

0001

1 COMMONWEALTH OF MASSACHUSETTS

2 COUNTY OF MIDDLESEX

3 GREGORY FORD, et al.,
4 Plaintiffs,

5 vs. Superior Court
Civil Action
No. 02-0626

6 BERNARD CARDINAL LAW, a/k/a
CARDINAL BERNARD F. LAW,
7 Defendant.

8 -----
PAUL W. BUSA,
9 Plaintiff,

10 vs. Civil Action
No. 02-0822

11 BERNARD CARDINAL LAW, a/k/a
CARDINAL BERNARD F. LAW, et al.
12 Defendants.

13 -----
14 ANTHONY DRISCOLL,
15 Plaintiff,

16 vs. Civil Action
No. 02-1737

17 BERNARD CARDINAL LAW, a/k/a
18 CARDINAL BERNARD F. LAW, et al.
19 Defendants.

20

21 THE VIDEOTAPED DEPOSITION OF CARDINAL
22 BERNARD F. LAW, a witness called by the
23 Plaintiffs, taken pursuant to the applicable
24 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
Wednesday, June 5, 2002, commencing at 10:06
a.m.

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27 BOSTON, MASSACHUSETTS 02209
28 TEL. (781) 598-6405 - FAX (781) 598-0815

0222

1 A Yes.

2 Q So at this time, back some 17 years ago, almost

3 to the date 17 years ago --

4 A Yes.

5 Q -- Father McCormack is reporting that he had

6 received some note from you about a letter you

7 had received from Wilma Higgs; is that correct?

8 A That's correct.

9 Q And you would agree that Father McCormack's

10 memories of 17 years ago are a good deal more

11 fresh than yours, mine or Father McCormack's

12 are today?

13 A Absolutely.

14 Q And you see in this letter a reference to a

15 note from you.

16 A That's correct.

17 Q Is that correct?

18 A That's correct.

19 Q Do you know where that note is?

20 A I do not know.

21 Q Would it be a fair reading of this letter that

22 there was at times, at one point in time, a

23 note that you had sent to Father McCormack

24 about the Higgs letter?

0223

1 A That's conceivable. You know, it's
2 conceivable. If -- and seeing this letter, if
3 I may reconstruct what I think may have
4 happened, I would have seen the letter, perhaps
5 written a memo saying, "Please follow up on
6 this. Please look into this," and it could
7 have gone that way.

8 Q Okay. And so is that the way you think it's
9 more probable than not that it went, having
10 seen this letter to Father Shanley, that there
11 was some writings or note?

12 A Having seen this letter?

13 Q Yes.

14 A I would presume that that's the way it went.
15 Without having seen this letter, it would have
16 been an equally valid presumption that it would
17 have gone without my having seen the original
18 letter.

19 Q But now that we have this Exhibit No. 20 in
20 front of us, this letter suggests that, in
21 fact, you did read the letter of April 29,
22 1985, from Mrs. Higgs and wrote something,
23 perhaps just on the letter, to Father
24 McCormack, which prompted him to bring this to

0224

1 the attention of Father Shanley. Is that a

2 fair statement?

3 A Probably not on the letter, because I think it

4 would be shown on the copy. So it probably was

5 a separate note, but I would presume that

6 that's a reasonable assumption.

7 Q And so now that you have that, can we agree

8 that it's more probable than not that you did,

9 in fact, read the Higgs letter?

10 A Yes.

11 Q Cardinal Law, could you go back to Exhibit No.

12 11, please, which is the admissions.

13 When did you first see that letter that I

14 just showed you from Father McCormack to Paul

15 Shanley?

16 A This letter?

17 Q Yes.

18 A Just now.

19 Q Just now. I'm going to read Request No. 1, and

20 I'd like you to read Response No. 1, and then

21 I'm going to ask you a question about it.

22 Request No. 1:

23 "Cardinal Law read the letter addressed to

24 him from Wilma H. Higgs, Mrs. Higgs, dated

0225

1 April 29, 1985 ("Higgs letter"). A true and
2 accurate copy of the Higgs letter is attached
3 hereto as Exhibit 'A:'"

4 Could you please read the response.

5 A "The defendant does not believe he read the
6 Higgs letter in '85. The defendant admits that
7 he has since read this correspondence."

8 Q With respect to the first sentence, would you
9 now like the opportunity to amend the first
10 sentence?

11 A I would.

12 Q How would you like to amend it?

13 A That the defendant believes that he did read
14 the Higgs letter in 1985.

15 Q Now, Cardinal Law, since you've agreed that
16 this was an allegation of a serious nature,
17 what follow-up do you know was provided to you,
18 if any, by Father McCormack to investigate this
19 allegation that Paul Shanley was making remarks
20 about children having sex with adults, and when
21 it occurs, it's the fault of the child?

22 A Mr. MacLeish, specifically to answer your
23 question, I have no knowledge of the specifics
24 of what was done at this point, but I would say

0001

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17 THE SECOND DAY OF THE VIDEOTAPED DEPOSITION
18 OF CARDINAL BERNARD F. LAW, a witness called by
19 the Plaintiffs, taken pursuant to the applicable
20 provisions of the Massachusetts Rules of Civil
21 Procedure, before Kathleen M. Silva, Registered
22 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.

