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Witness

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1 A. I'm ready.

2 Q. Mr. Schwaegel, when we left off you had mentioned
3 that there was also a Personnel Board within the Chancery
4 located over at the Chancery's headquarters, is that correct?

5 A. Yes.

6 Q. And you were a member of that Personnel Board,
7 correct?

8 A. Yes.

9 Q. And as part of that Personnel Board, one of the
10 duties and functions of that Board was to determine which
11 priest would be assigned to which parish, is that correct?

12 A. Yes.

13 Q. And the members of that Board included the various
14 Bishops who you worked for, is that right?

15 A. That's correct.

16 Q. Included the Chancellor, the Vice Chancellor, and the
17 Vicar General, is that right?18 A. Yes. I don't know if the Chancellor was on that or
19 not. I don't think so.20 Q. But you, as the secretary to the Bishop, you were
21 always on it, right?

22 A. Yes.

23 Q. Was that true the entire time you were the secretary
24 to the Bishop?1 BE IT REMEMBERED AND CERTIFIED that heretofore, on
2 to-wit: August 21, 2008, being one of the regular judicial
3 days of this Court, the matter as hereinbefore set forth came
4 on for hearing before the HONORABLE LLOYD A. CUETO, Circuit
5 Judge in and for the Twentieth Judicial Circuit, St. Clair
6 County, Illinois, and the following was had of record, to-wit:

7 *****

8 (The following proceedings were held in open court,
9 within the presence of the jury.)

10 THE COURT: Good afternoon, ladies and gentlemen.

11 JURORS: Good afternoon.

12 THE COURT: And is Mr. Schwaegel here? Please take
13 the witness stand again. Are you ready, Mary Jo?

14 COURT REPORTER: Yes.

15 THE COURT: Okay. Let's continue with direct
16 examination.

17 MR. WIGGINTON: May I proceed, Your Honor?

18 THE COURT: Yes.

19 MR. WIGGINTON: Thank you.

20 (At this time, the Direct Examination of Mr.

21 Schwaegel by Mr. Wigginton, continued as follows:)

22 CONTINUED DIRECT EXAMINATION

23 BY MR. WIGGINTON:

24 Q. Whenever you're ready.

1 A. Yes.

2 Q. Okay. And we know then from 1973 to 1988, as
3 secretary to the Bishop, you were a member and a participant
4 in all the Personnel Board meetings, right?

5 A. Correct.

6 Q. Okay. Now, do you recall discussions relating to the
7 assignment of Fr. Kownacki in those Personnel Board meetings?

8 A. Not at the moment.

9 Q. Okay. We have received from the Diocesan request to
10 document productions in this case Personnel Board meeting
11 minutes. However, the ones that we have, I believe, are from
12 1985 onward. Do you know if there are Personnel Board meeting
13 minutes that existed prior to that?

14 A. I'm not aware of any. I don't know.

15 Q. As secretary to the Bishop, when you would have a
16 Personnel Board meeting, were you responsible for taking the
17 minutes?

18 A. I would, yes.

19 Q. Would you take them in handwriting and then hand them
20 to one of the girls in the office to type up?

21 A. I also recorded the minutes with a tape recorder.

22 Q. Really?

23 A. Yes.

24 Q. Do you know where those tape recordings are?

1 A. Oh, gosh, no.
 2 Q. Were they maintained?
 3 A. No.
 4 Q. Were they destroyed?
 5 A. I would erase them after I took them off the tapes,
 6 and I would reuse them over and over again.
 7 Q. Okay. But the actual tape recording would have all
 8 the discussion about Fr. Kownacki, for example?
 9 A. Yes.
 10 Q. Okay.
 11 MR. WIGGINTON: Mike, if you could hand me Exhibit
 12 24.
 13 Q. (By Mr. Wigginton) I'm going to hand you a document
 14 that we looked at yesterday. This is Plaintiff's Exhibit 24.
 15 And does this appear to be a Personnel Board meeting minutes
 16 that you prepared?
 17 A. Yes.
 18 Q. Okay. And this is dated April 2nd, 1985, is that
 19 correct?
 20 A. Yes, that's what it says.
 21 Q. Now, as of April 2nd, 1985, I want to direct your
 22 attention to the members of the Personnel Board that were
 23 present at this meeting, and that was Bishop -- among those is
 24 Bishop Keleher, right?

