



DIOCESE OF PROVIDENCE

433 ELMWOOD AVENUE
PROVIDENCE, RI 02907

401-941-0760 • FAX 401-941-1195

OFFICE OF
EDUCATION & COMPLIANCE

January 21, 1999

Reverend Philip A. Magaldi

**PERSONAL AND CONFIDENTIAL
INVESTIGATOR'S WORK PRODUCT**

RE: Polygraph Examination
January 2, 1999

Dear Father Magaldi:

Enclosed with this letter is the results of the polygraph examination that was given to you on January 2, 1999, at the Office of Education & Compliance, by senior Polygraph Examiner.

This report arrived at this office on today's date and is immediately being forwarded to you at your home address as agreed on.

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

With my good wishes and best regards, I remain

Very truly yours,

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

Enclosures

10-04-04 Order
0613

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.

August 30, 1998

TO: ROBERT N. McARTHY, DIRECTOR OF EDUCATION & COMPLIANCE

From: Senior Polygraph Examiner

Subject: Services Rendered

RECEIVED

Dear Mr. McCARTHY

The fee for the examinations extended to Rev. Magaldi will be five hundred dollars (\$500.00). If there are any questions regarding this matter, please contact me at the following phone #. Please make the check out to,

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Sincerely,

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10-04-04 Order
0614

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JAN 21 1999

[Handwritten signature]

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Lt. Robert N. McCarthy (RETI)
433 Elmwood Avenue
Providence, R.I. 02907

02907-1766

10-04-04 Order
0615

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January 19, 1999

Lt. Robert N. McCarthy (RET)
433 Elmwood Avenue
Providence, R.I. 02907

RECEIVED

JAN 21 1999

RE: _____

Dear Lt. McCarthy:

As per our conversation on Monday, January 18, 1999, please be advised that I represent _____ regarding a matter on which you are presently conducting an investigation.

As I explained to you, I will be out of town from January 21st until February 3rd, but will call you thereafter to set up an appointment to discuss the future handling of this situation.

In the meantime, if you need to talk with someone regarding same, please feel free to call my office and speak with _____

Very truly yours,

10-04-04 Order
0616

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CASE NUMBER

MEMO

On Tuesday, February 9, 1999, I spoke with Bishop Joseph Delaney of the Diocese of Fort Worth regarding this matter.

I advised Bishop Delaney that I had forwarded the copy of the second opinion of the polygraph examination given to Father Magaldi on February 2, 1999, and that I had forwarded the bill for this to _____

I further advised Bishop Delaney that it was sent directly to Father Magaldi, Return Receipt Requested.

In concluding my discussion with Bishop Delaney I advised him that it was my opinion that the work required from this office regarding the investigation of this matter is concluded unless a new request for additional information would be made by either Bishop Delaney or Bishop Mulvee.

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10-04-04 Order
0617

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DIOCESE OF PROVIDENCE

433 ELMWOOD AVENUE
PROVIDENCE, RI 02907

401-941-0760 • FAX 401-941-1195

OFFICE OF
EDUCATION & COMPLIANCE

February 9, 1991

Reverend Philip A. Magaldi

RE: Second Opinion
Polygraph Examination
January 2, 1999

PERSONAL AND CONFIDENTIAL
INVESTIGATOR'S WORK PRODUCT

Dear Father Magaldi:

DOCUMENT IS NOT TO BE REPRODUCED.

Enclosed with this letter is the second opinion of the results of the polygraph examination that was given to you on January 2, 1999, at the Office of Education & Compliance, by

This report is based on a review of the charts of the polygraph test utilizing the Positive Control Technique format by applying a three point scale.

This review and report made by _____, Senior Examiner is being directly forwarded to you by U.S. Certified mail on the above date.

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

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

Enclosure

10-04-04 Order
0619

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DIOCESE OF PROVIDENCE
Robert N. McCarthy, Director
Office of Education & Compliance
433 Elmwood Avenue
Providence, R.I. 02907

February 6, 1999

Re: Philip Magaidi

DOCUMENT IS NOT TO BE REPRODUCED.

Polygraphic Services - \$ 250.00

Senior Examiner

10-04-04 Order
0620

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In re: Magaldi, Philip
Date: February 19, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: February 19, 1999
In re: Father Philip Magaldi

Father Wilson and I met with Father Magaldi this morning to continue the discussion of the status of the allegations against him.