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0055

1 that that is that indication where --

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

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

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

15 Q Yes.

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

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

23 MR. ROGERS: No.

24 Q Cardinal, so as I understand it, your original

0056

1 admission says:

2 "The defendant does not believe he read the

3 Higgs letter in 1985."

4 A Yes.

5 Q If I could, Cardinal, at the conclusion of our
6 day Wednesday, you indicated you wanted to change

7 that admission based upon the documents I

8 presented to you; is that correct?

9 A That's correct.

10 Q Now you want to go back and change what you said

11 on Wednesday to indicate that your original

12 admission stands; you do not believe you read the

13 Higgs letter in 1985?

14 A That's correct. I believe that what is said

15 here -- that the defendant does not believe he

16 read the Higgs letter -- is the truth, as I see

17 it; and I was persuaded by the reference to the

18 note, that if I sent him a note about this, then

19 I must have read the letter, but I really believe

20 that that note could be a reference to what is

21 here. That would not indicate, if that's the

22 basis of his word "note," that would not indicate

23 that I read the letter.

24 Q Well, respectfully, he says he received a note

0057

1 from the Cardinal.

2 A I understand.

3 Q He doesn't say he received a note. He said he

4 received a note from you.

5 A I know it says that.

6 Q And Bishop McCormack would not be someone who

7 would, to Paul Shanley, at this time, state

8 something that was not true?

9 A Well, I don't -- you know, it is not true to say

10 that he received this from --

11 Q When you say "this" you're meaning Exhibit --

12 A -- received Exhibit 18 from me, from my office,

13 which is receiving it from me, from my office.

14 Q Well, respectfully, Exhibit 18 is not a note;

15 Exhibit 18 is a letter from Wilma Higgs.

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

17 Q The stamp?

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

19 Q That that --

20 A I believe that that could reference a note to

21 him.

22 Q Well, Cardinal, the truth is, is that -- and

23 memories are fallible, and I accept that and we

24 all accept that -- is that you just don't know

0058

1 either way. Now, you're stating you don't know
2 either way whether you had read the Higgs letter
3 or whether you didn't read the Higgs letter; is
4 that correct? You just don't know either way?

5 MR. TODD: Objection.

6 MR. ROGERS: Objection.

7 A I don't believe that that's what I said in
8 response to this --

9 Q No, I know that --

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

17 Q Right.

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

21 Q On Wednesday?

22 A On Wednesday.

23 Q Respectfully, Cardinal, wouldn't the better
24 response be simply, as you reference in other

0059

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

11 MR. ROGERS: Objection.

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

14 Q Yeah, right. No. 1?

15 A Number 1.

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

19 Isn't that what you're saying?

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

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1 what's being said.

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

6 Q Sure.

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

10 Q Nor can you say that you didn't?

11 A That's correct.

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

13 MR. TODD: No.

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

18 MR. TODD: Objection.

19 MR. ROGERS: Objection.

20 MR. TODD: Objection.

21 Q Go ahead; you can answer.

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

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

0061

1 MR. ROGERS: Objection.

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

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

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

7 THE VIDEOGRAPHER: The time is 10:14.

8 We're off the record.

9 (Recess)

10 (Law Exhibit No. 24, Letter,

11 marked for identification.)

12 THE VIDEOGRAPHER: The time is 10:25.

13 We're back on the record.

14 Q Cardinal Law, you wanted to say something?

15 A Yes, Mr. MacLeish, thank you. To go back, if I
16 may, just for a moment to my responses.

17 Q Yes.

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

20 Q Yes.

21 A You know, with all due respect, I think I'm
22 more comfortable with my response as I
23 originally gave it, because the stamp on the
24 letter, the Higgs letter, and the note at the

0062

1 top, that would indicate to me that this was
2 something that I did not see. Obviously I saw
3 this, as I indicate in the response
4 subsequently, but that I did not see it at the
5 time, and I would prefer to leave it as it is.
6 It's not an absolute does not believe, but I
7 think it conveys a tilt toward the fact that it
8 is my thought that it is likely that I did not
9 see it, and I think that's different than
10 saying I can't say whether I did or whether I
11 didn't.

12 Q Okay.

13 A You know, we could argue --

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

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

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

22 MR. ROGERS: Objection.

23 MR. TODD: Objection.

24 A No, that is not correct. It's not -- when you

0063

1 put before me the letter of Bishop McCormack.

2 Q Right.

3 A Which I had not seen before.

4 Q Right.

5 A And -- to Paul Shanley.

6 Q Right.

7 A Which is Exhibit 20.

8 Q Right.

9 A And it says recently I received a note from the

10 Cardinal.

11 Q Right.

12 A It's that that took me back.

13 Q Right.

14 A And it's based on that word "note" that I

15 altered my response, but as I have reflected

16 further on that, I believe that -- and the only

17 way to ascertain this is if you could question

18 Bishop McCormack further, and he may not have a

19 clearer memory than I, but it seems to me that

20 he could use certain literary license at that

21 point, and -- because he did receive the letter

22 with the stamp and with his name, and he could

23 reference that as a note. It's not a written

24 note, but it is a note out of my office from

0064

1 those whose responsibility it is to assist me
2 with the mail, and they act on my behalf. So I
3 think it's appropriate that he may have
4 responded that way.

