

INTERVIEW WITH P. MAGALDI: DECEMBER 19, 1998

BISHOP DELANEY: December 19<sup>th</sup>, at 9:00 in the morning present are [redacted] Father Robert Wilson and Father Philip Magaldi. We are here to discuss some accusations about Father Magaldi. Let me just explain what all of this is about. I received a letter a week ago today, no I'm sorry it was Monday of this week from Bishop Malvey in Providence and which he enclosed a long memorandum from a member of the diocesan staff who's name is Robert McCarthy. He has been ... was hired some several years ago. His office is called Education and Enforcement, I believe or something like that, but he is an investigator that the Diocese has full-time on their staff. A complaint came to them about Father Magaldi of going back some years and he investigated it, made a report to the Bishop and the Bishop sent me the report. I then called Mr. McCarthy to ask him for more information and he sent along to me a tape of an interview of he had with a man named [redacted] and I would like to pause now and listen to that interview. [paused tape to listen to interview of [redacted]].

BISHOP DELANEY: We have just heard the interview of [redacted] conducted by Robert McCarthy and now we are going to discuss that.

PHILIP MAGALDI: Can I say something?

BISHOP DELANEY: Um, hmmm.

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PHILIP MAGALDI: The Devil was definitely at work. I never ever met a person by that name. The only time I ever went to Worcester was to go to Tally's to get a collar, usually with another priest or to the retreat at Spencer. I have no idea unless reading that article that was in the Worcester paper recently he got some ideas. Ahh, I think I have to get a lawyer to challenge this. Because I absolutely deny any such contact. I have never performed oral sex on anybody. I have never raped anybody, God forbid. Ahh, you know I just don't know where to. I have always worried with these articles in the paper that somebody might get an idea like this. And uh, that's all I can say. This definitely, that is a complete lie. The whole thing is a lie. And I don't know what else I can say! I've often said that to when we have discussed this - - how do you, how do you deny, how do you defend yourself against something that is said by someone? - - In a way I feel at peace because thank God something like this I know is not true and especially the idea of going to Worcester. Who would ever really went to Worcester? And like I said the only thing I recognize is the name Dershowitz. And I am just wondering - - if there is any pos - - and it is not Allen Dershowitz the lawyer that was in the Von Bulow case, but he mentioned somebody named Dershowitz. If there is any possibility that there might be some connection between this guy and that [redacted] that was involved with Dershowitz and has been out to get me from the beginning when I would not back him up to say that he had made up the story regarding Von Bulow and all that stuff. So, I don't

know, but I definitely think I need to have an attorney check this. Who is this, who is this McCarthy? I don't know him!

BISHOP DELANEY: McCarthy is a retired Lieutenant of the Massachusetts State Police.

FR. PHILIP MAGALDI: That works for Rhode Island?

BISHOP DELANEY: He's working for the Diocese of Providence.

FR. PHILIP MAGALDI: Oh!

BISHOP DELANEY: He's on the staff of the Diocese of Providence.

FR. PHILIP MAGALDI: Uh - huh...

BISHOP DELANEY: He heads up their office of Education and Compliance.

FR. PHILIP MAGALDI: See -- I'm not -- that has to have happened after I left.

BISHOP DELANEY: Well, I talked to the Bishop about him. He is a highly skilled

FR. PHILIP MAGALDI: Uh - huh ...

BISHOP DELANEY: Investigator has long long experience of dealing with this.

FR. PHILIP MAGALDI: Okay.

FR. PHILIP MAGALDI: So, I mean -- what else do I do at this point?

BISHOP DELANEY: Well, Father Magaldi what concerned us, particularly, having hearing all this was what happened two years ago the -- [interrupted by Magaldi] --

FR. PHILIP MAGALDI: Yes.

BISHOP DELANEY: -- allegations that were made that involve exactly the same kind of things; enemas and money.

FR. PHILIP MAGALDI: Yeah! I can understand where that would raise a question and it would be difficult, okay! But I mean -- [interrupted by Delaney] --

BISHOP DELANEY: Let -- let me make clear about the seriousness of this --

FR. PHILIP MAGALDI: Um hmm.

BISHOP DELANEY: These events are alleged to have happened somewhere between eighteen and fifteen years ago. [interrupted by Magaldi] --

FR. PHILIP MAGALDI: -- Um, hmm.

BISHOP DELANEY: that last ones about fifteen years ago.

