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1 A P P E A R A N C E S
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 SMITH, GUNDERSON & ROWEN, S.C., Glenwood
12 Executive Centre, 15460 West Capitol Drive, Brookfield,
13 Wisconsin, 53005, by MR. JAMES S. SMITH, appeared on
14 behalf of Certain Personal Injury Claimants.
15 WHYTE HIRSCHBOECK DUDEK, S.C., 555 East
16 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,
17 by MR. FRANCIS H. LOCOCO, appeared on behalf of the
18 Debtor.
19 PETERSON, JOHNSON & MURRAY, S.C., 733
20 North Van Buren, Sixth Floor, Milwaukee, Wisconsin,
21 53202, by MR. JAMES T. MURRAY, JR., appeared on behalf
22 of Archbishop Rembert G. Weakland
23 NELSON, CONNELL, CONRAD, TALLMADGE &
24 SLEIN, S.C., N14 W23755 Stone Ridge Drive, Suite 150,
25 P.O. Box 1109, Waukesha, Wisconsin, 53187-1109, by MR.
MARK S. NELSON, appeared on behalf of OneBeacon
Insurance Company.
 CRIVELLO CARLSON, S.C., 710 North
Plankinton Avenue, Suite 500, Milwaukee, Wisconsin,
53203, by MR. PATRICK W. BRENNAN, appeared on behalf of
Bishop Richard J. Skiba.

I N D E X

ARCHBISHOP REMBERT G. WEAKLAND

By Mr. Anderson.....5

E X H I B I T S

None.

Page 3

1 (The original transcript was sent to Attorney
2 Anderson.)
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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
6 Archbishop Rembert G. Weakland on October 24,
7 2011; the time 9:06 a.m. This is 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: For the claimants,
15 Attorney Jeff Anderson.
16 MR. FINNEGAN: For the claimants,
17 Attorney Mike Finnegan.
18 MR. SOLOCHEK: For the Unsecured
19 Creditors Committee, Albert Solochek.
20 MR. SMITH: Jim Smith, Claimants.
21 MR. NELSON: Mark Nelson, OneBeacon
22 Insurance.
23 MR. BRENNAN: Pat Brennan for Bishop
24 Richard J. Skiba in his personal capacity as a
25 witness in this case.

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1 MR. LO COCO: Frank LoCoco on behalf of
2 the Archdiocese of Milwaukee and on behalf of
3 Archbishop Weakland in his capacity as a former
4 officer.
5 MR. MURRAY: And James Murray of
6 Peterson, Johnson & Murray on behalf of
7 Archbishop Weakland.
8 VIDEOTAPE TECHNICIAN: The court
9 reporter will now swear in the witness.
10 ARCHBISHOP REMBERT G. WEAKLAND, called as a
11 witness herein by Certain Personal Injury Claimants,
12 after having been first duly sworn, was examined and
13 testified as follows:
14 MR. LO COCO: Let me just start by
15 putting on this record that this Rule 2004
16 examination is being taken pursuant to court
17 order and notice, and I guess subpoena, and the
18 proceedings are, pursuant to court order, under
19 seal. Thank you.
20 EXAMINATION
21 BY MR. ANDERSON:
22 Q Archbishop, would you please state your full name
23 for the record.
24 A Rembert George Weakland.
25 Q And you have been through a process such as this

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1 before, so I think you understand how it works?
 2 A Yes.
 3 Q And that every question that is being asked and
 4 every answer that is being given is being
 5 recorded both by transcription and videotape?
 6 A Yes.
 7 Q And you understand the oath that you just took?
 8 A Yes.
 9 Q And is there anything today health-wise that
 10 prevents you from being able to sit for
 11 deposition today?
 12 A No.
 13 Q Archbishop, you have now been a priest and/or
 14 monk in various capacities for is it over 60
 15 years?
 16 A I have been a monk for 65 and a priest for 60,
 17 and if I could say when I see those figures they
 18 sound like an old nun.
 19 Q And we're not going to tread ground and try not
 20 to tread ground that has already been covered in
 21 some earlier depositions, and in particular some
 22 of your background, but for purposes of this I do
 23 want to lay some groundwork about how the
 24 Archdiocese works and how you, as the former
 25 Archbishop, now Archbishop Emeritus, operated in

Page 7

1 the Archdiocese.
 2 It is correct to say that when you
 3 became a priest and/or in your case a monk,
 4 initially a promise of obedience is made to your
 5 superior, correct?
 6 A Yes.
 7 Q And that promise of obedience runs to that
 8 superior and every superior that follows?
 9 A Yes.
 10 Q And that promise of obedience in effect means
 11 that you are required under law and that promise
 12 to follow in all matters of life and faith and/or
 13 obey that superior?
 14 MR. MURRAY: Object to the form of the
 15 question as multiple. Go ahead and answer, if
 16 you can.
 17 THE WITNESS: I find it difficult to
 18 answer that, because there can be commands that
 19 you don't have to obey if your conscience tells
 20 you that they are wrong or immoral or whatever.
 21 BY MR. ANDERSON:
 22 Q Right. Excepting matters of command or
 23 violations of certain matters of conscience?
 24 A And I would say the same thing about faith. Not
 25 all things in faith have the same weight, and,

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1 therefore, they have to also be considered as
 2 such.
 3 Q There's also made at the time of your entry into
 4 the priesthood and as a part of formation and
 5 ordination the promise of celibacy or celibate
 6 chastity, correct?
 7 A Yes.
 8 Q What does that mean and what did it mean when you
 9 took it?
 10 A It meant that one could have no sexual activity
 11 outside of marriage, and you took a vow not to
 12 marry.
 13 MR. BRENNAN: Can I call for a break,
 14 please? Jeff, may I take a moment? I have a
 15 question I want to pose to two other counsel.
 16 MR. LO COCO: That's fine with me.
 17 MR. ANDERSON: Mr. Brennan has called
 18 for and requested a break. We will go off the
 19 record.
 20 VIDEOTAPE TECHNICIAN: We're going off
 21 the record at 9:11 a.m.
 22 (A recess was taken.)
 23 VIDEOTAPE TECHNICIAN: We're back on the
 24 record at 9:12 a.m.
 25 MR. ANDERSON: Okay. I think

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1 Mr. Brennan took a break and met with various
 2 counsel with and for the Archdiocese. We're back
 3 on the record.
 4 BY MR. ANDERSON:
 5 Q Archbishop, you presided at the Archdiocese of
 6 Milwaukee as the Archbishop for how many years?
 7 A From November 8, 1977 to May 23, 2002. Almost 25
 8 years.
 9 Q And the records reflect that you were actually
 10 appointed on September 20, 1977 by then Pope Paul
 11 VI, and then officially installed on
 12 November 8th. Would that be correct?
 13 A It's correct that I was appointed on August 20th,
 14 but Archbishop Cousins was retained as
 15 Administrator of the Diocese until I arrived here
 16 on November 8th and presented my credentials, my
 17 letters of appointment.
 18 Q And it's also correct that Archbishop Cousins
 19 became then Archbishop Emeritus?
 20 A Yes.
 21 Q And he was both permitted and I guess required to
 22 work concurrently with you for almost ten years?
 23 MR. LO COCO: Objection to the form.
 24 THE WITNESS: The words "work
 25 concurrently" is not quite proper.

Page 10

1 BY MR. ANDERSON:
 2 Q How would you rephrase that?
 3 A He had no power during that period at all, no
 4 jurisdiction, so that all decisions were my own.
 5 Q And he was really there as a consultant to you
 6 then?
 7 A If I wanted to use him, yes.
 8 Q And when it came to sexual abuse and what his
 9 knowledge and history was in this Archdiocese
 10 pertaining to sexual abuse by clerics, did you
 11 consult with him?
 12 A No.
 13 Q Why not?
 14 A He lived out at Oconomowoc and I guaranteed his
 15 retirement, if you will, on almost every issue.
 16 I would meet with him occasionally for lunch, but
 17 we never talked about issues of this sort.
 18 Q You did speak with him and consult with him on
 19 other issues, did you not?
 20 A I can't remember if I would have done that.
 21 Q He was available, however, correct?
 22 A He was available, yes.
 23 Q If you chose to consult with him, he could have
 24 been and was available to you to consult,
 25 correct?

Page 11

1 A Yes.
 2 Q And when you made the choice not to consult with
 3 him about what he knew about sexual abuse in this
 4 Archdiocese before you arrived, did you know
 5 there had been a problem here and in this
 6 Archdiocese that predated you?
 7 MR. LO COCO: Objection, form and
 8 foundation.
 9 MR. MURRAY: Vague as to time.
 10 THE WITNESS: No.
 11 BY MR. ANDERSON:
 12 Q Did you ask?
 13 A No.
 14 Q Why not?
 15 A It simply was not on the radar, it was not the
 16 kind of question I would have dreamt up.
 17 Q Given the culture and the attitudes among clerics
 18 at the time, is this the type of question that
 19 would typically not be asked?
 20 MR. MURRAY: Objection, vague as to
 21 time. You said "time," but you didn't specify
 22 what time.
 23 THE WITNESS: I can't tell what other
 24 bishops appointed would have done, but I doubt if
 25 any of them had asked that question at that time

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1 in that historical moment.
 2 BY MR. ANDERSON:
 3 Q I think I read an article where you are quoted in
 4 the New York Times where there was something to
 5 the effect where there was kind of a hushed-up
 6 attitude among the clerical culture. Would that
 7 be a fair description of 1977 when you were
 8 installed as Archbishop when it came to sexual
 9 abuse?
 10 A In 1977 I have no idea what the attitude of the
 11 clerical culture would have been. I cannot
 12 answer that.
 13 Q Certainly there was and had been a mandate of
 14 celibacy?
 15 A Yes.
 16 Q And that means, as you described it, really no
 17 sexual activity of any kind, from masturbation to
 18 intercourse to sexual contact with others,
 19 correct?
 20 A That would have been, yes, the interpretation
 21 given.
 22 Q And that was, in effect, the mandate you were
 23 required to fulfill when ordained and working as
 24 a priest, correct?
 25 MR. LO COCO: Pardon me. Kathy, can I

Page 13

1 have that back?
 2 COURT REPORTER: "And that was, in
 3 effect, the mandate you were required to fulfill
 4 when ordained and working as a priest, correct?"
 5 MR. MURRAY: Clarification. When you
 6 say "you," are you referring to Archbishop
 7 Weakland or priests in general?
 8 MR. ANDERSON: You and all priests.
 9 MR. MURRAY: Well, let me just say if we
 10 are going to particularize this to Archbishop
 11 Weakland, I will object and instruct the witness
 12 not to answer the question. But if you are
 13 asking in a broad sense about what priests were
 14 expected to do and how they are expected to
 15 behave, I will permit him to answer.
 16 MR. ANDERSON: I do want to do that, and
 17 thanks for the clarification, Jim. I'm going to
 18 rephrase the question. When I say "you," I'm
 19 referring to you as a priest, so let me rephrase
 20 the question so I can respect the suggestion.
 21 BY MR. ANDERSON:
 22 Q It's correct to say that all priests, yourself
 23 included, were required to follow the mandate of
 24 celibacy, which is no sexual activity of any
 25 kind?

Page 14

1 A Yes.

2 Q And when installed as Archbishop in 1977, having

3 been Abbot Primate of the Benedictine Order,

4 having served across the globe and worked in

5 many, many capacities, when you came on board as

6 Archbishop in 1977 in Milwaukee, how would you

7 describe the general attitude of clerics towards

8 the mandate of celibacy and how they managed

9 that?

10 MR. LO COCO: Objection, form.

11 MR. MURRAY: Same objection.

12 MR. LO COCO: Foundation.

13 THE WITNESS: Almost all the priests

14 that I met during that period would have said

15 they understood celibacy the way in which I

16 defined it. Many of them probably would have

17 said that the gravity of masturbation had altered

18 over the years and would not have been on the

19 highest level of sinfulness, but I think they

20 would have understood that this meant that they

21 would not have sex with men or women or children

22 or anything of this sort. I think that's how

23 they would have understood it.

24 And the general atmosphere in 1977 was,

25 that period, was more difficult, because so many

Page 15

1 had left the priesthood to marry, and this meant

2 that there was a certain -- I use the word

3 sexualization of the clerical culture in that for

4 the first time there was an atmosphere where sex

5 was becoming among the clergy maybe not a topic

6 of discussion, but certainly a topic of

7 reflection when you see so many of your fellow

8 classmates, et cetera, leave the priesthood.

9 If I could add a second point. Vatican

10 Council II had also altered the concept of

11 sexuality from a negative to a positive so that

12 there was much more emphasis during that

13 post-Vatican II period on the values of marriage,

14 married life, family life and so on. All I can

15 do to answer your question is to say that all of

16 that was in the mix when I arrived here in 1977.

17 Q And would it also be fair to say and make the

18 general observation in your experience prior to

19 '77 that there were many clerics who remained in

20 the priesthood who were not celibate, and that

21 was known to their colleagues, yourself among

22 them?

23 MR. MURRAY: Objection. The witness is

24 not going to answer that question. This is not

25 anywhere near the three topics the judge has

Page 16

1 circumscribed this deposition would pertain to,

2 and I will tell the witness not to answer your

3 question.

4 MR. LO COCO: Just to be clear, the

5 three topics are who perpetrated sexual abuse in

6 the Archdiocese of Milwaukee, what the debtor

7 knew about sexual abuse, when the debtor had

8 knowledge and what the debtor did in response,

9 and whether there are additional survivors of

10 sexual abuse who have not received notice of the

11 bar date. That doesn't fit into any of those

12 topics.

13 MR. ANDERSON: I'm aware of what the

14 order says. The offer of proof will be and is

15 that attitudes and practices towards sexuality

16 contribute to and have a role in sexual abuse

17 and, thus, probative. If you are going to

18 instruct the witness not to answer, I will move

19 on.

20 MR. MURRAY: I am.

21 BY MR. ANDERSON:

22 Q In your experience does -- what training did

23 priests receive in trying to manage their own

24 sexuality so that they could live by the mandate

25 of celibacy and not engage in sexual abuse of

Page 17

1 minors?

2 MR. MURRAY: Object to the form as

3 multiple. Go ahead and answer, if you can.

4 THE WITNESS: The question of the

5 formation of priests in those days would have

6 been strengthening will power, that was very

7 important, and avoiding occasions of sin, having

8 a spiritual director, trying to be honest with

9 oneself. The standards that would have been

10 current in Catholic society in general at that

11 period.

12 BY MR. ANDERSON:

13 Q When you say "engaging in occasions of sin," what

14 do you mean?

15 A Occasions of sin would be putting yourself into a

16 situation where you would know that the

17 temptations would be quite strong, and do so

18 willfully. That's it.

19 Q It's correct to say that a priest when made so

20 and is allowed to wear a collar in effect is -- a

21 representation is made to the community of faith

22 that that priest is both chaste and trustworthy?

23 A I cannot answer the question, because I can't

24 interpret the minds of everybody who sees the

25 priest in the collar.

Page 18

1 Q Well, when an Archbishop installs a priest and
 2 ordains a priest and then places a priest in a
 3 parish or a school, the representation by that
 4 Archbishop or Bishop to the community of faith
 5 about the fitness of that priest is what?
 6 A It's a difficult question, because it's what
 7 people are thinking. I would find it difficult
 8 to say that every parishioner expects a saint.
 9 At least in my Irish background, we knew that
 10 priests were struggling like the rest of us, and
 11 so I can't very well say that every time a new
 12 priest came we thought, "Wow, the Bishop is
 13 putting a gold seal of approval on him." This
 14 wasn't the way it worked, Jeff.
 15 Q When a priest is allowed to become one and is
 16 placed by his superior in a parish or a school,
 17 do you have any reason to expect that when you
 18 were installed as Archbishop of Milwaukee that
 19 the parishioners could expect that priest to be a
 20 child molester?
 21 A In those years that question wouldn't have been
 22 asked. I don't think anybody would have asked
 23 that.
 24 Q And if the Archdiocese officials that predated
 25 you, Archbishop Cousins and others, knew that

Page 19

1 they had child molesters in the ministry, do you
 2 have any knowledge that they disclosed it?
 3 A I cannot answer, because I don't know what they
 4 would have done.
 5 Q When I use the term Archbishop and Bishop and
 6 Ordinary, there might be times where I will use
 7 those terms interchangeably. From your
 8 perspective is it fair to say that those are
 9 interchangeable terms?
 10 A In my case, yes, but I don't -- not every
 11 Archbishop is an Ordinary and some Ordinaries
 12 aren't Archbishops.
 13 Q Okay. Well, let's just use the term Archbishop
 14 then to keep it simple and not get mired in that
 15 distinction.
 16 Archbishop, is it correct to say that
 17 when a priest is ordained into the Archdiocese,
 18 it is ultimately the decision of the Archbishop
 19 to permit it?
 20 A Yes.
 21 Q Is it also correct to say that when a priest is
 22 ordained, they are determined by the Archbishop
 23 to be fit to be a priest?
 24 A Yes.
 25 Q Is it also correct to say that when the

Page 20

1 Archbishop assigns a priest in a school or a
 2 parish or anywhere, it is ultimately the decision
 3 of the Archbishop as to where that priest is
 4 assigned?
 5 A With the word ultimately, yes.
 6 Q Of course, the Archbishop has to look to his
 7 consultors, and often times there are different
 8 kinds of consultors. When you became Archbishop
 9 of Milwaukee, who was your primary consultor or
 10 consultors when it came to the assignment and
 11 transfer of the priests of the Archdiocese of
 12 Milwaukee?
 13 A The Personnel Board. The Priest Personnel Board
 14 that had been established by Archbishop Cousins,
 15 that consisted of priests from around the
 16 Archdiocese, so that they came from different
 17 types of ministry and different age levels.
 18 Q And who was the head of the Priest Personnel
 19 Board at that time, do you remember?
 20 A When I first came?
 21 Q Yes.
 22 A If memory serves me, it was Paul Esser.
 23 Q And then as you progressed as the Archbishop and
 24 made various assignments and transfers of
 25 priests, who do you best recall relying upon most

Page 21

1 as a consultor in making those decisions?
 2 A The Priest Personnel Board would have been first.
 3 If it was renewing the priest's ministry in a
 4 place as pastor or associate pastor, I always
 5 would have taken that also to my consultors,
 6 which is another body of eight priests from the
 7 Priest Council, so they were elected by their
 8 peers, and I would always check the motives and
 9 the reasons for any kind of -- with that. I
 10 didn't have to do that, but it just seemed to me
 11 that it was helpful to have a more objective kind
 12 of point of view, as well.
 13 Q And as Archbishop you also had the power and
 14 authority to not only assign and ordain priests,
 15 but you had the power and authority to appoint
 16 your consultors, among them the Auxiliary
 17 Bishops?
 18 A No.
 19 Q Oh, excuse me. The Pope appoints the Auxiliary
 20 Bishops.
 21 A Right.
 22 Q But they work under your authority?
 23 A Yes.
 24 Q Appointed by the Holy Father, correct?
 25 A Yes.

Page 22

1 Q And you have the authority then to select or
 2 choose to select the Vicar General?
 3 A Yes.
 4 Q The Vicar for Clergy?
 5 A Yes.
 6 Q The Chancellor?
 7 A Can I say something about that?
 8 Q Sure.
 9 A The other positions that you are naming, I would
 10 not have consulted the whole body of priests.
 11 Before naming the Vicar for Clergy, I would
 12 consult the entire body.
 13 Q In any case, you had authority to appoint them?
 14 A Yes.
 15 Q And the choice to remove them, also?
 16 A Yes.
 17 Q Okay. And that would include the Vice
 18 Chancellor, the Assistant Chancellor and every
 19 really official on down the line, correct?
 20 A Yes.
 21 Q Okay.
 22 A Can I add a point to that?
 23 Q Sure.
 24 A It was necessary, though, for some of those that
 25 they have certain qualifications, a degree in

Page 23

1 Canon law, if it was a Judicial Vicar, a degree
 2 in Canon law, if they were a Chancellor. So
 3 there were limitations.
 4 Q Yes. And the Canon law kind of guides who is
 5 most qualified to be and hold certain positions,
 6 correct?
 7 A Yes.
 8 Q And really the policies and procedures that you
 9 were required to follow as Archbishop were really
 10 the Code of Canon Law?
 11 A Yes.
 12 Q And when it came to sexual abuse, what rules were
 13 there in place that regulated how you, as an
 14 Archbishop beginning in 1977, were to deal with
 15 sexual abuse by clerics or employees?
 16 A I think you should make a distinction there,
 17 because the employees would not follow under the
 18 Code of Canon Law in any way.
 19 Q I will make that distinction. What rules were in
 20 place when you were installed as Archbishop as it
 21 pertains to sexual abuse by clerics?
 22 A There's a section of the Code of Canon Law toward
 23 the end which deals with cases of the penal code,
 24 it's called, and that would have been ultimately
 25 the ground upon which you would make any -- begin

Page 24

1 any processes.
 2 Q And what did that code say about sexual abuse and
 3 how an Archbishop is to deal with it when and if
 4 it is known?
 5 MR. LO COCO: Time frame, Jeff?
 6 MR. ANDERSON: Beginning in 1977.
 7 BY MR. ANDERSON:
 8 Q And we're now talking, for purposes of this
 9 question, about the Code of Canon Law, a 1917
 10 Code, correct?
 11 A Yes.
 12 Q And that 1917 Code of Canon Law was in effect and
 13 issued by the Vatican until it was revised in
 14 1983, correct?
 15 A Correct.
 16 Q So now directing you back to the question, when
 17 you were installed as Archbishop, the Code of
 18 Canon Law would be the 1917 Code of Canon Law,
 19 and then the section or rules pertaining to
 20 sexual abuse of minors, what rules were in effect
 21 in 1977?
 22 A I answer not being a canonist, a lawyer, with
 23 gratitude. That section dealt with what they
 24 called crimen pessimum, which is the worst
 25 crimes of all, and listed there would have been

Page 25

1 engaging in sex with a minor and bestiality,
 2 things of this sort. What the Bishop was to do
 3 was to -- or he could do, I say, was to gather
 4 the information, do the investigation, and then
 5 begin a case in the local church first, and that
 6 case then, the results of it, were to be sent to
 7 Rome. That's the way I understand it, Jeff, for
 8 1977.
 9 I say next what comes not to -- what's
 10 the right word -- justify, but when I studied
 11 Canon law in Rome, when we came to this last
 12 section on the penal law, I had an old, old
 13 professor in his 80's who had been a judge at the
 14 Rota for years, and he said, "When you come to a
 15 case in this section of the law, don't be an
 16 expert, get a canonist." I think that was the
 17 best advice he ever gave.
 18 Q When I asked you about the rules that you are
 19 applying to that, you said it was cremin
 20 pessimum?
 21 A Pessimimum.
 22 Q Would you please spell that for us?
 23 A P-E-S-S-I-S-I-M-U-M, pessimum.
 24 Q And your understanding in its application was the
 25 worst crimes was abuse against minors and

Page 26

1 bestiality by a cleric, and the rule was that the
 2 Archbishop should investigate it?
 3 A Yes.
 4 Q There's also a document called *crimen*
 5 *solicitacionis*, which is Latin for in English
 6 crimes of solicitation?
 7 A Yes.
 8 Q And that is also and was considered one of the
 9 worst crimes that a cleric could commit?
 10 A Yes.
 11 Q And that is considered and was considered to be
 12 among the worst crimes because it was in the
 13 sacrament of a confessional that sex was
 14 solicited for?
 15 A Yes.
 16 Q And you were familiar with that concept and
 17 doctrine and the gravity of that crime?
 18 A I knew the concept and the gravity, yes.
 19 Q In the rules that you are talking about here,
 20 applicable beginning in 1977 as pertains to
 21 minors, the age of consent under the 1917 Code
 22 for a clerical crime against a minor was 14,
 23 wasn't it?
 24 A The original 1917 Code was 14 for girls and 16
 25 for boys. I think that's right, because these

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1 were the ages at which they could engage in a
 2 valid marriage. That was the custom in so many
 3 countries of the world, 16 and 14, and then it
 4 became 16 and 16 for both, and that's the way it
 5 was in the Code of 1917. Certainly in the code
 6 of 1983, 16 and 16 where were the ages of
 7 maturity.
 8 Q And when you knew and learned that it was not a
 9 crime for a cleric under the rules to engage with
 10 a girl who was 15 or a boy who was 17, did you
 11 make any effort to change that or express
 12 displeasure with that rule?
 13 MR. MURRAY: I think that's a
 14 misstatement of his prior testimony. Object on
 15 that basis. You can go ahead and answer the
 16 question, if you can.
 17 THE WITNESS: With time, yes, and in my
 18 previous testimony I talked of being in Rome in
 19 1993. By then we had so many cases that had gone
 20 beyond the statute of limitations, and I think in
 21 my previous I mentioned meeting with an official
 22 in the Congregation for the Clergy, as well as
 23 the Archbishop in charge of changes in the Code
 24 of Canon Law. He has an office for this, now a
 25 cardinal, Herranz, so I did talk to both of them

Page 28

1 about the need for a change. We needed more
 2 time.
 3 BY MR. ANDERSON:
 4 Q And I will get to your advocacy for some change
 5 in 1993 when you went to Rome. In going back to
 6 the 1917 Code and the age of consent, it was not
 7 a crime then for, at least under the rules that
 8 clerics were operating, for a priest to engage in
 9 sex with a teen who was a boy at the age of 17,
 10 correct?
 11 A I want to answer that clearly. It was still
 12 considered wrong, even though it might not be
 13 listed under *crimen pessisimum*.
 14 Q Okay. And did you at some point as Archbishop
 15 become aware that the rules concerning the age of
 16 consent for a priest and a youth to engage in sex
 17 and the criminality of it differed from the civil
 18 law?
 19 A I did. Probably right away early on where I had
 20 to learn that it was 18 and 18. So, yes, I did.
 21 Q So you knew as Archbishop and had for a long time
 22 that it was a crime for an adult, somebody over
 23 the age of 18, to engage in sex of any kind with
 24 a minor under the age of 18?
 25 A Yes.

Page 29

1 Q You made reference to Europe and the European --
 2 I don't know if it was attitudes or practices,
 3 but in your history that I have read about, which
 4 is long and impressive, you have been in France,
 5 in Italy, you have been, of course, in Rome, in
 6 particular, in Italy, and at various places in
 7 the U. S., and as it pertains to Europe, was
 8 there, when you were in Europe, in France and
 9 Italy, a different view of priests having sex
 10 with minors than what you encountered in the U.
 11 S.?
 12 MR. MURRAY: Object to the form. You
 13 may answer, if you can.
 14 THE WITNESS: I cannot say there was,
 15 no.
 16 BY MR. ANDERSON:
 17 Q You made some reference to a European view, and I
 18 wanted to get at that. What you were getting at?
 19 A I was referring to the customs in some of those
 20 countries in which, especially boys, would be
 21 introduced to sexual activity by usually an uncle
 22 when they reached the age of puberty, and that
 23 especially friends of mine in France would say --
 24 tell me stories of this sort, which was quite
 25 different than anything I had ever found in the

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1 United States, and especially not in the Irish
 2 culture I grew up in, so that one French woman
 3 said to me she couldn't imagine a boy 16 who
 4 wouldn't have known what sex was all about and
 5 would not have -- how can I say this -- would
 6 have expected that her son would have known it
 7 was wrong. Let's put it that way. I hope I --
 8 That's vague, but --
 9 Q I got it. Going back to the authority and the
 10 power of the Archbishop, when it comes to the
 11 priests in the geographical limits of the
 12 Archdiocese -- And there are ten counties in the
 13 Archdiocese of Milwaukee?
 14 A Yes.
 15 Q It's also correct to say that the Archbishop has
 16 the authority and power to not only place a
 17 priest in an assignment, but remove a priest from
 18 that assignment?
 19 MR. LO COCO: Objection, form and
 20 foundation.
 21 THE WITNESS: Yes, but not as much as
 22 you might think. The Bishop did not have the
 23 power just to remove a pastor. In the old code,
 24 1914, the parish and the assignment to be pastor
 25 was looked upon as a benefice, and in the old

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1 code it was a benefice for life so that the
 2 priest could make a living from that benefice.
 3 If the Bishop wanted to remove a pastor that
 4 would be depriving him of his benefice, he had to
 5 consult three priests, and these priests he had
 6 to name when he became Bishop so that they -- so
 7 that they had to agree to this removal. So there
 8 was a caution here about just removing. That
 9 changed here in the Archdiocese already in 1981
 10 when I received an indult from Rome to appoint
 11 pastors for six years rather than for life,
 12 renewable for any number of six-year periods.
 13 Q Excepting what you just described as it pertains
 14 to pastors, is it correct then to say that as it
 15 pertains to any other priest assigned, the
 16 Archbishop had the power and authority to remove
 17 that cleric from their assignment?
 18 A Yes.
 19 Q Is it also correct to say the Archbishop had at
 20 all times the power and authority also to limit
 21 the faculties to minister of any of the priests
 22 working in the Archdiocese?
 23 A With cause, yes.
 24 Q When I use the term "limit the faculties," that
 25 means something, of course, to both of us, but

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1 would you describe what that means and the power
 2 the Archbishop has to limit the faculties of a
 3 priest?
 4 A The faculties could be divided by the function
 5 that they would be performing, so say mass would
 6 be one. The Bishop could forbid them to say
 7 mass. The second one would be to hear
 8 confessions. The Bishop could limit the faculty
 9 to hear confessions. In fact, when I was
 10 ordained in Italy, my Italian contraires received
 11 the faculties to hear the confessions of men, but
 12 not woman for the first four years. That was the
 13 Italian custom. So the faculties of confession
 14 can be limited or not at all.
 15 In fact, myself for my first year as a
 16 priest, I had no faculties to hear confessions,
 17 because I was ordained a year too soon. I was
 18 ordained after third theology, so I did not
 19 receive those faculties for a year, but I could
 20 preach and say mass and all the other things.
 21 That wasn't en panem, that was the rule, if I was
 22 going to be ordained a year too soon. The
 23 faculties to preach, the faculties to perform
 24 weddings can also be restricted.
 25 Q Archbishop, I'm going to direct your attention to

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1 some documents, and in this litigation there has
 2 been required the production of what we call a
 3 number of files and documents, and they are
 4 voluminous and we have culled them down to some
 5 that we thought needed to be incorporated into
 6 this record, and we provided a copy in advance to
 7 your counsel and other counsel present.
 8 Obviously, because of the volumes, we
 9 can't begin to cover all that we would like to,
 10 but I'm going to focus on a few documents and
 11 then ask you some questions. The notebooks
 12 before you here are the some of the documents.
 13 So what I'm going to ask you to do is I'm going
 14 to direct your attention to what's been marked
 15 for identification as Exhibit 242. You will see
 16 that it is the handwriting of one of the people
 17 of the Archdiocese under your charge in 1995.
 18 While you look at that handwriting, do you
 19 recognize whose it is offhand?
 20 A No, I don't.
 21 Q Okay. I think we can establish whose it is by
 22 other means, but I will represent to you that it
 23 was produced as a part of the files requested
 24 here, and I will represent to you that it also
 25 appears to be a list of a number of priests who

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1 had been active and some actions being taken by
 2 the Archdiocese at that time under your authority
 3 in 1995. You will see a date of 5/18/95 in the
 4 upper, left-hand corner.
 5 A Yes.
 6 Q And then if you look to 243, you will see a
 7 similar kind of document in handwriting that
 8 lists a number of other priests and certain notes
 9 taken concerning them. And then if you look at
 10 244, you will see a similar document that lists a
 11 number of priests and certain actions being taken
 12 concerning them.
 13 I direct your attention to 244, because
 14 that one is typewritten, which makes it a little
 15 more legible. So I'm going to have you go back
 16 to 243 for now and represent to you that we have
 17 deciphered some of this handwriting, and because
 18 it's not yours, I'm not going to ask you to, but
 19 I am going to ask you some questions about it,
 20 because it pertains to priests who may be
 21 suspected of having committed sexual abuse and
 22 actions that were taken or not taken by you as
 23 the Archbishop and the Archdiocese in connection
 24 with that. Okay?
 25 A Yes.

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1 Q Okay. I'm going to have you look at 242 first,
 2 Archbishop. Do you have that before you?
 3 A Yes, I do.
 4 Q And you will see that it is really five pages of
 5 notes, but at the first page there are five
 6 numbered entries on it, and No. 1 reads, "No
 7 unsupervised contact with minors."
 8 My first question to you is is that a
 9 power or a faculty that you as the Archbishop
 10 then had the power to impose upon a priest who
 11 had offended a child?
 12 A I thought so.
 13 Q The second is no public celebrations of mass, as
 14 I read it. Is that also one of the faculties
 15 that you had the power to both confer and to
 16 remove, if a priest was suspected of abuse?
 17 A Yes.
 18 Q The third is no faculties (confession), and,
 19 again, that would be the ability to both hear
 20 confessions and minister the sacrament of
 21 confession. Would that have been a power or a
 22 faculty given you to both confer and remove, if
 23 you suspected sexual abuse?
 24 MR. MURRAY: Let me interpose an
 25 objection. It doesn't exactly say that. I think

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1 he should be asked first if that's how he
 2 interprets that. You are interpreting an
 3 abbreviation there, you might be right, but the
 4 witness hasn't acknowledged it yet. I don't know
 5 if that's confession or not.
 6 BY MR. ANDERSON:
 7 Q Well, whether it says that or not, did you have
 8 the power to remove the faculty to -- for
 9 confession?
 10 A Yes. Could you tell me, since this is the first
 11 time I've seen this, what -- It has faculty,
 12 confessions, and then there something underneath
 13 that.
 14 Q The next one is 4, I think.
 15 A That goes with 4. Okay.
 16 Q Okay. Yes. I just read what I thought was 3.
 17 A Okay.
 18 Q And now 4. I believe it says, "No persons/place
 19 where there are temptations," and whether it says
 20 that or not, my question to you as the then
 21 Archbishop is did you have the power to remove
 22 the faculty of a priest suspected of abuse, to
 23 limit their ability to be places where they had
 24 abused or among persons who they had abused?
 25 A Yes.

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1 Q And then the fifth identified here, as I read it,
 2 is no clerical dress. As you understood your
 3 powers and authorities, is it also correct to say
 4 that if you suspected abuse by a priest, or had
 5 reason to, that you had the power to remove the
 6 faculty and limit a priest's ability to wear his
 7 clerical collar or his clerical dress?
 8 A Yes.
 9 Q Do you remember in 1995 in or around May of that
 10 year having a meeting with your consultors whom
 11 you had appointed concerning problems and
 12 suspicions of sexual abuse and actions that were
 13 being taken concerning a number of priests?
 14 A I have no specific remembrance of any particular
 15 one.
 16 Q Okay. You will see listed on this exhibit at 242
 17 the first page, the first one listed is
 18 Budzynski. You remember him?
 19 A Yes.
 20 Q And then you will see a number after that which
 21 would appear that some action was being taken or
 22 considered concerning the restriction of his
 23 ministry. Do you remember restricting
 24 Budzynski's ministry because of suspicions of
 25 sexual abuse?

