

May 8 2002 Deposition of Cardinal Bernard Law

(9:17 a.m. - 12:00 p.m. EST)

Franics Leary, Plaintiffs v. Father John Geoghan, Defendants

Suffolk Superior Court, State of Massachusetts (Civil Action No. 99-0371)

Suffolk Superior Courthouse, Post Office Square, Boston, Massachusetts

(Video on.)

VIDEO OPERATOR: We're now recording and on the record. My name is Wayne Martin. I'm a certified legal video specialist for National Video Reporters, Inc. Our business address is 58 Batterymarch Street, Suite 143, Boston, Massachusetts, 02110. We are here in association with Hennessey Corporation, doing business as Robert H. Lange Company of 50 Congress Street, Boston, Massachusetts, 02109.

Today is May 8, 2002 and the time is 9:17 a.m. This is the deposition of Cardinal Bernard Law in the matter of Francis Leary, Plaintiffs, versus Father John Geoghan, Defendants in Suffolk Superior Court, Civil Action No. 99-0371. The deposition is being taken at the Suffolk Superior Courthouse in Post Office Square at Boston, Massachusetts, on behalf of the plaintiffs. The court reporter is Loretta Hennessey of Hennessey Corporation. At this time counsel will state their appearances and the court reporter will administer the oath.

MR. GORDON: I am Attorney William H. Gordon and I represent Plaintiff Francis Leary and 85 other plaintiffs who have brought claims against Father John J. Geoghan, and his supervisors at the Boston Archdiocese at different times. My office address is 100 State Street, 6th floor, Boston, Massachusetts, at the Law Offices of Mitchell Garabedian. With me today is also Attorney Mitchell Garabedian representing the same plaintiffs. We do not, the only plaintiffs we do not represent are

Messrs. Hardigan, Ezdra and Pagliuca.

MR. GARABEDIAN: Good morning.

MR. TODD: My name is J. Owen Todd. I appear for the Cardinal, Cardinal Law personally.

MR. ROGERS: My name is Wilson D. Rogers, Jr. I appear for His Eminence Cardinal Law personally and for all of the remaining defendants excepting only Thomas Duane and John Geoghan, and I'm with The Rogers Law Firm at One Union Street, Boston.

MR. ROGERS, III: Wilson Rogers, the Third on behalf of all of the defendants excepting Thomas Duane and John Geoghan.

MR. MARK ROGERS: Mark Rogers on behalf of all defendants except for Thomas Duane and John Geoghan.

MR. O'CONNELL: Tim O'Connell representing Mr. Pagliuca.

MS. JACKSON: Susan Jackson for Thomas Duane.

MR. O'DONNELL: Michael O'Donnell for Joseph Ezdra and Michael Hardigan. My address is 165 Washington Street in Quincy.

MR. MURPHY: Tom Murphy on behalf of Thomas Duane.

MS. TANNENBAUM: Shauna Tannenbaum for the Law Offices of Mitchell Garabedian. We represent the 86 plaintiffs.

MR. GARABEDIAN: With me today I have a victim who is also a plaintiff. His name is Mark Keane.

MR. KEANE: Good morning.

BERNARD F. LAW, Sworn a witness called on behalf of the Plaintiffs, having been duly sworn, was examined and testified as follows:

MR. GORDON: The parties will enter a stipulation that all objections except objections as to form are reserved until time of trial.

Further, all motions to strike are reserved until time of trial. The plaintiffs will agree that the deponent may sign under pains and penalties of perjury without having to have his signature notarized. And let me state, I know there's going to be an objection that is going to be made generally for First Amendment. Let me state an objection for the record, I'm not sure it will create a problem, but it may. As I understand it from counsel who have identified themselves, there are now two counsel at the table both personally representing Cardinal Law, and I guess I'm a little confused as to who will be making objections on behalf of Cardinal Law because it's not normal to have two lawyers able to do that at a deposition.

MR. ROGERS: Well, first of all, let me take the first issue, the First Amendment. I suggest that we agree that I can have a continuing objection as to the First Amendment. I have raised the First Amendment as a defense and feel the inquiry into the internal workings of the Church is inappropriate. I think it would be a more orderly deposition if we go forward with just an agreement on the record that that objection is reserved and is considered made as to all of the testimony and it will be raised in an appropriate forum. I just think it would make for a more orderly

inquiry.

As to the Cardinal, Mr. Todd and myself are co-counsel. I was going to suggest that we take the position that an objection by any lawyer on behalf of a defendant runs to all defendants to avoid the situation where one attorney makes it, then everybody else wakes up and say oh, yes, me, too, and then we have all these people yelling out "objection." I just suggest that anybody makes an objection, it runs to all defendants. Now, that obviates your concern, but I don't, I just think it will all make for a more orderly progression.

MR. GORDON: Let's see how it plays out. I think you may be right. Let's see how it plays out. It's my understanding now that there is a standing objection on First Amendment grounds to the questions at the deposition.

MR. ROGERS: Yes.

MR. GORDON: And our position has been clear before. We think there has been an attempt to over, to make an overbroad interpretation of the First Amendment, we don't think it applies to the scope you do and this is an issue we continue to disagree on and the Court has generally more often than not.

MR. ROGERS, III: But we can agree it's a standing objection.

MR. GORDON: Yes.

DIRECT EXAMINATION BY MR. GORDON:

Q. Would you state your name for the record?

A. Yes. My name is Bernard Francis Law.

Q. And what's your date of birth?

A. November 4, 1931.

Q. And where do you reside?

A. I reside in Brighton, Massachusetts, 2101 Commonwealth Avenue.

Q. And is that the Archdiocese Cardinal's residence?

A. And office, that's right. I live over the store.

Q. Are you, you're a citizen of the United States; is that correct?

A. I am.

Q. Are you a citizen also of the Vatican State?

A. You know, I am. But may I qualify that? I am because I inquired of that this week since the question was raised, and I had never considered it before. The answer that I have is that I am. But I must say that it hasn't been something that I've been conscious of in the past 17 years.

Q. It was something that we had heard raised this week. It didn't come from us, but it is now something that we have some interest in knowing. You're not a citizen of any other country that you know of?

A. No. I was born in Mexico, and by a change in our own law I believe now I would have the ability of dual citizenship in terms of both countries, but I, as a matter of fact, do not have that.

Q. As I understand it now, you could have citizenship in Mexico, but you --

A. As well as the United States.

Q. Yes?

A. Yes.

Q. Do you know if you have any ambassadorial standing with the Vatican?

A. No, I do not. I have represented the Holy See as a legate for a conference, but that was not ambassadorial standing.

Q. Do you have a summer address?

A. No.

Q. Okay. And your primary residence, then, is the Comm. Ave. address?

A. That's correct.

Q. And you don't have a winter address, winter home?

A. No.

Q. Okay. You graduated high school when?

A. 1949.

Q. And where did you graduate high school?

A. Charlotte Amalie High School in St. Thomas, Virgin Island.

Q. Oh how is that high school name spelled?

A. C-H-A-R-L-O-T-T-E, and then capital A-M-A-L-I-E, High School.

Q. And did you go to college right after graduation from high school?

A. I did.

Q. And where did you go to college?

A. I went to Harvard.

Q. And how many years did you stay at Harvard?

A. Four years.

Q. And did you get a baccalaureate degree?

A. I did, 1953.

Q. And what was your degree in?

A. History.

Q. Did you graduate with honors?

A. No.

Q. Okay. After you graduated from Harvard, what did you do next?

A. I entered the seminary.

Q. Which seminary did you enter?

A. I entered the St. Joseph's Seminary in St. Benedict, Louisiana, and I was there for two years,

and then I went, was sent by the Bishop to the Pontifical, P-O-N-T-I-F-I-C-A-L, College, Josephinum, which is Joseph and then I-N-U-M, in Worthington, Ohio, and I was there for six years.

Q. Did you receive any degrees from the seminary?

A. The -- no. I received a second Bachelor's in philosophy, but I had -- it was -- by our system it would be a graduate study, but the seminary didn't give you a degree. You finished the course of theology leading to ordination. Q. While you were at Harvard, did you meet the late Bishop Lawrence Reilly?

