

(END OF SIDE ONE, TAPE TWO)

Fr. Magaldi I put the...the....the object into myself.

McCarthy Uhm hmm.

Fr. Magaldi He didn't have to do that. All he had to do was hold the bag. And so there...and there was nothing...that's what I'm saying. I mean it seems...yah okay, the word, enema, fine, which is unfortunate, but according to ah, ah, what's his name, this was forced on him.

McCarthy Correct.

Fr. Magaldi The other situation, this person is helping me

McCarthy Don't forget, he says at that time he's in his young teens; thirteen,

fourteen, fifteen
DOCUMENT IS NOT TO BE REPRODUCED.

Fr. Magaldi Yeah, I know...thir...okay, fine. But still that...

McCarthy But you see when...when you do things like that you leave yourself wide open for allegations.

Fr. Magaldi But see you don't think of...but if you don't think of...of som... Whoever thought that that kid would go to, the second one, would go to Bishop Delaney with a...that he was advised by another priest that he should go and share that with Bishop Delaney.

McCarthy See my point?

Fr. Magaldi I understand that.

McCarthy I mean in today's day and age.

Fr. Magaldi I know that. I know it.

10-04-04 Order
0587

McCarthy It's not only that you are clean but the perception is.

Fr. Magaldi (Inaudible words) just naive and stupid, maybe call... call it stupid.

McCarthy Uhm hmm.

Fr. Magaldi But I...you know this wasn't just a casual person that I picked up off the street. This was a boy that was...was looking, that always initiated a hug to me when he left the apartment. This is what drives me crazy about this.

McCarthy Could ah, could one allege that this relationship was struck up in order to motivate him toward some kind of a clandestine meeting?

Fr. Magaldi Who are you talking about?

McCarthy I'm talking about a boy in Texas who went to

Fr. Magaldi Was struck to... to motivate him?

McCarthy Yup.

Fr. Magaldi No, it was a natural...it was a natural thing.

McCarthy Just a natural relationship. A friendship.

Fr. Magaldi Yes. And I know, like Bishop Delaney said to me, listen, cause I was supposedly counseling him. The kid was mixed up. He had problems with his girlfriend and this and that.

McCarthy Uhm hmm.

10-04-04 Order
0588

Fr. Magaldi Wanted to go to college. He didn't know ...he didn't want to ask his parents for money, because they needed their money and he was doing and all that kind of stuff, and it just was like a natural thing. Cause Delaney said you shouldn't socialize with someone you're...you're...you're counseling. But I mean to go out to dinner...

McCarthy Tell me, when you do that do you cross the line?

Fr. Magaldi How do you mean?

McCarthy In other words if ah, my wife says I have a problem. The physician who I have is a neighbor and a friend, and she thinks that there's a conflict there because I'm being treated by a friend who can't be objective because of friendship. Could somebody use the same argument that it would be difficult if somebody who you're in a confessor relationship with and also a counseling relationship ah, that once you get into the friendship part, either one has to go. Either you gonna be a friend or you're gonna be a counselor, but you can't be both because of ethical decisions.

Fr. Magaldi I don't think in terms like that, cause I consider that I have a

McCarthy It's kind of like a psychiatrist dating a patient.

Fr. Magaldi Okay yeah, but that's different.

McCarthy Cross the line.

Fr. Magaldi That's not right...like we had cases of a minister counseling married women and supposedly...

McCarthy Dating them.

Fr. Magaldi Not dating them, but having sex in his office with them.

McCarthy That cross the line?

Fr. Magaldi But I don't...that to me crossed the line yeah. But I would not consider my relationship with that...that young man the same thing (inaudible words).

McCarthy But I think originally the reason that that relationship began with that young man is the fact that you are a Cleric.

10-04-04 Order
0589

Fr. Magaldi And he trusted me.

McCarthy And he trusted you.

Fr. Magaldi Yup. And I...and I also...

McCarthy So now you're in danger...

Fr. Magaldi Automatically extend myself to anybody that is in need. I have helped a lot of kids with...with uhm, uhm, recommendations to college and stuff like that.

McCarthy That's all fine, but there's got to be a line that cannot be crossed.

Fr. Magaldi All right, well see that's...

McCarthy And you're...you're tacking along that line.

