what about are some of these priests or some  
19 of the people -- some of the people on the list are not  
20 priests currently, is that correct?  
21 **A. What do you mean by not priests?**  
22 Q. They've been laicized, former priests of the  
23 Diocese of Green Bay that have been laicized?  
24 **A. Yes, that is correct.**  
25 Q. And so has there been any discussions since

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1 you've been in the chancery about whether or not to  
2 publicize at least the names of the priests and former  
3 priests that are living that are on that list?  
4 MR. MAZZEO: Objection, relevance.  
5 THE WITNESS: We've decided clearly not to  
6 publicize such a list.  
7 BY MR. FINNEGAN:  
8 Q. And has there been -- have there been  
9 discussions about that or is there --  
10 **A. There have been discussions. But with a clear,**  
11 **you know, decision not to publicize such a list.**  
12 Q. Does it worry you at all that some of those  
13 people might reoffend?  
14 **A. No.**  
15 Q. Why not?  
16 MR. MAZZEO: Objection, calls for  
17 speculation, relevancy.  
18 THE WITNESS: The matters are -- I would  
19 have no basis of being able to determine whether they  
20 would reoffend. That'd be speculation.  
21 BY MR. FINNEGAN:  
22 Q. My question was whether you're worried about  
23 that at all. Has that crossed your mind?  
24 MR. MAZZEO: Objection, vague, overly  
25 broad, speculation, relevancy.

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1 THE WITNESS: That would just be mere  
2 opinion.  
3 BY MR. FINNEGAN:  
4 Q. Do you have an opinion about it?  
5 A. **I prefer to talk about facts and not opinions.**  
6 Q. Do you know as a fact, as a general matter, that  
7 there's a high rate of recidivism amongst sex offenders?  
8 MR. MAZZEO: Objection, assumes facts not  
9 in evidence, speculation, no foundation, vague, overly  
10 broad.  
11 THE WITNESS: I'm not sure I understand  
12 your question.  
13 BY MR. FINNEGAN:  
14 Q. Sure. I can answer -- ask it again. You had  
15 asked or you had said something about needing facts --  
16 A. **Uh-huh.**  
17 Q. -- or wanting to discuss facts, and I want to  
18 know whether you --  
19 A. **Okay.**  
20 Q. -- were aware of the fact that sex offenders  
21 have a high rate of recidivism?  
22 MR. MAZZEO: Lack of foundation, same  
23 objections as before.  
24 THE WITNESS: There have been various  
25 studies on sex offenders that are there, you know, that

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1 -- that are -- that are in literature.  
2 BY MR. FINNEGAN:  
3 Q. And knowing that and knowing at least a little  
4 something about those -- those studies, does it not  
5 concern you that the names of those living priests and  
6 former priests that have been accused of sexually  
7 molesting minors isn't made public?  
8 MR. MAZZEO: Objection, relevancy to this  
9 case. There is none.  
10 THE WITNESS: It does not concern me  
11 because we turn all allegations over to the civil  
12 authorities and I have confidence in their expertise.  
13 BY MR. FINNEGAN:  
14 Q. Who has access to -- to that list?  
15 MR. MAZZEO: And let me just state a  
16 standing objection. I may have said it before, but a  
17 standing objection with regard to this list, to this  
18 whole line of questioning regarding this list on the  
19 grounds of relevancy. The questions being vague, the  
20 questions being overly broad and calls for speculation.  
21 BY MR. FINNEGAN:  
22 Q. Do you need the question again? It's basically  
23 just who has access to that list?  
24 MR. MAZZEO: Same objection.  
25 THE WITNESS: You know, the diocesan

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1 assistance coordinator, diocesan bishop, the vicar for  
2 ministers and I would have access to that list.  
3 BY MR. FINNEGAN:  
4 Q. And Deacon Reilly, does he have access to that  
5 list?  
6 A. **If requested.**  
7 Q. What about -- what's the policy for priest files  
8 for priests that have been laicized, what -- is there a  
9 retention policy for those -- those files?  
10 A. **Yes, they are retained, and I don't -- either**  
11 **until after the -- that, you know, priest who's been --**  
12 **you know, who's dispensed from the clerical state, either**  
13 **until after -- you know, a year after that person dies or**  
14 **if we don't have knowledge of the person's death, there's**  
15 **a period of years that's indicated in that policy, and I**  
16 **don't, you know, recall that period of years off the top**  
17 **of my head.**  
18 Q. So there's a specific section within the  
19 document policy that deals with laicized priests?  
20 A. **That is correct.**  
21 Q. I may have asked this, so I apologize if I did,  
22 but with the confidential files within the vault, are  
23 those -- do those have a separate lock to the cabinet or  
24 facility that they're in?  
25 A. **That's correct.**

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1 Q. And for the confidential files, maybe you told  
2 me this, too, but who has keys for the confidential  
3 files?  
4 A. **I do, our diocesan assistance coordinator**  
5 **does.**  
6 Q. Can you tell me what -- what the general process  
7 is when a document comes in to the diocese, to the bishop  
8 or one of the other officials that pertains to one of the  
9 individual priests, as a general matter, what -- what  
10 happens to that document?  
11 MR. MAZZEO: Objection as to vague, overly  
12 broad.  
13 THE WITNESS: It -- say, for example, if  
14 it's a letter, you know, that letter would be responded  
15 to and, you know, the original letter and a copy of the  
16 response would be filed in the priest file.  
17 BY MR. FINNEGAN:  
18 Q. What about electronic documents like e-mails,  
19 any documents, any drafts of documents that are created  
20 on a computer, is there a retention policy for those?  
21 A. **We treat e-mails as paper documents, and so, you**  
22 **know, e-mails that would be, you know, say like a -- you**  
23 **know, have the value of a letter of correspondence are**  
24 **printed and -- and then filed.**  
25 Q. And I assume that not -- not every e-mail rises

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1 to -- to that level?  
2 **A. Correct.**  
3 **Q. And what's the -- is there a cutoff point or is**  
4 **it just kind of discretion on what gets printed and what**  
5 **doesn't?**  
6 **A. You know, some of the, you know, the general**  
7 **things, like it may be just a simple interoffice memo**  
8 **that there's cake down in the break room, we don't keep,**  
9 **obvious, you know, basic communications. Anything that**  
10 **would rise to the level of say like an official memo or**  
11 **letter or other types of things that you would normally**  
12 **have -- that we use to generate, you know, paper and**  
13 **those types of things, those -- those would be printed**  
14 **and filed.**  
15 **Q. And did -- in responding to some of the requests**  
16 **in -- in the Wisconsin lawsuit or the Nevada lawsuit,**  
17 **were you involved in responding to those requests for the**  
18 **documents?**  
19 **A. No.**  
20 **Q. And who was -- if you know, who was in charge of**  
21 **that?**  
22 **A. Deacon Tim Reilly.**  
23 **Q. And is that something that -- did you have to**  
24 **give him permission to go into any of the file rooms?**  
25 **A. You know, all documents were furnished to him**

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1 **for that purpose.**  
2 **Q. And who -- who gathered the files to give to him**  
3 **for -- for that purpose?**  
4 **A. I don't remember who all was involved in doing**  
5 **so. I know I was and, you know, potentially another**  
6 **member of my staff.**  
7 **Q. And did -- was there a specific confidential**  
8 **file on John Feeney?**  
9 **A. Yes.**  
10 **Q. Was there also a basic file on John Feeney?**  
11 **A. Yes.**  
12 **Q. Was there also a public access file on John**  
13 **Feeney?**  
14 **A. Yes.**  
15 **Q. Were there any of the temporary working files**  
16 **like the one for the vicar for clergy on John Feeney?**  
17 **A. I -- I would -- not -- not to my knowledge,**  
18 **because the case has, you know, really been closed with**  
19 **him for a number of years.**  
20 **Q. Any -- do you know if there was any effort made**  
21 **to check and see if there were any e-mails or other**  
22 **electronically stored documents that pertained to Feeney?**  
23 **MR. MAZZEO: Objection as to asking this**  
24 **witness about documents that were generated most likely**  
25 **after the incidents that are alleged in the Complaint**

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1 based on grounds of relevancy.  
2 **THE WITNESS: Yeah, as I mentioned, our**  
3 **policy is not to retain electronic records but to treat**  
4 **them as paper records to print them and -- and file**  
5 **them.**  
6 **BY MR. FINNEGAN:**  
7 **Q. And so are the -- is there a policy about**  
8 **deleting the -- the e-mails that are on various people's**  
9 **computers or is that -- if there's anything?**  
10 **A. There's nothing that goes into great detail, you**  
11 **know, about that.**  
12 **Q. Are you aware of any other litigation or court**  
13 **cases involving Feeney, civil cases I should say, besides**  
14 **the one in Nevada, the Merryfield case, and then there**  
15 **was a woman who filed suit back in the '90s, are you**  
16 **aware of any others involving Feeney?**  
17 **A. I'd have to check the file.**  
18 **Q. When was the first time that you, if ever,**  
19 **reviewed John Feeney's file?**  
20 **A. It would have been in 2004.**  
21 **Q. What was the purpose of that?**  
22 **A. I was instructed at that time by Bishop Zubik to**  
23 **begin preparing documents toward moving to dismiss John**  
24 **Feeney from the clerical state.**  
25 **Q. And did -- did the bishop ultimately move for**

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1 John Feeney to be dismissed from the clerical state?  
2 **A. Yes.**  
3 **Q. When -- when was the -- if you know, when was**  
4 **the first petition?**  
5 **A. The first petition was made in 2004.**  
6 **Q. And was that an involuntary petition?**  
7 **MR. MAZZEO: Can I have a standing**  
8 **objection to all these questions based on grounds of**  
9 **relevancy?**  
10 **THE WITNESS: Can you clarify what you**  
11 **mean by --**  
12 **MR. FINNEGAN: Sure.**  
13 **THE WITNESS: -- involuntarily?**  
14 **MR. FINNEGAN: Sure, yeah.**  
15 **BY MR. FINNEGAN:**  
16 **Q. And this -- I could be way off on this, but my**  
17 **understanding of it is that a voluntary petition for**  
18 **laicization would involve the priest who's potentially**  
19 **being laicized, him asking to be laicized versus a**  
20 **situation where the priest doesn't want to get laicized**  
21 **and the bishop makes that petition would be the**  
22 **involuntary situation. So is that your understanding of**  
23 **--**  
24 **A. That's -- that's -- that's correct, yes.**  
25 **Q. And which --**

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1     **A. It was involuntary.**  
2     **Q. And were you involved in collecting the -- any**  
3 **of the documents and creating the paperwork for that**  
4 **involuntary petition?**  
5     **A. Yes, I was.**  
6     **Q. And what all -- what all did you gather for the**  
7 **petition, if anything?**  
8     **A. I would have gathered any records we had**  
9 **regarding allegations of the sexual abuse of a minor made**  
10 **against John Feeney.**  
11     **Q. And then after that, did you draft a votum for**  
12 **the bishop that dealt with some of that history about**  
13 **John Feeney?**  
14     **MR. MAZZEO: Objection. Before you**  
15 **answer, Mr. -- Mike, how is this relevant to this -- to**  
16 **the allegations in this case where the Complaint alleges**  
17 **incidents that occurred in 1984 and 1985?**  
18     **MR. FINNEGAN: You've -- you've already**  
19 **been ordered to produce these documents. I'm trying to**  
20 **figure out what documents are there. These are the**  
21 **documents that are sent to the Vatican. You've already**  
22 **been court-ordered to produce these documents.**  
23     **MR. MAZZEO: To produce various documents,**  
24 **that is correct.**  
25     **MR. FINNEGAN: I need to find out what --**

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1     **what's there. That's what these questions are talking**  
2 **about.**  
3     **MR. MAZZEO: Okay. And you understand**  
4 **that the production date is November 10th, which will be**  
5 **next week, that we have -- we have until that date to**  
6 **produce these documents.**  
7     **MR. FINNEGAN: Yes, I'm just trying to**  
8 **figure out what the --**  
9     **MR. MAZZEO: All right. Well, I'm going**  
10 **to -- let me just place on the record a standing**  
11 **objection on the grounds of relevaney, on the grounds of**  
12 **vagueness, on the grounds of the time frame, lack of**  
13 **authentication, speculation, lack of foundation, any**  
14 **questions that you're going to continue to ask this**  
15 **priest about the laicization, the process of laicization**  
16 **of John Feeney which occurred some 19 to 20 years after**  
17 **the incidents that are alleged in the Complaint.**  
18 **BY MR. FINNEGAN:**  
19     **Q. Possibly need the question again?**  
20     **A. Yeah. Could you repeat the question, please?**  
21     **Q. I can. The question was: After you had**  
22 **gathered the documents that contained allegations that**  
23 **John Feeney had sexually abused kids, after you gathered**  
24 **those documents, did you draft a document called a votum**  
25 **for the bishop for him to review that went along with the**

