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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Docket No. 07 CR 716
)	
vs.)	
)	
DONALD J. McGUIRE,)	Chicago, Illinois
)	February 11, 2009
Defendant.)	10:50 a.m.

TRANSCRIPT OF PROCEEDINGS - Sentencing
BEFORE THE HONORABLE REBECCA R. PALLMEYER

APPEARANCES:

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Also Present: S/A Jennifer Sapper
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Mr. Zakary Freeze
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1 THE CLERK: 07 CR 716, United States versus Donald
2 McGuire for sentencing.

3 MS. RUDER: Good morning, your Honor.

4 Julie Ruder and April Perry for the United States.

5 THE COURT: Good morning.

6 MR. KOMIE: Good morning, your Honor.

7 Stephen Komie on behalf of the defendant, together
8 with Eric Anderson.

9 THE COURT: Good morning.

10 We are here for sentencing. Let's begin.

11 Has everybody had a chance to review the probation
12 officer's report?

13 MS. RUDER: Yes, your Honor.

14 MR. KOMIE: Yes.

15 THE COURT: And Mr. McGuire has reviewed it as
16 well?

17 MR. KOMIE: Judge, we had to read it to him. His
18 eyesight has degenerated to the point where it had to be
19 physically read to him.

20 However, the supplemental report that was handed up
21 this morning was not given to us in enough time to read it to
22 him.

23 THE COURT: If you would like to review the
24 supplemental report with him right now, you are certainly
25 welcome to do that.

1 MR. KOMIE: Can we step into the lockup and recess
2 for --

3 THE COURT: Sure.

4 MR. KOMIE: It's only a couple pages.

5 THE COURT: Right.

6 We will return Mr. McGuire to the lockup for just a
7 moment while Mr. Komie and his cocounsel review the addendum
8 to the probation officer's report.

9 (Brief recess from 10:50 a.m. until 10:57 a.m.)

10 THE COURT: All right. The record will show that
11 after a brief recess, Mr. McGuire has been returned to the
12 courtroom. Mr. Komie is here.

13 And I would like to begin, then, with the probation
14 officer's report. Specifically --

15 MR. KOMIE: Could I say for the record that we read
16 the addendum to Father McGuire.

17 THE COURT: Thank you.

18 With respect to the report, the original report
19 now, specifically the sentencing guideline calculations,
20 Mr. Freeze, who is here this morning, has calculated the
21 total offense level here as 37 and the criminal history
22 category as I, and that yields a guideline sentence of 210 to
23 262 months.

24 Is there any disagreement with the guideline
25 calculations?

1 MR. KOMIE: On behalf of the defendant?

2 THE COURT: Yes.

3 MR. KOMIE: On behalf of the defendant, Judge, we
4 would object on Line 185 to specific offense characteristics
5 because the conduct involved is claimed to involve a sex act
6 or sexual conduct. That's an element of the statute itself.
7 The statute itself was crossing interstate lines for the
8 purpose of doing a sex act. So we believe that may be a
9 double enhancement that's prohibited by *Apprendi*. That's a
10 legal question for the Court.

11 THE COURT: My understanding of the charge is that
12 they could have been proven even without evidence of sexual
13 conduct.

14 The charge is that Mr. McGuire traveled in
15 interstate commerce for the purpose of engaging in illicit
16 sexual activity. He could have traveled in interstate
17 commerce for that purpose and not accomplished any sexual
18 activity, still have been guilty of violating the statute.

19 MR. KOMIE: Would that have been an attempt?

20 THE COURT: I am sorry?

21 MR. KOMIE: Would that have been an attempt?

22 Wouldn't that be your classic attempt?

23 THE COURT: No. The purpose -- the charge is the
24 travel in interstate commerce for a particular purpose. I
25 don't think it would be an attempt.

1 An attempt might be to buy an airline ticket but
2 not board the plane.

3 I don't think it's double counting to have enhanced
4 by two points because the instant offenses did involve the
5 commission of a sex act.

6 MR. KOMIE: Secondly, Judge, Lines 204 through 239,
7 the question of whether this is a position of public trust.

8 Public trust, as I understand it, is when one's
9 elected to public office, one is appointed to public office.
10 Public trusts are jobs that the public pay people to do.
11 Being a member of an order, the Jesuit order, is not a public
12 trust. It is not funded by the public. Taxpayer funds are
13 not involved in any way.

14 And the key to this, as to why it can't be proved
15 by a preponderance, is that, to Mr. Freeze's credit, he says
16 that, "Whether or not a member of the clergy occupies a
17 position of public trust as characterized by professional
18 management, discretion is debatable." So I want to bring to
19 your attention that if this thing is debatable and it's not a
20 closed question, he shouldn't be enhanced by two points by an
21 analysis which claims that it's a *de facto* public trust.

22 THE COURT: Well, but remember what Mr. Freeze is
23 talking about here is Guideline Provision 3B1.3 and
24 Application Note 1, and it is a reference to "Public or
25 Private Trust."

1 And I think Mr. Freeze is probably correct that
2 whether or not this is a matter of public trust might be
3 debated.

4 I don't see a debate about whether or not
5 Mr. McGuire was in a position of private trust.

6 MR. KOMIE: That's for your Honor to rule on, but I
7 have made the objection with respect to that because if we
8 look at the paragraph from 204 to 221 -- or 222, that is the
9 analysis, that that is completely debatable whether it's
10 public.

11 He goes on then to speak about special skill. That
12 I don't think Mr. Freeze is in a position to do, as he is not
13 a person who is authorized religiously to make those
14 determinations. But that's for your Honor.

15 THE COURT: I don't have difficulty concluding that
16 a member of the clergy, an ordained priest, is a person who
17 is in a position of private trust. Indeed, there was
18 substantial testimony in the case concerning the trust that
19 various witnesses and the victim himself, as well as other
20 individuals who had been abused by Mr. McGuire over the
21 years, placed in Mr. McGuire.

22 Nor do I have difficulty concluding that someone
23 with seminary clergy training and ordained has a special
24 skill. At least within the Catholic Church, as I understand
25 it, a priest is a person of special skill, for example,

1 permitted to celebrate the sacrament, a step that my
2 understanding is that other members of the faith are not free
3 to engage in.

4 So I have no trouble with Mr. Freeze's calculations
5 concerning 3B1.3 either.

6 MR. KOMIE: My last objection in answer to your
7 Honor's question is 247 to 250, the five-level enhancement.
8 That five-level enhancement wasn't put to the jury, and it is
9 not included in the act of Congress with respect to
10 punishment here. So we believe there is potentially an
11 *Apprendi* problem.

12 THE COURT: Response?

13 MS. RUDER: Judge, this doesn't affect the
14 statutory maximum at all. It's not an *Apprendi* issue. This
15 is merely a guidelines enhancement no different from the
16 other enhancements that are contemplated here.

17 THE COURT: Mr. Komie, apart from your *Apprendi*
18 concern, do you have other objections to Mr. Freeze's
19 determination that the Chapter 4 enhancement identified here
20 is applicable?

21 MR. KOMIE: The other thing is, Judge, your recent
22 analysis of the statute, it's crossing a state line statute.
23 This is a statute involving the Mann Act, in essence, the old
24 Mann Act. And he is alleged to have crossed state lines with
25 a purpose.

1 The conduct is not prohibited in the sense that you
2 don't have a statute that says that -- another description of
3 the very same conduct which prohibits the sexual conduct in
4 another manner. This is a transportation statute. It's
5 based on the commerce clause as opposed to the police power.

6 MS. RUDER: Judge, I am not sure I am following
7 Mr. Komie's argument. The applicable guideline section here
8 is 4B1.5(b).

9 THE COURT: Right.

10 MS. RUDER: It provides that, "In any case in which
11 the defendant's instant offense of conviction is a covered
12 sex crime" -- which this clearly is within the definitions
13 here; and the other guidelines here don't apply -- "and the
14 defendant engaged in a pattern of activity involving
15 prohibited sexual conduct." That pattern of activity is a
16 defined term that is well -- defendant's conduct here, both
17 what's included in the PSR and certainly what this Court
18 heard at trial, qualifies the defendant for that.

19 It goes on to say that "The offense level shall
20 be," and it sets out the relevant determination.

21 So at least from the government's perspective, the
22 defendant's conduct here plainly fits within the terms that
23 are defined here within 4B1.5.

24 MR. KOMIE: If we look at Title 18, we see the sex
25 offenses are all listed under "Sex Offenses." This is a

1 commerce clause offense listed in the interstate
2 transportation sections.

3 I think this is designed to get at offenses which
4 take place in violation of the federal police power on naval
5 bases, Indian reservations, or within the territorial
6 jurisdiction of the United States.

7 MS. RUDER: That may be Mr. Komie's interpretation,
8 your Honor, but that's not what the guidelines say. And
9 Application Note 2 sets out what is a covered sex crime as
10 the "instant offense of conviction."

11 It then goes on -- the offense of conviction here
12 is 2423, which is found within -- excuse me, your Honor.
13 It's found within Chapter 117. And this Application Note 2,
14 Subsection (iii) includes Chapter 117 of Title 18, "not
15 including transmitting information about a minor or filing a
16 factual statement about an alien individual," which is not
17 the crime at issue.

18 THE COURT: Again, this appears to me to be a
19 straightforward application of the guideline provision in
20 question. I see nothing in the commentary, nor does it seem
21 logical to me that the guideline provision at issue was
22 intended to be limited to application on Indian reservations
23 or other federal property.

24 The objection to the five-point enhancement under
25 Chapter 4 is also overruled.

1 Any other issues regarding the guideline
2 calculations?

3 Anything from the government?

4 MS. RUDER: No, your Honor.

5 THE COURT: All right. I think we are ready to
6 proceed, then.

7 I know that there are at least some individuals who
8 would like to be heard this morning, and I am prepared to
9 hear their testimony.

10 Let me explain to all of you here that I have seen
11 not only the presentence report that we discussed a moment
12 ago -- or the supplement that Mr. Komie read to his client a
13 few minutes after that, but in addition, a number of letters
14 and the government's position paper, which I have had a
15 chance to review as well.

16 And I am prepared to proceed this morning and
17 prepared to hear from those individuals who would like to
18 offer testimony. But in addition, of course, I expect to
19 hear from the government, from Mr. Komie. And Mr. McGuire is
20 also entitled to make a statement, if he wishes to do so.

21 MS. RUDER: Judge, what I propose, I have a few
22 comments that I would like to make about some of the
23 Section 3553(a) factors, and then I would like to call up
24 those people here who have indicated to the government that
25 they wish to address the Court.

1 THE COURT: That's fine.

2 MS. RUDER: And then leave it to anyone else who
3 wants to address the Court or leave it to Mr. Komie to go
4 ahead with his arguments.

5 THE COURT: So I will begin with your comments on
6 3553 factors.

7 MS. RUDER: Thank you, Judge.

8 The Court is very familiar with the nature and
9 circumstances of the offense, which is certainly one of the
10 first factors that Section 3553 counsels us to consider. I
11 will recap very briefly, because I know the Court is familiar
12 with a lot of the details here.

13 In 1986 a boy named Dominick was born. The man who
14 baptized him and agreed to be his godfather was the
15 defendant, Donald McGuire. Defendant at the time was a
16 Jesuit priest who spent much of his life traveling the world
17 and conducting religious retreats.

18 However, from the time that Dominick was 13 years
19 old, the defendant began to sexually molest him. The
20 defendant used his role as a priest both to perform this
21 crime and to conceal it. And when I say that the defendant
22 used his role as a priest to perform the crime, what he did
23 from the very beginning with Dominick was to use that role he
24 had as a priest to prey on a normal young boy's
25 vulnerabilities and insecurities.

1 He took this context of his role as a priest and
2 used that to convince the boy, Dominick, that what the
3 defendant was doing was proper, it was right, and, most
4 perversely, that it was helping him.

5 The defendant threatened Dominick that if he did
6 not do what the defendant counseled, that Dominick would go
7 to hell.

8 He likewise used his position as a priest to
9 conceal his crimes against Dominick both through traveling
10 with Dominick and also by isolating Dominick from his family
11 and his support systems, and to take total control over
12 Dominick's life during the time period from when Dominick was
13 approximately 13 until he was about 16.

14 When the Court sentences the defendant today, the
15 nature and circumstances of this offense certainly weigh very
16 heavily against the defendant. It was a horrific and
17 monstrous crime.

18 It does not stop there because Section 3553 takes
19 us deeper into the defendant's life and asks us to look
20 deeper into his history and into his characteristics.

21 Dominick, very tragically, your Honor, was nowhere
22 near the first of the defendant's victims. And as the
23 testimony during the trial showed and as evidence in the
24 presentence investigation showed, the defendant's crimes
25 against children has continued for many years.

1 The defendant had a very consistent mode of
2 operating, a consistent *modus operandi*, in terms of
3 identifying his victims, grooming them for sexual abuse, and
4 then also concealing that sexual abuse from his followers,
5 from the boys' parents, and from the world.

6 He instilled fear in boys, usually about
7 masturbation. He then took that step by step, groomed them
8 with pornography -- showing them pornography both to accustom
9 them to talking with the defendant about sex and to separate
10 them from the taboos that they had had earlier in their
11 lives. And he progressed steadily down the road of sexually
12 molesting them.

13 One of the things that has also been very
14 consistent about the defendant is the way that he has
15 terrified and manipulated and silenced these victims,
16 including Dominick. He made every one of these boys believe
17 that there was something terribly wrong with them. He made
18 every one of them afraid that he would expose their
19 nonexistent but so-called addictions and neuroses to their
20 parents, to their friends, to their communities.

21 And the victims have described not only to the
22 Court but also to the government during this investigation
23 how terribly embarrassed and ashamed they were.

24 As part of this investigation, your Honor, there
25 are multiple victims who had never told anyone about this

1 happening to them. They had not told a soul until the
2 government agents reached out to them, contacted them, and
3 asked for their assistance in this investigation. They had
4 never told anyone.

5 That was something that the defendant orchestrated.
6 He orchestrated it. He perpetuated it. And he did it very
7 successfully for a very long time.

8 Part of the reason that the defendant's victims in
9 particular were so reluctant to come forward -- which is not
10 uncommon with victims of sexual abuse, but what complicated
11 and made it even worse is that, as the defendant was very
12 quick to point out to his victims, they were just kids;
13 whereas, he was a prominent Jesuit priest with legions of
14 followers who celebrated him and revered him.

15 So that silence persisted for many years. And the
16 victims mounted such that there is now a trail of them that
17 goes back for so long.

18 And I will be the first to tell you, your Honor,
19 that I cannot quantify for the Court exactly how many there
20 are.

21 We know from our investigation that there were
22 victims from the 1960s. Two of them are here in court today
23 and will address your Honor.

24 We know there are victims from the 1970s, and one
25 of them is here to address your Honor.

1 We know from our investigation and from the
2 testimony that you heard at trial that there are victims from
3 the '80s and '90s. Some of those people are here. Some of
4 them have chosen not to come to court. Some of those people
5 submitted victim impact statements in writing to your Honor,
6 which I know the Court has considered. Others have not even
7 authorized the government to release their names or what
8 happened to them because they are still so ashamed.

9 But even just focusing on those whose evidence and
10 information is before you, it is without question that the
11 defendant's crimes were broad. They were broad both in that
12 they extended for a long period of time and his victims
13 multiplied.