A. I did.

Q. And when you met him, was he a priest or a Bishop?

A. He was a priest.

Q. And it was at the time Father Reilly?

A. Father. Might have been Monsignor, I wouldn't be sure of that. As a matter of fact, I think it was Monsignor.

Q. Did you have discussions with Monsignor Reilly about entering seminary? A. I did.

Q. Did you keep in touch with Monsignor Reilly after you left seminary?

A. Sporadically.

Q. When you knew Monsignor Reilly, had he served as secretary for Cardinal Cushing at that time, if you know?

A. I -- he was secretary to the Cardinal at one point of my knowing him as chaplain also of Harvard Catholic students.

Q. What year did you become ordained a deacon

A. I was ordained a deacon in 1961.

Q. Do you remember approximately what month?

A. I want to say April.

Q. Spring time?

A. Yes.

Q. Okay. When you were ordained a deacon, how much later was it before your ordination as a priest?

A. I was ordained a priest, May 21, 1961, Pentecost Sunday.

Q. Was there an internship at all while you were a deacon, did you serve any parish doing parish work?

A. As a deacon, no. I -- no.

Q. As a seminarian, did you ever assist in any parishes?

A. Yes.

Q. What did you do as a seminarian in parishes?

A. For six years I worked fully in the summer in parishes, what seminarians do do, helping. I had a pastor who was a wonderful mentor and I went on sick calls, I taught religious education, I tutored, I visited the sick, I did census, I participated in liturgies to the extent that it was appropriate for my status as a seminarian. Assisted in any way I could.

Q. In any of this parish work that you did while in the seminary, was any of it within the confines of the Archdiocese of Boston?

A. No.

Q. What diocese was it in?

A. It was then the diocese of Natches Jackson, Natches-Jackson, which covered the state of Mississippi.

Q. After you were ordained a priest, were you assigned to serve in a parish?

A. I was.

Q. What parish?

A. St. Paul Parish, Vicksburg, Mississippi.

Q. Were you called a curate then or parochial vicar?

A. No, parochial vicar comes later. Curate at that time.

Q. Who was the pastor at St. Paul when you were there?

A. Monsignor Michael J. McCarthy.

Q. How long did you serve as vic -- as curate, excuse me, as curate at St. Paul's?

A. About a year and a half.

Q. After that year and a half, what did you do next?

A. I was named editor of the Diocesan Newspaper, and given a few other jobs as well because it was a small diocese in terms of clergy and number of Catholics. There are only about 40,000 Catholics in the whole state. And I helped out in the parish on weekends where I lived, but it lead into more work than weekends.

Q. How long were you editor of the Diocesan Newspaper?

A. Until 1968.

Q. So that was approximately five, five and a half years?

A. That's correct.

Q. While you were at the diocese of Natches Jackson, did you have the opportunity to work with any priests who were assigned to the Archdiocese of Boston?

A. No.

Q. Did you -- do you remember if during that period you visited Boston?

A. I don't recall.

Q. After your service as editor of that newspaper, what did you do next?

A. I was assigned -- well, as you know, assignments, your assignment is in accord with what canon law lays out in terms of process, and I was a priest of the diocese of Natches Jackson, so that was my affiliation, and my superior was the Bishop of that diocese. I was asked if I would serve the Conference of Bishops in the Office of Ecumenical and Interreligious Affairs. The Bishop felt that it would be good for me to do that and released me, and I went there.

Q. Who was the Bishop at the time?

A. Bishop Richard Oliver Gerow, G-E-R-O-W.

Q. And when you say the Conference of Bishops, are you referring to the National Catholic Conference of Bishops?

A. That's correct. It's the United States National Catholic Conference of Bishops now.

Q. Was it called National then?

A. Yes.

Q. Okay. So you went to Washington, D.C. to work with that organization?

A. That's correct.

Q. Technically you were still, though, assigned to that diocese?

A. That's correct.

Q. And the diocese gave you permission to work there? A. That's correct.

Q. How long did you work at that Office of Ecumenical -- what was the title again?

A. Ecumenical and Interreligious.

Q. How long did you work in that office?

A. A little bit more than three years.

Q. Did you have a title in that position?

A. Executive director of that office.

Q. Did you have occasion while you worked in that office to meet Bishop Lawrence Reilly?

A. I don't recall. There would have been no reason to have done so, and I don't believe I did.

Q. What were the duties and responsibilities --

A. Excuse me.

Q. I'm sorry?

A. Yes, I would have seen him at the general meetings of Bishops if -- no, I'm not sure he was a Bishop at that time. I don't believe he was a Bishop during that time. No, I wouldn't have seen him.

Q. Okay. When the Conference of Bishops, the National, United States Catholic Conference of

Bishops meets, is it, are the auxiliary bishops of dioceses invited usually?

A. Yes. They're members of the conference.

Q. Are there ever separate conferences just of ordinary bishops?

MR. TODD: Objection as to form.

Q. Let me ask this. Is there something in canon law that refers to an ordinary?

A. Yeah.

Q. And what is the ordinary?

A. The ordinary would be the Bishop of the diocese as distinct from the auxiliary Bishops who may be assisting him.

Q. Were there ever national meetings just of ordinary Bishops?

A. Not that I know of, no. May I go back to --

Q. Sure.

A. -- a question concerning whether or not I had in a certain time frame seen Bishop Reilly. I do recall that there was an occasion when I did come to Boston and I saw him, and it was to -- I was invited to give a talk, and I saw him on that occasion. And I had no recollection of when that was, but it was in this time frame.

Q. Was this a talk on civil rights?

A. It was a talk about my experience in Mississippi, yes.

Q. And obviously when you came to Boston, you had some conversations with Bishop Reilly?

A. I would have seen him, yes.

Q. You don't remember --

A. I viewed him as a very important person in my life.

Q. Do you remember at all what you talked about?

A. I have no recollection of the conversation.

Q. Okay. Did you ever meet Cardinal Cushing?

A. Met him, yes.

Q. You don't remember any conversations with Cardinal Cushing, though?

A. No.

Q. Was there anybody else that you can recall who was with Bishop Reilly when you met him that time you came to Boston?

A. No.

Q. Okay. While you were -- actually, let me ask you, what were your duties as executive director?

A. To assist a committee of Bishops and the responsibility of this committee was to chart the ecumenical and interreligious relationships of the Catholic Church at the national level.

Q. While you were serving as executive director, did you meet a Father Thomas Doyle?

A. Well, I met Father Thomas Doyle, and I'm trying to look, I'm trying to pinpoint the time. It could very well have been the time if he was serving at the Nunciature at that time.

Q. You met Father Doyle at the Nunciature?

A. While he was there, yes.

Q. What was the Nunciature?

A. The Nunciature which was then, in those days was the delegation, not the Nunciature, the Nunciature is the headquarters for the representative of the Holy See in this country.

Q. After your three years -- strike that.

While you were executive director, did you ever attend meetings of the National Catholic Conference of Bishops?

A. Yes, particularly if there was an issue before them relating to the office.

Q. Were you present when a report by Dr. Conrad Baare, B-A or Baare, B-A-A-R-E, was given, or S?

A. I don't recollect that.

MR. GORDON: Okay. Why don't we have this marked as Exhibit 224.

(Document marked as Exhibit 224 for identification.)

Q. Your Eminence, I'm going to show you Exhibit 224, The Role of the Church in the Causation, Treatment and Prevention of the Crisis in the Priesthood. It's a document that was filed, I gather, in the Worcester Superior Court and was marked as depositions in 1995 and 1997. I'm going to ask if you've ever seen this report which today is marked as Exhibit 224.

MR. TODD: The question is ever seen at any time?

MR. GORDON: Yes.

(Document exhibited to witness.)

A. Well, you know, do you want me to just go ahead and read this now and see if I can recall it?

Q. No. I'm asking if you've seen it before.

A. I have no recollection of seeing this.

Q. Have you heard of -- A. But let me --

Q. I'm sorry.

A. -- look through and see. I don't recall seeing this report.

Q. Do you recall anybody ever discussing this report to you?

A. This report?

Q. Yes.

A. I can't say that I've heard people describing this report. In the -- I have heard some discussion of a report, and if it's this report, then I've heard that.

Q. Approximately what was the date of the report that you've heard of?

MR. TODD: Objection as to form.

MR. GORDON: Okay. Q. You can answer.

MR. ROGERS: You can go ahead and answer, yeah.

A. It's difficult -- I see here, November, 1971, and so -- but I must tell you that I do not recall seeing this report.

Q. Okay. But you seem to remember in the early 1970s mention of a report covering this issue?

A. No, no, no, no, no. Not in the 1970s. In the discussion of this case I've heard --

Q. Okay.

A. -- mention of report, and I didn't know whether it's this report or not.

Q. Okay.

A. But I....

Q. Did that come up with discussion with people other than your lawyers about this report?

A. I mean -- yes, yes, not with my lawyers, but with the press.

Q. Okay.

A. Reading press reports.

Q. Anybody other than the press or the attorneys describe this report to you?

A. No.

Q. Okay. After you finished your service as executive director, what was your next assignment?

A. I went back to the diocese and I served as vicar general.

Q. When you served as vicar general in that diocese, was that the second position within that diocese?

A. That's correct.

Q. How long did you serve in that diocese as vicar general?

A. From '71 until I left the diocese in '73, December of '73.

Q. And did your status change at that point in December, '73?

A. Yes, I became a Bishop.

Q. And were you assigned to a diocese?

A. I was.

Q. And what diocese was that?

A. The diocese of Springfield-Cape Girardeau, G-I-R-A-R-D-E-A-U.

Q. And you were the ordinary Bishop at that diocese?

A. I was.

Q. And how long did you serve as ordinary there?

A. I served there until March of 1984 when I was installed as Archbishop of Boston.

Q. While you were the ordinary Bishop of Springfield Cape Girardeau?

A. That's right. Q. Did you have reports that came to you about -- I'm not asking for any names, but did you have reports of priests having inappropriate contact with children?

