

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON

ROMAN CATHOLIC ARCHBISHOP OF
PORTLAND IN OREGON, AND
SUCCESSORS, A CORPORATION SOLE,
dba the ARCHDIOCESE OF PORTLAND
IN OREGON,

Debtor.

No. 04-37154-elp11

Certified Copy

VIDEOTAPED DEPOSITION OF FATHER CHARLES LIENERT

Taken in behalf of the Plaintiffs

January 25, 2006

MOORE HENDERSON ALLEN & THOMAS
Professional Court Reporting & Videography

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PD 0308

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ALSO PRESENT: Ms. Paulette Furness/Portland Archdiocese;
Videographer Jason Quigley

1 Q Okay. Take a look at that document and
2 refresh your recollection also as to the next page,
3 005.

4 A Okay. Let me read through this.

5 Q You bet.

6 Then I'd like for you to take a look at
7 page 018.

8 A Skip 017?

9 Q That's right. Go up to 018, if you would.

10 A Now, to which one?

11 Q 018.

12 A Oh, 018.

13 Q That's a memo from you to Archbishop
14 Levada, May 9, 1989.

15 I just want to ask you a question about
16 the first page of 018 --

17 A I haven't finished reading it yet.

18 Q Finish it off.

19 A Thank you.

20 Q You bet.

21 I'd like to direct your attention to page
22 018. This is a memo you wrote to Bishop Levada on
23 May 9, 1989.

24 Is that correct?

25 A That's correct.

1 Q Okay. And it relates to the request of
2 one of Father Perone's victims,
3 that there be a public statement encouraging victims
4 to come forward.

5 Is that correct?

6 A That's correct.

7 Q And did you make the recommendation to
8 Archbishop Levada that is in the second -- the first
9 full paragraph on the bottom of page 018 -- I
10 won't -- I'm going to rephrase that.

11 Did you write to him, "I've also consulted
12 with _____ of _____ He believes
13 that in this instance, some kind of public statement
14 encouraging victims to come forward would be
15 beneficial.

16 A Yes, I did.

17 Q Was that your recommendation to Archbishop
18 Levada?

19 A Yes.

20 Q What did Archbishop Levada respond?

21 A To me?

22 Q Yes.

23 A I think he decided against making that
24 kind of statement.

25 Q And did he explain to you why?

1 A Well, I don't have a clear recollection of
2 what he told me at that time. I know that he had
3 talked to other people about it. I think there
4 were -- not every therapist agreed with
5 recommendation as that being a beneficial thing to
6 do, but my recollection honestly is somewhat vague
7 about how he responded, but I know he decided not to
8 do this.

9 Q Did Archbishop Levada indicate to you that
10 one of his concerns was that future claimants would
11 come forward and bring future lawsuits and claims
12 against the Archdiocese?

13 A No.

14 Q Did --

15 A At least I don't recall him saying that.

16 Q Okay. Why did you recommend to Archbishop
17 Levada that a public statement be made?

18 A I think for several reasons, some of them
19 are in this memo that I drafted. The request came
20 from and -- on the basis of his request,
21 and I talked to who was a therapist in
22 Seattle that I had been aware of through the
23 personnel office there, sought his advice, I talked
24 to Mr. Silikan, who was our risk management and who
25 had helped in investigating these kinds of

1 allegations, and with the attorney that represented
2 us at that time to try to formulate a rationale for
3 proposing this.

4 I thought it would be beneficial for
5 any -- for the Diocese to make a statement about
6 inviting anyone that had been abused to come
7 forward, that we might be able to help them or it
8 might be therapeutic for them.

9 Q Why did -- sorry, I didn't mean to
10 interrupt.

11 A I think those are, as I recall after
12 reading this, my general thinking behind this.

13 Q Why did you think it would be beneficial
14 to a victim, an unidentified victim of Father Perone
15 for you to make a public statement?

16 A It might be helpful for a victim to know
17 that there was a concern that this happened to him
18 and that we wanted to be helpful, supportive of the
19 victim.

20 Q Did your knowledge that victims often
21 blamed themselves have any weight in your wanting to
22 make this recommendation?

23 A It may have. I -- again, this was a long
24 time ago, so I'm trying to reconstruct from what I
25 read in the memo what my thinking was at that time.

1 Q Was it your belief during the time you
2 were vicar that public statements such as the one
3 recommended here would help alleviate a victim's
4 self guilt?