14 And then, of course, taking the defendant into the
15 21st century, there was Dominick. And with that, the
16 defendant proved himself indisputably a prolific and
17 unrepentant child molester.

18 The defendant's history, then, therefore also
19 weighs heavily against him today as the Court seeks to
20 determine what is a fair sentence, what is a just sentence
21 for Donald McGuire.

22 One of the arguments that the defendant has
23 advanced both throughout the trial and I expect it will be
24 some focus from the defense presentation today is the
25 defendant's health, both his age and these chronic medical

1 conditions that it's undisputed from the government that he
2 has.

3 But I think what is important to remember here
4 today is that the defendant's use of his health as a shield
5 is a ploy that he has used for many years to shield himself
6 and protect himself from accusation and from suspicion.

7 He has a history of creating a sense of drama
8 around his medical circumstances and then expects the people
9 around him, whether it's the boys that he was taking with him
10 as his so-called valets or their families who trusted him, he
11 expects people then to look the other way as to his actions,
12 simply based on the fact that he is a man of some age and a
13 man who has indisputably chronic health conditions --
14 problems with his feet, problems with his hip, problems with
15 his back.

16 But, your Honor, from the government's perspective
17 anyway, those days are over. While Section 3553 certainly,
18 certainly counsels the Court to take into consideration the
19 defendant's medical needs in fashioning a just sentence, it
20 certainly does not tell the Court or the government,
21 certainly, to look the other way and to ignore the
22 defendant's crimes. It's something that is taken into
23 consideration in the balance.

24 And as the Court knows, the Bureau of Prisons will
25 review the defendant's case. They will review his medical

1 history, and they will find a place for him that is suitable,
2 a place where he can be treated, where whatever medical needs
3 he has will be met.

4 The federal medical system is even more advanced
5 than many of the state systems, as your Honor knows. And the
6 Bureau of Prisons has multiple federal medical centers. If
7 they determine that that's an appropriate placement for the
8 defendant, that's where they will put him.

9 So when we consider the medical needs of the
10 defendant today, as we certainly should under Section 3553,
11 we should not find that those medical needs outweigh all the
12 other factors in Section 3553 which counsel for a very
13 serious sentence today.

14 The additional issue that I would like to address
15 is the need for the punishment imposed on the defendant today
16 to promote respect for the law, to provide just punishment
17 for the defendant, and to reflect the seriousness of the
18 defendant's offense.

19 One of the things that is most compelling to the
20 government, your Honor, is that the defendant does not come
21 before the Court today as a repentant man. He has never, not
22 once, apologized to any of his victims. He has never
23 apologized to their families. He has never apologized to the
24 many people who believed in him and trusted in him, relied on
25 him and followed him.

1 That has created such fractures through the
2 community, through his relatively tight-knit community of
3 followers, that it would be hard to overstate it. It has
4 ripped families apart in ways that I am not best qualified to
5 describe, but the people behind me are and will.

6 His refusal, though, to admit what he has done has
7 caused such discord and such pain that when we talk about
8 what is needed here to promote respect for the law, to
9 reflect a just punishment, his steadfast refusal to take
10 responsibility is certainly something that should be
11 considered.

12 If anything, your Honor, rather than take
13 responsibility, what the defendant has done instead is seek
14 to attack those who have accused him. And it's not even
15 correct for me to say it's those who have accused him. It is
16 those who have told the truth, who have come forward
17 courageously to say what he did to them, to finally stop this
18 long history and long pattern. His response has been to
19 attack them most viciously.

20 Every defendant -- as the government said in our
21 papers, every defendant has a right to put on a defense. We
22 do not challenge that. But the manner in which Donald
23 McGuire chose to mount his defense is relevant because he did
24 it viciously and in a way that was quite cruel, frankly.

25 So when I say, your Honor, that the people behind

1 me are in the best position to articulate for the Court the
2 harm that he has wrought, I do so in the context of
3 Section 3553 and in the context of those factors about what
4 is needed here to promote a just sentence.

5 There are a number of people who have indicated to
6 the government that they wish to talk, so I would like to
7 call up, first, Peter.

8 THE COURT: Can I ask you to raise your right hand.
9 (Witness sworn.)

10 MR. PETER [REDACTED]: My name is Peter [REDACTED], and I
11 went with Mr. McGuire when I was 17 years old, the day after
12 I graduated high school. I spent the next year with him.

13 McGuire exhibited controlling behavior that made me
14 feel like I wasn't even my own person. The constant verbal
15 abuse tore me apart from the inside out. What he did to me
16 is the only thing that I thought about for the whole year I
17 was with him.

18 I suppressed the memory of it throughout college by
19 telling people the same story again and again: I met some
20 great people; I went to amazing places all over the world; I
21 had a great time.

22 I suppressed the memory even after college until my
23 parents asked me specifics about what had happened.

24 During college, though, it was always in the back
25 of my mind.

1 I can't tell you how many times I have cried myself
2 to sleep because I just thought I would never amount to
3 anything or be anyone. I felt outclassed by everybody around
4 me.

5 I feel like I have been depressed since this first
6 happened. And now that it's over, the effects will linger on
7 for the rest of my life.

8 People say, go to therapy. But I went, and maybe
9 it wasn't the right therapist, but it didn't help me that
10 much.

11 I plan on getting back into it soon.

12 Things got so bad while I was working in Reno,
13 Nevada, that I would come to work and just stare at my
14 computer like a zombie for 30 minutes to two hours at a time.
15 I couldn't stop thinking about it and wasn't getting any
16 sleep at night. I would look at my clock every ten minutes
17 during the night and finally just stopped trying.

18 I have been on and off antidepressants and sleeping
19 pills and still can only get four to five hours of sleep at
20 night.

21 I grew up Catholic. I come from a large family of
22 nine. I have three brothers and sisters -- three brothers
23 and three sisters and two wonderful parents. We are all very
24 close still. Our faith was always very, very important to us
25 growing up, And McGuire destroyed that for me.

1 Before I was with him and leading up to the time I
2 was with him, I was considering a vocation to the priesthood,
3 until that year. And now whenever I look up at a priest
4 saying mass, even my own brother, who's an ordained Catholic
5 priest, I see him and it makes me sick to my stomach.

6 The fact that I know a priest who has used his
7 power and his influence over people for unspeakably evil acts
8 severely attacks my faith and my trust in the church.

9 I know amazing priests as well, though. In fact, I
10 probably know 30 wonderful priests to one McGuire. Because
11 of these people, I go to mass still, but only because I know
12 I should. The desire to pray and grow daily in communion
13 with God has all but disappeared.

14 I would never try new things, never had a serious
15 relationship with a girl. And every time I would think of
16 anything sexual, my thoughts would return to McGuire.

17 I have always been proud of the fact that my life
18 is an open book. What you see is what you get with me. But
19 after I finished working with McGuire, there was this big
20 secret that I was keeping from everybody, and it ripped me
21 apart because, number one, I didn't know why I couldn't tell
22 anybody. Number two, because I didn't speak up when it
23 happened. Number three, it kills me now because I didn't
24 have the wisdom and the foresight to see what would happen to
25 Dominick and so many others.

1 When I first stayed with McGuire, he told me would
2 pay for my higher education as a "stipend" for my year of
3 service. This thrilled me at first, but it was a letdown
4 later because this never happened.

5 I went to Franciscan University of Steubenville, a
6 private Catholic university in Ohio. This isn't where he
7 wanted me to go. He insisted that I go to Thomas Aquinas
8 College near San Diego or to Saint Thomas More College in New
9 Hampshire. These are also great schools.

10 My brother was -- my older brother was in
11 Steubenville studying for the priesthood, and I wanted to go
12 there.

13 He continued to try to control the direction of my
14 life, but being the headstrong person I am, I ended up in
15 Steubenville. I took out student loans to go to school and
16 now pay around 700 bucks a month paying them back, probably
17 for the next 20 years.

18 Working as a social worker, I work in child
19 protective services in North Carolina, working to prevent
20 child abuse and neglect. Not the highest paying job, but
21 when I first started, it forced me to live at home for two
22 years after I graduated college. Then a job opportunity
23 opened up in Reno, Nevada, and I went to work and lived there
24 independently.

25 Being able to afford to work and live on my own had

1 its price, though. My entire support system was gone. And
2 this forced me to look more and more inward trying to support
3 myself, which greatly contributed to my depression and
4 general malaise.

5 In conclusion, I don't really know what I would be
6 like today if I didn't have this experience of abuse at the
7 hands of McGuire. There is no way to tell if I would be
8 married or at least have a serious girlfriend, if I would
9 have children like so many of my friends, if I would be
10 finally making enough money not to live paycheck to paycheck,
11 if I would still have my strong faith in God and love for the
12 church, or if I would even be a social worker protecting
13 other kids from abuse and neglect.

14 There is no way to know how things would have
15 worked out. I only know that I have no trust or faith in
16 people in general. And it's been very difficult having to go
17 through life only depending on myself.

18 As for right now, I thank my family for supporting
19 me; your Honor, and the jury for discharging their duties; my
20 attorneys for tirelessly working on this case; and most of
21 all, the other victims who have selflessly and graciously
22 stepped up and told their story in the hopes that this man
23 can never hurt anyone else again.

24 Thank you.

25 THE COURT: Thank you.

1 MS. RUDER: Judge, the next person who would like
2 to speak is Peter's mother.

3 THE COURT: I will ask you to raise your right
4 hand.

5 (Witness sworn.)

6 MS. BEVERLY [REDACTED]: Your Honor, would it be okay
7 if I face McGuire?

8 THE COURT: Certainly.

9 MS. BEVERLY [REDACTED]: Thank you.

10 THE COURT: You need to say your name.

11 MS. BEVERLY [REDACTED]: Oh, I'm sorry. Beverly
12 [REDACTED].

13 When asked how this man and his perverted acts have
14 affected my family, I am flooded with so many thoughts. I
15 would like to tell Donald McGuire the truth about his
16 actions, what he did to our family and to our son, but also
17 what he has failed to do.

18 Our son came to you right out of high school,
19 17 years old, an Eagle Scout, president of his senior class,
20 filled with joy in the hope for a bright future. You robbed
21 him by your control, by your arrogance, your verbal abuse,
22 your perversity of his innocence, his confidence, and his
23 joy.

24 Because of the year he spent with you, his faith
25 was weakened and his confidence was shaken.

1 Because of your actions, he has struggled with
2 depression, and he lost the joy that was so characteristic of
3 our Peter.

4 Our family referred to him as the champagne of our
5 family life. He was our bubbly.

6 After Peter's time with you, he became physically
7 and emotionally distant from us. He began to drink heavily
8 and became visibly depressed. He eventually moved all the
9 way across the country.

10 It wasn't until your crimes against Dominick came
11 to light that he told us what happened. It has been so very
12 hard emotionally for our family to see our once vivacious,
13 happy, carefree son so burdened.

14 His time with you, Donald McGuire, effected a very
15 sad change in him, and we are only beginning to see some
16 semblance of his former self come back.

17 Our family trusted you as a spiritual leader. What
18 you gave us was empty words. You were the vilest of
19 traitors, representing, as you said, Christ himself. "Alter
20 Christus," those were your words.

21 You damaged our trust of priests and our respect
22 for the Jesuit order.

23 Our son's ability to love, to trust, to love the
24 church, which is so dear to us, and his relationship with God
25 was injured by your actions.

1 Because of your reputation at the time, Peter felt
2 that no one would believe him, and so he felt trapped and
3 alone.

4 He had gone to serve, and he ended up becoming
5 trapped in a horrible situation.

6 The emotional injuries for us as parents were also
7 serious. We feel so guilty for sending our son to you in the
8 name of serving God.

9 To send your child into harm's way is something any
10 parent would be loath to do. How much more loathsome, then,
11 to send him into a place that you have taught him is the
12 safest place to be in service to God.

13 So this, then, is what you have done: You have
14 destroyed trust; you have weakened faith; you have filled
15 innocent children's minds with pornographic images and acts
16 that can never be erased; you have caused heartache and
17 depression in so many lives.

18 But what you have not done is damage our
19 unconditional love and belief in our son. He is a thousand
20 times more manly, wise, and honorable than you are.

21 He came forward with the truth when he heard that
22 you had hurt Dominick. This has been very difficult for him,
23 but he is very courageous, and he is committed to the truth.

24 You may have stolen his joy for a time, but our
25 whole family knows that he will not be kept down.

1 You were not successful in isolating him from us.
2 And we believe deeply that he will not only recover from the
3 harm you have perpetrated on him but that he will be stronger
4 than ever.

5 He is stronger than any evil allied against him,
6 and we are very proud of him.

7 Although he may feel estranged from God now, God is
8 very near and he is carrying him through this time. God will
9 be glorified, and Peter will be victorious.

10 The gospel for today talks about what defiles a
11 man. You know the gospel. It's not what goes into a man
12 that defiles him. It is what comes out of him from his
13 heart.

14 So Peter is not defiled by you, by the pornographic
15 images, and the sexual discussions you perpetrated on him.
16 It is you, Donald McGuire, who has spewed forth evil,
17 licentiousness, arrogance, blasphemy, and perversion. It is
18 you who have become defiled.

19 Understand, your Honor, we do not seek revenge on
20 McGuire. We only desire that he express sorrow and
21 understanding of how he has severely harmed so many men and
22 their families.

23 It appears, Donald McGuire, that you are far from
24 being able to do this at this time because of your arrogance
25 and the belief that the law is not meant for you. You have

1 lived your life above the law.

2 We earnestly desire that you be kept in prison for
3 as long as it takes you to repent. That is the way I have
4 prayed from the beginning, after learning of your crimes,
5 that you may have a long life. It was the best prayer I
6 could pray for you at the time, to have time to truly repent.

7 This may be God's final grace for you, to be
8 finally held accountable for the crimes that you have
9 perpetrated for so many years.

10 You are fond of quoting the Council of Trent.
11 Remember that quote? All sin falls under the justice, the
12 absolute justice, of God. It must be paid for.

13 Jesus has done that for us. But a person must
14 acknowledge their sin and repent in order to receive Jesus'
15 forgiveness. You need to see the truth of what you have
16 done.

17 I do believe that you are a very sick man. And you
18 may be unable to see the truth after so many years of
19 deceiving others and yourself. I pray this is not so because
20 I know that Jesus loves you and He longs for your repentance
21 and turning to Him. May it be as He desires.

22 Thank you.

23 THE COURT: Thank you.

24 MS. RUDER: Your Honor, the government next calls
25 Victor.

1 He, just to give the Court some context, is
2 described in both the government's version and in the
3 presentence report as one of the victims in the Wisconsin
4 case, but also certainly relevant to the Court's 3553
5 inquiry.

6 MR. VICTOR [REDACTED]: Good morning, your Honor.

7 Your Honor, I would like to present this picture,
8 if possible, to the Court, simply to put in perspective
9 exactly the person I am talking about.

10 MS. RUDER: May I show defense counsel first?

11 MR. VICTOR [REDACTED]: Yes.

12 (Documents tendered.)

13 MR. VICTOR [REDACTED]: The boy you see in that picture
14 is myself, and this was the summer before I actually met
15 McGuire. As it says on the bottom there, it was June of '66,
16 when I graduated from high school. And that is my sister
17 sitting right next to me, and my mother. And next to that,
18 kind of -- not exactly the 6'3" that I am now. I was about 4
19 feet 11 at that time.

