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1 IN THE UNITED STATES BANKRUPTCY COURT  
2 FOR THE EASTERN DISTRICT OF WISCONSIN

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4 In re:                    ) Chapter 11  
                              )  
5 ARCHDIOCESE OF MILWAUKEE, ) Case No. 11-20059-SVK  
                              )  
6 Debtor,                 ) Hon. Susan V. Kelley

7  
8 UNDER SEAL/CONFIDENTIAL

9 Volume I  
\_\_\_\_\_

10

11 VIDEO DEPOSITION OF DANIEL A. BUDZYNSKI,

12 was taken at the instance of Certain Personal Injury

13 Claimants, under and pursuant to the provisions of Rule

14 30 of the Federal Rules of Civil Procedure made

15 applicable by Rule 7030 of the Federal Rules of

16 Bankruptcy Procedures, and the acts amendatory thereof

17 and supplementary thereto, before me, KATHY A. HALMA,

18 Registered Professional Reporter and Notary Public in

19 and for the State of Wisconsin, at the Law Offices of

20 Whyte, Hirschboeck & Dudek, S.C., 555 East Wells

21 Street, Suite 1900, Milwaukee, Wisconsin, on the 21st

22 day of November, 2011, commencing at 9:30 o'clock in

23 the forenoon.

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1 APPEARANCES

2 JEFF ANDERSON & ASSOCIATES, P. A., 366  
3 Jackson Street, Suite 100, St. Paul, Minnesota, 55101,  
4 by MR. JEFF R. ANDERSON and MICHAEL G. FINNEGAN,  
5 appeared on behalf of the Certain Personal Injury  
6 Claimants.

7 HOWARD, SOLOCHEK & WEBER, S.C., 324 East  
8 Wisconsin Avenue, Suite 1100, Milwaukee, Wisconsin,  
9 53202, by MR. ALBERT SOLOCHEK, appeared on behalf of  
10 the Unsecured Creditors Committee.

11 WHYTE HIRSCHBOECK DUDEK, S.C., 555 East  
12 8 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,  
13 by MR. FRANCIS H. LOCOCO, appeared on behalf of the  
14 Debtor.

15 DE WITT, ROSS & STEVENS, S.C., 13935  
16 Bishop's Drive, Suite 300, Brookfield, Wisconsin,  
17 53005-6605, by MR. SHAWN M. GOVERN, appeared on behalf  
18 of the witness.

19

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1 (The original transcript was sent to Attorney  
Anderson.)

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3 (The original exhibits were retained by the court  
reporter. The original exhibits (except Exhibit B)  
4 were attached to the original and a copy was attached  
to all ordered transcripts.)

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1 TRANSCRIPT OF PROCEEDINGS

2 VIDEOTAPE TECHNICIAN: My name is Steve

3 Peters, CLVS, associated with Halma-Jilek

4 Reporting, Inc., Milwaukee, Wisconsin. This is

5 the beginning of the video deposition of Daniel

6 A. Budzynski on November 21, 2011; the time

7 9:46 a.m. This is the case concerning in re

8 Archdiocese of Milwaukee, Debtor, Case

9 No. 11-20059-SVK pending in the United States

10 Bankruptcy Court for the Eastern District of

11 Wisconsin.

12 Will counsel now please state their

13 appearances.

14 MR. ANDERSON: Jeff Anderson for the

15 Survivors.

16 MR. FINNEGAN: Mike Finnegan for the

17 Survivors.

18 MR. SOLOCHEK: Albert Solochek for the

19 Official Unsecured Creditors Committee.

20 MR. LO COCO: Frank LoCoco on behalf of

21 the Archdiocese of Milwaukee.

22 MR. GOVERN: Shawn Govern on behalf of

23 Dan Budzynski.

24 VIDEOTAPE TECHNICIAN: The court

25 reporter will now swear in the witness.

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1 DANIEL A. BUDZYNSKI, called as a  
2 witness herein by Certain Personal Injury Claimants,  
3 after having been first duly sworn, was examined and  
4 testified as follows:

5 EXAMINATION

6 BY MR. ANDERSON:

7 Q Sir, would you please state your full name.

8 A Daniel Aloysius Budzynski.

9 Q Mr. Budzynski, would you please give us the  
10 spelling of your last name.

11 A B-U-D-Z-Y-N-S-K-I.

12 Q Thank you, sir. We had some discussions off the  
13 record about this process, and you understand, do  
14 you not, that you have taken an oath to tell the

15 truth?

16 A Yes.

17 Q As if you are in a courtroom before a judge. Do  
18 you understand that?

19 A Yes.

20 Q Okay. You also understand that this is being  
21 recorded both by transcription, a stenographer,  
22 and by videotape?

23 A Yes.

24 Q And you met all of the parties here. I will be  
25 asking you some questions here this morning, and

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1 if you don't hear the question or understand it,  
2 please let me know and I'd be happy to rephrase  
3 it or repeat it. Okay?

4 A Yes.

5 Q We have discussed briefly your current medical  
6 condition, and I think you advised us that you  
7 have some difficulty hearing?

8 A Yes.

9 Q And I will speak up so you can hear and  
10 understand the questions I ask.

11 A Thank you.

12 Q Are you suffering currently from any mental  
13 defect or disability that prevents you from being  
14 able to answer the questions that are asked here

15 today?

16 A No.

17 Q Okay. I know you have some physical and health  
18 problems and issues, and if you need any breaks  
19 or any accommodations for that, you just let me  
20 know.

21 A Thank you.

22 Q Okay. What is your current address, sir?

23 A [REDACTED], St.

24 Francis, Wisconsin, 53235.

25 Q How long have you been at that location?

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1 A Six years.

2 Q You understand, Mr. Budzynski, that we are  
3 permitted to take this testimony of you under  
4 oath by Order of the Bankruptcy Court and allowed  
5 to ask some questions. The first question I want  
6 to ask of you is is it correct to say that you  
7 were -- you are currently not a priest?

8 A Yes.

9 Q Okay. And is it correct to say that you were  
10 removed from the priesthood, effectively, by the  
11 Vatican?

12 A Yes.

13 Q What was the year of your official removal from  
14 the priesthood?

15 A 2005.

16 Q And you were ordained a priest to the Archdiocese  
17 of Milwaukee in the year 1956, were you not?

18 A Correct.

19 Q And so that would have officially made you a  
20 priest of the Archdiocese of Milwaukee from the  
21 year 1956 to the year 2005?

22 A Yes.

23 Q Okay. And at some point in time you did actually  
24 retire?

25 A Yes.

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1 Q And was that year 1995?

2 A It was 1994.

3 Q You did continue to do some help work after your  
4 retirement, however, did you not?

5 A I did.

6 Q Okay. And is it also correct to say that as a  
7 priest of the Archdiocese, at all times while  
8 such you were under a promise of obedience to the  
9 Superior for the Archdiocese, the various  
10 Archbishops?

11 A Yes.

12 Q And that means that you were under various  
13 promises of obedience to the Archbishop that  
14 ordained you, Archbishop Meyer?

15 A Correct.

16 Q And then under the promise of obedience to  
17 Archbishop Cousins who succeeded him?

18 A Yes.

19 Q And then under the promise of obedience to  
20 Archbishop Weakland who succeeded him?

21 A Yes.

22 Q And then Archbishop Dolan who succeeded him?

23 A Yes.

24 Q And Dolan presided as Archbishop at the time of  
25 your retirement?



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1 A Yes.

2 Q You advised us that you have some difficulty  
3 reading, also, so because there are a number of  
4 documents that need to be reviewed and/or  
5 discussed in this process today, I have advised  
6 you and your counsel that instead of asking you  
7 to read portions of documents, I will identify  
8 the document for you, then read from it so you  
9 can listen to the passage and then ask you a  
10 question. Will that work for you?

11 A That's fine.

12 Q Okay. How long did you do help out work or what  
13 some people call supply work as a priest after  
14 your retirement in 1994?

15 A About a year and one-half.

16 Q And in order for you to have done that, that  
17 would have required the permission, ultimately,  
18 of the presiding Archbishop, then Dolan?

19 MR. LO COCO: Objection to form.

20 MR. ANDERSON: Then Weakland. Excuse  
21 me.

22 THE WITNESS: Weakland, yes.

23 BY MR. ANDERSON:

24 Q Yes. Pardon me. And at how many different  
25 locations did you actually work and do help work

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1 for that year and one-half?

2 A That would be hard to say. You know, generally

3 in an around the Milwaukee area, Archdiocese of

4 Milwaukee, but that's too general, I suppose.

5 How many different locations?

6 Q Yes.

7 A Different locations.

8 Q Yes. Give me a rough estimate.

9 A Six.

10 Q Okay. And would that be to fill in for priests

11 taking vacation and doing parish work?

12 A Similar to that, yes.

13 Q Besides filling in for priests on vacation or

14 leave, during that period of time did you work in

15 any schools or with any CCD programs or anything

16 like that?

17 A No.

18 Q So it was all mostly parish work that you did

19 help work for?

20 A Yes.

21 Q For purpose of this deposition, Mr. Budzynski, we

22 did subpoena you to appear here today, did we

23 not?

24 A Yes.

25 Q And also asked you to produce some documents

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1 which you have brought with you which are now  
2 being copied, correct?

3 A Yes.

4 (Exhibit A was marked.)

5 BY MR. ANDERSON:

6 Q And in response to the subpoena that was issued  
7 and which you received, you filed with the Court  
8 an affidavit, which we have marked for  
9 identification as Exhibit A, and I'm not going to  
10 ask you to read this affidavit, but I will read  
11 from it for a moment and then ask you a couple  
12 questions. Okay?

13 A Okay.

14 Q And at the second page that is your signature

15 that signs this affidavit, correct?

16 A No.

17 MR. GOVERN: Up higher. It says,

18 "Daniel A," but the rest isn't there.

19 BY MR. ANDERSON:

20 Q Okay. But you did sign the affidavit, even if  
21 part of it perhaps got --

22 A Yes.

23 Q Okay.

24 A Yes.

25 Q Okay. According to this, it states you're

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1 83-years-old and suffering from some physical  
2 conditions, correct?

3 A Correct.

4 Q And at Paragraph 3 of it, and I will read it, you  
5 say, "I am a recovering alcoholic." How long  
6 have you been a recovering alcoholic?

7 A Twenty-eight years.

8 Q What year did you obtain your sobriety?

9 A 1982.

10 Q And since 1982 have you maintained complete  
11 sobriety and abstinence from alcohol and/or  
12 drugs?

13 A Yes.

14 Q When you were removed from the clerical state or  
15 what is referred to in your affidavit as  
16 laicization, did you fight that or did you agree  
17 to that?

18 MR. GOVERN: I will just make an  
19 objection. I don't know that he necessarily --  
20 as to foundation. I don't know that he knew --  
21 necessarily knew when exactly the process began.

22 BY MR. ANDERSON:

23 Q Okay. Did you know that you were being removed  
24 from the priesthood?

25 A No.

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1 Q Okay. When did you find out you had been removed  
2 from the priesthood?

3 A When I was served with a document from Rome.

4 Q What year was that, sir?

5 A 2005.

6 Q Do you currently receive pension?

7 A Yes.

8 Q What is the amount of your pension?

9 A I think it's around \$16,000 a year.

10 Q Did you or have you received any lump sum  
11 payments from the Archdiocese of Milwaukee beyond  
12 your pension payments?

13 A No.

14 Q Okay. Because you have identified yourself as a  
15 recovering alcoholic, that means that at some  
16 point in time you identified yourself as an  
17 alcoholic. When in time do you believe you first  
18 identified yourself as an alcoholic?

19 A When I was in treatment.

20 Q Okay. What year would that have been, sir?

21 A 1982.

22 Q And where was that at?

23 A Guest House in Rochester, Minnesota.

24 Q And that was an inpatient program?

25 A Yes.

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1 Q Thirty days or longer?

2 A Longer.

3 Q Okay. And at that time were you being treated

4 for alcoholism and other disorders or just

5 alcoholism?

6 A All disorders, yes.

7 Q What other disorders did you have for which you

8 received treatment at that time?

9 MR. LO COCO: I'm sorry. What year are

10 we now?

11 MR. ANDERSON: 1982.

12 MR. LO COCO: Thank you.

13 THE WITNESS: I don't know. It was a

14 holistic program.

15 BY MR. ANDERSON:

16 Q Would it be fair to say that at the time you

17 received treatment for your alcoholism, you also

18 identified that you had an inability to control

19 your impulses to act out sexually towards

20 children?

21 A Yes.

22 Q Did you ever hear from any of the treaters what

23 the diagnosis was for that inability to control

24 your sexual impulses to act out towards children?

25 A No.

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1 Q Okay. Had anybody ever said to you that is  
2 called pedophilia or ephebophilia?

3 A No.

4 Q From the year 1956 when you were ordained a  
5 priest to the Archdiocese of Milwaukee until the  
6 time you were removed from the priesthood by the  
7 Vatican in 1995, how many -- Excuse me. Did I  
8 misspeak?

9 MR. LO COCO: 2005.

10 MR. ANDERSON: Oh, I'm sorry. Let me  
11 rephrase it.

12 BY MR. ANDERSON:

13 Q I'm going to go to the date of your retirement  
14 for a moment and rephrase that question. Between

15 the time of your ordination in 1956 and the date  
16 of your retirement in 1994 and those years that  
17 you worked as a priest in various locations, how  
18 many kids do you estimate you engaged in some  
19 sexual contact with?

20 A Based upon advice of my counsel, I assert my  
21 rights under the Fifth Amendment of the United  
22 States respectfully declining -- United States --  
23 United States Constitution and respectfully  
24 decline to answer the question.

25 Q Okay. For purposes of today, we will call that

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1 the assertion of the Fifth Amendment privilege,  
2 and so that if you have other questions to which  
3 you want to assert that privilege, I will not  
4 make you read that again, sir. So you can just  
5 simply say, "I would like to take the Fifth," or  
6 words to that effect.

7 MR. ANDERSON: Is that acceptable to  
8 you, Counsel?

9 MR. GOVERN: If it's acceptable to you.

10 MR. ANDERSON: It is.

11 THE WITNESS: Thank you.

12 MR. ANDERSON: You are welcome.

13 BY MR. ANDERSON:

14 Q Have you been informed that at some point in time

15 materials pertaining to you have been provided to  
16 the District Attorney's Office and the District  
17 Attorney in Milwaukee has reported that because  
18 of the passage of time, you could not be  
19 prosecuted for any of the crimes that you may  
20 have been -- may have committed while a priest?  
21 Have you been informed of that?

22 A No.

23 Q I will show you a document that pertains to that  
24 later in this deposition, and then if you choose  
25 to change your position on that, we will give you



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1 an opportunity to do that. For now let's cover  
2 some other areas.

3 Do you know why, sir, you were removed  
4 from the priesthood by the Vatican?

5 A No.

6 Q To your knowledge, did it have to do with  
7 information that was presented that you were not  
8 able to control your sexual interest and impulses  
9 towards children and, thus, sexually abused them  
10 while a priest of the Archdiocese of Milwaukee?

11 A I wish to take the Fifth Amendment.

12 Q Okay. Besides the treatment that you identified  
13 having -- Besides the treatment that you  
14 identified that you received at the Guest House

15 for a variety of disorders, including alcoholism,  
16 what other treatments had you received inpatient,  
17 if any, before 1982 at the Guest House?

18 A None.

19 Q Had you been treated by psychiatrists before that  
20 time or psychologists?

21 A Yes.

22 Q Dr. [REDACTED]?

23 A Dr. [REDACTED].

24 Q What caused you to see Dr. [REDACTED]? Were you  
25 sent there by somebody from the Archdiocese or on

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1 your own?

2 A I started on my own, then with the approval or

3 encouragement of the Archdiocese.

4 Q And do you remember what year you started on your

5 own and then got the approval or encouragement of

6 the Archdiocese?

7 A I tried to think of that, but I think around

8 1969. I don't know.

9 Q Okay. And in 1969 the Archbishop was then

10 Archbishop Cousins?

11 A Yes. No, no, Weakland.

12 Q That's okay. I can --

13 A I get confused as to dates. Weakland was in '78,

14 yes.

15 Q Well, actually, I think Weakland is '77.

16 A Okay. So it was Cousins, yes.

17 Q And between 1958 and 1977, the records we have

18 reflect that it was Archbishop Cousins that

19 presided over the Archdiocese.

20 A You are correct.

21 Q Okay. And was Archbishop Cousins directly

22 involved with your -- with the encouragement of

23 you to see Dr. [REDACTED]?

24 A No. I think I have to add something. He said,

25 "Seek some help," not Dr. [REDACTED]

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1 Q Okay. And it was Archbishop Cousins that said,

2 "Seek some help?"

3 A Yes.

4 Q And he urged you to seek some help because

5 reports of sexual abuse by you towards kids had

6 surfaced, correct?

7 A No.

8 Q What did you understand about why Archbishop

9 Cousins told you to seek help then?

10 A At that time I understood it had to do with some

11 of my behaviors in managing the parish.

12 Q What kinds of behaviors are you referring to?

13 A Parts of me remember at the time, but it seemed

14 to be more to do with difficulties with people or

15 making decisions or neglecting things.

16 Q At some point after that did it come to your

17 attention that reports had been made that you had

18 hurt kids by sexually abusing them and, thus,

19 that became a part of the focus of your

20 treatment?

21 A I'd like to plead the Fifth.

22 MR. ANDERSON: Okay. Counsel, I think

23 that we will need to have a discussion about

24 where the line gets -- needs to be drawn, but

25 let's do a series of questions before we do. Is

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1 that acceptable to you?

2 MR. GOVERN: That's acceptable.

3 MR. ANDERSON: Okay. We're going to  
4 take a short break for a moment so we can decide  
5 how to proceed most efficiently, and so we're  
6 going to go off the record here and take a short  
7 break so we can all get a cookie.

8 VIDEOTAPE TECHNICIAN: We're going off  
9 the record at 10:14 a.m.

10 (A discussion was had off the record.)

11 (A recess was taken.)

12 VIDEOTAPE TECHNICIAN: We're back on the  
13 record at 10:25 a.m.

14 MR. ANDERSON: While off the record, we  
15 had a discussion about organization in terms of  
16 the questions that I intend to ask, and we're  
17 going to break them into three categories. The  
18 first category is going to be questions that are  
19 directly put to you by me about what kids you  
20 sexually abused and/or who they were, and when  
21 that happened and what you did. That's Category  
22 1. I already asked that question in some form  
23 and you took the Fifth. For purposes moving  
24 forward, we will agree that the Fifth can be  
25 asserted by simply taking the Fifth, if that

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1 comes up. I will identify that as a Category 1  
2 question so you are not tricked. Okay? Is that  
3 acceptable, Counsel?

4 MR. GOVERN: Yes, it is.

5 MR. ANDERSON: Category No. 2 are  
6 questions that pertain to what you said to  
7 another individual, such as an official of the  
8 Archdiocese, an Archbishop, the Vicar for Clergy  
9 or others outside of a privileged relationship  
10 about that topic. In other words, what you said  
11 if asked, and that will be Category 2, statements  
12 made by you to another about that topic, whether  
13 you had sexually abused or tried to sexually  
14 abuse a child at any given time while a priest.

15 That's Category No. 2, and I will identify that  
16 as 2 when I'm asking the question so we know what  
17 we're trying to focus on.

18 Category No. 3 will be what was said to  
19 you by another individual when that topic came  
20 up. For example, you are asked, "Did you  
21 sexually abuse X, Y or Z," and you made a  
22 response to that, and then Category 3 will be  
23 what the other individual said to you about it.  
24 It's our position, and having discussed it with  
25 counsel, that that could not be subject to any

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1 colorable assertion of the Fifth Amendment.  
2 That's what we would call the Category 3  
3 questions. Is that a correct an accurate  
4 statement, Counsel?

5 MR. GOVERN: I believe that's a correct  
6 and accurate statement of the conversation and  
7 the position you expressed to me, yes.

8 MR. ANDERSON: Okay. And if you differ  
9 as we move forward, you will, no doubt, not  
10 hesitate to express it.

11 MR. GOVERN: I will.

12 BY MR. ANDERSON:

13 Q While a priest of the Archdiocese of Milwaukee,  
14 when is the first time any official of the

15 Archdiocese or priest of the Archdiocese of  
16 Milwaukee ever confronted you with suspicions or  
17 reports that you had hurt a child or sexually  
18 abused a child? Now this is the question when.

19 A It probably was sometime in the '80's. I have to  
20 explain that I didn't have an up-front -- The  
21 Bishop didn't call me in an accuse me of anything  
22 like that. There was very little, if any, of  
23 that kind of conversation, and I'm trying to  
24 think that -- either with Cousins or Weakland or  
25 others, but there was a time when I did have a

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1 conversation with the Vicar.

2 Q Which Vicar was that?

3 A Hornacek.

4 Q Okay. And that's Joe Hornacek, correct?

5 A Joseph Hornacek, yes.

6 Q And he was the Vicar for Clergy for the

7 Archdiocese?

8 A Yes.

9 Q When was that conversation with him? What year?

10 A I would say 2003.

11 Q Okay.

12 A I don't know. It's hard for me to say what year,

13 but it was that recent.

14 Q I'm going to read from -- Did we ever mark this?

15 MR. FINNEGAN: No, just give him the

16 Bates number.

17 MR. ANDERSON: I'm going to read from a

18 Bates numbered document a passage. It's Bates

19 number 24060, Counsel, and --

20 MR. LO COCO: Is it in the exhibit

21 binders?

22 MR. FINNEGAN: It's not.

23 MR. GOVERN: I don't know that I have

24 that.

25 MR. ANDERSON: I will just read the

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1 passage and then ask the question so he can focus  
2 on it, because it really refers to this.

3 BY MR. ANDERSON:

4 Q I'm going to read from a document that has been  
5 provided, and then I will ask you a question.  
6 And the document was produced in this litigation  
7 or it was actually a statement given us and  
8 provided to us that's been a part of this  
9 litigation now. It states, "I was contacted by  
10 Father Joe Hornacek, the Vicar of the Archdiocese  
11 of Milwaukee, on July 23, 2003. He made  
12 reference to a file of a registered complaint  
13 made by parents in the mid 1960's regarding  
14 sexual abuse by Father Dan Budzynski. After  
15 subsequent communications..." Okay. So as I  
16 read this, first the Vicar of the Archdiocese of  
17 Milwaukee on July 23, 2003 is in contact with  
18 this person who has been identified as a victim  
19 whom we represent. Okay? Then, according to  
20 this, Joe Hornacek, the Vicar for Clergy then,  
21 made reference to a file of a complaint that had  
22 been registered against you by parents in the mid  
23 1960's regarding sexual abuse by you, then Father  
24 Dan Budzynski.

25 My question to you, Mr. Budzynski, is do



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1 you recall a complaint in the mid 1960's having  
2 been registered against you for sexual abuse?

3 MR. LO COCO: Objection, form and  
4 foundation on the latter.

5 MR. GOVERN: It's exactly the same  
6 objection I would have simply because the  
7 document that's being referred to, I have no idea  
8 the source of it, who prepared it, and the  
9 portions that you read from there is discussing  
10 interaction between others unrelated to the  
11 witness. So form and foundation.

12 MR. ANDERSON: Okay.

13 MR. GOVERN: He's free to answer it, if  
14 he can.

15 MR. ANDERSON: First, try and limit your  
16 objection to the legal one so I can address the  
17 legal objection. Having your objection in mind,  
18 which is form and what else?

19 MR. GOVERN: Foundation.

20 MR. ANDERSON: Foundation. Okay.

21 BY MR. ANDERSON:

22 Q With that in mind, do you understand the question  
23 I asked or would you like me to repeat it?

24 A Please repeat it.

25 Q Okay. Did you learn that a complaint had been

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1 made against you for sexual abuse in the 1960's?

2 A No.

3 Q Before I just presented that information to you,

4 to this day had you ever heard that you had ever

5 been accused of sexual abuse of children in the

6 1960's?

7 MR. GOVERN: Do you understand the

8 question?

9 THE WITNESS: Did I ever -- Did I ever

10 hear? Please repeat the question.

11 BY MR. ANDERSON:

12 Q Sure. When were you first accused of sexual

13 abuse of kids?

14 A I really don't know. I don't know.

15 Q What assignment were you in at the time you were

16 accused for the first time, Mr. Budzynski?

17 A Boy, I draw a blank. I don't remember being

18 accused. I don't remember. I'm sorry. That's

19 my answer, I guess, I don't remember.