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1     **laicization petition?**  
2     **MR. MAZZEO: Objection to the**  
3 **characterization that was used in the question of the**  
4 **term sexually abused kids. There's a lack of foundation,**  
5 **speculation and that has not been established at this**  
6 **point.**  
7     **THE WITNESS: I did draft a votum.**  
8 **BY MR. FINNEGAN:**  
9     **Q. And did Bishop Zubik, did he make any changes to**  
10 **your draft of the votum?**  
11     **A. Bishop Zubik always made changes to every draft**  
12 **I sent him.**  
13     **Q. Did -- did you ultimately review the final votum**  
14 **that -- that the bishop signed relating to John Feeney's**  
15 **laicization?**  
16     **A. Yes.**  
17     **Q. And was that -- that petition for laicization in**  
18 **2004, the votum and the other documents, those were sent**  
19 **to the prefect for the Congregation for the Doctrine of**  
20 **Faith at the Holy See?**  
21     **A. Correct.**  
22     **Q. And at that point, the prefect for the**  
23 **Congregation of the Doctrine of Faith was Joseph**  
24 **Ratzinger?**  
25     **A. That is correct.**

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1     **Q. And when -- what year was John Feeney**  
2 **laicized?**  
3     **A. If I recall correctly I believe it was 2005. I**  
4 **would like to double-check that date, but the case was**  
5 **handled very expeditiously.**  
6     **Q. At any point in that process, did -- did John**  
7 **Feeney ever join the petition or was it always**  
8 **involuntary?**  
9     **A. It was always involuntary.**  
10     **Q. When you reviewed the -- John Feeney's three**  
11 **files to prepare the documents and the votum for the**  
12 **laicization petition, were all of those files in**  
13 **chronological order at that point?**  
14     **A. To the best of my knowledge, yes.**  
15     **Q. As part of the process of going forward with the**  
16 **involuntary petition for laicization, did you have to**  
17 **interview John Feeney at all?**  
18     **A. I sought to meet with him. He had a civil**  
19 **attorney at the time who was wanting to be present for**  
20 **the meeting. No meetings actually did occur. As a**  
21 **result, I sent him a letter to afford him his right of**  
22 **defense.**  
23     **Q. Did -- did John Feeney respond to the letter**  
24 **that you sent him?**  
25     **A. Not that I recall.**

12 (Pages 42 to 45)

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1 Q. With the votum that was sent with the  
2 involuntary petition for John Feeney's laicization, were  
3 there also exhibits, documents that were attached to that  
4 or included with that that were sent to the Congregation  
5 for the Doctrine of Faith?  
6 A. Yes.  
7 Q. And what -- what documents or what type of  
8 documents were -- were included with John Feeney's  
9 laicization petition?  
10 MR. MAZZEO: Objection, vague, overly  
11 broad.  
12 THE WITNESS: The documents were testimony  
13 that was given in the criminal, civil/criminal case of  
14 John Feeney and the Merryfields, as well as records that  
15 we had regarding allegations that were made against John  
16 Feeney.  
17 BY MR. FINNEGAN:  
18 Q. Did those records of allegations against John  
19 Feeney, those documents that were sent to the  
20 Congregation for the Doctrine of Faith, were those all  
21 documents that you made copies of from one of John  
22 Feeney's three files?  
23 A. Correct.  
24 Q. And where -- where in the diocese, if  
25 anywhere -- well, I'll ask it so, that there's foundation.

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1 Did you keep -- did the diocese keep a copy of the  
2 laicization petition, the votum and all the exhibits,  
3 everything that was sent to the Congregation of the  
4 Doctrine of Faith?  
5 A. That is correct.  
6 Q. And where did -- where did the copy of the  
7 materials that were sent to the Congregation of the  
8 Doctrine of Faith on Feeney, where did those go?  
9 A. They comprise a part of his confidential file.  
10 Q. Is that -- is that always the case, that any of  
11 the petitions for laicization for any of the priests  
12 would go into the confidential file?  
13 A. That is correct.  
14 Q. Does the document policy that was begun in 2001,  
15 approved in 2006, does that policy also cover document  
16 retention for the individual parishes of the diocese?  
17 A. No, it does not.  
18 Q. Do they -- do you know whether or not the  
19 individual parishes have their own policies or how  
20 documents are maintained by the parishes?  
21 A. We have some general guidelines. It's not an  
22 official policy per se, but we have general guidelines to  
23 assist parishes in their own recordkeeping.  
24 Q. And are -- are those general guidelines, is that  
25 a written document?

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1 A. That is a written document.  
2 Q. Is that something that you -- you were involved  
3 in creating?  
4 A. To some extent the -- let me back up a little  
5 bit. There was some draft that -- or the initial  
6 guidelines had been sent out a number of years ago to  
7 parishes I want to say around ten years ago, and I was  
8 not involved with that at all. We have recently issued  
9 an updated set of guidelines just this current year. We  
10 sent those out in August. And Mr. LeDoux was primarily  
11 involved in that revision, but I was, you know, involved  
12 in supervising that task.  
13 Q. And ultimately there was some correspondence  
14 that came back from the Congregation for the Doctrine of  
15 Faith that had a decision about John Feeney's  
16 laicization?  
17 A. That is correct.  
18 Q. Do you remember, was the -- what's the term for  
19 the -- the actual document that laicizes a priest? I  
20 can't remember, if you know.  
21 A. It would, you know, depend a little bit on  
22 the -- I think, you know, the nature of -- of the, you  
23 know, request. And, you know, this -- for lack of a, you  
24 know, better term, you know, I'd say it's a form of a  
25 decree in this -- in this case, but I'm not being precise

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1 here and I'd have to look up the precise term.  
2 Q. No problem. I can't remember either. That's  
3 why I was asking.  
4 A. Yeah.  
5 Q. Did -- did you have any conversations either by  
6 telephone or in person with anyone at the Congregation  
7 for the Doctrine of Faith regarding the petition for John  
8 Feeney's laicization?  
9 A. No.  
10 Q. Do you know if -- if the bishop had any  
11 conversations with anyone at the Congregation for the  
12 Doctrine of Faith about John Feeney's laicization?  
13 A. Not that I recall.  
14 Q. The -- the diocese maintains quinquennial  
15 reports, is that correct?  
16 A. That is correct.  
17 Q. And those are a document that's compiled about  
18 basically the welfare of the diocese?  
19 A. Well, it's -- those documents are prepared in  
20 conjunction with the bishop's ad limina visit to Rome, so  
21 in theory every five years the -- the diocesan bishop,  
22 you know, meets, you know, with the Holy Father and  
23 members of the, you know, the Roman Curia and -- and the  
24 quinquennial report is just a general report of the  
25 pastoral activities of the diocese.

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1 Q. And does that document also contain some of the  
2 financial information about the diocese?  
3 A. I've never actually looked at any of our  
4 quinquennial reports, so the last one we did was before  
5 my tenure as chancellor, so I don't know.  
6 Q. So you haven't had the opportunity to be  
7 involved in -- in creating one?  
8 A. That's correct.  
9 Q. Where -- where within the chancery are those  
10 documents kept?  
11 A. Those are kept in our diocesan archives.  
12 Q. Is that different than the vault?  
13 A. I don't recall exactly where -- which region of  
14 our archives the quinquennial report is -- is kept.  
15 Q. Are those -- are the quinquennial reports ever  
16 destroyed, the copies of those?  
17 A. No, not to my knowledge. I'd have to  
18 double-check our -- our policy, but I'm inclined to think  
19 not.  
20 Q. Are there any -- any files or documents that --  
21 that you receive from the Holy See or from one of the  
22 congregations over there, is there a separate place where  
23 those type of documents would be stored?  
24 A. Any other documents would be stored according to  
25 their -- their subject matter.

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1 Q. Is there -- is there a subject matter file that  
2 -- that deals strictly with the Holy See and its  
3 congregations?  
4 A. No.  
5 Q. What -- what type of subject matter files are  
6 you talking about?  
7 A. Well, for example, one document we -- we -- we  
8 receive in response from the Holy See every year is if we  
9 -- we send money over for the annually Peter's Pens  
10 Collection, so it's a -- it's a receipt. All that's a  
11 financial that has to do with the financial transfer of  
12 those funds. That's filed with the, according to the  
13 record schedule, of our finance department.  
14 Q. What about the -- are you aware of any documents  
15 dealing with sexual abuse of minors that have come from  
16 the Holy See or any of its congregations?  
17 MR. MAZZEO: Objection, relevance.  
18 THE WITNESS: I am aware of such  
19 documents.  
20 BY MR. FINNEGAN:  
21 Q. And what -- what documents are you aware of?  
22 MR. MAZZEO: Objection, relevance, time  
23 frame.  
24 THE WITNESS: Can you repeat the question,  
25 please?

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1 BY MR. FINNEGAN:  
2 Q. Sure. The question was I'm asking you to  
3 identify if you can the documents that you're aware of  
4 that the Holy See sent to the diocese that dealt with  
5 sexual abuse of minors.  
6 MR. MAZZEO: Same objections.  
7 THE WITNESS: You know, according to, you  
8 know, the norms of the church, you know, starting with  
9 Sacramentorum Sanctitatis Tutela in 2001, after a  
10 preliminary investigation, you know, of allegations of  
11 sexual abuse of a minor, those are to be forwarded to the  
12 Holy See, and so it would be documents related to  
13 those.  
14 BY MR. FINNEGAN:  
15 Q. And where is -- I won't try to --  
16 A. Sure.  
17 Q. -- pronounce the 2001 document, but the one that  
18 you just said --  
19 A. Right.  
20 Q. -- if I refer to that as the Holy See's 2001  
21 document --  
22 A. Correct.  
23 Q. -- does that make sense?  
24 A. Yes.  
25 Q. Where -- is there a specific place within the

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1 diocese where -- where that document from the Holy See,  
2 the 2001 document is stored?  
3 A. The 2001 document is -- is just, you know, you  
4 know, the norms on how to process those cases. So we  
5 would probably have, you know, you know, different copies  
6 of them. One is -- as chancellor I have a copy of that  
7 in my office because I keep a collection of -- of laws of  
8 the church.  
9 Q. Any other documents besides the 2001 document  
10 that -- that you're aware of that were sent from the Holy  
11 See or its congregations to the diocese that dealt with  
12 sexual abuse of minors?  
13 MR. MAZZEO: Same objections.  
14 THE WITNESS: Documents just regarding any  
15 cases that we would have sent there.  
16 BY MR. FINNEGAN:  
17 Q. Any other -- or any policies or procedures like  
18 the 2001 document that you're aware of that the Holy See  
19 sent to the diocese dealing with child sexual abuse?  
20 A. Well, there's, you know, a subsequent document  
21 that just came out this -- this last year. It's called,  
22 let me think of the title, but it's the successor to the  
23 document.  
24 Q. Are you aware of a document that the Holy See  
25 through its -- I think at that time it was called the

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1 Sacred Congregation for Faith put out in 1962 dealing  
2 with solicitation in the confessional?  
3 **A. I'm aware of that document.**  
4 **Q.** And do you know, does the Diocese of Green Bay  
5 have a copy of that document?  
6 **A. I have a copy of that document again as a**  
7 **collection of various canon law, church law documents in**  
8 **my office.**  
9 **Q.** And are you aware of the dioceses having any  
10 other copies of that document besides the copy that you  
11 have of the 1962 document?  
12 **A. I'm not aware of any other copies.**  
13 **Q.** And do you have a copy of the precursor to the  
14 1962 document, the 1922 Vatican document on solicitation?  
15 **MR. MAZZEO:** 1922 you said?  
16 **MR. FINNEGAN:** 1922.  
17 **THE WITNESS:** Not to my knowledge.  
18 **BY MR. FINNEGAN:**  
19 **Q.** Did you know that there was a precursor  
20 document?  
21 **A. No.**  
22 **Q.** Any -- any documents, any other documents that  
23 you have that are somewhat similar to the 1962 document  
24 that -- some dealing with sexual abuse that were  
25 promulgated by the Holy See or one of its

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1 congregations?  
2 **A. Not that I recall.**  
3 **Q.** What's the -- your experience in going through  
4 the priest files, has it been your observation that the  
5 diocese generally maintains documents on -- on a variety  
6 of matters concerning each individual priest?  
7 **A. To the best of my knowledge, yes.**  
8 **Q.** And there's an expectation within the diocese  
9 that -- that when there are documents that come into the  
10 chancery regarding an individual priest that those  
11 documents will be retained in the priest file?  
12 **A. That is correct.**  
13 **Q.** And I have -- I have -- let me take this off and  
14 sneak over there. I have copies of the --  
15 **MR. MAZZEO:** We have a whole bunch of  
16 documents.  
17 **MR. FINNEGAN:** Yeah, of the documents. I  
18 want to ask you generally.  
19 **THE WITNESS:** Sure.  
20 **MR. FINNEGAN:** I have another copy, but  
21 this is exactly what you guys produced. I just want to  
22 ask him generally if this is how they were organized in  
23 the --  
24 **MR. MAZZEO:** I don't need --  
25 **MR. FINNEGAN:** I assume you don't.