20 And this is my statement.

21 "I, Victor [REDACTED], hereby submit this statement in
22 all truth and honesty from my heart, mind, and my soul.

23 "This statement covers simply the effects and
24 subsequent fallout caused by the abuse perpetrated on me and
25 my families by Donald McGuire."

1 In "Background: Donald McGuire abused me directly
2 for two years, between 1966 and 1968. To the best of my
3 knowledge, I have the morbid placement of being his first
4 U.S. victim. In September of '66, when I first came to
5 Loyola, I was a small, frail, naive boy from a devoutly
6 Catholic family from Lithuania. I attended Catholic grammar
7 school, run and taught by the Sisters of Christian Charity,
8 an order of Catholic nuns.

9 "I came in steeled with an unquestioning belief in
10 the sanctity of the Catholic Church and, conversely, its
11 priests.

12 "My family was an old Eastern European matriarchy
13 guarded by my natural grandmother. Early in my freshman year
14 at Loyola Academy, she saw that I was having problems
15 adjusting to life in this affluent school and was seeking
16 help for me. She did not speak English, and during a
17 parent-teacher conference, she was quickly singled out and
18 befriended by Father Donald McGuire.

19 "Due to his knowledge of the German language, along
20 with his position as a Jesuit priest, teacher, and counselor,
21 he quickly convinced her to surrender me into what she
22 believed was life-saving care and guardianship. He was able
23 to convince her that he was my guardian angel, who knew and
24 would do what was best for me. He was the answer to her
25 prayers.

1 "The awe, respect, and money demanded by and paid
2 by Donald McGuire by my family was total and without
3 reservation.

4 "In retrospect, I had already been conditioned by
5 the Sisters of Christian Charity, the Catholic Church, and my
6 family to accept McGuire as God on earth.

7 "From the first day I entered his care, he started
8 to use the sanctity of the sacrament of confession to break
9 into me and groom me for his personal motives.

10 "Initially, he held me in Room 222, his counseling
11 office, in Loyola Academy, administered daily confessions and
12 counseling sessions.

13 "After about a week, he transferred me to his
14 private bedroom. I was snuck in and out of his room in the
15 segregated Jesuit residence portion of the school on a daily
16 basis throughout the school week.

17 "On Friday evenings he, his personal secretary,
18 John Gooch (phonetic), or the student he had brought from
19 Germany returned me to my family's home. My mother would
20 return me to him on Sunday evenings.

21 "I dreaded returning to him. I still recall the
22 fear, the anxiety of the trips back to Loyola. I remember
23 placing nails under the tires of my mother's car in the hopes
24 of delaying the return.

25 "Yet, I have been taught to accept, and his control

1 became so total that no comments about his action were
2 possible for me.

3 "From the start I was made to sleep nude on his
4 twin bed, sandwiched between him and the wall. This
5 continued throughout the entire two-year period he guarded,
6 groomed, sexually and mentally abused me at Loyola Academy.

7 "I will not burden the Court by recounting the
8 actual acts perpetrated by McGuire. Suffice it to say, I
9 was, in essence, McGuire's prisoner throughout those two
10 years. I was locked in his room, forced to urinate in the
11 sink, and forbidden access outside the room throughout the
12 night; then confined to the school property during the school
13 day.

14 "Loyola Academy was not a residential school. Yet
15 my constant presence in the company of McGuire was never
16 challenged.

17 "I read statements made by the press by various
18 Jesuit priests and spokespersons that there was no way that a
19 boy could live in a priest's quarters undetected. I
20 initially thought this was a denial by the Jesuit order of
21 the possibility of these occurrences. I now see it was an
22 admission of their knowledge. They are absolutely correct in
23 saying there was no way a child could live there undetected.

24 "They have known and allowed McGuire to operate
25 unchecked. As long as McGuire was financially beneficial to

1 the Jesuits, he was allowed to continue his perverted
2 practices, and the Jesuit order turned a blind eye to the
3 entire matter, empowering him to continue."

4 On the "Effects of the abuse."

5 "The effects of the abuse perpetrated on me by
6 Donald McGuire are, in part, subtle and have been misread and
7 misunderstood throughout the last 40 years of my life. I was
8 so thoroughly brainwashed by McGuire that I did not
9 understand nor want to believe what had happened to me. My
10 mind blocked out the occurrences, instead replaced them with
11 feelings of guilt, perversion, and lack of self-esteem.

12 "I had been made to feel that I had seduced him. I
13 placed him on an untouchable pedestal that did not allow me
14 to blame him for the abuse. To cover up, and possibly cover
15 over the confusion and pain of the ordeals, I started to
16 self-medicate. By this, I mean I entered into life requiring
17 alcohol, self-injurious behavior, and self-destructive
18 activity. I could not, nor was it possible for others to,
19 accept that I was a victim of abuse by this man of God.

20 "The amnesia produced by the incidents clouded my
21 judgment and produced effects that were viewed by others;
22 namely, my family, as those of an errant child, later to be
23 viewed as an alcohol and drug abuser.

24 "My family felt they had done everything to produce
25 a good person. Yet, in fact, they were responsible for

1 placing me in this predator's grasp.

2 "I became very distrustful of authority. My
3 intellect had been repressed by McGuire. My values had been
4 seriously influenced by his preaching.

5 "McGuire, either in truth or due to his intention
6 to alienate my family from me, consistently and emphatically
7 demonstrated an incredibly misogynistic attitude. Whatever
8 his desired effect, he effectively handicapped and perverted
9 my views of women.

10 "This caused an ongoing conflict in my life that to
11 this day makes life at times unbearable. It makes the
12 ability to love fleeting and self-destructive.

13 "Due to the sexual nature of the abuse and the
14 misogynistic doctrines of McGuire, I have struggled with my
15 own identity. I have many sleepless nights plagued by ghosts
16 of the past, and terrors where I am powerlessly under the
17 control of others.

18 "The damages caused by the abuse: Posttraumatic
19 stress disorder; debilitating depression; nightmares, sleep
20 disorders; problematic alcohol and drug use; drug abuse; the
21 loss of my birth family; the loss of my childhood; the loss
22 of my daughter, who was taken away; the death of my wife; the
23 loss of my career potential; disinheritance; loss of
24 religious beliefs; loss of Catholicism; problems accepting
25 authority; self-destruction; unexplained anxiety and rage.

1 "It is conceivable that the casual observer viewing
2 these results might feel that I have overstated the causes of
3 the tragedies that have been in my life. I submit that it is
4 a slippery slope of cause and effect that is truly directly
5 linked to the actions of McGuire. He destroyed me. The
6 Jesuits destroyed me. And this wreck of a human being, me,
7 functioned the best that I could while being controlled by
8 the perverted conditioning to which I had been groomed.

9 "I had no more chance of escaping from this
10 grooming, from his control, than if I had been a prisoner
11 sentenced to life and guarded around the clock.

12 "I would like to say that after McGuire's
13 conviction I was cured and returned to normal life. In fact,
14 the opposite is true. Wherein there are those who view it as
15 a victory and a vindication, I had a resurgence of guilt and
16 have placed myself in abusive situations.

17 "Henceforth, I have studied the classic symptoms of
18 child abuse. I now comprehend that what I once thought was
19 my worthlessness was in fact my own protective mechanism. I
20 destroyed success before it could be taken away by others. I
21 victimized myself before I could be victimized. These are
22 the symptoms.

23 "An abuse victim fully aware of their abuse can no
24 sooner escape the symptoms if their illness than a cancer
25 victim fully aware of their disease can escape theirs.

1 "I now view myself as a recovering abuse victim. I
2 have sought out and am undergoing treatment for the ravages
3 of this abuse. I see a long road before I can enter the
4 world of normality. I no longer desire or use the alcohol,
5 drugs, or other coverups. Yet I am still controlled.

6 "I try to escape the control, to wrestle myself
7 free. It is a daily struggle against guilt, blind authority,
8 complacency. It's a struggle against self-destruction.

9 "At the sentencing of Donald McGuire after he was
10 found guilty of abusing me and the other victim, I asked the
11 Court to show leniency to McGuire if McGuire would simply
12 accept the responsibility for his actions and divulge the
13 names of his victims. He would have afforded the opportunity
14 of help to be given to those who are suffering silently under
15 this cloud of shame and confusion. The judge misunderstood
16 this to mean that I did not feel McGuire deserved punishment
17 for his crimes.

18 "McGuire arrogantly refused to admit to his guilt.
19 He likened himself to St. Thomas Aquinas, a martyr persecuted
20 by the king of England.

21 "I now realize that this man does not have a
22 redeemable soul. This man is a sociopath that, given the
23 opportunity, will abuse again. His age is of no importance.
24 This man, he is a person beyond help. He preys on the
25 weaknesses of people. He uses his Catholic Irish priest

1 persona to lull his victims into a sense of complacency and
2 trust. He is the epitome of a predator.

3 "I beg to the Court, view his actions now as well
4 as in the past and sentence this man to permanent
5 incarceration.

6 "This man has proven that he will attack again and
7 again. Remove this man from society. Protect society and
8 its children from this man."

9 Thank you, your Honor.

10 THE COURT: Thank you, sir.

11 MS. RUDER: Your Honor, the government now calls on
12 Shawn.

13 Again, your Honor, Shawn is described both in the
14 government's version and in the presentence investigation
15 report, and was another victim from the Wisconsin case that
16 proceeded to trial in Walworth County.

17 THE COURT: Sir.

18 MR. SHAWN [REDACTED]: Thank you, your Honor.

19 My name is Shawn [REDACTED].

20 If I ramble or -- I have to go into some history to
21 give you an idea of where I have been and where I am at
22 today.

23 I am a previous victim of Donald McGuire.

24 Donald McGuire was tried and found guilty on all
25 five counts of indecent liberties with a child for acts he

1 committed against me and another boy back in the late 1960s.

2 The jury did this on February 23rd in 2008 in
3 Walworth County, Wisconsin. He was sentenced -- McGuire was
4 sentenced to seven years in prison. He has not served his
5 time yet.

6 He has refused to undergo sex offender counseling,
7 tests, interviews, or questionnaires regarding any prior
8 sexual activities.

9 I am requesting that you remand the defendant to
10 jail.

11 My original encounter with Donald McGuire began in
12 the fall of 1968. I was 14 years old.

13 Starting in November of 1968, I lived with him
14 nearly every single day. I slept in the same bed with him
15 for 14 months.

16 I did not permanently return to my family until
17 February of 1970.

18 In the summer of 1969, Donald McGuire took me to
19 Europe where there he continually sexually abused me.

20 I was just a link in a long chain of Donald
21 McGuire's victims. I wasn't the first, and I wasn't the
22 last.

23 In July and August of 2003, I privately and
24 semipublicly disclosed the events of 1968 through 1970 with
25 Donald McGuire and the Jesuit order. Media coverage of my

1 disclosure in August of 2003 may have played a part in
2 encouraging one of the current victims to escape the confines
3 of Donald McGuire.

4 In February 1970, in meetings with the Jesuit order
5 and Donald McGuire's superiors, I relayed the events with
6 Donald McGuire. They convinced my father and I that they
7 would permanently address these grievous acts against me and
8 ensured that they would never happen again.

9 I was separated from high school and sent to
10 another school immediately. From this point on, my
11 relationship with my father was fractured beyond repair. He
12 and I lost faith in our ability to trust. I had lied to my
13 father for months. When we finally were rejoined, we
14 couldn't trust each other, let alone anyone else.

15 He became a severe alcoholic. I turned into a very
16 angry teenager. Within 18 months I was kicked out of the
17 house, never to live with my father again.

18 Still time and time again, Donald McGuire refused
19 to adhere to the rules and the edicts that the Jesuits and
20 his superiors dictated to him.

21 In the fall of 1972, I again encountered Donald
22 McGuire at Loyola University in Chicago. He was again in the
23 company of another young boy. I was 18. I knew the Jesuits
24 wouldn't or couldn't do anything. I thought I had the
25 capability to stop the predator, but I couldn't.

1 I lost all hope of saving that boy, spiraled into a
2 deep despair, dropped out of college, had an accident, barely
3 managed to exist on menial jobs. It took me three years to
4 regain my composure.

5 To this day, I feel responsible. I feel guilt. I
6 should have done something differently. The psychiatrists
7 have told me that this is wrong. I was the child. McGuire
8 was the adult. The Jesuits were the adults. It was their
9 responsibility. But the heart and the mind do not always
10 align themselves along rational thinking.

11 So today I pass the responsibility to you, Judge
12 Pallmeyer. The guilt I leave for the defendant.

13 I feel there are very alarming risks in this case
14 versus the defendant's unrelenting disdain for the laws
15 protecting children from child abuse, from sexual abuse.

16 Second is the prior court's inexplicable blindness
17 to the dangers of this obsession.

18 Third is the defendant's lack of remorse for the
19 acts he committed against us.

20 Fourth is that McGuire would like to manipulate the
21 Court into believing that his age and health precludes him
22 from being a threat to anyone. The fact is, McGuire was
23 still committing horrific crimes when he was over 70, and he
24 has used his health issues for years to gain sympathy and to
25 impose his will on others.

1 Fifth is my deepening despair that the remedy of
2 justice will never be applied.

3 Please protect the community. Remand the defendant
4 to the maximum sentence in jail. Give these families time
5 and the freedom to begin to glimpse a normal life again.

6 I really hope that McGuire lives to the age of 140
7 and has time to think about all these acts that he has
8 committed against so many people.

9 Thank you, your Honor.

10 THE COURT: Thank you.

11 MS. RUDER: The government now asks Ms. Hanson, who
12 is Shawn's sister, to come forward.

13 THE COURT: I will ask that you be sworn as well.
14 (Witness sworn.)

15 MS. HANSON: I want to tell you about my brother.
16 He is a real hero.

17 One late night in 2003, I got a phone call from
18 him. I could hear in his voice that he was crying.

19 "Do you know what happened to me when I was with
20 Father McGuire?" he said. I knew, but since he had never
21 mentioned it to me, it became a family secret, the kind of
22 secret where everybody knows but nobody talks about.

23 As he talked to me, he told me that he had never
24 told his wife of 25 years about what happened. Sobbing the
25 whole time, he once again said he had to try to expose

1 McGuire.

2 My brother had been on the Internet and saw a
3 picture of McGuire with his arm around a young boy and had
4 been having nightmares of the faceless boy standing with
5 Father McGuire. I hated to see him suffer so after so many
6 years and told him he didn't have to do this to himself. I
7 said, "McGuire is old and not likely to still be sexually
8 abusing children."

9 But my brother said to me, "Even if it's one more
10 time, I have to do something. I have to try to stop him."

11 At that time it was clear that no matter which
12 direction he went, the repeated sexual abuse he suffered by
13 McGuire would continue to haunt him.

14 I am a licensed clinical social worker. I see what
15 sexual abuse does to people for years to come. These
16 predators do so much more than the physical assault on a
17 child. They take innocence and replace it with guilt. They
18 take trust and only doubt remains. While they were only
19 children when the abuse occurs, the children as adults have
20 an overwhelming sense that they are to blame.

21 These damaged values continue long after the abuse
22 stops. They affect all of their future relationships. And
23 the devastation is so much worse when the violation is done
24 to the child by someone they are supposed to trust, like a
25 parent or a priest.

