

BISHOP SALVATORE MATANO

IN THE SUPERIOR COURT OF THE STATE OF VERMONT  
IN AND FOR THE COUNTY OF CHITTENDEN

-----  
DAVID NAVARI )  
 )  
Plaintiff, )  
 )  
vs. ) NO. S666-05 CnC  
 )  
ROMAN CATHOLIC DIOCESE OF )  
BURLINGTON, VERMONT )  
Defendant. )  
-----

DEPOSITION OF BISHOP SALVATORE MATANO  
taken on October 2, 2008 at 9:17 a.m.  
at the offices of O'Neill, Kellner &  
Green, Burlington, Vermont.

APPEARANCES:

JEROME F. O'NEILL, ESQ., and JOHN EVERS, ESQ., and  
MARY LOU MARSH, ESQ., of the firm of O'Neill, Kellner  
& Green, Burlington, Vermont, on behalf of the  
plaintiff;  
THOMAS E. MCCORMICK, ESQ., of the firm of McCormick,  
Fitzpatrick, Burlington, Vermont, on behalf of the  
defendant.

Reported by: Christina L. Boerner  
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1 8 - March 2007 Office of Child and Youth 218  
2 Protection report  
3  
4 (Exhibits retained by Mr. O'Neill.)  
5  
6  
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10  
11 IT IS HEREBY STIPULATED BY AND BETWEEN THE  
12 PARTIES that the notice of the deposition is  
13 waived; that all objections except as to form  
14 are reserved until the time of trial.  
15

16 \*\*\*

1 MR. O'NEILL: We are on the record.  
2 We're here today for the deposition of  
3 Bishop Salvatore Matano, in the case of  
4 David Navari versus the Roman Catholic  
5 Diocese of Burlington, Vermont, Chittenden  
6 Superior Court, docket number S666-05 CnC.

7 My name is Jerome O'Neill; I am one of  
8 the attorneys for the plaintiff. Since  
9 Bishop Matano and I have the two  
10 microphones, I will go around and identify  
11 those in the room.

12 As I said, my name is Jerome O'Neill.  
13 Also present is John Evers; also present is  
14 Chris Boerner, who is our court reporter;  
15 Bishop Matano, of course, and Thomas  
16 McCormick, who is counsel to the Diocese.  
17 Also present is Mary Lou Marsh, who is a  
18 legal assistant in our office.

19 We are on the record here; it is  
20 approximately 9:17 a.m. on October 2nd,  
21 2008. This is tape number 1.

22 BISHOP SALVATORE MATANO  
23 having been first duly sworn,  
24 testified as follows:

25 EXAMINATION BY MR. O'NEILL:  
Q. Good morning, Bishop Matano.

BISHOP SALVATORE MATANO

<p style="text-align: right;">Page 5</p> <p>1 A. Good morning, Mr. O'Neill. 2 Q. I'm going to ask you a series of questions 3 here today, about matters that I am sure, in 4 general terms, you can anticipate. My efforts 5 will be always to ask you clear, understandable 6 questions; however, if I should fail in that, or 7 for any reason you think the question is not 8 clear, you would like to have it repeated in some 9 respect, or rephrased, I will be glad to do that. 10 My objective is to ask you a question that you 11 can understand, because it is only then that I 12 can fairly expect you to give a response to it. 13 If at any time you would like to take a break, 14 please say so; this is not intended to be a 15 marathon session. All you need to simply say is 16 you would like to take a break, and that would be 17 perfectly fine. 18 We have another room next door here, and if 19 you and Mr. McCormick would like to step in there 20 to consult at any time, just say so; we will. I 21 will assume that you have understood a given 22 question, unless you tell me otherwise. That is 23 fair? 24 A. Thank you, yes. 25 Q. I would like to start out here by going</p>	<p style="text-align: right;">Page 6</p> <p>1 over with you the relationship that priests have 2 with children. And in that respect, I know that 3 you have been through Catholic schools from the 4 time that you went to grade school; high school; 5 college and seminary; all the way along, and even 6 post-graduate studies, or at various Catholic 7 institutions. That is fair? 8 A. Yes. 9 Q. In your experience a priest -- and let me 10 back up for just a second. You entered grade 11 school around what year? 12 A. I was born in '46, and I began kindergarten 13 when I was five years old. So it would have been 14 1951. 15 Q. And when did you complete the last year of 16 studies that you undertook? 17 A. My formal education completed in 1983, when 18 I received my doctorate in canon law. 19 Q. And in addition to the formal education 20 that you have had, you have been a priest before 21 becoming a bishop, and held administrative 22 positions as well, that is fair? 23 A. Yes. 24 Q. And you also have been an instructor at a 25 high school, have you not?</p>
<p style="text-align: right;">Page 7</p> <p>1 A. Yes. 2 Q. Let me digress for a moment. When you were 3 an instructor at a high school, was that a 4 full-time position or part-time position? 5 A. When I began, it was part-time, because I 6 was also in a parish. And that would have been 7 the first couple of years. And then in the 8 subsequent three years, I was full-time. 9 Q. What were you teaching at the high school? 10 A. I taught mathematics and Italian. 11 Q. Is it fair to say, based upon your years of 12 experience, both growing up as a Catholic, and 13 also the education and training that you have 14 received, that in the Catholic faith children are 15 taught to honor and respect priests? 16 A. Yes. 17 Q. There is nothing new about that in the 18 sense of, it didn't start at the time when you 19 went to school; that has been going on, as far as 20 anyone can tell, for centuries? 21 A. Yes. 22 Q. And that is a teaching of the church that 23 continues to this day, is that fair? 24 A. Yes. 25 Q. Is it also fair to say that the teachings</p>	<p style="text-align: right;">Page 8</p> <p>1 of the church are that a priest is a child's 2 guide to salvation? 3 A. Yes. 4 Q. Through following the Ten Commandments, 5 observing the sacraments and with the guidance of 6 its priests, a child can attain eternal salvation 7 in heaven. Is that fair? 8 A. Yes. 9 Q. The Catholic religion teaches that priests 10 are the next thing to God on earth, does it not? 11 A. Well, we are the representatives of our 12 Lord to the community of faith in which we serve. 13 Naturally, we retain our humanity, and we cannot 14 be considered to be perfect people. We strive 15 for perfection; we strive to mirror what we have 16 promised to be, the representative of our Lord 17 through a community of faith. But our vocation, 18 our life should mirror the promises we have made 19 to proclaim the gospel and to celebrate the 20 sacraments. Our actions should reflect who we 21 are. 22 Q. If we do the structure of the church just 23 for a moment. We have the Pope, who is 24 considered to be the successor to St. Peter, that 25 is fair?</p>

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<p style="text-align: right;">Page 9</p> <p>1 A. Yes. 2 Q. And then bishops such as yourself are 3 considered to be the successors to the twelve 4 apostles, is that right? 5 A. Yes. 6 Q. And then individual priests serve under the 7 direction, generally, of bishops. There may be 8 some who are under order, in particular 9 circumstances; but in general terms, priests 10 serve under the direction of bishops, that is 11 fair? 12 A. Yes. 13 Q. In a state like Vermont, the Diocese of 14 Vermont, the priests of the dioceses of Vermont 15 all directly or indirectly are subject to the 16 jurisdiction of the bishop of Burlington. That 17 is fair? 18 A. Yes. 19 Q. Even priests who belong to an order such as 20 those at St. Michael's College, who belong to the 21 Edmundite Fathers, while they may report to the 22 head of the Edmundite order, to the extent that 23 they are in Vermont, they are subject to the 24 direction of the bishop of Burlington? 25 A. Yes. They would have their immediate</p>	<p style="text-align: right;">Page 10</p> <p>1 superior being the superior general of the 2 community. But as long as they are working in 3 the diocese, they are expected to follow the 4 norms and legislation that have been established 5 for pastoral and priestly ministry in this 6 diocese. 7 Q. And as far as an individual Catholic in 8 Vermont, the priest is their person who is the 9 contact, who is to give them the guidance that 10 they should have to achieve eternal salvation, is 11 that fair? 12 A. Yes. 13 Q. There is reference throughout scripture in 14 the Catholic church to the fact that the people, 15 this is to say the members of the parish, are 16 like the sheep in a flock of sheep who are led by 17 the priests. Is that correct? 18 A. Yes. The priest represents, in each 19 parish, the bishop. The bishop is the principal 20 spiritual leader in the diocese. And he shares 21 that ministry to teach, to sanctify and to 22 govern, with the pastors of the parishes within 23 his diocese; so that they work together for the 24 evangelization of the people and for the 25 sanctification of the faithful.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. The bishop, I think you said, is the 2 principal spiritual leader in the diocese, is 3 that correct? 4 A. Yes. His mandate is to teach, to sanctify 5 and to govern. He's the spiritual head of that 6 diocese. 7 Q. It is the bishop who sets the tone and the 8 direction for that diocese, is that correct? 9 A. Well, the tone and direction really comes 10 from the gospel, and it comes from the teachings 11 of the church; but the manner in which it is 12 fulfilled is helped by the direction of the 13 bishop. The bishop does set the tone in how the 14 task of proclaiming the gospel goes forward; how 15 the sanctification of the faithful is fulfilled 16 through the ministries of the church. But the 17 actual mission, the actual mandate comes from the 18 gospel itself, and from the teachings of the 19 church. 20 Q. What, in your judgment, is the duty of a 21 parish priest? 22 A. The duty of the parish priest would be to 23 first of all celebrate the sacraments of the 24 church which culminate in the celebration of the 25 Holy Eucharist, which is the source and summit of</p>	<p style="text-align: right;">Page 12</p> <p>1 the entire life of the Catholic faith. And then 2 to be available to perform the other sacraments; 3 to welcome people into the church to the 4 sacrament of baptism; to prepare young people for 5 the reception of Holy Communion; to the sacrament 6 of forgiveness, confessing, the sacrament of 7 reconciliation. To be with people in their times 8 of need. When one is dying, to celebrate the 9 sacrament of the sick. Also, to instruct the 10 faithful, whether it be adult education or the 11 education of children in the religious education 12 program; to prepare couples for marriage, for the 13 sacrament of matrimony. Also, to be available to 14 his people in times of joy as well as in times of 15 sorrow. He is their spiritual companion on their 16 journey of faith. He is part of the community 17 and part of every family, as the one who is 18 bringing them together as one entire family in 19 the parish, in their journey to our Lord in this 20 life. 21 Q. In essence, the priest is there, the parish 22 priest is there literally from the time of birth, 23 if we take baptism within the Catholic church -- 24 A. Yes. 25 Q. -- as being the time of birth, up until the</p>

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<p style="text-align: right;">Page 13</p> <p>1 time of death, when the priest celebrates and 2 recognizes the death of that person through a 3 funeral mass and the burying of that person. 4 That is fair? 5 A. Yes. We are very privileged to be a part 6 of people's lives, and often at the most 7 significant moments of their lives, and in the 8 most trying moments of their lives, as well as 9 the most joyous moments in their lives. It's an 10 extraordinary privilege to be a part of people's 11 lives in this way. 12 Q. What the Catholic faith is seeking is to 13 have its members, the faithful, if you will, 14 recognize the priest as someone they can turn to 15 for help or guidance at any stage of their life? 16 A. Yes. 17 Q. And when it comes to spiritual matters, the 18 priest is the person to whom they turn for 19 guidance, to hopefully enable them to achieve 20 salvation in heaven? 21 A. Yes. 22 Q. Let's talk about children for just a 23 minute. You gave us a very helpful description a 24 few moments ago of what the duties of a priest 25 are, the responsibilities, if you will. Those</p>	<p style="text-align: right;">Page 14</p> <p>1 responsibilities start out when a person is first 2 born and in fact -- correct? 3 A. Yes. 4 Q. And then it continues all the way through 5 adulthood, and ultimately through death? 6 A. Yes. 7 Q. As it relates specifically to children, 8 what are the responsibilities that a parish 9 priest has as it relates to children? 10 A. To work with the parents in helping the 11 child to develop into the spiritual life and try 12 have a close union with our Lord; the parents to 13 be, according to the ritual of baptism, the first 14 and best of teachers of their children, in the 15 ways of the Christian faith; that is the duty of 16 the parents. And the parish priest cooperates 17 with the parents in fulfilling that mission to 18 bring these young people to a knowledge of our 19 Lord; but a knowledge that is not just cerebral, 20 but to bring them to a knowledge in which they 21 actually experience the love of God, and the love 22 of God is active in their lives. And then they 23 come to know that, throughout my journey of life, 24 the Lord accompanies me; so if I encounter any 25 difficulties, if there are any problems in life,</p>
<p style="text-align: right;">Page 15</p> <p>1 I have decisions that will have to be made as I 2 continue in my life, the Lord is there to help 3 me, and I am strengthened by the sacraments of 4 the church. I receive our Lord in Holy Communion 5 and he becomes one with me, in the Eucharist. So 6 I have that strength, that food for the journey, 7 if you will. I know that if I fail, the Lord 8 will forgive me, in the sacrament of 9 reconciliation. The Lord will never give up on 10 me. No matter what encounters I have, no matter 11 what difficulties I may have, the Lord will 12 forgive me, if I seek that forgiveness. So as to 13 give them an experience of a God who is living, 14 not the worship of stone or plaster or cement 15 models of Jesus, but actually a God who is alive 16 and who lives in our presence. 17 Q. Is it fair to say that, as it relates to 18 the spiritual well-being of children, the priest 19 has two means of helping children spiritually, in 20 the long-term goal to achieve salvation, directly 21 himself, and also through the parents of the 22 child? 23 A. Yes. 24 Q. The way that the priest assists children in 25 achieving eternal salvation through the parents</p>	<p style="text-align: right;">Page 16</p> <p>1 is through the priest himself educating, 2 hopefully at an early stage in their lives, but 3 whenever they come into the priest's life, that 4 priest so that the parents then can educate their 5 children as well spiritually, with the long-term 6 goal of achieving salvation for the child? 7 A. Yes. 8 Q. Is that fair? Likewise, the priest also 9 has a direct role in providing spiritual guidance 10 to children, depending upon the individual 11 circumstances, to help that child achieve eternal 12 salvation? 13 A. Yes. 14 Q. As it relates to children and their parents 15 and priests, if there is a matter in conflict as 16 between what a priest indicates should be done or 17 what a parent indicates should be done, it's 18 within the teachings of the church that it is the 19 priest's description, determination that should 20 control. That is fair? 21 A. Well, in those sensitive situations the 22 priest would have to work in cooperation with the 23 parent, because you want the child to be 24 receiving a consistent message. So if the child 25 is receiving one message in spiritual or</p>

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<p style="text-align: right;">Page 17</p> <p>1 religious education, and experiencing another 2 message in the home, that creates a conflict. So 3 it's not just a matter of instruction; it's a 4 matter of working together, to try to resolve 5 whatever the difficulty or misunderstanding or 6 the conflict might be. 7 Individual personal opinion, though, does 8 not mitigate the strength of what the gospel 9 message is. The gospel that comes to us from our 10 Lord is something that binds all of us, and is 11 not based upon personal opinion. At the same 12 time, people hold their opinions very dearly, and 13 they are a part of their lives. So you have to 14 realize that a simple mandate to do something, in 15 many cases, simply will not be productive or 16 fruitful; so dialogue, conversation is very much 17 a part of the priestly ministry. It's part of 18 pastoral care, to try to bring people to a point 19 where they accept it, not simply as a mandate, 20 but with their whole spirit, and a desire to have 21 whatever the teaching is to be a part of their 22 life. 23 Q. It is part of the teaching of the church 24 that if there is a conflict on a matter of 25 spirituality or morality as between what a parent</p>	<p style="text-align: right;">Page 18</p> <p>1 says and what a priest says, it what is the 2 priest says that controls, is that fair? 3 A. To the extent that the priest is teaching 4 what the church teaches. 5 Q. Of course. 6 A. To the extent that he is clearly and 7 unambiguously representing the clear teaching of 8 our Lord and what the church teaches, then that 9 should be what would take precedence in the moral 10 order. And particularly it would be a teaching 11 for the good. All teachings of our Lord and of 12 the church are based upon the principle of 13 extending to the person an experience of what is 14 good, what is truthful, what is wholesome. 15 Q. We don't expect children to be able to sort 16 out whether or not what a priest is teaching them 17 is consistent with the doctrine of the church, 18 however, do we? 19 A. All children, like all of us, we develop 20 along life's way. And the comprehension that we 21 have and the understanding that we have depends 22 upon our academic and spiritual growth throughout 23 the years. A young child certainly cannot have 24 the ability of an older person to comprehend the 25 realities of the faith; nor are they able to</p>
<p style="text-align: right;">Page 19</p> <p>1 understand the depth of relationships and what 2 those relationships mean. In our experience of 3 life, we are constantly in a developmental stage, 4 even when we are older people. But children can 5 only accept and understand according to their 6 level of development. 7 Sometimes patience is very much needed 8 when dealing with young people, because in the 9 area of the spiritual life, in the area of 10 religious formation sometimes there is an 11 expectation of what children should be; but we 12 have to realize that we may have reached a level 13 of spiritual development after many years, and we 14 can't expect the child to have that same level of 15 spiritual development. So we have to be patient, 16 and we have to be understanding as they progress 17 into the spiritual life. So they progress 18 according to their development by age, as we all 19 do. You can't expect a child to be discussing 20 philosophy in the second or third grade. 21 Q. For a child, for a priest to ask a child to 22 do something, or do something to a child that was 23 contrary to what the child had been taught by 24 their parents, would be confusing to that child, 25 wouldn't it?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yes. 2 Q. And the reason is because, while the 3 parents may have indicated that a particular 4 standard should be followed, a priest carries 5 with him automatically a very high level of 6 credibility in terms of what he says and what he 7 does, is that fair? 8 A. He carries with him a credibility, but I 9 think the credibility, in many instances, is only 10 as solid as the character of the person and the 11 consistency in which his life mirrors the 12 teachings that he is proclaiming. Credibility 13 just doesn't come from anywhere; credibility 14 comes also from your pastoral performance. 15 Q. For a ten- or twelve-year-old, sorting out 16 whether or not someone is serving correctly with 17 pastoral performance is not feasible, is it? 18 A. No. I think young people tend to respect 19 authority. They might have questions; they might 20 at times be rebellious. But I think they 21 understand authority, and they probably have not 22 come to that sophisticated distinction. 23 Q. And at ten or twelve years old children are 24 taught to listen to and obey their priests? 25 A. Their priest; their superiors; their</p>

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<p style="text-align: right;">Page 21</p> <p>1 teachers in the school; those in authority; the 2 local police. Jurisdiction, they are taught to 3 respect those who are rightfully in positions of 4 authority. 5 Q. And they are taught by the church itself 6 that they are to trust the priests, are they not? 7 A. Well, yes, that is always the hope, that 8 they would have trust in us so that, as they 9 progress in life, they feel comfortable to 10 approach a priest with any particular situations 11 they might have; or for any guidance or counsel 12 they feel that they need. 13 Q. And this trust which the church wants 14 children to have in its priests is important, 15 because if children trust their priests, they are 16 more likely to listen to them on matters 17 spiritual, and hopefully working with their 18 priest, to then attain that long-term goal of 19 salvation with Christ in heaven? 20 A. Yes. Trust is essential in any 21 relationship. It's essential in marriage, that 22 couples persevere because there is a great, 23 trusting relationship. It's true with student 24 and teacher. It's true with employer and 25 employee. Trust is an important and essential</p>	<p style="text-align: right;">Page 22</p> <p>1 component of our lives. And the more we trust a 2 person, the more we are inclined to cooperate 3 with that person in whatever endeavor we are both 4 dealing with. 5 Q. So it's fair to say that, as part of the 6 teaching of the church, that children trust in 7 priests? 8 A. Well, that is certainly our hope, that they 9 would have trust in us, yes. 10 Q. I want to talk about the period of time, 11 the '60's, '70's and '80's. During that period 12 of time, in your experience as a priest, there 13 was no teaching going on of children to be 14 watchful for possible sexual abuse by priests, 15 was there? 16 A. There was no specific reference, as I 17 recall, to avoid priests because they might not 18 act appropriately. But there was always the 19 moral teaching of, all of us were obliged to act 20 in a very moral manner; that we were supposed to 21 be representatives of our Lord, and that we were 22 to reflect that in all the aspects of our life. 23 Q. All priests were to act in a very moral 24 manner, and to reflect that in all aspects of 25 their life, is that correct?</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Mm-hmm. 2 Q. Sorry; give me a yes or no, please? 3 A. Yes. 4 Q. Thank you. We will gently remind you, 5 because everybody forgets, so don't be concerned 6 or take it personally. 7 From what you know now as you sit here, 8 bishops, Bishop Joyce, Bishop Marshall, Bishop 9 Angell knew that they had priests who were not 10 acting in a very moral way, some priests, during 11 the 1960's, '70's or '80's, depending upon which 12 bishop was in place here in Burlington; that is 13 fair? 14 A. Yes. There were problems. 15 Q. You say problems. There were priests who 16 were sexually molesting children in this diocese? 17 A. Yes. 18 Q. And that was known to those bishops, was it 19 not? 20 A. It was known to them. How they came to 21 know it, at what point they came to know it, 22 that, I don't know. But they did come to know 23 these situations, as are reflected in the 24 documents that have been produced. They were 25 made aware of this.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. It's fair to say that, going back as far as 2 the 1960's that Bishop Joyce knew, for example, 3 with Father George Murtagh, that he was employing 4 a priest in this diocese who had been forced out 5 of the Air Force for having had sexual relations 6 with boys? 7 MR. MCCORMICK: Objection. 8 A. That, I am not clear on. To what extent he 9 understood what happened or the depth of the 10 report that he was given, or whether or not there 11 was a possibility for this man to be restored, to 12 receive proper help, proper treatment. The 13 circumstances that surrounded that, I certainly 14 don't know. 15 Q. Have you looked at Father Murtagh's file? 16 A. I have. I am familiar with that file, yes. 17 Q. Are you familiar with it more than on the 18 basis of seeing it up on the screen, as a piece 19 of evidence in court? 20 A. Mostly my knowledge of it comes from 21 reviewing it with the court proceedings. 22 Q. Let's talk about briefly here, we will come 23 back to it in some detail later, Bishop Marshall; 24 from 1972 to 1992, the bishop of Burlington. It 25 is fair to say that Bishop Marshall knew during</p>

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1 that period of time that he had some priests who  
2 were molesting children, is that right?  
3 A. Yes.  
4 Q. During that period of time that Bishop  
5 Marshall was the bishop of Burlington there is no  
6 indication at any time that he ever provided any  
7 warning to any parents, children, in this  
8 diocese, that there were priests who he employed,  
9 who might be abusing children?  
10 A. I am not quite sure of the whole scope of  
11 that question. I will answer it as best I can.  
12 Q. I will be glad to rephrase it, if it would  
13 make it easier; or you are welcome to answer,  
14 whatever you will like?  
15 A. I will try to answer, and then you can ask  
16 for clarification. But he did communicate with  
17 parents and with pastors. I recall the testimony  
18 of Father LaMothe during the court proceedings in  
19 which he said the bishop gave him his full  
20 support, and that he was in communication with  
21 the bishop in the 1980 sentence regarding the  
22 Father Willis case. On the top of page 3 of that  
23 1980 sentence it says there were many telephone  
24 calls, many written communications with parents.  
25 So there certainly was dialogue taking place with

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1 the definitive sentence, we have that dialogue  
2 going back and forth. And I believe it's also in  
3 the definitive sentence where it says he came to  
4 this conclusion that he had to take Father  
5 LaMothe into his confidence. I don't know if you  
6 have the 1980 definitive sentence here.  
7 Q. I do, and we can get it out, if need be.  
8 A. But as I recall, best of my memory, it says  
9 he came to that point. And I believe we covered  
10 this in my last deposition of 2005, we were  
11 reviewing this topic, and you had asked me, how  
12 did I know there was an investigation, how could  
13 I presume that. I said, well, I only come to  
14 that conclusion because it says he reached the  
15 point where he felt he just had to speak with  
16 Father LaMothe; so my presumption being, there  
17 was an ongoing investigation, and he reached a  
18 point where he had to share this information with  
19 Father LaMothe, because he had concluded the  
20 evidence at hand.  
21 Q. And your presumption is based upon your  
22 reading of the report, and nothing else, that is  
23 fair?  
24 A. Yes. The documents, not having been here  
25 at the time.

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1 parents, and with Father LaMothe that this was an  
2 ongoing situation that -- with which he was  
3 trying to deal in an effective way.  
4 Q. It's fair to say, Bishop, that when Bishop  
5 Marshall assigned Father Alfred Willis to St.  
6 Anne's in Milton, he did not tell Father LaMothe  
7 that he was getting a man who had been accused of  
8 molesting children?  
9 A. From the testimony that I recall, it said  
10 he came to the conclusion that he had to share  
11 this information with Father LaMothe. How he  
12 came to that conclusion, and at what point he  
13 came to that conclusion, I don't know. I can  
14 only presume that there was an investigation that  
15 he was conducting, and until that was complete,  
16 he did not speak to Father LaMothe; but that he  
17 was working to a point to have all the facts  
18 available. As I recall, from the testimony  
19 given, again, he came to this very serious  
20 conclusion that he just had to take Father  
21 LaMothe into his confidence, and share with him  
22 his concerns regarding Alfred Willis.  
23 Q. Bishop Matano, can you point to anything  
24 that supports what you have just said?  
25 A. I believe that if you look in the page 3 of

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1 Q. Sure.  
2 A. That is, the documents are the source from  
3 which I gather my information.  
4 Q. As it relates specifically to Father  
5 Willis, and I don't want to spend a lot of time  
6 with him, because we did talk about that the last  
7 time; so I want to focus only just for a moment  
8 on this, since we have been talking about it. As  
9 it relates to Father Willis, it's fair to say  
10 that Bishop Marshall assigned Father Willis to  
11 Milton, knowing there were credible accusations  
12 of childhood sexual abuse against him, correct?  
13 MR. MCCORMICK: Objection.  
14 A. He was aware that there were complaints  
15 against Father Willis for acting inappropriately  
16 with boys, and I believe when he learned of that,  
17 he set forth two admonitions. The first was that  
18 he seek counseling. And the second was that he  
19 visit with the parents themselves, and explain  
20 what had happened, and give an account of himself  
21 to these parents. And that subsequently Bishop  
22 Marshall called one of the parents, to assure  
23 that Father Willis indeed had done that.  
24 Q. And do you recall Bishop Marshall  
25 concluding that Father Willis was a liar, on the

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1 basis of that conversation?  
 2 MR. MCCORMICK: Objection.  
 3 A. I don't know if it was on the basis of that  
 4 conversation; but after he tried to assist him by  
 5 sending him to Mission Heart in Albuquerque, then  
 6 to Via Coeli. And when all of this failed, he  
 7 came to the conclusion that Alfred Willis was not  
 8 honest with him.  
 9 Q. You used a phrase a few moments ago with  
 10 respect to Father Willis, indicating, I think I  
 11 am quoting this correctly, that he acted  
 12 inappropriately with boys. It's fair to say that  
 13 his "acting inappropriately with boys" was  
 14 molesting boys, was it not?  
 15 A. I am just referring to how it was, how I  
 16 recall it expressed, without the specifics of the  
 17 actions. But he did act immorally with boys,  
 18 yes.  
 19 Q. When you say he acted immorally with boys,  
 20 it's fair to say that Bishop Marshall was aware,  
 21 before the time that Father Willis went to  
 22 Milton, that Father Willis had molested boys?  
 23 MR. MCCORMICK: Objection.  
 24 A. I know that there were difficulties when he  
 25 was a deacon at Christ the King, I believe.