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BISHOP DELANEY: and then two years ago another event occurs of the same type -- and that leaves us very concerned. Secondly, the Diocese went to great length to defend you in two different cases. First when the whole thing broke out over the your trial --

FR. PHILIP MAGALDI: -- Um, hmm --

BISHOP DELANEY: -- We kind of stuck by you when you came back went (sic) very public with it, but gave you another assignment --

FR. PHILIP MAGALDI: -- Um, hmm --

BISHOP DELANEY: -- and then last summer when Brooks Edgerton, the reporter from the Dallas Morning News came out attacking Teczar -- attacking me because of Teczar and you --

FR. PHILIP MAGALDI: -- Um, hmm --

BISHOP DELANEY: I defended you totally. In the back of mind though was this case two years ago that we concluded did not constitute really serious sexual misconduct. But that was -- that's always been a question Father.

FR. PHILIP MAGALDI: I know, it is going to hang over my head like this other thing.

BISHOP DELANEY: Now, now though we have the likelihood that Brooks Edgerton will get all of this, in fact, I've been watching the -- read -- looked at the morning news this morning to be sure that it hasn't broken yet -- that -- the next day, week, month were going to get a big front page article in the Dallas Morning News saying Magaldi guilty of sexual -- accused of sexual misconduct --

FR. PHILIP MAGALDI: -- Um, hmm --

BISHOP DELANEY: -- and we just can't wait for that. So we have to deal with this this morning.

[some talking in background inaudible]

FR. PHILIP MAGALDI: There's no feeling that this could be a lie? --

BISHOP DELANEY: -- | -- | --

FR. PHILIP MAGALDI: -- that had been prompted by an article? -- Cause I -- [interrupted by Delaney] --

BISHOP DELANEY: I called McCarthy back again yesterday to talk to him -- having heard the tape, . . . we had all heard it . . . and asked him about that and he said that he would stake everything, his whole reputation that this guy is telling the truth.

FR. PHILIP MAGALDI: Really?

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BISHOP DELANEY: He would!

FR. PHILIP MAGALDI: Really? -- well -- [sigh] -

BISHOP DELANEY: He said he's interviewed lots of people. He's interviewed people [inaudible] making false accusations. He said everything about this person indicates that he is telling the truth. And this is a very experienced [interrupted by Magaldi] -

FR. PHILIP MAGALDI: -- That's fine --

BISHOP DELANEY: --- state police investigator --

FR. PHILIP MAGALDI: I'm sorry [chuckles] he hasn't interviewed me!

BISHOP DELANEY: Not yet!

FR. PHILIP MAGALDI: I'm willing to talk to anybody.

I think for me it -- it's the whole issue of the enema.

FR. PHILIP MAGALDI: Right!

That's -- makes him so much more credible, [interrupted by Magaldi]

FR. PHILIP MAGALDI: Yah.

-- to me than -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- because of this other incident, right?

Uh huh, uh huh.

FR. PHILIP MAGALDI: [sigh]

FR. ROBERT WILSON: That's true for me.

Right.

That's just not something that even if I would think for the most part if someone did see your picture or did read your name and did decide to hurt you, that that would be a piece of it. I mean the rape, the exploitation so many other things, but the enema is so specific.

FR. PHILIP MAGALDI: Yah.

Uh, that that's to me is a real red flag.

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FR. PHILIP MAGALDI: Um, hmm -- okay, I... I can understand that. [sigh] I can only deny it.

[silence/no talking for a few moments]

BISHOP DELANEY: No, I don't think any of us can, that's why -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- then how come right now when the stuff was in the paper before about me and Rhode Island and all these other things -- [interrupted by Delaney]

BISHOP DELANEY: -- well you heard the tape though -- here's a man

FR. PHILIP MAGALDI: he's been on drugs and all that kind of stuff --

BISHOP DELANEY: he's trying to get his life back in shape, he's tried a couple of times in the past. He's actually in an institution right now in a rehab. And the whole point of his -- what's bothering him most of all is this what happened back in his youth --

FR. PHILIP MAGALDI: um, hmm.

BISHOP DELANEY: he claims that a lot of his problems go back to this time when he was a victim of sexual abuse and that's not unlikely or uncommon.

FR. PHILIP MAGALDI: um, hmm. -- (inaudible).

