

VIDEO

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INSTANTER

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180 North LaSalle Street
Suite 2424
Chicago, Illinois 60601
Phone 312-641-3605
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In re:)
 Archdiocese of Joliet)
)
 Investigation Regarding Sexual Abuse of)
 [REDACTED] then a minor and)
 Fr. James Burnett, then Pastor at)
 St. Mary's Catholic Church, Mokena, Illinois)
)
 and)
)
 [REDACTED] v. Fr. James Burnett etc. et al.)
 In the Circuit Court of Will County)

RECEIVED

OCT 3 2006

TERRENCE M. JOHNSON, ESQ

**Transcript of
Videotaped Affidavit
of**

[REDACTED]
(Mother of [REDACTED])

Date Recorded: Wednesday, October 4, 2006

**Submitted by
Terrence M. Johnson, Esq.
North Pier Chicago
455 E. Illinois, Suite 361
Chicago, Illinois 60611
(312) 922-4022,**

Attorney for [REDACTED]

Taken before PAUL DAVID GILLERAN, a Notary Public within and for the County of Cook and State of Illinois, on the **4th day of October, A.D. 2006**, at the hour of 2:25 p.m., at 455 East Illinois Street, Suite 361, Chicago, Illinois.

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THE REPORTER: For the record, my name is David Gilleran. I'm the video recording device operator and officer for this affidavit. My business address is 180 North LaSalle Street, Suite 2424, Chicago, Illinois. This affidavit is being videotaped. The date is October 4, 2006. The time is 2:24 p.m. We are at 4:55 East Illinois Street, Chicago, Illinois. Counselor.

MR. JOHNSON: Yes. For the record, I would just like to state that this affidavit is being taken in conjunction with my conversations with the attorney for the archdiocese of Joliet, Jim Byrne, in preparation for submission to the Catholic Review Committee, which is investigating the testimony of [REDACTED] with respect to sexual misconduct with a minor, in the matter of [REDACTED], then a minor, and father James Burnett, who was a priest at St. Mary's Catholic Church, in Mokena, Illinois. Is that fair?

THE AFFIANT: Correct.

MR. JOHNSON: Alright. Alright. With -- And also, as I had indicated to Jim today, I had been requested by the attorney for [REDACTED] [REDACTED], who has a case pending against Father

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1 Burnett in Will County, to provide a copy of the
2 affidavits taken here today, and subject to the
3 consent of the affiants today, this affidavit may
4 be used in that matter, to the extent that the
5 parties or the court feel it relevant. With that,
6 could we swear in the witness?

7 THE REPORTER: Mrs. [REDACTED], would you
8 please raise your right hand?

9 (WHEREUPON, the affiant
10 was duly sworn.)

11 A-F-F-I-D-A-V-I-T

12 BY MR. JOHNSON:

13 Q. There's usually a couple of preambles
14 when we make affidavits in written form that I
15 will ask you at the front end. You are over 18
16 years of age. Is that correct?

17 A. Yes, that's correct.

18 Q. Alright. And you're going to answer
19 questions that I may ask of you today, to the best
20 of your ability.

21 A. Yes.

22 Q. And, if called at trial, you would be
23 able to competently testify to the facts and
24 questions that I ask you today. Is that fair?

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A. Yes.

Q. Alright. And could you please state your full name for the record again?

A. [REDACTED]

Q. Okay. And you are born in what year?

A. [REDACTED]

Q. How about your birth date?

A. [REDACTED]

Q. Okay. And could you tell me who you are married to and your children?

A. [REDACTED]

Q. Okay. And we're really talking about [REDACTED] today. Is that fair?

A. Yes.

Q. Alright. Before we start with respect to questions about your knowledge of [REDACTED]'s first confession and facts related thereto, I'd also like to see if you would take with us today another oath. You took a civil oath just a little while ago where you were asked to raise your hand and to testify many times before a civil proceeding. Fair enough?

A. Okay.

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1 Q. So a deposition, or a statement, or an
2 affidavit like this might be submitted in a trial
3 in a court of law. Fair enough?

4 A. Yes.

5 Q. Alright. But did I also review with you
6 shortly before we started the videotape the
7 definition of an oath as given under the Catholic
8 Encyclopedia, namely "an oath is an invocation to
9 God to witness the truth of a statement." We
10 talked about that generally before --

11 A. Right.

12 Q. -- we started this statement. Correct,
13 or affidavit?

14 A. Yes.

15 Q. And are you willing to answer questions
16 and give testimony today consistent with that
17 religious definition of an oath within the
18 Catholic Church?

19 A. Definitely.

20 Q. You understand that allegations of
21 sexual misconduct with a minor by a cleric or a
22 priest, in particular, is a very serious charge?

23 A. Yes.

24 Q. And you certainly would not give any

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1 false testimony in questions that surround that
2 issue. Is that fair?

3 A. That's fair.

4 Q. Alright. I would like to just get a
5 little background information about you. I'm sure
6 -- I was deposed once and I was a little nervous
7 when they were asking questions of me. So could
8 you tell me a little bit about your background and
9 history and growing up. First of all, where were
10 you born? What was your maiden name? Where did
11 you go to grade school, high school, college?

12 A. Okay. I was born in [REDACTED],
13 Illinois. I'm the middle child. My maiden name
14 is [REDACTED]

15 Q. Let me interrupt, as lawyers do many
16 times. What does your dad do for a living?

17 A. He was [REDACTED]

18 Q. Okay. And how many brothers and sisters
19 did you have?

20 A. I just have one older brother and one
21 younger sister.

22 Q. Okay. And you went to Catholic grade
23 schools?

24 A. I went to Catholic school. Our Catholic

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grade was [REDACTED]

Q. And where was that located about?

A. [REDACTED]

[REDACTED]

Q. Okay. And you got out of there in eighth grade. Right?

A. Yes.

Q. In 19 --

A. [REDACTED]

Q. I think I'm close to the same age. I won't disclose what that is, but we got out of high school -- or grade school in [REDACTED] Right?

A. Yes.

Q. After [REDACTED] you went on to --

A. [REDACTED]

[REDACTED] and now I'm not sure if it's still there.

Q. Okay. That was a Catholic --

A. All girls Catholic.

Q. All girls Catholic high school.

A. And I graduated in [REDACTED]

Q. Okay. And did you have any schooling after high school, specifically college?

A. Yes. I went to [REDACTED] for one

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year.

Q. And at or about graduating from high school and then your first year of college, did you happen to meet the man that ultimately became your husband?

A. Yes, I did.

Q. Okay. Tell me a little bit about -- a short history about how you met [REDACTED]

A. [REDACTED]

Q. Okay. Did you ultimately get married to [REDACTED]?

A. Yes, I did.

Q. Alright. What was the date of your marriage to [REDACTED]?

A. The date was [REDACTED]

Q. Okay. And I know this is rather personal but I thought it might be appropriate to get all of this out. You had -- Your first child's name was?

A. [REDACTED]

Q. [REDACTED]

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A. [REDACTED]

[REDACTED]

Q. Okay. And you were a practicing Catholic at that point in time?

A. Yes.

Q. [REDACTED]

[REDACTED]

A. [REDACTED] was born [REDACTED] 1974.

Q. [REDACTED]

[REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. Alright. Tell me a little bit about the circumstances surrounding difficulties that you had in getting your [REDACTED] baptized.

[REDACTED]

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Q. You -- Your in-laws were and still are active Catholics?

A. Yes.

Q. Your parents were and still are active Catholics?

A. Yes.

Q. And you were an active Catholic at the time?

A. Yes.

Q. Can you tell me what you were taught at or about that time about how important it was to get your child baptized and especially as to when

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1 it was to take place in relation to his or her
2 birth?

3 A. When I went to the Catholic school, I
4 was told that your child would not go to heaven
5 unless he was baptized and, typically, from my
6 mother, you know, you were told you don't go out
7 of the house with your baby until that baby's
8 baptized, which is usually two to three weeks
9 after birth.

10 Q. Yeah. I think that's what happened with
11 me as well. So you go basically from the home --

12 A. Right.

13 Q. -- to the church to get baptized.

14 A. Right.

15 Q. So there was no chance that a baby would
16 die without being baptized.

17 A. Right.

18 Q. Did you have a concern of getting [REDACTED]
19 timely baptized for his well-being within the
20 Catholic Church?

21 A. Yes, I did.

22 Q. So tell me what efforts you and your
23 husband did to get your son baptized in a timely
24 way.

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A. After we were refused a baptism at Seven Holy Founders, I contacted St. Isidore's Church in Blue Island, which was the next closest church to us. It was actually the parish we should've been in, but we were so used to Seven Holy Founders we kept going there. They asked me if I was a member of that parish and I told them no and they said, well, then sorry, they could not baptize my child.

Q. Okay. And then your husband, I believe, contacted another priest?

A. Actually my mother did.

Q. Your mother. Okay.

A. She contacted a priest. My brother used to go to [REDACTED] She contacted a priest at [REDACTED] He said he'd be more than happy to baptize the child and he made arrangements at St. Peter and Paul Church to baptize [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

A. [REDACTED]

Q. [REDACTED]

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[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED] Okay. Fair enough. And

did that event of having a priest refuse to baptize your son, [REDACTED] in a timely way have some impact upon your relationship with the Catholic Church in some years to come?

A. Yes. I mean, from everything I was taught and raised I just couldn't believe that that happened. I mean, I just -- I just couldn't believe.

Q. Were you upset -- upset as a mom and as upset as a Catholic?

A. Yes.

Q. [REDACTED]

[REDACTED]

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A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. [REDACTED]

[REDACTED]

A. [REDACTED]

Q. Okay. And, in any event, that may be a subject we can bring up with your husband if anybody cares to ask, but he did [REDACTED] [REDACTED] shortly after this walk with another priest.

A. Yes.

Q. Alright. Let's jump start to another topic. Could you -- At some point in time you move from [REDACTED] to a beautiful area in Mokena. Is that fair?

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- 1 A. Then it was an empty area. Yes.
- 2 Q. Empty area. Alright. And the parish
- 3 out there is what?
- 4 A. St. Mary's.
- 5 Q. St. Mary's. And how close was your
- 6 house to St. Mary's?
- 7 A. Probably a 5-minute drive.
- 8 Q. Okay. Do you remember the street
- 9 address, or --
- 10 A. [REDACTED]
- 11 [REDACTED]
- 12 Q. Okay. In Mokena.
- 13 A. Yes.
- 14 Q. Alright. And I wonder if you could just
- 15 give us a little bit about -- tell us about your
- 16 custom and practice of raising your, you know,
- 17 children in Mokena. Where did they go to grade
- 18 school? Did they go to CCD, things like that.
- 19 A. Okay.
- 20 Q. What was your general routine?
- 21 A. Generally, we enrolled the children in
- 22 the public school near our house, so that they
- 23 could walk there and back. It was [REDACTED]
- 24 School and we found out that it was a good school

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system, so we stayed there. However, I felt it was important for my kids to learn the Catholic faith. Whether they decide to choose to continue with it or not, I wanted them to learn.

Q. Sure.

A. So they went to CCD and they went from first grade through eighth grade.

Q. Okay. I think I have the third grade math right, but [REDACTED] for example, told us that he graduated from high school in [REDACTED]. Does that sound about right?

A. Yes.

Q. Right. And if my third grade -- So that would be a school year of '91 to '92. It starts in '91 and ends in '92. That means he would've, four years before that, if my third grade math is correct, he would've been in eighth grade graduating in 1988. Is that right? Does that sound about right?

A. Yes.

Q. About right? I'll ask [REDACTED]

A. Okay.

Q. I think that's about right. So, if he's in eighth grade -- graduates from eighth grade in

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1 '88, that means he gets out of seventh grade in
2 '87, out of sixth grade in '86, out of fifth grade
3 in 1985, out of fourth grade in 1984, out of third
4 grade in 1983, and in second grade would've
5 spanned the fall of '81 to the spring of '82. Is
6 that right?

