

TRANSCRIPT

1 Bishop M. Clark

2 UNITED STATES BANKRUPTCY COURT

3 WESTERN DISTRICT OF NEW YORK

4

5

6

7

8 In Re:

Case No. 19-20905

9 The Diocese of Rochester,

Chapter 11

10 _____/

11

12

13

14

15

16

17 DEPOSITION OF BISHOP MATTHEW HARVEY CLARK

18 Rochester, New York

19 Tuesday, March 3, 2020, 11:00 a.m.

20

21

22

23

24 Reported By: Anne Vosburgh, CSR-6804, RPR, CRR

25 Job No: 177778

1 Bishop M. Clark

2 -oOo-

3
4 On Tuesday, March 3, 2020, commencing at
5 approximately 11:00 a.m., the deposition of
6 Bishop Matthew Harvey Clark was taken at Adams
7 LeClair LLP, located at 28 E. Main Street, Suite
8 1500, Rochester, New York, held before and
9 stenographically reported by Anne E. Vosburgh,
10 Certified Shorthand Reporter No. 6804,
11 Registered Professional Reporter,
12 Certified Realtime Reporter, and Notary Public.

13
14
15
16
17
18
19
20
21
22
23
24
25

1 Bishop M. Clark

2 APPEARANCES:

3

4 FOR BISHOP CLARK:

5 Adams & LeClair

6 28 East Main Street

7 Rochester, NY 14614

8 By: Mary Jo Korona, Esq.

9

10

11

12 FOR THE CREDITORS COMMITTEE:

13 Law Offices of Mitchell Garabedian

14 100 State Street

15 Boston, MA 02109

16 By: William Gordon, Esq.

17

18 FOR THE DEBTOR:

19 Bond Schoeneck & King

20 One Lincoln Center

21 Syracuse, NY 13202

22 By: Charles Sullivan, Esq.

23

24

25

1 Bishop M. Clark

2 (Appearances, continued)

3

4 ALSO PRESENT:

5 Hon. Judge Warren

6 Mary Ann Binsack, RSM

7 Anthony Maroldo, M.D.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Bishop M. Clark

I N D E X

----- EXAMINATIONS -----

WITNESS: BISHOP MATTHEW CLARK

Examination by Mr. Gordon 9

----- MARKED EXHIBITS -----

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Transcript of Hearing Held on February 11, 2020, 86 pages	7
Exhibit 2	12/17 Transcript, "Sex Abuse," 166 lines	114
Exhibit 3	Excerpts from the book "The Code of Canon Law"	120
Exhibit 4	Copy of envelope and letter from [REDACTED], March 29, 2019	124
Exhibit 5	Copy of envelope and letter from Gary and Judy Shaw, June 13, 2018	127

Bishop M. Clark

(EXHIBITS, CONTINUED)

Exhibit 6 Copy of envelope and letter 129
from [REDACTED], April
1, 2019

Exhibit 7 Copy of envelope and letter 133
from Margaret Joynt,
February 16, 2020

(EXHIBITS ATTACHED)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Bishop M. Clark
2 Rochester, New York
3 Tuesday, March 3, 2020, 11:00 a.m.

4 -----

5 PROCEEDINGS

6 -----

7 MR. GORDON: This deposition is
8 being taken in accord with the order
9 entered at the hearing of February 11,
10 2020.

11 (Transcript of Hearing Held on
12 February 11, 2020, 86 pages, marked
13 as Deposition Exhibit 1.)

14 MR. GORDON: The transcript has been
15 marked as Exhibit 1, and the pages of the
16 court's order are in there.

17 And so this will be conducted under
18 the terms of that order. Only one
19 attorney from the creditor's committee
20 will be present. And this will last three
21 hours on the record. The parties have
22 agreed that this will be taken in
23 accordance with the procedures outlined in
24 Federal Rules of Civil Procedure 30.

25 Is there anything I've forgotten?

1 Bishop M. Clark

2 MS. KORONA: I don't believe so.

3 MR. SULLIVAN: And this is
4 Charles Sullivan, Counsel for the Diocese
5 of Rochester in the Chapter 11 case.

6 Just for clarity, I wanted to note
7 for the record that the confidentiality
8 protocols set by the Court are applicable
9 to this deposition so, for example, to the
10 extent that there is any testimony that
11 elicits names or other personal
12 identification of any victim claimants in
13 the case, that is to be kept confidential
14 and appropriate redaction is to occur
15 before this transcript is made public.

16 MR. GORDON: And that will be within
17 the time frame that the court pointed out.

18 MR. SULLIVAN: Yes.

19 MS. KORONA: I just want to make
20 sure that all of the people in this room
21 are noted for the record. Thank you.

22 MR. GORDON: I'm Attorney
23 Bill Gordon.

24 MR. SULLIVAN: And I am attorney
25 Charles Sullivan with the firm of Bond

1 Bishop M. Clark
2 Schoeneck & King representing the Diocese
3 of Rochester.

4 THE WITNESS: Thank you.

5 JUDGE WARREN: I'm Judge Warren from
6 Federal Court.

7 MS. BINSACK: Sister Mary Ann
8 Binsack, and I've been assistant of the
9 bishop since 2001.

10 DR. MAROLDO: Dr. Anthony Maroldo,
11 M-a-r-o-l-d-o.

12 BISHOP MATTHEW CLARK,
13 having been called as a witness, was
14 duly sworn to testify to the truth by
15 an authorized notary public and
16 testified as follows.

17 ---

18 EXAMINATION

19 BY MR. GORDON:

20 Q. Bishop, before you came to
21 Rochester, you were a priest in the
22 Diocese of Albany?

23 A. Correct.

24 Q. Were you ever an auxiliary bishop in
25 Albany before you came here?

1 Bishop M. Clark

2 A. No.

3 Q. So the first time you had the title
4 of bishop is when you arrived at the Diocese of
5 Rochester?

6 A. Yes.

7 Q. Were you considered to be installed
8 or ordained? What was the description when you
9 got the title at that time?

10 A. I was ordained in 1979 in Rome,
11 Italy.

12 Q. Was that by the Pope at the time?

13 A. Yes.

14 Q. John Paul II?

15 A. Yes.

16 Q. And so that would have been the
17 first time you would have served as bishop,
18 when you, in 1979, became the bishop of the
19 diocese?

20 A. Yes.

21 Q. You're familiar with the current
22 Code of Canon Law for the Catholic Church?

23 A. Yes.

24 Q. And you've seen this book before?

25 A. I have.

1 Bishop M. Clark

2 Q. I'm going to ask you to look at a
3 particular section, and I have copies of the
4 relevant section for counsel.

5 MS. KORONA: And I'm going to object
6 to any questions about the
7 Code of Canon Law. This deposition is
8 supposed to be about the unique knowledge
9 of the bishop, as to be established --

10 MR. GORDON: This is --

11 MS. KORONA: Excuse me. Let me
12 finish my objection, please.

13 This is a very limited deposition.
14 It is to inquire about the witness' unique
15 knowledge about matters involving the
16 Diocese of Rochester.

17 I'm going to direct the witness not
18 to answer any questions about the
19 Code of Canon Law unless there's a proper
20 foundation for it, being on the basis of
21 his personal knowledge and concerning his
22 unique knowledge as expressed in the
23 Court's decision on February 11th.

24 MR. GORDON: He is uniquely in 1979
25 a bishop. There are certain things only a

1 Bishop M. Clark
2 bishop can do. And Rule 30(c) says we
3 aren't supposed to get into arguments on
4 this.

5 If it's privileged, fine. You can
6 instruct him not to answer under
7 Rule 30(c). If it's somewhat abusive,
8 that's fine, it comes under the court's
9 order.

10 But this really goes to his new
11 standing, what he understood his roles
12 were. And I need to do some discovery at
13 this deposition so I would appreciate
14 allowing me to ask the questions.

15 BY MR. GORDON:

16 Q. Bishop, I would like you to look at
17 Section 489 of the Code. If you want me to, I
18 can find it for you.

19 May I have the book, please?

20 MS. KORONA: Let the record reflect
21 that counsel is proposing to ask questions
22 about the Code of Canon Law, a text and
23 commentary which appears to be marked with
24 a number of Post-it notes or markers.

25

1 Bishop M. Clark

2 MR. GORDON: Well, if you want to
3 examine it, these are deposition exhibits.
4 This has been an exhibit for at least 18
5 years with various other bishops or
6 diocese officials at various diocese in
7 the United States. And they've all
8 acknowledged this as the code. And I only
9 use it because it is the code.

10 BY MR. GORDON:

11 Q. Bishop, I'm going to show you
12 Canon 489, and I'm going to ask you to take a
13 look at Section 1 of 489. And I'm not going to
14 ask you to read it; I'm going to read it. Tell
15 me if I read it accurately.

16 Canon 489, Section 1:

17 "There is also to be a secret
18 archive in the diocesan curia or at
19 least a safe or file in the ordinary
20 archive, completely closed and locked
21 which cannot be removed from the place,
22 and which documents to be kept secret
23 are to be protected most securely."

24 Did I read that correctly?

25 A. Well, I've got to see it.

1 Bishop M. Clark

2 Q. It's right there.

3 A. Which one?

4 Q. May I approach the witness? I'll

5 show you. Right here.

6 A. Yes.

7 Q. Do you want me to read it again?

8 A. Yes, please.

9 Q. (Reading.)

10 "There is also to be a secret
11 archive in the diocesan curia or at
12 least a safe or file in the ordinary
13 archive, completely closed and locked
14 which cannot be removed from the place,
15 and which documents to be kept secret
16 are to be protected most securely."

17 Did I read that correctly?

18 A. Yes.

19 Q. And Section 2 says -- tell me if I
20 read this correctly. Oh, I'm not going to do
21 that right now.

22 If you flip the page -- not even
23 flip the page, if you would look at 490,
24 Section 1.

25 A. Uh-huh.

1 Bishop M. Clark

2 Q. Does it not say, Section 1, "Only
3 the bishop may have the key to the secret
4 archive"?

5 Is that correct? Did I read that
6 correctly?

7 A. You did.

8 Q. Okay. So when you arrived in
9 Rochester, did somebody give you the key to the
10 secret archive?

11 A. No.

12 Q. Was there a secret archive
13 maintained at the Diocese of Rochester when you
14 arrived?

15 A. Yes, there was.

16 Q. What was that secret archive called?

17 A. I don't know what they called it,
18 specifically.

19 Q. Okay. Was it a file cabinet or a
20 box of documents?

21 A. I don't know specifically how it
22 was handled that way.

23 Q. Okay. Did you have a delegate
24 responsible for maintaining the secret archive?

25 A. Yes.

1 Bishop M. Clark

2 Q. And who was that?

3 A. Well, there was a couple persons
4 who have -- who had access to it.

5 Q. Was it by title or position they
6 held, or was it because you just delegated to
7 specific individuals?

8 A. Over the course of the years, I was
9 in Rochester, which was 32, there were
10 probably -- not at the same time, but, you
11 know, in series -- there were probably --
12 there were -- there were seven.

13 Q. Okay. So who was the first person
14 who had access to the secret archives, or the
15 first one you can think of?

16 A. Dennis Hickey.

17 Q. And what position did he hold at the
18 time that he had access?

19 A. He was auxiliary bishop.

20 Q. Was he also vicar general?

21 A. He was.

22 Q. Was he also chancellor?

23 A. No.

24 Q. So he was auxiliary bishop and vicar
25 general.

1 Bishop M. Clark

2 Was it the practice in Rochester to
3 have only one vicar general at a time?

4 A. No. We had two at one time.

5 Q. And when you first arrived, was
6 Mr. Hickey the first one who had access to the
7 archives -- or Father Hickey, Bishop Hickey?

8 A. In my time, yes.

9 Q. Is Bishop Hickey still alive?

10 A. No, he's deceased.

11 Q. When did Bishop Hickey pass?

12 A. I don't know the year.

13 Q. Okay. And then who is the next one
14 who had access to the secret archives?

15 A. I don't remember who the next one
16 was.

17 Q. Okay. Who else had access to the
18 secret archives over the years you were bishop?

19 A. Do you want me to name --

20 Q. Yes.

21 A. -- all the ones I can think of?

22 Q. Yes.

23 A. Timothy Brown, Paul Tomasso -- I
24 correct myself on that. He was not -- he was
25 not in my time in that position, I'm sorry.

1 Bishop M. Clark

2 That's a mistake.

3 Q. That's Father Tomasso?

4 A. Paul Tomasso.

5 Q. Yeah. Is he a bishop or a priest?

6 A. He's a priest of the diocese.

7 Q. Was it after you served that

8 Father Tomasso had access to the secret

9 archives, or before you served?

10 A. I'm not -- I don't know that he had

11 it.

12 Q. Timothy Brown did though. You

13 indicated that.

14 Is it Father Brown or Bishop Brown?

15 A. Father.

16 Q. And what positions did he hold

17 within the diocese when he had access to the

18 secret archives?

19 A. He was vice chancellor.

20 Q. During the time you were bishop, was

21 he ever chancellor?

22 A. No.

23 Q. Was he ever vicar general?

24 A. No.

25 Q. Who else other than Bishop Hickey

1 Bishop M. Clark

2 and Father Brown had access to the secret
3 archives?

4 A. Father Daniel Condon.

5 Q. And Father Condon did also serve as
6 chancellor?

7 A. Correct.

8 Q. Any other names of people you can
9 remember who had access to the secret archives?

10 A. I don't recall any others right
11 now.

12 Q. Okay. That's all right.

13 What was your understanding of what
14 kind of records were in the secret archives
15 that were placed there in the Diocese of
16 Rochester?

17 MS. KORONA: Objection, form. Lack
18 of foundation -- lack of foundation as to
19 personal knowledge.

20 BY MR. GORDON:

21 Q. Let me rephrase. Did you come to an
22 understanding of what records were placed in
23 the secret archives?

24 A. No. I cannot say specifically what
25 documents were there.

1 Bishop M. Clark

2 Q. Did you have a general understanding
3 of what was to be filed in the secret archives
4 while you were bishop?

5 A. I don't -- I can't -- I don't know.

6 Q. Did you have any understanding of
7 what was in the secret archives when you
8 arrived in Rochester?

9 A. No.

10 Q. You were deposed about eight years
11 ago by a Mr. Jeff Anderson?

12 A. Correct.

13 Q. And you indicated, correct me if I'm
14 wrong, that you never sat down with
15 Bishop Hogan, your predecessor, and he never
16 briefed you as to the state of the diocese. Is
17 that true?

