

SUPERIOR COURT CHITTENDEN COUNTY STATE OF VERMONT

MICHAEL GAY *
*
vs. * DOCKET NO. S748-04 CnC
*
ROMAN CATHOLIC DIOCESE *
OF BURLINGTON, VERMONT *
and EDWARD PAQUETTE *

V I D E O T A P E D
D E P O S I T I O N

OF

BISHOP KENNETH A. ANGELL

Taken on behalf of the Plaintiff on
Thursday, July 7, 2005 at the Roman Catholic
Diocese, Burlington, Vermont.

APPEARANCES:

JEROME F. O'NEILL, ESQ. and MARY LOU MARSH,
PARALEGAL, of the firm O'Neill, Kellner & Green,
P.C., P.O. Box 5359, Burlington, VT 05402-5359,
appeared and represented the Plaintiff.

DAVID L. CLEARY, ESQ., of the firm Cleary, Shahi &
Aicher, P.C., P.O. Box 6740, Rutland, VT
05702-6740, and

WILLIAM M. O'BRIEN, ESQ., of the O'Brien Law
Offices, 26 W. Allen Street, Winooski, VT
05404-2103, appeared and represented Defendant
Diocese.

COURT REPORTER: Virginia L. Simmer, RPR

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STIPULATIONS

1 It is hereby STIPULATED and AGREED by
 2 and between the attorneys of record for the
 3 respective parties hereto, as follows:

- 4 1. That the testimony of BISHOP
 5 KENNETH A. ANGELL may be taken and treated as
 6 taken pursuant to notice and order to take
 7 deposition, and that all formalities of
 8 notice and order are waived by the parties
 9 and the signatures to this Stipulation are,
 10 in like manner, waived;
- 11 2. That all objections, except as to
 12 matters of form, are reserved until the
 13 deposition or any part thereof is offered in
 14 evidence;
- 15 3. That the deposition may be signed by
 16 the said BISHOP KENNETH A. ANGELL before any
 17 Notary Public.

1 (Commencing at approximately 10:08 a.m.)

2 MR. O'NEILL: It is July 7th, 2005.
 3 We're here in the case of Michael Gay
 4 versus the Roman Catholic Diocese of
 5 Burlington and we are doing the
 6 deposition today of Bishop Kenneth
 7 Angell. I have asked each of the
 8 persons present in the room if they
 9 would be good enough to identify
 10 themselves before we commence the
 11 deposition. As part of that my name's
 12 Jerry O'Neill. I'm a lawyer for Michael
 13 Gay who's the plaintiff in this case.

14 MARY LOU MARSH: I'm Mary Lou Marsh,
 15 paralegal with O'Neill, Kellner & Green.

16 MR. CLEARY: I'm David Cleary, one of
 17 the counsel for the diocese. And,
 18 Jerry, a question is there only one
 19 named defendant in this case?

20 MR. O'NEILL: Edward Paquette was
 21 also named as a defendant. Thank you.

22 THE WITNESS: I'm Bishop Kenneth
 23 Angell, Bishop of Burlington. And
 24 that's it.

25 MR. O'BRIEN: And I am Bill O'Brien,

1 the diocesan attorney and that's it.

2 THE REPORTER: And I'm Virginia
 3 Simmer, court reporter with Green
 4 Mountain Court Reporters.

5 MR. O'NEILL: Would you be good
 6 enough to swear the Bishop, please.

7 BISHOP KENNETH A. ANGELL: Being first duly sworn by
 8 a Notary Public to tell
 9 the truth, deposes and
 10 says as follows:

11 THE REPORTER: Usual stipulations?

12 MR. O'NEILL: Usual stipulations are
 13 fine.

14 MR. CLEARY: In terms of
 15 stipulations, Jerry, I understand that
 16 there may be occasion to resort to the
 17 use of or have the Bishop review some
 18 documents which may already be covered
 19 by a stipulation of nondisclosure. We
 20 have no objection to them being used in
 21 connection with the deposition with the
 22 understanding that the stipulation still
 23 covers them, their use and those
 24 portions of the deposition that referred
 25 to them.

MR. O'NEILL: I don't think that

1 using them here causes them to lose
2 their character as being covered by the
3 order of the court. I agree.

4 EXAMINATION BY MR. O'NEILL:

5 Q. Bishop Angell, as you know from our
6 introductions, my name is Jerry O'Neill. I'm going
7 to ask you some questions this morning, go over some
8 matters with you, show you some documents. As part
9 of that process I will ask you questions. I will
10 try very hard to ask you clear, understandable
11 questions. However, if I ask you a question which
12 for any reason, I really do mean any reason you find
13 confusing, you do not understand, it may well be I
14 have chosen poor words, you should not assume it's
15 your problem, please do say so because the objective
16 here today is for me to ask you clear questions
17 because only if I ask you a clear question can we
18 expect you to give a clear answer. If you would
19 like to have the question repeated for any reason
20 either I will repeat it or Ginny will repeat the
21 question for you without any hesitancy.

22 If you decide that you would like to
23 speak with your counsel, either Mr. Cleary or Mr.
24 O'Brien, please let us know. We will turn off the
25 tape and either we will leave the room so you can

1 consult with them or you can leave the room as you
2 or they choose to do, either way you're welcome to
3 do that. Likewise, if you decide that you would
4 like to take a break for any reason, you just simply
5 feel the necessity to or the desire to, please do
6 let us know. This is not an endurance test. We
7 want you to be as comfortable as one can in the
8 circumstance and so please do speak up. If you need
9 more coffee or water or something, please tell us
10 that as well.

11 A. Thank you.

12 Q. I will assume that you understand my questions
13 unless you tell me otherwise; is that fair?

14 A. Fair.

15 Q. Could you tell us please, give us your date of
16 birth, where you grew up, and tell us when it was
17 that you were ordained as a priest?

18 A. Well, I was born in Providence, Rhode Island
19 on August the 3rd, 1930 which means next month I'll
20 be 75 years of age. That's kind of obvious, isn't
21 it but anyway --

22 Q. We're glad to know it.

23 A. What else now did you want to hear?

24 Q. Tell us if you would please -- I didn't
25 actually -- this isn't actually part of the question

1 but let me augment it if I could. Tell us where
2 your post-high school education was if you would
3 please, formal education?

4 A. Post-high school. Well, I spent two years at
5 our Lady of Providence Seminary in Warwick, Rhode
6 Island, I spent two years at St. Mary's Seminary in
7 Baltimore, I spent four years in St. Mary's Seminary
8 in Baltimore.

9 Q. Could you tell us please when and where you
10 were ordained as a priest?

11 A. I was ordained as a priest in Providence,
12 Rhode Island at the cathedral there and I was
13 ordained May 26th, 1956.

14 Q. And if you would please could you go over what
15 the assignments are that you have held since that
16 time giving us the approximate dates that you have
17 held those assignments, please?

18 A. In 1956 to 1960 I was assigned as an assistant
19 pastor at Sacred Heart in Pawtucket, Rhode Island.
20 I guess if you want them all then the first one, the
21 very first one was just a summer assignment in
22 Jamestown, Rhode Island. In 1960 I was transferred
23 from Sacred Heart, Pawtucket to St. Mary's Church in
24 Newport, Rhode Island and I was an assistant pastor
25 there, too. In 1968 I was brought into the chancery

1 office. I became the secretary to the bishop,
2 Bishop Russell McVinney and after that around, say,
3 1970 I guess I became chancellor of the diocese and
4 then in 19 -- chancellor I guess, yes. And then in
5 1974 I was named the auxiliary bishop of Providence
6 and became the vicar general.

7 Q. I think our court reporter just suggested to
8 me by simply her expression she didn't quite hear
9 that. I think he said and became vicar general.

10 A. Vicar general, V I C A R general. And then in
11 1992 I became the Bishop of Burlington.

12 Q. Bishop Angell, if I could I'd like to go over
13 some of your assignments with you and if I could
14 speak with you first about your 1968 assignment in
15 the chancery office in Rhode Island where you were
16 secretary to the bishop. What were your duties in
17 that capacity?

18 A. Well, I answered his correspondence, I went --
19 traveled around with him on the different ceremonies
20 and the different churches of the diocese and
21 prepared some of the ceremonies and that was the
22 nature of it really, you know.

23 Q. In 1970 you told us you became the chancellor
24 of the diocese. What were your duties as
25 chancellor? Perhaps I should before I ask that

1 question ask it a little differently. What is the
2 chancellor, what's that position mean or did it at
3 that time there?

4 A. Well, it kind of means different things to
5 different bishops and different diocese.

6 Q. Why don't you tell us if you would what it
7 meant to the bishop there when you were appointed as
8 the chancellor, please?

9 A. Well, he didn't appoint a secretary during the
10 years that I was chancellor there. I kind of
11 continued as the secretary. There was a new bishop
12 then at that time. And I also became a member of
13 the different corporations of the diocese and I am
14 not a canon lawyer. Most of the people that are
15 chancellors are canon lawyers but the bishop wanted
16 me to do this so I did to the best of my abilities
17 but we had also a vicar for canonical affairs who
18 was a doctor of canon law in the office so he, he
19 would advise on the canonical aspects.

20 Q. What other duties did you take on when you
21 became chancellor in 1970? What I mean by that is
22 beyond the duties that you had had as secretary to
23 the preceding bishop.

24 A. Yes, yes. Well, I think the membership of the
25 corporations, that was part of the duty, and keeping

1 of records and all of that. I don't think, I don't
2 think I had anything to do with personnel or that
3 kind of thing at that time.

4 Q. Now, I think you told us in 1974 that you
5 became the auxiliary bishop of Providence and the
6 vicar general?

7 A. That's true.

8 Q. Are those two separate titles that you were
9 holding at the same time?

10 A. That's right.

11 Q. Why don't we take them one at a time if we
12 could or if it becomes easier for you to describe
13 them together, feel free to do that. My question as
14 I'm sure you can anticipate is what your duties were
15 at that time in each of those positions. Is it
16 easier to describe them jointly or individually for
17 you?

18 A. Probably individually.

19 Q. Go ahead and tell us please then what your
20 duties were as auxiliary bishop of Providence then.

21 A. Well, it was to assist the bishop in the
22 various ceremonies and all, for instance,
23 confirmations, we had 160 churches to visit and to
24 administer the sacrament of confirmation and I would
25 take half of them and he would take half of them,

1 that kind of thing. The other thing would be I also
2 became the vice president of the different
3 corporations in all the diocese. I would also --
4 that's not true of every diocese but it was true in
5 Providence, I also became the -- I worked with
6 personnel, priest personnel. And then as the --
7 well, I guess that was as the vicar general or both,
8 I guess vicar general and the bishop, auxiliary
9 bishop but that was an assigned task by the bishop.
10 The bishop was still the leader and the one
11 responsible so he assigned me the works that I was
12 to do.

13 Q. What did you do as vicar general?

14 A. As vicar general, again, I was vice president
15 of the corporations. I was the second in command
16 when he was away and then I would kind of administer
17 the diocese and assist him in his administration of
18 the diocese.

19 Q. Is it fair to describe you -- this position or
20 combination of positions as essentially the number
21 two person in the diocese?

22 A. Yes.

23 Q. And then in 1992 you came to Burlington; is
24 that correct?

25 A. Yes.

1 Q. When did you first become involved in
2 personnel matters anywhere? I don't mean to suggest
3 Burlington but going back to Rhode Island if you did
4 there.

5 A. I was involved in personnel matters when I
6 became the -- to my recollection now I was involved
7 in personnel matters when I became the auxiliary
8 bishop. Prior to that -- you know, I can't remember
9 now whether I was involved at all in personnel. I
10 may have been but I don't remember now.

11 Q. So certainly going back to 1974 you were
12 involved in personnel matters for the diocese of
13 Rhode Island; is that fair?

14 A. Yes.

15 Q. Now, in that capacity as being involved in
16 personnel what did that mean as a practical matter
17 specifically in terms of priests?

18 A. Well, we had a Personnel Board composed of a
19 group of priests from the diocese. They would meet
20 together to assign priests to parishes. Now, their
21 responsibility was only as an advisory group. They
22 advised the bishop. The bishop was the one who
23 makes the personnel changes in the diocese. But
24 they advised him and so I was kind of the
25 go-between. I would present the slate of candidates

1 for different parishes and all to the bishop and
2 only after I consulted with the Personnel Board.

3 Q. When was the first time in the course of your
4 time as a priest auxiliary bishop or whatever the
5 position was that you became involved in any issue
6 dealing with sexual contact, sexual abuse of minors
7 by a priest of the diocese in which you were
8 working?

9 A. When was I first involved?

10 Q. When did you first become aware of any such
11 assertion involving a priest who was under your
12 supervision, this is to say as a deputy chief, if I
13 could put it in those terms of Rhode Island or when
14 you came here, wherever that was?

15 A. No, it would have been in Rhode Island.

16 Q. What year was that approximately?

17 A. Approximately between -- I'd say between 1971,
18 '72, somewhere in there.

19 Q. And before you came to Vermont in 1992 how
20 many different instances by priest did you have
21 reason to be involved in where there were
22 allegations of sexual abuse of a child by a priest?
23 And by that I mean by numbers of priests, not
24 numbers of incidents if that's helpful.

25 A. It's a long time ago now.

1 minor, no.

2 Q. Bishop, I'm going to ask you some questions if
3 I could specifically relating to the authority of
4 the bishop. I'm going to try when I can when I
5 shift topics to let you know. I'm not intending to
6 put one on top of another to confuse things and I'll
7 try to let you know when I'm doing that. So let me
8 ask you some questions if I could and what I'm going
9 to be doing in a number of areas this morning is
10 asking you questions relating to your circumstances,
11 Bishop, presently and then I will ask you going back
12 based upon your experience as your involvement with
13 the administration down in Rhode Island when you
14 were brought into the chancery office in 1968 and
15 then when you became chancellor in 1970 going
16 forward and I'm particularly interested in the
17 timeframe from 1972 to 1978. I'll be making inquiry
18 as to whether or not that was the way things were
19 done in that timeframe to the best of your
20 knowledge.

21 So with that background is it fair to
22 say that the bishop of each diocese has ultimate
23 authority for the assignment of every priest within
24 that diocese?

25 A. Yes.

1 Q. I appreciate that and your best estimate would
2 be fine.

3 A. Six to eight or something like that.

4 Q. Was there a particular way that those six to
5 eight instances were handled or were each of them
6 handled in a different particular way?

7 A. Well, you'd receive a complaint, the bishop
8 would usually be the one to receive a complaint. We
9 would call in the priest. We would try to ascertain
10 the best we could his culpability. We usually would
11 talk to the supposed victims, talk to them and I
12 think in all these cases we would send them away to
13 get some sort of evaluation and some sort of help.

14 Q. Would they then come back and be reassigned in
15 the diocese?

16 A. Not in my time.

17 Q. Not when you were in Rhode Island?

18 A. No.

19 Q. So none of those priests to whom you've just
20 made reference, this approximately six to eight,
21 when they came back from this treatment were
22 reassigned within the Diocese of Rhode Island; is
23 that correct?

24 A. Not any of these people that would have been
25 accused of pedophilia or having relations with a

1 Q. And the head of the diocese, the bishop is
2 fully empowered to govern the diocese on a
3 day-to-day basis; is that right?

4 A. Yes.

5 Q. In other words, the bishop is not required,
6 for example, to go to a cardinal in some area who
7 supervises that bishop or to go to Rome for purposes
8 of administration of his diocese?

9 A. No.

10 Q. And is it accurate to say, and please tell me
11 if it is not, that the bishop of the diocese does
12 not take orders from anyone in connection with the
13 governance of the diocese on issues of personnel,
14 supervision or discipline of priests in the diocese?