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1 A I have only vague recollections of Budzynski,
 2 yes, but very vague.
 3 MR. MURRAY: Can we agree when you use
 4 the term sexual abuse that we are talking about
 5 sexual abuse of minors, because I see some things
 6 in here that are accusations, but they don't
 7 involve minors at all. So we are on the same
 8 wavelength, that's what we are talking about,
 9 correct?
 10 MR. ANDERSON: I'm getting at sexual
 11 abuse and sexual abuse of minors. If there is
 12 some instances that it's not of minors, we have
 13 the opportunity to point it out, if we can
 14 remember it.
 15 MR. LO COCO: I will let you guys
 16 finish.
 17 MR. MURRAY: Well, this isn't my case,
 18 so I'm a little bit of an interloper here, but I
 19 understood the only thing that's on the table is
 20 sexual abuse of minors.
 21 MR. ANDERSON: Yes.
 22 MR. MURRAY: But I would defer to my --
 23 MR. ANDERSON: And we are limiting our
 24 inquiries to that, yes.
 25 MR. LO COCO: I would say, and Mike

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1 knows this, as well as I do, we tried to be
 2 comprehensive in our production. We tried to be
 3 careful in our redactions and, frankly, we
 4 weren't perfect, though. There are some names in
 5 here that are people who were restricted for
 6 not -- not for sexual abuse of minors, and those
 7 names should have been redacted. Under the
 8 order, we have a chance to fix this. Since this
 9 is all under seal, I don't see it as a big issue
 10 today, but I'm reserving my rights to go back and
 11 re-redact. Thank you.
 12 BY MR. ANDERSON:
 13 Q As you go through the first page there,
 14 Archbishop, you will see the name Effinger. Do
 15 you remember him as being one of the priests --
 16 A I certainly do.
 17 Q -- who had offended minors?
 18 A Yes.
 19 Q And some action was being taken by you as
 20 Archbishop concerning restriction of his
 21 faculties?
 22 A Yes.
 23 Q And under Effinger on this page it says, "Decree
 24 to begin." Can you read what that says?
 25 A It looks like June 3, doesn't it?

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1 Q Okay. Under --
 2 A Effinger was a part of a trial, so it probably
 3 had to do with his sentencing and so on.
 4 Q Effinger first came onto your radar as a known
 5 abuser of minors in 1979, correct?
 6 A Yes.
 7 Q When did you remove him from ministry or when was
 8 he removed from ministry all together?
 9 A Probably not until about '94, '95.
 10 Q Why, if he came on your radar as an abuser of
 11 minors in 1979, was he not removed until years
 12 later?
 13 A When I came in '77, I was following I think the
 14 general practice of when such a case would come
 15 to my attention, of calling in the priest,
 16 reading the riot act to him, which I did in
 17 Effinger's case in the summer of '79, sending him
 18 immediately for psychiatric or psychological
 19 treatment. And we were probably all of us naive
 20 in thinking that it was a question of willpower
 21 and a question of self-discipline. Just as we
 22 were having some success with alcoholism, we
 23 could have the same success here, et cetera. So
 24 I think all of that was the way in which we would
 25 have handled -- I handled cases then thinking,

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1 hoping, praying that it would be the last one I
 2 would have to deal with.
 3 Q You learned after having formulated that thinking
 4 that it was kind of like alcoholism, that it
 5 could be stopped, that, in fact, when it came to
 6 sexual abuse of minors, many of these people
 7 could not control their sexual impulses, treated
 8 or not, correct?
 9 A Yes, but that took awhile.
 10 Q How long?
 11 A Ten years.
 12 Q On the same page you will see the name Knoteck,
 13 K-N-O-T-E-C-K. Behind him it says nothing, no
 14 restriction. Do you remember the reasoning
 15 behind the decision -- making the decision why no
 16 restriction would be imposed on him?
 17 MR. MURRAY: Let me interpose an
 18 objection, lack of foundation. I don't think we
 19 have yet established this is a legitimate
 20 document, that he had any input into this
 21 document or that it accurately reflects anything
 22 that went on. You can ask him those questions,
 23 but that's my objection. I don't think this
 24 document has laid a foundation yet.
 25 MR. ANDERSON: I will give you a

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1 standing objection on foundation, Jim.
 2 MR. MURRAY: Thank you.
 3 BY MR. ANDERSON:
 4 Q So do you remember why Knoeck may have -- the
 5 decision may have been made at that time to not
 6 impose restriction on him?
 7 A Knoeck at that time had been retired for many
 8 years and was not active at all. I believe the
 9 case against him was decades old, and we were
 10 probably at that point still looking at the case.
 11 Can I ask, out of curiosity, whose writing is
 12 this?
 13 MR. FINNEGAN: We think it's Jim
 14 O'Connell's.
 15 BY MR. ANDERSON:
 16 Q We believe it is then Chancellor O'Connell.
 17 A James O'Connell. Jim O'Connell.
 18 Q Yes, Jim O'Connell.
 19 MR. FINNEGAN: We haven't had it
 20 confirmed, but it looks like that to me.
 21 MR. ANDERSON: But, again, we haven't
 22 gotten -- We just got the documents, so that's a
 23 work in progress, Archbishop, and from looking at
 24 other documents, we're of that opinion as we
 25 speak. The other documents confirm that there

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1 were, you know, several people engaged in this
 2 process of considering what restrictions should
 3 be imposed concerning sexual abuse of minors.
 4 MR. MURRAY: Jeff, I don't want to
 5 interrupt you in mid question, but could we as a
 6 protocol agree that we will take a break every
 7 hour or so? I don't know if it's deducted from
 8 your seven hours, but it shouldn't be.
 9 MR. ANDERSON: Certainly. And,
 10 Archbishop and Jim, any time a break is
 11 requested, no problem. Just let me know.
 12 MR. MURRAY: Do you want to forge ahead
 13 or take a little break?
 14 THE WITNESS: I will forge ahead.
 15 BY MR. ANDERSON:
 16 Q When is the first time you remember either
 17 compiling a list of offenders of sexual abuse
 18 against minors or asking that one be compiled?
 19 A Every time I met with my counsel in those years,
 20 Matt Flynn, he would have a list, and so at least
 21 I would have a list from him. I never kept any
 22 of those, but he would always have a list for me.
 23 Q And when in time do you first remember having a
 24 list compiled at your direction?
 25 A I couldn't answer that, either. It was ongoing.

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1 Q Look at the second page of this document, and
 2 look at No. 26, and you will see the name Murphy.
 3 MR. LO COCO: I'm sorry. What page are
 4 you on?
 5 MR. ANDERSON: The second page of 242.
 6 MR. LO COCO: Okay. Thank you.
 7 BY MR. ANDERSON:
 8 Q Item No. 26 is Murphy. At that time you knew
 9 that Murphy was a priest of the Archdiocese who
 10 had been accused of sexual abuse of many minors?
 11 A Yes.
 12 Q Look at No. 31. Without identifying that name,
 13 do you know if that name identified as 31 was a
 14 priest that had been accused of abuse of minors?
 15 A That name surprises me totally, because that was
 16 not a case of minors.
 17 Q Okay. And look at 32. Without identifying the
 18 name, is that a name that pertained to abuse of
 19 minors? When I say "minors," for our inquiry
 20 that would be somebody under the age of 18, not
 21 under the Canon law, which is different.
 22 A Exactly. No, that's an adult case.
 23 Q Okay. There is a last name on this same page
 24 that I'm having a hard time reading, but if you
 25 are able to read and identify that name, can you

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1 tell us whether or not that is a name that
 2 pertained to abuse of minors or of something
 3 other than abuse of minors?
 4 A The name is --
 5 MR. MURRAY: You don't want to say that.
 6 MR. LO COCO: Strike that from the
 7 record, Kathy.
 8 THE WITNESS: This has nothing to do
 9 with sex abuse.
 10 MR. ANDERSON: We will agree to that
 11 that out.
 12 MR. MURRAY: Can I explain something so
 13 the witness -- so that doesn't happen again?
 14 MR. ANDERSON: Yes.
 15 (An off-the-record discussion was had
 16 between Attorney Murray and the witness.)
 17 BY MR. ANDERSON:
 18 Q I will kind of give you the same instruction that
 19 you may have been given here, not -- it was a
 20 private, you know, we are just trying to do what
 21 we can to abide by the rules of the court and the
 22 limitations given here, and that is that we're
 23 trying to get to the information that you have
 24 and is available to us concerning abuse of
 25 minors, and for purposes of abuse of minors,

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1 we're talking about under the age of 18?

2 A Yes.

3 Q Under the civil law, and also the sexual abuse of

4 minors and then what was done or not done?

5 A Yes.

6 Q And so if it doesn't pertain to minors, don't use

7 the name.

8 A Thank you.

9 Q Okay. Thank you. Look at the third page, and at

10 the top of it it says, "Active Priests,"

11 underlined. Do you see that?

12 A Yes.

13 Q And Item No. 6, don't say the name, but look at

14 the name No. 6, and if you recognize the name, my

15 question is is that a priest accused of abuse of

16 minors?

17 A No.

18 Q Look at the priest to the right of it, that name.

19 Is that a priest accused of abuse of a minor?

20 A I have never heard that name before.

21 MR. LO COCO: Assuming, you know,

22 object, foundation. It assumes it's a priest.

23 BY MR. ANDERSON:

24 Q Looking above that name, you will see Liz's,

25 quote, "SWAT", unquote, team. At that time did

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1 Liz Piasecki, under your direction, work as a

2 part of a SWAT team?

3 A That word means nothing to me here.

4 Q Okay. Was there a team that Liz -- had been

5 assembled by you as the Archbishop and those

6 under your authority to deal with sexual abuse?

7 A There was a group called the Community Advisory

8 Board. We called it Project Benjamin. They are

9 the ones who recommended that I hire someone, and

10 I hired Liz.

11 Q Okay. I'm going to direct your attention to the

12 next page, Archbishop. On it you will see the

13 name, without using the name, but to the left

14 it's numbered 21. Do you see that name?

15 A Yes.

16 Q Is that a priest that was known to you to have

17 been under investigation or suspected of sexual

18 abuse of minors or not?

19 A No.

20 Q Okay. No. 23. Do you see that name?

21 A Yes.

22 Q Is that a priest that was accused and under

23 investigation or restricted for abuse of minors?

24 A I would have to look that up.

25 Q Okay. Look at No. 25. Does that pertain to

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1 abuse of minors?

2 A Yes.

3 Q And 2 -- The next one underneath that is No. 28.

4 That pertains to minors?

5 A Yes.

6 Q And at the next page, No. 30, does that pertain

7 to minors?

8 A Not to my knowledge, no.

9 Q No. 34, does that pertain to minors?

10 A No.

11 Q No. 38, the last one on this list, does that

12 pertain to minors?

13 A Yes.

14 Q Okay. What did you know at that time or -- And

15 the name here is [REDACTED] correct?

16 A Yes.

17 Q And it's written here, "Do nothing." What do you

18 remember about [REDACTED] what was known and why this

19 it's noted?

20 A There had been a third-party, as I recall it,

21 referral about [REDACTED] to the Archdiocese, and it

22 was investigated and it was decided that it

23 wasn't a valid one and, therefore, we did not

24 proceed. It's a long story, and this is probably

25 not the place to give it, but it was

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1 investigated.

2 Q Do you have any estimation of the number of

3 priests against whom allegations were made and

4 investigated and then determined to have not been

5 credible?

6 MR. MURRAY: Time frame?

7 MR. ANDERSON: While you were

8 Archbishop.

9 THE WITNESS: No, I don't.

10 BY MR. ANDERSON:

11 Q Turn to the next exhibit, Archbishop, and it's in

12 the same handwriting and it's marked 243. There

13 are some names on here who we all recognize as

14 offenders of minors, but I need to continue to

15 ask you, because this is a list compiled on a

16 different date, about some of them. Item No. 1,

17 do you see the name there?

18 A Yes, yes.

19 Q And you recognize that. Is that a priest accused

20 of abuse of a minor?

21 A Yes, there is, but I'm not sure that I can read

22 the first word.

23 Q Okay. After -- The name of the priest is?

24 A Burns.

25 Q And then it looks to me like it says, "Cardinal

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1 will respond soon." Do you read it that way?
 2 A Yes. That makes no sense to me.
 3 Q Yeah, I was going to ask you about that, who that
 4 might have been. Was there a cardinal engaged
 5 with you all at that time that you recall?
 6 A My feeling is that this does not refer to Peter
 7 Burns. Peter Burns was a priest of the Diocese
 8 who was tried up in Sheboygan for sex abuse of a
 9 minor and imprisoned at about the same time as
 10 the first page that we had. This is a name, when
 11 I read that, it makes no sense to me.
 12 Q Well, at that time it may have been that there
 13 was a laicization underway and that there was a
 14 Vatican cardinal involved, because you will see
 15 later on it says here, "The pope requested a
 16 personal meeting," so it's possible, but we don't
 17 need to dwell on that at this moment.
 18 A Okay. It's possible.
 19 Q In any case, look at No. 7 on this document, and
 20 without stating the name, do you recognize that
 21 name, number one; and, number two, does he appear
 22 on this list because he had abused or is
 23 suspected of having abused minors?
 24 A I can't read the name.
 25 Q Okay. Fair enough. The name Effinger underneath

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1 that is clearly --
 2 A That's clear. That's clear.
 3 Q Okay. And under the Effinger notes you will see
 4 that Bishop Ray Burke is referenced. How was
 5 then Bishop Ray Burke engaged in this process, if
 6 you recall?
 7 A All of this totally surprises me. I have no -- I
 8 cannot understand why Bishop Burke's name is
 9 here, but I have a suspicion that might help the
 10 court. It seems to me that mixed in here are
 11 cases of Religious where it's possible that our
 12 Vice Chancellor at the time was assisting them in
 13 writing up their cases and in trying to present
 14 them to Rome, and he has put all of these into
 15 one list. That would make it clearer why it
 16 would be here.
 17 Q And it's also correct to say when you say
 18 Religious, those are priests who are members of
 19 orders, correct?
 20 A Correct.
 21 Q And you were originally an order priest, the
 22 Order the St. Benedictine, correct?
 23 A Correct.
 24 Q It's also correct to say that when an order of
 25 priest is allowed to work in the Archdiocese of

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1 Milwaukee, it is with the permission of the
 2 Archbishop that he is allowed to work in the
 3 geographical limits of the Archdiocese?
 4 A He would have no faculties without the local
 5 Bishop giving him those faculties.
 6 Q And it's the faculty -- It's the local Bishop, in
 7 this case the Archbishop, that can pull the
 8 faculties to work in the Archdiocese?
 9 A Yes.
 10 Q And on the next page you will see, in fact, maybe
 11 some discussion of Religious it looks like. I
 12 can't read that word, but it says, "Re
 13 Religious." But anyway --
 14 MR. MURRAY: Maybe.
 15 BY MR. ANDERSON:
 16 Q I don't think it's worth it to dwell on that one.
 17 Let's go to Exhibit 244, which is a little more
 18 manageable, I know. You will see that this is
 19 now, by our construction, 1996, and it makes
 20 reference to a number of clerics and actions
 21 being taken and what would appear restrictions
 22 being imposed and/or changed. Do you remember in
 23 1996, Archbishop, after having imposed certain
 24 restrictions on the faculties of accused
 25 offenders of minors making the decision to relax

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1 a number of restrictions?
 2 A I don't recall relaxing restrictions.
 3 Q Okay. Look at the first page of 244, and look at
 4 the second name on it, Father initial G. Do you
 5 recognize that name?
 6 A Yes.
 7 Q And is he a priest who had been accused of and
 8 had been restricted because of abuse of minors?
 9 A Yes.
 10 Q And you will see that on 4/25/95 there's a date,
 11 and Items No. 1 through 4 are all faculties that
 12 you, as the Archbishop, had the power to limit,
 13 correct?
 14 A Yes.
 15 Q And then when you look at the date of 1/1/96, by
 16 my reading of this it appears that a decision to
 17 limit the faculties on April 25, 1995 are now
 18 being relaxed as of January 1, 1996. Do you read
 19 that that way?
 20 A I do.
 21 Q And can you tell me why or can you remember today
 22 why there was a decision made to relax the
 23 faculties or the limitations on the faculties to
 24 minister in the Archdiocese pertaining to George
 25 Etzel?

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1 MR. LO COCO: Objection to form. Just a
 2 minute, Archbishop. It lacks foundation, at
 3 least as to whether he recalls that that's what
 4 happened.
 5 MR. ANDERSON: You have a continuing
 6 objection on foundation. You know, I have
 7 already said that.
 8 MR. LO COCO: But the problem with the
 9 question, Jeff, is that you want him to assume
 10 that that's what happened.
 11 MR. ANDERSON: Give me your legal
 12 objection.
 13 MR. LO COCO: Calls for speculation,
 14 lacks foundation.
 15 BY MR. ANDERSON:
 16 Q Archbishop, you may -- Do you remember the
 17 question?
 18 A I do, and as I read this, it looks as if the
 19 faculties had been restored in special cases.
 20 I'm not sure whether I did that, whether the
 21 Chancellor did that or somebody, and I think I
 22 can understand why, because he was living in
 23 retirement next to the great big convent of nuns
 24 in Campbellsport, and some of them were coming to
 25 confession to him, and it may well be that the

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1 Chancellor asked me could he continue to do that.
 2 That might be, but I can't see much else that
 3 would make sense.
 4 Q Does it make sense in 1995 or '96, Archbishop, to
 5 continue in ministry any priest that you know has
 6 committed abuse against a minor?
 7 A No.
 8 Q Why did you?
 9 MR. MURRAY: Objection. You are asking
 10 him to speculate. He told you he doesn't know
 11 that he did.
 12 THE WITNESS: I did so because to take
 13 somebody out of ministry meant a legal process
 14 here and then sent to Rome, and you had to make
 15 sure that the cases would fit, that the
 16 requirements for dismissal from priesthood,
 17 according to church law. All of the cases
 18 against someone like George Etzel had -- the
 19 statute of limitation had expired years ago. I
 20 would have hesitated pulling together a case like
 21 that and sending it on to Rome.
 22 BY MR. ANDERSON:
 23 Q I'm going to direct your attention to Page 2 of
 24 this exhibit, and to -- Underneath Father David
 25 Hanser, he was a priest known to have abused

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1 minors, correct?
 2 A Yes.
 3 Q And there's some handwriting in the left-hand
 4 portion. Do you recognize that?
 5 A Yes. No, I don't recognize the writing.
 6 Q Do you recognize the handwriting?
 7 A No, I don't. No, I don't.
 8 Q Okay. What do you remember about what action was
 9 being done, and if there's a relaxation of his
 10 faculties reflected by this document, why that
 11 was so?
 12 A I don't know. I don't know.
 13 MR. MURRAY: When you reach a convenient
 14 spot, I'd like to take a break. It doesn't have
 15 to be now.
 16 THE WITNESS: That is 1996. In 1996 I
 17 was on sabbatical. I left January 1st of '96 and
 18 returned in May.
 19 BY MR. ANDERSON:
 20 Q We are going to take a break, but before we do, I
 21 want to clarify one thing. However, when it
 22 comes to the faculties, indeed, while -- even
 23 while you are on sabbatical, you are the
 24 Archbishop and you are the one that decides
 25 whether or not somebody's faculties can be

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1 removed or limited ultimately, with the advice of
 2 others, but you are the guy that has to do it,
 3 right?
 4 A Not in a case like this. When I'm on sabbatical,
 5 those powers have been delegated to the Auxiliary
 6 Bishop who became the Administrator of the
 7 Diocese.
 8 Q Who was it then?
 9 A Bishop Skdba.
 10 MR. ANDERSON: Let's take a break.
 11 VIDEOTAPE TECHNICIAN: This ends Disk
 12 No. 1 of the video deposition of Archbishop
 13 Rembert G. Weakland on October 24, 2011; the time
 14 10:32 a.m.
 15 (A recess was taken.)
 16 VIDEOTAPE TECHNICIAN: This is the
 17 beginning of Disk No. 2 of the video deposition
 18 of Archbishop Rembert G. Weakland on October 24,
 19 2011; the time 10:46 a.m.
 20 BY MR. ANDERSON:
 21 Q Archbishop, I'd like to loop back for a moment to
 22 a topic we had touched on, but I failed to follow
 23 up on, and that pertained to Father [REDACTED] You
 24 had told me that he had been accused of sexual
 25 abuse of a minor, but it had not been

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1 substantiated and an investigation was done.
 2 What investigation was done that led to the
 3 determination that it was not substantiated or
 4 true?
 5 A I can't answer that fully, because I didn't do it
 6 at -- that part myself, but I know that Liz
 7 Piasecki, people on my team, listened to all
 8 sides on that, and it was a boy who claimed that
 9 they were swimming and he had supported him or
 10 touched him in the process. I did -- I'm just
 11 trying to see what -- I did personally talk to
 12 [REDACTED] and he denied any problem. And
 13 apparently there were two boys involved at the
 14 time, and when I say "boys," you know, they must
 15 have been older. But nevertheless, I don't know
 16 the exact age. And I talked to the older boy
 17 personally, and he said nothing ever happened.
 18 "No problem, Father." So that's as much as I can
 19 tell you.
 20 Q Did you talk to the younger boy personally to see
 21 what had happened?
 22 A I certainly knew who he was and all, and I didn't
 23 talk personally to him, but I know my staff did,
 24 and that's about as much as I can tell you.
 25 Laurin had always denied it. I know the case has

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1 come up more recently again, and that's why you
 2 are asking, but I --
 3 Q And who under your authority did this
 4 investigation?
 5 A It would have been the Vicar for Clergy.
 6 Q And who was that then, if you remember?
 7 A I don't have the list with me. I can't really
 8 tell you that.
 9 Q Fine. I'm going to direct your attention back to
 10 the exhibits we had been looking at, and I think
 11 the last one we had been viewing was 244, and now
 12 I'm directing your attention to 245, and this one
 13 is easier, because it's typewritten. At the top
 14 you will see, Archbishop, it says, "Revised
 15 9/97." Do you remember why revisions are being
 16 made and/or recorded pertaining to restrictions
 17 that had been imposed on a number of priests?
 18 A I don't. I'd have to look at the names to see if
 19 there's differences from the first listing, but
 20 otherwise I can't tell you exactly why there
 21 would be any changes.
 22 Q There is a name right under Nichols, who we know
 23 is at that time deceased, but had been accused of
 24 abuse of minors, correct?
 25 A Yes.

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1 Q Underneath his name is another name. I'd like
 2 you to look at that name, and after you do, tell
 3 me if that name is on here because he had been
 4 accused of or engaged in abuse of minors.
 5 MR. LO COCO: Two down from Nichols?
 6 MR. ANDERSON: No, the one beneath
 7 Nichols?
 8 MR. LO COCO: Got it.
 9 THE WITNESS: He was not accused of
 10 abuse of minors, no.
 11 BY MR. ANDERSON:
 12 Q And then the other name you will see there is
 13 Silvestri. That is a name that's already known
 14 to us as having been accused of abuse of minors,
 15 but the name underneath that I'd like you to look
 16 at and see if that is, in fact, a name that
 17 appears here because he had been accused of or
 18 had abused minors.
 19 A He was not accused of abuse of minors.
 20 Q I'm directing your attention now to Exhibit 246.
 21 This is an assignment chart, or at least appears
 22 to be that by what's written at the top. What
 23 can you tell me about what this is and the
 24 purpose of it? By the way, the date, you will
 25 see, Archbishop, is October 31, '02. Now I do

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1 know that you have now retired and you are now in
 2 what we call, you call, Archbishop Emeritus
 3 status, correct?
 4 A Yes.
 5 Q But my question to you is are you familiar with
 6 this and/or what is -- what it reflects?
 7 A It seems to me, looking at it, that it was
 8 prepared for the web page of the Archdiocese
 9 where it lists not just those who had substantial
 10 accusations against them of sex abuse, but also,
 11 if you look at each one, it will tell you where
 12 they had been assigned, and that was so that
 13 those parishes also would be informed that the
 14 priest had been assigned there in case others
 15 would come forward. That's what I judge this
 16 would be.
 17 Q You will see that the first name here is a known
 18 priest known to have been accused and found to
 19 have offended against minors. That was the first
 20 name, correct?
 21 A Yes.
 22 Q That's Marvin Knighton, correct?
 23 A Yes.
 24 Q The second priest named here is also accused to
 25 have abused or offended minors, correct?

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1 A If so, that didn't happen in my time that he was
 2 accused.
 3 Q In the right-hand column there's a handwritten
 4 note there. Do you see that?
 5 A Yes.
 6 Q I read it to say, "Dolan will decide whether this
 7 goes to CDF."
 8 A That's what it sounds like, yes.
 9 Q And is it correct to say that it is the
 10 Archbishop's responsibility and authority to make
 11 the decision, in this case now Dolan, to decide
 12 whether these cases go to the CDF?
 13 A I haven't read recently the charter, the Dallas
 14 Charter. I judge that that's in the Dallas
 15 Charter.
 16 Q The Dallas Charter and the norms that were
 17 established came out of the Catholic Conference
 18 of Bishops meeting in 2002. Did you attend that
 19 meeting?
 20 A No.
 21 Q Who did on behalf of the Archdiocese of
 22 Milwaukee?
 23 MR. LO COCO: Objection, foundation.
 24 THE WITNESS: Bishop Skiba would have
 25 been the Administrator of the Diocese.

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1 BY MR. ANDERSON:
 2 Q The second page of this document under Peter
 3 Burns there is a name. I'd ask you to look at
 4 that name and tell me if this is somebody who you
 5 know to have been accused of sexual abuse of
 6 minors.
 7 A He was not accused during my time of sex abuse of
 8 minors.
 9 Q I'd direct your attention to the next page, and
 10 the first name that appears on this page I'd ask
 11 you to look at and see if that is one that is
 12 accused of abuse of minors?
 13 A There was no accusation of minors, no.
 14 Q Under "Substantiated" it says, "Under DA
 15 investigation," and it looks like '79 through
 16 '84. Can you tell me about what you know about
 17 that?
 18 MR. LO COCO: I'm going to object to the
 19 question. Archbishop Weakland already said it
 20 doesn't deal with sexual abuse of minors, so it's
 21 beyond the scope of this deposition, and I would
 22 instruct him not to answer that.
 23 THE WITNESS: I don't know what that
 24 means under DA.
 25 MR. MURRAY: That solves the problem.

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1 BY MR. ANDERSON:
 2 Q I'm going to have you turn two pages on this
 3 exhibit to the page that has -- In the lower,
 4 right-hand corner the last number is 18 appearing
 5 on it, which is Page 6 of this.
 6 MR. MURRAY: 218, did you say, Bates
 7 number?
 8 MR. ANDERSON: Yes.
 9 BY MR. ANDERSON:
 10 Q And, again, this is a chart, and the second
 11 priest identified there, do you see that name?
 12 A Yes.
 13 Q Do you know if that is a priest that then is
 14 accused of abuse of minors?
 15 A I don't remember.
 16 Q Under the substantiated portion in '65 -- You
 17 will see under that priest's name it says, "Needs
 18 further investigation. Three reports; all
 19 denied. One report Q'able."
 20 MR. MURRAY: Questionable.
 21 MR. ANDERSON: Questionable.
 22 BY MR. ANDERSON:
 23 Q Do you have any memory of what this refers to,
 24 Archbishop?
 25 A (Testimony stricken by agreement.)

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1 Q This isn't him. Oh, yes, yes, that's --
 2 A I don't. I don't.
 3 Q The name that is the third from the bottom, I
 4 will direct your attention to that, and it's
 5 below Jerome Wagner, who is known to have been
 6 accused, and looking at that name, is that a
 7 priest you had known as Archbishop to have been
 8 accused of abuse of minors?
 9 A No, he had left active ministry before I arrived,
 10 and I don't think I ever met him.
 11 MR. LO COCO: Can we go back to the
 12 earlier name? Archbishop said it three times.
 13 Can we agree to strike that name from the record?
 14 I mean, it's evident from the conversation the
 15 name that was being discussed, so if at some
 16 point in the future we need to put it into the
 17 record, people will know what the reference is.
 18 MR. ANDERSON: Let's for today agree to
 19 that, to keep it as clean as is necessary.
 20 MR. MURRAY: It wasn't really an answer.
 21 He was sort of thinking out loud.
 22 MR. LO COCO: Right. Thank you.
 23 BY MR. ANDERSON:
 24 Q Archbishop, we have gone through a number of
 25 lists that have been prepared and a number of

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1 restrictions that have been imposed by you as
 2 Archbishop upon a number of priests who are known
 3 and/or to be suspected of sexual abuse of minors.
 4 My question to you is did you, as the Archbishop,
 5 or anybody under your control in the Archdiocese
 6 at that time or any time make these lists or the
 7 lists that you knew to be credibly accused
 8 priests available to law enforcement?
 9 MR. MURRAY: Objection to form and vague
 10 as to time and multiple in form. Go ahead and
 11 answer, if you can.
 12 THE WITNESS: I don't think I ever said,
 13 "Give them a list," if that's what you are
 14 saying, but certainly my staff did consult the DA
 15 of the various counties when cases came up,
 16 especially those where the statute of limitation
 17 had expired. At the beginning I don't think we
 18 brought in the -- I will say this -- the police
 19 often enough, the DA, but it became then the
 20 practice to take each case. So often we were
 21 told then the statute of limitation had expired.
 22 Q Under your charge how many priests were actually
 23 reported to law enforcement for suspicion and/or
 24 investigation of sexual abuse of minors?
 25 A I wouldn't be able to give you a number.

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1 Q And you personally never made any reports,
 2 correct?
 3 A I, myself, I did not conceive of myself as a
 4 mandated reporter.
 5 Q You were in charge of education, were you not?
 6 A Yes.
 7 Q Did you know that educators were mandated
 8 reporters?
 9 A No.
 10 Q Who was then in charge of reporting sexual abuse
 11 known to the Archdiocese and you to law
 12 enforcement?
 13 MR. LO COCO: Objection, form as to
 14 time, time frame.
 15 MR. ANDERSON: While you were the
 16 Archbishop.
 17 THE WITNESS: It would depend on when it
 18 became obligator write by law that we report, and
 19 so I couldn't say up until then that there was
 20 anyone specifically nominated to do this, but
 21 certainly after the law, state law of mandated
 22 reporting, whoever took it in, received it, was
 23 to give it to the police.
 24 Q And who would that have been?
 25 A That would have been either the Office of Victims

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1 or the Vicar of Clergy.
 2 Q And do you have any memory by name of anybody
 3 under your authority who actually made a report
 4 of sexual abuse to law enforcement authorities?
 5 A You are getting into my last years as Bishop, and
 6 I don't think I could tell you during that
 7 period.
 8 Q Can you tell me when in time the first time you
 9 believe any report of suspicions of sexual abuse
 10 by any of the clerics was made to law enforcement
 11 under your charge?
 12 A Certainly there were cases in the '80's where
 13 this happened, but I think it wasn't because
 14 somebody from my office went, but rather that the
 15 victims or their parents or somebody took it to
 16 the police. So I can't tell you when would be
 17 the first from my office.
 18 Q Do you have any memory while Archbishop of
 19 Milwaukee of having discussions with any of your
 20 staff, those whom you appointed, from the
 21 auxiliary bishops to the Vicar for Clergy on
 22 down, about them having made a report to law
 23 enforcement concerning sexual abuse of minors?
 24 A I don't recall ever doing that, no.
 25 Q Archbishop, I'm going to direct your attention to

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1 these -- I'm going to direct your attention to
 2 another exhibit which we have marked Exhibit 247,
 3 and it is, while Mike Finnegan gets it out, an
 4 article from the New York Times in which you are
 5 quoted.
 6 MR. MURRAY: Oh, that's not in the
 7 volume. Here we go.
 8 BY MR. ANDERSON:
 9 Q And he's handing it to counsel and yourself. I'm
 10 not going to ask you to read the article, but I
 11 am going to ask you a couple of questions about
 12 where you are quoted as having made statements
 13 that pertain to this inquiry. At the second page
 14 of this article and exhibit, the last line in it,
 15 and I will read it and then ask you a question,
 16 states, "The Archbishop said a highly placed
 17 friend in Rome advised him that church officials
 18 preferred that such things be hushed up, which
 19 is, quote, 'the Roman way,'" unquote. Did you
 20 make that statement?
 21 MR. LO COCO: Objection. Hold on. I
 22 need to read the exhibit. Well, I object to the
 23 form of the question, because this quote is not
 24 in the context of sexual abuse of minors, it's
 25 got a different context which is not a subject

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1 for this Rule 2004 examination, so I instruct the
 2 witness not to answer.
 3 BY MR. ANDERSON:
 4 Q Are you going to follow that instruction?
 5 MR. MURRAY: I will also instruct the
 6 witness not to answer. This topic is certainly
 7 not within the three areas of permissible inquiry
 8 for this deposition. Instruct the witness not to
 9 answer the question.
 10 BY MR. ANDERSON:
 11 Q I'm going to refer you to the next page of this
 12 exhibit.
 13 MR. MURRAY: That's Page 3.
 14 BY MR. ANDERSON:
 15 Q Before I do, I want to ask you a question in the
 16 context of the sexual abuse of minors. In your
 17 view and experience, was it a practice to hush it
 18 up in the clerical culture?
 19 MR. MURRAY: Objection, vague as to
 20 time. You may answer, if you can.
 21 THE WITNESS: I can't say it was a
 22 practice to hush it up, because I'm not quite
 23 sure what is implied there, but there was a
 24 certain kind of fear of scandal, and nobody likes
 25 to put their dirty laundry out on the line. So

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1 in that respect, yes.
 2 BY MR. ANDERSON:
 3 Q And the rules that you were required to operate
 4 under referred to earlier also required that you
 5 avoid scandal, did they not?
 6 A I'm not quite sure how it's worded.
 7 Q I'll refer you back to the same exhibit, but now
 8 to the third page, Archbishop. In the middle of
 9 it I will read a passage and then ask a question.
 10 It is quoted -- You are quoted as having said the
 11 following: "Archbishop Weakland and the
 12 Milwaukee Archdiocese are also the target of
 13 several lawsuits accusing them of failing to
 14 remove abusive priests, allowing more minors to
 15 be victimized."
 16 MR. LO COCO: First of all, that's not a
 17 quote from Archbishop Weakland.
 18 MR. ANDERSON: I didn't -- I'm quoting
 19 from the --
 20 MR. LO COCO: Read the question back.
 21 That's what you said.
 22 MR. ANDERSON: Okay. Let me just
 23 restate the question.
 24 BY MR. ANDERSON:
 25 Q I'm reading from the article now, and then I will

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1 ask you a question. The article states,
 2 "Archbishop Weakland and the Milwaukee
 3 Archdiocese are also the target of several
 4 lawsuits accusing them of failing to remove
 5 abusive priests, allowing more minors to be
 6 victimized." First, do you believe that to have
 7 been a correct statement?
 8 MR. LO COCO: Objection to form,
 9 foundation.
 10 THE WITNESS: I don't know.
 11 BY MR. ANDERSON:
 12 Q Okay. It goes on to state, "In the interview, he
 13 blamed psychologists for advising bishops that
 14 perpetrators could be treated and returned to
 15 work." Did you say that?
 16 A I don't like the way that's worded. It doesn't
 17 correspond to my way of phrasing it. I did say
 18 that I thought psychologists were going through
 19 the same learning curve everybody else was, and
 20 that we would look back on it and they would look
 21 back on it as giving advice that was too positive
 22 at the beginning.
 23 Q It goes on to state, "And he blamed the Vatican's
 24 tribunals for spending years debating whether to
 25 remove abusers from the priesthood." Did you

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1 state that?
 2 A I may have stated it, again, a little bit more
 3 diplomatically that cases that went to the
 4 Vatican so often would take years before they
 5 would be responded to, at which time, if it was a
 6 case of sexual abuse, you had to come to some
 7 solution.
 8 Q At the next paragraph there is a quote. It is,
 9 quote, "'The concern was more about the priests
 10 than about the victims,' unquote, Archbishop
 11 Weakland said." Is that an accurate quote?
 12 MR. LO COCO: Objection to the form,
 13 lacks context. You can answer.
 14 THE WITNESS: It would be accurate if it
 15 meant the first years which I was Archbishop. It
 16 seemed to me that during those years we did not
 17 know of the great psychological damage that could
 18 be done and that, therefore, we were placing more
 19 emphasis on what to do about the priests. This
 20 was a new experience. In that sense I would say,
 21 yeah. This summarizes a whole long discussion.
 22 Q Archbishop, there is another exhibit in which you
 23 are quoting from the New York Times, and just to
 24 go through it, I'm going to ask you if what is
 25 attributed to you is true.