Fr. Magaldi Okay, I understand that. Maybe that's a fault of mine. Like he said, acting more with the heart than with the head.

McCarthy Did someone say then that this was a manipulation, because of the power imbalance? That you're...

Fr. Magaldi No, I don't (inaudible words)

McCarthy a cleric and they're not. You're older

Fr. Magaldi No.

McCarthy They're younger.

Fr. Magaldi No. No, I was not overpowering or overbearing to him. I was looked upon as...

McCarthy Not being overpowering or overbearing, but by position where you are.

I mean the relationship...

Fr. Magaldi (Inaudible words) to say that.

10-04-04 Order
0590

McCarthy The relationship would not be one that you would say is on an even keel, that both have equal power.

Fr. Magaldi Of course not.

McCarthy There's no doubt that you're in the superior part of that relationship.

Fr. Magaldi Oh sure.

McCarthy And he's in the subordinate.

Fr. Magaldi Yeah.

McCarthy Could somebody then see that as an abuse of that relationship?

Fr. Magaldi Somebody could see that I guess.

McCarthy That's what I'm talking about, leaving yourself open.

Fr. Magaldi Well, that's it. I left myself open, stupidly, but because I had no evil intent in my mind.

McCarthy I have no idea who that Priest was that told him to report that to Bishop Delaney, but could that individual perceive that? Would that be a fair presumption? Could that occur?

Fr. Magaldi Well he might have figured well this was not proper for a...a priest to be having a guy help him with...I don't know if he said anything about the enemas. See that part...

McCarthy See I have no idea. But I'm just saying to you, could that...

Fr. Magaldi All I know is that if he had come to me with that same situation, I don't think I would have advised him to go to the Bishop on that, whoever that other priest was.

McCarthy Uhm hmm.

10-04-04 Order
0591

Fr. Magaldi I don't think so.

McCarthy Well, I can't speak for him.

Fr. Magaldi No, and I can't...I can't either. I can't either.

McCarthy But could you look upon that as improper?

Fr. Magaldi Is what improper?

McCarthy Giving someone an enema ah, who you have in a subordinate/superior relationship. I mean we're not talking about ah, going to a nurse who gets paid to do this. We're talking about a friend.

Fr. Magaldi That's right.

McCarthy Who is a lot younger and troubled, you described.

Fr. Magaldi Yes.

McCarthy Ah...

Fr. Magaldi Not...

McCarthy Could that...

Fr. Magaldi ...badly troubled. I mean (inaudible words)

McCarthy No, but what I'm saying is counseling, also Father confessor all, that by anybody's standards that would be ah, a subordinate and superior relationship.

Fr. Magaldi Yeah, I suppose. See I...see I...

McCarthy This is an abuse of power.

Fr. Magaldi I have always felt, you know, may be it's a mistake to feel that way, but

I...I usually do not feel that subordinate relationship when I'm dealing with someone.

10-04-04 Order
0592

McCarthy Yeah, but they may not.

Fr. Magaldi Huh?

McCarthy They may not feel that way. It's not just what you feel, it's what they feel and they may not feel that way.

Fr. Magaldi Yeah.

McCarthy But the...the next point is this. In the hundreds of cases that we've done here, the question of an enema has never...

Fr. Magaldi Never come up.

McCarthy Ever, ever. Not even in passing until this case.

Fr. Magaldi Ah ha.

McCarthy He specifically said in the first five minutes of my talking with him, crying while he's telling me this, that if anybody ever comes up with the word, enema, and says they got an enema or had to give him an enema, you'd better place some credence in that because he has this thing with enemas.

Fr. Magaldi (Inaudible words)

McCarthy And he calls it holy water.

Fr. Magaldi (Inaudible words) sacrilegious.

McCarthy And I think that's when the bells went off with the Bishop.

Fr. Magaldi Yup, yup. Definitely. I know that.

McCarthy If you were in Bishop Delaney's shoes...

Fr. Magaldi Yup.

Fr. Magaldi ...bells would go off ringing in your head.

10-04-04 Order
0593

Fr. Magaldi Yup. I understand. I understand.

McCarthy I mean this comes out of nowhere.

Fr. Magaldi Well, is it...

McCarthy Half way around the country.

Fr. Magaldi It is possible...

McCarthy Two years later.

Fr. Magaldi It is possible...what do you mean two years later?

