

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
2 FOR THE COUNTY OF MULTNOMAH
3

4 Plaintiff,

5 vs. No. A8508-04830

6 THOMAS B. LAUGHLIN and
7 ARCHDIOCESE OF PORTLAND IN
8 OREGON, a corporation,

VOLUME I

8 Defendants.

9 DEPOSITION OF THOMAS B. LAUGHLIN

10 BE IT REMEMBERED that on Tuesday, the 27th day
11 of May, 1986, at 9:50 a.m., this matter came on for
12 the taking of the deposition of THOMAS B. LAUGHLIN
13 on behalf of the Plaintiff; at the offices of Badar-
14 Schultz & Associates, 219 Central Avenue, NW, Suite
15 606, Albuquerque, New Mexico; before DEBBIE WEISMAN,
16 a Certified Shorthand Reporter and Notary Public.

14 A P P E A R A N C E S

15 FOR THE PLAINTIFF: MR. MORTON A. WINKEL
16 Attorney at Law
17 Oregon National Bldg.
18 Portland, Oregon 97205

17 FOR THE DEFENDANT DUNN, CARNEY, ALLEN, HIGGINS
18 LAUGHLIN: & TONGUE
19 Attorneys at Law
20 851 SW Sixth
21 Suite 1500
22 Portland, Oregon 97204
23 BY: MR. JOHN J. HIGGINS ✓

21 FOR THE DEFENDANT COONEY, CREW & WIHTOL
22 ARCHDIOCESE OF Attorneys at Law
23 PORTLAND: 205 Riviera Plaza
24 1618 SW First Avenue
25 Portland, Oregon 97201
BY: MS. CONNIE K. ELKINS

25 ALSO PRESENT: MR. CARL R. RODRIGUES

1 Q. Tell us about the relationship with the
2 second of these two boys who is now number seven.

3 A. It was approximately the same. Over a
4 two- or three-week period, maybe twice, and it was
5 fondling.

6 Q. The graduated eighth grader?

7 A. Right.

8 Q. Did any of this take place with more than
9 two people present?

10 A. No.

11 Q. So at the archbishop's request, you drove
12 to Portland?

13 A. As I recall, that's the way it went the
14 second time, but I can't remember the second trip at
15 all.

16 Q. Before you suggested that it might have
17 been the second trip that Father Blackburn
18 accompanied you on.

19 A. Yeah. I don't remember, but I know that
20 the archbishop knew and we talked about it.

21 Q. Okay.

22 A. Whether it was -- I can't believe it was on
23 the phone.

24 Q. Tell us about this second conversation with
25 the archbishop.

1 A. It was similar to the first, but far more
2 serious. And he said, "I will have to move you now."

3 Q. What did you say?

4 A. I said, "I don't have anything to say about
5 it."

6 He asked me again, I believe, did I need
7 professional help, and again I answered no.

8 Q. You weren't sure before whether he had
9 asked you whether you needed professional help?

10 A. I was sure he did, yes. I think he asked
11 both times. Howard was the one that I don't recall
12 ever asking.

13 Q. I'm sorry. How soon after that
14 conversation was your assignment changed?

15 A. Oh, it was either the 1st of July or the
16 1st of August.

17 Q. So within a very short time after that
18 conversation?

19 A. Well, if it was in 72, it was a very short
20 time. If it was in the summer of 71, it would have
21 been a year later. I'm not sure.

22 Q. That comparison doesn't help you?

23 A. Not really. I remember very distinctly
24 going once to Portland with Father Blackburn. Now,
25 whether that was the first time or the second time,

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STATE OF NEW MEXICO :
: SS. REPORTER'S CERTIFICATE
COUNTY OF BERNALILLO :

I, the undersigned Court Reporter and Notary Public, HEREBY CERTIFY that prior to the taking of the foregoing deposition, I administered the oath to the witness; that I later caused my notes to be transcribed under my personal supervision; and that the foregoing is a true and accurate record, to the best of my ability, of the deposition of said witness.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

I FURTHER CERTIFY that the cost of the original of this deposition is \$ _____ to the Plaintiff.

DATED this 10th day of July, 1986.

DEBBIE WEISMAN, CSR

Debbie Weisman

MY COMMISSION EXPIRES: February 22, 1989.