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1 same time, I also read that he was working to  
 2 help him address this problem; that it was not  
 3 simply assigning him without taking necessary  
 4 steps to correct his behavior, which at that time  
 5 psychiatrists and psychologists were of the  
 6 opinion that pedophilia could be controlled and  
 7 effectively dealt with.  
 8 Q. When you say psychologists and  
 9 psychiatrists were aware that pedophilia could be  
 10 effectively dealt with, some psychologist and  
 11 psychiatrists were at that point, isn't that  
 12 fair?  
 13 MR. MCCORMICK: Objection.  
 14 A. Well, the ones that I am familiar with  
 15 through this case, that were working with people  
 16 to rejuvenate them and restore them, were Dr.  
 17 Rosenheim, Dr. Hilenbrand, Dr. Peltz, Dr. Nadeau;  
 18 all of these particular persons were of the  
 19 opinion that these people could be restored if  
 20 they cooperated. Noticed I said restored;  
 21 perhaps not completely cured, they probably  
 22 didn't say perfectly cured, but that they could  
 23 lead productive ministerial lives.  
 24 There was also much discussion there  
 25 about pedophilia as a real disease, a disability

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1 Q. I think St. Anthony's.  
 2 A. St. Anthony's, in Burlington. Then he went  
 3 to Montpelier. And then from Montpelier, he went  
 4 to St. Anne's in Milton. And while he was at St.  
 5 Anne's in Milton, complaints of his time at St.  
 6 Anthony's began to surface. I am a little  
 7 unclear about how much Bishop Marshall knew or  
 8 didn't know; that is very difficult for me to  
 9 answer; that is a history of which I was not a  
 10 part. It's over 30 years ago, so I am not  
 11 specifically clear on the development of that  
 12 case. I do know that it ended in a canonical  
 13 trial.  
 14 Q. Based upon the information you have been  
 15 able to see, which is to say largely the  
 16 definitive sentences, is it fair to say that  
 17 Bishop Marshall knowingly assigned Father Willis  
 18 to Milton -- let me rephrase that.  
 19 Is it fair to say, based upon your reading  
 20 of the definitive sentences, that Father -- that  
 21 Bishop Marshall assigned Father Willis to Milton,  
 22 knowing there were credible accusations against  
 23 him of molesting children?  
 24 MR. MCCORMICK: Objection.  
 25 A. He knew what was happening. But at the

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1 that a person had, that would be in need of  
 2 serious attention; however, today we look at it  
 3 and we see that that cure is not possible. But  
 4 at that time there was serious attempts to try to  
 5 correct this problem.  
 6 I recall an article by Dr. Fred Berlin, of  
 7 Johns Hopkins, that appeared in 1986, in the  
 8 American Journal of Forensic Psychiatry, which  
 9 was entitled, "Pedophilia: Concepts, Treatments,  
 10 Ethical Considerations", in which he speaks of  
 11 the lack of free will that is sometimes  
 12 associated with this problem; that people do not  
 13 choose to be pedophiles; that this is not their  
 14 choice. And that they can -- then I also recall  
 15 reading that they can fall into two categories;  
 16 those who would be egodystonic and those that  
 17 would be egosyntonic. And those that are  
 18 egodystonic, after they have acted out, they feel  
 19 great remorse; they have very low self-esteem;  
 20 they think little of themselves; whereas the  
 21 egosyntonic, it doesn't bother them. But the  
 22 vast majority are egodystonic, they have these  
 23 serious feelings of remorse; so it's a  
 24 psychological malady. And it was one that people  
 25 were trying to work with, trying to cure, and



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1 trying to restore people to productive lives.  
2 That was the thinking at that time, which over  
3 the years has now changed very drastically; that  
4 they simply cannot be put into a situation with  
5 children.  
6 Q. Bishop Matano, in assigning Father Willis  
7 to Milton, Bishop Marshall was working to help  
8 him with his problems, is that correct?  
9 A. Yes.  
10 Q. And at the same time, he was assigning a  
11 priest there, he made the choice specifically to  
12 assign him to Milton, did he not?  
13 A. Yes.  
14 Q. He wasn't required to, in any way?  
15 A. No.  
16 Q. He could have suspended him from the  
17 priesthood when he was in Montpelier, correct?  
18 Let me rephrase that; excuse me. He could have  
19 suspended him from his duties in a parish when he  
20 was in Montpelier, rather than assign him to  
21 Milton, correct?  
22 A. If there were credible and substantial  
23 reasons, he could suspend him.  
24 Q. When you say if there were credible and  
25 substantial reasons he could suspend him, a

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1 hearing a whiff of innuendo, the slightest thing,  
2 could, if he chose to do so, immediately remove a  
3 priest from a parish, and temporarily take that  
4 person out of contact with children. Agreed?  
5 A. Yes.  
6 Q. And then thereafter, there would be  
7 Canonical processes that, if the priest chose to  
8 avail himself of, to appeal, for example, the  
9 bishop's action, in some respect he could do  
10 that, correct?  
11 A. Yes.  
12 Q. But there was nothing that mandated that  
13 Bishop Marshall transferring Alfred Willis from  
14 Montpelier to Milton, was there?  
15 A. No.  
16 Q. Or any other parish, was there?  
17 A. That would have been the bishop's decision.  
18 Q. That was the choice the bishop made, was to  
19 transfer Alfred Willis from Montpelier to Milton?  
20 A. Yes.  
21 Q. What do you understand was the time period  
22 between when Father LaMothe first informed the  
23 bishop that there were allegations in Milton of  
24 Father Willis molesting children, and when the  
25 bishop told Father LaMothe about Father Willis'

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1 bishop can suspend a priest at any time, for any  
2 reason, can he not?  
3 A. Well, we do have to follow a Canonical  
4 process, which respects the rights of the  
5 individual accused. They have a right to civil  
6 counsel, Canonical counsel, and we have to follow  
7 a procedure. They can also appeal the decision.  
8 So it doesn't mean that the suspension, ipso  
9 facto, takes effect. If they appeal the  
10 suspension, it becomes more complicated. But if  
11 there are credible and substantial reasons for  
12 putting someone on suspension, then the bishop  
13 can do that. But it's not an arbitrary action;  
14 it's one that is determined by a process, as in  
15 civil law. There is also a process before  
16 someone is convicted or removed from a position.  
17 Q. The bishop can act at any time for the good  
18 of the church, can he not?  
19 A. Yes.  
20 Q. And the good of the church includes  
21 preventing priests from molesting children, does  
22 it not?  
23 A. Yes.  
24 Q. In any given instance a bishop, in the  
25 1970's, 1980's, if he chose to do so, upon

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1 prior history?  
2 A. I believe Alfred Willis went to Milton in  
3 1979, and in 1980, Father LaMothe spoke with the  
4 bishop, that they were aware of allegations  
5 concerning Alfred Willis, in St. Anthony's parish  
6 in Burlington. I believe it was 1980.  
7 Q. You have no reason to question the  
8 credibility or honesty or recollection of Father  
9 LaMothe, do you?  
10 A. No.  
11 Q. Do you recall Father LaMothe's testimony  
12 that he told Bishop Marshall, in the spring of  
13 1980, about the allegations in Milton?  
14 A. If that is what he testified to, I would  
15 accept that, certainly.  
16 Q. And you are aware that Bishop Marshall did  
17 not "take Father LaMothe into his confidence"  
18 until September of that year?  
19 A. If that is what the record shows, I don't  
20 question it.  
21 Q. Bishop Marshall could have, in the spring,  
22 when Father LaMothe told him about the  
23 allegations in Milton, have immediately suspended  
24 or removed, at least, Father LaMothe -- excuse  
25 me, Father Willis from his duties in Milton. Is

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1 that fair?  
2 A. He could have removed him, yes.  
3 Q. We digressed here for a moment, so let's  
4 see if we can go back to where I was visiting  
5 with you about. In the 1980's, 1970's, Bishop  
6 Marshall was aware of the fact, as we can see  
7 from the documents, that there were priests who  
8 were molesting children, agreed?  
9 A. Yes.  
10 Q. In this diocese. You made reference to,  
11 when I asked you about telling parents about the  
12 fact that there were pedophile priests, I didn't  
13 use the word "pedophiles", but I used, priests  
14 who were molesting children, you made reference  
15 to the dialogue that took place up in Milton.  
16 My question to you is this: can you point to  
17 anything where, before assigning a priest to a  
18 parish, Bishop Marshall forewarned the parents of  
19 that parish that he was assigning the priest who  
20 had a history of molesting children to that  
21 parish?  
22 A. I don't recall reading any documents where  
23 such a notification was given.  
24 Q. Can you point to any instance where he  
25 transferred a priest to a parish, and he told the

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1 as it surfaced.  
2 Q. Have you looked at the deposition of the  
3 psychiatrist who was present at that program you  
4 just talked about?  
5 A. No.  
6 Q. Are you aware that there was a program that  
7 was essentially about lifestyles of priests,  
8 dealing with a broad variety of issues, relating  
9 to things such as living alone; spending;  
10 solitude; all sorts of issues involving the life  
11 of a priest, including sexual contact or  
12 misconduct of a broad variety?  
13 MR. MCCORMICK: Objection.  
14 A. Well, I think you have to put this into a  
15 totality. In other words, we can't  
16 compartmentalize people. Our whole manner of  
17 acting, as I said earlier, has to be consistent  
18 with the gospel. So I think all these are parts  
19 of making a person whole by addressing each of  
20 these concerns in these different areas. It  
21 doesn't mean because other areas are discussed  
22 that the area of sexual misconduct was ignored or  
23 avoided or minimized; it was just part of the  
24 total discussion of the personality of  
25 individuals, and how our personalities as priests

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1 pastor that he was getting a priest who had  
2 molested children?  
3 A. I don't see any written documentation. If  
4 there was verbal communication, that I would not  
5 know.  
6 Q. There was nothing that the Diocese did in  
7 the 1970 or 1980 to put in place programs to  
8 protect children from sexual molestations by its  
9 priests or clergy, were there?  
10 A. I don't know what was happening in the  
11 diocese of Burlington precisely, but I do think  
12 protocols were being established at that time to  
13 deal with this difficulty. Some civil suits,  
14 some serious cases had surfaced in the '80's.  
15 And I believe dioceses were putting into place  
16 seminars, educational courses for priests, to  
17 apprise them of the seriousness of this  
18 situation.  
19 I recall mention made that in Burlington  
20 in 1990 there was a seminar of this nature; I am  
21 not aware of the specifics of it; but I believe  
22 there was a psychiatrist, some lawyers who  
23 attended a seminar for priests on this. But I am  
24 not clear as to the specifics of it. But the  
25 problem was beginning to be looked at seriously,

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1 have to reflect who we are. And all these areas  
2 are areas of concern, that because you may not  
3 have a problem with money doesn't mean  
4 necessarily that there can't be a problem with  
5 alcohol; that you are not exonerated because one  
6 area is fine. What about all the other areas?  
7 You have to look at it in the total context of  
8 all of the different activities that affect  
9 humanity.  
10 So because it was a part of the  
11 discussion with other issues, I don't think we  
12 can conclude that the importance of the topic was  
13 minimized or in any way the seriousness of it  
14 mitigated.  
15 Q. Bishop Matano, when was the first time,  
16 from what you can see, that the Diocese of  
17 Burlington made the choice to advise its members,  
18 its parishioners, the individual members of the  
19 diocese that it had to be aware that there might  
20 be priests who were molesting children?  
21 A. I really would be unable to answer that  
22 question, not having been here during that  
23 period. That could have been any number of  
24 instances.  
25 Q. Have you seen any?

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<p style="text-align: right;">Page 41</p> <p>1 A. I have not read any notices to parishes or 2 programs. 3 Q. Have you seen anything that would give 4 notice, before you got here, that would give 5 notice to members of parishes that they needed to 6 be aware that there might be priests who are 7 molesting children? 8 A. I am not aware of any, no. 9 Q. Is it fair to say, based upon what you have 10 seen that through the 1980's, 1990, at least, 11 that this diocese was covering up molestation of 12 children by its priests? 13 MR. MCCORMICK: Objection. 14 A. I could not say that. From the documents 15 that were presented in court, I would say there 16 was a great deal of communication with 17 psychiatrists and psychologists, back and forth, 18 to try to deal effectively with this problem. I 19 would say from the testimony of Father Doyle that 20 he did say that the person he is today or the 21 conclusions you reach today were not those that 22 he had reached earlier. As late as 1990 he 23 referred to bishops who were willing to deal with 24 this issue, and respect the rights of priests, 25 but to do it in a reasonable way. He referred to</p>	<p style="text-align: right;">Page 42</p> <p>1 them as courageous and compassionate; that they 2 were trying to deal effectively with it. In his 3 article of 1990 in Studia Canonica, he speaks of 4 the attention that exists between the opinion of 5 lawyers, which say under no circumstances should 6 these priests have any assignment because they 7 represent a liability, as opposed to the position 8 of doctors, psychiatrists, psychologists. And to 9 whom do you listen, the lawyer or the doctor, the 10 psychiatrist who has followed this person's case, 11 who knows this person well, who gives a 12 recommendation for this person? So he outlines 13 how complex this is. And in this diocese I see 14 that dialogue constantly taking place between the 15 bishop and persons of the medical profession. 16 I believe he also says, Father Doyle, in 17 that article that I read earlier in Studia 18 Canonica, that canonical trials were rare, even 19 to the point of being non-existent in this 20 country. And here there was a canonical trial. 21 So I couldn't come to the conclusion that they 22 were not dealing with the problem, or trying to 23 deal with it. 24 I remember the testimony of Norm Blais, 25 Mark Keller, particularly Norm Blais, saying that</p>
<p style="text-align: right;">Page 43</p> <p>1 we dealt with this in a different way then. We 2 dealt with it in a different manner than we do 3 today; that Susan Via was brought on board to 4 address this problem, because they wanted to get 5 a better grasp on it. But it was addressed in a 6 different manner. But to say there was an 7 attempt to ignore this problem or to not deal 8 with it, I in honesty can't make that statement. 9 I think there was a lot of effort to deal with 10 it. 11 Now, history has come to a conclusion that 12 we needed an entirely different approach to these 13 circumstances; but I think we have to be cautious 14 that we don't judge a period of time by today's 15 standards, in which we are the beneficiaries of 16 so much knowledge now; so much information. 17 Q. The bishops, Bishop Marshall specifically, 18 was balancing the needs of the priest versus the 19 needs of the children, was he not? 20 A. I think he was trying to balance the needs 21 of the priest with the needs of the entire 22 community, of which children are a very essential 23 part and they are a very essential concern. I 24 think that one could reasonably ask, was he 25 favoring the priest over the children? Was he</p>	<p style="text-align: right;">Page 44</p> <p>1 putting children at risk for the good of the 2 priest? And I honestly do not believe that was 3 his intent. 4 Was it the intent of those in the medical 5 profession or the psychological sciences to put 6 children at risk when they gave a recommendation 7 that a person could return to ministry? Were 8 they willfully putting people at risk? I think 9 they were of the opinion, we are working towards 10 curing this person, so that we don't put anyone 11 at risk, be it adult or child. I just do not 12 believe that Bishop Marshall would willfully put 13 children at risk. 14 In 2008, were these decisions the best 15 decisions? No. But at that time, were they 16 motivated by malintent, were they motivated by 17 callousness? I can't say that. I think that 18 Bishop Marshall put an awful lot of effort in 19 trying to deal effectively with these cases. 20 In the case of Father Paquette, I am not 21 here to render any judgment on any other diocese, 22 but the one who actually dealt most extensively 23 with Father Paquette was Bishop Marshall. He did 24 leave Fall River, but he was still a priest to 25 Fall River until he was incardinated in Fort</p>

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1 Wayne-South Bend. But then when he came to us  
 2 from Fort Wayne-South Bend he was still a priest  
 3 of that diocese, to this day may remain so. But  
 4 the place where there was the ongoing dialogue,  
 5 and the ongoing conversation with people in  
 6 medical professions, at least from what I have  
 7 seen, in this diocese.

8 The other diocese had the option to laicize  
 9 him; but for whatever reasons, known to them, did  
 10 not choose that option. So as I said in my last  
 11 deposition, what motivated Bishop Marshall, in  
 12 all honesty, Mr. O'Neill, I don't know why he  
 13 made the decisions he made; but he did accept a  
 14 grave responsibility. And that responsibility  
 15 was not something of benefit to him; and it  
 16 placed a heavy cross upon him to try to deal  
 17 effectively with this situation; to restore a  
 18 priest, and make him someone who would be what he  
 19 should be for the community.

20 Q. So in your view, what Bishop Marshall did  
 21 was to seek to restore a priest, to make him  
 22 someone who should be what he should be; to make  
 23 him into someone who would be what a priest  
 24 should be in the community. Is that fair?  
 25 A. I certainly believe that was his hope.

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1 2nd, 2008. We are here with the deposition  
 2 of Bishop Matano. It's approximately 10:15  
 3 a.m.

4

5 Q. Essentially, Bishop Matano, what you are  
 6 doing is you are providing a character reference  
 7 for Bishop Marshall, because you knew him. Is  
 8 that fair?  
 9 A. Well, I don't think I can separate my  
 10 answers completely from the person that I knew.  
 11 At the same time, I am trying to refer to  
 12 specifics. I am trying to refer to the sentences  
 13 that were made against Alfred Willis. I am  
 14 trying to refer to testimony given by a canonist;  
 15 testimony given by law enforcement people here.  
 16 I am trying to make reference to correspondence  
 17 that took place between Bishop Marshall and  
 18 different doctors; I am trying to make reference  
 19 to the material that was submitted to the court;  
 20 and how that gives a picture of how Bishop  
 21 Marshall functioned; because for all intents and  
 22 purpose, we are discussing, in reality, the  
 23 decisions which he made. So it's hard to  
 24 separate the person from the very decisions that  
 25 that person made.

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1 Q. Let me digress here for just a minute.  
 2 Bishop Marshall, you are making a lot of  
 3 judgments here based upon your personal knowledge  
 4 of Bishop Marshall, are you not?  
 5 A. Yes. That is all I have, really, to go by,  
 6 is my personal knowledge of him, and review of  
 7 the records. I did not serve under him in this  
 8 diocese. But just from the documents that have  
 9 been presented, the letters back and forth  
 10 following the cases of these priests, very  
 11 closely, his letters to persons asking for  
 12 evidence in certain circumstances, and please  
 13 give me that information, it seems from the  
 14 documents he was very attentive to these  
 15 situations. I am not speaking of correct or  
 16 incorrect decisions, but I am saying he was  
 17 attentive to these serious matters.

18 MR. O'NEILL: We need to switch the  
 19 tape, which will take us just a minute here;  
 20 so let's go off the record at approximately  
 21 10:14 a.m., the end of tape number 1; we  
 22 will put tape number two in place.  
 23 (An off-the-record discussion was held.)  
 24 MR. O'NEILL: We are back on the  
 25 record. This is tape number two on October

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1 Q. Going back in the context of the time he  
 2 made these decisions, do you think that Bishop  
 3 Marshall's conduct was reckless?  
 4 A. I do not come to the conclusion of  
 5 reckless, in the sense that he did not care.  
 6 Reckless would mean he paid no attention to it,  
 7 and simply assigned the priest from one place to  
 8 the other. But in the process of these  
 9 assignments, there are these constant  
 10 consultations taking place, with psychologists  
 11 and psychiatrists, so there is a systemized  
 12 effort to deal with the problem.

13 Reckless would mean you ignore the problem;  
 14 you pay no attention to the problem; just go  
 15 forward.

16 Q. Would you agree with me that there is a  
 17 point in time, no matter how many reports,  
 18 recommendations you get from psychologists and  
 19 psychiatrists, that have a number of molestations  
 20 of boys, that to re-assign that priest or to keep  
 21 him on as a priest is reckless?  
 22 A. That would be the case. But in the case of  
 23 Alfred Willis, he was laicized. In the case of  
 24 Paquette, his ministry terminated in this  
 25 diocese; it was here that he finally lost his

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<p style="text-align: right;">Page 49</p> <p>1 faculties to function. So that when he was in 2 Fall River, yes, it's true they dismissed him; 3 but he still was able to go to Fort Wayne-South 4 Bend, and he functioned there. I believe there 5 is a handwritten note of the bishop at that time, 6 to one of the members of his chancery in Fort 7 Wayne, saying, I begged Bishop Marshall to take 8 Father Paquette. So he comes here with 9 faculties. It's only when he is here that he 10 finally loses those faculties, to ever function 11 as a priest; and from that time on, he has never 12 functioned as a priest. But that took place in 13 this diocese; that is where that occurred. 14 Q. So using the norms of the 1980's, do you 15 think that Bishop Marshall handled Father 16 Paquette correctly? 17 A. I think he handled it in his own way, in 18 the best way he thought possible. I think in his 19 conscience, he was acting with genuine concern 20 for the faithful and for Father Paquette. Was it 21 the right decision, as we look at it in 22 retrospect? No, it was not the right decision. 23 Q. Let me focus you, if I could; I don't want 24 to go in retrospect, I want to go to the 1980's. 25 And what I would like to know is whether or not</p>	<p style="text-align: right;">Page 50</p> <p>1 -- this is a very important point. 2 A. Yes. 3 Q. In your opinion, bishop of Burlington, the 4 experience that you have had, do you believe that 5 Bishop Marshall handled the situation with 6 respect to Father Paquette correctly? 7 MR. MCCORMICK: Objection. 8 A. I believe he handled it in the best way he 9 could, according to his mind. 10 Q. I am sorry; that's not my question. My 11 question is, from an objective standard, if you 12 go back into the 1980's, you lived as a priest 13 through the 1980's, you are a bishop of 14 Burlington here now. What I would like to know 15 is, do you believe that Bishop Marshall handled 16 correctly Father Paquette, as he did? 17 A. That is a hard question for me to answer. 18 Q. Why is it a hard question to answer? 19 A. Because at that time there were those who 20 considered bishops who were willing to deal with 21 this situation as being courageous and 22 compassionate, as I refer to earlier in that 23 statement in Studia Canonica of 1990. So there 24 were those of that opinion; where there were 25 others who would have taken more drastic steps.</p>
<p style="text-align: right;">Page 51</p> <p>1 So the best way that I could is -- could Bishop 2 Marshall have removed Father Paquette earlier, or 3 could he have not have even accepted him? That 4 possibility certainly existed. And why he chose 5 not to, I don't know. 6 As a young bishop he probably felt that he 7 was working in cooperation with another diocese 8 to try to restore a priest, and to help this 9 priest. And in his mind he felt that he could 10 maybe be recuperated, and that he could have a 11 fruitful ministry. 12 Could he have chosen not to accept him? 13 Yes, he could have chosen not to have accepted 14 him. And he could have chosen even to have 15 terminated him sooner. Why he did not do that, I 16 think he was very heavily influenced by the 17 psychologists and psychiatrists who were advising 18 that Father Paquette could go back to ministry. 19 Q. Bishop Matano, can you answer yes or no, 20 whether or not in the context of the 1970's, 21 which is when the events with Father Paquette 22 took place, Bishop Marshall, in your judgment, 23 handled the situation with respect to Father 24 Paquette correctly? 25 A. I think he handled it, in his mind, very</p>	<p style="text-align: right;">Page 52</p> <p>1 conscientiously. 2 Q. Excuse me; I'm not asking you about Bishop 3 Marshall's mind; I am asking about it from an 4 objective standard, from the objective standard 5 of what you know of having been in the church in 6 the 1970's, whether or not what Bishop Marshall 7 did, his handling of Father Paquette was correct? 8 A. I would say perhaps it was too much of a 9 reliance on the psychological sciences, and that 10 that was not necessarily the route to take. 11 Q. So are you saying that Bishop Marshall 12 handled the situation with respect to Father 13 Paquette in the 1970's incorrectly, applying the 14 standards of the 1970's? 15 A. Well, when you are saying incorrectly, that 16 means that an error was made. 17 Q. Yes. 18 A. And I would say, as we look at it now, yes, 19 it was. 20 Q. Excuse me; I am not asking about now. What 21 I am asking for, I am not asking to be judged on 22 the context of today. What I would like to know 23 is, would you agree with me that Bishop 24 Marshall's handling of Father Paquette in -- by 25 the standards of the 1970's, was wrong?</p>

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1 A. Do you mean wrong because he willfully  
 2 intended to be wrong? Intention is a very  
 3 important part of this. Are you asking me, did  
 4 Bishop Marshall purposefully and intentionally  
 5 act incorrectly? That is much different than  
 6 saying, did Bishop Marshall, with the best of  
 7 intentions, still make decisions that were  
 8 incorrect? That is the distinction I am trying  
 9 to make. Are you asking me, did he willfully and  
 10 intentionally make incorrect errors? I don't  
 11 think he made incorrect -- errors intentionally,  
 12 willfully, or maliciously.  
 13 Q. Would you agree that --  
 14 A. But he did make decisions that were  
 15 unintentionally or certainly not his intention,  
 16 but did they turn out to be incorrect? Yes. I  
 17 just would like to make that distinction.  
 18 It's very important, when you use the word  
 19 "correct, incorrect, to determine the  
 20 intentionality of a person: did I willfully do  
 21 that? That is a basic teaching in Catholic  
 22 theology. The three things that we consider  
 23 necessary to make a sin mortal, is circumstance,  
 24 sufficient reflection, and full consent of the  
 25 will. So in all cases we have to know what was

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1 difficulty with "intent".  
 2 And I don't believe he acted with malicious  
 3 intent. I don't think it was ever his intent to  
 4 harm children. I don't think it was ever his  
 5 intent to put children at risk. So did he  
 6 intentionally act in error? No. But did the  
 7 decisions that were made later show themselves to  
 8 be in error? Yes.  
 9 Q. Bishop Matano, can you point to anything  
 10 where Bishop Marshall ever expressed any concern  
 11 for the children that these priests were  
 12 molesting?  
 13 A. Nothing written. But I recall Father  
 14 LaMothe's testimony, in which Father LaMothe  
 15 said, I thought rather clearly, that Bishop  
 16 Marshall was very concerned for the children.  
 17 Q. Can you recall anything else?  
 18 A. Well, that was what was preeminent in my  
 19 mind, because this question had come up so many  
 20 times in the trials that we have been through.  
 21 This question has been asked repeatedly; so that  
 22 is what impressed me at that time. Because I had  
 23 spoken earlier in my deposition that I don't know  
 24 what took place orally, that was not written  
 25 down. So when Father LaMothe speak of that, he

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1 the intention; was it a malintention. Even in  
 2 the case when we deal with abortion, we are very  
 3 conscious of the circumstances in which that  
 4 sometimes occurs. In the life of a young girl  
 5 who is suddenly pregnant, and she doesn't realize  
 6 --  
 7 Q. You are welcome to complete this answer,  
 8 but I think we are really digressing here.  
 9 A. With all due respect, I think  
 10 intentionality is very integral to making  
 11 statements about correct or incorrect. What I am  
 12 trying to illustrate now is, culpability is very  
 13 much dependent upon circumstances and intent.  
 14 That is very clear in Canon 1324 of the Code of  
 15 Canon Law, that culpability is diminished by  
 16 circumstances and intent, and the intent of the  
 17 person. That is why I was using this past  
 18 example of the young girl. Objectively, the  
 19 church teaches abortion is a serious sin, but  
 20 what were the extenuating circumstances in which  
 21 that occurred; what were the pressures upon the  
 22 person, which mitigates the culpability for it.  
 23 And when you say correct, incorrect, you are  
 24 asserting culpability; was he culpable or he was  
 25 not culpable? And that is where I have the

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1 -- it did impress me that he said Bishop Marshall  
 2 was very concerned for the children.  
 3 Q. Can you point to anything in writing that  
 4 shows any concern Bishop Marshall had for the  
 5 children?  
 6 A. I don't see anything in writing, no; but if  
 7 Father LaMothe's testimony has now been put in  
 8 writing, that can be referred to.  
 9 Q. There is no indication anywhere that, with  
 10 respect to Father Willis, Father Paquette, any  
 11 other priest who Bishop Marshall knew was abusing  
 12 boys or had abused boys, that it restricted his  
 13 access to boys in Vermont?  
 14 A. Could you repeat that.  
 15 Q. Of course. There is nothing anywhere to  
 16 show that, knowing that he had priests who had  
 17 molested boys, I have in mind specifically Father  
 18 Willis and Father Paquette.  
 19 A. Mm-hmm.  
 20 Q. Let's add Father Paulin; that Bishop  
 21 Marshall made any effort to restrict their access  
 22 to boys?  
 23 MR. MCCORMICK: Objection.  
 24 A. I did not read of any restriction.  
 25 Q. Not aware of any, from any source?

