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STATE OF MINNESOTA DISTRICT COURT
COUNTY OF STEARNS SEVENTH JUDICIAL DISTRICT

CASE TYPE: PERSONAL INJURY

Doe 2,
Plaintiff,
vs. Court File No. 73-CV-13-4894
Judge Vicki E. Landwehr
The Order of St. Benedict a/k/a and
d/b/a St. John's Abbey and a/k/a and
d/b/a St. John's Preparatory School
and Fr. Gilbert Allen Tarlton,
Defendants.

VIDEOTAPED DEPOSITION OF **FR. GILBERT ALLEN TARLTON**,
taken pursuant to Notice and Agreement under the Rules of
Civil Procedure for the District Courts of Minnesota, and
taken at the office of Bradshaw & Bryant, PLLC, 1505
Division Street, in the City of Waite Park, State of
Minnesota, on the 10th day of October, 2013, at 10:35
a.m., before Ruth E. Holdvogt, RPR, a Notary Public in
and for the County of Stearns, State of Minnesota.

I N D E X

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EXAMINATION

PAGE

By Mr. Anderson

5

DEPOSITION EXHIBITS

- A - John Doe List
- 1 - Psychological Evaluation
- 2 - Handwritten letter
- 24- Photo of John Doe 2 at age 10

(Reporter's Note: Exhibits A, 1, 2, and 24 were marked by Mr. Anderson prior to the deposition.)

OBJECTIONS:

By Mr. Stich: Pages 10, 11, 14, 17, 25, 26, 28, 30, 31, 33, 36, 38

By Mr. Franco: Pages 11, 14, 16, 22, 31, 42, 45

INFORMATION/DOCUMENT REQUESTS:

(NONE)

INSTRUCTIONS NOT TO ANSWER:

(NONE)

1 Fr. Gilbert Allen Tarlton being recorded on October
2 10, 2013, at approximately 10:35 a.m. in Waite
3 Park, Minnesota.

4 Will the attorneys present please
5 identify themselves for the record.

6 MR. ANDERSON: Jeff Anderson for the
7 plaintiff, John Doe 2.

8 MR. STICH: Robert Stich appearing on
9 behalf of Defendant Allen Tarlton.

10 MR. FRANCO: Bret Franco on behalf of
11 St. John's Abbey named as the Order of St. Benedict
12 in the suit.

13 MR. BRYANT: Michael Bryant. I don't
14 have a mike on, but Michael Bryant for the -- for
15 the plaintiff.

16 MR. ANDERSON: Also attending and just --
17 without appearance is Josh Peck just for
18 observation.

19 VIDEOGRAPHER: At -- at this time will
20 the court reporter please administer the oath.

21 (The court reporter administers the oath.)

22 THE WITNESS: I will do.

23 **FR. GILBERT ALLEN TARLTON,**
24 after having been first duly sworn,
25 states on his oath as follows:

EXAMINATION

1

2 **BY MR. ANDERSON:**3 Q Good morning, Father. Would you please state your
4 full name for the record.

5 A Allen Paul Tarlton.

6 Q And would you spell your last name for us.

7 A T-A-R-L-T-O-N.

8 Q Okay. How are you feeling today?

9 A So-so.

10 Q Okay. If you need to take a break, you let me know
11 and we'll take a break at any time.

12 A Okay.

13 Q You understand that you're under oath?

14 A Yes.

15 Q And that the questions that you're being asked and
16 the answers you're being given -- that you give
17 today are being recorded both by written
18 transcription and videotape?

19 A Uh-huh.

20 Q Yes?

21 A Yes.

22 Q Okay. Is it correct, Father, that you have been a
23 priest now for -- a monk for 55 years?

24 A Yeah.

25 Q Okay. And at all times, then, you've been under

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- 1 the -- the direction of whoever the presiding
2 Abbott was as your superior?
- 3 A That's right.
- 4 Q Who is currently your superior, the Abbott?
- 5 A Abbott John Klassen.
- 6 Q And how long has he been your superior as Abbott?
- 7 A I can't remember when he was elected.
- 8 Q The records I have show that he's been Abbott since
9 about 2000. That would make it about 13 years --
- 10 A Yeah.
- 11 Q -- sound about right?
- 12 A Yeah.
- 13 Q Okay. And then before that it was Abbott Timothy
14 Kelly, and the records show that he was Abbott for
15 about eight years. Does that sound about right?
- 16 A Yeah, that's right.
- 17 Q And before that the records that I have show that
18 it was Abbott Jerome Theisen -- is it pronounced
19 Theisen or Theisen?
- 20 A Theisen.
- 21 Q Theisen. And he was Abbott for about three years.
22 Does that sound about right?
- 23 A Three years.
- 24 Q I have him '79 to '82.
- 25 A (No response.)

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1 Q Seem longer?

2 A It seems like that was a little longer, but I'm not
3 sure.

4 Q My records could be wrong.

5 A Yeah.

6 Q And then before him it was Abbott John Eidenschink?

7 A That's right.

8 Q And you remember him?

9 A Oh, yes.

10 Q Yeah.

11 And the records seem to reflect, at least
12 those that I have, that he was Abbott five years,
13 from '71 to '79. Sound about right?

14 A To the best of my recoll -- recollection.

15 Q Okay. And then before him was Abbott Dworschak,
16 and the records that I reviewed show that he was
17 Abbott for about 21 years, quite a long time?

18 A That's right, he was.

19 Q And when you were ordained a priest and a monk --
20 do you re -- prefer to be referred to as a priest
21 or a monk?

22 A It doesn't really matter.

23 Q It doesn't. Okay. I'll call you Fr. Tarlton.

24 A I'm actually both.

25 Q Yeah. Okay.

1 Father, it -- it appears that you were
2 actually ordained a priest, a monk, in -- during
3 the time that Abbott Dworschak was a superior;
4 correct?