15 A. I think it's accurate to say.

16 Q. Are each of those things that I have just
17 said, have all of those been that way since the time
18 that you had knowledge of this starting, for
19 example, at least going back to 1968 when you came
20 into the chancery office in Providence?

21 A. I'm not getting the gist of the question.

22 Q. Thank you for telling me. So let me reask
23 it. What I was trying to sort back to was to go
24 back to your experience not simply currently, and it
25 may be the same but I may need to ask you this to

1 determine this, the question I asked about you as
2 the head of the diocese and being fully empowered to
3 govern the diocese on a day-to-day basis that has
4 been true of bishops going back, it may be for
5 centuries but certainly at least if we go back to
6 your personal knowledge of it when you were in the
7 chancery office in Rhode Island starting in 1968; is
8 that right?

9 A. That's true.

10 Q. And in terms of the fact that no one tells the
11 bishop of a given diocese how to govern the diocese
12 on matters of personnel supervision, discipline of
13 priests in the diocese that likewise has been true
14 at least going -- to your personal knowledge going
15 back to 1968 when you were in the chancery office in
16 Providence?

17 A. To my personal knowledge that's true.

18 Q. And likewise, going back at least to your --
19 to 1968 with your personal knowledge when you came
20 to the chancery office in Rhode Island ultimate
21 authority for the assignment of each priest has
22 rested with the bishop; is that correct?

23 A. Yes.

24 Q. The Harry Truman expression or at least the
25 Harry Truman adopted sign he was known for putting

1 on his desk the buck stops here applies to the
2 bishop of the diocese, does it not, for all actions
3 by that bishop's priests within the diocese?

4 MR. CLEARY: Note my objection. Go
5 ahead, Bishop.

6 A. I'd like you to repeat that one.

7 Q. I think that's a good one for me to repeat
8 because I had a lot of pieces to it so let me do
9 that. Do you recall President Harry Truman was
10 known for having --

11 A. Oh, yes, that part I remember.

12 Q. Let me go through just a piece at a time. I'm
13 sure this one will be a quick one. He had a sign on
14 his desk that says the buck stops here, you recall
15 that?

16 A. Yes.

17 Q. Is it fair to say that that same concept of
18 the buck stops here applies to the bishop in terms
19 of that bishop's authority over the priests within
20 the diocese for which that bishop is the bishop?

21 MR. CLEARY: Note my objection. Go
22 ahead.

23 A. Yes. I suppose you could think of a case
24 where Rome or the Pope would intervene but to my
25 knowledge, no.

1 Q. Have you ever experienced any where Rome or
2 the Pope intervened?

3 A. No, but ultimately the buck stopped there.

4 Q. Ultimately the Pope can, should the Pope
5 choose to do so, give directions to you or anyone
6 below him and tell them what to do?

7 A. Yes.

8 Q. As a practical matter the bishop runs the
9 diocese and the Pope does not interfere?

10 A. That's correct.

11 Q. Now, agencies such as Vermont Catholic
12 Charities, let me just focus specifically on this.
13 Vermont Catholic Charities has its own board of
14 directors, correct?

15 A. True.

16 Q. Is it fair to say nonetheless that the bishop
17 has the authority to overrule that board?

18 MR. CLEARY: Note my objection.

19 A. It's a valid question and I was told that the
20 bishop has the power of veto. I'm not sure that's
21 true. I'd have to confer with my legal counsel.

22 Q. Fair enough. I guess the concept I'm trying
23 to inquire of is essentially for anything that goes
24 on within the diocese the bishop has the authority
25 to prevent any Catholic agency from doing something

1 should he choose to do so or otherwise issue
2 direction to that agency even if they've got an
3 independent board of directors?

4 MR. CLEARY: Note my objection, asked
5 and answered.

6 A. Now you confused me. Where are we now again?

7 MR. CLEARY: I just told him I
8 thought you just answered previously
9 answered that question.

10 MR. O'NEILL: Ginny, would you be good
11 enough to read us back that question.

12 (Question read)

13 MR. CLEARY: Again my objection.

14 BY MR. O'NEILL:

15 Q. Do you have in mind the question, Bishop, or
16 would you like to have me break it down? I'd be
17 glad to do that.

18 A. Why don't you do that.

19 Q. Sure. The bishop is the head of the diocese,
20 we can agree on that?

21 A. Yes. Yes.

22 Q. The bishop has the authority should he choose
23 to do so to give direction to any Catholic agency
24 within the diocese, correct?

25 A. Yes.

1 Q. Now, what is the bishop's responsibility when
2 it comes to staffing priest positions in the
3 diocese? I'm sorry, if I could withdraw that. I
4 have one other question that's a follow up to that
5 one, excuse me.

6 There is here in Vermont a board which
7 covers the assignment of priests, the Diocesan
8 Personnel Board; is that correct?

9 A. Yes.

10 Q. And the Diocesan Personnel Board from the time
11 that you arrived here would review matters at your
12 direction relating to priests and make
13 representations to you; is that a fair description?

14 A. Yes.

15 Q. However, it was completely up to you as to
16 whether you followed their recommendations or not;
17 is that correct?

18 A. Yes.

19 Q. As far as you know has that been the case as
20 far back as memory goes for the Diocese of Vermont?

21 MR. CLEARY: Note my objection.

22 A. I don't know when it began here. I think most
23 bishops even years ago before we had some Personnel
24 Boards the bishop used to confer and get suggestions
25 and so forth from some of his collaborators, so I

1 think there's always been that but this is a more
2 formal type of setup now where we have a Priest
3 Personnel Board. We have a priest personnel
4 director who does a lot of the preparations for the
5 board when it meets and we make -- they make
6 recommendations then and I think just in about every
7 case I've accepted their recommendations. So, yes,
8 I have the ultimate say as far as any of the priest
9 assignments and all but I certainly have to listen
10 to that board very carefully.

11 Q. So your view is that as the bishop you should
12 listen carefully to whatever the recommendations are
13 of the --

14 A. Priest Personnel Board, yes.

15 Q. Priest Personnel Board, thank you. And
16 irrespective of whether there was a Priest Personnel
17 Board in existence at that particular time, whether
18 it was informal advisors or whatever it was --

19 A. Yes.

20 Q. -- it has been back as far as any memory that
21 you have the bishop's determination as to what
22 happened with a particular priest no matter who
23 recommended what?

24 A. Right.

25 Q. Now, let me come to the question that I was

1 starting to ask you and I interposed the preceding
2 question. What's the bishop's responsibility in
3 your experience when it comes to staffing priest
4 positions in the diocese?

5 A. What is my responsibility?

6 Q. Yes, please.

7 A. Well, I'm responsible for the good order of
8 the parishes. I have to try to send priests that
9 are going to minister to God's people in each of the
10 parishes, and I try to match them up with the
11 parish. It may be a country parish it may be a city
12 parish. There may be some men that are more
13 comfortable working in the country or the city or
14 whatever it might be so you try to match that all
15 up.

16 Q. And has that always been the case from the
17 time that you were involved in administration going
18 back to 1968? In other words, the bishop would be
19 trying to do those kinds of things?

20 A. I think so. I think so, yes. We're not
21 always successful but we tried.

22 Q. One of the things you mentioned is that in
23 assigning priests you look to find priests who will
24 minister to God's people; is that correct?

25 A. True.

1 Q. Now, I want to talk with you with respect to
2 the bishop's responsibility as it comes towards the
3 assignment of priests particularly as it relates to
4 children. Can we agree that the priests as assigned
5 by the bishop occupy a special position of sacred
6 trust towards children?

7 A. Yes.

8 Q. Can we agree that in making his assignments
9 the bishop should use all reasonable precautions to
10 avoid any serious injury to children as a result of
11 the assignment of that priest?

12 A. Yes.

13 Q. And would you agree that the diocese and
14 particularly the bishop as the head of the diocese
15 occupies a very special role with respect to
16 protecting innocent children as it relates to the
17 assignment of priests?

18 MR. CLEARY: Note my objection. Go
19 ahead.

20 A. Yes.

21 Q. Is it fair to say that when the bishop assigns
22 a priest to a parish that by doing so he represents
23 to every parishioner that this is a chaste and
24 celibate man?

25 A. The presumption is there.

1 Q. Well, it's not only a presumption, it is a
2 belief by the bishop in making that assignment that
3 that is the case, isn't it?

4 MR. CLEARY: Note my objection. It's
5 argumentative. Go ahead.

6 MR. O'NEILL: Dave, I know you
7 didn't intend it but I didn't quite finish
8 the question on that one for purposes of
9 the tape, that's all.

10 BY MR. O'NEILL:

11 Q. Bishop, do you have in mind the question? Be
12 glad to repeat it if that would be helpful.

13 A. Okay. Why don't you repeat it.

14 MR. O'NEILL: Okay, Dave's objection is
15 already noted. Ginny, would you mind
16 reading the question.

17 (Partial question read)

18 BY MR. O'NEILL:

19 Q. Let me rephrase the question. It will be
20 easier.

21 Bishop, we were talking about -- the
22 question I had asked of you related to the bishop
23 assigning a priest to a parish and by doing it
24 representing to every parishioner that it was a
25 chaste and celibate man and you had said words to

1 the effect that that is a presumption. That in
2 effect is a representation by the bishop to the
3 parish that I am giving you a chaste and celibate
4 man to be a priest in your parish; is that not
5 correct.

6 MR. CLEARY: Note my objection.

7 A. There may have been instances where a priest
8 left the priesthood, later on came back, he may have
9 broken his vows of celibacy during that time or it's
10 happened or while he's working in a parish.

11 Q. Bishop, is it fair to say that it's the
12 bishop's obligation to provide parishioners with a
13 priest who that bishop has every reason to believe
14 will be chaste and celibate while in that
15 assignment?

16 A. Yes.

17 Q. When the bishop assigns a priest to a parish
18 is it fair to say that he represents to the
19 parishioners, among other things, first of all, that
20 this is a man who is morally upright?

21 A. Yes.

22 Q. And these are -- this goes back to the entire
23 time you have been a priest, does it not?

24 A. Yes.

25 Q. He also represents that it is safe for

1 children to go to that priest; is that correct?

2 A. Yes.

3 Q. He also represents that it's safe for
4 parishioners to make confessions to that priest?

5 A. Yes.

6 Q. He also represents that it is safe for boys of
7 that parish to go to that priest as alter boys; is
8 that correct?

9 A. Yes.

10 Q. I want to discuss with you briefly the
11 teaching of the church as it relates to
12 parishioners. One of the teachings of the church is
13 that parishioners are to trust the church as an
14 entity, correct?

15 A. Yes.

16 Q. And they certainly are, for example, to trust
17 as well the bishop?

18 A. Hopefully.

19 Q. And, likewise, what they are to do as part of
20 the teachings of the church is they are to trust the
21 priests who are assigned to them by the bishop?

22 A. Yes.

23 Q. Would you agree that the Bishop of Burlington
24 and every other bishop has had a responsibility to
25 screen out from priestly assignments anyone who

1 might physically or psychologically injure members
2 of a parish to whom he was assigned?

3 A. Yes.

4 Q. Would you agree that there is a heightened
5 responsibility as it relates to possible physical or
6 psychological injury as it relates to children?

7 A. Yes.

8 Q. Can we agree that children because of their
9 younger age are particularly vulnerable to potential
10 physical or psychological injury if you send in a
11 priest who is not fit or who could cause them
12 physical or psychological injury?

13 MR. CLEARY: Note my objection.

14 A. Yes.

15 Q. Bishop, I'm going to ask you a series of
16 questions and the first of these will be
17 hypothetical questions. I want to be clear with
18 respect to that and so I'm going to start in with
19 that background. Since you have been a member of
20 administration if a priest came to you to be
21 assigned either in Rhode Island or here in Vermont
22 who had a history of physically assaulting and
23 injuring children of the parish to whom he was
24 assigned, should that bishop assign that priest to a
25 parish within the diocese?

1 A. Well, I'd want to know a lot more about the
2 specifics of it but in general, no, he should not be
3 assigned to a parish.

4 Q. If there was a priest who had a history of
5 physically or psychologically assaulting children --
6 let me just make it physical for a moment. Let me
7 rephrase it. If during the period of time you had
8 been in administration going back to 1968, maybe
9 true before that but let's start in 1968, there was
10 a priest who was to be assigned who had a history of
11 physically assaulting children, had done it in more
12 than one diocese, had done it on multiple occasions,
13 should that priest be assigned to a diocese -- to a
14 parish?

15 MR. CLEARY: Note my objection go
16 ahead.

17 A. No.

18 Q. If the priest had a history of sexually
19 abusing children in more than one diocese, should
20 that priest going back to 1968 be assigned to a
21 parish position?

22 A. If the bishop knew, then the answer to that
23 would be no.

24 Q. Have you ever looked at the personnel file for
25 the information available to the diocese with

1 respect to Edward Paquette?

2 A. No.

3 Q. You've never looked at it at all?

4 A. I don't believe so.

5 Q. I'll represent to you that before he came to
6 Vermont in 1972 -- and I'll show you documents to
7 deal with this, I won't simply represent it to
8 you -- that Edward Paquette had on two occasions --
9 in two diocese, excuse me, Diocese of Fort Wayne,
10 Indiana, Diocese of Springfield, Mass. or one of the
11 Massachusetts diocese had sexually assaulted boys
12 and that at least one diocese before he came to
13 Vermont described him as a poor risk because of his
14 past behavior, should the bishop in that
15 circumstance have permitted him to come to Vermont
16 to serve in a parish in Vermont?

17 MR. CLEARY: Note my objection.

18 A. The easy answer is just to say no. Now,
19 you've got to presume -- I guess you're presuming
20 that the bishop knew all about this man, all the
21 specifics and all which I don't know.

22 Q. Of course. Bishop, that's a perfectly fair
23 position with respect to it so let me go through
24 some documents with you that discuss that if we
25 could. Ginny --

1 MR. CLEARY: For the record note my
2 objection to the line of questioning
3 because based on the current status of
4 the objections of Father Paquette on
5 this case the bishop will not be allowed
6 to be made privy to and neither will
7 plaintiff's counsel I gather up to this
8 point in time to other documents that
9 are within or associated with Father
10 Paquette's history.

11 MR. O'NEILL: I'm not sure what that
12 means but you've said it and we can
13 agree. We'll keep going.

14 MR. O'NEILL: Why don't we go off the
15 record for just a moment so that we
16 don't have everyone sitting here waiting
17 while we number some documents. So if
18 it's all right with everyone at 10:49
19 a.m. we'll go off the record for just a
20 moment.

21 (Recess)

22 MR. O'NEILL: We are back on the
23 record. It is 11 a.m.

24 BY MR. O'NEILL:

25 Q. Bishop, I have put in front of you there a

1 document which is marked as Deposition Exhibit No.

2 1. I will represent to you that it is a copy of a
3 letter dated March 8, 1972 produced by the diocese
4 addressed to Bishop Marshall bearing the signature
5 of Father Edward O. Paquette. I have put a
6 highlight on part of it just simply to make it
7 easier to refer to it. We can agree that this is
8 what appear to be Edward Paquette applying to Bishop
9 Marshall to serve his priestly ministry in this
10 diocese; is that correct?

11 A. It appears to be, yes.

12 Q. If we go down a couple paragraphs, I didn't
13 highlight it but do you see where it says, I did
14 have problems, do you see that piece?

15 A. Yes, I do.

16 Q. I did have problems but received medical
17 treatment and I am now cured he asserts; is that
18 correct?

19 A. That's what it says.

20 Q. And he indicates during his medical treatment
21 he was an assistant chaplain at a hospital in
22 Michigan City, Indiana?

