

P. Magaldi 1-3-97

CONFIDENTIAL MEMORANDUM

In re:
Date: January 3, 1997

From: Bishop Delaney
In re: Visit from
Date: January 3, 1997

a 17-year-old college student from _____ parish called me this morning and then came in to see me. (He is a junior at _____ University and is home on break.) He was urged to come by Fr. _____ to whom he had talked about the following matter.

Since diocesan policies will be applied and a full report of the matter will be made, I will only sketch briefly here what _____ told me.

In the early summer of 1995 _____ met Fr. Philip Magaldi when he went to confession at _____. PM got talking to him afterwards and invited him out to eat. ~~That began a relationship that~~ _____ felt was odd. Over the course of the summer PM took him out to eat a number of times at rather expensive restaurants. ^{with} One time in the swimming pool at PM's apartment, _____ felt that PM was getting too friendly. One day PM asked _____ to give him an enema, telling him that the doctor had prescribed it and that he needed help. _____ helped him then and a couple of other times. PM gave him \$25 each time. After _____ returned to school in _____ PM sent him several checks in the amount of \$100. In the fall of 1995 PM was visiting in _____ with his mother, and asked _____ to come to the hotel. He took him to dinner. When _____ was leaving, PM embraced him and kissed him on the mouth. _____ did not respond and was disturbed. PM wrote him later explaining away what he did and sending more money. But _____ didn't respond, and the whole thing ended.

_____ has realized that what happened was unwholesome and is worried that PM may be doing the same—or worse—to other young men. Fr. _____ convinced him that he needed to report it to the Diocese. _____ seems to be at ease with the whole matter now that he has had the chance to talk about it. However, my suspicion is that some counseling would be helpful. I told him that, and he thinks he doesn't need it. Given the intensity and the great detail with which he told the story (I had to interrupt several times to move it along) I think he needs to do some more work on it. _____ is a very committed young Catholic, quite knowledgeable about the Church. Although what happened was not very overt, it did disturb him very much.

I explained to _____ about our misconduct policies and that normally I would not have spoken with him alone. He is quite willing to speak with a committee. He does not want any publicity. He especially doesn't want his parents to know about it. I assured him of complete confidentiality.

His home address: _____ (I promised to be most discreet if _____ were necessary to call him at home.)

He will call Father Wilson on Monday morning, January 6. Since I will be on retreat, I will have spoken to RWW by telephone.

(he return to _____ on Jan 12th)

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January 8, 1997

→ Notes of Fr. Robert Wilson

Concern: Interview with _____ in re, actions of Philip Magaldi

Home: _____ (Do not contact
through parents - he
does not want them to know about the incident).

met this date with _____ and myself,
Father Robert Wilson. We began by explaining that we are part of a
committee to investigate sexual misconduct complaints. We also told him that
we knew that he had already met with the bishop.

He was articulate and forthcoming in his description of the events. They
began in July of 1995 when he went to confession at
Parish. He went there because the time was better for him than at his home
parish. PM said subsequently on several occasions how providential it was
that he came to his confessional on that day at that time.

PM suggested that they get together for lunch "to talk about
thought that it would be great to have a priest as a friend, and agreed. They
went out two or three times to Fort Worth restaurants and then to Il Sorrento, a
fancy restaurant in Dallas. PM always introduced _____ "as his nephew." He
also encouraged _____ to have beer or wine.

PM lives in an apartment complex with his mother. He invited _____ over to go
swimming. During the swimming _____ described PM as moving closer and
closer to him, so that he would have to swim away. He thinks this swimming
incident was the week after he met PM. Finally, _____ said, "I got tired of
playing dodge, and said, let's get out."

During the entire relationship PM would "goose" him, i.e. grab his buttocks.

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When asked why he did that, he said "we always did that in high school."

was concerned that PM never wore his collar out with him, but rather lay clothes. When asked about it PM replied that the archbishop (sic) had given him permission.

PM asked for a favor. He said the doctor had prescribed four enemas for him, and asked if would give them to him. He asked why not your mother, and PM replied that he did not want to show his private parts to his mother, that he was embarrassed. PM said that he would get him a note from the doctor. Finally agreed. PM then gave him \$25 which he said he would have had to pay the doctor. said he did not want the money, but PM insisted, saying that he had just had a \$200 raise and that he did not need the money.

During this narration, and throughout the interview, explained his actions, often rationalizing. In this case, he said that he "was trying to do PM a favor."

When left for PM gave him a \$100 check. He continued to send him \$100 checks every six weeks. PM says that he told him not to, but that PM continued to send the checks.

In the fall PM went Rhode Island to pick up his mother, and came to to see. He greeted him and hugged him. felt that it was the kind of a hug that he was comfortable receiving from a girl, but was turned off by PM. PM introduced to his mother, and then when they left, he hugged him, and kissed him on the lips, a wet kiss (not open mouth said or "I would have been scarred for life").

PM send a letter after returning to Fort Worth. He said that he hoped that did not take it wrong, rather that PM has kissed him just like he kissed his mother. There was nothing wrong about it.

That was the last contact made by PM. The incidents therefore were during three or four months of summer and fall of 1995.

Since that time had occasion to be "hit on" by a 30 year old who claims that he counsels gay priests. It was this person who led to think that maybe PM was not so innocent. was concerned about having attracted a second gay person.

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Father Wilson apologized for the church and for PM. So did
Father Wilson also encouraged to seek counseling in At first
seemed to think it was not necessary, but pointed out that he
seemed to take responsibility for the relationship, feeling he had to "help PM,"
and that he had described doing the same thing with his girl friend. He agreed
that he needed to work on that. gave him her card, and suggested
that he call and ask to talk to their counseling
department. Father Wilson wrote his address on the same card for billing
purposes. The diocese will pay for the counseling.

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Robert W. Wilson

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January 8, 1997 - On this date I met with Father Bob Wilson and [redacted] to interview [redacted] a [redacted] year old [redacted] regarding a complaint of alleged sexual misconduct he recently made against P. Magaldi. [redacted] had gone to PM for confession to discuss a sensitive personal issue, because he had missed confession in his own parish. During confession, according to [redacted] PM shared significant personal instances regarding the same subject, ostensibly to help [redacted] deal with the situation.

[redacted] is unclear if PM asked him to lunch during confession or immediately following. [redacted] accepted and looked forward to a friendship with a priest, thinking that discussions with a priest could serve to strengthen his own faith. [redacted] appears to have a great deal of concern about his faith. He is aware of questioning on the part of PM to determine that he [redacted] was at least 18 years old. Again, he is unclear if this was during or immediately following confession. Eventually PM treated him to dinner at expensive restaurants and encouraged him to drink wine even though he was not 21. He introduced [redacted] as his nephew so he "would have a reason to be with him." The relationship was characterized by much hugging and touching. According to [redacted] PM frequently "grabbed my butt." [redacted] challenged PM on these actions and was told that "he and his friends had always done that in high school." [redacted] described a time when he went swimming with PM in the apartment pool. He said he had to dodge PM several times to avoid contact and finally said, "that's it, let's get out."

When asked directly why he didn't leave the relationship, [redacted] said that he thought he could help PM act more appropriately, to develop behaviors more fitting for a priest.

Eventually PM asked [redacted] to administer a series of 4 enemas, giving [redacted] directions to "put the nozzle in my butt and move it in and out." [redacted] resisted this and suggested PM have his mother (who lives with him) administer them. PM reportedly said, "That would be embarrassing; I don't want my mother seeing my butt." PM offered to show [redacted] a note from the doctor indicating a need for the enemas. He said he didn't want to have them administered at the doctor's office because he would charge \$25. [redacted] says he declined seeing the note and did administer the enemas. PM paid [redacted] \$25. per enema.

When [redacted] PM sent him money (\$100.00) about every six weeks to "help him out." PM came to [redacted] on one occasion to see [redacted]. He was reportedly in the area to meet his mother and accompany her back to Texas. [redacted] said he went up to PM's room to see the mother. As PM and [redacted] entered the hall to return to the lobby, PM began massaging [redacted] shoulders and back; he continued this until they reached the elevator where PM kissed him full on the lips. [redacted] says he pulled away and left. He stated he later received a letter from PM telling him not to be upset about the kiss; he meant it only in a "family way." [redacted] didn't respond to the letter and has not heard from PM since.

He is currently home for [redacted]. During this time, he related this story to Father [redacted] who advised him to talk to the Bishop.

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is a poor historian in terms of times, dates, etc. Additionally he has poorly defined relationship barriers and there may be some sexual confusion. I advised him to take advantage of counseling because of his description of the relationship with PM. He entered the relationship with the idea that it might be faith strengthening. As the relationship progressed, he altered his expectations; seeing himself in the position of helping PM learn how to act more appropriately. One has to consider that his willingness to shift expectations was a way to continue the relationship. In talking with him, he admitted that he changed relationship expectations with girls too. It is clear that he needs some help in this area as well as resolving the situation with PM.

sought support from a man who is know in _____ for counseling homosexual priests. He interpreted actions of that person as "hitting on me." While we didn't spend time looking into the particulars, it was obvious that he was concerned that this would happen to him twice. I referred him to _____ and offered to get him a contact if he wished.

January 9, 1997 - Met with Father Bob Wilson and _____ to continue the investigation in the allegation of sexual misconduct against P. Magaldi. PM told a completely different story than _____

During the interview he was anxious and agitated. He had read the misconduct policy the night before and was concerned about his own defense. He had assumed that there would be a major law suit involving large sums of settlement money and was told by Father Wilson that this did not appear to be the case.

He categorically denied all wrong doing, he has no idea why _____ would say these things about him. (He thinks he might have introduced him as his nephew, but that was because _____ had called him Uncle Phil. He may have ordered wine for himself, but would never have encourage _____ to join him. He took _____ to dinner and befriended him because he "saw him as a potential vocation."

PM said they discussed _____ conflicts with his girlfriend, and his uncertainties about going away to school. PM said he was just being a support.

Yes, he has hugged _____ but says that is because he (PM) is an Italian; "and besides, people hug all the time at _____. He has met both of _____ parents; in fact they had attended Mass at _____ several times. He had invited _____ to come to his apartment to swim, and said that _____ had been there on other occasions too, including twice with his girlfriend.

He did admit to the enemas. According to PM, he has had a "colon situation" and the doctor had suggested that he take 4 enemas. He could have gone to the emergency room to have them administered but they would have charged him \$35. He says that he asked _____ to administer the enemas because he needed help to hold the container section of the apparatus and to release the clip. _____ agreed to "help him

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out" if he could just stand there and turn his head so he wouldn't have to look. PM agreed to insert the nozzle himself. He admitted that he paid _____ to give him the enemas.

He agreed that he sent _____ money after he moved to _____, but said he was just trying to help him with expenses; he said he has given money to people before. He stopped sending him money because of his own financial situation.

PM denies that he kissed _____ on the lips. He might have kissed him on both cheeks "as Italians do" but "certainly not a wet kiss on the lips."

He denies the letter that _____ says PM sent him following the encounter in the hotel. Regarding the letter, PM's words were, "No, I never wrote him a letter - did he save it or something." He again stated he didn't write to _____ but that _____ wrote to him, sending him a "pomographic card"; that card being a Hallmark card with 21 naked babies with the caption reading: "A 21 Bun Salute." PM said he thought _____ was making a comical reference to the enemas.

He continued to deny the wet kiss on the lips in fact, when leaving the room, in an effort to be humorous, he said "of course now if that had been a French kiss, but that would never happen because I'm Italian." In leaving he hugged Father Wilson.

PM is interesting, even entertaining, but completely without insight regarding his actions and certainly lacking in sound judgment. He assumes no responsibility and sees nothing questionable in his actions. Many times during the interview PM said something like: "look, my psychological profile says I lead with my heart, not my head." I was struck with the fact that he uses his psychological profile as a license for his behaviors, completely overlooking the insights provided by such assessments.

I do not believe the enemas were part of a medical plan. Emergency Rooms are not the usual facility for the administration of out patient enemas. Perhaps the physician would have suggested a home health agency if PM was unable to carry out these procedures for himself. Certainly that avenue would be less costly and more convenient than an emergency room visit. Additionally, most enemas are designed for self administration. It is my impression that PM demonstrated sexually inappropriate behavior by involving _____ in the administration of the enemas.

