

May 8 2002 Afternoon Deposition of Cardinal Bernard Law
(Francis Leary, Plaintiffs v. Father John Geoghan, Defendants, Boston, MA)

1 (Video on.)

2 VIDEO OPERATOR: We're again on the
3 record. The time is 1:04 p.m.

4 MR. GORDON: I have two documents I'd
5 like to have marked as Exhibits, I think 230 and
6 231. They're both videotape stipulations, and
7 could you just mark them as exhibits? Then I'll
8 describe them on the record.

9 (Documents marked as Exhibit 230, 231
10 for identification.)

11 MR. GORDON: Just so the record is
12 clear, as Exhibit 230, there is a videotape
13 stipulation by George Libbares of National Video
14 Reporters stating that he's read Paragraph 3(b)
15 of Procedural Order IV. This is one of Judge
16 McHugh's earlier order that covered explicitly
17 videotapes, and he says in this stipulation that
18 he's read 3(b), a copy of which is attached to
19 the stipulation, and agrees to the terms of 3(b)
20 of said order, namely that the taped video
21 results from the deposition shall be delivered to
22 the officer before whom the deposition is and
23 retained by him or her until further order of the
24 court. No copies of the tape shall be made nor

1 shall any person, except counsel of record or a
2 party, be permitted to view the tape without
3 further order of the court. Before the
4 deposition begins, a copy of this order shall be
5 delivered to all persons involved in creating the
6 videotape recording and they shall agree to its
7 terms in writing that Plaintiffs' counsel shall
8 retain until the conclusion of this litigation.

9 So I have a videotape stipulation of
10 Mr. George Libbares executed by him and one by
11 Wayne Martin that says the same thing.

12 MR. ROGERS: You read that very
13 quickly, but I understood we would be able to
14 order a copy of that tape. Is that correct?

15 MR. GORDON: I don't have a written
16 order of Judge Sweeney, so I wanted to make sure
17 we had at least something in place. If all the
18 parties want a copy, we'll agree to that.

19 MR. ROGERS: I would like us to have a
20 copy. I thought the understanding when I said to
21 Judge Sweeney the other day is that I didn't
22 object, provided it could not be released, and by
23 that I mean outside of the folk that are in this
24 room without further order, and she said yes,

1 that would be expressly so.

2 MR. GARABEDIAN: We can ask her to
3 clarify that, but we wouldn't object to that.

4 MR. GORDON: We can tell these
5 gentlemen what the understanding is, that we're
6 going to ask the judge that you can give to
7 counsel, but no one else.

8 MR. ROGERS: And we would ask --

9 MR. GORDON: Is that your
10 understanding?

11 MR. ROGERS: -- that the Court then
12 other, incident to that, that we cannot release
13 it to anyone else without approval.

14 MR. GARABEDIAN: That counsel cannot.

15 MR. ROGERS, III: Everybody agreed?

16 MR. MURPHY: Agreed.

17 MR. GORDON: So let me put 230 and 231
18 on the exhibit stack.

19 BY MR. GORDON:

20 Q. Now, Cardinal Law, we were briefly looking at,
21 before, Exhibit 229, and it's signed by Father
22 Oates. Where is Father Oates now?

23 (Document exhibited to witness.)

24 A. Father Oates is with the St. James Society, which

1 is a missionary society of priests established by
2 Cardinal Cushing some years ago, and priests are
3 in Peru, Bolivia and Ecuador. If I'm not
4 mistaken, he's in Bolivia, but I'm not absolutely
5 certain that's where his station is now. But
6 he's working with the St. James Society, still a
7 priest of this Archdiocese, but doing missionary
8 work.

9 Q. And you still, as his ordinary, have jurisdiction
10 over him a priest?

11 A. That's correct.

12 Q. Does he come to Boston every so often?

13 A. He does, yes.

14 Q. Okay. Do you know if he's going to be in Boston
15 in the next two or three months?

16 A. No, I don't know his schedule.

17 Q. Do you have the authority to request him to come
18 to Boston as Archbishop?

19 A. Yes, I would.

20 Q. Okay. And Father Oates served for a while as
21 personnel director for the Archdiocese, didn't
22 he?

23 A. He did.

24 Q. For some years while you were Archbishop?

1 A. That's correct.

2 Q. And do you know if he was an assistant in that
3 office prior to your coming to Boston?

4 A. I'm not certain of that. My impression is he
5 was.

6 Q. Okay. And the personnel office was the office
7 that had the responsibility of recommending to
8 you where to send priests to serve as parochial
9 vicars, assistant priests?

10 A. That's correct, as well as making
11 recommendations, handling all the matters that
12 related to transfer of pastors, as well to be
13 sure that they would follow the process.

14 Q. And as is indicated in Exhibit 229, Father Oates
15 would have been some what involved in the process
16 of assigning Father Geoghan to his various
17 assignments over the years?

18 A. Well, he would have -- this letter would indicate
19 a record keeping function that --

20 Excuse me. I was thinking of an
21 earlier letter from Father Geoghan acknowledging
22 receipt of the assignment.

23 But this also would be a record
24 keeping function.

1 Q. But he, as was shown also in this letter to Dr.
2 Mullins, Father Oates was involved in gaining at
3 least some medical statement that Father Geoghan
4 was safe to be sent back?

5 A. That's correct.

6 Q. So he was involved in the process of determining
7 that Father Geoghan could be put back in a parish
8 assignment?

9 A. I would -- yes, he was involved in that process.

10 Q. Okay.

11 A. He was involved in that process. But I would say
12 the critical involvement would have been not in
13 his court, but would have been in the court at
14 this point of Bishop Banks.

15 Q. In Green Bay, Wisconsin?

16 A. Presently, yes.

17 Q. Now he's in Green Bay?

18 A. But then as Moderator of the Curia and vicar
19 general?

20 Q. Have you spoken to Father Oates about Father
21 Geoghan at any time, do you know?

22 A. My presumption is I would have had conversations
23 with him in this time frame, but I've not spoken
24 to him since.

1 Q. Do you remember any conversations you had?

2 A. No, no.

3 Q. Let me finish the question so it's clear on the

4 record.

5 A. That's okay. I've been corrected on that, that I

6 should let you finish the question.

7 Q. It's not a normal -- I say this to many

8 deponents. It's not a normal conversational

9 exercise we go through. You are sitting in a

10 room, you pretty much know what I'm going to ask,

11 but other people reading this won't know.

12 A. Yes.

13 Q. And so that it's clear, I need to finish the

14 question.

15 Do you remember any conversations you

16 had with Father Oates concerning Father Geoghan?

17 A. I remember no specific conversations.

18 Q. Do you remember any conversations in general had

19 you had with Father Oates?

20 A. I remember no conversations in general.

21 Q. Do you have any impression of what Father Oates

22 thought of Father Geoghan?

23 MR. ROGERS: Objection to the form.

24 A. I do not.

1 Q. Have you ever known somebody by the name of Bill

2 Levada, L-E-V-A-D-A, William Levada?

3 A. Archbishop Levada?

4 Q. Maybe. Somebody who was involved with the

5 National Conference of Bishops?

6 A. Yes, I know Archbishop Levada.

7 Q. Who is Archbishop Levada?

8 A. He is the Archbishop of San Francisco.

9 Q. Did you at one time ask him to convey a message

10 to Father Doyle about Father Doyle working with

11 your committee?

12 A. I don't recall that.

13 Q. Okay.

14 MR. GORDON: Could we have this marked

15 as an exhibit, please?

16 (Document marked as Exhibit 232

17 for identification.)

18 Q. Cardinal Law, I'm going to give you a page from

19 the November 2, 2001 Boston Globe which appears

20 to be an article concerning you. It's been

21 marked as Exhibit 232. Have you seen this

22 article before?

23 (Document exhibited to witness.)

24 A. Yes, I have -- you know, I saw this before. I

1 don't usually read these kinds of articles, but I
2 have seen this.

3 Q. Is it an accurate quote that is two-thirds of the
4 way down or a little -- close to two-thirds of
5 the way down where it has in quotation -- well,
6 before that, do you see a paragraph that says,
7 "Reflecting on the most difficult issue of his
8 tenure in Boston"?

