

IN THE IOWA DISTRICT COURT FOR JOHNSON COUNTY

MICHAEL KASPER, ROBERT KASPER,
and ARDEN KASPER,

Plaintiffs,

vs.

FATHER JAMES ELMER LEU,
Individually and as agent
of Diocese of Davenport and
Roman Catholic Bishop of
Davenport; MOST REVEREND
GERALD O'KEEFE, FATHER HARRY
LINNENBRINK, and MONSIGNOR
W. ROBERT SCHMIDT, all
individually and as agents
of the Diocese of Davenport;
THE ROMAN CATHOLIC BISHOP OF
DAVENPORT; and THE DIOCESE OF
DAVENPORT,

Defendants.

LAW NO. 53102

DEPOSITION OF
MONSIGNOR
MICHAEL J.
MORRISSEY

RECORDED
FEB 03 1992

ORIGINAL

DEPOSITION OF MONSIGNOR MICHAEL J.

MORFISSEY, taken at the Law Offices of Lane &
Waterman, 600 Davenport Bank Building, Davenport,
Iowa, on January 13, 1992, commencing at 2:05 p.m.,
before Alanna G. Jeffery, Certified Shorthand
Reporter and Notary Public in and for the State of
Iowa. Also present: Mike St. Clair

FILED
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

A P P E A R A N C E S

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Plaintiffs by:	ATTORNEY MARTIN A. DIAZ Tom Riley Law Firm, P.C. 1210 Highway 6 West Iowa City, Iowa 52246
	and
	ATTORNEY ROBERT L. HORAK Horak and Rasmussen Law Offices 112 East State Street P.O. Box 349 Jefferson, Iowa 50129
Defendants O'Keefe, Schmidt, Linnenbrink, and Diocese of Davenport by:	ATTORNEY CHARLES E. MILLER Lane & Waterman 600 Davenport Bank Building Davenport, Iowa 52801

FILED
..... A. M. P. M.
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

INDEX

Witness

Examination

MONS. MICHAEL J. MORRISSEY... (Mr. Diaz).... 5

EXHIBITS

Exhibit

Marked

Morrissey Deposition Exhibit 1..... 81
(Billings)

FILED

A. M. P. M.

AUG 25 1992

EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

Certificate of Shorthand Reporter..... 82

1 MR. MILLER: Prior to the
2 assumption or commencement of the deposition of
3 Monsignor Morrissey, for the record, we were served
4 by FAX on January 10th with a request to produce
5 certain documents today, January 13th, in
6 conjunction with the deposition of Monsignor
7 Morrissey. We have reviewed the request for
8 production, consisting of seven paragraphs, and we
9 believe and state that all of the documents sought
10 have already been produced, with the exception of
11 certain billings -- this is paragraph 6 -- with the
12 exception of, quote, "any and all billings for
13 psychological treatment on any of the Kasper
14 children submitted to the Diocese or anyone else
15 for payment," closed quote.

16 We have certain billings from Iowa
17 City psychologists. We are not able to state for
18 whom the therapy was rendered, in some instances.
19 In other instances, it appears that the
20 been rendered to Kathy Kasper. ~~BIATM.F~~ may have
21 these at this time. ~~will~~ tender

FILED
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

S T I P U L A T I O N

1
2 MR. DIAZ: Let the record reflect
3 that we are taking the deposition of Monsignor
4 Michael Morrissey at the Lane & Waterman Law
5 Offices on January 13, 1992. The deposition is
6 taken pursuant to the Iowa Rules of Civil Procedure
7 and can be used as contemplated by those rules.

8 MR. MILLER: Agreed.

9 MONSIGNOR MICHAEL MORRISSEY,

10 being first duly sworn, was examined
11 and testified as follows:

12 EXAMINATION BY MR. DIAZ:

13 Q. Can you please state your full name for
14 the record.

15 A. Michael Joseph Morrissey,
16 M-o-r-r-i-s-s-e-y.

17 Q. And my understanding is that you are
18 Monsignor for the Diocese of Davenport. Is that
19 correct?

20 A. That's correct.

21 Q. And how long have you been with the
22 Diocese? **FILED**
..... A. M. P. M.

23 A. Since June 5th, 1965.

24 Q. And prior to that point
25 were you? **EDWARD F. STEINBRECH**
CLERK OF DISTRICT COURT

1 A. In school, in seminary.

2 Q. Where did you go to seminary, by the way?

3 A. Went to college level at St. Ambrose
4 College in Davenport, and Mount Saint Bernard
5 Seminary in Dubuque, Iowa, for theological studies.