23 A. That's right.

24 Q. Now, if we move on to the next document here
25 I'm going to show you what has been marked as

1 Deposition Exhibit No. 2 and again I've highlighted
2 some pieces on this just for ease and speed of
3 reference. Deposition Exhibit No. 2 again produced
4 by the diocese in this case would appear to be a
5 March 30, 1972 letter to Reverend --

6 A. Just on this on this one I was just noticing
7 here that he also was being treated by a
8 psychiatrist.

9 Q. Indeed. Doctor Charles Hillenbrand he refers
10 to at the bottom of the letter.

11 A. Yes. Yes.

12 Q. Now, Bishop, given your experience in
13 administration upon seeing this letter, his
14 reference to the fact that he's been cured, the fact
15 that he's seeing a psychiatrist, does this raise any
16 concerns with you?

17 A. Oh, certainly.

18 Q. What kind of concerns would it raise with you?

19 A. I'd have to find out a great deal more about
20 this whole thing. I don't know -- I don't know what
21 the psychiatrist really said about him. I don't
22 know -- there's nothing in here yet. There's no
23 real accusations or anything. So at this point I
24 would say that maybe the bishop was just trying to
25 find out more about the man.

1 Q. And the thing to do in that circumstance given
2 this letter alone is then to write to obtain
3 information about the individual from the
4 individual's previous assignments; is that fair?

5 A. Or the bishop or the chancery office to try to
6 find out what this man's reputation was.

7 Q. Now, given the issues that are raised here
8 would it have been the right thing to do at that
9 time to contact each diocese where he previously had
10 served and obtain from the bishop or the bishop's
11 designee reference information?

12 A. Yes.

13 Q. In other words, in here Father Paquette
14 provides names for references. However, the correct
15 thing to do upon receipt of this letter would have
16 been to go beyond the references and to contact the
17 bishops in each diocese where he had served; is that
18 fair?

19 A. Yes.

20 Q. I'm going to show you what has been marked as
21 Deposition Exhibit No. 2 and this is the letter I
22 was beginning to describe. It's dated March 30,
23 1972 produced by the Diocese of Burlington from its
24 files. It's addressed to the Reverend John R.
25 McSweeney from Bishop Leo Pursley, P U R S L E Y,

1 the Bishop of Fort Wayne, South Bend, Indiana?

2 A. Yes.

3 Q. Have you ever seen this document before?

4 A. No.

5 Q. Now, this would appear can we agree to be a
6 letter back from Bishop Pursley in response to a
7 request or an inquiry from Father McSweeney with
8 respect to Father Edward Paquette?

9 A. Yes.

10 Q. And in response to this I've highlighted some
11 of the pieces down below but up above at the very
12 beginning Bishop Pursley writes, I am responding to
13 your inquiry about Father Edward O. Paquette. The
14 dossier is large and the history long. I will try
15 to be brief and to the point; do you see that?

16 A. I see.

17 Q. And do you see here that in this letter Bishop
18 Pursley specifically indicates that Father Paquette
19 was ordained by the diocese of Fall River and then
20 was incardinated in the Diocese of Fort Wayne, South
21 Bend in 1964?

22 A. Ah-huh.

23 Q. Do you see that?

24 A. I see it.

25 Q. Now, just for those of us who are laypersons

1 what does incardinated mean?

2 A. Well, a diocesan priest -- this is not a
3 religious priest now but a diocesan priest has to be
4 incardinated into a diocese. He has to belong to a
5 diocese. He can't be just a free-lancer. And so
6 this man was -- let's see, he was ordained for the
7 Diocese of Fall River so he, therefore, was
8 incardinated in Fall River. Now -- and later on he
9 was incardinated in the Diocese of Fort Wayne. He
10 first of all, had to be excardinated from the
11 Diocese of Fall River and that would have to be with
12 the bishop's willing to take him into his diocese.
13 So that he was ordained for the Diocese of Fall
14 River but he apparently got excardinated and he was
15 incardinated in the Diocese of South Bend.

16 Q. Bishop, would it be fair to say that if we
17 looked at the situation here for purposes of
18 understanding it that a priest who comes to a
19 diocese is not like a doctor who decides to set up
20 practice in a given location?

21 A. No.

22 Q. That priest must be incardinated, in other
23 words, accepted by the bishop of that diocese?

24 A. Yes. Yes.

25 Q. Now, you made --

1 A. He has to first of all be excardinated. He
2 first of all has to get his bishop's permission to
3 move out of the diocese and join another diocese.

4 Q. So, in effect, he has to be discharged by one
5 diocese and then accepted by another --

6 A. Right.

7 Q. -- to be able to act as a priest within a
8 given diocese?

9 A. True.

10 Q. In this particular letter Bishop Pursley -- if
11 we go down to the third paragraph, the last three
12 lines. I don't have it highlighted.

13 A. Okay.

14 Q. But you can see where it says, I have the
15 opinion -- I'm sorry, I misspoke. Excuse me. If we
16 go back to the second paragraph. If we go to the
17 third line do you see where it starts, In all of his
18 assignments?

19 A. Yes.

20 Q. It states, does it not, In all of his
21 assignments he has done quite satisfactory works but
22 he has a personal problem described by his
23 psychiatrist as "a latent homosexual drive which
24 becomes active only during cycles of depression"?

25 A. Yes. Yes.

1 Q. Now, would this -- if you were the bishop or
2 someone acting on behalf of the bishop of the
3 Diocese of Vermont and received this would this then
4 cause some concern on your part?

5 A. It would cause concern to at least look, look
6 more deeply into this.

7 Q. Now, if we go down to the paragraph which is
8 the second from the bottom and I've highlighted for
9 ease of reference some parts of that.

10 A. Yeah.

11 Q. Second, The three -- actually let me be fair.
12 I don't want this to appear I'm taking this out of
13 context so let me read the entire paragraph if you
14 don't mind. It will be natural to ask why then do I
15 not keep him. There are two reasons. First, Father
16 Paquette himself would like to be situated closer to
17 his home and his aging parents in Westfield,
18 Massachusetts. Second, the three homosexual
19 episodes involving young boys occurred over a period
20 of three years -- excuse me, over a period of six
21 years in three large parishes in three parts of the
22 diocese. The territory is not large enough to
23 provide another assignment and the risk scandal is,
24 thus, aggravated. I believe that Father Paquette
25 should be given an institutional chaplaincy in which

1 he could exercise his ministry with less likelihood
2 of relapse. Presently I do not have such a place;
3 do you see that?

4 A. I see it.

5 Q. This letter very clearly addressed to Father
6 McSweeney presumably acting on behalf of the Bishop
7 of Burlington; is that fair to say?

8 A. What's the date of this letter?

9 Q. March 30, 1972.

10 A. 1972. I believe at that time Monsignor
11 McSweeney was the administrator of the diocese.
12 Bishop Marshall had been appointed as the bishop of
13 Springfield. I came here in '72 and so I think it
14 was that interim --

15 MR. O'BRIEN: Sorry, '92, Bishop.

16 A. Oh, dear, I'm sorry, my eyes are going here.
17 Yes.

18 Q. Bishop --

19 A. '72. Did Bishop Marshall, was he --

20 Q. I think we get a clue from this which won't
21 take us much time when we look at the letter that
22 came in from Father Paquette because it's dated
23 March 18, 1972 he writes to Bishop Marshall and
24 congratulates him on his consecration of
25 appointment.

1 A. Okay. All right, I got you now.

2 Q. So at that point in time as you understand it
3 Monsignor McSweeney was responsible for
4 administration of the Diocese of Burlington?

5 A. No, I misread it. I thought it was 1992.
6 It's '72.

7 Q. Is it fair to say that at that point in time
8 given this letter that Father McSweeney would have
9 been the person in this instance who wrote to Bishop
10 Pursley to gather additional information about
11 Edward Paquette?

12 A. Obviously, yes.

13 Q. Now, let's go down to the part that I've
14 highlighted here.

15 A. Okay.

16 Q. It's fair to say that the Diocese of
17 Burlington as of the time of receipt of this
18 letter --

19 A. Where are we here. Okay, sorry.

20 Q. Excuse me, Deposition Exhibit 2, Bishop. I
21 didn't mean to confuse things. Let me start the
22 question again. Is it fair to say that as of the
23 date of receipt of this March 30, 1972 letter that
24 the Diocese of Burlington knew that Edward Paquette
25 had on the basis of this letter alone been involved

1 in three homosexual episodes involving "young boys"?

2 A. It would appear so from this letter.

3 Q. And it also would appear from this letter that
4 this had occurred over a period of six years in
5 three large parishes in three parts of the diocese;
6 is that correct?

7 A. Yes.

8 Q. So it would appear that we're not talking
9 about a situation that happened one quickly after
10 another but rather after he had been assigned to
11 different places after each of these episodes?

12 A. Ah-huh. Ah-huh.

13 Q. Is that correct?

14 A. Yes.

15 Q. And it's clear from this letter that Bishop
16 Pursley is not willing to keep him further in the
17 Diocese of Fort Wayne, South Bend; is that correct?

18 A. It would appear so.

19 Q. Now, given this letter and the fact that this
20 man has been homosexually involved with young boys
21 on over a period of six years in at least three
22 parts of the diocese, three homosexual episodes as
23 it is described, would you agree that the Bishop of
24 Burlington should have gone no further and should
25 not have even considered accepting Edward Paquette

1 as a priest in the Diocese of Burlington?

2 A. I would think so.

3 Q. And the reason simply is because if we balance
4 the interests in having a priest or giving a priest
5 a position in the interests of young children, young
6 boys specifically in the diocese, the balance should
7 be in favor of the young boys and on the basis of
8 this alone Edward Paquette should not coming to the
9 Diocese of Vermont?

10 A. I would believe that to be true.

11 Q. Bishop, I'm going to show you now another
12 document. It is a handwritten document and again
13 I've highlighted it for ease of reference here.
14 It's Deposition Exhibit No. 3. It is again a
15 document produced from the files of the Diocese of
16 Burlington. It is on the letterhead of Blessed
17 Heart --

18 A. Blessed Sacrament.

19 Q. Excuse me, Blessed Sacrament Rectory in
20 Westfield, Massachusetts. It is dated April 4, 1972
21 and if you flip to the last page you will see that
22 it is from Timothy O'Connor, the pastor there; do
23 you see that?

24 A. Yes, I see.

25 Q. And if we were to look back and I don't think

1 there will be any dispute about it so you don't need
2 to but I think if we were to look back at the letter
3 from Edward Paquette dated March 18, 1972 he
4 references Father O'Connor as someone who could be
5 contacted for information about him; do you see
6 that?

7 A. Yes.

8 Q. Now, the question -- what I want to go over
9 with you is this. In this April 4, 1972 letter
10 Father O'Connor writes, among other things and I'm
11 referring specifically to the highlighted part, In
12 1963, he, meaning Father Paquette, was sent home by
13 Bishop Connolly on account of an incident with
14 boys. He was incardinated by Bishop Pursley of Fort
15 Wayne. There was another incident a few months ago
16 in 1971. The bishop sent him to a psychiatrist; do
17 you see that?

18 A. Yes.

19 Q. Can we agree that if there was even the
20 slightest doubt as to whether or not Edward Paquette
21 should be considered for a position as a priest in
22 the Diocese of Vermont that with the indication that
23 in 1963 he had been involved in a "incident with
24 boys" that this should have stopped any
25 consideration of the appointment of Edward Paquette

1 as a priest of this diocese?

2 A. It would appear so.

3 Q. At this point it is very clear from the
4 information presented, specifically from the
5 references Father Paquette sought or provided that
6 he was involved in an incident "with boys" in
7 Massachusetts and at least three incidents of a
8 homosexual nature with young boys in Fort Wayne,
9 Indiana in that diocese as well; is that correct?

10 A. Yes.

11 Q. Now, I'm going to show you what has been
12 marked as Deposition Exhibit No. 4 and I will
13 represent to you that this document is --

14 A. There's one item here on this last from Father
15 O'Connor.

16 Q. Please point out to us if you think it should
17 be by all means.

18 A. I find this to be rather odd. Wait a minute
19 now.

20 Q. Take your time.

21 A. I've lost it here. This is the last sentence
22 on the first page. I do not qualify as having any
23 knowledge on the subject but I do know that Father
24 Paquette is a good priest. It goes on to say his
25 bishop has given him a celebret which means it's a

1 document that says you're in good standing and you
2 can celebrate mass and so forth. His bishop has
3 given him a celebret and has written a very kindly
4 letter to him. I'm kind of mystified by that.

5 Q. Bishop, so we're completely --

6 A. Do we know everything that this priest knew or
7 that the bishop knew?

8 Q. Well, we're going to keep talking about this
9 and then we'll go through some documents that the
10 diocese had if I could.

11 A. Yes.

12 Q. Just so we're complete on that one, could you
13 take that letter back just for a second?

14 A. Yes.

15 Q. We haven't read all the parts of the letter
16 but I think to put that in context we probably
17 should read the last paragraph. Why don't I to make
18 it easier for you to read it and you please tell me
19 if I have it correctly.

20 Father O'Connor also said, I would
21 recommend him living closer to home. He feels and I
22 agree that he can avoid the depression and
23 discouragement. He is basically an old-fashioned
24 mass every day priest and I hope that you can see
25 fit to give him a chance; is that correct?

1 A. Yes, okay.

2 Q. We can agree, nonetheless, that on the basis
3 of the information that was then available, the
4 letter from Edward Paquette, the letter from the
5 Bishop of Fort Wayne in South Bend and the letter
6 from his pastor, Father O'Connor, that the Bishop of
7 Burlington should not have incardinated or brought
8 Edward Paquette to the Diocese of Vermont as a
9 priest, can we not?

10 MR. CLEARY: Note my objection
11 because that does not include all of the
12 information available. You don't have
13 it, he doesn't have it so note my
14 objection to the question, Jerry. It
15 assumes all kinds of facts that are not
16 yet in evidence.

17 MR. O'NEILL: And I would say to you
18 politely, Dave, please say the word
19 objection which I think is specifically
20 what the rule calls for. You preserved
21 anything as to the form you wish to do
22 so, I would ask you not to make speaking
23 objections.

24 MR. CLEARY: I'm not because I'm not
25 talking about the content of the

1 information not yet available.

2 MR. O'NEILL: I think when you say
3 objection you fully cover yourself and I
4 would politely ask you to restrict your
5 objections.

6 MR. CLEARY: I'm going to do what I
7 have to do based on the evidence which
8 is currently available and that which is
9 not even with the rule in mind.

10 MR. O'NEILL: And I don't want to go
11 suspend the deposition and go over to
12 the court to seek an order of the court
13 but I think the rule is clear that when
14 you say objection you fully protect
15 yourself as to any aspect of the form of
16 the question including all of the things
17 that you just said.

18 BY MR. O'NEILL:

19 Q. Bishop, do you have the question in mind or
20 would you like to have us after that little back and
21 forth repeat it for you?

22 A. I guess so. And I don't know whether you're
23 telling me not to answer this or not.

24 MR. CLEARY: No, no, no. And if I get
25 to a point where I believe you should not

1 answer a question, Bishop, I will say
2 so.

3 MR. O'NEILL: Can you give us back that
4 one.

5 (Question read)

6 MR. CLEARY: Note my objection again as
7 previously stated.

8 A. From the information that's here I would have
9 said no.

10 Q. In fact, Bishop, based upon the information
11 that was presented that we have discussed so far,
12 just this information, it's very clear that in
13 bringing Edward Paquette to the Diocese of Vermont
14 if the bishop chose to do so that there would be a
15 danger to young boys in this diocese from having
16 this man here, is there not?

17 A. It would appear so but I don't know what was
18 in the bishop's mind, I don't have any idea what his
19 reasoning, I don't know what other information he
20 might have had but it would seem that he should have
21 been avoided.