9 A. Yes.

10 Q. "Law said he is pained over the harm caused to
11 Catholic youngsters and their families by clergy
12 sexual misconduct, but he always tried to prevent
13 such abuse." That's something you said to the
14 reporter?

15 A. I would have no doubt that I said that.

16 Q. Okay. And it's your understanding that -- well,
17 then there's a quote after that?

18 A. Again, I would have no reason to doubt Michael
19 Paulson's quote. I don't remember the words I
20 used, so I can't attest to the fact that these
21 were my words. But I'm not, by saying that,
22 questioning the accuracy of the quote.

23 Q. Well, let me ask you now, is it your
24 understanding that sexual molestation of a child

1 by a priest is a terrible act?

2 A. Absolutely.

3 Q. Okay. And you believe that the consequence is a

4 terrible consequence?

5 A. Absolutely.

6 Q. And that these people who have suffered this have

7 suffered a great deal of pain and anguish?

8 A. Absolutely.

9 Q. And that it's a source of profound pain for you

10 and for the whole church?

11 A. Absolutely. And all of society.

12 Q. Okay. Now, you've been aware that the lawsuits

13 regarding Father Geoghan have been going on for

14 several years now; is that correct?

15 A. I have been.

16 MR. GORDON: Okay. I'm going to ask

17 that this be marked as an exhibit, and that this

18 be marked as an exhibit.

19 (Documents marked as Exhibit 233, 234

20 for identification.)

21 (Document exhibited to witness.)

22 THE WITNESS: Are these the same?

23 MR. GORDON: They're slightly

24 different.

1 Could I see them for just a second?

2 (Document exhibited to counsel.)

3 Q. Your Eminence, what has been marked as 233 is a

4 cover letter from Mitchell Garabedian to Wilson

5 Rogers, Jr. and Wilson Rogers, III, your

6 attorneys in this matter, following the

7 psychiatric evaluation of Stephen Pezzone, that's

8 233.

9 (Document exhibited to witness.)

10 Q. And 234 is a letter, again to Wilson Rogers, Jr.

11 and Wilson Rogers, III, September 26, 2001, same

12 date as the other letter which was sent by

13 Attorney Mitchell Garabedian and was marked today

14 as Exhibit 234.

15 (Document exhibited to witness.)

16 A. That's okay. Just flip it.

17 MR. ROGERS, III: Do you have copies

18 of the other one?

19 MR. ROGERS: Patrick McSorley.

20 MR. ROGERS, III: Patrick McSorley is

21 234.

22 THE WITNESS: Yes.

23 MR. ROGERS, III: And Pezzone is 233.

24 MR. GORDON: Yes.

1 MR. ROGERS, III: Bill, do you want to
2 mark these as exhibits because they'll become
3 part of the record, these are your clients'
4 psyche evaluations.

5 MR. GORDON: I understand.

6 MR. ROGERS, III: Okay. I just raise
7 the question.

8 MR. GORDON: I understand.

9 BY MR. GORDON:

10 Q. Your Eminence, if you'll take a look at Page 2 of
11 Dr. Greenblatt's letter, you'll note that the
12 attached letter concerning Patrick McSorley
13 begins with --

14 A. Excuse me, this is 234?

15 Q. 234.

16 A. Okay.

17 Q. 234. Patrick McSorley. You'll see the second
18 page of Exhibit 234 is from comprehensive
19 psychiatric resource, and concerns Patrick
20 McSorley. He's one of the plaintiffs in this
21 matter. It indicates on the second page of the
22 letter in the second full paragraph from the
23 bottom that Mr. McSorley denies current suicidal
24 ideation. He has been suicidal in the recent

1 past per his report and substantiated by records.

2 If you'll note with regard to Exhibit
3 233, the very last paragraph on Page 2, this is
4 with regard now to Mr. Pezzone, another plaintiff
5 in the Geoghan 86 cases, that in the second
6 sentence of that last paragraph, "Documentation
7 increasingly notes overt psychiatric
8 symptomatology, culminating in a suicide attempt
9 by an overdose on 9/14/92." And I do this
10 because I need to know if you knew last Friday
11 that some of the Geoghan victims were suicidal.

12 A. I --

13 MR. ROGERS: Object to the form of the
14 question, but go ahead.

15 A. I had been told --

16 MR. ROGERS, III: Excepting
17 communication --

18 MR. ROGERS: Excepting communications
19 with counsel.

20 A. Excepting communication with counsel, I did not
21 know that.

22 Q. Had anybody told the finance commission or
23 committee -- is it a finance commission or
24 finance committee at the Archdiocese?

1 A. Council.

2 Q. Had anybody told them that some of the Geoghan 86

3 victims were suicidal?

4 THE WITNESS: Excuse me.

5 MR. ROGERS: We need to --

6 MR. GORDON: Sure.

7 MR. ROGERS: I think we need to talk

8 for one second.

9 THE WITNESS: With me?

10 MR. ROGERS: No, with Owen.

11 VIDEO OPERATOR: Are we going off the

12 record?

13 MR. ROGERS: Yes. We're going off the

14 record.

15 VIDEO OPERATOR: The time is 1:22.

16 We're stopping the video to go off the record.

17 (Video off.)

18 (Discussion off the record.)

19 (Video on.)

20 VIDEO OPERATOR: The time is 1:30.

21 We're back on the record.

22 MR. ROGERS: Can we have that question

23 read back, Mr. Gordon.

24 MR. GORDON: Could you read back the

1 question.

2 (Question read.)

3 MR. ROGERS: And "them" being the
4 financial council at the meeting on Friday?

5 MR. GORDON: Yes.

6 MR. ROGERS: I believe that the
7 proceedings of the finance council on Friday,
8 because of my presence and participation, would
9 be cloaked with the attorney-client privilege.

10 And that said, with an understanding that we will
11 not have waived the attorney-client privilege in
12 that regard, I'm prepared to have the Cardinal go
13 forward and testify, if that's an acceptable
14 understanding.

15 MR. GORDON: All right.

16 MR. TODD: Is that acceptable?

17 MR. GORDON: Yes, that is acceptable.

18 MR. ROGERS: Fine.

19 So the question?

20 Q. The question, Your Eminence, did anyone tell the
21 financial council that any of the Geoghan 86
22 victims were suicidal?

23 A. It might be helpful if I said a word about the
24 finance council.

1 MR. ROGERS: Just answer.

2 Q. Why don't you answer the question? Then we'll
3 spend some time on the finance council, trust me.

4 A. The answer is yes.

5 Q. Okay.

6 MR. GORDON: Let me have this marked
7 as an exhibit. This would be 235.

8 (Document marked as Exhibit 235
9 for identification.)

10 (Document exhibited to witness.)

11 Q. Cardinal Law, you've been given a two-page
12 document which is marked as Exhibit 235, and
13 which has as the first page what appears to be
14 the stationery of the Archdiocese of Boston
15 Office of Communications and which has in bold
16 letters, News Release, and it appears to have a
17 fax date of March 12, 2002, the second page of
18 which appears to be a copy of a press release
19 issued presumably by the Archdiocese Office of
20 Communications. Are you familiar with a press
21 release that was issued on or about March 12,
22 2002 by the Archdiocese Office of Communications?

23 A. Yes.

24 Q. Okay. And there is in the first paragraph --

1 could you read what it says in the first

2 paragraph?

3 A. Sure. "Regarding today's settlement agreement,

4 Bernard Cardinal Law says that our hope is that a

5 resolution of these cases will continue the

6 healing process. This settlement is an important

7 step in reaching closure for these victims who

8 have long endured the damage done to them by John

9 Geoghan. They are courageous individuals who

10 deserve and need our full support and prayers, I

11 pray every day for their peace and recovery and

12 final resolution for all victims".

13 Q. From that paragraph you just said you said this

14 settlement is an important step; is that correct?

