

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.  
DEPARTMENT

SUPERIOR COURT  
of the TRIAL COURT  
MICV2002-822-F (Lead Case)

\* \* \* \* \*

GREGORY FORD, et al

v.

BERNARD CARDINAL LAW, a.k.a.  
CARDINAL BERNARD F. LAW

\* \* \* \* \*

PAUL W. BUSA

v.

BERNARD CARDINAL LAW, a.k.a.  
CARDINAL BERNARD F. LAW, et al

\* \* \* \* \*

ANTHONY DRISCOLL

v.

BERNARD CARDINAL LAW, a.k.a.  
CARDINAL BERNARD F. LAW, et al

\* \* \* \* \*

VIDEOTAPE DEPOSITION OF BISHOP JOHN B. MCCORMACK

VIDEOTAPE DEPOSITION OF BISHOP JOHN B. McCORMACK

Deposition taken at the law offices of Sheehan, Phinney, Bass & Green, 1000 Elm Street, Manchester, New Hampshire, on Monday, June 3, 2002, commencing at 10:07 a.m.

Videographer: Kevin C. Mielke, CCV
Court Reporter: Sandra Day, CSR, RPR
CSR No. 30 (RSA 331-B)

Also present: Rodney and Paula Ford
Andrew Magni
Patrick McGee

STIPULATIONS

It is agreed that the videotaped testimony shall be taken in the first instance in stenotype and when transcribed may be used for all purposes for which depositions are competent under Massachusetts practice.

Notice, filing, caption and all other formalities are waived. All objections except as to form are reserved and may be taken in court at time of trial.

It is further agreed that if the deposition is not signed within thirty (30) days after submission to counsel, the signature of the deponent is waived.

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1 A. When I was acting as a priest, correct.  
2 And so that during that period I was acting -- my  
3 primary responsibility and my total responsibility  
4 was to be a priest; I was no longer in the field of  
5 social work.

6 Q. Well, did you inform the Commonwealth  
7 of Massachusetts that you were no longer acting as a  
8 social worker -- the licensing bureau for social  
9 workers?

10 A. No, I didn't inform the -- I had no  
11 responsibility to.

12 Q. You had no responsibility to them?

13 A. That I was no longer acting as a  
14 social worker.

15 Q. All right. Well, you continued to be  
16 licensed until 1988, is that correct?

17 A. Correct, yes.

18 Q. You became the secretary for  
19 ministerial personnel in 1984, is that correct?

20 A. Correct.

21 Q. And could you explain to the jury and  
22 the court what your duties were as secretary of  
23 ministerial personnel.

1 after you became secretary for ministerial affairs in  
2 1984, that starting in 1985 you were confronted with  
3 situations where there were allegations that priests  
4 had engaged in sexual misconduct with minors --

5 MR. ROGERS: Objection.

6 Q. -- is that correct?

7 A. I -- you used the word "confronted."

8 Let me say this: That the allegations usually would  
9 be reported to the vicar for administration, and then  
10 he at times would ask me to intervene in a certain  
11 situation.

12 Q. Right. And that was something that  
13 started almost immediately after you commenced your  
14 work at the chancery as secretary for ministerial  
15 personnel, is that correct?

16 A. I don't know that. I would need my --  
17 my memory refreshed when it started.

18 Q. Correct. We'll be -- we'll be going  
19 through that --

20 A. Okay.

21 Q. -- later on, Bishop. But just so I  
22 understand it, you did become aware, after you became  
23 secretary for ministerial affairs, from time to time

1 A. As secretary for ministerial personnel,  
2 I had administrative oversight over those offices and  
3 departments within the Archdiocese that dealt with  
4 ministerial personnel. So it was around planning,  
5 budgeting, problem solving.

6 Q. Okay. When you say "problem solving,"  
7 some of the problems that you were solving had to do  
8 with priests who were accused of abusing children, is  
9 that correct?

10 A. That was not part of the overall  
11 responsibility. That was something that became part  
12 of my responsibility having been in the office, but  
13 the problem solving would be with department heads  
14 around the administration of the office or  
15 institution.