20 Q Do you remember ever being asked by the Vicar for

21 Clergy or other officials of the Archdiocese

22 about what you had done to kids sexually over the

23 years while working as a priest in various

24 parishes?

25 A No.

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1 Q Do you remember being interviewed in 1994 by a  
2 team or several people from the Archdiocese about  
3 what you had done to kids and when you had done  
4 it?

5 A Yes.

6 Q What do you remember about that? Tell us about  
7 that.

8 A Well, there was a group of three or four people  
9 that asked me to come in to answer some questions  
10 about allegations, and they said for me to recall  
11 what parishes I was in and asked me specifically  
12 what occasions could I possibly have been  
13 involved in any kind of activity like that. Just  
14 what occasions; was it dancing, was it camping,  
15 was it the privacy of my room or anything like  
16 that. Those are the questions they was asking  
17 me, and I was just supposed to indicate where  
18 possibly that the accusations could arise.

19 Q And did you then tell them the truth about what  
20 you could remember about what you had done to  
21 those kids and who they were?

22 A I did.

23 Q Okay. Did you withhold information from them  
24 intentionally at that time?

25 A No.

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1 Q Okay. And you gave them the names of those kids  
2 who they asked about?

3 A As far as I could remember.

4 Q Okay. There is a document -- Do you remember the  
5 names of the three or four people that met with  
6 you and asked the questions of you about that?

7 A No.

8 Q Okay. There is a document that has been marked  
9 as Exhibit 38, and I'm referencing it for you,  
10 Counsel, and for you, Mr. Budzynski, because it  
11 does give us a date, and I will read from the  
12 document at Page 4 of it. This is the attachment  
13 to a letter sent by Archbishop Weakland to then  
14 Cardinal Ratzinger -- excuse me -- Archbishop  
15 Dolan to Cardinal Ratzinger, and it's Bates  
16 number 24134. I'm going to just read from the  
17 top of it to see if it helps you understand we're  
18 talking about the same meeting.

19 It reads, "In February 1994, a  
20 three-person team of psychological and criminal  
21 experts was established to explore a new  
22 allegation that had arisen. In the interviews  
23 with this investigative team, the accused  
24 admitted not only some of the alleged incidents,  
25 but also factually described and admitted to

00029

1 multiple others." Does this sound like the  
2 meeting that you were just referring to?

3 A Yes.

4 Q Okay. It goes on to state, "These admissions  
5 were supported by various letters and entries in  
6 his personnel file." At that time were you shown  
7 those various entries and letters in your  
8 personnel file?

9 A No.

10 Q Have you ever seen your personnel file and the  
11 letters and entries that refer to sexual abuse?

12 A No.

13 Q It goes on to state, "Of the following alleged  
14 dilects, the majority are based on the accused's  
15 own admission." At that time when you met with  
16 that team in February of 1994 and those questions  
17 were put to you, did you answer those honestly?

18 A Yes.

19 Q Who from the Archdiocese asked you to answer  
20 these questions and attend this meeting?

21 A It was a woman I think who was assigned to deal  
22 with such things.

23 Q Cusack?

24 A No.

25 Q Piasecki?

00030

1 A Piasecki, yes. Yes, I couldn't think of that.

2 Piasecki.

3 Q Yes. And what cleric or priest also was a part  
4 of that team?

5 A None.

6 Q Who else was in on this interview besides  
7 Piasecki that you recall?

8 A Which interview?

9 Q The February 1994 interview that we were just  
10 talking about.

11 A With the three?

12 Q Yes.

13 A Piasecki was not part of it.

14 Q Oh. Who was the team of the three?

15 A I don't know. It was three people. Piasecki  
16 interviewed me on an allegation which I  
17 absolutely denied to not take place, and in the  
18 course of that interview she suggested that I  
19 meet with these people. I didn't know if it was  
20 a court of inquiry. I didn't know their legal  
21 status as being experts in anything, just that  
22 these people were going to try to explore my  
23 previous life, my actions and simply have a  
24 conversation.

25 I went in there as honest as I could

00031

1 answering these questions, not realizing any  
2 liability to claiming guilt or innocence, but  
3 simply the way they asked me was, "Well, were you  
4 in this parish, were you involved." I said, "Yes,  
5 the youth program," et cetera, et cetera, and  
6 that's where these things came from. They were,  
7 to my mind, not an admission of any guilt and  
8 wrongdoing. I can understand the board would  
9 interpret that, I suppose. I don't know. But I  
10 was rather naive and innocent going into that  
11 board.

12 Q What do you mean by that?

13 A I mean I thought it was very friendly and it was  
14 just to examine -- to look at my past -- I didn't  
15 really think it seriously -- I didn't think it  
16 was very serious.

17 Q At that point in time in 1994, had you actually  
18 believed that you had done grievous harm to  
19 children?

20 MR. LO COCO: I'm sorry. Can you just  
21 read it back?

22 COURT REPORTER: "At that point in time  
23 in 1994, had you actually believed that you had  
24 done grievous harm to children?"

25 MR. LO COCO: Thank you.

00032

1 THE WITNESS: I have to take the Fifth

2 Amendment on that.

3 BY MR. ANDERSON:

4 Q When you had this meeting with this team, what  
5 did you understand the purpose of the meeting to  
6 have been?

7 A My initial feeling at the time was to deny the  
8 original allegation, because I said how can they  
9 come up with this preposterous allegation with  
10 Piasecki. I thought that going into this I would  
11 have a chance to exonerate myself or to clear it  
12 up that I wasn't guilty of that.

13 Q What was -- Without stating the name of the  
14 accuser or the possible victim there, what was  
15 the allegation that was being made at that time  
16 that you have or now deem to have been  
17 preposterous and that you deny? What was the  
18 allegation?

19 A It was very vague, first of all. I didn't know  
20 the name, they never gave me the name, and it was  
21 just that I had something to do with that person.

22 Q Was it an allegation of sexual abuse by you as a  
23 priest against that child?

24 A Yes.

25 Q And was it at that time more than one child or



00033

1 just one child?

2 A Just one child.

3 Q And where did they allege you had engaged in this  
4 preposterous allegation?

5 A I will have to tell the story. In the field on  
6 the grounds of the parish, and I don't know if  
7 you need to know that or want to know that, but  
8 the occasion that I recall was this. I was at  
9 the parish and the principal of the school called  
10 me and said, "There's a girl sitting in the  
11 field. She wouldn't come into the classroom.  
12 She is just sitting out there. We tried our  
13 darnedest, we can't get her, and she won't talk  
14 to us and such, and so would you do something."

15 So I went to talk to the girl. And she was  
16 sitting in the field unresponsive, not telling me  
17 what's wrong. She wasn't crying, she was just  
18 sitting there. Somehow or other I encouraged her  
19 to come in, and the other priest and I and the  
20 secretary gave her -- gave her a sandwich or  
21 something and a glass of milk and we contacted  
22 her father and her father came and took her home.  
23 I think that's the girl they were referring to.

24 Q What parish are you referring to?

25 A St. Bernadette.

00034

1 Q And according to the records I have, you were  
2 assigned by the then Archbishop to St. Bernadette  
3 as an associate pastor on September 28, 1971.  
4 Does take sound correct to you, sir?

5 A Yes.

6 Q And so when you were confronted with the  
7 information about what had happened in 1971, you  
8 denied having abused or done anything to that  
9 girl, correct?

10 A Correct.

11 Q And then after you denied that to the team with  
12 which you met, you were then asked about what you  
13 had done to or with other kids throughout your  
14 assignments, correct?

15 A Yes.

16 Q And you did give them some information about what  
17 you had done to other kids?

18 A No. I simply gave occasions when something like  
19 that could have led to an allegation. That's  
20 what they were asking me.

21 Q Did you admit to them that you had engaged in  
22 sexual abuse --

23 A No.

24 Q -- of other kids?

25 A No.

00035

1 Q Had you engaged in sexual abuse of other kids?

2 A I'm afraid I will have to appeal to the Fifth

3 Amendment.

4 Q I'm going to direct your attention, Counsel and

5 Mr. Budzynski, to what we have marked exhibit --

6 Well, before I do that, I'm going to ask about

7 your assignment before you were at St.

8 Bernadette's, and according to the records, you

9 were assigned by the then presiding Archbishop to

10 St. Bernadette's, that would be Cousins, as I

11 said, September of '71, and before that you had

12 been associate pastor at St. Casimir, correct?

13 A Correct.

14 Q And why were you removed from St. Casimir to St.

15 Bernadette's?

16 A Because I know because there was a need.

17 Q To your knowledge, were you told that there had

18 been an allegation that you took pictures of boys

19 in the nude and the boy's mother had reported

20 this to Father Ken Metz and that that had caused

21 you to go to a psychiatrist? Is that why you

22 were removed?

23 A I'm going to plead the Fifth on that.

24 Q I think that would fall into a Category 2. The

25 question is, so that to keep it simple, were you

00036

1 removed from St. Casimir's Parish in Milwaukee  
2 and sent to St. Bernadette's by then Archbishop  
3 Cousins because of an allegation of sexual abuse?

4 MR. LO COCO: Objection, form,  
5 foundation on this witness the way you've asked  
6 it. I think what I mean is what was his  
7 understanding of the removal X, Y or Z as opposed  
8 to we don't have Cousins here to say or a  
9 document that says why he was removed. That's my  
10 concern.

11 MR. ANDERSON: Do you want me to  
12 rephrase?

13 MR. LO COCO: Sure.

14 BY MR. ANDERSON:

15 Q Was it your understanding that you were  
16 transferred from St. Casimir's Parish to St.  
17 Bernadette's in 1971 because of an allegation of  
18 abuse of a child?

19 A No.

20 Q What did you think the reason for the removal or  
21 the transfer was at that time?

22 MR. GOVERN: Asked and answered. You  
23 can answer it.

24 THE WITNESS: Yes. I think the reason  
25 for the removal was a case where there was -- We

00037

1 had three priests at the parish, and the  
2 pastor -- and there was beginning to show a  
3 shortage of priests, and the Archbishop asked  
4 generally if there's any priest that could be  
5 moved where they don't need, and he requested  
6 from the Bishop that we don't need three priests  
7 there, we need only two, and I was the one chosen  
8 to be transferred. That's what I understood to  
9 be the reason.

10 BY MR. ANDERSON:

11 Q Did you understand that it had anything to do  
12 with your drinking problem then?

13 A No.

14 Q Did you understand that it had anything to do  
15 with concerns about scandal concerning your  
16 conduct at St. Casimir?

17 A No.

18 Q Were you ever at any time removed from any of  
19 your assignments as a priest because of  
20 accusations of sexual abuse of minors?

21 A I will plead the Fifth on that.

22 Q I don't think that would be subject to --

23 A Well, then the answer is no. I just don't know.

24 I don't think so. I don't know.

25 Q The records reflect that on June 6th of 1966,

00038

1 excuse me, July 6th of 1966 you were at St. Paul  
2 Parish as an assistant pastor. Does that sound  
3 correct to you?

4 A Yes, um-hum.

5 Q And why were you transferred or why did you  
6 understand you were transferred from St. Paul  
7 Parish in Milwaukee to be associate pastor in  
8 June 17, 1969 to St. Casimir's?

9 A My understanding was that although they wanted me  
10 to stay at St. Paul's, they found a team of  
11 priests that they thought would work out there  
12 better than I, and so they transferred me.

13 Q Okay. When you met with that team in 1994 and  
14 they asked you about what you had done as a  
15 priest at the various assignments, do you recall  
16 admitting to them at that time in 1994 that you  
17 had sexually abused 17 victims at the parish?

18 A Can I plead the Fifth on that?

19 Q No.

20 A Well, then --

21 MR. GOVERN: Just a second. You are  
22 asking if he admitted to an act of molestation.  
23 I believe he can plead the Fifth to that.

24 MR. ANDERSON: Well, that would be a  
25 Category 2, and this would be what he said to the

00039

1 team.

2 MR. GOVERN: Can we have the question  
3 read back, please, just so I can be clear on it.

4 COURT REPORTER: "Okay. When you met  
5 with that team in 1994 and they asked you about  
6 what you had done as a priest at the various  
7 assignments, do you recall admitting to them at  
8 that time in 1994 that you had sexually abused 17  
9 victims at the parish?"

10 MR. GOVERN: The question, as I  
11 understand it as it's reread, is did he admit to  
12 17 incidents of molestation. That would be a  
13 Category 1 question.

14 MR. ANDERSON: No, Category 1 is did you  
15 abuse the child. That's Category 1, did you  
16 abuse the child and who was it. Category 2 is  
17 did you say to somebody else you had abused the  
18 child. That's Category 2. That's what this  
19 would fall in, Category 2.

20 MR. GOVERN: I would still have the same  
21 objection, as I think it would fall within the  
22 privilege.

23 BY MR. ANDERSON:

24 Q Okay. Let's look at document then that pertains  
25 to the meeting in 1994 with the team, and the

00040

1 exhibit number is 28, and following Exhibit 28,  
2 Counsel, is 29, which are, by our analysis,  
3 corresponding handwritten notes made  
4 contemporaneous, by our analysis, to the  
5 typewritten version which appears to be in  
6 Exhibit 28. You will see here, sir -- And I'm  
7 not going to ask you to read this, but I'm going  
8 to read portions of it.

9 I'm going to direct the question to the  
10 time frame now of 1966 to 1969 while you are  
11 assigned by then Archbishop Cousins to St. Paul  
12 Parish, okay? It's that time frame. At Page 2  
13 of Exhibit 28 there is reference in the middle of  
14 the document, and this is, as we read it, your  
15 account to that team as made by you at that time.  
16 The names of these people that you gave have been  
17 taken out of this document, but at No. 30 there  
18 is a 13 or a 14, and this is in quotes, and it  
19 goes through No. 46. Do you recall telling that  
20 team that while at St. Paul there were 16 or 17  
21 youth ranging in age from 13 to 16 that you  
22 identified by name at that time?

23 MR. GOVERN: I will object to form and  
24 foundation. We haven't established if he's even  
25 familiar with this document. I'm taking your



00041

1 word for it the source of it.

2 MR. ANDERSON: You don't have to, it's

3 of record, but the question stands.

4 BY MR. ANDERSON:

5 Q Do you recall giving names of 16 or 17 kids to

6 that team while you were the priest at St. Paul

7 Parish?

8 A I don't actually recall, but because it's of

9 record, it might have happened. As I said, I

10 don't -- I wasn't aware that I was admitting to

11 anything other than having been associated with

12 those names.

13 Q Had you sexually abused those 16 kids?

14 A I'm afraid I can't -- I will take the Fifth

15 Amendment on that.

16 Q What questions did the investigators or the

17 members of the team that met with you in 1994 ask

18 you about your activities as a priest with these

19 kids both at St. Paul, St. Casimir and your other

20 assignments? What questions did they ask you,

21 sir?

22 A The only thing I can remember them asking me is

23 if I -- if there were occasions when this kind of

24 thing might have happened. I don't remember any

25 direct questions, as such. What parishes were

00042

1 you at and were there any occasions where this  
2 might have happened. As I said before, well,  
3 dances, parties, camping, things like that.

4 Q At that time in 1994 did you know that it was a  
5 crime for you as an adult and a priest to engage  
6 in any sexual contact with a youth under the age  
7 of 18?

8 A No.

9 Q When did you learn that that was actually a crime  
10 for you as a priest and an adult to engage in sex  
11 with a kid under the age of 18?

12 A Probably much later from the news and things like  
13 that. Maybe after 2000.

14 Q Priests abusing kids came into the news quite  
15 prominently in the year 2002 as a result of  
16 Boston. Is that what kind of drew your attention  
17 to that?

18 A That's possibly true.

19 Q At that time did you realize, Oh my God, maybe  
20 what I did with these kids was a crime for the  
21 first time?

22 A Yes.

23 Q And at any time, sir, while a priest, to your  
24 knowledge, was what you had done to kids and  
25 admitted having done to kids ever made known to

00043

1 law enforcement, to your knowledge?

2 MR. LO COCO: Objection, form.

3 THE WITNESS: No.

4 BY MR. ANDERSON:

5 Q And when you met with this team in 1994 and told

6 them about what you did or what you had done with

7 kids or to kids and gave them a variety of names,

8 did you feel that that information that you gave

9 them would stay with them so that you would not

10 get in trouble?

11 MR. GOVERN: Objection as to form and

12 foundation. You are free to answer it, if you

13 can.

14 THE WITNESS: Now I'm confused. What

15 was the question?

16 BY MR. ANDERSON:

17 Q Did you feel the information you gave to the team

18 in 1994 would be safe and held by them and not

19 turned over to the police?

20 A Yes.

21 Q Okay.

22 A I was told that there would be no written record,

23 or whatever they say, no paper record of that.

24 It was an oral thing.

25 Q Okay. Who told you that?

00044

1 A Somebody from the team.

2 Q You understood that you, by reason of your  
3 obedience to the then Archbishop, were required  
4 to answer these questions and attend this  
5 meeting, correct?

6 MR. LO COCO: Objection, form.

7 THE WITNESS: At what meeting?

8 BY MR. ANDERSON:

9 Q The 1994 meeting.

10 A Oh. Well, the only official I mentioned was  
11 Piasecki.

12 Q Yes.

13 A There was no Bishop or Vicar or anybody else that

14 I should go.

15 Q You knew that she had been appointed by the then  
16 Archbishop, did you not?

17 A Yes.

18 Q As had been the other members of the team?

19 A Yes.

20 Q And you knew as a priest of the Archdiocese,  
21 thus, you were required to have this meeting and  
22 attend it and tell them what you had done, right?

23 A Out of obedience.

24 Q Did anybody at any time while you were a priest  
25 ever instruct you that you were to refrain from

00045

1 having any sexual contact with children?

2 A Yes, I believe Archbishop Weakland and Archbishop

3 Dolan.

4 Q When in time did Archbishop Weakland first

5 instruct you that you should not have any sexual

6 contact with children?

7 A I don't know exactly, but probably around 1995 or

8 so.

9 Q And what did he say to you?

10 A Be wise not to -- or something. I don't know.

11 He probably just said not to have any contact

12 with children.

13 Q Okay. And what had happened that it caused him,

14 as far as you know, to give you that instruction?

15 A He was acting upon the Conference of Catholic

16 Bishops to enforce the policy, and that there had

17 been some allegations.

18 Q Did you tell Archbishop Weakland that you just

19 weren't able to control yourself when it came to

20 kids and sex?

21 A No.

22 Q Who else was present when Archbishop Weakland

23 gave you that instruction?

24 A No one. That came by mail.

25 Q A letter?

00046

1 A Yes.

2 Q From him to you?

3 A Yes.

4 Q Is that letter in the materials you produced

5 today?

6 A I think so.

7 Q Okay. Had anyone from the Archdiocese, your

8 Superior or anybody on behalf of your Superior,

9 ever given you that instruction before Weakland

10 in 1995, don't sexually abuse kids or engage in

11 sexual contact with kids?

12 A No.

13 Q You actually didn't even know it was sexual abuse

14 to engage in touching with kids, did you?

15 MR. LO COCO: Objection to form.

16 MR. GOVERN: Same.

17 BY MR. ANDERSON:

18 Q At least until 2002?

19 MR. LO COCO: Same objections.

20 MR. GOVERN: Same objection.

21 THE WITNESS: I don't know, no.

22 BY MR. ANDERSON:

23 Q The letter that Archbishop Weakland sent to you

24 that said don't have contact -- sexual contact

25 with kids, do you know what prompted him to send

00047

1 the letter to you to instruct you not to have sex  
2 with kids?

3 A As I remember it, it was a letter at the time  
4 when I was told that I may not have any public  
5 functions as a priest. I may not be engaged in  
6 any public priestly functions.

7 Q And was that the first time then your -- a  
8 restriction was imposed on your ability to do  
9 public ministry?

10 A I think so. It was in the '90's, I believe. I  
11 don't know.

12 Q Do you recall the expression by the Archbishop to  
13 you that you were to avoid public scandal around  
14 what had been done by you?

15 MR. LO COCO: Objection, form.

16 THE WITNESS: I never heard that  
17 expression.

18 BY MR. ANDERSON:

19 Q You never heard discussion of scandal?

20 A No.

21 Q Concerns about that?

22 A No. There was -- One-on-ones were very rare. I  
23 didn't have any one-on-ones.

24 Q Did you ever hear Archbishop Weakland express  
25 concerns about publicity about what you had done

00048

1 as a priest with kids in parishes?

2 A No.

3 Q Had there ever been and to this day has there

4 ever been any publicity about what you did to

5 kids as a priest, either in the newspapers or in

6 the media?

7 MR. GOVERN: Object to the form of the

8 question, "publicity."

9 MR. ANDERSON: Sure.

10 BY MR. ANDERSON:

11 Q To this day has there ever been anything in the

12 newspapers or in the media --

13 A No.

14 Q -- where it's been publicly -- Let me finish the

15 question. I will start over.

16 To this day has there ever been anything

17 in the newspapers, in the media or in the public

18 domain that has made known that you were accused

19 of having sexually abused kids as a priest or

20 that you had sexually abused kids while you were

21 a priest in the Archdiocese?

22 A No.

23 Q Do you recall, sir, in 1994 in that meeting with

24 that team admitting to having had 49 victims and

25 at least 6 prior reports made to the Archdiocese



00049

1 about abuse?

2 A I decline to answer on the Fifth Amendment.

3 Q When I asked you when you were first instructed

4 by your superiors to refrain from contact with

5 kids, you said the first time was then Archbishop

6 Weakland in 1995. Is that correct?

7 A That's what I said.

8 Q Okay. And is it your belief that was the first

9 time you were ever confronted by any official of

10 the Archdiocese concerning your conduct towards

11 kids?

12 A I don't remember. You know, it was implied more

13 than said, you know, Bishop Cousins said, "You

14 ought to take some time out," you know, or

15 something implied, and intensify your treatments

16 with Dr. [REDACTED]. I don't recall that even he

17 gave me that order.

18 Q When did you see -- first see [REDACTED]?

19 A It was a long time. I think, and I might be

20 wrong, but I think it was probably from 1968 to

21 1995, someplace around in there.

22 Q When is the first time that then Archbishop

23 Cousins implied to you what you just suggested,

24 that something had happened?

25 A Maybe '72.

00050

1 Q Are there records that reflect that there was a  
2 report made to Father Ken Metz and that's when  
3 you went to the psychiatrist in like 1971? Does  
4 that sound familiar?

5 A It could be, yes, um-hum.

6 Q Do you remember Father Ken Metz being involved in  
7 having --

8 A He never talked with me, no, as I remember it. I  
9 don't know.

10 Q Did anybody ever tell you that Metz was involved  
11 and/or had received information?

12 A Yes.

13 Q Who?

14 A I don't know. Oh, I think, yes, I think he did  
15 call me and ask me about it, because a report was  
16 made to him. Yes, I'm sorry. I didn't remember  
17 that.

18 Q That's okay. And what do you remember about  
19 that?

20 A Only he says, "Danny, you know, watch yourself,"  
21 or something like that.

22 Q And what involvement did Archbishop Cousins then  
23 have?

24 MR. LO COCO: Objection, foundation.

25 THE WITNESS: I don't know.

00051

1 BY MR. ANDERSON:

2 Q When Father -- When Kenny or Father Ken Metz

3 called you and said, "Danny, watch yourself,"

4 what did that mean to you?

5 A Well, it reminded me that that was inappropriate

6 behavior.

7 Q What was inappropriate?

8 A Whatever happened.

9 Q What happened?

10 A I don't know.

11 Q It had to do with kids, didn't it?

12 A Yes.

13 Q While you were at St. Casimir, right?

14 A Um-hum.

15 Q Yes?

16 A Yes.

17 Q How long after that call from Kenny were you

18 moved to St. Bernadette's?

19 A I don't know, but I'm thinking maybe a year.

20 Q And had you been seeing Dr. [REDACTED] at the time

21 Kenny made that call or did you see -- start

22 seeing [REDACTED] after Kenny made that call?

23 A I think I was already seeing Dr. [REDACTED], yes.

24 Q And had you shared with Dr. [REDACTED] -- Excuse

25 me. Did you know that the Archdiocese was going

00052

1 to have permission to consult with Dr. ██████ n  
2 about your progress and how you were doing?

