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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST DISTRICT

- - -

COORDINATED PROCEEDING SPECIAL)
TITLE (RULE 1550 (b)))
_____)
THE CLERGY CASES I)
_____)
JOHN DOE, an individual,)
_____)
Plaintiff,)
_____)
vs.)
_____)
ROMAN CATHOLIC ARCHBISHOP OF)
LOS ANGELES, A CORPORATION SOLE;))
OUR LADY OF GUADALUPE CATHOLIC)
PARISH; ST. AGATHA CATHOLIC)
PARISH; ARCHDIOCESE OF LOS)
ANGELES EDUCATION AND WELFARE)
CORPORATION; ROMAN CATHOLIC)
DIOCESE OF TEHUACAN and)
DEFENDANT DOES 6 through 100,)
_____)
Defendants.)
_____)

CERTIFIED COPY

Case No. JCCP 4286

DEPOSITION OF
CARDINAL ROGER MAHONY
LOS ANGELES, CALIFORNIA
FEBRUARY 23, 2013

Atkinson-Baker, Inc.
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Reported by: Aileen Neitzert, RDR, CRR, CSR No. 5318
File No.: A701D80

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST DISTRICT

- - -

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CORPORATION; ROMAN CATHOLIC)	
DIOCESE OF TEHUACAN and)	
DEFENDANT DOES 6 through 100,)	
)	
Defendants.)	
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Deposition of CARDINAL ROGER MAHONY, taken on
behalf of the Plaintiff, at 865 South Figueroa Street,
Suite 2900, Los Angeles, California, commencing at 7:55
a.m., Saturday, February 23, 2013, before Aileen
Neitzert, CSR No. 5318.

A P P E A R A N C E S

FOR THE PLAINTIFF:

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FOR THE DEFENDANTS:

McKOOL SMITH HENNIGAN
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ALSO PRESENT:

TORR PIZZILLO, VIDEOGRAPHER
PATRICK J. WALL, CONSULTANT,
JEFF ANDERSON & ASSOCIATES
MARGARET GRAF, GENERAL COUNSEL,
ARCHDIOCESE OF LOS ANGELES
EDUARDO MENDOZA

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I N D E X

WITNESS: CARDINAL ROGER MAHONY

EXAMINATION	PAGE
BY MR. DE MARCO	7

EXHIBITS:

NUMBER	PLAINTIFF'S DESCRIPTION	PAGE
1-	Memorandum to Archbishop Mahony, from Monsignor Curry, dated January 10, 1988	15
2-	Letter to Revdmo. Norberto Rivera C., from Revdmo. Roger Mahony, dated 30 de Marzo de 1988	21
3-	Letter to Excmo. Sr. Arzobispo Don Rogelio Mahony, from Norberto Rivera C., dated Marzo 23 de 1987	21
4-	Letter to Excmo. y Rvdmo. Sr. Arzobispo Don Rogelio Mahony, from Norberto Rivera C., dated Enero 27 de 1987	26
5-	Letter to Excmo. Sr. Arzobispo Don Rogelio Mahony, from Norberto Rivera C., dated Marzo 17 de 1988	27
6-	English translation of January 10, 1988 letter	49
7-	Letter to Director, Foundation House, Servants of the Paraclete, from Archbishop Roger Mahony, dated July 22, 1986	54
8-	Memorandum to Archbishop Mahony, from Msgr. Curry, dated January 26, 1988	84
9-	Response to Deposition Subpoena for Business Records	105
10-	Letter to Rev. Santiago Tamayo, from Thomas J. Curry, Vicar for Clergy, dated December 28, 1987	121

1 EXHIBITS (Continued):

- 2 11- Memorandum to Archbishop Mahony, from Msgr. 126
Thomas Curry, dated November 8, 1987
- 3 12- Letter to Archbishop Roger Mahony, from Frank
4 M. Heffernan, Jr., dated March 30, 1988 141
- 5 13- Letter to Reverend George Miller, from
6 Reverend Monsignor Richard A. Loomis, dated 144
March 3, 1997
- 7 14- Final Addendum to the Report to the People of
8 God, October 2008 155

9 QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER:

10 (None)

11 INFORMATION TO BE SUPPLIED:

12 (None)