6 Q. Once you got out of seminary and began
7 with the Diocese, what did you do for them -- or,
8 for it?

9 A. My assignment the first two years was as
10 assistant pastor at St. Mary's parish in Ottumwa,
11 Iowa.

12 Q. How long were you there?

13 A. Two years.

14 Q. Where did you go from there?

15 A. After that, I was appointed to
16 St. Anthony's parish in Davenport and also to
17 work in the Bishop's office.

18 Q. How long were you affiliated with
19 St. Anthony's?

20 A. Two years.

21 Q. During that time, you also were assigned
22 to the Bishop's office? Is that what you said
23

24 A. Most of my work was in the Bishop's
25 office, but I was assigned as assistant pastor at
St. Anthony's.

FILED
A. M. P. M.
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 Q. What would you do for the Bishop at that
2 time?

3 A. At that time I was assigned to work in
4 the marriage tribunal.

5 Q. Which is? Simple.

6 A. The marriage tribunal, it deals with
7 cases of annulity of marriage and church law and
8 dispensations regarding marriage, and so forth.

9 Q. And then what about after the two years
10 with St. Anthony's? Did your duties change?

11 A. I kept my assignment in the Bishop's
12 office, but I went to school for two years at
13 Catholic University in Washington, D.C.

14 Q. Any particular reason you went back to
15 school?

16 A. I studied canon law for those two years
17 so that I could, I suppose, be a better canon -- do
18 my work in the marriage tribunal in a better way
19 and also that the Diocese needed a canon lawyer to
20 do that work.

21 Q. So this is roughly 1971 or so and you are
22 done with your schooling at Catholic University, M.

23 A. That's correct.

24 Q. What then?

25 A. I came back to work full-

FILED
A. M.
AUG 25 1992
EDWARD F. STEINLECH
CLERK OF DISTRICT COURT

1 me. It wasn't full-time. I came back to continue
 2 my work in the Bishop's office. When I came back
 3 from school, I was appointed pastor at St. Peter's
 4 parish in Buffalo, Iowa. It was a very tiny
 5 parish. There were two other priests that lived
 6 there with me. Because of that, most of our work
 7 was with the Bishop or in Diocesan offices.

8 Q. Then after that?

9 A. After five years, 1976, I resigned as
 10 pastor at St. Peter's in Buffalo and came full-time
 11 without those pastoral duties and administrative
 12 duties and just worked full-time in the Bishop's
 13 office.

14 Q. Now, at that point to the present, what
 15 kinds of things have you done for the Bishop?

16 A. Worked substantially in the marriage
 17 tribunal office and have managed that until about
 18 1978. I've always kept my hand in that, but I was
 19 strongly -- or, more strongly involved in that
 20 prior to that period of time. I was also the
 21 Chancellor. Primarily since 1971, I've handled the
 22 business matters of the Diocese. At least I've
 23 been the primary contact person for the

24 Q. As Chancellor, what kinds
 25 you have to do?

FILED
 AUG 25 1992 P.M.
 EDWARD F. STEINBECH
 CLERK OF DISTRICT COURT

1 A. Aside from just general working with the
2 Bishop on anything that he might assign me from
3 time to time, most of that was the business
4 operations of the Diocese and in continuing work in
5 the marriage tribunal.

6 Q. Now, at what point in time did you become
7 a Monsignor?

8 A. 1981

9 Q. During the time that you've been
10 affiliated with the Bishop's office -- and, for the
11 most part, that's been full-time since 1976. Is
12 that correct?

13 A. I would say it's been full-time in
14 general work since 1967.

15 Q. Since that point in time, have you been
16 aware of any claims made, other than this one, of
17 any sexual misconduct on the part of any priest or
18 any other Diocesan employee?

19 A. Yes. One.

20 Q. When was that?

21 MR. MILLER: For clarification, when
22 was what? When he became aware of **FILED**

23 Q. (CONTINUING) When was this claim
24 asserted? When did somebody say, We've got a
25 problem?

A. M. P. M.
AUG 29 1992
EDWARD F. STANLEY
CLERK OF DISTRICT COURT

1 A. The incident happened in 1987.

2 Q. What was the claim about?

3 A. That there had been sexual misconduct on
4 the part of one of our priests.

5 Q. Was that Father Leu or was it somebody
6 else?

7 A. It was somebody else.

8 Q. What was alleged to have been done?

9 A. This priest had made some sexual advance
10 on a young man.

11 Q. And how was that issue resolved?

12 MR. MILLER: I'm going to object.
13 It's vague and indefinite. Do you want to tell
14 me what you mean by "resolved"? Do you mean
15 internally in the church, or otherwise?