BISHOP DELANEY: (inaudible)

FR. PHILIP MAGALDI: You know, I know that I never raped anybody or forced anybody to do anything sexually with me. So, I -- I -- how do I prove that when he is making that allegation especially a thirteen year old God. You know very well how close I am to kids and how I love kids and I have always strived to have kids respect me. That's another thing, that some of those things is that I bragged about being a priest and -- and did these things. I mean, if a person is doing this kind of stuff, I would think he would use an alias and -- and certainly not say who he was, but that -- that I very openly said I was a priest and all that stuff. And I don't even know of any Holiday Inn in -- in Worcester, but that's beside the point. The whole thing -- the fact of the setting in Worcester is the thing that amazes me. And how coincidental that the article appears in Worcester of -- what's his name? Father Teczar and myself.

BISHOP DELANEY: Well, he has not been living in Worcester for some years now, his address is in

FR. PHILIP MAGALDI: Oh, this ?

BISHOP DELANEY: this

FR. PHILIP MAGALDI: Oh, yeah - okay

BISHOP DELANEY: he's been on (inaudible) -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: Ya, but that's -- [Delaney continues]

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BISHOP DELANEY: -- I don't know, ten years maybe, since he married.

FR. PHILIP MAGALDI: Um, hmm, but how was I supposed to have had contact with him at that time? Of regular contact, calling him up and then saying I'm down the street -- I mean -- I wish you could, I don't know --

BISHOP DELANEY: I know what it sounds like is that he was hustling and that you were coming by and meeting him occasionally. That's what he is alleging.

FR. PHILIP MAGALDI: But the first thing was supposedly an accident -- [interrupted by Delaney]

BISHOP DELANEY: -- with a bicycle -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- with a bicycle or something?

BISHOP DELANEY: -- that's right, as the years went by.

FR. PHILIP MAGALDI: Ya, right. I think this is a very craftily concocted story and I admit -- [interrupted by Wilson]

FR. ROBERT WILSON: -- way . . . the way I heard the story on the tape was that the original contact of when he was a teenager that you would call his house and either pick him up or get him to meet you. Then when he was [redacted] here was an accidental almost contact when you were cruising and he was hustling. That's what he is alleging.

FR. PHILIP MAGALDI: hmm, well that's fine.

FR. ROBERT WILSON: as I understood it.

FR. PHILIP MAGALDI: well, that's his privilege to allege what he wants, but I -- I so help me God it is not true. It is not true. And I have to find some way of having that shown that is not true, I don't think. He's talking about he doesn't give specific dates or anything and, I, cause I don't, my appointment books on those days I'm sure I have thrown away. Uh -- I just you know, -- [sigh] it's diabolical, definitely is diabolical.

You were in the Providence -- [interrupted by Magaldi]

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FR. PHILIP MAGALDI: -- I was in Providence, yes, yes I was. I -- I did live in Providence and I have served in the Diocese of Providence, but I did not go to Worcester! Except as I said to go to the R. J. Toomey company to get a collar. Uh, shirt from them, that is where they had their factory. And most of the time I was always with another priest. Just roaming around in Worcester - uh - that --

That's sort of geographically challenged. How far apart are those places?

FR. PHILIP MAGALDI: They are only about 45 miles. Oh, 45 minutes, not even 45 miles, 45

In, I guess, kind of echoing what Karen said earlier and the Bishop, you know for me personally --

FR. PHILIP MAGALDI: Um, hmm --

the consistency of the enema and the payment of money and the age. I mean -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- ya, but it is a little isn't it -- that -- [interrupted by

-- was in his early -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- yes, but he was -- [interrupted by ]

or you know, sixteen, seventeen -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- ya, he was needing to -- [interrupted by

-- eighteen, nineteen years old -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- (not comprehensible) he was paid like a prostitute, this is making it seem like a prostitute situation. \$300.00. We didn't make that kind of money in those days. And I was not a pastor in 1970 whenever it was. Whenever the dates that it was, we made like \$400 or \$500 a month, but there is no way I could have done anything -- I just didn't do it! What can I say to you people? -- [interrupted by ]

but it's the enema thing!

FR. PHILIP MAGALDI: I know, but is it possible -- [interrupted by ]

-- why would people tell this happen?

FR. PHILIP MAGALDI: -- that there might some other person out there that did that, also?

(inaudible)

FR. PHILIP MAGALDI: It's not unknown that it's possible that sexual -- [interrupted by Delaney]

BISHOP DELANEY: -- It's highly unlikely -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- I heard that in .. in California enemas are used as sexual things or whatever you call it, when some people have sexual .. um.. tendencies or things like that. That's the unfortunate thing that it has to be .. this thing with -- with was not a sexual thing at all, I said that before, I told you people that.