A. Yes.

Q. What were the -- what was the procedure that was in place there to deal with those reports?

A. As I, as I recall, there was a sending of the person for a psychological evaluation and for treatment.

Q. Were there less than five instances while you were there?

A. Yes.

Q. Was it more than one?

A. I don't recall more than one.

Q. So it wasn't an ordinary thing that you came across there?

A. That's correct.

Q. Did you consult any of the other Bishops about how to approach this issue?

MR. TODD: This issue?

Q. Being a report that a priest had an inappropriate contact with a child.

A. I consulted people who were on my staff, but I did not, as I recall, consult a Bishop beyond the diocese as to what to do here.

Q. Is that priest still a priest at this time?

A. Yes -- no, the priest that I consulted.

Q. That's fair.

A. The priest I consulted.

Q. Is the priest you received a report on still a priest? A. He's not active, no.

Q. Okay. And what you were indicating earlier was that some of the staff who advised you are still active priests?

A. That's correct. That's correct.

Q. Are any of those priests who advised you working in the Archdiocese of Boston?

A. No.

Q. Are they still at the diocese you left?

A. Yes.

Q. Are they -- is one of them the Bishop there now?

A. No.

Q. Okay. Sometime in 1984, were you named to become the Archbishop of Boston?

A. Yes, in January of '84 is when I found out. I forget exactly when it was made public.

Q. Do you remember when Cardinal Medeiros died?

A. He died in September of '83.

Q. Did the -- do you remember who informed you you were going to be the new Archbishop of Boston?

A. Yes. The Holy Father's representative in this country, who was Archbishop Cardinal Laghi at that time.

Q. It was directly by Cardinal Laghi?

A. He was Archbishop Laghi. It's normal that such a notification would be given by the Pope's representative to the candidate or the person.

Q. So it wasn't by Tom Doyle, Father Doyle?

A. No, no.

Q. Okay. When did you actually become Archbishop of Boston?

A. March of, March 23, maybe, March --

Q. Sometime in March?

A. March in the 20s of '84.

Q. And what is the term for when you became Archbishop of Boston?

A. I was, I was installed as Archbishop.

Q. And what was the term used to indicate that your status had become a Bishop approximately ten years earlier?

A. Ordained or consecrated at the earlier years it was called, but then later ordained.

Q. And so when you were installed as Archbishop of Boston, you were already considered a Bishop?

A. That's correct.

Q. The only thing that changed is the diocese that you were assigned to?

A. That's correct.

Q. Now, the diocese here is an archdiocese; is that correct?

A. That's correct.

Q. And is that -- why don't you if you could briefly describe why it's called an archdiocese?

A. An archdiocese would be, if you will, a major diocese historically. For New England the first diocese was the diocese of Boston, and when it was established around 1908, it comprised all of New England. Very, very few priests and very, very few Catholics, a vast, vast territory. And then, in time, it became subdivided so that now there are four dioceses in the State of Massachusetts, one archdiocese, three dioceses, and a diocese each in Vermont, New

Hampshire, and Maine. And those dioceses together constitute what's called the Province of Boston. And the rest of New England comes around what was established as the archdiocese of Hartford, and there are several other dioceses in Connecticut and the dioceses of Rhode Island. So it's longevity, if you will, and the importance of the city.

Q. There are provincial meetings of the Bishops of the Province of Boston, isn't there?

A. That's correct.

Q. Are those meetings once a year or twice a year?

A. Twice a year here in the province.

Q. Does the provincial meetings, do they have any jurisdiction over individual dioceses?

A. No, no. Nor does the metropolitan Archbishop.

Q. So are these primarily collegial meetings?

A. They're collegial meetings, that's correct. That would be a good way to describe them.

Q. But there can be no legislation that would affect individual dioceses?

A. No. No. We could decide corporately on a course of action. Rather, we could decide individually on a course of action that we, together, consider.

Q. Now, when you came to Boston in, I believe you said, sometime in March, 1984, in the 20s, you're not sure of which day, when you came, prior to that time, had you ever heard of Father John J. Geoghan?

A. No.

Q. Do you remember when you first met Father Geoghan?

A. No, I do not.

Q. Do you remember when you first heard of Father Geoghan?

A. I do not.

MR. GORDON: Do we have the exhibits?

(Document exhibited to counsel.)

MR. GORDON: Can we have this marked as Exhibit 225?

(Document marked as Exhibit 225 for identification.)

(Document exhibited to witness.)

MR. TODD: Do you want to keep that in the middle of the table?

MR. GORDON: Yes.

Q. Cardinal Law, you've been --

A. Yes.

Q. -- given what's marked as Exhibit 225 which appears to consist of two letters, the first of which is a typed letter on the Chancery stationery, apparently dated September 21, 1984 addressed to a Mrs. Marge Gallant, and which has typed as signature Archbishop of Boston and what appears to be, we'll ask if it appears to be your signature. The second of which appears to be a handwritten letter beginning with the salutation

Dear Excellency dated September 6, 1984, the second page of which has what appears to be the handwritten signature of Marge Gallant, some handwriting on that last page, and the last page of which appears to be an envelope addressed to you as Archbishop on 2101 Comm. Ave., Brighton, Mass.

Have you seen what's been marked as Exhibit 225 before, any of the documents?

MR. ROGERS: Read it all.

A. Just let me see.

MR. TODD: Again, this is seen at any time?

MR. GORDON: Yes.

A. I'm -- first of all, this is my signature (Indicating.)

Q. Okay. On the first page, that is your signature?

A. Yeah. Yeah, that is my signature. I do not recall having received this letter. I do not recall having received the letter. I find the --

MR. TODD: The question is actually whether you've ever seen it up to date.

THE WITNESS: Oh, yes, I've seen it before today.

Q. Okay. A. But I don't recall receiving the letter.

Q. Okay. Do you remember when you first saw this letter?

MR. TODD: This letter?

MR. GORDON: Being the letter addressed to the Cardinal beginning with the salutation "Dear Excellency" and the second page of which appears to be a signature of Marge Gallant. The handwritten letter.

A. I saw the letter from, I'm trying to get refreshed on this issue, but I do not recall having received the letter.

Q. Okay.

A. But....

Q. On the last page it looks to be a copy of an envelope, there's some handwriting there. Do you know whose handwriting that is?

A. Yeah. That would be my handwriting. That would be my initial. I --

Q. Okay. And what does that handwriting say?

A. It says, it's addressed to Bishop Daily and it says urgent, please follow through.

Q. And those are your initials right after it?

A. That's correct.

Q. And Bishop Daily had what position in the Archdiocese?

A. Bishop Daily, at that time, he was vicar general and he was chancellor, he was in effect chief operating officer, to use a term that doesn't really apply, but analogously I think it would explain what his role was.

Q. Was he in effect the No. 2 person?

A. That's correct, yeah. The person upon whom I would rely to assist me in the administration of the archdiocese.

Q. You did not get in your first year here a large number of letters informing you that a priest in the archdiocese had been molesting boys; is that correct?

MR. TODD: Objection to the form.

A. That's correct, I did not receive a great number of letters.

Q. So a letter like this from Mrs. Gallant would have been more of the exception?

A. It would have been.

Q. Do you recall talking to anybody about this letter about the time it came in?

A. I do not recall.

Q. Do you recall if you were troubled by the information in this letter?

A. I do not recall having seen the letter at the time.

Q. Do you recall writing the note which is on the last page of Exhibit 225 on the envelope?

A. I do not recall writing that note.

Q. But that is your handwriting?

A. But I have no doubt but that that's my writing and signature.

Q. On the --

A. And it would be the normal way in which I would handle cases.

Q. There's a typed letter in the beginning. Did you prepare that letter or did you have somebody on your behalf prepare that letter?

A. Ordinarily letters of this kind would be prepared for me, and they would be prepared by the person who was handling the matter for me.

Q. So you would think that Bishop Daily prepared the September 21 letter?

A. I would think either Bishop Daily would have prepared it, and in given the note at the top, I would presume that that's the way it was. The letter could have been done by the personnel office with, under the instruction of Bishop Daily, but in this instance it would appear that it originated with Bishop Daily and then the copies went.

