

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

3  
4 In re: ) Chapter 11

5 ARCHDIOCESE OF MILWAUKEE, ) Case No. 11-20059-SVK

6 Debtor, ) Hon. Susan V. Kelley

7  
8 UNDER SEAL/CONFIDENTIAL

9  
10 Volume I

CONFIDENTIAL

11 VIDEO DEPOSITION OF BISHOP RICHARD J.  
12 SKLBA, was taken at the instance of Certain Personal  
13 Injury Claimants, under and pursuant to the provisions  
14 of Rule 30 of the Federal Rules of Civil Procedure made  
15 applicable by Rule 7030 of the Federal Rules of  
16 Bankruptcy Procedures, and the acts amendatory thereof  
17 and supplementary thereto, before me, KATHY A. HALMA,  
18 Registered Professional Reporter and Notary Public in  
19 and for the State of Wisconsin, at the Law Offices of  
20 Whyte, Hirschboeck & Dudek, S.C., 555 East Wells  
21 Street, Suite 1900, Milwaukee, Wisconsin, on the 2nd  
22 day of November, 2011, commencing at 8:45 o'clock in  
23 the forenoon.

24  
25  
Ex. 41

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1 APPEARANCES  
 2 JEFF ANDERSON & ASSOCIATES, P. A., 366  
 Jackson Street, Suite 100, St. Paul, Minnesota, 55101,  
 3 by MR. JEFF R. ANDERSON and MICHAEL G. FINNEGAN,  
 appeared on behalf of the Certain Personal Injury  
 4 Claimants.  
 5 HOWARD, SOLOCHEK & WEBER, S.C., 324 East  
 Wisconsin Avenue, Suite 1100, Milwaukee, Wisconsin,  
 6 53202, by MR. ALBERT SOLOCHEK, appeared on behalf of  
 the Unsecured Creditors Committee.  
 7  
 8 SMITH, GUNDERSON & ROWEN, S.C., Glenwood  
 Executive Centre, 15460 West Capitol Drive, Brookfield,  
 Wisconsin, 53005, by MS. WENDY GUNDERSON, appeared on  
 9 behalf of Certain Personal Injury Claimants.  
 10 WHYTE HIRSCHBOECK DUDEK, S.C., 555 East  
 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,  
 11 by MR. FRANCIS H. LOCOCO, appeared on behalf of the  
 Debtor.  
 12  
 13 NELSON, CONNELL, CONRAD, TALLMADGE &  
 SLEIN, S.C., N14 W23755 Stone Ridge Drive, Suite 150,  
 P.O. Box 1109, Waukesha, Wisconsin, 53187-1109, by MR.  
 14 MARK S. NELSON, appeared on behalf of OneBeacon  
 Insurance Company.  
 15  
 16 CRIVELLO CARLSON, S.C., 710 North  
 Plankinton Avenue, Suite 500, Milwaukee, Wisconsin,  
 53203, by MR. PATRICK W. BRENNAN, appeared on behalf of  
 17 Bishop Richard J. Sklba.  
 18 INDEX  
 19 BISHOP RICHARD J. SKLBA  
 20 By Mr. Anderson ..... 5  
 21 EXHIBITS  
 22 None.  
 23 MARKED QUESTIONS  
 24 1. Page 149, Lines 4-6: "Well, you need to tell us  
 25 what had happened. What had happened that you told

Page 4

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 Bishop  
 6 Richard J. Sklba on November 2, 2011; the time  
 7 8:57 a.m. This is in re the Archdiocese of  
 8 Milwaukee, Debtor; Case No. 11-20059-SVK pending  
 9 in the United States Bankruptcy Court for the  
 10 Eastern District of Wisconsin.  
 11 Will counsel now please state their  
 12 appearances.  
 13 MR. ANDERSON: For Claimant Survivors  
 14 Jeff Anderson.  
 15 MR. FINNEGAN: For Claimant Survivors  
 16 Mike Finnegan.  
 17 MR. SOLOCHEK: For the Official  
 18 Unsecured Creditors Committee, Albert Solochek.  
 19 MS. GUNDERSON: Wendy Gunderson of  
 20 Smith, Gunderson & Rowen appears for Claimants.  
 21 MR. NELSON: For OneBeacon, Mark Nelson.  
 22 MR. LO COCO: Frank LoCoco on behalf of  
 23 the Archdiocese of Milwaukee and on behalf of  
 24 Bishop Sklba in his role as a former officer of  
 25 the Debtor.

Page 3

1 "the Archbishop about?"  
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 3  
 4 (The original transcript was sent to Attorney  
 Anderson.)  
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Page 5

1 MR. BRENNAN: Pat Brennan of Crivello  
 2 Carlson for Bishop Richard J. Sklba.  
 3 VIDEOTAPE TECHNICIAN: The court  
 4 reporter will now swear in the witness.  
 5 BISHOP RICHARD J. SKLBA, called as a  
 6 witness herein by Certain Personal Injury Claimants,  
 7 after having been first duly sworn, was examined and  
 8 testified as follows:  
 9 EXAMINATION  
 10 BY MR. ANDERSON:  
 11 Q Bishop, would you please state your full name for  
 12 the record.  
 13 A My full name is Richard John Paul Sklba.  
 14 Q And you understand today that you are under oath,  
 15 and this deposition is being recorded both by  
 16 videotape and transcription?  
 17 A I do.  
 18 Q Okay. If for some reason you don't hear my  
 19 question or understand any question that I ask,  
 20 just let me know. I'm happy to clarify and/or  
 21 repeat. Okay?  
 22 A Thank you.  
 23 Q Is there anything currently health-wise that  
 24 keeps you from being able to sit for deposition  
 25 today and answer questions as accurately as is

Page 6

1 possible under oath?  
 2 A Not that I know of.  
 3 Q Okay. What's your current status with the  
 4 Archdiocese?  
 5 A I'm retired.  
 6 Q And do you now do any supply work or get any  
 7 assignments to help out anywhere?  
 8 A I don't have assignments, but I do help out in  
 9 parishes on weekends. On occasion I will take a  
 10 funeral.  
 11 Q And do you call that supply work or something  
 12 else?  
 13 A I call it "help out."  
 14 Q Help out. Okay. How recently have you helped  
 15 out?  
 16 A Sunday morning.  
 17 Q Okay. And these days how frequently are you  
 18 asked to help or do you help out?  
 19 A It varies, but it certainly is on a weekly basis.  
 20 Q And what was the date of your retirement?  
 21 A The formal date when my letter of resignation was  
 22 accepted by the Holy Father was October 18, 2010.  
 23 Q And that was the formal date your letter of  
 24 resignation was accepted. What about in terms of  
 25 your responsibilities within the Archdiocese?

Page 7

1 When, if at all, did your formal responsibilities  
 2 come to an end apart from supply?  
 3 A Technically they -- the responsibilities  
 4 concluded on the occasion of the Holy Father's  
 5 accepting my letter.  
 6 Q That would be the October 18, 2002 [sic]?  
 7 A That's correct.  
 8 Q And was that a mandatory retirement or something  
 9 that you sought?  
 10 A The universal church law, it's Canon 401, says  
 11 that on arriving at the age of 75, a bishop is  
 12 required to submit a letter of resignation, and  
 13 the acceptance depends on the Holy Father.  
 14 Q Bishop, we have had an opportunity and you have  
 15 given a deposition before, and it's not our  
 16 intent to cover old ground, but it is our intent  
 17 to ask some questions pertinent to the inquiry we  
 18 were allowed to be given here today. In  
 19 reviewing your background, it would appear that  
 20 you have now been a priest and remain a priest of  
 21 the Archdiocese in Milwaukee for over 52 years?  
 22 A Almost 52 years.  
 23 Q Okay. And in that almost 52 years, you have,  
 24 obviously, worked and been assigned to a number  
 25 of capacities, and it sounds like you have worked

Page 8

1 and been assigned to be a seminary teacher,  
 2 correct?  
 3 A I have.  
 4 Q You have worked and been assigned to be an  
 5 assistant or associate pastor?  
 6 A That's correct.  
 7 Q A rector --  
 8 A Correct.  
 9 Q -- of the seminary?  
 10 A Yes.  
 11 Q You have worked and been assigned to be the  
 12 pastor?  
 13 A Temporarily, yes.  
 14 Q You have worked and been assigned to be -- and  
 15 appointed to be Vicar General?  
 16 A Yes.  
 17 Q Vicar for Clergy?  
 18 A That's correct.  
 19 Q And ultimately you were appointed to be  
 20 Auxilliary Bishop?  
 21 A Yes.  
 22 Q What was the date of the appointment to be  
 23 Auxilliary Bishop?  
 24 A I think it was November 6, 1979.  
 25 Q And it's correct to say, is it not, that the Holy

Page 9

1 Father makes the appointment as -- of you as  
 2 Auxilliary Bishop?  
 3 A He receives consultation from other people, but  
 4 the formal appointment comes from the Pope.  
 5 Q And do you know whose consultation he relied upon  
 6 in making the decision to appoint you Auxilliary?  
 7 A I have no idea.  
 8 Q I trust your then Bishop or then Archbishop would  
 9 have had to have had some role in that?  
 10 A Presumably.  
 11 Q Okay. And at the time of your appointment as  
 12 Auxilliary, it was -- the Archdiocese was then  
 13 presided by Archbishop Weakland, correct?  
 14 A That's correct.  
 15 Q It's also correct to say that at all times as a  
 16 priest of the Archdiocese you take and make a  
 17 promise of obedience to your superior?  
 18 A That's true.  
 19 Q And that is, at the time of your ordination, the  
 20 then presiding Archbishop?  
 21 A That's correct.  
 22 Q And that promise of obedience to the superior  
 23 follows and runs with all of the Archbishop's  
 24 successors, correct?  
 25 A That's true.

Page 10

1 Q And remains intact to this day?  
 2 A That's correct.  
 3 Q And at any time while a priest of this  
 4 Archdiocese, have you, yourself, ever been  
 5 disciplined or had your faculties to minister in  
 6 any way restricted?  
 7 MR. LO COCO: Just a second.  
 8 THE WITNESS: No.  
 9 MR. LO COCO: The answer is on the  
 10 record, but I'm going to object to that question.  
 11 It has nothing to do with the topics reflected in  
 12 Judge Kelley's order.  
 13 MR. BRENNAN: Join the objection.  
 14 MR. LO COCO: And, Bishop Sklba, we may  
 15 have objections, so don't be so quick to answer.  
 16 THE WITNESS: Okay.  
 17 BY MR. ANDERSON:  
 18 Q Besides those I have described already, have you  
 19 had or held any other positions within the  
 20 Archdiocese of Milwaukee that I did not identify?  
 21 A I'm not sure how to answer that question.  
 22 Q Well, you have sat on the Priest Personnel Board,  
 23 I trust?  
 24 A I have participated in discussion, but I was  
 25 never a member.

Page 11

1 Q Were you on any boards that acted as consultor to  
 2 the Archbishop?  
 3 A Of course.  
 4 Q What boards?  
 5 A It's a long time to -- The College of Consultors.  
 6 I was a Corporate Officer for Parishes. And  
 7 during my years as rector of St. Francis  
 8 Seminary, I was part of that Corporate Board.  
 9 Q When you say the Corporate Board of St. Francis  
 10 Seminary, what was that called?  
 11 MR. LO COCO: Objection, form,  
 12 foundation. If you know.  
 13 BY MR. ANDERSON:  
 14 Q Do you know?  
 15 A I'm not sure of the exact legal title. I think  
 16 it was St. Francis Seminary, Inc., but I'm not  
 17 sure. It may have been de Sales.  
 18 Q When you say you were a Corporate Officer for  
 19 Parishes, what parishes were you a corporate  
 20 officer for?  
 21 A As Vicar General, I was a member of every parish  
 22 corporation, one of five.  
 23 MR. LO COCO: I would commend to counsel  
 24 Section 187.19 of the Wisconsin Statutes.  
 25

Page 12

1 BY MR. ANDERSON:  
 2 Q And when you say "a member of every corporation,"  
 3 what corporation is it referring to?  
 4 A We are referring to parish corporations.  
 5 Q And you said there was five in number. Can you  
 6 explain what you meant?  
 7 A There are five corporate officers for every  
 8 parish by Wisconsin State Law.  
 9 Q And you, as Vicar General, were appointed to be a  
 10 member of every one of those, correct?  
 11 MR. LO COCO: Objection, form and  
 12 foundation. Jeff, can I just have a continuing  
 13 objection --  
 14 MR. ANDERSON: Yes, you may.  
 15 MR. LO COCO: -- to these what may later  
 16 be construed as legal questions about the  
 17 corporate status of each parish. I know it's  
 18 background on his role, so I'm not going to  
 19 instruct him not to answer it, but I want it  
 20 understood here that Archbishop Sklba is not here  
 21 talking about the corporate status of parishes.  
 22 MR. BRENNAN: I join that objection and  
 23 point out Pages 3 and 4 of the Court Order that  
 24 specifically speaks to that, the acts, conduct or  
 25 property as to the liabilities and financial

Page 13

1 condition of the Debtor, which may go to the  
 2 administration of Debtor's estate. This seems to  
 3 be a line of questions devoted to that, which is  
 4 carved out for potential deposition later, so I  
 5 will permit basic preliminary questions, but no  
 6 more than that. They are otherwise barred by the  
 7 Court Order.  
 8 MR. ANDERSON: You may have a continuing  
 9 objection so that you don't take time to make  
 10 further objections along those lines.  
 11 MR. LO COCO: I'm sorry. One more  
 12 thing. I want Al to agree to that, as well, on  
 13 behalf on the Committee of Unsecured Creditors.  
 14 MR. SOLOCHEK: To agree to what?  
 15 MR. LO COCO: That I don't have to  
 16 continue to make objections with respect to the  
 17 issue of how parish corporations are set from a  
 18 legal perspective.  
 19 MR. SOLOCHEK: You can have a continuing  
 20 objection on anything.  
 21 BY MR. ANDERSON:  
 22 Q When you talk about the five corporate officers  
 23 of the parish, you being one of them as Vicar  
 24 General, the other five would have been the  
 25 presiding Archbishop?

Page 14

1 A That's true.

2 Q Another priest appointed by the Archbishop?

3 A The pastor.

4 Q And then two lay people?

5 A That's correct.

6 Q And at all times you take and make, while acting

7 in that capacity, you are still under the promise

8 of obedience to the Archbishop?

9 A That is true, but part of obedience means adding

10 my own perception about whatever question is

11 before us.

12 Q Okay. When you were trained as a priest or after

13 ordination as a priest of the Archdiocese, when,

14 if ever, did you receive any training on how to

15 deal with sexual abuse, if it is suspected or

16 reported to you?

17 A It's hard to go back over all these years, but

18 there's a distinction -- What do you mean by

19 "training?"

20 Q Well, any education, any protocols, any formal

21 training by professionals in the field or

22 anything of that kind.

23 A All of life, Jeff, is a training, and so the word

24 itself is for me ambiguous. There were workshops

25 that I attended, conferences, and I also had the

Page 15

1 privilege of professionals in Southeastern

2 Wisconsin.

3 Q Can you identify any point in time, Bishop, where

4 there was a first time where you received some

5 kind of formal training apart from life's

6 experiences?

7 A At this point, I cannot. I'm sure if I thought

8 about it some more, I would be able to provide

9 that.

10 Q Have you ever been informed by the Archbishop or

11 any officials of the Archdiocese that at any time

12 in your capacities and the various capacities you

13 have worked within the Archdiocese that you are

14 considered or may be considered a mandatory

15 reporter of sexual abuse?

16 A I have learned many times of when mandatory

17 reporting was required.

18 Q And have you ever considered yourself to be

19 within the class of a mandatory reporter of

20 suspected sexual abuse under the law?

21 A I have.

22 Q When in time did you first believe yourself to be

23 a mandatory reporter?

24 A I don't have a date. When you say "first

25 learned," I do not have a date. I do know that

Page 16

1 in 1985 it became very clear through special

2 professional speakers on the national level that

3 I was included in that category.

4 Q And in 1985 did you attend the Catholic

5 Conference of Bishops at Collegeville where a lot

6 of training and discussion was done among the

7 Bishops?

8 A I do not remember if '85 was at Collegeville, but

9 I was at the meeting in '85.

10 Q Yes, '85 was Collegeville. That's been

11 confirmed.

12 A You know more than I do at this point.

13 Q Well, I don't know about that, but I know that

14 Archbishop Weakland, among others, and many have

15 confirmed '85 was the year where the

16 presentations were done by a number of folks at

17 Collegeville.

18 A Okay.

19 Q What do you remember about what you learned that

20 you took away from Collegeville in 1985 at the

21 Catholic Conference of Bishops meetings about

22 sexual abuse that you had not known before?

23 A I do not have any specific memory of something I

24 did not know before.

25 Q Okay. To your knowledge, did the Archdiocese of

Page 17

1 Milwaukee change any of its written practices or

2 written protocols pertaining to sexual abuse as a

3 result of what was learned at Collegeville in

4 '85?

5 A I know that in the fall of 1986 I mentioned the

6 mandatory reporting obligation to the clergy at

7 the Annual Fall Clergy Day.

8 Q And what is the Annual Clergy Day? What are you

9 referring to there, Bishop?

10 A Every fall we have had an afternoon, morning or

11 morning and afternoon set aside for some kind of

12 continuing education, an opportunity for the

13 Archbishop to address some contemporary question,

14 provide information, sometimes answer questions.

15 Q And when you attended that and made mention of

16 what you just described at the Annual Clergy Day,

17 how many clergy were either there or expected to

18 be there?

19 A I really do not remember.

20 Q Okay. Was that a mandatory meeting of all the

21 clergy of the Archdiocese?

22 A It was expected that people attend, unless they

23 had a reason not to.

24 Q And in 1986 approximately how many clergy were in

25 the Archdiocese, your best estimate?

Page 18

1 A I really don't know.

2 Q Fair enough. Tell us what you mentioned to those

3 in attendance in the fall of '86 about mandatory

4 reporting.

5 A I don't know the words. I simply reminded people

6 that there was a mandatory obligation whenever

7 information came to them in a form that could be

8 shared.

9 Q When you say "when it came to them in a form that

10 could be shared," that would be outside of the

11 confessional?

12 A Absolutely.

13 Q Okay. But anything outside the confessional

14 would be a form that could be shared, correct?

15 A It could be shared, unless there were some kind

16 of professional confidentiality, pastoral

17 confidentiality, that required discretion.

18 Q Give us an example of what that would have been.

19 A A pastoral meeting with someone in which

20 information did not rise to the level which would

21 require or suggest reporting.

22 Q And what did you understand the level to have

23 been at that time about when a report would be

24 required?

25 A The question requires a precision I don't have at

Page 19

1 this point.

2 Q When you made this mention to the clergy of an

3 obligation to report, was there discussion at

4 that time with those in attendance?

5 A I don't think so.

6 Q Okay. Did you tell them that you had just been

7 to the year before a conference where you had

8 learned more about this issue than you had before

9 and that's what prompted this?

10 A As I said before, I'm not sure that I learned

11 more than I had before, so I do not think that

12 that would have been part of my comments.

13 Q Why then do you think you made this mention in

14 the fall of 1986 to the clergy in attendance?

15 A To the best of my recollection, I did so because

16 the -- there were some suggestions on how to

17 handle the issue given for national

18 consideration.

19 Q And who had made the suggestions for national

20 consideration?

21 A Jeff, that's 25 years ago. I don't remember.

22 Q Okay. And was it then on your radar that there

23 was a national problem, that means clergy abusing

24 youth in the U. S. that came to the attention of

25 the Bishops?

Page 20

1 MR. BRENNAN: First of all, when are you

2 talking about; and, secondly, object to the form

3 of the question, "the Bishops." It calls for

4 speculation.

5 THE WITNESS: I don't know how to

6 answer.

7 MR. ANDERSON: Okay. I will rephrase

8 it.

9 BY MR. ANDERSON:

10 Q When in time did you, as a then Auxilliary

11 Bishop, first become aware there was a problem of

12 clergy abusing youth?

13 A The use of the when is confusing, because I do

14 not know.

15 Q When in time do you remember first being -- I

16 will rephrase it.

17 When in time did you first get any

18 report or complaint or have to take any action

19 responsive to any suspicion of sexual abuse of a

20 minor while you were a priest?

21 MR. LO COCO: Objection, form.

22 THE WITNESS: I don't know how to answer

23 the question.

24 BY MR. ANDERSON:

25 Q Okay. Do you remember ever having received

Page 21

1 reports of sexual abuse?

2 A I do.

3 Q What is the first report you remember having

4 received of sexual abuse of minors or suspicions

5 of sexual abuse of minors by clergy?

6 A I don't remember the date.

7 Q Do you remember who the priest was that was

8 suspected?

9 A I do not remember with certainty.

10 Q What's your best recollection of who it was

11 and/or the circumstances?

12 A That's speculation. I can't do that at this

13 moment.

14 Q In your capacity -- Let's tie down some dates.

15 Going back to the fall meeting in '85 at

16 Collegetown, excuse me, the fall meeting in 1986

17 where you met with the clergy and made the

18 mention about their obligations to report, were

19 there any materials supplied to them at that time

20 about reporting or their obligations?

21 A I do not think that any materials were

22 distributed, but I cannot be sure.

23 Q And beyond the mention that you have already

24 testified to, do you remember any further

25 attention being given to the issue of sexual

Page 22

1 abuse and mandatory reporting at that time?  
 2 A Subsequently there were repetitions of that,  
 3 reminders, on occasion.  
 4 Q Okay. Tell me about those repetitions after that  
 5 occasion.  
 6 A I can't give you a specific date.  
 7 Q Okay. Can you give me -- identify any  
 8 circumstances where the topic was reintroduced by  
 9 you or other officials of the Archdiocese to the  
 10 clergy that they should or shouldn't or they  
 11 should be? Anything like that?  
 12 A I don't remember.  
 13 Q You do believe it was a topic that came up again,  
 14 but you just don't know when, is that correct?  
 15 A That's correct.  
 16 Q Do you remember whether it was a topic raised by  
 17 you as Auxilliary Bishop or by somebody else?  
 18 A Offhand, I don't remember.  
 19 Q Do you ever, while a priest of the Archdiocese,  
 20 ever remember receiving written materials  
 21 prepared by either the Archbishop's office or  
 22 professionals outside the Archbishop's office  
 23 about how to handle suspicions of sexual abuse of  
 24 minors?  
 25 A I do not.

Page 23

1 Q I want to tie down some dates here just in terms  
 2 of the positions that you have held, Bishop,  
 3 because there have been a variety, and is it  
 4 correct to say that outside of your assignment  
 5 and study in Rome, you have always worked in the  
 6 Archdiocese -- geographical limits of the  
 7 Archdiocese of Milwaukee while a priest?  
 8 A Under assignment, yes.  
 9 Q Have you worked outside the Archdiocese of  
 10 Milwaukee not on assignment?  
 11 A Yes.  
 12 Q Tell me about that.  
 13 A Over the years I have been very active in  
 14 ecumenical and interreligious dialogues and,  
 15 consequently, I have given national talks  
 16 regarding Judaism, regarding ecumenical  
 17 relations. I have been very active with the  
 18 National Lutheran Catholic dialogue, so I have  
 19 given many talks and attended meetings and  
 20 chaired meetings outside the Archdiocese, not  
 21 part of an assignment.  
 22 Q Okay. And while you weren't assigned to those  
 23 particular tasks by the Archbishop, you were  
 24 acting in your capacity as a priest of the  
 25 Archdiocese when you did act, correct?

Page 24

1 A I'm trying to weigh the words, because the  
 2 Biblical studies, the language studies, were as  
 3 much a part of any invitations as ordination.  
 4 Q Okay. Did you have to have the permission of the  
 5 Archbishop to travel outside of the Archdiocese  
 6 and do those presentations?  
 7 A Not explicitly.  
 8 Q Implicitly?  
 9 A No. Yeah, I suppose so.  
 10 Q If the Archbishop had not wanted you to do that,  
 11 he had the power and authority to restrict you  
 12 from endeavoring upon that, correct?  
 13 A And I would have the opportunity and maybe the  
 14 obligation to explain why I thought it was a good  
 15 thing.  
 16 Q Yes. And I trust you would have?  
 17 A I would have.  
 18 Q You do have a doctorate degree, as well as a  
 19 master's degree, do you not?  
 20 A I do.  
 21 Q And your doctorate is in?  
 22 A Biblical studies.  
 23 Q And that sounds like one of your passions?  
 24 A It certainly is.  
 25 Q And do you have a Bible before you?

Page 25

1 A New Testament.  
 2 Q And then you have master's in also -- What is  
 3 that in?  
 4 A It's a licensia, so that's not quite a master's.  
 5 It's in theology.  
 6 Q And in terms of the various positions that you  
 7 have held, your first assignment, as I read the  
 8 record, was as -- after ordination was an  
 9 Assistant Pastor at St. Mary's in Elm Grove.  
 10 Sound correct?  
 11 A That's correct.  
 12 Q And then after that you went to do the Pontifical  
 13 Biblical Institute studies in Rome, correct?  
 14 A That's correct.  
 15 Q And there obtained some degrees, which we have  
 16 covered, correct?  
 17 A Correct.  
 18 Q Okay. And then on return from Rome became a  
 19 teacher at St. Francis de Sales Seminary in  
 20 Milwaukee?  
 21 A At St. Francis Seminary in Milwaukee, yes.  
 22 Q Is it -- It's not called St. Francis de Sales?  
 23 A More recently the de Sales portion of the title  
 24 has been activated. I don't think it was the  
 25 original corporate title.

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1 Q Okay. So I will just refer to it as St. Francis.  
 2 A Okay.  
 3 Q And from 765 [sic] to '76 it would appear you  
 4 were assigned there and worked there as a  
 5 teacher?  
 6 MR. LO COCO: I think you have the dates  
 7 wrong. I think you said 765 to 766, and I don't  
 8 think Bishop Skiba is that old.  
 9 MR. ANDERSON: Excuse me. I may have  
 10 misspoken. I meant to say from 1965 to 1976 you  
 11 worked there as a teacher.  
 12 THE WITNESS: That's correct.  
 13 BY MR. ANDERSON:  
 14 Q And then in 1976 you were appointed to be rector,  
 15 correct?  
 16 A That's correct.  
 17 Q And how did that change your responsibilities?  
 18 A It took me out of the classroom exclusively and  
 19 gave me some oversight administration.  
 20 Q And would it be fair to say then that between  
 21 your work and your assignment as teacher and as  
 22 rector at St. Francis, you were there a total of  
 23 15 years?  
 24 A It's not quite correct.  
 25 Q Okay. What is correct in terms of the time?

Page 27

1 A Well, to be precise, it would be from July until  
 2 January, so July of 1965 until January of 1980.  
 3 Q In that period of time, which sounds like it's  
 4 almost 15 years, what training, if any, was given  
 5 to the priest in formation or those seminarians  
 6 in formation about matters pertaining to sexual  
 7 abuse and sexuality?  
 8 MR. BRENNAN: Object, compound.  
 9 THE WITNESS: It's too extensive a  
 10 question.  
 11 BY MR. ANDERSON:  
 12 Q I will rephrase it then. Was there any training  
 13 given to the seminarians while you were both  
 14 teacher and/or rector that pertained to sexual  
 15 abuse and detecting suspicions of it and what to  
 16 do, if you did detect it?  
 17 MR. LO COCO: Objection to the form.  
 18 It's multiple.  
 19 MR. BRENNAN: And beyond the scope of  
 20 the Court's order. St. Francis Seminary is not  
 21 the debtor.  
 22 THE WITNESS: I will take the advice of  
 23 counsel.  
 24 MR. ANDERSON: Well, you may answer. He  
 25 just needs to interpose objections for the

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1 record.  
 2 MR. BRENNAN: For this line I will not  
 3 tell you not to answer, but I am objecting on the  
 4 grounds that the questioning is going beyond the  
 5 scope of the Court Order. I will allow you to  
 6 continue to answer for the time being.  
 7 MR. LO COCO: So subject to the  
 8 objections, if you have a response, you can give  
 9 it.  
 10 THE WITNESS: Training was provided  
 11 according to pastoral needs and the sense of the  
 12 age.  
 13 BY MR. ANDERSON:  
 14 Q St. Francis Seminary was run, owned and operated  
 15 by the Archdiocese of Milwaukee, was it not?  
 16 MR. LO COCO: Objection to the form.  
 17 I'm going to instruct the witness not to answer  
 18 that. We're not getting into financial issues.  
 19 That's specifically excluded by the Court's  
 20 order.  
 21 MR. ANDERSON: It's control, it's not  
 22 financial. You may answer.  
 23 MR. LO COCO: It's absolutely a  
 24 financial issue when I know that the Committee of  
 25 Unsecured Creditors is looking at what assets

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1 might be available through the Debtor's estate.  
 2 So for you to ask about who controlled St.  
 3 Francis Seminary gets right into that, and this  
 4 witness, with all due respect to Bishop Skiba, is  
 5 not an expert on those legal issues.  
 6 BY MR. ANDERSON:  
 7 Q You were the rector at St. Francis Seminary,  
 8 correct?  
 9 A That's correct.  
 10 Q And who, as far as you know, ran and operated  
 11 that seminary?  
 12 MR. LO COCO: Objection to the form,  
 13 calls for a legal conclusion.  
 14 THE WITNESS: I accept the counsel.  
 15 BY MR. ANDERSON:  
 16 Q Well, you haven't been instructed not to answer.  
 17 I'm just asking what your understanding is of who  
 18 ran and operated the seminary.  
 19 A I respect the counsel. It's too complicated a  
 20 question.  
 21 Q Who owned the seminary?  
 22 MR. LO COCO: Same objection.  
 23 MR. BRENNAN: Yes, and I will not repeat  
 24 every objection. One objection stands for both  
 25 of us.



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1 MR. LO COCO: Let's go off the record,  
 2 so it's not counting your time, and discuss this  
 3 issue for a second. Is that all right with you?  
 4 MR. ANDERSON: We may.  
 5 VIDEOTAPE TECHNICIAN: We're going off  
 6 the record at 9:34 a.m.  
 7 (A discussion was had off the record.)  
 8 VIDEOTAPE TECHNICIAN: We're back on the  
 9 record at 9:41 a.m.  
 10 BY MR. ANDERSON:  
 11 Q Bishop, when it comes to your work and assignment  
 12 as a teacher at St. Francis and then as the  
 13 rector, is it correct to say you were appointed  
 14 to be both teacher and rector by the then  
 15 presiding Archbishop?  
 16 A That's correct.  
 17 Q And that was Weakland?  
 18 A No.  
 19 Q Actually, it was Cousins that first appointed  
 20 you, correct?  
 21 A Is that a question?  
 22 Q Is that correct?  
 23 A It is. I was appointed by Archbishop Cousins as  
 24 a teacher in 1965, and I was also appointed as  
 25 rector by Archbishop Cousins in 1976.

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1 Q That's right. And it was Archbishop Weakland  
 2 that took over in 1977?  
 3 A That's correct.  
 4 Q So I misspoke. And you were actually ordained  
 5 when Archbishop Cousins was the presiding  
 6 Archbishop, even though your ceremony was in Rome  
 7 is that correct?  
 8 A That's correct.  
 9 Q And it's also correct to say that as a priest of  
 10 the Archdiocese today, while retired, your  
 11 current Archbishop that you answer to and to whom  
 12 the vow of obedience attaches is Listecky?  
 13 A Archbishop Listecky, that's correct.  
 14 Q And that same applies to his predecessor,  
 15 Archbishop Dolan?  
 16 A That's correct.  
 17 Q When you were in the capacity of teacher assigned  
 18 by then Archbishop Weakland at St. Francis --  
 19 excuse me -- by Archbishop Cousins -- I will  
 20 rephrase.  
 21 When you were in the capacity of teacher  
 22 assigned to St. Francis by Archbishop Cousins,  
 23 did you ever have occasion to suspect or receive  
 24 a report of sexual abuse of any of the  
 25 seminarians?

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1 A I do not recall ever receiving any such  
 2 information.  
 3 Q While rector did you have to deal with sexual  
 4 abuse or any reports of sexual abuse by  
 5 seminarians?  
 6 A I do not recall ever having such a report.  
 7 Q As rector was one of your responsibilities to  
 8 effectively recommend to the presiding Archbishop  
 9 who was fit for ministry?  
 10 A Suitability for ordination was within the role.  
 11 Q And did you ever find or were there ever  
 12 occasions where you found potential candidates to  
 13 be unfit and make a recommendation to the  
 14 Archbishop that they were unfit because they had  
 15 committed sexual abuse against a minor or were  
 16 suspected of having committed sexual abuse  
 17 against a minor?  
 18 A I do not recall any such information.  
 19 Q Okay. Do you have any recollection of then  
 20 having ever had to deal with sexual abuse by any  
 21 cleric up until the time you were assigned out of  
 22 your position as rector at St. Francis in 1980?  
 23 A I do not.  
 24 Q Okay. Did you have any belief up until 1980 that  
 25 there was a problem among the clerics, the

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1 priests, the deacons and others pertaining to  
 2 sexual abuse of minors that had something to do  
 3 with celibacy?  
 4 MR. LO COCO: Objection to form.  
 5 MR. BRENNAN: And compound.  
 6 THE WITNESS: No.  
 7 BY MR. ANDERSON:  
 8 Q How were you and the other priests at the time  
 9 you were ordained and ultimately became  
 10 responsible for recommendations for ordination,  
 11 how were priests then trained to manage the  
 12 requirement of celibacy so they did not commit  
 13 sexual abuse against minors?  
 14 MR. LO COCO: Objection to the form of  
 15 the question. Hang on. No foundation for that  
 16 connection you are trying to draw. Subject to  
 17 that, if Bishop Sklba has an answer, he can  
 18 answer.  
 19 THE WITNESS: That's such a broad,  
 20 sweeping question I don't know how to respond.  
 21 Everyone preparing for ordination, which included  
 22 the obligation to remain single as a vocation,  
 23 would have been trained for that and helped to  
 24 sort out the implications and their ability to be  
 25 faithful to that.

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1 BY MR. ANDERSON:  
 2 Q Were you, as a teacher and the rector at St.  
 3 Francis, in some way responsible for teaching and  
 4 providing the tools so that priests could abide  
 5 by their promise of celibacy and not abuse  
 6 minors?  
 7 MR. LO COCO: Same objections as to the  
 8 last question, and it's compound.  
 9 THE WITNESS: My primarily obligation  
 10 was the teaching of scripture in the classroom.  
 11 A partial obligation included providing spiritual  
 12 direction for individual candidates, so general  
 13 preparation for a lifetime of singleness would  
 14 have been assumed. More than that, I don't know  
 15 how to answer.  
 16 BY MR. ANDERSON:  
 17 Q Okay. You have always been aware, have you not,  
 18 that it was a crime for an adult to engage in sex  
 19 with a child?  
 20 A Of course.  
 21 Q And what training, if any, was provided to those  
 22 adults in seminary formation to help them or  
 23 prevent them from engaging in sex with children?  
 24 A The question is offensive.  
 25 Q Well, not to help them. That was poorly phrased.

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1 Was there any training given to the priests in  
 2 formation at the seminary to help them manage  
 3 their sexual lives so they would not engage in  
 4 sexual abuse?  
 5 MR. LO COCO: Object to the form. I  
 6 agree, it's offensive.  
 7 MR. BRENNAN: Further, beyond the scope  
 8 of the Court Order.  
 9 THE WITNESS: I just find the tone and  
 10 the choice of words offensive. My response is  
 11 that part of the training, a great portion of the  
 12 training, substantive portion of the training,  
 13 besides doctrine, scripture, pastoral counseling,  
 14 sacramental ministry included moral theology,  
 15 and, therefore, all of the areas within moral  
 16 theology would have been treated and treated  
 17 substantially according to the norms of the age,  
 18 the culture. Everything would have been included  
 19 that people expected included.  
 20 BY MR. ANDERSON:  
 21 Q When you say "people expected," are you referring  
 22 to the clerics?  
 23 A I'm referring to the whole church.  
 24 Q And --  
 25 A Including ecumenically.