7 A. Yes.

8 Q. Does that sound about right?

9 A. Sounds right.

10 Q. Alright. As far as you can recall, did
11 [REDACTED] receive his first confession and his first
12 communion in second grade, which we believe is, at
13 least at this juncture, is about the year '81-'82
14 school year?

15 A. Yes.

16 Q. Alright. I think I'd like to hold up
17 for the video camera some pictures that we have,
18 and I wonder if you could just zoom in on this,
19 [REDACTED]? Could you just hold this one up?

20 A. Sure.

21 Q. And could you just -- Yeah, there you
22 go. And is that a picture of [REDACTED], at
23 or about second grade or so?

24 A. Yes.

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Q. Alright. Okay. And could you tell me what this picture is?

A. Okay.

Q. There's two pictures. One on the top, one on the bottom.

A. There are two pictures and they're both poorly done, but it's [REDACTED], with his first communion cake and it's [REDACTED], with the priest during the first communion.

Q. Okay. Let's go chronologically first. He probably has the communion first.

A. Well, first. Yeah.

Q. So let's go to the bottom picture first of [REDACTED], if that's okay. So -- And let's just keep it there for a second, if you would. So it appears that somebody's putting something over his head. Might that be a rosary or something, or don't know?

A. It could be a scapular.

Q. Scapular.

A. I'm not quite sure what it is.

Q. Okay. And the priest that gave Dave first communion was whom?

A. Father Burnett.

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1 Q. Okay. Alright. And that's the first --
2 the same priest that we're talking about today
3 that also gave [REDACTED] first confession. Fair?

4 A. Yes.

5 Q. Alright. Let's just go up to the top.
6 Sorry, let's just zoom into the top picture, if
7 that's okay.

8 A. Sorry.

9 Q. And the top picture is, it looks like we
10 got a first communion cake.

11 A. Yes.

12 Q. Alright.

13 A. First communion party.

14 Q. So that's not first confession. These
15 two pictures are first communion.

16 A. Right.

17 Q. Alright. The first confession would've
18 taken place that same year but earlier. Is that
19 fair?

20 A. Correct. And we don't have pictures of
21 that.

22 Q. Alright. Could you tell me what the
23 custom and practice that you had in helping [REDACTED]
24 [REDACTED] in particular, and if there was any

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1 difference with [REDACTED] tell us, in helping them with
2 religious education, in helping to study and
3 nurture them in CCD class?

4 A. Okay. Usually I would go over, you
5 know, their homework or -- They did get some
6 homework and we'd go over the reading material
7 and, you know, I'd ask them questions, give them
8 little quizzes. It was important to me that they
9 learned their prayers and that was part of our job
10 to teach them their prayers.

11 Q. Sure. And that was a custom and
12 practice that you had in helping [REDACTED] as well as
13 [REDACTED] --

14 A. Yes.

15 Q. -- with the religious homework at CCD.

16 A. Yes.

17 Q. Alright. And did you have a custom and
18 practice in driving, whether yourself, your
19 husband, or in a car pool to school?

20 A. We were in a car pool.

21 Q. Right.

22 A. Car pool. CCD was sometimes different
23 days and different times, depending on how old the
24 children were, so --

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Q. Okay.

A. -- they were in car pool.

Q. And, from time-to-time, you drove --

A. Yes.

Q. -- [REDACTED] for example, to CCD class, and that was at the grade school at St. Mary's in Mokena?

A. Yes.

Q. Alright. And that's when -- Was Father Burnett the pastor all those times when he was going to CCD?

A. Yes.

Q. As far as you knew, was he the only priest at St. Mary's at the time?

A. No, I believe there was another priest.

Q. The first communion that your [REDACTED] had, who was your understanding as to who gave him first communion and first confession?

A. Father Burnett.

Q. Okay. When -- Could you describe the custom and practice you had in dropping [REDACTED] off to CCD class and then picking him in. Did you actually go into the school room?

A. Sometimes --

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1 Q. How did that work?

2 A. Well, sometimes I would actually go into
3 the school room and drop them off at their -- at
4 their room. There were different rooms for the
5 different kids.

6 Q. Sure.

7 A. Sometimes I would do that and other
8 times I would just walk them to the door and they
9 would go in.

10 Q. Okay. And how about releasing the
11 children after CCD class was over? Did you have
12 to go to pick them up?

13 A. Yes.

14 Q. Okay. Had to go into the room?

15 A. Go to the door of the room.

16 Q. Door. Okay. There was a time when [REDACTED]
17 was preparing for his first confession in second
18 grade at St. Mary's Mokena. Did you have an
19 occasion to see the room where the first
20 confession was going to take place?

21 A. Yes. It was -- From what I remember, it
22 was a rather large room. It -- I think it was
23 used as a hall for different functions and it had
24 -- I know it had -- I only recall one door but I'm

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pretty sure it had two, but none of the doors had windows in them.

Q. Okay. So when you went in that room, your recollection was that there were no visible windows that you could see.

A. Correct.

Q. Alright. I think St. Mary's has undergone a renovation or two since that time. I asked you before whether or not you thought that room survived. Do you know if that room where the confession took place survives or not?

A. I don't think so. I think it became part of a bigger room that is now called Father -- called Burnett Hall.

Q. Okay. And was the room where the first confession that [REDACTED] took place in, was that in a close proximity to the church?

A. Yes.

Q. Alright. Did you notice anything unusual in the first confession that your oldest son, [REDACTED] had at all? Anything unusual?

A. No.

Q. Alright. You didn't notice anything unusual about Father Burnett at or about this

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1 time?

2 A. No. The only -- There was one thing
3 that I thought was unusual. When I went to
4 confession, we always went in the confessional.

5 Q. Right.

6 A. They were having these children go in a
7 room with a priest looking face-to-face with the
8 light on.

9 Q. Okay.

10 A. I had never heard of that before.

11 Q. I did it the old way, too.

12 A. Okay.

13 Q. Okay. But as you prepared your son,
14 [REDACTED] for first confession, did you have some
15 indication or knowledge that it was going to be
16 this face-to-face --

17 A. Yes.

18 Q. -- with a priest?

19 A. Yes.

20 Q. Alright. Okay. I'd like to take you to
21 the day of [REDACTED]'s, first confession --

22 A. Okay.

23 Q. -- in second grade. Okay?

24 A. Hmm.

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Q. He looked at or about what we saw him in the picture. Fair?

A. Right.

Q. Alright. And what color eyes does you son have?

A. [REDACTED]

Q. [REDACTED]

A. Right.

Q. He was fair complected?

A. Yes.

Q. Okay. What, if anything, did you notice about [REDACTED] that day in getting ready for first confession?

A. He seemed nervous. He just -- You know, he didn't want to eat breakfast in the morning. He just seemed nervous, and I said, you know, [REDACTED] it's nothing to be nervous about. You know, you're making your first confession. This is really important, you know, step in your life. I said, you know, don't worry, don't be nervous. I said Father will be there with you and Father

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1 takes the place of God in the confessional, so do
2 whatever he says.

3 Q. Okay. Is that something you have a
4 specific recollection of telling [REDACTED] that
5 morning?

6 A. Yes.

7 Q. Alright. Is this concept or notion that
8 the priest in the confessional takes the place of
9 God; is that something that you learned in your
10 Catholic upbringing?

11 A. Yes, it is.

12 Q. Alright. And, in your Catholic
13 upbringing, whether it be the sisters or priests,
14 that you also were taught to do what they said.

15 A. Yes.

16 Q. Alright. And so the gist of what I
17 believe you said was that he was nervous, as
18 probably many kids are getting ready for a
19 sacrament, and you told you tried to calm [REDACTED]
20 [REDACTED] down by saying things will alright,
21 just do whatever Father says to do; he takes the
22 place of God in the confessional. Is that true?

23 A. Yes.

24 Q. Alright. And a scale of 1 to 10, 10

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1 being I'm sure that's exactly what I told him and
2 I being I'm not sure that might be what I told him

3 --

4 A. I know that's exactly what I told him.

5 Q. Okay. On a scale of 1 to 10, how sure
6 are you that's what you said?

7 A. Ten.

8 Q. Alright. As best you recall, did you or
9 your husband or somebody else drive your son to
10 first confession that day?

11 A. I believe my husband did.

12 Q. Okay. And I'll ask you why you remember
13 that in a little bit, but later that day, after
14 the first confession, did you have any visitors
15 over to the house?

16 A. Yes, I had my in-laws over.

17 Q. Okay. And that's the [REDACTED]

18 A. Yes.

19 Q. Alright. And they are active and
20 practicing Catholics then and now?

21 A. Yes.

22 Q. Alright. Any other people, as far as
23 you know? Your parents weren't over?

24 A. No, they weren't.

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1 Q. Alright. I take it -- Well, do you
2 remember -- If you do, you do. If you don't, you
3 don't. Do you remember what day of the week the
4 first confession was?

5 A. I'm almost positive it was on a Saturday

6 --

7 Q. Okay.

8 A. -- but I could be wrong.

9 Q. Not sure. We could look the date up --

10 A. Okay.

11 Q. -- and look up it out on the calendar.

12 When is the first time you saw [REDACTED]
13 after his first confession? Could you tell me
14 where and could you describe what he said to you
15 and what you said to him?

16 A. Sure. I heard him come in the house. I
17 was upstairs.

18 Q. What type of a house do you have, by the
19 way?

20 A. We have a tri-level. There were like
21 five steps up and five steps down to the basement.
22 I was upstairs.

23 Q. And what's upstairs?

24 A. The bedrooms and the bathroom.

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1 Q. Okay. Alright.

2 A. And he came running up and I was, you
3 know, excited. Tell me about your first
4 confession, how was it, how do you feel, what
5 happened, and he --

6 Q. As any normal mom would ask their --
7 Right. Yeah.

8 A. Yeah. I mean -- And he said, oh, it was
9 fine. It was fine. He goes I had to wait in line
10 for a while. He says and then I went in, and then
11 the -- I believe he said and then we said a prayer
12 and then Father told me to take off my pants.

13 Q. Well, let me -- let me stop you right
14 there. You said then Father told me to take off
15 my pants. Was your understanding at that time
16 that he was referring to Father Burnett?

17 A. Yes, I thought he was referring to
18 Father Burnett.

19 Q. Because that's who was scheduled to give
20 him his first confession. Alright. I'm going to
21 ask you a few -- obviously, some questions after
22 this, but on that same scale of 1 to 10, being 1
23 I'm not sure if that's exactly what he said or 10
24 being I'm certain that's exactly what Dave told

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me, where are you on that scale?

A. I'm -- I'm very positive, a 10.

Q. Okay. So, as best you can recall, [REDACTED] said then Father asked me to take off my pants or take my pants down. Right?

A. And I yelled at him.

Q. What did you say to that?

A. I was like, [REDACTED] don't say such a thing. It was -- I mean, it was a horrible thing to say. I mean, I have [REDACTED] and they're -- You know, boys are boys. You know, they used to laugh and give each other wedgies and stuff, but when he said -- You know, I'm like don't ever talk that way. Don't talk that way. Don't say such a thing.

Q. Right. So, in essence, it sounded like you were reprimanding [REDACTED] for --

A. Because I thought he was goofing around.

Q. Right. Okay. And were your in-laws in the house at the time?

A. Yes.

Q. Did you have any concern that he might take that type of conversation downstairs in front of your in-laws?

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A. Yes.

Q. Alright. Do you remember anything else

██████████ said to you at or about that same time
upstairs in the house, same day of the first
confession?

A. No.

Q. Okay. I assume -- Well, I will ask you
this. Did you have some refreshments or something
to serve your in-laws?

A. I'm sure we had coffee and coffee cake,
yeah.

Q. Your recollection that it was not
dinner?

A. Oh, no, it was not dinner.

Q. Okay. And could you tell me what your
custom and practice was back in about '81 or '82,
when ██████████ was in second grade, with respect to
tucking him in bed at night?