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1 A. Well, as I say, that I did not see that in  
 2 the documents.  
 3 Q. Let's talk just for a second here about  
 4 Bishop Marshall. How do you personally know  
 5 Bishop Marshall?  
 6 A. When I was at the North American College in  
 7 Rome, he was on the staff for a couple of those  
 8 years.  
 9 Q. Is he a sponsor, in some respect, held a  
 10 personal position in terms of you?  
 11 A. A sponsor?  
 12 Q. That may not be the correct term. But did  
 13 he have some kind of a role in terms of your  
 14 life; in addition to simply being on the staff,  
 15 did he have --  
 16 A. Well, as a staff member, they served as our  
 17 advisors; and he was an advisor. But I would say  
 18 once I left the seminary, we didn't keep in  
 19 regular contact.  
 20 Naturally, he was in New England and I was  
 21 in New England, but he was a bishop. He was  
 22 named a bishop right at the time that I was  
 23 ordained. So he began his life as a bishop, and  
 24 our contact was not -- was minimal. It would be  
 25 restricted to when I may have accompanied our

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1 would have been my principal advisor. Then I had  
 2 another priest as a spiritual director.  
 3 Q. So how well did you know Bishop Marshall?  
 4 A. Well, I knew him as a faculty member. He  
 5 was considered as a faculty member. He was  
 6 considered to be conscientious. He was  
 7 considered to be no nonsense, very serious. He  
 8 was kind.  
 9 Q. What year was that, please?  
 10 A. That would have been -- well, I was at the  
 11 North American College from 1968 to 1972, so  
 12 probably would have been in the earlier part of  
 13 my studies, as I recall. It is a long time ago,  
 14 so I am trying to give the best recollection that  
 15 I can. But I can't say that -- as I say, there  
 16 were other faculty members that I actually came  
 17 to know better, and with whom I had contact. But  
 18 I wouldn't say I was particularly friendly with  
 19 Bishop Marshall.  
 20 Q. And as you say, at that time there was a  
 21 separation, if you will?  
 22 A. There was a notable distinction between  
 23 student and faculty member. And Bishop Marshall  
 24 was very conscious of never showing partialities,  
 25 and relating to us all, really, in the same

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1 bishops to different ceremonies; so my experience  
 2 was with him as a staff member at the North  
 3 American College. But even there, that was the  
 4 house of formation. We did our academic studies  
 5 at the Gregorian University; so all my academic  
 6 studies, all my professors were professors from  
 7 the Gregorian University who were predominantly  
 8 Jesuit Fathers; so they house -- we had the staff  
 9 for the spiritual formation. But I would not say  
 10 I had any more of a personal relationship with  
 11 Bishop Marshall than I did with any of the staff.  
 12 And in those days, too, there was a notable  
 13 distinction between staff and student; we didn't  
 14 mingle informally.  
 15 Q. How many advisors did you have when you  
 16 were at the Gregorian College?  
 17 A. Do you mean at the North American College?  
 18 Q. Excuse me; I misspoke; let me rephrase  
 19 that, thank you. How many advisors did you  
 20 personally have when you were at the North  
 21 American College in Rome?  
 22 A. I don't recall the number on the staff, but  
 23 I recall Bishop Marshall as an advisor. But then  
 24 for the other three years I had Father Foley, who  
 25 was a priest from Connecticut; so Father Foley

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1 manner.  
 2 Q. What was his role as an advisor to you?  
 3 A. He was the economo. He was the one who  
 4 took care of the financial affairs. And then we  
 5 had advisors who could assist us in our  
 6 formation, if needed. But the spiritual  
 7 directors were distinct, and they were the ones  
 8 who were really charged with our spiritual  
 9 formation.  
 10 Q. Is it fair to say that, after approximately  
 11 1969, that you had virtually no contact with  
 12 Bishop Marshall?  
 13 A. Well, there would still be contact because  
 14 I don't think he left the college until -- well,  
 15 he was named a bishop, I believe it was 1971.  
 16 December 15th of '71, he was named bishop;  
 17 because I was ordained on the 17th, that is how I  
 18 remember; it was two days before. And we were  
 19 getting a new bishop, also, who was Bishop  
 20 Gelano. So he was named on the 15th. And I  
 21 believe then came back to Burlington, and he was  
 22 ordained on January 25th, so I would have  
 23 continued at the college for my licentiate  
 24 degree in theology. Our examinations were in  
 25 June. But he would have returned here, to assume

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1 his duties as diocesan bishop. But I still would  
2 have -- during the time that he was at the  
3 college, you see faculty coming and going; but  
4 our lives were absorbed with our studies. And as  
5 I say, our professors were the Jesuits.  
6 Q. Did Bishop Marshall have a role in your  
7 ordination?  
8 A. No.  
9 Q. Was he present for it?  
10 A. He was present, yes, because he was on the  
11 faculty. And he was permitted at that time,  
12 because he was named a bishop, to wear the red  
13 skull cap and the pectoral cross. And naturally,  
14 there was celebration at the college that one of  
15 the staff had been named a bishop. So he was a  
16 co-celebrant, principal co-celebrant at the  
17 ordination.  
18 Q. After he left Rome to come back and be a  
19 bishop here, what was your contact with him  
20 thereafter?  
21 A. When I was in graduate school, studying for  
22 my doctorate in canon law, he was on the  
23 committee for the evaluation of seminaries. So  
24 he visited the Casa Santa Maria, and I visited  
25 with him there. But that was probably the one

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1 I must say, even after ordination, in my  
2 mind he remained the faculty member and I  
3 remained the student.  
4 Q. Did you ever have any discussions with him  
5 about priestly conduct, what the moral conduct  
6 was that was expected of priests?  
7 A. Not that I recall, no.  
8 Q. Did you ever have any discussion with him  
9 about issues relating to sexual abuse of  
10 children?  
11 A. No.  
12 MR. O'NEILL: This is probably as good  
13 a time as any for us to take a short break.  
14 How about if we go off the record here for  
15 ten minutes, at 10:40 a.m.  
16 (A brief recess was taken.)  
17 MR. O'NEILL: We are back on the  
18 record. It is approximately 10:51 a.m.  
19 Q. Bishop, was Bishop Marshall ever a  
20 spiritual advisor to you?  
21 A. No; in the sense that every priest would be  
22 a spiritual advisor on the faculty. But he  
23 wasn't designated as my spiritual director.  
24 Q. Did you have someone who was designated as  
25 your spiritual director?

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1 opportunity that I recall to re-visit with him  
2 since I had left the college.  
3 I never visited him in Vermont, and I  
4 never visited him when he went to Springfield. I  
5 was present at his funeral. I accompanied Bishop  
6 Gelano to his funeral, with -- I think Bishop  
7 Angell also attended. So after I left the  
8 college, when he had to come to Rome to meet with  
9 the congregation for his position on the  
10 committee for the evaluation of seminaries, I  
11 would have had the opportunity to visit with him  
12 when he came to the graduate house, the Casa  
13 Santa Maria.  
14 Q. I take it there are people in your life  
15 that you consider to be personal friends, is that  
16 fair?  
17 A. Yes.  
18 Q. Is Bishop Marshall one of those people?  
19 A. By his personality, I would not presume to  
20 say he was a personal friend. I wouldn't presume  
21 to have that association. He was a very formal  
22 person, and I couldn't say that he would be a  
23 personal friend. In no way does that mean I  
24 didn't have regard for him; but he was a formal  
25 person.

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1 A. Yes. Each year we had a priest designated.  
2 Then we had a house spiritual director.  
3 Q. And I take it Bishop Marshall fulfilled  
4 those functions with you?  
5 A. No. He was, as I said, in charge of the  
6 economic affairs of the college, and an advisor.  
7 Q. In the deposition we took of you in 2005,  
8 we had a discussion about immoral behavior versus  
9 a sin versus a crime?  
10 A. Yes.  
11 Q. And I don't want to re-visit that whole  
12 thing; I am trying not to do that. Is it fair to  
13 say that if a priest had committed a crime, there  
14 is no excuse -- let me rephrase that.  
15 I want to go back into the 1970's and  
16 1980's, in case it's any different now than it  
17 was then. If a priest had committed a crime,  
18 there was no excuse for ever again providing that  
19 priest with an assignment where they could repeat  
20 the crime. Is that right?  
21 A. Yes.  
22 Q. If the diocese knew that a job applicant  
23 had been caught embezzling money, it would be  
24 reckless for the diocese to employ that person in  
25 any capacity thereafter. Is that fair?



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1 A. If the information concerning the crime  
 2 certainly was substantiated and credible, then  
 3 that would be the been case.  
 4 Q. It would be reckless to put that person in  
 5 a position where they ever again could embezzle  
 6 money, correct?  
 7 A. Well, probably -- I don't know if it would  
 8 be reckless. It would not be prudent to put that  
 9 person in a situation where they would be maybe  
 10 inclined to do that again. It would depend very  
 11 often on the circumstances in which the crime  
 12 took place. For example, embezzlement, what  
 13 caused the person to commit that crime? Were  
 14 they under grave strain? Was there extenuating  
 15 circumstances? Was there sickness in the family  
 16 that caused them to take money? Were there  
 17 pressures upon them that were unusual? Again,  
 18 it's the circumstances that surround the -- is  
 19 the person never to be trusted again because of  
 20 an action that took place under pressure, or  
 21 without their full consent? All that is part of  
 22 the decision.  
 23 We have -- people sometimes have taken  
 24 food from stores; are they never to be trusted?  
 25 Well, very often it was because they simply had

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1 A. It would not be a good decision.  
 2 Q. Would it be reckless?  
 3 A. Well, "reckless" means devoid of all  
 4 consideration. I have difficulty with the word  
 5 "reckless", because it means that a person acted  
 6 without any kind of thought process, or giving  
 7 the situation any consideration, or any concern.  
 8 In other words, did you look over the  
 9 application; did you study the reasons for it; do  
 10 you know the reasons why it occurred? Even  
 11 today, when you tell someone they are not going  
 12 to get a job, you have to be very cautious how  
 13 you say it. You can't be reckless in your  
 14 response. You can't be reckless in your denial.  
 15 You can't mischaracterize the person; that is a  
 16 very sensitive area. Employer/employee  
 17 relationship. So I would say it would not be a  
 18 good decision.  
 19 Q. Let me define the term "reckless" for you.  
 20 A. You are.  
 21 Q. Let me tell you that this comes from  
 22 Merriam-Webster. "Reckless means lack of proper  
 23 caution; careless of consequences." Second  
 24 definition is, "Irresponsible". With that  
 25 definition in mind -- those definitions, excuse

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1 no money to feed children. So circumstances that  
 2 surround a crime are very important. If you have  
 3 a high level business person who has a pattern of  
 4 doing this for personal enrichment, that would be  
 5 very different. So I would be conscious of the  
 6 circumstances that were surrounding the crime at  
 7 that time.  
 8 Q. If the diocese knew that a job applicant  
 9 had been caught embezzling money, with a prior  
 10 employer, would it be reckless for the diocese to  
 11 employ that person in a capacity where they would  
 12 have access to money again?  
 13 A. Well, I don't think they would employ the  
 14 person.  
 15 Q. If the diocese knew that a job applicant  
 16 had been caught embezzling money twice, would you  
 17 agree it would be reckless upon the diocese to  
 18 employ that person in any capacity thereafter?  
 19 A. Well, because the diocese wouldn't have any  
 20 obligation to employ the person; and if there  
 21 were -- applicants would be available, there  
 22 would be no reason to hire that person.  
 23 Q. Would you think it reckless for the diocese  
 24 to hire a person who had been twice caught  
 25 embezzling money?

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1 me, of reckless, would you agree that for the  
 2 diocese to hire someone who would have access to  
 3 money, after they had twice been caught  
 4 embezzling money, would be reckless?  
 5 A. Yes.  
 6 Q. If the person were caught three times  
 7 embezzling money, and the diocese went to hire  
 8 the person, then certainly if the diocese,  
 9 knowing the person had been caught embezzling  
 10 money three times, it would be reckless for the  
 11 diocese to hire that person, would it not?  
 12 A. Yes.  
 13 Q. Let's talk about the molestation of  
 14 children.  
 15 A. Yes.  
 16 MR. EVERS: Let's go off the record for  
 17 a moment.  
 18 (An off-the-record discussion was held.)  
 19 MR. O'NEILL: We are back on the record  
 20 after about a 30-second hiatus, so that we  
 21 could change battery.  
 22 Q. Bishop, if the diocese knew that a job  
 23 applicant had been caught molesting children,  
 24 would it be reckless for the diocese to choose to  
 25 employ that person in a capacity where they would

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1 have access to children?  
 2 A. I believe it would not be acceptable. If  
 3 you wish to use the term "reckless", I understand  
 4 your definition of it. But it certainly would  
 5 not be a good decision.  
 6 Q. Is it fair to say that in the '70's and  
 7 '80's, that with respect to the embezzling of  
 8 money, the questions I asked you a few moments  
 9 ago, I think you agreed that if a person had been  
 10 caught twice embezzling money, that it would be  
 11 reckless for the diocese to employ that person  
 12 thereafter?  
 13 A. Yes.  
 14 Q. The same question in the 1970's and 1980's;  
 15 if the diocese had a job applicant who had been  
 16 caught molesting children, would it be reckless  
 17 for the diocese to employ that person?  
 18 A. Yes.  
 19 Q. Is it different if the person is a priest?  
 20 A. I want to be very clear that when I answer  
 21 this, that in no way do I intend to show  
 22 partiality for the priest; nor do I in any way  
 23 intend to indicate that the priest is above the  
 24 law. That having been said, the relationship  
 25 that the priest has with the bishop is

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1 along the way commits errors, maybe even crime;  
 2 but that child remains a part of your family.  
 3 The relationship between bishop, priest, priest  
 4 and church, because of that sacramental  
 5 character, has those similar characteristics of  
 6 relationship. And that certainly complicates the  
 7 way in which we deal with these circumstances.  
 8 Again, I want to repeat, the priest is not  
 9 above the law. Priests now have served sentences  
 10 in jail. Priests have had their faculties taken  
 11 away. Others have returned to the lay state. So  
 12 I don't in any way want to imply that we are  
 13 above the law; but still, the relationship the  
 14 bishop has with that priest is a bond created by  
 15 the sacrament. So how you effectively deal with  
 16 it is very complex.  
 17 Q. When you say the relationship between the  
 18 priest and the bishop, I mean, it's one thing for  
 19 the priest to have been ordained in a particular  
 20 parish. That creates a special relationship,  
 21 does it not?  
 22 A. The priest certainly has a strong  
 23 relationship with his parishioners, that is very  
 24 true.  
 25 Q. I am sorry; if I -- the question sounded as

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1 significantly different than a contractual  
 2 relationship. The relationship that the priest  
 3 has with the bishop is sacramental. The priest,  
 4 as an ordained minister, receives the sacrament  
 5 of holy orders. That sacrament remains with him  
 6 until he dies; whether his faculties are taken  
 7 away, whether he returns to the lay state, he  
 8 always remains a priest. He has that sacramental  
 9 character. So that reality certainly complicates  
 10 the situation, as opposed to one where an  
 11 employer contracts with an employee.  
 12 The example I might use is that of  
 13 marriage. Husband and wife enter into the  
 14 sacrament of marriage, with the understanding  
 15 that it is until death do we part. If a spouse  
 16 has difficulty with the other spouse, if a spouse  
 17 is found to be prone to addictive behavior, if a  
 18 spouse has other moral difficulties or  
 19 psychological difficulties, because of that union  
 20 in marriage, they do try to work it out, and to  
 21 see if that marriage can remain. Now, for  
 22 reasons not for me to judge, some cases that just  
 23 is not possible.  
 24 It's also the relationship of a child to a  
 25 parent. That child makes mistakes; that child

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1 if that was the case; I didn't mean to. What I  
 2 meant by it was, you were talking about the  
 3 relationship between a priest and his bishop?  
 4 A. Mm-hmm.  
 5 Q. Let's take a look specifically here at a  
 6 situation where you have a priest who is  
 7 incardinated in a diocese?  
 8 A. Yes.  
 9 Q. There is, in that circumstance, a special  
 10 relationship between the priest and the bishop,  
 11 agreed?  
 12 A. Yes.  
 13 Q. There is no special relationship between a  
 14 priest and a bishop where that priest is not  
 15 incardinated in that diocese, there is?  
 16 A. Well, when he is serving in the diocese of  
 17 the priest, there is an extension of the  
 18 relationship that he enjoys in his own diocese,  
 19 under his own bishop, with the bishop under whose  
 20 jurisdiction he is now serving. He doesn't come  
 21 here as an employee; he comes here as a priest.  
 22 And the relationship that should exist with his  
 23 own priest of the diocese of incardination, that  
 24 should be reflected in the diocese in which he is  
 25 serving; because in both instances he is sharing

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<p style="text-align: right;">Page 73</p> <p>1 in the ministry of the bishop. The fact that 2 it's a ministry, and the fact that it is 3 sacramental in nature, and pastoral, is not in 4 any way mitigated because he is not in his 5 diocese of incardination. He has the same 6 responsibilities and he has the same ministerial 7 functions that he would in his own diocese of 8 incardination; so the rapport that he has with 9 the diocesan bishop is very important and 10 significant, and both share in the priesthood. 11 Regardless of where we go, we are priests, and we 12 share in the one priesthood of our Lord. 13 Q. That bishop has no obligation to take on, 14 otherwise have in his diocese, a priest who is 15 not incarnated in his diocese, that is fair? 16 A. No. It is the decision of the diocesan 17 bishop to accept that person. 18 Q. So you have an individual, let's use Father 19 Paquette as a very specific example. 20 A. Yes. 21 Q. Father Paquette applied to this diocese 22 with Bishop Marshall as the bishop. Father 23 Paquette was incardinated in the diocese of Fort 24 Wayne-South Bend. Bishop Marshall had absolutely 25 no obligation, duty to take Father Paquette on?</p>	<p style="text-align: right;">Page 74</p> <p>1 A. That is correct. 2 Q. Once he came here, Father Paquette was 3 under the jurisdiction of the bishop of 4 Burlington, Bishop Marshall, correct? 5 A. Yes. 6 Q. And as he ultimately did, Bishop Marshall 7 could have at any time removed Father Paquette, 8 and sent him home or out of the diocese, correct? 9 A. Yes. 10 Q. If Father Paquette was incardinated in this 11 diocese, there would be more of an obligation on 12 the part of the bishop towards his priests, 13 because of that direct connection through 14 incardination. That is fair? 15 A. Yes. 16 Q. Let's go back to the situation of hiring 17 here for a moment. We agree that Bishop Marshall 18 had no obligation to take on Father Paquette as a 19 priest; agreed? 20 A. Yes. 21 Q. And I think we agreed a few moments ago 22 that it would be reckless for the diocese as an 23 employer to employ an individual who had been 24 found to have molested children. Agreed? 25 A. Yes.</p>
<p style="text-align: right;">Page 75</p> <p>1 Q. Are you saying that it was not reckless for 2 this diocese to take on a priest who had 3 previously molested children on multiple 4 occasions? 5 A. What I am saying is that you have one with 6 the sacramental character of priesthood, who 7 remains a priest; so unlike an employee-employer 8 who has a contractual relationship, you have a 9 more complex relationship. How do you deal with 10 this phenomenon? And I think Bishop Marshall was 11 trying to deal with it from the viewpoint of 12 recuperation; restoration; and able to have the 13 possibility of recovery. 14 I think he was very much affected by the 15 plea of another bishop. I refer to that 16 handwritten note that was at the bottom of a 17 letter of the bishop of Fort Wayne-South Bend to 18 a member of his staff, I begged Bishop Marshall 19 to take Father Paquette. So I don't believe 20 Bishop Marshall felt he was, again, intentionally 21 acting recklessly or callously. He was accepting 22 a very serious responsibility to help this 23 person. 24 Q. Let's make a distinction here for just a 25 minute, if we could. Let's take Father Paquette,</p>	<p style="text-align: right;">Page 76</p> <p>1 and instead of having him be a priest, let's have 2 him be a teacher, working for a school district 3 out in Indiana. And he has been caught molesting 4 children in two places in Massachusetts; three 5 places in Indiana. He applies to teach at the 6 diocese of Burlington; he is a lay person. Would 7 you agree it would be reckless for this diocese, 8 in that situation, to employ that individual in 9 the same time frame when Father Paquette was 10 employed here, as a teacher in this diocese? 11 A. Well, there is -- again, number one, there 12 is no bond of sacramentality concerned here; that 13 that person is not bound to the employer by a 14 unique relationship, so there is every 15 opportunity simply to say no; whereas when Bishop 16 Marshall was asked to take Father Paquette, he is 17 dealing with a priest who has received the 18 sacrament of orders; and at that time the opinion 19 being that these people can possibly be restored, 20 and helped, and brought to recovery. Father 21 Doyle is a respected canonist. 22 Q. Excuse me, Bishop; with all due respect, 23 and I do mean it, you are not answering my 24 question. My question is -- 25 A. Yes.</p>

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1 Q. -- would you agree it was reckless in 1972  
 2 for this diocese to hire a teacher, a lay teacher  
 3 who had come from Indiana, who had been found to  
 4 have molested children on five separate  
 5 occasions?  
 6 A. Yes. I am just trying to put it in  
 7 context. I am trying to answer the question as  
 8 it's connected to the state of the person. But I  
 9 would say, to your question, yes.  
 10 Q. And you would make a distinction between  
 11 whether it was reckless for this diocese to have  
 12 brought and hired Father Paquette as one of its  
 13 priests in 1972, versus having hired a lay person  
 14 with exactly the same background of molesting  
 15 children. Is that correct?  
 16 A. The seriousness is the same. The crime is  
 17 the same. The complexity comes with the fact  
 18 that it is someone bound by the sacrament of  
 19 orders. It's the same thing with marriage. A  
 20 spouse --  
 21 Q. Excuse me. When you say sacrament of  
 22 orders, Bishop Marshall was under absolutely no  
 23 obligation, none, to take on Father Paquette as a  
 24 priest, was he?  
 25 A. No. He has no obligation. As I said

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1 but we change it from the priest to a teacher, we  
 2 interchange those, the danger doesn't change any  
 3 as between those two, does it?  
 4 A. No.  
 5 Q. And in fact, if anything, with a priest,  
 6 given the priest's relationship with children,  
 7 through the teachings of the church, it's a  
 8 greater danger with a priest, is it not?  
 9 A. At the risk of sounding in any way partial  
 10 one to the other, one would also hope that,  
 11 because it is a priest, the seriousness of the  
 12 sin would be recognized, and the desire to seek  
 13 forgiveness and to change one's life would be  
 14 more evident.  
 15 Because of the fact of his vocation, he,  
 16 more than anyone, should seek to correct this  
 17 difficulty; and to seek restoration and come to  
 18 wholeness in his own life, because he made solemn  
 19 promises, and he accepted a life that is supposed  
 20 to be dedicated to our Lord. And you would hope  
 21 that that would have a strong impact on his life,  
 22 and bring him to a point of seeking forgiveness  
 23 and acting appropriately.  
 24 Q. At the beginning of this, when we came back  
 25 from our break, I asked you if a priest had

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1 earlier, though, I think he was very much  
 2 affected by the plea of the bishop in Fort  
 3 Wayne-South Bend.  
 4 Q. So you would say --  
 5 A. I think he believed if this bishop were  
 6 making such a plea for this priest, then the  
 7 possibility of his being restored, which at that  
 8 time was considered a possibility, had a very  
 9 serious effect upon Bishop Marshall's decision.  
 10 Q. Now, if we have exactly the same thing, if  
 11 you have a teacher who has been caught molesting  
 12 children five times.  
 13 A. Yes.  
 14 Q. And you have psychologists and  
 15 psychiatrists who are saying exactly the same  
 16 thing with respect to the teacher that they said  
 17 with respect to Father Paquette, it would still  
 18 be reckless in 1972 for this diocese to have  
 19 brought that teacher on as a teacher in the  
 20 schools of this diocese, would it not?  
 21 A. Objectively, yes. I mean, the dangers are  
 22 there. The presence of danger is there.  
 23 Q. The presence of danger, irrespective of  
 24 whatever the canonical bond was, the presence of  
 25 danger, if we take exactly the same fact pattern,

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1 committed a crime, if there was ever -- let me  
 2 rephrase it. I asked you, the record will  
 3 reflect it, I believe accurately, if this priest  
 4 had committed a crime, there was no excuse for  
 5 ever again providing them with an assignment of  
 6 where they could repeat that crime. Agreed?  
 7 A. Yes.  
 8 Q. And that is exactly what happened here, is  
 9 it not? First of all, let's take it a step at a  
 10 time, to be fair.  
 11 A. Yes. Yes.  
 12 Q. Father Paquette had been caught committing  
 13 crimes on five separate occasions, correct?  
 14 A. Yes.  
 15 Q. And he was given an assignment where he  
 16 could repeat the crime, was he not?  
 17 A. Yes.  
 18 Q. He was given an assignment, not in an  
 19 institutional chaplaincy, but in a parish where  
 20 there were children. Correct?  
 21 A. Yes.  
 22 Q. And the acts that he did with the "young  
 23 men" in Rutland were crimes, were they not?  
 24 A. Yes.  
 25 Q. So what we had, he had been caught five

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<p style="text-align: right;">Page 81</p> <p>1 times before he came to Vermont, committing 2 crimes; been caught in Rutland committing crimes; 3 and he was transferred then to Montpelier, where 4 he would have access to children, and the 5 opportunity to commit more crimes. Is that not 6 correct? 7 A. Well, let's put it in the full context. I 8 understand your questions, and I have tried to 9 answer them honestly; but during this whole time 10 there is this ongoing dialogue with people in the 11 medical profession. My question is, did Dr. 12 Rosenheim, Dr. Hillenbrand, Dr. Cain, Dr. Nadeau, 13 did all of these, Dr. Peltz, were these doctors 14 recommending reckless action? In other words, we 15 are talking about this as if there is change to 16 change to change, and during this time, nothing 17 of a remedial nature is taking place; but that is 18 not the case, where nothing of a remedial nature 19 is taking place. There is even institutionalized 20 care being given, and there is ongoing therapy 21 being administered. So were these doctored, and 22 I don't believe they were. I believe they were 23 acting out of the best information they had from 24 science as they understood it. As it was 25 unfolding, were they giving reckless</p>	<p style="text-align: right;">Page 82</p> <p>1 recommendations? 2 Q. Bishop Matano -- 3 A. We weren't assigning, we weren't talking 4 about assigning people without noting the 5 dialogues that were taking place with 6 professionals. 7 Q. When Bishop Marshall reassigned Father 8 Paquette from Rutland to Montpelier, he was 9 placing him in an assignment where he could 10 repeat the crimes he had committed at least six 11 times before, correct? 12 A. Yes. But if my memory serves me correct, 13 and maybe I am not, but I believe within that 14 time of the incident in Rutland, then there was a 15 two-year period where nothing occurred of any 16 nature. 17 Q. Bishop Matano -- 18 A. So I don't know if Bishop Marshall 19 interpreted that as he was on a road to recovery. 20 I imagine he thought this was a bit of time. But 21 in that two-year period, and I could be wrong, I 22 don't recall if there were indications that he 23 had reverted to previous behavioral patterns. 24 Maybe the bishop felt, maybe he is beginning to 25 be restored.</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. Didn't we agree a few minutes ago that if a 2 priest had committed a crime, there was no excuse 3 for ever again providing him with an assignment 4 where he would repeat the crime? Didn't we agree 5 on that? 6 A. Yes. 7 Q. And what Bishop Marshall did here, he knew 8 he had a man who had committed at least six 9 crimes of a similar nature; he reassigned him 10 then to a parish where he could repeat the crime. 11 Isn't that factually accurate? 12 A. Possibility of repeating it is there, yes. 13 Q. And then he reassigned him. He didn't put 14 him under any special supervision in Montpelier, 15 did he? 16 A. Not that I recall. 17 Q. And he reassigned him to Burlington, to 18 Christ the King, and he did not put him under any 19 special supervision when he assigned him to 20 Burlington, did he? 21 A. Not that I recall. 22 Q. So what had happened is, by the time Father 23 Paquette got to Burlington, Bishop Marshall had 24 taken an individual who had been known to have 25 committed at least six crimes, and assigned him</p>	<p style="text-align: right;">Page 84</p> <p>1 to a parish in Burlington, where he could repeat 2 the crime; agreed? 3 A. Yes. 4 Q. I want to move on here for a moment. I 5 want to come back to something for just a second. 6 We talked about recklessness earlier. We have 7 talked about recklessness in terms of embezzlers; 8 we talked about the meaning of the term 9 "recklessness". Can we agree, and I will re-read 10 the definition of "reckless", to you, if it would 11 be helpful to you, that when Bishop Marshall 12 accepted a man who had been known to have 13 committed at least five crimes with children, 14 that his conduct in accepting Father Paquette as 15 a priest of this diocese was reckless? 16 A. Again, I have to say intention is very 17 operative here. 18 Q. Excuse me. 19 A. One can be -- when one is said to act 20 recklessly, what is the intent of that person? I 21 don't think we can separate action from intent. 22 Q. Well, let me read you the definition of 23 reckless again, if I might. 24 A. Certainly. 25 Q. One, "Marked by lack of proper caution,</p>

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1 careless of consequences". Or two,  
 2 "Irresponsible". So do you think that, in  
 3 bringing to the diocese of Burlington a man who  
 4 was known to have committed at least five crimes  
 5 with children, that Bishop Marshall's actions  
 6 were marked by a lack of proper caution, a  
 7 carelessness of consequences, or  
 8 irresponsibility?  
 9 A. Irresponsible would mean no considerations  
 10 of a serious nature were given. We have the  
 11 considerations of those of the medical  
 12 profession. It would mean that he accepted this  
 13 person, inviting him. He was asked by another  
 14 bishop for assistance; so he reviewed that  
 15 request. He reviewed that request in the context  
 16 of the reports of the medical attention that had  
 17 been given to this priest, with the intention  
 18 that that medical attention, that counseling  
 19 would continue. He was certainly conscious of  
 20 the consequences, but was hopeful and truthful  
 21 that the counseling that this priest was given  
 22 and the attention he was given might finally  
 23 bring him to a point of restoration. So with  
 24 all that in place, I don't think he intentionally  
 25 said, I am going to bring this man here, and I

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1 Can you answer it yes or no?  
 2 A. Quite honestly, the question is very  
 3 complex. I can't give a simple yes or no,  
 4 because of all the considerations that the bishop  
 5 did give, from a psychological point of view.  
 6 Q. It's a simple yes or no question. If you  
 7 don't think that he acted recklessly, say so. If  
 8 you think he did, say so; whichever, your choice.  
 9 I am not trying to tell you what your answer  
 10 should be.  
 11 A. Yes, no; but saying either yes or no means  
 12 I would make a judgment. And I really don't feel  
 13 I have all the information necessary, from an  
 14 historical point of view, to make that judgment.  
 15 I understand clearly what you are saying.  
 16 You have all of these instances, so why do you  
 17 take him? Is it reckless to take him? And I am  
 18 saying, I find that question difficult to answer,  
 19 because the nature of the crimes are serious. I  
 20 don't want to mitigate the seriousness of these  
 21 crimes. At the same time, I am reviewing in my  
 22 mind all of the consultations from a  
 23 psychological and psychiatric point of view that  
 24 were taking place, and that continued to take  
 25 place, so that there is --

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1 really don't care what happens; that is reckless,  
 2 that is callous. But you have in there  
 3 irresponsible, meaning no consideration given,  
 4 without consideration; I think he gave it  
 5 consideration. And absent all of the  
 6 information, absent the time gap, absent the  
 7 circumstances in which this took place, absent  
 8 knowing what dialogues verbally took place, I  
 9 simply can't attribute reckless without knowing  
 10 intention, or separating intention from act.  
 11 Q. Bishop Matano, you have read into the  
 12 definition of "reckless" something I did not give  
 13 you. You put "intent" into it. You have defined  
 14 "irresponsible", and you added additional words.  
 15 Let me come back to it, and I am going to ask  
 16 you, if you can, whether or not you can give us a  
 17 yes or no answer to this.  
 18 Let me come back to the definition of  
 19 "reckless". "Marked by lack of proper caution;  
 20 careless of consequences"; or, alternative  
 21 definition is, "Irresponsible". Can you tell us,  
 22 sir, whether or not, in your opinion, Bishop  
 23 Marshall acted recklessly in bringing Father  
 24 Paquette to this diocese, after it was known he  
 25 had committed at least five crimes with children?