In summary: PM went to Rhode Island on December 28 and had an interview with Robert McCarthy of the Diocese of Providence which led to a polygraph exam the results of which were to be sent only to PM. PM then went to [redacted] on January 4-7 for a psychological evaluation. I was present for the final session on the 7th. Although [redacted] recommended that PM return for extended therapy, I told PM that we would wait for a while before making that decision. Specifically, I was waiting for the results of the polygraph exam.

Those results were sent to PM in mid-January. McCarthy, however, had promised PM that he would give the full computer info about the exam to another polygraph examiner for a second opinion. The results of this second review were mailed to PM on February 9. As of today, he has not received them. PM has mailed the results of the first review to his attorney. I asked PM to show me the results of the second review when they arrive. He admitted to me what McCarthy had intimated, namely that the exam indicated that PM was not telling the truth in answering several of the questions. I gather that the second review will indicate the same.

In view of the presumed polygraph results about the allegation of [redacted] the report from [redacted] and the incident of three years ago, I have concluded that PM should not continue in ministry in the Diocese, at least until the [redacted] allegations have been proved false. There are two lines of reasoning to support this decision: 1) If the allegations are true, given the acting out of three years ago and the indications from [redacted] of PM's lack of awareness of his own sexuality, PM could be a danger to young people in his ministry; and 2) whether the allegations about [redacted] are true or not, the likelihood of the press finding out about them (since [redacted] has retained an attorney to represent him in this regard) is very great and such publicity would do great harm to this Diocese.

Therefore I explained to PM my conclusion and that I could try to assist him to find a place in ministry in another diocese, or that he could retire. His immediate concern, of course, is that he is the care giver for his mother and his aunt, both of whom are in their 90's. I asked him to think about how we might deal with all of this during the next week. We plan to meet a week from now to continue the discussion.

10-04-04 Order
0623

FEB-23-1999 13:57 FROM

TO 1817427377 P.01

FAX COVER SHEET

DATE: February 23, 1999

TO: Philip Magaldi

FROM:

RE:

YOUR FAX NUMBER: (817) 427-3777

(including cover sheet)

TOTAL PAGES: 5

COMMENTS:

CONFIDENTIAL

CONFIDENTIALITY NOTE

10-04-04 Order 0624

The information contained in the following facsimile message is legally privileged (ia) information, intended only for the use of the addressee named above. If message is not the intended recipient, you are hereby notified that any distribution, or copy of this facsimile is strictly prohibited. If you have a question in error, please immediately notify us by telephone and return the message to us at the address listed above, via U.S. Postal Service. Any costs incurred in returning the message to us will be reimbursed. Thank you.

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FEB-23-1999 13:57 FROM

TO 1817427377 P.02

CONFIDENTIAL

Facsimile Transmittal Sheet

CONFIDENTIALITY NOTICE

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DOCUMENT NOT TO BE REPRODUCED

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET 3

DATE 2-22-99

TO _____

FROM: _____

MESSAGE:

10-04-04 Order
0625

IF YOU DO NOT RECEIVE ALL PAGES INDICATED ABOVE OR IF ANY ARE ILLEGIBLE, PLEASE TELEPHONE.

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FROM

TO

18174273777

P.01

BACKGROUND:

Certified Polygraphist

ADDITIONAL INFORMATION:

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10-04-04 Order
0626

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Place PROVIDENCE, RI

Date 2-21-99

PHILIP A. MAGALDI, voluntarily — without threats, duress, coercion, force, promises of immunity or reward — agree and stipulate to be interviewed and/or take a polygraph (truth verification) examination for the mutual benefit of myself, and MY LAWYER *PM*

I fully realize that: I am not required to take this examination, I may remain silent the entire time I am here, anything I may say can be used against me in any court of law, I may consult with an attorney or anyone I wish to before either signing this form or being interviewed and/or making the examination. I may have an attorney present, if I cannot afford an attorney and desire one an attorney will be appointed for me prior to any questioning, and I have the opportunity to exercise all these rights at any time I wish to during the entire time I am here. Furthermore, I realize that I can refuse and discontinue the interview and/or polygraph examination at any point, and I can decline to answer any specific questions asked of me at any time. Nevertheless, I consent to the use of electronic hearing and recording devices and I voluntarily request and authorize *PM* to now proceed with the interview and/or examination *PM*

I do hereby authorize its directors, officers, employees, and/or agents to disclose both orally and in writing the interview/examination results and opinions to directors, officers, employees, and/or agents of my attorney *PM*