A. Okay. Well, at that time --

Q. Did you have such a custom and practice?

A. Oh, yeah, we did.

Q. Tell me -- Tell me what you would
normally do.

A. Okay. It was, you know, taking both

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boys upstairs, you know, make them brush their teeth good, and then tucking them in, staying in the room --

Q. In the same bedroom or different bedrooms?

A. No, two different bedrooms.

Q. Okay.

A. Saying prayers with them at night.

Q. Okay.

A. And then kissing them goodnight.

Q. Okay. Do you believe you had that same custom and practice in tucking [REDACTED] in that night, meaning the night of [REDACTED]'s first confession?

A. Yes.

Q. Alright. When [REDACTED] told you that Father Burnett had asked him to take his pants down, did you believe that that's what Father Burnett had asked him to do that day, or did you think [REDACTED] was just bad-mouthing?

A. No, I didn't believe it at all. I thought he was joking around.

Q. Okay. When you tucked [REDACTED] into bed that night, did you have any reason to

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believe that anything bad had happened in or during the first confession?

A. No.

Q. Would you have done the same routine in tucking him in as you did normally?

A. Yes.

Q. Alright. And you've described for us that was. Right? Do you have any specific and detailed recollection of exactly what you said to [REDACTED] and what he said to you when you tucked him in, or is it just a general recollection you followed your routine?

A. I'm sorry, it's just general. I don't recall at this time.

Q. But the specific statement that -- as you related, that Father Burnett or then he asked me to take my pants down or off, you specifically remember that?

A. I remember that.

Q. There's no doubt in your mind that's what --

A. There's no doubt in my mind.

Q. [REDACTED] said? Right. So at the end of the day, the next day, the next week, the next month,

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1 the next year, you had no inclination that
2 anything wrong had happened in the confessional.
3 Is that fair?

4 A. That's fair.

5 Q. Alright. I would like to jump start
6 forward a little bit in having you tell me when it
7 was that you first remembered that conversation
8 about what [REDACTED] told you about Father Burnett
9 taking his pants down, from -- from '81 or '82 and
10 when it was in second grade, when was the next
11 time that that conversation or thought came into
12 your mind or memory?

13 A. That thought --

14 Q. And in relation -- Go ahead.

15 A. Okay. That thought came into my mind,
16 well, gosh, approximately a year ago, and I should
17 -- I don't know if you want to hear this, but how
18 that it came about was.

19 Q. Sure. Certainly.

20 A. Okay. [REDACTED] and [REDACTED] had
21 moved in with us for a couple of months until
22 their house was ready and she was talking about,
23 you know, the kids they were going to have and she
24 said but we're not going to baptize them and we're

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1 not going to send them to CCD, and that sounded
2 pretty odd to me because they got married in the
3 Catholic Church, and I asked her why, and she said
4 I think you better talk to your son. So that
5 night I asked my son. I said, you know, what's
6 this about, and that's when he told me that he was
7 abused by Father Burnett.

8 Q. Okay. This -- We're giving this
9 affidavit in the fall of 2006. Do you believe you
10 had that conversation with your son in the fall of
11 2005?

12 A. Five.

13 Q. Right. And that was when he and [REDACTED]
14 [REDACTED] right --

15 A. Mm-hmm.

16 Q. -- were living in your house?

17 A. Yes.

18 Q. Right? And when you had the
19 conversation with [REDACTED] about that topic and said
20 you better talk to [REDACTED] did you have the
21 conversation with [REDACTED] about what's up about not
22 getting baptized the same day that you had a
23 conversation with [REDACTED]?

24 A. Yes.

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1 Q. Okay. Because they were both living at
2 your house --

3 A. Right.

4 Q. -- at the same time. Alright. And your
5 house that you lived in that you're referring to
6 is -- is where?

7 A. [REDACTED]

8 Q. Okay. In relation to that conversation
9 that you had with [REDACTED] that same night
10 you spoke with [REDACTED] in the fall of 2005, could
11 you tell me when it was approximately that your
12 first remembered this --

13 A. Conversation.

14 Q. -- conversation that took place on the
15 second floor in your house, on the same day of the
16 first confession?

17 A. It was in the first week.

18 Q. So, whenever it was that you remembered
19 chatting with [REDACTED] about being abused by Father
20 Burnett, in the fall of 2005, within a week or so
21 you remembered back to this conversation. Were
22 you trying to think about what was going on back
23 then, or how did that recollection come to you?

24 A. [REDACTED]

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Q. Right. And, having not thought about that for so many years, do you have any doubt that that's exactly what [REDACTED] told you back in second grade?

A. I don't have any doubt about it at all.



Q. Do you believe that that recollection corroborates [REDACTED]'s recollection that he was sexually abused by Father Burnett --

A. Yes.

Q. -- during his first confession?

A. Yes.

Q. This conversation in the fall of 2005 with [REDACTED] about being abused in that first confessional and your recollection a week or so later, is that before you had seen any information about other allegations against Father

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1 Burnett?

2 A. Yes. Basically, I hadn't heard anything
3 about Father Burnett before. I didn't know where
4 he was. My mom and dad are Catholics and they
5 used to live in St. Mary's parish, and I called
6 her up and I said, you know, can you tell me
7 whatever happened to Father Burnett.

8 Q. You called her up shortly after [REDACTED]
9 told you this?

10 A. Yeah.

11 Q. Yes. In the fall of 2005?

12 A. Yes.

13 Q. Right.

14 A. And I did tell her what [REDACTED] told me.
15 You know, I probably shouldn't have but I had to
16 tell -- I just had to tell my mom.

17 Q. Sure.

18 A. Anyway, she told me -- Well, she heard
19 Father Burnett was dead, and I thought to myself,
20 oh, thank God. I went home and told [REDACTED]

21 Q. Well, why did you say thank God?

22 A. Because he can't hurt anybody else.

23 Q. Okay.

24 A. And [REDACTED] was struggling with what to

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1 do. Should he -- Should he say something or
2 should he not say something --

3 Q. Right.

4 A. -- and at that point I said, well, [REDACTED]
5 if he's still with kids, you have to say
6 something; you don't have a choice.

7 Q. Right.

8 A. But now that I heard he was dead I
9 called -- or told [REDACTED] I said, you know what, you
10 don't have to do anything.

11 Q. Right.

12 A. Father's dead.

13 Q. Right. And then did you have a later
14 conversation with your mom, and tell me a little
15 bit about that.

16 A. [REDACTED]

17 [REDACTED]

18 [REDACTED] My
19 mom called me in the morning and she said I'm so
20 sorry, and I said what are you sorry about, and
21 she goes didn't you watch TV last night, and I
22 said no. She goes you didn't see the paper? I
23 said no. Then she said Father Burnett's not dead,
24 and I said what do you mean? She goes there's a

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boy on there saying he was abused by Father
Burnett.

Q. And I believe you have seen newspaper
reports after that point in time about the claim
of [REDACTED] --

A. Yes.

Q. -- who alleged he was abused -- sexually
abused by Father Burnett, at least according to
the paper, included being abused at an early age
of under 10, which included being abused in the
confessional. Is that -- Is that fair?

A. I didn't know he was abused in the
confessional. I know that he said he was abused
by Father Burnett.

Q. Okay. Fair enough. I took a look at
the newspaper articles, and the first time I saw a
newspaper article about the Burnett -- I'm sorry,
about the [REDACTED] matter was in the early months,
February, I believe, of 2006. Is that about the
time frame that you remember seeing this?

A. Yes.

Q. And, according to newspaper reports and
a statement -- quoting a statement from the
Archdiocese of Joliet, the first time that this

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1 was even reported to the archdiocese about the
2 [REDACTED] boy being abused was approximately
3 December of 2005. You with me so far?

4 A. Okay.

5 Q. Shortly before February of 2006. My
6 question is did your conversation with [REDACTED] and
7 your recollection a week or so later, that all
8 took place before December of 2005. Is that fair?

9 A. Definitely. Definitely.

10 Q. Alright. So neither you nor [REDACTED] to
11 your knowledge -- You did not know anything about
12 any complaints against Father Burnett when you
13 recalled this, and to the best of your knowledge,
14 [REDACTED] didn't have any such recollection.

15 A. No.

16 Q. Alright.

17 A. And then I had to call him up and tell
18 him that the Father wasn't dead. I guess another
19 priest had died from the parish.

20 Q. Okay. I may have one or two questions.
21 I'd like to just take a short little break, and I
22 may come back. Okay.

23 (WHEREUPON, a short
24 recess was taken.)

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THE REPORTER: Back on the record. The time is 3:06 p.m.

BY MR. JOHNSON:

Q. Just a couple of follow-up questions. I just forgot a few matters. Have you had any conversations with [REDACTED] about not bringing this issue up to her parents, and if you did, the issue of [REDACTED]'s abuse.

A. Yes.

Q. And tell me what was the nature of those conversations.

A. [REDACTED]



Q. If she knew that --

A. He was abused.

Q. -- he had been abused. From what you have observed these days in 2006 and what you know now in relation to what some of [REDACTED]'s life story

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has been in the past, do you think he has been affected and damaged by this abuse?

A. I definitely believe so.

Q. Okay. I'd like to have you focus in a little bit on [redacted]'s freshman and sophomore year of college. Okay?

A. Okay.

Q. He was a good student in high school?

A. He was -- He was above average student in high school.

Q. And then he graduated from [redacted]

--

A. [redacted]

Q. -- High School, I believe.

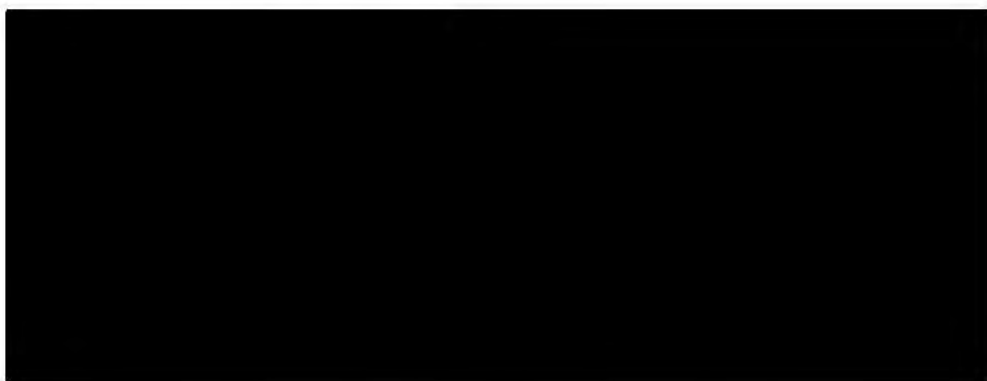
A. Right.