My sense is that there this situation is more involved, but the reports are so different it is hard to determine the extent and types of participation by either of these two parties. In my mind, however, the enema situation is enough to establish sexual misconduct on the part of PM.

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Notes of [redacted]

Fr. Bob,

Below is a summary of our meeting with [redacted] on January 8th, 1997.

[redacted] is a young [redacted]. His encounter with Fr. Magaldi began on July 4th weekend in 1985 while attending a reconciliation service at [redacted] parish. [redacted] was discussing a problem with a sexual matter with Fr. Magaldi, when Fr. befriended him indicating he himself had had the same problem as a teen, and had experiences beyond what [redacted] was confessing. He offered to take [redacted] out for dinner afterwards to talk about [redacted] and [redacted] was just getting ready to go up for the first time. Over the course of the next several months, Fr. Magaldi is accused of pursuing more intense relations with [redacted] often with manipulative and sexual overtones.

Fr. Magaldi took him out to eat, at times at rather expensive restaurants, and purchased wine allowing [redacted] to partake, although [redacted] was still a minor. On these outings, Fr. would never wear his collar, and would introduce [redacted] as his "nephew." He invited [redacted] over to his apartment to go swimming, and during the visit continually moved too close to [redacted] for his comfort. [redacted] finally had to say "Let's get out." Fr. would often "gripe" [redacted] affectionately, grabbing and pinching his buttocks. Although [redacted] indicated he did not like this behavior, Fr. nonetheless pursued. [redacted] apparently disapproved much of this behavior as Fr. being extremely "touchy/feely" in his personal relationships.

After establishing a relationship with [redacted] Fr. asked him to perform a series of four enemas that the doctor had recommended over a one month period. [redacted] felt extremely uncomfortable with this, but concurred since Fr. indicated there was no one else to do this, and he did not want to pay the nurse at the doctor's office \$25 to perform this activity. He instead offered [redacted] the money, and [redacted] refused. But Fr. insisted and gave him four \$25 checks. He followed, after [redacted] left to [redacted] with subsequent payments in the amounts of \$100 approximately every six weeks.

During the fall of 95, Fr. Magaldi was up in [redacted] picking up his mother and visiting a friend in [redacted]. He wanted to see [redacted] and invited him to the hotel where he and his mother were staying. As they left his hotel room, Fr. offered to give [redacted] a massage. This is something [redacted] family does often, but the position Fr. used was too close for [redacted] comfort. After the massage, as they were departing, during the normal embrace, Fr. Magaldi kissed him on the lips, totally shocking [redacted]. It was certainly not the type of kiss [redacted] would expect in this kind of relationship. It was the "straw that broke the camel's back" for [redacted] and he decided not to see Fr. again. He received a letter from Fr. later that semester, explaining away the kiss as typical between family members in his family.

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Fr. Bob,

Notes of

1997

Below is a summary of our meeting with Fr. Magaldi on January 9th re: the allegations from [redacted]. It was difficult to keep accurate notes of Fr. Magaldi's comments since they did not follow a consistent line of thought; I feel he was feeling anxiety due to the situation and was speaking rather fast and jumping from one thought to another.

He indicated that he had taken [redacted] to lunch out of concern for him as a [redacted] going off to [redacted] for the first time. Since Fr. was from the [redacted] area, he felt he could offer some insight and advice. He did not recall [redacted] reaction in the swimming pool, and commented that he had invited several altar servers over to swim, and had not had any complaints from them or their parents. In fact, there was one family who expressed concern that their son had not been invited to swim.

Fr. Magaldi did recall the situation over the enemas, and had indicated that the equipment he was using required someone to hold a bag, and to release the liquid, and that was the function [redacted] was asked to perform and agreed. All other aspects of the procedure, including inserting the probe, was done by Fr. himself. [redacted] agreed to assist as long as he "could turn his head."

As relates to the kiss on the mouth that [redacted] spoke of at the hotel in [redacted] Fr. consistently denied that he would ever do such a thing, almost going out of his way to act disgusted at the thought. He did acknowledge that everything else occurred as [redacted] had communicated. He indicated that [redacted] was the one who initiated the "hugs", and that [redacted] was the one who liked to refer to Fr. as "Uncle Phil", therefore implying Fr. might have introduced him as his nephew in keeping with [redacted] desires. He indicated that he never perceived [redacted] uncomfortableness around Fr., and even at the time of the alleged kiss on the mouth. He did not recall sending [redacted] a letter explaining away the kiss, but did ask "Did he keep it?"

Fr. commented several times regarding coaching he had received throughout his career as a priest regarding physical activity around lay people which might be perceived in the wrong way. He discussed several things [redacted] had said regarding activity at [redacted] with the altar servers, and other youth. Since arriving at [redacted] he said he's supervised as many as 175 altar boys, and never had a problem such as this arise. One comment that struck me while discussing his personality and Italian heritage, he commented that "being Italian, my hands are always ready." This comment was made regarding innocent embraces and such with parishioners, students, etc.

In summation, we decided there were three things that were clearly defined by [redacted] as acts unbecoming the relationship he had with Fr. Magaldi:

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1. Fr. Goosing him repeatedly
2. Series of four enemas that ... assisted with
3. The kiss on the mouth at the ... hotel

Fr. categorically denies the first and third, but agrees to his fault in judgment in the second. Based on this alone, we concluded there was sexual misconduct, and that probably more of ... allegations were merited, even though Fr. denied them.

Respectfully submitted,

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Magaldi
1-12-97

January 12, 1997

Notes of Fr. Robert Wilson

In re, interview of Father Philip Magaldi, concerning accusations of

and I, Father Robert Wilson, met with PM on January 9.

Although he admitted knowing everything was a matter of surprise to him that all this was happening. He kept saying he just couldn't believe it, and in this day and time, accusations are going to happen to everyone. He said that his personality is the problem. He leads with his heart, not his head.

I began by outlining allegations. PM generally denied any intention of seduction. When asked about specific details he rambled in his answers, usually denying memory, and sometimes then recalling, but with the incident being less dramatic, or lesser in number, etc. E.g. At first he claimed not to remember giving money, but then said he was just trying to help him as a college kid with no money. He claimed not to have sent a \$100 check every six weeks or so, but "a couple of checks for \$50.00."

He admitted meeting in the confessional, but correctly said he could not speak of what was said. He talked about being Italian and hugging everyone, and interestingly, remembered giving a hug in the confessional after having completed the face to face confession. He also claimed that had been coming to although he belongs to

He admitted the lunches, but seemed to deny the liquor. He just couldn't remember, but it wasn't a big deal.

He denied making advances to in the swimming pool.

He said that he had even talked to parents (at least his father) to be sure that they did not misconstrue his going out with him. He knew about father being scandalized by the affair in the papers concerning the priest at

Finally, I outlined the three major concrete physical actions that were noteworthy: consistently grabbing on the buttocks ("goosing him"); asking to give him four consecutive enemas; and giving him a wet kiss on the lips after leaving the hotel room in where he had taken to see his mother. PM had already denied inappropriate hugging and any other kind of

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sexual innuendo. He denied the physical grabbing of [redacted] by the buttocks and the kiss. He admitted to asking for help with the enema. He claims that [redacted] at first refused, but then agreed if he didn't have to look, but only had to hold the enema bag up and turn it on, all the while keeping his eyes averted.

[redacted] in the debriefing said that she does not believe that the kind of enema PM described is still on the market. He may have had one at home. Enemas sold today are fleet enemas, and are self applied.

PM asked if he was suspended. I told him that he was not. In the beginning he asked if this was a legal matter in the civil courts. I said that it was not. He asked if [redacted] was after money. I said that he was not. I told PM that the bishop would contact him after having received the report of the committee.

Robert A. Wilson

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January 12, 1997

By Father Robert Wilson

Executive Summary. Accusation of Father Philip Magaldi by

a 27-year old male, appeared to a committee of three on January 8, 1997. The committee was made up of [redacted] and myself, Father Robert Wilson. He accused PM of having been guilty of sexual exploitation in the summer and fall of 1995 (sexual exploitation was not his wording). PM appeared before the committee on January 9. Both interviews took place at the offices of Catholic Charities. The incidents took place when [redacted] was 18.

The committee believes that PM is guilty of sexual exploitation. Although he denies portions of the allegations (see notes on testimony), he admits having asked [redacted] to give him four enemas. The committee of three unanimously believes that this was inappropriate, and that it was exploitative behavior, implicitly sexual in nature. While not questioning the truthfulness of either party, the members of the committee have no reason to disbelieve the allegations made by [redacted] which were not admitted by PM.

We believe that PM attempted to minimize the impact of the enemas by his description of what happened. His description was different from that of [redacted].

The committee does not believe that St. Luke's or another institution for residential treatment is indicated for PM. Such treatment will probably not help him, since it is primarily for addicts of one kind or the other. The committee members believe that PM is currently in a supervisory situation where Monsignor King, PM's pastor, exercises the most careful placement of parameters possible in our diocesan system. Therefore, we recommend that he be left there. However, we believe he should be made aware of the consequences of his actions, and assigned to community service at Catholic Charities where he will work in the food bank or in some similar service project. No length of time was suggested, but it should be substantial in order to convince PM of the seriousness of his actions.

Robert W. Wilson

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CONFIDENTIAL MEMORANDUM

In re: Magaldi, Philip
Date: January 17, 1997

From: Bishop Delaney
In re: Father Philip Magaldi
Date: January 17, 1997

I met today with Father Philip Magaldi. Msgr. Charles King and Father Robert Wilson were present. We met to discuss the results of the investigation brought about by the report of that PM had acted improperly with him. The results of the investigation are attached.

I explained to PM that the three person committee as well as I myself found his actions to be improper. He insists that he had no motivation other than helping / I insisted that his very lack of awareness of the import of his actions was itself cause for great concern.

The result: He will continue as associate pastor of Saint John's and will be under very close supervision by Msgr. King for at least the next year. He will no longer be responsible for the altar boys, but will make older parishioners the main object of his ministry. He will meet each week with the pastor to lay out his schedule. He understands that his relationship with parishioners is to be kept on a professional basis and that he will not confuse a pastoral concern with socializing.

Father Wilson will inform and the committee members of the outcome of the investigation.

cc. P. Magaldi
C. King

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Philip Magaldi
2-13-97

February 13, 1997

Memo to Files
from Father Robert Wilson *RW*

Concern:

After Bishop Delaney and I met with Father Phil Magaldi and Monsignor Charles King on January 17 I called three people with the outcome of the meeting. The outcome was that PM is to remain at St. John's under the close supervision of CK. CK stated at the meeting that he intends to meet weekly with PM to review the activities of the week, but that he will expect to know PM's exact schedule each day. He will also expect to be informed when PM has to change it. In essence he wants to know where PM is every hour of the day. He expects PM to keep office hours at St. John's daily according a schedule he will establish. He informed PM that he is taking from him responsibility for the altar servers. He indicated that he planned to have him work with senior citizens, and that he would give regular visitation assignments to him. BD and CK agreed that this would be a probationary period of one year, and that it will be evaluated at that time.

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On January 20 I reached both other members of the investigating committee. I gave them the above in detail. The outcome was close to what the committee recommended.

After several tries, I reached _____ at _____ This was on February 4. I gave him the entire story, stating that this is a severe reprimand to a priest, and very unusual. He said he had hoped that PM would be moved to a parish where there is no school. I explained that PM would not be in contact with youth in the parish, and had been taken off the altar server duty. I also explained that CK is the supervisor most likely to oversee the behavior of PM during the probationary year. He was concerned about what would happen after that, and I told him of the evaluation to take place after one year. He seemed satisfied. He said "this brings it to closure." He asked for assistance in accessing Catholic Charities in _____ I looked up the number and gave it to him. He said he planned to call for counseling, as we had suggested. I asked that he have Catholic Charities bill us.