22 Q. Bishop, when you say he should have been
23 avoided, this is a man that has sexually abused
24 boys --

25 A. That's right.

1 Q. -- on multiple occasions in more than one
 2 diocese, can we not agree that in bringing him to
 3 Vermont that the bishop by doing so was exposing
 4 children of this diocese to the dangers of abuse by
 5 this man?
 6 A. Probably, yes.
 7 Q. Bishop, I want to show you what has been
 8 marked as Deposition Exhibit No. 4 and this
 9 particular document is a document again produced by
 10 the Diocese of Burlington. It does not bear a
 11 date. I will represent to you and I think you will
 12 see by looking it over that it logically fits in as
 13 a document in approximately April of 1972 because it
 14 is a memo to the Personnel Board from Father
 15 Fitzsimons about Edward Paquette and in the context
 16 of the events it would appear to be that. Why don't
 17 you take just a moment, look it over, and then I'm
 18 going to ask you some questions with respect to the
 19 document and as I say I've highlighted some parts.
 20 And if we could take just a moment our tape is out.
 21 (Recess)
 22 MR. O'NEILL: This is tape No. 2. We
 23 are back on the record. It is 11:26
 24 a.m. Tape No. 1 ran out just in the
 25 midst of a discussion about reviewing a

1 document and we're now back on the
 2 record I believe without having missed
 3 any substance.
 4 BY MR. O'NEILL:
 5 Q. Bishop Angell, I've placed in front of you
 6 Deposition Exhibit No. 4 which I was describing and
 7 I think you did adequately for the record before the
 8 tape ran out.
 9 A. Yes.
 10 Q. Would that appear to you from your review of
 11 it to be a record created by Father Fitzsimons of --
 12 either a memo to the Personnel Board or a Personnel
 13 Board discussion in some respect?
 14 A. Yes, I believe that he was the personnel
 15 director of the diocese but I will not swear to
 16 that.
 17 Q. Fair enough. It would appear that he was
 18 compiling a memorandum of some sort with respect to
 19 Edward Paquette; is that correct?
 20 A. Yes, it seems so.
 21 Q. Now, I want to go over a few specific parts
 22 and particularly the parts that I've highlighted.
 23 And in this Father Fitzsimons notes I would guess he
 24 refers specifically to lapses into homosexuality and
 25 then he says, I would guess that there were two such

1 instances in Fall River diocese and two in Indiana;
 2 do you see that?
 3 A. Yes.
 4 Q. Now, we know from some of the information
 5 available that at least a number of those episodes
 6 were with boys, do we not?
 7 A. Yes.
 8 Q. And we can agree that if he was having
 9 homosexual activity with boys that those would be
 10 what we call sexual assaults, would we not?
 11 A. Yes.
 12 Q. Now, I want to go further down here and talk
 13 about for a moment part of what Father Fitzsimons
 14 says. You could see where I have highlighted down
 15 below?
 16 A. Yes.
 17 Q. I would also feel.
 18 A. Yes.
 19 Q. It reads, does it not, I would also feel that
 20 the pastor to whom he is sent should be made aware
 21 of the problem and that it be a rectory where there
 22 is more than one assistant pastor; do you see that?
 23 A. Yes.
 24 Q. And then Father Fitzsimons goes on to say, If
 25 the above recommendations of Doctor Hillenbrand were

1 rigidly followed and heartily accepted by Father
 2 Paquette, that I would recommend him for acceptance
 3 on a trial basis into the diocese; do you see that?
 4 A. Yes, I see.
 5 Q. Bishop Angell, my question to you is this.
 6 Can we agree that on the basis of the information
 7 that was available to the diocese as of the date
 8 that Father Fitzsimons did this memorandum that the
 9 diocese should not have accepted Edward Paquette
 10 into this diocese under any circumstances, any
 11 supervision or following recommendations?
 12 A. Now, we handle things very differently today
 13 than we did back then. In those years not enough
 14 was really known about this thing about pedophilia
 15 or about having relations with minors. It was
 16 looked upon as a sickness like alcoholism or
 17 something and that you could be cured of this. So
 18 we would send people away and they would stay away
 19 for a time. Now, I'm not sure here. I haven't seen
 20 that in here but I'm not sure whether he was sent
 21 away or not. I don't know. But my point is though
 22 that these cases were handled in this manner, they
 23 would send them away to get some sort of help to one
 24 of the institutions especially geared to helping
 25 priests such as St. Luke's Institute or the --

1 something of the living in Hartford is another one.
 2 And often we'd get letters back from the
 3 psychiatrists or the people who ran the institution
 4 that father so and so was now ready to assume full
 5 responsibility or he was ready to assume full-time
 6 work in a parish and we feel that he can do any kind
 7 of work now that he has been cured of this problem
 8 that he had.

9 Q. Bishop Angell, can we agree that whatever
 10 recommendation comes from a psychiatrist,
 11 psychologist or other professional that it is the
 12 responsibility of the bishop to make an independent
 13 determination as to whether or not it is safe to
 14 assign a priest to a particular diocese or accept a
 15 priest?

16 A. Yes.

17 Q. The information available to the Diocese of
 18 Burlington on the basis of the documents we have
 19 seen shows that there were at least two episodes
 20 involving boys in Massachusetts?

21 A. Yup.

22 Q. Three separate episodes at least involving
 23 young boys in Indiana. In that circumstance would
 24 you agree that to accept Edward Paquette into the
 25 Diocese of Vermont and assign him as a priest was to

1 reason why he would do this. Bishop Marshall was a
 2 very intelligent man and a very good, good shepherd
 3 so I don't understand it.

4 Q. Bishop Angell, can you think of a
 5 justification as to why Bishop Marshall should take
 6 a man who previously had sexually abused boys in two
 7 other diocese, had been relieved of his duties for
 8 certain in the last diocese he was in, why he would
 9 accept him as a priest in the Diocese of Vermont?

10 A. I have no idea.

11 Q. Does it make any sense to you whatsoever?

12 MR. CLEARY: Note my objection.

13 A. I have no idea.

14 Q. One of the things that Father Fitzsimons talks
 15 about in here is that the pastor should be made
 16 aware of the problem if Father Paquette is to be
 17 assigned in the Diocese of Vermont; do you see that?

18 A. I see it.

19 Q. Would you agree with me that if there was
 20 nothing in Father Paquette's personnel file to show
 21 that the pastor was made aware that this would
 22 increase further the danger to the children in that
 23 parish by virtue of assigning Father Paquette to
 24 that parish?

25 MR. CLEARY: Note my objection. Go

1 decide that it was more important to put a priest in
 2 place than to be concerned about the young boys in
 3 the parish to which he would be assigned?

4 MR. CLEARY: Note my objection. Go
 5 ahead.

6 A. I don't know what was in Bishop Marshall's
 7 mind, what was the reason why he assigned him but I
 8 know I would never do that.

9 Q. And, Bishop Angell, is it fair to say that
 10 given what you know of human nature and even back
 11 then when you have somebody who has reported at
 12 least five episodes of sexual abuse of boys or
 13 sexual involvement with boys over a period of years
 14 that it is too dangerous to assign that person to a
 15 parish for work within a diocese?

16 MR. CLEARY: Note my objection. Go
 17 ahead.

18 A. I would not have assigned him.

19 Q. Can we agree that Bishop Marshall should not
 20 have assigned him as well?

21 MR. CLEARY: Note my objection.

22 A. I can't say absolutely because I don't know
 23 what Bishop Marshall knew. I can't picture it.
 24 There may have been some other extenuating
 25 circumstances we don't know about. I don't know the

1 ahead.

2 A. I don't know. I'm losing the gist of what
 3 you're trying to ask there.

4 Q. Thank you for saying so and let me ask it
 5 again. One of the things that Father Fitzsimons
 6 says is that the pastor should be made aware of the
 7 problem as he puts it; do you see that, sir?

8 A. Yes, I see it, yeah.

9 Q. If I represent to you that the personnel
 10 records of the Diocese of Vermont showed nothing to
 11 indicate that the pastor was made aware of the
 12 problem, would you agree with me that that was the
 13 wrong way to handle it?

14 MR. CLEARY: Note my objection.

15 A. See, that's my problem. I don't know --
 16 Father Fitzsimons was a very straightforward,
 17 straightlaced type of person. I have problems even
 18 seeing why he's recommending that we take this man.
 19 I don't understand that and I don't understand why
 20 Bishop Marshall took him. I guess the bottom line
 21 to your question is do you think Bishop Marshall
 22 should have taken him, huh, is that the final line
 23 there?

24 Q. Is there any doubt about what the correct
 25 answer to that is?

1 MR. CLEARY: Note my objection.
 2 BY MR. O'NEILL:
 3 Q. On the basis of the information available to
 4 date --
 5 A. Oh, yeah.
 6 Q. Not what happened later but available to
 7 date.
 8 MR. CLEARY: Note my objection. You
 9 mean available here in the depo?
 10 MR. O'NEILL: Available as given to
 11 Bishop Angell here this morning.
 12 MR. CLEARY: Continuing objection. Go
 13 ahead, Bishop.
 14 A. Well, now I'm getting confused again.
 15 Q. Let me ask the question again. I thank you
 16 for saying so. I appreciate it. We don't want you
 17 to answer a question that you find confusing in any
 18 way.
 19 A. Okay.
 20 Q. On the basis of the information that we have
 21 shown you here this morning can we agree that there
 22 is no justification as to why Bishop Marshall should
 23 accept Edward Paquette?
 24 A. None that I can think of.
 25 Q. Now, one of the things that Father Fitzsimons

1 notes is that he thinks that the pastor should be
 2 made aware of the problem. He refers to a
 3 recommendation of Doctor Hillenbrand which is stated
 4 up above in his memo and then he goes on to say if
 5 the above recommendations of Doctor Hillenbrand were
 6 very -- excuse me, were rigidly followed and
 7 heartily accepted by Father Paquette, that I would
 8 recommend him for acceptance on a trial basis into
 9 the diocese; do you see that?
 10 A. I see it.
 11 Q. Now, I'm going to show you the next document.
 12 It is marked as Deposition Exhibit No. 5 and I again
 13 have highlighted some piece of this just for ease of
 14 reference. It is a document dated June -- copy of a
 15 document dated June 9, 1972 produced by the diocese
 16 in connection with this litigation.
 17 A. Yes.
 18 Q. It would appear to be a letter from Father
 19 McSweeney as chancellor of the diocese to Father
 20 Paquette. Do you see that letter, Bishop?
 21 A. Yes.
 22 Q. There is nothing in this letter appointing
 23 Edward Paquette as a priest of the diocese on a
 24 trial basis, is there?
 25 A. I don't see anything here.

1 Q. In addition, if we go back, Bishop, to
 2 Deposition Exhibit No. 2 for just a moment, and I'll
 3 be glad to pull that out for you and show it to you,
 4 Deposition Exhibit No. 2 is a March 30, 1972 letter
 5 to Father McSweeney from Bishop Pursley of Fort
 6 Wayne, South Bend.
 7 A. Yes.
 8 Q. One of the things he says in there, I believe
 9 that Father Paquette should be given an
 10 institutional chaplaincy in which he could exercise
 11 his ministry with less likelihood of relapse.
 12 A. Yes.
 13 Q. There's no indication here -- in fact, he was
 14 not given an institutional chaplaincy, was he?
 15 A. Not indicated here anyway.
 16 Q. Certainly if he's an assistant at Christ the
 17 King Parish in Rutland that's not an institutional
 18 chaplaincy?
 19 A. Right, that's not an institutional chaplaincy.
 20 Q. In addition, there is no indication here in
 21 this letter, meaning Deposition Exhibit No. 5, that
 22 the pastor at Christ the King in Rutland was going
 23 to be informed of Father Paquette's prior history,
 24 is there?
 25 MR. CLEARY: Note my --

1 A. Well, there's no indication here but it
 2 doesn't mean that he wasn't informed either.
 3 Q. If he was informed -- if the pastor was
 4 informed that is the type of information that should
 5 be documented in the personnel file in some respect,
 6 should it not?
 7 A. Yes, I'd say it should but it may not have
 8 been, too.
 9 Q. Let's move on here to Deposition Exhibit No.
 10 6, and again I've highlighted some pieces of this
 11 for ease of reference and I will represent to you
 12 that this is again a document produced by the
 13 diocese in connection with this litigation. And it
 14 is an October -- copy of an October 21, 1974 letter
 15 addressed to The Most Reverend John A. Marshall who
 16 we I'm sure can agree was the bishop at the time
 17 from Father James F. Engle, E N G L E, at Christ the
 18 King Church in Rutland. Why don't you take just a
 19 moment to read through that, Bishop, so I can ask
 20 you some questions if I may.
 21 A. Okay. Yes.
 22 Q. Bishop, this letter -- in this I'm going to
 23 read some parts of it if I could. It indicates in
 24 this letter to Bishop Marshall from Father Engle at
 25 Christ the King Church in Rutland. I was greatly

1 disappointed and very saddened over the report I
 2 received from the hospital that Father Paquette
 3 sexually molested two young men while on communion
 4 calls in the hospital. The first incident happened
 5 in latter August and the other was October 17th.
 6 These are the first and only two incidents that I am
 7 aware of and the hospital authorities trying to
 8 cover up the first incident didn't notify me of it
 9 until it happened a second time when they called me
 10 in on October 18th. Do you see that?
 11 A. Yes. Yes, I do.
 12 Q. Would you like a glass of water?
 13 A. That's okay.
 14 Q. He then goes on to say, As you readily
 15 understand, it is imperative that Father Paquette be
 16 removed from the Rutland area immediately but I do
 17 hope that he will be able to be reassigned after
 18 proper psychiatric treatment. In every other way he
 19 has been a good, loyal, hard-working priest and
 20 deserves every consideration of possible
 21 rehabilitation. He certainly has my sympathy and
 22 prayers because I am sure this, quote, and I'm
 23 putting the word quote on here, uncontrollable
 24 compulsion, unquote, must cause him terrible agony
 25 since he apparently tries very hard to be a good

1 priest; do you see that?
 2 A. I see it.
 3 Q. Then he recommends a reassignment and some
 4 psychiatric therapy and there's reference to that
 5 discussion of that later down in that final
 6 paragraph; do you see that?
 7 A. I see it.
 8 Q. Now, at this point in time Bishop Marshall is
 9 aware that this priest has sexually abused boys on
 10 at least two occasions in the Diocese of Fall River,
 11 he has sexually abused boys on three occasions in
 12 the Diocese of Fort Wayne Indiana; can we agree on
 13 that?
 14 A. Ah-huh.
 15 Q. Sir, you have to give it a yes or no for the
 16 record.
 17 A. Yes.
 18 Q. Thank you. We can also agree that here we
 19 have specific proof from presumably the pastor there
 20 at Christ the King that Father Paquette had sexually
 21 molested on separate occasions two young men while
 22 assigned as a priest in Rutland; is that correct?
 23 A. Correct, yes.
 24 Q. And, in fact, it states specifically that he
 25 sexually molested these young men while on communion

1 calls in the hospital; is that correct?
 2 A. Yes.
 3 Q. Communion calls would be instances of
 4 ministering to the sick by taking communion to them;
 5 is that right?
 6 A. Yes.
 7 Q. And that is unquestionably one of his duties
 8 as a priest; is that right?
 9 A. Yes.
 10 Q. So now we have a situation where with this
 11 background Bishop Marshall is presented with the
 12 fact that this man has sexually abused two boys that
 13 we know of in Rutland, correct?
 14 A. Yes.
 15 Q. Would you agree that to reassign Edward
 16 Paquette as a priest in the Diocese of Vermont was
 17 to put boys in the assigned parish in danger given
 18 what Bishop Marshall knew?
 19 A. Yes.
 20 Q. Bishop Angell, can you think of any
 21 justification given the information that was then
 22 available as to why Bishop Marshall should have
 23 reassigned Edward Paquette to another parish in
 24 Vermont after this came to light?
 25 MR. CLEARY: Note my continuing

1 objection. Go ahead.
 2 A. No.
 3 Q. Thank you.
 4 A. Only interesting thing I find is that people
 5 like Father Engle, Monsignor Fitzsimons, all of
 6 these people are saying he's a good priest and works
 7 hard and all this kind of a thing and hopes that he,
 8 this is the part, they hope that with some
 9 psychiatric help that he can return to duty. That
 10 was the prevailing thought back in 1974, that these
 11 people could be cured of this. And we have learned
 12 that's not true. But when you look at how we
 13 treated these people back in 1972, '74 it was
 14 totally different from the way we do today. I
 15 wouldn't take anybody in that had records like that.
 16 Q. Bishop, common sense we can agree was
 17 available in 1974, agreed?
 18 A. Yes.
 19 Q. In 1974 with Bishop Marshall being aware of
 20 the fact that this man had on at least two occasions
 21 in Massachusetts sexually abused boys, on at least
 22 three occasions he had sexually abused boys in
 23 Indiana, and on at least two occasions he had
 24 sexually abused boys in Vermont, isn't it fair to
 25 say that no matter what psychiatric treatment he

1 received or what psychiatrist said there is no
2 justification at that time in the context of the
3 events for reassigning him to another parish in
4 Vermont?

