

STATE OF ILLINOIS)
COUNTY OF C O O K) SS:
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION
JOHN OOE #116,)
Plaintiff,)
vs.) No. 07 L 8781
THE CHICAGO PROVINCE OF)
THE SOCIETY OF JESUS,)
Defendant.)

The discovery deposition of REVEREND DANIEL L. FLAHERTY, taken in the above-entitled cause, before Dina C. Corvino, a Certified Shorthand Reporter, of Cook County, Illinois, on the 26th day of May, 2009, at 70 West Madison Street, Chicago, Illinois, pursuant to Notice, at the hour of 10:16 a.m.

Reported by: Dina C. Corvino, CSR, RPR
License No.: 084-004475

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1 APPEARANCES:
2 KERNS, FROST & PEARLMAN, LLC, by
3 MR. MICHAEL BROOKS and
4 MR. DAVID ARGAY
5 70 West Madison Street, Suite 5350
6 Chicago, Illinois 60602
7 (312) 261-4550
8
9 Representing the Plaintiff;
10
11 QUERREY & HARROW, LTD., by
12 MR. ROBERT HUEBSCH
13 175 West Jackson Blvd., Suite 1600
14 Chicago, Illinois 60604
15 (312) 540-7000
16 -And-
17 LAW OFFICES OF McCARTHY & TOOMEY, by
18 MR. TIMOTHY C. TOOMEY
19 4433 West Touhy Avenue, Suite 262
20 Lincolnwood, Illinois 60712
21 (847) 675-0060
22 Representing the Defendant;
23
24 MR. ROBERT MALONEY,
Attorney At Law,
P.O. Box 918
Oak Park, Illinois 60303
(312) 799-9959
Representing Donald McGuire.

1 (Witness sworn.)
2 MR. BROOKS: Good morning, Father. My name is
3 Michael Brooks. As you know, I represent the
4 plaintiffs in this litigation which arises out of
5 actions of Donald McGuire, a former Jesuit priest.
6 During the course of this deposition
7 today, I'm going to ask you a series of questions,
8 some about Father McGuire, and some about other
9 subjects. I would ask that you give an answer to
10 the best of your ability. Please do not speculate
11 or guess at an answer. If you do not understand a
12 question, please let me know. I will be happy to
13 have the court reporter read it back to you or I
14 can rephrase it if you'd like, whatever is easier
15 for you.
16 If at any time today you need a break to
17 go to the bathroom, to get some water, whatever,
18 just let me know and I will be happy to let you
19 take a short break so that whatever needs you have
20 are met before we continue.
21 As you can see, there's a court reporter
22 here taking down everything that you and I say. So
23 the one request I would make to you in advance of
24 my questioning is that you wait until I'm actually



1 A. No. They were individual rooms at West
2 Baden.
3 Q. On campus?
4 A. Yes, it was -- well, it was one of the
5 eight wonders of the world. No, I mean it
6 literally was. It was a circle that had been built
7 by Ballard who ran a circus. So we had an atrium
8 in the middle where he could run a circus.
9 Q. To your knowledge, did Donald McGuire live
10 in one of these individual rooms while he was at
11 West Baden?
12 A. Sure, yes.
13 Q. While you were at West Baden, did you hear
14 any rumors or gossip involving Donald McGuire?
15 A. No.
16 Q. Let me follow up with a specific question.
17 While you were at West Baden, did you hear any
18 rumors or gossip about Donald McGuire's sexuality?
19 A. No.
20 Q. I'd like to ask you a few questions about
21 how the Jesuits are organized.
22 Correct me if I'm wrong, but there's a
23 Chicago order of the Jesuits; is that right?
24 MR. HUEBSCH: Just so we have a time frame, are

17

1 across the river from St. Louis. Belleville, I
2 guess, yes. All of Illinois, all of Indiana, the
3 bottom half of Ohio, including, centered really, in
4 Cincinnati, and what we call our Appalachian
5 mission which is headquartered out of Lexington,
6 Kentucky.
7 Q. And has that been the territory for the
8 Chicago province since the time that you first
9 started working there in 1973?
10 A. All but the Lexington portion. So when I
11 joined, we were in Chicago, Indiana, and Ohio. No.
12 That's not right either. And the reason I say
13 that --
14 Q. When you say you joined, you're talking
15 about joining back in Chicago after your stint in
16 New York City?
17 A. In 19 -- no, no, no.
18 Q. Oh, you're talking about originally now?
19 MR. HUEBSCH: I thought we're talking about
20 currently.
21 MR. BROOKS: We did. But now -- but I asked --
22 MR. HUEBSCH: What was the last question? I
23 lost it.
24 MR. BROOKS: I asked if there had been a change

19

1 you talking about currently?
2 MR. BROOKS: Currently and then I'm going to
3 talk about historically.
4 MR. HUEBSCH: Just so we understand, just
5 currently. Go ahead.
6 BY MR. BROOKS:
7 Q. As we sit here today, I have a few
8 questions about the structure of the Jesuits.
9 There's an office in Chicago; is that
10 right?
11 A. That's correct.
12 Q. What is that society called?
13 A. Let me give you a little wider picture.
14 Q. Okay. That was my next question. If you
15 want to start that way, that's fine. I appreciate
16 your help.
17 A. In North America we have what is called
18 the Jesuit Assistancy, North American Assistancy.
19 There are ten provinces. The Chicago province is
20 one of those ten provinces.
21 Q. And what are the -- what does the Chicago
22 region encompass?
23 A. Okay. The Chicago region is Chicago, all
24 of Illinois with the exception of the diocese

18

1 in terms of the --
2 THE WITNESS: And there had.
3 MR. BROOKS: -- locale.
4 THE WITNESS: In 1956 -- so I really should go
5 back and restate because when I entered the -- what
6 is now the Chicago and Detroit province were all
7 one province and that included -- over and above
8 what I said for Chicago, that included Detroit and
9 Cleveland and the upper peninsula of Michigan.
10 BY MR. BROOKS:
11 Q. At some point that was carved out into a
12 different office?
13 A. In 1956, the provinces were separated
14 because we had too many men for one provincial to
15 handle. So the provinces were split in 1956.
16 Q. Who chooses who the provincial of the
17 Chicago Jesuits is going to be?
18 A. Ultimately the general in Rome. But the
19 process involves gathering information from men of
20 the province, and then the provincial and his
21 consultants prepare what is called the terna, three,
22 t-e-r-n-a, of three names to send to the general
23 with all the supporting documentation for him to
24 make a choice.

20

5 (Pages 17 to 20)

1 Q. And has that been true since the time that
2 you were provincial in 1973?
3 A. Yes.
4 Q. You indicated in your testimony that there
5 are ten provincials in the United States, and,
6 obviously, you just referred to someone in Rome who
7 you called, I believe, the general in Rome.
8 Is there any umbrella group within the
9 United States that all ten provincials report to?
10 A. No.
11 Q. So just so that I have it clear in my
12 head, the provincials in Chicago report to the
13 general in Rome; is that right?
14 A. That is correct.
15 Q. And how is the general in Rome chosen?
16 A. Well, we have what is called a general
17 congregation, and members from all of the provinces
18 around the world meet, receive reports from around
19 the world, and then look for someone to become the
20 general and elect him.
21 Q. Can the general in Rome give specific
22 directions to the Chicago Jesuits in terms of what
23 actions they should be taking or not taking on a
24 particular issue?

1 Q. Can you tell me what is being done to the
2 extent of your knowledge, obviously?
3 A. Well, what has been announced is that --
4 again, because of manpower -- and in this case
5 diminishing manpower -- the provinces will be
6 realigned from ten to five, and the three provinces
7 involved in the Midwest are Chicago, Detroit, and
8 Wisconsin.
9 Q. Is Wisconsin a separate province right
10 now?
11 A. Oh, yes.
12 Q. How long has Wisconsin been a separate
13 province?
14 A. I think since 1956. The same time we
15 split from Detroit, Wisconsin split from Missouri
16 for the same reasons.
17 Q. As far as you know, there's an effort that
18 those three provinces will be combined into a
19 single province; is that right? You nodded your
20 head. I need an oral answer.
21 A. Oh, I'm sorry. Yes, yes.
22 Q. That's okay.
23 Do you know when that is expected to take
24 place?

1 MR. HUEBSCH: Do you understand that question?
2 THE WITNESS: Yes, but I guess what I'm trying
3 to sort out in my mind is both the theory and the
4 practice. Theoretically, he could do that. In
5 practice, he almost often does not. Let me put it
6 this way, he might write a letter to the Society
7 around the world of which the Chicago province is
8 part of it --
9 BY MR. BROOKS:
10 Q. Sure.
11 A. -- with the directive or whatever. But he
12 rarely tells the Chicago province as the Chicago
13 province to do or not do anything.
14 Q. Is it fair to say that the Chicago Jesuits
15 are a self-governing institution?
16 A. The Chicago province?
17 Q. Yes.
18 A. Headed by the provincial?
19 Q. Yes.
20 A. Yeah, with the relationship, but, yes.
21 Q. Is there some sort of reorganization
22 that's being done within the Jesuit society in
23 America currently?
24 A. Yes.

1 A. I think they hope to accomplish it by
2 2016.
3 Q. Do you know where the central office of
4 those -- of that new region will be located?
5 A. I do not nor does anybody.
6 Q. Is the Chicago order a separate legal
7 entity to the best of your knowledge?
8 A. Legal, yeah. But we'd have to distinguish
9 canon law and civil law.
10 Q. Let's speak as to civil law first.
11 A. Civil law --
12 Q. Under the civil law, is it incorporated in
13 Illinois?
14 A. Yes, it is. Yes, it is.
15 Q. Do you know what type of organization it's
16 incorporated as?
17 A. 501(3)(c), not for profit. I don't know
18 whether the term religious is used. I don't
19 remember the documents.
20 Q. Under canon law, what is its legal status?
21 A. I don't know. You know, it's a separate
22 entity. What you would call it, I don't know.
23 Q. Whatever it would be called, I probably
24 couldn't pronounce anyway.

1 and lower case.
2 Q. Do you know why it would be -- strike
3 that.
4 Do you know why you would be writing a
5 letter of this type given your position with the
6 Jesuit order in 1993?
7 A. Yes, because of my background in
8 journalism, I often drafted letters for Father Brad
9 Schaeffer. He's one of the few provincials I did
10 it for.
11 Q. Were there other provincials you drafted
12 letters for?
13 A. Not that I can remember. Let's see. Who
14 would the other be? Wild, I don't think so.
15 Baumann, I don't think so.
16 MR. TOOMEY: Wait for a question.
17 BY MR. BROOKS:
18 Q. Schmidt, have you drafted letters for
19 Father Schmidt?
20 A. Only official letters to go to Rome
21 concerning the budget, that's all, for him to sign.
22 Q. Would Father Schaeffer have dictated this
23 letter to you and you were just merely writing down
24 his words or would you have drafted this yourself

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1 and then given it to him for signature?
2 A. I'm not sure I understand the question.
3 Q. Fair enough.
4 As you look at this letter here -- strike
5 that.
6 Typically would you just take down
7 dictation of Father Schaeffer?
8 A. Oh, no, no, no, no.
9 Q. So you would draft the substance of the
10 letter and give it to him for review and signature?
11 A. Well, or to correct or modify or whatever,
12 yes.
13 Q. Do you recognize the name
14 on this letter?
15 A. Yes, it's his
16 Q. It's Donald McGuire's ?
17 A. Correct.
18 Q. was a lawyer here in
19 Chicago; is that right?
20 A. That's correct, yes, he was.
21 Q. And although it's been redacted in both of
22 these letters, there's a reference here presumably
23 to at least one if not two institutions in which
24 Father McGuire apparently received treatment.

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1 Does seeing this refresh your memory as to
2 whether or not Father McGuire received any sort of
3 psychiatric treatment in or about 1993?
4 A. Well, yes, but as you can -- if you
5 compare the letters, you'll see that I even got it
6 wrong and he corrected it to Philadelphia.
7 Q. Fair enough.
8 But as you sit here today, do you recall
9 anything regarding such treatment?
10 A. No.
11 Q. Were you involved in -- strike that.
12 Do you know whether the Jesuits required
13 Father McGuire to undergo treatment?
14 A. No.
15 Q. So you were not involved in that decision?
16 A. No.
17 Q. Did you ever discuss Father McGuire's
18 treatment with Father McGuire?
19 A. No.
20 Q. Did you ever discuss Father McGuire's
21 treatment with any of his mental health providers?
22 A. I remember -- I remember that when he came
23 back from one of the institutions -- I couldn't
24 tell you which one -- a so-called support group was

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1 organized, and I was asked to be a member of the
2 support group. And one of the people from the
3 institution -- I can't remember the name of the
4 institution -- explained our role, but I don't
5 remember that he gave us any specifics of the --
6 the illness or the treatment or anything such as
7 that.
8 Q. And you don't remember his name?
9 A. No. Lord no.
10 Q. Who asked you to be part of this support
11 group?
12 A. I don't remember.
13 Q. Were you told why Father McGuire was
14 having a support group put together for him?
15 A. I think it was just in conjunction with
16 the recommendation of the institution.
17 Q. And at that time, did you learn why he had
18 been treated at the institution?
19 A. Not that I can recall.
20 Q. So to the best of your memory, you were
21 asked to be part of the support group, but you
22 didn't know the type of treatment that Father
23 McGuire had received?
24 A. Correct, that's my best recollection.

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1 Q. Have you ever heard the name
 2 before,
 3 A. No.
 4 Q. What about the name
 5 A. No.
 6 Q. Do you remember receiving any information
 7 in 1993 or thereabouts as to whether or not Father
 8 McGuire had been involved in a relationship with
 9
 10 A. No.
 11 Q. Do you remember whether any restrictions
 12 were put on Donald McGuire's -- strike that.
 13 Do you remember if the Jesuits imposed any
 14 restrictions on Donald McGuire either at the end of
 15 1993 or beginning of 1994 involving Father
 16 McGuire's behavior with persons under the age of
 17 18?
 18 A. No.
 19 Q. Were you -- do you remember receiving any
 20 information from any Jesuit official that there
 21 were certain restrictions placed on Father McGuire?
 22 A. I don't remember.
 23 Q. Do you remember any conversations with
 24 Donald McGuire in or about 1994 regarding any

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1 A. Yes.
 2 Q. -- at Canisius House?
 3 A. I think so, yes.
 4 (Whereupon, FLAHERTY Deposition
 5 Exhibit No. 5 was marked for
 6 identification.)
 7 BY MR. BROOKS:
 8 Q. This is a very short one. All right,
 9 Father. Father Flaherty, you've been handed what's
 10 been marked as Exhibit No. 5. It's a very short
 11 memorandum dated March 24, 1994, with a Bates stamp
 12 number of 963. It's a memorandum to you, among
 13 other people, from Father Gschwend,
 14 G-s-c-h-w-e-n-d, and indicates the meeting with
 15 Father Gschwend and the aftercare team is confirmed
 16 for 3:00 o'clock on Wednesday, April 6th at 2050
 17 North Clark Street.
 18 You see that, don't you?
 19 A. I do.
 20 Q. It refers to the aftercare team.
 21 Is that the same thing as the support
 22 group you mentioned earlier in your testimony?
 23 A. I'm sure it is.
 24 Q. And do you see the names on this

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1 restrictions placed on his behavior?
 2 A. No.
 3 Q. Who -- to the best of your memory, who
 4 else was living in Canisius House at that time?
 5 A. '90?
 6 Q. Early 1994?
 7 A. Myself, Father Joe Downey. Was Perko
 8 there by then? I suspect Perko. I don't think
 9 Kinnety (phonetic) was there yet. I would say
 10 those three and myself.
 11 Q. And at that point, Father Downey was the
 12 superior; is that right?
 13 A. Correct.
 14 Q. And Father Downey never had any
 15 conversations with you regarding restrictions on
 16 Father McGuire's behavior?
 17 A. No.
 18 Q. At this point in time, which room within
 19 Canisius House did Father McGuire reside in?
 20 A. The one at the back stairs.
 21 Q. Is that the one right off of the kitchen?
 22 A. Yeah.
 23 Q. To your knowledge, is that the room he
 24 always occupied --

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1 memorandum --
 2 A. I do.
 3 Q. -- other than yourself
 4 and Father Hardon, H-a-r-d-o-n?
 5 To your knowledge, were these also members
 6 of the aftercare team?
 7 A. Well, I accept that. I was trying to
 8 remember who they were and I couldn't.
 9 Q. Does this refresh your memory that they
 10 were also on the aftercare team?
 11 A. To be perfectly honest with you, I still
 12 have no clear recollection, but I'll accept that
 13 they were.
 14 Q. I'm not implying that they were.
 15 A. Well --
 16 Q. I'm asking if it refreshes your memory as
 17 to whether or not --
 18 A. I'm just figuring that they wouldn't have
 19 gotten a copy of this if they were not.
 20 Q. Fair enough. I'm not going to argue with
 21 that conclusion at this point.
 22 Do you know whether or not Father Gschwend
 23 was a member of the aftercare team?
 24 A. I think not.

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1 Q. Do you know what Father Gschwend's
2 position within the Jesuit order was at that point
3 in time?
4 A. No. I think, I think he was the assistant
5 for people that we mentioned earlier, people living
6 outside the province. But he also, I think,
7 assisted the provincial with -- because of his
8 background in -- and degree in psychology with
9 certain cases like this. But his exact title, I
10 don't remember.
11 Q. And does this refresh your memory as to
12 what type of treatment Father McGuire had
13 received --
14 A. No.
15 Q. -- in 1994?
16 A. No.
17 Q. Was it the fact that -- strike that.
18 Did the fact that this memo came from
19 Father Gschwend indicate anything to you at that
20 time in terms of what type of problems Father
21 McGuire might have been experiencing?
22 A. No.
23 Q. Do you recall how many meetings the
24 aftercare team had?

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1 A. One.
2 Q. And was it on April 6th, 1994, by chance?
3 A. I have to assume that.
4 Q. And do you remember anything about that
5 meeting or what was discussed?
6 A. My understanding of the meeting was -- and
7 that's why I used the term support group --
8 Q. Right.
9 A. -- was that if Don needed to talk to
10 somebody, he would talk to the support group. I
11 had no understanding that it was an oversight group
12 in any way.
13 Q. And do you remember attending that
14 meeting?
15 A. I remember attending the meeting.
16 Q. What happened at that meeting?
17 A. This person from wherever the institution,
18 you know -- I wonder if he was even there. I think
19 he was or she was. I don't remember man or woman.
20 I don't remember the specifics to be honest with
21 you. But my sense was that we were to be his
22 support group if he had to talk to somebody. But I
23 don't remember that the -- I don't remember at all
24 that we were told what, in fact, the problem was,

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1 whether it was alcohol or God knows what.
2 Q. And at this point, you and Father McGuire
3 had lived together for several years in Canisius
4 House; is that right?
5 A. Correct.
6 Q. Did you dine together for your evening
7 meal?
8 A. Rarely.
9 Q. What about breakfast or lunch, did you eat
10 together?
11 A. Rarely.
12 Q. Why is it that you wouldn't have a lot of
13 meals with him in the same house?
14 A. Well, first of all, because he was very
15 often on the road. Secondly, because my schedule
16 was totally different. I get up at 4:30 in the
17 morning, and I'm out of the house at 6:30. I go to
18 bed at 8:30 at night. When I came home after a day
19 at the office and Father McGuire and the Mission
20 Fides people or whatever would be in the kitchen,
21 it would annoy the hell out of me. Don't put that
22 in there. It would annoy me, and I would avoid
23 them. That's just an honest statement.
24 Q. That's all I'm asking for.

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1 And that's true in the early 1990s as well
2 as later on in the 1990s and early 2000s?
3 A. Correct.
4 Q. At this point in 1994, was Father McGuire
5 involved with the Mission Fides, F-i-d-e-s,
6 organization?
7 A. I believe, yes, because -- I don't
8 remember the date, but I do remember , his
9 brother, helped him set up that organization.
10 Q. And do you recall any particular person
11 other than Father McGuire who was involved with
12 that organization?
13 A. Oh, yes.
14 Q. What were the names?
15 , (sic), I
16 think. and her husband
17 -- I don't know if they actually had
18 officers to be honest with you. That's -- I think
19 that's it. Anyway, they're the only ones I dealt
20 with.
21 Q. At some point, became
22 : is that right?
23 A. I believe so -- well, I don't believe so.
24 Yes.

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1 Q. Was there typically a group meal at
2 Canisius House at any point?
3 A. For the community?
4 Q. For the community.
5 A. No, no.
6 Q. Was there a weekly dinner that the --
7 A. No.
8 Q. Did you, for lack of a better term,
9 socialize with Father McGuire at all during the
10 1990s?
11 A. Oh, when he would come home from a trip,
12 you know, I would ask him how things went. He
13 would tell stories. He was a funny storyteller and
14 funny. You know, we might spend ten or 15 minutes.
15 I'd ask him how it went, and he'd say fine. That
16 was it pretty much.
17 Q. During the time that you were together at
18 Canisius House, were you ever informed of any
19 restrictions on McGuire's behavior imposed by the
20 Jesuits?
21 A. Not that I can recall.
22 (Whereupon, FLAHERTY Deposition
23 Exhibit No. 6 was marked for
24 identification.)

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1 Do you see that?
2 A. Yes.
3 Q. Bau, is that short for Father Baumann?
4 A. That's correct.
5 Q. Father Baumann was the --
6 A. The provincial.
7 Q. -- provincial at that time; is that right?
8 A. Correct.
9 Q. He's now in South Africa; is that right?
10 A. Correct.
11 Q. Do you know if he has any plans to come to
12 Chicago in the near future?
13 A. Not that I know of. His health is not
14 very good.
15 Q. I'm sorry to hear that.
16 That last -- that paragraph we were just
17 referring to indicates that Father Baumann did tell
18 him that one step he wants taken immediately is
19 that the young men currently working for Don should
20 no longer be present in your residence at all.
21 Do you see that?
22 A. Yes, I do.
23 Q. Do you know what that is referring to?
24 A. I assume what we've been talking about,

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1 BY MR. BROOKS:
2 Q. Father Flaherty, the court reporter has
3 handed you a two-page document, the first date of
4 which is December 18th, 2000. This is Bates
5 stamped No. 11 through 12 with the caveat that
6 unlike the other documents, this document the Bates
7 number is on the top right-hand corner rather than
8 the bottom.
9 I'd ask you to take a minute to review
10 this e-mail chain, please.
11 A. Would you repeat that? I was reading.
12 Q. Sure. That's what I'm asking you to do
13 right now. Let me know when you're done reading
14 the document.
15 You received this document?
16 A. I have.
17 Q. It's an e-mail chain between Father Perko,
18 P-e-r-k-o, and Father McGurn, M-c-G-u-r-n.
19 My first question is whether or not you've
20 seen this document before?
21 A. I have not.
22 Q. The last paragraph of the first -- or the
23 top e-mail in this chain starts with Bob B-a-u did
24 tell him.

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1 that the young men working for Don should no longer
2 be present in your residence.
3 Q. By your residence, that's referring to
4 Canisius House, right?
5 A. Canisius House.
6 Q. And it says the young men currently
7 working for Don, do you know specifically the names
8 of those young men it's referring to?
9 A. I do not. I do not.
10 Q. And during this time period -- and we've
11 moved on some years from my last series of
12 questions. Now we're into 2000 -- did you see
13 young men come in and out of Canisius House in
14 connection with work they were doing for Donald
15 McGuire?
16 MR. HUEBSCH: Do you understand that question?
17 THE WITNESS: I understand that question, but
18 I'm trying to put it in a time frame. I couldn't
19 say.
20 BY MR. BROOKS:
21 Q. At any point in time, did you see young
22 men go in and out of Canisius House?
23 A. Prior to 2000?
24 MR. HUEBSCH: Let me pose an objection. When

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29 (Pages 113 to 116)

1 you're talking about come in and out of Canisius
 2 House, do you actually mean enter and exit or do
 3 you mean present in the house?
 4 MR. BROOKS: Well, you're right. I can be more
 5 precise --
 6 MR. HUEBSCH: That was my --
 7 MR. BROOKS: I'll be more precise with my
 8 language.
 9 BY MR. BROOKS:
 10 Q. Why don't we start there and ask the
 11 question, do you remember -- let's start with the
 12 time period of December of 2000 because that's what
 13 the specific e-mail refers to.
 14 Do you remember at or about that time
 15 seeing young men present in the Canisius House in
 16 connection with activities they were performing for
 17 Father McGuire?
 18 A. I really can't put a date on it. We
 19 talked before and I talked about how they were
 20 there and it was an annoyance to me. But, you
 21 know, how often or when or the dates would be
 22 beyond my recollection.
 23 Q. Let's explore that then.
 24 You don't -- you do remember seeing young

1 A. No, I don't. I can't put a date on it.
 2 Q. All right. But based on this e-mail dated
 3 December of 2000, do you think that you saw young
 4 men working for Don in the Canisius House prior to
 5 that time?
 6 A. I'm sure prior to that time. You know,
 7 but I just -- I cannot put a start and stop date on
 8 it.
 9 Q. Fair enough.
 10 Did anyone tell you around this date that
 11 Donald McGuire should not have young men working
 12 for him in the Canisius House residence?
 13 A. Not to my recollection.
 14 Q. And as indicated on this e-mail, at that
 15 time, Michael Perko was the superior for Canisius
 16 House?
 17 A. Correct.
 18 Q. Do you remember any conversations with
 19 Michael Perko regarding any restrictions put on
 20 Father McGuire's behavior?
 21 A. No.
 22 Q. Did you personally have any responsibility
 23 for any oversight of Father McGuire at that time?
 24 A. No.

1 men in the house who were working with Father
 2 McGuire?
 3 A. Oh, yes.
 4 Q. But you don't remember either specifically
 5 or generally what time period you first starting
 6 seeing young men in the house working with Father
 7 McGuire?
 8 A. No, I -- I would have to say it was after
 9 his operation. When he -- I forget what it was,
 10 either cataract or hip or knee or something like
 11 that, and it was clear that he needed help. And it
 12 seems to me -- in fact, some reference was made to
 13 it in one of these earlier letters that since he
 14 needed help and the parents had given permission,
 15 they were working with him.
 16 Q. Do you remember --
 17 A. The dates, I can't put -- I can't say
 18 whether it happened in '96 or '98 or 2000.
 19 Q. Right. I'm just asking to the best of
 20 your ability as we sit here today what you recall.
 21 If you don't recall, just let me know.
 22 A. That's it. That's it.
 23 Q. Do you remember when Father McGuire had
 24 the operation to which you're referring to?

1 Q. Who had such responsibility?
 2 A. If anyone, the superior.
 3 Q. So that would be Michael Perko?
 4 A. Uh-huh.
 5 MR. BROOKS: Should we take a break now? What
 6 time is it?
 7 MR. HUEBSCH: 2:15.
 8 (A short break was taken.)
 9 (Whereupon, FLAHERTY Deposition
 10 Exhibit Nos. 7 & 8 were marked
 11 for identification.)
 12 BY MR. BROOKS:
 13 Q. Father Flaherty, the court reporter has
 14 handed you what's been marked as Exhibit 7, which
 15 is a February 13, 2001 memorandum from Rick McGurn
 16 to Michael Perko with a carbon copy to Dick
 17 Baumann, B-a-u-m-a-n-n. It refers in the first
 18 paragraph to directives the provincial is giving
 19 him.
 20 My first question to you is, do you
 21 remember seeing directives given to Donald McGuire
 22 at or about -- on or about February 13, 2001?
 23 A. I do not.
 24 Q. Did you discuss any such directives with

1 Michael Perko?
2 A. I did not.
3 Q. Or did you discuss any such directives
4 with either Father Baumann or Father McGurn?
5 A. No.
6 MR. BROOKS: Off the record.
7 (A short break was taken.)
8 BY MR. BROOKS:
9 Q. Let me hand you what's been marked as
10 Exhibit No. 8, which is a one-page document with a
11 Bates No. 1239 which is entitled Directives.
12 A. Oh, it probably goes with the letter we
13 just saw.
14 Q. That is the conclusion I'm making given
15 that the date --
16 A. Yeah.
17 Q. -- of signature here is February 13th,
18 2001.
19 MR. TOOMEY: Is that 8?
20 MR. BROOKS: Yes.
21 BY MR. BROOKS:
22 Q. Have you looked at this document?
23 A. I have.
24 Q. Do you know why these directives were

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1 issued?
2 A. No, aside from the fact that the
3 provincial was unhappy with his performance, I
4 think.
5 Q. They were unhappy with his performance or
6 unhappy with his behavior?
7 MR. HUEBSCH: The question originally was, do
8 you know why this was issued?
9 THE WITNESS: I do not.
10 BY MR. BROOKS:
11 Q. And other than reviewing the
12 February 13th, 2001 memorandum, which has been
13 marked as No. 7, do you know who was involved with
14 issuing these directives?
15 A. Well, it looks to me like -- what does it
16 say there? I presented him with the directives the
17 provincial is giving him. That's all I know.
18 Q. That's your conclusion based on your
19 review of No. 7?
20 A. Correct.
21 Q. Do you have any independent knowledge as
22 to why these directives were issued?
23 A. I do not.
24 Q. And while you were at Canisius House at

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1 the same time as Father McGuire, no one ever told
2 you that there were any directive issues with
3 regard to Father McGuire's behavior?
4 A. No, to my --
5 MR. HUEBSCH: Objection, asked and answered
6 twice. But go ahead and answer it again.
7 THE WITNESS: Not to my recollection.
8 BY MR. BROOKS:
9 Q. Did anyone show you the directives --
10 A. Absolutely not --
11 Q. Let me finish.
12 MR. HUEBSCH: Wait a minute.
13 (A short break was taken.)
14 BY MR. BROOKS:
15 Q. These written directives that we see here
16 on Exhibit No. 8 were not distributed to you; is
17 that right?
18 A. Not to me.
19 Q. Do you know whether it went to anybody
20 else in the Canisius House?
21 A. No.
22 Q. Did anyone ever tell you that Donald
23 McGuire was not to spend a night in the same room
24 with any man or woman under the age of 30 years

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1 old?
2 A. No.
3 Q. Did anyone ever tell you that Donald
4 McGuire was not to have or utilize an executive
5 assistant in the performance of his duties or
6 ministries?
7 A. No.
8 Q. Did anyone ever tell you that Donald
9 McGuire was not to have assistance in his Jesuit
10 residence?
11 A. No.
12 Q. Do you recall seeing any of Donald
13 McGuire's assistants in his residence after
14 February 13th, 2001?
15 A. I can't honestly answer the question with
16 the date, no.
17 Q. Did Father McGuire frequently have
18 assistance in the Canisius residency during the
19 time that you two lived together?
20 A. Well, yes, when he was back from his
21 trips. You know, the Mission Fides people would be
22 over at the house, whether -- whatever you want to
23 call them, assistants or not.
24 Q. When we say Mission Fides people, we're

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REC'D FEB 10 1962

February 5, 1962

*Fr. McGuire
not sufficient knowledge
for Brennan
T. shops*

Dear Father Provincial,
P.C.

The Instructor of the Tertianship in Manster has written to Rome calling attention to the great difficulty of men coming to tertianship without sufficient knowledge of the language and has mentioned in particular Father McGuire of the Chicago Province. It is said that Father spent some weeks in Munich where he practically kept aloof from Ours, took up very narrow contacts with a family, whose "friend" and "son" he became; all under the title of learning German.

I don't know anything more about this matter than this report which was given me by the German Assistant.

Rome is still talking about the condemnation of the book on the Council by Father Lombardi. The Pope was upset by it. These matters should have gone through the regular channels of postulata and commissions and not brought up after the Commissions have practically finished their work. However, those unfriendly to the Society also were able to put their hand into the matter. We should be so careful these days.

Asking a remembrance in your Holy masses and prayers, I remain

Sincerely in Christ,

H. D. Small

EXHIBIT 2

IESUITENKOLLEG INNSBRUCK
SILLEGASSE 4, TELEFON 214310
Postanschrift Innsbruck, Postfach 5407
TIROL - AUSTRIA

E. P. Smith
REC'D DEC 2 1964

Innsbruck, Dec. 2, 1964

Rev. Fr. Prov. John R. Connery S.J.
509 N. Oak Park Ave.
Oak Park, Illinois

Reverend and Dear Father Provincial, P.C.

Mark
I feel the serious obligation to give you some informations about Fr. Donald J. McGuire. When I met you last summer in Aurora you told me your sorrow that he might not finish his doctoral work at time. So you gave him time to do it only until next February. And I promised you to care that he works and keeps this term. Now I see clearly that I can not fulfil this promise and that he certainly will not finish his work within that time. Besides, you asked us for informations about Fr. McGuire in order to his 1st Vows. We gave them, but when I sent them I wanted to write you an additional letter with more detailed informations. I am sorry that I could not do that earlier because I had still to make clear some points that had come out in the last time. After a long talk I had with him (for several hours) I must let you know the following things:

*Visit
D. McGuire
to
Innsbruck*
Fr. McGuire lives completely out of the community. For the last months (since September) he never was seen at meals, in the recreation, in the libraries and so on, although I warned him seriously several times. I do not see him myself for weeks and hardly can reach him. One of the reasons is that he doesn't feel well, he sometimes suffers from his stomach. But another more important reason is that he seems to be dissatisfied here with everything, he is depressed and criticizes, with partly most exaggerated reproaches, the conditions here in this house and this province. That was not so much so in the former years but it has developed, as it seems to me, during the last months in a very bad way.

It seems to be connected with his dissatisfaction with his own work. He doesn't really go on; I do not know myself if and how much he works. He absolutely insisted in changing the subject of his thesis and to begin a new one. After more than two years he has been here I have not yet seen anything written not even a sketch of his thesis. So I really have no idea what he is doing and I can hardly bear the responsibility for his studies. I have the impression that he flees from his duty and cares for many other things he has nothing to do with.

In this connection is another difficulty that made already some serious sorrows. He has (or had) much relations with several boys, particularly some boys who work in our kitchen and who used to go to his room. He especially cared for one of these boy (a boy of 15 or 16 years) who was quite frequently with him, so much that some rumors and suspicions arose, also among laymen, for instance our cook who could observe these things. I have, as well as I could, examined these things and I am convinced that there didn't happen anything bad, on the contrary, that Fr. McGuire used to care for this boy in a priestly and apostolic intention. But certainly he did to much (what was not his duty) in a most imprudent way.

The most imprudent was that he took this boy with him when he went last summer for several weeks to Ireland. I hadn't known anything that Fr. McGuire wanted to go there; nor had he asked our Fr. Provincial for this permission. He only told Fr. Minister that he was going there. But he not even told our Fr. Minister (who is the immediate superior of the boys employed in the house) that this boy is going with him. And the boy, from his part, concealed it carefully, telling lies to Fr. Minister. There is no wonder that some bad suspicions came out. But only now, a short time ago, I learned that this boy was (already about the month of September) called to the Police and asked there about that travel, if there happened anything bad and so on. It seems (as far as I know) that the boy answered the questions so innocently that the Police dropped the suspicions and did not further prosecute them. So it seems for a moment that the thing has no further consequences. But I am not sure at all.

EXHIBIT 3

STATE OF ILLINOIS)
) SS:
 COUNTY OF C O O K)
 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT - LAW DIVISION
 JOHN DOE 116,
 Plaintiff,
 vs.
 THE CHICAGO PROVINCE OF
 THE SOCIETY OF JESUS,
 a/k/a THE JESUITS, and
 FATHER DONALD J.
 McGUIRE, S.J.,
 Defendants.) No. 07 L 08781

The discovery deposition of FATHER FRANCIS DALY, taken in the above-entitled cause, before Wendy A. Killen, a certified shorthand reporter, on the 28th day of May, 2009, at the time of 10:03 a.m., at 70 West Madison Street, Suite 5350, Chicago, Illinois, pursuant to notice.

Reported By: WENDY A. KILLEN, CSR
 License No.: 084-003772

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| 10 | NUMBER | MARKED FOR ID |
| | Daly Deposition Exhibit | |
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1 APPEARANCES:
 2 THE MCGUIRE LAW FIRM, by
 3 MR. KEVIN M. MCGUIRE
 4 43460 Ridge Park Drive, Suite 200
 Temecula, California 92590
 (951) 719-8416
 -and-
 5 KERNS, FROST & PEARLMAN, LLC, by
 6 MR. MARC PEARLMAN and MR. DAVID ARGAY
 70 West Madison Street, Suite 5350
 Chicago, Illinois 60602
 (312) 261-4550
 Representing the Plaintiff;
 8
 9 QUERREY & HARROW, LTD., by
 10 MR. ROBERT P. HUEBSCH
 175 West Jackson Blvd., Suite 1600
 Chicago, Illinois 60604
 (312) 540-7000
 -and-
 12 McCARTHY & TOOMEY, by
 13 MR. TIMOTHY TOOMEY
 4433 West Touhy Avenue
 Lincolnwood, Illinois 60712
 (847) 675-9639
 Representing The Chicago Province of
 the Society of Jesus a/k/a The
 Jesuits;
 16
 17 MR. ROBERT A. MALONEY
 P.O. Box 918
 18 Oak Park, Illinois 60303
 (312) 799-4959
 19 Representing Father Donald J.
 McGuire, S.J.

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| | | |
|----|-------------------------|---------------|
| 1 | EXHIBITS (cont'd) | |
| 2 | NUMBER | MARKED FOR ID |
| | Daly Deposition Exhibit | |
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4

1 time you met Don McGuire?
2 **A. The first time I met him was in practice**
3 **teaching at Loyola Academy in 1965, summer of '65.**
4 Q. Sounds like a song.
5 Was he a scholastic at the time?
6 **A. No, no. He was a priest.**
7 Q. You were a scholastic?
8 **A. I was a scholastic.**
9 Q. This is the first time I am hearing about
10 Loyola Academy in terms of an assignment that you
11 might have received.
12 Did you just teach there in a summer?
13 **A. Correct. It was the preparation for going**
14 **to Cincinnati.**
15 MR. PEARLMAN: I'm sorry. Did he say when?
16 MR. McGUIRE: Yes, 1965.
17 BY MR. McGUIRE:
18 Q. Did you have any sort of time alone with
19 Don McGuire where you discussed -- well, let me ask
20 this question. Was he ever in charge of your
21 formation?
22 **A. No.**
23 Q. Did you ever have a discussion with him
24 about formation?

1 **A. The only thing I knew was Father McGuire**
2 **was a friend to his mother and Father McGuire was**
3 **helping her a little bit and also helping**
4 **get ready to go to Loyola Academy.**
5 Q. How old do you think was?
6 **A. He was probably 12, 13 years old at that**
7 **time.**
8 Q. So an eighth grader at the time?
9 **A. Either eighth grader or just a freshman.**
10 **But I was teaching all eighth graders in that**
11 **practice summer.**
12 Q. That's the remedial summer?
13 **A. Yes. Exactly.**
14 MR. McGUIRE: Not that I have experience with
15 it, gentlemen.
16 THE WITNESS: For some, it's an advanced
17 summer, too. Some guys go in the excel program.
18 MR. McGUIRE: That's not my experience, but
19 anyway...
20 THE WITNESS: You're right.
21 But he was totally on his own. It was
22 just a private tutoring about an hour a day I spent
23 with him on English.
24

1 **A. No.**
2 Q. Can you describe the character and nature
3 of your contact with him during that one summer in
4 1965?
5 **A. I lived in the same community with him.**
6 **We were probably 44 Jesuits. There were probably**
7 **12 scholastics; some were in the same program I was**
8 **of practice teaching, some were there who probably**
9 **were regents at Loyola Academy at the time, just**
10 **didn't go away for the summer.**
11 **My one contact with him was I was tutoring**
12 **a student that was Polish and needed some help with**
13 **English. And I tutored him after I was finished**
14 **teaching for about an hour a day for that summer.**
15 Q. Was that gentleman's name ?
16 **A. It's. That's the only name I know.**
17 MR. PEARLMAN: Off the record.
18 MR. McGUIRE: Sure, off the record.
19 (Discussion off the record.)
20 BY MR. McGUIRE:
21 Q. This fellow, do you have an
22 understanding or awareness of his background?
23 **A. At that time?**
24 Q. Yes.

1 BY MR. McGUIRE:
2 Q. How did you come to get that assignment?
3 Were you assigned by a regent there?
4 **A. I don't remember how I got it.**
5 Q. Do you remember meeting his mother at all?
6 **A. No. I did not meet his mother.**
7 Q. Were you teaching him English?
8 **A. Yes. See, that's what I was practice**
9 **teaching. I think that's how I got it, but I don't**
10 **know that for sure.**
11 Q. You don't speak Polish, do you?
12 **A. No, I don't.**
13 Q. How was his English?
14 **A. It was fairly -- I mean we could**
15 **communicate, so it wasn't like he didn't know any**
16 **English.**
17 Q. When you tutored him, was it essentially
18 one-on-one sessions?
19 **A. It was.**
20 Q. To your knowledge, where were these
21 one-on-one sessions conducted; library, classroom?
22 **A. Probably a classroom, more than likely a**
23 **classroom.**
24 Q. But you don't have a specific memory?

1 responsibility was it?
 2 **A. I think it was the parent's responsibility**
 3 **or the victim's responsibility to come forward.**
 4 Q. Okay. Got it.
 5 **A. That's how I perceived it.**
 6 Q. That's fine.
 7 I will have to come back to the notes
 8 later.
 9 MR. McGUIRE: I am going to mark and identify
 10 for the record as Plaintiff's Exhibit Number 13 the
 11 July 3, 1993 letter from to the
 12 provincial and the witness.
 13 (Whereupon, Daly Deposition
 14 Exhibit No. 13 was marked for
 15 identification.)
 16 BY MR. McGUIRE:
 17 Q. Sir, I was wondering if you would just
 18 look at that and tell me if you recognize it.
 19 **A. I recognize it, yes. They were the**
 20 **concerns they brought forward.**
 21 Q. And you had mentioned that the primary
 22 thing that you were interested in is responding to
 23 complaints, as the father, correct?
 24 **A. Yes.**

1 **certainly didn't tell me to do it. I know that.**
 2 MR. McGUIRE: I'll mark and identify as
 3 Plaintiff's Exhibit Number 14 a letter from
 4 to the provincial dated 5/11/93.
 5 (Whereupon, Daly Deposition
 6 Exhibit No. 14 was marked for
 7 identification.)
 8 BY MR. McGUIRE:
 9 Q. Do you remember seeing that letter?
 10 **A. Yes, I do.**
 11 Q. They gave you a history with that family's
 12 involvement with Don McGuire; is that correct?
 13 **A. Correct.**
 14 Q. Does anything in that history sort of ring
 15 any bells for you, alarm bells?
 16 **A. I think it was that whole strange**
 17 **relationship between and Father McGuire and**
 18 **how they saw reactions from McGuire that were**
 19 **pretty strong from what he was saying, and then**
 20 **even getting defensive and then somehow challenging**
 21 **how much the son needed him.**
 22 Q. And after reading this letter, was it one
 23 of your impressions that essentially this conduct
 24 had gone on for some time between Don McGuire and

1 Q. One of the complaints and one of the
 2 things that was advocating through his lawyer
 3 I guess, is on the first page,
 4 Number 5. One of the things they were asking for
 5 is that any others potentially involved with Father
 6 McGuire be contacted and provided pastoral care.
 7 Now, I understand what you say about how
 8 you think it's the parent's reasoning and their
 9 responsibility. But given that you wanted to
 10 satisfy and this was one of his conditions,
 11 did you affirmatively act to contact anybody else
 12 who might be associated with Father McGuire?
 13 **A. No, I did not.**
 14 Q. Any particular reason why not?
 15 **A. I think no more than I told you a moment**
 16 **ago. I think we basically thought if there is**
 17 **something that they feel is serious and want to**
 18 **make an allegation, it's their responsibility. Our**
 19 **responsibility is not to invite that kind of a**
 20 **response at that time. I think that was my**
 21 **thinking.**
 22 **And I don't know what Father Schaeffer**
 23 **said to any of that either, to be honest. I don't**
 24 **know if he said don't bother about it. He**

1 the child and that the parents were learning of it
 2 much later down the road in the relationship?
 3 **A. Yes.**
 4 Q. And based on your past experience and your
 5 involvement in the province as a socius, isn't it
 6 true that usually the parents are the last to learn
 7 about what's going on between a child and a
 8 potentially -- an ephephile priest or a sexual
 9 predator of minors?
 10 **A. I didn't know enough about that to be very**
 11 **honest to say what the pattern would be.**
 12 Q. At this point in time, you have
 13 indications in this letter that the parents were
 14 finding out after the fact about the abuse that's
 15 being alleged here, correct?
 16 **A. Yes.**
 17 Q. So my question to you would be
 18 understanding that this is the relationship that
 19 Don McGuire might have with this child and some
 20 other children, why would you not translate that
 21 into case and affirmatively contact him as
 22 had asked to be done?
 23 I know you had stated earlier you thought
 24 that it was the parent's responsibility. But what

1 MR. HUEBSCH: What number are we talking about?
2 MR. McGUIRE: Exhibit 21.
3 MR. HUEBSCH: This one? 22.
4 MR. McGUIRE: Yes, 22.
5 THE WITNESS: Yes. This could be from that.
6 BY MR. McGUIRE:
7 Q. You just transcribed the handwriting to
8 the typewritten?
9 A. Correct.
10 Q. Now, if you look at your handwritten
11 notes, it says here just right above the black bar
12 testing supports letter. I believe that's what it
13 says -- tell me if I'm wrong -- and then lifelong
14 situation.
15 Is that what that says?
16 A. Yes. That's what it says.
17 Q. This is your handwriting?
18 A. Yes.
19 Q. And this was taken during the conversation
20 you had with Don McGuire?
21 A. I think so, yes.
22 Q. And as you sit here today, that was your
23 understanding of the testing and analysis that you
24 received either from St. John Vianney or from

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1 Q. I was going to ask you whether or not you
2 believed it?
3 A. I really don't.
4 Q. That's fine.
5 There is a little note to the left-hand
6 side of that section that I just mentioned to you.
7 It says problem with Society.
8 A. Yes.
9 Q. Again, you are not talking about society
10 in general; you are talking about the Society of
11 Jesus?
12 A. Society of Jesus, meaning Don has a
13 problem with the Society.
14 Q. Is that you telling him that?
15 A. No. He's telling me he has a problem with
16 the Society.
17 Q. Can you read for me this little section
18 down here?
19 A. I'll try. -- told
20 him they have seen his behavior -- and it looks
21 like involved with hospital --
22 Q. Right.
23 A. -- university setting, private groups,
24 chaplains.

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1 St. Luke's regarding Don McGuire's condition?
2 A. Yes.
3 Q. A lifelong situation?
4 A. Yes.
5 Q. It says here Don says that John Hardon has
6 exonerated him, totally exonerated?
7 A. Yes.
8 Q. Is that what Don's belief was?
9 A. Yes.
10 Q. Now, there is another statement just below
11 that that says all his history is officially -- and
12 I can't read it.
13 A. It looks like debunked, but I really don't
14 know what that means.
15 Q. Is that maybe Don is saying that whatever
16 history you guys have in his file, you guys meaning
17 the province --
18 A. Yes, it could mean that.
19 Q. -- is debunked by Hardon's exoneration in
20 his perspective?
21 A. Right.
22 Q. Do you remember that conversation with Don
23 McGuire, him saying that to you?
24 A. No, I do not.

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1 Q. To the right?
2 A. The next one, that is a word that I had
3 not heard. It's frotteurism. That's not spelled
4 correctly I don't think. Then frotteurism, looking
5 up in psychiatric --
6 Q. Dictionary?
7 A. -- dictionary, right. It's a kind of
8 sexual disorder. That's one of the things I do
9 remember from that in general at St. John Vianney,
10 is using that term and that it was the touching of
11 skin; not necessarily the touching of genitals, but
12 the touching of skin and wanting that kind of
13 closeness and feeling.
14 Q. Is that something you learned after you
15 took these notes?
16 A. Yeah, I did.
17 Q. Did you also learn that there was sexual
18 arousal connected with that touching of skin?
19 A. Right. I don't think I everted to that
20 much at the time, but yes.
21 Q. Got it. Okay.
22 MR. McGUIRE: Let's move on to Plaintiff's
23 Exhibit Number 24 that I am marking and identifying
24 as being the 12/20/93 letter to you, sir, from

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71 (Pages 281 to 284)

My comments on Fr. McGuire

(These are not in increasing or decreasing order...just as I recall them.)

1. SCHOOL

Innumerable instances (thoroughly documented by students, other teachers, counselors...and even by his own admission) of physically striking the students. There is an explicit and frequently announced policy against this...for obvious reasons. He is not chairman of the department, but usurps this authority, considers the Honors Course his business only, and declares to the laymen in the department that he hires and fires them, and that they are responsible to him.

Never responds to the counseling offices in requests for comments on students, for purposes of college writeups and the like. (Cf. Bob Humbert's letter in this regard, and his answer.)

Contrary to an explicit policy of the school, lets out keys to select students. Has a couple of strange people who are constantly around him, who are practically his slaves. Source of a great deal of admiration. (... who is the boy he brought over from Germany with him.)

Has been quoted to me by several of the lay teachers (often, I should add) as publicly stating that all the rest of the staff, teachers and especially administrators, are incompetent and peasants. (No comment.)

Frequently not at class, though he will insist that he gives them work to do. There is one lay teacher who must be ready at any time to step in for him, but he never knows when or at what point in the text, etc.

He simply took over what used to be counselors offices and made them into his own private complex. He calls it the Classics department, but the department members feel no freedom to use it except at his whim. He has it thoroughly stocked with the classics books he brought from Milford's library...he says, with Carl Moehl's okay. Maybe so. They were acquired "for our library," but have never been accessioned nor allowed to be put on the shelves.

Was supposed to teach Senior Theology this year; just did not, and insists he was never told to do so. This is just not so.

I think nearly everyone on the staff...teachers, administrators, clerks...and nearly every student and many of the parents have, at one time or another, been subject to his rages. He cannot be questioned on anything without a violent reaction of denial. See Bob Humbert's letter to him and his reply as one of the milder samples. There is genuine fear of him in the minds of many. The letter from the ex-student is an instance in point and should clarify one aspect of what I am saying.

I would not suggest, Tom, that his denials of charges or his refusal to submit to any sort of questioning, even the mildest, may not be subjectively justified. I used to think he protested too much; I think it is just that he lives in such an autistic world that he feels totally righteous about it.

One other thing, he has often allowed his friends to remain over night in the offices (Room 222). In fact, , as I understand it, practically lived there for a long stretch. He insists this is not so, and gets outraged if you suggest it.

EXHIBIT 5

00520

2. COMMUNITY

For a few days, at the beginning of the year after I had told him of my conversations with Harv, he showed up at meals. Before and since, he never comes to a community meal.

He attended one or two of the community meetings at the beginning, and was present at our weekend at Aurora. Since then, nothing. I never know when he is in. His hours are mighty strange, to say the least. Often I have seen notes on his door for several days, one or two days at least. And, although I live directly across the corridor from him, I have not physically seen him for better than two weeks. Of course, that could be my fault...or, at least, I am sure he will think so.