I'm not denying.

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BISHOP DELANEY: . . . any adult can give himself an enema, doesn't need anybody else to help, any adult can do that . . .

FR. PHILIP MAGALDI: Well, those new flippy things . . . uh ...

BISHOP DELANEY: I . . . I go in for my physical the . . . the nurse says here's the enema thing come back tomorrow morning after having had an enema.

FR. PHILIP MAGALDI: But that's not . . .

BISHOP DELANEY: I do it regularly.

FR. PHILIP MAGALDI: you're talking about those pills that you take . . . those fleet things . . .

BISHOP DELANEY: no, I'm talking about an enema..

FR. PHILIP MAGALDI: with a regular bag and hose and all that . . .

BISHOP DELANEY: no, it was in these squeeze tubes . . .

FR. PHILIP MAGALDI: well, no . . . that's . . . that's not what this was . . . this was a . . . one of those bags, you know . . .

BISHOP DELANEY: I'm just saying though, plenty of times

FR. PHILIP MAGALDI: I know that . . .

BISHOP DELANEY: (inaudible)

FR. PHILIP MAGALDI: but . . . knows that same thing too, that uh . . .

but not denying, I guess, that indeed sometimes enemas are inappropriately used as the sexual effort.

FR. PHILIP MAGALDI: Yah . . .

But the fact that two different people have come up with the story about you specifically regarding enemas is very similar . . . .

FR. PHILIP MAGALDI: yah . . . I understand . . .

that's very . . .

FR. PHILIP MAGALDI: I know . . .

. . . but I mean -- I really can't understand that -- that . . . because even as we investigate this -- this here and the whole enema issue with the other person . . . that couldn't get up there, right? I mean that information wouldn't be available?

FR. PHILIP MAGALDI: Oh, no -- no one knows that

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[some talking inaudible]

FATHER WILSON: It is not available outside of us . . .

BISHOP DELANEY: the people right here in this room. . .

FR. PHILIP MAGALDI: yah  
so that -- that wouldn't be a way to tie you into something . . .

FR. PHILIP MAGALDI: yah, I know that, I know that . . .

and that's the trouble with the story . . .

FR. PHILIP MAGALDI: and I'm just wondering if whoever the person was that he had this encounter with did that and it just happens to be an unfortunate coincidence? There is that possibility because I so help me God know no person by the name . . . ahh . . . I certainly did not force sex on -- I have never forced sex on anybody at that rate -- I mean God -- uh, hmmm . . .

I -- I would like to believe that and I admit that there is that possibility you know, from -- from a open and shut case, you know we don't have all that evidence that would totally identify that, but you have to understand from our perception . . .

FR. PHILIP MAGALDI: yah  
. . . and with the information we have. And the Bishop says highly unlikely that -- that possibility occurs the . . . you know the information we have certainly supports high probability . . .

FR. PHILIP MAGALDI: . . . that's the only thing it supports is the -- the enema it does nothing to support sexual misconduct. . . did not accuse me of sexual misconduct! I never touched him and he never touched me improperly. And there is no one else, I've never had any allegations about that kind of behavior so if I were a predator as he is saying here, how come I haven't, you know, been exposed before this? I -- I just don't understand that . . .

That's something else for me and Father Wilson arranged some training before we were selected for this . . . uh responsibility. And one of the things that was very apparent in the training was people who are oriented this way towards pedophiles that many times they don't recover. And that's -- that's a concern that I have personally is here we have a case going back sixteen to twenty years ago and we have a case of two years ago and are there other cases out there that we don't know about? Are there cases going on today that we don't know about?

FR. ROBERT WILSON: . . . still I want to be clear that . . . I would have to go back and review the file but my memory of . . . was that he was very much afraid that there was improper sexual advance and that's the reason

he came to us. He said nothing happened, but he felt that you made an improper advance by kissing him. And, you know, that is why we have the investigation. . .

FR. PHILIP MAGALDI: yah

FR. ROBERT WILSON: ... now he himself said nothing further happened because he backed off and you did not pursue him, but . . . is that your memory?

... um, hmm yah.

[inaudible]

FR. ROBERT WILSON: . . and I - - I think all three of us when we first heard the tape or read the transcript . . . (inaudible) . . oh my gosh, this enema thing jumps..

FR. PHILIP MAGALDI: . . . yah, I know . . I can't deny the fact that it's there, but I also say that I did not do this to this person, I don't know this person, I have never met this person and .. I mean . . he . . (sigh) and I just don't know how else to defend myself against it.