16 Q. Bishop, is it not true that from the  
17 time you started in 1984 and 1985, you started to  
18 come across situations where there were allegations  
19 that priests had molested children --

20 MR. ROGERS: Objection.

21 Q. -- is that correct?

22 A. Would you repeat that question.

23 Q. Sure, yeah. Is it not the case that

1 that there were allegations of sexual abuse against  
2 minors by priests, is that correct?

3 MR. ROGERS: Objection, secretary for  
4 ministerial personnel.

5 Q. Personnel, that's correct.

6 A. I became aware that adults were coming  
7 forward about allegations of sexual abuse in their  
8 past, when they were a minor.

9 Q. Did you also become aware, Bishop, of  
10 situations where children were reporting, either  
11 themselves or through their parents, that they were  
12 being sexually abused by priests?

13 A. Sometimes, yes, later on, but, again,  
14 I'm not sure when, but we can --

15 Q. Okay. Well, we'll be going through  
16 some of those --

17 A. Yeah.

18 Q. -- documents in a couple moments. But  
19 the question is, Bishop, is that when you were a  
20 licensed social worker between 1981 and 1988, did you  
21 at all times, when confronted with an allegation of  
22 abuse concerning a child, did you at all times report  
23 that or instruct someone to report that abuse to the

1 Okay. Now, do you remember this is  
2 another letter that we have "Not Acknowledged at  
3 Residence," do you see that, but Archbishop of Boston  
4 received, do you see that?

5 A. Yes.

6 Q. And this would have come approximately  
7 seven weeks after Father Birmingham had met with,  
8 according to these records, with Bishop Banks and  
9 admitted that there had been some difficulty  
10 involving this young man who alleged that he had been  
11 touched in the private parts by Father Birmingham?

12 A. Uh-huh.

13 Q. And now this letter about, as I said,  
14 approximately seven weeks later comes in to Cardinal  
15 Law. And in this letter, as you can see, can you  
16 not, Bishop McCormack, the man states that he's a  
17 member of St. Ann's Parish in Gloucester,  
18 Massachusetts, and you knew that was where Father  
19 Birmingham was stationed in 1987, is that not  
20 correct, or he'd just been removed from sick leave at  
21 that time?

22 A. Yes, correct.

23 Q. He had been promoted to pastor at that

1 parish in 1985, is that correct?

2 A. I'm not sure, but I know he was made  
3 pastor.

4 Q. Well, did you recommend him to be  
5 pastor?

6 A. No, I don't think -- I don't recall.

7 Q. Were you aware that he was being  
8 promoted -- I'm sorry, excuse me.

9 A. No, I don't recall.

10 Q. Do you remember that -- do you remember  
11 when he was made pastor you were working as secretary  
12 of ministerial personnel at the Archdiocese?

13 A. Correct.

14 Q. Did you recommend against him becoming  
15 pastor?

16 A. I recall speaking to someone about him  
17 and wondering, you know, whether he ought to be a  
18 pastor.

19 Q. Who was that person?

20 A. That's what I can't remember. I don't  
21 remember that. All I remember is saying I wonder  
22 whether he ought to be a pastor.

23 Q. Was it Cardinal Law that you had that

1 conversation with?

2 A. I don't think so, no.

3 Q. Okay. And you wondered why he should  
4 be a pastor because you were aware of sexual abuse  
5 allegations --

6 A. In the past.

7 Q. Excuse me. You were aware of sexual  
8 abuse allegations, Bishop, against Father Birmingham  
9 dating back to the 1960s --

10 A. Correct.

11 Q. -- which you learned about in the '70s?

12 A. Right, sometime there, yeah.

13 Q. And so when Father Birmingham comes up  
14 for pastor you can remember speaking to someone you  
15 don't remember at the time -- you don't remember  
16 right now -- indicating you had questions about  
17 whether this man, who was alleged to have engaged in  
18 the molestation of children back in the 1960s, should  
19 become pastor, is that a fair statement?

20 A. Yes.

21 Q. But he went on to become pastor?

22 A. Yes.

23 Q. And then in 1987 this man from

1 Gloucester, who's a parishioner at the parish where  
2 Father Birmingham was now pastor in Gloucester,  
3 Massachusetts, writes a letter to Cardinal Law in  
4 which he states that "A colleague of mine in passing  
5 mentioned a Father Joe Birmingham who was taken"  
6 off -- "out of St. James Parish in Salem during the  
7 late" '60s to early '70s.