18 A. Yes.

19 Q. But you made reference that you met
20 with department heads when you arrived.

21 Did you meet with department heads
22 when you arrived at the Diocese of Rochester
23 to find out what was going on in various
24 departments?

25 A. I did.

1 Bishop M. Clark

2 Q. Did you meet with someone to talk
3 about priest personnel of the diocese?

4 A. Yes.

5 Q. Who did you meet with?

6 A. At that time it would have been
7 Bishop Hickey in the main.

8 Q. And some of the topics that would
9 have been discussed were available priests to
10 serve the parishes, the numbers that you had.
11 Would that be correct?

12 A. Yes.

13 Q. Did Bishop Hickey talk about
14 problems that he wanted you to be aware of with
15 regard to particular priests at the diocese?

16 A. Yes.

17 Q. What kind of problems was he talking
18 about with regard to those priests?

19 A. He would talk about -- I recall a
20 couple of instances, excuse me -- I can
21 remember two instances in particular -- I
22 shouldn't say "in particular." I can only
23 remember two.

24 Q. What were those two instances?

25 A. You know, I can't remember them

1 Bishop M. Clark

2 right now.

3 Q. Okay. Were they two instances
4 concerning priests who had had inappropriate
5 sexual contact with minors?

6 A. Yes, he did.

7 Q. Do you remember whether those
8 priests had been taken out of active ministry
9 at the time, or were they being monitored in
10 some way?

11 A. Yes. They were being talked to, so
12 to speak, and cautioned.

13 Q. And as you understand it though,
14 those two priests were allowed at the time to
15 remain in ministry?

16 A. Under supervision.

17 Q. And this would have been in around
18 1979. Would that be correct?

19 A. I don't remember exactly. It was
20 early in my time.

21 Q. Okay. As a result of learning of
22 this, did the diocese implement early in your
23 time at Rochester --

24 MS. KORONA: Objection. Lack of
25 foundation. Lack of foundation as to

1 Bishop M. Clark

2 personal knowledge.

3 You're asking the witness about what
4 the diocese did. This deposition is
5 supposed to be limited to the bishop's
6 personal knowledge.

7 BY MR. GORDON:

8 Q. Bishop, we're going to go look again
9 at the canon law. And I'm going to ask you --
10 and I'll read it to you again. See if I read
11 it correctly.

12 Canon 391. Do you see Canon 391
13 there, Bishop?

14 And I'm going to read Section 1.
15 Tell me if I read it correctly:

16 "The diocesan bishop is to rule the
17 particular church committed to him with
18 legislative, executive, and judicial
19 power in accord with the norm of law."

20 Was it your understanding -- did I
21 read that correctly, first?

22 A. Yes.

23 Q. And was it your understanding, as
24 the bishop of the Diocese at Rochester, you had
25 legislative, executive, and judicial power over

1 Bishop M. Clark

2 the diocese?

3 A. Yes.

4 Q. And I'm just going to read
5 Section 2, because this may come up again
6 later:

7 "The bishop personally exercises
8 legislative power. He exercises
9 executive power, either personally or
10 through vicar generals or episcopal
11 vicars in accord with the norm of law.
12 He exercises judicial power either
13 personally or through a judicial vicar,
14 and he judges in accord with the norm
15 of law."

16 Did I read that correctly?

17 A. Uh-huh.

18 Q. Is that a yes?

19 A. Yes. Yes. I'm sorry.

20 Q. Okay. So you governed the diocese,
21 didn't you, when you were bishop?

22 A. Yes.

23 Q. And so if a policy were to issue
24 from the diocese when you were bishop, you
25 would be the one who would issue that policy;

1 Bishop M. Clark

2 would that be correct?

3 A. Yes.

4 Q. So you indicated that early in your
5 arrival, Bishop Hickey briefed you about two
6 priests for which there had been complaints of
7 having inappropriate sexual contact with
8 minors --

9 MS. KORONA: Objection. That's not
10 what was testified to.

11 BY MR. GORDON:

12 Q. Okay. So you indicated earlier
13 Bishop Hickey briefed you of two instances
14 concerning priests who had inappropriate sexual
15 contact with minors; is that correct?

16 A. Yes.

17 Q. And as a result of that, did you, as
18 bishop of the diocese, issue any policies at
19 that time directed to dealing with the issue of
20 priests sexually abusing minors at that time?

21 A. No.

22 Q. Was it your understanding at that
23 time that it was harmful to minors to have been
24 sexually abused by priests?

25 MS. KORONA: Lacks foundation,

1 Bishop M. Clark

2 objection.

3 BY MR. GORDON:

4 Q. You can answer.

5 A. Repeat that question.

6 Q. Yes.

7 Was it your understanding at the
8 time that it was harmful to minors to be
9 sexually abused by their priests?

10 A. Say that again, I'm -- because I --
11 I really don't know the --

12 Q. At the time you came to the diocese,
13 after you got briefed of those two instances by
14 Bishop Hickey --

15 A. Yes.

16 Q. -- did you have an understanding
17 that it was harmful to minors for their priest
18 to have sexual contact with them?

19 A. Yes.

20 Q. Okay. Now, you indicated that you
21 had one or two vicar generals during the time
22 you were bishop; is that correct?

23 And that's one of the ways that you
24 governed, using at least one or two vicar
25 generals during your time here as bishop?

1 Bishop M. Clark

2 A. I had more than two.

3 Q. Is that because they're --

4 A. I had two at one time.

5 Q. Okay.

6 A. Only once.

7 Q. Okay. But you always had at least
8 one vicar general while you were bishop?

9 A. Yes.

10 Q. Did you have any episcopal vicars?

11 A. No. We didn't have that.

12 Q. Did you have vicar foranes?

13 A. We had the equivalent.

14 Q. What did you call them in the
15 diocese? Was it deans?

16 A. No, we didn't call them deans. It
17 was the equivalent. We had a different term
18 for it. I just don't recall that term right
19 now.

20 Q. And those people would be given
21 geographic areas to have responsibility for?

22 A. Yes.

23 Q. Would they report to you?

24 A. They would send their -- the
25 matters they handled, they would generally

1 Bishop M. Clark

2 report those to the vicar general.

3 Q. When you arrived, was there a
4 personnel department at the Diocese of
5 Rochester, a priest personnel department?

6 A. No, there was no department. There
7 was no department for some years later.

8 Q. Was there a board of priests to help
9 you with personnel issues when you arrived?

10 A. There were. They made
11 recommendations to the bishop about -- in our
12 system, the personnel board interviewed
13 priests for -- who would be -- they would
14 recommend them for consideration for my
15 appointment of them as pastors or other
16 positions.

17 Q. Did you have positions such as
18 curates or parochial vicars?

19 A. Yes.

20 Q. And what were they called at the
21 diocese?

22 A. They were called pastors, assistant
23 pastors, and that's it.

24 Q. Okay. And --

25 A. Or, yeah, that's it.

1 Bishop M. Clark

2 Q. Did the personnel board advise as to
3 the assignment of assistant pastors, or was
4 there another group that advised you for those
5 assignments?

6 A. No. That was the personnel board,
7 as I recall it.

8 Q. And about when was the personnel
9 department established, as far as you can
10 recall? About how many years after you arrived
11 here?

12 A. I really can't remember that
13 precisely.

14 Q. Okay. Okay.
15 Did you have a procedure, if it
16 came to your information that someone was
17 making a complaint that a priest had sexually
18 abused a minor, as to who in the diocese was
19 to handle the investigation and response
20 within the first few years of your arrival as
21 bishop here in Rochester?

22 A. Bishop Hickey would be the primary
23 agent in that.

24 Q. And who succeeded Bishop Hickey in
25 that response?

1 Bishop M. Clark

2 A. That was Father Charles Latus.

3 Q. And how is Father Charles' last name
4 spelled, if you know?

5 A. It's L-a-t-u-s.

6 Q. And did he have a position within
7 the diocese?

8 A. No. When he took that position, it
9 was full-time.

10 Q. And what was the name of the
11 position that he took?

12 A. Priest personnel director.

13 Q. Did anyone else handle complaints of
14 sex abuse by priests other than Bishop Hickey
15 and Father Latus?

16 MS. KORONA: Object to the form of
17 the question. It's not been established
18 that there were any complaints.

19 MR. GORDON: Okay.

20 BY MR. GORDON:

21 Q. Were there other complaints during
22 your 32 years at the Diocese of Rochester that
23 priests had sexually abused minors other than
24 the first two Bishop Hickey told you about?

25 A. Oh, yes.

1 Bishop M. Clark

2 Q. Were there other priests who were in
3 charge of responding to those complaints other
4 than Bishop Hickey or Father Latus?

5 A. Were there other priests who --

6 Q. Handled sex abuse complaints
7 pertaining to priests having inappropriate
8 relations with minors.

9 A. I remember that Bishop Hickey would
10 ask other priests to carry out the task of
11 looking into allegations that were brought
12 against other priests.

13 Q. Do you know who some of those priest
14 investigators were?

15 A. Oh, gosh, no. At this stage, I
16 would be guessing.

17 Q. Okay. No. I don't want you to
18 guess.

19 A. I don't want to guess either.

20 Q. And let me say for the record, I
21 know it's buried in the transcript, any time
22 you need a break, let us know and we'll take a
23 break. It's not a problem.

24 A. Okay.

25 Q. Before you arrived in Rochester as

1 Bishop M. Clark
2 bishop, had you heard of reports when you were
3 in Albany that there had been complaints that
4 priests had inappropriate sexual relations with
5 minors?

6 A. Had I heard when I was at Albany?

7 Q. Yes.

8 A. If there were --

9 Q. Complaints that priests had had
10 inappropriate sexual relations with minors.

11 MS. KORONA: I'm going to object to
12 form. Heard about the Diocese of
13 Rochester when he was at the
14 Diocese of Albany?

15 MR. GORDON: I'm asking what he
16 personally knew before he arrived in
17 Rochester.

18 THE WITNESS: But you're asking me
19 of my knowledge of Rochester here.

20 BY MR. GORDON:

21 Q. Well, of any priest anywhere when
22 you were in Albany.

23 Were you aware of any allegations
24 prior to arriving as bishop of the Diocese of
25 Rochester that there had been complaints that

1 Bishop M. Clark

2 priests had had inappropriate --

3 A. Oh, yes, yes.

4 Q. And how did you come about that
5 knowledge? Was it in newspapers? Was it in
6 papers from the church?

7 How did you come by that knowledge?

8 A. Of --

9 Q. Of a priest being alleged, prior to
10 you coming to the Diocese of Rochester, of
11 having inappropriate sexual relations with
12 minors.

13 A. Did you just ask -- the last
14 question, did you ask me did I know of priests
15 against whom allegations were made of sexual
16 abuse? No, not by any personal knowledge.

17 Q. Had you had any secondhand
18 knowledge? Had you heard any reports of that
19 before coming to Rochester?

20 A. Yes. I had heard reports, yes.

21 Q. Was that because of some of the
22 responsibilities you had at the
23 Diocese of Albany before you came here?

24 A. Yes. I had that responsibility in
25 Albany.

1 Bishop M. Clark

2 Q. What position did you hold at Albany
3 when you had that kind of responsibility?

4 A. I was the chairman of the
5 Priest Personnel Board.

6 Q. How many cases had you heard about
7 while you were in Albany?

8 I'm not asking for any names right
9 now, just how many do you recall before you
10 came to Rochester?

11 A. I don't remember a number.

12 Q. Was it more than one?

13 A. Yes.

14 Q. Was it less than a dozen?

15 A. I don't remember the numbers at
16 all.

17 Q. Okay.

18 A. I really don't.

19 Q. Okay.

20 MR. GORDON: Could we have this
21 marked as an exhibit?

22 MS. KORONA: May I see that first?
23 Because I object to the introduction of
24 any document other than those expressly
25 permitted in the Court's order.

1 Bishop M. Clark

2 So the purpose of this deposition is
3 not to have the witness sit here and be
4 grilled on the basis of documents, other
5 than documents that were personal to the
6 witness, such as a diary, a journal, or
7 some sort of personal writing.

8 MR. GORDON: I believe that was as
9 to what documents were to be produced to
10 us.

11 There are a whole bevy of documents
12 yet to be produced, and the Court was
13 concerned about timing, and we weren't
14 going to wait for that.

15 The only documents the Court was
16 going to order is what you graciously did
17 timely produce. But that didn't mean, I
18 didn't think, it limited our ability to
19 ask what he personally knows about
20 documents that he personally signed.

21 MS. KORONA: I would ask you to look
22 at the transcript because at the end of
23 the transcript -- that's official document
24 489, I believe -- the court specifically
25 stated the witness would not be grilled

1 Bishop M. Clark
2 about documents other than those documents
3 that would establish personal knowledge.

4 MR. GORDON: Can you tell me what
5 page you're talking about at the hearing?
6 I didn't see that.

7 MS. KORONA: That is on page 82. It
8 begins on 82 and you can -- I'll refer you
9 over to -- at the bottom of 82, the Court
10 begins to speak again in response to
11 Mr. Stang.

12 MR. GORDON: I see that.

13 MS. KORONA: It runs over onto
14 page 83 and on page 84.

15 And I quote:

16 "I am not granting the deposition
17 with the expectation that Bishop Clark
18 is going to be grilled over documents
19 that other people that are still at the
20 diocese have and have had access to
21 since 2001 at least.

22 "It is his unique knowledge on
23 which the sun may set and his unique
24 documents. That's the limited purpose
25 of this deposition."

1 Bishop M. Clark

2 MR. GORDON: Well, I see your point
3 and I -- this is the report. I've never
4 seen it before. It's from the bishop of
5 the Diocese to the Pope, and there's no
6 one at the Diocese who was the bishop at
7 the time.

8 We've got the judge here.

9 MS. KORONA: Again, I would point
10 out the purpose of this deposition is ask
11 the witness questions about his unique
12 knowledge. And you're now seeking to
13 introduce as an exhibit a document that is
14 not personal to the bishop, and so I'm
15 objecting on the basis of the court's
16 decision.