I am fully aware that opinion may be that I have not been truthful. Notwithstanding such, in consideration of and as an inducement for *PM* to give

as this interview/polygraph examination, I — for myself and my successors, assigns, heirs, executors, and administrators — knowingly hereby release, absolve, remise, covenant, promise, agree to save harmless, waive, forever discharge and hold free from all harm, liability or damage whatsoever to me, the above-named, and their respective directors, officers, employees, and agents individually, collectively, and personally from any and all suits, actions, or causes of actions at law, claims, demands, or liabilities either in law or in equity including but not limited to false arrest, false imprisonment, libel, slander, or invasion of all my rights which I, my successors, assigns, heirs, executors, or administrators have now or may ever have resulting directly, indirectly, or remotely from being interviewed/examined, possible liabilities or damages flowing from the operation of all electronic hearing and recording devices, the rendered oral and written opinions and statements, and/or all future actions taken by any and/or all of the above based upon the interview/examination *PM*

As further consideration and inducement to have 10-04-04 Order
 conduct the interview/examination, I represent that not only am I in good mental and physical 0627
 condition but that I know of no mental or physical ailment which might be impaired by the interview/examination *PM*

Important Notice: This agreement, stipulation, and release form is a legally binding contract. If not completely understood, do not sign but seek competent advice, such as that rendered by an attorney (lawyer) *PM*

Philip A. Magaldi 8:24 AM
 SEAL (Signature of person to be examined) TIME

This interview/examination was concluded at 10:19 AM on the above date. I completely affirm in its entirety by above agreement. In addition, I knowingly and intelligently consented to waive all my rights, including those listed in the second paragraph above, and willingly made all the statements that I did make. *PM*

I also certify that during the entire time I was here I have been well treated, submitted myself freely to the interview/examination knowing that I could stop any time I desired by simply saying I wished to stop or that I wished to consult an attorney or any other person. I remained of my own free will knowing that I could leave this room at any time I so desired, that there were no threats, promises, or any harm whatsoever done to me during the entire time I have been here, either in connection with the interview/examination or during the entire signing of this agreement stipulation, and release form *PM*

February 21, 1999

Dear Sir:

On this date, at 8:16 a.m., Philip A. Magaldi, age 62, voluntarily came to this polygraph suite a polygraph examination.

The main issue under consideration, was whether or not Mr. Magaldi was telling the truth when he claimed that he had no guilty knowledge of nor had he participated in any sexual contact with a person by the name of _____ in Worcester, Massachusetts, when _____ was a teenager.

Before his pre-test interview, Mr. Magaldi voluntarily signed a permission form stating that he was taking the examination of his own free will. One copy of this executed form is enclosed with this report.

In the polygraph recordings, there are indications of truthfulness when Mr. Magaldi answered "No" to the following three pertinent test questions, which were:

Did you personally give three-hundred dollars to a teenager by the name of _____ for sexual favors?

Did you ever engage in oral sex with a person by the name of _____ while in the City of Worcester, Massachusetts?

Did you at anytime have anal sex with a person by the name of _____?

It is the opinion of the polygraphist, based upon the polygraph examination of Mr. Magaldi, that he is telling the truth to the above listed pertinent test questions. In order to verify this opinion, it is recommended that _____ be given the opportunity to submit to a polygraph examination, administered by a qualified independent examiner. This examination concluded at 10:29 a.m.

Respectfully submitted,

10-04-04 Order
0628

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Facsimile Transmission



Diocese of Fort Worth
The Catholic Center - 800 West Loop 820 South,
Fort Worth, Texas 76108
1-817-560-3300

From: Name: Bishop Joseph P. Delaney
Fax Number: (817) 244-8839
Voice Phone: (817) 560-3300

To: Name: Mr. Robert McCarthy
Company: Diocese of Providence
Fax Number: 1 401 941-1195
Voice Phone:

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Fax Notes:

Attached document - Total of 5 pages including cover page.

*Comp page for
the report on pm
bon*

Date and time of transmission: Wednesday, February 24, 1999 2:14:12 PM
Number of pages including this cover sheet: 01

10-04-04 Order
0629

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In re: Magaldi, Philip
Date: February 24, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: February 24, 1999
In re: Father Philip Magaldi

Father Robert Wilson and I met with Father Magaldi today to continue the conversation about his future ministry. When asked whether the second report on the polygraph had arrived (it had been sent from Providence on 2/7), he said it had not. In fact, he said, he got so frustrated that he called his attorney in Providence and went up to that city last Saturday and took another polygraph test on Sunday, given by a [redacted]. He gave me a copy of the results of that test which showed that he was telling the truth in denying the principal allegations made by [redacted].