15 A. Correct.

16 MR. TODD: Settlement agreement.

17 A. As I understand, this settlement agreement. I

18 also understood --

19 Q. Well, let me ask questions. So at this point

20 your statement indicates that there was an

21 agreement to settlement the Geoghan 86 cases, as

22 far as you understood?

23 A. What the statement indicates is that I had hope

24 that this settlement would be a resolution of

1 these cases.

2 Q. But does your next sentence not say, "This

3 settlement is"?

4 A. That's right.

5 Q. Okay. Is there anything conditional of that

6 settlement? Does it say, "It is hoped this

7 settlement will be," or "this settlement may be"?

8 Doesn't it just say "this settlement is an

9 important step"?

10 A. It says this settlement is an important step.

11 Q. Was it your understanding that you had reached,

12 you had reached an understanding with the Geoghan

13 86 victims as to how those cases would be

14 settled?

15 A. It was my understanding that the settlement would

16 be consummated upon the securing of 86 signatures

17 on the side of those bringing the case, and 17

18 signatures on those against whom the cases were

19 being made. And it was my hope at that point

20 that all of those signatures would be obtained.

21 At this point I wasn't certain that there would

22 be 86 signatures, and I was aware of the fact

23 that the lack of one signature could vitiate the

24 agreement, but that what had been agreed to were

1 the terms upon which the various signatories
2 would base their judgment on signing on.

3 Q. Had you received information that some of the 86
4 plaintiffs might not sign? Outside of counsel.

5 MR. ROGERS: Fine. Thank you.

6 A. No. But I -- no.

7 Q. Had you --

8 A. Nor had I received information that 86 would
9 sign.

10 Q. Well, did -- well, didn't you receive information
11 either through the media or other sources that
12 the counsel for those 86 victims had indicated
13 that a settlement had been reached, didn't you at
14 least know that much? Outside of from what you
15 had learned from your counsel.

16 A. I'm speaking about the signatures, the
17 signatures. At the time that this, as I recall,
18 at the time that this agreement was reached with,
19 among the counsels, signatures were not yet
20 obtained and I realize that that came after that.

21 Q. Was there any condition that you were aware of
22 that had been told to the plaintiffs for the 17
23 signatures to be obtained from the defendants?

24 A. No.

1 Q. So did the plaintiffs have any understanding that
2 there was a condition?

3 MR. TODD: Object to the form.

4 MR. ROGERS: Object to the form.

5 Q. Do you understand that any information was
6 conveyed to the plaintiffs that the defendants
7 had a condition before they would sign?

8 MR. ROGERS: Object to the form of
9 that, but go ahead.

10 A. I'm not sure I understand the import of the
11 question.

12 Q. Would it be fair to say you're having difficulty
13 understanding the question?

14 A. Yes.

15 Q. Rather than the import?

16 A. Yes, yes, yes.

17 Q. Because if it's the import.... All right.

18 As of the time the agreement was
19 reached and this press release was issued on
20 March 12, were you aware of any conditions that
21 were conveyed to the plaintiffs other than the 86
22 of them signing to happen for the agreement to
23 become effective?

24 MR. TODD: Object to the form.

1 MR. ROGERS: Object to the form.

2 A. No.

3 Q. During the negotiations on the agreement, were
4 you aware of the terms that were being arranged
5 or that were being agreed to?

6 MR. ROGERS: Other than through
7 discussions with counsel?

8 MR. GORDON: Well, I'm not asking how
9 he learned, but did he know of the substance of
10 what he's saying to the public about. He's
11 making a statement that there's an agreement. He
12 had to know something about what he was saying or
13 conveying to the public.

14 MR. ROGERS: Well, that's a different
15 issue.

16 MR. GORDON: To that extent --

17 Q. Did you understand what the agreement was that
18 was reached?

19 A. In general terms, yes.

20 Q. Did you say to anybody in the public that, well,
21 maybe we won't go forward with this?

22 A. This is my public statement on this issue.

23 Q. So your public statement was that on March 12 you
24 intended if the 86 plaintiffs -- signed?

1 A. It was my hope that this would go forward.

2 Q. Donna Morrissey works in the Office off

3 Communications at the Archdiocese?

4 A. That's correct.

5 Q. Who appointed Donna Morrissey to the position?

6 A. I did.

7 Q. So she works for you?

8 A. She works for the Archdiocese, yes.

9 Q. Does she work under your direction or under the

10 chancellor's direction?

11 A. She would be directly on a day-to-day basis

12 responsible for general moderator or the curie,

13 who is now Bishop Edyvean but she also, because

14 of -- she's also responsible to me.

15 MR. GORDON: Could we have this marked

16 as Exhibit 236?

17 THE WITNESS: We're done with these?

18 MR. GORDON: Yes, for the time being

19 (Document marked as Exhibit 236

20 for identification.)

21 MR. GORDON: Sorry about that. That's

22 if you have difficulty reading.

23 MR. ROGERS, III: Sorry?

24 Q. Your Eminence, you've been given a one-page

1 document which was marked as Exhibit 236. It
2 appears to be another news release from the
3 Archdiocese of the Boston Office of
4 Communications, appears to be a statement of
5 David W. Smith, Chancellor Archdiocese of Boston.

6 Have you seen this statement before?

7 A. Yes.

8 Q. Were you aware this statement was going to be
9 issued Friday afternoon?

10 A. Yes.

11 Q. Okay. You knew -- I'm not asking how you knew
12 it, but you knew some of the Geoghan 86 victims
13 were suicidal, didn't you?

14 A. I had been informed of that.

15 Q. What provision was made so that 86 individuals
16 could learn that what they thought was a major
17 settlement in a major point in their lives of
18 resolving substantial traumatic experiences was
19 being withdrawn prior to this release?

20 MR. TODD: Objection to form.

21 MR. ROGERS: Objection.

22 Q. You can answer.

23 A. The release itself was an effort in as timely a
24 fashion as possible to communicate this decision.

1 Q. Now, you in your profession deal with people who
2 suffer pain and anguish; is that correct?

3 A. That's correct.

4 Q. When there's a traumatic event in their lives, is
5 it better that they learn about a traumatic,
6 devastating event through the mass media or by
7 people they know and have some trust in in a
8 personal setting?

9 A. The latter.

10 Q. Okay. How is the news release anything like
11 that?

12 MR. TODD: Object to the form.

13 MR. ROGERS: Object to the form.

14 Q. How is Exhibit 236 or how did -- strike that.

15 Were you aware or did you make any
16 efforts to let plaintiffs, through their
17 attorneys, know, prior to the issuance of this
18 news release, that the archdiocese was
19 withdrawing from the settlement agreement or
20 attempting to withdraw?

21 MR. ROGERS: Well, I object to the
22 form of the agreement. It assumes facts that are
23 not before the Court and that are not accurate.
24 My conversation with Mr. Garabedian predated the

1 release of this news conference, this press
2 release.

3 MR. GORDON: And what time was that
4 conversation?

5 MR. ROGERS: Just prior to the press
6 release.

7 MR. GORDON: Neither of us are -- I
8 was privy to that conversation. That was at
9 4:45. I asked His eminence to indicate to me
10 what the date is that he can see on the bottom of
11 this news release that was sent to us by Fox
12 News, if you can read it.

13 MR. ROGERS: Well, you're
14 representing. If you want him to read a date,
15 fine. But to read the date that it was sent to
16 you by Fox News is inappropriate.

17 MR. GORDON: On the bottom it says
18 "from Archdiocese of Boston," and there's a time
19 in front of that.

20 MR. ROGERS: I have no problem with
21 reading it. But to read it as though he were
22 reading when Fox News sent it out, that's an
23 inappropriate question.

24 MR. GORDON: I'm not saying that

1 that's when they sent it out. I'm saying that's
2 when they got it.

3 MR. ROGERS: Once again, if you want
4 the Cardinal to read that, he'll read it, but not
5 to read it as to when they got it; he has no
6 knowledge of that.