17 MR. GORDON: I don't think that was
18 the intent of it. I think it was to
19 manage this.

20 But we have the judge here and --

21 JUDGE WARREN: What is the document?

22 MR. GORDON: It's this document, the
23 quinquennial report from the bishop
24 directly to Rome through Washington.

25 JUDGE WARREN: Is your desire to ask

1 Bishop M. Clark
2 this, Mr. Gordon, the theory that only
3 Bishop Clark would have knowledge and
4 information about this document that no
5 one at the diocese would?

6 That strikes the Court as a little
7 unusual.

8 MR. GORDON: There are a few
9 questions with regard to sexual abuse in
10 this document that he forwarded, as well
11 as some preliminary relationship between
12 the diocese, the parishes that are going
13 to be needed, and that he can -- he had a
14 unique position as the head of the Diocese
15 in every parish.

16 That was his role, and I really just
17 wanted to establish that.

18 JUDGE WARREN: Are you suggesting it
19 was unique and exclusive, or just unique?

20 Is there no one else that could sit
21 in the witness stand if this document
22 needs to come in, if this ends up going to
23 litigation?

24 MR. SULLIVAN: For example, the
25 chancellor?

1 Bishop M. Clark

2 JUDGE WARREN: Mr. Sullivan, do you
3 want to speak up?

4 MR. SULLIVAN: Yeah.

5 For example, the chancellor of the
6 diocese would be capable of addressing,
7 especially issues regarding the structure
8 of the diocese because that hasn't
9 changed, and I'm not aware of the date of
10 that report. I don't know if it's even
11 during the period of time that
12 Bishop Clark was bishop.

13 JUDGE WARREN: No.

14 MR. GORDON: It's 1997. It's when
15 he was bishop.

16 JUDGE WARREN: No. I think we're
17 here to probe Bishop Clark's unique
18 personal memory.

19 The court has no expectation there's
20 not some other human being or human beings
21 that can testify with respect to that that
22 aren't frail as Bishop Clark finds himself
23 today.

24 MR. GORDON: Yeah. My only concern
25 is that the quinquennial report is

1 Bishop M. Clark
2 something unique to a bishop canonically,
3 and I don't know if they've had access to
4 it and would then say, when asked
5 questions, "Well, that was not something
6 that was in my purview."

7 This, I know, was in the purview of
8 the diocese and bishop. This is something
9 the diocese have fought giving to us and
10 it was always on the agenda to get them.
11 We never got them.

12 We did get them in this round, and I
13 know another diocese that has gotten
14 them --

15 JUDGE WARREN: I'm going to guess
16 you didn't get it from Bishop Clark.

17 MR. GORDON: No. We got it from the
18 diocese.

19 JUDGE WARREN: No. I'm not going to
20 allow it, not with respect to this
21 witness.

22 MR. GORDON: Okay. Thank you.

23 BY MR. GORDON:

24 Q. Did you ever meet a Father Francis
25 Vogt?

1 Bishop M. Clark

2 A. Yes.

3 Q. Did you have many meetings with
4 Father Francis Vogt, Father Vogt, or only one?

5 A. No. I'm sorry?

6 Q. Did you have many meetings with
7 Father Vogt, or only one?

8 A. I don't remember ever meeting with
9 him.

10 Q. So you never met Father Vogt?

11 A. I met him.

12 Q. But you don't remember it? Is that
13 what you're saying?

14 A. Do I -- I don't ever remember
15 meeting with him.

16 Q. Okay.

17 A. I met him.

18 Q. So at general meetings of priests,
19 he would be present? Is that how you would
20 meet him?

21 A. Yes. We had -- yeah.

22 Q. Did it ever come to your attention
23 there were complaints by individuals who said
24 Father Vogt had inappropriate sexual relations
25 with them when they were minors?

1 Bishop M. Clark

2 A. I learned of that, I think, after
3 his death.

4 Q. So this was -- okay. Did you ever
5 hear about how many people were making those
6 complaints about Father Vogt?

7 A. No.

8 Q. How about Father Robert O'Neill,
9 were you aware of him?

10 A. Yes.

11 Q. Did you ever hear of any complaints
12 that he had had inappropriate sexual relations
13 with minors?

14 A. Yes.

15 Q. And when did you become aware of
16 that?

17 A. I can't say precisely.

18 Q. And did you take any action when you
19 learned that Father O'Neill -- that there were
20 allegations that he had acted inappropriately
21 with minors?

22 A. Yes.

23 Q. And what actions did you take?

24 MR. SULLIVAN: I'm going to object
25 to form. The witness has testified he

1 Bishop M. Clark
2 can't remember when he learned of it, so
3 it's unclear to me what actions you're
4 inquiring about in this context.

5 MR. GORDON: I believe he
6 testified -- would you read it back?

7 THE COURT REPORTER: (Reading back
8 the record.)

9 Question: "Did you ever hear of
10 any complaints that he had had
11 inappropriate sexual relations with
12 minors?"

13 Answer: "Yes."

14 Question: "And when did you become
15 aware of that?"

16 Answer: "I can't say precisely."

17 BY MR. GORDON:

18 Q. So what actions were taken after you
19 learned about the allegations against
20 Father O'Neill?

21 A. Well, I called him into my office
22 and told him I had heard these allegations,
23 and what did he have to say about it?

24 Q. What did Father O'Neill tell you?

25 A. "Yes."

1 Bishop M. Clark

2 Q. Was anyone else present at that
3 meeting with Father O'Neill, or was it just you
4 and him?

5 A. I recollect -- I always try to have
6 somebody with me as witness to the
7 conversation, and I know I did in this
8 instance. I don't recall who it was.
9 Customarily it would have been -- well, I'm
10 guessing here, so I just don't remember who it
11 was.

12 Q. At some of those meetings, was
13 Bishop Hickey the one who was the second
14 person?

15 A. Yes.

16 Q. And Bishop Hickey has passed? He's
17 died?

18 A. Yes, he has. Yeah.

19 Q. And after Father O'Neill admitted
20 this to you, what did you do?

21 A. Well, I sent him to -- what's the
22 word I'm looking for?

23 Q. Rehabilitation center?

24 A. Yeah. That's -- I'm not sure that
25 was the exact title, but, yes.

1 Bishop M. Clark

2 Q. Was it the Institute for Living in
3 Connecticut?

4 A. No. It was in St. Louis. Yeah.

5 Q. Okay. I know there was one in
6 St. Louis. I don't know if you remember the
7 name though.

8 A. No, I don't. I'm sorry.

9 Q. That's okay.
10 Do you know, was this in the 1990s
11 or 2000s?

12 A. I think this was the late '90s.

13 Q. Was Father O'Neill allowed to return
14 to ministry after that?

15 A. Yes.

16 Q. So you allowed -- can you tell us
17 why you allowed Father O'Neill to return to
18 ministry after he had admitted to having
19 inappropriate sexual relations with minors?

20 MS. KORONA: Objection to the form
21 of the question.

22 BY MR. GORDON:

23 Q. You can answer.

24 A. I'm sorry. Would you repeat the
25 question then?

1 Bishop M. Clark

2 Q. You said that after Father O'Neill
3 went to St. Louis, you allowed him to return to
4 ministry; is that correct?

5 MS. KORONA: Objection. He did not
6 testify to that.

7 He said he was allowed to return to
8 ministry. He did not testify that he
9 allowed him to return to ministry.

10 BY MR. GORDON:

11 Q. Okay. So after Father O'Neill went
12 to St. Louis for treatment, he was allowed to
13 return to ministry; is that correct?

14 A. Yes.

15 Q. Was that your decision, to allow him
16 to return to ministry?

17 A. Ultimately, yes.

18 Q. And why did you allow him to return
19 to ministry?

20 A. Because it was my understanding
21 from those that -- it was my understanding
22 that, from the people to whom I sent Bob for
23 rehabilitation and, you know, to work on his
24 issues, which are quite serious, and after a
25 time -- after his stay there and the treatment

1 Bishop M. Clark
2 he received, it was the opinion and
3 recommendation of the authorities there that
4 Bob was, in their opinion -- could be
5 readmitted to ministry because they felt that
6 he had recognized his delinquency, which was
7 quite serious.

8 And so after this lengthy stay that
9 he had in this institution, that and the
10 treatment that he received, it was my
11 judgment, with further consultation with
12 people at home who were qualified to assess
13 the reports that were -- excuse me, reports
14 that were made about Bob, and with our
15 personnel board, I had Bob in again to and
16 review all of this with me.

17 And, ahead of all that, it's
18 probably even more than I mentioned, but it
19 was a lengthy process and -- both ends of
20 this, what I'm telling you, that he would be
21 given an opportunity for -- to return to
22 ministry.

23 But it was not to a parish, it was
24 to a post in the chancery in the marriage
25 tribunal. Now, he was not dealing with

1 Bishop M. Clark
2 couples, it was an administrative post. It
3 was in an administrative post in the chancery.

4 He was -- he was not -- he did not
5 have a degree in canon law, but he was trained
6 for tribunal work, so that's where we asked
7 him to exercise his ministry.

8 Q. Was he an advocate or a judge?

9 A. No. He was not a judge, nor was he
10 an advocate. He was an administrator. He
11 would review cases that came in, read them for
12 those who were the advocates and judge. So
13 that's the way it developed.

14 Q. Did you know Father Joseph Larrabee?

15 A. Yes.

16 Q. Did you ever become aware of any
17 complaints that he had had inappropriate sexual
18 relations with minors?

19 A. Yes.

20 Q. Was that soon after you arrived or
21 later on during your tenure in Rochester?

22 A. It was very soon after.

23 Q. Were any actions taken as a result
24 of learning this information about
25 Father Larrabee --

1 Bishop M. Clark

2 MR. SULLIVAN: Objection to form.

3 BY MR. GORDON:

4 Q. -- with regard to his assignment?

5 MR. SULLIVAN: Are you talking about
6 actions of the bishop?

7 MR. GORDON: The bishop or the
8 diocese on his behalf, at his direction.

9 MS. KORONA: Well, I'm going to
10 object to the form of the question because
11 you will need to establish a basis of
12 personal knowledge.

13 MR. GORDON: He said he learned
14 about it after he arrived.

15 Can you read back his response when
16 he learned about it?

17 THE COURT REPORTER: (Reading back
18 the record.)

19 Question: "Did you ever become
20 aware of any complaints that he had had
21 inappropriate sexual relations with
22 minors?"

23 Answer: "Yes."

24 Question: "Was that soon after you
25 arrived or later on during your tenure

1 Bishop M. Clark

2 in Rochester?"

3 Answer: "It was very soon after."

4 MS. KORONA: I'm sorry. I thought

5 there was a question after that.

6 BY MR. GORDON:

7 Q. The question after that was: Did
8 you or the diocese at your direction take
9 action with regard to Father Larrabee's
10 assignments as a result of learning that
11 information?

12 A. I don't think he had any
13 assignments after that. He rather just
14 departed into the night, so to speak.

15 Q. Was he laicized?

16 A. Not to my knowledge.

17 Q. So he --

18 A. Let me back up on that. Well, I
19 cannot say for certain he was.

20 Q. Was it your understanding that he --
21 during the rest of your tenure at the
22 Diocese of Rochester after he disappeared for a
23 while, he was never assigned to a position as a
24 priest within the Diocese of Rochester?

25 A. That's correct.

1 Bishop M. Clark

2 Q. Okay. Did you know a Father
3 Paul Cloonan?

4 A. Yes.

5 Q. And had you ever learned about
6 allegations that he had acted sexually
7 inappropriately with minors?

8 A. I did not know that.

9 Q. And is the first time you've heard
10 about that today, or questions about that
11 today?

12 A. No. The first I learned of that is
13 when he announced that he was departing from
14 our diocese.

15 Q. Was that while you were still
16 bishop?

17 A. Yes.

18 Q. And when he -- when Father Cloonan
19 announced he was departing from the diocese,
20 did he also let you or others in the diocese
21 know that he had engaged in inappropriate
22 sexual conduct with minors?

23 A. He didn't let me know personally.
24 And I don't really know how he -- or to whom
25 he made that admission.

1 Bishop M. Clark

2 Q. So you learned it from somebody in
3 your diocese that Father Cloonan made this
4 admission. Would that be correct?

5 A. Yes. Yes.

6 Q. Okay. Did you know a Father
7 Eugene Emo?

8 A. Yes.

9 Q. And had you ever heard that there
10 had been allegations that he had acted sexually
11 inappropriately with minors?

12 A. Yes.

13 Q. When did you learn about that?

14 A. Once again, the years elude me.

15 Q. Were you bishop at the time?

16 A. Yes, I was.

17 Q. And did you meet with Father Emo on
18 this or did he meet with somebody at your
19 direction?

20 A. I met with Gene, I would say, three
21 times.

22 Q. Did Father Emo ever admit to you
23 that he had acted inappropriately with minors?

24 A. Yes.

25 Q. Did you take any action or have

1 Bishop M. Clark

2 someone at the diocese do something with his
3 assignments after Father Emo made that
4 admission?

5 A. Yes. Once again, with Father Emo,
6 we sent him away for some treatment.

7 Q. And do you remember to which
8 facility he was sent?

9 A. No, I don't.

10 Q. Okay. After Father Emo went for
11 treatment, was he reassigned to a position with
12 the diocese?

13 A. He was.

14 Q. And where was he reassigned to?

15 A. I know it was in Livingston County.

16 Q. Was this a parish assignment?

17 A. Yes.

18 Q. So Father Emo had admitted to you,
19 correct me if I'm wrong, that he had sexually
20 abused a minor. Is that correct?

21 A. Uh-huh.

22 Q. You sent him away to treatment to
23 some facility, correct?

24 A. Yes.

25 Q. And after he came back, you

1 Bishop M. Clark

2 reassigned him to a position at a parish?

3 A. Yes.

4 Q. Was he assigned as a pastor or

5 assistant pastor?

6 A. Assistant.

7 Q. And was it your understanding that

8 as an assistant pastor, Father Emo would have

9 access to minors?

10 A. Yes.

11 Q. And it would be part of his work to

12 work with the youth of that parish?

13 MR. SULLIVAN: Again, you're asking

14 about the witness' personal knowledge?

15 BY MR. GORDON:

16 Q. Yes. The way the diocese of

17 Rochester and its parishes work, an assistant

18 pastor, you would expect them to work with the

19 youth of that parish, correct?