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1 Q Is it correct to say that the presiding Bishop,  
 2 or in the case of an Archdiocese, the presiding  
 3 Archbishop is considered the shepherd of the  
 4 flock?  
 5 A Of course.  
 6 Q And what does that mean?  
 7 A That means caring for the spiritual and material  
 8 welfare of the members of the local church.  
 9 Q And does it also place the responsibility upon  
 10 the Archbishop to care for the souls of those  
 11 within the flock?  
 12 A Of course.  
 13 Q And when you would make a recommendation for  
 14 ordination to the presiding Archbishop as rector,  
 15 it was ultimately the Archbishop's decision to  
 16 ordain, correct?  
 17 A There was something in the question that was  
 18 inaccurate. Would you repeat it, please.  
 19 Q Was it your role as a rector to recommend or not  
 20 recommend ordination?  
 21 A Yes.  
 22 Q Okay. And when you would make a recommendation  
 23 to the Archbishop, ultimately was it the  
 24 Archbishop's decision and authority to ordain?  
 25 A The recommendation came from a variety of people,

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1 and it was the Archbishop's decision to ordain.  
 2 Q And it's also correct, based on your  
 3 understanding of how it works, that it's the  
 4 Archbishop's responsibility to -- and authority  
 5 to assign a priest to any ministry?  
 6 A That's correct.  
 7 Q And his authority to move a priest or transfer  
 8 one?  
 9 A Within the prescriptions of Canon Law, yes.  
 10 Q And at any time while you have been Auxilliary  
 11 Bishop has that authority vested with you because  
 12 of the absence of the Archbishop?  
 13 A Technically for two months while I was  
 14 Administrator.  
 15 Q Was that on the retirement of Archbishop  
 16 Weakland?  
 17 A That's correct.  
 18 Q We will get to that. And apart from that two  
 19 months, it's correct to say that the ultimate  
 20 authority rested with the Archbishop to assign  
 21 the priest and ultimately supervise the priest  
 22 within the Archdiocese, is that correct?  
 23 A It is. It didn't seem like it was a question.  
 24 It seemed like it was a statement.  
 25 Q Is it also correct to say that the Archbishop

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1 also has authority and responsibility, if he sees  
 2 fit, to restrict the ministry or the faculties of  
 3 a priest?  
 4 A Within the confines of Canon Law, yes.  
 5 Q And as Auxilliary Bishop did you have or do you  
 6 have the power to actually restrict the faculties  
 7 of a priest?  
 8 A As a Vicar General I may have had that authority  
 9 in some very narrow circumstances.  
 10 Q Such as an exigent or an emergency situation?  
 11 A Yes.  
 12 Q Until the Archbishop could act?  
 13 A That's correct.  
 14 Q Did you ever do that because of a suspicion of  
 15 sexual abuse, and you made the choice to do it in  
 16 the absence of the Archbishop to protect a child?  
 17 A I don't remember ever being in those  
 18 circumstances.  
 19 MR. ANDERSON: We have been going for  
 20 awhile. Why don't we take a break right now.  
 21 It's 10:00 o'clock.  
 22 VIDEOTAPE TECHNICIAN: We're going off  
 23 the record at 9:55 a.m.  
 24 (A recess was taken.)  
 25 VIDEOTAPE TECHNICIAN: We're back on the

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1 record at 10:14 a.m.  
 2 BY MR. ANDERSON:  
 3 Q Bishop, I'm going to direct your attention to the  
 4 period of time in which you were a teacher and  
 5 then a rector at St. Francis, and direct your  
 6 attention to some specific priests by name who  
 7 have been listed now as having had allegations of  
 8 sexual abuse of minors that have been deemed to  
 9 have been substantiated and placed on a list.  
 10 Okay?  
 11 A Okay.  
 12 Q The first is a James Arimond. He is ordained in  
 13 1965. Did you have any dealings with him while  
 14 teacher or rector?  
 15 A I don't think so.  
 16 Q Ronald Bandle.  
 17 MR. BRENNAN: Jeff, if I could, you have  
 18 introduced Exhibit B.  
 19 MR. LO COCO: You are using the  
 20 published list.  
 21 MR. FINNEGAN: The ones that are already  
 22 --  
 23 MR. ANDERSON: Yes.  
 24 MR. BRENNAN: Which is that?  
 25 MR. LO COCO: I have got it here.

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1 MR. BRENNAN: Is it A or B.  
 2 MR. LO COCO: It's not an exhibit.  
 3 BY MR. ANDERSON:  
 4 Q B-A-N-D-L-E, ordained in '68. Any familiarity  
 5 with him?  
 6 A I do.  
 7 Q Did you have any suspicions of his fitness that  
 8 could have or did pertain to sexual abuse?  
 9 A Not at all.  
 10 Q James Beck ordained in '69. Were you familiar  
 11 with him at St. Francis?  
 12 A I am, was and am.  
 13 Q Any concerns about his fitness?  
 14 A Not at all.  
 15 Q Michael Benham, 1976 ordination. Any concerns  
 16 about his fitness?  
 17 A Not at all.  
 18 Q Frederick Bistricky, ordained in '65. Any  
 19 concerns there?  
 20 A I would not have had any dealings with him in the  
 21 seminary.  
 22 Q Joseph Collova, ordained '76. Any concerns  
 23 there?  
 24 A No.  
 25 Q Andrew Doyle, '76. Any concerns there?

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1 A No.  
 2 Q Ronald Engel, 1977. Any concerns there?  
 3 A No.  
 4 Q James Godin, 1979.  
 5 A I don't even recognize the name.  
 6 Q James Jablonowski, 1968.  
 7 A No.  
 8 MR. LO COCO: No. What's the question?  
 9 MR. ANDERSON: Any concerns about his  
 10 fitness?  
 11 MR. LO COCO: Okay. I don't mind you  
 12 using names from now on, but the question is any  
 13 concerns for fitness.  
 14 MR. ANDERSON: Yes.  
 15 MR. LO COCO: Okay. Thank you.  
 16 THE WITNESS: No.  
 17 MR. BRENNAN: With regard to sexual  
 18 abuse of minors.  
 19 MR. ANDERSON: Well, fitness that could  
 20 reflect on a risk of harm to minors.  
 21 THE WITNESS: Okay.  
 22 BY MR. ANDERSON:  
 23 Q Martin Knighton, 1975. Any concerns there?  
 24 A No.  
 25 MR. LO COCO: And it's Marvin.

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1 MR. ANDERSON: Excuse me. Marvin  
 2 Knighton.  
 3 BY MR. ANDERSON:  
 4 Q Did you at any time to the present learn that he  
 5 had been accused of or suspected of having  
 6 committed sexual abuse?  
 7 A Yes.  
 8 Q When did you first learn?  
 9 A I do not remember the date.  
 10 Q Okay. Michael Krejci. It's spelled K-R-E-J-C-I.  
 11 Did I pronounce that correctly?  
 12 A No, it's Krejci.  
 13 Q Krejci. Any concerns about his fitness?  
 14 Ordained in 1978.  
 15 A No.  
 16 Q Have you learned that he has or was accused of  
 17 sexual abuse?  
 18 A Yes.  
 19 Q How and when did you learn?  
 20 A I don't remember the first indication.  
 21 Q Daniel Massie, ordained in '80. Any concerns  
 22 about his fitness?  
 23 A No.  
 24 Q Thomas Trepanier, 1975 ordination. Any concerns  
 25 there?

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1 A I know of none.  
 2 Q John Wagner, ordained '73. Any concerns there?  
 3 A No.  
 4 Q Jerome Wagner, ordained '72. Any concerns there?  
 5 A No.  
 6 Q Have you learned or did you later learn that  
 7 Jerome Wagner had been accused of sexual abuse?  
 8 A I did.  
 9 Q How did you come to first hear or learn that?  
 10 A I no longer remember.  
 11 Q What about John Wagner? Did you later learn that  
 12 he had been accused?  
 13 A Yes.  
 14 Q And do you remember how and -- or when you did?  
 15 A I don't remember the first indication.  
 16 Q Charles Walter, ordained 1974. Any concerns  
 17 there?  
 18 A Before ordination, no.  
 19 Q Any concerns that came to your attention after  
 20 ordination?  
 21 A Yes.  
 22 Q When would that have been?  
 23 A See, I just don't remember the precision here.  
 24 Q What do you remember about what you did receive  
 25 that was cause for concern?

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1 A I'm not sure. There's not clarity.  
 2 Q Do you know if it was while you were Auxilliary?  
 3 A Probably.  
 4 Q Do you remember taking any action as Auxilliary  
 5 or making any recommendation for action  
 6 pertaining to Charles Walter?  
 7 A I do remember making an inquiry and asking for  
 8 guidance.  
 9 Q From whom?  
 10 A I think that becomes something I'm not free to  
 11 talk about.  
 12 Q Can you tell me why you feel not free to?  
 13 A Internal forum.  
 14 Q What do you mean?  
 15 A I mean something that would pertain to a  
 16 conversation that was privileged sacramentally.  
 17 Q Okay. And that would be in the context of a  
 18 confessional?  
 19 A Related to confession.  
 20 Q Maybe for purposes of inquiry and what you can  
 21 and cannot answer, we need to identify the scope  
 22 of what you believe internal forum to be, and  
 23 then the scope of I think it's external forum,  
 24 correct?  
 25 MR. LO COCO: I will object to the form

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1 of the question. We're not getting anywhere  
 2 close to the seal of the confessional, Jeff, so  
 3 ask your next question.  
 4 MR. ANDERSON: Well, I want to lay a  
 5 foundation to find out where the line gets drawn  
 6 by this witness, and to see if it -- And then  
 7 once we understand what that line is, then we can  
 8 respect it, and if we disagree, deal with it  
 9 later, but we will respect it. We just need to  
 10 see where it gets drawn, and without invading it  
 11 in any way, shape or form or intending to.  
 12 BY MR. ANDERSON:  
 13 Q So when you say "internal forum," give me the  
 14 scope of what you deem internal forum to be.  
 15 A In my pastoral understanding, internal forum  
 16 would be something related to conversations that  
 17 are held protected by the sacramental seal.  
 18 Q And when you say "the sacramental seal," what  
 19 does that mean?  
 20 A The sacrament of confession.  
 21 Q And so I can use confession as interchangeable  
 22 with sacramental seal?  
 23 A I think so.  
 24 Q Okay. And so when I ask the question then as it  
 25 pertains to Charles Walter, the information that

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1 you would be required to divulge would have been  
 2 in the context of confession and, therefore, you  
 3 would not answer that question --  
 4 A That's correct.  
 5 Q -- for that reason?  
 6 MR. BRENNAN: Further object to the  
 7 question, the information required to divulge,  
 8 but he will not answer the question.  
 9 MR. ANDERSON: Counsel, please restrict  
 10 it as to form --  
 11 MR. BRENNAN: That's the form.  
 12 MR. ANDERSON: -- if you have a legal  
 13 objection.  
 14 MR. BRENNAN: And I gave you the  
 15 particular phrase so you could reword it, if you  
 16 had to.  
 17 BY MR. ANDERSON:  
 18 Q Did you take any action outside of the  
 19 sacramental seal responsive to Walter designed to  
 20 protect children in the future?  
 21 A That's such a vague question, I don't know how to  
 22 answer it. I have always been concerned about  
 23 children. I'm concerned about sacramental seal.  
 24 I have been concerned about fitness for ministry.  
 25 I don't know how to answer that question.

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1 Q Did you take any action or do anything, without  
 2 divulging what you learned in the sacramental  
 3 seal, outside of it to help others know that  
 4 there may be a risk of harm or that some action  
 5 should be taken outside of the sacramental seal  
 6 by you?  
 7 MR. BRENNAN: I object and instruct him  
 8 not to answer. That is a back doorway of getting  
 9 into the very thing that's privileged.  
 10 MR. LO COCO: And it assumes information  
 11 about what is protected, so don't answer that as  
 12 phrased.  
 13 BY MR. ANDERSON:  
 14 Q Well, did you do anything outside of the  
 15 sacramental seal pertinent to Walter?  
 16 MR. BRENNAN: Same objection, same  
 17 instruction. You are asking the same question  
 18 again, because you call upon him to divulge  
 19 through his actions what he learned in a  
 20 privileged setting, so I instruct him not to  
 21 answer.  
 22 BY MR. ANDERSON:  
 23 Q Do you consider, Bishop, any action taken by you  
 24 outside of the sacramental seal to be privileged?  
 25 MR. BRENNAN: Wait. You are not going

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1 to get into a debate with him, after I have  
 2 instructed him not to answer on legal grounds, so  
 3 he's not going to answer that, either, because  
 4 now you are arguing with the witness.  
 5 MR. LO COCO: Jeff, why don't you just  
 6 ask him did you do anything about this guy and  
 7 what did you do.  
 8 MR. ANDERSON: Fine.  
 9 BY MR. ANDERSON:  
 10 Q Did you do anything about Walter?  
 11 A I'm sure I was involved in some way in his  
 12 restriction from ministry.  
 13 Q And when was that? When was that?  
 14 A And I do not have clarity about dates or times or  
 15 even the specific action, but I know that I was  
 16 involved for the protection of children.  
 17 Q And how was his ministry restricted?  
 18 A A removal of faculties.  
 19 Q And as it pertained to Walter, what did that  
 20 mean?  
 21 A It would have meant generally the prohibition to  
 22 celebrate sacraments publicly, to hear  
 23 confessions or to celebrate the Eucharist in a  
 24 public forum.  
 25 Q And did you or anybody else in the Archdiocese

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1 disclose to the parishioners, the public or the  
 2 community of faith that his faculties had been  
 3 restricted?  
 4 MR. LO COCO: Objection, form and  
 5 foundation.  
 6 THE WITNESS: I know when the list was  
 7 published, I know that when we realized that it  
 8 would be helpful pastorally for people, we did  
 9 that. I have no date in mind.  
 10 BY MR. ANDERSON:  
 11 Q Are you referring to the list that was published  
 12 in 2004?  
 13 A That would be one reference.  
 14 Q What other lists were published, if there were?  
 15 A I don't remember offhand.  
 16 Q I will direct your attention to [REDACTED],  
 17 ordained in 1973. Did you have any concerns  
 18 about his fitness?  
 19 A About his?  
 20 Q Fitness.  
 21 A No.  
 22 Q Did you ever, as Auxilliary Vicar General or as  
 23 any official of the Archdiocese, ever take any  
 24 action responsive to suspicions of sexual abuse  
 25 by him?

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1 A It's a very general question. Can you rephrase  
 2 it in some way to help me answer it?  
 3 Q Sure. Did any information ever come to you that  
 4 he was suspected of abusing?  
 5 MR. LO COCO: Minors, you mean?  
 6 MR. ANDERSON: Yes.  
 7 THE WITNESS: I'm just trying to sort  
 8 out history, and I still don't know how to answer  
 9 that general question, the ever.  
 10 BY MR. ANDERSON:  
 11 Q Well, I'm trying to give you the chance to tell  
 12 us what you can remember. Do you remember  
 13 getting information that [REDACTED] had been suspected  
 14 of abusing kids?  
 15 MR. LO COCO: Objection, form.  
 16 THE WITNESS: At some point there was an  
 17 expression of concern, and at some point there  
 18 was an investigation which resulted in a  
 19 recommendation that there was no basis for  
 20 concern.  
 21 BY MR. ANDERSON:  
 22 Q Who made that recommendation?  
 23 A I can't remember the specific name.  
 24 Q And what was your involvement in the  
 25 investigation?

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1 A I was not involved at all.  
 2 Q Okay. Do you know who conducted the  
 3 investigation?  
 4 A At this point in history, I do not.  
 5 Q Beyond what you have told us about what -- about  
 6 [REDACTED] do you remember anything else about what  
 7 was done responsive to [REDACTED]  
 8 A Anything else?  
 9 Q Yes.  
 10 MR. BRENNAN: Wait. He's asked for a  
 11 clarification. He said responsive to [REDACTED]  
 12 It's a fair clarification question of you. What  
 13 do you mean?  
 14 BY MR. ANDERSON:  
 15 Q You told us that at some point in time an  
 16 investigation was done of [REDACTED] in that he had  
 17 been accused of suspected of sexual abuse,  
 18 correct?  
 19 A No, not correct.  
 20 Q Okay. Why don't you correct that then.  
 21 MR. BRENNAN: No, you can ask another  
 22 question. He said you misstated what he said  
 23 earlier.  
 24 BY MR. ANDERSON:  
 25 Q What was incorrect about that?

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1 A Sexual abuse. A concern was raised about  
 2 relationships. It was handed over to someone  
 3 else to investigate. The response came back that  
 4 there was no basis for not considering him fit  
 5 for ministry.  
 6 Q Is it your contention and belief that [REDACTED] was  
 7 accused of some kind of misconduct not related to  
 8 sexual abuse?  
 9 A Concern raised, not accusation.  
 10 Q How was the concern raised?  
 11 A I don't remember.  
 12 Q By whom was it raised?  
 13 A I do not remember.  
 14 Q And who made the determination that it required  
 15 no action?  
 16 A We had a group of independent investigators who  
 17 would be given an allegation or a concern and  
 18 asked to review it. They were former police  
 19 officers.  
 20 Q When you say "we," it means yourself and the  
 21 Archbishop?  
 22 A The Archdiocese.  
 23 Q Okay. When was that group commissioned by the  
 24 Archdiocese?  
 25 A Jeff, I don't remember.

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1 Q Was that in the '90's or the '80's? Do you  
 2 remember that?  
 3 A I do not remember.  
 4 Q The next name I want to ask you about is Sigfried  
 5 Widera, ordained in '67. Any concerns at the  
 6 time of his ordination that you had about his  
 7 fitness --  
 8 A Continue the question.  
 9 Q -- to become a priest?  
 10 A I mean, on the basis of sexual abuse?  
 11 Q About his fitness in general.  
 12 A Not really, no.  
 13 Q Any concerns pertaining to his sexual conduct or  
 14 sexual abuse?  
 15 A Not at all.  
 16 Q There is a former Archdiocesan priest, who has  
 17 now been named publicly, who was ordained in 1980  
 18 and later became incardinated into the Diocese of  
 19 LaCrosse. Has name the [REDACTED] My  
 20 question to you, Bishop, is did you have any  
 21 concerns about his fitness in or prior to his  
 22 ordination?  
 23 A I did not.  
 24 Q Look at Exhibit B. Before you look at Exhibit B,  
 25 I'd like to go back to [REDACTED] The

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1 records reflect that at some point he became  
 2 excommunicated from the Archdiocese of Milwaukee  
 3 and incardinated into LaCrosse. Do you know why  
 4 that came to be?  
 5 A My recollection is that he wanted to be closer to  
 6 his parents who lived in that area.  
 7 Q Do you have any belief or information that it had  
 8 anything to do with sexual abuse or suspicions of  
 9 sexual abuse or exploitation of children by the  
 10 internet or other means?  
 11 A I do not have any memory of that.  
 12 Q Of course, in the '80's we didn't have the  
 13 internet, did we?  
 14 A I couldn't hear you.  
 15 Q In the '80's we didn't really have the internet.  
 16 A We did not.  
 17 Q Yeah. I will direct your attention then to  
 18 No. 13 on Exhibit B, and look at that name.  
 19 Without giving me the name, and looking at 13 on  
 20 Exhibit B, that individual is ordained in '84 by  
 21 our records. My question is did you have any  
 22 concerns about No. 13's fitness to become a  
 23 priest?  
 24 A I don't think I have ever seen the name before.  
 25 Q Did Religious Order priests or priests who were

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1 expected to be trained for ordination -- Excuse  
 2 me.  
 3 Did St. Francis also train Religious  
 4 Order priests?  
 5 A There were a few years when we did.  
 6 Q Okay. Look at No. 5 on the list I have given you  
 7 in Exhibit B. I will represent he is a Religious  
 8 Order priest. Records show that '71 is the date  
 9 of ordination. Are you familiar with that name?  
 10 A I don't remember ever seeing the name before.  
 11 Q Look at No. 24. I will represent to you that he  
 12 is also Religious or Religious Order. Do you  
 13 recognize that name?  
 14 A Number one, I don't think he's a Religious Order.  
 15 I think that's a Tridentine group. Number two, I  
 16 do know the name.  
 17 Q Okay. Did he go to St. Francis?  
 18 A I think he did. He would have been somewhat of a  
 19 contemporary of mine, but I was not at the  
 20 seminary as a student at that time. I recognize  
 21 the name.  
 22 Q Okay.  
 23 A I had some association with him over the years,  
 24 very causal and brief.  
 25 Q Look at No. 20. I believe him to be a Religioŭs.

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1 Any concerns about No. 20?  
 2 A I don't remember ever seeing the name before.  
 3 Q Okay. I'm going to now give some other names to  
 4 ask you if you had or if they attended St.  
 5 Francis and if you had any reason to be concerned  
 6 about their fitness. The first is [REDACTED]  
 7 [REDACTED] ordained in '74.  
 8 A Right. I had no question about fitness.  
 9 Q Did he go to St. Francis?  
 10 A He did. I think I had him in class.  
 11 Q And the next is [REDACTED] -- Excuse me.  
 12 The next is [REDACTED] ordained  
 13 in '72. Did you know him?  
 14 A I don't think so.  
 15 Q Next is [REDACTED] a Religious. Did he  
 16 attend St. Francis?  
 17 A Would you say the name again?  
 18 Q [REDACTED]  
 19 A Okay. Question?  
 20 Q Did you know if he attended St. Francis?  
 21 A I don't think he did.  
 22 Q The next is [REDACTED] ordained in '72. Do  
 23 you know if he attended St. Francis?  
 24 A Is he on the list?  
 25 Q He's on the list that I have, and I'm trying to

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1 determine if he is -- attended the seminary at  
 2 St. Francis.  
 3 A I don't think so. I never saw the name before, I  
 4 don't think.  
 5 Q Okay. The next one I would like to know if you  
 6 know attended seminary and had -- and, if so, had  
 7 concerns about is [REDACTED] a  
 8 Religious.  
 9 A He did attend the seminary. I had no concerns  
 10 when he was there.  
 11 Q Okay. According to records we have, did you --  
 12 After his ordination, did you have concerns about  
 13 [REDACTED] and -- as it pertained to minors or abuse?  
 14 A I heard somewhere that an allegation had been  
 15 made against him after ordination.  
 16 Q And can you give us an estimate of how long after  
 17 his ordination, which records reflect to have  
 18 been '75, you heard that?  
 19 A Jeff, I don't remember.  
 20 Q Okay. Do you remember the source of that  
 21 allegation, from where --  
 22 A I do not.  
 23 Q Okay. Do you remember what your position was at  
 24 the time?  
 25 A I was not rector at the time, I don't think, but

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1 he was a Religious, so it would have been --  
 2 anything that would have come would simply have  
 3 been handed over to his Provincial for action.  
 4 Q The records that I have reflect that you were  
 5 Vicar General from the early 1980's. What year  
 6 were you appointed Vicar General by Archbishop  
 7 Weakland?  
 8 A I do not remember if the appointment letter was  
 9 dated in December of '79 or in the beginning of  
 10 '80.  
 11 Q Okay. The records also reflect that you were  
 12 appointed to have been Auxilliary Bishop in 1979,  
 13 is that correct?  
 14 A That's true.  
 15 Q And so you were Vicar General and Auxilliary  
 16 Bishop at the same time?  
 17 A That's correct.  
 18 Q The records reflect that also you were appointed  
 19 to be the Vicar of Clergy for a period of years,  
 20 is that correct?  
 21 A That is.  
 22 Q Was that from 1985 to 1991?  
 23 A That's correct.  
 24 Q What were your responsibilities as Vicar of  
 25 Clergy, having been appointed by Weakland, in

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1 that position?  
 2 A It's difficult to summarize them very briefly.  
 3 They are listed, I'm sure, in various places in  
 4 Canon Law, and I'm not a canonist, but my general  
 5 concerns would have included continuing  
 6 education, assignment, periodic review, which  
 7 included at that point the selection of -- If  
 8 they were in parish work or wherever they were, a  
 9 selection of a dozen or 15 individuals, men and  
 10 women, laity, who were asked to fill out  
 11 questionnaires about quality of ministry. And  
 12 also in that context over those years I would be  
 13 consulted regarding assignments. Discipline, on  
 14 occasion.  
 15 Q At some point in time were you the guy as Vicar  
 16 for Clergy to deal with sexual abuse, suspicions  
 17 or allegations, when they surfaced?  
 18 A I'm smiling just a little bit about the word  
 19 "guy," because I know that that was suggested to  
 20 the Archbishop in a deposition years ago. It's  
 21 not a word I would use.  
 22 Q Let me use a word -- What word would you prefer?  
 23 Vicar?  
 24 A I don't know, but that's why I smiled.  
 25 Q Okay. I will go with Vicar.

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1 A Okay. Fine.  
 2 Q As the Vicar for Clergy, were you the Vicar that  
 3 the Archbishop designated or asked to deal with  
 4 sexual abuse allegations and investigations?  
 5 A There were two of us who were Vicars at the same  
 6 time. Bishop Leo Brust and I were both appointed  
 7 to the same general areas of responsibility,  
 8 delegated areas of responsibility. Often  
 9 questions would be directed according to our age  
 10 and our circle of friends and acquaintances. He  
 11 was older.  
 12 Q And when it came to the investigation of sexual  
 13 abuse, did you have more responsibility than he?  
 14 A No, I don't think it could be divided that way.  
 15 Q Both of you had responsibility for effectively  
 16 investigating and reporting to the Archbishop?  
 17 A We each did, yes.  
 18 Q Okay. And as between yourself and then -- Was it  
 19 then Monsignor Brust or Father Brust?  
 20 A At that point he was an Auxilliary Bishop. He was  
 21 my senior in age and experience, so it would have  
 22 been Bishop Leo Brust.  
 23 Q As between yourself and Bishop Brust, how would  
 24 it be that he would handle certain kinds of  
 25 sexual abuse matters and you would handle others?

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1 How did that work?  
 2 A On a case-by-case basis. Sometimes it was  
 3 related to the age of the individual. If it was  
 4 an older person, he might be asked to deal with  
 5 the case. He's buried right across the street.  
 6 Q What years did you both overlap in that  
 7 responsibility?  
 8 A Jeff, I'm not sure exactly. I thought about that  
 9 the other day, and I'm not precise. I think it  
 10 was the entire time of my being Vicar for Clergy  
 11 that he also was Vicar for Clergy. I do know  
 12 that my appointment came from somewhere in  
 13 February of 1985 and concluded in September of  
 14 1991. I think we were coterminous. He died in  
 15 1995, if I recall correctly, and so I'm not sure  
 16 when he formally retired.  
 17 Q When you first started either as Vicar for Clergy  
 18 and/or Vicar General and/or as the Auxilliary  
 19 Bishop, did you have any discussions with then  
 20 Father or Bishop Brust about his knowledge and  
 21 experience with sexual abuse within the  
 22 Archdiocese?  
 23 MR. BRENNAN: Which of those three  
 24 questions do you want him to address? You have  
 25 got three rolled into one.



Page 62	<p>1 BY MR. ANDERSON:</p> <p>2 Q Well, did you discuss the sexual abuse issues in</p> <p>3 the Archdiocese with Leo Brust?</p> <p>4 A It would not have been a major topic of interest</p> <p>5 on the screen, but I do know that I sat down in</p> <p>6 his office and talked about just almost</p> <p>7 everything, so probably at some point or other I</p> <p>8 would have, but it was not on the screen.</p> <p>9 Q What was not on the screen?</p> <p>10 A The issue of -- As a significant concern, the</p> <p>11 issue of sexual abuse of minors.</p> <p>12 Q Did sexual abuse of minors ever come onto the</p> <p>13 screen?</p> <p>14 A At some point it did.</p> <p>15 Q What caused it to come onto the screen?</p> <p>16 A An allegation.</p> <p>17 Q What allegation?</p> <p>18 A I don't remember which one specifically, but</p> <p>19 somewhere in the late '80's, middle to late</p> <p>20 '80's.</p> <p>21 Q And when it came onto the screen in the late</p> <p>22 '80's somewhere, what, if anything, was your role</p> <p>23 in doing something about it?</p> <p>24 A Well, first of all, my role would have been to</p> <p>25 explore whatever the facts may be, to seek</p>	Page 64	<p>1 and encounter him in seminary?</p> <p>2 A Oh, certainly.</p> <p>3 Q And recommend him for ordination?</p> <p>4 A The date of his ordination again?</p> <p>5 Q '75.</p> <p>6 A I would not have made any recommendation.</p> <p>7 Q You were a teacher then?</p> <p>8 A I was a teacher. I had a vote, but it was one</p> <p>9 vote in the process.</p> <p>10 Q Who preceded you as rector?</p> <p>11 A Monsignor William Nicholas Schuit.</p> <p>12 Q Could you spell Schuit?</p> <p>13 A S-C-H-U-I-T. A good Dutch name.</p> <p>14 Q And in some documents I read that he was</p> <p>15 ordained, Knighton, in 1975. Do you remember</p> <p>16 encountering him while at St. Francis?</p> <p>17 A He was in my class, my classes.</p> <p>18 Q Any concerns about him that surfaced while in</p> <p>19 your classes?</p> <p>20 A You continue to ask the question about sexual</p> <p>21 abuse? Is that the implicit --</p> <p>22 Q Yes.</p> <p>23 A Just for clarification.</p> <p>24 Q Yes.</p> <p>25 A No.</p>
Page 63	<p>1 historical information. If necessary, to consult</p> <p>2 with professionals and to make a recommendation</p> <p>3 to either the Personnel Board or to the</p> <p>4 Archbishop as to what, if anything, should be</p> <p>5 done.</p> <p>6 Q Was there one priest that brought this onto the</p> <p>7 radar or was it a series of priests and</p> <p>8 allegations pertaining to sexual abuse that</p> <p>9 brought it onto the radar?</p> <p>10 A I suspect it was not a series. It would have</p> <p>11 been an individual situation that I had not</p> <p>12 encountered before.</p> <p>13 Q And can you estimate how much older Leo Brust was</p> <p>14 than you?</p> <p>15 A Well, Leo was ordained in 1942. He studied in</p> <p>16 Innsbruck, Austria, had to take a ship back at</p> <p>17 the beginning of the Second World War before the</p> <p>18 completion of his formal studies. So he</p> <p>19 probably -- So '42 to '60. He probably was about</p> <p>20 18 years older. I could take time and compute</p> <p>21 that.</p> <p>22 Q Close enough. Close enough. Thank you. Going</p> <p>23 back to the seminary years, and as teacher and</p> <p>24 then rector, I'd like to ask you about Marvin</p> <p>25 Knighton, who was ordained in 1975. Did you know</p>	Page 65	<p>1 Q Did you receive any information that he was</p> <p>2 almost kicked out of the seminary by then</p> <p>3 Archbishop Cousins?</p> <p>4 MR. LO COCO: I'm sorry. Kathy, can you</p> <p>5 read back the question?</p> <p>6 COURT REPORTER: "Did you receive any</p> <p>7 information that he was almost kicked out of the</p> <p>8 seminary by then Archbishop Cousins?"</p> <p>9 MR. LO COCO: Object to the form.</p> <p>10 THE WITNESS: I don't recall that at</p> <p>11 all.</p> <p>12 BY MR. ANDERSON:</p> <p>13 Q Did you receive any information that he was saved</p> <p>14 by Archbishop Cousins from being kicked out of</p> <p>15 the seminary?</p> <p>16 A I don't recall that at all. I don't recall any</p> <p>17 discussion about expulsion.</p> <p>18 Q Did information come to you later that Marvin</p> <p>19 Knighton had been accused of sexual abuse?</p> <p>20 A Yes.</p> <p>21 Q And did you become involved in doing something</p> <p>22 about that or taking any action responsive to it?</p> <p>23 A I remember at some point being a voice that said</p> <p>24 until this is adjudicated, he should have no</p> <p>25 faculties for public ministry.</p>

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1 Q And when you use the term "adjudicated,"  
 2 adjudicated by whom?  
 3 A Some decision made.  
 4 Q Ultimately that would have been a decision to  
 5 have been made by the Archbishop in consultation  
 6 with his advisors, correct?  
 7 A Yes.  
 8 Q It appears on review of the records that at least  
 9 at some time while you were in your capacity as  
 10 teacher at St. Francis you also did weekend work  
 11 or supply work at St. Veronica's Parish in  
 12 Milwaukee?  
 13 A Yes.  
 14 Q How often was that?  
 15 A Probably weekly.  
 16 Q And then the records reflect that December 19,  
 17 1979 you are ordained -- Excuse me. Is that when  
 18 you were ordained by Archbishop Weakland?  
 19 A As a Bishop, yes.  
 20 Q Okay. And it's correct to say that at all times  
 21 you answer to that Archbishop and his successors?  
 22 A And predecessors, yes.  
 23 Q And he was your superior then from '79 to 2002  
 24 for 23 years?  
 25 A He would have been my superior early -- earlier

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1 than that, because he arrived in November of  
 2 1977.  
 3 Q Thank you for that correction. In the records  
 4 there is some information that Effinger came onto  
 5 the radar of the Archdiocese as having or may  
 6 have sexually abused in 1979. Do you have any  
 7 information about that or any memory of having  
 8 been involved in that, if that was so?  
 9 MR. LO COCO: Objection, form.  
 10 MR. BRENNAN: Form and foundation.  
 11 THE WITNESS: I'm sorry. I didn't --  
 12 Maybe you weren't talking to me.  
 13 MR. BRENNAN: Object to the form of the  
 14 question and the foundation. It assumes facts  
 15 not in evidence, coming onto the radar, may have  
 16 done something. The question is vague,  
 17 ambiguous. I object.  
 18 THE WITNESS: Would you clarify?  
 19 BY MR. ANDERSON:  
 20 Q Sure. Do you remember Effinger coming onto the  
 21 radar of the Archdiocese as an abuser?  
 22 MR. BRENNAN: Did the Archdiocese have a  
 23 radar?  
 24 MR. ANDERSON: Don't instruct the  
 25 witness. Give me a legal objection and let him

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1 answer.  
 2 MR. BRENNAN: Object to the form of the  
 3 question, and I object to the question, it calls  
 4 for speculation about what others may have known  
 5 or not.  
 6 THE WITNESS: William Effinger was a  
 7 classmate of mine.  
 8 MR. BRENNAN: See if we can confine  
 9 ourselves to the question, as he requested.  
 10 BY MR. ANDERSON:  
 11 Q You used the term the radar about sexual abuse.  
 12 My question to you, Bishop, is do you remember  
 13 Effinger as having come onto the radar of the  
 14 Archdiocese as having abused or been suspected of  
 15 abusing kids?  
 16 A When?  
 17 Q Well, that was the next question I was going to  
 18 ask you. If your answer was yes, I was going to  
 19 ask when.  
 20 A As I said, he was a classmate of mine. Until  
 21 whatever date he was removed from Holy Name  
 22 Parish in Sheboygan, I had absolutely no  
 23 knowledge of any of that, any allegation of that  
 24 sort.  
 25 Q And do you know when he was removed in Sheboygan?

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1 A It was in the latter '80's, I thought, maybe  
 2 early '90's.  
 3 Q And what role, if any, did you have in his  
 4 removal?  
 5 A I said he had to leave immediately.  
 6 Q Who did you say that to?  
 7 A Him.  
 8 Q And did you or anybody else disclose to the  
 9 parishioners and the public at Sheboygan the  
 10 reasons for his immediate departure?  
 11 A Yes.  
 12 Q What did you tell them or have them --  
 13 A We had a general meeting of the whole parish, at  
 14 which point the allegation was made known to  
 15 everyone who came.  
 16 Q And what allegation was made known?  
 17 A Allegation of sexual abuse of minors.  
 18 Q And what, if anything, was told about what the  
 19 Archdiocese had known prior to that time about  
 20 Effinger?  
 21 A It was a public meeting. It was very emotionally  
 22 painful, because it so surprised me. I don't  
 23 remember what was said to the people about  
 24 previous history. None of that was known to me,  
 25 however.

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1 Q Nichols is on the list of priests who had been  
 2 credibly accused. When, if he did, come onto the  
 3 radar or your radar as being suspected of abuse?  
 4 Let me rephrase that. Did Nichols ever  
 5 come onto your radar?  
 6 A I didn't hear the name. Would you speak more  
 7 clearly?  
 8 Q Nichols.  
 9 A Nichols, yes.  
 10 Q When did he come onto your radar or that of the  
 11 Archdiocese?  
 12 A I do not remember.  
 13 Q Okay. Do you remember taking any action yourself  
 14 responsive to that information?  
 15 A I think it was before my time.  
 16 Q Franklyn Becker. Did he come onto your radar or  
 17 that of the Archdiocese as having abused?  
 18 MR. BRENNAN: If I can have a continuing  
 19 objection. When you speak of him and then you  
 20 shift into the Archdiocese, it's a compound  
 21 question. Go ahead, subject to the objection.  
 22 THE WITNESS: Okay. Could you clarify  
 23 the question then?  
 24 BY MR. ANDERSON:  
 25 Q Sure. Did Franklyn Becker come onto your radar?

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1 A Yes.  
 2 Q When?  
 3 A I don't remember the date.  
 4 Q Do you remember what you did, if anything,  
 5 responsive to him having come on to the -- to  
 6 your radar?  
 7 A I remember his ministry was restricted.  
 8 Q By the Archbishop in what way?  
 9 A There is a period of time when I had no specific  
 10 evidence or allegation, only a personal concern,  
 11 but -- so I don't remember the date of formal  
 12 restriction of ministry. I don't remember the  
 13 date.  
 14 Q Okay. And you could recommend to the Archbishop,  
 15 but it was ultimately the Archbishop who could  
 16 impose the restriction and/or limit the faculties  
 17 of Becker as a priest?  
 18 A I was one of them who could recommend that.  
 19 Q Okay. And in the case of Becker, are you the one  
 20 that did?  
 21 A It may have been both Leo and myself.  
 22 Q In an earlier deposition you gave I think I read  
 23 that you did say that between '85 and '91 as  
 24 Vicar for Clergy you were responsible for all  
 25 complaints that came in. Is that correct or

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1 incorrect?  
 2 A I think it's incorrect.  
 3 Q And between 85 and '91 who then was responsible  
 4 in the Archdiocese for complaints that came to  
 5 it?  
 6 A Number one, it would have depended upon the  
 7 person to whom the allegation was referred,  
 8 because, as I said before, Bishop Leo and I  
 9 shared responsibilities depending upon the case  
 10 and depending upon who was initially contacted.  
 11 There could have been -- It could have gone to  
 12 the chancery, it could have gone to some other  
 13 individual within administration.  
 14 Q What practice did you have as Vicar for Clergy if  
 15 a complaint was made or a suspicion of sexual  
 16 abuse was made? What practice did you employ for  
 17 purposes of recordkeeping, if any?  
 18 A For purposes of recordkeeping?  
 19 Q Yes.  
 20 A I mean --  
 21 Q Was there a protocol?  
 22 A I'm sure there was a general protocol, but if the  
 23 allegation came from a minor, I immediately  
 24 handed it over to civil authorities, and I then  
 25 would have documented in my log that I had done

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1 so.  
 2 Q Are you referring to the Vicar Log?  
 3 A Yes.  
 4 Q And that Vicar Log was made available to your  
 5 superior, Archbishop Weakland?  
 6 A Yes.  
 7 Q For his benefit and information?  
 8 A Yes.  
 9 Q And besides documenting it in the Vicar Log, any  
 10 other protocol or record that you would have  
 11 ordinarily kept pertinent to sexual abuse?  
 12 A I don't think so.  
 13 Q What about Leo Brust? What practice, if any, or  
 14 protocol did he follow when receiving a  
 15 complaint, if you know?  
 16 A I can only speculate. I don't know.  
 17 Q Did you know if he kept Vicar Logs and made  
 18 similar recordings in them as you did?  
 19 A He did not keep a log as I did. I inherited that  
 20 practice from my predecessor and thought it was  
 21 wise and helpful for myself to continue the  
 22 practice. He did not do so.  
 23 Q And your predecessor was?  
 24 A Joseph Janake.  
 25 Q To your knowledge, any documentation created

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1       pertaining to sexual abuse by Leo Brust as a  
 2       matter of ordinary practice?  
 3       A    I don't think so.  
 4       Q    In '85 after -- In '85 after attending the  
 5       Catholic Conference of Bishops -- Let me just  
 6       back up.  
 7                Between the years 1980 and '85, do you  
 8       remember receiving any reports of sexual abuse  
 9       during that time?  
 10      A    I don't think so.  
 11      Q    And then in '85, after the Catholic Conference of  
 12      Bishops, then the topic of sexual abuse across  
 13      the country was taken up by the Catholic  
 14      Conferences, is that correct?  
 15      A    I think so.  
 16      Q    And did -- Did what was presented to you and the  
 17      other Bishops in 1985 at Collegeville in any way  
 18      change the practices or protocols that you  
 19      employed personally as it pertained to  
 20      investigating sexual abuse?  
 21      A    That conference would have occurred sometime in  
 22      the summer of 1985, and I do not think I had any  
 23      prior protocol that, therefore, required change.  
 24      It seemed to ratify whatever we were doing at  
 25      that point.