Q. So, in September of 1984 did you have secretaries?

A. I did.

Q. Who were your secretaries then?

A. Father William Helmick was my secretary. I only had one secretary, a priest secretary.

Q. Okay.

A. And then Mrs. Kay Woodward was my secretary, administrative assistant.

Q. Is Mrs. Woodward still --

A. She is.

Q. She's still working for you?

A. She does.

Q. And do you know where Mrs. Woodward lives?

A. She lives in --

MR. TODD: No, no. We'll supply that information.

MR. GORDON: No, no.

A. I don't know her address.

Q. No, the city or town she lives in.

A. She lives in Walpole.

Q. Do you know the name of the street?

A. No.

Q. Do you know who her husband is?

A. Yes.

Q. What --

A. Frank Woodward.

Q. Does she have any children?

A. She, she does. She has two living, and she has one deceased.

Q. Are any of the children living with her?

A. I can't answer that, I'm not sure of that.

Q. Okay. All right.

A. Well, not living with her, no. They're adult.

Q. Have you ever been to her house?

A. No.

Q. Did Father Helmick, as your priest secretary, ever draft letters for you in response to letters you had received?

A. Yes.

Q. Do you know if it's -- how -- strike that.

How would you know that the first letter in Exhibit 225 addressed to Mrs. Gallant would not have been drafted by Father Helmick?

MR. TODD: Objection to the form.

MR. ROGERS: Go ahead.

THE WITNESS: Do I go ahead and answer?

MR. ROGERS: Yes.

THE WITNESS: I have to get this down.

A. Well, first of all, I wouldn't have an absolute -- I can't give you absolute recall on this, but given the substance of the letter, it would not be the kind of a letter that ordinarily my secretary, priest secretary would handle. It would be, the nature of the letter would be such that it would need to go someone who would be responsible for following through, checking out, and that -- in a matter of that kind.

Q. And the matter of that kind, are you referring to the fact that in Mrs. Gallant's letter in the second paragraph she, I believe, there's a reference here, a priest at St. Brendan's in Dorchester who has been known in the past to molest boys; that the matter you mean?

A. Certainly anything that would come to me that was of substance, and a letter of this kind would certainly be a letter of substance, would go to the person who would be responsible for assisting me in this type of matter. And the -- I don't know whether it's -- the way in which I operated --

MR. TODD: Why don't you wait for a question?

THE WITNESS: Excuse me, I'll wait for the question.

Q. Let me have a clear understanding. You believe that because of the subject matter here, it probably was drafted by Bishop Daily; is that correct?

A. That's correct.

Q. Okay. As we sit here today, you don't know that Bishop Daily in fact drafted this letter?

A. That's correct.

Q. Okay. And do you know today as a fact that Father Helmick did not?

A. My presumption would be that he would not have drafted this. It would have been out of the ordinary for him to have drafted that letter.

Q. Okay. Where is Father Helmick now?

A. His assignment now?

Q. Yes.

A. He's pastor of St. Theresa of Avila Church in West Roxbury.

Q. Is he -- does he -- was he ever given the title of Monsignor?

A. He was.

Q. So it's Monsignor Helmick?

A. That's correct.

Q. Did you have a conversation with Bishop Daily about Mrs. Gallant?

A. I don't recall having a conversation with Bishop Daily on this matter.

MR. TODD: Do you mean to say whether you had one or can't recall?

THE WITNESS: Yeah, I can't recall having had the conversation, having had a conversation with

Bishop Daily.

Q. While Bishop Daily was working with you, while you were in Boston, when you had reports that came in such as this, did you have conversations, when you could, with Bishop Daily about these issues?

A. Well, let me say that I don't -- to say when we received reports while Bishop Daily was with me like this, I'm not certain that there were reports like this, that there was -- but anything, anything of substance ordinarily we would have a, we would have a discussion, particularly when it came down to a decision as to what was to be done. I would get his recommendation on what the action should be.

Q. And let me ask you, when you came to Boston, was there something called either locked or secret files?

A. There were confidential files, I presume in the Chancery, but I did not go to those, I did not keep those.

Q. On the first page of Exhibit 225 on the letter under -- is there some language that indicates copy to Father Oates and Father MCC, personal, confidential, do you see that?

A. Yes, I do.

Q. Under that does it say "For the locked file"?

A. I see that.

Q. And do you know what it's referring to when it says the "locked file"?

A. My presumption is that it would be confidential files.

Q. And would those have been confidential files of priests?

A. They would certainly have included that confidential personnel files.

Q. Have you ever looked at those?

A. I have never gone through those files as a, as a whole.

Q. Have you asked people to go through those files?

A. I have asked that the files -- yes, that the personnel files be checked of all persons against whom allegations have been made.

Q. And when did you first do that? A. I did that subsequent to the policy that, the written policy for the handling of these cases, which would have been 1993, sometime past.

Q. Sometime in 1993?

A. Yes. It was January of '93 that the, that the policy was committed to writing and elaborated, and then after that it seemed to me that we needed to go back and check all files of persons against whom allegations had been made and test them against the policy.

Q. Did you find out that the priest that this letter was referring to in 1984 was referring to Father John J. Geoghan?

A. Well, as I said, I can't recall seeing the letter in 1984, but -- so I can't answer that.

Q. When you came here in 1984, who had ultimate authority on assigning priests to parishes?

A. When I came, the authority in the interim after Cardinal Medeiros's death, was Bishop Daily.

Q. And when you became Archbishop?

A. Then I would have the authority to assign.

Q. So -- and since then, you have had that authority?

A. I have the authority.

Q. Okay. So that ultimately you've always had the authority for the assignment of every priest in the Archdiocese?

A. That's correct.

MR. TODD: Since the installation?

Q. Since the installation; is that correct?

A. That's correct.

Q. And you don't recall now a discussion with Bishop Daily as to what was being done with regard to the assignment of this particular priest that you had received a written complaint that he had molested boys?

A. If you'd rephrase the question, because I find, you know...

MR. TODD: Just rephrase the question.

MR. GORDON: Okay. I can rephrase it.

Q. As I understand it, you do not recall a conversation with Bishop Daily regarding the priest at St. Brendan's in Dorchester that this written letter was sent to you about concerning the molestation of boys?

MR. ROGERS: Objection.

THE WITNESS: Excuse me?

MR. ROGERS: Just objection to form. Go ahead.

A. I do not recall seeing this letter as I sit here before you and try to reconstruct what I knew and didn't know in 1984. I do not recall seeing this letter at that time.

Q. What was the practice for reviewing letters that came to your residence in 1984?

A. Well, obviously it's a practice that evolved, and I can't put a, I can't put a firm date on when this policy took place or didn't take place. But the custom is that the mail is reviewed, is opened, and is sorted by my administrative assistant and ideally assisted by a priest secretary. That sometimes is not possible because of other duties, and the mail has to go through. And the mail is

sorted and is directed toward persons bearing responsibility for assisting me in that particular area. So, for example, if it is a matter that is dealing with education, it would go to the person, my secretary for education. If it's a matter specifically for schools, it would go to the superintendent of schools. They would be asked to look at this correspondence and to either prepare a response for me or to handle this matter themselves, if that were appropriate.

Q. In 1984, was it the practice that either your administrative assistant or priest secretary would ask you to handwrite a note to Bishop Daily without having you read what it was concerning? A. No, are you referencing --

Q. The last page.

A. -- the envelope here? I must say -- no. No one would tell me to put that note on. That kind of a note is a note that I would put on. And I would put on, having absorbed the content of whatever the backup, backup letter is. So the only thing I can say that is my signature, I wrote that. I would be lying to you if I say I recall having seen that letter before, but I can't sit here before you and say that I saw it when I don't think I did, when I don't remember seeing it.

Q. Would it be fair to say that when you wrote notes to Bishop Daily, you didn't usually write urgent?

A. That means what it means, you know. That means that I considered this an urgent matter, and that I wanted it followed through, and I expected him to follow through for me, follow through meaning doing whatever it takes to deal with this thing expeditiously and correctly.

Q. So it would be fair to say that you don't have a specific memory of Marge Gallant's letter, but the record seems to indicate you took it seriously at the time and asked the person you had given responsibility to --

A. That's correct.

Q. -- to address it in a serious manner?

A. That's correct.

Q. And address it quickly?

A. That's correct.

Q. Did Bishop Daily tell you at some point that Father Geoghan was being relieved of his duties at St. Brendan's in Dorchester?

A. I do not recall his having done that, but....

Q. It would it have been consistent with what was your practice at the time?

A. It would have been consistent, yes.

Q. Did -- I'm going to show you what was marked as Exhibit 8 at Bishop Daily's deposition on September 13.

MR. GORDON: I'm going to give him the original.

MR. TODD: Bill, do we have the marked copy?