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ST. JOHN THE APOSTLE PARISH

7341 Glenview

Fort Worth, Texas 76180

(817) 284-4811



June 10, 1997

Most Reverend Joseph P. Delaney
Bishop of Ft. Worth
800 W. Loop 820 South
Ft. Worth, TX 76108-2919

Dear Bishop,

I preface these remarks by reminding you that I am forever grateful for your support during my legal ordeal in Rhode Island and accepting me for service in the Diocese of Ft. Worth.

On May 6, 1992 when I was sentenced to serve 2 years in the Adult Correctional Institutions of the State of Rhode Island after pleading guilty to something I had not done in order to spare the Bishop of Providence, the priesthood and the Church further embarrassment, I felt that I would be able to handle any disappointment or humiliation in the future. That was until this past weekend when my hopes of the "Dream Team" for Grapevine were demolished.

When Nolan High wanted me to serve there I was told that the Personnel Board unanimously voted against it because I was "too pastorally oriented" to serve in a school.

When you invited Brother Paul and me to your office to get to know one another and look forward to serving in a parish that could afford both an Administrator and Sacramental Minister, you said it was your "dream" that he serve as an administrator and I as Sacramental Minister. It was pointed out that there was nothing available at the time and we tossed about a couple of ideas, one of which was St. Francis in Grapevine. No promises were made but the seeds of hope were sown.

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A few weeks ago Charlie King told me that the "Dream Team" would never happen. Now it has come true. A dream turned into a nightmare. I marvel at how the Personnel Board takes care of its own. Is it coincidence that Pemberton got to Holy Family, Scantlin to Blessed Sacrament, Rivero to Denton and now Robinson to Grapevine?

Msgr. King told us he suggested this taking over the Sacramental responsibilities at St. George's. He did not ask Dan or me what we thought. He also said someone was needed for Grapevine and since Ken wanted out of St. George's he would get a "substantial" parish. King told the parishioners here Sunday that "we were worried about losing one priest, but the Bishop has informed us that St. John's will take over Sacramental responsibilities for St. George's."

I have cooperated fully with the suggestions of how to bring my monthly expenses and income into line, sacrificing willingly to show that I could do it if given the chance. Mr. Scott MacDonald as well as Msgr. King can testify to my success in this.

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I have for six months now accepted the humiliation of having to make a weekly report of my daily schedule, where I go, with whom, etc., like a child to a parent. At 61 years of age and nearly 37 years as a priest, you have to realize how repugnant this is.

All this I have accepted in the sincere hope of being given a chance to prove I can be the priest I was ordained to be.

Msgr. King also told me during one of my reporting sessions that he would block any suggestion of the Personnel Board to recommend my being assigned to a parish and I have come to resent this to the point that I find it very difficult to continue serving as one of his associates. Dan Kelly wanted to get away from him after only serving a year here. I have put up with four years of his need to be the center of attention and sharing more with lay persons about the running of the parish than with us priests. Actually I feel the only reason he wants me here is because of my favorable rapport with all the parishioners, regardless of age. This offer to serve St. George's insures his keeping two assistants.

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0440

I again reiterate that I am truly grateful for the support you extended to me during and after my legal problems. I cannot help but feel however that something has happened to our friendship and fraternal spirit and that I am destined in your mind to be an associate until the age of retirement.

Asking a remembrance in your prayers, I remain

Fraternally yours in Christ,

Phil

Rev. Philip A. Magaldi

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CONFIDENTIAL

10-04-04 Order
0441

In re: Magaldi, Philip
Date: June 23, 1997

CONFIDENTIAL MEMORANDUM

From: Bishop Delaney
Date: June 23, 1997
In re: Father Philip Magaldi

I met today with PM to discuss a letter he wrote me (and a similar one to Fr. J. Scantlin) complaining about being ignored by the personnel board, etc.

I reminded him of our meeting several months ago after he had been involved in what may have been a case of sexual impropriety. That and the serious problems he was having with handling his finances led me to ask Msgr. C. King to undertake direct supervision of his ministry and finances. He resents this and vented in the letter he wrote. I was very direct in questioning him:

--He does know that he will never be a pastor in the normal sense, but hopes that he will be able to be somewhat on his own some day in some capacity as a sacramental minister. I left this possibility up in the air as something to be considered at a later date.

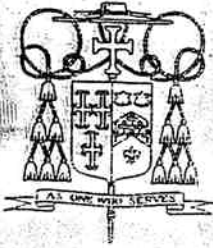
--He also knows that for the next eight months, at least, he will continue under the close supervision of CK.

--He knows that the decision not to assign him with Paul McMullen to St. George was mine, and not the personnel board's.

--He realizes that he is very blessed to be able to continue in priestly ministry, even under the circumstances.

I imagine that it will be necessary periodically to repeat this kind of interview, since PM will probably forget about it all and begin complaining again.

10-04-04 Order
0442



DIOCESE OF PROVIDENCE

ONE CATHEDRAL SQUARE

PROVIDENCE, RHODE ISLAND 02903-3695

(401) 278-4545

FAX (401) 278-4548

OFFICE OF THE BISHOP

December 4, 1998

STRICTLY PERSONAL AND CONFIDENTIAL

Most Reverend Joseph P. Delaney, DD

Bishop of Forth Worth
The Catholic Center
800 West Loop 820 S.
Fort Worth, TX 76108

Dear Bishop Delaney:

I am forwarding for your information a copy of a report faxed to me late yesterday afternoon by Mr. Robert N. McCarthy, Director of the Office of Education and Compliance for the Diocese of Providence.

The report contains a summary of complaints made by the Reverend Philip Magaldi, now a priest of the Diocese of Fort Worth, against

As you will note, the report is a summary of Mr. McCarthy's inquiries. The complete report is in his possession.

With sentiments of fraternal esteem, I am

Sincerely yours in Christ,

Robert E. Mulvaney

Bishop of Providence

Enclosure

10-04-04 Order
0443

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DIOCESE OF PROVIDENCE

433 ELMWOOD AVENUE
PROVIDENCE, RI 02907

401-941-0760 • FAX 401-941-1195

OFFICE OF
EDUCATION & COMPLIANCE

December 3, 1998

To: Bishop Robert E. Mulvey
Monsignor Robert E. Evans
Monsignor George L. Frappier

From: Lieutenant Robert N. McCarthy (Ret.)
Director, Office of Education & Compliance
Diocese of Providence

RE: Reverend Philip Magaldi

CONFIDENTIAL

DOCUMENT IS NOT TO BE REPRODUCED.

1. On Monday, November 2, 1998, at 4:30 p.m., Monsignor Robert C. Evans received at telephone call at the Chancery from an individual who identified himself as of advised Monsignor Evans that he was calling in behalf of a friend and roommate

2. further advised Monsignor Evans that had a block on his telephone and could not call out and request that he be contacted by calling , regarding a matter involving a priest of the Providence Diocese.

3. Immediately on completion of this call, Monsignor Evans contacted this office regarding the matter. After a brief discussion with Monsignor Evans, I called , at the above number advised me that a little over thirty years ago, while a young child riding a bicycle in Worcester, Massachusetts, he got a flat tire. An individual who he later identified as Reverend Philip Magaldi, stopped to assist him. He further advised that he placed his bike in the trunk of the car and offered to give young a ride home.

4. further alleges, that instead of giving him a ride home, he took him to a hotel in Worcester that he identified as the Holiday Inn after dropping off his bike in his yard. then alleges that the individual who identified himself as a Priest brought him to a hotel room at the Holiday Inn and went through a mood change. stated that he began to talk "about sin and all sorts of real crazy stuff. I was scared...I told him I wanted to leave. He

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said I couldn't. Uhm, he never physically stopped me but I was scared of him, you know. I was maybe eight-five pounds. I was a real pip-squeak."

5. I then asked what then happened? He replied, "He raped me. He ah, had this thing with enemas. Use to call it holy water. And he did it to me and then he...then he forcibly performed oral sex on me. Then he wanted me to do it to him and I couldn't." I then asked if this individual sodomized him? He responded, "Anal sex?" McCarthy, "Yes.", "Ycs."

6. The following is a portion of the transcript of page five of an interview of conducted on Sunday, November 29, 1998.

McCarthy Ah, besides sodomizing you he then performed oral sex on you.
After he sodomized me...

McCarthy Ah
...he wanted me to do it to him, and I...I couldn't. I couldn't. You know, I

McCarthy Yup

I wasn't capable physically. And ah, I remember I was trying to get dressed. I remember he made me sit down on the bed and he...I don't know when I got the lecture about how I'd be removed from my family, this that and the other thing. I think it was...might have been after. It might even have been before that, but he started performing oral sex on me and nothing would happen. I was totally freaked out, sort of. Uhm...

McCarthy How old would you have been at this time?

Fourteen, fifteen, maybe thirteen, I don't know. Maybe sixteen. I'm sorr...I don't know. I don't remember the year.

7. On page six of that same interview, further relates the following.

Uhm, I guess when he realized that I wasn't able to do that, he made me give him an enema.

McCarthy Did he give you an enema?

Oh yeah. And he hurt me with it. I mean he wouldn't stop. And ah...

McCarthy Is this prior to the anal sex? Or after?

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0445

Yeah, prior. That's right before he did the oral sex he made me do that to him. I was just like totally disgusted with it, you know, I was

McCarthy Uhm hmm.

But I was so afraid.

McCarthy Yup

I couldn't. There was no way I could. That's when he started performing oral sex on me. It was still no results.

8. I once again asked how he knew this individual was a Priest if he did not have clerical garb on, he related, "Oh yeah, he bragged about being an Priest. Uhm, and in the hotel room he showed me ah, the collar and all that stuff. He had all that stuff...It was sitting...uhm, he had a shirt, a jacket and stuff over a chair and there was one of the collars on the table."

9. further alleges that this individual that he has identified and Father Philip Magaldi would give him money after these sexual encounters that went on for several years. After this first encounter, he alleges that Father Magaldi gave him three hundred dollars cash.

10. stated "...But from that day on I couldn't even go to school. I had to smoke pot before I went to school, during school, buy pills, whatever, and that money he gave me, that... has abused her out and cocaine for more than twenty years in addition to alcohol and other drugs. He currently is in a program in and stated that he is attempting to put his life back together and needs to come to terms with various issues in his life, and this is one of the biggest issues he is dealing with.

11. advised me that he wants to protect others from Father Magaldi, put closure on the matter, and rejoin his and in is a who is currently unemployed and was

12. further alleges that this abuse with Father Magaldi went of for several years and during that time there was approximately a dozen and a half incidents. He related to me that these events ended when he went into the In all of these events, he states that Father Magaldi gave him money.

13. on , earned money as a street prostitute in and during one evening he was sitting of the steps of the library hustling, and a vehicle stopped and it was Father Magaldi. He got in the vehicle and they had another sexual encounter.

14. has also been incarcerated in has the result of his arrest by the Police

15. This office has various memos and notes, a taped recorded interview and transcript of regarding his allegations and I await your instructions as to this matter. Monsignor

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Evans has advised me that Father Magaldi is no longer a Priest of the Diocese of Providence and is currently a Priest in Texas.

Respectfully submitted,

Robert N. McCarthy

Lieutenant Robert N. McCarthy (Ret.)
Director, Office of Education & Compliance
Diocese of Providence

cc: File

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0447

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OFFICE OF
EDUCATION & COMPLIANCE

December 11, 1998

Most Reverend Joseph P. Delaney, D.D.
Bishop of Fort Worth
The Catholic Center
800 West Loop 820 S.
Fort Worth, Texas 76108

CONFIDENTIAL

RE:

Reverend Philip Magaldi

Dear Bishop Delaney:

At the direction of the Most Reverend Robert E. Mulvey, D.D., Bishop of Providence, and at your request, I am forwarding a copy of all of the written and audio material that is found in the files of the Office of Education and Compliance regarding this matter.

This material is a direct result of a complaint made by _____ against the Reverend Philip Magaldi on November 2, 1998, regarding alleged sexual abuse that occurred to him while both a minor and an adult in the City of Worcester, Massachusetts.

On completion of your review of this material, Bishop Mulvey has asked me to have you contact him at (401) 278-4545 regarding this matter.

With all good wishes and best regards, I remain

Respectfully,

Lieutenant Robert N. McCarthy (Ret.)
Director, Office of Education & Compliance
Diocese of Providence

Enclosures

cc: Bishop Robert E. Mulvey, D.D.

