Fr. Magaldi: Which I hope he would think twice before he just uses my name (inaudible words).

McCarthy: I said that to him; these are serious allegations, you don’t just throw these around.

Fr. Magaldi: Very serious. I’ve been a Priest for thirty-eight years. I have tremendous support everywhere I’ve been. I have never had any such allegations like this, and I can’t conceive of how I could possibly have done that and been good the rest of my life, my priesthood. I just don’t understand that at all.

McCarthy: Delaney says that he ah, let you listen to the tape that I forwarded to him.

Fr. Magaldi: Yes.

McCarthy: And then he mentioned to me, he said what I found disturbing was we had similar allegations on cinema.

Fr. Magaldi: Ah ha.

McCarthy: And money ah, with a young man several years ago. Now how would he even know about that?

Fr. Magaldi: He wouldn’t.

McCarthy: Correct. He wouldn’t. Secondly ah, if again is to be believed, that all he is looking to do is to get back with

Fr. Magaldi: Ah ha.

McCarthy: No publicity, doesn’t want to sue anybody. Ah, as far as I know he has not gone to the police. As far as I know he has not ah, filed civil action.

As far as I know he hasn’t gone public. Then my question is what is his
motivation? What is motivating him to do this? And he is very emphatic about identifying you.

Fr. Magaldi: Yeah, that's the part that I (inaudible words)

McCarthy: As I said, I have a photo array. I'd like him to look at with everybody who looks the same, same kind of collar. I'm gonna ask him to pick out Philip Magaldi. Ah, I don't know if he's able to do that or not.

Fr. Magaldi: Uhm hmm.

McCarthy: His ah, story, if it's to be believed, is a shame, if a guy turns to drugs ah, dealing with this and then...

Fr. Magaldi: I agree (inaudible words)

McCarthy: And then ends up being a gaffer, mean it's terrible.

Fr. Magaldi: It is.

McCarthy: By the same token I don't discount what you say, that it could be somebody else using your name.

Fr. Magaldi: Which in turn is a real injustice to me.

McCarthy: That's my next point, that...

Fr. Magaldi: The fact that... as I say ha, h... my... my so-called record would not be considered squeaky clean, because I did service over there. But there again too, and this has not been ever made public and some day I'm gonna have to do it, that boy that was found with the hundred thousand dollars in his bank account had a deal with the Attorney General's Office...
that he was ready to testify to the veracity of fifteen or twenty statements
that we got only through the...the uhm...

McCarthy Interrogatories.

Fr. Magaldi The ah, what do they call that?

McCarthy Discovery.

Fr. Magaldi Discovery, discovery, okay. Everyone of those things that he had on
there was a lie, but there were two things that he had on there. One thing
in particular, that I as a Priest, as a Catholic, as a presbyter of the Church,
the Priesthood and Episcopate could not let happen, and that was he put
on there that... That is

absolutely the most false thing that could ever happen. Now I know there
are allegations about

this kind of baloney, all this rotten stuff that had happened. But he and I

had no kind of relationship like that.

McCarthy Just...

Fr. Magaldi (inaudible words)

McCarthy Just to satisfy that, I can tell you that I have been given those allegations
about I

1. I can tell you that I use to be the

Supervisor of Cases and Reports.

Fr. Magaldi Yeah.

McCarthy And if that had occurred that would have come before me, and...and I

specifically told those people who made an inquiry in Rhode Island, that it

never happened.
Fr. Magaldi Good.

McCarthy The next thing I know this story then spread to say it happened in
 the State of Rhode Island. Well I can then tell you a high ranking
 State Police Officer is the one that made the inquiry of me in
 Massachusetts, so it certainly didn't happen in Rhode Island.

Fr. Magaldi Right.

McCarthy Then I was informed that it was done by ah, caught by...not by a Trooper
 but by a natural resource guy.

Fr. Magaldi Well I...

McCarthy That never happened either.

Fr. Magaldi Yes.

McCarthy Because I've already I've made...

Fr. Magaldi That's right.

McCarthy It's like you're chasing a story who got it from somebody, but nobody
 gives it firsthand.

Fr. Magaldi Unfortunately, Mr. Dimitri...

McCarthy So there's not much veracity.

Fr. Magaldi Mr. Dimitri said that he had to put

McCarthy Uhm...mm.

Fr. Magaldi And question him. And I said to him, I cannot let him be exposed to that.

That will be all over the newspapers. It will be all over TV and everything
else. It's gonna cause him disgrace.

McCarthy Why would that guy allege that? 10-04-04 Order

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Fr. Magaldi: I pled...because they...we think, and if you ever talk to Dimitri he'll tell you...same thing, this...he didn't even have an attorney with him when they drew up these things and the uhm,...what do you call it, the investigator...that ah, I can't even think of his name, Gallagher or...with the Attorney General's Office at the time.

McCarthy: I wouldn't know. I was out of state.

Fr. Magaldi: It was an agreement between the Attorney General's Office and this boy, that he was gonna go to jail for ten years. He agreed to testify against me.

McCarthy: How would he know there was a relationship between you and...Fr. Magaldi: Because he also said that he was invited by...I don't where he is or what happened. He was one of the most...he was like a son. I trusted him.

McCarthy: Who is this guy?

Fr. Magaldi: Himself alone.

McCarthy: Who is this guy?

Fr. Magaldi: His name is...I don't where he is or what happened. He was one of the most...he was like a son. I trusted him.

McCarthy: Did he do time? Did he do time?

Fr. Magaldi: No, he did nothing, because they made an agreement with him, that if...

McCarthy: A plea bargain?

Fr. Magaldi: A plea bargain. If he testified against me that he would not go to jail.

However, they say...
Fr. Magaldi: No, he couldn't, because the trial. I pled guilty. The only way I was gonna keep safe from that was to pleading guilty, so I pled guilty to something I did not do. That's the whole thing, and that is what's so...but and again the afternoon of...what happened was when the Attorney General's Office took all those...those uhm, abt checks made out to cash, one of which for example was a thousand-dollar check that I paid to the...a Parishioner who was a cement contractor. We needed a new walk around the Rectory.

McCarthy: But I want to get back again to...What does this have to do with?

Fr. Magaldi: It does. It has nothing to do with...I'm just trying to take away some of the...the ah, opinion that well this Magaldi is an embezzler, he's a crook.

McCarthy: That's.

Fr. Magaldi: So he must be also a predator.

McCarthy: I gotta tell you, Father.

Fr. Magaldi: Yeah.

McCarthy: In over thirty years of being in this business, that has not even entered my mind.

Fr. Magaldi: Hmm.

McCarthy: I can tell you that ah, I make the judgment based upon the facts.

Fr. Magaldi: Okay.

McCarthy: And that a person is innocent until proven guilty.
Fr. Magaldi: Okay.

McCarthy: That they have the right to their good name until such time as it's not a good name, and that I told them when I came here, if you're looking for a cover-up you've got the wrong guy. But ah, I try to handle this as discretely and as quietly as possible, that the report goes directly to the Bishop or whoever he designates me to send it to that this is a Canonical inquiry, not a civil...

Fr. Magaldi: Yeah, yeah.

McCarthy: ...or a criminal inquiry.

Fr. Magaldi: Okay.

McCarthy: Ah, as far as a criminal matter is on this is condemned umm, I guess the guy that would be able to answer those questions to me would be ah, the CPAC Commander in the DA's Office up in Worcester County, cause he alleges that these events took place in Worcester. Ah...

Fr. Magaldi: Is there some kind of a statute of limitations?

McCarthy: Well, that is my point.

Fr. Magaldi: Right.

McCarthy: My point is to get a clarification from him as to whether or not first of all.

Fr. Magaldi: (Inaudible words)

McCarthy: What is alleged to have occurred.

Fr. Magaldi: Yeah.

McCarthy: Was in fact a crime at the time. If it wasn't a crime, there is no statute of limitations, cause it wasn't a crime. Example, in the State of
Massachusetts, common law crime of rape concerned forcible sexual penetration of a woman by a male. That has been amended in subsequent years to read that it can be a male with a male, it can be a female with a female, a male with a female or a female with a male. As long as it...it can even be digital penetration. Now he ah, I have to see on what date he's alleging. That's why I was trying to get specific...

Fr. Magaldi: Yeah.

McCarthy: ...about the time, because there may have been changes in the Statute. So if that had occurred here in the State of Rhode Island, that would not be ah, a case that could be triable now, because it...did not allegedly involve a male with a female. They didn't have a crime of rape involving a male with a male, that's number one. Number two, there may be lesser of included offenses in that crime of rape, such as sodomy, sexual assault, things along those lines. Then you'd have to go look at the statute that covers all of those acts. Once you define the act, then you have to look for a statute that fits that. Those will all have statute of limitations, because we can't be bringing complaints up twenty, thirty, forty years later when peoples' memories are foggy.