5 MR. CLEARY: Note my objection.

6 A. I wouldn't think so.

7 Q. In fact, to reassign him to another parish in
8 Vermont given that history was to put children in
9 danger, was it not?

10 A. Yes. I say it cautiously because I'm just
11 not -- I just don't know what Bishop Marshall
12 thought, what he was thinking, what -- he was a very
13 reasonable man and I don't understand it. I don't
14 understand it. The only thing that I can think of
15 is possibly that he was convinced that this man had
16 a problem like an alcoholic problem and that he
17 could be cured. I don't know. I don't know.

18 Q. Bishop, at this point we know of, and I stress
19 we know of that Bishop Marshall knew of seven
20 specific separate episodes of sexual abuse of boys,
21 agreed?

22 A. Yes. Yes.

23 Q. With that background no matter what the
24 psychiatrists say, there's no justification for
25 reassigning him to another parish, is there?

1 MR. CLEARY: Objection. Go ahead.

2 A. I've already said that I don't see any
3 justification, but I don't know what was in Bishop
4 Marshall's mind.

5 Q. Can you conceive of anything in Bishop
6 Marshall's mind that could justify what he did here?

7 MR. CLEARY: Note my objection. It's
8 been asked and answered.

9 A. Just as I've said, the only thing I can think
10 of which is again a question of whether you can --
11 that would be justified at all but it's a question,
12 what was in his mind, was it that he felt that this
13 man could be cured as other alcoholics have been
14 cured and so forth. You should see -- perhaps you
15 have seen some of the letters that come from these
16 psychiatrists and all claiming complete cures and
17 all, you know. I don't know. Certainly today no
18 one would do this.

19 Q. In 1972, Bishop, or in the timeframe here 1974
20 can you conceive yourself had you been in Bishop
21 Marshall's shoes that you would have reassigned
22 Edward Paquette to another parish in Vermont?

23 A. No, I couldn't see myself.

24 MR. CLEARY: Note my objection. Go
25 ahead.

1 BY MR. O'NEILL:

2 Q. Can you conceive of any bishop reassigning him
3 to another parish in Vermont given the information
4 available?

5 MR. CLEARY: Note my objection. Go
6 ahead.

7 A. No.

8 Q. Bishop, the next document I'm going to show
9 you is about a three-page document. It's Deposition
10 Exhibit No. 7. My suggestion is rather than run the
11 video with you reviewing it, why don't we go off the
12 record for just a moment. Is that acceptable with
13 all?

14 MR. CLEARY: Sure.

15 MR. O'NEILL: Document is -- let me
16 identify it and then we'll go ahead and do
17 that, is Deposition Exhibit No. 7, it's
18 dated April 7, 1978. It's on the
19 letterhead of Christ the King Parish.
20 It is not signed. It is a document that
21 was produced by the diocese as part of
22 this litigation. I would represent to
23 you that it would appear in the context
24 of the other documents to probably be a
25 document prepared by Father or Monsignor

1 Fradet on the basis of the fact that he
2 was the pastor at the time, but
3 irrespective it's a document on the
4 letterhead of Christ the King Parish,
5 three pages long, April 20, 1978. So
6 now with the acquiescence of all at
7 11:53 a.m. we'll go off the record for a
8 few moments.

9 THE WITNESS: Okay.
10 (Recess).

11 MR. O'NEILL: We're back on the
12 record. It is now 10 minutes after 12.

13 BY MR. O'NEILL:

14 Q. Bishop Angell, have you had the opportunity to
15 review Deposition Exhibit No. 7?

16 A. Yes.

17 Q. What I'd like to do is go over this with you.
18 This would appear to be a chronology that was
19 prepared of events relating to Father Paquette; is
20 that right?

21 A. Seems to be, yes.

22 Q. Now, this document is dated April 20, 1978 but
23 the first date that it has a reference to is March
24 9, 1978; is that correct?

25 A. Yes.

1 Q. And in this -- this is -- the first indication
2 is Mrs. Donald Marriott called for an appointment
3 the next day, it was urgent, had to do with Father
4 Paquette; do you see that?
5 A. I see it.
6 Q. Now, then there is a description of a meeting
7 with Mr. and Mrs. Donald Marriott with Mr. and Mrs.
8 James Hanley on March 10, do you see that, at Christ
9 the King Rectory?
10 A. Where is that now?
11 Q. Look at March 10th.
12 A. Yup, okay, I got you.
13 Q. Then you'll see the names on the first two
14 lines and then you'll see I think on the third line
15 that they met at Christ the King Rectory?
16 A. Okay, I'm with you.
17 Q. And they had two major complaints, do they
18 not?
19 A. Yes.
20 Q. And the first complaint related to stories and
21 descriptions of a black mass to junior high pupils
22 at Christ the King School where he allegedly
23 introduced them to the occult and ex -- E X O C I S
24 M, process in fairly minute detail, and then the
25 second complaint was an alleged molestation of

1 children indicating fondling of privates of alter
2 boys; do you see that?
3 A. Yes.
4 Q. And there's specific reference to instances
5 involving two of the boys that are referenced there;
6 is that correct?
7 A. Yes.
8 Q. And it indicates if we go down that that one
9 of the boys, initials JH, if I may use that was, as
10 it puts it, touched in a way he ought not to be last
11 year and this year he was picked up around the legs
12 and three times fondling in the area of the penis;
13 is that correct?
14 A. Yes.
15 Q. And that it indicates that the preceding
16 evening, March 7, the boy with the first initial J.
17 age 11 came down crying having bad thoughts and the
18 words were so bad that he alleged was told that he
19 couldn't say them; do you see that?
20 A. Yes, I do.
21 Q. Now, the memo goes on to say that at
22 insistence of these parents, Bishop, you were
23 alerted that evening as to what had developed; do
24 you see that?
25 A. Yes.

1 Q. Given all of the past information available to
2 Bishop Marshall at that time, everything we've
3 talked about so far in these documents can we agree
4 that there could have, should have been absolutely
5 no doubt that Bishop Marshall was under obligation
6 at that point to immediately remove Edward Paquette
7 from the diocese and remove him from the Diocese of
8 Vermont -- excuse me, from the parish and from the
9 Diocese of Vermont?
10 A. He certainly should have, he should have -- I
11 would believe he should have removed him
12 immediately. If there was some circumstances that
13 we're not aware of there should have been an
14 investigation then but in the interim he should have
15 been removed.
16 Q. Now, on March 12th, the chronology goes on to
17 say that Father Paquette was informed by himself,
18 meaning the author of this document, and referral to
19 the bishop, he was told there would be no more
20 teaching in the school relative to the black mass,
21 et cetera, and no other alter boy rehearsals until
22 notified by the pastor; do you see that?
23 A. I see it, yes.
24 Q. And then the families from the next paragraph
25 it appears were called to told what would be done;

1 do you see that?
2 A. Was that the plan of action?
3 Q. I think that's the paragraph above it. It
4 says some time -- let me quote it, it would be
5 quicker.
6 A. Some time after this both families above
7 called to see what had been done and would be done.
8 Yes, I see it.
9 Q. Now, indication next is that on March 12th
10 according to this, Bishop met with Father Paquette
11 and outlined a "plan of action." Basically father
12 was to approach a local priest for direction and
13 resume counseling with Father Kane in Shrewsbury, et
14 cetera. This father did -- meeting with Father
15 Purtill, P U R T I L L, SSE who will be back from
16 Montana in a month and contacting Father Kane.
17 Father was to remain at Christ the King and consent
18 of the pastor; do you see that?
19 A. I see it.
20 Q. Given the available information, Bishop
21 Angell, is there any justification for keeping that
22 man at Christ the King at that point in time?
23 A. I don't see any.
24 Q. March 22nd, Both Father Paquette and Monsignor
25 Fradet met with you, presumably meaning the Bishop,

1 but -- it does say Bishop, excuse me, and the entire
 2 matter reviewed together with guidelines to be
 3 followed and restrictions imposed. Father was not
 4 to train alter servers and avoid any action that
 5 could be misinterpreted in regards to association
 6 with young people, especially boys; do you see that?
 7 A. Yes.
 8 Q. The next line indicates that because it was
 9 Holy Week Father Paquette was permitted to leave and
 10 go home. Now, on the next page it indicates, does
 11 it not, and we would have to look back to March 22nd
 12 as being the date this references, several calls
 13 were received from the Marriotts and one or two from
 14 the Hanleys. Both did not feel that much was being
 15 done even though they had or would approach the
 16 Bishop again. To avoid the two boys involved from
 17 having to receive communion from Father Paquette
 18 Monsignor was to arrange that another offer the
 19 mass, the school mass on the days these classes were
 20 to attend mass; do you see that?
 21 A. Yes, I do.
 22 Q. It's a little discombobbled but would appear
 23 to be that Father Paquette was still saying masses
 24 but that Monsignor Fradet arranged for someone else
 25 to offer mass on the days the classes were attending

1 mass during Holy Week; is that a fair description?
 2 A. Seems so, yes.
 3 Q. Now, we can see that Father Paquette was going
 4 to be away for a three-day weekend to celebrate the
 5 anniversary of the marriage of a cousin as noted on
 6 that same day?
 7 A. Okay.
 8 Q. Now, at this point -- we're on March 22nd, can
 9 we agree at this point we have some instances where
 10 Father Paquette is going to be gone it would seem
 11 primarily for family reasons but otherwise he is
 12 remaining there at the parish at Christ the King; is
 13 that right?
 14 A. Who's remaining there, Father --
 15 Q. Father Paquette.
 16 A. Father Paquette. It would appear so, yes.
 17 Q. Now, let's move ahead to April 11th. On that
 18 date according to the chronology Annette Perras, P E
 19 R R A S, of 69 Alder Lane called for an urgent
 20 appointment which I scheduled after the 9 a.m.
 21 mass. She had become aware of a similar situation
 22 with her son James age 11. She was very distraught
 23 and showed the signs of lack of sleep, et cetera.
 24 She had cried and prayed most of the night torn
 25 because Father Paquette had been received as a

1 personal friend of the family and had been there for
 2 dinner the week before and the effect the
 3 association and alleged fondling might have had on
 4 her own son. She had contacted her son's
 5 pediatrician Doctor John Murray who referred her to
 6 her pastor. She too felt little was being done; do
 7 you see that?
 8 A. I see it.
 9 Q. April 15. The preceding day, Bishop, you
 10 called me for an interview but I was just leaving
 11 for Springfield, Vermont and you indicated an early
 12 Monday morning meeting would be scheduled. Also, on
 13 Friday Doctor John Murray called and I was to call
 14 him. Agreed that's what it states?
 15 A. Yes.
 16 Q. It then goes on to say, does it not, under
 17 April 15th, the phone conversation with Doctor
 18 Murray indicated that his son was also involved,
 19 Thomas age 11, 36 Hillcrest Road. Doctor Murray
 20 felt that the Bishop did not realize the trauma
 21 caused parents of young boys. As a pediatrician he
 22 felt there was no way to determine later effects of
 23 all this. Public school teachers would be dropped
 24 on the spot. Doctor Murray read out of parents,
 25 "read out" of parents aware of the problem was that

1 we were dealing with an "explosive" situation.
 2 Several indicated that they would not go near the
 3 church while Father Paquette was around. Feelings
 4 were very high. Doctor Murray felt we were treading
 5 on very thin ice. He was aware of six other
 6 parents. One had called a fellow pediatrician when
 7 Doctor Murray's phone was busy and he referred them
 8 back to Doctor Murray. Doctor Murray felt only
 9 solution was removal of Father Paquette to obtain
 10 help. This was given more in sorrow than in anger;
 11 do you see that?
 12 A. I see.
 13 Q. And there's also a note going back to April
 14 11th or 12th that the parish secretary Mrs. Mary
 15 Joachim, J O A C H I M, received a call from someone
 16 alleging to be new in the area that was aware of why
 17 father had been transferred from his previous
 18 assignment and felt parents of young boys should be
 19 told to watch out; do you see that?
 20 A. I see.
 21 Q. And continuing on we come to April 16th where
 22 Mrs. Ronald Crosby (Mickey) asked to see me real
 23 soon to consider a "very serious matter." Basically
 24 because of some scheduling Monsignor Fradet set up
 25 an appointment for Tuesday, can we agree on that?

1 A. Yes.

2 Q. And then on the final page which would still
3 be just for reference under date of April 16th
4 Monsignor Fradet indicates, Later that afternoon, I
5 felt that Mrs. Crosby's urgency might have something
6 to do with Father Paquette and would be helpful for
7 the Monday meeting with you, Bishop. I called
8 asking what the nature of Tuesday's appointment
9 might be and she said it was Father Paquette.

10 The document goes on to say in the next
11 paragraph, I met with both Mr. and Mrs. Crosby.
12 Their son, first initial B, while aware of what the
13 boys felt had not himself been approached in any
14 way. The Crosbys felt this might be because Father
15 might have felt they knew something. This they did
16 but had not directly or indirectly mentioned it to
17 any other person until their visit with me the
18 evening of April the 16th. In substance, Ron's
19 sister, Sister Mary Crosby, had informed them of
20 potential problem because of her assignment with
21 Father Paquette in Montpelier. She felt they should
22 know since her nephew would possibly be affected.
23 Mr. and Mrs. Crosby decided they would not mention
24 this unless something did, indeed, happen. When
25 they learned the problem had surfaced at Christ the

1 King they felt it time to let me know of their
2 knowledge and they felt something had to be done.
3 They both felt their pastor and their Bishop had
4 known all along of the Montpelier situation and
5 Sister Mary Crosby could not understand why Father
6 Paquette was put in charge of alter boys and had
7 assignments with young people; do you see that?

8 A. Yes.

9 Q. And then, finally, on April 17th according to
10 the chronology there was a meeting of Father
11 Paquette and Monsignor Fradet with the Bishop and it
12 says, "No longer could keep lid on things at Christ
13 the King." Goes on to say that Doctor Murray had
14 talked to Father McSweeney and that Father Paquette
15 was relieved of his assignment at Christ the King
16 effective immediately and to return to his home
17 diocese. Continued counseling advised. Now, this
18 is on April 17th; is that correct?

19 A. Yes.

20 Q. Is it fair to say that from a reading of this
21 document that Bishop Marshall did not relieve Father
22 Paquette or remove him, excuse me, from Christ the
23 King until it got to the point where the Bishop felt
24 he could not "keep a lid on things at Christ the
25 King"?