1 A. Yes.
 2 Q. Don Abell, James Margason, Joseph Schwaegel, Bernard
 3 Sullivan. Do you see those names highlighted?
 4 A. I do.
 5 Q. Now, as of April 2nd, 1985, each of those individuals
 6 had knowledge that Fr. Kownacki had molested boys, had raped a
 7 girl, had other victims out there, had possibly fathered a
 8 child in Guatemala, and those are the members of the Personnel
 9 Board, is that right?
 10 A. Yes.
 11 MS. SCHROEDER: Object to the form of the question.
 12 It's compound. He asks two separate questions in there.
 13 THE COURT: Objection is overruled, and the answer
 14 will stand, which is "Yes."
 15 Q. (By Mr. Wigginton) All of those individuals had
 16 knowledge of Fr. Kownacki's past as of April 2nd, 1985,
 17 correct?
 18 A. If it was discussed at that meeting.
 19 Q. That's not my question, though, Mr. Schwaegel. My
 20 question is -- my point is that here's your Personnel Board,
 21 it's April 2nd, 1985, and I Count one, two, three, four, five
 22 individuals within the hierarchy of the Archdiocese who are
 23 sitting on the Personnel Board who know that Fr. Kownacki has
 24 sexually molested young boys, sexually molested a girl and

1 raped a girl, is that correct?
 2 A. I don't know. How are you aware of that?
 3 Q. Well, you're aware of it because of the events that
 4 happened in 1982. This is 1985, Mr. Schwaegel. And know
 5 Monsignor Sullivan is aware of it, because he typed up the
 6 memo in April of 1973, 12 years before this meeting.
 7 A. But I don't know -- I have not seen the minutes of
 8 that meeting, so I'm not sure what you're --
 9 Q. I'm sorry. I don't mean to confuse you. That's not
 10 my question. I'm saying that individuals on this Board at
 11 that time knew about Fr. Kownacki's past?
 12 A. I presume it was brought up at that meeting, but I
 13 have no -- I can't --
 14 Q. I'm not asking if it was brought up at the meeting.
 15 I'm saying each one of those individuals had at least one or
 16 more instances where they were involved in an investigation or
 17 complaints of sexual abuse of minor children by Fr. Kownacki?
 18 A. I don't know that.
 19 Q. Okay. Fr. Kownacki was discussed at that meeting,
 20 and the only portion that was revealed to us is the statement
 21 that says, In making assignments, must not forget about Fr.
 22 Kownacki?
 23 A. (Indicates affirmatively.)
 24 Q. So the Personnel Board is contemplating where to

1 assign Fr. Kownacki at that time, right?
 2 A. I presume so, sir, yes.
 3 Q. Now, in 1985, this is after we know he's been removed
 4 from Harrisburg. Remember that before we went to lunch?
 5 A. Yes.
 6 Q. We know he's been removed from Harrisburg because he
 7 had boys living there. We know about Salem, right, because
 8 you were involved in that. We know about Washington Park. We
 9 know about St. Francisville. We know of at least four or five
 10 places he's been involved in allegations of sexual abuse,
 11 sexual molestation, rape, and he's been reassigned five times,
 12 and now the Personnel Board has another chance now 12 years
 13 later, right?
 14 A. Uh-huh.
 15 Q. To do something about him, right?
 16 A. Yes.
 17 Q. I'm going to show you what we marked yesterday as
 18 Plaintiff's Exhibit 25. Again, is this is a Personnel Board
 19 memo that you created?
 20 A. Yes.
 21 Q. Okay. Now, we know from the evidence that's already
 22 been presented that he was removed from Harrisburg in August
 23 of 1994 -- I'm sorry, 1984?
 24 A. '84.

1 Q. August of 1984. Now, this is now May 1985, and the
 2 Personnel Board is meeting, and we have some of the same
 3 players there, Bishop Keleher, Reverend Margason here, you,
 4 Bernie Sullivan, and now the Personnel Board, am I correct,
 5 says Fr. Kownacki is ready for a parish, is that correct?

6 A. That's what it says, sir.

7 Q. And the Personnel Board which you were a member of,
 8 you made that determination as a group, I take it?

9 A. Yes. I can't recall this exact meeting, sir.

10 Q. Sure, and I wouldn't expect you to. But generally,
 11 when the Personnel Board met you guys would vote as a group,
 12 right?

13 A. It would be discussed. The final decision would be
 14 up to the Bishop, you know. It wouldn't be -- it would be
 15 recommendations -- the Board would make recommendations to the
 16 Bishop.

17 Q. But you would go back and forth in your discussion
 18 and talk about the pros and cons of assigning a priest to a
 19 particular area, is that right?

20 A. Yes.

21 Q. And, you know, whether this priest was a good fit for
 22 this community, right?

23 A. Yes.

24 Q. And would you talk about whether or not this priest

1 at least four or five individuals who know about this man's
 2 past are congratulating him on appointing him to St. Patrick's
 3 parish in Tipton and Immaculate Conception parish in
 4 Madonnaville, correct?