Because I was puzzled as to why he had not got the report of the earlier polygraph, I called Bob McCarthy in Providence in PM's presence. McCarthy told me on the phone that the report had indeed been delivered to PM's residence and that someone had signed for it (the writing looked like [redacted]). He had difficulty reading the signature, but it was not PM's. I asked PM if he would allow McC to fax a copy of the report to us right then. He agreed and McC did. [PM called me later to say that he found the envelope with the report unopened in a pile of magazines in his mother's room, and that apparently one of her care givers had signed for it and forgot about it.]

The report of the first polygraph test shows that PM was not telling the truth in denying virtually the same questions that were asked on the second. Thus the two testers came to very different conclusions.

Since the second test was made in the presence of [redacted] PM's attorney, a professional with (according to McC in a later conversation) a reputation for being a very effective lawyer, and since the test was given by [redacted] a person whom McC says he has used in the past and had confidence in, it seemed to me to make the whole process moot, at least for the moment. Accordingly, I suggested to PM that we sit on all this for a while until I can think more about it.

McC asked me if I could send him a copy of [redacted] report. PM wanted to call [redacted] for advice. He called me back to say that it was fine to send it. Naturally, since it exculpates him, he would want it to be a part of the file in Providence. I faxed the report to McC this afternoon.

Personal observation: I realize that I am uncomfortable with making any decision on PM's future without further consultation, probably with RW, JS and the two members of the investigative committee, [redacted] and [redacted]. I need to pursue this.

+ JA
10-04-04 Order
0630

In re: Magaldi, Philip
Date: March 11, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: March 11, 1999
In re: Father Philip Magaldi

I celebrate Mass this afternoon at St. John the Apostle church as part of a vocation program for the fifth grade pupils from the Catholic schools of the diocese.

Before Mass, I was standing at the door of the sacristy and I observed Father Philip Magaldi helping the altar servers to vest. The servers were all fifth-grade boys from the parish. I saw him tying the cincture for one boy. He had his arm around the child and had his cheek pressed against the child's cheek while he worked on the cincture. I judged it to be a very inappropriate gesture.

A moment later I called him aside and told him what I had seen and how concerned I was by it. He seemed to be oblivious to what he had been doing.

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10-04-04 Order
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Megale, P.
3-18-99

Bishop Delaney

From: Bishop Delaney
Sent: Thursday, March 18, 1999 9:13 AM
To: Robert Wilson; Joe Schumacher
Subject: Providence

I spoke with R. McCarthy today. He says the same people who did the last test would be the ones to do the test with _____ and also the second review. Since this is what we have wanted all along, I told him to go ahead and arrange it, but to make _____ the intermediary so that we are not directly involved.

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10-04-04 Order
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Magaldi, P.

Bishop Delaney

From: Joe Schumacher
Sent: Wednesday, April 07, 1999 11:30 AM
To: Bishop Delaney
Cc: Robert Wilson
Subject: FW: "Confidential"

came by at 10 a.m. today, Wednesday, April 7, 1999. He was very nervous and many times would interject the phrase, "I am not asking you to do anything about this, but my sponsor in Dallas and I said I should tell someone in the Diocese, namely that Phil Magaldi has about a dozen young boys (age 13 and 14) who serve at his Masses. One of them told me that he goes to Fr. Phil's home to help take care of Fr. Phil's mother there. I asked him if the boy stayed overnight and he said he was sure that he did not. I asked why Joe Mangione didn't assign altar servers for the Masses of the priests, he said he didn't know why, but that Phil always got his own boys to serve. He did admit several times that he was perhaps paranoiac about this in light of his past 33 years in the priesthood; he didn't go any further with that and I didn't pursue anything there. He asked if anything was done about this, could we not involve his name since he like Phil. I said that I would tell the bishop, but that I couldn't promise anything in that regard. I reminded him of our policy about having any non-priest/leacon staying overnight in a rectory with the priest(s), other than a blood relative, without the permission of the Ordinary. But I said we didn't have any other regulations as to associations. He said that he just thought it wasn't a wise thing for Phil to do - associate with the 13 and 14 year old that much and have one at his house during the day.

From: Joe Schumacher
Sent: Tuesday, April 06, 1999 2:58 PM
To: Bishop Delaney
Cc: Robert Wilson
Subject: "Confidential"

A telephone call at 2:35 from [redacted] to me at C.C. today:
"Joe, I need to talk to you about something very confidential. Can I see you?
I said, "Of course." [redacted] was in Dallas, having lunch with a friend of his, he said. I set the appointment for St. Matthew tomorrow morning at 10:30.
Let's see what's up.

