

1 COMMONWEALTH OF MASSACHUSETTS

2 SUFFOLK, ss

SUPERIOR COURT DEPARTMENT

CA 02-04628-T1

3 (Consolidated with CA 02-1296)

(Originally entered in

4 Middlesex County as

No. 02-0822)

5 PAUL W. BUSA,

6 Plaintiff,

7 vs.

8 BERNARD CARDINAL LAW, et al.,

Defendants.

9  
10  
11 THE VIDEOTAPED DEPOSITION OF CARDINAL  
12 BERNARD F. LAW, a witness called by the  
13 Plaintiffs, taken pursuant to the applicable  
14 provisions of the Massachusetts Rules of Civil  
15 Procedure, before Kathleen L. Good, (CSR  
16 #112593), Registered Professional Reporter and  
17 Notary Public in and for the Commonwealth of  
18 Massachusetts, at the offices of Greenberg  
19 Traurig, One International Place, Boston,  
20 Massachusetts 02110, on Wednesday, January 22,  
21 2003, commencing at 10:08 a.m.

22 K. L. GOOD & ASSOCIATES

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1 Father Burns during his stay in the Archdiocese 10:45:09  
2 of Boston are the cause, potential and actual, of 10:45:12  
3 grave scandal." 10:45:15  
4 A Yes. 10:45:16  
5 Q Do you see that, Cardinal? 10:45:17  
6 A Yes, I do. 10:45:18  
7 Q Let's go back to the O'Sullivan case, and now 10:45:19  
8 that we've determined that you actually used the 10:45:21  
9 word scandal, why don't you give us your 10:45:24  
10 definition of scandal as you used it on the last 10:45:26  
11 page of Exhibit 3. 10:45:28  
12 A What is meant here on the last page of Exhibit 3 10:45:30  
13 is that the immoral and illegal activities of 10:45:35  
14 Father Burns when he was in the Archdiocese of 10:45:40  
15 Boston, are the cause both of actual scandal -- 10:45:43  
16 in other words, that his acts caused people to 10:45:48  
17 view him and the Church in whose name he served 10:45:54  
18 in a negative light. And that would be actual 10:46:00  
19 scandal. 10:46:03  
20 And then potential scandal would be that his 10:46:04  
21 continued presence and ability to serve as a 10:46:08  
22 priest would pose that threat. 10:46:14  
23 Q Then you'll also see in the third to last 10:46:18  
24 paragraph, you state: 10:46:20

1 "I believe that this action" -- which, in 10:46:25  
2 the case of Father Burns was the dispensation 10:46:25  
3 from clerical duties, it states -- "I believe 10:46:28  
4 that this action would benefit the Church without 10:46:31  
5 causing undue harm to the priest." 10:46:34  
6 Do you see that? 10:46:36  
7 A That's correct. 10:46:36  
8 Q Okay. So clearly, in the case of Father Burns, 10:46:37  
9 you were concerned about the potential of Father 10:46:39  
10 Burns' continued status as a priest as 10:46:42  
11 potentially causing further scandal to the 10:46:47  
12 Church. Is that correct? 10:46:49  
13 MR. ROGERS: Objection to the form of 10:46:52  
14 the question. 10:46:53  
15 MR. CRAWFORD: Objection to the form 10:46:53  
16 also. 10:46:55  
17 You may answer. 10:46:55  
18 Q Do you understand the question? 10:46:56  
19 A I'm not sure. 10:46:57  
20 Q Sure. Let me try to rephrase it. It was badly 10:46:57  
21 put. 10:46:59  
22 In the case of Father Burns, one of the 10:47:00  
23 reasons why you joined with the Bishop of 10:47:02  
24 Youngstown, Ohio, in seeking to have Father Burns 10:47:08