Fr. Magaldi: Ah ha.

McCarthy: Somebody may have died, and at this point there'd never be any closure.

So that's one of the reasons we have statute of limitations. So you'd have to look at what the statute of limitations was on that offense at the time that it was committed, cause you cannot be held (excuse me) ex post

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faito. You can’t have done something, then I make a law, then we charge
you with that. It has to be what’s in effect.

Fr. Magaldi Yeah.

McCarthy At the time.

Fr. Magaldi Okay.

McCarthy Based upon my training and knowledge of the law, I would say ah... well
looking at the statute, that there’s probably not a criminal violation of rape
there. I'd have to see what the statutory requirements were on first
degree sexual assault, because that's what it sounds like, or ah, unnatural
acts of sodomy is I think a term for a particular chapter and section that
covers what he alleged. But I have to specifically look at if ah, as anybody
else, because nobody would know off the top of their head without going
back.

Fr. Magaldi Right.

McCarthy You wouldn’t need to know unless you had to go back and look at the

Fr. Magaldi Another thing, if I could just mention. He mentioned something there
about me always having a bottle of liquor or something with me, scotch or
something like that.

McCarthy He said liquor, yeah.

Fr. Magaldi That...any...now you could ask any Priest of this Diocese, anybody that

I’ve been associated with.

McCarthy Yup.
Fr. Magaldi: At parties and everything, I hate hard liquor. I have never drunk scotch... I tasted it once. Naturally, I had to taste it. Father Mancini, my Assistant, who's... I said how can you be an Italian and drink that stuff. That's fishy stuff.

McCarthy: Yup.

Fr. Magaldi: And he claims that I always had a bottle.

McCarthy: Uhm... mm.

Fr. Magaldi: So I deny vehemently that I have ever been a drinker that I have brought liquor with me ah, anywhere.

McCarthy: Well if that's true, that begins to take away from his credibility, right.

Fr. Magaldi: Well I think so. Yeah, that... this is why aboy when I saw this, the first... I had no idea. They the Chancellor called me. I had had a Mass at 8:15. We have a school Mass on Fridays every week and it just happened to coincide with my thirty-eighth anniversary. The school kids, six hundred and fifty-six kids presented me with individual handwritten congratulations, you're the best Priest we ever had. We love you.

You're good. You're this, you're that.

McCarthy: Yup.

Fr. Magaldi: And I was in ecstasy. I go home and I have a call from the Chancellor, the Bishop wants to see you Saturday morning. I said, oh? I'm sorry to tell you this. There's been an allegation of sexual ah, misconduct. I said, Oh God, now what? I said... he couldn't tell me anything on the phone.

Father Wilson: So I went down. When I... I went into the Office... the two
peop...I don't know if one's a psychiatrist or one's (inaudible words) I
forget what their status is, but the Chancellor was here and the Bishop's
there. He's got this tape and he hands me this uh, copy of the
transcript.

McCarthy Transcript, yup.

Fr. Magaldi So, I sit down and the first thing I see,

McCarthy

Fr. Magaldi Huh?

McCarthy

Fr. Magaldi Oh, okay.

McCarthy All a feeling inside me said, oh thank God. He, this whole thing is
cooked up. Somebody is cooking up a story, cause there was no
bearing, and I...I had to sit and listen to this thing. He had to turn the
capetape and all that stuff, and at one point he said, can I say something.
I said, it's evident to me that the devil is at work, and I said this whole thing
is a lie and what else can I say. That's all I can say, because it is. Now I
don't deny and I feel badly for this kid if he was abused by somebody
whether it was a priest or no priest. Maybe this is, you know, in his mind,
but to name me as the one, I just cannot conceive of how...how he could
do this. Neither can I conceive of how...I love kids. I absolutely love kids.
I've even joked about that sometime and said, God didn't let me get
married because I...I couldn't have two thousand children. I mean I've

Baptized thousands of kids. I had a hundred and ten weddings when I
was here. People...altar boys that I've had have called me back. I've had just a wedding a couple of weeks ago of a former altar server at Saint Anthony's who got married. They wanted me.

McCarthy: Uhm hmm.

Fr. Magaldi: I've been gone for ten years. These people have not forgotten me, and any number of...I could get any number of (inaudible word) at the school the same, and that's what kills me because you're walking along and the kids are coming out to recess and they look from where they are and to come and give you a hug, and we've said, hey, we just...what am I suppose to do stand there like a statue because somebody's gonna think because I...

DOCUMENT IS NOT TO BE REPRODUCED.

McCarthy: No, I think hugging in public in front of a lot of people, I don't see any problem with that. I do see a problem with hugging in private.

Fr. Magaldi: Oh yeah. Well...

McCarthy: You leave yourself wide open for allegations.

Fr. Magaldi: I understand that.

McCarthy: And in today's society.

Fr. Magaldi: Yeah, unfortunately.

McCarthy: As litigious as it is, you've got to be on the defense all the time.

Fr. Magaldi: You know, when I was first Ordained, the Synod of 1952 was in force and we could not have a woman in the passenger seat of the car. Bishop McVinney was the Bishop then, God rest his soul. I use laugh about it, cause I'd say to my mother, Ma, you've got to ride in the back seat. She
said, what do you mean I'm your mother! I said, well we'll have to put a
sign around your neck. There never was a question about riding with a
boy in the car.

McCarthy  Yup.

Fr. Magaldi  But now, my God! You know. In fact, here's another thing. There have
been... I've been there five years at Saint Ann's and Saint John The
Apostle. We have a big school auction every year to raise money, and
one of the live auction prizes is a day for your children with Father Phil. In
those five years parents have given over Five Hundred Dollars each so
that their kids, two of their kids or three (inaudible words) would have a
day with me.

McCarthy  Uhm hmm.

Fr. Magaldi  Now, does that say anything? Would anybody... but God forbid if anything
like this ever went into the paper, what would they say, we were as scared
to have our kids with him.

McCarthy  My question though is what does he have to gain? He says that ah, first
of all civilly says he's not interested in suing the Church or you or
anybody.

Fr. Magaldi  Okay (inaudible words).

McCarthy  But I... I have a question whether or not he can even sue, whether the
statute of limitations has run out on that.

Fr. Magaldi  Okay.

McCarthy  But that's not...
Fr. Magaldi: Somebody else has something to gain.

McCarthy: But that's not...

Fr. Magaldi: Somebody's trying to destroy me.

McCarthy: ...for me to determine.

Fr. Magaldi: If somebody is trying to destroy me and using him to get at me.

McCarthy: Who would that person be?

Fr. Magaldi: Well, I... I can't make a rash judgment, but it's gonna be someone like this.

McCarthy: One of the people you say is

Fr. Magaldi: Could be one.

McCarthy: You're saying a priest that you have not identified yet.

Fr. Magaldi: Yup.

McCarthy: Who use the word reincarnate?

Fr. Magaldi: Yeah, right. I don't know who that is... We... we... incarinate.

McCarthy: I never heard of that word until I came here.

Fr. Magaldi: Is that right?

McCarthy: So it is not public knowledge.

Fr. Magaldi: It's a clerical word.

McCarthy: Yup. And I concur with the Bishop that obviously...

Fr. Magaldi: And what about that statement that I was thrown out of San Antonio, because money was in my car from a collection. That's a complete lie.

But every other thing on that type written letter was exactly the same as what... and here's another thing, let me just say this.
McCarthy: Yup.

Fr. Magaldi: It shouldn't be on the record maybe.

McCarthy: Okay. I'll go off the record and I'll shut this machine off.

McCarthy: All right we're back...back on the record.

Fr. Magaldi: Okay. I hold that it may be true that was assaulted in his youth by someone, but I absolutely in the name of God, with my hand on any Bible that (inaudible words) swear that I never, ever was the person that did this; that I have never raped or harmed myself or anyone. I have loved children, I...I...I'm known to be...like they call me a pied piper sometimes. The children react to me, and people have said they do not understand how any kind of suggestions can be made, like was made in the article trying to hook me up with Father Teczar. Ah, anyway, that's...that's my only statement. I...I...I cannot say how else I can prove it. I don't have appointment books from back in 1969 whatever it was, 1969 to '70 to prove where I was on that...those days. Ah...

McCarthy: How could I get a hold of you between now and Saturday?

Fr. Magaldi: Okay, I...I'm staying in ah, in ah Cape...in Cape Cod, which is another one when I heard Cape Cod from this guy.

McCarthy: Uhm hmm.

Fr. Magaldi: Ah, the number is This is the residence of a

He's a former parishioner of...of ah,
Fr. Magaldi  —  A really wonderful guy.
McCarthy  Where does he live down there?
Fr. Magaldi  He lives at...in ah, to get off at the
McCarthy  Yeah.
Fr. Magaldi  Yeah, yeah, and then I go up by the
down...it's...it's really the area that he's in:
McCarthy  Yeah, I know exactly where it is.
Fr. Magaldi  His address is I think.
McCarthy  And when you get done at ah, Saint John's, how would I contact you?