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APR-14-1999 11:35

EDUCATION + COMPLIANCE

481 941 1195 P.01

April 9, 1999

RECEIVED

APR 13 1999

Office of Education and Compliance
433 Elmwood Avenue
Providence, RI 02907

RE: - Father Philip Magaldi

Dear Mr. McCarthy:

Attorney [redacted] and I have held interviews with
our client, [redacted] and you on the interview
between [redacted] and yourself held on November 29, 1998.

It is apparent that [redacted] was sexually abused by Fr. Magaldi over a period of years. It is clear from this report that [redacted] suffered suppressed memory of the sexual events for many years and has further suffered psychologically and physically as a result of the acts of Fr. Magaldi, which were outrageous beyond all standards of human decency.

From the facts set forth in [redacted] interview with you [redacted] it would appear that the Diocese of Providence and the Diocese of Fort Worth conspired to suppress any information concerning Fr. Magaldi's pedophilic propensity over the [redacted] years.

Enclosed is a copy of the results of a polygraph test administered to [redacted] on April 3, 1999.

Please forward a copy of this letter and the polygraph test results of [redacted] to Attorney John W. Crumley, Counsel for Bishop Delaney of Fort Worth.

10-04-04 Order
0637

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RECEIVED

APR 13 1999

Page 2

April 9, 1999

We expect to hear from Attorney Crumley within ten days of his receipt of this letter, before we file a Complaint

if an appropriate settlement of claim cannot be attained.

Very truly yours,

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10-04-04 Order
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April 3, 1999

TO: ATTORNEY
FROM: SENIOR POLYGRAPH EXAMINER
SUBJECT: POLYGRAPH EXAMINATION

RECEIVED
APR 13 1999

Re:

Dear Attorney

On April 3, 1999 a polygraph examination was extended to the above captioned individual. The purpose of the exam was to determine whether the polygraph technique could be employed to support the statements of the above referenced individual regarding his involvement in the allegations of sexual misconduct with a person named Father Philip Magaldi. A series of polygraph tests followed the pre-operational interview with him. The interview established a rapport and also clarified those questions that were to be put to him. The Reali Positive Control method was employed. A Stoelting Ultrascrite four (4) pen polygraph was used. This instrument renders a permanent graph of three phenomena peculiar to polygraph. The following relevant questions were asked during the tests administered to him. His answers follow each question.

1. Did Father Magaldi ever give you an enema?

ANSWER: YES

2. Did you ever engage in oral sex while in the city of Worchester with Father Magaldi?

ANSWER: YES

3. Did you ever have anal sex with Father Magaldi?

ANSWER: YES

10-04-04 Order
0639

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In re: Magaldi, Philip
Date: April 16, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: April 16, 1999
In re: Father Philip Magaldi

I met today with a group of advisors to discuss how to proceed in the light of the accusations against PM. Present at the meetings: Fathers Robert Wilson, Joseph Schumacher and Charles King, Sr.

The purpose of the meeting was to receive the advice of these persons in the light of my conclusion that PM had to be removed from active ministry.

I presented the events in sequence as they began in the first week of December with the accusations against PM by The latest information was a report from a polygraph test taken by (given by the same people who gave PM his first test), showing that was truthful. There had also arrived a letter to John Crumley from an attorney, charging PM with misconduct and threatening a lawsuit against the Diocese of Fort Worth.

The meeting lasted two and one half hours. Every aspect of the case was discussed. The unanimous advice that I was given by the group was this: that PM be removed from active ministry, preferably through retirement in a way that would separate him from the responsibility of the Diocese; and that Jeff Hensley prepare a statement for the press to be used when the matter becomes public.

Father Robert Wilson and I met with PM later in the afternoon and told him of my decision to have him to retire. I acknowledged the responsibilities he has toward his mother (95 years old) and his aunt, for whom he is the primary care-giver. I promised that he would receive adequate support from the Diocese, in a way yet to be worked out. He was upset and felt that he was the victim of a grave injustice, but also admitted that if the matter became public, his credibility would be undermined and he would not be able to continue in ministry. We agreed to think over all the implications over the weekend and to meet again on Monday.

10-04-04 Order
0640

In re: Magaldi, Philip
Date: April 19, 1999

CONFIDENTIAL MEMORANDUM

To: Files
From: Bishop Delaney
Date: April 19, 1999
In re: Father Philip Magaldi

I received a telephone call this morning from Monsignor Charles King, pastor of St. John's Church, telling me that PM had called a meeting of about 70 people last evening, all of them his friends and supporters, and told them the whole story about the accusations against him and that the bishop was retiring him. CK was present and was nonplused by it all. He felt that PM was trying to manipulate the group, but also felt that he may have overdone it and raised suspicions.