MR. GORDON: I have the original.

MR. ROGERS: Okay.

MR. TODD: Do you have the original?

MR. GORDON: Yes, yes.

MR. GORDON: I don't have the original on 225, I don't think. I think I have the copy. That was the letter, Mrs. Gallant's letter.

MR. TODD: Was it marked?

MR. GORDON: I think it was marked, yes.

MR. TODD: Only two exhibits and we've already lost one.

MR. ROGERS: Are you putting an original of this in front of the Cardinal?

MR. GORDON: Yes, I'm going to give you that.

MR. ROGERS: You need that for counsel.

MR. GORDON: We're going to have to retrieve the marked Exhibit 225 at the break.

MR. TODD: Or remark one if you want. Here it is. Okay. Thank you.

MR. GORDON: Thank you, Mr. Todd.

Q. Cardinal, this is the original Exhibit 8 from Bishop Daily's deposition.

(Document exhibited to witness.)

A. Thank you.

MR. ROGERS: Are you asking the Cardinal to read this?

MR. GORDON: I'd like him to.

MR. ROGERS: Mr. Gordon, you want the Cardinal to read just the first page?

MR. GORDON: Just the first page. Bishop Daily represented the first page was a reasonably accurate transcription of his notes that follow.

Q. Cardinal, have you read Exhibit 8?

A. No, this is the first time I've ever seen this.

Q. Okay. Did Bishop Daily ever convey to you what Father Geoghan told him in 1980?

A. No, not that I can recall.

Q. So as of 1984, your memory of September of 1984, you were unaware that Father Geoghan had admitted to Bishop Daily to molesting boys?

A. I do not recall having been informed of this by Father, by Bishop Daily, no.

MR. GORDON: I believe we wanted to take a break to see if we could meet with the judge at 10:30. I have more questions, but why don't we stop now, take a quick break and see if we can meet with the judge?

THE WITNESS: Good.

VIDEO OPERATOR: The time is 10:25, we'll stop the video and go off the record. (Video off.)

(Brief recess.)

(Video on.) VIDEO OPERATOR: The time is 10:58. We're back on the record.

MR. GORDON: Could I have the exhibits, please?

(Document exhibited to counsel.)

MR. GORDON: Where is 225 ?

MR. TODD: Coming down. Mr. Murphy had it.

MR. MURPHY: That's 224.

MR. GORDON: Where's 225. That was the letter from Mrs. Gallant. It was there a little while ago. Mr. Todd, you had --

MR. TODD: Yes, it was in the middle.

MR. ROGERS: That's my copy of it.

MR. TODD: They were here when we left.

MR. GORDON: Tom, did you take it?

MR. MURPHY: I did not.

THE WITNESS: Could that be it?

MR. TODD: Can we operate with a copy for the time being?

MR. GORDON: All right. From now on, I will hold on to the exhibits. If anybody wants to have them, please ask me. Obviously people are not returning them.

MR. TODD: Sorry, here we are Bill, took it right from the middle

(Document exhibited to counsel.)

MR. GORDON: All right.

Q. Cardinal, I'm again going to show you Exhibit 8, and I'm again going to show you Exhibit 225.

(Document exhibited to witness.)

Q. And my question now is: Did you -- let me ask you this: When letters came into the Cardinal's residence, did you create a log of each letter that came in, or did you have a log created?

MR. TODD: Object to the form. It's --

MR. GORDON: Okay.

MR. TODD: Personally or --

MR. GORDON: That's fine. But let me also put on the record, we agreed to waive objections, not waive, but to reserve them until the time of trial.

MR. TODD: Not form.

MR. GORDON: Okay. All right. Fine.

A. The filing system has evolved, and again, I can't tell you at what point a particular system went into play. The system currently in play, and it's been in play for some time, is that as mail comes in, it is logged in with regard to its substance in the computer so we have a record as to what has come in. I instituted a chron. file on outgoing mail as soon as I came in because I had found in previous work experience that that's always, it's a manual thing, more difficult, but at least it's, you're sure that you have that. But that's on outgoing mail.

Q. Does that -- when you say chron. file, you mean a chronological file?

A. That's right. That each day correspondence that has gone out of the house is, a copy of it is filed so that you, so that you, so that you have a chron. file.

Q. And does the chron. file indicate to whom the letter is sent?

A. It's a copy of the letter.

Q. Oh, it is a copy of the letter?

A. Yeah, it's a copy of the letter that's gone out. It's a hard copy of the letter that's gone out. It's a primitive form of filing.

Q. Sure.

A. But...

Q. There's no handwritten notation of a letter to whom on a particular date?

A. No, no. No.

Q. What happens is just a copy of the letter is filed --

A. That's correct.

Q. -- in your files?

A. And as I say, the incoming mail is filed now, and I can't tell you when that began. It may very

well be, and I would presume that when I first got there, the filing system was a more routine filing system where you would keep a file of the incoming letter.

Q. Now, Bishop Daily at some point in 1984 was given another assignment, wasn't he?

A. Yes.

Q. And where was that assignment to?

A. Palm Beach.

Q. Do you remember approximately when that assignment was given?

A. I think he left sometime in September of '84.

Q. So just about the time that you would have sent him the letter from Mrs. Gallant which was also in September of '84; is that correct?

A. I believe so.

Q. Did you make any provisions to have somebody else follow through with what you had indicated to Bishop Daily was urgent and to follow through?

A. The person who assumed the responsibility of Bishop Daily as my, my first associate was then Father Robert Banks.

Q. And Father Banks is now a Bishop; is that correct?

A. He is.

Q. And he's the Bishop of Green Bay?

A. Green Bay.

Q. So did you follow through on Mrs. Gallant's letter with Bishop Banks?

A. Bishop Banks would have been the person who would have handled such cases, that's correct, as Bishop Daily, Father -- well, Bishop Banks.

Q. And would you have expected Bishop Banks to have pulled the file on the priest that was alleged to have molested boys?

A. I would have expected him to have handled the case appropriately.

Q. What would have been the practice that you would have expected him to do at that time.

A. I had confidence in both Bishop Daily and Bishop Banks. As the note indicates here to Bishop Daily, I said, "Urgent, please follow through." And the "Please follow through" was an indication that I want you to handle this in an appropriate way. And I had confidence in those whom I appointed to these roles to do that. I had confidence in Bishop Daily and I had confidence in Bishop Banks, as I still do.

Q. But Bishop Daily was leaving about the same time you were sending him this letter; isn't that correct? September of 1984 he was leaving the Diocese of Boston?

A. Well, but he was still -- he held the responsibility. I would not have addressed something to him if he didn't have that responsibility. If Bishop Banks had it at that time, I would have addressed it to Bishop Banks. What I'm saying is Bishop Banks succeeded Bishop Daily.

Q. But did Bishop Daily leave within a week or two weeks of that date?

A. I can't -- I don't have recall on those dates.

Q. Do you recall if you asked Bishop Banks to follow up with what Bishop Daily had been doing, then Father Banks, to follow up?

A. I cannot recall having told him, follow up on this case. But I'm certain that --

Q. What would be --

A. -- it would have been expected that he would have followed up on all current cases.

Q. What was the practice --

A. When I say cases, again, I'm not indicating that this was one of many such cases, but it was not, but what -- he would follow up on the business that Bishop Daily had had.

Q. In 1984, you knew, did you not, that it would have been wrong for a priest to have sexually molested boys; is that correct?

A. Oh, absolutely.

Q. Okay. And that is something you would have tried to stop from happening again?

A. That's correct.

Q. Okay. What was the practice that you had in place in 1984 when you were Archbishop to deal with this kind of allegation when it comes in?

A. I viewed this as a pathology, as a psychological pathology, as an illness. Obviously I viewed it as something that had a moral component. It was, objectively speaking, a gravely sinful act. And that's something that one deals with in one's life, in one's relationship to God. But I also viewed this as a pathology, as an illness, and so consequently, I, not being an expert in this pathology, not being a psychiatrist, not being a psychologist, my, my modus operandi was to rely upon those whom I considered and would have reason to consider to have an expertise that I lacked in assessing this pathology, in assessing what it is that this person could safely do or not do.

Q. So in -- you would have relied on some sort of medical or psychiatric expertise in dealing with this issue --

A. That's correct.

Q. -- at that time?

A. At that time, that's correct.

Q. And you would have expected, whether it was Bishop Daily or Bishop Banks, to refer to that.

A. That's correct.

Q. Okay. And to assist these experts, would you have wanted to give them as much information as you had about a particular priest with a problem as possible so they could have an accurate opinion?

A. My presumption would be yes, that one, if a person was going to assist, one would have to provide the information that's pertinent for that to be able to describe the degree of illness.

Q. Did you explain this as, your reliance on this kind of expertise, to Bishop Daily, that you expected him to go through this process?