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

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

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

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

22 Q And your reflection also included
23 communications with your attorneys between the
24 time on this -- on this subject between the

0065

1 time you left the deposition on Wednesday and
2 the time that you arrived here this morning; is
3 that correct?

4 MR. ROGERS: I object.

5 MR. MacLEISH: Your objection is
6 noted.

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

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

15 Q My question is whether or not between the time
16 that we stopped on Wednesday and this
17 morning -- not the five-minute break we just
18 took -- whether your reflection included
19 discussions on the subject matter of this
20 admission with your attorneys.

21 A Listen, yes, I discussed with my attorney --

22 Q I don't want the substance.

23 MR. TODD: Without a waiver.

24 MR. ROGERS: That's what you're

0066

1 asking.

2 MR. MacLEISH: Only subject matter.

3 A But you've asked me that, so I should say in

4 context, Mr. MacLeish, lest it be

5 misunderstood, because should it be

6 misunderstood that this item was yanked out of

7 context, I discussed in a general way how did

8 the deposition go, where do you think it's

9 going, those kinds of questions, and in the

10 context of that, that change also emerged, and

11 my unease about it.

12 Q Now, you testified about you had not discussed

13 this specific issue with Bishop McCormack; is

14 that correct?

15 A That is correct.

16 Q Has anyone relayed to you the substance of

17 Bishop McCormack's testimony on this subject?

18 A The substance of his testimony?

19 Q Yes.

20 A No.

21 Q I have another exhibit before you, Cardinal

22 Law, which is Exhibit No. 24 -- I think we have

23 that right here -- which is Bishop McCormack's

24 letter to Wilma Higgs of May 15, and it

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00138

1 such allegation.

2 Q You deny --

3 A Based on the fact that I have no recollection of

4 it.

5 Q Request No. 18:

6 "Jackie Gauvreau met with Cardinal Law after

7 a televised mass in or about 1987 regarding

8 allegations of sexual abuse against Father

9 Shanley."

10 You had a different answer. The answer

11 there was:

12 "The Defendant has no recollection of any

13 such meeting and, therefore, can neither admit

14 nor deny said allegation."

15 Correct?

16 A That's correct.

17 Q That's a different response from the response

18 that you gave the telephone call allegation,

19 request for admission, and Admission No. 17,

20 correct?

21 A That's correct.

22 Q So if Ms. Gauvreau were to testify that she did

23 remember discussing with you at a televised mass

24 allegations of sexual abuse against Father

00139

1 Shanley, you would not be in a position to

2 contradict her, correct?

3 MR. TODD: Objection.

4 A My presumption is that she has said that.

5 Q Right.

6 A And what I have tried to say, in light of that,

7 is that I have no memory, no recollection of

8 that. And, therefore, can neither admit nor deny

9 that allegation.

10 Q You're not denying it as you did with the

11 telephone call?

12 A That's correct.

13 Q You can't either admit or deny it. So my

14 question is:

15 If Ms. Gauvreau were to testify that she

16 spoke with you after this televised mass about

17 allegations of sexual abuse against Father

18 Shanley, your response would be that you could

19 neither admit or deny that such a meeting took

20 place. Those were your words in the admission,

21 correct?

22 A That's correct.

23 MR. TODD: Now, what's the question?

24 The words in the admission or -- there are two

00184

1 assessment of Paul Shanley?

2 A Yes. One could reasonably infer that, yes.

3 Q Why was it not done?

4 MR. TODD: Objection.

5 A I cannot answer that.

6 Q Looking at just these two documents, given the
7 involvement of Bishop Banks in both of them, do
8 you believe that it would have been within your
9 policy and practice to require that when the 1988
10 allegation comes about, there has to be something
11 more than just Paul Shanley denying that the
12 incident occurred?

13 Do you understand my question?

14 A I do understand your question.

15 Q That at this point, Bishop Banks has the Higgs
16 letter -- we know -- we know that from Exhibit
17 60 -- and he has also the personal complaint from
18 the patient at Maclean Hospital.

19 Is it enough at that point for the priest to
20 deny it and the issue goes away?

21 A You know, I would have to say that you'd have to
22 look at this, these two charges. In both of
23 these cases, it's a matter of someone being
24 accused of saying something.

00185

1 In the first case, it's -- in the second
2 case, rather, the first that you put before me
3 today, it's a matter of alleging that a person
4 thought that he was, as he puts it, that he was
5 coming on to him. Tremendous sexual energy in
6 the room.

7 But in both of these cases, as terrible as
8 the allegations are and as disturbing as the
9 thoughts put into Father Shanley are, in both of
10 these cases, what you have is someone claiming
11 what it is that somebody else said. You don't
12 have in these cases, in either the Higgs letter
13 or this previous memo, an allegation of overt
14 sexual abuse.

15 Now, having said that, was there enough
16 here, even with two denials on the part of the
17 person being accused of what he had said, was
18 there enough here to warrant investigating this
19 further, including assessment? I would say,
20 looking at this, yes, there would be.