5 A That's right.

6 Q Okay.

7 A 1955.

8 Q Okay. We're here today to ask you some questions
9 concerning your history, and in particular you
10 understand that I represent a -- a young man who's
11 identified here as John Doe 2.

12 And how is your reading?

13 A I beg your pardon?

14 Q How is your reading? Can you read?

15 A Yeah.

16 Q Okay. I -- I mean your vision in terms of right
17 now.

18 A Oh.

19 Q I'm going to show you for today the -- his name so
20 you know what his name is. And on Exhibit A -- on
21 Exhibit A, Father, you'll see I'm underlining "John
22 Doe 2" (indicating)?

23 A Uh-huh.

24 Q Do you see that?

25 A Yeah.

- 1 Q And then I'm also underlining the name of John Doe
2 2 (indicating). Okay?
- 3 A Okay.
- 4 Q And that is the name of John Doe 2.
- 5 A Uh-huh.
- 6 Q Do you read that there?
- 7 A Yeah.
- 8 Q Okay. For purposes of that, I'm going to just keep
9 that there for you now. And I've marked that
10 Exhibit A, Father. Okay?
- 11 A Okay.
- 12 Q We'll just keep that there. It's got some other
13 names on it.
- 14 A Okay.
- 15 Q Okay. Father, over the years you've been in
16 various assignments?
- 17 A (Witness nods head.)
- 18 Q And each of those times it is correct to say that
19 it was the Abbott who would assign you to any
20 position in or out of the abbey; correct?
- 21 A That's correct.
- 22 Q Okay. And it would then be the Abbott to whom you
23 make a promise of obedience?
- 24 A That's right.
- 25 Q And it is the Abbott as your superior that you make

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1 a promise of celibate chastity?

2 A That's right.

3 Q What is the promise of celibate chastity as you
4 understood it to be?

5 A As I understand it, that I not have sexual
6 relations with anyone or even -- including myself.
7 But that would -- that's the essence of the
8 promise.

9 Q Okay. And is it correct to say that in the 50-plus
10 years that you've been a priest and a monk, you
11 have had difficulty controlling your own sexual
12 impulses?

13 A I prefer not to answer that question.

14 Q Okay. Is it correct to say -- well, I -- I know
15 it's difficult to talk about these things, but I
16 think we have to ask -- I have to ask you and I
17 think you -- you need to answer.

18 Is it correct to say that you've had a hard
19 time controlling your sexual impulses and acting
20 out?

21 MR. STICH: Well, I'm going to object as
22 repetitious. The witness has indicated he did not
23 want to answer.

24 Did -- did you want to state the reason
25 that you didn't want to answer?

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1 THE WITNESS: Decided to take my fifth --
2 my fifth amendment right.

3 Q (By Mr. Anderson, continuing) Is it -- is it
4 correct to say, Father, that while you've been a
5 monk and a priest affiliated with St. John's and
6 under the Abbots over the years, you first were
7 caught engaging in sexual misconduct with students
8 in 1955?

9 A I would like to take my fifth amendment right.

10 Q Is it -- is it correct to say, Father, that you
11 have certain medical conditions right now that have
12 been diagnosed?

13 A I --

14 MR. FRANCO: Objection to the form of the
15 question. What -- what medical conditions are you
16 talking about --

17 MR. ANDERSON: Well, I'm asking him.

18 MR. FRANCO: I'm objecting.

19 Q (By Mr. Anderson, continuing) Okay. Is -- is it
20 correct to say that you -- what have you been
21 diagnosed with, Father?

22 MR. STICH: Well, I'm going to object to
23 that on the basis of medical privilege.

24 MR. ANDERSON: Counsel, you submitted a
25 -- a document to the Court with some kind of

1 medical record. I've asked for that this morning.
2 It's correct to say that you have chosen not to
3 provide it and we'll deal with that later; correct?

4 MR. STICH: Correct. That's correct,
5 Your Honor. That's correct, Mr. Anderson.

6 Q (By Mr. Anderson, continuing) Okay. Father, I'm
7 going to show you what I've marked as Exhibit 1.
8 And this is a report, a psychological report.
9 And it's several pages and it's prepared by a
10 Jay T. McNamara, and it is concerning an evaluation
11 done of you by him. And it's signed November 4,
12 1992, but actually done in October of 1992. Do you
13 remember seeing Dr. McNamara at the request of the
14 then-Abbott?

15 A I prefer not to answer that question on the basis
16 of my fifth amendment right.

17 Q I'm going to refer you, Father, to the first page
18 of that report, Exhibit 1. And at the second
19 paragraph under "Reason For Referral," I'm going to
20 read a part of it, then -- then ask you a question.
21 It states, "Father Allen Tarlton was ref" --
22 "referred to our office by Father Jonathan Licari."

23 Who -- is it correct to say that Jonathan
24 Licari was then the Prior Administrator at
25 St. John's Abbey?

1 A I prefer not to answer that question on the... the
2 basis of my fifth amendment right.

3 Q It goes on to state at the next sentence, "Father
4 Tarlton recently has had charges of sexual
5 misconduct filed against him by a former student
6 who alleges that in 1982 Father Tarlton engaged in
7 sexual activity with him on two separate occasions.
8 Father Tarlton acknowledges sexual conduct on one
9 occasion but does not remember a second incident."

10 Is that correct, Father?

11 A I prefer not to answer that question on the basis
12 of my fifth amendment right.

13 Q Father, I'm going to direct you to the second page
14 of the exhibit. And at the top of it, at the
15 second paragraph there is some information. But
16 before I ask, it -- it's talking about your history
17 and it begins by saying, "His father-figure, Bill
18 Smith, lived with another woman approximately
19 one-half block away from Father Allen's home."

20 Do you remember Bill Smith?

21 A I prefer not to answer that question on the basis
22 of my fifth amendment rights.

23 Q Is it correct to say that Bill Smith treated you at
24 some times very lovingly but at other times in a
25 very physically abusive way?

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1 A I prefer not to answer that question on the basis
2 of my fifth amendment rights.

