

IN THE CIRCUIT COURT OF
COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT
LAW DIVISION
* * *

JOHN DOE 116,
Plaintiff,
vs. CASE NO. 07 L 8781
THE CHICAGO PROVINCE (Consolidated for
OF THE SOCIETY OF JESUS, discovery with
A/K/A THE JESUITS, AND No. 07 L 11952 and
FATHER DONALD J. McGUIRE, No. 08 L 03910)
S.J.,
Defendants.
* * *

JOHN DOE 117 and
JOHN DOE 118,

Plaintiffs,

vs.

THE CHICAGO PROVINCE
OF THE SOCIETY OF JESUS,
A/K/A THE JESUITS, AND
FATHER DONALD J. McGUIRE,
S.J.,
Defendants.
* * *

	EXAMINATIONS CONDUCTED	PAGE
1	BY MR. McGUIRE:.....	20
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4	EXHIBITS MARKED	
5	(Thereupon, Plaintiffs' Exhibit 1, a	143
6	letter dated 2-5-1962 to Father	
7	Provincial, was marked for purposes	
8	of identification.).....	
9	(Thereupon, Plaintiffs' Exhibit 2, a	144
10	letter dated 6-3-1962 to Don McGuire	
11	from Father Harvanek, was marked for	
12	purposes of identification.).....	
13	(Thereupon, Plaintiffs' Exhibit 3, a	145
14	letter dated 11-29-1969 to Reverend	
15	Reinke, from Reverend Schlax, was	
16	marked for purposes of	
17	identification.).....	
18	(Thereupon, Plaintiffs' Exhibit 4, a	147
19	1-16-1970 letter to Tom, P.G., from	
20	Father Reinke, was marked for	
21	purposes of identification.).....	
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1 JOHN DOE 119,
2 Plaintiff,
3 vs.
4 THE CHICAGO PROVINCE
OF THE SOCIETY OF JESUS,
5 A/K/A THE JESUITS, AND
6 FATHER DONALD J. McGUIRE,
S.J.,
7 Defendants.
8 * * *
9 Deposition of RICHARD J. BAUMANN,
10 S.J., Witness herein, called by the Plaintiffs for
11 cross-examination pursuant to the Rules of Civil
12 Procedure, taken before me, Kimberly C. Causlin, a
13 Notary Public in and for the State of Ohio, at the
14 offices of Mike Mobley Reporting, Inc., 312 Walnut
15 Street, 1600 Scripps Center, Cincinnati, Ohio, on
16 Friday, the 17th day of July, 2009, at 9:46 a.m.
17 * * *

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2	(Thereupon, Plaintiffs' Exhibit 5, a	149
3	memo dated 1-21-1970 entitled my	
4	comments on Father McGuire,	
5	initialed by J.H.R., was marked for	
6	purposes of identification.).....	
7	(Thereupon, Plaintiffs' Exhibit 6, a	151
8	memo dated 1-19-1991 to Donald	
9	McGuire from Robert Wild, was marked	
10	for purposes of identification.).....	
11	(Thereupon, Plaintiffs' Exhibit 7, a	156
12	one-page letter dated 2-27-1991 to	
13	Don McGuire, was marked for purposes	
14	of identification.).....	
15	(Thereupon, Plaintiffs' Exhibit 8, a	158
16	letter dated 5-13-1991 to Ricardo	
17	Palacio from Fessio, was marked for	
18	purposes of identification.).....	
19	(Thereupon, Plaintiffs' Exhibit 9, a	159
20	memo dated 4-27-1993 entitled	
21	conversation with _____ was	
22	marked for purposes of	
23	identification.).....	
24		
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EXHIBIT 47

1 (Pages 1 to 4)

1 with that assessment?
2 A. Yes. Well --
3 MR. HUEBSCH: Let me pose an
4 objection -- or clarification, I don't have an
5 objection. Regarding time, ever? Did he ever do
6 anything?
7 MR. McGUIRE: In response -- solely
8 based --
9 MR. HUEBSCH: Short term after
10 reading this?
11 MR. McGUIRE: Right.
12 THE WITNESS: Well, this is dated
13 2000.
14 Q. Um-hmm.
15 A. If I'm remembering, I think, the
16 updated and enhanced guidelines were early 2001
17 plus also -- so those were created --
18 Q. Right.
19 A. -- certainly with many people in
20 mind, but certainly with -- I mean, with Don in
21 mind. We also had generally policies that we
22 had for everyone in misconduct. I would say
23 one were the further guidelines that were
24 eventually created for Don, plus also bringing
25 him from his residence in Evanston to Clark

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1 Street and then eventually asking him really at
2 the same time to change his ministry in travel.
3 Q. I guess you and I can quibble
4 whether this was immediately or within close
5 approximation to this time.
6 A. Yes. Correct.
7 Q. But the day you read this, did you
8 do anything different on Don McGuire after you
9 read it?
10 A. I cannot remember doing
11 anything --
12 Q. Okay.
13 A. -- immediately.
14 Q. After reading this letter, did you
15 still think he was a danger to the public?
16 A. Yes.
17 Q. Okay.
18 A. Yes.
19 (Thereupon, Plaintiffs' Exhibit 27, a
20 memo dated 12-22-1998 from Father Baumann, was
21 marked for purposes of identification.)
22 Q. I'll bring to your attention and
23 mark and identify a letter dated December 22,
24 1998. Look at that and tell me if you
25 recognize that?