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1 **MR. MAZZEO:** I can take a look at it,  
2 though, but . . . lot of trees, copies upon copies.  
3 **BY MR. FINNEGAN:**  
4 **Q.** I'm going to show you, Father, first, these are  
5 all the documents on -- on John Feeney that have been  
6 produced as a part of this -- this litigation. If you  
7 can, just I'm giving you Exhibit 101, which is the  
8 first -- first production that you guys made, Pete, and I  
9 can see if you want it. It all falls under that tab that  
10 you guys gave us. If you can, flip through that for me  
11 just a little bit. It looks to me in flipping through it  
12 that -- that these documents are not in chronological  
13 order. And so my question to you is whether or not as a  
14 general matter, if this looks like the way that the files  
15 were maintained on -- on John Feeney when you reviewed  
16 them, if this corresponds to the way that they were  
17 maintained.  
18 **MR. MAZZEO:** Objection. Are you asking --  
19 well, let me first ask, are you asking Father John  
20 Doerfler to go through each and every document?  
21 **MR. FINNEGAN:** No, I'm asking this as a  
22 general matter. Just to -- it might be easier if you  
23 want to do it on this just to -- just to flip through,  
24 and is this generally how what your recollection was of  
25 how the documents were organized within John Feeney's

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1 files?  
2 **MR. MAZZEO:** And I'll just object as to --  
3 on the grounds of speculation.  
4 **THE WITNESS:** Yeah. To answer that, you  
5 know, question I would need to, you know, compare this to  
6 the way matters are ordered in our file. Remember that  
7 we have like three different files, you know, for John  
8 Feeney. There's, you know, the public access file,  
9 there's the general file, there's, you know, that  
10 confidential file, and there's no such distinction in the  
11 documents that you have here.  
12 **BY MR. FINNEGAN:**  
13 **Q.** But it would be possible for you upon request to  
14 make a copy of each of the individual three files, is  
15 that correct?  
16 **A. That's -- that is correct.**  
17 **Q.** And it also would be possible -- strike that.  
18 Are there any -- any documents that, you know, if there's  
19 -- if there's a legal lawsuit against the diocese, are  
20 those legal papers, the Complaint and stuff, are those  
21 put into John Feeney's file?  
22 **MR. MAZZEO:** I'm sorry, I missed the last  
23 question.  
24 **THE WITNESS:** Yeah, yeah, can you -- can  
25 you repeat that, please?

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1 BY MR. FINNEGAN:  
2 Q. Sure. In any of the cases where John Feeney has  
3 been involved in being accused in a civil lawsuit of  
4 sexually molesting a kid, would any of those legal papers  
5 like the Complaint, any of the, you know, the lawsuit  
6 when it's served, does that go into any of his files at  
7 the diocese?  
8 A. Yes.  
9 Q. Which -- which of the three files would that go  
10 into?  
11 MR. MAZZEO: Objection, asked and  
12 answered, but you can answer.  
13 THE WITNESS: Okay. The confidential  
14 file.  
15 BY MR. FINNEGAN:  
16 Q. Is there any -- any additional file that has to  
17 do with -- with legal matters and John Feeney?  
18 MR. MAZZEO: In addition to the  
19 confidential file?  
20 BY MR. FINNEGAN:  
21 Q. To the -- to the three files that you talked  
22 about.  
23 A. Not, you know, to my knowledge. Those original  
24 legal papers would be -- would be forwarded to that  
25 file.

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1 Q. During the review of the files in 2006, were  
2 there any documents that were destroyed in John Feeney's  
3 file?  
4 A. The only documents that I would recall would be  
5 those psychological reports that I spoke of earlier.  
6 Q. And were those for John Feeney, were there  
7 psychological reports within his file that were destroyed  
8 in 2007?  
9 A. That is correct.  
10 Q. Was there an indication of -- for each one of  
11 those psychological documents that were destroyed from  
12 John Feeney's file, was there any notation made about --  
13 about that document that was destroyed?  
14 A. Yes.  
15 Q. And that -- that would be in one of his three  
16 files today?  
17 A. Correct. As I indicated earlier, you know, we  
18 kept a basic notation, you know, that there was a  
19 psychological report, the date and the issuing  
20 institution.  
21 Q. In order to put together the laicization papers  
22 for Feeney, did you interview anybody in preparing that  
23 petition?  
24 A. Not that I recall.  
25 Q. Then it looked like in the production --

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1 MR. MAZZEO: Before you -- Mike, can we go  
2 off the record for a minute?  
3 MR. FINNEGAN: Sure.  
4 MR. MAZZEO: I want to clarify something.  
5 (An off-the-record discussion was held.)  
6 BY MR. FINNEGAN:  
7 Q. Father, we just had a conversation off the  
8 record about John Feeney's file and what happened with  
9 his file before 2004 when you became chancellor and in  
10 control of those documents. Did -- do you have any  
11 knowledge about how his file was handled before 2004?  
12 A. Just for clarification, I became chancellor in  
13 2005, but worked with Father Feeney's file for the first  
14 time in 2004. I had no knowledge of any of those files  
15 prior to 2004.  
16 Q. And who -- who would have knowledge at the  
17 diocese about the handling of John Feeney's file before  
18 2004, if you know?  
19 A. I don't know exactly who, you know, would have  
20 been involved, you know, with, you know, those documents  
21 in 2002. It could have been the previous chancellor.  
22 Q. And who was that?  
23 A. That would have been Sister Mary Bride Grubbs  
24 potentially. I don't know the level of her involvement  
25 in that, but she was -- she was my predecessor as

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1 chancellor.  
2 Q. And so she would have been the one who was in  
3 charge of the documents for some period of time?  
4 A. Correct.  
5 Q. Do you know how long she was chancellor?  
6 A. Not off the -- not off the top of my head.  
7 Q. I think they gave you credit for being the  
8 chancellor in '04 here in the Catholic Directory, so they  
9 gave you an extra year there, an extra bump in the  
10 Directory. Anybody else that would have knowledge  
11 besides Sister Mary Grubbs of -- or Sister -- excuse me,  
12 Sister Mary Bride of how the -- what happened with  
13 Feeney's file?  
14 A. I was not involved in any of those matters at  
15 that time. I don't know who.  
16 Q. Did -- before a couple minutes ago, did you ever  
17 hear any -- any discussions about John Feeney's file  
18 being taken by the prosecutors during the -- or by law  
19 enforcement during the criminal prosecution of John  
20 Feeney?  
21 A. No.  
22 Q. But you do know that today, as of today that  
23 there are three separate files at the diocese for John  
24 Feeney?  
25 A. That is correct.

16 (Pages 58 to 61)

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1 MR. MAZZEO: You know, and just so that we  
2 can have something to refer back to when we review the  
3 deposition transcript of Father Doerfler and our  
4 discussion off the record a few minutes ago, it was  
5 discussed that sometime in 2002 with regard to -- or  
6 during the -- during or prior to the criminal trial of  
7 John Feeney in connection with the Merryfield boys, that  
8 the law enforcement, the sheriff or someone connected  
9 with possibly the district attorney's office, came in and  
10 confiscated the entire file pertaining to John Feeney, so  
11 I just want to put that on the record for further -- for  
12 future reference.

13 MR. FINNEGAN: Yeah, that was the  
14 discussion that we had, and I was trying to find out  
15 if you had any information about anybody that would know  
16 anything about the D.A. coming in and confiscating those  
17 files.

18 THE WITNESS: And I was, you know, not  
19 involved with any of the files at that time.

20 BY MR. FINNEGAN:  
21 Q. I'm going to show you what's -- what I've marked  
22 as Exhibit 900. In this document John Feeney discusses  
23 that he, just wrote in some detail my apologia covering  
24 my 30 plus years in the diocese. My question to you,  
25 Father, is whether or not in your review of John Feeney's

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1 file in 2004 or any time that you reviewed it since, have  
2 you ever seen an apologia in his file from John Feeney?  
3 A. I don't remember.

4 MR. MAZZEO: Objection on the grounds of  
5 relevaney.

6 BY MR. FINNEGAN:  
7 Q. You don't remember seeing it?  
8 A. No.  
9 Q. Now I'm going to show you Exhibit 901, Father.  
10 MR. MAZZEO: I got it.

11 BY MR. FINNEGAN:  
12 Q. You've had a chance to review Exhibit 901?  
13 A. Yes.  
14 Q. And on the last page of 901, do you see that  
15 that's your signature there?  
16 A. That is correct.  
17 Q. And you prepared this document?  
18 A. Yes, I did.  
19 Q. What is -- what is the designation of  
20 confidential at the top of the first page, what does that  
21 mean?  
22 A. That this was intended for Father Feeney and as  
23 you note a copy to his legal counsel.  
24 Q. And does that -- does that indicate which file  
25 it's going to go into as well? Not necessarily?

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1 A. Not necessarily.  
2 Q. And where -- where did you get this information  
3 that's in the -- in this document?  
4 A. From Father Feeney's file.  
5 Q. Did -- did Father Feeney, did he respond to this  
6 letter that you sent to him?  
7 A. I do not remember.  
8 Q. Did you have any other source for the  
9 information that you had in this document besides the  
10 files that you had on John Feeney?  
11 A. No.  
12 Q. So it's correct to say that the only thing that  
13 you did to prepare this is look at the documents and  
14 files maintained at the diocese regarding John Feeney?  
15 MR. MAZZEO: Asked and answered.  
16 THE WITNESS: That's correct.  
17 BY MR. FINNEGAN:  
18 Q. Have you taken any reports from people that have  
19 said that they were abused by John Feeney as a child?  
20 A. That is correct.  
21 Q. How many of those reports have you taken?  
22 A. I do not remember.  
23 Q. More than one?  
24 A. Yes.  
25 Q. More than five?

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1 A. I do not remember.  
2 Q. Any of those reports that you took where the  
3 person had -- where the person alleged that John Feeney  
4 sexually abused him or her as a child, did you take notes  
5 of each of those?  
6 A. Yes.  
7 Q. And those notes then afterwards, you put those  
8 in John Feeney's file?  
9 A. That is correct.  
10 Q. Did you -- do you remember on any of those  
11 reports, did you type anything up?  
12 A. That -- that is correct, we would do a typed --  
13 I may have taken handwritten notes and then typed them so  
14 that they would be legible and more easily preserved and  
15 then signed the typewritten -- signed or initialed the  
16 typewritten copy.  
17 Q. And would both of -- in that situation, would  
18 both your handwritten notes and the typewritten notes go  
19 into the file?  
20 A. Most likely just the typewritten notes because  
21 for the point of view of, you know, period of time people  
22 may not be able to read my handwriting, so I'd want to  
23 make sure there's a typed copy that's initialed or signed  
24 by me to verify of contents of that and its  
25 correspondence to my -- and, you know, anything that I

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1 initially took down by hand.  
2 Q. In this document 901, Exhibit 901, where did you  
3 get the information about -- about what Troy Merryfield  
4 said at the criminal trial, was that in Feeney's file,  
5 too?  
6 A. Yes, that was a copy of the deposition from the  
7 eriminal trial.  
8 Q. And was that -- a copy of that deposition from  
9 the criminal trial, was that in the diocese -- Diocese of  
10 Green Bay's file pertaining to Feeney?  
11 A. Correct.  
12 MR. MAZZEO: Just for elarification, was  
13 that deposition testimony or trial testimony if you  
14 know?  
15 THE WITNESS: I'm not sure what the  
16 difference is.  
17 BY MR. FINNEGAN:  
18 Q. Was there any -- any other testimony that was in  
19 John Feeney's file besides Troy Merryfield's?  
20 A. I'm not sure I understand the question.  
21 Q. Sure, I'll try and rephrase it. Were there any  
22 other records of court proceedings where someone was  
23 deposed or someone was -- gave testimony at a -- at a  
24 trial, at a live trial that you noted in the -- Feeney's  
25 file besides Troy Merryfield?