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1       Q    Did that conference enhance your awareness of the  
 2       problem?  
 3       A    I'm sure it did.  
 4       Q    Did Leo Brust attend that conference?  
 5       A    I believe so.  
 6       Q    And Archbishop has testified he did. Do you  
 7       remember him being there?  
 8       A    I do not.  
 9       Q    He wrote in his book that pertaining to that  
 10      time, and I'm reading from his book at 348, he  
 11      wrote, and I quote, "At that first discussion in  
 12      1985, psychologists and other experts spoke to  
 13      the Bishops and answered our questions." Do you  
 14      agree with that?  
 15      A    What does it mean agree with it?  
 16      Q    At that do you recall psychologists and other  
 17      experts speaking and answering your questions  
 18      pertaining to the sexual abuse?  
 19      A    I think it was in that context that there was a  
 20      panel.  
 21      Q    He then wrote, and I quote, "I do not see how any  
 22      Bishop after that meeting could have maintained  
 23      that he was ignorant of the severity of the  
 24      damage to the victims, or that he did not know of  
 25      the likely possibility of recidivism among the

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1       perpetrators." Do you agree with that?  
 2       A    I don't, because I know that there were victim  
 3       advocates, if I can use that word, who themselves  
 4       did not understand the implications of sexual  
 5       abuse on the victims, not until the early '90's,  
 6       so I'm not sure I agree with the comment.  
 7       Q    Well, there's actually two assertions in his  
 8       comments, so let me find out which you agree or  
 9       don't agree with. The first assertion is I do  
 10      not see how any Bishop after that meeting could  
 11      have maintained he was ignorant of the severity  
 12      of the damage to the victims. Do you agree or  
 13      disagree with that one?  
 14      A    It's a very strong statement. I'm not sure it  
 15      reflects my own initial growth in appreciating  
 16      the severity of it.  
 17      Q    When do you think in your own development and  
 18      awareness did you begin to appreciate the  
 19      severity of the damage to the victims?  
 20      A    I think later in the '80's, maybe even in the  
 21      beginning of the '90's.  
 22      Q    Was there one incident or discrete thing that  
 23      happened that enhanced your awareness of the  
 24      severity, or a culmination of things?  
 25      A    No. Jeff, I think the best answer I can give

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1       is -- would refer to the members of the Project  
 2       Benjamin Board, which was made up of -- Well,  
 3       that Board, which began either in the late 1880's  
 4       or the -- I'm sorry -- in late '88 or '89, 1988  
 5       or '89. In the conversation of that group did I  
 6       really grow in my appreciation of the long-term  
 7       effects.  
 8       Q    And the second part of the assertion that he made  
 9       that I'm going to ask if you disagree or agree  
 10      with was, "I do not see how any Bishop after that  
 11      meeting could have maintained that he did not  
 12      know of the likely possibility of recidivism  
 13      among the perpetrators."  
 14                MR. LO COCO: Object to the form.  
 15      BY MR. ANDERSON:  
 16      Q    My question to you is agree or disagree.  
 17      A    I disagree with the likelihood. I did not  
 18      understand that.  
 19      Q    Okay. And was there a point in time later that  
 20      you became much more aware of the risk of harm to  
 21      children, and that a priest accused of abusing a  
 22      kid had a higher likelihood of recidivism?  
 23      A    Somewhere in the '90's, I'm sure.  
 24      Q    Do you know what brought you to that awareness,  
 25      enhanced awareness?

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1 A Probably just general experience and listening to  
 2 the stories of victims, which was a tragedy.  
 3 Q When did you first listen to stories of victims,  
 4 Bishop?  
 5 A Sometime in the late '80's. Anyone who asked to  
 6 see me, I welcomed them, so it was somewhere in  
 7 the late '80's.  
 8 Q Was that heartbreaking for you to hear of their  
 9 pain?  
 10 A Absolutely.  
 11 Q At some point in time it has been described by  
 12 some clerics and non-clerics that when a priest  
 13 sexually abuses a child, it is soul murder  
 14 because of the position the priest occupies.  
 15 MR. LO COCO: Object.  
 16 BY MR. ANDERSON:  
 17 Q Do you have -- Do you agree with that?  
 18 MR. LO COCO: Object to the form.  
 19 THE WITNESS: It's a strong statement.  
 20 I don't know that I can say I agree with the  
 21 phrase used. It's too generic. In some  
 22 instances, obviously, some very severe danger and  
 23 damage, and in others I don't think it occurred.  
 24 BY MR. ANDERSON:  
 25 Q The Archbishop is in charge of the care of the

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1 souls of the flock, and yourself as Bishop have  
 2 responsibilities around that, correct?  
 3 A This is true, through self or through others.  
 4 Q And in your own experience how has -- how have  
 5 you born witness to the damage to the souls of  
 6 those children who have been abused by the  
 7 priests?  
 8 MR. BRENNAN: I object to the form,  
 9 "born witness" is vague and ambiguous. His  
 10 personal --  
 11 MR. ANDERSON: I'll rephrase. If it's  
 12 form, just tell me, and I will rephrase.  
 13 MR. BRENNAN: It is that.  
 14 MR. ANDERSON: Form. I will rephrase.  
 15 MR. BRENNAN: And the other problem is  
 16 his personal reaction, his personal emotions are  
 17 not encompassed by the three categories which you  
 18 are allowed to ask questions about.  
 19 BY MR. ANDERSON:  
 20 Q How have you -- Have you seen damage done to the  
 21 souls of victims?  
 22 A Well, here again, the terminology. One doesn't  
 23 see damage to souls. One does -- A person  
 24 interacting with individuals knows that they have  
 25 been harmed and hurt. I don't know "damage to

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1 the souls." That's a philosophical question.  
 2 Q And when you have seen that the victims have been  
 3 hurt by having met with them, what have you done  
 4 as Vicar for Clergy, Bishop, Auxilliary Bishop,  
 5 Vicar General, to alleviate that pain?  
 6 MR. LO COCO: Kathy, can you read that  
 7 back, please?  
 8 MR. ANDERSON: I can rephrase, if you  
 9 want.  
 10 MR. LO COCO: Well, you have got like  
 11 eight questions in there.  
 12 MR. ANDERSON: Fine. I will rephrase.  
 13 If it's form, I will rephrase.  
 14 BY MR. ANDERSON:  
 15 Q When you have met with victims and you have seen  
 16 damage done, what have you done, Bishop?  
 17 A Okay. I have began with whatever they ask for or  
 18 whatever I perceive they might need, and so  
 19 depending on the case, I might have recommended a  
 20 spiritual direction, I might have recommended  
 21 therapy. I would have done anything that seemed  
 22 helpful to the individuals.  
 23 Q In 1985 do you recall that Father Joseph Collova  
 24 called you and told you that he had been  
 25 inappropriate with a 14-year-old boy?

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1 A I do not recall that specifically. I do recall  
 2 that he contacted me and said that there were  
 3 accusations against him. I do not recall that he  
 4 in any way communicated what you just claimed he  
 5 communicated.  
 6 Q Did you investigate to see if those accusations  
 7 that he reported had been made were, in fact,  
 8 true?  
 9 A If I recall, I talked to someone with the police,  
 10 within the police force at [REDACTED] because it  
 11 would have been brought to their attention at the  
 12 same time.  
 13 Q And what did you learn about what had happened or  
 14 what he had done?  
 15 A To the best of my recollection, the report to the  
 16 police said that there was no foundation for  
 17 concern.  
 18 Q Did you ever ask Collova if he had abused?  
 19 A I do not recall any conversation with him.  
 20 Q Why not?  
 21 A I don't recall. I mean, it's not that it didn't  
 22 take place; I don't recall the conversation.  
 23 Q At the time that information surfaced, he was at  
 24 St. James in [REDACTED] correct?  
 25 A That's why the [REDACTED] Police were involved.

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1 Q And did you go back to any of his previous  
 2 parishes or have anybody go back to his previous  
 3 parishes to see if anything like that had been  
 4 done to kids before?  
 5 A If I had had any inclination that there was a  
 6 basis, I would have done that. I don't recall  
 7 going to previous parishes. I do recall asking  
 8 others if there was any hint of inappropriate  
 9 behavioral, unacceptable behavior.  
 10 Q Who did you ask?  
 11 A I do not remember.  
 12 VIDEOTAPE TECHNICIAN: Excuse me. Two  
 13 minutes of disk.  
 14 BY MR. ANDERSON:  
 15 Q Did you interview his then pastor or the other  
 16 associate pastors at St. James who worked with  
 17 him?  
 18 A There was one pastor, I recall talking to the  
 19 pastor, but I do not recall anything other than  
 20 no basis for action.  
 21 Q Did you interview staff?  
 22 A I did not.  
 23 Q Did you do any inquiry of the alter boys over  
 24 whom you had interactions?  
 25 A If my recollection is correct, it was not an

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1 issue of alter boys, it was older and teenagers  
 2 from the area, not necessarily associated with  
 3 the parish.  
 4 Q Did you alert any members of the parish or advise  
 5 them that an accusation had been made and they  
 6 should come forward, if they had information?  
 7 A It was in the hands of the police.  
 8 MR. ANDERSON: We're going to go off the  
 9 record and change tapes and take a break.  
 10 VIDEOTAPE TECHNICIAN: This ends Disk  
 11 No. 1 of the video deposition of Bishop Richard  
 12 J. Sklba on November 2, 2011; the time 11:22 a.m.  
 13 (A recess was taken.)  
 14 VIDEOTAPE TECHNICIAN: This is the  
 15 beginning of Disk No. 2 of the video deposition  
 16 of Bishop Richard J. Sklba on November 2, 2011;  
 17 the time 11:38 a.m.  
 18 BY MR. ANDERSON:  
 19 Q Bishop, back on the topic of Father Joseph  
 20 Collova. In May of 1985 this report is recorded  
 21 to have been made. Is it correct that while he  
 22 was at St. James in [REDACTED] is it correct to  
 23 say that Collova was appointed on November 13,  
 24 '85 to St. Rita's Parish in Milwaukee, moved or  
 25 transferred some months after this report was

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1 made?  
 2 A I don't remember the dates. I know that he was  
 3 transferred.  
 4 Q By then Archbishop Weakland?  
 5 A And the year again?  
 6 Q '85.  
 7 A Yes.  
 8 Q Was it on your recommendation?  
 9 A I would have gone on record with some of the  
 10 history, but I would not have objected to it, if  
 11 I recall correctly.  
 12 Q Did anybody in the Archbishop's inner circle,  
 13 yourself or anybody else, raise objection about  
 14 moving this priest to another parish without  
 15 warning to that parish?  
 16 A I don't recall that having occurred. I do  
 17 recall, however, that I was involved in removing  
 18 him from St. Rita's.  
 19 Q And what did you tell the parishioners at St.  
 20 Rita's about the reason for the removal?  
 21 A There was a letter that went out that was read  
 22 from the pulpit, one occasion of which I read it  
 23 myself. The exact wording of the letter was  
 24 not -- I don't remember, but I do recall that  
 25 there was a reference to an allegation.

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1 Q And now you are talking about St. Rita's,  
 2 correct?  
 3 A I'm talking about St. Rita's.  
 4 Q Okay. And that was how many years after he was  
 5 transferred from St. James to St. Rita's? How  
 6 many years was that he was removed from St.  
 7 Rita's after the transfer?  
 8 A I do not remember.  
 9 Q Okay. I'm going to direct your attention to  
 10 Daniel Budzynski now and the year 1985, and  
 11 specifically June of that year. Did you receive  
 12 a letter discussing his aftercare treatment and  
 13 stating that he was seeing Dr. [REDACTED] P  
 14 A I don't remember the letter, but I -- but it  
 15 probably took place, some communication from  
 16 Dr. [REDACTED]  
 17 Q And at that time is it correct to say that you  
 18 had permission to get information concerning  
 19 Budzynski -- Let me rephrase it.  
 20 Is it correct to say that you had  
 21 permission from Budzynski to communicate with his  
 22 therapist and/or his treater, Dr. [REDACTED]  
 23 another therapist?  
 24 A The question seems to be broader than I recall.  
 25 In other words, I did have permission to sit down

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1 with Dr. [REDACTED] and then Budzynski, so I  
 2 recall some kind of meeting, but I don't recall a  
 3 general permission.  
 4 Q Okay. And do you have any recollection of having  
 5 put what permission you did have in writing or --  
 6 A Anything that was pertinent would have been in  
 7 the log.  
 8 Q And did you sit down with Dr. [REDACTED] to find  
 9 out?  
 10 A I recall being at a meeting.  
 11 Q At that time where [REDACTED] was treating  
 12 Budzynski and you received information concerning  
 13 Budzynski, it pertained to sexual abuse, correct?  
 14 A Any recommendations that the therapist would have  
 15 had would have come to us; Bishop Leo and myself.  
 16 Q And did you make an effort at that time to look  
 17 at Budzynski's history as reflected in his file  
 18 prior to June of 1985 when engaged with  
 19 [REDACTED]?  
 20 A I don't remember the sequence, so I don't know if  
 21 I did that prior or not.  
 22 Q Did you at any point become aware that the file  
 23 reflects that there had been five reports of  
 24 sexual abuse concerning Budzynski before 1985?  
 25 A Again, I do not recall the sequence, but I do

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1 recall an individual expression of concern from  
 2 St. Louis Parish in [REDACTED] from a parent, and  
 3 so whenever that date was, I recall conversation  
 4 with a parent. Prior to that, I had no knowledge  
 5 of misdemeanor.  
 6 Q Did you ask Budzynski what his history was, and  
 7 if and when he abused kids in the past?  
 8 A I do not recall doing that.  
 9 Q Did you ask [REDACTED] what he had learned about  
 10 what Budzynski's history of abuse had been?  
 11 A You are talking about the possible violation of  
 12 professional confidentiality, so I remember a  
 13 conversation. I don't remember the content of  
 14 it, the conversation with [REDACTED].  
 15 Q After the engagement with [REDACTED] and the  
 16 meeting with Budzynski in June of 85, it's  
 17 correct to say that Budzynski was allowed to work  
 18 at St. Louis in [REDACTED] for another two years?  
 19 A I don't recall the exact dates, but he was  
 20 working there.  
 21 Q Had you any familiarity with [REDACTED] before  
 22 this and had he been a source to send offending  
 23 or suspected offending priests to?  
 24 A Is there something else coming?  
 25 Q Yes. Had [REDACTED] been somebody that offending

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1 priests had been referred to?  
 2 A [REDACTED] was a recognized therapist in  
 3 the City of Milwaukee, and so any number of  
 4 Religious and clergy used his services at that  
 5 point. Lots of religious communities used it.  
 6 We also did for a period of time.  
 7 Q Did you utilize his services concerning Budzynski  
 8 because he had some expertise in dealing with  
 9 offenders and risk management?  
 10 A I think he was utilized because he had the  
 11 experience of working with Religious and had a  
 12 reputation of doing well in that capacity.  
 13 Q In 1985 do you have any recollection of having  
 14 utilized any other psychiatric resources,  
 15 psychologists, treatment centers, psychiatrists  
 16 or others to either assess or treat suspected  
 17 clerical offenders up until '85?  
 18 A We used a variety of resources for all kinds of  
 19 personnel personal issues, some of which may have  
 20 been related to sexuality, others for a variety  
 21 of health reasons. So, yes, we had several.  
 22 Q Pertaining to sexual abuse, who was being used by  
 23 the Archdiocese in the mid '80's?  
 24 A I'm trying to think of the name of [REDACTED]  
 25 partner, and I can't recall his name now. He was

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1 used.  
 2 Q Dr. [REDACTED]?  
 3 A No.  
 4 Q [REDACTED], he was used, wasn't he?  
 5 A He was on occasion, but also he had a partner, a  
 6 very fine Jewish gentleman who was respected in  
 7 the city, and I can't remember his name. [REDACTED]  
 8 [REDACTED] would have been used, as well, but I'm not  
 9 sure if Dr. [REDACTED] was used in the '80's.  
 10 Q Okay. In the '80's any others that you remember  
 11 being utilized through St. Luke's, The Institute  
 12 of Living, South Town, Servants of Paraclete or  
 13 others?  
 14 A We used the Wausau Clinic for a variety of mental  
 15 and emotional and physical assessments, so that  
 16 was a resource that was respected. St. Luke's  
 17 was used on occasion, but I don't recall sending  
 18 anyone there. I may have, but I don't recall  
 19 that, the names.  
 20 Q And was it the practice of the Archdiocese that  
 21 when a priest suspected of abusing minors was  
 22 sent to treatment or for assessment, that you  
 23 would get permission to get information from the  
 24 treating therapist or assessor to help assess the  
 25 fitness?

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1 A Yes.

2 Q Okay. I'm going to direct your attention to 1986

3 now and Jerome Wagner, Father Jerome Wagner. Do

4 you recall there was some police involvement

5 pertaining to Wagner?

6 A I recall hearing that there had been.

7 Q Do you know how the police became engaged?

8 A I do not.

9 Q As of 1986, had you ever personally made any

10 reports of suspected abuse of any cleric or any

11 employee of the Archdiocese to law enforcement?

12 A Whenever the individual was a minor, either a

13 minor coming to me or an allegation about someone

14 who was a minor, I either made the report to

15 civil authorities myself or directed that that

16 happen.

17 Q If the individual that was reporting to you

18 sexual abuse as a minor was then not a minor,

19 such as 24-years-old and reporting abuse ten

20 years older, would that have been something you

21 would have then reported or not?

22 MR. LO COCO: Kathy, can you read it

23 back.

24 COURT REPORTER: "If the individual that

25 was reporting to you sexual abuse as a minor was

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1 then not a minor, such as 24-years-old and

2 reporting abuse ten years older, would that have

3 been something you would have then reported or

4 not?"

5 MR. LO COCO: So the hypothetical is

6 that the abuse took place ten years earlier.

7 MR. ANDERSON: Yes.

8 MR. LO COCO: And now at age 24 he or

9 she is reporting?

10 MR. ANDERSON: Yes.

11 THE WITNESS: The way I understood the

12 question, I will respond by saying if the person

13 coming to me was then no longer a minor, I would

14 usually presumably always recommend contact with

15 civil authorities. At the same time an important

16 part of the growing awareness of all of this is

17 what I call a trajectory of reporting, and by

18 that I mean sometimes an individual would come to

19 me as an adult and say, "I want you to know that

20 something happened, but I will not tell you what

21 happened." That was received respectfully with a

22 recommendation and an offer of assistance, but if

23 desired. Then maybe later on the individual --

24 the same individual would come back and say, "I

25 want you to know that this is what happened, but

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1 I will not tell you who." Then perhaps a year

2 later the same individual will say, "I want you

3 to know who was the perpetrator or who is being

4 accused, but I will not allow you to take any

5 action, and if you do, I will deny it."

6 So my point is that, back to the precise

7 question, if a person who was at that point no

8 longer a minor came forward with an accusation,

9 an allegation, I would recommend that they

10 contact civil authorities.

11 BY MR. ANDERSON:

12 Q So your practice then was to report to civil

13 authorities personally only if the person that

14 reported it to you was under the age of 18?

15 A That would be correct.

16 Q And if the report to you came from the parent of

17 a minor, what was your practice then?

18 A See, I'm trying to -- I'm trying to sort out what

19 the report may have been, because sometimes --

20 There weren't many instances, but on occasion a

21 parent would express concern, not an allegation,

22 but concern. I would recommend regularly that

23 the parent take the matter to civil authorities.

24 I was not prepared to do any kind of professional

25 investigation, neither trained nor prepared. It

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1 was not within my purview.

2 Q And, actually, that led to my next question.

3 What training or expertise did you actually have

4 in sexual abuse and the investigation of it?

5 MR. BRENNAN: Asked and answered.

6 THE WITNESS: I don't know how to answer

7 that question. I mean, just pastorally one

8 developed a sense of how to help an individual

9 making the report sort out the issues from -- the

10 facts from suspicion, and then to hand over to

11 people who were qualified.

12 BY MR. ANDERSON:

13 Q You discerned, did you not, from having gotten

14 reports from victims who were minors and victims

15 who are now adults abused as minors that they

16 were all having difficulty talking about it,

17 correct?

18 A You said adults abusing minors?

19 Q Adults abused as minors.

20 A As minors.

21 Q Yes.

22 A Yes, for whatever reason.

23 Q Did you discern in the '80's that they were

24 blaming themselves for what the priest or the

25 cleric had done to them?



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1 A Sometimes that's an issue, and I would always  
 2 help them away from that.  
 3 Q And did you have any interactions with the  
 4 District Attorney's Office in making reports  
 5 and/or how to deal with making reports?  
 6 A Personally, no.  
 7 MR. BRENNAN: Just object to the breadth  
 8 of the question, overly broad.  
 9 THE WITNESS: Personally, no.  
 10 BY MR. ANDERSON:  
 11 Q Who dealt with McCann's office at that time from  
 12 the Archdiocese, if anybody did?  
 13 A And what's the "that time," Jeff?  
 14 Q 1980's, mid 1980's.  
 15 A I don't know for sure, but often the Chancery  
 16 would be the communication, the agent.  
 17 Q Did you ever have any dealings directly with  
 18 McCann?  
 19 A Is that a broad question?  
 20 Q Concerning sexual abuse.  
 21 A We have had conversations, a few, over the years,  
 22 not very many.  
 23 Q What caused those conversations to be had?  
 24 A No specific incident, but sometimes just  
 25 reflecting back over the years and the difficulty

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1 of it all.  
 2 Q And was there some kind of understanding that the  
 3 Archdiocese had with his office as to how it  
 4 would be handled, if reported?  
 5 A His office?  
 6 Q Yes.  
 7 A Not that I know of, other than that it would be  
 8 handled properly and professionally. I always  
 9 had that confidence.  
 10 Q In the '80's had you received any training from  
 11 any professional about when and what constitutes  
 12 suspicions of sexual abuse and triggers a  
 13 mandatory report?  
 14 A Sure.  
 15 Q From whom did you get that training?  
 16 A There were conversations within the Project  
 17 Benjamin committee members. There also was at  
 18 least one, if not two, panel discussions at some  
 19 meeting of the National Conference of Catholic  
 20 Bishops, NCCB.  
 21 Q What priests did you report directly to the  
 22 district attorney or to law enforcement for  
 23 suspicions of sexual abuse?  
 24 A I recall James Beck being reported by me  
 25 personally.

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1 Q Any others?  
 2 A There may be, but at this point I don't remember.  
 3 Q I'm going to direct your attention to 1986 now  
 4 and Jerome Wagner, Father Jerome Wagner. I think  
 5 we started on him, but do you recall police  
 6 involvement there and a polygraph?  
 7 A I'm sorry?  
 8 Q A polygraph being administered.  
 9 A I do not recall that, and as I said before, if  
 10 there was police involvement, it was before I was  
 11 brought into the conversation.  
 12 Q Do you recall why he was prosecuted for supplying  
 13 alcohol to the minors, but not sexually abusing  
 14 them?  
 15 MR. BRENNAN: Object, calls for  
 16 speculation.  
 17 THE WITNESS: I do not recall.  
 18 BY MR. ANDERSON:  
 19 Q After information concerning his conduct at St.  
 20 Jerome's in Oconomowoc became known to the  
 21 Archdiocese, he was transferred to St. Louis  
 22 Parish in Fond du Lac, was he not?  
 23 A I presume so.  
 24 Q And do you remember at that time sending a letter  
 25 to a victim's family?

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1 A I do not.  
 2 Q Do you remember receiving a letter from a mom at  
 3 that time of a victim of Jerome Wagner?  
 4 A From which parish, to help me remember?  
 5 Q St. Jerome's in Oconomowoc.  
 6 A I do not.  
 7 Q I'm going to direct your attention to  
 8 Exhibit 211, Bishop, and counsel is going to pull  
 9 it out for us there. While he is, I will  
 10 represent to you that this is a part of the  
 11 production that was made in this litigation that  
 12 pertains to various priests, and in this case it  
 13 pertains to Jerome Wagner.  
 14 A Okay. Thank you.  
 15 Q And while he's getting it, I will also take the  
 16 time to tell you the date of the letter is  
 17 May 23, [REDACTED] So I'm giving you some time  
 18 context here. You will see, if you have it  
 19 before you, Exhibit 211, Bishop, is a three-page  
 20 handwritten letter addressed to you from an  
 21 individual whose name is blacked out.  
 22 A Okay.  
 23 Q And it's correct to say that it is addressed to  
 24 you, is it not?  
 25 A Apparently.

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1 Q Okay. And the first sentence says, "We received  
 2 your letter dealing with a, quote, 'longer frame  
 3 of reference,' quote, on May 20th, the day of  
 4 blank's confirmation at St. Jerome's." Does that  
 5 refresh your recollection of having written a  
 6 letter to this person?  
 7 A It does not.  
 8 Q Okay.  
 9 A I do recognize by the very fact of the date that  
 10 I was no longer Vicar for Clergy.  
 11 Q It goes on to say, "My husband indicated." This  
 12 is [redacted] now.  
 13 A Yes. Oh, I'm sorry. I'm sorry. Thank you for  
 14 the clarification.  
 15 Q Yes. So this is [redacted]  
 16 A I was Vicar for Clergy.  
 17 Q You are Vicar for Clergy. So in [redacted] it's written  
 18 in the same sentence, "My husband indicated that  
 19 we had received a letter. As he did so, he  
 20 offered very few verbal comments, but I saw the  
 21 pain in his eyes, as perhaps you should be aware  
 22 of the tears in mine as I write this letter."  
 23 Could you read what was written in that next  
 24 sentence?  
 25 MR. BRENNAN: To himself?

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1 MR. ANDERSON: No, read it out loud.  
 2 MR. BRENNAN: Well, I object to him  
 3 reading something that he didn't author. If you  
 4 have a question, you can go ahead and ask a  
 5 question. He's not here to pose questions to  
 6 himself by reading things you tell him to read,  
 7 so pose a question and he will answer a question.  
 8 THE WITNESS: I see it.  
 9 BY MR. ANDERSON:  
 10 Q Okay. Well, I will read it then and then ask you  
 11 a question. Quote, "I cannot believe the way we  
 12 are being victimized over and over by our  
 13 church's representatives." Can you tell me,  
 14 thinking back to what was being done or not done  
 15 at that time by you and/or the Archdiocese, that  
 16 leads to that writing and observation?  
 17 MR. LO COCO: I will object to the form  
 18 of the question. I will instruct Bishop Sklba  
 19 not to answer that question. You are asking him  
 20 to speculate about what this woman meant when she  
 21 wrote that. You can argue about it all day long,  
 22 Jeff. We're not going to speculate today.  
 23 MR. ANDERSON: Is the instruction not to  
 24 answer?  
 25 MR. LO COCO: Yes, sir.

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1 BY MR. ANDERSON:  
 2 Q The next sentence says, "First, Father Jerry  
 3 victimized our 15-year-old son at a crucial time  
 4 in his life when the decision to drink is such a  
 5 terrific pressure on him, and then we as a family  
 6 are victimized by the way this was handled." How  
 7 was Jerome Wagner handled by the Archdiocese  
 8 after the abuse of her son was reported?  
 9 MR. LO COCO: Well, I object to the form  
 10 of the question. It assumes facts without  
 11 foundation. This doesn't -- this could not --  
 12 This doesn't say that it's sexual abuse of a  
 13 minor, particularly in light of the reference to  
 14 drinking, so it's an unfair question.  
 15 THE WITNESS: My recollection is that  
 16 the issue was use of alcohol, and that it had  
 17 been investigated locally by civil authorities.  
 18 I did not -- I do not recall that the issue was  
 19 sexual abuse or molestation in any way.  
 20 BY MR. ANDERSON:  
 21 Q In the next paragraph she writes, and I will read  
 22 it, "Do you realize that the whole of your letter  
 23 dealt with the perpetrator's side." Do you  
 24 remember accounting for her what Jerome Wagner's  
 25 version of these events with her son was?

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1 A I do not, but pastorally I can't --  
 2 MR. BRENNAN: I think you answered the  
 3 question. Thank you.  
 4 BY MR. ANDERSON:  
 5 Q She then writes, "Don't you realize that we have  
 6 considered that it was a tragic mistake by Father  
 7 Jerry, and that it would be difficult on the  
 8 whole church if this was exposed?" Do you  
 9 remember at that time being concerned for scandal  
 10 or this being made public?  
 11 A My recollection was that the issue was misuse of  
 12 alcohol with underage people, and I cannot  
 13 imagine myself addressing or responding to a  
 14 letter that would not have acknowledged the  
 15 reality and at the same time offered some kind of  
 16 understanding of parental concern, but I have no  
 17 knowledge at that point of sexual abuse.  
 18 Q Do you remember trying to handle this privately  
 19 with this family so the public would not know  
 20 what had happened?  
 21 A I do not.  
 22 Q In the next sentence she writes, "Why do you  
 23 think that we are trying to handle this  
 24 privately?" Do you remember urging any privacy  
 25 or discussing privacy and keeping it private at

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1 the time?

2 A I do not.

3 Q If you go down the letter to the third sentence,

4 I will read it. The writer, I believe the mom,

5 writes, "We kept our silence believing that

6 publicity would just bring further heart and

7 pain -- hurt and pain. It would not take away

8 the fact that he did it." Do you remember

9 concerns about publicity at that time?

10 MR. BRENNAN: Same objections as I

11 voiced earlier.

12 THE WITNESS: I do not.

13 BY MR. ANDERSON:

14 Q Then she writes, "But," underlined, "we also

15 believed that it would be handled appropriately

16 and quietly. Assigning him to another parish to

17 work among young people is a miscarriage of

18 justice." Do you remember the assignment of him

19 being described as a miscarriage of justice or

20 the reassignment?

21 A I see the words on the copy. I do not recall

22 that, and I do not recall the date of the

23 assignment.

24 Q She goes on to write, "Keeping him on at St.

25 Jerome's through all of this and having him come

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1 back to witness the victims' confirmation is

2 abhorrent." Does that refresh your recollection?

3 A It does not.

4 Q In the next paragraph she writes, "How dare you

5 suggest that we need to correct our outlook on a

6 good person doing wrong?" Do you remember,

7 Bishop, advising her or admonishing her or

8 expressing a need for them to correct their

9 outlook on Father Jerome?

10 A That does not sound like me at all.

11 Q At the next page of this same letter, I will

12 direct your attention to the top of it, the

13 second sentence. She writes, "I cannot believe

14 that throughout this whole incident we, the

15 victims, have been asked to give and give, and

16 then have been chastised by you for not looking

17 at the whole issue." Do you have any memory of

18 having chastised this family?

19 A By temperament I would never chastise somebody

20 like that.

21 Q Do you have any information that anybody from the

22 Archdiocese did anything that could be construed

23 by her to have been and felt chastised?

24 A I do not.

25 Q She then writes, "If that were so, this travesty

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1 would have been reported to the newspapers long

2 ago." Was there an effort to keep sexual abuse

3 or misconduct by Father Jerome Wagner at this

4 time from the newspapers?

5 A Not by me.

6 Q Was that the practice of the Archdiocese then?

7 A Not that I know of.

8 Q At that time did you consider Father Jerome

9 providing alcohol to a minor to be conduct

10 suspicious of sexual abuse?

11 A No.

12 Q Did you ever consider that to be suspicious of --

13 providing alcohol to a minor by a priest

14 suspicious of sexual abuse?

15 A Not necessarily.

16 Q Does providing alcohol to a minor by a priest

17 justify investigation to see what is behind that

18 relationship?

19 A It's criminal by anybody, and so the appropriate

20 action would be to hand it over to authorities to

21 determine what the circumstances were.

22 Q And wouldn't it also be appropriate to turn over

23 the file that the Archdiocese had about that

24 priest, if you are going to turn it over to the

25 authorities?

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1 MR. LO COCO: Objection, form.

2 THE WITNESS: All of that happened

3 before my time.

4 BY MR. ANDERSON:

5 Q In 1986 when this information surfaced on Wagner,

6 did the Archdiocese make the file that was

7 available to them, now available to us, available

8 to the authorities as you describe?

9 A I do not know. It was before my time.

10 Q At that time was Jerome Wagner assigned to a

11 parish and a school?

12 A What's the time?

13 Q At Oconomowoc. St. Jerome's in Oconomowoc.

14 A They had a school and still have one.

15 Q And the Archbishop -- And that is a -- Who owns

16 and operates that school?

17 A The parish.

18 Q And at that time were you on the board?

19 A Which board?

20 Q Of the school.

21 A The parish?

22 Q The parish board.

23 A Yes.

24 Q Did you call it the council or the board?

25 A I'm sorry?

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1 Q Did you call it the council or the board?  
 2 A Well, it's the Board of Legal Corporate Officers,  
 3 so it's --  
 4 Q Okay. And when he was transferred to St. Louis  
 5 Parish in Fond du Lac on May the 1st, 1986, was  
 6 there a school at that parish, also?  
 7 A I do not think there was a school at St. Louis.  
 8 Q Why was that parish selected ultimately by the  
 9 Archbishop to transfer Wagner to?  
 10 A I don't know.  
 11 Q Why was he transferred?  
 12 A His term -- Probably because his term was up and  
 13 it was the time for another transfer, another  
 14 assignment.  
 15 Q Is it your assertion that it had nothing to do  
 16 with the accusation and allegations that had been  
 17 made towards the minor?  
 18 A It's my assumption. I don't know about  
 19 assertion.  
 20 Q I'm going to direct your attention to another  
 21 time in mid 1986, and we're now in April of '86,  
 22 and your attention to Father -- I always have a  
 23 hard time with his name -- Krejci.  
 24 A Krejci. It's a Bohemian name.  
 25 Q K-R-E-J-C-I. Krejci, yes. Do you recall meeting

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1 with Father Krejci at that time in response to an  
 2 occurrence that occurred with young people at Our  
 3 Lady of Good Hope Parish?  
 4 A I do not.  
 5 Q Do you recall at that time -- I'm going to go to  
 6 the -- I'm going to go to Exhibit 149, Bishop,  
 7 and direct your attention to it. This would be  
 8 --  
 9 MR. LO COCO: Jeff, we're at about 43  
 10 minutes. I don't know if you are going to be on  
 11 this long. If you're not, then let's finish this  
 12 and then take our break.  
 13 MR. ANDERSON: Sure.  
 14 THE WITNESS: 149. Okay.  
 15 BY MR. ANDERSON:  
 16 Q Okay. I'm going to direct your attention to the  
 17 first part of this under "Summary." I'm just  
 18 going to read it and then see if it refreshes  
 19 your memory about what was happening here. It  
 20 states in a Vicar Log entry for April 21, 1986,  
 21 "Reference is made to a conversation between  
 22 Bishop Skiba and Father Krejci in which the  
 23 Bishop states, quote, 'In response to my delicate  
 24 question regarding the occurrence with younger  
 25 people at Our Lady of Good Hope Parish, he

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1 assured me that there had been no recurrence, and  
 2 that the stresses in the ministry at St. Gall's  
 3 did not seem to cause any problems in that  
 4 regard," unquote. My question to you is --  
 5 MR. LO COCO: Let's read the rest of the  
 6 paragraph. "The records do not indicate how the  
 7 knowledge of an, quote, 'occurrence,' close  
 8 quote, came to the Vicar's Office or if, indeed,  
 9 it refers to the sexual abuse of a minor." Now  
 10 you can ask your question. You are not going to  
 11 ask trick questions, Jeff.  
 12 MR. FINNEGAN: That is the question,  
 13 what you mean there.  
 14 MR. ANDERSON: That was the question  
 15 that asked. If you have an objection, state the  
 16 objection. Do not interrupt the question.  
 17 MR. LO COCO: Well, that was completely  
 18 out of context.  
 19 MR. ANDERSON: I was going to ask --  
 20 MR. LO COCO: And all I can glean from  
 21 it is you intended to try and trip up the  
 22 witness.  
 23 MR. ANDERSON: Give me a legal  
 24 objection.  
 25 MR. LO COCO: The legal objection is

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1 it's trickery. Now ask your question.  
 2 BY MR. ANDERSON:  
 3 Q The question that I was going to pose to you  
 4 before I was improperly interrupted was this.  
 5 What were you referring to when it is recorded  
 6 that you had assured that there had been no  
 7 recurrence?  
 8 MR. LO COCO: Just a second, Bishop.  
 9 Okay. Go ahead.  
 10 THE WITNESS: I do not recall.  
 11 BY MR. ANDERSON:  
 12 Q Okay. When you are quoted as having said, "In  
 13 response to my delicate question regarding the  
 14 occurrence with younger people at Our Lady of  
 15 Good Hope Parish," what can you tell us about  
 16 that?  
 17 A My generic recollection is that it was some  
 18 boundary issues with young people while camping.  
 19 I do not recall having the issue being sexual  
 20 abuse of minors.  
 21 Q Did you ever learn that it was or turned out to  
 22 be sexual abuse of minors?  
 23 A Somewhere in the mid 1990's the man who had been  
 24 the pastor then indicated to the Archdiocese, I  
 25 don't know if it was to me personally, that that

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1 was the -- an issue earlier. I cannot say that  
 2 it was that issue.  
 3 Q Did you in 1986 ever go back to investigate to  
 4 see if this actually was sexual abuse?  
 5 A To the best of my ability, I'm sure I did.  
 6 Q You're sure you did?  
 7 A I did.  
 8 Q What did you do?  
 9 A I don't remember.  
 10 Q What were the boundary issues that you are  
 11 referring to?  
 12 A I don't know anymore. I don't recall.  
 13 Q It was with youth?  
 14 A It was with youth, and it was an issue of  
 15 professional conduct.  
 16 Q Do you recall talking to Bishop Brust about it?  
 17 A I do not.  
 18 MR. ANDERSON: Let's take a break here  
 19 then.  
 20 VIDEOTAPE TECHNICIAN: We're going off  
 21 the record at 12:24 p.m.  
 22 (A luncheon recess was taken.)  
 23 VIDEOTAPE TECHNICIAN: We're back on the  
 24 record at 1:02 p.m.  
 25 BY MR. ANDERSON:

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1 Q Bishop, I'd like to now direct your attention  
 2 still to the time frame of the mid 1980's, but  
 3 now I'm directing your attention to Father John  
 4 Wagner, then a priest in the Archdiocese, and  
 5 specifically in June of 1986. Today do you have  
 6 any recollection of having dealt with John Wagner  
 7 in 1986 and some allegations that surfaced  
 8 pertaining to him then?  
 9 A I do not recall the date of '86.  
 10 Q What do you recall about allegations having come  
 11 forward concerning Wagner and your involvement in  
 12 it?  
 13 A I recall an allegation coming forward. I recall  
 14 removing him from ministry. I'm not sure if I  
 15 met with the family. I know the issue would have  
 16 been Whitewater, but I cannot recall if I met  
 17 with the family. I do know that Bishop Leo was  
 18 also involved in it, and that's a part of my  
 19 hesitation.  
 20 Q The allegation pertaining to John Wagner that you  
 21 do recall and that surfaced pertained to  
 22 inappropriate sexual conduct towards youth?  
 23 A To youth, yes.  
 24 Q And you said that you recall removing him from  
 25 ministry, right?