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON
2 FOR THE COUNTY OF MULTNOMAH

3
4 Plaintiff,

5 vs. No. A8508-04830

6 THOMAS B. LAUGHLIN and VOLUME II
7 ARCHDIOCESE OF PORTLAND IN
8 OREGON, a corporation,

9 Defendants.

10 CONTINUED DEPOSITION OF THOMAS B. LAUGHLIN

11 BE IT REMEMBERED that on Wednesday, the 28th day
12 of May, 1986, at 9:10 a.m., this matter came on for
13 the continued taking of the deposition of THOMAS B.
14 LAUGHLIN on behalf of the Plaintiff; at the offices
15 of Badar-Schultz & Associates, 219 Central Avenue,
16 NW, Suite 606, Albuquerque, New Mexico; before
17 DEBBIE WEISMAN, a Certified Shorthand Reporter and
18 Notary Public.

19 A P P E A R A N C E S

20 FOR THE PLAINTIFF: MR. MORTON A. WINKEL
21 Attorney at Law
22 Oregon National Bldg.
23 Portland, Oregon 97205

24 FOR THE DEFENDANT DUNN, CARNEY, ALLEN, HIGGINS
25 LAUGHLIN: & TONGUE
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BY: MR. JOHN J. HIGGINS

FOR THE DEFENDANT COONEY, CREW & WIHTOL
ARCHDIOCESE OF Attorneys at Law
PORTLAND: 205 Riviera Plaza
1618 SW First Avenue
Portland, Oregon 97201
BY: MS. CONNIE K. ELKINS

ALSO PRESENT: MR. CARL R. RODRIGUES

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1 but I think probably it should be copied, also.

2 MR. WINKEL: Well, if you would let me look
3 at it, maybe that won't be necessary.

4 MR. HIGGINS: Here it is.

5 (Recess taken.)

6 Q. (BY MR. WINKEL) While the copies are being
7 made, maybe we can make some progress.

8 Father, to your knowledge, were you ever at
9 any time in your career considered for promotion to
10 bishop?

11 A. I have heard rumors of that, yeah, but
12 nothing official.

13 Q. Was that on one occasion or more than one?

14 A. There was about a two-year period, I think,
15 when they were looking for a helper bishop in
16 Portland. And I know my name surfaced in the
17 clerical rumors. That's all I can say.

18 Q. There was a word you used before the word
19 bishop that I didn't understand.

20 A. Helper bishop, auxiliary bishop.

21 Q. Can you spell that for us?

22 A. A-u-x-i-l-i-a-r-y.

23 Q. The other one.

24 A. Helper?

25 Q. Oh, helper.

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100
1 A. Bishop Steiner and Bishop Waldschmidt were
2 named at that time.

3 Q. So this is the time preceding their
4 appointment?

5 A. Uh-huh.

6 Q. Can you be more specific as to what circles
7 that was circulating in?

8 A. Some of the priests and some of the
9 laypeople talked about it.

10 Q. Did you do anything to foster your chances,
11 so to speak?

12 A. I suppose I was accused of it, but I
13 certainly didn't. I knew I wasn't going to get it.

14 Q. Why did you know that?

15 A. Because there was all the previous trouble
16 that I had had. That was private.

17 Q. Why don't you tell us when this was as far
18 as years?

19 A. I'm not real sure, but I think it would be
20 1978 and the two years before that.

21 Q. Approximately 76 to 78?

22 A. Uh-huh.

23 Q. And was it your understanding at that time
24 that your previous troubles were known by other
25 people that might have some influence on the

1 selection?

2 A. Yeah. There were several priests who knew
3 of my problems.

4 Q. Who were they?

5 A. Father Blackburn, Father Neuville.

6 Q. Your thought was that if it appeared that
7 you might be getting close to the appointment, that
8 they would step forward and say something?

9 A. Oh, I'm sure that, you know, people are
10 asked for a recommendation of a specific candidate.
11 Now, whether I got that far or not, I don't know.
12 But if I did, I knew that I would be canceled.

13 Q. It is my understanding that the person who
14 makes the choices is the archbishop. Correct?

15 A. No, I don't think so.

16 Q. Why don't you tell me how that process
17 works?

18 A. It's changed a little, so I'm not real sure.
19 But the bishops of the province meet -- that would
20 be Oregon, Idaho, and Montana -- and they send some
21 names to the apostolic delegate. He sends those
22 names to Rome, and Rome chooses.