16 Q. (CONTINUING) Was it resolved to your
17 satisfaction in one way or another?

18 A. I still don't know how to answer that.

19 Q. Was there any decision made by the
20 Diocese as to how to handle the claim?

21 A. Yes. The priest was removed from his
22 assignment. Aside from that, it's still pending.

23 Q. It's still pending?

24 A. That's correct.

25 Q. Is there a lawsuit filed as

FILED
A. M.M.
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT
of

1 that?

2 A. There has been.

3 Q. And who filed the lawsuit?

4 A. The parents of the young man involved.

5 Q. And where was this filed? In Scott
6 County or someplace else?

7 A. I'm sorry. I don't know today. I don't
8 remember where it was filed.

9 Q. Has it been filed in a court of law?

10 A. Yes.

11 Q. And has the priest's name been disclosed
12 as part of that process? In other words, was he
13 named?

14 A. Yes.

15 Q. What is that individual's name?

16 A. Frank Martinez.

17 Q. Where was he pastoring at or where was
18 he involved at at the time that this incident
19 occurred?

20 A. The incident did not occur in the parish,
21 but he was assigned to the parish at Melcedon, Iowa.

22 Q. You say the incident didn't occur in the
23 parish. Where did it occur?

24 A. In Davenport.

25 Q. Was it on property owned by the parish?

FILED
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

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A. No.

Q. Why don't you tell me where it occurred as far as you understand it to be.

A. At a motel here in Davenport.

Q. And the name of the parents that have filed the lawsuit?

A. The last name is Lalor.

Q. Do you know how it's spelled?

A. I think it's L-a-l-o-r. I forget today whether there is a W in there or not. L-a-l-o-r, I think.

Q. When did you first become aware of this incident?

A. At the time that it happened.

Q. How did you become aware of it?

A. The owner of the motel had called the police, and the police called me.

Q. Had there been any prior allegations of a similar nature asserted against Father Martinez at that time?

A. No.

Q. I'm sorry. The answer is no?

A. The answer is no.

Q. Thank you.

Do you have recollection of the date that

FILED
.....A. M. P. M.

AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 the owner of the motel contacted the police, which,
2 in turn, contacted you?

3 A. It was December 26th. That's an easy
4 date to remember.

5 Q. 1987, correct?

6 A. Yes.

7 Q. Is that the only incident that you are
8 aware of between a priest and anybody of a sexual
9 nature such as the one you've described?

10 MR. MILLER: I'm going to object.
11 It's overly broad and burdensome. I will permit
12 him to answer if that is the only situation he is
13 aware of between a priest in the Davenport Diocese
14 and a minor; otherwise you are asking him for the
15 universe of anything he might have read anywhere.

16 Q. (CONTINUING) I'm not asking for anything
17 you read anywhere. I'm asking you, Monsignor, for
18 anything that you know of a claim that's been
19 asserted against a priest by anyone, whether a
20 minor or adult, involving any sexual misconduct of
21 any kind by a priest, other than Frank Martinez and
22 Father Leu.

23 MR. MILLER: Do you understand the
24 question?

25 A. I am not aware of any other cases that have

FILED
A. M. P. M.

AUG 25 1992

EDWARD F. STEINDRICH
CLERK OF DISTRICT COURT

1 been made.

2 Q. Those are the only two.

3 A. Yes.

4 Q. Just so that I'm clear as to your
5 recollection, what has been alleged to have
6 occurred at that motel? In more specifics than
7 simply a sexual advance.

8 A. My understanding is that there was simply
9 some -- that nothing sexual, per se, happened.
10 That there was some initial contact, and the young
11 man went into a panic and ran out to the desk.
12 That's how the motel owner -- I said owner; it's
13 really the desk clerk that night -- called the
14 police.

15 Q. So, if I understand correctly, there was
16 a young man -- by "young," I'm assuming you are
17 talking about a minor. Is that --

18 A. I think he was 15 at the time.

19 Q. This 15-year-old boy comes out to the
20 desk clerk at a motel in Davenport, and then the
21 desk clerk contacts the police, which contacts
22 you. Correct?

23 A. That's correct.

24 Q. And is it your understanding that at the
25 time that the young man had come out to the desk

FILED
A.M. P.M.