10-04-04 Order
0448

In re: Magaldi, Philip
Date: December 14, 1998

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: December 14, 1998
In re: Father Philip Magaldi

I received a letter today marked "strictly personal and confidential" from Bishop Robert Mulvee of Providence forwarding to me a memorandum written by Robert N. McCarthy, Director of the Office of Education and Compliance for the Diocese of Providence about accusations made against Father Philip Magaldi by [redacted]. A copy of these documents is attached.

After reading the material and discussing it with Father Robert Wilson, I called Mr. McCarthy and spoke to him. He explained that he had interviewed [redacted] in person and found him to be quite credible. He told me that there did not seem to be any immediate danger of publicity about the charges. He offered to send me by expedited mail a copy of the taped interview with [redacted] and the other materials he had pertaining to the case. He also offered to help in any way that he could, provided Bishop Mulvee was agreeable.

I told him that I would be back in touch with him after reviewing the materials.

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In re: Magaldi, Philip

Date: December 17, 1998

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: December 17, 1998
In re: Father Philip Magaldi

The material from the Diocese of Providence arrived today from Robert McCarthy. Included were the tape of the interview he had with _____, a transcript of that tape, and the file of this incident from its beginning four weeks ago.

After listening to the tape, I convened the sub-committee (of the diocesan sexual misconduct group) that had heard the complaint against him in January, 1997. The members: Father Wilson, _____

The committee listened to most of the interview with me and then discussed the way to proceed. It was decided to meet with PM on Saturday, December 19 and let him hear the tape. Given the similarity to the incident 23 months ago, the committee discerns a pattern of misconduct reaching back many years. The outcome of the meeting may be removing PM from active ministry, sending him to Rhode Island for a polygraph test, and then to _____ for evaluation.

I am trying to reach Bishop Mulvey to discuss the matter with him and to ask for Robert McCarthy's assistance in having the accuser, _____ take the polygraph test and also setting it up for PM. I also want to discuss with the bishop the legal implications for his diocese so that we don't precipitate any difficulty for them.

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0450

INTERVIEW WITH P. MAGALDI: DECEMBER 19, 1998

BISHOP DELANEY: December 19th, at 9:00 in the morning present are [redacted] Father Robert Wilson and Father Philip Magaldi. We are here to discuss some accusations about Father Magaldi. Let me just explain what all of this is about. I received a letter a week ago today, no I'm sorry it was Monday of this week from Bishop Malvey in Providence and which he enclosed a long memorandum from a member of the diocesan staff who's name is Robert McCarthy. He has been ... was hired some several years ago. His office is called Education and Enforcement, I believe or something like that, but he is an investigator that the Diocese has full-time on their staff. A complaint came to them about Father Magaldi of going back some years and he investigated it, made a report to the Bishop and the Bishop sent me the report. I then called Mr. McCarthy to ask him for more information and he sent along to me a tape of an interview of he had with a man named [redacted] and I would like to pause now and listen to that interview. [paused tape to listen to interview of [redacted]].

BISHOP DELANEY: We have just heard the interview of [redacted] conducted by Robert McCarthy and now we are going to discuss that.

PHILIP MAGALDI: Can I say something?

BISHOP DELANEY: Um, hmmm.

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PHILIP MAGALDI: The Devil was definitely at work. I never ever met a person by that name. The only time I ever went to Worcester was to go to Tally's to get a collar, usually with another priest or to the retreat at Spencer. I have no idea unless reading that article that was in the Worcester paper recently he got some ideas. Ahh, I think I have to get a lawyer to challenge this. Because I absolutely deny any such contact. I have never performed oral sex on anybody. I have never raped anybody, God forbid. Ahh, you know I just don't know where to. I have always worried with these articles in the paper that somebody might get an idea like this. And uh, that's all I can say. This definitely, that is a complete lie. The whole thing is a lie. And I don't know what else I can say! I've often said that to when we have discussed this - - how do you, how do you deny, how do you defend yourself against something that is said by someone? - - In a way I feel at peace because thank God something like this I know is not true and especially the idea of going to Worcester. Who would ever really went to Worcester? And like I said the only thing I recognize is the name Dershowitz. And I am just wondering - - if there is any pos - - and it is not Allen Dershowitz the lawyer that was in the Von Bulow case, but he mentioned somebody named Dershowitz. If there is any possibility that there might be some connection between this guy and that [redacted] that was involved with Dershowitz and has been out to get me from the beginning when I would not back him up to say that he had made up the story regarding Von Bulow and all that stuff. So, I don't

know, but I definitely think I need to have an attorney check this. Who is this, who is this McCarthy? I don't know him!

BISHOP DELANEY: McCarthy is a retired Lieutenant of the Massachusetts State Police.

FR. PHILIP MAGALDI: That works for Rhode Island?

BISHOP DELANEY: He's working for the Diocese of Providence.

FR. PHILIP MAGALDI: Oh!

BISHOP DELANEY: He's on the staff of the Diocese of Providence.

FR. PHILIP MAGALDI: Uh - huh...

BISHOP DELANEY: He heads up their office of Education and Compliance.

FR. PHILIP MAGALDI: See -- I'm not -- that has to have happened after I left.

BISHOP DELANEY: Well, I talked to the Bishop about him. He is a highly skilled

FR. PHILIP MAGALDI: Uh - huh ...

BISHOP DELANEY: Investigator has long long experience of dealing with this.

FR. PHILIP MAGALDI: Okay.

FR. PHILIP MAGALDI: So, I mean -- what else do I do at this point?

BISHOP DELANEY: Well, Father Magaldi what concerned us, particularly, having hearing all this was what happened two years ago the -- [interrupted by Magaldi] --

FR. PHILIP MAGALDI: Yes.

BISHOP DELANEY: -- allegations that were made that involve exactly the same kind of things; enemas and money.

FR. PHILIP MAGALDI: Yeah! I can understand where that would raise a question and it would be difficult, okay! But I mean -- [interrupted by Delaney] --

BISHOP DELANEY: Let -- let me make clear about the seriousness of this --

FR. PHILIP MAGALDI: Um hmm.

BISHOP DELANEY: These events are alleged to have happened somewhere between eighteen and fifteen years ago. [interrupted by Magaldi] --

FR. PHILIP MAGALDI: -- Um, hmm.

BISHOP DELANEY: that last ones about fifteen years ago.

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BISHOP DELANEY: and then two years ago another event occurs of the same type -- and that leaves us very concerned. Secondly, the Diocese went to great length to defend you in two different cases. First when the whole thing broke out over the your trial --

FR. PHILIP MAGALDI: -- Um, hmm --

BISHOP DELANEY: -- We kind of stuck by you when you came back went (sic) very public with it, but gave you another assignment --

FR. PHILIP MAGALDI: -- Um, hmm --

BISHOP DELANEY: -- and then last summer when Brooks Edgerton, the reporter from the Dallas Morning News came out attacking Teczar -- attacking me because of Teczar and you --

FR. PHILIP MAGALDI: -- Um, hmm --

BISHOP DELANEY: I defended you totally. In the back of mind though was this case two years ago that we concluded did not constitute really serious sexual misconduct. But that was -- that's always been a question Father.

FR. PHILIP MAGALDI: I know, it is going to hang over my head like this other thing.

BISHOP DELANEY: Now, now though we have the likelihood that Brooks Edgerton will get all of this, in fact, I've been watching the -- read -- looked at the morning news this morning to be sure that it hasn't broken yet -- that -- the next day, week, month were going to get a big front page article in the Dallas Morning News saying Magaldi guilty of sexual -- accused of sexual misconduct --

FR. PHILIP MAGALDI: -- Um, hmm --

BISHOP DELANEY: -- and we just can't wait for that. So we have to deal with this this morning.

[some talking in background inaudible]

FR. PHILIP MAGALDI: There's no feeling that this could be a lie? --

BISHOP DELANEY: -- | -- | --

FR. PHILIP MAGALDI: -- that had been prompted by an article? -- Cause I -- [interrupted by Delaney] --

BISHOP DELANEY: I called McCarthy back again yesterday to talk to him -- having heard the tape, . . . we had all heard it . . . and asked him about that and he said that he would stake everything, his whole reputation that this guy is telling the truth.

FR. PHILIP MAGALDI: Really?

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BISHOP DELANEY: He would!

FR. PHILIP MAGALDI: Really? -- well -- [sigh] -

BISHOP DELANEY: He said he's interviewed lots of people. He's interviewed people [inaudible] making false accusations. He said everything about this person indicates that he is telling the truth. And this is a very experienced [interrupted by Magaldi] -

FR. PHILIP MAGALDI: -- That's fine --

BISHOP DELANEY: --- state police investigator --

FR. PHILIP MAGALDI: I'm sorry [chuckles] he hasn't interviewed me!

BISHOP DELANEY: Not yet!

FR. PHILIP MAGALDI: I'm willing to talk to anybody.

I think for me it -- it's the whole issue of the enema.

FR. PHILIP MAGALDI: Right!

That's -- makes him so much more credible, [interrupted by Magaldi]

FR. PHILIP MAGALDI: Yah.

-- to me than -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- because of this other incident, right?

Uh huh, uh huh.

FR. PHILIP MAGALDI: [sigh]

FR. ROBERT WILSON: That's true for me.

Right.

That's just not something that even if I would think for the most part if someone did see your picture or did read your name and did decide to hurt you, that that would be a piece of it. I mean the rape, the exploitation so many other things, but the enema is so specific.

FR. PHILIP MAGALDI: Yah.

Uh, that that's to me is a real red flag.

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FR. PHILIP MAGALDI: Um, hmm -- okay, I... I can understand that. [sigh] I can only deny it.

[silence/no talking for a few moments]

BISHOP DELANEY: No, I don't think any of us can, that's why -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- then how come right now when the stuff was in the paper before about me and Rhode Island and all these other things -- [interrupted by Delaney]

BISHOP DELANEY: -- well you heard the tape though -- here's a man

FR. PHILIP MAGALDI: he's been on drugs and all that kind of stuff --

BISHOP DELANEY: he's trying to get his life back in shape, he's tried a couple of times in the past. He's actually in an institution right now in a rehab. And the whole point of his -- what's bothering him most of all is this what happened back in his youth --

FR. PHILIP MAGALDI: um, hmm.

BISHOP DELANEY: he claims that a lot of his problems go back to this time when he was a victim of sexual abuse and that's not unlikely or uncommon.

FR. PHILIP MAGALDI: um, hmm. -- (inaudible).

BISHOP DELANEY: (inaudible)

FR. PHILIP MAGALDI: You know, I know that I never raped anybody or forced anybody to do anything sexually with me. So, I -- I -- how do I prove that when he is making that allegation especially a thirteen year old God. You know very well how close I am to kids and how I love kids and I have always strived to have kids respect me. That's another thing, that some of those things is that I bragged about being a priest and -- and did these things. I mean, if a person is doing this kind of stuff, I would think he would use an alias and -- and certainly not say who he was, but that -- that I very openly said I was a priest and all that stuff. And I don't even know of any Holiday Inn in -- in Worcester, but that's beside the point. The whole thing -- the fact of the setting in Worcester is the thing that amazes me. And how coincidental that the article appears in Worcester of -- what's his name? Father Teczar and myself.

BISHOP DELANEY: Well, he has not been living in Worcester for some years now, his address is in

FR. PHILIP MAGALDI: Oh, this ?

BISHOP DELANEY: this

FR. PHILIP MAGALDI: Oh, yeah - okay

BISHOP DELANEY: he's been on (inaudible) -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: Ya, but that's -- [Delaney continues]

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0455

BISHOP DELANEY: -- I don't know, ten years maybe, since he married.

FR. PHILIP MAGALDI: Um, hmm, but how was I supposed to have had contact with him at that time? Of regular contact, calling him up and then saying I'm down the street -- I mean -- I wish you could, I don't know --

BISHOP DELANEY: I know what it sounds like is that he was hustling and that you were coming by and meeting him occasionally. That's what he is alleging.

FR. PHILIP MAGALDI: But the first thing was supposedly an accident -- [interrupted by Delaney]

BISHOP DELANEY: -- with a bicycle -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- with a bicycle or something?