Q. And I believe that was about [redacted]

A. Yes.

Q. And then he went where to college?

A. He went to [redacted]



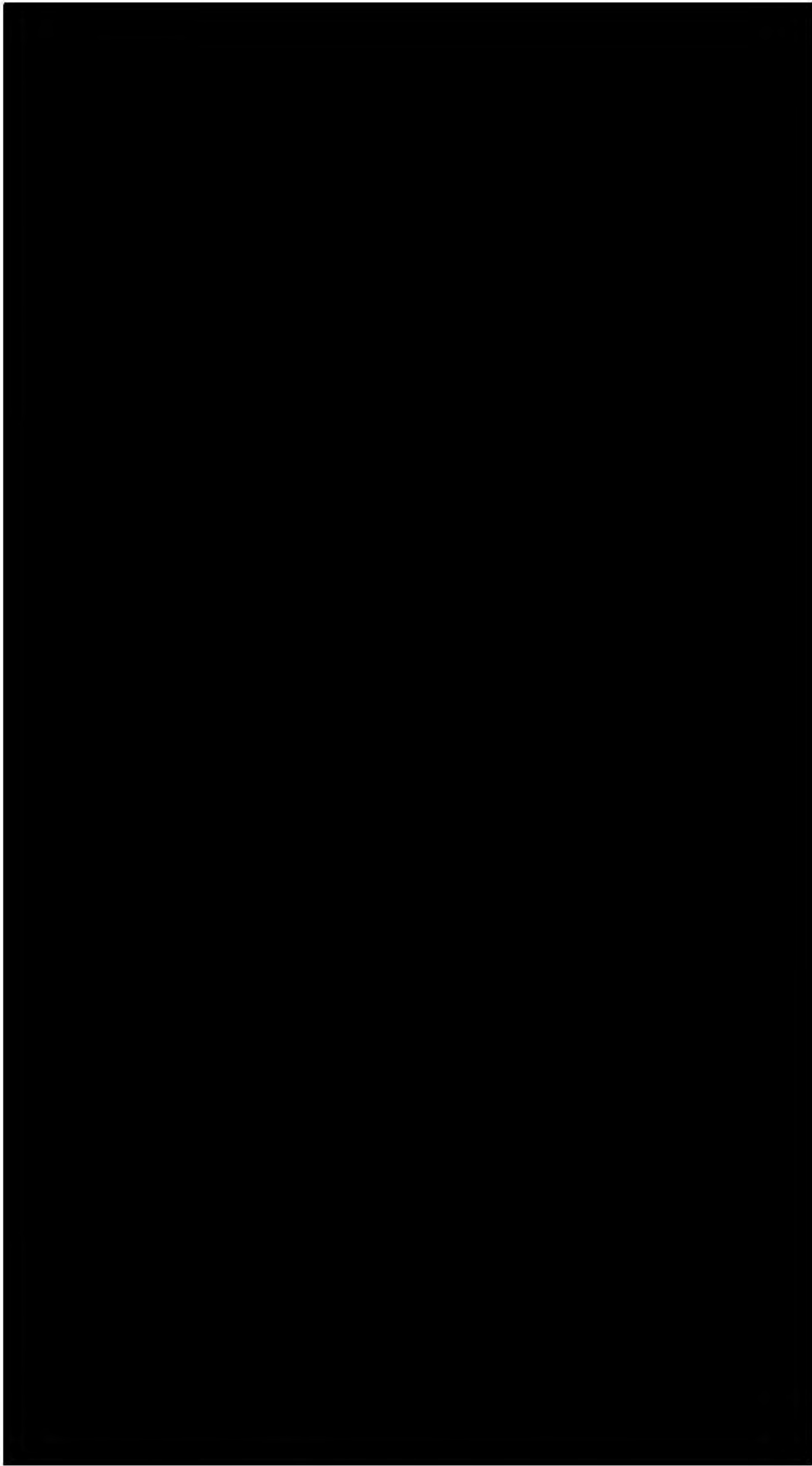
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1 Q. Have you seen in reports of either
2 Father Burnett or Bishop Imesch in recent months
3 as to whether or not anybody has been taking
4 responsibility for sexual abuse of minors by
5 priests in the Archdiocese of Joliet?

6 A. I -- There was an incident -- Gosh, I'm
7 not quite sure -- It was in springtime where there
8 was a letter written by Father Burnett to the
9 parish of St. Mary's stating that it was all a lie
10 and he didn't do anything, and Bishop Imesch, I
11 actually felt sorry for him because he had all
12 these priests that were, you know, accused and
13 some convicted of abusing children, and had one of
14 the last days before he retired he was on TV and
15 they interviewed him, and at the end the reporter
16 said, well, Father -- Father, what do you think
17 about all those pedophiles, and he turned around
18 and he said we didn't have any pedophiles in my
19 archdiocese. We didn't have any pedophiles.
20 Pedophiles mean they were prepubescent, and all
21 these kids were 13 or older -- all the accusers.
22 I mean, does it make a difference if you're 12 or
23 if you're 13? You're still abused.

24 Q. The reports of, in the popular press, of

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[REDACTED] suggest that he was claiming in February of 2006 that he was abused as early as 8 years of age. Did you remember -- I'd like you to assume that. Would that suggest that --

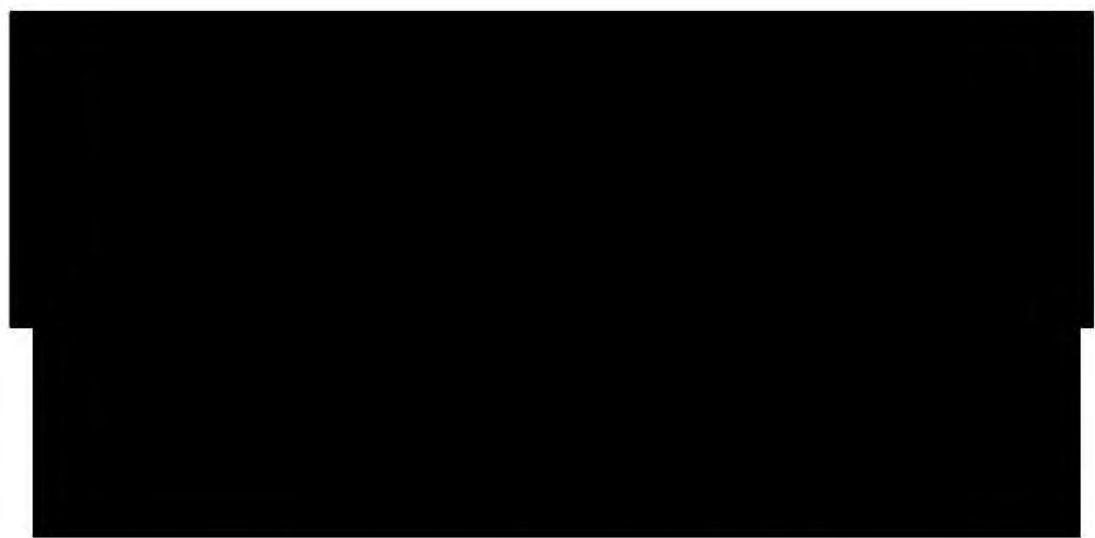
A. He knew.

Q. -- there was a claim of --

A. Oh, I know Bishop Imesch had to have known about [REDACTED] so he was lying right then, or he's senile. There's something wrong with the man.

Q. Right. Well, my question is did -- did you have some concern or anger about statements made by Bishop Imesch that seems to -- that seem to understate claims of pedophilia in the Archdiocese of Joliet.

A. Yes.



Q. If called to a deposition or a trial,

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1 could you competently testify to the facts that
2 you did today?

3 A. Yes.

4 Q. I don't have any other further
5 questions, so this will be the end of this
6 affidavit of [REDACTED]

7 THE REPORTER: The time is 3:14 p.m.
8 The running time of this videotape is 49 minutes
9 and 18 seconds. Going back on the record. The
10 time is 3:31 p.m.

11 BY MR. JOHNSON:

12 Q. You know, when attorneys sometimes say
13 they don't have anymore questions, sometimes we're
14 mistaken. So, in reviewing my notes, I forgot to
15 ask you a couple of questions. So could I ask
16 you, as many times at depositions when this
17 happens, would you assume that you are under the
18 same oath --

19 A. Yes.

20 Q. -- the same swearing-in? So this is a
21 continuation of your videotaped affidavit. Is
22 that fair?

23 A. Yes.

24 Q. And it's the two oaths that you agreed

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1 to answers questions of. Fair enough?

2 A. Yes.

3 Q. Alright. I asked you some questions
4 about [REDACTED]

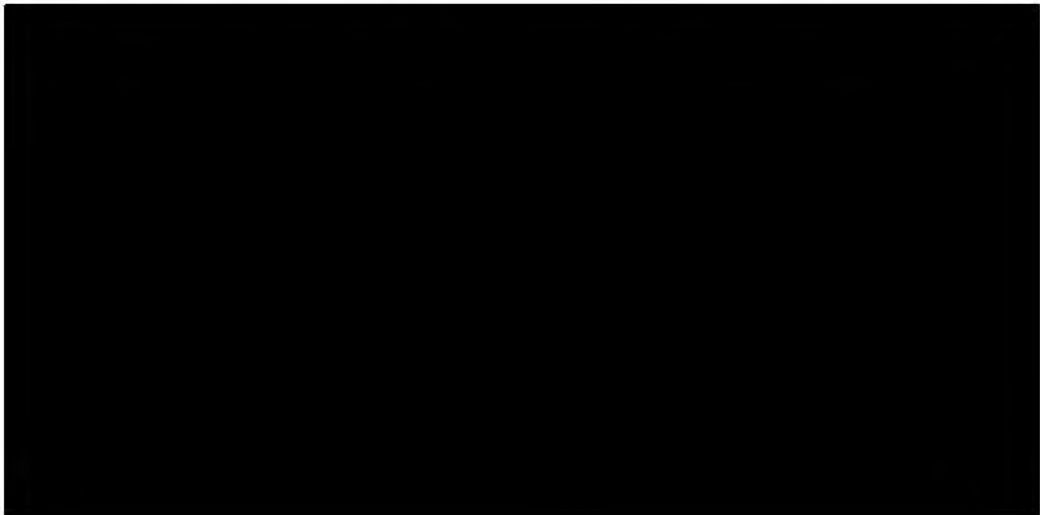
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED] I had an opportunity to read a
9 report that Joseph Cardinal Bernardin of the
10 Archdiocese of Chicago, dated June of 1992,
11 entitled The Cardinal's Commission on Clerical
12 Sexual Misconduct With Minors, and it's a rather
13 comprehensive 50-some page text, but I want to
14 quote you from there and ask you if you believe
15 this has any relation to [REDACTED] They're talking
16 about impact on victims and specifically "sexual
17 misconduct by a priest with a minor." It says in
18 addition to being a violation of celibacy and
19 chastity, almost always has serious harm or
20 harmful effects on the victims, whether the matter
21 becomes publicly known or not. They suffer a loss
22 of self-esteem. They often find it difficult to
23 trust an adult again. They may feel guilty. They
24 may keep the matter hidden or repress it,

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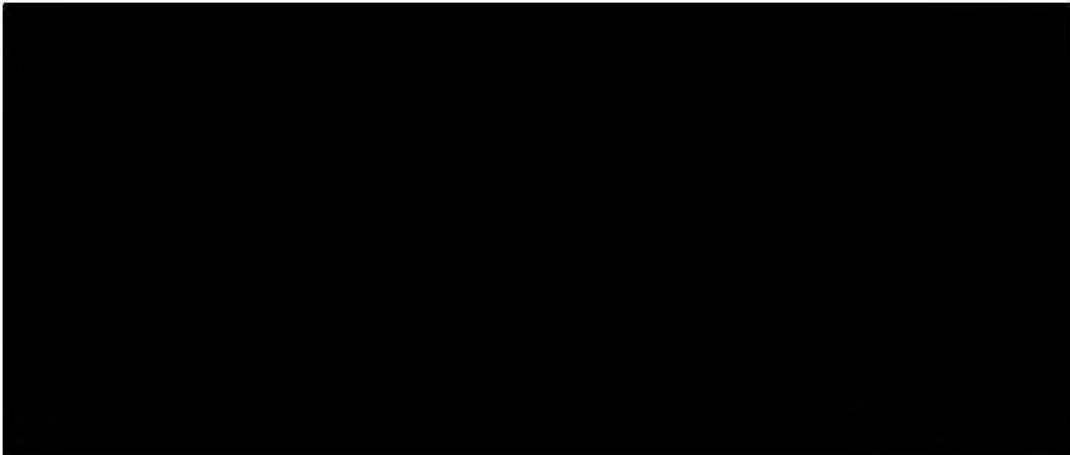
displacing their anger at the church, the
priesthood, even God.