23 Q. And that's the process that was used when --

24 A. I think so.

25 Q. -- Bishop Waldschmidt --

1 A. Well, I believe it was, yeah.

2 Q. I'll step in before John does to remind you
3 that it's important to let me finish the questions
4 before you give your answers. Okay?

5 A. Okay.

6 Q. When was the first time, to your knowledge,
7 that Archbishop Power knew anything about your
8 sexual conduct?

9 A. About two years before 83, so I think it
10 was 1981.

11 Q. And what was it that came to your attention
12 at that time?

13 A. He called me into the office, and a family
14 had complained to him of my touching their son.

15 Q. What family was that?

16 MR. HIGGINS: I'll object to that and
17 instruct him not to answer. We'll await Judge
18 Crookham's call in another 25 minutes or so.

19 Q. (BY MR. WINKEL) And do you have a
20 recollection -- did you get a telephone call from
21 the archbishop, or did you get a telephone call from
22 someone else?

23 A. I'm fairly sure it was the archbishop. I'm
24 not sure.

25 Q. And did he tell you anything over the phone?

1 A. No. He just wanted to see me.

2 Q. Why don't you tell us what the conversation
3 was when you had the meeting with him?

4 MR. HIGGINS: Father, let me instruct you
5 that I would like to have you bear in mind that you
6 omit the names of the parents or laypeople if they
7 came up in the course of the conversation.

8 THE WITNESS: No, the names never did come
9 up. I never did know for sure. I made some guesses,
10 but I never did know for sure.

11 A. He told me this family had come in and
12 complained to him and said they didn't want to do
13 anything; they wanted just to make sure that I would
14 get help and that I wouldn't do anything more.

15 He gave me a long talk and made me promise
16 not to do anything like this again. The subject of
17 previous sexual things never came up in the
18 conversation, and I didn't volunteer it.

19 Q. (BY MR. WINKEL) Can you give us any
20 estimate as to how long this conversations took
21 place?

22 A. I would say between an hour and an
23 hour-and-a-half.

24 Q. Was there any emotion on either side?

25 A. There was a lot of pain on both sides, I

1 think.

2 Q. Any tears?

3 A. I think I teared, and I'm not sure whether
4 he did or not.

5 Q. Did he tell you with any specificity what
6 it was that the complaint was about?

7 A. He just mentioned that I had touched a boy,
8 as I recall, sexually, and wanted to know, you know,
9 did I do this.

10 And I said, yes, I had.

11 He told me the parents were happy with
12 everything else that I had done at the parish and
13 didn't want me moved.

14 Q. He asked you to promise not to repeat it?

15 A. Of any kind.

16 Q. And you did that?

17 A. I said at first I would try as hard as I
18 could with the help of God.

19 And he said, "That isn't enough," and he
20 kept asking and asking.

21 And finally I said yes to get out of there.

22 Q. Did he ask you whether you had ever done
23 anything like that on any other occasion?

24 A. No.

25 Q. Was there anything said about treatment?

1 A. It was the first time he had said anything,
2 but, as Archbishop Dwyer had said, he asked me, "Do
3 you think you need professional help?"

4 And I said, "No."

5 Q. Was there any discussion of any follow-up
6 on this subject?

7 A. No. Follow-up was that there was to be
8 nothing else.

9 Q. But there wasn't to be any checkup or you
10 coming back to him --

11 A. No.

12 Q. -- or anything like that?

13 A. No.

14 Q. To your knowledge, when was the next time
15 he heard anything about your sexual misconduct?

16 A. I'm not entirely sure what the date would
17 be, but I think it would be maybe a year, maybe even
18 a year-and-a-half later. I'm not sure exactly.

19 Q. What was that occasion?

20 A. When he called me in again and said that he
21 had received a complaint from a sister at Central
22 Catholic who talked to the principal and -- anyway,
23 it arrived with him finally that I had been involved
24 with one of the boys sexually, masturbating and the
25 other touches, and he said -- again, no name was

1 mentioned, and I think he thought that was the same
2 charge as the other one.

3 Q. What did he say?

4 A. And I wasn't sure whether it was or not
5 either because I didn't know either name.

6 Q. What was it that led you to believe that
7 the archbishop believed it was the same?

8 A. I think the general tenor of the
9 conversation went that way. I certainly went out
10 with the impression that he thought it was the same,
11 and I didn't say to him at that time that there were
12 others, that it could have been somebody else.