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1 A Yes.  
 2 Q The record that I have showed that he was moved  
 3 to a temporary administrator at Holy Name Parish  
 4 at Wilmot on September 14, 1986 from his former  
 5 parish.  
 6 A Which was? I don't know the sequence. That's  
 7 the reason for my question.  
 8 Q We'll check that and get that.  
 9 A Okay. See, I don't remember the date when the  
 10 allegation came to my attention.  
 11 Q He was at Whitewater --  
 12 A He was.  
 13 Q -- when the allegation came forward?  
 14 A See, that's what I don't remember. The  
 15 allegation referred to Whitewater, but I don't  
 16 know where he was at that time.  
 17 Q Do you recall either participating in or being  
 18 aware of the Archbishop's decision to make him  
 19 administrator at Holy Name Parish in Wilmot after  
 20 the allegation?  
 21 A I do not.  
 22 Q Do you recall that sometime later he was put on  
 23 sick leave in that same year and then appointed  
 24 to St. Catherine's in Granville?  
 25 A I do not.

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1 Q Do you recall receiving information that there  
 2 may have been -- Was there any restrictions put  
 3 on him after the allegation that you recall?  
 4 A I recall that after the allegation came,  
 5 restrictions were placed.  
 6 Q Do you recall receiving information that while he  
 7 was at St. Catherine's in Granville in 1987, that  
 8 he was actually doing youth masses?  
 9 A I don't remember that.  
 10 Q If there were restrictions put on him, do you  
 11 remember what -- what the restriction was?  
 12 A My recollection would be that if it was after the  
 13 arrival of an allegation about sexual misconduct  
 14 with minors, it would have been complete removal  
 15 from ministry. It would not have been something  
 16 that narrow. But my memory is not -- That's 25  
 17 years ago.  
 18 Q My records show that he was removed from ministry  
 19 in 1992.  
 20 A Okay. I don't know that.  
 21 Q Do you have memory of that?  
 22 A That he was removed, yes, but the dates aren't  
 23 there.  
 24 Q I'm going to hand you what we marked Exhibit 300.  
 25 This would be the Vicar Logs pertaining to a John

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1 Wagner. There's various documents in  
 2 Exhibit 300, but for purposes of your attention  
 3 I'm directing you to the page that is stamped  
 4 976, which is the first page of -- Wait a minute.  
 5 Okay. Which is the first page.  
 6 A Okay. Thank you.  
 7 Q And at the bottom of it, No. 210, it says, "John  
 8 Wagner. On Monday, May 12, 1986, I met with John  
 9 to discuss the results of his sabbatical and his  
 10 reassignment process this spring." Do you  
 11 remember that meeting?  
 12 A I do not. I see the date, but I do not remember  
 13 it.  
 14 Q It goes on to state that, "I indicated the  
 15 difficulty I have in serving as advocate for  
 16 three reasons," and then those three reasons are  
 17 specified, and Reason No. 3 states, "The subtle  
 18 reputation regarding sexual activity on his part.  
 19 It was a difficult hour and one-half meeting."  
 20 What is being referred to here about subtle  
 21 reputation regarding sexual activity?  
 22 A To the best of my recollection, the issue was  
 23 being involved in the gay community. The major  
 24 issue was fiscal. We discovered that he had a  
 25 practice of choosing to assume a variety of

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1 functions in the parish, and then requesting  
 2 reimbursement. For example, he would cut the  
 3 grass, and then he expected to be paid for  
 4 cutting the grass as a maintenance person would.  
 5 So there were some financial improprieties that  
 6 were the major issue.  
 7 Q Is it your recollection that the -- that the  
 8 references to sexual activity are with adults and  
 9 homosexual activity?  
 10 A That was the vague reference, yes, gossip in the  
 11 parish.  
 12 Q Go to Exhibit 214 for a moment.  
 13 A Okay.  
 14 Q You can see that that is handwriting. Is that  
 15 your handwriting?  
 16 A I don't think so. Maybe, but I don't think so.  
 17 Q If it's not yours, could you identify whose it  
 18 is?  
 19 A No, I cannot. However, the S is the way in which  
 20 I write, so maybe it is. I don't know.  
 21 Q It's written here something August 18th, '86.  
 22 Allegations regarding Mexican exchange students,  
 23 as I read that, or student. I can't tell which.  
 24 A Yes.  
 25 Q Do you have any memory of allegations pertaining

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1 to Mexican exchange student or students?  
 2 A I have a memory of some exchange students who  
 3 lived in Whitewater associated with the  
 4 university there and questions raised about the  
 5 propriety of the relationship with those  
 6 university students.  
 7 Q Do you remember that they were Mexican or --  
 8 A I have the recollection. I see the word there,  
 9 and I think that they may have been.  
 10 Q Do you remember that they were high school  
 11 students?  
 12 A No, they were college.  
 13 Q How do you remember it was college versus high  
 14 school? Tell us about that.  
 15 A Because it's a college town, Whitewater, and a  
 16 good university for certain areas.  
 17 Q Do you recall that he had the students living  
 18 with him?  
 19 MR. LO COCO: Objection. That's beyond  
 20 the scope of this deposition. This isn't sex  
 21 abuse of minors. I mean --  
 22 MR. FINNEGAN: I think it is. It talks  
 23 about a Mexican high school student, and we're  
 24 asking him if he remembers anybody.  
 25 MR. LO COCO: Not in this document,

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1 Mike. Let me just finish. The witness just  
 2 said, "My recollection is that this dealt with  
 3 college students." If you have some other  
 4 document to put before him --  
 5 MR. FINNEGAN: We're asking him in  
 6 general if he remembers it being high school  
 7 students.  
 8 MR. LO COCO: Read the question, Kathy,  
 9 please.  
 10 MR. ANDERSON: I will rephrase it.  
 11 BY MR. ANDERSON:  
 12 Q Do you have any recollection that Wagner had  
 13 students living with him?  
 14 MR. LO COCO: College or high school?  
 15 MR. ANDERSON: Students.  
 16 MR. LO COCO: Then don't answer the  
 17 question, Bishop.  
 18 BY MR. ANDERSON:  
 19 Q Do you have --  
 20 MR. LO COCO: Don't answer the question.  
 21 Go on to your next question or ask an appropriate  
 22 one.  
 23 BY MR. ANDERSON:  
 24 Q Do you have recollection that he had college  
 25 students living with him?

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1 A I do not.

2 Q Look at exhibit -- Do you have any recollection  
3 concerning Wagner and publicity and concerns  
4 about controlling publicity about what Wagner had  
5 done?

6 A No.

7 Q I'm going to direct your attention to Exhibit 300  
8 now at Page 23059.

9 A It's not here.

10 MR. LO COCO: It's this one. It's this  
11 loose one (indicating).

12 MR. BRENNAN: Okay. Thank you. What  
13 page did you say again?

14 MR. LO COCO: 23059.

15 MR. ANDERSON: 23059.

16 MR. BRENNAN: Read the bottom. Yes.

17 THE WITNESS: I need to find it.

18 BY MR. ANDERSON:

19 Q This is a letter. Do you see the letter right in  
20 front of you there dated November 24th?

21 A I do.

22 Q Okay. And it's a letter to Dear John, and do you  
23 see who it's signed by?

24 A Do I see what?

25 Q Who that signature is, sincerely?

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1 A It's mine.

2 Q Okay. In the middle of the third paragraph  
3 there's a sentence, and I will ask you a  
4 question. I will read it first. It says or you  
5 write, "The potential hazard of such a move in  
6 view of the situation and the publicity given to  
7 suits in Green Bay would suggest rather that you  
8 be discussing a place of residence in a parish  
9 while you continue counseling with the  
10 possibility of some pastoral work there. I did  
11 not realize how legally precarious your present  
12 situation really is when I encouraged your  
13 initial discussion with the Personnel Board  
14 regarding your next assignment."

15 Does this refresh your recollection that  
16 there are concerns about publicity about --

17 A I do not or it does not. There must have been  
18 some case in Green Bay that triggered that, not  
19 about John, but -- so I don't know.

20 Q Okay. I'm going to direct your attention now to  
21 the same year, '86, but focus on Vincent  
22 Silvestri, and on June 30th of 1986 do you recall  
23 meeting with Vincent Silvestri to discuss issues  
24 of sexuality and depression?

25 A I do not recall a meeting with him. I know who

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1 he is.

2 Q Did you then have concerns about him having  
3 engaged in sexual abuse of youth?

4 A I don't know the date. What would the date be?

5 Q Well, on June 30th of 1986.

6 A June 30th, 1986. I don't recall having -- I  
7 don't recall.

8 Q Did you receive information at any time that he  
9 had been suspected of and/or accused of sexual  
10 abuse of youth?

11 A I did receive information somewhere along the  
12 line.

13 Q And what did you do when you received that  
14 information?

15 A Again, to the best of my knowledge I either  
16 handed it over to someone who was Vicar of Clergy  
17 when I received that information or followed the  
18 protocol, which would have expected professional  
19 counseling, but I don't remember the sequence.

20 Q Do you remember discussing sexuality issues with  
21 Silvestri himself?

22 A I do.

23 Q What did he tell you about his sexuality issues?

24 A I do not remember that part of it, and there are  
25 also is an issue of confidentiality, because

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1 there was a period of time when he was a member  
2 of my support group, if you will, Jeusu Caritas  
3 support group.

4 Q After having heard of concerns about abuse of  
5 youth, do you recall that he was left at St.  
6 Dominic's in Brookfield?

7 A I don't know that the concerns came while he was  
8 there.

9 Q Do you recall discussing at some point after or  
10 while at St. Dominic's sending him to St. Luke's  
11 for assessment?

12 A I do not.

13 Q Do you to this day know if he was sent there?

14 A At this point I do not know if he was sent there.  
15 I know that he had a serious stroke and that that  
16 terminated his assignment and work at St.  
17 Dominic's.

18 Q I'm going to direct your attention now to still  
19 the year 1986, but later in the year, and George  
20 Neudling, Father George Neudling now would be the  
21 focus of the questions. Do you recall, Bishop,  
22 being contacted by a man who alleged that Father  
23 Neudling sexually abused him and possibly his  
24 brother?

25 A I recall a conversation with somebody. However,

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1 I do not in my recollection, which is rather  
 2 clear about the conversation, was not that it was  
 3 an issue of what I understood at the time to be  
 4 sexual abuse.  
 5 Q What did you think it was?  
 6 A Well, the person came from out of state. The  
 7 person came and said -- and talked about several  
 8 concerns about the parish where he grew up, and  
 9 then one of those issues was this phrase, it's a  
 10 little crude, "he rubbed my butt." That was the  
 11 issue.  
 12 At the time, and it was in the late  
 13 '80's, I really did not understand that to be  
 14 sexual abuse. Now maybe that was naive on my  
 15 part, but at any rate, I did not understand that  
 16 as such. I had seen enough of football players  
 17 and basketball players in public, on television,  
 18 so I did not understand it as sexual abuse. I  
 19 did do two things.  
 20 MR. BRENNAN: Let him ask the next  
 21 question.  
 22 THE WITNESS: Okay.  
 23 BY MR. ANDERSON:  
 24 Q Do you recall the person that said that he had  
 25 rubbed the butt also reported to you that the

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1 same or similar thing had been done to his  
 2 brother?  
 3 A No, I do not recall that he said that.  
 4 Q Do you remember --  
 5 A And I do not think he did.  
 6 Q Okay. Why do you say you do not think he did?  
 7 A Because I would have been very conscious, if that  
 8 had been an explicit statement.  
 9 Q Did you meet with George Nuedling to find out  
 10 what he had done?  
 11 A I did. I called him on the phone and told him of  
 12 the accusation.  
 13 Q And he admitted to the truthfulness of it?  
 14 A He said, I probably did, I was drinking at that  
 15 time. I wouldn't dream of doing that now or I  
 16 don't do that now or something like that.  
 17 Q And to your thinking at that time and given your  
 18 position, was that a satisfactory explanation so  
 19 that he could continue in ministry?  
 20 A In retrospect, I might have done something  
 21 differently, but with what I had at the time, it  
 22 seemed prudent and wise. I also took the  
 23 occasion to contact someone who had been assigned  
 24 with him at that same parish in order to ask if  
 25 there was any evidence of inappropriate, any

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1 talk, any concern about inappropriate action  
 2 between George and other young people at the  
 3 parish, and I was told no.  
 4 Q Who did you ask that of?  
 5 A One of the other associates.  
 6 Q Who?  
 7 A I'm not sure at this point.  
 8 Q So that was at the same parish where George was?  
 9 A That's right.  
 10 Q Okay. So did you -- You used the term "what I  
 11 had at the time."  
 12 A I'm sorry. I couldn't hear you.  
 13 Q You used the term "what I had at the time."  
 14 A Yes.  
 15 Q So that we're clear, what you had at the time was  
 16 this person coming forward and saying, "He rubbed  
 17 my butt," and then you had Nuedling admitting to  
 18 you that on the phone, correct?  
 19 A That's correct.  
 20 Q And then you --  
 21 A Kind of admitting, because he said, "I probably  
 22 did that."  
 23 Q And then you did ask a pastor associate that  
 24 worked with him if he had any information, right?  
 25 A That's correct.

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1 Q And that's the totality of the information you  
 2 had at the time?  
 3 A At the time, yes.  
 4 Q And did you make any effort to go back to his  
 5 former parishes and find out what he may have  
 6 done to other youth by either interviewing other  
 7 parishes or -- excuse me -- other pastors at  
 8 other parishes or kids with whom he may have had  
 9 contact at those parishes?  
 10 A Given the words that I heard and how I understood  
 11 them at that point, I did not.  
 12 Q Did you feel you had enough information, given  
 13 what you had at the time, to impose restrictions  
 14 on his ministry?  
 15 A I did not.  
 16 Q Did you tell him not to have unsupervised contact  
 17 with minors?  
 18 A I don't think so.  
 19 Q Did you tell any of the parishioners where he was  
 20 then assigned that an allegation such as this had  
 21 been made and there were concerns about him?  
 22 A That single statement did not lead me to take  
 23 that action.  
 24 Q I'm going to direct your attention to  
 25 Exhibit 187.



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1 A Would you say the number again, please?  
 2 Q 187.  
 3 A Thank you.  
 4 Q Looking at 187 now, this is a 2002 letter from  
 5 Nuedling -- from you to Nuedling. I just want to  
 6 see if this refreshes your recollection. You  
 7 will see in the first sentence there is a  
 8 reference to, at the fourth paragraph, the  
 9 probability of a similar activity with his  
 10 brother who had committed suicide some years  
 11 earlier. Do you remember -- Does that refresh  
 12 your recollection about this allegation?  
 13 A Well, that's what I'm talking about.  
 14 Q Okay.  
 15 A And this is not a letter, this is the summary by  
 16 someone else.  
 17 Q Isn't it your summary to --  
 18 A No.  
 19 Q Yes, you are referring to somebody else's  
 20 summary.  
 21 A Yes.  
 22 Q But this is your memo to George?  
 23 A No. This is a -- This is somebody else's summary  
 24 that indicates a date when the summary was made,  
 25 chronology, the subject, the individual about

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1 whom it was made, and then my name was typed  
 2 below. This is not my letter.  
 3 Q Okay. So what -- In the first sentence it says,  
 4 "A review of my records indicates I met." Who's  
 5 the "I?"  
 6 A It would have been myself. Someone was taking  
 7 elements out of the log and summarizing it. I  
 8 did not do this.  
 9 Q Who prepared this then?  
 10 A I don't know.  
 11 Q And why was your name inserted at the bottom?  
 12 A Because I had some conversation at the beginning.  
 13 Q Were you in charge of investigating this?  
 14 A I was not.  
 15 Q Who was?  
 16 A Someone in the Chancery, probably. I know at one  
 17 point -- I know that at one point  
 18 summaries/chronologies were made of various  
 19 cases. I did not make the summary, the  
 20 chronology, someone else did.  
 21 MR. LO COCO: And one of the things that  
 22 was requested in the document request was any  
 23 summaries that were done, and this to me pretty  
 24 clearly is a summary of log entries.  
 25 BY MR. ANDERSON:

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1 Q Bishop, looking at the last sentence of the first  
 2 paragraph, it states, "I stipulated that he was  
 3 to avoid unsupervised contact with minors, and to  
 4 seek counseling and spiritual direction for the  
 5 abuse." The concern was for the risk to minors  
 6 at that time, was it not?  
 7 A Probably.  
 8 Q And who was told that he was told not to have  
 9 unsupervised contact with minors?  
 10 A I misheard you before. I thought you said  
 11 spiritual direction for the abuse.  
 12 Q For the issue.  
 13 MR. BRENNAN: The word is issue.  
 14 THE WITNESS: The word is issue, yes. I  
 15 thought I heard you say that.  
 16 MR. ANDERSON: I didn't intend to.  
 17 THE WITNESS: Okay. Because I would  
 18 take exception to that issue.  
 19 BY MR. ANDERSON:  
 20 Q No. It says -- I will reread it. "I stipulated  
 21 that he was to avoid unsupervised contact with  
 22 minors, and to seek counseling and spiritual  
 23 direction for the issue."  
 24 A For the issue.  
 25 Q And so the issue was -- pertained to minors,

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1 correct?  
 2 A Yes.  
 3 Q And there was a risk to minors?  
 4 A Well, spiritual direction for that issue, namely,  
 5 having rubbed the butt of somebody, so, yes, a  
 6 minor.  
 7 Q And my next question then is he was told to avoid  
 8 unsupervised contact with minors. Besides  
 9 Neuding being told that, who else knew that?  
 10 A I don't know at the time. I know at a certain  
 11 juncture we began developing the procedure of  
 12 contacting trustees in the parish, but I don't  
 13 know when that began.  
 14 Q He did continue as pastor of St. John the  
 15 Evangelist in Twin Lakes until '93. Does that  
 16 sound correct?  
 17 A At some point, yes. I don't know the date.  
 18 Q Did it come to your attention that he molested at  
 19 least two other children after you had engaged  
 20 with him in 1986?  
 21 A Absolutely not until he left the parish.  
 22 Q When did he leave the parish?  
 23 A Well, again, there was a point when I restricted  
 24 faculties and said no public ministry. At that  
 25 point I learned there was an allegation.

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1 Q Have you heard or learned that as of 2011 there  
 2 have been over 60 reports of sexual abuse or  
 3 inappropriate contact towards minors by Nuedling?  
 4 A Have I heard?  
 5 Q Yes.  
 6 A I don't know the number, but I heard there have  
 7 been multiple accusations.  
 8 Q Have you in 1986 or since your retirement more  
 9 recently gone to the Nuedling file to review  
 10 exactly what he did and when he did it?  
 11 A I have not.  
 12 Q Have you or to your knowledge has anybody ever  
 13 made an effort to disclose to the public what the  
 14 Archdiocese didn't know about Nuedling having  
 15 abused youth and when they knew it?  
 16 A Well, I know that at some point all the parishes  
 17 where he had served were alerted. I do know  
 18 that's a fact, but I don't have a recollection of  
 19 the precise year when that occurred. As soon as  
 20 we began to know there was the danger of  
 21 serialization, if I can use that word,  
 22 repetition, then we started to inform parishes.  
 23 Q After some lawsuits were filed concerning  
 24 Nuedling in 2002, there is a statement attributed  
 25 to you where you stated, "I accept my own share

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1 of responsibility for the culture of silence in  
 2 the church over such actions in the past,"  
 3 unquote. Did you say that?  
 4 MR. BRENNAN: Are you reading from the  
 5 same document that you put in front of him before  
 6 or a different document?  
 7 MR. ANDERSON: I'm asking if he said  
 8 that in 2002.  
 9 THE WITNESS: I don't know the exact  
 10 words. I do know that I wrote a letter to the  
 11 parish. The occasion for that letter was parish  
 12 negative reactions to those who came forward to  
 13 accusations, but I visited Twin Lakes personally,  
 14 and there was a letter in the bulletin by which I  
 15 tried to -- I'm not sure of the word I want -- to  
 16 not protect exactly, but I wanted to ask for  
 17 respect for those victims who came forward.  
 18 There were individuals in the parish who were so  
 19 upset that they negatively reacted to the  
 20 accusers. I wanted -- There was a letter that we  
 21 wrote for the bulletin so that everyone would  
 22 have the same statement, and in the general world  
 23 in which we lived I just was very chagrined by it  
 24 all and apologetic.  
 25 Q When you use the term "culture of silence in the

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1 church," had there been a culture of silence in  
 2 the Archdiocese of Milwaukee concerning sexual  
 3 abuse?  
 4 MR. LO COCO: Objection to the form.  
 5 Where are you reading that from?  
 6 MR. ANDERSON: Exhibit 232.  
 7 MR. LO COCO: I want to read the whole  
 8 letter. Let me look at the letter again.  
 9 MR. ANDERSON: Sure.  
 10 THE WITNESS: It is nine years old, but  
 11 I do remember the trauma of visiting and trying  
 12 to be supportive of victims at that point.  
 13 BY MR. ANDERSON:  
 14 Q Okay. I'm directing your attention to your  
 15 letter to the members of St. John's of  
 16 November 11, 2002. In the last paragraph when  
 17 you write, "I accept my own share of  
 18 responsibility for the culture of silence in the  
 19 church over such actions in the past," my  
 20 question to you is a broader question now, and it  
 21 is when you refer to the culture of silence in  
 22 the church, had it been your experience, Bishop,  
 23 that there was a culture of silence in the church  
 24 concerning sexual abuse by priests?  
 25 MR. LO COCO: Objection, form,

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1 indefinite.  
 2 THE WITNESS: The question is broad. My  
 3 response is broad, also. It seems to me over  
 4 these 50 years, almost 52 years that I have been  
 5 a priest, there was a culture of silence in all  
 6 of society by all professions regarding issues  
 7 like this and other professional violations.  
 8 People did not speak about them. So in that  
 9 larger context, yes, there was in the church and  
 10 in society.  
 11 And given, for example, Paragraph 3 of  
 12 that statement which was in the bulletin for  
 13 everyone to see, a great expression of sorrow for  
 14 individuals and families. There were a lot of  
 15 heartaches down there. We only discovered it so  
 16 much later, 2002, and in that context I said I  
 17 wanted to share whatever responsibility I may  
 18 have had in that larger social context and,  
 19 therefore, in the church.  
 20 BY MR. ANDERSON:  
 21 Q In 2002 there were a number of victims that had  
 22 come forward that had raised a lot of attention  
 23 around what had happened to them at Twin Lakes,  
 24 correct?  
 25 A Yes.

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1 Q And your letter to them is responsive to that,  
 2 correct?  
 3 A It's responsive directly to those individuals who  
 4 came forward and then reported that they were  
 5 mistreated by the larger society, that they were  
 6 dismissed, made fun of, not regarded. So trying  
 7 the deal with that divided community is what  
 8 provoked this letter to the people.  
 9 Acknowledging that things had happened and  
 10 expressing not just regret, but embarrassment,  
 11 shame, apology.  
 12 Q And back to your term the culture of silence in  
 13 the church. Is it your assertion, Bishop, that  
 14 the culture of silence in the church is and was  
 15 no better or worse than the culture of silence at  
 16 large in society when it came to sexual abuse?  
 17 A To sexual misconduct, yes. I'm broadening it  
 18 out.  
 19 Q So are you saying by this that the Archdiocese of  
 20 Milwaukee handled sexual abuse by its priests and  
 21 the leaders of the Archdiocese handled it the  
 22 same way as other aspects of cultures that were  
 23 non-clerical?  
 24 MR. BRENNAN: Object to the form, also,  
 25 when you say "this" --

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1 THE WITNESS: It's too broad.  
 2 MR. BRENNAN: -- are you referring to  
 3 the entire sentence or are you isolating just  
 4 part of the sentence in the last paragraph?  
 5 MR. ANDERSON: I'm not referring to  
 6 this. I'm saying in general.  
 7 BY MR. ANDERSON:  
 8 Q Is it your assertion that the Archdiocese of  
 9 Milwaukee and its hierarchy, yourself included  
 10 and the Archbishops under whom you worked,  
 11 handled sexual abuse the same as other  
 12 institutions where sexual abuse was discovered?  
 13 A I think, Jeff, that I would say we handled it  
 14 better.  
 15 Q Why do you say that and make that assertion?  
 16 A I make that assertion because I know how I  
 17 responded to individual -- individuals who came  
 18 forward with accusations, that they were never  
 19 dismissed, they were taken seriously, and in the  
 20 culture, the larger culture, often that was not  
 21 the case.  
 22 Q Do you know of any institutions where there are  
 23 students abused by teachers where on discovery of  
 24 that the teachers were not dismissed and/or fired  
 25 from their job?

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1 A Yes.  
 2 Q Is that the way you believe it was handled by  
 3 public schools?  
 4 A Apparently it was and is.  
 5 Q And so if I'm hearing you correctly then, do you  
 6 believe to this day the Archdiocese of Milwaukee  
 7 had handled sexual abuse and the leaders in it  
 8 better than other aspects of society?  
 9 A I think we have tried to do the right thing, and  
 10 to the best of our knowledge, that's a judgment  
 11 call about better, but at least as good, often  
 12 better.  
 13 Q In the case of Nuedling, did you ever, besides  
 14 this letter, go back and write any letter or make  
 15 any disclosure to any of Nuedling's former  
 16 parishes about his long history of having abused  
 17 kids in many parishes that had now been revealed  
 18 to you and officials of the Archdiocese?  
 19 MR. BRENNAN: Objection, totally  
 20 convoluted in terms of time and mixing up  
 21 different --  
 22 MR. ANDERSON: Is it form? Is it form?  
 23 MR. BRENNAN: Yes, it is. Irregular in  
 24 form.  
 25 BY MR. ANDERSON:

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1 Q Bishop, did you make any disclosure or did the  
 2 Archdiocese of Milwaukee make any disclosure to  
 3 the parishioners and to the public about the  
 4 history now known to the Archdiocese of sexual  
 5 abuse by Nuedling?  
 6 MR. LO COCO: Objection to the form.  
 7 MR. BRENNAN: Assumes facts not in  
 8 evidence.  
 9 THE WITNESS: I am not aware of any  
 10 accusations about misconduct with minors in any  
 11 other parish community than St. John's. If there  
 12 are, I'm not aware of them.  
 13 Number two, when that information first  
 14 came and we realized the possible implications,  
 15 the Archdiocese developed a practice in all cases  
 16 of going to the other assignments and alerting  
 17 the parishes.  
 18 BY MR. ANDERSON:  
 19 Q Until our discussion today about what you learned  
 20 in '86, have you ever disclosed to any of the  
 21 parishioners or to the public what was learned in  
 22 '86 about Nuedling by you?  
 23 MR. LO COCO: I'm sorry. I just need  
 24 the question back. I mean, stay on the record.  
 25 Jeff, you have this habit of making a simple

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1 question as complicated as it can be.  
 2 MR. ANDERSON: What's your objection?  
 3 MR. LO COCO: It's form. Did you tell  
 4 the parishioners or the public. Ask two  
 5 questions.  
 6 BY MR. ANDERSON:  
 7 Q Have you ever disclosed to the public or the  
 8 parishioners what you learned in '86 about  
 9 Nuedling?  
 10 MR. LO COCO: Object to the form.  
 11 THE WITNESS: The very fact that the  
 12 name is on the list and made public, that was the  
 13 way -- one way in which we did it. Did I do  
 14 other ways? I have had many conversations with  
 15 people from St. John's, and I'm sure that on some  
 16 occasion or other those issues came forward.  
 17 BY MR. ANDERSON:  
 18 Q Those are victims that came to you?  
 19 A Or came to the Archdiocese.  
 20 Q To make reports of what had happened to them?  
 21 A At St. John's.  
 22 Q And did you tell them what you had learned back  
 23 in '86?  
 24 A I may have.  
 25 Q Do you know?

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1 A I do not. I would have no reason not to do so,  
 2 however.  
 3 Q Would you dispute that there was a concern by the  
 4 Archdiocese that publicity could hurt the  
 5 reputation of the Archdiocese?  
 6 A All I can say is I never felt that.  
 7 Q Did you ever take any steps and/or with  
 8 Archbishop Weakland to make sure that people did  
 9 not know what you know -- what you knew because  
 10 of concerns for scandal?  
 11 MR. LO COCO: Objection to the form.  
 12 THE WITNESS: I don't recall doing that.  
 13 BY MR. ANDERSON:  
 14 Q I'm going to direct your attention to 1987 now,  
 15 and January of that year concerning Father Peter  
 16 Burns. Did you receive a report that Father  
 17 Burns had had an inappropriate relationship with  
 18 an [redacted] grader who at that time was [redacted]  
 19 [redacted]  
 20 A Somewhere it was brought to my attention.  
 21 Q And do you recall that that was while Burns was  
 22 at St. Peter Clavar?  
 23 A Say it again.  
 24 Q Do you recall that that was while Burns was at  
 25 St. Peter Clavar?

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1 A I do.  
 2 Q Did you send \$100 to Burns for counseling for the  
 3 [redacted] that he had inappropriately -- had  
 4 an inappropriate relationship with?  
 5 A I don't remember that. I do recall that when the  
 6 pastor contacted me saying that he had an  
 7 allegation, I directed him to report the incident  
 8 to the police.  
 9 Q Who was that?  
 10 A That was Father David Brown.  
 11 Q And when was that?  
 12 A I don't remember the date.  
 13 Q And do you know if he did?  
 14 A Yes, because I said to him, "I will call you back  
 15 to make sure that you do it promptly," and when I  
 16 did call, he said, "Yes, I did that."  
 17 Q In 1987 do you recall that Burns was allowed  
 18 after this report to continue at St. Peter Clavar  
 19 in Sheboygan?  
 20 A I recall two pieces of that general incident.  
 21 One was that the report was made to the police  
 22 who responded at the end of whatever  
 23 investigation they did, that no charges would be  
 24 filed. I also recall being told that a parent  
 25 and the boy, whatever age he was, said that they

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1 would -- they recanted in some way. They would  
 2 not speak. So having done what seemed to be due  
 3 diligence at that point, we did not restrict  
 4 faculties formally. We did -- I did ask Father  
 5 Brown to be conscious, to be observant, to be  
 6 dutiful in noting any improprieties.  
 7 Q So the Archbishop allowed him to continue at St.  
 8 Peter Clavar?  
 9 A Because of the investigation, both police and the  
 10 individuals did not seem to require further  
 11 action at this point.  
 12 Q And when Burns was allowed to continue at St.  
 13 Peter Clavar after this, as you have described  
 14 it, did you or the Archbishop ever ask Burns what  
 15 he had actually done to that kid or others?  
 16 A I do not recall doing that.  
 17 Q Did you or anybody from the Archdiocese to your  
 18 knowledge go back to his former assignments to  
 19 try to interview others that worked with Burns  
 20 and/or families who were around Burns to see if  
 21 he had done same or similar things in the past?  
 22 MR. LO COCO: Objection to the form.  
 23 What former assignments?  
 24 MR. ANDERSON: Wherever he had worked  
 25 before.

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1 MR. LO COCO: Well, according to my  
 2 information, he didn't have former assignments.  
 3 So, again, my objection is trickery. I don't  
 4 know what you are trying to do, Jeff. So it  
 5 assumes facts --  
 6 MR. ANDERSON: Just a minute.  
 7 MR. LO COCO: It assumes facts without  
 8 foundation. Give me the name of a parish and ask  
 9 Bishop Sklba about it.  
 10 MR. ANDERSON: I will rephrase the  
 11 question.  
 12 BY MR. ANDERSON:  
 13 Q Did you, after learning what you just described  
 14 and continuing Burns at St. Peter Clavar, do any  
 15 investigation into Burns' history before that  
 16 time?  
 17 MR. LO COCO: Objection to form, lacks  
 18 foundation.  
 19 THE WITNESS: Okay. I asked Father Dave  
 20 Brown to inquire if there was any other concerns  
 21 from people, parents or whatever. I was not  
 22 aware of any prior allegations, and I'm not even  
 23 aware that he had a prior parish assignment.  
 24 BY MR. ANDERSON:  
 25 Q He may not have, but the point is he may have had

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1 prior employment, and he had a prior history of  
 2 some kind where he had worked. My question is  
 3 was any investigation done into his history?  
 4 A There didn't seem to be any need for it.  
 5 Q Wasn't there concern about him posing a hazard to  
 6 repeat the conduct that had been reported?  
 7 MR. LO COCO: Objection, form.  
 8 THE WITNESS: In the light of police  
 9 investigation and the fact that the parents or  
 10 somebody in the family recanted anything that  
 11 they had said, there was no basis to do that.  
 12 There did not seem to me to be basis to do that  
 13 or to us or whatever.  
 14 BY MR. ANDERSON:  
 15 Q He did abuse other youth at St. Peter Clavar, did  
 16 he not?  
 17 A I learned that subsequently.  
 18 Q And he was convicted of that?  
 19 A I learned that subsequently.  
 20 Q Was he given \$25,000 to seek laicization?  
 21 MR. LO COCO: Object to the form.  
 22 BY MR. ANDERSON:  
 23 Q Did you learn that the Vatican made a decision  
 24 not to laicize him at first?  
 25 A I don't recall that.