A. I don't recall explaining it to him, but certainly that would have been, I think, the common expectation that we both would have shared in what I, what I implied when I said, "Follow through on this."

Q. So you, at that time, you don't recall requesting to personally see the file of Father John J. Geoghan?

A. That's -- I do not -- I did not do that.

Q. Okay.

A. I relied on those who assisted me in this matter to do all that was appropriate, and that would include....

Q. So the procedures you had in place then would have been for this priest to have been sent to a doctor?

A. That's correct.

Q. Okay.

MR. GORDON: Can we have this marked as Exhibit 226, please?

(Document marked as Exhibit 226 for identification.)

(Document exhibited to witness.)

THE WITNESS: Thank you.

BY MR. GORDON:

Q. Cardinal, you've been given what has been marked as Exhibit 226, the first page of which appears to be a letter from the Archbishop's Residence of September 18, 1984, the second document appears to be a handwritten letter from St. Brendan's Rectory addressed to Father Oates of September 27, 1984, which would -- on the second page of which appears to be a copy of the signature of John J. Geoghan, and the last page of which appears to be a phone message. Have you had a chance to review Exhibit 226?

A. I have.

Q. And does Exhibit 226 indicate to you that Bishop Banks on September 18 was then vicar general and serving in place of Bishop Daily?

A. It does.

Q. Okay. So sometime between your note on the envelope from, of the September 6, 1984 letter

from Marge Gallant, to September 18, Bishop Banks assumed the duties of Bishop Daily?

A. That's correct.

Q. Okay. And does the first page of Exhibit 26 (sic) indicate that you had ended Father Geoghan's assignment as St. Brendan's as of September 18?

A. Yes.

Q. And was it your practice at that time, when Bishop Banks was vicar general, to require priests who were having their assignment changed to notify Bishop, then Father Banks, now Bishop Banks, and Father Oates, that they had received a letter from you?

A. Yes.

Q. Okay. Do you remember if you in fact signed the September 18 letter?

A. I, I do not recall signing the letter.

Q. But it would have been the kind of letter you would have signed at the time?

A. But if the letter went at the time, it would have had to have had my signature and nobody else would be authorized to sign in my place.

Q. Okay. And the September 27 letter, which is the second letter in there, indicates that Father Geoghan in fact had received your letter of September 18; is that correct?

A. That's what it indicates.

Q. Okay. And the last page to this exhibit appears to be a copy of a phone message to Father

Oates from Father Geoghan? A. That's what it appears to be. Q. Okay. Does it appear to say something about St. Julia's Rectory, he has spoken to his doctor, who is sending a letter to affirm

his good health? A. Yes. Q. Okay. So there is in the record, in the file, that phone message,

what appears to be a phone message from Father Oates to Father Geoghan? A. Yes. Which

I'm seeing here for the first time.

Q. Okay. So you hadn't seen that before?

A. No.

MR. GORDON: Could we have this marked as Exhibit 227, please?

(Document marked as Exhibit 227 for identification.)

(Document exhibited to witness.)

Q. Cardinal, we've given you a two-page document which has been marked as Exhibit 27 (sic). It appears to have handwritten notes on it. On the first page it appears to have the date of 9/17/84, re: Father John Geoghan. The second page of which appear to be some notes and a copy of that envelope in which you wrote urgent to Bishop Daily in the Marge Gallant letter. Have you seen these notes before?

A. No. And I find them rather difficult to read, but I'll give a try here.

Q. Before you do that: Have you seen them before?

A. No.

Q. Okay. Do you know whose handwriting they are?

A. I do not.

Q. Have you ever spoken with Father James Lane?

A. Yes, I've spoken to Father Lane.

Q. Did you ever speak with Father Lane about Father Geoghan?

A. I believe that, not in this time frame, but subsequently I think he may have mentioned something about him.

Q. And when was that?

A. I couldn't say.

Q. Was it in the 1980s?

A. Possibly. I can't -- I really can't put a time from. Just in my apperceptive mass there's something there, but it would not have been in this early time frame.

Q. So it wouldn't have been contemporaneous with 1984?

A. It would not have been, no.

Q. If this helps you, would it have been before or after you issued the sexual abuse policy? A. I think it would be after.

Q. Okay. And do you remember what Father Lane said to you about Father Geoghan? A. I can't. I cannot remember.

Q. All right. Did anybody report to you that Father Lane had some serious concerns about Father Geoghan being at St. Brendan's?

MR. ROGERS: At this time or at any time?

Q. In 1984.

A. No, no, no.

Q. And you don't know if the handwriting in the 9/17/84 notes are either Bishop Banks' or Bishop Daily's; is that correct?

A. I really don't. I would, I would be more familiar with Bishop Banks' handwriting, and this does not appear to me to be Bishop Banks' handwriting, it's usually smaller than that, but I really don't know.

MR. GORDON: The envelope appears to be obstructing the bottom of the notes. Could we get a copy -- this is to counsel. There may be a name signed at the bottom of this, we have not received this. The second page is obstructed by a copy of the envelope.

MR. ROGERS, III: We'll go back.

MR. GORDON: I suspect it's Bishop Daily and I can't testify to that and the Cardinal doesn't know.

Q. Do you remember a conversation with Bishop Banks about terminating Father Geoghan at St. Brendan's in 1984?

A. I do not recall a conversation with him on that issue. It would have been a customary thing, though, for a discussion to have taken place.

Q. And if there had been reports of Father Geoghan having inappropriate contact with children in the discussion of the termination of his assignment, would Father Banks have reported to you at the time there were these issues?

A. Yes.

MR. GORDON: Can I have this marked as Exhibit 228, please?

(Document marked as Exhibit 228 for identification.)

(Document exhibited to witness.)

Q. Your Eminence, you've been given an exhibit which has been marked Exhibit 228 and which appears to have two pages and two documents, the first of which appears to be a letter dated October 31, 1984 from the Archbishop's residence, the second of which appears to be a handwritten letter addressed to Father Oates with an apparent signature of Father John Geoghan. Would you please review Exhibit 228? And then I'll ask you some questions. Have you reviewed it?

A. I have.

Q. Okay. And is the first document a letter from you dated October 31, 1984 informing Father Geoghan that he was appointed as parochial vicar at St. Julia's parish in Weston?

A. My presumption is yes.

Q. Other than the phone message that we saw at the back of Exhibit 226, do you know of any doctor's reports in the files of the Archdiocese that indicated it was now safe to send Father Geoghan back to parish assignment?

A. As I indicated earlier, my policy would have been that an assignment of this kind would be contingent upon a professional opinion that such an assignment would be appropriate. And so my presumption is that such an opinion is extent.

Q. We have been given the records from the Archdiocese, and I'm willing to look at it right now, but we don't have any document prior to this date that says Father Geoghan was safe to send back to parish duty. Are you aware of any?

MR. ROGERS, III: Well, I'd object to that characterization.

MR. GORDON: Well, produce it.

MR. ROGERS, III: You've got it, you've used it.

MR. GORDON: Which one?

MR. ROGERS, III: You have letters from Dr. Brennan and letters from --

MR. GORDON: What dates? Not before October 31, 1984.

MR. ROGERS, III: Sure you do.

MR. GORDON: No, not between the date of the report and this date.

MR. ROGERS, III: You've got letters prior to October 31, 1984.

MR. GORDON: Oh sure, 1981. But any since the report of September -- let me rephrase the question. I understand your issue now.

MR. ROGERS, III: Go ahead. That's an unfair characterization. The report is before October 31 of 1984.

MR. GORDON: Let me narrow it.

MR. ROGERS, III: Go ahead.

BY MR. GORDON. Q. Are you aware of any documents from any doctor between the date of Marge Gallant's letter of September 6, 1984 and October 31, 1984 indicating it was safe to send Father Geoghan back to parish assignment?

A. If I may respond --

Q. Yes.

A. What I am aware of is my expectation, and that expectation was understood by those who assisted me, it was no one could be assigned unless there were an attestation from someone professionally competent to give it that that person could be safely put in place. Now, am I -- I do not have recall about documents that are in the files going back 18 years, but I can assure you that this letter would not have been signed had there not been the assurance given by a medical person. I'm sure that that medical assurance was given. Whether it was subsequently put in writing and in an earlier form given orally, I cannot say, but I can say, without any shadow of a doubt, that this letter would never have been put before me for signature had we not had the assurance of someone competent to give that assurance that this assignment was safe.

MR. GORDON: All I'm asking for is if counsel has a letter prior to October 31, '84, after September 6 of 1984, I'm more than willing to look at it and ask questions about it and that will answer this particular question.

MR. ROGERS, III: We've produced it before.

MR. GORDON: We've not been able to locate it.

MR. ROGERS, III: You've used it before in deposition.

