

## **Deposition of Cardinal Bernard Law**

**June 7, 2002, Suffolk County Superior Court**

*The following is the text of the deposition of Cardinal Bernard Law in Suffolk County Superior Court on Friday, June 7, 2002.*

### **DAY 2**

#### **COMMONWEALTH OF MASSACHUSETTS COUNTY OF MIDDLESEX**

GREGORY FORD, et al., Plaintiffs,  
vs.  
BERNARD CARDINAL LAW, a/k/a  
CARDINAL BERNARD F. LAW, Defendant.  
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PAUL W. BUSA, Plaintiff,  
vs.  
BERNARD CARDINAL LAW, a/k/a  
CARDINAL BERNARD F. LAW, et al. Defendants.  
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ANTHONY DRISCOLL, Plaintiff,  
vs.  
BERNARD CARDINAL LAW, a/k/a  
CARDINAL BERNARD F. LAW, et al. Defendants.

**THE SECOND DAY OF THE VIDEOTAPED DEPOSITION OF CARDINAL BERNARD F. LAW**, a witness called by the Plaintiffs, taken pursuant to the applicable provisions of the Massachusetts Rules of Civil Procedure, before Kathleen M. Silva, Registered Professional Reporter and Notary Public in and for the Commonwealth of Massachusetts, at the offices of Greenberg Traurig, One International Place, Boston, Massachusetts 02110, on Friday, June 7, 2002, commencing at 9:03 a.m.

**APPEARANCES:** Greenberg Traurig (by Roderick MacLeish, Jr., Attorney, Robert Sherman, Attorney, David G. Thomas, Attorney, and Courtney Pillsbury, Attorney) One International Place Boston, Massachusetts 02110 Attorneys for the Plaintiffs (by Jeffrey A. Newman, Attorney) One Storey Terrace Marblehead, Massachusetts 01945 Attorneys for the Plaintiff

The Rogers Law Firm, PC (by Wilson D. Rogers, Jr., Attorney, Wilson Rogers, III, Attorney, Mark Rogers, Attorney, Francis J. O'Connor, Attorney) One Union Street Boston, Massachusetts 02108 Attorneys for the Defendants

Todd & Weld (by J. Owen Todd, Attorney) 28 State Street Boston, Massachusetts 02109 Attorneys for Cardinal Law personally

**ALSO PRESENT:** Rodney Ford, Paula Ford, Father John Connolly, Father Christopher Coyne, George Libbares, Wayne Martin, Sandy Grossman, Shirley Fairclough.

**THE VIDEOGRAPHER:** We are now recording and on the record. My name is George Labbares. I'm a certified legal video specialist for National Video Reporters, Incorporated. Our business address is 58 Battery March Street, Suite 243, Boston, Massachusetts 02110.

Today is June 7, 2002, and the time is 9:05 a.m. This is Volume 2 in the deposition of Cardinal Bernard Law in the following actions being heard in Middlesex Superior Court: Gregory Ford, et al., Plaintiffs, versus Cardinal -- versus Bernard Cardinal Law, a/k/a Cardinal Bernard F. Law, Defendant, Civil Action 02-0626; and Paul W. Busa versus Bernard Cardinal Law, a/k/a Cardinal Bernard F. Law, Defendant, Civil Action 02-0822; and Anthony Driscoll, Plaintiff, versus Bernard Cardinal Law, a/k/a Cardinal Bernard F. Law, Defendant, Civil Action 02-1737.

This deposition is being taken at One International Place, Boston, Massachusetts, on behalf of the plaintiffs.

The court reporter is Kathy Silva of K. L. Good Associates. Counsel will state their appearances and the examination will continue.

**MR. MacLEISH:** Good morning, Your Eminence. Roderick MacLeish, Jr., representing the plaintiffs.

**MR. THOMAS:** David Thomas, also with Mr. MacLeish, representing the plaintiffs.

**MR. SHERMAN:** Robert Sherman, representing the plaintiffs.

**MR. NEWMAN:** Jeffrey Newman, representing the plaintiffs.

**MR. MARK ROGERS:** Mark Rogers, on behalf of His Eminence Bernard Cardinal Law and all defendants.

**MR. WILSON ROGERS, III:** Wilson Rogers, III, on behalf of His Eminence Bernard Cardinal Law and all defendants.

**MR. ROGERS:** Wilson D. Rogers, Jr., on behalf of His Eminence Cardinal Law and all defendants.

**MR. TODD:** Owen Todd appearing for the Cardinal personally.

**CARDINAL BERNARD F. LAW,** Resumed

**DIRECT EXAMINATION BY MR. MacLEISH, cont.**

**Q.** Good morning, Your Eminence, and thank you for returning this morning for your deposition.

During your deposition that we had on Wednesday, there was a variety of references to your existing policy that you're proposing for the Boston Archdiocese.

Do you recall that testimony that you gave on Wednesday?

**A.** I do. I do. You'll refresh me if I don't.

**Q.** Today we're going to be focusing on events principally between 1977 and 1993. We're not going to be going up to the current date. So if I could respectfully request in your answers if

we could try and focus on the dates which are going to be in question, which are, again, 1977 to 1993.

Does that sound fair?

A. Surely.

Q. Now, you said at the last deposition -- I want to give you this opportunity -- that you were going to do some thinking about another priest in Jackson, Mississippi, of which you may have been aware was involved in the molestation of children?

A. During my time.

Q. During your time. That's exactly right.

Have you now had the opportunity to do that?

A. I have, Mr. MacLeish, and I don't have a name to bring forward.

Q. Now, Cardinal Law, you attended the Pontifical College of Josephinum. Have I pronounced that correctly?

A. That's correct.

Q. In Columbus, Ohio. Is it not a fact that Father Broussard, the same Father Broussard that you later learned had been involved in sexual misconduct when you were in Jackson, Mississippi, as vicar general, was one of your seminarian classmates?

A. Not a classmate, but he also was at the Josephinum, yes.

Q. You were in the class of 1961; is that correct?

A. That's correct.

Q. He was in the class of 1964?

A. I believe that's correct. I wouldn't be certain of his ordination class, but --

Q. And the total number of seminarians who were there at the time was approximately how many, Your Eminence?

A. In the theology department?

Q. Yes.

A. That would have been six years. I would hazard that in that department, that six-year department, there would have been -- which would have been the two years of philosophy and the four years of theology -- there would have been around 100, perhaps a few more.

**MR. MacLEISH:** Mr. Todd?

**MR. TODD:** Mr. MacLeish, you started off asking the Cardinal whether he had reflected more on that one subject.

**MR. MacLEISH:** Certainly.

**MR. TODD:** And in the past, you've invited him to make any additions. I believe there is another further reflection the Cardinal had, so at a convenient time.

**MR. MacLEISH:** Fine.

**Q.** I'll certainly afford you the opportunity, if we could just continue with this, and then I am going to give you the opportunity to modify, change or supplement any of the answers that you gave --

**A.** Thank you.

**Q.** -- on Monday.

You knew Father Broussard when you were a seminarian, though; is that correct?

**A.** I did.

**Q.** And you were friends with Father Broussard when you were a seminarian; is that correct?

**A.** Yes.

**Q.** Were you close friends with Father Broussard when you were a seminarian? Would you use that term to describe your relationship?

**A.** We were certainly not distant, but we were not the closest of friends, yes.

**Q.** And you knew, when Father Broussard was at the seminary in Columbus, Josephinum, you knew that Father Broussard was the high school choir director for what I think was called, at the time, Unchanged Voices.

Do you recall that?

**A.** I don't, but he had a very good voice, and so it would have been likely to have been the case, but I don't recall that.

**Q.** When you learned in -- let me just back up for a second. The Josephinum Seminary also had a school that was in some way associated with it or attached to it; is that correct?

**A.** Well, the Josephinum, somewhat unique in the country, had a minor seminary, which was four years of high school, and the first two years of college; and then it had a major seminary, which was two years of -- the last two years of college and the four years of theology. And there was a strict separation between those two sections. It was like two different institutions on the same campus.

In its later configuration, the high school seminary was dropped. The four years of college were brought together as a separate unit, which is the college, and then the years of theology were brought together. And as a matter of fact, I'm out of touch as to what their curriculum is today. It may be that they have a fifth year of theology for all I know. Many people do. Some people have added a sixth, but...

**Q.** But when you were there with Father Broussard, there was a high school program on the campus; is that correct?

**A.** That's correct.

**Q.** And so you knew in 1973, when you became aware of the sexual abuse allegations involving the Morrison children and Father Broussard, you knew that when Father Broussard was at the seminary with you, he may have had access to children; is that correct?

**MR. TODD:** Objection.

**A.** One of the things, Mr. MacLeish, that I want to be able to have greater time to reflect upon is how and when I may have become knowledgeable concerning the letter that you put before me the other day.

**Q.** Certainly.

**A.** And so I was, as you recall when you questioned me, I was not very clear in a recollection, and as much as I try, I'm still not very clear, and so I would rather not --

**Q.** Sure.

**A.** -- rather not be as specific as to say that I knew this before 1973 or after 1973. I really need more time for that.

**Q.** Fair enough.

**A.** But your question is what I know --

**Q.** Well, let me rephrase it in light of what you've said.

When you became aware, whether it was before you left as vicar general or after you left as vicar general, that there were allegations of sexual misconduct involving Father Broussard, would it be a fair statement that you also knew that when Father Broussard was at seminary with you, that he had access to children at the high school? Would that be a fair statement?

**A.** Well, as I answered your question previously, I really don't recall that he was a choir director at the seminary. If he hadn't been a choir director at the seminary, the ordinary rule of separation would have precluded contact. There was a very strict rule of separation between the two segments, if you will, of the seminary.

Perhaps, you know, 30 years ago I would have had a different and clearer memory, but I can't sit here now and say that I knew then that he had contact with high school seminarians at the Josephinum. I just can't say that.

**Q.** Do you know -- would it be fair to state, Cardinal Law, that as you sit here today, you can't recall any specific action that you took in alerting administrators at the Josephinum Seminary that Father Broussard had admitted to being involved in sexual misconduct with the Morrison children in Mississippi?

Is that a fair statement?

**A.** Mr. MacLeish, it's a statement that says many things that I cannot say with certainty. I am not certain how or when I learned of this matter that you put before me the other day, and so the predicate -- the underlying -- the first statement there that you've made, I would have difficulty agreeing with, but I certainly did not alert the authorities at the Josephinum about anything.

**Q.** But you do remember that at some point -- I think you said this earlier, whether it was before you left as vicar general or after you left as vicar general, you do remember learning about allegations of sexual misconduct involving Father Broussard and minor children; is that correct?

**A.** That is correct.

**Q.** Okay. Thank you.

Now, you -- if we could go to Exhibit No. 13, Your Eminence. This was your statement of April 12, 2002, some of which we covered on Wednesday. In Paragraph 2, you state:

"The case of Father Paul Shanley is particularly troubling for us. For me, personally, it has brought home with painful clarity how inadequate our recordkeeping has been."

Okay? Now, when did you first discover how inadequate your recordkeeping had been at the Archdiocese of Boston?

**A.** In the course of the last -- we're in June now -- in the course of the last six months.

**Q.** Okay.

**A.** As we have dealt with these cases.

**Q.** And so would it be fair to state that, as you sit here today, you can't recall any difference in the adequacy of your recordkeeping between 1984 and the last several months? Would that be a fair statement?

**A.** Excuse me?

**Q.** Sure. You state you had learned about the inadequacy of the recordkeeping at the Archdiocese within the last several months; is that correct?

**A.** That's correct.

**Q.** Are you aware of anything that occurred between 1984 with respect to the adequacy of the recordkeeping and the present time? Do you understand my question?

**A.** Yes. Well, I was unaware of the inadequacy of our recordkeeping until this past six months when we have had occasion again and again and again to retrieve a whole host of records. And as difficult and frustrating as that has been, I'm frankly very grateful for the fact that that inadequacy has come to light and that we are addressing it.

**Q.** So would it be a fair statement that since you've been the Archbishop of Boston, the recordkeeping, as you understand it, has been inadequate over the past 17 years? Would that be a fair statement?

**A.** No. I'm not sure that saying that our recordkeeping has been inadequate is a necessary reflection on the recordkeeping since 1984, because we're talking about records that go back to 1966 and before, that go back to two archbishops before me; to the fact that records were kept in a variety of different places. So I -- but there's certainly, in terms of where we are today and the handling of these kinds of cases, they certainly -- our recordkeeping certainly has to be modified. We recognize that, and we're doing that.

My presumption is that successive delegates who were following these kind of cases, just to speak to these cases --

**Q.** Right.

**A.** -- records, obviously deal with more than this.

**Q.** Right.

**A.** But to deal with -- when I say that our records were inadequate, I'm really focusing on records dealing with this type of aberrant behavior, and I would think that our recordkeeping in later years on this matter has been adequate. But where our difficulty has been is retrieving some previous material, which is in a lot of disparate places, rather than coming together in one place.

**Q.** And you're referring, when you say that, to the allegations of sexual abuse, for example, against Paul Shanley that were reported to the Archdiocese in 1966?

**A.** Yes.

**Q.** You're referring to those types of records?

**A.** That's correct. Things before '84.

**Q.** You're referring principally to records before '84, that's correct? And that --

**A.** I would have -- if I may?

**Q.** Sure. Absolutely.

**A.** I would have greater confidence in the ability to retrieve material post '84.

**Q.** Post '84. And as far as you know, it has always, since you arrived as Archbishop, it has always been the case that it's been difficult to retrieve post-1984 records; is that correct? I'm sorry. Pre-1984 records?

