

STATE OF ILLINOIS)
COUNTY OF C O O K) SS:
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION
JOHN OOE #116,)
Plaintiff,)
vs.) No. 07 L 8781
THE CHICAGO PROVINCE OF)
THE SOCIETY OF JESUS,)
Defendant.)

The discovery deposition of REVEREND DANIEL L. FLAHERTY, taken in the above-entitled cause, before Dina C. Corvino, a Certified Shorthand Reporter, of Cook County, Illinois, on the 26th day of May, 2009, at 70 West Madison Street, Chicago, Illinois, pursuant to Notice, at the hour of 10:16 a.m.

Reported by: Dina C. Corvino, CSR, RPR
License No.: 084-004475

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1 (Witness sworn.)
2 MR. BROOKS: Good morning, Father. My name is
3 Michael Brooks. As you know, I represent the
4 plaintiffs in this litigation which arises out of
5 actions of Donald McGuire, a former Jesuit priest.
6 During the course of this deposition
7 today, I'm going to ask you a series of questions,
8 some about Father McGuire, and some about other
9 subjects. I would ask that you give an answer to
10 the best of your ability. Please do not speculate
11 or guess at an answer. If you do not understand a
12 question, please let me know. I will be happy to
13 have the court reporter read it back to you or I
14 can rephrase it if you'd like, whatever is easier
15 for you.
16 If at any time today you need a break to
17 go to the bathroom, to get some water, whatever,
18 just let me know and I will be happy to let you
19 take a short break so that whatever needs you have
20 are met before we continue.
21 As you can see, there's a court reporter
22 here taking down everything that you and I say. So
23 the one request I would make to you in advance of
24 my questioning is that you wait until I'm actually

1 A. No. They were individual rooms at West
2 Baden.
3 Q. On campus?
4 A. Yes, it was -- well, it was one of the
5 eight wonders of the world. No, I mean it
6 literally was. It was a circle that had been built
7 by Ballard who ran a circus. So we had an atrium
8 in the middle where he could run a circus.
9 Q. To your knowledge, did Donald McGuire live
10 in one of these individual rooms while he was at
11 West Baden?
12 A. Sure, yes.
13 Q. While you were at West Baden, did you hear
14 any rumors or gossip involving Donald McGuire?
15 A. No.
16 Q. Let me follow up with a specific question.
17 While you were at West Baden, did you hear any
18 rumors or gossip about Donald McGuire's sexuality?
19 A. No.
20 Q. I'd like to ask you a few questions about
21 how the Jesuits are organized.
22 Correct me if I'm wrong, but there's a
23 Chicago order of the Jesuits; is that right?
24 MR. HUEBSCH: Just so we have a time frame, are

17

1 across the river from St. Louis. Belleville, I
2 guess, yes. All of Illinois, all of Indiana, the
3 bottom half of Ohio, including, centered really, in
4 Cincinnati, and what we call our Appalachian
5 mission which is headquartered out of Lexington,
6 Kentucky.
7 Q. And has that been the territory for the
8 Chicago province since the time that you first
9 started working there in 1973?
10 A. All but the Lexington portion. So when I
11 joined, we were in Chicago, Indiana, and Ohio. No.
12 That's not right either. And the reason I say
13 that --
14 Q. When you say you joined, you're talking
15 about joining back in Chicago after your stint in
16 New York City?
17 A. In 19 -- no, no, no.
18 Q. Oh, you're talking about originally now?
19 MR. HUEBSCH: I thought we're talking about
20 currently.
21 MR. BROOKS: We did. But now -- but I asked --
22 MR. HUEBSCH: What was the last question? I
23 lost it.
24 MR. BROOKS: I asked if there had been a change