3 A Yes.

4 Q Okay. And who from the Archdiocese had contact  
5 with Dr. ██████ n about your progress?

6 A I think it was Bishop Sklba.

7 Q Okay. He was then the Vicar for Clergy and/or  
8 Vicar General?

9 A I believe so, yes.

10 Q And what did you understand about what  
11 Dr. ██████ would discuss with Bishop Sklba?

12 A I don't know what they discussed, but I do seem  
13 to remember that Bishop Sklba told me that

14 Dr. ██████ said that I was one of his  
15 successes, one of his successes, something to  
16 that effect.

17 Q Is that something Bishop Sklba told you or  
18 Dr. ██████?

19 A Dr. ██████ told me that many times.

20 Q Okay. And do you know if Dr. ██████ told  
21 Bishop Sklba that you were considered one of his  
22 successes?

23 A I assume that's where Bishop Sklba got the  
24 information.

25 Q And when you are referring to having been one of

00053

1 his successes, does that mean that, as you  
2 understand it, that you had now stopped -- he had  
3 been successful in treating you from acting out  
4 on your sexual impulses towards children?

5 A I understood that it was -- that I was exercising  
6 a lot better and more control all the time.

7 Q But it's correct to say that you weren't under  
8 complete control when it came to the exercising  
9 of your sexual impulses, correct?

10 MR. LO COCO: Objection, form, time  
11 frame.

12 THE WITNESS: I plead the Fifth on that.

13 BY MR. ANDERSON:

14 Q Is there anything else you can remember about

15 Kenny calling you and saying, "Watch yourself,"  
16 and what happened after that?

17 A No, no, nothing about that except I was a pastor  
18 and the poor family had a fire and I was  
19 assisting them to get housing, yeah, you know, so  
20 I was doing my pastoral work with them.

21 Q At the time that Father Kenny, also known as  
22 Father Ken Metz, called you and expressed that to  
23 you, did he or had anybody from the Archbishop's  
24 Office asked you, "Dan, Father Dan, tell us what  
25 you have done to the kids or if you have done

00054

1 anything to the kids?"

2 A No.

3 Q So would it be fair to say that in 1971 you  
4 really didn't have an awareness that it was  
5 illegal for you to touch kids who you were  
6 working with?

7 MR. LO COCO: Objection, form,  
8 foundation.

9 THE WITNESS: I'm afraid I will have to  
10 plead the Fifth.

11 BY MR. ANDERSON:

12 Q Well, this is about whether you knew it was  
13 illegal or not, not whether you did it. So let  
14 me just ask the question in a way that wouldn't  
15 subject you to the exercise of a privilege.

16 Is it correct to say that in 1971 you  
17 really didn't know if it was against the law or  
18 that it was against the law for you to be  
19 touching kids while you were a priest?

20 MR. GOVERN: Let me just place on the  
21 record the objection that I would have is that it  
22 calls for the witness to make an admission as to  
23 whether or not he knew he was acting in an  
24 illegal fashion, which is self-incriminating in  
25 and of itself. Therefore, I think that to the

00055

1 extent that it circumvents the Fifth Amendment  
2 that he's already asserted, I would object to the  
3 form of the question.

4 MR. ANDERSON: Are you instructing him  
5 to assert the Fifth on that? I don't think  
6 it's --

7 MR. GOVERN: I would instruct him to  
8 maintain the Fifth Amendment that he already has  
9 asserted as it relates to a question asking  
10 whether or not he was acting illegally or not or  
11 understood his actions to be illegal or not.

12 MR. ANDERSON: Okay. So no answer to  
13 that question on the basis of the Fifth  
14 Amendment?

15 MR. GOVERN: Correct.

16 MR. ANDERSON: Let's take a break. We  
17 will take 10, 15 minutes. Does that work?

18 THE WITNESS: That's okay with me.

19 VIDEOTAPE TECHNICIAN: This ends Disk  
20 No. 1 of the video deposition of Daniel A.  
21 Budzynski on November 21, 2011; the time  
22 11:27 a.m.

23 (A recess was taken.)

24 VIDEOTAPE TECHNICIAN: This is the  
25 beginning of Disk No. 2 of the video deposition

00056

1 Daniel A Budzynski on November 21, 2011; the time  
2 11:50 a.m.

3 BY MR. ANDERSON:

4 Q Okay. Mr. Budzynski, I had asked you before the  
5 break about had you ever been instructed by the  
6 Archbishop or any of them to refrain from contact  
7 with kids, and you had advised me both Weakland  
8 and Dolan, and I had asked you about Weakland,  
9 and you had told me, I think, according to my  
10 notes, in 1995 he had told you to be wise,  
11 correct?

12 MR. LO COCO: Objection, form.

13 MR. GOVERN: I will object to the form

14 of the question. I think both -- it  
15 mischaracterizes both the questions and answers  
16 previously.

17 BY MR. ANDERSON:

18 Q Well, what did Weakland tell you about what to do  
19 or not to do pertaining to kids in 1995?

20 A Not to have anything to do with them.

21 Q And what did that mean to you?

22 A Well, first of all, I was retired already, so I  
23 didn't have any parish duties. There wouldn't be  
24 an occasion for me to be in classrooms or youth  
25 groups, as such, and it just meant for me to not



00057

1 put myself in any position where I'm with kids  
2 alone or in a group.

3 Q Before that time, had Bishop Sklba or Archbishop  
4 Cousins ever given you any admonition or  
5 instruction about children and be careful about  
6 what you do and/or your conduct towards them?

7 A I don't recall, no.

8 Q And beyond what you just told us about the  
9 instruction given you by Weakland in 1995, did  
10 Archbishop Weakland, as you recall it, give you  
11 any other instructions or limitations about your  
12 contact with kids and/or ability to minister to  
13 them?

14 A No.

15 Q What about Archbishop Dolan? What instruction  
16 did he give you pertaining to contact with kids,  
17 and the first part of that is when.

18 A I don't know. I don't even remember that he did  
19 that. First of all, there wasn't much  
20 one-on-one, and I really don't know.

21 Q Did Bishop Sklba ever ask you about your history  
22 throughout the 15 parish assignments that you had  
23 and your relationship with kids and what you had  
24 done?

25 A No.

00058

1 Q According to the records we have, after your  
2 ordination you were sent to St. Mary's and  
3 assigned to St. Mary's -- Excuse me. First you  
4 are at St. Helen in Milwaukee as an assistant,  
5 correct?

6 A Correct.

7 Q And then in 1961 assigned by then Archbishop  
8 Cousins to St. Mary's in Menomonee Falls as an  
9 assistant, correct?

10 A Yes.

11 Q And then in 1962 to St. Hedwig's Parish in  
12 Milwaukee, is that correct?

13 A Yes.

14 Q And then what caused those transfers to have been  
15 made, as far as you understood it?

16 A The Diocesan policy is there was a need. I think  
17 I could comment on from St. Mary's in Menomonee  
18 Falls to St. Hedwig's. Are you sure that was  
19 1972?

20 Q We're in the '60's now. That was '61 or '62.

21 A Oh, '61, '62. I thought it was, but all right.  
22 I remember that. There was a complaint by the  
23 Polish priests, pastors, mostly, that we had a  
24 Polish priest in a German parish, and at that  
25 time there was sensitivity about that ethnic

00059

1 division, and I belonged in a so-called Polish  
2 parish, and that was the reason I understood that  
3 I was transferred.

4 Q Did any of those transfers, St. Helen's to St.  
5 Mary's to St. Hedwig's, have anything to do with  
6 concerns about your conduct towards kids as far  
7 as you knew?

8 A No.

9 Q Then at St. Hedwig's in 1963 there's indication  
10 that Father then Vicar General Altieeski -- Do  
11 you remember him?

12 A Yes.

13 Q There's a letter from him to you appointing you  
14 to be a part-time teacher of religion at St.

15 John's Cathedral? Do you remember?

16 A Yes.

17 Q And that puts you around kids a lot, didn't it?

18 A Yes.

19 Q Okay. And then in 1965 the records show that you  
20 were assigned by Archbishop Cousins to St. Joseph  
21 Parish in West Allis, correct?

22 A Yes.

23 Q Assistant parish pastor there, correct?

24 A Yes.

25 Q And the Exhibit 28 that I referred you to earlier

00060

1 reflects that when I look at that, that time  
2 frame while you were at St. Joseph Parish in West  
3 Allis, 1965 --

4 MR. GOVERN: Which exhibit are you  
5 looking at?

6 MR. ANDERSON: Exhibit 28.

7 BY MR. ANDERSON:

8 Q When I look at Exhibit 28, it says '62 to '65 at  
9 the bottom of the second page that is 889, it  
10 says, "Picnics with boys St. Helen's Milwaukee."  
11 Did you have picnics with boys at St. Helen's in  
12 Milwaukee between '62 and '65?

13 A Yes, I might have. I don't remember that much.

14 Q Then in 1965 in that same exhibit it refers to a  
15 No. 47, 13 or 14, No. 47, 13 or 14, No. 49, minor  
16 male, name unknown, St. Joseph, West Allis. My  
17 question to you is in the time in which you  
18 worked and were assigned to St. Joseph Parish in  
19 West Allis, did you sexually abuse 13 and  
20 14-year-old youth?

21 A I'm sorry. I'm going to plead the Fifth  
22 Amendment.

23 Q Did you admit to the team in 1994 that met with  
24 you that you had engaged in some inappropriate  
25 conduct with youth while at that parish?

00061

1 MR. GOVERN: Do you understand the  
2 question?

3 THE WITNESS: To the team did I admit  
4 having --

5 BY MR. ANDERSON:

6 Q Inappropriate contact with youth?

7 A -- inappropriate contact with youth. I don't  
8 know.

9 Q On September 8, 1975 there's a letter from  
10 Archbishop Cousins to you appointing you as  
11 instructor of religion at St. Pius the XIth High  
12 School in Milwaukee for the year. Do you  
13 remember that?

14 A Yes.

15 Q Okay. And I asked you this, but this is in a  
16 different context. There's also a document  
17 that's actually dated on April 29, 2005, but it  
18 refers back to the '60's, and it states that  
19 Father Hornacek, quote, "made reference to a  
20 file" of a registered complaint against you made  
21 by parents in the mid 1960's regarding sexual  
22 abuse by you. My question to you is do you have  
23 any memory of what that is referring to and  
24 Father Hornacek's involvement in the '60's?

25 A No.

00062

1 Q Did any parents confront you in the 1960's at any  
2 of the parishes where you worked as an assistant  
3 or as a teacher about misconduct or concerns  
4 towards their kids, girls or boys?

5 A No.

6 Q When in time is the first time a parent of a  
7 child where you had been a priest brought  
8 concerns to you about your conduct towards their  
9 children or child?

10 A I don't recall except -- I'm not sure. I don't  
11 recall, but it might have been a conversation  
12 with the case we already talked about in St.  
13 Casimir's.

14 Q What year do you think that was where parents  
15 first confronted you or raised concerns with you?

16 A '70. I don't know.

17 Q And what was expressed to you by the parents?  
18 What happened?

19 A Well, it wasn't -- I can't remember much, but as  
20 I recall it was just simply referring to it, as  
21 he says, very disappointed with what the boys  
22 told me, something like that.

23 Q Do you recall that they had been -- that it was  
24 reported that you had been taking pictures of the  
25 boys in the nude?

00063

1 A I don't think that was ever mentioned, no.

2 Q What was mentioned?

3 A Just what I said. No, it was just -- I remember

4 it was fooling around. You were fooling around.

5 I think that is sort of what she said.

6 Q The mom?

7 A The mother, yes.

8 Q The mom accused you of fooling around with her

9 son?

10 A Yeah. She didn't say what that meant. I don't

11 remember that she said what was said.

12 Q What did you say to the mom?

13 A Oh, we were just having fun.

14 Q And were you having fun?

15 A I suppose. I don't know.

16 Q The mom was angry, wasn't she?

17 A No. In fact, she seemed friendly.

18 Q Did she express concern to you that you had done

19 something inappropriate or bad to her son?

20 A No.

21 Q Did you deny to her that you had done anything

22 inappropriate or bad to her son?

23 A Did I deny it? There was nothing said, no.

24 Q When you said you were fooling around with her

25 son, what had you done with her son that you call

00064

1 fooling around?

2 A Jokes and laughing and enjoying.

3 Q Wrestling?

4 A No.

5 Q Touching?

6 A I don't think I discussed anything like that with

7 her, no.

8 Q What did you do with the kid when you fooled

9 around?

10 A I'm going to plead the Fifth on that.

11 Q That was at St. Casimir, right?

12 A Yes.

13 Q And then in -- At any time did anybody ever raise

14 concerns to you directly from the Archdiocese or

15 from parents about you taking pictures of their

16 kids or of the kids?

17 A Well, I thought we established that Father Metz

18 did.

19 Q Okay. What did Metz say about taking pictures?

20 A Well, he said, "Watch yourself." He said, you

21 know -- He didn't say very much about it,

22 actually.

23 Q What pictures had you taken or what did he say to

24 you that led you to believe that he was concerned

25 about you taking pictures of kids?



00065

1 MR. LO COCO: Objection to form.

2 MR. GOVERN: Objection as to foundation.

3 THE WITNESS: And I'm afraid I will have  
4 to plead the Fifth on that.

5 BY MR. ANDERSON:

6 Q At the time that Metz said that to you, had you  
7 been seeing [REDACTED]?

8 A Yes, um-hum.

9 Q And why did you first start seeing Dr. [REDACTED]?

10 A Well, related to my heavy drinking. I really  
11 thought for a long time that I was mentally ill,  
12 that I was having some -- that I was not -- I  
13 wasn't happy or pleased with how I was  
14 functioning.

15 Q You were having a lot of blackouts, weren't you?

16 A No.

17 Q Would it be fair to say that most of the times  
18 that you did something inappropriate with the  
19 kids you had been drinking?

20 A I will have to plead the Fifth on that.

21 Q Did the Archdiocese and any of your Archbishops  
22 intervene with your drinking problem or is that  
23 something you dealt with on your own?

24 A I dealt with it on my own until, yes, there was  
25 an intervention telling me that I needed help.

00066

1 Q When was that?

2 A 1982.

3 Q And that's when you were at Campus Ministry

4 Parish in Stevens Point, right?

5 MR. LO COCO: Object to form,

6 foundation.

7 BY MR. ANDERSON:

8 Q Is that when you had been moved? Is that when

9 Father Janake did the intervention?

10 A It wasn't Father Janake. Yes, Father Janake. I

11 don't know what year that was, but 1982. What

12 was the question?

13 Q Well, my question was did anybody from the

14 Archdiocese ever intervene in your drinking

15 problem?

16 A I said just then when -- Yes, Father Janake.

17 That was it, yes.

18 Q Had you been moved to LaCrosse at that time?

19 A I went to the LaCrosse Diocese. The Diocese, I

20 believe, in 1976.

21 Q And what kind of intervention then was done or

22 expressed to you to get you to deal with your

23 drinking problem?

24 A Well, Father Janake called me in and said that

25 there was an indication that I'm not doing very

00067

1 well and that I need help.

2 Q Okay. Did you get help?

3 A I went to Guest House, yes.

4 Q That's where you got straight?

5 A He made arrangements for me to go to Guest House,

6 yes.

7 Q And you worked the 12 steps?

8 A Yes.

9 Q Still do?

10 A Absolutely.

11 Q And did you do your fourth and fifth step?

12 A Yes.

13 Q Did you do a fearless search and moral inventory?

14 A Often.

15 Q Did you make amends to any of these kids you hurt

16 over the years?

17 A As much as I could.

18 Q How so?

19 A As I remember. I don't know.

20 Q How did you make amends to any of these kids that

21 you hurt over the years?

22 A Well, I know in one case I wrote a letter of

23 apology. Father Hornacek asked me to do that. I

24 didn't have contact with them in order to pursue

25 it or something like that, you know.

00068

1 Q Is that the only time then that the Archdiocese  
2 or its officials intervened in your drinking  
3 problem, was that which led to your treatment at  
4 Guest House?

5 A Yes.

6 Q Okay. Let's go back in time then to your earlier  
7 assignments. In 1971, September, you are  
8 assigned by then Archbishop Cousins to St.  
9 Bernadette in Milwaukee, and as far as you know  
10 and recall, did that have anything to do with  
11 your drinking or your conduct towards the kids,  
12 that transfer?

13 A No.

14 Q I'm going to refer back to Exhibit 28 again,  
15 Counsel, and the time frame of St. Bernadette's  
16 is '71 to '72. On this exhibit I will represent  
17 to you that the meeting that you had in 1994  
18 where what is being said at that meeting or what  
19 is being reflected by the records is being  
20 recorded here on Exhibit 28, and the time frame  
21 that they have recorded here is '69 to '71. I  
22 guess I have to back up. The '69 to '71 time  
23 frame refers to St. Casimir. According to this,  
24 Exhibit 28 from '69 to '71 there is Nos. 21  
25 through 28, referring to a number of kids aging

00069

1 from 11 to 14, and then it states, "Took pictures  
2 of blank boys in the nude. They told their  
3 mother, who reported to Father Ken Metz.  
4 Budzynski goes to psychiatrist on his own without  
5 telling the Archdiocese. 'I am losing my mind.'"  
6 Does that sound like a correct recitation of what  
7 you said?

8 A Close to it. I did go to a psychiatrist and, as  
9 I said, I don't know if I said "losing my mind,"  
10 but I didn't -- I knew something was wrong and I  
11 couldn't figure it out.

12 Q Okay. And now the next question, pay attention  
13 to it, what did you do to those kids at those  
14 parishes -- at that parish who ranged in age from  
15 11 to 14?

16 A I will plead the Fifth on that.

17 Q Now I'm going to the next parish. At that  
18 parish, at St. Casimir's, did anybody else  
19 besides Metz raise concerns about your conduct  
20 towards youth?

21 A No.

22 Q What was Father Metz's position then in the  
23 Archdiocese?

24 A I don't know. I think it was pastor.

25 Q Okay. We're now at '71 and we're at St.

00070

1 Bernadette's after St. Casimir. During that time  
2 did anybody report to you concerns about your  
3 conduct towards the kids in the parish? Do you  
4 remember any Archdiocese intervention or action  
5 being taken at that time?

6 A There was -- I think there was a transfer, but I  
7 don't -- you know, I'm very vague. I don't  
8 remember the details.

9 Q Okay. I will read from Exhibit 28, Page 889. At  
10 the top of it it refers to '71, '72. No. 20.  
11 The name is blacked out, and then it says, "Told  
12 best friend and report, quote, 'circulated among  
13 the kids,' unquote. Removed by Bishop Brust,  
14 Archbishop Cousins, placed on leave for several  
15 months before Sheboygan." Does that refresh your  
16 recollection, Mr. Budzynski, about what happened  
17 there?

18 A Yes. I don't know what happened, but, yes, I do  
19 remember that, yes.

20 Q And you do remember Cousins and Brust being  
21 involved in that?

22 A Only Brust.

23 Q And at that time Brust was an Auxilliary or a  
24 Vicar --

25 A Yes.

00071

1 Q -- for Cousins, correct?

2 A Yes.

3 Q And you remember being placed on leave?

4 A Yes.

5 Q And that was because you had been accused of

6 sexually having abused kids?

7 A I don't know. I think so, yes.

8 Q At the time that the parish was told you were

9 being placed on leave and you were taken out of

10 there, what was the parish told about the reason

11 for the leave?

12 A That I was just being transferred. They weren't

13 told anything. They had a party, a farewell.

14 Q And there was no disclosure about the real

15 reason?

16 A No.

17 Q Okay. And there was no publicity, either,

18 correct?

19 A No.

20 Q It's correct to say, because we had a double

21 negative there and it might be -- My question is

22 it's correct to say that the parish -- It's

23 correct to say the parish was not told the real

24 reason for the transfer?

25 A Yes.

00072

1 Q And it's also correct to say there was no  
2 publicity about the real reason for the transfer,  
3 correct?

4 A Correct.

5 Q Exhibit 29 gives us a little more detail about  
6 this time frame. It's written in hand, and I'm  
7 going to read from it and see if it refreshes any  
8 of your recollection about the time frame of '71,  
9 '72.

10 On February 11, 1994, the handwritten  
11 note in Exhibit 29 states, quote, "Intervention  
12 by parents. Pastor Jim Ruetz, Brust." A 2/10/94  
13 handwritten history of you notes, quote, "St.  
14 Bernadette intervention, Father James Ruetz,  
15 R-U-E-T-Z, parents, BP, Brust." Me having read  
16 those handwritten notes as we interpret them,  
17 does that refresh your recollection about what  
18 happened at that time and who was involved?

19 MR. GOVERN: Objection as to foundation.

20 We don't know anything about these notes.

21 BY MR. ANDERSON:

22 Q I can represent to you that these are notes that  
23 came out of your file. With that in mind, you  
24 can answer the question. Does this refresh your  
25 recollection about what happened at that time?



00073

1 MR. GOVERN: Out of his file or the  
2 Archdiocese's personnel file?

3 MR. ANDERSON: Out of the Archdiocese's  
4 personnel file maintained pertaining to him. I  
5 misspoke.

6 MR. GOVERN: That is very critical  
7 because --

8 MR. ANDERSON: Okay.

9 THE WITNESS: For one, I haven't seen  
10 anything like that.

11 BY MR. ANDERSON:

12 Q I'm asking what you remember about that, though.

13 Do you remember the involvement of Father James

14 Ruetz?

15 A Yes.

16 Q Do you remember who he was?

17 A Yes.

18 Q Who is he?

19 A He was the pastor.

20 Q And you were the assistant?

21 A Yes.

22 Q And do you remember him getting involved with

23 Brust at that time?

24 A Yes.

25 Q And they were involved because of your

00074

1 involvement with kids, right?

2 A Yes.

3 Q And what was done by Bishop Brust and his

4 Superior at that time because of what was learned

5 in February of that year?

6 A What was done?

7 Q What action was taken by them.

8 A Yes. Well, I was put on leave.

9 Q And what was the parish told about the reason for

10 that?

11 A I don't know. Nothing, I don't suppose.

12 Q Had it been your practice at that time and before

13 that time to have kids stay overnight in the

14 rectory?

15 A Not a practice, but as I remember, it was a pizza

16 party. I also remember the kids asking --

17 calling their parents and asking if they could

18 stay over, yes.

19 Q And how many kids did you have stay over at the

20 rectory at that time?

21 A I don't know. Two, maybe three.

22 Q And did you sexually abuse them?

23 A No. I plead the Fifth on that, too.

24 Q I think you answered that question before you got

25 the instruction from your counsel, and I think he

00075

1 gave that instruction to give you that

2 instruction off the record, is that correct?

3 A Yes. I wanted to do that anyway.

4 Q Okay. There is a record that shows a report to

5 then the head of the CDF, then Cardinal

6 Ratzinger. When you dealt with Brust and Reutz

7 at that time concerning these kids before you

8 were put on leave, what did Brust say to you

9 about it?

10 MR. LO COCO: Objection to form.

11 THE WITNESS: It's hard to remember, but

12 I think he was sympathetic and he said, "Don't

13 talk to anybody." I think he said something

14 like, "Don't talk to anybody."

15 BY MR. ANDERSON:

16 Q Okay. And what did Reutz say?

17 A Reutz said, "Danny, why don't you take a

18 vacation, go to Europe or something. I think it

19 would be good for you to get out."

20 Q Okay. So he got you out of the parish and you

21 left town, right?

22 A Yes.

23 Q And you did adhere to the instruction given you

24 by Bishop Brust not to talk to anybody about it,

25 right?

00076

1 A Yes.

2 Q And the documents show that it was Archbishop

3 Cousins that actually placed you formally on

4 leave of absence, correct?

5 A Um-hum.

6 Q Yes?

7 A Yes.

8 Q Okay. And after your leave of absence there

9 seems to be records that show that in the summer

10 of 1972 you were at the University of San

11 Francisco. How did that come about?

12 A I decided to go and get another degree in

13 religious education, and I got permission from

14 the Bishop to do that.

15 Q And it sounds like you did want to go there, but

16 is it also correct to say that a decision was

17 made by all, yourself included, that it was

18 better to get you not only out of that parish,

19 but out of that town and out of the Archdiocese?

20 A No.

21 Q No?

22 A No.

23 Q Was there an effort to kind of keep this and what

24 you had done with these kids on the down low so

25 people would not know?

00077

1 A I don't think so. I don't know.

2 Q In November of 1972 Cousins writes a letter to  
3 you and listing your address as St. Patrick's in  
4 Milwaukee?

5 A Yes.

6 Q Tell me about that. Were you living at  
7 St. Patrick's then?

8 A It was a temporary residence, yes. I didn't want  
9 to live with my parents, I wanted to live with a  
10 friend.

11 Q And your ministry was not actually restricted at  
12 that time, you just did not have an assignment,  
13 correct?

14 A Yes, yes.

15 Q So besides Brust and Reutz and the Archbishop,  
16 effectively at that time nobody else really knew  
17 about why you had been moved out of the parish?