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1 MR. MURRAY: What exhibit is this?
 2 MR. ANDERSON: It's Exhibit 248. That's
 3 the article.
 4 BY MR. ANDERSON:
 5 Q I'm just going to read the passage and ask you a
 6 question, if it's true.
 7 MR. LO COCO: No, we're not doing that.
 8 MR. MURRAY: If it's an exhibit, I'd
 9 like him to see it.
 10 BY MR. ANDERSON:
 11 Q Let me ask you this. You submitted your
 12 resignation for retirement to the Vatican on
 13 April 2nd when you turned 75, correct?
 14 A Yes.
 15 Q And is it also correct to say the Vatican did not
 16 act on that request immediately?
 17 A They sent me a letter immediately saying that
 18 they accepted the resignation hic pro tunc, which
 19 is a legal phrase meaning we accept it now to be
 20 effective whenever we appoint your successor.
 21 Q And do you have any information that your
 22 resignation or the acceptance of it was delayed
 23 because of the scandal that was breaking out
 24 concerning sexual abuse of minors?
 25 A No.

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1 Q I'm going to show you Exhibit 248. This would be
 2 the article that I was referring to. It's
 3 published May 24, '02. In the middle of the
 4 article --
 5 MR. MURRAY: Read the whole thing.
 6 BY MR. ANDERSON:
 7 Q -- there is a passage at the ninth paragraph down
 8 beginning with, "Archbishop Weakland."
 9 MR. MURRAY: Jeff, give him a second.
 10 Give him a second to read it, if you would.
 11 MR. ANDERSON: This is a very focused
 12 question. He doesn't have to read the whole
 13 article.
 14 MR. MURRAY: What's your question?
 15 BY MR. ANDERSON:
 16 Q The question is it states, "Archbishop Weakland,
 17 appointed to his position 25 years ago by Pope
 18 Paul VI, formally submitted his request for
 19 retirement to the Vatican on April 2nd when he
 20 turned 75. The Vatican has not acted on his
 21 request, and Archbishop Weakland said recently he
 22 had been informed that all bishops' retirements
 23 in the United States were delayed because of the
 24 scandal."
 25 MR. LO COCO: Where are you? I can't

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1 find that anywhere.
 2 MR. ANDERSON: The seventh paragraph on
 3 --
 4 MR. LO COCO: On Page 1?
 5 MR. FINNEGAN: What's the date on that?
 6 MR. LO COCO: May 25, 2002.
 7 MR. ANDERSON: You have a different one
 8 then.
 9 MR. LO COCO: Yes.
 10 BY MR. ANDERSON:
 11 Q Did you believe that, Archbishop, either your
 12 requirement or other retirements were delayed
 13 because of the sex abuse scandal?
 14 A First time I ever heard that.
 15 Q Now, Archbishop, when it comes to the mandate of
 16 celibacy, did priests violating celibacy and the
 17 culture around that contribute to the abuse of
 18 minors by priests?
 19 MR. MURRAY: Object to the form of the
 20 question. I don't understand it. If you do, go
 21 ahead.
 22 MR. LO COCO: Foundation, calls for
 23 expert testimony.
 24 THE WITNESS: I can't say it contributed
 25 to, because I wouldn't no. I think you would

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1 have to ask the perpetrators rather than me.
 2 BY MR. ANDERSON:
 3 Q Do you think that it -- that the celibacy
 4 requirement and some of the attitudes of the
 5 leaders around it and the relaxation of it, if
 6 you will, contributed to the sexual abuse of
 7 minors?
 8 MR. LO COCO: Same objection.
 9 MR. MURRAY: Object. It calls for
 10 speculation, lacking in foundation for this
 11 witness' testimony. Go ahead and answer, if you
 12 know.
 13 THE WITNESS: I can't see the cause and
 14 effect there. I can't see how they would work
 15 out.
 16 BY MR. ANDERSON:
 17 Q I'm not talking about the direct cause as the
 18 single cause, but a substantial part. Did it
 19 play a contributing part to the frequency of
 20 priests acting out against minors?
 21 MR. LO COCO: Same objections.
 22 THE WITNESS: I think one would have a
 23 hard time proving that.
 24 BY MR. ANDERSON:
 25 Q Archbishop, it is said that as a bishop or an

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1 Archbishop you would be called and considered the
 2 shepherd of the flock. Is that a fair
 3 description?
 4 A That is.
 5 Q And the flock includes whom?
 6 A All the baptized within the territory of which
 7 you are bishop.
 8 Q And there is also a number of descriptors as the
 9 Archbishop that you are also in charge of the
 10 care of the souls of the community of faith.
 11 What does that mean?
 12 A It would mean, I take it, that the bishop should
 13 be concerned about the spiritual wellbeing and
 14 not just the material wellbeing of those who live
 15 in that area.
 16 Q And when a priest abuses a minor under his care,
 17 what does that do to the soul of that child?
 18 MR. MURRAY: Objection, calls for
 19 speculation, but go ahead and answer.
 20 THE WITNESS: It could very much affect
 21 the spiritual life of that person, there's no
 22 doubt, and I think that's why we bishops have
 23 been apologizing so much with regret about that
 24 damage that could come spiritually to somebody
 25 who was abused where that is not just a

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1 psychological kind of wound, but can also be very
 2 much a spiritual wound.
 3 BY MR. ANDERSON:
 4 Q You had said earlier that there had, when we were
 5 talking about the clerical culture, that there
 6 has been a fear of scandal. Does that in some
 7 ways translate to a fear of publicity that the
 8 community, the flock, would know that priests had
 9 abused children?
 10 A I don't think so, no.
 11 Q When you say there's a fear then of scandal, what
 12 do you refer to?
 13 A Scandal in this case is the people would then --
 14 this is, I think, the technical meaning -- people
 15 might then begin to reject the faith and be
 16 scandalized in that sense.
 17 Q Well, if a priest is abusing a child and the
 18 flock learns of it, that is scandal, isn't it?
 19 A In normal parlance, yes.
 20 Q As the Archbishop, it is both correct and fair to
 21 say that you have both the authority and the
 22 responsibility to make choices concerning the
 23 care of the souls in your charge?
 24 A Yes.
 25 Q And in particularly who you choose to ordain and

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1 where you choose to assign the priest, correct?
 2 A Those are some of many responsibilities.
 3 Q And is it correct to say that when it comes to
 4 the abuse of children by clerics, it is the
 5 Archbishop and the Archdiocese that could choose
 6 to put a priest into a parish --
 7 MR. MURRAY: Can I have that question
 8 read back, please?
 9 MR. ANDERSON: Oh, I wasn't done.
 10 MR. MURRAY: Oh, sorry. That's why it
 11 didn't make sense to me.
 12 BY MR. ANDERSON:
 13 Q -- exclusively?
 14 MR. MURRAY: Now I'd like to have it
 15 read back.
 16 COURT REPORTER: "And is it correct to
 17 say that when it comes to the abuse of children
 18 by clerics, it is the Archbishop and the
 19 Archdiocese that could choose to put a priest
 20 into a parish exclusively?"
 21 MR. MURRAY: Well, object to the form of
 22 the question. I don't get it, but if you do, go
 23 ahead.
 24 MR. ANDERSON: I don't think it was a
 25 good question. I will ask you another question.

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1 BY MR. ANDERSON:
 2 Q Is it correct to say that if the Archbishop knows
 3 that there is a suspicion that a priest has
 4 abused a child, that the Archbishop has the power
 5 to make the choice to continue that priest in
 6 ministry?
 7 A Yes.
 8 Q Would you agree with the statement no one is ever
 9 allowed to needlessly endanger children?
 10 MR. MURRAY: Object to the form.
 11 Allowed by whom, I guess would be my question.
 12 MR. ANDERSON: Any adult.
 13 THE WITNESS: It's pretty general, but I
 14 would say, yes, I think that's true.
 15 BY MR. ANDERSON:
 16 Q Would you agree with the statement that no bishop
 17 should ever be allowed to needlessly endanger
 18 children?
 19 A I would say yes without any qualifications there.
 20 Q Would you agree that no bishop or no one -- Let
 21 me rephrase that.
 22 Would you agree with the proposition
 23 that no adult should be allowed to ever gamble
 24 with the safety of children?
 25 MR. LO COCCO: Object to the form.

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1 MR. MURRAY: I think it's argumentative.
 2 Object on that basis, also, but go ahead and
 3 answer, if you can.
 4 THE WITNESS: Insofar as it's possible,
 5 yes.
 6 BY MR. ANDERSON:
 7 Q I'm going to direct your attention to
 8 Exhibit 153. When you find Exhibit 153 there,
 9 Archbishop and Counsel, while you are looking, I
 10 will refer you to some Vicar Logs here that have
 11 been produced, and at the second page of
 12 Exhibit 153, a Vicar Log under item No. 15.
 13 MR. LO COCO: I will stop you there,
 14 Jeff, just a second. When I looked at this
 15 yesterday, it was clear to me that Item 15 should
 16 have been redacted completely, so I claim our
 17 right to redact as attorney/client privilege for
 18 the rest of 15. Clearly, that's the rest of the
 19 reflections of Matt Flynn, and under our
 20 Protective Order I can redact that and I'm doing
 21 so.
 22 BY MR. ANDERSON:
 23 Q I will ask you with his objection noted Item 15.7
 24 --
 25 MR. LO COCO: We're not talking about

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1 it. This is -- This shouldn't have been produced
 2 in this form.
 3 MR. FINNEGAN: I don't think that that's
 4 Matt Flynn that is saying No. 7 at all.
 5 MR. ANDERSON: Counsel, we're --
 6 MR. LO COCO: The title of this says,
 7 "Reflections of Matt Flynn," and it's a
 8 continuation, clearly, of 1, 2, 3, 4, 5, 6, 7.
 9 MR. FINNEGAN: It's a separate entry.
 10 MR. LO COCO: I'm telling you right now
 11 we're not asking questions -- You can ask
 12 questions. I'm not going to let this witness
 13 answer with respect to those items. That is
 14 attorney/client privilege.
 15 MR. ANDERSON: If he's instructing him
 16 not to answer, the witness is going to follow the
 17 instruction, I presume, so I'm going to move on
 18 and use the time not to argue and note that we
 19 disagree.
 20 MR. LO COCO: Fair enough.
 21 BY MR. ANDERSON:
 22 Q And I will ask you this question. Do you believe
 23 that the Archdiocese of Milwaukee can afford to
 24 put parishes in a position where they are
 25 gambling as a roulette table with the placement

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1 of offending priests?
 2 MR. MURRAY: Object to the form of the
 3 question as vague and ambiguous, but if you
 4 understand, you can answer.
 5 THE WITNESS: I don't understand the
 6 question. I'm not quite sure what you mean by
 7 gambling. It's a metaphor that doesn't quite
 8 ring a bell. Can you say it in English?
 9 MR. ANDERSON: Yes, sure.
 10 BY MR. ANDERSON:
 11 Q Do you think an Archbishop or a Bishop should
 12 ever gamble with the safety of a child by
 13 knowingly placing a priest in a parish?
 14 MR. MURRAY: I think your hypothetical
 15 is incomplete.
 16 MR. ANDERSON: Who has offended a child.
 17 THE WITNESS: If you had asked me that
 18 question 30 years ago, I probably wouldn't have
 19 understood what you were talking about, but today
 20 I would say you should never gamble.
 21 BY MR. ANDERSON:
 22 Q And isn't it true that child safety is always an
 23 important and primary consideration in assigning
 24 any employee to their position?
 25 A Yes. Could I say, Jeff, that I have never seen

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1 this page before, and it's not clear to me who is
 2 talking in these points.
 3 Q Okay. And is it also fair to say that when we
 4 are talking about child safety and the obligation
 5 of an Archbishop for that being a primary
 6 consideration in assigning a priest to a parish,
 7 is it also agreed, Archbishop, that if you know
 8 that the priest has offended in the past against
 9 a child, there's a risk that he will offend
 10 again?
 11 MR. MURRAY: Objection, incomplete
 12 hypothetical, but you may answer, if you can.
 13 THE WITNESS: In the '70's, probably
 14 early '80's, I would have thought that it was
 15 controllable as a matter of my faith upbringing
 16 and also my formation. But as time went on, I
 17 thought it was still controllable, but rarely,
 18 and I began to see the enormous amount of help
 19 that was necessary for a priest to control
 20 something like this. That was an enormous amount
 21 of expense, as well, for psychological help, et
 22 cetera. So at that point it just seemed to me
 23 that it wasn't worth being able to do that.
 24 Q It is true that you did continue priests in
 25 ministry who you had known had been accused of or

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1 admitted having sexually abused children?
 2 MR. LO COCO: Object to the form.
 3 THE WITNESS: It's true that up until
 4 the early '90's that's probably true, and then it
 5 became much more difficult in my own mind,
 6 because I began then to see that there was little
 7 success in helping, but it was a judgmental call,
 8 and certainly the care of the kids would have
 9 been high on the list, if any risk was taken.
 10 Also, because I'm not sure that at that
 11 moment of history it would have been wise to just
 12 throw priests out without Rome's permission,
 13 even, and let them become kind of wards of the
 14 state. I'm not quite sure what would have
 15 happened. So I would have to say that those were
 16 a period of time there where I began to realize
 17 the dangers of letting them in ministry, began to
 18 see the difficulty of any kind of curative
 19 processes, but that with good supervision, they
 20 were probably of little risk to society. That's
 21 all I can say at that period, especially because
 22 it seemed impossible to present all these cases
 23 to Rome up until the next decade.
 24 Q If '85 the Bishops assembled at St. John's, and
 25 that was the Catholic Council of Bishops annual

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1 meeting, and there was presentations made about
 2 pedophilia and abuse of minors in the priesthood,
 3 and your awareness of the magnitude of the
 4 problem was heightened at that time?
 5 A Yes.
 6 Q And you became, I think, much more acutely aware
 7 of the magnitude of that problem, did you not?
 8 A Yes.
 9 Q And did you write in your book, "I do not see how
 10 any Bishop after that meeting could have
 11 maintained that he was ignorant of the severity
 12 of the damage to the victims or that he did not
 13 know of the likely possibility of recidivism
 14 among the perpetrators?"
 15 A Yes.
 16 MR. LO COCO: What page is that, Jeff?
 17 MR. ANDERSON: 348.
 18 MR. LO COCO: Thank you.
 19 BY MR. ANDERSON:
 20 Q And that is your view, is it not?
 21 A Yes.
 22 Q And it's also your view even if some Bishops
 23 thought the number of potential victims was being
 24 exaggerated, the number was still staggering?
 25 A Yes.

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1 Q When it comes to the authority and power that the
 2 Bishop has or the Archbishop, in your case, to
 3 make these choices about continuing priests in
 4 ministry or transferring them to another parish
 5 or restricting their ministry in some way, would
 6 you agree the more dangerous something is to
 7 children, the more careful those who can prevent
 8 the danger must be?
 9 A I would say yes, but I don't think I would have
 10 been aware of that up until 1990 something.
 11 Q What in 1990 something made you more aware than
 12 you had been before?
 13 A Probably the Effinger case.
 14 Q That would be '79?
 15 A It happened -- The first one happened in '79, but
 16 he was accused on TV, as I recall, in about 1992.
 17 I think that's about the right date for that.
 18 Although the person who brought the accusation on
 19 TV said it happened in the late '70's, it did
 20 cause some real problems in that parish, and it
 21 was my first time that I can recall that I went
 22 to the parish on Sunday evening for a meeting of
 23 the parishioners and to just hear them out and
 24 see what -- and let them know what had happened.
 25 It was from that kind of meeting, and I would say

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1 the second one was with the deaf community that I
 2 became aware of the way in which not just the
 3 individuals, but whole families could be hurt by
 4 the molestation and how difficult it was to come
 5 to any healing.
 6 Q Would you agree, Archbishop, that it should be a
 7 rule for all of us, Bishops included, that the
 8 greater the danger to children, the greater the
 9 care required?
 10 MR. MURRAY: Object to the form of the
 11 question, but you may answer.
 12 THE WITNESS: Yes. Yes, I have come to
 13 that conclusion.
 14 BY MR. ANDERSON:
 15 Q And in terms of the choices then that you made as
 16 Archbishop and the care of children and the risk
 17 posed by sexual abuse, do you agree that you made
 18 decisions in continuing known offenders in
 19 ministry that endangered children?
 20 MR. MURRAY: Object to the form of the
 21 question, multiple and vague and nonspecific as
 22 to time. If you can answer, go ahead.
 23 THE WITNESS: I think I made decisions
 24 to continue priests in restricted ministry with
 25 some kind of -- what's the word I'm looking

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1 for -- probation officer informing the staffs and
 2 the parish council, or if it was a hospital,
 3 administrators, alerting everyone to the
 4 possible, even though the psychiatrist may have
 5 said that the risks were minimal. So putting
 6 together a combination of things to try to
 7 minimize the possibilities and the risks, and
 8 much of that I think also depended on the
 9 goodwill and the makeup of the priest in question
 10 and the fact that to bring a case, a legal -- a
 11 nonlegal case to dismiss the person from
 12 priesthood would have taken years, and probably
 13 not have gone anywhere. So I admit I felt often
 14 between a rock and a hard place on this.
 15 When I compare, though, what happened
 16 after we got all of these pieces together to
 17 monitor the priests, I don't know of any
 18 recidivism. I have to say that. If there was, I
 19 didn't know about it. The fact that the priest
 20 was under surveillance, plus the Vicar for
 21 Clergy, plus myself and my staff, et cetera, it
 22 would be interesting for me to know how --
 23 whether or not that was effective in any way. I
 24 wouldn't repeat it, if I had to do it again
 25 today.

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1 I think with the Charter, the Dallas
 2 Charter and the way in which now it's much easier
 3 to get people like this dismissed from
 4 priesthood, I would follow that route. But back
 5 then I thought this was the way to go, and it's
 6 the best I could do.
 7 Q Do you agree that knowing that there was a risk
 8 of recidivism concerning sexual abuse, that when
 9 you continued priests in ministry without warning
 10 parishioners, that you, as Archbishop, were
 11 reckless in that choice?
 12 MR. LO COCO: Objection, form.
 13 MR. MURRAY: Same objection. Also vague
 14 and ambiguous as to time.
 15 MR. LO COCO: Argumentative.
 16 MR. MURRAY: Join.
 17 THE WITNESS: I don't like the word
 18 reckless. I don't think that describes what was
 19 going on.
 20 BY MR. ANDERSON:
 21 Q Well, let me use the word reckless as defined in
 22 the dictionary for you and see if that helps you
 23 answer the question. Okay?
 24 A Fine.
 25 Q For purposes of the question I will just go to

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1 the dictionary and read from Webster's.
 2 "Reckless: Marked by lack of proper caution,
 3 careless of consequences, negligent." Using that
 4 definition, can you -- of reckless, when you made
 5 decisions or choices to continue priests in
 6 ministry knowing they had a history of abuse --
 7 MR. LO COCO: Can I hear that question
 8 back?
 9 MR. ANDERSON: I wasn't finished.
 10 BY MR. ANDERSON:
 11 Q When you made choices to continue priests in
 12 ministry who had histories of having offended
 13 children, do you agree that that choice was
 14 reckless?
 15 MR. LO COCO: Now can I hear the
 16 question?
 17 COURT REPORTER: "For purposes of the
 18 question I will just go to the dictionary and
 19 read from Webster's. "Reckless: Marked by lack
 20 of proper caution, careless of consequences,
 21 negligent." Using that definition, can you -- of
 22 reckless, when you made decisions or choices to
 23 continue priests in ministry knowing they had a
 24 history of abuse -- When you made choices to
 25 continue priests in ministry who had histories of

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1 having offended children, do you agree that that
 2 choice was reckless?"
 3 MR. LO COCO: I object to the form of
 4 the question. Are you going to --
 5 MR. ANDERSON: Legal objection, please.
 6 MR. LO COCO: I object to the form of
 7 the question because Webster's dictionary is an
 8 irrelevancy.
 9 MR. MURRAY: I object because it's vague
 10 and nonspecific as to time. You are covering a
 11 span of a long time, a number of different
 12 decisions that were made by this witness, and I
 13 think your question is nonspecific and an
 14 incomplete hypothetical. Subject to all of that,
 15 if you can answer the question, go ahead.
 16 THE WITNESS: I don't still like the
 17 word reckless as defined by Webster. I think we
 18 did take cautionary measures, so that to say it
 19 was done without that kind of caution doesn't
 20 fit, and I don't think the word reckless is the
 21 proper word.
 22 BY MR. ANDERSON:
 23 Q Okay. When you say you took cautionary measures,
 24 let's talk, Archbishop, about some cautionary
 25 measures that you didn't take. First, you could

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1 have chosen when you assigned a known offending
 2 priest to a parish or a school or anyplace in the
 3 Archdiocese to have disclosed to the community of
 4 faith that you knew he had offended in the past,
 5 correct?
 6 A I could have.
 7 Q And you chose not to?
 8 A Yes.
 9 Q Why didn't you disclose what you knew and the
 10 Archdiocese knew in its files about offending
 11 priests?
 12 A Because I informed the staff and the parish
 13 council, the people that he would be working
 14 with, and that was probably more supervision than
 15 most anybody would get in our own society. And
 16 in addition to on my staff the people who knew
 17 and were involved, so I don't know what more I
 18 could have done. This is a period long before we
 19 had lists of people like this civilly in the
 20 counties and states, and so I don't think you can
 21 ask more of me than you would have asked of
 22 general society at that time. And we were given
 23 the advice, and I think I mentioned this
 24 previously, in 1985 at Collegeville not to just
 25 dismiss the priests without supervision into

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1 society, to try to work with them. That's what I
 2 was doing.
 3 Q Well, let's talk about society and while you were
 4 Archbishop and what employers would do. Would
 5 you agree that Bishops gave special treatment to
 6 priests because they were priests when it came to
 7 continuing in the ministry with a history of
 8 sexual abuse as opposed to others employers in
 9 society?
 10 MR. MURRAY: Object to form. You may
 11 answer.
 12 THE WITNESS: I don't know.
 13 BY MR. ANDERSON:
 14 Q When you look back at your period from '77 to
 15 2002, can you identify employers that would
 16 continue employees in the care of children after
 17 they knew that they had offended children?
 18 A I knew that there were ways in which people who
 19 were teaching, for example, in the school system
 20 would be dismissed, but I don't know that there
 21 was any list for another school to know who these
 22 people were, and you picked them up. And I know
 23 there was no list that went beyond, let's say,
 24 state boundaries. So that was typical of the way
 25 in which schools would have handled it.

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1 I don't know of any list whatsoever of
 2 this sort with regard to groups like Boy Scouts.
 3 I had Catholic Boy Scout group in Milwaukee, but
 4 never once did we ever get any kind of letter
 5 from the Boy Scouts with a list of those who had
 6 been accused of sex abuse of minors.
 7 Q There were occasions where you as Archbishop
 8 chose to move an offending priest to another
 9 assignment away from where he had offended,
 10 correct? Transfer.
 11 A I'm sure that happened.
 12 Q And it was you as Archbishop who had complete
 13 authority as to where you chose to assign a
 14 priest within the Diocese?
 15 A Yes.
 16 Q And that has been the case both for your
 17 predecessor and your successors, correct?
 18 A Yes.
 19 Q And, in fact, that hasn't changed for hundreds of
 20 years, correct?
 21 A Yes.
 22 Q An Archbishop can remove and suspend a priest of
 23 the Archdiocese at any time for any reason?
 24 A He can remove a priest from anyplace. He can
 25 suspend a priest, but with reason, because the

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1 priest could always start a case against him,
 2 which is more than legal and should be, should
 3 be, so that has to be qualified.
 4 Q But if there's a risk of harm to the kids, the
 5 Archbishop has the power to pull him out of the
 6 assignment, in any case, correct?
 7 A Yes.
 8 Q On a phone call?
 9 A I suppose, but to make it clear, it would have to
 10 be in writing.
 11 Q Follow up in writing, correct?
 12 A Yes.
 13 Q Now when an Archbishop chooses to assign a priest
 14 within the Archdiocese, is it correct to say that
 15 it's his obligation and responsibility to first
 16 assess whether that priest is fit for that
 17 assignment?
 18 A Insofar as it's humanly possible to know anybody
 19 totally, yes.
 20 Q And if an Archbishop and you as Archbishop knew
 21 that the priest had offended in the past against
 22 a child and still chose to assign him in another
 23 parish, is that an appropriate choice?
 24 MR. MURRAY: Object to form, incomplete
 25 hypothetical. Go ahead and answer, if you can.

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1 MR. LO COCO: Join.
 2 THE WITNESS: Given what we know today
 3 and the way in which this whole issue has grown
 4 in terms of our knowledge, I would say that today
 5 you must always error on the side of prudence and
 6 care.
 7 BY MR. ANDERSON:
 8 Q And isn't it also correct, even if it's painful
 9 to say or suggest, that to assign an offending
 10 priest to a parish or a school is a gamble and a
 11 known risk?
 12 MR. MURRAY: Object to the form of the
 13 question, vague as to time. You may answer, if
 14 you can.
 15 MR. LO COCO: I'll join.
 16 THE WITNESS: I can't answer that, Jeff,
 17 because it would involve knowing the person, the
 18 circumstances and everything that went together.
 19 BY MR. ANDERSON:
 20 Q It really involves the calculation of risk,
 21 doesn't it?
 22 A Yes.
 23 Q And the calculation, when you really think about
 24 the decisions being made here pertaining to
 25 sexual abuse, the Clerics, the Bishops and you as

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1 Archbishop, it really was we have to weigh the
 2 concerns about publicity and scandal against the
 3 risk of harm to the kids and the families, right?
 4 MR. LO COCO: Objection, form.
 5 THE WITNESS: I would say there are
 6 other things that go into -- that you put on the
 7 scale. One of them is the rights of the person
 8 and what can be done to help that person to
 9 become a full human being. We all have and must
 10 have tremendous regard and concern about the
 11 victims, but as Christians, at least I would hold
 12 you also have concern about every human being,
 13 which includes the perpetrators. I'm not sure we
 14 have advanced a whole lot in understanding how to
 15 help perpetrators, so -- and I do have a concern
 16 for the perpetrators. I met so many very
 17 talented, wonderful people who will not be able
 18 to contribute to society because of this awful I
 19 will call it affliction and danger that they pose
 20 to society. So to be round about it, I would
 21 have to include everything.
 22 BY MR. ANDERSON:
 23 Q So is it fair to say that when you say the rights
 24 of the person, you are talking about the rights
 25 of the perpetrator, aren't you?

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1 A Yes.
 2 Q So when it comes to assigning perpetrators known
 3 to you, you were concerned about their rights?
 4 A I was.
 5 Q It's also fair to say that the Vatican tied your
 6 hands, didn't they?
 7 MR. MURRAY: Object to the form,
 8 argumentative.
 9 MR. LO COCO: And I don't see --
 10 MR. MURRAY: It's also vague as to time.
 11 You may answer. Go ahead.
 12 MR. LO COCO: And to specific people.
 13 THE WITNESS: The Vatican includes
 14 hundreds of people, as you know.
 15 BY MR. ANDERSON:
 16 Q Well, ultimately it's the Holy Father that makes
 17 the decisions at the Vatican, so I'm talking
 18 about the rules that you are required to operate
 19 under as promulgated by the papacy, including the
 20 code.
 21 MR. LO COCO: Objection to form.
 22 THE WITNESS: It certainly meant that
 23 they who are responsible for the code had to
 24 learn, as we all had to learn in that period
 25 through experience, what is needed in order to

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1 protect the kids and not have to be worried about
 2 pedophile priests, yes. I would say that they
 3 were behind the curve like the rest of us were.
 4 MR. MURRAY: Jeff, my watch says it's
 5 noon. I don't want to cut you off midline of
 6 questioning, but we should talk about your plans
 7 for lunch.
 8 MR. ANDERSON: If you would like to take
 9 a break now, we certainly can.
 10 THE WITNESS: After lunch, one hour and
 11 then go to tomorrow. I'm 84 now.
 12 MR. LO COCO: Let's go off the record.
 13 THE COURT: We're going off the record
 14 at 12:01 a.m.
 15 (A luncheon recess was taken.)
 16 VIDEOTAPE TECHNICIAN: We're back on the
 17 record at 1:13 p.m.
 18 BY MR. ANDERSON:
 19 Q Archbishop, I had been asking you a series of
 20 questions about choices that you as an Archbishop
 21 make concerning the assignment, transfer,
 22 removal, restriction and the like of priests in
 23 the Archdiocese, and in particular those for whom
 24 you had reason to believe they had offended and
 25 posed a risk. I wanted to continue with a few

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1 more questions along that line.
 2 Is it correct to say that when you did
 3 choose to assign a priest to a parish or a
 4 school, you are, by making that assignment,
 5 making a representation to the people of that
 6 parish and that school that that man is both
 7 chaste and worthy of trust?
 8 MR. LO COCO: Objection, asked and
 9 answered.
 10 MR. MURRAY: Form, but go ahead, if you
 11 can.
 12 THE WITNESS: I'm not sure how the
 13 people will pick up the sign, so all I can say is
 14 that when I would make an appointment, I thought
 15 the person could do the task, fulfill the task
 16 and would certainly not cause harm.
 17 BY MR. ANDERSON:
 18 Q And you're representing to the people in the
 19 community of faith by that that this priest is
 20 safe, correct?
 21 A Correct, insofar as anyone is safe.
 22 Q And you are also making a choice, when you know
 23 that the priest has a history, to not disclose
 24 the history you know when you make that
 25 assignment?

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1 A At first that was true. Later, though, I did
 2 feel a need to disclose it to those we were
 3 monitoring, and that included the parish council
 4 and the staff where the priest would be working.
 5 Q But to the people of faith, and that is the
 6 community in general, who were trusting the
 7 priest and going to the priest for sacraments and
 8 guidance and advice, there was never a disclosure
 9 to the parishes or to the community of faith
 10 about what the Archdiocese knew about the history
 11 of the offenders, correct?
 12 MR. LO COCO: Objection, form and
 13 foundation, time frame.
 14 MR. ANDERSON: At any time while you
 15 were Archbishop.
 16 THE WITNESS: To my knowledge, there was
 17 no information given out to -- up until a certain
 18 point where when we had new cases come in we
 19 would certainly then not only inform the parish,
 20 but also any of the parishes where that priest
 21 had been assigned, and I saw that list you gave
 22 me had the names of all those assignments listed.
 23 At a certain point it seemed that it was
 24 important to check the past history to see if
 25 there were anymore victims, and I know that my

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1 staff called the pastor of those parishes to let
 2 them know that father so and so was guilty of sex
 3 abuse of kids.
 4 Q When did you as the Archbishop and your people
 5 begin to call pastors and tell pastors that you
 6 were assigning a priest with a history of
 7 offending minors?
 8 A When did --
 9 Q When did you begin to do that for the first time,
 10 if you did, where you let the pastors know that
 11 you are assigning Father X to a priest with a
 12 known history of child abuse?
 13 A If we were assigning a priest, the priest was not
 14 the pastor, he would have been the -- The pastor
 15 would have been informed and the staff. When did
 16 we start that? Is that the question?
 17 Q Yes.
 18 A Certainly after Project Benjamin was functioning,
 19 so it would have to be, I'd judge, about 1992,
 20 '93, somewhere in that area.
 21 Q It's also correct to say that the people that
 22 were informed were either the pastors or other
 23 employees of the Archdiocese, correct?
 24 A No, no.
 25 Q What people beyond the employ or the control of

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1 the Archdiocese were actually informed?
 2 MR. LO COCO: Objection to form.
 3 THE WITNESS: The parish council.
 4 BY MR. ANDERSON:
 5 Q Anybody beyond that?
 6 A Staff who would be working for the parish, and
 7 that would be it.
 8 Q At what church was the parish council notified
 9 that they had received or had an assignment by
 10 you of a priest with a history?
 11 A What church?
 12 Q Yes. What parish.
 13 A There would have been several. There would have
 14 been -- At that point there would have been many
 15 parishes where -- many, some, where if a priest
 16 was sent out, if he was moved to a parish,
 17 everybody would have been informed.
 18 Q Can you identify any parishes where there was any
 19 disclosure to the parish council of a known
 20 history of abuse by a priest?
 21 A I'd have to take a look at the assignments and
 22 the priests who were involved in those
 23 assignments. Right now I can't do that off the
 24 top of my head.
 25 Q Okay. If you have a priest, who has been

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1 assigned and continued in ministry and/or
 2 transferred to another parish, with a history of
 3 sexual abuse and there is not a full and open
 4 disclosure that there is a history of sexual
 5 abuse to the community of faith, aren't you
 6 misleading the community of faith about that
 7 priest's fitness?
 8 MR. MURRAY: Object to the form. Go
 9 ahead, if you can.
 10 MR. LO COCO: I object to the form, as
 11 well. It's argumentative and there's no time
 12 frame.
 13 THE WITNESS: I don't know how I could
 14 answer that. Misleading is a loaded term. There
 15 are other kinds of -- When you say "make full
 16 disclosure," do I look at his credit card,
 17 whether he piles up debts or whatever. I don't
 18 know how you would be able to say that you have
 19 covered all the territory that has to be covered
 20 when a priest is assigned. You do what's humanly
 21 possible, and that's it.
 22 BY MR. ANDERSON:
 23 Q Well, let me use a stronger word. Isn't it
 24 really deceiving the community of faith into
 25 believing that they can trust this priest when,

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1 in fact, he has a known history of a risk of
 2 harm?
 3 MR. LO COCO: Same objections.
 4 THE WITNESS: The word deceive is, I
 5 think, a harsh word that implies, I think, at
 6 least from a moral point of view, a desire to use
 7 that deception to do something wrong, and I don't
 8 like that word, so I would be careful about
 9 saying you deceive.
 10 BY MR. ANDERSON:
 11 Q Well, when a priest abuses a kid and he has had a
 12 known history, it's a very harsh consequence,
 13 isn't it?
 14 A Yes, it is.
 15 Q And so everything that we're talking about is
 16 both painful and harsh, and I'm not wanting to be
 17 rude or argumentative, but the reality that we're
 18 dealing with here is a word that I'm going to use
 19 again, and to not disclose what you know about a
 20 risk to those at risk is a deception with a
 21 benefit, is it not?
 22 MR. MURRAY: I will object. He's
 23 already answered the question, A. B, I think you
 24 are asking for a legal conclusion. You may go
 25 ahead and answer, if you can.