19

1 you talking about currently?
2 MR. BROOKS: Currently and then I'm going to
3 talk about historically.
4 MR. HUEBSCH: Just so we understand, just
5 currently. Go ahead.
6 BY MR. BROOKS:
7 Q. As we sit here today, I have a few
8 questions about the structure of the Jesuits.
9 There's an office in Chicago; is that
10 right?
11 A. That's correct.
12 Q. What is that society called?
13 A. Let me give you a little wider picture.
14 Q. Okay. That was my next question. If you
15 want to start that way, that's fine. I appreciate
16 your help.
17 A. In North America we have what is called
18 the Jesuit Assistancy, North American Assistancy.
19 There are ten provinces. The Chicago province is
20 one of those ten provinces.
21 Q. And what are the -- what does the Chicago
22 region encompass?
23 A. Okay. The Chicago region is Chicago, all
24 of Illinois with the exception of the diocese

18

1 in terms of the --
2 THE WITNESS: And there had.
3 MR. BROOKS: -- locale.
4 THE WITNESS: In 1956 -- so I really should go
5 back and restate because when I entered the -- what
6 is now the Chicago and Detroit province were all
7 one province and that included -- over and above
8 what I said for Chicago, that included Detroit and
9 Cleveland and the upper peninsula of Michigan.
10 BY MR. BROOKS:
11 Q. At some point that was carved out into a
12 different office?
13 A. In 1956, the provinces were separated
14 because we had too many men for one provincial to
15 handle. So the provinces were split in 1956.
16 Q. Who chooses who the provincial of the
17 Chicago Jesuits is going to be?
18 A. Ultimately the general in Rome. But the
19 process involves gathering information from men of
20 the province, and then the provincial and his
21 consultants prepare what is called the terna, three,
22 t-e-r-n-a, of three names to send to the general
23 with all the supporting documentation for him to
24 make a choice.

20

5 (Pages 17 to 20)

1 Q. And has that been true since the time that
2 you were provincial in 1973?
3 A. Yes.
4 Q. You indicated in your testimony that there
5 are ten provincials in the United States, and,
6 obviously, you just referred to someone in Rome who
7 you called, I believe, the general in Rome.
8 Is there any umbrella group within the
9 United States that all ten provincials report to?
10 A. No.
11 Q. So just so that I have it clear in my
12 head, the provincials in Chicago report to the
13 general in Rome; is that right?
14 A. That is correct.
15 Q. And how is the general in Rome chosen?
16 A. Well, we have what is called a general
17 congregation, and members from all of the provinces
18 around the world meet, receive reports from around
19 the world, and then look for someone to become the
20 general and elect him.
21 Q. Can the general in Rome give specific
22 directions to the Chicago Jesuits in terms of what
23 actions they should be taking or not taking on a
24 particular issue?

1 Q. Can you tell me what is being done to the
2 extent of your knowledge, obviously?
3 A. Well, what has been announced is that --
4 again, because of manpower -- and in this case
5 diminishing manpower -- the provinces will be
6 realigned from ten to five, and the three provinces
7 involved in the Midwest are Chicago, Detroit, and
8 Wisconsin.
9 Q. Is Wisconsin a separate province right
10 now?
11 A. Oh, yes.
12 Q. How long has Wisconsin been a separate
13 province?
14 A. I think since 1956. The same time we
15 split from Detroit, Wisconsin split from Missouri
16 for the same reasons.
17 Q. As far as you know, there's an effort that
18 those three provinces will be combined into a
19 single province; is that right? You nodded your
20 head. I need an oral answer.
21 A. Oh, I'm sorry. Yes, yes.
22 Q. That's okay.
23 Do you know when that is expected to take
24 place?