18 MR. LO COCO: Objection, foundation.

19 BY MR. ANDERSON:

20 Q Is that correct to say?

21 MR. LO COCO: Same objection.

22 THE WITNESS: As far as I know.

23 BY MR. ANDERSON:

24 Q Okay. On November 3, 1972, Archbishop Cousins  
25 wrote a letter to you transferring you from

00078

1 associate pastor at St. Bernadette's in Milwaukee  
2 to associate pastor at St. Peter Clavar Parish in  
3 Sheboygan, and that became effective November 14,  
4 1972. Do you remember that?

5 A Yes.

6 Q And it also notes that you are to assist with CCD  
7 work at St. Mary's Parish in Sheboygan Falls?

8 A Yes.

9 Q What is CCD?

10 A Officially -- The official title is the  
11 Confraternity of Christian Doctrine. It's just  
12 referred to as religious education, generally the  
13 religious education for students who are not in  
14 the parochial school.

15 Q And CCD is really for the benefit of the kids  
16 that were about ranging in age from 10 to 15,  
17 right?

18 A No, from about 6 to -- It was grade school. It  
19 was equivalent to the eighth grade.

20 Q All the kids up to the eighth grade?

21 A Right.

22 Q Okay. So it could range from the age of 6 to 14,  
23 about that?

24 A Yes, about that.

25 Q And you were in charge of them?

00079

1 A No.

2 Q Teaching them?

3 A No, no, I was an adviser. They had a principal,  
4 they had a staff, they had teachers. I was to  
5 work with them to set the program up.

6 Q Okay. In any case, the records reflect that you  
7 were at St. Peter Clavar in Sheboygan then, and  
8 your associate pastor at that time was whom?

9 A At?

10 Q St. Peter Clavar in Sheboygan.

11 A George Hopf.

12 Q And he was replaced by whom?

13 A He was replaced?

14 Q Do you remember?

15 A No.

16 Q Did you know or have you ever heard that Pastor  
17 George Hopf was accused or credibly accused to  
18 have been an offender of minors?

19 A No. I saw his name on the list of priests that  
20 was published by the Archdiocese in 2004.

21 Q When you were working with him at Sheboygan or at  
22 any other time, did you ever have any suspicions  
23 about him and what he was doing to kids or with  
24 them?

25 A No.

00080

1 Q Did he ever raise any concerns with you about  
2 what you were doing to kids?

3 A No.

4 Q Did you abuse kids at St. Peter Clavar in  
5 Sheboygan?

6 A I'm sorry. I will have to take the Fifth.

7 Q Did you admit in the 1994 interview to having  
8 sexually abused four or five victims at that  
9 parish?

10 A I'm afraid I will have to take the Fifth, plead  
11 the Fifth.

12 Q In Exhibit 28, referring to that time frame, I  
13 will read from the first page of it at the  
14 bottom. It says, "1972 to 1974, No. 13, 14, 15,  
15 guitar players; 16, minor reported to pastor; 17,  
16 minor." And then it says, "Archbishop Cousins  
17 relieves him of duties; on leave 11/73 to 3/74  
18 St. Peter Clavar, Sheboygan." My question to you  
19 first is when No. 16 is referred to here that  
20 it's reported to the pastor, this minor, whose  
21 name is not identified on this document, is  
22 reported to the pastor, what does that refer to  
23 having been reported to the pastor?

24 A I don't know.

25 Q And the notation that Archbishop Cousins relieved



00081

1 you of duties and put you on leave is correct, is  
2 it not?

3 A Yes.

4 Q Then the same document on the bottom says,  
5 "Summer 1972/73, University of San Francisco."  
6 Then it says No. 18, quote, "several minor kids,"  
7 unquote, parents report to parish priest. What  
8 can you tell me about that, parents report to  
9 parish priest?

10 A I will have to plead the Fifth on that.

11 Q It says, "No. 19, blank in San Francisco who  
12 tells him not to have contact with their sons  
13 anymore." I presume that's a parent in San  
14 Francisco is referring -- this is being referred  
15 to as saying to somebody that you are not to have  
16 contact with kids. My question to you is do you  
17 remember anything about that?

18 A I will have to plead the Fifth on that.

19 Q How many kids did you abuse in San Francisco  
20 while on leave?

21 A I will plead the Fifth on that.

22 Q What parish priest in San Francisco did you work  
23 with or may have told you something like this?

24 What's his name?

25 A First of all, I was a student at the University

00082

1 and I did weekend help out.

2 Q Who was the pastor there?

3 A I don't know. There were several priests, and I

4 know one was a Monsignor, we called him

5 Monsignor, and at this point I don't remember the

6 names of those priests.

7 Q And you did help out and fill in for him, did you

8 not?

9 A I did, yes, weekend ministry, yes.

10 Q Okay. And you, thus, had contact with several

11 minor kids in that capacity, correct?

12 A No. No, it was parish. It was mostly weekend

13 help out, yes.

14 Q Did you have kids staying overnight there?

15 A No.

16 Q What parish was that at?

17 A It was in Cupertino, but I don't know the parish.

18 I can't remember.

19 Q Do you remember what the priest, whoever it was

20 whose name you can't now remember, told you about

21 kids and not to have contact with them anymore?

22 A No.

23 Q Do you remember any admonition or anything like

24 that having happened in San Francisco?

25 A No.

00083

1 Q Do you remember getting in any trouble there at  
2 all?

3 A I will have to plead the Fifth on that.

4 MR. ANDERSON: Is this a good time to  
5 break for lunch or do we have lunch?

6 MR. LO COCO: Yes.

7 MR. ANDERSON: Okay. We're going to  
8 take a break for lunch now and go off the record.

9 VIDEOTAPE TECHNICIAN: We're going off  
10 the record at 12:36 p.m.

11 (A luncheon recess was taken.)

12 VIDEOTAPE TECHNICIAN: We're back on the  
13 record at 1:13 p.m.

14 BY MR. ANDERSON:

15 Q Mr. Budzynski, I'm wanting to focus at the point  
16 in time where we left off, and we're in 1973, you  
17 are in San Francisco, and I had been asking you  
18 about the parish priest whose name you couldn't  
19 remember there and I was looking at some records.  
20 Is that possibly, the parish that you were living  
21 at and doing some work out of, was that Father  
22 John Oliver?

23 A Yes. He was one of the priests, yes.

24 Q He was one of the priests?

25 A The reason I remember now is because he's a

00084

1     rather well-known musician. I have seen some of  
2     his music, yes.

3    Q   And --

4    A   It was just a weekend help out, yes. Oliver,  
5     yes.

6    Q   And is he the one that -- who parents brought  
7     concerns to about you having sexually abused  
8     their kids?

9    A   I don't know.

10   Q   When concerns were raised at that time, what was  
11   done about it?

12           MR. GOVERN: Object as to foundation.

13           THE WITNESS: I don't know.

14 BY MR. ANDERSON:

15   Q   Were you moved out of San Francisco?

16   A   No.

17   Q   Exhibit 12 I'm going to refer to for a moment.

18   After San Francisco you're placed back in St.

19   Peter Clavar in Sheboygan, are you not?

20   A   Yes.

21   Q   And did a situation arise back in Sheboygan at

22   St. Peter Clavar after having been in San

23   Francisco where Archbishop Cousins became

24   involved?

25   A   I don't know. What kind of situation?

00085

1 Q Well, I'm looking at Exhibit 12, and it's dated  
2 August 27, 1973. Timewise, this would be after  
3 your return from San Francisco. It's addressed  
4 to a person in Sheboygan, Wisconsin. Dear Mr.,  
5 and I won't say the name. It states, "Thanks for  
6 your letter of August 20th." In the next  
7 paragraph it says be assured that -- And this is  
8 a letter from Cousins to this person, okay?  
9 Cousins writes, "Be assured that we are as  
10 concerned as yourself in this matter, and we are  
11 making every possible effort to resolve justly  
12 and with charity the unfortunate situation as it  
13 presently exists."

14 Now this came out of your personnel  
15 file, so we presume this pertains to you and  
16 something that came up in Sheboygan at St. Peter  
17 Clavar in 1973. Thus, my question to you is do  
18 you recall what unfortunate situation arose that  
19 caused Archbishop Cousins to be involved and to  
20 be writing a letter like this?

21 A I'd have to plead the Fifth on that. I don't  
22 know what it's all about.

23 Q Okay. Well, let's go with this one. What do you  
24 remember about Archbishop Cousins getting  
25 involved with your situation and your status at

00086

1 St. Peter Clavar, without stating what you had  
2 done.

3 MR. GOVERN: Can you reread that  
4 question for me?

5 THE WITNESS: Please.

6 MR. ANDERSON: I can do a better  
7 question. I can do a more precise question.

8 BY MR. ANDERSON:

9 Q What involvement did Archbishop Cousins have with  
10 you in the summer of 1973 as it pertained to St.  
11 Peter Clavar?

12 A All I can recall is that Archbishop Cousins  
13 called me and said it would be advisable for  
14 me -- I can't -- not to continue going to school  
15 in San Francisco, but take more time off, time to  
16 work with my therapist.

17 Q Okay. So you were put back in St. Peter Clavar  
18 so you could work with your therapist?

19 MR. GOVERN: Did you understand the  
20 question?

21 THE WITNESS: Yes, but I didn't -- I  
22 don't know about putting back into -- I thought  
23 you were talking about leaving St. Peter Clavar.

24 BY MR. ANDERSON:

25 Q Well, I'm reading the records to say that you

00087

1 were at St. Peter Clavar and then you went to San  
2 Francisco and back to St. Peter Clavar?

3 A That was a summer thing. Every summer I would  
4 go. I would be returning from studies. But the  
5 final time I recall Archbishop Cousins suggesting  
6 that it's been too hard for me, and I ought to  
7 take more time off.

8 Q Okay. So he expressed concern for you?

9 A Yes.

10 Q Did he ever do anything that you were aware of  
11 that he expressed concern for the kids who may  
12 have been harmed?

13 A No.

14 Q I'm going to direct your attention to September  
15 of that year, this is on your return from San  
16 Francisco after the summer and after Exhibit 12  
17 that I just showed you. I'm going to read from a  
18 portion of this letter. It was sent to you from  
19 Archbishop Cousins. It came out of your file.

20 MR. GOVERN: Is that Exhibit 13?

21 MR. ANDERSON: It is.

22 BY MR. ANDERSON:

23 Q It's addressed to you at your Sheboygan address,  
24 [REDACTED]. It's a two-page letter  
25 from Archbishop Cousins, and I won't read it in

00088

1 its entirety, but he begins by saying, "Dear  
2 Father Budzynski: Since our last conversation, I  
3 have talked with Dr. [REDACTED]." So this clearly  
4 documents that you did talk to Archbishop Cousins  
5 about your situation, correct?

6 A Yes.

7 Q And what do you remember about what Cousins told  
8 you at that time?

9 A I don't know.

10 Q Okay. He says, "Since our last conversation, I  
11 have talked with Dr. [REDACTED]." Do you recall  
12 him having permission to talk to [REDACTED] and  
13 having talked to [REDACTED]?

14 A No.

15 Q Okay. He goes on to state, "And have also  
16 discussed your case at greater length with the  
17 Personnel Board." Did you know that Cousins was  
18 taking your case up with the Personnel Board?

19 A No.

20 Q He goes on to state in his letter to you, "I have  
21 come to the conclusion upon this consultation  
22 that it would be better if you were to take a  
23 brief leave of absence to permit some  
24 concentrated series of interviews with  
25 Dr. [REDACTED]." Does that sound correct?



00089

1 A Yes.

2 Q In the next paragraph you write -- he writes to  
3 you, "This decision is based upon a sincere  
4 regard for you and your future. Quite evidently  
5 there is a problem that has not been brought  
6 completely under control." When he writes  
7 expressing first concern for you, but that there  
8 is a problem that has not been brought completely  
9 under control, as the receiver of this letter, do  
10 you know what he's referring to here?

11 A Not really, no.

12 Q He goes on to write to you, "There is also  
13 evidence that your remaining in your parish would  
14 induce publicity that should be avoided." Is it  
15 correct to say, Mr. Budzynski, that there was a  
16 deep concern expressed to you and held by many  
17 that publicity about what you had done and  
18 avoiding it was very important?

19 MR. LO COCO: Objection, foundation.

20 THE WITNESS: I can't comment on that.

21 I don't know what is behind that, no.

22 BY MR. ANDERSON:

23 Q Is it also correct to say that in 1973 there was  
24 no publicity about what you had done and the  
25 reasons for removal, correct?

00090

1 MR. GOVERN: Objection as to foundation.

2 THE WITNESS: I don't know.

3 BY MR. ANDERSON:

4 Q This was all kept quiet, wasn't it, between  
5 yourself and the Archbishop and a few others,  
6 right?

7 A Yes.

8 Q At the next paragraph, the next page at the top  
9 of the -- top of that page, first paragraph, he  
10 writes to you, "This course of action is not to  
11 be interpreted as disciplinary in character. You  
12 have years ahead of you during which your  
13 ministry could be exercised to its highest  
14 potential." It is correct to say that after this  
15 had transpired in 1973, you did have years in  
16 ministry?

17 A Yes.

18 Q In which publicity was avoided?

19 MR. GOVERN: Object to the form of the  
20 question, foundation.

21 BY MR. ANDERSON:

22 Q Is that correct?

23 A Publicity, yes, you know --

24 Q The records reflect a leave of absence November  
25 of '73. Does that sound correct?

00091

1 A Yes.

2 Q And the records show treatment until March of  
3 '74. So we're looking at some kind of treatment  
4 or leave concurrent to treatment between November  
5 of '73 and March of '74. Tell me about that time  
6 frame. What were you doing then, Mr. Budzynski?

7 A Well, I remember I was still living with my  
8 friend, but doing weekend help outs.

9 Q Who was your friend?

10 A Father Ken Derfus.

11 Q Okay. And that's D-E-R-F-U-S?

12 A Yes.

13 Q And is he alive?

14 A Yes.

15 Q Okay. Where is he now?

16 A St. Camillus Nursing Home.

17 Q Is he lucid?

18 A Yes.

19 Q Okay. And doing supply work at that time or I  
20 think you guys call it help work?

21 A Help out.

22 Q Help out work meant doing the normal priestly  
23 activities as required to replace another priest  
24 who was on vacation or leave, correct?

25 A Yes.

00092

1 Q And that meant you were doing priestly work at  
2 what various parishes at that time?

3 A I don't know. The priestly work generally was  
4 liturgical. It generally was Sunday services,  
5 and it probably was a number of parishes that I  
6 might have been called to help out. I couldn't  
7 remember all them. When the priest is loose, is  
8 available, there's a great need, and so they call  
9 you. I know -- I don't know. I don't know. It  
10 would be futile to just try to remember all the  
11 churches.

12 Q That's okay. There were several, in any case?

13 A Several, yes.

14 Q And it's also correct to say no restrictions were  
15 placed on your ministry?

16 A No.

17 Q And it also means that you were required to do  
18 whatever was required as a priest, which would  
19 mean hear confessions as necessary, to perform  
20 the sacraments as required and preside the  
21 liturgies as required?

22 MR. LO COCO: Objection to form.

23 THE WITNESS: Yes.

24 BY THE COURT:

25 Q What about Father Derfus? What, if anything, did

00093

1 he ever -- He was your friend, right?

2 A Yes.

3 Q Did he know the circumstances or did you share

4 with him the circumstances of why you had been

5 moved and transferred from your former parishes

6 and --

7 A No, we didn't discuss things like that.

8 MR. LO COCO: Objection to form.

9 BY MR. ANDERSON:

10 Q Okay. During that period of time you are getting

11 treatment and on leave of absence, with whom are

12 you getting treatment while on leave?

13 A Dr. [REDACTED].

14 Q Anybody else?

15 A No.

16 Q And during that time, of course, the Archbishop

17 and his designees have access to Dr. [REDACTED]

18 and your records as to how much progress you are

19 making, correct?

20 A Correct.

21 Q Were you making progress?

22 A Yes.

23 Q At any time did Dr. [REDACTED] ever write any

24 letters to Archbishop Cousins or any of the

25 officials at the Archdiocese expressing his

00094

1 professional opinion that you were safe to  
2 continue in ministry and did not pose a risk of  
3 harm to children?

4 A I don't know.

5 Q The records reflect that in March of 1974 you  
6 were assigned by then Archbishop Cousins to be an  
7 associate pastor at St. Joseph's in Wauwatosa, is  
8 that correct?

9 A Yes.

10 Q And how many kids did you abuse or sexually abuse  
11 at that parish?

12 A I regret to have to plead the Fifth.

13 Q I'm going to direct your attention to Exhibit 28,  
14 and referencing this time frame at St. Joseph's

15 in Wauwatosa from '74 to 1976, it is referenced  
16 on this same log in the typewritten portion  
17 '74 to '76, No. 9. The identity of the person is  
18 blacked out, but it says, "Minor, age 13 or 14.  
19 Reported to Archbishop. Tell us, Archbishop  
20 Cousins. Budzynski sent to therapy." What was  
21 reported to Archbishop Cousins?

22 MR. GOVERN: Objection as to foundation.

23 THE WITNESS: I don't know.

24 BY MR. ANDERSON:

25 Q No. 10 says, "Minor, male friend of," and No. 11

00095

1 says, "Blank minors, 17 or 18," and No. 12 is  
2 blanked out. Then it says, "St. Joseph  
3 Wauwatosa." Why were you transferred out of that  
4 parish by the then Archbishop?

5 A Out of St. Joseph's?

6 Q Yes.

7 A I don't know. I don't know.

8 Q Okay. Did Archbishop Cousins talk to you about  
9 concerns he had about what had happened at that  
10 parish?

11 A I don't recall, no.

12 Q Anyone from the Archdiocese, Bishops Brust or  
13 Sklba or any of the other Vicars that you recall  
14 discussing this situation with you?

15 A No. I don't remember.

16 Q Exhibit 15 is a letter from Archbishop Cousins to  
17 you dated May 1, 1976, and this is before you  
18 were removed from this assignment, and I will  
19 read a portion of it to you. It's copied to the  
20 priest -- excuse me -- the Personnel Board and  
21 also Monsignor John Francis Murphy. At that  
22 time, what was Monsignor Murphy's position in the  
23 Archdiocese?

24 A He was the pastor of St. Joseph's Parish in  
25 Wauwatosa.

00096

1 Q So he was kind of your immediate supervisor  
2 there?

3 A Yes.

4 Q Did he ever have discussions with you about what  
5 had happened here and what had been reported to  
6 the Archbishop?

7 A No.

8 Q In any case, this letter that's addressed to you,  
9 I will read a portion of it for you, dated May 1,  
10 1976, and then ask you what you know about it.  
11 He states, "Dear Father Budzynski: The Personnel  
12 Board, after long deliberation and consultation,  
13 has recommended that you be granted temporary  
14 leave of absence effective immediately to permit  
15 the resolution of your current personal problems  
16 under the direction of Dr. [REDACTED] and [REDACTED]  
17 [REDACTED] and others who may, at their suggestion,  
18 become involved."

19 So I have three questions here. First,  
20 what are the personal problems that he's  
21 referring to that you are having that's causing  
22 you to take leave and get treatment?

23 A I have to plead the Fifth on that.

24 Q And then when it says, "Under the direction of  
25 Dr. [REDACTED]," who is referred to, but then



00097

1 there is another name that I had not heard  
2 before, [REDACTED]. Who is he?

3 A He's a Capuchin psychologist.

4 Q And you saw him, also?

5 A I don't know if I saw him or talked to him. I  
6 think I may have seen him, yes.

7 Q Did you share with him openly and freely and  
8 safely your inability to control your sexual  
9 impulses?

10 A I plead the Fifth on that.

11 Q It also says, "And others who may, at their  
12 suggestion, become involved." Did any others  
13 become involved in your therapy or engaged in  
14 helping you deal with the problems that you were  
15 having?

16 A I don't know what that would have been.

17 Q In the fourth paragraph down he writes in the  
18 same letter and same exhibit, "Be assured in the  
19 interval that you are not being denied future  
20 assignment, and that this professional and  
21 medical approach to your problem is not to be  
22 primarily interpreted as disciplinary." So did  
23 you see the action being taken as recorded here  
24 by Cousins to not really be punishment to you,  
25 but rather just an attempt to help you?

00098

1 A Yes.

2 Q What attempt, if any, was being made by Cousins

3 to help the kids or the families that you had

4 hurt?

5 A I don't know.

6 MR. GOVERN: Object as to foundation.

7 BY MR. ANDERSON:

8 Q Do you recall that shortly after that decision

9 was made to take you out of the Archdiocese of

10 Milwaukee and send you to another Diocese, that

11 being LaCrosse?

12 MR. LO COCO: Objection, foundation.

13 BY MR. ANDERSON:

14 Q Do you recall that?

15 MR. GOVERN: Same objection.

16 THE WITNESS: I don't know.

17 BY MR. ANDERSON:

18 Q Let's look at Exhibit 16, and I will read a

19 portion of it for you. This is a letter from

20 William Cousins, Archbishop, to the then Bishop

21 of LaCrosse, who was Bishop Freking,

22 F-R-O-K-I-N-G [sic], and it's dated July the 9th,

23 1996. So Cousins to Freking, Archbishop to

24 Bishop of LaCrosse. I'm going to read it.

25 "Your Excellency: Our Personnel Board

00099

1 has recommended that Father Daniel A. Budzynski  
2 be released temporarily from the Archdiocese of  
3 Milwaukee to work in campus ministry in the  
4 Diocese of LaCrosse under the direction of Father  
5 Robert Cook." Do you recall that to be the case,  
6 sir?

7 A Yes.

8 Q At the third paragraph he writes, "Father  
9 Budzynski has had problems which have been  
10 brought to your attention and which are known to  
11 Father Cook." What problems are you aware of  
12 that Cousins brought to the attention of first  
13 then Bishop Freking who presided over LaCrosse?

14 A I'm sorry. I have to plead the Fifth on that.

15 Q It's Freking, not Freking. I'm sorry.

16 A Oh, Freking. Yes, Freking.

17 Q The way it appears here, I just misread it. It's  
18 F-R-E-K-I-N-G. What is Father Cook's involvement  
19 at that point in time?

20 A What do you mean by that?

21 Q Well, it says here -- Cousins writes, "It is  
22 understood that he will continue to be guided  
23 professionally by a psychologist or psychiatrist  
24 of his choice. Father Cook has accepted the  
25 responsibility of seeing to it that this program

00100

1 is carried out." Do you recall that?

2 A Yes.

3 Q Tell me about it. What was the program? Was it  
4 carried out?

5 A Well, first of all, my assumption or my belief  
6 was that there was a great need for campus  
7 ministers in the LaCrosse dioceses, and that my  
8 background and talents fit that need. Father  
9 Cook's -- Father Cook, Robert Cook, came to  
10 Milwaukee to recruit me, to interview me and to  
11 encourage me that I was -- would be -- would fit  
12 their program. Does that answer the question?

13 Q Yes. Did Father Cook discuss with you or you  
14 with him the reasons for your removal from the  
15 Archdiocese of Milwaukee and transfer into  
16 LaCrosse?

17 A No.

18 Q Okay. And it's correct to say, also, that you  
19 remained a priest to the Archdiocese of  
20 Milwaukee?

21 A Yes.

22 Q And in order for you to be assigned and working  
23 in campus ministry in LaCrosse, it required the  
24 permission of your Superior and the permission of  
25 then Bishop Freking?

00101

1 A Yes.

2 Q But you remained under a vow of obedience to the

3 Archbishop of Milwaukee?

4 A Yes.

5 Q And under the joint supervision of both the

6 Archbishop of Milwaukee and then Bishop Freking

7 where you were assigned?

8 A Correct.

9 Q It says, "Guided by a psychologist or

10 psychiatrist of their choice -- or your choice."

11 What there a psychologist, a psychiatrist,

12 involved down there with you in LaCrosse?

13 A Yes.

14 Q Who was it?

15 A I don't know.

16 Q And you understood that because of your history,

17 the Archbishop continued to have access to

18 whoever that was?

19 A Yes.

20 Q And it's also correct to say that while in

21 LaCrosse, you were involved primarily with campus

22 ministry, that is college age kids as opposed to

23 adolescents, correct?

24 A Correct.

25 Q But it's also correct to say that nobody warned

00102

1 the families in the area of a history that  
2 pertained to adolescents and you, correct?