13 Q. When you say the same, do you mean the same
14 boy?

15 A. Yes.

16 Q. On a different occasion, though?

17 A. Well, the first one was the parents and the
18 boy. The second time, it was a boy at school. As I
19 understand it, it was after a retreat or something
20 that he had talked to one of the sisters. So it
21 could have been the same boy. I don't know for sure.

22 Q. But what I'm getting at is: It could have
23 been the same boy, but, on the other hand, it could
24 have been an incident that took place subsequent to
25 the parents' visit to the archbishop?

1 A. It could have been, yes, but I didn't have
2 any idea of --

3 Q. Nothing in the conversation led you to
4 believe one way or the other?

5 A. No. As a matter of fact, I was hoping it
6 was the same one.

7 Q. Did he tell you the name of the sister?

8 A. No. It was a sister from Central. I don't
9 exactly remember. I think her name was Kennedy.

10 Q. And he told you that she had gone to the
11 principal?

12 A. I think that was the way it went. I'm not
13 sure.

14 Q. Who was the principal?

15 A. Father Dernbach.

16 Q. And Father Dernbach had told who?

17 A. He communicated with the archbishop.

18 Q. But it might have been through some
19 intermediary?

20 A. It might have been through one of the other
21 priests in the chancery.

22 Q. Do you know when in 1981 you had the first
23 visit with the archbishop?

24 A. No, I don't.

25 Q. Can you tell us whether it was early in the

1 year or late?

2 A. No, I can't. All I can say is it was
3 roughly two years before. I don't remember.

4 Q. Two years before what?

5 A. Two years before June of 83. That's the
6 timing that has always stuck in my mind, two years.

7 Q. With regard to the second conversation with
8 the archbishop, how do you relate that to June of 83
9 in time?

10 A. I really -- I'm not sure. I would say six
11 months to a year before.

12 Q. Do you know now that it was two different
13 boys that were the subject of these complaints?

14 A. Yes, I do.

15 Q. Why don't you continue and tell us what the
16 conversation was with the archbishop on this second
17 occasion?

18 A. Well, you know, he went over the grounds of
19 what I had done, was this true, and I said it
20 certainly could be true.

21 He says, "You realize how terrible this is,
22 how serious it is. You know the injury that you're
23 causing to a boy like this and what it would do to
24 your parish, your friends, and how many people would
25 be hurt if this becomes public knowledge."

1 Q. And what was your response to that?

2 A. Shame and humiliation and abject apology.

3 Q. Why don't you continue on with the
4 conversation?

5 A. That was pretty much it.

6 Q. Was there any discussion of treatment?

7 A. I don't recall it that time. There might
8 have been. I know I have never been told or ordered
9 to go to treatment until July of 83.

10 Somewhere along the line, the archbishop
11 indicated to me that he had told me to go seek
12 treatment. I never heard that. He could very well
13 have said it, and, in the emotion of the moment, I
14 never heard it. But I have never registered that
15 remark being addressed to me.

16 Q. On what occasion was this said?

17 A. It would have been one of those two.

18 Q. But when did he tell you that he had told
19 you at some time in the past --

20 A. I'm not sure.

21 Q. -- to seek treatment?

22 A. It may have been when he called me in in
23 June of 83. It may have been when he visited me, or
24 it may have been some remark that he made to my
25 attorney that was carried to me. I'm not sure where

1 or how I got that information.

2 Q. Was there any follow-up to this
3 conversation on the archbishop's part to your
4 knowledge? Any investigation?

5 A. Not that I know of.

6 Q. Any effort, do you know, to determine
7 whether it was the same boy or the same incident?

8 A. Not that I know of.

9 Q. To your knowledge, did anybody else at the
10 chancery know the subject matter of either of these
11 two interviews?

12 A. Father Jacobberger was involved somewhere
13 along the line. I don't know when, but he knew the
14 subject, yeah.

15 Q. You don't know whether it was the first
16 time or the second?

17 A. (Witness shakes head.)

18 Q. How long did the second interview take?

19 A. About an hour, hour-and-a-half, I think.

20 Q. Any emotions on either --

21 MR. HIGGINS: Father, can you hear all of
22 Mr. Winkel's questions?

23 THE WITNESS: I can, yeah.

24 MR. HIGGINS: I can't.

25 THE WITNESS: They've got that fan going.

1 MR. HIGGINS: Would you try to keep your
2 voice up at the end of the question, Mr. Winkel?
3 I'm entitled to hear what you say.