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1 MR. LO COCO: That's an argumentative
 2 question.
 3 THE WITNESS: I find the word, again,
 4 deceive to be judgmental in a way that I don't
 5 think is fitting.
 6 BY MR. ANDERSON:
 7 Q Okay. What word would you use then when you
 8 assign or transfer a priest to another assignment
 9 with Archdiocese knowledge, your knowledge, that
 10 he has offended, but you don't disclose it to the
 11 community of faith where he's assigned. What
 12 words would you use, if it's not deceptive or
 13 misleading?
 14 A Incomplete.
 15 Q Incomplete. And it's also a non -- a choose to
 16 not disclose. It's a choice to not disclose,
 17 right?
 18 A To be real honest, by disclosing it to the staff
 19 and the parish council, you are almost in a way
 20 disclosing it to the whole parish. If you know
 21 how grapevines go, that's kind of the way it
 22 works out. So I don't know that -- It's not a
 23 public disclosure, but it certainly in a
 24 practical way ends up being more than just a few
 25 people in a forum at a parish. That's my

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1 feeling. I have never done any test on it, but
 2 that would be my feeling.
 3 Q The disclosure that you did make to the parish
 4 council was simply that the priest had abused,
 5 nothing more, correct?
 6 A I don't know. I never did that personally, so I
 7 can't say how my staff would do that.
 8 Q Did you or anybody at the Archdiocese ever make
 9 any of the priest files or the known histories of
 10 the priests offending in the past available to
 11 anybody outside of the chancery?
 12 MR. MURRAY: Objection, multiple in
 13 form. Go ahead and answer, if you can.
 14 THE WITNESS: Not to my knowledge.
 15 BY MR. ANDERSON:
 16 Q Now I talked about, you know, the incomplete -- I
 17 used the word deception, and then we went to your
 18 word, incomplete, so let's go with your word,
 19 incomplete or the choice not to tell all that is
 20 known to the community of faith. When that
 21 choice is made by you as Archbishop, there's also
 22 a benefit, is there not, Archbishop, to the
 23 Archdiocese by being incomplete in what you tell
 24 the people of faith?
 25 MR. MURRAY: Object to form.

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1 THE WITNESS: I don't see the benefit.
 2 BY MR. ANDERSON:
 3 Q Let me suggest some possibilities. What if you
 4 told the community of faith, "We have father
 5 Effinger, we have Father Widera, we have Father
 6 Neuberger, we have Father X who we know have
 7 abused kids in the past." Don't you think that
 8 the community of faith that are asked to trust
 9 him, would either not go to church, stop giving
 10 money or even maybe even lose faith in their
 11 church by reason of that decision or choice?
 12 MR. LO COCO: I'm going to object to the
 13 form of the question. I'm going to instruct the
 14 witness not to answer that question. It's not
 15 related to the topics covered by the Court's
 16 order.
 17 MR. ANDERSON: Well, the Court's order
 18 says --
 19 MR. LO COCO: Your question is
 20 argumentative, Jeff. It's an argument you want
 21 to make at some point in the future. It is not a
 22 question about what the debtor knew about sexual
 23 abuse, when the debtor had the knowledge and what
 24 the debtor did in response. That question has to
 25 do with your view of the result of what was done

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1 or not done.
 2 MR. ANDERSON: What they did and why
 3 they did it is the inquiry, and you can never
 4 understand what people do until you start to ask
 5 why they do things, and so it is within the
 6 scope, clearly.
 7 MR. LO COCO: It's not.
 8 MR. ANDERSON: Just a minute.
 9 MR. LO COCO: Sure.
 10 MR. ANDERSON: Are you going to instruct
 11 him not to answer?
 12 MR. LO COCO: Yes.
 13 MR. ANDERSON: Are you going to follow
 14 that instruction?
 15 MR. MURRAY: I will also make the
 16 instruction so there's no ambiguity. Why they
 17 acted is not within the ambit of what the judge
 18 permitted within the question. What they did,
 19 what did they know, that's it as to conduct.
 20 MR. SOLOCHEK: If you don't mind, I'll
 21 just make one comment. I do not believe that the
 22 bankruptcy judge limited that to that extent. I
 23 mean, if you are saying what did the -- what was
 24 done and you are not going to give a reason why,
 25 you are going to say to the court in its order or

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1 in its comments had to give an entire explanation
 2 of what's connected to that? I'd have to
 3 disagree with that.
 4 MR. MURRAY: I'd say look at the order.
 5 The order is pretty clear.
 6 MR. LO COCO: Right. And the judge is
 7 available. If you disagree with the instruction,
 8 we can get her on the phone.
 9 MR. ANDERSON: What we will do at the
 10 conclusion of today is get her on and we will
 11 mark the questions.
 12 MR. LO COCO: Can you get back to that,
 13 Kathy?
 14 COURT REPORTER: Sure.
 15 MR. ANDERSON: I will do a series of
 16 questions that we can put out now so that we can
 17 do that.
 18 BY MR. ANDERSON:
 19 Q When you made a decision or a choice to assign a
 20 priest with a known history and not disclose the
 21 history of abuse to the community of faith, there
 22 was, as a result of that, an expectation that the
 23 community of faith would trust that priest,
 24 correct?
 25 MR. LO COCO: Object to the form. It

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1 calls for speculation.
 2 THE WITNESS: Yes.
 3 MR. MURRAY: Join.
 4 BY MR. ANDERSON:
 5 Q Secondly, when you made an assignment of a known
 6 sex offender and did not disclose and were
 7 incomplete in your disclosure of that fact, you
 8 also knew that if you did disclose, many of the
 9 parishioners would not trust that priest?
 10 MR. LO COCO: Same objection.
 11 MR. MURRAY: Calls for speculation.
 12 THE WITNESS: I don't know. I don't
 13 know. I judge they would, but to add to it,
 14 there are a lot of things that when you make an
 15 assignment you don't disclose. If they had had
 16 alcohol problems in the past, if they had credit
 17 problems with their checking accounts or
 18 whatever, credit cards, I mean, I don't think one
 19 makes a list of the foibles and the problems that
 20 way. So it would not have been customary to make
 21 that kind of a profile of a priest.
 22 BY MR. ANDERSON:
 23 Q There were many times where priests were removed
 24 from assignments and parishioners not informed
 25 for the reasons when the real reason was sexual

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1 abuse and other reasons were given, correct?
 2 MR. LO COCO: Objection to form.
 3 THE WITNESS: Not to my knowledge.
 4 BY MR. ANDERSON:
 5 Q It is also true that in the clerical culture and
 6 in the rules and code under which you operate
 7 that concerns about scandal influence how
 8 decisions are made and whether disclosures are
 9 made about a priest that may be risky, correct?
 10 MR. LO COCO: Objection to form,
 11 foundation. It's been asked and answered.
 12 THE WITNESS: It's true that the word
 13 scandal arises often, yes.
 14 BY MR. ANDERSON:
 15 Q And if the people of faith in the community of
 16 faith are assigned a priest who has a history of
 17 known abuse, in that calculation is there not
 18 concern about members of the church being
 19 disillusioned, if they know the priest has a
 20 history?
 21 A I can't answer that.
 22 Q Wouldn't there also be a financial consequence to
 23 the Archdiocese if the parishioners knew that the
 24 Archdiocese was either transferring or secretly
 25 assigning priests with known histories without

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1 disclosing them?
 2 MR. MURRAY: Object to the form. Object
 3 to the characterization of secret, and object as
 4 calling for speculation, but you may answer, if
 5 you can.
 6 THE WITNESS: I can't answer that.
 7 BY MR. ANDERSON:
 8 Q Can you not conceive that collections would go
 9 down as a result of knowledge if it was made
 10 known that a priest had offended kids in the
 11 past?
 12 MR. MURRAY: Objection. He just
 13 answered that question. Asked and answered.
 14 MR. LO COCO: And I'm going to instruct
 15 him not to answer that. It's not within the
 16 context of the Court's order. This is your
 17 closing argument, Jeff. Argue until your heart's
 18 content, but those --
 19 MR. ANDERSON: Give me a legal
 20 objection.
 21 MR. LO COCO: Fine. There's no question
 22 pending, so I can say what I want on the record.
 23 There's factual foundation -- There are no
 24 factual questions coming out of that. What he
 25 knew, what he did, what he failed to do, that's

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1 what we are here for.
 2 BY MR. ANDERSON:
 3 Q In not disclosing known histories concerning
 4 priests, were the same practices employed by the
 5 Archdiocese as it pertained to laity?
 6 MR. LO COCO: I'm sorry. Can I have
 7 that back?
 8 MR. MURRAY: I don't understand the
 9 question.
 10 COURT REPORTER: "In not disclosing
 11 known histories concerning priests, were the same
 12 practices employed by the Archdiocese as it
 13 pertained to laity?"
 14 BY MR. ANDERSON:
 15 Q For example, a teacher in a -- in one of the
 16 schools who had a history of abuse and it became
 17 known who was not a cleric?
 18 MR. LO COCO: Object to the form. It's
 19 irrelevant.
 20 THE WITNESS: As far as I would know,
 21 the practice of the school would be to dismiss
 22 the teacher, and I don't know at what point there
 23 would have been any kind of communication
 24 concerning another school wanting to hire that
 25 teacher. My feeling would be that at that time

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1 or at any time the principal of the school would
 2 call the school that dismissed the teacher to
 3 find out what was going on, and I'm sure that
 4 would have altered the decision they were going
 5 to make.
 6 BY MR. ANDERSON:
 7 Q And why then didn't you dismiss the priest in
 8 that instance?
 9 MR. LO COCO: You know, let's --
 10 THE WITNESS: I didn't have the --
 11 MR. LO COCO: Object to the question.
 12 MR. ANDERSON: It's a fair question.
 13 MR. LO COCO: It's not a fair question.
 14 What priest?
 15 MR. ANDERSON: Any of the offenders.
 16 MR. LO COCO: Who?
 17 MR. ANDERSON: Effinger.
 18 MR. LO COCO: Fine. Let's talk about
 19 Father Effinger.
 20 MR. ANDERSON: Just a moment. Just a
 21 moment. I will ask the question. You will not
 22 interrupt my question, please, sir.
 23 MR. LO COCO: Then ask a good question.
 24 MR. ANDERSON: Please, sir, I will ask
 25 you to settle down and try to not interrupt the

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1 questions.

2 MR. LO COCO: I'm settled.

3 MR. ANDERSON: Do not interrupt the

4 questioning, please.

5 MR. LO COCO: Fair enough.

6 BY MR. ANDERSON:

7 Q You said, Archbishop, that in the school that if

8 a teacher had offended, they would dismiss them

9 or her, against a child. My question to you then

10 is when you learned that certain priests had

11 offended in the past, you did not dismiss them,

12 did you?

13 MR. LO COCO: Objection to form, lacks

14 foundation.

15 MR. MURRAY: Also vague as to time.

16 MR. LO COCO: Vague as to person.

17 THE WITNESS: The first cases that I had

18 to deal with, I would have pulled them out of

19 ministry and sent them to therapists and not

20 placed them back in ministry again until the

21 therapist felt that they were able to do so, and

22 I admit that in many ways we treated or I treated

23 the priest a little bit differently than I would

24 have treated an ordinary school teacher, if I can

25 use the word ordinary, a school teacher, because

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1 there was a certain obligation that I had toward

2 the priests that went beyond what I might have

3 toward anyone else. That is also written into

4 the law, if you will, because there was no

5 mechanism whereby I, as Bishop, could just throw

6 somebody out of the priesthood. That wasn't on

7 the books.

8 BY MR. ANDERSON:

9 Q You are talking about in the rules and the laws

10 that you were required to operate under as an

11 Archbishop cleric, correct?

12 A Yes.

13 Q And that would be the code, primarily is what you

14 are referring to?

15 A Yes.

16 Q And Crimens that you referred to earlier?

17 A Yes.

18 Q At some point in time you became concerned that

19 you had been constrained by the code as

20 promulgated by the Vatican and tried to do some

21 things to get them to either -- change the

22 practices that you were required to follow,

23 correct?

24 A Yes.

25 Q Tell me about that. When did you first take

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1 action in that regard to do a better job of

2 allowing your potential -- Tell me about when you

3 first took some action towards the Vatican to

4 allow you to do a better job of protecting

5 children concerning the offending priests and the

6 sexual abuse of kids.

7 A The major problem that I faced in making these

8 decisions was the statute of limitation, because

9 the statute of limitation in the Code of Canon

10 Law is not the same as the statute of limitation

11 in civil law.

12 In addition, it was the question of the

13 age. The age of adulthood in Canon Law was not

14 the same as the age of adulthood in civil law.

15 In Canon Law the statute of limitation when these

16 cases came, that would have been the statute of

17 limitation in the 17 -- 1917 Code, as well as in

18 the 1983 Code. The statute of limitation was

19 five years from adulthood, so when adulthood was

20 16, it meant that a victim had to come forward by

21 the time he was 21.

22 It seemed to me that this was rather

23 impossible, and so in 1993, and I know that

24 because '93 was the date where I did my ad limina

25 visits. They go every five years. At first I

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1 thought it might have been 1998, but in 1998 the

2 Holy Father was really not able to carry on a

3 conversation because of his illness, so it was

4 '93.

5 I had visited two congregations, the

6 Congregation of the Clergy, I don't know what the

7 name of the office was, it wasn't Congregation,

8 for the revision of the code for the Canon Law

9 about the statute of limitation and the age

10 question. So I was putting pressure as much as I

11 could on them. I knew that we bishops had talked

12 about this and were intending to present a formal

13 petition to this effect.

14 I also raised the issue with the Pope in

15 1993. He asked a very intelligent question. He

16 only asked one question. If you knew Pope John

17 Paul II, he didn't use many declarative

18 sentences, he usually asked questions, and he

19 asked, he said, "You have been around a long time

20 now as a superior. Are the number of cases

21 increasing or not." My answer was that from what

22 I was receiving in Milwaukee, most, I would say,

23 of the cases or the incidents, I can't say cases,

24 incidents, were older. That's why we needed the

25 statute of limitation increased. So I was

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1 pushing for that point of view, therefore, the
 2 need to open up the statute of limitation for a
 3 longer period. That's the only time I talked
 4 with him about it.

5 Then in the Congregation for Clergy I
 6 met with the second in command, and that's a part
 7 of the other deposition, the first deposition,
 8 who is now Cardinal Sepe of Napoli, Naples.
 9 Again, there I simply mentioned the -- it would
 10 be a lot easier if we had a more reasonable kind
 11 of situation legally where the Canon Law and the
 12 civil law would be closer together.

13 I brought up the same issue then in
 14 the -- in the Department, I will call it, for the
 15 Code of Canon Law. There was an office there
 16 that had promulgated the new Code of '83, and was
 17 there in order to think about any changes that
 18 had to be made as this was being implemented. So
 19 Cardinal Herranz, H-E-R-R-A-N-Z, was in charge of
 20 that office, and so I spoke with him about this
 21 need to open up the code.

22 I must say that was a very satisfying
 23 discussion, because Cardinal Herranz, in addition
 24 to being a lawyer, was also a trained
 25 psychiatrist, and so most of the questions he

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1 asked me at that time had to be about the concept
 2 of a perpetrator, the profile of a perpetrator
 3 and so on. So I found it in that sense a very
 4 intelligent discussion. That's what -- And then
 5 I joined the ranks of the Bishops who were
 6 pushing -- when I think a group of Cardinals went
 7 over to Rome to try to get the Holy Father to
 8 change these two. He did move in 1994 by raising
 9 the age of adulthood to 18, and then a few years
 10 after that he raised the period, statute of
 11 limitation, to ten years instead of five, which
 12 would have made it that the victim had to be --
 13 had up until his 28th year to come forward.

14 Q It sounds by your answer when asked about what
 15 efforts did you make to get their attention to
 16 change some of the things that you could do, the
 17 first you mentioned was your meeting with then
 18 Pope John Paul II, correct?

19 A Yes.

20 Q And he gave you -- You said he asked one question
 21 or gave one response. What was that response?

22 A His question was whether or not there were more
 23 cases of pedophilia now than there had been
 24 previously, if the number was increasing. My
 25 reply was I didn't think so, I just thought we

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1 were getting also a lot of older abuses coming
 2 forward.

3 Q And did anything come, as far as you know, any
 4 results come as a result of your request to the
 5 Holy Father, John Paul II, to do what you asked
 6 him and from that meeting?

7 A He raised the -- I don't think I was the one that
 8 did this. I don't take credit for that. I may
 9 have been even piling on, if others had already
 10 mentioned it to him, but because in '93 all the
 11 Bishops in the United States went to Rome for
 12 their ad limina visits, and so the next year he
 13 did raise the limits, yes.

14 Q And that meeting with John Paul II was an ad
 15 limina visit?

16 A Yes.

17 Q Where your report on the affairs of the
 18 Archdiocese and you reported, among other things,
 19 that there was a problem and it was with sexual
 20 abuse and it was the statute of limitations,
 21 among other things, right?

22 A Yes.

23 Q Okay. Then it's sounds like there was -- Who
 24 else was there in that meeting and in that --
 25 with John Paul?

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1 A Nobody.

2 Q And you then describe a second -- it sounds like
 3 a second meeting with the head of one of the
 4 congregations, Cardinal Herranz?

5 A Correct.

6 Q And tell us about that and what prompted you to
 7 take that effort.

8 A Cardinal Herranz at that time was still just an
 9 Archbishop. He was in charge of the Office for
 10 the Interpretation of Legislative Documents.
 11 That was his role. So any changes that the pope
 12 would make or want to make in the Code of Canon
 13 Law he would take through that office. I don't
 14 know of anything like it in our present U. S.
 15 setup, but by the way, Cardinal Herranz was a
 16 very, very distinguished human being. He was a
 17 member of Opus Dei. He was a famous psychiatrist
 18 when he became a priest. He majored then in
 19 Canon Law. So I said it was a pleasure talking
 20 to him about these issues that we had, and I
 21 think he understood perfectly well what I was
 22 saying.

23 Q Did you get the impression by what you just told
 24 us that Cardinal Herranz had, by reason of
 25 experience and his training, a depth of

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1 understanding that both John Paul II and other
 2 high-ranking clerics didn't have?
 3 MR. LO COCO: Objection, form.
 4 MR. MURRAY: Objection, form.
 5 BY MR. ANDERSON:
 6 Q About the problem of sexual abuse?
 7 A I can say certainly he had a great depth of
 8 experience, because I could talk to him more at
 9 length. I don't know about -- I cannot judge the
 10 amount of knowledge anybody else had on the
 11 issue.
 12 Q And then Archbishop Herranz's response to you,
 13 you said, was satisfying, and is it because of
 14 what he said or is it because he did something?
 15 A I don't know. I will never know.
 16 Q Okay. Do you know if he did anything responsive
 17 to that?
 18 A No, but I judge that when the Pope wanted to
 19 raise these times, he would have gone through
 20 that office.
 21 Q The third thing you made reference to -- Excuse
 22 me.
 23 Was anybody else in that meeting with
 24 Cardinal Herranz?
 25 A No, I was alone.

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1 Q At the Vatican?
 2 A At the Vatican.
 3 Q The third meeting that you referenced pertinent
 4 to what you were doing or trying to do in
 5 reaction to the sexual abuse problem was you said
 6 that there was a group of Cardinals that actually
 7 went to Rome, and tell me about that and when
 8 that was.
 9 A I don't know. I don't know. I have a vague
 10 recollection there was a group of Cardinals that
 11 went over to Rome to talk to the Pope about it,
 12 and my dates might be wrong, so I would have to
 13 look up the minutes and see all of that, what
 14 happened.
 15 Q Did you keep minutes or did the -- Was that a
 16 meeting with the Holy Father then or one of the
 17 heads of the congregations?
 18 A If the Cardinals went, I'm sure they met with the
 19 Holy Father.
 20 Q You said I'd have to look at my minutes. Do you
 21 have minutes?
 22 A No, I don't. I don't.
 23 MR. MURRAY: I think he said "the
 24 minutes."
 25

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1 BY MR. ANDERSON:
 2 Q So those would have been the minutes taken then
 3 by his secretary?
 4 A I don't know if there were minutes of a meeting
 5 like that, and, if so, who would have written
 6 them down. I don't know.
 7 Q And how -- you at that time were not -- you were
 8 not a Cardinal, so how do you know that the
 9 Cardinals were meeting with the Holy Father on
 10 this issue?
 11 A Well, I know that this was discussed among the
 12 Bishops, and there was an idea that the Cardinals
 13 should go to Rome. I'm trying to locate exactly
 14 when they went, but it was along the line in
 15 this. It was felt, I suppose, that the Cardinals
 16 would have more influence in Rome than just the
 17 rest of us.
 18 Q When you say "the rest of us," you mean the rest
 19 of you and the other Bishops, right?
 20 A Yes.
 21 MR. MURRAY: The lowly Archbishops.
 22 BY MR. ANDERSON:
 23 Q And Bishops. Usually Archbishops and Bishops are
 24 kind of in the same category because each of you
 25 answer directly to the Holy Father, correct?

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1 A Yes.
 2 Q Do you know if any action was taken by the Holy
 3 Father or any of the congregation responsive to
 4 the Cardinals having gone there and sexual abuse?
 5 A I know that in 1994 the Pope did change the date
 6 of adulthood for USA to 18 from 16. By the way,
 7 that also he extended to Ireland in '96, two
 8 years later. That was one effect from it. Then
 9 in '98 he did also extend the time -- the word
 10 proscriptio is the word in Latin, statute of
 11 limitation, to ten years.
 12 Q There was also an occasion where you met with
 13 then Cardinal Bartone, the secretary to Cardinal
 14 Ratzinger, who was then the head of the CDF, I
 15 believe, raising concerns about Murphy?
 16 MR. MURRAY: I'm sorry. About what?
 17 MR. ANDERSON: Murphy.
 18 THE WITNESS: When I was in Rome in
 19 1998, Bishop Fliss of Superior, who was in charge
 20 of the Murphy case, the decision had been made
 21 that the case had to be presented by the Bishop
 22 where he was residing and not me, so we gave all
 23 the files over to Superior.
 24 We were all in Rome at the time, so
 25 Bishop Fliss asked if we could have a meeting in

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1 the Doctrine of the Faith, in the Congregation of
 2 the Doctrine of the Faith, with Archbishop
 3 Bartone, B-A-R-T-O-N-E, Bartone, and he was not
 4 just the Secretary of the Cardinal, he was the
 5 Secretary of the Congregation.
 6 Q Pardon me. I misspoke.
 7 A This means that he is really secretary in
 8 command. He's not -- We use the word "secretary"
 9 in a little different way than Europe uses it,
 10 because he's now the Secretary of State.
 11 Q Just to clarify that point so I have it in my
 12 head correctly, at that time the Congregation for
 13 the Doctrine, was this the Congregation of the
 14 Doctrine of Faith?
 15 A Doctrine of Faith.
 16 Q And at that time then Cardinal Ratzinger was
 17 appointed by the Holy Father to be --
 18 A He was the Prefect.
 19 Q He was the Prefect?
 20 A Second in command was the Secretary.
 21 Q And that was Bartone?
 22 A Bartone, and then there was a sub-secretary who
 23 was third in command.
 24 Q Do you remember who that was?
 25 A I don't remember.

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1 Q And the meeting that you and Fliss and I think
 2 actually Bishop Sklba was a part of that?
 3 A Bishop Sklba was a part of it, as well. It was
 4 held in the meeting room of the Doctrine of the
 5 Faith with all of their Canon lawyers.
 6 Q And did you and Bishop Fliss and Sklba basically
 7 present the case then to the Secretary for the
 8 Congregation?
 9 A They already had the case, so we were looking for
 10 a reply and trying to push for a speedy reply to
 11 our request that he be laicized and no longer a
 12 priest. That was the purpose of the meeting.
 13 VIDEOTAPE TECHNICIAN: Excuse me. Two
 14 minutes of disk.
 15 BY MR. ANDERSON:
 16 Q And how long was that meeting?
 17 A It must have gone on for an hour, at least, or
 18 more.
 19 Q And were you led to believe that the congregation
 20 and/or its officials for some reason did not
 21 encourage laicization because it was a risk of
 22 public scandal?
 23 MR. MURRAY: Objection, speculation.
 24 You may answer, if you can.
 25 THE WITNESS: Their canonists at the

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1 time seemed very divided on the issue, and the
 2 word scandal didn't come up. It was --
 3 BY MR. ANDERSON:
 4 Q Publicity?
 5 A No, that didn't come up, either. It was -- They
 6 were very reluctant to grant laicization because
 7 of his age, because he had written a letter
 8 pleading not to be laicized and so on.
 9 Q His age? Because he was older in age, right?
 10 A Yes.
 11 Q There's also a history in the Archdiocese with
 12 some of your priests where they didn't want to
 13 liaise because the priest was so young, under the
 14 age of 40?
 15 MR. LO COCO: Objection, form,
 16 foundation.
 17 BY MR. ANDERSON:
 18 Q Was there not?
 19 MR. MURRAY: Ambiguous.
 20 THE WITNESS: Not my knowledge.
 21 BY MR. ANDERSON:
 22 Q I will show you some documents later. So you
 23 came away from that meeting believing that
 24 something would be done or nothing would be done?
 25 A I came away from the meeting feeling it was

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1 50/50.
 2 MR. ANDERSON: We'll go off the record.
 3 VIDEOTAPE TECHNICIAN: This ends Disk
 4 No. 2 of the video deposition of Archbishop
 5 Rembert G. Weakland on October 24, 2011; the time
 6 1:59 p.m.
 7 (A discussion was had off the record.)
 8 VIDEOTAPE TECHNICIAN: This is the
 9 beginning of disk -- the beginning of Disk No. 3
 10 of the video deposition of Archbishop Rembert G.
 11 Weakland on October 24, 2011; the time 2:01 p.m.
 12 BY MR. ANDERSON:
 13 Q Archbishop, off the record we kind of talked
 14 about continuing, and our plan is to go another
 15 15 minutes today and then adjourn and then
 16 continue tomorrow at 9:00.
 17 A Thank you.
 18 Q That meeting that you were just referring to
 19 concerning Murphy with Fliss and Sklba, Bartone,
 20 was then Cardinal Ratzinger in the meeting?
 21 A No.
 22 Q Was Cardinal Ratzinger engaged in the process?
 23 A No, no, not to my knowledge.
 24 Q If his Secretary, Bartone, was engaged, did you
 25 believe, based on experience and knowledge, that

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1 it would go to -- directly to the head of the
 2 Congregation, then Ratzinger?
 3 A Not necessarily. Not necessarily. We all
 4 organize our offices differently. I'm sure for
 5 canonical issues he had great confidence in
 6 Bartone, who is a Canon lawyer, so the question
 7 never arose in my mind.
 8 Q I'm going to come back to that. Did you ever
 9 talk to then Cardinal Ratzinger, now Pope
 10 Benedict, about the issue of abuse and concerns
 11 relating to how it had been handled?
 12 A No.
 13 Q I will have to come back to that, because there's
 14 documents that we have to ask you about on that,
 15 and we will, but we'll do it tomorrow.
 16 A Okay.
 17 Q I'm going to turn for a moment to the Religious.
 18 You, yourself, are ordained as a Religious, and
 19 so -- and that means a member of a religious
 20 order answering to your superior, and a Diocesan
 21 is a -- a Diocesan priest answering to his
 22 superior, who's a Bishop or an Archbishop,
 23 correct?
 24 A Yes.
 25 Q And when a Religious is in the Archdiocese of

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1 Milwaukee, for a Religious to work in the
 2 Archdiocese, it requires permission of the local
 3 Archbishop, does it not?
 4 A You say "work." If he's -- If he's working in an
 5 institute of the Diocese, yes, it requires that
 6 permission.
 7 Q Even if it's an order run school or something
 8 that is order run, it requires the Archbishop's
 9 permission for that religious order to have a
 10 presence in the Archdiocese, correct?
 11 A Yes, for the original foundation of the school,
 12 but I would not approve of every teacher at
 13 Marquette, Pius, you name it, that's not what it
 14 is.
 15 Q Canonically, under the rules that you are
 16 operating under, it is a requirement that the
 17 provincial or the superior of the Religious get
 18 the permission of the Ordinary or the Bishop, if
 19 that Religious is going to work in that
 20 geographical location or even live in that
 21 geographical location, correct?
 22 MR. LO COCO: Objection, form and
 23 foundation.
 24 THE WITNESS: That's not the way I
 25 interpret it. So that if somebody was working at

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1 Marquette High School teaching, they didn't ask
 2 for my permission. If they wanted to have a
 3 wedding, they had better.
 4 BY MR. ANDERSON:
 5 Q So if they wanted to use any of their ministerial
 6 faculties, you have control over that one.
 7 That's the key. That's what I needed to get.
 8 A That's the key.
 9 Q In order for any religious priest or monk or
 10 member of a religious order to utilize any of
 11 their ministerial faculties in the Archdiocese,
 12 that required permission of the Archbishop?
 13 A Got it.
 14 Q And that is administer sacraments, do weddings,
 15 do things that priests do, basically?
 16 MR. LO COCO: Objection to form.
 17 THE WITNESS: Right, right.
 18 BY MR. ANDERSON:
 19 Q If an Order wants to establish a parish, it must
 20 get the approval of the Bishop or Archbishop,
 21 correct?
 22 A Yes.
 23 Q It must also get the Bishop's approval to build a
 24 church within the geographical limits?
 25 A Yes and no. Yes, if it's going to be a Diocesan

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1 church. There are ways in which a religious
 2 order can get permission from Rome to have a
 3 parish of their own which is then under their
 4 provincial and not the Bishop. Those are rare
 5 nowadays. When I was elected Abbot, we had
 6 several of these around the country.
 7 Q Arc there any like that in the Archdiocese in
 8 Milwaukee?
 9 A There was when I came here. Jesu is a special
 10 arrangement, which it belongs to the Jesuit
 11 Order, and so it was not a parish, it was never
 12 legally, canonically, recognized as a parish.
 13 And then the Capuchins had several parishes in
 14 perpetuity. When I came here, they were St.
 15 Francis, St. Elizabeth and -- where the Loaves
 16 and Fishes are -- St. Benedict the Moor.
 17 Q If a Religious, in utilizing his faculties in the
 18 Archdiocese of Milwaukee, is reported to have
 19 committed abuse, sexual abuse of a minor, and
 20 it's reported to his religious pastor or
 21 superior, that pastor or superior is required to
 22 also notify the Archbishop in which those
 23 faculties were being utilized, correct?
 24 MR. MURRAY: Object to form, also
 25 multiple. Go ahead, if you can.

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1 MR. LO COCO: I will join.
 2 THE WITNESS: I would say theoretically,
 3 yes.
 4 BY MR. ANDERSON:
 5 Q And when and if such a thing were to happen, a
 6 Religious engaged in sexual abuse, a report is
 7 made to both the superior of the order and to the
 8 Archbishop presiding where the faculties are
 9 conferred, such as in Milwaukee, is it correct to
 10 say that the Archdiocese under the rules is
 11 required to do preliminary investigation on
 12 whether or not the abuse occurred and how it's to
 13 be handled?
 14 MR. LO COCO: Kathy, I need that back,
 15 please.
 16 COURT REPORTER: "And when and if such a
 17 thing were to happen, a Religious engaged in
 18 sexual abuse, a report is made to both the
 19 superior of the order and to the Archbishop
 20 presiding where the faculties are conferred, such
 21 as in Milwaukee, is it correct to say that the
 22 Archdiocese under the rules is required to do
 23 preliminary investigation on whether or not the
 24 abuse occurred and how it's to be handled?"
 25 MR. LO COCO: Object to the form with

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1 respect to time frame. It's vague.
 2 THE WITNESS: The question is very
 3 complicated, and so as I recall the -- if there
 4 is an abuse accusation and it's verified with
 5 grounds, then I don't think there's anything in
 6 the Code that says they have to inform the
 7 Bishop, but if they want to continue to exercise
 8 their ministry in that Diocese, they would, and
 9 so at that point the provincial either pulls the
 10 man out and sends them elsewhere and takes
 11 responsibility for them, or else he has to inform
 12 the Diocese.
 13 Q And if there's a case of solicitation in the
 14 confessional, crimen sollicitationis, a crime of
 15 solicitation using the sacrament of confessional
 16 by a Religious comes to the attention of the
 17 Archbishop, the Archbishop is required to
 18 investigate?
 19 A I would say yes. I don't -- I have never had to
 20 deal with that, so I don't know.
 21 Q If a Religious priest abuses a member of the
 22 Diocese, that is, a parishioner in the
 23 Archdiocese of Chicago or a child of a
 24 parishioner in the Archdiocese of Milwaukee, not
 25 Chicago, it is correct to say in that instance

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1 the Archbishop has primary responsibility and the
 2 Religious superior or provincial has secondary
 3 responsibility?
 4 A I would not say that.
 5 Q What would you say to that?
 6 A I would say that the person who committed it has
 7 primary responsibility. His provincial has the
 8 responsibility to act on it. That's it.
 9 Q Does a Bishop have any authority to ask a
 10 Religious to leave his Diocese?
 11 A Yes, I think a Bishop can tell his superior, a
 12 provincial, if there is somebody that he feels
 13 should not function in his Diocese.
 14 Q And the Archbishop also has authority to conduct
 15 investigation into accusations against a
 16 Religious for sexual abuse?
 17 A I don't think so. I think only provided Rome
 18 would give him that special permission, because a
 19 provincial or a visitation from the provincial
 20 did not seem adequate.
 21 Q What authority does the Archbishop have over
 22 schools and parishes that are entrusted to a
 23 Religious when it comes to investigation and/or
 24 their presence?
 25 MR. MURRAY: What was the last word?