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1 A. I know that there were, you know, copies, you  
2 know, of accounts. I don't recall in detail, you know,  
3 the sources of those. It's been since 2004.  
4 Q. Have you -- have you had to review John Feeney's  
5 file at all since 2004?  
6 A. No.  
7 Q. When you get the historical information about a  
8 -- about a certain priest within the diocese, one of the  
9 best places to get that historial information is in the  
10 files maintained by the diocese?  
11 A. When you mean historical information, you mean?  
12 Q. Any information about the priest's past that  
13 dates back a ways, the -- would you consider -- I mean  
14 you used that for this document, would you consider that  
15 to be one of the best sources of information?  
16 A. Yes.  
17 Q. Was this -- this recitation that you sent to  
18 John Feeney in Exhibit 901, was this part of the  
19 materials that were sent to the Congregation for the  
20 Doctrine of Faith?  
21 A. I do not, you know, recall whether that was --  
22 this letter in particular was included in that, you know,  
23 dossier. I've not examined that, you know, dossier in  
24 detail in a number of years.  
25 Q. Have you interviewed any or talked to any

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1 priests that worked with John Feeney at any of the  
2 assignments where he's been accused of sexually molesting  
3 kids?  
4 MR. MAZZEO: Objection, relevance.  
5 THE WITNESS: Yeah, can you elarify the --  
6 MR. FINNEGAN: Sure.  
7 THE WITNESS: -- you know, you know, the  
8 question?  
9 BY MR. FINNEGAN:  
10 Q. Sure. Have you ever had any discussions or  
11 conversations with any of the priests that served any of  
12 the parishes with John Feeney where he's been accused of  
13 sexually molesting kids?  
14 MR. MAZZEO: While in the Diocese of Green  
15 Bay?  
16 MR. FINNEGAN: Any place.  
17 MR. MAZZEO: Okay. Objection as to time  
18 frame.  
19 THE WITNESS: Are you asking whether I --  
20 I had conversations about the sexual abuse of minors --  
21 MR. FINNEGAN: Yes.  
22 THE WITNESS: -- with those priests, is  
23 that what --  
24 MR. FINNEGAN: Yes.  
25 THE WITNESS: -- you're asking? Not that

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1 I recall.  
2 BY MR. FINNEGAN:  
3 Q. Did you attend any portion of the criminal trial  
4 against John Feeney?  
5 A. No.  
6 MR. MAZZEO: Off the record for a minute,  
7 please.  
8 (A break was taken at this time.)  
9 BY MR. FINNEGAN:  
10 Q. Father, I'm going to show you what I've marked  
11 Exhibit 902 in blue ink there, and it sonnds like from  
12 our discussions off the record that you might not know  
13 the -- know the reason why, but it -- it appears to -- to  
14 me that these were documents that were produced in the  
15 Wisconsin case but were not produced in the Nevada case.  
16 Do you have any -- scanning through these -- through  
17 these documents, is it -- is this a particular file that  
18 might have gotten overlooked or is it -- is there any --  
19 does it make sense to you what's in here as far as is it  
20 a grouping that looks familiar?  
21 A. The -- there are some things I -- I don't have  
22 any, you know, recollection of. For example, like there  
23 -- this is on -- it says TM 297, you know, there was a  
24 biography that was done of priests in the dlocese from a  
25 book called In His Vineyard, so that's -- you know, so

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1 that's the entry from that book. This other, you know,  
2 document looks like a -- on the next page, you know,  
3 there was a time when we kept track of assignments of  
4 priests like on an index card. That's what this document  
5 looks like, you know, 295.  
6 Q. And this 295, is that something that is  
7 generally in the -- in the priest files?  
8 A. Yes. You know, but --  
9 Q. What about this next one, do you remember seeing  
10 this one at all in the -- in the file?  
11 MR. MAZZEO: And I'll just represent that  
12 that looks like a Bates stamp, Bates label stamp from --  
13 on the John Doe case.  
14 THE WITNESS: Yeah, I don't --  
15 MR. FINNEGAN: And our case here you're  
16 saying?  
17 MR. MAZZEO: No, the John Doe case in --  
18 yes, our case, yes.  
19 MR. FINNEGAN: Our case here.  
20 MR. MAZZEO: Yeah, in Nevada.  
21 THE WITNESS: I don't have any, you know,  
22 recollection of that document.  
23 BY MR. FINNEGAN:  
24 Q. What about the last document here, the -- or  
25 second to the last two documents within this, they're

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1 marked Exhibit 88 and 89, do you remember seeing those in  
2 there?  
3 A. Again, it has been a number of years since I  
4 examined Father Feeney's or John Feeney's file in detail,  
5 and I don't have a clear recollection of documents that,  
6 you know, were there. So I don't -- couldn't tell you  
7 for sure whether I've seen that document or not without,  
8 you know --  
9 Q. More --  
10 A. Without, you know, checking on things.  
11 Q. And so if -- if -- if some of these documents  
12 were not produced in the John Doe case in Nevada, you --  
13 you don't have any knowledge -- it's correct to say that  
14 you don't have any knowledge about why or why not?  
15 A. Correct, correct. I've -- I've had no  
16 involvement in the production of documents.  
17 MR. MAZZEO: And again, that first  
18 document in this packet, Diocese of Green Bay 1063 and  
19 the second page, Diocese of Green Bay 1064, those are  
20 Bates numbers that I recognize in our case.  
21 MR. FINNEGAN: They all I guess -- I don't  
22 think you want to take too much time with it, but it  
23 looks like the -- a lot of the documents -- well, these  
24 are both, but that's because those are Merryfield  
25 numbers, but it looks like the ones that you guys

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1 produced in your case just had Green Bay like that, and  
2 then the number at the bottom, and that the Merryfield  
3 production was the Diocese of Green Bay ones. And at  
4 least the way that you had --  
5 MR. MAZZEO: Oh, I may be -- I may be  
6 mistaken then.  
7 MR. FINNEGAN: And we -- we can sort that  
8 out. I don't want to take your time. I know you've got  
9 a flight.  
10 BY MR. FINNEGAN:  
11 Q. But it sounds like you don't have any knowledge  
12 about why something was produced or wasn't produced in  
13 this case?  
14 A. No.  
15 MR. FINNEGAN: I think I'm done, but let  
16 me look through real quick. If you have any follow-ups,  
17 you can -- you can start while I'm looking to save the  
18 time.  
19 MR. MAZZEO: No, I don't have any  
20 follow-up.  
21 MR. FINNEGAN: Just give me one second  
22 here, Father, and I'm going to rifle through this. I  
23 think we're done, --  
24 THE WITNESS: Okay.  
25 MR. FINNEGAN: -- but I want to

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1 double-check.  
2 MR. MAZZEO: I can go now or I can wait.  
3 MR. FINNEGAN: Go ahead if you have some.  
4 MR. MAZZEO: Yeah.  
5 EXAMINATION  
6 BY MR. MAZZEO:  
7 Q. Father Doerfler, I had a question with regard  
8 to, and this is a term that has come up during the course  
9 of discovery quite often, and it's a term that's referred  
10 to as incardination. Can you describe what that means  
11 and what connection that has for an individual who's been  
12 incardinated with respect to a diocese?  
13 A. The simple way to explain incardination is that  
14 there are no free agent priests, so all priests are  
15 attached to a diocese or perhaps a religious institute,  
16 Society of Apostolic Life, etcetera.  
17 Q. All right. And could you -- could you expand on  
18 the situation where a priest who was incardinated let's  
19 say in Diocese A but is now serving or executing his  
20 faculties in Diocese B, what -- what connection is there  
21 between that priest, what legal or religious connection  
22 is there between the priest now in Diocese B to Diocese A  
23 where he was incardinated?  
24 A. Okay. I think there are two important concepts  
25 to keep in mind. One is that of incardination, the

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1 second is that of jurisdiction. Incardination basically  
2 has to do with, you know, to which diocese a priest is  
3 attached. As I indicated, there is no, you know, free  
4 agent priests. Jurisdiction would have to do with, you  
5 know, the relationship or the authority of the bishop  
6 with respect to a priest that's incardinated in his  
7 diocese, whether he's serving in his diocese or outside  
8 of his diocese, and the -- and the nature of that  
9 jurisdiction is different when he is serving in his  
10 diocese or outside of his diocese. Because a priest is  
11 incardinated in a particular diocese in order to serve  
12 elsewhere, say, you know, if he's incardinated in Diocese  
13 A, for him to serve in Diocese B, he needs the permission  
14 of his diocesan bishop.

15 Q. And does he also need the permission of --

16 A. Of the bishop in the diocese, you know, Diocese  
17 B in which he will serve, okay. So -- so the permission  
18 of both bishops is required. Once serving in Diocese B,  
19 the jurisdiction of the bishop of Diocese A is limited  
20 because jurisdiction in the Catholic church is primarily  
21 territorial. So the bishop has complete jurisdiction  
22 within the confines of his own diocese. So he, for  
23 example, the bishop would not have any authority over the  
24 exercise of the external apostolic works, etcetera, in  
25 Diocese B, you know, or excuse me, the bishop of Diocese

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1 A would not have any authority over, you know, the  
2 apostolate in Diocese B. That belongs to the bishop of  
3 Diocese B. The limits of the jurisdiction of the, you  
4 know, the -- you know, so for example, you know, the  
5 bishop from Diocese A would not, you know, dictate or  
6 assign or, you know, monitor the apostolic activity of a  
7 priest in another diocese.

8 Q. Okay. Go ahead, you can --

9 A. Yes.

10 Q. -- I don't know if you were finished.

11 A. Right, yes. And that -- that would be primarily  
12 the responsibility of the bishop in, you know, in whose  
13 diocese he's serving.

14 MR. MAZZEO: Thank you. No further  
15 questions.

16 EXAMINATION

17 BY MR. FINNEGAN:

18 Q. Now we do have more. It's -- it's correct that  
19 if a priest is serving outside of his own diocese in  
20 which he's incardinated, that even though he's outside  
21 that diocese, at all times he remains a priest of his  
22 home diocese?

23 A. That is correct.

24 Q. And so for any priest that -- that is  
25 incardinated in the Diocese of Green Bay, he serves an

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1 assignment outside the geographic confines of the Diocese  
2 of Green Bay, he still remains a priest of the Diocese of  
3 Green Bay?

4 A. Correct, unless, you know, he would be  
5 incardinated into that new diocese.

6 Q. And for a priest of the Diocese of Green Bay  
7 that's working outside the Diocese of Green Bay, at all  
8 times that he's working outside the diocese, the  
9 geographical confines, he still is subject to the promise  
10 of obedience to the bishop of the Diocese of Green Bay?

11 A. That is correct.

12 Q. At any point -- it's correct to say that at any  
13 point that that priest of the Diocese of Green Bay who's  
14 -- who's working outside the geographical confines of the  
15 Diocese of Green Bay, it's correct to state that the  
16 bishop of the Diocese of Green Bay can recall him back to  
17 the Diocese of Green Bay at any time?

18 A. That is correct.

19 Q. And it's also true that the bishop of the  
20 Diocese of Green Bay can restrict the ministry of a  
21 priest of the Diocese of Green Bay even if he's working  
22 at a location outside the geographical confines of the  
23 Diocese of Green Bay?

24 A. Yes, you know, he can. And just to -- you know,  
25 also, you know, offer, you know, some clarification, you

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1 know, the bishop of the Diocese of Green Bay could not,  
2 you know, because he doesn't have jurisdiction over, you  
3 know, the other diocese, he wouldn't -- he couldn't  
4 assign the priest to the other diocese. He wouldn't have  
5 any direct oversight of the priest in the other diocese  
6 because he doesn't have that level of jurisdiction. The  
7 jurisdiction he would have over the priest, you know,  
8 outside of his diocese would be merely a personal  
9 jurisdiction that would serve to the -- that would have  
10 to do with the priest himself. So, for example, if the  
11 bishop wanted to, as you note, you know, restrict him  
12 from doing some things, you know, he could do that,  
13 and -- but, you know, overall he doesn't have a broad  
14 jurisdiction in the other diocese.

15 Q. But he has a broad jurisdiction over that  
16 individual priest even though he's outside the diocese?

17 MR. MAZZEO: Objection, misstatement of  
18 the witness' testimony.

19 THE WITNESS: Yeah, not broad --

20 MR. FINNEGAN: I'm not stating it, I'm  
21 asking a question.

22 THE WITNESS: -- not broad. When I talked  
23 about the personal jurisdiction, it's much more narrow,  
24 okay, it's much more narrow. So he has -- you know, so  
25 outside of his diocese, the bishop has much less --

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1 normally he doesn't have any jurisdiction outside of his  
2 diocese, but because he's a priest of his diocese, he  
3 would have a limited personal jurisdiction over that  
4 priest.  
5 **BY MR. FINNEGAN:**  
6 Q. And he -- and I don't know if we got a yes or no  
7 on this, but the bishop of the Diocese of Green Bay can  
8 restrict any priest of the Diocese of Green Bay's  
9 ministry no matter where he's serving in the whole  
10 world?  
11 **A. That is correct.**  
12 Q. And the bishop of the Diocese of Green Bay could  
13 put a restriction on any priest of the Diocese of Green  
14 Bay that he cannot work with minors, and he could do that  
15 no matter where that priest is working?  
16 **A. That's correct. Now, of course, for any --**  
17 **qualification, for any restrictions that are placed on a**  
18 **priest's ministry, there has to be due cause because, you**  
19 **know, priests are by the very nature of their ordination**  
20 **to, you know, proclaim the gospel, to celebrate the**  
21 **sacraments, and there has to be -- and this is for the**  
22 **salvation of souls, so there has to be a grave cause for**  
23 **a bishop to restrict the ministry of a priest. He cannot**  
24 **simply do that without, you know, a substantiated**  
25 **basis.**