**A.** Pre-1984.

**Q.** Is that your testimony?

**A.** It's been -- what has been my knowledge of that, certainly my knowledge is very keen on that today --

**Q.** Right.

**A.** -- that the information wasn't brought forward. And as I say -- as I tried to say here in this letter that you put before me -- which, incidentally, is my letter --

**Q.** Yes.

**A.** -- it's not someone else's letter.

**Q.** Yes. No.

**A.** A continual institutional memory concerning allegations and cases of abuse of children was lacking; and I think that expresses the frustration I have had and it's that that we have tried to address in terms of ensuring that, moving forward, that institutional memory is going to be readily accessible to anyone having to deal with this kind of an issue in the future, and that means having the pertinent information carried forward in a way that the full case is there for somebody to see.

**Q.** So you're suggesting that there was some difficulty perhaps during the time that you received the Wilma Higgs letter in having access to information about Paul Shanley's -- the allegations against Paul Shanley in 1966. Is that what you're suggesting?

**MR. TODD:** Objection.

**MR. ROGERS:** Objection.

**A.** Well, the question that you've asked me, I didn't -- I wasn't thinking of the Wilma Higgs letter.

**Q.** Okay.

**A.** But certainly there was information about Paul Shanley that was not readily available and it would be helpful to have been.

**Q.** Okay. And that's not something you know of your own personal knowledge; that is something that you've been told. Is that correct?

**A.** That is something that I have been told by those who assist me in these cases.

**Q.** And that would be including your delegate, Father Higgins, who has been someone looking for records; is that correct?

**A.** That's correct.

**Q.** Now, Your Eminence, you're aware, are you not, that in April -- early April, certain records were produced to our office at the order of the Superior Court Judge Leila Kern?

Are you aware of that?

**A.** Mr. MacLeish, I must tell you that I am not aware of the details of the many things that have occurred in response to court orders. I rely on counsel for that.

**Q.** I don't wish to get into your conversations with counsel, but are you generally familiar with the fact that records were produced in this case involving the Ford family? Are you generally aware of that?

**A.** I am generally aware that many, many records have been produced in response to many cases.

**Q.** And do you know when the records of the 1966 complaint about Paul Shanley sent in by a priest at the LaSalette Center was first located by the Archdiocese of Boston?

**A.** No, I don't.

**Q.** You would rely on Father Higgins for that; is that correct?



**A.** That's correct, and those assisting him.

**Q.** Okay.

**MR. MacLEISH:** We are just going to mark an exhibit.

(Law Exhibit No. 21, Excerpt of Deposition from Father Higgins, marked for identification.)

**Q.** Now, with respect to the 1966 allegation against Paul Shanley, you don't know either way whether that was located in what we've referred to as either the secret archive or the confidential file; is that correct?

**A.** That's correct.

**Q.** You don't know whether that information about Paul Shanley was accessible at the time you received the letter from Mrs. Higgs in 1985, do you?

**A.** No, I do not.

**Q.** You do agree with me that it related to a matter of scandal, is that correct, alleged scandal?

**A.** The 1966 letter?

**Q.** Let's start with the -- let's start with the 1966 letter, yes.

**A.** The 1966 document, as I recall, it was a very serious allegation of abuse.

**Q.** And you're aware, are you not, that, as I think you testified previously, that matters relating to abuse or scandal within the Church would customarily, under canon law, be kept in the confidential file; is that correct?

**A.** Customarily, yes.

**Q.** And that's been a policy -- is that the correct way of putting it -- of the Church since you were in seminary? Is that correct?

**A.** That's correct.

**Q.** So you don't, as you sit here today, don't have any reason to believe that that 1966 record was not in the confidential file in 1985 when you received the letter from Wilma Higgs, correct?

**A.** I have no confidence that that letter was in the secret file.

**Q.** You have no confidence?

**A.** I have no confidence.

**Q.** What is the basis for that, Cardinal Law?

**A.** The fact that it is -- it has become, as I wrote here, it has been -- for me, personally, it has brought home with painful clarity how inadequate our recordkeeping has been, a continual institutional memory concerning allegations and cases of abuse of children was lacking.

It's conceivable that that letter was in some other file.

**Q.** You just don't know either way, do you?

**A.** That's correct.

**Q.** And do you know of any changes in how letters were filed in the confidential file, any change between 1984 and 2002?

**A.** Mr. MacLeish, I myself do not keep the files.

**Q.** I understand that.

**A.** And I rely on others to do that. Out of this experience, one of the things that -- one of the things that has -- I was going to say has highest priority, but it seems everything has highest priority, but one of the things we're attempting to do is to go through our records and ensure that this institutional memory is adequately recorded and easily accessible. Now, at what point that is now, I cannot say.

**Q.** All right. Your Eminence, I'd like to direct your attention to Exhibit No. -- is that No. 21?

**A.** 21, yes.

**Q.** And I'd like to read a section from Father Higgins' deposition and then ask you a question.

**A.** What page?

**Q.** It's actually marked -- this is what we call a Min-U-Script, page 48, starting at line 2.

**A.** Yes.

**Q.** Okay. I'm sorry. Let's go to page 47 first.

Question there is to Father Higgins:

"Are you able to identify whether any of the archived files that were produced as part of what I think we can call the first production of documents, the first 850 or so pages?

"ANSWER: None.

"QUESTION: None. At the time that you located the files that were" --

**A.** Excuse me. I must be looking at the wrong place.

**Q.** Page 47, line 16.

**A.** Oh, 16. All right.

**Q.** Yes. Do you want to take a moment and just look at that?

**A.** Yes.

**Q.** I'll start with line 21 when you've read 16 through 20. Starting on line 21.

"QUESTION. None. At the time that you located the files that were produced as part of the first production pursuant to Judge Kern's order of April 3, had you checked the archives?

"ANSWER: No.

"QUESTION: With respect to the second grouping of documents, the files that were produced on or about April 3, 2002, did you at that point go to the" --

**MR. TODD:** April 25.

**Q.** I'm sorry. 25 -- 2002.

"Did you at that point go to the archived file room to see if there were archived files on Father Shanley?

"ANSWER: I did it.

"QUESTION: Is that where the second group of documents, approximately 813 pages came from?

"ANSWER: Correct."

Then if I could just refer you to another section of this as well.

If I could refer you to page 49, Cardinal Law, starting at line 16.

"QUESTION: You're the keeper of the records" -- this is, again, to Father Higgins.

"You're the keeper of the records; is that correct?"

"ANSWER: Correct."

**MR. ROGERS:** Hold on.

**Q.** I'm sorry. Page 49. It's on the same page.

**A.** Oh, 49, okay. 16. Good.

**Q.** Okay?

**A.** Yes.

**Q.** Page 49, line 16:

"You're the keeper of records; is that correct?"

"ANSWER: That is correct.

"You have a file for Paul Shanley?

"ANSWER: Correct.

"QUESTION: You have a file for other priests; is that correct?"

"ANSWER: Correct.

"And are those files maintained by the Archdiocese in some particular room at the Chancery?"

"ANSWER: Correct.

"QUESTION: What room is that?"

"ANSWER: It's a locked cabinet at the end of the hall.

"QUESTION: Where are the confidential files kept?"

"ANSWER: That is the locked cabinet.

"QUESTION: That's where the confidential files are kept?"

"ANSWER: Correct."

**MR. MacLEISH:** I'm going to mark another exhibit, if I could, please.

(Law Exhibit No. 22, Excerpt of Father Higgins Deposition, marked for identification.)

**Q.** If we could, Your Eminence, go to Exhibit 22, which is another excerpt from the deposition of Father Higgins.

**A.** Yes.

**Q.** And page 38. I should start at page 37, line 15.

"Who provided you with a copy of this subpoena?"

This is the subpoena for the records of Paul Shanley.

"ANSWER: The law firm of Rogers.

"QUESTION: Who at the law firm?"

"ANSWER: I don't remember.

"QUESTION: Was it given to you personally or sent to you by fax or mail?"

"ANSWER: I believe it was mailed.

"QUESTION: And you received it. What did you do after getting the subpoena?"

"ANSWER: Collected the appropriate records that were asked for.

"QUESTION: And did you do that yourself or did you have any -- did you have other individuals assist you?"

"ANSWER: I did that myself.

"QUESTION: Well, you are thoroughly familiar with the subpoena and you've turned over to

your attorneys all records which are responsive to the subpoena. Is that your testimony?

"ANSWER: Correct.

"How much time did you personally spend locating records that were responsive to the subpoena?

"ANSWER: About three hours."

Do you see that?

A. I do, yes.

**MR. MacLEISH:** Now, let's mark this document, please.

(Law Exhibit No. 23, Handwritten Document, marked for identification.)

**Q.** Your Eminence, I'd like to show you Exhibit No. 23 and ask if you recognize that as the 1966 letter that you referred to in your statement of April 12, 2002, about the inadequate recordkeeping?

**A.** I don't recall seeing this. I recall seeing a printed, typed report, which has reference to an allegation. I don't recall seeing this itself. I recall a reference to what I presume this is in a written file report.

**Q.** Was this something written by Paul Shanley, or was it written --

**A.** Oh, no. I don't think so. I think it was a -- maybe my memory is failing me, but it seemed to me that I saw a typed report --

**Q.** All right. Well, let's go through --

**A.** -- that references this.

**Q.** Certainly. All right. Okay.

Well, this is Exhibit No. 23 and you see it's from the Shrine of our Lady of LaSalette.

Do you see that?

**A.** Yes, I do.

**Q.** It says, "Reverend Paul Shanley, St. Patrick's Church, Stoneham, Massachusetts."

And I can represent to you that this was part of the first production of documents that we received. In fact, you'll see the Bates stamp down underneath. That's what we call a Bates stamp, which is a way of marking documents. It says RCAB00001. This was received by our office on April 5 in response to Judge Kern's order. You'll see in the first sentence, it states:

"During the summer, July or August, August, 1966, said priest masturbated the boy."

Do you see that?

**A.** Yes.

**Q.** And you'll see down at the bottom of the second paragraph, there's reference to a cabin in the Blue Hills.

Do you see that?

**A.** I do.

**Q.** And you've heard about that cabin in the Blue Hills where Paul Shanley molested children; is that correct?

**MR. TODD:** Objection.

**A.** I have not.

**Q.** You'll see down at the bottom a reference, although that's blanked out in the exhibit because we want to eliminate the names of victims, it says, "The boy in question is," and then there's a redacted portion.

Do you see that?

**A.** Yes.

**Q.** And then on the second page, it says:

"The boy mentioned above" -- there in the second paragraph, Cardinal Law -- "The boy mentioned above knows of two other boys who go with said priest without knowing if this is going on or not with them."

Do you see that?

**A.** I do.

**Q.** And there's also a portion -- two separate portions that are blacked out.

Do you see that?

**A.** Yes.

**Q.** This was a file that was produced for us on April 5. Now, you've read the testimony of Father Higgins where he states that it took him three hours to find these documents in 2002.

Based on that testimony, and looking at Exhibit No. 23, the report of molestation in 1966, do you have any factual basis to believe that this document, this report in Exhibit 23 of molestation, was not accessible in the confidential file or personnel file of Paul Shanley at the time you received the Wilma Higgs letter in 1985?

**A.** First of all, Mr. MacLeish, as Father Higgins' testimony, as I read it very cursorily as you just put it before me, indicates you received over 1600 pages of documents.

**Q.** Right.

**A.** And when I say that the institutional memory is faulty -- and I stand by that statement -- I mean that such material should have been filed in such a way that it would be immediately and readily accessible as material that -- first of all, such an allegation would have resulted in

a much different action today and so I stand by my comment that our institutional memory was lacking. I think that proves that it was lacking in terms of documentation, and that our filing system needs to be improved.

Now, whether -- I'm not certain what file this came from. If Father Higgins says he retrieved this from the confidential, locked file, then I presume that's where he got it, along with the other 800 pages that he got from that file, but my point is that this kind of sensitive material needs to be filed in a much more accessible way that is kept actively together so that this kind of a history can be immediately and readily known.

As I have said earlier, it was not my practice in '84, and I doubt it was the practice of any bishop to check on -- or to view with suspicion people in place.

I would hope, when I have a successor, that there can be some confidence that the people who are in place are appropriately so in terms of this kind of behavior.

However, I also hope that there will be a very clear type of recordkeeping so that these things are more immediately and evidently available and are kept apart, not with 1600 pages, but kept apart in a way that it's immediately there.

**Q.** Your Eminence, I'm not referring to institutional memory. I'm referring to the remarks that you made about the inadequacy of the recordkeeping.

Now, Father Higgins has testified it took three hours to find these documents.

Do you have any basis to believe that at the time you received the Higgs letter in 1985, this document, Exhibit 23, from a priest at the LaSalette Center concerning allegations of abuse, was not as accessible then as it is now? Do you have any facts to support that?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

**A.** I presume the letter was where it was found, and so, therefore, it would have been accessible if someone had gone there to go through 1600 pages, yes.

**Q.** And in fact, when -- you testified that you regarded the matters raised by Mrs. Higgs in 1985 as serious matters involving Paul Shanley. You testified to that on Wednesday. Do you recall that?

**A.** I'd like an opportunity to go back to some of my testimony on that at a later time.

**Q.** Certainly.

**A.** But as I recall the letter, reading the letter, as you put it before me, I said yes, those are serious matters that need to be looked at.

**Q.** But wouldn't it have been just common sense that when one receives a letter like that, and knowing that there is a confidential file which contains allegations of priest misconduct of a sexual nature or matters of scandal, wouldn't it have been just common sense, when that letter was received, to have someone go back and look in Paul Shanley's confidential file to see if there were other reports or allegations of a similar nature?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

**A.** I'm not so certain that it would have been common sense to have -- to receive a report about what a priest allegedly has said in a talk, to -- to immediately go back to the confidential file to check the priest. I think the logical thing first would be to deal with the letter and deal with the priest and try to ascertain what did he say, what is his reaction to this, as I think I indicated when we met.