AUG 25 1992

EDWARD F. STENDRECH
CLERK OF DISTRICT COURT

1 clerk, nothing of a sexual nature had yet occurred?

2 A. That's my understanding.

3 Q. But is it your understanding that what
4 the family is alleging is that there was some type
5 of sexual conduct to be expected in that motel
6 room?

7 MR. MILLER: Can I have that
8 question back, please?

9 (The reporter read the record as
10 requested.)

11 A. I don't know what the family is
12 alleging. It hasn't gotten any farther than the
13 filing of the suit, so I have no idea what more is
14 involved in that case than that.

15 Q. So that we are clear, besides the claim
16 that's been made against Father Martinez and the
17 claim made here against Father Leu, you are not
18 aware of any other claims -- I use the word
19 "claims," by the way, Monsignor, so that I avoid
20 the use of the term lawsuit, because a claim can be
21 made by someone that does not necessarily lead to a
22 lawsuit. Do you understand that?

23 A. Yes, I do.

24 Q. So when I use the term "claim," I'm not
25 asking you if you are aware of any complaint or

FILED
A. M. P. M.
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 claim made by anyone alleging sexual misconduct by
2 a priest.

3 Am I to understand that the only ones
4 that you are aware of are the one that's with
5 Father Martinez, which you've related to me, and
6 the one with Father Leu, that's the reason we are
7 here for?

8 A. That's the only claims that I am aware
9 of.

10 Q. Are you aware of any incidents in which
11 no claim or complaint has been lodged but which you
12 have knowledge, between a priest and a minor of a
13 sexual nature?

14 A. May I have the question back, please?

15 Q. Sure. Let me rephrase it.

16 I want to make sure that there is nothing
17 that you are aware of that was not brought to your
18 attention by somebody else. In other words,
19 something that you yourself are aware of between a
20 priest and a minor of a sexual nature.

21 MR. MILLER: Are you asking him, is
22 he aware of anything other than Leu and Martinez
23 based upon personal knowledge?

24 MR. DIAZ: Correct.

25 A. No.

FILED
A.M.
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 Q. Does the Diocese at this point in time
2 have a policy regarding contact between priests and
3 minors?

4 A. Do you mean sexual contact or just
5 contact?

6 Q. Contact in general.

7 A. No.

8 Q. Is there a policy right now that deals
9 specifically with sexual contact?

10 A. Yes, but -- yes.

11 Q. You were saying "but." Is there
12 something else?

13 A. No. We have a policy in regard to sexual
14 misconduct.

15 Q. When did that policy go into effect?

16 A. 1990, I believe. A year or so ago.

17 MR. MILLER: The record should
18 reflect plaintiffs have been afforded a copy of
19 that policy.

20 Q. (BY MR. DIAZ) Now, prior to this policy,
21 are you aware of any meetings at which this policy
22 or anything like it was discussed prior to
23 this concrete form?

24 A. That's a policy as such that had in
25 this concrete form?

Q. Even drafts of it. Something that was

FILED
AUG 25 1992
EDWARD F. STEINBERG
CLERK OF DISTRICT COURT

1 kicked around, that was discussed.

2 A. We kicked around the problem in general,
3 and I don't know when that started. We started
4 talking about it when it became a matter of
5 discussion in the secular and religious press by
6 the other lawsuits in the country. I don't have a
7 time frame for that.

8 Q. It's my understanding that there was
9 apparently a national conference of bishops back in
10 1985 at which time this issue was discussed. That
11 is, sexual misconduct by priests with minors. Are
12 you aware of that fact?

13 A. Yes, I am.

14 Q. Was that about the time the discussion
15 began, or had discussion taken place even before
16 then?

17 A. I think discussion would have taken place
18 before then. I don't remember it coming -- that
19 we had any specific discussions coming out of a
20 meeting the bishops had. Anything we had was
21 simply somebody was being sued or whatever
22 talked about that. I suppose we -- and we
23 say gossiped about it. It wasn't just
24 talked about it, and some awareness for ourselves,
25 I suppose.

FILED
AUG 25 1992
EDWARD F. STEINBECH
CLERK OF DISTRICT COURT

1 Q. But as far as you knew, there was nothing
2 of a concrete nature that came out of the 1985
3 conference as to what you are to do with these
4 types of concerns?

5 MR. MILLER: Excuse me. Do you
6 mean he as Monsignor Morrissey in the Diocese of
7 Davenport, or -- I'm going to object. It's vague
8 and indefinite as to what you mean by, quote, "you
9 are supposed to do," closed quote.