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1 Q I'm going to direct your attention to Father  
 2 Murphy. In 1987, March 18, 1987, I will direct  
 3 your attention to that time frame. Had you known  
 4 or had you ever heard that Murphy had abused  
 5 youth at the deaf school before 1987?  
 6 A I don't remember the sequence prior to '87.  
 7 MR. BRENNAN: Just a minute. Form  
 8 objection, had he known. Are you asking his  
 9 state of knowledge before '87 or that the abuse  
 10 occurred before '87. The question is unclear.  
 11 MR. ANDERSON: Okay. Let me try to  
 12 clarify it.  
 13 BY MR. ANDERSON:  
 14 Q Thinking about 1987 and before 1987, had you ever  
 15 learned, heard or suspected that Murphy had  
 16 abused youth at the deaf school?  
 17 A And my response, Jeff, is I do not know. I do  
 18 not remember when that information first came to  
 19 my attention.  
 20 Q On March 18, 1987 there's a letter to you from a  
 21 [REDACTED] Do you remember receiving a letter  
 22 from [REDACTED]?  
 23 A The name is vaguely familiar.  
 24 Q A teacher who later [REDACTED]  
 25 [REDACTED]

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1 A The name is vaguely familiar.  
 2 Q Do you recall getting a letter in which he states  
 3 that it was unfortunate that you had allowed  
 4 Murphy to concelebrate mass with you for the Deaf  
 5 Celebration at St. John's? Does that ring a bell  
 6 for you?  
 7 A I have lost track of what you are asking.  
 8 Q Okay. Why don't I show you an exhibit, 51.  
 9 A Fifty-one.  
 10 Q You will see at 51 the first page of it dated  
 11 March 18, '87 is a handwritten letter to you. At  
 12 the second paragraph, I will read it and then ask  
 13 you the question. It states, "It was a very,  
 14 very unfortunate thing that you permitted Father  
 15 Murphy to concelebrate mass with you in front of  
 16 so many deaf people who came from many places to  
 17 help celebrate the 75th Anniversary of the  
 18 Ephphatha Chapter of the International Catholic  
 19 Deaf Association." Did you receive this letter?  
 20 A I must have. I presume so.  
 21 Q And did you concelebrate mass with Murphy?  
 22 A It was a very difficult situation. I did, much  
 23 to my objection and over my objections. I had  
 24 called him beforehand when I learned that he  
 25 intended to come to that celebration. I told him

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1 he was forbidden to do so, and at the last minute  
 2 before the beginning of the mass, he showed up.  
 3 I told him that he was not allowed to  
 4 concelebrate. He insisted on doing so. I felt  
 5 myself faced with a very awkward situation.  
 6 Either I put on my coat and go home, which would  
 7 have been very problematic for those poor people,  
 8 very good people who were gathered, a large  
 9 number, sufficiently large number, either I put  
 10 on my coat and go home or reiterate that he was  
 11 not allowed to be present and proceed.  
 12 Q Well, as Auxilliary Bishop then you had the  
 13 authority to say to this priest, "You do not have  
 14 permission to use your faculties today to this  
 15 community," didn't you?  
 16 A I had that authority.  
 17 Q And you made the choice to allow him to do it,  
 18 didn't you?  
 19 A At the last minute. I did not want to so disturb  
 20 the community, because he knew he was under  
 21 obligation not to do so.  
 22 Q And at that concelebration did you praise Murphy?  
 23 A I certainly did not.  
 24 Q Look at the next page of this letter. I will  
 25 read the next sentence. It says, "The very

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1 harmful thing you did was to give Father Murphy a  
 2 praise and warm welcome in front of the deaf  
 3 eyes, and you taught them that there is nothing  
 4 wrong for a priest to molest boys and/or perform  
 5 sexual activities with some boys in his cottage  
 6 up north." Do you deny that you praised him and  
 7 welcomed him?  
 8 A I certainly do, and that's not quite what the  
 9 letter says by concelebrating. That's what the  
 10 writer took from the event. I did not praise  
 11 him.  
 12 Q At that time it's correct to say that Murphy had  
 13 been removed from the Archdiocese of Milwaukee  
 14 because of known sexual abuse in it and  
 15 transferred to the Diocese of Superior, is that  
 16 correct?  
 17 A No, it's not. He was not transferred. He moved  
 18 to his cottage up north.  
 19 Q And the cottage up north was in the Diocese of  
 20 Superior?  
 21 A That's correct.  
 22 Q And he was allowed by the Archbishop of  
 23 Milwaukee, with the permission of the then  
 24 presiding Bishop in Superior, to continue some  
 25 faculties and ministry?

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1 A Apparently.  
 2 Q If you look at the last page of this letter, do  
 3 you see who signed it, that we were just reading  
 4 from, Exhibit 51?  
 5 A I'm paging through it. I see the signature.  
 6 Q Who is it?  
 7 A A [REDACTED] I'm not sure [REDACTED]  
 8 Q And it's also copied to then Archbishop Weakland?  
 9 A Apparently.  
 10 Q Did Archbishop Weakland ever come to you and  
 11 confront you about the contents of this letter  
 12 and/or concerns about it?  
 13 A I would have expressed to him my own chagrin  
 14 before any further discussion on his initiative.  
 15 Q Okay. But my question -- Listen to my question.  
 16 Did Archbishop Weakland, having been copied on  
 17 this letter, ever confront you about the contents  
 18 of it?  
 19 A I discussed with him, but he did not confront me.  
 20 The word confront.  
 21 Q Okay. Tell me how it came to a discussion with  
 22 him, who initiated it and why.  
 23 A To the best of my recollection, because I was so  
 24 very angry about the whole situation, I told him  
 25 what had happened, and --

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1 Q What did you tell him?  
 2 A I told him what had happened; what I told you  
 3 before.  
 4 Q Well, you need to tell us what had happened.  
 5 What had happened that you told the Archbishop  
 6 about?  
 7 MR. BRENNAN: Well, I don't know that he  
 8 needs to tell you. This is beyond the scope of  
 9 the limited three areas you have.  
 10 MR. ANDERSON: What they did is within  
 11 the scope, and this is about what they did.  
 12 MR. BRENNAN: What they did on this  
 13 particular issue has nothing to do with the right  
 14 for relief for any of the victim survivors that  
 15 you represent in this case. If you can tell me  
 16 what the rest of your questions have to do with  
 17 1, 2 or 3 on Page 3 of the Court's Order, I will  
 18 reconsider the objection.  
 19 MR. ANDERSON: This has to do with No. 2  
 20 in the Order.  
 21 MR. BRENNAN: It has nothing to do with  
 22 it.  
 23 MR. ANDERSON: The Archdiocese's  
 24 response to what they knew about sexual abuse of  
 25 Murphy.

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1 MR. BRENNAN: And how is that a response  
 2 to that particular knowledge. Concelebrating a  
 3 mass is --  
 4 MR. ANDERSON: This is what they did and  
 5 didn't do.  
 6 MR. BRENNAN: I disagree.  
 7 Concelebrating a mass has nothing to do with it  
 8 being a response to any particular sexual abuse.  
 9 This is now getting into badgering the witness,  
 10 getting into his emotional reaction upon a very  
 11 difficult situation, and it's beyond the scope of  
 12 the Court Order.  
 13 MR. LO COCO: I just think it's more  
 14 basic. I think you guys are just talking past  
 15 each other. I think Bishop Sklba's point was  
 16 that he already related to you, Mr. Anderson,  
 17 what happened at this event, which is what he  
 18 related to Archbishop Weakland, and he shouldn't  
 19 have to repeat that.  
 20 MR. ANDERSON: Well, I need to know what  
 21 you told Archbishop Weakland.  
 22 MR. BRENNAN: What difference does it  
 23 make what he told him in terms of the victims  
 24 right to relief, which is what the judge said --  
 25 MR. ANDERSON: Because it has -- Just a

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1 moment.  
 2 MR. BRENNAN: -- when she issued this  
 3 Order that gave you three limited areas of  
 4 inquiry.  
 5 MR. ANDERSON: The question -- Just a  
 6 moment. The question is what did you tell  
 7 Archbishop Weakland about this matter, and then  
 8 what was Archbishop Weakland's response, which  
 9 goes to what the Archdiocese did and or did not  
 10 do, and it is specifically pertinent to Item 2 in  
 11 it. That is my offer of proof, and the question  
 12 stands and it's appropriate.  
 13 MR. BRENNAN: "This matter" being the  
 14 mass. You have not established in any way, shape  
 15 or form that the mass is intended as some kind of  
 16 a response to a particular sexual abuse.  
 17 MR. FINNEGAN: Are you instructing him  
 18 not to answer?  
 19 MR. BRENNAN: Yes.  
 20 MR. ANDERSON: Okay. That will be a  
 21 question that we will take up with the court, and  
 22 if we get others, then we can take them up  
 23 together, so we will mark that one.  
 24 BY MR. ANDERSON:  
 25 Q And after you told Archbishop Weakland what

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1 happened, what did Archbishop Weakland do in  
 2 response to what you told him?  
 3 A There was a lot of confusion over when things  
 4 happened. I do not remember specifically.  
 5 Q What was his reaction?  
 6 A If I recall correctly, he shared the same kind of  
 7 chagrin that I did and anger over the  
 8 disobedience which was demonstrated by Lawrence  
 9 Murphy.  
 10 Q Was Murphy allowed to continue his faculties to  
 11 minister in Superior after this incident?  
 12 A I think so, but I don't know for sure.  
 13 MR. LO COCO: There's seven minutes left  
 14 on the disk.  
 15 MR. ANDERSON: Why don't we take a break  
 16 here. We will let him change the disk.  
 17 MR. LO COCO: We're done for the day.  
 18 MR. ANDERSON: Oh, we're going to go.  
 19 Okay. I'm going to move to another topic.  
 20 MR. LO COCO: So why don't we quit for  
 21 the day.  
 22 VIDEOTAPE TECHNICIAN: This ends the  
 23 video deposition of Bishop Richard J. Sklba on  
 24 November 2, 2011; the time 2:08 p.m.  
 25

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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 BISHOP RICHARD J. SKLBA, was taken before  
 8 me at the Law Offices of Whyte, Hirschboeck & Dudek,  
 9 S.C., 555 East Wells Street, Suite 1900, Milwaukee,  
 10 Wisconsin, on the 2nd day of November, 2011, commencing  
 11 at 8:45 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  
 21 Jackson Street, Suite 100, St. Paul, Minnesota, 55101,  
 22 by MR. JEFF R. ANDERSON and MICHAEL G. FINNEGAN,  
 23 appeared on behalf of the Certain Personal Injury  
 24 Claimants.  
 25 HOWARD, SOLOCHEK & WEBER, S.C., 324 East  
 Wisconsin Avenue, Suite 1100, Milwaukee, Wisconsin,  
 53202, by MR. ALBERT SOLOCHEK, appeared on behalf of  
 the Unsecured Creditors Committee.

1 SMITH, GUNDERSON & ROWEN, S.C., Glenwood  
2 Executive Centre, 15460 West Capitol Drive, Brookfield,  
3 Wisconsin, 53005, by MS. WENDY GUNDERSON, appeared on  
4 behalf of Certain Personal Injury Claimants.

5  
6 WHYTE HIRSCHBOECK DUDEK, S.C., 555 East  
7 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,  
8 by MR. FRANCIS H. LOCOCO, appeared on behalf of the  
9 Debtor.

10 NELSON, CONNELL, CONRAD, TALLMADGE &  
11 SLEIN, S.C., N14 W23755 Stone Ridge Drive, Suite 150,  
12 P.O. Box 1109, Waukesha, Wisconsin, 53187-1109, by MR.  
13 MARK S. NELSON, appeared on behalf of OneBeacon  
14 Insurance Company.

15 CRIVELLO CARLSON, S.C., 710 North  
16 Plankinton Avenue, Suite 500, Milwaukee, Wisconsin,  
17 53203, by MR. PATRICK W. BRENNAN, appeared on behalf of  
18 Bishop Richard J. Sklba.

19  
20 That said deponent, before examination,  
21 was sworn to testify the truth, the whole truth, and  
22 nothing but the truth relative to said cause.

23 That the foregoing is a full, true and  
24 correct record of all the proceedings had in the matter  
25 of the taking of said deposition, as reflected by my  
original machine shorthand notes taken at said time and  
place.

Notary Public in and  
for the State of Wisconsin

Dated this 6th day of November, 2011,  
Milwaukee, Wisconsin.



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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

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

**UNDER SEAL/CONFIDENTIAL**

**Volume II**

**CONFIDENTIAL**

**VIDEO DEPOSITION OF BISHOP RICHARD J. SKLBA, was taken at the instance of Certain Personal Injury Claimants, under and pursuant to the provisions of Rule 30 of the Federal Rules of Civil Procedure made applicable by Rule 7030 of the Federal Rules of Bankruptcy Procedures and the acts amendatory thereof and supplementary thereto, before me, KATHY A. HALMA, Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at the Law Offices of Whyte, Hirschboeck & Dudek, S.C., 555 East Wells Street, Suite 1900, Milwaukee, Wisconsin, on the 3rd day of November, 2011, commencing at 8:30 o'clock in the forenoon.**

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1 APPEARANCES  
 2 JEFF ANDERSON & ASSOCIATES, P. A., 366  
 Jackson Street, Suite 100, St. Paul, Minnesota, 55101,  
 3 by MR. JEFF R. ANDERSON and MICHAEL G. FINNEGAN,  
 appeared on behalf of the Certain Personal Injury  
 4 Claimants.  
 5 HOWARD, SOLOCHEK & WEBER, S.C., 324 East  
 Wisconsin Avenue, Suite 1100, Milwaukee, Wisconsin,  
 6 53202, by MR. ALBERT SOLOCHEK, appeared on behalf of  
 the Unsecured Creditors Committee.  
 7  
 8 SMITH, GUNDERSON & ROWEN, S.C., Glenwood  
 Executive Centre, 15460 West Capitol Drive, Brookfield,  
 Wisconsin, 53005, by MS. WENDY GUNDERSON, appeared on  
 9 behalf of Certain Personal Injury Claimants.  
 10 WHYTE, HIRSCHBOECK DUDEK, S.C., 553 East  
 Wells Street, Suite 1900, Milwaukee, Wisconsin, 53202,  
 11 by MR. FRANCIS H. LOCCO, appeared on behalf of the  
 Debtor.  
 12  
 13 NELSON, CONNELL, CONRAD, TALLMADGE &  
 SLEIN, S.C., N14 W23755 Stone Ridge Drive, Suite 150,  
 P.O. Box 1109, Waukesha, Wisconsin, 53187-1109, by MR.  
 14 MARKS, NELSON, appeared on behalf of OneBeacon  
 Insurance Company.  
 15  
 16 CRIVELLO CARLSON, S.C., 710 North  
 Plankinton Avenue, Suite 500, Milwaukee, Wisconsin,  
 53203, by MR. PATRICK W. BRENNAN, appeared on behalf of  
 17 Bishop Richard J. Sklba.  
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 21 By Mr. LoCoco.....274  
 22 By Mr. Anderson.....278  
 23 EXHIBITS  
 24 None.  
 25

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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 Bishop Richard J. Sklba  
 5 on November 3, 2011; the time 8:35 a.m.  
 6 EXAMINATION  
 7 MR. ANDERSON: Bishop, good morning. We  
 8 had concluded yesterday with an adjournment and a  
 9 discussion about calling the court for  
 10 intervention. I understand there's been  
 11 reconsideration of that and we are prepared to  
 12 proceed?  
 13 MR. LO COCO: I am, yes.  
 14 MR. ANDERSON: So that we use the time  
 15 we have left because we are under limitations,  
 16 I'm going to ask you first to listen to the  
 17 question that I ask you, Bishop, and try to  
 18 restrict your answer to the question that is  
 19 asked, because I'm under limited time here, and  
 20 then, Counsel, I'm also going to ask you to limit  
 21 your objections to legal objections and not  
 22 speaking objections, because if I do get any  
 23 additional speaking objections, I will stop the  
 24 deposition and ask the court for intervention on  
 25 that.

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1 MARKED QUESTIONS  
 2 Page 186 Lines 23 through 25 and Page 187 Lines  
 3 through 12. I want to direct your attention to  
 4 this paragraph. I will read it and then ask you a  
 5 question. He writes to him and says the following:  
 6 The serious difficulties of the past never  
 7 surfaced in the public forum, nor were brought to  
 8 any legal authorities, but they still could well  
 9 surface. I see no reason to take those risks for  
 10 yourself or for the church. Public ministry, it  
 11 seems to me, is still not an option for you.  
 12 Having read this and knowing what you  
 13 know and knew in 2001, would it be fair to say that  
 14 the Archbishop is making a calculated risk to avoid  
 15 publicity and scandal and protect Father Budzinski  
 16 and the church?  
 17  
 18  
 19 [The original transcript was sent to Attorney  
 Anderson.]  
 20  
 21  
 22  
 23  
 24  
 25

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1 MR. BRENNAN: Sure. And, in turn,  
 2 kindly listen to our objection so you understand  
 3 the nature of it.  
 4 MR. ANDERSON: Just give me the legal  
 5 objection, and we will be all right.  
 6 EXAMINATION  
 7 BY MR. ANDERSON:  
 8 Q Bishop, when we had concluded, we were discussing  
 9 the time frame of 1987, the letter that had been  
 10 sent and the issues that had been raised  
 11 concerning the concelebration of a mass for the  
 12 Deaf Celebration at St. John's in which you  
 13 participated, and I think the question that had  
 14 been put to you by me was what did you report to  
 15 Archbishop Wealdard about that?  
 16 A As I tried to answer yesterday, I was the one who  
 17 initiated the conversation. After all these  
 18 years, almost a quarter of a century, I do not  
 19 remember the specific words or order sequence,  
 20 but I do remember reporting that, contrary to my  
 21 explicit order, Lawrence Murphy showed up for the  
 22 celebration. I remember noting and saying that  
 23 he showed up at the last minute. I didn't say  
 24 yesterday that he had a deaf housekeeper whom he  
 25 brought to that celebration, but I still said to

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1 him, and then I reported to Archbishop Weakland,  
 2 that I had said he may not concelebrate.  
 3 Q What was -- Anything else you remember today  
 4 expressing to Archbishop Weakland in that  
 5 conversation?  
 6 A Again, that I had gone ahead, because I saw no  
 7 reasonable alternative, much to my chagrin.  
 8 Q Did Archbishop Weakland challenge you by saying  
 9 or suggesting that you had the power to do that?  
 10 A I do not remember any part of that -- that area  
 11 of the conversation. I don't remember if he did  
 12 or didn't.  
 13 Q What was Archbishop Weakland's response to you  
 14 reporting this information to him?  
 15 A He shared my chagrin.  
 16 Q Did he say that he would take action, remedial or  
 17 otherwise?  
 18 A I do not remember that being part of the  
 19 discussion.  
 20 Q What did he say that led you to believe he shared  
 21 your chagrin?  
 22 A I don't remember.  
 23 Q What next, if anything, occurred concerning  
 24 Murphy and additional revelations about problems  
 25 about his history and what he had done to the

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1 deaf community and your involvement in it after  
 2 that?  
 3 A Can you say the question again for me?  
 4 MR. ANDERSON: I will ask you another  
 5 question then.  
 6 BY MR. ANDERSON:  
 7 Q There is a point in time in March of 1987 where  
 8 there is a reference about finding and  
 9 understanding the events as they are unfolding  
 10 concerning Murphy, and there's the suggestion by  
 11 you or others that there's a pastoral solution  
 12 because so many years had passed. Do you  
 13 remember a discussion about trying to get a  
 14 pastoral solution to the Murphy problem?  
 15 MR. LO COCO: I'm sorry. What was the  
 16 year, Jeff?  
 17 MR. ANDERSON: 1987.  
 18 MR. LO COCO: Thank you.  
 19 THE WITNESS: I don't remember that.  
 20 Actually, I don't remember what you are talking  
 21 about.  
 22 BY MR. ANDERSON:  
 23 Q Did you recommend or did Archbishop Weakland at  
 24 that time share with you a plan to do something  
 25 about Murphy and the fact that he was still in

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1 ministry up north and he had just concelebrated  
 2 this mass?  
 3 A There's about four questions in there. I don't  
 4 remember further conversation after that related  
 5 to that.  
 6 Q So at that point was -- is it fair to say the  
 7 plan then was to just let it go?  
 8 MR. LO COCO: Object to the form.  
 9 THE WITNESS: No, I'm sure that was not  
 10 the case.  
 11 BY MR. ANDERSON:  
 12 Q Was there any plan of action put in place by you  
 13 or by Archbishop Weakland in response --  
 14 responsive to what had happened?  
 15 A There was other discussion, I'm sure. I was not  
 16 part of it.  
 17 Q Okay. On November 16, 1987, [REDACTED] sent another  
 18 letter requesting that you forbid Murphy from  
 19 attending another celebration at St. John's. Do  
 20 you remember that?  
 21 A I do not.  
 22 Q I'm going to show you Exhibit 53. At the bottom  
 23 of Exhibit 53, the handwritten letter to you that  
 24 we reviewed together before, or portions of it, I  
 25 will read a portion of it and then ask you a

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1 question about it.  
 2 The last sentence of the first page  
 3 says, from Alby to you, "I personally believe  
 4 that it is time for you to stick your head out,  
 5 since you are empowered by your office of Bishop  
 6 as a custodian Christian --  
 7 MR. LO COCO: Custodian of.  
 8 BY MR. ANDERSON:  
 9 Q -- of Christian faith that includes the teaching  
 10 of morality." Do you remember receiving this?  
 11 A I do not.  
 12 Q This is an exhortation of him to you to do  
 13 something more, is it not?  
 14 A I don't have the whole context of the letter, but  
 15 it would seem to be so.  
 16 Q And did you do something more?  
 17 A I'm sure that I continued to say he was not  
 18 allowed to return to Milwaukee for pastoral  
 19 events or sacramental events.  
 20 Q Is it fair to say that you and Archbishop  
 21 Weakland at this time were deeply concerned about  
 22 what had been known about Murphy not being made  
 23 public, and that publicity was a very important  
 24 concern for both you and Archbishop Weakland at  
 25 this time?

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1 MR. LO COCO: Objection, form. It's  
 2 compound.  
 3 THE WITNESS: It would not be fair to  
 4 say that.  
 5 BY MR. ANDERSON:  
 6 Q Look at Exhibit 36. Wait a minute. Look at a  
 7 different exhibit. I'm going to go back to 36 in  
 8 a moment. But was there any effort by you or  
 9 Archbishop Weakland in 1987 to make known to the  
 10 public where Murphy was working in ministry in  
 11 Superior what you in the Archdiocese had known  
 12 about what he had done in the past?  
 13 A Can I hear the question again? It's complex.  
 14 Q I will rephrase it and try to keep it simple.  
 15 A Thank you.  
 16 Q Did you know that Murphy had been interviewed  
 17 and/or investigated, and that there was a beat  
 18 by the Archdiocese that he abused over 200 kids?  
 19 MR. LO COCO: Object to the form.  
 20 THE WITNESS: Did I know there were  
 21 accusations? Yes. Did I take what I considered  
 22 every possible way to limit his ministry and his  
 23 activity? Yes. You introduced into that a  
 24 number which just skews the question.  
 25

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1 BY MR. ANDERSON:  
 2 Q What did you know about how many kids he was  
 3 accused of having molested?  
 4 MR. LO COCO: Objection to form as to  
 5 time.  
 6 THE WITNESS: I knew there were some.  
 7 BY MR. ANDERSON:  
 8 Q And what effort did you make then to protect kids  
 9 from future harm?  
 10 MR. LO COCO: Objection, form, asked and  
 11 answered.  
 12 THE WITNESS: Well, as I said before, I  
 13 tried to do everything I could to restrict his  
 14 ministry and to deal with those members of the  
 15 deaf community who came forward, to deal with  
 16 them in a pastoral and supportive fashion.  
 17 BY MR. ANDERSON:  
 18 Q What choice did you make to protect kids from  
 19 future harm by Murphy as he ministered in  
 20 Superior and occasionally returned to Milwaukee?  
 21 MR. LO COCO: Objection to form. It's  
 22 argumentative. It's been asked and answered.  
 23 You can answer it one more time, Bishop Sklba,  
 24 and then we are moving on.  
 25 THE WITNESS: Again, I did everything in

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1 my power to make sure that his ministry was  
 2 restricted where he was living.  
 3 BY MR. ANDERSON:  
 4 Q How was it restricted?  
 5 A You would have to ask Superior.  
 6 Q I'm going to direct your attention to the time  
 7 frame of 1987, but also direct you now to  
 8 Budzynski. In July 22, 1987, do you remember,  
 9 Bishop, meeting with an [REDACTED] grade victim of  
 10 Budzynski who gave you a description of what  
 11 Budzynski had done to him?  
 12 A I do not.  
 13 Q Do you remember at this time the family  
 14 requesting of you that the police not be  
 15 contacted at that time concerning Budzynski?  
 16 A I don't remember that at all. I don't remember  
 17 any such conversation. I do remember talking  
 18 with the mother who expressed concern, because  
 19 she overheard children in a car, a station wagon,  
 20 talking about him and the kids saying, children,  
 21 whatever age they were, saying that he was gay.  
 22 That's the only thing that I remember hearing.  
 23 Q At any time did you ever hear anything else about  
 24 Budzynski having abused kids or being suspected  
 25 of abusing kids beyond what you just reported?

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1 A Certainly not in the -- when he was in active  
 2 ministry.  
 3 Q When was he removed from active ministry?  
 4 A I do not remember.  
 5 Q What did you do responsive to the information you  
 6 did receive about Budzynski, if anything?  
 7 A I'm sure I did something, but, again, there seems  
 8 to be an implication that I received some  
 9 information which I do not remember receiving.  
 10 Q But I'm just asking concerning the information  
 11 you did receive and you remember receiving, did  
 12 you take any action responsive to that?  
 13 A I talked to the parent, and together the  
 14 conclusion was that the parent did not want  
 15 anything more done than simply sharing the  
 16 information. It was an expression of concern on  
 17 her part. I remember asking if there were any  
 18 other parties to whom -- with whom I should  
 19 speak.  
 20 Q Did the parent give you enough information to  
 21 make you believe that it was suspicious enough of  
 22 a crime to report to police?  
 23 A Certainly not. I would have done so, if that had  
 24 been the case. Again, the trajectory was that  
 25 sometimes people would make a report. Sometimes

1 people would make a report and then say, "I do  
 2 not want anything done about this," and I had to  
 3 be patient as they sorted that out for  
 4 themselves.  
 5 Q If, however, the report is suspicious of a crime  
 6 being possibly committed by a priest, isn't it  
 7 the responsibility of the police to investigate?  
 8 A It would be.  
 9 Q And isn't it then your responsibility to report  
 10 it to them to investigate it?  
 11 A If that's what the person allowed me to do.  
 12 However, if it was an adult bringing forth  
 13 something, it was the adult's responsibility  
 14 primarily, which I would encourage.  
 15 MR. LO COCO: Are you done, Bishop?  
 16 THE WITNESS: I am.  
 17 MR. LO COCO: Mr. Anderson, I'm going to  
 18 make a request, and this is all videotaped, that  
 19 you throttle back your accusatory tone.  
 20 MR. ANDERSON: I was just trying to  
 21 speak up for the Bishop, so I'm happy to tone it  
 22 down, but I was trying --  
 23 MR. LO COCO: Volume is different than  
 24 an accusatory tone. These are -- You are  
 25 terribly argumentative.

1 BY MR. ANDERSON:  
 2 Q I'm going to direct your attention to Exhibit 42,  
 3 and direct your attention to Page 23870. 23870.  
 4 MR. LO COCO: Can you give us a date,  
 5 because you reorganized these.  
 6 MR. FINNEGAN: July 22, 1987.  
 7 MR. ANDERSON: July 22, '87.  
 8 MR. LO COCO: It's about 12 pages down.  
 9 THE WITNESS: Seven oh?  
 10 MR. LO COCO: It's Log Note 364.  
 11 THE WITNESS: Well, that doesn't help.  
 12 These are out of order.  
 13 MR. LO COCO: The Bates labels are  
 14 not -- I think Mike has reordered them so that  
 15 these notes are now in chrono order, which  
 16 doesn't match the Bates label, and that's because  
 17 of how things were produced.  
 18 BY MR. ANDERSON:  
 19 Q I'm directing your attention, Bishop, to the  
 20 middle of the page now where it says, "On  
 21 Wednesday, July 22nd."  
 22 A Yes.  
 23 Q I will read a portion of that and ask you some  
 24 questions. It states, "On Wednesday, July 22,  
 25 1987, I met with Dan and Dr. [REDACTED] in

1 the doctor's office in order to discuss the  
 2 background to the current situation and various  
 3 alternatives. I suggested strongly  
 4 reassignment." Is that you speaking?  
 5 A Apparently. I don't have a chance to read the  
 6 whole context yet.  
 7 MR. LO COCO: Take the time to read the  
 8 whole paragraph, Bishop.  
 9 THE WITNESS: All right. Thank you.  
 10 BY MR. ANDERSON:  
 11 Q And is that you speaking when you say "I?"  
 12 A Yes, it is.  
 13 Q You state, "I suggested strongly reassignment,"  
 14 and that is reassignment of Budzynski, correct?  
 15 A I think that's the context.  
 16 Q Okay. "And [REDACTED] felt that the session went  
 17 well, even though Dan took it very hard." It  
 18 states, "That same evening I went to visit the  
 19 young [REDACTED] grade lad," whose name is blanked  
 20 out, [REDACTED] Do you remember that?  
 21 A I remember conversation. I do not remember  
 22 whether it was on the phone or in person. This  
 23 apparently says it was in person.  
 24 Q The sentence at the next paragraph reads, "[REDACTED]  
 25 County telephone," blanked out, "member of St.

1 Clare Parish in [REDACTED] for a discussion at the  
 2 request of the parents." Do you remember that?  
 3 A Only -- Not well, no. It's very vague.  
 4 Q It goes on to state, "The talk was long and  
 5 difficult without a great deal of communication  
 6 from the boy." Do you remember that?  
 7 A Vaguely.  
 8 Q How old was that boy?  
 9 A Well, I would have to look and see if it says.  
 10 Q If you remember.  
 11 A I do not. It says [REDACTED] grade.  
 12 Q You go on to write, "He endorsed the brief  
 13 description of the event as I narrated it and  
 14 expressed concern that adults were making a  
 15 bigger issue of this than necessary, and a great  
 16 deal of anger towards his friends and their  
 17 parents for bringing this to the attention of  
 18 others." Do you remember that?  
 19 A Vaguely. And the issue was the conversation in  
 20 the back of the sedan, and that being related to  
 21 the other young people in the car, presumably  
 22 eighth grade, then making fun of the lad himself.  
 23 Q Is it your assertion here, Bishop, that as you  
 24 remember it that this was not a report being made  
 25 to you that was suspicious of a crime that

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1 required police involvement?  
 2 A It is definitely my -- That's my recollection, it  
 3 was not something reportable.  
 4 Q Let's go to the last sentence of that same  
 5 paragraph. I will read it and then ask you. In  
 6 it you write, "They requested that I not contact  
 7 the police, if at all necessary, for the good of  
 8 the young man. I believe that the Hathaway  
 9 opinion gives me -- excuse me -- the Hannaway  
 10 opinion gives me some options in this regard, and  
 11 I will continue to ponder them." What is the  
 12 Hannaway opinion that you are referring to here  
 13 that gives you some options?  
 14 A Jeff, I do not remember. I don't even recall the  
 15 name until I see it in the log.  
 16 Q Okay. Do you recall that there is consideration  
 17 being given by you on whether or not you had to  
 18 report or should report this to the police at  
 19 this time?  
 20 A That was not the issue under pondering, if that's  
 21 good English, it probably isn't, under  
 22 consideration. The reportability was not the  
 23 issue.  
 24 Q And as you testified here today, you have no  
 25 recollection of what the Hannaway opinion was and

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1 whether it gave you options of reporting or not?  
 2 A I do not recall what the Hannaway opinion was,  
 3 nor who that individual was. If there were  
 4 options, and the log note says there were, it was  
 5 how to respond to this conversation in the back  
 6 seats of the sedan.  
 7 Q Go back two pages, if you would, Bishop, to 3871,  
 8 at the top of it, 289, under Daniel Budzynski I  
 9 will read --  
 10 MR. BRENNAN: Excuse me. Can you  
 11 redirect him? 871289?  
 12 MR. ANDERSON: 871 --  
 13 MR. FINNEGAN: 286.  
 14 MR. BRENNAN: Thank you.  
 15 BY MR. ANDERSON:  
 16 Q And do you have that before you?  
 17 A I do.  
 18 Q Okay. You will see at the top under Budzynski --  
 19 This is your log, correct?  
 20 A This is, apparently.  
 21 Q You write, "On Tuesday, June 16, 1987, I spoke  
 22 with [REDACTED] who had met with Dan to  
 23 discuss the entire possibility of child abuse. I  
 24 indicated that I would probably feel constrained  
 25 to make a report to the [REDACTED] Police Department,

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1 and also raised the possibility of Dan's moving  
 2 from this assignment." Did I read that  
 3 correctly?  
 4 A I think so.  
 5 Q Is it fair to say, Bishop, then at this time in  
 6 1986 that you were making choices?  
 7 MR. BRENNAN: I object. You said the  
 8 year wrong.  
 9 MR. ANDERSON: Excuse me.  
 10 BY MR. ANDERSON:  
 11 Q In 1987 that you were making choices to not  
 12 report to the police suspicions of sexual abuse  
 13 by Budzynski?  
 14 MR. LO COCO: I object to the form of  
 15 the question. It's misleading in light of the  
 16 entirety of the log. Subject to that, you can  
 17 answer.  
 18 THE WITNESS: Can I hear the question  
 19 again?  
 20 MR. ANDERSON: Can you read it?  
 21 COURT REPORTER: "In 1987 that you were  
 22 making choices to not report to the police  
 23 suspicions of sexual abuse by Budzynski?"  
 24 THE WITNESS: We always make decisions.  
 25 If there had been the kind of evidence or the

Page 175

1 kind of situation that required a report, I would  
 2 have, first of all, asked the adult bringing it  
 3 to my attention to make the report, and if they  
 4 were unwilling to do so, I would have done it  
 5 myself. I do not recall that portion of the  
 6 event. I do recall being in the office of  
 7 Dr. [REDACTED] now that I see the log entry, but  
 8 I do not recall this event.  
 9 BY MR. ANDERSON:  
 10 Q What happened in [REDACTED] office? What do you  
 11 remember about learning about Budzynski's history  
 12 there?  
 13 MR. BRENNAN: Well, just object. The  
 14 passage only says he spoke with him, but go  
 15 ahead, subject to it.  
 16 MR. LO COCO: Well, I'm going to object  
 17 to the extent it asks Bishop Sklba to reveal  
 18 information that is privileged. He will have to  
 19 decide whether it is.  
 20 THE WITNESS: Even before those  
 21 comments, I would have said two things. One,  
 22 whenever there was some required professional  
 23 consultation, I had a practice of meeting with  
 24 the professional myself in order to make sure  
 25 that the proper information was brought to the

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1 attention of the professional. In other words, I  
 2 did not trust the individual going for  
 3 consultation, for therapy, if you will, for  
 4 evaluation to tell the whole story. So, number  
 5 one, I was there because that was my practice.  
 6 Number two, if there was something in the  
 7 conversation that was properly privileged, I  
 8 would respect that.

9 BY MR. ANDERSON:

10 Q What did you tell [REDACTED] about what you and  
 11 the Archdiocese knew about Budzynski's history as  
 12 it pertained to abuse of minors?

13 A I do not recall.

14 Q What did you know about Budzynski's history about  
 15 the abuse of minors at the time you met with  
 16 [REDACTED]?

17 A Virtually nothing.

18 Q Do you have any knowledge there had in the -- had  
 19 been in the files multiple reports made to the  
 20 Archdiocese about Budzynski having abused?

21 MR. BRENNAN: Object to the phrase "the  
 22 files." Subject to the objection, go ahead and  
 23 answer.

24 THE WITNESS: At that point I do not  
 25 think so.

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1 BY MR. ANDERSON:

2 Q At some point in time have you ever learned that  
 3 there were reports in Budzynski's file?

4 A I have heard of reports. I don't know that they  
 5 are in a file, but I have heard of reports,  
 6 serious reports.

7 Q When did you learn there had been reports  
 8 recorded in Budzynski's file maintained by the  
 9 Archdiocese of Milwaukee?

10 A You are assuming that I did know that they  
 11 were -- that they were recorded in the files. I  
 12 did not.

13 Q And when did you learn, apart from the files,  
 14 that there had been reports of Budzynski's abuse  
 15 of kids?

16 A I don't remember. You are asking a date. I  
 17 don't remember.

18 Q From whom did you learn that that was the case?

19 A I do not remember. This is 24 years later. I  
 20 really don't remember.

21 Q After --

22 A That doesn't mean it's not serious, the whole  
 23 issue.

24 Q After this meeting with [REDACTED] and -- which we  
 25 have just discussed in July of '87, is it correct

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1 to say that the Archdiocese allowed Budzynski to  
 2 work at Villa Clement Healthcare Center?

3 A I don't remember.

4 Q Is it correct to say or do you remember that he  
 5 was also allowed to help out at St. Leonard's  
 6 Parish until 1995?

7 A I do not remember.

8 Q I'm going to direct your attention to Exhibit 32.  
 9 While you are finding that -- Do you have that  
 10 before you, Bishop?

11 MR. LO COCO: I'm sorry. Kathy, can I  
 12 hear the last two questions? The last two  
 13 questions.

14 MR. ANDERSON: Just a moment. If you  
 15 need them -- I'm going to Exhibit 32.

16 MR. LO COCO: I need the last two  
 17 questions read back.

18 MR. ANDERSON: Well, then it's not going  
 19 to be on my time, it's going to be on yours.

20 MR. LO COCO: No, it's part of doing a  
 21 job for my client. I need to hear the last two  
 22 questions.

23 MR. ANDERSON: You go off the record.

24 MR. LO COCO: You keep counting the  
 25 time. I'm not going off the record.

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1 MR. ANDERSON: We're going off the  
 2 record. I'm going to call the judge on this.  
 3 I'm not going to let you --

4 MR. LO COCO: I get to have a question  
 5 reread.

6 MR. ANDERSON: I'm not going to let you  
 7 use my to take this deposition for your --

8 MR. LO COCO: You are wasting more time.  
 9 I want the question reread. That's all.

10 MR. ANDERSON: We're going off the  
 11 record. I'm going to get direction from the  
 12 court now so that we can use the time  
 13 appropriately.

14 MR. LO COCO: Fine.

15 VIDEOTAPE TECHNICIAN: We're going off  
 16 the record at 9:07 a.m.  
 17 (A discussion was had off the record.)

18 VIDEOTAPE TECHNICIAN: We're back on the  
 19 record at 9:08 a.m.

20 MR. LO COCO: I will state for the  
 21 record that I would like an offer of proof made  
 22 as to the statements made in the last two  
 23 questions, because I think they are unfair to  
 24 this witness. Subject to that, move on. It's  
 25 more trickery.