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1 Q. Bishop Matano --  
 2 A. -- an ongoing dialogue with professional  
 3 people. I am also reflecting in my mind the  
 4 sacramental bond that marks this person. And  
 5 taking that all into consideration, it's very  
 6 difficult to ascribe reckless to a situation over  
 7 30 years ago, with all of these attendant doubts  
 8 and circumstances, and not being able to even  
 9 speak with the person who made the decision; this  
 10 is the greatest difficulty here. I cannot say to  
 11 Bishop Marshall, what was in your mind when you  
 12 did this? You knew this, this, and this; why did  
 13 you do it? I don't think he was the type of  
 14 person who would act recklessly.  
 15 Q. You knew him well enough to determine  
 16 whether Bishop Marshall ever acted recklessly?  
 17 A. Certainly his demeanor was not that of a  
 18 person who would act recklessly. He was very --  
 19 in my knowledge of him, he was very  
 20 conscientious; he was a conscientious person.  
 21 Q. You had a limited knowledge of him, as you  
 22 have testified to earlier; but you are prepared  
 23 to say that he never acted recklessly?  
 24 A. I am prepared to say he acted  
 25 conscientiously.

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1 Q. In the instances you saw?  
 2 A. In the instances I saw, and in reviewing  
 3 the files, how he answered every letter that came  
 4 in. He never avoided not answering letters. He  
 5 never avoided dealing with the difficulties.  
 6 Maybe by today's protocols, he didn't deal with  
 7 the difficulties as we would have them dealt  
 8 with; but at the same time, he was not shying  
 9 away from the problem. You may --  
 10 Q. Stop for just a second; we are about to  
 11 finish this tape.  
 12 MR. O'NEILL: Let me just finish the  
 13 second tape at 11:28 a.m. If you want to  
 14 continue your answer on the next tape, you  
 15 are welcome to do so.  
 16 (An off-the-record discussion was held.)  
 17 MR. O'NEILL: Back on the record. It  
 18 is October 2nd, 2008. We are here for the  
 19 deposition of Bishop Matano; this is tape  
 20 number 3. It is approximately 11:28 a.m.  
 21 Q. Bishop, you were -- I don't know if you  
 22 completed your answer; but if you want to add  
 23 something more to it, feel free to.  
 24 A. Well, I was commenting on how he did not  
 25 avoid dealing with these problems. He kept

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1 the circumstances in which he committed the  
 2 crime? In other words, that is a flat statement.  
 3 He commits the crime, but we don't know later  
 4 what is his intent to correct that error. In the  
 5 objective order, where there is no indication of  
 6 any desire to make any change, then naturally you  
 7 would not put the person again in that situation.  
 8 Q. Bishop, I think the question I asked you, I  
 9 think the words that I used were, if a priest had  
 10 committed a crime, there was no excuse for ever  
 11 again providing him with an assignment where he  
 12 could repeat the crime, and you agreed with that  
 13 twice. Are you still agreeing with that, or are  
 14 you disagreeing with it now?  
 15 A. I agree that he should not be put in a  
 16 circumstance where he would repeat that crime.  
 17 Q. Excuse me. Not would; where he could  
 18 repeat the crime?  
 19 A. Yes. I agree with that statement.  
 20 Q. And we can agree that that is exactly what  
 21 Bishop Marshall did; he put Father Paquette in an  
 22 assignment where he could repeat the crimes, not  
 23 just crime, but crimes he had committed  
 24 previously. Agreed?  
 25 A. Yes.

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1 ongoing communications with the medical  
 2 professions. When he was approached by the  
 3 faithful, he met with them; he spoke with them by  
 4 telephone. He was not shying away from the  
 5 problem.  
 6 As you indicated earlier, at any point he  
 7 could have dismissed Father Paquette. As we  
 8 looked back, that would have been a good  
 9 decision; but he was firm in trying to address  
 10 this problem, and bring it to a good conclusion.  
 11 Then in '78, I believe, it just became an  
 12 impossibility. So I am not avoiding answering  
 13 the question; I just find it difficult to give a  
 14 simple yes or no.  
 15 Q. Let me come back to something which I  
 16 believe you have now affirmed twice, which is  
 17 that if a priest had committed a crime, there was  
 18 no excuse for ever again providing him with an  
 19 assignment where he could repeat the crime. You  
 20 have agreed on that twice, have you not?  
 21 A. Yes; where he could not repeat a crime.  
 22 But then the rest of that answer is, he should  
 23 not be put in a place where he would repeat that  
 24 crime, but does he have the intention of  
 25 repeating? Is he going to repeat it? What are

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1 Q. Now, so are you saying that this, we have  
 2 now gotten -- agreed on three times, that if a  
 3 priest had committed a crime, there was no excuse  
 4 for ever again providing him with an assignment  
 5 where he could repeat the crime, that that  
 6 doesn't apply to what Bishop Marshall did with  
 7 Father Paquette?  
 8 A. If a priest commits a crime, then he should  
 9 not be placed in a situation where he could  
 10 repeat that again.  
 11 Q. Isn't that exactly what Bishop Marshall  
 12 did?  
 13 A. Well, Bishop Marshall did put him in these  
 14 circumstances. But I am saying the decision, I  
 15 am speaking of the decision that he made. The  
 16 decision he made was based upon the advice and  
 17 counsel that I have indicated before. And when  
 18 you deal with the circumstances in this  
 19 particular situation, whether one agrees or  
 20 disagrees with what he did, I am talking about  
 21 reckless.  
 22 Q. Excuse me. My question wasn't reckless,  
 23 Bishop, right now. My question to you simply was  
 24 whether or not you are saying that this rule, if  
 25 a priest has committed a crime, there is no

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1 excuse for ever again providing him with an  
 2 assignment where he could repeat the crime, if  
 3 that rule does not apply to --  
 4 A. It applies --  
 5 Q. Excuse me; does not apply to what Bishop  
 6 Marshall did with respect to Father Paquette.  
 7 That is what you are saying?  
 8 A. The word is "could".  
 9 Q. Exactly.  
 10 A. The word is "could". Could repeat the  
 11 crime. I believe Bishop Marshall felt that, with  
 12 the direction he was given, he would not commit  
 13 the crime. Certainly that is the hope; because  
 14 why would you assign someone to a place where you  
 15 know these acts will be repeated? The operative  
 16 word is "could". He could commit them. In other  
 17 words, you still have reasonable doubt that this  
 18 crime can be committed. So when you asked me  
 19 that question, could be committed, I interpret  
 20 that as meaning -- the "could", meaning you have  
 21 reasonable doubt that this crime can be repeated.  
 22 Q. Okay.  
 23 A. And I am saying, Bishop Marshall, rather  
 24 than having reasonable doubt, had reasonable  
 25 confidence that it would not be repeated. Now,

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1 this again, the "could" meaning there is  
 2 reasonable doubt that he possibly will commit  
 3 this crime again.  
 4 Q. After Rutland, if there was any doubt  
 5 whatsoever about whether or not Father Paquette  
 6 "could" repeat the crime, that was gone after  
 7 Rutland, wasn't it? He had done it; he had  
 8 repeated it?  
 9 A. I cannot object to what you are saying,  
 10 that I know there is reasonable doubt that he  
 11 would not do it. I cannot object to that.  
 12 Q. Well, let's put it in the affirmative.  
 13 It's fair to say that after Bishop Marshall  
 14 relieved Father Paquette in Rutland, that when he  
 15 moved him to Montpelier, and subsequently moved  
 16 him to Burlington, he knew that he could repeat  
 17 the crime that he had previously committed five  
 18 places before he came to Vermont, at least, and  
 19 in Rutland. Fair enough?  
 20 A. Absent any other supports that Father  
 21 Paquette was receiving from medical  
 22 professionals, that would be true.  
 23 Q. Even with the supports he was receiving  
 24 from medical professionals, he has been caught  
 25 five times outside Vermont. He has medical

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1 how he came to that decision internally, I cannot  
 2 answer.  
 3 Q. This is a man who has been caught, five  
 4 times, molesting children.  
 5 A. Yes.  
 6 Q. Molesting children. He has been booted out  
 7 of the diocese in Fort Wayne-South Bend because  
 8 the bishop there says that, because of scandal,  
 9 the diocese not being large enough, they can't  
 10 keep him. And you are saying that you think that  
 11 what Bishop Marshall did was to put Father  
 12 Paquette in an assignment where he "could" not  
 13 again molest children?  
 14 MR. MCCORMICK: Objection.  
 15 A. I think he was putting him in, with the  
 16 hope that he would not molest children.  
 17 Q. With the hope. But then --  
 18 A. As I said, the operative word here is  
 19 "could". If every time someone did something  
 20 wrong, and you dismiss them, there would never be  
 21 any possibility for recuperation. The word that  
 22 is important in our discussion is the word  
 23 "could" do it again, "could" implying he will do  
 24 it again. That is how I am looking at it. When  
 25 you asked me that statement, that he could repeat

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1 support; he has gotten shock treatments; he has  
 2 gotten all kinds of things. He gets caught in  
 3 Rutland molesting "young men". All the medical  
 4 treatment one wants to provide doesn't put him in  
 5 the position where he "could not" again molest  
 6 boys. Agreed?  
 7 A. I would say that, I want to be clear with  
 8 my answer, that you asked me the question, should  
 9 never be put into a place where the person will  
 10 repeat the crime.  
 11 Q. No; it wasn't "will repeat". Could.  
 12 A. Could.  
 13 Q. The question I have asked each time was,  
 14 could repeat the crime.  
 15 A. Right. And I have interpreted "could" as  
 16 meaning there is reasonable possibility.  
 17 Q. Reasonable possibility that they may?  
 18 A. That they will do that. Reasonable  
 19 possibility that they will do it. I think it has  
 20 to be reasonable possibility. And if there is  
 21 that reasonable possibility, then you have doubt  
 22 remaining, and when this doubt remains, that  
 23 certainly affects the decision that you make. Am  
 24 I clear in that?  
 25 Q. Well, let's go back, then, to the Rutland



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1 assignment, bringing him to Rutland in the first  
2 place. Father Paquette wasn't let go from the  
3 diocese at Fort Wayne-South Bend because he was  
4 rehabilitated. He was given his walking papers  
5 from there because they had no room for him; they  
6 could not accommodate his conduct there without  
7 the risk of scandal; agreed?  
8 MR. MCCORMICK: Objection.  
9 A. That is what the documentation indicated,  
10 that I believe the bishop said, I have no other  
11 place to put him, and the risk of scandal would  
12 be too great.  
13 Q. So that when Bishop Marshall, I am going to  
14 use your words, hired him, brought him on as a  
15 priest and assigned him to a parish with children  
16 in Rutland, there was at least a reasonable  
17 possibility he would molest more children, wasn't  
18 there?  
19 A. Yes.  
20 Q. And when he assigned him, then, after he  
21 had molested boys in Rutland and he assigned him  
22 to Montpelier, there was a reasonable possibility  
23 he would molest more boys, wasn't there?  
24 A. Yes.  
25 Q. And when he assigned him to Burlington,

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1 Reasonable doubt doesn't negate the possibility  
2 that there was hope that he could.  
3 Q. How many times, how many times would Father  
4 Paquette have to molest children before there  
5 would no longer be reasonable hope? Literally,  
6 how many times would it have to be, in your  
7 judgment, in the 1970's?  
8 A. Well, you know what I know, that one  
9 instance of this is too much.  
10 Q. But you said that there was reasonable  
11 hope. By the time he gets to Burlington, we have  
12 five out-of-state episodes where this priest has  
13 been caught committing the crime of molesting  
14 children. He has been caught molesting "young  
15 men" committing crimes in Rutland. How many  
16 times does he have to commit these crimes before  
17 there is no longer any reasonable hope?  
18 A. Well, actually, the one who came to the  
19 most serious decision was Bishop Marshall.  
20 Q. But please answer my question. My question  
21 is, how many times does he have to commit these  
22 crimes of molesting children before there no  
23 longer is reasonable hope?  
24 A. Obviously, today the answer is one is too  
25 many.

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1 Bishop Marshall -- Bishop Marshall made the  
2 choice to assign him to Burlington, there was a  
3 reasonable possibility that Father Paquette would  
4 molest more boys, was there not?  
5 A. Yes.  
6 Q. And after he was caught in Burlington, and  
7 Bishop Marshall insisted on keeping him in his  
8 assignment in Burlington, there was a reasonable  
9 possibility that Father Paquette would molest  
10 more boys, agreed?  
11 A. Yes.  
12 Q. Do you still say that Bishop Marshall's  
13 conduct as it relates to Father Paquette was not  
14 reckless?  
15 A. Well, I am speaking in my words. For me --  
16 Q. I want you to use the definitional term of  
17 "reckless".  
18 A. For me there was reasonable possibility.  
19 Again, I cannot attribute reckless, absent  
20 intent. And I don't think it was his --  
21 Q. But the term "reckless"; let's go back and  
22 use the term "reckless".  
23 A. I know; it is consequences, irresponsible.  
24 When I say there is reasonable doubt, there is  
25 also, in his mind there was reasonable hope.

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1 Q. No. I want to go to back then. I don't  
2 want it today. I think you agreed with me that  
3 then committing a crime was -- one was too many  
4 for the 1970's?  
5 A. Yes.  
6 Q. So what I would like to know is, you have  
7 said that there was reasonable hope. I want to  
8 know how many children Father Paquette had to  
9 molest before there was no longer reasonable  
10 hope. Was it ten? 20? 30?  
11 MR. MCCORMICK: Objection.  
12 A. No. The answer to that question is no  
13 child, no child should have been molested.  
14 Q. We both agree on that.  
15 A. No child.  
16 Q. I don't think any rational person disagrees  
17 with that. You have used a term, and I am using  
18 your term. You have said that in reassigning  
19 Father Paquette, that Bishop Marshall had  
20 reasonable hope with respect to him; and what I  
21 really want to hear from you is, how many times  
22 would Father Paquette have had to molested  
23 children before there was no longer reasonable  
24 hope that he could not be rehabilitated, could  
25 not be reassigned?

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1 A. Well, I think that you have to put that in  
 2 the context of the time in which this was taking  
 3 place.  
 4 Q. I agree.  
 5 A. Why did none of the doctors whom I have  
 6 named earlier write back and say, the man is  
 7 hopeless; the man should not be in ministry; do  
 8 not return him to ministry. This is an  
 9 impossibility.  
 10 I think Bishop Marshall, as I have said  
 11 earlier, was very much affected by the  
 12 psychological reports that were given to him.  
 13 But how can I answer your question? You are  
 14 asking me; obviously, the answer is, not one  
 15 child. But we are looking back in history.  
 16 Q. The question is not one child. I don't  
 17 want to look back in history. I want to look in  
 18 the 1970's. I want to judge us in the context of  
 19 the 1970's. In the 1970's, you would have said,  
 20 a few moments ago, it's in this transcript and on  
 21 this videotape, that Bishop Marshall still had  
 22 reasonable hope for Father Paquette; and what I  
 23 would like to know is how many children -- let me  
 24 rephrase it. How many crimes against children,  
 25 by molesting them, were more than would indicate

1 there was reasonable hope for Father Paquette?  
 2 MR. MCCORMICK: Objection.  
 3 A. That is a question that we all know the  
 4 answer to. One is too many. There would be --  
 5 there should have been no children, to begin  
 6 with. And then he never should have repeated the  
 7 action, and he should not have continued. But I  
 8 am making this statement, as we have come to  
 9 realize this problem more and more, to realize  
 10 that this is not a situation where there can be  
 11 the change that was hoped for, and that the  
 12 possibilities for recuperation in this instance  
 13 do not exist. But I am looking back and trying  
 14 to situate this in time.  
 15 You could never say, I can put X amount  
 16 of children at risk before I give up on this  
 17 person. How can you say that? How can you treat  
 18 children in such a tawdry, awful manner? How can  
 19 you --  
 20 Q. Isn't that, in effect, what Bishop Marshall  
 21 did?  
 22 MR. MCCORMICK: Objection.  
 23 Q. Didn't he knowingly put children in  
 24 jeopardy, every time, first by bringing Father  
 25 Paquette here, and then by reassigning him?

1 A. I believe in his mind he felt the man would  
 2 not repeat the crime.  
 3 Q. Even after --  
 4 A. Why he believed that, why he continued to  
 5 believe that, I can't answer what was in his  
 6 mind.  
 7 Q. Can we agree that was not a reasonable  
 8 belief on Bishop Marshall's part?  
 9 A. Based upon the information he was given,  
 10 based upon the circumstances, I think the actions  
 11 that he took, as time unfolded, were wrong.  
 12 Q. But I am not looking at time unfolding.  
 13 MR. MCCORMICK: Can we move on? You  
 14 have been at it for --  
 15 MR. O'NEILL: I don't consider that I  
 16 am getting straight answers.  
 17 MR. MCCORMICK: You have been at it, as  
 18 you have said, as I have said, three times,  
 19 four times. We have been at it for half an  
 20 hour here, the same area. This is not  
 21 factual; this is argumentative.  
 22 MR. O'NEILL: Tom, if you want to --  
 23 two options. If you want to have a further  
 24 discussion with me, we can politely ask the  
 25 bishop to step into the other room, we can

1 continue that; or at any moment, should you  
 2 choose to do so, you have every right to,  
 3 and I will be the first to say, support you  
 4 in doing so, suspend the deposition; go over  
 5 and see the judge, and seek a protective  
 6 order.  
 7 MR. MCCORMICK: Short of that, how much  
 8 time do you anticipate going with this line  
 9 of questioning? It's not fresh.  
 10 MR. O'NEILL: It's not, but I am not  
 11 getting --  
 12 MR. MCCORMICK: You are not getting the  
 13 answers you want.  
 14 MR. O'NEILL: I am not getting straight  
 15 answers.  
 16 MR. MCCORMICK: You are not getting the  
 17 answers you want, but you have gotten  
 18 answers.  
 19 A. I don't mind continuing. I will try to  
 20 answer as best I can. I have no desire to avoid  
 21 the -- to avoid the question, Mr. O'Neill. I am  
 22 answering in the best way I possibly can, removed  
 23 from the historical circumstances at that time.  
 24 So I am very willing to go on.  
 25 Q. Bishop, there is a particular phrase you

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1 used that I just want to visit about, I would  
 2 like to finish this, because I would like to move  
 3 on. I have a lot more questions, and I don't  
 4 want to spend any more time on this than  
 5 necessary. You were the one who brought up the  
 6 phrase "reasonable possibility".  
 7 A. Mm-hmm.  
 8 Q. And what I am simply trying to determine  
 9 is, you indicated that -- I think you used the  
 10 term "reasonable possibility", in the context of  
 11 the rehabilitation of Father Paquette; in other  
 12 words, it was a reasonable possibility that he  
 13 could be rehabilitated; therefore, it was  
 14 reasonable for Bishop Marshall to re-assign him.  
 15 Have I put that in the correct context, fairly?  
 16 A. Yes.  
 17 Q. Is there a number of children who have been  
 18 molested, crimes, after which there is no  
 19 reasonable possibility?  
 20 A. In my own mind?  
 21 Q. In anybody's mind, in the 1970's?  
 22 A. In my own mind, one child is too much.  
 23 Q. One child is too much, to re-assign someone  
 24 after they have molested one child?  
 25 A. That is what we say today, by the charter.

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1 and how they are handled now. Then there was  
 2 thought the possibility that a person could  
 3 recover; that was a valid, psychiatric opinion.  
 4 Law enforcement, by the testimony of Norm Blais,  
 5 handled it differently. Families handled it  
 6 differently. It was handled differently. Let's  
 7 make the distinction between, in essence, in  
 8 itself, a crime is a crime. I am addressing how  
 9 it was handled. And at that time the  
 10 psychologists and psychiatrists were giving  
 11 Bishop Marshall the indication that the person  
 12 could be cured; that the person could function.  
 13 There were opinions given in the testimony of  
 14 Father Doyle that he himself changed, and that he  
 15 had a revelation, and he said, now I see; I was  
 16 in a room with other people, and I saw how my  
 17 opinion was not correct. There was a change in  
 18 how the -- these were handled. So that is what I  
 19 am talking about, the manner in which these were  
 20 dealt with.  
 21 A crime is a crime, regardless of what age  
 22 it is in; and that it hurts children is a  
 23 serious, serious crime. So I am not denying that  
 24 we have here a very serious crime. What I am  
 25 saying is, how it was handled then and now is

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1 One; once.  
 2 Q. Excuse me; let me back up. Each time I ask  
 3 you a question, you bring it up to today, and I  
 4 am not asking you in the context of today. What  
 5 I want to know is, would you agree that molesting  
 6 one child was too many in the 1970's, and that no  
 7 one should have been reassigned after they had  
 8 molested one child?  
 9 MR. MCCORMICK: Objection.  
 10 A. As we look back at it now, yes.  
 11 Q. Excuse me; I am not looking back on it; you  
 12 keep injecting that. I am not asking you to look  
 13 back upon it. What I am saying is, you have said  
 14 to me multiple times it was a crime; someone  
 15 should not be put in a position where they could  
 16 again commit the crime. We simply agree that if  
 17 someone has committed a crime, they should not be  
 18 -- one crime, they should not be put back in a  
 19 position where they could commit the crime again?  
 20 A. In answering this question, I have referred  
 21 to this time, that time. The principle remains  
 22 the same, that one is too many, regardless of  
 23 what year we are in; whether it's 2008 or 1970,  
 24 one is too many. What I am addressing is the  
 25 manner in which these cases were handled then,

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1 different. And the way society was dealing with  
 2 the situation, and the knowledge that society now  
 3 has of this, is very different. Vermont, at this  
 4 very moment, is wrestling with how to effectively  
 5 deal with the problem of child molestation. In  
 6 2008 our state is trying to deal effectively with  
 7 this very serious problem, through education of  
 8 children, which we already have in place in our  
 9 diocese. So it's the key of how we handle it.  
 10 Q. Bishop Matano, I would like to finish this  
 11 deposition today; at the rate we are going, I  
 12 don't have a chance of doing that. With all due  
 13 respect, your answer is rambling way beyond my  
 14 question. I want to give you the full, fair  
 15 opportunity to answer any question that I ask,  
 16 but I think we are way beyond the question at  
 17 this point. Let me ask you a question.  
 18 You referred to the fact that this is a  
 19 serious crime. I am moving on from here; I have  
 20 some other areas that I want to cover, related to  
 21 this. The crime of sexually abusing children is  
 22 a serious crime, correct?  
 23 A. Yes.  
 24 Q. Sexual abuse or molesting of children has  
 25 never been right or acceptable, has it?

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<p style="text-align: right;">Page 109</p> <p>1 A. No. 2 Q. It has always been a serious crime within 3 the Catholic church, has it not? 4 A. Yes. 5 Q. What Father Paquette did to boys in 6 Massachusetts was the serious crime of sexually 7 molesting children, was it not? 8 A. Yes. 9 Q. What Father Paquette did when he was caught 10 on three separate occasions in Indiana was the 11 serious crime of molesting children, was it not? 12 A. Yes. 13 Q. What Father Paquette did when he was caught 14 molesting the two "young men" in Rutland was a 15 serious crime of molesting children, was it not? 16 A. Yes. 17 Q. What Father Paquette did in Montpelier, 18 although we do not have proof that the diocese 19 was aware of it, was the serious crime of 20 molesting children, was it not? 21 A. Yes. 22 Q. What Father Paquette did at Christ the King 23 in Burlington was the serious crime of molesting 24 children, was it not? 25 A. Yes.</p>	<p style="text-align: right;">Page 110</p> <p>1 Q. The fondling of boys' genitals is the 2 serious crime of sexually molesting children, is 3 it not? 4 A. Yes. 5 Q. And what Father Paquette did, in addition 6 to being a serious crime, also was a violation of 7 his vow of chastity, was it not? 8 A. Yes. 9 Q. And what he did were criminal acts, were 10 they not? 11 A. Yes. 12 Q. And what he did were Canon Law violations? 13 A. Yes. 14 Q. And they were sins? 15 A. Yes. 16 Q. They were immoral? 17 A. Yes. 18 Q. And contrary to the standard of what any 19 priest, as far back as memory will go, should 20 ever do to a child, agreed? 21 A. Yes. 22 Q. Let's talk about Father Alfred Willis for a 23 moment. What Father Alfred Willis did with boys 24 in St. Anthony's in Burlington, Montpelier, and 25 Milton, were crimes, were they not?</p>
<p style="text-align: right;">Page 111</p> <p>1 A. Yes. 2 Q. They were serious crimes of molesting 3 children, were they not? 4 A. Yes. 5 Q. Contrary to his vow of chastity? 6 A. Yes. 7 Q. They were criminal acts? 8 A. Yes. 9 Q. Canon Law violations? 10 A. Yes. 11 Q. Sins? 12 A. Yes. 13 Q. Immoral? 14 A. Yes. 15 Q. And contrary to the standards of what a 16 priest should do? 17 A. Yes. 18 Q. Father Conrad Bessette, do you remember 19 Father Bessette? 20 A. Yes. 21 Q. Molested boys, did he not? 22 A. I believe there was a complaint about him. 23 Not aware of a number. 24 Q. Do you recall that testimony with respect 25 to him, and his molesting of boys?</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Yes. 2 Q. And what he did was he committed the 3 serious crime of molesting boys, did he not? 4 A. I don't know if it was one instance or more 5 than one. 6 Q. Whatever the number was, it was the serious 7 crime of child molestation, was it not? 8 A. Yes. 9 Q. Contrary to his vow of chastity? 10 A. Yes. 11 Q. Criminal acts? 12 A. Yes. 13 Q. Canon Law violation? 14 A. Yes. 15 Q. A sin? 16 A. Yes. 17 Q. Immoral? 18 A. Yes. 19 Q. And contrary to the standards of what a 20 priest should do? 21 A. Yes. 22 Q. Father Benjamin Wysolmerski. He molested 23 girls? 24 A. What I know of him is by the testimony that 25 was given.</p>

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1 Q. Have you looked into the case involving  
2 Terry Kennedy or Janet LaBelle Prince?  
3 A. I am aware of those through the testimony  
4 that we had in court.  
5 Q. And what Father Wysolmerski did was to  
6 commit the serious crime of child molestation on  
7 these girls, did he not?  
8 MR. MCCORMICK: Objection.  
9 A. I don't know the details of his case, to be  
10 honest; but that is the charge that was made.  
11 Q. And if he did what has been alleged with  
12 respect to him, then what Father Wysolmerski did  
13 as it related to those two girls was the serious  
14 crime of child molestation, was it not?  
15 MR. MCCORMICK: Objection.  
16 A. If in fact he did that, yes.  
17 Q. And if he did that, those were criminal  
18 acts, were they not?  
19 A. Yes.  
20 Q. Contrary to his vows of chastity?  
21 A. Yes.  
22 Q. Canon Law violations?  
23 A. Yes.  
24 Q. Sins?  
25 A. Yes.

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1 Q. But my question to you is, do you have any  
2 reason to believe that these individuals I have  
3 mentioned, Father Paquette, Father Willis, Father  
4 Bessette, Father Wysolmerski, Father Paulin, did  
5 not sexually molest children?  
6 A. What I am saying is I am not aware of any  
7 prosecutions that took place.  
8 Q. Bishop, that is not my question to you. My  
9 question to you -- let me add Father George  
10 Murtagh to that list. Do you have any reason,  
11 and if you do, please tell us --  
12 A. Mm-hmm.  
13 Q. -- to believe that Father Paquette, Father  
14 Willis, Father Bessette, Father Wysolmerski,  
15 Father George Murtagh, Father Paulin, did not  
16 commit the serious crime of molesting children?  
17 MR. MCCORMICK: Objection.  
18 A. I have no reason to doubt that what you are  
19 asking me is the truth.  
20 Q. Now, sexual abuse of a child can be  
21 devastating to a child, can it not?  
22 A. Yes.  
23 Q. Can have life-long consequences?  
24 A. Again, I am not a psychiatrist or a  
25 psychologist, so I cannot give you a diagnosis of

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1 Q. Immoral?  
2 A. Yes.  
3 Q. And contrary to the standards that were  
4 expected of a priest in that time, back before  
5 that, and since that time?  
6 A. Yes.  
7 Q. Let's talk about Father George Paulin.  
8 A. You know, in each of these I want to be  
9 clear that, obviously, I was not the bishop at  
10 that time. What is coming to me I have to  
11 predicate by the statement, if in each of the  
12 people you have mentioned the cases were proven,  
13 and in fact they did these, then my answers  
14 follow.  
15 Q. Do you have any reason to believe that the  
16 -- that Father Paquette, Father Willis, Father  
17 Bessette, Father Wysolmerski, or Father Paulin  
18 did not molest children, as has been alleged?  
19 Break them out individually, if you would like  
20 to, by all means.  
21 A. I am simply saying that if that is the  
22 fact, and that that has been established by  
23 documentation, by testimony, and that in fact  
24 those are the cases, then I agree to the answers  
25 that I gave.