BISHOP DELANEY: -- that's right, as the years went by.

FR. PHILIP MAGALDI: Ya, right. I think this is a very craftily concocted story and I admit -- [interrupted by Wilson]

FR. ROBERT WILSON: -- way . . . the way I heard the story on the tape was that the original contact of when he was a teenager that you would call his house and either pick him up or get him meet you. Then when he was ^{here was an} accidental almost contact when you were cruising and he was hustling. That's what he is alleging.

FR. PHILIP MAGALDI: hmm, well that's fine.

FR. ROBERT WILSON: as I understood it.

FR. PHILIP MAGALDI: well, that's his privilege to allege what he wants, but I -- I so help me God it is not true. It is not true. And I have to find some way of having that shown that is not true, I don't think. He's talking about he doesn't give specific dates or anything and, I, cause I don't, my appointment books on those days I'm sure I have thrown away. Uh -- I just you know, -- [sigh] it's diabolical, definitely is diabolical.

You were in the Providence -- [interrupted by Magaldi]

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0456

FR. PHILIP MAGALDI: -- I was in Providence, yes, yes I was. I -- I did live in Providence and I have served in the Diocese of Providence, but I did not go to Worcester! Except as I said to go to the R. J. Toomey company to get a collar. Uh, shirt from them, that is where they had their factory. And most of the time I was always with another priest. Just roaming around in Worcester - uh - that --

That's sort of geographically challenged. How far apart are those places?

FR. PHILIP MAGALDI: They are only about 45 miles. Oh, 45 minutes, not even 45 miles, 45

In, I guess, kind of echoing what Karen said earlier and the Bishop, you know for me personally --

FR. PHILIP MAGALDI: Um, hmm --

the consistency of the enema and the payment of money and the age. I mean -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- ya, but it is a little isn't it -- that -- [interrupted by

-- was in his early -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- yes, but he was -- [interrupted by]

or you know, sixteen, seventeen -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- ya, he was needing to -- [interrupted by]

-- eighteen, nineteen years old -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- (not comprehensible) he was paid like a prostitute, this is making it seem like a prostitute situation. \$300.00. We didn't make that kind of money in those days. And I was not a pastor in 1970 whenever it was. Whenever the dates that it was, we made like \$400 or \$500 a month, but there is no way I could have done anything -- I just didn't do it! What can I say to you people? -- [interrupted by]

but it's the enema thing!

FR. PHILIP MAGALDI: I know, but is it possible -- [interrupted by]

-- why would people tell this happen?

FR. PHILIP MAGALDI: -- that there might some other person out there that did that, also?

(inaudible)

FR. PHILIP MAGALDI: It's not unknown that it's possible that sexual -- [interrupted by Delaney]

BISHOP DELANEY: -- It's highly unlikely -- [interrupted by Magaldi]

FR. PHILIP MAGALDI: -- I heard that in .. in California enemas are used as sexual things or whatever you call it, when some people have sexual .. um.. tendencies or things like that. That's the unfortunate thing that it has to be .. this thing with -- with was not a sexual thing at all, I said that before, I told you people that.

I'm not denying.

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BISHOP DELANEY: . . . any adult can give himself an enema, doesn't need anybody else to help, any adult can do that . . .

FR. PHILIP MAGALDI: Well, those new flippy things . . . uh . . .

BISHOP DELANEY: I . . . I go in for my physical the . . . the nurse says here's the enema thing come back tomorrow morning after having had an enema.

FR. PHILIP MAGALDI: But that's not . . .

BISHOP DELANEY: I do it regularly.

FR. PHILIP MAGALDI: you're talking about those pills that you take . . . those fleet things . . .

BISHOP DELANEY: no, I'm talking about an enema.

FR. PHILIP MAGALDI: with a regular bag and hose and all that . . .

BISHOP DELANEY: no, it was in these squeeze tubes . . .

FR. PHILIP MAGALDI: well, no . . . that's . . . that's not what this was . . . this was a . . . one of those bags, you know . . .

BISHOP DELANEY: I'm just saying though, plenty of times

FR. PHILIP MAGALDI: I know that . . .

BISHOP DELANEY: (inaudible)

FR. PHILIP MAGALDI: but . . . knows that same thing too, that uh . . .

but not denying, I guess, that indeed sometimes enemas are inappropriately used as the sexual effort.

FR. PHILIP MAGALDI: Yah . . .

But the fact that two different people have come up with the story about you specifically regarding enemas is very similar

FR. PHILIP MAGALDI: yah . . . I understand . . .

that's very . . .

FR. PHILIP MAGALDI: I know . . .

. . . but I mean -- I really can't understand that -- that . . . because even as we investigate this -- this here and the whole enema issue with the other person . . . that couldn't get up there, right? I mean that information wouldn't be available?

FR. PHILIP MAGALDI: Oh, no -- no one knows that

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[some talking inaudible]

FATHER WILSON: It is not available outside of us . .

BISHOP DELANEY: the people right here in this room. . .

FR. PHILIP MAGALDI: yah
so that -- that wouldn't be a way to tie you into something . .

FR. PHILIP MAGALDI: yah, I know that, I know that . .

and that's the trouble with the story . . .

FR. PHILIP MAGALDI: and I'm just wondering if whoever the person was that he had this encounter with did that and it just happens to be an unfortunate coincidence? There is that possibility because I so help me God know no person by the name . . . ahh . . I certainly did not force sex on -- I have never forced sex on anybody at that rate -- I mean God -- uh, hmmm .

I -- I would like to believe that and I admit that there is that possibility you know, from -- from a open and shut case, you know we don't have all that evidence that would totally identify that, but you have to understand from our perception . .

FR. PHILIP MAGALDI: yah

. . . and with the information we have. And the Bishop says highly unlikely that -- that possibility occurs the . . you know the information we have certainly supports high probability . . .

FR. PHILIP MAGALDI: . . that's the only thing it supports is the -- the enema it does nothing to support sexual misconduct. . . did not accuse me of sexual misconduct! I never touched him and he never touched me improperly. And there is no one else, I've never had any allegations about that kind of behavior so if I were a predator as he is saying here, how come I haven't, you know, been exposed before this? I -- I just don't understand that . .

That's something else for me and Father Wilson arranged some training before we were selected for this . . uh responsibility. And one of the things that was very apparent in the training was people who are oriented this way towards pedophiles that many times they don't recover. And that's -- that's a concern that I have personally is here we have a case going back sixteen to twenty years ago and we have a case of two years ago and are there other cases out there that we don't know about? Are there cases going on today that we don't know about?

FR. ROBERT WILSON: . . still I want to be clear that . . I would have to go back and review the file but my memory of . . was that he was very much afraid that there was improper sexual advance and that's the reason

he came to us. He said nothing happened, but he felt that you made an improper advance by kissing him. And, you know, that is why we have the investigation. . .

FR. PHILIP MAGALDI: yah

FR. ROBERT WILSON: ... now he himself said nothing further happened because he backed off and you did not pursue him, but . . . is that your memory?

... um, hmm yah.

[inaudible]

FR. ROBERT WILSON: . . and I - - I think all three of us when we first heard the tape or read the transcript . . . (inaudible) . . oh my gosh, this enema thing jumps..

FR. PHILIP MAGALDI: . . . yah, I know . . I can't deny the fact that it's there, but I also say that I did not do this to this person, I don't know this person, I have never met this person and .. I mean . . he . . (sigh) and I just don't know how else to defend myself against it.

BISHOP DELANEY: Do you understand how it places the Diocese . . the position it puts the Diocese in? Our policy states that when someone is accused of sexual misconduct that we investigate it and if there is any grounds then the person must be removed from ministry.

FR. PHILIP MAGALDI: um, hmm . . .

BISHOP DELANEY: . . while the things resolved. Uh . . once the letter came it - - it actually came last Friday now I remember a week ago yesterday and I called McCarthy Friday and then he promised to send me the tapes. The tapes didn't come until, I guess Wednesday morning . .

FR. PHILIP MAGALDI: um, hmm

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BISHOP DELANEY: . . by Fedex. Uh, once I had the tapes and we arranged this meeting, but we're at the point now by our own guidelines that we have to make a determination of some kind and until we get some more information . . uh all of us think that it could be true that the allegations could be true. If we - - if we believe the allegations and if I believe the allegations in particular I can not allow you to continue on in public ministry until it's resolved. And there is no way that - - that I can defend myself before God or before the people of the Diocese or before the world, if Bruce Edgerton for instance, tomorrow morning, published all of this. You can imagine what situation we would in. There would be no defense. You can get up and say forever it's not true, but I couldn't get up and say it's not true, Phil. You know, I don't know it's not true. If there are reasons to think it may well be both from the similarity between the event we had, but also from McCarthy because I questioned him very much yesterday morning. He said the man is totally believable. He says he has interviewed hundreds of people with a great skill in this. He said this

broke down a number of times, has nothing to gain . . . uh . . . whether there is any . . . will you have any legal problems I don't know, up there. Whether the statute of limitations is expired on criminal activity? Or that's, who knows . . . he won't say . . .

FR. PHILIP MAGALDI: . . . has he brought charges or anything?

BISHOP DELANEY: . . . no, oh, no, no, no, no

FR. PHILIP MAGALDI: has any lawyer sent (sic) to say that wanted money or anything?

BISHOP DELANEY: no, no

FR. ROBERT WILSON: He sure is thinking something, well . . . because he did call an attorney.

BISHOP DELANEY: let -- let me explain how much I know about it.

FR. PHILIP MAGALDI: okay.

BISHOP DELANEY: when he called the Monsignor, whoever, Evans . . .

FR. PHILIP MAGALDI: yah, one of my former officers . . . chancellor

BISHOP DELANEY: he, . . . he told him a little bit about this on the phone apparently -- we're . . . we're just trying to let you know. Told him that he was abused by Father Magaldi some years ago and so forth and had talked to his attorney and was calling the Diocese.

FR. PHILIP MAGALDI: okay

BISHOP DELANEY: so McCarthy went with that information -- now we've heard on the tape that he talked to a lawyer on the Cape. McCarthy told me yesterday, that what happened was that he talked to a lawyer on the Cape and an hour later the lawyer calls him back and has Allen Dershowitz on the phone, on the line from Boston and they talked to him . . .

FR. PHILIP MAGALDI: how did they get Allen Dershowitz?

BISHOP DELANEY: the lawyer called him . . .

FR. PHILIP MAGALDI: but why? Why Dershowitz?

BISHOP DELANEY: because he's known for his sexual misconduct thing. He's out to get the church, he's been involved in several . . .

FR. PHILIP MAGALDI: is he?

BISHOP DELANEY: oh, sure he is . . .

FR. PHILIP MAGALDI: he's been always very good to me . . .

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BISHOP DELANEY: well, this -- this is not what he has been to some of the Diocese up in New England apparently.

FR. PHILIP MAGALDI: oh!

BISHOP DELANEY: . . . and talked to him and there is another lawyer they mentioned . . .

BISHOP DELANEY: . . . , who I don't know who he is, but apparently a Boston lawyer, who were urging to do, let us take the case. He's saying he does not want to do that. He does talk about maybe he could use some money though. He owes child support and so forth. So right now according to McCarthy

FR. ROBERT WILSON: . . . and you say (in audible) child support? Did he mention counseling?

BISHOP DELANEY: Counseling. He has gone in for night and days into rehab, McCarthy believes. They haven't been in touch with him for the last week or so, but that was -- was about to go into rehab for ninety days. And that's apparently paid for, I guess, by the Veterans and -- but when he comes out he may need more counseling because he has no insurance. That's with Providence, that's Providence's problem. And I think that they know that and we will deal with it as it comes up. If there is any kind of lawsuit, obviously you'd be sued, but so would the Diocese of Providence. It would not effect the Diocese of Fort Worth at all.

FR. PHILIP MAGALDI: right, good.

BISHOP DELANEY: legally good, but not good in every other way because you're not up there anymore. It would hurt them having a lawsuit, but they could say they got rid of him a long time ago. He's down in Fort Worth now. And were the ones who would bear the whole burden of your presence and the danger you could pose to the people of the church and so forth. That -- that's the dilemma we are in right now.