There are a number of times in my experience when people will hear something one way that was said in another. And I think the fair way to handle something like that is to call the person in and say, Look, we understand that you've said this. Is this true? Do you have some explanation here?

The allegation in the letter, as I recall, had to do with what he had said.

**Q.** That's correct.

**A.** And that's what was being dealt with. Would it be wise in every case, when any kind of an allegation comes against a priest, what he said or allegedly said, that the confidential file on that priest be checked? Perhaps that would be a good thing to do, but I'm not -- I wouldn't say that that would be necessarily the thing that one would immediately and appropriately do.

**Q.** One would go to the priest first, is what you said?

**A.** If -- I think the appropriate thing to do, when someone writes a complaint about what you had said, is to ask you: What did you say? Clarify this. What's your reaction to this?

**Q.** Sure.

**A.** And then on the basis of that, if the clarification isn't convincing, isn't satisfying, then to investigate the thing further.

**Q.** Well, your understanding is -- and let's go to the Higgs letter which we previously had marked as an exhibit so that I can ask you a question about it.

Let me get you the exhibit number.

**MR. MacLEISH:** Mr. Thomas?

**MR. ROGERS, III:** It's No. 18.

**Q.** No. 18. In this letter, Mrs. Higgs is stating that Paul Shanley said:

"When adults have" --

**A.** Excuse me?

**Q.** I'm sorry. I apologize. Exhibit 18, Your Eminence.

**A.** Yes, I have it.

**Q.** It says:

"When adults have sex with children" -- this is attributed to Paul Shanley -- "the children



seduced them. Children may later regret having caused someone to go to prison, knowing that they are the guilty ones."

We established Wednesday that this was what Mrs. Higgs was stating Paul Shanley had said at a talk in Rochester, New York.

Do you recall that?

A. That's what the letter says.

Q. And you described this as a serious matter?

A. That's correct.

Q. Serious allegation. You said that in the -- I think your last answer was that you had not seen anything of -- like this about a priest since you became Archbishop of Boston in 1984, any allegation like this; is that correct?

A. That's correct.

Q. And so given that this was a serious and unusual allegation, you would have expected, as I understand it, that Paul Shanley be interviewed; is that correct?

A. That's correct.

Q. And you also, being a person of common sense and good judgment, would understand that when individuals are sometimes asked about whether they have done certain things of a serious nature, they don't always admit it.

You would agree with me on that?

A. That's correct.

Q. And wouldn't it be just common sense if Paul Shanley denied making this statement, wouldn't it just be common sense that one would go to the same file that Father Higgins went to to see if there were other documents of a similar nature so that one could arrive at the truth? Wouldn't that be common sense?

**MR. TODD:** Objection.

**MR. ROGERS:** Objection.

A. Mr. MacLeish, I must say that you and I are both sitting here with the knowledge of certain things that I did not have in 1985, and that Father McCormack did not have in 1985, and it's very easy for us to think back now and look at this letter in terms of our present knowledge and say this should have happened.

It would have been good for this to have happened. But I think if you put yourself back in 1985 and realize that Father Paul Shanley in 1985 was a pastor, that there was nothing on the radar screen of mine, and there was nothing on the radar screen of Father McCormack that would have suggested that Father Shanley had been guilty in 1966 of acts of abuse of minors; and had that been on the radar screen, certainly this letter in 1985 wouldn't perhaps even have needed to have been written because he wouldn't have given the talk as a priest.

However, that was not the case. Should it have been the case? Should that knowledge have been present? That's what I mean about the faulty institutional memory. I think that our institutional memory was faulty.

What Father McCormack had immediately available to him was not as full as it should have been, and had he had that knowledge, he may have acted -- and would have acted differently than he did getting this letter.

But he got this letter in tempore non suspecto.

**Q.** I'm sorry?

**A.** There was no reason to suspect -- there was no reason for him to be suspicious. There was no reason for him to suspect. So he calls the priest in -- and as I've indicated to you often happens, and very often there are misunderstandings in terms of what people hear -- and so he puts this before Shanley and asks his explanation.

And as I recall, the response of Father McCormack, he felt that the explanation was convincing, and that what he had said was misunderstood.

Now, your question to me is would it have been common sense to check the file? I'm not certain that it's common sense to check the file, the confidential file on every priest every time there's a complaint. Would it make -- would it be good when this kind of complaint comes in with this kind of a reference to check a file that brings together this kind of material and is updated? I think that that would have been -- had we had that -- that would have been a good thing to do.

**Q.** Again, we have Father Higgins stating that he found these records -- we're going to be going over some more -- in three hours in 2002.

Now, the question, Cardinal Law, is that given that you, as the Archbishop of Boston, are running 400 parishes and 200 schools and given that you have just promoted, at the time this letter is sent to you, Paul Shanley to pastor of a church in Newton, Massachusetts, where individuals such as Greg Ford and other children were attending CCD classes, wouldn't it have just been common sense if Paul Shanley were to deny that he ever said such a thing as is quoted in Exhibit 18 about adults having sex with children, given the responsibilities that you had as Archbishop towards the children being served in your programs, would it not have been just common sense, when you've got a dispute between Mrs. Higgs and Paul Shanley, to go back and spend a couple of hours and look at the records? Wouldn't it have been common sense?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

**A.** I'm -- you know, as difficult as it may be for you to appreciate this, I'm not so certain, going back in time, that that would have been the common sense thing to do.

**Q.** Okay. You understand --

**A.** There --

**Q.** I'm sorry.

**A.** You must realize that this man, in 1985, was not under suspicion or I would not have appointed him to pastor. My predecessor would not have appointed him as the admin -- the administrator would not have appointed him as administrator in the interim period. He was not under suspicion.

This is a very volatile situation. The general context here is the context of homosexuality. This issue can easily lead to a misunderstanding of what is being said when one differentiates between a lifestyle and an orientation.

The Church's teaching, as you well know, is criticized by many people on this issue, because we do not believe that a homosexual lifestyle is a morally acceptable behavior, even though we don't place a moral connotation on an orientation, that one can't act out of the orientation.

Father Shanley had a reputation of speaking to the necessity of dealing in a compassionate way with people who were homosexuals, and very often when someone does that, it can, unfortunately, create a backlash, and it's very possible that when Father McCormack read this letter, he read this letter in terms of that context, which is a very understandable context, and --

**Q.** I'm really not referring to that portion of it, Cardinal Law.

**A.** I understand that, Mr. MacLeish, but I think that that context does set a certain -- that paragraph does set a context for the letter. It sets a context for how possibly someone is hearing what is being said.

**Q.** I'm not referring to the sections where Paul Shanley is alleged by Mrs. Higgs to have made remarks about homosexuality. You and I agree that adults having sex with children and that children later regretting having caused someone to go to prison knowing that they are the guilty ones, that doesn't have anything to do with homosexuality, Cardinal Law?

**A.** Absolutely not.

**Q.** So my question is, would there have been any reason, in 1985, why someone in the Archdiocese who had access to Paul Shanley's files could not have gone and looked at them? Would there have been a reason, a policy, why they couldn't have looked at those records?

**A.** Your question is different now, Mr. MacLeish, and my answer to that is no. There is no reason why one could not have done that. Your earlier question to me was would it be -- would it have been common sense? Your earlier question implied was there, on the part of Father McCormack, a lack of due diligence in his investigation of this matter raised in this letter, and it was really that question that I was answering.

**Q.** That's fine. I agree it's a different question. Different question.

Was there any reason why the same thing that happened in 2002, three hours of search for records, could not, as a matter of policy, have happened in 1985 when the Higgs letter was received?

**A.** There's no reason why it could not have happened.

**Q.** And was there any reason, when this letter was received, why Mrs. Higgs could not have been contacted, and we went over it on Wednesday, and asked to provide the tape that she refers to in the first paragraph of her letter?

**MR. TODD:** Objection.

**A.** She certainly could have been asked.

**Q.** Cardinal Law, again, you know that St. Jean's Parish serves children in 1985, because you had actually just promoted Paul Shanley to pastor at that parish, correct?

**A.** Yes. You've made that point a number of times, Mr. MacLeish, he was appointed in 1985 as pastor. That hasn't changed.

**Q.** By you?

**A.** That's correct.

**Q.** And he was made pastor after a recommendation of the personnel board?

**A.** That's correct.

**Q.** And was that typically a written recommendation?

**A.** As a matter of fact, I'm not certain that that would have gone through the personnel board, because those people who are appointed as pastors during the administratorship often would be -- can be routinely made pastor. The administrator simply doesn't have the authority to name somebody a pastor. He only has the authority to name somebody an administrator. So the act of appointing him as pastor would have been simply to validate and do what would ordinarily have been done had he been the Archbishop rather than the administrator.

**Q.** Well, when one is a pastor -- and we're going to take a break just in a minute.

**A.** Excuse me.

**Q.** Sure. Absolutely.

**A.** If I could say, you're correct that the ordinary procedure in the naming of a pastor is that -- ordinarily, but not necessarily, ordinarily, is that I hear from the personnel board. I get a list of three names, and ordinarily, I would choose one of those three. Not necessarily. I might send the three names back and ask them to propose three others or I may make the decision to make a direct appointment.

I, frankly, cannot recall in the case of 1985, Father Shanley's appointment, whether that was simply an act validating what was done by the administrator --

**Q.** Bishop Daily?

**A.** -- Bishop Daily, or whether it's something that came to me from the personnel board.

**Q.** Yes. You're right that Bishop Daily was the individual who made Father Shanley administrator of the St. Jean's Parish in 1984. Is that correct?

**A.** That's my recollection.

**Q.** But when one is elevated to pastor, one is in charge of the parish; is that correct?

**A.** Well, an administrator is also --

**Q.** Okay.

**A.** An administrator has -- an administrator has the full responsibility of the pastor, but what he doesn't have is the term, and the pastor has a term for his office.

**Q.** And you were the one, in 1984 and '85, who was exclusively making these assignments to individuals?

**A.** After March of '84.

**Q.** After March of '84; is that correct?

**A.** Right.

**Q.** Was it your practice at the time that Paul Shanley was elevated to pastor by you for there to be any review of the priest's files to see if there might be some matter of scandal or abuse that would preclude him from being in charge of a parish serving young children?

**A.** No, there was not, because I would have assumed that there was no matter of scandal or abuse if the person was in place.

**Q.** So you were relying on Bishop Daily's decision in appointing Paul Shanley as administrator; is that correct?

**A.** That's correct.

**Q.** Do you know whether when someone is appointed -- elevated to the position of administrator, that customarily, in 1984, there was any review of the file to see if that person -- when I say the "file," I mean the Church's own records -- to see if that person might have been involved in abusive conduct or inappropriate conduct?

**A.** I'm not aware of such a policy.

**Q.** Would there have been any policy that would have been precluding you or Bishop Daily from instructing someone to look at the file before one is elevated to administrator or pastor to see if there was any information in there suggesting that the priest had engaged in inappropriate or sexually abusive behavior?

**A.** Here again, Mr. MacLeish, your question creates a perception of reality that simply was not the perception of reality that pertained for me, and I'm sure for those working with me, in 1984 and 1985.

If a man was in place doing priestly ministry, and had been assigned there, the presumption, which, indeed, may be a naïve presumption, but nonetheless, the presumption was that such a person was there as a trustworthy and appropriate individual to carry out that responsibility.

**Q.** Cardinal Law, my question was, was there any policy -- I believe my question was, was there any policy that would have prevented you or Bishop Daily, when Paul Shanley was elevated to administrator and then pastor, to spend a couple of hours looking at his files before that occurred? Was there any policy that would have prevented that?

**A.** No.

**Q.** Just one more question and we'll take a break.

On institutional memory, you would agree with me, would you not, that institutional memory is not simply records; institutional memory can be something that's oral. Is that correct?

A. That's correct.

Q. And so when you were coming in as Archbishop of Boston, you were relying on people who were there who had been preceded -- I'm sorry. You were relying on people who were there at the time to provide you with relevant information about priests that might be promoted or put in charge of parishes. Would that be correct?

A. Allow me to answer your question and then go back to something that you said just before that.

Q. Certainly.

A. Certainly I was relying on what people would say and what their memory was. However, when I refer to institutional memory in that letter, what I have in mind is not so much -- and you're correct in broadening the concept, and I perhaps should have been more specific, but I did use -- the preceding sentence I think has to do with recordkeeping.

I was thinking more on how that institutional memory is served by records. I think it is very important, the oral tradition, but what -- where I think we need to be much more effective, frankly, is -- and please God, we're becoming more effective, and I must say you and others are helping us do that.

Q. Thank you.

A. And I mean that.

Q. I know you do.

A. I appreciate the fact that we're going through this exercise.

Q. I know you do.

A. But I was referring there to the written record -- not to in any way denigrate the importance of those personal, oral responses -- but I think that there needs to be a clear and concise and precise and readily accessible record of things of this type that are not, if I might say, in among 1600 other pages, but are there clearly.

Q. Three hours, yes.

Would you like to take a break now, Cardinal?

A. Might I just, since we're on this -- unless you want to -- if you prefer the break --

Q. Go ahead. Please, please go ahead.

A. I just wanted to address a remark that --

**MR. TODD:** Identify what you have there.

A. You gave me an exhibit of my interrogatories.

**Q.** Admissions.

**A.** Which is that? No. 1, is it?

**Q.** Yes. The one you wanted to change.

**A.** Yes. And then you put before me a letter from Bishop McCormack to Mrs. Higgs. Here it is.

**Q.** Exhibit 20, about your note.

**A.** Yeah.

**Q.** That's your note.

**A.** I'd like to talk about that again, if I may.

**Q.** Certainly.

**A.** I think that I would prefer to leave response to No. 1 as I have it, because as I -- I thought about this letter. It's one of the many things that I've been keeping a lot to think about. He says, "Recently I received a note from the Cardinal."

