

CASE NUMBER

MEMO

On Tuesday, December 1, 1998, at 10:20 p.m., _____ called the Office of Education and Compliance to advise that he was going away on Thursday, December 3, 1998, and that the address he could be reached at is:

On Wednesday, December 2, 1998, at 9:45 a.m., _____ called the Office of Education and Compliance to advise he was beginning to recollect other information that may prove helpful in the investigation of this complaint.

He stated that he entered _____ and that sometime in April (he did not know the exact date) he had contact with Father Magaldi. Father Magaldi is alleged to have told him that he was being transferred to Providence, and that to the best of his recollection he thought that Father Magaldi had told him that he had been assigned to a parish on the outskirts of Providence and was being transferred to a Providence Parish.

Part of this investigation will include a review of Father Magaldi's files to include dates of transfer.

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0492

PER COURT ORDER - DOCUMENT NOT TO BE DISCLOSED TO ANYONE NOT IDENTIFIED IN SUCH ORDER AND INFORMATION IN DOCUMENT ONLY TO BE USED IN CAUSE NO. 14T-198356-03, TARRANT COUNTY, TEXAS. THIS DOCUMENT IS NOT TO BE REPRODUCED. DOCUMENT TO BE RETURNED TO COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF COURT.

CASE NUMBER

MEMO

On Thursday, December 3, 1998, I faxed a four page letter, dated December 3, 1998, to Bishop Robert E. Mulvee, Monsignor Robert E. Evans and Monsignor George J. Frappier regarding a summary of the events as alleged by

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CASE NUMBER

MEMO

On Friday, December 4, 1998, a transcript of the interview with _____ which occurred on 11/19/98 was sent to the same along with a copy of the tape, _____, for delivery on Saturday, December 5, 1998, before Twelve Noon. The package was addressed as follows:

A call was placed to _____ on the above date to inform him of the above at: _____

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CASE NUMBER

MEMO

On Thursday, December 10, 1998, I spoke with Monsignor Robert E. Evans regarding this matter. Monsignor Evans advised me that the Most Reverend Bishop Robert E. Mulvee forwarded a letter to Bishop Delaney in Dallas, Texas, regarding this matter. Included in his letter was a copy of the four page letter that I had written to Bishop Mulvee.

Monsignor Evans advised that he was forwarding to me a copy of the entire package sent by Bishop Mulvee to Bishop Delaney to this Office via U.S. mail.

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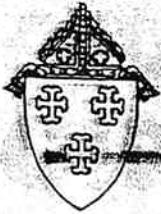
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**DIocese OF PROVIDENCE
OFFICE OF THE CHANCELLOR
ONE CATHEDRAL SQUARE
PROVIDENCE, RI 02903**

Mr. Robert McCafthy
433 Elmwood Avenue
Providence, RI 02907

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DIOCESE OF PROVIDENCE
 ONE CATHEDRAL SQUARE
 PROVIDENCE, RHODE ISLAND 02903-3695
 (401) 278-4517

CONFIDENTIAL

MEMORANDUM

OFFICE OF THE CHANCELLOR

To: Mr. Robert McCarthy
 From: Monsignor Evans *ME*
 Date: December 10, 1998
 RE: **FATHER PHILIP MAGALDI**

I am forwarding for your files the attached copy of Bishop Mulvey's December 4th letter to Bishop Delaney, with its enclosure of the report you faxed to the Bishop's Office, a copy of which accompanied the Bishop's letter.

RECEIVED

DEC 11 1998

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DIOCESE OF PROVIDENCE

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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

DOCUMENT IS NOT TO BE REPRODUCED

1. On Monday, November 2, 1998, at 4:30 pm., 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.", "Yes."

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 sorry...I don't know. I don't remember the year.

7. On page _____ 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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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 I has abused heroin 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 join his and in is a year old who is currently unemployed and was

12. further alleges that this abuse with Father Magaldi went on 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 on 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 for:

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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0500

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

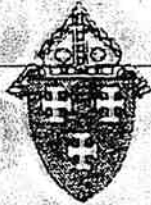
Lieutenant Robert N. McCarthy (Ret.)
Director, Office of Education & Compliance
Diocese of Providence

cc: File

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0501



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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
0502

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.

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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0504

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, _____ d _____ met 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.

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.

10-04-04 Order
0505

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.

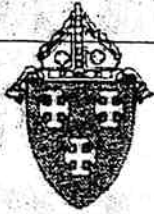
2. I spoke with Bishop Mulvey to ask if he would allow Robert (Rocket) McCarthy to help us follow up on _____ allegations. He was very agreeable, but he insisted that any interviews that Rocket would have with PM or _____ should take place in Massachusetts, to avoid confusion with jurisdiction.

3. I spoke with Robert McCarthy to tell him of Bishop Mulvey'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 have them speak together.

10-04-04 Order
0506



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OFFICE OF
EDUCATION & COMPLIANCE

February 2, 1999

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

RE:

**Transcript of Interview
Reverend Philip A. Magaldi
Taken on January 2, 1999**

Dear Bishop Delaney:

Enclosed you will find a ninety three page transcript of the interview of Reverend Philip A. Magaldi taken by Lieutenant Robert N. McCarthy (Ret.), Director of the Office of Education & Compliance for the Diocese of Providence on Saturday, January 2, 1999, in Providence, Rhode Island.

A copy of this interview has been sent to Father Magaldi on Monday, February 1, 1999, by Certified Mail.

Should you have any questions regarding this transcript, or any other questions regarding this matter, please do not hesitate to contact this office by calling (401) 941-0760 or by Fax at (401) 941-1195.

With all good wishes and best regards, I remain

Respectfully,

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

Enclosure

cc: File

10-04-04 Order
0507