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1 A. Yes.
2 Q. What is that letter?
3 A. Well, honestly, I don't remember
4 to who the letter went.
5 Q. That's your signature at the
6 bottom?
7 A. It is, but it's likely in response
8 to a bishop asking for comments about a man.
9 Q. And that letter was issued in
10 1998, which was essentially during your tenure,
11 correct?
12 A. Yes.
13 Q. Okay. When you talk about a
14 priest in good standing, what is your
15 understanding of what that is?
16 A. Well, that he is in good favor
17 with the society, his own community, that he is
18 a priest with integrity. Well, I'll stop
19 there.
20 Q. Okay. It says here, quote -- and
21 this letter is issued by the Jesuit province
22 for others to rely upon, isn't that the custom
23 and practice?
24 A. Yes.
25 Q. Okay. It says here, quote, we

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1 have never received any information that would
2 cause us to restrict his ministry in any way
3 nor do we see any problem with another diocese
4 extending him faculties and allowing him to
5 minister there. Do you see that?
6 A. Yes.
7 Q. Was that, in fact, true at the
8 time?
9 A. Well, we had information about Don
10 which is present right there, but a judgment
11 has to be made as to when and under what
12 criteria that you would restrict his ministry.
13 Q. Well --
14 A. And -- and then communicate that
15 to someone else and I think that's -- that was
16 the -- the question.
17 MR. McGUIRE: Could you read that
18 back?
19 THE WITNESS: I thought I had in
20 there in the time when you do that, I thought I
21 had said that but --
22 Q. Well, his -- his ministry was
23 already under restriction at the time of this
24 letter, correct, and you knew that?
25 MR. HUEBSCH: And the question is

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1 what?
2 Q. Why did you issue the letter?
3 A. Well, I must -- I can't recall
4 everything. I must have felt that we were
5 still in the process of determining the
6 seriousness of -- and the consequences of his
7 situation.
8 Q. Well --
9 A. And if I'm correct, I did -- it
10 was a short year later, I think, that I wrote a
11 letter saying that I could not communicate that
12 same support and I would have to rely upon
13 these very documents that you have to say that.
14 Q. Okay.
15 A. So it was a question, a hard
16 question and it was part of the ongoing
17 process.
18 Q. Did you -- I don't see that
19 anywhere related in here that he's part of an
20 ongoing process as to the determination of
21 these matters.
22 A. Right.
23 Q. So let me ask you this question,
24 it says here that you have never received any
25 reports of improprieties on Father's part and

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1 yet, we've just -- you went through a review of
2 the file, we've gone through a whole bunch of
3 stuff. What part of receiving reports of
4 improprieties is -- is confusing and would lead
5 you to sign this letter?
6 A. Well, what I would say is that he
7 was part of a process that we were trying to
8 determine information and credibility to
9 allegations and complaints, and that was
10 ongoing. It wasn't a -- it wasn't at a
11 concluding point.
12 Q. Well, you obviously had evidence
13 prior provincials had put him on restriction,
14 two, if not three prior provincials put him on
15 guidelines and restrictions. What more is left
16 open in your mind after you just testified that
17 you thought he was a threat to the general
18 public?
19 A. Well, they -- they put him on
20 some -- they asked -- they presented him with
21 some guidelines and I did too, but in a
22 parallel track. We were also trying with
23 consultation to determine the -- to take the
24 next steps regarding investigation and
25 credibility of these. All the while saying to

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1 ourselves while we do this, we ought to have
2 some guidelines for him, but -- so --
3 Q. But the letter goes on to say
4 there is, quote, nothing to your knowledge in
5 his background that would restrict any ministry
6 to minors, when, in fact, it was done so on two
7 or three separate occasions. I mean, it's --
8 you know, you have restricted his ministry so
9 I'm trying to figure out why -- and you
10 specifically restricted his ministry with
11 minors, yet, you're representing that he's got
12 no restriction with minors.
13 MR. HUEBSCH: And the question is?
14 Q. The question is why would you
15 write something like that in the -- in the face
16 of what you've got in the file?
17 A. Well, I think I would repeat what
18 I said so far and maybe the only thing I can
19 add to it is when you talk about reports, I
20 guess I would think of kind of a finished
21 product. In a way rather than just allegations
22 and something that would be more conclusive or
23 farther down the track than what we had to --
24 say to a bishop that I am not okay with him
25 coming to perform a wedding or whatever, so

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1 that's the best that I can --
2 Q. Was there a --
3 A. And we were working on those.
4 Q. Well, is there -- you eventually
5 put Don McGuire on restriction and further
6 guidelines, correct?
7 A. Correct.
8 Q. What part of those restrictions or
9 guidelines that you put him on would be subject
10 to less than finality as you're referring to
11 the work of other provincials who have put him
12 on restriction and guideline? You're saying
13 the issue was left open. What about your work
14 as a provincial is still left open when you're
15 putting him on restriction?
16 A. The other provincial put him on
17 guidelines out of care for others, maybe
18 himself too, but care to the public and for
19 minors, and I did that too, but that was
20 proportionate to where we were in the
21 investigation and what we knew about Don and
22 what was occurring and we were still not --
23 even with my guidelines not to the final point
24 of our investigation or our conclusions about
25 what was the best thing to do for Don.

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