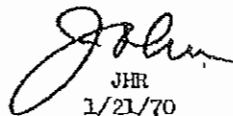
I don't recall his ever asking permission for money...certainly he has never asked me. I have occasionally received bills for car rentals, for which neither I nor John Henry gave him permission.

Almost everyone in the community, Tom, has at one time or another expressed concern over his independence, and rebuked me (quite correctly) for the things "he gets away with." I have nearly every time brought up to him whatever complaints I have received; but I get awfully tired of having my head blown off when I do it...so I have sissied out on it lately. Honestly, though this may seem like and may actually be a rationalization, I don't feel it does any good. He simply denies the major, and usually vehemently. Or, if the argument does proceed, I usually wind up being the one in the wrong. Hard to keep the issue straight.

In short, Tom...I really don't like to list things, as though I've been keeping tabs. I haven't. These things are off the top of my head, to a great extent. I find it hard, in fact, to retain such things in my mind.

Anyway, it isn't so much a question of creating a litany which, when it acquires a certain weight, solves the problem. It's more a situation in which attitude, approach, life-style...what you will...are just so thoroughly out of key and out of gear, that it is destructive. Don frankly leads his own life, expresses a great deal of contempt from time to time about everyone else, and is unapproachable in terms of trying to achieve any sort of compromise or working adjustment.

Well, that's about it. If I can elaborate, I'll try.


JHR
1/21/70

MEMO TO FILE

RE: Fr. Don McGuire and

The following is a record of my phone call with on October 20, 2003.

Prior to the phone call, had called Loyola Academy sometime last week or the week before. His call came into the Loyola Academy switchboard saying he needed to talk to somebody. The call was referred to Robin Hunt who, in turn, referred it to Fr. Ted Munz. Fr. Munz related that said that his relationship with Fr. Don McGuire predated Loyola Academy. He is a native of Germany and he and his parent met Fr. McGuire when Fr. McGuire was studying in Germany.

parents were very generous to Fr. McGuire. With items of food and medications and other personal care. remembers that Fr. McGuire started abusing him at this time. Fr. Munz did not know how it was that he came to Loyola Academy but when there, Fr. McGuire made continuous threats of deportation if did not do what he wanted him to do. Fr. Munz believed that he was referring to both physical and sexual abuse.

graduated and left Loyola Academy and spent many years trying to get away from Fr. McGuire but stayed on his mailing list and had been trying to get off the mailing list ever since. parents came over from Germany and Fr. McGuire renewed his contacts with them. told Fr. Munz that he wrote the provincial and the response he got was "we'll pray for you." Fr. Munz said that would really like to talk with the province, that he has no big beef with Loyola Academy. He's more upset with the province, and he's not represented by any attorney. is upset that his parents were never appreciated by Fr. McGuire presumably because they were not wealthy. Fr. Munz asked if he had any knowledge of anyone at Loyola Academy who had been abused. said no but that he did know Victor Bender.

Fr. Gschwend called at his work in Dallas, TX. said that it was probably about the year 2001 after the reception of one of Fr. McGuire's pre-printed, pre-signed letters that initiated contact with the province offices. Basically he said he wanted to get off Fr. McGuire's mailing list. Fr. Gschwend asked to give him a brief history of his association with Fr. McGuire. He said they first met in Munich in 1961 when was part of a youth group that used to camp in southern Bavaria. He said his group was the oldest in age and would come a week early and set up the tents and prepare the sites. He was given a key to the church (presumably a town church in the middle of the camps) and it was his chore to open the church and set up the altar and that he was assigned to Fr. McGuire because he had studied English and was able to speak with him. One thing led to another and he became associated with family, there was a lot of talk about his studies, about food, and the end result was that ended up making frequent trips from his house to Innsbruck with food and other things that Fr. McGuire needed—all of which were gifts from his parents. To this date is bothered that Fr. McGuire's letters never acknowledged his parents as being among his major contributors.

EXHIBIT 6

01577

He thinks probably because they were not wealthy. Fr. McGuire's letters were always talking about his programs, his travels, and his looking for support for his retreats and travels from the people he wrote to.

_____ said that he at one time had about 2 1/2 years of therapy because of his association with Fr. McGuire. He said there was a period of time where he could not have a quiet day of teaching without a call from Fr. McGuire making a request for the use of his car or something else. He remembers lending his car to Fr. McGuire and seeing it unused parked in front of the Jesuit Residence for long periods of time. When asked how he had come to Loyola Academy, _____ said that he came in 1965 and was there until 1966. He came on an immigration visa. He lived with Fr. McGuire's sister and mother until his mother died. After that he stayed living with them at 1041 Loyola Avenue until he lived at Gonzaga House which had been purchased by Loyola U.

When asked about the period at Loyola Academy, _____ said he drove back and forth with Fr. McGuire's sister, _____ until Fr. McGuire kept insisting "I need him here, I need his help." Consequently from Monday through Friday he lived at Loyola Academy and slept in a chair. If there were times that I had no time to study, he would take me down to the office and show me the test. When asked whether there had been sexual abuse at this time, he said he had no specific memories of that but there was continual psychological and physical abuse. Fr. McGuire hit him several times.

_____ is not interested in enjoining a lawsuit. He said everything in America is for the quick buck these days and I'm against it. Fr. Gschwend asked if he would be undergoing counselling and he said that he has signed up for 26 sessions through his work and his co-pay will be \$30. He also said that at one time in the '60's he had purchased a car for Fr. McGuire and what with his counselling 34 years ago which he estimates to have been about \$6500, he figures his totals on behalf of Fr. McGuire have been in the neighborhood of \$9800.

Fr. Gschwend asked about his present living situation. _____ said his wife has pulmonary hypertension and that as well as paying for a daytime caretaker, he himself needs to be home each evening to mix her medications which have to be mixed each 24 hours.

At the end of the telephone interview, Fr. Gschwend asked him if it was Fr. Munz's letter which occasioned his call at this time. He said no. Someone who knew him called him around October 10th or 11th and told him about the news items relating to Fr. McGuire. And so they thought he should know. Fr. Gschwend asked if the province attorney, Mr. Toomey, could call him and perhaps visit him and _____ was quite agreeable to that.

James P. Gschwend, S.J.
October 20, 2003

Attachment - copy of May 26, 1999 letter (referred to above) from Provincial to _____

cc: _____
Edward W. Schmidt, S.J.

ORIGINAL

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>STATE OF ILLINOIS } COUNTY OF COOK } SS: IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT - LAW DIVISION</p> <p>JOHN DOE 116,) Plaintiff,) vs.) No. 07 L 08781</p> <p>THE CHICAGO PROVINCE OF THE SOCIETY OF JESUS a/k/a THE JESUITS and FATHER DONALD J. MCGUIRE, S.J.,) Defendants.</p> <p>The discovery deposition of FATHER CHARLES SCHLAX, taken in the above-entitled cause, before ANNA MARIA CASTLE, C.S.R. and a Notary Public of Will County, Illinois, on the 22nd day of April, 2009, at the hour of 1:30 p.m., at Three First National Plaza, 70 West Madison, Suite 5350, Chicago, Illinois, pursuant to Subpoena.</p> <p>REPORTED BY: ANNA MARIA CASTLE, CSR LICENSE NO.: 054-004148</p> | <p style="text-align: center;">INDEX</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1</td> <td style="width: 50%;"></td> </tr> <tr> <td>2</td> <td>WITNESS EXAMINATION</td> </tr> <tr> <td>3</td> <td>FATHER CHARLES SCHLAX</td> </tr> <tr> <td>4</td> <td>By Mr. Brooks 4</td> </tr> <tr> <td>5</td> <td>By Mr. Huebsch 42</td> </tr> <tr> <td>6</td> <td>By Mr. Toomey 49</td> </tr> <tr> <td>7</td> <td>By Mr. Brooks (Further) 53</td> </tr> <tr> <td>8</td> <td>By Mr. Toomey (Further) 58</td> </tr> <tr> <td>9</td> <td></td> </tr> </table> <p style="text-align: center;">EXHIBITS</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">10</td> <td style="width: 50%;"></td> </tr> <tr> <td>11</td> <td></td> </tr> <tr> <td>12</td> <td style="text-align: center;">EXHIBITS</td> </tr> <tr> <td>13</td> <td style="text-align: center;">NUMBER MARKED FOR ID</td> </tr> <tr> <td>14</td> <td>Schlax Deposition Exhibit</td> </tr> <tr> <td>15</td> <td></td> </tr> <tr> <td>16</td> <td>No. 1 28</td> </tr> <tr> <td>17</td> <td></td> </tr> <tr> <td>18</td> <td></td> </tr> <tr> <td>19</td> <td></td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>23</td> <td></td> </tr> <tr> <td>24</td> <td></td> </tr> </table> | 1 | | 2 | WITNESS EXAMINATION | 3 | FATHER CHARLES SCHLAX | 4 | By Mr. Brooks 4 | 5 | By Mr. Huebsch 42 | 6 | By Mr. Toomey 49 | 7 | By Mr. Brooks (Further) 53 | 8 | By Mr. Toomey (Further) 58 | 9 | | 10 | | 11 | | 12 | EXHIBITS | 13 | NUMBER MARKED FOR ID | 14 | Schlax Deposition Exhibit | 15 | | 16 | No. 1 28 | 17 | | 18 | | 19 | | 20 | | 21 | | 22 | | 23 | | 24 | |
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| <p>1 APPEARANCES:</p> <p>2 KERN, FROST & PEARLMAN, LLC, BY: MR. MICHAEL L. BROOKS Three First National Plaza 70 West Madison Street, Suite 5350 Chicago, Illinois 60602 (312) 281-4550 mbrooks@kfpplaw.com Representing the Plaintiff;</p> <p>6 QUERREY & HARROW, LTD., BY: MR. ROBERT P. HUEBSCH 175 West Jackson Boulevard, Suite 1600 Chicago, Illinois 60604 (312) 540-7000 rhuebsch@querrey.com Representing the Defendant;</p> <p>10 MCCARTHY & TOOMEY, BY: MR. TIMOTHY TOOMEY 4433 West Touhy Avenue Lincolnwood, Illinois 60712 (847) 675-9639 Representing the Defendant;</p> <p>14 BURKE, WARREN, MACKAY & SERRITELLA, P.C., BY: MS. SUSAN M. HORNER 330 North Wabash Avenue, 22nd Floor Chicago, Illinois 60611 (312) 840-7082 shomer@burkelaw.com Representing the Deponent.</p> | <p>1 (Witness sworn.)</p> <p>2 FATHER CHARLES SCHLAX,</p> <p>3 called as a witness herein, having been first duly</p> <p>4 sworn, was examined and testified as follows:</p> <p style="text-align: center;">5 EXAMINATION</p> <p>6 BY MR. BROOKS:</p> <p>7 Q. Could you state your name for the record</p> <p>8 please, sir.</p> <p>9 A. Charles Schlax.</p> <p>10 Q. Would you spell the last name.</p> <p>11 A. "S," as in Sam, c-h-l-a-x.</p> <p>12 Q. Thank you, Father Schlax.</p> <p>13 My name is Michael Brooks. I represent</p> <p>14 the plaintiffs in a lawsuit currently pending in</p> <p>15 the Circuit Court of Cook County entitled, John Doe</p> <p>16 116 versus The Society of Jesus, also known as the</p> <p>17 Jesuits and Donald McGuire.</p> <p>18 You are here today pursuant to a Subpoena</p> <p>19 issued in that case and accepted by your counsel on</p> <p>20 your behalf.</p> <p>21 During the course of this deposition, I'll</p> <p>22 ask you a series of questions. All I'm asking for</p> <p>23 you to do in return is to answer to the best of</p> <p>24 your ability and to the best of your memory my</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



1 things, sir.
 2 A. Okay.
 3 Q. Was he more specific other than using the
 4 term "pervert" to describe Father McGuire?
 5 A. When he used that word, I tried to focus
 6 in. He said, yes, he had sexually mistreated him.
 7 I forgot -- that's not the correct word, but that's
 8 what it came down to.
 9 Q. And did he describe to you any of the
 10 specific instances of sexual mistreatment?
 11 A. No.
 12 Q. Do you recall anything else about this
 13 conversation with about anything else having
 14 been said during it, for example?
 15 A. He was very -- things said?
 16 Q. Right.
 17 A. He was very -- nothing he said
 18 specifically. That was part of the problem. He
 19 was trying to get it out. He couldn't do it.
 20 Q. Did he strike you as being afraid to talk
 21 to you?
 22 A. Can you rephrase that a little?
 23 Q. Sure. Let me back up a bit.
 24 Do you know why it is that came to

17

1 talk to you at this time?
 2 A. Because he was having this problem.
 3 Q. Did he tell you whether he had spoken to
 4 anybody else about it?
 5 A. I don't recall him saying specifically.
 6 Q. Do you remember how old was at this
 7 time?
 8 A. I would guess 15, but that's a guess. He
 9 was in sophomore year, if I remember correctly. So
 10 I'm guessing 15.
 11 Q. And other than what you've already
 12 described, what else did he tell you about his
 13 relationship with Father McGuire?
 14 A. He used that word "pervert."
 15 Q. All right. Did indicate to you that
 16 he had spoken to any Jesuit officials about the
 17 abuse?
 18 A. Not that I recall.
 19 Q. Did tell you anything about spending
 20 the night in Father McGuire's room at Loyola?
 21 A. Again, I'm not sure -- it's vague. I
 22 don't want to say yes or no.
 23 Q. Do you have a vague memory of --
 24 A. Vague memory of saying something to that

18

1 effect, but I can't remember the words he used.
 2 Q. Okay. Is there anything else about that
 3 conversation with that you remember?
 4 A. He was very nervous, very hesitant to say
 5 thens, not quite sure what he wanted to say.
 6 Q. Did you believe
 7 A. I believed something was wrong.
 8 Q. And why did you come to that conclusion?
 9 A. Just by his manner. He wasn't a kid in
 10 school that got in any trouble.
 11 Q. What, if anything, did you do after
 12 speaking to about Father McGuire's?
 13 A. I left him in the office where we were
 14 talking, and I went and made a phone call to the
 15 Jesuits at Loyola Academy.
 16 Q. And I realize it's an event that took
 17 place almost 40 years ago, but that being said, do
 18 you remember who at Loyola Academy you spoke with?
 19 A. I asked to speak to the rector or whoever
 20 was in charge. I didn't have any names. The
 21 person I got at the time -- first it was a phone
 22 call. It was somebody who said he was vice
 23 whatever position he had. Second in command my
 24 impression was.

19

1 Q. Does vice chancellor sound right?
 2 A. No. The rector or superior or something
 3 like that, but I don't remember.
 4 Q. I take it you don't remember that
 5 gentleman's name?
 6 A. No, I do not.
 7 Q. Do you remember anything that was said in
 8 that conversation?
 9 A. I explained the situation to this person,
 10 and I was told that the president or whatever his
 11 office was would get back to me, the head man.
 12 Q. Do you remember if anything else was said
 13 in that conversation?
 14 A. Not much. No, nothing of any substance.
 15 Q. All right. What did you do after having
 16 that conversation?
 17 A. Went back and talked to told him to
 18 make sure that his father knew what was going on.
 19 I already knew his mother was deceased. His father
 20 knew what was going on. And when I heard from the
 21 Jesuits, I would be in touch with him.
 22 Q. And did you hear from the Jesuits?
 23 A. Yes, that same day.
 24 Q. Do you remember who contacted you?

20

1 A. The only time I did, there was a meeting
 2 at Loyola Academy in the spring of '70. He was
 3 there.
 4 Q. Between November of 1969 and this meeting
 5 in the spring of 1970, did you have any other
 6 conversation with
 7 A. No.
 8 Q. Do you remember more specifically when
 9 this meeting at Loyola Academy took place?
 10 A. Date and month, no.
 11 Q. And how is it that you went to Loyola
 12 Academy for this meeting?
 13 A. If I remember correctly, the Jesuits
 14 called me and said there was a meeting, come on
 15 out.
 16 Q. Do you remember who from the Jesuits --
 17 A. No.
 18 Q. -- called you?
 19 Was this the third phone call that you had
 20 with the Jesuits regarding Father McGuire or had
 21 there been other phone calls in between your second
 22 phone call with Father Reinke and this one?
 23 A. Those were the only phone calls.
 24 Q. So as we sit here today, you remember

25

1 three phone calls with the Jesuits; is that right?
 2 A. Correct.
 3 Q. And you described them all to us now?
 4 A. Yes.
 5 Q. Tell me what you remember about that
 6 meeting with the Jesuits in the spring of 1970.
 7 A. Not much. I remember it being said that
 8 they were working on the situation, and that's
 9 about all I remember hearing in the meeting, that I
 10 can recall.
 11 Q. You don't recall what they told you in
 12 terms of how they were working on the situation?
 13 A. I don't remember any details being given.
 14 Q. Do you remember being told at that meeting
 15 or somehow learning at that meeting that
 16 Father McGuire was no longer teaching at Loyola?
 17 A. I can't say for sure.
 18 Q. Did you take any notes at this meeting?
 19 A. No.
 20 Q. Do you remember which Jesuit officials or
 21 Loyola officials were at this meeting?
 22 A. No.
 23 Q. Do you remember if anyone else was taking
 24 notes?

26

1 A. I don't remember.
 2 Q. Did the Jesuits ask you to do anything
 3 during this meeting of spring of 1970 with regard
 4 to the McGuire situation?
 5 A. No.
 6 Q. And did you do anything after this meeting
 7 with the Jesuits?
 8 A. No.
 9 Q. Did you have any other conversation with
 10 any Loyola Academy or other Jesuit official
 11 regarding [redacted] or Father McGuire after the spring
 12 of 1970 meeting?
 13 A. No.
 14 Q. Did you maintain any relationship of any
 15 kind with [redacted] moving forward from 1970?
 16 A. No.
 17 Q. Did [redacted] continue to come to your church
 18 until 1972?
 19 A. No.
 20 Q. Did you ever speak to Donald McGuire again
 21 after that first -- strike that.
 22 Did you speak to Father McGuire after the
 23 in-person conversation that took place that you've
 24 already described?

27

1 A. No. Pardon me, no.
 2 Q. At some point many years later, you were
 3 contacted by somebody regarding the Father McGuire
 4 situation; is that right?
 5 A. That's correct.
 6 Q. Do you remember when that contact was made
 7 and who made it?
 8 A. It's been since I've been at St. Mary's.
 9 And the first contact was Tim Toomey. I don't
 10 remember the exact when.
 11 Q. All right. Before we get into that, I'm
 12 going to mark an exhibit.
 13 (Whereupon, Schlax Deposition
 14 Exhibit No. 1 was marked for
 15 identification.)
 16 BY MR. BROOKS:
 17 Q. Father, the reporter marked a two-page
 18 document dated November 29, 1969, as Schlax
 19 Deposition Exhibit 1. I'd ask that you review
 20 that, and I'm going to ask you a few questions
 21 about it.
 22 A. Okay.
 23 Q. Before I ask you specific questions about
 24 that, let me just ask a couple preliminary

28

1 Q. Have you received any phone calls from
2 anyone else associated with the Jesuits since 1994?
3 A. No.
4 Q. Have you received any documents from
5 anyone affiliated with the Jesuits since 2004?
6 A. No.
7 Q. Other than conversations that you've had
8 with your attorneys in the recent past, have you
9 had any conversations with anyone from the

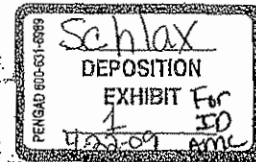
10 Archdiocese of Chicago regarding Donald McGuire?
11 MS. HORNER: Just to make it clear for the
12 record, if I can interrupt for a moment, I ask you
13 to exclude from your answer, Father, any
14 conversations that were between you and your
15 attorneys.
16 THE WITNESS: Okay.
17 When the letter came out in the press, I
18 did talk to the priest just so he knew about it.
19 BY MR. BROOKS:
20 Q. Who was that?
21 A. Vincent Costello, Father Costello.
22 Q. Other than Father Costello, is there
23 anyone else you had spoken to at the archdiocese?
24 A. No.

1 A. I believe I asked him.
2 Q. And what did he say?
3 A. I don't remember the answer exactly.
4 Again, he was just not at ease talking.
5 Q. When you say you don't remember the answer
6 exactly, does that mean you remember it generally
7 or you don't remember it at all?
8 A. I don't remember how he answered it at
9 all.

10 Q. Fair enough, fair enough.
11 You then wrote a -- made a telephone call
12 right then and there to Loyola Academy?
13 A. Correct.
14 Q. And you spoke with someone who said that
15 they would have the head master, for a better term,
16 of the school get back in touch with you?
17 A. Correct.
18 Q. And that occurred that same day, that
19 occurred that same day, that telephone call, he
20 called you back that same day?
21 A. Yes.
22 Q. Was still there or had he left?
23 A. He already left.
24 Q. I understand.

1 MR. BROOKS: Why don't I stop and tell you I
2 have no other questions. And turn it over to the
3 other attorneys here who may have some questions
4 for you.
5 EXAMINATION
6 BY MR. HUEBSCH:
7 Q. Father, I just have a few questions for
8 you really, kind of things I probably may not have
9 heard accurately.
10 First of all, my name is Bob Huebsch. I
11 represent the Jesuit order in this case, and I'm
12 just here to ask you a few questions as well.
13 When came to talk to you, that
14 conversation took place at the rectory?
15 A. Correct.
16 Q. And I believe you said it was you and
17 alone in the room?
18 A. Correct.
19 Q. Now, did you ask during this
20 conversation after he relayed and you had told us
21 he was hesitant to talk about this but after he
22 relayed the word "pervert" and the like, did you
23 ask him if he had told his dad about this
24 situation?

1 And the head master or the person who
2 called you you think is this Father Reinke; is that
3 correct?
4 A. Yes.
5 Q. All right. You explained to Father Reinke
6 generally what: . told you in summary fashion,
7 true?
8 A. Correct.
9 Q. Did you ask Father Reinke at that time to
10 keep your name out of this in any way, say, gee, I
11 don't want to get involved, I'm just a messenger
12 here, anything like that?
13 A. No.
14 Q. Father Reinke said to you in response when
15 you were explaining this about that, gee, we
16 knew something was wrong, something to that effect;
17 is that right?
18 A. Something to that effect. It's not exact
19 wording.
20 Q. Fair enough. But it gave you the
21 indication that what, they were aware of this, the
22 Jesuits were aware of this situation with ?
23 A. Well, it gave me the impression they knew
24 something was out of kilter. What exactly, I don't



OUR LADY OF LOURDES CHURCH

4640 N. Ashland Avenue

Longbeach 1-2141

Chicago, Illinois 60640

November 29, 1969

Rev. John Reinke, S.J.,
President - Loyola Academy
1100 N. Laramie Avenue
Wilmette, Illinois 60091

Dear Father Reinke:

Yesterday afternoon I spoke to you by phone concerning the relationship between Mr. Donald McGuire, S.J., a member of the Loyola Academy Faculty, and [redacted] currently a sophomore at Loyola. Our conversation yesterday was brief and to the point. After speaking with you I came away with the impression that you were not impressed at the information I relayed to you. At any rate, since our discussion was brief I feel that I should fill you in on the remainder of the details pertaining to this problem.

I became involved in this situation completely by surprise. About 4:20 PM yesterday afternoon I was called to the office. [redacted] was waiting for me. He seemed quite upset and confided that he did relate some of the events of the past months. According to [redacted] he has been spending quite a bit of time at Loyola outside of regular school hours. Much of his time was in the company of Mr. McGuire. What surprised and disturbed me was the disclosure that [redacted] had been staying at Loyola over nights - often being away from his home for a week or more at a time. This in itself, no matter how innocent the relationship between [redacted] and Mr. McGuire might be, is sufficient cause in my mind to warrant a complete investigation.

[redacted] used "barbery" to describe Mr. McGuire. He was reluctant to go into details and I did not feel that I should press him at this time since he seemed quite distressed. He indicated that this situation has been going on since approximately Christmas of 1968. He seemed to be afraid of Mr. McGuire yet reluctant to break off the relationship by simply staying away from him outside of class. I told [redacted] that the best and only way to resolve this matter was to bring it to the attention of the proper school authorities as soon as possible. He indicated that he was going home after leaving the Rectory so I told him to speak to his father as soon as possible. When contact was made that we could contact you at Loyola. After [redacted] left, I decided to contact you immediately since Monday was a school day and I felt some action needed to be taken before then. After I spoke to you I decided to call [redacted] to inform him that he was to stay at home until he heard from you. I learned that [redacted] was not home. I left a message for him to call me, and when he failed to do so after an hour or so I returned the call. This time I was told that [redacted] was at Loyola. Later I received a call from [redacted] who said that he did not know where [redacted] was. I informed him of the situation and told him that I had spoken to you. He seemed upset that I had spoken to you, but said that he would try to locate [redacted] and get him home. I had to go out later in the evening and when I returned there was a message that [redacted] had called. I tried to return the call several times but the line was busy. I called early this morning and was informed that [redacted] was at work and that [redacted] was "at Loyola".



JD116 0041

OUR LADY OF LOURDES CHURCH

4640 N. Ashland Avenue

Longbeach 1-2141

Chicago, Illinois 60640

My knowledge of this situation is solely from what _____ has told me at yesterday's meeting. I certainly do not wish to accuse anyone of anything without evidence. However I do believe that the seriousness of the possible bad situation is quite evident and needs to be cleared up - one way or the other - as soon as possible. If _____ is telling the truth, then Fr. McGuire must be properly cared for. If by some chance, _____ is lying then he needs to be corrected. Whatever the outcome, action is imperative, lest others suffer.

While speaking to _____ he indicated that he has been suspicious of the relationship between _____ and Fr. McGuire. However, for some reason, he has so far failed to take any positive action to correct this difficulty. He indicated that he disapproves of _____ spending so much time away from home. Again, he has taken no action that I can see.

I would appreciate whatever action you feel is proper. Since this situation concerns your school, I feel that you have the primary responsibility of checking out the problem I have reported.

May I express my gratitude in advance for your assistance in this matter. Be assured that I am willing to be of assistance in any way I can. Please contact me if I can be of service. If I am able to re-establish direct contact with _____ I will try to keep you informed of any further developments.

Respectfully in Christ,

Rev. Charles Schiav
Rev. Charles Schiav



OFFICE OF THE PRESIDENT

1100 N. LAURENS AVENUE • WILMETTE, ILL. 60091 • 273-6040 • 256-1100

January 8, 1970

Dear Don, P.C.:

I've made a dozen attempts to write this; I can't discover a way to say it easily or gracefully, or in a way which will keep it totally free of misinterpretation. I wish I could.

I have instructed Bob Humbert to assign your teaching schedule to others for the second semester, so that you can have the time free for your other responsibilities. Father Provincial has approved this, and whatever change of residence it may require. Among other things, it is his hope and mine that you will devote some of the time to completion of your work on Oedipus, or in securing your degree, or both. I know, too, that the family problems you have described to me deserve much more than the partial time you are able to give them now. While these considerations are not the entire background of the arrangement, as I am sure you know, they are real reasons and worthy ones.

I feel sure you will wish to discuss this in more detail, and I will be happy to do so. I am equally sure that your native generosity will enable you to handle this change with relative ease. For so many reasons, that is my hope...and my expectation.

Sincerely yours in Christ,

EXHIBIT 9

00526

McGUIRE, DON.

OFFICE OF THE PRESIDENT



1100 N. LARAMIE AVE. • WILMETTE, ILL. 60091 • 273-4040 • 256-1100

January 16, 1970

Dear Tom, P.C.:

I intended to send this to you earlier; but this whole situation has been so muddy and troublesome I just wanted to get it out of my mind from time to time. Anyway, here it is, for the files and the record.

First, I am enclosing the two letters I have sent to Don, which I told you about over the phone. To the first I have received no reply whatsoever. This is all the stranger, since I know he is around, though I have literally not seen him for a week. (He lives directly across the hall from me. I don't know how it has been possible, physically, to avoid me so completely, but he has managed. I can't say it's deliberate...but it certainly is remarkable.)

To attempt to catalogue the circumstances of his life-style...as a faculty member and a member of the community... which are so much a source of irritation (and worse) to all who are associated with him in each of those relationships (and I literally mean all), would just be impossible. His presence here, in short, has become positively destructive and corrosive. There is little hope of effecting any change. He cannot be corrected. First of all, he does not accept that his manner of behaving is to be criticized in any way whatever: he will justify everything he does, with a litany of reasons. If you persist in suggesting that other interpretations can be and are put on them, he becomes enraged. He cannot discuss a problem. His first defense is a vicious attack in return, and a bad situation just becomes worse. Several persons have expressed the fear that he will attack them physically in such a situation; I have had the same expectation myself, on occasion.

If, from your point of view, it would be helpful to have the list of complaints, I can supply them. (I did not infer above that I could not list them, just that it would require several more sheets of paper.) I am anxious, as far as it can be accomplished, to have his departure seem perfectly normal and even a better thing, as far as any public awareness of its cause is necessary. That's why I have kept it in terms of a sabbatical, and in terms of completing the very valuable work he contemplates on Oedipus, and the obviously valuable pursuit of his degree. Whether he will accept this is, of course, a question mark. I think it is important not to let it hang in suspensivo as to when and where he is to leave here. I consider

EXHIBIT 10

00522



OFFICE OF THE PRESIDENT

1100 N. LARAMIE AVE. • WILMETTE, ILL. 60091 • 273-4040 • 266-1100

-2-

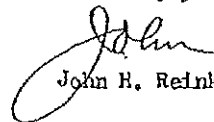
it absolutely essential that he be removed from this community before the start of the second semester. I should tell you, too, that the Consultors are in unanimous agreement in this, and have charged me to do all that I can to bring it about.

You will notice in my letter to him that I proposed several alternatives. I have not personally explored these. I know I should, but I received such unsatisfactory responses the last time I tried, that I anticipate no more success now. I think a word from you...a request, or even a mild direction...will succeed. Of the three, I think Loyola U. might be easiest. I was going to put in the suggestion that he move to the Provincial Residence (aren't you glad?) until Harv returned, at which time a more desirable arrangement could be worked out. I think it would be undesirable for him to go to Aurora or Madelain. (Frankly, if he gets a kind of ultimatum I think the situation may solve itself: he'll probably decide where he'll go.)

My hope would be, then, that you can direct a letter to him, which he will receive early in the week, setting a date on which he is expected to report to whatever other place you decide of those suggested. That date, from here, ought to be by the end of next week. I'm sorry to drop it in your lap this way, but I don't see anything further I can do that will be effective.

Thanks, Tom. I know how your days must have been, what with requests for papers, evictions, relocations and Portuguese librarians. You know that you, and everyone at the Power House, are in all our prayers.

Sincerely yours in Christ,


John H. Reinke, S.J.

00523



OFFICE OF THE PRESIDENT

1100 N. LARAMIE AVE • WILMETTE, ILL. 60091 • 273-4040 • 266-1100

SUGGESTED LETTER TO FR. MCGUIRE

Dear Don, P.C.:

I have received from Fr. Reinke copies of the two letters he directed to you during the last two weeks. He also sent me a brief explanation of their background. While he has not discussed the entire situation with me in any detail, I do know that he has consulted about it at length with Fr. Harvanek on more than one occasion. My letter, then, must be read in that context.

It is Fr. Reinke's request, supported by his Consultors, that I make it clear that the sabbatical of which he made mention in one of the letters is not to be interpreted as a sabbatical in the usual sense. It does not carry with it the understanding that Loyola Academy will continue to be your residence, nor will it be the place to which you return upon its completion. He feels that it is most important that this be made clear to you at this point.

One of the key problems which Fr. Harvanek and Fr. Reinke faced at the beginning of the school year, when the matter of change in your status was under discussion, was ~~the~~ in finding an alternate residence for you, since you were out of the country and, hence, not available for consultation as to your preference in the matter. Even now, a definitive decision in the matter may have to be delayed until Fr. Harvanek's return on the 29th. I have the following possibilities to open to you at once, though, and I hope you will phone me tomorrow so that we can resolve the matter as quickly as possible. (Here...propose your alternatives.) Fr. Reinke is most insistent that the separation must, for the good of all concerned, take place before the beginning of the second semester, and must be complete. His consultors concur.

Then, a closing paragraph, urging his quick assent to this direction, in the spirit of Ignatian obedience. Your own words will be excellent, Tom.

00524

CHICAGO PROVINCE OF THE SOCIETY OF JESUS

PROVINCIAL RESIDENCE

509 North Oak Park Avenue

OAK PARK, ILLINOIS 60302

Telephone 626-7934

[Area Code 312]

January 21, 1970

Reverend Donald J. McGuire, S.J.
Loyola Academy
1100 N. Laramie Ave.
Wilmette, Ill. 60091

Dear Don, P.C.

I have received from Father Reinke copies of the two letters he wrote to you during the past two weeks. He also sent me a brief explanation of their background. While he has not discussed the entire situation with me in any detail, I do know that he has consulted about it at length with Father Harvanek on more than one occasion. My letter must be read in that context.

It is Father Reinke's request, supported by his Consultors, that I make it clear to you that the sabbatical of which he made mention in one of the letters is not to be interpreted as a sabbatical in the usual sense. It does not carry with it the understanding that Loyola Academy will continue to be your residence, nor that it will be the place to which you return upon its completion. He feels that it is most important that this be made clear to you at this point.

One of the key problems that Father Harvanek and Father Reinke faced at the beginning of the school year, when the matter of change in your status was under discussion, was to find an alternate residence for you, since you were out of the country and hence not available for consultation as to your preference in the matter. Even now, a definitive decision may have to be delayed until Father Harvanek's return on January 29. However, Father Reinke is most insistent that, for the good of all concerned, you must leave Loyola Academy before the beginning of the second semester and that the separation must be complete. His consultors concur.

Please call me tomorrow, Don, so that we can settle as quickly as possible the question of your new residence. I am sure that in the time since you received Father Reinke's letters you have given much consideration to the goals that you should set for yourself during your sabbatical, and how and where you would propose to achieve them.

I know that it will not be easy for you to leave Loyola Academy, Don, and I am sorry for the pain that the change of status will cause you. I am confident, however, that the decision is a good one, and I ask you to accept it in the spirit of Ignatian obedience.

Sincerely in the Heart of Christ,

Thomas Dick, S.J.
Vice Provincial

EXHIBIT 11

JD116 0044



THE CALIFORNIA PROVINCE OF THE SOCIETY OF JESUS
JESUIT PROVINCIAL RESIDENCE

808 College Avenue
P.O. Box 618
Los Gatos, California 95031

(800) 858-6149
6144

PERSONAL AND CONFIDENTIAL

March 30, 1981

Very Reverend Leo J. Klein, S.J.
Provincial, Chicago Province
509 North Oak Park Avenue
Oak Park, Illinois 60302

Dear Leo: Pax Christi

Now that almost three months have passed since Don McGuire left the University of San Francisco and the California Province, I would like to review his situation from our perspective and make some observations. First of all, though I am hearing statements to the contrary, Don is not on a six months "leave" or "sabbatical" from U.S.F., with his return to that institution and community to be taken for granted.

It was not university officials but Jesuit superiors who decided that Don should withdraw from U.S.F. And it should be kept in mind that Don was never fully employed by U.S.F. He was hired from semester to semester on a minimal part time basis.

The genesis of the "six month leave" misconception was then-Rector Jim Torrens' attempt to deal fairly and compassionately with Don and not close the door definitely to his ever returning to the U.S.F. Jesuit community. Under great pressure from Don (and from others whom Don should not have involved in this personal matter between himself and religious superiors), Jim Torrens modified what was originally an unqualified decision for Don to leave U.S.F. The intent of the modification was to leave the door open for Don's possible return to the U.S.F. Jesuit community some day. And the period of six months was stipulated as a sort of trial period, at the end of which Don's return to the U.S.F. Jesuit community would be considered, if Don wanted to return and you, his Provincial, wanted to send him to U.S.F.

The following conditions for Don's return to U.S.F. were explicitly laid down (E) or implicitly to be understood from our Instituté (I):

1. (E) Don will have undergone serious psychological evaluation and any therapy recommended by the evaluation. And some sort of certification or assurance will be provided that Don is healthy and stable mentally and emotionally.

EXHIBIT 12

Very Reverend Léo J. Klein, S.J.
March 30, 1980

PERSONAL AND CONFIDENTIAL
Page Two

2. (I) The Chicago Provincial wants to mission Don to U.S.F. (E) And the Chicago Provincial indicates a "clean bill of health" and his recommendation of Don for acceptance at U.S.F.
3. (E) The appropriate university official(s) offer Don full employment at U.S.F., or at least enough compensated employment to cover Don's support and expenses.
4. (E & I) Don's behavior demonstrates substantial reform in the areas indicated by Jim Torrens: e.g., regular hours, communication with superiors, proper permissions, bringing students to his room, outbursts of anger, participation in community life, etc.
5. (I) The U.S.F. Rector and the California Vice Provincial for Education agree to receive Don.

At the time that Jim Torrens was conceding to this "six months" clause, I made it clear that Jim could speak only for the Jesuit community, not for the university. I was conscious of several facts which make this distinction significant: The university has no legal or moral obligation or commitment to employ Don McGuire. The university had employed Don only on a minimal part time basis. The university is undergoing a financial crisis and responding by tightening its belt in every area. The university has contractual obligations to individuals qualified to teach in the areas of Don's expertise. And, finally, the university administration is not at all enthusiastic about having Don McGuire at U.S.F., even if they were not constrained by the factors just listed.

What is the current state of affairs with regard to condition #3 of Don's return to U.S.F.? The Dean has no job offer for Don McGuire. The university has no intention of employing Don either full time or part-time, though Joe Fessio is fighting this vigorously.

To put this into perspective, let me note that at least 12 other Jesuits, all Californians, are in the same or similar boats, a few by forced retirement, a few by the elimination of their positions in the reorganization, and a few for whom no part time or full time positions are being offered. One of these, by the way, is Jim Torrens himself who, along with several others, the university would very much like to keep or re-employ, but cannot, due to the financial crunch.

I am concerned to hear that Don McGuire has been back in the California Province several times since his departure, and that he is planning to be at U.S.F. in April. His prior trips have apparently been to conduct retreats, one in San Diego which several U.S.F. students participated in. I have given no authorization for him to do apostolic work in this province. And this office has not been contacted to request priestly faculties for him in any diocese. Such operating independently of the Society and appropriate superiors is precisely one of the serious concerns we have had about Don in the past.

Very Reverend Leo J. Klein, S.J.
March 30, 1980

PERSONAL AND CONFIDENTIAL

Page Three

Moreover, I am still uneasy with the way Don conducted himself when Jim Torrens tried to deal with the problems and make a decision in the most loving, personally-concerned and confidential manner. Don took "his case," along with a private letter from Jim Torrens, not to his spiritual director or even a canon lawyer, but to the advisory board and staff of the St. Ignatius Institute. He spoke to students about it. (And there are indications that he is still talking to students and others about it in correspondence.) He talked about getting a lawyer and taking the case to court. He talked in messiah-complex terms of all the souls that would be lost, and all the vocations, if he were no longer to be at U.S.F. And the latter bordered very closely on intimidation as if he were threatening to turn young men away from the Society if he were made to leave U.S.F. And that is not all, but enough to explain my uneasiness.

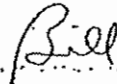
In conclusion, Leo, I see virtually no chance that Don McGuire will be accepted back at U.S.F. in July or September of 1981 (which is not to imply that he would be accepted in February of 1982 or some time thereafter). I strongly urge that he look to other apostolic vineyards.

And I do hope and pray that Don is getting and opening himself to the therapy and spiritual direction he so desperately needs. He is a good man, and talented, apparently an excellent teacher, though his shortcomings make his counselling abilities questionable. And I personally like him very much. Please assure him of my prayer and concern for him personally.

In case it's not clear, let me state unequivocally that Joe Fessio has no authority to hire personnel for the St. Ignatius Institute. Hiring in that area is done by the Dean of the College of Arts, Dr. David Harnett. I suspect, however, that Joe Fessio, counting his chickens before they are hatched, may be leading Don to believe that a position is or will be opened to him for Fall Semester, 1981.

Hoping this letter clarifies matters from my perspective and helps somewhat in your decision-making, Leo, I send it with warm personal regards.


Yours in Christ,



William J. Wood, S.J.
Vice Provincial for Education

cc: Reverend Paul F. Belcher, S.J., Rector, U.S.F. Jesuit Community

00618

USF 
University of San Francisco

San Francisco, CA 94117

CONFIDENTIAL

Office of the Dean
Colleges of Liberal Arts and Sciences
Harney Science Center (415) 666-6373

May 8, 1981

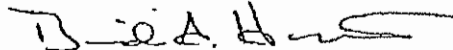
William J. Wood, S.J.
Provincial for Education
The California Province of the Society of Jesus
300 College Avenue
P. O. Box 519
Los Gatos, California 95031

Dear Father Wood:

May I preface my response to your letter of April 23rd, 1981 with some general points of clarification. The St. Ignatius Institute is organized as a unit within the Colleges of Arts and Sciences. As such, all faculty assignments to teach courses offered in the Institute are the result of recommendations from the Director which are reviewed by the Dean and recommended to the Vice President for Academic Affairs for this approval. This process applies to all faculty whether full or part-time and bears no relation to the funding source for the position--whether from general University funds or from funds restricted to S.I.I. Regardless of any real or anticipated "big donations," the University hires, not the Institute.

Father J. McGuire, S.J. will not be employed by the Colleges of Arts and Sciences for the academic year 1981-82. Pre-reservation enrollments and projections indicate that one or more full-time members of the faculty with competence to teach SII 10 will be underenrolled for the Fall. I cannot justify hiring a part-time instructor under those circumstances. Furthermore, during Father McGuire's time here, there were instances of highly questionable acts on his part in regard to the use of funds, entering into contractual commitments, and interactions with a student. Accordingly, I am not prepared to recommend Father McGuire's returning to USF nor is the Academic Vice President willing to approve any such request.

Sincerely yours,



David A. Harnett
Dean

DAH:lg

cc: Rev. John LoSchiavo, S.J.
Rev. Joseph Angilella, S.J.
Rev. Paul Belcher, S.J.

EXHIBIT 13

00612



THE CALIFORNIA PROVINCE OF THE SOCIETY OF JESUS
JESUIT PROVINCIAL RESIDENCE

300 College Avenue
P.O. Box 519
Los Gatos, California 95031

(408) 354-6143

CONFIDENTIAL

MEMORANDUM

TO: Terrance L. Mahan, S.J. and Paul F. Belcher, S.J.
FROM: William J. Wood, S.J.
DATE: July 7, 1981
SUBJECT: Update on Donald McGuire Case

I spoke at length with Chicago Provincial Leo Klein this morning, in response to his letter of July 2. Leo will meet with Don McGuire on August 3 to review the U.S.F. situation with him and to give Don a new apostolic assignment. Leo will make clear to Don that he is to completely withdraw from work with the St. Ignatius Institute and the University of San Francisco, including the discontinuance of occasional trips to give lectures, retreats or counseling. Leo asks that we make it clear to Joe Fessio that he is not to invite Don out for any service to the St. Ignatius Institute, that such work is not part of Don's mission from the Society.

Leo Klein consulted in depth with Jim Gill in Denver about this matter. Jim has a clear understanding of the psychological dynamics at work in Don McGuire and gave Leo Klein some very helpful guidelines on how to deal with Don. It is quite clear that Don is suffering some psychological disequilibrium which manifests itself in a sort of fanaticism and messianic complex which underneath is really a severe paranoia. In spite of a sincere desire to be obedient, Don suffers, it would seem, from a deep fear of and resistance to having his life and behavior controlled by others.

In keeping with the advice given him by Jim Gill and his own judgment in the matter, Leo Klein prefers not to restrict Don from accepting retreats or other occasional ministries in the California province, unless we insist upon it. This restriction would be too threatening to Don and ultimately counter productive, keeping in mind that Don's psychological patterns and brilliance would lead him to work around such restrictions while somehow observing the letter of the restrictions. It would seem more advisable to limit the restrictions to the defined and clearcut area of U.S.F. and the St. Ignatius Institute. This leaves Don some latitude, which the paranoic needs, while providing restrictions that are clear and enforceable. I recommend that we go along with Leo on this.

Finally, Leo Klein asks our prayer and sacrifices for his pastoral and fraternal service to Don McGuire, particularly in their very important conference on August 3. Don has many outstanding qualities and a fundamental goodness as a priest and religious. Leo wants to establish a relationship of trust with Don in order to work towards the liberation of the goodness and talent from the destructive forces which emanate from his personality problems.

cc: Father General

EXHIBIT 14

International Cable: "C"

CPSJ-MCG 00011

November 21, 1984

Rev. Donald J. McGuire, S.J.
Retreat House of the Sacred Heart
Carmelite Sisters
920 E. Alhambra Road
Alhambra, CA 91801

Dear Don:

I have been informed by several sources that your services with Santa Fe Communications have been terminated. You are certainly aware of the letter I have from the acting chancellor of the Archdiocese of Los Angeles terminating your diocesan faculties there.

I hoped that by this time I would have heard from you personally about this change in your circumstances. Since you have not taken the initiative, I will do so myself.

With the close of your work at Santa Fe Communications both the California Provincial and I consider your work in the California Province as drawn to a close. I look for your immediate return to your community at Bellarmine Hall in Barrington. I will be away from the office for the next two weeks. Carl Meirose will be handling the regular business here during that time should you need to be in touch with him. Soon after your return to Chicago, you and I will be able to sit down to discuss your future ministry. I hope to hear from you soon to plan that conversation.

Sincerely in Christ,

J. Leo Klein, S.J.
Provincial

cc: Rev. Carl E. Meirose, S.J.
✓ Rev. John J. Foley, S.J.
Rev. John W. Clark, S.J.

EXHIBIT 15

00732



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 300-9104
251 B 3200
3284

RECEIVED JAN - 2 1985

December 21, 1984

Very Reverend J. Leo Klein, S.J.
Provincial, Chicago Province
Society of Jesus
2050 North Clark Street
Chicago, Illinois 60614

mention "occasional"

Very Reverend and dear Father Klein:

It was brought to our attention that Father Donald McGuire was still at Sacred Heart Retreat House, Alhambra.

Apparently Mother Josephine did not read the copy of his letter and had him scheduled for Christmas Eve. The faculties were granted him until January 1st.

Father McGuire's faculties are permanently terminated as of January 1, 1985. Our records will show him as having left the Archdiocese.

Sincerely yours in Christ,

John A. Rawden
Reverend Monsignor John A. Rawden
Chancellor

JAR/dk

cc: V. Rev. John Clark, S.J. (CA)
Rev. Donald McGuire, S.J.
Rev. Donald Lynch, S.T.
Mother Josephine, O.C.D.

EXHIBIT 16

00704

DONALD MCGUIRE
February 19, 1991

Talked with Br. Ricardo Palacio, the director of the Christian Brothers Retreat House in St. Helena, CA. Don McGuire had been there recently to give a retreat to students from the Coby Academy in Napa, CA, a conservative Catholic school. He has been travelling since January with a 16 or 17 year old boy, of Anchorage, AK.

Palacio became quite suspicious of this whole arrangement and began to check up a little about it. The boy claimed that he slept in a room across from the room occupied by Don--Palacio questioned the boy a bit--but in fact that room is an office. The boy does not seem to have slept in a separate room; nothing was disturbed in any room that he could have used. Palacio also came to Don McGuire's room at one point during the retreat and heard, just as he was about to knock, giggling inside. He then knocked, there was a sudden silence, and the boy rather than Don came and unlocked the door. His hair was askew and his shirt was untucked; Don himself, when Palacio pushed in, was lying on his bed, but fully clothed.

Palacio took the trouble to call the mother of the boy, _____ in Anchorage to voice his concerns to her. She felt that her son has in some way changed, she is concerned about him, concerned about his travelling with Don.

I thanked Palacio warmly for this information, the first that I have heard about this form of behavior on the part of Don. I know of no previous complaints on this score but will certainly need to pursue the matter. As Palacio and I agreed, this travel business is at least very imprudent, perhaps much more serious.

Robert A. Wild, SJ

EXHIBIT 17

01085

STATE OF ILLINOIS)
) SS:
 COUNTY OF C O O K)
 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT - LAW DIVISION
 JOHN DOE #116,)
 Plaintiff,)
 vs.) No. 07 L 8781
 THE CHICAGO PROVINCE OF THE)
 SOCIETY OF JESUS,)
 Defendant.)
 The discovery deposition of FATHER ROBERT WILD,
 taken in the above-entitled cause, before
 Elizabeth L. Vela, a notary public of Cook County,
 Illinois, on the 12th day of August, 2009 at the
 time of 10:05 a.m. at 70 West Madison Street,
 Chicago, Illinois, pursuant to Notice.

(Proceedings concluded at 2:32 p.m.)

Reported by: Elizabeth L. Vela, CSR
 License No.: 084-003650

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1 APPEARANCES:
 2 KERNS, FROST & PEARLMAN, LLC, by
 3 MR. DAVID ARGAY and
 4 MR. MICHAEL BROOKS,
 5 70 West Madison Street, Suite 5350
 6 Chicago, IL 60602
 7 (312) 261-4550
 8 Representing the Plaintiff,
 9
 10 QUERREY & HARROW, LTD., by
 11 MR. ROBERT HUEBSCH,
 12 175 West Jackson Boulevard, Suite 1600
 13 Chicago, IL 60604
 14 (312) 540-7534
 15 -and-
 16 LAW OFFICES OF McCARTHY & TOOMEY, by
 17 MR. TIMOTHY TOOMEY,
 18 4433 West Touhy, Suite 262
 19 Lincolnwood, IL 60712
 20 (847) 675-0060
 21 Representing the Defendant.
 22
 23
 24

1 (Witness sworn.)
 2 MR. ARGAY: Sir, could you please state your
 3 name and spell your full name for the record?
 4 THE WITNESS: Robert, first name, Anthony or A
 5 is the middle name, Wild, W-i-l-d.
 6 MR. ARGAY: And how would you prefer that I
 7 address you today? Would Father be okay?
 8 THE WITNESS: Yeah, that would be fine.
 9 MR. ARGAY: Let the record reflect that this is
 10 the discovery deposition of Father Robert Wild.
 11 It's taken pursuant to agreement, in accordance to
 12 the Illinois Code of Civil Procedure, the Illinois
 13 Supreme Court Rules, and all local Cook County
 14 applicable rules.
 15 Father, my name is David Argay. I'm one
 16 of the plaintiffs' attorneys. I represent
 17 John Doe 116, John Doe 117, 118, 119, 129, and 130.
 18 There's a number of plaintiffs in this matter.
 19 This is a lawsuit involving allegations of
 20 sexual abuse against Father McGuire. I'm sure you
 21 were aware of that before the deposition today.
 22 Have you ever given a deposition before?
 23 THE WITNESS: No.
 24 MR. ARGAY: Then, I'm just -- I'd like to go

1 has to be appointed by the General. So there's a
2 discussion required with the consultors, and then,
3 a name -- a recommendation is made and the General
4 can either say yes or no.