You're going back to your Parish?
Fr. Magaldi  (Inaudible words) at Saint John's
McCarthy  I mean at
Fr. Magaldi  I'm suppose to fly right back from Dallas...
McCarthy  And you're going back to the Parish?
Fr. Magaldi  Yeah, to the Parish. Well, I have a house. I mean I'm at my house. I don't know where this is gonna stand.
McCarthy  Okay, what's your house number, Father?
Fr. Magaldi  Ah, Area Code 817.
McCarthy  Yup.
Fr. Magaldi  Ah,

McCarthy  And your mailing address so I can send you a copy of this transcript. That probably would be the best place to send it?
Fr. Magaldi: Okay, yeah.

McCarthy: Wait a minute.

Fr. Magaldi: Oh, I gave you the Church address first didn’t I, 734 (inaudible words)

McCarthy: Yeah, but I’m gonna say if I’m gonna send this “Personal and Confidential” to your house.

Fr. Magaldi: Oh, okay yeah. That’s

McCarthy: Yup.

Fr. Magaldi: Two words, and the town is

McCarthy: You can put Fort Worth, but North Richland Hills is more exact. It’s like saying, watch Miller, Riverside or something, okay.

McCarthy: And that’s...

Fr. Magaldi: 761.

McCarthy: (Inaudible words)

McCarthy: That’s

Fr. Magaldi: Yup.

McCarthy: 

Fr. Magaldi: Yup, that’s it.

McCarthy: Any questions that you have of me, or thoughts or comments?
Fr. Magaldi: Well, I just... what are we gonna do about this ah, polygraph? Is there any possibility that... that somebody can do it before Sunday? They're not gonna do it New Year's Day, that's for sure.

McCarthy: There is a possibility that it could be probable, and that's why I needed to know this number here on Cape Cod.

Fr. Magaldi: Okay.

McCarthy: Ah, but I can't speak for the polygraph examiners as to whether or not they're available on the Saturday, cause you're flying out of here on Sunday. Is that correct?

Fr. Magaldi: Right.

McCarthy: So if it would have to be Saturday, I need to know this number here so I can call you in Hyannis to give you either a yes or a no answer.

Fr. Magaldi: Okay.

McCarthy: Now, how much of this have you shared with

Fr. Magaldi: Most of it.

McCarthy: You have?

Fr. Magaldi: Yeah, because he's a personal friend.

McCarthy: Okay, what's... what's his first name anyway?

Fr. Magaldi: And he could also give you some kind of background on me I'm sure from what he knows of the Parish. He was only in the Parish a couple of years.

McCarthy: Now you're saying a Parish in Texas.

Fr. Magaldi: Yes.
McCarthy: Or a Parish in Rhode Island. Okay, okay.

Fr. Magaldi: Texas.

McCarthy: Oh, okay.

Fr. Magaldi: Texas. Yeah, he's not from Rhode Island.

McCarthy: Now, well I don't want to leave too much if he... he must have a answering machine?

Fr. Magaldi: Yes.

McCarthy: I will leave a message for you to call me back.

Fr. Magaldi: Yeah.

McCarthy: At a certain time.

Fr. Magaldi: That's fine, that's fine.

McCarthy: Anything else? Any thoughts or comments?

Fr. Magaldi: No. I don't... I can't think of anything else that I need to say, ah, other than [censored].

McCarthy: Do you feel that you've been treated fairly so far?

Fr. Magaldi: Not by you... you mean by you?

McCarthy: Yeah, by myself.

Fr. Magaldi: Bishop Delaney.

McCarthy: Absolutely.

Fr. Magaldi: I had to know this. I mean I had a right to know this.

McCarthy: Absolutely.

Fr. Magaldi: And ah, I just, like I said, I just feel badly for this... this man, cause I know people who've had these problems, you've read in the papers and stuff.
McCarthy: Yup.

Fr. Magaldi: But so help me God, before God I am not the one who caused these problems to him.

McCarthy: I'm gonna endeavor to contact the polygraph operator today, one of the three.

Fr. Magaldi: Okay.

McCarthy: To see if I can get this thing scheduled for Saturday morning. This would probably be a good location because there's nobody in the building.

Fr. Magaldi: Over here, okay.

McCarthy: Yeah, there's nobody in the building on Saturday.

Fr. Magaldi: Right.

McCarthy: Probably use the office where the secretaries are next door.

Fr. Magaldi: Okay.

McCarthy: Ah, as I said before I don't want to speak for them saying that this is a definite, because I don't know what their schedule is. Uhm, and I certainly don't want to bring you up here for nothing either.

Fr. Magaldi: Yeah, okay.

McCarthy: Ah, so let me see ah, if I can ah, arrange that for Saturday. If I can I'll call you at this number in and ah, we'll make some kind of... arrange a specific time to do it on that date. Ah, probably sometime around midmorning will probably be the best for everybody, for you commuting here.

Fr. Magaldi: Yeah.
McCarthy  And for him commuting here.
Fr. Magaldi  It takes me about an hour.
McCarthy  You didn't have any problem finding this place did you?
Fr. Magaldi  Oh, no. I...I know this place. I've been here, Catholic Charity Office.
          Don't forget I was here for twenty-eight years.
McCarthy  Uhm hmm.
Fr. Magaldi  In the Diocese of Providence, and I only left because the Bishop felt that
there was no...no way that I could be at peace. That every time I was in
church they'd be coming up to me with ah, ah, a reporter's microphone or
something like that.
McCarthy  Your...your ah, relationship with Bishop Delaney is a good relationship?
Fr. Magaldi  Oh yeah, right, and I know this is troubling for him because he knows me
one way. But then he knows all this stupid thing, you know, which added
to...I was stupid, I know that, but jeepers crow.
McCarthy  Uhm hmm.
Fr. Magaldi  Ah...
McCarthy  Well, I want to thank you first of all for coming in.
Fr. Magaldi  You know, one thing that troubled me though is that you told him or he
told me that you told him that in your experience on all your
investigations...
McCarthy  Uhm hmm.
Fr. Magaldi  You felt that this is telling the truth.
McCarthy  I said that appears to be credible.
Fr. Magaldi: Oh.

McCarthy: I said ah, but I said I...

Fr. Magaldi: (inaudible words) that's your privilege (inaudible word)

McCarthy: But I have not spoken to the other side of the coin.

Fr. Magaldi: Yeah.

McCarthy: And you also appear to be very credible. Ah, you're an excellent communicator. I mean it's obvious. I can see why you have a good following, but I have to ask myself again, what about this...is what does... have to gain? What is his motive?

Fr. Magaldi: Well, my feeling is it may not be only me. Is someone putting him up to this, maybe with the idea that he would get some money.

McCarthy: Uhm hmm.

Fr. Magaldi: And then share some of that money with this person. I this is just speculation. I mean I have no...no justification for even saying that, but I just can't conceive of how he came up with my name all these years later.

McCarthy: It's been two months and there's not a word of this publicly.

Fr. Magaldi: No, I know that. That's wonderful. How do you think...what are they gonna do with me in...in Fort Worth if it appears in the paper that...

McCarthy: I don't know. That's...

Fr. Magaldi: ... (inaudible words) raped a kid.

McCarthy: That is: allegations. What Bishop Delaney does with them is up to him. My only role in this is to conduct a Canonical inquiry as to the nature of the complaint and whether or not there's any substance to it.
and forward the facts to the Bishop for him to make a determination. I
mean I'm not empowered to do that.

Fr. Magaldi  Well fortunately you know the policy of the Diocese (inaudible words)
most of them is when an allegation is made the guy is immediately
removed from his assignment until the thing is resolved. They respectfully
didn't do that with me. Cause this...that was on Saturday I was told this.

Sunday, we have a policy that one of the priests preaches at all the
Masses. He doesn't say them all, but gives the homily, so the same
homily for the whole Parish.

McCarthy  Uhm hmm.

Fr. Magaldi  We have eight Masses, okay. It was my turn to preach. So that was
gonna be a problem. Secondly uhm, Christmas and everything else.

What was gonna happen without me being there, okay? So, they at least,
thank God, let me do that.

McCarthy  I can tell you we have had here allegations that have been true,
unfortunately! We have had allegations that are false, allegations that are
an out and out, concocted lie. We have had allegations that ah, were
false because a person was mentally disturbed. We've had ah,
allegations that were partially true but expanded upon to punish. Some of
these were consenting relationships. Ah, I think if you ask some of the
Clerics who've been absolved, they're thankful for this process.

Fr. Magaldi  Uhm hmm.
McCarthy: Because it's allowed them to go back into Ministry with a clean and unblemished record, ah, that the accusation was either not sustained or was unfounded. But unfortunately we've had some that have been sustained.