1 removed from the -- 10:47:12  
2 A Laicized. 10:47:14  
3 Q Laicized. Let's put it laicized. 10:47:15  
4 -- was because you believed that the action 10:47:18  
5 of laicization had the potential to benefit the 10:47:20  
6 Church; is that correct? 10:47:23  
7 A That's correct. 10:47:24  
8 Q Now, you'll see in Exhibit No. 2, you see all of 10:47:24  
9 the allegations against Father Burns -- 10:47:28  
10 A Yes. 10:47:32  
11 Q -- involving sexual molestation. You see all of 10:47:32  
12 the amounts of money paid by the Archdiocese of 10:47:35  
13 Boston to settle cases involving Father Burns. 10:47:38  
14 Do you see that? 10:47:43  
15 A I do. 10:47:43  
16 Q So you must have some recollection given the 10:47:45  
17 magnitude of what this man did, about Father 10:47:47  
18 Burns. You must have some recollection, 10:47:50  
19 Cardinal, about him; is that correct? 10:47:52  
20 A Yes. 10:47:55  
21 Q Okay. You in fact met with Father Burns; is that 10:47:55  
22 not correct? 10:48:02  
23 A I believe that I -- the only -- the only 10:48:06  
24 recollection that I have of meeting with him was 10:48:10

1 seeing him when I went to, I think it was St. 10:48:14  
2 Mary's in Charlestown for the first time. 10:48:18  
3 Q Okay. But at some point, you learned that there 10:48:20  
4 were credible allegations of abuse against Father 10:48:23  
5 Burns; is that correct? 10:48:25  
6 A Well, obviously, because of the letter. You 10:48:27  
7 know, I can't tell you at what point, but, yes, 10:48:31  
8 at some point, I learned that there were credible 10:48:35  
9 allegations against Father Burns. 10:48:37  
10 Q And by 1999, you learned that after he had been 10:48:38  
11 released from the Archdiocese of Boston, he had 10:48:43  
12 gone to New Hampshire and committed yet another 10:48:44  
13 act of sexual molestation and had become 10:48:48  
14 incarcerated. 10:48:52  
15 Do you see that in Exhibit No. 2, Cardinal? 10:48:52  
16 A That's correct. 10:48:54  
17 Q When Father Burns left the Archdiocese of Boston, 10:48:56  
18 what actions did you personally take to ensure 10:49:03  
19 that the parishes where he had served were 10:49:04  
20 notified that Father Burns had credible 10:49:07  
21 allegations of sexual molestation against him? 10:49:09  
22 A As I think I've indicated to you before, matters 10:49:15  
23 with regard to the handling of these cases were 10:49:24  
24 delegated and I did not personally deal with the 10:49:32

1 details of what was done. 10:49:39  
2 Q Did you create any policy between the time that 10:49:44  
3 Father Burns left his ministry in 1991, and 1999 10:49:50  
4 when the sixth complaint came to the attention of 10:49:54  
5 you and the Archdiocese of Boston? Did you put 10:49:58  
6 into effect any policy whereby former 10:50:01  
7 parishioners at the two parishes where Father 10:50:04  
8 Burns served were notified of the fact that this 10:50:06  
9 man had now six credible allegations of child 10:50:09  
10 molestation against him? 10:50:13  
11 Did you put any policy like that into 10:50:14  
12 effect, Cardinal? 10:50:17  
13 A I think it should be a matter of record. If it 10:50:18  
14 is not, the written policy handling these cases 10:50:21  
15 is the policy of 19 -- I think 1983. 10:50:24  
16 Q 1993? 10:50:28  
17 A I mean 1993. Yes. I wasn't here in '83, thank 10:50:29  
18 God. 1993. And so the policy is stated there. 10:50:34  
19 Q Well -- and there is no policy about -- 10:50:40  
20 A And I think --  
21 Q -- going back, correct, Cardinal? 10:50:42  
22 A That's right. I do not -- 10:50:44  
23 MR. CRAWFORD: Let him finish his 10:50:47  
24 answer, please, before you jump in with another 10:50:48