8 He goes on to state "This man said that  
9 Father Birmingham had been removed because he had  
10 molested boys in the parish. As a matter of fact,  
11 this man's brother was one of the boys who were  
12 molested.

13 "I now request that you inform me if  
14 this is the same Joe Birmingham." Do you see that  
15 right in the letter?

16 A. Yes, I would think it is.

17 Q. And you were actually serving with  
18 Father Birmingham at that parish for some period of  
19 time?

20 A. Yes.

21 Q. And you were aware by 1987 that it was  
22 the same Joe Birmingham who was pastor at St. Ann's  
23 in Gloucester that had been pastor -- I'm sorry, that

1 had been a priest at St. James that had been removed  
2 because of sexual abuse allegations?

3 A. Correct.

4 Q. You knew that in 1987, is that correct?

5 A. Yes.

6 Q. And then the man goes on to say in the  
7 last paragraph of this exhibit, "I have a son who is  
8 an alter boy in the church and have a rightful  
9 concern" for "him if this is, in fact, the same  
10 person," meaning Joseph Birmingham.

11 A. Uh-huh.

12 Q. You can understand why the man would  
13 have a concern, is that correct?

14 A. Very much so.

15 Q. And then it says "Twice within 6 months  
16 our Reverend Joe Birmingham gave sermons on AIDS,  
17 which I found rather odd."

18 Then he goes on to say "If it is the  
19 same person, how do I bring up the subject of  
20 molestation with my son who just turned 13 years  
21 old." Do you see that?

22 A. (Witness nods head.)

23 Q. And based on everything you know, you

1 Q. So this man is raising a legitimate  
2 concern in your view about a man that even you had  
3 hesitations about being named pastor in 1985. He  
4 wants to know about whether it's the same Father  
5 Joseph Birmingham, he wants to know whether he should  
6 bring this up with his son about molestation, to  
7 which you indicated you would believe that he should,  
8 and he wants to know about the AIDS situation, as he  
9 describes it. Do you see that? Do you see all those  
10 things?

11 A. Yes, I do.

12 Q. Okay. Do you remember responding to  
13 this letter on behalf of Cardinal Law?

14 A. I didn't.

15 Q. You did not respond or you don't  
16 remember?

17 A. I don't remember.

18 Q. Okay. This is Exhibit 23. Have you  
19 read your letter back --

20 A. Yes.

21 Q. -- to this same man who wrote in this  
22 letter of April 4th, 1987 about his son who was a 13  
23 year alter boy at St. Ann's in Gloucester. Have you

1 would agree, knowing what you knew about Father  
2 Birmingham, that it might be a good idea for this man  
3 to speak with his son, is that correct?

4 A. I think, yes, if I was familiar with  
5 this and this man asked me, I would encourage him to  
6 approach his son to learn, yes.

7 Q. Okay. And certainly the sermons about  
8 AIDS, while not being something that would be special  
9 by themselves, in light of Father Birmingham's  
10 history that you were aware of, that the AIDS issue  
11 would understandably alarm this father? Can you  
12 understand how that would alarm a parent?

13 A. Yes.

14 Q. And then it says "Please respond to me"  
15 and have a "real and rightful, concern about this  
16 whole matter. I am concerned about the AIDS  
17 situation, and about a priest possibly molesting my  
18 son.

19 "Thank you for a prompt reply," and  
20 then it's signed by the parent. Do you see that?

21 A. Uh-huh.

22 Q. You have to say yes.

23 A. Oh, yes, yes.

1 read your response to this man, Father -- Bishop  
2 McCormack? What you say in this letter back to him  
3 is that "His Eminence, Cardinal Law, received your  
4 letter and asked me to look into the matter for him."  
5 Would that have been a personal request from the  
6 Cardinal?

7 A. It had to come either through him or  
8 Bishop Banks, yes.

9 Q. And then you state in the next  
10 paragraph "I contacted Father Birmingham and asked  
11 him specifically about the matter you expressed in  
12 your letter. He assured me there is absolutely no  
13 factual basis to your concern regarding your son and  
14 him. From my knowledge of Father Birmingham and my  
15 relationship with him, I feel he would tell me the  
16 truth and I believe he is speaking the truth in this  
17 matter." Do you see that?