FR. PHILIP MAGALDI: [sigh] . .

BISHOP DELANEY: what I, -- what I talked to McCarthy about yesterday was the possibility of taking the lie detector test, that he mentioned that he was going to and that you would too.

FR. PHILIP MAGALDI: yep!

BISHOP DELANEY: by the same person who gave both of them. That would mean your going up to Rhode Island and meeting with McCarthy.

FR. PHILIP MAGALDI: But those things are not always correct either, are they? 10-04-04 Order 0462

BISHOP DELANEY: that's right, but if they aren't correct normally what happens with a lie detector test is either they say truthful or not truthful or if they say

determine it, inconclusive. They don't say not truthful when a person is telling the truth nor vice versa. It's that middle inconclusive thing that can happen.

FR. PHILIP MAGALDI: uh, huh ...

BISHOP DELANEY: um, is willing to do that um... I think you don't have too, it's up to you, I would want . . . (in audible)

FR. PHILIP MAGALDI: (in audible) yah . . it seems that the only other way I can even attempt to prove that it is not true. [sigh] That's another thing I have a Baptism at eleven o'clock, I'm supposed to preach at all the masses this weekend.

BISHOP DELANEY: You're not going to get back by 11:00 Phil, you need to call someone. Well why don't you go in the next room and there is a phone.

FR. PHILIP MAGALDI: Let's see if I can get somebody to go over there. [Magaldi leaves the conference room]

BISHOP DELANEY: We took a break for the committee to discuss the issue and we're back together again now with Father Magaldi present. Father Magaldi we've talked about what to do, what the next steps are and we weighed the issues in our own guidelines that state when a complaint is made the person is removed from their position whether it's a lay person or priest in the ministry until a resolution is made. The reason for that is the risk to people in the church in the meantime. In this case because the allegation goes back so far we don't think there is an immediate risk and therefore [side B of tape] - And therefore, feel that you could remain active in the parish for a week or so . . .

FR. PHILIP MAGALDI: especially with Christmas -

BISHOP DELANEY: with Christmas, through Christmas and the Sunday after Christmas, but then we want you to go up to Massachusetts to meet with Brother McCarthy, get interviewed by him, take a polygraph and then to be down at on the evening of January 3rd.

FR. PHILIP MAGALDI: where is that?

BISHOP DELANEY: that's in I'll give you all the information on this (in audible/not clear). But we have a slot there that we can use on January 3rd for an evaluation which will last from Sunday evening until Thursday. I will be there on Thursday to sit down with you and the people at to go through the evaluation and we'll suspend any other decisions until we hear the results of your interview, the polygraph and the report.

FR. PHILIP MAGALDI: okay.

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BISHOP DELANEY: Okay, now I called Monsignor King yesterday to tell him that you were going to be coming over and that I didn't tell him anything about what it

was except that it could mean you would not be available in the parish, so he knows that much. I think that you should not tell him what this is all about except to tell him that you will be available until the Sunday after Christmas. But then you don't know about that. He was worried about St. George's and I said we will have to help him with all of that.

FR. PHILIP MAGALDI: Plus he was supposed to be going away in January and (in audible/not clear) . . .

BISHOP DELANEY: This takes proceeding over . . .

FR. PHILIP MAGALDI: No, I understand that. I want to get out from under this because I prayed to Cardinal Bruner, when I was in there. Remember he was accused of stuff and that man was a Cardinal -- I -- I mean a saint -- I'm certainly not a saint, but -- uh . . . and I've made mistakes and I (in audible/not clear) and I was stepping on a lot of things, but so help me God I did not do what thing says I did.

BISHOP DELANEY: Well, our concern -- is that you be treated in everyway justly and compassionately. At the same time I have the responsibility for the church.

FR. PHILIP MAGALDI: I know that, I understand that.

BISHOP DELANEY: And all these cases is often times a conflict between the individual person and the common good and -- and that becomes often very difficult. So, we just ask God's help to -- to (not clear/over talking) in the right way.

FR. PHILIP MAGALDI: Should I get in touch with any attorneys or anything or wait? I -- I cause I'll call Dershowitz in a minute.

BISHOP DELANEY: I don't think you should. Uh, we were talking a bit about that and we don't know that they have any legal grounds for doing anything. Um, the statute probably has expired, um . . .

FR. PHILIP MAGALDI: I thought with rape it never expires, I (over talking) . .

BISHOP DELANEY: No, I don't think that's the case.

FR. PHILIP MAGALDI: yah, I don't know either.

FR. ROBERT WILSON: Let's be careful here I don't want you to be seen as advising him not to get an attorney.

FR. PHILIP MAGALDI: Okay, you're right.

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FR. ROBERT WILSON: What you are saying is that you do not think that from the knowledge you have that the attorneys up there are imminently about to pursue a case, but still I don't think we (over talking) . . .

FR. PHILIP MAGALDI: Still, can I ask you're advice . . .

BISHOP DELANEY: You can do whatever you want, Phil.

BISHOP DELANEY: You are free to do whatever you wish. Um, you need to know that we understand that _____ is in rehab for a ninety day period and only eighty days would have gone by - by now. So that the next couple of months he is probably not in circulation. But what that means I don't know. We do know he has been in touch with attorneys, we do know that he told McCarthy that he's not pursuing that - didn't say he never would, but he is not pursuing it. Beyond that I don't . . .

FR. PHILIP MAGALDI: that transcript -- that's yours right?

BISHOP DELANEY: It is.

FR. PHILIP MAGALDI: I don't have access to that?

BISHOP DELANEY: Well I can ask permission to give you a copy of it. I don't think that I can do that without - - it's the property of Providence - - and I'm not sure I can give that to you without their permission. But I can ask for that.

FR. PHILIP MAGALDI: I just don't know - - because if I had to talk to somebody I'm sure they need to see that - -

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FR. ROBERT WILSON: If you do choose to speak to an attorney I would speak to an attorney in Massachusetts that would be familiar with Massachusetts law

FR. PHILIP MAGALDI: right

FR. ROBERT WILSON: Because an attorney here would have no

BISHOP DELANEY: We were just speculating, we know that Rhode island is quite different from Massachusetts in this area. That there have been cases that the Diocese of Providence won and were thrown out and where in Massachusetts in the Porter case (sic) similar cases were accepted by the courts. So it would depend a lot on the venue, but that's beyond our we're not (in audible) actually Phil, the Diocese isn't. That would be your problem and the Diocese of Providence if that should ever happen. Our concern down here is for you because you are the person living here now and for our local church. So what you do - I think you may want to talk to McCarthy about whether you should get an attorney. He would be better able to give you some information that you can make a decision on.

FR. PHILIP MAGALDI: Do you have his number and stuff?

BISHOP DELANEY: If you want to call him, sure!

FR. PHILIP MAGALDI: Because I don't know him, I - - at least I don't recall anyone by that name.

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BISHOP DELANEY: No, you wouldn't know him. He's from Massachusetts. He's retired from the Massachusetts State Police.

FR. PHILIP MAGALDI: But he's working in Providence?

BISHOP DELANEY: He's a member -- he's on the staff.

FR. PHILIP MAGALDI: I remember they did get -- uh -- a retired state policeman once when they were having problems in the hospitals with the money missing and stuff and they hired from the state police, but his name wasn't McCarthy.

BISHOP DELANEY: He's got an office. He's in the chancery with his own office and his own secretary and all if you want to call him there's his number.

FR. PHILIP MAGALDI: Okay. Thank you.

FR. ROBERT WILSON: How will we -- -- are you going to inform McCarthy and have Phil call him for an appointment?

BISHOP DELANEY: I will call McCarthy on Monday -- uh, I don't -- well I may can get him sooner than that can I assure. I can call him today and leave a message on his machine, he'll call me back. And see whether it's going to work or not whether he can do this during vacation time. We don't know if he is available during business in New Years, don't know that yet. We do know is set up. So for the third.

FR. PHILIP MAGALDI: Now where is that?

BISHOP DELANEY: You fly into

FR. ROBERT WILSON: Either I guess

BISHOP DELANEY: Either whatever.

FR. PHILIP MAGALDI: Is that like the ?

BISHOP DELANEY: No, no, - no is a it's an independent it's the biggest most in the country to deal with cases like this. We have had several priests go up there over the years. We've dealt with them regularly for a long time. It's in :

FR. PHILIP MAGALDI: and this would be in January?

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BISHOP DELANEY: January 3rd it's a Sunday. You would be there by, you know, in time for supper.

FR. ROBERT WILSON: We need to give you a phone number and you need to give them the information about when you will come in and they will pick you up.

FR. PHILIP MAGALDI: Okay ---

BISHOP DELANEY: I will call them on Monday. Set it up and be in touch with you. Now for a good ticket - two weeks - it's two weeks tomorrow.

FR. PHILIP MAGALDI: I can use a senior citizens coupon or something.

BISHOP DELANEY: well, you will probably want to go through Providence.

FR. PHILIP MAGALDI: why would I go through Providence to go to

BISHOP DELANEY: No, you're going to go up and see McCarthy . . .

FR. PHILIP MAGALDI: Oh!

BISHOP DELANEY: On the way . . .

FR. PHILIP MAGALDI: then I have to go before the 3rd wouldn't I?

BISHOP DELANEY: that's right we're going to try to set that up before the 3rd. But try to set it so you can leave about the 28th. Go up to Providence, see McCarthy, have the polygraph and then come down to

FR. PHILIP MAGALDI: Okay.

FR. ROBERT WILSON: You can use three senior citizen coupons and still keep it under \$900.

BISHOP DELANEY: Under \$800 they're \$200 a piece.

[over talking about airfare prices and senior citizen coupons]

FR. PHILIP MAGALDI: I'll look into it anyway.

FR. ROBERT WILSON: We will reimburse you.

BISHOP DELANEY: You can make your own arrangements, but don't do it until Monday.

FR. PHILIP MAGALDI: No, okay.

BISHOP DELANEY: Do you need two weeks?

FR. ROBERT WILSON: you need two weeks for confirmed seating, but not for standby.

BISHOP DELANEY: Well, Monday is plenty of time

FR. PHILIP MAGALDI: yah, Monday is fine.

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[more over talking about airfare and arrangements]

FR. PHILIP MAGALDI: I don't know when I will be coming back though, that's the only thing.

BISHOP DELANEY: Well, you would be coming back on the 7th or 8th of January, it will be over by - - I'm going up and back the same day, but don't try set the same - - I'll do that on Monday.

FR. PHILIP MAGALDI: I have that Sky Miles thing too which is a very big discount provided you go over a Saturday. But I would leave the 28th you said . . .

FR. ROBERT WILSON: 27th after mass or the 28th .

FR. PHILIP MAGALDI: to Providence and then have to leave Providence.

BISHOP DELANEY: Do you have somewhere to stay in Providence?

FR. PHILIP MAGALDI: My house.

BISHOP DELANEY: . . . well probably to . . . You can either go to which ever is cheaper.

FR. PHILIP MAGALDI: And then return also from

BISHOP DELANEY: Yes and again from either airport

FR. ROBERT WILSON: You will be free to leave any time after 5:00 o'clock on the 7th.

BISHOP DELANEY: I will be in touch with you on Monday when I have made the phone calls and verify it all.

FR. PHILIP MAGALDI: thank you all for your consideration.

BISHOP DELANEY: Phil, I'm sorry for about the baptism

FR. PHILIP MAGALDI: It was (in audible/not clear) be yesterday morning with the school presenting me with 600 cards and special ____ it was just gorgeous and I got this one's call and that sort of changed the day. That's all right, now Christmas I will have to make arrangements for someone to take care of my mother and aunt. That's another problem - - and you know, I appreciate your concern and I understand your concern and - - and I just wish you had somewhere in your mind and hearts that this could be wrong.

I hope it is.

BISHOP DELANEY: We all hope it is . . . [everyone in meeting stated over one another we all hope it is]

FR. PHILIP MAGALDI: What will I do if it ever goes - - -

BISHOP DELANEY: The meeting ended here there was some more conversation as people said goodbye. The meeting ended at 11:05a.m.