3 MR. GOVERN: Object as to foundation.

4 THE WITNESS: I can't answer that.

5 BY MR. ANDERSON:

6 Q Well, let me put it this way. Were any warnings  
7 issued to those folks down in LaCrosse where you  
8 worked in campus ministry about the history that  
9 either they knew of and that you knew of?

10 MR. GOVERN: Same objection.

11 THE WITNESS: I don't know.

12 BY MR. ANDERSON:

13 Q The records reflect in November of 1977  
14 Archbishop Weakland was appointed and installed  
15 by the Holy Father to be the presiding Archbishop  
16 of Milwaukee, and at that time you would have  
17 been continuing in LaCrosse. Does that sound  
18 correct to you?

19 A Yes.

20 Q And so your promise of obedience and celibate  
21 chastity that you had made to predecessors now  
22 continued to be and run to your current Superior,  
23 Archbishop Weakland?

24 A Yes.

25 Q Even though you are working in LaCrosse?

00103

1 A Yes.

2 Q And I'm going to direct your attention to  
3 Exhibit 17. I'm going to read from it, a couple  
4 portions of it, and then ask you questions. This  
5 is a letter that you actually wrote dated  
6 February 3, 1977 from -- It's dated '77, but I  
7 think you might have misdated it. So the exhibit  
8 says February 3, 1977, but other records seem to  
9 reflect it might be '78. So for our purposes I  
10 don't want to mislead you, I just want to inform  
11 you that the date may be '78.

12 MR. ANDERSON: Counsel, is that  
13 acceptable to you for purposes of the question?

14 MR. LO COCO: I would just say that the  
15 next letter, Exhibit 18, appears to be a response  
16 dated February 11, 1978. I'm guessing that  
17 Archbishop Weakland didn't wait a year to  
18 respond.

19 MR. FINNEGAN: He's not there at this  
20 date.

21 MR. ANDERSON: Well, there's two things.  
22 First, he's not there in '77 and, second, the  
23 next letter is just as you said, but I just  
24 didn't want anybody to think we were being, you  
25 know, mistaken.

00104

1 MR. LO COCO: So just assume it's  
2 misdated.

3 MR. ANDERSON: Right.

4 BY MR. ANDERSON:

5 Q So our question now is we're in 1978, you are in  
6 LaCrosse and you are writing a letter to  
7 Archbishop Weakland. Do you remember writing a  
8 letter to him?

9 A Vaguely. I probably did. I don't know.

10 Q Do you remember why?

11 A My first inclination was I was a priest working  
12 outside the Diocese. I wanted to welcome him  
13 into the Diocese and him to recognize that I am  
14 still working -- well, working, I suppose I'd

15 say, at his direction from the Diocese of  
16 Milwaukee. I don't know if you understand that.

17 Q I do. I think is it also fair to say at the time  
18 you wrote him that he's now your Superior and you  
19 felt that you could share with him the history  
20 that you had had that had caused you to be  
21 transferred before and now working in LaCrosse?

22 MR. LO COCO: Objection to the form.

23 THE WITNESS: I don't understand that,  
24 caused to be transferred.

25 BY MR. ANDERSON:



00105

1 Q Okay. I will rephrase the question. Did you  
2 feel any -- like you were free to tell him about  
3 your history and what had happened to cause you  
4 to be transferred from the various parishes and  
5 then ending up in LaCrosse?

6 A I certainly wanted him to -- I'm confused.

7 Q I don't want to confuse you. I will ask you  
8 another question. Were you willing to be open  
9 and honest with him about what your history had  
10 been, if he had asked?

11 A Yes.

12 Q In that letter you write to him dated February 3,  
13 1978 as corrected at the second page I think that  
14 is reflected, and I will read it here. You state  
15 to him, "At present I am in campus ministry  
16 working for the Diocese of LaCrosse. I would be  
17 willing to share with you personally some of the  
18 circumstances which made me available for this  
19 work in the summer of 1976." My question to you  
20 is that given your expression of willingness to  
21 share the circumstances, did he ever ask you what  
22 the circumstances were?

23 A No.

24 Q And is it correct to say that the circumstances  
25 were that you had had a history of sexual abuse

00106

1 of minors and there was an effort to get you out  
2 of the Milwaukee area to avoid publicity?

3 A I have to plead the Fifth.

4 Q The next letter is Exhibit 18, and it's dated  
5 February 11th, which is close in time to the  
6 letter you wrote to Archbishop Weakland. It's a  
7 week later, approximately, and, obviously,  
8 Archbishop Weakland, by this letter, responded to  
9 you. Do you remember getting a response from him  
10 or not?

11 A I don't remember, but I'm sure I must have got a  
12 response.

13 Q Okay. In 1978 in Eau Claire do you recall Father  
14 Janake doing the intervention with you and a  
15 problem with an adult student in campus ministry?

16 A No. No, I don't.

17 MR. ANDERSON: Okay. Exhibit 29 -- In  
18 the middle of Exhibit 29, Bate stamped 23739,  
19 Counsel, there's a reference in handwriting, and  
20 these are handwritten notes that appear to  
21 correspond to Exhibit 28 to some degree. It says  
22 1978, as we read it, Eau Claire, Father Janake  
23 intervention, and then either up above it or up  
24 above the above entry there's adult student  
25 something.

00107

1 BY MR. ANDERSON:

2 Q My question to you is do you remember Father  
3 Janake or Janake doing some kind of intervention  
4 in 1978 of you or with you while in LaCrosse?

5 A No, I can't recall that.

6 Q Do you remember any concerns being raised at that  
7 time in LaCrosse about your involvement or  
8 relationship to the students?

9 A No.

10 Q Any concerns about your sexual impulses or  
11 expression of them towards students or youth in  
12 LaCrosse?

13 A No.

14 Q So if there is a record of some kind of  
15 intervention as recorded in hand here, you have  
16 no memory of what that was, if it ever existed?

17 A I have no memory of that.

18 Q You were then moved on October 16, 1980, two  
19 years later, to a Campus Ministry Parish in  
20 Stevens Point. Do you remember that?

21 A Yes.

22 Q What caused that transfer to have come about?

23 A As I understand it, it was a little complicated.

24 I will explain it as simply as I can. Father  
25 Cook, who was my compatriot there, helper, was

00108

1 transferred to a Diocesan position. They needed  
2 somebody in Stevens Point. They needed a campus  
3 minister in Stevens Point, and, quite simply, the  
4 rooms I occupied in Eau Claire they wanted to be  
5 available for another priest they wanted to  
6 assign to Eau Claire who was not involved in  
7 campus ministry at Eau Claire, but rather in the  
8 local high school. But the local high school,  
9 which had a church right in its area, the pastor  
10 there refused to have anyone work in the high  
11 school and live at that rectory, so the Bishop  
12 wanted to get rid of me to make room for this  
13 other priest to live while he was doing high  
14 school work and to fill that need that was a  
15 vacancy in Stevens Point. That's the reason I  
16 was transferred.

17 Q While you were in LaCrosse and then transferred  
18 to Stevens Point --

19 A I was in Eau Claire.

20 Q I'm sorry. In Eau Claire. When you were in Eau  
21 Claire, but earlier LaCrosse, right?

22 A No, I was never in LaCrosse. It was the LaCrosse  
23 Diocese.

24 Q Well, yes, I refer to them by Diocese. I'm  
25 sorry. When you were in Eau Claire and then also

00109

1 in Stevens Point, did you continue to have some  
2 relationships with some of the families in your  
3 former parishes where you would go back and visit  
4 them?

5 A Yes.

6 Q How many families did you go back and visit and  
7 stay with?

8 A Stay with? One or two.

9 (Exhibit B was marked.)

10 BY MR. ANDERSON:

11 Q And I'm going to have you write down on  
12 Exhibit -- What's the exhibit? There's a John  
13 Doe/Jane Doe exhibit list here, and we have  
14 marked it Exhibit B. I showed it to your counsel  
15 earlier for him to show to you, and on it,  
16 Mr. Budzynski, there are some names of some  
17 people whose identity under the Court Order and  
18 our protocol we choose to protect and are  
19 required to.

20 What I'm going to ask you to do is write  
21 on that exhibit, if you can, the names of the  
22 families who you went back to visit while you  
23 were in Eau Claire and Stevens Point, and just  
24 write their names on that exhibit, because this  
25 will be a sealed exhibit.

00110

1 MR. GOVERN: Just for the record to  
2 clarify, you want him to write out names?

3 MR. ANDERSON: Yes.

4 MR. GOVERN: Or do you want him to  
5 identify names that already exist on Exhibit B?

6 MR. ANDERSON: I want him to write out  
7 the names, unless it's already on that exhibit.

8 Are the names already on there?

9 MR. GOVERN: Well, what you handed me  
10 earlier, Counsel, was a list of John Does with  
11 numbers and Jane Does, and then correspondingly  
12 names next to them.

13 MR. ANDERSON: Yes.

14 MR. GOVERN: So of the ones on this  
15 list, you want the witness to review them and  
16 then identify if, during the time period that he  
17 was in Eau Claire or Stevens Point, whether he  
18 resided or stayed with the families with the  
19 surnames that are listed here?

20 MR. ANDERSON: I just want him to  
21 identify the names of the families that he  
22 visited while in Eau Claire and Stevens Point and  
23 put it on there so I can assign Doe numbers to  
24 them and protect their identity at the same time.

25 MR. GOVERN: Do you understand the

00111

1 question?

2 THE WITNESS: Yes, the names of the  
3 families that I had visited.

4 MR. ANDERSON: Yes, and who had kids.  
5 Don't give the names, though, just write them  
6 down.

7 THE WITNESS: The family name?

8 MR. GOVERN: Don't say the names.

9 MR. ANDERSON: Don't say the names.  
10 Yes, just write down the names, think about the  
11 names of the families, especially those that had  
12 kids, whom you visited and/or stayed with and  
13 then write down the names.

14 MR. GOVERN: Unless they are on this  
15 list already, correct?

16 MR. ANDERSON: Well, for purposes of the  
17 question, let's just have the names. If there's  
18 duplication, so be it.

19 MR. LO COCO: Objection, relevancy.

20 MR. ANDERSON: This is No. 3 of the  
21 Court's Order.

22 MR. LO COCO: Well, okay. I think it's  
23 a fishing expedition.

24 MR. ANDERSON: Well, part of the purpose  
25 of this is to determine survivors.

00112

1 MR. LO COCO: I understand that. My  
2 problem is why should you get access to people  
3 that you will then solicit in some way.

4 MR. ANDERSON: Well, because we are  
5 going to have to ask some questions about this to  
6 determine what happened.

7 MR. LO COCO: I'm not telling you not to  
8 do it.

9 MR. ANDERSON: It's noted.

10 MR. LO COCO: I would suggest we go off  
11 the record and explain it a little better. It's  
12 up to you.

13 THE WITNESS: You are asking me when I  
14 was in Stevens Point going back to Eau Claire to  
15 visit families?

16 MR. ANDERSON: Yes.

17 THE WITNESS: The only -- I did go back  
18 to Eau Claire, but most of the time I stayed  
19 right at the Campus Ministry.

20 BY MR. ANDERSON:

21 Q Let me make it simpler. What I'm going to do is  
22 direct your focus on some -- something in  
23 particular, and then I can maybe help you focus  
24 on what we need to ask about. Okay?

25 A Okay.



00113

1 Q Okay. I'm going to direct your attention to  
2 Exhibit 42, and for purposes of the next  
3 questions, and you don't have to read 42, because  
4 it will be too hard for you to read, but I want  
5 you to listen to my questions here. Your counsel  
6 will look at Exhibit 42.

7 I will represent to you, Mr. Budzynski,  
8 that Exhibit 42 are what we call the Vicar Logs  
9 of one of the witnesses who deposition has  
10 already been taken, and that is Bishop Sklba,  
11 okay? We have had -- and other Vicar Logs and  
12 other depositions taken. Exhibit 42 -- And the  
13 Vicars, I will represent to you, kept logs.  
14 Sklba's was one of them, Janake was another one  
15 that we have been told included entries in the  
16 Vicar Logs, okay?

17 I'm now going to read from the Vicar  
18 Logs some materials that pertain to you, and I  
19 would ask you to listen to what I read, and then  
20 after I read some portions, I will ask you some  
21 questions. Okay?

22 A Okay.

23 Q First at Page 23877 of Exhibit 42 under the name  
24 Budzynski, Daniel it is recorded the Archbishop

25 --

00114

1 MR. LO COCO: Which number are you at?

2 MR. ANDERSON: Twenty-nine.

3 MR. LO COCO: Thank you. I will just  
4 say I think Bishop Sklba always initialed his, so  
5 I don't think you were representing that this was  
6 Sklba's.

7 MR. ANDERSON: No, it's any one of the  
8 Vicars.

9 MR. LO COCO: Got it. Okay.

10 BY MR. ANDERSON:

11 Q I'm reading here under 29 and your name an entry  
12 among many, and it states, "The Archbishop  
13 informed me that [REDACTED],  
14 had called to report that the blank -- the name  
15 is taken out -- Waukesha confided in him that  
16 Father Dan Budzynski, who's been an extremely  
17 close friend of the family for a period of time  
18 dating back to his days at St. Bernadette's, had  
19 visited the family last Friday night and  
20 Saturday. He had dinner with them, stayed  
21 overnight and left about the middle of the next  
22 day. In the course of the visit, there was a lot  
23 of drinking and Budzynski made homosexual  
24 advances at two of the children." What family is  
25 this?

00115

1 MR. LO COCO: Do we want that written

2 down?

3 MR. ANDERSON: On the sealed exhibit.

4 MR. LO COCO: Yes, but don't say it.

5 MR. ANDERSON: Yes, do not say that

6 name, just give us a name, but write it down and

7 take a moment to do that.

8 MR. GOVERN: On Exhibit B, correct?

9 MR. ANDERSON: Please.

10 (Witness responds.)

11 BY MR. ANDERSON:

12 Q The notation in the Vicar Logs goes on to say,

13 "When I told the Archbishop that Budzynski was

14 scheduled to see me the next day, he thought I

15 ought to confront him with this and get him the

16 appropriate help needed." Were you confronted by

17 one of the Vicars about this family and what you

18 had done to these kids?

19 A I would say I was confronted by, yes, one of the

20 Vicars.

21 Q Who was it?

22 A Janake.

23 Q Okay. And what did Janake say to you, sir?

24 A Rather vague. Not details. He said you visited

25 something and you got drunk and you did a lot of

00116

1 drinking and stayed overnight, and they reported  
2 some inappropriate something.

3 Q Janake reported to you that he had received a  
4 report of sexual abuse of minors by you, correct?

5 A I think so. Make that a yes.

6 Q And the name that you wrote on the exhibit, if  
7 you would hand it to me, how many boys or  
8 children were in that family?

9 A I believe there were two boys and two girls.

10 Q How many of those children did you sexually abuse  
11 while you were staying at their home?

12 A I'm sorry. I will have to take the Fifth on  
13 that.

14 Q Do you recall that there was concern that this  
15 family was going to get a lawyer and there could  
16 be litigation or publicity?

17 A I have no knowledge of that.

18 Q Did Janake discuss reporting this information  
19 with you to the police?

20 A I don't recall that.

21 Q Did you feel pretty safe that he would not report  
22 it?

23 A Pretty safe? No. I was upset a little. I was  
24 upset.

25 Q Did he tell you to keep it quiet?

00117

- 1 A No.
- 2 Q Did you keep it quiet?
- 3 A Yes.
- 4 Q Why?
- 5 A I was ashamed.
- 6 Q Did you think at that time you had committed a
- 7 crime?
- 8 A No.
- 9 Q What else did Janake tell you?
- 10 A That he was going to recommend removing me from
- 11 Campus Ministry and sending me off to treatment
- 12 for alcoholism.
- 13 Q And also for your inability to control your
- 14 sexual impulses?
- 15 A No.
- 16 Q Just for alcoholism?
- 17 A Yes.
- 18 Q Did he say anything about the kids?
- 19 A No.
- 20 Q Did he say anything about what he was going to do
- 21 to help the family whose kids you may have hurt?
- 22 A We didn't talk about that, no.
- 23 Q The Vicar Log goes on to reflect that, among
- 24 other things, Budzynski had first approached the
- 25 13-year-old with fondling and caressing, which

00118

1 the boy rejected. Did you approach the  
2 13-year-old with fondling and caressing?

3 A I can't answer that. I plead the Fifth.

4 Q The Vicar Log goes on to report, among other  
5 things, there were also two young children in a  
6 bedroom adjacent to Budzynski's room, and there  
7 is a suspicion that he might have entered that  
8 room in the early hours of the morning. Did you  
9 do that?

10 A I plead the Fifth.

11 Q It goes on to state that one of the children  
12 there was a four-year-old. Did you approach,  
13 sexually approach, a four-year-old?

14 A I can't answer that. I would plead the Fifth.

15 Q Is there a particular age or was there a  
16 particular age upon which you were fixated in  
17 terms of the exercise of your sexual impulses?

18 A I refuse to answer based on the Fifth Amendment.

19 Q In the Vicar Logs moving forward at 23876, we're  
20 now at 1982, 1/12/82. I'm going to read from the  
21 Vicar Logs and ask you some questions. The first  
22 part of it is not legible, but I'm going to read  
23 the part that is. "Explained that it had to do  
24 with his dissatisfaction with his assignment; the  
25 effects of the recent death of his parents." Had

00119

1 you had your parents die recently?

2 A In 1981.

3 Q So this would be January of '82.

4 A Yes.

5 Q So there was a recent death of your parents?

6 A Yes, both.

7 Q And his drinking, and you had a drinking problem

8 at that time?

9 A Yes.

10 Q It goes on to state, "And his psychosexual

11 problems." What psychosexual problems did you

12 have in addition to the drinking?

13 A I have to plead the Fifth on that.

14 Q It goes on to state, "He admitted that he was in

15 bad shape in all these matters. He was not

16 surprised when I confronted him about what had

17 gone on at the blank residence over the weekend."

18 Does that sound like it's a correct recitation,

19 that you were not surprised about having been

20 confronted?

21 A Yes.

22 Q So you really didn't deny it when confronted, did

23 you, what you had done?

24 A I plead the Fifth on that.

25 Q "He then agreed to undergo treatment for his

00120

1 problem. We are going to start at Guest House in  
2 Rochester on January 21st." Is that when you  
3 started at Guest House?

4 A I think so, yes, 1982.

5 Q And did you know that they were also considering  
6 sending you to the Servants of Paraclete in  
7 Albuquerque called Albuquerque Villa?

8 A It was discussed.

9 Q And you ended up not going there?

10 A Yes.

11 Q Why not?

12 A Well, I don't know. The Diocese or Janake or  
13 somebody decided Guest House was better for me.

14 Q And is it also correct to say that the people in  
15 Stevens Point and at the parishes where you had  
16 been were not told the true reasons why you had  
17 been taken out of ministry and sent to treatment?

18 MR. GOVERN: Object as to foundation.

19 MR. LO COCO: Join.

20 THE WITNESS: I don't know that.

21 BY MR. ANDERSON:

22 Q Let's look at the Vicar Log. It states, "He is  
23 going to tell the people in Stevens Point that  
24 he's coming back to the Archdiocese of Milwaukee  
25 to work, but that because of his health, he is



00121

1 going to take an extended vacation." That's a  
2 half truth, isn't it?

3 MR. LO COCO: Object to the form.

4 MR. GOVERN: Object to foundation, as  
5 well.

6 THE WITNESS: I don't know. I did give  
7 some statement to the fact that I'm leaving,  
8 and -- I don't know.

9 BY MR. ANDERSON:

10 Q Well, Mr. Budzynski, you weren't going on  
11 vacation, were you?

12 A No.

13 Q And you were being sent to treatment because you  
14 had psychosexual problems and you were a chronic

15 alcoholic, right?

16 A Yes.

17 Q And you had been sexually abusing kids and you  
18 had been caught repeatedly, correct?

19 MR. GOVERN: Object to the form of the  
20 question.

21 THE WITNESS: And I plead the Fifth on  
22 that.

23 BY MR. ANDERSON:

24 Q Okay. And when it's recorded that you were being  
25 told or it is recorded that the parishioners are

00122

1 being told that you have health problems and that  
2 you are going on an extended vacation, that's  
3 just not true, is it?

4 MR. GOVERN: Object to the foundation.

5 BY MR. ANDERSON:

6 Q You weren't going on an extended vacation, were  
7 you?

8 A Well, in a way I was, you know, I don't know what  
9 vacation -- It's a nice way of telling people I  
10 will be out of town.

11 Q So where did you take this vacation?

12 A The Guest House.

13 Q In Rochester, Minnesota?

14 A For treatment, yes.

15 Q In January?

16 A Yes.

17 Q I'm going to direct attention to Exhibit 21 now,  
18 and for your purposes, Mr. Budzynski, I'm going  
19 to just read a portion of it and then ask you a  
20 question. Exhibit 21 is a letter from Joseph  
21 Janake, the Vicar for Priest Personnel who we  
22 have been speaking about and who you acknowledged  
23 has been engaged in some of these events, and  
24 it's written to you dated August 12, 1982. It  
25 says, "Dear Father Budzynski: Following the

00123

1 recommendation of the Personnel Board regarding  
2 your assignment, and with concurrence of the  
3 Archbishop, I herewith appoint you pastoral team  
4 member with Father John C. Wagner at St. Patrick  
5 Parish, Whitewater, effective September 1, 1982,"  
6 is that correct?

7 A Yes.

8 Q And what does that mean, a fellow team member?  
9 What does that mean as written there?

10 A Well, in the arrangement of the Diocese, two  
11 priests assigned to the parish have the equal  
12 authority to manage the parish. Generally they  
13 are given a specific areas of assignments.

14 Q And when you were assigned to this parish at  
15 St. Patrick's in Whitewater, were any of the  
16 parishioners or members of the public informed  
17 that you had been treated for psychosexual  
18 problems and/or had a history of sexual abuse of  
19 minors?

20 MR. GOVERN: Object as to foundation.

21 THE WITNESS: I refuse to answer on the  
22 Fifth Amendment.

23 MR. GOVERN: No, my objection was as to  
24 foundation. Can you reread the question back to  
25 the witness?

00124

1 COURT REPORTER: "And when you were  
2 assigned to this parish at St. Patrick's in  
3 Whitewater, were any of the parishioners or  
4 members of the public informed that you had been  
5 treated for psychosexual problems and/or had a  
6 history of sexual abuse of minors?"

7 THE WITNESS: Not to my knowledge.

8 BY MR. ANDERSON:

9 Q And, to your knowledge, you were given all the  
10 privileges and powers that a priest who is in  
11 good standing enjoys in an assignment at that  
12 parish or any other, correct?

13 A Yes. That was a campus ministry assignment.

14 MR. ANDERSON: Yes. Why don't we take a  
15 break here. It looks like we are going to change  
16 tapes.

17 VIDEOTAPE TECHNICIAN: The ends Disk No.  
18 2 of the video deposition of Daniel A. Budzynski  
19 on November 21, 2011; the time 2:18 p.m.

20 (A recess was taken.)

21 VIDEOTAPE TECHNICIAN: This is the  
22 beginning of Disk No. 3 of the video deposition  
23 of Daniel A. Budzynski on November 21, 2011; the  
24 time 2:36 p.m.

25 BY MR. ANDERSON:

00125

1 Q Mr. Budzynski, in 1982 when assigned to the  
2 St. Patrick Parish in Whitewater, Father John C.  
3 Wagner was there as a member of the team,  
4 correct?

5 A Correct.

6 Q Did you know at that time that he had been  
7 credibly accused to have committed or known to  
8 have been credibly accused of sexual abuse of a  
9 minor?

10 MR. GOVERN: At that time?

11 MR. ANDERSON: At that time.

12 MR. LO COCO: Objection, foundation.

13 THE WITNESS: No, I know nothing about  
14 that.

15 BY MR. ANDERSON:

16 Q When you worked with him at St. Patrick's, did  
17 you ever see anything that was suspicious about  
18 his conduct towards youth?

19 A I have no knowledge of that, no.

20 Q And did you abuse youth at that parish?

21 A I'm sorry. I'm going to have to take the Fifth  
22 on that.

23 Q And at any time during your ministry and/or the  
24 assignments that you had over the decades, did  
25 you, yourself, ever become suspicious of sexual

00126

1 abuse by other priests with whom you worked or  
2 observed?