5 Q. Does that hold true for the acting soc --
6 is it socii?

7 A. I don't remember and I think the answer is
8 no, but I don't remember for certain.

9 Q. Do you recall having a role in personally
10 selecting either Father Schaeffer or Father Baum as
11 acting socius during those --

12 A. I did. I would have talked to the
13 consultors and then acted.

14 Q. What was the role of a socius during your
15 term as Provincial?

16 A. Well, the socius is supposed to be
17 prepared if anything happens to the provincial, has
18 the knowledge and the engagement with the business
19 of the province to be able to take over.

20 And so the socius -- the word means
21 companion, but it's companion in two senses, a
22 support for the provincial and generally does the
23 role of a COO, handles a lot of the day-to-day
24 business that comes through the office, because the

25

1 office.

2 Q. In terms of the province's files, while
3 we're on that topic, how are the files in regards
4 to the Jesuits -- the personnel files, how are they
5 maintained?

6 Is there more than one file or are there
7 multiple --

8 MR. HUEBSCH: Again, we're talking during his
9 term as Provincial?

10 BY MR. ARGAY:

11 Q. During your term.

12 MR. HUEBSCH: Thank you.

13 THE WITNESS: During my term, there was an
14 alphabetical file. Each individual had a separate
15 file, but there was also -- that was the general
16 personnel files.

17 There was also -- and I was introduced to
18 this by my predecessor, what I always thought of as
19 the locked file, a confidential file to keep only
20 in the hands of the provincial and no one else that
21 contained more sensitive materials about a
22 relatively small number of individuals.

23 But this file was intended to be handed
24 from provincial to provincial and was done, at

27

1 provincial of necessity given the job travels --
2 must travel, meet -- must connect with the men.

3 But the other thing is, the socius is the
4 person with whom the provincial does and should
5 discuss the most complicated of issues, so that the
6 socius can offer advice and has -- if need be can
7 take over.

8 Q. So if there was a complicated issue that
9 faced the province, you would as Provincial have
10 included your socius in those discussions or
11 concerns?

12 A. Well, I tended to do that more. And
13 some -- it varied from provincial. There is
14 discretion given the provincial, because there's
15 obviously issues of a certain level of confidence
16 that certain issues might not be discussed with the
17 socius.

18 My tendency was to do more of that, but
19 nonetheless, there is discretion.

20 Q. Was the socius also responsible for
21 maintaining the province files?

22 A. That's correct. Yeah. Generally ran
23 operations and would, in fact -- was always, except
24 on the relatively rare occasions present in the

26

1 least during -- it was handed to me and I handed it
2 on to my successor.

3 BY MR. ARGAY:

4 Q. Would you have permitted your socius to
5 have access --

6 A. No.

7 Q. -- to your file? And those are files that
8 would only be viewed by your eyes and your eyes
9 only?

10 A. That's right. If the socius became
11 provincial and needed it, then the socius would
12 have access to that.

13 Q. The types of matters that would be
14 contained within the confidential file, what would
15 those include?

16 A. Well, it varied. I mean, there was -- but
17 it would be stuff that would be deemed particularly
18 sensitive, accusations or where we were aware that
19 an individual -- in some cases, the individual had
20 talked through stuff with the provincial that was
21 of a highly sensitive nature.

22 And this is the sort of material that
23 would go in there, assuming that I or whoever was
24 provincial would put it there. And my bias, again,

28

1 California when you were installed as Provincial?
2 **A. Pardon?**
3 Q. Were you aware that Father McGuire was, in
4 fact, in California when you were installed as
5 Provincial?
6 **A. At the moment when I was installed, I**
7 **wasn't -- there were lots of things I wasn't aware**
8 **of. I'm not sure what I was aware of.**
9 (Whereupon, Exhibit W1 was
10 marked for identification.)
11 BY MR. ARGAY:
12 Q. Father, this -- I've handed you Deposition
13 Exhibit No. 1.
14 Do you recognize this document? This is a
15 July 5th, 1984 letter between your predecessor,
16 Father Klein, and Monsignor Rodin?
17 **A. No.**
18 Q. Okay. In this letter, it mentions that
19 Father Klein was requesting faculties from the
20 Los Angeles Diocese in order to permit
21 Father McGuire to act as a consultant for the
22 Durance Corporation and specifically Santa Fe
23 Communications. Apparently, that's a TV channel in
24 California. Does this refresh your recollection --

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1 **A. No.**
2 Q. -- as to whether or not --
3 MR. ARGAY: Let's skip to No. 704.
4 (Whereupon, Exhibit W2 was
5 marked for identification.)
6 BY MR. ARGAY:
7 Q. Father, showing you Deposition Exhibit
8 No. 2, this is a letter from the Archdiocese of
9 Los Angeles to Father Klein, wherein
10 Father McGuire's faculties in California are
11 permanently terminated as of January 1st, 1985.
12 Does this document refresh your
13 recollection as to whether or not Father McGuire
14 was in Los Angeles or had his faculties permanently
15 removed?
16 **A. No. This is news to me.**
17 Q. So this was not a matter that was
18 discussed with you when you were installed as
19 Provincial?
20 **A. No, because -- and I suspect at the time,**
21 **there was -- he was simply assigned out there.**
22 Q. When you were installed as Provincial, at
23 what point in time did you first review personnel
24 files that were in the confidential file?

42

1 **A. It probably was in the first month or two.**
2 Q. Did you also review -- if there was a file
3 pertaining to a Jesuit in the confidential file,
4 would you also then review the corresponding
5 personnel file, the nonconfidential file?
6 **A. I would probably, depending on the matter**
7 **at stake. Ordinarily, I did not review those**
8 **files, because they were -- but if the situation**
9 **called for it.**
10 Q. Do you recall reviewing Father McGuire's
11 confidential file during that first month when you
12 were Provincial?
13 **A. No.**
14 Q. And this matter --
15 **A. Whether -- there was no confidential file**
16 **on Father McGuire.**
17 Q. So when you were installed --
18 **A. At least the material -- to the best of my**
19 **knowledge, the first material that went into that**
20 **confidential file was the material that I wrote.**
21 Q. So to the best of your understanding, the
22 confidential file pertaining to Donald McGuire was
23 created during your term as Provincial?
24 **A. That's correct.**

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1 Q. And there were no prior documents
2 pertaining to Father McGuire that was labeled a
3 confidential file?
4 **A. That's correct.**
5 Q. And the documents that I showed you,
6 Deposition Exhibits No. 1 and 2, would those be
7 documents that would be contained within the
8 personnel file?
9 **A. Well, all I can say is that they weren't**
10 **in the confidential file.**
11 Q. Fair enough. Do you remember
12 approximately when or why you created a file for
13 Father McGuire?
14 **A. Yes. In 1991 after an accusation had**
15 **been -- had come from a brother in California at a**
16 **California retreat house concerned with a young man**
17 **named**
18 MR. BROOKS: We're referring to potential
19 victims of Father McGuire's abuse by their first
20 name and their last initial in order to protect
21 their privacy, Father, just so you don't -- and the
22 court reporter knows to modify that as we go along
23 so --
24 BY MR. ARGAY:

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11 (Pages 41 to 44)

1 the file?
2 **A. A memo to the file to basically record the**
3 **fact that this issue had been raised. You know,**
4 **that was the whole purpose of it.**
5 Q. Is this the type of document that would be
6 placed into a confidential file or would this be
7 placed into the ordinary personnel file?
8 **A. You know, this particular one probably**
9 **could go either way. I chose to put it in the**
10 **confidential file.**
11 Q. So at this point in time, by
12 October 30th, 1990, there had been in existence or
13 created a confidential file for Donald McGuire?
14 **A. To the best of my knowledge.**
15 Q. Do you recall when you created the file --
16 the confidential file?
17 **A. Well, the date is October 30th, 1990. Do**
18 **I remember exactly whether that was the moment or**
19 **whether there was some earlier piece, I don't.**
20 **(Whereupon, Exhibit W21 was**
21 **marked for identification.)**
22 BY MR. ARGAY:
23 Q. Father, I'm showing you Exhibit No. 21,
24 which is a November 8th, 1990 letter from

1 whenever the file was created that it would then
2 henceforth be handled and relied on the judgment of
3 prior provincials or provincials who would insert
4 or not. So I did not.
5 Q. Also, in regards to the Bellarmine Fund
6 issue that we discussed, as well as the Tridentine
7 Rite matter, which -- both of which included the
8 superior in the loop of communication, were those
9 matters also the types of matters that would be
10 requiring the involvement of your socius?
11 **A. My socius probably would have seen and saw**
12 **a variety of mail that I read but not necessarily.**
13 **This particular matter, probably.**
14 Q. And I'm just trying to get a feel for the
15 level of involvement of Father Baum during the 1985
16 to --
17 **A. This would be Father Schaeffer.**
18 Q. -- 1990 time frame.
19 **A. And I corrected that to Father Schaeffer,**
20 **because we're still in his -- that first half of**
21 **1990 and '91.**
22 Q. The fourth paragraph of this letter states
23 from that it was my independent judgment
24 after seeing him in action that he, referring to

1 to yourself regarding this issue
2 that was referenced in Exhibit No. 20. Do you
3 recall receiving this letter?
4 **A. Let me read it first. I did, sure.**
5 Q. The letter is marked confidential. Would
6 this letter also be the type of letter that you
7 would have placed in Father McGuire's confidential
8 file?
9 **A. I'm not sure. I -- it could go either**
10 **way.**
11 **It's a follow-up on the previous -- it**
12 **really is saying certain things rather strongly.**
13 **They do recognize they need to address the issues**
14 **and -- but of course, he is honest enough to say**
15 **there's mixed viewpoints in this -- among this**
16 **rather conservative group.**
17 **And then, he offers his own views. So**
18 **I -- I'm not sure that I did anything about this.**
19 Q. In regards to either creating or
20 supplementing the confidential file, did you go
21 back and review Father McGuire's personnel file to
22 see if there were other matters that ought to be
23 included in the confidential file?
24 **A. No, I did not. I presumed that whoever --**

1 Donald McGuire, was divisive, manipulative, and a
2 bit of a megalomaniac. I frankly had concern about
3 his mental stability.
4 Was this the first time you were hearing
5 these sorts of comments about Donald McGuire or did
6 this reaffirm --
7 **A. Yeah.**
8 Q. Let me finish the question.
9 MR. HUEBSCH: Wait. He hadn't finished his
10 question yet. Finish the question. Go ahead.
11 BY MR. ARGAY:
12 Q. Is this the first time that you were
13 hearing these sorts of comments about
14 Donald McGuire or is this something that reaffirmed
15 sort of rumors that you had heard about McGuire?
16 **A. This was -- I had not heard this sort of**
17 **judgment about his mental stability.**
18 **I didn't, given the report of**
19 **Father Wisnovsky, take it all that seriously,**
20 **because I think we had a very conservative group**
21 **battling and a thing not that uncommon.**
22 **So it may have said as much about**
23 **as about -- it wasn't consistent with my**
24 **experience of Don McGuire. So that's what I would**

1 what-have-you, whether or not he knew there was
 2 evidence that a confidential file existed.
 3 So that assumes a fact not in evidence
 4 with this witness. You can refine it to indicate
 5 '85 or '91.
 6 MR. ARGAY: I'm just going to let the question
 7 stand.
 8 MR. HUEBSCH: Don't answer it.
 9 MR. ARGAY: You're instructing him not to
 10 answer it on the basis of vagueness?
 11 MR. HUEBSCH: Absolutely. You're asking him to
 12 guess at something that didn't exist. How does he
 13 know? Ask him if existed. If he knows, he can
 14 answer the question. Lay the foundation.
 15 MR. TOOMEY: Also, we are missing the second
 16 page of this.
 17 MR. BROOKS: Perhaps you guys should go through
 18 your files and find it, since it's your document.
 19 MR. TOOMEY: Well, I mean --
 20 MR. BROOKS: We've already found enough of the
 21 documents for you guys. It's time to find your
 22 own.
 23 BY MR. ARGAY:
 24 Q. Father, this document was produced to us

1 in discovery in this matter from the Jesuits. It
 2 was within the possession of the Jesuits when it
 3 was produced to us. And I can represent that to
 4 you.
 5 Does it surprise you that there -- that
 6 this document would not be contained in some
 7 separate file pertaining to Father McGuire?
 8 **A. Yes. I would say yes to that, that the**
 9 **whole purpose of that file is to -- the files are**
 10 **enormous and there was -- so anyway --**
 11 Q. You were not aware of this letter?
 12 **A. I was not aware of this.**
 13 Q. Had you been aware of this letter, you
 14 would have placed it in the confidential file, is
 15 that fair to say?
 16 **A. Oh. Correct.**
 17 Q. And while you were not aware of the
 18 contents of this letter, others at the province
 19 were aware of it?
 20 MR. HUEBSCH: Objection. That calls for
 21 speculation in the mind of the others of the
 22 province. Unless there's some foundation that he
 23 talked to them about it, how would he know?
 24 BY MR. ARGAY:

1 Q. Do you understand the question?
 2 MR. HUEBSCH: Go ahead and answer if you know
 3 through some source.
 4 THE WITNESS: Yeah. And the answer is, I don't
 5 know anything of that sort.
 6 BY MR. ARGAY:
 7 Q. The document exists, however?
 8 **A. I see a document before my face. It**
 9 **exists. But where and whether it was even in the**
 10 **right -- in the building --**
 11 Q. Did you ever ask Father McGuire -- or
 12 strike that.
 13 After the . . . issue arose, did you
 14 either personally or ask your socius to review the
 15 personnel file?
 16 **A. My presumption was that the relative --**
 17 **the relevant material would be, if existing, in the**
 18 **locked files. Beyond that, I cannot remember.**
 19 Q. So you would only have instructed the
 20 socius to review the locked file?
 21 **A. No. I would have reviewed the locked**
 22 **file.**
 23 Q. Got you. Did you instruct your socius to
 24 review the personnel file?

1 **A. I have no recollection of what was done.**
 2 Q. Did you review the personnel file?
 3 **A. I did not.**
 4 Q. Do you know whether anyone reviewed the
 5 personnel file in the course of investigating the
 6 matter?
 7 **A. I cannot -- I have no recollection.**
 8 **(Whereupon, Exhibit W27 was**
 9 **marked for identification.)**
 10 BY MR. ARGAY:
 11 Q. I'm showing you what's been marked as
 12 Exhibit No. 27. It's a May 11th, 1988 letter from
 13 the Archdiocese of Chicago.
 14 This letter acknowledges that
 15 Father McGuire maintains faculties with the
 16 Archdiocese of Chicago that were previously
 17 granted. Do you see that?
 18 **A. Correct.**
 19 Q. And were you aware that Father McGuire had
 20 faculties with the Archdiocese of Chicago?
 21 **A. He would have had to have faculties if he**
 22 **was resident there.**
 23 Q. This letter was written to you three
 24 months after the . . . situation first arose?

1 yourself to Father McGuire, have you seen this
2 letter before?
3 **A. I have.**
4 **Q.** On the second page of this letter, Father,
5 you indicate to Father McGuire that you felt that
6 his conduct with had been vindicated. Do
7 you see that?
8 **A. Where are we at?**
9 **Q.** The second -- the only full paragraph, the
10 middle of the page. It begins despite this clear
11 vindication of your conduct.
12 **MR. HUEBSCH:** Do we have the same exhibit?
13 What number is this?
14 **THE WITNESS:** 30.
15 **MR. TOOMEY:** 30.
16 **MR. HUEBSCH:** It's Bates stamped 1089.
17 **MR. BROOKS:** 90.
18 **MR. HUEBSCH:** 1089 or --
19 **MR. TOOMEY:** Oh. 1089.
20 **MR. BROOKS:** He's reading from Page --
21 **MR. HUEBSCH:** You're reading from Page 1090.
22 **MR. ARGAY:** That second --
23 **MR. HUEBSCH:** I got you.
24 **BY MR. ARGAY:**

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1 there could be weight to the allegations, is that
2 correct?
3 **A. Yes.**
4 **Q.** And therefore, you left the restrictions
5 in operation --
6 **A. Yes.**
7 **Q.** -- that were on at that point? And you
8 would have left those restrictions in place -- or
9 strike that.
10 Did you leave those restrictions in place
11 because you felt that Don McGuire may pose a
12 danger?
13 **A. Well, the situation is ambiguous. And so**
14 **there is that possibility that we -- that while the**
15 **parents deny it, nonetheless, something might have**
16 **happened.**
17 **So there is -- there's certainly the**
18 **concern that at least we're doing what's necessary**
19 **to protect minors and to protect everybody, protect**
20 **society.**
21 **Q.** And in terms of leaving the directives in
22 place, what mechanisms did you also have that
23 ensured that he abided by the directives?
24 **A. Well, in some ways, it's, I suppose --**

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1 **Q.** There's a sentence that begins on the
2 second page of this letter despite this clear
3 vindication of your conduct. Do you see that?
4 **A. I do.**
5 **Q.** Did you believe that Father McGuire had
6 been vindicated of his conduct with regards to
7 ?
8 **A. Well, his parents denied the situation and**
9 **so -- but at the same time, the directives are kept**
10 **in force.**
11 **So I mean, there's an issue of -- my**
12 **comment before was, the situation in California**
13 **that Brother Palacio reported was ambiguous and it**
14 **remained in my mind ambiguous.**
15 **It suggested that certain things should be**
16 **done to protect minors and to protect all involved.**
17 **And the -- I'm -- my reference to vindication is**
18 **the vindication comes from the parents. It doesn't**
19 **mean that I completely agree with that point of**
20 **view. So the directives are left in force.**
21 **Q.** So due to the ambiguities that you felt in
22 your mind --
23 **A. Correct.**
24 **Q.** -- you still had some suspicions that

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1 **it's difficult to -- the first thing was -- as I**
2 **said before, is to have directives clearly stated.**
3 **And we gain considerable leverage if**
4 **there -- if another situation arises and is linked**
5 **with this and we have some real leverage to do**
6 **something much more substantial in terms of the**
7 **situation or less ambiguous, we could have**
8 **exercised a greater level of control, but we're**
9 **still relying on the direct -- you know, he**
10 **receives directives. He has a Jesuit response to**
11 **those directives. Those directives are given**
12 **seriously.**
13 **He -- so beyond that, can you police every**
14 **single moment of that, no, you cannot.**
15 **Q.** And -- well, that's -- I guess that's my
16 question.
17 What efforts were being made to police
18 some of his moments, if not -- if you're not --
19 unable to police all of his moments, how are you
20 able to police some of them?
21 **A. Well, if you -- if there are reports of**
22 **the sort that he's traveling with minors, he**
23 **has a -- he then is dealing with a significant**
24 **issue from the point of view of what his major**

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37 (Pages 145 to 148)

1 superior asked him.
2 Q. So these are in place in the event
3 additional information was to come to you?
4 A. Correct, because the situation as
5 presented was -- seemed to present ambiguities
6 about what exactly happened.
7 Q. And otherwise, you would trust Don McGuire
8 to abide by the directives that you placed upon
9 him?
10 A. It was the first time that this sort of
11 incident had arisen --
12 Q. But you would trust --
13 A. -- to my knowledge.
14 Q. But you would trust him to abide by them?
15 A. I would trust that he would abide by them,
16 you know, that we were still dealing with someone
17 who would respond to serious directives from the
18 society.
19 Q. Previously, you had testified that the
20 superior or yourself would not keep track of
21 Father McGuire's travels and his retreats and so
22 forth. Do you recall that?
23 A. I do.
24 Q. Okay. After the directives were issued,

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1 was there an effort made to sort of keep an
2 itinerary of where Father McGuire would be
3 traveling and who he would be traveling with?
4 A. I do not recall on that.
5 Q. If there had been some delegation of that
6 matter in that regard, would you have created a
7 document or further directive that would speak to
8 that?
9 A. In all likelihood, if not for no other
10 reason than Don McGuire himself be aware of this.
11 Q. Now, this letter is dated June 19th of
12 1991. When was your last day as Provincial?
13 A. It was August 22.
14 Q. So this is right as -- this is all
15 occurring right as you were --
16 A. Right.
17 Q. -- on the way out the door? Did
18 Father Schaeffer know in 19 -- late 1990 that he
19 had been considered to be the next provincial?
20 A. He was named in -- next provincial in
21 January of 1991.
22 Q. And he was not -- at that point in time in
23 January of 1991, he was not still the acting
24 socius, Father Baum at that point in time --

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1 A. That's correct.
2 Q. Did you have any role in recommending
3 Father Schaeffer as the successor as provincial?
4 A. Well, I do. I mean, the provincial is
5 asked to give his viewpoint and -- but of course,
6 the consultants write to Rome separately.
7 And so the vote is conducted -- each
8 provincial and the consultants have an equal vote.
9 We send over a ranked list of recommend -- of
10 people recommended for the job. The appointment
11 then is made in Rome.
12 Q. Okay. And why did you recommend
13 Father Schaeffer?
14 A. Because he was a highly respected Jesuit
15 in the province. He had performed extremely well
16 on the province staff. He would be a person who
17 could lead capably the province, and in fact, did
18 so.
19 Q. Do you know, was he himself a consultant at
20 some point in time prior to becoming provincial?
21 A. He was on the province staff. My
22 recollection is, he was not a consultant.
23 Q. In the months leading up to --
24 A. I'm sorry. When he was socius -- acting

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1 socius, he would have been -- served in that role.
2 So that would have been from roughly
3 August or July of 1990 to -- he went on sabbatical
4 after he -- when it was clear he was going to be
5 named provincial. He was on sabbatical that second
6 semester.
7 Q. And to your knowledge, independent of that
8 time, he was not consultant other than when he was
9 acting socius?
10 A. That's to the best of my knowledge.
11 Q. During the period of time after January of
12 '91 when he was named to be provincial and when you
13 left in August of 1991, did you have meetings with
14 Father Schaeffer in terms of what his duties were
15 going to be as provincial, what the prominent
16 issues were, and so forth?
17 A. I did.
18 Q. Okay. How many meetings did you have with
19 Father Schaeffer?
20 A. I can't tell you the number, but enough to
21 get him -- it helped that he had already been on
22 the province staff and was acquainted with a lot of
23 the problems and business, but there was still a
24 review of personnel, and you know, a hand-off of

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38 (Pages 149 to 152)

1 the sort that we discussed earlier in this
 2 conversation.
 3 Q. And one of the matters that you would have
 4 handed off, would that include the locked file or
 5 the confidential files?
 6 A. Yes, and a discussion of -- of the
 7 situation.
 8 Q. So you specifically recall having a
 9 discussion --
 10 A. Yes.
 11 Q. -- with Father Schaeffer about the
 12 situation and Don McGuire?
 13 A. Yes.
 14 Q. Okay. What did you communicate to
 15 Father Schaeffer in that regard?
 16 A. Well, obviously, the directives would be
 17 the principal thing. He would be -- he would have
 18 to be aware of that as major superior.
 19 And we were in a different arena with
 20 Don McGuire at that point, because there was a
 21 clear set of orders given and we would react quite
 22 differently to further sorts of incidents.
 23 Q. It was a serious matter, though, that you
 24 conveyed to him?

1 questions.
 2 MR. HUEBSCH: You have no further questions.
 3 No questions. Signature is reserved.
 4 (FURTHER DEPONENT SAITH NOT)
 5
 6
 7
 8
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 24

1 A. A serious matter, yeah. Ambiguous, yes,
 2 but serious, I mean, in the sense that smoke as
 3 smoke and fire -- we didn't have fire, but we had
 4 smoke.
 5 MR. ARGAY: I think I might be done.
 6 (A short break was taken.)
 7 BY MR. ARGAY:
 8 Q. Father, just real quickly, in terms of
 9 Father Schaeffer's responsibilities in regards to
 10 this directive, you testified that you would have
 11 expected that if he had received additional
 12 information that he would act upon that?
 13 A. He would have to judge the nature of the
 14 information, of course, but the directive was
 15 designed to facilitate his doing so.
 16 Q. And the type of information that he would
 17 be alerted to or that he should be concerned about
 18 would be the type of information that's contained
 19 in Exhibits 25 and 26 if he were to receive that
 20 information?
 21 MR. HUEBSCH: Take a look at them, Father.
 22 THE WITNESS: Yeah, I better. 25, most
 23 certainly. 26, yes.
 24 MR. ARGAY: Okay. I don't have any other

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF C O O K)
 4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 5 COUNTY DEPARTMENT - LAW DIVISION
 6 JOHN DOE #116,)
 7 Plaintiff,)
 8 vs.)No. 07 L 8781
 9 THE CHICAGO PROVINCE OF THE)
 10 SOCIETY OF JESUS,)
 11 Defendant.)
 12 This is to certify that I have read the
 13 transcript of my deposition taken by Elizabeth L.
 14 Vela, Certified Shorthand Reporter, on August 12,
 15 2009, and that the foregoing transcript accurately
 16 states the questions asked and the answers given by
 17 me as they now appear.
 18 _____
 19 FATHER ROBERT WILD
 20 SUBSCRIBED AND SWORN TO
 21 before me this ____ day
 22 of _____ 2009.
 23 _____
 24 Notary Public

**BROTHER RICARDO PALACIO
JOHN DOE 116 VS. THE CHICAGO PROVINCE
01-19-2011**

SHEET 1 PAGE 1

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

JOHN DOE 116, et al,

Plaintiffs,

VS.

THE CHICAGO PROVINCE OF THE
SOCIETY OF JESUS, et al.,

Defendants.

Case No. BS 116938

Pages 1 - 114

Deposition of BROTHER RICARDO PALACIO, taken
on behalf of the plaintiffs, at 801 South Figueroa
Street, 16th Floor, Los Angeles, California, 90017,
commencing at 10:15 a.m., on Wednesday, January 19,
2011, before Lori Raye, CSR No. 7052.

--000--

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PAGE 2

Appearances:

FOR THE PLAINTIFFS JOHN DOE 116 AND 118:

THE MC GUIRE LAW FIRM
BY: KEVIN M. MC GUIRE, ESQ.
43460 Ridge Park Drive
Suite 200
Temecula, California 92590
(951) 719-8416

FOR THE PLAINTIFFS JOHN DOE 117, 118 AND 130:

KERNS, FROST & PEARLMAN, LLC
BY: MICHAEL L. BROOKS, ESQ.
70 West Madison Street
Suite 5350
Chicago, Illinois, 60602
(312) 261-4567

FOR THE DEFENDANT THE CHICAGO PROVINCE OF THE
SOCIETY OF JESUS:

QUERREY HARROW
BY: ROBERT P. HUEBSCH, ESQ.
175 West Jackson Boulevard
Suite 1500
Chicago, Illinois 60604-2827
(312) 540-7534

FOR THE INSTITUTE OF THE BROTHERS OF CHRISTIAN
SCHOOLS AND THE DEPONENT:

TOBIN & TOBIN
BY: LEEH DIBELLO, ESQ.
500 Sansome Street
Suite 200
San Francisco, California 94111-3214
(415) 433-3883

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(800) 734-8838

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I N D E X

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PAGE 4

LOS ANGELES, CALIFORNIA
WEDNESDAY, JANUARY 19, 2011
10:15 a.m.

BROTHER RICARDO PALACIO,
HAVING BEEN PLACED UNDER OATH,
WAS EXAMINED AND TESTIFIED AS FOLLOWS:

E X A M I N A T I O N

BY MR. MCGUIRE:

Q. Brother, would you please state and
spell your name.

A. Okay. My name is Brother Ricardo
Palacio, R-i-c-a-r-d-o P-a-l-a-c-i-o.

Q. And sir, are you a brother of a
particular order?

A. I am a Brother of the Christian Schools.
Our headquarters are located in Napa, California.
We conduct schools and -- well, most of us are
teachers, yes.

Q. Are there priests of your order?

A. There are no priests.

Q. So you're all what we essentially call

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EXHIBIT 19

BROTHER RICARDO PALACIO
JOHN DOE 116 VS. THE CHICAGO PROVINCE
01-19-2011

SHEET 8 PAGE 57

1 Is that about right, to your knowledge?
2 A. I guess it could have been, yes.
3 Q. Is it fair to say that all of this stuff
4 was happening fairly fast that morning?
5 A. Very fast.
6 Q. Okay. Before you made this phone call to
7 R.W., which I'm assuming is Robert Wild, as you see
8 at the top there, you, in fact, did speak with the
9 mother, correct?
10 A. Yes, I did.
11 Q. If you can, still looking at this
12 Exhibit 2, do you remember who you spoke to
13 initially?
14 A. I don't.
15 Q. It says here the telephone number is
16 (707) 963-1411 at the top.
17 Is that the number for the retreat house?
18 A. Yes, that was the number of the retreat
19 house.
20 Q. There are some other notes down here that
21 I'm assuming -- and I'm going to ask you about
22 them -- purport to be the communication that you
23 had.
24 "One of the priests --" I can't make out
25 the rest -- then "Coby Academy" --

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1 A. Yeah, this is misspelled, Kolbe.
2 Q. Then we have and an
3 Anchorage, Alaska?
4 A. Yes.
5 Q. Do you remember giving this kind of
6 information to the person that answered the phone?
7 A. I guess I did. I don't remember.
8 MS. DIBELLO: Don't guess.
9 THE WITNESS: I don't remember.
10 BY MR. MCGUIRE:
11 Q. Do you have any reason to believe this
12 information is incorrect at this time?
13 MS. DIBELLO: The document speaks for itself.
14 THE WITNESS: No. It's correct.
15 BY MR. MCGUIRE:
16 Q. So if I can, did you get a phone call
17 back? Exhibit 2 indicates that you left a phone
18 message and I'm assuming you got a phone call back;
19 is that true?
20 A. Yes. Let me say, I don't remember if I
21 called again or if he called back. But I do
22 remember, you know, speaking with him and I told
23 him, you know, what had transpired thus far.
24 He responded that there had been other
25 reports of this kind of stuff with...

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1 Q. Father McGuire?
2 A. With Father McGuire. So I just kind
3 of --
4 Q. That's okay, sir.
5 Did he indicate the nature of these other
6 reports, specifically?
7 A. No, he just made that statement.
8 Q. Did you gather from that specific
9 communication that there were other allegations
10 against Father McGuire of sex abuse with teenagers
11 or minors?
12 A. Yes.
13 Q. I'm assuming you spoke with Father Wild;
14 correct?
15 A. Yes, I did.
16 Q. Did he indicate how many?
17 A. He did not indicate anything.
18 Q. Did he indicate how far back those
19 complaints went?
20 A. He did not.
21 Q. But he specifically told you there were
22 other complaints?
23 A. Yes.
24 Q. Did you have an understanding during your
25 conversation that Father Wild had some familiarity

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1 with these complaints from the past?
2 A. Yes.
3 Q. Where did the conversation go from here,
4 from this point?
5 A. Well, he indicated to me that he would
6 get ahold of Father McGuire. He must have had his
7 schedule because he's the one who alerted me to the
8 fact that he was going to Tijuana, Mexico after
9 St. Helena.
10 Q. So he told you that right on the phone,
11 correct?
12 A. Yes.
13 Q. Did he say that he was going to
14 immediately get ahold of him after the retreat or
15 during the retreat?
16 A. That, I don't remember, but he did
17 indicate he was going to talk to him.
18 Q. During your telephone conversation with
19 Father Wild, did you indicate in any sense or in
20 any way that you could that was in danger
21 of further happenings or further abuse?
22 MS. DIBELLO: Calls for a legal conclusion;
23 assumes facts.
24 THE WITNESS: He's the one who let me know
25 that -- he must have had a schedule that he was

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BROTHER RICARDO PALACIO
JOHN DOE 116 VS. THE CHICAGO PROVINCE
01-19-2011

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1 going to Tijuana, Mexico. And I said, "Oh, we've
2 got to get this kid away from that guy."
3 BY MR. MCGUIRE:
4 Q. You said that to Father Wild?
5 A. Yes.
6 Q. What was his reaction?
7 A. I don't remember that but, you know --
8 Q. Did you sense that he would contact
9 McGuire but only when he was away from the retreat,
10 when he was on his way to Tijuana? Is that how you
11 understood it?
12 A. Well, I was hoping that he would
13 contact -- it must have been that because -- yeah.
14 Q. Is it fair to say that you were hoping
15 that Father Wild would contact Father McGuire
16 immediately?
17 A. Immediately.
18 Q. You gathered from the communication with
19 Father Wild that he was not going to do that?
20 A. Yes, he was going to communicate with him
21 at some point. When he told me that he was next
22 going to Tijuana, I said, you know, "We've got to
23 get this kid away."
24 Q. So you conveyed and communicated to
25 Father Wild a sense of urgency?

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1 A. Yes.
2 Q. And the urgency was to protect the child?
3 A. Right.
4 Q. Is it fair to say that Father Wild was
5 not acting as urgently as you thought was
6 necessary?
7 A. Right.
8 Q. Did you speak with Father Wild about your
9 communication with the mother up in Anchorage?
10 A. Yes.
11 Q. How did that go? Can you tell me what
12 you communicated to him and what his response was?
13 A. I just told him what had happened, and
14 then most importantly, just her reaction, you know,
15 of me making this accusation against this priest
16 and that he was, you know, very holy and all that
17 stuff.
18 Q. Did he communicate to you that he was
19 used to that kind of a reaction from people
20 regarding Father McGuire?
21 A. Well, he never said it that way, but he
22 just said that he had received other reports like
23 this.
24 Q. Did he indicate to you, such as Father
25 Anthony in Anchorage, that Father McGuire had a

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1 following of people that regarded him as holy?
2 A. He did not say anything like that.
3 Q. When you hung up with him, the plan was,
4 as far as you understood it, that Father Wild would
5 communicate with Father McGuire prior to his going
6 to Tijuana?
7 A. Yes.
8 Q. When you hung up the phone with Father
9 Wild, did you have any expectation that Father Wild
10 would call Father McGuire during the retreat?
11 A. I don't -- I don't know. From what --
12 from how he said it, it was at some point -- at
13 some later point he would do that.
14 Q. So you had no expectation that McGuire
15 would be confronted with this issue by his
16 provincial while on the retreat?
17 A. I just didn't get that feeling.
18 Q. Now, prior to this phone call with the
19 provincial, did you have any communication with
20 Father McGuire directly, other than the initial
21 greeting in the parking lot and walking through the
22 front doors of the retreat house?
23 A. The only communication was, you know, at
24 the greeting and then when I was standing at the
25 door. I don't remember what I said, but I did not

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1 speak to him.
2 Q. At all?
3 A. At all. I didn't tell him about the
4 calls to Anchorage and Chicago.
5 Q. When you were there at the threshold of
6 his door, did you indicate to him that
7 cannot sleep in here?
8 A. I did say that, you know, we have
9 reserved a room and that I was kind of ticked
10 off -- I forgot how I said it -- that we saved this
11 room, because I had a friend coming up but, you
12 know, that there was a room for
13 Q. And that he should be using it, is it
14 fair to say that?
15 A. I don't know if I said that.
16 Q. Right. Were you still trying to be
17 diplomatic?
18 A. Yeah, trying to be diplomatic, I think.
19 Q. When you hung up with Father Wild, did he
20 give you any instructions about what you were to do
21 with Father McGuire during the rest of the retreat?
22 A. Nothing.
23 Q. Did he tell you to keep an eye on him in
24 any way?
25 A. Nothing.

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Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (312) 975-6363 • (312) 975-0230 FAX

February 27, 1991

Rev. Donald J. McGuire, S.J.
Ganisius House
201 Dempster Street
Evanston, IL 60201-4704

Dear Don,

In the aftermath of our conversation last Friday, February 22, I wanted to send to you some sort of summation of our discussion. Let me begin by thanking you very much for your prompt response to my rather insistent summons which reached you at the Missionary Sisters of Charity residence in Tijuana, Mexico a day or so before.

As you well know, I had received on February 19 a phone call from the Director of the Christian Brothers Retreat House in St. Helena, California. The Director noted that you had been travelling with a seventeen year old boy, of Anchorage, Alaska, since sometime in January and became worried because of some things that he observed that you might possibly be sexually involved in some way or other with this young man. Because of his concerns, he called me and I then contacted you in order to learn at once what precisely had transpired.

In our conversation together you readily admitted that [redacted] had been travelling with you off and on since January. That is to say, on three separate occasions during your recent lengthy swing through various places on the West Coast, [redacted] with, as you pointed out, the full and explicit permission of his parents in each case, had come to accompany you. Mr. and Mrs. [redacted] thought that their son could be of special help to you especially in carrying heavier luggage, that sort of thing, in light of your recent rather serious back problems and also hoped that their son might meet some of the Missionaries of Charity in Tijuana and elsewhere and might in particular have a chance to meet Mother Teresa, who had been scheduled to visit the convent in Tijuana. Your secretary, [redacted] also travelled with you and [redacted] on this trip except for an eight or nine day period, a period which included the time in question at the Christian Brothers Retreat House. You underscored your care in always making sure that [redacted] had a separate room to himself and described in some detail where precisely [redacted] had stayed during the time at the retreat house in St. Helena. You denied that you had been alone with him in your bedroom with the door shut and insisted that you assiduously were very careful and prudent in your dealings with this young man.

EXHIBIT 20

EXHIBIT

W24
8/12/09 EU

01092

Rev. Donald J. McGuire, S.J.
February 27, 1991
Page Two

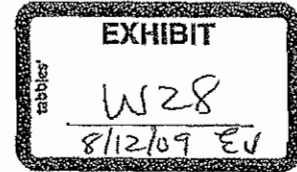
I asked you explicitly if you had had at any time any sort of sexual contact with _____ and you denied categorically that there ever had been any kind of activity of this sort. I further asked you if you had ever in the past been sexually involved in any sort of way with any minor person and you told me quite clearly that you had never done anything at any time of that sort.

While you have been clear and forthright in your denial of any wrong doing in this specific instance, I still believe that as your Major Superior I need to ask some things of you in terms of general prudence in this whole area. That is to say, both you and I recognize the great public concern that exists today about any sort of sexual impropriety especially with respect to minors. This heightened concern has been a help and a blessing in calling forth a special care in this area, an area in which failings and improper actions can so damage a young person. I therefore asked of you two changes in your behavior, and you readily agreed to both. First of all, I ask that you not travel on any overnight trip with any boy or girl under the age of 18 and preferably even under the age of 21. Secondly, I asked you to confine any further contact that you might have with _____ to situations in which at least one of his parents would also be present. This latter command I did not give you because of any wrong doing that I noted in your behavior; I think it simply a matter of careful prudence under the circumstances. Both of these directives, as I said, you accepted readily and agreed to observe fully.

Let me close this whole matter, Don, by once again thanking you both for your prompt and immediate response to my directive to travel from Mexico back to Chicago to meet with me and also for your readiness to accept what I asked of you at that meeting. I am sorry that this whole incident came up and I know that this whole business cannot have been pleasant for you. But, as we discussed at our recent meeting, it would be wrong for me to take lightly any allegations or concerns raised in this area. Nor would you wish me to do so. But I nonetheless am most grateful to you for your cooperation and I certainly will pray for you and for all of the apostolic work that you are doing.

Your brother in Christ,

Robert A. Wild, S.J.
Provincial



May 13, 1991

Br. Ricardo Palacio, S.S.C.
Christian Brothers Retreat House
2233 Sulphur Springs Avenue
St. Helena, California 94514

Dear Br. Ricardo,

In response to your telephone call to us, Sunday, February 17, 1991, suggesting that certain improprieties occurred during a retreat conducted by Fr. Donald McGuire, we thought it prudent to clarify the events concerning Father and our son,

who was given the opportunity to travel and be schooled by Fr. McGuire. Father supports Father in his retreats and aids him in his medical needs, as he is among other things diabetic and suffering from a protruding disc.

We placed the care of our son, physically, spiritually, and academically, in the hands of Fr. McGuire. He has been traveling and assisting Fr. since October, 1990. He has returned home twice since October and we have been in phone contact with him regularly. His itinerary as well as phone contacts and addresses are known to us at all times.

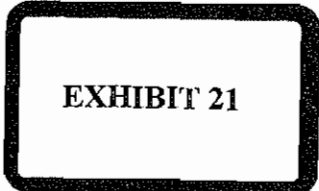
Upon arrival at the Christian Brother's Retreat House, [redacted] phoned home to report that his luggage had been lost by America West. Being well aware of the schedule and what a retreat given by Fr. McGuire involves, we naturally assumed that [redacted] would receive any additional assistance he required from the Brothers. We were very disappointed to learn that not only did no one offer to assist him in locating his bag but no offer was made of toiletries, etc.

During our telephone conversation, Br. Ricardo, you were requested to keep what was discussed confidential until our son returned home. You were assured that we would discuss your concerns with [redacted] by telephone in the interim. Shortly afterwards we were extremely upset to learn that not only had you spoken to at least two other priests and a religious, but that you were not honest when conveying how you acquired our telephone number. Nor were you honest regarding the number of personal conversations you stated took place between [redacted] and yourself. None of which, according to [redacted] ever occurred. On the contrary, [redacted] stated that he was disturbed because two Brothers at the Retreat House were obviously pursuing him to spend time with them. Fr. McGuire intervened only when the Brothers persisted.

We were also extremely upset to learn that less than a week after your telephone call to us, Fr. McGuire was called home by his Provincial because of your unsubstantiated accusations. Not only was this a large financial burden and inconvenience to Father but was cause for us to question your judgement concerning the situation.

In our opinion, your approach to this situation was grossly imprudent. It would have been much wiser for all concerned if Fr. McGuire would have been confronted directly by you. As a result of your actions the implication of scandal exists.

28



01086

Br. Ricardo Palacia, S.S.C.
May 13, 1991
Page 2

We have been assured by our son, that no improprieties occurred and that Fr. McGuire was at all times perfectly polite to the retreatants as well as the staff at the Retreat House. Fr. McGuire's reputation is one of integrity and holiness. Had you inquired with those organizing the retreat, they would have gladly given you a very large and impressive list of references, beginning with Mother Teresa.

We trust that this is a closed issue and that no other repercussions will follow. We shall keep you and your staff in our prayers.

God bless you.

cc: Br. Mark Murphy, F.S.C., Provincial
Rev. Donald J. McGuire, S.J.
Rev. Robert Wild, S.J., Provincial, Chicago Province

01087



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (312) 975-6363 • (312) 975-0230 FAX

June 19, 1991

Rev. Donald J. McGuire, S.J.
Canisius House
201 Dempster Street
Evanston, IL 60201-4704

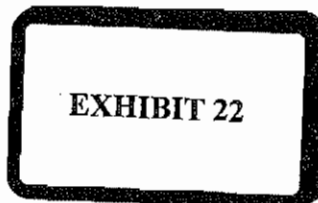
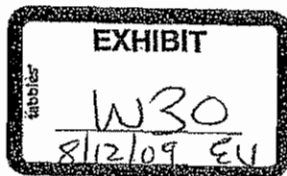
Dear Don,

Let me thank you very warmly indeed for your helpful report on your present situation that you sent me under date of June 5. I am sorry that you were not able to make our Province Days; the turnout of our men once again was extraordinary and I think that people were really enthusiastic about our gathering. And, as you say, I think you would have found it a special moment of grace to impose hands upon the four ordinandi.

Your health situation sounds challenging but still something that you can deal with. I hope that the therapy that you are undergoing does help your overall physical well-being. You have had a variety of health struggles along the way but they never seem to stop you from your apostolic work.

Don, I gave a lot of thought to writing the sort of letter that you proposed to ~~write~~. In the end, however, I decided against such a course of action but determined simply to acknowledge his original letter in much more neutral fashion, even though quite supportive of you. Since in that whole business I have already made one mistake for which I apologized to you, I felt that I ought not to compound matters by getting into a lengthy discussion with ~~you~~ specially since you seemed to have the backing of most of the key people in any case. I am presuming that the governing board has in fact moved in your direction and that you now are officially appointed the Spiritual Director. If ~~you~~ is not happy with that, well, never in these sorts of matters is there any sort of guarantee that there will be total unanimity. Since in any case your letter arrived too late for me to influence the basic vote of the Board, I hope that this approach on my part to the whole business is fundamentally satisfactory.

As you are undoubtedly aware, I received a very helpful letter from the parents in Alaska of the boy who had been travelling with



01089

Rev. Donald J. McGuire, S.J.
June 19, 1991
Page Two

you during the early part of this year. That letter helped further to clarify matters and certainly supported your fundamental position. I am sorry that I had to put you through all of that whole business, but I know you understand that we cannot be too prudent in this sort of matter. Despite this clear vindication of your conduct, however, I would still ask of you the basic things that I asked in my previous letter since I think these matters are for your own prudent protection. My own sense is that you agree fully with this perspective. You realize, of course, that in the aftermath of your conversation with me and then my reception of the letter from Alaska I say this not because any blame should fall upon you but rather simply in a prudent way to protect you and your important ministry from any sort of harm.

Thanks again, Don, for your most helpful letter. May the Lord bless you abundantly in your life and in your ministry.

Your brother in Christ,

Robert A. Wild, S.J.
Provincial

April 26, 1993

Fr. Joe Fessio called to report that Don McQuire was on a trip to Russia accompanied by some young men, one of whom he was taking showers with and reading hard pornography together. They also masturbated but McQuire may not have touched the young man.

This young man's name is [REDACTED] and Joe knows his father [REDACTED] well who is a good Catholic. [REDACTED] was [REDACTED] sponsor at his confirmation and learned this story from the father, [REDACTED] is a lawyer and contacted Joe. Joe asked him to keep this quiet until he could represent this to McQuire's provincial.

I said that I would be willing to talk to [REDACTED] tomorrow.

He also mentioned that a Fr. Thurston was on this trip to Russia with them and thought Don's behavior was odd. It was Thurston talking to [REDACTED] which prompted [REDACTED] to inquire of his son.

Fessio

415/387-2324

EXHIBIT 23

X-2. a. 00129

April 27, 1993

Conversation with [redacted]

[redacted] first talked with [redacted] who was not completely rational about the incident. [redacted] is an attorney, friend of the family, and [redacted] sponsor for confirmation. A group met on Saturday, April 24, to discuss what happened and what to do. The group consists of [redacted] office], Fr. Tony Thurston, and Fr. Joe Fessio, S.J.] They had considered confronting Don McQuire but Joe Fessio thought it would be best to go through the proper channels. Thus [redacted] called me. They inquired of [redacted] what had occurred and he told some in front of all but then told more but did not want his parents to know.

[redacted] said that he is 90% sure it is a true story. From what he knows of the family and he has no reason to disbelieve him. [redacted] is a sensitive young man of 16. Out of the last nine months, four and a half he has traveled with McQuire. Don wanted [redacted] to assist him and he promised [redacted] that he would keep [redacted] up on his studies and celebrate Mass daily for [redacted]. However, [redacted] has not kept up on his studies and did not get to Mass every day. Recently Don asked [redacted] for [redacted] to accompany him but [redacted] said no and Don became very upset. Some serious things according to [redacted] were said. At one point Don said that he had to use confessional material of [redacted] so that [redacted] would know how much [redacted] needed his counseling. McQuire was really upset and this signaled [redacted] something was going on.

[redacted] was showing some lack of consideration for people. [redacted] said that Don would purchase explicit pornography, worse than Playboy, and look at it together so that [redacted] could learn more about his body. This went on for about a month and half. They roomed in the same room together, take showers together in which [redacted] would wash Don, and [redacted] would give massages. They would be naked together in the room. No purely homosexual act was committed and probably no touching of genitals but some brushing. [redacted] acknowledged that he would masturbate but did not know of McQuire. [redacted] parents know nothing of the times McQuire and [redacted] were naked together.

[redacted] wants McQuire to get help and to take a sabbatical which he could easily claim was due to his own poor health. McQuire does have physical problems, diabetes. If no action were begun in a few weeks, [redacted] and the group are prepared to go to civil authorities. [redacted] told me that this group has the wealth to do this. However, they prefer to keep it quiet and allow McQuire to keep his reputation if he goes for help.

I asked if [redacted] needed some counseling and [redacted] did not think so at this time. Although [redacted] knew something was wrong, McQuire always provided reasons for him on what they were doing.

I told [redacted] that I would call McQuire to Chicago where I would inform him of the allegation and hear his side of the story. [redacted] is aware that McQuire might deny or rationalize his way through the allegation. I also told [redacted] that I needed to confer with the provincial but probably McQuire would be asked to go for an evaluation. After I had talked

EXHIBIT 24

01111

with McQuire, I would call He thought I might want to converse with
but I told him I would prefer to converse with one representative of the group at this time.
He gave me phone number also said that he could not keep the group
from going to civil authority, he would let me know.

April 27, 1993

Talked with Joe Fessio again this afternoon after he had conversed with [redacted]. The group who also may have included [redacted] and did not include Joe were willing to confront Don McQuire on his inappropriate conduct. However, they noticed he was leaving for Arizona on Thursday and they would need to do this quickly. I filled Joe in on where things were and that I had talked with Don McQuire this afternoon and that he was flying to Chicago to meet with me on Friday, April 30. I also mentioned that I had told Don there was a serious allegation of sexual abuse from the [redacted] family.

Joe said that Don has a tremendous ability to write us off as the liberal opponents but we may want help from the men in California because he cannot write them off as liberal. They are orthodox and want to help both the Church and Don. I appreciated Joe's willingness to help us and told him so. He also mentioned that Don needs an audience and that over the years his ego has gotten bigger. Even without this incident, Don has been on the fringe too long and has become strange. He needs to be reined in. Joe feels there is plenty of other stuff that Don needs to address but he admitted that he is not a psychologist. He asked me if I had talked with [redacted] and I told him no but I am certainly willing to have the father call me. Also Joe said that he would call [redacted] and tell him what we were planning to do. He thought [redacted] would be most pleased that we have acted so quickly.

I also told Joe I appreciated his help in this matter and may call on him in the future.

[Handwritten signature]

01113

EXHIBIT 25

April 30, 1993

I met with Don McQuire today for about an hour. Joe Downey, his superior also was with me. I explained our procedure and the allegation about [redacted] brought to us by Joe Fessio, SJ and [redacted]. I also mentioned Bob Wild's letter after the last incident in which Don was not to travel with a companion who was a minor. From the beginning I told this group of men wanted to confront him for his own sake, the care of his ministry, and the good of the Society and Church. If he was unwilling to do anything, [redacted] would be willing to approach civil authorities.

When Don arrived he needed to take his insulin as well as orange juice with a number of pills. He listened and then explained his relationship to the [redacted] family. He has directed the wife, [redacted] in four retreats and met [redacted] through [redacted] who recommended he might be someone to help Don. Don has given retreats to [redacted] and realizes that he is very depressed and deals with his depression through sex. Don spoke about how tyrannical [redacted] is and that he keeps [redacted] in home study because he will not let him go to school. [redacted] is a "saint" who has decided to keep the peace no matter what and mediates between [redacted] who seems to be the oldest of three children and the father, [redacted]. According to Don, [redacted] is upset that [redacted] loves Don more than his father. That Don treats [redacted] as an individual who can take responsibility for his life. Whereas [redacted] treats [redacted] like a three year old. Don spent quite a bit of time telling us how unbalanced [redacted] is.