BISHOP DELANEY: Do you understand how it places the Diocese . . the position it puts the Diocese in? Our policy states that when someone is accused of sexual misconduct that we investigate it and if there is any grounds then the person must be removed from ministry.

FR. PHILIP MAGALDI: um, hmm . . .

BISHOP DELANEY: . . while the things resolved. Uh . . once the letter came it - - it actually came last Friday now I remember a week ago yesterday and I called McCarthy Friday and then he promised to send me the tapes. The tapes didn't come until, I guess Wednesday morning . .

FR. PHILIP MAGALDI: um, hmm . . .

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BISHOP DELANEY: . . by Fedex. Uh, once I had the tapes and we arranged this meeting, but we're at the point now by our own guidelines that we have to make a determination of some kind and until we get some more information . . uh all of us think that it could be true that the allegations could be true. If we - - if we believe the allegations and if I believe the allegations in particular I can not allow you to continue on in public ministry until it's resolved. And there is no way that - - that I can defend myself before God or before the people of the Diocese or before the world, if Bruce Edgerton for instance, tomorrow morning, published all of this. You can imagine what situation we would in. There would be no defense. You can get up and say forever it's not true, but I couldn't get up and say it's not true, Phil. You know, I don't know it's not true. If there are reasons to think it may well be both from the similarity between the event we had, but also from McCarthy because I questioned him very much yesterday morning. He said the man is totally believable. He says he has interviewed hundreds of people with a great skill in this. He said this

broke down a number of times, has nothing to gain . . . uh . . . whether there is any . . . will you have any legal problems I don't know, up there. Whether the statute of limitations is expired on criminal activity? Or that's, who knows . . . he won't say . . .

FR. PHILIP MAGALDI: . . . has he brought charges or anything? . . . .

BISHOP DELANEY: . . . no, oh, no, no, no, no

FR. PHILIP MAGALDI: has any lawyer sent (sic) to say that wanted money or anything?

BISHOP DELANEY: no, no

FR. ROBERT WILSON: He sure is thinking something, well . . . because he did call an attorney.

BISHOP DELANEY: let -- let me explain how much I know about it.

FR. PHILIP MAGALDI: okay.

BISHOP DELANEY: when he called the Monsignor, whoever, Evans . . .

FR. PHILIP MAGALDI: yah, one of my former officers . . . chancellor

BISHOP DELANEY: he, . . . he told him a little bit about this on the phone apparently -- we're . . . we're just trying to let you know. Told him that he was abused by Father Magaldi some years ago and so forth and had talked to his attorney and was calling the Diocese.

FR. PHILIP MAGALDI: okay

BISHOP DELANEY: so McCarthy went with that information -- now we've heard on the tape that he talked to a lawyer on the Cape. McCarthy told me yesterday, that what happened was that he talked to a lawyer on the Cape and an hour later the lawyer calls him back and has Allen Dershowitz on the phone, on the line from Boston and they talked to him . . .

FR. PHILIP MAGALDI: how did they get Allen Dershowitz?

BISHOP DELANEY: the lawyer called him . . .

FR. PHILIP MAGALDI: but why? Why Dershowitz?

BISHOP DELANEY: because he's known for his sexual misconduct thing. He's out to get the church, he's been involved in several . . .

FR. PHILIP MAGALDI: is he?

BISHOP DELANEY: oh, sure he is . . .

FR. PHILIP MAGALDI: he's been always very good to me . . .

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BISHOP DELANEY: well, this -- this is not what he has been to some of the Diocese up in New England apparently.

FR. PHILIP MAGALDI: oh!

BISHOP DELANEY: . . . and talked to him and there is another lawyer they mentioned . . .

BISHOP DELANEY: . . . , who I don't know who he is, but apparently a Boston lawyer, who were urging to do, let us take the case. He's saying he does not want to do that. He does talk about maybe he could use some money though. He owes child support and so forth. So right now according to McCarthy . . . .

FR. ROBERT WILSON: . . . and you say (in audible) child support? Did he mention counseling?

BISHOP DELANEY: Counseling. He has gone in for night and days into rehab, McCarthy believes. They haven't been in touch with him for the last week or so, but that was -- was about to go into rehab for ninety days. And that's apparently paid for, I guess, by the Veterans and -- but when he comes out he may need more counseling because he has no insurance. That's with Providence, that's Providence's problem. And I think that they know that and we will deal with it as it comes up. If there is any kind of lawsuit, obviously you'd be sued, but so would the Diocese of Providence. It would not effect the Diocese of Fort Worth at all.