3 A I have no -- No, I don't know, no.

4 Q Did you ever report any suspicions of abuse by  
5 other priests?

6 A No.

7 Q Did you ever become suspicious of other priests  
8 abusing youth?

9 A Abusing?

10 Q Youth.

11 A Youth?

12 Q Yes.

13 A No.

14 Q I'm going to advance your focus forward a few  
15 years, because the records reflect that you were  
16 a team member at St. Patrick's in Whitewater,  
17 then awaited assignment for awhile. You were at  
18 sabbatical in Menlo Park. Why did you go on  
19 sabbatical at Menlo Park?

20 A Well, for one, I wanted to continue -- First of  
21 all, they were available and I requested it some  
22 months before that and an opening occurred and  
23 they gave me the opportunity to go on sabbatical.

24 Q Why did you leave St. Patrick's or why were you  
25 moved from St. Patrick's?

00127

1 A I don't know. I have no -- St. Patrick's in  
2 Whitewater, campus ministry?

3 Q Yes.

4 A I don't know.

5 Q And in June of 1983 you are awaiting assignment,  
6 which means you are between assignments. What  
7 was going on? Why was that so?

8 A I don't know.

9 Q In September of '83 you are temporary  
10 administrator of St. James. Temporary  
11 administrator has sometimes been used by some  
12 Ordinaries to designate some flexibility around  
13 it because of a checkered history. In your case  
14 do you know why you were made temporary  
15 administrator?

16 MR. LO COCO: Objection. I'll object to  
17 the form. That misstates Canon Law.

18 MR. GOVERN: Objection, foundation.

19 BY MR. ANDERSON:

20 Q Well, it may or may not, but let me ask you this.  
21 Do you know why you were made temporary  
22 administrator?

23 A Again, because there was a need.

24 Q Did it have anything to do with the history that  
25 was already known to those officials in the

00128

1 Archdiocese?

2 A Not that I know of, no.

3 Q Okay. And I'm going to direct your attention to

4 after you had been assigned to St. Louis Parish

5 in Caledonia as associate pastor, and then I

6 think you became pastor after being associate

7 pastor, did you not?

8 A Correct.

9 Q And I'm going to direct your attention now to

10 Exhibit 25, and I will read from a portion of it.

11 It is from you to then Richard Sklba dated

12 June 4, 1985 on your stationery -- on the

13 stationery of St. Louis Congregation in

14 Caledonia. And he's then Auxilliary Bishop, is

15 he not?

16 A I think so.

17 Q You address him Dear Bishop Sklba.

18 A So he must have been, yes.

19 Q Okay. I'm going to read a part of your letter to

20 him of that date. At the second paragraph you

21 say "I assume you are aware of my medical

22 treatment recovery programs or have some kind of

23 access to the file." You knew that he, as

24 Auxilliary Bishop, had the ability to look at

25 your file?



00129

1 A Yes.

2 Q And had the ability to be aware of the history  
3 that was known to others in the Archdiocese at  
4 that time?

5 MR. LO COCO: Objection. Objection,  
6 foundation.

7 THE WITNESS: I have no way of knowing  
8 that.

9 BY MR. ANDERSON:

10 Q You go on to state, "However, if you would like  
11 me to review it for you, I would be more than  
12 willing to oblige." Are you in essence saying,  
13 "Look it, Auxilliary Bishop Sklba, I'm happy to,  
14 if you will give me further assignment, happy to  
15 share with you my history, whatever it is, as  
16 sorted at it's been, and tell you the truth about  
17 it?" Is that what you are saying here?

18 A I'm really referring generally to what I -- what  
19 service I was doing, ministry to the church and  
20 where I was capable.

21 Q You did inform him, as is reflected in the last  
22 paragraph, by stating, "I have continued to seek  
23 therapy with Dr. [REDACTED]." How often  
24 did you seek that therapy in 1985 with [REDACTED]?

25 MR. GOVERN: I'm just going to object to

00130

1 the form of the question. The witness has  
2 trouble reading, so he's not able to look at  
3 Exhibit 25, but that sentence you cut off at the  
4 first half of the sentence.

5 MR. ANDERSON: Oh, okay. Well, he  
6 answered it. Maybe it's answered.

7 BY MR. ANDERSON:

8 Q You write here, "I have continued to seek therapy  
9 with Dr. [REDACTED] and we have been  
10 having monthly sessions," is that correct?

11 A Yes.

12 Q And Sklba and the Archbishop and the other  
13 superiors, including Janake, had access to  
14 [REDACTED] if they wanted it?

15 A Yes.

16 Q And were you being truthful with [REDACTED] about  
17 the things you had done and the problems you had  
18 had, psychosexual and otherwise, or were you  
19 holding back?

20 A I would say I was brutally honest with him.

21 Q You had already done a search and a fearless  
22 moral inventory, hadn't you?

23 A Yes.

24 Q And that requires, what, brutal honesty, doesn't  
25 it?

00131

1 A Yes.

2 Q And that brutal honesty that you shared with

3 [REDACTED] about your history was also thus

4 accessible to your superiors, if they had asked,

5 right?

6 MR. LO COCO: Objection, foundation,

7 calls for speculation.

8 THE WITNESS: I don't know what they

9 would do.

10 BY MR. ANDERSON:

11 Q Well, they would have had to ask either you,

12 which you would have been brutally honest with

13 them about, right?

14 A Yes.

15 Q Or they would have to ask Dr. [REDACTED] with whom

16 you had already been brutally honest, correct?

17 MR. LO COCO: Objection, foundation.

18 THE WITNESS: Yes.

19 BY MR. ANDERSON:

20 Q Do you know if any of your superiors did ask you

21 about your --

22 MR. GOVERN: That I will object to

23 foundation.

24 THE COURT: Just a moment. Let me

25 finish the question.

00132

1 MR. GOVERN: Sorry.

2 BY MR. ANDERSON:

3 Q Did Bishop Sklba, Father Janake, Archbishop  
4 Weakland or any of the superiors ask you after  
5 your treatment about your history which you had  
6 disclosed now to at least [REDACTED] in a brutally  
7 honest fashion?

8 MR. GOVERN: I need you to read back  
9 that question, please.

10 MR. ANDERSON: Bad question.

11 MR. GOVERN: Are you withdrawing the  
12 question then?

13 MR. ANDERSON: Yes. Withdraw the  
14 question.

15 BY MR. ANDERSON:

16 Q Did Sklba ever ask you about your history?

17 A Not that I remember.

18 Q Did Weakland ever ask you about your history?

19 A No.

20 Q Did Cousins ever ask you about your history?

21 A No.

22 Q Did Dolan ever ask you about your history?

23 A No.

24 Q Okay. I'm directing your attention now to 1986.

25 Do you remember reporting to Bishop Sklba that

00133

1 you thought your problems had -- were under  
2 control?

3 MR. GOVERN: Are you referring to an  
4 exhibit?

5 MR. ANDERSON: It's Exhibit 42 at  
6 Exhibit 23872.

7 BY MR. ANDERSON:

8 Q Do you have a memory of that first I wanted to  
9 ask you.

10 A I don't have a memory of that, no.

11 Q In 1986 did you feel that your psychosexual  
12 problems and alcohol problems were under control?

13 A I was working on it.

14 Q I'm going to direct your attention to Exhibit  
15 No. 42, 23872. These are, again, some more Vicar  
16 Logs, and the logs I'm referring to now have the  
17 initial RJS, which we have established would be  
18 logs created by Sklba, which he has confirmed for  
19 us under oath, okay?

20 A Yes.

21 Q And I will read a couple portions and then ask  
22 you a couple questions.

23 MR. LO COCO: I'm sorry. What page are  
24 you on, Jeff?

25 MR. ANDERSON: I'm on 23872, and I will

00134

1 be referring to 447.

2 BY MR. ANDERSON:

3 Q Okay. The date is -- It states, "On September 6,  
4 1986, I met with Dan in order to discuss his  
5 willingness to accept Peter Jansta as a permanent  
6 deacon at the Parish of St. Louis in Caledonia,  
7 which he was inclined to do, and also to discuss  
8 Dan's ongoing therapy with [REDACTED]. Dan  
9 feels that the area of alcoholism and the area of  
10 sexuality are properly under control with  
11 therapy, and indicated that there had been no  
12 problem at the parish in either area."

13 When Sklba records this in the log as  
14 you had reported it to him, is that correct?

15 Were your problems under control?

16 A Yes.

17 Q Did you sexually abuse kids after this date and  
18 time?

19 A I'm sorry. I will take the Fifth.

20 Q I'm referring now to the date of -- the number is  
21 282 on the same page. It states in the Vicar  
22 Log, again, this would be Sklba recording the  
23 log, "On Saturday, June 13, 1987, I received a  
24 phone call from [REDACTED], president of the  
25 Parish Counsel at St. Louis Parish, Caledonia,

00135

1 regarding some alleged child abuse. I  
2 immediately spoke with Dr. [REDACTED] who agreed  
3 to contact Dan on Monday the 15th of June in  
4 order to set up an appointment immediately to  
5 discuss the matter." Do you remember that?

6 A Yes.

7 Q What happened?

8 MR. GOVERN: As to the conversation?

9 MR. ANDERSON: Yes. What was done here?

10 THE WITNESS: What was done here? I  
11 don't know.

12 BY MR. ANDERSON:

13 Q Okay. I will go on to read it. He says, "I

14 contacted Dan himself and told him of the

15 allegations, without mentioning any names, and  
16 also informed him of the forthcoming phone call  
17 from Dr. [REDACTED]. On Sunday morning I spoke  
18 with blank blank," which it would be the names  
19 which have been taken out, "regarding the  
20 situation and promised to call blank blank at the  
21 end of the week after she had had more  
22 opportunity to speak with her son."

23 What did Bishop Sklba say to you and do  
24 responsive to this information that surfaced on  
25 June 13th, 1987?

00136

1 MR. GOVERN: Object as to foundation,  
2 form.

3 THE WITNESS: I don't know what he said.  
4 I don't know.

5 BY MR. ANDERSON:

6 Q What action was taken by Bishop Sklba and the  
7 Archdiocese officials responsive to this  
8 information received and recorded in the Vicar  
9 Log?

10 MR. GOVERN: Object as to foundation.

11 THE WITNESS: I don't know.

12 BY MR. ANDERSON:

13 Q There is an entry that says on 6/13 -- I'm  
14 looking at this same log, and it reads, "On  
15 Sunday morning I spoke with blank regarding the  
16 situation and promised to call blank at the end  
17 of the week after she had had more opportunity to  
18 speak with her son. [REDACTED]

19 [REDACTED]  
20 [REDACTED] I also learned of another parent  
21 at the parish who had expressed some concerns  
22 regarding her son, as well. I will talk with  
23 Dr. [REDACTED] again as soon as possible."

24 Do you recall on or about June 13, 1987  
25 that more than one allegation was surfacing now?



00137

1 A I don't recall anything like that, no.

2 Q Do you recall either engaging or having engaged

3 legal counsel to either protect you or in this

4 case the Archdiocese?

5 A No.

6 Q Did you engage Joe Dean?

7 A I don't know who that is.

8 Q Okay. Do you recall any concerns being raised by

9 parents about their kids at that parish about

10 what you had done?

11 A You had mentioned Metz, and, yes, he did say

12 there was some problems.

13 Q In '87? I'm talking about June of '87 now.

14 A I'm not sure. I don't know.

15 Q Okay. Later in that same month, June 30th, this

16 would be Exhibit 42, 23870 --

17 MR. GOVERN: I'm sorry. Which number is

18 that?

19 MR. LO COCO: It's June 30th, 23870.

20 About four pages down.

21 BY MR. ANDERSON:

22 Q Okay. 23870. The way these logs are, this would

23 be referencing No. 33 or 364, it looks like, in

24 the middle of 23870. I'm going to read from the

25 log. This, again, is Sklba, because it's RJS.

00138

1 He records on Wednesday, July 22, 1987, the next  
2 month, "I met with Dan and Dr. [REDACTED]  
3 at the doctor's office in order to discuss the  
4 background to the current situation and various  
5 alternatives." Do you remember that meeting,  
6 sir?

7 A Yes.

8 Q What was said to you about what had happened and  
9 what was emerging here?

10 A Well, there was some kind of thing that happened,  
11 but I don't recall what the result of it was. It  
12 was just counseling again or just discussing,  
13 that's all, that there were these allegations  
14 made.

15 Q And were you asked by Bishop Sklba did you abuse  
16 this kid or these children?

17 A I don't remember that.

18 Q Were you denying at that time that you had abused  
19 kids?

20 A Yes.

21 Q So you weren't being brutally honest, were you?

22 A Well, I guess I was trying to figure out what is  
23 abuse.

24 Q You really didn't even think you had abused the  
25 kids, had you?

00139

1 A No.

2 Q Even though you now know it was, correct?

3 THE WITNESS: Well, I know --

4 MR. GOVERN: Are you talking about this  
5 1987 or over a period of time?

6 MR. ANDERSON: Yes, '87.

7 MR. LO COCO: Object, foundation.

8 MR. GOVERN: And I would join in that.

9 BY MR. ANDERSON:

10 Q Well, this log goes on to say, "I suggested,"  
11 that would be Bishop Sklba, it says, "I suggested  
12 strongly reassignment, and ██████ felt the  
13 session went well even though Dan took it very  
14 hard. That same evening I went to visit the  
15 young eighth grade lad," and then the name is  
16 taken out. How many lads about that age at that  
17 location had you engaged in sex with?

18 A I refuse to -- I take the Fifth Amendment on  
19 that.

20 Q The next paragraph in the middle of it says, "He  
21 endorsed the brief description of the event as I  
22 narrated it and expressed concern that adults  
23 were making a bigger issue of this than is  
24 necessary, as well as a great deal of anger  
25 towards his friends and their parents for

00140

1 bringing this to the attention of others." Does  
2 that correctly reflect the attitude that you  
3 demonstrated at that time?

4 MR. GOVERN: Object as to the  
5 foundation. I don't know that that -- I believe  
6 that may be mischaracterizing what you are  
7 reading their.

8 MR. ANDERSON: I might be  
9 misinterpreting it, I don't know, but let me ask  
10 you this. What was your demeanor when confronted  
11 with this information and your attitude around  
12 it?

13 THE WITNESS: Well, I was terribly  
14 upset. I was disappointed.

15 MR. LO COCO: Jeff, at some point I  
16 would like to take a short break from the  
17 witness, because I don't want to poison his --  
18 your questioning of him, but I want to make a  
19 record about something regarding this particular  
20 issue. So whenever you are ready to move to  
21 something else, let's send Mr. Budzynski out.

22 BY MR. ANDERSON:

23 Q You said you were disappointed. Why were you  
24 disappointed?

25 A Because I thought that I was doing very well. I

00141

1 thought that I had gained the confidence of all  
2 the people there in my ministry. I was  
3 ministering to the needs there and I was praised  
4 for it, and it seemed like to be, you know, a  
5 reversal.

6 Q Did you feel like you were getting treated  
7 unfairly by your superiors by being reassigned?

8 A No, by the people whom I thought were my friends.

9 Q Oh. You felt betrayed by the parents and the  
10 families that brought this forward?

11 A Well, betrayed, no, but I thought that they were  
12 misunderstanding what was going on.

13 Q Do you still think they were?

14 A I would say no. I put that way behind me.

15 Q Do you think they have been able to?

16 A Yes.

17 Q Why do you think they have been able to put it  
18 behind them and are still not suffering with it?

19 A Well, for one, I have several times received  
20 Christmas cards or greetings, and the few times  
21 that I was there, I was greeted with acceptance  
22 and all that.

23 Q Have you, yourself, ever had any reason to deal  
24 with people who were sexually abused by trusted  
25 authority figures and bear witness to the effects

00142

1 of that?

2 A No.

3 Q And in the same notation of now July 22, 1987, in

4 the last paragraph it states, "They requested

5 that I not contact the police, if at all

6 necessary, for the good of the young man. I

7 believe that the Hannaway Opinion gives me some

8 options in this regard, and that I will continue

9 to ponder them." Did Bishop Sklba discuss with

10 you his decision not to contact the police?

11 A No.

12 Q Did he discuss with you the Hannaway Opinion and

13 his reliance upon that?

14 A I have no idea what that is or what it refers to.

15 MR. ANDERSON: Would you like to take a

16 moment here, Frank?

17 MR. LO COCO: That would be great.

18 MR. ANDERSON: We're going to take a

19 moment and ask you to unhook your microphone, and

20 do you want to stay on the record?

21 MR. LO COCO: Yes, I want to add some

22 context for the Court.

23 MR. ANDERSON: We're going to ask you to

24 step out of the room for a moment, and then as

25 soon as we're ready to have you back in, we will

00143

1 invite you back in. Thank you, sir.

2 MR. LO COCO: Thank you.

3 (The witness exits the room.)

4 MR. LO COCO: For obvious reasons I  
5 didn't want to make this record with the witness  
6 here, because I know you are probing his memory.  
7 I think this area of questioning is unfair to him  
8 and unfair to my client, in some ways more  
9 importantly, because Bishop Sklba was asked  
10 specifically about this. At Pages 165 to about  
11 175 there's a discussion of these entries in the  
12 Vicar Log. You can believe him or not, but  
13 Bishop Sklba's testimony was at Page 166,  
14 "Question: Do you remember at this time the

15 family requesting of you that the police not be  
16 contacted at that time concerning Budzynski?  
17 Answer: I don't remember that at all. I don't  
18 remember any such conversation. I do remember  
19 talking with the mother who expressed concern  
20 because she overheard children in a car, a  
21 station wagon, talking about him and the kids  
22 saying, children, whatever age they were, saying  
23 that he was gay. That's the only thing that I  
24 remember hearing." And then Mr. Anderson asks  
25 some further questions about whether what Bishop

00144

1 Sklba learned was reportable to the authorities,  
2 and Bishop Sklba said certainly not. He went on  
3 to say that while Mr. Budzynski, who was then  
4 Father was in ministry, he did not have any  
5 information that in his judgment was reportable.  
6 The problem with the questioning as I have  
7 listened to it, Mr. Anderson, is that it assumes  
8 a factual foundation that I don't think you have,  
9 which is that he abused kids during this time  
10 period. And if you have that factual foundation,  
11 so be it. I just want the record clear about  
12 what Bishop Sklba had to say about his knowledge  
13 back at this time. And if you don't have a  
14 factual foundation, you shouldn't be phrasing the  
15 questions the way you are phrasing them to this  
16 witness. That's my record.

17 MR. ANDERSON: Your record is noted, and  
18 to the extent the documentary record belies  
19 Bishops Sklba's account speaks for itself.  
20 Nonetheless, the record that is recorded  
21 contemporaneous reflects that this is an eighth  
22 grade lad, and whether or not it happened before  
23 or during this time is not determined and not  
24 able to be determined, so we rely upon the record  
25 as recorded and reflected then. There may be



00145

1 other inferences that can be drawn from that, but  
2 I'm relying strictly upon the record as created  
3 by Bishop Sklba at that time in order to ask this  
4 question. If it is -- if there's underlying  
5 assumptions that are suggested, I am simply  
6 relying upon this record.

7 So having that in mind, your objection  
8 is noted and I think those are the kinds of  
9 things that the triers of fact sort out at a  
10 later date.

11 MR. LO COCO: The only thing I'd add is  
12 I don't think these particular entries describe  
13 any sexual abuse. I mean, if I -- if they do, I  
14 missed it. He talks about his discussion with  
15 the young lad, et cetera, which he talked about  
16 at his deposition. I know what you want to infer  
17 from it.

18 MR. FINNEGAN: You guys aren't going to  
19 solve this today, so --

20 MR. LO COCO: Right.

21 MR. ANDERSON: We don't need to solve  
22 it. We just stated our positions, and I think we  
23 just need to respectfully move forward and allow  
24 it to move forward in due course.

25 MR. LO COCO: Absolutely. Like I said,

00146

1 I didn't want to do it with him here, because I  
2 didn't think that was fair to you guys.

3 MR. ANDERSON: I appreciate that.

4 MR. FINNEGAN: Should we take a little  
5 break?

6 MR. ANDERSON: I'm ready to keep plowing  
7 forward.

8 MR. GOVERN: I don't know. I have to  
9 talk to my witness.

10 VIDEOTAPE TECHNICIAN: We're going off  
11 the record at 3:08 p.m.

12 (A recess was taken.)

13 VIDEOTAPE TECHNICIAN: We're back on the  
14 record at 3:14 p.m.

15 BY MR. ANDERSON:

16 Q I'm looking at some Vicar Logs, and the time is  
17 August of 1987, and instead of just taking the  
18 time to read it, I'm just going to ask you a  
19 question. Do you remember at that time Bishop  
20 Sklba encouraging your speedy movement into new  
21 ministry at the Mother House and to offer help  
22 out work at the current assignment?

23 A And the current assignment?

24 Q Yes, that he wanted you to get into new ministry  
25 at the Mother House. Do you remember that?

00147

1 A Yes.

2 Q And then in September of that year do you

3 remember Bishop Sklba had a meeting with a Sister

4 Rita Jean, the principal at St. Louis School

5 regarding you? Do you know anything about that?

6 A I know nothing about that.

7 Q What were you doing at St. Louis School?

8 A I was part of the parish, St. Louis Parish.

9 Q And that was an elementary school?

10 A Yes.

11 Q And do you recall that the principal was

12 concerned about -- Did you become aware that the

13 principal and/or Sister Rita Jean, who was the

14 principal, were concerned about you there?

15 A I don't know what that would be.

16 Q So it never came to your attention that a meeting

17 was had with Bishop Sklba and Sister Rita Jean?

18 A No.

19 Q In September of that year you were moved to be a

20 priest team member at St. Francis of Assisi

21 Convent and Health Center, Milwaukee, were you

22 not?

23 A Yes.

24 Q So that way you were then away from kids then,

25 were you not?

00148

1 A Yes.

2 Q And then later moved to be chaplain at Villa

3 Clement Health Center in Greenfield?

4 A Yes, um-hum.

5 Q And is that elderly folks?

6 A Yes, generally, yeah, disabled, elderly. It's a

7 nursing home.

8 Q In February of '94 after the interview with the

9 team member, actually, three team members, after

10 you had that meeting that we talked to -- talked

11 about earlier in February of '94 with the team

12 members, did Bishop Sklba ever come to you and

13 say, "We have this information," and ask you

14 about it?

15 A No.

16 Q Did Bishop -- Archbishop Weakland ever come to

17 you and say, "We have this information," and ask

18 you about it?

19 A No.

20 Q After the meeting in which this information was

21 obtained and recorded, some of which we have

22 shared here today, did your status as a priest in

23 ministry in any way change?

24 MR. LO COCO: I'm sorry. What's the

25 time frame?

00149

1 MR. ANDERSON: February of '94.

2 MR. LO COCO: At any time after that?

3 MR. ANDERSON: Yes, responsive to that.

4 THE WITNESS: As I understand it, no. I  
5 was still a priest in good standing.

6 BY MR. ANDERSON:

7 Q And it's also correct that, for example, in May  
8 of '94, as the Vicar Log reflects, Sklba approved  
9 you to continue doing monthly help out at St.  
10 Leonard's in Muskego, is that correct?

11 MR. LO COCO: Object to form.

12 THE WITNESS: Yes.

13 BY MR. ANDERSON:

14 Q And Father Derfus, he reports, was made  
15 completely aware of your history. Did you know  
16 that?

17 A I didn't know that.

18 Q And it was sometime after that that you actually  
19 retired, correct?

20 A Correct.

21 Q But continued in ministry unrestricted?

22 A Yes.

23 Q I'm going to direct your attention to Exhibit 30,  
24 and it appears by reading Exhibit 30, the letter  
25 from Archbishop Weakland to you, there are some

00150

1 restrictions being imposed on you. Do you recall  
2 that?

3 A Yes.

4 Q Okay. And I will read, at the time there's some  
5 restrictions that are being imposed by the  
6 Superior on you, from the first paragraph of the  
7 letter from Weakland to you dated May 25, 1995,  
8 Exhibit 30. He states, "My concern is both to  
9 ensure that the integrity of priesthood is upheld  
10 and to protect the Diocese from any allegations  
11 of improper monitoring which might place persons  
12 at risk." So what restrictions were imposed on  
13 you then?

14 A I believe at that time he asked me not to engage  
15 in any public ministry, public ministry.

16 Q And you still were permitted to wear the collar,  
17 were you not?

18 A Yes.

19 Q And you knew what restrictions were imposed, and  
20 the Archbishop knew what restrictions were  
21 imposed. Beyond you and the Archbishop, who else  
22 in the community knew that you were under  
23 restriction?

24 MR. LO COCO: Objection, foundation.

25 THE WITNESS: I really don't know who

00151

1 else.