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1	LOS ANGELES, CALIFORNIA; SATURDAY, FEBRUARY 23, 2013;	07:41:10
2	7:55 A.M.	07:41:10
3	- - -	07:54:57
4	THE VIDEOGRAPHER: We are now on camera. I am	07:54:57
5	Torr Pizzillo, your videographer. I represent	07:55:10
6	Atkinson-Baker, Incorporated, in Glendale, California.	07:55:12
7	I am not financially interested in this action, nor am	07:55:15
8	I a relative or employee of any attorney or any of the	07:55:18
9	parties. The date is February 23rd, year 2013. The	07:55:21
10	time is 7:55 a.m. This deposition is taking place at	07:55:25
11	865 South Figueroa Street, Los Angeles, California.	07:55:30
12	This is case number JCCP 4286 entitled John Doe versus	07:55:35
13	the Roman Catholic Archbishop of Los Angeles, et al.	07:55:40
14	The deponent is Cardinal Roger Mahony. This deposition	07:55:44
15	is being taken on behalf of the plaintiff. Your court	07:55:48
16	reporter is Aileen Neitzert from Atkinson-Baker.	07:55:51
17	Counsel will now please introduce themselves.	07:55:54
18	MR. HENNIGAN: Michael Hennigan for the	07:55:57
19	deponent and the defendant.	07:55:59
20	MR. WOODS: Donald Woods for the same parties.	07:56:01
21	MS. GRAF: Margaret Graf, general counsel of	07:56:05
22	the Archdiocese, present.	07:56:07
23	MR. DE MARCO: Anthony De Marco for the	07:56:08
24	plaintiff.	07:56:09
25	MR. WALL: Patrick Wall as a consultant for the	07:56:11

1	plaintiff.	07:56:12
2	MR. MENDOZA: Eduardo Mendoza, plaintiff.	07:56:17
3		
4	CARDINAL ROGER MAHONY,	
5	having first been duly sworn, was	
6	examined and testified as follows:	
7		
8	EXAMINATION	
9	BY MR. DE MARCO:	
10	Q. Good morning, Cardinal.	07:56:30
11	A. Good morning.	07:56:31
12	Q. Introduced a moment ago off the record. I'm	07:56:32
13	Anthony De Marco.	07:56:33
14	A. Yes.	07:56:33
15	Q. Cardinal, can I get you to just briefly state	07:56:33
16	your name and spell it for the record, please.	07:56:38
17	A. Okay. My first name is Roger, R-o-g-e-r,	07:56:40
18	Mahony, M-a-h-o-n-y.	07:56:44
19	Q. Okay. And your date of birth, sir?	07:56:46
20	A. February 27, 1936.	07:56:48
21	Q. Very good. Thank you, Cardinal.	07:56:52
22	Cardinal, have you reviewed -- well, you've	07:56:57
23	been in deposition before. Yes?	07:56:59
24	A. Yes.	07:57:00
25	Q. So you've had some of those standard	07:57:01

1	admonitions already?	07:57:05
2	A. Yes.	07:57:05
3	Q. Without asking any detail, any medications,	07:57:06
4	medical condition, anything at all that you believe	07:57:10
5	would affect your ability to give your best and most	07:57:13
6	accurate testimony today?	07:57:14
7	A. No.	07:57:15
8	(Mr. Reck entered the room.)	07:57:15
9	Q. BY MR. DE MARCO: Okay. Thank you. If we	07:57:17
10	need -- if you need a break at any time, obviously we	07:57:20
11	take it. Anything I ask isn't clear, let me know.	07:57:22
12	A. All right.	07:57:27
13	Q. I'll do my best.	07:57:27
14	MR. HENNIGAN: And who is this?	07:57:30
15	MR. DE MARCO: This is Michael Reck.	07:57:31
16	MR. RECK: Good morning, Counsel.	07:57:34
17	Q. BY MR. DE MARCO: All right. Cardinal, have	07:57:35
18	you reviewed any documents in preparation for your	07:57:37
19	deposition today?	07:57:39
20	A. Yes.	07:57:40
21	Q. Could you describe what you reviewed.	07:57:42
22	A. It's kind of a general overview of the cases	07:57:44
23	that you said were going to be for the deposition.	07:57:50
24	However, I did not go into them in any great detail.	07:57:54
25	Q. Okay. Have you at any time had the opportunity	07:57:57