1 Predators like McGuire select their victims
2 carefully. They look for damaged families, much the same as
3 a lion seeking a deer who has strayed from the herd. They
4 seek those who are vulnerable.

5 Our family was a perfect choice. There were six of
6 us children. Our mother died after a long battle with
7 cancer. My brother was only eight at the time. Our father
8 had no family support. He was a salesman and an alcoholic.
9 He was gone for long periods of time. And when he came home,
10 he was drunk and mean.

11 It was common for the phone, the electricity to be
12 turned off, and for there to be no fuel for the heat. At
13 times we would collect pop bottles and buy a loaf of bread
14 and a quart of milk so that we could make mayonnaise
15 sandwiches. And we would sit by the open stove door so that
16 we could get some heat as we ate and drank our tea.

17 When we could hear our father stagger up the
18 stairs, we knew it would not be good. Our father was very
19 unhappy, and his anger was brutally taken out on my brothers.
20 They would be told to pull down their pants and be beaten
21 with a belt. My older brother started to stray. Whether you
22 did something wrong or not, the beatings were just as likely
23 to occur. Poor grades, skipping school, or using candles to
24 do your homework were of equal offenses.

25 When my brother's grades started to fail, McGuire

1 must have been drooling. What a perfect victim. For a year
2 and a half my brother was trapped, living with McGuire.
3 While there, he met other boys who had been previous victims
4 of McGuire. My brother knew he was not the first and, of
5 course, we all know he was not the last.

6 My brother ran away from McGuire a few times, but
7 my father would beat him for disobeying the priest and send
8 him back. At that time my father had no idea what was
9 happening. Years ago priests were held in such high regard,
10 you would never suspect such an awful thing. And I could
11 only think, home was so terrible. I remember thinking, why
12 would he run away from there to return here?

13 Finally, not able to take it anymore, at 16 years
14 old my brother went to our family priest and told him about
15 what was happening. There was a meeting. My father was
16 there, the Jesuits, and my brother. Of obvious omission was
17 any law enforcement.

18 My brother suffered more humiliation after having
19 to give the details of what had happened to all those adults.
20 The outcome, as you heard from my brother, was that he was
21 transferred to another school and McGuire was said to be put
22 in a place where he would never be able to prey on young
23 children again.

24 The promises were never kept. A few years later,
25 he did see that young boy and again was so disturbed that he

1 could not help him.

2 Now 30 years later, my brother found himself in a
3 position to again open up his festering wounds in order to
4 stop McGuire from harming children.

5 What my brother did at 16 and again for the last
6 five and a half years was more than the Jesuits did all those
7 years.

8 Despite additional complaints about McGuire's
9 behavior, the lawyers would like you to believe that this is
10 a ploy to get money from the Catholic Church. The statute of
11 limitations was up for my brother's case long before he went
12 public.

13 During discussions of McGuire's crimes, it came up
14 that he had taken my brother to Wisconsin. Their laws were
15 different, and so that crime was -- he was sentenced for
16 seven years but, again, has not served any of that time.

17 McGuire's defense will say he is too old, too sick
18 to be in prison. It's a shame that he wasn't in prison in
19 his 30s, 40s, 50s, or 60s as he deserved. It's a shame that
20 he was allowed to hide behind a collar. It is shameful that
21 the reputation of the Catholic Church was more important than
22 the life of a child.

23 McGuire should not -- McGuire's age should not be a
24 deterrent.

25 I only wish that all those people, especially the

1 Jesuits, who knew his crimes and looked the other way, had to
2 stand here and be sentenced along with him.

3 Your Honor, Donald McGuire is not too old or too
4 sick to go to prison. He has committed too many crimes and
5 is too sick of an individual not to be in prison.

6 And to you, Donald McGuire, your real judgment is
7 yet to come. May God show you the same mercy you showed all
8 those children.

9 MS. RUDER: Judge, the government now calls Bill,
10 who's a victim that the Court has not heard from yet.

11 (Witness sworn.)

12 MR. BILL: Thank you, your Honor.

13 I will be much shorter than the other speakers but
14 join in most of everything that has been said.

15 I am a victim that started in 1978, when I was
16 13 years of age, continued for approximately six years, when
17 I was 19 and in college and old enough and self-assured
18 enough at that point to break from the defendant.

19 What is different about this case, about the
20 defendant being a priest and dealing with devout Catholics
21 and devout Catholic families, is, I never told because I
22 wouldn't scandalize the priesthood or scandalize the church.
23 And I repressed it and I buried it my memory only to have it
24 awakened two years ago when the case in Wisconsin began.

25 My family almost -- I would have to say more than

1 anyone's in this case is deeply intertwined with the
2 defendant. He taught my four older brothers and sisters at
3 the University of San Francisco.

4 My sister Nancy worked with him for 25 years,
5 really dedicated her entire life to his work, including
6 having contact with other of these victims.

7 The pain and the destruction is very deep. Even
8 today there's people in this courtroom that don't believe
9 that this is true. And the reason they don't believe it is
10 true is because he has done good for a lot of people.

11 His life was not one just of this evil abuse. It
12 was helping and doing good. And he helped me -- and he
13 helped me in many ways.

14 I am an attorney. I have practiced in the
15 bankruptcy court previously here in Chicago. And it is
16 ironic. I flew from Detroit, Michigan, this morning where I
17 lived when I was a child, just like I did when I visited him
18 in my high school years.

19 I spent two summers in Europe with him and in
20 numerous places with him all over the world, all over the
21 country. I heard the defense in Wisconsin, that you couldn't
22 live in a Jesuit residence. I have lived in them all over
23 the whole world.

24 The sadness of this case and the depth of the
25 despair and the sadness surrounded by this is that for what

1 he taught us, I am very surprised that he has not repented.

2 I am very surprised that he has not said he is sorry.

3 I am still waiting for my apology over 30 years
4 later. I am. I am asking for an apology. I believe it is
5 deserved, and I believe it's deserved to the other victims in
6 this case.

7 I apologize to the other victims in this case that
8 I allowed my loyalty to the priesthood and the church, and I
9 thought, you know what? This is -- he is a good person and
10 this is the one thing he is doing wrong in his life, and he
11 is only doing it with me and he only did it with me. He
12 never did it before and never did it after.

13 Had I known that he had ever had any predilections
14 of this kind of sexual abuse behavior prior to me or even
15 subsequent to me, I would have come forward. So to the
16 victims after me, I apologize that I did not come forward.
17 And had I come forward, maybe they would not have suffered
18 the pain, and their families may not have suffered the pain
19 that they have. I will be dealing with that guilt.

20 There is no doubt that supervision of this man by
21 the Jesuits was a complete and total failure. Really,
22 someone said the same thing, too. I was abused. I figured
23 he is older now. He is not doing anything. Into his 70s, he
24 is still abusing. I am stunned.

25 The relationship that my sister had with him and my

1 entire family had with him -- and now my sister's
2 relationship with him just ended since his conviction in
3 Wisconsin. Her entire life, all of her friends is
4 intertwined with the defendant. Most of these people in this
5 courtroom, she knows them all. She knows all of his
6 contacts, all of his friends. Wonderful people from all over
7 the country and all over the world.

8 And the damage to her life, to her husband, to her
9 children is really insurmountable, including -- I know it was
10 heard in this case, and I did not know until this case came
11 about that he had sexual relations with her. I never heard
12 anything about that because I knew he liked boys. To find
13 out that information, that he was an equal-opportunity
14 abuser, is very discouraging and very damaging.

15 Why he will not come clean, why he will not repent,
16 why he will not apologize, I do not understand. I am
17 confused, Judge. It goes against everything that we were
18 taught by him, that we are taught by our faith, that we are
19 taught by the priesthood.

20 My brother also is a Catholic priest. I also
21 thought about becoming a priest. But, obviously, in light of
22 those circumstances, you would have to say it's more than
23 confusing to be abused by someone than to try to consider
24 that future.

25 It is with a heavy, heavy heart I come here today

1 because my family and I, we are loyal people. We loved this
2 man. We took him into our heart. And he helped us.

3 Did that help come at a cost? Yes.

4 Was the cost too high in most cases? Probably.

5 In my own life, being able to bury this helped me.
6 This coming out two years ago has really made my life take a
7 significant turn for the worse.

8 I have been a practicing attorney for 18 years.

9 For the last two years, I really have not practiced my
10 profession. I don't know that I am going to be able to
11 return to my profession due to the problems of guilt, lack of
12 trust, lack of -- or damage to my faith, damage to my belief
13 in the priesthood, damage in trust of everyone.

14 When my mother was driving me to the airport this
15 morning, we talked about it. And to have her, a mother of
16 six children, all college-educated, three with advanced
17 degrees, with a child with a broken neck, with a father
18 that -- with a husband that has been sick for 25 years, with
19 a son that just recovered from cancer, to have my mother have
20 to deal with this, to have my mother know about this, to have
21 my mother know that this happened to me is probably the
22 greatest crime that could happen. She doesn't deserve it.
23 It should have never happened.

24 And you know, she is going to blame herself for
25 trusting me with the defendant. How could she know? No one

1 could know. No one in this courtroom could know that this
2 man was capable of this.

3 I pray that some healing will come from the closing
4 of this case, that the people that still do support the
5 defendant will realize that he may have done good in their
6 life. It doesn't mean that he hasn't done evil.

7 And in this situation, I believe that the evil that
8 he has done to so many children is going to take a lot of
9 time to overcome.

10 Thank you, your Honor.

11 THE COURT: Thank you, sir.

12 MS. RUDER: Your Honor, we are now calling John
13 Tanner.

14 THE COURT: Mr. Tanner, can I ask you to raise your
15 right hand.

16 (Witness sworn.)

17 MR. TANNER: Your Honor, I wish to share the letter
18 to you with the court.

19 THE COURT: This is the letter (indicating)?

20 MR. TANNER: Correct.

21 My name is John Tanner. I am happily married to my
22 beautiful wife, Nancy, who testified here in your courtroom.

23 Being in my mid-50s and a father of five wonderful
24 children, ages two to ten, I first met Reverend Donald
25 McGuire at a family retreat near my home, at that time in the

1 mountains of Arizona, in the spring of 1988.

2 The following year I had the opportunity to attend
3 an eight-day retreat given by McGuire.

4 During this retreat I met my wife-to-be, Nancy
5 Cartwright. Nancy at that time was assisting McGuire.

6 The eight-day retreat was a very fruitful
7 experience for me. It began a long and interesting
8 relationship with Donald McGuire, and it was ultimately the
9 sea that led me to Chicago in 1996 to court my wife-to-be.

10 Father Donald McGuire witnessed our marriage in May
11 of '97, here in Chicago. At the time of our marriage, Nancy
12 was the director of Mission Fides, and I was working for a
13 local developer. Within a year of our marriage, we began to
14 have children, and I gave up my work in the construction
15 industry to help the missionary apostolate, Mission Fides,
16 that my wife had so passionately worked.

17 This ministry predominantly sponsored the retreat
18 ministry of Reverend Donald McGuire. I worked as a program
19 director for Mission Fides and worked very closely with
20 Father McGuire until September of 2006.

21 In the time span of 1989 to 2006, I had come to
22 know Mr. McGuire as a consummate retreat master, full of zeal
23 for saving souls, so it always seemed.

24 To the grace of God, I had personally been very
25 moved by the retreats he gave, and there were life-changing

1 events for me. Through the retreat ministry, I was a
2 firsthand witness to the hundreds of examples of other
3 people's life-changing experiences as well.

4 It was these examples of fruitfulness that drove my
5 wife and I to propagate the ministry of McGuire's retreat
6 work with the spiritual exercises of Saint Ignatius.

7 From the beginning of my marriage, my wife and I
8 shared our family, our home, and our life with Donald
9 McGuire.

10 When the allegations came out against McGuire in
11 2003, I stood at his side. I was convinced of his sound
12 character and felt that these men were opportunists.

13 To break from that letter, your Honor, for a
14 moment, I had the opportunity to greet those men and ask for
15 my apology and to congratulate them and thank them for the
16 courage that they first came out with this information.

17 To continue, through the many late nights and
18 endless investigation in preparation for the Wisconsin trial,
19 culminating at the Wisconsin sentencing, the thoughts of his
20 innocence began to wane.

21 I began to see a man that was a contradiction to
22 his priesthood -- was more of a contradiction to his
23 priesthood than the example of the priesthood of Christ.

24 I witnessed his own betrayal of his religious vows
25 only to save himself.

1 I began to see my family and me as his pawn in the
2 chess game of his life rather than the near-family member he
3 was to us.

4 When a dear friend of ours brought the news of his
5 abuse by McGuire during the summer of 2007, my support for
6 McGuire began a free-fall. I learned of the abuse of my own
7 family members and other people I had worked so closely with
8 during my tenure with Mission Fides.

9 Yes, your Honor, the man I had held in such high
10 respect and admiration had now betrayed me; the man whom I
11 once believed that his character would not allow these grave
12 offenses has betrayed many, the tragedy of the dozen or
13 dozens of victims that have fallen prey to his personal
14 sexual abuse and the collateral damage to tens of thousands
15 of the faithful who believed in him.

16 Now I see the countless flashbacks of times in
17 instances of questionable behavior by McGuire that I would
18 block out of my mind, always resorting to the idea that his
19 priesthood would not allow him to do wrong.

20 Donald McGuire is a man I once considered a dear
21 friend, a confidant, a spiritual director and more, a man
22 that married my wife and me, baptized three of my children,
23 sat at my family dinner table hundreds of times. This is a
24 man that I gave up my own personal aspirations to support and
25 promote his ministry, a man, I sadly say, I often direct more

1 prayers to than the many victims that were prey to him.

2 I tell you that, your Honor, because he was a dear
3 man to our family and me. I knew this man. I thought I knew
4 him well.

5 I realize the law does not judge a man by his
6 character, but only by his acts. I believe the character we
7 knew and saw in Donald McGuire is the character he wanted us
8 to see and not the character he was.

9 It is hard to judge every instance, but looking
10 back, now it seems that so many of his motives were
11 self-serving. His life now seems like such a contradiction.
12 I don't know why or how any of this could have happened.

13 It is easy to assume that McGuire was a victim
14 sometime in his life himself.

15 It is hard to imagine that he is filled with so
16 much deceit.

17 I would like to believe he has an illness, one
18 would explain, an illness in which the strongest character
19 cannot suppress the evil within.

20 Your Honor, I have loved this man very deeply.
21 But, regrettably, I say, I didn't need this trial to know his
22 guilt and innocence. I have been too near the events of the
23 past not to be able to put the pieces of the puzzle together.
24 I am too close to many of the victims to doubt the truth of
25 his guilt.

1 I know there is a time and a place where Donald
2 McGuire is capable of striking again.

3 I know without complete compunction in his heart
4 and deep sorrow for the acts that he has done, I cannot trust
5 him.

6 I know that until the time in which he can face the
7 victims he has preyed upon and beg for their forgiveness, I
8 know that I cannot trust him.

9 Your Honor, I will ask him:

10 Donald McGuire, when will you act on the faith,
11 hope, and charity in which you have taught so many of us?

12 THE COURT: Thank you, Mr. Tanner.

13 MS. RUDER: Judge, there are three additional
14 people who want to address the Court.

15 The next is Jim, who is the father of James and
16 John, who were both victims of Donald McGuire.

17 THE COURT: I think I have a letter from you as
18 well, sir.

19 MR. JIM: Yes, you do.

20 THE COURT: Can I ask you to raise your right hand.

21 (Witness sworn.)