10 MR. DIAZ: The Diocese. I just want
11 to know if the Diocese was supposed to do anything
12 as a result of the conference the Bishop had in
13 1985.

14 A. We did not generate a written policy
15 following that meeting.

16 Q. Was there any directives --

17 A. Whether there was any specific directives
18 that came directly from that, apart from our
19 general awareness and conversations that may have
20 been going on, I don't remember that, either.

21 Q. What about discussions within the Diocese
22 that was not in any concrete form? A. What was the
23 discussion about?

24 MR. MILLER: I'm sorry. I was part of a discussion
25 about what?

FILED
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 MR. DIAZ: About this particular
2 issue, sexual misconduct by priests with minors.

3 A. Specifically, I really don't know. It's
4 something that came up from time to time that we
5 talked about, I suppose, and the responses that
6 other dioceses made and that kind of thing. We
7 certainly talked about it.

8 Q. Had you come to any decision as to what
9 you would do if such a claim were made against a
10 priest in a diocese?

11 A. I think that we would make some immediate
12 intervention in a situation like that. I know that
13 we had come to that conclusion.

14 Q. What intervention was considered at that
15 time?

16 A. That would be to remove the priest if
17 there was -- we had a problem, whether it was just
18 a vague allegation or a specific instance. If it
19 was a -- I shouldn't say a specific instance. But
20 had some certainty or it appeared that something
21 actually had taken place, then the priest would be
22 removed until the final result of that could be
23 determined. If it was a vague kind of allegation
24 that was made, then we would do some effort in
25 investigation to make sure it wasn't just some

1 spurious claim that was being made.

2 Q. Did any discussion take place as to what
3 you could do to prevent the problem from occurring
4 in the first place?

5 A. I don't remember such discussion.

6 Q. Now, at the time of the Martinez incident
7 in 1987, had you formulated, not necessarily in
8 writing, but sort of an agreement as to how to
9 implement this intervention?

10 A. Yes, I certainly had in my own mind. And
11 I don't know that we had come down to any real set
12 policy. But I had heard enough that I reacted in a
13 specific way to that incident.

14 Q. In this case, because of the fact that
15 there was a clerk and the police involved, you took
16 steps to immediately remove Father Martinez?

17 A. That's correct.

18 Q. And what did you do with Father Martinez
19 once you removed him? Did you place him anywhere
20 in particular?

21 A. My involvement in that incident was that I -- the
22 Bishop was gone at the time of this incident and I
23 withdrew his faculties or permission to act as a
24 priest until the Bishop returned to the Diocese,
25 and considered my own involvement of that ended

FILED
AUG 25 1992 P. M.

EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 when the Bishop returned and I turned the matter
2 over to him.

3 Q. Now, are you aware of any incidents not
4 involving allegation of sexual misconduct, but an
5 allegation of any type of misconduct with a child,
6 other than the instances that you've referred to so
7 far?

8 A. No.

9 Q. For example, any complaints about a
10 priest striking a minor child in any way?

11 A. No.

12 Q. Was there any type of policy that the
13 Diocese had, whether in writing or orally, as to
14 whether or not a priest was permitted to take or
15 go with parish children away on trips?

16 A. There was no policy.

17 Q. Had there ever been any complaints by
18 anyone about the appropriateness of a pastor taking
19 minor children with him on a trip away from the
20 parish?

21 A. Not that I am aware of.

22 Q. Do you have an opinion as to the
23 appropriateness of a priest taking parish
24 minor children, with him on a trip
25 where overnight accommodations had to be made?

FILED
A. M. P. M.

AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 A. Do I have an opinion now, this present
2 time?

3 Q. Sure. What's your opinion?

4 A. I think it would probably be an imprudent
5 thing to do.

6 Q. Why do you say that?

7 A. Simply because of lawsuits that have been
8 brought in regard to sexual misconduct, just in
9 general.

10 Q. So I'm clear, are you saying because of
11 the lawsuits, that you would believe that that's
12 imprudent, or is there some other reason?

13 A. No. It would be because of the lawsuits.

14 Q. Did you have an opinion about that or
15 had you formed an opinion back in 1987 about the
16 appropriateness of that?

17 A. I don't remember forming an opinion at
18 that time.

19 Q. If a priest wanted to go away for a set
20 period of time, more than a day, would the priest
21 have to make arrangements for somebody to
22 cover while he is gone?