5 A. Yes.

6 Q. Do you know whether the citizens of Tipton or the
 7 citizens of Madonnaville or Valmeyer were ever warned of Fr.
 8 Kownacki's propensity to sexually molest children?

9 A. I do not know that, sir.

10 Q. Do you know if the Archdiocese issued any kind of
 11 press release or told the authorities they should watch out
 12 for this guy?

13 A. I do not know. I am not aware of that.

14 Q. Are you ever aware of that happening?

15 A. No, no.

16 Q. I mean, you know, in fact, that it didn't happen,
 17 didn't you?

18 A. I'm not sure. There are some things -- not
 19 everything -- I never saw everything that went out from the
 20 office, you know.

21 Q. Well, don't you think you would be aware if your
 22 office, if the Chancery issued a press release saying we're
 23 assigning this priest to your community, but, by the way, he's
 24 a child molester, don't you think you would be aware of that?

1 was a threat to the children in that community?

2 A. I don't recall the discussion at the time about this,
 3 whether that was discussed in this particular day.

4 Q. Do you recall at any time with Fr. Kownacki where the
 5 discussion among the Board members, because all of you had
 6 knowledge? Tell -- what was your answer?

7 A. I don't recall if that ever came up at this meeting,
 8 for example.

9 Q. What about any of these Personnel Board meetings?

10 A. I'm not sure. Sorry.

11 Q. Okay. But by this time the Personnel Board, the
 12 hierarchy of the archdiocese, says Fr. Kownacki is ready for a
 13 parish, and this is 1985. I'm going to show you what we
 14 marked yesterday as Exhibit 26, Mr. Schwaegel, and show you --
 15 that is a letter dated May 15th, 1985, is that correct?

16 A. Yes, it is.

17 Q. All right. And what does the first sentence of that
 18 letter say?

19 A. After consultation with and approval of the Priest
 20 Personnel Board, it is a pleasure for me to appoint you pastor
 21 of St. Patrick's parish, Tipton and Immaculate Conception
 22 parish, Madonnaville, in accordance with Canon Law. This a
 23 appointment becomes effective July 2nd, 1985.

24 Q. So, now the Personnel Committee, which is made up of

1 A. I don't recall that ever being stated.

2 Q. It was not, was it?

3 A. Not to my knowledge.

4 Q. Right, and you were there? You were there
 5 continuously for 15 years in the headquarters?

6 A. Yes.

7 Q. And if that happened, you would know about it? Now,
 8 also here -- this is interesting -- this particular parish
 9 didn't have a grade school, a Catholic grade school, but it
 10 did have a Catholic high school, didn't it?

11 A. Yes, sir.

12 Q. And that's Gibault, right?

13 A. Yes.

14 Q. And despite the Personnel Board's knowledge of his
 15 past and what he does to young boys, they also encouraged him
 16 and would be grateful for his support of Gibault High School,
 17 right?

18 A. (Indicates affirmatively.)

19 Q. And that would be attending mass, performing services
 20 at Gibault High School, correct?

21 A. Yes, I presume so, as all pastors of the Deanery
 22 would do, you know, would visit.

23 Q. But here, you are encouraging him to participate in
 24 the activities of high school students, is that correct?

1 A. Yes.
 2 Q. Despite what you guys all know about him?
 3 A. Yes.
 4 Q. I'm going to show you what we have marked as Exhibit
 5 27. Take a look at that. Let me know when you're ready. Are
 6 you ready?
 7 A. Yes.
 8 Q. Okay, would you -- do you -- this is a letter dated
 9 June 25, 1985, correct?
 10 A. Uh-huh, yes.
 11 Q. It's a letter to Raymond Kownacki from Bishop
 12 Keleher, right?
 13 A. Yes.
 14 Q. Again, would you read the first sentence?
 15 A. After consultation with and approval of the Priest
 16 Personnel Board, it is a pleasure for me to appoint you pastor
 17 and in residence at St. Mary parish, Valmeyer, and pastor of
 18 St. Patrick's parish, Tipton, and Immaculate Conception
 19 parish, Madonnaville, in accordance with Canon Law.
 20 Q. Okay. This is the official appointment on June 25,
 21 1985 appointing him to take over these three parishes?
 22 A. Yes.
 23 Q. And that's after consultation with the Board that you
 24 were a member of?