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1 how it affects people. I would say that the  
2 possibility that it could have that effect on a  
3 person certainly is there.  
4 I have met with victims in their adult  
5 life, not when the actions occurred, but after,  
6 their adult lives, and different people respond  
7 in different ways. Some are able to go on and  
8 lead very productive lives, and not bearing the  
9 same impairments that others might bear. Each  
10 person responds differently; but certainly the  
11 possibility of hurt is there. And the detachment  
12 that the person has from the church is a very  
13 serious consequence, that they are no longer a  
14 part of the worshipping community, is very  
15 painful. And that they have been no longer  
16 attached to the faith is very sorrowful.  
17 Q. I was asking a general -- in general terms  
18 about sexual abuse of children, but let me focus  
19 you on about sexual abuse of a child by a priest.  
20 You have made reference to the fact that the  
21 effect that sexual abuse of a child by a priest  
22 has upon their participation with their faith.  
23 What is your experience in that respect?  
24 A. Well, in some ways they are wanting to come  
25 back. And in some cases they are active in the

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<p style="text-align: right;">Page 117</p> <p>1 church; in others they are not at that point. 2 But naturally, if someone were to speak with me, 3 there is some inclination that they want to bring 4 some restoration to their lives from a spiritual 5 point of view; so there is certainly an openness 6 to that. But to say that it takes place 7 immediately, or that it is very quick in 8 happening would not be the case. It is a 9 process. 10 But some have never absented themselves 11 from the practice of the faith; others have, and 12 to different and varying degrees. But I would 13 also say, in my meeting with persons suffering in 14 this way, I have always found the meetings 15 generally to be very positive, and also a great 16 source of sorrow to me, in understanding this 17 situation, and in trying to deal with it as 18 effectively as I possibly can, as the diocesan 19 bishop. 20 Q. Bishop, is it fair to say that in your 21 personal experience that a priest's sexual abuse 22 of a child can lead to that child being alienated 23 from the church, and losing their faith? 24 A. Yes. 25 Q. Is it fair to say that, in your experience,</p>	<p style="text-align: right;">Page 118</p> <p>1 that a child being molested by a priest can cause 2 that person to have difficulty trusting other 3 people: priests, teachers, superiors, employers; 4 trust often can be broken by virtue of that 5 molestation? 6 A. There is certainly a possibility. 7 Q. Also, there is the possibility that the 8 priest having molested a child will cause that 9 child severe emotional problems, is it not? 10 A. Again, I don't feel competent to give a 11 diagnosis of the person. But I would say that -- 12 Q. Not asking for diagnosis. 13 A. In some instances, that is possible. 14 Different people respond differently, as far as 15 their recuperation. But that possibility would 16 exist. 17 Q. And the possibility also exists that in -- 18 as a result of a priest abusing a child, that 19 that child will have relationship issues with 20 other people, going forward in their lives? 21 A. That is very possible. 22 Q. And it is also possible that the abuse of 23 the child, molestation by a priest also may lead 24 to substance abuse by that person? 25 A. Yes.</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Are you aware that it is very difficult for 2 some children, as they become adults, even, to 3 acknowledge that they were sexually abused? 4 A. Yes. I have come to understand this over 5 the years, and with the studies that have been 6 done, yes. 7 Q. You have also come to realize that it can 8 be very hard for children who are molested by 9 priests to come forward and report those abuses? 10 A. Yes. 11 Q. You have also realized that it can take 12 those children, when they become adults, a long 13 time to be able to recognize the effects of the 14 abuse? 15 A. Yes. Again, I am going by people who have 16 dealt extensively with victims, and the reports 17 that they have made. And I have no reason to 18 doubt the validity of these findings and the 19 studies that have been done. 20 Q. We talked earlier about the special 21 relationship, if I can use that term, that the 22 church seeks to engender as between children and 23 its priests; there is such a special relationship 24 that the church seeks, and has sought, going back 25 in time as far as one can remember, is that fair?</p>	<p style="text-align: right;">Page 120</p> <p>1 A. Yes. 2 Q. And that special relationship can make it 3 particularly difficult for a child who has been 4 molested to come forward and complain about a 5 priest having molested them. Is that fair? 6 MR. MCCORMICK: Objection. 7 A. Well, I think because of that spiritual 8 relationship, what I said earlier follows through 9 consistently. It's difficult for the bishop, in 10 dealing with these situations, because of the 11 bond that he has with the priest, but it's also 12 very difficult for the victim because of that 13 spiritual bond; so it's a very complex and tragic 14 situation. 15 Q. Altar boys are in a position where they are 16 taught to support, respect and admire the priest 17 whom they serve, are they not? 18 A. Yes. 19 Q. And would you agree with me -- excuse me. 20 You have heard some of the altar boys talk about 21 how difficult it has been for them to come 22 forward, to complain about a priest who molested 23 them? 24 A. Yes. 25 Q. Do you have any difficulty accepting that</p>

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1 as being accurate?  
2 A. No. I am very empathetic for those who  
3 have come forward and testified. I know it was  
4 very, very hard for them to do that. I am very  
5 sorry that that happened to them. And when I was  
6 in the courtroom I was very sorry that they were  
7 in the courtroom and we were in adversarial  
8 positions, because that is not what my life is  
9 all about. I am not supposed to be in such a  
10 such a contentious situation with those entrusted  
11 to my pastoral care. So it was very painful,  
12 from several points of view, that there was an  
13 alienation existing between us; that this had  
14 happened at the hands of one in whom they had  
15 placed a sacred trust, and violated that trust.  
16 In each instance there was no indication that  
17 they were inclined to come back to the church;  
18 and naturally, for the actions themselves.  
19 Q. Bishop, I know it is particularly painful  
20 to you that these are men who were abused by  
21 priests of the church, and that abuse has then,  
22 in effect, driven these people from the church.  
23 That is fair?  
24 A. Yes.  
25 Q. Bishop, given what these men went through,

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1 Q. I want to ask you, I want to shift topics  
2 here for a moment, to a different area.  
3 A. Yes.  
4 Q. In that respect, what I am going to be  
5 doing is I am going to be talking with you going  
6 back to your seminary experience. Now, you took  
7 various vows as a priest, and all the way up  
8 through your position as a bishop, have you not?  
9 A. Yes.  
10 Q. One of the vows was the vow of celibacy?  
11 A. Yes.  
12 Q. What stage does a man take the vow of  
13 celibacy, in terms of his progression to the  
14 priesthood?  
15 A. Well, when I was going to the seminary we  
16 made that promise formally at subdeaconate, which  
17 would have been in the third year of theology.  
18 Now it's made when one becomes a deacon. There  
19 is no longer the order of subdeaconate, it's the  
20 deaconate. But it would still be around the  
21 third year of theology.  
22 Q. This is that the deacon, just for someone  
23 who may be looking at this tape at some later  
24 point in time, is a level of appointment within  
25 the church which is a step below that of a

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1 being abused by these priests and what you have  
2 seen, it doesn't surprise you that it has taken  
3 some of them 20 or 30 years to recognize where  
4 their difficulties arise, does it?  
5 A. I render no judgment at all upon them. I  
6 am very sorry for their hurt, and I am not in a  
7 position to call into question what they have  
8 testified to. I don't think they would  
9 misrepresent themselves.  
10 Q. You have heard the testimony from various  
11 individuals who describe being molested by Father  
12 Paquette. Do you have any reason to believe that  
13 the abuse, as they describe it, is inaccurate?  
14 A. I have no reason to believe to the  
15 contrary, no.  
16 Q. Do you acknowledge that Father Paquette  
17 abused those boys?  
18 A. Yes.  
19 Q. Do you dispute the accuracy of any of their  
20 claims of abuse, that they were sexually molested  
21 as these boys have described it, by Father  
22 Paquette?  
23 A. I personally have no reason to doubt that  
24 they have not presented the situation as they  
25 believe it occurred.

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1 priest, is that correct?  
2 A. Yes. It's really the final step in the  
3 formal entrance into the sacrament of orders  
4 before being ordained to priest.  
5 Q. And what is the difference, then, for  
6 purposes of someone who may be watching this,  
7 between a deacon and a priest?  
8 A. Well, a deacon cannot celebrate mass. He  
9 cannot administer the sacrament of the sick, and  
10 he can not hear confessions. He can baptize, he  
11 can preach and he can officiate at weddings.  
12 Q. What does the vow of celibacy mean?  
13 A. Celibacy means that we promise for our  
14 lives to live a chaste life; that we give up the  
15 privilege of marriage, because as a priest, our  
16 family becomes those who are entrusted to our  
17 care. We are called Father because we are meant  
18 to be a father to our people; to be for them a  
19 spiritual father. And that we do not assume the  
20 responsibilities of married life, which are many,  
21 in order to be free to be available to all our  
22 people at any time. So celibacy is not viewed  
23 as something that is negative, or severe  
24 restriction; rather, it is viewed more as the  
25 total commitment of ourselves to God, and to the

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1 people whom we serve, so that we will always be  
2 available to them.  
3 Q. Part of the vow of celibacy includes having  
4 no sexual activity with anyone, man, woman,  
5 child, in any respect, that is fair?  
6 A. Yes.  
7 Q. Now, while you were in the seminary, did  
8 you experience seminarians who had sexual  
9 relationships with other seminarians? In other  
10 words, did you observe that conduct going on?  
11 A. No.  
12 Q. Did you see situations where there were  
13 priests -- excuse me; where there were  
14 seminarians who had what appeared to be  
15 homosexual relationships with other individuals?  
16 A. No. I was very blessed by the seminaries  
17 that I was in. The faculties were composed of  
18 very dedicated priests, and the classmates with  
19 whom I associated were very good people. Many  
20 did not go on to the priesthood; they went on to  
21 lead very active lives within the church, and to  
22 be very contributing members to the church.  
23 Q. I want to talk with you about your  
24 experience in Providence. I know what your  
25 background and experience is, but I want to talk

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1 that, is that fair?  
2 A. Yes. That the problem wasn't being  
3 addressed.  
4 Q. And if the rector for any reason didn't  
5 address it, you would have taken it to the  
6 bishop, because of how strongly you felt about  
7 someone molesting a child, is that fair?  
8 A. Yes.  
9 Q. Would it have made a difference if that  
10 person was a lay person or priest?  
11 A. No.  
12 Q. Either way, lay person or priest, if you  
13 found out or had reason to believe that someone  
14 at the school was molesting a child, you would  
15 have gone to the rector; then, if you did not  
16 receive -- if it didn't change, you would have  
17 gone to the bishop, is that correct?  
18 A. That's correct.  
19 Q. If Father Paquette had come to the school,  
20 with having previously molested children, being  
21 caught five other times committing those crimes,  
22 would it have been acceptable for him to be at  
23 that school under any circumstances?  
24 A. I would not have been at all comfortable.  
25 Q. What would you have done, if when you were

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1 with you about some piece of it, if I could, for  
2 a moment. You taught, as we talked about earlier  
3 this morning, as a teacher at a Catholic high  
4 school in Providence, correct?  
5 A. Yes.  
6 Q. Did you experience there -- did you have  
7 any contact with anyone who was sexually  
8 molesting children?  
9 A. No. That was a very strict guideline, and  
10 I never experienced that.  
11 Q. If someone, if you had learned that a  
12 member of the faculty was molesting children,  
13 sexually molesting children, what would you have  
14 done?  
15 A. I would have gone immediately to the  
16 rector. The principal.  
17 Q. And if you learned that that member of the  
18 faculty was molesting children, and the rector  
19 did not remove the person, what would you have  
20 done?  
21 A. I would have gone to the bishop.  
22 Q. And the reason why, if you became aware  
23 that someone was molesting a child you would have  
24 gone to the rector, was because of the crime, the  
25 immorality, the wrongdoing that was involved in

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1 a teacher at that school, you had learned that  
2 Father Paquette was coming to the school to  
3 teach, and that he had previously been caught  
4 molesting boys, on five separate occasions?  
5 A. I would have expressed my opinion. I was  
6 not known to be shy about that. I would have  
7 expressed strongly my concern, and I would have  
8 been very vigilant, in my own way.  
9 Q. What would you be concerned about?  
10 A. Well, if he is in a high school, that is  
11 his primary duty. That is his work, is to be  
12 dealing with young people, five days a week. So  
13 I would be quite concerned about that.  
14 Q. By concerned, that if Father Paquette were  
15 there in the high school with you, that he would  
16 molest boys?  
17 A. Yes.  
18 Q. You would take your concerns about Father  
19 Paquette to the rector, I take it?  
20 A. Yes.  
21 Q. And if the rector was willing to let Father  
22 Paquette, this hypothetical Father Paquette,  
23 continue to teach at the high school,  
24 notwithstanding these crimes he had committed  
25 against children, would you have taken it to the



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1 bishop?  
2 A. I think I would have, yes.  
3 Q. And you would have done so out of concern  
4 for the safety of the children in that school,  
5 that is fair?  
6 A. Yes.  
7 Q. While you were in Providence, did you have  
8 any role in dealing with any priests who were  
9 alleged to have sexually molested children?  
10 A. I had some dealings with priests. But  
11 those incidences were dealt with primarily by the  
12 bishop and the vicar general; so if I received  
13 any report, I would report them directly to the  
14 bishop or the vicar general. But I don't recall  
15 dealing with this, with any regularity.  
16 It was -- in particular cases might come to  
17 my attention, but then I would refer them to the  
18 vicar general or bishop.  
19 Q. When you say particular cases might come to  
20 your attention, how did they come to your  
21 attention?  
22 A. I recall when I was director of the Office  
23 of Priest Personnel, as I mentioned in my last  
24 deposition, two instances. One was a priest who  
25 was a chaplain at a hospital, who had a complaint

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1 special interests with the assignment they were  
2 given; like those who might be interested in  
3 hospital work; those who might be interested in  
4 counseling; those who might be interested in  
5 teaching; those who might be interested in parish  
6 life; those interested in youth work. But it was  
7 very clearly noted that the personnel director  
8 and personnel board were not involved with the  
9 discipline of priests.  
10 Q. Bishop, we have about another ten minutes  
11 on this tape, so I would like to move into  
12 another area; then when we finish with that, if  
13 we could, we will take a break for lunch, if that  
14 is all right with you.  
15 I would like to talk with you about your  
16 role in Burlington for a few minutes, if I could.  
17 We can agree, can we not, that the best way to  
18 solve a problem is first to understand the  
19 problem?  
20 A. Yes.  
21 Q. That is the first step towards solving it,  
22 is to understand the problem?  
23 A. Yes.  
24 Q. What did you know about issues of priests'  
25 sexual abuse of children when you came to

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1 against him involving a young man at the  
2 hospital. The other was a priest who had a  
3 cottage, and a young person visiting him. There  
4 was a complaint against him. But in both  
5 instances, those were reports made to the bishop.  
6 Q. Did you have any responsibility, when those  
7 reports came to you, to do anything with them  
8 other than pass them on to the bishop?  
9 A. My responsibility was to notify the bishop  
10 by -- I didn't have any decision making role in  
11 that regard.  
12 Q. Did you ever have any role in reassigning  
13 any of those priests?  
14 A. No. If it so happened that there was some  
15 reason of that nature attached to their  
16 assignment, I would not have been aware of it;  
17 particularly when I was in the Office for Priest  
18 Personnel, that office was established to be an  
19 advocacy office on behalf of priests. That is to  
20 say, we received our information from the priests  
21 themselves by forms that they filled out, which  
22 indicated the type of ministries that they were  
23 inclined towards, so that when their assignments  
24 were made, we would be able to match their  
25 capabilities, their interests and -- their

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1 Burlington? What was your understanding of the  
2 issues?  
3 A. When I came to Burlington it seems that  
4 everything was percolating. I had very little  
5 information about these matters prior to my  
6 coming to Vermont. And I believe these cases  
7 dealing with Father Paquette almost  
8 simultaneously came to the forefront close to the  
9 time that I was appointed to Burlington, first as  
10 coadjutor bishop, then as the bishop. So I have  
11 learned of these things since my arrival here.  
12 Q. What did you do to learn about the history  
13 of the allegations of child sexual abuse in this  
14 diocese after you came to Burlington?  
15 A. I had little choice but to immerse myself  
16 into the situation, because of the cases with  
17 which we are dealing, and have dealt. So I have  
18 been in regular communication with our diocesan  
19 counsel, reviewing these cases.  
20 I have also, as I said before, met with  
21 victims, and some I see on a recurring basis. So  
22 it has been a very intense initiation into the  
23 problem as it exists here.  
24 Q. Did you review -- excuse me. Besides what  
25 you have seen when you have sat in court and the

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1 documents have been displayed or made available,  
2 have you sat down and looked at the files with  
3 respect to the priests that have been accused of  
4 molesting children?

5 A. I have gone through them with counsel,  
6 asking counsel to point out everything of note to  
7 me. So I have reviewed them. Do I have a  
8 perfect memory of everything that is in them? I  
9 can't say that. But I have, for the best of my  
10 ability, familiarized myself with these cases.

11 Q. Before you came to Burlington, did you have  
12 any role or responsibilities in preventing the  
13 sexual molestation of children besides that, as a  
14 priest, that you would always have to try to  
15 prevent children from being molested. But did  
16 you have any role besides your specific role that  
17 any priest we would like to think would have?

18 A. Well, I was named vicar general in 1992 and  
19 I served from '92 to '97. But shortly after I  
20 came into the office of vicar general, I  
21 established the first review board we had for  
22 sexual misconduct. And also the Office for  
23 Compliance, which was the office that would  
24 investigate all of these complaints, headed by a  
25 former state policeman of Massachusetts. Then

1 the Office of Safe Compliance and the review  
2 board were placed under the jurisdiction of the  
3 Vicarate for Family Life, because in the past,  
4 they felt that the chancery investigating their  
5 own was not the best situation. So it was really  
6 given a whole new focus by being placed in the  
7 Vicarate for Family Life, under the direction of  
8 the Vicar for Family Life. And naturally, I  
9 could be consulted and they could seek my counsel  
10 for any reason. But that was one of the first  
11 initiatives that I had.

12 Q. What caused you to establish the Review  
13 Board and the Office for Safe Compliance?

14 A. I just felt it was very necessary to have  
15 this in place, because we needed competent people  
16 to be reviewing these cases other than ourselves,  
17 and to give us solid recommendations. And I felt  
18 that investigation was very important; that we  
19 had to know the facts, and that there had to be a  
20 specific office that people could go to, and feel  
21 comfortable in dealing with an agency, apart from  
22 the chancery.

23 I do understand that in these cases it  
24 is very hard for a victim to come to come to  
25 another priest to make a complaint; so the

1 thinking behind that was that by putting it into  
2 the Office of Family Life, where there would also  
3 be counselors and a lay person in charge, they  
4 would feel more comfortable in making their  
5 concerns known.

6 MR. O'NEILL: I think, given the amount  
7 of time we have left -- I have a little more  
8 in this area, but given the amount of time  
9 on the tape, probably the wisest thing for  
10 me to do is indicate I think we are almost  
11 at the end of tape number 3. It is 12:26  
12 p.m.; so we will go off the record, have  
13 lunch, and then come back after. So we will  
14 go off the record at this point.

15 (A recess was taken.)

16 MR. O'NEILL: Back on the record. It  
17 is approximately 1:35 p.m. on October 2nd,  
18 2008. We are here for the continued  
19 deposition of Bishop Matano. This is tape  
20 number 4.

21 Q. Bishop Matano, when we broke for lunch we  
22 were talking about the files of priests here in  
23 Burlington, and your arrival here. After you  
24 arrived, did you make any attempt to develop any  
25 kind of profile of priests who might molest

1 children?

2 A. I reviewed the files of all the cases that  
3 we had at hand, and went through them, in order  
4 to get assurance from counsel from the Office of  
5 Safe Environments that all the priests who were  
6 functioning were able to function without any  
7 association with this problem.

8 Q. Did you make any kind of attempt to try to  
9 put together a profile, to determine what a  
10 priest who was abusing children might look like,  
11 so that you could be on -- you or others on the  
12 diocese could be on the alert for that?

13 A. Well, we began a very aggressive program of  
14 education. I came in April of 2005; then in May  
15 of 2005 the Office for Safe Environments was  
16 established, with Mr. Kevin P. Scully as the  
17 director of that office.

18 Then we began the implementation of  
19 programs for educating people about this matter,  
20 the VIRTUS program; the Child Lures program;  
21 Formation in Chastity program; Shield the  
22 Vulnerable program. And all these programs were  
23 introduced to priests, deacons, teachers, those  
24 who worked with young adults. I believe we had  
25 education course for 106 priests, 41 deacons, 210

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<p style="text-align: right;">Page 137</p> <p>1 employees, 300 teachers, close to 200 or more 2 parents or families who have been involved in 3 these sessions. 4 We have taken 4000 background checks; 3500 5 volunteers have gone through this program. And 6 there are approximately 2000 people now 7 continuing with ongoing education to the VIRTUS 8 program, where every month you receive education, 9 education of -- through a scenario that is 10 presented to you, which outlines problems that 11 occur, and how they are to be recognized. And 12 then you have to answer a question or questions 13 about the article as it presents a scenario to 14 you, or a case study; and that is ongoing. So 15 through these training programs, they do very 16 much initiate a profile. 17 They also express cautions that must always 18 be in place, that is to say, should always have 19 more than one adult with you, when you are 20 dealing with young people; that we have to be 21 very cautious about taking any child on a passage 22 in a car without another adult. 23 And then it goes into scenarios, how people 24 can make themselves familiar with families, or 25 how a person can identify a young person and</p>	<p style="text-align: right;">Page 138</p> <p>1 spend an inordinate amount of time with that 2 young person; how they can give gifts to that 3 young person; ingratiate themselves with that 4 young person; try to isolate that young person 5 from the community of other children, and form a 6 particular relationship with that child. It goes 7 through the professions, that no profession is 8 exempt from this; that it can happen across the 9 board; it can happen within family circles; it 10 can happen with close friends of family. So that 11 educational process is very much in place. 12 Q. I take it that there was no profile of the 13 characteristics of a priest or deacon who might 14 molest children, when you got here? 15 A. There were the beginnings of those 16 programs, and I know there had been lectures 17 given, and talks to the priests. I don't know 18 specifically when those were given, but there 19 were initiatives taken in that direction. But 20 it's more formalized now, with the actual 21 background checks. People registered on VIRTUS. 22 And now we have implemented the ParishSoft 23 program, so that we are able to keep track of how 24 parishes are monitoring those that are supposed 25 to be ongoing in the VIRTUS education program,</p>
<p style="text-align: right;">Page 139</p> <p>1 and that we know of new employees and their 2 background checks are taken and so forth. So 3 it's a more systemized and formalized program. 4 Q. I take it when you got here there was no 5 profile of what a priest would likely -- or 6 deacon, to molest children, might look like? 7 A. Maybe not specifically a profile; but I 8 think at that time priests were aware of what a 9 profile would look like. You know, if someone is 10 spending too much time with one young person, 11 taking trips with a young person, isolating the 12 young person from the rest of the young people in 13 the parish. I think by this time people were 14 acquainted with the signs. And because of the 15 notoriety of cases, they would have a good idea 16 of what should send up a red flag, and how to be 17 cautious about that. 18 Q. I am going to come back and visit with you 19 about those two specific programs in a little 20 bit, but first let's talk about the Diocesan 21 Misconduct Review Board. 22 A. Yes. 23 Q. What is the Diocesan Misconduct Review 24 Board? 25 A. It is composed of laity and clergy, and</p>	<p style="text-align: right;">Page 140</p> <p>1 their advice is sought in dealing with cases of 2 misconduct. There is a psychologist; a social 3 worker; a lawyer; a pediatrician. They are all 4 lay people. And then there is a priest from a 5 religious order, because -- to represent the 6 religious. And the ex officio would be the 7 chancellor and the vicar general. 8 Q. It is called the Diocesan Misconduct Review 9 Board, is that right? 10 A. Yes. 11 Q. Does it mandate cover anything other than 12 sexual misconduct? 13 A. Well, that is the focus; but it really 14 delves into proper conduct and a code of ethics 15 which is published on our Web site; a code of 16 ethics of how people who work for the church 17 should conduct themselves at all times. So it 18 tries to take in the total picture; but the focus 19 on child abuse is very much a preeminent concern. 20 And it also works with the Office of Safe 21 Environments, to assure that there is ongoing 22 education in this area. 23 Q. The Diocesan Misconduct Review Board can 24 only review a matter if you send it there, is 25 that correct?</p>

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<p style="text-align: right;">Page 141</p> <p>1 A. Yes. The bishop brings them a case; but 2 they are also able to bring concerns they have to 3 the bishop. And when we meet, they certainly can 4 surface topics they think have to be discussed or 5 covered. 6 Q. As it relates to a particular priest or 7 deacon, and these are the only people -- let me 8 back up, for a second. The Diocesan Misconduct 9 Review Board, who does it cover? In other words, 10 who may it consider? Priests, deacons, anybody 11 else? 12 A. It really may -- the bishop may bring to 13 them any situation involving church personnel 14 that comes to his attention. 15 Q. And the Diocesan Misconduct Review Board is 16 a board created by the bishop, correct? 17 A. Yes. 18 Q. Should you choose to do so, you could 19 abolish it at any time, could you not? 20 A. Not really. Not at this point, because by 21 the charter established for the protection of 22 children and young people, we are to have a 23 review board. 24 Q. What is the consequence if you don't have a 25 review board?</p>	<p style="text-align: right;">Page 142</p> <p>1 A. We would risk not being compliant. 2 Q. And what is the consequence of your not 3 being compliant? 4 A. Our credibility and our sincerity in 5 dealing effectively with this problem would be 6 called into question; seriously called into 7 question. 8 Q. So the only -- the reason why you have to 9 have it is because it's mandated; if you don't 10 have it, you lose credibility. But there is 11 nothing in Canon Law, for example, or any other 12 Papal mandate that says that you must have a 13 diocesan review board? 14 A. Well, we are governed by the essential 15 norms, which deal with generally how we are to 16 function. But I personally would have it, 17 whether I had to have it or not. I want it. I 18 need that ancillary help to guide me in any case, 19 regrettably, that might come to my attention. I 20 welcome their consultation. I welcome their 21 expertise. And regardless of whether or not this 22 was mandated I would have it, I hope, as 23 indicated by the board I established back in '92, 24 '93, in Providence. There was no charter at that 25 time, but I felt these boards are necessary to</p>
<p style="text-align: right;">Page 143</p> <p>1 give us good advice, and to have laity on the 2 board who have children and who deal with these 3 cases, so that we are acting in the best possible 4 way. And not only being reactive, but proactive, 5 and trying now to take a lead in this area of 6 providing child safe environments for all our 7 children. 8 Q. Your successor as bishop, should he ever 9 choose to do so, could abolish the Diocesan 10 Misconduct Review Board, can he not? 11 A. Well, your question is well placed, because 12 there are isolated dioceses who have chosen not 13 to participate in this, so it could happen. But 14 I do not think, in my own opinion, it would be a 15 course of action to take. I think -- 16 Q. That is because of the credibility concerns 17 you expressed a few minutes ago? 18 A. Not only credibility, but I need the help 19 of these experts in making good decisions. I 20 don't want to act in isolation when I have to 21 make important decisions of this nature. And I 22 feel it important to have pediatricians, 23 psychologists, social worker, counselor. I feel 24 it important to have these expert fields, you 25 know, helping me and guiding me.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. How many cases have you sent there? 2 A. I have discussed with them at least two 3 cases. And I'm not quite clear, but I have 4 reviewed some past cases with them. And I try to 5 keep them apprised of the situations that we are 6 in now. 7 Q. When you say, "apprised of the situations 8 we are in now", what do you mean by that? 9 A. The litigation that we are going through, 10 and that they understand the process, and that 11 they are kept well-informed. They will receive 12 periodic updates of where we stand with our 13 cases, and how we are trying to resolve them. 14 Q. So the diocesan review board -- let me back 15 up. There are no priests active in the diocese 16 -- withdraw that, excuse me. Are there priests 17 active in the diocese right now, as against whom 18 there are claims that have been made? 19 A. No. There are no priests active, no. 20 Q. Now -- 21 A. To the best of my knowledge, at this point 22 in time, no. 23 Q. What are the criteria you used to refer to 24 a matter to the Diocesan Review Board? 25 A. My criteria?</p>

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1 Q. Yes, please.  
 2 A. A complaint.  
 3 Q. The two that you have referred, Father  
 4 Fraser and Father Houde?  
 5 A. You mean Father Nichols?  
 6 Q. Father Nichols; sorry. Got the parties  
 7 mixed up. Father Nichols and Father Houde?  
 8 A. Yes.  
 9 Q. How long after you first received a  
 10 complaint with respect to Father Nichols did you  
 11 send it to the diocesan Review Board?  
 12 A. Soon after. Very soon after.  
 13 Q. I need to know what "very soon" means,  
 14 because it means different things to different  
 15 people. You are welcome to give us a range of  
 16 time; I am not expecting you to give us exactly a  
 17 date, but are we talking a week, a month, six  
 18 months? What is your best estimate, please?  
 19 A. Oh, I would say certainly at the next  
 20 meeting date they would have had, I really don't  
 21 remember chronologically, but it was fairly soon  
 22 after the cases surfaced that I had knowledge  
 23 about them. Certainly in a two to four-week  
 24 period, if not sooner.  
 25 Q. How often does the diocesan Review Board

1 meet?  
 2 A. We try to meet frequently, but with  
 3 schedules, it's difficult; but at least every  
 4 couple of months or so. I would like them to  
 5 meet on a more regular basis, but it's sometimes  
 6 hard to coordinate their schedules.  
 7 Q. What is Father Nichols' status at present?  
 8 A. He is relieved of all his priestly duties.  
 9 He -- for all intent and purposes he does not  
 10 have any faculties to exercise priestly ministry.  
 11 He cannot present himself as a priest, and he can  
 12 not wear clerical garb.  
 13 Q. Father Houde, how long after you first  
 14 received allegations with respect to him did you  
 15 refer that to the diocesan Review Board?  
 16 A. Again, it would have been very soon after.  
 17 But my action was immediate. I received a  
 18 complaint that came to me on a Friday afternoon.  
 19 And he was on a Habitat for Humanity mission; and  
 20 he came directly to the chancery office on the  
 21 following Saturday, as soon as he arrived in  
 22 Burlington, and at that time I relieved him of  
 23 his duties, so it was almost immediate. And what  
 24 should be known in that situation is that I had  
 25 no factual information. This came to us from the