1 MR. HUEBSCH: Do you understand that question?
2 THE WITNESS: Yes, but I guess what I'm trying
3 to sort out in my mind is both the theory and the
4 practice. Theoretically, he could do that. In
5 practice, he almost often does not. Let me put it
6 this way, he might write a letter to the Society
7 around the world of which the Chicago province is
8 part of it --
9 BY MR. BROOKS:
10 Q. Sure.
11 A. -- with the directive or whatever. But he
12 rarely tells the Chicago province as the Chicago
13 province to do or not do anything.
14 Q. Is it fair to say that the Chicago Jesuits
15 are a self-governing institution?
16 A. The Chicago province?
17 Q. Yes.
18 A. Headed by the provincial?
19 Q. Yes.
20 A. Yeah, with the relationship, but, yes.
21 Q. Is there some sort of reorganization
22 that's being done within the Jesuit society in
23 America currently?
24 A. Yes.

1 A. I think they hope to accomplish it by
2 2016.
3 Q. Do you know where the central office of
4 those -- of that new region will be located?
5 A. I do not nor does anybody.
6 Q. Is the Chicago order a separate legal
7 entity to the best of your knowledge?
8 A. Legal, yeah. But we'd have to distinguish
9 canon law and civil law.
10 Q. Let's speak as to civil law first.
11 A. Civil law --
12 Q. Under the civil law, is it incorporated in
13 Illinois?
14 A. Yes, it is. Yes, it is.
15 Q. Do you know what type of organization it's
16 incorporated as?
17 A. 501(3)(c), not for profit. I don't know
18 whether the term religious is used. I don't
19 remember the documents.
20 Q. Under canon law, what is its legal status?
21 A. I don't know. You know, it's a separate
22 entity. What you would call it, I don't know.
23 Q. Whatever it would be called, I probably
24 couldn't pronounce anyway.

1 and lower case.
2 Q. Do you know why it would be -- strike
3 that.
4 Do you know why you would be writing a
5 letter of this type given your position with the
6 Jesuit order in 1993?
7 A. Yes, because of my background in
8 journalism, I often drafted letters for Father Brad
9 Schaeffer. He's one of the few provincials I did
10 it for.
11 Q. Were there other provincials you drafted
12 letters for?
13 A. Not that I can remember. Let's see. Who
14 would the other be? Wild, I don't think so.
15 Baumann, I don't think so.
16 MR. TOOMEY: Wait for a question.
17 BY MR. BROOKS:
18 Q. Schmidt, have you drafted letters for
19 Father Schmidt?
20 A. Only official letters to go to Rome
21 concerning the budget, that's all, for him to sign.
22 Q. Would Father Schaeffer have dictated this
23 letter to you and you were just merely writing down
24 his words or would you have drafted this yourself

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1 and then given it to him for signature?
2 A. I'm not sure I understand the question.
3 Q. Fair enough.
4 As you look at this letter here -- strike
5 that.
6 Typically would you just take down
7 dictation of Father Schaeffer?
8 A. Oh, no, no, no, no.
9 Q. So you would draft the substance of the
10 letter and give it to him for review and signature?
11 A. Well, or to correct or modify or whatever,
12 yes.
13 Q. Do you recognize the name
14 on this letter?
15 A. Yes, it's his
16 Q. It's Donald McGuire's ?
17 A. Correct.
18 Q. was a lawyer here in
19 Chicago; is that right?
20 A. That's correct, yes, he was.
21 Q. And although it's been redacted in both of
22 these letters, there's a reference here presumably
23 to at least one if not two institutions in which
24 Father McGuire apparently received treatment.

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1 Does seeing this refresh your memory as to
2 whether or not Father McGuire received any sort of
3 psychiatric treatment in or about 1993?
4 A. Well, yes, but as you can -- if you
5 compare the letters, you'll see that I even got it
6 wrong and he corrected it to Philadelphia.
7 Q. Fair enough.
8 But as you sit here today, do you recall
9 anything regarding such treatment?
10 A. No.
11 Q. Were you involved in -- strike that.
12 Do you know whether the Jesuits required
13 Father McGuire to undergo treatment?
14 A. No.
15 Q. So you were not involved in that decision?
16 A. No.
17 Q. Did you ever discuss Father McGuire's
18 treatment with Father McGuire?
19 A. No.
20 Q. Did you ever discuss Father McGuire's
21 treatment with any of his mental health providers?
22 A. I remember -- I remember that when he came
23 back from one of the institutions -- I couldn't
24 tell you which one -- a so-called support group was