Fr. Magaldi: Yeah.

McCarthy: Ah, I try to be as objective as possible.

Fr. Magaldi: Uhm hmm.

McCarthy: As low profile as possible. That's why, specifically, this office is located where it is.

Fr. Magaldi: Yeah.

McCarthy: And not down the Chancery.

Fr. Magaldi: Right.

McCarthy: Because it's nobody's business down there, and I don't have to tell you being at work at the Chancery what it's like down there. So it's nobody's business and ah, it certainly won't be made public by this office. Most of the time people don't even know we exist, and I like it like that.

Fr. Magaldi: I just hope, well all I can do if it happens is to...is to...is to publicly say what I told you. I can't say everything. That's another thing. See the Bishops' attitudes are always no comment, no comment, and to me sometimes that...that makes things worse, because if you're challenged with something and you say I have no comment, you say, God if he's innocent why doesn't he say something. You know what I mean? And it's just that I...
McCarthy: But you've got to admit in this one there is a correlation between the two complaints of enemas, money, males, young males.

Fr. Magaldi: But in young male...one...this one is almost a...well is an adult, eighteen years old, that helped me with a procedure that I was not intending to do by myself.

McCarthy: Could you have given yourself an enema?

Fr. Magaldi: Could I have? With that particular thing that had to be done, it had to be with one of those apparatuses.

McCarthy: Uhm hmmm.

Fr. Magaldi: I told Bishop Delaney it wasn't one...he thought it was one of those little squeeze things that you buy in the stores.

McCarthy: Uhm hmmm.

Fr. Magaldi: It had to be warm water.

McCarthy: Uhm hmmm.

Fr. Magaldi: Flowing through the bag.

McCarthy: But...

Fr. Magaldi: I could of...

McCarthy: Could you have done that yourself?

Fr. Magaldi: I guess I could of if I tried hard enough, but...
Fr. Magaldi: I put the...the...the object into myself.

McCarthy: Uhm hmm.

Fr. Magaldi: He didn't have to do that. All he had to do was hold the bag. And so there...and there was nothing...that's what I'm saying. I mean it seems...yah okay, the word, enema, fine, which is unfortunate, but according to ah, ah, what's his name...this was forced on him.

McCarthy: Correct.

Fr. Magaldi: The other situation, this person is helping me.

McCarthy: Don't forget, he says at that time he's in his young teens; thirteen, fourteen, fifteen.

Fr. Magaldi: Yeah, I know...thir...say, fine. But still that...

McCarthy: But you see where...when you do things like that you leave yourself wide open for allegations.

Fr. Magaldi: But see you don't think of...but if you don't think of...of som...Whoever thought that that kid would go to, the second one, would go to Bishop Delaney with a...that he was advised by another priest that he should go and share that with Bishop Delaney.

McCarthy: See my point?

Fr. Magaldi: I understand that.

McCarthy: I mean in today's day and age.

Fr. Magaldi: I know that. I know it.
Fr. Magaldi: (inaudible words)...just naive and stupid, maybe call...call it stupid.

McCarthy: Uhm hmm.

Fr. Magaldi: But I...you know this wasn't just a casual person that I picked up off the street. This was a boy that was...was looking, that always initiated a hug to me when he left the apartment. This is what drives me crazy about this.

McCarthy: Could ah, could one allege that this relationship was struck up in order to motivate him toward some kind of a criminal meeting?

Fr. Magaldi: Who are you talking about?

McCarthy: I'm talking about a boy in Texas who went to...

Fr. Magaldi: Was struck to, to motivate him?

McCarthy: Yup.

Fr. Magaldi: No, it was a natural...it was a natural thing.

McCarthy: Just a natural relationship. A friendship.

Fr. Magaldi: Yes. And I know, like Bishop Delaney said to me, listen, cause I was supposedly counseling him. The kid was mixed up. He had problems with his girlfriend and this and that.

McCarthy: Uhm hmm.

Fr. Magaldi: Wanted to go to college. He didn't know...he didn't want to ask his parents for money, because they needed their money and he was doing and all that kind of stuff, and it just was like a natural thing. Cause Delaney said you shouldn't socialize with someone you're...you're...you're counseling. But I mean to go out to dinner...
McCarthy: Tell me, when you do that do you cross the line?

Fr. Magaldi: How do you mean?

McCarthy: In other words if ah, my wife says I have a problem. The physician who I have is a neighbor and a friend, and she thinks that there's a conflict there because I'm being treated by a friend who can't be objective because of friendship. Could somebody use the same argument that it would be difficult if somebody who you're in a confessor relationship with and also a counseling relationship ah, that once you acknowledge the friendship part, either one has to go. Either you gonna be a friend or you're gonna be a counselor, but you can't be both because of ethical decisions.

Fr. Magaldi: I don't think in terms like that, cause I consider that I have a...

McCarthy: It's kind of like a psychiatrist dating a patient.

Fr. Magaldi: Okay yeah, but that's different.

McCarthy: Cross the line.

Fr. Magaldi: That's not right...like we had cases of a minister counseling married women and supposedly...

McCarthy: Dating them.

Fr. Magaldi: Not dating them, but having sex in his office with them.

McCarthy: That cross the line?

Fr. Magaldi: But I don't...that to me crossed the line yeah. But I would not consider my relationship with that...that young man the same thing (inaudible words).

McCarthy: But I think originally the reason that that relationship began with that young man is the fact that you are a Cleric.
Fr. Magaldi: And he trusted me.

McCarthy: And he trusted you.

Fr. Magaldi: Yup. And I...and I also...

McCarthy: So now you're in danger...

Fr. Magaldi: Automatically extend myself to anybody that is in need...I have helped a lot of kids with...with uhm, uhm, recommendations to college and stuff like that.

McCarthy: That's all fine, but there's got to be a line that cannot be crossed.

Fr. Magaldi: All right, well see that's...

McCarthy: And you're...you're tacking along that line.

Fr. Magaldi: Okay. I understand that. Maybe that's a fault of mine. Like he said, acting more with the heart than with the head.

McCarthy: Did someone say that this was a manipulation, because of the power imbalance? That you're...

Fr. Magaldi: No, I don't (inaudible words)

McCarthy: a cleric and they're not. You're older

Fr. Magaldi: No.

McCarthy: They're younger.

Fr. Magaldi: No. No, I was not overpowering or overbearing to him. I was looked upon as...

McCarthy: Not being overpowering or over bearing, but by position where you are.

I mean the relationship...

Fr. Magaldi: (Inaudible words) to say that.
McCarthy: The relationship would not be one that you would say is on an even keel, that both have equal power.

Fr. Magaldi: Of course not.

McCarthy: There's no doubt that you're in the superior part of that relationship.

Fr. Magaldi: Oh sure.

McCarthy: And he's in the subordinate.

Fr. Magaldi: Yeah.

McCarthy: Could somebody then see that as an aspect of that relationship?

Fr. Magaldi: Somebody could see that I guess.

McCarthy: That's what I'm talking about, leaving yourself open.

Fr. Magaldi: Well, that's it. I'm left myself, you see, stopped. But because I had no evil intent in my mind.

McCarthy: I have no idea who that priest was that told him to report that to Bishop Delaney, but could that individual perceive that? Would that be a fair presumption? Could that occur?

Fr. Magaldi: Well, he might have figured well this was not proper for a...a priest to be having a guy help him with...I don't know if he said anything about the enemas. See that part...

McCarthy: See I have no idea. But I'm just saying to you, could that...

Fr. Magaldi: All I know is that if he had come to me with that same situation, I don't think I would have advised him to go to the Bishop on that, whoever that other priest was.
Fr. Magaldi: I don't think so.

McCarthy: Well, I can't speak for him.

Fr. Magaldi: No, and I can't... I can't either. I can't either.

McCarthy: But could you look upon that as improper?

Fr. Magaldi: Is what improper?

McCarthy: Giving someone an enema, ah, who you have in a subordinate/superior relationship. I mean we're not talking about ah, going to a horse who gets paid to do this. We're talking about a friend.

Fr. Magaldi: That's right.

McCarthy: Who is a lot younger and troubled, you described.

Fr. Magaldi: Yes.

McCarthy: Ah...

Fr. Magaldi: Not...

McCarthy: Could that...

Fr. Magaldi: ...badly troubled. I mean (inaudible words)

McCarthy: No, but what I'm saying is counseling, also Father confessor all, that by anybody's standards that would be ah, a subordinate and superior relationship.

Fr. Magaldi: Yeah, I suppose. See I... see I...

McCarthy: This is an abuse of power.

Fr. Magaldi: I have always felt, you know, may be it's a mistake to feel that way, but I... I usually do not feel that subordinate relationship when I'm dealing with someone.
McCarthy: Yeah, but they may not.