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1 BY MR. ANDERSON:  
 2 Q Bishop, I'm directing your attention to  
 3 Exhibit 32, and do you have it before you?  
 4 A I do.  
 5 Q You will see it's a letter of June 21, 1995 from  
 6 Archbishop Weakland addressed to Father  
 7 Budzynski, correct?  
 8 A Yes.  
 9 Q And while we were off the record, did you have an  
 10 opportunity to read it?  
 11 A Briefly.  
 12 Q Is it correct to say -- Well, I will direct your  
 13 attention to the second paragraph, and you will  
 14 notice that you are copied on this letter?  
 15 A Apparently.  
 16 Q Do you remember receiving it?  
 17 A No.  
 18 Q At the second paragraph he writes to Budzynski --  
 19 At this time you are also the Vicar for Clergy,  
 20 Auxilliary Bishop and -- No, excuse me. At this  
 21 time you are Auxilliary Bishop and Vicar General?  
 22 A That's correct.  
 23 Q In the second paragraph it is written, "For your  
 24 own sake, Dan, please understand that any public  
 25 ministry on your part exposes you, the priesthood

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1 and the Diocese to much negative publicity." As  
 2 I read that and as it was written in 1995, would  
 3 you agree that the concern of the Archbishop and  
 4 the Archdiocese at that time was to avoid  
 5 publicity and scandal --  
 6 MR. LO COCO: Objection to the form.  
 7 MR. ANDERSON: -- around what Budzynski  
 8 and others like him had done.  
 9 MR. LO COCO: Objection to the form.  
 10 MR. BRENNAN: And speculation and  
 11 compound. Go ahead and answer.  
 12 MR. LO COCO: It's also beyond the scope  
 13 of this deposition; what was known, what was  
 14 done.  
 15 THE WITNESS: I don't recall ever seeing  
 16 this letter before. Apparently there was concern  
 17 about that issue, but it was not the only  
 18 concern. Care for victims was always part of the  
 19 response to a difficult and painful situation.  
 20 BY MR. ANDERSON:  
 21 Q When you look at the practices of the Archdiocese  
 22 of Milwaukee in which you participated as  
 23 Auxilliary and in other capacities, as it  
 24 pertains to sexual abuse, would you agree that  
 25 the first priority given by top officials,

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1 yourself included, was to avoid publicity and  
 2 scandal and care for the priest?  
 3 MR. LO COCO: Objection to form,  
 4 foundation.  
 5 THE WITNESS: I would not agree with  
 6 that.  
 7 BY MR. ANDERSON:  
 8 Q Where was the first priority then?  
 9 A The first priority in my recollection and in my  
 10 practice of pastoral response was to care for  
 11 those who came forward.  
 12 Q What about those who had not come forward who you  
 13 had known and the Archdiocese had known had  
 14 abused, but were still suffering in silence?  
 15 What effort was made to reach out to them in  
 16 either 1995 or before?  
 17 A You are presuming that I knew individuals. I did  
 18 not. We regularly met with anyone who came  
 19 forward and tried to be of assistance. At a  
 20 certain point we contacted parishes, I don't  
 21 remember the date, but at a certain point we  
 22 contacted parishes to say we know this happened,  
 23 please, if there is someone that comes to you,  
 24 please let us know.  
 25 Q Bishop, I'm going to read the next sentence in

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1 this paragraph. It states, "The network of  
 2 victims is well organized, and any public  
 3 ministry becomes the occasion for renewed anger  
 4 and threats." It is correct to say that the  
 5 Archbishop and you then knew there was a network  
 6 of victims?  
 7 MR. LO COCO: Objection to the form.  
 8 THE WITNESS: Do I know there were  
 9 people that gathered together over this cause?  
 10 Yes.  
 11 BY MR. ANDERSON:  
 12 Q And what effort was made by you or the  
 13 Archdiocese to reach out to them to help them  
 14 alleviate the suffering?  
 15 A Anybody that came to me was responded to as  
 16 generously and carefully as possible. I'm going  
 17 to say something now that I hesitated about  
 18 yesterday, and I pause for a moment, because it  
 19 is personally delicate. But the fact of the  
 20 matter is part of my response -- part of my  
 21 response was to take a portion of the family  
 22 inheritance and to anonymously donate that  
 23 portion to care for victim therapy. No one knew  
 24 about that. The Archbishop did not know about  
 25 that. It was a sum of \$50,000 because I cared



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1 enough about the victims to express that in some  
 2 way. I mean, part of the history of caring for  
 3 people, some of whom I did not know. I'm  
 4 embarrassed to say this, but that's part of the  
 5 history.  
 6 Q Bishop, you don't have to be embarrassed for  
 7 caring for any victims or doing something about  
 8 it. My question now is about protecting other  
 9 kids. What was -- What effort was made by the  
 10 Archdiocese, Archbishop Weakland and yourself in  
 11 1987 or 1995 to protect other kids from Daniel  
 12 Budzynski hurting them?  
 13 MR. LO COCO: Object to the form. It  
 14 lacks foundation.  
 15 MR. BRENNAN: Could we please break it  
 16 out in two questions, or if you can answer them.  
 17 He gave you two questions in there, '87 or '95.  
 18 MR. ANDERSON: Oh, let me rephrase this  
 19 question, because we are talking about the care  
 20 they have for victims. I'm not doubting that,  
 21 but I'm asking about the choices that the  
 22 Archdiocese made in 1987 when you are learning  
 23 about Budzynski, and then the letter that is  
 24 written in 1995 copied to you concerning  
 25 Budzynski. Just a moment. Let me ask the

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1 question.  
 2 What effort was made to go back, if any,  
 3 to those victims that you knew were out there and  
 4 to reach out to them to let them know that the  
 5 Archdiocese now had learned that there were more  
 6 kids?  
 7 THE WITNESS: I'm not sure that in 1987  
 8 I knew that there were more victims, because you  
 9 are specifying the year and I'm not able to  
 10 answer that with precision. All I know is that  
 11 we, I, tried to do everything I could with the  
 12 knowledge I had both of the seriousness of the  
 13 issue and also the events.  
 14 It was shortly thereafter we began  
 15 meeting with what we called the Project Benjamin  
 16 Group to find out what all the other  
 17 professionals in the area, victim advocates, law  
 18 enforcement, psychologists could give us in order  
 19 to respond to an area, a discipline, an area of  
 20 knowledge that certainly was changing and  
 21 developing. We kept trying to do the best we  
 22 could. I kept trying to.  
 23 BY MR. ANDERSON:  
 24 Q Bishop, there are some records that reflect that  
 25 Budzynski's ministry did get restricted at some

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1 point in time, and there's also records that  
 2 reflect that in 2001 that Budzynski sought to  
 3 have some of those restrictions relaxed. Do you  
 4 have a memory of that?  
 5 A I do not.  
 6 Q Okay. I want to direct your attention to  
 7 Exhibit 36, and this is a letter from Archbishop  
 8 Weakland to Budzynski. It's dated May the 7th,  
 9 2001. It is copied to you, along with the Vicar  
 10 for the Clergy Personnel Board and to the  
 11 Chancery. Do you remember receiving this letter?  
 12 A I do not.  
 13 Q It says, "Dear Dan: Your letter has been sitting  
 14 on my desk for two weeks now. Sorry for the  
 15 delay." The second paragraph, I'm going to read  
 16 it and then ask you a question, but before I do,  
 17 I want to ask what your view of the practice and  
 18 attitude was of the Archdiocese at this time in  
 19 2001 as you saw it. Was there an effort in 2001  
 20 to keep Budzynski's history from the public and  
 21 to avoid publicity?  
 22 A I do not recall that being the case.  
 23 Q I want to direct your attention to this  
 24 paragraph. I will read it and then ask you a  
 25 question. He writes to him and says the

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1 following: "The serious difficulties of the past  
 2 never surfaced in the public forum, nor were  
 3 brought to any legal authorities, but they still  
 4 could well surface. I see no reason to take  
 5 those risks for yourself or for the church.  
 6 Public ministry, it seems to me, is still not an  
 7 option for you."  
 8 Having read this and knowing what you  
 9 know and knew in 2001, would it be fair to say  
 10 that the Archbishop is making a calculated risk  
 11 to avoid publicity and scandal and protect Father  
 12 Budzynski and the church?  
 13 MR. LO COCO: Objection. Don't answer  
 14 that question. That's beyond the scope of this  
 15 deposition. It's argumentative, it's multiple in  
 16 form. Next question.  
 17 BY MR. ANDERSON:  
 18 Q If the instruction is to not answer, are you  
 19 going to not answer that question?  
 20 A I will follow the counsel.  
 21 MR. ANDERSON: We're going take that up  
 22 with the court, and we will mark that.  
 23 MR. LO COCO: Happy to do so. It also  
 24 violates Rule 2004 of the Bankruptcy Code. It's  
 25 intended to harass and defame.

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1 BY MR. ANDERSON:  
 2 Q In 2001, Bishop, was there an effort by  
 3 Archbishop Weakland and officials of the  
 4 Archdiocese to avoid publicity concerning Daniel  
 5 Budzynski?  
 6 A I do not recall that being the case.  
 7 Q Was there an effort to protect Budzynski and the  
 8 church from scandal?  
 9 MR. LO COCO: Objection, asked and  
 10 answered.  
 11 THE WITNESS: I do not recall that being  
 12 the case. And my notion of the church is not the  
 13 institution, it's the whole people of God, but I  
 14 do not recall that being the case.  
 15 MR. LO COCO: Can we take a break?  
 16 MR. ANDERSON: Yes.  
 17 VIDEOTAPE TECHNICIAN: We're going off  
 18 the record at 9:22 a.m.  
 19 (A recess was taken.)  
 20 VIDEOTAPE TECHNICIAN: We're back on the  
 21 record at 9:39 a.m.  
 22 BY MR. ANDERSON:  
 23 Q Bishop, I'm going to direct your attention to  
 24 another exhibit pertaining to Budzynski and one  
 25 produced as a part of his file. It would be

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1 Exhibit 28. When you look at this, is this an  
 2 exhibit or a document that you have any  
 3 recollection of having seen before?  
 4 A I have never seen this before.  
 5 Q Did you ever personally review the Budzynski  
 6 file?  
 7 A I think so.  
 8 Q Do you remember when or why?  
 9 A I do not.  
 10 Q Okay. For purposes of context, our belief is  
 11 that this document is an interview done of Father  
 12 Budzynski. Contextually, while it's not dated,  
 13 Exhibit 29 I think gives us a context for a date,  
 14 and that's the next exhibit, and it's 1994. So I  
 15 just share that with you because there's been a  
 16 lot of documents, and we don't have a lot of  
 17 time.  
 18 In this document I will represent to you  
 19 that some portions of it have been removed, but  
 20 the portions that haven't I'm going to ask you  
 21 about. At the second page of this document, you  
 22 will see --  
 23 A Which document, Jeff?  
 24 Q Exhibit 28.  
 25 A Okay.

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1 Q You will see in the middle of it the year 1969 to  
 2 '71. Do you see that date?  
 3 A I do.  
 4 Q And then in the narrative it says, "Took pictures  
 5 of blank boys in the nude." My question to you  
 6 is did you have any knowledge that Budzynski had  
 7 a documented -- had at some point taken pictures  
 8 of boys in the nude?  
 9 A Absolutely not, and I'm appalled.  
 10 Q Look at the same page above that, 1971 to '72.  
 11 It says, "Blank told best friend and report  
 12 circulated among the kids. Removed by Bishop  
 13 Brust, Archbishop Cousins. Placed on leave for  
 14 several months before Sheboygan."  
 15 My question to you is did you know that  
 16 Budzynski had been removed by Bishop Brust and  
 17 Archbishop Cousins and placed on leave for  
 18 several months before Sheboygan?  
 19 A I did not.  
 20 Q Is this the first time you have heard that or  
 21 learned that?  
 22 A I think so.  
 23 Q Okay. Look at Page 1 of this document, and at  
 24 the bottom of it, because it's in reverse  
 25 chronological order, the date is '72 to '74. In

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1 the middle of this at the bottom of the page it  
 2 is recorded, "Archbishop Cousins relieves him of  
 3 duties on leave 11/73 to 3/74." Do you know or  
 4 ever hear before today that Archbishop Cousins  
 5 had removed Budzynski or placed him on leave?  
 6 A It's new to me.  
 7 Q Did you know that Archbishop Cousins had received  
 8 reports that Budzynski had abused?  
 9 A New to me.  
 10 Q I'll direct your attention to the dates above  
 11 that, 1974 to '76. In it it says, "Minor age 13  
 12 or 14. Reported to Archbishop Cousins.  
 13 Budzynski sent to therapy." That is news to you,  
 14 isn't it?  
 15 A It is.  
 16 Q Look at the year 1982, and to the right it says,  
 17 "Minor 17 or 18. Family reported to Archbishop.  
 18 Sent to treatment. On leave to Diocese of  
 19 LaCrosse." Did you know that?  
 20 A I knew he had worked at LaCrosse for some period  
 21 of time, but I knew nothing of these  
 22 circumstances.  
 23 Q And then when we look at 1987, it says, "Minor,  
 24 eighth grader," and there it's referenced as a  
 25 report to Bishop Sklba, and that is something we

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1 have already covered, correct?  
 2 A We have.  
 3 Q Okay. So my reading of this document -- Well,  
 4 has this information, to your knowledge, that's  
 5 contained in this document ever been made known  
 6 to anybody outside of the Archbishop's office?  
 7 MR. LO COCO: Objection, form and  
 8 foundation.  
 9 MR. BRENNAN: And you are referencing  
 10 Exhibit 28?  
 11 MR. ANDERSON: Well, the information  
 12 contained in it that just came as news to you.  
 13 THE WITNESS: Well, if I didn't know  
 14 about it, how can I answer the question.  
 15 MR. ANDERSON: Archbishop -- Bishop.  
 16 Excuse me. You don't want to be one of those.  
 17 THE WITNESS: Absolutely not, no, no.  
 18 BY MR. ANDERSON:  
 19 Q I'm going to direct your attention now to the  
 20 year 1988 and Father Hanser. Do you remember  
 21 that he had been accused of sexual abuse of  
 22 minors?  
 23 A I do.  
 24 Q And when did you first learn?  
 25 A I don't know the date. I know the circumstances

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1 very clearly.  
 2 Q What --  
 3 A Can I have a reference in some way here?  
 4 Q Sure. First I wanted to give you a chance to  
 5 tell me what you remembered, and if you need some  
 6 assistance, I will refer you to some documents,  
 7 if you like. Would you prefer that?  
 8 A Well, let's see what questions you have so I  
 9 can --  
 10 Q How many kids did you learn Hanser had abused?  
 11 MR. LO COCO: Objection, form, vague as  
 12 to time.  
 13 THE WITNESS: Well, I met with three  
 14 brothers. That's all I knew.  
 15 BY MR. ANDERSON:  
 16 Q And to this date, how many kids do you understand  
 17 or have you learned that he did abuse?  
 18 A I have no idea.  
 19 Q And as far as the abuse history of Hanser, what  
 20 you do know is that he abused the three boys  
 21 whose family you met with?  
 22 A That's correct.  
 23 Q And that's the extent of the knowledge, your  
 24 knowledge, of Hanser's abuse?  
 25 A Well, at this point I have heard all kinds of

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1 other issues that have been in the press, but if  
 2 you are referring to when I first knew, it was  
 3 three individuals.  
 4 Q Okay. Let's go to that then, and on July 8th,  
 5 1988 in Exhibit 174 -- Just a moment. Let me  
 6 find where I'm at. There is reports from a  
 7 family whose name has been public, so I'm at  
 8 liberty to use it, the [REDACTED] Is that the  
 9 family you met with?  
 10 A It is.  
 11 Q And what caused you to meet with them?  
 12 A I was invited by someone to meet with them. I  
 13 can't remember the individual who asked if I  
 14 would meet with these three.  
 15 Q And did you meet with both the parents and the  
 16 kids?  
 17 A Only with the three brothers.  
 18 Q And how old were they then?  
 19 A Probably -- This is a guess. I do not know.  
 20 Probably maybe late 20's, 30's. Maybe even early  
 21 40's. They were clearly adults.  
 22 Q And they all reported that they had all been  
 23 abused as minors by Father Hanser, correct?  
 24 A The three of them said that.  
 25 Q And were these all credible reports?

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1 A I thought so.  
 2 Q There is record that on July 14, 1988 you  
 3 actually met with the [REDACTED] at their house.  
 4 Does that sound about the right time?  
 5 A It does, because I remember interrupting a  
 6 vacation to come back to Milwaukee in order to  
 7 meet with them. I came back from up north, or at  
 8 least it was an interruption, so July would have  
 9 made sense. It was in the summer.  
 10 Q Do you remember, Bishop, this mom and dad and  
 11 these young men all urging you and asking you to  
 12 give them assurances that Father Hanser would not  
 13 be allowed to function in any situation where  
 14 abuse could continue?  
 15 A There are several things in there that are not  
 16 correct. In other words, I only met with the  
 17 three. I think the mother was already deceased.  
 18 I knew the family for a long time because they --  
 19 the family lived [REDACTED]  
 20 [REDACTED]  
 21 So I knew the family, and, therefore, I feel free  
 22 to say that I did not -- I met with the three.  
 23 The father made a point of saying, "This is their  
 24 issue," and so you are introducing parents.  
 25 Q Okay. Let me rephrase that, I misspoke then, so

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1 that you can focus on -- I can give you a focused  
 2 question and you can give me a focused answer.  
 3 In your meeting with these three young men, all  
 4 of whom had made credible reports to you of abuse  
 5 by Hanser, do you remember these men asking you  
 6 to assure them that Hanser would not be allowed  
 7 to function in some situation where this activity  
 8 of abuse would be allowed to continue?  
 9 A I remember saying I would do everything I could.  
 10 I also remember immediately removing him.  
 11 Q And did you make the promise to them that he  
 12 would not be put in a position where he could  
 13 continue?  
 14 A I said I would do everything I could to make sure  
 15 that that would not happen to anybody else.  
 16 Q And do you remember that they were adamant they  
 17 wanted assurances from you on behalf of the  
 18 Archdiocese that other kids be protected?  
 19 A I do not remember that part of the conversation.  
 20 And there was a fourth brother, who was not  
 21 present, and there was some dynamics between the  
 22 boys over that issue.  
 23 Q That meeting is reflected as being on July 14,  
 24 1988. Are you aware that on November 22, 1988, a  
 25 year plus later, Hanser was assisting Gene Neuman

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1 at St. Kilian's?  
 2 MR. BRENNAN: Could I just have the year  
 3 back? You said 11/22/88 was a year later.  
 4 MR. ANDERSON: Excuse me. Several  
 5 months later. I misspoke. I'm sorry.  
 6 THE WITNESS: I do not.  
 7 BY MR. ANDERSON:  
 8 Q Okay. Do you have any knowledge that after  
 9 Hanser was assisting Gene Neuman at St. Kilian's  
 10 he was later allowed to work as a hospital  
 11 chaplain with limited restrictions?  
 12 A I do.  
 13 Q And were you aware that he was allowed to care  
 14 for minors at that hospital?  
 15 A I'm under the impression he was not allowed to  
 16 care for minors at the hospital. I'm also -- I  
 17 have a very vivid recollection that a very  
 18 prominent psychiatrist in the city wrote to the  
 19 hospital asking that he be considered for  
 20 chaplaincy at the hospital. I recall very  
 21 vividly saying to the chaplain, "Do you  
 22 understand that this man has a history and,  
 23 therefore, I am against this work." I said,  
 24 "Will you make sure that the president of the  
 25 hospital knows the history?" He said, "Yes."

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1 Unfortunately, I did not trust that sufficiently.  
 2 I made an appointment with president of hospital  
 3 to tell him that and to express my concerns.  
 4 Q Bishop, would it be correct to say, however, that  
 5 while at the hospital restrictions had been  
 6 imposed on Hanser so that he would not have  
 7 contact with youth?  
 8 A I think so.  
 9 Q And would it also be correct to say that those  
 10 restrictions got relaxed so that he was allowed  
 11 to have some contact with minors and do  
 12 confessions?  
 13 MR. LO COCO: Objection, foundation.  
 14 THE WITNESS: I know of no relaxation of  
 15 restrictions.  
 16 BY MR. ANDERSON:  
 17 Q Let's look at 145. Exhibit 145, you will see, is  
 18 at the top, "Restrictions and Conditions of  
 19 Ministry of Reverend David Hanser," correct?  
 20 A That's what it says.  
 21 Q And you will see No. 5. It states, "You are to  
 22 refrain from all contact with minors. The only  
 23 exceptions are the following: A, you may provide  
 24 pastoral care to minors within the hospital  
 25 setting provided there's no one else available to

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1 do so and you have first attempted to provide  
 2 alternative coverage." Do you see that as a  
 3 relaxation?  
 4 A I see it. I have never seen it before.  
 5 Q Does that shock you?  
 6 MR. LO COCO: Object to the form.  
 7 THE WITNESS: It surprises me.  
 8 MR. LO COCO: Go ahead.  
 9 BY MR. ANDERSON:  
 10 Q When you consider the assurance you gave to the  
 11 [redacted] young men about not allowing him around  
 12 minors and you read this, does it alarm you?  
 13 MR. LO COCO: Objection to form.  
 14 THE WITNESS: Alarm is not the right  
 15 word. It surprises me.  
 16 BY MR. ANDERSON:  
 17 Q How does it make you feel?  
 18 MR. LO COCO: Don't answer that  
 19 question. That's not related to the three  
 20 issues. If you want to call the judge, call the  
 21 judge.  
 22 BY MR. ANDERSON:  
 23 Q Look at B. Within the hospital setting it  
 24 states -- Excuse me. I will read it. "B, within  
 25 the hospital setting you will refrain from being

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1 alone with minors, except for the sacrament of  
 2 penance." Now the sacrament of penance is  
 3 confession, isn't it?  
 4 A It is.  
 5 Q So that as I read this and as we read it  
 6 together, he is being allowed to hear confessions  
 7 from kids, right?  
 8 MR. LO COCO: Objection, form,  
 9 foundation, calls for speculation.  
 10 THE WITNESS: I have never seen this  
 11 before.  
 12 BY MR. ANDERSON:  
 13 Q You are aware that in the sacrament of confession  
 14 there is one of the gravest crimes or dilect  
 15 that could be committed by a priest, and that is  
 16 to solicit sex in the confession, correct?  
 17 A I'm aware of that, the gravity of that.  
 18 Q It's very severe because it's such a sacred  
 19 place?  
 20 A Exactly.  
 21 Q And it's also a known -- Also a place where it  
 22 has been known to have been a place where some  
 23 offending priests have used that sacrament to  
 24 solicit sex, correct?  
 25 A Has it happened in history? Unfortunately.

Page 201

1 Q And would you not agree that to allow Hanser with  
 2 his known history to hear confessions from kids  
 3 is a calculation being made that there is a known  
 4 risk?  
 5 MR. LO COCO: Just a second.  
 6 THE WITNESS: Speculation. I can't  
 7 answer that. I know I have never seen this  
 8 before.  
 9 MR. LO COCO: Bishop, just please give  
 10 me a chance to object. Thank you.  
 11 BY MR. ANDERSON:  
 12 Q Do you see -- Do you read this as Hanser posing a  
 13 risk, if he's allowed to hear confessions from  
 14 kids?  
 15 MR. LO COCO: Object to form. It's not  
 16 within the three topics, and I instruct the  
 17 witness not to answer. Bishop Sklba has told you  
 18 he hasn't seen this and you are asking him to  
 19 speculate about this.  
 20 BY MR. ANDERSON:  
 21 Q Do you remember on January 17, 1989 writing a  
 22 letter to a [REDACTED] family member about Hanser?  
 23 A I do not.  
 24 Q I'm going to direct your attention to  
 25 Exhibit 143. Do you see that?

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1 A I see the letter.  
 2 Q On Archdiocese stationery, a letter from you to a  
 3 name that's been blacked out, but it is one of  
 4 the members of the [REDACTED] family?  
 5 A I don't know that, because it's blacked out.  
 6 Q Well, I'll represent to you --  
 7 MR. LO COCO: And it's blocked out by  
 8 agreement and order of the court.  
 9 MR. ANDERSON: Yes. And it's not to  
 10 hide anything, it's just that we are trying to  
 11 respect the identity of victims whose names have  
 12 not been known and/or have chosen to be public.  
 13 This is a name that's chosen to be public.  
 14 That's why I'm using their name. Okay, Bishop?  
 15 THE WITNESS: I didn't hear everything  
 16 you said. This is a name that?  
 17 MR. ANDERSON: That the [REDACTED] have  
 18 been public and have allowed their name to be  
 19 used today and in the public.  
 20 THE WITNESS: I trust that.  
 21 BY MR. ANDERSON:  
 22 Q Okay. And you write to this individual, "I write  
 23 to express my sincere thanks for your letter of  
 24 January 9, 1989." So you are responding to a  
 25 letter from him?

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1 A Apparently.  
 2 Q In the second paragraph I will direct your  
 3 attention to the second sentence. You write,  
 4 "While the matters discussed at your home are  
 5 both serious and complex, extensive investigation  
 6 has not revealed any evidence of further improper  
 7 relationship with minors on his part." You wrote  
 8 that, didn't you?  
 9 A Apparently.  
 10 Q Now what extensive investigation had been done as  
 11 of 1989 that caused you to write that to him?  
 12 A I respond in two ways. One, that the -- that one  
 13 of the brothers had already taken the matter to  
 14 the police, and that they had done whatever was  
 15 appropriate in their context, and the other was  
 16 that I made phone calls and had conversations  
 17 with other priests who had been assigned to the  
 18 same parish, St. Mary's in Elm Grove, to ask if  
 19 they had any knowledge of concerns about David's  
 20 relationship or activity with minors. That was  
 21 the extensive dimension that I felt I could do at  
 22 that point.  
 23 Q What priest did you talk to?  
 24 A Thomas Venn for one. I don't recall others, but  
 25 they had been assigned at St. Mary's over a

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1 period of time, as I had been earlier.  
 2 Q Did you speak with your Co-Auxiliary Bishop  
 3 Brust?  
 4 A I'm sure I did. It was a traumatic conversation,  
 5 not with Bishop Brust, but with those young men.  
 6 Q But when you spoke with Bishop -- Auxilliary  
 7 Bishop Brust, what did you learn about what he  
 8 knew, if anything, about Hanser and his history?  
 9 A I did not recall hearing anything from him that  
 10 would give me the impression that there was other  
 11 considerations or events or allegations.  
 12 Q Did you speak with Weber?  
 13 A With who?  
 14 Q Weber, Don Weber.  
 15 A I do not recall talking to him. I may have,  
 16 however.  
 17 Q Do you recall that on October 23, 1989 you  
 18 discovered a file that was in Bishop Brust's  
 19 locked drawer concerning allegations against  
 20 Hanser going back to '75?  
 21 MR. LO COCO: Objection to form,  
 22 foundation.  
 23 THE WITNESS: I do not. What was the  
 24 date?  
 25 MR. ANDERSON: Look at --

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1 MR. BRENNAN: You said October 23, 1989.  
 2 BY MR. ANDERSON:  
 3 Q Look at Exhibit 147, and I'm going to have you  
 4 look at Page 3 of it.  
 5 MR. LO COCO: I'm sorry. What's the  
 6 exhibit?  
 7 MR. ANDERSON: Exhibit 147, the third  
 8 page of it.  
 9 BY MR. ANDERSON:  
 10 Q And this would be your Vicar Logs, correct?  
 11 A Yes, apparently.  
 12 Q Pertaining to Hanser, correct?  
 13 A Apparently, yes.  
 14 Q And at Page 3 numbered 899 at the bottom, I will  
 15 read it with you and then ask you a question or  
 16 to you, and then ask you a question.  
 17 MR. LO COCO: May I ask you just to not  
 18 read that name that we missed in redacting it?  
 19 MR. ANDERSON: I will not.  
 20 MR. LO COCO: Thank you.  
 21 BY MR. ANDERSON:  
 22 Q Under David Hanser. "On Monday, October 23,  
 23 1989, a file was discovered in Bishop Leo's  
 24 locked drawer indicating an allegation from 1975  
 25 related to the blank family. This information

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1 had been totally unknown to me before that date."  
 2 Does this refresh your recollection of having  
 3 discovered a file?  
 4 A It does not, but I see it here.  
 5 Q Having discovered this file which contains some  
 6 new information new to you about Hanser, what do  
 7 you remember or do you remember if you did  
 8 anything having discovered this?  
 9 MR. BRENNAN: I'll object. As just said  
 10 he doesn't remember that. There's a misstatement  
 11 built into the question.  
 12 BY MR. ANDERSON:  
 13 Q Well, you wrote this, so you are not disputing  
 14 you discovered it, correct?  
 15 A That's correct.  
 16 Q Okay. So having now recorded in your Vicar Logs  
 17 that you discovered a file that you had not known  
 18 about before concerning Hanser, what did you do  
 19 responsive to the discovery that you recorded?  
 20 MR. LO COCO: Object to the form.  
 21 MR. BRENNAN: Same objection, mixing up  
 22 time frames. Go ahead and answer, subject to the  
 23 objection.  
 24 THE WITNESS: I don't recall what I did.  
 25 I do recall that given the date it must have been

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1 after Bishop Brust's retirement, and so we must  
 2 have found some information in his desk. I'm  
 3 sure that my surprise reflected in this would  
 4 have been shared with others, and I must have  
 5 asked for consultation, for advice, but I don't  
 6 remember anything about that.  
 7 BY MR. ANDERSON:  
 8 Q Do you have any recollection of going back to the  
 9 [redacted] and saying, "We got more information  
 10 and we have learned some more," and having  
 11 disclosed it to them?  
 12 A I may have, because I did know the family, but I  
 13 don't remember specifically having done so. I  
 14 had cared for their aunt, who was [redacted]  
 15 Q There's no reflection of that your Vicar Logs  
 16 pertaining to Hanser. Would it be correct to say  
 17 that if you didn't record it, you probably didn't  
 18 do it?  
 19 A That's a guess. I can't do that.  
 20 Q Okay.  
 21 A Not everything was recorded.  
 22 Q In terms of the practice that you were employing  
 23 concerning David Hanser, as an example, did you  
 24 keep a Vicar Log for each priest separate or how  
 25 did you keep your Vicar Logs?

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1 A I kept a single log, and that's why the numbers  
 2 are chronological beginning, again, at  
 3 January 1st. So I had only one log. It was the  
 4 Vicar's Log. If there was a need to put it -- to  
 5 take something from the Vicar's Log and place it  
 6 in another file for ready reference, that was  
 7 done by someone else, by the secretary. If it  
 8 was a reference to a parish, for example,  
 9 permission given. If it was a reference to a  
 10 parish, permission given, that would be  
 11 duplicated and put in the parish file. I kept  
 12 one log. I did not have others.  
 13 Q So in your Vicar Logs you had various priests  
 14 mixed in there?  
 15 A Yes, and others and other instances. All kinds  
 16 of things.  
 17 Q And do you have any memory of having discussed  
 18 with Brust the discovery of his files and/or what  
 19 he had known about Hanser?  
 20 A He was retired by that time. I do not have a  
 21 memory of having done so. I may have.  
 22 Q Did you bring this discovery that you recorded to  
 23 the attention of the Archbishop and urge him to  
 24 reinvestigate and/or take further action?  
 25 A I certainly did not keep the information to

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1 myself, but I do not know to whom I went for  
 2 further action or conversation.  
 3 Q When it came to sexual abuse, you didn't withhold  
 4 information from Archbishop Weakland?  
 5 A I did not.  
 6 Q And when it came to sexual abuse, you didn't  
 7 withhold information from his successor,  
 8 Archbishop Dolan?  
 9 A I did not.  
 10 Q And you did not withhold it from his successor,  
 11 ListECKI, correct?  
 12 A Not at all.  
 13 Q Okay. So the information that went to you either  
 14 in writing or received in person, by obligation  
 15 you would bring to your superior, the Archbishop?  
 16 A And that was one of the reasons for the log, so  
 17 that there would be communication of information,  
 18 but also so that if I gave a permission or  
 19 endorsed an action of some kind, there was a  
 20 record of it.  
 21 Q What about when we read that there's a separate  
 22 file discovered by Bishop -- Auxilliary Bishop  
 23 Brust, who else had logs pertaining or documents  
 24 pertaining to sexual abuse by Hanser or other  
 25 offending priests besides Bishop Brust and the

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1 discovery of these documents?  
 2 MR. BRENNAN: Just object to the misuse.  
 3 You said the file was discovered by Bishop Brust.  
 4 MR. ANDERSON: Excuse me.  
 5 BY MR. ANDERSON:  
 6 Q Who else had files, kept separate files,  
 7 concerning sexual abuse by Hanser or other  
 8 offending priests?  
 9 A I don't know if anybody did. Maybe the  
 10 Archbishop did. I don't know.  
 11 Q Do you know if Don Weber had files?  
 12 A I do not. He probably had notes, but I do not.  
 13 Q What was his involvement in the investigation  
 14 and/or handling of complaints pertaining to  
 15 sexual abuse by clerics?  
 16 A Number one, can I hear the question again?  
 17 Q What was Father Weber's role and/or  
 18 responsibility in dealing with suspicions of  
 19 sexual abuse by the clerics in the Archdiocese?  
 20 A His role was that of ombudsman or ombudsman, and  
 21 that was prior to the establishment of the Office  
 22 of Vicar for Clergy.  
 23 Q He was the ombudsman, I heard you say?  
 24 A Yes.  
 25 Q And was he responsible for dealing with sexual

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1 abuse?  
 2 A He would have been responsible for any issue that  
 3 would deal with life concerns, health,  
 4 performance of clergy.  
 5 Q Did you keep separate files specific to sexual  
 6 abuse by priests?  
 7 A I did not.  
 8 Q Were you aware that the Archdiocese is required  
 9 by its own -- by Canon Law to keep archival  
 10 secret files?  
 11 A I'm not a canonist.  
 12 MR. LO COCO: I'm sorry.  
 13 BY MR. ANDERSON:  
 14 Q Are you aware that the Archdiocese is required by  
 15 Canon Law to keep confidential or archival secret  
 16 files?  
 17 MR. LO COCO: Objection to form.  
 18 MR. BRENNAN: Objection, misstatement,  
 19 calls for an opinion and conclusion without  
 20 foundation established through this witness.  
 21 MR. LO COCO: Do you have an offer of  
 22 proof for that?  
 23 MR. ANDERSON: Yes.  
 24 MR. LO COCO: What is it?  
 25 MR. ANDERSON: Canon 49 requires them to

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1 keep files. There are archival and to avoid  
 2 scandal.  
 3 MR. LO COCO: Bishop, you can answer, if  
 4 you have one.  
 5 BY MR. ANDERSON:  
 6 Q Okay. Bishop, I will ask you the question. Are  
 7 you aware that the Code of Canon Law in 19 --  
 8 both in 1917 and as revised in 1983 requires the  
 9 superior, in this case the Archdiocese, the  
 10 Archbishop, to keep a secret file of matters that  
 11 are scandalous?  
 12 A I'm not aware of that requirement as a  
 13 requirement.  
 14 Q Okay. Did the Archdiocese of Milwaukee keep a  
 15 secret file or a confidential file separate from  
 16 the priest's file or other files?  
 17 A I heard the Chancellor say maybe a year ago that  
 18 there was no such thing in Milwaukee. I don't  
 19 know.  
 20 Q I'm going to direct your attention to 1990 now,  
 21 and I'd like to discuss with you Franklyn Becker.  
 22 When did you first learn, if you did, that he  
 23 posed a risk of harm to youth?  
 24 MR. BRENNAN: I'm sorry. Was it Becker  
 25 you said?

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1 MR. ANDERSON: Yes.  
 2 THE WITNESS: He said Becker.  
 3 MR. LO COCO: That he posed a risk of  
 4 harm to Bishop Sklba?  
 5 MR. ANDERSON: No.  
 6 BY MR. ANDERSON:  
 7 Q The question is when did you first learn that  
 8 Franklyn Becker posed a risk of harm to youth in  
 9 his ministry?  
 10 A I do not know the date. At some point I do  
 11 recall being concerned about what I saw as  
 12 grooming techniques.  
 13 Q And what information did you get or see that led  
 14 you to describe grooming techniques?  
 15 A What information did I receive that led me to  
 16 describe that? That's the question?  
 17 Q What did he do that led you to believe that he  
 18 was grooming kids?  
 19 A Well, wait a minute. There's something in that  
 20 summary that --  
 21 Q Okay. Well, let me give you a question you can  
 22 use. You said you learned or had concerns that  
 23 he was grooming, correct?  
 24 A That's correct.  
 25 Q Okay. What did you see or learn that led you to

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1 be concerned he was grooming?  
 2 A Okay. Slightly different question. Thank you.  
 3 I saw his befriending certain individuals and  
 4 giving gifts that seemed to be out of -- what's  
 5 the word I want -- out of proportion to the  
 6 normal kind of gifts that one might give. I did  
 7 see on one occasion, on the occasion of a  
 8 confirmation in South Milwaukee, that he was the  
 9 sponsor for an individual that someone said he  
 10 had been giving gifts to. It just didn't seem  
 11 right.  
 12 Q And these were teens, were they not?  
 13 A Well, they would have been, yes.  
 14 Q And --  
 15 A Minors.  
 16 Q And legally minors?  
 17 A Minors.  
 18 Q And with that information what did you do?  
 19 A Well, I raised my -- What's the word I want. I  
 20 just became more conscious of looking for any  
 21 other evidence of that same behavior.  
 22 Q And did any evidence come to your attention or to  
 23 your knowledge to the attention of other  
 24 officials of the Archdiocese concerning Becker's  
 25 conduct towards you?