5 A I think that it -- there certainly was a
6 possibility that that would help. I also was aware
7 that in some instances, there might be some negative
8 things about doing that, too, in terms of a person
9 that had been victimized.

10 MR. SLADER: Let's break for lunch.

11 (Lunch recess taken: 11:52 - 12:53 p.m.)

12

13 BY MR. SLADER: (Continuing)

14 Q We were -- before we took the lunch break,
15 Father, we were talking about request
16 that there be a public statement about Father Perone
17 and then you described how there was a decision not
18 to do that, okay?

19 A (Witness nods head.)

20 Q Did you or did the Archdiocese in the
21 Perone matter make any other effort to identify or
22 contact unknown victims of Father Perone?

23 A Not to my recollection.

24 Q Was there ever any discussion of making --
25 having the pastors make statements from the pulpit

1 at the parishes or institutions where you had
2 worked?

3 MR. DULCICH: Objection; lacks foundation.

4 A I don't recall a discussion of that, and I
5 think in fact the only place that he worked in our
6 Diocese was at the Paulist parish.

7 Q St. Phillip Neri?

8 A St. Phillip Neri, yeah.

9 Q Okay. So there was no discussion as far
10 as you recall of having the pastor at St. Phillip
11 Neri make a statement from the pulpit reaching out
12 to unknown victims?

13 A That may have been part of the discussion
14 that went on before I wrote the letter to the bishop
15 suggesting a way of calling -- inviting victims of
16 sexual abuse to come forward.

17 Q In any event, as far as you know, that
18 wasn't done?

19 A As far as I know.

20 Q And as far as you know, there was nothing
21 published in The Catholic Sentinel that was designed
22 to reach out to other victims of Father Perone?

23 A As far as I know, that wasn't done.

24 Q And as far as you know, there was nothing
25 published in the St. Phillip Neri Bulletin designed

1 to reach out to other victims of Father Perone?

2 A As far as I know, but I didn't ever look
3 at their bulleting.

4 Q But you did nothing to cause or encourage
5 an announcement to be made in the St. Phillip Neri
6 Parish Bulletin, did you?

7 A No, I didn't.

8 Q Okay. Now, this was -- the decision not
9 to make a public announcement was in 1990.

10 Is that correct?

11 A Can I look at this one here?

12 Q It's Exhb. No. 3, Father. I may be
13 incorrect. It may be 1989. It was -- we were
14 looking at page 18018.

15 A -018?

16 Q -018.

17 A Okay. This is the memo that I read
18 earlier.

19 Q Right. Right, and it's dated May 9th,
20 1989.

21 A That's correct.

22 Q Is it your recollection that the decision
23 not to make a public statement was approximately
24 that time period?

25 A It would have been sometime after that.

1 I'm not -- I don't recall specifically how long
2 after this, but it would be within a month or two, I
3 assume.

4 Q So sometime in the middle of 1989?

5 A That would be my judgment.

6 Q Okay. After the middle of 1989, did you
7 ever recommend to Archbishop Levada that a public
8 statement be made to reach out to potential unknown
9 victims regarding abuse by any other priest?

10 MR. DULCICH: Let me just object to form,
11 because that lacks foundation and assumes facts not
12 in evidence.

13 A I may have talked to him about that in
14 other cases. I don't have a specific recollection,
15 but it's certainly something that I could very well
16 have talked to him about.

17 Q During the time of Archbishop Levada's
18 tenure, did the Archdiocese at any time in that
19 period make a public statement designed to reach out
20 to the unknown victims of any priest other than
21 Father Perone?

22 MR. DULCICH: Same objections.

23 A Not to my recollection or knowledge.

24 Q In your mind, did the decision of
25 Archbishop Levada not to make a public statement in

1 earlier. Would you take -- let's go -- this is too
2 long a document. I don't want you to read it all.

3 A Sure.

4 Q Let's go to some key documents here, 0017.

5 This appears to be a press release. It
6 says, "For immediate release," it has you as the
7 contact and then it contains a statement that
8 information was received that a 17-year-old boy may
9 have had a relationship with Father McCray.

10 A Can I look at it?

11 Q Absolutely.

12 A Thank you.

13 Q Do you remember that?

14 A I have some vague recollection of this.
15 This is not something that I have drafted.

16 Q Okay. Do you recall whether this
17 document, 0017 of Exhb. 6, was ever in fact released
18 to the media?

19 A I don't know whether it was or not. I
20 don't believe that it was, but I simply don't know.

21 Q Do you recall any discussions -- did you
22 have any discussions with Archbishop Levada
23 regarding whether this document should be released
24 to the media?