20 A. Normally we would.

21 Q. Did you put any restrictions on

22 Father Emo's assignments at that parish in

23 Livingston County?

24 A. When I assigned him, I assigned him

25 fully -- you know, the pastor was aware of

1 Bishop M. Clark

2 Gene's experience.

3 And I won't repeat the narrative I
4 just offered in terms of Bob O'Neill, that it
5 was the treatment, the review when he came
6 home by a group of people who are -- I think
7 it was in this instance, the personnel board
8 who interviewed him and, once again, felt that
9 he would be -- they would have him assigned
10 again with the knowledge of the pastor and the
11 warning that he should not be assigned to, you
12 know, the youth club or anything like that,
13 that he should do, you know, other related
14 pastoral things, and should not be alone with
15 young people.

16 Q. You indicated earlier that -- you
17 pointed out that with Father O'Neill, when he
18 returned, he was given a tribunal position,
19 which would keep him from having, as a regular
20 course of his duties, contact with children.

21 Is there something different about
22 Father Emo's case from Father O'Neill's case
23 that said, okay, we could with certain
24 restrictions assign Father Emo to a parish
25 assignment?

1 Bishop M. Clark

2 A. Uh-huh.

3 Q. Was there something different about
4 Father Emo's case than Father O'Neill's case?

5 A. It's hard to compare them and --
6 just very different people. It was not a
7 cookie-cutter sort of thing.

8 We tried to consider the factors as
9 best we could with the same format of review,
10 after they had their rather intensive,
11 months-long treatment with the -- these
12 rehabilitation institutions.

13 And, once again, I won't repeat all
14 the layers of bodies at home that reviewed the
15 issue. And I, generally -- I talked to them
16 myself, of course. And ultimately we assigned
17 him to that parish in Livingston County.

18 Q. Did you come to an understanding
19 after the reassignments with Father Emo and
20 Father O'Neill that it was not wise to reassign
21 priests who admitted to sexually abusing
22 minors?

23 MS. KORONA: Object to the form of
24 the question. Compound.

25

1 Bishop M. Clark

2 BY MR. GORDON:

3 Q. Do you understand the question?

4 A. I'm going to ask you to repeat it,
5 please.

6 Q. Okay. After the reassignments of
7 Father Emo and Father O'Neill, did you come to
8 an understanding that it was not wise to
9 reassign priests who admitted to sexually
10 abusing minors?

11 A. Yes.

12 Q. About when was that?

13 A. When was that?

14 Q. When did you come to the
15 understanding it was not wise to do that?

16 A. I would say 1985.

17 Q. And what was it in 1985 that told
18 you it would not be wise to reassign priests?

19 A. Well, my growing awareness of -- of
20 the severe gravity of the impact of the abuse
21 of young people.

22 I think, you know, when this
23 phenomenon, if I could use that word for want
24 of a better word -- when I personally grew in
25 my awareness, once again, of the utter

1 Bishop M. Clark
2 severity of the abuse and the lasting effect
3 it had on young people.

4 And, secondly, the -- my -- through
5 the experience that I just recounted to you,
6 my more acute, more deeply held awareness and
7 conviction of how deeply seated this tendency
8 or reality was in the perpetrator. It was
9 through a combination of those two things.

10 I learned -- I was learning of that
11 when -- it was around that time that that
12 intense barrage of publicly -- publicity about
13 it just made our church, our society, much
14 more aware of and willing to talk about that
15 issue.

16 Q. You said 1985. That would be the
17 Louisiana case. Was it the Louisiana case?
18 Was it cases in the '90s?

19 Was it really 1985? I just --

20 MS. KORONA: Object to the form of
21 the question. Compound and vague.

22 MR. SULLIVAN: And I'll add that the
23 witness, I think, has testified he could
24 remember specific dates and has actually
25 testified to several inconsistent dates on

1 Bishop M. Clark
2 this record, which call into question all
3 of the dates in his testimony.

4 MR. GORDON: I'm just dealing with
5 this particular answer and question. He
6 was asked:

7 (Question) "When did you come to
8 the understanding it was not wise to do
9 that?"

10 And that was preceded by:

11 (Question) "Okay. After the
12 reassignments of Father Emo and
13 Father O'Neill, did you come to an
14 understanding that it was not wise to
15 reassign priests who admitted to
16 sexually abusing minors?"

17 (Answer) "Yes."

18 (Question) "About when was that?"

19 (Answer) "When was that?"

20 (Question) "When did you come to
21 the understanding it was not wise to do
22 that?"

23 (Answer) "I would say 1985."

24 I'm just trying to help him, the
25 best that I can, to answer this question.

1 Bishop M. Clark

2 BY MR. GORDON:

3 Q. Was it 1985, during the Louisiana
4 case, or in the 1990s that you came to this
5 understanding? Or was it after the Boston
6 abuse scandal?

7 MS. KORONA: Objection to the form
8 of the question. Lack of foundation.

9 MR. GORDON: I understand.

10 BY MR. GORDON:

11 Q. You can answer if you understand it.

12 MS. KORONA: I'm objecting to the
13 form of the question. It's vague and lack
14 of foundation.

15 You have an opportunity to correct
16 it if you would like.

17 BY MR. GORDON:

18 Q. Okay. Do you still think it was
19 1985 when you came to this realization you just
20 explained?

21 A. When I spoke of 1985, I was
22 thinking that was my best recollection of when
23 I personally began to absorb those two
24 elements that I -- my personal understanding,
25 if I may put it that way, just increased.

1 Bishop M. Clark

2 (Discussion held off the record.)

3 MS. KORONA: The bishop's physician
4 has suggested that we take a break.

5 MR. GORDON: Okay. About 10
6 minutes?

7 DR. MORALDO: That's fine.

8 MS. KORONA: Can you tell us how
9 long we've been on the record?

10 MR. GORDON: Yes, please.

11 THE COURT REPORTER: One hour and 20
12 minutes.

13 JUDGE WARREN: That's exactly what I
14 have.

15 (Recess taken from 12:30 p.m. to
16 1:11 p.m.)

17 MS. KORONA: Before we ask a
18 question, now that we're on the record, I
19 would like the bishop's physician,
20 Dr. Moraldo, to just make an observation
21 about the first session we've had today.

22 So I'm going to ask the physician to
23 go on the record and state the observation
24 he has made and any possible consequences.

25 DR. MORALDO: I had just represented

1 Bishop M. Clark
2 that we take a break because I noted that
3 Bishop Clark's responses were becoming
4 longer and slower, and I took that as a
5 sign that he was starting to fatigue.

6 And with everybody's interest and
7 the time, trying to get through a full
8 three-hour deposition rather than ending
9 earlier, I thought it was best to just
10 take a break and allow him to just have
11 some lunch.

12 He's indicated that he feels
13 recovered and rejuvenated, so I think we
14 can continue.

15 MR. GORDON: Thank you. That's very
16 helpful.

17 THE WITNESS: Thanks, Doctor.

18 BY MR. GORDON:

19 Q. Bishop Clark, did you ever know a
20 Brother John Walsh?

21 A. Yes.

22 Q. Do you know what religious order he
23 was in?

24 A. Brothers of the Irish Christian --
25 Christian Brothers.

1 Bishop M. Clark

2 Q. Okay.

3 And did you ever learn that there
4 had been allegations that Brother John Walsh
5 had had sexually inappropriate contact with
6 minors?

7 A. No.

8 Q. How did you come to know
9 Brother Walsh?

10 A. I got to know Brother Walsh through
11 diocesan activities. He was principal of a
12 large high school, and I met him many times at
13 his events. He would go to basketball games
14 sometimes.

15 Brother Walsh came to my ordination
16 in Rome, actually, representing the religious
17 counsel. But I met him on many occasions over
18 the years.

19 Q. So you were unaware that there had
20 been such allegations?

21 A. Never.

22 Q. Did you know a Father Albert Caston?

23 A. Yes.

24 Q. And did you ever learn there had
25 been allegations that he had acted sexually

1 Bishop M. Clark

2 inappropriately with children?

3 A. Yes.

4 Q. And about when did you learn about
5 that?

6 A. Pretty early on.

7 Q. Did you have any meetings with
8 Father Caston about that, about those
9 allegations?

10 A. Yes, I did.

11 Q. And what did Father Caston say to
12 you about those allegations?

13 A. He admitted them.

14 Q. Was Father Caston sent to therapy?

15 A. Yes, he was.

16 Q. Do you remember where he was sent?

17 A. No, I don't.

18 Q. After Father Caston went to therapy,
19 was he reassigned?

20 A. I think -- no. He left the diocese
21 shortly thereafter.

22 Q. Did he leave the priesthood also or
23 just the diocese?

24 A. He didn't leave the priesthood.

25 Q. Do you know where he went after

1 Bishop M. Clark

2 that?

3 A. No, I don't.

4 Q. Did you know a Father

5 Ronald Frederick?

6 A. Yes.

7 Q. And did you ever learn that

8 Father Frederick had -- that there had been

9 allegations that Father Frederick had acted

10 sexually inappropriately with minors?

11 A. Uh-huh.

12 Q. And was this early in your time as

13 bishop or later on?

14 A. Very early.

15 Q. And did you meet with

16 Father Frederick about those allegations?

17 A. Yes. I met with him a couple of

18 times.

19 Q. What was Father Frederick's response

20 to the allegations that he had acted sexually

21 inappropriately with minors?

22 A. He owned up to them.

23 Q. Was Father Frederick sent to

24 therapy?

25 A. No. Not that I recall, anyway.

1 Bishop M. Clark

2 Q. Was he allowed to still work at
3 parish assignments?

4 A. Yes.

5 Q. So why at that time, when you had
6 somebody who admitted to having inappropriate
7 sexual relations with minors, was
8 Father Frederick reassigned?

9 A. I'm sorry, when --

10 Q. After Father Frederick had admitted
11 to having inappropriate sexual relations with
12 children, without therapy, why was he resigned?

13 A. Because I was advised by those
14 who --

15 MR. SULLIVAN: I'm going to -- to
16 the extent that the privilege of the
17 Diocese of Rochester is implicated here,
18 I'm going to object and direct the witness
19 not to answer.

20 If you're going to be -- if the
21 witness is going to be testifying about
22 communications with counsel of the
23 diocese -- and I don't know if you are,
24 but I wanted to interpose my objection
25 before you did.

1 Bishop M. Clark

2 MS. KORONA: So you used the word
3 "advise." And the objection that's been
4 raised is because the question may call
5 for an answer that implicates a
6 communication you had with a counsel,
7 legal counsel.

8 THE WITNESS: Well, I did, yeah.

9 MS. KORONA: Okay. You're directed
10 not to answer my questions that call for
11 an answer that would be an answer that was
12 based on the advice of legal counsel.

13 BY MR. GORDON:

14 Q. Outside of your attorney, outside of
15 the diocesan attorneys, did anyone advise you
16 that it would be okay to reassign
17 Father Frederick?

18 I'm not asking you about what
19 lawyers told you. But did anyone else at the
20 diocese or anyone that you relied on, other
21 than lawyers, advise you to reassign
22 Father Frederick?

23 A. Yes. They -- through the same
24 process I mentioned several times today.

25 Q. But with Father Emo and

1 Bishop M. Clark

2 Father O'Neill, they had gone to therapy and
3 there was a center that had evaluated them.

4 Was there some sort of evaluation
5 of Father Frederick without him going to a
6 center?

7 A. He didn't go to a center, that I
8 recall.

9 Q. Was he evaluated by somebody in
10 Rochester?

11 A. Yeah.

12 Q. Was it by a psychiatrist, as far as
13 you knew?

14 A. It was by a psychologist from
15 Syracuse.

16 Q. Do you know who that psychologist
17 was?

18 A. No, I don't remember his name.

19 Q. And it's your memory that this
20 psychologist said it would be safe to reassign
21 Father Frederick?

22 A. Yes. He felt he was -- yes. He
23 did recommend to me that he would be suitable
24 or able to handle that.

25 Q. Did you ever learn after

1 Bishop M. Clark

2 Father Frederick was reassigned of any other
3 complaints that he acted inappropriately with
4 minors?

5 A. No.

6 Q. Did you ever learn after Father Emo
7 was reassigned that there were other
8 allegations that he had abused minors?

9 A. Yes.

10 Q. When you got those other
11 allegations, did you meet with Father Emo about
12 those?

13 A. Yes.

14 Q. And what did Father Emo say about
15 those?

16 A. Father Emo always strongly denied
17 them.

18 Q. After that meeting, what happened
19 with regard to Father Emo's assignments?

20 A. We took him out of his assignment.

21 Q. Was he ordered to prayer and
22 penance?

23 A. No, not formally.

24 Q. He just had no assignment at all at
25 that point?

1 Bishop M. Clark

2 A. That's right.

3 Q. Was any action taken to laicize
4 Father Emo?

5 A. That was done some years later when
6 Bishop Matano went through all the records of
7 all the priests who had been charged with such
8 offenses.

9 MS. KORONA: I'm just going to
10 remind the witness that we're here to talk
11 about your personal knowledge.

12 BY MR. GORDON:

13 Q. So he wasn't laicized while you were
14 bishop, correct? Let me phrase it that way.

15 A. I was not the bishop of the
16 diocese.

17 Q. Okay.

18 A. I was around.

19 Q. All right.

20 A. And I learned of these things, I
21 guess, in the -- just in general. People knew
22 that Bishop Matano had done this. So I
23 learned it like everybody else did.

24 Q. Let me ask you, did you ever go
25 through -- did you ever go through the files on

1 Bishop M. Clark
2 priests against whom there had been allegations
3 that they had abused minors when you were
4 bishop?

5 A. No. I had never made a thorough
6 examination of -- that indicated persons who
7 related to me with recommendations and
8 comments about such matters.

9 Q. So you did it by delegating to them?

10 A. Yeah.

11 Q. Okay.

12 A. I mean, they reported to me
13 ultimately, and through the process.

14 Q. After you reassigned Father O'Neill
15 to tribunal work, did you ever get additional
16 reports that he had acted inappropriate
17 sexually with minors?

18 A. No, I did not.

19 Q. Did you know of Father
20 Vincent Panepinto?

21 A. Yes.

22 Q. And did you ever, with regard to
23 Father Panepinto, get any reports that he
24 had -- that he allegedly had acted sexually
25 inappropriately with minors?

1 Bishop M. Clark

2 A. Did I have reports of that? Yes.

3 Q. Yes. And did you meet with

4 Father Panepinto?

5 A. Yes.

6 Q. And how did he respond to those

7 reports?