3 Q Is it correct to say that Bill Smith when you were
4 a youth and he was an adult abused you physically
5 and/or sexually?

6 MR. FRANCO: I'm going to object to the
7 relevance. I don't know how this could possibly
8 lead to the discovery of admissible evidence and it
9 appears to be har -- for purposes of harassing.

10 MR. STICH: Counsel, I -- I'm going to
11 object on the grounds that Father Tarlton has not
12 voluntarily put his medical condition at issue in
13 this litigation and that, therefore, he's entitled
14 to the medical privilege.

15 Q (By Mr. Anderson, continuing) I'm going to direct
16 your attention back to this paragraph, Father, and
17 I'll read from it. It states, "His father-figure,
18 Bill Smith, lived with another woman approximately
19 one-half block away from Father Allen's home. He
20 reports that as a child he had a very ambivalent
21 relationship with Bill who was alternately
22 compassionate and physically aggressive with him."
23 It then states, "When Father Allen would do
24 something wrong, his mother would send him to find
25 Bill who would then strip him naked and beat him

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1 with a cord."

2 Is that correct?

3 A I prefer not to answer that question on the grounds
4 of my fifth amendment rights.

5 Q When you were at the prep school and assigned as a
6 -- a monk there and a teacher, did you act
7 physically aggressive towards the students and
8 strip them naked and beat them with a ruler or a
9 cord?

10 A I prefer not to answer that question on the basis
11 of my fifth amendment rights.

12 Q Father, I'm now going to direct your attention to
13 the fourth page of Exhibit 1, and at -- at the top
14 of this exhibit at the paragraph -- I'm going to
15 read from it and then ask you a question about
16 that. It states, "Father Allen was ordained in
17 1955 and was given Prefect duties as well as
18 English teaching responsibilities in the prep
19 school."

20 Is that correct?

21 A That's correct.

22 Q Okay. "From 1955 to 1958 he taught in the prep
23 school and then from 1958 to 1961 taught at the
24 University."

25 Is that correct?

1 A That's correct.

2 Q It then states, "He described sexual contact with
3 several students during this time, and repeated
4 sexual contacts with one particular student in
5 1955."

6 Is that correct?

7 MR. FRANCO: Objection to the form of the
8 question.

9 Q (By Mr. Anderson, continuing) Is that correct?

10 A I refuse to answer that question on the basis of my
11 fifth amendment.

12 Q It then states, "Father Tarlton indicates that two
13 of the students complained of sexual contact with
14 him and the Abbott ultimately removed Father
15 Tarlton from the prep school."

16 Is that correct?

17 A I refuse to answer that question on the basis of my
18 fifth amendment right.

19 Q How many times, Father, were you removed from an
20 assignment because of inappropriate sexual contact
21 with youth?

22 MR. FRANCO: Objection; calls for
23 speculation.

24 A I refuse --

25 MR. FRANCO: Objection to the form of the

1 question.

2 MR. ANDERSON: I'm going to allow you to
3 reserve any objections as to form. Okay.

4 MR. FRANCO: Okay.

5 MR. ANDERSON: So you don't interrupt
6 unnecessarily. There's nothing wrong with the form
7 of that question. If you continue to use form as
8 an objection, I'm going to consider it an
9 obstruction. I'm just --

10 MR. FRANCO: I'm going to make objections
11 I feel are proper.

12 MR. ANDERSON: I'm just telling you.

13 Q (By Mr. Anderson, continuing) Father, I'm sorry, I
14 don't remember if I had a question before you so
15 I'll ask another question.

16 A Okay.

17 Q Okay. The question I think -- I'm not sure I got
18 an answer to because I engaged with Counsel -- was,
19 can you tell me how many times beyond what is
20 described here you were removed from an assignment
21 by the Abbott who was presiding because of
22 inappropriate sexual contact with minors?

23 MR. STICH: Now just a minute. To that
24 one I'm going to object as calling for the state of
25 mind of whatever Abbott you're talking about and

1 beyond this witness's knowledge.

2 Q (By Mr. Anderson, continuing) What is your answer,
3 Father?

4 A I refuse to answer that question on the basis of --
5 the basis of my fifth amendment rights.

6 Q It goes on to state here, Father, that "During the
7 period 1958 to 1961, Father Tarlton reports that he
8 began drinking, at times to excess."

9 Did you have a drinking problem?

10 A I refuse to answer that -- that question on the
11 basis of my fifth amendment -- fifth amendment
12 rights.

13 Q Your assignment history in this record says that in
14 1961 you were transferred to the Bahamas. Is that
15 correct?

16 A I refuse to answer that question on the basis of my
17 fifth amendment rights.

18 Q The next paragraph, Father, in this exhibit that is
19 paragraph three of Page 4 states: In late 1961, he
20 was sent by the Abbott at St. John's to Seton
21 Psychiatric Institute in Maryland, where he
22 remained for 23 months.

23 Is that correct information as you reported it
24 then to Father (sic) McNamara?

25 A I refuse to answer that question on the grounds

1 that it offends my fifth amendment rights.

2 Q The next paragraph states that: Following his
3 tenure at Seton Psychiatric Institute, he returned
4 to the Bahamas for six months.

5 Do you remember that, Father?

6 A Well, I refuse to answer that question on the basis
7 of my fifth amendment rights.

8 Q I'm going to direct your attention, Father, to Page
9 5 of the same exhibit. That would be the next
10 page. At paragraph five, as you read that, you can
11 see that it refers to entering treatment at
12 Hazelden Chemical Dependency Treatment Center.

13 Do you see that?

14 A Yes.

15 Q Okay. And it also says that you were in 1983 sent
16 to St. Luke's Hospital in Maryland. Do you see
17 that?

18 A Yes.

19 Q Okay. Is it correct to say that you were sent to
20 both Hazelden and then to St. Luke's?

21 A I refuse to answer that question on the grounds of
22 my fifth amendment rights.

23 Q I'm going to direct your attention now, Father, to
24 Page 7. And do you have that before you now?

25 A Yes.

1 Q And at the top of it, the first word on Page 6 at
2 the -- I mean the last word on Page 6 is "He," and
3 then at the top of Page 7 it states, "shows a
4 pattern of intense and unstable interpersonal
5 relationships and serious impulse control problems
6 in the area of his sexual acting out and his
7 chemical abuse/dependency."