7 MR. GORDON: Well, then let him read
8 that line, which is at the bottom.

9 MR. ROGERS: I have no problem with
10 that.

11 A. May 3, '02, 4:02 p.m.

12 Q. Do you know what time plaintiff's counsel were
13 given notice that the archdiocese was
14 withdrawing?

15 A. I have not known that until I heard the time
16 mentioned just a moment ago.

17 Q. And you don't know if it was in fact 4:45 on
18 Friday afternoon, do you?

19 A. I do not know.

20 Q. And even if it wasn't 4:45, do you know if
21 plaintiffs' counsel, if defendants' counsel, your
22 attorneys told plaintiffs' counsel that a news
23 release was being issued before the Geoghan 86
24 could be notified?

1 MR. ROGERS: Object to the form of the
2 question, but go ahead.

3 A. I do not know that. I would have trusted in the
4 fact that counsel would have appropriately
5 informed the plaintiffs' counsel.

6 Q. Now, when did the finance council meet?

7 A. The finance council met Friday morning.

8 Q. Okay. And were there some issues as to whether
9 or not the finance council's decision was
10 mandatory or advisory?

11 A. Yes, there were.

12 MR. TODD: Object to form. What do
13 you mean, some issues? What do you mean?

14 Q. Were there questions about whether or not the
15 decision of the finance council was binding on
16 the archdiocese or advisory?

17 A. There was some question.

18 Q. Okay. Was there a time in the day of Friday when
19 that question was resolved?

20 A. There was.

21 Q. About what time in that day?

22 A. It would have been, it would have been in early
23 afternoon.

24 Q. Okay. So, if it was resolved early that

1 afternoon, your counsel would not have been able
2 to convey anything until at least that time,
3 isn't that correct, because it wasn't resolved?

4 A. Counsel, counsel seated here at this table with
5 me was not party to those discussions with my
6 canonical experts.

7 Q. But were they ultimately notified?

8 A. They were notified.

9 Q. They were notified?

10 A. Yes.

11 Q. Sometime after early afternoon?

12 A. That's correct.

13 Q. And there were 86 individual plaintiffs on the
14 other side. Was there any thought of how long it
15 would take to bring them in individually and
16 convey to them what to them was devastating news,
17 some of whom were suicidal?

18 MR. ROGERS: I object to the form.

19 MR. TODD: I object to the form.

20 Q. You can answer.

21 A. The thought given was that experience had shown
22 us the very difficult matter of anything being
23 kept confidential, and we felt it necessary to
24 make this statement in as timely a fashion as

1 possible so that we could explain the action in a
2 way that hopefully would not -- that would
3 explain it as best it can be explained, in the
4 interest of not being secretive, in the interest
5 of being open about it, that's why we did this.

6 Q. So there was no analysis or concern that if it
7 was given out in the fashion it was that it might
8 cause emotional crises for some of the Geoghan
9 plaintiff victims?

10 MR. ROGERS: Object to the form.

11 MR. TODD: Objection to the form.

12 A. This, as you will note, is David Smith's
13 statement. This is not my statement. I
14 addressed this matter two days later, and was
15 able to express in my own words my own feeling at
16 that time, and my hopes.

17 Q. Did you express to David Smith a concern that
18 this information not be put out until the
19 plaintiffs would have had a chance to receive --

20 A. I did not.

21 Q. You did not?

22 A. I did not.

23 Q. Did anybody at Chancery raise this, that maybe we
24 need to give these victims a chance to absorb

1 this news in a private setting?

2 MR. ROGERS: You mean raise it

3 directly to the Cardinal?

4 MR. GORDON: Raise it directly to the

5 Cardinal.

6 A. Nobody raised it to me.

7 Q. Did anybody raise it in this finance council?

8 A. The issue of the possible -- the issue about the

9 victims was raised in presenting the case for the

10 settlement going forward at the finance council

11 meeting.

12 Q. I understand from public reports that you and Mr.

13 Rogers were outvoted.

14 A. Well, I.

15 MR. ROGERS: Object to the form.

16 Q. You didn't vote?

17 A. The council is a council to give me counsel and

18 Mr. Rogers is not a member of the council. I

19 invited him to be present at that council to help

20 make the case for the settlement, to provide

21 background information that might be asked.

22 Q. And this is the first time the council has ever

23 overturned a recommendation of yours?

24 A. Refused to accept a recommendation of mine,

1 that's correct.

2 Q. Did you have any information prior to the
3 council's meeting that indicated to you they were
4 going to reject your request?

5 A. I had no firm assurance that that would happen.
6 I was, I was aware of the fact that there were
7 those who were very, very much opposed to the
8 settlement moving forward under the present
9 circumstances.

10 I had hopes that I would be able to
11 override those objections.

12 Q. When the council voted, were you upset?

13 A. Yes. I was -- upset? I was disappointed.

14 Q. Why was it David Smith who issued the statement
15 and not you?

16 A. David Smith is the chancellor and as chancellor
17 in our administration here, he is responsible for
18 financial matters of the diocese and it seemed to
19 fall within his purview, particularly with the
20 follow-up questions that might be asked.

21 Q. Would it shock you to hear that a number of
22 people were emotionally distraught all Friday
23 evening after hearing this information?

24 MR. ROGERS: I object to the form,

1 but -- would it shock the Cardinal to hear that?

2 I object to the form. Go ahead, you can answer.

3 A. I believe in my statement at the cathedral on

4 Sunday, last Sunday, wasn't it, that I reflected

5 that and indicated the -- so, no, I would not

6 have been shocked. I would not be at all

7 shocked.

8 Q. If you had had, and you can -- I know there will

9 be objections to this, but if you had had a

10 clearer head as a pastor, would you have

11 counseled the archdiocese to allow these victims

12 some time to receive this news in private rather

13 than issue a public statement?

14 MR. ROGERS: I object to the form of

15 that question. That's wholly inappropriate.

16 That's an argumentative question, and I think

17 it's inappropriate to present to the Cardinal.

18 He has fully set forth his position.

19 Q. Well, let me ask this.

20 MR. TODD: This question is

21 withdrawn?

22 MR. GORDON: It's withdrawn.

23 Q. Let me ask this: Do you think in the way this

24 information was conveyed to the plaintiffs it was

1 done in a pastoral manner?

2 MR. ROGERS: Well, I object to the
3 form there because it assumes how counsel for the
4 plaintiffs conveyed it to them. I think that's
5 inappropriate.

6 MR. GORDON: Counsel to the plaintiffs
7 never had a chance to. They got it obviously
8 through the media.

9 MR. ROGERS: Well, all right, if
10 that's -- all right then. If you frame it that
11 way, that's the question.

12 MR. GORDON: Fine, that's fair.

13 Q. Do you think it was an appropriate pastoral
14 response to these 86 victims, some of whom you
15 knew to be suicidal, to receive devastating news
16 over the TV and radio rather than through their
17 lawyers who in some cases the only people they
18 now trust in the world?

19 MR. ROGERS: I object to the form
20 again, but go ahead.

21 MR. ROGERS, III: Objection.

22 A. Hindsight, I have learned, is a wonderful thing,
23 and you try to do the best you can at the moment,
24 and it seemed at the moment the best thing to do

1 is to be forthright, clear, concise, and
2 communicate this information publicly. As you
3 will recall, there was quite a media frenzy on
4 this subject, and there has been for a long, long
5 time, and an awful lot of talk had gone on about
6 the finance council. Information leaked, some of
7 it accurate, some of it nonaccurate. But rumors
8 have a way of taking a life of their own, and
9 I've certainly experienced that over the last
10 four months.

11 So what was done was done with the
12 best of intent: To get the information out as
13 accurately in as timely a fashion as possible.
14 As I sit here now before you, I would say, yes, I
15 wish that it had, it had happened in another
16 sequence. I wonder if it could have happened in
17 another sequence. I wonder if news would have
18 leaked of this decision in a way which would not
19 have been accurate. So it's part of what I have
20 come to experience as an exceedingly painful,
21 complicated mess.

22 Q. Okay. We'll move on to the next issue.

23 There is a pastoral council, is there
24 not, that you met with -- not a pastoral, finance

1 council?

2 A. Yes.

3 Q. And, are you the president of the finance

4 council?