25 A I don't recall any discussions I had with

1 him about it. He may have talked to our
2 communications director or he may have talked to the
3 business office or he may have talked to me. I
4 don't have a specific recollection that he did.

5 Q But you don't recall whether this was
6 actually released?

7 A I don't recall that it was released. I
8 don't believe that it was.

9 Q Did you have anything to do with writing
10 the language referring to Father McCray's sexual
11 contact with a 17-year-old boy, describing it as a
12 relationship?

13 A No.

14 Q Would you have written that?

15 A No.

16 Q Do you think that's an inappropriate way
17 to describe it?

18 A I wouldn't describe it that way.

19 (Exhibit No. 7 marked.)

20 Q I'd like to show you Exhb. 7. Again, it's
21 a pretty fat set of documents and I just want to
22 direct you to certain pages.

23 A Could I kind of page through this to get a
24 context of it?

25 Q Certainly. Certainly.

1 EXAMINATION BY MR. BISACCIO:

2 Q Okay. Father, my name is Gary Bisaccio.
3 I'm going to ask you a few questions. Mine are
4 going to be much more limited than Mr. Slader's.

5 Before your deposition today, Father, did
6 you read Bishop Levada's deposition that he gave a
7 couple weeks ago?

8 A No.

9 Q Did you discuss his deposition testimony
10 with anybody before today?

11 A Briefly.

12 Q Okay. Did Archbishop Levada ever bring a
13 matter to your attention involving Father Donald
14 Durand?

15 A If you have something that would refresh
16 my memory, he may have.

17 Q Okay. What I'm referring to is a
18 complaint that Father Durand was skinny dipping with
19 boys, minor boys?

20 MR. DULCICH: Object -- let me just object
21 to the form; lacks foundation.

22 A I have some recollection that he asked me
23 to talk to Father Durand about that.

24 Q To the best of your knowledge and
25 recollection, approximately when did Archbishop

1 Levada ask you to do that?

2 A I really don't have a clear recollection,
3 although I think it was probably towards the end of
4 the time Archbishop Levada was there, but things
5 tend to get blurred in my memory about when that
6 happened.

7 Q Okay. To the best of your recollection,
8 what information did Archbishop Levada convey to
9 you?

10 A The only recollection I have is that he --
11 he had -- somebody had asked him about that or told
12 him about that and he asked me to talk to Father
13 Durand about it.

14 Q All right. When Archbishop Levada asked
15 you to talk to Father Durand, do you recall what
16 your impression was of the seriousness of the
17 matter?

18 A There was -- I'm quite certain there was
19 no allegation or hint that there was any sexual
20 impropriety, that I thought that it was an imprudent
21 action on Father Durand's part, and I don't remember
22 whether there were other adults there at the time.
23 I think there may have been.

24 I told Father -- Father Durand did not
25 deny it. I told him that that just was not the

1 thing that he should do.

2 Q Did you consider whether or not there was
3 any substantial risk to children posed by Father
4 Durand?

5 A I thought about that. I talked to him
6 about that, about what he'd done. There had been no
7 allegations to my knowledge about any kind of sexual
8 impropriety that he'd had with minors.

9 Q What did he admit doing?

10 A You know, I -- my recollection is he said,
11 "Yes, from the time I was a kid, we've gone skinny
12 dipping, we did it at the Y," or something of that
13 nature, and I said, "That's really not appropriate
14 to do that" and he agreed not to do it again.

15 Q So what specifically did he admit to
16 doing?

17 A To skinny dipping, just going in the
18 swimming -- going in the small creek, I think.

19 Q Well, what do you mean when you say
20 "skinny dipping"?

21 A Oh, without any clothes on.

22 Q Did he say where the skinny dipping
23 occurred?

24 A If he did, I don't recall the place, and
25 he probably did, but I just don't recall.

1 Q Did he indicate whether or not he, Father
2 Durand, was naked in the water?

3 A I had assumed from the -- what the bishop
4 told me that -- that he was and I think I expressed
5 that to him when I talked to him. I don't have a
6 real clear recollection other than he said whatever
7 I asked him about, he said that it happened.

8 Q Do you recall whether at the time he was
9 naked in the water, whether minor boys were also
10 naked in the water?

11 A I don't know that we ever talked about
12 they were in the water at the same time.

13 Q Well, was there any mention of whether or
14 not minor boys were naked while Father Durand was
15 naked?

16 A I think so. I think that was the issue
17 that had been --

18 Q And were the minor boys and Father Durand
19 naked at the same time and place?

20 A I think so.

21 Q Okay. Do you recall whether or not you
22 asked Father Durand why he was naked with boys at
23 the same time and place?