2 BY MR. ANDERSON:

3 Q As far as you know, nobody else was informed by  
4 letter or by publication or announcement,  
5 correct?

6 A As far as I know.

7 Q I'm directing your attention to Exhibit 31, which  
8 would be the response to the imposition of some  
9 restrictions, and it's dated May 25, 1995, and  
10 it's from you to Archbishop Weakland.

11 MR. GOVERN: I'm sorry. Exhibit 31?

12 MR. FINNEGAN: 31.

13 MR. ANDERSON: Yes, but this is his  
14 letter responding to Weakland's letter. His  
15 letter is June 8, 1995.

16 BY MR. ANDERSON:

17 Q So you have your June 8th letter? Well, I have  
18 it before me.

19 A Yes.

20 Q And I will read from it, the letter that you sent  
21 to Weakland, at least a portion of it. "Dear  
22 Archbishop Weakland: But I am perplexed because  
23 of the many years past without any public notice,  
24 even my family doesn't know these things, and  
25 each incident was resolved with the Bishop and

00152

1 the families." Why are you perplexed or  
2 expressing to the Archbishop that you are  
3 perplexed that this action is now being taken  
4 when things have been so private?

5 A Well, I think I was disappointed in that. I  
6 wanted to continue to function.

7 Q I'm directing attention now to Exhibit 32, and  
8 this is a 1995. And before I do, you made  
9 reference in the last exhibit to your family.  
10 What does your family know about what you had  
11 done while in ministry, particularly as it  
12 pertains to the kids?

13 A Are we talking about 1995 here?

14 Q No, actually we're talking about 1987. No, '95.

15 Yes, I'm sorry.

16 A '95?

17 Q Yes.

18 A Yes. My family, my parents, were deceased. My  
19 family consisted mostly of two brothers and a  
20 sister. As far as I remember, my sister, I  
21 shared with her some of my problems, and very few  
22 with one of the other brothers. I didn't have  
23 good communication with my brothers.

24 Q So really the ones that did know were the Bishops  
25 who had presided over you, at that time Weakland,



00153

1 Sklba and the other Vicars who had either made  
2 logs or participated in making logs pertaining to  
3 you, right?

4 MR. LO COCO: Objection, foundation,  
5 calls for speculation.

6 MR. GOVERN: And I object as to the  
7 form. I don't know what you are asking.

8 MR. LO COCO: I agree.

9 BY MR. ANDERSON:

10 Q Well, in terms of what your history was  
11 pertaining to youth and what you had done. You  
12 shared --

13 A You were asking who of my family knew that?

14 Q Yes.

15 A I was just saying not very many. My sister  
16 perhaps knew in a general way. I don't recall  
17 ever -- I don't know.

18 Q I'm referring now to Exhibit 32, and this is a  
19 letter from Archbishop Weakland to you, and it's  
20 dated June 21, 1995. It's addressed to you at  
21 the [REDACTED] apartment in St.  
22 Francis. What was your -- What was that location  
23 then?

24 A That is where I was employed in pastoral ministry  
25 at the convent.

00154

1 Q Okay.

2 A Sisters of St. Francis of Assisi.

3 Q Okay. And now this is copied to Carroll Straub.

4 Who is Carroll Straub, Father Carroll Straub?

5 A Oh, probably he was a Vicar at that time.

6 Q And Bishop Sklba, who we know is an Auxilliary

7 and Vicar?

8 A Yes.

9 Q And Barbara Ann. That would be Barbara Ann

10 Cusack?

11 A Yes, Cusack.

12 Q Okay. And I will read it. He states, "Sorry for

13 the abrupt letter that you received, but it was

14 necessary for me to act consistently and clearly.

15 For your own sake, Dan, please understand that

16 any public ministry on your part exposes you, the

17 priesthood and the Diocese to much negative

18 publicity." Do you remember reading this? Do

19 you remember hearing that?

20 A Yes. It was addressed to me.

21 Q It goes on to state that the network of victims

22 is well organized, and any public ministry

23 becomes the occasion for renewed anger and

24 threats. Do you remember Archbishop Weakland

25 discussing his priorities as expressed in this

00155

1 letter with you?

2 A No.

3 Q He goes on to state, "I wish I could be more,  
4 quote, 'generous,' unquote, but I simply cannot  
5 be. The exposure is too great and the possible  
6 consequences too devastating." Did you read this  
7 to mean the exposure meaning legal exposure?

8 A I didn't read -- I don't think so. I think I  
9 just -- just any publicity would be negative  
10 publicity.

11 Q I'm directing your attention now to Exhibit 34.  
12 This is a letter again from Archbishop Weakland.  
13 The date of this one is to you on August 22,  
14 1995, and he says, "Dear Dan: I'm responding to  
15 your recent letter," and I think you're  
16 requesting more ministry, and he states at the  
17 second paragraph, "I believe, Dan, you really  
18 don't understand the seriousness of the situation  
19 you find yourself in. As I understand it, you  
20 could be the object of enormous numbers of  
21 lawsuits if people come forward." Does that  
22 refresh your recollection that, in fact,  
23 Archbishop Weakland was concerned in his decision  
24 making about not only publicity, but legal  
25 exposure?

00156

1 MR. LO COCO: Object to the form. It's  
2 misleading.

3 THE WITNESS: I don't know what he had  
4 in mind, and I don't even remember what my  
5 reaction to that was.

6 BY MR. ANDERSON:

7 Q Okay. You will see that Bishop Sklba is copied  
8 on this letter, do you not? Oh, you can't.  
9 Never mind. I will represent to you that Bishop  
10 Sklba is copied on this letter.

11 A Oh, copied.

12 Q Yes.

13 A Okay.

14 Q Do you remember writing to Bishop -- Archbishop  
15 Weakland asking to perform ceremonies and  
16 weddings and your 45th Ordination Ceremony Mass  
17 that prompted this response?

18 A Well, that's a little confusing.

19 Q Wait a minute. I will withdraw that question.  
20 It was confusing.

21 I'm going to skip ahead now to the year  
22 2001, and in April of 2001 did you write a letter  
23 to Weakland asking to perform ceremonies and  
24 certain priestly activities?

25 A Yes, but I'm vague about what I was asking. I

00157

1 don't know.

2 Q Okay. Let me just cover a couple points with you  
3 then. Exhibit 35, and I will read from a couple  
4 portions of it, you write to Archbishop Weakland,  
5 April 24, 2001, a three-page letter, and there  
6 are portions of it where -- At the second page in  
7 the middle you state, "I admit that I have had  
8 some serious difficulties in the past. These go  
9 back almost 25 years. In each case I was  
10 confronted by Bishops, pastors and parents and  
11 agreed to certain disciplines. At no time was my  
12 name made public nor was it a matter for legal  
13 authorities." Do you recall writing that?

14 A I think so, yes.

15 Q And you were writing that because you were trying  
16 to make the case to do some additional ministry  
17 by doing jubilee celebrations, funerals and the  
18 like?

19 A I would say, as I recall it, the jubilee  
20 celebration. That was with my classmates in  
21 1956, 45th Jubilee.

22 Q And is it fair to say by your own hand and  
23 writing at that time that you are under the  
24 belief because this was only known by pastors,  
25 parents and the Bishops, that because it was so

00158

1 private it would be safe and okay for you to do  
2 some ministry? Is that what you were suggesting?

3 A No. I was responding to in order to do anything  
4 like participate with my classmates in a mass  
5 celebrating our anniversary, I had to get  
6 permission. That's all that was.

7 Q Do you remember what Archbishop Weakland's  
8 response to you was?

9 A I believe at that time it was positive. I'm not  
10 sure. I don't know.

11 Q Let me direct your attention to the May 7, 2001  
12 letter from him responding to your request,  
13 Reverend Budzynski from Bishop Weakland,  
14 Exhibit 36. "Dear Dan: Your letter has been

15 sitting on my desk for two weeks now. Sorry for  
16 the delay. I read it carefully several times.

17 First of all, I want to encourage you to continue  
18 the sobriety program. You have done so well on  
19 it." He states, "The serious difficulties of the  
20 past never surfaced in the public forum, nor were

21 brought to any legal authorities, but they still  
22 could well surface. I see no reason to take  
23 those risks for yourself or for the church.

24 Public ministry, it seems to me, is still not an  
25 option for you."

00159

1 Is it correct to say that this letter  
2 and decision made by Bishop Weakland as  
3 communicated to you is clearly a calculation  
4 being made by him to deny your request to keep it  
5 private and to keep what you had done covered up?

6 MR. LO COCO: Objection, form. It's  
7 argumentative, lacks foundation, calls for  
8 speculation.

9 MR. GOVERN: I would join in that  
10 objection. I would also note that the questions  
11 are taking, I believe, the two letters out of  
12 context. I don't know where Exhibit 35 from  
13 Mr. Budzynski makes a formal request for public  
14 ministry. There are three, actually four  
15 specific --

16 MR. ANDERSON: What's your legal  
17 objection, Counsel? Give it to me. Legal  
18 objection, please.

19 MR. GOVERN: I did.

20 MR. ANDERSON: I don't want a speaking  
21 objection, a legal objection.

22 MR. GOVERN: And I made it, and I'm  
23 objecting as to the form. But I think it's  
24 important to put in the record in the context  
25 that your question mischaracterizes the two

00160

1 letters, the two exhibits. There's nowhere in  
2 Exhibit 35 where he's seeking public ministry.

3 MR. ANDERSON: He's seeking jubilee  
4 celebrations and funerals. He's seeking to do  
5 ministry and perform certain ministerial  
6 functions as a priest and wearing a collar, sir.  
7 It's in the document. I'm not going to argue  
8 with you. You stated your legal objection, I  
9 stated my position. Our positions are on the  
10 record. I'm going to move on.

11 MR. GOVERN: And I'm going to just put  
12 on the record you failed to read Exhibit 36 where  
13 he's permitted to do the 45th Anniversary  
14 Ordination on May 30th, so you are taking it  
15 completely out of context.

16 BY MR. ANDERSON:

17 Q It is of record that in 2002 Bishop Dolan is  
18 installed as Archbishop of Milwaukee. And after,  
19 as you know, Weakland's resignation, there was a  
20 period of time where Sklba served as Apostolic  
21 Administrator. You are aware of that, are you  
22 not?

23 A Yes.

24 Q And upon the installation of Bishop Dolan in  
25 August of '02, did Bishop Dolan ever, while you



00161

1 continued as a priest until removal from the  
2 clerical state, ever ask you or anybody at his  
3 request ever come to you and ask you about the  
4 history pertaining -- your history pertaining to  
5 youth and the abuse of them?

6 A No.

7 Q Exhibit 37 is a letter in your file from a  
8 Barbara Ann Cusack, the then Chancellor, to the  
9 District Attorney, Michael McCann, and --

10 MR. GOVERN: Once again, in his  
11 personnel file with the Archdiocese?

12 MR. ANDERSON: Yes. That's what I have  
13 reviewed for purposes of this and all I have been  
14 referring to so far today.

15 MR. GOVERN: Okay.

16 BY MR. ANDERSON:

17 Q Are you aware at any time of information about  
18 your history pertaining to abuse of minors ever  
19 being made known to the police or law enforcement  
20 authorities by officials of the Archdiocese?

21 A No.

22 Q Are you aware at any time of the -- any efforts  
23 made by officials of the Archdiocese to go back  
24 to the locations where you worked as a priest and  
25 hurt or may have hurt kids and families and reach

00162

1 out to those kids and families, some of whom are  
2 identified in the records we have shared today?

3 MR. LO COCO: Objection, foundation.

4 MR. GOVERN: Can you read the question  
5 back, please.

6 COURT REPORTER: "Are you aware at any  
7 time of the -- any efforts made by officials of  
8 the Archdiocese to go back to the locations where  
9 you worked as a priest and hurt or may have hurt  
10 kids and families and reach out to those kids and  
11 families, some of whom are identified in the  
12 records we have shared today?"

13 THE WITNESS: I'm not aware of anything  
14 like that.

15 BY MR. ANDERSON:

16 Q Has anybody ever made an effort to find out from  
17 you precisely how many kids you did abuse and/or  
18 hurt while you were a priest in various  
19 assignments for several decades?

20 MR. LO COCO: Objection, form,  
21 misleading.

22 THE WITNESS: I'm not aware of anything  
23 like that, no.

24 BY MR. ANDERSON:

25 Q I'm showing you Exhibit B, which is what we call

00163

1 the Doe list, and on it there are a few names.

2 I'm going to --

3 MR. GOVERN: This is the original,

4 Counsel.

5 MR. ANDERSON: Yes. Okay. Let me give

6 you the original one and I will take my copy

7 back. Thanks.

8 BY MR. ANDERSON:

9 Q On Exhibit B there are some names which are

10 sealed within the sealed record here. There's

11 John Does 1 through 7. Look at those names.

12 First, when you see the name, without giving it,

13 of John Doe 1, look at that name for a moment and

14 John Doe 2, look at that name for a moment, if

15 you would. As you see that name, I need to ask

16 you the following question. Yes or no, did you

17 sexually abuse John Doe 1?

18 A I'm sorry. I have to take the Fifth Amendment on

19 that.

20 Q Did you sexually abuse John Doe 2?

21 A I plead the Fifth Amendment on that.

22 Q Look at the name next to John Doe 3. Did you

23 sexually abuse John Doe 3?

24 A I don't know who that is.

25 Q Okay. Look at John Doe 4. Did you sexually

00164

- 1 abuse John Doe 4?
- 2 A I will have to plead the Fifth Amendment on that.
- 3 Q Look at John Does 5. Did you sexually abuse John
- 4 Doe 5?
- 5 A I have to plead the Fifth on that.
- 6 Q Look at John Doe 6. Did you sexually abuse John
- 7 Doe 6?
- 8 A I have to plead the Fifth on that.
- 9 Q Look at 7. Did you sexually abuse John Doe 7?
- 10 A I don't even know who that is.
- 11 Q Look at Jane Doe 1 and that name. Did you
- 12 sexually abuse Jane Doe 1?
- 13 A I have to plead the Fifth on that.
- 14 Q Did you sexually abuse any -- Did you sexually
- 15 abuse Jane Doe 2?
- 16 A I plead the Fifth on that.
- 17 Q Did you sexually abuse any other members of that
- 18 family identified by last name in the Jane Doe 1
- 19 and 2?
- 20 A I plead the Fifth on that.
- 21 Q When you go back to the John Doe 1 family, were
- 22 there also foster kids that were -- Did you have
- 23 foster kids or were you involved with foster kids
- 24 in that home?
- 25 A No.

00165

1 Q Were you aware that there were foster kids in  
2 that home, the John Doe 1 and 2?

3 A No.

4 MR. GOVERN: Can we go off the record  
5 for just a second?

6 MR. ANDERSON: Sure.

7 VIDEOTAPE TECHNICIAN: We're going off  
8 the record at 3:45 p.m.

9 (A discussion was had off the record.)

10 (A recess was taken.)

11 VIDEOTAPE TECHNICIAN: We're back on the  
12 record at 3:58 p.m.

13 MR. GOVERN: Just right away some  
14 housecleaning. My understanding is the witness

15 has some clarity to the Exhibit B with all the  
16 witnesses. There was a couple of witnesses that  
17 he identified as he did not recognize the names,  
18 and I believe Mr. Budzynski wishes to plead the  
19 Fifth to all of those. Is that correct?

20 THE WITNESS: I wish to plead the Fifth,  
21 yes.

22 MR. GOVERN: As to all the witnesses?

23 THE WITNESS: As to all those names,  
24 yes.

25

00166

1 BY MR. ANDERSON:

2 Q And directing your attention back to Exhibit B,  
3 we remembered that as a youth the name that was  
4 showed you originally is different than the name  
5 that he was as a youth, so I added his name as a  
6 youth. Look at John Doe 3, and now I wrote in  
7 that name also known as then. Look at that name  
8 and then I will ask you with that name now  
9 written in, did you sexually abuse John Doe 3?

10 A I will plead the Fifth on that.

11 Q Then if I asked you to write in the names of any  
12 other youth on Exhibit B whom you sexually  
13 abused, your answer to that would be?

14 A I plead the Fifth on that.

15 Q For purposes of the bankruptcy case there's a  
16 thing called the bar date. That is a time in  
17 which anybody that has been hurt by reason of  
18 sexual abuse can file a claim, if they have been.  
19 Is there anybody's name who should be  
20 confidentially put on a list so they could be  
21 notified to make a claim at this time?

22 A I don't understand. I don't know. I don't know.

23 Q It's a complex question, but I think -- Is there  
24 anybody that you would like to list privately  
25 that the Archdiocese should contact for purposes

00167

1 of the bankruptcy so that they could be advised  
2 that they have a claim -- they may have a claim  
3 and get it in before February 1st?

4 A I don't -- No, I don't -- I can't think of  
5 anybody, no.

6 MR. ANDERSON: Let's go off the record.

7 VIDEOTAPE TECHNICIAN: We're going off  
8 the record at 4:01 p.m.

9 (A discussion was had off the record.)

10 VIDEOTAPE TECHNICIAN: We're back on the  
11 record at 4:06 p.m.

12 MR. LO COCO: I guess I will put this on  
13 the record. We just had an off-the-record  
14 conversation. We understand that the witness is  
15 asserting his Fifth Amendment rights. However,  
16 on the issue of making sure the Archdiocese gets  
17 notice to any other potential claimants,  
18 Mr. Budzynski's counsel is going to work with me  
19 so that we can do our best -- make best efforts  
20 to make sure our list is complete without waiving  
21 Mr. Budzynski's Fifth Amendment rights. Is there  
22 something else?

23 MR. GOVERN: And to the extent that he  
24 can recall or identify.

25 MR. LO COCO: To the extent he can

00168

1 recall. Agreed?

2 MR. SOLOCHEK: Yes.

3 MR. ANDERSON: Agreed, yes. Thank you.

4 (Exhibit C was marked.)

5 BY MR. ANDERSON:

6 Q Okay. In the materials that you brought with you

7 today under subpoena, one of the documents in

8 it -- We're going to mark that file Exhibit C.

9 In it there was a letter from Joseph Hornacek

10 addressed to you, October 29, 2003. I'm showing

11 you the letter, and on that letter there is

12 handwriting. I guess my question is is that your

13 handwriting at the bottom?

14 A Oh, at the bottom.

15 Q Okay. At the very bottom of it, that's your

16 handwriting?

17 A Yes.

18 Q Okay.

19 A I think so.

20 Q If you can, I would simply ask you to recite what

21 you have written in your hand there at the very

22 bottom. I think right above it it's signed Joe,

23 but below it is yours, and if you could for us

24 recite what you have written there beginning with

25 "I see."



00169

1 A I see we're moving -- Oh, boy. I can't make out  
2 that word. Something. Public explored.

3 Q Exposure, is that?

4 A Exposure. Oh, probably. It's towards public  
5 exposure. All those years, about 25, have been  
6 kept very secret, confidential. In Meyer Hall,  
7 which was my residence. Is Meyer Hall a safe  
8 environment.

9 Q No, what is beneath confidential? It says, "What  
10 is the assessment." Do you see that, the next  
11 line?

12 A What is -- I think assessment. Yes, what is the  
13 assessment.

14 Q And then the next line reads?

15 A Is Meyer Hall --

16 Q No, what about cost.

17 A Oh, what about cost. What about cost. I don't  
18 know why I wrote that. Nothing comes to mind  
19 what that means.

20 Q Okay. Then read what it says, "Is Meyer."

21 A Is Meyer Hall a safe environment question. Being

22 --

23 Q Restricted?

24 A Being restricted to any contact with the  
25 seminary.

00170

1 Q Is that within the seminary?

2 A Within the seminary, yes, prayers, mass, library.

3 Seems extreme punishment. Does not touch my

4 past. The restriction was that while I was

5 living at Meyer Hall, which is on the grounds of

6 St. Francis Seminary, with retired priests,

7 Archbishop Dolan said I may not go into any other

8 seminary buildings, and I'm questioning him

9 what -- why that is and what good is that going

10 to do.

11 Q Okay. Thank you, sir, for that.

12 A I'm sorry I read so badly.

13 Q No, it's all right. Referring back to the Doe

14 list, Exhibit B, and the mother of John Doe 1 and

15 2, do you have any knowledge or memory that the

16 mother of John Doe 1 and 2 made a report of abuse

17 to the Archbishop?

18 A I'm not aware of anything like that.

19 Q Do you recall or have any knowledge of the mother

20 of John Doe 1 and 2 having reported abuse by you

21 of her children to any official of the

22 Archdiocese?

23 A No, I'm not aware of any of that.

24 Q All right. Okay. I'm directing your attention

25 now to 2003. Exhibit 38, I will represent to

00171

1 you, sir, is a letter from then Archbishop Dolan  
2 to then Cardinal Joseph Ratzinger at the  
3 Congregation of the Doctrine of Faith, also known  
4 as the CDF. I will represent to you that in this  
5 letter certain statements are made, and I will  
6 read portions of it and then question you and try  
7 to be as brief as I can. It is --

8 MR. LO COCO: This is 38?

9 MR. ANDERSON: Thirty-eight. It's dated  
10 July 15, 2003.

11 BY MR. ANDERSON:

12 Q "Dear," it says, "His Eminence Joseph Cardinal  
13 Ratzinger," from then Reverend Timothy Dolan,  
14 Archbishop of Milwaukee. "Your Eminence: In  
15 accordance with norm sacramentorum sanctitatus  
16 tutela, I am submitting for your consideration  
17 the case of a priest of the Archdiocese of  
18 Milwaukee. Reverend Daniel Budzynski has been  
19 accused of sexual abuse of minors. The summary  
20 of these allegations is enclosed. Father  
21 Budzynski has admitted that multiple acts of  
22 sexual assault occurred."

23 Two questions here. First, did you know  
24 this was being submitted to the CDF?

25 A No.

00172

1 Q Second, did you admit to the Archdiocese  
2 officials that multiple acts of sexual assault  
3 had occurred?

4 A On that I take the Fifth.

5 Q At the next page he writes to the CDF and  
6 Cardinal Ratzinger at the first line, "As victims  
7 organize and become more public, the potential  
8 for true scandal is very real." What do you know  
9 about that, victims becoming more organized and  
10 the potential for true scandal becoming very  
11 real?

12 MR. GOVERN: Object as to foundation.

13 THE WITNESS: I don't know why that was  
14 put in there. I don't know.

15 BY MR. ANDERSON:

16 Q And then the attachments referred to in this  
17 Exhibit 38 are typewritten recitations of  
18 assignment history, decrees issued, investigation  
19 process and various pages, which -- a part of  
20 which I will refer you to which is Bate stamped  
21 about ten pages back 24145, and it's the last  
22 page of the exhibit, Counsel, the last page of  
23 the attachment sent to the CDF by then Archbishop  
24 Dolan.

25 On that last page of the attachment sent

00173

1 to Cardinal Ratzinger at the CDF there is under  
2 the title "Current Risk," I will read it then ask  
3 you a question, sir. It states, "The greatest  
4 risk posed is Daniel Budzynski's failure to  
5 recognize or accept the serious of his offenses.  
6 He portrays himself as the victim and even makes  
7 the assertion that these encounters were helpful  
8 to the children and they wanted them to take  
9 place." My question to you is did you portray  
10 yourself as the victim?

11 A I don't think so, no, I don't. I don't feel I  
12 did, no.

13 Q Did you represent to the officials of the  
14 Archdiocese that your encounters with these  
15 children that had been earlier deemed to be  
16 sexual abuse were, in fact, helpful to the  
17 children?

18 A No.

19 Q And did you assert that the children wanted the  
20 sexual contact to have taken place?

21 MR. GOVERN: I will object to the form  
22 of the question. It does take the wording of  
23 this letter out of context. It doesn't say  
24 "sexual contact" in that sentence.

25

00174

1 BY MR. ANDERSON:

2 Q It does in the earlier one, but I will cede to  
3 your objection and say did you assert that the  
4 children wanted the encounters to have taken  
5 place?

6 A No. I don't know what that means or why that's  
7 there.

8 Q Okay. It is then written, "Given the number of  
9 known victims, to say nothing of those who may  
10 not yet be admitted or reported, the risk of  
11 serious scandal is extremely high." What do you  
12 know about that?