5 A. I chair the meetings.

6 Q. And so you only vote if there's a tie?

7 A. I don't vote.

8 Q. So you just chair?

9 A. I just chair. I receive the counsel of the

10 council. In this case a decision of the council.

11 Q. Bishop Edyvean?

12 A. Edyvean.

13 Q. He's on it also?

14 A. He is.

15 Q. Where does he reside?

16 A. He resides at 2121 Commonwealth Avenue, Brighton.

17 Q. And what is his position in the archdiocese right

18 now?

19 A. He's vicar general, Moderator of the Curia.

20 Q. Did he offer any statements about the Geoghan

21 plaintiff -- the Geoghan 86 settlement?

22 MR. ROGERS: I'm sorry, did he --

23 Q. Did he offer any comments or recommendations

24 about the settlement?

1 MR. ROGERS: During the finance
2 council?

3 MR. GORDON: During the finance
4 council, I'm sorry.

5 A. He was favorable to the settlement.

6 Q. So he spoke in favor?

7 A. Yes.

8 Q. Okay. How about Regina Caines, who is she?

9 She's a member of the council?

10 A. She's a lay person of the archdiocese.

11 MR. MURPHY: Regina?

12 MR. GORDON: Caines, C-A-I-N-E-S.

13 Q. She's a member, right?

14 A. Yes.

15 Q. Do you know where she lives?

16 A. I don't know her address.

17 Q. Do you know what town she lives in?

18 A. I don't know the town.

19 Q. Do you know what her occupation is?

20 A. She's a retired business woman.

21 Q. Now, the finance council, are they all appointed
22 by you as Archbishop?

23 A. They are.

24 Q. And what are the criteria they use to decide who

1 gets appointed to the finance council?

2 A. Some expertise in the matters that are going to
3 come before the council.

4 Q. Finance issues?

5 A. Finance issues. Other issues as well. Mrs.
6 Regina Caines' interests were in terms of
7 personnel. She would have had an interest in the
8 social justice issues that need to be present in
9 the deliberations of such a council.

10 MR. ROGERS: Mr. Gordon, would this be
11 an appropriate time? We talked about taking a
12 break at 2:00.

13 MR. GORDON: Do you want to take a
14 break?

15 MR. ROGERS: Yeah. I think we need.

16 MR. MURPHY: Am I correct we're
17 leaving at 3:00 today?

18 MR. ROGERS: Yes. We'll come back and
19 start at ten past.

20 MR. GORDON: Yeah.

21 VIDEO OPERATOR: The time is --

22 MR. ROGERS: Let me look at a date.

23 VIDEO OPERATOR: The time is 1:59.

24 We'll stop the video and go off the record.

1 (Video off.)

2 (Brief recess.)

3 (Video on.)

4 VIDEO OPERATOR: We're back on the
5 record. The time is 2:16 p.m.

6 BY MR. GORDON:

7 Q. Your Eminence, you indicated that Regina Caines
8 is retired. Do you know where she worked before
9 she retired?

10 A. I want to say Polaroid, but I'm not absolutely
11 certain.

12 Q. And she was in charge of personnel there?

13 A. She was in human resources.

14 Q. She was an executive, though, at Polaroid?

15 A. Yes.

16 Q. How long has she been on the council?

17 A. She's been on the council for a long time. I
18 can't, I can't give you -- I wouldn't know by
19 memory the length of time that the various
20 members were on the council.

21 Q. Has there been a finance council for the
22 Archdiocese of Boston since you've arrived here
23 as Archbishop?

24 A. Yes, I -- yes.

1 Q. Did Mrs. Caines talk at all -- it is Mrs. Caines;
2 is that correct?

3 A. Yes.

4 Q. Did Mrs. Caines talk at all about the settlement
5 agreements or whether she was in favor of the
6 settlement or not?

7 MR. ROGERS: You mean at the meeting
8 on Friday?

9 MR. GORDON: At the meeting on Friday.

10 A. I would not be able to give you a recap of the
11 meeting in terms of who said what. I can give
12 you a sense of that. I can tell you that the,
13 that it was a near unanimous rejection of my
14 request, and -- but I think it's also very
15 important to say that in the course of
16 discussion, as I have tried to reflect in my
17 subsequent statements on this issue, that the
18 council was not opposed to settlement, but the
19 council felt that given the large number of new
20 cases that had come forward, and it would be --
21 it would vary -- at the time that we began the
22 settlement, as I understood it, there were 86
23 cases involved in the settlement, and there were
24 approximately 30 other cases that we would have

1 to deal with in some way or the other. My hope
2 was that having settled the 86, we would then be
3 able construct a mechanism that would have been
4 equitable to try in a nonlitigious way to settle
5 the remaining 30.

6 By the time that this matter came to
7 the finance council, because of the large number
8 of cases that had occurred, because of the
9 publicity attendant to the issue, that number was
10 150, and the council felt that it would be
11 irresponsible to move forward with the settlement
12 as it had been worked out for 86 when you had 150
13 other potential claimants there. And their
14 recommendation was that we needed to go back to
15 the drawing boards and to develop a global
16 settlement that would be able to embrace not only
17 the 150, but the 86.

18 My position in that council was in
19 support of the settlement. I, I recognized, and
20 I recognize the logic of the council's position,
21 but it did seem to me that given the efforts, the
22 good-faith efforts that had gone in to the
23 construction of the settlement which was then
24 placed before the signatories, it seemed to me

1 that it would be better to move forward with
2 that, even in the face of the 150 others, and
3 then try to deal with that.

4 Obviously neither my words nor
5 counsel's words urging the settlement were
6 persuasive enough to overturn that principal
7 concern. But what I would want to underscore,
8 and I think is necessary to do, is that the issue
9 was not whether a settlement was a good thing or
10 not, but it was whether this settlement, given
11 what the council reasonably could argue was a
12 totally new situation in terms of the number of
13 new claims, whether this settlement was prudent
14 and wise and fair.

15 Q. Okay. So in sum, you don't remember if Mrs.
16 Caines said anything?

17 A. I think she, I think she probably spoke, but she
18 did not speak in favor of the settlement. No lay
19 member of the board spoke in favor of the
20 settlement.

21 Q. John Cunningham, was he at the council meeting?

22 A. He was.

23 Q. And do you know where Mr. Cunningham lives?

24 A. I believe now his residence is principally in

1 Florida.

2 Q. And does he have a residence in Massachusetts

3 also?

4 A. He does, but I don't know where it is.

5 Q. Do you know what town or city?

6 A. It was in Weston.

7 Q. Did he express any anger about the assignment of

8 Father Geoghan to Weston?

9 A. No.

10 Q. Okay. Did Mr. Cunningham speak about the

11 proposal?

12 MR. ROGERS: All of these questions

13 are directed towards Friday at the finance

14 council?

15 MR. GORDON: Towards Friday at the

16 finance council.

17 A. I must say to you that I don't have the ability

18 to give you, from memory, the minutes of that

19 meeting.

20 Q. Your Eminence, I'm not asking you to give me blow

21 by blow. To the extent you remember what any

22 particular person said, I will ask you, and if

23 you don't recall, it's fine. Okay?

24 So do you remember if Mr. Cunningham

1 said anything?

2 A. I remember his saying something.

3 Q. And what did he say?

4 A. I'm not sure.

5 Q. Okay. Do you know if what he said was favorable

6 or unfavorable to the agreement?

7 A. As I said, all the lay members of the council

8 spoke unfavorably with regard to the agreement,

9 so he would have spoken unfavorably.

10 Q. Okay. Did he speak -- was there passion or was

11 it just a reluctant dissent to what you were

12 recommending?

13 MR. ROGERS: Objection to the form.

14 A. I would find it difficult to characterize it from

15 that perspective.

16 Q. Okay. Okay. Were there any members who

17 expressed anger, any of the lay members?

18 Was there some loud emotional

19 statements about the settlement agreement?

20 A. No, it was a civil discussion. There were strong

21 feelings expressed and some were perhaps more

22 impassioned than others, but within the rubric of

23 a civil discussion.

24 Q. Who prepares the minutes for the finance council?

1 A. Mr. Smith.

2 Q. And when does he normally have the minutes

3 completed by?