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1 MR. ANDERSON: Investigation of sexual
 2 abuse and/or their presence in the Archdiocese.
 3 THE WITNESS: The practice has always
 4 been, I take it, that the provincial and the
 5 Order is the lead investigator, and in all the
 6 legal cases we have had of this sort where it's a
 7 parish, a Diocesan parish, then the Diocese
 8 became involved, but secondarily.
 9 MR. MURRAY: Jeff, I think that's an
 10 hour. If you want to finish up this stream of
 11 thought --
 12 MR. ANDERSON: That's okay, I have got a
 13 few more, but it will take a little more than ten
 14 minutes, so let's take a break, start again
 15 tomorrow.
 16 THE WITNESS: Thank you.
 17 VIDEOTAPE TECHNICIAN: This ends the
 18 video deposition of Archbishop Rembert G.
 19 Weakland on October 24, 2011; the time 2:14 p.m.
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 22
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1 STATE OF WISCONSIN)
 2 MILWAUKEE COUNTY)
 3
 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 ARCHBISHOP REMBERT G. WEAKLAND, was taken
 8 before me at the Law Offices of Whyte, Hirschboeck &
 9 Dudek, S.C., 555 East Wells Street, Suite 1900,
 10 Milwaukee, Wisconsin, on the 24th day of October, 2011,
 11 commencing at 9:00 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.
 25

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 7 Notary Public in and
 for the State of Wisconsin
 8
 9
 10 Dated this 29th day of October, 2011,
 Milwaukee, Wisconsin.
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 24
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1 SMITH, GUNDERSON & ROWEN, S.C., Glenwood
 Executive Centre, 15460 West Capitol Drive, Brookfield,
 2 Wisconsin, 53005, by MR. JAMES S. SMITH, appeared on
 behalf of Certain Personal Injury Claimants.
 3
 4 WHYTE HIRSCHBOECK DUDEK, S.C., 555 East
 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,
 by MR. FRANCIS H. LOCOCO, appeared on behalf of the
 5 Debtor.
 6 PETERSON, JOHNSON & MURRAY, S.C., 733
 North Van Buren, Sixth Floor, Milwaukee, Wisconsin,
 7 53202, by MR. JAMES T. MURRAY, JR., appeared on behalf
 of Archbishop Rembert G. Weakland
 8
 9 NELSON, CONNELL, CONRAD, TALLMADGE &
 SLEIN, S.C., N14 W23755 Stone Ridge Drive, Suite 150,
 P.O. Box 1109, Waukesha, Wisconsin, 53187-1109, by MR.
 10 MARK S. NELSON, appeared on behalf of OneBeacon
 Insurance Company.
 11
 12 CRIVELLO CARLSON, S.C., 710 North
 Plankinton Avenue, Suite 500, Milwaukee, Wisconsin,
 53203, by MR. PATRICK W. BRENNAN, appeared on behalf of
 13 Bishop Richard J. Skiba.
 14 That said deponent, before examination,
 15 was sworn to testify the truth, the whole truth, and
 16 nothing but the truth relative to said cause.
 17 That the foregoing is a full, true and
 18 correct record of all the proceedings had in the matter
 19 of the taking of said deposition, as reflected by my
 20 original machine shorthand notes taken at said time and
 21 place.
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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.

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14 behalf of Certain Personal Injury Claimants.

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Bishop Richard J. Skiba.

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3

4

5 (The original transcript was sent to Attorney

6 Anderson.)

7

8

9 (The original exhibits were retained by the court

10 reporter. The original exhibits were attached to the

11 original transcript and copies were attached to all

12 ordered transcripts.)

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1 TRANSCRIPT OF PROCEEDINGS

2 VIDEOTAPE TECHNICIAN: This is the

3 beginning of Disk No. 1 of the continuation of

4 the video deposition of Archbishop Rembert G.

5 Weakland on October 25, 2011; the time 8:37 a.m.

6 EXAMINATION

7 BY MR. ANDERSON:

8 Q Good morning, Archbishop.

9 A Good morning.

10 Q We are continuing from yesterday.

11 A Yes.

12 Q As it pertains to Religious Order of priests and

13 sexual abuse, I'd like to ask you about when a

14 Religious Order has an offender and there is a

15 desire to have the offender laicized by Rome for

16 abuse, is it correct to say that the Ordinary

17 where that Religious had been working must

18 prepare a document advising whether or not there

19 would be a risk of scandal?

20 A I don't know of that document. I know that to

21 send the dossier to Rome, it is necessary to

22 consult the Bishop about the location where the

23 man was living, but I don't know much more than

24 that about it. But that would be true whether it

25 was sex abuse or not, just if he leaves the Order

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1 of the priesthood.

2 Q And from your experience and based on what you do

3 know about that, it is correct to say then that

4 the process for laicization of a Religious Order

5 priest would seek and get information concerning

6 that priest's fitness from the Ordinaries where

7 he had served or worked, in addition to from the

8 Order?

9 MR. LO COCO: Objection, form and

10 foundation.

11 THE WITNESS: I don't think that is

12 mandated anywhere.

13 BY MR. ANDERSON:

14 Q Well, when a religious priest is working in an

15 Archdiocese such as Milwaukee with faculties,

16 it's true the Archbishop is a supervisor of that

17 priest?

18 MR. LO COCO: Object to the form.

19 THE WITNESS: I don't know quite what

20 supervisor means there.

21 BY MR. ANDERSON:

22 Q Has responsibility for oversight to make sure

23 that that priest is abiding by all the

24 requirements of his faculties conferred him in

25 the Archdiocese.

1 MR. LO COCO: Object to form.
 2 THE WITNESS: I can't quite answer that,
 3 because I'm not sure how that supervision would
 4 really amount to or whether it's a mixture of the
 5 superior, who has the first responsibility. If
 6 the Bishop had a responsibility, it would be to
 7 the work, not -- nothing else.
 8 BY MR. ANDERSON:
 9 Q Archbishop, we did a subpoena or made a request
 10 specifically of you that you produce certain
 11 documents that may have been in your possession
 12 and/or not the Archdiocese, and I think you did
 13 bring or produce some, correct?
 14 A I did. I gave them to my lawyer.
 15 MR. MURRAY: Mr. LoCoco produced them
 16 prior to the deposition.
 17 MR. ANDERSON: Yes, and I appreciate
 18 that and I have a copy of those documents before
 19 me. I don't have another copy, but it goes back
 20 to the Religious Order and the sexual abuse issue
 21 here. And there's a document here, and if you
 22 will indulge me, Counsel, for a moment here for
 23 purposes of the questioning, I will just read a
 24 part of it to maybe refresh your recollection.
 25 MR. MURRAY: I'd just ask that you can

1 an offender, correct?
 2 A Right.
 3 Q And you write, "I was told that a letter I wrote
 4 can be found in [REDACTED] file at the time he
 5 sought a dispensation from his vows as a Capuchin
 6 and the obligations of priesthood. In all cases
 7 where a Religious seeks such a dispensation to
 8 return to the lay state, the Bishop must write a
 9 letter for the dossier sent to Rome concerning
 10 the scandal that might be involved." Is what you
 11 wrote there a correct understanding, as you
 12 believe it to be, of what is required?
 13 A Yes, but I think the trick is in the word
 14 "scandal," what that means. When that was put
 15 into the Code, the 1917 Code, the number of
 16 priests leaving were rare, and so now when they
 17 were asking for dispensations and dispensations
 18 were being granted frequently from priesthood,
 19 the question was is there a scandal if someone is
 20 taken out of being a priest and reduced to the
 21 lay state. After the '60's, when 20 percent of
 22 the priests had left, I can't say it was a
 23 scandal anymore, no.
 24 Q In any case, [REDACTED] was dispensed and/or
 25 laicized because of sexual abuse of minors?

1 do that, but let him take a look at the original.
 2 MR. LO COCO: Why don't we do this.
 3 Let's go off the record so we are not counting
 4 your time, and give me the Bates number and let
 5 me find it here.
 6 MR. ANDERSON: That's a good idea.
 7 Let's go off record.
 8 VIDEOTAPE TECHNICIAN: We're going off
 9 the record at 8:41 a.m.
 10 (Exhibit A was marked.)
 11 (A discussion was had off the record.)
 12 VIDEOTAPE TECHNICIAN: We're back on the
 13 record at 8:44 a.m.
 14 BY MR. ANDERSON:
 15 Q Archbishop, while off the record I gave you an
 16 opportunity to review what is one of the
 17 documents you produced that I have now marked as
 18 Exhibit A, which is the totality of the documents
 19 you produced to counsel and they produced to us.
 20 In that exhibit at what is now identified as Bate
 21 stamp 35, I showed you a letter from you to an
 22 unidentified individual dated November 13, 2007,
 23 and directed your attention to the second
 24 paragraph in that letter. This pertains to a
 25 [REDACTED] a Religious who was known to have been

1 A That's true. I don't think that's what I was
 2 being asked.
 3 Q Yes. I just wanted to know. Did you keep a copy
 4 of the letter referred to here in this paragraph?
 5 A I personally did not.
 6 Q Okay.
 7 A If a copy is kept, it would have been kept in the
 8 archives of the Capuchins.
 9 Q To your knowledge, did the Archdiocese keep files
 10 of Religious Order priests granted faculties in
 11 the Archdiocese pertaining to them separate and
 12 discrete from the Religious Order file?
 13 A There certainly is or was a list of people who
 14 had sought faculties or the superiors sought
 15 faculties for them as Religious. Whether they
 16 kept those files, I don't know. I can't answer.
 17 I do know one diocese where the Bishop kept them,
 18 and he alone would grant the faculties, but that
 19 was odd, and so I never kept any of them.
 20 Q The last sentence in that same paragraph, you
 21 wrote, "I usually had no problem writing that in
 22 cases like [REDACTED] it would be better if he
 23 were not functioning as a priest and no scandal
 24 would be involved -- probably the opposite." Now
 25 when you are using the word "scandal" here, what

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1 do you mean by that? That public attention of
 2 his misdeeds that puts the church in a bad light
 3 or what?
 4 A No, that this would negatively affect the belief
 5 of people in the pew. I was trying to say there
 6 that they probably would have been more
 7 scandalized if he hadn't been dispensed than
 8 being dispensed and, therefore, I couldn't see
 9 that his leaving and being laicized would be the
 10 cause of scandal.
 11 Q By that do you mean that it would have been kept
 12 more quiet and the parishioners would have known
 13 less?
 14 A No, that's not even anything -- That has nothing
 15 to do with it.
 16 Q What did you mean there then? I was maybe not
 17 listening as well as I should have or
 18 misunderstood what I heard.
 19 A That would be the standard question about any
 20 priest that left. Would it scandalize you if
 21 your pastor suddenly wanted to get married and
 22 leave. Maybe that would have been yes, if I were
 23 writing in the 1940's, but certainly after the
 24 1960's no one would say that.
 25 Q During your time as Archbishop in those 25 years,

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1 is it fair to say that often times to keep the
 2 stature of the priests in the best possible light
 3 and to be fair to them, when they would be
 4 removed from a parish or transferred from a
 5 parish because of a number of problems such as
 6 sexual abuse, that often times parishioners would
 7 be simply told, "Father is taking a leave?"
 8 MR. LO COCO: Objection, form. It's
 9 compound.
 10 MR. MURRAY: Yes, I think the question
 11 is vague. I have a little trouble with it. Go
 12 ahead, if you can understand it.
 13 THE WITNESS: I can't answer what would
 14 have been done in every case. Usually if a
 15 priest was relieved of his job in midterm,
 16 something of this sort, it wasn't always because
 17 of sex abuse. It could have been alcoholism,
 18 something else, or trouble with his vocation and
 19 he needed time out and time away. So I can't
 20 answer very clearly on that.
 21 BY MR. ANDERSON:
 22 Q Was it usually the practice to generalize then
 23 the reasons for removal, and that would be
 24 specific in fairness to the priest?
 25 MR. LO COCO: Objection to form.

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1 THE WITNESS: I don't know. I usually
 2 didn't write those letters, the Chancellor did.
 3 I'm not quite sure how they were always worded,
 4 but privacy of the priest was kept intact.
 5 BY MR. ANDERSON:
 6 Q If a priest would be removed midterm, I think is
 7 the term you used, that is, before the
 8 termination of his expected assignment, was there
 9 a practice that would identify what the problem
 10 was for the removal?
 11 MR. LO COCO: Objection to form.
 12 MR. MURRAY: You are just talking about
 13 removal from an assignment now, you are not
 14 talking about removal from the priesthood, is
 15 that right?
 16 MR. ANDERSON: Correct. We are talking
 17 about when a priest is taken out.
 18 MR. MURRAY: Taken out of a parish, for
 19 example?
 20 MR. ANDERSON: Of a parish or an
 21 assignment, it could be a school, anywhere in the
 22 Archdiocese, but the question I think I want to
 23 direct Archbishop to is was there a general
 24 practice that would identify the real reason for
 25 the departure or removal of that priest?

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1 MR. MURRAY: I think your question is
 2 vague in terms of identification to whom.
 3 MR. ANDERSON: To the community of
 4 faith.
 5 MR. LO COCO: Object to form.
 6 THE WITNESS: I can't answer that,
 7 because it probably varied from case to case, and
 8 certainly in the '70's and '80's we would not say
 9 because Father wanted to marry, but people knew
 10 it, so I'm not sure how they worded that. For
 11 personal reasons or something.
 12 BY MR. ANDERSON:
 13 Q During your 25 years as Archbishop, would it be
 14 fair to say that often times when sexual abuse
 15 was discussed among the clerics, both in writing
 16 by letters and others, that there would be a --
 17 kind of a generalized conversation around it
 18 instead of specifically identifying really what
 19 it was, such as, instead of saying, "This priest
 20 raped a kid," you would say the priest has a
 21 problem or there's a moral failing or a number of
 22 other generalized descriptors as opposed to a
 23 specific descriptor?
 24 MR. MURRAY: Objection, calls for
 25 speculation. Go ahead and answer, if you can.

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1 MR. LO COCO: Join. It's vague.
 2 THE WITNESS: You have to remember that
 3 I was never a Diocesan priest, so it's a little
 4 hard for me to answer that question. I would
 5 judge that it would vary on whether the priests
 6 knew each other, whether they were classmates.
 7 There are so many circumstances when a group of
 8 priests get together; how many beers they had,
 9 how specific they would be in something of this
 10 sort.
 11 BY MR. ANDERSON:
 12 Q I think my next question then would be to the
 13 clerical culture then, which would include the
 14 Religious and the Diocesan. Is it often and had
 15 it been often the case that when it came to
 16 sexual abuse and/or sexual misconduct towards
 17 minors, they were often described in a kind of
 18 code like fashion among the clerics?
 19 MR. LO COCO: Object to the form. It's
 20 indefinite as to time. It certainly has been
 21 asked and answered in this deposition and in the
 22 12-hour dep you took previously, Jeff.
 23 MR. ANDERSON: You may answer.
 24 MR. MURRAY: I think it calls for him to
 25 speculate, but go ahead and answer it, if you

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1 can.
 2 THE WITNESS: I don't know, because I
 3 think priests talked about each other concerning
 4 other issues, but I don't think that the sex
 5 abuse issue would have been on their radar. They
 6 would have talked about certainly somebody should
 7 do an intervention, the Bishop should do an
 8 intervention because Father is drinking too much
 9 and so on, but I don't think among themselves the
 10 sex abuse issue would have been on the radar. I
 11 have the same question. I often wondered how
 12 they approached this, if they were living in the
 13 same rectory, maybe saw something, I don't know.
 14 I don't know.
 15 BY MR. ANDERSON:
 16 Q If a priest is removed midterm, so to speak,
 17 would that -- by the Archbishop and in your 25
 18 years, would that have been indicative usually of
 19 some problems that had occurred?
 20 MR. MURRAY: I hate to keep nagging on
 21 this, but when you say "removed," you are always
 22 talking removed from an assignment as opposed to
 23 removed from the priesthood?
 24 MR. ANDERSON: I think the Archbishop
 25 knows what we mean. We are never talking about

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1 removal from the priesthood, because only the
 2 Vatican can do that, Jim.
 3 MR. MURRAY: I don't doubt that that's
 4 right, but I just want the record to be clear.
 5 MR. ANDERSON: So the record is clear
 6 and for Jim's and our purposes of the question,
 7 we are talking about when the Archbishop is
 8 assigned a priest, Religious, or allows the
 9 faculties of a Religious Order priest or a
 10 Diocesan priest, they usually assign them for a
 11 term, okay, and the Archbishop said when they are
 12 removed midterm, that is before the term is
 13 expired, okay, and that means they are taken out,
 14 removed, transferred or suspended.
 15 MR. MURRAY: That's fine. I want to be
 16 clear that's what you are referring to.
 17 BY MR. ANDERSON:
 18 Q So we are on the same page, we are basically
 19 saying when the Archbishop pulls them.
 20 A I understand.
 21 Q Okay. Had that usually been for reasons because
 22 there was some kinds of underlying problems?
 23 A Usually, if it was an associate, as we called
 24 them, they use a different word today, vicar,
 25 that would be an assistant pastor removed before

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1 his term, usually the reason was that he was
 2 needed somewhere else, either to send him out to
 3 school or because we wanted to reduce the parish
 4 from two associates to one. It wasn't
 5 necessarily his fault.
 6 Q The documents you produced, Exhibit A, what did
 7 you do to retrieve these documents? Where did
 8 you get them and what did you have to do?
 9 A I found that in my files where I live, and so it
 10 must be something that I wrote after I had
 11 resigned, and it's a copy and I must have kept a
 12 copy of it.
 13 Q Okay. Do you think there are other documents
 14 like that out there that may have yet to be
 15 retrieved?
 16 MR. MURRAY: Well, when you say "like
 17 that," what he looked for were documents
 18 responsive to your specific request.
 19 MR. ANDERSON: Yes.
 20 MR. LO COCO: And so when you say --
 21 That he has custody of or someplace else?
 22 MR. ANDERSON: That you either have
 23 custody of or you may be aware of others
 24 possessing.
 25 THE WITNESS: I'm not aware of any, and

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1 I don't have custody of anything. I gave
 2 everything to them.
 3 BY MR. ANDERSON:
 4 Q As Archbishop did you keep your own journals
 5 concerning priests and certain matters?
 6 A I never kept a journal. I often kept a memo book
 7 of things that I wanted to look up, things that
 8 struck me as being useful for another article I
 9 was writing. I kept that kind of memo book
 10 almost all the time. People would have an
 11 impossible time ever putting it together, because
 12 half the time it wasn't connected, what I was
 13 writing, it was -- especially if I were at a
 14 meeting and I got a brilliant idea and the
 15 meeting was dull, I would do my own thing.
 16 MR. MURRAY: Have you taken any of those
 17 in this deposition?
 18 THE WITNESS: And all of those year by
 19 year I would go through, see if there was
 20 something I wanted to use for writing, in
 21 particular, and then destroy. I never kept it.
 22 So I have very few documents to go by, and I
 23 found that out when I tried to write a biography
 24 how little I had from the period I was Bishop.
 25 I had a better archive of my -- from

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1 when I was head of the Benedictine Order simply
 2 because after every major trip, and there would
 3 be three or four of those in a year, I would
 4 write a circular letter to all the monasteries
 5 and all men and women in the world. So I brought
 6 those with me, and they have formed the basis of
 7 those chapters.
 8 The rest of that I had to go to the
 9 archives and sit there and look at my agenda
 10 book, when people made appointments, newspaper
 11 clippings, and things of this sort.
 12 BY MR. ANDERSON:
 13 Q Back to Religious and the abuse topic for a
 14 moment. Under crimens and the rules, at least
 15 until 2001, did the Diocesan Bishop or Archbishop
 16 have the right to subject a Religious to a
 17 canonical trial?
 18 A I don't know. I don't know the answer to that.
 19 You'd have to -- I would have to check that out
 20 with a Canon lawyer, because I don't know.
 21 Q What authority does an Archbishop have over the
 22 schools and parishes that are entrusted to a
 23 Religious in the geographic limits of the
 24 Archdiocese?
 25 MR. LO COCO: Objection to form. It's

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1 vague.
 2 THE WITNESS: If you ask a Religious, it
 3 would be zero. If you ask a Bishop, it would be,
 4 "Keep me out," so I'm not sure. That has been a
 5 constant problem in the United States for decades
 6 between Bishops and the Religious superiors. My
 7 experience has been that Rome, even if it were
 8 something as big as Marquette University, if they
 9 received a problem on their desks, they would
 10 always deal through the general in Rome, and then
 11 he with the Provincial. I would come in at the
 12 end of the line.
 13 Q And you would be brought in or come in because
 14 you did have some jurisdiction by reason of the
 15 fact that those folks have faculties in the
 16 Archdiocese?
 17 MR. LO COCO: Objection, form.
 18 THE WITNESS: In all honesty, I was
 19 brought in usually simply ad informacione, for
 20 information, that I know about it, and once I was
 21 brought in on a case simply because I felt I knew
 22 the answer.
 23 BY MR. ANDERSON:
 24 Q Can the Archbishop, if he so chooses concerning a
 25 school in the Archdiocese, get engaged in

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1 protocols around the hiring of teachers or the
 2 practices pertaining to the hiring of principals
 3 at the parochial schools run by a Religious?
 4 MR. LO COCO: Can I have it back, Kathy?
 5 COURT REPORTER: "Can the Archbishop, if
 6 he so chooses concerning a school in the
 7 Archdiocese, get engaged in protocols around the
 8 hiring of teachers or the practices pertaining to
 9 the hiring of principals at the parochial schools
 10 run by a Religious?"
 11 MR. LO COCO: So just Religious Order
 12 schools like Marquette High School?
 13 MR. ANDERSON: Religious only.
 14 THE WITNESS: I don't think you could.
 15 BY MR. ANDERSON:
 16 Q When it comes to Diocesan, the answer would be
 17 certainly?
 18 A Yes, certainly.
 19 Q What was the process utilized as Archbishop for
 20 the appointment of Religious to parish positions
 21 as pastor or assistant pastor or in schools?
 22 MR. MURRAY: Object to the question as
 23 multiple. Go ahead and answer it, if you can.
 24 THE WITNESS: The appointment of a
 25 teacher or a principal to a school run by

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1 Religious never passed my desk. The appointment
 2 of a pastor or associate pastor would pass my
 3 desk because the Provincial would write seeking
 4 for that person faculties, and so that would be
 5 the point at which it crossed my desk. That's
 6 the way it worked in Milwaukee. I must say that
 7 is not the way it worked when I was in my
 8 monastery. As the Abbot, and I was only Abbot
 9 there four years, but as the Abbot I would send
 10 to the Bishops of the seven dioceses, each where
 11 I had monks working, I would send him a list of
 12 the changes I wanted to make, and if he had any
 13 objections to them, to write me back. Then it
 14 would go on from there.

15 BY MR. ANDERSON:

16 Q So as Archbishop, at least in Milwaukee for the
 17 25 years, so that I understand it, we do, when it
 18 came to Religious and the conferring of faculties
 19 and the appointment to pastor or associate pastor
 20 then, how would you make some determination that
 21 that Religious was fit to be conferred faculties
 22 and assigned to parishes?

23 A Up until probably the mid 1990's it was taken for
 24 granted that that was the duty of the Provincial
 25 when the Provincial recommended a priest for that

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1 kind of ministry. After about, oh, the early or
 2 mid '90's, the Bishops of the nation felt a need
 3 to be more explicit, and had a form drawn up so
 4 that each Provincial, in sending a person, would
 5 have to sign that that person had no accusations
 6 against him and was fit for ministry. That came
 7 in sometime in the '90's where we Bishops felt a
 8 need to be more explicit about this. I can
 9 assure you that we looked at that pretty
 10 carefully. It was difficult to get Bishops from
 11 Africa or anyplace else to understand what we
 12 were saying, and so I can't say it was always
 13 helpful in dealing with them, but, nevertheless,
 14 for the United States that was a turning point
 15 for all of us to have that form, and we all
 16 agreed on the same form, most of us, so that we
 17 could then be sure that that would be in the file
 18 as something that we could rely on.

19 It was also a difficult moment because
 20 provincials were going through the same problem
 21 we were about what to do with priests who had
 22 accusations where the time had elapsed, and so I
 23 think the only thing we could do there is what we
 24 did. I asked them all to meet with me and talk
 25 about this, that we would not assign anybody, any

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1 Religious, if they did not meet the requirements
 2 we had for our own people, and that got more and
 3 more rigorous as we went on.

4 Q I have seen the form that you refer to that was
 5 developed in the mid '90's and used, and in
 6 essence, to summarize it, I think, correct me if
 7 I'm wrong, it essentially says the Religious
 8 Superior, Provincial or whomever, certifies that
 9 this priest is fit and has no accusations of
 10 sexual abuse?

11 A That's as I recall it, as well.

12 Q And did I hear you say that you, because of
 13 concerns around a problem of Religious having
 14 moved in and out of dioceses, that independent of
 15 the form itself and the certification by the
 16 superior, you would actually sit down with the
 17 priest before conferring faculties or not?

18 A No, no, no.

19 Q You would rely on the form? You would rely on
 20 the form?

21 A Yes, I relied on the form. There were too many
 22 to do otherwise.

23 Q The certifying superior was not required to do a
 24 file review or required to certify that they had
 25 in any way done an examination of that priest's

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1 history, just to sign the form, correct?

2 MR. LO COCO: Objection, form.

3 THE WITNESS: You are saying this would
 4 be the obligation of whom?

5 BY MR. ANDERSON:

6 Q The certifying Religious superior.

7 A There was nothing in the document to state that,
 8 no.

9 Q What authority does a Bishop or Archbishop have
 10 over members of the Religious Order to staff a
 11 parish that is in the diocese if the Order itself
 12 owns the property and the buildings?

13 MR. LO COCO: Object to the form.

14 THE WITNESS: I would say that the
 15 Bishop has almost no rights in a case like this,
 16 and when I was head of my monastery, there were
 17 several where I had that same situation so that
 18 the parish could not build, I got all of their
 19 financial reports. I was totally responsible as
 20 if I were a Bishop for that parish, and I wasn't
 21 the Bishop. But today there are very few such
 22 parishes in existence, and I understand that Rome
 23 now will not make anymore.

24 BY MR. ANDERSON:

25 Q During the period of your 25 years as Archbishop

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1 then, how would you answer that question?
 2 A If it had come from a parish, a question about
 3 one of those Capuchin parishes I mentioned
 4 yesterday or Jesu, I certainly would have
 5 referred it to the Provincial immediately,
 6 because that's the person who had to act.
 7 Q Faculties are still, for any ministry to be done
 8 by them, are still required to be done by you as
 9 the Archbishop, however?
 10 A Yes.
 11 Q Is it fair to say that you do, as Archbishop,
 12 exercise some control over the pastoral ministry
 13 of those to whom faculties have been granted?
 14 A Yes.
 15 Q Pertaining to a seminary in a diocese, for the
 16 seminary to be created and present in the
 17 Archdiocese in Milwaukee, in your experience that
 18 requires the Archbishop's permission?
 19 A To have a seminary in the diocese -- You are
 20 talking now just about the Bishop in the diocese?
 21 Q Yes.
 22 A A seminary, yes, it requires the permission of
 23 the Bishop and, as far as I know, approval of
 24 Rome to run a seminary. I'm not quite sure of
 25 that.

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1 Q St. Lawrence Seminary, what was, while you were
 2 Archbishop, the role of St. Lawrence Seminary in
 3 the ordination of priests?
 4 MR. MURRAY: Object to the form of the
 5 question as vague and ambiguous, but you may
 6 answer.
 7 THE WITNESS: What are you asking about
 8 it?
 9 BY MR. ANDERSON:
 10 Q Tell me about St. Lawrence Seminary and your
 11 experience with it as Archbishop. Was it in
 12 existence when you were appointed?
 13 A When I was appointed, and I'm going from my
 14 recollections, it would have been a minor
 15 seminary, that is, a high school seminary. Later
 16 I believe they transformed it into just a
 17 religious school, because they were getting many,
 18 many students that had no intention of going on
 19 to priesthood, but I would be vague about that
 20 whole history.
 21 Q In connection with the formation of seminarians
 22 for the purposes of ultimate ordination as
 23 Diocesan or Religious, what would have been your
 24 role as Archbishop pertaining to St. Lawrence
 25 seminarians?

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1 A Absolutely nothing. We had a minor seminary,
 2 also, when I arrived in Milwaukee in 1977, a high
 3 school seminary, and I closed it within two
 4 years. I just felt that for the training of
 5 future priests, it was much better for their
 6 psychosexual development to remain at home in a
 7 more can I use the word normal atmosphere than in
 8 a minor seminary. Then I brought a lot of
 9 problems by closing the college seminary and
 10 sending the men to Marquette, because it just
 11 seemed from an academic point of view to have a
 12 college, a four-year college for 50 students was
 13 not only financially impossible, but also
 14 academically not solid.
 15 Q And why did you -- When did you close that?
 16 A That happened a little later, probably about
 17 three or four years later.
 18 Q When an Order of Priest is presented or the
 19 superior of an Order is requesting to have a
 20 priest presented to the Archdiocese and faculties
 21 conferred, would you expect the superior of the
 22 Order to present you, as Archbishop, with a
 23 letter or request or what?
 24 A The practice in my day was always to write a
 25 letter.

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1 Q When people were ordained out of St. Lawrence
 2 Seminary, what was your role in the ordination of
 3 those?
 4 A When a religious is to be ordained, the superior
 5 has to draw up what are called dimissorial
 6 letters, and these letters state that -- to a
 7 Bishop asking a Bishop to ordain these men who
 8 are ready to be ordained.
 9 Q And so the Bishop or Archbishop actually presides
 10 over the ordination?
 11 A Yes.
 12 Q And approves the ordination?
 13 A That's a tricky one. That's a tricky one. I
 14 don't know how to answer it, because approves is
 15 another -- Certainly the Bishop does not have a
 16 chance to examine -- Most of us tried to meet the
 17 people we were going to ordain, but you don't
 18 have a chance to and don't have the wherewithal
 19 to examine their entire life history and work and
 20 so on, so it's a tough question. I don't like
 21 the word "approve" there, because it gives more
 22 weight to it than certainly does it willingly,
 23 and the rule was that you -- a Bishop would not
 24 fight a Provincial on an issue of this sort, if
 25 the Provincial gave dimissorial letters.

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1 Q You have to rely on the Religious superiors?
 2 A Yes.
 3 Q Because you can't examine each and every
 4 candidate. But it is correct to say that as
 5 Archbishop you had the authority to preside over
 6 the ordination and question the fitness to
 7 ordain, if you had reason?
 8 MR. MURRAY: Objection, multiple in
 9 form. Go ahead and answer, if you can.
 10 MR. LO COCO: Join.
 11 THE WITNESS: If a Provincial had
 12 presented someone to me to be ordained, and, by
 13 the way, the Provincial could go to any Bishop,
 14 it wouldn't have to be me. It wouldn't have to
 15 be a Bishop of the diocese. But if a provincial
 16 presented candidates for ordination with
 17 dimissorial letters, I only know of one case in
 18 my life where I did not ordain, and I had to
 19 justify that.
 20 BY MR. ANDERSON:
 21 Q Did that have to do with sexual abuse of minors?
 22 A No, it didn't.
 23 Q I'd like to ask the Archbishop about Budzynski,
 24 and when if you recall, first having learned that
 25 he had offended or may have offended minors.

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1 A I can't answer that about Budzynski. It's
 2 probably one of those cases that I know probably
 3 least about, and it certainly was late when I
 4 found out about Budzynski, and I am not sure why
 5 it was not a case that was uppermost in our minds
 6 at the time.
 7 Q I'm going to have you reference -- I'm going to
 8 reference some documents so that we can move
 9 through the volumes that we have been produced as
 10 quickly as possible. I will put before you
 11 Exhibit 42.
 12 MR. LO COCO: I'm sorry. Forty-two?
 13 MR. ANDERSON: Yes.
 14 BY MR. ANDERSON:
 15 Q While Mr. Murray is helping find it, I will
 16 represent to you that this would be part of the
 17 file produced pertaining to Budzynski. Because
 18 our time is limited, I will also try to in good
 19 faith represent to you as accurately as possible
 20 what I'm referencing here so you don't feel -- or
 21 get misled. I believe at 42 we have some Vicar
 22 Logs pertaining to Budzynski, Daniel Budzynski,
 23 and if you look at the Bate stamp number in 42
 24 23876 -- Turn a few pages. 23876.
 25 MR. MURRAY: Next one. They are not in

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1 numerical order.
 2 MR. FINNEGAN: Same exhibit.
 3 MR. MURRAY: It's still under 42, but
 4 it's about the third page in.
 5 THE WITNESS: Third page in.
 6 MR. MURRAY: 876?
 7 MR. ANDERSON: 876.
 8 MR. MURRAY: It's the third page in Tab
 9 42.
 10 MR. LO COCO: Thank you.
 11 BY MR. ANDERSON:
 12 Q Before I ask you some questions about Vicar Logs,
 13 it's my recollection that it had been your
 14 practice to have Vicar Logs made available to
 15 you, and that you would make an effort to read
 16 them?
 17 A Yes.
 18 Q And directing your attention to 23876 at the top,
 19 in the second sentence it says, "Drinking and
 20 psychosexual problems. He admitted that he was
 21 in bad shape in all these matters. He was not
 22 surprised when I confronted him about what had
 23 gone on at the blank residence over the weekend."
 24 Do you remember that Budzynski had actually
 25 admitted having committed an offense against

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1 children?
 2 A No, I don't.
 3 Q Later in the same paragraph I'm going to read a
 4 sentence from it and then ask you a question. It
 5 states two-thirds of the way down, "He is going
 6 to tell the people in Stevens Point," which, by
 7 the way, I think is geographically in LaCrosse?
 8 A Yes.
 9 Q "... that he is coming back to the Archdiocese of
 10 Milwaukee to work, but that because of his
 11 health, he is going to take an extended
 12 vacation." I read that to say that the plan was
 13 that he was going to tell the people there at his
 14 parish that he was going on vacation, but the
 15 real reason was he had been accused of sexual
 16 abuse. Do you read it that way?
 17 MR. MURRAY: Objection, calling for
 18 speculation. You may answer, if you can.
 19 MR. LO COCO: I will join.
 20 THE WITNESS: It does say because of
 21 health. You can take that any way you want.
 22 BY MR. ANDERSON:
 23 Q Okay. Yeah, so let's -- Let me rephrase that.
 24 That is to say that he was to say to the people
 25 of faith there that he was, because of health,

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1 going to take an extended vacation, but the real
 2 reason was health and sexual abuse, correct?
 3 MR. MURRAY: Same objection, calling for
 4 speculation. You may answer.
 5 MR. LO COCO: Join.
 6 THE WITNESS: I think one has to take
 7 the words on their face value.
 8 BY MR. ANDERSON:
 9 Q Do you actually have memory of Budzynski being in
 10 LaCrosse and then returning to the Archdiocese of
 11 Milwaukee?
 12 A I knew he was outside the Diocese when I came
 13 here working, but that's about all I knew about
 14 him.
 15 Q I'm going to direct you to Exhibit 21 in that
 16 book. You will see before you Exhibit 21 is a
 17 letter from the Vicar for Priest Personnel dated
 18 August 12, 1982 to Daniel Budzynski following the
 19 recommendation of the Personnel Board regarding
 20 an assignment with the concurrence of the
 21 Archbishop. "I herewith appoint you pastoral
 22 team member with Father John Wagner at St.
 23 Patrick's Parish, Whitewater, effective
 24 September 1, '82." That is in the Archdiocese of
 25 Milwaukee, is it not?