21 Q How about file review?

22 A Well, certainly. That would be included. But I
23 would even take it beyond file review. I would
24 say that assessment would be -- some kind of an

00186

1 assessment would probably be called for.

2 But, again, for that to occur, you have to
3 have some, you know, something that is
4 substantial to call for the -- to have a person
5 go to an assessment, particularly if he is
6 unwilling to.

7 And if what you have boils down to I said,
8 you said, then it may be difficult.

9 Q Cardinal Law, one of the reasons you'd want an
10 assessment is because you've got reports from two
11 different people about improper behavior that
12 don't, on the face of it, have any connection
13 with each other: A mental patient at Maclean
14 Hospital and a woman from Rochester, New York.

15 Doesn't that really dictate that in spite of
16 a denial, that the matter has to be taken a step
17 further?

18 A I'm not arguing the fact that -- I'm not arguing
19 the idea that an assessment would have been
20 appropriate. All I'm saying is that based on
21 allegations of this kind, if a person was
22 hesitant about going to the assessment, hanging
23 it on letters is not the easiest thing in the
24 world.

00187

1 Q What about talking to Mrs. Higgs and seeing if
2 you could get a copy of the tape? No down side
3 to that, Cardinal Law, correct?

4 A That's correct.

5 And I'm not sure that that wasn't done. I
6 don't know that.

7 Q Should have been done?

8 A I don't know that.

9 Q Should have been done; is that correct?

10 A I think it would have been a more appropriate way
11 to investigate it, if it were not done, yes.

12 Q Okay. Now, certainly, putting aside the issue of
13 an assessment -- and I understand the priest has
14 to agree to the assessment -- and Father Shanley
15 did ultimately agree to an assessment; is that
16 correct?

17 A He did.

18 Q And apart from the assessment, there are ways to
19 determine what really happened if the priest
20 refuses the assessment, such as looking at the
21 files -- which we've already seen what would have
22 been found if one looked at the files.

23 You're familiar with the documents that I'm
24 talking about?

00185

1 In the first case, it's -- in the second
2 case, rather, the first that you put before me
3 today, it's a matter of alleging that a person
4 thought that he was, as he puts it, that he was
5 coming on to him. Tremendous sexual energy in
6 the room.

7 But in both of these cases, as terrible as
8 the allegations are and as disturbing as the
9 thoughts put into Father Shanley are, in both of
10 these cases, what you have is someone claiming
11 what it is that somebody else said. You don't
12 have in these cases, in either the Higgs letter
13 or this previous memo, an allegation of overt
14 sexual abuse.

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16 here, even with two denials on the part of the
17 person being accused of what he had said, was
18 there enough here to warrant investigating this
19 further, including assessment? I would say,
20 looking at this, yes, there would be.

21 Q How about file review?

22 A Well, certainly. That would be included. But I
23 would even take it beyond file review. I would
24 say that assessment would be -- some kind of an

00200

1 felt that he could not, in conscious and
2 integrity to himself, in any way imply that he
3 was in agreement with that new oath.

4 And I met with him several times over this
5 issue because my concern was that if he couldn't
6 take the new oath, then what about the oath he
7 did take? Because that was binding and important
8 in terms of his teaching.

9 But in the end, he had two reasons that
10 pressed his need to back away from the parish.
11 One was his difficulty with the oath. The other
12 was some health problems.

13 And so since he was in -- he couldn't
14 reconcile himself to the new oath and he did have
15 the health problems, then I suggested that maybe
16 the best thing for him to do was just deal with
17 those health problems.

18 Q Out in California?

19 A Well, I didn't say out in California. I think
20 that was -- I was dealing with him in relieving
21 him of responsibility as pastor. It was his
22 desire and hope to go to California.

23 Q Father Paul Shanley did not --

24 A Because of climate and otherwise.

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1 COMMONWEALTH OF MASSACHUSETTS

2 COUNTY OF MIDDLESEX

3 GREGORY FORD, et al.,
Plaintiff,

4 vs. Superior Court
Civil Action
5 No. 02-0626

6 BERNARD CARDINAL LAW, a/k/a,
CARDINAL BERNARD F. LAW,
Defendants.

7 -----
8 PAUL W. BUSA,
Plaintiff,

9 vs. Civil Action
No. 02-0822

10 BERNARD CARDINAL LAW, a/k/a,
CARDINAL BERNARD F. LAW, et al.
11 Defendants.

12 -----
12 ANTHONY DRISCOLL,
Plaintiff,

13 vs. Civil Action
14 No. 02-1737

15 BERNARD CARDINAL LAW, a/k/a,
CARDINAL BERNARD F. LAW, et al.
Defendants.

16

17 THE FIFTH DAY OF THE VIDEOTAPED DEPOSITION
OF CARDINAL BERNARD F. LAW, a witness called by
18 the Plaintiffs, taken pursuant to the applicable
provisions of the Massachusetts Rules of Civil
19 Procedure, before Kathleen L. Good, Registered
Professional Reporter and Notary Public in and
20 for the Commonwealth of Massachusetts, at the
offices of Greenberg Traurig, One International
21 Place, Boston, Massachusetts 02110, on Friday,
October 11, 2002, commencing at 10:04 a.m.