McCarthy When did the incident...

Fr. Magaldi It's three...thirty-six years later supposedly.

McCarthy No, no. I'm talking about the incident that took place in Texas.

Fr. Magaldi Yeah.

McCarthy It was several years ago, is that correct?

Fr. Magaldi No, it's only like three years I think. Two or three.

McCarthy That's what I said, several years ago.

Fr. Magaldi Yeah.

McCarthy And then this comes out of the blue here half way around the country.

That's in Texas. This guy's in Massachusetts.

Fr. Magaldi Right.

10-04-04 Order
0594

McCarthy And makes an allegation similar to what took place three years earlier in Texas, but he didn't even know who this guy is or what the guy alleges.

Fr. Magaldi Yeah, yeah. I know it seems very coincidental unfortunately, but I'm still saying can it be that whoever did this to him was involved with that kind of stuff.

McCarthy Yup.

Fr. Magaldi Because I had read that this happens in...very frequently out in California.

McCarthy I have...

Fr. Magaldi (Inaudible words) are used as ah, sexual ah, things or something.
Something to do with...

McCarthy I have a photo array that I will show him ah, which includes your
photograph.

Fr. Magaldi Uhm hmmm.

McCarthy And of other clerics who look similar to you, as far as hair color, age, etc.,
etc.

Fr. Magaldi Yeah.

McCarthy (Inaudible word) and ah...

Fr. Magaldi Are those his that picture... does that picture have glasses that you have of
me.

McCarthy (Inaudible words).

Fr. Magaldi Because I didn't get glasses until 1981. (inaudible words)

McCarthy No, I'd have to go back and look. But I'm sure in the archives I can come
up with a photograph of you, maybe in the Diocesan Directory. I'd have to
go look at that.

Fr. Magaldi Yeah, I think (inaudible words) it was after 1981 that I got glasses for the
first time. (Inaudible words)

McCarthy He didn't say glasses in his description.

10-04-04 order
0595

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COURT.

Fr. Magaldi But this business of the scotch, the liq... see that ~~is it~~ if... if he's mistaken in one thing, he can be mistaken in everything can't he.

McCarthy Oh, absolutely. And he can be only mistaken in that. Remember, we're talking some twenty-five odd years ago.

Fr. Magaldi Yeah.

McCarthy Ah, if you were to ask me specifics...

Fr. Magaldi If we can get back to the... did he say anything about seeing this article in the newspaper in the past two months or whenever it was?

McCarthy Not that I recall.

Fr. Magaldi Because that's... that to me is a very crucial thing.

McCarthy Not that I recall.

Fr. Magaldi How did he know that I had been in prison? He mentioned that I was in prison.

McCarthy Uhmmmm.

Fr. Magaldi How did he know that?

McCarthy He told me the reason that precipitated this complaint was to deal with the demons that he had to deal with.

Fr. Magaldi Right.

McCarthy And that he had relapsed after he began to deal with them. Because I made an appointment to meet him at his house in I specifically drove down there.

Fr. Magaldi He lives in in his own house?

McCarthy He did. He now ah, is back in

10-04-04 Order 0596

Fr. Magaldi He had a roommate over there too?

McCarthy He's now back in

Fr. Magaldi You don't know who it is, huh?

McCarthy I don't. He's now back in at his folks' house, but he wants to go to

Fr. Magaldi And his parents are still living?

McCarthy His mother and father (inaudible words)

Fr. Magaldi Has he shared any of this with his parents?

McCarthy He told me he did not.

Fr. Magaldi Interesting, because Bishop Delaney is from Fall River. That was another

thing that that reporter in Texas did. He had three little, three little towns,

Fall River, Providence and Worcester, showing Father Teczar from

Worcester, me from Providence and Bishop Delaney from Fall River,

almost as if the three of us were in cahoots with one another. They're

vicious. This guy's an anti-Church man.

McCarthy

Fr. Magaldi This...this Brooks ah, Brooks what his...Pinkerton or whatever his name is,

and the word was around that he told...a priest called me that a friend of

his who happened to know this guy's wife, told her and she told the

priest...she told the priest that that reporter was coming up to Rhode

Island, so it was after the article back in ah...

McCarthy Do you have a copy of that article?