It goes on, page 10, victims' capacity
to develop a trusting relationship with other
clergy is impeded and may begin to lose faith in
the sacraments of the Eucharist, capital E, and
Penance, capital P, because they are administered
by priests. If diocesan leaders do not respond
effectively to victims' reports of sexual abuse by
clergy, the victims often become further alienated
from the church. They may ask themselves why God
is allowing all this to happen to them. Often
they cease being an active member of the church.
A tragic loss for the community of faith.



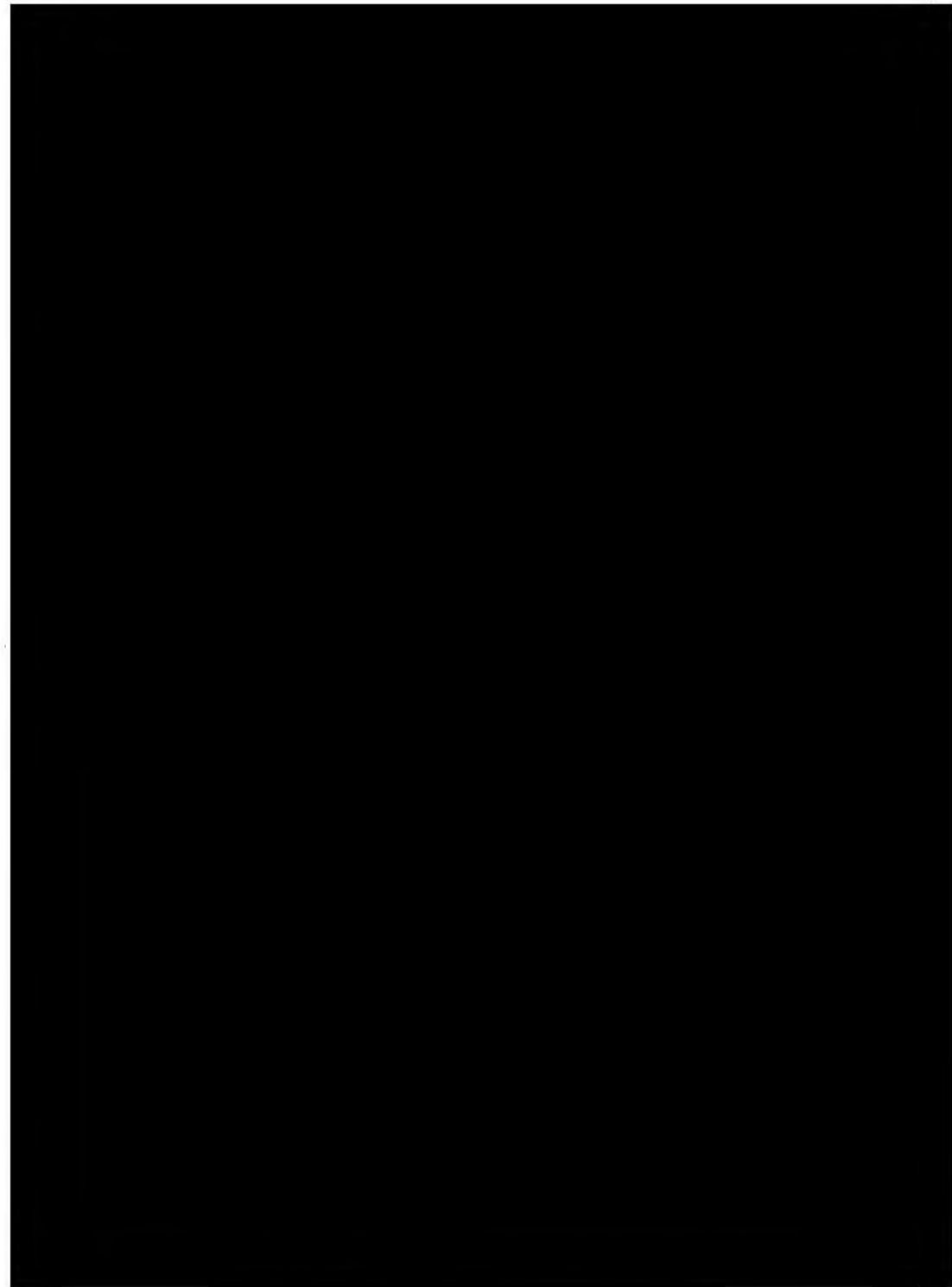
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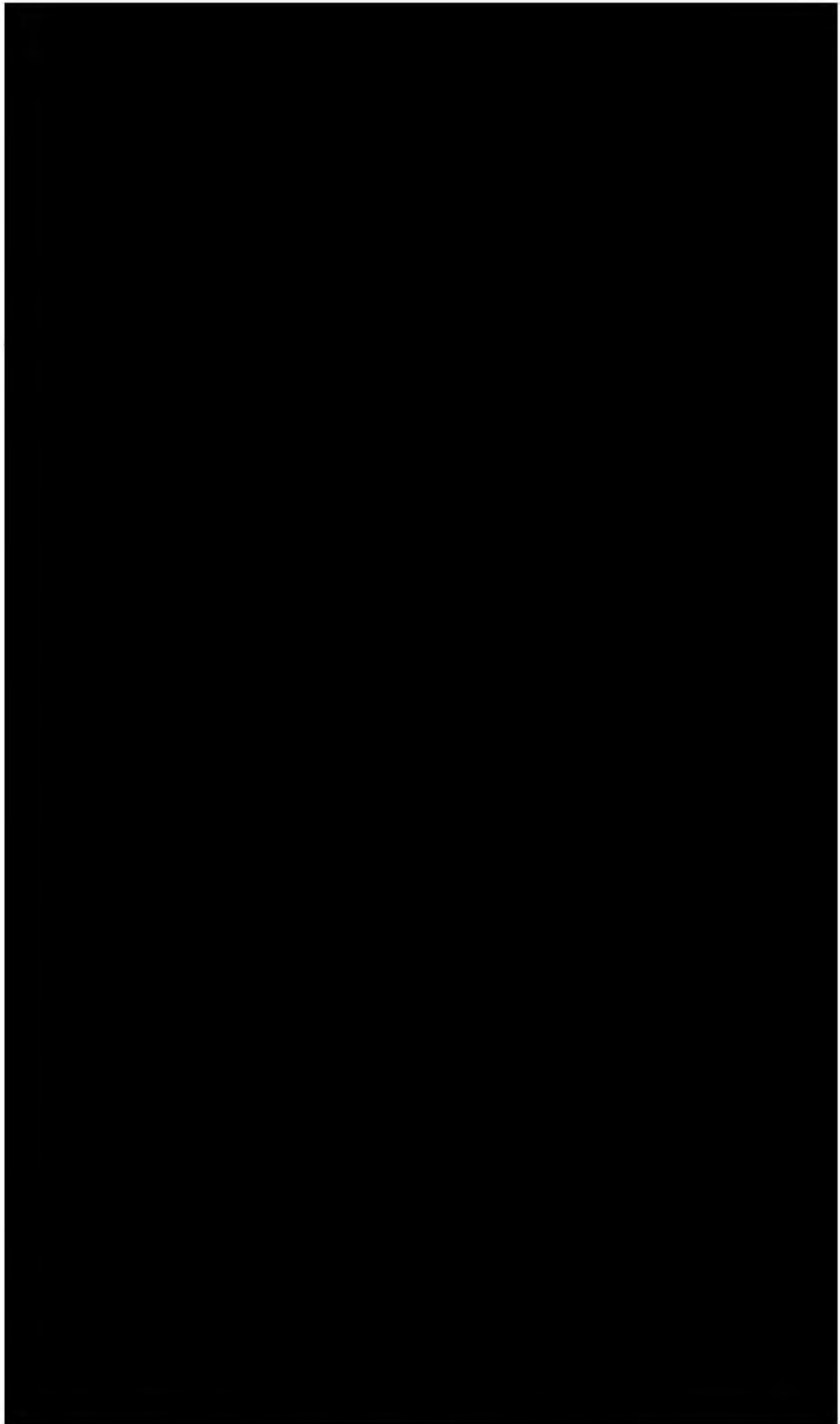
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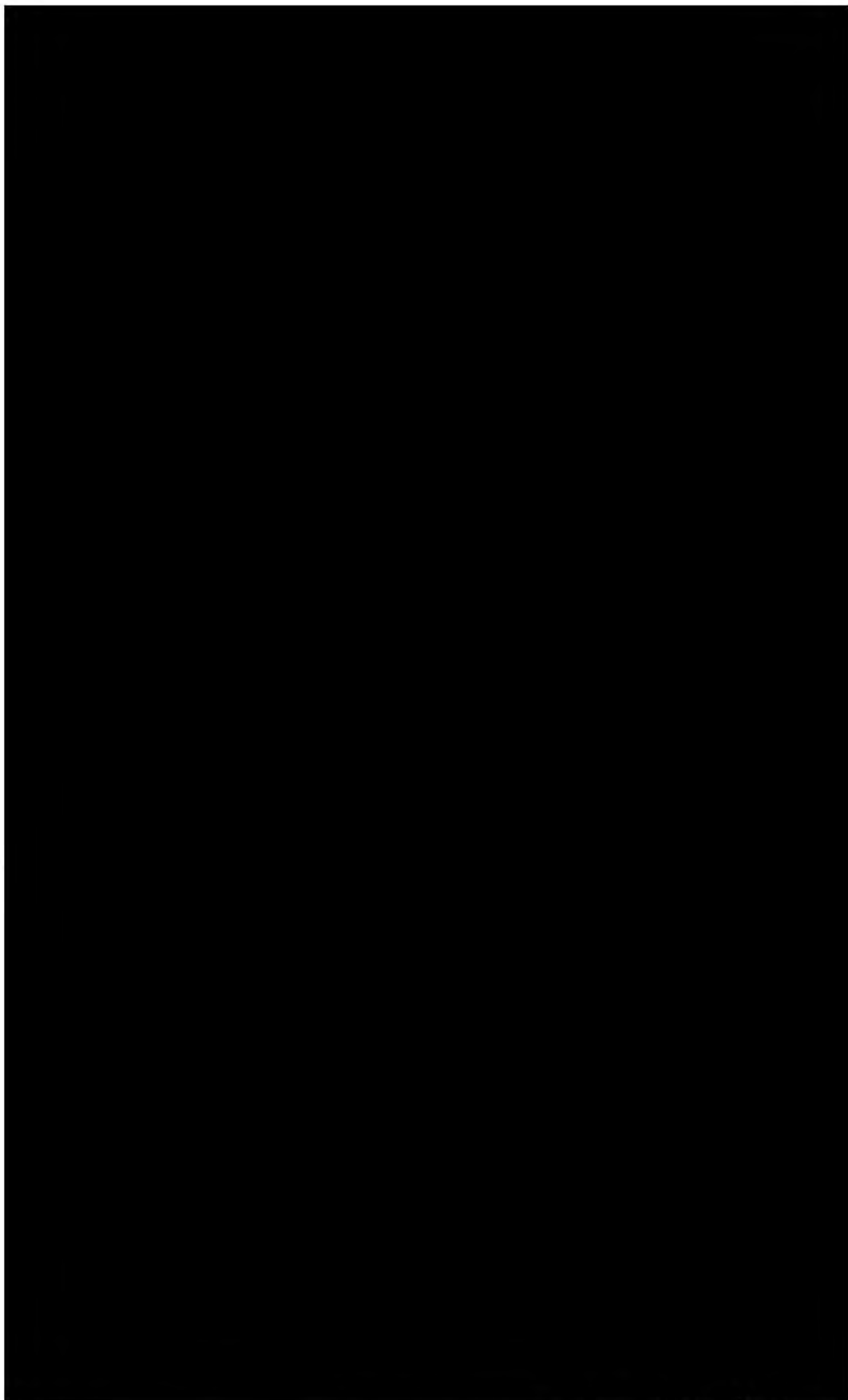
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Q. Okay. And you've answered my questions

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1 to the best of your ability considering the
2 seriousness of the issue at hand, the alleged
3 abuse of a minor by a Catholic Priest, and
4 consistent with the two oaths that we talked
5 about. Fair enough?