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1 organized, and I was asked to be a member of the
2 support group. And one of the people from the
3 institution -- I can't remember the name of the
4 institution -- explained our role, but I don't
5 remember that he gave us any specifics of the --
6 the illness or the treatment or anything such as
7 that.
8 Q. And you don't remember his name?
9 A. No. Lord no.
10 Q. Who asked you to be part of this support
11 group?
12 A. I don't remember.
13 Q. Were you told why Father McGuire was
14 having a support group put together for him?
15 A. I think it was just in conjunction with
16 the recommendation of the institution.
17 Q. And at that time, did you learn why he had
18 been treated at the institution?
19 A. Not that I can recall.
20 Q. So to the best of your memory, you were
21 asked to be part of the support group, but you
22 didn't know the type of treatment that Father
23 McGuire had received?
24 A. Correct, that's my best recollection.

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1 Q. Have you ever heard the name
 2 before,
 3 A. No.
 4 Q. What about the name
 5 A. No.
 6 Q. Do you remember receiving any information
 7 in 1993 or thereabouts as to whether or not Father
 8 McGuire had been involved in a relationship with
 9
 10 A. No.
 11 Q. Do you remember whether any restrictions
 12 were put on Donald McGuire's -- strike that.
 13 Do you remember if the Jesuits imposed any
 14 restrictions on Donald McGuire either at the end of
 15 1993 or beginning of 1994 involving Father
 16 McGuire's behavior with persons under the age of
 17 18?
 18 A. No.
 19 Q. Were you -- do you remember receiving any
 20 information from any Jesuit official that there
 21 were certain restrictions placed on Father McGuire?
 22 A. I don't remember.
 23 Q. Do you remember any conversations with
 24 Donald McGuire in or about 1994 regarding any

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1 A. Yes.
 2 Q. -- at Canisius House?
 3 A. I think so, yes.
 4 (Whereupon, FLAHERTY Deposition
 5 Exhibit No. 5 was marked for
 6 identification.)
 7 BY MR. BROOKS:
 8 Q. This is a very short one. All right,
 9 Father. Father Flaherty, you've been handed what's
 10 been marked as Exhibit No. 5. It's a very short
 11 memorandum dated March 24, 1994, with a Bates stamp
 12 number of 963. It's a memorandum to you, among
 13 other people, from Father Gschwend,
 14 G-s-c-h-w-e-n-d, and indicates the meeting with
 15 Father Gschwend and the aftercare team is confirmed
 16 for 3:00 o'clock on Wednesday, April 6th at 2050
 17 North Clark Street.
 18 You see that, don't you?
 19 A. I do.
 20 Q. It refers to the aftercare team.
 21 Is that the same thing as the support
 22 group you mentioned earlier in your testimony?
 23 A. I'm sure it is.
 24 Q. And do you see the names on this

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1 restrictions placed on his behavior?
 2 A. No.
 3 Q. Who -- to the best of your memory, who
 4 else was living in Canisius House at that time?
 5 A. '90?
 6 Q. Early 1994?
 7 A. Myself, Father Joe Downey. Was Perko
 8 there by then? I suspect Perko. I don't think
 9 Kinnety (phonetic) was there yet. I would say
 10 those three and myself.
 11 Q. And at that point, Father Downey was the
 12 superior; is that right?
 13 A. Correct.
 14 Q. And Father Downey never had any
 15 conversations with you regarding restrictions on
 16 Father McGuire's behavior?
 17 A. No.
 18 Q. At this point in time, which room within
 19 Canisius House did Father McGuire reside in?
 20 A. The one at the back stairs.
 21 Q. Is that the one right off of the kitchen?
 22 A. Yeah.
 23 Q. To your knowledge, is that the room he
 24 always occupied --