8 A. Well, I asked him to step aside

9 from the ministry. And he was -- he agreed to

10 do that.

11 Q. Did he deny the allegations?

12 A. No.

13 Q. Did he admit that those things had

14 happened?

15 A. Yes.

16 Q. And did Father Panepinto get any

17 assignment within the diocese or was he just

18 unassigned?

19 A. He was unassigned.

20 Q. Did you start laicization procedures

21 with respect to Father Panepinto?

22 A. No.

23 Q. About when in your tenure as bishop

24 of the Diocese of Rochester did you receive

25 complaints about Father Panepinto?

1 Bishop M. Clark

2 A. I don't remember that.

3 Q. Did you know a Father John Gormley?

4 A. No. Only by -- no. Personally,
5 no.

6 Q. Was he a priest while you were a
7 bishop?

8 A. He was, but he was not active.

9 Q. Did you ever -- I'm sorry.

10 A. He was inactive before I arrived.

11 Q. Was that because he was in
12 retirement age?

13 MS. KORONA: Object to the form of
14 the question, lack of personal knowledge
15 and lack of foundation.

16 BY MR. GORDON:

17 Q. With regard to Father Gormley, was
18 he -- you understand when you arrived as
19 bishop, he was a retired priest?

20 A. I'm not sure when he retired.

21 Q. Were you ever aware that there had
22 been allegations that Father Gormley had acted
23 sexually inappropriately with minors?

24 A. Not personally.

25 Q. Did anyone ever report to you that

1 Bishop M. Clark

2 there had been such allegations with regard to
3 Father Gormley?

4 A. Yes, I knew of it. This is after I
5 arrived, I learned of it.

6 Q. Is he one of the ones that
7 Bishop Hickey talked to you about?

8 A. I don't remember that he did.

9 Q. Okay. So the allegations with
10 regard to the conduct of Father Gormley were
11 prior to your assignment as bishop of the
12 diocese?

13 A. Yes.

14 Q. Did anyone tell you that
15 Father Gormley was not assigned because of the
16 reports that had been received about his
17 inappropriate contact with minors?

18 A. I learned of it -- I think
19 Bishop Hickey briefed me on what had happened
20 with John and how it was -- how it was
21 resolved, but I had no personal involvement
22 with John ever.

23 Q. Okay.

24 And did Bishop Hickey tell you what
25 the resolution was with regard to

1 Bishop M. Clark

2 Father Gormley?

3 A. He didn't go into any particular
4 details with me.

5 Q. Did he say that he's just going to
6 be considered an unassigned priest of the
7 diocese?

8 MS. KORONA: Objection, asked and
9 answered.

10 BY MR. GORDON:

11 Q. You can answer.

12 A. Would you repeat the question?

13 Q. Sure.

14 Did Bishop Hickey tell you that
15 Father Gormley was going to be treated as an
16 unassigned priest of the diocese?

17 A. He told me that he had been placed
18 in that position.

19 Q. And did you respond to Bishop Hickey
20 you wanted to change that, or you just accepted
21 that and left that status as it was for
22 Father Gormley?

23 A. Well, he was no longer in the
24 service of the diocese at that time.

25 Q. Do you know if he was assigned --

1 Bishop M. Clark

2 went to work for another diocese?

3 A. I do not know.

4 Q. Did you know a Father

5 Richard Orlando?

6 A. Yes.

7 Q. And did you ever receive any reports

8 that Father Orlando had been accused of acting

9 sexually inappropriately with minors?

10 A. No. I never heard that.

11 Q. Did you know a Father Dennis Seward?

12 A. Yes.

13 Q. Did you ever hear about any

14 allegations that he had acted sexually

15 inappropriately with minors?

16 A. Yes.

17 Q. And was this early in your tenure at

18 the diocese or later?

19 A. It was on the early side.

20 Q. And did you meet with Father Seward

21 about that?

22 A. Yes.

23 Q. And did you talk to him about -- did

24 you talk to Father Seward about the allegations?

25 A. Yes, I did.

1 Bishop M. Clark

2 Q. And what did Father Sewar say?

3 A. Denied them.

4 Q. And what action did you take after
5 your meeting with Father Sewar?

6 A. I don't know precisely, but I know
7 I took him out of his parish. He was not a
8 pastor, but I said to him, "Dennis, you
9 can't -- you can't remain in this parish."

10 Q. Was he reassigned to another parish?

11 A. No. He sort of left the -- sort
12 of. He left the territory. He ultimately
13 went to an Asian country.

14 Q. Do you know what country?

15 A. No, I don't.

16 Q. Did he go there to serve as a
17 Catholic priest?

18 A. No.

19 MS. KORONA: Object to the form of
20 the question. Lack of foundation. Lack
21 of establishment of personal knowledge.

22 BY MR. GORDON:

23 Q. Did you ever meet or know a Brother
24 John Walderman?

25 A. No. John Walderman?

1 Bishop M. Clark

2 Q. Yes.

3 A. No.

4 Q. How about Father Joseph Beatini?

5 A. Yes, I knew Joseph.

6 Q. Did you ever learn that there had
7 been allegations that Father Beatini had acted
8 sexually inappropriately with minors?

9 A. I did not.

10 Q. Did you know a Father James Burke?

11 A. No.

12 Q. Did you know a Father Thomas Burr,
13 B-u-r-r?

14 A. Yes.

15 Q. Did you ever learn there were
16 allegations that Father Burr had acted sexually
17 inappropriately with minors?

18 A. Yes.

19 Q. And was this early or late in your
20 career as bishop of the diocese?

21 A. That would be on the early side.
22 That's the best I could do on that.

23 Q. Did you meet with Father Burr about
24 these allegations?

25 A. Yes.

1 Bishop M. Clark

2 Q. And what did Father Burr say about
3 those allegations?

4 A. He admitted to them. Now, he
5 admitted these to -- he admitted to
6 Bishop Hickey.

7 Q. So did you have the meeting with
8 Father Burr or did Bishop Hickey?

9 A. Bishop Hickey.

10 I should make the point that
11 Bishop Hickey, as vicar general, who would act
12 in my name literally, he's -- the vicar
13 general has that -- he has that
14 responsibility, that privilege. I'm sure that
15 it was he who worked on that with Tom Burr.

16 Q. Do you know if Father Burr was sent
17 to therapy after he made those admissions?

18 A. I'm not certain that he did.

19 Q. Was he sent to be evaluated by a
20 psychologist or psychiatrist?

21 A. I'm not certain about that.

22 Q. Was Father Burr reassigned after he
23 made the admission?

24 A. Yes, he was.

25 Q. Was it to another parish?

1 Bishop M. Clark

2 A. Yes, it was.

3 Q. You've indicated with regard to
4 Father Emo, Father O'Neill, and some of the
5 other priests we've talked about so far, you
6 personally met with them?

7 A. Yes.

8 Q. Did you take notes when you met with
9 them?

10 A. No, I generally didn't take notes.
11 I always -- as I mentioned to you, I think,
12 whenever I met with a priest who was -- whom I
13 invited to my office for conversation, I
14 always invited another person to be present
15 for the -- for the interview.

16 Q. Do you remember if all those times
17 that other person took contemporaneous notes
18 during the meeting?

19 A. Yes. Sometimes they did at my
20 request. Other times they didn't because I
21 didn't -- I just didn't request that they do
22 that in these particular cases.

23 Q. Where such notes were created, would
24 those have wound up being filed in the secret
25 archives?

1 Bishop M. Clark

2 A. I don't think so.

3 Q. Where would they have been filed?

4 A. I think -- I shouldn't say I think.

5 I don't know where they were filed.

6 Q. Would it usually be a vicar general
7 or a chancellor that would meet with you, or
8 the chairman of the priest personnel board and
9 the person, one of those three?

10 A. To --

11 Q. When you met with like Father Emo
12 and Father O'Neill and some of these other
13 priests --

14 A. Yeah.

15 Q. -- was it a chancellor or a vicar
16 general or the chairman of the personnel board
17 who would be present with you when you met with
18 them?

19 A. Yes.

20 Q. And did you know a Father
21 Robert Guadio, G-u-a-d-i-o?

22 A. Yes, Robert Guadio.

23 Q. Okay. I didn't know the
24 pronunciation.

25 And did you ever learn that with

1 Bishop M. Clark

2 regard to Father Guadio there had been
3 allegations that he had acted sexually
4 inappropriately with regard to minors?

5 A. Yes.

6 Q. And did you meet with Father Guadio
7 about that?

8 A. Yes.

9 Q. Did he admit those allegations or
10 deny them?

11 A. Oh, denied them, vehemently.

12 Q. Was this early in your tenure with
13 the diocese or later?

14 A. No, this was quite late in my
15 tenure.

16 Q. What action did you take after your
17 meeting with Father Guadio?

18 A. Well, Father Guadio was, as I say,
19 later in my tenure, which was after the Dallas
20 charter. You're familiar with that?

21 Q. Yes.

22 A. Yeah.

23 Q. That was adopted in 2002?

24 A. Yes. Correct. And Father Robert
25 offended during that time.

1 Bishop M. Clark

2 Q. So was he removed from ministry?

3 A. No, he was not -- yes, he was. He
4 was.

5 By definition, if you offended in
6 those prior -- or post the passage of that
7 charter, you got -- it was a
8 one-strike-and-you're-out sort of protocol.

9 Q. How about Father G. Stuart Hogan?
10 Did you know him?

11 A. I did not. He was -- no. I had
12 met him. I visited his house with his nephew.
13 That's how I met him. That's the only time I
14 ever met him. His nephew is a priest, by the
15 way, and a good friend of mine.

16 Q. Did you ever learn of any
17 allegations that Father Hogan had acted
18 sexually inappropriately with minors?

19 A. No.

20 Q. How about Father Thomas Kent? Do
21 you know Father Kent?

22 A. No, I don't.

23 Q. And have you ever heard about
24 Father Kent?

25 A. No.

1 Bishop M. Clark

2 Q. How about Father Robert Meng,
3 M-e-n-g?

4 A. Yes, I knew Father Bob Meng.

5 Q. How is his last name pronounced?

6 A. Meng.

7 Q. And did you ever learn an allegation
8 that Father Meng had acted sexually
9 inappropriately with minors?

10 A. No.

11 Q. And did you know Father
12 William O'Malley?

13 A. Yes.

14 Q. Did you ever learn any allegations
15 that Father O'Malley had acted sexually
16 inappropriately with minors?

17 A. I did not.

18 Q. How about a teacher named
19 Francis Pilecki? Did you ever know him --

20 A. No.

21 Q. -- at St. Thomas Aquinas?

22 A. The high school? No. I don't know
23 that name.

24 Q. How about Father Foster Rogers?

25 A. Yes.

1 Bishop M. Clark

2 Q. Were you ever aware of any
3 allegations that Father Foster Rogers had acted
4 sexually inappropriately with minors?

5 A. Yes, I did.

6 Q. And did you learn about that early
7 in your tenure as bishop of the diocese or
8 later in your tenure?

9 A. Later.

10 Q. Did you meet with Father Rogers
11 about those allegations?

12 A. Yes.

13 Q. And how did Father Rogers respond to
14 those allegations?

15 A. He admitted to them immediately.

16 Q. What actions did you take as a
17 result of those admissions with regard to
18 Father Rogers?

19 A. Just a second. I'm a little
20 confused on this one.

21 Q. Okay.

22 A. It was some time -- I think he
23 offended before I came along, and I didn't
24 learn about it for -- once again, I'm terrible
25 with dates.

1 Bishop M. Clark

2 MS. KORONA: If you don't know the
3 date, don't guess.

4 THE WITNESS: I don't know that.

5 BY MR. GORDON:

6 Q. Okay.

7 So this was an allegation that was
8 decades ago when you learned about it?

9 A. Yeah.

10 Q. And was Father Rogers removed as a
11 result of those reports and his admission?

12 A. No, he was not.

13 Q. Did his parish assignment change?

14 A. He was removed from ministry after
15 2002 with --

16 Q. The charter?

17 A. The charter, yeah. Thank you.

18 Q. All right.

19 And you met with him before -- did
20 you meet with him before the charter?

21 A. I met with him after.

22 Q. Okay.

23 And did you know a Father
24 John J. Seger, S-e-g-e-r?

25 A. John Steger?

1 Bishop M. Clark

2 Q. Seger.

3 A. No, I don't know him.

4 Q. It could be a typo. Was there a
5 Father John Steger?

6 A. Yes, there was a Steger,
7 S-t-e-g-e-r.

8 Q. And Father Steger, did you ever
9 learn there were allegations of sexual abuse of
10 minors by him?

11 A. Yes.

12 Q. Did you ever meet with Father Steger
13 about that?

14 A. Yes.

15 Q. And what was Father Steger's
16 response?

17 A. He denied it.

18 Q. Was this early in your tenure as
19 bishop or later in your tenure?

20 A. It was on the later side.

21 Q. What actions were taken after you
22 met with Father Steger?

23 A. He remained at his post, but he
24 never offended again.

25 Q. As far as the information you have,

1 Bishop M. Clark

2 correct?

3 A. Yes.

4 Q. Did you know a Father David Simon?

5 A. Yes.

6 Q. Did you ever learn that -- if there
7 were allegations that Father Simon had acted
8 sexually inappropriately with minors?

9 A. Yes.

10 Q. Did you meet with Father Simon?

11 A. Yes.

12 Q. How did Father Simon respond to the
13 allegations?

14 A. He admitted them.

15 Q. Was this early in your tenure as
16 bishop, or later in your service?

17 A. This is -- once again, this is -- I
18 don't remember precisely when he -- I don't
19 remember that.

20 Q. Was Father Simon removed from
21 ministry after he admitted to acting sexually
22 inappropriately with minors?

23 A. He was removed after the charter.

24 Q. Do you know if Father Simon was ever
25 sent for therapy?

1 Bishop M. Clark

2 A. I don't know that. If he was --
3 well, I don't know if he was.

4 Q. Do you recall if he was ever sent
5 for an evaluation by a psychologist or a
6 psychiatrist?

7 A. I don't know that either.

8 Q. Did you know a Father
9 Anscar Sullivan, Capuchin priest?

10 A. No.

11 Q. Did you know Monsignor Joseph Vogt?

12 A. No.

13 Q. Did you ever know about Monsignor
14 Joseph Vogt?

15 A. I knew of him.

16 Q. Did you know if he was the brother
17 of Father Francis Vogt?

18 A. I don't know the relationship.

19 Q. Did you understand there was one
20 between Father Francis and Monsignor
21 Joseph Vogt?

22 A. Did I know of --

23 Q. That they had some sort of
24 relationship?

25 A. I think they were the same family.

1 Bishop M. Clark

2 Q. Did you ever hear of allegations
3 that Monsignor Joseph Vogt had acted
4 inappropriately with minors?

5 A. Joseph? I did not know.

6 Q. Did you know a Father Otto Vogt?

7 A. Yes.

8 Q. Did you ever hear that there had
9 been allegations that Father Otto Vogt had
10 acted sexually inappropriately with minors?