18 A. Yes.

19 Q. Then it goes on to state "From my  
20 perspective, therefore, I see no need of your raising  
21 this question with your son." Do you see that?

22 A. Uh-huh, yes.

23 Q. "But if you feel drawn to do so, for

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VIDEOTAPE DEPOSITION OF BISHOP JOHN B. MCCORMACK.  
VOLUME II

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Sheehan, Phinney, Bass & Green,  
1000 Elm Street, Manchester, New Hampshire,  
on Thursday, August 15, 2002, commencing at  
10:08 a.m.

Videographer: Kevin C. Mielke, CCV  
Court Reporter: Sandra Day, CSR, RPR  
CSR No. 30 (RSA 331-B)

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STIPULATIONS

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1 pastor.

2 Q. And when you said it would be your -- I  
3 think you said that your intent was that -- or that  
4 your intent was that it should be resolved, and I  
5 want to make sure I'm using your words here.

6 A. Yeah, I'm not sure that I would say --  
7 I'd be surprised if I used the word it would be  
8 resolved.

9 Q. Tell me in your own words.

10 A. I would say -- well, my sense is --

11 MR. ROGERS, JR.: Well, wait a minute,  
12 what he would have said or what he did say?

13 Q. What you did say.

14 MR. ROGERS, JR.: What you did say.

15 THE WITNESS: I'm not sure what I said.

16 Q. Okay. And -- but your intent, as you  
17 recollect now, what was your intent back then when  
18 you were talking to him regarding, you know --

19 A. My intent was that this was terrible, I  
20 was surprised, I was shocked and that, you know, the  
21 pastor -- someone should know about this. And so I  
22 said "I will tell the pastor" and --

23 Q. Okay. And you did tell the pastor?

1 correct?

2 A. Yes.

3 Q. That you had served with in St. James  
4 for a number of years?

5 A. Three years.

6 Q. Three years. Was this the first report  
7 that you had actually received regarding Father  
8 Birmingham sexually molesting a child?

9 A. To my knowledge -- yes, it is.

10 Q. Why did you believe it?

11 A. Because I knew the parishioner and I  
12 knew what he was saying, and there was an expression  
13 scrawled somewhere about, you know, something like  
14 "Damn Father Birmingham" or something that I had seen  
15 recently and that kind of made a connection so that's  
16 why I believed it.

17 Q. And when you say scrawled somewhere --

18 A. It was graffiti somewhere, yeah.

19 Q. When you say "somewhere," again, could  
20 you be specific as to what your memory is?

21 A. It was on a fence of a family home in  
22 Salem.

23 Q. A fence in a family home in Salem?

1 A. Yes.

2 Q. Okay. And who was the pastor at the  
3 time?

4 A. My recollection, again, is it was  
5 Father Curtain.

6 Q. Okay. And what was the conversation  
7 again with Father Curtain?

8 A. I don't recall the conversation; I just  
9 recall going over there and said "This is just  
10 unbelievable news," and I remember telling him and  
11 him shaking his head. I don't recall much more, but  
12 I remember him -- again, it was -- my sense was that  
13 he was just devastated by this.

14 Q. Did you believe the report that was  
15 being made to you?

16 A. Oh, yes, yeah.

17 Q. Okay. You had no doubts that it was  
18 accurate?

19 A. I had no doubts that the father, you  
20 know, learned from his son that he was sexually  
21 molested by Father Birmingham.

22 Q. Okay. And this was a man that you had  
23 gone to seminary with, that being Father Birmingham,

1 A. Uh-huh.

2 Q. And you saw it just as you happened to  
3 go by?

4 A. Uh-huh, yes.

5 Q. You're a director of Catholic Charities  
6 at that point, you're, you know, a former priest at  
7 St. James. Did you feel that you should go into the  
8 family home and find out why that might be scrawled  
9 there or follow up?

10 A. I had no idea that -- I didn't have any  
11 idea that this was the family that -- I just saw this  
12 and said, you know, obviously some kid is upset with  
13 Father Birmingham.