6 A. Yes.

7 Q. Alright. And, if called, you could
8 competently testify to these additional facts and
9 questions that I asked of you. Fair enough?

10 A. Yes.

11 Q. Alright. I believe these are all the
12 questions that I have. So I'm sure we will not
13 return, so unless asked at a later date. Thank
14 you so much for coming today.

15 A. Thank you.

16 THE REPORTER: This is the end of the
17 affidavit. The time is 3:41 p.m. The running
18 time of this videotape is 59 minutes and 54
19 seconds.

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STATE OF ILLINOIS)
) SS:
COUNTY OF C O O K)

I, PAUL DAVID GILLERAN, a Notary Public within and for the County of Cook and State of Illinois, do hereby certify that [REDACTED] the affiant, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the affidavit of the said PATRICIA RUDOFSKI was taken before me at 455 East Illinois Street, Chicago, Illinois, commencing at the hour of 2:25 p.m. on the 4th day of October, A.D. 2006, and was concluded at the hour of 3:41 p.m. on that date.

I further certify that the testimony given at said affidavit by said affiant was recorded by an audio/visual recording device, by me in the presence of said affiant and thereafter transcribed into typewriting under my direction and control.

I further certify that the foregoing transcript of said videotaped affidavit is a true, complete and correct report of the entire testimony so given by said affiant, together with such other matters and things as counsel for the parties present at the taking of said affidavit desire to have appear of record.

I further certify that I am not counsel for, nor attorney for any of the parties to the aforesaid cause, nor am I

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related to any of the parties to the aforesaid cause, nor am I interested in any manner in the said cause or in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affix my seal of office, at Chicago, Illinois this 10th day of October, A.D. 2006.



A handwritten signature in black ink, appearing to read "P. D. Gilleran", written over a horizontal line.

NOTARY PUBLIC

My commission expires:
September 15, 2009.

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MEMORANDUM

To: Review Committee
From: James C. Byrne
Date: December 28, 2006

Re: [REDACTED]
vs
Father James Burnett
Interview of [REDACTED]

The following is a Summary of an interview of an individual identified only as a friend of [REDACTED] whose occupation is [REDACTED]. This individual's identity is not known at this time.

The [REDACTED] is a peer of [REDACTED] who attended a public grade school. However, he was an altar boy at St. Mary's in Mokena and Father Burnett had on occasion been a guest for dinner at his parent's home when he was in grade school. His family also visited Father when Father was stationed at St. Peter and Paul.

The need for the interview was due to a second hand reported conversation in which [REDACTED] allegedly made a statement about Father Burnett that could have implied possible adverse knowledge regarding Father. The contractor reportedly stated "*that he would not be surprised if Father Burnett would be the next priest to be accused of sexual abuse of a minor.*"

[REDACTED] was recently interviewed by personnel from Attorney Johnson's office who represents [REDACTED]

[REDACTED] denied making the above statement. He recalls that he was [REDACTED] and when talking to [REDACTED] he mentioned Father's name and in doing so gave an opinion "*that Father was effeminate*" or he possibly may have used the word "*queer*". He also said that he does not know of any negative information regarding Father Burnett.

JCB/skm

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[REDACTED]
VS
Father Burnett

Additional Information

Pursuant to various discussions and request the following information is being provided:

- 1.) **Background check of [REDACTED]**
There has been a background check conducted which revealed that there had been no civil suits, no criminal charges [REDACTED]
[REDACTED] There was also a check of the sex offender registry which revealed no information.
- 2.) **Interview of [REDACTED] s college roommate.**
-See attached
- 3.) **Interview of [REDACTED] s wife [REDACTED]**
-See attached
- 4.) **Interview of [REDACTED] s Father.**
-See attached

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RESPONSE OF FATHER BURNETT

Prepared

By

Patrick Reardon
(Civil Attorney for Father)

Redacted April 2014

TMJA
Released April 2014**RESPONSE OF REVEREND JAMES R. BURNETT
TO AN ALLEGATION BY**

[REDACTED]

Preliminary remarks

Father Burnett has viewed recorded interviews of [REDACTED] and of his mother, [REDACTED] and viewed the photos exhibited therein. Father has no recollection of either of these persons during the time of his parish ministry. Father was involved in the administration of sacraments during the relevant time period. For that reason he is well acquainted with the format and method of the sacrament of reconciliation or first confessions prior to first communion.

Description of Sacrament of Reconciliation

The accusation against Father Burnett involves a single instance of sexual misconduct alleged to have occurred during [REDACTED]'s first confession while he was a child.

[REDACTED]'s account of the format of this first reconciliation service is wrong; it does not accurately portray how this service was conducted. This reconciliation was carried out as a family-inclusive celebration. This service was directed by the Director of Religious Education. It involved as many as 100 children from several classes and the CCD program, along with all of their parents. At least one parent was required to be with the child. Father Burnett began each service in the parish church as parents sat with their children. This portion of the service resembled closely the liturgy of the word portion of the Mass. After Father's homily, he went immediately to the reconciliation room, a short distance down a hall from the church entrance doors. Parents and children lined up in the corridor. Each child had a few moments in the room for private confession while his or her parents waited directly at the door in the presence of the DRE and teachers to receive the child and return to the church to continue the service.

The wall of this reconciliation room was glass block on either side of the doorway. While offering a degree of private communication, this glass block wall offered a view of forms through it. Time was of the essence. Father Burnett had to move as rapidly as possible through the children's private confessions so that the remainder of the service could be commenced before the delay became too tedious for those waiting in the church.

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Discrepancies in the recorded statements

██████████'s statement in her recorded interview that she asked her son about his first confession after he got home seems at variance with the fact that she would have had to be with him during the actual event. If she had not been there, then ██████████'s father would have. Based upon the proximity of the parents, Director of Religious Education or teacher, to the door and glass wall of the private confession room, it is beyond credibility that they would not have known immediately of any improper action. It is also beyond credibility that any person would attempt some improper conduct in such a context.

The other major conflict in ██████████'s recorded statement is that she reports a statement from her son that Father had him take his pants down during this confessional moment. However her son, the accuser, does not acknowledge ever making such a statement to her. Moreover, he does not currently say that this happened. ██████████'s version is that Father's hand was under his bottom as ██████████ sat on Father's lap. Father absolutely denies any such contact and points out that any such behavior would have been easily noticed at the time, even through the glass block walls.

Conclusion

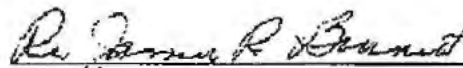
Father Burnett has attempted to live up to his calling as an ordained Catholic priest of the Diocese of Joliet. He is disappointed and discouraged that anyone would accuse him of wrongdoing. He has cooperated with the diocesan process and the concomitant loss of his good name. He does not wish this cooperation to be seen as any form of agreement that the accusation is true. Indeed it is utterly and odiously false. Father will attempt to be true to his calling and forgive those who have falsely accused him. But he does not wish this forgiveness of the accuser to be misinterpreted as any admission that the accusation is true.

FR. BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 1287

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Father Burnett has viewed the recorded statements of [REDACTED] and of [REDACTED]'s mother, Mrs. [REDACTED]. He is aware of the accusation contained therein. Father Burnett unconditionally denies the accusation. Furthermore, as is every priest, Father is aware of the canonical strictures against the abuse of a sacrament and states that he never violated those laws. Father has patiently abided by the process of the investigation out of a realization that the protection of children is paramount. However he respectfully submits that he has a right to his own good name. He asks that the false allegations against him be dismissed as such.



Rev. James R. Burnett

Date: January 8, 2007

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SUPPLEMENTAL REPORT

ALLEGATIONS OF [REDACTED]

OUR FILE NO. GI-036-05

I N T E R V I E W

O F

FR. JAMES BURNETT

ON
JAN 10th 2006

CONFIDENTIAL

FRIDAY, JANUARY 13, 2006

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Interview of Father James Burnett

On Tuesday, January 10, 2006, Investigator Steven L. Kirby met with and interviewed Father James Burnett at St. Raymond's Rectory in Joliet, Illinois. The purpose of the interview was to discuss with Father Burnett the allegations of [REDACTED] and for Father Burnett to respond to those allegations. During the course of an approximate forty-minute interview, Father Burnett stated the following in summary:

- He denied ever sexually touching [REDACTED] or any other minor during the course of his ministry. This would specifically include the time he was at St. Mary's in Mokena or any of his other assignments.
- Father Burnett denied ever inappropriately touching or sexually engaging in any type of sexual activity with any minors during the course of his ministry, while at St. Mary's Church or any other time.
- He denied ever being accused of any sexual misconduct during the course of his priesthood.
- Father Burnett stated he was ordained in 1968 and has had the following four assignments: St. Charles Boromeo, Bensenville, Illinois, 1968-1974; St. Mary's Parish, Mokena, Illinois, 1974-1990; St. Peter and Paul Parish, Naperville, Illinois, 1990-2002; St. Raymond's Parish, Joliet, Illinois, 2002-present.

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Re: Allegations of [REDACTED]
Our File No. GI-036-05
Date: Friday, January 13, 2006

- He stated that he recalls the [REDACTED] family from St. Mary's and recalls that there were, in fact, [REDACTED]
- He recalled [REDACTED] but not as well as he recalled [REDACTED]
[REDACTED]
- [REDACTED]
- He stated that he first became aware of the abuse allegations by [REDACTED] when he was contacted by a reporter, who happens to be a parishioner of St. Raymond's, sometime in mid December. He stated that he immediately told Bishop Imish about the reporter's statements. He stated that he subsequently learned on Christmas Eve that the situation had escalated and would be looked at by the Review Committee.
- Father Burnett stated it is his understanding that the allegation was essentially that he had [REDACTED] remove his pants while in a confessional area.
- The investigator explained to Father Burnett that [REDACTED]'s allegations were that on several occasions, when [REDACTED] was between the ages of eight and ten, he was fondled both on his bare genital area and through his clothing by Father Burnett in a "confessional type room across from a bathroom, down a hallway, past Sister Mary James' room."
- He specifically denied ever molesting or sexually touching [REDACTED] Father Burnett stated he was familiar with that room but denied that he heard confessions in that room, particularly during school confessions. Father Burnett explained that all of the school confessions were heard in the traditional confessional in the back of the church. Father Burnett stated he may have, on a rare occasion, heard a face-to-face confession in that room but stated that it was not used for confession on even a semi-regular basis.
- Father Burnett was also advised that [REDACTED] alleged that while he was putting on altar server robes, he was fondled by Father Burnett.
- He stated that concerning the altar robes, he did not even think that [REDACTED] was an altar boy but specifically denied ever molesting him or touching him while [REDACTED] may have been putting on his altar server robes.

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Re: Allegations of [REDACTED]
Our File No. GI-036-05
Date: Friday, January 13, 2006

- Father Burnett stated he had no idea why [REDACTED] would make these allegations and he denied ever engaging in any type of conduct with [REDACTED] that could even remotely be construed sexual or inappropriate.
- He denied knowing that [REDACTED] was allegedly molested by a member of St. Mary's.
- He further denied knowing of any other priests at St. Mary's or anywhere else who were engaging in sexual misconduct during the times that it was allegedly happening.
- When asked if he had received any letters from [REDACTED] he stated that he recalled receiving one letter from [REDACTED]. He stated that in the letter, [REDACTED] requested that Father Burnett keep him in his prayers. Father Burnett stated it was obvious that the letter was heartfelt and that in the letter, Mr. [REDACTED] expressed concern for his own safety. Father Burnett denied that there was anything in the letter that even remotely suggested that [REDACTED] was complaining of sexual misconduct.
- Father Burnett denied ever receiving any voicemails or messages to call [REDACTED] or any messages that [REDACTED] was trying to contact him. He stated that the only contact he had with [REDACTED] was the letter he received when [REDACTED] was overseas.
- [REDACTED]
- He agreed to submit to a polygraph examination to investigate the truthfulness of his denials.