I am meeting with PM this afternoon to continue the discussion of preparing for his retirement.

Father Robert Wilson and I met with PM this afternoon. He told about the meeting last night and his decision to tell his friends that he was retiring and why. He was obviously not feeling well and said that he had been nauseated all day. He is clearly resigned to going inactive, but it is causing him a lot of stress. I gave him my decision that as of today he is to be no longer active in priestly ministry.

PM gave me a summary of his monthly income and I promised to put together a package for him that would take effect on May 1. St. John's will provide for him until then. I also promised to prepare a letter that would detail the conditions of his new status and sit down with him in a week or so and discuss it. I gave him permission to be sponsor at two confirmations in the next week. I will consider allowing him to celebrate the marriage of a cousin on June 6.

10-04-04 Order
0641

JOHN W. CRUMLEY, P.C.

ATTORNEY AT LAW
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FORT WORTH, TEXAS 76107-5735

JOHN W. CRUMLEY

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April 21, 1999

UNITED STATES EXPRESS MAIL

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Father Philip A. Magaldi

Dear

The first information that the Diocese of Fort Worth received concerning polygraph examination was your letter of April 9, 1999 forwarding an unsigned memorandum and the first page of an unsigned report. However, the documentation you sent does not reflect that you followed the accepted procedure of verifying the accuracy of the interpretation of a polygraph examination by obtaining a second opinion from a second polygraph operator to review the complete record to independently verify the results. Therefore, without a second opinion verifying the accuracy of the interpretation of the polygraph examination by the unsigned interpretation of the polygraph examination test results you forwarded to me, at best, is questionable.

Even if the polygraph examination results had been independently verified, I was surprised and perplexed to receive a letter from you claiming that the Diocese of Fort Worth conspired to suppress information concerning Philip A. Magaldi's alleged "pedophilic propensity over the years". There has not been a conspiracy by the Diocese of Fort Worth to suppress any allegations concerning Rev. Magaldi. The facts are to the exact contrary. There has been an investigation and the Diocese of Fort Worth has requested that take a polygraph examination. Such actions are an attempt to discover what actually occurred and not an attempt to suppress information.

It is my understanding that the statute of limitation has expired on any claim, including alleged repressed memory claims, that may feel he has against Rev. Magaldi or the Diocese of Providence for the alleged incidents. Even if the claims by were not barred by the statute of limitations, prior to, at the time of, and for several years after the alleged incidents, Rev. Magaldi was not a priest with, employed by, or associated with the Diocese of Fort Worth.

10-04-04 Order
0642

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April 21, 1999

Page 2

Therefore, the Diocese of Fort Worth is not responsible for any alleged misconduct by Rev. Magaldi. Further, the Diocese of Fort Worth has not conspired to suppress information concerning the alleged pedophilic propensity of Rev. Magaldi.

Therefore, I am at a loss to understand the basis of your request for "an appropriate settlement of _____ claims". At most, your letter appears to be an attempt to extract a payment from the Diocese of Fort Worth in return for not filing a frivolous claim intended to injure and harm the good name of the Diocese of Fort Worth. Since there is no basis for a claim against the Diocese of Fort Worth, there is no reason for the Diocese of Fort Worth to be made a party to any lawsuit filed on _____ behalf. Accordingly, the Diocese of Fort Worth will not contribute to or participate in any payment to you simply to prevent the filing of a frivolous claim against it.

I cannot prevent you from filing a lawsuit against the Diocese of Fort Worth even if the claims are frivolous. However, I call your attention to Rule 11(c) of the Federal Rules of Civil Procedure. Subsection (c) of Rule 11 provides that the court may "impose an appropriate sanction upon the attorney, law firms, or the parties that violate subsection (b) or are responsible for the violation" by filing claims for improper purposes or frivolous claims. The attorney who will represent the Diocese of Fort Worth in _____ lawsuit, if one is filed, will be requested to review the possibility of Rule 11 sanctions against any lawyer and law firm connected with the filing of a claim against the Diocese of Fort Worth on _____ behalf.

Yours very truly,

ORIGINAL SIGNED BY

JOHN W. CRUMLEY

John W. Crumley

JWC:irw

cc: ✓ Most Rev. Joseph P. Delaney

10-04-04 Order
0643

April 21, 1999

Page 3

bcc: Rev. Robert W. Wilson

1

Rev. Philip A. Magaldi

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0644

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N. Richland Hills priest quits amid misconduct allegation

Claim focuses on sexual abuse in the 1970s

By TARA DOOLEY
Star-Telegram Staff Writer

NORTH RICHLAND HILLS — A priest at St. John the Apostle Catholic Church has retired amid sexual misconduct allegations from a Massachusetts man who says he was abused about 20 years ago, representatives of the diocese of Fort Worth said.