1 A. It would appear so.

2 Q. In other words, it's fair to say that even
3 given these allegations Father Paquette was allowed
4 to remain at Christ the King until the situation
5 became so public that it was not possible to keep
6 him there; is that correct?

7 A. I presume so.

8 Q. Now, I want to show you what's been marked as
9 Deposition Exhibit No. 8. It is a letter dated
10 April 18, 1978. Again, it is a document produced in
11 this litigation by the diocese.

12 MR. O'BRIEN: Dated what, I'm sorry?

13 MR. O'NEILL: Date is April 18, 1978.

14 It's addressed to Father Paquette in
15 Westfield, Massachusetts from Bishop
16 Marshall. Why don't we go off the
17 record for just a moment while I give
18 you a moment to read it, would that be
19 acceptable?

20 THE WITNESS: Okay. Fine.

21 MR. O'NEILL: Go off the record here
22 at 12:24 p.m.

23 (Recess)

24 MR. O'NEILL: We're back on the
25 record at approximately 12:26 p.m.

1 BY MR. O'NEILL:

2 Q. Bishop, have you had the opportunity to review
3 the document?

4 A. I have.

5 Q. I'd like to go over the document with you.
6 This is a copy of a letter that Bishop Marshall sent
7 to Edward Paquette with respect to his status in the
8 diocese; is that correct?

9 A. Yes.

10 Q. In the very first sentence of the letter
11 Bishop Marshall states, "It was with deep regret
12 that I was forced by your conduct and the reaction
13 of the parishioners to ask you to leave your
14 assignment yesterday," do you see that?

15 A. Yes.

16 Q. If we go back to Deposition Exhibit No. 7
17 which I believe is the document there in front of
18 you it would appear that events came to the
19 attention of the bishop at least by March 10th if we
20 look at the entry there, particularly that last
21 couple of sentences or the last sentence, last
22 couple of lines there; do you see that?

23 A. March the 10th, yes.

24 Q. And so it would appear that Bishop Marshall
25 did not remove Father Paquette until April 17 over a

1 month later; is that correct?

2 A. Seemingly so, yes.

3 Q. And at that point Bishop Marshall indicates
4 that he's been forced by Paquette's conduct and the
5 reaction of the parishioners to ask him to leave the
6 assignment; do you see that?

7 A. Yes, I see it.

8 Q. It would appear that the reaction of the
9 parishioners was a factor, not simply the actions by
10 Father Paquette, can we agree?

11 A. Yes.

12 Q. And then he goes on to say, You have so many
13 good qualities as a human being and as a priest that
14 the people and priests of the diocese, including
15 myself, have come to regard you with affection.
16 Still, the serious weakness that you have shown and
17 your unwillingness or inability to cooperate with
18 your counselor at the House of Affirmation has
19 forced this decision upon me; is that correct?

20 A. Yes.

21 Q. It would appear from this that this is a
22 decision that Bishop Marshall did not want to make,
23 isn't it?

24 MR. CLEARY: Note my objection. Go
25 ahead.

1 A. I don't know, you know.

2 Q. Well, let's go on then to the next paragraph
3 if we could together. As I informed you yesterday,
4 I see no possibility of your returning to the
5 Diocese of Vermont as a priest, and I am hereby
6 suspending your faculties within this diocese.

7 A. Right. Right.

8 Q. And then he goes on to say, As for the Diocese
9 of Springfield or elsewhere, that would depend upon
10 your own Ordinary -- Bishop McManus in Fort Wayne,
11 South Bend or other bishops in whose diocese you
12 might request to be active; do you see that?

13 A. Yes.

14 Q. It's fair to say that Bishop Marshall
15 notwithstanding all of the information that is now
16 available with respect to Edward Paquette holds out
17 the possibility to Edward Paquette that he might be
18 able to serve as a priest elsewhere; is that
19 correct?

20 A. Yes.

21 Q. And then I want to skip over a paragraph that
22 talks about membership in the Priest Benefit Fund
23 and go to the second to the last paragraph. I am
24 very -- "I am very grateful to you for the service
25 that you have given to the Diocese of Burlington and

1 I hope most sincerely that you'll be able to get to
2 the root of your problem and one day be able to
3 serve again as a priest," do you see that?

4 A. I see it.

5 Q. Bishop Marshall is expressing gratitude to
6 this man for his service notwithstanding the abuse
7 of the boys that he has done in this diocese, do you
8 see that?

9 A. I see it.

10 Q. And he also holds out the possibility that the
11 man can serve as a priest again, does he not?

12 A. Yes.

13 Q. Now, at the beginning of this I showed you a
14 letter that had been written by Father Paquette to
15 the bishop here in Burlington, Bishop Marshall,
16 providing some specific references.

17 A. Yes.

18 Q. And I think one of the things we talked about
19 was in addition to using the references provided by
20 Father Paquette that the Diocese of Burlington
21 should have sought information from other places
22 where he had served, not simply the references he
23 provided; is that correct before was (?)

24 A. Yes.

25 Q. I will represent to you that none of the

1 documents that have been produced to us would
2 indicate that references beyond those that have been
3 shown to you here were obtained. I'm now going to
4 show you a series of documents that -- I'll show you
5 a series of documents. These are documents that we
6 obtained from other jurisdictions that were not part
7 of the diocesan file and perhaps what I should do
8 once again to make it easier for you is to go off
9 the record, show you the documents and then we can
10 go through them one at a time, does that make sense?

11 A. All right.

12 MR. O'NEILL: We'll go off the record
13 then at approximately 12:31 p.m.

14 (Recess)

15 MR. O'NEILL: We're now back on the
16 record. It is approximately 12:54 p.m.

17 BY MR. O'NEILL:

18 Q. Bishop, I have marked and we have given you
19 the opportunity to look at off the record a series
20 of documents, Deposition Exhibits 9 through 16. I
21 will try to go through those documents with you. I
22 will represent to you that these are all documents
23 that came from the files of the Diocese of Fall
24 River, Massachusetts. I also will represent that
25 presumably none are in the files of the Diocese of

1 Burlington since none have been produced to us in
2 connection with this litigation.

3 MR. CLEARY: That is correct.

4 MR. O'NEILL: Thank you.

5 BY MR. O'NEILL:

6 Q. First one is a -- Deposition Exhibit No. 9 is
7 a November 11, 1963 letter it would appear from a
8 Frederick J. P. Rosenheim, R O S E N H E I M, M.D.
9 of Boston addressed to the Most Reverend James J.
10 Gerrard, G E R R A D, refers to Your Excellency.

11 A. He was the Auxiliary Bishop of Fall River.

12 Q. Thank you. I appreciate that. I was going to
13 ask you that and I appreciate you pointing it out to
14 us. It's fair to say here that as far back as 1963
15 that this document appears to be a report that was
16 requested by the Auxiliary Bishop of Fall River on
17 the subject of Father Paquette; is that correct?

18 A. Yes.

19 Q. And in this, among other things, and we won't
20 go through the entire document, Doctor Rosenheim
21 indicates that, and I'm now looking at the third
22 line of the first full paragraph -- fourth line,
23 excuse me, he is not concerned with the
24 psychological aspect of his problem of homosexuality
25 (which remains unchanged). He sees his situation

1 exclusively as being on probation because of
2 offenses he committed. Since (according to his
3 accounts to me) he has not been involved in further
4 offenses he sees no reason for further probation and
5 is most eager to be permitted to accept an offer to
6 assist in a Florida parish; do you see that?

7 A. Yes.

8 Q. So what we have here is the Diocese of Fall
9 River going back to at a minimum November of 1963
10 being aware that there were problems with Father
11 Paquette and his celibacy and being involved in
12 homosexuality; is that correct?

13 A. Yes.

14 Q. Now, so we could clarify this just for a
15 moment, the issue here is not that he's homosexual
16 or that he's heterosexual but rather as a priest he
17 is supposed to be celibate, is he not?

18 A. He is.

19 Q. This is to say that he is not supposed to have
20 sexual relations with anyone, male or female?

21 A. Right.

22 Q. So this would indicate that in 1963 Diocese of
23 Fall River knows that Father Paquette has a problem?

24 A. Yes.

25 Q. All right. Now, I want to go to Deposition

1 Exhibit No. 10 and I should have indicated that
2 Deposition Exhibit No. 9 has a Bates stamp of
3 100053. Deposition Exhibit No. 10 is a November 12,
4 1963 letter from the Bishop of Fall River to Father
5 Timothy O'Connor of Westfield, Mass., is it not?

6 A. Yes.

7 Q. In this document which bears the Bates stamp
8 No. 100055 if we go about three-quarters or
9 two-thirds of the way down the page the bishop
10 indicates in the letter to Father O'Connor, I'm sure
11 you appreciate the fact that our chancery and
12 diocese cannot in fairness invite another chancery
13 to take, what we have in reason to believe, a poor
14 risk?

15 A. Yes.

16 Q. Do you see that?

17 A. Yes.

18 Q. So in 1963, well before he attempted to come
19 to Vermont, Father Paquette was seen by the Bishop
20 of Fall River as a poor risk; is that correct?

21 A. Seemingly so.

22 Q. And then Deposition Exhibit 11, if we look at
23 this would appear to be a November 14, 1963 letter
24 bearing the Bates stamp No. 100056. It's a letter
25 to Doctor Rosenheim who was referred to earlier, and

1 this letter references Bishop Gerrard reporting the
2 letter to this person in context would seem to be an
3 official, if not the Bishop of Fall River; would
4 that be correct?

5 A. Yes.

6 Q. Part of the reason that it would appear to be
7 the bishop is he refers to returning to the council
8 in Rome?

9 A. Yes.

10 Q. Now, if we go down to the third paragraph it
11 states, What he has asked from you, and from us as
12 well, amounts to a recommendation which I cannot in
13 honesty give, not at least without apprising or
14 informing the parties interested of the problem and
15 that I do not want to do; do you see that?

16 A. Yes. Who's he making -- giving the letter of
17 recommendation to?

18 Q. It doesn't indicate that I can see here. If
19 you see something that would tell us that, please do
20 inform us.

21 A. No, I find that confusing.

22 Q. I don't disagree with you. It doesn't state
23 specifically. It seems to be discussing the problem
24 with Doctor Rosenheim I think we probably can
25 agree.

1 A. Okay. I can't answer that one then.
 2 Q. I agree. The bishop there does indicate that
 3 he would be unwilling to give a recommendation for
 4 Father Paquette --
 5 A. Yes.
 6 Q. -- at least without informing the parties
 7 interested of the problem and he did not want to do
 8 that; is that correct?
 9 A. Yes.
 10 MR. CLEARY: Jerry, just for the record
 11 you said the bishop. I think it's the
 12 doctor, isn't it? No, no.
 13 MR. O'NEILL: No, this I think is the
 14 bishop. That's a fair question
 15 but I think it is the bishop writing to
 16 the doctor in this instance.
 17 A. All right.
 18 Q. Now, if we go to Deposition Exhibit 12, this
 19 is a February 25, 1964 letter addressed to the
 20 Bishop of Wheeling, West Virginia, the Most Reverend
 21 Joseph H. Hodges, D.D. from the Bishop of Fall
 22 River, bears the Bates stamp number No. 1000 I think
 23 it's 62 a little of it was photocopied off. Do you
 24 have that document in front of you?
 25 A. Yes, sorry to be tardy in replying. Yes,

1 that's the one.
 2 Q. And this indicates right after that reference
 3 you just made, It is months now since I sent him
 4 home, since his conduct caused quite a bit of
 5 scandal in two separate localities. And then the
 6 letter goes on to say, I frankly do not regard him
 7 as a good risk, although he has ability and has
 8 shown zeal; do you see that?
 9 A. Yes.
 10 Q. Now, from what we can see this is an attempt
 11 by Father Paquette after problems that are described
 12 or referred to elsewhere in Massachusetts to go to
 13 West Virginia; do you see that?
 14 A. Yes.
 15 Q. Inasmuch as he never went to West Virginia it
 16 would appear he was not accepted there; is that a
 17 fair supposition?
 18 A. Yes.
 19 Q. Now, if you could go to the next document.
 20 A. Of course he goes on to say, Of course there's
 21 a possibility of reform and correction. I find it
 22 very amazing to me all these people, I mean even
 23 parents there of kids that all hope he'll be able to
 24 come back and all of this kind of thing, you know.
 25 All I could say is that those were the days when we

1 thought they could really cure somebody.
 2 Q. Bishop Angell, even if those were the days
 3 when people thought it was possible to cure by the
 4 time he came to Vermont it was quite clear he never
 5 should have been allowed here, is it not?
 6 A. I would have to say I would not have allowed
 7 him.
 8 Q. Would you agree as well that no bishop should
 9 have allowed him to come to Vermont given the
 10 information that was available?
 11 MR. CLEARY: Note my objection.
 12 A. I presume so. I don't -- I find great
 13 difficulty with it, great difficulty and I don't
 14 understand why they would allow him.
 15 Q. You don't understand why given the information
 16 available they would have allowed him to come to
 17 Vermont as they did?
 18 A. Yes, that's right.
 19 Q. Bishop, if you could please go to Deposition
 20 Exhibit No. 12. Do you have that document in front
 21 of you, sir?
 22 A. 12, yes.
 23 Q. I'm sorry, that's the document we just
 24 finished completed, excuse me, I just realized it.
 25 A. 13.

1 Q. 13, please look at Deposition Exhibit 13, this
 2 would appear to be a February 25, 1964 letter to
 3 Bishop Pursley of Fort Wayne, Indiana. From the
 4 context can we agree it would appear to be a letter
 5 from the bishop in the Diocese of Fall River?
 6 MR. CLEARY: To Fall River, Jerry? You
 7 said from.
 8 BY MR. O'NEILL:
 9 Q. From the bishop of the Diocese of Fall River
 10 addressed to Bishop Pursley in the Diocese of Fort
 11 Wayne. Now, in this one, Bishop, if I could, in
 12 this one the Bishop of Fall River indicates, I have
 13 your letter with reference to Father Edward O.
 14 Paquette resident now in Westfield, Massachusetts,
 15 his home. And then the part I want to specifically
 16 point out if I may, Let me begin by saying that I
 17 can hardly return him to active duty in this
 18 diocese. If he has honestly told you his story you
 19 will recognize it is serious with inevitable
 20 evidence of scandal; do you see that?
 21 A. Yes.
 22 Q. And this was in February of 1964 that the
 23 Bishop of Fall River was writing to the Bishop of
 24 Fort Wayne, agreed?
 25 A. Yes, right.

1 Q. Now, if you could go next please to Deposition
 2 Exhibit 14. This is an undated letter. In the
 3 context of looking at these other letters can we
 4 agree that in all likelihood it is a letter of
 5 around that same timeframe from the Bishop of Fall
 6 River to Bishop Hodges of Wheeling, West Virginia?
 7 A. Yup.
 8 Q. In this letter the Bishop of Fall River
 9 indicates, does he not, if you choose to -- and on
 10 this in the second to the last paragraph, If you
 11 choose to give the man a trial it would be well to
 12 keep him out of responsibility for young people,
 13 boys especially. And if the man proves satisfactory
 14 so much the better and I hope that you may
 15 incardinate him. Things being as they were I cannot
 16 use him here; do you see that?
 17 A. Yes, I do.
 18 Q. This is specific notice to the Bishop of
 19 Wheeling, West Virginia of the concern that he had
 20 with respect to Father Paquette relating to boys, is
 21 it not?
 22 A. Yes.
 23 Q. It also indicates that the Bishop of Fall
 24 River would not be willing to use Father Paquette as
 25 a priest there?