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1 Q. And the -- that priest, a priest of the Diocese  
2 of Green Bay, for him to do any work outside of the  
3 geographic confines of the Diocese of Green Bay, he has  
4 to have the bishop of the Diocese of Green Bay's  
5 permission?  
6 **A. He would need his permission to move to**  
7 **administer in another diocese.**  
8 Q. And if he didn't have that permission, he  
9 wouldn't be -- wouldn't be able to go and minister in  
10 another diocese?  
11 **A. That is correct.**  
12 Q. And was -- to your knowledge, was John Feeney  
13 ever incardinated into another diocese besides the  
14 Diocese of Green Bay?  
15 **A. No.**  
16 **MR. FINNEGAN:** I don't have anything  
17 further.  
18 **EXAMINATION**  
19 **BY MR. MAZZEO:**  
20 Q. Just -- just for clarification purposes, so  
21 where a priest is incardinated in the Diocese of Green  
22 Bay but is serving as I guess an external priest in let's  
23 say the Diocese of Las Vegas --  
24 **A. Correct.**  
25 Q. -- is it correct to say that the bishop of the

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1 Diocese of Green Bay at that point would not monitor,  
2 oversee and supervise the activities, functions and  
3 duties of that priest while serving as an external priest  
4 or serving in the Diocese of Las Vegas?  
5 **A. That is correct.**  
6 **MR. FINNEGAN:** Objection. Objection as to  
7 foundation and form. You can answer, though.  
8 **THE WITNESS:** That is correct.  
9 **MR. MAZZEO:** Thank you. No further  
10 questions.  
11 (The deposition was concluded at approximately 4:55  
12 p.m.)  
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1 **CERTIFICATE**  
2 I, Jeffrey J. Watezak, a Notary Public, do hereby  
3 certify that the foregoing deposition was taken in the  
4 above-entitled action under the Rules of Civil Procedure  
5 on November 5, 2010.  
6 That the witness was first duly sworn by me before  
7 the commencement of his deposition, that the testimony so  
8 given by said witness was reduced by me in stenotype and  
9 transcribed under my supervision; that the transcript is  
10 a true record, to the best of my ability, of the  
11 testimony given by the witness; and that the reading and  
12 signing of the deposition transcript was not waived by  
13 Father John Doerfler.  
14 I further certify that I am not a relative,  
15 employee, attorney or counsel of any of the parties or  
16 attorneys or financially interested in the event of this  
17 action.  
18 **IN WITNESS WHEREOF,** I have hereunto set my hand and  
19 affixed my seal of office this \_\_\_\_\_ day of  
20 \_\_\_\_\_, 2010.  
21  
22  
23 **Jeffrey J. Watezak**  
**Notary Public**  
**Minnesota and Wisconsin**  
24  
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ORIGINAL

1 NECC  
2 J. R. CROCKETT, JR., ESQ.  
3 Nevada Bar No. 000068  
4 CROCKETT & MYERS  
5 700 South Third Street  
6 Las Vegas, NV 89101  
7 702-382-6711  
8 Fax: 702-384-8102

9 - and -

10 JEFFREY R. ANDERSON, ESQ.  
11 JEFF ANDERSON & ASSOCIATES  
12 366 Jackson Street, Suite 100  
13 St. Paul, MN 55101  
14 651-227-9990  
15 Fax: 651-297-6543

16 *Attorney for Plaintiff John Doe 119*

17 DISTRICT COURT

18 CLARK COUNTY, NEVADA

19 JOHN DOE 119,  
20 Plaintiff,

21 vs.

22 ROMAN CATHOLIC BISHOP OF LAS VEGAS  
23 and His Successors, a Corporation Sole, f/k/a DIOCESE OF  
24 RENO-LAS VEGAS and its Predecessors and Successors,  
25 the CATHOLIC DIOCESE OF GREEN BAY, INC.,  
26 and FR. JOHN PATRICK FEENEY,

27 Defendants.

Case No. A555265  
Dept. No. II

28 **COMMISSION TO TAKE VIDEOTAPE DEPOSITION**  
**OUTSIDE THE STATE OF NEVADA**

TO: ANY NOTARY PUBLIC OF THE STATE OF WISCONSIN

.../

1 YOU ARE HEREBY COMMISSIONED AND FULLY AUTHORIZED to take the  
2 videotaped deposition of: FATHER JOHN DOERFLER, in accordance with the Rules of  
3 Civil Procedure of the State of Nevada, at the law firm of Peterson, Berk & Cross, 125  
4 South Jefferson Street, Suite 205, Green Bay, WI 54301, on the 5th day of November,  
5 2010, at the hour of 1:00 PM, and on succeeding days until concluded, or at such other  
6 time and places as may be mutually agreed upon by counsel for the respective parties  
7 hereto.

8 You shall put the witnesses on oath and their testimony shall be recorded by  
9 someone acting under your direction, stenographically, and thereafter transcribed.  
10 Objections to evidence presented shall be noted, and the evidence shall be taken subject to  
11 the objections. When the testimony is fully transcribed, it shall be signed by the respective  
12 witnesses after a full opportunity to make corrections or changes. You shall certify on the  
13 deposition that the witness was duly sworn by you, and that the deposition is a deposition,  
14 and place it in an envelope endorsed with the title of the action and marked "Deposition of  
15 FATHER ROBERT VANDENBERG," and send it by registered mail to J.R.  
16 CROCKETT, JR., CROCKETT & MYERS, 700 South Third Street, Las Vegas, Nevada,  
17 89101.

18 DATED this \_\_\_ day of \_\_\_\_\_, 2010.

19  
20 CLERK OF COURT, CLARK COUNTY

21  
22  
23 By  KADIRA BECKUM  
24 Deputy County Clerk  
25  
26  
27  
28

( )

( )

( )

July 25, 2002  
The Feast of St. James,  
Apostle and Martyr

Most Reverend Bishop,

To you, my Father in Christ, I write with heavy heart but still hopeful, relying on the promises of Christ and Our Lady's intercession.

Please be so kind as to read, or re-read, the enclosure. It describes me in many respects.

I just wrote in some detail my "apologia" covering my 30-plus years in the diocese. However I decided to put it aside and send just this short note.

Please do not take it as any indication of lack of respect that this effort at typing is quite imperfect.

I pray for you, Bishop, daily and ask your prayers...and your support at this difficult time in my life.

Yours in Xto,

*John Feeney*

*Ex 900*

DIOCESE OF GREEN BAY  
0002

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( )

( )

COPY

October 13, 2004

John Feeney  
Fox Lake Correctional Institution  
PO Box 147  
Fox Lake, WI 53933-0147

Dear John:

Greetings in our Lord.

In my letter of September 30, 2004, I stated that I had made arrangements to visit you at Fox Lake Correctional Institution on Wednesday, October 6, 2004. I wanted to meet with you to explain the canonical process and to make sure that you were clearly aware of all of the allegations made against you, and to provide you with the opportunity to defend yourself. However, Attorney James G. Hodge, your civil attorney, wanted to be present at the meeting. Since he could not be there, the meeting was canceled.

Therefore, I am sending you the following summary of the allegations against you.

In July 1978, the Diocese of Green Bay received allegations from two brothers, Todd and Troy Merryfield, that you attempted to fondle their genitals. At that time, they were ages 14 and 12 respectively. You were assigned to St. Nicholas Parish, Freedom, and you were visiting the family home. After the boys went to bed, you went to their bedrooms, where the incidents occurred. Both boys resisted your advances. In addition to the allegations made in 1978, in the course of the civil criminal trial, Troy Merryfield alleged that you had fondled his genitals through his clothing in the context of sacramental confession.

In 1983, you were accused of placing your hand on a young girl's leg while hearing her confession. In addition, you were accused of showering with the teenage boys in the locker room at the local high school, and exposing yourself to a worker who came to install an air conditioner in the rectory.

In October 1986, you were accused of bringing drug paraphernalia into Indian Springs Prison in Las Vegas, Nevada in exchange for homosexual favors by three prisoners.

In July 1987, [REDACTED] alleged that you fondled his genitals on several occasions in the rectories of St. Nicholas Parish, Freedom, and St. Mary Parish Stockbridge. The incidents

Ex 901

CONFIDENTIAL

occurred approximately between 1978 and 1982 when [REDACTED] was about 14 to 17 years of age.

In 1993, [REDACTED] alleged that you had abused her approximately thirty years earlier. Though there is no clear indication of her age at the time, it appears that the abuse occurred about 1961 when she was approximately 12 or 13 years old while you were assigned to Holy Redcemer Parish in Two Rivers, Wisconsin. She alleged that you kissed and fondled her on several occasions in her family home and in an automobile.

In 1994, the Diocese received an allegation from [REDACTED] through his civil attorney. [REDACTED] alleged that in approximately 1968 or 1969, you invited him and two friends, [REDACTED] and [REDACTED], to spend the night in the rectory at St. Francis Xavier Parish, De Pere, Wisconsin. Since there were two bedrooms, the two friends slept in one room, and you asked [REDACTED] to sleep with you. [REDACTED] alleged that you sodomized him by force and engaged in oral sex twice. [REDACTED] was approximately 13 or 14 years old at the time. [REDACTED] also believed that you may have abused others. Such abuse occurred in the shower of the boys' locker room at St. Francis Xavier School, De Pere, Wisconsin. In addition, [REDACTED] believed that you may have abused [REDACTED] and [REDACTED]. In March 1995, [REDACTED] testified. He corroborated elements of [REDACTED] testimony concerning the invitation to sleep at the rectory, and that [REDACTED] slept with you. Furthermore, [REDACTED] testified that you attempted to fondle him while he was sleeping alone with you in the rectory on a separate occasion a few months later. He was 13 or 14 years old at the time. In addition, you took the boys to see a sexually explicit film and asked them sexually explicit questions.

In April 2002, [REDACTED] alleged that you had fondled and kissed her on one occasion in 1969 at St. Francis Xavier Parish, De Pere, Wisconsin. She was about twelve years old at the time.

In April 2002, [REDACTED] alleged that you had fondled him in his bedroom on several occasions between 1961 and 1963 while you were assigned to St. Therese Parish, Appleton, Wisconsin. [REDACTED] was between 8 and 11 years old at the time.

In July 2002, [REDACTED] alleged that in 1963 to 1964 you had fondled his genitals on three occasions, once in the church while preparing for mass as an altar server, once in his bedroom, and once while swimming. He was approximately 12 or 13 years old at the time.

In October 2002, [REDACTED] alleged that you had fondled his genitals on one occasion while swimming. This occurred between 1963 and 1965 when he was between 11 and 13 years old. [REDACTED] also alleged that you attempted to abuse one of his friends in a hotel when you had taken them on a trip.

In November 2003, [REDACTED] alleged that you had fondled his genitals on one occasion while visiting him in the hospital in Chilton, Wisconsin. This occurred in 1964 when he was 11 years old.

CONFIDENTIAL

In July 2004, [REDACTED] alleged through his civil attorney that you had masturbated him on approximately four occasions at a movie theater in Appleton, Wisconsin. This occurred in 1961-1962 when he was approximately 14 or 15 years old.

Furthermore, there are twelve additional anonymous or third party allegations of sexual misconduct with minors. In 1974, Bishop Wycislo received a letter alleging that you had sexual relations with a young girl on a retreat.

In October 1987, Reverend David Kiefer, Vicar for Clergy, received a telephone call from the Chancellor of the Diocese of Grand Island, who reported that he had received notice from an attorney whose unnamed client accused you of making sexual advances toward him in approximately 1982.

In December 1993, Monsignor Paul Kosarek, Vicar General, received an anonymous phone call. The caller, who refused to identify himself, alleged that that you came to his room and touched his penis in the early 1960s when you were assigned to St. Therese Parish in Appleton, Wisconsin.

In April 2002, Bishop Banks received a letter from [REDACTED] who claimed to know many of your victims.

In April 2002, the Diocese of Green Bay received an email from a woman named [REDACTED]. She alleged that her husband told her that you abused him. In the early 1960s when you were assigned to St. Therese Parish in Appleton, Wisconsin, you took a group of boys swimming and fondled them, and her husband was among that group of boys.

In May 2002, the Diocese of Green Bay received an anonymous phone call from the sister of an alleged victim who stated that you had abused him at St. Francis Xavier Parish, De Pere, Wisconsin sometime between 1969 and 1973 when he was about 16 or 17 years old. He said that others were also abused.

In June 2002 the Diocese of Green Bay received a telephone call from [REDACTED] who claimed that you abused her brother and 14 other boys at St. Nicholas Parish, Freedom between the years 1976-1979.

In September 2002 Bishop Banks received an email from [REDACTED] who alleged that you molested his brother in 1968 in their family home in Oshkosh, Wisconsin.

In September 2002 the Diocese of Green Bay received an email from [REDACTED] who stated that while he was a school boy at St. Mary Parish in Clark's Mills, Wisconsin, he "experienced some excruciatingly uncomfortable moments" with you and knows that his classmates had similar or worse experiences. He did not elaborate further, and when asked to meet to discuss this further, he declined.

In December 2002, the Diocese of Green Bay received a telephone call from [REDACTED] who said that you abused her son [REDACTED] while you were stationed at St. Francis

CONFIDENTIAL

Xavier Parish in De Pere, Wisconsin. You knew the family and would tuck the boys in bed. When [REDACTED] was 12 years old, you tried to get in the shower with him, and [REDACTED] knocked you out of the shower on to the floor.