22 MR. JIM: Thank you, your Honor.

23 I have known the defendant for nearly 26 years. We
24 first met him on a pilgrimage to Europe that was inspired by
25 the grandparents, of all people, of Dominick, the victim in

1 this case. She encouraged us to go, and we went.

2 Prior to that, though, I had been attending a
3 traditional Latin mass at a private chapel, and I had long
4 since rejected the *Novus Ordo Missae*, which was shoved down
5 our throats by Paul VI in 1969, and I was very happy with my
6 traditional Catholic faith.

7 Unfortunately, my wife didn't share my traditional
8 Catholic beliefs, and I considered going to Europe on this
9 pilgrimage where Donald McGuire had directed a retreat in the
10 town of Lourdes, France, which, by chance, today is actually
11 the Feast of Our Lady of Lourdes.

12 At that retreat Donald McGuire asked me to be the
13 retreat organizer for the Arizona area. He wanted to make
14 that one of his hubs where he would give the retreat to the
15 laypeople.

16 He had already been working with Mother Teresa of
17 Calcutta and directing retreats for her sisters, and we
18 thought, what great credentials McGuire came with. And I was
19 a little bit humbled by it, saying, "There should be somebody
20 better than me. There's people far more capable."

21 He said, "No, you are the one."

22 We had a four-year-old boy at the time, James, who
23 we also had a problem with. How would we educate him in the
24 Catholic faith? And this compromise of introducing my wife
25 to the Catholic faith and becoming a Catholic several months

1 later seemed to go hand in hand. This was the compromise we
2 were looking for, I thought; that at least she was becoming a
3 Catholic. Whether she would go to the traditional chapel or
4 not would be another matter.

5 Over the years I was involved in either organizing
6 or assisting in organizing dozens of retreats in the Arizona
7 area, including one that John Tanner first came on. And I
8 knew John Tanner since grade school. We were both educated
9 by the BVM nuns that were inspired by the Jesuits in Phoenix,
10 Arizona.

11 And over the years, as part of the retreat, I would
12 be responsible for fund-raising. And we estimate we raised
13 several hundreds of thousands of dollars through the lay
14 retreatants, many of them very well-to-do and would give
15 thousands of dollars to help him in his spiritual work with
16 Mother Teresa.

17 I myself gave him upwards of \$30,000 over the
18 years, primarily in cash many times.

19 I got to thinking about all of these things that
20 have come up, and what is the root of this criminal over
21 here?

22 And I came across something by Bella Dodd, who was
23 a Catholic turned head of the Communist Party USA. And among
24 the things that she said, one of them was, they put their
25 designs for her ruin into operation, not from without but

1 from within. Hence, the danger is present almost in the very
2 veins and hearts of the church.

3 So she believed that this would come, the
4 infiltration in the church, to destroy the church from
5 within.

6 And I think of Donald McGuire as just one of
7 thousands of these agents, whether you want to say
8 Communists, however you want to put it. But he is demented.
9 He is perverted. For all I know, he himself was sexually
10 assaulted in the seminary. We don't know.

11 But he decided he was going to pass -- I guess he
12 is passing this on to other victims.

13 Part of the tactics that Bella Dodd talked about
14 was -- among many, was homosexuality. In his case, the
15 pedophilia would be the way that it would destroy the church
16 from within.

17 Another way they did it was through the propaganda,
18 especially of these corrupt Jesuits in Latin America with
19 liberation theology and spreading its heirs throughout the
20 world.

21 Pope Clement XIV in 1773 abolished the Jesuits, and
22 for good reason, because they were corrupt then. But they
23 are even more corrupt today, as we can clearly see.

24 At least 19 bishops across the country have been
25 involved in helping cover up the sexual assaults that guys

1 like McGuire have been spreading throughout the church for
2 decades. Five cardinals, including Mahoney, who's now under
3 federal investigation; Cardinal George, the guy here in
4 Chicago, who's head of the U.S. Catholic bishops; Cardinal
5 Law, who should have been arrested in Boston instead of
6 shipped off to Rome to live in a cushy condominium and escape
7 the law; Cardinal Egan and Hickey, these guys have circled
8 the wagons of the country.

9 But it doesn't even stop with those guys. Take it
10 all the way to the top.

11 Benedict Ratzinger himself, 20 years as prefect of
12 the congregation for the faith said absolutely nothing. Four
13 years as pope, he has done absolutely nothing, except he pays
14 a little lip service on a jaunt to the United States saying
15 this is a problem. But he has done absolutely nothing.

16 These guys are all enemies of the once holy
17 Catholic Church.

18 And you are one of the biggest criminals of them
19 all, Donald McGuire.

20 You came into our home. I had a nine-year-old boy,
21 James. You assaulted my little boy.

22 We are encouraging our children to make use of the
23 sacraments as you told us we should.

24 In his bedroom, in my son's bedroom, at nine years
25 old, this bastard assaulted my son. And he tells him things

1 like, you know, James, you have this sexual disorder about
2 you.

3 At nine years old, he is barely above the age of
4 reason.

5 You told James that we, my wife and I, could not
6 love him if we knew this psychosexual disorder that he had,
7 that you imposed on him. You gave him this, Donald. You put
8 this on him. You want to lead my son to your perverted
9 pedophilia at nine years old.

10 We home-schooled our children. We decided this
11 before we were married. But somewhere in there, James
12 started going a little bit bonkers. McGuire said he should
13 go off to a private academy, separating us from our beautiful
14 boy. And he did.

15 When he graduated from that academy, he came home.
16 He was absolutely bonkers. He was bouncing off the wall. My
17 wife and I went to tough love. We went to counseling. We
18 could not figure out how this beautiful boy of ours, who had
19 been home-schooled, who had been brought up in the faith, who
20 had prayed the rosary with us as a family nearly every night,
21 went to daily -- many times went to daily mass as a result of
22 being home-schooled, but certainly mass every Sunday. And he
23 is going crazy on us.

24 So McGuire tells my wife the reason James is going
25 through all of this is because of that horrible father, that

1 Jim is a terrible father, that I had no good mentoring as
2 fatherhood myself.

3 Then he even tells her -- asks her, do you even
4 think James is -- or Jim is being faithful? Putting doubt in
5 her mind about our marriage, which she lived with for ten
6 years. Didn't believe it at the time and doesn't believe it
7 today.

8 But his *modus operandi* was to divide and concur
9 families.

10 We survived that one, McGuire. We survived that.
11 Our marriage is still intact. It's hanging on by a thread, I
12 will have to admit. But 31 years later, we are still hanging
13 in there.

14 But every time all this stuff comes up with you and
15 what you did to my boys, every time it comes up in something
16 like this today, I left my family in a meltdown. They will
17 be there for me when I get home. But it is difficult what we
18 have to go through.

19 But after all that I did for you -- I gave up
20 hundreds of hours of my time willingly. I gave up thousands
21 of dollars of mine supporting this fraudulent ministry that
22 you were doing with our family and hundreds of others across
23 the country. And this is how you thank me.

24 And as if James wasn't enough, John at 12 years
25 old, you assaulted him, too. Why was our family

1 double-dipped? I would like to know. For all that I did for
2 you, why would you double-dip my family and abuse both of my
3 boys?

4 When this came up on September 8th of 2007, what he
5 did to my boys, we had John, the younger one, who was first
6 assaulted at age 12, on somewhat of an unofficial suicide
7 watch. He had told his older brother he could not bear the
8 thought that his mother would find out that he was abused by,
9 of all people, Donald McGuire.

10 Let me tell you something. You better be glad that
11 he didn't take his life. You and I would have gone toe to
12 toe on that one.

13 In fact, I will tell you what. My friend Mel
14 Gibson, the actor, when he heard about what this guy did to
15 my sons, if the Court will allow how he described it, using
16 the F word, he said, "Put a bullet right there (indicating).
17 That's what the guy has got coming."

18 I said, "Whoa, whoa. Wait a minute. That's not
19 going to happen."

20 And I asked his father, who's also a friend of
21 mine, what do you think of that?

22 He said, Well, you may think that's far-fetched,
23 but in the 16th century, when a person was merely accused, a
24 priest was merely accused of sexual impropriety, they would
25 immediately be defrocked, not the way Ratzinger did it by

1 giving him years to think about it and defrocking him, as he
2 was last year. They would be then handed over to the
3 authorities, and the authorities would execute them.

4 I guess in this more civilized society, that
5 doesn't happen. But what Mr. Gibson did tell me is that, in
6 reality, it's the only way you are going to get their
7 attention.

8 I came to Wisconsin where Vic and Shawn had accused
9 McGuire, and he was found guilty there. I gave a letter of
10 support to Judge Carlson there. I was there in the courtroom
11 in support of Donald McGuire.

12 I watched him sit at the table like he is today,
13 with his hand on the Bible, swearing how innocent he was and
14 swearing that, given the chance to tell his story again, he
15 would do it. Yet he is mute during this whole trial
16 involving Dominick.

17 He is calling these victims -- Shawn and Vic and
18 Dominick and Peter and John and James and another John and
19 all these people, all these victims, Billy, all these
20 people -- they are all liars. They are all after the Jesuit
21 money, you know.

22 Let me tell you. I also thought about this, too.
23 Give me 30 minutes in a locked room with him and a baseball
24 bat with no repercussions in this life or in the next, and I
25 am ready to call it a day.

1 All these people, McGuire, have asked you for an
2 apology, yet you just still sit there, innocent of all of
3 these things.

4 I actually admire the few friends that you have
5 left that are here in support of you. And if I didn't have
6 two dogs in this fight myself, I am not so sure that I
7 wouldn't be there with them.

8 I loved you as a spiritual father. My family loved
9 you once as a spiritual father. You sat at our table many,
10 many times in my place as the spiritual father of our
11 household.

12 My family has all but abandoned all of those things
13 that you taught them. You are a phony. We all know you are
14 a phony. Everybody in this courtroom knows you are a phony.

15 James, when he came to mass at the traditional
16 chapel over in California a few months ago, hadn't been
17 inside of a church in months. And afterwards, introducing
18 him to the priest, he said, "This is the first time in
19 20 years that I have been in a Catholic church that I didn't
20 feel like I was in a sea of corruption."

21 You have corrupted, McGuire, along with many of
22 your cohorts, especially those Jesuits that have watched you
23 do this for the last 40, maybe 50, years and just turned a
24 blind eye to them.

25 I don't know how it's all going to end. I do

1 believe that he owes all of us an apology. Let's put some
2 closure to what we have all been through, all of these
3 families have been through. Not that it's going to close it,
4 but some closure.

5 I doubt he is going to do it.

6 I understand after the sentencing today that the
7 Phoenix authorities want to take him in for the crimes that
8 were committed against my sons in Phoenix.

9 Let me tell you something. When you come to
10 Phoenix, there is a reason why Sheriff Arpaio is called the
11 toughest sheriff in the country. You get green bologna
12 sandwiches. You get the absolute worst possible food in that
13 jail. It's the worst. It is so overcrowded.

14 When you go there, you are going to go through an
15 area where there is about 50 guys in a wheelchair -- or 50
16 guys in the room. You are going to be in your wheelchair.
17 That room is so noisy, it could kill a bowl of goldfish, and
18 there is never a moment's silence there.

19 You need to plead guilty to what you did to my
20 sons. Save my family further embarrassment and humiliation
21 that they will certainly go through when this fight is
22 brought there.

23 But if you think it's been a fight here in Chicago,
24 our family has just begun to fight. Word will get out of who
25 you are and what you are. It always does.

1 I suggest that you plan on staying here in what
2 would be best described as "club fed" compared to what you
3 will face in a Maricopa County jail in Phoenix.

4 I was here for the closing arguments, not the
5 trial. And I had to listen to the disgusting things that
6 this man did to so many victims.

7 I feel bad for your Honor, that you had to listen
8 to that. Ms. Ruder, Ms. Perry, Ms. Sapper, although I guess
9 that's why you guys get the big money.

10 I don't want to have to put my family through that.

11 The hundreds of friends that we made being
12 associated with Donald McGuire over these years, we can't
13 even face them. Many of them don't even talk to us anymore.
14 They ignore us like the plague, as if we brought this on.
15 And in fact, we did. We unknowingly brought a perverted
16 pedophile into their homes, into their spiritual lives, into
17 a school that we helped found in 1991, where he became the
18 mentor, hanging around all these children, who his corrupt
19 superiors in the Chicago province ordered him not to have any
20 contact, but he did anyway.

21 One of the things he used to say is, "I've got the
22 goods on the Jesuits."

23 What are those goods, Mr. McGuire? What are the
24 goods that you have on the Jesuits? Tell us, will you? What
25 is it that you had on them they would allow you to go

1 throughout the country for nearly 50 years assaulting
2 children sexually, trying to destroy families, destroy
3 marriages, the very things that you would roll into town and
4 say that you are there to fix?

5 I disagree with some of the previous speakers who
6 said you did good. No, you cannot do evil and hope that good
7 comes from it. It was tainted, just as the once holy Roman
8 Catholic Church has now been virtually destroyed within. It
9 will always go on. I believe that the gates of hell will not
10 prevail against it.

11 But through the corruption at the very top all the
12 way down, I don't think we are going to see it in any of our
13 lifetimes.

14 Your Honor, I think it's time to realize that
15 Donald McGuire is indeed and always has been a threat to
16 anybody that he has contacts with -- well, children that he
17 has contact with.

18 I don't care how old he is. I don't care about his
19 maladies. People who commit crimes spend life in prison.
20 They suffer. They have the treatment. And they have --
21 eventually they will die in prison.

22 Mr. McGuire should never be outside of the bars of
23 a jail or a prison. He has hurt far too many families, far
24 too many people. And to even allow one minute outside of the
25 jail would be a mistake.

1 I believe that it's time that he has the maximum
2 sentence imposed on him and that he never be allowed to roam
3 free again.

4 THE COURT: Thank you, sir.

5 MR. JIM: I have given a couple of pictures just of
6 who we are as a family.

7 Here is James and John, who trusted this man,
8 serving mass for him. They won't even go to mass anymore.

9 Here is John serving mass for him very piously.
10 Forget about it.

11 My family in Chicago on his insistency, says, come
12 to Chicago and spend your vacation here, where he assaulted
13 my boy even one more time in the Jesuit house in Chicago.

14 He witnessed the marriage of my oldest son, James.
15 James didn't want him there. He wanted no part of him.
16 Counselling them of this was a marriage made in heaven. But
17 because of this -- what he was carrying through his life of
18 this perversion, his wife said before they divorced that
19 James is such a mystery. She cannot figure him out. But
20 with how he was destroyed as a child, it surfaced.

21 Here is one of our happier moments as our family.

22 We are going to stay together as a family, Donald.
23 You cannot destroy that. Grace is operating. I am not
24 saying it is not going to be difficult. It is. But we are
25 not going to let you destroy it.

1 Thank you.

2 THE COURT: Thank you, sir.

3 MS. RUDER: We now call Jane, who is the mother of
4 Brian.

5 MS. JANE: Your Honor, I am going to try and keep
6 this short.

7 THE COURT: Thank you.

8 MS. JANE: I met Donald McGuire in 1969 in Malibu,
9 California. At that time, in retrospect, he had already been
10 accused of the acts at Loyola Academy that Shawn and Vic so
11 eloquently referred to in their speeches.