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1 A Yes, it is.
 2 Q That's an appointment made under your authority
 3 then?
 4 A Yes, it is.
 5 Q To your knowledge, was any disclosure made to the
 6 community of faith at St. Patrick's Parish that
 7 Budzynski had admitted to having sexually abused
 8 youth?
 9 MR. LO COCO: Objection to form.
 10 MR. MURRAY: I think it also assumes a
 11 fact not in evidence, but subject to my
 12 objection, if you can answer the question, you
 13 may.
 14 THE WITNESS: Since this is 1982, I
 15 would say you are correct.
 16 BY MR. ANDERSON:
 17 Q To your knowledge, was there any disclosure made
 18 to the community of faith that the Archdiocese
 19 had knowledge of Budzynski having formerly posed
 20 a risk of harm to children and there was concern
 21 that he had a continued risk of harm?
 22 A To my knowledge, no report was made to the
 23 people. I don't know the full documentation of
 24 Budzynski, whether or not there's a document from
 25 the treatment center wherever he was sent and

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1 whether or not Father Janake, who was the Vicar,
 2 felt at that point that he was ready for an
 3 assignment of this sort.
 4 Q At that time it notes here that Father Wagner is
 5 to be his pastor, it looks like, or pastoral team
 6 member is the way it is written?
 7 A Yes.
 8 Q Does that confer that Wagner is to keep an eye on
 9 him?
 10 A In 1982 I don't think that would have been
 11 employed.
 12 Q Did you know at the time of this appointment in
 13 '82 that Wagner was also known to have been an
 14 abuser?
 15 MR. LO COCO: Object. First of all,
 16 that's not true. This is Father John Wagner.
 17 The name on our list is Father Jerome Wagner.
 18 MR. FINNEGAN: There are two. John and
 19 Jerome are both on the list.
 20 MR. MURRAY: We are going to straighten
 21 this out.
 22 MR. LO COCO: You are right. I
 23 misstated that.
 24 BY MR. ANDERSON:
 25 Q So the question as stands is did you know that

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1 John Wagner is or was a priest who that had been
 2 accused of sexual abuse of minors?
 3 MR. MURRAY: Did he know that in '82 is
 4 the question?
 5 MR. LO COCO: In '82?
 6 THE WITNESS: I did not know that in
 7 '82.
 8 BY MR. ANDERSON:
 9 Q Do you know when you did learn that?
 10 A Sometime later.
 11 Q I'm directing your attention now back to
 12 Exhibit 42 and the Vicar Logs that we had
 13 referred to earlier, and the Bate stamp on this
 14 Vicar Log is, the last three digits, 3870. 3870,
 15 Archbishop.
 16 MR. FINNEGAN: It's 1987. They are in
 17 date order.
 18 THE WITNESS: They are in date order?
 19 MR. ANDERSON: Yes.
 20 MR. LO COCO: I'm sorry. What's the
 21 Bates?
 22 MR. ANDERSON: 3870.
 23 THE WITNESS: Yes.
 24 BY MR. ANDERSON:
 25 Q Do you have that before you?

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1 A Yes, I do.

2 Q I'm going to direct your attention to the middle

3 of the page, Item No. 3. It's in the middle of

4 the page under Daniel Budzynski where it begins,

5 "On Wednesday, July 22, 1987," and then in that

6 entry there's a paragraph, and my first -- On

7 reading this it appears to me that Budzynski has

8 been -- information has been revealed that he has

9 offended, but I'm not going to -- Do you remember

10 that, him reoffending?

11 MR. MURRAY: Why don't you let him take

12 a second to read that paragraph so he can answer

13 your question.

14 MR. ANDERSON: Jim, I can just direct

15 him to this. If we read these things, it's going

16 to take way too long.

17 MR. MURRAY: It depends on your

18 question.

19 BY MR. ANDERSON:

20 Q It just says, "The same evening I went to visit

21 the eighth grade lad." Do you see that?

22 A I don't remember any of this.

23 Q Okay. Then at the bottom of that entry you see

24 the initials RS -- RJS. Would that be then

25 Bishop Skdba?

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1 A Yes.

2 Q And the last sentence of this log entry states,

3 "They requested," they referring back to the

4 family of the victim, "that I not contact police,

5 if at all necessary, for the good of the young

6 man. I believe that the Hannaway opinion gives

7 me some options in this regard." What is the

8 Hannaway opinion?

9 A I have no idea.

10 Q Was it then the practice of the Archdiocese that

11 if the family didn't want police involvement, the

12 Archdiocese was relieved of an obligation, moral

13 or legal, to report that to law enforcement?

14 MR. MURRAY: Objection, calls for a

15 legal conclusion, but you may answer, if you'd

16 like.

17 THE WITNESS: Certainly the Diocese did

18 not feel obliged, if the family did not want, and

19 they -- did not want the Diocese to go to the

20 police, and also I think it was right to say that

21 if the family wanted to go to the police, the

22 Diocese would have no objection.

23 BY MR. ANDERSON:

24 Q I'm going to direct your attention now,

25 Archbishop, to another portion of the Budzynski

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1 file, but this one is marked Exhibit 28. It

2 would be tabbed 28. Do you have that before you?

3 A Yes, I do.

4 Q Okay. This exhibit has actually two pages, and

5 under protocol some portions of it removed,

6 perhaps, but I'd like to ask you about what it

7 reflects. First, when we look at Exhibit 29, we

8 see the notes that correspond to this to be --

9 the date to be February 10th, 1994?

10 MR. MURRAY: You are asking about

11 Exhibit 29, the handwritten notes?

12 MR. ANDERSON: Yes, and I'm using that

13 as a time reference for the Archbishop, because

14 we tie these notes to this exhibit because the

15 exhibit doesn't have a date. So I'm just telling

16 you that so you can have a time context here,

17 Archbishop. So we're thinking and looking at

18 this as being February of 1994, okay?

19 THE WITNESS: Thank you.

20 BY MR. ANDERSON:

21 Q And our reading of this is that at that time, as

22 you have testified, I believe, there was a team

23 in which Liz Piasecki was involved to address and

24 deal with problems of sexual abuse of minors?

25 MR. MURRAY: Let me interject. I have

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1 no problem if you want him to assume that this is

2 1994 based on these handwritten notes, but he

3 hasn't had a chance to verify one relates to the

4 other, so with that assumption, I'm okay with

5 these questions.

6 MR. ANDERSON: And that assumption will

7 be continuing.

8 MR. MURRAY: That's fine.

9 THE WITNESS: So the question was?

10 BY MR. ANDERSON:

11 Q Liz Piasecki, she was a part of the team,

12 correct?

13 A Liz Piasecki would be the intake person. She had

14 a doctorate in psychology who was on staff and

15 would have dealt with this, yes, that would be

16 correct.

17 Q And she was installed on that team under your

18 authority to help determine and interview the

19 accused offenders and decide, with the benefit of

20 the team members, what recommendation should be

21 made to you to do?

22 A I think her purpose was to bring in all the

23 information she could and to put it together.

24 Most of the time she did not deal with the

25 offenders, because it was the Vicar of Clergy who

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1 that had that responsibility, although she may
 2 have gathered information for him. So I would
 3 take it that this material was meant for the
 4 Vicar in his job.
 5 Q Okay. In any case, the notes of this reflect
 6 that in 1994 there are a number of youth who
 7 Budzynski had offended, correct?
 8 A Yes.
 9 Q And, Archbishop, at that time in 1994 after the
 10 information surfaced by this interview and the
 11 other information that he had offended a number
 12 of reports -- excuse me -- a number of youth, was
 13 any of that information reflected in this
 14 document or the Archdiocese's knowledge of his
 15 history made known to any of the parishes where
 16 he had been assigned and offended those youth?
 17 A Not to my knowledge.
 18 Q Budzynski was continued in ministry until 2001,
 19 was he not?
 20 A I don't know. I don't know.
 21 Q Look at Exhibit 36. You will see Exhibit 36 is
 22 dated May 7, 2001, and it's written from you to a
 23 Dan, and that is Budzynski?
 24 A Yes.
 25 Q And the second paragraph says that the serious

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1 difficulties of the past never surfaced in a
 2 public forum, nor were brought to any legal
 3 authorities, but they still could well surface.
 4 I see no reason to take these risks for yourself
 5 or for the church. Public ministry, it seems to
 6 me, is still not an option for you. So he
 7 remained in ministry, but at this point not -- no
 8 public ministry, right?
 9 MR. LO COCO: Well, I object to the
 10 question because it misstates the record. If you
 11 go to your own exhibits, two or three back, as
 12 early as '95 he was not.
 13 MR. ANDERSON: What's your objection?
 14 Give me a legal objection, please, sir.
 15 MR. LO COCO: It's a trick question
 16 intended to mislead the witness, so I will
 17 instruct the witness not to answer it.
 18 MR. ANDERSON: Just a moment. I will
 19 ask another question. Don't get upset. If you
 20 have an objection, give it to me.
 21 MR. LO COCO: You are misleading the
 22 witness, Jeff.
 23 MR. ANDERSON: Just a moment. Just a
 24 moment, Counsel. I will ask another question.
 25 I'm not trying to trick anybody. We're trying to

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1 get through the time in a respectful way, and I
 2 will ask for your respect --
 3 MR. LO COCO: I have been very
 4 respectful.
 5 MR. ANDERSON: Just a moment. -- in
 6 allowing me to rephrase the question, if you
 7 don't like it. I will do it.
 8 MR. LO COCO: I don't like the question
 9 because it misleads the witness.
 10 MR. ANDERSON: I'm going to rephrase it.
 11 MR. LO COCO: Fair enough.
 12 BY MR. ANDERSON:
 13 Q Archbishop, when it comes to Budzynski, after the
 14 knowledge that was reflected in Exhibit 28 that
 15 he had abused a number of youth, is it correct to
 16 say that he was continued or he was allowed to
 17 continue in ministry?
 18 MR. LO COCO: Objection to the form. I
 19 need the question back, Kathy.
 20 COURT REPORTER: "Archbishop, when it
 21 comes to Budzynski, after the knowledge that was
 22 reflected in Exhibit 28 that he had abused a
 23 number of youth, is it correct to say that he was
 24 continued or he was allowed to continue in
 25 ministry?"

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1 THE WITNESS: The letter presupposes
 2 that there have been some restrictions on him
 3 that he wants lifted. Is there a document
 4 stating those, the restrictions, in the file?
 5 MR. LO COCO: Exhibit 30, which is dated
 6 May 25, 1995.
 7 MR. ANDERSON: Let me just withdraw this
 8 question, Archbishop.
 9 BY MR. ANDERSON:
 10 Q Were restrictions imposed on Budzynski?
 11 A I thought there were.
 12 Q And was he removed from ministry all together?
 13 A I thought so.
 14 Q Okay.
 15 A And I think he wanted to take a funeral or
 16 something, and I was trying gently to say no.
 17 Q Okay. Well, let's go to 36 then where you are
 18 trying to gently say no to his request for public
 19 ministry. When you say I see no reason to take
 20 those risks for yourself or for the church, to
 21 allow him to do public ministry, what are you
 22 saying here? What risk?
 23 A I wrote that in 2001. I should remember better.
 24 Certainly the risk for him he should figure out.
 25 For the church seems a little bit, what's the

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1 right word, self-serving on my part, but I really
 2 can't tell you what I meant by that for the
 3 church, unless it would be that there be scandal
 4 involved or something.
 5 Q I'm going to turn to -- By the way, on 36, Bishop
 6 Sklba and the Vicar for Clergy Personnel and the
 7 Chancellor are all cc'd, are they not?
 8 A Yes.
 9 Q Did any of this information about Budzynski that
 10 had become known to you and other officials of
 11 the Archdiocese ever, about his abuse of many
 12 kids over many years, ever be disclosed to any of
 13 the community of faith wherever he had lived or
 14 wherever he had worked in the past?
 15 MR. LO COCO: Objection to form.
 16 MR. MURRAY: Objection, calls for
 17 speculation.
 18 MR. LO COCO: Up to this point in time?
 19 MR. ANDERSON: Until 2002.
 20 THE WITNESS: I can't answer that,
 21 because I'm not sure what Archbishop Cousins
 22 would have done, and I'm sure he had to deal with
 23 this early on, and certainly after that there was
 24 no document to my knowledge sent out to anybody
 25 with -- telling the story of this background.

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1 BY MR. ANDERSON:
 2 Q And to this day, Archbishop, do you have any
 3 knowledge that your successors, Archbishops Dolan
 4 or Listecky, have made any disclosure of the
 5 Archdiocese's knowledge pertaining to Budzynski
 6 to the public or community of faith?
 7 MR. LO COCO: Objection, form and
 8 foundation.
 9 MR. MURRAY: Also calls for speculation,
 10 but you may answer, if you can.
 11 THE WITNESS: I cannot answer it in
 12 full, because I haven't been brought into that
 13 picture, and I don't get copies of anything, but
 14 I could say that it's on line, isn't it, in the
 15 list of people who have offended. His name is
 16 there with some kind of a biography of the places
 17 he has been stationed.
 18 BY MR. ANDERSON:
 19 Q There is a 2004 list of credibly accused Diocesan
 20 clerics, and Budzynski appears on it, but my
 21 question goes to the knowledge of the Archdiocese
 22 history of his abuse. Do you have any knowledge
 23 that, apart from the fact that he's credibly
 24 accused, that anybody of the -- from the
 25 Archdiocese to the present has made a full or

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1 open disclosure of the known history concerning
 2 Budzynski?
 3 MR. MURRAY: Objection, asked and
 4 answered.
 5 THE WITNESS: I can't answer. You will
 6 have to ask my successors, because I wasn't
 7 always involved.
 8 BY MR. ANDERSON:
 9 Q Okay. I'm going to turn your attention,
 10 Archbishop, to Father Murphy, and for that
 11 purpose direct your attention to --
 12 MR. MURRAY: Jeff, as long as you're
 13 switching gears here, would this be a good time
 14 for a break? Can we take ten minutes?
 15 MR. ANDERSON: Sure.
 16 VIDEOTAPE TECHNICIAN: We're going off
 17 the record at 9:51 a.m.
 18 (Exhibits B and C were marked.)
 19 (A recess was taken.)
 20 VIDEOTAPE TECHNICIAN: We're back on the
 21 record at 10:27 a.m.
 22 BY MR. ANDERSON:
 23 Q Archbishop, we're going to digress, and while off
 24 the record we engaged in an effort to try to
 25 create two additional exhibits. One exhibit is

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1 Exhibit B, and on it there are a number of
 2 priests whose names appear, and they are numbered
 3 1 through 63. Do you see that?
 4 A Yes, I do.
 5 Q And then there is also Exhibit C, which I had
 6 presented to you with a request to make a
 7 notation where you might have some information
 8 pertaining to something. I'd like the record to
 9 reflect that counsel all agree that B and C are
 10 to be sealed, and that the inquiry that I'm about
 11 to do will be numerical so that when we refer a
 12 number here, you will be looking at the name of
 13 that person as opposed to using the name.
 14 A Thank you.
 15 Q And that way we can preserve whatever we think we
 16 need to do to be proper and fair. Okay?
 17 A Thank you.
 18 VIDEOTAPE TECHNICIAN: So we all agree
 19 that B and C are to be sealed and we will be kept
 20 under seal by us. Is that agreed, Counsel?
 21 MR. LO COCO: Correct.
 22 THE WITNESS: Agreed.
 23 BY MR. ANDERSON:
 24 Q Archbishop, then looking at Exhibits C and B
 25 together, I'm going to direct your attention to

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1 No. 18. By 18 on Exhibit C you noted a question
 2 mark. So what I'm going to do is ask if you have
 3 any knowledge that any of these people either
 4 were suspected or reported to have engaged in any
 5 abuse of any minors. Then I will go through
 6 these people by number. So the first one that I
 7 would ask or put that question to you on is No.
 8 18. Do you have any knowledge?
 9 A I know that a report came in, but I thought it
 10 was an adult. That's why I marked it with a
 11 question mark.
 12 Q Understood. And can you give us an estimate of
 13 when in time that would have been?
 14 A 1995 or so.
 15 Q Okay. And can you tell us what action, if any,
 16 you took in response to that report?
 17 A I'm positive it was investigated, otherwise I
 18 wouldn't have that feeling that it was a question
 19 of an adult.
 20 Q Okay. And beyond investigation, do you have any
 21 memory of what, if any, restrictions were imposed
 22 or other disciplinary action taken, if any?
 23 A I think there had been some disciplinary action
 24 taken, because he's retired now, and I have never
 25 seen what those restrictions are.

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1 Q Okay. No. 19 is a [REDACTED] -- Excuse me. I have
 2 already used his name. No. 19 is [REDACTED]
 3 That's not one that -- We have already used that
 4 name.
 5 A Yes.
 6 Q I'm going to skip him, because we covered him.
 7 When, however, do you recall first getting any
 8 information from any source that [REDACTED] a
 9 Religious Capuchin with faculties in the
 10 Archdiocese, had been suspected or accused of
 11 abuse?
 12 A My first recollection is when our lawyer came to
 13 me about the case, and that because he was in one
 14 of our parishes, the Diocese would be involved.
 15 That's the first I had about that.
 16 Q And what action did you take responsive to the
 17 information you received?
 18 A I accepted whatever the lawyer was telling me was
 19 going to happen. That's all I know.
 20 Q And did you take any action by way of restricting
 21 or removing that priest's faculties?
 22 A I thought they had been suspended when I heard
 23 about the case.
 24 Q Okay. I'm going to direct your attention down to
 25 23 now, and look at No. 23. Tell me what you can

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1 about any knowledge of suspicions of abuse or
 2 reports of complaints pertaining to 23.
 3 A I didn't put anything there because I have no
 4 recollection of any complaints coming in while I
 5 was Bishop, and I say that, and anything beyond
 6 that would be rumor.
 7 Q All right. Let's go to -- Did you ever, while
 8 you were Archbishop, have concerns about his
 9 fitness and/or risk to minors?
 10 A No.
 11 Q Okay. Let's go to the rumors that you make
 12 mention of. Was that while you were still
 13 Archbishop or after retirement?
 14 A After.
 15 Q Okay. Were they of a magnitude that would have
 16 caused you to want to go back to the current
 17 Archbishop or the superior there and say, "Hey, I
 18 just heard something that requires
 19 investigation?"
 20 A I probably heard this from somebody in authority,
 21 or I wouldn't have just marked it.
 22 Q Do you remember whom it was?
 23 A No, I don't.
 24 Q The next name is public, so I will use it. It's
 25 [REDACTED] and he is numbered here as No. 27. He's

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1 Capuchin. When, if at all in time, did you first
 2 hear or suspect that he may have abused?
 3 A My recollection is that the Provincial came to
 4 see me.
 5 Q In time, when would that have been?
 6 A It was after he had left St. Lawrence and was
 7 working for the Sacred Heart School of Theology.
 8 Q Who was that Provincial then, if you remember?
 9 A Reinhardt.
 10 Q And what action, if any, did you take responsive
 11 to the information either given you or assembled
 12 as the then Archbishop?
 13 A As I recall the conversation, it was that he did
 14 not meet the requirements for ministry in our
 15 Diocese as we were working them out with
 16 Religious, and so that was my conclusion.
 17 Q Any other action taken that you recall?
 18 A I don't recall what happened after that, but I
 19 know he left the scene.
 20 Q The next one I direct your attention to is
 21 No. 29. In connection with 29, what can you tell
 22 us about what you first heard, learned or
 23 suspected pertaining to potential abuse of
 24 minors?
 25 A That name is new to me.

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1 Q Okay. So you don't know anything about that?

2 A No.

3 Q [REDACTED] is well-known. You didn't --

4 Obviously, we don't need to cover that. We've

5 covered that before anyway. I'm going to go to

6 No. 36 and ask you about him. What can you tell

7 us about him and what you had heard, suspected or

8 known?

9 A My first knowledge of that was reading the

10 morning newspaper.

11 Q What year would that have been?

12 A That would be present year, isn't it, 2002?

13 MR. LO COCO: 2011.

14 THE WITNESS: I'm sorry. 2011.

15 BY MR. ANDERSON:

16 Q Any concerns about his fitness and/or risk to

17 minors before having read what you did in the

18 newspaper this year, 2011?

19 A No.

20 Q Okay. After reading what you did in the

21 newspaper, did that stir anything in your memory

22 saying, "Oh, there was some red flags back there

23 that I missed on this guy?"

24 A I thought about that, and I can say, no,

25 absolutely no. I was totally surprised.

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1 Q The next guy is -- that you noted as having some

2 knowledge of is a guy whose name is public,

3 [REDACTED]

4 A Right.

5 Q -- a Salvatorian. When did you first learn or

6 suspect that he had posed a risk of harm to

7 children?

8 A He was taken in by police, and that was the first

9 that I was informed of it.

10 Q And that was on a report by a family or victim

11 of -- a victim's family?

12 A I don't know, because that was handled by his

13 Religious Order, the Salvatorians.

14 Q And what action did you take responsive to the

15 information garnered by them or others pertaining

16 to his fitness?

17 A I'm positive his name was taken off those who had

18 faculties for the Diocese.

19 Q I'm going to direct you down to No. 53. That

20 name is, I think, well-known, but in the interest

21 of counsel, do you have any preference on whether

22 I use that name or not, 53? We know it to be

23 quite widely disseminated, but I'm not sure. Do

24 you all have a preference?

25 MR. LO COCO: Did you all file a public

Page 200

1 claim on him?

2 MR. ANDERSON: Yes, we did.

3 MR. LO COCO: He's not a priest of the

4 Diocese, so that's fine.

5 BY VIDEOTAPE TECHNICIAN:

6 Q The name is [REDACTED] He's been named both

7 by way of claim and in litigation as having been

8 at the Deaf School and with Murphy.

9 A Yes.

10 Q When, if at all, did you first learn or suspect

11 that he may or did pose a risk of harm to minors?

12 A At the meeting that we had with the deaf

13 community in about 1992.

14 Q And from whom did you learn that then? Was it

15 the deaf kids?

16 A I can't tell you who mentioned it. It came up at

17 that meeting.

18 Q Okay. And what action did you take responsive to

19 the information, if any, responsive to the

20 information you received about him having

21 offended youth?

22 A This seemed like old news to everybody there, and

23 certainly I had no -- he was a lay person, so I

24 didn't know until I looked at your list that he

25 had worked at St. John's School for the Deaf, so

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1 I can't say that we took anything beyond the fact

2 that everybody seemed to know what I didn't know.

3 Q The next one is 59. Look at that, and tell me

4 what you can, if at all, about what you know,

5 have learned or suspected concerning the risk of

6 harm by abuse to youth.

7 A [REDACTED] had been a priest.

8 MR. FINNEGAN: He was charged.

9 MR. ANDERSON: He was charged

10 criminally.

11 THE WITNESS: I'm sorry.

12 MR. ANDERSON: That's okay. It's

13 already public.

14 THE WITNESS: I was surprised when I

15 read about it in the newspaper. I can't say more

16 than that.

17 BY MR. ANDERSON:

18 Q When you read about the fact that he had been

19 charged with crimes, exploitation of youth, I

20 believe, did you think back thinking, "Oh, man,

21 there were signs and I just missed them?"

22 MR. LO COCO: Object to the form.

23 MR. ANDERSON: I know it was kind of

24 causal.

25 THE WITNESS: I thought back, I did, and

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1 I often wondered why he left the Diocese for
 2 LaCrosse, but I couldn't see any traces.
 3 BY MR. ANDERSON:
 4 Q No. 61 is a name we've already used, haven't we,
 5 and it's public, [REDACTED] When did you
 6 first learn that he had been accused or there was
 7 suspicions that he had abused?
 8 MR. LO COCO: Just to be clear, you --
 9 you filed a public claim against [REDACTED]
 10 and from that perspective it's public.
 11 MR. ANDERSON: Okay.
 12 BY MR. ANDERSON:
 13 Q So what do you know about [REDACTED]
 14 A I know that an accusation came through back --
 15 You'd have to help me with the date on that. I
 16 think at the time he was working in a minor
 17 seminary. An accusation came back about he and
 18 another boy had gone with [REDACTED] to a convention,
 19 I don't know what it was, in Florida and that the
 20 one boy brought the complaint that they were
 21 swimming and [REDACTED] had sustained him in the
 22 water or something, and he thought the touches
 23 were improper. It was investigated and I
 24 remember that. I remember that it wasn't taken
 25 seriously and I did nothing about it, except I do

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1 recall that the other boy that was with him on
 2 the trip to Florida went on for priesthood. I
 3 remember sitting down with him and saying, "Did
 4 anything happen on that trip to Florida that I
 5 should know about," and he said, "Oh, no, Bishop,
 6 nothing." So that was my little investigation
 7 after the police. That's my recollection.
 8 Q You had had experience with people who were
 9 offenders of youth and had confronted them before
 10 [REDACTED] certainly, correct?
 11 MR. MURRAY: Object to form. You may
 12 answer.
 13 THE WITNESS: When do you mean?
 14 BY MR. ANDERSON:
 15 Q You had had some experience with priests accused
 16 of abuse where you would sit down with them and
 17 say, "Hey, Father, did you commit abuse against
 18 this kid or these kids," right?
 19 A Yes, I confronted.
 20 Q And is it fair to say in your experience as
 21 Archbishop over the 25-year span, that more often
 22 than not you were met with denial by the accused
 23 offender?
 24 A I can't say that. I can't say that. If you
 25 asked me to make a list of those who phoned me

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1 when they were in trouble, it would also be long.
 2 Q But those that were in trouble as pertained to
 3 sexual abuse and shared that with you, they also
 4 knew they could share that with you safely,
 5 didn't they?
 6 MR. LO COCO: Object to the form.
 7 MR. MURRAY: The question is multiple,
 8 as well. You may answer, if you can.
 9 THE WITNESS: The word safely is a
 10 little bit --
 11 BY MR. ANDERSON:
 12 Q It wouldn't be made public.
 13 A Oh, I don't know about that.
 14 Q Did you ever make any information shared with you
 15 in that context, where they made a call to you to
 16 say they were in trouble concerning childhood
 17 sexual abuse, and then you made that information
 18 public?
 19 A In the cases I have in mind, I didn't have to
 20 because it went to the police.
 21 Q Did you, concerning [REDACTED] do any investigation
 22 of him at his past parishes after having
 23 interviewed him and he denied it?
 24 MR. MURRAY: I think you are
 25 misunderstanding what he said before. It wasn't

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1 the priest that denied it, it was one of the boys
 2 that were there.
 3 MR. ANDERSON: Oh, okay. I did
 4 misunderstand that.
 5 BY MR. ANDERSON:
 6 Q Did you ask [REDACTED] if he had done anything against
 7 those boys?
 8 A I don't know if I did personally, but I certainly
 9 remember that he denied it. I don't know if he
 10 denied it to me personally or whether that was to
 11 somebody else.
 12 Q Okay. And did you or anybody under your
 13 direction conduct an investigation at [REDACTED]
 14 past parishes to see if there was any discernible
 15 history of other misconduct towards you?
 16 A I don't know that answer.
 17 Q The last one I would like to ask you about is No.
 18 62. What can you tell me about him and what you
 19 may know pertaining to sexual abuse?
 20 A I never knew of any accusations about him
 21 concerning minors. I know certain complaints
 22 that came in about his -- what would be the right
 23 word -- his lack of social skills with regard to
 24 women. I will put it that way.
 25 Q On Exhibit C the ones that you have checked are

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1 the ones that you don't know anything about or
 2 have no present knowledge pertaining to any
 3 history of suspicions of sexual abuse that aren't
 4 already publicly known?
 5 A The ones I marked are those that I had never
 6 heard of before or those for whom there were no
 7 complaints at all that I heard of, or that if I
 8 had heard a complaint, it was an adult. There
 9 were a couple of those. Like No. 8 would have
 10 been an adult.
 11 Q Right. What about claims that were determined by
 12 you or people from the Archdiocese under your
 13 authority that were deemed to be false claims of
 14 sexual abuse? Were there any of those that were
 15 deemed to be false and, thus, no action taken by
 16 you as Archbishop?
 17 MR. LO COCO: Objection, foundation.
 18 THE WITNESS: I'm racking my brain a
 19 little bit. I can think of one where the statute
 20 of limitation had expired, so it was somebody who
 21 wrote or phoned into the Diocese from a distance,
 22 and I recall that the judge -- We had hired by
 23 then somebody to investigate these for us.
 24 Q Was that Foley?
 25 A No, no, that wasn't Judge Foley. This was

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1 another retired judge, Fiorenza. I think that
 2 was his name.
 3 MR. MURRAY: John Fiorenza.
 4 THE WITNESS: So he went out to
 5 interview the person who brought the complaint,
 6 and came back saying he felt it was groundless.
 7 BY MR. ANDERSON:
 8 Q And, thus, no further action taken?
 9 A Thus, no further action.
 10 Q Why don't you write on the piece of paper what
 11 the name of that individual was that was
 12 investigated.
 13 MR. LO COCO: We're not going to do
 14 that.
 15 THE WITNESS: Is this proper?
 16 MR. LO COCO: No, we're not going to do
 17 that. It was investigated; it was not
 18 substantiated. There's no value in doing that.
 19 You are not going to get another name to start
 20 investigating.
 21 MR. ANDERSON: It may already be a name
 22 we have.
 23 MR. LO COCO: We're not doing it. He's
 24 not putting the name down.
 25 MR. ANDERSON: If you are instructing

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1 him not to do it --
 2 MR. LO COCO: I'm instructing him not to
 3 comply with your request.
 4 MR. ANDERSON: I can make that same
 5 request by written interrogatory, and instead of
 6 taking further time to engage the judge in that,
 7 I will.
 8 BY MR. ANDERSON:
 9 Q In your 25 years as Archbishop, do you have any
 10 memory of other claims that were deemed by you or
 11 those retained and/or working for you to have
 12 been false?
 13 A False?
 14 Q Yes.
 15 A I can't come up with any other names right now.
 16 Q There was just mention by me of Judge Foley
 17 having been engaged at some point by you and your
 18 office. When was that, and did he make any
 19 written report to you?
 20 A The year would have been probably a little before
 21 '89 or '90, as far as I recollect, and I had
 22 asked him to look at all our cases and how they
 23 had been handled and what recommendations he
 24 would have, and he did write up a report. Now I
 25 haven't seen the report since he wrote it, but it

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1 did exist.
 2 Q When he wrote it, was it submitted to you for
 3 your review?
 4 A Yes, it was.
 5 Q You did then?
 6 A Yes, it was.
 7 Q Did you take any action responsive to what he
 8 wrote to you in that report? Did you make any
 9 changes?
 10 A I don't recall what we -- what I may have done
 11 after that, receiving that report.
 12 Q I'm going to go through the documents, and I have
 13 been told by Mr. Finnegan that I have to go
 14 faster, so I'm going to talk faster now, so get
 15 ready, okay, Archbishop? I'm going.
 16 MR. MURRAY: Slow down a little bit,
 17 please.
 18 BY MR. ANDERSON:
 19 Q We're going to go to Murphy now. There are a lot
 20 of documents, but I'm going to try to just
 21 hyper-focus here a little bit to help us all get
 22 through it fairly, but efficiency. The one I
 23 directed you to before is 46. Let's take a look
 24 at that for a moment, and you have it before you,
 25 and my question to you is the document reflects

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1 Vatican involvement through the Apostolic
 2 Delegate concerning a Murphy in '74 that would be
 3 under the authority of your predecessor,
 4 Archbishop Cousins.
 5 My question to you, Archbishop, is when
 6 you were dealing with Murphy and when you ended
 7 up going to Rome and doing the things you have
 8 already described, did you know there had been
 9 Vatican involvement in the Murphy problems
 10 concerning abuse of kids back in '74?
 11 A No.
 12 Q So have you ever seen this document before?
 13 A No.
 14 Q It's correct, and I think you told us before, to
 15 say that Cousins was not much of a record keeper,
 16 is that fair to say?
 17 MR. MURRAY: Object to the form of the
 18 question. You can answer, if you can.
 19 THE WITNESS: I can say that Archbishop
 20 Cousins did not write long letters.
 21 BY MR. ANDERSON:
 22 Q Is it fair to say that Cousins never demonstrated
 23 much of a knowledge about sexual abuse, at least
 24 to you?
 25 A To me personally, no. No, he never spoke of

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1 that.
 2 Q Did he ever, in your review of the files, either
 3 concerning Murphy or others, did you ever see
 4 Cousins documenting sexual abuse?
 5 A Speak again?
 6 Q Documenting sexual abuse.
 7 A Documenting?
 8 Q Yes.
 9 A Are you going to quote me to myself?
 10 Q I am.
 11 MR. FINNEGAN: 354.
 12 BY MR. ANDERSON:
 13 Q At 354, let me just see, you write, "I was
 14 surprised to read in about 2006, some 30 years
 15 later, in the paper the claim that Archbishop
 16 Cousins had hidden Widera's problem from Chicago,
 17 from the Bishop of Orange. Bishops in those days
 18 put very little in writing about problems of this
 19 sort, so I was surprised that Cousins had talked
 20 to Bishop Johnson on the phone and written to the
 21 Chancellor as much as he did. About such matters
 22 a Bishop would have been very discreet. Cousins
 23 seemed to have gone out of his way to relay the
 24 facts and raise a warning flag."
 25 So is that correct as you wrote that?