4 MR. WINKEL: I don't deny that, John.

5 THE WITNESS: What was your question?

6 Q. (BY MR. WINKEL) Was there any emotion on
7 either side?

8 A. Just sadness on his part and sadness on
9 mine and despair almost.

10 Q. Tears from either one?

11 A. I'm sure I teared. If I could interject,
12 it's probably the most serious, grave kind of a
13 disgrace possible that a priest can face, to go in
14 and talk to a bishop about some moral incident like
15 that. And I was humiliated, ashamed, disgraced and
16 everything. It was a very traumatic experience.

17 Q. But is it fair to say, Father, that that
18 disgrace and humiliation wasn't significant enough
19 to cause you to stop the behavior?

20 A. That's right.

21 Q. Was there ever a discussion or information
22 that you had that related to the knowledge of
23 anybody connected with the church, Archbishop Power
24 included, about the Oregon law that required
25 clergymen to report instances of sexual abuse to the

1 authorities?

2 A. Never. I never knew that until June of 83.

3 Q. What did you find out in June of 83?

4 A. Well, I found out then that, you know, I
5 was being investigated and that some people were
6 upset with the archbishop for not reporting it.

7 Q. Did you ever have any information about his
8 understanding of the responsibilities under that law
9 prior to the time that the police investigation
10 started?

11 A. No.

12 Q. Are there any letters, Father, that relate
13 to the time when you no longer were the priest at
14 All Saints and had the appointment to St. Thomas
15 withdrawn?

16 A. I wrote a letter of resignation on around
17 the 13th of June, a resignation from All Saints, and
18 stated that because of personal problems, I could
19 not accept the appointment to St. Thomas.

20 Q. And how did you come to write that letter?

21 A. The investigation had begun. I had talked
22 to my lawyer. I was pleading guilty. I was going
23 to plead guilty.

24 Q. Had anybody suggested that you write that
25 letter or directed you to write that letter?

1 A. I'm sure that subject came up with the
2 archbishop. I don't remember it specifically, but
3 I'm sure he said --

4 Q. This is in a third conversation that we
5 haven't gotten into?

6 A. No. It would be the -- well, the 13th of
7 June, yes.

8 Q. We haven't talked about that conversation?

9 A. No.

10 Q. Was there a response to that letter?

11 A. No.

12 Q. Do you have a copy of that letter?

13 A. No, I don't.

14 Q. Did you deliver it or mail it to the
15 archbishop?

16 A. I mailed it or delivered it. I forget
17 which.

18 Q. Now, insofar as ecclesiastical consequences,
19 what were they that came about in June?

20 A. Well, the archbishop arranged for me to go
21 into Mount Angel for six weeks while he was looking
22 around the country or the world for a treatment
23 center. And I also had to wait there because they
24 were making the pre-sentence investigation.

25 When the Court said the investigation was

1 finished, the archbishop had decided on Jemez
2 Springs, the Servants of the Paraclete, and told me
3 to go there.

4 Q. Any other consequences to your status as a
5 priest?

6 A. Well, later there was, but there was
7 nothing formal because I was facing trial, or I
8 thought it was trial, sentencing. And then when I
9 went to jail, there was no possibility of my acting
10 as priest there. So shortly after I got out of jail
11 and came back down here, I received a formal letter
12 of suspension.

13 Q. Do you have that letter?

14 A. It's included in those somewhere.

15 Q. It's in that material. Okay. Why don't
16 you tell us what the next conversation was that you
17 had with the archbishop?

18 A. June the 13th --

19 Q. Tell us --

20 A. -- 1983.

21 Q. Tell us how that came about and what it
22 consisted of.

23 A. He called me the night of June the 12th --
24 a Sunday, I believe -- and said, "I have to see you
25 in the morning, first thing."

1 I went in in the morning, and he told me,
2 "There is a police investigation going on about your
3 activities with teenage boys in the All Saints area,
4 and," he said, "you had better get a lawyer, a
5 criminal lawyer."

6 Q. How long did that conversation last?

7 A. I would suspect a half an hour, 45 minutes.

8 Q. Okay. Tell us as best you can what each of
9 you said.

10 A. Well, he repeated how awful this was, how I
11 had deceived him, that, you know, there were -- he
12 thought it was one incident, and he understands now
13 that there were others. He said -- he reminded me
14 of the damage that I had done. He says, "Consult
15 the lawyer and follow his advice."