FR. PHILIP MAGALDI: right, good.

BISHOP DELANEY: legally good, but not good in every other way because you're not up there anymore. It would hurt them having a lawsuit, but they could say they got rid of him a long time ago. He's down in Fort Worth now. And were the ones who would bear the whole burden of your presence and the danger you could pose to the people of the church and so forth. That -- that's the dilemma we are in right now.

FR. PHILIP MAGALDI: [sigh] . .

BISHOP DELANEY: what I, -- what I talked to McCarthy about yesterday was the possibility of taking the lie detector test, that he mentioned that he was going to and that you would too.

FR. PHILIP MAGALDI: yep!

BISHOP DELANEY: by the same person who gave both of them. That would mean your going up to Rhode Island and meeting with McCarthy.

FR. PHILIP MAGALDI: But those things are not always correct either, are they? 10-04-04 Order 0462

BISHOP DELANEY: that's right, but if they aren't correct normally what happens with a lie detector test is either they say truthful or not truthful or they say

determine it, inconclusive. They don't say not truthful when a person is telling the truth nor vice versa. It's that middle inconclusive thing that can happen.

FR. PHILIP MAGALDI: uh, huh ...

BISHOP DELANEY: um, is willing to do that um... I think . . . . you don't have too, it's up to you, I would want . . . (in audible)

FR. PHILIP MAGALDI: . . . . (in audible) yah . . it seems that the only other way I can even attempt to prove that it is not true. [sigh] That's another thing I have a Baptism at eleven o'clock, I'm supposed to preach at all the masses this weekend.

BISHOP DELANEY: You're not going to get back by 11:00 Phil, you need to call someone. Well why don't you go in the next room and there is a phone.

FR. PHILIP MAGALDI: Let's see if I can get somebody to go over there. [Magaldi leaves the conference room]

BISHOP DELANEY: We took a break for the committee to discuss the issue and we're back together again now with Father Magaldi present. Father Magaldi we've talked about what to do, what the next steps are and we weighed the issues in our own guidelines that state when a complaint is made the person is removed from their position whether it's a lay person or priest in the ministry until a resolution is made. The reason for that is the risk to people in the church in the meantime. In this case because the allegation goes back so far we don't think there is an immediate risk and therefore [side B of tape] - And therefore, feel that you could remain active in the parish for a week or so . . .

FR. PHILIP MAGALDI: especially with Christmas -

BISHOP DELANEY: with Christmas, through Christmas and the Sunday after Christmas, but then we want you to go up to Massachusetts to meet with Brother McCarthy, get interviewed by him, take a polygraph and then to be down at on the evening of January 3<sup>rd</sup>.

FR. PHILIP MAGALDI: where is that?

BISHOP DELANEY: that's in I'll give you all the information on this (in audible/not clear). But we have a slot there that we can use on January 3<sup>rd</sup> for an evaluation which will last from Sunday evening until Thursday. I will be there on Thursday to sit down with you and the people at to go through the evaluation and we'll suspend any other decisions until we hear the results of your interview, the polygraph and the report.

FR. PHILIP MAGALDI: okay.

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BISHOP DELANEY: Okay, now I called Monsignor King yesterday to tell him that you were going to be coming over and that I didn't tell him anything about what it

was except that it could mean you would not be available in the parish, so he knows that much. I think that you should not tell him what this is all about except to tell him that you will be available until the Sunday after Christmas. But then you don't know about that. He was worried about St. George's and I said we will have to help him with all of that.

FR. PHILIP MAGALDI: Plus he was supposed to be going away in January and (in audible/not clear) . . .

BISHOP DELANEY: This takes proceeding over . . .

FR. PHILIP MAGALDI: No, I understand that. I want to get out from under this because I prayed to Cardinal Bruner, when I was in there. Remember he was accused of stuff and that man was a Cardinal -- I -- I mean a saint -- I'm certainly not a saint, but -- uh . . . and I've made mistakes and I (in audible/not clear) and I was stepping on a lot of things, but so help me God I did not do what thing says I did.

BISHOP DELANEY: Well, our concern -- is that you be treated in everyway justly and compassionately. At the same time I have the responsibility for the church.

FR. PHILIP MAGALDI: I know that, I understand that.

