

1 COMMONWEALTH OF MASSACHUSETTS
2 COUNTY OF MIDDLESEX

3 GREGORY FORD, et al.,
4 Plaintiff,

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

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

8 PAUL W. BUSA,
9 Plaintiff,

vs. Civil Action
No. 02-0822

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

12 ANTHONY DRISCOLL,
13 Plaintiff,

14 vs. Civil Action
No. 02-1737

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

17 THE DEPOSITION OF FATHER JAMES J. MCCARTHY,
18 a witness called by the Plaintiffs, taken
19 pursuant to the applicable provisions of the
20 Massachusetts Rules of Civil Procedure, before
21 Kathleen L. Good, Registered Professional
22 Reporter and Notary Public in and for the
Commonwealth of Massachusetts, at the offices of
Greenberg Traurig, One International Place,
Boston, Massachusetts 02110, on Wednesday,
September 25, 2002, commencing at 12:05 p.m.

23 K. L. GOOD & ASSOCIATES
P. O. BOX 6094
BOSTON, MASSACHUSETTS 02209
24 TEL. (781) 598-6405 - FAX (781) 598-0815

Page 106

1 Q So you took the pastor's oath, let's call it
2 that, when you became pastor; is that right?
3 A That's correct.
4 Q But you're not aware of any policy in effect in
5 1989 which required existing pastors to take new
6 oaths, correct?
7 A I'm not.
8 (McCarthy Exhibit No. 7, Memo to Ryan
9 from McCarthy, 12/11/89, marked for
10 identification.)
11 Q Showing you Exhibit No. 7. Do you recognize that
12 as a memorandum that you sent to Father Ryan in
13 December of 1989 concerning Paul Shanley?
14 A Yes.
15 Q And that's your initials at the bottom; is that
16 correct?
17 A Correct.
18 Q And, unfortunately, we don't have the attachment
19 so I can't provide it to you.
20 In this communication, you state that His
21 Eminence had accepted Father Shanley's request to
22 resign as the pastor of St. John's.
23 A Yes.
24 Q "This was done after rather extensive

Page 107

1 conversation."
2 Do you see that?
3 A Yes.
4 Q Who told you that Father Shanley had agreed to
5 resign after rather extensive conversation?
6 A I don't recall.
7 Q Well, you had regular meetings with Cardinal Law;
8 is that correct?
9 A Uh-huh.
10 Q You have to say yes.
11 A Yes.
12 Q You were having regular meetings with Cardinal
13 Law in 1989; is that correct?
14 A Yes.
15 Q How frequently were the meetings?
16 A Perhaps weekly.
17 Q Perhaps weekly?
18 A Uh-huh.
19 Q Is it fair to state then that the most likely
20 source of this information was Cardinal Law?
21 MR. O'CONNOR: Objection.
22 A No, not necessarily.
23 Q Okay. Could have been Bishop Banks; is that
24 correct?

Page 108

1 A It's possible.
2 Q You then go on to state:
3 "My understanding is that Father Shanley
4 will be in the unassigned group after January 22,
5 1990."
6 What does the "unassigned group" mean or
7 what did it mean in 1990?
8 A That would have been priests that, you know, in
9 this kind of a situation. It could also have
10 been priests that had their assignment ended and
11 were not yet reassigned.
12 Q What do you mean, "this type of situation"? What
13 do you mean by that?
14 A Well, he was moving away, according to my
15 understanding of this. He had resigned and so he
16 was unassigned.
17 Q You understood that this was not a voluntary
18 situation with Father Shanley; that he had been
19 asked to resign --
20 A Yes.
21 Q -- by the Cardinal?
22 A I don't know that.
23 Q Do you have an understanding as to the reasons
24 why he was asked to resign?

Page 109

1 A No, I was not aware of those.
2 Q He was not a physically-sick individual at that
3 time; is that correct?
4 A I don't know that.
5 Q Did anyone tell you that he was a physically-sick
6 individual?
7 A No.
8 Q So you then go on to state that -- make a request
9 of Father Ryan for some counsel on additional
10 money.
11 Do you see that?
12 A Uh-huh.
13 Q What typically would happen in 1990 when a priest
14 was put in the unassigned category and not doing
15 any ministry in the Archdiocese, in terms of
16 financial remuneration? What would typically
17 happen?
18 A It would be -- he would get -- I'm trying to
19 remember now.
20 He would get the remuneration, I believe, as
21 if he were still assigned.
22 Q But Father Shanley was asking for additional
23 money here.
24 Do you see that?