8 Is it correct to say this is information that
9 was true as reported and found at that time?

10 A I refuse to answer that question on the grounds of
11 my -- my fifth -- fifth amendment -- amendment
12 right.

13 Q The next paragraph, Father, says, "There are some
14 clear indications that Father Tarlton has variously
15 engaged in predatory sexual behavior and more
16 passive-reactive sexual acting out both with
17 students and with age-level peers."

18 Is that true?

19 A I refuse to answer that question on the basis of my
20 fifth amendment -- amendment rights.

21 Q At any time have any of your Abbots or your
22 superiors who I identified since your ordination or
23 since 1955 ever asked you, Father, how many kids
24 you have abused?

25 A I refuse to answer that question on the basis of my

1 fifth amend -- amendment rights.

2 Q When you've discussed matters with your Abbott,
3 have you at ever -- any time when he's asked you
4 questions about your conduct or your history ever
5 invoked your right against self-incrimination and
6 your fifth amendment right until today to him?

7 A I refuse to answer that question on the basis of my
8 fifth amendment rights.

9 Q When you -- when you assert your fifth amendment
10 right here today, Father, is this the first time
11 you ever have done that?

12 A I -- I refuse to answer that question on the basis
13 of my fifth amendment rights.

14 Q I think you got to answer that one. I think -- I
15 think you should answer that one, Father. If -- if
16 it's the first time, I think you need to answer
17 that.

18 MR. STICH: I -- well, I disagree. I
19 don't...

20 MR. ANDERSON: I think so.

21 MR. STICH: That's tied in to your last
22 question.

23 MR. ANDERSON: Well...

24 MR. STICH: About his conversation with
25 Abbotts.

1 MR. ANDERSON: Well, it's a more general
2 question, but I can -- if it -- if it lacks
3 clarity, I'll -- I'll rephrase it if you want.

4 Q (By Mr. Anderson, continuing) At any point -- is
5 this -- is this the first time you have ever been
6 examined by anybody and asked questions and you
7 have asserted a right against self-incrimination
8 under the fifth amendment? "Yes" or "no."

9 MR. FRANCO: I would object. Asked and
10 answered. He already refused to answer this
11 question.

12 Q (By Mr. Anderson, continuing) You may answer. It
13 would be a "yes" or "no," is this the first time?

14 A I object to that question on the basis of my fifth
15 amend -- amendment rights.

16 Q Now, Father, I'm going to direct you back to
17 paragraph three here. At paragraph three in the
18 middle of it -- I'll help you find it.

19 MR. BRYANT: Are you still on 7?

20 MR. ANDERSON: Yes, on Page 7.

21 Q (By Mr. Anderson, continuing) And right here
22 you'll see I'm going to read this part here. And
23 it states in the middle (reading from document),
24 Nevertheless, the strongest indications are that
25 the extremely unstable personality structure that

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1 Father Tarlton has demonstrated throughout his life
2 leaves -- leaves him, residually, an extremely high
3 risk to act in some sort of self-destructive,
4 harmful manner.

5 Is that correct information?

6 A I refuse to answer that question on the basis of my
7 fifth amendment rights.

8 Q At that same page, Father, if you'd turn to the
9 bottom of it and look at the last paragraph, you'll
10 see there and -- I'll read from it, then ask you a
11 question. It states, "It is not within the scope
12 of this report to make specific recommendations for
13 what Father Allen Tarlton can or cannot do within
14 the parameter of St. John's Abbey. However, we
15 would strongly discourage him from being in
16 positions where he might possibly come in contact
17 with individuals, particularly vulnerable
18 individuals, that he might exploit."

19 Is that a finding that you were aware of?

20 A I refuse to answer that question on the basis of my
21 fifth amendment -- fifth amendment rights.

22 Q Father, I'm going to now show you Exhibit 2.

23 And we'll just put this one aside for a moment
24 (indicating).

25 A (Witness examines document.)

1 Q And, Father, do you recognize Exhibit 2 as your own
2 handwriting?

3 A I'm not quite sure, really.

4 Q Well, if you look at the second page, look at the
5 signature there. I appreciate it's a photocopy,
6 but is that your --

7 A Yeah.

8 Q Is that your signature?

9 A That's my signature.

10 Q Okay. And you can see Exhibit 2 is also addressed
11 to "Dear Father Abbott," isn't it?

12 A Yes.

13 Q So it's signed by you, addressed by you to the
14 Abbott; correct?

15 A Yes.

16 Q And you can also see at the top of this the year of
17 your letter to the Abbott is July 26, 1960;
18 correct?

19 A Yes.

20 Q And the Abbott in 1960, according to my records,
21 would be then Abbott Dworschak?

22 A That's right.

23 Q Okay. Do you remember writing him this letter?

24 A Actually, I don't remember writing him this letter;
25 but obviously I guess this is my letter.

1 Q Okay. Let me ask you to read because it's your
2 handwriting, if you would, at the start. I'm
3 having some trouble reading it, so if you would
4 just -- very slowly just read the first couple of
5 sentences there after "Dear Father Abbott."

6 MR. STICH: Well, I'm going to object on
7 the grounds of -- to the form of the question,
8 having the witness read rather than putting a
9 question to him. And I'm also objecting on the
10 grounds of relevance.

11 MR. ANDERSON: Your objection is noted.

12 Q (By Mr. Anderson, continuing) Would you go ahead
13 and read that, Father.

14 A After -- after the introduction, is that where you
15 want me to start?

16 Q Please. After "Dear Father Abbott."

17 A (Reading from document) After two weeks of digging
18 into my conscious and unconscious, some things are
19 beginning to...