4 A. I don't know how quickly he does them.

5 Q. Are the meetings tape recorded?

6 A. They are not.

7 Q. When is the next finance council meeting

8 scheduled for?

9 A. I could not give you that date. I believe there

10 is a June date scheduled.

11 Q. And is it customary at the -- do they meet every

12 month?

13 A. No. We meet, we meet at least quarterly, and

14 then special meetings, such as this was a special

15 meeting.

16 Q. And at these -- when you come to a meeting, are

17 the minutes for the previous meeting prepared?

18 A. Oh, yes.

19 Q. So always the prior meeting's minutes are done by

20 then?

21 A. The meetings are held in customary Robert's Rules

22 of Order form.

23 Q. Sometime in June you're scheduled to be in

24 Washington, the Conference of Bishops meetings?

1 A. The conference will be meeting in Dallas, Texas.

2 Q. Oh, in Dallas?

3 A. We move it around in the spring or summer.

4 Q. That's right. When in June is that?

5 A. Oh, you know, I'm not certain. I think it's

6 around the 20th, but I'd have to check the

7 calendar.

8 Q. Do you know if the finance council is before or

9 after that meeting?

10 A. I do not know. I think it would probably be

11 before if it's that late.

12 Q. All right. All right. Do you know what Mr.

13 Cunningham's occupation is?

14 A. I don't know what his occupation is at the

15 moment.

16 Q. Do you know what he used do?

17 A. Well, I know that when I came he was president

18 and CEO of Wang.

19 Q. So he's had some spare time since then.

20 And he's held other executive

21 positions since Wang, right?

22 A. Yes. Yes.

23 Q. Mr. Flatley, Thomas Flatley, he's on the finance

24 council, isn't he?

- 1 A. He is.
- 2 Q. He's been on the finance council for a number of
- 3 years, hasn't he?
- 4 A. He has.
- 5 Q. Was he on the finance council when you arrived?
- 6 A. You know, I'm not sure of that.
- 7 Q. Do you know where Mr. Flatley lives?
- 8 A. I believe he lives in Milton.
- 9 Q. Do you know on what street in Milton?
- 10 A. No.
- 11 Q. Have you ever been to his house?
- 12 A. I have never been to his house.
- 13 Q. Did Mr. Flatley speak about the settlement
- 14 agreements?
- 15 A. I believe he did.
- 16 Q. And did he speak, as the other lay people, in
- 17 opposition to it?
- 18 A. Yes, as all the other lay people did.
- 19 Q. Mr. Flatley has what business?
- 20 A. He's in real estate.
- 21 Q. Do you know the name of his company?
- 22 A. No.
- 23 Q. Sister --
- 24 A. Flatley Company, maybe.

1 Q. Sister Therese Higgins?

2 A. Sister Therese Higgins was the, formerly

3 president of Regis College.

4 Q. When did she step down from the president of

5 Regis?

6 A. Oh, some years ago.

7 Q. Is Sister Higgins any relation to Father Higgins,

8 Father Charles Higgins?

9 A. No, not that I know of.

10 Q. Did Sister Higgins speak about the settlement

11 agreement?

12 A. I can't remember whether she spoke or not. I

13 believe she did say something, but, again, she

14 was not speaking favorably towards the agreement.

15 Q. So when you say lay, you're including --

16 A. I am including.

17 Q. -- religious sisters?

18 A. Religious sisters, yes. The nonclergy members.

19 Q. Nonclergy. Are religious sisters usually

20 considered lay?

21 A. You know, that's a really technical question.

22 There are some religious communities where they

23 would be considered lay, and others would not be,

24 so I think I should say that the lay and

1 consecrated religious members of the board spoke.

2 Q. Do you know where Sister --

3 A. I would say the lay with the exception of Mr.

4 Smith. My presumption is Mr. Smith would have

5 voted in support of my recommendation.

6 Q. Do you know where Sister Higgins lives?

7 A. Yes. She lives at -- I believe she still lives

8 at the convent at Regis College, which is located

9 in Weston.

10 Q. Mr. John Kaneb?

11 A. Kaneb.

12 Q. Other than yourself as president, are there any

13 office positions of the council? Are there any

14 offices?

15 MR. ROGERS: I object. I don't

16 believe the testimony is that the Cardinal was

17 president.

18 MR. GORDON: Okay.

19 A. Is that what the directory says?

20 Q. It says president.

21 A. Yeah. So if that's what it says, that's what I

22 am.

23 Q. No.

24 A. But there are no other members with designation

1 of officers.

2 Q. So there's nobody who's called a chair or

3 anything?

4 A. No.

5 Q. Mr. Kaneb, John Kaneb, where does he live?

6 A. He lives in Manchester-by-the-Sea, and in Boston.

7 Q. Do you know the street he lives on in Manchester?

8 A. I do not know.

9 Q. How about Boston?

10 A. I do not know.

11 Q. Have you ever been to his house?

12 A. I have been to his home in Manchester a couple of

13 times, but I've never been to his home, his

14 apartment in Boston.

15 Q. If you've been to his home in

16 Manchester-by-the-Sea, do you remember what road

17 it was on?

18 A. No. It's by the water, that's all I can

19 remember.

20 Q. And Mr. Kaneb?

21 A. As a matter of fact, the last time I went there,

22 I went with a group of young people from Ireland

23 who, all of whom had lost their parents, their

24 fathers, except a family that was Protestant and

1 a family that was Catholic, and we were able to
2 bring these two families out, and we went there,
3 he had a lobster bake, a clam bake for these
4 families, and it was a very memorable occasion
5 for him, so it's right on the ocean, I know that.

6 Q. And Mr. Kaneb spoke against the settlement
7 agreement?

8 A. He did.

9 Q. Do you know if he's impassioned about it?

10 A. He was -- he felt strongly about it.

11 Q. Do you know what he does for a living?

12 A. He has Gulf Oil, if I'm not mistaken.

13 Q. He works for Gulf Oil?

14 A. Yeah, I think -- well, I don't know how that's

15 structured, but he has something do with --

16 MR. TODD: He owns stations and Hood

17 Milk.

18 Q. Was Peter Lynch present?

19 A. Peter Lynch was not able to be present. He was
20 out of the country.

21 Q. Is there a provision for proxy voting in the
22 finance council?

23 A. No.

24 Q. Did Mr. Lynch express to any of the members his

- 1 opinion as to what should happen?
- 2 A. I do not know that.
- 3 Q. Did he express to you what he thought should
- 4 happen?
- 5 A. He did not.
- 6 Q. Do you know if he expressed his opinion to Mr.
- 7 Smith?
- 8 A. I do not know.
- 9 Q. Do you know where Mr. Lynch lives?
- 10 A. Mr. Lynch lives in Marblehead and Boston.
- 11 Q. And he used to be and still is part of Fidelity?
- 12 A. He has something yet to do with it, yes. He had
- 13 the Magellan Fund earlier, I believe.
- 14 Q. William F. McCall, was he present?
- 15 A. He was.
- 16 Q. And do you know where Mr. McCall lives?
- 17 A. Like -- I don't know. I don't know where he
- 18 lives, but it's in the archdiocese, and he's in
- 19 real estate.
- 20 Q. McCall Real Estate? There's a company by that
- 21 name. Okay.
- 22 And he was, like the other lay people,
- 23 he spoke against the settlement?
- 24 A. That's correct.

1 Q. James Mooney, was he present?

2 A. I -- you know, I'm not certain of that. I'd have

3 to check that out.

4 Q. So you don't remember whether he was there or

5 not?

6 A. I can't remember whether he was there or not

7 which would indicate that if he was there, he

8 didn't speak.

9 Q. There was a Robert Morrissey, was he there?

10 A. He was.

11 Q. And do you know where Mr. Morrissey lives?

12 A. Yes. He lives in Belmont.

13 Q. Do you know what street?

14 A. I do not.

15 Q. Do you know what Mr. Morrissey does for a living?

16 A. He's a lawyer.

17 Q. Do you know what firm?

18 A. I think he's in his own firm, isn't he? Yeah, I

19 think he's in his own firm.