1 A. Yes.
 2 Q. Now, again, in this letter there's even a reference
 3 now the Bishop is telling him, in my letter to the people at
 4 Valmeyer, Tipton and Madonnaville, I informed them that it
 5 would be necessary for you to realign the weekend mass
 6 schedule for the three parishes. Do you see that?
 7 A. Yes.
 8 Q. The Bishop did not inform the people at Valmeyer,
 9 Tipton and Madonnaville that he was assigning to their parish
 10 a child molester and a child rapist, did he?
 11 A. Not in this letter, no.
 12 Q. In any letter that you saw?
 13 A. Not to my knowledge. I don't know.
 14 Q. Now, we know things didn't go too well at Valmeyer.
 15 Are you aware of the allegations of misconduct that occurred
 16 in Valmeyer while Fr. Kownacki was there?
 17 A. I am not --
 18 Q. You're not?
 19 A. -- aware.
 20 Q. You were not aware at that time?
 21 A. I was not aware at that time or since.
 22 Q. Okay. Never seen any documents on that?
 23 A. Not on Valmeyer, sir.
 24 Q. Not on Valmeyer.

1 MR. WIGGINTON: Give me 32, 33.
 2 Q. (By Mr. Wigginton) Now, in Valmeyer, we know that
 3 you're still the full-time -- you're the right-hand man of the
 4 Bishop when Fr. Kownacki is at Valmeyer, right?
 5 A. Yes.
 6 Q. We know that. And you've also by that time been
 7 elevated -- because now at Valmeyer we're talking 1986, right?
 8 A. 1986.
 9 Q. '86. You see the appointment. And by this time,
 10 you've been elevated -- you are not only the full-time
 11 secretary to Bishop Keleher who writes these letters
 12 appointing these priests, but you are also a Monsignor
 13 yourself, correct? You have been elevated?
 14 A. Yes.
 15 Q. Are you telling us today, are you telling the jury
 16 today that you have never seen any written complaints or
 17 written allegations of improprieties by Fr. Kownacki at
 18 Valmeyer?
 19 A. I have not.
 20 Q. This will be the first time you see them?
 21 A. To the best of my knowledge, sir.
 22 Q. Let me show you what we marked yesterday as Exhibit
 23 32. Here, you can have my copy. Take a look at that, please.
 24 Okay, are you finished?

1 A. Yes.
 2 Q. Okay, I'm going to hand you the original. This is
 3 the court's copy with the official sticker, all right? Now,
 4 this is a document that was produced to us dated October 14th,
 5 1986 from the housekeeper at Valmeyer.
 6 A. Uh-huh.
 7 Q. Were you ever made aware as Monsignor and a member of
 8 the Personnel Board meeting -- Board that there were
 9 complaints of misconduct against Fr. Kownacki while he was
 10 stationed at Valmeyer?
 11 A. I never -- I don't recall any of those.
 12 Q. Do you recall Monsignor Margason ever bringing that
 13 to your attention?
 14 A. If he did, it's escaped my memory, I'm sorry. I just
 15 don't remember that.
 16 Q. You just don't remember that. Well, do you remember
 17 Monsignor Margason sharing any information with you about
 18 that?
 19 A. I don't.
 20 Q. No? Would you expect him to share information with
 21 you about that?
 22 A. If Monsignor deemed it appropriate, yes. I don't
 23 know. You know, he -- '86. Bishop Keleher was in office at
 24 the time. He could have shared it with the Bishop and not

1 with me. There's no reason for him to, you know, share
2 everything that came in with me if he, indeed, worked with the
3 Bishop, you know.

4 Q. Uh-huh. Well, here's another one I want you to look
5 at. This is the court's copy. This is Exhibit 33. Have you
6 ever seen that complaint before?

7 A. No, I haven't.

8 Q. This the first time you have seen that complaint?

9 A. Yes.

10 Q. When was that complaint written?

11 A. November 7th, 1986.

12 Q. November 7th, 1986. That complaint has been out
13 there for 22 years, and this is the first time you have seen
14 it?

15 A. Yes.

16 Q. Nobody at the Chancery ever shared these complaints
17 with you, did they?

18 A. Well, it -- you know, it -- sometimes --

19 Q. You don't need to explain it. Nobody shared these
20 complaints with you, did they?

21 A. But it wasn't absolutely necessary for me to share
22 everything -- for anyone to share everything with me. If
23 they, indeed, worked with the Bishop I didn't need to know
24 everything that was going on. If I would have typed a letter

1 for the Bishop about this, maybe I would have found out, but I
2 -- you know.

3 Q. You are a member of the Personnel -- you are a member
4 of the Personnel Board. You determined who gets assigned to
5 what parish. You determined what priest goes to what city.
6 Don't you think this is something that should have been
7 brought to your attention?

8 A. The Personnel Board, as I recall, was always advisory
9 to the Bishop.

10 Q. That's not my question, sir. That is not my
11 question. My question is -- you don't need to look at Fr.
12 Margason. My question is as a member of the Personnel Board,
13 shouldn't this kind of information, allegations of Fr.