1 question. 10:50:50  
2 A The policy --  
3 MR. CRAWFORD: Would you complete your 10:50:51  
4 answer, please. 10:50:51  
5 THE WITNESS: Yes. 10:50:52  
6 A The policy of the Archdiocese of Boston was put 10:50:52  
7 in written form in 1993. I even think at that 10:50:56  
8 time, I may be wrong, but I think that you had 10:51:02  
9 something positive to say about that policy when 10:51:04  
10 it was put in place, didn't you? 10:51:07  
11 Q You know, the thing about the deposition is that 10:51:10  
12 I get to ask the questions and you have to give 10:51:11  
13 the answers. I'm happy to talk about that with 10:51:13  
14 you privately. 10:51:17  
15 A I think you did. 10:51:19  
16 Q Well --  
17 A But at any rate, it was 1993 when we put the 10:51:20  
18 policy in place. And at that time, the policy 10:51:23  
19 did not deal with going to parishes where people 10:51:27  
20 had served previously. 10:51:31  
21 Q Was that because of the need to prevent scandal 10:51:31  
22 to the Church, Cardinal Law? 10:51:34  
23 A The effort in putting that policy in place, 10:51:39  
24 Mr. MacLeish, was to handle these cases in the 10:51:44

1 most effective way we knew how at that time. 10:51:47  
2 When that policy was written, it was 10:51:49  
3 generally praised as being forward looking. As 10:51:53  
4 we look at it now, it had deficiencies. And as 10:51:59  
5 you know, I corrected some of those deficiencies 10:52:04  
6 in January 1, 2000. January 1, 2001. But -- and 10:52:09  
7 as you know also, at the present time and while I 10:52:19  
8 was still Archbishop of Boston, we were 10:52:23  
9 attempting now to reach out in an effective way 10:52:25  
10 to parishes. 10:52:29  
11 But at that time, we didn't do that. 10:52:31  
12 Q Cardinal, this man had six allegations of child 10:52:33  
13 molestation against him, according to the 10:52:39  
14 memorandum that you sent to the Holy See. You 10:52:41  
15 see that in Exhibit 2? 10:52:44  
16 A Yes. 10:52:46  
17 Q He had a criminal conviction he was serving in 10:52:46  
18 New Hampshire; is that correct? 10:52:51  
19 A In 1999 after he had left this archdiocese, yes. 10:52:51  
20 Q What precautions did you personally put in place, 10:52:54  
21 including notification to the Department of 10:52:57  
22 Social Services or law enforcement, about the 10:52:59  
23 threat posed by Father Burns to children? 10:53:02  
24 Because you'll see after, as you correctly noted, 10:53:05

1 he left the Archdiocese, he went up to New 10:53:07  
2 Hampshire and was convicted of sexually abusing a 10:53:10  
3 minor and incarcerated. 10:53:13  
4 So my question is: While he was still a 10:53:15  
5 priest, what did you personally do, either by way 10:53:17  
6 of policy or communication to law enforcement or 10:53:20  
7 DSS, to ensure that Father Burns, when he left 10:53:25  
8 the Archdiocese, would not commit abuse again? 10:53:29  
9 Did you do anything? 10:53:31  
10 A Mr. MacLeish, the policy is the written policy of 10:53:35  
11 1993. What I did with regard to Father Burns is 10:53:39  
12 what I was able to do and that was to be sure 10:53:45  
13 that he did not serve in this Archdiocese. I did 10:53:48  
14 not have the responsibility, the authority over 10:53:54  
15 Father Burns beyond saying that he could not 10:53:59  
16 serve in this Archdiocese because I was not his 10:54:02  
17 bishop. 10:54:05  
18 Q He went up to New Hampshire, correct? 10:54:05  
19 A I did not know where he went, but I knew that he 10:54:09  
20 went to New Hampshire when I heard about the fact 10:54:12  
21 that he had run afoul and had acted out and had 10:54:16  
22 been in prison. 10:54:20  
23 Q And the question is: You knew before he went 10:54:22  
24 to -- 10:54:25