BISHOP DELANEY: And all these cases is often times a conflict between the individual person and the common good and -- and that becomes often very difficult. So, we just ask God's help to -- to (not clear/over talking) in the right way.

FR. PHILIP MAGALDI: Should I get in touch with any attorneys or anything or wait? I -- I cause I'll call Dershowitz in a minute.

BISHOP DELANEY: I don't think you should. Uh, we were talking a bit about that and we don't know that they have any legal grounds for doing anything. Um, the statute probably has expired, um . . .

FR. PHILIP MAGALDI: I thought with rape it never expires, I (over talking) . .

BISHOP DELANEY: No, I don't think that's the case.

FR. PHILIP MAGALDI: yah, I don't know either.

FR. ROBERT WILSON: Let's be careful here I don't want you to be seen as advising him not to get an attorney.

FR. PHILIP MAGALDI: Okay, you're right.

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FR. ROBERT WILSON: What you are saying is that you do not think that from the knowledge you have that the attorneys up there are imminently about to pursue a case, but still I don't think we (over talking) . . .

FR. PHILIP MAGALDI: Still, can I ask you're advice . . .

BISHOP DELANEY: You can do whatever you want, Phil.

BISHOP DELANEY: You are free to do whatever you wish. Um, you need to know that we understand that \_\_\_\_\_ is in rehab for a ninety day period and only eighty days would have gone by - by now. So that the next couple of months he is probably not in circulation. But what that means I don't know. We do know he has been in touch with attorneys, we do know that he told McCarthy that he's not pursuing that - didn't say he never would, but he is not pursuing it. Beyond that I don't . . .

FR. PHILIP MAGALDI: that transcript -- that's yours right?

BISHOP DELANEY: It is.

FR. PHILIP MAGALDI: I don't have access to that?

BISHOP DELANEY: Well I can ask permission to give you a copy of it. I don't think that I can do that without - - it's the property of Providence - - and I'm not sure I can give that to you without their permission. But I can ask for that.

FR. PHILIP MAGALDI: I just don't know - - because if I had to talk to somebody I'm sure they need to see that - -

**DOCUMENT IS NOT TO BE REPRODUCED.**

FR. ROBERT WILSON: If you do choose to speak to an attorney I would speak to an attorney in Massachusetts that would be familiar with Massachusetts law . . . .

FR. PHILIP MAGALDI: right . . . .

FR. ROBERT WILSON: . . . . Because an attorney here would have no . . . .

BISHOP DELANEY: We were just speculating, we know that Rhode island is quite different from Massachusetts in this area. That there have been cases that the Diocese of Providence won and were thrown out and where in Massachusetts in the Porter case (sic) similar cases were accepted by the courts. So it would depend a lot on the venue, but that's beyond our . . . . we're not (in audible) actually Phil, the Diocese isn't. That would be your problem and the Diocese of Providence if that should ever happen. Our concern down here is for you because you are the person living here now and for our local church. So what you do - I think you may want to talk to McCarthy about whether you should get an attorney. He would be better able to give you some information that you can make a decision on.

FR. PHILIP MAGALDI: Do you have his number and stuff?

BISHOP DELANEY: If you want to call him, sure!

FR. PHILIP MAGALDI: Because I don't know him, I - - at least I don't recall anyone by that name.

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BISHOP DELANEY: No, you wouldn't know him. He's from Massachusetts. He's retired from the Massachusetts State Police.

FR. PHILIP MAGALDI: But he's working in Providence?

BISHOP DELANEY: He's a member -- he's on the staff.

FR. PHILIP MAGALDI: I remember they did get -- uh -- a retired state policeman once when they were having problems in the hospitals with the money missing and stuff and they hired from the state police, but his name wasn't McCarthy.

BISHOP DELANEY: He's got an office. He's in the chancery with his own office and his own secretary and all if you want to call him there's his number.

FR. PHILIP MAGALDI: Okay. Thank you.

FR. ROBERT WILSON: How will we -- -- are you going to inform McCarthy and have Phil call him for an appointment?

BISHOP DELANEY: I will call McCarthy on Monday -- uh, I don't -- well I may can get him sooner than that can I assure. I can call him today and leave a message on his machine, he'll call me back. And see whether it's going to work or not whether he can do this during vacation time. We don't know if he is available during business in New Years, don't know that yet. We do know is set up. So for the third.

FR. PHILIP MAGALDI: Now where is that?

BISHOP DELANEY: You fly into

FR. ROBERT WILSON: Either I guess . . . .