1	to review the Los Angeles Archdiocese files pertaining	07:58:00
2	to Father Nicolas Aguilar-Rivera?	07:58:04
3	A. Yes. I have reviewed parts of it. I'm not	07:58:09
4	sure every single page.	07:58:12
5	Q. Okay. When is the last time you reviewed the	07:58:14
6	parts of the file that you reviewed?	07:58:17
7	A. That would have been yesterday.	07:58:18
8	Q. Okay. Were you informed it was a part --	07:58:21
9	strike that.	07:58:28
10	You believe it was only part of the Nicolas	07:58:28
11	Aguilar-Rivera file that you reviewed?	07:58:32
12	A. I believe so because there are a lot of pages	07:58:34
13	and a lot of other things in there that -- that I -- I	07:58:41
14	just didn't look at.	07:58:47
15	Q. Okay. Did you review portions of the file of	07:58:48
16	Father Peter Garcia as well?	07:58:58
17	A. I don't believe so, no.	07:59:00
18	Q. Okay. Did you review portions of the file of	07:59:02
19	Father Michael Baker?	07:59:04
20	A. Yesterday? No.	07:59:06
21	Q. Okay. Have you ever?	07:59:09
22	A. Yes.	07:59:11
23	Q. The same thing for Father Peter Garcia, have	07:59:12
24	you ever reviewed portions of his file?	07:59:15
25	A. Yes, I have.	07:59:16

1	Q.	When is the most recent in time do you think?	07:59:18
2	A.	You know, I just don't recall.	07:59:21
3	Q.	Within the last few years? Last ten years?	07:59:25
4	A.	Probably in the last few weeks.	07:59:28
5	Q.	Okay. And Father Baker, would that be the	07:59:30
6		same?	07:59:34
7	A.	Yes, I think so.	07:59:37
8	Q.	Okay. Would that be the same for Father George	07:59:38
9		Miller for that file?	07:59:43
10	A.	I really can't recall seeing the Father Miller	07:59:45
11		file for a long time, so I can't -- it would be a	07:59:51
12		guess. I just don't remember.	07:59:54
13	Q.	Okay. How about the Father Santiago Tamayo	07:59:55
14		file, have you reviewed that any time in recent years?	08:00:00
15	A.	No. It would be the same as the Miller file.	08:00:04
16		No, nothing recently.	08:00:07
17	Q.	Okay. How about -- how about any files	08:00:08
18		pertaining to Father William Allison?	08:00:13
19	A.	Yes, I did review a few of those pages.	08:00:16
20	Q.	Okay. Recently?	08:00:20
21	A.	Yes.	08:00:21
22	Q.	Okay. Did you have an opportunity to review	08:00:22
23		any documents pertaining to Father John Ferris	08:00:30
24		recently?	08:00:34
25	A.	Yes.	08:00:35

1	Q. A mediation questionnaire -- or a	08:00:37
2	questionnaire, rather, converted to discovery	08:00:40
3	responses, does that sound familiar?	08:00:42
4	A. Yes.	08:00:44
5	Q. Okay. Very good. We're here on a case	08:00:46
6	involving Father Nicolas Aguilar-Rivera. You're aware	08:00:56
7	of that, yes?	08:00:58
8	A. Yes.	08:01:00
9	Q. Okay. At some point in time you became aware	08:01:00
10	of some issues of some nature regarding Father Nicolas	08:01:07
11	Aguilar-Rivera, correct?	08:01:15
12	A. Yes, I did.	08:01:15
13	Q. Okay. To the best of your memory, how did you	08:01:16
14	first find out about any issue pertaining to Father	08:01:19
15	Nicolas Aguilar-Rivera?	08:01:23
16	A. I actually don't recall, but most likely from	08:01:24
17	then Monsignor Thomas Curry.	08:01:32
18	Q. Okay. What is your recollection -- what did	08:01:34
19	you find out from Father Thomas Curry or Monsignor	08:01:42
20	Thomas Curry?	08:01:47
21	A. Of my recollection of that event, I don't	08:01:50
22	remember exactly what he told me.	08:01:54
23	Q. Okay. Do you remember generally what he told	08:01:56
24	you?	08:01:58
25	A. No, except that there was this problem for	08:02:01