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1 memorandum --
 2 A. I do.
 3 Q. -- other than yourself
 4 and Father Hardon, H-a-r-d-o-n?
 5 To your knowledge, were these also members
 6 of the aftercare team?
 7 A. Well, I accept that. I was trying to
 8 remember who they were and I couldn't.
 9 Q. Does this refresh your memory that they
 10 were also on the aftercare team?
 11 A. To be perfectly honest with you, I still
 12 have no clear recollection, but I'll accept that
 13 they were.
 14 Q. I'm not implying that they were.
 15 A. Well --
 16 Q. I'm asking if it refreshes your memory as
 17 to whether or not --
 18 A. I'm just figuring that they wouldn't have
 19 gotten a copy of this if they were not.
 20 Q. Fair enough. I'm not going to argue with
 21 that conclusion at this point.
 22 Do you know whether or not Father Gschwend
 23 was a member of the aftercare team?
 24 A. I think not.

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1 Q. Do you know what Father Gschwend's
2 position within the Jesuit order was at that point
3 in time?
4 A. No. I think, I think he was the assistant
5 for people that we mentioned earlier, people living
6 outside the province. But he also, I think,
7 assisted the provincial with -- because of his
8 background in -- and degree in psychology with
9 certain cases like this. But his exact title, I
10 don't remember.
11 Q. And does this refresh your memory as to
12 what type of treatment Father McGuire had
13 received --
14 A. No.
15 Q. -- in 1994?
16 A. No.
17 Q. Was it the fact that -- strike that.
18 Did the fact that this memo came from
19 Father Gschwend indicate anything to you at that
20 time in terms of what type of problems Father
21 McGuire might have been experiencing?
22 A. No.
23 Q. Do you recall how many meetings the
24 aftercare team had?

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1 A. One.
2 Q. And was it on April 6th, 1994, by chance?
3 A. I have to assume that.
4 Q. And do you remember anything about that
5 meeting or what was discussed?
6 A. My understanding of the meeting was -- and
7 that's why I used the term support group --
8 Q. Right.
9 A. -- was that if Don needed to talk to
10 somebody, he would talk to the support group. I
11 had no understanding that it was an oversight group
12 in any way.
13 Q. And do you remember attending that
14 meeting?
15 A. I remember attending the meeting.
16 Q. What happened at that meeting?
17 A. This person from wherever the institution,
18 you know -- I wonder if he was even there. I think
19 he was or she was. I don't remember man or woman.
20 I don't remember the specifics to be honest with
21 you. But my sense was that we were to be his
22 support group if he had to talk to somebody. But I
23 don't remember that the -- I don't remember at all
24 that we were told what, in fact, the problem was,

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1 whether it was alcohol or God knows what.
2 Q. And at this point, you and Father McGuire
3 had lived together for several years in Canisius
4 House; is that right?
5 A. Correct.
6 Q. Did you dine together for your evening
7 meal?
8 A. Rarely.
9 Q. What about breakfast or lunch, did you eat
10 together?
11 A. Rarely.
12 Q. Why is it that you wouldn't have a lot of
13 meals with him in the same house?
14 A. Well, first of all, because he was very
15 often on the road. Secondly, because my schedule
16 was totally different. I get up at 4:30 in the
17 morning, and I'm out of the house at 6:30. I go to
18 bed at 8:30 at night. When I came home after a day
19 at the office and Father McGuire and the Mission
20 Fides people or whatever would be in the kitchen,
21 it would annoy the hell out of me. Don't put that
22 in there. It would annoy me, and I would avoid
23 them. That's just an honest statement.
24 Q. That's all I'm asking for.