1 A. Yes. And again it says, I hope you may be
 2 able to incardinate him.
 3 Q. It's fair to say that the bishop is saying I
 4 regard him as a problem, I can't use him?
 5 A. No, but you can use him if you want to.
 6 Q. Which is always the case, someone else could
 7 use him should they choose to do so. However --
 8 A. It's like a recommendation, though. Anyway.
 9 Q. When you say it's a recommendation, I mean, he
 10 says if you give him a trial it will be well to keep
 11 him out of responsibility for young boys --
 12 A. Yup.
 13 Q. Excuse me, for young people, boys especially,
 14 that's hardly a recommendation, is it?
 15 MR. CLEARY: Note my objection.
 16 BY MR. O'NEILL:
 17 Q. That's not a recommendation, is it?
 18 A. Well, it's not a prohibition either. Maybe
 19 it's not a recommendation but it's not a
 20 prohibition.
 21 Q. Even if he wanted to the Bishop of Fall River
 22 could not prohibit the bishop of Wheeling from
 23 taking on Father Paquette, could he?
 24 A. The bishop could refuse to excardinate him.
 25 Q. Okay. Next if you would please look at

1 Deposition Exhibit No. 15 bearing a date of February
 2 28, 1964.
 3 A. Right.
 4 Q. This would appear to be a letter to Bishop
 5 James L. Connolly, C O N --
 6 A. Bishop of Fall River, yes.
 7 Q. C O N N O L L Y, the Bishop of Fall River from
 8 Bishop James H. Hodges of the --
 9 A. Wheeling.
 10 Q. -- of Wheeling, West Virginia. This simply
 11 acknowledges, among other things, receipt of the
 12 letter and as the letter puts it in the second
 13 paragraph, Your letter expressing your frank opinion
 14 that you do not regard him as a good risk is deeply
 15 appreciated; do you see that?
 16 A. Yes, okay.
 17 Q. And then last document here and I'm sorry that
 18 it's a poor quality, it's the quality that we have
 19 to work with, this would appear to be a March 28,
 20 1964 letter. If we look up in the top left we can
 21 see it says Bishop's Office, do you see that?
 22 A. Yes.
 23 Q. And addressed to His Excellency Most Reverend
 24 Leo A. Pursley, P U R S L E Y?
 25 A. Yes, Fort Wayne.

1 Q. Fort Wayne. And if we look carefully under
 2 the signature we can see Fall River and it looks
 3 like it's Connolly as if this is Bishop Connolly
 4 writing to Bishop Pursley, right?
 5 A. It's James Connolly, yes.
 6 Q. Then the first part of it is certainly
 7 somewhat difficult to read those first several
 8 lines.
 9 A. I can't read it at all.
 10 Q. If you go down to the fifth line you see where
 11 it starts in the left margin something the preceding
 12 sentence his problems still to be resolved -- excuse
 13 me, yes, his problems will be resolved under your
 14 jurisdiction, something like that and then it goes
 15 on to say, this is the part I wanted to focus your
 16 attention on, As I wrote you, his usefulness here
 17 would be very limited -- for me, not at all; do you
 18 see that?
 19 A. Yes.
 20 Q. Now, since this information came from the
 21 Diocese of Fall River and the Bishop of Fall River
 22 provided information to the Bishop of Wheeling and
 23 the Bishop of Fort Wayne, is this information the
 24 Bishop of Burlington, Bishop Marshall or someone
 25 acting on his behalf, should have sought before they

1 accepted Father Paquette here in Burlington or in
2 the Diocese of Burlington, Vermont?

3 A. I would have thought they would have
4 investigated and now I'd have to go back over those
5 letters again but I don't think there were any
6 objections really.

7 Q. When you say you don't think there were any
8 objections really, Bishop, what do you mean?

9 A. On Bishop Marshall's part or anyone else's
10 part, you know.

11 Q. What do you mean there weren't any objections
12 on his part?

13 A. There were no objections to him coming here to
14 this diocese.

15 Q. It's fair to say that the investigation into
16 him and his background appears to be incomplete, is
17 it not?

18 A. Yes.

19 Q. And even with the information available he
20 should never have been allowed in this diocese?

21 A. I don't believe so.

22 Q. I'm going to shift topics and I'm going to go
23 through a number of different topics with you. I
24 don't expect to show you any additional documents
25 but I just wanted to let you know that I will be

1 going through and doing this.

2 The starting place I have for you is at
3 these various stages with Edward Paquette how should
4 the Diocese of Burlington in your opinion have
5 handled him? First of all, should it have taken him
6 into the diocese?

7 MR. CLEARY: Based on -- would you read
8 that back?

9 BY MR. O'NEILL:

10 Q. Let me rephrase it if you're unclear on it.
11 Bishop Angell, what I'd like to know is, first of
12 all, should the Diocese of Burlington -- with the
13 information that has been available, we've shown you
14 here today, should the diocese have taken on Edward
15 Paquette as a priest?

16 MR. CLEARY: Note my continuing
17 objection to the partial supposition.

18 A. No, they should not have taken him on as a
19 priest.

20 Q. Is it fair to say that the Diocese of
21 Burlington gave a priority to taking him on as a
22 priest at the expense of the children of the
23 diocese?

24 MR. CLEARY: Objection.

25 A. I don't quite know what that means.

1 Q. Well, the bishop has an obligation to the
2 children of the diocese?

3 A. Yes, he does.

4 Q. He has an obligation to all the members of the
5 diocese?

6 A. Absolutely, including the priests, too.

7 Q. When you say including the priests too --

8 A. All of them.

9 Q. He has an obligation to the priests?

10 A. All of them.

11 Q. Everybody who's part of the diocese?

12 A. Exactly, sure.

13 Q. And in that respect it's fair to say, is it
14 not, that someone made a decision that it was more
15 important to bring in a priest with a history of
16 sexual abuse of boys than it was to be concerned
17 about protecting the boys from the diocese, is it
18 not?

19 MR. CLEARY: Note my objection.

20 A. I can't answer that. I don't know. I don't
21 know what they were thinking of.

22 Q. As a man who has considerable experience --
23 I'll save that question until the next tape.

24 (Recess)

25 MR. O'NEILL: It is 1:14 p.m.

1 approximately. This is tape No. 3. The
2 last tape ran out before we had a chance
3 to so indicate that we were changing
4 tapes. However, I don't think we missed
5 anything on it in terms of questions.

6 BY MR. O'NEILL:

7 Q. Bishop Angell, the last question related to
8 what had occurred here and the record will speak for
9 itself. It's fair to say, is it not, looking at
10 these documents -- I'm going to let the aircraft go
11 by and then I will ask it. It's fair to say, is it
12 not, that looking at these documents that the
13 Diocese of Burlington for whatever reasons
14 determined it was going to take a chance on a priest
15 who had a significant prior history of sexually
16 abusing boys; is that not correct?

17 MR. CLEARY: Note my objection.

18 A. It would appear so.

19 Q. It's fair to say there's no justification for
20 the Diocese of Burlington having taken him on as a
21 priest given the information that was available; is
22 that not correct?

23 MR. CLEARY: Note my objection.

24 MR. O'NEILL: Dave, just let me finish
25 my question if you don't mind, please. I

1 want to have you get your objection in by
 2 all means.
 3 BY MR. O'NEILL:
 4 Q. Do you have in mind the question, Bishop?
 5 A. Please repeat it.
 6 MR. O'NEILL: Ginny, would you mind
 7 reading that question back and Dave's
 8 objection will stand with request to the
 9 question as well.
 10 (Question read)
 11 MR. CLEARY: Note my objection.
 12 A. I want to say yes to it but, on the other
 13 hand, I'm always concerned about what people knew,
 14 what else in addition that we don't know. I don't
 15 know any of that but it would seem, it would seem
 16 that they should not have taken him in.
 17 Q. Bishop, let me be clear with respect to it and
 18 the question that I'm asking you is on the basis of
 19 the information you have here in front of you.
 20 A. Yes.
 21 Q. We can't go on information I'm sure you and I
 22 both can agree that we don't have.
 23 A. That's true.
 24 Q. But on the basis of the information we've
 25 placed here in front of you today can we agree that

1 it's a violation.
 2 Q. In other words, so we're clear on this, and if
 3 my last question wasn't I'm sorry it wasn't.
 4 A. No, that's all right.
 5 Q. Sexual activity of a priest with a minor is
 6 very clearly known to be a violation of clerical
 7 celibacy?
 8 A. Yes.
 9 Q. And in addition, sexual activity of any adult
 10 with a minor has always been known to be illegal,
 11 agreed?
 12 A. Yes, right.
 13 Q. Can we agree that given the information that
 14 was available about Edward Paquette that the diocese
 15 should have reported him to the civil authorities
 16 for criminal prosecution?
 17 MR. CLEARY: Note my objection and I
 18 will instruct the Bishop not to answer.
 19 MR. O'NEILL: On what basis?
 20 MR. CLEARY: Just my basis. I am
 21 instructing the Bishop not to answer.
 22 Move on.
 23 MR. O'NEILL: Are you asserting there's
 24 a privilege?
 25 MR. CLEARY: I'm instructing the Bishop

1 there is no justification for the Diocese of
 2 Burlington having taken Edward Paquette on as a
 3 priest and for keeping him on as a priest once the
 4 episode in Rutland had taken place or episodes in
 5 Rutland had taken place?
 6 MR. CLEARY: Note my objection.
 7 A. Yes.
 8 Q. Bishop, I want to visit with you for just a
 9 moment with respect to your activities as a bishop
 10 in the broadest sense. You as a bishop periodically
 11 meet with other bishops in the United States and
 12 around the world, do you not?
 13 A. Yes.
 14 Q. And as a part of that you speak with each
 15 other, you learn from each other and you gather
 16 information about how bishops administer their
 17 diocese; is that a fair description?
 18 A. Yes.
 19 Q. Is it fair to say that every bishop that you
 20 have ever known or have heard of without exception
 21 that has known that sexual activity of a priest with
 22 a minor is a violation of the requirement of
 23 clerical celibacy?
 24 MR. CLEARY: Note my objection.
 25 A. I'm just confused the way you put it but, yes,

1 not to answer the question and I have
 2 objected to it. Go to your next
 3 question.
 4 MR. O'NEILL: Well, I just want to be
 5 really clear that I will intend to take
 6 this to the court and intend to come
 7 back --
 8 MR. CLEARY: Very fine.
 9 MR. O'NEILL: -- because there's no
 10 justifiable basis for this direction to
 11 the Bishop.
 12 MR. CLEARY: Not at all true. I'm
 13 objecting and I'm instructing him not to
 14 answer.
 15 MR. O'NEILL: And you're not
 16 asserting privilege?
 17 MR. CLEARY: Of course I'm asserting
 18 a privilege. Go ahead.
 19 MR. O'NEILL: What is the privilege
 20 for the record?
 21 MR. CLEARY: Go ahead, Jerry, with
 22 your next question, please.
 23 MR. O'NEILL: If I know --
 24 MR. CLEARY: It's totally
 25 inappropriate and you know it's

1 inappropriate as framed.

2 MR. O'NEILL: So you're objecting to
3 the form of the question and directing
4 him not to answer on the basis of the
5 form of the question?

6 MR. CLEARY: I am objecting for
7 several reasons but as indicated, I only
8 have to object to the form as you've
9 reminded me so I've objected and I'm
10 instructing him not to answer.

11 MR. O'NEILL: But objections as to
12 the form of the question the witness
13 must answer, and what I want to know if
14 you are asserting a privilege please
15 tell us what the privilege is because if
16 there is a privilege I have the
17 opportunity to potentially reframe the
18 question so as to avoid the privilege.

19 MR. CLEARY: The deposition is being
20 taken under the usual stipulations.
21 I've noted my objection. I've
22 instructed the witness not to answer.
23 Please move to the next question.

24 MR. O'NEILL: I will and I will upon
25 receipt of the transcript go to the

1 court and seek an order compelling
2 answers to that question.

3 MR. CLEARY: Understood.

4 MR. O'NEILL: And the follow-up
5 questions that I would have asked in
6 anticipation of the Bishop's answer with
7 respect to them.

8 MR. CLEARY: I would suggest you go
9 ahead and ask any additional questions
10 you have now so that I can determine
11 whether to object or instruct him not to
12 answer or not.

13 MR. O'NEILL: You have prevented him
14 from answering a question which there is
15 no basis. I mean, it's politely to have
16 done so. The follow-up questions I
17 would ask I can't ask until I have the
18 answer so I will move on to a different
19 area.

20 MR. CLEARY: I am suggesting to you
21 that you will not be entitled to any
22 order of the court with regard to
23 questions you haven't asked so I think
24 you should ask them. If you don't wish
25 to that's up to you.

1 MR. O'NEILL: You've got your
2 position; I have mine.

3 MR. CLEARY: Understood.

4 MR. O'NEILL: We'll let the court
5 deal with it. I do have additional
6 questions in this area.

7 BY MR. O'NEILL:

8 Q. Bishop, moving to a different area, would you
9 agree that there is undeniable evidence that the
10 sexual abuse of a minor by a priest usually has dire
11 consequences at least psychologically on many of its
12 victims?

13 A. Yes.

14 Q. Would you agree that when a priest inflicts
15 sexual abuse on a child that the consequences are
16 often exacerbated or made worse to put it
17 differently because the victim usually has familial
18 and social esteem because of the way that a
19 representative of God is held in his mind?

20 A. Yes.

21 MR. CLEARY: Are you talking about what
22 we understand today?

23 MR. O'NEILL: I have asked the
24 question. The Bishop has answered.

25 MR. CLEARY: Okay, fine.

1 BY MR. O'NEILL:

2 Q. Bishop, would you agree that sexual abuse of a
3 child often results in a loss of faith and attendant
4 trauma which can be devastating to a child?

5 MR. CLEARY: Note my objection.

6 A. Yes.

7 Q. I want to talk with you just for a moment
8 here -- I'm moving the topic slightly and I want to
9 let you know that. I want to ask you about the role
10 of a priest in the diocese. As long as the priest
11 is in the diocese unless they're off on, let's say,
12 a week's vacation going somewhere else, other place
13 in the diocese, is it fair to say that a priest is
14 always on duty?

15 A. Oh, that's a difficult one.

16 Q. Go ahead and provide us with the best answer
17 you think you can in response to it.

18 A. They take day off, they take a vacation,
19 they -- they're not on duty, active duty. They're
20 not available for visits or whatever, you know.
21 So -- but as for the being on duty, if you mean by
22 that just being present in a parish I guess we could
23 say they're usually on duty.

24 Q. A priest never ceases to become a priest as
25 long as they are denominated as a priest and until

1 the Pope laicizes them or the person dies, is that a
 2 fair description, or they resign from the
 3 priesthood?
 4 A. Yes, once a priest, always a priest but you
 5 can be dispensed from the obligations of priesthood
 6 including celibacy.
 7 Q. A priest can't choose to follow certain
 8 directives of the church and not others; is that a
 9 fair description?
 10 A. That's true.
 11 Q. For example, one of the requirements of being
 12 a priest is that the priest be celibate, agreed?
 13 A. Yes. Yes.
 14 Q. And priests do not have the option to decide
 15 that that is an obligation that they will ignore,
 16 for example, by having sex with other persons?
 17 A. True.
 18 Q. There is absolutely no question we can agree
 19 that there are no justification in any way for a
 20 priest ever sexually abusing a child, can we not?
 21 A. Oh, yes.
 22 Q. The way the church works is, in part, that it
 23 seeks to have its priests held in a special position
 24 of trust with members of the parish to which they
 25 are assigned, is that a fair description? And if

1 it's not, please describe it as you think it would
 2 be more accurate.
 3 A. Would you repeat that again?
 4 Q. Let me rephrase it, how would that be?
 5 A. Okay.
 6 Q. When a bishop assigns a priest to a parish he
 7 foresees that the people of that parish will provide
 8 their trust in that priest; is that not correct?
 9 A. Yes.
 10 Q. And that's something that the bishop wants to
 11 have as part of that ministry; is that right?
 12 A. That's true.
 13 Q. Because the priest is seen as a descendant of
 14 or representative of Christ on earth, correct?
 15 A. True.
 16 Q. So the church and a bishop in any given
 17 instance wants that priest to be seen by the members
 18 of that parish as someone in whom they can place
 19 their trust?
 20 A. True.
 21 Q. The bishop and the church want the members of
 22 that parish to see the priest as someone who will
 23 give them guidance certainly in all matters
 24 spiritual, correct?
 25 A. Yes.