1 Lamoille county police, I believe, I don't have  
 2 the case in front of me, but from the Lamoille  
 3 county police; they were conducting the  
 4 investigation. And all that they ask is that he  
 5 shouldn't be in the environment. But I removed  
 6 his faculties immediately, and he was very  
 7 cooperative, because to this day, he is appealing  
 8 that complaint against him.  
 9 I had no concrete information. I had no  
 10 facts, just that there was a complaint. And he  
 11 complied because it was necessary for him to  
 12 devote himself fully to this; so that was  
 13 immediate. And I have tried to act always in  
 14 these cases immediately. So the board was being  
 15 -- for your purposes, I took action and informed  
 16 them of that action.  
 17 MR. O'NEILL: Let's go off the record  
 18 for just a minute. I need to get a document  
 19 in the other room. It is approximately 1:51  
 20 p.m.  
 21 (An off-the-record discussion was held.)  
 22 MR. O'NEILL: Back on the record. It  
 23 is approximately 1:53 p.m.  
 24 Q. Someone is going to get me the document, so  
 25 let me come back to that for just a minute. When

1 you became the bishop of Burlington, did you look  
 2 back upon the uses of the Diocesan Misconduct  
 3 Review Board before you got here?  
 4 A. Yes.  
 5 Q. Did you take a look at the file with  
 6 respect to Father Brian Mead?  
 7 A. I reviewed that file with counsel, in  
 8 preparation for the trials that we were going to  
 9 have.  
 10 Q. With respect to Father Mead, were you  
 11 troubled by how Bishop Angell had handled Father  
 12 Mead's case?  
 13 A. I don't recall the particulars of that. If  
 14 you could advise me, that would be helpful.  
 15 Q. Sure; I will be glad to do that.  
 16 (Reporter marks Exhibit 1.)  
 17 Q. Bishop Matano, I will give you a document  
 18 here which is marked as Deposition Exhibit 1 with  
 19 today's date on it. It has a number of documents  
 20 there. I will refer to the pages by what we call  
 21 their Bates-stamped numbers, down on the bottom  
 22 right.  
 23 A. Yes.  
 24 Q. The top page is an October 10, 2003 letter  
 25 from the office of the Attorney General. It is a

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1 letter that goes on for a total of seven pages,  
 2 and bears the Bates stamps number 810403 through  
 3 810410. Have you seen this before? If you  
 4 haven't, and you would like the opportunity, we  
 5 will go off the record, so you can have the  
 6 chance, if you want?  
 7 A. I might have reviewed it, but I don't  
 8 recall it specifically.  
 9 MR. MCCORMICK: Do you have a copy for  
 10 me?  
 11 MR. O'NEILL: No. But I will make you  
 12 one.  
 13 MR. MCCORMICK: Thanks.  
 14 MR. O'NEILL: Why don't we go off the  
 15 record for a moment. I will make a copy of  
 16 this for Mr. McCormick, and you can also  
 17 have an opportunity to review it.  
 18 A. Thank you.  
 19 MR. O'NEILL: So go off the record here  
 20 at 1:55 p.m.  
 21 (An off-the-record discussion was held.)  
 22 MR. O'NEILL: We are back on the  
 23 record. It's approximately 2:03 p.m.  
 24 Q. Bishop Matano, Deposition Exhibit # 1 is  
 25 this October 10, 2003 letter to Bishop Angell

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1 "...them to make full investigation. 3, I ask  
 2 there be no contact between Father Brian Mead and  
 3 I."  
 4 And then he goes on in this letter to  
 5 describe being touched by Father Mead in a  
 6 sexually explicit manner; describes flattery,  
 7 presents; as he puts it, "Normal things a child  
 8 predator does to say to work up Owis",  
 9 O-W-E-S-I-S, "...persons to persons"; and  
 10 provides other detail about how he was touched by  
 11 Father Mead. Do you see that?  
 12 A. Yes.  
 13 Q. Now, this is September 19, 1996. Then if  
 14 we go back to this letter from the Attorney  
 15 General's office it is dated October 10, 2003.  
 16 And it starts out here in the first paragraph by  
 17 referencing a May 14, 2002 list that the diocese  
 18 provided to the Attorney General's office of  
 19 present and former priests against whom  
 20 allegations of child sex abuse had been made.  
 21 Then it goes on to talk about this individual.  
 22 And in the second paragraph it states, "Although  
 23 the allegations we investigated are barred by the  
 24 statute of limitations, we find the legal  
 25 threshold of probable cause exists for multiple

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1 from the Attorney General's office, is that  
 2 right?  
 3 A. Yes.  
 4 Q. You have seen this letter before, have you  
 5 not?  
 6 A. I honestly don't reading this letter. I  
 7 may have reviewed it, but I don't recall it as  
 8 specifically as I do at this moment.  
 9 Q. Fair enough. If you could go down below  
 10 this letter for just a minute, to the document  
 11 which is -- bears the Bates stamp number 810206  
 12 and 17, in the bottom right-hand corner. It's a  
 13 September 19, 1996 letter from an individual  
 14 whose initials I will use as A.L., addressed to  
 15 Bishop Angell. Have you had a chance to find  
 16 that?  
 17 A. Yes.  
 18 Q. In this letter this person reports that he  
 19 is 23 years old, and would like to make a formal  
 20 complaint against Father Brian Mead. "As per  
 21 your diocesan policy outlined, I hereby request:  
 22 1, anonymity and confidentiality, to the fullest  
 23 extent possible. 2, I am asking for the  
 24 involvement of the diocesan Review Board and  
 25 authorize", the word "authorize" is underlined,

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1 counts of lewd and lascivious conduct with a  
 2 child."  
 3 Then it goes on to say, at the bottom of  
 4 that page, "Importantly, we note that the  
 5 diocese, including you personally, were aware of  
 6 and in possession of information of inappropriate  
 7 or potentially criminal conduct by individual  
 8 number 10 at a time when some of the allegations  
 9 were within the six-year statute of limitations  
 10 this. Information details six and a half years  
 11 of inappropriate, illegal contact between a minor  
 12 and individual number 10. In 1996 and 1997, you  
 13 reviewed correspondence from the complainant and  
 14 individual number 10, and met with both the  
 15 complainant, his family, and separately with  
 16 individual number 10."  
 17 The next paragraph, "However, diocesan  
 18 authorities never referred the matter to state  
 19 authorities, nor did they advise the complainant  
 20 to discuss the matter with an attorney or  
 21 authorities. In addition, no restrictions were  
 22 placed on individual number 10's ministry,  
 23 although he was transferred in 1998 to a new  
 24 parish."  
 25 And there is reference to the

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<p style="text-align: right;">Page 153</p> <p>1 investigation that was conducted by the Attorney 2 General; some detail with respect to the 3 investigation, and the events. What I would ask 4 you to do, for purposes of our conversation is, 5 next go to the fourth page of the letter, Bates 6 810407. Do you see that, Bishop? 7 A. Yes. 8 Q. It says, D, "The diocese's response to the 9 allegations"? 10 A. Yes. 11 Q. And response to the complainant's initial 12 letter. You wrote a letter back one week later, 13 September 26, 1996, stating that you had "begun 14 to address the matter", and that you had "spoken 15 to the priest in general". You reiterated that 16 you were, "...very much concerned about this 17 matter", and that, "We will do everything in our 18 power to see that justice prevails. However, as 19 stated above, despite the specific request from 20 complainant, the matter was not referred to the 21 newly formed diocesan Review Board for 22 investigation. 23 "In addition, no report was made to state 24 or local authorities and no restrictions were 25 placed on individual number 10's ministry.</p>	<p style="text-align: right;">Page 154</p> <p>1 Further, the diocese, through your actions, 2 facilitated settlement of a civil matter and was 3 specifically included in the release from future 4 liability." 5 Do you see that? 6 A. Yes. 7 Q. This was a matter, under the diocese's own 8 description of what the diocesan review board 9 should do, that should have been referred to the 10 diocesan Review Board, should it not? 11 A. I would have referred it to the board. But 12 I am in a different situation, in that when I 13 bring matters to the Review Board, from primarily 14 the two cases which you have noted, action had 15 already been taken, because they were being 16 investigated by civil authorities; and my 17 understanding is that when we have any of these 18 cases, now if we should have the unfortunate 19 experience of a priest acting inordinately with a 20 young person, that we are to make that report. 21 We really are not the investigators; while the 22 charter provides us to do an investigation, the 23 Attorney General's office has made it clear that 24 they are the ones who do the investigation, and I 25 have respect of that, and I will respect that.</p>
<p style="text-align: right;">Page 155</p> <p>1 So when I have brought these to the board, I have 2 brought them along to what I have done, and they 3 could give their opinion. They have agreed with 4 the actions I have taken in the two cases that 5 you have presented. 6 Q. Bishop, focusing on this one. No, the 7 focusing on the -- 8 A. I would have brought this to the Review 9 Board myself. I would have brought it to the 10 board. 11 Q. This particular instance, this is a classic 12 instance of something that should have been 13 brought to the Misconduct Review Board, should it 14 not? 15 A. In my opinion it would have been good to 16 bring it to the board, yes. 17 Q. When you say it would have been good -- 18 A. I would have brought it to the board. 19 Q. If it is consistent with diocesan policy, 20 this matter should have been brought to the 21 Diocesan Misconduct Review Board, should it not? 22 A. Yes. Why it was not, I don't know. 23 Q. I appreciate the fact that you were not the 24 bishop at the time; that it was Bishop Angell? 25 A. Yes.</p>	<p style="text-align: right;">Page 156</p> <p>1 Q. And Bishop Angell, for reasons of health, 2 is no longer available for us to be able to ask 3 questions of, about these events. This is a 4 clear illustration, however, of the complete 5 discretion that the bishop has to determine 6 whether to refer something to the Diocesan 7 Misconduct Review Board, is it not? 8 A. It is at the bishop's discretion, yes. 9 Q. And it also is, there is proof in here that 10 the diocese was aware, within the criminal 11 statute of limitations, when this person could 12 possibly have been prosecuted of these events, 13 but did not refer it to the state for 14 investigation, correct? 15 A. This is what the report of the Attorney 16 General says; and I have no reason to contradict 17 this report. 18 Q. So what we have is an instance, while 19 squarely within the jurisdiction of the diocesan 20 review board, and the bishop made the 21 determination, for reasons that are set out in 22 here, that, including not sure he believed the 23 complainant and the likes of that, not to refer 24 it to the diocesan review board. Fair? 25 A. Yes.</p>

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<p style="text-align: right;">Page 157</p> <p>1 Q. Let's go back over here. I want to show 2 you Deposition Exhibit 2, if I could. 3 A. Yes. 4 Q. This is an affidavit of Thomas E. Howell, 5 who is a certified law enforcement officer, 6 employed as a investigator by the criminal 7 division of the Attorney General's office. And 8 this document, which is file stamped in the 9 Franklin District Court on September 5, 2006, is 10 his affidavit with respect to Steven Nichols, who 11 is a priest of the diocese, is that correct? 12 A. Yes. 13 Q. Just want to look at the chronology on this 14 with you for just a minute, if I could. This 15 particular affidavit is dated August 30, 2006, if 16 you want to look -- yes. August 30, 2006, is 17 that right? 18 A. Yes. 19 Q. And if we go back and look at this, we see 20 that the Attorney General's office opened an 21 investigation in November of 2005; agreed? 22 A. Yes. 23 Q. And if we go to the fourth page of this 24 document, page 4 at the top left, if you see 25 that.</p>	<p style="text-align: right;">Page 158</p> <p>1 A. Mm-hmm. 2 Q. Do you see where it says Diocese 3 investigation? 4 A. Page 4? 5 Q. Page 4. 6 A. Yes. 7 Q. Then it says, diocese investigation; then 8 it states, "On or about September" -- misspoke; 9 start that over. On page 4, under diocese 10 investigation, "On or about September 2005, the 11 Catholic Diocese of Burlington hired private 12 investigator James Cronan", C-R-O-N-A-N, "...of 13 J.P. Cronan Associates to conduct an 14 investigation into an anonymous phone call 15 alleging misconduct by Father Steven Nichols." 16 Do you see that? 17 A. Yes. 18 Q. And then it goes on to talk about Mr. 19 Cronan's testimony at an inquest in March of 20 2006. So it appears that there was approximately 21 two months between the time when the matter was 22 -- when the matter first came to the attention of 23 the diocese, and when it brought the matter to 24 the attention of the Attorney General's office. 25 Is that correct?</p>
<p style="text-align: right;">Page 159</p> <p>1 A. Yes. 2 Q. When did you come to Burlington? 3 A. I came in April 19th, 2005. I was 4 coadjutor bishop, or assistant bishop. And I was 5 named -- or I began my administration as the 6 bishop of the diocese, the diocesan bishop, on 7 November 9 of 2005. 8 Q. When did you refer this matter to the 9 Diocesan Misconduct Review Board? 10 A. Shortly after I was named bishop, and 11 shortly after I instructed that the case be 12 referred to the Attorney General's office; as it 13 indicates, the same month that I was named, it 14 was shortly thereafter. 15 Q. So November 2005? 16 A. Yes. 17 Q. So the matter was in the diocesan offices 18 at least as early as September 2005, but was not 19 referred either to the state or to the Diocesan 20 Misconduct Review Board until November of 2005? 21 A. I don't know if Bishop Angell spoke with 22 the Review Board or not. I am not aware of that. 23 But I know that I brought the situation to them, 24 and that I instructed diocesan counsel to make a 25 report to the Attorney General's office. It was</p>	<p style="text-align: right;">Page 160</p> <p>1 a case where the gentleman was 18. So it was a 2 question of whether a report had to be made or 3 not. But because of the conflict in reports, I 4 just felt it was necessary to make that report. 5 And because of the age of the person being so 6 close to when he was a minor, if anything prior 7 had taken place. 8 I was certainly, not by the bishop, but by a 9 significant number of the faithful, seriously 10 criticized for that decision, because it strictly 11 was not a minor, and didn't fall under the cases 12 of the charter. But I am not here to elicit 13 sympathy, but to sensitize you to the situation. 14 I also received in the mail a velvet type 15 purse, with nickels inside, representing silver; 16 the 30 pieces of silver by which Judas betrayed 17 our Lord. In there was a note, "Congratulations. 18 We never could have done it without you. Cindy 19 and Ben", referring to His Honor Ben Joseph and 20 Cindy Maguire. So it was not clear-cut case, but 21 it was a very sensitive case. And I just feel 22 that it's good to let others know that there are 23 always reverse reactions in this; no matter what 24 action we take, it's not always well received. 25 Q. Do you have any doubt in your mind that</p>



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1 referring this to the Attorney General's office  
2 and the Diocesan Misconduct Review Board was the  
3 right thing to do?  
4 A. No.  
5 Q. I take it that the silk purse came in  
6 anonymously?  
7 A. Yes. They usually do.  
8 Q. Now, when the Diocesan Misconduct Review  
9 Board was formed, have you looked at it to  
10 determine whether or not the board was given  
11 information with respect to currently active  
12 priests as to whom there were allegations that  
13 had been made in the past, to determine whether  
14 any action should be taken?  
15 A. I believe that they were kept current of  
16 all the cases, so that there was no priest in  
17 ministry, functioning.  
18 Q. I don't mean today.  
19 A. Yes.  
20 Q. If I conveyed that, it was a mistake. What  
21 I was asking you, in January of 1996, the  
22 Diocesan Misconduct Review Board was formed. Do  
23 you know whether or not they were given  
24 information about priests as to whom there were  
25 allegations of childhood sexual abuse that had

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1 Misconduct Review Board until November of 2002?  
2 A. I really don't know. I think 2002 was  
3 certainly a turning point, because all the files  
4 were then, at the bishop's instruction, very  
5 carefully reviewed and then turned over to the  
6 Attorney General. But I can't answer for what  
7 happened before that, because the Review Board --  
8 because of the nature of the board and the  
9 confidentiality required. They don't take notes.  
10 So I really am not aware of what was or was not  
11 referred to the Review Board.  
12 I do know, from 2002 on, there was a very  
13 careful review of all the files.  
14 Q. There is no indication that the matters  
15 with respect to Father Paulin were brought to the  
16 attention of the Diocesan Misconduct Review Board  
17 until November of 2002, is there?  
18 A. None that I am aware of.  
19 Q. When you say for reasons of confidentiality  
20 no notes are taken, isn't the reality for reasons  
21 of making sure that none of the documents can be  
22 subpoenaed, that no records were kept?  
23 A. No. I think it is more a sensitivity to  
24 all the parties concerned; not only the one who  
25 is accosted, but the person who brings the

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1 been made in the past, and who were currently, at  
2 that time, January 1996, active as priests in the  
3 diocese?  
4 A. No, I don't know that.  
5 Q. I mean, for example, Father Forrest  
6 Rouelle. Are you familiar with him?  
7 A. Yes. Through the court testimony, yes.  
8 Q. You are aware of the fact that he was an  
9 active priest up until the time he retired, then  
10 died in 1997?  
11 A. Yes.  
12 Q. And that there were, as you saw from the  
13 court process, serious allegations of misconduct  
14 that were made with respect to him. Agreed?  
15 A. Yes.  
16 Q. And he was permitted, nonetheless, to  
17 continue in his ministry up at St. Mary's Star of  
18 the Sea in Newport, agreed?  
19 A. That is what the record shows.  
20 Q. Father George Paulin, you have seen in  
21 court allegations that were made with respect to  
22 Father Paulin?  
23 A. Yes.  
24 Q. Can you explain, granted that you were not  
25 here at the time, why he was not referred to the

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1 complaint. Like the letter that you just read,  
2 the person wanted anonymity when he wrote, and I  
3 think it is to protect both parties.  
4 Q. When there is a letter written such as A.F.  
5 wrote, with respect to a particular priest, it  
6 goes into the priest's file, does it not?  
7 A. Yes.  
8 Q. So there isn't any anonymity or  
9 confidentiality, because it exists in the file?  
10 A. I think when the bishop brought the  
11 complaint I think the protocol was he assigned a  
12 number to the person; spoke about case number 10.  
13 Q. So when the matter went before the diocesan  
14 review board, it was not with the name of the  
15 priest or deacon?  
16 A. No. A number.  
17 Q. Some kind of number?  
18 A. Yes.  
19 Q. So there is still no paperwork kept, no  
20 paperwork kept of anything the board does?  
21 A. No minutes kept, no.  
22 Q. The only thing this board does is to meet  
23 with the bishop; hear what the bishop presents;  
24 make recommendations to the bishop. And the  
25 bishop then either accepts or rejects whatever

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1 the board says, is that fair?  
2 A. Yes.  
3 Q. This is a purely advisory board, agreed?  
4 A. Yes, it is advisory. Yes.  
5 Q. And it is an advisory board based only upon  
6 what the bishop has brought to its attention?  
7 A. Yes. Of course, they can surface other  
8 information or they can bring other knowledge to  
9 the case.  
10 Q. Did you ever talk to Father -- to Bishop  
11 Angell about why he did not bring the matters  
12 related to Father Paulin to the Review Board  
13 until 2002?  
14 A. No, I did not.  
15 Q. Can we agree that Father Paulin should have  
16 been in the hands of the diocesan review board,  
17 to advise the bishop from the moment that the  
18 diocesan review board was created in January of  
19 1996?  
20 A. As I say, I don't know how he made his  
21 decision. But I can say that, speak for myself,  
22 I would be inclined to bring it to the Review  
23 Board.  
24 Q. Father James McShane. You are familiar  
25 with Father McShane, are you not?

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1 Q. Then we have another, next document is  
2 dated May 2nd, 2002. It is a document that is a  
3 memorandum to Bishop Angell from Father Searles;  
4 bears the Bates stamp number 760318, is that  
5 correct?  
6 A. Yes.  
7 Q. And this is Michael Bernier calling, on  
8 April 30, to report inappropriate behavior by  
9 Father McShane when he was a priest at St. Mary's  
10 in St. Albans. At the time Mr. Bernier was about  
11 10 or 12 years old; was inappropriate behavior.  
12 Camping trips, hiking trips, usually involves  
13 swimming nude, sauna with no clothes. And Mr.  
14 Bernier said he had different problems with  
15 alcoholism and depression, was seeking therapy;  
16 provided his phone number on the right. Is that  
17 right?  
18 A. Yes.  
19 Q. And then if we go to the next page, Bates  
20 760319, this would appear to be Father Searles'  
21 notes of the conversation with Mr. Bernier.  
22 Agreed?  
23 A. Yes.  
24 Q. Now, if we go next to Bates 760278, there  
25 is a handwritten note at the top. Do you

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1 A. Yes.  
2 Q. Maybe -- let's go off the record for just a  
3 minute, we will mark some documents; it is  
4 approximately 2:23 p.m.  
5 (A brief recess was taken.)  
6 MR. O'NEILL: Back on the record. It's  
7 approximately 2:25 p.m.  
8 Q. Bishop Matano, rather than go through and  
9 mark each of these, they all have Bates stamp  
10 number on them, so we have agreed to reference  
11 them by those. I am going to show you what has  
12 been marked here, which has Bates stamp number  
13 760307. It is a memorandum to Bishop Angell, at  
14 the time, of course, from Father Searles.  
15 A. Yes.  
16 Q. This indicates that an individual, T.P.,  
17 "Called to alert the diocese that ten or twelve  
18 years ago Father McShane took a group of Boy  
19 Scouts on the trip, and at one point on a trip he  
20 was in the shower room with the boys, and in  
21 their presence shaved his pubic hair. The  
22 individual states as far as he knows nothing more  
23 happened, but he thought we in the diocese should  
24 know about it." Agreed?  
25 A. Yes.

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1 recognize that handwriting at the top as being  
2 Bishop Angell's?  
3 A. I believe it is, because it has his  
4 initials after it, with the cross.  
5 Q. "On May 13th, I informed Father J. McShane  
6 that I was giving his name to the Attorney  
7 General, based on allegations of impropriety."  
8 Do you see that?  
9 A. Yes.  
10 Q. Now, in addition to some of the references  
11 we talked about a moment ago, there also is  
12 reference here to a 1977 complaint from a Holy  
13 Cross, Camp Holy Cross parent, "...was very upset  
14 about the stories told to me by my son about  
15 Father McShane and some pictures. I can't  
16 understand why such a person is allowed to remain  
17 in youth work with boys. This is why I am  
18 doubtful about enrolling in Camp Holy Cross  
19 1978." Do you see that?  
20 A. Yes.  
21 Q. It is reference to a July 18, 1977  
22 psychological report from SMC, in summary finding  
23 him to be intelligent, effective and  
24 well-adjusted person. Reference then to the  
25 pubic hair incident; the nudity on camping trips,

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1 and then a newspaper ad there which stated,  
2 Remember Father Jim. Do you see that?  
3 A. Yes.  
4 Q. And the margin someone has written, lewd  
5 and lascivious. Do you see that?  
6 A. Yes.  
7 Q. Now, it's in May of 2002 that, after  
8 negotiations with the Attorney General's office,  
9 that the diocese provides a list of current and  
10 past priests as to whom there have been  
11 allegations of sexual misconduct with children,  
12 is that right?  
13 A. Yes.  
14 Q. I want to show you a document, bears the  
15 Bates stamp number 760672. This is the letter  
16 Bishop Angell sent to Father McShane, is that  
17 correct?  
18 A. Yes.  
19 Q. And at that time what he does is places him  
20 on administrative leave, continuing until such  
21 time as the state investigation is complete;  
22 telling him that he hopes this will be done  
23 quickly, "...that your name will be cleared and  
24 that you will be able to return to ministry." Do  
25 you see that?

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1 A. I don't see it noted here. Whether or not  
2 the bishop did, I don't know.  
3 Q. At this point all we know is, as to Father  
4 McShane's status, is that he has been suspended  
5 from ministry, correct?  
6 A. Yes.  
7 Q. Then the next document, just for purposes  
8 of completeness, is Bates 760344. It is, a  
9 principal at Mount St. Joseph's in Rutland gets a  
10 call complaining about Father McShane's presence  
11 on the school staff because of earlier  
12 allegations of misconduct, is that right?  
13 A. Yes.  
14 Q. Anonymous letter; let me be clear about  
15 that. Excuse me, anonymous call. Then there is  
16 a document here that does not have a Bates  
17 number; so we are going to put a sticker on this  
18 one, exhibit number 3.  
19 (Exhibit 3 is marked.)  
20 Q. This is an October 3, 2003 letter to Father  
21 Searles, anonymously, where an individual calls  
22 to complain about sexual misconduct by Father  
23 McShane, does he not?  
24 A. Yes.  
25 Q. Then we have a December 31 memo, from

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1 A. Yes.  
2 Q. Now, the document we have is a June 27,  
3 2003 letter, which is addressed to Bishop Angell.  
4 It is a five-page letter from Cindy McGuire, the  
5 chief of the criminal division of the Attorney  
6 General's office, and this is with respect to  
7 Father McShane. It contains various allegations  
8 with respect to him, sexual misconduct on his  
9 part. If -- you can take a moment to read the  
10 whole thing, if you would like to; but if you can  
11 look at it, we can agree that it references  
12 sexual misconduct by him, we can move on.  
13 A. Yes.  
14 Q. Now, this document refers to possession of  
15 child pornography; lewd and lascivious conduct,  
16 and -- in several different instances. Then it  
17 does indicate, however, that three of these  
18 events, and I am going to the last page, 760372,  
19 "...if proven, may constitute immoral conduct  
20 under the law, but are barred by the statute of  
21 limitations." Is that correct?  
22 A. Yes.  
23 Q. Now, this is June 2003. At this point, any  
24 indication that you can see that this has been  
25 referred to the Diocesan Misconduct Review Board?