22

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1 general way and very often specific ways, in
2 order to handle the volume of correspondence that
3 a person holding Father -- Monsignor Helmick's
4 position would indeed be able to say, as he does
5 here, "His Eminence Cardinal Law has asked me to
6 respond to your letter of July 10."

7 There was an implicit request, as far as my
8 understanding is concerned, and that's why I've
9 indicated that in regard to this letter.

10 I cannot respond or comment on what
11 Monsignor Helmick said in deposition.

12 Q Okay. So you have Exhibit 65, this complaint
13 that you just testified about sets forth serious
14 allegations that comes in, an offer to meet,
15 diocesan priests involved in, as he described it,
16 sexual misuse.

17 You would agree with me that Father
18 Helmick's response to that does not reflect any
19 invitation to set up a meeting. You would agree
20 with me about that, Cardinal Law?

21 A I would not want to agree -- you didn't imply
22 this, but I want to make it clear that the letter
23 itself does not say that these are priests of the
24 Archdiocese of Boston.

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1 It doesn't make the charge any less

2 egregious, but I just, as a matter of record, it

3 does not say that.

4 Q Doesn't use the word -- go ahead.

5 A And to infer that, I think, there would be no

6 reason to infer that from this letter.

7 Q How would you know either way, Cardinal Law,

8 whether it was referring to priests of the

9 Archdiocese of Boston or priests of other

10 dioceses? Wouldn't you want to know whether it

11 was a priest of the Archdiocese of Boston?

12 MR. CRAWFORD: Objection to the form.

13 You may answer.

14 A You asked two questions there. First is: How

15 would you know? And that's exactly the point I'm

16 making, that you wouldn't know.

17 And the second question is: Wouldn't you

18 want to know? Of course I would want to know.

19 But the letter itself does not imply or does not

20 suggest that these are priests of the Archdiocese

21 of Boston.

22 Q It says either way. I mean, you don't know

23 either way, Cardinal Law?

24 A But one would want to follow-up with the person,

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1 A Now, excuse me.

2 Q Go ahead, Cardinal.

3 A If I may finish.

4 Q Continue. Absolutely.

5 A What was in the mind of Father Helmick in seeing

6 this letter and in understanding what was or was

7 not alleged, I don't know. You know, I can't

8 answer that.

9 But I have no recollection of seeing this

10 letter or entering into a discussion. And I

11 would find it very strange if I were not to have

12 asked either Father Banks or Father McCormack to

13 pursue this with a discussion.

14 Q Okay. Cardinal Law, any downside, as you sit

15 here today, that was in effect in 1986 that would

16 have prevented Father Helmick, you or anybody

17 else that received this complaint, this letter,

18 Exhibit 65, from just picking up the phone and

19 talking to the person who had written the letter

20 and had put down his telephone number in the

21 upper right-hand corner of the document? Any

22 downside to that in 1986?

23 MR. CRAWFORD: Objection to the form.

24 MR. ROGERS: Objection to the form.

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1 MR. CRAWFORD: You may answer.

2 A Any downside? The question implies that this --

3 the possibility of calling this person up and

4 entering into contact had to be weighed, and then

5 if it were viewed to be the right thing to do,

6 then we'd go ahead and contact the person.

7 I think what I've tried to say is not only

8 do I think that there was no downside to it, but

9 I think that there was simply an appropriate and

10 reasonable response to be in contact with this

11 person and to see what are -- what is the

12 substance of what this person is saying in that

13 final paragraph.

14 Q Cardinal Law, in 1986, you did review certain

15 correspondence that was sent to you by

16 individuals, third parties from the outside; is

17 that correct?

18 A I did.

19 Q And did you have any understanding with your

20 personal secretary as to what types of

21 communications you should see and not see?

22 A Is the implication of the question, was there an

23 effort to shield me from certain kinds of

24 correspondence?

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1 Q There's no implication whatsoever, Cardinal Law.

2 Absolutely not. I'm asking you whether or not --

3 what the protocol was for you seeing certain

4 communications and not seeing other

5 communications.

6 I'm not suggesting in any way that there was

7 an effort to insulate you from letters concerning

8 sexual abuse. I'm asking what the protocol was.

9 A The protocol -- you could test this with my

10 secretaries to date and see if it isn't still in

11 place.

12 Q We did with Father Helmick two days ago.

13 A But the protocol is a protocol of trust in the

14 judgment of those assisting me with

15 correspondence to be sure that matters are

16 handled expeditiously, are handled by the

17 appropriate persons. And that sometimes may be

18 that a secretary can respond personally. Doesn't

19 happen too often. It more often would be that a

20 letter would be sent to a cabinet secretary or

21 later the delegate for the handling of this kind

22 of case, if that had been in place at the time.

23 Then there are some letters which come to me

24 directly.

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1 Q Important letters?