14 Kownacki once again now in 1986 at another community, at
15 another parish having relationships with boys, boys living in
16 the house, writing love letters to boys, shouldn't that have
17 been brought to the attention of the Personnel Board?

18 A. I presume so. I trust that -- you know, I trust Fr.
19 Margason and the decision he made. This letter was addressed
20 to him. I --

21 Q. That's not my question sir. My question is very
22 simple. You don't need to look over at him again. Okay?

23 A. He's looking down.

24 Q. You need to look at me. The question is should these

1 allegations of misconduct of boys living in the house, of Fr.
2 Margason writing a love letter to a boy, a note, waiting for
3 that boy to come back to the rectory, and the note says, When
4 you come home this evening, even if it is late, please come to
5 my room and give me a massage. I love you. Shouldn't that
6 type of information be brought to the attention of the
7 Personnel Board?

8 A. I think what needs to be determined -- and I'm not
9 the one -- the Personnel Board would be involved in helping
10 the Bishop decide on who gets placed where, but what goes on
11 in between, that's one of the reasons for the people assisting
12 the Bishop in the Chancery Office.

13 Q. But the Personnel Board met monthly?

14 A. Well --

15 Q. That's what you have told us. I mean, this is
16 something that should have been brought to your attention if
17 it was known, shouldn't it?

18 A. Yes.

19 Q. But we know that you have never seen it and it's been
20 22 years, and we know who had the information sitting right
21 there.

22 I'm going to hand you a new exhibit. This is Exhibit 36,
23 okay?

24 A. Sure.

1 MR. WELLS: Do you have a copy, Steve?

2 MR. WIGGINTON: Oh.

3 MR. WELLS: Thank you.

4 Q. (By Mr. Wigginton) Okay, have you had a chance to
5 read that?

6 A. Yes.

7 Q. Okay Exhibit 36 is a -- 36 down there at the bottom.
8 Okay?

9 A. Yes.

10 Q. This is another Personnel Board memo. This one is
11 dated March 19th, 1987 now, right?

12 A. Yes.

13 Q. Okay. And the members are Bishop Keleher, Don Abell,
14 Reverend Margason, you, Bernie Sullivan, all the people who
15 have known about Fr. Kownacki for now going on 17 years, 14
16 years, something like that? And can you tell the jury what
17 you wrote in your memorandum?

18 A. Do you want me to read it?

19 Q. Yes, please.

20 A. This led to much discussion of Fr. Kownacki. Bishop
21 said, while we must take care of our brother priests, the
22 Diocese must also be considered. Much discussion.

23 Q. So now the discussion is taking care of a brother
24 priest but also taking care of the Diocese, right?

1 A. Yes.
 2 Q. Nothing in the memo about taking care of the victims
 3 of sexual abuse by Fr. Kownacki, is there?
 4 A. No.
 5 Q. The concern of the Personnel Board at that time in
 6 1987 was how do we protect ourselves, wasn't it?
 7 A. I don't know.
 8 Q. The letter -- the memo speaks for itself, doesn't it?
 9 A. (No audible response.)
 10 Q. Because now you are running out of places to transfer
 11 this man, aren't you, right?
 12 A. I don't know.
 13 Q. Do you remember discussions about running out of
 14 places to transfer him?
 15 A. No, I don't remember that, sir.
 16 Q. Okay.
 17 MR. WIGGINTON: Can I have the next exhibit? 37.
 18 Q. (By Mr. Wigginton) Here, you -- this was marked
 19 yesterday as Exhibit 37, okay?
 20 A. Thanks.
 21 Q. You had a chance to look at that?
 22 A. I did, sir.
 23 Q. Okay, Exhibit 37, this is another memo that you
 24 prepared, correct?

1 A. Yes.
 2 Q. Personnel Board meeting minutes. And the date of
 3 this one is April 7th, 1987, okay?
 4 A. Yes.
 5 Q. We just looked at the March one. Now, remember what
 6 my last question was, you guys were having trouble finding
 7 where to put this guy now?
 8 A. (Indicates affirmatively.)
 9 Q. Turn to the next page, all right?
 10 A. Yes.
 11 Q. Fr. Ray Kownacki. Nothing much has changed. Bishop
 12 suggested a chaplaincy somewhere. Board agreed he should be
 13 moved from Valmeyer now but should be in a hospital chaplaincy
 14 ministry. This could be dangerous.
 15 Do you recall that discussion at the Personnel Board
 16 meeting?
 17 A. No, I do not.
 18 Q. At this point, though -- and the cast of characters
 19 have remained the same for decades now. If you turn to the
 20 front page, there's Keleher, Reverend Abell, you, Bernie
 21 Sullivan, right?
 22 A. Yes.
 23 Q. Now we're in 1987, and now finally in your own
 24 minutes you recognize that this man is dangerous, is that