I asked Don to speak to the allegations. He admitted that he was tolerant to [redacted] reading pornography but denied he ever purchased it and said that any pornography belonged to [redacted]. He did not understand why [redacted] would have claimed that Don bought it but it was probably because he was pressured under fear of his father. He denied they took showers together but said that [redacted] would wash his right foot since he cannot bend to do that. He admitted they shared a room but the door was always open and Fr. Thurston lived next door in Russia and Poland. He explained that the missionary Sisters of Charity do not have much and the room is like a sacristy. He also talked about how he cared for [redacted] when he was ill in India. [redacted] would not allow his son to get the necessary shots for this trip and thus he did get sick but that is the only time he physically touched him. He went on to say, since his health condition of ten years ago, he has no sexual desires and he is not attracted to boys. The only time he "has fallen" it was with a woman. He denied that they were naked together in the room. He felt that since he was always with a group, such as a priest, doctor, dentist, he was not breaking his promise to Bob. However, he admitted that the question of obedience was involved.

I told him that he could give this retreat in Phoenix next week provided he told the superior that he was under an allegation and that he could not be with minors without supervision. He agreed to this. Also he agreed to go for an evaluation at St. Luke's which would begin on May 9 and go until May 14. He will call in this afternoon to give me his phone number and address. I have made arrangements for him at St. Luke's. I think that Don sensed this was coming.

Joe Downey reflected to Don about his judgement and that he seems imprudent. Given the

EXHIBIT 26

01116

climate of these times he needs to avoid possible scandal. Joe mentioned his office and room at Canisius and that some of the community are concerned about how his secretary goes in and out of his room. Joe admitted she is a pious woman but Don needs to be prudent. Don went on about he has always been accused of being imprudent even since Baden because he cares for the poor and people. He listened but he usually had a response about how others only played bridge. He thanked us and told us we were good people. He also mentioned that it was provident that May was relatively open for him because a trip was canceled. He seemed to be implying that he has begun to try to tape some of his presentations so that he would not need to travel as much. I asked for the phone number and address of where he was giving this retreat in Phoenix but he did not have it and said that he would check with his secretary and get back to me with this data.

After our conversation Joe and I talked briefly and Joe acknowledged how Don evades issues and questions and always seems to have a reason. Even when he does not, he was not very defensive. Joe Downey will go to St. Luke's on May 14 for the feedback and two weeks after that time, a written evaluation will be sent to both Joe and Don. Then Joe, Don, and I may need to consult or you may need to tell Don what he needs to do.

April 30, 1993

I talked to [REDACTED], contact with the [REDACTED] family, this afternoon and filled him in on what transpired this morning in our conversation with Don McQuire. I told him that he denied a majority of the allegations but admitted to having [REDACTED] stay in his room and that Don would go to St. Luke's for an evaluation. I also told him that Don's superior was with me and will be getting feedback on Don's evaluation. After that time Fr. Provincial will make a judgement what is most needed for Don at this time.

Once there has been a resolution, I will call [REDACTED] and inform him.

He told me the group met with Joe Fessio recently and agreed that this information would go no farther. He thinks the group is pleased with the speed with which we have attended to this matter. [I also told [REDACTED] the date of Don's evaluation and that he would be directing a retreat in Arizona before but he had to mention to the Sister superior that he was under an allegation of sexual abuse and could not be with minors without supervision] [REDACTED] mentioned that there is another 15 year old boy who is close to Don that could be on this retreat. He also mentioned that the group discussed and are concerned that Don seems to have used some confessional matter about [REDACTED] with his father. [REDACTED] I received this information and did not say anything.

EXHIBIT 27

01119

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

JOHN DOE 117 and JOHN DOE)
118,)
Plaintiffs,)
vs.) No. 07 L 011952
THE CHICAGO PROVINCE OF THE)
SOCIETY OF JESUS aka THE)
JESUITS and FATHER DONALD J.)
MCGUIRE, S.J.,)
Defendants.)

DEPOSITION OF JOHN DOE 117

Phoenix, Arizona
March 27, 2009
9:38 a.m.

REPORTED BY:
JANICE G. FULLER, RPR
Certified Court Reporter
Certificate No. 80552
PREPARED FOR:
ASCM/CONDENSED

1 DEPOSITION OF JOHN DOE 117,
2 was taken on March 27, 2009, commencing at 9:38 a.m., at the
3 Offices of GRIFFIN AND ASSOCIATES COURT REPORTERS, 3030
4 North Central Avenue, Suite 1102, Phoenix, Arizona, 85012,
5 before JANICE G. FULLER, a Certified Court Reporter in the
6 State of Arizona.

7 COUNSEL APPEARING:

8 For the Plaintiffs:
9 THE MCGUIRE LAW FIRM
10 BY: Kevin M. McGuire, Esq.
11 43480 Ridge Park Drive
12 Suite 200
13 Temecula, California 92590

14 KERNS, FROST & PEARLMAN, LLC
15 BY: Michael L. Brooks, Esq.
16 70 West Madison
17 Suite 5350
18 Chicago, Illinois 60602

19 For the Defendants:
20 QUERREY & HARROW
21 BY: Robert P. Huabsch, Esq.
22 175 West Jackson Boulevard
23 Suite 1600
24 Chicago, Illinois 60604-2827

25 MCCARTHY & TOOMEY
BY: Timothy C. Toomey, Esq.
4433 West Touhy Avenue
Suite 262
Lincolnwood, Illinois 60712

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1 JOHN DOE 117,
2 called as a witness herein, having been first duly sworn,
3 was examined and testified as follows:

4 EXAMINATION

5 BY MR. HUEBSCH:

6 Q. Let the record reflect this is the discovery
7 deposition of John Doe 117, taken pursuant to notice and
8 scheduled for today's time and date. Let the record further
9 reflect the deposition is being taken pursuant to the
10 applicable rules of the Supreme Court of Illinois, and the
11 Circuit Court of Cook County, in addition to the applicable
12 sections of the Illinois Code of Civil Procedure.

13 Mr. Doe, my name is Bob Huebsch, I'm a lawyer,
14 and I represent the Jesuit Order in a lawsuit that has been
15 filed in the Circuit Court of Cook County by yourself. I'm
16 here to ask you some questions about the facts surrounding
17 that lawsuit, and any damages you're claiming therefrom.

18 If during the deposition today you don't
19 understand, please let me know and I'll be glad to rephrase
20 the question. If the question is awkward or confusing to
21 you, just let me know, and we'll -- it's important we
22 understand one another here today.

23 The next ground rule is I have to hear English,
24 verbal answers come out of your mouth, yes, no, whatever,
25

2

4

1 (Pages 1 to 4)

McCORKLE COURT REPORTERS, INC.
CHICAGO, ILLINOIS - (312) 263-0052

EXHIBIT 28

1 Q. -- with McGuire?
 2 A. Yes.
 3 Q. Okay. When was the next one that you remember?
 4 A. One that, one I remember was at, it was at a
 5 retreat in Payson.
 6 Q. Okay. When was this?
 7 A. It was, I don't, again, again the time is line
 8 hazy.
 9 Q. Okay. All right.
 10 A. I want to say maybe, it was maybe around, around
 11 the year after that, maybe around '93.
 12 It was usually, it was usually again early summer
 13 or late summer.
 14 Q. Where in Payson was it held?
 15 A. It was, it was held at what they'd call, call the
 16 homestead, in Payson, which was a rich, a rich family
 17 friend's second residence there.
 18 Q. All right. Who owned that? Don't tell me their
 19 name on the record, do you know who owned it? We'll talk
 20 about it off the record.
 21 A.
 22 MR. HUEBSCH: Okay. Let's go off the record.
 23 (A brief off-the-record discussion was held.)
 24 BY MR. HUEBSCH:
 25 Q. Back on the record. Had you ever been to

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1 and home in Payson before that time?
 2 A. Yes.
 3 Q. Okay. Had you ever been there with McGuire?
 4 A. I believe so.
 5 Q. Okay. During that visit to
 6 second home in Payson, had McGuire ever conducted any other
 7 inappropriate sexual behavior towards you, or was it just
 8 when you remember this Payson '93 event?
 9 A. This, this, this is what, this is what I
 10 remember.
 11 Q. Okay. Okay. Tell me what happened in, at
 12 and in Payson.
 13 A. It was, it was again in the, in the confessional.
 14 Q. Okay.
 15 A. And it was somewhat, somewhat of a similar
 16 episode, where he, where he asked me about, about
 17 masturbation, impure thoughts, et cetera. And I, I remember
 18 at this point he was, he was concerned that I, that I, that
 19 I had hurt myself or something by masturbating.
 20 Q. Did he ask to look at your genitals again?
 21 A. Yes.
 22 Q. Did you show them to him?
 23 A. Yes.
 24 Q. All right. Did he touch you in any manner?
 25 A. Yes.

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1 Q. Okay. What did he do?
 2 A. He touched, he touched my penis, very, very
 3 lightly.
 4 Q. Okay. Any other touching other than that?
 5 A. No.
 6 Q. Did McGuire ask you at this setting, even in the
 7 confession -- and I know -- well, strike the question.
 8 Was this again one of these informal confessions,
 9 where you're just sitting in a room talking back and forth,
 10 or was this more formal, in a confessional, in a church?
 11 A. No, it was, it was, it was again, it was in the
 12 home.
 13 Q. Okay.
 14 A. And I remember they actually had, like in
 15 confession oftentimes you'll have kneeler, with, with a
 16 curtain dividing --
 17 Q. Right.
 18 A. -- dividing the person saying the confession from
 19 the confessor. But he had actually asked, asked me to come
 20 around that and sit next to him.
 21 Q. Okay. And did he touch you at all other than
 22 the, on your penis?
 23 A. I remember on several occasions he put his hand
 24 on, on my leg, when he talked to me, specifically when it
 25 was, when it was a lot of times about something of a sexual

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1 nature, when he'd be, he'd very like, he -- the way, the way
 2 I felt was he, was he was intending to be very friendly and
 3 comforting and fatherly, and fatherly and saying, it's okay,
 4 you can, you can be honest with me.
 5 Q. Okay. During these episodes you've told me
 6 about, would he show you any pornography?
 7 A. During these episodes, I don't remember him
 8 showing, showing me any pornography. The only thing I can,
 9 I can recall him showing me when I, when I was young, that
 10 would even be in any way construed of sexual nature would
 11 be, would be some nude, some nude, some nude paintings, some
 12 nude art in a book.
 13 Q. Okay. All right. And he would talk to you about
 14 men and women and their physical attributes and their
 15 physical appearance and that sort of stuff when he was
 16 showing you these paintings and the like?
 17 A. He'd talk about appreciating the human body.
 18 Q. All right. All right. Other than the paintings,
 19 was there any, ever up until this Payson, and we'll go on
 20 beyond that, but up until this Payson incident, was there
 21 any ever showing of magazines, Playboy, Hustler, anything
 22 like that?
 23 A. Not, not that I can remember.
 24 Q. Any films, videos, anything of that nature he
 25 would show you?

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Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (312) 975-6363 • (312) 975-0230 FAX

June 7, 1993

At the outset, let me thank you for your sensitive and thorough letter concerning the incidents relative to your son and his relationship with Fr. Donald McGuire. As you know, we have taken these allegations seriously and have proceeded in a forthright manner.

As a result of these allegations, Fr. McGuire has gone through an extensive evaluation by a highly reputable treatment center which works with clergy who have significant health issues.

Upon the recommendation of this evaluation, Fr. McGuire will be involved in a program at an approved and reputable facility for an extended period of time. In between times, his ministry will keep him under close supervision.

The possibility of having someone like Fr. John Harden serve as a mentor for Fr. McGuire will be given careful consideration. Such is often the recommendation of those involved in a treatment program and I'm sure that Fr. Harden would make an excellent mentor. We need to see, however, how this might fit with the entire treatment program.

This is the way we plan to proceed. It seems that such will provide for Fr. McGuire in an appropriate fashion and also for the wider Church.

Should you have any further questions or concerns, please do not hesitate to contact my Executive Assistant, Fr. Francis Daly, who has been intimately involved in this issue and continues to monitor its developments.

In the Lord,

Bradley H. Schaeffer, S.J.
Provincial

cc: Francis J. Daly, S.J.

EXHIBIT 29

01079

ORIGINAL

STATE OF ILLINOIS)
COUNTY OF COOK) SS:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

JOHN DOE 116,)
Plaintiff,)
vs.) No. 07 L 8781
THE CHICAGO PROVINCE OF)
THE SOCIETY OF JESUS a/k/a)
THE JESUITS and FATHER)
DONALD J. McGUIRE, S.J.,)
Defendants.)

The discovery deposition of FATHER RICHARD H. MCGURN, taken in the above-entitled cause, before Shelly S. Rubas, a notary public of Cook County, Illinois, on the 24th day of June, 2009, at 70 West Madison Street, Chicago, Illinois, pursuant to notice at 10:04 a.m.

Reported by: Shelly S. Rubas, CSR
License No.: 084-004298

APPEARANCES (Continued):

QUERREY & HARROW, LTD.
BY: MR. ROBERT P. HUEBSCH
175 West Jackson Boulevard, Suite 1600
Chicago, Illinois 60604
(312) 540-7000
rhuebsch@querrey.com
AND

MCCARTHY & TOOMEY
BY: MR. TIMOTHY TOOMEY
4433 West Touhy Avenue
Lincolnwood, Illinois 60712
(847) 675-9639
Representing The Chicago Province of
the Society of Jesus;

MR. ROBERT MALONEY
P.O. Box 918
Oak Park, Illinois 60303
(312) 700-4959
Representing Father Donald J.
McGuire, S.J.

1

3

APPEARANCES:

THE MCGUIRE LAW FIRM
BY: MR. KEVIN MCGUIRE
43460 Ridge Park Drive, Suite 200
Temecula, California 92590
(951) 719-8416
themcguirelawfirm@yahoo.com

AND

KERNS FROST & PEARLMAN, LLC
BY: MR. MARC J. PEARLMAN,
MR. MICHAEL L. BROOKS and
MR. DAVID A. ARGAY
70 West Madison Street, Suite 5350
Chicago, Illinois 60602
(312) 261-4550
mbrooks@kpfplaw.com
Representing the Plaintiffs;

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4

1 (Pages 1 to 4)



1 Society of Jesus at this time?
2 A. I think it was because in reading the
3 file, I discovered there were guidelines for him.
4 Q. Is that the first time that you were made
5 aware of restrictions and guidelines being issued
6 to Don McGuire?
7 A. As far as I can remember, yes.
8 Q. Was that the first time to your knowledge
9 that the provincial knew that there was guidelines
10 and restrictions on Don McGuire?
11 A. I don't know.
12 Q. Essentially, can you estimate how many
13 documents -- how thick was Don McGuire's
14 confidential file when you had reviewed it in and
15 around January of 2000?
16 A. An inch or two. I don't know. It's hard
17 to remember.
18 Q. It's okay. I'm just, again, on a
19 fact-finding mission, whatever you can remember.
20 Do you remember seeing documents in
21 Don McGuire's confidential file that dated back to
22 his Loyola Academy days in the 1960s?
23 A. I somehow came to know that Don was fired
24 from Loyola Academy in 1970. That was probably

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1 A. It was about ten pages probably.
2 Q. Did you read that psychological
3 evaluation?
4 A. Yes.
5 Q. And after reading that psychological
6 evaluation, did you come to any conclusions?
7 A. I simply saw that Don had -- that the
8 psychological evaluation recommended that he have
9 residential treatment, and I think Fran Daly's
10 notes indicated that he had subsequently had that
11 for a period of about six months.
12 Q. After reading the psychological evaluation
13 of Don McGuire, did you come to any conclusion that
14 he had been diagnosed with a sexual behavioral
15 disorder?
16 A. It stated that, yes.
17 Q. Does the word frotteurism ring a bell?
18 A. Yes.
19 Q. Did you have an understanding prior to
20 this psychological evaluation as to what
21 frotteurism was?
22 A. No, it's the first time I heard the term.
23 Q. You previously testified that you had at
24 least a BA in psychology, correct?

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1 from a document in there or a note.
2 Q. Did you have an understanding that he was
3 fired from Loyola because of sexual misconduct with
4 one of the students there?
5 A. I didn't know the circumstances.
6 Q. Did you have any kind of an understanding,
7 whether an intuition or whether you were informed
8 by a document in the confidential file, that it was
9 due to sexual misconduct with a minor?
10 A. None of that came to light until the trial
11 in Wisconsin which was after my tenure in office
12 was concluded.
13 Q. If I can have you look at the file,
14 sorry, the document, Exhibit No. 1. Towards the
15 end right before the statement, a brief history, it
16 says you enclosed Bob Wild's guidelines, Fran
17 Daly's revised guidelines and Fran's history of Don
18 and something psych and evaluation of Don?
19 A. Yes.
20 Q. Did you see a psychological evaluation of
21 Don McGuire in the confidential file at this time?
22 A. Yes.
23 Q. How big was it? Was it many pages, was it
24 a treatise, was it a memo? What was it?

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1 A. Correct.
2 Q. Did you ever learn about frotteurism in
3 any of your psychological studies?
4 A. Not that I recall.
5 Q. What is your understanding of frotteurism
6 today?
7 A. It's a person that derives some pleasure
8 from touching another person which may be genital
9 or not and that person derives some degree of
10 erotic satisfaction.
11 Q. So it's associated with a sexual desire or
12 satisfaction, correct?
13 A. Yes.
14 Q. Was there any indication in the
15 psychological evaluation that Don McGuire had
16 resolved any of these psychological issues?
17 A. I don't remember.
18 Q. Was there any indication in this
19 psychological evaluation that Don McGuire had
20 -- was in need of weekly therapy?
21 A. The conclusion of the evaluation
22 recommended residential treatment for him.
23 Q. And residential treatment, do you have an
24 understanding as to what that meant?

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30 (Pages 117 to 120)

1 conversation to be?
2 A. Yes.
3 Q. And what was your reaction to this?
4 A. I thought if Don was really trying to do
5 that, that was crazy.
6 Q. And did you dismiss this information that
7 you received or did you follow up on it?
8 A. I didn't follow up on it until the autumn.
9 Q. Until when?
10 A. The autumn, September or early October.
11 Q. And why was that?
12 A. I don't -- well, let me see.
13 It had to do with the fact that -- first
14 of all, I as I said, I thought this was crazy.
15 Jesuits aren't going to be having children live
16 with them. My only concern was is Don trying to
17 take on some kind of legal obligation without the
18 provincial's permission.
19 Q. So essentially, you just thought the idea
20 was crazy?
21 A. Yeah.
22 Q. And it literally sounded really bizarre to
23 you.
24 Is that fair to say?

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1 see if this were true?
2 A. No.
3 Q. Did you discount any of this information
4 simply because it was from Father Fessio?
5 A. No.
6 Q. Do you know Joe Fessio?
7 A. Not personally.
8 Q. Other than in dealing with the issues that
9 surround Father McGuire, have you ever had any
10 dealings with Father Fessio?
11 A. Not personally.
12 Q. You mention here that Father Fessio was
13 also involved in the complaint back in '93,
14 correct?
15 A. Yes.
16 Q. Did you remember that off the top of your
17 head or did you have to go back into the
18 confidential file to remember that issue?
19 A. I don't remember specifically.
20 Q. Did you contact Father Fessio at all
21 regarding this?
22 A. No.
23 Q. Again, is that simply because you believed
24 that this was just so bizarre, it couldn't be true?

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1 A. Yeah. Off the wall, yes.
2 Q. Did you investigate this further at any
3 time?
4 A. I talked with Don in October about it.
5 Q. Any particular reason why you waited until
6 the fall?
7 A. I don't remember.
8 Q. Did you -- if this were true, would you
9 regard this as a serious situation?
10 A. For a Jesuit to make a decision like this,
11 take on a legal obligation without his provincial's
12 permission, yes.
13 Q. Did you understand this to be a legal
14 obligation?
15 A. He uses the phrase legal guardian.
16 Q. And your understanding of that was that he
17 would be undertaking a legal obligation, correct?
18 A. Yes.
19 Q. Did you also have an understanding that if
20 this were true, he might be obliging the Jesuits to
21 undertake that legal obligation since he was a
22 society member?
23 A. Well, that's why I thought it was crazy.
24 Q. Did you contact in any way to

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1 I'm just wondering if that was your understanding.
2 If not, that's fine.
3 A. At the time, I think so.
4 Q. You subsequently followed up in the fall?
5 A. Yes.
6 Q. And you followed up with Don McGuire?
7 A. Yes.
8 Q. And what was Don McGuire's reaction?
9 A. I asked Don if this were so, I don't think
10 I mentioned Father Fessio's name, and he said he
11 was not legal guardian and that the
12 were,
13 Q. Okay. And --
14 A. I asked him if he could produce any
15 document to that effect and he said he would.
16 Q. And, in fact, he did ultimately produce a
17 document, didn't he?
18 A. Yes.
19 Q. Signed by allegedly mother,
20 correct?
21 A. Yes.
22 Q. And that document was signed in August of
23 2000, correct?
24 A. Yes.

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37 (Pages 145 to 148)

1 Q. So that postdated the initial time that
2 you were contacted about this issue?
3 A. Yes.
4 Q. At any time after you received the note
5 from _____ mother that the _____ were the
6 legal guardians and knowing full well that the date
7 of the letter was after the initial contact, did
8 you ever get back to Father McGuire and ask him,
9 okay, were you ever a legal guardian of _____ ?
10 A. No, I never asked him that.
11 Q. Did that thought occur to you?
12 A. I don't think it did, no.
13 Q. Were you satisfied with the letter that
14 had sent to you?
15 A. Yes.
16 Q. Did you have an understanding that that
17 note was specifically executed for your benefit?
18 A. Yes. I asked Don to send it to me.
19 Q. Right. But you have no idea whether or
20 not Don had called up _____ and said, all right,
21 we've got to change this and you got to give this
22 to the _____ ? You don't know anything about
23 that?
24 A. No.

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1 Q. At any time were you aware that Don
2 McGuire had put down _____ as part of a health
3 insurance program?
4 A. No.
5 Q. Do you have any awareness or understanding
6 that, in fact, he did represent himself on these
7 insurance documents as being _____ legal
8 guardian?
9 A. No.
10 Q. Do you have any awareness that at the
11 St. Lawrence Seminary in Wisconsin, that
12 applications were filled out on behalf of _____
13 indicating that Don McGuire really was his legal
14 guardian?
15 A. No, we didn't know that.
16 Q. Did you ask Don McGuire at this time who
17 was _____ ?
18 A. At this time?
19 Q. Yes.
20 A. I think Don volunteered that _____ was
21 his godson. That's all I know.
22 Q. Did you inquire into _____ age at all
23 at that time? I know it indicates 14 here, but...
24 A. No, I didn't.

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1 Q. Knowing what you knew about Father McGuire
2 in December of 2000 after reviewing his
3 confidential file and all the complaints and so
4 forth that you were privy to, did this give you
5 concern?
6 A. Once it was established that the
7 were his legal guardian, we had no further concern
8 about
9 Q. Did you have any concern that maybe Don
10 McGuire might be hanging around him too much and
11 doing the same kinds of things to him that he was
12 accused of doing back in '93, '94, '95 -- sorry
13 -- '91, '93, and '95?
14 A. No, we never thought of it in terms of
15 sexual abuse.
16 MR. HUEBSCH: Let's take a break now for
17 ten minutes and stretch our legs.
18 MR. MCGUIRE: All right.
19 (Whereupon, recess taken.)
20 MR. MCGUIRE: Back on the record.
21 BY MR. MCGUIRE:
22 Q. If I can, in the last memo, Exhibit No. 5
23 I believe it was, the June 1st, 2000, memo, it
24 obviously talks about _____ living with

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1 Don McGuire?
2 A. Yes.
3 Q. Did that concern you?
4 A. If it were true, it would.
5 Q. And at the point in time that you received
6 this information, again, did you dismiss it
7 thinking it's just too bizarre to be true?
8 A. Sure.
9 Q. But given what you know of Don McGuire, if
10 that were, in fact, true, that would raise real
11 issues, real concerns for you?
12 A. Yes.
13 Q. Did you ever ask Don McGuire whether or
14 not _____ was going to live with him?
15 A. No.
16 MR. MCGUIRE: Off the record.
17 (Whereupon, a discussion was had
18 off the record.)
19 BY MR. MCGUIRE:
20 Q. Again, did you ever follow up with
21 McGuire's superior, local superior as to whether or
22 not maybe _____ might be living with him?
23 A. I talked about it in December with his
24 local superior, Michael Perko, who complained that

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1 BY MR. PEARLMAN:
2 Q. You had a -- by the autumn of 2000, you
3 had a history of dealings with McGuire, correct?
4 A. Two previous -- well, one previous
5 conversation.
6 Q. And you had reviewed his entire file now a
7 few times --
8 A. Yes.
9 Q. -- periodically when you would need to?
10 A. Yes.
11 Q. And by that time, without going all back
12 over it, you had firmly established in your mind
13 that he had sexual issues?
14 A. Yes.
15 Q. And in your mind, you had established that
16 he was difficult to deal with?
17 A. That was my feeling, yes.
18 Q. Dishonest?
19 A. I don't know that I would say that. I
20 just found him difficult to deal with and it was
21 hard for me to believe that he couldn't remember
22 the guidelines had been given to him in 1995.
23 Q. So at least on one occasion, he had lied
24 to you?

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1 A. He simply said he couldn't remember having
2 received them. I thought that was bologna, but I
3 didn't know whether he was lying or not.
4 Q. Instead of characterizing it as honest or
5 dishonest, by this time, you had formed an opinion
6 regarding his credibility?
7 A. That particular incident made me wonder
8 about him, yes.
9 Q. And when was going to be traveling
10 with him to India, that in and of itself was a
11 breach of his restrictions, correct?
12 A. If he was indeed under 21.
13 Q. And what did you do to find that out?
14 A. I asked Don if he was and he didn't give
15 me a clear answer.
16 Q. And what did you do, then, to follow up on
17 that?
18 A. Nothing.
19 Q. Why not?
20 A. Didn't -- I don't know. I think I was
21 simply preoccupied by the other things we were
22 dealing with.
23 Q. And at that time, at the time you were
24 talking to McGuire about traveling with at

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1 that time, you had known, you knew at that time
2 that there were going to be new restrictions that
3 were going to change the age from 21 to 30,
4 correct?
5 A. No, no. That was prior to that.
6 Q. When was McGuire leaving for India as far
7 as you recall with .
8 A. Well, when I talked to him, it was early
9 October, so I assume probably by mid October, he
10 must have been gone.
11 Q. Okay. Did it occur to you -- regardless
12 of whether was 20 or 19 or 22, regardless of
13 his age, did it occur to you that it was a bad idea
14 for McGuire to be traveling with him in light of
15 his history?
16 A. I told Don that the provincial might not
17 want him to do that.
18 Q. After you first heard about in
19 June of 2000, I believe you said you had a
20 discussion with McGuire about him, correct?
21 A. Yes.
22 Q. And that conversation really focused more
23 on the legalities of the relationship, correct?
24 A. Yes, yes.

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1 Q. Who was his legal guardian, who was paying
2 for him?
3 A. That's right.
4 Q. Did you ask him whether he was spending
5 time with ?
6 A. I don't think I did.
7 Q. And if he was, that would clearly be a
8 violation of his restrictions?
9 A. Yes.
10 Q. Why didn't you ask him about that?
11 A. Once he told me that the were his
12 guardians, we had no further concern about that.
13 Q. You didn't have a concern if McGuire was
14 spending time with regardless of who his
15 guardian was?
16 A. We felt that would have been their
17 responsibility.
18 Q. That's not my question.
19 My question is didn't you have a concern
20 of whether McGuire was spending time with this
21 14-year-old boy?
22 A. We had no particular reason to think that
23 he was. As far as we knew, he was in Wisconsin.
24 MR. TOOMEY: That's all right.

232

1 with Don McGuire?
2 A. That's right.
3 Q. Any particular reason why the provincial
4 wasn't here to lend force and effect to these
5 directives?
6 A. No. I think at this point, it was simply
7 a question of presenting them to Don.
8 Q. What was his reaction to these directives?
9 A. He was initially defensive, but he signed
10 them and I was genuinely surprised that he did.
11 Q. Did you inform the later that he had
12 been forced to sign new directives restricting his
13 conduct?
14 A. I sent the a letter saying that we had
15 concluded the matter, but I didn't give them any
16 specifics about how we did that.
17 Q. At this point in time, did you feel
18 personally that you owed the a greater amount of
19 information, so they could protect themselves and
20 their son relative to his comment?
21 A. As I recall, that letter I sent to him was
22 Mr. Toomey's advice.
23 Q. Did you have a hand in drafting these
24 directives?

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1 A. Well, after a certain point, nobody could
2 -- no man could keep track of more than what we've
3 got here.
4 Q. You said that you revealed these
5 directives to Father Perko?
6 A. Yes.
7 Q. And what was his response?
8 A. I don't remember hearing a response from
9 him.
10 Q. He didn't -- did he ask you how he is
11 supposed to implement this?
12 A. I don't recall us talking about it.
13 Q. Did you give him any guidance as to how he
14 might be able to implement these directives for
15 Don McGuire?
16 A. I think I simply mailed them to him.
17 Q. Did you have a discussion with Father
18 Perko about these directives and how they impact
19 McGuire's life?
20 A. I don't remember.
21 Q. Did Don McGuire's signing of these
22 directives, was that satisfaction enough for you?
23 A. In the sense that I was -- that I was
24 generally doubtful ahead of time whether he would.

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1 A. Yes.
2 Q. And did you draft every single one of
3 them?
4 A. I think so, yes. Of course, the
5 provincial had to sign off on them.
6 Q. Right. Did you have a template when
7 putting these directives together?
8 A. A template?
9 Q. Yeah. Did someone say this is what I want
10 or --
11 A. This is what should go into a set of
12 directives, no.
13 Q. Did you make these directives up yourself?
14 A. Uh-huh.
15 MR. HUEBSCH: You have to answer yes or no.
16 THE WITNESS: Yes. I'm sorry.
17 BY MR. McGUIRE:
18 Q. And, again, prior to you becoming socius
19 and delegate for misconduct, you didn't receive any
20 formal training on how to deal with the issues that
21 you were going to be dealing with, correct?
22 A. That's correct.
23 Q. And how did you come up with six
24 directives as opposed to nine or three?

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1 Q. So you were surprised and genuinely
2 appreciative that he signed them?
3 A. Yes.
4 Q. You thought it was going to be a struggle?
5 A. Yes.
6 Q. Other than talking to Father Perko, how
7 did you expect to enforce these directives?
8 A. I don't think there were any other means.
9 Q. At this time, did anybody talk about
10 reining Don McGuire in such a way as to, you know,
11 move him out of Canisius House and bring him over
12 to the provincial -- to Clark Street?
13 A. In the provincial's meeting in the
14 previous November, November 10th, Baumann said at
15 least the three options he was thinking of is what
16 do I do, do I tighten his guidelines, do I remove
17 him from his ministry, do I dismiss him and
18 initiate his dismissal from the society.
19 Q. Now, I'm curious. I understand the reason
20 to have directives. What I don't understand is why
21 he was not presented with a statement that he had
22 to sign indicating that he was no longer traveling
23 presently with anyone other than the age of 30, he's got
24 no one living with him, things of this nature, to

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66 (Pages 261 to 264)

1 back up and give full force and effect to the other
2 directives you gave him?
3 A. Right. That never occurred to us to do.
4 Q. Did you believe these new directives were
5 going to have any effect on him?
6 A. I could only hope they would. I was
7 somewhat skeptical.
8 Q. Did you inform the provincial that you
9 were skeptical about the new directives?
10 A. I think so even as they were being
11 created.
12 Q. Do you remember his response to that?
13 A. No.
14 MR. McGUIRE: We'll move on to Exhibit 22 Bates
15 stamped No. 1592 to 1593.
16 (Whereupon, McGum Deposition
17 Exhibit No. 22 was marked for
18 identification.)
19 BY MR. McGUIRE:
20 Q. Do you recognize this document?
21 A. I do not recognize the top line or the
22 date of 2007. Other than that, let me see, I do
23 recognize it.
24 Q. Is that a letter that you had drafted

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1 A. I can't remember what the provincial's
2 reaction to it was. He simply didn't want to make
3 use of it.
4 Q. I'll draw your attention to the second
5 page, third paragraph from the bottom beginning
6 with Don.
7 A. Okay.
8 Q. Quote, Don, your unwillingness to abide by
9 the guidelines imposed by your major superior
10 cannot continue, end quote.
11 A. Right.
12 Q. Did the provincial believe that this
13 statement was too strong?
14 A. I don't remember him talking about that
15 particular statement. He just didn't want to use
16 the letter, period.
17 Q. Did he tell you that he wanted to be more
18 pastoral?
19 A. I don't remember us discussing it.
20 Q. Given that the provincial seems to have
21 rejected this particular letter and given the fact
22 that you had heavy skepticism relative to the new
23 directives that were issued to Don McGuire, did you
24 do anything other than what's being done as

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1 previously?
2 A. Yes.
3 Q. What is the purpose of this letter?
4 A. This was my suggestion for the provincial
5 to give to Don either prior to our meeting in
6 December or when giving him the directives in
7 February.
8 Q. So this was your suggestion to the
9 provincial of how he should handle Don McGuire?
10 A. Yes.
11 Q. Do you know approximately when this was
12 written?
13 A. December. I think it was December 13th I
14 wrote it.
15 Q. So this was immediately before the
16 December 15th meeting?
17 A. That's right.
18 Q. In and around the same time that you
19 created the summary?
20 A. That's right.
21 Q. To your knowledge, was this letter ever
22 issued to Don McGuire?
23 A. No.
24 Q. Why is that?

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1 reflected here in this record to protect or
2 from Don McGuire?
3 A. No.
4 Q. You mentioned before that you had
5 skepticism that McGuire wouldn't follow the
6 directives.
7 Other than just stating you were
8 skeptical, did you do anything to ensure that your
9 skepticism didn't become true from your end?
10 A. At the time, we really did not have the
11 means to do that.
12 Q. You didn't have the means to monitor him?
13 A. I don't think we did, no.
14 Q. Did you make an assessment as to why you
15 didn't have the means? I mean, did you review any
16 documents? Did you review the Jesuit's resources
17 to then determine that you didn't have the means to
18 monitor him?
19 A. I wouldn't have known how to do it to tell
20 you the truth.
21 Q. And, again, bringing him to Clark Street
22 at this time was not an option?
23 A. Father Baumann didn't decide on that until
24 later in 2002.

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67 (Pages 265 to 268)



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (312) 975-6363 • (312) 975-0230 FAX

June 28, 1993

Rev. Donald McGuire, S.J.
Canisius House
201 Dempster Street
Evanston, IL 60201-4704

Dear Don:

Let me summarize much of what we've talked about over the past few weeks. Knowing that you begin at [REDACTED] on Wednesday, I want you to go with a clear mind and heart so that you can invest in it as much as possible.

The complaint lodged by the [REDACTED] family is a serious one which has legal implications. While your interpretation and theirs vary, it is clear there were questionable areas involved in this relationship. In addition, traveling in the way you did with the young man was a clear violation of the directives given by Bob Wild after a similar concern was raised two years ago.

In each of these cases, there is an uneasiness about your relationship with the young men involved and a sense that something just wasn't right. That is why I asked you to have the [REDACTED], which you readily agreed to.

Based on that evaluation, I asked that you engage in [REDACTED] which would allow you to address the issues raised in [REDACTED], to avoid any problems in the future and to allow you to do ministry in an appropriate setting and manner.

Given your concerns about [REDACTED], you preferred the option of [REDACTED] which I had offered. Since [REDACTED] is a [REDACTED] with a special mission of caring for clergy, you know that you will have to admit yourself. You agreed to do so and to give yourself fully to the program for which I am grateful. That program is adapted to each person's needs and ability to cooperate. Thus the program could be as short as six months or lengthened. I will review the program on a regular basis through Fran Daly beginning two months after you are there.

What is most important, Don, is your full investment in [REDACTED]. This will not be easy, but I count on your generous desire to serve the Lord and to live our life of the vows to sustain you in those challenging moments which will be present.

EXHIBIT 31

01174

Rev. Donald McGuire, S.J.
June 28, 1993
Page Two

Through individual and [REDACTED], through prayer and spiritual direction, I am confident that the Lord will bless your efforts at approaching the issues involved with seriousness and generosity, so that after [REDACTED] you will be able to serve the Church with a renewed and healthy sense of ministry.

I promise to be with you in prayer.

In the Lord,

Bradley M. Schaeffer, S.J.
Provincial

01175

Memo

TO: Brad
FROM: Fran
DATE: October 27, 1993
RE: Don McGuire

John Hardon: called yesterday to tell me that he talked to the [redacted] when he was in California and had an extended conversation with the boy, [redacted] who seems to be doing very well. He also stated that he concluded that Don has grave moral problems and he is willing to visit him at [redacted]. Again he stated that he did not want to interfere but be an assistance to Don and the Society. I assured him Don would appreciate his help.

John also mentioned [redacted] who is Don's secretary and thought she could be dealing with six figure amounts in managing Don's financial accounts. I told John I had never talked to [redacted] and know nothing about Don's finances. Do we need to pursue this matter in some way? I think John was considering talking to her but I did not comment on this except to say that we have had no contact with her.

[redacted] The [redacted] director called me today to say he would be sending us material that will need to be attended to before Don [redacted]. Don needs a strong support team of three persons [redacted]. Within this team Don may choose one peer but the Society chooses the others. I wonder if Jim Gschwend could be [redacted] for us. Major concern was where will Don live and what will he do. I told him that the provincial has not decided this yet but will begin to consider this. I told him that I thought Don's expectations of future ministry and travel will not be the same as the provincial.

I asked when might Don be discharged from [redacted] and he said it depended on the kind of [redacted] set up and it would be probably in the next couple of months. I have not heard from Don's [redacted] since I visited in the middle of September.

01136

EXHIBIT 32

November 12, 1993

Up-date from Dr. [redacted] St. John's Villa about Don McGuire, S.J.

1] They have spent time to process the issue of his diabetes. Don selectively chooses people who support his opinion and [redacted] thinks this is Don's usual way of dealing with the Church, the Society, and his sexual abuse. He takes the role of the Protector of the Truth because the Society does not adhere to traditional Church Teaching. Thus he is doing the spiritual thing and allows himself special entitlement. eg. cannot talk to his family about his problems but he expects them to disclose their problems.

Don operates outside the constraints of Family, Church, Society, and appropriate behavior.

2] John Hardon visited Don and Don reluctantly allowed John to meet with [redacted] and Don told the other team members they need not come which displeased [redacted] said that he found himself more assertive towards John about Don because Hardon was such an advocate [redacted] feels that despite what John said about psychotherapy, he does not believe in it. John feels that Don did not break the seal of confession and does not see Don in need of this kind of treatment. He sees Don more as a victim which [redacted] thinks fed Don's denial. Don does not admit the seriousness of his sexual disorder.

[redacted] thinks he and team will keep running into a wall until all parties are involved. Although [redacted] does like Don, he sees him as an enormously slippery guy who is persuasive and will always attract a gathering round himself. [redacted] thinks that Don will continue to get into this kind of situation because of his denial and entitlement. Usually after Don has been challenged or called in by the provincial and the complaints are either not pursued by the allgeders or minimalized, he takes this as evidence that there was no problem.

3] [redacted] asked me to assemble from his history in the Society the specific events that have been problematic throughout Don's life in the Society.

Then we would set up a time when I could visit and have a team evaluation with a document trail. [redacted] thinks that Don is fearful of losing his priesthood and the Society. He is also mistrustful of his therapy and the Society as well as angry. [redacted] thinks the Society must say to Don that you are not going to have the kind of ministry you did:
you are going to be accountable and will need regular supervision.

4] There was a recent episode with Don's brother in which Don proved very controlling. [redacted] invited Don's brother out but did not get to meet him over an weekend because according to Don, [redacted] could not stay. Later [redacted] found out that was not true. [redacted] sees Don as a very controlling person. [redacted] will meet with Don's brother who has made a second trip.

5] Don has gotten into disagreements with other patients about the Church. He attacks folks and put people down. Priests who felt more open about concelebration, he has discouraged and gotten into arguements about orthodoxy. Don is resentful towards the liberal Society and

EXHIBIT 33

01002

feels that he has never been invited to leadership or consultation from the Society. He has no peers because he says that they are not interested in the same things that he is.

6) Will Don be able to trust a supervisor or be vulnerable to a superior? Can he cooperate with a team or must Don be in charge?

7) I raised some questions about his financial funds and the woman who directs it. Don states that he lives within the means he has raised.

CONVERSATION WITH DON McGUIRE
January 28, 1994

Meeting with Don following his return from [redacted] was extremely difficult. I met with him, Fran Daly, and Jim Eschwend on Friday, January 28. During the first hour and a half, Don expressed his anger and frustration at the limits in [redacted] and at Fran Daly and myself for not being supportive of him. It was fairly free-floating anger. He was establishing his own territory and indicated that it was important for him to really do what God wanted him to do with the Spiritual Exercises. In this, I believe he was posturing somewhat in order to see what he could get out of his next assignment.

At the same time, I was happy to hear that he is becoming a bit freer to express his feelings since he tends to bottle these up especially the negative ones. At the same time, it was sad to see the fact that he did not mention anything about the original behavior which brought him to [redacted].

After listening to Don for a long period of time, I expressed my own hopes and desires for the future as well as the limits which would be in place relative to his ministry.

I told him that I would indeed like to "walk alongside him" as we move through his re-incorporation into the Society's structures but that I would be balancing care for him along for care for the whole Church and the Society. I reminded him that what we were trying to do by going with Colombiere was to get another opinion with regard to his medical condition which is one of his major issues and, I believe, one of his major crutches. There may well be some physical ailments there but he does use these to control situations. In addition, I thought it would be important for us to work out a setting where he could continue to do his [redacted].

But again this is where I felt that something good was going on because one of his disappointments coming to Chicago was not being able to connect with the support team that he thought he would be able to put in place. And, I encouraged him to make contact with these men individually even if they wouldn't be on his support team to see whether or not he really will do anything to reincorporate himself into the Society's structures. I also alerted him to the fact that it could be that Canisius House would be closing even if he were to stay in Chicago, we might need some other setting.

I reminded him that it was his own behavior with the [redacted] minor which got him into trouble in the first place. In addition, it was a violation of Bob Wild's directives which led to this. As a result, it would be important for me to guarantee that he would have the kind of supervision necessary for me to allow him to return to ministry in any fashion. Certainly, there would be no unsupervised contact with minors in his future.

And whatever ministry he would be involved in would require a fair amount of self-disclosure on his part in order for him to live in a healthy manner.

I tried to explain the necessity for the dissolution of the Bellarmine financial situation which he established with Leo Klein. He gave me the

01177

EXHIBIT 34

perspective that such was set up because he was concerned about whether or not he could pay for his own way. I assured him that that wasn't a concern on my part and that I wanted him to do everything that he could to re-incorporate himself into the structure of the Society.

What is clear is that the basics are not going to change here. Don McGuire is going to continue to try to lead his life as independently as possible.

The good news, however, is that I think he has gotten a bit more inside into himself and so there may be some hope for him to re-connect with the Society in such a fashion which would allow him to do ministry.

For now, he is to stay based at Canisius House and do no ministry until I have approved it. I want him to rest, to review his insights from the past six or seven months, to give me some idea in his working with Jim Gschwend as to how best to proceed for ministry, and to do the 30 day retreat which he'd like to do when it is appropriate. I think even Don knows that this is not the time to do such.

So it ended on a more positive note than it began. But it was an extremely difficult conference. Don has an amazing ability for making one feel guilty and less than supportive which, I believe, is typical of someone with his borderline personality structure.

I think it will be important for us to work closely on this one (Fran Daly, Jim Gschwend, Joe Downey, and I) in order to see how best to proceed. I mentioned that John Hardon might be a part of his aftercare program and I would trust John's supervision of Don in this.

By working together (and especially in conversations) we will avoid the "spreading" which he is able to manage and support one another in remembering the context for comments made and the specifics of challenges/support offered. Don really views the world totally through his own eyes. And while I believe him to be capable of doing some good ministry in the future, I really am not certain that it would be within the Society.

He mentioned the possibility of having to leave the Society and I referred back to that again at the end of our conversation telling him that I thought such a move would have to be clearly from the Holy Spirit but that I understood this as necessary for him to freely look at his life and where his ministry might take him. If that is outside the Society because of the limits of ministry which I will have to impose given his past behavior, then so be it. I sincerely hope we will not get to that point for a number of reasons not the least of which is Don's own ability to reek havoc with the Society but also because I don't think it would do him or the Church a whole lot of good in any case.

As I say, there were some good signs. I think Don was as honest as he could be. Some of the issues which he had with Villa St. John including his inability to celebrate the Eucharist sounded reasonable to me. His own desire to be in contact with Joe Downey and to meet with Joe, Dan Flaherty, and Jim Gschwend would be most helpful. It's this kind of behavior which gives me some sort of hope for the future. But it will not be easy and it could be that there is an extremely rough time ahead.

I don't think this will show until we put the final decision together on ministry but it will not be easy. As I reminded Don, he would have to get to a good deal of self-disclosure in any situation that involves his ministry because he'll need the kind of supervision necessary for me to be able to recommend him to a bishop in any fashion that would be reasonable.

During the conversation, I found myself praying an incredible amount just to be able to attend to the issues that needed attention. Don is bright and uses his intelligence in all kinds of ways--some constructive and some destructive. I felt if I were using every bit of counselling skill that I had available to me.

He's a good and generous man who loves the Church. But there is a great deal that is unresolved. I'm saddened by the fact that after the four and a half month mark he stopped working the program. He attributes this to the difficulties with health; I believe would attribute these difficulties to John Hardon "clearing him" relative to the situation. It does, however, give me hope that we might be able to find some kind of after-care structure which would keep Don healthy and allow him to do ministry.

Brad Schaeffer, SJ
January 31, 1994



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (312) 975-6363 • (312) 975-0230 FAX

July 18, 1994

Rev. Joseph Downey, S.J.
Canisius House
201 Dempster Street
Evanston, IL 60201-4704

Dear Joe:

Just before Brad Schaeffer left on vacation, he met with Don McGuire for the purpose of evaluating the sabbatical, aftercare programs and future ministry.

I know Brad will write a missiioning letter when he returns from vacation but I feel it is important to contact you before then.

Don will be officially assigned to your Canisius Community on a permanent basis. I know his status has not been clear. He has also been given permission to continue retreat ministry especially with the Missionary Sisters. Nonetheless all ministry remains cleared through this office and Don has been advised to do that in a timely manner.

Don is aware of certain aftercare directions involving primarily ministry, health, and a stronger incorporation into the Society. He has been advised to work closely with you and with me in these concerns as well as with his established "support group."

Please let me know if there is any thing I can do to assist with community life at Canisius. I'm sorry for my own delay in communication.

Sincerely in Christ,

James P. Gschwend, S.J.
Provincial Assistant

cc: Donald J. McGuire, S.J.

EXHIBIT 35

00947

Memo

TO: Fran Daly, S.J.
FROM: Don Nastold, S.J.
DATE: June 13, 1994

D.N.

This is to put in writing a summary of the report I made to you this morning.

Last week I had a phone call from [redacted] It was directed to me because Maxine was told the caller wanted to talk about her son who had gone to Loyola Academy.

[redacted] came in from Arlington Heights for a 10:00AM appointment. For years she has carried a burden in her heart and wanted to let go of it by talking to the Jesuit provincial. Her confessor told her to make the call as a step forward in a process of reconciliation.

[redacted] a native of [redacted] is 71 years old. She married [redacted] on August 25, 1952, her son, [redacted] was born. Some years later there was a divorce and annulment.

[redacted] aunt and uncle lived on the Jesuit grounds at [redacted] and kept begging [redacted] to bring her boy and live with them. After five or six years of trying to get clearance, [redacted] and [redacted] finally came to the U.S.--a really traumatic experience for them. They lived with the relatives for a few months and then were told to leave. They got lodging at the [redacted]

[redacted] for the summer and then had to leave there because of housing problems. The RSCJ made arrangements with their counterparts on Sheridan Road, Chicago, who had [redacted] and [redacted] placed with [redacted] and his family. Having been trained as a language teacher in Poland and also certified as an X-ray technician, she worked 10-12 hours a day in the doctor's clinic. She said she was treated like a slave.

Somehow a new character comes on stage in the person of Donald Jude McGuire. He liked and assured him that he personally would admit the boy to Loyola Academy and see that he had door-to-door bus service every morning and every afternoon. How could they be so fortunate! This wonderful Jesuit Father taking a personal interest in [redacted]

EXHIBIT 36

01168

But there were some strange things too. Yes, the bus came in the morning but usually Don McGuire brought him home from school-4:00, 7:00, 10:00, and sometimes not at all. [redacted] slept in Don's room at Loyola Academy "because [redacted] had so much Latin homework."

[redacted] said she could never find out from [redacted] what was going on. When she asked, he just cried. When she asked about another McGuire protegee at the Academy, [redacted] cried all the more.

By this time [redacted] worked in the medical library at [redacted]. She mentioned her confusion (suspicion) to John Bieri, S.J., who said, "There are a few devils in every community."

In any event, [redacted] transferred to [redacted] after one semester at Loyola Academy --never again to hear from Don McGuire, at least as far as she knows.

After high school [redacted] began at Loyola University but withdrew--she says, because of his anger towards the Jesuits. Eventually he got a degree (history and physical education) from Northeastern. He was married for ten years; is now divorced. There are no children. Currently [redacted] lives with his mother, is employed as a night-time security officer at the [redacted].

Another point of information to keep names straight. [redacted] married a gentleman in Chicago and then became [redacted]. Now she is a widow.

Did she make any specific charges against Don McGuire? No, but she feels that he had undue influence over her son, who then became bitter against Jesuits and alienated from the Church. She just had to talk to someone about this. Maybe this is the case of a proud mother who is disappointed because the apple of her eye didn't live up to her (and his own) expectations. Maybe there are identifiable causes dating back to his early teens.

[redacted] was grateful for the opportunity to talk to a Jesuit who would listen. I assured her that she would be welcome to return. I also told her that [redacted] would be welcome to come-to be assured that some Jesuit does care.

There was no talk of legal action, no request for compensation for psychologist's fees. She just felt a strong need to tell the story, as she put it, "before I die."