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In re: Magaldi, Philip
Date: December 19, 1998

CONFIDENTIAL MEMORANDUM

To: The Files
From: Bishop Delaney
Date: December 19, 1998
Subject: Father Philip Magaldi

The subcommittee of the Sexual Misconduct Board comprised of Father Wilson, net with me and Father Philip Magaldi today in my office at the Catholic Center. There is a tape recording of the session.

Briefly, PM listened to the tape of the interview Robert McCarthy of the Diocese of Providence had with on November 29. After hearing the tape, PM denied that any of it was true and that he had never met or even heard of a person named . When confronted by members of the committee with the similarities between the incident two years ago (involving enemas) and the allegations by . PM admitted that it was a strange coincidence, but refused to admit anything more. After some discussion PM left the room and the committee conferred.

DOCUMENT IS NOT TO BE REPRODUCED.
The resulting decisions were then presented to PM: 1) that the committee could not discount the allegations; 2) that PM needed to be interviewed by Robert McCarthy and submit to a polygraph test; 3) that PM would go to on January 3 for a psychological evaluation. The committee would then review the results of these steps sometime in early January and make further recommendations.

As regards PM's ministry: Since it is only a few days before Christmas, since there is no foreseen danger to any other persons, since the investigation of the allegations is still underway, and since precipitate action could affect the good name of both PM and the Diocese, it was decided that PM may continue in ministry for the next week through December 27.

I will call to set up the assessment scheduled for January 3-7. I plan attend the final session of the evaluation on January 7.

I will call Robert McCarthy to see if he can interview PM between December 28 and 31, and arrange at the same time for a polygraph test. I will also ask his permission to give a copy of the transcript of the interview to

I will call for another meeting of the subcommittee when the results of these steps are ready for review. It is understood by all that PM will not be involved in active ministry after December 27 until the matter is finally settled.

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In re: Magaldi, Philip
Date: December 21, 1998

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: December 21, 1998
In re: Father Philip Magaldi: Arrangements for Testing

I made several arrangements today for PM, following up on the subcommittee's recommendations:

1. PM is scheduled for _____ for a full assessment. He will arrive on the evening of January 3. I will go for the final summation on January 6.

2. I spoke with Bishop Mulvee to ask if he would allow Robert (Rocket) McCarthy to help us follow up on _____ allegations. He was very agreeable, but he insisted that any interviews that Rocket would have with PM or _____ should take place in Massachusetts, to avoid confusion with jurisdiction.

3. I spoke with Robert McCarthy to tell him of Bishop Mulvee's permission for him to help us. He will set up a meeting with PM in Massachusetts and arrange for a polygraph test for both PM and _____.

4. I spoke with PM and gave him the contact numbers for _____ and for McCarthy. He will call them both and make arrangements. He will go to Rhode Island on the 28th and stay at the family house. He will make his own travel arrangements.

5. McCarthy called me later in the morning with some problems about the polygraph. Since PM is an employee of the diocese, federal laws protecting employees come into play. I promised to call _____ and _____ and _____ them speak together.

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Diocese of Fort Worth

Bishop's Office

In re: Magaldi, Philip

Date: December 23, 1998

CONFIDENTIAL MEMORANDUM

To:
From: Bishop Joseph P. Delaney
Date: December 23, 1998
Subject: Reverend Philip Magaldi

Father Philip Magaldi is scheduled to arrive at ... on the evening of January 3, 1999 for a full assessment. I am planning to attend the wrap-up session on Thursday, January 7. Father Magaldi is at present a priest of the Diocese of Fort Worth. He was ordained for the Diocese of Providence, but had to leave ministry there for reasons that will be described below. He was incardinated in this diocese about five years ago. He is an extremely likeable priest, very popular with both clergy and lay folks and very committed to ministry. He is also very bright but also very able to manipulate people to his own ends. Father Magaldi lives in an apartment in the parish where he is assigned, caring for his mother and an aunt, both of whom are in the nineties.

He has had an extraordinarily flamboyant career, having served very briefly as business manager of the North American College many years ago, again briefly as a vice-chancellor in Providence, and as a pastor in that diocese. He was involved peripherally in the Claus von Bulow murder trial at which time he was very nearly indicted for perjury and obstruction of justice, and finally after several years of investigation he was indicted, tried, pled guilty and served a short prison sentence for grand larceny, having been accused of embezzling a large sum of money (more than \$200,000) from the parish where he was pastor.

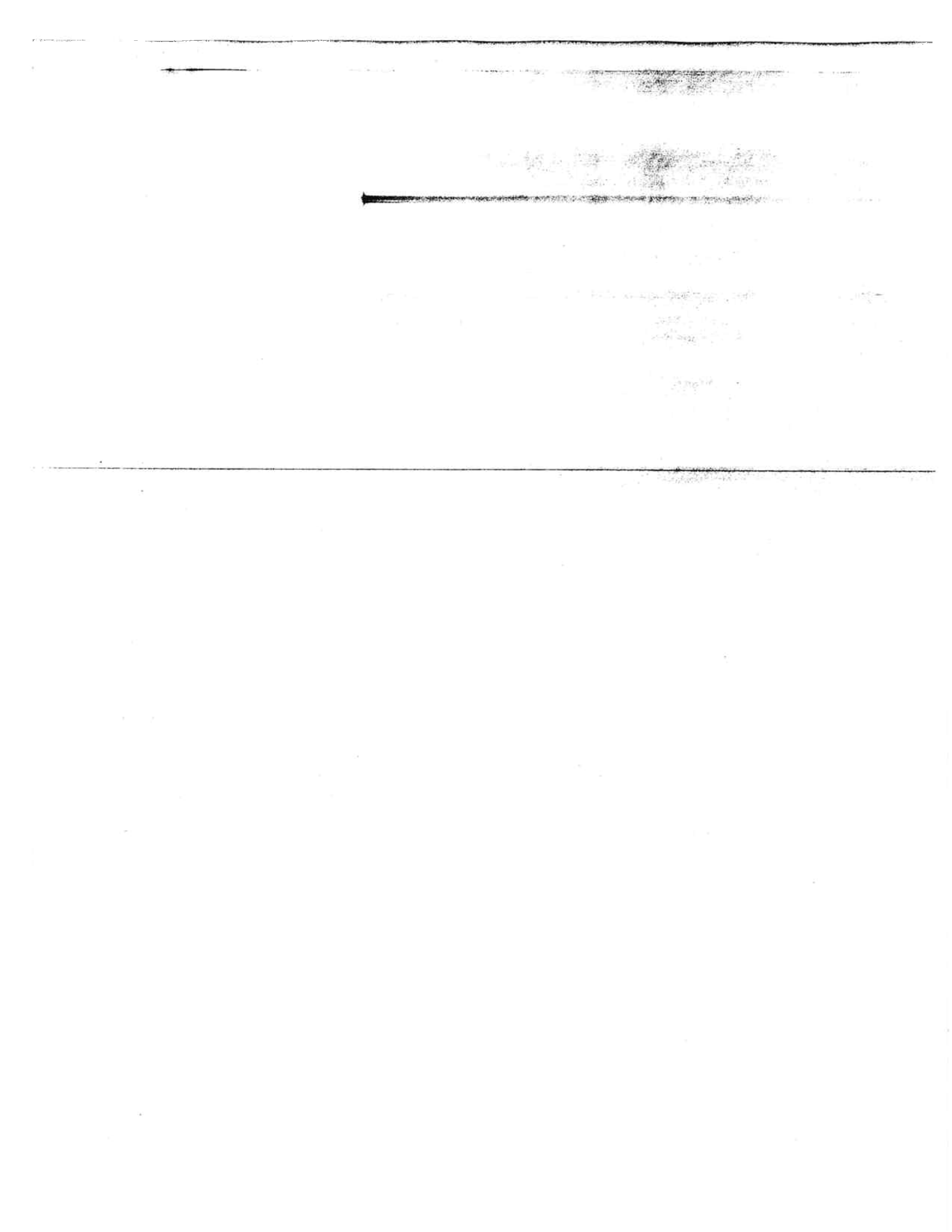
All of the above is background to the present problem. I learned two weeks ago from the bishop of Providence that Father Magaldi has been accused of sexual misconduct with a minor that took place about 22 (20) years ago and lasted over a five-year period. In reading the transcript of an interview with the accuser, I realized that there were close similarities to an incident in which Father Magaldi was involved here in Texas two years ago. At the time, this incident did not seem especially serious. However, these similarities not only add credibility to the accuser's allegations, but strongly indicate that Father Magaldi has been involved in similar behavior into the present.

Information about all of this is attached in three parts: 1) Background information that does not concern the immediate problem; 2) Information about the incident in this diocese that was investigated in January, 1997; and 3) Information about the allegations of ... that Father Magaldi abused him over a period of five years beginning sometime in the middle 70's.

At the moment I am trying to arrange for Father Magaldi to return to Providence to be interviewed by the same investigator (Mr. Robert McCarthy, an employee of the Diocese of Providence) who interviewed ... and also to take a polygraph test. If that works out, this further information will be forwarded to ...

Either I or Father Robert Wilson will be available at this number to answer any further questions that may arise.

10-04-04 Order 0471



December 19, 1998

**Background Information about Philip Magaldi
Unrelated to the Present Allegations**

1. The Claus von Bulow Trial:

Father Magaldi was involved in a peripheral way in the notorious first trial of Claus von Bulow. The attached clipping sums up the charges against him and the fact that he was eventually cleared of misconduct. He had been charged with perjury and obstruction of justice.

2. Embezzlement Charges and Conviction

The newspaper clippings give a brief view of what happened. In 1988 Father Magaldi was accused of having embezzled a large sum of money (at least \$200,000) from his parish. He denied the charges and the matter sat for about two years. Then the State of Rhode Island brought charges against him. He was tried, eventually pled guilty and was sentenced to prison. He served an eight-month term.

At the time of his trial, he was serving as a pastor in the Diocese of Fort Worth upon the recommendation of the bishop of Providence. After being paroled, he returned to Fort Worth and was given an assignment as an associate pastor, with the understanding that he would never be allowed to be a pastor or in charge of money in the future. He was incardinated in the Diocese of Fort Worth in 1994, since it was clear that he could never serve again in Rhode Island because of the conviction.

Editorial Note (Bishop Delaney): It cannot be over-stressed how serious the situation was. Had he not pled guilty he was in imminent danger of being found guilty by a jury and sentenced to a much longer term. He maintained and continues to do that he was in fact not guilty, but that by pleading guilty he was saving the bishop of Providence from a lot of difficulties—in other words, he was really a martyr. During this whole period he remained, at least on the surface, quite serene and unaffected by the events, always insisting on his innocence, in spite of the overwhelming evidence against him.

10-04-04 Order
0472

December 19, 1998

**Father Philip Magaldi
Allegations about Sexual Misconduct with**

The following pages:

Confidential Memo of January 3, 1997 with Original Accusation.

Executive Summary of the Investigation

Reports of the Three Committee Members on interviews with P. Magaldi and

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10-04-04 Order
0473



DIOCESE OF PROVIDENCE

433 ELMWOOD AVENUE
PROVIDENCE, RI 02907

401-941-0760 • FAX 401-941-1195

OFFICE OF
EDUCATION & COMPLIANCE

CONFIDENTIAL

To: Bishop Mulvee
Monsignor Frappier
Monsignor Theroux
Attorney William T. Murphy

From: Robert N. McCarthy

Date: November 2, 1998

Case Number:

Subject: Sexual abuse involving former Priest of the Diocese of Providence.

Name of Complainant: Monsignor Robert C. Evans, Chancellor
Diocese of Providence

Address of Complainant: One Cathedral Square, Providence, Rhode Island 02903

Phone Number of Complainant: Work: 278-4500

Date of Complaint: 11/02/98 Time of Complaint: 4:30 p.m.

How Complaint Received: Telephonically

Gist of Complaint: Monsignor Evans advises that an individual by the name of:

of _____ advised him that he had been molested
during the late seventies and early eighties by a Priest whom he identified as a Philip Magaldi.

The abuse allegedly began when _____ was sixteen years of age and continued for years
hereafter.

Recommendation: Investigate and advise.