* * *

On Thursday, January 12, 2006, Investigator Steven L. Kirby arranged for Father Burnett to submit to a polygraph examination to be conducted at the office of F.L. Hunter & Associates, 930 North York, Hinsdale, Illinois. After discussing the matter with Attorney Jim Byrne and Polygraph Examiner Hunter, the following four relevant questions were agreed upon:

1. Did you ever touch [REDACTED]'s bear penis?
2. Did you ever fondle [REDACTED]'s bare genitals?
3. Did you ever touch [REDACTED]'s genitals through his clothing?

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Re: Allegations of [REDACTED]
Our File No. GI-036-05
Date: Friday, January 13, 2006

4. In the 1990's, were you made aware of any attempts by [REDACTED] to contact you by phone?

The examination is scheduled for Thursday, January 19, 2006 at 1:00 PM.

Attempted Interview with [REDACTED]

On Tuesday, January 10, 2006, Investigator Kirby attempted to contact [REDACTED]. The investigator left a message for [REDACTED] to contact him but to date a return call has not yet received.

This Investigation Is Continuing With Supplemental Reports To Follow.

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F.L. Hunter and Associates, Inc.

930 N. YORK ROAD HINSDALE, ILLINOIS 60521 (630) 920-0571 Fax (630) 920-0587
FRED L. HUNTER
DIRECTOR

Mr. James C. Byrne
Attorney at Law
815 N. Larkin
Joliet, IL.
60434

February 02, 2006

On January 19, 2006, Rev. James R. Burnett voluntarily submitted himself to a polygraph examination in this laboratory. The purpose of this examination was to investigate his involvement in the alleged sexual touching of [REDACTED]'s genitals in the 1970's while at St. Mary's Parish in Mokena, Illinois.

Prior to his exam, he signed an agreement to take the polygraph examination and to allow the results and any relevant statements to be reported to Attorney James Byrne, the Joliet Archdiocese, and Investigator Steve Kirby. He also released all parties involved from any liability as it may relate to the provisions of this agreement. All executed agreement and health forms are incorporated as part of our file in this case.

PRETEST INTERVIEW

He indicated that he knew of a number of [REDACTED] families belonging to the St. Mary's Parish in Mokena when he was there. However, he was never really friendly with [REDACTED]'s family. He denied that he had ever been at their home for any type of social event.

He stated that he had gone to St. Procopious Seminary in Lisle, [REDACTED]

They were separate and distinct institutions and there was little or no interaction between the two areas.

He stated that he did not recall that [REDACTED] was ever an altar boy. However if he did this would have been when he was in the 6th grade (12 or 13 years old).

He indicated that his parish in Naperville upgraded their phones in the late 1990's (98) so that it had voicemail ability. He said that when [REDACTED] wrote him, he did receive the letter in Naperville and he would have replied on church stationary.

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Mr. James C. Byrne
Attorney at Law
Rev. James R. Burnett

Test Results

The following listed questions were asked of this subject during the polygraph exam.

1. Did you ever touch [REDACTED]'s genitals through his clothing? Answer (NO)
2. Did you ever touch [REDACTED]'s bare penis? Answer (NO)
3. Did you ever sexually fondle [REDACTED]'s bare genitals? Answer (NO)
4. In the 1990's, were you ever made aware of any attempts by [REDACTED] to contact you by telephone? Answer (NO)

There was a void of any significant physiological responses throughout his polygraph records on the above listed relevant questions.

His polygraph records were also void of any significant physiological responses to the comparison and truthful questions utilized during his exam.

There was a consistent series of deeper breathes or sigh anomalies throughout his polygraph records on all test segments that did distort his respiration pattern.

DISCUSSION

Due to the lack of valid physiological responses, it was suggested by this laboratory that Rev. James R. Burnett should be re-examined on a later date. On February 02, 2006, he returned to this laboratory for this suggested re-exam. He was encouraged to try and refrain from the deeper breathes or sighs during this exam.

It should be noted that this date his responses were identical to his previous evaluation from January 19, 2006. His records also continued to show the deeper breathes or sighing type responses on a consistent basis.

Based on the entire Polygraph evaluation of both dates, no valid opinion as to either truth or deception could be rendered to any of the relevant questions under investigation.

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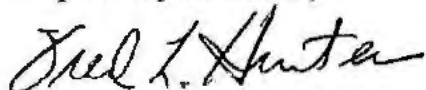
Page 3

Mr. James C. Byrne
Attorney at Law
Rev. James R. Burnett

The regularly placed deeper breathes or sighs during the exams seem to be anomalies more consistent with nervousness than any intentional countermeasure by which to cause distortions of his physiological data. However, all said and done, these anomalies are still suspect.

Absent of a valid polygraph evaluation, it is suggested that further conventional type investigation be done to try and substantiate the credibility of allegations made by parties in this investigation. Specifically, whether or not Rev. James R. Burnett did or did not visit socially the [REDACTED] home as indicated by witnesses to this allegation, as well as any other opposite points of contention.

Respectfully submitted,



Fred L. Hunter

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Fr. James Burnett
(Ordained 6-25-68)

6-15-68	to	2-15-74	Associate	-	St. Charles Borromeo, Bensenville
2-15-74	to	7-14-74 ⁷⁸	Associate	-	St. Mary Parish, Mokena
7-14-78	to	6-20-90	Pastor	-	St. Mary Parish, Mokena
6-20-90	to	6-19-02	Pastor	-	St. Peter & Paul, Naperville
6-19-02	to	Present	Pastor	-	St. Raymond Cathedral, Joliet

Fr. Burnett's Priest File

Fr. Burnett's priest file was reviewed and there are no allegations of any type of misconduct.

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INVESTIGATIVE REPORT

ALLEGATIONS OF [REDACTED]
(SUPPLEMENTAL REPORT SEVEN)

OUR FILE NO. GI-036-05

I N T E R V I E W

O F

[REDACTED]

O N

FEB. 17th 2006

CONFIDENTIAL

MONDAY, FEBRUARY 20, 2006

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Allegations of [REDACTED]
Our File No. GI-036-05
Date: Monday, February 20, 2006

On Friday, February 17, 2006, Investigator Steven L. Kirby met with and interviewed

[REDACTED] Mr. [REDACTED] advised that he currently resides at [REDACTED]. His office phone number is [REDACTED] and his cell phone number is [REDACTED].

[REDACTED] stated that he attended St. Mary's Grade School for eight years graduating in [REDACTED] (same year as [REDACTED]).

[REDACTED] advised that since this matter has been published in the newspapers he has discussed this with five or six former classmates and all but one have expressed strong opinions that alleged molestation never occurred. He stated only one of his former classmates, [REDACTED] stated that he is "on the sidelines" because he is just not sure.

[REDACTED] stated that it is his opinion, as well as those of the people he spoke with, that there simply was not the opportunity for Father Burnett to have molested [REDACTED] between forty and one hundred occasions as alleged. He stated that there was little extra curricular activities at the school and that most children left the school when school was over to get on the school bus and leave. He stated that he never knew [REDACTED] to hang around the school. Furthermore, he does not recall [REDACTED] ever being called out of class by Father Burnett to serve mass or for any other reason. He did acknowledge, however, that [REDACTED] was an altar boy. Mr. [REDACTED] stated that at least one of his friends, [REDACTED] who was a classmate and graduated from St. Mary's in [REDACTED] also remembered that [REDACTED] was seldom picked as a funeral mass server. [REDACTED] contention was that if Father Burnett had targeted [REDACTED] one would think he would have taken him out of class, which did not occur.

[REDACTED] stated he was unaware of any socialization by Father Burnett with [REDACTED]'s family of if Father Burnett ever attended family gatherings at the [REDACTED] household.

Regarding confessions, [REDACTED] recalled that confessions for the entire school were only held two or three times a year and that for the most part those confessions were an "assembly line" in that the children would line up outside the office with the glass block walls and go in and out within a minute or two. He described the room as having a chair with a screen where someone could confess, at least, semi-anonymously and chairs that were face to face. He stressed that there were teachers present outside the room in order to keep the students orderly and that the confessions were very short duration.

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Re: Allegations of [REDACTED]
Our File No. GI-036-05
Date: Monday, February 20, 2006

[REDACTED]

When asked, he stated that [REDACTED]'s closest friends were [REDACTED] and [REDACTED]

He stated that he knew Father Burnett as a decent individual and did not believe that he would engage in any inappropriate activity. [REDACTED] provided a letter (copy attached) he sent to several newspapers in which he states, "Father Burnett was a caring, influential priest who help grow St. Mary's Church into the great parish it is now." He also stated in a letter, "During my eight years at St. Mary's, I never saw any indication of, nor did I ever feel that there was any inappropriate behavior going on between Father Burnett and any of the other students." He also stated that Father Burnett was actually much closer to his brother, [REDACTED] who graduated a few years ahead of [REDACTED]. He stated that he discussed the allegations with his brother, [REDACTED] and his brother assured him that at no time did Father Burnett ever make any inappropriate advances towards [REDACTED]

[REDACTED]

[REDACTED] stated that if he could be of further assistance, the investigator should contact him and stated that he would cooperate fully in the future.

This Investigation Is Continuing With Supplemental Reports To Follow.

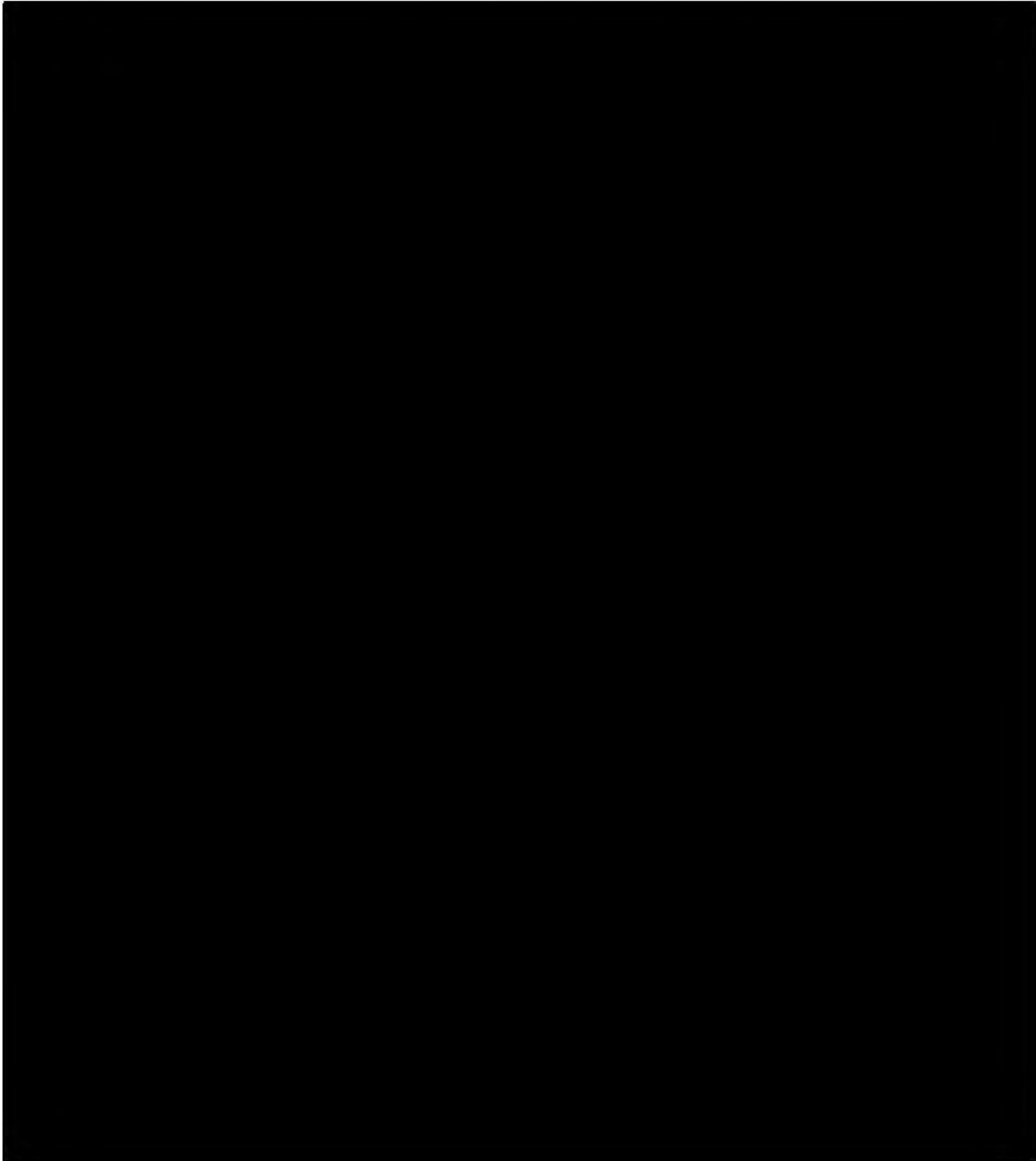
FR, BURNETT SCAN FROM THE DIOCESE OF JOLIET NO. 1379

Redacted April 2014
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Released April 30 2014