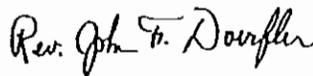
In February 2004, Bishop Zubik received a letter from [REDACTED]. She alleged that you had abused her younger brother, [REDACTED] in the early 1960s when you were assigned to St. Therese Parish in Appleton. You would appear at the family home after [REDACTED] had gone to bed, and you "just had to run upstairs quick to see him about something."

In July 2004, Bishop Zubik received a letter from [REDACTED] who alleged that you attempted to abuse her brother while you were assigned to St. Therese Parish in Appleton, in the early 1960s. You took her brother and other boys swimming where the attempted fondling occurred. You also tried to touch his genitals in a car and in the context of confession, but he repelled your advances. There is also some suspicion that a friend of her brother may have committed suicide due to your sexual misconduct.

You are not required to admit or deny any of the allegations; however, you may do so voluntarily. If you wish to offer a defense, you must submit it in writing by November 5, 2004. We will then include your statement in the dossier that is sent to the Congregation for the Doctrine of the Faith in Rome. I encourage you to seek the counsel of a canon lawyer in preparing your defense, and you may contact the Canon Law Society of America for a list of canonists who are able to assist you. If we do not hear from you by November 5, 2004, we will presume that you do not intend to offer a defense.

I am sending a copy of this letter to your civil attorney, James G. Hodge. As you will note, I am marking this as a *confidential* document.

Sincerely yours in Christ,



Rev. John F. Doerfler, STL, JCL  
Assistant Chancellor  
Canon Lawyer for the Diocese of  
Green Bay

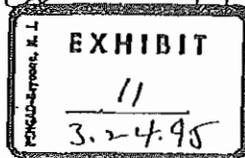
C: Attorney James G. Hodge



ST. PETER'S RECTORY  
177 HIGH STREET  
GREEN BAY, WISCONSIN

My Dear Bishop Bone. Because of the nature of this letter, I am writing it separately.

I have always tried to adjust myself to the disposition of different assistants. I must confess that I am not successful with Father Feeney. He has been with us about a year. Plainly his boldness, imprudence, and antagonism in the parish, in the school, and in the rectory are the cause of misunderstanding.



Ex 902

Ex. 10A

DIocese of Green Bay  
1063

ST. PETER'S RECTORY  
177 HIGH STREET  
OSHKOSH, WISCONSIN

I regret having to do this,  
but if I didn't, I would not be  
fair to you, or to him.

He has much ability and no  
doubt, as he grows up, will find a  
place for the talent God gave him.

Thanking you for your  
kindness to me, I remain,

Respectfully  
F. M. McLaughlin

## IN HIS VINEYARD

1868 - 1983

### FEENEY, the Rev. John Patrick,

1st of 3 sons of John Patrick F. and Mary J. Roney, born in Grand Island, Neb., January 1, 1927. Education: St. Mary Cathedral High School, Grand Island, Nebr.; Notre Dame University, Indiana (1½ years); 1 year of service with the U.S. Naval Air Corps, first at their Technical Training Center at Memphis, Tenn., and then as a student under the Naval ROTC Program at the University of Idaho, Moscow, Idaho; philosophy and 2 years of theology at St. Thomas Seminary, Denver, Colo.; accepted as a clerical student for the Diocese of Green Bay, August, 1950, and assigned to St. Francis Seminary to complete theological studies. Ordained by Bishop Bona, cathedral, Green Bay, June 7, 1952. Assistant in parishes in: Green Bay, St. Joseph's, June, 1952; Kewaunee, January, 1954; Sturgeon Bay, St. Joseph's, September, 1954; Clintonville, June, 1955; Oshkosh, St. Peter's, March 14, 1956; Two Rivers, Holy Redeemer, September 5, 1958; Appleton, St. Therese's, September, 1961; Chilton, St. Mary's, September 12, 1963; Clark Mills, September 8, 1965 (temporary); Flintville, October 25, 1965; Francis Creek, January 11, 1966 (temporary); Maplewood, April 15, 1966; Wautoma, June 30, 1966 (temporary). Administrator of Holy Family Parish, Elcho, and St. Mary Mission, Pickerel, August 3, 1966. Pastor of parishes in: De Pere, St. Francis Xavier, June 14, 1969 (consolidated school with St. Mary's, 1971; erected new church, 1972); Suamico with mission at Little Suamico, June 20, 1973; Freedom, June 21, 1976. Temporary administrator of St. Mary of the Seven Dolors Parish, Stockbridge, January 31, 1979.

EX 150a  
TM 297

FEENEY, JOHN PATRICK		LANGUAGES, ETC.
NAME		
DATE AND PLACE OF BIRTH	Grand Island, Nebraska, January 1, 1927	
PARENTS	John Patrick Feeney - Mary J. Roney	
STUDIES CLASSICS	High-School: St. Mary's High School, Grand Island, Neb. College: Univ. of Notre Dame, 1½; Univ. of Idaho, 1 yr. Philosophy: St. Thomas Seminary, Denver, Colo., 2 yrs	
THEOLOGY	1st. 2 years: St. Thomas Seminary, Denver, Colo. last 2 years; St. Francis Seminary, Milwaukee, Wis.	
DATE AND PLACE OF ORDINATION	Cathedral, Green Bay, by Bishop S.V. Bona, June 7, 1952	ACHIEVEMENTS
DATE	APPOINTMENTS	U.S. Military service, 1 yr., 3 days (1944-'46)
6-10-52	Ass't at St. Joseph's, Green Bay (Fr. Diny)	
Jan. 19, '54	Ass't at Holy Rosary, Kewaunee (Fr. Jacowski)	
Sept. 28, '54	Assistant at St. Joseph's, Sturgeon Bay (Fr. Koefel)	
June 16, '55	Assistant at St. Rose's, Clintonville (Fr. Murphy)	
March 14, '56	Assistant at St. Peter's, Oshkosh (Fr. F.M. McKeough)	
Sept. 5, '58	Assistant at Holy Redeemer, Two Rivers (Fr. Mueller)	
Sept. 6, '61	Assistant at St. Therese, Appleton (Father Wagner)	
Sept. 12, '63	Assistant at St. Mary, Chilton (Fr. H. Schmitt)	
Sept. 8, '65	Temporary assistant at St. Mary, Clark Mills (Fr. Arens).	

TM 295

EX

15B

July 20, 1970

The Reverend John Patric Peeney  
De Pere, Wis.

*Father Peeney*  
*PLEASE!*

Dear Reverend:

Question: Why do you have to be constantly harping about the city and country? *+ WFW*

Question: Is it necessary for you to be constantly harping about money?

Question: Is it necessary to raise the custodians salary, and in addition hire extra men to do his work while he squanders his time somewhere else?

Question: Is it necessary to have a secretary for your convenience?

Question: Is it necessary to have electric door Open Sesame? Certainly you are well and able to get out of your car and open and close the garage doors. You are such an athletic person.

Question: Why is it necessary to have full coverage for trashy newspaper that is called the Green Bay Register? Get the parish members to indicate whether they want this trash.

Question: Is it necessary to go in the red to the tune of fifty thousand dollars the first year of your office as pastor. Father Klieber left you a balance of fifty thousand in the treasury. We were almost debt free when you came here. Five or five years at St. Francis and you will be three hundred or more dollars in debt.

\* Question: Why do you shower with the St. Francis school children's basket ball team? I don't think that it shows much respect for an old man to strip in front of the kids, especially when that old man is a priest of God.

Question: Why did you give the statement at one of the council meetings that you could do as you pleased with your money, even to playing the stock market or leaving it to the dog pound when you die? You also gave the statement that you would take the mass stipends in addition to your salary if you so desired. The big question asked today by hundreds of people of the parish is an answer to where do you earn all the money to squander as you have been doing since you came to St. Francis.

There are many more questions, but for the moment that will be all.

Yours truly  
*Robert J. ...*

→ an old story in our files here John. I've heard this about you before!  
*(over)* EX22A  
DIOCESE OF GREEN BAY  
1061

John.

Also if I hear anyone about  
the swimming in the mud  
and encouraging boys to do  
it - I'll suspend you

Bishop.

My dear Bishop:

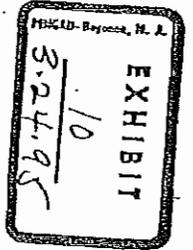
John Farney

Something has got to be done  
to rid the St. Francis Parish  
in the care of the so called  
Priest Father Jimmy the  
man is a counterfeiter if there  
never was one. The people  
are tired of the man and  
to a degree he has heard  
much less a priest.

Another year or a few  
months and most all the  
people will go elsewhere to  
church and many are  
already gone. People are taking  
their children out of the  
school.

It is not wanted in other  
parishes where he was before  
and he should not have a  
parish at all. Besides he  
is always gone and cannot  
be found. Please get rid  
of him soon for my sake.

Concord



EX-77A

Son,

pl. photo this (both sides)  
+ put in Terry's file - before  
you send originals to him  
TB



CATHOLIC DIOCESE OF GREEN BAY

BOX 66

GREEN BAY, WISCONSIN 54305

September 16, 1983

TO: Bishop Wycislo  
FROM: Msgr. Klister  
RE: Rev. John Feeney

I had asked that a copy be made for you. It was my intention that you not yet receive this report until additional material was supplied, specifically the report on the meeting the Personnel Board had with Father Feeney. At that meeting the accusations were presented to him which he, in part, denied, and part he couldn't remember. I will be working on the rest of the report. If you will please return the report I will add the additional material to make the report complete.

RMK:lcs

Thank you, for be waiting on  
complete report  
+ [Signature]

Ex. 61  
TIM 014

September 16, 1983

TO: Msgr. Klister  
FROM: Bishop Wycislo  
RE: Rev. John Feeney

C  
O  
P  
Y

I studied your report on Father Feeney. Is this the consensus of the Personnel Board? Has Father Feeney been apprised of this report?

I note that he met with the Personnel Board on Wednesday, September 14th. To what end?

Am I to act on your memo, or will there be more information coming?

At the Stockbridge meeting, were witnesses present to verify the accusations? In other words, what was the "by-play" at Stockbridge?

AJW:lcs

Ex. 62  
TM 615



Diocese of Reno - Las Vegas

315 COURT STREET - P. O. BOX 1211  
RENO, NEVADA 89504 - 1211

THE CHANCERY

(702) 329-9274

December 12, 1984

Reverend Robert Vandenberg  
410 East Wallace  
Combined Locks, Wisc. 54113

Dear Father Vandenberg:

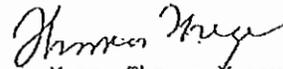
I spoke by phone with Father John Feeney this morning regarding the contribution that this Diocese will make to your retirement fund. He tells me that this goes into the LBA.

In March of next year, the Diocese will send to the Diocese of Green Bay a check in the amount of \$494.00, this total amount representing an on-going retirement contribution of \$449.00 and a long-term disability contribution of \$45.00. This is the amount that all parishes and agencies pay into the retirement and disability funds of our diocesan and religious personnel.

Would you please let me know if the contribution should be sent to you at the above address. If so, I will make sure that our Central Accounting Office is so informed.

With cordial good wishes for a very Merry Christmas, I am

Yours sincerely,

  
Rev. Msgr. Thomas Meger  
Chancellor

/JE  
e. Father John Feeney

RCB 00347

Ex  
17a



Diocese of Reno - Las Vegas  
 515 COURT STREET - P. O. BOX 1211  
 RENO, NEVADA 89504 - 1211

*Fa. John Feeney  
 file*

(702) 329-9274

THE CHANCERY

December 13, 1984

Reverend Robert Vandenberg  
 410 East Wallace  
 Combined Locks, Wisc. 54113

Dear Father Vandenberg:

I wrote you yesterday concerning the contribution of the Diocese to the retirement fund of the Diocese of Green Bay in reference to Father John Feeney. I presume you will receive that letter, although I discovered only after it had been mailed that the name of the town was misspelled. I am sending a corrected copy in the event that for some reason you did not receive the letter.

With good wishes, I am

Yours sincerely,

*Thomas Meger*

Rev. Msgr. Thomas Meger  
 Chancellor

/df  
 encl.

*77 b  
 [Handwritten initials]*

RCB 00348



Diocese of Reno - Las Vegas  
515 COURT STREET - P. O. BOX 1211  
RENO, NEVADA 89504 - 1211

*Fa. John Feeney  
file*

(702) 329-9274

THE CHANCERY

December 13, 1984

Reverend Robert Vandenberg  
410 East Wallace  
Combined Locks, Wis: 54113

Dear Father Vandenberg:

I wrote you yesterday concerning the contribution of the Diocese to the retirement fund of the Diocese of Green Bay in reference to Father John Feeney. I presume you will receive that letter, although I discovered only after it had been mailed that the name of the town was misspelled. I am sending a corrected copy in the event that for some reason you did not receive the letter.