**Q.** Right.

**A.** And when I saw that -- and that was the first time I had seen that letter -- I thought of it in terms of a note from me, and, obviously, if I sent him a note, I would have read what that note was about. At least I would have scanned it. I would have seen it.

But I really think that it's conceivable and not unlikely that Father McCormack is referring to having gotten this, "not acknowledged at residence," which implies, as I think I said earlier, in the use of this stamp, that the person getting it is to respond either by looking into it, by doing whatever is necessary. If I have to be involved, to get back to me about that, but to take care of it, and it hasn't been acknowledged at the residence, and the fact is that it went to Father McCormack. I'm presuming that that is that indication where --

**MR. TODD:** You're pointing to --

**A.** I'm pointing to his name up there in the corner, and it may very well be that that's the note, and that note would not imply at all that I had seen this. As a matter of fact, it would be quite the opposite.

Something that is stamped in that way would ordinarily be something that I have not seen but that has gone to the person referenced. And perhaps, if you're with Father McCormack again -- and I have not talked to him about this -- I mean, Bishop McCormack -- you might ask about that, but I --

**Q.** Yes.

**A.** But my sense is that when he says "note," that that could be the explanation of that, because seeing his letter does still not awaken in me a memory of having seen this letter.

**MR. MacLEISH:** Would you mind if I just had a few more questions before we break, on your testimony, Cardinal?

**MR. ROGERS:** No.

**Q.** Cardinal, so as I understand it, your original admission says:

"The defendant does not believe he read the Higgs letter in 1985."

**A.** Yes.

**Q.** If I could, Cardinal, at the conclusion of our day Wednesday, you indicated you wanted to change that admission based upon the documents I presented to you; is that correct?

**A.** That's correct.

**Q.** Now you want to go back and change what you said on Wednesday to indicate that your original admission stands; you do not believe you read the Higgs letter in 1985?

**A.** That's correct. I believe that what is said here -- that the defendant does not believe he read the Higgs letter -- is the truth, as I see it; and I was persuaded by the reference to the note, that if I sent him a note about this, then I must have read the letter, but I really believe that that note could be a reference to what is here. That would not indicate, if that's the basis of his word "note," that would not indicate that I read the letter.

**Q.** Well, respectfully, he says he received a note from the Cardinal.

**A.** I understand.

**Q.** He doesn't say he received a note. He said he received a note from you.

**A.** I know it says that.

**Q.** And Bishop McCormack would not be someone who would, to Paul Shanley, at this time, state something that was not true?

**A.** Well, I don't -- you know, it is not true to say that he received this from --

**Q.** When you say "this" you're meaning Exhibit --

**A.** -- received Exhibit 18 from me, from my office, which is receiving it from me, from my office.

**Q.** Well, respectfully, Exhibit 18 is not a note; Exhibit 18 is a letter from Wilma Higgs.

**A.** No, no. I'm talking about --

**Q.** The stamp?

**A.** Yes, the stamp with his name on it.

**Q.** That that --

**A.** I believe that that could reference a note to him.

**Q.** Well, Cardinal, the truth is, is that -- and memories are fallible, and I accept that and we all accept that -- is that you just don't know either way. Now, you're stating you don't know



either way whether you had read the Higgs letter or whether you didn't read the Higgs letter; is that correct? You just don't know either way?

**MR. TODD:** Objection.

**MR. ROGERS:** Objection.

**A.** I don't believe that that's what I said in response to this --

**Q.** No, I know that --

**A.** -- question. And that's what I'm referencing here. You asked me, "Cardinal Law read the letter addressed to him from a true and accurate copy of the Higgs letter. Response No. 1. The defendant does not believe he read the Higgs letter in 1985. The defendant admits that he has since read this correspondence."

**Q.** Right.

**A.** And I am saying to you that that's the response that I would like to enter, and not the response as I changed it yesterday.

**Q.** On Wednesday?

**A.** On Wednesday.

**Q.** Respectfully, Cardinal, wouldn't the better response be simply, as you reference in other sections of your admissions -- and I can point them out to you, for example, Response No. 15, which is on page 3 of the admissions, where you state that "The defendant has no recollection of any such discussion, and therefore, can neither admit nor deny this request for admission," wouldn't the better response for No. 2 be that you just don't know either way, so you can't admit or deny? Wouldn't that be the better response, Cardinal Law?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection. It's No. 1, not No. 2.

**Q.** Yeah, right. No. 1?

**A.** Number 1.

**Q.** Isn't it true that you just, as you sit here today, truthfully, you just don't know? You might have seen it; you might not have seen it?

Isn't that what you're saying?

**A.** Well, I think, Mr. MacLeish, at least as I understand it, when I say "The defendant does not believe he read the Higgs letter in 1985," I'm not saying that I know without any shadow of a doubt that I did not read the letter. That's not what's being said.

If you want to suggest to me how I respond to that, I -- you know, I can frame it in another way, and perhaps you can give me a little bit of time to think about it.

**Q.** Sure.

**A.** But the substance of what I want to say is that I cannot here say to you under oath that I saw this letter.

**Q.** Nor can you say that you didn't?

**A.** That's correct.

**Q.** So the better answer is you just don't --

**MR. TODD:** No.

**Q.** Wait a second. The better answer, you would agree with me, is you just don't know whether you saw it or you didn't? Is that the truth, Cardinal Law?

**MR. TODD:** Objection.

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

**Q.** Go ahead; you can answer.

**MR. TODD:** Is it a better answer or is it true? It's two questions.

**Q.** Well, you just don't know either way?

**MR. ROGERS:** Objection.

**A.** You know, perhaps you should let me think about this over coffee and come back.

**Q.** Sure. I'd be happy to do that. Why don't we take our break.

**A.** It's what does "believe" mean. I think that --

**THE VIDEOGRAPHER:** The time is 10:14. We're off the record.

(Recess)

(Law Exhibit No. 24, Letter, marked for identification.)

**THE VIDEOGRAPHER:** The time is 10:25. We're back on the record.

**Q.** Cardinal Law, you wanted to say something?

**A.** Yes, Mr. MacLeish, thank you. To go back, if I may, just for a moment to my responses.  
10:26:17

**Q.** Yes.

**A.** Request for admissions, and it's that response number 1.

**Q.** Yes.

**A.** You know, with all due respect, I think I'm more comfortable with my response as I originally gave it, because the stamp on the letter, the Higgs letter, and the note at the top, that would indicate to me that this was something that I did not see. Obviously I saw this, as I indicate in the response subsequently, but that I did not see it at the time, and I would prefer to leave it as it is. It's not an absolute does not believe, but I think it conveys a tilt toward the fact that it is my thought that it is likely that I did not see it, and I think that's different than saying I can't say whether I did or whether I didn't.

**Q.** Okay.

**A.** You know, we could argue --

**Q.** Sure. No, I don't --

**A.** -- one way or the other. I perhaps could live with the other, but I'm more comfortable with this, so I would rather leave it as I originally said it.

**Q.** So the tilt on Wednesday was that you had seen it; now the tilt is you didn't see it. Is that correct?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

**A.** No, that is not correct. It's not -- when you put before me the letter of Bishop McCormack.

**Q.** Right.

**A.** Which I had not seen before.

**Q.** Right.

**A.** And -- to Paul Shanley.

**Q.** Right.

**A.** Which is Exhibit 20.

**Q.** Right.

**A.** And it says recently I received a note from the Cardinal.

**Q.** Right.

**A.** It's that that took me back.

**Q.** Right.

**A.** And it's based on that word "note" that I altered my response, but as I have reflected further on that, I believe that -- and the only way to ascertain this is if you could question Bishop McCormack further, and he may not have a clearer memory than I, but it seems to me that he could use certain literary license at that point, and -- because he did receive the letter with the stamp and with his name, and he could reference that as a note. It's not a written note, but it is a note out of my office from those whose responsibility it is to assist me with

the mail, and they act on my behalf. So I think it's appropriate that he may have responded that way.

**Q.** All right. So this reflection that you've had, Cardinal Law, has this reflection included communication with your attorneys about this subject matter since Wednesday?

**A.** I've let them know how I feel about this, and I checked it out, because I don't want to be -- I don't want to be, you know, doing something that legally may not be the appropriate thing to do, and I was told that I had the ability to come and ask you if I could change that.

**Q.** Sure. Absolutely. So your reflection has included discussions with your attorneys about this; is that correct? About this subject?

**A.** Correct. I just discussed it with them at this five-minute coffee break to let them know how I felt about it, and what I would like to proceed with, and they concurred that I should do that.

**Q.** And your reflection also included communications with your attorneys between the time on this -- on this subject between the time you left the deposition on Wednesday and the time that you arrived here this morning; is that correct?

**MR. ROGERS:** I object.

**MR. MacLEISH:** Your objection is noted.

**MR. ROGERS:** Well, you're asking about the subject matter of communications between counsel --

**MR. MacLEISH:** I'm asking about the -- the witness has, I think very candidly, changed his testimony, which I allowed at the beginning was perfectly appropriate to do, to modify it. I invited him to do that.

**Q.** My question is whether or not between the time that we stopped on Wednesday and this morning -- not the five-minute break we just took -- whether your reflection included discussions on the subject matter of this admission with your attorneys. 10:30:36

**A.** Listen, yes, I discussed with my attorney --

**Q.** I don't want the substance.

**MR. TODD:** Without a waiver.

**MR. ROGERS:** That's what you're asking.

**MR. MacLEISH:** Only subject matter.

**A.** But you've asked me that, so I should say in context, Mr. MacLeish, lest it be misunderstood, because should it be misunderstood that this item was yanked out of context, I discussed in a general way how did the deposition go, where do you think it's going, those kinds of questions, and in the context of that, that change also emerged, and my unease about it.

**Q.** Now, you testified about you had not discussed this specific issue with Bishop McCormack; is that correct?

A. That is correct.

Q. Has anyone relayed to you the substance of Bishop McCormack's testimony on this subject?

A. The substance of his testimony?

Q. Yes.

A. No.

Q. I have another exhibit before you, Cardinal Law, which is Exhibit No. 24 -- I think we have that right here -- which is Bishop McCormack's letter to Wilma Higgs of May 15, and it states -- again, this is the woman that is -- from Rochester who has written in about this discussion of Paul Shanley at this meeting in Rochester, and it states, "Dear Miss Higgs": First paragraph, "Archbishop Law received your letter of April 29, 1985. He is sorry to hear you were disturbed about the talk given by Father Paul Shanley last November regarding homosexuals and asked that I respond on his behalf." Have you seen this letter, Exhibit No. 24, before today?

A. Yes. Did you put this before me earlier?

Q. I don't believe it's an exhibit, no.

A. Yeah. Yeah. I've seen this in recent days, yes.

Q. Well, here in this letter, Bishop McCormack is describing to Mrs. Higgs your feelings. Is that not the case?

A. That's -- that's what he's describing, yes.

Q. He says that you were sorry to hear that she was disturbed about the talk. Is that correct?

A. That's what the letter says.

Q. And in order -- well, certainly Bishop McCormack would not be stating something that was untrue to this woman who had sent in the letter about Paul Shanley. That wasn't his practice at the time, was it?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

A. If you're asking me if this letter -- well, what is the question?

Q. Was it Bishop McCormack's practice, when he was writing letters to people who had made complaints about priests in 1985, 1986, 1987, was it his practice to make statements about your feelings on subjects without speaking with you?

A. You'd have to ask him about that.

Q. Okay. All right. Let's go back to the institutional oral memory, and I'd like to give you a letter.

While Mr. Thomas is retrieving it, let me first ask you about your relationship with Bishop Daily. He was present when you arrived as Archbishop; is that correct?

A. He was.

Q. He was one of the auxiliary bishops; is that correct?

A. He was.

Q. And he was someone you would speak with regularly; is that correct?

A. I spoke with him a good bit.

Q. I'm sorry. I didn't --

A. I spoke with him a good bit, yes.

Q. When you first came in, you really didn't have that much familiarity with the priests of the Archdiocese; is that correct?

A. That's correct.

Q. And you would rely upon people like Bishop Daily to keep you updated on matters of importance; is that correct?

A. That's correct.

Q. And that would include matters relating to priests; is that correct?

A. That's correct.

Q. When did Bishop Daily leave?

A. Bishop Daily left -- was it -- he left in '8 -- I'm not certain.

Q. He left in '84 or '85?

A. Yeah, around there, yeah.

Q. But you had had the opportunity --

A. Some months, but he left, I believe, less than 10:34:49 a year after I came.

Q. Less than a year?

A. I believe so.

Q. But during that year he was one of your closest advisors; is that correct?

A. That's correct.

Q. And you have maintained a friendship with Bishop Daily in the years since?

A. Well, we are friends. You know, we both stay rather busy, so that you see yourselves at a meeting maybe, but that's about it.

Q. Would you consider him to be a friend?

A. Oh, yes, I consider him a friend.

Q. And when he went down to Palm Beach, I think that was his next assignment, is that not correct, after he left Boston?

A. That's correct.

Q. That was from a recommendation from you; is that correct?

A. Well, you know, the issue of inter -- the issue with regard to candidates for bishops come with the understanding that you don't reveal that you have been asked about them. So I'm really not --

Q. Fair enough.

A. I'm not willing to speak about who I recommend or don't recommend to the office of bishop.

Q. Fair enough. I don't want to get into these types of communications. It would be fair to state you thought highly of Bishop Daily when he left for Palm Beach; is that correct?