10-04-04 Order
0474

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CASE NUMBER _____

MEMO

On Monday, November 2, 1998, at 4:30 p.m., I received a telephone call from Monsignor Robert C. Evans, Chancellor for the Diocese of Providence. He advised that he had received a telephone call from an individual who identified himself as _____ who is the roommate of a _____

_____ advised that _____ had a block on his phone and could not call out, but could receive incoming calls and requested that Monsignor Evans contact him at Area Code _____ that it was a serious matter involving sexual abuse.

Monsignor Evans advised me that he contacted _____ at that phone number. _____ advised him that he had been sexually assaulted as a juvenile during the 1970's and early '80's by a former Priest of the Diocese of Providence whom he identified as Philip Magaldi.

Monsignor Evans advised _____ that he would contact this office and relay the information.

On the above date at 4:30 p.m., Monsignor Evans called this Office and advised me of the above.

Upon termination of my phone call with Monsignor Evans I called _____ who advised me that he was _____ years of age and resided at _____

_____ advised that he was molested in Worcester during the late '70's and early '80's, and the first molestation began when he was approximately age sixteen. He was pushing his bicycle along the road as it had a flat tire and he was picked up by Father Magaldi.

During my conversation with _____ he broke down several times and he stated, "If anybody else has made an allegation against this guy, ask them about the enemas." Upon completion of that statement, _____ once again broke down.

_____ agreed to meet with me on Monday, November 9, 1998, at 8:00 a.m., in _____

10-04-04 Order
0475

CASE NUMBER

MEMO

On Monday, November 9, 1998, I drove to _____
This is the address of the home of _____, who alleges he
was molested in Worcester, Massachusetts, for a period of two to three years during
the late 1970's and early 1980's while a teenager by Father Magaldi.

_____ had contacted Monsignor Robert E. Evans, the Chancellor, on Monday,
November 2, 1998, who referred _____ to this Office so that an investigation could
be completed to determine the specifics of his allegations.

On the above date I called _____ at his home, and he agreed to meet with me on
Monday, March 9, 1998, at 8:00 a.m.

On the above date I drove to _____ where I knocked on the
door and there was no answer. Parked in the driveway was a _____

After knocking several times I placed my business card in the door handle and wrote on
the back that I requested that _____ contact me at the Office of Education and
Compliance.

Periodically during this day I placed several calls to _____ house. There was no
answer.

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10-04-04 Order
0476

CASE NUMBER

MEMO TO FILE

On Wednesday, November 11, 1998, at 11:30am I called

from

The purpose of my telephone call to _____ was to determine why he failed to meet with me on the agreed upon date and time of November 9, 1998 at his home in _____ and to determine whether or not _____ wanted to go forward with his allegations regarding Father Migaldi.

There was no answer at the _____ residence on 11/11/98 at 11:30am, not an answering machine to leave a message.

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10-04-04 Order
0477

CASE NUMBER

MEMO

On Friday, November 13, 1998, I made several attempts to contact
at his home, No one answered the telephone.

On the above date I advised Monsignor Robert Evans, the Chancellor of the Diocese of
Providence, about the current status of this case.

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10-04-04 Order
0478

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CASE NUMBER

MEMO

On Tuesday, November 17, 1998, at 10:00 a.m., I met with the members of the Tuesday Group in the _____ and advised them on the current status of this case.

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10-04-04 Order
0479

CASE NUMBER

MEMO

On Thursday, November 19, 1998, I called _____ at his residence in _____
at _____ Once again there was no answer.

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10-04-04 Order
0480

CASE NUMBER

MEMO

On Thursday, November 19, 1998, I sent a letter Certified, Return Receipt Requested, to _____
A copy of this letter will be made a permanent part of the record.

This letter is to advise _____ that I had made numerous attempts to contact him either in person or by phone without success and that when he is ready to discuss further his allegations involving the Reverend Philip Migaldi to contact this office collect to set up a meeting between him and myself regarding these allegations.

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10-04-04 order
0481

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DIOCESE OF PROVIDENCE

433 ELMWOOD AVENUE
PROVIDENCE, RI 02907

401-941-0760 • FAX 401-941-1195

OFFICE OF
EDUCATION & COMPLIANCE

November 19, 1998

RE: Your complaint of November 2, 1998, involving the Reverend Philip Magaldi.

Dear

On Monday, November 2, 1998, I spoke with you by telephone regarding a referral from Monsignor Robert C. Evans, Chancellor of the Diocese of Providence, to this office.

During the phone call you alleged that during the late '70's and early '80's, you were sexually molested by the Reverend Philip Magaldi in Worcester, Massachusetts. Both you and I agreed to meet at your residence on the following Monday, November 9, 1998, at 8:00 a.m., in

DOCUMENT IS NOT TO BE REPRODUCED.

On the above date, I drove to _____ which you had advised me was your residence. I knocked on the door several times, and there was no answer. Getting no answer, I left my business card in the jamb and requested that you contact me.

On various other dates and times, I attempted to contact you by calling _____, and no one answered.

Because I have been unsuccessful in speaking with you further on this matter, I am writing this letter to you.

When you are ready, please do not hesitate to contact me by calling collect (401) 941-0760 or by writing to me at the above address. We will endeavor to assist you in your complaint in any way that we can.

With all good wishes and best regards, I remain

Very truly yours,

Lieutenant Robert N. McCarthy (Ret.)
Director, Office of Education & Compliance
Diocese of Providence

10-04-04 Order
0482



CERTIFIED

MAIL

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CONFIDENTIAL

433 ELMWOOD AVE., PROVIDENCE, RI 02907-1793

PERSONAL & CONFIDENTIAL

10-04-04 Order
0483

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IMPORTANT MESSAGE

FOR _____
 DATE 11/06/98 TIME 11:15 A.M.
P.M.

WHILE YOU WERE OUT

M Mrs. Evans
 OF _____
 PHONE NO. Re: Magaldi files

TELEPHONED	<input checked="" type="checkbox"/> PLEASE CALL
CALLED TO SEE YOU	<input type="checkbox"/> WILL CALL AGAIN
WANTS TO SEE YOU	<input type="checkbox"/> RUSH

RETURNED YOUR CALL

MESSAGE He's located all the records, & he will be keeping them in his own office!

SIGNED Mle

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ORIGINAL

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IMPORTANT MESSAGE

FOR _____
 DATE 12/07/98 TIME 2:20 A.M.
P.M.

WHILE YOU WERE OUT

M _____
 OF _____
 PHONE NO. _____

TELEPHONED	<input type="checkbox"/> PLEASE CALL
CALLED TO SEE YOU	<input type="checkbox"/> WILL CALL AGAIN
WANTS TO SEE YOU	<input type="checkbox"/> RUSH

RETURNED YOUR CALL

MESSAGE He's going away Thursday - The address is

SIGNED _____

COPIES

10-04-04 Order
0484

IMPORTANT MESSAGE

FOR

DATE 11-24-98 TIME 3:10

AM
P.M.

WHILE YOU WERE OUT

M

OF

PHONE NO.

TELEPHONED

PLEASE CALL

CALLED TO SEE YOU

WILL CALL AGAIN

WANTS TO SEE YOU

RUSH

RETURNED YOUR CALL

MESSAGE

He's out of the hospital and in plans to call you early tomorrow.

SIGNED

① stated it would

CASCADE P3

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10-04-04 Order
0485

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CASE NUMBER

MEMO

On Tuesday, November 24, 1998, at 3:10 p.m. [redacted] called the Office of Education & Compliance advising that he was just out of the hospital and currently staying in [redacted] advised that he would contact the Office of Education & Compliance on 11-25-98.

[redacted] stated that he hoped that the office got the message about him being in the hospital and didn't travel all the way [redacted] to meet with him.

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10-04-04 Order
0486

CASE NUMBER . . .

MEMO

On Wednesday, November 25, 1998, at 7:50 a.m.
matter called the Office of Education & Compliance.

the complainant in this

stated that he is currently staying at his parents home
The phone number their is

advised me that he was and had a relapse and as a result of that
relapse caused by the pressures in dealing with this complaint hospitalized himself
and remained in the hospital for several weeks and was just recently released. He further
advised that he instructed his roommate to contact this office to cancel the meeting that was
scheduled for Monday November 9, 1998. I advised that I not received any call
from anyone and that I drove to to meet with him and I left
my business card in the door and there was no one present and that on several occasions I had
attempted to reach him by calling the phone number that he has in to no avail.

apologized and advised me that he was waiting to go into a 90 day program at his
request run by the
went on the relate that this could come at any day when a bed was available. He
requested to meet with me as soon as possible.

and I agreed to meet m at 10:00 a.m. on Sunday November
29, 1998.

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10-04-04 Order
0487

433 ELMWOOD AVE., PROVIDENCE, RI 02907-1793

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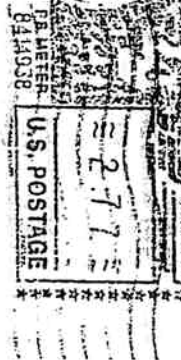


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MAIL **CERTIFIED**



10-04-04 Order
0488

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CASE NUMBER

MEMO

On Sunday, November 29, 1998, I met with _____ who is currently residing with his parents in _____ can be reached at that address by _____

_____ age _____ is a _____ by trade. He's divorced, has _____ children, and his ex-wife and children are currently residing in _____

_____ is an _____ and has been using both _____ for approximately twenty years. _____ He attributes this abuse towards an initial sexual assault that took place over twenty years ago when he was approximately thirteen or fourteen years of age.

_____ is awaiting treatment at _____ His new address will be: _____

The phone number at that location is _____

The contact person there is _____

_____ advises that at around age thirteen or fourteen while pushing his bicycle along a city street in the City of Worcester, Massachusetts, because of a flat tire on the bicycle, a vehicle pulled up to him and a single male occupant in the vehicle asked him whether or not he could use any assistance. With that, the male occupant placed bicycle in the trunk of the vehicle and introduced himself as Philip Magaldi.

_____ alleges that he accompanied Philip Magaldi to The Holiday Inn in Worcester, where he was given an enema by Magaldi, and Magaldi requested that _____ give him an enema. In addition he alleges that there was anal sex involved and oral sex.

_____ further alleges that on various occasions over a period of about ten years _____ was assaulted sexually by Philip Magaldi for approximately a dozen and a half to two dozen times.

_____ alleges that in order to deal with this assault he abused _____, and this abuse went on for approximately twenty years.

_____ also related on the first encounter with Philip Migaldi he gave him approximately three hundred dollars in cash, and that on other occasions whenever he met with Magaldi, Magaldi would offer him money, and the money would be several hundred dollars until near the end of their relationship it would diminish to the fifty dollar range.

10-04-04 Order
0489

related in his interview, which was tape recorded and will be a permanent part of this record, that he had been a member of _____ and left because of medical reasons, one of which was _____

_____ also relates that while on drugs he _____ and was arrested by a _____ For that _____ he received a jail sentence to _____ and he was later transferred to _____ and then to _____ where he was released.

_____ stated that the reason he was bringing this up now was that he was trying to deal with the _____ that he attributed to the abuse by Reverend Philip Magaldi and that his sponsor advised him that there would be no closure unless this was addressed.

He advised that last week he missed our scheduled appointment because he was hospitalized at _____ as he had _____

He further related on various other occasions over the last few years he has attempted suicide by _____ He stated he now realizes the error of his ways and needs to address this problem in order to go on with his life. He is currently waiting for a bed at _____ in _____

where he could be hospitalized for up to a period of ninety days and that when a bed became available he would immediately go there. He had no idea when that bed would be available, but was hoping for it as soon as possible.

_____ related that his main reason for bringing this forward at this time was to deal with his own personal demons, as well as preventing any other young adult or teenager from further abuse by the Reverend Philip Magaldi, who he classified as "a predator".

_____ further alleges that all of this abuse took place in Worcester, Massachusetts, and that no incidents took place in the State of Rhode Island.

10-04-04 Order
0490

CASE NUMBER

MEMO

On Tuesday, December 1, 1998, the Office of Education and Compliance received a Certified letter, sent to [redacted]. It was stamped returned to sender, not deliverable, as address unavailable to forward.

This Certified mail has been made a permanent part of the record.

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10-04-04 Order
0491