With good wishes, I am

Yours sincerely,

Rev. Msgr. Thomas Meger  
Chancellor

/df  
encl.

3 00348

EX. 77BB



Diocese of Reno - Las Vegas

515 COURT STREET - P. O. BOX 1211

RENO, NEVADA 89504 - 1211

THE CHANCERY

(702) 329-9274

December 12, 1984

Reverend Robert Vandenberg  
410 East Wallace  
Combined Locks, Wisc. 54113

Dear Father Vandenberg:

I spoke by phone with Father John Feeney this morning regarding the contribution that this Diocese will make to your retirement fund. He tells me that this goes into the LBA.

In March of next year, the Diocese will send to the Diocese of Green Bay a check in the amount of \$494.00, this total amount representing an on-going retirement contribution of \$449.00 and a long-term disability contribution of \$45.00. This is the amount that all parishes and agencies pay into the retirement and disability funds of our diocesan and religious personnel.

Would you please let me know if the contribution should be sent to you at the above address. If so, I will make sure that our Central Accounting Office is so informed.

With cordial good wishes for a very Merry Christmas, I am

Yours sincerely,

Rev. Msgr. Thomas Meger  
Chancellor

/df

c. Father John Feeney

RCB 00347

LEO  
BENEVOLENT  
ASSOCIATION

PRIESTS OF THE DIOCESE OF GREEN BAY

410 E. WALLACE  
COMBINED LOCKS  
WISCONSIN 54113

December 20, 1984

Rev. John Feeney  
St. Francis de Sales Parish  
1111 Michael Way  
Las Vegas, Nevada 89108

Dear Father John:

Merry Christmas and Happy New Year!

Thank you for your letter of December 12th. I also received a letter from Msgr. Meger of the diocese of Reno-Las Vegas stating that a contribution of \$494. would be made in your name to the LBA in January 1985. Please clarify for me if this contribution is an annual contribution, or is this to be applied to your premium due to the LBA for 1984? It is to your income tax advantage of course, to have your employer contribute directly to the Leo Society.

The LBA bills quarterly for the \$1000. premium per year. Does the Reno-Las Vegas Diocese wish to be billed in this way, or do they prefer to make a once a year contribution of an amount established for the priests in that diocese with the responsibility for paying the balance falling on yourself? In other words, responsibility for the premium and a billing procedure should be clearly established for the future.

For the year 1984 John, you owe \$1000. Nothing has been put into the fund in your name. You are urged to pay this for 1984 to maintain your "paid up status." If the \$494. in January 1985 is for 1984, we will accept that as a payment for 1984. The balance, however, should be covered by your check and/or the signing of the promissory note.

A copy of this letter is being sent to Msgr. Meger, so that the two of you can agree on a payment plan for the future.

Incidentally, the Board of Directors voted for an increase of \$50. per month in the pension benefit beginning January 1st. I anticipate an increase in the premium after our actuarial study is completed in 1985. The benefit increase adds an annual cost of \$27,000., although we are doing well with our investments.

RCB 00349

776  
MJD

Rev. Feeney  
December 20, 1984  
Page 2

The presbyterate elected me to another four year term on the Board of Directors. As the Treasurer, pray that I don't end up like Judas.

With every best wish, I am

Fraternally,

Rev. Robert H. Vandenberg,  
Treasurer

RHV/ms

P.S. We have renewed hopes for the Packers, going 7-1 in the last 8 games.

cc: Rev. Msgr. Thomas Meger ✓



Diocese of Reno - Las Vegas

515 COURT STREET - P. O. BOX 1211  
RENO, NEVADA 89504 - 1211

THE CHANCERY

(702) 329-9274

January 17, 1985

Reverend John Feeney  
St. Francis de Sales Church  
1111 Michael Way  
Las Vegas, Nevada 89108

Dear. Father Feeney:

With respect to your question on the diocesan contribution toward your diocesan Leo Benevolent Association of Priests' Pension Fund, it is the policy of this Diocese that the sum of \$494.00 is paid annually to any Diocese or religious order which has a priest serving in our Diocese. This money is paid directly to the Chancery towards the Priests' Pension Fund as it is in your case. Therefore, the responsibility of any other pension funds due, quarterly or annually, to your Diocese would be your own responsibility.

I trust this clarification has been helpful for you and that all is well in your pastoral work as Associate Pastor at St. Francis de Sales in Las Vegas.

Wishing God's guidance and blessing upon you, I am

Sincerely in Christ,

Rev. Gilbert J. Canuel, Jr.  
Vice Chancellor

/df

RCB 00351

EO

ENEVOLENT

SSOCIATION

*File John Feeney*

410 E. WALLACE  
COMBINED LOCKS  
WISCONSIN 54113

PRIESTS OF THE DIOCESE OF GREEN BAY

May 10, 1985

Reverend John Feeney  
St. Francis de Salle Church  
1111 Michael Way  
Las Vegas, Nevada 89108

Dear John:

We are in the process of a new actuarial study for the Leo Benevolent Association. Is it your intention to settle for vesting rights at age 70 for service in the Diocese of Green Bay, or do you intend to maintain full participation in the L.B.A.? To be eligible for pension and disability benefits a member must be a paid-up member in good standing. You are in arrears for \$1000.00 for 1984 and by June of 1985 you will owe an additional \$500.00. The interest rate for 1984 will be 9.6% determined by our rate of return for that year.

We request your immediate response as to your participation in the Leo, and hopefully your check so that our actuarial study can be made with accuracy.

It was good to see you a few weeks ago.

With every best wish, I am

Fraternally in Christ,

*R. H. Vandenberg*

Rev. Robert H. Vandenberg,  
Treasurer, Leo Benevolent Association

RHV/ms

cc: Msgr. Thomas Meger ✓  
Diocese of Reno - Las Vegas  
Rev. David Kiefer

RCB 00352

*Me*  
*[Signature]*



Diocese of Reno - Las Vegas

515 COURT STREET - P. O. BOX 1211  
RENO, NEVADA 89504 - 1211

THE CHANCERY

(702) 329-9274

May 16, 1985

Reverend John Feeney  
St. Francis de Sales Church  
1111 Michael Way  
Las Vegas, Nevada 89108

Dear Father Feeney:

We have received a copy of the letter sent to you by Father Robert H. Vandenberg, Treasurer of the Leo Benevolent Association, informing you that you are in arrears of \$1,000 for 1984 and by June, 1985 you will owe an additional \$500.00 as part of the association's retirement program for the Diocese of Green Bay. It is our policy that \$449.00 be paid for each year of service to your diocesan pension plan as well as an additional \$45.00 for long-term benefits for a total of \$494.00 per year paid into your LBA diocesan pension plan.

This money comes directly from the parish in which you are serving; therefore, I presume that Msgr. LaVoy has already paid the 1984-85 fiscal year Diocese of Reno-Las Vegas portion of the \$494.00 towards your pension and disability benefits and will again, at your request, do the same for the 1985-86 fiscal year beginning July 1, 1985. I would suggest that you check with Msgr. LaVoy to make sure that this has been done for the 1984-85 fiscal year, if not, it should be taken care of as soon as possible.

If there are any further questions on the matter of our own participation, please feel free to call our Financial Director, Mr. Phil Ries, who will be able to assist you and further answer any questions you may have.

With every best wish and God's blessing, I am

Yours sincerely,

Reverend Father Gilbert J. Canuel, Jr.  
Vice Chancellor

/df

c. Leo Benevolent Association  
Msgr. Elwood LaVoy

RCB 00353

EX-77C



Diocese of Reno - Las Vegas  
515 COURT STREET - P. O. BOX 1211  
RENO, NEVADA 89504 - 1211

*H. L. L.*  
*Feeney*

THE CHANCERY

(702) 329-9274

January 14, 1986

Reverend James J. Setelik, Jr.  
Holy Family Catholic Church  
4490 Mountain Vista  
Las Vegas, Nevada 89121

Dear Father Setelik:

In responding to your good letter of January 8th, I must say that I was really unaware of the extent that you and Father Tom Phillips have been involved with the Juvenile Detention Facilities in Clark County, but I applaud your initiative and I am grateful for what you apparently have been able to accomplish at Spring Mountain Youth Camp, Juvenile Hall and Child Haven. Of course I am mindful of your academic background in criminology at Florida State University and your subsequent practical experience before coming to Nevada, which have undoubtedly served you well.

At the same time I understand that, with the appointment of Father John Feeney to full-time detention ministry in Clark County, you "do not wish to infringe or be counter-productive to his ministry in service to the Church in Nevada." But I could not imagine how your interest and efforts in this apostolate would in any way be counter-productive, and I am sure that your continued contribution would be much appreciated by Father Feeney. The nature of the situation would naturally call for the coordination of the efforts of all involved, and I trust that a modus operandi will soon be effected to the satisfaction of everyone and to the good of this vital ministry. This is certainly one case where I cannot see less being better.

With all good wishes, I am

Sincerely in Christ,

NFM:F:kit

Most Reverend Norman F. McFarland  
Bishop of Reno-Las Vegas

cc: Rev. John P. Feeney  
Rev. Thomas P. Phillips

RCB 000399

EX. 79B



## ST. BERNARDINE CLINIC

January 16, 1987

CONFIDENTIAL

Bishop Adam Maida, J.C.L., J.D.  
Diocese of Green Bay  
Box 60  
Green Bay, Wisconsin 54305

Re: Rev. John P. Feeney  
SLI #11540

Dear Excellency:

This letter will serve to document our evaluation of Father John Feeney, a 60 year old priest from the diocese of Green Bay who was recently here at the St. Bernardine Clinic for evaluation. The evaluation was arranged by Father David Kiefer. It was precipitated by the events of October, 1980. At that time Father Feeney was serving in Las Vegas in the diocese of Reno-Las Vegas. He was accused of bringing drug paraphernalia, alcohol and articles of women's clothing into a prison where he was serving as chaplain. He denies doing this on a volitional basis but allows the possibility that such contraband items may have been included in some of the many packages that he would bring to prisoners. It was further alleged that he brought these articles into the prison in exchange for sexual favors with inmates. It is our understanding that as many as three prisoners were willing to testify that this was what happened. Father Feeney denied this and believed that he did not have any psychological or behavioral problem. When the matters mentioned above became public, Bishop McFarland removed his faculties and suggested that he return to his own diocese. These circumstances certainly argued for a thorough psychological and emotional evaluation pending any further assignments for Father Feeney.

Father Feeney arrived here in Suitland in late December and underwent a comprehensive assessment process. Although he did not believe he had a problem he was friendly and superficially cooperative, doing all that was asked of him. When asked for details of his sexual behavior he tended to answer with explanations or generalities rather than a simple sharing of facts. He said he had been subjected to innuendos about his sexual behavior while in Green Bay. Upon close and aggressive questioning he admitted that in fact he had touched at least a couple of children improperly but he could not see the relevance of this history to the current evaluation effort. Human behavior derives from a wide range of influences and motivations. In assessing behavior that is problematic we use as wide angle an approach as possible. Our assessment protocol includes the following elements:

1. Structured interview by three members of the professional staff including a psychiatrist,
2. Physical and neurological examination,
3. Electrocardiogram (EKG),
4. Chest x-ray,
5. Electroencephalogram (EEG),
6. Computerized tomographic brain scan study (CT brain scan),
7. Neuropsychological testing including Wechsler Adult Intelligence Scale, Wechsler Memory Scale, Halstead-Reitan Neuropsychological Battery, and Minnesota Multiphasic Personality Inventory,
8. Informal meetings with current residents in the Saint Luke Institute rehabilitation program,
9. Formal psychological interview with mental status examination,
10. A dexamethasone suppression test. This is a biochemical challenge test which measures the way the pituitary gland controls certain adrenal function. Positive test correlates highly with depressions that have a strong biochemical component and are frequently helped by antidepressant medication.

On January 9, 1987 after all of the elements of the evaluation had been accomplished our team met with Father Feeney and shared our findings with him along with our recommendations. A great deal of information is shared at this feedback session and we have found it useful to provide the person being evaluated with a copy of the report. Going over it away from the emotional intensity of the evaluation setting can help them to use the information to maximum advantage.

PSYCHOSOCIAL HISTORY: Father Feeney is the oldest of three boys. He was born into an intact family in Iowa. Both parents are deceased but he maintains active contact with his brothers. His father is described as a "good Irish Catholic" who drank to excess. His drinking caused talkativeness and occasional embarrassing behavior but did not result in abuse of either his mother or the children. Father Feeney believes that his alcohol habit may have hindered the family bettering itself financially. His mother on the other hand is described as a "saint" about whom Father Feeney cannot recall any faults. He credits her patience with keeping the family together. He remembers her as nurturing, loving and fair in disciplinary matters.

No particular trauma is noted through childhood and the early school years. He did well academically receiving As throughout elementary school and highschool. He says that he had many friends and enjoyed sports. In the latter part of WW II he entered the U.S. Navy in a V-12 officer training program. This took place at the University of Idaho. With the ending of the war he was mustered out of the Navy in July of 1946 and entered seminary training. He was originally in a Nebraska diocese but transferred to the Green Bay diocese and was ordained in 1962.