MR. GORDON: Tell me the date.

MR. ROGERS, III: October 20, 1984, but this is your deposition, you conduct it the way you see fit. We have produced such documents.

MR. GORDON: Okay.

MR. TODD: There's also an allusion to this letter in this phone message.

MR. GORDON: Well.

MR. TODD: A reference to it, excuse me.

MR. GORDON: You're saying, what deposition did we use it, if you're saying we used it?

MR. ROGERS, III: I'm sorry?

MR. GORDON: What's the exhibit number?

MR. ROGERS, III: I don't have the exhibit number in front of me. This is your deposition. You've used it.

MR. GORDON: I understand it. If you're saying we used it, fine.

THE WITNESS: You need a chron. file.

MR. GORDON: We thought we had one. The only thing I'm finding, and I'll show this to the Cardinal, Father Flatley's chronology, which is Exhibit 99, and you can look at the entries between 9/6/82 and 9/18/84 and 11/84. There is no entry in Father Flatley's chronology that indicates a letter. If you're saying there's one, I don't have a problem, but you haven't referenced an exhibit number, there are over 226 exhibits, and we did not find it readily available in the file. It's possible. All I'm saying is why don't you just give it to us?

MR. ROGERS: Well, I have notes here, but I'm telling you this is your deposition you're asking the Cardinal what he knows, what he remembers, and that's --

MR. GORDON: Okay.

MR. ROGERS: Seems to me that's the --

MR. GARABEDIAN: You don't have a copy of the letter?

MR. ROGERS: I'm sure I have a copy of the letter, but I don't have it here. I have notes, my own notes indicate there is such a letter and that you've used it, but -- that's.

MR. GORDON: You know, there is.

MR. ROGERS: But that's not the issue in terms of the question to the Cardinal. The question to the Cardinal is what does he remember, what does he know, and he's answered that.

MR. GORDON: And right now the Cardinal doesn't know whether or not there was a letter.

Q. Is that correct, Cardinal Law?

A. Excuse me?

Q. Do you know if there was a letter from a doctor between the time Father Geoghan's assignment as St. Brendan's was terminated and the time his assignment at St. Julia's was made?

A. What I said is there was no way in which this letter would have been prepared for my signature

without there having been a prior attestation by someone professionally competent to give it that such an assignment was appropriate given the pathology of John Geoghan. Now, whether that was a letter already in hand, in written form at that point, or whether that was a matter of consultation personally or by phone, I cannot respond to that. But I do see --

Q. You're looking at Father Flatley's chronology?

A. That's right.

Q. And you're referring to the 12/11 --

A. That's correct.

Q. -- entry?

A. That's correct.

Q. That's December 11. What's the date of your assignment of Father Geoghan?

A. September 18.

Q. That's his termination. But isn't October 31 the date you reassigned him in Exhibit 228?

A. That's correct.

Q. And that's before that entry for Dr. Mullins?

A. That's before this entry, that's correct.

Q. Yes, yes.

A. But what I'm saying --

Q. You believe there is a letter.

MR. GORDON: And, counsel, you're representing you believe there is a letter?

MR. ROGERS, III: We'll get you another clean copy of it.

MR. GORDON: All right. I don't want to create, we don't need to create a bad record. I don't want do that. I really don't, and so if you can --

MR. ROGERS, III: We'll secure you another copy, but I can assure you you have a copy, and my recollection is it's been published in the papers, the newspaper.

MR. MURPHY: I was going to say, the folks in the hall might have it.

MR. ROGERS, III: This is not a letter that hasn't been produced. We'll get it for you, October --

MR. TODD: October.

MR. ROGERS: October 20, 1984.

GORDON: Okay, okay. All right.

Q. Did you have your policies about attestation before a priest could go back on assignment in writing at that time?

A. No. I put the -- our policy went in in written form in 1993, but those persons working with me prior to 1993 were well aware, were well aware that that was the way in which such a case should be handled, and I'm sure they could attest to that fact.

Do you want all these things just kept here in a pile?

MR. GORDON: Yes, why don't we have, why don't we have Exhibit 229 -- I see the problem. I found it attached to another document that has a later date on the cover page.

MR. ROGERS: Good.

MR. GORDON: I just want the record clean.

MR. ROGERS: That's fine.

MR. GORDON: Can we have that marked as Exhibit 229?

(Document marked as Exhibit 229 for identification.)

(Document exhibited to witness.)

Q. Your Eminence, you've been given a copy of exhibit, or Exhibit 229 which appears to be a copy of two letters: One of which is a letter to the personnel office dated November, from the personnel office of the Archdiocese of Boston dated November 5, 1984, apparently to Dr. Robert Mullins, and signed by Father Thomas Oates, and the second page of which appears to be a handwritten letter, a letter from Dr. Mullins of October 20, 1984 to Father Oates. Now, unless I'm mistaken, this is it. This was the medical certification that I, that we've been able to obtain, I

guess, that says Father Geoghan was fine to send back to the diocese, to parish ministry?

A. Without any need for specific restrictions.

MR. TODD: Objection.

Q. Was there any standards you put in place for whom you would have evaluate priests with this kind of problem in 1984?

A. As you will recall, I came as Archbishop in March of '84, and as time went on there was a group of psychiatrists that we worked with on a routine basis. That was not in place at this time.

Q. Okay. At some time did Father Doyle talk to you about the problem of sexual abuse by priests of children, talk to you about that issue?

A. I recall, in a vague way, conversations with Father Doyle about the effectiveness of, of treatment centers. It seems to me that that was the general topic that we discussed relative to this problem of sexual abuse of priests.

Q. At some point were you chair of the conference of Bishops Committee on Research and Pastoral Practices?

A. I was.

Q. When were you chair of that committee?

A. I do not recall.

Q. Were you chair --

A. I'm sure --

Q. Were you chair of that committee around the time you became Archbishop of Boston or shortly thereafter?

A. Perhaps shortly thereafter.

Q. And what were the duties and responsibilities of the Research and Pastoral Practices Committee or Conference?

A. That was a committee that was sort of a catchall for things that didn't fit somewhere else, and it had sort of a wide ranging scope.

Q. Did Father Doyle ever talk to you about having an adjunct committee to that committee to address the problem of sexual molestation by priests?

A. I cannot recall that kind of a conversation. I do recall Father Doyle's interest in this, and we would meet on occasion at the Nunciature, and I shared a concern about the pathological nature of this illness, of this behavior and the need to deal with it as such.

Q. Was it after your discussions with Father Doyle that you decided you needed to have a team of psychiatrists working with these kinds of priests?

A. No. You know, it was not as a consequence of that. I think that my conviction about the need to proceed with, in this area in this way was, predated my conversations with Father Doyle.

Q. From what I can tell, those conversations at least what's been recorded by Father Doyle, were in 1985, the first half of 1985. So did you have a team, this team of psychiatrists in before then?

A. I can't say whether by then we had that or not. I, you know, I'd have to rely on discussing with others who were assisting me to say exactly when did we do that.

Q. So you can't say with certainty whether it was before or after --

A. '85? I don't know that we were dealing with that many cases.

Q. So it may have been after your conversations with Father Doyle on this issue that you --

A. -- that we had the team.

Q. Yes.

A. But not because of the conversations with him. That, I thought, was the question.

Q. No, no, it was just after.

A. Oh, fine.

Q. Just time sequence. Father Doyle imparted some of his concerns about what was going on at some of the centers to you?

A. I'm not sure that that was the point of issue. My concern was how do we assess the various

centers for their effectiveness, which was an ongoing concern for many years for me.

Q. Do you ever hear of something called the Seton Institute?

A. Excuse me?

Q. The Seton Institute in Maryland.

A. The Seton Institute? I don't believe so. If I did, I don't remember.

Q. Okay. Okay. Did you explain to Father Oates what kind of, in 1984, what kind of expert you wanted to assess Father Geoghan?

A. Father Oates would not have been the person to, that I would have had that discussion with. It would have been Father, Bishop Daily when he was there, it would have been Bishop Banks when he took that responsibility. But in 1984, months after I came here as Archbishop, I was relying upon those assisting me to handle this adequately, and I was relying on their discretion in terms of the medical expertise.

Q. Did you have any system in place to make sure that the right medical experts were involved?

MR. TODD: At what point?

MR. GORDON: In 1984.

A. No.

Q. Okay. Do you remember if you had any discussions in 1984 concerning Mrs. Gallant or the Dussord family?

A. No. As I mentioned earlier, I didn't have a recall on the letter itself, but, but obviously I saw the envelope.

Q. Sure. Without regard to the letter, do you remember any conversations at all in 1984 with regard to Marge Gallant or the Dussord family?

A. No.

Q. Okay. With regard to Father Geoghan, do you recall any conversations you had in 1984

pertaining to him?