2 A Well, I would say that they're all important.

3 But there are different ways of handling them.

4 If someone is responsible, for example, to
5 handle educational matters for me, it's going to
6 be much more helpful for me to have that letter
7 sent to the Secretary for Education. That person
8 is going to be more directly knowledgeable, au
9 courant, on that subject, and --

10 Q Sorry?

11 A -- is going to be able then to draft --

12 Q Au courant?

13 A Yes.

14 Q I'm sorry. I understand. Going back to --

15 A So you know, it might be good if one person could
16 stay on top of everything that comes across my
17 desk, but I'm not the person able to do that.

18 That's why I think we said in one of the
19 first depositions, the very organization of the
20 Archdiocese was an effort to ensure that I'd be
21 able to handle things expeditiously and that they
22 not get caught on my desk.

23 Q But -- go ahead.

24 A As each day, I have a -- there's -- I have two

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1 folders for the mail that I get every day. And
2 then there's one is red and one is blue. The red
3 folder is correspondence that is viewed to be
4 something that I probably am going to want to
5 respond to. The blue is informational or maybe
6 something, someone acknowledging something I
7 sent. Likely something that doesn't call for a
8 response.

9 If I receive personal and confidential
10 letters, they're in that file to me. I open
11 those letters.

12 But that mail, before it comes to that
13 point, has been gone through, and that mail that
14 is not marked personal and confidential is
15 opened, it's looked at, and if it's matter that
16 pertains to education, if it's matter that
17 pertains to social services, if it's matter that
18 pertains to some financial question, it's sent to
19 the appropriate person to look at.

20 If those persons have the ability to
21 respond --

22 Q Go ahead. I'm sorry. I'm listening.

23 A Is it all right?

24 Q Yes.

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1 A If those people have the ability to respond and
2 it's appropriate, then they do. Otherwise, a
3 draft of a letter would be sent for me for my
4 signature.

5 Q Okay. Cardinal Law, you testified about the red
6 folder as containing some things that you would
7 probably want to respond to.

8 Do you recall that testimony?

9 A Yes.

10 Q And that was the system of red folder, blue
11 folder was the system in effect in 1986; is that
12 correct?

13 A I don't know when that system went into effect,
14 but I think it's probably -- some variant of that
15 was in place where I would -- because, obviously,
16 I would need to receive each day the mail that I
17 needed to be attentive to.

18 Q Right.

19 A And it was put -- at some point it was segregated
20 into things that probably don't need a response
21 but you want to look at and then those things
22 that do need a response.

23 Q Right. So just so I understand, we're focusing
24 on 1986. Was every piece of mail that was sent

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1 to you contained either in the blue folder or the

2 red folder?

3 A No, no. I hope I didn't imply that because

4 that's not what I meant to.

5 Q No, you didn't. I wanted to clarify. And you

6 receive a great volume of mail; is that correct?

7 A Yes.

8 Q And you did in 1986 receive a great volume of

9 mail, correct?

10 A Right.

11 Q It's impossible for you to respond to every piece

12 of mail that you get; is that correct?

13 A (Witness nods head.)

14 Q Would have been impossible in 1986 to respond to

15 every piece of correspondence that you received;

16 is that correct?

17 A I'm hopeful that every piece of correspondence is

18 responded to, but I've indicated the manner in

19 which it is responded to. I have people working

20 with me in whom I have confidence, and they

21 assist me in specific areas and they help me with

22 the correspondence related to that area.

23 Q So who made the decision in 1986 as to what gets

24 into the red folder? Who would that person be?

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1 A The persons usually handling the mail and, again,
2 I think I've indicated this before, would be the
3 priest secretary -- I say "usually," because
4 sometimes they're not available to do that and
5 the mail can't wait three days or four days --
6 and my administrative assistant.

7 Q They make the decisions; is that correct?

8 A That's correct.

9 Q And they have an understanding as to what goes
10 into the red folder, what you have to see
11 personally; is that correct?

12 A That's correct.

13 Q And certainly, you would put in that red folder,
14 communications from the Holy See, for example,
15 would go into the red folder or be brought to
16 your attention some other way; is that correct?

17 A It could be. It may be something quite
18 routine --

19 Q Sure.

20 A -- and need not go into the red folder.

21 Q Certainly, as you've testified earlier, it was
22 not routine to receive complaints about
23 Archdiocesan priests from 1984 to 1989; correct?

24 A That's correct.

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1 Q And you would agree with me that from 1984 to
2 1989, there was no greater priority than ensuring
3 children were protected in Archdiocesan programs?

4 MR. ROGERS: Objection to the form of
5 the question.

6 Q Correct?

7 A Certainly with regard to the handling of sexual
8 abuse cases, the priority is the protection of
9 children. There are other priorities in the
10 mission of the Church.

11 Q Well, I'm talking about -- and we've been over
12 this a number of times -- whether the sexual
13 abuse of children, its prevention, was a top
14 priority for you in the period from 1984 to 1989?

15 A In the handling of such cases, absolutely. But
16 it's not the only priority. And for me to say
17 that would -- because it wasn't the dominant
18 problem facing us.

19 Q So you would agree with me that a letter such as
20 Exhibit 65 was not a routine type of letter that
21 was received by you at your residence; is that
22 correct?

23 A Absolutely.

24 Q And would your secretaries and Father Helmick

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1 have some general understanding of the pieces of
2 correspondence that you would want to see and
3 need to know about?