Re: Allegations of [REDACTED]
Our File No. GI-036-05
Date: Monday, February 20, 2006

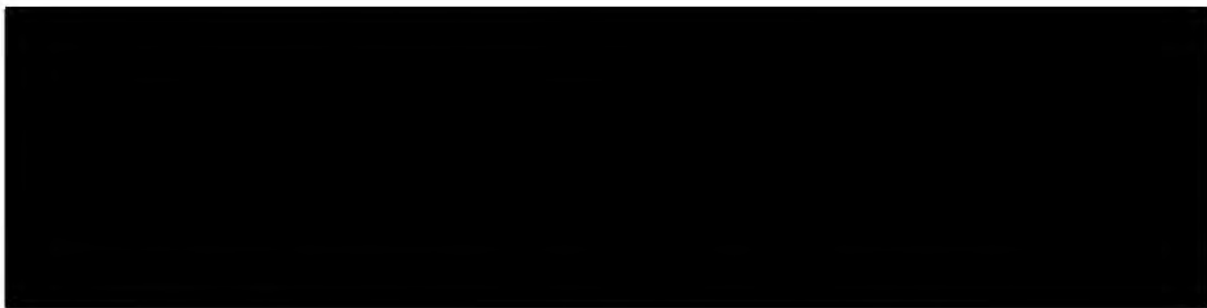
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On February 20, 2006, Investigator Steven L. Kirby interviewed [REDACTED] over the telephone concerning the above captioned matter. [REDACTED] sent a letter to Bishop Imesch with a copy going to Sister Judith Davies on February 14, 2006 in which he expressed his opinion that the allegations relating to Father Burnett were not true. He stated that he would be willing to discuss the letter with a representative of the diocese.



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Re: Allegations of [REDACTED]
Our File No. GI-036-05
Date: Monday, February 20, 2006



This Investigation Is Continuing With Supplemental Reports To Follow.

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Released April 2014

Re: Allegations of [REDACTED]
Our File No. GI-036-05
Date: Wednesday, March 08, 2006

On Tuesday, March 7, 2006, Investigator Steven L. Kirby interviewed Father Vytas Memenas, who is currently assigned to St. Anthony Parish, 100 North Scott, Joliet, Illinois 60432, telephone [REDACTED]. Father Memenas was Pastor of St. Mary's Parish in Mokena from 1972 to 1978. Father Burnett was an associate at St. Mary's from 1974 to 1978 (before being designated Pastor) and lived and worked with Father Memenas during those four years.

Father Memenas stated that he did not have any firsthand information one way or the other that would directly address the allegations of [REDACTED] but emphatically stated that he did not believe the allegations. When asked why, he stated that he always knew Father Burnett to be respectful in how he treated people and never knew him to engage in any type of inappropriate behavior or even suspicious behavior with juveniles during the four years that he worked with him. He stated that from what he knew of Father Burnett's character he did not believe him to be the kind of priest that would abuse anyone. He described Father Burnett as somewhat of a "loner" who did not socialize or go to parishioner's homes often.

Father Memenas pointed out that when he was requested by Bishop Kucera to go to St. Patrick, he told the Bishop that one of the conditions for him accepting the transfer would be for Father Burnett to be made Pastor of St. Mary's. He stated that he would not have made this recommendation had he not had the utmost confidence in Father Burnett. He also pointed out that at the time Father Burnett was only ten years ordained.

Father Memenas stated he has also learned that a number of former classmates of [REDACTED] have stepped forward and publicly supported Father Burnett, including [REDACTED] and members of the [REDACTED] family.

Father Memenas stated that he also knew [REDACTED] of St. Mary's Parish. Father Memenas stated that he also recalls [REDACTED] who would have been six to eight years old when Father Memenas left St. Mary's and was reassigned to St. Patrick Parish in Joliet. He did not have any relevant information regarding [REDACTED].

Father Memenas did point out that the [REDACTED] would have actually been members of [REDACTED] based upon where they resided in the seventies. Father Memenas stated that [REDACTED] did not have a grade school and that parishioners from [REDACTED] who wanted to attend a Catholic grade school would have been bussed to St. Mary's in Mokena but presumably would have gone to the sacraments at [REDACTED].

This Investigation Is Continuing With Supplemental Reports To Follow.

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INVESTIGATIVE REPORT

ALLEGATIONS OF [REDACTED]
(SUPPLEMENTAL REPORT 11)

OUR FILE NO. GI-036-05

I N T E R V I E W

O F

[REDACTED]

O N

APRIL 18, 2006

CONFIDENTIAL

TUESDAY, APRIL 18, 2006

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Released April 2014

Re: [REDACTED]
File No.
Date:

Allegations of [REDACTED]
GI-036-05
Tuesday, April 18, 2006

000069

On Saturday, April 15, 2006, Investigator Steven L. Kirby spoke with [REDACTED] who was married to [REDACTED]

[REDACTED] The investigator had made previous attempts to contact [REDACTED] and had left two or three messages on her voice mail requesting a call back. She explained that she had been out of town and had just picked up the investigator's messages the previous day.

[REDACTED] stated that her mailing address is [REDACTED]

During the course of her interview, she made the following relevant statements:

- [REDACTED]
- She stated unequivocally that he never talked about being sexually abused by any member of the Catholic Church or anyone in his life. She stated that [REDACTED] considered himself a Catholic (occasionally going to Mass) and occasionally talked about growing up as a Catholic in Illinois. She stated that during those times, he never mentioned any type of abuse situation and never really talked much about his time in grade school. She never heard him mention Father Burnett's name in any context.
- [REDACTED]
- [REDACTED]
- [REDACTED]

Redacted April 2014
TMJA
Released April 2014

FOR THE CONFIDENTIAL USE OF THE CLIENT ONLY

INVESTIGATIVE REPORT

ALLEGATIONS OF [REDACTED]
(SUPPLEMENTAL REPORT NO. 12)

OUR FILE NO. GI-036-05

I N T E R V I E W

O F

[REDACTED]

O N

JAN. 5th 2007

CONFIDENTIAL

FRIDAY, JANUARY 05, 2007

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Re: Allegations of [REDACTED]
(Supplemental Report 12)
Our File No. GI-036-05
Date: Friday, January 05, 2007

PREDICATION

The client requested that this office locate and interview [REDACTED] formerly of Mokena, Illinois and a St. Mary's parishioner regarding unsubstantiated reports that when he attended St. Mary's in the 1980's that his parents either refused to let him serve as an altar boy or required him quit being an altar boy because of concerns they had concerning Father Burnett.

INVESTIGATION

During the course of the initial investigation, [REDACTED] was found to be residing at [REDACTED]

On Thursday, January 4, 2007, Investigator Steven L. Kirby contacted [REDACTED] by phone and conducted a telephonic interview. The following is a summary of that conversation:

[REDACTED] confirmed that he attended St. Mary's Parish in Mokena, Illinois from 1977 to 1985 and was a classmate of [REDACTED]. He stated that after [REDACTED] allegations became public information he heard about them from several sources. He then sent [REDACTED] an email offering his sympathies and support. [REDACTED] then telephoned him and they had a brief discussion of the allegations, but that [REDACTED] did not relate any information to him other than what was generally in the news media. He further stated that [REDACTED] did not give him any specifics.

[REDACTED] also stated that in recently discussing this matter with his parents, his parents told him that they thought "Burnett was weird." He said his parents told him that one of the reasons that they never encouraged him to be an altar boy was because of their concerns of Burnett. [REDACTED] confirmed that he had related this to [REDACTED]

[REDACTED] stated that he never really wanted to be an altar boy and was never, in fact, a server at St. Mary's Parish. He further stated that he was never bothered by Father Burnett and was not aware of anyone who was. He stated that [REDACTED] is the only person he knows that has made allegations and that he does not have any real firsthand knowledge as to whether or not [REDACTED]'s allegations are true.

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Released April 2014

Re: Allegations of [REDACTED]
(Supplemental Report 12)
Our File No. GI-036-05
Date: Friday, January 05, 2007

He did confirm that he considered himself a friend of [REDACTED]s and associated with him through the college years up to about ten years ago. He stated that they then fell out of contact until recently when he heard about the allegations against Father Burnett.

[REDACTED]

END OF REPORT

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Released April 2014

RESPONSE OF FATHER BURNETT

Prepared

By

Patrick Reardon
(Civil Attorney for Father)

**RESPONSE OF REVEREND JAMES R. BURNETT
TO AN ALLEGATION BY**

[REDACTED]

History of allegations

In approximately December, 2005, [REDACTED] made allegations against Father James Burnett accusing him of acts of sexual misconduct with a minor beginning with abuse during a sacrament of reconciliation. Father has cooperated with the procedures of the Diocese of Joliet and remained absent from ministry for the last year while these allegations have been investigated and reviewed. As a part of this process of review, Father Burnett personally appeared before the Review Board of the Diocese and both presented his position and answered any questions. For this reason, Father will make only a brief additional written statement at this time summarizing what has already been of record.

Summary of previous response

Father has never had any particular relationship with [REDACTED]. He was a student at St. Mary School along with his brothers and sister. Contrary to [REDACTED]'s statement, Father Burnett was never a close friend of the [REDACTED] family, never had dinner at their home and does not even know where they lived.

[REDACTED]

Father Burnett believes that the Review Board has already investigated the circumstances surrounding the accusation of improper conduct during the sacrament of reconciliation. The location of the confession room and the glass block walls and the fact that teachers, other students, and often parents, were directly outside this glass block wall during children's confessions make an accusation of misconduct in this context patently false. Father did not take [REDACTED] out of the classroom for any reason. Such actions would have given rise to immediate questions by teachers and administrators.

Father remembers receiving one letter from [REDACTED] asking Father to pray for [REDACTED]. He responded with a letter assuring [REDACTED] of the prayers of his entire parish. Nothing in that correspondence referenced anything related to the current accusations.

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Father Burnett has previously answered the false accusations of [REDACTED] in a personal meeting with the Review Board. He re-affirms his previous statements and hereby restates his unconditional denial of these allegations. Father regrets that this person has chosen to make false statements about him. He has struggled to forgive and will pray for his accuser. He respectfully requests that the false allegations against him be dismissed.

Rev. James R. Burnett
Rev. James R. Burnett

Date: January 8, 2007