1 right?
 2 A. Yes.
 3 Q. But that didn't stop the Personnel Board from putting
 4 him someplace else, did it?
 5 A. No.
 6 Q. In fact, you had further discussions about where to
 7 put him, right?
 8 A. Yes.
 9 Q. In fact --
 10 MR. WIGGINTON: Give me Exhibits 41, 42, 43, please.
 11 Q. (By Mr. Wigginton) I have got a number of Personnel
 12 Board meeting minutes after the time you determined your
 13 Personnel Committee, your Personnel Board, determined that
 14 this man was dangerous, I have got a number of them now where
 15 you guys are deciding what to do with this man, and I'm just
 16 going to have you identify them. Okay? So that I can get
 17 them into evidence, all right? Start with this one, please.
 18 This is -- I'm going to hand you Exhibit 41, 42 and 43, okay?
 19 Tell me when you're ready. Okay, have you looked at all three
 20 of those memos?
 21 A. Yes.
 22 Q. Yes? Okay, and are those all memos that you prepared
 23 as secretary to the Bishop and a member of the Personnel
 24 Board?

1 A. I presume so, yes.
 2 Q. Okay. And the first one, Exhibit 41 --
 3 A. 41.
 4 Q. -- that's -- now we're up to 1988, March 30th, 1988,
 5 correct?
 6 A. Yes.
 7 Q. And you see the same names, Bishop Keleher, Don
 8 Abell, Reverend Margason, you, Bernie Sullivan. Now in 1988,
 9 the same group of men who worked at the Chancery who have
 10 known about Fr. Kownacki having sexual molestation against
 11 boys, raping young girls since -- at least now Sullivan has
 12 known its since 1973, and now here we are 15 years later and
 13 you guys are still deciding on where to place him, right?
 14 A. Yes.
 15 Q. Turn the page. Now, you have even the Bishop talking
 16 to Fr. Kownacki about moving, right?
 17 A. Which one are you on now, sir?
 18 Q. I'm sorry, I'm still on 41.
 19 A. Yes.
 20 Q. Now, I skipped ahead, because in '88, now, you
 21 determined that maybe the best place to put him was just put
 22 him with the -- is it the Poor Clares?
 23 A. Poor Clares, uh-huh.
 24 Q. That's a group of nuns, right?

1 A. That's an order of contemplative nuns or cloistered
2 nuns.
3 Q. Cloistered nuns, but he wasn't going to live at the
4 cloister?
5 A. No.
6 Q. He was going to still maintain his residence here in
7 Belleville, right?
8 A. I presume so, yes.
9 Q. Do you remember discussion about sending him all the
10 way down to Metropolis?
11 A. No, I do not remember that.
12 Q. I'm going to hand you what we marked yesterday as
13 Exhibit 28, okay? Do you recognize those as minutes that you
14 took of a priest Personnel Board meeting?
15 A. Yes.
16 Q. And would you turn the page to the second page?
17 MS. SCHROEDER: Steve, you said 28?
18 MR. WIGGINTON: Yeah, 28.
19 MR. WELLS: Did you use it yesterday?
20 MR. WIGGINTON: Yes.
21 MR. WELLS: I'm not sure you did.
22 MR. WIGGINTON: Oh, I'm sorry.
23 Q. (By Mr. Wigginton) Now, at this meeting there was
24 talk of putting him all the way town in Metropolis. Do you

1 remember that?
2 A. Yes. Fr. Margason made a comment that he feels that
3 it's too far away.
4 Q. I'm looking at the comment before Fr. Margason.
5 Somebody said, Put Fr. Kownacki in Metropolis, right?
6 A. Yes.
7 Q. And at that time, he had already been on the farthest
8 -- he had been on the farthest east part of the State you
9 could possibly get, right?
10 A. Right.
11 Q. Then you put him all the way on the farthest west
12 part of the state, right?
13 A. (Indicates affirmatively.)
14 Q. Then put him in the middle of the State, right?
15 A. (Indicates affirmatively.)
16 Q. Then you transferred him all the way down here on the
17 southwestern side of the state, correct? And then he was
18 brought back up here to Monroe County. And now, here we are
19 saying where are we going to put him? Do you know where
20 Metropolis is?
21 A. I was there years ago, of course.
22 Q. It's as far south in Illinois as you can get, isn't
23 it?
24 A. Exactly.