4 MR. CRAWFORD: Objection to the form.

5 You can answer.

6 A Would you repeat that question again.

7 Q Sure. What I'm trying to do, Cardinal Law, is to
8 get an understanding of what actually, what types
9 of correspondence came to your attention as
10 opposed to those that did not come personally to
11 your attention.

12 Do you understand what I'm asking?

13 A Yes.

14 Q Okay.

15 A This letter --

16 Q Exhibit 65?

17 A Exhibit 65, in my understanding, could have very
18 appropriately been sent either to -- in '86, I
19 think Father McCormack would have been there as
20 Secretary for Personnel, not yet named Delegate.
21 I don't think we segregated out that role yet.
22 But he functioned in that way. So that this
23 letter could very appropriately and perhaps more
24 appropriately have been sent to Father McCormack.

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1 Q Well, there's no indication from the files that
2 we've received that it was sent to Father
3 McCormack or that Father McCormack followed up on
4 this. The only thing we have from your files is
5 the response from Father Helmick.

6 So my question is, to you, Cardinal, can you
7 state with absolute certainty that you did not
8 see Exhibit 65? Can you state that with absolute
9 certainty?

10 MR. CRAWFORD: Objection to the form.

11 You can answer.

12 A I have stated, when you put this letter before
13 me, that I have no recollection of having seen
14 this letter before and I state that again.

15 Q I'm asking you also, in responding to that, to
16 look at Exhibit 66 and accept my representation
17 that Father Helmick testified in this room two
18 days ago that he would have spoken to you about
19 this letter because he was not authorized to
20 state that he had spoken to you or met with you
21 about a particular piece of correspondence unless
22 he actually had done that.

23 In light of all that, Cardinal Law, can you
24 state unequivocally that you did not see Exhibit

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1 65?

2 MR. CRAWFORD: I believe he already

3 stated. Asked and answered.

4 MR. ROGERS: Asked and answered.

5 Objection.

6 MR. MacLEISH: Let the record --

7 A I have answered the question that you put before

8 me with regard to Exhibit 65 as best I can.

9 Q Okay. No recollection?

10 A I have no recollection.

11 Q But if Father Helmick has a recollection of

12 meeting with you about that letter, you would not

13 be in a position to contradict him; is that

14 correct?

15 MR. CRAWFORD: Objection to the form.

16 MR. ROGERS: Objection to the form of

17 the question.

18 MR. MacLEISH: Okay.

19 A Monsignor Helmick, as I trust everyone that is

20 deposed before you, is going to speak the truth

21 as they know it, as they recall it. And he

22 certainly is an honorable person. All I can tell

23 you is that I have no recollection of having ever

24 seen this letter before.

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1 Q Do you have a recollection, Cardinal Law -- go
2 ahead.

3 A Nor do I have a recollection of, a fortiori, nor
4 do I have a recollection of having discussed the
5 letter with Monsignor Helmick.

6 Q Do you have a recollection -- we've been through
7 a number of letters already involving Father
8 Shanley and we're going to go through with some
9 other priests.

10 Do you have a recollection between 1984 and
11 1989 of ever reading a letter making an
12 allegation that a priest had sexually molested a
13 child? This is in the '84 to '89 time period.

14 A It's difficult for me to answer the question
15 other than to say that I, as you have put the
16 question to me, I cannot say to you, oh, yes, I
17 got a letter on such and such a priest at such
18 and such a time. I don't know that.

19 If you put the letter before me, perhaps
20 that will awaken my memory and I can respond yes
21 or no.

22 Q We'll go through those correspondence.

23 Exhibit No. 67 is a follow-up of Father
24 Helmick's letter of August 19 in which it is

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1 addressed to you, Cardinal Law, and it says:

2 "I have received the letter which you asked

3 Reverend William Helmick, your secretary, to

4 write me in response to my letter of July 10."

5 And it says:

6 "I must state my deep concern regarding this

7 response. In Father Helmick's letter, he wrote

8 'If there were to be an incident of such abuse by

9 a priest, you can be sure that the matter would

10 be taken most seriously with deep concern for the

11 victim, the people and the priest.' A very

12 appropriate and responsible response on the

13 surface."

14 Do you see that, Cardinal Law?

15 A Yes, I do.

16 Q Then goes on to state:

17 "Unfortunately, this response negates the

18 fact that I am aware of such incidents of abuse,

19 not only from this documentary, but my own

20 personal experience as a victim. As I reread

21 this statement, I can't help but wonder on what

22 basis he is questioning the existence of my own

23 experience as a victim (as stated in my letter of

24 July 10). By not believing an honest and

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1 Banks, dated December 20, 1989.

2 (Law Exhibit No. 68, Letter from Banks,

3 12/20/89, marked for identification.)

4 THE WITNESS: Is this for me?

5 MR. MacLEISH: Yes.

6 Q Have you read the letter, Cardinal Law?

7 A I have.

8 Q Have you seen this letter before today?

9 A I don't recall seeing this letter.

10 Q Now, you do recall, though, that you met with

11 Paul Shanley on more than one occasion prior to

12 the time that he submitted his resignation. I

13 think we covered that in your last day.