20 Q. All right. And did Mr. Morrissey speak about the

21 settlement agreement?

22 A. I can't recall whether he spoke or not.

23 Q. How about Mr. Giles Mosher?

24 A. He would pronounce it Mosher.

- 1 Q. Mosher, I apologize for that.
- 2 A. Was present.
- 3 Q. He lives where?
- 4 A. He's a retired banker, and I can't recall whether
- 5 he spoke or not, but clearly after the meeting he
- 6 gave me a call of some -- to encourage me, in
- 7 which he, he affirmed the decision that the
- 8 council had taken.
- 9 Q. And Mr. John McNeice, was he present?
- 10 A. He was not present.
- 11 Q. How about Michael Valerio?
- 12 A. Mrs. Michael Valerio.
- 13 Q. Oh, Mrs. Michael Valerio, what is her first name?
- 14 A. Helen.
- 15 Q. Helen Valerio?
- 16 A. Yes.
- 17 Q. Do you know where she lives?
- 18 A. I'm not sure what city they are in.
- 19 Q. Was she present?
- 20 A. She was present.
- 21 Q. Did she speak against the settlement?
- 22 A. She spoke against the settlement.
- 23 Q. Do you know if she works?
- 24 A. She -- yes, she and her husband together ran a

- 1 business, I think a Papa Gino's, I believe that
- 2 was it, and they sold that and....
- 3 Q. And you don't know where she lives?
- 4 A. I do not.
- 5 Q. Do you know what town or city?
- 6 A. No.
- 7 Q. Someplace in the archdiocese?
- 8 A. Oh, yes, it's in the archdiocese.
- 9 Q. Do you know what parish they belong to?
- 10 A. I do not.
- 11 Q. How about Mr. Francis Ward?
- 12 A. He was not present.
- 13 Q. Any of these people who were present, I've asked
- 14 you about if they spoke against the agreement,
- 15 but did anybody talk about how to convey this
- 16 news to the 86 plaintiffs?
- 17 A. No. The responsibility of the council is
- 18 circumscribed. Their responsibility was to pass
- 19 on what is called an extraordinary act of
- 20 administration and to give me their best counsel,
- 21 and in this case to give their approval for me to
- 22 execute an extraordinary act of administration.
- 23 That's their competence, and that was the
- 24 question before them. And it is to that question

1 that they responded. And it's a fiscal
2 committee, and their responsibility is with
3 regard to the fiscal well-being of the
4 archdiocese. That is their responsibility
5 specifically.

6 Q. Did Bishop Edyvean indicate that he thought a
7 press release should go out Friday or did he make
8 any comments about that at all?

9 A. I'm not certain to what extent Bishop Edyvean was
10 involved in that.

11 Q. The chancellor, Charles Smith, is that it?

12 A. No, David.

13 Q. David Smith. He's not on the council, is he?

14 A. He is now. Who -- would they have somebody by
15 the name of Cataldi listed there?

16 Q. No. He replaced that person?

17 A. Yes, yes, he's on the council.

18 Q. Is he on the council by virtue of being

19 chancellor or --

20 A. That's correct, by virtue of being chancellor.

21 Q. So Mr. Cataldi was before him?

22 A. That's correct. And Mr. Jerry, Jerry Reilly
23 before that.

24 Q. Did Mr. Smith indicate that a press release

1 should go out Friday?

2 MR. ROGERS: You mean during the
3 meeting?

4 MR. GORDON: On the finance committee.

5 A. No, at the finance committee.

6 Q. After the finance committee's meeting because it
7 was Mr. Smith's release.

8 A. That's correct.

9 MR. ROGERS: Did he indicate to whom?

10 MR. GORDON: To the Cardinal.

11 MR. ROGERS: Okay.

12 A. I believe, as I can reconstruct it as best I can,
13 that that decision was a consensus decision, that
14 the wisest and best way for us to do this would
15 be to say what happened as fully, as accurately,
16 and in as timely a fashion as we could so that
17 the facts would be out before the public, and we
18 were very anxious that that happen. We have
19 found in the process of these months that very
20 often what gets out are not facts, and we wanted
21 to be sure in this case that facts were out
22 before the public.

23 Q. Why was it important to have facts out before the
24 public?

1 A. Well, because I think that there was great
2 interest in this issue, and it was known that
3 there was going to be a meeting, and therefore
4 the facts should be out. The results of the
5 meeting should be out.

6 They were going to get out one way or
7 the other.

8 Q. Even with the movement away from secrecy that's
9 now going on in the archdiocese, now throughout
10 the country on some of these issues, there are
11 still some things you know have to be maintained
12 confidential, for instance, confessions. There's
13 no doubt in your mind that that will be never be
14 revealed; is that correct?

15 A. That's correct.

16 Q. Okay. Are there other things that go on that you
17 confront as a pastor in dealing with people with
18 issues, it may not be a confession, but are there
19 things at times that makes sense, maybe can be
20 made public but not at this time, or there is a
21 better way to convey it than through mass media?

22 A. You need to -- you know, it would be good if you
23 could explicate your question just a bit because
24 I'm aware of the fact, for example, that mandated

1 reporting which extends to clergy now and to all
2 church workers going back to 1973 would be very,
3 very extensive in terms of the areas it covers.
4 So the area of confidentiality in terms of
5 spiritual discussion and things of that kind
6 appears to be eroding in our society and our
7 legal system, and it's hard to know, really, what
8 is confidential, you know, what, what is going to
9 be broadcast.

10 Q. I'm talking here more of traumatic information
11 that will soon be known. It is not uncommon
12 practice for the police or even the media, when
13 somebody is killed in an automobile accident, not
14 to reveal it until the family is notified. And I
15 would assume that in your business of counseling
16 people that you would expect that the family
17 should learn in a setting that's comforting,
18 traumatic, finding out that someone has cancer.
19 It isn't put on the radio or TV. It is tried to
20 be done in somewhat of a supportive setting.
21 Isn't this kind of information, for those 86
22 people, that kind of traumatic information that
23 would have called for a different kind of
24 response than a press release?

1 MR. ROGERS: I object to the form.

2 THE WITNESS: May I answer?

3 MR. ROGERS: Sure.

4 A. I think I answered this previously. This is a
5 question put to me in a different form which you
6 put to me before the break, and I attempted to
7 answer it then, and I will attempt to answer it
8 again as fully as I can.

9 What was intended here was to report
10 accurately and in a timely fashion in a time
11 where there is a media frenzy around this issue
12 and where our experience has been that things
13 which we have assumed had been confidential
14 meetings or confidential discussions found their
15 way into print, and very often with a spin on
16 them which betrayed, really, the substance of
17 what was happening.

18 We felt that in that kind of an
19 environment, the best way and the most accurate
20 way that we could serve the common good would be
21 to tell what had happened, to tell what had
22 happened succinctly and clearly, to tell why it
23 had happened. I attempted on the following
24 Sunday at the cathedral, which has been my wont

1 lately, to say what I had to say on this general
2 issue in the context of the mass at the
3 cathedral. I attempted to indicate my
4 understanding of the anger, of the sense of
5 double betrayal that many people would have
6 experienced, and I appreciated that, I understood
7 that, but nonetheless, I hoped that even in time
8 the 86 plaintiffs to this settlement would also
9 be willing to be a part of constructing a more
10 global settlement which would involve all of the,
11 all of the victims.

12 Q. So --

13 A. At the same time, as I said earlier -- may I
14 finish?

15 Q. Sure.

16 A. At the same time, as I said earlier, with the
17 value of hindsight, with the value of hindsight,
18 I would have hoped that concurrent or in a more
19 timely fashion than the issue of that statement,
20 which I think needed to be issued, needed to be
21 issued by the chancellor, needed to be issued as
22 soon as possible, I think that a more timely
23 communication with counsel representing the
24 plaintiffs would have been desirable. Yes, I

1 agree with that. And I can only say, again, as I
2 said earlier, that, that, that this issue, this
3 whole issue as it plays itself out, is full of
4 moments when hindsight would have been helpful.

