

Egan's testimony wouldn't breach any priestly privilege.
What Can The Cardinal Say?

By Paul A. Slager
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This newspaper's editorial of Jan. 18 ("An issue of limits in cleric's testimony") voices concerns about the potential for Cardinal Edward Egan's testimony to have a chilling effect on what a church official can hear or advise professionally.

The subjects of the cardinal's testimony in a recent civil case are not matters of confession or confidence but of administrative responsibility. I agree that the privilege between members of clergy and those who consult them for confession or other spiritual guidance, a privilege provided by Connecticut law, should be protected. Requiring Cardinal Egan to appear for deposition to answer questions about his management of the Bridgeport Diocese, however, would not compromise this important privilege.

Cardinal Egan was bishop of the Bridgeport Diocese at the time of the assaults alleged in this lawsuit. An important part of his job involved deciding which priests were ordained by the diocese and determining where each priest should serve. The Bridgeport diocese, like every diocese in the country, must be accountable when its conduct harms its parishioners.

For more than 11 years, Cardinal Egan was the top Bridgeport diocesan official who made important management decisions that affected the lives of parishioners. Stopping diocesan mismanagement and its tragic consequences requires accountability of diocesan leaderships. Taking sworn testimony from diocesan leaders, including Cardinal Egan, ensures they are accountable for their decisions.

Ernest Teitell and I represent John Doe, a former altar boy of St. Teresa's Parish in Trumbull, in his case against the Bridgeport Diocese and John Castaldo. In connection with this case, we sought and received permission from Stamford Superior Court to question Cardinal Egan about his knowledge of the events surrounding this incident. This case recently was settled for a confidential amount, but the issue of whether diocesan leadership should give depositions in civil cases remains important.

When he received the subpoena to testify in this case, Cardinal Egan's office of the Archdiocese of New York issued a statement saying, "During the cardinal's years in the Bridgeport Diocese, there was never any indication of any sort of sexual misbehavior on the part of the priest in question."

In this case, however, we believe that, years before ordaining John Castaldo and assigning him to St. Teresa's Parish, officials in the diocese had information indicating Castaldo was not fit to be a priest. Specifically, we allege, they had received two disturbing psychological assessments of Castaldo that highlighted his sexual urges and aggressive drives. We contend that Cardinal Egan had full access to these reports from December 1988, when he became bishop of the diocese, though May 2000, when he left to become cardinal.

Officials in the diocese, presumably including its leader Cardinal Egan, also knew, we contend, that Castaldo had been expelled from seminary for bizarre and inappropriate behavior less than two years before the diocese ordained him. Shortly after being expelled from seminary, Castaldo nonetheless was allowed to serve as a deacon for six weeks at a parish in Stamford where we have established that his supervising monsignor refused to provide a letter of recommendation on

his behalf because of Castaldo's insistence on bringing high school-aged students to the parish rectory over the monsignor's direct order to stop.

After his service began in 1987 as a priest at St. Teresa's Parish, at least two people raised concerns about Castaldo to the leadership of St. Teresa's. We found that the principal of St. Teresa's School, a diocesan nun for nearly 40 years, learned Castaldo was taking 14-year-old students on a non-chaperoned trip to Florida. She testified in a deposition that she became concerned Castaldo was interested in the boys sexually, so she informed the pastor of St. Teresa's about the trip.

A mother of one student Castaldo invited to Florida testified that she, too, complained to the pastor of St. Teresa's about Castaldo's giving her son expensive gifts, taking him out for expensive dinners, dropping him off late in the evening and inviting him to Florida. We allege that the monsignor said he would investigate Castaldo's background, and a few days later he reassured her he had done so and found nothing of concern. Several years later, Castaldo took our client on a trip to Florida, where, as alleged in plaintiff's complaint, Castaldo sexually assaulted him.

Our action also alleges that the diocese entertained several complaints about Castaldo in 1990s, while Cardinal Egan served as bishop, including one centered on a series of inappropriate computer communications between Castaldo and a minor boy parishioner.

Cardinal Egan's deposition testimony would have required him to explain why the diocese permitted Castaldo to continue service as a priest in the face of his questionable background and performance, and why the cardinal decided to transfer him to and from multiple parishes within the diocese. Cardinal Egan's knowledge in these areas is based on information he gathered and maintained as the head administrator of the diocese, not as a spiritual advisor. Discussions between and among clergy and parishioners about Castaldo's conduct before and after he became a priest, information that Cardinal Egan had full access to, did not involve matters of confidential spiritual guidance but addressed the question of whether this priest posed a threat to minor parishioners.

Decisions made by a spiritual leader like Cardinal Egan impact thousands of lives. The diocese should be held responsible for the effects of his decision in the same way we hold corporations responsible for their leaders' decisions about the safety of products they produce.

Under Connecticut law, decision-makers are accountable for their actions, regardless of whether the person holds the title of bishop or chief executive officer. Exploring Cardinal Egan's testimony about how he responded to information he had about Castaldo would not dampen or intrude on any privilege, but it would shed light on Cardinal Egan's judgments and allow our community to evaluate decisions he made on behalf of the Bridgeport Diocese.

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