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1 A No.  
 2 Q Did you ever take any action responsive to  
 3 protecting kids against Becker?  
 4 A I mean, I answered the question by saying I did  
 5 not see any other evidence of that. People did  
 6 not tell me at that time that there was other  
 7 evidence of that, so there was no action to be  
 8 taken, as far as I could see.  
 9 Q When did you learn, if you did, that there was  
 10 other evidence that Becker posed a risk of harm  
 11 to youth?  
 12 A I don't remember the date that it came to my  
 13 attention.  
 14 Q When you first became alarmed about the grooming  
 15 issue, did you go to Becker and ask him, "What is  
 16 your relationship to these kids and why are you  
 17 giving them gifts?"  
 18 A I do not recall doing that.  
 19 Q Why not?  
 20 A Because it didn't seem appropriate at the time.  
 21 That's why.  
 22 Q And so you did later receive some additional  
 23 information about Becker and risk of harm?  
 24 A Later on, yes.  
 25 Q How much later after the grooming?



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1 A I do not remember.

2 Q And then when you did receive the additional

3 information, from what source was that?

4 A If I don't remember when, I can't answer the

5 question.

6 Q Okay. Tell me then what you do remember about

7 what action or involvement you had with Becker

8 and what you remember about him in terms of

9 taking action to either deal with him or his

10 ministry.

11 A At that point I was no longer Vicar for Clergy,

12 it seems to me, and so there was some restriction

13 of faculties and ministry, but I really do not

14 remember.

15 Q Do you remember in 1980 witnessing

16 confirmation -- Oh, the grooming behavior you had

17 been referring to, was that when Becker was at

18 St. John's Parish in Milwaukee?

19 A I don't remember for sure. I don't remember

20 where he was at that point. I do remember that

21 the confirmation was in South Milwaukee. I think

22 at St. John's, but I'm not sure.

23 Q The records reflect that on December 9, 1980 he's

24 at St. John's in South Milwaukee. Do you have a

25 memory that he was appointed there?

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1 A He was in South Milwaukee. I don't know which

2 parish.

3 Q Did you tell the pastor at St. John's when you

4 became concerned about Becker to take a look, to

5 be on guard?

6 A I think so. Bill Hebron would have been the

7 pastor at that point, I think.

8 Q What did you say to Hebron?

9 A I don't remember that.

10 Q Did you alert the Archbishop that there's a

11 potential problem here or concern?

12 A I'm sure I did.

13 Q And what did you say to him?

14 A I don't remember the words.

15 Q And is there anything else you remember at the

16 moment about what you did or didn't do pertaining

17 to Becker and information concerning his abuse of

18 kids in the Archdiocese?

19 A You are presuming that I knew about that at that

20 time, that's what it feels like, so my response

21 is -- Well, let me hear the question again. I'm

22 distracted.

23 Q I'm just asking after making the observations you

24 have shared with us, what else do you remember

25 about having received information about Becker

Page 218

1 posing a risk of harm and doing something about

2 it?

3 A Okay. I remember that one of the issues was

4 his -- was Becker's invitation to join him on a

5 cruise, a Caribbean cruise. I was very concerned

6 about that, I remember now, and I remember that

7 the parent, the mother of the young boy, was

8 adamant that she approved this and wanted it to

9 take place. I remember expressing concerns to

10 somebody.

11 Q When was that?

12 A I mean, I don't remember the date. I just

13 remember expressing concerns.

14 Q And do you remember taking any action responsive

15 to that?

16 A I did not forbid it, because the mother was so

17 strongly encouraging.

18 Q You did not forbid what?

19 A The cruise, taking the young man on a cruise.

20 Q So he went on the cruise?

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

22 Q And did it come to your attention that he

23 continued to have relationships with teenage

24 boys?

25 A I don't think to.

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1 MR. BRENNAN: Object to the form of the

2 question, assumes a fact not in evidence.

3 THE WITNESS: I don't think so.

4 BY MR. ANDERSON:

5 Q On July 26, 1990, did you receive a report that

6 Franklyn Becker from a mother -- Excuse me.

7 Did you receive a report on July 26,

8 1990 from a mother concerned that Becker was

9 spending an inordinate amount of time and care to

10 her son at [REDACTED] Hospital?

11 A I don't remember that.

12 Q Do you recall receiving information at this time

13 that Becker was seen driving around the

14 neighborhood and calling the boy at home?

15 A I do not remember that. I paused because I

16 wasn't sure if the question was finished.

17 Q Okay. Let's look at Exhibit 231.

18 MR. FINNEGAN: These should be in

19 chronological order. The date would be 7/26/90.

20 It's probably going to be a ways back.

21 MR. LO COCO: That's where you want him

22 to go?

23 MR. FINNEGAN: Yes.

24 MR. LO COCO: 0833 on the bottom is the

25 Bates label there, Bishop. Exhibit 231.

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1 THE WITNESS: 0862?

2 MR. ANDERSON: No, 0833 now.

3 MR. LO COCO: So go to Log Entry 600,

4 which is dated July 26, 1990.

5 THE WITNESS: July 26th.

6 BY MR. ANDERSON:

7 Q Look at the bottom of this page. This would be a

8 Vicar Log prepared by you pertaining to Franklyn

9 Becker, correct?

10 A Correct.

11 Q At the bottom of it I will direct your attention

12 to the one numbered 600, Becker, Franklyn. I

13 will read it then and ask you a question. You

14 write, "On Thursday, July 26, 1990, I received a

15 phone call from Ralph Gross indicating concern on

16 the part of blank regarding the seemingly

17 intensive pastoral care devoted to her son at

18 [REDACTED] Hospital." Does this refresh your

19 recollection?

20 A It does not. I see the entry, but it does not.

21 Q Did you know at this point in time as of

22 July 1990 that Becker had been diagnosed as a

23 pedophile?

24 A I did not.

25 Q Did you know or hear that he had been diagnosed

Page 221

1 as a possible epebophile?

2 A I did not.

3 Q Did you know that he had made admission that he

4 had abused youth?

5 MR. LO COCO: As of this date?

6 MR. ANDERSON: Yes.

7 MR. LO COCO: Thank you.

8 THE WITNESS: I did not.

9 BY MR. ANDERSON:

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

11 next year, 1991, and August. In August of 1991,

12 Bishop, do you recall Franklyn Becker asking you

13 to review his psychological report from 1983?

14 A I do not. I see the entry, but I do not.

15 Q And look at -- I think you are looking then at

16 832, are you not?

17 A I'm not.

18 Q Okay.

19 A Oh, yes, I am.

20 Q Okay. You will see at 913 -- I will read it.

21 "On Wednesday, August 21, 1991, Franklyn Becker

22 requested that I review the 1983 Wausau report.

23 Lynn also gave me permission to speak with his

24 therapist, [REDACTED] if needed," correct?

25 A I see that.

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1 Q And do you recall now having been given

2 permission to review the report and having spoken

3 with the therapist that he had been diagnosed?

4 A I do not recall that at all.

5 Q Do you remember what you did, if anything,

6 responsive to the information you got in August

7 either from his therapist or on review of that

8 report?

9 A I do not.

10 Q I'm going to direct your attention to another

11 part of your Vicar Log, and that would be the

12 next page, 831. In the middle of it at No. 483

13 you record, "On August 28, 1992, I gave tentative

14 approval to Tom Trepanier -- Did I pronounce that

15 right?

16 A That's correct, yes.

17 Q -- for utilizing Franklyn Becker as a weekend

18 help-out at Cascade after Dick Featherstone's

19 departure and in view of Jim Thurmond's

20 unwillingness to continue that particular

21 assignment."

22 Is it correct to say by reading of this

23 log that Becker is allowed to continue in

24 ministry, at least as recorded here?

25 A I would presume so. By that time I had -- I was

Page 223

1 no longer Vicar for Clergy, but that's what it

2 says.

3 Q On July 19, 1996, now six years later, do you

4 recall receiving a memo from Liz Piasecki

5 concerning Becker?

6 A I do not.

7 Q Do you recall at that time receiving information

8 from her or any source that Becker was

9 identifying himself as a pedophile?

10 A I do not.

11 Q Do you recall receiving information that Becker

12 himself was in possession of child pornography?

13 A I do not.

14 Q I direct your attention to Exhibit 223.

15 A Two --

16 Q Twenty-three.

17 A -- twenty-three.

18 Q And it is dated July 19, 1996. It's addressed to

19 Archbishop Weakland, yourself and Reverend Straub

20 from Liz Piasecki, correct?

21 A That's what the letter says, yes.

22 Q Look at No. 2 there. I will read it and see if

23 this refreshes your recollection. "Father Becker

24 now again identifies himself as a pedophile, and

25 asked Dr. [REDACTED] to sign a statement to that

Page 224

1 effect so that he could collect on a private  
 2 disability policy which he holds. She refused to  
 3 do so, although she agrees essentially that he is  
 4 one." Does that refresh your recollection  
 5 that --  
 6 A It does not.  
 7 MR. BRENNAN: Wait. He didn't finish  
 8 his question.  
 9 BY MR. ANDERSON:  
 10 Q Does that refresh your recollection?  
 11 A It does not. I see the sheet of paper. I do not  
 12 recall that.  
 13 Q Do you know what a pedophile is?  
 14 A I certainly do.  
 15 Q What is it?  
 16 A Someone who has an attraction to children of a  
 17 sexual -- attraction of a sexual nature to  
 18 children.  
 19 Q And if Becker or any other priest or adult is  
 20 known to be a pedophile, would you agree that  
 21 they are a known risk of harm to children?  
 22 MR. LO COCO: Objection, form, beyond  
 23 the scope of the Court's Order. You can answer,  
 24 subject to the objection.  
 25 THE WITNESS: I will accept the counsel.

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1 MR. ANDERSON: He said you may answer.  
 2 MR. LO COCO: If you have one.  
 3 THE WITNESS: I'm looking at this. I  
 4 see it has gone through two different  
 5 professional individuals. In other words, it's  
 6 from a therapist to someone who is a therapist,  
 7 and then to the Archbishop, myself and the Vicar  
 8 for Clergy. You know, I don't know what to make  
 9 of this, because I have not seen it. I do not  
 10 recall ever seeing it before. Now back to your  
 11 question.  
 12 BY MR. ANDERSON:  
 13 Q My question was do you know what a pedophile is?  
 14 A And I said I did.  
 15 Q And do you agree that a pedophile poses a risk of  
 16 harm to children?  
 17 A I do.  
 18 Q Were you aware that after Becker's identified as  
 19 a pedophile, that he was put on monitoring?  
 20 A I don't recall that.  
 21 Q Were you aware that in 1997 he was allowed to do  
 22 help-out work in the Rubicon area until 2002?  
 23 A I know that he was doing some help-out. I don't  
 24 know the dates.  
 25 Q Were you aware that he also was involved in doing

Page 226

1 some things at St. Jerome's in Oconomowoc?  
 2 A I am not.  
 3 Q St. Mary's in Mayville?  
 4 A I'm not.  
 5 Q What efforts were made by you or the Archdiocese,  
 6 if you know, to keep him away from kids?  
 7 MR. LO COCO: I'm sorry. Can I have  
 8 that read back?  
 9 COURT REPORTER: "What efforts were made  
 10 by you or the Archdiocese, if you know, to keep  
 11 him away from kids?"  
 12 THE WITNESS: I don't know. Everything  
 13 that we could think of. He's a very independent  
 14 person and manipulative. Restriction of orders,  
 15 but, you know, of ministry. That's what I think  
 16 we did.  
 17 BY MR. ANDERSON:  
 18 Q Did anybody at the Archdiocese, yourself,  
 19 Archbishop Wealdand and those engaged in this,  
 20 discuss taking Becker's file and what is included  
 21 in it and giving it to the police?  
 22 MR. BRENNAN: Object to the form.  
 23 "Engaged in this" is unclear, ambiguous. Go  
 24 ahead and answer, subject to the objection.  
 25 MR. LO COCO: Can we get a time frame,

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1 Jeff?  
 2 MR. ANDERSON: Anytime.  
 3 BY MR. ANDERSON:  
 4 Q Did you, Bishop Sklba, or with Archbishop  
 5 Wealdand, Dolan or Listecky at any time turn  
 6 Becker's file over to the police?  
 7 A At some point in the early 2000's all of those  
 8 files were given to the District Attorney's  
 9 Office who sent someone to review them page by  
 10 page.  
 11 Q Do you have personal knowledge that Becker's file  
 12 in its totality was turned over to law  
 13 enforcement?  
 14 A My personal knowledge in the sense was I there  
 15 and watched it happen, no, as a matter of fact,  
 16 but I do know, because I was told that everything  
 17 had been handed over to the District Attorney's  
 18 Office for review. We also had an independent  
 19 review to see if there was anything that needed  
 20 additional civil action of any kind, that also  
 21 was done in the early 2000's, about any priest,  
 22 about anybody.  
 23 MR. ANDERSON: We've been going about an  
 24 hour. Let's take a break.  
 25 VIDEOTAPE TECHNICIAN: This ends Disk

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1 No. 1 of the continuation of the video deposition  
 2 of Bishop Richard J. Skiba on November 3, 2011;  
 3 the time 10:42 a.m.  
 4 (A recess was taken.)  
 5 VIDEOTAPE TECHNICIAN: This is the  
 6 beginning of Disk No. 2 of the continuation of  
 7 the video deposition of Bishop Richard J. Skiba  
 8 on November 3, 2011; the time 11:03 a.m.  
 9 BY MR. ANDERSON:  
 10 Q Bishop, to your knowledge are there currently any  
 11 priests in ministry in the Archdiocese who have  
 12 been accused of sexual abuse of minors?  
 13 MR. LO COCO: I'm sorry. I need it  
 14 back.  
 15 COURT REPORTER: "Bishop, to your  
 16 knowledge are there currently any priests in  
 17 ministry in the Archdiocese who have been accused  
 18 of sexual abuse of minors?"  
 19 THE WITNESS: In active ministry, no.  
 20 BY MR. ANDERSON:  
 21 Q Are there any who are permitted to minister with  
 22 their faculties limited?  
 23 A No.  
 24 Q Are there any priests in ministry under the  
 25 control of the Archdiocese who have been accused

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1 of abuse, but it's been determined by the  
 2 Archbishop that it was not a credible allegation?  
 3 MR. LO COCO: Objection to form,  
 4 foundation.  
 5 MR. BRENNAN: You can answer anyway.  
 6 MR. ANDERSON: I will rephrase the  
 7 question, if you have problems with the question.  
 8 THE WITNESS: I just couldn't hear what  
 9 was said.  
 10 MR. ANDERSON: Fine. I will ask the  
 11 question again and try to make it simpler.  
 12 BY MR. ANDERSON:  
 13 Q Are there any priests in ministry, to your  
 14 knowledge, who have been accused of abuse of  
 15 minors, but it was determined by the Archdiocese  
 16 personnel to not have been credible?  
 17 A There are individuals against whom an accusation  
 18 was made which was reported to the Review Board,  
 19 and also to the District Attorney's Office, the  
 20 allegation judged not credible. They are in  
 21 ministry.  
 22 Q How many?  
 23 A I don't know.  
 24 Q What priests?  
 25 MR. LO COCO: I'm going to instruct -- I

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1 will object to that question and instruct the  
 2 witness not to answer that question.  
 3 THE WITNESS: I would not feel free to  
 4 answer that.  
 5 BY MR. ANDERSON:  
 6 Q Have all of the priests that you are referring to  
 7 who are in ministry against whom accusations have  
 8 been made -- Let me rephrase that question.  
 9 Do you know what investigation the  
 10 Archdiocese and the Archbishop did to determine  
 11 whether the accusation made against those priests  
 12 was credible or not credible, beyond interviewing  
 13 the priest?  
 14 MR. LO COCO: Objection to form and  
 15 foundation.  
 16 THE WITNESS: I don't know the  
 17 procedures involved in the Board of Review, but I  
 18 do know that they utilize professional police or  
 19 they utilize the services of either active or  
 20 former police officials to do the investigation,  
 21 give a report, and they make a recommendation  
 22 then.  
 23 BY MR. ANDERSON:  
 24 Q I'm going to direct your attention to Father  
 25 Murphy: On July 17th of 1996, then Archbishop

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1 Weakland wrote to Cardinal Ratzinger at the  
 2 Vatican expressing Murphy's abuse of children and  
 3 the use of the confessional to do so. Are you  
 4 familiar with that?  
 5 A With what?  
 6 Q That fact, that cardinal -- Archbishop Weakland  
 7 who to Cardinal Ratzinger in 1996.  
 8 A I am not.  
 9 Q Do you remember Archbishop Weakland expressing  
 10 frustration to you that he had not gotten a  
 11 response to his plea to the Vatican?  
 12 A I'm sorry. Your hand was in the way and I didn't  
 13 hear one word.  
 14 Q Did Archbishop Weakland ever express frustration  
 15 to you when it came to childhood sexual abuse by  
 16 priests and employees of the Archdiocese that the  
 17 Vatican was tying its hands?  
 18 MR. LO COCO: Object to the form.  
 19 THE WITNESS: He did not use those  
 20 words.  
 21 BY MR. ANDERSON:  
 22 Q Well, what did he say about how the Vatican was  
 23 dealing with it and in some way preventing him  
 24 and/or the Archdiocese in dealing with it in the  
 25 way they wanted to?

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1 A When you added "employees of the Archdiocese,"  
 2 you know --  
 3 Q Let's talk about priests then.  
 4 A I mean, that's an important distinction, because  
 5 the Vatican would not be involved in any of those  
 6 other issues.  
 7 Q Okay. Let's talk about the priests then --  
 8 A Okay.  
 9 Q -- and the clerics. Did Archbishop Weakland  
 10 express to you at any time frustration that the  
 11 Vatican in some way had prevented him and the  
 12 Archdiocese from dealing with sexual abuse of  
 13 minors by priests?  
 14 MR. LO COCO: Object to the form.  
 15 THE WITNESS: I mean, it seemed like the  
 16 question -- Can I hear it again? It changed.  
 17 MR. ANDERSON: Okay. Well, I'm trying  
 18 to limit it.  
 19 THE WITNESS: I understand what you are  
 20 trying to do.  
 21 MR. ANDERSON: I'm just trying to get  
 22 one that you can answer, so I will give you  
 23 another one?  
 24 MR. LO COCO: Or we can have Kathy read  
 25 it back.

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1 MR. ANDERSON: No, I want him to try and  
 2 understand it.  
 3 BY MR. ANDERSON:  
 4 Q Did Archbishop Weakland express to you a view  
 5 that the Vatican prevented the Archdiocese from  
 6 dealing with childhood sexual abuse by priests  
 7 the way it wanted to?  
 8 A I hesitate over the word "prevent," but I do know  
 9 that we have all experienced frustration over the  
 10 slowness of responses.  
 11 Q Tell me about that. What have they done or not  
 12 done that has caused that frustration to be  
 13 expressed and felt?  
 14 A Okay. Letters would go in with a particular  
 15 request, a case. The response would not come  
 16 back in a suitable time, helpful time, and the  
 17 request then would be delayed. We couldn't act  
 18 because of canonical requirements until a  
 19 judgment had been rendered, and we were  
 20 frustrated over the delay in response.  
 21 Q And how many priests -- There were a large number  
 22 of priests where you experienced Vatican delays,  
 23 correct?  
 24 A I don't know that it's a large number. There  
 25 were some.

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1 Q And while the Vatican was delaying the process of  
 2 taking action and the Archdiocese was  
 3 experiencing frustration around that, it's  
 4 correct to say that those priests who the  
 5 Archdiocese was bringing to the Vatican were, in  
 6 many instances, still in ministry?  
 7 MR. LO COCO: Object to the form. That  
 8 lacks foundation and misstates facts.  
 9 THE WITNESS: It is not correct to say  
 10 that any case that was sent to the Vatican was  
 11 about people who were still in ministry. That is  
 12 not correct.  
 13 BY MR. ANDERSON:  
 14 Q When the Archdiocese brought a case to the  
 15 Vatican concerning sexual abuse of minors, did  
 16 the Archdiocese notify the parishioners where  
 17 that priest had been and/or the public that the  
 18 priest posed a risk of harm?  
 19 A To my knowledge, everytime a case went in, that  
 20 had already occurred in history.  
 21 Q How had that occurred? How had the Archdiocese  
 22 warned or alerted the public that any priest  
 23 sought to be laicized posed a risk of harm?  
 24 MR. LO COCO: Object to the form.  
 25 THE WITNESS: The list of offenders had

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1 been published, and as I suggested yesterday, as  
 2 soon as we realized, listening to professionals,  
 3 victim advocates, as soon as we realized that  
 4 there was danger of repetition, a serial offense,  
 5 we went to all -- we notified the pastors of the  
 6 parishes where those offenders had been assigned  
 7 so that the pastors might be alert and take  
 8 whatever action they thought proper looking for  
 9 additional victims or whether there would be some  
 10 victims there.  
 11 BY MR. ANDERSON:  
 12 Q No warning was sent to the parishioners, however,  
 13 directly, was it?  
 14 MR. LO COCO: Objection.  
 15 THE WITNESS: I don't know that.  
 16 MR. LO COCO: Objection to the form.  
 17 It's argumentative.  
 18 BY MR. ANDERSON:  
 19 Q You referred to the list. Exhibit 250 is a list  
 20 of -- that was published by the Archdiocese in  
 21 2004 of what they deemed to be the credibly  
 22 accused offenders, and I think there are 43 then  
 23 that appeared on the list. Without taking time  
 24 on that, because the list is of record and we  
 25 have already got information around this, to some

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1 extent it is correct to say that while this list  
 2 was published and made public -- Well, first,  
 3 this list was made public, was it not?  
 4 A I haven't looked at the list itself, so I don't  
 5 know what this is.  
 6 Q Okay. Well, the list of the credibly accused?  
 7 A If that's what this is, the list of credibly  
 8 accused was made public.  
 9 Q Okay.  
 10 A Together with a note as to the status of their  
 11 situation.  
 12 MR. LO COCO: Actually, the title of the  
 13 document says it's Restricted Diocesan Priests  
 14 Due to Substantiated Reports of Sexual Abuse of a  
 15 Minor.  
 16 BY MR. ANDERSON:  
 17 Q Okay. In any case, those words are used, but my  
 18 question to you is to your knowledge concerning  
 19 the 43 priests that appear on this exhibit, was  
 20 there any disclosure to the public, the  
 21 parishioners or the people of faith about the  
 22 known history, the history known by the  
 23 Archdiocese concerning each of these priests?  
 24 MR. LO COCO: Objection, foundation. If  
 25 you know.

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1 documentation that shows Weakland wrote to  
 2 Cardinal Ratzinger, and, as you recall, were you  
 3 involved in what was going on with Murphy and  
 4 Archbishop Weakland and the Vatican at that time?  
 5 A I'm sorry. Where? I don't know what letter you  
 6 are talking about, so I don't know how to answer.  
 7 Q Okay. There's a letter that shows that Weakland  
 8 wrote to Cardinal Ratzinger on July 17, 1996, and  
 9 he did not get a response until March of 1997.  
 10 Did you learn that?  
 11 A I don't -- You said it. I don't recall hearing  
 12 it before.  
 13 Q And the response from the Vatican says that he  
 14 has to use the 1962 protocol. Do you know what  
 15 the 1962 protocol is?  
 16 MR. LO COCO: Object to the form. I'm  
 17 going to instruct the witness not to answer. If  
 18 you want to show him the letter or show him the  
 19 '62 protocol, that's fine. This isn't fair,  
 20 because I don't even know that you are stating  
 21 something that's accurate.  
 22 MR. FINNEGAN: Exhibit 67.  
 23 MR. LO COCO: Thank you.  
 24 THE WITNESS: I couldn't hear you.  
 25 MR. FINNEGAN: Exhibit 67.

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1 THE WITNESS: If I recall correctly,  
 2 these names appeared also in the public  
 3 newspaper. Beyond that, I don't know of specific  
 4 efforts made other than what I have already said.  
 5 BY MR. ANDERSON:  
 6 Q Besides the information on Exhibit 250, the list  
 7 itself and what's on it, was any additional  
 8 information released about the histories of any  
 9 of these substantiated offenders?  
 10 MR. LO COCO: Objection, asked and  
 11 answered. He's told you what he knows, Jeff.  
 12 THE WITNESS: I'm confused by the  
 13 conversation. Would you repeat it, please?  
 14 BY MR. ANDERSON:  
 15 Q Beyond the list itself, were any of the histories  
 16 known to the Archdiocese released to the public  
 17 at any time?  
 18 A If I say no, I don't think that's true, so I'd  
 19 have to say I'm sure that in some way it was in  
 20 individual parishes, but --  
 21 Q I direct your attention to -- back to '96.  
 22 A The year again, please?  
 23 Q Back to '96.  
 24 A '96?  
 25 Q '96, yes, and Father Murphy. There is

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1 MR. LO COCO: There's no question  
 2 pending, Bishop.  
 3 MR. BRENNAN: If you slide that out, I  
 4 will drop this down.  
 5 THE WITNESS: Thank you.  
 6 MR. BRENNAN: There you go.  
 7 THE WITNESS: '67?  
 8 MR. BRENNAN: Um-hum.  
 9 BY MR. ANDERSON:  
 10 Q Directing your attention to Exhibit 67, it's a  
 11 letter of March 24, 1997 to Your Excellency from  
 12 the Congregation, and it is on Bartone's  
 13 signature, who was then the Secretary to the CDF.  
 14 It's, obviously, at the bottom you can see  
 15 addressed to Archbishop Weakland, and it concerns  
 16 Lawrence Murphy and another priest.  
 17 My question to you is, at the second  
 18 paragraph it says, "In setting forth the matters  
 19 in detail which you have reported, the  
 20 Congregation would ask Your Excellency to  
 21 instruct the respective processes in accord with  
 22 the attached instructio de modo procedendi in  
 23 causis sollicitationis," unquote. Are you  
 24 familiar with that?  
 25 A With what?

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1 Q With the instruction.  
 2 A I am not.  
 3 Q Okay. Had you ever heard there was an  
 4 instruction or a protocol promulgated in 1962 by  
 5 the Vatican that instructed how to deal with  
 6 solicitation of sex in the confessional?  
 7 MR. LO COCO: Objection to the --  
 8 THE WITNESS: About a year ago --  
 9 MR. LO COCO: Just a minute, Bishop,  
 10 please. Objection to the form. Go ahead.  
 11 THE WITNESS: About a year ago I was  
 12 told that a member of the Canon Law Society had  
 13 written a very extensive and intensive analysis  
 14 of the document to which I think you are  
 15 referring, which I had never heard of before, and  
 16 put it in context so that for the canonists of  
 17 the country it made historical and canonical  
 18 sense. I heard that that had been done. I did  
 19 not know of the initial instruction, and I still  
 20 have never seen it.  
 21 BY MR. ANDERSON:  
 22 Q Did you accompany Archbishop Weakland to the  
 23 Vatican for an ad limina visit?  
 24 A I went with him every time we went, so I have  
 25 been on five or six of them.

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1 Q And on any of those occasions did you discuss  
 2 with Vatican officials a concern -- concerns  
 3 about sexual abuse and how it was being handled?  
 4 A Yes.  
 5 Q When was the first time?  
 6 A You are presuming there was a second time.  
 7 Q Well, I don't know.  
 8 A So --  
 9 Q Was there just one time?  
 10 A I recall one particular meeting.  
 11 Q Tell me about that. What year was that?  
 12 A I do not recall the meeting.  
 13 Q It wasn't --  
 14 A The year. It might have been '98. I can't be  
 15 sure. I only say that as a conjecture, because  
 16 it's every five years that we go. It would not  
 17 have been in '93, it was not more recent than  
 18 that, so I think it was '98.  
 19 Q Okay. And at that ad limina visit yourself and  
 20 Archbishop Weakland went to the Vatican?  
 21 A We went to the Congregation for the Doctrine of  
 22 the Faith, yes, and also Bishop Fliss.  
 23 Q Okay. And at that time tell us how the topic of  
 24 sexual abuse was raised and what happened.  
 25 A The purpose of the visit, the appointment, was to

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1 request a more speedy response to the case  
 2 against Lawrence Murphy. I have only one side  
 3 memory of the conversation itself. I remember  
 4 that it was in a conference room, a rather ornate  
 5 Vatican meeting room, small meeting room, and I  
 6 remember learning in that context the Italian  
 7 word for housekeeper. I do not remember any of  
 8 the conversation itself.  
 9 Q And was that a conversation with the then  
 10 Secretary to the CDF, Cardinal Bartone?  
 11 A I don't think he was cardinal at the time, but I  
 12 wasn't sure about that until more recently, and  
 13 now I, a couple days ago or whatever, I recalled  
 14 that it was Archbishop Bartone.  
 15 Q And you knew, did you not, that any discussions  
 16 that were to be had with then Secretary  
 17 Archbishop Bartone were for the benefit and to go  
 18 to the then head of the CDF, Ratzinger?  
 19 MR. LO COCO: Objection, foundation. If  
 20 you know.  
 21 THE WITNESS: I don't know what their  
 22 communication pattern was.  
 23 BY MR. ANDERSON:  
 24 Q You knew him then to be the Secretary to then  
 25 Cardinal Ratzinger?

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1 A Secretary to the Congregation.  
 2 Q And who was presided by then Cardinal Ratzinger?  
 3 A That's correct. He was the Prefect.  
 4 Q And in that conversation and the concerns that  
 5 were expressed, is it correct to say that there  
 6 was an overriding concern about scandal and  
 7 keeping publicity about Murphy controlled?  
 8 MR. LO COCO: Objection to the form. It  
 9 is an unfair and misleading question.  
 10 MR. BRENNAN: Calls for speculation, as  
 11 well.  
 12 THE WITNESS: I have no recollection  
 13 that that was a concern.  
 14 BY MR. ANDERSON:  
 15 Q Was there any discussion of scandal and  
 16 controlling it?  
 17 A I do not recall that that was an issue or  
 18 discussion.  
 19 Q I will direct your attention to Exhibit 74, and  
 20 you will see in Exhibit 74 there is an Italian  
 21 recitation or recitation in Italian, and then  
 22 following it is a translation that was made and  
 23 produced here, and I'm going to direct your  
 24 attention to the English version. Do you see the  
 25 English version?

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1 A I do, but I'm also looking at the Italian.  
 2 Q I want you to look at the English, though, so I  
 3 can ask you some questions that --  
 4 MR. LO COCO: You are not permitting him  
 5 to look at the Italian?  
 6 MR. ANDERSON: I want you to look at the  
 7 English version, please.  
 8 THE WITNESS: Okay.  
 9 BY MR. ANDERSON:  
 10 Q And I'm going to direct you to the middle of 354,  
 11 the English version here, and in the third  
 12 paragraph down at the bottom of the paragraph  
 13 under Item 6 I'm going to read it and then ask  
 14 you a question. I'm looking at the English  
 15 version now.  
 16 A I understand.  
 17 Q Do you have it before you, Bishop?  
 18 A I have it before me.  
 19 Q Okay. Thank you. And at the bottom of the third  
 20 paragraph, Item 6, it is recorded, "There and the  
 21 danger of big scandal if the case was publicized  
 22 by the press." My question to you is does that  
 23 refresh your recollection that there was concern  
 24 expressed about the danger of big scandal and  
 25 publicity in the press?

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1 MR. LO COCO: Object to the form, it's  
 2 misleading and Mr. Anderson knows it. Subject to  
 3 that, if you have an answer, Bishop, you can give  
 4 it.  
 5 THE WITNESS: First of all, I'm looking  
 6 to see if it's an accurate translation. It's a  
 7 little unusual, but I do not recall that being  
 8 part of the discussion.  
 9 BY MR. ANDERSON:  
 10 Q Turn to Exhibit 80 then. Eighty is dated  
 11 December 2, 1998, a letter from Archbishop  
 12 Weakland to -- just a letter from Archbishop  
 13 Weakland. It's copied to the Apostolic  
 14 Pro-Nuncio and Reverend Agustino at  
 15 Cacciavilliana or something like that.  
 16 A It means a hunter.  
 17 Q I will direct your attention in this letter to  
 18 the middle of a paragraph. I'm going to read it  
 19 and then ask you the question if you know  
 20 anything about this. It states in the middle of  
 21 the fourth paragraph, "The congregation was  
 22 represented by Archbishop Bartone, Secretary of  
 23 the Congregation, Monsignor Girotti,  
 24 Undersecretary, several canonists, a notary and  
 25 consultants. At that meeting the officials

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1 reflected with us on the need to avoid scandal,  
 2 and also about our plans for the eventual  
 3 possibility of having to face the circumstances  
 4 of Father Larry's death."  
 5 Do you have any knowledge of the  
 6 concerns at the level of the Vatican and with the  
 7 Archbishop about avoiding scandal?  
 8 MR. LO COCO: Objection to the form.  
 9 MR. ANDERSON: Concerning Murphy.  
 10 MR. LO COCO: It's misleading. The  
 11 question has been asked and answered about a  
 12 dozen times.  
 13 THE WITNESS: My first response by way  
 14 of background to your question is that I have  
 15 never seen this letter before. Number two, that  
 16 it is addressed to the brother of Lawrence  
 17 Murphy, and that it was written, I presume, after  
 18 Lawrence's funeral, which was an extremely  
 19 difficult situation.  
 20 I presided at a very private funeral,  
 21 and when I made reference in that context to  
 22 the -- to the unfortunate actions -- more than  
 23 unfortunate actions of Father Murphy, the family  
 24 was outraged. It was a very difficult situation.  
 25 And so part of the background to this, whatever

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1 it was, was to deal with the anger of the family  
 2 who wrote letters to everyone. That's the  
 3 background.  
 4 So against that background, which I  
 5 think is very important, at least for me, is the  
 6 fact that I do not recall that being part of the  
 7 discussion at the Vatican.  
 8 BY MR. ANDERSON:  
 9 Q Let's talk about the victims of Murphy for a  
 10 moment. It was known at that time there were  
 11 many, correct?  
 12 A I presume so.  
 13 Q And at some point in time a decision was made to  
 14 not try Murphy for the crimes he had committed  
 15 against those children, correct?  
 16 MR. LO COCO: And you mean a canonical  
 17 trial, to be clear, correct?  
 18 MR. ANDERSON: Yes.  
 19 THE WITNESS: I only know that there was  
 20 a public trial in the City of St. Francis that  
 21 was reported in the press with no action taken by  
 22 the police. I don't know -- I don't recall if  
 23 there was at that point a trial canonically, a  
 24 canonical trial.  
 25 BY MR. ANDERSON:



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1 Q Are you aware that Murphy was allowed to die a  
 2 priest in good standing?  
 3 A He was not in good standing when he died.  
 4 MR. BRENNAN: Objection.  
 5 BY MR. ANDERSON:  
 6 Q When he did die, were you aware that there was --  
 7 What was his standing when he died?  
 8 A He was restricted.  
 9 Q And who knew that?  
 10 A Everybody in the deaf community knew it.  
 11 Q How did they know that?  
 12 A Because they were told.  
 13 Q By whom?  
 14 A I don't -- I said it to some of them myself.  
 15 Q Well, they are deaf.  
 16 A I'm sorry. I couldn't hear you.  
 17 Q They are deaf. So did you use a sign?  
 18 A I spoke with them in ways they understood. The  
 19 deaf community was terribly divided over this,  
 20 and I spoke to those who were defending Lawrence  
 21 Murphy saying that he has to be restricted, and I  
 22 spoke to those who were opposed to his actions,  
 23 his presence, because of what he had done. I  
 24 don't recall -- If I communicated, I had to have  
 25 used some kind of interpreter. I had to have

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1 used some kind of interpreter. I don't speak  
 2 sign language.  
 3 Q I'm going to direct your attention to Exhibit 81,  
 4 and we're going to go to the page that is  
 5 May 30th, 1998. We put these in chronological  
 6 order, so go to 1998. This is your Vicar Log, is  
 7 it not?  
 8 A It is.  
 9 Q And under Lawrence Murphy you record, "On May 30,  
 10 1998, I joined Archbishop Weakland and Bishop  
 11 Fliss in meeting with Archbishop Bartone and  
 12 staff regarding the case." You write -- That is  
 13 correct, is it not?  
 14 A That's what I read.  
 15 Q You write, "It became clear that the Congregation  
 16 was not encouraging us to proceed with any formal  
 17 dismissal on the basis of 24 years of apparent  
 18 good conduct and the precept impending exercise  
 19 of orders --  
 20 MR. LO COCO: Impeding.  
 21 BY MR. ANDERSON:  
 22 Q -- impending exercise of orders currently in  
 23 effect. We were also cautioned about the  
 24 difficulty of the question of the confessional --  
 25 both in terms of the strict canonical definition

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1 of the crime, as well as the time lapse between  
 2 obtaining the information and acting thereon."  
 3 Were you then recording the belief that  
 4 the Vatican had made the decision to quash or  
 5 terminate the canonical trial to avoid publicity?  
 6 A No.  
 7 Q Why do you think Murphy was not tried and he did  
 8 not precede to trial as had been planned?  
 9 A If my recollection is correct, he died a few days  
 10 later.  
 11 Q Did you interpret, either by this recording or by  
 12 your own memory, an effort by the Vatican to keep  
 13 the Murphy scandal contained and, thus, not try  
 14 him to avoid publicity?  
 15 MR. LO COCO: Objection to the form.  
 16 I'm going to ask Mr. Anderson to restate that  
 17 question given the insinuations that there was a  
 18 scandal. However you worded it, I don't think it  
 19 was intentional, but it misstates previous  
 20 testimony by this witness.  
 21 BY MR. ANDERSON:  
 22 Q Well, there was a scandal breaking out on Murphy,  
 23 wasn't there?  
 24 MR. LO COCO: Objection to form.  
 25 THE WITNESS: I mean, I don't know if

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1 that date -- if the publicity was occurring at  
 2 that date. It certainly was a very serious  
 3 situation.  
 4 BY MR. ANDERSON:  
 5 Q It was a scandal, wasn't it?  
 6 A Everybody was hurt. Yes, it was a scandal.  
 7 Q And it was becoming more public?  
 8 A That is true.  
 9 Q And there was concerns by the Vatican expressed  
 10 to you and Archbishop Weakland that to move  
 11 forward with a trial would create more publicity?  
 12 MR. BRENNAN: Objection, asked and  
 13 answered over and over.  
 14 BY MR. ANDERSON:  
 15 Q Correct?  
 16 A I don't recall that.  
 17 Q The records show that Murphy died August 21,  
 18 1998. This notation you made is May 30, 1998.  
 19 A Okay.  
 20 Q So between May 30th or after this May 30th, 1998  
 21 meeting was held and this notation made, what  
 22 action was taken pertinent to Murphy and  
 23 preceding?  
 24 A I don't remember. He was already under  
 25 prescription -- restricted ministry.