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1 And that's true in the early 1990s as well
2 as later on in the 1990s and early 2000s?
3 A. Correct.
4 Q. At this point in 1994, was Father McGuire
5 involved with the Mission Fides, F-i-d-e-s,
6 organization?
7 A. I believe, yes, because -- I don't
8 remember the date, but I do remember --, his
9 brother, helped him set up that organization.
10 Q. And do you recall any particular person
11 other than Father McGuire who was involved with
12 that organization?
13 A. Oh, yes.
14 Q. What were the names?
15 , (sic), I
16 think. and her husband
17 -- I don't know if they actually had
18 officers to be honest with you. That's -- I think
19 that's it. Anyway, they're the only ones I dealt
20 with.
21 Q. At some point, became
22 : is that right?
23 A. I believe so -- well, I don't believe so.
24 Yes.

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1 Q. Was there typically a group meal at
2 Canisius House at any point?
3 A. For the community?
4 Q. For the community.
5 A. No, no.
6 Q. Was there a weekly dinner that the --
7 A. No.
8 Q. Did you, for lack of a better term,
9 socialize with Father McGuire at all during the
10 1990s?
11 A. Oh, when he would come home from a trip,
12 you know, I would ask him how things went. He
13 would tell stories. He was a funny storyteller and
14 funny. You know, we might spend ten or 15 minutes.
15 I'd ask him how it went, and he'd say fine. That
16 was it pretty much.
17 Q. During the time that you were together at
18 Canisius House, were you ever informed of any
19 restrictions on McGuire's behavior imposed by the
20 Jesuits?
21 A. Not that I can recall.
22 (Whereupon, FLAHERTY Deposition
23 Exhibit No. 6 was marked for
24 identification.)

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1 Do you see that?
2 A. Yes.
3 Q. Bau, is that short for Father Baumann?
4 A. That's correct.
5 Q. Father Baumann was the --
6 A. The provincial.
7 Q. -- provincial at that time; is that right?
8 A. Correct.
9 Q. He's now in South Africa; is that right?
10 A. Correct.
11 Q. Do you know if he has any plans to come to
12 Chicago in the near future?
13 A. Not that I know of. His health is not
14 very good.
15 Q. I'm sorry to hear that.
16 That last -- that paragraph we were just
17 referring to indicates that Father Baumann did tell
18 him that one step he wants taken immediately is
19 that the young men currently working for Don should
20 no longer be present in your residence at all.
21 Do you see that?
22 A. Yes, I do.
23 Q. Do you know what that is referring to?
24 A. I assume what we've been talking about,

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1 BY MR. BROOKS:
2 Q. Father Flaherty, the court reporter has
3 handed you a two-page document, the first date of
4 which is December 18th, 2000. This is Bates
5 stamped No. 11 through 12 with the caveat that
6 unlike the other documents, this document the Bates
7 number is on the top right-hand corner rather than
8 the bottom.
9 I'd ask you to take a minute to review
10 this e-mail chain, please.
11 A. Would you repeat that? I was reading.
12 Q. Sure. That's what I'm asking you to do
13 right now. Let me know when you're done reading
14 the document.
15 You received this document?
16 A. I have.
17 Q. It's an e-mail chain between Father Perko,
18 P-e-r-k-o, and Father McGurn, M-c-G-u-r-n.
19 My first question is whether or not you've
20 seen this document before?
21 A. I have not.
22 Q. The last paragraph of the first -- or the
23 top e-mail in this chain starts with Bob B-a-u did
24 tell him.