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1 Father Searles to Bishop Angell, Bates 760333.  
2 In this document Father Searles reports to Bishop  
3 Angell, William Young, head of Vermont SRS,  
4 called on December 30, 2003. His department had  
5 completed the investigation of Jim McShane, and  
6 have notified him in writing that, given the past  
7 history, their investigation has concluded that  
8 he is a risk to young people. "We will receive  
9 no other notice of this unless Jim McShane shares  
10 his letter with us. Mr. Young indicated that  
11 they are not trying to tell us what to do, but  
12 they feel we must be aware of their investigation  
13 and conclusion." Do you see that?  
14 A. Yes.  
15 Q. So at this point, these various allegations  
16 with respect to Father McShane notwithstanding,  
17 including specifically the findings made by the  
18 Attorney General's Office in June of 2003, Father  
19 McShane is simply suspended at that point. He  
20 has not been permanently removed from ministry,  
21 has he?  
22 A. For all intents and purposes, he could not  
23 function as a priest. His faculties are taken  
24 away. He can't dress as a priest; he cannot  
25 present himself as a priest. So he -- very

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1 definitive action against him has been taken.  
2 Q. The definitive action is to permanently bar  
3 him, rather than temporarily suspend him, is it  
4 not?  
5 A. I think he was placed on administrative  
6 leave until this was proven. And he could not  
7 function.  
8 Q. He was still considered to be the pastor at  
9 Immaculate Heart of Mary in Rutland as of the end  
10 of December of 2002, was he not?  
11 A. If that is what the chronology indicates,  
12 then that would be the case.  
13 Q. Let's take a look at 760343, Bates, and  
14 this is another copy, is it not, of the December  
15 31, 2002 letter from -- memo, I should say, from  
16 Father Searles to Bishop Angell?  
17 A. Right.  
18 Q. But there is a handwritten note on it up  
19 above there, in a handwriting we can agree is  
20 Bishop Angell's, is it not?  
21 A. Yes.  
22 Q. It says, "Call him and get him to resign",  
23 does it not?  
24 A. Yes.  
25 Q. And so then what we have doesn't bear a

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1 benefits. Do you see that?  
2 A. Yes.  
3 Q. So what caused the diocese to take action,  
4 first of all, to suspend Father McShane was  
5 having to report him to the Attorney General's  
6 office, agreed?  
7 A. Yes.  
8 Q. And then what caused the diocese to take  
9 action to remove him as the pastor formally at  
10 the Immaculate Heart of Mary was the call from  
11 the head of SRS, indicating that this person was  
12 a person whom should not be around young people,  
13 who posed a danger to them?  
14 A. Yes.  
15 Q. In other words, the diocese didn't take  
16 these actions its own; it was pushed into it by  
17 entities of government to take the steps?  
18 A. Well, I think Monsignor Searles dealt, as  
19 you know, with these cases in more recent times,  
20 was very conscientious in his approach. I don't  
21 believe he would ill advise the bishop, nor do I  
22 believe they would allow someone in ministry who  
23 would be a threat. I think they wanted to be  
24 sure that when the person was removed, they would  
25 be effective in the removal; that the person

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1 date, except it has an effective date on it,  
2 document bears the Bates stamp number 760266. In  
3 this Father McShane resigns as pastor of  
4 Immaculate Heart of Mary church in Rutland, but  
5 states he understands he will be given retirement  
6 benefits of \$1000 per month, plus health  
7 insurance. Do you see that?  
8 A. Yes.  
9 Q. So is it fair to say that up until this  
10 time, while suspended, nonetheless, Father  
11 McShane, with the allegations made against him,  
12 is still technically the pastor of Immaculate  
13 Heart of Mary in Rutland?  
14 A. Yes.  
15 Q. Then this becomes official, per this  
16 document, Bates 760265, when Bishop Angell  
17 accepts Father McShane's resignation effective as  
18 of June 20, 2003, is that right?  
19 A. Yes.  
20 Q. Then lastly, Bates 760264, we have a letter  
21 to Father McShane at St. Joseph's Home here in  
22 Burlington, indicating that he will be -- upon  
23 receipt of his resignation he will be placed upon  
24 a list of retired priests, and he will receive  
25 the retirement stipend of \$1000 plus full health

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1 wouldn't appeal it; because some of these cases  
2 have been appealed to the Holy See.  
3 Q. Simply the fact that the head of SRS in  
4 Vermont calls and says, this person, in their  
5 judgment, is a danger to children, anybody  
6 looking back at the documents, including the  
7 letter from the Attorney General's office in May  
8 could see that was the case, could they not?  
9 A. Yes.  
10 Q. So if the diocese was capable of contacting  
11 on its own initiative, it would have removed him  
12 at that point, would it not?  
13 A. It could have; but I think in this  
14 particular case there would have been an appeal,  
15 and it would have made it more difficult to  
16 remove him.  
17 Q. Since Father McShane resigned, retired, if  
18 you will, has he been under any type of  
19 supervision, or followed in any respect by the  
20 diocese?  
21 A. Well, he has no faculties. He cannot in  
22 any way function as a priest. And we have  
23 priests who keep in regular contact with all our  
24 priests who are retired or in these situations;  
25 so there is regular communication with him. But

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1 he also has expressed his desire to have his case  
 2 reviewed by the Holy See.  
 3 Q. Now, when you say that you have kept in  
 4 contact with the priests in this situation, let  
 5 me focus this with you, if I could, so I  
 6 understand it. We have got priests here who have  
 7 been retired, retained, as to whom there were  
 8 serious allegations of molesting children, Father  
 9 George Paulin being perhaps one of the worst.  
 10 You made reference to the diocese being in  
 11 regular contact with these individuals. What  
 12 does that mean?  
 13 A. Well, there are three priests who keep in  
 14 regular communication with priests who are either  
 15 retired or on sick leave or in these situations;  
 16 and they try to keep general contact with them.  
 17 As far as who these people are, they are  
 18 well-known figures. Their names have appeared in  
 19 the paper. Their names are on the Web site from  
 20 the court proceedings; so there is no question  
 21 that these people are known. And the notoriety  
 22 of their cases has been demonstrated, trial after  
 23 trial after trial.  
 24 And in addition to any responsibility I  
 25 have, I am not law enforcement. Law enforcement

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1 A. Yes.  
 2 Q. This Diocese has never posted on its Web  
 3 site the names, the dates of service of priests  
 4 as to whom there have been credible allegations  
 5 of childhood sexual abuse -- excuse me, let me  
 6 finish the question.  
 7 A. Yes.  
 8 Q. Childhood sexual abuse, has it?  
 9 A. Well, that has been done in some dioceses.  
 10 But it's not what I would say the general  
 11 practice. And we still have cases in the office  
 12 of the Attorney General, still waiting final  
 13 adjudication; so we have cases where people have  
 14 not received any criminal action against them, or  
 15 a final determination hasn't been made. And if  
 16 they are appealing these cases, it makes it more  
 17 complicated, because you can, in the process of  
 18 trying to formulate a laization process, you can  
 19 be accused of prematurely placing evidence  
 20 against them in their appeal. So it's not a  
 21 simple matter.  
 22 When the files are all turned over to the  
 23 office of the Attorney General, and I have tried  
 24 to be very cooperative with that office, I  
 25 believe they are free to apply the law, to make

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1 knows who these people are, too; and it would  
 2 always be their choice, if they wanted them put  
 3 on a register of sex offenders. I don't have the  
 4 authority to do that. It would be the office of  
 5 the Attorney General, or whatever civil  
 6 jurisdiction in whose competency that falls, to  
 7 make a determination that, if a person is a  
 8 threat. And they have reviewed the file, then  
 9 they know who these people are, then it seems to  
 10 me that that then becomes an area of law  
 11 enforcement.  
 12 I myself, we do the best we can to remove  
 13 any kind of priestly office that they can use or  
 14 manipulate to introduce themselves to children or  
 15 to use their priesthood in any way to act so  
 16 inappropriately. But it's also a civil concern.  
 17 Q. You don't post any information about them  
 18 on your Web site, do you?  
 19 A. Well, I think we already have had them on  
 20 the Web site through the court proceedings.  
 21 Q. But when you say you have had them on the  
 22 Web site through the court proceedings, they have  
 23 been referenced in the broad sense of the WWW,  
 24 the World Wide Web, through news accounts,  
 25 correct?

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1 any posting that they wish, once they come to a  
 2 conclusion.  
 3 Q. Let's start out with one thing. As a  
 4 matter of law, the Attorney General's office  
 5 cannot put anybody on a sexual offense registry;  
 6 that requires certain convictions; Vermont  
 7 legislature has spoken to that; so let's set that  
 8 aside for just a moment. Let's come back to this  
 9 diocese and its Web sites. You have made  
 10 reference to the fact that these people have been  
 11 identified on the Web site. This Diocese, no  
 12 matter what the allegation is with respect to the  
 13 priest, any priest, of childhood sexual abuse,  
 14 has never posted on its Web site anything to  
 15 notify anyone who was trying to determine whether  
 16 Father Edward Paquette, Father Alfred Willis,  
 17 Father George Paulin, to identify them as people  
 18 as to whom there have been credible accusations  
 19 of childhood sexual abuse, has it?  
 20 MR. MCCORMICK: Objection.  
 21 A. No. We don't have a formal listing. But  
 22 --  
 23 Q. You don't have an informal listing?  
 24 A. No; but their names are certainly known.  
 25 It's not a question -- when we have gone to court

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<p style="text-align: right;">Page 181</p> <p>1 and handed over all our records, which become 2 public records, and it's in the paper day in and 3 day out, it's far more effective than any 4 listing. And sometimes these stories are covered 5 nationally. So these cases, by our willingness 6 to try to adjudicate them in the fairest way 7 possible, and going to court, has submitted our 8 cases publicly to the court. 9 Q. The Diocese has made the choice not to make 10 known to the public officially, through the 11 diocese Web site, the names, dates and locations 12 of service, of priests as to whom there have been 13 credible allegations of childhood sexual abuse, 14 correct? 15 A. That's correct. But also, a lot of these 16 cases -- and I am not denying the credibility of 17 the victims; but they were listed as allegations, 18 and many of them remain unproven. 19 Q. Father Edward Paquette you don't say that 20 about? 21 A. No. 22 Q. Father Alfred Willis you don't say that 23 about? 24 A. No. But I think there would be a few 25 people unaware of their cases. I mean, it would</p>	<p style="text-align: right;">Page 182</p> <p>1 almost be ludicrous for the diocese to post them 2 on a Web site; post them on a Web site. 3 Q. What is the disadvantage? 4 A. Their case is known far and wide. They 5 have been in papers; I mean, Father Paquette. 6 Q. What is the disadvantage? 7 A. Father Paquette was in Worcester. 8 Q. What is the disadvantage? Why doesn't the 9 diocese do it? 10 A. Because as I am saying, the point of 11 listing them is to let people know; and they 12 certainly have known. And I think -- 13 Q. The diocese -- there is no reason for the 14 diocese to do it, except it wishes to continue to 15 protect its priests. Isn't that a fair 16 statement? 17 A. I think we are trying to act in a judicious 18 manner. As I say, some of these cases are on 19 appeal. It is very hard to give a selective 20 listing of these people. I think that -- 21 Q. You can list each one individually, can you 22 not? 23 A. I think when an organization came here and 24 protested against us for not doing this, even the 25 reporters said, well, would you be posting</p>
<p style="text-align: right;">Page 183</p> <p>1 someone without proof? Would you just do it by 2 allegation? When you give listings, it is not a 3 very simple thing. 4 Q. Bishop Matano, is there a reason not to 5 post Father Paquette, just as a clearest 6 illustration possible? 7 A. There is no reason not to post him; but it 8 has already been done. Maybe we didn't do it, 9 but it has been done. I mean, front page of the 10 paper, seven days running. 11 Q. So the answer is, the diocese is relying 12 upon others to do it for them? 13 A. We are submitting ourselves to the court. 14 Q. Not voluntarily. 15 A. Well, I think none of this is ever what we 16 would hope for or what we would want. But we 17 have gone before the court. 18 MR. O'NEILL: We have to stop for just 19 a second; this tape is running out. You can 20 continue your answer in just a second. 21 (An off-the-record discussion was held.) 22 BY MR. O'NEILL: 23 Q. Back on the record. It is tape number 5 at 24 approximately 2:48 p.m. I am not sure I signed 25 us off the last one, because the tape was running</p>	<p style="text-align: right;">Page 184</p> <p>1 off. Bishop, did you complete your answer? If 2 not, go ahead, please. 3 A. I think I have completed it by saying we 4 want to cooperate fully with the court. We have 5 placed all of our records at their disposal. 6 Q. You are aware of the fact that the only 7 reason the diocese placed the records at its 8 disposal is that the court ordered them turned 9 over; the diocese didn't do this voluntarily, for 10 a second. 11 A. I realize that. 12 Q. You were talking a moment ago about the 13 priests, and you said that you had three 14 individuals who stay in contact with these 15 priests, who have been retired, resigned, or I 16 think you said words to the effect, not quoting 17 you quite right, in this status, something like 18 that? 19 A. Yes. 20 Q. Is it fair to say that you have three 21 individuals who maintain contact with all of your 22 retired or resigned priests? 23 A. Yes. 24 Q. These are not people whose duties 25 specifically relate to priests as to whom there</p>

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1 have been credible allegations of childhood  
2 sexual abuse?  
3 A. Well, they are among that group.  
4 Q. Do they do anything special with respect to  
5 that group?  
6 A. Well, they would be aware of their  
7 situations. And in some instances I have been in  
8 contact with these priests; I have been reviewing  
9 their canonical status. And I have been trying  
10 to work with them, to correct their status, and  
11 even in some cases, to ask them to petition for  
12 laicization. But I hope you can appreciate the  
13 fact, they are very reticent to talk to me, for  
14 the very reason that is evidenced by my presence  
15 here today. They realize everything I say,  
16 everything I write, every communication I have is  
17 subject to disclosure; so they are very reticent  
18 to speak with me.  
19 Some of them have canonical advisers, and  
20 they work through their canonical advisers. Some  
21 have attorneys, and they work attorney to  
22 attorney, to be able to enjoy attorney-client  
23 privilege. So to try to address each of these  
24 situations now has become very complicated.  
25 Q. Does the diocese do anything to keep track

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1 think he is a person of high integrity, so I  
2 would like to speak with him, and ask him why.  
3 Q. I want to talk to you about the audits, the  
4 programs of the U.S. Council of Catholic Bishops.  
5 This diocese has implemented a number of  
6 different programs; started out with the Diocesan  
7 Misconduct Review Board that it implemented in  
8 1996, correct?  
9 A. Yes.  
10 Q. And the reason this diocese implemented the  
11 Diocesan Misconduct Review Board was because it  
12 was mandated to do so by the U.S. Council of  
13 Catholic Bishops, is that correct?  
14 A. Yes.  
15 Q. And the reason why this diocese undertook  
16 the Child Lures program was because the U.S.  
17 Council of Catholic Bishops, in its essential  
18 norms for diocesan policies dealing with  
19 allegation of sexual abuse of minors by priests  
20 or decons, required that there be that program or  
21 a similar program. Agreed?  
22 A. Yes.  
23 Q. And the reason why the diocese adopted the  
24 VIRTUS program was two-fold; one is liability  
25 protection; then secondly, the requirements of

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1 of these individuals, to try to make any effort  
2 to insure they are not molesting more children?  
3 A. Whenever they have leave the diocese I  
4 always write to the bishop; tell them that this  
5 person is in their diocese. I tell them this  
6 person has no faculties. I give them their  
7 address and phone number. Whenever they move or  
8 if they relocate, another notification is sent  
9 out; so if they are outside of our jurisdiction,  
10 it is known, wherever they go, that they are not  
11 in good standing with the diocese.  
12 Q. And you find that out by virtue of their  
13 telling you they want their check sent somewhere  
14 else?  
15 A. By maintaining contact with them.  
16 Q. Are you aware of Father Searles having  
17 given Father McShane a reference in 2004?  
18 A. No, I am not.  
19 Q. In other words, after he has been suspended  
20 Father Searles gives Father McShane a reference,  
21 a job reference. If you were here around that  
22 time, would you have permitted that to happen?  
23 A. I don't know what Monsignor's intent was.  
24 Let me be very forthright here; I would not  
25 second-guess Monsignor Searles' intentions. I

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1 the U.S. Council of Catholic Bishops. Agreed?  
2 A. Yes. But we have gone beyond VIRTUS, to  
3 even introduce Shield the Vulnerable; as I  
4 mentioned earlier, the program of Formation and  
5 Chastity. I recently met with Ken Wooden, Mr.  
6 Kenneth Wooden, who is the author of the Child  
7 Lures program, and he has spoken very favorably,  
8 as you know, of the diocese and all the  
9 initiatives that we have made. And I assured Mr.  
10 Wooden of our cooperation with him, because he is  
11 a person, I believe, of integrity, and very much  
12 desirous to address this problem in a very  
13 serious and conscientious manner.  
14 Q. So we are clear on it, the diocese adopted  
15 Child Lures and VIRTUS because it was mandated to  
16 do so?  
17 A. Well, we were mandated to have  
18 instructions. And I don't know if all dioceses  
19 use those programs.  
20 Q. I didn't mean to suggest those particular  
21 programs. It adopted programs, it had to adopt  
22 some kind of program under the mandates of the  
23 U.S. Council of the Catholic Bishops, in both  
24 areas; it chose to adopt VIRTUS and Child Lures  
25 as the two programs, correct?

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1 A. Yes.  
 2 (Exhibit 4 is marked.)  
 3 Q. Bishop Matano, I want to show you what has  
 4 been marked as Deposition Exhibit 4.  
 5 A. Yes.  
 6 Q. This is a May 8, 2006 letter.  
 7 A. Do you need these any further?  
 8 Q. No. I will take those for you. Thank you.  
 9 MR. MCCORMICK: I would like a copy of  
 10 everything that has been referred to;  
 11 including the Bates numbered stuff.  
 12 MR. O'NEILL: Sure. No problem.  
 13 MR. MCCORMICK: Thanks.  
 14 BY MR. O'NEILL:  
 15 Q. Bishop Matano, this document Exhibit # 4.  
 16 A. Yes.  
 17 Q. Deposition Exhibit # 4 is a May 8, 2006  
 18 letter to the faithful?  
 19 A. Right.  
 20 Q. From you, as the --  
 21 A. You have the coadjutor; but at that time I  
 22 was the bishop.  
 23 Q. Off the diocesan Web site; what can I tell  
 24 you?  
 25 A. Well, maybe that was a blessing.

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1 A. Yes.  
 2 Q. This letter was written within a month of  
 3 the time the diocese resolved one of these cases,  
 4 the first one that resolved for a particularly  
 5 substantial number. Isn't that correct?  
 6 A. Yes.  
 7 Q. And the reference here to unbridled, unjust  
 8 and terribly unreasonable assault is a reference  
 9 to the claims that have been made by those who  
 10 were sexually molested by this diocese's priests,  
 11 is it not?  
 12 A. I am not at all referring to the victims.  
 13 I am referring to the legal processes that we  
 14 have been entering into, which have in many ways  
 15 prohibited me from speaking with victims; which  
 16 have not given me the opportunity to reach out to  
 17 them, by restraints. And also, there were TV  
 18 reports featuring the cathedral parish, the  
 19 co-cathedral parish, one of our high schools, and  
 20 insinuating or implying for the people that these  
 21 were all going to have to be sold to satisfy  
 22 legal obligations arising from these civil suits.  
 23 So as I issued a second statement after this, was  
 24 not at all intended for the victims. It was the  
 25 litigious environment that had, at times, even

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1 Q. You may want to have a talk with whoever is  
 2 maintaining your Web site.  
 3 A. Maybe I would have referred to stay as  
 4 coadjutor.  
 5 Q. Bishop Matano, I want to reference  
 6 Deposition Exhibit 4. This is a May 8, 2006  
 7 letter, by which time you were bishop, which you  
 8 wrote to all of the members of this diocese, is  
 9 that right?  
 10 A. Yes.  
 11 Q. And in this you made reference to the need  
 12 to place the parishes under charitable trust, is  
 13 that correct?  
 14 A. Yes.  
 15 Q. And if you go down the third paragraph,  
 16 last sentence, four lines up from the bottom of  
 17 that paragraph, starts, "In such litigious  
 18 times". Do you see that?  
 19 A. Yes.  
 20 Q. "In such litigious times it would be a  
 21 gross act of mismanagement if I did not do  
 22 everything possible to protect our parishes, in  
 23 the interests of the faithful, from unbridled,  
 24 unjust and terribly unreasonable assault." Do  
 25 you see that?

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1 become hostile; and which was, in my opinion, and  
 2 remains my opinion, unfairly attacking parishes  
 3 and institutions which have had absolutely no  
 4 part in these awful acts, reaching back in time  
 5 over 30 years; and that the faithful should not  
 6 be expected to make restitution for what they  
 7 themselves are not responsible for. And was I  
 8 expected to empty out a high school, and no  
 9 longer have an educational facility for young  
 10 people, in order to pay civil suits? Was I  
 11 supposed to empty out my Level 3 health care  
 12 facilities in order to pay civil suits? I'm  
 13 expected to sell parishes? This is the product  
 14 of the hard work and faithful donations of the  
 15 people; that is what I was responding to.  
 16 Q. When you put these assets into trusts, you  
 17 did that to protect against the possibility that  
 18 anyone who had been molested by one of your  
 19 priests, this diocese's priests, might be able to  
 20 collect against those assets?  
 21 A. I put them into trust because that simply  
 22 solidifies, in law, what is in Canon Law. And  
 23 what has been in this diocese, the process from  
 24 the time that the Roman Catholic Diocese was  
 25 incorporated on March 26, 1896, all the monies



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<p style="text-align: right;">Page 193</p> <p>1 collected for parishes to make their buildings, 2 those monies went for the building of those 3 parishes. 4 You just saw in the paper the 50th 5 anniversary of Rice High School; all the monies 6 that were collected, were collected for the 7 purpose of building a Catholic high school. 8 People continue, like when they make repairs to 9 their church, new roof, new windows, renovations 10 to the interior of the church, those monies are 11 raised by the parish, for the parish, to be used 12 for the good of the parish. So this is simply 13 putting in Canon Law what in fact is the -- into 14 civil law what is the reality in Canon Law. 15 You may have read about some dioceses where 16 they sold properties, and money was being put 17 somewhere else. And they were instructed by the 18 proper congregation of the Holy See that when the 19 parish closes, the money of that parish is to 20 follow the parishioners to their new parish. 21 Q. Bishop, we are way off on a tangent here. 22 A. Not really, because I am not trying to hide 23 money; nor am I trying to protect myself from 24 paying restitution that is due. What I am doing 25 --</p>	<p style="text-align: right;">Page 194</p> <p>1 Q. Excuse me. You talk about unbridled, 2 unjust and terribly unreasonable assault. You 3 are not contending that the press reports are 4 unbridled, unjust and terribly unreasonable 5 assault, are you? 6 A. I am saying sometimes the expectations put 7 on us by counsel to plaintiffs is not always able 8 to be reconciled in a just manner. Because -- 9 Q. So what you are saying is that the 10 complaints of these individuals -- 11 A. Not the complaints of the individuals; and 12 not the victims themselves; but this very process 13 we are in now. 14 Q. You think that the process of my taking 15 your deposition here today as part of claims by 16 these individuals resulting from the molestation 17 by priests of this diocese is an unbridled, 18 unjust and terribly unreasonable assault? 19 A. I think what is unreasonable, and very 20 unreasonable, is the expectation that I can pay 21 very exorbitant claims by selling parishes, 22 schools, health care facilities; that is what I 23 am saying. 24 Q. No one has asked you to sell any of these 25 facilities, have they?</p>
<p style="text-align: right;">Page 195</p> <p>1 A. Well, I think in one, one of the experts in 2 finance was asked to give what the worth of the 3 diocese is, with all its properties. 4 Q. No one has asked you to sell any of these 5 assets, at this point? No one has tried to 6 attach any parish assets, have they? 7 A. Well, I think if -- 8 Q. Excuse me; no one has tried to attach any 9 parish assets, have they? 10 A. No; but it is simple mathematics. If you 11 add up what the some of the highest claims have 12 been and you multiply it by the number of cases 13 we have, we certainly, by diocesan administrative 14 funds, we would not have the funds to satisfy 15 those settlements. It is simple mathematics. 16 Q. You have always taken the position that the 17 diocese had the assets to go ahead and pay these, 18 you didn't need to worry about the parishes? 19 A. Well -- 20 Q. Am I right on that? 21 A. Well, you know yourself how settlements 22 have varied. 23 Q. Excuse me, bishop? 24 A. It went from 71,000 to 150,000. They have 25 gone from 100,000, and now they have gone up to,</p>	<p style="text-align: right;">Page 196</p> <p>1 on appeal, 8.7 million; so that puts us into a 2 whole other area. And when the Paquette cases 3 came forward, there were predictions that the 4 demands were going to be very high. 5 Q. I just want to be clear. As the bishop of 6 Burlington, under oath here today, your 7 testimony, sworn to, is that this reference to 8 unbridled, unjust and terribly unreasonable 9 assault does not refer in any way to the people 10 who are the victims of abuse by this diocese, 11 against priests, who are bringing claims? 12 A. No. I don't think our victims would not be 13 opposed to speaking with me. Maybe they are -- 14 and I would be happy to help. 15 Q. Bishop, that wasn't my question. 16 A. I think the fact that -- 17 Q. Bishop, I would like -- 18 A. We can't separate -- I believe I have to 19 make a distinction between the victims, to whom I 20 apologize again, I am very sorry for what 21 happened to them. 22 Q. Do you apologize to them for what the 23 diocese did? 24 A. I apologize to them for what they endured 25 in this diocese, and at the hands of these people</p>

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<p style="text-align: right;">Page 197</p> <p>1 who -- with whom they placed their trust. But 2 when we come to settlements and claims, that 3 enters into a whole other legal area. And I am 4 being asked now what I consider unjust. I 5 consider unjust the scenario that has been 6 developed where, if certain claims are upheld, 7 and applied across the board, it would impact 8 very seriously upon all our diocesan services. 9 Even if I kept parishes open, the services that I 10 can provide to diocesan administration, in the 11 areas of religious education; in the area of 12 seminary training; in the area of the Catholic 13 school office, helping our Catholic schools to be 14 sure that they are always up to par. And the 15 list of all of the other services that we give to 16 parishes, all of that would be seriously, 17 seriously impacted upon. And the people who are 18 suffering had absolutely nothing to do with these 19 cases reaching back over 30 years. 20 Q. Bishop, I have asked you a question. You 21 still haven't answered. 22 A. If in any way I offended you by that 23 comment, I am sorry. 24 Q. It is not a question of offending me. 25 A. If you took that personally, I am very</p>	<p style="text-align: right;">Page 198</p> <p>1 sorry. I did not mean to offend you. And if I 2 did that, I am very sorry. 3 Q. Whether you have offended me is not an 4 issue; it is not for you to worry about. What I 5 would like to know is, and I want to know as you 6 sit here under oath this afternoon, sir, and you 7 still haven't answered my question; I am going to 8 ask you to answer it straight up. I want to know 9 whether or not that reference here to unbridled, 10 unjust and terribly unreasonable assault referred 11 to the claims by the individuals who had been 12 sexually molested by the priests of this diocese? 13 A. It does not refer to the victims, no. 14 Q. You volunteered a few moments ago to 15 apologize to the victims for what they went 16 through. You don't apologize to them for what 17 the diocese's role in this was, do you? 18 A. I can't answer for incidences that took 19 place when I was myself only 30. 20 Q. You are the head of the diocese, are you 21 not? 22 A. I am such. 23 Q. And you can act on behalf of the diocese 24 for events that took place before you got here, 25 can you not?</p>
<p style="text-align: right;">Page 199</p> <p>1 A. Well, I have been placed in that position. 2 But I cannot make statements that render judgment 3 upon events that I am not, never will be fully 4 aware of; not even having the possibility to talk 5 to some of the parties who are deceased; not 6 having the opportunity to talk to Bishop 7 Marshall, who is deceased. Not having the 8 opportunity, really, to speak with Bishop Angell, 9 whose health is very poor. I mean, there are 10 people I would like to talk to, who are not 11 living. 12 Q. Based upon the documents that you have 13 seen, the testimony that you have heard, is there 14 any question in your mind that how Bishop 15 Marshall handled Father Paquette was wrong? Any 16 question whatsoever? 17 A. I think we went through that -- 18 Q. Is there any question in your mind? 19 A. -- earlier. 20 Q. I don't think in response to this 21 particular question. I just simply want to know; 22 yes or no will be fine, I will be happy to move 23 on. Any question in your mind that how Bishop 24 Marshall handled Father Paquette was wrong, in 25 the context of the times?</p>	<p style="text-align: right;">Page 200</p> <p>1 A. I don't want to repeat what I have already 2 said; but absent all the circumstances, and 3 absent being here at that time, I find it very 4 hard, as I say, to make a judgment about correct, 5 incorrect. We went through the whole discussion 6 of intentionality. 7 Q. You are not willing to make any kind of a 8 judgment, as you sit here now, as the head of 9 this diocese, with respect to Bishop Marshall, 10 and how he handled the Paquette situation, is 11 that fair? 12 A. I wouldn't place it entirely on the 13 shoulders of Bishop Marshall. I would say as -- 14 Q. I am talking about Bishop Marshall at the 15 moment. 16 A. I would say as a diocese, whether it was 17 this diocese or other dioceses, these cases were 18 not handled as they should have been handled. 19 Q. Your perspective with respect to it is that 20 you must do whatever it takes to protect the 21 assets of this diocese, is that right? 22 A. I must do whatever it takes to serve all 23 the people entrusted to my care. That means 24 victims; it means school children; it means 25 parishioners; it means those in the health care</p>

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<p style="text-align: right;">Page 201</p> <p>1 institutions, right across the board. I must do 2 everything possible to protect and to insure that 3 their needs are met. I am not being personally 4 ingratiated by the position that I hold. I am 5 not accumulating any money for the sake of 6 accumulating money. I am not protecting any 7 money for the sake of protecting money. It all 8 has a very distinct purpose, which I pray is 9 rooted in charity. 10 Q. Your objective is to protect the assets of 11 this diocese? 12 A. A bishop has the mandate, as part of his 13 office: he is to teach, to sanctify and to 14 govern; and in governing the diocese, he does 15 have to protect the assets. I can't be expected 16 to say, no, I have no control over the assets, 17 and I don't care how they are used; that would be 18 irresponsible. 19 Q. You are willing to permit your attorneys to 20 explore any aspect of an individual claimant's 21 life, to be able to keep his claim down, no 22 matter what kind of damage it does to him. Isn't 23 that true? 24 A. I have sought, as I said after the last 25 case, the guidance of the court in these matters</p>	<p style="text-align: right;">Page 202</p> <p>1 in which we have not been able to reach a 2 resolution. I hope we could reach a resolution. 3 I am not here to make painful lives more painful; 4 this is not at all my focus. 5 Q. Even if that is what happens? 6 A. Well, I think that is, with all due 7 respect, your interpretation of it. 8 (Exhibit 5 is marked.) 9 Q. Bishop Matano, I will show you what is 10 marked here as deposition exhibit 5. This is a 11 follow on letter that you issued on May 19, 2006, 12 to the people of the diocese, after you had 13 issued your initial letter which referenced the 14 terribly unjust and unreasonable assaults, is 15 that right? 16 A. Yes. 17 Q. You were subjected to a great deal of 18 criticism for having sent out the first letter 19 with that language in it, were you not? 20 A. Yes. 21 Q. And in this one, if we go to the second 22 paragraph, it states, the letter dealt 23 specifically with, "Our reason for placing all 24 128 parishes in the Roman Catholic Diocese of 25 Vermont under a charitable trust, in order to</p>
<p style="text-align: right;">Page 203</p> <p>1 protect them and their faithful parishioners from 2 possible unfair liabilities in the current 3 litigations against the Roman Catholic Diocese of 4 Burlington. The unfair liabilities are a jury 5 making a determination as to what an individual 6 should receive as a result of abuse by a priest 7 of this diocese", is that right? 8 A. Not to be redundant, but I see it as unfair 9 when it impacts upon innocent people who have had 10 nothing to do with these cases. And I have 11 already listed all of those entities that could 12 possibly be affected by this litigation. 13 Q. I am going to switch areas here with you, 14 and ask you about some sub-parts of something I 15 talked about with you earlier; not coming back to 16 the same thing, but I do want to talk briefly 17 about the placement that Bishop Marshall had for 18 Father Paquette when he came to Vermont. If 19 Bishop Marshall had chosen to place Father 20 Paquette in an institutional chaplaincy, it would 21 have been much harder for Father Paquette to 22 molest children in the diocese, would it not? 23 A. I don't know if that is the case, Mr. 24 O'Neill, because we are here in an institutional 25 chaplaincy. He would have been in that</p>	<p style="text-align: right;">Page 204</p> <p>1 chaplaincy alone. More than likely there would 2 not have been any other priests assigned to that 3 chaplaincy; so he could come and go as he wished. 4 And he could have a schedule that he determined; 5 whereas when he was in a -- he was in the larger 6 parish, at that time there may have been two, 7 three or maybe even more priests. He is 8 surrounded by other priests, and he has a pastor 9 whom he is directly accountable to. So in some 10 ways, the setting of the parish with the 11 multiplicity of priests being there is -- in some 12 ways could have been more advantageous than left 13 on his own. Because I think in one of the 14 letters that went back and forth with the 15 psychologist, Bishop Marshall asked the question, 16 I have to be concerned if he ever can be a 17 pastor, because many of our parishes are one 18 priest parishes. And can he be, I guess in 19 effect saying, can he be left alone. So I myself 20 wouldn't be overly confident if he were just in a 21 chaplaincy. 22 It would be much different if by his own 23 physical health he were incapacitated, so he 24 wouldn't have mobility to come and go, and he 25 would be more or less always on site. But being</p>