12 Of course, I didn't know that he had been sent to
13 Malibu for outpatient treatment for sexual offenders at that
14 time.

15 He was my spiritual father from that point on, so I
16 guess from 1969 to the present time I have known him probably
17 longer than most people in the courtroom except for the young
18 boys.

19 In 1978 I had a son who was born with a very
20 serious immune deficiency that went undiagnosed until he was
21 18 months of age. And I felt so blessed because McGuire was
22 transferred to USF, University of San Francisco, so he would
23 be close-by to my young family.

24 Throughout the years, my parents and I have
25 supported him, like many of the other people in this

1 courtroom.

2 I think the hardest thing for me today is that
3 there was an absolute love for this man. He was your
4 spiritual father. He was at your bedside when I was fighting
5 for my life. He mysteriously would come when my son was near
6 death. He would talk to him on the phone. So there was this
7 absolute trust that is hard to describe and put in words
8 because that part of him was so powerful.

9 I wasn't part of the inside, I would say, cult of
10 this -- the individuals that surrounded him, but I always
11 felt that, because of my son's illness -- he would take Brian
12 to meet Mother Teresa. When Brian was really sick, he would
13 spend hours with him.

14 And for me to find out in October of 2007 that my
15 son was a victim is really hard. And I am not able to talk
16 in detail about that because my son's case has not been filed
17 and he hasn't been deposed, but I would say that
18 intellectually, emotionally, and spiritually this has been
19 the hardest thing I have ever faced in my life.

20 I think that most parents that are in this
21 courtroom today would say that the death of their child would
22 be easier in many respects than seeing them molested by
23 someone else or abused by someone that they trusted.

24 I can remember at one point in my life when I found
25 out about an abuse of my son that was interrelated in this

1 case. He was only a year old.

2 Now, within the last year, we have had to cope.
3 And my son became critically ill in London just since all of
4 this has been unfolding, and had to be taken out of London
5 School of Economics law school and is still not able to
6 return. His health has been so impacted.

7 I am not saying that there aren't other causes. I
8 am just saying that this is a very difficult thing.

9 I think that the hardest part for the victims in
10 this case is that McGuire was so honored by so many people
11 throughout the world, and he was so protected by the Jesuits.
12 And he was such a well-educated man that parents couldn't
13 even approach the Jesuits to question his authority in these
14 cases or things that their sons were complaining about.

15 As my son has told me, no one would believe you
16 because he was held in such high esteem. He was noted as
17 Mother Teresa's confessor. How could he do this to children?

18 I just want to end with a very quick thing that I
19 wrote after the Wisconsin trial, shortly after finding out
20 that my son had been directly impacted.

21 Given that I am writing on behalf of all victims, I
22 am now faced with the task of finding a way to comprehend the
23 extent of the concentric circles of abuse that other victims
24 and families have endured over time. I don't pretend to be
25 an expert on what all these victims feel. I am only writing

1 as a mother of children. And McGuire always used to teach,
2 mothers teach their children about love, and fathers are
3 supposed to teach their children about justice.

4 In my case, the father disappeared from the scene.

5 In the darkest moments, these victims have
6 struggled with how difficult it is to break the hearts of
7 their parents and considered, who would believe them? Who
8 would ever believe that this holy man, this saintly Jesuit
9 would be capable of doing things to their child?

10 When they were finally able to tell their deepest
11 secrets, they had to deal with the fear and the shame.

12 What about the numerous individuals without
13 representation who struggle with their faith and minds during
14 the unveiling of your secret life? Do you pray for your
15 silent victims that have no one to voice their outrage?
16 Perhaps their parents and grandparents are no longer alive,
17 or they just have no one to believe in them.

18 Are there not victims over the years that have been
19 driven to suicide? What about Andrew, who died in the Alps?
20 How does one begin to reach out to these innocent souls that
21 somehow were overcome by the power you represented as a
22 priest? How could they have courage to tell such incidents
23 when you look at this persona of a star Jesuit?

24 How does a young person bring truth to power when
25 we as adults struggle with how to cope with this?

1 I do not believe even the strongest, most balanced,
2 courageous, well-educated, faithful, and daring adults are
3 equipped to battle and combat the political, religious, and
4 societal, and legal forces that one must prepare to do battle
5 with in order to tell the truth in this case involving sexual
6 assault, torture, and rape of children.

7 Do you ever contemplate the darkest moments you
8 created for so many victims? What about those children who
9 have no one to tell or fear the worst?

10 Here is the response of one of your victims to the
11 recent reactions posited by the Jesuits to your abuse cases.
12 And I am just pointing out that even as an adult, a person
13 that was a victim sees the Jesuits as stating that they
14 didn't know, saying they had no idea, and then saying nothing
15 was wrong; and then nine weeks later saying they had
16 cooperated. "They just lie until they get caught, and then
17 they change the story. Talk about hypocrisy."

18 That's a first-time victim coming out and speaking
19 how they feel.

20 One wonders, how does the legal system ever bring
21 justice to those who have no one to speak on their behalf or
22 are too afraid to face the demons? How can the silent
23 victims who have no representation in this process address
24 the Court or media when McGuire has such a reputation?

25 How could anyone believe that someone would give up

1 their lives for money and endure living this shame in
2 revealing the truth about McGuire's acts?

3 Tolstoy once stated that happy families have no
4 history. Look at the history of evil, secrecy, and
5 destruction you created in the lives of so many. Look at the
6 destruction of our families.

7 Where are your ethics and morals in this process?
8 Ethics, sir, has nothing to do with old men telling children
9 lies and then exposing them to twisted aspects of sexuality.

10 This isn't about a life of homosexuality. This
11 behavior is pedophilia. And within the church it seems like
12 it's always couched in homosexuality. This is pedophilia.

13 What I don't understand, your Honor, is that in
14 every other profession, whether it's in the teaching
15 profession, whether it is in the law, or whether it's in any
16 kind of public service, people have to abide by reporting
17 abuse. But not here, not in the church.

18 Not only did you expose your victims during their
19 innocent years to your perverted acts and pornography, but
20 you destroyed their concepts about what was right and wrong.
21 Broken minds are now told -- and I believe it was recently --
22 that their relationships with McGuire was consensual. That's
23 not a defense.

24 How did they have a choice when they were under
25 your control?

1 When parents appealed to the Jesuits for help, they
2 were ignored.

3 McGuire also ignored the admonitions of his
4 superiors, but that is also one characteristic of the
5 criminal personality.

6 Where was your Jesuit vow of obedience that you so
7 often claimed? How could you use your Ph.D.s to assert your
8 psychological and moral authority over the parents of
9 children that were concerned for their welfare and question
10 your actions with their children? Only a criminal
11 personality can manipulate the victims and make parents
12 believe that he is above the law.

13 I realize that everyone that came up here has asked
14 Father McGuire to repent in some way. And I really believe
15 that when I saw him in the Wisconsin courtroom, I wanted to
16 pass him a note and just say, please repent, because I was
17 seeing firsthand the destruction in so many lives.

18 I just hope that you can overcome, Father McGuire,
19 this entire case by just repenting and admitting guilt. It's
20 heartbreaking to be here today for this purpose.

21 All I can say, your Honor, is that we are dealing
22 with an extreme criminal. After reviewing two books by
23 Yochelson and Samenow on the criminal personality, it is just
24 so apparent to me that that's the only way to intellectually
25 come to terms with this kind of a case.

1 And in closing, I will just tick off some of the
2 things that they mention.

3 Criminal personality sees themselves above the law.
4 They don't abide by the rules. And they know how to fake
5 subservience to superiors in order to continue their
6 exploitation.

7 They commit hundreds of crimes and are never
8 arrested while exploiting others. The criminal mind gets
9 away with far more than is ever known. Victims often drop
10 their charges.

11 They surround themselves with rich and very
12 respectable people. They often use the rich people to post
13 their bonds, never repay them.

14 Establishing and preserving one's image is
15 paramount.

16 And they also exhibit paradoxes of personalities.

17 And when reviewing this classic study, longitudinal
18 study, of thousands of criminal minds, one of the things that
19 struck me so clearly was, the person can pray at 10:00
20 o'clock in the morning and then turn around and assault a
21 child at 11:00. And that's what exactly has happened in this
22 case.

23 Thank you, your Honor. And I pray that you will
24 give him the maximum sentence.

25 Thank you.

1 MS. RUDER: Judge, we now call Dominick, who I
2 think would be more comfortable seated, if that's okay with
3 the Court.

4 THE COURT: That's fine.

5 I will ask that you be sworn one more time,
6 Dominick.

7 (Witness sworn.)

8 THE COURT: You may proceed, Ms. Ruder.

9 MS. RUDER: Thank you.

10 I believe Dominick wishes to proceed with a
11 narrative as the other persons have done.

12 THE COURT: That's fine.

13 MR. DOMINICK: Judge, can you hear me?

14 THE COURT: Sure.

15 I am going to move this out of the way.

16 MR. DOMINICK: I wish to apologize kind of twofold.
17 I seem to have a problem when talking about my abuse with
18 getting really tired, and so I was afraid I might collapse if
19 I -- just being honest.

20 And the second part is, I don't have anything
21 written. I just wanted to tell you about how it's hurt me
22 and how it's affected me in my life, if you will permit.

23 The only words that I can come up with is what
24 McGuire made me feel was a life without hope, a life without
25 him, a life without any happiness.

1 I am married now and I have a baby that's going to
2 be born next month. And I am so happy.

3 And I have been in counseling for two years now,
4 and I have learned that I am a good person. I am not broken.

5 And I have learned that there is an incredible pain
6 that's within me.

7 I created an armor. I created something that
8 allowed me to survive. It allowed me to say that McGuire was
9 a good person, that he did good things. But when I broke
10 down and started crying when speaking to my future wife about
11 the abuse, it was the lowest point in my life. What I
12 thought was good was filled with shame. And that shame is
13 now pain, a pain that I am afraid I may never get rid of.

14 So I have learned in counseling that it's kind of a
15 paradox, that I have to accept what I can't accept. I have
16 to accept that I may never get over this abuse, that I may
17 never forget it, that I may never move on, that one day my
18 child may go on the Internet and start searching around and
19 find my name and realize that Dad had been so hurt and so
20 taken advantage of.

21 I appreciate Peter's mom. She was able to speak to
22 McGuire. That's the courage that inspired me. When the two
23 accusers from Wisconsin stood and accused him, it ended my
24 abuse and gave me the courage to come forward.

25 Everyone says that I have so much courage. And I

1 don't agree. I was inspired by them.

2 And when I look at why I am here, why I hurt so
3 much, why I am afraid that I might pass out while saying this
4 and might throw up at the same time, why I lie on the couch
5 wondering why it hurts so much, why I can't cry, I think
6 about how my coming forward may have allowed others to, may
7 have allowed Bill, may have allowed the two boys in Arizona.

8 And so for each boy that comes forward, I feel
9 happy.

10 And I wish that I could talk to you about how it
11 hurt me before the trial, but now I have hope. I have hope
12 in the justice system. I have hope in goodness. I have hope
13 in my marriage and that I am going to be a happy person.

14 That's all I really wanted to say, Judge.

15 THE COURT: Thank you.

16 MS. RUDER: Judge, the guideline range that the
17 Court calculated is 210 to 200 --

18 THE COURT: 262.

19 MS. RUDER: Excuse me. Sorry. I am fighting a
20 cold, Judge.

21 The government asks that the Court impose the high
22 end of the guideline range, which is 262 months, based on the
23 factors in Section 3553 and the information that's been
24 presented to the Court.

25 If your Honor has any questions about the

1 government's position, we are happy to answer those
2 questions.

3 THE COURT: Thank you, Ms. Ruder.

4 MS. RUDER: Thank you.

5 THE COURT: Mr. Komie?

6 MR. KOMIE: Can we go for a luncheon recess? The
7 marshals have already changed shift, and Father McGuire --

8 THE COURT: Well, what I would like to do is, I
9 would like to take about a ten-minute break, but then I think
10 we should resume and get this finished.

11 MR. KOMIE: Could we have more like 20 so he can
12 get a bologna sandwich or whatever so we don't have a
13 diabetic episode here?

14 THE COURT: Why don't we make it 15 minutes. I
15 will see you at 1:15.

16 (A brief recess was taken at 1:02 p.m. until 1:25
17 p.m.)

18 THE COURT: All right. We heard from the
19 government and from various additional witnesses.

20 Mr. Komie?

21 MR. KOMIE: Good afternoon, your Honor.

22 Thank you for the recess.

23 Could we call Dr. Lin, please.

24 THE COURT: Sir, if you could step forward, please.
25 Can I ask you to raise your right hand.

1 (Witness sworn.)

2 MR. KOMIE: Do you need your file, Doctor? You got
3 what you need.

4 Could the doctor be seated on the witness stand?

5 THE COURT: Sure.

6 KANG-YANN LIN, DEFENDANT'S WITNESS, SWORN

7 DIRECT EXAMINATION

8 BY MR. KOMIE:

9 Q. Good afternoon, Doctor.

10 Please spell your name for the court reporter.

11 A. First name Kang-Yann, K-a-n-g, Y-a-n-n. Last name Lin,
12 L-i-n.

13 Q. Are you the same Dr. Lin who testified during the trial?

14 A. Yes.

15 MR. KOMIE: Judge, I ask you to take judicial
16 notice of the prior testimony --

17 THE COURT: Sure.

18 MR. KOMIE: -- so I don't have to repeat the
19 foundational matter.

20 BY MR. KOMIE:

21 Q. Doctor, did you have an opportunity to examine Donald
22 McGuire today?

23 A. Yes, sir.

24 Q. Where did you perform the examination?

25 A. Excuse me?

1 Q. Where did you perform the examination?

2 A. Twenty-fourth floor.

3 Q. And, Doctor, did you have an opportunity to observe the
4 defendant?

5 A. Yes, sir.

6 Q. When you performed your examination, what did you learn
7 about his medical condition?

8 A. I last saw him about a year ago, February 19, 2008, and
9 again saw him earlier today, about 9:30 this morning, at the
10 jail cell he was in on the 24th floor this morning.

11 And I asked him questions, as usually I do with my
12 patients. He did notice some decreased vision and increased
13 numbness of his legs and his arms, and intermittent chest
14 pain, which appeared to be relieved with nitroglycerin.

15 He stated his sugar is under control by limiting
16 his food intake as well as taking his medication, mainly
17 insulin.

18 He also complain of problem with his feet, pain
19 over his left heel.

20 And he would have shortness of breath at times when
21 he was having chest pain, as well as his respiratory
22 condition with asthma condition.

23 He has pain over both knees, especially left knee
24 where he had previous surgery.

25 And he also complain of having pain of his back.

1 Upon my review of systems, most of the system were
2 consistent with above statement he made.

3 Upon my examination, compared to a year ago, his
4 general condition appeared to be worse than what it was.

5 I do not have an instrument to check his eye, but
6 his vision was decreased, almost lost on his left eye from
7 previous surgery and eye infection, as I have expressed to
8 this Court a couple months ago.

9 His major finding was progression of his peripheral
10 neuropathy related to his diabetes. Previously his numbness
11 was limited to his foot and now goes up to below the knee.

12 And he show more changes from neuropathic
13 dermopathy. That is skin changes due to peripheral
14 neuropathy with cracking of the skin and dryness of the skin
15 over his feet.