1	this -- with this priest from Mexico.	08:02:04
2	Q. Uh-huh. Did he give you any idea what the	08:02:06
3	nature of the problem was?	08:02:08
4	A. You know, I don't recall that conversation or	08:02:10
5	that meeting at all, so that's why I'm hesitant.	08:02:15
6	Q. Okay. Do you have any sense as to where you	08:02:19
7	were when Monsignor Curry told you this, whatever he	08:02:27
8	told you?	08:02:30
9	A. I imagine it was at the Chancery office on 9th	08:02:32
10	Street because that's where we were at that time.	08:02:38
11	Q. Monsignor Curry was your Vicar for Clergy at	08:02:42
12	the time?	08:02:48
13	A. Yes.	08:02:50
14	Q. Okay. Where was his office in relation to	08:02:51
15	yours?	08:02:55
16	A. Let's see. The best of my recollection is I	08:02:57
17	had a corner office and his was the next one over from	08:03:03
18	mine, next door.	08:03:08
19	Q. So opening to the offices right next to each	08:03:11
20	other?	08:03:17
21	A. Yes.	08:03:19
22	Q. Okay. Did you share any assistants?	08:03:19
23	A. No.	08:03:24
24	Q. Did he have any assistants, to your knowledge,	08:03:26
25	anyone that assisted him with correspondence or mail,	08:03:33

1	things of that nature?	08:03:36
2	A. Yes. He had a secretary.	08:03:37
3	Q. Who was that?	08:03:38
4	A. That was Lois Marquez, M-a-r-q-u-e-z.	08:03:39
5	Q. All right. Do you know if she's still living?	08:03:46
6	A. No. She died a few years ago.	08:03:52
7	Q. Okay. Sorry. Did you have a secretary at that	08:03:55
8	time?	08:03:58
9	A. Yes.	08:04:00
10	Q. And who was that?	08:04:01
11	A. That was [REDACTED].	08:04:04
12	Q. And is she still with us?	08:04:12
13	A. No. She now works for the Cathedral.	08:04:15
14	Q. Okay. All right. Did you give any directions	08:04:20
15	to Monsignor Thomas Curry when you first heard whatever	08:04:32
16	issues he was raising with you about Father Nicolas	08:04:36
17	Aguilar-Rivera?	08:04:39
18	A. I honestly simply don't recall.	08:04:41
19	Q. Do you remember -- strike that.	08:04:45
20	What's the first -- do you recall taking any	08:04:47
21	action with regards to Father Nicolas Aguilar-Rivera?	08:05:06
22	A. No, I don't, because if my recollection is	08:05:13
23	correct, this was 25 years ago.	08:05:17
24	Q. Um-hum.	08:05:19
25	A. And so I -- I don't remember what happened at	08:05:20

1	that meeting.	08:05:23
2	Q. But generally speaking now, not just the	08:05:25
3	meeting that you had with Monsignor Curry, anything	08:05:27
4	having to do with Father Nicolas Aguilar-Rivera now	08:05:31
5	when he -- either when he's here in Los Angeles	08:05:35
6	Archdiocese or later. Do you remember any actions that	08:05:37
7	you took with regards to Father Nicolas Aguilar-Rivera	08:05:42
8	even up to present day?	08:05:46
9	A. Actions that I took?	08:05:48
10	Q. Yes.	08:05:53
11	A. No, I can't recall any specific actions that I	08:05:53
12	took.	08:05:57
13	Q. Okay. How about with regards to any of his	08:05:57
14	victims or any of his alleged victims, any actions you	08:06:00
15	took?	08:06:03
16	A. I -- I can't recall any actions that I took.	08:06:06
17	Q. Even up till today?	08:06:11
18	A. Even up till today.	08:06:14
19	Q. Okay. Ever speak with any -- any persons that	08:06:15
20	have said that they were sexually abused by Father	08:06:19
21	Nicolas Aguilar-Rivera?	08:06:23
22	A. You know, I -- I met with 91 victims, but I	08:06:25
23	don't remember whether it was -- any victims were of	08:06:32
24	this particular priest.	08:06:35
25	Q. Okay. Do you remember any conversations in	08:06:39

1	detail that you've had with Monsignor Curry about	08:07:02
2	Father Nicolas Aguilar-Rivera?	08:07:06
3	A. No, except I think that when he first informed	08:07:11
4	me, he had already removed Father Aguilar from	08:07:15
5	ministry, and that's -- that's to the best of my	08:07:20
6	recollection.	08:07:24
7	Q. Is that -- and that's something that he told	08:07:26
8	you, that he had already removed him?	08:07:31
9	A. I believe so, yes.	08:07:34
10	Q. Did he give you any indication as to how long	08:07:35
11	before he told you he had removed Father Nicolas?	08:07:40
12	A. No. I -- I learned of that only through later	08:07:48
13	documents.	08:07:52
14	MR. DE MARCO: Okay. I'd like to ask you to	08:07:53
15	take a look at a document. I have got extra copies.	08:08:16
16	MR. WOODS: Before you go too far, do you have	08:08:39
17	copies?	08:08:41
18	MR. DE MARCO: Yeah. They're getting it for	08:08:42
19	us.	08:08:43
20	MR. WOODS: Do you want to mark it?	08:08:50
21	MR. DE MARCO: That will be Exhibit 1.	08:08:51
22	(Plaintiff's Exhibit 1 marked for	08:09:11
23	identification.)	08:09:17
24	Q. BY MR. DE MARCO: Have you had a chance to	08:09:17
25	review the document?	08:09:19