1 A He was a priest of Youngstown, Ohio; not a priest of the Archdiocese of Boston. 10:54:25  
2 10:54:29  
3 Q Right. Yet he served in the Archdiocese for ten years? 10:54:30  
4 10:54:32  
5 A While he was here. 10:54:33  
6 Q Yes. 10:54:34  
7 A Yes. 10:54:34  
8 Q And did he come to the Archdiocese of Boston, from what you're able to gather, because there was some shortage of priests within the Archdiocese or did he come and serve as a priest of the Archdiocese of Boston because Youngstown did not want to have him there, given the acts of child molestation he committed there? 10:54:35  
9 10:54:37  
10 10:54:39  
11 10:54:42  
12 10:54:48  
13 10:54:48  
14 10:54:51  
15 MR. CRAWFORD: Objection to form. 10:54:53  
16 Q That's very bad question. Let me break it down. 10:54:55  
17 From what you have been able to gather and what you submitted to the Holy See, was there any shortage of priests that caused Father Burns to come and serve in Boston? 10:54:58  
18 10:54:59  
19 10:55:04  
20 10:55:06  
21 A This is a very tragic case, Mr. MacLeish. And among the many, many cases that I've had anything to do with, to my mind, this is one of the most frustrating. 10:55:09  
22 10:55:16  
23 10:55:21  
24 10:55:27

1 Clearly, he did not come here in lend lease. 10:55:28  
2 The decision for him to come here was made by my predecessor, the allowance for him to come, an arrangement made between my predecessor and Bishop Malone. However, it happened. The full record of Father Burns was obscured and he should never have received -- he should never have received an appointment. 10:55:33  
3 10:55:38  
4 10:55:42  
5 10:55:47  
6 10:55:57  
7 10:56:06  
8 10:56:11  
9 Q I'm sorry. Finish your answer. 10:56:16  
10 A He should never have received an appointment. 10:56:17  
11 Q You say "the full record of Father Burns was obscured." 10:56:20  
12 10:56:22  
13 What do you mean by that, Cardinal? 10:56:23  
14 A Well, given the record -- I think you read it here. 10:56:28  
15 10:56:36  
16 Q Right. 10:56:36  
17 A Well, "Through a misjudgment of the severity of his past behavior and the likelihood of its reoccurrence, Father Burns received the full faculties of the Archdiocese." 10:56:40  
18 10:56:42  
19 10:56:46  
20 10:56:48  
21 That should not have happened. 10:56:51  
22 Q I'm asking you about obscurity now. Read the previous sentence, Cardinal. 10:56:52  
23 10:56:56  
24 "On October 27, 1982" -- "The October 27, 10:56:57

1 1982, report from the House of Affirmation to Reverend Gilbert Finn, Director of the Office of Clergy Personnel, copy attached, clearly stated that Father Burns ought not to receive an assignment that placed him in a position to minister to minors." 10:57:01  
2 10:57:03  
3 10:57:07  
4 10:57:10  
5 10:57:12  
6 10:57:14  
7 A That's what I mean by obscured. It seems to me -- and I don't -- you know, I can't say this with any kind of certainty, but it would seem to me that that record was somehow obscured; that it was either lost sight of, it wasn't where it should have been, but if there were such -- and I have no reason to doubt because the copy is there -- if there were such a record, that on the basis of that record, he should never have received an assignment. He should never have received an assignment. 10:57:16  
8 10:57:19  
9 10:57:24  
10 10:57:28  
11 10:57:35  
12 10:57:39  
13 10:57:42  
14 10:57:45  
15 10:57:48  
16 10:57:51  
17 10:57:58  
18 Now, I can't imagine that it would have been recommended to me that he be given an assignment in the face of that kind of a record unless there were an intervening kind of judgment that it would be appropriate, and I don't know of any, and there was none listed here in this memorandum. 10:57:58  
19 10:58:00  
20 10:58:06  
21 10:58:09  
22 10:58:14  
23 10:58:18  
24 10:58:23