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<p style="text-align: right;">Page 205</p> <p>1 a healthy person, and able to get around, and 2 being his own boss, so to speak, in that setting, 3 I don't know if that would have been the best 4 setting, either, to be honest. 5 Q. It would be better in an institutional 6 chaplaincy with an order from the bishop that he 7 have no unsupervised contact with boys; that 8 would increase the likelihood that the children 9 of the diocese would be safe from Father 10 Paquette? 11 A. It would depend how that mandate was given, 12 and who was maintaining vigilance. 13 Q. To Father Paquette and to other priests in 14 the same setting? 15 A. Yes; that would have been a possible 16 directive. 17 Q. And that directive would have increased the 18 safety for boys in that diocese, would it not? 19 A. Yes. 20 Q. And if Bishop Marshall had mandated that, 21 in any assignments that Father Paquette had in 22 Vermont that he have no unsupervised contact with 23 boys, institutional chaplaincy, parish, whatever 24 it is, that would have made it less likely that 25 Father Paquette would have molested boys, would</p>	<p style="text-align: right;">Page 206</p> <p>1 it not? 2 A. It certainly would have been a precaution; 3 but I think we have learned now that those so 4 terribly inclined in this direction will find any 5 avenue, and can become a source of concern, 6 regardless of assignment. We have learned that 7 now, over the years. 8 Q. Would have been a step in the right 9 direction, however, would it not? 10 A. Yes. It's a reasonable protocol to put in 11 place. 12 Q. If Bishop Marshall had chosen to tell the 13 pastor where Father Paquette was that he was 14 getting someone who had a history of abusing 15 boys, that likewise would have increased the 16 likelihood that boys at this parish would be 17 safer, would it not? Excuse me; the diocese? 18 A. That is reasonable. 19 Q. And likewise, if Bishop Marshall had chosen 20 to advise people in the diocese that they were 21 getting a priest whom had had a past problem of 22 molesting boys, and they needed to be aware of 23 it, that would have made it safer for the boys in 24 that parish, would it not? 25 A. That is a reasonable statement.</p>
<p style="text-align: right;">Page 207</p> <p>1 Q. If, after Father Paquette was caught 2 molesting "young men" in Rutland, Bishop Marshall 3 had chosen to turn him in for criminal 4 prosecution, it would have decreased the 5 likelihood of Father Paquette molesting more boys 6 in this diocese, would it not? 7 A. Yes. What troubles me there is that the 8 hospital in the first instance itself did not 9 make a report. 10 Q. Just the fact that the hospital didn't make 11 a report -- 12 A. Well, one would think, they being health 13 professionals, would have known when something 14 should be reported or not reported. 15 Q. Doesn't exonerate the diocese? 16 A. No. No. 17 Q. The fact is, if the hospital sees a 18 Catholic priest who comes there, who engages in 19 some misconduct, they advise the diocese about 20 it, the diocese is in a position to police its 21 own, and call the police and say, hey, we have 22 somebody who has been molesting boys; you should 23 be aware of this; could they not? 24 A. Yes. I am just saying in some ways it 25 indicates the climate of that time, on how these</p>	<p style="text-align: right;">Page 208</p> <p>1 matters were handled. 2 Q. At least in terms of protecting priests, if 3 you are a diocese, or hospital in Rutland, right? 4 A. Well, that is a conclusion you are making. 5 Q. Do you agree with me? 6 A. Well, when you say to protect priests, it's 7 always giving the impression that we protect the 8 priests to sacrifice the children; and I don't 9 believe that was Bishop Marshall's intent, as I 10 said earlier. I don't think he intentionally 11 wanted to put children at risk. 12 Q. Isn't it fair to say that what Bishop 13 Marshall did, in the context of those times, as 14 could be seen by someone at that time, was to try 15 to salvage a priest, Father Paquette; in doing 16 so, putting boys in jeopardy of being molested? 17 A. That was the result. 18 Q. I want to talk with you about your duties, 19 in the Papal nunciature. 20 MR. MCCORMICK: Let's take a break 21 here. It has been nearly two hours. 22 MR. O'NEILL: Of course. We will go 23 off the record. It is 3:20 p.m., and we will 24 take a break. 25 (An off-the-record discussion was held.)</p>

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1 MR. O'NEILL: It is approximately 3:37  
 2 p.m.; we are back on the record here.  
 3 Q. Bishop Matano, have you looked at the audit  
 4 reports of the U.S. Council of Catholic Bishops  
 5 with respect to this diocese, and its  
 6 implementation of the Charter for the Protection  
 7 of Children and Young People?  
 8 A. Yes.  
 9 Q. This Diocese has a troublesome record of  
 10 compliance with the recommendation of the  
 11 mandates of U.S. Council of Catholic Bishops,  
 12 does it not?  
 13 MR. MCCORMICK: Objection.  
 14 A. Well, last audit we were found compliant.  
 15 We just completed the audit for this year  
 16 yesterday, and I had an exit interview with the  
 17 auditor; and nothing is final until it is in  
 18 writing, and I don't want to give any premature  
 19 conclusions, but the indication was given that we  
 20 had done very well.  
 21 Q. If you had done very well, it would be the  
 22 first time that this diocese had finished the  
 23 audit in full compliance with the mandates?  
 24 A. No. I believe the last time we were in  
 25 full compliance for the full year.

1 Q. If we go back to 2003 -- if I could show  
 2 you here what I have now marked as Deposition  
 3 Exhibit 6.  
 4 (Exhibit 6 is marked.)  
 5 Q. This is from the U.S. Council of Catholic  
 6 Bishops, in the Office of Child and Youth  
 7 Protection. This shows a report that was  
 8 conducted for conditions that were found to exist  
 9 during the week of August 18, 19th, 2004. Do you  
 10 see that?  
 11 A. Yes.  
 12 Q. And if we go to the second page of this, we  
 13 look at this the top of the second page, refers  
 14 to, "An allegation of abuse of a minor by a  
 15 priest or deacon was received, a preliminary  
 16 investigation in harmony with canon laws  
 17 initiated. If a preliminary investigation so  
 18 indicates, the diocese does not always notify the  
 19 congregation for the doctrine of faith, and  
 20 applies only one of the" -- excuse me; try that  
 21 again; pardon me. "...applies only some of the  
 22 precautionary measures mentioned in CIC Canon  
 23 1722 or CCEO Canon 1743. A required action was  
 24 issued to the diocese concerning the  
 25 precautionary measures mentioned above. When

1 accusations against a priest or deacon are proven  
 2 to be unfounded, the diocese of Ara Coeli takes  
 3 step to restore the good name of the priest or  
 4 diocese." So this is one area that, as this of  
 5 date in 2004, this diocese was not in compliance,  
 6 agreed?  
 7 A. Is this not -- this is simply stating what  
 8 the protocol is, is it not?  
 9 Q. Well, if we look at it, it states in here  
 10 that if a preliminary investigation so indicates,  
 11 the diocese does not always notify the  
 12 congregation for the doctrine of faith. My read  
 13 of it, if you disagree, please do say so, that  
 14 there was a finding that this diocese did not  
 15 meet its requirement in that respect?  
 16 A. Well, I think subsequent to that, if my  
 17 memory serves me correctly, there may have been a  
 18 clarification issued by the congregation, about  
 19 which cases were to be presented and which cases  
 20 were not to be presented within a certain time  
 21 frame; so that could have been the case. But I  
 22 don't know.  
 23 Canon 1722 refers to being placed on  
 24 administrative leave. And that CIC is the Codex  
 25 Iuris Canonici, which is the Latin for Code of

1 Canon Law. The CCEO is the same thing as the  
 2 Code of Canon Law, only the one that governs the  
 3 oriental churches. But both Canons are dealing  
 4 with placing someone on administrative leave; so  
 5 it could be questioning the consistency in which  
 6 they applied the Canons. I don't know that.  
 7 Q. If we go down to the fourth full paragraph  
 8 on that page, you see where it mentions the  
 9 penalty of dismissal. Do you see that?  
 10 A. Yes.  
 11 Q. "If the penalty of dismissal from the  
 12 clerical state has not been applied, the diocese  
 13 does not direct the offender to lead a life of  
 14 prayer and penance." It goes on to say, "The  
 15 diocese has allowed two offenders to celebrate  
 16 mass publicly and to administer the sacraments.  
 17 The diocese has allowed all offending priests to  
 18 present themselves publicly as a priest, by  
 19 allowing them to continue to wear priestly garb."  
 20 Do you see that?  
 21 A. Yes.  
 22 Q. That is contrary to what the diocese does  
 23 now?  
 24 A. Yes.  
 25 Q. But as of 2003 -- excuse me, 2004, this

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<p style="text-align: right;">Page 213</p> <p>1 diocese was not compliant in that respect. 2 Agreed? 3 A. If that is what the report is indicating. 4 Q. If we go to the last page of the report, 5 required action, number 1, article 5, one of the 6 required actions was, "Insure and document all 7 priests removed from ministry from the diocese 8 are informed that they are not permitted to 9 celebrate mass publicly; not permitted to 10 administer the sacraments; not permitted to wear 11 clerical garb, and cannot present themselves 12 publicly as a priest." Do you see that? 13 A. Yes. 14 Q. Up until that time, contrary to the norms, 15 this is what this diocese was permitting to 16 occur. Agreed? 17 A. That is what the report is saying. All I 18 can comment is I don't know why particular 19 decisions were made in certain instances. But 20 the report states that. 21 Q. In effect, the priests who had been 22 suspended, all of them were being permitted to go 23 about in priestly garb; present themselves 24 publicly as priests, which would put youth in 25 jeopardy, would it not?</p>	<p style="text-align: right;">Page 214</p> <p>1 A. This is what the required action is. 2 Q. Correct? 3 A. That is what they are indicating what has 4 to be done. 5 Q. If you go back a page, which I read 6 earlier, they also state the diocese has allowed 7 all offending priests to present themselves 8 publicly as a priest by allowing them to continue 9 to wear priestly garb? 10 A. It says all priests? 11 Q. It does. I would like to have you spot it 12 and be comfortable with it, however. Go back to 13 the second page, please. 14 A. Yes. 15 Q. Go down to the fourth full paragraph that 16 starts, "If the penalty of dismissal". Do you 17 see that? 18 A. Yes. 19 Q. It says, "...has allowed two offending 20 priests" -- "... has allowed all offending 21 priests to present themselves publicly", correct? 22 And the reason that is important is because of 23 the stature a priest carries with youth, among 24 other things, agreed? 25 A. Yes. But it -- was this at the same time</p>
<p style="text-align: right;">Page 215</p> <p>1 that the Attorney General was conducting a review 2 of all the files, and they were awaiting final 3 adjudication there? I don't know that, I am just 4 asking the question. 5 Q. This is two years later. 6 A. I see. 7 Q. This is 2004; the Attorney General's action 8 was in 2002. 9 A. Okay. 10 Q. The audit also required, if we go back to 11 the third page, that the diocese, "...prepare and 12 implement a safe environment program for the 13 diocese, to insure training as afforded to all 14 diocesan officials covered under the Charter for 15 the Protection of Children and Young People." Do 16 you see that? 17 A. Yes. 18 Q. That is -- then what caused this diocese to 19 plan and implement a safe environment program was 20 the mandate brought about through this audit, 21 agreed? 22 A. Yes. 23 Q. Then lastly, "Establish a plan and schedule 24 for implementation of background checks for all 25 individuals required by the charter." Is that</p>	<p style="text-align: right;">Page 216</p> <p>1 correct? 2 A. Yes. 3 Q. Now, if we to go the bottom of there, on 4 December 31, 2004, there was a re-audit in 5 December of that year. Is that correct? 6 A. Yes. 7 Q. And in that respect, the diocese had by 8 that time implemented the mandate that all 9 priests removed from ministry not, among other 10 things, wear their priestly garb. And also, it 11 had implemented the background check requirement, 12 but it still had not prepared and implemented a 13 safe environment program. Is that correct? 14 A. Yes. 15 Q. Let's go to what is marked here as 16 Deposition Exhibit number 7. 17 (Exhibit 7 is marked.) 18 Q. This is the 2004 annual report, issued in 19 February of 2005; Charter for the Protection of 20 Children and Young People. If we go on this 21 particular document and we go to chapter 3, page 22 9. Just so that we have some context for what 23 this diocese is doing, this lists compliance with 24 the charter, audit results, starting on page 9 of 25 chapter 3, does it not?</p>

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<p style="text-align: right;">Page 217</p> <p>1 A. Yes. 2 Q. And if we go over on this, we will see on 3 page 11 that the following diocese and eparchies 4 were non-compliant with a article or articles of 5 the charter, and some but not all of the required 6 actions notice they had received during the audit 7 process. And it lists here four different 8 dioceses or eparchies, is that correct? 9 A. Yes. 10 Q. And of those, three of them are Eastern, is 11 that correct? 12 A. Yes. 13 Q. The only one that is not is the Diocese of 14 Burlington? 15 A. It shows the diocese of Youngstown. Shows 16 it of Charleston. The Diocese of Fresno. 17 Q. That is on page -- 18 A. This is on page 10. 19 Q. I was on page 11. 20 A. I am sorry. Page 11; okay. 21 Q. Do you see that on page 11? 22 A. Yes, I see that. 23 Q. Three of the Latin rite -- excuse me; three 24 of the Eastern rite; and the only one of the 25 Latin rite listed that is not in compliance is</p>	<p style="text-align: right;">Page 218</p> <p>1 the Diocese of Burlington, agreed? 2 A. Mm-hmm. 3 Q. And it lists the various categories in at 4 which Diocese of Burlington is not in compliance, 5 agreed? 6 A. Yes. 7 Q. Let's go to the March 2007 report of the 8 Office of Child and Youth Protection of the 9 National Review Board of the United States 10 Conference of Catholic Bishops. 11 (Exhibit 8 is marked.) 12 Q. This is the report on the implementation of 13 the Charter for the Protection of Young People? 14 On this one we go to chapter 2, doesn't seem to 15 have a page number on it. Chapter 2, so I will, 16 -- findings; do you see that? 17 A. Yes. 18 Q. If we go to the second column where it says 19 article 12; do you see that? 20 A. You are on what page? 21 Q. Doesn't have a page number on it. Chapter 22 2 findings. 23 A. I am sorry. Chapter 2 findings, yes. 24 Q. Looks like this. 25 A. Yes. Yes.</p>
<p style="text-align: right;">Page 219</p> <p>1 Q. Do you have the right page now? 2 A. Yes. 3 Q. Do you see where it says, on the column on 4 the right, Article 12? 5 A. Yes. 6 Q. "17 dioceses/eparchies that were audited on 7 Article 12 and 15 were found to be compliant. 8 Two dioceses were not fully compliant with the 9 articles of Article 12. The Archdiocese of 10 Cincinnati and the diocese of Burlington were 11 found to be non-compliant, due to the need to 12 complete the training of volunteers." That is 13 what it states, does it not? 14 A. Yes. 15 Q. It is fair to say that this diocese has 16 been slow to meet the requirements of the Charter 17 for the Protection of Children and Young People, 18 has it not? 19 A. Well, the audits take place every year; so 20 someone can be compliant in one year, and then 21 the next year not found compliant. In other 22 words, the audit doesn't mean compliance once and 23 for all; it is repeated each year. 24 As I said, we were found to be compliant; 25 this is referring to 2006 audit. And then we</p>	<p style="text-align: right;">Page 220</p> <p>1 were found to be compliant last year, and I have 2 no doubt or no reason to believe we will not be 3 found compliant this year. And I have every 4 indication that not only in the future, by the 5 way the protocols have been established, not only 6 will we be compliant, but in many ways our 7 accounting and record keeping and our programs 8 will place us in a very good category. 9 As I say, when I came I did the best I 10 could to implement the charter; and you have to 11 realize, too, as I tried to explain earlier, when 12 you are compliant it means that people have 13 actually completed the courses that were decided 14 upon for instruction, so that because they were 15 in place, you would not be rendered compliant 16 until the courses had run their cycle. For 17 example, an academic year, you would never 18 receive credit for the courses just because you 19 are enrolled in the courses and they were 20 established; it has to run its complete cycle. 21 So as I say, the office was established in May of 22 2005, shortly after I arrived; Mr. Kevin Scully, 23 on a full-time basis. And then all the programs 24 went into place, and then we have been going 25 forward with I think very good men, and with the</p>

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1 statistics that I gave before.  
2 Q. It depends on who the bishop is, what  
3 happens, doesn't it?  
4 A. Well, I think Bishop Angell was dealing  
5 with many different situations. He was dealing  
6 with the office of the Attorney General. So I  
7 mean, I think he had a great deal of challenge in  
8 his own ministry, and was doing the best he  
9 possibly could to implement all of this. The  
10 charter only came out in 2002, and different  
11 dioceses have different resources. In some ways  
12 a smaller diocese is much more challenged than a  
13 larger diocese, because we don't have all the  
14 resources available to us for training personnel;  
15 for staffing offices; for compiling reports; for  
16 doing the background checks. We have had to  
17 really pick up on momentum here and go full steam  
18 ahead. But I think he was at the beginning of  
19 this, of -- the initial processes are always more  
20 difficult to establish.  
21 Q. Bishop Matano, it is fair to say, based  
22 upon objective evidence, that this diocese was  
23 one of the slowest to comply with the Charter for  
24 Protection of Children and Young People, was it  
25 not?

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1 gives to us.  
2 Q. How many secretaries are there of the  
3 apostolic nuncio in a given moment? Or while you  
4 were there?  
5 A. There are usually three or four secretaries  
6 from the United States. And then there are flow  
7 [PAOEFTS] or part of the normal diplomatic corps,  
8 who are in the diplomatic community. They take  
9 their formal studies at the academy in Rome for  
10 ecclesiastics and for diplomacy. And they are  
11 officially diplomats. We were adjunct staff.  
12 Q. What is the difference between those who  
13 are diplomats and those who are adjunct staff?  
14 A. Well, the diplomatic staff can be assigned  
15 anywhere in the world, whether it is an apostolic  
16 nunciature. For the most part that becomes their  
17 life, to serve in the diplomatic corps as a  
18 priest. And they can relate more precisely to  
19 government; whereas those who -- and they enjoy  
20 diplomatic status. We did not enjoy diplomatic  
21 status, and we were assigned, as you can see from  
22 my curriculum vitae, for a certain period of  
23 time; but then would return to our own diocese.  
24 Q. Now, one of your functions there as the  
25 secretary at the Papal nunciature was to pass

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1 MR. MCCORMICK: Objection.  
2 A. Well, unfortunately, the factual reports  
3 are not favorable.  
4 Q. I want to talk with you, I started to make  
5 mention to you before we took a break a bit ago,  
6 that I wanted to talk with you about your work at  
7 the apostolic nuncio. If I have this correctly,  
8 you served there twice?  
9 A. Yes.  
10 Q. Once in 1991 and 1992; and again from  
11 January 2000 until April of 2005; is that  
12 correct?  
13 A. Yes. January of 2000 through April of  
14 2005.  
15 Q. Could you differentiate for us what your  
16 duties were the first time versus the second  
17 time?  
18 A. In both instances they were very similar.  
19 Q. What was your title each time?  
20 A. Secretary.  
21 Q. What does that mean?  
22 A. We serve at the pleasure of the apostolic  
23 nuncio. The formal title of the building is the  
24 apostolic nunciature, N-U-N-C-I-A-T-U-R-E. And  
25 we accept whatever assignment or task that he

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1 information back and forth to the Holy See, is  
2 that correct?  
3 A. At the instruction of the nuncio, yes.  
4 Q. Sure. Did you receive information during  
5 either time that you were assigned to the  
6 apostolic nunciature with respect to childhood  
7 sexual abuse?  
8 A. The first time, no; the second time,  
9 obviously in 2002 we encountered this crisis. So  
10 dioceses would forward reports to the  
11 congregations concerned; and we would then  
12 forward those reports on to the Holy See. So the  
13 information was more by way of transmitting  
14 information from the diocese to the proper  
15 congregation in Rome.  
16 Q. Did you at any time receive documents that  
17 were going to be shipped out of the United  
18 States, to keep them out of this country, to get  
19 them out of the country?  
20 A. No.  
21 Q. While you were there did you receive or see  
22 any documents that related to the diocese of  
23 Burlington, either time?  
24 A. No. Not that I recall, no.  
25 Q. Did you see any documents that were being



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1 sent through you on to the Holy See to avoid the  
 2 possibility of being subpoenaed in some respect?  
 3 A. No.  
 4 Q. While you were at the apostolic nunciature  
 5 did you become aware in any way of any  
 6 information from the diocese of Burlington with  
 7 respect to priests, deacons or other clergy  
 8 abusing children?  
 9 A. If I did, I don't recall it. It was not  
 10 such that it made an impression upon me. But I  
 11 must say, my familiarity with what was happening  
 12 in Burlington came to me when I came to  
 13 Burlington. I didn't really have much knowledge  
 14 of these occurrences prior to coming.  
 15 MR. O'NEILL: Let's go off the record.  
 16 It is approximately 3:58 p.m.  
 17 (An off-the-record discussion was held.)  
 18 MR. O'NEILL: We are back on the  
 19 record. It is approximately 4:00 p.m. I  
 20 have no further questions, Bishop; thank  
 21 you.  
 22 MR. MCCORMICK: No questions.  
 23 MR. O'NEILL: In that case, we will  
 24 close the deposition and go off the record  
 25 at approximately 4:01 p.m.

1  
 2 I have carefully read the foregoing deposition,  
 3 and the answers made by me are true.  
 4  
 5  
 6  
 7  
 8 \_\_\_\_\_  
 9 BISHOP SALVATORE MATANO  
 10  
 11  
 12 STATE OF VERMONT  
 13 COUNTY OF CHITTENDEN  
 14  
 15  
 16 At \_\_\_\_\_, in said county  
 17 this \_\_\_\_\_ day of \_\_\_\_\_, 2008, personally  
 18 appeared the above-named BISHOP SALVATORE MATANO,  
 19 and made oath that the foregoing answers are  
 20 true.  
 21  
 22  
 23 \_\_\_\_\_  
 24 NOTARY PUBLIC  
 25

1  
 2  
 3 C E R T I F I C A T E  
 4  
 5 STATE OF VERMONT  
 6 COUNTY OF CHITTENDEN  
 7  
 8 I, CHRISTINA L. BOERNER, Court Reporter  
 9 and Notary Public, certify that I was authorized  
 10 to and did stenographically report the  
 11 deposition of BISHOP SALVATORE MATANO; and that  
 12 the transcript is a true and complete record of  
 13 my stenographic notes.  
 14 I further certify that I am not a  
 15 relative, employee, or counsel of any of the  
 16 parties, nor am I a relative or employee of any  
 17 of the parties' attorney or counsel connected  
 18 with the action, nor am I financially interested  
 19 in the action.  
 20  
 21 DATED this 4th day of October,  
 22 2008.  
 23  
 24  
 25 Christina L. Boerner

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ERRATA SHEET

SALVATORE  
WITNESS: BISHOP ~~SAVATORE~~ MATANO

PAGE	LINE	CORRECTION	<i>*Italicized</i> words indicate correction/insertion
12	3	“into the church <i>through</i> the”... (strike “to”)	
	5	insert: “to <i>celebrate</i> the sacrament”	
	6	change “confessing” to “ <i>confession</i> ”	
14	11	change “into” to “ <i>in</i> the spiritual life”; insert: “try <i>to</i> ”	
	12	insert: “the parents <i>are</i> to”	
21	2	“local <i>police jurisdiction</i> ” (no period after police; small “j” for jurisdiction)	
27	8	insert: “ <i>to the</i> best of my memory”	
29	5	change “Mission heart” to “ <i>Missionhurst</i> ”	
31	20	change “Noticed” to “ <i>Notice</i> ”	
42	4	change “attention” to “ <i>tension</i> ”	
44	24	change “a priest to” to “a priest <i>of</i> ”	
45	7	insert: “ <i>was</i> in this diocese”	
	8	change “diocese” to “ <i>dioceses</i> ”	
50	22	change “refer to” to “ <i>referred</i> to”	
55	25	change “speak of that” to “ <i>spoke</i> of that”	
58	8	change “so they house” to “so <i>at the</i> house”	
60	4	after “financial affairs” strike the “.” and add: “ <i>and also was available as an advisor.</i> ”	



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~~BISHOP SALVATORE MATANO~~

PAGE	LINE	CORRECTION
60	20	change "Gelano" to " <i>Gelineau</i> "
	21	insert: "believe <i>he</i> then"
	23	change "licentiative" to " <i>licentiate</i> "
61	16	for both instances of "co-celebrant" change to " <i>concelebrant</i> "
62	6	change "Gelano" to " <i>Gelineau</i> "
63	21	insert: " <i>only</i> in the sense"
65	3	strike " <i>been</i> ", "that would be the case"
	14	change "Was there extenuating" to " <i>Were</i> there extenuating"
66	21	insert: "were <i>other</i> applicants <i>who</i> would be"
72	16-17	insert: "serving in the diocese of <i>another Bishop</i> , there is"
	23	change "own priest" to "own <i>bishop</i> "
81	21	change "doctored" to " <i>doctors</i> ," and add " <i>reckless</i> ": "So were these <i>doctors reckless</i> "
114	11	change "predicate by the statement," to "predicate by <i>that</i> statement,"
121	10	strike: "such a" and begin with "contentious"
123	16	change "subdeaconate" to " <i>subdiaconate</i> "
	19	change "subdeaconate" to " <i>subdiaconate</i> "
	20	change "deaconate" to " <i>diaconate</i> "



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ERRATA SHEET

WITNESS: ~~SALVATORE~~  
~~BISHOP SAVATORE MATANO~~

PAGE	LINE	CORRECTION
124	10	change "he can not" to " <i>he cannot</i> "
133	9	change "for the best" to " <i>to the best</i> "
136	4	insert: "from counsel <i>and</i> from the Office"
137	1	change first sentence from "employees, 300 teachers, close to 200 or more" to " <i>diocesan employees, 304 teachers, in excess of 300</i> "
	21	change "taking any child on a passage" to "taking any child <i>as a passenger</i> "
140	6	insert: "the ex officio <i>members</i> would be"
	10	delete "." after "Yes" and change to: " <i>Yes, originally, but it later was changed to The Review Board by the desire of the Board .</i> "
143	23	change "social worker, counselor." to " <i>social workers, counselors.</i> "
150	6	insert: "don't <i>recall</i> reading"
163	25	change "accosted" to " <i>accused</i> "
172	22	change "intents" to " <i>intent</i> "
181	24	change from "there would be a few" to "there would be few" - delete " <i>a</i> "
182	2	delete second "post them on a Web site"
	7	change "Father Paquette was even Worcester" to "Father Paquette was <i>publicized even in Springfield</i> "



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ERRATA SHEET

WITNESS: ~~SALVATORE~~  
BISHOP ~~SAVATORE~~ MATANO

PAGE	LINE	CORRECTION
183	10	change "seven" to "several"
188	4	insert: " <i>also</i> the program of Formation"
190	3	change "referred" to "preferred"
191	17 23	change "by restraints" to " <i>due to legal</i> restraints" insert: "after this, <i>stating it was</i> "
192	23	insert: "what has been <i>the practice</i> in this diocese"
193	13	change "putting in Canon Law what in fact is the – into" to "putting <i>into Civil</i> Law what in fact is the <i>Canon Law</i> - into"
195	1 11 24 25	insert: "I think in one <i>trial</i> , one" change "some" to " <i>sum</i> " change "71,000 to 150,000" to " <i>25,000 to</i> <i>100,000.</i> " insert: "from 100,000 to <i>150,000 to 170,000</i> and now they"
196	12	change "would not be" to "would be" – delete " <i>not</i> "
197	10	change "can provide to diocesan" to "can provide <i>through</i> diocesan"
220	22 25	insert: "Mr. Kevin Scully <i>was employed</i> "; delete "," after "Scully" insert and change: "I think <i>a very good man</i> " – not " <i>men</i> "
223	6-7	change "And then there are flow [PAOEFTS] or"





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ERRATA SHEET

WITNESS: ~~SALVATORE~~  
BISHOP ~~SAVATORE~~ MATANO

PAGE	LINE	CORRECTION
223	6-7	to "And then there are <i>three or four priests</i> <i>who are part of</i> "
223	15	change "whether it is" to " <i>wherever there is</i> "



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ERRATA SHEET - ADDENDUM

WITNESS: ~~BISHOP SALVATORE MATANO~~  
SALVATORE

PAGE	LINE	CORRECTION
29	5	change "Missionhurst in <i>Albuquerque</i> , then to Via Coeli" to "Missionhurst in <i>Arlington, Virginia</i> , then to Via Coeli in <i>Albuquerque</i> "

COPY

I have carefully read the foregoing deposition,  
and the answers made by me are true.

+ Salvatore P. Matano  
BISHOP SALVATORE MATANO

STATE OF VERMONT

COUNTY OF CHITTENDEN

At, BURLINGTON, in said county  
this 2<sup>nd</sup> day of December 2008, personally  
appeared the above-named BISHOP SALVATORE MATANO,  
and made oath that the foregoing answers are true.

William J. Dini  
NOTARY PUBLIC



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