20 Q "Turn"?

21 A (Reading from document) Turn up which shed light
22 in this prob -- on this problem. As you may have
23 surmised, this problem of homosexuality is mere --
24 is merely a symptom of a diff -- different -- of a
25 -- of a deeper difficulty. This deeper -- this

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1 deeper problem in my case seems to be intense
2 hostility against my parents, school, the church,
3 authority in general, and against several other
4 forces.

5 Q Okay. You can stop there. When you're referring
6 to the problem of homosexuality, was that your
7 inability to control your sexual impulses with
8 youth and adults at that time?

9 A I refuse to answer that question on the grounds of
10 my -- my rights to my fifth amendment.

11 Q Okay. Going back to the letter, Father, the next
12 paragraph is hard to read. And if you would be so
13 kind to read for me beginning with it looks like
14 "Since everything"? Is that --

15 A (Reading from document) Since everything here --

16 MR. STICH: Just a -- the same objection
17 that I made the last time you asked him to read.

18 MR. ANDERSON: You may have a continuing,
19 Counsel.

20 Q (By Mr. Anderson, continuing) Go ahead.

21 A (Reading from document) Since everything here in
22 -- in this -- in the hospital contributes to the
23 ideal setting for getting at the root of the -- of
24 this dis -- disturbance, I would like to take -- to
25 remain here another week or as -- as part two if it

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1 is at all -- all right with you. The doctor also
2 seems to think this would be a good idea.

3 Q Okay. Thank you, sir.

4 And then at the next paragraph if you would
5 also kindly begin to read the beginning of that
6 paragraph.

7 A (Reading from document) One of the most serious
8 problems I have faced since coming here was Did I
9 actually have a vocation to the religious life?
10 Probably you would remind -- remark that it is a --
11 it is -- it is a bit late to decide this issue.
12 But this question has bothered me very much since
13 ordination and I've seen -- been in -- in -- I've
14 been... I didn't... I can't figure that word out.

15 Q Okay. You can -- you can continue.

16 A (Reading from document) To ask for a dispensation.
17 Since coming here and talking with my -- with the
18 psychiatrist and even some of the -- of the other
19 patients, I've become convinced that God has called
20 me to the priesthood and reli -- and religious
21 life.

22 Q Okay. Did you ever at any time ask for a
23 dispensation?

24 A I refuse to answer that question on the grounds
25 that it -- at -- on the basis of my -- my fifth

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1 amendment rights.

2 Q Okay. If you would go back, then, to the last
3 sentence in -- in this first page. And if you
4 would read that I would say starting right here,
5 the first sentence there (indicating).

6 A (Reading from document) I've even been limited to
7 take the -- to ask for a dispensation. Since
8 coming here and talking with the psych -- that?

9 Q Yeah. The part after that where that ends and says
10 --

11 A (Reading from document) And even some of the other
12 patients.

13 Is that where you --

14 MR. STICH: I'll object, Counsel. He's
15 already read this.

16 MR. ANDERSON: Yeah. I was trying to
17 get him to read --

18 MR. STICH: It's repetitious.

19 MR. ANDERSON: -- the next sentence.

20 (Unintelligible.)

21 Q (By Mr. Anderson, continuing) Oh, okay. Start
22 right here (indicating).

23 A (Reading from document) In fact, after talking
24 with the doctor, I feel strongly that God might
25 have used my difficulty in order to bring me to

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1 religious life. Putting this in proper -- put --
2 putting this on paper makes my thinking around --
3 making my -- my thinking sound confused, I guess,
4 but I shall try to clarify it when I can talk to
5 you personally.

6 Q Would you please read the -- the final paragraph
7 and then your salutation.

8 A (Reading from document) There was a Benedictine
9 cleric here from Conception who knew most of the
10 newly ordained -- most of the newly ordained
11 studying -- studying their fifth year of theology
12 at the abbey. He said they were coming along well.
13 Also Assumption Abbey has a man here at present in
14 the person of Father Finnian.

15 Q Thank you, Father, for reading that for -- for me.

16 Father, remember when I showed you Exhibit A,
17 I showed you the name of the young man -- well, now
18 he's not a young man, now he's 51 years old, but I
19 showed you the name of the John Doe?

20 A Uh-huh.

21 Q Do you remember that name that I showed you?

22 A Yeah.

23 Q Okay. I have a picture here. Yeah.

24 Father, I'm now going to show you a picture of
25 that John Doe 2 as he was depicted in... as he was

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1 -- a photo of him taken at the age of ten when it
2 is -- when it is claimed by him that you while he
3 was a student at the prep school on -- on multiple
4 occasions forced him and coerced him to engage in
5 sexual activity in -- in a manner in which you beat
6 him and anally raped him. Do you recognize that
7 kid, Father?

8 MR. STICH: I'm going to object to --
9 it's a compound question. I'm objecting to the
10 form of the question.

11 MR. ANDERSON: I'll rephrase it. I'll
12 rephrase it.

13 MR. STICH: I think it's kind of
14 confusing. It sounds like something happened when
15 he was ten.

16 MR. ANDERSON: Yeah. Let -- I'll
17 rephrase.

18 Q (By Mr. Anderson, continuing) Okay. Father, first
19 I'm going to show you Exhibit 24, a picture of John
20 Doe 2 when he was ten years old. Okay?

21 A Uh-huh.

22 Q Do you see that?

23 A Yeah, I see it.

24 Q Do you recognize him?

25 A No.

1 Q Would you hold that exhibit up for the camera.

2 MR. FRANCO: Objection. What -- what is
3 the purpose of that?

4 MR. STICH: You can -- you can hold it
5 up, Jeff.

6 MR. ANDERSON: Okay.

7 MR. STICH: The witness doesn't have to.

8 THE WITNESS: Hold, me?

9 MR. ANDERSON: Yeah. But that's okay.
10 I'll hold it up. I'll hold it up.

11 Okay. Is it on the camera?

12 VIDEOGRAPHER: (Videographer nods head.)

13 Q (By Mr. Anderson, continuing) Did you force
14 yourself upon this student when he was at
15 St. John's and engage in sexual contact with him
16 including anal penetration?