[REDACTED]

5/11/93

Very Rev. Bradley M. Schaeffer, S. J.
Rev. Francis J. Daly, S. J.
Jesuit Provincial Office
2050 North Clark
Chicago, Il. 60614

Dear Father Schaeffer and Father Daly,

[REDACTED]

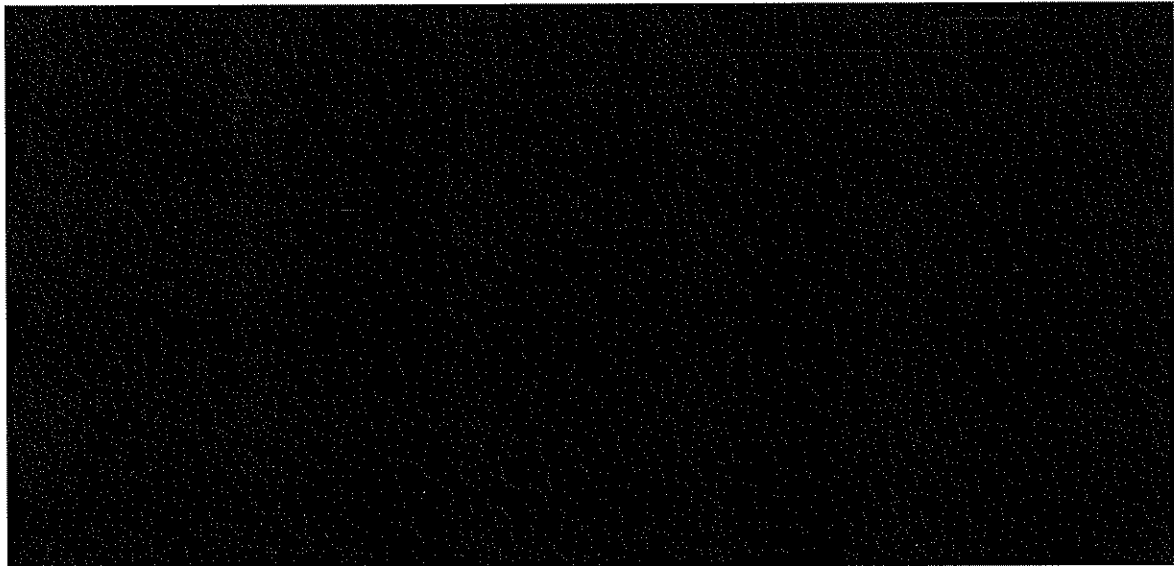
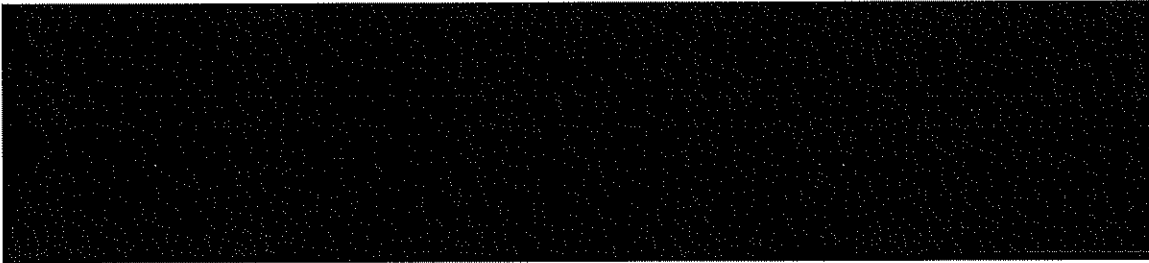
Our History with Fr. McGuire

[REDACTED]

In about [REDACTED] our son 16 year old son [REDACTED] was asked to be, and agreed to be, Fr McGuire's personal assistant at a local retreat. We, our close friends and [REDACTED] considered this to be an honor. [REDACTED] would then accompany Fr. McGuire for four and one half months out of the next eight months on a full time 24-hour-a-day basis. This included travels to over a dozen cities in the US and internationally. Our families relationship changed from one of being admiring retreatants, to one of much greater intimacy and contact.

Very quickly disturbing things began occurring. [REDACTED]





Misusing his priestly authority for personal ends



Immodesty and Impurity

Father McGuire instructed [REDACTED] to give him regular body massages. At least some of these were while [REDACTED] was dressed in underpants only. Father had [REDACTED] wash body parts of his while he was in the shower. When confronted with these activities by myself and [REDACTED], Father McGuire not only did not deny them but justified each of them. ([REDACTED] witnesses in our family alone)

Fr. McGuire required [REDACTED] to sleep in his room with him.

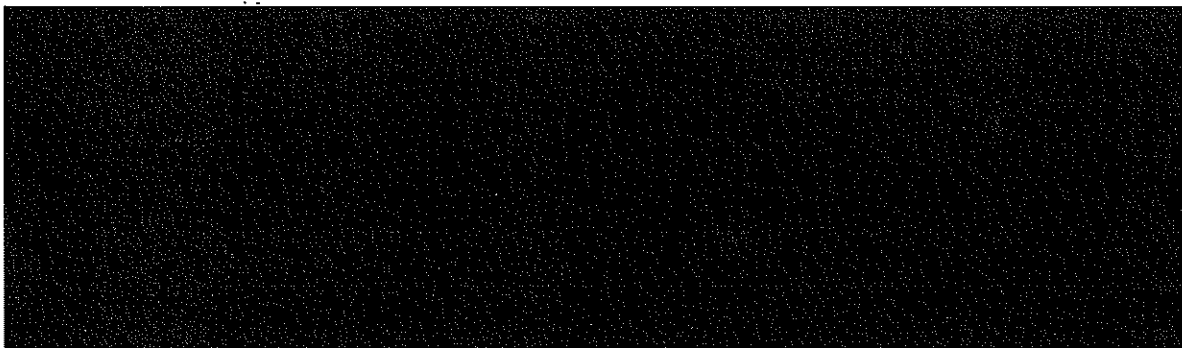
On April 22, [REDACTED] revealed that Fr. McGuire directed [REDACTED] to join him in a picture by picture analysis (to sharpen photographic skills, to improve critical thinking and to neutralize curiosity, [REDACTED] says Fr. McGuire told him) of approximately 20 pornographic, including hard pornographic, magazines. This started in October of 1992, lasted for five months and occurred in many cities of the US and internationally. Our son [REDACTED] used to studiously avoid sexually suggestive pictures and movies. After "spiritual direction" by Fr. McGuire, he claimed that there was nothing wrong with reading graphic pornography because Fr. McGuire did it, did it with him and said it was ok.

It is possible that other acts of a serious nature may have taken place, but because of professional advice and sensitivity to the victim, we are not delving further into specifics at this time. [REDACTED] does assure us, however that no explicitly sexual acts occurred, thanks be to God.

These charges are all provable. There are at least [REDACTED] witnesses in our family alone who can testify personally to many of these charges, and at least one witness in my family alone who can testify to each one listed above.

We entrusted our precious son to a priest who represented himself as being prayerful and holy. We relied on him for faithful spiritual direction. We find ourselves to have been systematically deceived. We have suffered greatly including loss of sleep, emotional and spiritual anguish, stress to family ties, and loss of study and work time.

Our Response



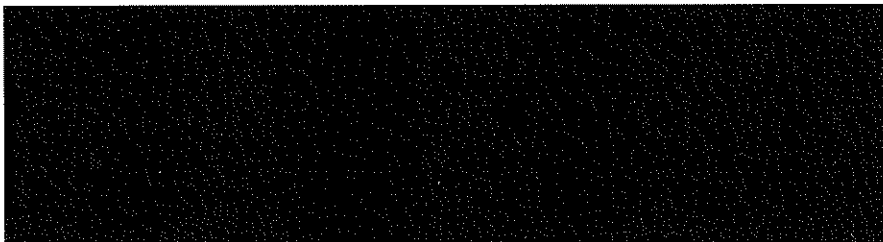
Our Expectations


While I am concerned that your order has allowed these things to occur when it knew, or should have known, about Fr. McGuire's weaknesses/disorders, it seems apparent to us that you must:

- 1) Launch as thorough^{an} investigation as is necessary to convince yourselves of the truthfulness of these charges and determine the full extent of this behavior;
- 2) That you assure us of the progress of your investigation;
- 3) That Fr. McGuire receive whatever medical, psychological and especially spiritual assistance necessary for his physical, mental and moral rehabilitation. We would rely on the direction of Fr. John Hardon in this regard;
- 4) That until such moral recovery has truly occurred, Fr. McGuire be effectively prevented from exercising his priestly teaching and counseling activities in any manner which could bring further injury to others. Again, we would rely on the opinion and direction of Fr. Hardon S.J. in this regard;
- 5) That any other victims be released from bonds to him and that they receive whatever pastoral assistance required. Obviously, this should include his personal secretary for 10 years and his other boy assistant of several years, both of whom we have not contacted at all in this matter.

Please be advised of our absolute determination, under the guidance of the Most Holy Church, to do all we can to prevent these injustices from happening again.

Please also be assured of our full co-operation and support, as well as our prayers.



cc: Rev. John Hardon, SJ


June 10, 1993

Conversation with

He had called today for the second time and wanted to know if we had received his letter. I told him we had and that you had a response to him in the mail. He inquired if the report had come in from St. Lukes and I told him it had and briefly gave him a summary and told him that it recommended residential treatment. He wanted to know if we had sent a copy of Brad's response to John Hardon and I told him I did not think so. He has conversed with John and John is up to speed on everything. I told him we would probably contact John once Brad and Don had conversed.

He also inquired if we were doing anything about his "secretary" and the other young man. I told him I did not think we had made any contact. He told me the boy is 15 years old, who is very devoted to Don. I could get in contact with who is part of their group who could be reached through Thomas Aquinas College in California. He knows everything about this and would be a help to us and I told him we would take this under advisement.

He also wanted to know if he needed to respond to your letter. I told him I did not think so but he wanted to contact me and continue our conversation, I would be willing.

Spring

01222

EXHIBIT 38

& COMPANY
MANAGEMENT CONSULT & DESIGN SYSTEMS DESIGN

J.D., M.B.A.
ATTORNEY AT LAW
TELEPHONE

July 3, 1993

Bradley M. Schaeffer, S.J.
Francis J. Daly, S.J.
Chicago Province of the Society of Jesus
2050 North Clark Street
Chicago, Illinois 60614-4788

Dear Father Schaeffer and Father Daly:

Thank you for your letter to dated June 7, 1993, apprising him of the current situation regarding Father McGuire. We wish to thank you also for your investigation and your timely responses to our concerns.

May 11, 1993 letter to you addressed five concerns:

1. That you conduct an investigation thorough enough to convince you of the accuracy of the allegations;
2. That you keep us apprised of that investigation;
3. That Father McGuire receive sufficient care and adequate rehabilitation under the circumstances;
4. That Father McGuire be removed from exercising his priestly, teaching, and counseling activities to prevent additional harm until rehabilitation is complete (We would rely on Father John Hardon's opinion and direction for this and for #3 above);
5. That any others potentially involved with Father McGuire be contacted and provided with pastoral care.

Your letter in response to letter addressed our first three concerns, though to what extent we are not certain. For example, it is especially important that we know to what degree our specific allegations were substantiated.

You must realize that we have a moral obligation to ask and to verify to determine how to proceed. You understandably may be reluctant to include details in your correspondence with us. However, without sufficient details, we will be forced to proceed on our own. We are in receipt of a flyer announcing a Father McGuire Retreat on September 23 through September 26, 1993 in the San Francisco area. From the limited information that we currently have, this causes us grave concern.

We wish to remind you also that one issue most outstanding in our minds at this time is the potential violation of Code of Canon Law, Section 1388, regarding misuse of the

EXHIBIT 39

01121

Sacrament of Penance. It is a serious violation of Canon 1388 for a priest to intentionally reveal what he identified as confessional material in an effort to manipulate parents to decide regarding their son against their better judgment. It appears from the Canon that the possibility of automatic excommunication, and the associated potential loss of priestly faculties, exists... What action has been taken? What action will be taken?

While we have no wish to legislate your handling of this matter, it is of a sensitive enough nature that we must be satisfied that following five concerns have been met:

1. That we be apprised of sufficient details of all investigation results and of your actions taken throughout in order to be able to make a reasonably informed decision to avoid proceeding on our own;
2. That Father McGuire be entirely removed from ministry for a sufficient length of time to be completely rehabilitated, so that we can be assured that no further harm will occur either to Father McGuire or to others under his influence (this includes potential Section 1388 abuses of priestly authority);
3. That any other potential victims, specifically he identified, approached, and provided with pastoral and other care as needed;
4. That Father John Hardon, S.J., assuming Father McGuire's consent, be brought in to administer to Father McGuire's spiritual needs.

We understand that there is a fine line between allowing you to exercise your legitimate authority and requiring you to exercise that authority in a certain way. As you know, we approached you first with our concerns. It is important to us that all authority remain with you. We have no wish to proceed on our own, for the sake of you, your Province, the Jesuits, the Church, Father McGuire, those under his influence, the outside community, and ourselves. However, we will proceed on our own if we do not feel that there is a permanent resolution.

We want also to make it very clear both to you and to Father McGuire that our ultimate goal is that Father McGuire receive the best of spiritual, psychological, and physical care, and that he is able to return happy and healthy to his ministry at an appropriate future date.

In the Lord.

cc: |
Joseph Fessio, S.J.
Father Tony Thurston

July 13, 1993

Conversation with

He called to see if we had received the letter that he and [redacted] had sent. Although it had been sent July 3, we received it yesterday. I had faxed the letter to Tim T. and I talked with him today after this conversation. He will get back to me tomorrow or Thursday. Although these folks seem pleasant, they are quite controlling. I explained to Tim that they are religious legalists.

[redacted] feels [redacted] who has a single parent needs some pastoral care. He was very close to Fr. Mcquire and much of his own self esteem is tied to Don. He and his group think that [redacted] must be approached and wanted to know if Don had approached [redacted] in any way. [redacted] wants me to contact [redacted] who is a retired lawyer and now works for [redacted] College to see if we can find the best way to approach [redacted] which is his work phone. [redacted] is something of a father substitute for [redacted] wants to keep all this private and [redacted] has not even mentioned this to his wife.

With regard to the retreat in September, they now know Mcquire will not be there because they found this information from Mcquire's secretary [redacted]. They do have elements of CUFF in their group.

The second major concern they have is the allegation that Don broke the seal of confession and violated Canon 1388 and this needs to be addressed and corrected. What has happened to Don's faculties. This is a very serious nature to his group and even though they know very little about canon law they want to do the morally correct thing. They do not want any scandal. [redacted] thinks the best way to go is my calling John Hardon, S.I. and include him in the resolution of this problem. If John could call and tell [redacted] that this is being attended to in the proper way, [redacted] would feel that his conscience could rest.

I am willing to contact both John and [redacted] but Tim requested that I wait a few days and not rush into it tomorrow morning. I also told [redacted] that you were away until July 25 and I would need to confer with you before I sent anything in writing. I would be willing to call [redacted] next week and inform him how this matter is proceeding. Next Wednesday, July 21.

f. daly, sj

EXHIBIT 40

01125



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (312) 975-6363 • (312) 975-0230 FAX

July 19, 1993

Dear Mr.

Last week I tried to reach Fr. John Hardon, S.J. but was told he is away until the end of July. Unfortunately since I am away most of August, I will not be able to converse with Fr. Hardon, S.J. until late August.

As I am confident you understand Father McGuire has a right to his privacy and good name and that his future ministry will be determined by our provincial. I have made contact with a Jesuit canonist who will assist us in our review of relevant canons. I am willing to make contact with [redacted] and see what might be the best way to show concern for [redacted] but before I make this contact, it might be more beneficial for us to set up a conference call.

I have been in dialogue with you, Mr. [redacted], and Fr. Fessio, S.J and have appreciated your sensitivity and care for all involved. At this time perhaps it would better serve all of us, if we could talk together and resolve your concerns. I would have our province counsel present for our conference call and you might wish to have Mr. [redacted] or whomever else you think helpful.

Thanks for your consideration of this matter and know I am grateful for your conscientiousness in this matter.

Sincerely in Christ,

Francis J. Daly, S.J.
Executive Assistant

EXHIBIT 41

01126

CONFIDENTIAL

Notes from phone conversation w.

my son was w. Fr. McGuire

I don't want to cause any problem -

I want Fr. to stay away from my family / we are afraid of him -

My son was w. Fr. McG in Chicago - I knew - I actually sent him to Chi. w. Fr.

He has traveled a lot w. Fr. - was happy 'til now -

My daughter was gravely ill - I was trying to reach my son -

I contacted Canisius - they gave me #'s and I found out my son was here (I didn't know) - It was OK - in fact I was delighted

took me to the # (a hotel) (described plush nature of hotel) I went and asked concierge - I said I want to see my son - He is in Fr. McGuire's room [she heard desk attendant talk on phone and give room # 1424]

I went to 1424 - my son opened the door - He was happy to see me - I told him his sister was sick -

[I've known Fr. McG for years - my son has traveled w. him a lot- I've known and trusted him]

I said " is sick and we must go home" Fr. was disturbed and wasn't happy about my son leaving -

Fr said: " please go out - I want to speak w. your mother alone"

I felt funny - He was acting unusual - My son and went out into the hall.

He said: " sit down, you've been under stress - what is bothering you?"

"Nothing, is sick. I just want to bring home."

FrMcG: "You're under stress and I've noticed this the last couple of months." [I haven't even seen him the last couple of months!]

When my son and came back into the room Fr. said when your

mother came in here she said "When I came in I saw sitting on your lap

and you were stroking him"

I said " that's not true! Fr., what are you doing? was...(I can't explain it)

We have trusted Fr. for years - he has never, I don't think, lied to us ..saying this horrifying thing...my son was...confused

I just wanted to take my son and go home...He went w. me tho' Fr. didn't want him to...(he said) more trying to allude to something horrible about my son...I can't explain it - I was so shocked.

While my son and were going to get the car I made the call to Canisius house (knows she was upset, incoherent confused, hour of the night..etc.)

We came home - my son's belongings were in the hotel - called the hotel and asked Fr. to please leave the bags w. the concierge.

called the hotel and asked Fr. to please leave w. concierge...

EXHIBIT 42

01199

CONFIDENTIAL

He (Fr) said "No, I won't do this - I'm going to go to C's house to see
and

We are afraid.

Fr. JPG: Are you saying that Fr. McG seemed to you to be emotionally unstable?

Mrs. C.: "Fr. McGuire?, thank you for saying it - I couldn't say it - I read the
newspapers...I know about (accusations against priests) - I'm not going to do
anything - I'm probably one of the ten percent that don't believe those things are
true....

He's (FR McG) helped me - there's something wrong - He seemed unusual

Fr. G asked about - C: "He's not danger - writes opinion column in
orange county newspaper - a friend...

We went directly to my brother's home in Diamond Bar and discussed it -

My brother said "The only reason any guy would say that is that he wants to instill
fear..wants you to be afraid - not matter what he's doing it's over - forget it!

Fr. was saying: there's nothing you can do (about wanting to
leave...over 18...just had 18th birthday tis summer] It was like talking to a
complete and total stranger

At one point I had said Fr, I can bring him back

I don't understand - Since he was 12 I've been sending him to Fr. McG - I gave up
a lot -

[conversation about studying in Chicago in September

^Fr McG: " You yell and swear and that is no environment for to live in -

A year ago he said is such a Saint

I don't want him to have any contact with my family

He is threatening to my son

have proof that (something sexual)...

It appeared to me, that he was going to say that did
something bad sometime...

He was hugging me and trashing me at the same time...don't know how to say
it...I was really scared and I don't scare easy.

While they were getting the car I went to the elevator and rode it to the 23rd floor
(hiding) to call, After I talked to Fr. Charles (at Canisius) I was upset and felt Fr.

Charles was pooing it - so I faxed copies to Fr. Fessio, Harbo, Link

I faxed to the hotel: Please do not attempt to ...or harass my son...Fr. Charles said
what to do it...shut and lock the door.

JAN 22 '95

T-6 01

URGENT!

To: Fr. Donald McGuire
Room # 1424
Century Plaza Hotel
2025 Avenue of the Stars
Los Angeles, CA
#310-551-3355

From:

Jan. 22, 1995
7:50 a.m.

Message:

Do not come to my home, or attempt to harass or contact my son.

Fr. Charles Murtaugh told me, "If Fr. McGuire shows up, shut your door and lock it. Do not let him enter. You are the Queen of your home."

My son, _____ requests that you leave his belongings with the concierge for
to pick up.

cc: Fr. Joseph, Canisius House, Evanston, Ill., 708-475-1869
Fr. Joseph Fessio, San Francisco, CA
Fr. John Hardon, Washington, DC
Fr. Link, Texas

01198

EXHIBIT 43



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (312) 975-6363 • (312) 975-0230 FAX

February 17, 1995

Rev. Donald J. McGuire, S.J.
201 Dempster Street
Evanston, Illinois 60201

CONFIDENTIAL

Dear Don, P.C.

Thank you very much for our conversation of February 9th. It was a worthwhile meeting, I think. It was valuable for Jim Gschwend and me to hear your understanding of the events of the weekend of January 21, 1995. For my part, I think it was valuable for you to hear the fraternal concern I continue to have for you.

As I told you when we spoke, I think that a follow-up letter is necessary. In writing this, I have three goals: (1) to support you; (2) to summarize the history of your dealings with several major superiors regarding certain specific incidents; and (3) to clarify what continues to be expected of you in the wake of these dealings.

But before any of that, Don, please know that I want you to do well in your ministry. Beyond my own personal support, I want you to feel the support of the Chicago Province. This letter is going to sound a bit businesslike at times, I suspect; nonetheless, I hope it communicates my desire to encourage what is good and holy in your work. Brad and I very much want for you to feel that you are a valued member of the Chicago Province.

First, let's review recent history. Summaries such as this can be helpful in reminding us what happened, and who said what to whom. I will begin with the provincialate of Bob Wild, and I will conclude with our meeting this February 9th.

On February 22, 1991, Father Provincial Robert A. Wild, S.J., spoke to you about general prudence on your part regarding your nearness to minors. He formally confirmed his request to you in his letter some five days later. On February 27, 1991, he wrote:

EXHIBIT 44

01183

42 53

I therefore asked of you two changes in your behavior, and you readily agreed to both. First of all, I ask that you not travel on any overnight trip with any boy or girl under the age of 18 and preferably even under the age of 21. Secondly, I ask you to confine any further contact that you might have with _____ to situations in which at least one of his parents would also be present. This latter command I did not give you because of any wrong doing that I noted in your behavior; I think it simply a matter of careful prudence under the circumstances. Both of these directives, as I said, you accepted readily and agreed to observe fully.

On April 30, 1993, I met with you. We discussed the _____ allegation. You denied any overt impropriety on your part, either concerning sexual misconduct or disobedience to Father Wild's directive. Regarding the latter, you noted that other adults (priest, doctor, dentist) were along on that trip and therefore you felt that, technically, you had not disobeyed Fr. Wild's command. However, you acknowledged that, in a larger sense, the question of obedience to Father Wild's directive was indeed at stake; you said that you would be more attentive in the future. You subsequently underwent an evaluation at St. Luke Institute in Suitland, Maryland (May, 1993), and a therapeutic program at Philadelphia's Villa St. John Vianney Hospital (summer 1993 - early 1994).

In a January 28, 1994, conversation following your departure from St. John's, Father Provincial Bradley M. Schaeffer, S.J., told you once again of the extreme urgency of obeying, in full spirit, Father Wild's February, 1991, directives.

In the summer of 1994, you were informed that we had received a complaint from _____ who reported to us her pained suspicions of many years back. She wanted to speak of her sense that your relationship several decades ago with her son, _____ may not have been a fully proper one. She made no direct allegation. _____ himself later came to the provincial office to discuss his past relationship with you. He, too, made no direct allegation regarding his past encounters with you.

You had another meeting with Father Schaeffer on December 15, 1994. As I have told you, I was not privy to the substance of that conversation. You say that it was a very encouraging one.

The events of the weekend of January 21, 1995, prompted our February 9th meeting.

Frankly, I wish you could have been more precise regarding exactly what happened that weekend. Obviously, _____ most vehemently requests that you have no further contact with her son _____ nor with any member of her family. _____ did not make a specific allegation regarding sexual misconduct on your part; she will not be pursuing the matter. However, she states that her family fears you. You emphasized in our February 9th meeting that you did not engage in any inappropriate behavior, sexual or nonsexual, with _____. Further, you stated your opinion that _____ fears are based on her own psychological instability rather than on anything you did or said the weekend of January 21st.

Again, it is not entirely clear what occurred to warrant this reaction from the family. Still, having listened to you in our meeting last week, I think it is reasonable to say that you did not exercise good judgment by being directly involved in whatever situation led to this fear.

This brings us to the very delicate question of trust. As I told you in our meeting, I trusted you enough not to call you back to Chicago immediately following the phone call. I permitted you to continue with your proposed itinerary, thus delaying by almost three weeks our meeting regarding the incident.

Repeatedly, Don, you have expressed your desire and need to be trusted. Trust must be earned, and then safeguarded. I hope you can see that I have some legitimate questions here, as I told you in our meeting. We have the complaints, all lodged in the last several years. Perhaps the question is not so much one of trust as of judgment. I simply think that you exercise bad judgment at times, as we have seen again in the events of the weekend of January 21st. It would be irresponsible of your superiors not to hold you accountable for your bad judgment.

To assist you in avoiding such problems in the future, I am reminding you of the standing restrictions which were imposed and reinforced following the complaints. Further, in accord with their request, you are to have no contact with any member of the immediate family. Also, I am amplifying Bob Wild's 1991 directive: please do not travel on any overnight trip with any person, male or female, under the age of 21. In addition, I ask that you exercise extreme caution to avoid any occasion that would find you alone, behind closed doors, with anyone under the age of 21.

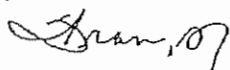
Finally, I would like to stress the importance of protecting your physical and psychic health. You asked that Dr. F assist in your after-care. His own assessment of September 20, 1994, recommends that you decrease the number of your commitments worldwide. I might add that I concur with Dr. I wholeheartedly when he writes in that evaluation that you "need to accept the nature of the culture of our day and be wiser, more prudent" in how you relate to young people. Your major superiors have said this to you on numerous occasions. More than a mere sign of the superior's will has been manifested.

I mention again that Jim Gschwend remains available to assist you in any way. I also recall your own desire, expressed in the past, to feel more "a part of the province." There exists a variety of ways to encourage that further incorporation; should you need ideas, we can talk about that.

Let us hope that no more alleged incidents come to light. You must understand: the complaints raised in the situations are serious. There must be no more. I am calling you to a prudence greater than that which you have shown in recent years.

Brad Schaeffer will review this matter when he completes his work at the General Congregation and returns to Chicago. In the meantime, as Acting Provincial it is my responsibility to safeguard the common good of all those to whom Chicago Province Jesuits minister. I also take very seriously my personal responsibility to you. I look forward to our continuing conversations regarding your health and your ministry in the service of the People of God. I have genuine concern for both.

Sincerely in Christ,



Francis J. Daly, S.J.
Acting Provincial

STATE OF ILLINOIS)
COUNTY OF C O O K) SS:
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION
JOHN OOE #116,
Plaintiff,)
vs.) No. 07 L-8761
THE CHICAGO PROVINCE OF THE)
SOCIETY OF JESUS,)
Defendant.)

The continued discovery deposition of
FATHER JAMES GSCHWEND, taken in the above-entitled
cause, before Elizabeth L. Vela, a notary public of
Cook County, Illinois, on the 13th day of October,
2009 at the time of 10:48 a.m. at 70 West Madison
Street, Chicago, Illinois, pursuant to Notice.

(Proceedings concluded at 4:25 p.m.)

Reported by: Elizabeth L. Vela, CSR
License No.: 084-003650

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1 INDEX
2 WITNESS EXAMINATION
3 FATHER JAMES GSCHWEND 365
4 BY MR. PEARLMAN

9 EXHIBITS

| NUMBER | MARKED FOR ID |
|--------------------------------|---------------|
| 10 Gschwend Deposition Exhibit | |
| 11 No. 29 | 369 |
| 12 No. 30 | 378 |
| 13 No. 31 | 387 |
| 14 No. 32 | 403 |
| 15 No. 33 | 415 |
| 16 No. 34 | 426 |
| 17 No. 35 | 451 |
| 18 No. 36 | 461 |
| 19 No. 37 | 463 |
| 20 No. 38 | 471 |
| 21 No. 39 | 472 |
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| 23 No. 41 | 501 |
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1 APPEARANCES:
2 KERNS, FROST & PEARLMAN, LLC, by
3 MR. MARC PEARLMAN and
4 MR. MICHAEL BROOKS,
5 70 West Madison Street, Suite 5350
6 Chicago, IL 60602
7 (312) 261-4550
8 Representing the Plaintiff,
9
10 LAW OFFICES OF McCARTHY & TOOMEY, by
11 MR. TIMOTHY TOOMEY,
12 4433 West Touhy, Suite 262
13 Lincolnwood, IL 60712
14 (847) 675-0060
15 Representing the Defendant.

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1 (Witness sworn.)
2 MR. PEARLMAN: Good morning, Father. How are
3 you?
4 THE WITNESS: Why am I the only one that swears
5 to tell the truth? No answer.
6 MR. PEARLMAN: So Father, you'll recall the
7 last time, we went over some rules.
8 I'm going to ask you a series of
9 questions. I'll try to make my questions concise.
10 If I ask a yes or no question, please answer yes or
11 no if you can.
12 If there's other things that you feel like
13 you need to answer, your counsel will have an
14 opportunity to ask you questions at the end, but
15 for purposes of my questioning, I'd ask that you
16 just limit your answers to my questions, okay? You
17 have to answer --
18 THE WITNESS: Yes.
19 MR. PEARLMAN: -- verbally. Thank you.
20 THE WITNESS: Yes.

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1 (Pages 361 to 364)

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Chicago, Illinois (312) 263-0052

EXHIBIT 45

1 some point having a discussion with Mr. O?
2 A. Yes.
3 Q. Okay. Can you tell me what you recall
4 about that discussion?
5 A. I remember having a phone conversation
6 with him and I remember him expressing concerns
7 about Father McGuire and his son. And I remember
8 urging him several times to have his son speak with
9 me.
10 And I believe -- there are two families.
11 I may be getting them mixed up, but I believe it
12 was his son who would not follow the parents'
13 directives to not associate with Father McGuire and
14 they could not get him to speak with me or anybody
15 in the province. I recall that pretty strongly.
16 Q. Do you recall them expressing
17 frustration -- strike that.
18 Do you recall in dealing with the
19 learning that they had come forward in 2000? There
20 was a history with the
21 A. Is that in here?
22 Q. It is in your notes, actually. If you
23 look at Page 00138, one, two, three -- the fourth
24 line, it says started with assistant in August

405

1 A. I probably did, if there was such. I
2 can't recall any right now.
3 Q. Do you recall that the Jesuits' position
4 was that they dealt with the Father McGuire
5 situation and that they weren't going to tell them
6 anything else because that was a matter of
7 private -- it was a private matter?
8 A. No.
9 Q. No?
10 A. No.
11 Q. Okay. Were you aware -- when you were
12 talking to the did you tell them what you knew
13 regarding Father McGuire and his history?
14 A. I -- no, I didn't tell them, but I told
15 the provincial that I would like to go and visit
16 with the and I would like to get them to
17 convince their son to speak with us and -- but I
18 did not feel that it was my place to inform the
19 about everything that was in Don McGuire's file.
20 Q. And why not? Why didn't you think that
21 was in your place?
22 A. Because what I said before.
23 Q. Canon 1772?
24 A. No. Confidentiality -- professional

407

1 1999. Do you see that?
2 A. That's not
3 MR. TOOMEY: No.
4 THE WITNESS: That's started as -- oh.
5 BY MR. PEARLMAN:
6 Q. Servant assistant in -- okay. Strike
7 that. Sorry about that.
8 I'm asking you, without reviewing your
9 notes, sir -- I don't want to go through all the
10 notes, but I'm asking you whether you know whether
11 the had had communications with the province
12 prior to 2003.
13 A. Oh, I believe they had. I believe I -- I
14 think that was something that I had found that -- I
15 think probably Father Daly and Father McGurn had
16 both had conversations.
17 Q. And do you recall that -- do you recall
18 the being frustrated from the lack of
19 responsiveness by the Jesuits in that time period,
20 that previous time period?
21 A. No, I don't.
22 Q. You don't? Did you ever go back and
23 review the correspondence between the Jesuits and
24 the in the 2000 time period?

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1 confidentiality.
2 Q. You understood the situation was that the
3 were concerned that something sexually
4 inappropriate occurred with McGuire and their son,
5 correct?
6 A. I can't say that.
7 MR. TOOMEY: Yeah.
8 BY MR. PEARLMAN:
9 Q. You can't say that that was a concern of
10 theirs?
11 A. Exactly. I can say that I think that --
12 MR. TOOMEY: Don't volunteer. Let's just --
13 let him ask you a question.
14 BY MR. PEARLMAN:
15 Q. What was your impression?
16 A. That they were concerned that their son
17 was being dominated by Father McGuire and taken
18 away from them and they couldn't get their son to
19 speak clearly with them or with us.
20 Q. And you had a lot more information
21 regarding Father McGuire at that point in time than
22 they had, correct, all this history?
23 A. I don't know what they had.
24 Q. Strike that.

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1 A. I don't know what they had.
2 Q. Strike the question. You had a lot of
3 information regarding Father McGuire's history and
4 allegations against him at that time, 2003,
5 correct?
6 A. I was beginning to get a completer
7 picture.
8 Q. Well, I believe if -- did you have a
9 chance to review your testimony from the previous
10 days?
11 A. No.
12 Q. By 1994 or 5, you had a pretty complete
13 picture in your mind, didn't you, Father?
14 A. Complete picture of?
15 Q. About what you were -- about your views of
16 McGuire, what he was like, and whether he had
17 committed sexual abuse of children?
18 A. A clear view? I had an increasing --
19 that's the whole problem with this is that there
20 weren't any clear views.
21 Q. So I want to -- you don't -- when you
22 received the s telephone call, were you
23 concerned that their son was sexually abused by
24 Father McGuire?

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1 having a conversation with them.
2 And I know that I would not have had that
3 conversation over the phone. And I know that I was
4 advised not to confer with them until the trial was
5 over.
6 Q. By whom?
7 A. Probably counsel.
8 Q. Did the provincial tell you that or did
9 counsel tell that you?
10 A. I don't remember.
11 Q. If you'd just turn to Page -- in this
12 document, Page 00140. Do you see that page? It's
13 a January 10th, 2001 letter --
14 A. I see it.
15 Q. -- from Father McGurn to the . . . And I
16 just want to know if this refreshes your
17 recollection whether you ever saw this document
18 before.
19 A. I don't know whether -- I probably saw
20 this.
21 Q. Okay.
22 A. I recognize it as explaining the policy.
23 Q. Okay. So you -- this refreshes your
24 recollection about what I was talking about about

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1 A. I guess I was more interest -- I don't
2 know what I thought at that time.
3 Q. Based on what you knew about
4 Father McGuire, did that thought cross your mind?
5 A. I can't say what thoughts crossed my mind.
6 Q. As the delegate and a Ph.D. in psychology,
7 did you -- were you aware that victims of sexual
8 abuse often deny it?
9 A. Yes.
10 Q. Were you aware that they minimize what
11 happens?
12 A. Yes.
13 Q. Are you aware that it's very difficult for
14 them to come forward?
15 A. Yes.
16 Q. Okay. And in light of what you knew, you
17 didn't think it was critical -- strike critical.
18 In light of what you knew -- your
19 experience, your background, and what you knew
20 about Father McGuire, you didn't view it relevant
21 to tell the parents of that McGuire had a
22 history and that they were justified in being
23 concerned?
24 A. I believe that I was very concerned about

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1 the previous correspondence with the saying that
2 Father McGuire's right of privacy precluded them
3 from telling them anything, correct?
4 A. I wouldn't have remember it -- this letter
5 at all, but now that I see it, I --
6 Q. Is this the same right of privacy that you
7 think precluded you from telling the in 2003
8 about what you knew about Father McGuire?
9 A. I believe I was following what was the
10 province policy until the thing was resolved in
11 Wisconsin.
12 Q. What was -- was it the -- I just want a
13 clarification here.
14 Was it the privacy and confidentiality
15 that precluded you from telling the or was it
16 the trial pending in Wisconsin?
17 A. I think the one was a directive of the
18 other.
19 Q. Sir, you know that in October 2003, there
20 were no charges pending against Father McGuire,
21 correct?
22 A. In October of 2003? I don't remember when
23 charges were brought.
24 Q. Well, at the time -- if I represent to you

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Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (773) 975-6363 • (773) 975-0230 FAX

This is to state that Rev. Donald J. McGuire, S.J., is a priest in good standing in the Archdiocese of Chicago. He was ordained a priest in 1961.

Rev. McGuire, S.J., is under no canonical restriction, penalty or sanction. He enjoys all of the faculties of the Archdiocese of Chicago. We have never received any information that would cause us to restrict his ministry in any way nor do we see any problem with another diocese extending him faculties and allowing him to minister there.

To the best of my knowledge and having inquired of others in the external forum, there have never been any reports of improprieties on Father's part. He has never been the object of legal proceedings and specifically there is nothing to our knowledge in his background which would restrict any ministry with minors. Father does not suffer from any untreated alcohol or substance abuse problem.

Richard J. Baumann, S.J.

Very Rev. Richard J. Baumann, S.J.
Provincial
Chicago Province of the Society of Jesus

December 22, 1998

EXHIBIT 46

01492

IN THE CIRCUIT COURT OF
COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT
LAW DIVISION
* * *

JOHN DOE 116,
Plaintiff,
vs. CASE NO. 07 L 8781
THE CHICAGO PROVINCE (Consolidated for
OF THE SOCIETY OF JESUS, discovery with
A/K/A THE JESUITS, AND No. 07 L 11952 and
FATHER DONALD J. McGUIRE, No. 08 L 03910)
S.J.,
Defendants.
* * *

JOHN DOE 117 and
JOHN DOE 118,

Plaintiffs,

vs.

THE CHICAGO PROVINCE
OF THE SOCIETY OF JESUS,
A/K/A THE JESUITS, AND
FATHER DONALD J. McGUIRE,
S.J.,
Defendants.
* * *

| | EXAMINATIONS CONDUCTED | PAGE |
|----|--------------------------------------|------|
| 1 | BY MR. McGUIRE:..... | 20 |
| 2 | | |
| 3 | | |
| 4 | EXHIBITS MARKED | |
| 5 | (Thereupon, Plaintiffs' Exhibit 1, a | 143 |
| 6 | letter dated 2-5-1962 to Father | |
| 7 | Provincial, was marked for purposes | |
| 8 | of identification.)..... | |
| 9 | (Thereupon, Plaintiffs' Exhibit 2, a | 144 |
| 10 | letter dated 6-3-1962 to Don McGuire | |
| 11 | from Father Harvanek, was marked for | |
| 12 | purposes of identification.)..... | |
| 13 | (Thereupon, Plaintiffs' Exhibit 3, a | 145 |
| 14 | letter dated 11-29-1969 to Reverend | |
| 15 | Reinke, from Reverend Schlax, was | |
| 16 | marked for purposes of | |
| 17 | identification.)..... | |
| 18 | (Thereupon, Plaintiffs' Exhibit 4, a | 147 |
| 19 | 1-16-1970 letter to Tom, P.G., from | |
| 20 | Father Reinke, was marked for | |
| 21 | purposes of identification.)..... | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |

1

3

1 JOHN DOE 119,
2 Plaintiff,
3 vs.
4 THE CHICAGO PROVINCE
OF THE SOCIETY OF JESUS,
5 A/K/A THE JESUITS, AND
6 FATHER DONALD J. McGUIRE,
7 S.J.,
8 Defendants.
9 * * *
10 Deposition of RICHARD J. BAUMANN,
11 S.J., Witness herein, called by the Plaintiffs for
12 cross-examination pursuant to the Rules of Civil
13 Procedure, taken before me, Kimberly C. Causlin, a
14 Notary Public in and for the State of Ohio, at the
15 offices of Mike Mobley Reporting, Inc., 312 Walnut
16 Street, 1600 Scripps Center, Cincinnati, Ohio, on
17 Friday, the 17th day of July, 2009, at 9:46 a.m.
18 * * *

| | | |
|----|---------------------------------------|-----|
| 1 | | |
| 2 | (Thereupon, Plaintiffs' Exhibit 5, a | 149 |
| 3 | memo dated 1-21-1970 entitled my | |
| 4 | comments on Father McGuire, | |
| 5 | initialed by J.H.R., was marked for | |
| 6 | purposes of identification.)..... | |
| 7 | (Thereupon, Plaintiffs' Exhibit 6, a | 151 |
| 8 | memo dated 1-19-1991 to Donald | |
| 9 | McGuire from Robert Wild, was marked | |
| 10 | for purposes of identification.)..... | |
| 11 | (Thereupon, Plaintiffs' Exhibit 7, a | 156 |
| 12 | one-page letter dated 2-27-1991 to | |
| 13 | Don McGuire, was marked for purposes | |
| 14 | of identification.)..... | |
| 15 | (Thereupon, Plaintiffs' Exhibit 8, a | 158 |
| 16 | letter dated 5-13-1991 to Ricardo | |
| 17 | Palacio from Fessio, was marked for | |
| 18 | purposes of identification.)..... | |
| 19 | (Thereupon, Plaintiffs' Exhibit 9, a | 159 |
| 20 | memo dated 4-27-1993 entitled | |
| 21 | conversation with _____ was | |
| 22 | marked for purposes of | |
| 23 | identification.)..... | |
| 24 | | |
| 25 | | |

2

4

EXHIBIT 47

1 (Pages 1 to 4)

1 with that assessment?
2 A. Yes. Well --
3 MR. HUEBSCH: Let me pose an
4 objection -- or clarification, I don't have an
5 objection. Regarding time, ever? Did he ever do
6 anything?
7 MR. McGUIRE: In response -- solely
8 based --
9 MR. HUEBSCH: Short term after
10 reading this?
11 MR. McGUIRE: Right.
12 THE WITNESS: Well, this is dated
13 2000.
14 Q. Um-hmm.
15 A. If I'm remembering, I think, the
16 updated and enhanced guidelines were early 2001
17 plus also -- so those were created --
18 Q. Right.
19 A. -- certainly with many people in
20 mind, but certainly with -- I mean, with Don in
21 mind. We also had generally policies that we
22 had for everyone in misconduct. I would say
23 one were the further guidelines that were
24 eventually created for Don, plus also bringing
25 him from his residence in Evanston to Clark

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1 Street and then eventually asking him really at
2 the same time to change his ministry in travel.
3 Q. I guess you and I can quibble
4 whether this was immediately or within close
5 approximation to this time.
6 A. Yes. Correct.
7 Q. But the day you read this, did you
8 do anything different on Don McGuire after you
9 read it?
10 A. I cannot remember doing
11 anything --
12 Q. Okay.
13 A. -- immediately.
14 Q. After reading this letter, did you
15 still think he was a danger to the public?
16 A. Yes.
17 Q. Okay.
18 A. Yes.
19 (Thereupon, Plaintiffs' Exhibit 27, a
20 memo dated 12-22-1998 from Father Baumann, was
21 marked for purposes of identification.)
22 Q. I'll bring to your attention and
23 mark and identify a letter dated December 22,
24 1998. Look at that and tell me if you
25 recognize that?

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1 A. Yes.
2 Q. What is that letter?
3 A. Well, honestly, I don't remember
4 to who the letter went.
5 Q. That's your signature at the
6 bottom?
7 A. It is, but it's likely in response
8 to a bishop asking for comments about a man.
9 Q. And that letter was issued in
10 1998, which was essentially during your tenure,
11 correct?
12 A. Yes.
13 Q. Okay. When you talk about a
14 priest in good standing, what is your
15 understanding of what that is?
16 A. Well, that he is in good favor
17 with the society, his own community, that he is
18 a priest with integrity. Well, I'll stop
19 there.
20 Q. Okay. It says here, quote -- and
21 this letter is issued by the Jesuit province
22 for others to rely upon, isn't that the custom
23 and practice?
24 A. Yes.
25 Q. Okay. It says here, quote, we

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1 have never received any information that would
2 cause us to restrict his ministry in any way
3 nor do we see any problem with another diocese
4 extending him faculties and allowing him to
5 minister there. Do you see that?
6 A. Yes.
7 Q. Was that, in fact, true at the
8 time?
9 A. Well, we had information about Don
10 which is present right there, but a judgment
11 has to be made as to when and under what
12 criteria that you would restrict his ministry.
13 Q. Well --
14 A. And -- and then communicate that
15 to someone else and I think that's -- that was
16 the -- the question.
17 MR. McGUIRE: Could you read that
18 back?
19 THE WITNESS: I thought I had in
20 there in the time when you do that, I thought I
21 had said that but --
22 Q. Well, his -- his ministry was
23 already under restriction at the time of this
24 letter, correct, and you knew that?
25 MR. HUEBSCH: And the question is

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1 what?
2 Q. Why did you issue the letter?
3 A. Well, I must -- I can't recall
4 everything. I must have felt that we were
5 still in the process of determining the
6 seriousness of -- and the consequences of his
7 situation.
8 Q. Well --
9 A. And if I'm correct, I did -- it
10 was a short year later, I think, that I wrote a
11 letter saying that I could not communicate that
12 same support and I would have to rely upon
13 these very documents that you have to say that.
14 Q. Okay.
15 A. So it was a question, a hard
16 question and it was part of the ongoing
17 process.
18 Q. Did you -- I don't see that
19 anywhere related in here that he's part of an
20 ongoing process as to the determination of
21 these matters.
22 A. Right.
23 Q. So let me ask you this question,
24 it says here that you have never received any
25 reports of improprieties on Father's part and

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1 yet, we've just -- you went through a review of
2 the file, we've gone through a whole bunch of
3 stuff. What part of receiving reports of
4 improprieties is -- is confusing and would lead
5 you to sign this letter?
6 A. Well, what I would say is that he
7 was part of a process that we were trying to
8 determine information and credibility to
9 allegations and complaints, and that was
10 ongoing. It wasn't a -- it wasn't at a
11 concluding point.
12 Q. Well, you obviously had evidence
13 prior provincials had put him on restriction,
14 two, if not three prior provincials put him on
15 guidelines and restrictions. What more is left
16 open in your mind after you just testified that
17 you thought he was a threat to the general
18 public?
19 A. Well, they -- they put him on
20 some -- they asked -- they presented him with
21 some guidelines and I did too, but in a
22 parallel track. We were also trying with
23 consultation to determine the -- to take the
24 next steps regarding investigation and
25 credibility of these. All the while saying to

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1 ourselves while we do this, we ought to have
2 some guidelines for him, but -- so --
3 Q. But the letter goes on to say
4 there is, quote, nothing to your knowledge in
5 his background that would restrict any ministry
6 to minors, when, in fact, it was done so on two
7 or three separate occasions. I mean, it's --
8 you know, you have restricted his ministry so
9 I'm trying to figure out why -- and you
10 specifically restricted his ministry with
11 minors, yet, you're representing that he's got
12 no restriction with minors.
13 MR. HUEBSCH: And the question is?
14 Q. The question is why would you
15 write something like that in the -- in the face
16 of what you've got in the file?
17 A. Well, I think I would repeat what
18 I said so far and maybe the only thing I can
19 add to it is when you talk about reports, I
20 guess I would think of kind of a finished
21 product. In a way rather than just allegations
22 and something that would be more conclusive or
23 farther down the track than what we had to --
24 say to a bishop that I am not okay with him
25 coming to perform a wedding or whatever, so

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1 that's the best that I can --
2 Q. Was there a --
3 A. And we were working on those.
4 Q. Well, is there -- you eventually
5 put Don McGuire on restriction and further
6 guidelines, correct?
7 A. Correct.
8 Q. What part of those restrictions or
9 guidelines that you put him on would be subject
10 to less than finality as you're referring to
11 the work of other provincials who have put him
12 on restriction and guideline? You're saying
13 the issue was left open. What about your work
14 as a provincial is still left open when you're
15 putting him on restriction?
16 A. The other provincial put him on
17 guidelines out of care for others, maybe
18 himself too, but care to the public and for
19 minors, and I did that too, but that was
20 proportionate to where we were in the
21 investigation and what we knew about Don and
22 what was occurring and we were still not --
23 even with my guidelines not to the final point
24 of our investigation or our conclusions about
25 what was the best thing to do for Don.

200

January 26, 2000

To: Dick Baumann, S.J., Provincial
From: Rick McGurn, S.J., Socius
For: Don McGuire, S.J.

Bau,

Regarding your concern about whether you can send the requested letter of good standing to the bishop of Las Vegas, so Don can give a retreat there in February:

My assessment:

Considering the wording the bishop requires it would be correct for you not to allow Don to give this retreat. You might want to talk with him, of course, but, strictly speaking, I don't think you can sign this letter.

I have reviewed Don's file:

Don has a history of inappropriate incidents with male adolescents (and one sexual relationship with a 20 year old woman, when he was 50—this was back about 1981). While no direct sexual contact has been established with these young men, there is very evident wandering across boundaries by Don: The most documented complaint—including correspondence to the provincial from the family and their attorney—concerned him taking a young man with him on retreats as his personal servant, who then gave him massages, they showered together, and read pornography together.

I note, too, the repeated statements by Fran Daly and Brad Schaeffer that Don is very difficult in a conference. He has little insight. Gracious when that tactic will work, but quick to go on the offensive when he thinks the other party is untrustworthy. He is paranoid—quick to blame others, but does not see the locus of these sexual problems in himself. Moreover, his personality disorder is such that he is very good at dividing his care-givers against each other: e.g., In 1993, he protested that his psych. evaluation at [REDACTED] was not done well, and insisted on being sent elsewhere for treatment, so he was sent for treatment at [REDACTED]. Similarly, in 1994, he pitted his own psychiatrist (a personal friend) against [REDACTED] disputing their assessment of him.

I enclose copies of Bob Wild's guidelines; Fran Daly's revised guidelines; Fran's "history" of Don; and [REDACTED] psych. evaluation of Don.

A brief history:

1991:

The earliest records in the file go back to 1991, but refer to a history of incidents in the years prior to that. No charges have ever been filed.

Provincial Bob Wild issued written guidelines to him Feb. 27, 1991, with 2 main conditions: 1. Don't travel with a male or female young person under 18, preferably not under 21; 2. Don't be alone with

adolescent (whose family's complaint prompted Bob's action). was a boy he'd taken as his servant on retreats with him for the half-year prior to Bob's letter.

1993:

Don was sent for an evaluation at [REDACTED] in May 1993.

He was sent in June, 1993, for in-patient treatment, for half a year, to [REDACTED]

Sept. 6, 1993: Fran Daly wrote a report on Don's progress at [REDACTED], giving his report of the therapist's statement of Don's sexually inappropriate behavior.

Nov. 20, 1993: John Hardon, S.J., writes provincial Brad Schaeffer, reporting on his visit to Don at [REDACTED]. It is evident to me that John cannot assess psychological problems, and downplayed Don's very real sexual problems. John was called in at the suggestion of the [REDACTED] family, as a buffer between Don and the provincial. Brad asked him specifically to assess whether Don had broken the seal of confession regarding the [REDACTED] boy. John's assessment was that he had not.

Dec. 1, 1993: Fran Daly wrote a "history" of Don's problematic behavior.