5 Q. You're familiar with what the terms of the
6 agreement were? You had some knowledge?

7 A. I have some knowledge of those.

8 Q. And were -- was there anything in the agreement
9 that indicated to the plaintiffs the advisory
10 council had to give its approval?

11 MR. ROGERS: Objection to the form.

12 Q. If you know.

13 A. Well, first of all, I don't know.

14 MR. ROGERS: Okay. All right.

15 MR. GORDON: All right. That answers
16 the question.

17 Q. Was it your understanding up until very recently
18 that the finance council was advisory in this
19 role?

20 A. It was, it was my impression that the matter
21 needed go before the finance council, but I felt
22 that it would be advisory, and, yes, that
23 judgment was questioned in the course of the
24 week.

1 Q. Who questioned that judgment?

2 A. A member of the finance council.

3 Q. Which member?

4 A. Mr. Kaneb.

5 Q. Mr. Kaneb?

6 A. Yes.

7 Q. Okay. Now, you know that your counsel were

8 meeting with us over many months?

9 A. Yes.

10 Q. At some point there's a name that I don't see

11 here, and I don't know why he was there, but at

12 some point the archdiocese sent Robert Popeo to

13 come to a session with us. Do you know in what

14 role Mr. Popeo was sent to meet with us?

15 A. I wasn't aware that he was sent to meet with you,

16 but Mr. Popeo has been assisting us in this case.

17 Q. Has Mr. Popeo been working with the finance

18 committee?

19 A. No, he had no commission from me to work with the

20 finance committee.

21 Q. Did -- the finance council. He has --

22 A. He's not a member of the council.

23 Q. And he didn't work with the finance council?

24 A. No. He may have been present -- I think he may

1 have been present at one of the earlier meetings

2 when we presented the settlement.

3 Q. Did he say anything at that earlier meeting when

4 the settlement was presented?

5 A. My impression is that he was favorable toward the

6 settlement. Laudatory to the efforts of Mr.

7 Rogers in this regard.

8 Q. Were you aware that Mr. Popeo met with us at some

9 point?

10 A. I was not aware of that.

11 Q. So you don't know who asked him to come meet with

12 us?

13 A. No, but I would not ordinarily have been aware of

14 that because Mr. Rogers is, is our counsel and so

15 I would presume that those kinds of meetings

16 would be somehow quarterbacked by him.

17 Q. Do you know who told Mr. Popeo to tell us that if

18 Mr. Garabedian spoke any more with the press,

19 this was several months ago, that the deal would

20 happen, but there wouldn't be the money there?

21 A. No. That certainly wasn't told with my

22 authorization.

23 Q. Do you know if any of the finance council people

24 have been meeting with Mr. Popeo?

1 A. I do not have knowledge of that.

2 Q. Did anyone ever convey to you that Mr. Popeo's

3 appearance caused a great deal of difficulty in

4 putting the agreement together?

5 A. I have a vague recollection of having heard

6 something to that effect.

7 Q. Do you know if assurances were then made after

8 Mr. Popeo's appearance that in fact the deal

9 would go through?

10 A. It was my intent to have that deal go through. I

11 was committed to that settlement. And that was

12 certainly conveyed to Mr. Rogers.

13 Q. Was it Canon 1277 that brought the finance

14 council into your decision-making with regard to

15 whether or not the settlement could be executed?

16 A. Well, it -- I think you may need to go back,

17 certainly from around 1290, 1289, to 1295, I

18 think, and perhaps the canon that you cited as

19 well, I don't know that. I think, yes, the canon

20 that you cited as well. I have to confess, Mr.

21 Gordon, that I'm not a canonist, but I have

22 looked up those canons since, and....

23 Q. Now, you indicated earlier you were aware of some

24 of the terms of the settlement agreements. You

1 were aware that the archdiocese wasn't going to

2 sign on any of the settlements, weren't you?

3 A. I was aware that 17 persons would sign, but.

4 Q. Right.

5 A. I was also aware that the archdiocese would stand

6 behind the settlement.

7 Q. Okay. So as you understood it the archdiocese

8 was not going to be a party to the settlement?

9 In other words, it wasn't going to be a signator?

10 A. That's correct.

11 Q. Okay. But it was going to finance the

12 settlement?

13 A. That's correct. Yes, it would settle in part.

14 Part of it would be through --

15 Q. And part of it would be insurance?

16 A. And part of it would be insurance that the

17 diocese has to cover such cases.

18 Q. But there was nothing in the agreement, because

19 if I remember correctly, the archdiocese insisted

20 that it not be a party, it would not sign, there

21 was nothing in the agreement that indicated the

22 archdiocese had to approve the agreement? Was

23 that ever put in the terms?

24 MR. TODD: Objection.

1 MR. ROGERS: If the Cardinal knows. I

2 object to the form.

3 Q. If you know.

4 A. The issue before the council was an act of

5 extraordinary administration, namely, the funding

6 of this settlement. So that was the question:

7 Whether the archdiocese would fund this

8 settlement.

9 Q. In Canon 1277, let me just ask you quickly before

10 we do have our break --

11 A. You can ask me, but remember I'm not a canonist.

12 Q. I understand. But I have a feeling you probably

13 heard about this on Friday.

14 The last sentence of Canon 1277 says,

15 "It is for the Conference of Bishops to define

16 what is meant by acts of extraordinary

17 administration." When the canon refers to the

18 Conference of Bishops, which conference is it

19 talking about?

20 MR. ROGERS: I object to the form.

21 Q. If you know.

22 MR. TODD: Would you feel more

23 comfortable if you have the canon in front of

24 you?

1 MR. GORDON: I have it right here.

2 It's been marked as Exhibit 3

3 (Document exhibited to witness.)

4 THE WITNESS: Thank you.

5 MR. GORDON: You're welcome, sir.

6 A. Canon?

7 Q. 1277.

8 A. 1277. As you know, this is the 83 code, which is

9 the code for the universal Latin church. There's

10 another code for the eastern church. So when it

11 speaks of conference here, it would be the

12 national -- whatever particular national

13 conference would be appropriate, and so for us it

14 would be the United States Catholic Conference of

15 Bishops.

16 Q. So that is one instance where they can actually

17 establish a policy that binds the individual

18 dioceses within their conference?

19 A. That's correct. They can bind -- the conference

20 can bind a diocese because of the, of the terms

21 of canon law or the specific acts of the Holy See

22 which would recognize an act of the Conference of

23 Bishops as a binding act. But we -- for example,

24 one of the things that the Cardinals have said

1 when they went over to that meeting was that we
2 would like to propose to the Conference of
3 Bishops that they propose to the Holy See a
4 recognition of some binding norms for handling
5 these cases for the nation.

6 So we have to decide as a conference
7 that we wanted to do that. We would have to set
8 up those norms, then we would need to submit
9 those norms to Rome and ask Rome, would you,
10 would you give authorization that these indeed
11 become binding in the dioceses of the United
12 States.

13 Q. Is there a specific resolution that you were able
14 to obtain from the National Catholic Conference
15 of Bishops that set the dollar amounts for what
16 is, are acts of extraordinary administration?

17 A. You know, I don't have that figure in my head.
18 That figure has been established and it was
19 because it was in excess of that figure that the
20 canonist determined that this was an
21 extraordinary act of administration.

22 MR. GORDON: I would ask counsel if
23 you could get us the copy of the resolution or
24 vote of the National Conference that establishes

1 that figure, to the extent it's relevant in this
2 case.

3 MR. ROGERS: I'll make inquiries and
4 see what we can come up with.

5 MR. GORDON: The Cardinal has, as I
6 understand it, a four o'clock mass.

7 THE WITNESS: I do.

8 MR. GORDON: It's 2:59 and 59 seconds,
9 so in view of our agreement, we'll suspend at
10 this time.

11 MR. TODD: To resume at nine o'clock
12 on Friday.

13 VIDEO OPERATOR: It's 2:59 on the
14 video. At this time we're off the record.

15 (Video off.)

16 (Whereupon, at 2:59 p.m., the
17 deposition was suspended.)

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