11 A. I did not.

12 Q. Did you ever know a teacher or staff
13 member by the name of Steve Ward?

14 A. Steve Ward? I don't know that
15 name.

16 Q. And what about Father Paul Schnacky?

17 A. Yes.

18 Q. Did you ever hear that Father
19 Paul Schnacky had been accused of acting
20 sexually inappropriately with minors?

21 A. Yes.

22 Q. When you learned this, was this
23 early in your tenure as bishop of the diocese
24 or later?

25 A. I learned of it fairly well on in

1 Bishop M. Clark

2 my tenure.

3 Q. Did you meet with Father Schnacky?

4 A. Yes.

5 Q. And how did Father Schnacky respond
6 to the allegations?

7 A. With regret.

8 Q. So did he admit that those
9 allegations were true?

10 A. Yes.

11 Q. And was Father Schnacky sent for
12 therapy?

13 A. Let me back up.

14 Q. Okay.

15 A. I think I'm in error when I -- I
16 made a mistake. We're talking about
17 Al Schnacky?

18 Q. We're talking about Father
19 Paul Schnacky.

20 A. I know he offended, and I know he
21 eventually returned to ministry.

22 Q. And you don't recall --

23 MR. SULLIVAN: Objection to form.

24 I'm not sure if the record is clear which
25 priest --

1 Bishop M. Clark

2 BY MR. GORDON:

3 Q. You're referring to Father
4 Paul Schnacky, right?

5 A. Yeah, but I tend to get the
6 Schnackys mixed up, and I'm mixed up on this
7 one, I'm afraid.

8 Q. What you do know is Father Schnacky
9 admitted to the allegations?

10 MS. KORONA: Objection to the form
11 of the question. I don't think that's
12 been testified to.

13 MR. GORDON: Okay. Let me be
14 careful. That's fair.

15 BY MR. GORDON:

16 Q. When you confronted Father
17 Paul Schnacky about the allegations that he
18 acted sexually inappropriately with minors, he
19 expressed regret to you; is that correct?

20 A. What I want to correct on that is I
21 did not -- I was not the one who, you know,
22 interviewed Paul --

23 Q. Okay.

24 A. -- when that was.

25 Q. So it was --

1 Bishop M. Clark

2 A. I'm not going to guess who it was,
3 but I'm sure it was not me.

4 Q. Was it your understanding that
5 Father Paul Schnacky admitted to the
6 allegations that he acted sexually
7 inappropriately with minors?

8 MR. SULLIVAN: Objection to the form
9 of the question.

10 MS. KORONA: Object to the form of
11 the question. That's not his testimony.

12 BY MR. GORDON:

13 Q. I'm asking another question.

14 A. Please repeat it, would you?

15 Q. Was it your understanding that
16 Paul Schnacky admitted to somebody at the
17 diocese, somebody working with you, that Father
18 Paul Schnacky admitted to allegations that he
19 had acted sexually inappropriately with minors?

20 MS. KORONA: Objection to the form
21 of the question.

22 MR. SULLIVAN: Note my objection as
23 well.

24 THE WITNESS: I'm getting confused.
25 You asked me did anyone in the diocese

1 Bishop M. Clark

2 speak to me about --

3 BY MR. GORDON:

4 Q. Father Schnacky.

5 MS. KORONA: Object to the form of
6 the question.

7 THE WITNESS: I don't --

8 BY MR. GORDON:

9 Q. That's an objection you can answer.

10 A. I can answer?

11 Q. Yes.

12 A. Yes. I knew that it happened.

13 Q. Okay.

14 A. That's a fact.

15 Q. And when you're saying you knew that
16 it happened, you knew there was a meeting, or
17 you knew that Father Schnacky admitted to
18 acting sexually inappropriately with minors?

19 A. I was not at a meeting at which
20 that was discussed. I knew of it from those
21 who were there and reported it to me.

22 Q. Now, you mentioned there was a
23 Father Al Schnacky. Were there any reports
24 about Father Al Schnacky?

25 A. Not to my knowledge, no.

1 Bishop M. Clark

2 I would say no. I don't want to
3 sound doubtful about that.

4 Q. Did you know a Father David Bonin?

5 A. Yes.

6 Q. Did you ever learn of any
7 allegations that he had acted sexually
8 inappropriately with minors?

9 A. Yes.

10 Q. Did you ever meet -- well, let me
11 ask, when you learned of this, was this early
12 in your tenure as bishop of the diocese or late
13 in your tenure?

14 A. It was -- I don't know precisely,
15 but David was a religious order priest, and
16 upon public -- when that became public, his
17 order took him back to his home, provincial --
18 where his superiors lived. And it was they
19 who had jurisdiction and dealt with
20 David Bonin.

21 Q. Father Bonin was the priest that
22 Mr. Anderson asked you questions about eight
23 years ago at your deposition, isn't he?

24 A. Uh-huh.

25 Q. Is that a yes?

1 Bishop M. Clark

2 A. Yes.

3 Q. I'm sorry. For the stenographer --
4 I should have told you this at the beginning.
5 It's not your fault. Stenographers cannot
6 record gestures.

7 A. I know that. I'm sorry.

8 Q. When you're in conversations,
9 gestures are a part of it and it's part of the
10 conversation, so this is a bit of a different
11 kind of conversation. She can only record what
12 we verbally say.

13 So when I ask, "Is that a yes?"
14 it's just a reminder that we need a verbal
15 response.

16 A. Understood.

17 Q. You testified at that deposition you
18 did not believe that there were -- there was
19 anything in the secret archives on
20 Father Bonin.

21 MS. KORONA: I'm going to object to
22 any questions about testimony from 2012.

23 MR. GORDON: Well, I'm just -- I'm
24 trying to get at something else.

25 I can --

1 Bishop M. Clark

2 MS. KORONA: I understand,
3 Mr. Gordon, but you're trying to frame a
4 question based on testimony that was given
5 under oath in 2012, and we're not going to
6 be going over testimony that was given in
7 2012.

8 MR. GORDON: No. But I'm trying
9 to -- there were questions that weren't
10 explored. It was a different case.

11 MS. KORONA: That's too bad. That's
12 not within the purview of this
13 examination.

14 MR. GORDON: No, I think it is. I
15 think it's his unique knowledge about how
16 he operated and that no one else is going
17 to know. And so I need to ask him those
18 questions.

19 So it raises questions when I look
20 at that transcript through the prism of
21 this particular case.

22 MS. KORONA: That is too late,
23 Mr. Gordon, and it's too bad that
24 deposition was conducted the way it is.
25 We are not here to reexamine this witness

1 Bishop M. Clark
2 with respect to that case.

3 MR. GORDON: I'm not doing that
4 deposition again. All I'm saying is his
5 recorded testimony raises some questions
6 pertinent to this litigation.

7 MS. KORONA: I'm sorry, Mr. Gordon,
8 we are not going to sit here and permit
9 questions framed on the basis of 2012
10 testimony.

11 If you have a specific question that
12 you can ask that lays a proper foundation,
13 personal knowledge on a particular issue,
14 that, I believe, is permissible.

15 But framing questions on the basis
16 of testimony provided under oath in 2012
17 is not permitted within the purview of
18 this examination.

19 JUDGE WARREN: Let me hear the
20 question.

21 MR. GORDON: Essentially what I want
22 to do is -- with regard to Father Bonin,
23 there was testimony that he believed there
24 was nothing in the secret archives.

25 So what I want to find is -- in

1 Bishop M. Clark
2 every other diocese, that's where it goes.
3 So is it going somewhere else?

4 So I need to ask a line of questions
5 to get there to find out what he knows
6 about how the record-keeping was done when
7 it diverges from what is laid out in canon
8 law.

9 Every other diocese I've dealt with
10 does it this way, they put it in that
11 file.

12 JUDGE WARREN: Can you ask him those
13 questions without having him -- what I
14 don't want is to have him rehash his
15 testimony.

16 MR. GORDON: Yeah. I don't want to
17 do it, but that's where it comes from.
18 And I was only doing it to sort of set a
19 framework so he would have some reference.
20 And I wasn't doing it to try to trap him
21 in it.

22 MS. KORONA: No, I understand.
23 The issue here is --

24 MR. GORDON: Let me ask these
25 questions directly --

1 Bishop M. Clark

2 MR. SULLIVAN: And I'm also going to
3 make a statement on the record that the
4 witness' recollection now about how
5 records were maintained at that time, and
6 how they are produced now in response to
7 demands, that's entirely different.

8 MR. GORDON: That's a different
9 issue.

10 MS. KORONA: So as long as the
11 questions are framed in terms of what his
12 personal, unique knowledge is, that is
13 permissible within the confines of this
14 examination.

15 MR. GORDON: So let me -- let me ask
16 him --

17 MS. KORONA: Please let me finish my
18 objection so I --

19 MR. GORDON: The rules are -- look,
20 Rule 30 --

21 JUDGE WARREN: Let her finish.

22 MS. KORONA: I simply want to make
23 clear that the questions have to be proper
24 in the sense that they establish a proper
25 foundation of his personal, unique

1 Bishop M. Clark

2 knowledge.

3 MR. GORDON: And I'm trying to do
4 that. I'm trying to do that.

5 My only point is I don't want us to
6 get into the arguments that Rule 30(c)
7 discourages. That's my only issue.

8 And I understand your point and it's
9 a valid point.

10 MS. KORONA: Thank you, Mr. Gordon.

11 BY MR. GORDON:

12 Q. With regard to Father Bonin, do you
13 recall meeting with some parents of a victim of
14 Father Bonin?

15 A. I do.

16 Q. And you didn't create a record of
17 that meeting, correct, you made no notes of
18 that meeting?

19 A. Excuse me. No, I didn't.

20 Q. And there was no other person of the
21 diocese present at that meeting other than you
22 from the diocese; is that correct?

23 A. That's correct.

24 Q. So there was no record ever placed
25 in the secret archives because you didn't take

1 Bishop M. Clark

2 any notes in the meeting, correct?

3 A. I did not.

4 Q. And is it your understanding that
5 there was not a file in the secret archives
6 pertaining to Father Bonin?

7 A. Let me make a comment, if I may.
8 That meeting that you're referring to was made
9 at the request of a couple -- excuse me --
10 that I had come to know quite well in the
11 course of my ministry.

12 They did not come to me except
13 to -- because I knew them, they were coming to
14 me as a pastor. They weren't making any
15 allegations about David Bonin. We talked
16 about David, and that's about it.

17 Q. And they came to you after there had
18 been some public statements about
19 Father Bonin's past record with regard to
20 children?

21 MS. KORONA: That's a question?

22 MR. GORDON: Yes. That's a
23 question.

24 BY MR. GORDON:

25 Q. Did they come to you after there had

1 Bishop M. Clark
2 been some publicity by the diocese about
3 Father Bonin's history?

4 A. No.

5 Q. Why did they come to you at that
6 time?

7 MS. KORONA: Asked and answered.

8 THE WITNESS: They wanted to talk to
9 me about Father Bonin's pastorate.

10 But there was -- they were not
11 complaining about him, they were just
12 sharing with me their concerns about him.
13 They did not make any accusations or, you
14 know.

15 BY MR. GORDON:

16 Q. And you were aware at some point
17 there were other allegations against
18 Father Bonin, correct?

19 A. No, I really was not.

20 Q. Did you -- well, you indicated, I
21 think, that he went back to his religious
22 order?

23 A. Yes.

24 MS. KORONA: Objection.

25

1 Bishop M. Clark

2 BY MR. GORDON:

3 Q. And why did he go back to his
4 religious order?

5 A. I really don't know.

6 Q. Before Father Bonin went back to his
7 religious order, were you aware that there had
8 been allegations, other than these parents,
9 that Father Bonin had acted sexually
10 inappropriately with minors?

11 A. Was I aware of --

12 Q. Other allegations that Father Bonin
13 had acted sexually inappropriately with minors.

14 A. No.

15 Q. Did you know a Father William Lum?

16 A. Yes.

17 Q. And did you ever become aware that
18 there were allegations that Father Lum had
19 acted sexually inappropriately with children?

20 A. Yes.

21 Q. Did you ever meet with Father Lum
22 about those allegations?

23 A. Yes.

24 Q. And how did Father Lum respond to
25 those allegations?

1 Bishop M. Clark

2 A. He immediately admitted to it. And
3 it was -- well, that's it. He immediately
4 admitted to it.

5 Q. Did you ever become aware that
6 criminal charges had been brought against
7 Father Lum?

8 A. No. I don't recall that.

9 Q. And you're unaware that he admitted
10 to sexual misconduct and pled guilty?

11 A. No. I was not aware of that.

12 Q. And at some point was Father Lum
13 assigned to work at the tribunal?

14 A. Uh-huh.

15 Q. Was he ever transferred to a diocese
16 in Canada?

17 A. No.

18 Q. Did he ever do tribunal work in
19 Canada?

20 A. I don't know that.

21 Q. Do you know where Father Lum is now?

22 A. I do.

23 Q. Where is he?

24 A. He lives in an apartment.

25 Q. In Rochester?

1 Bishop M. Clark

2 A. Uh-huh.

3 Q. Is he still a priest?

4 A. No.

5 Q. Was he laicized?

6 A. I believe he was.

7 Q. Do you know if that was due to

8 allegations that he had acted sexually

9 inappropriately with minors?

10 A. Yes, it was. Yes.

11 Q. Did you ever know a Brother John

12 Chaney?

13 A. No.

14 Q. Did you ever know a Brother John

15 Farrand, F-a-r-r-a-n-d?

16 A. No.

17 Q. Did you know a Deacon George Finch?

18 A. No.

19 Q. How about Gerard Guli, G-u-l-i?

20 A. Yes.

21 Q. Did you ever learn of allegations

22 that Father Guli had acted sexually

23 inappropriately with minors?