Page 110

1 A Correct.
2 Q \$650 per month for room and \$200 per month for
3 board, for monthly total remuneration of \$1,690.
4 He also wanted \$400 to help with his airfare.
5 Do you see that?
6 A Yes.
7 Q So he was asking for additional money not
8 typically given to priests who were on unassigned
9 status; is that correct?
10 A That's true.
11 Q In your years of working at the Clergy Personnel
12 Office, how frequently had you seen memos like
13 this where the Cardinal is asking for counsel on
14 whether a priest should be given additional funds
15 who is on an unassigned category?
16 MR. O'CONNOR: Objection.
17 A Infrequently.
18 Q Ever?
19 A Yes.
20 Q Which situation? Which priest?
21 A I don't recall specific priests now.
22 Q Okay. But you would agree with me that a request
23 such as this one concerning additional monies for
24 someone who was an unassigned status is an

Page 111

1 unusual one; is that correct?
2 A Yes.
3 Q And you know that this request was granted from
4 the Clergy Trust Fund; is that correct?
5 A I don't know that.
6 Q Okay. So you were asking for Father Ryan's view
7 on whether this additional money should be paid;
8 is that correct?
9 A Correct.
10 Q Did you ever inquire as to why Paul Shanley was
11 leaving to go out to California?
12 A No.
13 (McCarthy Exhibit No. 8, Memo to Clergy
14 Fund Advisory Committee from Ryan,
15 12/13/89, marked for identification.)
16 Q You'll see Exhibit No. 8, which is a memorandum
17 to the Clergy Fund Advisory Committee.
18 A Uh-huh.
19 Q Do you see that? It says:
20 "Attached memorandum of James J. McCarthy."
21 Do you see that? It says that in the first
22 sentence?
23 A Yes.
24 Q It says:

Page 112

1 "Priest No.'D-9' is the only case of which I
2 am aware that might be a precedent."
3 Do you see that?
4 A Yes.
5 Q "Cf: Today's agenda request in light of that
6 severely ill priest."
7 Do you see that?
8 A Yes.
9 Q At least to Monsignor Ryan, the only precedent
10 for giving additional monies was this one
11 situation.
12 Do you see that?
13 MR. O'CONNOR: Objection.
14 A I see that.
15 Q You would agree with me that giving additional
16 money for Father Paul Shanley was a situation
17 that did not come up frequently. I think you
18 already said it was unusual.
19 A Yes.
20 Q What does D-9 mean? Is that a name of a priest
21 or what is that code?
22 A I don't know.
23 Q Did you ever use codes like that for particular
24 priests?

Page 113

1 A No. Our office never used codes for particular
2 priests.
3 Q Do you have any idea why Monsignor Frederick Ryan
4 or Reverend Frederick Ryan would use a code to
5 describe a priest, except for confidentiality
6 reasons?
7 MR. O'CONNOR: Objection.
8 A Possibly.
9 Q Were you aware in 1989 that priests who were
10 accused of sexual misconduct, had been accused of
11 sexual misconduct, were being sent to places
12 outside of Massachusetts?
13 MR. O'CONNOR: Sorry. Prior to when,
14 Eric?
15 Q Were you aware that priests who had accusations
16 of sexual misconduct against them were being
17 assigned to other dioceses outside of
18 Massachusetts?
19 A No.
20 Q Do you know a Father Eugene O'Sullivan?
21 A Yes.
22 Q You remember that he pled guilty in 1984 to rape
23 charges; is that correct?
24 A I don't remember that.

Page 158

1 where someone was on sick leave and not actually
2 sick, are you?
3 A No.
4 Q Certainly, when one was on sick leave, one would
5 not be capable of performing any parish-type work
6 or ministry; is that correct?
7 MR. O'CONNOR: Objection.
8 A It would depend upon the sickness.
9 Q I thought that when you were on sick leave that
10 your compensation changed and you received \$600 a
11 month as opposed to your usual stipend, which, as
12 I understand it back in 1990, was slightly over a
13 thousand dollars. Am I correct?
14 A Yes.
15 Q Let me ask it this way.
16 Was it typical, Father, during the 18 years
17 that you were working in the Office of the Clergy
18 Personnel, for someone to be on sick leave,
19 located in another state, and working in parish
20 ministry at an out-of-state parish?
21 A Not typical.
22 Q Well, apart from Paul Shanley, can you recall one
23 other situation where a priest was on sick leave,
24 living out of state and working doing parish

Page 159

1 ministry at an out-of-state parish?
2 A I can't recall.
3 Q Anybody apart from Paul Shanley?
4 A I can't recall anyone else.
5 Q Do you have any explanation for why there was
6 this unusual treatment with Paul Shanley?
7 A No.
8 MR. MacLEISH: Next one, please.
9 (McCarthy Exhibit No. 17, Letter to
10 McCarthy from Shanley, 3/3/96,
11 marked for identification.)
12 (Pause.)
13 MR. O'CONNOR: Father.
14 Q You've finished reading Exhibit No. 17?
15 A Yes.
16 Q This is a letter that was sent to you by Father
17 Paul Shanley, March 3, 1996.
18 "Dear Jim: The Cardinal has asked me to
19 notify you that he has granted my request for
20 senior priest/retirement status."
21 Then it says:
22 "I'm here at NYC helping to run Leo House
23 and will keep a bed warm for you and a light in
24 the window. We get lots of priests from all over

Page 160

1 the world since we are safe, central and cheap.
2 Tell any of the gents that Boston priests are
3 treated here as VIPs."
4 Do you see that was received in the Office
5 of Clergy Personnel?
6 A Yes.
7 Q Did you know by the 1990s complaints were coming
8 into the Archdiocese about Paul Shanley engaging
9 in sexual misconduct with minors? Did anyone
10 ever tell you that?
11 A No.
12 Q Was it typical for priests who had been on sick
13 leave to convert their status into senior
14 priest/retirement status?
15 A Yes.
16 Q And here Paul Shanley tells you that he's running
17 a place called Leo House.
18 Do you see that?
19 A Uh-huh.
20 Q You have to say yes.
21 A Yes.
22 Q Did you undertake any inquiry to determine how
23 this man who was once on sick leave was now able
24 to run a place called Leo House?