16 His previous ischemic toe appear to be stable from
17 the examination.

18 He had the new problem of left heel pain, which is
19 most likely from plantar fasciitis. The layman term is heel
20 spur.

21 He continued to have swelling over his legs and
22 does not appear to be more than what it was before.

23 He developed more pigmentation of his skin, most
24 likely from the -- what we call stasis dermatitis.
25 Pigmentation result from swelling of the skin previously.

1 Overall, from my assessment compared to a year ago,
2 his condition is somewhat worse in general.

3 And particularly there was much progression of his
4 peripheral neuropathy from diabetic condition.

5 Q. Doctor, does that mean that his condition has been
6 growing progressively worse?

7 A. Yes, sir.

8 Q. What is Father McGuire's life expectancy, based on the
9 condition that he currently has?

10 A. I don't have exact life expectancy table, but with the
11 progression over last one year, I would expect probably less
12 than five years or so.

13 Q. Doctor, is he a person who requires constant medical
14 care?

15 A. Yes, sir.

16 Q. And what are the components of constant medical care he
17 needs in the current condition he is in?

18 A. He would need to have constant monitoring for his sugar
19 and to keep sugar in the best control possible, which will
20 prevent progression of the neuropathy and other diabetic
21 complications, including the eye conditions and also
22 arteriosclerosis, hardening of the blood vessels, including
23 the heart. So coronary condition.

24 And obviously, the diabetic kidney disease that has
25 been shown to be halted by control of diabetes and the blood

1 pressure.

2 Q. Would you describe him as a chronic patient requiring
3 chronic medical care?

4 A. Yes, sir.

5 Q. Would he be considered a geriatric patient requiring
6 constant medical care?

7 A. With his ability now to stand and ambulation, he will
8 fall into that category of geriatric care.

9 Q. Doctor, is it your suggestion to the Court that if he is
10 confined in a federal penitentiary, that that be a
11 penitentiary that has sufficient medical facilities to deal
12 with his problems?

13 A. I would believe so, yes.

14 MR. KOMIE: Thank you.

15 THE COURT: Thank you, sir.

16 You may be seated.

17 (Witness excused.)

18 THE COURT: Additional witnesses, Mr. Komie?

19 MR. KOMIE: Can his subpoena be discharged?

20 THE COURT: Certainly.

21 Thank you, Doctor.

22 MR. KOMIE: Yes, your Honor. May I call them
23 forward?

24 Dr. DeWolf.

25 THE COURT: Can I ask you to raise your right hand.

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DAVID K. DeWOLF, DEFENDANT'S WITNESS, SWORN

DIRECT EXAMINATION

BY MR. KOMIE:

Q. Please state your name and spell your last name for the court reporter.

A. David K. DeWolf, D-e-W-o-l-f.

MR. KOMIE: May the witness be permitted, then, to speak without questions?

THE COURT: Sure.

MR. KOMIE: Thank you.

THE WITNESS: I reside in Spokane, Washington. And I am employed at Gonzaga law school as a professor.

It was through my contact at Gonzaga that I first learned about Father McGuire and first met him in 1994.

Since that time, I have seen him approximately once per year, initially by attending retreats that he gave in Arizona and later by hosting retreats for several years in Spokane.

More recently I visited Father McGuire several times in Chicago and have spent many hours with him on the telephone.

As the Court is aware, I testified at the trial concerning my observations of Father McGuire while he was conducting retreats in Spokane.

For purposes of this hearing, the only question

1 before the Court is, what is an appropriate sentence?

2 When I was first asked to appear at today's
3 hearing, I wrote out a statement that, in retrospect, sounded
4 too much like a closing argument. I will resist the
5 temptation to offer that and instead will be more personal.

6 The Father McGuire I have known is utterly
7 different from the person described in the government's case.
8 I do not challenge the veracity of the witnesses, but I am
9 here to ask for a recognition that there is a different
10 person being sentenced today. The one described by the
11 government's witnesses committed vile acts of cruel
12 exploitation. The one I have known is a generous miracle
13 worker.

14 It is not just that he was a talented and gifted
15 priest, he sacrificed himself for others in very tangible
16 ways.

17 At trial I testified concerning the pattern of a
18 retreat. Father McGuire kept an exhausting schedule that
19 combined general talks to 30 or 40 people with individual
20 meetings with the retreatants.

21 The first time I met Father McGuire at a retreat in
22 Arizona, I was amazed at his willingness to make time for me.
23 I had watched him conduct public addresses for about six
24 hours on that day, but it was well past midnight before the
25 schedule of individual conferences got to me.

1 I have often thought of Father McGuire as analogous
2 to the surgeons who go to Third World countries and work
3 tirelessly and skillfully to transform children with a cleft
4 palate or a physical deformity into someone who looks at
5 himself or herself in the mirror with pride instead of
6 disgust. That is the Father McGuire I will always remember.
7 And I know that my experience is shared by many retreatants
8 around the world.

9 I want to identify another aspect of his ministry
10 that may be difficult to capture.

11 By way of background, my father was a Methodist
12 pastor. As a college student at Stanford University, I
13 became a religious studies major. I have been interested in
14 theological questions all my life and encountered some of the
15 great minds of our age.

16 I was initially attracted to Father McGuire because
17 of the unique ability he has to make religious doctrines
18 comprehensible and compelling.

19 He genuinely loved his priesthood, comparable to
20 the way that the happiest of married couples delight in one
21 another. When that was taken away from him, it was as
22 devastating as the permanent loss of one's spouse.

23 To some this may be no cause for sympathy since to
24 them his priesthood was only a disguise with which to
25 accomplish evil deeds. But it should be recognized that in

1 purely human terms, he has already suffered what most of us
2 would consider the worst thing that could happen to us. A
3 lawyer whose license is taken away for cheating his clients
4 must find another way to earn a living. But a priest who was
5 defrocked, as the expression goes, is dealt a more serious
6 personal blow.

7 I would be remiss if I did not also include the
8 experience of my wife Priscilla. Like me, she went to a
9 retreat in a different state and met him for the first time
10 while he was juggling the responsibility of offering public
11 lectures and meeting privately with retreatants. She went
12 somewhat skeptically, doubting that Father McGuire could live
13 up to the extravagant praise she had heard from me and
14 others, but she had the same kind of experience that I have
15 analogized to treatment by a skilled surgeon.

16 Burdens she had borne over a lifetime were lifted,
17 and ancient conflicts were reconciled. To this day she feels
18 nothing but profound gratitude for Father McGuire's
19 willingness to use his talents in such a generous way.

20 Thank you.

21 (Witness excused.)

22 MR. KOMIE: May I call Mr. Mockus to the stand,
23 your Honor?

24 THE COURT: You may.

25 Can I ask you to raise your right hand, sir.

1 (Witness sworn.)

2 MR. KOMIE: May I proceed?

3 THE COURT: You may.

4 ANTHONY MOCKUS, DEFENDANT'S WITNESS, SWORN

5 DIRECT EXAMINATION

6 BY MR. KOMIE:

7 Q. Please tell us your name and spell it for the court
8 reporter.

9 A. My name is Anthony Mockus, M-o-c-k-u-s.

10 Q. Are you the same gentleman who testified at the trial?

11 A. Yes.

12 MR. KOMIE: Judge, I would ask you to take judicial
13 notice of the trial testimony.

14 MS. RUDER: I don't believe Mr. Mockus did testify.

15 THE COURT: I don't either. I thought his wife
16 testified, and the government's objection to this witness'
17 testimony was sustained.

18 MR. KOMIE: I forgot about that, Judge.

19 BY MR. KOMIE:

20 Q. Mr. Mockus, please tell us your address.

21 A. 2717 Woodbine Avenue, Evanston, Illinois.

22 Q. What was your profession or occupation?

23 A. I am an actor.

24 Q. And how long have you held that occupation?

25 A. Sixty-five years.

1 Q. Sir, have you prepared a statement you would like to
2 give to the Court?

3 A. I am sorry?

4 Q. Have you prepared a statement you would like to give to
5 the Court?

6 A. I have, yes.

7 Q. Would you be kind enough to give the statement with the
8 Court's permission?

9 THE COURT: You may.

10 THE WITNESS: Your Honor, I sat through the trial
11 of my lifelong friend, Father Donald McGuire, without
12 recognizing the person being portrayed. I would like to try
13 to present an accurate portrait of this saintly and, I
14 believe, innocent servant of God.

15 I want to focus on the effect of one holy Catholic
16 priest on the lives of hundreds and, by extension, thousands
17 of human souls, their temporal destiny and eternal elevation
18 and salvation.

19 Father Donald McGuire and I entered Saint Ignatius
20 High School prep in the year of 1943. He was the youngest,
21 shortest, and smartest in the class. In that regard, little
22 has changed.

23 Despite his size, he was active in sports, serious
24 in study, and focused on the hope of a priestly vocation.

25 He traveled the world with the famous Paulist

1 Choir, which deepened his love for the church and his
2 interest in teaching.

3 The Jesuits recognized his extraordinary intellect
4 and spiritual depth sending him to the great European
5 citadels of faith and learning.

6 Embarking on his teaching career at Loyola Academy,
7 he was charged with developing the brightest students,
8 establishing a cultural honors course that included a course
9 in Chinese, which he recognized as an important development
10 on the world's scene. Today those students are playing
11 important roles in leadership positions as a direct result of
12 his foresight and dedication.

13 The rewards for good work being more work,
14 additional responsibilities were added, such intense study
15 preparation and organization that his health broke.

16 After recovering he was sent to San Francisco to
17 the Saint Ignatius institute.

18 And in each of these endeavors he was recognized as
19 an outstanding teacher, inspiring, deepening holiness in his
20 associates and his students.

21 The graduates of this unique institution represent
22 elite graduates, intellectual core of moral standing,
23 barriers striving on a daily basis for betterment of our
24 station and mankind.

25 His call to holiness retreats based on the

1 spiritual exercises of Saint Ignatius brought thousands of
2 souls to Christ and bore fruits in dozens of priestly
3 vocations, no doubt causing the devil much discomfort.

4 His reputation brought him to the attention of
5 Blessed Mother Teresa of Calcutta, who recognized him of
6 purity of heart and zealous for evangelizing faith she
7 required in a confessor, spiritual director, and guide for
8 her Missionaries of Charity throughout the world.

9 Despite his many physical ailments, he has
10 persevered the recent tribulations and burying the slings and
11 errors with characteristic patience and charity, trusting in
12 God and justice while praying for his accusers.

13 There are a few men I could in conscience, without
14 reservation, plead for so wholeheartedly. But I can and do
15 for Father McGuire. His health is fragile, but his strength
16 is that of ten because his heart is pure.

17 I recall one instant when we were having dinner
18 together. I said, "Why in the world do you associate with
19 such miscreants, liars, thieves?"

20 And he said, "Wait, wait, wait, Tony. Please
21 understand, that's my vocation."

22 And it's something that struck me so deeply that
23 you know that he would do this for anyone. Any individual
24 who was suffering any problem, he has and indeed does help.
25 He takes the millstone from their necks and puts it on his

1 own.

2 Thank you, your Honor.

3 THE COURT: Thank you, sir.

4 (Witness excused.)

5 CHRISTOPHER McELROY, DEFENDANT'S WITNESS, SWORN

6 DIRECT EXAMINATION

7 BY MR. KOMIE:

8 Q. Would you tell us your name.

9 A. My name is Christopher McElroy, M-c-E-l-r-o-y.

10 Q. Where do you live, sir?

11 A. Northbrook, Illinois.

12 Q. What's your profession or occupation?

13 A. I am an attorney.

14 Q. Sir, have you prepared a statement that you wish to give
15 to the Court today?

16 A. I have not prepared anything, but I have --

17 Q. You have a statement you wish to give?

18 A. I have something I would like to say, yes.

19 MR. KOMIE: With the Court's permission, may the
20 witness give a statement?

21 THE COURT: Certainly.

22 THE WITNESS: Thank you, your Honor.

23 I live in Northbrook about a mile and a half from
24 where I grew up. I was a student of Father McGuire's at
25 Loyola Academy from 1964 to 1968. Not that whole time. He

1 came there about a year after I started.

2 I am married. I have three kids.

3 For 24 years I have worked with USG Corporation
4 where I am assistant general counsel.

5 I would like to start by saying that I don't want
6 anything I say in Father McGuire's behalf to be construed as
7 in any way denying or diminishing all that you heard from the
8 victims this morning. I don't know what the facts were in
9 this case. What I heard this morning was very, very
10 compelling. They seemed very sincere. They seemed very
11 thoughtful. And where they portrayed some emotion, it was
12 justified because they were fighting for their children.

13 But the man they described was not the man I knew.

14 As I say, I was in this honors program at Loyola
15 from '64 to '68. Father McGuire came in about a year later.
16 I spent a lot of time with him in school. He taught at least
17 one or two courses a day, plus I think he was our homeroom
18 teacher. It was a long time ago. I don't remember.

19 I did not have the family connection with him that
20 so many of the other people had. I don't believe he was ever
21 a guest at our home, but I spent a lot of time with him at
22 school.

23 Shortly after school ended in '68, I visited him
24 out on the West Coast with another student. It was a short
25 visit for a week or so.

1 And in all that time, there was never any improper
2 conduct. There was never anything remotely close to the
3 conduct that apparently you heard about in the trial.

4 I did not see him for another ten years. I had no
5 contact with him whatever.

6 Then, sometime in the late '70s, when Judge Wedoff
7 and I were both associates at Jenner & Block, we represented
8 one of Father McGuire's brothers on a matter. And somewhere
9 in the middle of that, Father McGuire came in town and had a
10 very brief meeting for 15 or 20 minutes.

11 And then after that, another 30 years passed before
12 I saw him, and I had no contact with him.

13 And shortly before the sentencing in the Wisconsin
14 case -- I think it was maybe a year or so ago -- I got a call
15 from one of his many loyal and devoted friends, who asked if
16 I would do something in the Wisconsin case.

17 At that point I had -- I spent a long lunch with
18 Father and I think it was Mr. Tanner, who you heard from
19 earlier today. And then maybe three or four days later, I
20 spent most of an afternoon and an evening with Father and
21 several of his friends at a private residence up in Lake
22 Forest.

23 I wrote a letter for the Court in the Wisconsin
24 case in his support, but I did not appear in that action.

25 And since then I have had no contact with him. I

1 haven't seen him until I walked in this morning.

2 He was an absolutely terrific teacher when I knew
3 him. He had come back from several years of study in Europe.
4 He was full of ideas. He was full of enthusiasm. He worked
5 hard. He pushed us. He wanted us to write clearly and think
6 clearly. He opened up the world to so many of us.

7 He pushed us hard. There was no question about
8 that. He expected the highest. He was disappointed and he
9 made you disappointed if you didn't do your very best.

10 I have had many, many excellent teachers, but he
11 was the best. Absolutely the best.

12 As I say, I just saw none of this improper conduct
13 that you have heard about.

14 I am -- I know that what bothered so many of the
15 victims and their families and what I am sure will weigh
16 heavily in your Honor's sentencing decision is, as everyone
17 has said, there has been no acknowledgment of guilt, no
18 apology to the victims, no explanation. And I can't
19 reconcile that. I mean, most of these people spent more time
20 with him and knew him better than I did. But I would like to
21 say a couple of things about that.