A. That's correct.

Q. There wasn't anything about Bishop Daily that -- let me just withdraw that question. I think you've already answered the question.

Now, let's mark this next document, please.

(Law Exhibit No. 25, Letter, 11/17/77, marked for identification.)

Q. This is a letter, again retrieved during the three-hour search by Father Higgins, as part of the first production, directed to His Eminence Cardinal Medeiros on November 17, 1977. You'll note, Cardinal Law, in the first paragraph, this is yet another document, "Cardinal's Residence, Received," do you see that at the bottom and "Not acknowledged"? Do you see that?

A. Yes.

Q. If you'd take a look at the first paragraph. This is from a Jeanne Sweeney, who indicates she's a registered nurse married to a physician and the mother of three children, and that she's active in the Catholic Diocese of Rochester, New York. Do you see that?

**MR. TODD:** Just take a minute.

A. Let me just take a look at the letter.

Q. Certainly.

(Law Exhibit No. 26, Letter, 10/4/77, marked for identification.)

A. Mr. MacLeish.

Q. Yes.

A. May I ask you a question?

Q. Could we do that at the end?

A. At the end. All right.

Q. I'd very much appreciate that. You can ask, absolutely.

A. (Witness reviewing document.)

Q. You've read the letter?

A. I have.

Q. You'll see that Mrs. Sweeney in this letter produced from your files indicates that there was a talk given in Rochester, the same place as Mrs. Higgs' talk, about -- do you see Mrs. Higgs was also reporting about a talk given by Paul Shanley in Rochester?

A. Is it the same date?

Q. No. A different year. Totally different year. This is 1977.

A. All right.

Q. Okay?

A. Mm-hmm.

Q. I'm sorry. To be clear, this is many years earlier, before you were in Boston?

A. I realize that, yeah.

Q. November 17, 1977. And she refers to a talk -- a meeting on homosexuality held in Rochester where Father Shanley was speaking, and that there's a woman who has written a report of the meeting and enclosed is the report she wrote from her notes. Do you see that?

A. I do.

Q. Then she also provides copies of -- in the last paragraph she indicates that she's providing "copies of clippings, correspondence, which are pertinent to Reverend Shanley's appearance here and my efforts in trying to bring Mrs. Stevens' report before the channels of this Archdiocese open to me as a laywoman." Do you see that?

A. I do.

Q. Again, we have Exhibit 26, Cardinal Law, again contained in the first set of production that was found by Father Higgins, a letter of October 4, 1977, entitled Report of Reverend Shanley's talk to Dignity - Integrity, 9/23/1977. Do you see that?

A. I do.



**Q.** Have you seen this document before today?

**A.** I have not.

**Q.** Why don't you take a moment and read Exhibit No. 26.

**A.** (Witness reviewing document.)

**Q.** Have you read the letter, Cardinal?

**A.** I have.

**Q.** I'd like to read a section of it from the first page. This is about three-quarters of the way down. This is again about the speech that Mrs. Delores Stevens -- do you see her as the signatory? Do you see Delores Stevens, the signatory? This is the letter she sent to Jeanne Sweeney, and it is referred to in Exhibit 25, Jeanne Sweeney's letter to Cardinal Medeiros. Do you see that?

**A.** Yes.

**Q.** And at this talk, it is reported by Mrs. Stevens that Paul Shanley said as follows: "He spoke of pedophilia (which is a noncoerced sexual manipulation of sex organs including oral-genital sex between an adult and child.) He stated that the adult is not the seducer -- the kid is the seducer and further the kid is not traumatized by the act per se, the kid is traumatized when the police and authorities drag the kid in for questioning."

Next paragraph, "He stated that he can think of no sexual act that causes psychic damage" quote, "not even incest or bestiality," close quotes. Do you see those statements?

**A.** I do, and they're terrible.

**Q.** They're terrible statements?

**A.** Absolutely.

**Q.** And if Paul Shanley had said these things, he would have absolutely no business being assigned to any parish ministry which involved young children; you would agree with me about that, would you not?

**A.** That's correct.

**Q.** And you'll note the date of the communication from Mrs. Sweeney that refers to this report from Delores Stevens, that's November 17, 1977; is that correct?

**A.** That's correct.

(Law Exhibit No. 27, Letter, 12/2/77, marked for identification.)

**A.** If I may say, you know, it is not only that paragraph which is -- which is wrong and deplorable and would render a person incapable of exercising ministry, but I must say that the very second paragraph would also -- where he says homosexual acts -- homosexual acts are not sinful, nor are they immoral, if he were teaching that, that would be contrary to the Church's teaching.

**Q.** Right. But that would -- I'm sorry. Go ahead.

That wouldn't suggest that he was dangerous to children. The portion that I read to you before would suggest to you that this man was a danger to children, would it not?

**A.** That's correct.

**Q.** And that --

**A.** Well, excuse me.

**Q.** Go ahead.

**A.** It would certainly be that he is teaching something that is dangerous. Now, whether he himself was doing this, it doesn't say that.

**Q.** Well, it would raise concerns, would it not?

**A.** But it would certainly raise question about his judgment, and if he were giving this opinion and reinforcing others who may be acting in this way, that would be wrong.

**Q.** Well, he's speaking out in a parish in Rochester, New York, as I understand Mrs. Sweeney's letter, St. Luke's Episcopal Church?

**A.** To a group called Dignity - Integrity.

**Q.** That's correct. And certainly someone who would make a remark that he can think of no sexual act that causes psychic damage, not even incest or bestiality, would you agree with me that that's a deviant, perverted thought?

**A.** Absolutely, without any shadow of a doubt.

**Q.** And that people who make statements like that, it would at least raise a concern whether they themselves are engaging in those types of acts?

**A.** It would -- the teaching in and of itself is sufficient to indicate that someone may not be given the responsibility of teaching and being a pastoral leader. I'm not certain that you can move from what is written here to the fact that the person is engaging in the act.

**Q.** But you might?

**A.** But you might, yes. You'd certainly -- it would be a flag.

**Q.** And you've not seen this document before today?

**A.** I have not.

**Q.** And are you aware that in 1977, that was the year that Greg Ford, Paul Busa and Anthony Driscoll were born?

**A.** I was not.

**Q.** So then I'd like to show you the next exhibit, Cardinal Law, which is Exhibit No. 27, which is, again, retrieved from your files in the first set of documents. And it states "Dear

Mrs. Sweeney: Your letter to His Eminence Cardinal Medeiros, has been referred to this office. It concerns, as you know, a presentation made by Father Paul Shanley, a priest of the Archdiocese of Boston, September 23, 1977, at St. Luke's Episcopal Church, Rochester, New York.

"I am grateful to you for your letter and for the information which is enclosed. The position of the Archdiocese of Boston is that, while Father Shanley enjoys the faculties of the Archdiocese of Boston, he alone must be held responsible for any statements regarding homosexuality.

"With a sincere hope that the above is helpful to you, I am In Christ Most Reverend Thomas V. Daily, Auxiliary Bishop of Boston." Do you see that?

A. I do.

Q. You would agree with me, would you not, Cardinal Law, that the report of Mrs. Delores Stevens concerns matters separate and apart from homosexuality, specifically deviant and perverted thoughts, statements about bestiality, incest and pedophilia?

A. That's correct.

Q. And you'll notice on Exhibit No. 26, you'll notice, I think, a similarity between what was said by Mrs. Higgs in 1985 and what is said by Mrs. Stevens in 1977 where she reports, Mrs. Stevens, "He stated that the adult is not the seducer -- the kid is the seducer and further the kid is not traumatized by the act per se, the kid is traumatized when the police and authorities drag the kid in for questioning." There's some similarity there, is there not?

A. There is similarity there.

Q. Are you aware of any action undertaken by Bishop Daily in 1977 -- I understand you were not there at the time -- to investigate this allegation -- again, portions of which are similar to the Higgs letter -- in 1977? Have you ever heard anything that was done at that time?

A. Well, clearly I cannot respond to what was done in '77, and I have not heard of anything subsequently.

Q. Well, you believe, based upon the report that was provided by Mrs. Sweeney, on behalf of Mrs. Stevens, that some further action would be required, given the severity of those allegations; is that correct?

**MR. ROGERS:** Objection.

**MR. TODD:** Further than what?

Q. Do you understand my question?

A. I'm not sure, but if you could repeat it.

Q. Well, the only thing we have in the file that was produced after this three-hour search by Father Higgins is this letter from Thomas Daily. Would you agree with me that in 1977 if it is being alleged that a priest is speaking about sexual acts such as pedophilia, incest, bestiality and alleging -- stating that it doesn't cause psychic harm and that in cases of pedophilia the child is the seducer, that that is the type of allegation that would require some further inquiry, separate and apart from Bishop Daily's letter to Mrs. Sweeney? Would you

agree with me about that?

**MR. ROGERS:** Objection.

**A.** I don't think that the letter necessarily exhausts what the response was to this report, and I would think that the appropriate person to ask about that would be Bishop Daily.

**Q.** We intend to at a deposition.

**A.** But if your question to me is whether I know of what further action or additional action may have been taken as a consequence of this report, I do not know.

**Q.** Well, you were at the time in 1977, you were the bishop in Springfield, Missouri; is that correct?

**A.** That's correct.

**Q.** If you had received a report such as this one, you would have taken some affirmative action to investigate the allegations; is that correct?

**MR. ROGERS:** Objection to the form.

**A.** I would hope that I would have, but what I don't want to imply by that is that I presume that Bishop Daily did not take any action. I just --

**Q.** We don't know the answer. You don't know the answer to that either way?

**A.** I do not.

**Q.** I'm just asking about, if you had received a report in Springfield, Missouri, when you were bishop in 1977, that a priest was going around stating that bestiality and incest and pedophilia cause no damage --

**A.** Or that homosexual acts are not immoral.

**Q.** I'm not talking about homosexuality.

**A.** But that's also in the letter.

**Q.** I think that's in a different category -- I think we agreed on that -- a different level of severity, his remarks about bestiality. That's having sex with animals, having sex with brothers and sisters. If you had received a report like that as bishop in Springfield, Missouri, in 1977, a red flag would have gone up and some investigation would have been undertaken, fair statement?

**A.** Very fair statement.

(Law Exhibit No. 28, Letter, 4/2/79, marked for identification.)

**Q.** Before you read this, Cardinal Law, when you arrived in Boston, was Father Helmick your chief secretary?

**A.** He was.

**Q.** And was he someone that you confided in and spoke with?

**A.** Confided in and spoke with. A secretary has a very specific task.

**Q.** All right.

**A.** He keeps very busy, but yes, I would -- he lives in the house. We speak, yes.

**Q.** On a daily basis?

**A.** On a daily basis. Celebrate mass together, if I don't have mass outside.

**Q.** Would you speak to him from time to time about priests?

**A.** You know, my policy has been with my secretaries not to do that.

**Q.** Mm-hmm.

**A.** My policy. I wouldn't say that on occasion it wouldn't occur. But, for example, Bishop -- two of my secretaries that I call to mind, Monsignor McInerney and Father McCune, would complain in good humor to me, because they would hear out of the house about impending changes that they had not heard of in the house, even when they were promulgated, and I kept saying to them that it's much better for them really not to know.

**Q.** Okay.

**A.** And so --

**Q.** Fair enough.

**A.** So to answer your question, my general policy has been not to discuss personnel issues with my priest secretaries.

**Q.** But your priest secretary, Father Helmick, he is one of the people who makes the decision on whether a piece of correspondence about a priest such as some of the ones we've been 10:54:11 through here, the Higgs letter, for example, whether that goes to you or gets sent for action to one of your subordinates; is that correct?

**A.** The ordinary policy, as it has evolved -- and exactly the point at which it got solidified this way I cannot say with certainty -- is that if a letter comes to me personal and confidential, then I open that letter.

**Q.** Right.

**A.** Other than that, the mail is opened, and it is -- and the priest secretary usually working with my administrative assistant, Mrs. Kaye Woodward, sends the mail into the appropriate direction for handling.

**Q.** All right. Let's move on, and if you could take a look at the next exhibit, which is number 28. If you could just take a look at the front page first, and then we'll get to the enclosure. Do you see that?

**A.** Yes, I do.

**Q.** This is a letter from an attorney in New York, and he's bringing to Cardinal Medeiros' attention periodicals involving -- two periodicals that involve Father Shanley, including Gay Community News and Gaysweek. Do you see that?

**A.** I do.

**Q.** And then there's an article that was also produced, and you'll actually see in the top right-hand corner, there's a stamp. We don't have a perfect copy of this from the Archdiocese, but it was received, I believe it says, in the Office of Chancellor; is that correct?

**A.** I can't read it either, but I presume that's -- I'm sure that's what it says.

**Q.** The chancellor at that time would have been Bishop Daily; is that correct?

**A.** That's correct.

**Q.** In 1979?

**A.** I believe so.

**Q.** You believe so. I understand.

**A.** I'm not sure.

**Q.** You were not there.

**A.** Well, I'm not -- I'm not being overly cautious here. I simply don't know whether he was Chancellor in '79 or not. He certainly was when I got here.

**Q.** This is an article about men and boys, and it states, you'll see at the top, "150 people turned up for the day-long series of panels discussing the issue of man-boy love; organizer Tom Reeves expected several dozen."

I'd like to direct your attention to certain portions of this, because many are not relevant to our discussion here today. If I could direct your attention, Cardinal Law, to the third paragraph that begins with the capital E.

**A.** Yes.

**Q.** Do you see that?

**A.** Yes, I do.

**Q.** And it says, "Even speakers representing various religious beliefs joined their endorsement of love between man and boy." Do you see that?