1	Mike, have you gotten through it?	08:09:20
2	Mr. Hennigan?	08:09:22
3	MR. HENNIGAN: Yes.	08:09:24
4	Q. BY MR. DE MARCO: Okay. Cardinal, have you had	08:09:24
5	chance to take a look at the document?	08:09:25
6	A. I'm doing that now.	08:09:27
7	Q. Thank you.	08:09:28
8	MR. HENNIGAN: I believe that this document is	08:09:48
9	not in its original form.	08:09:50
10	MR. DE MARCO: That is correct.	08:09:51
11	MR. HENNIGAN: Correct?	08:09:51
12	MR. DE MARCO: There are some highlights.	08:09:52
13	There's also some underlines on it that plaintiff's	08:09:53
14	counsel has put.	08:09:56
15	MR. HENNIGAN: That would be you?	08:09:58
16	MR. DE MARCO: That would be me. But the only	08:09:59
17	changes are the highlights and the underlines from what	08:10:04
18	I've received from the production from the Archdiocese.	08:10:09
19	THE WITNESS: Thank you.	08:10:55
20	Q. BY MR. DE MARCO: First question, Cardinal:	08:10:56
21	Have you ever seen this memo before?	08:10:57
22	A. Yes, I have.	08:11:00
23	Q. When is the first time you saw it?	08:11:03
24	A. I don't recall.	08:11:06
25	Q. The memo at the top is dated January 10th,	08:11:09

1	1988, yes?	08:11:12
2	A. Yes.	08:11:15
3	Q. To Archbishop Mahony from Monsignor Curry?	08:11:15
4	A. Yes.	08:11:21
5	Q. Do you have any reason to believe you did not	08:11:22
6	receive this on January 10th, 1988?	08:11:24
7	A. I don't recall because every year at the	08:11:30
8	beginning of the year the bishops are on their annual	08:11:33
9	retreat, and that runs anywhere from the 9th to the	08:11:36
10	11th or 12th, depending upon that year and the	08:11:41
11	calendar. So I don't remember when I actually first	08:11:45
12	saw the document.	08:11:48
13	Q. Do you have any reason to believe you did not	08:11:50
14	receive this document sometime in January of 1988?	08:11:52
15	A. No, I do not.	08:11:59
16	Q. So sitting here today, you believe you received	08:12:01
17	this document sometime in January 1988?	08:12:03
18	A. Yes.	08:12:09
19	Q. Okay. And when you received it, would it be	08:12:10
20	your normal practice to read a correspondence -- or a	08:12:15
21	memo of this nature?	08:12:18
22	A. Yes.	08:12:21
23	Q. Did you read this document in January of 1988?	08:12:22
24	A. Yes, I did.	08:12:28
25	Q. Okay. The whole document?	08:12:30

1	A.	To the best my recollection.	08:12:35
2	MR. HENNIGAN:	Every page?	08:12:36
3	MR. DE MARCO:	Every paragraph. All right.	08:12:37
4	Q.	Directing your attention to the first	08:12:41
5		paragraph, lines -- line starting with "after we	08:12:44
6		received a confidential letter from his Bishop," you	08:12:52
7		read that, yes?	08:12:56
8	A.	Yes.	08:12:58
9	Q.	Okay. And in January of 1988?	08:12:59
10	A.	Yes.	08:13:02
11	MR. DE MARCO:	Okay. I would like to have you	08:13:03
12		take a look at another document.	08:13:07
13		(Mr. Potts entered the room.)	08:13:09
14	MR. WOODS:	It's two pages.	08:14:27
15	MR. HENNIGAN:	You are handing different	08:14:39
16		documents?	08:14:40
17	MR. DE MARCO:	Yeah. The reason I'm handing	08:14:40
18		you two different documents is one appears to my eyes	08:14:42
19		to be a letter from Cardinal Mahony, then Archbishop	08:14:48
20		Mahony, in Spanish to Bishop Norberto Rivera, the	08:14:54
21		second document is a translation is we've prepared from	08:14:58
22		Spanish to English of that document. So first question	08:15:01
23		I'll just ask him about the Spanish document.	08:15:07
24	MR. WOODS:	Can we label them first?	08:15:10
25	MR. DE MARCO:	Yes.	08:15:12