17 A I don't even remember when he was at St. John's. I
18 have no memory of him at all.

19 Q Do you remember anally penetrating students at
20 St. John's?

21 A Never. Never.

22 Q Do you remember engaging in sexual contact with
23 students at the prep school?

24 A I refuse to answer that question on the grounds
25 that it may incriminate me (unintelligible).

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- 1 Q Do you deny that you ever engaged any of the
2 students at the prep school in anal penetration?
- 3 A I certainly deny that.
- 4 Q Do you deny inserting your finger into the rectums
5 of the --
- 6 A No, I -- yes, I do deny that.
- 7 Q Do you deny having placed your hands upon the
8 genitals of prep students at St. John's?
- 9 A I did do that, yes.
- 10 Q How many times? To how many students?
- 11 A I don't remember. And I don't remember that,
12 either.
- 13 Q Is it fair to say that there are so many that you
14 don't know the number?
- 15 A It certainly was not that many, no.
- 16 Q How many do you think it was?
- 17 A I can't remember -- remember at this point. I
18 can't.
- 19 Q I'm going to refer you back to the Exhibit A, the
20 first list I showed you, Father.
- 21 A Yeah.
- 22 Q And you'll see on the Exhibit A -- we call it the
23 Doe list -- I have listed the names of 16
24 individuals, 14 of whom we have the last name and
25 two we don't have the last name. But I'm going to

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1 ask you to look at that list of the names in the
2 right-hand column for a minute and see if you
3 recognize any of those names as students you had
4 some affiliation with or memory of today. Just
5 take a moment to -- to review those names. And if
6 you do, just put a check by the names you
7 recognize.

8 MR. STICH: Well, just -- just a minute.
9 I'm going to object to asking the witness to have
10 to make anything in writing. I think you're
11 entitled to ask him questions, but I don't think
12 you're entitled to force him to make any writing or
13 any indication with any pen.

14 MR. ANDERSON: The legal basis for that
15 one is?

16 MR. STICH: That you don't have the right
17 to do it.

18 MR. ANDERSON: Okay. Okay. Okay. Would
19 you prefer I not do it?

20 MR. STICH: I -- yeah. I'm going to
21 object and --

22 MR. ANDERSON: I'll -- I'll respect it.
23 If you request it, I'll respect it.

24 Q (By Mr. Anderson, continuing) Father, do you
25 recognize any of those names? Take a moment, then.

- 1 A (Witness examines document.) Yes.
- 2 Q Okay. And can you just point me to which ones you
3 do and I'll identify them as a Doe number?
- 4 A I remember .
- 5 Q Okay. Well, let's not use the name, but I'll put a
6 check by the one --
- 7 A Yeah, okay.
- 8 Q -- you just said. On this record that would be
9 John Doe 5. I just lined that one up to the name
10 you recognized; correct?
- 11 A Well, wait a minute now. That doesn't mean
12 necessarily I had any sexual relations.
- 13 Q No, no. I'm just saying do you recognize the name
14 as a student?
- 15 A I recognize the name, yes.
- 16 Q Okay. Any others besides that John Doe 5?
- 17 A I know that one,
- 18 Q Okay. And I'll line that one up with John Doe 6.
- 19 A
- 20 Q Okay. Well, don't say the name. Just --
- 21 A Oh.
- 22 Q -- give me that -- that one right there. I'll line
23 that one up as John Doe 7.
- 24 A Him (indicating).
- 25 Q Okay. And that would be lined up with John Doe 9;

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1 correct?

2 A Wait a minute. -- that -- this one

3 (indicating).

4 Q Oh, this one right here. Okay. That's John Doe 8.

5 A Yeah.

6 Q What about this John Doe 9, do you see that name?

7 That would be a kid from Ethiopia?

8 A Oh, yes. I --

9 Q Do you remember him?

10 A -- remember him.

11 Q Okay.

12 A I remember -- remember this one (indicating).

13 Q Okay. That's John Doe 10?

14 A This one I don't remember (indicating).

15 Q Okay. Don't remember 11.

16 What about 12, do you remember that one?

17 A No.

18 Q Okay. What about 13, do you remember that one?

19 A No.

20 Q Okay. 14?

21 A I don't remember any of these.

22 Q Okay. There's also 15 and 16 that have first names

23 and we don't have last names. Do the -- that --

24 does that name, four -- 15, ring any bells for you?

25 A No.

1 Q Okay. It looks like a nickname. Thank you,
2 Father.

3 MR. STICH: Excuse me, Counsel. Could we
4 take a -- just --

5 MR. ANDERSON: A break?

6 MR. STICH: A break? I --

7 MR. ANDERSON: Sure.

8 MR. STICH: -- just noticed something
9 from --

10 MR. ANDERSON: Sure. Absolutely.

11 MR. STICH: -- from Allen's nurse.

12 MR. ANDERSON: Sure.

13 We're going to take a break, Father. And
14 this is a time where we'll just take whatever time
15 you need. Okay?

16 VIDEOGRAPHER: We're off video record.

17 The time is approximately 11:24 a.m.

18 (Whereupon, a recess was taken.)

19 VIDEOGRAPHER: We are back on video
20 record. The time is approximately 11:38 a.m.

21 MR. STICH: Counsel, I -- I want to put
22 something on the record.

23 We just had a break and -- and Allen
24 Tarlton was ministered to by his nurse who is here.
25 And it's clear to me that Allen Tarlton was

1 confused during your last series of questions, and
2 so I want to put on the record an objection to that
3 series of questions on that basis, that it was
4 clear that the witness was confused with regard to
5 his answers.

6 MR. ANDERSON: Noted.

7 Q (By Mr. Anderson, continuing) Father, I'm going to
8 go back for a moment to the John Doe 2 whose
9 picture I showed you which is Exhibit 24. And I'm
10 going to ask you some questions about this
11 individual whose name we've already identified
12 right here as John Doe 2 (indicating). Okay?