Fr. Magaldi: Huh?

McCarthy: They may not feel that way. It's not just what you feel, it's what they feel, and they may not feel that way.

Fr. Magaldi: Yeah.

McCarthy: But the...the next point is this. In the hundreds of cases that we've done here, the question of an enema has never...

Fr. Magaldi: Never come up.

McCarthy: Ever, ever. Not even in passing until this case.

Fr. Magaldi: Ah ha.

McCarthy: He specifically said in the first five minutes of my talking with him, crying, while he's telling me this, that if anybody ever comes up with the word, enema, and says they got an enema or had to give him an enema, you'd better place some credence in that because he has this thing with enemas.

Fr. Magaldi: (Inaudible words)

McCarthy: And he calls it holy water.

Fr. Magaldi: (Inaudible words) sacrilegious.

McCarthy: And I think that's when the bells went off with the Bishop.

Fr. Magaldi: Yup, yup. Definitely. I know that.

McCarthy: If you were in Bishop Delaney's shoes...

Fr. Magaldi: Yup.

Fr. Magaldi: ...bells would go off ringing in your head.
Fr. Magaldi: Yup, I understand. I understand.

McCarthy: I mean this comes out of nowhere.

Fr. Magaldi: Well, is it...

McCarthy: Half way around the country.

Fr. Magaldi: It is possible...

McCarthy: Two years later.

Fr. Magaldi: It is possible... what do you mean two years later?

McCarthy: When did the incident...

Fr. Magaldi: It's three... thirty-six years later supposedly.

McCarthy: No, no. I'm talking about the incident that took place in Texas.

Fr. Magaldi: Yeah.

McCarthy: It was several years ago, is that correct?

Fr. Magaldi: No, it's only like three years I think. Two or three.

McCarthy: That's what I said, several years ago.

Fr. Magaldi: Yeah.

McCarthy: And then this comes out of the blue here half way around the country.

That's in Texas. This guy's in Massachusetts.

Fr. Magaldi: Right.

McCarthy: And makes an allegation similar to what took place three years earlier in Texas, but he didn't even know who this guy is or what the guy alleges.

Fr. Magaldi: Yeah, yeah. I know it seems very coincidental unfortunately, but I'm still saying can it be that whoever did this to him was involved with that kind of stuff.
McCarthy: Yup.

Fr. Magaldi: Because I had read that this happens in... very frequently out in California.

McCarthy: I have...

Fr. Magaldi: (Inaudible words) are used as ah, sexual ah, things or something.

Something to do with...

McCarthy: I have a photo array that I will show him ah, which includes your photograph.

Fr. Magaldi: Uhm hmm.

McCarthy: And of other clerics who look similar to you, as far as hair color, age, etc., etc.

Fr. Magaldi: Yeah.

McCarthy: (Inaudible word) and ah...

Fr. Magaldi: Are those. As that picture. Does that picture have glasses that you have of me?

McCarthy: (Inaudible words).

Fr. Magaldi: Because I didn't get glasses until 1981. (Inaudible words)

McCarthy: No, I'd have to go back and look. But I'm sure in the archives I can come up with a photograph of you, maybe in the Diocesan Directory. I'd have to go look at that.

Fr. Magaldi: Yeah, I think (inaudible words) it was after 1981 that I got glasses for the first time. (Inaudible words)

McCarthy: He didn't say glasses in his description.
Fr. Magaldi: But this business of the scotch, the liq...see that's a lit...if he's mistaken in one thing, he can be mistaken in everything can't he.

McCarthy: Oh, absolutely. And he can be only mistaken in that. Remember, we're talking some twenty-five odd years ago.

Fr. Magaldi: Yeah.

McCarthy: Ah, if you were to ask me specifics...

Fr. Magaldi: If we can get back to the...did he say anything about seeing this article in the newspaper in the past two months or whenever it was?

McCarthy: Not that I recall.

Fr. Magaldi: Because that's...that to me is a very crucial thing.

McCarthy: Not that I recall.

Fr. Magaldi: How did he know that I had been in prison? He mentioned that I was in prison.

McCarthy: 'Uhn-huhn.'

Fr. Magaldi: How did he know that?

McCarthy: He told me the reason that precipitated this complaint was to deal with the demons that he had to deal with.

Fr. Magaldi: Right.

McCarthy: And that he had relapsed after he began to deal with them. Because I made an appointment to meet him at his house in 'specifically drove down there.'

Fr. Magaldi: He lives in...in his own house?

McCarthy: He did. He now, ah, is back in...
Mr. Magaldi: He had a roommate over there too?

McCarthy: He's now back in.

Mr. Magaldi: You don't know who it is, huh?

McCarthy: I don't. He's now back in at his folks' house, but he wants to go to.

Mr. Magaldi: And his parents are still living?

McCarthy: His mother and father (inaudible words)

Mr. Magaldi: Has he shared any of this with his parents?

McCarthy: He told me he did not.

Mr. Magaldi: Interesting, because Bishop Delaney is from Fall River. That was another thing that that reporter in Texas did. He had three little...three little towns Fall River, Providence and Worcester, showing Father Teczar from Worcester, me from Providence and Bishop Delaney from Fall River, almost as if the three of us were in cahoots with one another. They're vicious. This guy's an anti-Church man.

McCarthy:

Mr. Magaldi: This...this Brooks ah, Brooks what his...Pinkerton or whatever his name is, and the word was around that he told...a priest called me that a friend of his who happened to know this guy's wife, told her and she told the priest...she told the priest that that reporter was coming up to Rhode Island, so it was after the article back in ah...

McCarthy: Do you have a copy of that article?
Fr. Magaldi: Yeah, I don't have his article here. I can get it for you. I've got the article that came up the day after that said...

McCarthy: So you're saying there were two articles?

Fr. Magaldi: Oh there were two, yeah.

McCarthy: Okay.

Fr. Magaldi: Well the one...the first was about the uhmm, the Bishop.

McCarthy: Uhmm.

Fr. Magaldi: Hiring priests. This one was, "Priest Vows To Keep Job Despite Reports Of Embezzlement." This is the one that was in the news. Now see they've got a picture of me. That's that's taken from my...my ah, being arraigned at the...at the courthouse. That's a bad picture.

McCarthy: Uhmm.

Fr. Magaldi: Do you want to keep this?

McCarthy: I can make a copy of it and return it back to you.

Fr. Magaldi: Okay.

McCarthy: I don't have a problem doing that.

Fr. Magaldi: No, ah, this is when Bishop Roos, not knowing about allegations against priests, he was talking about that Father Teczar.

McCarthy: Okay.

Fr. Magaldi: And ah...

McCarthy: These appeared where?

Fr. Magaldi: In the...
Fr. Magaldi: This is the Dallas...

McCarthy: The Star Telegram?

Fr. Magaldi: One was the Star Telegram. The Dallas Fort Worth...the Dallas paper. I don't have.

McCarthy: Uhm...mm.

Fr. Magaldi: Unfortunately, which was the original article that ah, and was repeated in ah, ah, it was repeated in, ah, Worcester.

McCarthy: What is this?

Fr. Magaldi: This was the second day also...third day. This was August the 14th.

McCarthy: Uhm...mm.

Fr. Magaldi: "Priest's Conviction Not News of His Church", see my parishioners all knew about that.

McCarthy: Yup.

Fr. Magaldi: Ah, this is a thing...somebody wrote to the...the Bishop. They wrote to the letters to the Editor and all that stuff. I just have a couple of these.

McCarthy: Uhm...mm.

Fr. Magaldi: About people.

McCarthy: But you're saying that this may have motivated somebody to bring this forward and create this.

Fr. Magaldi: That he...what man, not the reporter.

McCarthy: No, not the reporter. I'm talking about somebody else.
Fr. Magaldi: Somebody else motivated him or is it possible that there was a priest and he didn’t know what the priest’s name was, and when he saw my name in the paper?

McCarthy: Uhm hmm.

Fr. Magaldi: If he saw my name in the paper with all of this stuff. Now see, I don’t understand how he knew anything about me being in the work release program, arrested for embezzlement. Somebody had to tell him that.

McCarthy: Uhm hmm.

Fr. Magaldi: So, who told him? Can he be questioned. Does he know?

McCarthy: Yeah, sure. He could have read that himself. Those are...

Fr. Magaldi: What would he be doing in the Worcester paper?

McCarthy: Well, this is...

Fr. Magaldi: Did it appear down there too?

McCarthy: This is some of the things that we’re gonna be asking in the polygraph.

Fr. Magaldi: Yeah.

McCarthy: I mean those are obvious concerns of ours too. I mean they’re glaring.

Fr. Magaldi: Yeah.

McCarthy: When you say...you know...but ah again ah, he says ah, as soon as I can get one I want to take one. So I said (inaudible words).

Fr. Magaldi: That’s fine.