23 A. He would for Saturday, services or
24 for mass to fulfill the obligation, or if a holy
25 day, for example, came in there. Yes, he would

FILED
A. M. P. M.
AUG 25 1992
EDWARD F. STEINDRICH
CLERK OF DISTRICT COURT

1 have to have someone take his place. It's not
2 uncommon for a priest to not have mass on a weekday
3 and just cancel it and go for whatever reason it
4 might be, either business or a day off or a week's
5 vacation, or whatever.

6 Generally, a priest would have an
7 understanding with a neighboring pastor that if
8 a funeral or emergency came up, that that priest
9 would fill in. If the priest were on vacation or
10 something, he might not come back for a funeral.
11 He might or might not.

12 Q. I see. In other words, if it happened
13 during the week, would he necessarily have to have
14 somebody cover for him?

15 A. No. There would just be somebody that
16 could be called in case of an emergency. An
17 emergency would generally be a funeral.

18 Q. If it were on a weekend, obviously, there
19 is going to have to be services during that time
20 period.

21 A. That's correct.

22 Q. He would have to find somebody at that
23 point.

24 A. That's correct.

25 Q. Does that go through the Diocese at all,

FILED
A. M. P. M.

AUG 25 1992
EDWARD F. STEINBERG
CLERK OF DISTRICT COURT

1 the fact that the individual wants to take some
2 time off?

3 A. The law states that if a priest is going
4 to be gone more than a week, that he should simply
5 inform the Bishop of that. We are pretty sloppy
6 about that. I shouldn't say sloppy. We are
7 relaxed about it. So every time a priest leaves
8 the parish for longer than a week, he may or may
9 not inform the Bishop of that. Generally, as long
10 as somebody knows that he is gone and he can be
11 gotten ahold of kind of covers the spirit of the
12 law. We don't necessarily inform the Bishop.

13 Q. If it's less than a week, he doesn't have
14 to inform you. Is that correct?

15 A. That's correct.

16 Q. Was the Diocese aware of the fact that
17 Father Leu had taken trips to Chicago?

18 A. I was not aware of that. Whether anybody
19 else -- whether the Bishop was, I guess he would
20 have to respond to that himself. If that's what
21 you mean by the Diocese. That's a big term. Under
22 those circumstances, I was not aware of
23 knowledge, the Bishop was not.

24 Q. Would he have to -- would he be any
25 documents to show that, in fact, any contact was

FILED
A.M. P.M.
AUG 25 1992
EDWARD F. STEINBRECH
CLERK OF DISTRICT COURT

1 made between Father Leu and the Diocese about
2 taking trips away from the state?

3 A. Not that I'm aware of. You have his
4 complete file. If there was anything that he
5 reported he was going to do, it's in that.
6 Otherwise, it could have been a phone call, if
7 such existed. It wouldn't have to exist at all.

8 Q. In other words, there is no particular
9 method by which you could track down and determine
10 whether or not somebody was going to be gone for a
11 certain length of time from a particular parish,
12 other than the one week or more.

13 A. That's correct.

14 Q. Would that notice have to be in writing,
15 or not?

16 A. No, it would not have to be.

17 Q. Now, when was the first time you had
18 contact with Father Leu?

19 A. Sometime back in the '60s, I suppose,
20 when he was in the seminary and I was ordained.
21 I don't have any specific recollection of knowing
22 him for the first time. I presume it was somewhere
23 back in there, yes.

24 Q. In terms of your contact with him, other
25 than the seminary -- and specifically with the work

FILED
A.M. P.M.

AUG 25 1992

EDWARD F. STEINBOCK
CLERK OF DISTRICT COURT

1 that you were doing for the Diocese -- what's your
2 recollection as the first contact you had with
3 Father Leu?

4 A. You are talking a social contact 20-some
5 years ago. I have no idea.

6 Q. What about in terms of business, so to
7 speak, with the Diocese?

8 A. I don't know.

9 Q. Now, it's my understanding that he was
10 placed at St. Mary's Church in Lone Tree in 1985.
11 Is that correct?

12 A. I believe so.

13 Q. Prior to that point in time, had you had
14 routine contact with him?

15 A. I would have routine contact with him,
16 but that doesn't necessarily say that it was
17 frequent.

18 Q. As opposed to seeing him once a year or
19 having phone contact with him once a year, you had
20 more contact than that. Is that correct?

21 A. I don't remember anything specific, but I
22 presume that I did. Most priests I would expect to
23 five or six or eight times a year probably.

24 Q. Now, do you know where Father Leu was
25 prior to being at Lone Tree?