13 A Yeah.

14 Q Thank you.

15 In the summer of 1977 you were at -- a -- a
16 Prefect at the prep school, were you not?

17 A I don't remember.

18 Q Okay. And -- and do you remember taking this kid,
19 John Doe 24, bending him over your desk at your
20 desk --

21 MR. BRYANT: Excuse me.

22 MR. ANDERSON: Just a moment.

23 MR. FRANCO: You said John Doe 24.

24 MR. ANDERSON: Excuse me.

25 MR. BRYANT: John Doe 2.

1 Q (By Mr. Anderson, continuing) John Doe 2 in
2 Exhibit 24, and bending him over your desk and
3 removing his underwear?

4 MR. STICH: Just a minute. Before you
5 answer, I'm going to object to the form of the
6 question because the witness has already
7 disqualified himself, saying he does not remember
8 that individual. So to ask him a question about an
9 individual he doesn't remember is irrelevant and --
10 and I think is harassment.

11 MR. ANDERSON: In 19 -- are you going to
12 instruct him not to answer?

13 MR. STICH: Rephrase the question.

14 Oh, wait. I -- I have the question in
15 mind.

16 MR. ANDERSON: I'll just ask a question
17 that you can't conceive an objection -- an
18 objection of.

19 MR. STICH: I might think of one, Jeff.

20 MR. ANDERSON: You might try.

21 Q (By Mr. Anderson, continuing) Father, in 1977 did
22 you engage in sexual contact with any of the
23 students over whom you were a teacher at
24 St. John's, the prep school, and a Prefect in the
25 dorm?

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- 1 A I refuse to answer that question using my fifth
2 amendment right.
- 3 Q And this John Doe 2 has claimed in this suit that
4 in the summer of 1977 he was assigned to you in
5 English class. Were you teaching English in 19 --
6 in the 1970s?
- 7 A I refuse to answer that question.
- 8 Q And he has reported that you were in charge of him
9 24 hours a day. Were there situations where you
10 were in charge of students 24 hours a day by reason
11 of your position?
- 12 A I refuse to answer that question, the right of my
13 -- my free -- fifth amendment right.
- 14 Q He claims in this suit that on multiple occasions
15 you turned your flashlight on him in the night and
16 in the dorm, pointed it at him and brought him out
17 to the catwalk, where you forced him down on his
18 knees. Did you do that?
- 19 A I... I refuse to answer that question because of
20 my fifth amendment right.
- 21 Q He also claims that at -- at that time that you
22 removed his underwear and restrained him so that he
23 could not move as you --
- 24 A Um --
- 25 Q Just a moment. As you spanked him. Did you do

1 that to him or any other student at the prep school
2 at that time?

3 THE WITNESS: Could I see you outside for
4 a moment? Is that possible?

5 MR. ANDERSON: Not with a question
6 pending.

7 MR. STICH: There's a --

8 MR. ANDERSON: He has to answer.

9 MR. STICH: There's a question pending.

10 A I do not remember anything that happened in 1977 as
11 far as anything directly involving him or of any
12 camp.

13 Q (By Mr. Anderson, continuing) Okay.

14 A At St. John's.

15 Q This didn't pertain to a camp. But my question,
16 then, is, in the 1970s how many students that were
17 at the prep school that you were in contact with
18 did you have sexual contact with?

19 A I -- I don't recall having sexual con -- sexual
20 contact with any student in 1977. Is that your
21 year?

22 Q What about in the 1970s?

23 A I don't remember at all.

24 Q What about the 1960s?

25 A I have no idea.

1 Q What about the 1950s?

2 A I have no idea.

3 Q What about the 1980s?

4 A I have no idea.

5 Q What about the 1990s?

6 A I have no idea.

7 Q You were restricted in 2002, weren't you?

8 A I think that was it, yeah.

9 Q And when you were -- when the restriction was
10 imposed by the Abbott on you in 2002, how did that
11 change your life? What weren't you then able to do
12 that you had been able to do before you were
13 restricted?

14 A Well, I wasn't teaching, as I recall, but I was
15 living in the monastery. So I was restricted,
16 didn't have access to students.

17 Q And how were you kept from having access to
18 students?

19 A Well, there wasn't any reason why I would be with
20 students. I mean I didn't go over to the prep
21 school. I certainly didn't have any students in my
22 room in the monastery. I didn't -- I really didn't
23 have access to students.

24 Q Okay. After the restrictions, if I'm hearing you
25 correctly, then, you weren't allowed to teach and

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1 be with the students at the prep school; is that
2 correct?

3 A That's right.

4 Q Any other restrictions on your activities or your
5 life beyond that?

6 A There was restrictions. Yeah, there were
7 restrictions that were reported -- im -- reported
8 -- or imposed by the bishops of the -- the
9 so-called Dallas -- the Decrees of the -- of the
10 Dallas meeting of the bishops. And those were
11 restrictions that were reim -- reimposed on priests
12 that had been guilty of sexual abuse.

13 And mine was restrictions for like travel was
14 concerned. Wearing of the clerical garb was
15 another thing. That was about -- the restriction
16 of participating in public ministry. Those --
17 those kinds of restrictions. So those were
18 imposed, yeah.

19 Q And those were imposed because you had been found
20 guilty of sexual abuse of minors?

21 MR. FRANCO: Objection; calls for the
22 witness to speculate.

23 Q (By Mr. Anderson, continuing) You can answer.

24 A I'd prefer not to answer that one.

25 Q I think you have to.

1 MR. STICH: Well, I'm -- what -- what is
2 the basis upon which you prefer not to answer?

3 THE WITNESS: Well, it's my right, my --
4 my fifth amendment right.

5 Q (By Mr. Anderson, continuing) Okay. I'll go back,
6 then, to John Doe 2 and the claims that have been
7 made by him both against you for sexual assault and
8 battery and sexual abuse. It is claimed by him
9 that he -- you forced him to bend over your desk
10 and pulled down his underwear and spanked him.