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1 that the young men working for Don should no longer
2 be present in your residence.
3 Q. By your residence, that's referring to
4 Canisius House, right?
5 A. Canisius House.
6 Q. And it says the young men currently
7 working for Don, do you know specifically the names
8 of those young men it's referring to?
9 A. I do not. I do not.
10 Q. And during this time period -- and we've
11 moved on some years from my last series of
12 questions. Now we're into 2000 -- did you see
13 young men come in and out of Canisius House in
14 connection with work they were doing for Donald
15 McGuire?
16 MR. HUEBSCH: Do you understand that question?
17 THE WITNESS: I understand that question, but
18 I'm trying to put it in a time frame. I couldn't
19 say.
20 BY MR. BROOKS:
21 Q. At any point in time, did you see young
22 men go in and out of Canisius House?
23 A. Prior to 2000?
24 MR. HUEBSCH: Let me pose an objection. When

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29 (Pages 113 to 116)

1 you're talking about come in and out of Canisius
 2 House, do you actually mean enter and exit or do
 3 you mean present in the house?
 4 MR. BROOKS: Well, you're right. I can be more
 5 precise --
 6 MR. HUEBSCH: That was my --
 7 MR. BROOKS: I'll be more precise with my
 8 language.
 9 BY MR. BROOKS:
 10 Q. Why don't we start there and ask the
 11 question, do you remember -- let's start with the
 12 time period of December of 2000 because that's what
 13 the specific e-mail refers to.
 14 Do you remember at or about that time
 15 seeing young men present in the Canisius House in
 16 connection with activities they were performing for
 17 Father McGuire?
 18 A. I really can't put a date on it. We
 19 talked before and I talked about how they were
 20 there and it was an annoyance to me. But, you
 21 know, how often or when or the dates would be
 22 beyond my recollection.
 23 Q. Let's explore that then.
 24 You don't -- you do remember seeing young

1 A. No, I don't. I can't put a date on it.
 2 Q. All right. But based on this e-mail dated
 3 December of 2000, do you think that you saw young
 4 men working for Don in the Canisius House prior to
 5 that time?
 6 A. I'm sure prior to that time. You know,
 7 but I just -- I cannot put a start and stop date on
 8 it.
 9 Q. Fair enough.
 10 Did anyone tell you around this date that
 11 Donald McGuire should not have young men working
 12 for him in the Canisius House residence?
 13 A. Not to my recollection.
 14 Q. And as indicated on this e-mail, at that
 15 time, Michael Perko was the superior for Canisius
 16 House?
 17 A. Correct.
 18 Q. Do you remember any conversations with
 19 Michael Perko regarding any restrictions put on
 20 Father McGuire's behavior?
 21 A. No.
 22 Q. Did you personally have any responsibility
 23 for any oversight of Father McGuire at that time?
 24 A. No.

1 men in the house who were working with Father
 2 McGuire?
 3 A. Oh, yes.
 4 Q. But you don't remember either specifically
 5 or generally what time period you first starting
 6 seeing young men in the house working with Father
 7 McGuire?
 8 A. No, I -- I would have to say it was after
 9 his operation. When he -- I forget what it was,
 10 either cataract or hip or knee or something like
 11 that, and it was clear that he needed help. And it
 12 seems to me -- in fact, some reference was made to
 13 it in one of these earlier letters that since he
 14 needed help and the parents had given permission,
 15 they were working with him.
 16 Q. Do you remember --
 17 A. The dates, I can't put -- I can't say
 18 whether it happened in '96 or '98 or 2000.
 19 Q. Right. I'm just asking to the best of
 20 your ability as we sit here today what you recall.
 21 If you don't recall, just let me know.
 22 A. That's it. That's it.
 23 Q. Do you remember when Father McGuire had
 24 the operation to which you're referring to?

1 Q. Who had such responsibility?
 2 A. If anyone, the superior.
 3 Q. So that would be Michael Perko?
 4 A. Uh-huh.
 5 MR. BROOKS: Should we take a break now? What
 6 time is it?
 7 MR. HUEBSCH: 2:15.
 8 (A short break was taken.)
 9 (Whereupon, FLAHERTY Deposition
 10 Exhibit Nos. 7 & 8 were marked
 11 for identification.)
 12 BY MR. BROOKS:
 13 Q. Father Flaherty, the court reporter has
 14 handed you what's been marked as Exhibit 7, which
 15 is a February 13, 2001 memorandum from Rick McGurn
 16 to Michael Perko with a carbon copy to Dick
 17 Baumann, B-a-u-m-a-n-n. It refers in the first
 18 paragraph to directives the provincial is giving
 19 him.
 20 My first question to you is, do you
 21 remember seeing directives given to Donald McGuire
 22 at or about -- on or about February 13, 2001?
 23 A. I do not.
 24 Q. Did you discuss any such directives with