The Rev. Philip Magaldi's retirement was announced to parishioners yesterday after a 35-year-old man, whose name was not available, said Magaldi abused him in Massachusetts for several years in the 1970s, according to a diocese statement.

"Father Magaldi vehemently denies the truth of these accusations and insists that he has never met or had any contact with the person," the statement reads.

During Masses, St. John the Apostle Monsignor Charles King read a statement that Bishop Joseph P. Delaney announced that Magaldi retired because of the seriousness of the accusations.

"These are allegations at this point," King said. "No charges have been filed."

Magaldi, who is in his 60s, could not be reached to comment yesterday.

The retirement is effective immediately, said Jeff Hensley, diocese director of communications. He declined to comment further, saying it is a personnel matter.

Since Magaldi arrived at St. John the Apostle in 1993, he had become a popular and respected priest, particularly for his

work with senior citizens and children, King said.

"He was particularly strong in personal relations with people in the parish," he said.

Many parishioners trust Magaldi, said Oliver Pettit of Richland Hills, who has been a member of St. John the Apostle for 32 years. He said he appreciates the kindness and support the priest shows Pettit's daughter, who has been hospitalized with diabetes.

Pettit said he is withholding judgment about the allegations. Based on his experiences with Magaldi, Pettit said he doubts the allegations are true.

"I have to have a lot more facts before I can make an assumption, much less an analysis," Pettit said.

In 1992, Magaldi pleaded guilty to charges of misappropriating more than \$120,000 from a Rhode Island church and served 18 months in a work-release program.

When he arrived at St. John the Apostle, parishioners were notified of the conviction in the church's weekly newsletter.

The new allegation shocked parishioners, King said. Church staff will be available to those seeking guidance, he said.

"It is going to be very difficult for everyone to handle," King said.

Tara Dooley, (817) 935-3814
tdooley@star-telegram.com

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Magaldi, P.

WCK May 14, 1999

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and rally was orga-
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Against Infan-
tization for several
years. Christopher
Flynt at Princeton The-

do with free speech, as some may claim,"
Lori said in a statement issued later that
day. "No Catholic university should pro-
vide a platform which furthers the degra-
dation of women, immoral behavior and
the antireligious opinions Mr. Flynt rep-
resents. This is utterly contrary to the
Catholic identity of Georgetown Universi-
ty." A press release on Lori's statement
noted he was speaking on behalf of Cardinal
James A. Hickey of Washington, who was
out of the country.

known in the United
States as animal rights move-
ment. *Animal Liberation*,
an animal rights, especially
anti-vivisection and euthana-
sia, have drawn grow-

Fort Worth priest retires amid sex abuse charges

Fr. Philip Magaldi, the controversial pas-
tor at St. John the Apostle Church in North
Richmond Hills, Texas, has been accused of
sexual abuse and has retired from active
ministry. Fort Worth diocesan officials
announced April 25.

Magaldi, who was accused by a 30-year
old Massachusetts man of years of abuse
dating to the 1970s, vehemently denies the
charge.

"I view this as an attempt to blackmail
the diocese of Fort Worth, and to embar-
rass the church I have served for 38 years
and four months," said Magaldi. "I have
loved children all my life and am repelled
by the thought that anyone would think
I would perpetrate the horrible things I am
accused of."

Magaldi pleaded guilty in 1992 to steal-
ing more than \$120,000 from his former
parish in North Providence, R.I. Prosecutors
said he used some of the money for tropi-
cal vacations with teenage boys and once
gave a boy he had met in a park enough
money to buy a car.

A Boston-based advocate for clergy sex
abuse victims said Magaldi never should
have been allowed to work in the Fort
Worth diocese. "If the allegations are true,
then Magaldi joins a growing number of
priests who have been transferred to rural
communities in Texas after having molest-
ed youths in Massachusetts," said Phil
Saviano, leader of the New England chap-
ter of the national Survivors Network of
those Abused by Priests. *The Dallas Morning
News* previously identified two other Mas-
sachusetts priests who were allowed to

draw national and
international attention to
the disability and
rights of students, politi-
cians, and the university.

rejects call for death penalty

se has rejected a mea-
sure to reinstate the

April 21, the House
put a measure on the
floor asking voters to
repeal the constitutional
ban on capital punish-
ment in place since 1846.