24 A. Yes.

25 Q. Was that early or late in your

1 Bishop M. Clark

2 tenure as bishop?

3 A. It was early.

4 Q. Did you meet with Father Guli about

5 those allegations?

6 A. Yes.

7 Q. Did Father Guli admit to those

8 allegations?

9 A. He was -- I talked with him about
10 more than allegations. I talked to him about
11 the fact that he was -- he was already out of
12 ministry, inactive, and he came to see me one
13 day, not to ask for anything, simply to
14 express to me personally his regrets of his
15 offenses. And that was about it.

16 Q. So did he admit that the allegations
17 were true?

18 A. Oh, yes. Yeah, he did.

19 Q. And was he taken out of ministry
20 before you arrived at the diocese?

21 A. Oh, yeah, long before.

22 Q. How about Father Robert Hammond?
23 Did you know him?

24 A. Yes.

25 Q. Did you ever learn of allegations

1 Bishop M. Clark

2 that Father Hammond had acted sexually
3 inappropriately with minors?

4 A. Yes.

5 Q. And was this early or late in your
6 tenure as bishop of the diocese?

7 A. That would be -- it wasn't early.
8 I would only guess at the date. I really
9 don't remember.

10 Q. But it wasn't when you first
11 arrived?

12 A. No, no.

13 Q. Did you meet with Father Hammond?

14 A. Yes.

15 Q. Did he deny or admit the
16 allegations?

17 A. He denied first, but then he
18 admitted to it.

19 Q. Was any action taken as a result of
20 that admission?

21 A. Yes, he was removed from his
22 parish. And upon removal, he removed himself
23 from -- voluntarily from active ministry in
24 our diocese.

25 Q. Did he ever resign from the

1 Bishop M. Clark

2 priesthood?

3 A. I don't know that.

4 MS. KORONA: Mr. Gordon, I think
5 we've been going an hour. Is that what
6 your record would show?

7 MR. GORDON: I don't --

8 THE COURT REPORTER: Yes.

9 MR. GORDON: An hour, okay.

10 Would you like to take a break?

11 MS. KORONA: I'm asking the witness.

12 Would you like a ten-minute break?

13 THE WITNESS: I'm okay.

14 MR. GORDON: If at any time you feel
15 you need a break, just let your attorney
16 know.

17 THE WITNESS: I'm okay.

18 JUDGE WARREN: You've got 40 more
19 minutes, Bishop, and then we're done.

20 THE WITNESS: 40?

21 JUDGE WARREN: 40.

22 BY MR. GORDON:

23 Q. Did you know a Father Robert Klem,
24 CSB?

25 A. Yes. I knew of him. I did not

1 Bishop M. Clark

2 know him personally.

3 Q. Did you ever learn of allegations
4 that Father Klem had been acting sexually
5 inappropriately with minors?

6 A. No.

7 Q. And did you know a Father
8 Bernard Kuchman?

9 A. Yes, I knew Bernard.

10 Q. Did you ever learn of any
11 allegations that Father Kuchman had acted
12 sexually inappropriately with minors?

13 A. No.

14 Q. Did you ever know of a Father
15 Gereon Lindsay?

16 A. Could you spell that last --

17 Q. I'm unsure of the first, I think
18 it's G-e-r-e-o-n Lindsay.

19 A. No.

20 Q. Did you know a Father Joseph Lynch?

21 A. No, I didn't know him.

22 Q. How about Father Charles McCarthy?

23 A. I didn't know him either.

24 Q. How about Father Neil Miller, did
25 you know him.

1 Bishop M. Clark

2 A. Yes, I knew Neil.

3 Q. Did you ever learn of any
4 allegations that Father Miller had acted
5 sexually inappropriately with minors?

6 A. I did not.

7 Q. Did you know a Father
8 Bernard Newcomb?

9 A. Yes.

10 Q. And had you ever heard that there
11 were allegations that Father Newcomb had acted
12 sexually inappropriately with minors?

13 A. No.

14 Q. Did you ever know of a priest
15 visiting from India by the name of Father
16 Lawrence Pais?

17 A. No.

18 Q. Did you know a Jesuit lay teacher
19 with the name of Leonard Riforgiato,
20 R-i-f-o-r-g-i-a-t-o?

21 A. No. Jesuit Father?

22 Q. Jesuit Father.

23 A. No.

24 Q. Did you know a Brother Dennis Sewar?

25 A. No.

1 Bishop M. Clark

2 Q. Did you ever know a Father
3 Dennis Shaw?

4 A. Yes.

5 Q. Did you --

6 A. I beg your pardon, not as a priest.
7 He had left the priesthood before I arrived.

8 Q. Did you ever hear that Father Shaw
9 had been accused of acting sexually
10 inappropriately with minors?

11 A. I did not.

12 Q. Did you know a Father Gary Shaw,
13 S-h-a-w?

14 A. Gary Shaw?

15 Q. Gary Shaw.

16 A. That would be -- well, let me
17 think. There's two Shaws.

18 Q. There's a Dennis and a Gary.

19 A. Yes. You're talking about Dennis
20 now?

21 Q. I think you said that Dennis Shaw
22 had left the ministry before you came.

23 A. Gary had left before I came.

24 Q. Gary had left, okay. What about
25 Dennis Shaw?

1 Bishop M. Clark

2 A. Dennis, what about him?

3 Q. Did you ever learn any allegations
4 that he had acted sexually inappropriately with
5 minors?

6 A. No.

7 Q. And Gary Shaw had left the ministry
8 by the time you arrived at the diocese?

9 A. Correct.

10 Q. Had you ever heard any allegation
11 that he had acted sexually inappropriately with
12 minors?

13 A. I have no knowledge of that.

14 Q. How about Father Conrad Sundholm?
15 Do you know him, Father Sundholm?

16 A. Oh, yes.

17 Q. Did you ever hear any allegations
18 that Father Sundholm had acted sexually
19 inappropriately with minors?

20 A. No, not that I recall.

21 Q. How about Father Francis Taylor?
22 Did you ever know a Father Taylor?

23 A. I didn't know Father Taylor. He
24 was gone -- I mean, deceased. Pardon me. I
25 didn't meet him.

1 Bishop M. Clark

2 Q. Did you ever know a Father
3 Robert Voelkle, V-o-e-l-k-l-e, Jesuit priest?

4 A. No.

5 Q. How about Father Zenkel?

6 A. Yes, I knew him.

7 Q. Did you ever hear any allegations
8 that Father Zenkel had acted sexually
9 inappropriately with children?

10 A. No.

11 (12/17 Transcript, "Sex Abuse," 166
12 lines, marked as Deposition
13 Exhibit 2.)

14 BY MR. GORDON:

15 Q. Bishop, you've been given a document
16 that was produced to us by your attorney. It's
17 marked as Exhibit 2.

18 A. Uh-huh.

19 Q. And it has on the heading on the
20 first page in bold, two words at the top,
21 line 1, "Sex Abuse."

22 A. Yes.

23 Q. And there's a handwritten date on
24 the upper right-hand corner of 12/17.

25 A. Uh-huh.

1 Bishop M. Clark

2 Q. Do you know what this document is,
3 Exhibit 2?

4 A. Do I know what it is? Yes, I do.

5 Q. What is Exhibit 2?

6 A. It's a draft of a book I was
7 working on at the time and I have yet to
8 complete it. Maybe I never will. Yeah. This
9 was one chapter I was working on, yes.

10 Q. I notice that there are line numbers
11 on the left side. Have you already committed
12 an earlier version of this to the publisher?

13 A. No.

14 Q. It just --

15 A. No, I have not.

16 Q. Why are there numbers on the left
17 side? Do you see right next to "Sex Abuse,"
18 there's a little 1 and on the next line, a 2?

19 A. Just for reference.

20 Q. That's something you set up or your
21 assistant?

22 A. Well, yeah. Sister St. Joseph very
23 kindly typed this, most of these chapters.
24 And at my request, I think she numbered the
25 lines just for quicker reference to -- you

1 Bishop M. Clark

2 know, for finding them.

3 Q. So what's here are your words, in
4 Exhibit 2, correct?

5 A. That's correct.

6 Q. And on the first page, the last
7 sentence, tell me if I read this correctly:

8 "It is the abiding pain in these
9 young people and their loved ones who
10 have suffered sexual abuse at the hands
11 of priests in whom the young -- by
12 instinct and training -- so readily
13 place deep trust."

14 Did I read that correctly?

15 A. Yes.

16 Q. And is it your understanding that
17 the young people, the children, within the
18 various parishes and diocese in Rochester,
19 would be expected to place deep trust in their
20 priests?

21 A. Yes.

22 Q. Then on page 2, beginning on
23 hopefully numbered line 26, there's a sentence
24 that reads -- tell me if I read it correctly:

25 "It makes it incumbent on us to

1 Bishop M. Clark
2 learn what systemic deficiencies, what
3 actions or omissions helped to create
4 an environment in which such horror
5 could even be possible."

6 Do you have some understanding as
7 to what the systemic deficiencies were that
8 allowed children to be abused by priests in
9 the Diocese of Rochester?

10 MS. KORONA: Well, I'll object to
11 the form of the question because the
12 sentence actually reads "it makes it
13 incumbent on us to learn what
14 deficiencies -- systemic deficiencies,
15 what actions or omissions helped to
16 create."

17 MR. GORDON: I'm not disagreeing
18 with that.

19 My question is does he have some
20 understanding as to what those
21 deficiencies were that allowed children to
22 be abused by priests in the
23 Diocese of Rochester.

24 MS. KORONA: So I'll just object to
25 lack of proper foundation.

1 Bishop M. Clark

2 BY MR. GORDON:

3 Q. You can answer.

4 A. Yeah. Let me just think a minute.

5 I think I was referring to the work of --
6 of -- you named it for me a while ago, the
7 charter.

8 I think my reference was to refer
9 to the charter, with a view toward reviewing
10 what we had done in our diocese, in our
11 structures, or our attempts to live off the
12 charter. In other words, to recognize that,
13 as the charter did, that we did not really
14 have -- there was not a clear path to handle
15 these issues.

16 Earlier, as I was growing up as a
17 priest, it was not the awareness or acceptance
18 in some of our systems, going even to the --
19 to presenting our cases, our problems, as we
20 must, in some cases, before we can move
21 forward to the Holy See. And sometimes that
22 can take much longer than anyone would like.
23 It's still part of the process. It still
24 exists.

25 But the point I was trying to make

1 Bishop M. Clark
2 is we need -- the Judge, His Honor, could
3 comment -- justice delayed is justice denied.
4 And in those old forums that we had, it was
5 justice delayed. That's, I think, what my
6 thought was with that as an example, at least.
7 Yeah.

8 Q. So until the charter -- let me back
9 up.

10 The book that I showed you earlier,
11 the canon law --

12 A. Yeah.

13 MR. GORDON: And we can mark this as
14 an exhibit for reference, so if there's
15 ever a question -- why don't we mark that
16 as Exhibit 3 just for reference.

17 MS. KORONA: You're marking the
18 entire book?

19 MR. GORDON: Yeah. I've done it 12
20 times. That's what all those tabs are.

21 MS. KORONA: And you're marking it
22 as an exhibit with all of those tabs?

23 MR. GORDON: Yes.

24 MS. KORONA: Okay. It's your
25 deposition.

1 Bishop M. Clark

2 MR. GORDON: I've been doing it for
3 18 years, 20 years.

4 (Excerpts from the book "The Code of
5 Canon Law," marked as Deposition
6 Exhibit 3.)

7 BY MR. GORDON:

8 Q. You were guided as a bishop by the
9 rules which came from Rome, which are in the
10 canon law, correct?

11 A. Yeah.

12 MR. SULLIVAN: And I'm going to
13 object to form.

14 Are we talking about the rules in
15 that book? And I don't know what
16 iteration or publication date.

17 MR. GORDON: We're talking about the
18 current canon law.

19 MR. SULLIVAN: 1983?

20 MR. GORDON: '83. This is the 1983
21 version of the canon law. I've got a copy
22 of the Pio-Benedictine, but we don't need
23 that.

24 BY MR. GORDON:

25 Q. This is what guided you, that would

1 Bishop M. Clark

2 be correct? As a bishop, you would look to
3 this for some guidance?

4 MR. SULLIVAN: Again, objection to
5 form.

6 On certain matters, I'm sure. But
7 I'm sure that there were -- well, my
8 objection is to form because I'm not sure
9 what the question is regarding guidance
10 from canon law for matters that are
11 governed by civil law, for example.

12 MR. GORDON: I'm just talking canon
13 law.

14 BY MR. GORDON:

15 Q. As a bishop, you would look to this
16 for guidance?

17 A. That would not be the only thing.
18 It would be the first thing, because I look at
19 more -- I tend to look more at commentaries
20 and all other sources that drill down on
21 particular issues that touch canon law than I
22 would go to the text. I would go to the text
23 occasionally just to be sure I was on the
24 right track.

25 Q. But until the Dallas 2002 charter,

1 Bishop M. Clark
2 you weren't getting something clear as to how
3 to handle sex abuse cases in the diocese.
4 Would that be correct?

5 MS. KORONA: Object to the form of
6 the question.

7 THE WITNESS: Would you say it
8 again?

9 BY MR. GORDON:

10 Q. Okay. Until the Dallas 2002
11 charter, you weren't getting something clear as
12 to how to handle allegations that priests had
13 sexually abused minors in the diocese.

14 MS. KORONA: Is that a question?

15 MR. GORDON: Yes.

16 THE WITNESS: I just can't answer
17 that -- I'll try to be very brief.

18 BY MR. GORDON:

19 Q. Okay.

20 A. But just to give you a sense of
21 what that charter did for me and, I think, for
22 our conference, it gave us all a common
23 language. It gave us all a clear path to
24 resolving some of these knotting issues.

25 It gave us all some clarity on --

1 Bishop M. Clark

2 I'm losing that last -- well, it helped us and
3 insisted that we have a format, that's the
4 word I was looking for -- a format that we all
5 understood and to which we could find
6 guidance, that we would all be on the same
7 page with the same kind of understanding of
8 our resources, our responsibilities.

9 There were several sections on, you
10 know, the priestly life and how that has
11 delinquencies of that serious nature, how we
12 would treat them, to use an expression I used
13 earlier, find ways to carry out our
14 responsibilities vis-a-vis delinquency in an
15 expeditious way, and do what we could to
16 expedite those processes.