McCarthy: But I don’t think it’s proper to give one.

Fr. Magaldi: (Inaudible words)

McCarthy: Oh, absolutely. And if these’s guys are lying, these guys will catch ‘em.

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Ah, we use them all on ah, all of the major homicide cases and...

Fr. Magaldi  Uhm hmm.

McCarthy  ... embezzlement cases, and they've been very effective. Ah, we just had a case where ah, a priest took a polygraph and ah, also the complainant took the polygraph. The complainant ah, was caught in a lie, and then admitted that they had concocted this whole thing, and that the priest was absolved and he had passed it with flying colors. Let me get my secretary to make some copies of these and I'll give you these right back.

Fr. Magaldi  Okay. You...you don't want the letters to the Editor and stuff, do you?

McCarthy  No, I...they don't have any bearing on this.

Fr. Magaldi  No, not really.

McCarthy  Okay.

(END OF TAPE TWO, SIDE TWO)
January 21, 1999

Reverend Philip A. Magaldi

RE: Polygraph Examination
January 2, 1999

Dear Father Magaldi:

Enclosed with this letter is the results of the polygraph examination that was given to you on January 2, 1999, at the Office of Education & Compliance, by Senior Polygraph Examiner, 

This report arrived at this office on today’s date and is immediately being forwarded to you at your home address as agreed on.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me by calling (401) 941-0760 or Fax (401) 941-1195.

With the most wishes and best regards, I remain

Very truly yours,

[Signature]

Lieutenant Robert N. McCarthy (Ret.)
Director, Office of Education & Compliance
Diocese of Providence

Enclosures

10-04-04 Order
0613
August 30, 1998

TO: ROBERT N. McARTHUR, DIRECTOR OF EDUCATION & COMPLIANCE

From: Senior Polygraph Examiner

Subject: Services Rendered

Dear Mr. McARTHUR

The fee for the examinations extended to Rev. Magaldi will be five hundred dollars ($500.00). If there are any questions regarding this matter, please contact me at the following phone #. Please make the check out to,

DOCUMENT IS NOT TO BE REPRODUCED.

Sincerely,

10-04-04 Order
0614
January 19, 1999

Lt. Robert N. McCarthy (RET)
433 Elmwood Avenue
Providence, R.I. 02907

RE: _______________________

Dear Lt. McCarthy:

As per our conversation on Monday, January 18, 1999, please be advised regarding a matter on which you are presently conducting an investigation.

As I explained to you, I will be out of town from January 21st until February 3rd, but will call you thereafter to set up an appointment to discuss the future handling of this situation.

In the meantime, if you need to talk with someone regarding same, please feel free to call my office and speak with...

Very truly yours,

[Signature]

10-04-04 Order
0616
MEMO

On Tuesday, February 9, 1999, I spoke with Bishop Joseph Delaney of the Diocese of Fort Worth regarding this matter.

I advised Bishop Delaney that I had forwarded the copy of the second opinion of the polygraph examination given to Father Magaldi on February 2, 1999, and that I had forwarded the bill for this to:

I further advised Bishop Delaney that it was sent directly to Father Magaldi, Return Receipt Requested.

In concluding my discussion with Bishop Delaney I advised him that it was my opinion that the work required from this office regarding the investigation of this matter is concluded unless a new request for additional information would be made by either Bishop Delaney or Bishop Mulvey.
February 9, 1991

Reverend Philip A. Magaldi

RE: Second Opinion  
Polygraph Examination  
January 2, 1999

Dear Father Magaldi:

Enclosed with this letter is the second opinion of the results of the polygraph examination that was given to you on January 2, 1999, by the Office of Education & Compliance, by

This report is based on a review of the charts of the polygraph test utilizing the Positive Control Technique format by applying a three point scale.

This review and report made by Senior Examiner is being directly forwarded to you by U.S. Certified mail on the above date.

Should you have any questions or comments regarding this matter, please do not hesitate to contact me by calling (401) 941-0760 or Fax (401) 941-1195.

With all good wishes and best regards, I remain

Very truly yours,

Lieutenant Robert N. McCarthy (Ret.)  
Director: Office of Education & Compliance  
Diocese of Providence

Enclosure
CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: February 19, 1999
In re: Father Philip Magaldi

Father Wilson and I met with Father Magaldi this morning to continue the discussion of the status of the allegations against him.

In summary: PM went to Rhode Island on December 28 and had an interview with Robert McCarthy of the Diocese of Providence which led to a polygraph exam the results of which were to be sent only to PM. PM then went to his home in MA on January 4-7 for a psychological evaluation. I was present for the final session on the 7th. Although recommended that PM return for extended therapy, I told PM that we would wait a while before making that decision. Specifically, I was waiting for the results of the polygraph exam.

Those results were sent to PM in mid-January. McCarthy, however, had promised PM that he would give the full computer info about the exam to another polygraph examiner for a second opinion. The results of this second review were mailed to PM in February 9. As of today, he has not received them. PM has mailed the results of the first review to his attorney, I asked PM to show me the results of the second review when they arrive. He admitted to me what McCarthy had intimated, namely that the exam indicated that PM was not telling the truth in answering several of the questions. I gather that the second review will indicate the same.

In view of the presumed polygraph results about the allegation of... the report from... and the incident of three years ago, I have concluded that PM should not continue in ministry in the Diocese, at least until the allegations have been proved false. There are two lines of reasoning to support this decision: 1) If the allegations are true, given the acting out of three years ago and the indications from PM’s lack of awareness of his own sexuality, PM could be a danger to young people in his ministry; and 2) whether the allegations about are true or not, the likelihood of the press finding out about them (since has retained an attorney to represent him in this regard) is very great and such publicity would do great harm to this Diocese.

Therefore I explained to PM my conclusion and that I could try to assist him to find a place in ministry in another diocese, or that he could retire. His immediate concern, of course, is that he is the care giver for his mother and his aunt, both of whom are in their 90's. I asked him to think about how we might deal with all of this during the next week. We plan to meet a week from now to continue the discussion.
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10-04-04 Order 0625

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Certified Polygraphist

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10-04-04 Order
0626

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provides of immunity or reward — agree and stipulate to be interviewed and/or take a polygraph
(i.e., truth verification) examination for the mutual benefit of myself, and my lawyer.

I fully realize that: I am not required to take this examination. I may remain silent or
consult with an attorney or anyone I wish to before either giving this form or being interviewed
desire ano are an attorney will be appointed for me prior to any questioning, and have the
opportunity to exercise all these rights at any time I wish to during the entire time I am here.

Nevertheless, I consent to answer any specific questions asked of me at any time.

I do hereby authorize

1.0424

and/or examination

I am fully aware that

I am not my successor, assigns, heirs, agents, employees, and/or agents of my attorney.

I fully realize that

I am to give

and/or agents to disclose both orally and in writing the interview/examination

results and opinions to directors, officers, employees, and/or agents of my attorney.

I authorize

as this interview/polygraph examination, I — for myself and my successors, assigns, heirs,
agree to save harmless, waive, forever discharge and hold free from any liability or
actions, causes of action, or claims, demands, or liabilities.

which may redound to the benefit, advantage, or interest of any person, firm, corporation, company,

As further consideration and inducement to have

as follows:

I affirm in its entirety by above agreement. In addition, I knowingly and intelligently
fully realize that during the entire time I was here I have been well treated, submitted
willingly and make all the statements that I did make.

I also certify that during the entire time I was here I have been well treated, submitted

I hereby agree and stipulate to be interviewed and/or take a polygraph examination for the mutual benefit of myself, and my lawyer.

I fully realize that: I am not required to take this examination. I may remain silent or consult with an attorney or anyone I wish to before either giving this form or being interviewed.

Nevertheless, I consent to answer any specific questions asked of me at any time.

I do hereby authorize

I am fully aware that

I am not my successor, assigns, heirs, agents, employees, and/or agents of my attorney.

I authorize

as this interview/polygraph examination, I — for myself and my successors, assigns, heirs,
agree to save harmless, waive, forever discharge and hold free from any liability or
actions, causes of action, or claims, demands, or liabilities.

which may redound to the benefit, advantage, or interest of any person, firm, corporation, company,

As further consideration and inducement to have

as follows:

I affirm in its entirety by above agreement. In addition, I knowingly and intelligently
fully realize that during the entire time I was here I have been well treated, submitted
willingly and make all the statements that I did make.

I also certify that during the entire time I was here I have been well treated, submitted

I hereby agree and stipulate to be interviewed and/or take a polygraph examination for the mutual benefit of myself, and my lawyer.

I fully realize that: I am not required to take this examination. I may remain silent or consult with an attorney or anyone I wish to before either giving this form or being interviewed.

Nevertheless, I consent to answer any specific questions asked of me at any time.

I do hereby authorize

I am fully aware that

I am not my successor, assigns, heirs, agents, employees, and/or agents of my attorney.