1 Michael Perko?
2 A. I did not.
3 Q. Or did you discuss any such directives
4 with either Father Baumann or Father McGurn?
5 A. No.
6 MR. BROOKS: Off the record.
7 (A short break was taken.)
8 BY MR. BROOKS:
9 Q. Let me hand you what's been marked as
10 Exhibit No. 8, which is a one-page document with a
11 Bates No. 1239 which is entitled Directives.
12 A. Oh, it probably goes with the letter we
13 just saw.
14 Q. That is the conclusion I'm making given
15 that the date --
16 A. Yeah.
17 Q. -- of signature here is February 13th,
18 2001.
19 MR. TOOMEY: Is that 8?
20 MR. BROOKS: Yes.
21 BY MR. BROOKS:
22 Q. Have you looked at this document?
23 A. I have.
24 Q. Do you know why these directives were

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1 issued?
2 A. No, aside from the fact that the
3 provincial was unhappy with his performance, I
4 think.
5 Q. They were unhappy with his performance or
6 unhappy with his behavior?
7 MR. HUEBSCH: The question originally was, do
8 you know why this was issued?
9 THE WITNESS: I do not.
10 BY MR. BROOKS:
11 Q. And other than reviewing the
12 February 13th, 2001 memorandum, which has been
13 marked as No. 7, do you know who was involved with
14 issuing these directives?
15 A. Well, it looks to me like -- what does it
16 say there? I presented him with the directives the
17 provincial is giving him. That's all I know.
18 Q. That's your conclusion based on your
19 review of No. 7?
20 A. Correct.
21 Q. Do you have any independent knowledge as
22 to why these directives were issued?
23 A. I do not.
24 Q. And while you were at Canisius House at

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1 the same time as Father McGuire, no one ever told
2 you that there were any directive issues with
3 regard to Father McGuire's behavior?
4 A. No, to my --
5 MR. HUEBSCH: Objection, asked and answered
6 twice. But go ahead and answer it again.
7 THE WITNESS: Not to my recollection.
8 BY MR. BROOKS:
9 Q. Did anyone show you the directives --
10 A. Absolutely not --
11 Q. Let me finish.
12 MR. HUEBSCH: Wait a minute.
13 (A short break was taken.)
14 BY MR. BROOKS:
15 Q. These written directives that we see here
16 on Exhibit No. 8 were not distributed to you; is
17 that right?
18 A. Not to me.
19 Q. Do you know whether it went to anybody
20 else in the Canisius House?
21 A. No.
22 Q. Did anyone ever tell you that Donald
23 McGuire was not to spend a night in the same room
24 with any man or woman under the age of 30 years

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1 old?
2 A. No.
3 Q. Did anyone ever tell you that Donald
4 McGuire was not to have or utilize an executive
5 assistant in the performance of his duties or
6 ministries?
7 A. No.
8 Q. Did anyone ever tell you that Donald
9 McGuire was not to have assistance in his Jesuit
10 residence?
11 A. No.
12 Q. Do you recall seeing any of Donald
13 McGuire's assistants in his residence after
14 February 13th, 2001?
15 A. I can't honestly answer the question with
16 the date, no.
17 Q. Did Father McGuire frequently have
18 assistance in the Canisius residency during the
19 time that you two lived together?
20 A. Well, yes, when he was back from his
21 trips. You know, the Mission Fides people would be
22 over at the house, whether -- whatever you want to
23 call them, assistants or not.
24 Q. When we say Mission Fides people, we're

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