Page 161

1 A No.
2 Q This letter states that Paul Shanley would keep a
3 bed warm for you and a light in the window. He
4 addresses you as "Dear Jim."
5 Do you see that?
6 A Yes.
7 Q This suggests that the very least you are
8 acquaintances. Seems to be a fairly warm,
9 somewhat personal letter, although official
10 business.
11 Were you an acquaintance with Paul Shanley?
12 A No, no. I knew Paul.
13 Q You knew Paul. But you hadn't seen him since
14 he'd left Boston; is that correct?
15 A No, no.
16 (Recess.)
17 Q You would agree with me, would you not, Father,
18 that from the standpoint of Father Shanley's
19 change of status, as we've gone through this
20 deposition, that this was an unusual case? Would
21 you agree with me?
22 MR. O'CONNOR: Objection.
23 A Yes.
24 Q You would also agree with me that in terms of the

Page 162

1 remuneration that was given to Father Paul
2 Shanley for sick leave status, it was an unusual
3 amount, correct?
4 MR. O'CONNOR: Objection.
5 A Yes.
6 Q You don't have any, as you sit here today, any
7 explanation as to why those statuses changed so
8 much or why Father Paul Shanley was treated
9 financially in a better way than other priests
10 who were on sick leave, do you?
11 A No.
12 MR. O'CONNOR: Objection.
13 Q You would agree with me that the protocol that
14 was in effect during the entire time that you
15 were at the Office of Clergy Personnel was that
16 before people were made pastors, there was a
17 review of the confidential file; is that correct?
18 A Yes.
19 Q You knew that the confidential file contained
20 information that could include sexual misconduct
21 by a priest; is that correct?
22 MR. O'CONNOR: Objection.
23 A I did not know that.
24 Q You knew that it pertained to matters of scandal;

Page 163

1 is that correct?
2 MR. O'CONNOR: Objection.
3 A Not specifically.
4 Q What did you think was in the confidential file,
5 Father?
6 A I did not know.
7 Q You knew it was something that you couldn't see;
8 is that right?
9 A Yes.
10 Q You knew that this was this added layer of review
11 where someone, whether it was Bishop Daily,
12 Bishop Banks or Bishop Hughes, would review the
13 file before the final slate was presented to the
14 Cardinal, correct?
15 A Yes.
16 Q You had some inkling that, did you not, that
17 there could be information in the confidential
18 file which would be such that someone who would
19 ordinarily be considered appropriate to be a
20 pastor could not be considered to be appropriate
21 for a pastor?
22 MR. O'CONNOR: Objection.
23 A Yes.
24 Q You have now seen the complaints that were in the

Page 164

1 records produced to us on April 5 of this year
2 about Father Paul Shanley. You've seen the press
3 accounts of those; is that correct?
4 A Some.
5 Q And you know that some of them predated the time
6 that Cardinal Law appointed Paul Shanley to his
7 position of pastor at St. Jean's, correct?
8 A Yes.
9 Q You have no explanation, as I understand it, as
10 to how Paul Shanley was appointed with these
11 documents being in the file; is that correct?
12 MR. O'CONNOR: Objection.
13 A I do not.
14 Q Do you believe, as you sit here today, that the
15 Archdiocese did everything that it possibly could
16 to ensure when Paul Shanley was made pastor in
17 1984, the children at St. Jean's Parish were
18 protected?
19 MR. O'CONNOR: Objection.
20 A Yes.
21 Q You think the Archdiocese did everything that was
22 possible to protect the children at St. Jean's
23 Parish back in 1984?
24 MR. O'CONNOR: Objection.

Page 165

1 A I have no knowledge.
2 Q Well --
3 A I have no knowledge.
4 Q You knew that there were prior complaints.
5 You know now that there were prior complaints?
6 A I know now.
7 Q Can you think of any reason why that information
8 was not as accessible today as it was back in
9 1984?
10 MR. O'CONNOR: Objection.
11 MR. MacLEISH: Sorry. I put that the
12 wrong way.
13 Q Can you think of any reason why that information
14 was not as accessible in 1984 as it was when
15 Father Higgins retrieved it after a three-hour
16 file search this year?
17 MR. O'CONNOR: Objection.
18 A I have no way of knowing that.
19 Q Well, with the knowledge that you do have about
20 what Father Paul Shanley is alleged to have done
21 and is alleged to have said and his alleged
22 affiliation with the NAMBLA group, all of which
23 predated the Cardinal's appointment of him in
24 1984 and was contained in records of the