

1 A No.

2 Q Have you ever seen that document?

3 A I don't think so.

4 Q And would you agree that that type of an
5 evaluation is exactly the kind of information that would be
6 shared with the treatment providers so that they could
7 determine whether there was some alternative that should be
8 pursued?

9 MR. HANRAHAN: Form.

10 A I think you're asking me to draw conclusions
11 on something that I'm not comfortable drawing conclusions on,
12 because I really do not have experience or do not have
13 knowledge of how doctors, caregivers interact with each
14 other.

15 Q You would -- let me put it more generically:
16 Would you agree that whatever the general protocol with
17 respect to caregivers who have professional disagreements
18 about particular care, whatever the protocol is, in terms of
19 sharing or not sharing information, you would expect that
20 that would have been followed?

21 A Yes.

22 Q Okay. I want to just go into another area, and
23 then I think we're going to wrap it up. Do you understand
24 how an adolescent boy who is sodomized by a priest in the
25 sacristy and thereafter told by the priest that he must

1 confess, do you understand how that person could feel that
2 God himself had abandoned him?

3 MR. HANRAHAN: Form.

4 A It's possible that an individual would feel
5 that way.

6 Q Do you understand how under those same
7 circumstances that as the boy is now giving his confession to
8 the priest that he could feel a spiritual apartness from God;
9 do you understand that?

10 MR. HANRAHAN: Form.

11 A Anyone who confesses, confesses because they
12 do feel something wrong has taken place in their life.

13 Q Perhaps I'm not being clear. The confession
14 is with respect to the act of sodomy that had just taken
15 place in the sacristy between the priest and the boy; all
16 right?

17 A Mm-hmm.

18 Q And the priest is now telling the boy, "I will
19 take your confession for this sin that you have just
20 committed." First of all, in your view as a priest, has the
21 boy committed a sin under those circumstances?

22 MR. HANRAHAN: Form.

23 A The boy is culpable.

24 Q In what sense?

25 A Well, I mean, without knowing the

1 circumstances completely, did the boy encourage, go along
2 with in any way.

3 Q Bishop Cunningham, I'm talking about a 14- or
4 a 15-year-old boy who is asked to perform fellatio on an
5 adult who is at least twice, if not three times, his age and
6 who is a priest. Are you saying that under those
7 circumstances, you can imagine that the boy is somehow
8 responsible, at any level, for that act --

9 MR. HANRAHAN: Form.

10 Q -- in the eyes of the Church?

11 A I would not -- obviously, what the priest did
12 was wrong. You're asking me if the young man had any
13 culpability, and I can't judge that.

14 Q No. I'm asking you, as a priest who hears
15 confession, if a boy came to you, "Father, I -- I want to
16 confess this sin," and told you that in the confessional,
17 would you, in substance, be able to say to that boy, "You
18 committed no sin"?

19 A I do not know whether I would say that.

20 MR. HANRAHAN: Form.

21 Q Have you ever heard of statutory rape?

22 A I have.

23 Q Do you understand -- you grew up in New York;
24 right?

25 A I did.