A. I cannot recall specific conversations in 1984 about Father Geoghan, but underlying, underlying appointment letters such as you have put before me, I can, I can assume that there was a conversation.

Q. But you don't remember any of the conversations at this point?

A. The note such as I put on the envelope is of, is in a sense engaging in conversation. One can engage in conversation in different ways, and I, and I was, I was involved with others about Father Geoghan's case.

Q. Let me ask you if you recall if there was a verbal conversation you had with anyone in 1984?

A. I don't recall a verbal conversation.

Q. Okay.

A. But -- which is not to say there wasn't a verbal conversation.

Q. I understand. I'm going to give you what has been previously marked as Exhibit 166, at the deposition of Bishop McCormack.

(Document exhibited to witness.)

Q. And I'd -- exhibit -- you've been given a copy of Exhibit 166 which appears to be a letter from Bishop D'Arcy to you dated December 7, 1984.

First let me ask you, do you recall seeing this letter?

MR. TODD: At or about the time of the letter?

MR. GORDON: At or about the time.

A. That this was issued?

Q. Yes. A. I don't have a recall of this letter, no.

Q. Okay. At that time in 1984, was Bishop D'Arcy assigned to the Archdiocese of Boston?

A. Yes, he was an auxiliary Bishop.

Q. And was he also a regional Bishop?

A. He was.

Q. And what region was he a regional Bishop of?

A. He would have been a region that would have involved the west region now, which would have included Weston.

Q. Do you know if -- have you seen this letter before today, let me ask you that?

A. I've seen it before today, but I have not seen it in the time frame -- I don't recall seeing it in the time frame in which it was, it was communicated.

MR. GORDON: We're going to take a 20-second break for them to change tapes.

VIDEO OPERATOR: The time is 11:47. This is the end of video cassette No. 1. We're going off the record.

(Video off.)

(Discussion off the record.)

(Video on.)

VIDEO OPERATOR: We're back on the record. This is tape No. 2. The time is 11:49. This is the beginning of video cassette No. 2 in the deposition of Cardinal Bernard Law.

BY MR. GORDON: Q. Are you aware of any time in which Bishop D'Arcy had a supervisory role of Father Geoghan?

A. No, I am not.

Q. Do you -- can you tell me how Bishop D'Arcy would have known about Father Geoghan having a history of homosexual involvement with young boys if he was not directly involved with the supervision?

A. I cannot tell you that.

Q. As of September of 1984, were you aware that Father Geoghan had a history of homosexual involvement with young boys?

A. I was aware that there was involvement because, because of the, of having removed him out of one parish and putting him between assignments before sending him back to another, and then necessitating a letter that would not have been necessary unless there had been a problem.

Q. Have you and Bishop D'Arcy ever discussed Father Geoghan? A. I don't recall, but we very well might have in, when he was, when he was here as auxiliary Bishop.

Q. Did you get letters questioning your assignment of priests to parishes such as the one Bishop D'Arcy sent on December 7, '84, had you received letters like that before?

A. Before?

Q. Before December 7 of '84.

A. First of all, I don't recall --

Q. This letter.

A. -- seeing this letter in that time frame.

Q. Okay.

A. But, no, I do not recall receiving similar letters prior to that.

Q. Had anyone else in the hierarchy, up until 1989, expressed to you concerns about Father Geoghan being assigned to work in parish assignments where he would have an opportunity to be exposed to boys?

MR. ROGERS: Objection to the form. Could you tell us what you mean by "hierarchy?"

MR. GORDON: That's a good point.

Q. Had anybody else at the archdiocese ever expressed concerns about assigning Father Geoghan to parish work?

A. No. You know, the, the assignments that were made were made after some attestation, and as you -- and -- no, I did not receive complaints about those assignments from Bishops or from others in authority.

Q. Did you ever have a conversation with Monsignor Rossiter about Father Geoghan?

A. I don't recall personally having had such a conversation.

Q. Would you have wanted at that time Monsignor Rossiter to be aware of the issues with Father Geoghan?

MR. ROGERS, III: At what time?

MR. GORDON: In 1984 when Father Geoghan was assigned to St. Julia's in Weston.

A. I -- yes, I would have wanted that.

Q. And how would you have seen that that information would have been conveyed to Monsignor Rossiter?

A. My presumption would be that those assisting me in handling these matters would have also done what was appropriate in relationship to Monsignor Rossiter.

Q. And did you convey that to them, that you would expect them to communicate with Monsignor Rossiter about --

A. I do not recall having conveyed that.

Q. Now, you indicated you wanted some attestation before Father Geoghan could be sent back at that time. Where did you learn or when did you come to the understanding that you needed an attestation for a priest who had molested boys to be sent back? What was that based upon?

A. It seemed -- it just -- it's common sense. It's not based on any canonical requirement or

anything of that kind. It just seems to me that when you're dealing with something that is a pathology, that you can't act with regard to this person unless people who are competent can indicate to you that a certain course of action is appropriate. Had the letter come saying that this person may not be safely assigned, he wouldn't have been assigned, and I would have assumed that that was the case, and I would have trusted that. And I, you know, where would that have come from? It would have come from common sense.

Q. Do you recall if you attended any meetings with the National Catholic Conference of Bishops during the time you were a Bishop in your first assignment as a Bishop, or within the first five years of being assigned as an Archbishop to Boston, of meetings at which experts came to talk about dealing with issues that arise when a priest has been accused of molesting children?

A. I can't -- and I've tried to go back in my mind because I've heard about this in the press about such meetings. I don't have a recall of such a meeting, I have to say. But at the same time, it wouldn't have taken a meeting to convince me of the need to rely on professional expertise because I was convinced of that before coming to Boston. It isn't something that I learned in Boston.

Q. But there was no -- at that point when you first were here in Boston there was no written policy that said --

A. No, there was no written policy in place.

Q. No written policy at all?

A. And I was dealing with the case.

Q. In fact, there was no spoken policy saying, it must be a certain skilled psychiatrist making the evaluation? You at that point you just wanted to have an expert say to send him back, you didn't really qualify it more than that, a doctor?

MR. TODD: Object to the form.

MR. ROGERS: Go ahead.

A. I expected a professionally competent person to make that kind of a recommendation.

Q. Had you explained the criteria to Bishop Banks and Bishop Daily what you meant by "professionally competent"?

A. I don't recall doing that. It seemed to me that it was obvious

Q. Let me ask you now: Do you think that it is obvious, looking back?

MR. ROGERS, III: Objection.

MR. ROGERS: Objection to the form.

Q. In other words, do you think people understood what level expertise you expected at the time without explaining it with a little bit more detail?

MR. ROGERS: Object to the form, but go ahead.

A. I think that all of us understand much more fully today, not as fully as hopefully some day we will all understand, but I think all of us understand much more fully today what we're dealing with in this terrible pathology than we did earlier on. The -- as you know, I'm sure -- well, I'll leave it at that.

Q. Okay. In 1985, was Bishop D'Arcy given a new assignment?

A. In 198 -- let's see. Do you mean out of the diocese?

Q. Out of diocese.

A. Or in the diocese? I don't remember when he was assigned to become the Bishop of, to become an ordinary, but -- I'd have to look it up.

Q. All right.

A. In those days being an ordinary would have been considered a promotion.

Q. Well, let me ask you now: Moving from auxiliary Bishop or regional Bishop of Boston to being an ordinary, is that a promotion?

A. Absolutely.

Q. And the diocese that Bishop D'Arcy was sent to is?

A. South Bend, Fort Wayne.

Q. Fort Wayne?

A. Indiana.

Q. How many Catholics are in that region?

A. Oh, I couldn't tell you. But it's a good diocese, good size diocese. University of Notre Dame is there of course.

Q. That's the big center of that diocese, the Catholic center of that diocese?

A. Well, it's a significant institution.

Q. Over the years, have you and Bishop D'Arcy ever discussed Father Geoghan?

A. Not that I can recall.

Q. When is the last time you saw Bishop D'Arcy?

A. Oh, Heavens. I'm trying to think whether it was at the Bishops meeting or whether we have been together since then. It was at least I would have seen him in November at the Bishops meeting. We may have been together somewhere since then, but I can't recall that.

Q. Have you had conversations with Bishop D'Arcy in the last two years? A. Casual conversations, yes.

Q. Have you and he ever discussed the litigation going on --

A. No.

Q. -- surrounding John Geoghan?

A. No.

MR. GORDON: We said we would stop at 12:00, reconvene at 1:00?

MR. ROGERS: Fine.

MR. GORDON: It's 12 o'clock. We'll suspend for an hour.

VIDEO OPERATOR: It is 12 o'clock. We're stopping the video to go off the record.

(Video off.)

(Luncheon recess.)

(Video on.)