I authorize

as this interview/polygraph examination, I — for myself and my successors, assigns, heirs,
agree to save harmless, waive, forever discharge and hold free from any liability or
actions, causes of action, or claims, demands, or liabilities.

which may redound to the benefit, advantage, or interest of any person, firm, corporation, company,
February 21, 1999

Dear Sir:

On this date, at 8:16 a.m., Philip A. Magaldi, age 62, voluntarily came to this polygraph suite for a polygraph examination.

The main issue under consideration, was whether or not Mr. Magaldi was telling the truth when he claimed that he had no guilty knowledge of nor had he participated in any sexual contact with a person by the name of [redacted] in Worcester, Massachusetts, when he was a teenager.

Before his pre-test interview, Mr. Magaldi voluntarily signed a permission form stating that he was taking the examination of his own free will. One copy of this executed form is enclosed with this report.

In the polygraph recording, there are indications of truthfulness when Mr. Magaldi answered "No" to the following three pertinent test questions, which were:

Did you personally give three-hundred dollars to a teenager by the name of [redacted] for sexual favors?

Did you ever engage in oral sex with a person by the name of [redacted] while in the City of Worcester, Massachusetts?

Did you at anytime have anal sex with a person by the name of [redacted]?

It is the opinion of the polygraphist, based upon the polygraph examination of Mr. Magaldi, that he is telling the truth to the above listed pertinent test questions. In order to verify this opinion, it is recommended that he be given the opportunity to submit to a polygraph examination, administered by a qualified independent examiner. This examination concluded at 10:29 a.m.

Respectfully submitted,

[Signature]

10-04-04 Order 0628
Facsimile Transmission

Diocese of Fort Worth
The Catholic Center – 800 West Loop 820 South,
Fort Worth, Texas 76108
1-817-360-3300

From: Name: Bishop Joseph P. Delaney
Fax Number: (817) 244-8339
Voice Phone: (817) 560-3300

To: Name: Mr. Robert McCrady
Company: Diocese of Providence
Fax Number: 1 401 941 1195
Voice Phone:

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Fax Notes:
Attached document - Total of 0 pages including cover page.

Date and time of transmission: Wednesday, February 24, 1999 2:14:12 PM
Number of pages including this cover sheet: 01

10-04-04 Order
0629

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CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: February 24, 1999
In re: Father Philip Magaldi

Father Robert Wilson and I met with Father Magaldi today to continue the conversation about his future ministry. When asked whether the second report on the polygraph had arrived (it had been sent from Providence on 2/7), he said it had not. In fact, he said, he got so frustrated that he called his attorney in Providence and went up to that city last Saturday and took another polygraph test on Sunday, given by a . He gave me a copy of the results of that test which showed that he was telling the truth in denying the principal allegations made by

Because I was puzzled as to why he had not got the report of the earlier polygraph, I called Bob McCarthy in Providence in PM's presence. McCarthy told me on the phone that the report had indeed been delivered to PM's residence and that someone had signed for it (the writing looked like ) He had difficulty reading the signature but it was not PM's. I asked PM if he would allow McC to fax a copy of the report. He said right then, he agreed and McC did. [PM called me later to say that he found the envelope with the report unopened in a pile of magazines in his mother's room, and that apparently one of her care givers had signed for it and forgot about it.]

The report of the first polygraph test shows that PM was not telling the truth in denying virtually the same questions that were asked on the second. Thus the two testers came to very different conclusions.

Since the second test was made in the presence of , PM's attorney, a professional with (according to McC, in a later conversation) a reputation for being a very effective lawyer, and since the test was given by a person whom McC says he has used in the past and had confidence in, it seemed to me to make the whole process moot, at least for the moment. Accordingly, I suggested to PM that we sit on all this for a while until I can think more about it.

McC asked me if I could send him a copy of report. PM wanted to call for advice. He called me back to say that it was fine to send it. Naturally, since it exculpates him, he would want it to be a part of the file in Providence. I faxed the report to McC this afternoon.

Personal observation: I realize that I am uncomfortable with making any decision on PM's future without further consultation, probably with RW, JS and the two members of the investigative committee, and I need to pursue this.

10-04-04 Order
0630
CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: March 11, 1999
In re: Father Philip Magaldi

I celebrated Mass this afternoon at St. John the Apostle church as part of a vocation program for the fifth grade pupils from the Catholic schools of the diocese.

Before Mass, I was standing at the door of the sacristy and I observed Father Philip Magaldi helping the altar servers to vest. The servers were all fifth-grade boys from the parish. I saw him tying the cincture for one boy. He had his arm around the child and had his cheek pressed against the child’s cheek while he worked on the cincture. I judged it to be a very inappropriate gesture.

A moment later I called him aside and told him what I had seen and how concerned I was by it. He seemed to be oblivious to what he had been doing.
Bishop Delaney

From: Bishop Delaney  
Sent: Thursday, March 18, 1999 9:13 AM  
To: Robert Wilson; Joe Schumacher  
Subject: Providence

I spoke with R. McCarthy today. He says the same people who did the last test would be the ones to do the test with and also the second review. Since this is what we have wanted all along, I told him to go ahead and arrange it, but to make the intermediary so that we are not directly involved.
Bishop Delaney

From: Joe Schumacher  
Sent: Wednesday, April 07, 1999 11:30 AM
To: Bishop Delaney
Cc: Robert Wilson
Subject: FW: "Confidential"

came by at 10 a.m. today, Wednesday, April 7, 1999. He was very nervous and many times would interrupt the phrase, "I am not asking you to do anything about this. My sponsor in Dallas and I should tell someone in the Diocese, namely that Phil Magaidi has about a dozen young boys (age 13 and 14) who serve at his masses. One of them told me that he goes to Fr. Phil's home to help take care of Fr. Phil's mother there. I asked him if the boy stayed overnight and he said he was sure that he did not. I asked why Joe Mangione didn't assign altar servers for the masses of the priest; he said he didn't know why, but that Phil always got his own boys to serve.

He did admit several times that he was perhaps paranoid about this in light of his 33 years in the priesthood; he didn't go any further with that and I didn't pursue anything further. He asked if anything was done about this, could we not involve his name since he like Phil. I said that I would tell the bishop, but that I couldn't promise anything in that regard.

I reminded him of our policy about having any non-priest/lacon staying overnight in a rectory with the priest(s), other than a blood relative, without the permission of the Ordinary. But I said we didn't have any other regulations as to associations. He said that he just thought it wasn't a wise thing for Phil to do—associate with the 13 and 14 year old that much and have them sleep over during the day.

A telephone call at 2:35 from Joe to me at C.C. today:
"Joe, I need to talk to you about something very confidential. Can I see you?
I said, "Of course." He was in Dallas, having lunch with a friend of his, he said. I set the appointment for St. Matthew tomorrow morning at 11:00.

Let's see what's up.
April 9, 1999

Office of Education and Compliance
433 Elmwood Avenue
Providence, RI 02907

RE: Father Philip Magaldi

Dear Mr. McCarthy:

Attorney and I have held interviews with our client between

It is apparent that was sexually abused by Fr.
Magaldi over a period of years. It is clear from this
report that has suffered suppressed memory of the
sexual events for many years and has further suffered
psychologically and physically as a result of the acts of
Fr. Magaldi, which were outrageous beyond all standards
of human decency.

From the facts set forth in interview with you
appear that the Diocese of Providence and the
Diocese of Fort Worth conspired to suppress any information
concerning Fr. Magaldi's pedophilic propensity over the
years.

Enclosed is a copy of the results of a polygraph test
administered to on April 3, 1999.

Please forward a copy of this letter and the polygraph test
results of to Attorney John W. Crumley, Counsel
for Bishop Delaney of Fort Worth.
April 9, 1999

We expect to hear from Attorney Crumley within ten days of his receipt of this letter, before we file a complaint.

If an appropriate settlement of the claim cannot be attained.

Very truly yours,

[Signatures]

DOCUMENT IS NOT TO BE REPRODUCED.

10-04-04 Order
0638
April 3, 1999

TO: ATTORNEY

FROM: SENIOR POLYGRAPH EXAMINER

SUBJECT: POLYGRAPH EXAMINATION

Re:

Dear Attorney

On April 3, 1999 a polygraph examination was extended to the above mentioned individual. The purpose of the exam was to determine whether the polygraph technique could be employed to support the statements of the above referenced individual regarding his involvement in the allegations of sexual misconduct with a person named Father Phillip Magaldi. A series of polygraph tests followed the pre-operative interview with him. The interview established a rapport and also clarified those questions that were to be put to.

The Real Polygraph Control method was employed. A Stoebling Ultrascribe four (4) pen polygraph was used. This instrument renders a permanent graph of three phenomena peculiar to polygraph. The following relevant questions were asked during the tests administered to him. His answers follow each question.