**MR. TODD:** Boys.

**MR. MacLEISH:** I'm sorry.

**A.** No, I really don't. What paragraph is that?

**Q.** This is the one that begins with E.

A. Oh, E.

Q. "Even speakers representing various religious beliefs joined -- voiced their endorsement of love between man and boy"; is that correct?

A. Yes. Yes.

Q. And that's certainly not part of the teaching of the Roman Catholic Church. In fact, it's contrary; is that correct?

A. Absolutely.

Q. It's repugnant?

A. Absolutely contrary, absolutely repugnant.

Q. Then there's a quote from one priest from Hartford, Connecticut, but then I'd like to go on to the other page, which is circled, and it states, "Father Paul Shanley, a representative of Boston's Cardinal Medeiros for outreach to sexual minorities, told the story of a boy who was rejected by family and society, but helped by a boy-lover. When the parents found out about the relationship, however, the man was arrested, convicted, and sent to prison." Quotes, "And there began the psychic demise of that kid.' Shanley commented," quote, "He had loved that man ... it was only a brief and passing thing as far as the sex was concerned, but the love was deep and the gratitude to the man was deep, and when he realized that the indiscretion in the eyes of society and the law had cost this man perhaps 20 years ... the boy 10:58:36 began to fall apart.' Shanley concluded," quote, "We have our convictions upside down if we are truly concerned with boys ... the" quote, "cure" close quote, does far more damage," end of quote. Do you see that?

A. I do.

Q. That's certainly repugnant to the teachings of the Catholic Church and your own moral code?

A. Absolutely, and I would say not only the Catholic Church.

Q. The Catholic Church?

A. But I would say all Catholic churches.

Q. Society at large?

A. Right.

Q. This document was produced, Cardinal Law, as part of the three-hour search that Father Higgins refers to in his deposition. Then at the end it says -- the last paragraph on the second page it says, "At the end of the conference, 32 men and two teen-agers caucused and formed the Man Boy Lovers of North America. A newsletter and a March meeting in New York City are planned."

New paragraph. "The group can be contacted by writing them care of Fag Rag, Box 331, Kenmore Station, Boston, Mass., 02115." Do you see that?

A. I do.

**Q.** Have you ever seen this document before today?

**A.** I have not.

**Q.** And is this the type of document, again coming from Attorney McGeady, an attorney in New York City, that would -- when you were -- if you'd received such a letter as bishop in Springfield, Missouri, in 1979 would have raised yet another red flag?

**A.** Absolutely.

**Q.** Would it have caused you -- particularly if you had received the 1977 letter that we've just been through -- caused you to undertake some sort of inquiry now concerning Reverend Paul Shanley and his suitability to serve as a priest in the Archdiocese -- in the Diocese of Springfield?

**MR. ROGERS:** Objection.

**A.** Yes.

**Q.** It would. This is now a second independent report from someone two years after the Stevens report. Do you see that?

**A.** I do.

**Q.** Now, if you had received these two reports, Cardinal Law, when you were at the diocese of Springfield, Missouri, would these two reports cause you, in 1979, to undertake a review of the priest's file to see if there were allegations -- further allegations that predated your knowledge of these two reports?

**MR. TODD:** I'll object to the word "reports."

**MR. ROGERS:** Objection.

**Q.** Do you understand the question?

**A.** I think I understand the question.

**Q.** Go ahead.

**A.** I'm not certain that you'd have to go back to previous files. I think what you would do is you would investigate what was before you and find out what the substance of that allegation is. But I'm not sure where you're taking me. You know, the question is not what I did in '77. The question is what is happening now. Could you rephrase that question again?

**Q.** Sure. Absolutely. I'm asking you whether it was your practice as a bishop -- would have been your practice in 1977, if you received reports from two independent sources that Paul Shanley was making these kinds of deviant, perverted remarks, and assuming Paul Shanley was with your diocese, would you have undertaken some investigation?

**MR. ROGERS:** Objection.

**A.** First of all, I never received such kind of reports.

**Q.** I understand.



**A.** And I guess what you're asking me is would I have considered such a report a matter of such urgency that I would have -- that I would have done some serious investigation in some way or other to determine whether this accurately reflected what he said, and that is certainly true.

**Q.** Okay. All right.

(Law Exhibit No. 29, Memorandum, /6/79, marked for identification.)

**Q.** Showing you another file that was received as part of the first production, Exhibit No. 29, Cardinal Law, this is a memo of April 6, 1979 to Bishop Daily from Father Helmick.

"Attached to this memorandum is a letter the Cardinal received from Paul J. McGeady, Esquire, together with some enclosures from Gay Community News and Gaysweek, as well a copy of my response.

"You will want to review this material and perhaps write a letter to Mr. McGeady for the Cardinal's signature after you have spoken with His Eminence." Do you see that?

**A.** I do.

**Q.** So have you ever seen this memorandum before today?

**A.** No, I have not.

(Law Exhibit No. 30, Letter, 4/6/79, marked for identification.)

**Q.** Now, you'll see, this again from the files of the Archdiocese, you'll see a letter from your personal secretary, not at the time, but when you arrived in Boston, Reverend William Helmick, you'll see a letter unsigned, presumably a copy, to Mr. McGeady in which it states, "In the absence of His Eminence Cardinal Medeiros, I'm writing to acknowledge receipt of your letter of April 2 and the enclosures from Gay Community News and Gaysweek.

"I will certainly bring your letter and enclosures to the Cardinal's attention when he returns to Boston from Rome.

"With best wishes, I am Sincerely in Christ Reverend William Helmick, secretary to the Cardinal." Do you see that?

**A.** I do.

**Q.** Do you know how long after that letter was sent to Mr. McGeady, Paul Shanley was removed as the minister of Alienated Youth and placed in the family parish St. Jean's in Newton, Massachusetts?

**A.** I do not.

**Q.** We will come back to that, I think. We'll come back to that.

Now, given that Bishop Daily was a recipient of both -- from the records that we have in front of us -- of the 1977 allegations from Mrs. Stevens and was given, according to your own records -- the Archdiocese's records, I should say -- given by Father Helmick a copy of the, as you've said, perverted writings of Paul Shanley, would you not agree with me that Bishop Daily had an obligation to inform you, when you arrived in Boston, that these types

of writings had been attributed to Paul Shanley? Would you agree with that statement?

**MR. ROGERS:** Objection to the form.

**A.** There's a step missing here --

**Q.** Okay.

**A.** -- Mr. MacLeish, and I don't know the answer to that step.

**Q.** Okay.

**A.** And only Bishop Daily would know that, and I'm not going to discuss it with him, because I presume you will be discussing it with him at some future time.

**Q.** I will.

**A.** But that is what he did in response to this. What kind of investigation he did, and what was the result of that, and I'd have to -- and so in order to -- my presumption at this point is that there was an investigation, and that he was satisfied as a result of that that he could, with confidence, place him in the position into which he placed him. But absent that bit of information about which I have not spoken with Bishop Daily, I can't answer. I'm not going to conclude that there was no intermediate action. I'm not going to conclude that there was no just basis upon which he made his assignment. That would have to be checked out, and I'm sure that that will be done.

**Q.** Fair enough.

**MR. ROGERS:** Mr. MacLeish, it's five past 11:00. May we take a brief recess?

**MR. MacLEISH:** Yes.

**THE VIDEOGRAPHER:** The time is 11:07. This is the end of cassette one in today's volume of the deposition of Cardinal Law. We're off the record.

(Recess.)

(Law Exhibit No. 31, Letter, 4/12/79, marked for identification.)

**THE VIDEOGRAPHER:** The time is 11:16. This is Cassette No. 2 in today's volume in the deposition of Cardinal Law. We're back on the record.

**Q.** Cardinal Law, assuming -- and, again, we don't know this until we have the deposition of Bishop Daily -- but I'd like you to assume that nothing more was done to follow up on the two letters we've seen so far concerning the deviant views of Paul Shanley.

Do you believe if any investigation had been undertaken, Bishop Daily should have brought these matters to your attention before you promoted Paul Shanley to pastor in 1985?

**MR. TODD:** Objection.

**MR. ROGERS:** Objection.

**Q.** You can answer the question.

**A.** I'm not sure that I can answer the question as you've put it, because I think the answer -- a yes or a no would imply something that I do not think I can say.

I believe that this letter you have placed before me, which is Exhibit 31 --

**Q.** Well, before we get to that --

**A.** -- in its first and second paragraphs, indicates to me that some action was indeed taken. I think that that second -- that second paragraph would imply to me -- and, again, you will be in the position to determine that -- but that second letter -- that second paragraph would imply to me that there's been an interaction here with Shanley, and that it's been an interaction around this issue, and it is this issue which you rightly raise in that previous document, has Father Shanley responsible for saying things which are terribly deviant from not only the teaching of the Church, but from sound and moral teachings generally accepted.

So I cannot assume on the basis of this document that you have put before me that there was not something done. I would say that something was done. Was it adequate? Was it not adequate? It depends on what it was.

**Q.** Let's assume -- you're correct, Cardinal Law, where it states that Paul Shanley is told that he has to adhere to the pronouncement of the Holy See regarding sexual ethics. I understand that.

What I'm asking you is that, assuming nothing was done to verify that Paul Shanley was openly promoting or talking about bestiality, incest, sex with children, saying that when children have sex with adults, it's not the fault of the children -- assuming that there was no followup by Bishop Daily --

**A.** To that letter?

**Q.** -- to those letters.

**A.** And reports?

**Q.** We have now got two of them. And reports.

Do you believe this was a matter that Bishop Daily should have brought to your attention before you promoted Paul Shanley to pastor in 1985?

**MR. TODD:** Well --

**MR. ROGERS:** Objection.

**MR. TODD:** I am going to object to that. The Cardinal has already said he cannot answer that question and I'm going to instruct him not to answer it until we get before a judge to make a ruling on it.

**MR. MacLEISH:** Well, what's -- it's not a privilege issue.

**MR. TODD:** Under these circumstances -- I didn't mean to interrupt you.

Go ahead.

**MR. MacLEISH:** No. You can instruct him not to answer, but it's -- fine.

**Q.** You're accepting your counsel's instructions?

**A.** I'm going to accept counsel's instructions.

**Q.** Did Bishop Daily tell you anything about Paul Shanley making remarks about incest, bestiality, pedophilia or that when children have sex with adults, it's the fault of the child?

**A.** No.

**Q.** You're certain -- you're certain of that?

**A.** I am quite certain of that.

**Q.** Okay. Because if you had known that, you would not have made Paul Shanley pastor of St. Jean's Parish in Newton, Massachusetts; is that not correct?

**MR. ROGERS:** Objection to the form.

**A.** Here again, to have been informed that he had said these things and then to know how they'd been checked out, what intervening action had been taken, all of that's important. I don't know that. And my presumption is that you will find that out.

I'm not going to be talking to Bishop Daily about it. As I read this letter from Cardinal Medeiros, my assumption is that something was done, and that Cardinal Medeiros would not have made this kind of an appointment if he wasn't confident that he could do so with a clear conscience. And for that to have occurred, something needed to transpire between that report being received and this letter being written. I don't know what that is.

**Q.** All right. You don't know what it is, but you do think that Exhibit 31 suggests that there was at least some discussion with Paul Shanley where he was told to adhere to the Church's doctrines on sexual ethics, correct?

**A.** As I read the letter, it would be more than that. As I read the letter, it would be that there has been some assurance given that this is going to be the case.

**Q.** All right. Okay.

**MR. MacLEISH:** Next exhibit.

(Law Exhibit No. 32, The Homosexual Network, marked for identification.)

**Q.** Cardinal Law, this is Exhibit No. 32, which is a document that we recently received from the Archdiocese.

I'd like to direct your attention, if I could, to page 296, which is -- you'll see in the bottom left-hand corner.

**A.** We're all set.

**Q.** Okay. You'll see on page 296, it states -- and the title of this is the "Homosexual Network." Again, this was something that we got from you.

**MR. TODD:** From the Archdiocese.

**MR. MacLEISH:** That's correct. Thank you, Mr. Todd. That's correct.

**Q.** It states:

"Still, not only did the conference take place in a church, but church representatives" --

**A.** Excuse me. Where are you?

**Q.** Top of the page on 296.

**A.** Okay.

"Not only did the conference."

**Q.** Yes. It says:

"Still, not only did the conference take place in a church, but church representatives also participated as speakers in the pederasts' affair where, according to Gaysweek, members 'voiced their endorsement of love between man and boy.' Among the speakers were Canon Clinton Jones, pastor of Christ Church Cathedral (Episcopal) in Hartford, Connecticut; Father Paul Shanley, representative of Boston's Cardinal Medeiros for sexual minorities (Roman Catholic); and Reverend Robert Whentley, from the National Office of the Universalist Church."

Do you see that?

**A.** And that's a quote from what I saw earlier, isn't it?

**Q.** Yes, it is. It's yet another document making reference in the Archdiocese's files to Paul Shanley.

**MR. MacLEISH:** Next exhibit, please.

(Law Exhibit No. 33, Handwritten Document, marked for identification.)

**MR. TODD:** 33, right?

**MR. MacLEISH:** Yes.

**Q.** This is two pages. This is Exhibit 33. If you could just take a look at the first page for the time being. This is a letter that we, again, got as part of the second production from the Archdiocese, from a Mr. Hugh Weston, of May 5, 1983, and he writes to Cardinal Medeiros, and do you see he states:

"Is it a fact that Father Paul Shanley represented you at the founding conference of NAMBLA, North American Man/Boy Love Association? Please advise as to all details. Thank you. Pastor Hugh Weston." And then you see it says, as asterisked down the bottom, Cardinal, first page, it says:

"As reported in the book The Homosexual Network."

Do you see that?