The House of Repre-
sentatives had on to be rejected. Rep.
John Dingell, who opposed the reso-
lution, said the resolution
did not specify how the
ban should be implemented as
part of the consequences

passed quickly through the
House just a week after
the vote. A two-hour
vote

ry Flynt at Georgetown

shop called it "indefen-
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University would
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ity. Flynt, who spoke
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at the Jesuit-run

work as priests in Texas after being accused
of sexual abuse in New England
COUNSEL FOR FORT WORTH DIOCESE AT CONCLUSION OF SUCH CAUSE. ANY VIOLATION WILL BE TREATED AS CONTEMPT OF
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P. Magaldi

4-28-99

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WEDNESDAY, APRIL 28, 1999

Priest says allegation is 'blackmail' attempt

The retired clergyman from North Richland Hills says his accuser is ruining his life.

By TARA DOOLE
Star-Telegram Staff Writer

NORTH RICHLAND HILLS

A sexual misconduct allegation against the Rev. Philip Magaldi is "false and frivolous," and an attempt to extort money from the Diocese of Fort Worth, the

retired priest said yesterday. "I view this as an attempt to blackmail the Diocese of Fort Worth and to embarrass the church I have served for 38 years and four months," said Magaldi, 62, a former associate pastor of St. John the Apostle Catholic Church in North Richland Hills.

"I have loved children all my life and am repulsed by the thought that anyone would think I would perpetrate the heinous crime of sexual abuse," Magaldi said. (More on ALLEGATION on page 5B)

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ALLEGATION

From Page 1B

things I am accused of," he said.

According to a statement issued Sunday by the Diocese of Fort Worth, Magaldi has been accused of sexual misconduct by a 35-year-old Massachusetts resident who contends that Magaldi abused him for several years in the 1970s in that state.

Magaldi, according to the statement, "vehemently denies the truth of these accusations."

Magaldi, whose retirement was announced at Masses on Sunday, said yesterday that he feels obliged to defend himself against the allegation.

High profile cases of sexual abuse by priests such as Dallas diocese priest Rudolph "Rudy" Likos, who was convicted of molesting four boys and sentenced to life in prison, have led the public to question judge priests accused of misconduct, Magaldi said.

"I just feel at this point that saying 'The statement' is not helping me one bit. I need to say 'This is a lie,' he said.

A representative of the Diocese of Fort Worth declined further comment on Magaldi's retirement on the allegation.

"We still hold the position that it is a personnel matter," said Jeff Hensley, the diocese's director of communications. "Father Magaldi is free to speak for himself."

No court cases have been filed against Magaldi or the diocese, Magaldi said. A check of some Massachusetts district courts did not turn up any litigation.

The allegation surfaced at the end of December, Magaldi said. But this month, the diocese was officially notified by a lawyer in Randolph, Mass., who said his client was making the allegation, he said.

The lawyer, Thomas M. Sullivan, declined to comment yesterday on the matter or to say whether he had a client who has sued or contacted the Fort Worth diocese.

"As a matter of ethics, I'm not at liberty to reveal anything at all," he said.

Magaldi said he does not know the man who is making the allegation. He said that when the allegation was made, he was required to take a lie detector test. He said he passed it.

In addition, Magaldi said he has never worked in Massachusetts. However, he did work in a Rhode Island parish about 50 miles from the town where the man said he grew up.

From the time Magaldi was ordained in 1960 until 1988, he worked in the Diocese of Providence in Rhode Island, said William Halpin, that diocese's director of communications.

During Magaldi's tenure at the diocese, there were "no indications" of sexual misconduct against him, Halpin said.

But in 1988, Magaldi resigned because of financial mismanagement in the parish where he worked, Halpin said. In 1992, Magaldi pleaded guilty to embezzlement charges in Rhode Island and served time in a work-release program.

When he joined St. John the Apostle in 1993, the congregation was told of the embezzlement charges, church officials have said. As associate pastor, Magaldi was not allowed to handle money.

However, Halpin said that it is not unusual for sexual misconduct cases to be filed years after the alleged abuse occurred.

People make false allegations, but they are rare, said Richard Sipe, who has studied cases in which priests were accused of sexual misconduct. He said he is not familiar with Magaldi's situation.

"It is a great deal of conquering self-embarrassment to admit that someone was involved in this way," Sipe said about those who make abuse allegations. For Magaldi, the accusation has taken him away from his life's work.

"I feel bad in this guy," he said. "I'm sorry for his troubles. But he's ruining my life."

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10-04-04 Order
0648