10-04-04 Order
0597

Fr. Magaldi Yeah, I don't have his article here. I can get it for you. I've got the article that came up the day after that said...

McCarthy So you're saying there were two articles?

Fr. Magaldi Oh there were two, yeah.

McCarthy Okay.

Fr. Magaldi Well the one...the first was about the uhm, the Bishop.

McCarthy Uhm hmm.

Fr. Magaldi Hiring priests. This one was, "Priest Vows to Keep Job Despite Reports Of Embezzlement." This is the one that was in the news. Now see they've got a picture of me. That's that's taken from my...my ah, being

arraigned at the at the courthouse. That's an old picture.

McCarthy Uhm hmm.

Fr. Magaldi Do you want to keep this?

McCarthy I can make a copy of it and return it back to you.

Fr. Magaldi Okay.

McCarthy I don't have a problem doing that.

Fr. Magaldi No. I ah, this is when Bishop Roos, not knowing about allegations against priests, he was talking about that Father Teczar.

McCarthy Okay.

Fr. Magaldi And ah...

McCarthy These appeared where?

Fr. Magaldi In the...

10-04-04 Order
0598

McCarthy What paper?

Fr. Magaldi This is the Dallas...

McCarthy The Star Telegram?

Fr. Magaldi One was the Star Telegram. The Dallas Fort Worth...the Dallas paper I don't have.

McCarthy Uhm hmm.

Fr. Magaldi Unfortunately, which was the original article that ah, and was repeated in ah, ah, it was repeated in ah, Worcester.

McCarthy What is this?

Fr. Magaldi This was the second day also...third day. This was August the 14th.

McCarthy Uhm hmm.

Fr. Magaldi "Priest's Conviction Not News At His Church" see my parishioners all knew about that.

McCarthy Yup.

Fr. Magaldi Ah, this is a thing...somebody wrote to the...the Bishop. They wrote to the...letters to the Editor and all that stuff. I just have a couple of these.

McCarthy Uhm hmm.

Fr. Magaldi About people.

McCarthy But you're saying that this may have motivated somebody to bring this forward and create this.

Fr. Magaldi That he...what man, not the reporter.

McCarthy No, not the reporter. I'm talking about somebody else.

10-04-04 Order
0599

Fr. Magaldi: Somebody else motivated him or is it possible that there was a priest and he didn't know what the priest's name was, and when he saw my name in the paper?

McCarthy: Uhm-hmm.

Fr. Magaldi: If he saw my name in the paper with all of this stuff. Now see, I don't understand how he knew anything about me being in all the work release program, arrested for embezzlement. Somebody had to tell him that.

McCarthy: Uhm-hmm.

Fr. Magaldi: So, who told him? Can he be questioned. Does he know ?

McCarthy: Yeah, sure. He could have read that himself. Those are...

Fr. Magaldi: What would he be doing in [redacted] with the Worcester paper?

McCarthy: Well, this is...

Fr. Magaldi: Did it appear down there too?

McCarthy: This is some of the things that we're gonna be asking in the polygraph.

Fr. Magaldi: Yeah.

McCarthy: I mean those are obvious concerns of ours too. I mean they're glaring.

Fr. Magaldi: Yeah.

McCarthy: When you say...you know...but ah again ah, he says ah, as soon as I can get one I want to take one. So I said (inaudible words).

Fr. Magaldi: That's fine.

McCarthy: But I don't think it's proper to give one.

Fr. Magaldi: (Inaudible words)

McCarthy: Oh, absolutely. And if these's guys are lying, these guys will catch 'em.

10-04-04 Order
0600

Ah, we use them all on ah, all of the major homicide cases and...

Fr. Magaldi Uhm hmm.

McCarthy ...embezzlement cases, and they've been very effective. Ah, we just had a case where ah, a priest took a polygraph and ah, also the complainant took the polygraph. The complainant ah, was caught in a lie, and then admitted that they had concocted this whole thing, and that the priest was absolved and he had passed it with flying colors. Let me get my secretary to make some copies of these and I'll give you these right back.

Fr. Magaldi Okay. You...you don't want the letters to the Editor and stuff, do you?

McCarthy No, I...they don't have any bearing on this.

Fr. Magaldi No, not really.

McCarthy Okay.

(END OF TAPE TWO, SIDE TWO)

10-04-04 Order
0601