16 Q. Was any lawyer identified?

17 A. I identified one; he didn't.

18 Q. Who was that?

19 A. I chose Robert McMenamin.

20 Q. And you told that to the archbishop?

21 A. Yes.

22 Q. Why did you select him?

23 A. He had been a friend for 25 years. He knew
24 me well. He knew everything about me except the
25 sexual side of it. I trusted him.

1 I represent Father Laughlin. Connie Elkins
2 of Tom Cooney's office is representing the Defendant
3 Archdiocese of Portland.

4 The two principal areas of concern are
5 these: A, The Defendant Laughlin's contacts with
6 young men, sexual contacts, some go back 20 plus
7 years from at least this date and approximately 20
8 years from the time he was apprehended and
9 investigated by the police.

10 To this time in the deposition -- not with
11 the approval of Mr. Winkel, but at least with his
12 acquiescence to this point -- we have used a
13 numbering system to identify the young men and have
14 not disclosed their names to him. Mr. Winkel wants
15 their names disclosed. There are two bases on which
16 we would like to urge that they not be disclosed.

17 One, we believe that there is a statute
18 which provides for confidentiality and nondisclosure
19 of names of a child in sexual abuse cases; and, two,
20 a basis of relevance on humanitarian grounds for the
21 people who have now grown up, many of them married.
22 A lot of incidents occurred something as much as 20 --
23 something back to 10 or more years ago.

24 That's the first area of concern. Connie
25 Elkins would like to say something on that ground

1 MR. WINKEL: I think this may be a good
2 time to break. We can look at the exhibits, and the
3 judge might be calling us.

4 MR. HIGGINS: Mr. Winkel, I withheld from
5 production to you one letter dated October 17, 1985,
6 that includes some names of the young men as to whom
7 we have observed confidentiality to this point. And
8 the letter, I anticipate, will be the subject of
9 some discussion with Judge Crookham, and production
10 or non-production will turn on what Judge Crookham
11 advises us.

12 MR. WINKEL: Okay. Can you tell us, John,
13 is that a letter from Archbishop Power to Father
14 Laughlin?

15 MR. HIGGINS: Yes, it is.

16 (Discussion held off the record.)

17 (Plaintiff's Exhibits 2 through 10 marked for
18 identification.)

19 (The following telephone conversation was had with
20 Judge Crookham.)

21 MR. HIGGINS: Judge, we are in the morning
22 of the second day of the deposition of Father Thomas
23 Laughlin, who is here in Albuquerque, New Mexico.
24 The deposition is being taken by Mr. Morton Winkel,
25 attorney for the Plaintiff.

1 also.

2 MS. ELKINS: Your Honor, a number of these
 3 families have not told anybody about this except for
 4 their priests. The priests have identified that
 5 this contact did happen going back to 1960. The
 6 priests have contacted the families and asked if
 7 they could disclose the names, and the families have
 8 expressly said no, that this is something that they
 9 have put behind them, and they would rather that it
 10 not be public knowledge at this time.

11 I think it's a classic case where it is
 12 arguably relevant, but the harm to the families
 13 should outweigh that. And perhaps we can argue from
 14 the legislative history of the child abuse statute
 15 that their names should not be disclosed in this
 16 case.

17 THE COURT: Mr. Winkel?

18 MR. WINKEL: Your Honor, with regard
 19 to the child abuse statute, unfortunately, we
 20 don't have the testament here; but I have gone
 21 through it for the purposes of this case and in
 22 other contexts.

23 It's my understanding that it only applies
 24 to the question of official records such as juvenile
 25 court records or police investigatory records,

1 things like that, and it doesn't apply, in any event,
2 in a circumstance where in a civil case you are
3 questioning the perpetrator, which is the
4 circumstance here.

5 With regard to the question of humanity,
6 Lord knows I have tried to be as humane as possible
7 in my investigation of this case, and I haven't
8 contacted people sooner than it was absolutely
9 necessary for me to do that. I intend to be as
10 discreet with this information as I possibly can
11 because I don't want to hurt anybody.

12 And even if I contact these people, if they
13 don't want to talk to me, that's their option. I
14 would just hope that you would understand that
15 that's the way that I would use that information.

16 And I think it's indispensable to me in the
17 prosecution of this case to get as much information
18 about the history of this situation and the patterns
19 in this situation as possible.