**A.** Which is that?

**Q.** Which is Exhibit 32.

**A.** Right.

**Q.** Do you see that?

**A.** I do.

**Q.** That's sent to Cardinal Medeiros, according to the records we received from the Archdiocese, and received at the Cardinal's residence, but then not acknowledged on May 5, 1983.

Do you see that?

**A.** I do.

**Q.** All right.

And before we get to the second page, let's do that Exhibit No. 34.

**A.** May I read the second page?

**Q.** I didn't -- you certainly may. We're trying to -- we didn't put them in proper sequence.

**MR. TODD:** Are you going to mark this separately, the second page?

**MR. MacLEISH:** Why don't we mark it separately. I think that's a good idea. Let's tear off the second page and mark the second one separately.

**THE WITNESS:** If I may say so, I think the second one is rather important, because it clearly --

**MR. MacLEISH:** Yes. Let's tear off the second page. Let me take that back. And show you - - we'll make this other one 34.

**MR. ROGERS:** Which is 34?

(Law Exhibit No. 34, Letter, 6/1/83, marked for identification.)

**A.** Father Weston and Monsignor Daily.

**Q.** This was in the second production, Cardinal Law, that we received from the Archdiocese. It's a copy of a letter from, No. 34, from Thomas V. Daily, auxiliary bishop of Boston, chancellor, and although it's not a good copy, it appears to read:

"Dear Pastor Weston: I write to acknowledge your communication to His Eminence Cardinal Medeiros and your question concerning Father Paul Shanley, a priest of this Archdiocese, regarding the founding conference of NAMBLA."

You understand the acronym NAMBLA?

**MR. TODD:** You're looking at the wrong --

**THE WITNESS:** No, I think I'm looking at the right one.

**MR. MacLEISH:** He's looking at the right one.

**MR. TODD:** We marked this one 34, did we not?

**MR. MacLEISH:** No, no. It's going to be 35.

**MR. TODD:** I did.

**MR. MacLEISH:** Right.

**Q.** "I can assure you Father Shanley did not represent His Eminence Cardinal Medeiros at NAMBLA."

You know what NAMBLA is?

**A.** I do now.

**Q.** Did you before today?

**A.** I did before today.

**Q.** "With best personal regards, I am sincerely in Christ, Most Reverend Thomas V. Daily, Auxiliary Bishop of Boston, Chancellor."

So this is the first response given to Father Weston's -- Pastor Weston's letter, Exhibit 33, where he asks Cardinal Medeiros whether Paul Shanley represented the Archdiocese at the founding conference of NAMBLA

Then it says -- you also note that Father Weston had asked:

"Please advise as to all details" -- and underlined that in Exhibit 33.

Is that correct?

**A.** Yes.

**Q.** Okay.

**MR. MacLEISH:** And then the next exhibit, which is No. 35.

(Law Exhibit No. 35, Handwritten Document, marked for identification.)

**MR. TODD:** That's the Weston to Daily one?

**MR. MacLEISH:** That's Weston to Daily.

**Q.** Showing you Exhibit No. 35, you'll see -- again, this is from the second production from the Archdiocese:

"Dear Most Reverend Thomas V. Daily. Was Father Shanley at" -- and the word "at" is underlined -- "at the NAMBLA founding conference (you say he did not represent Cardinal Medeiros). But was he present? Was he later reprimanded? If so, thank you. Reverend Hugh Weston."

Do you see that?

A. I do.

Q. So this is Reverend Weston writing again back to Thomas Daily about the issue of whether a priest of the Roman Catholic Archdiocese of Boston attended the NAMBLA conference.

Do you see that?

A. Yes.

Q. Was Father Weston's letter --

A. Or Reverend Weston. He probably would not want to be called Father.

Q. I'm sorry. You're correct. Thank you for 11:30:19 correcting me.

Was Reverend Weston's letter to Bishop Daily and his first response brought to your attention in any way by Thomas Daily a year later -- actually, less than a year later when you arrived in Boston as Archbishop?

A. It was not.

**MR. MacLEISH:** All right. Next exhibit, please

(Law Exhibit No. 36, Handwritten Note, marked for identification.)

Q. Then we see here -- do you know a Father Rueda at all? Have you ever heard of him before?

A. No.

Q. Well, this is, again, something that was contained in the second production from the Archdiocese, and it states:

"Dear Father Rueda" -- who I believe was the -- one of the authors of The Homosexual Network, if I'm not mistaken.

A. I saw his name, yes.

Q. "Dear Father Rueda: The Archdiocese of Boston has written me saying that Father Shanley did not represent Cardinal Medeiros at NAMBLA." And then it says:

"Someone is in error or lying. Reverend Hugh Weston."

Do you see that?

A. I do.

Q. And this, again -- have you ever seen this document before today?

A. I have not.



**MR. MacLEISH:** Next document.

(Law Exhibit No. 37, Handwritten Document, marked for identification.)

**Q.** Showing you Exhibit No. 37, this was received July 6 -- I'm sorry -- received at the Cardinal's residence, not acknowledged, July 5, 1983. And this letter, if you want to take a look at it, is yet another report concerning Father Shanley and NAMBLA. It's difficult to read. I can help you. It's a poor reproduction. But this was from your files, Cardinal Law.

**A.** Excuse me. Who did you say this was from?

**Q.** It's from a Joseph Moynihan. Do you see that?

**A.** Oh, I see. This is referencing the same --

**Q.** That's correct.

**A.** -- book and the quote.

**Q.** Right. It's yet another letter to the Archdiocese, in this case, to Bishop Daily. This would have been after he's received the 1977 letter. You remember that one from Mrs. Stevens, the 1979 correspondence with Attorney McGeady, the correspondence from Reverend Weston.

This is now, I believe, the fourth letter that has come in on the subject. Would you agree with me about that?

**A.** Yes. I think that's right.

**Q.** And you'll see that Mr. Moynihan, who lives in Brockton, Massachusetts, who is a communicant at St. Patrick's in Brockton, as he reports, is making -- raising yet another question about Father Paul Shanley based upon The Homosexual Network book.

Do you see that?

**A.** I do.

**MR. MacLEISH:** And we then have as our next exhibit, please.

(Law Exhibit No. 38, Letter, 7/13/83, marked for identification.)

**Q.** Showing you Exhibit No. 38.

**A.** This is about two months before the Cardinal's death.

**Q.** That's correct. It's from his Chancellor, Father -- Bishop Daily, also someone that you've indicated previously you relied upon when you arrived in Boston; is that correct?

**MR. TODD:** Actually, it's not from Father Daily.

**Q.** It's from --

**A.** It is. Father Little signed it for Bishop Daily.

**MR. TODD:** For?

**MR. MacLEISH:** That's correct.

**Q.** And the practice at the Archdiocese is that there are occasions when other people can sign letters, but if the letter has the name of the person on it, it indicates that it is his letter; is that correct?

**MR. ROGERS:** Objection.

**A.** That's correct.

**Q.** So this would be a letter from Thomas Daily, as you understood the practice; is that correct?

**A.** That's correct.

**Q.** And you'll see in this letter it is stated in response to Mr. Moynihan's letter, it is stated -- he provides him with a copy of his pastoral letter on pastoral ministry to the homosexual.

Do you see that? 11:36:33

**A.** I do.

**Q.** Then it says that copy is enclosed. Then it goes on to state, it states His Eminence's position and that of the Church in regard to ministry to homosexuals.

Do you see that?

**A.** I do.

**Q.** Mr. Moynihan wasn't just writing about his ministry to homosexuals; he was writing about the same thing that Reverend Weston had written about: Father Shanley's attendance at a NAMBLA conference.

Do you see that?

**MR. TODD:** Objection.

**Q.** Same subject matter.

**A.** Yes.

**Q.** Then it goes on to state:

"For information concerning Father Paul Shanley or his presence at the conference, His Eminence suggests that you write directly to him at St. John's Church, 253 Watertown Street, Newton, 02158. His Eminence also indicates that in no way is Father Shanley authorized to help him at any conference sponsored by NAMBLA and personally doubts any claim that Father Shanley represented him in this regard."

Do you see that?

**A.** I do.

**Q.** Would that letter not suggest to you, Cardinal Law, that as of July 13, 1983, the Reverend

Bishop Daily did not, in fact, know whether or not Paul Shanley, then, I believe, a curate or administrator at St. Jean's, had attended the NAMBLA conference; that no investigation had been done into that?

**MR. TODD:** Objection.

**A.** No, that would not -- this letter would not indicate that.

**Q.** Fine.

**A.** This letter would indicate to me what it states.

**Q.** Okay. But the letter does not deny that Paul Shanley attended the founding conference of NAMBLA, correct?

**A.** It does not deny that.

**Q.** Did Bishop Daily ever bring to your attention the fact that correspondence had been received suggesting that Paul Shanley had attended the founding conference of NAMBLA?

**A.** I have no recollection of that having been communicated to me.

**Q.** If you had known that Father Paul Shanley had attended the founding conference of the North American Man/Boy Love Association, would you have appointed him as pastor with unsupervised access to children, as you have admitted in your admissions, in 1984?

**MR. ROGERS:** Objection to the form.

**MR. MacLEISH:** Go ahead.

**A.** I would have inquired what had been done in the investigation of that claim, and what the result of that was, and if there was a reasonable explanation to his presence at that meeting. And I cannot conceive of what it might be, but if there was a reasonable explanation, a misunderstanding of what it means to be in outreach to people who are homosexual or whatever the phrase was that was used, sexual minorities, and he was brought to see that that was incorrect, that would be one thing.

But if, on the other hand, the investigation showed that not only was he present but that he was sympathetic with the aims and spoke in favor of those aims, he would not be qualified to hold any position in the church.

**Q.** At minimum, based upon the materials you've seen here today, you would agree with me that some investigation would have been in order; is that correct?

**A.** Absolutely.

**Q.** But none of these facts were brought to your attention by Bishop Daily; is that correct?

**A.** None of which facts?

**Q.** None of the allegations about Paul Shanley not only attending the NAMBLA conference, but speaking in support of man/boy love, speaking at the 1977 conference in Rochester about bestiality, incest, pedophilia, none of those allegations were brought to your attention by Bishop Daily before you appointed him pastor; is that correct?

**A.** That's correct. Nor was there brought to my attention whatever intervening action was taken, which I would presume undergirded the appointment that he received from Cardinal Medeiros.

**Q.** You're making that as an assumption; is that correct?

**A.** That's correct.

**Q.** You don't know what happened?

**A.** I do not know.

**Q.** And there were complaints?

**A.** As you do not know.

**Q.** Thank you.

I'm only looking at what was in your file at the time you appointed him to be pastor. There's a great deal of other information, you're correct, we do need to explore.

But what was in your file at the time you appointed -- I want to be clear -- the Archdiocese's file, not your file.

What was in the Archdiocese's file at the time you appointed Paul Shanley pastor in 1984?

Why don't we mark that letter too, your appointment.

(Law Exhibit No. 39, Letter, 12/11/84, marked for identification.)

**Q.** This is Exhibit 39, Cardinal Law. Do you recognize that as your appointment?

**A.** I do.

**Q.** You state in your appointment letter:

"It is a pleasure for me to give you this appointment as Pastor in the Archdiocese."

Do you see that in the second to last paragraph?

**A.** It is. I do see that.

**Q.** Would you agree with me, based upon the materials that we've reviewed, that you appointed him pastor despite the fact that the records of the Archdiocese contained the last letter of 1966 accusing Shanley of masturbating a boy and bringing other boys to his cabin in the woods; Father Shanley -- the Stevens letter from 1977 reporting that Shanley believed that sex between men and boys was appropriate, and that bestiality and incest and other sexual acts cause no psychic can harm; the four -- I'm sorry -- the McGeady letter and the man/boy love article from 1979, which contended that Paul Shanley attended the NAMBLA conference and spoke in favor of man/boy love relationships; the two Weston letters that we've reviewed in 1983 regarding Paul Shanley's attendance at the organizational meetings of NAMBLA as reflected in the book, the Homosexual Network; the Moynihan letter in 1983; you appointed him pastor, as we now see, with all of those records in the files of the Archdiocese of Boston. Is that correct?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

**A.** I appointed him as pastor upon the recommendation of the personnel board, and having moved him from being administrator, which was the appointment made by the -- or diocesan administrator between the two bishops, and my being appointed in March of '85.

His appointment was not made in view of those reports that you have brought before me today, as I've cited in response to each one in particular as it has been brought before me, and in general, as I've indicated, that I did not go back to the previous file in making these appointments. I was not aware of those materials and they were -- and had I been aware of them, I would have certainly wanted to have had some knowledge of how those reports had been dealt with, and what it was that resulted in the ability of his being appointed, first, as an assistant and then as an administrator. I did not do that. That's correct.

**Q.** My question, Cardinal Law, was he was appointed pastor even though all these records were contained in files of the Archdiocese at the time? When I say "these records," I mean the 1977 allegation about incest, bestiality, and sex between adults and children, the 1979 letter from Attorney McGeady about his views expressed at the session of the North American Man/Boy Love Association, the 1983 letters from Reverend Weston, and the 1983 letter from Mr. Moynihan. All those records were in existence within the files of the Archdiocese at the time you appointed Paul Shanley pastor in December of 1984, correct?

**MR. TODD:** Objection. Asked and answered. And argumentative.

You may answer.

**Q.** Go ahead.

**A.** I think I've answered that question before, and I -- and I remember the enumeration from the way you gave it just in the previous question, and my point that I want to be sure is also recorded is that I want it to be very clear that those records were not before me --

**Q.** I understand that.

**A.** -- when I made that appointment.

**Q.** I understand that.

**A.** That's what I want to establish very clearly.

**Q.** I understand that.

But those records were in the files of the Archdiocese of Boston at the time you made the appointment; is that correct?