24 A I -- I don't recall specifically. I mean,
25 this conversation was some time ago and I -- I'm

1 sure I did, but I don't recall his answer, what was
2 going on. I think it was -- there may have been
3 other adults there as well. It may have been some
4 kind of -- well, I just better not say, because I
5 don't have a clear memory.

6 Q Okay. Did you consider the possibility
7 that more happened between Father Durand and minor
8 boys while Father Durand and minor boys were naked
9 at the same time and place?

10 A Yes.

11 Q Did you ask him about that?

12 A Yes.

13 Q What did you ask him, to the best of your
14 recollection, about that?

15 A To the best of -- I said -- I asked him,
16 "Was there any sexual contact, any sexual activity,
17 any touching?" and he said "No," nor did the people
18 who reported it report any, or at least that's what
19 the Archbishop told me.

20 Q Okay. Do you know how the report came to
21 the Archbishop's attention?

22 A No, I don't.

23 Q Did you talk to the individual that made
24 the report?

25 A No, I didn't.

1 Q Why not?

2 A I didn't know who it was.

3 Q Did you ask the Archbishop who made the
4 report?

5 A I don't recall whether I did or not and
6 I -- so I -- I don't recall.

7 Q Okay. Did you review Father Durand's
8 personnel file to determine whether any prior
9 allegations of improper sexual conduct might have
10 occurred in the past?

11 MR. DULCICH: Object to the form; lacks
12 foundation; assumes a fact not in evidence.

13 Q Shall I rephrase the question?

14 A Will you rephrase it.

15 Q At that time, did you check his personnel
16 file?

17 A I believe that I did, because that would
18 be my normal practice, to read through the file when
19 there was any incident.

20 Q Okay. And why did you review his
21 personnel file?

22 A I would typically do that when there was a
23 complaint of -- any number of kinds of complaints
24 about a priest that could potentially be
25 significant.

1 Q Okay. And what did you consider that you
2 might find in his personnel file?

3 MR. DULCICH: Objection.

4 A I had no idea. I don't recall whether I'd
5 ever had occasion to read his file before.

6 Q Okay. Do you recall whether or not you
7 found any information of interest to you in his
8 personnel file?

9 A By "interest," do you mean --

10 Q Anything that you considered interesting.

11 MR. DULCICH: Object to the form; vague.

12 A Well, I don't recall what was in his file.

13 Q Okay.

14 A I don't recall whether there was anything
15 interesting in there or not.

16 Q Do you recall whether you found anything
17 in his personnel file which caused you concern?

18 A About abuse of minors?

19 Q Uh-huh. Yes.

20 A I don't believe I found anything.

21 Q Okay. Did you believe Father Durand?

22 A Yes, I did.

23 Q Did you talk or communicate with any other
24 priests in the Archdiocese of Portland in an effort
25 to get information about Father Durand?

1 A On this incident?

2 Q Uh-huh. On this, yeah.

3 A I don't recall talking to other priests
4 about it.

5 Q Did you talk to any other employees of the
6 Archdiocese about Father Durand in regard to these
7 allegations or this allegation?

8 A No.

9 Q What was your sense of the Archbishop's
10 attitude towards this incident?

11 A I think his sense was that there was
12 not -- it wasn't an allegation of sexual activity,
13 it was an allegation of imprudent actions on the
14 part of Father Durand and he wanted me to talk to
15 Father Durand about it and see what he had to say.

16 Q Did the Archbishop give you any indication
17 of how serious the Archbishop considered the matter
18 to be?

19 MR. DULCICH: Objection; asked and
20 answered; vague; calls for speculation.

21 A I don't have a real specific recollection
22 of that conversation.

23 Q Okay.

24 A I know that in bringing it to my attention
25 and asking me to talk to Father Durand that he

1 considered it worth looking into a little bit
2 further. I know I reported back to him. I would
3 have reported back to him what I had heard and he
4 would have asked me if he wanted me to do anything
5 else.

6 Q Okay. How did you report back to the
7 Archbishop?

8 A I don't recall, but most likely orally.
9 We regularly met and would talk about a number of
10 things. Most of it had to do with assignments, but
11 when I met with him, I would have reported back. I
12 don't recall whether I put any -- wrote anything
13 about this or not.