20 THE COURT: If they will not talk to you,
21 what is your recourse then?

22 MR. WINKEL: Well, my next recourse in that
23 instance is to serve a subpoena on them to have
24 their depositions taken. I can't frankly tell you
25 now what I might do in any particular case. Some of

1 these incidents might be more significant to me than
2 others for various reasons, and that's a judgment
3 that I am really unable to make right now.

4 THE COURT: You are not suing for anybody
5 but the individual plaintiff in this case?

6 MR. WINKEL: That's correct. And, of
7 course, with regard to most of these boys, either
8 their cases have already been settled -- and there
9 are several cases -- or the statute of limitations
10 has long since run. So there isn't any civil
11 aspects as far as --

12 THE COURT: Well, the conduct has been
13 admitted by the defendant with the unnamed persons?

14 MS. ELKINS: Yes, Your Honor.

15 MR. WINKEL: Well, let me say this about
16 that: With regard to some of them, there has been
17 some testimony. I'm unable to tell whether the
18 scope of the conduct is accurately and completely
19 described. There's an awful lot more detail that
20 might come out by talking to somebody who's willing
21 to talk to me that I'm unable to get through
22 interrogating Father Laughlin.

23 MR. HIGGINS: Your Honor, Father Laughlin
24 in his deposition has admitted the sexual acts, has
25 admitted sexual contact with each of the young men

1 that we've referred to so far. In his pleading in
2 this case and his answer, he has admitted sexual
3 contact with the plaintiff in this case.

4 MR. WINKEL: But there are all sorts of
5 questions, Your Honor, about the details of the
6 sexual conduct that are extremely relevant to the
7 plaintiff's claim in this case.

8 MR. HIGGINS: I guess I have trouble
9 understanding what that could be when you're talking
10 about the young men.

11 THE COURT: What's bothering me, Mort, is
12 that it's established that these things did occur --
13 is there an admission by the diocese that they knew
14 about these, or is that denied?

15 MS. ELKINS: Your Honor, this case has gone
16 through three different archbishops. The plaintiff
17 does know and we do admit that two prior archbishops
18 knew about the conduct.

19 We just strongly believe that the privacy
20 interest of these people is at stake and do not want
21 to disclose the names of the -- the people do not
22 want their names disclosed.

23 THE COURT: What more do you want to prove,
24 Morton? That's what --

25 MR. WINKEL: Well, let me say this, Your

1 Honor: We have not yet gotten in this deposition to
2 the point of interrogating the defendant about his
3 relationships with my client, and I don't feel it's
4 in my client's best interest to go into details as
5 to why these other incidents are important before I
6 ask him those questions. I just think it would be
7 disclosing situations to my prejudice to do that.

8 THE COURT: I would not give any ruling on
9 this area until you've completed the defendant's
10 deposition.

11 What's the second area, Mr. Higgins?

12 MR. HIGGINS: Your Honor, since coming to
13 Albuquerque and meeting with my client face-to-face
14 for the first time in connection with this case, I
15 learned that he is a registered voter in New Mexico,
16 has registered his vehicle in New Mexico, and has no
17 intention of ever returning to Oregon.

18 That concerned me as far as the statute of
19 limitations on further possible criminal
20 prosecutions for matters that occurred in Oregon
21 prior to his coming to New Mexico.

22 Briefly, he pled guilty to sexual abuse,
23 second degree, involving two named young men in
24 certain limited time frames in 1983. There was
25 sexual contact with other young men within the three

1 STATE OF NEW MEXICO :
 2 : SS. REPORTER'S CERTIFICATE
 3 COUNTY OF BERNALILLO :
 4

5 I, the undersigned Court Reporter and
 6 Notary Public, HEREBY CERTIFY that prior to the
 7 taking of the foregoing deposition, I administered
 8 the oath to the witness; that I later caused my
 9 notes to be transcribed under my personal
 10 supervision; and that the foregoing is a true and
 11 accurate record, to the best of my ability, of the
 12 deposition of said witness.

13 I FURTHER CERTIFY that I am not a relative
 14 or employee of any of the parties or attorneys
 15 involved in this matter and that I have no personal
 16 interest in the final disposition of this matter.

17 I FURTHER CERTIFY that the cost of the
 18 original of this deposition is \$ _____ to the
 19 Plaintiff.

20 DATED this 10th day of July, 1986.

21 DEBBIE WEISMAN, CSR

22
 23 Debbie Weisman

24 MY COMMISSION EXPIRES: February 22, 1989.

25