Dec. 21, 1993: Brad Schaeffer wrote up his account of his visit to Don at [REDACTED]

1994:

Jan. 28, 1994: Brad wrote up his account of his first conference with Don after his discharge from [REDACTED].

April 6, 1994: Don wrote his own self-report for his after-care team. It contains virtually no admission or recognition that he has any problems; instead, it exudes a paranoid anger at those who falsely accused him or mishandled his treatment.

July 13, 1994: A fresh complaint, (I'd have to check to see if the incident was current, or their report of a past incident) from the [REDACTED] family, similar to the one noted above.

Sept. 20, 1994: The psychiatrist Don chose for his after-care program, Dr. [REDACTED], was a buddy of Don's, and got co-opted by him, as is evident in [REDACTED]'s letter, full of indignation about his unneeded hospitalization at [REDACTED].

Oct. 3, 1994: Jim Gschwend, Don's provincial contact person, complains that Don has not given the provincial authorization to read the evaluation (presumably the one from [REDACTED]). — I note: There is no such official report from [REDACTED] in Don's file.

1995:

Feb. 17, 1995: Fran Daly reiterates Bob Wild's guidelines to Don, with these revisions: 1. He is not to travel with any young person under the age of 21; 2. He is to have no further contact with the family (another complainant).

June 1, 2000

Concerning: Fr. Donald J. McGuire, S.J.
From: Fr. Richard H. McGum, S.J., Socius

Fr. Al Naucke, S.J., socius of the California Province, phoned this morning. He told me that Fr. Joseph Fessio, S.J., has recently related the following account to the provincial, Fr. Thomas Smolich, S.J.:

A 14 year old minor, _____ the son of a conservative family in Phoenix, Arizona, is currently residing in the home of the _____ family in Massachusetts, while attending a learning disabled program.

Mr. _____ has told Fr. Fessio that Don McGuire is _____ legal guardian, and that _____ is going to live with Fr. McGuire.

I have not previously heard of the surnames _____ and _____ in regard to Fr. McGuire. Fr. Fessio was similarly involved in the complaint about Don from the _____ family in 1993. We have correspondence from the _____ attorney to us, which never proceeded to legal action; Fr. Fessio received copies of this lawyer's letter to the Chicago Province. It was after this incident that Fr. McGuire was sent for treatment at St. John Vianney Hospital in Downingtown, PA.

McGuire

Minor Report

EXHIBIT 49

00196

HEALTH RECORD

ST LAWRENCE SEMINARY

MT CALVARY, WISCONSIN

ALL QUESTIONS ON THIS FORM MUST BE ANSWERED. ITEMS WITH A STAR (*) ARE OF ADDITIONAL IMPORTANCE.

This health examination form is to be completed and returned to St Lawrence Seminary. The family or personal physician of the student is in an ideal position to supply the significant history, physical findings and laboratory studies related to the student's health, and also to provide a critical evaluation of his health status.

EXHIBIT 50

.....

TO BE COMPLETED BY PARENTS:

If parents are separated or divorced, which parent is to be notified in case of illness? _____

Do you wish the hospital or clinic to bill you directly or do you want the hospital or clinic to send the bill to your insurance company?

- | | | |
|----------|---|---|
| Hospital | <input type="checkbox"/> bill me directly | <input checked="" type="checkbox"/> send bill directly to insurance company |
| Clinic | <input type="checkbox"/> bill me directly | <input checked="" type="checkbox"/> send bill directly to insurance company |

Please read the following, and if you are in agreement, sign in the appropriate spaces. There are three parts to this section, each covering a different point of health care. We need your signature (or an explanation of your non-signature) for all three sections.

(1) I give my permission for my son to receive health care by the seminary staff for illness or injury. I understand this care is overseen by the medical director through a Registered Nurse. This care includes administering first aid, medication, health screenings and transporting to medical appointments.

Signature of Parent or Guardian John Donald J. McGuire, Jr. (Guardian)

(2) In the event of an emergency, I give my permission to have my son treated as an outpatient or admitted to a hospital and to have surgery if necessary. I understand an attempt will always be made to notify me in case of an emergency.

Signature of Parent or Guardian John Donald J. McGuire, Jr. (Guardian)

(3) The undersigned parent/guardian of _____, in the event that he/she cannot be contacted through reasonable efforts, does hereby empower and grant to St Lawrence Seminary permission to consent to and authorize medical and hospital care and/or treatment for my above named child/ward. This authorization shall be valid for the period of time beginning August 19, 2000. I do hereby indemnify and hold harmless the physicians, hospital and other persons who act in reliance upon this authorization.

Today's date: 8/12/00

Witness: 0

Parent/Guardian John Donald J. McGuire, Jr.

Parent/Guardian _____

FOND DU LAC REGIONAL CLINIC

100 South County Trunk W
Mt Calvary Wisconsin 53057

PATIENT REGISTRATION

Date 8/10/00

Please print the following information concerning your son/guardian, a student at St Lawrence Seminary, Mt Calvary WI.

PERSON RESPONSIBLE FOR PAYMENT (For a child, this is ordinarily the person who has custody)

(GUARDIAN)
Last Name McGuire First DONALD Middle Initial J.

Mailing address P.O. Box 5250 Evanston, IL 60204
street address or P O Box number city state zip

Birth date 7/9/30 Social Security Number _____

Home Phone 847-864 4502 Work Phone Same

Check one: Single; Married; Separated; Widow; Divorced.

Relationship to seminary student: Parent; Legal Guardian Other (please state) _____

Employer MISSION FIDES Occupation ROMAN CATHOLIC PRIEST

Employer's address P.O. Box 5250 EVANSTON IL 60204
street address or P O Box number city state zip

INSURANCE INFORMATION Does the student have insurance? Yes; No.

Student's primary insurance:

Insurance Company BLUE CROSS-BLUE ID# _____ Group# _____
SHIELDS OF ILLINOIS

Effective date _____ Expiration date _____

Address where claim is to be sent _____
street address or P O Box number city state zip

Name of policy holder _____ Relationship of student to policyholder Self

Medical assistance # _____ Effective date _____ Expiration date _____

What type of coverage? family coverage; single coverage.
(continued on other side)

SPOUSE'S NAME Last Name N/A First _____ Middle Initial _____

Address and Phone (list only if different than the address of person responsible for payment, given on reverse side.)

Mailing address _____
street address or P O Box number *city* *state* *zip*

Phone (____) - (____) - (____)

Please give the following information for the spouse::

Social Security Number _____ Occupation _____

Employer _____

Employer's Address _____

Employer's Phone _____

FOR EMERGENCY PURPOSES

Nearest relative or friend not at your address _

That person's relationship to student

Mailing address _____
street address or P O Box number *city* *state* *zip*

Phone _____

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION: I authorize any holder of medical information about me to release said medical information requested by insurance companies with whom I have coverage or any public agency and its agents to determine benefits for services provided or benefits for related services.

ASSIGNMENTS OF BENEFITS: I hereby authorize payment of benefits be made directly to Fond du Lac Regional Clinic for services provided to this patient by the Fond du Lac Regional Clinic. I understand that I am financially responsible to Fond du Lac Regional Clinic for charges not covered by this assignment including those charges which my insurance carrier may consider above usual and customary. I authorize refund of overpaid insurance benefits where my coverage are subject to coordination of benefits. In the event of default, I agree to pay all costs of charges including reasonable attorney's fees. I agree that if any of the information furnished on this form changes, it is my obligation to notify Fond du Lac Regional Clinic.

Dr. Donald J. McGinnis, Jr.
Signature of responsible person

8/10/00
Date

September 25, 2000

Concerning: Fr. Donald J. McGuire, S.J.
From: Fr. Richard H. McGurn, S.J., Exec. Asst.

I received a phone call today from a [redacted] of Augusta, Georgia, in reference to Fr. Donald J. McGuire, S.J. [redacted] age 20, has just completed a year of service for Fr. McGuire, traveling with him as his assistant on his many retreats.

[redacted] gave these phone numbers: [redacted] / A check of BellSouth on the web turned up this home address:

[redacted] and his wife, [redacted] are concerned, now that the year is up, that they are having "difficulty communicating our thoughts" to their son, and he feels they have "lost touch with him." [redacted] with some reluctance, said that he feels that [redacted] is being controlled" by Fr. McGuire, and is "not listening to us."

[redacted] are also in contact with a Fr. Brett Brannen, vocation director for the diocese of Savannah, Georgia. I gather that he and [redacted] have previously talked about whether [redacted] has a vocation to the priesthood. [redacted] said that Fr. Brannen, like himself, is "very much not at peace about this" situation.

Fr. McGuire and [redacted] were in Augusta at the end of August, and I met with him and [redacted] "We weren't pleased with the results of the talk...Fr. McGuire said that [redacted] 'has a vocation serving me; he's not ready to come home.'"

[redacted] said that his son is arriving home today for a week's visit.

[redacted] also noted that some neighbors of his, [redacted] (spelling of surname uncertain) also had their son with Fr. McGuire last year, and that they, too, had concerns. [redacted] also made reference to a psychiatrist in Augusta, a D [redacted], whom [redacted] says sets up the arrangements of these young men with Fr. McGuire.

[redacted] said there were other details he could tell me, but that they would not be appropriate over the telephone. I asked him to send me a written statement, being as explicit as possible, and he said he would do so.

I told him I appreciated that it was not easy for him to make this call to me. I also said I would contact Fr. McGuire to check out this report, though I noted that Fr. McGuire is frequently (and, I think, presently) out of the country.

October 25, 2000

Father Richard McQuinn
c/o Chicago Province Jesuits
2050 North Clark Street
Chicago, Illinois 60614

Dear Father,

We should have written you long before now but we were trying to respect our son's wishes. We want to bring to your attention something that transpired between Father Donald McGuire and our son who served him in Chicago from June 1998-August 1999. was invited to serve Father and Mission Fides for a year. During this year Father was almost completely blind due to complications from his diabetes and needed assistance to be able to travel and give retreats. We were happy to have our son serve Father and thought the experience would be of benefit him. had just graduated from high school and was open to giving a year of his life in service.

The year started off with keeping in regular communication with us by phone and e-mail. After about a month, the communication became less frequent as said Father told him to cut back on his e-mailing to friends and family even though was doing this on his own time. We did not agree with this and continued to communicate regularly with by phone. We are a very close family and we felt it was important for to keep in touch with [REDACTED]

The incident that we want to bring to your attention is actually a pattern that developed from June of 1998 until shortly before they left for India in the Fall called us late one night. He was very anxious and emotionally upset. He cried as he told us he "couldn't take it anymore!" He stated that Father was overwhelming him with pornographic pictures and talking to him about sexual matters at every waking moment. Father was doing this, he said, to prepare him for the trip to India where he would be seeing a lot of nudity because of the lifestyle of the people in that culture. was exhausted from lack of sleep and constant activity in caring for Father's needs. He never had a day off in the entire time he cared for Father except for the three days he came home for Christmas. The emotional state of our son alarmed us. He is a very stable young man and was not prone to such anxiety or emotional upheaval. We told our son we would come get him immediately if he wanted to leave. He became more anxious as we talked and finally said he had to go see about Father McGuire. About fifteen minutes later as my husband and I were talking about what we should do, the phone rang again. was

EXHIBIT 52

00111

X-6.

calling us back to say, "Please don't tell anyone what I just told you. Father's reputation is at stake. Don't tell anyone. I'll be ok. Father said he would stop doing this immediately if it upsets me so much." It was obvious that [redacted] had told Father he had called us and Father insisted that he call us back immediately. Trying to trust our son's judgement, we did as he asked us. We have never mentioned this incident to anyone until the last two months.

When [redacted] came to us with concerns about their son, [redacted] we immediately thought of this incident. Our son served Father McGuire for a year and is now in college [redacted]. We have spoken to him about his experiences with Father in the light of the [redacted] concerns. He is bothered still from the effects of the pornography he experienced while with Father. He is very independent but expressed concern about [redacted] (who is his friend from high school) who has not been so resistant to Father's extreme control, nor as communicative with his parents as [redacted] was with us. He agreed that Father is very controlling of the young men who serve him and expressed concern about this control. We feel you should know about this incident and the effect it has had on our son. Together with the alarming experience the [redacted] have had this year, we ask that you give this matter your immediate attention.

We have great respect for Father McGuire's learning and the excellent Ignatian retreats he gives. We do however have concern for the influence he is having on these young men who serve him and for his own personal weaknesses which threaten the work that God would do through him. Thank you for your attention to this matter. We look forward to hearing from you.

December 13, 2000

To: Dick Baumann, S.J., Provincial
From: Rick McGurn, S.J., Socius
For: Don McGuire, S.J.: Detailed Summary

Dick,

I have previously given you a summary of Don McGuire's history, but I now give you an updated version, in more detail, noting names, guidelines, and Don's violating of those guidelines.

The earliest records of complaints from individuals go back to 1991, but there have been concerns about Don's lack of prudence from at least 1960, when his ordination was not approved.

Don has been subject to provincial guidelines regarding his behavior, since 1991.

Although no charges have ever been filed against him, Don has a history of inappropriate incidents with male adolescents (and one sexual relationship with a 20 year old woman, when he was 50—this was back about 1981). While no direct sexual contact has been established with these young men, there is very evident wandering across boundaries by Don: The most documented complaint—including correspondence to the provincial from the family and their attorney—concerned him taking a young man with him on retreats as his personal servant, who then gave him massages, they showered together, and read pornography together.

I note, too, the repeated statements by Fran Daly and Brad Schaeffer that Don is very difficult in a conference. He has little insight. Gracious when that tactic will work, but quick to go on the offensive when he thinks the other party is untrustworthy. He is paranoid—quick to blame others, but does not see the locus of these sexual problems in himself. Moreover, his personality disorder is such that he is very good at dividing his care-givers against each other: e.g., in 1993, he protested that his psych. evaluation at [redacted] was not done well, and insisted on being sent elsewhere for treatment, so he was sent for treatment at [redacted]. Similarly, in 1994, he pitted his own psychiatrist (a personal friend) against [redacted], disputing their assessment of him.

1991

Feb. 19, 1991, Memo of provincial Fr. Wild regarding a phone call from Br. Ricardo Palacio, director of the Christian Brothers retreat house in St. Helena, CA. Don had given a students' retreat to the students of Coby Academy, a conservative Catholic school in Napa, CA. Br. Palacio spoke of his discomfort at finding Don had traveling with him, age 17, of Anchorage, AK. The boy does not seem to have slept in a separate room. At one point he found the boy with Don in Don's room, and the boy's hair askew and his shirt-tails out, though Don was dressed.

Fr. Wild notes that he "knows of no previous complaints on this score..."

"As Palacio and I agreed, this travel business is at least very imprudent, perhaps much more serious."

McGuire\Detailed Summary

EXHIBIT 53

01596

Feb. 27, 1991—Letter of Provincial Bob Wild to Don: (Referring to Bob's conference with Don on Feb. 22: "I therefore asked of you two changes in your behavior, and you readily agreed to both. First of all, I ask that you not travel on any overnight trip with any boy or girl under the age of 18 and preferably even under the age of 21. Secondly, I asked you to confine any further contact that you might have with _____ to situations in which at least one of his parents would also be present. This latter command I did not give you because of any wrong doing that I noted in your behavior; I think it simply a matter of careful prudence under the circumstances."

May 13, 1991: Copy of a letter from the parents of _____ of Anchorage, AK, to Br. Ricardo Pacacio, SSC at Christian Bros. Retreat House, St. Helena, CA.

It notes that "_____ has been traveling and assisting Fr. _____ since October, 1990.

"We were also extremely upset to learn that less than a week after your telephone call (_____, reporting Br. Ricardo's concern) to us, Fr. McGuire was called home by his provincial because of your unsubstantiated accusations... We have been assured by our son that no improprieties occurred..."

June 19, 1991: Letter to Don McGuire from provincial Fr. Wild, noting that he had received copy of the letter of May 13, 1991 from _____'s parents to Br. Palacio.

"Despite this clear vindication of your conduct, however, I would still ask of you the basic things that I asked in my previous letter (Feb. 27, 1991, in which he gives Don the guideline not to travel with anyone under 18, an action prompted by the _____ incident)... I say this not because any blame should fall upon you but rather simply in a prudent way to protect you and your important ministry from any sort of harm."

1993

Letter of May 11, 1993: _____ notes Fr. McGuire's history with their son, dating from August, 1992, when the boy was 16, a minor. Fr. McGuire took him on as his "personal assistant."

I recount this particular complaint in more detail, because it is a good portrayal of the general complaints against Don by others.

Copies of this letter went to:
Rev. John Hardon, S.J.
_____, esq., attorney for the _____ family

Complaints included: Don had him driving a car even though the boy had no driver's license. Also: buying him "skinky briefs."

"We were disturbed when it became increasingly apparent that _____ was unable to stand up for his own convictions, or voice any different opinions in Fr. McGuire's presence. In addition, erected a wall of secrecy around anything which might reflect negatively on his relationship with Fr. McGuire... Still, despite red flags, our deep respect and admiration for his work, and compassion and affection for Fr. McGuire personally, made us willing to overlook and excuse these things despite tension, disappointment and hurt."

"Starting on April 14 (1993), matters got far worse... The priest who accompanied Fr. McGuire... informed us that our son had been involved in an automobile accident in Poland...

"On April 18, Fr. McGuire called and demanded... that [redacted] come to San Francisco for the next 10 days to care for him. We said no... Fr. McGuire then launched into a furious attack... In addition, Fr. McGuire revealed what he identified as being confessional material... and (revealed) what the specific temptation was to myself and my wife... Fr. McGuire instructed [redacted] to give him regular body massages. At least some of these were while [redacted] was dressed in underpants only. Father had [redacted] wash body parts of his while he was in the shower. When confronted with these activities by myself and my wife, Fr. McGuire not only did not deny them but justified each of them.

"On April 22, [redacted] revealed that Fr. McGuire directed [redacted] to join him in a picture-by-picture analysis... of approximately 20 pornographic (pictures)... This started in October of 1992, and lasted for five months in many cities. [redacted] does assure us, however that no explicitly sexual acts occurred...

April 30, 1993: Memo (presumably the socius, Fr. Daly) reporting Fr. Daly's conversation with Don, who "denied a majority of the allegations but admitted to having [redacted] stay in his room and that Don would go to St. Luke's for an evaluation."

April 30, 1993: Memo (presumably the socius, Fr. Daly) of a meeting with Don McGuire in the presence of his superior, Joe Downey, S.J. This memo notes that the [redacted] complaint first came to the provincial via Joe Fessio, S.J., and [redacted]

The memo notes that Don denied showing the boy pornography, and "he denied taking showers with him, but that [redacted] would wash his right foot... He admitted they shared a room but the door was always open... He (Don) went on to say that, since his health condition of ten years ago, he has no sexual desires and is not attracted to boys. The only time he 'has fallen' it was with a woman. He denied that they (Don and [redacted]) were naked together in the room. He felt that since he was always with a group, such as a priest, doctor, dentist, he was not breaking his promise to Bob (Wild, the provincial - see attached guidelines of Jan. 27, 1991, proscribing travel with anyone under the age of 18). However he admitted that the question of obedience was involved.

"I told him that he could give this retreat in Phoenix next week provided he told the superior that he was under an allegation and that he could not be with minors without supervision. He agreed to this. He also agreed to go for an evaluation at St. Luke's (May 9-14, 1993)... Joe Downey reflected to Don about his judgment and that he seems imprudent... Don went on about how he has always been accused of being imprudent even since (West) Baden because he cares for the poor and people..."

April 26, 1993: Memo (presumably the socius, Fr. Daly): "Fr. Joe Fessio, (S.J.), called to report that Don McGuire was on a trip to Russia accompanied by some young men, one of whom was taking showers with (him) and reading hard pornography together. They also masturbated but McGuire may not have touched the young man. This young man's name is [redacted] and Joe knows his father [redacted] well who is a good Catholic. [redacted] was [redacted] sponsor at his confirmation and learned this story from his father. [redacted] is a lawyer and contacted Joe. Joe asked him to keep this quiet until he could represent this to McGuire's provincial... He also mentioned that a Fr. Thurston was on this trip to Russia and thought Don's behavior odd. It was Thurston talking to [redacted] which prompted [redacted] to inquire of his son."

May, 1993: Don was sent for an evaluation at [REDACTED] in May 1993.

June 10, 1993: Memo of socius Fr. Daly recounting a phone conversation with [REDACTED] about the status of the latter's complaint. In the course of the conversation, [REDACTED] also asked if anything was being done about Don's relationship with his secretary and [REDACTED] who is a minor, 15 years old.

June 18, 1993: Memo of socius Fr. Daly indicating that Don would begin his residential treatment program at [REDACTED] on June 30 (an in-patient program of 6 months).

June 28, 1993—Letter of Provincial Brad Schaeffer to Don:

"The complaint lodged by the [REDACTED] family is a serious one which has legal implications. While your interpretation and theirs vary, it is clear there were questionable areas involved in this relationship. In addition, traveling in the way you did with this young man was a clear violation of the directives given by Bob Wild after a similar concern was raised two years ago..."

"...that is why I asked you to have the (recent) evaluation at [REDACTED], which you readily agreed to. Based on that evaluation, I asked that you engaged in a treatment program (at [REDACTED] which Don began shortly after this letter).

July 19, 1993: Memo of socius Fr. Daly recounting a phone conversation with Don's physician at [REDACTED]: "She is the medical doctor who called to tell me that Don has been over-medicating himself for twenty years. He does not need the amount of insulin (60) takes and is at present at 22 and she thinks that he will need none. He has Type 2 diabetes. That he takes a huge amount of vitamins and may even have taken iron to seem to have hemochromatosis..."

Sept. 7, 1993: Memo of socius Fr. Daly about Don's progress in therapy at [REDACTED]:

"Don told him (his therapist, [REDACTED]) that he has been close to 12-14 youngsters over the years. Although not genital relationship, but what [REDACTED] called "frotteurism," pleasure derived from some skin contact, e.g., a foot massaged, an arm on kid's shoulder as they look at pornography together, etc. Since it was not mutual masturbation, some people have thought there was no problem with this kind of behavior. However, there is a disorder in this behavior.

"Don is beginning to disclose more and acknowledge showering together, looking at porno together..."

Nov. 12, 1993: Memo (presumably of the socius, Fr. Daly) recounting a phone conversation with Don's therapist at [REDACTED]. It's noted that Fr. John Hardon, S.J., visited Don at [REDACTED] and met jointly with him and his therapist. It's noted that Fr. Hardon does not think Don broke the seal of confession (presumably regarding the [REDACTED] boy).

"Dennis thinks that Don is fearful of losing his priesthood and (his membership in) the Society."

Nov. 20, 1993: John Hardon, S.J., writes provincial Brad Schaeffer, reporting on his visit to Don at Downingtown. It is evident to me that John cannot assess psychological problems, and downplayed Don's very real sexual problems. John was called in at the suggestion of the family, as a buffer between Don and the provincial. Brad asked him specifically to

assess whether Don had broken the seal of confession regarding the boy John's assessment was that he had not.

Nov. 23, 1993: A letter to provincial Fr. Schaeffer from Don's brother, Mr. [redacted], an attorney, recounting his participation (prior to Nov. 12, 1993) at a therapy conference regarding Don at [redacted]. Mr. McGuire states his anger, and it is evident he thinks Don has no problem, and that the hospital treatment was most inadequate.

Dec. 1, 1993: Letter of socius Fr. Daly to [redacted] at [redacted] Downingtown, PA. The letter contains a summary, recounting Don's difficulties from 1960 to the present.

Dec. 21, 1993: Memo of provincial Fr. Schaeffer recounting his attendance at the therapy group conference for Don, at which Fr. Gschwend was also present, along with Don's therapy team.

"It was helpful for me to hear from [redacted] that Don is not a 'predator' in terms of sexuality. But he does have a sexuality problem and he even admitted to that. While he certainly hasn't acted out genitally in any fashion with anyone (Is Fr. Schaeffer aware at this point of Don's prior sexual contact with a woman?), he develops relationships with younger people over whom he can have a great deal of influence and characterizes this within a religious context. As a result, he can cross some significant professional boundaries and make mistakes..."

1994

January 28, 1994—Memo of Provincial Schaeffer (describing verbal guidelines given to Don): "I reminded him that it was his own behavior with the [redacted] minor which got him into trouble in the first place. In addition, it was a violation of Bob Wild's directives which led to this. As a result it would be important for me to guarantee that he would have the kind of supervision necessary for me to allow him to return to ministry in any fashion. Certainly, there would be no unsupervised contact with minors in his future."

Feb. 18, 1994, Letter of provincial assistant for men in special ministries, Jim Gschwend, S.J., to Don, stating that he was Don's liaison with the provincial. "Engagement in any active ministry is to be arranged with me."

Note: This obviously states a guideline.

April 6, 1994: An unsigned self-report (obviously, this is Don McGuire's after-care contract that he's making with his therapy team at [redacted]). It is a very minimal admission of his real problems and history, and indicates his anger and his intention to seek another opinion once he's discharged.

June 13, 1994, Memo of provincial assistant Fr. Don Nastold, S.J., to socius Fr. Daly, noting a phone call of complaint about Don from [redacted] of Arlington Heights, about her son, a graduate of Loyola Academy. She asserted that, years earlier, after Don got the boy into the Academy, he often was the one who drove him home, and that sometimes [redacted] slept in Don's room at Loyola Academy. The boy would not talk about his relationship with Don to her. He withdrew from the Academy after one semester, and Don had no further contact with them.

In this call, she made no specific charge against Don, but feels that he had an undue influence over her son. She did not threaten legal action, but said she was grateful for the chance to tell her story to a Jesuit.

Note: It's evident that [redacted] was a minor at the time, a high school freshman.

July 18, 1994, Letter of Fr. Jim Gschwend, S.J., to Don's superior, Fr. Joe Downey, S.J., with a copy noted to Don, in wake of Don's discharge from treatment (at [redacted]). "He has also been given permission to continue retreat ministry especially with the Missionary Sisters. Nonetheless all ministry remains cleared through this office and Don has been advised to do that in a timely manner."

Note: This obviously states a guideline.

Sept. 7, 1994, Memo of socius Fr. Daly to provincial Fr. Schaeffer: Servite priest Fr. Jerry Horan, president of their high school in Anaheim, CA, phoned Fran Daly with a complaint that Don McGuire was interfering in litigation between the school and the [redacted] family. Fr. Horan noted that the boy, [redacted], then a senior, had accompanied Don on some of his trips to Russia and other places...

Sept. 20, 1994, Letter of psychiatrist [redacted] M.D. about Fr. McGuire, addressed "To Whom It May Concern," (obviously, to the provincial). He identifies himself as a psychiatrist, the one whom Don chose for his after-care upon discharge from [redacted]. He writes with indignation at the diagnosis of personality disorder made by [redacted], and he gives a ringing defense of Don, denying that he has any significant problem.

He further identifies himself as president-elect of the [redacted] Guilds (Note: This fact is relevant because of Don's appointment as spiritual director with that group, beginning in 1990).

Oct. 3, 1994, Letter of prov. asst. Fr. Jim Gschwend to Don, noting that Don has refused to give a copy of his hospital report (from [redacted]).
-I note that, to this date, we have no copy of that report.

1995

Feb. 3, 1995: Memo of Fr. Robert Geisinger, S.J. socius Fr. Daly regarding preparation of the Feb. 17 letter in which Fr. Daly issued new guidelines to Fr. McGuire.

Feb. 9, 1995: Memo of Fr. Daly, socius, noting a conference with Fr. McGuire, at which Fr. Jim Gschwend, S.J., was present. Concerning the [redacted] family.

"I told Don he was not to have any contact with the [redacted]."

(Fr. Daly's) phone conversation with [redacted] (not dated): Includes her complaint re her son [redacted] apparently then 18, whom she found sitting on McGuire's lap, and Don was stroking him. She faxed her complaint to Fr. Charles (at Canisius) and to Frs. Fessio, Hardon, and Link.

February 17, 1995—Letter of Acting Provincial Fran Daly to Don: (In light of a complaint from the [redacted] family:) "I am reminding you of the standing restrictions which were imposed and reinforced during the [redacted] and [redacted] complaints. Further, in accord with their request, you

are to have no contact with any member of the immediate family. Also, I am amplifying Bob Wild's 1991 directive: please do not travel on any overnight trip with any person, male or female, under the age of 21. In addition, I ask that you use extreme caution to avoid any occasion that would find you alone, behind closed doors, with anyone under the age of 21... I am calling you to a prudence greater than that which you have shown in recent years."

(Note: Fr. Daly told me verbally on Dec. 8, 2000 that Fr. Robert Geisinger, S.J. was present during this conference of Feb. 17, 1995, in order to be a witness to the warning Fr. Daly issued in writing to Fr. McGuire).

2000

Feb. 2, 2000: Bishop of Las Vegas Nevada required detailed letter of good standing including statement Fr. never been accused of improprieties with minors. Fr. Baumann was therefore unable to give one to Don, who subsequently canceled his commitment. It appears he will not be able to function in that diocese again, given the nature of the bishop's request, which would likely be renewed in the future.

Dec. 22, 1998, Provincial Fr. Baumann did provide Don a letter to the same bishop, not having been aware of the provincial guidelines currently in place.

June 1, 2000: Socius Fr. McGurn notes in a memo: Fr. AJ Naucke, S.J., socius of the California Province, phoned this morning. He told me that Fr. Joseph Fessio, S.J., has recently related the following account to the provincial, Fr. Thomas Smolich, S.J.:

A 14 year old minor, _____, the son of a conservative family in Phoenix, Arizona, is currently residing in the home of the _____ family in Massachusetts, while attending a learning disabled program.

Mr. _____ has told Fr. Fessio that Don McGuire is _____ legal guardian, and that _____ is going to live with Fr. McGuire.

Sept. 25, 2000: Socius Fr. McGurn received a telephoned complaint from A _____, regarding Don's relationship with his son, _____, presently age 20, who has been serving as Don's assistant on his travels for the past year, and who now does not want to return home after his year's "commitment" has concluded. They documented their complaint in writing on October 27, 2000 (see above).

October 11, 2000: Don was away much of the summer, so it was only in October that I connected with him to ask about _____. He mailed me a document, dated Aug. 9, 2000, signed by _____ mother, _____, which purports to grant legal guardianship of her son to _____ (who administer Don's retreat fund, Mission Fides). Don also included a note with the _____ address.

Oct. 27, 2000: A written complaint came to the provincial's office from _____ regarding Don's relationship with the son, _____, presently age 20. In Aug., 1999, _____, then age 19, agreed to serve Fr. McGuire for a year—this occurred through the agency of _____. Their concern stems from _____ unwillingness to return home this August, when his year's "commitment concluded.

Parenthetically, they note that _____ is Don's "godson." I don't know if this is literally true or not. They also note that Don has, since August, taken on a new assistant, _____ so they see no reason for their son remaining with Don.

They note that, this past August, _____ slept in Don's room while he was a guest at the _____ They "were shocked to find that Father was adversarial" when they attempted to confront him about their desires for their son. They are disturbed that Don used as an argument _____ "grave moral condition" which necessitated his oversight of the young man. They also state that _____ has told them that, on some occasions, "he even shared the bed in Father McGuire's room, with Father McGuire under the sheets and _____ on top of the blankets."

Oct. 27, 2000: A written complaint came to the provincial's office from _____ of Augusta, GA, concerning Don's relationship with their son, _____, presently age 20.

Socius Fr. McGurn notes: The _____ are next-door neighbors of the _____ and members of the same charismatic group headed by Dr. _____

Their son _____ served as Don's assistant on his travels for the year June, 1998 – August, 1999, after he had just graduated from high school. They state that their son told them, in tears, Fr. McGuire showed him pornographic pictures and talked to him "about sexual matters at every waking moment."

Nov. 3, 2000: _____ sent a letter to the provincial office, defending Fr. McGuire. He states that he is presently 20 years old:

"I'm all the more convinced that what is really at the root of the problem is that I'm not under their (his parents') direct consultation and control. The straw that broke the camel's back for them apparently was when I called and told them the decision I'd made about what I was doing for the Fall of 2000 and possibly the Spring of 2001: to continue working for Mission FIDES in Chicago while my replacement took over and served as Fr. McGuire's aide. The problems they brought up were mind-boggling and even infuriating, going so far as to imply that there are sexual improprieties present. I did my best to refute all attacks on myself, and on Fr. McGuire..."

Note: Nowhere in his letter does _____ either confirm or deny that he slept in the same room, and at times in the same bed, with Don.

Nov. 7, 2000: Memo of Socius Fr. McGurn states, regarding the _____ complaint, Don stated in a phone call to me today that he is not the legal guardian of _____. He said that _____ mother, _____ is presently living in Florida. _____, who oversee Don's retreat fund, Mission Fides, live in Chicago and "have power of attorney" for _____

Nov. 7, 2000: Memo of Socius Fr. McGurn states, regarding the complaint of the _____ Family about Don's relationship with their son, _____ "When I told Don about the complaint of the _____ and that the provincial would want to talk with him about it, he acknowledged that _____ is not yet 21. When I said that the current guidelines, given by Fr. Daly in 1995, state that Don is not to travel with anyone under 21, Don said he had no memory of those guidelines, even when I reminded him that they were given to him in writing. Don then tried to excuse himself by saying that _____ was chosen for him by Dr. _____ and that since he's a psychiatrist, Don presumed it was OK."

So, here is a clear example of Don violating his 1995 guidelines. This also applies to his relationship with see above.

*** **

December 18, 2000

| | |
|-------------|---|
| Concerning: | Fr. Donald J. McGuire, S.J. |
| By: | Fr. Richard H. McGurn, S.J. |
| For: | Report on Conference of Dec. 15, 2000, to Canisius House Superior |

Subject: McGurn - Fri. report
 Date: Mon, 18 Dec 2000 12:56:44 -0600
 From: "Richard H. McGurn, S.J." <rhmcgurn@chicagoprovincialsuits.org>
 To: "F. Michael Perko, S.J." <mperko@orion.il.luc.edu>

To: Michael Perko, S.J., Superior Canisius House
 From: Rick McGurn, S.J., Socius

Michael,

Here's a basic view of recent events: Don met this past Fri. a.m. with Bau. Tim Toomey and I were present. It went as well as it could. Don was angry, not unexpectedly, but expressed willingness to abide by what the provincial will be asking. I told Don I'd be giving you a brief account of this conference, and that he should expect that you would want to talk with him about parameters for guests in your house (see below).

Bau will be sending him new directives in January. Bau did not go into detail about them. I will meet with Don Jan. 3 to hear from him his detailed reply to the recent complaints, since I don't yet have such a statement from him.

Bau did tell him that one step he wants taken immediately (starting Dec. 15) is that the young men currently working for Don should no longer be present in your residence at all. Don agreed to this. It will be up to you to set any expectations you have for this (e.g., when they pick something up or deliver something to him).

In Xt,
 Rick McG.

CANISIUS SUPERIOR REPLIES:

Subject Re: McGurn - Fri. report
 Date: Tue, 19 Dec 2000 11:35:47 -0600
 From: "Michael Perko" <mperko@luc.edu>

To: "Richard H. McGurn, S.J." <rhmcgurn@chicagoprovincialsuits.org>
 CC: <Rjbau@aol.com>

Rick,

Thanks for the pithy update. I just got back from watching eagles in Galena (I'll spare you the horror stories of the drive back), so I didn't get your message until now. I'm especially appreciative of the directives in the last paragraph. It's very clean, indeed, and makes my life hugely easier.

In light of it, do you think there's any need to have a direct conversation with Don at this juncture? My inclination is see how the rhythms of pick-up and delivery (of stuff and of him for local travel) go, and deal with what comes up on an ad hoc basis. But, if you or Bau think there's some value in having a specific conversation at this point, I'll be glad to do so.

Peace, and Merry Christmas,
Michael

SOCIUS REPLIES:

Subject: Re: McGurn - Fri. report
Date: Tue, 19 Dec 2000 11:40:17 -0600

From: "Richard H. McGurn, S.J."
<rhmcgurn@chicago-provinciesuits.org>
To: Michael Perko <mperko@luc.edu>

Michael,

My guess is that Don will be on his good behavior for the immediate future. Since Bau will be giving him new directives in January (probably before mid-month), that's when Don will be having to deal with whatever new demands they bring. Unless you think it necessary, you can probably hold off on talking with him til then.

In Xt,
Rick McG.

January 3, 2001

| | |
|-------------|---|
| Concerning: | Fr. Donald J. McGuire, S.J. |
| By: | Fr. Richard H. McGurn, S.J., Socius |
| For: | Fr. McGuire's Account of the () and Complaints |

Don McGuire came to the province office today at my request, so I could hear his detailed account of how he sees the complaints lodged in early autumn of 2000 against him by the parents of and . Both families are members of a Catholic charismatic community in Augusta, Georgia. The head of the community is a psychiatrist, , who has functioned as Don's personal psychiatrist.

Don, as he has said before, re-stated that has selected the young men who have worked as Don's assistants in recent years. Don said that he talked on the phone yesterday with to review these 2 complaints.

Without re-stating here the complaints of these 2 families, I note that both their sons were not minors at the time they entered the role of being assistant to Fr. McGuire on his retreat circuit. However, they are both under 21, which directly violates the existing guidelines of 1995, in which the provincial stated that he may not travel with anyone under 21.

Fr. McGuire's response to the complaint of the parents of is:

Don said it was "a real shock" to him when they lodged their complaint concerning his relationship with their son, when was his assistant in 1998-99. Don's shock is due to his saying that the had never expressed any complaint prior to their recent one.

Don thinks the were induced to lodge a complaint because the (their neighbors) were looking for support for their own complaint against Don. Regarding their claim that their son told them that Fr. McGuire "was overwhelming him with pornographic pictures," Don replied that brought 3 pornographic magazines—Playboy, etc.—to Don, which Don said told him he had "found in a closet" (apparently in the apartment provided for his use by the Mission Fides office). I asked Don if he had supplied those magazines to , and he said "No." Don said he had no idea where those magazines came from.

I asked if Don ever looked at those pictures with when discussing the matter with him, and he said "No" (However, he did say that "brought" the magazines to him). Don talked with about this several weeks later, but that concluded the matter, according to Don's account.

Regarding the complaint that Fr. McGuire monopolized their son's time, and discouraged his communicating with his parents, Don said that e-mailed his parents frequently. In general, Don said of his relationship with this family: "I've had open, friendly contact, with no sign of unhappiness on their part" (prior to this complaint).

Fr. McGuire's response to the complaint of the parents of is:

Regarding the complaint that Fr. McGuire monopolized their son's time, and discouraged his communicating with his parents, Don said that the , especially 's mother, wanted him to e-mail them daily. Don said phoned them weekly.

Don said that, in his view, their complaint originated in late summer of 2000, when [redacted] approached [redacted] (who operate Mission Fides, the corporation that manages Don's retreat ministry finances), without Don's knowledge, and asked if he could stay on as Don's assistant for a further 6 months, even though his 1-year commitment was then expiring. Don said he did not know of [redacted] request until 6 weeks later (How could he not know, since [redacted] committed time had expired, and he was not showing any signs of departing?).

Don says that [redacted] s parents were so upset that he was not coming home at the end of his 1-year term, that they rallied their sub-group of their charismatic community in their home, and that this assembled group confronted [redacted] when he returned to visit in the late summer, and that they insisted he return home. Don said [redacted] was so upset by this that he asked to stay in the home of the head of the community, [redacted] rell, during the remainder of his visit, which Dr. [redacted] acceded to. Parenthetically, [redacted] said that [redacted] parents had named him for [redacted].

Don said the [redacted] requested a meeting with him which, in retrospect, he now says was a mistake on his part to agree to. He said the meeting took place in a restaurant, and he did not expect them to launch a confrontation. Don said his surprise at this was due to the fact that the [redacted] had never previously mentioned any accusation that he was in any way manipulating their son.

Don says that, after this confrontation, [redacted] talked with his parents, and that [redacted] came to him and said he'd had a "great talk" with them. Don says that [redacted] told him yesterday in their phone conversation that, since the time of this complaint in early autumn, that [redacted] has done very well, and that he is impressed by him.

The [redacted] specifically have alleged that their son has often slept overnight in the same room with Don, and this includes at least one night in the home of [redacted]. I asked Don if [redacted] had ever spent the night in his room, and Don answered, with oblique humor, "Yes, helping me pack." I then asked if [redacted] had ever slept overnight in the same room with him at Dr. [redacted] home, and [redacted] said, "Yes, accompanied by their son, [redacted]."

I asked if it was true that [redacted] had slept overnight in the same room with Don on other occasions, and he said "Yes, on numerous occasions when we were traveling, as on trips to Calcutta, etc."

I told Don that the [redacted] allege their son [redacted] told them he had on more than one occasion slept in the same bed with Don. Don said "No, that never happened."

Additional comments:

Although neither the [redacted] or the [redacted] stated any complaint about their sons helping to dress or bathe Fr. McGuire, I asked him if they ever did. He said that both, on various occasions, helped him bathe his right foot, which he can't bend to reach. He said he would stick his foot out of the shower stall, so they could do so. I asked if they were always fully clothed when they did this for him, and he said "Yes."

Don says he has recently heard from [redacted] —whom Don says heard via Fr. Brett Brammen, vocation director of the diocese of Savannah, GA (which includes Augusta, the home of the [redacted]) —that the [redacted], back around October, Don thinks, sent a letter of [redacted].

complaint about him to the bishop of Savannah. Don was scheduled to give a retreat in that diocese in early January, 2001, but has heard via this indirect communication that the bishop does not think it wise for him to give this retreat until the current complaints are settled, so Don has withdrawn from the retreat. I asked if he'd had any direct communication, written or otherwise from the bishop's office, and he said "No" (nor has the province office had any such communication).

Don had also noted, early in our conversation today, that a Fr. Tony Thurston--who was involved in a 1993 complaint against Don by the parents of Don's assistant (then a minor)--had made it impossible recently for Don to give a retreat at Steubenville Univ., where Fr. Thurston is currently located. I did not go into all the details of this.

Conclusion:

I did note to Fr. McGuire that these two difficulties with faculties for giving retreats point out the serious threat to his retreat ministry and his reputation as a priest, in that, if these complaints persist and/or proliferate, they could result in bishops refusing him faculties in many dioceses.

I also noted that, if the current complaints, or similar ones, ever proceeded to legal action against him and the Chicago province, that it would pose very serious trouble for him and the province.

I said that I was grateful to hear his account of these recent complaints, but that, of course, I was also obligated to hear the accounts of the complainants as well.

Fr. McGuire said he was being very obedient about the verbal directive given to him by the provincial, Fr. Baumann, in our conference of Dec. 15, 2000, when Fr. Baumann told him he should not have his young assistants present, as they frequently have been, in his community residence. He even said that he had _____, rather than one of these young men, drive him to today's conference.

I told him to expect that the provincial would be issuing him new directives before the end of the month, and that he might well find them burdensome, but that they were designed to be for his own good, as well as to be protective of the good of the province.

*** **

01/05/01

Father Richard McGurn
c/o Chicago Province Jesuits
2050 North Clark Street
Chicago, Illinois 60614

Dear Father McGurn,

It is now been over two months since we sent you information concerning improprieties Father McGuire exhibited with our son and . When we contacted you by phone in early November, you said that Father McGuire was out of the country, but we could expect to hear from you by mid-December. We are disappointed that there has been no communication from you to us or to . Nor have you approached as to the veracity of his parent's letter.

In December we communicated with Bishop J. Kevin Boland of the Diocese of Savannah. He has received all the information we sent you. Bishop Boland's response is attached. He advised that we will keep him informed of the outcome of this inquiry.

When our son, , came home over the Christmas holidays, he refused to read anything we had written. He let us read aloud the letter that the wrote. He has known and his family all his life. [REDACTED]

[REDACTED] We told that regardless of what we had written, the information was sufficient for him to ascertain Father McGuire's condition. Unfortunately the letter was not convincing to . After hearing what the had written, refused to acknowledge that Father McGuire has a serious problem. We recommended that distance himself from such a person. He stated that he would talk to Father McGuire about the issue.

appears to us to be very much under the influence of this man. So much so that he is not protecting himself from a dangerous situation. As stated in our 10/27/00 letter to you, we still contend that Father McGuire has usurped our role in ; life and he has created a dependent relationship between our son and himself. trust in us and many of his lifelong friends has clearly eroded.

EXHIBIT 56

X-5.c00077

We have entrusted this matter to you because it seemed to us that Father McGuire's superiors were the correct channel of authority. We are aware that priests are unjustly accused of wrong doing all the time and therefore you must protect your brother. But be assured that what we have written you is true. Father McGuire did say all those things to us in August. Father McGuire did have read pornography from June 1998 until November 1998 as the wrote in their letter. We do not believe that Father McGuire was just enlightening or teaching him to appreciate the human body. really is dependent on Father McGuire and is alienated from his family through Father McGuire's influence.

We did not create this mess. The mess has probably been around a long time. Father McGuire's problems will not just go away. We are not learned or influential. But we do believe that Jesus Christ judges the hearts of men and will bring justice in His time.

Please advise us of the progress of this situation. Our family continues to suffer in our relationship with .

As we stated in October, we are still hopeful that the truth will become evident by God's infinite grace and mercy.



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (773) 975-6363 • (773) 975-0230 FAX

February 13, 2001

To: Michael Perko, S.J., Superior Canisius House; cc Dick Baumann, S.J., Provincial
From: Rick McGinn, S.J., Socius

Hi Michael,

I met with Don McGuire here in the office today. I presented him with the directives the provincial is giving him. I also gave him a referral to a psychiatrist. I informed him that you would receive copies of both, by mail.

After a bit of defensiveness, he took it quite well. I think the directives are actually quite reasonable and do not impose any hardship on him, but they do get at the root of the matter. I found him, in the end, quite cooperative.

As you will see, the directives, esp. #1-3, could admit of loopholes. It has proved impossible to write them in language that exactly describes the desired behavior. For instance, I have avoided using the name of _____ in the text, nor indeed have I actually said that _____ must be sent home. Since he is an employee (in some sense) of Mission Fides, I did not want these directives to suggest that we can dictate to the Mission Fides officers what to do with "their" employee. Nevertheless, the directives are quite specific enough about the behavior that is expected of Don. So, although _____ will, apparently, remain working in the Mission Fides office for the rest of this semester, and then go back to college, Don does not have any direct relationship with him any longer.

I am writing what I hope will be a final letter to both sets of complainant parents, those of _____ and of _____ stating that, in so many words, "I have met with Don and arrived at an arrangement to resolve the matter." Since I will not reveal to them any of the directives, nor admit that Don was at fault, it may be they will try to drag this out. I'll just have to wait and see. Similarly, since they voiced their complaint to their bishop (diocese of Savannah GA), who placed a temporary halt to permission for Don to give scheduled retreats in his diocese, it will be up to Don to talk with his diocesan contact to let him know this matter is resolved. Our province office has had no communication from the bishop's office, fortunately, so I hope that Don can settle this orally—or, if necessary, a phone call from me to the bishop—in order to prevent the need for written communication.

Don has also signed a medical release, naming the provincial and myself as authorized to receive information. This should allow for us to contact his psychiatrist. I have told him it will not be necessary to give you a copy of this. However, you should know that that is the case.

So, into the future...

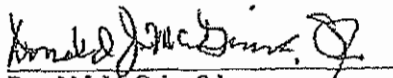
In Xt,
Rick McGinn

EXHIBIT 57

00081

DIRECTIVES

1. I shall not travel with or spend a night within the same room, whether in a Jesuit residence, private home, hotel or other domicile, with any man or woman under the age of 30 years. I understand that any exceptions to this, e.g., travel with relatives who are under the age of 30, must have my local superior's prior and explicit approval.
2. I shall not have or utilize an executive assistant during my travels or in the performance of my duties or ministries, whether on behalf of Mission Fides or otherwise.
3. I shall not have assistants in my Jesuit residence, except when explicitly permitted by my local religious superior of the Jesuit community to which I am permanently assigned.
4. I shall provide a written account for the coming month, during the first week of each month, to my local religious superior of the Jesuit community to which I am permanently assigned, concerning any current health problems I have, and current plans for my ministry and other activities, including names and contact information in each case.
5. I shall place myself in the care of a psychiatrist designated by the provincial of the Chicago Province of the Society of Jesus. I shall authorize such psychiatrist to report to and provide regular updates to the provincial of the Chicago Province of the Society of Jesus, and his executive assistant.
6. I shall immediately forward to the provincial's executive assistant any communication, whether oral, written, or e-mailed, which in any way expresses any concern or complaint as to actions of myself with respect to any individual, whether such concern originated with the family of an individual with whom I have been involved, or anyone else.


Donald J. McGuire, S.J.

2/13/01
Date

Sign in Duplicate

01240

EXHIBIT 58

To:

CONSENT AND AUTHORIZATION

I, Donald J. McGuire, hereby consent to and authorize the release of any and all financial information as well as any and all legal, judicial, civil and/or criminal information or records of any sort with respect to myself covering the last ten years. All such information may be made available to the recipients herein designated. I further agree to release such individual or entity providing such information or records from any and all liability in connection with same. I further authorize such entity to act upon a copy of this consent and a copy of my signature to the same extent as if it were separately and originally signed and delivered.

2/13/01

Date

Donald J. McGuire
Donald J. McGuire

Individuals authorized to receive information:

1. Richard J. Baumann, Esq.
2. Rebecca H. McGuire

July 12, 2001

Concerning: Fr. Donald J. McGuire, S.J.

Subject: a concern, from Mark Andrews
Date: Thu, 28 Jun 2001 02:13:10 EDT
From: [redacted]
To: [redacted]

Dear Bau,

I heard something out here in Denver that I thought you should at least be aware of. A Southern Province novice, [redacted], mentioned in casual conversation that his brother, who is an architecture major at Notre Dame, had just completed a year away from his studies, during which time he accompanied Don McGuire on his preaching travels, as a sort of personal assistant.

When I was an auxiliary consultant to Brad Schaeffer, we once had a discussion about accusations that had been lodged against Don by the parents of a boy (I think high school age) who was similarly traveling with Don. My recollection is that it was not genital acting-out per se, but that Don's behavior was clearly perceived as emotionally inappropriate. I might add that during my years at Loyola Academy I heard about another instance in which Don had a "personal assistant" whose relationship to Don was perceived as homoerotically-tinged and inappropriately dependent (he actually lived in another part of the school building, and was ultimately evicted by Jim Bur).

To be fair, the young man in this case sounds a bit older than the one who made the previous accusations, and [redacted] gave no indication that he saw anything untoward or upsetting about his brother's months of service to Don (he's a fairly traditional sort, a recent graduate of [redacted] an University in [redacted]).

Still, my recollection from some years ago is that the consultants agreed that Don should not be allowed to continue these "acolyte" relationships. I myself was not in favor of allowing him to be based at Canisius House. I believed then and I believe now that he is a seriously unhealthy person who needs to be closely supervised, lest he end up crossing another line.

No need to respond to any of this. Having registered my concern, I am content to leave the matter in your hands (and I am ever so glad not to have your job in moments like these!).

The summer program in Denver goes well.