22 Number one, as I knew him, he would never be afraid
23 to go to jail. That just would not be an issue with him.

24 I knew him as a deeply moral person. If he did
25 something wrong, in most cases he would not be afraid to

1 admit it, and he would know what right from wrong was.

2 And I knew him as a very caring person. If he hurt
3 somebody, that would bother him, and he would try to make it
4 right.

5 So the only way I could possibly reconcile all the
6 evidence that you heard with what happened would be to draw
7 upon what some of the victims said this morning, or a little
8 bit earlier today, which is, they went through a period of
9 several years where they couldn't even admit what had
10 happened.

11 And I suspect that may be what has happened with
12 Father McGuire. This thing is so deep, it's so enormous, it
13 is so completely contradictory to almost everything else in
14 his life that he simply may not be able to grasp it and come
15 to terms with it at this point.

16 But I thought it was important that you know that
17 there was so much that was good for him and about him. He
18 did a lot of wonderful things for so many people.

19 THE COURT: Thank you, sir.

20 (Witness excused.)

21 MR. KOMIE: Judge, I would ask you to review the
22 letter of Barbara Davidson dated January 23rd, 2009. I don't
23 think we have to put a witness on the stand to read it to
24 you. I think you can read it for yourself --

25 THE COURT: Correct. I have seen it.

1 MR. KOMIE: -- with your permission.

2 I would ask you to include in the record also the
3 letter we received -- I think it looks like the signature is
4 Goldberg or Solberg, Robert, dated January 24th, 2009.

5 And I would ask the Court to include in the record
6 the February 10th, 2009, letter from John S. Baker, Jr., the
7 Dale E. Bennett Professor of Law --

8 THE COURT: Right. I have that as well.

9 MR. KOMIE: I would ask you to consider those
10 matters in connection with sentencing.

11 THE COURT: Thank you.

12 Mr. McGuire, is there anything that you would like
13 to say before sentence is imposed?

14 THE DEFENDANT: When do I do that?

15 THE COURT: Right now.

16 THE DEFENDANT: Right from here?

17 THE COURT: If that's easier for you, yes. I will
18 ask that you keep your voice up because my court reporter is
19 making a record.

20 Give us a moment and we will move the microphone.

21 THE DEFENDANT: Thank you, your Honor, for the
22 privilege to speak at this moment.

23 First, I want to say how grateful I am, having been
24 in 42 different countries, to be an American, and to benefit
25 from the -- what Jefferson called The Noble Experiment, our

1 Constitution with its beautiful system of justice, rights,
2 the Bill of Rights, and laws.

3 But in the midst of that, I have to say that -- and
4 I think you will all understand -- my heart is very heavy,
5 very sad to have lived through these difficult hours this
6 morning.

7 But I am also encouraged by the wonderful people
8 who have reached out and written to me or contacted my
9 closest friends to express their love and support. People
10 whom I have helped in my life have held me in their prayers.

11 Their outpouring of support has done a great deal
12 to sustain me in these very difficult times.

13 I can't really help being thankful. And this
14 thankfulness is like a bright light that drives away a great
15 deal of the darkness of the sorrow that envelopes me.

16 With a heart full of thanks, I will continue to
17 pray, to praise God and beg Him to bless all who participated
18 in this trial as well as their families; the officers of the
19 court; you, your Honor; the prosecutors and the defense
20 lawyers; the jurors who made such great sacrifices; and the
21 witnesses on both sides; and even the observers who came to
22 witness. I think of the marshals and the guards who have
23 been so kind and so helpful.

24 All I can do is pray for them and their families.

25 I wanted to publicly, of course, thank all those

1 who came to court to support me, and my team of lawyers.

2 I especially want to thank all the people who
3 testified on my behalf at the trial and those who spoke
4 today. Their courage to testify against the government case
5 is a mark of incredible courage and gives me a great
6 strength.

7 I am in the eighth month of my 79th year. I will
8 be 79 in July. That's kind of amazing because I was told at
9 50 that I could not survive a couple of years. So God has
10 given me a much longer life than I ever thought I would have.

11 And when you reach this point in life, the horizon
12 is much closer. I see it. It's very vivid. With the
13 ailments that I have -- any kind of a hypoglycemia is a
14 confrontation with death, so I see death a few times a week.
15 Because in the intervening time, when you do whatever it
16 takes to rescue, you got to meet the Lord.

17 And you get more familiar with this as life goes
18 on.

19 I have seen a lot of joy in my life, joy that was
20 even touched at points here today; the baptisms, the
21 marriages, all those things here. But mostly there was no
22 greater joy than being in a mission country where the least
23 you do for the poorest of the poor, you receive a totally
24 disproportionate thanksgiving, gratitude. And I have looked
25 into thousands and thousands of eyes that were full of

1 gratitude for what Mother Teresa's sisters were doing in
2 terrible situations that were full of danger for them and
3 sometimes for me.

4 But the reward of those bright eyes of thanks comes
5 back to me often.

6 So looking into the future, which I could never
7 think would be very long, I see that horizon, and it's
8 heaven, where every tear will be wiped away. I like that
9 phrase. Tears are frequent for me these days.

10 And from that joy, I, all through my life, have
11 spoken of hope. And I think it's the most seldom used virtue
12 of the three great virtues of faith, charity, and hope. Hope
13 means you really believe that there is a most beautiful
14 conclusion to all this, if we make our peace with God and we
15 come to live in the glow of that ultimate victory.

16 I'd like to communicate that to everyone who's here
17 and to every life that I ever touched, that I pray that their
18 lives will be full of God's blessings and full of hope, full
19 of the sense that the inevitable crosses; that is, the
20 sorrows, are going to come. But that's never final because
21 of the person that I have dedicated my life to follow;
22 namely, Jesus Christ. He made it possible for us to hope.

23 As an old man, I could tell a lot of stories right
24 now. I can think of so many -- the places where I got
25 malaria, the places where I was shot at, the places where I

1 had to bring my phlebotomy bags to really very filthy huts,
2 and an American doctor would be horrified where I had to lie
3 down and give my pints of blood because of hemochromatosis.

4 But those places somehow are radiant with light,
5 but they were very dark then.

6 I like to just think of one vision I had in
7 Lithuania when I went to the Hill of Crosses. I don't know
8 whether anyone here knows about the Hill of Crosses, but the
9 Lithuanians, every time they had a national crisis or
10 problem, every time they had a personal crisis or problem,
11 they went to this hill and they erected a cross. And the
12 Hill of Crosses had, by one count, a million and a half
13 crosses, each one a sign of a great tragedy, national or
14 private, personal.

15 The Communists one day -- one night moved in and
16 set fire to the hill, smashed it. And it was just burning
17 embers the next morning.

18 In three days there were over 10,000 more crosses
19 on the hill. In two months there were 100,000. I understand
20 the numbers are back to close to 2 million crosses.

21 I was in terrible shape. My back was gone. And I
22 had a lie-in bussed with the sisters going there. But I
23 managed to get up the hill, and I will never forget it. As I
24 got to the top of the hill -- we got there around sunset.
25 And the light, I see it very often, the horizon. The sun was

1 beautifully setting, and the crosses were set against that
2 light. That's a vision I do have right now, and I want it
3 for all of you.

4 Each one of us has sorrows, that you will always
5 see them in that way, that they won't -- because there is a
6 provident, loving God. There is a light we can look into.
7 And it's either far off in the distance or it is very close.
8 For me, I feel it's very close.

9 I guess that's what I wanted to say today.

10 Thank you, your Honor.

11 THE COURT: Thank you, sir.

12 Well, I have heard from many of you here today and
13 at the trial. I certainly heard testimony at that time. I
14 appreciate the words I heard from counsel and also from
15 Mr. McGuire.

16 A comment about some of the comments from the
17 witnesses who came forward.

18 I know that the Christian God, the Christian faith
19 teaches grace and forgiveness and mercy. And I know some of
20 you were able to express that your desire and hope that
21 Father McGuire, the Father to you, would some day express
22 regret and remorse. He would apologize. I am sorry for your
23 sake that that appears not to have happened.

24 I don't here dispense divine grace. I here
25 dispense human justice.

1 And I am struck in considering the issues before me
2 at how this man was held on a pedestal over the years,
3 revered around the world, loved by many witnesses on both
4 sides of the case, who obviously thought extremely highly of
5 him. He is credited with bringing hundreds, maybe thousands,
6 of human beings to faith.

7 And if there is any more poignant expression of
8 respect, I don't know what it is, that so many parents
9 trusted this man with the finest gifts God ever gave them,
10 their children.

11 You know this and understand this, Mr. McGuire.
12 Probably as a priest you know as well as anybody, those who
13 loved you and looked up to you, even in this trial, called
14 you "Father." They trusted you with that important gift, and
15 all of us are responsible for those gifts. All of us --
16 whether we are parents, aunts, uncles, friends, strangers --
17 all of us are responsible for children.

18 And our responsibility, as human beings and adults,
19 for children is what makes this crime so terribly wounding.

20 There is no question that your role was such that
21 you made contributions that many people valued.

22 You abused that role. You abused their faith. You
23 abused the confidence that people showed in you, the faith
24 that they had in you.

25 What you did over so many years to so many

1 victims -- we really will never know how many -- beyond this
2 vile, physical abuse is the kind of mental torture that these
3 individuals, some of them, will struggle with for many years
4 to come.

5 You were able in the cruelest and really most
6 unimaginably selfish way to tell a bunch of young boys that
7 something was wrong with them. And some of them still appear
8 to believe it and are struggling with counseling and therapy.

9 The parents who feel guilt and responsibility about
10 what happened, the brothers and sisters who suffer the wounds
11 because of their siblings' pain, you managed to inject guilt
12 and shame into these individuals and into their families.

13 You victimized them in the most fundamental way:
14 the loss of innocence; the loss of self-confidence; loss of
15 trust; loss of self-respect; for some of them, the loss of
16 their families; loss of their, in some cases, sexual desire,
17 sexual interest, confidence in themselves as sexual human
18 beings. You robbed them of all those things.

19 I appreciate that you will shed tears. I hope some
20 moment they will be tears of regret, because what has
21 happened to some of these young people really can't be paid
22 back.

23 The guideline sentence range here calls for a
24 sentence between 210 and 262 months. I am free under
25 Section 3553 to impose a sentence that's greater or lesser

1 than the guidelines, so long as I believe that it's
2 reasonable and so long as I believe that it addresses the
3 considerations identified in that statute of promoting
4 respect for the law, a just punishment, and reflects the
5 seriousness of the offense.

6 I have imposed sentences for many, many crimes.
7 Often in this courtroom it's for things like drug
8 distribution, drug sales to individuals who I think were
9 pretty willing to purchase the drugs.

10 This is a situation where I am imposing a sentence
11 on somebody who committed a crime on young people who really
12 couldn't say no and certainly didn't want it. They didn't
13 ask for it.

14 I think a sentence of 262 months is really not long
15 enough to address the wrongdoing here. I am imposing a
16 sentence of 300 months, 180 months on Count I followed by
17 120 months on Count II to run consecutively.

18 I realize, Mr. McGuire, that as you face the
19 sunset, it may very well be that you won't survive your time
20 in custody. I impose this sentence without concern that
21 that's the wrong thing to do under these circumstances.

22 These individuals who are here and so many others
23 have suffered, so many others who may never have come
24 forward, who may be frustrated by the lack of action, who may
25 be angry by the fact that their own voices weren't heard, or

1 feel a sense of guilt and responsibility because they
2 couldn't or didn't speak up.

3 And a message to anybody else who thinks it's okay
4 to abuse a position of power, of respect, of love, of
5 reverence, to victimize a young person, I want any such
6 person to know that the system of justice -- and at least
7 this judge personally -- finds it completely abhorrent,
8 abhorrent, unacceptable and, if you will forgive me, a very,
9 very serious sin.

10 The period of incarceration will be followed by
11 supervised release of three years on each of Counts I and II,
12 those to run concurrently.

13 The conditions of supervised release would be the
14 standard ones: that Mr. McGuire, should he complete his
15 sentence in his lifetime, would report to the probation
16 office within 72 hours of his release from custody.

17 During that period, not commit an offense of any
18 kind, refrain from any unlawful use of controlled substances,
19 submit to drug testing and treatment at the direction of the
20 probation officer, not possess a firearm or destructive
21 device, and submit to the collection of a DNA sample.

22 Additional conditions will require that the
23 defendant pay any financial penalty. In this case there is a
24 \$200 special assessment.

25 I am also going to impose a fine of \$5,000, well

1 below the guideline range in this case.

2 As a condition of supervised release, the defendant
3 will not incur any new credit charges or open additional
4 lines of credit and will perform community service if he is
5 unemployed for as much as 60 days during the period of
6 supervised release.

7 I am also going to direct that the defendant comply
8 with the requirements of the computer and Internet monitoring
9 program as administered by the probation officer; register
10 with the state sex offender registration agency in any state
11 where he resides; and not possess a computer, camera, or any
12 access to the Internet.

13 I will also direct that he not possess or have
14 under his control or possession any pornographic materials
15 and that he not have contact with any person under the age of
16 18 ever, unless he is in the presence of a responsible adult.

17 His employment will be restricted to the district
18 and division where he resides or is supervised, unless there
19 is approval for outside employment by the probation officer.

20 He will provide the probation officer with copies
21 of telephone bills, credit card statements, and financial
22 services; and participate in mental-health and sex-offender
23 treatment at the direction of the probation officer.

24 I will, of course, recommend that Mr. McGuire be
25 placed in a facility in which he can get comprehensive

1 medical treatment and care. He is entitled to the services
2 of the physicians available through the Bureau of Prisons,
3 just as any prisoner would be. And I am confident that he
4 will receive the care that he needs while he is incarcerated.

5 He does suffer from a number of physical
6 difficulties. I would observe, first, that, although those
7 difficulties, that there are many, none of them are rare or
8 unusual, and all are subject to treatment within the Bureau
9 of Prisons.

10 I would note further that, as Mr. McGuire himself
11 told me a moment ago, he has suffered from those conditions
12 for many years. And during those many years, I have heard --
13 I heard, not only during the trial but even today, during the
14 many years in which Mr. McGuire suffered from these serious
15 maladies, he nevertheless showed great energy and strength.
16 I am confident that he will receive the treatment that he
17 needs while in custody and will recommend that he be placed
18 in a facility where that's possible.

19 I also want to review Mr. McGuire's appeal rights.

20 Sir, you are entitled to take an appeal from my
21 sentence. If you wish to do so, you should file your notice
22 of appeal within ten days. If you are unable to file a
23 notice of appeal, the court clerk will file a notice on your
24 behalf at your request.

25 Will there be anything further today?

1 MS. RUDER: No, your Honor.

2 MR. KOMIE: Judge, I would ask that the *mittimus* or
3 the judgment and commitment order include your medical
4 recommendations.

5 THE COURT: It will.

6 MR. KOMIE: Thank you.

7 And, then, I have vouchers for witnesses we can do
8 after the Court recesses.

9 THE COURT: You can just serve those.

10 MR. KOMIE: Sure.

11 THE COURT: We are adjourned.

12 MS. RUDER: Thank you, your Honor.

13 (An adjournment was taken at 2:20 p.m.)

14 * * * * *

15 I certify that the foregoing is a correct transcript from the
16 record of proceedings in the above-entitled matter.

17 /s/ Frances Ward February 20, 2009.
18 Official Court Reporter
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