17 Some of those we could not do on
18 our own, and for those we couldn't do on our
19 own, we would have to appeal to Rome. It was
20 in that context that I tried to say justice
21 delayed is justice denied.

22 And you would have gentlemen,
23 fellas, that were looking for -- or bishops,
24 who were looking for ways to handle these more
25 expeditiously than we were able to do earlier.

1 Bishop M. Clark

2 I don't know if that's clear or
3 not. That's what I would say about that.

4 MR. GORDON: Mark this as Exhibit 4.

5 (Copy of envelope and letter from

6 [REDACTED], March 29, 2019,

7 marked as Deposition Exhibit 4.)

8 MS. KORONA: This is Exhibit 4?

9 MR. GORDON: Yes.

10 MS. KORONA: So Exhibit 3 would be
11 the book, and you're appending that to the
12 transcript?

13 MR. GORDON: Yeah. Well, I'm going
14 to hold onto the book, but you've been
15 given copies of the excerpts that I read
16 from, and it's available if we need.

17 You can't hold onto the whole book,
18 but I will hold it in my office.

19 MS. KORONA: But you marked the
20 entire book.

21 MR. GORDON: Yes. But we only read
22 particular sections.

23 MS. KORONA: We could have marked
24 those sections, but you marked the entire
25 book, so it really should stay with the

1 Bishop M. Clark

2 court reporter.

3 MR. GORDON: We hold onto that one.

4 MS. KORONA: I'm not agreeing to

5 that, Mr. Gordon.

6 MR. GORDON: That's fine.

7 BY MR. GORDON:

8 Q. You've got Exhibit 4 in front of
9 you?

10 A. Yes, I do.

11 Q. Okay. And this is apparently a
12 communication you received from

13 [REDACTED] ?

14 A. Yes.

15 Q. Who is [REDACTED] ?

16 A. Pardon me. I don't mean to be
17 flip. I'll try to make this brief.

18 [REDACTED] wrote to me -- well, maybe
19 it's indicated on here.

20 She wrote to me, yes, the 29th of
21 March, 2019. She had written to me --

22 Q. The question is who is
23 [REDACTED] ?

24 A. Well, I don't know who she is.

25 Q. Oh, okay.

1 Bishop M. Clark

2 A. She came to visit me and obviously
3 she wrote to me.

4 Q. Oh, okay.

5 A. But in all charity, I would have to
6 say I would not place much credence in her
7 thoughts or -- she was very confused.

8 I mean, I tried to be patient and
9 kind and -- as I always try to be with people.
10 But my reaction to reading -- hearing her --
11 hearing her intentions, what she was trying to
12 do, in the end, I didn't know what she was
13 trying to do.

14 I don't mean to be, you know, mean
15 to her, but I was glad I never heard from her
16 again because what she offered -- she never
17 finishes a piece of work, at least that I know
18 of.

19 Q. Did you understand she was a victim
20 of child sex abuse?

21 A. No. I don't recall that. She may
22 have said it. I honestly got lost in her --

23 Q. She says in the first line in the
24 second page under the date:

25 "Sincere thanks for your

1 Bishop M. Clark
2 willingness to revisit and comment on
3 the church's response to allegations of
4 priest abuse."

5 A. Oh, yeah.

6 Q. Did you have a conversation with her
7 regarding the church's response to allegations
8 of priest abuse?

9 A. Yeah. This brings it back to me.
10 Yeah. We did chat about that. And I don't
11 remember anything about it, to be honest with
12 you.

13 Q. Okay.

14 A. Our conversation, to be kind, was
15 confused. And I didn't really know what she
16 was driving at. And I tried as best I could
17 to --

18 Q. Okay.

19 A. I mean, I think --

20 MS. KORONA: You've answered.

21 THE WITNESS: Okay.

22 MR. GORDON: Why don't we mark this
23 as Exhibit 5, please.

24 (Copy of envelope and letter from
25 Margaret Joynt, February 16, 2020,

1 Bishop M. Clark
2 marked as Deposition Exhibit 5.)

3 MR. SULLIVAN: Thank you.

4 BY MR. GORDON:

5 Q. Bishop Clark, you've been given
6 Exhibit 5, and it --

7 MR. SULLIVAN: Just for the record,
8 just a question. Were Exhibit 4 and
9 Exhibit 5 produced by your office?

10 MS. KORONA: They were.

11 MR. SULLIVAN: Thank you.

12 BY MR. GORDON:

13 Q. So on the front of Exhibit 5, which
14 is apparently a copy of the envelope, there's
15 handwriting, you see F circled, and then "Shaw,
16 Gary and Judy" on the other side?

17 A. Yeah, that's Gary and Judy Shaw.
18 Yeah.

19 Q. And you know them?

20 A. Gary is one of our priests,
21 ex-priests. And Judy is his wife.

22 Q. Is there any reason why this was
23 sent with regard to this case?

24 MS. KORONA: Objection, lack of
25 foundation.

1 Bishop M. Clark

2 BY MR. GORDON:

3 Q. Is there anything in this note that
4 pertains to sex abuse?

5 A. No.

6 Q. As far as you know, Gary Shaw, there
7 are no allegations against him, right?

8 A. Oh, there was. There were.

9 Q. There were, okay.

10 A. Yeah.

11 Q. And so he's still communicating with
12 you?

13 A. It's more Judy that does the
14 writing.

15 Q. So just so I'm clear, there were
16 allegations -- did Gary Shaw admit to those
17 allegations?

18 A. I don't know. I never dealt with
19 Gary in any pastoral way at all.

20 Q. He left ministry before you arrived?

21 A. Yes.

22 MR. GORDON: We'll make this Exhibit
23 Number 6.

24 (Copy of envelope and letter from

25 [REDACTED], April 1, 2019, marked

1 Bishop M. Clark

2 as Exhibit 6.)

3 BY MR. GORDON:

4 Q. Bishop, you've been given Exhibit 6.
5 Again, this appears to be a letter addressed to
6 you from [REDACTED].

7 I'll give you a minute to take a
8 look at it and then I'll ask you some
9 questions.

10 A. Sure. (Reviewing document.)

11 Yeah.

12 Q. And this is apparently from a
13 religious sister, [REDACTED]. Is that
14 correct?

15 A. Exactly, yeah.

16 Q. And she was asking to meet with you?

17 A. Yes.

18 Q. Did you meet with her?

19 A. I did.

20 Q. What happened at the meeting?

21 A. I'm puzzled here, but she said "I
22 called you many times," and that's -- we don't
23 not answer calls.

24 So [REDACTED] came to see me and
25 spoke -- excuse me, spoke of being abused by a

1 Bishop M. Clark
2 priest. She never named the priest and didn't
3 ask me to do anything about the priest,
4 unnamed. But [REDACTED] just wanted to get it
5 off her chest, that somebody listen to her.
6 And I did. She had no interest at all in
7 searching out or having me do anything about
8 this. She just wanted to talk.

9 Q. And by the way, on the second page
10 of the exhibit, which is her note to you, below
11 where it says, "Dear Bishop Clark," do you see
12 that second paragraph?

13 She says: "In the mid-70s I was
14 wronged by one of your priests." Then she
15 says: "I tried, but was never able to see you
16 personally." But she's not saying that she
17 called you.

18 You don't know as we're sitting
19 here whether she couldn't get the courage to
20 call then?

21 MS. KORONA: Objection to the form
22 of the question. Lack of foundation.

23 THE WITNESS: I don't know what to
24 say, except I did not -- something can
25 always go screwy in terms of

1 Bishop M. Clark

2 communications.

3 But as I said, we try to be very
4 careful to respond to written or telephone
5 communications.

6 And on the head of this, I met with
7 [REDACTED], I would say, three or four
8 times. They were more pastoral visits,
9 other than -- she was in pain because she
10 never felt heard or understood about what
11 she experienced.

12 And I was for her -- I think she
13 found me a good listener and a person who
14 understands her pain and would give her a
15 chance to talk about it. So that's what
16 this -- this -- that's the context of
17 this.

18 And I see [REDACTED] fairly frequently
19 because she lives at the [REDACTED],
20 which is the [REDACTED] headquarters in
21 Rochester.

22 And whenever possible -- I mean, I
23 think we sort of watch for one another on
24 those occasions and check in, "How are you
25 doing, [REDACTED]?" "I'm doing fine." That

1 Bishop M. Clark

2 sort of thing.

3 It's casual, but it's sort of a
4 spiritual relationship. That's all I can
5 say about that with [REDACTED].

6 MR. GORDON: What number?

7 JUDGE WARREN: Four minutes.

8 MR. GORDON: I was asking what
9 exhibit number.

10 THE COURT REPORTER: Seven.

11 THE WITNESS: Seven minutes?

12 MR. GORDON: No, Exhibit 7.

13 MS. KORONA: Exhibit 7.

14 (Copy of envelope and letter from
15 Margaret Joynt, February 16, 2020,
16 marked as Deposition Exhibit 7.)

17 BY MR. GORDON:

18 Q. So you've been given Exhibit 7,
19 Bishop Clark. I'll give you a moment or two to
20 read it.

21 A. I wish I would get more letters
22 like this. I think I'll frame this one.

23 Q. This was apparently, if you look at
24 the side that has the address to you where the
25 exhibit label is, do you see in the upper left

1 Bishop M. Clark

2 corner the name "Margaret Joynt"?

3 A. Yes.

4 Q. Do you recall meeting

5 Margaret Joynt?

6 A. I've known Margaret for years.

7 Q. Do you know, is Margaret Joynt a

8 victim of priest abuse?

9 A. She is not.

10 Q. Is she a victim of any abuse as a

11 child?

12 A. No, not to my knowledge.

13 Q. Does she work with victims groups?

14 A. She sits on our -- has for years,

15 on our sex abuse panel. She's an attorney who

16 has been of invaluable help to us.

17 Q. Where does she practice law?

18 A. She's not active in the practice of

19 law anymore. She just turned 90. She's a

20 sweetheart. I like to end meetings on a happy

21 note. No, that's -- the world should be

22 filled with Margaret Joynts.

23 MR. GORDON: How much time do we

24 have?

25 JUDGE WARREN: One minute and eight

1 Bishop M. Clark

2 seconds.

3 THE WITNESS: But who's counting,
4 Your Honor?

5 MS. KORONA: His Honor.

6 BY MR. GORDON:

7 Q. When you had priests go to
8 psychologists or psychiatrists for evaluation,
9 was it -- did you usually get back a written
10 report from the psychologist or the
11 psychiatrist?

12 A. Yeah. They would send reports,
13 yes.

14 Q. And they would be --

15 JUDGE WARREN: We're out of time.

16 MR. GORDON: Okay.

17 JUDGE WARREN: That concludes the
18 deposition.

19 In my bench order of February 11,
20 2020, I indicated that a redacted version
21 of this transcript will be available
22 publicly. And having sat here and
23 listened to both the attorneys and the
24 bishop, it's clear to me that the
25 transcript will not reflect body language,

1 Bishop M. Clark
2 tone of voice, the mood of the room. And
3 I think it's important for the court to
4 point out that readers will read this
5 perhaps out of context.

6 So what I want to say, Mr. Gordon,
7 Ms. Korona, Ms. Sullivan, you are to be
8 commented on your decorum and gentleness
9 with which you approached today and your
10 thoroughness.

11 And Bishop Clark, from the Court's
12 point of view, you did your level best to
13 answer every question. And from the
14 Court's point of view, you're as
15 forthcoming as one could have hoped for.

16 So I want to congratulate the
17 attorneys for their demeanor today and
18 thank you for your time and effort today.

19 And, Doctor, thank you for being
20 here to make sure that the bishop's
21 physical health wasn't in peril.

22 And, Sister, thank you for being
23 here and taking care as well.

24 So I know I'm cutting this off. I
25 said three hours and I meant three hours,

1 Bishop M. Clark
2 and there's a reason for that. We're
3 reaching that point of diminishing
4 returns. And so I think you've gotten as
5 much as you're going to.

6 But I do want readers, members of
7 the public that read this transcript, to
8 understand all they get to see is the
9 words on the page. And from the Court's
10 point of view, the atmosphere in this room
11 is much richer than I think the words on
12 the page would reflect.

13 And with that, I declare the
14 deposition closed and we're in recess for
15 the day.

16 MS. KORONA: Thank you, Your Honor.

17 MR. GORDON: Thank you, Your Honor.

18 MR. SULLIVAN: Thank you,
19 Your Honor.

20 THE WITNESS: Thank you.

21 MR. GORDON: Bishop, thank you.

22 THE WITNESS: Thank you, sir. Nice
23 to meet you.

24 (The deposition was concluded at
25 2:57 p.m.)

1 Bishop M. Clark

2 C E R T I F I C A T E

3
4
5 I, ANNE E. VOSBURGH, Certified Shorthand
6 Reporter, Registered Professional Reporter,
7 Certified Realtime Reporter, and Notary Public,
8 hereby certify:

9 That Bishop Matthew Clark was duly sworn by
10 me, an authorized Notary Public; and that this
11 deposition is a true and correct record of the
12 testimony given by such witness to the best of
13 my knowledge and ability.

14 I further certify that I am not related to
15 any of the parties to this action and that I am
16 in no way interested in the outcome of this
17 matter.

18 In witness whereof, I have hereunto set my
19 hand this day, March 4, 2020.

20
21 Anne Vosburgh

22 Anne E. Vosburgh, CSR-6804, RPR, CRR

23 Notary Public, Commission Exp. 7/20/21

24

25

1 Bishop M. Clark

2 E R R A T A

3

4 Case: In Re: The Diocese of Rochester

5 Date of Deposition: Tuesday, March 3, 2020

6 Deponent: Bishop Matthew Clark

7

8	Page/Line	Now Reads	Should Read	Reason
9	____/____	_____	_____	_____
10	____/____	_____	_____	_____
11	____/____	_____	_____	_____
12	____/____	_____	_____	_____
13	____/____	_____	_____	_____
14	____/____	_____	_____	_____
15	____/____	_____	_____	_____
16	____/____	_____	_____	_____
17	____/____	_____	_____	_____
18	____/____	_____	_____	_____

19

20 _____

21 Signature of Bishop Matthew Clark

22

23 SIGNED AND SWORN BEFORE ME TODAY, _____.

24 _____, Notary Public.

25 My commission expires _____.