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1 A Yes, it is.
 2 Q And so in the context of the question I asked you
 3 then, he didn't really document much that you saw
 4 as you took over the Archdiocese?
 5 MR. MURRAY: Object to the form of the
 6 question. I think it's inconsistent with what
 7 you just read.
 8 MR. LO COCO: I will join.
 9 THE WITNESS: I can say that he did not
 10 document heavily things that happened. That
 11 would have been in anything.
 12 BY MR. ANDERSON:
 13 Q This letter to Cousins from the Delegate before
 14 you at 46, you had not seen it before and you
 15 already told us that you actually brought this
 16 matter to Rome with Bishops Skiba and Fliss for
 17 their attention and action. Given how things
 18 worked, how do you think it is or why do you
 19 think it is you didn't have this with you and any
 20 knowledge of it until today?
 21 MR. LO COCO: Objection, calls for
 22 speculation.
 23 THE WITNESS: The only thing I had read
 24 about this was the lawsuit of 1974 or 5, and I
 25 had the newspaper clipping from the file,

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1 Murphy's file. That's what I had read. But I
 2 did not know of this letter which annotates the
 3 lawsuit or threatens the lawsuit, but I had no
 4 knowledge that this existed. It could well be
 5 that it was filed somewhere in the chancery where
 6 I wouldn't have looked.
 7 BY MR. ANDERSON:
 8 Q Did any of the Vatican officials when you met
 9 with them concerning this, Bartone or others,
 10 inform you that they had been engaged through the
 11 Delegate on Murphy way back in '74?
 12 A No, not at all.
 13 Q In the files, and I just don't have time to have
 14 us go through them, but there was a [REDACTED]
 15 who was retained as a -- kind of a social worker
 16 to interview and do some investigation, among
 17 others things, interview people, and in the
 18 documents there's a reflection that there were --
 19 that Murphy was alleged to have abused about 200
 20 students. Did you ever hear that?
 21 A I did hear the number 200, and I might even be
 22 responsible for it, because we looked at the
 23 number of students who had gone through St.
 24 John's School for the Deaf while he was the
 25 superior there. That's where that number comes

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1 from.

2 Q Actually, I'm looking at a document where [REDACTED]

3 [REDACTED] writes, she says, "This estimate is likely

4 to be fairly accurate." Do you know what led her

5 to reach that conclusion independent of what you

6 just said?

7 MR. LO COCO: What exhibit number is

8 that?

9 MR. FINNEGAN: 56.

10 MR. ANDERSON: Fifty-six under,

11 "Conclusions." That's okay. I don't want to

12 take the time. I'm just asking --

13 THE WITNESS: I have no idea why she

14 would have said that.

15 BY MR. ANDERSON:

16 Q Did you ever tell her you thought there were as

17 many as 200?

18 A No.

19 Q That's all I have on that. I don't want to take

20 any more time on that. I'd like to direct your

21 attention to Exhibit 66, Archbishop, and while

22 you are locating it, I will just tell you that

23 this would be a letter from you addressed to then

24 Cardinal Gilberto Agustoni who was then the

25 Prefect to the Supreme Tribunal of the Apostolic

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1 Signatura of the Vatican City State. Do you see

2 that?

3 A Yes, I do.

4 Q And in the first paragraph -- I have read this

5 document, and there were earlier documents where

6 you had sent concerns to a different Cardinal

7 before you sent this. Do you remember having

8 done that?

9 A I remember having sent it to a different place

10 other than the Signatura Apostolic. I know that.

11 Q You had sent it to Cardinal Ratzinger, hadn't

12 you?

13 A I'm not sure who got the first letter, whether it

14 went to the Rota or the Doctrine of the Faith,

15 because there was some dispute about who was

16 really in charge.

17 Q Well, in any case, I want to direct your

18 attention to this, and the last two sentences in

19 the first paragraph. I'd like to read it and ask

20 you a question. You write, "Finally, true

21 scandal in the near future seems very possible

22 because in November of 1966 --

23 MR. MURRAY: '96.

24 MR. ANDERSON: Excuse me. "...November

25 1996 I received a letter from an attorney

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1 suggesting the possibility of civil court action,

2 which no doubt would become well-known in this

3 community." Isn't it correct to say, based on

4 what you wrote here, that true scandal is a

5 priority and the avoidance of true scandal was

6 and is a priority in how you dealt with sexual

7 abuse?

8 MR. MURRAY: Object to form.

9 MR. ANDERSON: And how the Vatican dealt

10 with it.

11 MR. MURRAY: Well, number one, object,

12 multiple in form. Number two, I think the

13 question is ambiguous, but you may answer,

14 subject to.

15 MR. LO COCO: I will join.

16 MR. ANDERSON: Do you want me to

17 rephrase the question?

18 THE WITNESS: No, no. It depends on how

19 you use the word "scandal." As I recall putting

20 it in here, it was a form in which I wanted to

21 get them off zero and moving, so it's an attempt

22 on my part to get this moving.

23 BY MR. ANDERSON:

24 Q You wanted change, and you thought that if they

25 knew there would be publicity through a lawsuit,

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1 that might get them to get moving, right?

2 A Well, whatever, yes.

3 Q You will see in the third paragraph you write, "I

4 wrote to His Eminence Joseph Cardinal Ratzinger,

5 Prefect of the Sacred Congregation of the

6 Doctrine of Faith in July of 1996," and the last

7 sentence you say, "So far, however, I have

8 received no response." Is that correct?

9 A Yes.

10 Q I'm going to direct your attention to the meeting

11 that you had, some of which you've described for

12 us, but now the documents that have been -- some

13 of which presented here, I'd like to review with

14 you. Exhibit 74, Archbishop, if you would turn

15 to it, please.

16 While you are finding 74, I'm going to

17 just identify 74 as what appears to be the Latin

18 notes of the visitation, the ad limina, I

19 believe, of May 30, '98, and then the English

20 translation of that which follows. Do you see

21 the English translation, because I'm going to

22 want to deal with that one.

23 A You don't want to deal with the Italian?

24 Q No, I'd rather not. Thanks.

25 MR. MURRAY: I think you said Latin, and

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1 I think it's Italian.
 2 MR. ANDERSON: We will do that.
 3 MR. LO COCO: And I'm also not sure if
 4 these are the notes of the ad limina visit.
 5 These are the notes of the meeting at the CDF.
 6 MR. FINNEGAN: During when he was over
 7 there.
 8 MR. LO COCO: Right.
 9 MR. ANDERSON: Yes, I did not intend to
 10 infer that they were the notes of the entire
 11 notes of the ad limina visit. This would be the
 12 meeting -- a resume of the meeting of the
 13 Superiors of the CDF with the Prelates interested
 14 to the case of the Reverend Lawrence C. Murphy, a
 15 priest accused of solicitation in the confession,
 16 and that is where it begins, right?
 17 THE WITNESS: Yes.
 18 BY MR. ANDERSON:
 19 Q And in this connection, when I asked you about
 20 scandal yesterday, you said that was not of
 21 really much concern, and that perplexed me,
 22 because I want to review some of this document
 23 with you, because I think I heard you say it
 24 wasn't discussed with the Vatican.
 25 A I did not, to my knowledge, say that.

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1 Q Oh, okay.
 2 MR. MURRAY: I will object. I think
 3 that's a misstatement of his testimony.
 4 MR. ANDERSON: Okay. Well, let's --
 5 MR. FINNEGAN: I think he did, but this
 6 will refresh your memory.
 7 BY MR. ANDERSON:
 8 Q Let's look at what the notes said about scandal
 9 then very briefly. In the third paragraph down,
 10 the last two sentences beginning with Item No. 6,
 11 numbered 6, I'm going to read it and ask you a
 12 question. "There and the danger of big scandal,
 13 if the case was publicized by the press." So the
 14 notes reflect there was, in fact, concern and
 15 discussion about the danger of big scandal,
 16 correct?
 17 A I don't find this in there.
 18 Q Oh, one, two, three paragraphs down, last two
 19 sentences in the third paragraph in the English
 20 translation.
 21 MR. LO COCO: For what it's worth, this
 22 is not a very good translation of the Italian.
 23 BY MR. ANDERSON:
 24 Q So does that -- Do you remember a discussion of
 25 this being a source of concern?

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1 A I can't tell you that.
 2 Q At the second page of the English translation I
 3 will direct your attention to Paragraph 3, and in
 4 the middle of that, after there's discussion
 5 recorded regarding eventuality of a canonical
 6 trial for the crime of solicitation in
 7 confession, in the middle it is written behind
 8 numeral 2 -- I will read it and ask you a
 9 question. It states, "The difficulty that they
 10 have the furnish proofs and testimonies without
 11 increasing scandal taking into account some
 12 inherent limits." Again, this refers to a
 13 calculation of making a decision to proceed with
 14 the trial canonically, and whether or not there
 15 was a risk of scandal, correct?
 16 A Let me read it in Italian first just to make
 17 sure.
 18 Q Oh, that wasn't Latin, huh?
 19 A No, it's Italian.
 20 Q Archbishop, if I may, so we don't get bogged down
 21 in the translation --
 22 A The translation doesn't follow exactly.
 23 Q Let me just do this then. Is it correct to say
 24 that the Vatican effectively discouraged a
 25 canonical trial because of the fear of publicity,

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1 and publicity could lead to scandal?
 2 MR. LO COCO: Objection, form,
 3 foundation.
 4 THE WITNESS: From the minutes one could
 5 assume that is one of the reasons. I think the
 6 other reasons are very clear in the statement of
 7 the secretary about the long period of time that
 8 had elapsed, and also, I don't know if he says it
 9 right in here, the age and illness of the priest.
 10 BY MR. ANDERSON:
 11 Q Understood. Directing your attention to
 12 Exhibit 81, and in it there are a number of
 13 pages, but the one that is marked 401 at the
 14 bottom, right-hand corner.
 15 MR. MURRAY: Which page?
 16 MR. ANDERSON: 81, 401. The date is
 17 May 30, 1998. Entry 385.
 18 MR. MURRAY: How many pages is it?
 19 MR. LO COCO: It's about seven down.
 20 MR. ANDERSON: Okay.
 21 MR. MURRAY: Just a second. The witness
 22 doesn't have it yet.
 23 VIDEOTAPE TECHNICIAN: Excuse me. Two
 24 minutes of disk.
 25

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1 BY MR. ANDERSON:
 2 Q Look at Entry 385, Lawrence Murphy. I'm going to
 3 read it and ask you if you agree with it. "On
 4 May 30, 1998, I joined Archbishop Weakland and
 5 Bishop Fliss in meeting with Archbishop Bartone
 6 and staff regarding the case. It became clear
 7 that the Congregation was not encouraging us to
 8 proceed with any formal dismissal on the basis of
 9 24 years of apparent good conduct and the precept
 10 impending [sic] exercise of orders currently in
 11 effect."
 12 MR. LO COCO: Impeding.
 13 MR. ANDERSON: Impeding. Do you agree
 14 with that?
 15 THE WITNESS: I think he sums up pretty
 16 well the atmosphere of the Canon lawyers and
 17 certainly the Secretary.
 18 BY MR. ANDERSON:
 19 Q What was your view? Were you disappointed that
 20 they made --
 21 A Yes. I had hoped they would take into
 22 consideration, also, the -- can I use the word
 23 scandal?
 24 Q Yes.
 25 A To the deaf community by no action.

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1 Q There were a lot of kids and now adults out there
 2 hurting, weren't there?
 3 A Yes.
 4 MR. ANDERSON: We'll take a break.
 5 VIDEOTAPE TECHNICIAN: This ends Disk
 6 No. 1 of the continuation of the video deposition
 7 of Archbishop Rembert G. Weakland on October 25,
 8 2011. The time 11:15 a.m.
 9 (A recess was taken.)
 10 VIDEOTAPE TECHNICIAN: This is the
 11 beginning of Disk No. 2 of the continuation of
 12 the video deposition of Archbishop Rembert G.
 13 Weakland on October 25, 2011. The time
 14 11:33 a.m.
 15 BY MR. ANDERSON:
 16 Q Archbishop, I'm going to now start to talk fast,
 17 and I'm going to kind of direct you and us
 18 through a volume of materials, trying not to use
 19 the documents, but as I ask a few questions see
 20 if it helps you understand or remember what we
 21 need to discuss.
 22 Peter Burns is our focus now, and in the
 23 documents we have there is indication that -- a
 24 document indication that he was -- a settlement
 25 was made with him in which \$25,000 was paid out

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1 to him, if he petitions for laicization. Do you
 2 have a memory of that?
 3 A I don't. It sounds probable to me, but I don't
 4 know what happened after he was imprisoned, after
 5 he served that term and we had to reach a point
 6 then of dismissing him from priesthood. The
 7 practice had been for those who left the
 8 priesthood voluntarily, we would give them what
 9 they had paid into the pension fund, which was
 10 usually about \$25,000.
 11 Q And was that a practice that has been reflected
 12 in some other documents where you viewed that
 13 when there were priests accused of sexual abuse
 14 and there was concerns about it becoming known
 15 and/or public, and they wanted you, as the
 16 Archbishop, and others wanted to have them
 17 removed from the clerical state, that there was
 18 kind of a practice to pay them \$10,000 when they
 19 petitioned for laicization voluntarily, and then
 20 if it is granted, they receive another \$10,000 on
 21 the back end? Does that sound familiar?
 22 A That doesn't sound familiar.
 23 Q Okay. When it comes do Burns, he did get
 24 laicized later, but there is a document, it's
 25 Exhibit 119, and I want to read from it. It's

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1 from the Congregation de Cultu Divino et
 2 Disciplina Sacramentorum, and you can tell me
 3 what that is.
 4 A It's Discipline of the Sacraments.
 5 Q And at the second paragraph it says, "Since the
 6 petitioner is not yet 40 years of age, the case
 7 falls into a category to which special attention
 8 is being given." Was it your experience that
 9 because he was under the age of 40 and then 36,
 10 that somehow there was more reluctance to grant
 11 laicization?
 12 A As I recall, that rule was a rule that was given
 13 to the Cultu Divino et Disciplina Sacramentorum
 14 by the Pope, that if anybody -- any priest under
 15 the age of 40 asked for laicization, it would not
 16 be granted until he was 40.
 17 Q I'm going to direct your attention to --
 18 A Can I add, just to make sure it's clear, this had
 19 nothing to do with sex abuse. It was just any
 20 priest.
 21 Q They wanted to keep the young ones?
 22 MR. MURRAY: Object to the form of the
 23 question.
 24 MR. LO COCO: Object.
 25 MR. ANDERSON: Never mind.

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1 THE WITNESS: You would have to ask the
 2 Pope why he did that.
 3 MR. ANDERSON: I'd like to.
 4 THE WITNESS: I would, too.
 5 BY MR. ANDERSON:
 6 Q I'm going to ask you about Cardinal Sodano. Do
 7 you remember writing Cardinal Sodano about Burns?
 8 MR. MURRAY: What exhibit is this?
 9 MR. ANDERSON: It's Exhibit 121. It's
 10 dated December 15, 1995.
 11 THE WITNESS: I don't remember the
 12 letter. I'd have to read it.
 13 BY MR. ANDERSON:
 14 Q That's okay. It is your letter. That's all I
 15 need to -- I want to establish right now. That's
 16 all.
 17 A Okay.
 18 Q Do you remember having discussions with Sodano
 19 about removal of Burns and sexual abuse?
 20 A No.
 21 Q Do you remember ever discussing sexual abuse
 22 problems with Sodano concerning any other --
 23 A No, I never made an appointment with Cardinal
 24 Sodano. It was easier to get to see the Pope.
 25 Q Interesting. I'm going to ask you some questions

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1 about Jim Gooden. Is it correct to say, and do
 2 you remember, Archbishop, that in 1983 the
 3 Archdiocese learned that he had engaged in sexual
 4 contact with a 17-year-old?
 5 A Yes, that's correct.
 6 Q Now in that year the Code had just changed, had
 7 it not, in terms --
 8 A This is 19 --
 9 Q '83.
 10 A '83.
 11 MR. MURRAY: What code are you referring
 12 to?
 13 MR. ANDERSON: Code of Canon Law.
 14 BY MR. ANDERSON:
 15 Q In any case, do you remember that?
 16 A I don't remember that, the relationship.
 17 Q Do you remember making a decision to authorize
 18 his transfer from the parish where that had
 19 happened to another?
 20 A What year did that come?
 21 Q '83.
 22 A It was reported in '83?
 23 Q Yes. Exhibit 130 are the Vicar Logs from which I
 24 draw these questions, Archbishop, and because of
 25 the time that I'm given, I'm not given the

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1 liberty to go -- walk you through them, so I'm
 2 really using some summary questions here to see
 3 what you remember, because the logs speak for
 4 themselves.
 5 MR. MURRAY: That's a good objection. I
 6 think I will make that.
 7 BY MR. ANDERSON:
 8 Q So I'm trying to get to what you can remember
 9 about that, and if you do, do you remember --
 10 A I don't remember much about that. I remember he
 11 went away for alcohol treatment at that point,
 12 and I don't remember much else about it.
 13 Q After he returned, do you remember him being
 14 continued in ministry until 2002?
 15 A Yes. There were no other cases that ever came
 16 forward. I remember talking to him personally
 17 about it, if there were other cases, other
 18 victims, and he kept saying no, and if you know
 19 Gooden, he was trustworthy. He was an honest
 20 human being.
 21 Q He was assigned, after that information surfaced,
 22 to the Cathedral for a period, was he not?
 23 A Yes, he was.
 24 Q Where your offices were then?
 25 A I lived there. My offices were --

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1 Q Pardon me. Your residence was there.
 2 A Yes, my residence. I lived way out -- I lived at
 3 the Cathedral. My offices at that time would
 4 have been out on 92nd Street.
 5 Q Why wasn't what he had done to that 17-year-old
 6 reported to the police, because you knew then it
 7 was a crime?
 8 A I don't think the practice at that point was to
 9 report, and I think the first report that came to
 10 us was his mother. I don't think the boy ever
 11 came forward.
 12 Q Okay. I'm going to direct your attention now to
 13 Hanser. There's no record of his ministry being
 14 restricted, either. If that's the case, why
 15 wasn't his ministry restricted, contact with
 16 minors or --
 17 MR. LO COCO: Who?
 18 MR. ANDERSON: Gooden. Or no
 19 confessions like the other restrictions we
 20 reviewed in Exhibit 253? Can you answer that?
 21 THE WITNESS: The only thing I can think
 22 about why wouldn't it be, because of the age of
 23 the boy, 17, if that's true, because the boy had
 24 never come forward, so he didn't have a witness,
 25 a prime witness, and we were just handling them

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1 by the seat of the pants in those days.
 2 BY MR. ANDERSON:
 3 Q I'm going to direct your attention now to Hanser.
 4 When I ask you some questions, I'm going to be
 5 using Exhibit 147, but, again, I'm not going to
 6 spend a lot of time dwelling on it. My first
 7 question to you before you go to that is when in
 8 time do you remember getting any information that
 9 Hanser had abused minors or was suspected of
 10 abusing minors sexually?
 11 A I couldn't answer when time-wise I first heard
 12 about Hanser's abuse.
 13 Q All right. Exhibit 147, which I think you might
 14 have before you or I will permit you to have --
 15 THE WITNESS: It's in the second volume,
 16 I think.
 17 MR. MURRAY: No, I think you actually
 18 have -- No, you are right. Here we go.
 19 BY MR. ANDERSON:
 20 Q I'm not going to ask you to review the documents,
 21 the Vicar Log here pertaining to Hanser, but I am
 22 going to ask you some questions. Do you have a
 23 memory that there was a family that have been
 24 identified, but I don't need to identify them
 25 here, that came forward and reported abuse by

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1 Hanser in 1988?
 2 A I do remember -- I can't share the date. I do
 3 remember there was a family that came forward.
 4 Q It's a public name, and they have been public.
 5 Their name is [REDACTED]
 6 A [REDACTED]
 7 Q Yes. Do you remember that?
 8 A Yes.
 9 Q Did you or at that time either personally or ask
 10 Bishop Sklba after they came forward and this was
 11 being handled however it was, did you or to your
 12 knowledge did Bishop Sklba tell that family that
 13 Hanser would never be around kids again?
 14 A If you are asking me to say something or whether
 15 Bishop Sklba said something, I can't very well
 16 answer that.
 17 Q Did you make that promise to that family?
 18 MR. LO COCO: I'm sorry. Did you?
 19 MR. ANDERSON: Did you make that promise
 20 to that family, that Hanser would not be around
 21 kids again?
 22 THE WITNESS: I don't think I -- I can't
 23 answer it. I don't remember making such a
 24 promise to anybody.
 25 BY MR. ANDERSON:

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1 Q Do you have any knowledge that Sklba did?
 2 A I don't.
 3 Q He was, according to some of the things we looked
 4 at, after the [REDACTED] come forward allowed to
 5 continue in hospital ministry. Do you have a
 6 memory of that?
 7 A I do.
 8 Q Why was a hospital chosen knowing that he had
 9 already posed a risk of harm to the kids in
 10 several --
 11 A This was one of those recommendations that the
 12 Institute gave us about places where priests
 13 could be put under supervision, so when he went
 14 into the hospital ministry, remember that Bishop
 15 Sklba spoke to the administrator and so on. This
 16 was all clarified so that there would be some
 17 kind of supervision.
 18 Q At Exhibit 145, you don't need to review it,
 19 because I have it before me, but in it there is
 20 an instruction that says, "You are to refrain
 21 from all contact with minors. The only
 22 exceptions are the following," and then there's
 23 A, "You may provide pastoral care to minors
 24 within the hospital setting provided there is no
 25 one else available to do so and you have first

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1 attempted to provide alternative coverage." Does
 2 that sound familiar?
 3 A No, but that's all right.
 4 Q Okay. Well, did you relax -- Do you remember
 5 relaxing restrictions on Hanser?
 6 A I don't. I don't. Can I say something about
 7 Hanser's case, because I think it's interesting.
 8 MR. MURRAY: No, you can't say it
 9 because it's interesting.
 10 THE WITNESS: The only point I wanted to
 11 make is that Hanser was one of the only cases we
 12 had where the family had money, and so they hired
 13 their own lawyer for him, and I was restricted
 14 from even talking to him, okay? So if I don't
 15 have the kind of knowledge I'd like to have, it
 16 was because it was a different case than the
 17 others legally.
 18 MR. LO COCO: And just to be clear, you
 19 meant Hanser's family had money?
 20 THE WITNESS: Yes.
 21 BY MR. ANDERSON:
 22 Q Where was Hanser living at that time?
 23 A I have no idea.
 24 Q Hanser had money, too, didn't he?
 25 A You mean the son?

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1 Q No, Hanser himself had money, so he hired a
 2 private lawyer?
 3 MR. LO COCO: Isn't that what Archbishop
 4 just said?
 5 MR. ANDERSON: I thought it was the
 6 family you are talking about. Hanser had the
 7 money?
 8 THE WITNESS: Hanser's family had the
 9 money. That's what I was getting at.
 10 MR. ANDERSON: Okay. Thank you.
 11 BY MR. ANDERSON:
 12 Q I'm going to go to and ask you some questions
 13 about Lanser, and Lanser, according to the
 14 documents presented here, show that he was sent,
 15 after accusation had been made of sexual abuse,
 16 to Servants of Paraclete in 1979?
 17 A '79?
 18 Q '79, yes. Were you then aware or while
 19 Archbishop of Milwaukee did you become aware that
 20 the Servants of Parklete facility became a
 21 well-known and regularly used facility for the
 22 treatment of offenders, clerical offenders, where
 23 Bishops and Religious sent them to be treated
 24 and/or evaluated?
 25 A I knew at the time that Jimenec Springs was one

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1 of the facilities, one of several facilities that
 2 was used as a place to send priests with
 3 addictions. It could have been alcohol, as well,
 4 or with any kind of abuse.
 5 Q The records reflect that you returned him to
 6 ministry after he went and was sent to Servants
 7 of Parklete. Do you remember that?
 8 A Yes, I do.
 9 Q And they also reflect that he was pulled again
 10 for -- on a sick leave. Do you remember him
 11 being pulled out of ministry on sick leave again
 12 after that?
 13 A I can't remember the details about that.
 14 Q He was treated with Depo-Provera. Did you know
 15 that?
 16 A Yes, I did.
 17 Q That's chemical castration, isn't it?
 18 A It was the first time and, I confess, the only
 19 time when I had to face that problem of whether
 20 or not I had power, if that's the right word, to
 21 demand that he take that kind of treatment. I
 22 was negative about it. I was negative about it.
 23 I had seen the use of Depo-Provera, it might
 24 sound strange, about the Chinese military in
 25 Tanzania, and so I felt that this was kind of

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1 inhuman. It was almost like castration, it was
 2 chemical castration, and to me it was a deep
 3 moral issue whether or not you could command
 4 somebody to take that kind of treatment. If he
 5 did so, it was of his own consent.
 6 Q Okay. Archbishop, there are some questions I'm
 7 going to be asking you moving forward that are
 8 going to ask for a yes or no. If you can answer
 9 them yes or no.
 10 A Thank you.
 11 Q I'm going for apologize in advance, if it seems a
 12 little rude, but I didn't -- I have got the time
 13 limits that I can't control, so I apologize in
 14 advance, if it appears that way.
 15 A No problem. No problem.
 16 Q Okay. After his return to ministry after
 17 Servants of Parklete and some treatment with
 18 Depo-Provera, it appears that the first record of
 19 restrictions having been imposed upon him were in
 20 1995. Why did it take so long to impose
 21 restrictions on him?
 22 MR. LO COCO: Let's be clear on the
 23 record. First of all, who's "him?"
 24 MR. ANDERSON: If that is so. We are
 25 talking about Lanser now.

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1 MR. LO COCO: Lanser?
 2 MR. ANDERSON: Yes.
 3 MR. MURRAY: I think as a foundation you
 4 have to ask him if he remembers that is the fact,
 5 unless you are going to show him an exhibit.
 6 BY MR. ANDERSON:
 7 Q Do you remember that to be?
 8 A I don't know. I don't know when he came back
 9 whether we placed any restrictions or whether
 10 there were any more concerns. I don't know the
 11 answer.
 12 Q Okay. Look at 163, Archbishop, and while that's
 13 being retrieved by counsel, this would be a
 14 letter from you to him dated May 25, 1995, Dear
 15 Father Lanser. I'm not going to get into the
 16 contents of the letter, but I'm going to ask you
 17 to read the note at the bottom, because is that
 18 your handwriting at the bottom?
 19 A Yes, it is.
 20 Q Could you read it, what it says?
 21 A "Jerry: I feel this is necessary at this time to
 22 avoid scandal of any sort."
 23 Q What did you mean?
 24 A I have no idea at this point.
 25 Q I'm going to direct your attention to Lesniewski

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1 now, and do you remember that he had abused kids?

2 A I recall that we did receive complaints. I'm not

3 sure I remember the exact details of them or when

4 they came in.

5 Q Do you remember having concerns about a risk of

6 publicity around him having abused kids and

7 stirring it up?

8 A I was probably concerned about many things.

9 Q Do you remember being concerned about that?

10 A Publicity always, but certainly not as a prime

11 factor.

12 Q Well, do you remember trying to keep him out of

13 public view because it might get the victims

14 stirred up?

15 A No, I don't.

16 Q Let's look at 169. 169 is dated June 21, 1995, a

17 letter from you to Lesniewski, and in the middle

18 of the second paragraph, I'm going to read it and

19 then ask you if you remember having written it.

20 You write, "Everytime you appear in public this

21 way at the altar, Eldred, you risk stirring up

22 people who have brought allegations. The network

23 of such victims is enormous and very aggressive.

24 You risk much unfortunate bad publicity against

25 yourself, the priesthood and the Diocese." Did I

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1 read that correctly?

2 A You sure did.

3 Q I'm going to direct your attention to Richard

4 Nichols, and do you remember when in time -- Do

5 you remember receiving information he had abused?

6 A Yes, I do.

7 Q Do you remember when you learned that first?

8 A That would have been early on, because he's one

9 of the first perpetrators that I had to deal

10 with.

11 Q '79?

12 A So it would probably have been '79, '80.

13 Q That's in conformance with the records that we

14 have reviewed here. I had that in my notes. I'm

15 going to direct your attention to Exhibit 177,

16 but maybe in the interest of brevity, in dealing

17 with a letter of one of his victims on August 10,

18 1977, excuse me, 1979, do you see Exhibit 177?

19 A Yes, I do.

20 Q And this is a letter where the name of the victim

21 is blacked out, but the last -- second to the

22 last paragraph, could you read what you wrote to

23 him beginning with -- Why don't you just read the

24 paragraph, because I have a hard time reading

25 your writing, beginning with "in tomorrow's

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1 mass."

2 A "In tomorrow's mass an all next week I will make

3 you a kind of special personal intention. I will

4 make you a kind of special personal intention

5 praying that you learn to have the same

6 compassion that Jesus had for sinners, that your

7 faith in God and humans stay strong, and, most of

8 all, that this unfortunate event be means of

9 spiritual growth for you."

10 Q Did you believe when you wrote this that somehow

11 what had been done to him by this priest could in

12 some way be a mechanism for spiritual growth?

13 A I'm not saying that. I'm saying that when we

14 learn to forgive, it is a moment of spiritual

15 growth for us.

16 Q Did you report this priest to the police?

17 A I have no idea who the priest is.

18 Q This is Nichols.

19 A Oh, oh, okay. Yes, okay, Father N. Nichols was

20 functioning as a clinician, and had been brought

21 up before the board of the accrediting agency,

22 and it had dragged on and dragged on and dragged

23 on, so I took him out and restricted his

24 faculties and everything, yes.

25 Q And after having his faculties restricted, isn't

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1 it also true that he was allowed to become

2 trained as a psychologist and became a

3 psychologist and continued in the priesthood as a

4 psychologist?

5 A Not during my time no training had happened.

6 Q The records reflect in Exhibit 178 that that was

7 in 1981. Maybe --

8 A That I don't recall. That doesn't meet with my

9 experience.

10 Q Let me look at it. Maybe I'm mistaken. 178, I

11 will direct your attention to it, and it's dated

12 April 30, 1981. In the first paragraph -- It's

13 from the Vicar for Priest Personnel and copied to

14 you, among others. There's a letter to him,

15 "Dear Father Nichols: Following our conversation

16 today, by mutual agreement you are herewith

17 released from active ministry in the Archdiocese

18 of Milwaukee, May 1, 1981, to continue your work

19 in the field of private practice in psychology."

20 Does that refresh your recollection?

21 A No. My recollection is that he may still have

22 been a certified psychologist.

23 Q I think he already was a psychologist. I

24 misspoke. He was already a psychologist.

25 A Exactly. Exactly. I have never been able to

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1 understand why his license wasn't pulled, but
 2 that's another story.
 3 Q Well, let's go to the third paragraph. You
 4 write, "As of the above date, your position with
 5 the Archdiocese Tribunal will cease. Your
 6 Archdiocesan faculties continue, and you are
 7 encouraged to help out wherever there is need, in
 8 addition to the service you intend to continue
 9 rendering to the Notre Dame Sisters of Elm
 10 Grove." So you had the power to pull his
 11 faculties all together, did you not?
 12 A I thought the faculties were restricted, except
 13 for the convent at Elm Grove.
 14 Q But this says continue and you are encouraged to
 15 help out wherever there is need in addition.
 16 A It says that, but I have no recollection of that
 17 possibility.
 18 Q Isn't it also fair to say that he was a known
 19 offending priest and he's also a psychologist,
 20 and with the two combined, with any faculties
 21 there's a really enhanced risk here?
 22 A Yes.
 23 Q I'd like to draw your attention to Michael
 24 Neuberger. In 1996 you started a process against
 25 him concerning solicitation in confessional and

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1 violation of that -- of crimens, and you wrote to
 2 Cardinal Ratzinger at that time, did you not?
 3 MR. MURRAY: Is there an exhibit you are
 4 looking at?
 5 MR. LO COCO: Do you recall. That is
 6 the question, I think.
 7 BY MR. ANDERSON:
 8 Q And the question is do you recall.
 9 A I recall that we began a case against him and
 10 sent it to Rome eventually.
 11 Q Okay. Exhibit 180 is the number, but in the
 12 interest of time, the records reflect you
 13 convened a tribunal in Milwaukee.
 14 A Yes.
 15 Q And let's look at Exhibit 180 then, and it's
 16 dated July 17th, 1996. It's a letter from you to
 17 then Cardinal Ratzinger, who is the head of the
 18 CDF, correct?
 19 A Exactly.
 20 Q And at the second page I direct your attention to
 21 the top of it, and I guess I will just ask you to
 22 tell me do you remember writing this letter to
 23 Cardinal Ratzinger?
 24 A I remember writing it. I don't remember all the
 25 details about it.

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1 Q And you do remember that he had used and had been
 2 accused of using the confessional to engage and
 3 solicit sex?
 4 A Yes.
 5 Q And that's one of the gravest of dialects in
 6 Canon Law and the rules that you operated under?
 7 A Yes.
 8 Q Crimes, gravest crimes?
 9 A Yes.
 10 Q And under that you are also required to proceed
 11 under crimens protocols, are you not?
 12 A Yes.
 13 Q And one of those crimens protocols was to swear
 14 everybody involved to absolute secrecy under
 15 threat of excommunication?
 16 A You are asking me something I don't know.
 17 Q Okay. As it pertains to Neuberger, you convened
 18 a tribunal. You do remember that?
 19 A I remember giving permission for that.
 20 Q Found him guilty -- The tribunal found him guilty
 21 of molesting kids?
 22 A Yes.
 23 Q And you wanted him dismissed?
 24 A Yes.
 25 Q And he appealed to Rome?

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1 A Yes.
 2 Q And you remember, do you not, that in 2008, 12
 3 years after the first letter was written to
 4 Ratzinger by you, that the determination that he
 5 had -- should be removed was reversed?
 6 MR. LO COCO: Well, I object to the form
 7 of the question. That's not true.
 8 MR. ANDERSON: Wasn't it?
 9 MR. LO COCO: No. I mean, it
 10 misinterprets something that's pretty technical,
 11 Jeff, and so I think we should start with whether
 12 Archbishop Weakland knows about it, what was
 13 done.
 14 MR. ANDERSON: All right.
 15 THE WITNESS: I don't know anything
 16 after 2001 or 2. I have often wondered how the
 17 Neuberger case ended, but I have no idea.
 18 BY MR. ANDERSON:
 19 Q So you didn't know that?
 20 A I didn't.
 21 Q Okay. I took it from Exhibit 181.
 22 MR. LO COCO: Just for the record, I
 23 dispute Mr. Anderson's determination as to the
 24 status of the Neuberger case.
 25 BY MR. ANDERSON:

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1 Q Are you aware that Neuberger is a priest today?