13 MR. GOVERN: Object as to foundation.

14 THE WITNESS: I don't know why he wrote  
15 that in there. I don't know.

16 BY MR. ANDERSON:

17 Q The next exhibit is Exhibit 39, and this is from,  
18 I will represent to you, Vatican Congregation  
19 Head then Secretary Angelo Amato, and it is  
20 pertaining to your case submitted to the Vatican  
21 or the case submitted by the Archdiocese  
22 pertaining to you to the Vatican, and it states  
23 at the second paragraph, "After a study of the  
24 case, this Congregation wishes to inform Your  
25 Excellency that it is widely disposed to

00175

1 proceeding with your request. However, from the  
2 documentation submitted, there remains some  
3 confusion as to the actual ages of the victims of  
4 Father Budzynski's alleged abuse. It's not  
5 clear, for example, from the table you submitted  
6 whether the age of the victims as indicated  
7 referred to their age in 1994 or 2003."

8 My question to you is did anybody go  
9 back and ask you or determine the actual ages of  
10 victims?

11 A Not to my recollection, no.

12 Q Did Dolan or other officials of the Milwaukee  
13 Archdiocese ever make you aware of the Vatican's  
14 response to the request for your removal?

15 A No.

16 Q In Exhibit 40, October 28, 2003, Dolan writes to  
17 the Congregation and back to Amato specifying  
18 ages, and in the attachment to that letter the  
19 ages are specified. I appreciate you can't  
20 necessarily read it, but I will represent to you  
21 that the ages specified in the attachment have  
22 both the current age and the age at the time of  
23 the alleged acts, which range from age 7 to 16  
24 according to this document. Is it correct to say  
25 that you engaged in sexual acts with children

00176

1 while a priest ranging in age from as young as 7  
2 and to age 16?

3 A I plead the Fifth Amendment on that.

4 Q Did the Archdiocese ask you about this and what  
5 you did or didn't do and whether this was true or  
6 not true?

7 A No.

8 Q Exhibit 41 is a laicization rescript unofficial  
9 translation, which in effect is the signature of  
10 the Ordinary and coming from the Offices of the  
11 Congregation, which effectively, as we read it,  
12 is notification, I believe, of dismissal from the  
13 clerical state. Did you receive this or  
14 notification that you had been removed?

15 A Yes.

16 Q And when you received that, was that the first  
17 time you knew that there was a proceeding  
18 underway to take you out of the priesthood?

19 A Yes.

20 Q Who told you? How did you know?

21 A The Vicar came and presented this document, I  
22 presume that's the document, the document of my  
23 laicization.

24 Q Yes.

25 A Yes, the Vicar came to my residence to present



00177

1 that to me.

2 Q And what Vicar was that?

3 A Curt Frederick. Curt Frederick.

4 Q Okay. There's also an Exhibit 400 that we  
5 present to you, and it was one that was in the  
6 production of documents, but not included in our  
7 packet. So we had a question about it, and it is  
8 an interview identified as an interview of Father  
9 Daniel Budzynski dated Saturday, October 16,  
10 2004, and it is signed by Gregory Nowakowski. Do  
11 you know who Gregory Nowakowski is, sir?

12 A No.

13 Q It's Nowakowski, N-O-W-A-K-O-W-S-K-I, Nowakowski.

14 A Nowakowski, yes.

15 Q Do you know who that is?

16 A No.

17 Q Do you remember being interviewed on or about  
18 October 16th at your residence and being informed  
19 of allegations that you had grabbed and fondled  
20 the penis of a youth under the clothing while  
21 assigned at St. Hedwig's from July 12, '62 to  
22 July 6, 1965?

23 A Well, if it's in the letter -- I don't remember.

24 I don't remember that.

25 Q Okay. Do you recall Nowakowski coming to your

00178

1 house to interview you and ask you questions?

2 A Yes. Yes, I think I do. I don't know who that  
3 was, but I think there was somebody that came in  
4 to talk to me and to talk about this, but I  
5 denied -- I didn't know what this was all about.

6 Q Okay. And you didn't remember -- You don't know  
7 the purpose of why he came, but you did talk to  
8 him and give him information?

9 A Yes, I do recall that there was somebody that  
10 came to see me about it.

11 Q And you did answer questions that he asked of  
12 you?

13 A Yes.

14 Q To this day have any of the materials that we  
15 have covered with you today concerning your  
16 history and allegations of reports of abuse  
17 and/or concerns raised about abuse of youth from  
18 your ordination and throughout these years, has  
19 any of this information, to your knowledge, ever  
20 been publicly disseminated to the public, to the  
21 police or to any of the parishioners where you  
22 worked as a priest?

23 MR. LO COCO: Objection, form. It's way  
24 overbroad. It's compound, lacks foundation.

25 THE WITNESS: I would have no way of

00179

1 knowing that.

2 BY MR. ANDERSON:

3 Q And as you live today in an apartment, you gave  
4 us that address, does anybody in the neighborhood  
5 in which you currently live, sir, know or have  
6 been warned by this Archdiocese that you have a  
7 history of not being able to control your sexual  
8 impulse and having acted out on it against  
9 children?

10 MR. LO COCO: Objection, form,  
11 foundation.

12 THE WITNESS: I have no idea.

13 MR. GOVERN: I join in the same  
14 objection.

15 BY MR. ANDERSON:

16 Q You live across the street from a school, do you  
17 not?

18 A Yes, across an athletic field.

19 Q To your knowledge, sir, have any members of that  
20 school been warned that you are living at this  
21 address and have a history of having molested  
22 children?

23 MR. GOVERN: Object as to foundation.

24 THE WITNESS: I would have no idea about  
25 that.

00180

1 MR. ANDERSON: That's all I have, sir.

2 EXAMINATION

3 BY MR. LO COCO:

4 Q Mr. Budzynski, I have a few questions for you.

5 Do you need a break or should we just keep going?

6 A Yes.

7 Q Keep going. All right. I'm going to go,

8 hopefully, in reverse order and hit on a few

9 things that Mr. Anderson asked you about to

10 follow up on some points. You brought with you

11 today, and I think this was shown on the

12 videotape, documents that you have in your

13 possession, correct?

14 A Yes.

15 Q And my assistant made copies, everyone got

16 copies. There are a couple in here I want to ask

17 you about. I think we're up to Exhibit C.

18 MR. ANDERSON: Yes.

19 (Exhibit D was marked.)

20 BY MR. LO COCO:

21 Q The first thing I want to ask you about I have

22 marked as Exhibit D is a printout from the

23 Archdiocesan website, and it's got a date in the

24 lower, right-hand corner of July 11, 2004. I

25 don't know if you want to show that to him. My

00181

1 question, Mr. Budzynski, is is this a document  
2 that you printed out on or about July 11, 2004  
3 and kept for your file?

4 A No.

5 Q How did you get that?

6 A It was printed out for me by a friend.

7 Q During that time frame, July of 2004?

8 A Yes.

9 Q Okay. And would you agree with me that your name  
10 is listed on that document?

11 A Yes.

12 Q All right. Can I have it back, please. And this  
13 document is titled -- well, has an initial  
14 paragraph that reads, "In line with the  
15 assurances given in the Charter for the  
16 Protection of Children and Young People, these  
17 are the names of Diocesan priests of the  
18 Archdiocese of Milwaukee who have been (or would  
19 be if they were still alive) restricted from all  
20 priestly ministries, may not celebrate the  
21 sacraments publicly or present themselves as  
22 priests in any way. In addition, in accordance  
23 with the canonical norms that have been  
24 established, the allegations against any living  
25 priest are sent to the Congregation for the

00182

1 doctrine of the Faith in Rome." I'm going to  
2 have your lawyer agree that I read that properly.

3 MR. GOVERN: You did.

4 (Exhibit E was marked.)

5 BY MR. LO COCO:

6 Q So this was made public in July of 2004, correct?

7 A Yes.

8 Q You also have, and I have marked it as Exhibit E,

9 an article that was printed in the Milwaukee

10 Journal Sentinel. I don't see a date on this

11 article. I will represent to you that I believe

12 this was printed in or about July 2004. Is this

13 when you got a copy of this article,

14 Mr. Budzynski?

15 A I think, yes, I got it from -- I cut it out from

16 the paper.

17 Q All right. And, again --

18 A The Milwaukee Journal Sentinel.

19 Q And your name is listed on the list of restricted

20 priests, correct?

21 A Yes.

22 (Exhibit F was marked.)

23 BY MR. LO COCO:

24 Q All right. And Exhibit F is a July 6, 2004

25 letter from Archbishop Dolan to you, correct?

00183

1 A Yes.

2 Q And that letter is giving you notice that your  
3 name is going to be made public in connection  
4 with the Archdiocese's view that substantiated  
5 allegations of sexual abuse have been made  
6 against you, correct?

7 A Yes.

8 Q And earlier --

9 MR. LO COCO: Where's Exhibit C? The  
10 one that you had him read his writing from.

11 MR. FINNEGAN: Here it is.

12 BY MR. LO COCO:

13 Q One of the things you were asked to read, Mr.  
14 Budzynski, out of this -- You got this letter  
15 from Father Hornacek on October 29, 2003, and one  
16 on the items you wrote was, "I see we're moving  
17 into more public exposure," correct?

18 A Yes.

19 Q So at least as early as 2003 you knew that your  
20 name was -- might be made public, true?

21 A Well, I had an indication it might be, yes.

22 Q Okay. And then the documents we just went  
23 through showed that it was, in fact, made public  
24 the following year?

25 A Yes.

00184

1 Q Mr. Anderson asked you whether you were ever told  
2 what the Vatican's response was to Archbishop  
3 Dolan's request for laicization. Do you recall  
4 that question?

5 A Yes.

6 Q I thought you said no, but, in fact, you were  
7 told what the result was, that you had been  
8 removed from the priestly state, correct?

9 MR. GOVERN: I'm going to object to the  
10 form of the question. I think it  
11 mischaracterizes the testimony and is out of  
12 context with the question. The question was with  
13 respect to a particular exhibit.

14 MR. LO COCO: Okay. Let me withdraw it  
15 and just ask the question to make sure it's  
16 clear.

17 BY MR. LO COCO:

18 Q You were told about the Vatican's decision to  
19 agree with Archbishop Dolan's request that you be  
20 placed in the lay state, correct?

21 A Yes, at the time I was presented with this  
22 document of laicization.

23 Q By Father Curt Frederick?

24 A Yes.

25 Q I want to ask you a few questions about



00185

1 Exhibit 38, which is the July 15, 2003 letter  
2 from Archbishop Dolan to the Congregation for the  
3 Doctrine of the Faith, the one that starts with  
4 the norm of sacramentorum sanctitatus tutela.  
5 There are a couple of passages I want to read and  
6 ask you through your lawyer, although you are  
7 welcome to follow along, whether I have read them  
8 correctly.

9 The last paragraph on the first page  
10 states, Archbishop Dolan writes, quote, "The  
11 impact on his various victims has been  
12 significant. The Archdiocese of Milwaukee has  
13 yet to even locate all of the potential victims  
14 that could come forward for assistance. Our  
15 new-found awareness of the severity of damage  
16 caused by sexual abuse at the hands of clergy  
17 makes it impossible for us to ignore this  
18 situation," close quote. Did I read that  
19 correctly?

20 MR. GOVERN: You did.

21 BY MR. LO COCO:

22 Q The paragraph on the next page which starts with  
23 the word "Given," Archbishop Dolan writes, "Given  
24 the nature and frequency of the alleged and  
25 admitted sexual abuse, along with the serious

00186

1 abuse of office, I have pondered long and hard to  
2 arrive at an opinion about the most appropriate  
3 action to be taken. In order that justice may be  
4 made manifest and healing of the victims and the  
5 church may proceed, I'm asking that Reverend  
6 Daniel A. Budzynski be dismissed ex officio from  
7 the clerical state." Did I read that correctly?

8 MR. GOVERN: You did.

9 BY MR. LO COCO:

10 Q And, Mr. Budzynski, you were, in fact, dismissed  
11 from the clerical state?

12 A Yes.

13 Q You had been restricted from ministry for  
14 almost -- well, at least eight years prior to

15 this, correct?

16 A Yes.

17 Q By Archbishop Weakland?

18 A Yes.

19 Q If you could look at Exhibit 30, please.

20 Mr. Budzynski, this is the formal letter with  
21 precept from Archbishop Weakland limiting your  
22 ministry, correct?

23 A Yes.

24 Q And from 1995 until Archbishop Dolan became  
25 Archbishop, there were a few occasions where you

00187

1 asked for some exemptions from these

2 restrictions, correct?

3 A Yes.

4 Q And as you discussed with Mr. Anderson, you were

5 permitted to say mass with your classmates at

6 your Jubilee, correct?

7 A Yes.

8 Q But otherwise none of the restrictions were ever

9 lifted, true?

10 A True.

11 Q And then when Archbishop Dolan took over, that

12 led to even further restrictions, correct?

13 A Yes.

14 Q And ultimately laicization?

15 A Yes.

16 Q And I think Mr. Anderson represented to you that

17 Archbishop Dolan became Archbishop in

18 August 2002. Is that your recollection?

19 A Yes.

20 Q All right. Could you look at Exhibit 37, please.

21 Do you see this is a letter to E. Michael McCann,

22 who was District Attorney in August of 2002?

23 A Um-hum.

24 Q Yes?

25 A Yes.

00188

1 Q In the second paragraph -- I'm sorry. This is a  
2 letter from Barbara Ann Cusack, the Chancellor.  
3 In the second paragraph she reports she's making  
4 a report involving Daniel Budzynski, correct?

5 A Yes.

6 Q So the very same month that Archbishop Dolan  
7 takes over as Archbishop, Mike McCann receives a  
8 report regarding you, correct?

9 A Well, according to this letter, yes.

10 Q Early this morning when we got started, one of  
11 the questions that you were asked a couple of  
12 times by Mr. Anderson that I want to follow up on  
13 is this question: Back in the '60's, '70's, even  
14 the early '80's, did you know that sexual contact

15 with a minor was a crime, and I believe that you  
16 answered that you didn't. I want to follow up on  
17 that.

18 A No, I did not know that.

19 Q So you went to the seminary in the '50's,  
20 correct?

21 A Yes.

22 Q You studied in Latin?

23 A Yes.

24 Q You took moral theology?

25 A Yes.

00189

1 Q Did you learn during your studies in the seminary  
2 that sexual activity was reserved to the married  
3 state?

4 A Yes.

5 Q Did you at least know that sexual contact with a  
6 minor was immoral?

7 A Yes.

8 Q And it was a mortal sin?

9 A It was sinful.

10 Q So you knew that. What you are telling us is you  
11 didn't know it was a crime?

12 A Yes.

13 Q And you didn't learn it was a crime until when?

14 A Quite a bit later. Only after the -- after the

15 Conference of Bishops made a charter.

16 Q In 1985?

17 A No.

18 Q Or later?

19 A No, 2003 or something like that.

20 Q All right. So prior to that you thought having  
21 sexual activity with an 8-year-old was not a  
22 crime?

23 A True.

24 Q That's your testimony?

25 A Yes.

00190

1 Q All right. And you were asked whether the  
2 Archbishop ever told you not to have sexual  
3 contact with children, and I think you said no.  
4 My follow-up question is given your studies in  
5 moral theology, did you need the Archbishop to  
6 tell you not to have sexual contact with  
7 children?

8 A Well, the studies in moral theology would not  
9 have provided me with any indication of that,  
10 unless there were certain cases or something. In  
11 my state of mind and referring somewhat to my  
12 alcoholic mind-set and perhaps my confusion about  
13 what I was doing, I think that, no, I have to  
14 plead ignorance, which people say is no excuse,  
15 but for me it was just, unfortunately, that's the  
16 way it was.

17 Q Well, you earlier said to me that you knew from  
18 your studies that it was immoral, sinful, to have  
19 sexual contact with a minor, correct?

20 A Yes.

21 Q So I guess I will ask a simpler question. Once  
22 you finished those studies, you didn't need the  
23 Archbishop to tell you that again, did you?

24 A No, no, I didn't.

25 Q If you could look at Exhibit 42, please. Back to

00191

1 the Vicar Logs. Actually, I want to look at  
2 Bates number 23872. I'm looking at Note 485.  
3 Again, I want to read it and have you and your  
4 counsel make sure I read it properly, and then I  
5 have a follow-up question. "On Tuesday,  
6 September 23, 1986, I had a telephone  
7 conversation with Dr. [REDACTED] whom Dan  
8 sees on a monthly basis. [REDACTED] indicated that  
9 Dan is almost a, quote, 'miracle story,' close  
10 quote, because of the way in which he's handled  
11 his problems responsibly and maturely. I made an  
12 appointment to meet with [REDACTED] and Dan next  
13 month." Did I read that correctly?

14 A Yes.

15 Q All right. So this confirms what you testified  
16 earlier, that Dr. [REDACTED] thought you were a  
17 miracle story?

18 A I don't remember the word miracle, but I thought  
19 he said success.

20 Q All right. And the next entry, 509, reads, "On  
21 Friday, October 10, 1986, I met with Dr. [REDACTED]  
22 [REDACTED] in his office to discuss the progress  
23 of Dan's therapy. [REDACTED] believes that Dan has  
24 made great progress, and as a result of Dan's  
25 efforts, he can be expected to continue in his

00192

1 ministry without undue risk provided that he  
2 continue to take the personal precautions  
3 established, avoid alcoholic beverages and  
4 continue his monthly therapy sessions. [REDACTED]  
5 said we should feel free to ask Dan how things  
6 are going in a direct fashion as a sign of  
7 support." Did I read that correctly?

8 A Yes.

9 Q Okay. So was it your understanding from  
10 Dr. [REDACTED] that he did not believe you  
11 represented an undue risk in the community?

12 MR. GOVERN: Object as to foundation.

13 THE WITNESS: I don't know what he  
14 thought, whatever his feeling was.

15 BY MR. LO COCO:

16 Q Well, I'm asking did he ever tell you, "I don't  
17 think you represent an undue risk to the  
18 community?"

19 A I don't recall he ever said that to me.

20 Q At least according to this note, he made that  
21 representation to Bishop Sklba, correct?

22 A Um-hum.

23 MR. GOVERN: Object as to foundation.

24 THE WITNESS: He may have. I don't  
25 know.



00193

1 BY MR. LO COCO:

2 Q Okay. Just one or two more questions.

3 Mr. Budzynski, I just want to be clear about  
4 timing. Is it your testimony that you have been  
5 sober since you completed the 12-step program at  
6 the Guest House?

7 A Yes.

8 MR. LO COCO: That's all I have. Thank  
9 you.

10 MR. ANDERSON: Mr. Budzynski, a few  
11 follow-ups.

12 EXAMINATION

13 BY MR. ANDERSON:

14 Q You said you have to plead ignorance when it  
15 comes to your knowledge of the crime of an adult  
16 engaging in sexual abuse. Is it also correct to  
17 say that you were not able to control yourself  
18 when it came to what you did?

19 MR. LO COCO: Objection, form.

20 THE WITNESS: I have to plead the Fifth  
21 Amendment on that.

22 BY MR. ANDERSON:

23 Q And you didn't like what you did about acting out  
24 on your own sexual impulses, did you?

25 A I have the to plead the Fifth on that.

00194

1 Q And you never intended to hurt those kids, did  
2 you?

3 A I have to plead the Fifth on that, too.

4 Q You thought you were helping them, didn't you?

5 A I have to plead the fifth on that.

6 Q And you thought you were caring for them, too,  
7 didn't you?

8 A I have to plead the Fifth on that, too.

9 Q And you were using your position as a priest in a  
10 position of trust in your collar to care for  
11 those kids, at least as best you thought you  
12 could, correct?

13 A I have to use the Fifth.

14 Q Now you didn't know you were on the list of  
15 credibly accused priests until your friend gave  
16 it to you in 2004, correct?

17 A Yes.

18 Q And then it was after that that you saw the  
19 article in the paper?

20 A It might have been, yes. I don't know which came  
21 first.

22 Q Beyond you being on that list, is it also correct  
23 to say that at no time, to your knowledge, or  
24 anywhere has it ever been documented anywhere, to  
25 your knowledge, that the Archdiocese ever

00195

1 disclosed the history known to the Archdiocese  
2 about you and what you have done to the kids  
3 since the '60's?

4 MR. LO COCO: Objection, asked and  
5 answered and foundation.

6 MR. GOVERN: I would join in the  
7 objection.

8 THE WITNESS: I don't know. I don't  
9 know what the Archdiocese was doing.

10 BY MR. ANDERSON:

11 Q Beyond placing you on the list of credibly  
12 accused and making that public, do you have any  
13 knowledge that the Archdiocese ever disclosed to  
14 the parishioners what they knew about what you  
15 had done at various parishes to the kids?

16 MR. GOVERN: Object.

17 THE WITNESS: I have no idea what they  
18 were doing.

19 BY MR. ANDERSON:

20 Q To your knowledge, did the Archdiocese ever  
21 disclose what they knew and disclose to the  
22 Vatican about your history and made that  
23 available to the public?

24 MR. LO COCO: Objection, form and  
25 foundation.

00196

1 MR. GOVERN: Same objection.

2 THE WITNESS: I never knew what they

3 were doing.

4 BY MR. ANDERSON:

5 Q To your knowledge, did the Archdiocese officials

6 ever disclose to the public that you had been

7 removed from the clerical state because of

8 repeated acts of sexual abuse against minors?

9 MR. GOVERN: Object as to foundation.

10 MR. LO COCO: Join.

11 THE WITNESS: Again, I don't know what

12 they did or were doing.

13 BY MR. ANDERSON:

14 Q And, to your knowledge, did the Archdiocese ever

15 disclose to the public, the parishioners or

16 anybody else outside of the clerical culture in

17 the Archdiocese of Milwaukee that you had a long

18 history of sexual abuse and it had been concealed

19 by those officials?

20 MR. LO COCO: Objection, form,

21 foundation, misstates facts.

22 MR. GOVERN: Join in the objections.

23 THE WITNESS: I have no idea what that

24 meant.

25 BY MR. ANDERSON:

00197

1 Q Okay. Well, that it had been kept a secret?

2 MR. LO COCO: Same objections.

3 THE WITNESS: I don't know.

4 MR. ANDERSON: Thank you.

5 VIDEOTAPE TECHNICIAN: This ends the

6 video deposition of Daniel A. Budzynski on

7 November 21, 2011; the time 4:53 p.m.

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00198

1 STATE OF WISCONSIN )

2 MILWAUKEE COUNTY )

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4 I, KATHY A. HALMA, Registered

5 Professional Reporter and Notary Public in and for the

6 State of Wisconsin, do hereby certify that the

7 deposition of DANIEL A. BUDZYNSKI, was taken before me

8 at the Law Offices of Whyte, Hirschboeck & Dudek, S.C.,

9 555 East Wells Street, Suite 1900, Milwaukee,

10 Wisconsin, on the 21st day of November, 2011,

11 commencing at 9:30 in the forenoon.

12 That it was taken at the instance of

13 Certain Personal Injury Claimants upon verbal

14 interrogatories.

15 That said statement was taken to be used

16 in an action now pending in the U. S. BANKRUPTCY COURT

17 FOR THE EASTERN DISTRICT OF WISCONSIN in re ARCHDIOCESE

18 OF MILWAUKEE, Debtor.

19 A P P E A R A N C E S

20 JEFF ANDERSON & ASSOCIATES, P. A., 366

Jackson Street, Suite 100, St. Paul, Minnesota, 55101,

21 by MR. JEFF R. ANDERSON and MICHAEL G. FINNEGAN,

appeared on behalf of the Certain Personal Injury

22 Claimants.

23 HOWARD, SOLOCHEK & WEBER, S.C., 324 East

Wisconsin Avenue, Suite 1100, Milwaukee, Wisconsin,

24 53202, by MR. ALBERT SOLOCHEK, appeared on behalf of

the Unsecured Creditors Committee.

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1           WHYTE HIRSCHBOECK DUDEK, S.C., 555 East  
2           Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,  
3           by MR. FRANCIS H. LOCOCO, appeared on behalf of the  
4           Debtor.

5           DE WITT, ROSS & STEVENS, S.C., 13935  
6           Bishop's Drive, Suite 300, Brookfield, Wisconsin,  
7           53005-6605, by MR. SHAWN M. GOVERN, appeared on behalf  
8           of the witness.

9           That said deponent, before examination,  
10          was sworn to testify the truth, the whole truth, and  
11          nothing but the truth relative to said cause.

12          That the foregoing is a full, true and  
13          correct record of all the proceedings had in the matter  
14          of the taking of said deposition, as reflected by my  
15          original machine shorthand notes taken at said time and  
16          place.

17

18

19          Notary Public in and  
20          for the State of Wisconsin

21

22

23          Dated this 29th day of November, 2011,

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25          Milwaukee, Wisconsin.

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