14 Q Was it your practice to write memoranda in
15 matters such as this?

16 A If I had judged them to be something that
17 was potentially serious or a serious matter, I would
18 always write things down. Well, I should say I
19 always intended to write things down. I can't say
20 whether sometime I might have got so busy, I didn't
21 write something down, but normally anything that had
22 to do with sexual abuse -- absolutely anything that
23 had to do with sexual abuse, I'd document the file.

24 Q Did you inquire as to whether or not there
25 was a sub secreto file pertaining to Father Durand?

1 A I undoubtedly looked in the file to see if
2 there was.

3 Q Do you recall whether you found anything
4 in the sub secreto file?

5 A I don't believe I did find anything.

6 Q Okay. Do you recall knowing whether or
7 not Father Durand had control of a cabin near
8 Detroit Lake?

9 A I knew that he had a -- well, he was one
10 of one or two other people that leased the cabin
11 together.

12 Q Okay. And do you recall how you obtained
13 that information?

14 A I have known that for many years. When I
15 was ordained just two or three years in Grants Pass,
16 some priest hired a encounter therapist and we went
17 to that cabin for this kind of group encounter
18 exercise that was -- I forget, but it was popular at
19 the time and it was sort of to -- to help you be a
20 better person, I think.

21 Q Okay. About what year was that?

22 A The early '70s.

23 Q When you were there in the early '70s,
24 were you there with other priests?

25 A Yeah. There were 15 or 20 other priests

1 Q Do you know at what point the Archdiocese,
2 meaning the Archbishop, made the decision that
3 Father Minh would not be coming back to the
4 Archdiocese?

5 A I think that before this meeting, the
6 bishop was thinking very strongly in that direction,
7 and sometime after this meeting, he never returned
8 to the Diocese. I think he was allowed to come back
9 and pick some things up, but he was never returned
10 to the assignment that he had.

11 Q Do you have any knowledge about where he
12 is now?

13 A I do not.

14 Q The last paragraph of page 2 says, "We
15 need to consider what the appropriate pastoral
16 response is to the Vietnamese people and the
17 Southeast Asian Vicariate. Perhaps we should meet
18 with some of the Vietnamese priests and lay leaders
19 for their advice."

20 Do you recall whether that happened?

21 A I don't recall whether that happened.
22 When I said "we," I didn't necessarily mean myself,
23 I meant somebody from the Diocese should do that.

24 Q Okay.

25 A As I mentioned, we had someone responsible

1 for the Southeast Asian Vicariate. Mary Jo Tulley
2 also had a number of dealings with the sisters there
3 and with the community.

4 There are a lot of cultural issues and I
5 often was not -- even though I had had Vietnamese
6 when I was at Immaculate Heart when I was in the
7 parish, I often was uncertain about what their
8 behavior meant culturally, what was acceptable and
9 those sorts of things.

10 That was behind my recommendations to the
11 bishop that we, the Diocese, make some effort to try
12 to understand from the leaders -- the leaders in
13 that community, what would be the best way.

14 Q And do you recall whether that was done,
15 whether somebody actually reached out and --

16 A I don't know whether that was done or not.
17 I don't believe it was -- I don't think the bishop
18 asked me to do that.

19 Q Were you asked recently about the
20 placement into the sub secreto files of a particular
21 psychological evaluation for Father Minh?

22 A By whom -- who would have asked me?

23 Q By anyone within the past 30 days.

24 A I don't recall being asked that.

25 Q Okay. Do you have any memory of the

1 STATE OF OREGON)

2 County of Multnomah) **Certified Copy**

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4 I, Aaron M. Thomas, Certified Shorthand
 5 Reporter, Registered Professional Reporter, and
 6 Notary Public for the State of Oregon, do hereby
 7 certify that FR. CHARLES LIENERT personally appeared
 8 before me at the time and place mentioned in the
 9 caption herein; that the witness was by me first
 10 duly sworn on oath and examined upon oral
 11 interrogatories propounded by counsel; that said
 12 examination, together with the testimony of said
 13 witness, was taken down by me in stenotype and
 14 transcribed through computer-aided transcription;
 15 and that the foregoing transcript constitutes a
 16 full, true and accurate record of said examination
 17 of and testimony given by said witness, and of all
 18 other oral proceedings had during the taking of said
 19 deposition, and of the whole thereof.

20 Witness my hand and Notarial Seal at
 21 Portland, Oregon, this 11th day of February, 2006.



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 23
 24 *A. M. Thomas*
 25 Aaron M. Thomas
 Oregon CSR 04-0388