1 Q. It's on the Ohio River right here, right here at I-24
2 at Massac County, isn't it? I mean, right across the river is
3 Paducah, Kentucky.
4 A. Uh-huh.
5 Q. And that's where you guys were thinking about putting
6 him, wasn't it? Do you remember why there was discussion
7 about putting him that far away?
8 A. I don't have any recollection of that.
9 Q. Now, Fr. Margason thought that was just too far away,
10 didn't he?
11 A. Yes.
12 Q. Do you know where he ended up? Let me show you a
13 document we have marked as Exhibit 29, which is another priest
14 Personnel Board memo. Do you recognize that as being a memo
15 that you prepared in 1986?
16 A. I presume I did.
17 Q. It shows another meeting of the Priest Personnel
18 Board, right?
19 A. Right.
20 Q. And again, it shows your attendance there, right?
21 A. Yes.
22 Q. Okay. And the Reverend Margason and Bernard
23 Sullivan, right?
24 A. Yes.

1 Q. And if you turn to page two, now in this one this was
2 I guess week later, Fr. Margason is open to Fr. Kownacki going
3 to Metropolis and now messenger --
4 A. Monsignor.
5 Q. Monsignor Lombardo agrees, right?
6 A. Yes.
7 Q. So there were at least a couple of meetings where the
8 Priest Personnel Board discussed sending Fr. Kownacki to
9 Metropolis, right?
10 A. (Indicates affirmatively.)
11 Q. But you don't have any recollection as to why they
12 were going to send him from Valmeyer to the farthest tip of
13 the State of Illinois?
14 A. I don't know sir, sorry. Don't know.
15 Q. Now, ultimately, do you know where he ended up?
16 A. I don't at the moment. I can't recall all that.
17 Q. You don't recall where he ultimately ended up?
18 A. No, I don't.
19 Q. Okay. This is Plaintiff's Exhibit 45.
20 A. Oh, yes, yes.
21 Q. Do you -- this is a letter dated June 22nd, 1988. It
22 was produced by the Diocese. It's to Reverend Kownacki from
23 Bishop Keleher, correct?
24 A. Right.

1 Q. And this is June 22nd, 1988, right?
 2 A. Yes.
 3 Q. And can you read the first paragraph?
 4 A. After consultation with and approval of the Priest
 5 Personnel Board, I hereby appoint you to residence at St.
 6 Henry parish, Belleville. Appointment becomes effective
 7 Friday, July 1, 1988.
 8 Q. So, now, after all the Priest Personnel Board knows
 9 about this man and they know all the things that he's done for
 10 the last 15 years, they put him at St. Henry's parish on West
 11 Main at the residence, correct?
 12 A. Right.
 13 Q. And in 1988, right next door to the residence was the
 14 Catholic grade school, wasn't it, St. Henry's grade school?
 15 A. Yes.
 16 Q. And right next to that was Althoff High School,
 17 wasn't it?
 18 A. Right.
 19 Q. And they put him in the heart of a grade school and a
 20 high school, didn't they?
 21 A. Uh-huh.
 22 Q. What is your answer?
 23 A. Yes, they did. We did. It was --
 24 Q. And he would be -- there would be alter boys at St.

1 Henry's, wouldn't there?
 2 A. He certainly had an exemplary role model, however, in
 3 the pastor at St. Henry's.
 4 Q. I'm sorry, I didn't --
 5 A. If he was going to take a residency at St. Henry's,
 6 he certainly has an exemplary role model in the pastor of St.
 7 Henry's, and I presume he would continue then his ministry
 8 with the Poor Clares. I don't see that in here, though.
 9 Q. The thing is, though, is you put him right -- your
 10 Board, the Priest Personnel Board, after everything you have
 11 known, you put him right in the heart of kids. You put him
 12 right in the heart of a grade school and a high school.
 13 MS. SCHROEDER: Objection, Your Honor, asked and
 14 answered.
 15 THE COURT: Overruled. We'll try it one more time
 16 and then let's move on.
 17 MR. WIGGINTON: Thank you.
 18 Q. (By Mr. Wigginton) Is that correct?
 19 A. Yes.
 20 Q. Did you warn any of the parishioners of St. Henry's
 21 that you were placing Fr. Kownacki there and that he had --
 22 for 15 or more years had sexually molested boys, had sexually
 23 molested girls, had fathered a child in Guatemala? Did you
 24 warn any of the parishioners?