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1 Q Any ad limina visits since 1998?  
 2 MR. LO COCO: That he's been to?  
 3 THE WITNESS: Yes.  
 4 BY MR. ANDERSON:  
 5 Q When was that?  
 6 A I don't recall the date, but I think it was 2004  
 7 prior to the death of John Paul II.  
 8 Q And with whom?  
 9 A Well, when one goes for an ad limina visit --  
 10 one. When we go or an ad limina visit, which is  
 11 the whole Region VII, the Bishops of Indiana,  
 12 Illinois and Wisconsin, we meet with virtually  
 13 all the Congregations. And when Pope John Paul  
 14 II was in good health, we met with him on several  
 15 occasions.  
 16 Q I'm just going to interrupt.  
 17 A You said with whom.  
 18 MR. LO COCO: You can't cut him off.  
 19 MR. ANDERSON: I need to.  
 20 MR. LO COCO: No, you can't cut him off.  
 21 You cannot cut off the witness.  
 22 BY MR. ANDERSON:  
 23 Q Bishop, I want to direct the question to sexual  
 24 abuse?  
 25 MR. LO COCO: You asked who did he meet

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1 with.  
 2 MR. ANDERSON: Just a moment, Counsel.  
 3 MR. LO COCO: Do you want to withdraw  
 4 the question?  
 5 MR. ANDERSON: I want to withdraw the  
 6 question.  
 7 MR. LO COCO: Fair enough.  
 8 THE WITNESS: Thank you.  
 9 BY MR. ANDERSON:  
 10 Q What I would like to do is try to focus on the  
 11 sexual abuse issue. When you had an ad limina  
 12 visit that you were just referring to with any of  
 13 the people with whom you met there, did you  
 14 and/or those that accompanied you from the  
 15 Archdiocese in Milwaukee address the concerns or  
 16 the handling of sexual abuse?  
 17 A Yes.  
 18 Q With any -- With what Vatican official or  
 19 officials?  
 20 A Oh, I don't remember the names of the people, but  
 21 I do know that it came up again, the whole group  
 22 was present. It came up with --  
 23 Q The question I just want to get is can you  
 24 identify the names of the individuals?  
 25 A I don't think you said names before. You may

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1 have.  
 2 Q I said with whom.  
 3 A Okay. Well, with whom. We met with  
 4 representatives of the Congregation for Clergy  
 5 and that issue came up.  
 6 Q Okay.  
 7 A Who was at that meeting, I'd have to think about.  
 8 I'm not sure. We also met with representatives  
 9 of the Congregation for the Doctrine of the  
 10 Faith. The issue came up from someone in the  
 11 whole group.  
 12 Q So these are large meetings?  
 13 A They were large meetings. That was part of my  
 14 point when I began to put them in context.  
 15 Q And as a result of those meetings and the topic  
 16 of sexual abuse, did you come back as Auxilliary  
 17 Bishop with a plan, a Vatican-directed plan to  
 18 better deal with sexual abuse?  
 19 A I felt we had been doing that to the best of our  
 20 ability beforehand, so I did not come back with a  
 21 new plan to deal with it in a better fashion as a  
 22 result of that visit.  
 23 Q Was then Cardinal Ratzinger, now Pope Benedict,  
 24 at any of those meetings?  
 25 A He would have been at the meeting with the

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1 Congregation for the Doctrine of the Faith.  
 2 Q And did he weigh in on the issue of sexual abuse  
 3 and how to deal with it or how it was emerging as  
 4 a problem?  
 5 MR. LO COCO: Object to the form.  
 6 THE WITNESS: Is that the end of it?  
 7 MR. ANDERSON: Yes, did he weigh in on  
 8 sexual abuse.  
 9 THE WITNESS: I don't recall particular  
 10 comments that he may have made. I don't recall.  
 11 I do recall several other issues that were  
 12 discussed, but I don't recall his comments on  
 13 that one.  
 14 BY MR. ANDERSON:  
 15 Q I'd like to direct your attention to the year  
 16 1998, and in 1998 do you recall meeting with  
 17 Tom -- Father Tom Trepanier concerning some  
 18 inappropriate behavior?  
 19 A I don't know about the date, but I do know that  
 20 he was present for a discussion.  
 21 Q What caused the discussion to be had?  
 22 A I don't know what you are referring to. It would  
 23 help me to know that.  
 24 Q Okay. I will show you exhibit -- Why don't you  
 25 just tell me what you remember about Tom

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<p>1 Trepanier and having a meeting with him and the</p> <p>2 reason for it.</p> <p>3 MR. BRENNAN: Wait. Impossibly vague</p> <p>4 and lacking in foundation.</p> <p>5 MR. LO COCO: And it's three questions.</p> <p>6 MR. ANDERSON: Fine.</p> <p>7 BY MR. ANDERSON:</p> <p>8 Q Tell us, Bishop, what you remember about meeting</p> <p>9 with Trepanier as it pertains to sexual abuse and</p> <p>10 him having been accused of sexual abuse of a</p> <p>11 minor.</p> <p>12 MR. LO COCO: Objection to form.</p> <p>13 THE WITNESS: I remember sitting in on a</p> <p>14 meeting in which the accusation was brought to</p> <p>15 his attention. I remember saying that I had to</p> <p>16 recuse myself from being involved in this</p> <p>17 particular question, because we had worked</p> <p>18 together for many years. He was in charge of the</p> <p>19 Committee for Placement, and there was some</p> <p>20 friendship involved. So I said, "I must recuse</p> <p>21 myself." I was present and I know that they then</p> <p>22 took the case to -- I think at that point they</p> <p>23 handed it over to civil authorities, and it also</p> <p>24 went to the Review Board for investigation.</p> <p>25</p>	<p>1 A You were -- I felt you were still going to say</p> <p>2 something and I interrupted. I apologize.</p> <p>3 Q After serving out a term at St. Sylvester's, if</p> <p>4 you are not aware of that, were you aware that he</p> <p>5 did get assigned to St. Dominic's Parish?</p> <p>6 A I was. Normally during the time of one's work</p> <p>7 with placement, one did not have another</p> <p>8 assignment, so that's part of my confusion. But</p> <p>9 he was thereafter assigned to Dominic's.</p> <p>10 Q And he remained in that parish until 2000?</p> <p>11 MR. LO COCO: Object to form. It's</p> <p>12 not --</p> <p>13 THE WITNESS: I don't remember. I don't</p> <p>14 remember the dates.</p> <p>15 BY MR. ANDERSON:</p> <p>16 Q Actually, I think the records, as I read them, he</p> <p>17 was there and assigned until 2002 when he</p> <p>18 resigned. Does that sound more correct?</p> <p>19 A It could be.</p> <p>20 Q Going back to Murphy for a moment, did you -- did</p> <p>21 you ever review the Murphy file?</p> <p>22 A I don't think so. He was already out of the</p> <p>23 Diocese.</p> <p>24 Q Did you ever receive any information that</p> <p>25 Archbishop Cousins gave orders to the nuns at St.</p>
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<p>1 BY MR. ANDERSON:</p> <p>2 Q How long had Father Trepanier been in charge of</p> <p>3 the Committee for Placement of Priests?</p> <p>4 A At that point I don't know, but he had a term of</p> <p>5 four years, if I recall, or five.</p> <p>6 Q He was then the head of the Priest Personnel</p> <p>7 Board, wasn't he?</p> <p>8 A That is the place.</p> <p>9 Q Okay. And they were --</p> <p>10 A Not head exactly, but secretary to it.</p> <p>11 Q And after that meeting, do you recall that Father</p> <p>12 Trepanier was allowed to serve out his term and</p> <p>13 St. Sylvester's?</p> <p>14 A St. Sylvester's? No.</p> <p>15 Q Do you have any recollection of that?</p> <p>16 A No, I do not.</p> <p>17 Q Do you recall what action was taken, if any, to</p> <p>18 restrict him from ministry after that meeting?</p> <p>19 A I recall that there was some kind of restriction</p> <p>20 about ministry with young people, and that would</p> <p>21 have been either during the investigation or</p> <p>22 afterwards. I'm not sure of the time sequence.</p> <p>23 Q Do you have any knowledge that he was then</p> <p>24 assigned to St. Dominic's Parish? Are you aware</p> <p>25 of that?</p>	<p>1 Francis Assisi to keep Murphy's abuse of those</p> <p>2 kids secret?</p> <p>3 A I did not.</p> <p>4 Q Do you have any knowledge that some nuns at the</p> <p>5 deaf school and affiliated with it sexually</p> <p>6 abused or physically abused kids there?</p> <p>7 A I do not.</p> <p>8 Q Do you have any knowledge concerning Murphy,</p> <p>9 about what the nuns knew about Murphy having</p> <p>10 abused kids there between 1950 and 1974?</p> <p>11 A I know several of the sisters; some of them are</p> <p>12 still alive. I have no knowledge of what -- of</p> <p>13 their opinions or experience on that issue.</p> <p>14 Q Do you have any information that Archbishop</p> <p>15 Cousins refused to investigate allegations of</p> <p>16 abuse by Murphy at the deaf school?</p> <p>17 MR. LO COCO: Objection.</p> <p>18 THE WITNESS: I find that hard to</p> <p>19 believe.</p> <p>20 BY MR. ANDERSON:</p> <p>21 Q Do you have any knowledge about what Father</p> <p>22 Donald Zerkel -- Do you know who Donald Zerkel</p> <p>23 was, the director of the school?</p> <p>24 A Did I know him?</p> <p>25 Q Did you know who he is?</p>

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1 A I do, but I thought there was another word in the  
 2 question.  
 3 Q Well, he was -- Did you know he was capable of  
 4 signing?  
 5 A Oh, yes.  
 6 Q Do you know if any effort was ever made by  
 7 Archbishop Cousins or anybody under his directive  
 8 to have Donald Zerkel or somebody else  
 9 investigate what had happened at the deaf school  
 10 when information surfaced?  
 11 A Before my time. I do not.  
 12 Q In 2002 the Catholic Conference of Bishops  
 13 convened the meeting at Dallas and you attended,  
 14 did you not?  
 15 A I did.  
 16 Q And at that time it was close -- I think  
 17 Archbishop Weakland had resigned on April 2nd.  
 18 Does that sound right?  
 19 A No, it was later than that.  
 20 Q Okay. Did Archbishop Weakland attend then, also?  
 21 A He did not.  
 22 Q Okay. So you attended the conference. Who else  
 23 from the Archdiocese?  
 24 A I think I was the only one.  
 25 Q And the topic of sexual abuse, of course, was

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1 taken up?  
 2 A It certainly was.  
 3 Q And what role did you have in that meeting as it  
 4 pertained to sexual abuse?  
 5 A I was in the assembly. I was a participant in  
 6 the sense of listening to all the conversation  
 7 and interventions, and by that I mean the  
 8 technical term of intervention, people standing  
 9 to the microphone expressing concerns, and then I  
 10 was part of the voting on the charter and the  
 11 essential norms.  
 12 Q When the Bishops voted in Dallas, originally  
 13 there was an effort to include mandatory  
 14 reporting in the charter, was there not?  
 15 A I don't remember that. We had practiced that in  
 16 Milwaukee for some time, so if it was explicit or  
 17 wanted to be made explicit, it wouldn't have  
 18 changed our policy or practice.  
 19 Q Do you recall if there was support among the  
 20 Bishops to include mandatory reporting in the  
 21 charter and the norms?  
 22 A I would presume so. I don't recall the  
 23 particular discussion.  
 24 Q Do you recall there were divisions among the  
 25 Bishops about whether or not mandatory reporting

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1 of minors -- of abuse of minors should be  
 2 included?  
 3 MR. LO COCO: Objection. I will  
 4 instruct Bishop Sklba not to answer that. It's  
 5 unrelated to the three areas addressed by the  
 6 Court's Order.  
 7 MR. ANDERSON: This has specifically to  
 8 do, Counsel, with what was done or what wasn't  
 9 done.  
 10 MR. LO COCO: By the Archdiocese of  
 11 Milwaukee, and Bishop Sklba just testified that  
 12 mandatory reporting had been the norm in this  
 13 Diocese before the Dallas Charter. So I'm not  
 14 interested in the discovery you want to do  
 15 against other Dioceses.  
 16 MR. ANDERSON: This has to do with the  
 17 Archdiocese of Milwaukee.  
 18 MR. LO COCO: Baloney.  
 19 BY MR. ANDERSON:  
 20 Q Do you have a recollection of that meeting where  
 21 there was a discussion about how an allegation of  
 22 sexual abuse against a priest is to be determined  
 23 to be credible versus not credible?  
 24 A I do not recall that discussion.  
 25 Q Do you know if the mandated reporting was

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1 included in the norms or not?  
 2 A I don't recall that. I haven't looked at the  
 3 norms for some time.  
 4 Q In 2004 -- Let me -- In June of 2002 Archbishop  
 5 Dolan was installed as the Archbishop of  
 6 Milwaukee, correct?  
 7 A Not correct, no.  
 8 Q No?  
 9 A Not correct.  
 10 Q What was the date?  
 11 A Well, what was the date you used?  
 12 Q I said June of 2002.  
 13 A No.  
 14 Q What was the date? August?  
 15 A It was at the end of August.  
 16 Q In August of 2002 Archbishop Dolan was installed,  
 17 and he presided as Archbishop until February of  
 18 '09. Does that sound right?  
 19 A I think so. I don't remember the exact final  
 20 date.  
 21 Q In those five years did Archbishop Dolan ever sit  
 22 down with you, Bishop, and ask you about what you  
 23 knew about priests who had offended children and  
 24 posed a risk of harm in your view?  
 25 A We talked about the issue countless times.

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1 Q Did you ever review your Vicar Logs with him?  
 2 A Whenever it was pertinent, I would do so, case by  
 3 case.  
 4 Q Okay. And what cases did you review with  
 5 Archbishop Dolan where you reviewed the Vicar  
 6 Logs that pertained to sexual abuse?  
 7 A My review of any Vicar Log would be, to put it in  
 8 colloquial terms, "Listen, let me tell you the  
 9 history." That's what I would do. I do not  
 10 recall the specific names or times.  
 11 Q Did Archbishop Dolan ever ask you where there  
 12 were problem priests and where you were concerned  
 13 about priests who may be at risk for abusing?  
 14 A Before his -- Before his arrival and  
 15 installation, I had removed several individuals  
 16 from active ministry while I was administrator,  
 17 so there weren't individuals in place at that  
 18 time when he arrived.  
 19 Q Did Archbishop Dolan, in his tenure as  
 20 Archbishop, make any changes pertaining to  
 21 protocols and sexual abuse that had not already  
 22 been put in place by Archbishop Weakland?  
 23 A Well, for one, he introduced the or he made the  
 24 decision to publish the names. That was his  
 25 decision. He also initiated the mediation system

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1 where, I don't know, 180 individuals had received  
 2 mediation. That was under his jurisdiction.  
 3 Q I'm going to direct your attention to 2003, and  
 4 in particular Father John O'Brien. On  
 5 September 23, 2003, Archbishop Dolan wrote a  
 6 letter to Cardinal Ratzinger requesting that  
 7 O'Brien be reduced to the lay state because he  
 8 was convicted of molesting a 17-year-old. Were  
 9 you aware of that?  
 10 A I'm sure I was, of the letter and the allegation  
 11 and the sentence to, you know, to indicate that  
 12 there were several things in that "that."  
 13 Q And there was a second letter sent in November of  
 14 2004 stating that two additional allegations had  
 15 surfaced. Did you become aware of that?  
 16 A Of what?  
 17 Q Two additional allegations against O'Brien having  
 18 surfaced and the letter being written?  
 19 A I'm not aware of the letter being written, but I  
 20 do recall more allegations coming forward.  
 21 Q And there is a third letter that we have seen  
 22 from Dolan in September of '05 that states that  
 23 O'Brien has been observed on a number of  
 24 occasions at a local library with adolescent  
 25 boys. Do you have any knowledge of that?

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1 A I mean, I recall a complaint about that.  
 2 Q And it is written in that letter that there is a  
 3 risk for scandal, and it's huge, if he acts out?  
 4 MR. LO COCO: I'm sorry. Do you have an  
 5 exhibit number for this, Jeff?  
 6 MR. ANDERSON: Yes.  
 7 MR. LO COCO: What is it?  
 8 MR. ANDERSON: 195.  
 9 BY MR. ANDERSON:  
 10 Q Okay. Directing your attention to 195,  
 11 September 6, 2005. This is a letter from Dolan  
 12 to then Archbishop Amato at the Congregation for  
 13 the Doctrine. I'm just going to direct your  
 14 attention to a couple of spots in this letter.  
 15 At the bottom of the first page, I will read it  
 16 and then ask you a question. In the last  
 17 sentence it states, "Especially troubling was a  
 18 report that Father O'Brien has been observed on a  
 19 number on occasions in the local library with  
 20 adolescent boys." I think I already asked you  
 21 about that part, right?  
 22 A I think so.  
 23 Q And then it states, "A copy of the interview  
 24 report is also enclosed." Then at the next page  
 25 it states, "Obviously, efforts at monitoring him

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1 are unsuccessful." And then the next paragraph  
 2 states, "The potential for great scandal exists."  
 3 Are you aware that Archbishop Dolan had  
 4 a concern and employed a practice in 2005 to  
 5 avoid scandal?  
 6 MR. BRENNAN: Objection, calls for  
 7 speculation, it's multiple and compound.  
 8 MR. LO COCO: It also is misleading in  
 9 light of the record regarding Father O'Brien, but  
 10 you can answer, if you have an answer.  
 11 THE WITNESS: I have never seen this  
 12 letter before. If he had some kind of concern  
 13 about scandal, I can't -- you know, all I can see  
 14 is what the letter says.  
 15 BY MR. ANDERSON:  
 16 Q Okay. It goes on to state, "If Father O'Brien,  
 17 while still in the clerical state, makes any  
 18 inappropriate advances on any of these adolescent  
 19 boys in whose company he has been observed, the  
 20 outcry will be huge. The scandal lies not in the  
 21 laicization, but in the perception that the  
 22 church has not acted expeditiously enough knowing  
 23 the multiple reports of abuse."  
 24 Having read that or having had that read  
 25 to you, does that reflect the view of the

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1 Archbishop as you saw it in 2005?  
 2 A I did not see that scandal was the major issue in  
 3 his concern. I suspect here, this is conjecture,  
 4 and I acknowledge it as such, but I suspect that  
 5 he added that as an additional motivation to get  
 6 the action that was needed.  
 7 Q Is it correct to say that O'Brien was laicized in  
 8 '09, removed from the clerical state in '09?  
 9 A I don't remember the date. He is no longer in  
 10 the clerical state. I know that.  
 11 Q In 2009 were you still frustrated with the delay  
 12 that the Vatican was taking in making and dealing  
 13 with this?  
 14 MR. LO COCO: Objection. It's not  
 15 related to the areas that the court has permitted  
 16 inquiry, but subject to the objection, I will let  
 17 Bishop Sklba answer this.  
 18 THE WITNESS: I think I have answered  
 19 that question, and I will accept counsel's  
 20 suggestion.  
 21 BY MR. ANDERSON:  
 22 Q Well, he didn't prevent you from answering, but I  
 23 will ask you a more specific question. As of  
 24 2009, was the Vatican frustrating some of the  
 25 attempts to deal adequately with sexual abuse of

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1 minors --  
 2 A The delay --  
 3 Q -- and in doing what needed to be done?  
 4 MR. LO COCO: Object to form.  
 5 THE WITNESS: The delay in response was  
 6 always a frustration, and part of it was the  
 7 concern of the Vatican IV dealing with multiple  
 8 different cultures and trying to follow the  
 9 procedures. They were very concerned about the  
 10 procedures, because each culture had its own  
 11 approach to this serious problem.  
 12 BY MR. ANDERSON:  
 13 Q What effect, if any, did the initiation of  
 14 lawsuits against the Archdiocese for its role in  
 15 being negligent or concealing sexual abuse have  
 16 on practices within the Archdiocese concerning  
 17 sexual abuse?  
 18 MR. BRENNAN: I object to that question.  
 19 It calls upon him to disclose things confided in  
 20 with attorneys and, thus, abridges the  
 21 attorney-client communication process.  
 22 MR. ANDERSON: Without getting into  
 23 attorneys or what attorneys advised or any  
 24 privileged communications between attorneys, I'm  
 25 talking about practices employed by the

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1 Archdiocese, as you understood them to be,  
 2 responsive to lawsuits brought and publicly made.  
 3 MR. LO COCO: It's also overbroad,  
 4 because there's no time frame given.  
 5 BY MR. ANDERSON:  
 6 Q Well, let's start in 1995. Any change in  
 7 practices because of the lawsuits and decisions  
 8 made in 1995?  
 9 A I do not recall any changes because of lawsuits.  
 10 Q Okay. At any time?  
 11 A I do not recall any changes because of lawsuits  
 12 at any time.  
 13 MR. BRENNAN: I further object and move  
 14 to strike the answer and the question on the  
 15 basis it's beyond the scope of the Court's Order.  
 16 BY MR. ANDERSON:  
 17 Q I'm going to direct your attention to  
 18 Exhibit 209. This is a letter dated January 15,  
 19 2008 from Archbishop Dolan to Amato at the  
 20 Congregation, and I'm going to direct your  
 21 attention -- It is involving Trepanier or  
 22 Trepanier, but the second paragraph at the third  
 23 sentence, I will read it and then ask you a  
 24 question. "There is currently pending civil  
 25 legislation in Wisconsin attempting to abolish

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1 the statute of limitations on sexual assault  
 2 retroactively. Such legislation would seriously  
 3 compromise the Archdiocese's ability to exercise  
 4 its mission. The more we can demonstrate our  
 5 seriousness about purifying the priesthood as the  
 6 Holy Father has implored us to do, the more we  
 7 can speak credibly about the adverse effects of  
 8 such legislation. Our critics challenge us on  
 9 the fact that known abusers have still not been  
 10 laicized. If word got out that the Holy See had  
 11 left the door open for a reconsideration of  
 12 Father Trepanier's case in ten years, our  
 13 credibility would be seriously damaged."  
 14 My question to you is having read that  
 15 and having heard that read to you, are you aware  
 16 that Archbishop Dolan was shaping policy and  
 17 practice around public perception?  
 18 MR. LO COCO: I will object to the form  
 19 of the question. I'm going to instruct the  
 20 witness not to answer. It calls for speculation.  
 21 It's argumentative in its form. Next question.  
 22 BY MR. ANDERSON:  
 23 Q What efforts are you aware of that Archbishop  
 24 Dolan was making to lobby against statutes of  
 25 limitation reform in Wisconsin that could or

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1 would affect the rights of victims?  
 2 MR. LO COCO: Objection, same  
 3 instruction not to answer. This is beyond the  
 4 scope of what the court provided. It calls for  
 5 Bishop Sklba to speculate. And in fairness, the  
 6 last two questions are incredibly out of context,  
 7 which has been Mr. Anderson's pattern in this  
 8 deposition, to not refer to the entirety of  
 9 context, because he's trying to make an argument.  
 10 If you read the entity of the letter, you see  
 11 that Archbishop Dolan has many more concerns.  
 12 MR. ANDERSON: Give me a legal  
 13 objection.  
 14 MR. LO COCO: No, I won't. I did  
 15 already. I'm instructing the witness not to  
 16 answer.  
 17 BY MR. ANDERSON:  
 18 Q Did you have any discussions with Archbishop  
 19 Dolan about this, the contents of this letter?  
 20 A I have never seen this letter before.  
 21 Q My question is did you have any discussion with  
 22 Archbishop Dolan about the practice of the  
 23 Archdiocese as is reflected in the content of  
 24 this letter at this time?  
 25 MR. BRENNAN: Objection.

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1 MR. ANDERSON: Pertaining to Trepanier.  
 2 THE WITNESS: Did I ever talk about  
 3 Trepanier with him? Of course.  
 4 BY MR. ANDERSON:  
 5 Q Did you talk about what I just read to you?  
 6 A What did you just read? There were several  
 7 things in there.  
 8 Q That the statute was pending, that there was an  
 9 effort to abolish the statute. Did you discuss  
 10 that with Dolan?  
 11 A Have we talked about that issue, of course.  
 12 Q And were you engaged with Archbishop Dolan in  
 13 hiring public relations people to put the best  
 14 face on the practices you were employing?  
 15 A I don't think so.  
 16 Q Did you hire public relations people?  
 17 A The Diocese had communication people for years  
 18 and years.  
 19 Q What is Father Trepanier's current status?  
 20 A His current?  
 21 Q Status.  
 22 A Status. He's on restricted ministry, no public  
 23 ministry whatever.  
 24 Q What have the public or the former parishioners  
 25 where he did work been told about what the

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1 Archdiocese knows about his history?  
 2 A I'm not sure, but I think his name is on that  
 3 list of offenders, and I do know that the pastor,  
 4 upon his removal, told the parishioners something  
 5 of the background.  
 6 MR. ANDERSON: We're going to take a  
 7 short break to use the restroom.  
 8 VIDEOTAPE TECHNICIAN: We're going off  
 9 the record at 12:08 p.m.  
 10 (A recess was taken.)  
 11 VIDEOTAPE TECHNICIAN: We're back on the  
 12 he record at 12:20 p.m.  
 13 MR. ANDERSON: Bishop, that concludes  
 14 the questions that I have. Thank you.  
 15 THE WITNESS: Well, thank you.  
 16 MR. LO COCO: Bishop Sklba, I have just  
 17 a few questions. Oh, I'm sorry. Wendy, do you  
 18 have any questions?  
 19 MS. GUNDERSON: You can do your follow  
 20 up.  
 21 MR. LO COCO: Thank you.  
 22 EXAMINATION  
 23 BY MR. LO COCO:  
 24 Q You were asked some questions, Bishop, about  
 25 Father John O'Brien.

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1 A Yes.  
 2 Q In the 2005 timeframe?  
 3 A Yes.  
 4 Q Do you know whether John O'Brien had been out of  
 5 ministry for some years prior to 2005?  
 6 A I think so. I mean, I'm quite sure that -- The  
 7 exact date I don't remember, but, yes, he had  
 8 again out of ministry.  
 9 Q Also you were asked -- If you could look at  
 10 Exhibit 81, and you were asked about Log Entry  
 11 385 regarding Lawrence Murphy. I have a couple  
 12 of questions about that.  
 13 A Yes.  
 14 Q First of all, was it your practice to make log  
 15 entries contemporaneous in time to whenever you  
 16 had the thoughts about the log entry?  
 17 A As soon as possible, I would try to write it down  
 18 just, for example, to keep the dates in mind.  
 19 Q So this particular log entry as Mr. Anderson  
 20 discussed it with you --  
 21 A Which one is that again?  
 22 Q 385. It's No. 385.  
 23 MR. FINNEGAN: It's May 30, 1998.  
 24 BY MR. LO COCO:  
 25 Q May 30, 1998.

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1 A Okay. Yes.

2 Q Could you read that entry to yourself, please,

3 and just let me know when you have finished doing

4 that.

5 A Okay.

6 Q Is there anything in that entry, Bishop, that

7 discusses scandal or negative publicity?

8 A I do not see that.

9 Q And then if you'd turn the page, Bishop, the last

10 entry, 620.

11 A Yes.

12 Q I'm sorry. That's my next page. Maybe you

13 skipped -- There it is. 620.

14 A Yes.

15 Q There's an entry on August 28, 1998. Do you see

16 that?

17 A Yes, I do.

18 Q And the last line -- Well, first of all, read

19 that to yourself.

20 A I see it. Thank you.

21 Q And does the last sentence refresh your

22 recollection as to any details about the service

23 you presided over or the mass you presided over?

24 A It certainly does.

25 Q And tell us about that.

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1 A Well, the requirement was -- the protocol was an

2 absolutely private funeral with no one present.

3 However, an invitation by a family member had

4 been extended, so there were some present, which

5 necessitated the homily including reference to

6 misconduct by Lawrence Murphy.

7 Q All right.

8 A My homily.

9 Q All right. And how did the family take those

10 comments?

11 A They were furious. I had been assured that they

12 knew about the background. Apparently, they did

13 not. It was an awful, awful situation.

14 Q And is that what resulted in the letter that

15 Mr. Anderson showed to you being written from

16 Archbishop Weakland to Father Murphy's brother,

17 [REDACTED]?

18 A As I indicated, I recognized immediately that

19 that was to his brother [REDACTED], and a pastoral

20 letter.

21 Q You were also asked some questions yesterday and

22 today about this Mass of Celebration for the 75th

23 Anniversary of the Ephphatha Association. After

24 the mass was concluded, did you send a follow-up

25 letter to Father Murphy?

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1 A I think I did.

2 Q Well, let me have you look at Exhibit 55.

3 A I remember I was very furious about his

4 insistence on arriving, coming and staying. Yes,

5 I see it.

6 Q Is that a letter that you sent to him

7 reconfirming his restrictions on ministry?

8 A Absolutely.

9 MR. LO COCO: That's all I have.

10 THE WITNESS: And after I had cooled

11 down.

12 MR. LO COCO: That's all I have, Bishop.

13 Thank you.

14 EXAMINATION

15 BY MR. ANDERSON:

16 Q Bishop, while there's no reference to scandal in

17 that one entry directed to you by Mr. LoCoco,

18 there is reference to scandal in other entries by

19 you, is there not?

20 A Not by me. I don't recall it being by me.

21 Q Okay. I direct your attention to Exhibit 78 as

22 it pertains to Murphy.

23 A Okay.

24 Q And this is to Your Excellency from Bartone

25 pertaining to Murphy, and the third sentence in

Page 279

1 this letter states, "This dicastery commends

2 Father Murphy to the mercy of God and shares with

3 you the hope that the church will be spared any

4 undue publicity from this matter." Did I read

5 that correctly?

6 A I think so.

7 Q That reflects the view that is both expressed by

8 Bartone and held by the Archdiocese that undue

9 publicity is to be avoided?

10 MR. LO COCO: Objection to form and

11 foundation.

12 BY MR. ANDERSON:

13 Q Does it not?

14 MR. LO COCO: It's misleading. He's not

15 here speaking for the whole of the Archdiocese.

16 THE WITNESS: The last part of it I

17 couldn't agree to. I have never seen this letter

18 before. I see it now. There is a reference to

19 undue publicity. It's curialese in its speech.

20 It is not fair to deduce from that the whole

21 Archdiocese being concerned about undue publicity

22 as a major factor or primary factor.

23 BY MR. ANDERSON:

24 Q Did anybody from the Archdiocese report to the

25 deaf community at or about the time Murphy died



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1 that they had known that he had committed  
 2 offenses against children in the '50's, the  
 3 '60's, the '70's and beyond?  
 4 MR. LO COCO: Objection, form. It lacks  
 5 foundation.  
 6 BY MR. ANDERSON:  
 7 Q Or anything like that?  
 8 MR. LO COCO: It's multiple in form.  
 9 THE WITNESS: That's so broad. I mean,  
 10 you are asking at the death of the funeral or,  
 11 you know, at the time of the death or funeral was  
 12 there -- There was conversation. There was  
 13 communication. There was expression of sorrow  
 14 constantly. So, I mean --  
 15 BY MR. ANDERSON:  
 16 Q Did anybody tell the folks --  
 17 A Of course.  
 18 Q Just a moment. Let me finish my question. Did  
 19 anybody tell the folks, any official in the  
 20 Archdiocese, tell the deaf community and their  
 21 families that Archbishop Meyers had knowledge of  
 22 Murphy?  
 23 A I don't know that that name was used.  
 24 Q Did anybody tell that community that Archbishop  
 25 Cousins had knowledge of Murphy having abused

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1 children and made a choice to move him?  
 2 A I would say probably.  
 3 Q Do you have any knowledge of who said that, if it  
 4 was?  
 5 A I do not.  
 6 Q Okay. Do you have any knowledge that Archbishop  
 7 Weakland -- Excuse me.  
 8 Do you have any evidence that Archbishop  
 9 Weakland -- Excuse me.  
 10 Do you have any evidence that that  
 11 community was told that Archbishop Weakland had  
 12 actual knowledge that the Archdiocese had known  
 13 about Murphy for years and disclosed it to the  
 14 community?  
 15 A I'm sure that happened.  
 16 Q When?  
 17 A I don't know. I don't recall.  
 18 Q The final question for you that I have is  
 19 directed to Exhibit 55, Bishop, pertaining to  
 20 Murphy. And while you find that, it is a letter  
 21 from you to Murphy dated December 1, 1993.  
 22 A For the record, that's the same letter that was  
 23 just shown to me.  
 24 Q Yes. And is it correct to say that as of 1993,  
 25 the time of this letter, Murphy was still being

Page 282

1 allowed to work in the Diocese of Superior, even  
 2 though he remained a priest of the Archdiocese of  
 3 Milwaukee?  
 4 MR. LO COCO: Objection, asked and  
 5 answered.  
 6 THE WITNESS: Would you repeat the  
 7 question then specifically as I look at this?  
 8 BY MR. ANDERSON:  
 9 Q Murphy was allowed to continue in ministry in  
 10 1993, wasn't he?  
 11 A He was told that he would not do this, and it was  
 12 a reaffirmation of prior restrictions.  
 13 Q Yeah, Murphy was told, but who else was told that  
 14 Murphy was not supposed to do this?  
 15 A The officials in the Diocese of Superior.  
 16 Q What about the people? What about the kids?  
 17 MR. LO COCO: No, we're done. We're  
 18 done.  
 19 MR. BRENNAN: You are badgering him now.  
 20 MR. LO COCO: We're done. That's an  
 21 argument, Jeff.  
 22 MR. ANDERSON: Let me ask you this,  
 23 Bishop.  
 24 MR. LO COCO: Do you know of anyone who  
 25 was abused in Superior?

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1 MR. ANDERSON: Yes, yes. We brought  
 2 claims.  
 3 MR. LO COCO: You have?  
 4 MR. ANDERSON: Yes, [REDACTED]  
 5 BY MR. ANDERSON:  
 6 Q Bishop, were any of the parishioners or the  
 7 public in Superior where Murphy was told what  
 8 Murphy was told, not to be around kids?  
 9 MR. LO COCO: Objection, calls for  
 10 speculation.  
 11 BY MR. ANDERSON:  
 12 Q Were any of the people in Superior warned about  
 13 the risk that the Archdiocese knew that Murphy  
 14 posed to kids?  
 15 MR. BRENNAN: I object to the badgering  
 16 of the witness. There's grimacing, there's  
 17 threatening gestures being made across the table  
 18 that are not picked up on the video, and I  
 19 strenuously object to the form of the question.  
 20 MR. ANDERSON: I will withdraw that  
 21 question and disagree with the characterization,  
 22 but I will ask you this.  
 23 BY MR. ANDERSON:  
 24 Q Bishop, did anybody warn the kids or the parents  
 25 that you guys knew he was a risk?

1 A Yes.  
 2 Q How?  
 3 A Through the parish.  
 4 Q Who?  
 5 A I'm sure the pastor and through the Diocese of  
 6 Superior. I'm sure.  
 7 Q What pastor?  
 8 A I think it was James Hoffman at the time.  
 9 Q And how did he warn the community of faith?  
 10 A You would have to ask him.  
 11 MR. ANDERSON: I will. Thank you.  
 12 VIDEOTAPE TECHNICIAN: This ends the  
 13 continuation of the video deposition of Bishop  
 14 Richard J. Sklba on November 3, 2011; the time  
 15 12:33 p.m.  
 16  
 17  
 18  
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 20  
 21  
 22  
 23  
 24  
 25

1 SMITH, GUNDERSON & ROWEN, S.C., Glenwood  
 Executive Centre, 15460 West Capitol Drive, Brookfield,  
 2 Wisconsin, 53005, by MS. WENDY GUNDERSON, 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 NELSON, CONNELL, CONRAD, TALLMADGE &  
 SLEIN, S.C., N14 W23755 Stone Ridge Drive, Suite 150,  
 7 P.O. Box 1109, Waukesha, Wisconsin, 53187-1109, by MR.  
 MARK S. NELSON, appeared on behalf of OneBeacon  
 8 Insurance Company.  
 9 CRIVELLO CARLSON, S.C., 710 North  
 Plankinton Avenue, Suite 500, Milwaukee, Wisconsin,  
 10 53203, by MR. PATRICK W. BRENNAN, appeared on behalf of  
 Bishop Richard J. Sklba.  
 11  
 12 That said deponent, before examination,  
 13 was sworn to testify the truth, the whole truth, and  
 14 nothing but the truth relative to said cause.  
 15 That the foregoing is a full, true and  
 16 correct record of all the proceedings had in the matter  
 17 of the taking of said deposition, as reflected by my  
 18 original machine shorthand notes taken at said time and  
 19 place.  
 20  
 21 Notary Public in and  
 22 for the State of Wisconsin  
 23  
 24 Dated this 7th day of November, 2011,  
 25 Milwaukee, Wisconsin.

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 BISHOP RICHARD J. SKLBA, was taken before  
 8 me at the Law Offices of Whyte, Hirschboeck & Dudek,  
 9 S.C., 555 East Wells Street, Suite 1900, Milwaukee,  
 10 Wisconsin, on the 3rd day of November, 2011, commencing  
 11 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.  
 25