1 Q Well, we know from your own writings, Cardinal Law, that the recommendation of the House of Affirmation clearly stated that Father Burns ought not to receive an assignment that placed him in a position with minors. 10:58:24  
2 10:58:27  
3 10:58:29  
4 10:58:32  
5 10:58:34  
6 You see that in your memorandum to the Holy See; is that correct? 10:58:36  
7 10:58:39  
8 A Yes. This is a memorandum stating that in October 27, 1982 -- which is two years before I came here as Archbishop. 10:58:39  
9 10:58:42  
10 10:58:47  
11 Q I understand that, yes. 10:58:48  
12 A -- that there is this report from the House of Affirmation. And what I'm saying to you, Mr. MacLeish, as I sit here now with these documents in front of me, with my own memory of this very tragic, sad case, that this priest should never have received an assignment on the basis of that and that -- and I can't imagine that an assignment would have been made with active knowledge of that before someone. 10:58:49  
13 10:58:51  
14 10:58:54  
15 10:58:58  
16 10:59:02  
17 10:59:09  
18 10:59:11  
19 10:59:18  
20 10:59:25  
21 Q Could you please turn to Burns 274 in Exhibit No. 3. This is the affidavit of the Bishop of Youngstown. 10:59:29  
22 10:59:33  
23 10:59:36  
24 A Yes. 10:59:37

1 Q You know the bishop, Bishop Malone; is that 10:59:37  
2 correct? 10:59:41  
3 A Yes. He's deceased now. 10:59:41  
4 Q Right. 10:59:43  
5 A But I did know him, yes. 10:59:44  
6 Q Why don't you take a moment and look at that 10:59:45  
7 affidavit. 10:59:48  
8 A Surely. 10:59:48  
9 Q I'm going to be asking you about No. -- well, ask 10:59:48  
10 you about No. Paragraph 10, if you could focus on 10:59:52  
11 that, Paragraph 11. 10:59:55  
12 MR. ROGERS: It's now 11. Would this 10:59:57  
13 be an appropriate time for a break or do you want 10:59:59  
14 to -- 11:00:01  
15 MR. MacLEISH: Sure. Could we stick to 11:00:02  
16 five minutes? 11:00:05  
17 THE VIDEOGRAPHER: Time is 11 a.m. 11:00:06  
18 We're off the record. 11:00:08  
19 (Recess.) 11:00:11  
20 THE VIDEOGRAPHER: The time is 11:10 11:09:06  
21 a.m. We're on the record. 11:10:30  
22 Q Have you had the opportunity to look at Bishop 11:10:32  
23 Malone's affidavit, Cardinal? 11:10:34  
24 A I did, yes. 11:10:36

1 Q You'll see there are allegations of child abuse 11:10:36  
2 when Father Burns was serving in the Diocese of 11:10:40  
3 Youngstown. 11:10:44  
4 Do you see that? 11:10:44  
5 A Yes. 11:10:45  
6 Q He then was sent to -- you'll see in Paragraph 5, 11:10:48  
7 he went -- in -- sorry, Paragraph 8, Paragraph 9, 11:10:51  
8 Paragraph 7, he went to the House of Affirmation 11:10:56  
9 here in Massachusetts; is that correct? 11:10:59  
10 A I see that, yes. 11:10:59  
11 Q You'll see in Paragraph 10, it says: 11:11:00  
12 "Prior to Father Burn's discharge from the 11:11:03  
13 House of Affirmation, I had determined that he 11:11:05  
14 would not be reassigned within the diocese of 11:11:08  
15 Youngstown." 11:11:11  
16 Do you see that? 11:11:12  
17 A I saw that. 11:11:12  
18 Q "Father Burns decided to remain in the Boston 11:11:13  
19 area and he approached the most Reverend Alfred 11:11:15  
20 C. Hughes, auxiliary bishop of the Archdiocese of 11:11:18  
21 Boston, and Gilbert S. Finn, Director of 11:11:21  
22 Personnel of the Archdiocese of Boston, about his 11:11:24  
23 desire for a part-time assignment within the 11:11:27  
24 Archdiocese while he pursued post-graduate 11:11:29