My continued prayers,

Mark Andrews, S.J.

McGuireAndrews Concern 1

EXHIBIT 59

01591

Date: July 29, 2003
Concerning: Rev. Donald J. McGuire, S.J. - Recent Complaint from
Notes by: Rev. Richard H. McGurn, S.J., Executive Asst. to the Provincial, Chicago
Province, Society of Jesus

The following account is a write-up from notes originally made on June 11, 2002:

I received a phone call on June 11, 2002, from [redacted] who previously in 1993 registered a complaint against Fr. McGuire concerning his son, [redacted] gave me his telephone number: [redacted]

[redacted] was calling to today about a retreat for a group of families that Fr. McGuire was currently giving in Walnut Creek, CA, where [redacted] lives. [redacted] said it was his understanding that Fr. McGuire would be spending one day of this retreat with a special retreat day for the minor children of these families. [redacted] contended this was violated the agreement that the Chicago Province had made with him (when the province settled the complaint concerning his son), that Fr. McGuire would not be allowed to engage in ministry with minors.

[redacted] also says the local diocese of Oakland requires retreat directors to have an explicit faculty to give retreats, and he does not think Fr. McGuire has one for this retreat.

I told [redacted] I would look into the matter.

When I spoke some days later with Fr. McGuire about [redacted] concern, he said that he did not have such a day with the children of those families.

After his phone call to me on June 11, 2002, I have not had any further communication with [redacted] about this particular concern.

McGuire: Complaint June 11 2002

EXHIBIT 60

01604

To: Rick McGurn
From: Al Naucke
Dated: July 24, 2002

For what it may be worth, I pass along the following communication received this afternoon. (I have a faint recollection that there was something similar to this previously, involving the same informant.)

Fr. C.M. Buckley phoned to share some info about Fr. Donald McGuire. The report is roughly as follows:

Father Maguire gives retreats around the country. He used to travel with a young male companion. He used to take showers with this companion. The companion's parents complained to the Chicago Province which sent Father way for treatment. It now seems that Father M. is traveling again accompanied by a high school boy.

EXHIBIT 61

00303

8/5/02

C.M. Bushong

have long
D. McG.

visiting people in
Phoenix from 5/0

heard this
recently

EXHIBIT 62

00302

August 7, 2002

To: Robert Geisinger, S.J., Procurator of the Society, cc Frank Case, S.J., Assist. ad. Prov.
From: Rick McGurn, S.J., Socius Chicago

Dear Bob,

I'd like to ask your assistance in regard to the plans of our provincial, Fr. Richard Baumann, S.J., as to how to deal with Fr. Donald J. McGuire, S.J., in light of the long list of complaints as to his inappropriate behavior.

So, I ask:

1. Your recollections of your own role back in 1995, and whether the provincial's admonition at the time constituted a formal canonical warning to Don;
2. Your opinion as to whether a recent meeting of the provincial with Fr. McGuire constituted a second canonical warning;
3. Your advice concerning Fr. provincial's prospective plan for dealing definitively with Fr. McGuire.

You have some knowledge of, and involvement with, Don on previous occasions, which is why I ask you first; but I realize that much of this should probably also be seen by Fr. Case, and perhaps would need his reply as well, so I'm copying this communication to him.

In what follows, I realize I am not giving you all the facts, which are voluminous and complicated.

1. I have a copy of a letter from acting provincial Fran Daly, S.J., to Don, dated Feb. 17, 1995 (see file attachment). It was a follow-up letter to Fran's meeting with Don on Feb. 9, 1995, in the wake of a fresh complaint about Don. The nature of the misbehavior was not clearly stated, but this mother was very angry about Don's relationship with her son, and wanted him to stay away. However, Fr. Daly also reminded Don that provincial Fr. Schaeffer had, in 1993, admonished Don privately about breaking the guidelines in place since 1991 prohibiting Don from traveling with any young companion as his assistant. The letter summarized the history of Don's dealings with previous major superiors regarding specific incidents, and clarified the guidelines that were expected of Fr. McGuire, and which Fr. Daly, in that meeting, reiterated and made more stringent.

The letter states that Fr. James P. Gschwend, S.J., was also present at that meeting. I have a note to myself, probably from a phone conversation I had with you, that you were also present—was it at this meeting of Fr. Daly with Don?

However, nowhere in the letter of Feb. 17 does it specifically say that a canonical warning had been given. That is, the phrase "canonical warning" is not used in the letter itself, nor does the letter say that it was formally stated to Fr. McGuire on Feb. 9 that Fr. Daly's admonition constituted such a warning.

A question: Am I nevertheless correct to presume that it was not necessary to use the specific phrase "canonical warning" either during the conference of Feb. 9, nor in the follow-up letter of Feb. 17?

My request: If you were indeed present for that meeting, and can confirm that Fr. Daly, as acting provincial, gave Fr. McGuire a canonical warning, I would request a statement from you in

EXHIBIT 63

writing to that effect, unless you do not think it necessary, or have some other strong objection.

2. Fr. Baumann had a meeting with Fr. McGuire at the province office on December, 15, 2000, at which I and our province attorney, Mr. Timothy Toomey, were present and, at which time Fr. Baumann said he would be giving Don new guidelines. Since this involved Fr. Baumann confronting Fr. McGuire in front of two witnesses about 2 recent complaints involving failure to conform to previous guidelines—once again taking each of these young men with him on his travels—which were a failure of his vow of obedience, does this fulfill the conditions for constituting a second canonical warning?

As you know, Don's history is extensive and complicated. He has been required to adhere to provincial guidelines since 1991. The main requirement has been that he not travel with anyone under a certain age, which was at first stated to be 18, then later raised to 21. The most recent form of the guidelines says that he must not travel with or spend a night in the same room with anyone under 30. I met alone with Don on Feb. 13, 2001, to give him these new guidelines from Fr. Baumann.

The goal has been to prevent him from enlisting young men as personal assistants on his travels to give retreats, under the guise of fostering their priestly vocations. These young men have been, at various times, both minors and young adults. His inappropriate behavior and poor judgment have resulted in 6 complaints that have come to us from parents of young men since 1991. They allege various forms of sexually inappropriate actions with their sons, which, while not being allegations of genital contact, have involved behavior such as having a young man sleep in the same room with him, having a young man assist him in showering (at least to wash his feet for him), on one occasion buying underpants for a boy, talking incessantly about sex with them and, in at least one case, showing him pornography. Another constant theme in these complaints is that Don brings each young man unduly under his influence, and prevents him from keeping in contact with his parents, sometimes for weeks or months at a time.

Following the provincial's Dec. 15, 2000, meeting with Fr. McGuire, I met with Don on January 3, 2001, to let him relate to me in further detail his own defense of the 2 recent complaints. Following that, I met with Don on Feb. 13, 2001, and presented him with the new guidelines the provincial required of him. Don appended his signature to those guidelines (see file attachment).

Don has, as far as we know, observed most of those guidelines. He stopped traveling with a young assistant. He stopped having his young assistants constantly in his Jesuit residence (where they had acted as virtual personal valets for him). However, he has not fulfilled the requirement to place himself in the care of a designated psychiatrist, and has not even made an initial appointment. Moreover, I have a recent, second-hand report that he may again be traveling with a young male companion.

One difficulty is that I have not kept Don well-monitored. Since giving him those guidelines, I have not spoken to him. The hope was that his local superior would keep an eye on him and has done so, at least to the extent of reporting that Don has ceased having these young men in the residence. The provincial, of course, has had his regular manifestation with him.

Fr. Baumann's present concern about Don is highlighted by all the recent media attention about priestly misconduct, and what will likely be stricter criteria for letters of good standing. It does not seem possible to allow Don to continue in his solitary, itinerant retreat ministry, as there is no adequate way to supervise him regarding the current guidelines in place for him.

Fr. Baumann, at the urging of his consultors, intends to have a conference with Fr. McGuire sometime in the next several weeks. His plan is move on these two matters:

1. He wants Don to have a permanent local community, and cease doing itinerant retreat ministry. This will likely involve having Don move to the residence here at Clark St.
2. He wants Don to only do priestly ministry for which he has, in each instance, the explicit permission of his local superior or myself; and, this may well be only within the boundaries of the Archdiocese of Chicago.

A third possibility that may eventually be necessary, but which the provincial does not want to act on now, and for which your advice would be most welcome would be for the provincial to remove Don's priestly faculties. However, the provincial wants to avoid having to communicate with the Archdiocese, if possible. Moreover, we are waiting to see what procedures for dealing with misconduct by religious priests may come out of the upcoming meeting of the Bishops committee with the Congregation of Major Superiors of Men. And, if the provincial were to send Don to Colombiere, it seems very unlikely that he could obtain faculties. So, the provincial is trying to prevent Don from entirely losing his priestly ministry, though he is going to tell Don he's prepared to take this third step if necessary.

A question: What authority does a provincial have in regard to removing a man's priestly faculties? I presume the way of doing this would involve informing the Archdiocese of Chicago that he is withdrawing the letter of good standing for Don, but that would lead to us having to report him.

A final question: The provincial intends to have me and our province attorney present at his soon-to-be-scheduled meeting with Don. Given the plan of steps 1-2 noted above, and with our presence, and the fact that Don has not fulfilled one of the current guidelines, does this fulfill the criteria for a (third) canonical warning?

The provincial is considering this plan, as opposed to moving for Don's dismissal from the Society, since Don can be quite belligerent and would likely want to hire canonical counsel to represent himself. In other words, it seems better to give him a new assignment, than to institute a process for dismissal. Moreover, while Don's behavior through the years shows his failure to live up to provincial guidelines, it's hard to see the line of where there is outright disobedience, as opposed to the denial associated with his personality disorder. Manifestly, however, he has been confronted by 4 provincials, and responded with repeated violations of those guidelines.

I realize that August is the month when everyone in Rome heads for vacation, and I know you're about to do the same. So, I know you may not be able to give me an immediate reply. At your convenience, I ask for your advice. Thanks.

In Christ,
Rick McGurn, S.J.

Enclosed Attachments:

1. Feb. 17, 1995: Letter of Acting Provincial Fr. Daly to Fr. McGuire
2. Dec. 15, 2000 & Feb. 13, 2001: Report of the Conference of Fr. Provincial Baumann with Fr. McGuire, and Guidelines



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60644-4788 • (773) 975-6363 • (773) 975-0230 FAX

December 1, 2002

Rev. Donald J. McGuire, S.J.
Clark St. Jesuit Community
2058 N. Clark St.
Chicago, IL 60614

Dear Don,

When we met in September, I said that I would put into writing a statement of the concerns I had, as well as specifying a new assignment for you. I must say I was moved by how well you responded to my concerns and to what I asked of you. I know how extremely difficult this has been for you over the years. And I know what a very large transition in your life is underway as a result of what I have asked of you.

Since I don't know an easy way into reviewing these matters, let me simply begin by recalling our conversation here at the province office on Thursday, September 5, when Fr. McGurn and the province attorney, Mr. Tim Toomey, were also in attendance. During that meeting, I asked you to change your residence by October 1, and move from Canisius House to the Clark St. community. I am pleased that you complied so readily, and I'm glad to see you've moved in well next door. I also asked you to discontinue, by October 15, your apostolate of many years of traveling widely, even internationally, to give retreats.

These two matters were, of course, related. My reason for making these changes has been, unfortunately, due to the fact that, over the years, there have been a number of complaints about improper behavior on your part toward young males, both minors and young adults. As you know, frequently the complaints had to do with your exercising undue influence on these young men, which aroused the concern of their parents. There was often, too, the suggestion of behavior on your part that could, at worst, suggest sexual impropriety and; at best, very poor judgment.

We have, as you know, a whole series of these complaints, which I and my predecessors, Fr. Wild, acting provincial Fr. Daly, and Fr. Schaeffer, have spoken about with you at length on each occasion: 1991 - (age 17); 1993 - (age 16); 1994 - (high school freshman); 1994 - (age 18); 2000 - (age 19-20); 2000 - (post-high school graduation).

The case that has certainly provoked the most serious response was from concerning his son a minor at the time. retained counsel, and it's clear that we were extremely fortunate that the matter did not eventuate in legal action against you and the province. By way of exercising his responsibility both toward this family and toward you, Don, Fr. Schaeffer requested that you have a psychological evaluation, which you underwent at St. Luke's Institute in April, 1993. Upon the recommendation of that evaluation report, you willingly participated in the residential treatment program at St. John Vianney psychiatric hospital in Downingtown, PA, beginning in June 1993.

00007

EXHIBIT 64

In 1991, the provincial, then Fr. Robert Wild, imposed guidelines on you. In a letter to you of Feb. 27, 1991, Fr. Wild stipulated: a. That you must not travel on any overnight trip with anyone under 18; b. That you must not be in contact with _____ unless one of his parents is present. You subsequently disobeyed those guidelines when you took _____ on an extended series of retreat trips, both in and outside the United States.

In a letter to you of Feb. 17, 1995, acting provincial Fr. Francis Daly reasserted the 1991 guidelines and added further stipulations: a. No contact with the family of _____; b. No travel with anyone under 21; c. Avoid being alone behind closed doors with anyone under 21.

You disobeyed those guidelines again, as was evident from the complaints concerning your relationship with _____ and _____ who were, though not minors, both under 21 at the time you took them on as your personal assistants during extended trips for giving retreats, both in and out of the United States. As a consequence, I gave you written guidelines, on Feb. 13, 2001, to which you appended your signature. They stated that you: a. Shall not travel with or spend a night in the same room with anyone under 30; b. Shall not travel with or have an assistant; c. Shall not have assistants in your Jesuit residence, without the superior's permission; d. Shall provide your local superior a monthly account of your activities; e. Shall place yourself in psychiatric care (with the clarification that this was a suggestion, not a command); f. Shall alert the provincial of any complaint about yourself.

I don't think it useful here, Don, to recite the specific details of the complaints about you in regard to these young men, since Frs. Wild, Daly, Schaeffer and I have previously discussed these with you. What cannot be denied, or overlooked, however, is your disobedience of guidelines prohibiting you from traveling with young people.

I also want to note that, stemming directly from these difficulties, your ability to give retreats with the appropriate faculties is now in jeopardy, as has unfortunately become evident in three separate matters:

1. I was unable to reply favorably to the letter of Most Rev. Daniel F. Walsh, the bishop of Las Vegas, Nevada, dated Dec. 17, 1999, which asked for a letter of good standing so that you could give a retreat in his diocese. I could not acknowledge that your behavior with both minors and young adult men has been above reproach.
2. Most Rev. J. Kevin Boland, the bishop of Savannah, Georgia, informed the parents of _____ in a letter to them of Dec. 11, 2000, that you could not give their group a retreat that had been scheduled for January, 2001, and that you could not give them a retreat in the future until the complaint regarding their son had been resolved. I do not have any direct correspondence from the bishop of Savannah; I have only a copy of his letter, sent to me by _____.
3. As recently as August of this year, I received a letter, dated Aug. 7, 2002, from Ms. Mary Jo Tully, Chancellor of the Archdiocese of Portland, Oregon, requesting a letter of good standing for you, since you were scheduled to give a retreat at St. Rita's Retreat Center in Gold Hill, Oregon. Again, I could not sign this form, without having to acknowledge that your behavior with both minors and young adult men has not been above reproach.

As provincial, I have to have care both for you, as a brother Jesuit, and also for the welfare of the public, especially the young. Given the series of complaints about you over the years, Don, and most especially because of your failure to obey provincial guidelines on more than one occasion, I must tell you that this letter constitutes a canonical warning to you. Please refer to canon 697 for a description of such a warning.

During our conversation on September 5, I told you that I was withdrawing you from your previous assignment. And I told you that your new assignment would likely be quite restricted. That was not

intended to be punitive, but to find a way to preserve your ability to continue serving as a priest. So, I said this for three reasons: Firstly, because the itinerant nature of your retreat ministry made it virtually impossible for me as provincial to monitor your activity. Secondly, because it is absolutely necessary at this point to minimize the possibility of either a future complaint, or the re-emergence of an older complaint, either of which could have disastrous legal consequences for you and for the Society. Thirdly, I want to protect your ability to function as a priest. I do not want you to be in a situation because of which your priestly faculties could be called into question, or revoked altogether.

Since you have concluded your itinerant retreat ministry, you are also to conclude your relationship with Mission Fides, the corporation that has handled the financial affairs of your retreat ministry. You are to discontinue all transactions and contact with Mission Fides as of the date for annual federal tax statements, April 15, 2003. For your personal and apostolic needs, please confer with your local superior as soon as possible to compose a budget on which you are both agreed, so that your sole source of personal money will be your local community, and whatever apostolic funds you need come from the province.

Now that your previous ministry is concluded, I give you a new assignment: I mission you to provide sacramental ministry to communities of religious women (but not to the public which they may serve), within the geographical boundaries of the Archdiocese of Chicago. As I say this, I ask you to make your services available for such ministry, either by initiating contact with some religious communities in the archdiocese, or by responding to their requests. More explicitly, I do not give you permission to exercise your priestly ministry outside of these criteria, except for sacramental ministry to your family members (family celebrations, funerals, anointings, baptisms, and weddings). I want you to ask permission for each ministerial commitment, including family events, from your local superior, before accepting it. The socius, as my delegate for matters relating to sexual misconduct, will continue to periodically review things with you and your superior, as he feels necessary.

The directives I gave you on Feb. 13, 2001, remain in effect (with the clarification that I am not imposing psychological treatment, merely suggesting it).

I want it to be evident, Don, that I am giving you this mission, and stating these conditions, in virtue of your vow of obedience. Because of that, and because this letter constitutes a canonical warning, I also need to say that, in the future, any failure on your part could lead to consideration of your dismissal from the Society, even against your will. Of course, I, and my socius, are open to hearing anything you think would be an appropriate representation or defense of yourself. And I note that I have received your letter to me of November 25, 2002, which I will certainly consider with care when I read it.

I find all of this very difficult to have to say to you, Don. You have been a sought-after giver of retreats, because of your abilities to present the Faith, and to move hearts. So many people have benefited from your ministry. It pains me to have to bring that to a conclusion, but I want to reiterate that my reason for doing so is for the sake of protecting your reputation and your ability to continue serving the Church as a priest, albeit in a smaller sphere of action.

I hope and pray that your deep relationship with the Lord will bring you consolation in this trying time.

In our Lord,

Richard J. Baumann, S.J.
Richard J. Baumann, S.J.
Provincial

Cc: Rev. Edward W. Schmidt, S.J., Superior, Clark St. Jesuit Community



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (773) 975-6363 • (773) 975-0230 FAX

June 26, 2003

Rev. Jeremiah Boland
Archbishop's Delegate
Archdiocese of Chicago
P.O. Box 1979
Chicago, Illinois 60690-1979

Dear Father Boland,

Thank you for your letter of May 19, 2003, regarding Rev. Donald J. McGuire, S.J. We had notified you on May 13 of his change of address, and you requested a current letter of good standing for him.

I regret to say that Fr. Baumann is unable to provide such a letter at this time. We are reviewing Fr. McGuire's file, and have informed him that we will be requesting the involvement of our review board.

Please feel free to contact me if you have any questions. Thank you.

Sincerely,

Rev. Richard H. McGurn, S.J.
Executive Assistant to the Provincial
Chicago Province, Society of Jesus

EXHIBIT 65

01269

ARCHDIOCESE OF CHICAGO

Office of the Archbishop



Post Office Box 1979
Chicago, Illinois 60699-1979

July 2, 2003

Rev. Richard McGurn
Executive Assistant to the Provincial
Chicago Province, Society of Jesus
2050 N. Clark Street
Chicago, IL 60614-4788

Dear Father McGurn,

Thank you for your letter of June 26, 2003 regarding Father Donald J. McGuire, S.J. Given the fact that you are unable to issue a letter of good standing for Father McGuire, I can not issue a letter of faculties until such a letter is provided. He should not be presiding at the sacraments.

Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeremiah Boland".

Reverend Jeremiah Boland
Archbishop's Delegate.

EXHIBIT 66

01268



Chicago Province of the Society of Jesus

2050 North Clark Street • Chicago, Illinois 60614-4788 • (773) 975-6563 • (773) 975-0230 FAX

July 3, 2003

Rev. George A. Lane, S.J.
Superior
Woodlawn Jesuit Community
5554 S. Woodlawn Ave.
Chicago, IL 60637-1682

Dear George,

Since you are now Don McGuire's local superior, I am sending you a copy of the guidelines currently in place for Don, given to him by the provincial. I also include the following important and confidential comments:

1. Fr. Baumann re-assigned Don last December, withdrawing him from his retreat ministry, and assigning him to offer himself for supply work with convents of religious women within the Archdiocese of Chicago. He was directed not to exercise priestly ministry outside of that stated assignment, except for sacramental ministry to family members. And, Fr. Baumann said that he should ask permission for each ministerial commitment, including any family events, from his local superior, before accepting them. Fr. Baumann also noted that his delegate for matters relating to sexual misconduct (currently myself) will periodically review things with Don and his local superior.

2. I also note, most regrettably, that we were informed today by the Archdiocese of Chicago that Don's priestly faculties are suspended as of now, meaning that he cannot celebrate the sacraments. My understanding of the law of the Society is that he can, however, say Mass in his Jesuit residence, but without any non-Jesuits present. This situation will continue until such time as Fr. Baumann may be able to provide the Archdiocese a letter of good standing, requesting the re-instatement of Don's faculties.

I'm sure this will be a grievous blow to Don, and it is extremely unfortunate. I'm sure he will appreciate your discretion and cura personalis. The suspension of his faculties is confidential, known only to Don himself, and to me and the provincial, and now also including you as his local superior.

I note that the written directives I include with this letter remain in place for Don.

Thanks very much for your care for Don, and for the men of Woodlawn.

In Christ,

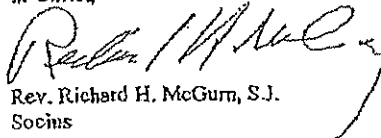

Rev. Richard H. McGurn, S.J.
Socius

EXHIBIT 67

Enclosure

Cc: Rev. Donald J. McGuire, S.J.

LOYOLA ACADEMY

OFFICE OF PUBLIC RELATIONS

21 August 2003

TO: Fr. McGum
 FROM: Robin Hunt (Loyola Academy p.r. person)
 RE: Fr. McGuire

Dear Fr. McGum:

I am sending from Fr. Minza a draft letter that we will be sending to Loyola parents tomorrow and a list of talking points that we will use when dealing with the media.

Take care,
Robin

EXHIBIT 68

**Questions and Answers related to McGuire case
Draft One for Review
August 21, 2003**

Q. What happened?

A. The news media are reporting that a complaint has been filed in Cook County Circuit Court alleging sexual misconduct in the late 1960s by a Loyola Academy teacher, Rev. Donald McGuire. Loyola Academy's knowledge of the complaint is limited to news reports, since the plaintiff's attorney has not yet contacted us and we have not yet received a copy of the complaint.

Q. Is Father McGuire still alive?

A. He is alive. He was reassigned from Loyola Academy in 1972.

Q. Where is he?

A. Father McGuire left Loyola Academy in 1970. He is under the care of the Jesuit Province of Chicago, so you would need to speak with them.

Q. What's going to happen to him?

A. Father McGuire is under the care of the Jesuit Province of Chicago, so you would need to speak with them.

Q. Will he be placed on administrative leave?

A. Father McGuire is under the care of the Jesuit Province of Chicago, so you will need to speak with them.

Q. What's the process for reviewing his status as a priest?

A. Father McGuire is under the care of the Jesuit Province of Chicago, so you will need to speak with them.

Q. Why did Loyola Academy ignore the Plaintiff's allegations against Father McGuire and transfer the plaintiff to St. Ignatius?

A. At this time, I have very little knowledge of the facts or allegations in the case. However, let me state that the Loyola Academy community abhors the very idea of predatory sexual behavior in any form and has worked hard to build a culture and an environment where children are safe and protected.

Loyola Academy will cooperate and openly support efforts to serve justice, with compassion, both for the accuser and the accused. Nevertheless, the alleged misconduct happened almost 35 years ago, so developing an accurate account of what did or did not happen may be difficult.

Q. Could this happen today at Loyola Academy?

A. The leadership team, faculty, and staff are committed to maintaining the safe environment our children need to learn and grow. At Loyola Academy today, we have a culture of open communication between students and the faculty and staff. There are multiple, confidential and secure opportunities for students to express their concerns. Sixteen full-time guidance counselors meet regularly with their students. Peer counselors offer teens a friendly ear and ways to make their concerns known. There are formal procedures in place for a student to offer a formal complaint of faculty or staff misconduct, sexual or otherwise.

The Society of Jesus is sensitive to the issue of sexual misconduct. Contemporary Jesuit formation thoroughly addresses the issue of "boundaries" in dealing with young people, and ongoing training for all Jesuits reinforces that formation.

You have my assurance that Loyola Academy is a safe, nurturing place for our children, and we will do everything we can to keep it as such.

Q. Have you had any recent allegations of sexual misconduct by faculty or staff at Loyola Academy?

A. To my knowledge there have been no incidents of sexual misconduct at Loyola Academy in the seven-year presidency of Father Munz.

Q. OK, but have there been allegations?

A. As I told you, nothing of the sort has happened. We do not, as policy, discuss unsubstantiated allegations. Loyola Academy is a safe, nurturing place for our children and we will do everything we can to keep it as such.

Q. Is Loyola Academy named in the suit?

A. I have not seen the complaint.

Q. Will Loyola Academy be named in the suit?

A. I don't know.

Q. Have other Loyola Academy priests been accused of sexual misconduct over the years?

A. I can only speak from my knowledge of Father Munz's tenure.

Q. Do you think other former students of Father McGuire will come forward?

A. I can't hypothesize.

Q. In a letter to you, SNAP asked that you "publicly urge other victims or anyone who has information about sexual misconduct at Loyola Academy to contact police, prosecutors and/or our support group." Will you do that?

A. Any alleged victims of sexual abuse are free to come forward and report such incidents as they see fit. There has been a great deal of coverage in the news media depicting alleged victims who have come forward. Additional encouragement appears to be unnecessary.

Q. SNAP has also asked you to "write to everyone who attended or worked at Loyola during McGuire's tenure there, reminding them that it is their Christian and civic duty to report suspected crimes to the appropriate civil authorities." Will you do that?

A. At this time, it would be premature to discuss how we will participate in the fact-gathering regarding this case. We have not even seen the complaint.

Q. Will you answer SNAP's letter?

A. Yes.

MSN Hotmail - Message

Page 1 of 3

McGuire Fontana

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From: Paul R. Mueller <prmueller@uchicago.edu>

Inbox

Sent: Thursday, April 8, 2004 12:19 AM

To: jpgsj@hotmail.com

CC: eschmidl@jesuits-chf.org

Subject: recent events at Woodlawn

Dear Jim and Ed,

At Jim's request, I am writing up a summary of my recent dealings with a police investigator from Fontana, Wisconsin. Also at Jim's request, I am sending a copy to Ed.

The officer rang the bell at Woodlawn at around 4:30 pm on Tuesday April 6. He identified himself as a police officer and showed me his identification. He said that he was here concerning Fr. Don McGuire. I said that Don was not home. The officer asked if we could chat. I said yes, and invited him in.

I don't remember the officer's name; George Lane has his card.

The officer said that he wished to speak with Don McGuire, and that he planned to wait until whatever time Don got home. I told him that Don tended to get home rather late, and that I had no way to contact him. I also told the officer that I was going to call Jim Gschwend to alert him to the officer's presence and desire to speak with Don.

I called Jim on his cell phone, told him what was going on, and passed the phone to the officer. Jim chatted with the officer for a few minutes. Then I took the phone back. Jim told me that I should not feel any obligation to show hospitality to the officer, and that otherwise I should "follow my bliss".

After I hung up from my conversation with Jim, I returned to the officer. He was unfailingly polite. He earnestly explained to me that he was investigating accusations concerning Fr. McGuire concerning a criminal matter which was unrelated to the civil suit against him. He said that, in light of accusations that had been made against Fr. McGuire, he thought it only fair to hear Fr. McGuire's side of the story, and that he wished to make every reasonable effort to contact Fr. McGuire. He said that he could not discuss what the accusations were. He said that he had been in contact with the province, that he had met with Jim Gschwend, and that he had been told that a meeting would be arranged for him with Fr. McGuire. But that was some months ago, and there had been no follow-up. That was why he was taking the initiative to come to Chicago to see Fr. McGuire in person. He said that he was not here to arrest Fr. McGuire.

I told the officer that Don would not be home until late, but that our house superior would be home soon, and that perhaps that would be the person to talk to. The officer asked me for my name and birthdate; he said that was needed for his report concerning his visit. I gave him my card. The officer asked what kind of house Woodlawn was -- was it a retirement community? I explained that it was a house for Jesuit priests, students, pastoral workers, and administrators.

About half an hour after I hung up from the call with Jim Gschwend, George Lane arrived home. I explained the situation to George. He sat down with the officer, and much of the previous conversation was repeated. George reiterated that Don would not be home til late, and we let the officer know that it was time for our evening mass and dinner. George told him he could come back later in the evening, and offered to let him wait in

EXHIBIT 69

our front room when he returned.

We went to mass and dinner. After dinner I went to my room and retrieved a message that had just arrived on my voicemail from Don McGuire. In his message, Don said that he had been contacted by the Province lawyer, advised of the situation, and instructed not to speak with the officer. Don also said that he would not be coming home to Woodlawn that night -- he would instead stay at his sister's house.

I passed that information along to George Lane. George called Don back and spoke with him. Then I had a spiritual director. While I was in conference with my director, I could hear George chatting at some length on the front porch with the officer -- at around 8:15pm.

That's as much as I know about what happened on April 6. But you should also know about something that happened five or six days earlier, which may be related. Paul Mariani answered the door to find two men who said they were Chicago policemen. They said that threatening letters to George Bush had been written from our address, and they wanted to talk about it. Paul said that he was quite flustered and confused, and found the whole thing strange and intimidating. The two men wanted to know who lived here, so Paul showed them the catalogue page for our community. It is my suspicion that the scene with the two police officers was a set-up of some sort, designed to find out who was living here. It seems to me like a bit too much of a coincidence that the officer from Wisconsin arrived just a few days after Mariani's experience.

Jim Gschwend asked me to write down my own reflections on these events and on Don. Here they are:

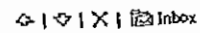
- (1) In theory, I have no problem living with Don McGuire in his current situation. I am happy and willing to stand by my brother in his difficulty... as long as the truth is being served.
- (2) In light of the fact that Don has repeatedly assured us that all charges against him are false, I find it puzzling that he is not willing or able to speak with what appears to be a legitimate investigating officer -- not even with a lawyer present, and not even to say "no comment".
- (3) I have the uncomfortable feeling that, by calling Jim Gschwend to alert him the presence of the officer, I indirectly abetted Don in avoiding contact with a legitimate police investigation; I feel as though I helped an accused priest hide from the law. In light of how much bad press the Church has gotten, I want no part in helping to hide someone from the law. I think that in the current situation the truth is our friend. I would find it difficult, in conscience, to "cover" for Don if he is somehow hiding from the law.
- (4) Now that "the cat is out of the bag" as to where Don is living, I think it would be good for the Province to provide us at Woodlawn with some specific guidelines as to how we should deal with foreseeable possible future situations: visits by law enforcement officials, by protesters, or by the press... at times when Jim Gschwend can or cannot be reached by phone... and at times when Don is at home or is not at home.
- (5) I have no problem referring inquiries to the province office or to Jim Gschwend. But I am uncomfortable, at the level of conscience, with being or with seeming to be a shield between Don and inquiries from legitimate law enforcement officials.
- (6) I am concerned that George Lane and I both said (truthfully) to the officer who visited us on Tuesday that Don is out for most of the day every day, and that we don't know where he is or how to reach him when he is out. It strikes me that, in the spirit of the Dallas charter, there is the expectation that there will be some sort of appropriate supervision for priests who are suspended from ministry. The visiting officer might have concluded that the Jesuits are not supervising Don. It seems to me that prudence would dictate setting up at least the appearance of appropriate supervision of Don.
- (7) With some frequency, Don leaves the house in clerical attire. It is my understanding that suspended priests are not supposed to appear in clerics. It seems to me that prudence would dictate that Don should not wear clerics outside the house.
- (8) At the level of community life, I find it strange living with Don. He is very seldom with us for dinner; he is never with us for mass. If I were in Don's situation, I would be leaning on my community for prayer and support. I am puzzled and disappointed that Don is so seldom here, and that pretty much my only contact with him is in the mornings when he asks me to help him tie his shoes and put on his leg brace.

Those are the observations which occur to me. Happy to talk more, as needed.

In the Lord,

Paul

Paul Mueller, S.J.
5554 S. Woodlawn Ave.
Chicago, IL 60637
773-667-1395 x19



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STATE OF ILLINOIS)
COUNTY OF C O O K) SS:
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION
JOHN DOE #116,
Plaintiff,)
vs.) No. 07 L 8781
THE CHICAGO PROVINCE OF THE)
SOCIETY OF JESUS,)
Defendant.)
The discovery deposition of FATHER EDWARD
SCHMIDT, taken in the above-entitled cause, before
Elizabeth L. Vela, a notary public of Cook County,
Illinois, on the 28th day of July, 2009 at the time
of 9:36 a.m. at 70 West Madison Street, Chicago,
Illinois, pursuant to Notice.

(Proceedings concluded at 2:21 p.m.)

Reported by: Elizabeth L. Vela, CSR
License No.: 084-003650

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1 APPEARANCES:
2 KERNS, FROST & PEARLMAN, LLC, by
3 MR. MARC PEARLMAN and
4 MR. MICHAEL BROOKS,
5 70 West Madison Street, Suite 5350
6 Chicago, IL 60602
7 (312) 261-4550
8 Representing the Plaintiff,
9
10 QUERREY & HARROW, LTD., by
11 MR. ROBERT HUEBSCH,
12 175 West Jackson Boulevard, Suite 1600
13 Chicago, IL 60604
14 (312) 540-7534
15 -and-
16 LAW OFFICES OF McCARTHY & TOOMEY, by
17 MR. TIMOTHY TOOMEY,
18 4433 West Touhy, Suite 262
19 Lincolnwood, IL 60712
20 (847) 675-0060
21 Representing the Defendant.

1 (Witness sworn.)
2 FATHER EDWARD SCHMIDT,
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:
5 EXAMINATION
6 BY MR. PEARLMAN:
7 Q. Good morning, Father Schmidt.
8 A. Good morning.
9 Q. My name is Marc Pearlman. I'm an attorney
10 for the plaintiffs in this case. There are several
11 plaintiffs. I think you know that.
12 Can you just state and spell your name for
13 the record?
14 A. My name is Edward Schmidt, S-c-h-m-i-d-t.
15 Q. And sir, your current position is?
16 A. Is Provincial or Provincial Superior of
17 the Chicago Province of the Society of Jesus.
18 Q. And does that make you the -- for lack of
19 a better term the head person within the Chicago
20 Province?
21 A. Yes.
22 Q. And Father Schmidt, have you been deposed
23 before?
24 A. Once.

1 A. I don't know.
 2 Q. So how do you know that you provided them
 3 with what they asked for?
 4 A. Because I trust my attorney.
 5 Q. As you sit here today, do you have any
 6 idea what the Jesuits shared with the authorities
 7 in Wisconsin?
 8 A. No.
 9 Q. It could be that they didn't provide any
 10 information regarding the 12 or so names we just
 11 discussed, correct?
 12 MR. HUEBSCH: Objection. It calls for
 13 speculation. Anything is possible. But if you can
 14 answer it, go ahead.
 15 THE WITNESS: I don't know what they asked for.
 16 I trust that we provided them with what they asked
 17 for.
 18 BY MR. PEARLMAN:
 19 Q. Okay. Have you ever spoken to Phil Koss,
 20 the district attorney in Wisconsin?
 21 A. I don't recall. I don't recall speaking
 22 with him.
 23 (Whereupon, Exhibit S9 was
 24 marked for identification.)

1 marked as Exhibit 9.
 2 I'm showing you what's been marked as
 3 Exhibit 9. It's a letter from you to
 4 Father McGuire dated February 25th, 2004. Have you
 5 seen this document before?
 6 A. Yes.
 7 Q. And you authored this document?
 8 A. Yes.
 9 Q. Okay. And why were you sending McGuire
 10 this letter?
 11 A. I don't recall the specific motivation for
 12 it.
 13 Q. It states that I'm writing to remind you
 14 of the letter that Father Richard Baumann sent to
 15 you on September 23rd, 2003.
 16 Point 1 on that letter states that you are
 17 to be in daily contact with Father Gschwend, my
 18 Province Delegate, as to such matters at times to
 19 be established by Father Gschwend. If you are
 20 unable to keep such schedule, then please let
 21 Father Gschwend know of a substitute time.
 22 Is it your recollection that McGuire
 23 wasn't following the directive to be in daily
 24 contact with Father Gschwend?

1 BY MR. PEARLMAN:
 2 Q. If Mr. Koss asked the Jesuits for
 3 information that wasn't voluntarily provided, would
 4 that meet your expectation?
 5 MR. HUEBSCH: Objection. There can be legal
 6 reasons why documentation wasn't provided. There's
 7 no foundation that he would know those legal
 8 reasons.
 9 BY MR. PEARLMAN:
 10 Q. Let me back up. Your expectation was
 11 that -- your expectation as Provincial was that the
 12 Jesuits provided the authorities in Wisconsin what
 13 they asked for?
 14 A. Yes.
 15 Q. That was your expectation?
 16 A. Yes.
 17 Q. And if the Jesuits didn't do that --
 18 A. Provided it was legal.
 19 Q. And if the Jesuits didn't do that, that
 20 would be against your expectations?
 21 A. It would be against my expectations.
 22 Q. Would that concern you?
 23 A. Yes.
 24 Q. Okay. I'm going to show you what we've

1 A. Yes.
 2 Q. Okay. And other than writing him this
 3 letter telling him he needed to do that, did you do
 4 anything else?
 5 A. I don't recall.
 6 Q. Okay. In this time frame, February 2004,
 7 what were the Jesuits doing to monitor
 8 Father McGuire?
 9 A. Beyond leaving that to the local superior,
 10 Father George Lane, I don't know.
 11 Q. Well, what was your expectation of what
 12 Father Lane was supposed to do as -- you're the
 13 Provincial.
 14 What was your expectation of what
 15 Father Lane was supposed to do?
 16 A. I don't recall.
 17 Q. As of 2004, I think we've established that
 18 you had had a chance at this point in time to
 19 review the file to know the various names we've
 20 talked about.
 21 A. Uh-huh.
 22 Q. Did you provide Father Lane with the
 23 information -- all of the information regarding
 24 McGuire that you knew?

1 A. Everything, no.
2 Q. Do you -- what did you tell him?
3 A. What the restrictions were.
4 Q. You didn't tell him why he had
5 restrictions?
6 A. No. We would not have given him victims'
7 names.
8 Q. Would you tell him that there might have
9 been a dozen or so -- a dozen or more victims?
10 A. We -- he -- I don't know that there were a
11 dozen or more victims.
12 MR. TOOMEY: Yeah.
13 BY MR. PEARLMAN:
14 Q. We went through --
15 MR. BROOKS: We can read it back.
16 BY MR. PEARLMAN:
17 Q. -- a bunch of names, right?
18 A. Yeah.
19 Q. Did you give him an idea of the number of
20 victims?
21 A. I have no recollection.
22 Q. As Provincial, would it change what you
23 felt your responsibility -- what your
24 responsibility was whether there was 1 victim or

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1 50 victims?
2 A. 1 victim is horrible.
3 Q. Okay. So it wouldn't change anything?
4 A. I don't know.
5 Q. By 2004 -- February of 2004, were you as
6 Provincial concerned that McGuire might be a sexual
7 predator?
8 A. I don't know that I would have used that
9 category. I was -- I would have been concerned
10 about his activities, yes.
11 Q. You say you wouldn't pick that word. Let
12 me -- by February of 2004, were you concerned that
13 McGuire was a risk to young people?
14 A. I certainly knew he had been a risk.
15 Q. What do you mean by that?
16 A. Because there was the record of his abuse.
17 Q. Okay. And did you have a concern that he
18 might be a risk to other young people from that day
19 forward?
20 A. We had him on these restrictions for that
21 reason.
22 Q. Okay. And the restrictions -- again, my
23 question is, other than telling him not to do these
24 things, what else did you do?

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1 A. He was -- well, we told him to make the
2 weekly visit to the office, to call Father Gschwend
3 every day.
4 Q. So I believe this was referenced in one of
5 the earlier notes.
6 He was left to self-monitor himself,
7 correct? To obey the directives, correct?
8 A. Father Lane would have been aware of the
9 restrictions on him also by then.
10 Q. But not of the details of why?
11 A. Yes.
12 Q. He would not be aware of those, correct?
13 A. Right.
14 Q. Correct? Yes?
15 A. Yes.
16 Q. Okay. And since the Jesuits only tell
17 people on a need-to-know basis, the others in the
18 community wouldn't know that he was on restriction
19 or why, correct?
20 MR. HUEBSCH: You mean community in which
21 McGuire resided?
22 BY MR. PEARLMAN:
23 Q. Within the Jesuits, other than the list of
24 people that you previously identified as needing to

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1 know, no one else would know, correct?
2 A. They wouldn't know what the restrictions
3 were.
4 The fact that he had -- you know, that
5 these accusations have come in and that we were
6 taking them seriously, they would certainly know
7 that and that he would be under -- that would lead
8 to restrictions, of course.
9 Q. You're saying they would know generally
10 that the Jesuits take these kind of allegations
11 seriously and that the Jesuits were taking care of
12 it?
13 A. Uh-huh. Yes.
14 Q. Without knowing about McGuire or any
15 specifics about his situation?
16 A. Without knowing specifics, yes.
17 Q. In order to properly monitor McGuire and
18 make sure he wasn't a danger to young people, did
19 it occur to you that maybe more people needed to
20 know about his restrictions and his issues with
21 young people?
22 A. I don't know what occurred to me.
23 (Whereupon, Exhibit S10 was
24 marked for identification.)

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1 asking you whether as the Provincial for the
2 Province whether you felt that.
3 A. I don't know.
4 Q. You understood that Father Muller was
5 concerned that he wasn't cooperating with the
6 police, correct?
7 A. Who's he?
8 Q. Himself. Isn't that what he's expressing
9 here, I feel like I'm helping hide Don from the
10 law?
11 A. He has an uncomfortable feeling that he
12 indirectly abetted Don in avoiding contact with a
13 legitimate police investigation. That's what he
14 says.
15 Q. I feel as though I helped an accused
16 priest hide from the law. That's what he says,
17 right?
18 A. Yes.
19 Q. But you didn't feel that way? You didn't
20 feel like you were helping --
21 A. I don't know.
22 Q. You didn't feel like you were helping an
23 accused priest hide from the law?
24 A. I don't recall what I felt.

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1 Q. Okay. You say you made no judgment
2 regarding his guilt or innocence at this point in
3 time.
4 As the Provincial, what have you done to
5 investigate the allegations so that you can make a
6 determination of his guilt or innocence?
7 A. The allegations that were contained in the
8 complaints by C and B, is that what you're asking
9 about?
10 Q. Any of the allegations. You were aware of
11 lots of allegations by that time, correct?
12 A. Okay.
13 Q. Okay. What had you done to satisfy
14 yourself regarding Don McGuire's guilt or
15 innocence?
16 A. I had Father Gschwend investigating it.
17 Q. What was your understanding of what he was
18 doing?
19 A. That he was trying to get to the truth.
20 Q. What was your understanding of what he was
21 doing?
22 MR. HUEBSCH: Do you understand his question?
23 I think he's --
24 THE WITNESS: You mean --

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1 MR. HUEBSCH: Mechanically, what was he doing?
2 THE WITNESS: Mechanically, what steps he was
3 taking? I don't recall.
4 BY MR. PEARLMAN:
5 Q. You didn't give him any direction in that
6 regard?
7 A. I don't recall.
8 Q. Were you expecting that he would be
9 calling witnesses or anybody that might have
10 information to find out what they knew?
11 A. I was expecting that we would -- that
12 Father Gschwend would get to the bottom of what was
13 going on, yes.
14 Q. As Provincial, were you expecting that
15 lawyers like myself or law enforcement would get to
16 the bottom of those allegations or were you
17 expecting to find out for yourself?
18 A. I believe at this point is the first that
19 law enforcement came into it. So that was not in
20 our awareness.
21 Q. No. 6 says I'm concerned that George Lane
22 and I both said truthfully to the officer who
23 visited us on Tuesday that Don is out for most of
24 the day every day and that we -- and that we don't

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1 know where he is or how to reach him when he is
2 out. Do you see that?
3 A. I do.
4 Q. And George Lane is the Superior, right?
5 A. Yes.
6 Q. This was not your expectation that
7 George Lane would not know where he was or how to
8 reach him, correct?
9 A. That he would -- I was expecting that
10 there would be a level of monitoring where he was,
11 yes.
12 Q. And in fact, there wasn't as outlined in
13 this memo?
14 A. As Paul Muller says.
15 Q. And what did you do about that?
16 A. I don't recall.
17 Q. Well, do you recall whether you did
18 anything?
19 A. I don't recall.
20 Q. Okay. It strikes me that in the spirit of
21 the Dallas Charter, there is the expectation there
22 would be some sort of appropriate supervision for
23 priests who are suspended from ministry.
24 The visiting officer might have concluded

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40 (Pages 157 to 160)

1 that the Jesuits are not supervising Don. Do you
 2 see that?
 3 A. I do.
 4 Q. Did you share that concern?
 5 A. I don't recall.
 6 Q. Okay. He's raising fairly significant,
 7 serious things --
 8 A. Yes.
 9 Q. -- Father Muller, isn't he?
 10 A. Yes.
 11 Q. Worth consideration, you would agree?
 12 A. Yes.
 13 Q. And he doesn't have very much information,
 14 does he?
 15 A. No.
 16 Q. But you would agree that he's asking all
 17 the right questions, isn't he?
 18 MR. HUEBSCH: In retrospect, at this point, or
 19 then? Don't answer it until we get some time
 20 frame.
 21 MR. PEARLMAN: Okay.
 22 MR. HUEBSCH: What's --
 23 BY MR. PEARLMAN:
 24 Q. Then. He was asking legitimate, good

1 with this memo?
 2 MR. HUEBSCH: It's been answered -- asked and
 3 answered several times. Answer it again.
 4 THE WITNESS: I don't recall specifically how I
 5 reacted to this.
 6 BY MR. PEARLMAN:
 7 Q. No. 7. With some frequency, Don leaves
 8 the house in clerical attire. Do you see that?
 9 A. I do.
 10 Q. That's a violation of the charter,
 11 correct?
 12 A. I don't know --
 13 Q. I believe earlier, you testified --
 14 A. -- at this point.
 15 Q. I believe earlier in the deposition, you
 16 testified that your understanding of the charter
 17 was that you're not supposed to be dressed publicly
 18 as a priest, correct?
 19 A. I'm not sure when that came into effect,
 20 though.
 21 Q. Okay. So you don't know whether that was
 22 true or not?
 23 A. No.
 24 Q. Did you look into it?

1 questions, wasn't he?
 2 A. Yes.
 3 Q. Did you ask yourself the same questions
 4 when you were reading this and saying -- and think
 5 that maybe you should address them?
 6 A. I don't recall.
 7 Q. Okay. The visiting officer might have
 8 concluded the Jesuits are not supervising Don.
 9 It seems to me that prudence would dictate
 10 setting up at least the appearance of appropriate
 11 supervision of Don. Do you see that?
 12 A. I do.
 13 Q. Again, let me just ask a general question.
 14 Was this memo alarming to you?
 15 A. I don't recall my reaction to it.
 16 Q. I'm trying to get a feel, Father, that we
 17 agree that this is very, very significant --
 18 A. Yes.
 19 Q. -- information?
 20 A. Yes.
 21 Q. Okay. And I understand that you don't
 22 necessarily recall your reaction in any specific
 23 sense, but in a general sense, you don't recall
 24 whether you took any action at all in connection

1 A. I don't recall.
 2 Q. Did you ever look into it?
 3 A. Yes.
 4 Q. When -- did you ever tell Don McGuire
 5 don't dress as a priest?
 6 A. I believe so.
 7 Q. When?
 8 A. I don't recall.
 9 Q. Why did you tell him that?
 10 A. To bring us into conformity with what was
 11 expected.
 12 Q. By whom?
 13 A. The Dallas Charter.
 14 Q. Which went into effect in 2002, correct?
 15 A. I don't know.
 16 Q. Okay. It is my understanding -- well, you
 17 were aware that there was a Dallas Charter?
 18 A. Yes.
 19 Q. And you see it's being referenced in this
 20 e-mail?
 21 A. Yes.
 22 Q. So by 2004, you were aware the Dallas
 23 Charter was in effect?
 24 A. I can't tell you today when it came into

1 effect, when it received the approval from Rome.
2 Q. Okay. If we assume that the Dallas
3 Charter went into effect in 2002, you would agree
4 with me that McGuire wearing clerical attire was a
5 violation in 2004?
6 A. If it was in effect in 2002, yes.
7 Q. At any time prior -- well, at some point,
8 did you make yourself aware of whether the Dallas
9 Charter required that priests with allegations of
10 sex abuse would not wear clerical garb?
11 A. Did I ever make myself aware of that?
12 Q. Well, did you ever go look -- I think you
13 said you don't --
14 A. Yes, yes, yes.
15 Q. And you concluded that they weren't
16 supposed to be wearing clerical garb?
17 A. Yes.
18 Q. Okay. You just don't know when you did
19 that?
20 A. Right.
21 Q. So in 2006, Father McGuire appeared in
22 court in Wisconsin in trial in clerical garb,
23 correct?
24 MR. HUEBSCH: Objection. I think there's been

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1 A. I believe he was there for at least part
2 of it.
3 Q. Was Father Gschwend as your delegate on
4 sex abuse aware of the fact that Father McGuire was
5 not supposed to be wearing clerical garb?
6 A. You asked me to speculate and I would
7 speculate yes.
8 Q. Okay. Well, did you ever tell him, hey,
9 the Dallas Charter, he can't wear clerical garb?
10 A. Father Gschwend would have been more aware
11 of those things than I would so --
12 Q. Okay. Have you ever discussed with
13 Father Gschwend why McGuire was allowed to wear
14 clerical garb at his trial in Wisconsin?
15 A. Why he was allowed to as opposed to --
16 Q. Do you know whether Father Gschwend ever
17 said to McGuire don't wear your clerical garb in
18 Wisconsin?
19 A. I don't know.
20 MR. HUEBSCH: Are you through with that exhibit
21 for the moment?
22 MR. PEARLMAN: Yeah.
23 MR. HUEBSCH: Okay. I want to take a break.
24 MR. PEARLMAN: Fair enough.