14 Do you recall that?

15 A We covered it at some point, yes, the issue of

16 the oath.

17 Q Right. And this was an oath that Paul Shanley

18 was not required to take. I think we established

19 that.

20 A Well, that's correct.

21 Q And we've also established -- and we'll go

22 through that correspondence if necessary -- that

23 Paul Shanley was placed on sick leave in January

24 of 1990 after he left St. Jean's.

00080

1 revealing statement by a victim, you are altering
2 your own perception of reality. In doing so, it
3 becomes much easier to believe you are responding
4 appropriately. I implore you to step forward
5 into a perception of reality and come to
6 understand and believe that such incidents do
7 occur. By adopting this frame of reference, you
8 can honestly answer whether or not you are
9 answering appropriately. Sincerely."

10 Do you see that?

11 A I do.

12 Q Do you ever remember receiving that letter,
13 Cardinal Law?

14 A I do not.

15 Q Do you know whether there was any response to
16 that letter?

17 A I do not. I do not know.

18 Q But it is your testimony that Exhibit 65 would
19 have been the type of communication that would
20 have been followed up on and sent down, at that
21 time, to Father McCormack or Bishop Banks; is
22 that correct?

23 A It would be the type of a letter that should have
24 been handled in that way, I think, yes.

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1 motives for agreeing to his accepting his
2 resignation. The underlying cause, as I pointed
3 out to you, was the fact that he had difficulty
4 with the new oath that pastors had to make. He
5 felt in conscious he couldn't make it. And as I
6 tried to explain to him, the oath in its older
7 form really was not substantially different than
8 the new one, and he had taken that so I didn't
9 see why he had a problem. But at any rate.

10 Secondly, he had health problems, health
11 problems, physical health problems, not
12 psychological, not emotional that I knew of at
13 that point. But he had physical problems and
14 that was what he wanted to deal with, to attend
15 to.

16 Q So you're testifying now that there were no
17 emotional problems that were the reason for his
18 leave as you perceived it at the time?

19 A That's correct. As I perceived it at the time,
20 they were organic, physical problems, not
21 psychological problems.

22 Q Cardinal Law, when you have written about other
23 priests who've had allegations of sexual abuse,
24 have you not used the term "malaise," for

00102

1 On the second page, if you could turn to

2 that, Cardinal, it states as follows:

3 "The Cardinal thought a warm, dry climate

4 was the place for my allergies, but it turns out

5 the desert has a dust problem, and the dust is my

6 major allergy."

7 Do you see that?

8 A I do.

9 Q Did you have, in fact, have any recollection of

10 telling Paul Shanley that?

11 A I certainly have no recollection of suggesting

12 where he go.

13 Q Right.

14 A But I do have a recollection of his indicating

15 that he had allergies that were troubling him and

16 that he was going to a warm, dry climate. And it

17 seemed to me that that might help him in his

18 allergies and I hoped it would.

19 Q So would it be accurate to say you have some

20 general recollection of discussing a warm, dry

21 climate with Paul Shanley with respect to his

22 allergies?

23 A I have no question -- I have no reason to

24 question what he is saying here.

00001

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17 THE SIXTH DAY OF THE VIDEOTAPED DEPOSITION
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22 a.m.

23 K. L. GOOD & ASSOCIATES
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00240

1 somehow connected to -- the physiogony and the
2 psychology were linked. I may be wrong on that.

3 Q But no expert told you that?

4 A But that was my -- a medical note here would have
5 told me that.

6 Q All right. Okay.

7 I take it you spoke, before Exhibit No. 108
8 went out, with, as I understand it, with Cardinal
9 O'Connor, and the decision was made not to go
10 forward with Paul Shanley as director of Leo
11 House.

12 A That's correct, that's correct.

13 Q Did you ever have occasion, during the course of
14 your 20 years in the Archdiocese of Boston, to
15 speak with another Cardinal concerning the
16 assignment of a priest in any particular area?

17 MR. TODD: Objection.

18 Q I guess -- let me put it more simply, Cardinal.

19 In 1997, you and Cardinal O'Connor had two
20 of the largest dioceses in the United States; is
21 that correct?

22 A That's correct.

23 Q My question is:

24 Can you recall any other situation involving

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1 a priest accused of sexual misconduct where you
2 and someone at the level of Cardinal O'Connor are
3 discussing the future of that priest?

4 A Father -- well, first of all, you have to
5 understand that Cardinal O'Connor was probably my
6 best friend.

7 Q I know.

8 A And we were in contact a lot of time.

9 Q Ever about a priest?

10 A Well, there was never another occasion to be in
11 contact with him with a priest.

12 Q Right.

13 A But as a matter of fact, this issue was an issue
14 which was before him, and it seemed to me a
15 normal thing for me just to talk to him about
16 this.

17 Q So when you pick up the phone, you decided that
18 Paul -- and spoke to Cardinal O'Connor -- you
19 decided that, collectively, that Cardinal
20 O'Connor was not going to go along with Paul
21 Shanley being named director of Leo House?

22 A The decision was that this would not be the thing
23 to do.

24 Q And part of the concern was negative publicity;