**A.** I presume they were.

**Q.** And that many of the contents of these records -- in fact, I believe all of them were known to Bishop Daily?

**MR. TODD:** Objection.

**A.** My presumption is that the material that we have been just looking at was known by him, because he seems to have responded to them, yes.

**Q.** He responded to the 1977 --

**A.** All of them, yes.

**Q.** -- the 1977 incest, bestiality letter, the 1979 NAMBLA article from Attorney McGeady, the 1983 letter from Reverend Weston, and the 1983 letter from Mr. Moynihan. He responded to all of them, correct?

**A.** Correct.

**Q.** And he never once discussed the subject with you, correct?

**A.** That's correct.

**MR. ROGERS:** Objection.

**Q.** Looking back on it now, Cardinal Law, as you sit here today, as you sit here today, do you believe that you at least, regardless of what other events had occurred, should have had the benefit of all of this information in a report from Bishop Daily, your personnel board or anybody else that you were relying on?

**A.** Earlier today you put before me Exhibit 13.

**Q.** Right.

**A.** And Exhibit 13, I think, addresses that issue.

**Q.** Okay.

**A.** And I would agree that the recordkeeping and the institutional memory has to be improved. That was insufficient.

**Q.** Now, Cardinal Law, I'd like to focus on the period from 1984 to 1990 when Greg Ford, Paul Busa and Anthony Driscoll allege that they were being sexually molested, and in certain cases, raped by Paul Shanley at St. Jean's.

Can we agree to focus on that time period?

**A.** Wherever you want to go.

**Q.** During that time period, there were a number of reports -- and I think we went over several of them yesterday -- involving individuals such as Eugene Sullivan and Daniel Graham, individuals who had either been convicted or admitted to acts of sexual misconduct involving minors.

Do you recall your testimony on that on Wednesday?

**A.** Whatever I said, I said. I don't recall -- I don't have everything in my mind right now that we were talking about on Wednesday.

**Q.** Well, you knew in 1984, shortly after you arrived, that there had been a conviction of **A.**

Roman Catholic priest for rape of a child, Eugene O'Sullivan?

**A.** Yes.

**Q.** I'm sorry. Pled guilty to rape.

**MR. TODD:** Let me interject. You keep on saying "rape." Actually, that was not the crime.

**MR. MacLEISH:** Okay. All right.

**Q.** Well, some conviction involving -- can we agree some conviction involving sexual misconduct with a minor?

**A.** Yes.

**Q.** And then we went over Father Graham, who admitted -- I think we had documents that admitted in 1988 that he had been involved in an act of molestation.

Do you recall that?

**A.** Yes. In the late '60s or '70s.

**Q.** That's correct. When he was a seminarian. But he admitted to molesting a child.

**A.** Yes.

**Q.** But these weren't the only two in this period from '84 to 1990 that were coming across your desk. When I say "coming across your desk," individuals who had been accused of molesting children. Those were not the only ones, were they, Cardinal Law?

**A.** They were not.

**Q.** They also included Father Joseph Birmingham; is that correct?

**A.** That's correct.

**Q.** They also included John Geoghan; is that correct?

**A.** That's correct.

**Q.** And you knew in 1984 that John Geoghan had admitted to being engaged in acts of sexual misconduct with children; is that correct?

**A.** That's correct.

**Q.** And he was sent for an assessment; is that correct?

**A.** That's correct.

**Q.** And you knew in 1989 that John Geoghan again was accused of molestation of children and he was sent for another assessment; is that not correct?

**A.** Assessment and a treatment, yes.

**Q.** And then he returned to St. Julia's Parish; is that correct?

**A.** He did.

**Q.** And then he went on to molest other children at St. Julia's Parish?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

**Q.** There's allegations to that effect; is that correct?

**A.** I'm not certain about -- there are a lot of allegations that have come forward and I'm not certain at what point I knew of those allegations.

**Q.** And Father -- well, you know that John Geoghan in 1989, I think you testified to this in other matters, in 1989 he was sent to the Institute for Living for some assessment?

**A.** That's correct.

**Q.** And then returned to St. Julia's Parish?

**A.** That's correct.

**Q.** With no restrictions put on him; is that correct?

**A.** I'm not certain. He was returned to his assignment.

**Q.** With no restrictions?

**A.** I think that's probably correct.

**Q.** No limitations on his access to minors; is that correct?

**A.** He was a parochial vicar.

**Q.** And then -- as a parochial vicar, there were no restrictions on his access to children; is that correct?

**A.** There would have been no -- he would have been involved with children, that's correct, teaching.

**Q.** Then you also remember the case of Father Ernest Tourigney, who in 1988 was confronted and admitted that he was involved in sexual misconduct with children; is that correct?

**A.** I'd have to review the case of Tourigney.

**Q.** Right.

**A.** I'd have to review that case.

**Q.** But you're aware at some point, and --



A. I'm aware he was taken out.

Q. He was taken out?

A. And we just have to review the case to see.

Q. Right. He was taken out, he was assessed, and then he was returned to ministry, is that correct, after an evaluation?

A. I would have to review the case.

Q. Cardinal Law, I've only received the files of ten individuals -- ten priests, and I've got the files, obviously, of Father Shanley and Father Geoghan. There are, I believe, a total of 70 priests who are alive today -- I think we went over this.

A. It's approximately that.

Q. Approximately 70 priests accused of sexual misconduct who are alive today; is that correct?

A. That's correct.

Q. And Cardinal Law, between 1984 and 1990, that period -- I'm not talking about the subsequent period -- before the first policy, can you recall any situation where a priest accused of sexual misconduct and went for an assessment was not returned to ministry with full access to children?

A. No. I'd have to -- I really would have to look at the records myself, and I'd have to have help in giving you a full response as to how many allegations we had received during that period, and what action was taken with those priests. And I would prefer to be able to do that and get back to you with that answer. I'd rather not just sit here --

Q. I don't want you to speculate. I want you to just -- if you could -- we have been through O'Sullivan, Father O'Sullivan, who went to New Jersey; we've been through Graham, we've been through Father Graham. Is that correct?

A. Yes, you've been through Graham.

Q. Father Joseph Birmingham, he died in the '80s; is that correct?

A. I believe it was the '80s, yes.

Q. He was sent for an assessment at some point because of allegations of molestation; is that correct?

A. That's correct.

Q. Then he was returned to St. Brigid's in Lexington; is that correct?

A. That's correct.

Q. And he was returned to St. Brigid's in Lexington with no restrictions on his ministry; is that correct?

A. I will say that's correct, but I would really prefer the opportunity to review that time frame and give you a more accurate response.

(Law Exhibit No. 40, Memorandum, /11/96, marked for identification.)

Q. Cardinal Law, this is a composite of some of the record reviews that were done at various periods of time regarding priests of the Archdiocese of Boston. Let's start with Father Joseph Birmingham, if we could. You'll -- if you could turn -- it's page BL -- I'm sorry. JB019. It's the -- let me go from the back. It's probably easier from the back, Cardinal Law. It's the sixth page.

A. JB19?

Q. Yes. That's correct. That's the handwriting you recognize as Sister Mulkerrin?

A. Well, I wouldn't have recognized it as her handwriting, but I have no reason to dispute it.

Q. Well, this is a record that was produced by the Archdiocese of Boston. Do you see where it says Fatima -- '63, '64 incidents?

Do you see that?

A. I do.

Q. And do you see it's sort of cut off at the top -- and I apologize for that; it's the way it's arrived -- but I believe the word up at the top left-hand corner underlined is "Records, Birmingham."

Do you see that?

A. I see Birmingham.

Q. Do you see to the left of that, it's cut off, but it's "Records"?

A. Okay. I'll take your word for it.

Q. And it says Fatima, Incidents 1963, '64.

Do you see that?

A. Yes, I do.

Q. Then it says "Admitted" underneath that in Sister Mulkerrin's handwriting?

A. Yes.

Q. Then --

A. And it says over there -- I don't know what that means. Dr. Philip Quinn.

Q. Yes. Dr. Quinn. We have a record on that, Cardinal Law, where -- this was the same Dr. Quinn that saw Eugene O'Sullivan, do you remember that, and he sat with Eugene O'Sullivan eight times.

Do you remember that from Wednesday's testimony?

**A.** I don't remember that.

**Q.** That's fine.

Do you see down at the bottom, it says "1987, Institute for Living"? Do you see that? March 25, 1987?

**A.** I do.

**Q.** And then it also -- there's a reference to you in here above that "April 7, 1987, resigned for reasons of health, Cardinal - colleague - molested. Summons on AIDS."

That was in a letter --

**MR. ROGERS:** "Sermons."

**Q.** "Sermons on AIDS."

That was in a letter when he was at St. Ann's Parish in Gloucester. Do you have some recollection of that?

**A.** I really don't.

**Q.** So at least as of 1992, with respect to Father Birmingham, there were records that were available -- I understand he's deceased -- but there were records that were available to the Archdiocese, it appears from JB0019; is that correct?

**A.** That's correct.

**Q.** And why don't you look, just since we covered it yesterday, at the second to last page of Exhibit No. -- what number is it?

**MR. ROGERS III:** 40.

**Q.** Exhibit No. 40, the second to last page. And this is the handwriting, I believe, Cardinal Law, is it not, of Father McCormack? Do you recognize that? Bishop McCormack?

**A.** It looks like his.

**Q.** You'll see in the case of Eugene O'Sullivan what appears to be a review of certain information, early allegations.

Do you see that?

**A.** I do.

**Q.** 1963 complaint. This is not dated. I don't have the date for this record. I'll ask Bishop McCormack about it.

But, again, here's another situation where there are records available to the Archdiocese of allegations going back to the 1960s.

A. Yes.

Q. Now, Cardinal Law, with all the records that have been reviewed by the Archdiocese and turned over to the Attorney General's Office and the District Attorney's Offices, has the Archdiocese of Boston, from the records, made any calculations as to the number of victims of sexual abuse that there are since you became Archbishop in 1984?

A. I don't know whether that has been done or not.

Q. Do you know whether that figure is in the thousands?

A. I don't know what that figure is.

Q. Well, have you ever thought that it would be important to find out how many there are and what should be done?

A. Absolutely. And we are in the process of trying to be as complete as we can in knowing who the victims are and how best we can respond to them.

Q. Cardinal Law, I'd like to show you --

(Law Exhibit No. 41, Photograph, marked for identification.)

Q. Can you find your answer, please?

A. Can I find my answer?

Q. Yes. Your answer to the complaint.

**MR. TODD:** It's Exhibit 1.

Q. It's Exhibit 1, Cardinal Law.

**MR. TODD:** It's Exhibit 2.

**THE WITNESS:** My answer to the complaint.

Q. Could you turn to the section that we talked about yesterday concerning negligence, the defense of negligence that is on Exhibit 2, page 5, where it says:

"And further answering, the defendant says the plaintiffs were not in the exercise of due care, but, rather, the negligence of the plaintiffs contributed to cause the injury or damage complained of; wherefore, the recovery of the plaintiffs is barred in whole or in part or is subject to diminution."

Do you see that? We covered that yesterday?

A. Yes.

Q. And you also see that -- we went over this yesterday, that the allegations in the complaint about Paul Shanley abusing Greg Ford started when Greg Ford was six years old. This is a picture of Greg Ford, Exhibit 41. I would ask you -- you've already, at least on Wednesday, you indicated that you wanted to change some of your answers.

Looking at Exhibit 41, that picture of Greg Ford as a six-year-old child, do you now believe that your answer in which you allege that Greg Ford was somehow negligent for the acts of abuse, that that answer that was filed on your behalf should be changed?

**MR. ROGERS:** Objection to the form.

**MR. TODD:** Objection.

**MR. MacLEISH:** Go ahead. You can answer.

**A.** I find it difficult to answer --

**Q.** Okay.

**A.** -- because I'm not a lawyer, and I don't know what that phrase means in terms of the civil suit that has been filed. It is certainly not my belief that a child is responsible for abuse that is done to him.

**Q.** Okay.

**A.** I don't believe that any child is responsible for the abuse done to him.

**Q.** Okay. Is it now -- I'm sorry. Go ahead.

**A.** What legal ramifications and what legal meaning is attached to what was represented by counsel, I'm not -- I'm not conversant in that. But I do know that my own conviction is that a child is not responsible for the abuse that he suffers or she suffers.

**Q.** At your deposition on Wednesday, you indicated some familiarity with the term of negligence. In fact, you said at one point "contributory negligence" on your own, without me describing that term.

You have an understanding of what negligence is, do you not?

**A.** I do. I think I do. I have certainly **A.** layman's knowledge.

**Q.** So is it now your intention to withdraw the assertion made in your answer that Greg Ford, as a six-year-old child, was somehow negligent in what happened to him at the hands of Paul Shanley?

**MR. ROGERS:** Objection.

**MR. TODD:** Objection.

**MR. ROGERS:** That's not what the answer says, so I think it's a misstatement and an inappropriate question.

**MR. MacLEISH:** You may answer the question.

**A.** I do not at this point wish to address what it is that counsel entered until I have an opportunity to discuss it with them, but I can tell you what I believe and what my conviction is with regard to the tragedy of sexual abuse, and that is that no child is responsible in any way for the abuse that he or she suffers.

**Q.** No child?

**A.** That that is the responsibility of the adult who does the abusing. It could be the responsibility of others responsible, but certainly not the child.

**MR. ROGERS:** We are past 12:00. So we agreed we'd stop.

**MR. MacLEISH:** You had a question you wanted to ask me.

**THE WITNESS:** We can go off the record.

**MR. MacLEISH:** Absolutely. We can go off the record.

**THE VIDEOGRAPHER:** The time is 12:03. We're off the record.

(Whereupon, the deposition was suspended at 12:04 p.m.)

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