1 studies at Boston University." 11:11:31  
2 Do you see that? 11:11:33  
3 A I do. 11:11:33  
4 Q Then it states in Paragraph 11: 11:11:34  
5 "I had various discussions by telephone with 11:11:36  
6 Bishop Hughes and Father Finn regarding Father 11:11:38  
7 Burns in which I clearly identified the problems 11:11:41  
8 which led to Father Burns' treatment at St. Luke 11:11:44  
9 Institute and House of Affirmation. Bishop 11:11:48  
10 Hughes and Father Finn both assured me that they 11:11:50  
11 were fully aware of Father Burns' history; that 11:11:53  
12 he had been and was receiving treatment; and that 11:11:56  
13 any assignment he would be given would be subject 11:11:58  
14 to the recommendation of his counselors and would 11:12:00  
15 not allow him to be in a position where he would 11:12:03  
16 have contact with young boys." 11:12:06  
17 Do you see that? 11:12:08  
18 A I do that. 11:12:08  
19 Q And those are the words of -- 11:12:09  
20 A Of Bishop Malone. 11:12:12  
21 Q -- Bishop Malone. 11:12:13  
22 A Recording his conversations with Bishop Hughes 11:12:14  
23 and Father Finn. 11:12:17  
24 Q You'll see in Paragraph 14, he also states: 11:12:19

1 "At all times in my discussions with Bishop 11:12:23  
2 Hughes and Father Finn, I was open and frank 11:12:24  
3 about Father Burns' problems and I never made any 11:12:28  
4 attempt to withhold any information that was 11:12:30  
5 within my knowledge." 11:12:33  
6 Is that correct? 11:12:34  
7 A That's correct. 11:12:34  
8 Q And you knew Bishop Malone to be an honest and 11:12:35  
9 credible person; is that correct? 11:12:37  
10 A Certainly. 11:12:39  
11 Q So in the case of Father Burns, when you referred 11:12:40  
12 earlier there was some obscurity, you've now had 11:12:46  
13 the benefit of reading the sworn statement of 11:12:49  
14 Bishop Malone. 11:12:51  
15 Does that in any way modify or change your 11:12:53  
16 earlier answers about what was obscure to the 11:12:56  
17 Archdiocese of Boston about Father Burns? 11:13:00  
18 A May I, rather than saying yes, no, may I be a 11:13:04  
19 little bit more -- 11:13:09  
20 Q You can answer the question as you want to. 11:13:10  
21 A Yes, I want to answer the question. 11:13:11  
22 This document before me is 1999, this sworn 11:13:13  
23 affidavit of Bishop Malone. At this point, he is 11:13:24  
24 not in this Archdiocese, as you understand. So 11:13:40

1 it's after the fact -- 11:13:45  
2 Q Right. 11:13:47  
3 A -- in a sense. Where my indication of obscurity 11:13:47  
4 may be better understood is in Paragraph 10 -- 11:14:00  
5 Q Yes. 11:14:05  
6 A -- where Bishop Malone says that Father Burns 11:14:08  
7 approached Bishop Hughes and Father Finn. And I 11:14:14  
8 presume that this is in 1982. When I came into 11:14:24  
9 this Archdiocese, it was '84. And -- 11:14:35  
10 Q Right. 11:14:38  
11 A -- and Father Finn was not in the personnel 11:14:38  
12 office. 11:14:41  
13 Q He had been assigned as a pastor, I believe? 11:14:41  
14 A Yes. He was a pastor. I think at that point he 11:14:45  
15 was pastor of Gate of Heaven in South Boston. I 11:14:48  
16 did not make that assignment. That was made when 11:14:51  
17 I came here. That's where he was. I 11:14:54  
18 subsequently assigned him to St. Elizabeth of 11:14:57  
19 Hungary in Milton, where he is very effectively 11:15:00  
20 the pastor now. 11:15:03  
21 So he was not in the Office of Personnel at 11:15:05  
22 that point. Bishop Hughes was -- and I presume 11:15:10  
23 in '82 also was -- the rector of the seminary, 11:15:20  
24 would not ordinarily have been a person who would 11:15:26