2 MR. LO COCO: Object to the form,

3 foundation.

4 THE WITNESS: I don't know if there's

5 any restrictions on him or not. All I know is

6 what I read on the website.

7 BY MR. ANDERSON:

8 Q Based on what you knew back then as Archbishop

9 about Neuberger, would you be concerned about the

10 safety of kids, if he was a priest today?

11 MR. LO COCO: Objection, form,

12 foundation.

13 MR. MURRAY: Speculation.

14 THE WITNESS: It's hard to answer an

15 "if" question.

16 BY MR. ANDERSON:

17 Q In the documents that you produced that we marked

18 Exhibit A, there is a document that was produced

19 by you that's dated October 8, 2008 from you to a

20 Monsignor Huber, H-U-B-E-R.

21 MR. LO COCO: What's the Bates?

22 MR. ANDERSON: It's 065.

23 BY MR. ANDERSON:

24 Q Do you remember writing this letter?

25 A Yes, I do.

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1 Q And why did you write it and how does it pertain

2 to Neuberger?

3 A As I recall, it was being written to the

4 Monsignor who was in charge of those cases in

5 Rome trying to move it along, because my Vicar

6 for the Tribunal, plus his associate, were on

7 their way to Rome, and I thought they should talk

8 to him and find out what to do to move the cases

9 along.

10 Q And this is 2008 that you wrote this, isn't it?

11 MR. LO COCO: We think the date is

12 wrong.

13 THE WITNESS: No, no, that's a wrong

14 date. I'm sorry.

15 BY MR. ANDERSON:

16 Q Oh, is it?

17 A That was -- must have come from a mistake on the

18 computer, because it had to be '98.

19 Q Okay. Got it. I want to ask a question that I

20 failed to ask concerning order of priests, and

21 it's this. Can -- Oh, it's not about order of

22 priests. We are going to take a break in a

23 minute here.

24 Can the Archbishop order a pastor to get

25 rid of a teacher in a Catholic school, if that

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1 teacher is known to have abused kids?

2 MR. LO COCO: I'm sorry. Can I have

3 that back, Kathy?

4 MR. ANDERSON: I will ask it again.

5 BY MR. ANDERSON:

6 Q Can the Archbishop order the pastor to get rid of

7 a teacher in a Catholic school, if the teacher

8 has abused kids?

9 MR. MURRAY: Diocesan school?

10 MR. ANDERSON: Catholic school.

11 MR. MURRAY: Object to the form,

12 ambiguous.

13 MR. LO COCO: Multiple.

14 THE WITNESS: Any school that would

15 belong to the jurisdiction of the Archdiocese, I

16 could say, yes, that the Superintendent of

17 Schools could demand that of the school. What

18 would come next, I don't know, but I think he

19 could do so.

20 BY MR. ANDERSON:

21 Q In the Diocesan schools the Archbishop appoints

22 the Superintendent?

23 A He appoints the Superintendent for the whole

24 school, yes.

25 Q And the Archbishop presides over the education of

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1 the youth in the Diocesan schools?

2 A Delegating that to other people, yes, yes.

3 Q By necessity, correct?

4 A Yes.

5 Q And when it comes to schools run by Religious, is

6 the authority of the Archbishop to order a pastor

7 in the school to get rid of a teacher who abuses

8 a little more complicated, if it happened in the

9 Archdiocese?

10 MR. LO COCO: Object to the form.

11 THE WITNESS: These questions are always

12 hard to answer. I think the Bishop could find

13 ways of doing that.

14 MR. ANDERSON: Okay. Should we take a

15 break for lunch?

16 THE WITNESS: How much time do we have

17 yet?

18 MR. ANDERSON: We'll go off record.

19 Let's go off record.

20 VIDEOTAPE TECHNICIAN: We're going off

21 the record at 12:11 p.m.

22 (A luncheon recess was taken.)

23 VIDEOTAPE TECHNICIAN: We're back on the

24 record at 12:45 p.m.

25 BY MR. ANDERSON:

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1 Q Archbishop, I'd like to direct your attention to
 2 George Nuedling and your experience with him. Do
 3 you recall that in '85 you became aware that he
 4 posed a risk of recidivism?
 5 A I remember it in '85. I heard about -- from him
 6 about the abuse. I don't know that I could say
 7 recidivism was the right word. He claims these
 8 had all happened when he was having alcohol
 9 problems, which was sometime before that, but
 10 that was the first notice I had.
 11 Q And he admitted to abusing kids, right, to you?
 12 A He admitted it.
 13 Q And after that he did get left at St. John the
 14 Evangelist where he had been in Twin Lakes after
 15 some treatment, correct?
 16 A He continued on there for a bit of time, yes,
 17 after he had treatment.
 18 Q The records that I have show that he was there
 19 from '68 to '93. Does that comport with your
 20 view?
 21 A That doesn't seem possible to me. The only thing
 22 I can say is -- From '63 to '93?
 23 MR. MURRAY: '68 to '93.
 24 MR. ANDERSON: '68 to '93.
 25 THE WITNESS: These allegations only

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1 came forward in '80 something, wasn't it?
 2 BY MR. ANDERSON:
 3 Q '85.
 4 A '85. That's possible.
 5 Q Are you aware that he did continue to molest kids
 6 into the early '90's?
 7 A No, I didn't. This is the first I have heard of
 8 that. That would surprise me, too. I'll say
 9 that.
 10 Q You said that would surprise you. If, in fact,
 11 that is shown to be, how does that make you feel?
 12 A Sad, sad.
 13 Q I'm going to direct your attention to priests,
 14 Father -- I'm going to actually direct your
 15 attention to an exhibit, and it's 192, and in it,
 16 Archbishop -- It is dated May 12, 2003, and I'm
 17 just going to ask a question about a sentence in
 18 it. At the fourth paragraph I'm going to read
 19 the sentence that I think is pertinent to the
 20 inquiry now, and then ask you a question. It
 21 states, "If a priest elects voluntary
 22 laicization, we would offer what has been our
 23 practice, if not policy, for more than a decade,
 24 namely, \$10,000 when the petition is submitted,
 25 and \$10,000 when a definitive response is

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1 received."
 2 My question to you is on review of this,
 3 does this refresh your recollection on what the
 4 practice and, if not, the policy was concerning
 5 laicization?
 6 MR. LO COCO: Objection, form,
 7 foundation.
 8 THE WITNESS: I have to make a
 9 distinction here. Voluntary laicization was not
 10 uncommon, even though there was no accusations of
 11 sex abuse of minors, and so we had a policy for
 12 voluntary laicization, those who were asking to
 13 leave in lieu of severance pay or whatever you
 14 might call it, that they would be granted some
 15 money. That varied over the years, what it would
 16 amount to. The amount of money they had paid
 17 into the pension fund, was one thing, and then
 18 the second sum was often determined by me and the
 19 consultors according to a lot of variables. So
 20 that if we had educated the priest at Yale,
 21 Harvard, Princeton or whatever and he had a
 22 profession where he could well take care of
 23 himself, there was no need for us to give a
 24 second sum, so that varied in my time.
 25

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1 BY MR. ANDERSON:
 2 Q Well, sure, laicization has to do with a lot of
 3 different reasons with a lot of different
 4 priests. As it pertains to sexual abuse, is it
 5 fair to say that there are and were some priests
 6 who you really wanted out because of concerns
 7 about publicity, scandal relating to abuse, and a
 8 way to get them out without a trial would be to
 9 pay them \$10,000 up-front to voluntarily seek it
 10 and \$10,000 on the back end if it goes?
 11 MR. LO COCO: Objection, form --
 12 THE WITNESS: You'd have to --
 13 MR. LO COCO: Just a second, Archbishop.
 14 Form and foundation. It misstates the record,
 15 lacks foundation.
 16 MR. ANDERSON: Well, I'm asking is that
 17 --
 18 MR. MURRAY: Plus, I don't think it was
 19 a question. I think it was just a statement.
 20 BY MR. ANDERSON:
 21 Q When it pertains to the sexual abuse of some of
 22 the priests that you really wanted out, is that a
 23 practice that was employed?
 24 A I had no recollection of using this practice for
 25 any that left because of sex abuse.

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1 Q Without naming the priest -- If you look at the
 2 name of the priest on this document, it's John
 3 O'Brien. He's credibly accused?
 4 A Yes.
 5 Q I'm going to direct you now to -- your attention
 6 to Father Schouten, and in connection with him do
 7 you recall, Archbishop, entering into or having
 8 the Archdiocese enter into a settlement agreement
 9 with a victim of his whom he had abused that
 10 required absolute confidentiality?
 11 A I don't know anything about that. I thought most
 12 or if not all of the settlements had a
 13 confidentiality clause in there, especially to
 14 protect the name of the victim, but I don't know
 15 of anything different than that.
 16 Q And that was my next question. It was a practice
 17 of the Archdiocese to have a confidentiality
 18 clause in settlements with victims, wasn't it?
 19 A Yes, it was.
 20 Q I'm going to ask you some questions concerning
 21 Trepanier, and he had occupied an official
 22 position with the Archdiocese. Was that the
 23 Vicar for Clergy?
 24 A No, he was the chair of the Personnel Board.
 25 Q Did you become aware, Archbishop, that in 1998,

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1 '99 that he admitted to Bishop Sklba to having
 2 abused sexually kids?
 3 A That's not what I learned, as I recall. I
 4 haven't looked at it, but I recalled that he had
 5 abused an adult, and that adult I believe was
 6 handicapped in some form. I'm not sure what that
 7 is about.
 8 Q We're going to look and see what we have on that.
 9 Did you ever learn or have you ever heard that
 10 minors were involved?
 11 A No, I haven't.
 12 MR. LO COCO: Off the record.
 13 (A discussion was had off the record.)
 14 VIDEOTAPE TECHNICIAN: We're going off
 15 the record at 12:56 p.m.
 16 (A discussion was had off the record.)
 17 VIDEOTAPE TECHNICIAN: We're back on the
 18 record at 12:57 p.m.
 19 BY MR. ANDERSON:
 20 Q Archbishop, in connection with Trepanier, do you
 21 have any memory of correspondence with him and
 22 communications from him in which he admits to
 23 sexual misconduct with a 17 and one-half-year-old
 24 and takes responsibility for one inappropriate
 25 contact with that 17-year-old?

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1 A I don't know why I thought it was somebody -- an
 2 adult. I don't remember the age question.
 3 Q Do you recall that he was also confronted with an
 4 allegation of improper contact with a 15 or
 5 16-year-old which he denied?
 6 A No, I wasn't.
 7 Q In any case, is it correct to say that he was
 8 instructed in his ministry at IC to keep a low
 9 profile for all of our sakes?
 10 MR. LO COCO: Are you reading from
 11 something?
 12 MR. MURRAY: Are you referring to an
 13 exhibit?
 14 MR. ANDERSON: Yes.
 15 BY MR. ANDERSON:
 16 Q Do you recall that?
 17 A No, I don't.
 18 Q Look at 205. I'd ask you what is written in
 19 e-mail form, "Dear Rembert," why don't you read
 20 what is written to you.
 21 MR. MURRAY: To himself or into the
 22 record?
 23 MR. ANDERSON: Into the record, please.
 24 THE WITNESS: "Welcome home. It sounds
 25 like your trip was restful and enjoyable. I'm

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1 writing to give a short update. Currently I'm
 2 studying Spanish at MATC and have an occasional
 3 mass at St. Camilla's with some time doing grief
 4 and group work with the AIDS patients. Will help
 5 out at IC next weekend, but I'm trying to keep a
 6 low profile for all of our sakes."
 7 BY MR. ANDERSON:
 8 Q Okay. You can stop there. Was he keeping a low
 9 profile, as you understand it, because there was
 10 an effort to keep what he had done sexually to
 11 these folks or the persons not identified here
 12 private and unknown to the public?
 13 MR. LO COCO: Object to form.
 14 MR. MURRAY: Join. Also vague and
 15 ambiguous. Answer, if you know.
 16 THE WITNESS: I have no idea what he
 17 meant by "for all of our sakes."
 18 BY MR. ANDERSON:
 19 Q Well, wouldn't that be referring to him and the
 20 other priests in the Archdiocese?
 21 MR. MURRAY: Well, I think you are
 22 asking him to speculate now. The document speaks
 23 for itself.
 24 MR. ANDERSON: Well, it was sent to you.
 25 You tell me how you read it.

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1 THE WITNESS: I didn't read it very
 2 much, take much out of that.
 3 BY MR. ANDERSON:
 4 Q All right. I'll direct your attention to
 5 Exhibit 206. This is April 19, 1999, and in the
 6 letter from you to him, the last sentence of the
 7 third paragraph says, "We wanted to do as you
 8 requested in permitting you to stay on until
 9 spring at St. Sylvester to save, as much as
 10 possible, any harm to your reputation." So there
 11 is concern about his reputation here?
 12 A There was always concern about the reputation.
 13 Q Of him as a priest which reflects on all the
 14 priests which reflects on the Archdiocese,
 15 correct?
 16 MR. LO COCO: Well, you know, he --
 17 MR. ANDERSON: It's a question.
 18 MR. LO COCO: Finish your answer,
 19 Archbishop, and then I will make a record.
 20 MR. MURRAY: I'll object to the form of
 21 the question and it's calling for speculation.
 22 MR. LO COCO: And it's so incredibly out
 23 of context to make a sound bite for you, Jeff.
 24 THE WITNESS: I'm sure we were always
 25 concerned about the reputation of the individual

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1 and the reputation of the Diocese, yes, and the
 2 church.
 3 BY MR. ANDERSON:
 4 Q And that means you didn't want sexual abuse by
 5 him and other priests to be known in the public
 6 or the press, correct?
 7 MR. LO COCO: Objection to form and
 8 foundation. It's argumentative. It misstates
 9 this letter and many other documents that
 10 Mr. Anderson has previously discussed with the
 11 witness.
 12 MR. ANDERSON: You may answer.
 13 THE WITNESS: I'm sure we were always
 14 concerned about reputation, as anybody should be.
 15 BY MR. ANDERSON:
 16 Q Look at the second page of this document, and
 17 would you read --
 18 MR. LO COCO: No, we're going to stop
 19 and we're going to give Archbishop Weakland time
 20 to read the entire letter, so you take your time,
 21 Archbishop.
 22 MR. ANDERSON: Archbishop --
 23 MR. LO COCO: Just a minute. Archbishop
 24 Weakland, you take your time to read the whole
 25 letter.

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1 MR. ANDERSON: Let's go off.
 2 MR. LO COCO: We're not going off the
 3 record.
 4 MR. FINNEGAN: I need to get another
 5 document. If you're concerned about the context,
 6 there's another document where he admits to
 7 abusing a 17 and one-half-year-old.
 8 MR. LO COCO: Just a minute. I have put
 9 up with this --
 10 MR. FINNEGAN: You're concerned about
 11 context.
 12 MR. LO COCO: Let me finish. I have put
 13 up with this process for the last two hours at
 14 least where you speed to a document, you take one
 15 line out of it and you try and ask a gotcha
 16 question out of context. It's not fair to the
 17 witness, it's not fair to my clients and it's
 18 incredibly misleading to whoever reads this
 19 record later. And I don't care that you only
 20 have 25 minutes left, I am going to give my
 21 witness time to read documents now.
 22 MR. FINNEGAN: He can. Let's go off the
 23 record so I can get the other document and we can
 24 put it in context.
 25 MR. LO COCO: Fine. We can go off the

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1 record, but we are counting this against the
 2 time.
 3 MR. FINNEGAN: Not to get the other
 4 document. We can take a break, Frank. We have
 5 been taking breaks all day.
 6 MR. LO COCO: We are counting --
 7 MR. FINNEGAN: No, we are not.
 8 MR. LO COCO: Well, yes, we are.
 9 MR. FINNEGAN: Then he doesn't have to
 10 read it, but I need -- Let's take a break and he
 11 can read it when we go back on. Let me get the
 12 other document so he can put it in context.
 13 MR. LO COCO: You can do whatever you
 14 want on the record, off the record, but I'm
 15 telling you that it's 1:02 p.m., and the clock
 16 will continue to run on or off the record.
 17 MR. FINNEGAN: Absolutely not. That's
 18 not fair.
 19 MR. LO COCO: It is fair.
 20 MR. FINNEGAN: It's not at all. Don't
 21 have him read it. He can go someplace, go to the
 22 bathroom, do whatever he needs to do, and let me
 23 get that document. That's all I'm asking for, is
 24 that professional courtesy. Is that too much?
 25 MR. LO COCO: Oh, but --

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1 MR. FINNEGAN: That's all I'm asking
 2 for.
 3 MR. LO COCO: But if you ask him to read
 4 something on or off the record, it's going to
 5 count.
 6 MR. FINNEGAN: I'm not asking him to
 7 read anything. All I want to do is take a break
 8 so I can get that document. We will come back,
 9 he can read it, he can read this one then and we
 10 can ask him the questions.
 11 MR. LO COCO: Fine.
 12 MR. ANDERSON: So let's go off the
 13 record.
 14 VIDEOTAPE TECHNICIAN: We're going off
 15 the record at 1:05 p.m.
 16 (A discussion was had off the record.)
 17 VIDEOTAPE TECHNICIAN: We're back on the
 18 record at 1:09 p.m.
 19 BY MR. ANDERSON:
 20 Q Archbishop, we've had an exchange here that was
 21 off the record, and now we are ready to move to a
 22 different topic for the moment and then come
 23 back, if we have time. The topic now is Jerome
 24 Wagner, and do you recall that he was a priest of
 25 the Archdiocese and that you learned that he had

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1 abused youth?
 2 MR. MURRAY: I'm sorry?
 3 MR. ANDERSON: That he had abused youth.
 4 THE WITNESS: Yes, I did.
 5 BY MR. ANDERSON:
 6 Q When do you recall receiving information that he
 7 had done that?
 8 A He called me once to let me know. Apparently the
 9 youth in question had gone to the police, or the
 10 family had, and he called me just to let me know.
 11 Q Was that in 1986?
 12 A '86. I'm not sure.
 13 Q And when he called you and you spoke with him,
 14 did he admit having done it?
 15 A Yes.
 16 Q Okay. Was that in the 1990's?
 17 A I don't know. It strikes me as being earlier,
 18 but I might be wrong.
 19 Q He was sent to Servants of Paraclete in 1994, I
 20 think, according to the records we have. Do you
 21 remember in connection -- Do you remember sending
 22 him to Paraclete?
 23 A No, I don't.
 24 Q On May 8th of 2002, do you recall assigning him
 25 to Holy Family Parish in Fond du Lac?

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1 A I recall he was a part of a team up there, but I
 2 don't know that he was -- I can't remember the
 3 details of it.
 4 Q It says at 213, I can just tell you it's what you
 5 said, "A member of the in solidum team at Holy
 6 Family Parish in Fond du Lac." What does that
 7 mean?
 8 A It means that there were a group of priests
 9 together who were handling all those parishes,
 10 and he was a part of that group.
 11 Q And he had full faculty to minister at that time
 12 to a community of faith?
 13 A I think he did.
 14 Q And that appointment was for six years?
 15 A I don't know.
 16 Q Okay.
 17 A Could I explain that, though, because --
 18 Q If you feel the need.
 19 A I do feel the need. He was a priest in
 20 Oconomowoc at St. Jerome's, and that's when the
 21 first accusations took place, I think we went
 22 through this in my first deposition, and those
 23 charges were brought against him by the DA and
 24 the -- his private lawyer, personal lawyer,
 25 rather, was Jerry Boyle, who worked out some kind

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1 of plea bargain with the DA provided he would be
 2 moved out of Oconomowoc and that he would then be
 3 under some kind of police surveillance wherever
 4 he went. So that's what was behind all that.
 5 Q I'm going to direct your attention to
 6 Exhibit 233, Archbishop. While you are getting
 7 that, I will just identify it. It is a reference
 8 to certain documents wherein it states, "These
 9 documents are subject to restrictions of the
 10 pontifical secret."
 11 A Where is this?
 12 Q At 233. My question to you is in your experience
 13 as Archbishop, how and if ever were documents
 14 made subject to the pontifical secret when
 15 pertaining to sexual abuse?
 16 MR. LO COCO: Objection, form and
 17 foundation.
 18 THE WITNESS: I don't know of any
 19 regulation on that. I can't tell you, because I
 20 really don't know.
 21 MR. LO COCO: For the record, if you
 22 look at this document, it cites an article
 23 promulgated on 21 May 2010, well after Archbishop
 24 Weakland completed his time as Archbishop of
 25 Milwaukee.

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1 BY MR. ANDERSON:
 2 Q Archbishop, I'm going to ask you some questions
 3 about Becker and the monitoring of him and the
 4 effort made by the Archdiocese. Do you recall
 5 that Becker was being monitored, and one of his
 6 monitors was Father Wenig?
 7 A No, I don't.
 8 Q I'm going to direct your attention to
 9 Exhibit 238, and on it there appears a name. I'm
 10 going to ask you at the third page of it to not
 11 use this name, but to look at it on. Page 3
 12 under the name Franklin Becker there appears a
 13 name at Page 3 of 238, and under the name
 14 Franklin Becker there appears a name on the
 15 left-hand side.
 16 MR. MURRAY: What's the Bates number?
 17 MR. ANDERSON: It's 6239. It's a chart.
 18 MR. FINNEGAN: It's part of Exhibit 238,
 19 third page.
 20 MR. ANDERSON: Under the title,
 21 "Monitoring Program."
 22 MR. LO COCO: The fifth person down
 23 listed is Becker.
 24 MR. MURRAY: Wait a second.
 25 MR. ANDERSON: The fifth is listed as

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1 was Bishop Skdba, and then ultimately Dolan,
 2 Archbishop Dolan, succeeded you, correct?
 3 A Yes.
 4 Q And did Archbishop Dolan ever sit down with you
 5 and seek to get from you your experience and
 6 knowledge about sexual abuse in both how to
 7 handle it and the problems that either existed in
 8 the Archdiocese and where they were?
 9 A No, we never sat down to discuss that.
 10 Q Were you available to have that information
 11 imparted, if asked?
 12 A Oh, I respond, if asked, but the tradition, and I
 13 thought about this because you have asked the
 14 question before, the tradition usually was, and
 15 it was true of Religious Orders, when a new
 16 Superior came in, it was the old Jewish custom of
 17 everybody starting over and everybody got a new
 18 chance, so I was amazed when my successor never
 19 asked me anything, but then I realized that that
 20 is a part of the ethos, that it's giving
 21 everybody starting from scratch, so if I had any
 22 prejudices, they wouldn't be carried through.
 23 Q Has Archbishop Listecky ever sought your counsel
 24 on the issue of sexual abuse?
 25 A No.

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1 Becker.
 2 MR. MURRAY: It's this page
 3 (indicating).
 4 BY MR. ANDERSON:
 5 Q Okay. Now do you see the name Franklin Becker?
 6 A Yes, I do.
 7 Q Do not use the name below it, okay, but look at
 8 the name.
 9 A Yes.
 10 Q Okay. Now having looked at that name, my
 11 question to you is that a priest whose name
 12 you recognize as having been accused of sexual
 13 abuse of minors?
 14 A I don't recognize the name at all.
 15 Q Okay. Now he is identified here as being -- In
 16 terms of the monitoring program itself,
 17 Archbishop, were Religious priests subject to the
 18 monitoring program, as well as Diocesan?
 19 A Not to my knowledge, unless perhaps there was a
 20 special case that I didn't know about where the
 21 Superior of the Religious Order may have asked
 22 that of us.
 23 Q Archbishop, when you retired and your resignation
 24 was accepted, there was the Apostolic
 25 Administrator appointed by the Holy Father, that

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1 Q I'm going to direct your attention to
 2 Exhibit 240, and at the top of it, if you have it
 3 before you, Archbishop, it states, "Agenda," and
 4 Item 1 is sexual abuse cases. Do you have that
 5 before you?
 6 A I do.
 7 Q Okay. And at the second page, the last paragraph
 8 written as D, would you please read what is
 9 written here?
 10 A "Would the significance and presentation of
 11 scandal differ in any way for each of the
 12 following types of dispensation cases: A priest
 13 guilty of sexual abuse; a priest who has
 14 attempted a civil marriage; a priest who has not
 15 attempted a civil marriage, but wishes to marry
 16 once, if a dispensation is granted."
 17 Q In your experience, does the framing of this
 18 question signify how the magnitudes of various
 19 offenses are being both handled and/or compared?
 20 MR. LO COCO: Objection, form and
 21 foundation.
 22 MR. MURRAY: Also calls for speculation.
 23 The document speaks for itself.
 24 THE WITNESS: First of all, I would have
 25 to ask what the date is of this document.

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1 BY MR. ANDERSON:
 2 Q Well, according to -- They are dealing with, at
 3 this point, dealing with Burns and Arimond, both
 4 in the mid 1990's, so that would be mid 1990's.
 5 MR. LO COCO: That's Mr. Anderson's
 6 speculation about the date of the document.
 7 MR. ANDERSON: It's what I'm surmising
 8 here.
 9 THE WITNESS: Under No. 3, when
 10 Archbishop Weakland is on sabbatical between
 11 January 1st and June 1996 and the Vicar General
 12 be mandated accordingly to prepare and sign the
 13 voting, unless the Archbishop do this personally,
 14 I would judge then that the dating had to be
 15 before 1996, so '95 or so would be the dating.
 16 BY MR. ANDERSON:
 17 Q That is what I was surmising.
 18 A Right, right.
 19 Q So when we look at this question as posited here,
 20 what is your reflection on the significance if
 21 it, and how does it pertain to how sexual abuse
 22 was dealt with as a severe offense as compared to
 23 other offenses?
 24 MR. LO COCO: Objection, form.
 25 MR. MURRAY: Can I have the question

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1 back, please.
 2 MR. ANDERSON: I can simplify it, if you
 3 don't mind, Jim.
 4 MR. MURRAY: That's fine.
 5 BY MR. ANDERSON:
 6 Q How do you read the significance of this question
 7 as posited in 1995, '96?
 8 MR. LO COCO: Objection.
 9 MR. MURRAY: What question are you
 10 referring to?
 11 MR. ANDERSON: The one he just read, D.
 12 THE WITNESS: Under D.
 13 MR. LO COCO: Calls for speculation.
 14 THE WITNESS: I know I didn't write
 15 this. It had to be a legal mind. I write
 16 more -- Anyway, this is not mine, and that's
 17 already clear from the third paragraph about my
 18 sabbatical. It seems to be written by probably
 19 the Chancellor or somebody posing questions to
 20 the Consultants with regard to questions that
 21 might arise in my absence, and this is a question
 22 that somebody is asking. I don't know who it
 23 would be or what they are asking about.
 24 BY MR. ANDERSON:
 25 Q Okay. I'm going to go back to the Trepanier

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1 inquiry where Mr. LoCoco interposed some
 2 strenuous objections to context. So to try to
 3 contextualize the question that we wanted to put,
 4 I will offer what now we have got as Exhibit 251
 5 that we will put before you, and direct your
 6 attention to No. 2 in it. When you look at No. 2
 7 there, do you remember receiving this from
 8 Trepanier?
 9 A I don't, I don't.
 10 Q It's written from him to you on April 10, 1990?
 11 A Yes.
 12 Q It's actually '99, we think. We think the date
 13 might be wrong, so let's not assume that date to
 14 be correct for now, because in the upper,
 15 left-hand corner it says, "Date error typo; must
 16 have been April 10, 1999." Somebody wrote that
 17 in there, and it was not us, but I think we just
 18 need to not assume the date, okay?
 19 A Thank you.
 20 Q So for purposes of the question here, does No. 2
 21 refresh your recollection about him having taken
 22 responsibility for one inappropriate contact with
 23 an individual when he was in the last half of his
 24 seventeenth year?
 25 A That's what it says. I don't remember that

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1 paragraph. In fact, I don't remember the
 2 document, but it's there.
 3 Q In the 1990's, Archbishop, there were a number
 4 of -- a couple different cases in Wisconsin that
 5 came out through the Supreme Court in the mid
 6 1990's, and in your experience -- that affected
 7 the sexual abuse and things like that and what
 8 could be done and what couldn't be done in the
 9 civil courts. Your practices and protocols, did
 10 any of them change as a result of the decisions
 11 that came down in what is known as Pritzlaff or
 12 B. B. Doe or anything like that?
 13 MR. LO COCO: I'm sorry. Can you read
 14 that back?
 15 MR. ANDERSON: I will rephrase the
 16 question.
 17 BY MR. ANDERSON:
 18 Q Did you in the mid 1990's change any of the
 19 protocols or practices because of decisions that
 20 were rendered by the Supreme Court of Wisconsin
 21 and made public and known to you?
 22 MR. LO COCO: And that's a yes or a no.
 23 THE WITNESS: No.
 24 BY MR. ANDERSON:
 25 Q Okay. What about the case in Dallas that was

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1 widely publicized in 1997 that was a very large
 2 verdict called the █████ case? Do you have any
 3 knowledge of having learned about that?
 4 A I probably read it in the newspapers, but it
 5 didn't phase me.
 6 Q Okay. Do you know if any of your officials had
 7 any or made any changes responsive to it?
 8 A I don't know anything of that sort.
 9 Q Archbishop, I have got another document here.
 10 It's just really -- I'm not going to ask you to
 11 read the whole thing, but this is really the text
 12 of the speech given by the Archbishop of Dublin,
 13 Archbishop Martin, at Marquette recently. It was
 14 reported in the papers, and I don't know if
 15 you've read the text or read of it.
 16 A I've read of it.
 17 Q And in it at the second page there's a portion of
 18 it that I'd like to read, and then ask you a
 19 question, if I may, okay?
 20 MR. LO COCO: What portion?
 21 MR. FINNEGAN: I highlighted it.
 22 BY MR. ANDERSON:
 23 Q We have highlighted it for you there, I think.
 24 He says, quote, "I tell these events not to
 25 reopen history, but to illustrate just how

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1 difficult it is to bring an institution around to
 2 the conviction that the truth must be told. All
 3 institutions have an innate tendency to protect
 4 themselves and hide their dirty laundry. We have
 5 to learn that the truth has a power to set free
 6 which half-truths do not have. The first
 7 condition for restorative justice is that all
 8 parties are willing to tell the truth and to take
 9 ownership of the truth, even when the truth is
 10 unpleasant. As I said at a recent Liturgy of
 11 Lament in Dublin, the truth will set us free, but
 12 not in a simplistic way. The truth hurts, the
 13 truth cleanses, not like a soothe designer soap,
 14 but like a fire that Burns and hurts and lances."
 15 My question to you is do you agree with
 16 this statement?
 17 MR. MURRAY: First of all, let me impose
 18 a couple of objections. That's a multiple
 19 statement. You are asking him if he agrees with
 20 a number of statements within the document.
 21 Object to the form, it's argumentative, but I
 22 will permit him to answer the question, if he
 23 can, subject to counsel's --
 24 MR. LO COCO: I object to it. What has
 25 gone on in Ireland and Dublin is unrelated to the

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1 areas of inquiry permitted by Judge Kelley.
 2 Archbishop Weakland has been out of office for
 3 almost ten years, and I instruct the witness not
 4 to answer.
 5 MR. FINNEGAN: It's his response to
 6 sexual abuse.
 7 MR. LO COCO: In the form it was put,
 8 it's an objectionable question beyond the scope
 9 of this deposition, and I instruct the witness
 10 not to answer it.
 11 MR. MURRAY: Where are we on the clock?
 12 VIDEOTAPE TECHNICIAN: We're past.
 13 MR. MURRAY: We're done.
 14 MR. LO COCO: We're done anyway.
 15 BY MR. ANDERSON:
 16 Q Archbishop, this deposition is currently under
 17 seal. Do you believe this deposition and your
 18 testimony given today should be made public?
 19 MR. MURRAY: Don't answer that question.
 20 Number one, the deposition is over with, you have
 21 consumed your seven hours, and, number two,
 22 that's not for him to answer or decide, as you
 23 well know, so I'm instructing him not to answer.
 24 MR. LO COCO: And using this Exhibit 252
 25 was a cheap trick intended to try and ask that

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1 ultimate question. We're off the record.
 2 MR. ANDERSON: What's your reaction to
 3 that, Archbishop?
 4 MR. LO COCO: We're off the record,
 5 Jeff. We're done.
 6 MR. MURRAY: The deposition has
 7 concluded.
 8 MR. LO COCO: Archbishop, we're done.
 9 You should stand up.
 10 MR. ANDERSON: Archbishop, evidently
 11 we're done and the deposition is concluded.
 12 VIDEOTAPE TECHNICIAN: This ends the
 13 deposition of Archbishop Rembert G. Weakland on
 14 October 25, 2011; the time 1:34 p.m.
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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 ARCHBISHOP REMBERT G. WEAKLAND, was taken
 8 before me at the Law Offices of Whyte, Hirschboeck &
 9 Dudek, S.C., 555 East Wells Street, Suite 1900,
 10 Milwaukee, Wisconsin, on the 25th day of October, 2011,
 11 commencing at 8:30 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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7 Notary Public in and
8 for the State of Wisconsin
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10 Dated this 29th day of October, 2011,
11 Milwaukee, Wisconsin.
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Page 279

1 SMITH, GUNDERSON & ROWEN, S.C., Glenwood
 Executive Centre, 15460 West Capitol Drive, Brookfield,
 2 Wisconsin, 53005, by MR. JAMES S. SMITH, appeared on
 behalf of Certain Personal Injury Claimants.
 3
 4 WHYTE HIRSCHBOECK DUDEK, S.C., 555 East
 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,
 by MR. FRANCIS H. LOCOCO, appeared on behalf of the
 5 Debtor.
 6 PETERSON, JOHNSON & MURRAY, S.C., 733
 North Van Buren, Sixth Floor, Milwaukee, Wisconsin,
 7 53202, by MR. JAMES T. MURRAY, JR., appeared on behalf
 of Archbishop Rembert G. Weakland
 8
 9 NELSON, CONNELL, CONRAD, TALLMADGE &
 SLEIN, S.C., N14 W23755 Stone Ridge Drive, Suite 150,
 P.O. Box 1109, Waukesha, Wisconsin, 53187-1109, by MR.
 10 MARK S. NELSON, appeared on behalf of OneBeacon
 Insurance Company.
 11
 12 CRIVELLO CARLSON, S.C., 710 North
 Plankinton Avenue, Suite 500, Milwaukee, Wisconsin,
 53203, by MR. PATRICK W. BRENNAN, appeared on behalf of
 13 Bishop Richard J. Skiba.
 14 That said deponent, before examination,
 15 was sworn to testify the truth, the whole truth, and
 16 nothing but the truth relative to said cause.
 17 That the foregoing is a full, true and
 18 correct record of all the proceedings had in the matter
 19 of the taking of said deposition, as reflected by my
 20 original machine shorthand notes taken at said time and
 21 place.
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