1 Q. And what the bishop or the church are looking
 2 for is for the people in the parish to feel this is
 3 a person we can trust, we can follow this person's
 4 guidance in all matters spiritual that will lead us
 5 to eternal salvation ourselves?
 6 A. Yes.
 7 Q. That's what the objective of the priest is in
 8 the broadest sense is to help the people in the
 9 parish achieve eternal salvation by doing as Christ
 10 wanted them to do; is that fair?
 11 A. Fair.
 12 Q. The priest, in effect, is for the members of
 13 that parish their spiritual caretaker?
 14 A. Yes.
 15 MR. O'NEILL: If we could go off the
 16 record for just a moment I want to look
 17 through my notes and we can see whether we
 18 have any more to go over so we'll go off
 19 the record at 1:27 p.m.
 20 MR. CLEARY: Good.
 21 (Recess)
 22 MR. O'NEILL: We're back on the
 23 record. It is approximately 1:37 p.m.
 24 BY MR. O'NEILL:
 25 Q. Bishop, I just have a few more questions for

1 you. I have read in literature that as it relates
 2 to files, diocesan files that there are so-called
 3 locked files, are you familiar with that
 4 terminology?
 5 A. No, I'm not.
 6 Q. Are you familiar with there being any files
 7 related to priests that are in any respect kept
 8 separately from the personnel files that are
 9 available to you?
 10 A. Yes. They used to be called secret files but
 11 they're private files that the only reason for it is
 12 so that the secretaries and so forth don't have
 13 access to them, those files. But they are -- as you
 14 well know, they did not remain secret. They have
 15 been given over to you and others like you and our
 16 legal people. So I don't know if that answers your
 17 question or not.
 18 Q. Bishop Angell, do you have any reason to
 19 believe that since the time that you came to the
 20 Diocese of Vermont that there have been any files
 21 related to priests that have been destroyed or
 22 otherwise removed?
 23 A. No, absolutely not.
 24 Q. One last question. This question relates
 25 specifically to what we have shown you here today.

1 Would you agree or do you think that the Diocese of
2 Burlington, Vermont was derelict in its handling of
3 the Paquette situation as we have shown it to you
4 here today?

5 MR. CLEARY: Note my objection.

6 A. I still feel that I'm uncomfortable in the
7 sense of saying yes to that. I'm uncomfortable
8 because of I can't imagine what was going on in
9 Bishop Marshall's head. I don't know. I don't know
10 what was going on. I don't know what information he
11 had. There could have been lots of contacts between
12 he and the bishops involved. I don't know. We
13 don't have any record of it. So I have to say that
14 I think it was -- I don't think it was the thing to
15 do to take this man in. In fact, I know it wasn't.
16 But again, I don't know why he did it. So to answer
17 the question and the question was what now
18 specifically?

19 MR. O'NEILL: Ginny, could you read it
20 back to the bishop, please.

21 (Question read)

22 MR. CLEARY: Note my objection. Go
23 ahead.

24 A. Was the diocese derelict. I think that we
25 have to keep remembering that today is today and

1 back then we didn't have an appreciation for this
2 whole thing. I mean, I have talked to psychologists
3 and psychiatrists and all who claimed that they got
4 very little in the way of -- when they went to
5 college they weren't -- they spent about maybe a
6 half day on some of these things. They just weren't
7 knowledgeable, that knowledgeable about these whole
8 areas. Now, that's my understanding. So I think
9 that we have to keep remembering that, that was a
10 time that we felt that these things could be
11 handled, they could be cured. Person after person
12 in these testimonies and all keep talking about what
13 a wonderful man this was, you know. I don't know
14 how they came to this conclusion even after knowing
15 so I have difficulties with it but I am -- all I can
16 say is that I just feel that some of these people
17 just never realized the tremendous seriousness of
18 this, these activities. And again, I think they
19 felt that these people were sick people and they
20 needed help.

21 Q. Bishop, even as sick people when someone has
22 abused boys as many times before coming to Vermont
23 as did Edward Paquette and after he abused boys down
24 here in Rutland can we agree there is no excuse for
25 Bishop Marshall having kept him on as a priest and

1 reassigned him to another parish in Vermont?

2 A. Well, I don't see it. I don't understand it.
3 I've said that over and over again that I can't
4 concur with Bishop Marshall's decision but is that
5 because we've learned so much since, I don't know.
6 But I know one thing that I think it's wrong. Well,
7 I know it's wrong. You don't do things like this to
8 little children. It's sickening. So anyway.

9 Q. Can we agree that no matter what information
10 was available to Bishop Marshall, whatever other
11 information you may think could conceivably have
12 been available to him, given the information that
13 was, in fact, available to him it was just
14 absolutely wrong to have continued Edward Paquette
15 in this diocese at least after the episodes in
16 Rutland?

17 MR. CLEARY: Note my objection.

18 A. I would think so.

19 MR. O'NEILL: Thank you. I have no
20 further questions at this time subject
21 to the area where we had our
22 disagreement earlier.

23 MR. CLEARY: All right. I just have
24 a few questions, Bishop.

25 EXAMINATION BY MR. CLEARY:

1 Q. Obviously you've been asked an awful lot of
2 questions today. And my first question is did you
3 base your answers to today's questions that go back
4 to activities in the '60s and '70s on information
5 you as a priest and bishop have learned since the
6 '60s and '70s?

7 MR. O'NEILL: Objection.

8 A. Certainly some of it, yes.

9 Q. And is it possible for you do you think to put
10 yourself back in time into the '60s and '70s as a
11 then bishop would have been and make a decision
12 about a priest like Father Paquette disregarding all
13 of the information and knowledge you've gained since
14 the '60s and '70s?

15 MR. O'NEILL: Objection.

16 A. If I had to go back to those days I'm not sure
17 what I would do. But all I can say is that
18 certainly with the knowledge that I have received
19 since, and I think I've always regarded this as an
20 horrendous act, the molestation of children, yes,
21 that's been no change there.

22 Q. In Exhibits 9 through 16 that you were shown
23 today there is communication between one of Father
24 Paquette's psychiatrists, his auxiliary bishop in
25 Fall River and communication between those people

1 and bishops in West Virginia I think and in --

2 A. Fort Wayne.

3 Q. -- Fort Wayne, Indiana, with regard to the
4 thinking of the bishop in Fall River I remember him
5 making some comment about Father Paquette not really
6 being able to be reassigned in his diocese or arch
7 diocese or whatever it was because of scandal, do
8 you remember those comments?

9 MR. O'NEILL: Objection.

10 A. From whom were they made now, who made those?

11 Q. From the auxiliary bishop --

12 A. Oh, yes, okay.

13 Q. -- in Fall River to, for example, Bishop
14 Hodges in Wheeling, West Virginia which is Exhibit
15 14.

16 A. Yes, okay. All right. What's the question
17 now?

18 Q. With regard to the Fall River bishop's
19 reference to "scandal," what scandal if you know
20 from the context of the comment was he talking
21 about?

22 MR. O'NEILL: Objection.

23 A. He was talking about the sexual activity of
24 this priest with young people.

25 Q. Do you recall the auxiliary bishop saying to

1 exhibits.

2 A. Okay.

3 MR. O'NEILL: Bishop, would it be
4 helpful if we take a break for a minute?
5 Would you like to do that?

6 THE WITNESS: No, keep going.

7 BY MR. CLEARY:

8 Q. Exhibit 13 from today is a letter from the
9 auxiliary bishop in Fall River to Bishop Pursley in
10 Fort Wayne and it says in part, "Let me begin by
11 saying I can hardly return him," meaning Paquette,
12 "to active duty in this diocese. If he has
13 honestly told you his story you will recognize it as
14 serious with inevitable elements of scandal." And
15 it goes on. "However, it could quite be that he,"
16 meaning Paquette, "has overcome his difficulty. I
17 feel that you might help him, if you feel interested
18 to try. But I would insist that his," meaning
19 Paquette's, "assurances that he has overcome his
20 difficulty be supported by letters signed by
21 responsible priests who have been witness to his
22 actions these past months and by his doctor, at one
23 time Doctor Rosenheim of Boston." Is that a
24 letter -- well, strike that. What is the Bishop of
25 Fall River suggesting to Bishop Pursley?

1 at least the bishop in West Virginia that he could
2 not reassign Father Paquette in the Fall River area
3 because of scandal?

4 A. Yes, okay.

5 Q. What did he mean?

6 MR. O'NEILL: Objection.

7 A. Because of the scandal that Father Paquette
8 had created, that's what I'm presuming.

9 Q. In terms of the communication between the
10 Bishop of Fall River and either Bishop Hodges in
11 Wheeling, West Virginia or Bishop Pursley in Fort
12 Wayne what from these documents, these exhibits
13 today, do you understand the Bishop of Fall River to
14 be telling them regarding Father Paquette?

15 MR. O'NEILL: Objection.

16 A. I don't know. The hour is getting late and
17 I'm -- maybe I'm losing it. I don't know but I will
18 ask you to clarify what you're trying to say.

19 Q. Okay. Well, part of it is I can't say
20 anything in my questions. I just have to ask. Mr.
21 O'Neill can phrase his questions and tell you things
22 in them. I'm not allowed to do that.

23 MR. O'NEILL: Objection.

24 BY MR. CLEARY:

25 Q. Let me read you from a couple of the

1 MR. O'NEILL: Objection.

2 A. Watch out but if it's possible this man has
3 received that type of treatment and so forth and
4 they're recommended by other priests and the
5 psychiatrist. Well, then, okay, you can have him.
6 Isn't that what he's trying to say?

7 Q. Well, I can't answer your question. I'm only
8 asking you.

9 A. That's what I think he's trying to say.

10 Q. Okay. Was the attitude in the '70s and '80s
11 with regard to offending priests any different than
12 it is today?

13 MR. O'NEILL: Objection.

14 A. Yes.

15 Q. And in your opinion why is the attitude
16 different today than it was then?

17 MR. O'NEILL: Objection.

18 A. Because in those days we kind of considered
19 this as an illness but one that was curable. As I
20 mentioned earlier, alcoholism was an example. You
21 could treat an alcoholic. You could even bring
22 about a cure in an alcoholic and to my knowledge
23 that's what people thought could happen with these
24 people. That you could send them away, get a cure
25 for them and send them back. I said before, we've

1 got people that have treated these priests in the
2 various facilities such as St. Luke's Institute that
3 would write to us after a man was in there for a
4 period of time and say he's ready to come home, that
5 he's all cured, he's all better. We have learned
6 that that isn't always so.

7 Q. But going back to that point in time, Bishop,
8 was that type of a recommendation something that to
9 your knowledge bishops relied upon?

10 MR. O'NEILL: Objection.

11 A. Of course, sure we did.

12 Q. Do you see Bishop Marshall -- strike that.
13 Can you offer an explanation to us from the records
14 you have seen today, just those records, those
15 documents as to why the feelings of Bishop Marshall,
16 Doctor Murray, some of the parents as reported in
17 these exhibits were what they were reported to be
18 given the allegations and alleged offenses of Father
19 Paquette?

20 MR. O'NEILL: Objection.

21 A. I have no idea why these people would be
22 willing to have him continue in ministry or continue
23 in ministry after they received treatment. Maybe
24 that's because of what we've learned over these
25 years but I couldn't see it at the time.

1 Q. And is that a judgment and decision that
2 you're making today?

3 MR. O'NEILL: Objection.

4 A. I'm making it right now, yeah, I couldn't do
5 it but --

6 Q. And is that based on the learning and
7 information and knowledge you've accumulated over
8 these years?

9 A. Well, that could possibly be --

10 MR. O'NEILL: Bishop, I'm sorry,
11 please let Dave finish his question
12 because I want to object to it and you
13 could by all means go ahead and answer
14 it. Dave, could you put that question
15 over, please.

16 MR. CLEARY: Sure.

17 BY MR. CLEARY:

18 Q. Why do -- strike that. Can you put yourself
19 back in time without the knowledge and the education
20 that you've accumulated since the '60s and '70s and
21 make a judgment today without that information based
22 on what should have been done back in the '60s and
23 '70s?

24 MR. O'NEILL: Objection.

25 A. It's difficult to do that.

1 MR. CLEARY: I think that's all I have
2 at this time.

3 EXAMINATION BY MR. O'NEILL:

4 Q. Bishop, I know you're getting tired.

5 A. Yes, I am.

6 Q. I'll be very brief with you. Even without the
7 knowledge that you have accumulated and the church
8 has accumulated since the '70s let's say --

9 A. Yes.

10 Q. -- can we agree that there was no
11 justification for taking on Edward Paquette as a
12 priest in this diocese or keeping him as a priest
13 after at least the offenses in Rutland?

14 MR. CLEARY: Note my objection.

15 A. I can't, I can't find any reason for keeping
16 him on.

17 Q. In the context of those times even?

18 A. In the context of those times maybe people
19 were trying to be very helpful giving him a chance,
20 all of this and that's good. One of the things
21 that's happened in our world is there's no room for
22 forgiveness anymore. So perhaps, perhaps this was
23 the -- an attempt to forgive. I don't know. I
24 don't know but I would have difficulties with it.

25 Q. After seven separate episodes of him sexually

1 abusing boys --

2 A. Yes, I'd have problems with that.

3 Q. -- you would agree that even in the context of
4 the times there's no justification for keeping him
5 on?

6 A. I would find it difficult to justify.

7 MR. O'NEILL: Thank you, Bishop.

8 MR. CLEARY: That's all we have. Thank
9 you, Bishop.

10 THE WITNESS: Thank you. Thank you
11 very much.

12 MR. O'NEILL: We're going off the
13 record. It is approximately 1:56 p.m.

14 (Whereupon, the deposition was
15 adjourned at 1:56 p.m.)

1 I have carefully read the foregoing
2 deposition and the answers made by me are
3 true.
4

5 _____
6 BISHOP KENNETH A. ANGELL
7

8
9
10

11 STATE OF _____
12 COUNTY OF _____
13

14 At _____ in said
15 County, this _____ day of _____ ,
16 200_ , personally appeared the above-named
17 BISHOP KENNETH A. ANGELL, and made oath that
18 the foregoing answers, subscribed by
19 BISHOP KENNETH A. ANGELL, are true.

20 Before me,
21
22

23 _____
24 Notary Public
25 My commission expires:

1 CERTIFICATE
2

3 I, Virginia L. Simmer, Registered Professional
4 Reporter, certify:

5 That the foregoing proceedings were
6 reported stenographically by me at the time
7 and place herein set forth;

8 That the foregoing is a true and
9 correct transcript of my shorthand notes so
10 taken;

11 That the witness was sworn by me as
12 a Notary Public for the State of Vermont;

13 That I am not a relative or employee
14 of any attorney of the parties nor
15 financially interested in the action.

16 The certification of this transcript does not apply
17 to any reproduction of the same by any means unless
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19 certifying reporter.
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22 _____
23 Virginia L. Simmer

24 My Commission expires February 10, 2007.
25