In his 30 years of priestly service in the Green Bay diocese he had approximately 14 parochial assignments. He was aggressive and forceful and got things done but he was also known as a polarizer of parishes. On more than one occasion he was moved at the request of the pastor but later on when he himself became a pastor the diocese had to move him three times because of complaints from parishioners. Father Feeney does acknowledge traits of abrasiveness and arrogance but he tends to regard the various interpersonal troubles he has had as the responsibility of others who did not know how to get along with him. He knows how to relax and enjoy himself and in recent years has taken a major trip almost every year, going to such places as India, an African safari and so forth. He is also an avid sports fan.

TM 1270

In 1983 the diocese of Green Bay suggested to Father Feeney that he find work in another diocese. Because he had family living in the Las Vegas area he applied there and was given an assignment. At first he was assigned to a parish but he soon got involved in prison ministry. He found this rewarding and gratifying and eventually was servicing several facilities, including some juvenile detention centers. Father Feeney explained his move to Nevada as his wish and minimized the difficulty in Green Bay and the desire of the diocese that he go elsewhere.

ALCOHOL USE HISTORY: Alcohol excess is such a common phenomenon in our culture and the disinhibiting properties of alcohol on behavior so well known, that we are careful to include an alcohol use history as part of our evaluation. As noted above Father Feeney's own father drank to excess at least on occasion. In addition Father Feeney believes that one of his brothers has a problem with drinking. His father's trouble impressed him so much that he made a promise to himself that he would not do the same thing. In fact, he has been a minimal drinker throughout his life. He is not totally abstinent but can recall no experiences of intoxication and it is our opinion that alcohol or other drug use is not a contributing factor in his problems.

SEXUAL DEVELOPMENT HISTORY: Because of the nature of the referral extra care was taken in reviewing the development of Father Feeney's sense of his own sexual nature. What follows includes information of an intensely personal and sensitive nature. Its inclusion however is necessary to fully grasp the extent of Father Feeney's sexual difficulties. We trust that it will be treated with the confidentiality that such sensitive material requires. Father Feeney recalls no unusual early sexual experiences. He was not abused as a child. He experienced some masturbation conflict beginning around age 12 but through the counseling of a priest resolved this in mid adolescence. In high school and during his brief Navy career he dated occasionally and enjoyed the company of women. Some time after ordination, around age 30, he became aware of some sexual attraction to other men. He experienced some conflict and apprehension over this. A little later on he was able to discuss his emerging feelings with some other priests and eventually came to terms with his orientation. Complaints arose while he was still serving in Green Bay about his behavior with some children. They were not terribly specific but some parents thought it inappropriate that he showered with youngsters and engaged in certain forms of rough-housing. After considerable pointed questioning he was eventually able to acknowledge inappropriate sexual activity with between five and ten children over a period of time. The youngest of these was 15 and they ranged upward in age to 18. The behavior consisted of genital touching and Father Feeney tended to minimize its inappropriateness by denying actual intercourse. As noted at the outset of this report, Father Feeney was accused of sexual behavior with prison inmates and he eventually acknowledged at least two instances of genital touching. In addition to these complaints the bishop had received accusations by parents of improper touching of children by their parents, and in these instances the children were between the ages of 12 and 16. What is clear is that there have been recurrent episodes of inappropriate sexual behavior with children extending over many years. Father Feeney's assertion that he is 60 now and his age argues against any repetition of such behavior is simply invalid. Some of these complaints have stemmed from behavior as recent as the last couple of years. Both in actual practice and in terms of fantasy life there is ample data to support a diagnosis of ephebophilia, that is, sexual attraction to adolescent children. The fact that Father Feeney also finds adults sexually appealing does not rule out this diagnosis.

TM 1271

PHYSICAL EXAMINATION AND LABORATORY EXAMINATION: There are a variety of physical factors and metabolic illnesses that can affect behavior and we include a careful physical evaluation as a part of our assessment protocol. Father Feeney's medical history is quite benign. He has not been hospitalized. He takes no medicine nor does he smoke. He has generally enjoyed good health. While with us he received a thorough physical examination by Dr. David Isaacs, our consultant in internal medicine. On examination he was noted to be 69 inches tall with a weight of 192 pounds. His temperature was 97.4, his pulse 70, and his blood pressure was 112/70. Examination of the head and neck was normal without evidence of lymphatic or thyroid pathology. Chest and cardiac examinations were normal. The abdominal examination showed no liver or other organ enlargement. There was no evidence of hidden gastrointestinal bleeding. There was a mild periorbital dermatitis for which he was prescribed some Hydrocortisone cream. The neurologic examination was negative with symmetrical reflexes and good coordination. Scattered moles were noted on his back. Chest x-ray and EKG were both normal. An extensive laboratory review was performed yielding results almost entirely within normal limits. Significant normals included blood sugar, serum electrolytes, liver enzymes and tests of kidney and thyroid function. He was noted to have positive antibody to the Hepatitis A virus suggesting some exposure to this infectious agent in the past. Special tests were done of those hormones associated with sexual function and they were all entirely within normal limits. His serum testosterone was 508 nanograms/deciliter, in the middle of the normal range which goes from 360 to 990. The HTLV-3 antibody test was negative. The toxicology screen showed no substance of abuse present in his system. The dexamethasone suppression test was negative with both 4 PM and 10 PM post suppression values well below 5 micrograms/deciliter. Overall Father Feeney, who appears younger than his stated age, was considered in good physical health.

NEUROPSYCHOLOGICAL EXAMINATION AND PERSONALITY ASSESSMENT: The human brain is the organ of the body responsible for the highest level of integration of both experience and behavior. For this reason we are most careful in assessing its state of health. To this end we use the CT scan, the EEG and an extensive battery of specialized tests. With regard to the CT scan the radiologist noted a minimal asymmetry of the tips of the frontal lobes, the left being slightly larger than the right. There was no evidence of tumor or abnormal blood flow and this was basically a normal scan. Similarly the EEG was normal. Enhancement procedures did not alter this record. The neuropsychological tests indicated Father Feeney to have a Verbal IQ of 120, Performance IQ of 110 and a Full-Scale IQ of 119, putting him in the superior range of basic intellectual endowment. An incidental finding was crossdominance with Father Feeney being right-handed but tending to be dominant in his left eye. The neuropsychological results basically indicated no pattern of impairment or significant decrement in brain function. One of the sub tests of the WAIS, the picture arrangement task, produced a relatively low score. This was suggestive of a certain degree of visual inattentiveness which may relate a bit to a perceptual style commented upon below. His verbal memory was very good with especially good delayed recall. A test of abstract thinking and logical problem solving capacity was in the mildly impaired range. This finding would probably not translate to any difficulty in day to day function. Special tests of frontal lobe function were within normal limits. This is especially significant given the inhibiting role of the frontal lobes in modulating behavior.

The personality assessment instruments yielded some useful information. The Draw a Person Test produced figures of striking immaturity. Our interpreting psychologist suggested that this was consistent with a substantial psychosocial developmental

TM 1272

lag. Given the degree of trouble that Father Feeney has been in, a striking finding on the projective measures was that he was remarkably free from stress. He seemed to have no inner turmoil or disturbance. This of course was entirely consistent with his repeated statement that he did not see himself as having a problem. In terms of perceptual style he is what is known as an underincorporator. That is a person who does not take in all of the relevant information in a given social situation. This parallels the visual inattentiveness cited above. This of course is very consistent with his interpretation of problematic behavior which is at such variance with what has been seen by others. Test results indicated him to be an independent man without much need for affection. He is impulsive and acts promptly on feelings with little need to conform his behavior to the demands of the environment. When a need is felt it tends to be acted upon and gratified quickly without much demand to placate an internalized value system. Although impulsive and opportunistic he was not seen as predatory. He does not harbor deep resentments or large stores of hostility. It is more a matter of being nonempathic and unable to put himself in another person's place and see things clearly from their point of view. Given this psychological structure it is easy to understand how Father Feeney could have such a history of interpersonal difficulties.

DIAGNOSIS: Axis I: Epehebophilia (sexual attraction to adolescents).  
Axis II: Antisocial personality.  
Axis III: No physical illness.

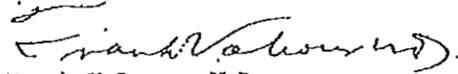
RECOMMENDATION: Given all of the information at our disposal and the evaluation findings cited above, it is our view that Father Feeney, despite having a diagnosable sexual disorder, is untreatable. At this point he appears totally unable to acknowledge the existence of a sexual behavioral problem and is unmotivated to work on something that he doesn't believe exists. He had stated at the outset of the evaluation that if inpatient treatment were recommended he would probably leave the active priesthood. In the evaluation feedback session he asked what our recommendation would be regarding assignments. I said that was your decision, Bishop Maida, and that we would restrict our comments to clinical observation and analysis. It is our view that Father Feeney is at great risk for acting out again. Not only does he not acknowledge the problematic nature of his behavior, it is clear that it has been repetitious over a period of several years. To forestall dire consequences to himself, the diocese and others, it is our recommendation that he not be alone in the presence of anyone under 18, particularly males. The drug Depo-Provera has some potential usefulness in reducing sexual acting out but Father Feeney would be unlikely to cooperate in the administration of this complicated drug.

We deeply regret that this evaluation did not produce more constructive recommendations. Hopefully what we have learned and conveyed with you in the report will provide a basis for dialogue and discernment so that a course of action may be taken which will serve the needs of Father Feeney, the Green Bay diocese and the faithful. We stand ready should you seek any further clarification regarding our comments or position.

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Thank you very much for your trust in us. We ask for your continued prayers in support of our work and those we serve.

Respectively,



Frank Valcour, M.D.  
Medical Director

FV:jf

CC: Rev. Joseph P. Feeney

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March 27, 1987

Reverend David Kiefer  
Diocese of Green Bay  
Box 66  
Green Bay, Wisconsin 54305

Re: Father John P. Feeney

Dear Father Kiefer:

After seeing Fr. John Feeney four times and reviewing the report from the Saint Bernadine Clinic, I have come to the following conclusions:

- 1) Fr. Feeney has had most of his life a homosexual orientation.
- 2) He has definite narcissistic traits. He believes his ways are correct and is truly surprised when someone seems to differ with him. This tendency has led him to do things which others see as inappropriate, such as being too aggressively pedantic in his pastoral duties and, on other occasions, too physically friendly. It has also led to what most people must see as an unbelievable naivete.
- 3) These deviations have led to misinterpretations, in my opinion, by both church and prison authorities, and by the clinic he recently attended.
- 4) He now has developed sufficient motivation to try to change these very troublesome sources of clashes with various authorities. A very important part of this motivation is his very strong faith in God and the Catholic Church, and in his duties as a priest and belief in the authority of the Church. Another part is a sincere wish to help people.

My diagnosis is Narcissistic Personality Disorder.

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The recommendation for treatment is for Fr. Feehey to get involved either with me or another therapist familiar with treatment of narcissistic personality. There is no need for medication at this time, including any hormonal treatments, since I believe that he has sufficient motivation to seek help with any sexual impulses from his psychotherapist or his spiritual counsellor or both.

Prognosis is good if he continues long enough in treatment, which seems to me to be at least one year and probably two years. Further prognostic considerations as far as his being apt to give into sexual impulses are that he has not done so in recent years, and included in this are the alleged activities at the prison in Las Vegas. I have a tendency to believe his story that he was set up and was very naive about the foibles prisoners are prone to and was not involved in sexual activities there. He claims to have not had any sexual activities for ten years and that the recent problems have been misinterpretations of his intent and his statements in addition to his tendency to be too physically affectionate. He now is attempting to see how others would see this as inappropriate and is motivated to work on it.

In saying that I differ with the viewpoint and recommendation of Dr. Valcour of Saint Bernadine Clinic for this man, I do not wish to imply that the workup was incomplete or that the clinic has not helped others. I know that the clinic has help a great deal. However, Fr. Feehey is a very unusual man. It is unlikely that a man with his personality should even have become a priest, let alone be so motivated to continue. It would have been an unusual event for them to deal with such a priest.

I believe it is true that he is attracted to adolescent males, but that is not the primary diagnosis, and also not his primary sexual orientation in that he is equally attracted to older males. I also do not see Fr. Feehey as at risk of acting out with children or adults. This sexual attraction does not seem to have the drivenness of the pedophile, but his sexual difficulties were more opportunistic. As I have said, I believe he will use others to help control any such urges at this time and does not represent a threat. I particularly differ with the diagnosis of antisocial personality. He is very aware of right and wrong, and is anxious to follow his conscience's dictates. I believe that his apparent lack of anxiety led to this diagnosis, which I feel is incorrect. I see him as having a more immature personality and more immature ways of handling anxiety than the antisocial personality has. If he will allow himself to really get involved in psychotherapy, he can learn to perform in a much more mature manner.

If further information or impressions are needed from me, feel free to call me. Thank you.

Sincerely Yours,



Richard W. Thomas, M.D.

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