1 be handling personnel at that point. 11:15:29  
2 How it happened that Father Burns spoke to 11:15:33  
3 Bishop Hughes, I don't know. But Bishop Hughes 11:15:38  
4 would not have been in a line to follow-up on 11:15:46  
5 personnel assignments. When I came into the 11:15:50  
6 diocese, it would have been Bishop Daily who 11:15:56  
7 would have had that role with the people who were 11:15:59  
8 in the personnel office at the time, would have 11:16:04  
9 been Father Oates and Father Jim McCarthy, I 11:16:07  
10 believe, both of them in that personnel office. 11:16:14  
11 Bishop Hughes would not have been in that 11:16:20  
12 loop. And Bishop -- and Father Finn was not in 11:16:22  
13 the office. 11:16:27  
14 So what the knowledge of Father McCarthy and 11:16:28  
15 Father Oates was -- 11:16:36  
16 Q And Bishop Daily. 11:16:37  
17 A -- at that point, I do not know. 11:16:38  
18 What the active knowledge of Bishop Daily 11:16:40  
19 was at that point, I do not know. 11:16:43  
20 Q No. 11:16:47  
21 A Nor can I speak -- it says here that Bishop 11:16:47  
22 Hughes and Father Finn assured me that, in 11, 11:16:51  
23 that they were -- and this is '99 and he's 11:16:56  
24 thinking back to '82 -- that they were fully 11:16:59

1 aware of Father Burns' history; that he had been 11:17:03  
2 and was receiving treatment; and that any 11:17:06  
3 assignment he would be given would be subject to 11:17:09  
4 the recommendation of his counselors and would 11:17:11  
5 not allow him to be in a position where he would 11:17:16  
6 have contact with young boys. 11:17:16  
7 I have no idea what the records show with 11:17:17  
8 regard to any of that either. But all I can say 11:17:20  
9 as I sit here is to say that certainly, given an 11:17:25  
10 indication that he should not be assigned, then 11:17:35  
11 to have been assigned, was a mistake. And it had 11:17:39  
12 to be a mistake based on the fact that 11:17:42  
13 information that should have been before one and 11:17:46  
14 should have been operative in a decision wasn't. 11:17:49  
15 Q Well, Cardinal, why don't we just look again at 11:17:51  
16 Exhibit 2 and let me read you the last paragraph 11:17:53  
17 and see if you want to modify the answer you just 11:17:56  
18 gave. 11:17:58  
19 "During his eight-year presence within the 11:17:58  
20 Archdiocese of Boston, Reverend Robert Burns is 11:18:00  
21 alleged to have sexually molested six young men. 11:18:03  
22 This propensity was known to officials within the 11:18:06  
23 Archdiocese of Boston but overlooked in favor of 11:18:09  
24 Father Burns' solemn assurance of his ability to 11:18:12

1 control his impulses." 11:18:15  
2 Do you see that? 11:18:17  
3 A I see that. 11:18:17  
4 Q So you wrote that Father Burns, that his 11:18:18  
5 propensity to become sexually involved with young 11:18:22  
6 men was known to officials within the Archdiocese 11:18:25  
7 of Boston. That's what you said to the Holy See, 11:18:28  
8 correct? 11:18:32  
9 A Well --  
10 MR. CRAWFORD: Objection to the form. 11:18:32  
11 You may answer. 11:18:33  
12 A I did not prepare this memorandum; I submitted 11:18:35  
13 this memorandum. 11:18:40  
14 Q Did you read it? 11:18:41  
15 A I can't say whether I read it or not. 11:18:44  
16 Q A memorandum to the Holy See submitted by you as 11:18:47  
17 an attachment, I believe, of your letter of April 11:18:50  
18 29, 1999, wouldn't it have been your practice to 11:18:53  
19 read communications that were as serious as 11:18:57  
20 these, Cardinal Law? 11:18:59  
21 A I would have asked that a memorandum be prepared 11:19:00  
22 from the record and I would have trusted the 11:19:03  
23 persons responsible for making the memorandum. I 11:19:07  
24 cannot state, as I sit here under oath, that I 11:19:09