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1 no foundation that he was there.
2 BY MR. PEARLMAN:
3 Q. Are you aware of that? As you sit here
4 today, are you aware that he showed up in court
5 with clerical garb?
6 A. I believe I've seen a photo of him, yes.
7 Q. Okay. And as you sit here today, you know
8 that that was a violation of the Dallas Charter?
9 A. Yes.
10 Q. And as the Provincial, did you ever tell
11 him not to wear his clerical garb in court?
12 A. In court?
13 Q. In Wisconsin.
14 A. I don't think I was ever that specific.
15 Q. Did you ever tell him to not wear his
16 clerical garb in public?
17 A. I believe so.
18 Q. Prior to his trial in Wisconsin?
19 A. I don't think so.
20 Q. You don't think so? Why not?
21 A. He knew the rules. He was supposed to
22 follow them.
23 Q. Are you aware of whether Father Gschwend
24 was at his criminal proceedings in Wisconsin?

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1 (A lunch break was taken from
2 12:44 p.m. to 1:15 p.m.)
3 (Whereupon, Exhibit S11 was
4 marked for identification.)
5 BY MR. PEARLMAN:
6 Q. Father, I'm going to show you what we've
7 marked as Deposition Exhibit 11.
8 This is a letter from May of 2004 to you
9 from Father Gschwend. Have you seen this document
10 before?
11 A. Yes.
12 Q. Okay. It reads Dear Ed, it concerns me
13 that once again by his own decisive behavior and
14 against the explicit direction of the Provincial,
15 Father McGuire avoids accountability and
16 supervision.
17 He neither checks in with the delegate as
18 instructed, nor does he supply his local superior
19 with the schedule of his destinations and
20 activities. Do you see that?
21 A. I do.
22 Q. Okay. Do you recall discussing this with
23 Father Gschwend?
24 A. No.

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42 (Pages 165 to 168)

STATE OF ILLINOIS)
COUNTY OF C O O K) SS:
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION
JOHN DOE #116,
Plaintiff,
vs.
THE CHICAGO PROVINCE OF THE) No. 07 L 8781
SOCIETY OF JESUS,)
Defendant.

The continued discovery deposition of
FATHER EDWARD SCHMIDT, taken in the above-entitled
cause, before Elizabeth L. Vela, a notary public of
Cook County, Illinois, on the 17th day of August,
2009 at the time of 9:37 a.m. at 70 West Madison
Street, Chicago, Illinois, pursuant to Notice.

(Proceedings concluded at 12:14 p.m.)

Reported by: Elizabeth L. Vela, CSR
License No.: 084-003650

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1 APPEARANCES:
2 KERNS, FROST & PEARLMAN, LLC, by
3 MR. MARC PEARLMAN and
4 MR. MICHAEL BROOKS,
5 70 West Madison Street, Suite 5350
6 Chicago, IL 60602
7 (312) 261-4550
8 Representing the Plaintiff,
9
10 QUERREY & HARROW, LTD., by
11 MR. ROBERT HUEBSCH,
12 175 West Jackson Boulevard, Suite 1600
13 Chicago, IL 60604
14 (312) 540-7534
15 -and-
16 LAW OFFICES OF McCARTHY & TOOMEY, by
17 MR. TIMOTHY TOOMEY,
18 4433 West Touhy, Suite 262
19 Lincolnwood, IL 60712
20 (847) 675-0060
21 Representing the Defendant.
22
23
24

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1 (Witness sworn.)
2 FATHER EDWARD SCHMIDT,
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:
5 EXAMINATION
6 BY MR. PEARLMAN:
7 Q. Good morning, Father Schmidt.
8 A. Good morning.
9 Q. You realize this is a continuation of your
10 deposition that we took a few weeks back, correct?
11 A. Yes, I do.
12 Q. And have you had a chance to review the
13 transcript of your first day of testimony?
14 A. No, I haven't.
15 Q. Okay. I believe when we left off, we were
16 just talking about the criminal trial in Wisconsin.
17 A. Okay.
18 Q. And what information was shared with the
19 district attorney, Philip Koss there.
20 You're aware that there's also another
21 criminal proceeding involving McGuire in the
22 Federal Court in Illinois, are you not?
23 A. Right. Yes.
24 Q. Okay. And are you aware of the documents

230

1 (Pages 227 to 230)

1 I believe Father George Lane was there for
 2 some of it, but I didn't send him with the purpose
 3 of monitoring.
 4 Q. So you didn't instruct anybody -- you
 5 didn't tell anybody I want you to go to this trial,
 6 watch what's going on, and tell me, because I need
 7 to know that as the Provincial of the Chicago
 8 Province?
 9 A. No, I didn't.
 10 Q. Did you think about doing that?
 11 A. I don't recall.
 12 Q. And I think, likewise, you said at the
 13 criminal trial in the Illinois proceeding, you
 14 didn't attend any of that?
 15 A. No, I didn't.
 16 Q. And did you instruct any Jesuit to be
 17 there on behalf of the Province to watch what was
 18 going on?
 19 A. I did not instruct anyone to be there to
 20 watch what was going on, no.
 21 Q. And why not?
 22 A. It didn't occur to me.
 23 Q. And in terms of the sentencing as distinct
 24 from his trial, you did not attend his sentencing?

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1 dressed as a priest? Do you recall that?
 2 A. Not specifically, no.
 3 Q. This was Exhibit 17 we had showed you last
 4 time, Father. If you would go to Page 1872. This
 5 is a letter from in July of 2 -- July 25th,
 6 2005.
 7 Do you see in the -- about three-quarters
 8 of the way down, it says he is allowed to wear a
 9 collar, question mark? He is facing criminal
 10 charges in Wisconsin and is appearing in court
 11 wearing his collar. Do you see that?
 12 A. I see it.
 13 Q. And it says does this conflict with the
 14 USCCB Charter? Do you see that?
 15 A. I do.
 16 Q. Do you know what the USCCB charter is? Is
 17 that what's referred to --
 18 A. United States Conference of Catholic
 19 Bishops.
 20 Q. That's the Dallas Charter he's talking
 21 about, correct?
 22 A. I believe.
 23 Q. Okay. And you said you guys follow that
 24 Dallas Charter?

237

1 A. No, I didn't.
 2 Q. And you didn't -- you didn't ask any
 3 Jesuit to attend his sentencing on behalf of the
 4 Province?
 5 A. No, I didn't.
 6 Q. And were you aware that his victims and
 7 their families were making statements at his
 8 sentencing?
 9 A. Beforehand, I don't believe I was aware.
 10 I knew it had happened after it happened.
 11 Q. No one told you that the victims and their
 12 families would be speaking?
 13 A. I don't recall that anyone told me that.
 14 Q. I believe we discussed briefly the fact
 15 that at his criminal proceeding in Wisconsin,
 16 Father McGuire was dressed in his collar? I mean,
 17 he was dressed as a priest, correct?
 18 A. I believe so.
 19 Q. And you were aware of that?
 20 A. I don't know whether I was aware of that
 21 specific fact. I don't know. I mean, I saw
 22 pictures later.
 23 Q. Well, do you recall that last time, we
 24 looked at a letter from where he said he's

236

1 A. Yes.
 2 Q. And I think we were able to establish that
 3 that charter was in place approximately in 2002?
 4 A. If we --
 5 Q. If you're --
 6 A. Yeah.
 7 Q. All right. So -- and you know this is
 8 July of 2005?
 9 A. And 5, yes.
 10 Q. McGuire's criminal trial in Wisconsin was
 11 in 2006, right, the beginning of 2006?
 12 A. Okay.
 13 Q. Right?
 14 A. I don't know.
 15 Q. Okay. Did you do anything to see if he
 16 was wearing his collar in court?
 17 Did you investigate whether, in fact, that
 18 was occurring?
 19 A. No.
 20 Q. Why not?
 21 A. I didn't expect him to comply with what we
 22 told him anyhow.
 23 Q. So you didn't -- if he was wearing his
 24 collar in court, it was a violation of the Dallas

238

1 Charter, correct?
 2 A. Okay. Yes.
 3 Q. Yes, you agree?
 4 A. Yes.
 5 Q. He was not supposed to be dressing as a
 6 priest any longer, correct?
 7 A. Correct.
 8 Q. Okay. In addition to weren't
 9 others reporting back to you telling you that he
 10 was dressing as a priest, that he was wearing his
 11 clerical garb?
 12 A. I don't recall specifically.
 13 Q. Okay. But you didn't do anything to
 14 investigate it, because you didn't anticipate that
 15 he would listen anyway?
 16 A. I'm not sure that's my whole reason but --
 17 Q. What other reasons?
 18 A. I don't know.
 19 Q. Okay. I think also in this letter, he
 20 references the buttons people were wearing, I
 21 support Father McGuire?
 22 A. Okay. Yes.
 23 Q. Were you aware that there were other
 24 Jesuit priests at Father McGuire's trial supporting

1 conviction, correct?
 2 A. I believe so.
 3 Q. And had you corresponded with Mr.
 4 prior to this letter, do you know?
 5 A. I don't remember.
 6 Q. Okay. Well, I know you said you weren't
 7 at the criminal trial.
 8 After he was convicted, did you become
 9 more involved in dealings with the State of
 10 Wisconsin as it relates to McGuire?
 11 A. Well, this indicates that I did in terms
 12 of the probation officer in terms of where he would
 13 reside, yes.
 14 Q. Well, just more generally, I'm asking you,
 15 irrespective of the document, after his conviction,
 16 did you have a -- did you become more involved in
 17 monitoring the situation?
 18 A. No. I don't recall.
 19 Q. Okay. If we can look at the -- do you
 20 recall authoring this letter?
 21 A. Yes.
 22 Q. Okay. The second paragraph says because
 23 of Father Donald McGuire's religious status, I am
 24 ultimately responsible for his residence and

1 him and wearing these buttons?
 2 A. No, I'm not aware of any of that.
 3 Q. Well, he's writing that here, right? He's
 4 stating --
 5 A. He says there were people there, religious
 6 personnel. He doesn't say Jesuits.
 7 Q. Okay. Did you do anything to see whether
 8 there were Jesuits who were wearing buttons saying
 9 I support Father McGuire during the court
 10 proceeding in Wisconsin?
 11 A. I did not.
 12 Q. And why not?
 13 A. It didn't occur to me.
 14 (Whereupon, Exhibit S20 was
 15 marked for identification.)
 16 BY MR. PEARLMAN:
 17 Q. Father, I'm handing you what's been marked
 18 as Exhibit 20 for your deposition.
 19 This is an August 11th, 2006 letter from
 20 you to _____?
 21 A. Okay.
 22 Q. Do you know who _____ is?
 23 A. Probation Officer, State of Wisconsin.
 24 Q. Okay. And this is after McGuire's

1 well-being. Do you see that?
 2 A. I do.
 3 Q. And that's your -- that's the case with
 4 all of the Jesuits, right?
 5 A. Yes.
 6 Q. All of your members?
 7 A. Yes.
 8 Q. In the next paragraph, it says I would
 9 like to be able to move Donald McGuire to our
 10 Jesuit health care facility, which is in Clarkston,
 11 Michigan. It is called --
 12 A. Colombiere.
 13 Q. Colombiere Center. And in fact, there is
 14 a sheriff's office at the other end of the
 15 building, which is very large.
 16 I would best be able to care for his
 17 health and well-being there. Unless he is living
 18 there, I cannot provide even minimal supervision,
 19 let alone care for his health needs.
 20 When you say unless he's there, you cannot
 21 provide even minimal supervision, what did you
 22 mean?
 23 A. That in any of our standard residences,
 24 there's nobody who would check people in and out.

1 Q. You're trying to move McGuire from
2 Illinois to Michigan?
3 A. Yes.
4 Q. That's the purpose of this letter?
5 A. Yes.
6 Q. And is your point that in Illinois, you
7 cannot even provide even minimal supervision of
8 McGuire?
9 A. Yes.
10 Q. Okay. And that was the case prior to
11 August of 2006 or did something change?
12 A. Prior to 2006, he was living at -- I don't
13 recall the sequence -- the exact dates when he went
14 to the hospital in Waukegan.
15 And then, he was under supervision of
16 Wisconsin for quite a bit of that time and I don't
17 remember that sequence of events.
18 Q. Let me ask the question differently.
19 Between the time when McGuire returned from
20 California through the time of his conviction, his
21 primary residence was in Illinois?
22 A. Yes.
23 Q. And is it your testimony that in any of
24 those residences in Illinois, it was not possible

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1 conviction by the time I wrote this letter. By
2 then, there were higher standards from the Dallas
3 Charter and so forth.
4 Q. But people had come forward in 1970,
5 correct?
6 A. I didn't know about that until it
7 went public.
8 Q. You knew of that when you started
9 reviewing the files?
10 A. I knew about that from the press
11 conferences either in August or September of 2003.
12 Q. So you personally didn't know is your
13 point?
14 MR. HUEBSCH: I'm sorry?
15 BY MR. PEARLMAN:
16 Q. The Jesuits -- you personally didn't know?
17 A. Right.
18 Q. The Jesuits knew?
19 A. Not all -- I mean, some authorities may
20 have known something. I don't know exactly what
21 they knew, but yes.
22 Q. Well, we've looked at those documents?
23 A. Right. Yeah, somebody knew that there
24 were allegations, right.

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1 to provide even minimal supervision of him?
2 A. It was becoming more evident that he
3 needed more supervision than we could provide.
4 When I say minimal, I mean minimal by the
5 standards that they would expect someone under
6 conviction.
7 Q. And was it your view that he needed more
8 supervision after he was convicted than before he
9 was convicted?
10 A. I don't recall.
11 Q. Sir, would you agree with me that between
12 as early as 1960 and through 2006, there were
13 numerous allegations regarding McGuire's
14 interactions with young people, correct?
15 A. 1960?
16 Q. Yes.
17 A. I don't know of anything that old but in
18 the '60s, yes.
19 Q. In the '60s. Okay. And why is it that
20 you believed he needed more supervision in 2006
21 than he did in 2002?
22 A. Because by now, we had victims who had
23 come to us, who had testified in court.
24 By then, he was under a criminal

244

1 Q. Okay. And by the time you became the
2 Provincial, you knew -- or shortly thereafter, when
3 you reviewed the McGuire file, you knew about the
4 allegation, correct?
5 A. I know that name. I don't know when I
6 became aware of an allegation from that individual.
7 Q. you knew about that?
8 A. Again, I don't know when I became aware of
9 that name.
10 Q. Okay. So in 2003, when you became
11 Provincial, did it occur to you that you could not
12 provide even minimal supervision of McGuire in
13 Illinois and that he required supervision?
14 A. He was in -- I said this before. In 2002,
15 he was moved out of Canisius House down to Clark
16 Street, because we thought we could monitor him
17 better.
18 It didn't. And then, the house fell down
19 and we had to move him out to the Woodlawn
20 residence where he was alone a lot of the time.
21 Q. And in 2004, in fact, that e-mail that we
22 reviewed from the young Jesuit detailed the fact
23 that he was never around?
24 A. Yes.

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1 Q. No one was supervising him?
2 A. Yes.
3 Q. So in 2004, did you consider moving him
4 and sending him somewhere where he could be
5 properly supervised?
6 A. Yes.
7 Q. And what did you do?
8 A. We couldn't care for his health in the
9 facilities that were available.
10 Q. In 2004?
11 A. Yes.
12 Q. So what did you do?
13 A. What did we do?
14 Q. To better supervise him.
15 A. I don't know.
16 (Whereupon, Exhibit S21 was
17 marked for identification.)
18 BY MR. PEARLMAN:
19 Q. I'm going to show you what's been marked
20 as Exhibit 21.
21 This is an October 10th, 2006 letter from
22 you to Judge Carlson. Have you seen this document
23 before?
24 A. Yes. I believe I wrote it.

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1 Q. Did you think about those things prior to
2 his convictions?
3 A. I don't recall.
4 Q. Did it concern you whether McGuire prior
5 to his conviction would be in the presence of
6 children?
7 A. Yes.
8 Q. And what did you do about that other than
9 his restrictions? Strike that.
10 Other than tell him he couldn't be, what
11 did you do?
12 A. I don't recall.
13 Q. You don't recall that?
14 A. No.
15 Q. You would agree with me that prior to his
16 conviction, the Jesuits had a lot of information
17 regarding McGuire?
18 A. Yes.
19 Q. Would you agree that it was more important
20 that he be monitored before his conviction when the
21 State wasn't watching him than after?
22 A. I don't believe I thought that way.
23 (Whereupon, Exhibit S22 was
24 marked for identification.)

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1 Q. Okay. The last sentence of the first
2 paragraph -- again, it states I said I can provide
3 nothing in Illinois that would provide, in quotes,
4 any supervision if that is expected, closed quotes,
5 correct?
6 A. Yes.
7 Q. Okay. And again, in October of 2006, was
8 it your view that you could not provide any
9 supervision for Donald McGuire in the state of
10 Illinois?
11 A. Yes.
12 Q. Okay. And in the next paragraph, the last
13 sentence says Donald McGuire's attorney proposes a
14 house in Evanston, Illinois.
15 Donald McGuire would be alone there most
16 of the day. It is also close to a public park and
17 beach. Do you see that?
18 A. I do.
19 Q. And those were concerns of yours?
20 A. Yes.
21 Q. Again, my question is, why didn't -- why
22 weren't you asking yourself these same questions
23 prior to his conviction?
24 A. I don't know.

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1 BY MR. PEARLMAN:
2 Q. Sir, we're handing you what's been marked
3 as Deposition Exhibit No. 22.
4 This is a September 19th, 2007 letter from
5 you to -- addressed to Dear Jesuit Family and
6 Friends. Do you recall this letter?
7 A. Yes.
8 Q. Okay. And do you know who this ultimately
9 went out to?
10 I don't mean specifically, but who are the
11 Dear Jesuit Family and Friends?
12 A. Specifically, they're people who were
13 associated with us, who support our missions, who
14 are blood relatives, our personal families.
15 A lot of people are interested in our
16 activities and we keep in contact with them.
17 Q. Okay. At the end of that first paragraph,
18 the last sentence says he -- the he is referring to
19 Donald McGuire was completely removed from
20 public -- from priestly ministry in the summer of
21 2003. Do you see that?
22 A. I do.
23 Q. And is that when he couldn't get the
24 credentials from the Chicago Archdiocese, correct?

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6 (Pages 247 to 250)

1 A. Yes.
2 Q. Did the Jesuits allow him to continue
3 doing any ministry within the Jesuit community
4 after that?
5 A. That would have been allowed under these
6 norms, yes.
7 Under the norms from the bishops and so
8 forth, he would have been allowed to celebrate the
9 mass in private in a Jesuit residence with no
10 outsiders present.
11 Q. That's permitted under the norms. My
12 question is, did you allow him to do that?
13 A. I allowed him to do what the norms
14 permitted, yes.
15 Q. Well, let me ask the question differently.
16 If you had concerns about him and you believed --
17 if at that time, you believed he was a sexual
18 abuser, you could have prevented him from saying
19 mass even within the Jesuit community, correct?
20 A. No. I couldn't have.
21 Q. What would you have had to do in order to
22 do that?
23 A. Have him removed from the priesthood.
24 Q. All right. And you didn't do that?

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1 A. My best recollection is that I began
2 discussions of that in the summer of 2004, but
3 until -- yes. That's my best recollection.
4 Q. And when did you first -- I presume you
5 have to write a letter to Rome?
6 A. It's --
7 MR. HUEBSCH: Eventually or as the first thing
8 in 2004?
9 BY MR. PEARLMAN:
10 Q. To get him removed from the -- I think you
11 outlined that the Superior General -- I presume the
12 Superior General is in Rome?
13 A. Yes.
14 Q. Okay. And you have to send him a petition
15 or a letter to start that process?
16 A. It's not a simple letter. It would be a
17 letter with documentation.
18 Q. Okay. And when did you start putting
19 together that letter and the documentation?
20 And just -- I know you said you started
21 discussing it. I understand that. That's 2004.
22 When did you decide that that was going to
23 be an action you as the Provincial were going to
24 take?

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1 A. At that point, no.
2 Q. When did you do that?
3 A. The decree came down -- we received it in
4 January 2008.
5 Q. Okay. And before a decree comes down, I
6 presume you as the Provincial have to start a
7 process?
8 A. Yes.
9 Q. What is that -- what do you have to do?
10 A. You prepare the documentation. You
11 petition, first of all, for his removal from the
12 Society of Jesus, which the Superior General can
13 grant, but that's conditional and its going then to
14 the Vatican for their endorsement of what you have
15 done.
16 The Society of Jesus of itself cannot
17 remove him from the priesthood. That's done by the
18 Vatican. So they go hand in hand, but the Society
19 of Jesus removes him from the society, but as I
20 said, it's conditional with the Vatican going
21 forward with the process.
22 Q. And can you tell me when you first as the
23 Provincial started the process going of having him
24 removed from the Society?

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1 A. My best recollection is that in the summer
2 of 2004, I began investigating how do I do this,
3 how do I accomplish this.
4 Q. Okay. And tell me about that
5 investigation. Who were you talking with? What
6 did you do?
7 A. I consulted Canon lawyers.
8 Q. Who did you consult?
9 A. There were at least three.
10 Q. Do you recall their names?
11 A. Two of them, I do not. The third one is a
12 Jesuit.
13 Q. Okay. What's his name?
14 THE WITNESS: Do I need to answer this? This
15 is getting close to where I think it should be
16 privileged.
17 MR. HUEBSCH: Well, I think he can ask the
18 name, yes.
19 THE WITNESS: Okay.
20 MR. HUEBSCH: The conference and the conduct
21 between the two of you is privileged, but you
22 can --
23 THE WITNESS: The name is Robert Geisinger,
24 G-e-i-s-i-n-g-e-r.

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7 (Pages 251 to 254)

1 MR. BROOKS: Well, I'm not so sure I agree with
2 your assertion that it's privileged. In fact,
3 Judge Lawrence has ruled to the opposite, but we'll
4 handle those as we go along. You have to see where
5 it's going.
6 MR. HUEBSCH: I can tell you he's not going to
7 ask any -- if you ask him --
8 MR. BROOKS: Judge Lawrence --
9 MR. HUEBSCH: Mike, let me make the objection,
10 and then, you can argue.
11 MR. BROOKS: I'm sorry. I apologize.
12 MR. HUEBSCH: All I'm going to say is, we're
13 going to claim that is privileged under these
14 circumstances, irrespective of what Judge Lawrence
15 has said to this point.
16 He's not going to answer it. You can feel
17 free to ask the questions to protect the record.
18 MR. PEARLMAN: Sure.
19 MR. HUEBSCH: I certainly appreciate that, but
20 I'm going to instruct you not to answer any
21 questions between you and -- any questions that ask
22 the conduct or the conference between you and
23 Geisinger.
24

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1 as a Jesuit.
2 If you can just walk me through what you
3 did or -- including what you instructed others to
4 do, whether it be delegating some of that to other
5 Jesuits.
6 A. Again, I don't recall specific dates when
7 steps were taken.
8 I'll tell you a point at which it was
9 clear that we could proceed. And that was after
10 the sworn testimony of the two men in Wisconsin.
11 We had sworn testimony at that point that
12 was compelling. After that, I was able to proceed
13 without difficulty.
14 Q. Did you seek to get sworn testimony of
15 anyone prior to their testimony in Wisconsin?
16 A. No.
17 Q. Was getting sworn testimony an important
18 part of the process? Was it necessary?
19 A. Absolutely necessary, no, but it was very
20 helpful.
21 Q. Okay. And I believe you testified on your
22 first day of deposition, by the time the Wisconsin
23 trial came along, you had formed an opinion in your
24 own mind about what you believed regarding the

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1 BY MR. PEARLMAN:
2 Q. Now, just so you understand, just for the
3 record, because there's been objections and
4 comments before a question was even asked, now, I'm
5 going to ask the question just so it's on the
6 record, okay?
7 MR. HUEBSCH: That's fair.
8 MR. BROOKS: Sorry.
9 BY MR. PEARLMAN:
10 Q. Can you please tell me the discussion that
11 you had with your -- with Father -- Geisinger?
12 A. Geisinger.
13 Q. Regarding the removal process with
14 McGuire.
15 MR. HUEBSCH: My instruction to you is to not
16 answer that question.
17 BY MR. PEARLMAN:
18 Q. Are you going to follow --
19 A. I will follow counsel's advice.
20 Q. Okay. Fair enough. Whatever discussion
21 took place, you're not going to testify to that.
22 When did you -- I want to know the process
23 from the time you talked to those lawyers and did
24 that investigation through the time he was removed

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1 truth of the allegations regarding Donald McGuire?
2 A. Yes.
3 Q. Okay. And knowing what you believed, did
4 you seek to -- did you seek to get sworn testimony
5 of people that could help in removing him?
6 A. No.
7 Q. And why not?
8 A. I don't recall why not.
9 Q. Okay. Do you know when you first sent
10 whatever paperwork was necessary to Rome to the
11 Superior General to get McGuire removed?
12 A. It would have been, I believe, in the
13 summer of 2007.
14 Q. September of 2007?
15 A. Summer.
16 Q. Summer? Okay. September is in the
17 summer, I guess, but -- I'm sorry. I misheard you.
18 And what took so long from the time of his
19 conviction -- which was February of 2006, right?
20 A. I'll trust you on that.
21 Q. Okay. What took -- why did it take a year
22 and a half?
23 A. I don't know. I don't know.
24 Q. Okay. In the first sentence of the next

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1 paragraph on Exhibit 22, it says during this time,
2 undoubtedly, we had all experienced a range of
3 emotions, shame, confusion, anger, regret, doubt.
4 Are those all feelings that you were
5 experiencing at that time?
6 A. Yes.
7 Q. And maybe if you can just tell me, when
8 you say shame, what shame were you feeling?
9 A. If a Jesuit did these things,
10 collectively, that brings shame on us.
11 Q. And what about regret? What were your
12 regrets?
13 A. Regrets? I don't know specifically but
14 regret that anybody let him into the order in the
15 first place.
16 Q. Did you have regrets that he wasn't
17 stopped sooner?
18 A. Sure.
19 Q. Did you have regrets regarding the level
20 of supervision that was -- that he had? Strike
21 that. Strike that. It's a poor question.
22 Did you have regrets regarding the --
23 strike that.
24 The next paragraph says as the stories in

1 know the truth about McGuire?
2 A. It's -- I meant what I said here, they
3 have the right to know that they can, in fact,
4 trust us that we're doing the right thing.
5 Q. And as you -- by September of 2007, had
6 you had the opportunity to reflect about the way
7 the Jesuits had handled the McGuire situation from
8 ordination onward?
9 A. Yes.
10 Q. Okay. And did you believe that mistakes
11 were made?
12 A. I believe that my predecessors acted
13 according to their best knowledge at the time. In
14 retrospect, we wish things had been done
15 differently.
16 Q. Like what could have been done
17 differently, do you think?
18 A. I'll speak not about McGuire personally,
19 but the more general situation is that early
20 psychological treatment programs thought that
21 somebody could be cured of these things.
22 By the 19 -- by 2007, we knew that that
23 wasn't so. We had better knowledge by then.
24 Q. But in your reflection in reviewing the

1 the media outlets have appeared, it would not be
2 surprising if you had questions about how we
3 handled various situations and demands.
4 Did you have anything in particular in
5 mind when you wrote that?
6 A. I don't recall.
7 Q. Were you concerned that when the media
8 reports regarding the -- regarding McGuire and the
9 Jesuits handling of McGuire came out that you might
10 lose support from your supporters?
11 A. Definitely, yes.
12 Q. Financial support?
13 A. Among other things.
14 Q. And then, it says and all of us
15 personally, our families, our colleagues, and
16 ministry have the right to know that they can, in
17 fact, trust us that we are doing the right thing.
18 Do you see that?
19 A. I do.
20 Q. Okay. And what did you mean by that?
21 A. That we are trying to do the best we can
22 to do right by this situation.
23 Q. And when you say have the right to know,
24 did you believe your supporters had the right to

1 file, McGuire wasn't compliant with the
2 psychological treatment he was receiving, was he?
3 A. I don't know.
4 Q. Well, you reviewed -- you had many --
5 there were letters where you were -- strike that.
6 The documentation between Father Gschwend,
7 McGuire, you would become involved in those
8 communications. They were about McGuire's
9 noncompliance, correct?
10 A. I'll trust you on that.
11 Q. Well, don't trust me.
12 A. I don't recall what was in these letters.
13 Q. Well, you were the Provincial. Do you
14 recall generally that McGuire was a noncompliant
15 person?
16 A. Yes.
17 Q. Okay. And do you recall that he wouldn't
18 comply with his aftercare?
19 A. I don't remember the aftercare.
20 Q. And then, in the next paragraph, the third
21 line down, do you see where it says second, comma,
22 we reached out quickly?
23 A. Yes.
24 Q. And have continued to reach out in

1 pastoral care and healing to the young men who
2 brought the complaint to our attention. Do you see
3 that?
4 A. I do.
5 Q. Okay. And what's your understanding of
6 that? How did you reach out to these young men?
7 A. In January 2007, we received a new
8 complaint. Should I say the name?
9 Q. You can say the name.
10 A. This is . We went to him
11 immediately with -- trying to start a healing
12 process.
13 Q. Okay. . came to you, correct?
14 A. By phone, yes.
15 Q. He -- but his name was a name the Jesuits
16 were aware of prior to him coming to you?
17 A. I believe so. There was material about
18 his adoption or --
19 Q. His guardianship?
20 A. His guardianship, yes.
21 Q. When he was 13 years old? There was
22 speculation that McGuire might be his legal
23 guardian when he was a 13-year-old boy?
24 A. I believe so, yes.

1 wounds if people don't want contact.
2 Q. Any other reasons?
3 A. I don't recall any.
4 Q. Do you recall after McGuire's conviction
5 in Wisconsin, you were quoted saying that you were
6 praying for the victims of McGuire --
7 A. Yes.
8 Q. -- correct? And do you recall saying that
9 you looked forward that you wanted to speak to
10 them?
11 A. I don't recall saying that. I believe I
12 might have said that, yes.
13 Q. Okay. Did you do anything to reach out to
14 those two individuals and make contact with them?
15 A. No.
16 Q. Why not?
17 A. I figured if they wanted to talk to me,
18 they would initiate it.
19 Q. So you were waiting for them to make the
20 contact?
21 A. Yes.
22 Q. Okay. Why wouldn't you initiate the
23 contact to call them and apologize?
24 A. Again, I didn't know that they wanted that

1 Q. After McGuire was convicted in Wisconsin,
2 did the Jesuits go back to reach out to all of the
3 people that had come forward in the past against
4 McGuire?
5 A. After the conviction? The individuals who
6 had come forward? There weren't any. There were
7 parents, but individuals, no.
8 Q. There were families that had come forward,
9 correct?
10 A. Parents, yes.
11 Q. Did you reach out to those families?
12 A. To some of them, I recall speaking. I
13 don't recall -- it was probably before the
14 conviction, yes.
15 Q. They would initiate the contact and you
16 would respond in kind, correct?
17 A. Yes.
18 Q. I'm asking you, did the Jesuits ever
19 initiate conduct -- contact with families or people
20 who may have been harmed by McGuire?
21 A. I don't recall that we did.
22 Q. Why not?
23 A. One reason would be that some people don't
24 want to be contacted. We wouldn't want to open old

1 contact. I didn't want to hurt them further if
2 they would find that hurtful.
3 Q. So now, just speaking of the two people
4 who -- the two victims of the Wisconsin proceeding.
5 They obviously had been public and
6 testified. You knew that, correct?
7 A. Yes.
8 Q. And it didn't occur to you that it might
9 be helpful if you initiate contact to apologize to
10 them personally?
11 A. I don't recall if it occurred to me or
12 not, but I didn't do it.
13 Q. Okay. In this -- in that same sentence I
14 was reading, it says we continue to reach out in
15 pastoral care and healing to the young man who
16 brought the complaint to our attention. I share
17 this not to make excuses but to establishing the
18 facts. Do you see that?
19 A. I do.
20 Q. And what -- the fact that you're referring
21 to is the fact that you were reaching out to this
22 young man?
23 A. I'll have to reread that. I don't know
24 what I was referring to.

1 Q. Well, let me ask you, was it a concern --
2 was part of the purpose of this letter was that
3 there were going to be media reports and that you
4 were concerned that when there are media reports
5 how those things are reported --
6 A. Yes.
7 Q. -- was that a concern? How they're
8 perceived?
9 A. Yes.
10 Q. And that it might not be the whole story?
11 A. Yes.
12 Q. Those were your concerns?
13 A. Those would have been my -- among my
14 concerns.
15 Q. Among them?
16 A. Yeah.
17 Q. And you wanted to take an opportunity to
18 tell your supporters that and the facts as you
19 perceived them?
20 A. Yes.
21 Q. Okay. Do you think those same supporters
22 had a right to know all the details the Jesuits
23 knew about McGuire and how that was handled?
24 A. No.

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1 Q. Do you know whose handwriting it is?
2 A. No.
3 Q. Okay. It's dated October 10th, 2007.
4 A. Okay.
5 Q. It says JL. Do those initials -- do you
6 know who JL might be?
7 A. JL might be Jeremy Langford.
8 Q. Okay. And who is Jeremy Langford?
9 A. He's our information officer. That's not
10 the exact title. I don't know what the exact title
11 is.
12 Q. Do you know who TF may be?
13 A. Timothy Friedman, perhaps. He's in charge
14 of the development office.
15 Q. And it says phone. Is that JG? Probably
16 Jim Gschwend?
17 A. Probably.
18 Q. And Kathleen, it says, underneath that?
19 A. That would be Kathleen McChesney.
20 Q. And she's the person the Jesuits hired to
21 deal with the misconduct claims?
22 A. No. She did some of that, but we mainly
23 hired her to investigate our office and operation
24 to see if it was the best it could be.

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1 Q. Why not?
2 A. Some of the details would reveal names
3 that were not public. All the details would reveal
4 things that shouldn't be revealed.
5 Q. But you can cure that, right, by just --
6 like we're doing in this deposition, by not using
7 names?
8 A. Okay. But you said all the details so --
9 Q. Okay.
10 A. Beyond that, I made the judgment I -- that
11 it would not be help -- I don't know that they
12 would have a right to know everything that went on,
13 no.
14 Q. So you don't necessarily believe the
15 supporters should have all of the facts, just the
16 facts that you want to provide to them?
17 A. And that others have provided to them.
18 (Whereupon, Exhibit S23 was
19 marked for identification.)
20 BY MR. PEARLMAN:
21 Q. I'm going to show you what we've marked as
22 Exhibit No. 23. Have you seen this document
23 before?
24 A. I don't recall it. That's not my writing.

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1 Q. Okay. And who's Bill?
2 A. Bill would be Bill Gavin. The same thing.
3 They worked together.
4 Q. Okay. And then, underneath that, do you
5 see the word
6 A. I do.
7 Q. Wants to settle this case in the next
8 week. Wants outreach to other victims unknown.
9 Wants robust new approach. Do you see that?
10 A. I do.
11 Q. Do you remember any discussions about the
12 - about coming forward again?
13 A. Yes.
14 Q. Okay. Tell me what you recall.
15 A. Exactly what it says here, that he was
16 insistent that he wanted to settle the case and
17 that he want -- he had -- he wanted us to be robust
18 in our new approach.
19 Q. And what about outreach to unknown
20 victims?
21 A. If that's what it says here, I --
22 that's -- that's consistent with discussions with
23
24 Q. Okay. And then, do you see under that, it

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LAW OFFICES
MCCARTHY & TOOMEY

FRANK A. MCCARTHY
JOHN E. TOOMEY
TIMOTHY C. TOOMEY

CORPORATE CENTRE, SUITE 222
7330 NORTH CICERO AVENUE
LINCOLNWOOD, ILLINOIS 60712-1600
TEL (847) 675-0060
FAX (847) 675-0639

January 6, 2006

Mr. Phillip A. Koss
District Attorney
Walworth County Wisconsin
1800 County Trunk NN
Post Office Box 1001
Elkhorn, Wisconsin 53121

In Re: State of Wisconsin v. Donald J. McGuire, S.J.
Subpoena of records of Donald J. McGuire, S.J.

Dear Mr. Koss:

As I indicated to you over the telephone, we have very little with respect to Father McGuire. We do have Father McGuire's assignment or personnel sheet reflecting his various assignments or appointments since the time he has been associated with the Chicago Province of the Society of Jesus.

We also have most of the annual catalog entries with respect to Father McGuire (in Latin), which merely reflect his assignment in a particular ministry with respect to the years in question of 1966 through 1971.

In addition, the Province was served with copies of two civil Complaints filed by _____ and Victor Bender and, of course, has reams of information reflecting various motions and briefs with respect to such actions.

In view of the allegations as to the civil Complaints, the Province requested and received a copy of _____ academic transcript from St. Ignatius.

As to the Walworth County Wisconsin subpoena, which was mailed to Father Gschwend, we would have an objection to same in view of the fact that it is not only way too broad but also encompasses material which Father Edward Schmidt, S.J., as Provincial, feels is subject to privilege.

In terms of voluntarily releasing any information or offering anyone to testify on behalf of the prosecution as to such records, such could, in the age of HIPAA and confidentiality, impact the rights of Father McGuire as well as expose the Province to liability. Therefore, we must respectfully decline to cooperate without his consent.

EXHIBIT 71

000136

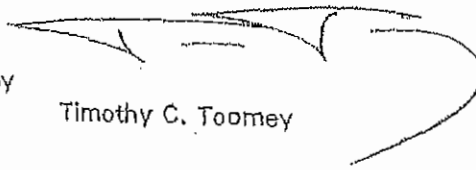
McCARTHY & TOOMEY

Mr. Phillip A. Koss
January 6, 2006
Page Two

If you have any questions or otherwise wish to discuss this matter, please feel free to contact us.

Very truly yours,

McCarthy & Toomey

By 

Timothy C. Toomey

l/jg

cc: Gerald P. Boyle

Papers: Jesuits Were Warned About Abusive Priest

by BARBARA BRADLEY HAGERTY

The archived audio and text for this story have been edited for privacy reasons.



Dan Lassitter/The Janesville Gazette/AP

Father Donald McGuire, shown here with nuns from Mother Theresa's order, the Missionaries of Charity, was convicted in 2006 of sexually abusing two boys in the 1960s.

October 29, 2007

text size **A A A**

Father Donald McGuire sexually abused two teenaged boys in the 1960s. That much is public record: He was convicted in a criminal trial last year.

As recently as nine weeks ago, Jesuit leaders insisted that they had no knowledge of any other abuse by the renowned priest. But documents show that over the past 38 years, Jesuit leaders were alerted many times about McGuire's behavior — even as criminal and civil cases were under way. That raises the question: What happened to those records?

"They either destroyed documents relevant to criminal activity, or they lied," said Marc Pearlman, an attorney for several plaintiffs.

Documents in the Case

Lawyers for several of Father McGuire's alleged victims have obtained documents that show the Jesuits were repeatedly alerted to his alleged sexual abuse, beginning in 1969. Read some of those documents:

Victim 4

Nov. 29, 1969: First official allegations (from Victim 4). McGuire was convicted last year of abusing Victim 4 and another boy, Vic Bender, in the 1960s.

Victim 7

Oct. 25, 2000: Letter from parents of Alleged Victim 7 to Jesuits about McGuire showing their son pornography.

Pearlman has obtained copies of 25 documents from families of alleged victims, which he gave to NPR. They indicate that McGuire had sexual relationships with at least seven teenage boys between 1969 and 2004 (three others have since been identified). The documents include letters from family members to top Jesuit leaders, as well as letters from Jesuit leaders discussing the problem. Pearlman said because the Jesuits failed to act after the first report, a sexual predator had free access to young men for nearly 40 years.

Edward Schmidt, the provincial, or leader, of the Jesuits in Chicago, said they were not protecting McGuire.

"We were treating him as a member of the Jesuit order," he said in a phone interview. "We were proceeding as though he were a good person, you know, until we became aware of some of these issues that have now become public. Were we trying to protect him from authorities? Not in any way."

First Signs of Trouble

Until very recently, Donald McGuire was one of the most prominent Jesuits of his day. In 1983, he became the spiritual director of Mother Teresa's organization and her confessor. He led Ignatian retreats, calling people to an intimate relationship with God.

As he traveled the world, McGuire often brought a teenage boy with him as an intern, and devout Catholic families jumped at the privilege.

EXHIBIT 72

Victim 8

Oct. 27, 2000: Letter from the family of Alleged Victim 8 to the Jesuits about McGuire's influence on their son.

Jan. 10, 2001: Jesuits' response to the parents of Alleged Victim 8.

Dec. 7, 2002: Letter from the family of Alleged Victim 8 to the Archdiocese of Chicago.

The first signs of trouble surfaced in 1969, in a case that would eventually result in McGuire's criminal conviction. A 14-year old freshman at Loyola Academy, a high school near Chicago, met Father McGuire when the young priest was assigned to be his counselor. McGuire soon persuaded the teenager and his father to let him board at the school. McGuire said the boy would sleep in a nearby room. But McGuire immediately moved the boy to his own room and "then the abuse turned physical," according to the victim, now 51 years old.

"There's only one bed inside the room, so sleeping quarters were to sleep in the same bed together," the man said in a phone interview.

Victims 5 and 10

Oct. 18, 2007: Letter (and correction) from the father of Alleged Victims 5 and 10 retracting support for McGuire at his 2006 trial.

As recently as 2005, the Jesuits said they had no knowledge of this. But documents suggest they did. The boy had told his parish priest about the abuse. The priest wrote the Jesuits running the school in November 1969, and Pearlman has a copy of that letter. The said the Jesuits told him they would take care of McGuire. They put McGuire on sabbatical, and he did not return to the school. But three years later, the then-teenager realized they had not done enough.

Timeline

See Abuse Allegations Against Father Donald McGuire.

"I was walking down one of the lanes at Loyola University," he told NPR, "and ran smack dab into Father McGuire toting a little boy with him, in the ages of like 13 to 14 years old."

Related NPR Stories

Scandal in the Church: Five Years On
Jan. 11, 2007

Documents show that McGuire had a pattern: He would persuade a family to let their teenage son intern with him, and quickly move the boy into his room. And then, according an alleged victim who asked that his name not be used, McGuire would give the boy a sexual education, using the sacred rite of confession.

"We underwent something called a 'general confession,' whereby you just lay out your sins," the alleged victim, a young man, told NPR. "And the priest will help you, talk you through it, maybe give you some guidelines for the future. And his guidelines were to teach me about sex."

He says the guidelines included naked showers, massage and pornography. Between 1999 and 2002, the young man says he traveled with McGuire every summer, Easter and Christmas, and lived with him at Canisius House, a residence with other Jesuit priests. He said he cannot understand how they did not catch on that a teenager was living with a priest.

"How could they not know? I was in his room almost all the time," the young man said. "The food was being brought in. His secretary would drop me off. How could you not know?"

Father Edward Schmidt, the provincial since 2003, says it's an excellent question.

"I can see why the public would wonder about that," he says. "But Donald McGuire just had his own way of doing things. He could sneak people around late at night. It does seem very difficult, but I can believe that no other Jesuit knew about it. Other Jesuits would have been outraged if they had known

that. If anybody had seen that going on, known that was going on, he would have been denounced immediately."

Wisconsin Suit

In the summer of 2003, the man who was abused in the 1960s and Vic Bender, another man who was abused by the young priest around the same time, sued McGuire and the Jesuits. That suit led to a criminal case against the priest — not in Illinois, where the statute of limitations has run out, but in Wisconsin, where McGuire had taken the two teenagers, separately, on weekend trips. The district attorney there told NPR that he could not subpoena documents across state lines. He asked the Jesuits if they had records that would indicate McGuire had abused any boys since the late 1960s. He said, "I naively relied on their goodness."

The Jesuits said they had nothing.

"The statement by the Jesuits by the DA in Wisconsin — there's no other way to characterize it but a bald-faced lie," says attorney Marc Pearlman. "We now have the documents that show they had a great deal of material."

Pearlman said that one family wrote to Jesuit leaders in October 2000, asking them to investigate concerns they had about their son being forced to sleep on the same bed with the McGuire.

"And the Jesuits wrote back to them that, initially, 'We're looking into it,'" Pearlman said. "But pretty much for the next three years, [the Jesuits] told them that how they're investigating and what they're doing is none of their business," Pearlman said.

Or, as the Jesuit handling the case wrote, "We would hope that you would trust us to act appropriately."

Letters go back and forth until 2003, when the first civil lawsuit was filed. Eventually, McGuire was convicted of sexual assault. He has been sentenced to seven years in prison and is out pending appeal.

Provincial Edward Schmidt admits the Jesuits missed red flags.

"As I look back, in hindsight, there are lots of things we should have done differently," he says. "The fact of the matter is, we're dealing with someone who does his own thing. We had directives in place. We could have been stronger in managing him, but we were not. I wish we had been."

What about those documents, and Pearlman's allegations that the Jesuits lied or destroyed them? Schmidt says it's a mystery. The Jesuits recently hired a former FBI agent, Kathleen McChesney, to scour McGuire's files. The agent told NPR she has already found allegations going back to 1993.

As for McGuire, he remains a priest but cannot perform priestly duties. On Thursday, a Wisconsin judge will hear his motion for a new criminal trial. In a brief phone conversation, McGuire said he's "very hopeful" about the outcome.

Timeline: Abuse Allegations Against Father McGuire

The following is a timeline of allegations of abuse against Father Donald McGuire, put together by lawyers for the plaintiffs. Not all of the alleged victims in the timeline are plaintiffs, and not all of the documents cited in the timeline have been made public.

July 9, 1930: Donald J. McGuire is born in Oak Park, IL.

Aug. 21, 1947: McGuire enters the Jesuit Order.

1961: McGuire is ordained as a Jesuit priest.

Early 1960s: McGuire allegedly abuses Victim 1 in Europe.

1965: McGuire begins teaching at Loyola Academy, a high school in Chicago.

1966-1968: McGuire allegedly abuses Vic Bender (Victim 2) at Loyola Academy.

1968: McGuire allegedly abuses Victim 3 at Loyola Academy.

1968-1969: McGuire allegedly abuses Victim 4 at Loyola Academy.

Nov. 29, 1969: Father Charles Schlax, a Chicago Archdiocese priest and the pastor at Our Lady of Lourdes, writes to Father John Reinke, S.J., the president of Loyola Academy, to confirm their telephone conversation about the sexual abuse of Victim 4 (relayed to Father Schlax by Victim 4 earlier that day). The letter says that Victim 4 said McGuire is a "pervert."

1970: McGuire transferred to Loyola University, also in Chicago.

1983: Thirteen years after the Jesuits first learned of Victim 4's allegations of sexual abuse by McGuire, McGuire becomes the spiritual director for the Missionaries of Charity, Mother Teresa's order. He becomes Mother Teresa's confessor.

1986: Victim 9 is born. McGuire baptizes him and becomes his godfather.

1987-94: McGuire's alleged molestation of Victim 5 (then 8 or 9 years old) begins.

Oct. 24, 1987: Victim 10 (brother of Victim 5) is born. McGuire baptizes him. McGuire also baptized his younger siblings.

July 1993 – Jan. 1994: Several letters are exchanged between the father of Victim 6 and the Jesuits regarding what the father feels is McGuire's inappropriate contact with the teenager.

Summer 1999: Victim 9 goes to Chicago to "live" with McGuire at Canisius House. McGuire allegedly uses confessions as a means to begin fondling Victim 9, who alleges that McGuire sexually molested him hundreds of times between 1999 and 2004, including regular abuse during confession.

Oct. 25, 2000: The parents of Victim 7 (McGuire's assistant from June 1998 to August 1999) write the Jesuits (Father McGurn), alleging that McGuire had shown pornography to their child and saying their son's emotional state "alarmed" them.

Oct. 27, 2000: The parents of Victim 8 (another assistant to McGuire) write a detailed letter to McGurn following a September 2000 phone conversation outlining their concerns about McGuire's relationship with their son. They report that McGuire made their teenage son sleep in the same bed with him in 1999-2000.

Jan 10, 2001: McGurn writes back to the parents of Victim 8, refusing to share any details about how the allegations would be handled. "We hope you would trust us [Jesuits] to act appropriately." There is no record of the Jesuits doing anything to restrict McGuire at or around that time. In fact, at that time, Victim 9 continued to live with McGuire when he was not at school; he was allegedly sexually abused almost daily when he was with McGuire.

Fall 2001: McGuire allegedly abuses Victim 10 on at least two occasions.

November 2001: Victim 10 accompanies McGuire, who is directing an Ignatian retreat, to assist and serve McGuire. Victim 10 sleeps in McGuire's room.

March 2002: Victim 5 marries. McGuire witnesses the wedding. The family hosts a fundraiser for McGuire's missionary work the next day. McGuire allegedly sexually assaults Victim 10 (brother of Victim 5) again throughout the weekend.

July 2002: McGuire takes Victim 10 on an eight-day retreat.

Dec. 7, 2002: The parents of Victim 8 contact the Archdiocese of Chicago. They tell the Cardinal's delegate that they are frustrated that their complaint to the Jesuits has not been resolved and that McGuire is still working in ministry.

Aug. 17, 2003: Victim 4 sues the Jesuits over his alleged sexual abuse. McGuire tells the father of Victims 5 and 10 that the plaintiff is just after money and will be made "to look foolish."

Sept. 25, 2003: Vic Bender (Victim 2) files suit against McGuire and the Jesuits for alleged abuse while he was a student at Loyola Academy.

Oct. 1, 2003: Father Edward Schmidt calls the parents of Victim 8, who had first complained three years ago, advising them that McGuire's faculties had been removed. He suggests that the action is the result of the parents' reports. However, by that time, two civil lawsuits had been filed against the Jesuits and McGuire — by Bender and Victim 4 — and a criminal investigation was under way.

Summer 2004: McGuire allegedly sexually abuses Victim 9 for the last time, after the order told the parents of Victim 8 that McGuire had been disciplined.

Feb. 8, 2005: McGuire is arrested in Wisconsin and charged with sexually abusing Victim 4 and Bender.

February 2006: McGuire is convicted of five counts of sexual assault of a minor in Wisconsin. He remains free, pending appeal. He appears in court — and in his sex-offender registry photo — in his Roman Catholic collar.

Aug. 21, 2007: Victim 9 files a lawsuit against the Jesuits and McGuire.

September 2007: McGuire continues to wear a Roman Catholic collar and "act" like a priest in public. Father Edward Schmidt, S.J., provincial of the Jesuits, says he cannot prevent McGuire from wearing the collar.

Oct. 8, 2007: The father of Victims 5 and 10 writes a letter retracting support for McGuire at his 2006 trial. (A correction to some of the details of the letter is dated Oct. 18, 2007.)

Oct. 12, 2007: Victims 5 and 10 report sexual abuse by McGuire to the Jesuits.

Oct. 23, 2007: Victims 5 and 10 file suit against the Jesuits and McGuire.

TODAY: McGuire remains free pending his appeal and has been seen on many occasions with young men. He lives in a private residence in Oak Lawn, Ill. The Jesuits have not indicated that they are monitoring him in any way. McGuire remains a Jesuit priest, and the Jesuits have not indicated any intention of removing him.

— Based on a timeline released by plaintiffs' attorney Marc Pearlman.

comments

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