BISHOP DELANEY: Either whatever.

FR. PHILIP MAGALDI: Is that like the ?

BISHOP DELANEY: No, no, - no is a it's an independent it's the biggest most in the country to deal with cases like this. We have had several priests go up there over the years. We've dealt with them regularly for a long time. It's in :

FR. PHILIP MAGALDI: and this would be in January? 10-04-04 Order 0466

BISHOP DELANEY: January 3<sup>rd</sup> it's a Sunday. You would be there by, you know, in time for supper.

FR. ROBERT WILSON: We need to give you a phone number and you need to give them the information about when you will come in and they will pick you up.

FR. PHILIP MAGALDI: Okay ---



BISHOP DELANEY: I will call them on Monday. Set it up and be in touch with you. Now for a good ticket - two weeks - it's two weeks tomorrow.

FR. PHILIP MAGALDI: I can use a senior citizens coupon or something.

BISHOP DELANEY: well, you will probably want to go through Providence.

FR. PHILIP MAGALDI: why would I go through Providence to go to

BISHOP DELANEY: No, you're going to go up and see McCarthy . . .

FR. PHILIP MAGALDI: Oh!

BISHOP DELANEY: On the way . . .

FR. PHILIP MAGALDI: then I have to go before the 3<sup>rd</sup> wouldn't I?

BISHOP DELANEY: that's right we're going to try to set that up before the 3<sup>rd</sup>. But try to set it so you can leave about the 28<sup>th</sup>. Go up to Providence, see McCarthy, have the polygraph and then come down to

FR. PHILIP MAGALDI: Okay.

FR. ROBERT WILSON: You can use three senior citizen coupons and still keep it under \$900.

BISHOP DELANEY: Under \$800 they're \$200 a piece.

[over talking about airfare prices and senior citizen coupons]

FR. PHILIP MAGALDI: I'll look into it anyway.

FR. ROBERT WILSON: We will reimburse you.

BISHOP DELANEY: You can make your own arrangements, but don't do it until Monday.

FR. PHILIP MAGALDI: No, okay.

BISHOP DELANEY: Do you need two weeks? . . . . .

FR. ROBERT WILSON: you need two weeks for confirmed seating, but not for standby.

BISHOP DELANEY: Well, Monday is plenty of time . . . .

FR. PHILIP MAGALDI: yah, Monday is fine.

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[more over talking about airfare and arrangements]

FR. PHILIP MAGALDI: I don't know when I will be coming back though, that's the only thing.

BISHOP DELANEY: Well, you would be coming back on the 7<sup>th</sup> or 8<sup>th</sup> of January, it will be over by - - I'm going up and back the same day, but don't try set the same - - I'll do that on Monday.

FR. PHILIP MAGALDI: I have that Sky Miles thing too which is a very big discount provided you go over a Saturday. But I would leave the 28<sup>th</sup> you said . . .

FR. ROBERT WILSON: 27<sup>th</sup> after mass or the 28<sup>th</sup> .

FR. PHILIP MAGALDI: to Providence and then have to leave Providence.

BISHOP DELANEY: Do you have somewhere to stay in Providence?

FR. PHILIP MAGALDI: My house.

BISHOP DELANEY: . . . well probably to . . . You can either go to which ever is cheaper.

FR. PHILIP MAGALDI: And then return also from

BISHOP DELANEY: Yes and again from either airport

FR. ROBERT WILSON: You will be free to leave any time after 5:00 o'clock on the 7<sup>th</sup>.

BISHOP DELANEY: I will be in touch with you on Monday when I have made the phone calls and verify it all.

FR. PHILIP MAGALDI: thank you all for your consideration.

BISHOP DELANEY: Phil, I'm sorry for about the baptism . . . .

FR. PHILIP MAGALDI: It was (in audible/not clear) be yesterday morning with the school presenting me with 600 cards and special \_\_\_\_ it was just gorgeous and I got this one's call and that sort of changed the day. That's all right, now Christmas I will have to make arrangements for someone to take care of my mother and aunt. That's another problem - - and you know, I appreciate your concern and I understand your concern and - - and I just wish you had somewhere in your mind and hearts that this could be wrong.

I hope it is.

BISHOP DELANEY: We all hope it is . . . [everyone in meeting stated over one another we all hope it is]

FR. PHILIP MAGALDI: What will I do if it ever goes - - -

BISHOP DELANEY: The meeting ended here there was some more conversation as people said goodbye. The meeting ended at 11:05a.m.

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