1 A. I did not personally, but I don't know about the
 2 Bishop or anybody else, anybody else on the Personnel Board or
 3 any other priests in the Chancery who might have spoken to Fr.
 4 Voss. I don't have any way of knowing that.
 5 Q. You were the secretary to the Bishop. You were the
 6 Monsignor in Belleville. You would know if the Chancery
 7 located three blocks over from here notified the parishioners
 8 of St. Henry's, which is at the 5200 block of West Main?
 9 A. Right.
 10 Q. You would know that, wouldn't you?
 11 A. I was not made aware of that, sir. I'm sorry.
 12 Q. No, and we know that it never happened, right? The
 13 public was never warned about Fr. Kownacki at St. Henry's,
 14 were they?
 15 A. I'm not sure.
 16 Q. In fact, he was held out as a good priest at that
 17 time, wasn't he?
 18 A. (No audible response.)
 19 Q. He was held out as a safe and suitable priest to be
 20 around grade school children and high school students at St.
 21 Henry's and Althoff Catholic High School, wasn't he?
 22 A. By reason of this appointment you are saying?
 23 Q. Yes, right.
 24 A. Yes, yes.

1 MR. WIGGINTON: That's all I have of this witness.
 2 THE COURT: Okay. Cross examination?
 3 MS. SCHROEDER: Yes, Your Honor.
 4 CROSS EXAMINATION
 5 BY MS. SCHROEDER:
 6 Q. Joe, do you have in front of you Exhibit 3?
 7 A. I do.
 8 Q. And the very last page Mr. Wigginton referred to this
 9 document in your direct examination, and at the very bottom he
 10 referred you to the fact that Monsignor Sullivan signed it,
 11 did he not?
 12 A. Yes.
 13 Q. What does it say right above Monsignor Sullivan's
 14 signature?
 15 A. Note, typed by Fr. Sullivan.
 16 Q. And does that indicate to you that Monsignor Sullivan
 17 typed those notes?
 18 A. Yes.
 19 Q. Joe, Mr. Wigginton continually referred to the
 20 Archdiocese of Belleville?
 21 A. Right.
 22 Q. We aren't an archdiocese --
 23 A. We are --
 24 Q. Let me finish. We aren't an archdiocese, are we?

1 A. No.
 2 Q. We're a diocese, correct?
 3 A. Correct.
 4 Q. St. Louis is an archdiocese?
 5 A. That's right.
 6 Q. Chicago is an archdiocese?
 7 A. Yes, ma'am.
 8 Q. But the Belleville Diocese is not an archdiocese?
 9 A. It is not.
 10 Q. At the beginning of your testimony with Mr. Wigginton
 11 he referred to the fact you have been removed from ministry,
 12 correct?
 13 A. Yes.
 14 Q. And you talked about a sexual addiction, correct?
 15 A. Yes.
 16 Q. That sexual addiction never included minors, did it?
 17 A. Never. Adults, males only.
 18 Q. And you have admitted that, correct?
 19 A. Yes, I have.
 20 Q. And you have been removed by the Review Board,
 21 correct?
 22 A. Yes, by the --
 23 Q. Or excuse me, you have been removed by the Bishop?
 24 A. By the Bishop.

1 Q. Your removal process did not go through the Review
 2 Board, did it?
 3 A. I don't think so.
 4 MS. SCHROEDER: May I have a moment, Your Honor?
 5 THE COURT: Sure.
 6 Q. (By Ms. Schroeder) Joe, you were sued in U.S.
 7 Federal Court in East St. Louis, were you not?
 8 A. Yes.
 9 Q. By an individual who accused you of sexual abuse with
 10 a minor?
 11 A. Yes.
 12 Q. Correct?
 13 A. Yes, yes.
 14 Q. And this was after you were removed from ministry?
 15 A. Yes.
 16 Q. By the Bishop of Belleville, correct?
 17 A. Yes.
 18 Q. You were removed, for the members of the jury, that
 19 was in December of 1994, correct?
 20 A. Yes.
 21 Q. And that lawsuit was filed in 2001?
 22 A. Yes, I think that's right.
 23 Q. And was the Diocese of Belleville dismissed from that
 24 lawsuit?

1 MR. WIGGINTON: Objection, Your Honor. That's
 2 irrelevant to this case. That case never went to a jury
 3 trial.
 4 THE COURT: Ladies and gentlemen, the only person
 5 that you're going to hear the law from is me. It's not what
 6 happened on some other case, be it in Federal Court or
 7 anywhere else. Each case stands on its own facts. If
 8 Monsignor Schwaegel was a target of that litigation there,
 9 he's not today. The Diocese of Belleville is. So, you know,
 10 you don't have to pay any attention to what somebody else did
 11 in some other lawsuit. The objection is sustained.
 12 MS. SCHROEDER: I have no further questions, Your
 13 Honor.
 14 THE COURT: Okay. Anything on redirect related to
 15 the cross examination?
 16 MR. WIGGINTON: No, Your Honor. Thank you.
 17 THE COURT: Okay, you may step down. Thank you.