1. Did Father Magaldi ever give you an enema?

   ANSWER: YES

2. Did you ever engage in oral sex while in the city of Worcester with Father Magaldi?

   ANSWER: YES

3. Did you ever have anal sex with Father Magaldi?

   ANSWER: YES
CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: April 16, 1999
In re: Father Philip Magaldi

I met today with a group of advisors to discuss how to proceed in the light of the accusations against PM. Present at the meetings: Fathers Robert Wilson, Joseph Schumacher and Charles King, Sr.

The purpose of the meeting was to receive the advice of these persons in the light of my conclusion that PM had to be removed from active ministry.

I presented the events in sequence as they began in the first week of December with the accusations against PM by . The latest information was a report from a polygraph test taken by (given by the same people who gave PM his first test), showing that was truthful. They had also arrived a letter to John Conley from attorney, charging PM with misconduct and threatening a lawsuit against the Diocese of Fort Worth.

The meeting lasted two and one-half hours. Every aspect of the case was discussed. The unanimous advice that I was given by the group was that PM be removed from active ministry, preferably through retirement in a way that would separate him from the responsibility of the Diocese; and that Jeff Hensley prepare a statement for the press to be used when the matter becomes public.

Father Robert Wilson and I met with PM later in the afternoon and told him of my decision to have him to retire. I acknowledged the responsibilities he has toward his mother (95 years old) and his aunt, for whom he is the primary care-giver. I promised that he would receive adequate support from the Diocese, in a way yet to be worked out. He was upset and felt that he was the victim of a grave injustice, but also admitted that it the matter became public, his credibility would be undermined and he would not be able to continue in ministry. We agreed to think over all the implications over the weekend and to meet again on Monday.
CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: April 19, 1999
In re: Father Philip Magaldi

I received a telephone call this morning from Monsignor Charles King, pastor of St. John's Church, telling me that PM had called a meeting of about 70 people last evening, all of them his friends and supporters, and told them the whole story about the accusations against him and that the bishop was retiring him. CK was present and was nonplussed by it all. He felt that PM was trying to manipulate the group, but also felt that he may have overdone it and raised suspicions.

I am meeting with PM this afternoon to continue the discussion of preparing for his retirement.

Father Robert Wilson and I met with PM this afternoon. He told about the meeting last night and his decision to tell his friends that he was retiring and why. He was obviously not feeling well and said that he had been nauseated all day. He is clearly resigned to going inactive, but it is causing him a lot of stress. I gave him my decision that as of today he is to be no longer active in priestly ministry.

PM gave me a summary of his monthly income and I promised to put together a package for him that would take effect on May 1. St. John's will provide for him until then. I also promised to prepare a letter that would detail the conditions of his new status and sit down with him in a week or so and discuss it. I gave him permission to be sponsor at two confirmations in the next week. I will consider allowing him to celebrate the marriage of a cousin on June 6.

10-04-04 Order
0641
Dear Father Philip A. Magaldi

The first information that the Diocese of Fort Worth received concerning polygraph examination was your letter of April 9, 1999 forwarding an unsigned memorandum and the first page of an unsigned report. However, the documentation you sent does not reflect that you followed the accepted procedure of verifying the accuracy of the interpretation of a polygraph examination by obtaining a second opinion from a second polygraph operator to review the complete record to independently verify the results. Therefore, without a second opinion verifying the accuracy of the interpretation of the polygraph examination by the unsigned interpretation of the polygraph examination test results you forwarded to me, at best, is questionable.

Even if the polygraph examination results had been independently verified, I was surprised and perplexed to receive a letter from you claiming that the Diocese of Fort Worth conspired to suppress information concerning Philip A. Magaldi's "pedophilic propensity over the years". There has not been a conspiracy by the Diocese of Fort Worth to suppress any allegations concerning Rev. Magaldi. The facts are to the exact contrary. There has been an investigation and the Diocese of Fort Worth has requested that take a polygraph examination. Such actions are an attempt to discover what actually occurred and not an attempt to suppress information.

It is my understanding that the statute of limitation has expired on any claim, including alleged repressed memory claims, that may feel he has against Rev. Magaldi or the Diocese of Providence for the alleged incidents. Even if the claims by were not barred by the statute of limitations, prior to, at the time of, and for several years after the alleged incidents, Rev. Magaldi was not a priest with, employed by, or associated with the Diocese of Fort Worth.

April 21, 1999

JOHN W. CRUMLEY, P.C.
ATTORNEY AT LAW
316 UNIVERSITY CENTRE I
1300 SOUTH UNIVERSITY DRIVE
FORT WORTH, TEXAS 76107-5735

TELEPHONE (817) 334-0299
FACSIMILE (817) 334-0275
E-MAIL crumley@armail.net

UNITED STATES EXPRESS MAIL
April 21, 1999
Page 2

Therefore, the Diocese of Fort Worth is not responsible for any alleged misconduct by Rev. Magaldi. Further, the Diocese of Fort Worth has not conspired to suppress information concerning the alleged pedophilic propensity of Rev. Magaldi.

Therefore, I am at a loss to understand the basis of your request for "an appropriate settlement of claims". At most, your letter appears to be an attempt to extract payment from the Diocese of Fort Worth in return for not filing a frivolous claim intended to injure and harm the good name of the Diocese of Fort Worth. Since there is no basis for a claim against the Diocese of Fort Worth, there is no reason for the Diocese of Fort Worth to be made a party to any lawsuit filed on behalf. Accordingly, the Diocese of Fort Worth will not contribute to or participate in any payment to you simply to prevent the filing of a frivolous claim against it.

I cannot prevent you from filing a lawsuit against the Diocese of Fort Worth even if the claims are frivolous. However, I call your attention to Rule 11(b) of the Federal Rules of Civil Procedure. Subsection (c) of Rule 11 provides that the court may "impose an appropriate sanction upon the attorney, law firms, or the parties that violate subsection (b) or are responsible for the violation" by filing claims for improper purposes or frivolous claims. The attorney who will represent the Diocese of Fort Worth. In the event a lawsuit is filed, will be requested to review the possibility of Rule 11 sanctions against any lawyer and law firm connected with the filing of a claim against the Diocese of Fort Worth.

Yours very truly,

ORIGINAL SIGNED BY
JOHN W. CRUMLEY
John W. Crumley

JWC/cv

cc: Most Rev. Joseph P. Delaney

10-04-04 Order
0543
May 14, 1999

James P. Hickey of Washington, who was out of the country.

Fort Worth priest retires amid sex abuse charges

Fr. Phillip Magaldi, the controversial pastor at St. John the Apostle Church in North Richmond Hills, Texas, has been accused of sexual abuse and has retired from active ministry. Fort Worth diocesan officials announced April 25.

Magaldi, who was accused by a 58-year-old Massachusetts man of years of abuse dating to the 1970s, vehemently denies the charge.

"I view this as an attempt to blackmail the diocese of Fort Worth and to embarrass the church I have served for 39 years and four months," said Magaldi. "I have loved and served all my life and am repelled by the thought that anyone would think I would perpetrate the horrible things I am accused of.

Magaldi pleads guilty in 1992 to stealing more than $120,000 from his former parish in North Providence, R.I. Prosecutors said he used some of the money for tropical vacations with teenage boys and once gave a boy he had met in a park enough money to buy a car.

A Boston-based advocate for clergy sex abuse victims said Magaldi never should have been allowed to work in the Fort Worth diocese. "If the allegations are true, then Magaldi joins a growing number of priests who have been transferred to rural communities in Texas after having molested youth in Massachusetts," said Phil Saviano, leader of the National Survivors Network of those Abused by Priests. The Dallas Morning News previously identified two other Massachusetts priests who were allowed to work in the diocese in Texas after being accused.

Cuban-Americans and the northern Albanian town of Kukes

...
Priest says allegation in blackmail attempt

The retired clergyman said yesterday that the Diocese of Fort Worth had blackmailed him to embarrass the Diocese. "I have served for 38 years and no one has ever come close to embarrassing the Diocese of Fort Worth," he said.

By Traci Davis

The Diocese of Fort Worth has blackmailed the Rev. Philip Magill, 62, a former priest, in North Richland Hills, according to the Diocese. The Diocese has also blackmailed the Rev. Phillip Magill, 62, a former priest, in North Richland Hills.

North Richland Hills, 62, a former priest, has served for 38 years and no one has ever come close to embarrassing the Diocese of Fort Worth. "I have served for 38 years and no one has ever come close to embarrassing the Diocese of Fort Worth," he said.

The Diocese has blackmailed the Rev. Philip Magill, 62, a former priest, in North Richland Hills, according to the Diocese. The Diocese has also blackmailed the Rev. Phillip Magill, 62, a former priest, in North Richland Hills.
ALE: WATER

10-04-04 Order

0648

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