11 A Yeah, I -- could I interrupt you here? I saw that
12 list of accusations against me. As I said, I do
13 not remember this man at all and --

14 Q Okay.

15 A -- so all of those accusations I have to deny, is
16 what I'm going to say.

17 Q I -- I hear that and I will not repeat that
18 question.

19 So the next question, then, is, did you spank
20 -- pull down the underwear and spank any of the
21 students at St. John's in -- in or around the time
22 you were at the prep school?

23 A No, I did not.

24 Q Do you deny ever having spanked any of those
25 students?

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- 1 A I deny that.
- 2 Q Do you deny -- deny ever having physically abused
3 any of the students with a ruler?
- 4 A I deny that emphatically.
- 5 Q Do you deny ever having asked the students at the
6 prep school about their sexual life and encourage
7 them into engage in sex with you?
- 8 A I deny that.
- 9 Q Did you make a point of watching the boys shower
10 after football games?
- 11 A I deny that.
- 12 Q Did you at any time take any student and bend the
13 student over your desk and force him to be naked on
14 your desk?
- 15 A I deny that.
- 16 Q Did you at any time manipulate the genitals, the
17 penis of any of the prep students?
- 18 A I deny that.
- 19 Q Did you ever lay your hands upon any of the
20 students -- your hands upon the genitals of any of
21 the students at the prep school while -- while a
22 monk and an Abbott (*sic*) there?
- 23 A That did happen.
- 24 Q To how many different kids?
- 25 A Maybe three.

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1 Q You're not sure about how many, are you?

2 A I'm not sure.

3 Q When you put your hands upon the -- the penis, the
4 genitals of those students that you do remember,
5 did you squeeze their penis?

6 A I don't remember that at all.

7 Q Did you have any of those students masturbate --

8 A No.

9 Q -- or masturbate any of those students?

10 A No, no.

11 Q Did you ejaculate?

12 A No.

13 MR. FRANCO: Objection; foundation.

14 Q (By Mr. Anderson, continuing) Did you have any of
15 those students ejaculate?

16 A I don't remember that.

17 Q Did you stick your finger inside the rectum --

18 A No.

19 Q -- of any of those students?

20 A No, no.

21 Q Did you force any of those students to masturbate
22 while engaged in sexual activity with you?

23 A No.

24 Q Did you force your penis inside the rectum --

25 A No.

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- 1 Q -- of any of those students?
- 2 A No.
- 3 Q Did you at any time put cream on the rectum of any
4 of those students?
- 5 A No.
- 6 Q Did you tend to any of those students whose rectum
7 was bleeding?
- 8 A No.
- 9 Q Do you have any recollection of ever having taken a
10 stick or a ruler --
- 11 A No.
- 12 Q -- or anything like that and ever using it --
- 13 A No.
- 14 Q -- on any of those students to coerce them sexually
15 or otherwise?
- 16 A No.
- 17 Q Looking back at Exhibit A, I made one change over
18 the break because I realized that one of the names,
19 John Doe 4, his name has been changed since he was
20 a student. And I wrote in my own hand what his
21 name was when he was at the prep school and I just
22 wrote it in there. I'm referring to John Doe 4,
23 and there is his name that was on the school
24 records. Do you recognize that name right here
25 (indicating)?

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1 A No.

2 Q Okay. When you look at this list that I showed you
3 in Exhibit A and these names that you do remember,
4 which of these names did you engage in sexual
5 contact with if any of these that you did appear on
6 this list?

7 A I refuse to answer that question using my fifth
8 amendment right.

9 MR. ANDERSON: I would have nothing
10 further.

11 MR. STICH: I have no questions.

12 MR. FRANCO: No questions.

13 VIDEOGRAPHER: We are off video record.

14 (Sotto voce discussion between
15 Mr. Anderson and Mr. Bryant.)

16 MR. ANDERSON: Oh. The final matter that
17 I'm not sure we have on the record so I want to
18 put, might as well, on the record is that you did
19 submit a medical record to Judge Landwehr supplying
20 a copy to her but not to us. I advised you,
21 Counsel, that I thought we were entitled to it.
22 You advised me that you would not provide it to us
23 voluntarily and that for us to have it, it would
24 require us to compel it from the Court. Is that a
25 correct statement of our conversation?

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MR. STICH: That's correct, Your Honor.

That's correct --

MR. ANDERSON: Thank you.

MR. STICH: -- Mr. Anderson.

MR. ANDERSON: Thank you.

MR. STICH: Counsel.

MR. ANDERSON: Thank you.

That's all.

VIDEOGRAPHER: We are off video record.

The time is approximately 11:57 a.m.

MR. ANDERSON: Okay.

COURT REPORTER: Would you like to advise
him?

MR. STICH: We've already discussed this,
and the witness will read and sign the deposition.

(The deposition concluded at 11:57 a.m.)

(The original transcript has been
delivered to Jeffrey R. Anderson.)

C E R T I F I C A T E

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I, Ruth E. Holdvogt, RPR, hereby certify that I am qualified as a verbatim shorthand reporter, that I took in stenographic shorthand the deposition under oath of **FR. GILBERT ALLEN TARLTON**, at the time and place aforesaid;

That the foregoing transcript, consisting of 49 pages, is a true and correct, full and complete transcription of the testimony of this witness, to the best of my ability;

That the review of the transcript was requested;

That the cost of the original transcript has been charged to the party who noticed the deposition and that all parties who ordered copies have been charged at the same rate for such copies;

That I am not a relative or employee of any of the parties or a relative or employee of any of the attorneys;

That I have no interest, financial or otherwise, in this action and have no contract with the parties or attorneys or persons with an interest in this action;

Witness my hand and seal this 14th day of October, 2013, in Eden Valley, Minnesota.

Ruth E. Holdvogt
Registered Professional Reporter

My Commission Expires: 01/31/2015