14 Q. Now, shortly after this report you  
15 testified before that you recall a woman, who we've  
16 referred to as Mary McGee and you knew her by another  
17 name at the time, I believe -- do you know who I'm  
18 referring to now or do you --

19 A. I know who you're referring to and I  
20 think I know who it is.

21 Q. Okay. Why don't we -- we can write it  
22 down just to make sure.

23 A. Oh, no, I know the name you're



1 A. Yes.  
 2 Q. And subsequently he was assigned to  
 3 St. Bridget's in Lexington, is that correct?  
 4 A. I'm not sure of that. I know he was  
 5 there, but my sense he was -- that he was living  
 6 there, I didn't know he was assigned -- he was living  
 7 there. I'm not sure he -- he could have been  
 8 assigned as parochial vicar, I'm not sure.  
 9 Q. Well, again, this would have been in  
 10 1987 and you're Secretary of Ministerial Personnel,  
 11 correct?  
 12 A. Uh-huh.  
 13 Q. Okay. And would you have a role  
 14 in that assignment of Father Birmingham at  
 15 St. Ann's?  
 16 A. At St. Ann's?  
 17 Q. I'm sorry, at St. Bridget's, sorry.  
 18 A. No, no, after his -- I think his  
 19 treatment -- his whole treatment and the work of  
 20 Father Birmingham was handled, I think, by  
 21 Bishop Banks, yes, it was, yeah.  
 22 Q. Okay. So it's your understanding that  
 23 Bishop Banks, who was then the Vicar for

1 didn't is what you said?  
 2 A. Right.  
 3 Q. So it's your -- what, you don't have a  
 4 specific recollection; your best recollection is that  
 5 you probably informed Bishop Banks at that time of  
 6 those allegations?  
 7 A. We would have talked about it. He  
 8 might have already known, I don't know.  
 9 Q. Okay. And if he was -- and, again, you  
 10 don't recall whether Father Birmingham was assigned  
 11 as parochial vicar at St. Bridget's at the time?  
 12 A. Well, my memory is is that -- yeah, I  
 13 don't know he was assigned parochial vicar, whether  
 14 he was assigned to live there. I know eventually  
 15 that he became sick while he was there and he died  
 16 while there, but I'm not sure that he was assigned as  
 17 a parochial vicar, I don't know that.  
 18 Q. Okay. And, again, wouldn't that  
 19 normally be something you would be aware of --  
 20 A. No.  
 21 Q. Let me finish the question, Bishop,  
 22 sorry.  
 23 Isn't that something you would be aware

1 Administration, was handling everything having to do  
 2 with Father Birmingham at that time and you had no  
 3 role in the process, is that your testimony?  
 4 A. I don't recall having any part in his  
 5 assignment; if anything, Bishop Banks might have  
 6 talked to me about what was happening with Father  
 7 Birmingham at the Institute for Living.  
 8 Q. Well, when Bishop -- and you have a  
 9 memory of Bishop Banks having that kind of  
 10 conversation with you, I take it?  
 11 A. I think so, yes.  
 12 Q. Okay. And when Bishop Banks had that  
 13 conversation with you, do you remember at that time  
 14 telling him that you had knowledge of prior  
 15 allegations of sexual abuse against Father Birmingham  
 16 going back to 1970 in St. James?  
 17 A. I don't have specific knowledge that I  
 18 said that to him, but I would be surprised I didn't.  
 19 Q. I'm sorry, I didn't --  
 20 A. Excuse me, I don't have a specific  
 21 recollection that I said that to him, but I would be  
 22 surprised that I didn't.  
 23 Q. Okay. You would be surprised if you

1 of in your capacity as Secretary of Ministerial  
 2 Personnel, if there was an assignment of a priest  
 3 coming off of an assessment at the Institute for  
 4 Living?  
 5 A. At that time, see --  
 6 Q. At that time.  
 7 A. -- I didn't have that responsibility.  
 8 As Secretary for Ministerial Personnel, my job was  
 9 oversight over the administrative dimensions of the  
 10 offices that I was responsible for; it was not over  
 11 the inner workings.  
 12 So the inner working of assigning him  
 13 to St. Bridget's would be the Clergy Personnel  
 14 office, the Vicar for Administration office and the  
 15 Cardinal. My role in that would not be around the  
 16 specific assignment of the priest as a parochial  
 17 vicar.  
 18 Q. Wouldn't the assignment of a priest as  
 19 parochial vicar, however, come before the personne  
 20 board of which you were a member?  
 21 A. No, not all -- no, not all the time.  
 22 Remember, I think I said that, not all the time.  
 23 Q. Do you know in this --