1	MR. WOODS: Are you going to give them two	08:15:12
2	different numbers or one number?	08:15:13
3	MR. DE MARCO: Yeah, I think we should two	08:15:15
4	different. Okay.	08:15:16
5	MR. HENNIGAN: Do you have an extra set?	08:15:17
6	MR. DE MARCO: Should.	08:15:20
7	MR. HENNIGAN: That's the translation?	08:15:25
8	MR. DE MARCO: Yeah. And I'm getting you the	08:15:26
9	extra of the document.	08:15:28
10	MR. HENNIGAN: Okay.	08:15:28
11	MR. WOODS: Okay. How would you like to have	08:15:32
12	them labeled?	08:15:33
13	MR. DE MARCO: The March 30 original letter	08:15:34
14	Exhibit 2 and the translation Exhibit 3.	08:15:38
15	MR. HENNIGAN: The purported translation?	08:15:42
16	MR. DE MARCO: That's right.	08:15:43
17	MR. WOODS: The translation that I have here,	08:15:49
18	Tony, is March 4, and the letter is dated March 30th.	08:15:51
19	MR. DE MARCO: You're correct, Counsel.	08:15:56
20	MR. HENNIGAN: And it is plainly not the same	08:15:58
21	document.	08:15:59
22	THE WITNESS: It's not the translation.	08:16:00
23	MR. DE MARCO: I'm so sorry. That's my -- my	08:16:01
24	error. Let me take that back, then. I will take that	08:16:03
25	away. That is not Exhibit 3.	08:16:07

1	MR. HENNIGAN: I have seen some bad	08:16:11
2	translations, but this one --	08:16:12
3	MR. DE MARCO: That's not it.	08:16:13
4	MR. HENNIGAN: -- is right up there.	08:16:14
5	MR. WOODS: He'll come back to it.	08:16:17
6	MR. HENNIGAN: So the Spanish is Exhibit 2?	08:16:18
7	MR. DE MARCO: Right. Spanish, Exhibit 2.	08:16:21
8	Q. So let me just have you take a look at that,	08:16:25
9	Cardinal.	08:16:27
10	A. If I could ask a favor.	08:16:29
11	Q. Yes.	08:16:31
12	A. This is January 10th, '88.	08:16:31
13	Q. Yes.	08:16:34
14	A. And now we're in March 30th.	08:16:35
15	Q. Correct.	08:16:37
16	A. For context for me it would be very helpful --	08:16:38
17	there is a reference to a letter from his bishop, and I	08:16:41
18	don't have that. And we're jumped way --	08:16:46
19	Q. That's fine.	08:16:49
20	A. -- a few months ago.	08:16:49
21	Q. I'm happy to --	08:16:50
22	A. So I'd like to be sure to keep the context so I	08:16:51
23	won't get lost.	08:16:55
24	Q. Yeah, happy to provide that for you, Cardinal?	08:16:56
25	A. Thank you.	08:16:58

1	(Plaintiff's Exhibit 2 was marked for	08:17:05
2	identification.)	08:17:15
3	MR. DE MARCO: Can you guys grab the March	08:17:15
4	23rd, 1987 letter.	08:17:17
5	THE WITNESS: No. I'm -- I'm referring to --	08:17:22
6	he --	08:17:25
7	Q. BY MR. DE MARCO: Oh, his March 17th, 1988	08:17:26
8	letter?	08:17:28
9	A. After we received a confidential letter from	08:17:30
10	his Bishop, we appointed him, so is that the '87 one?	08:17:32
11	Q. Yes.	08:17:37
12	A. Yeah.	08:17:38
13	Q. That's --	08:17:39
14	A. It would be good -- I don't recall that, so for	08:17:39
15	context, it would be really helpful.	08:17:42
16	MR. DE MARCO: Would you guys locate the March	08:17:43
17	23rd, 1987 letter. I have a copy in Spanish. It's	08:17:45
18	ADLAEM 003.	08:18:12
19	THE REPORTER: That is Exhibit 3 now?	08:18:12
20	MR. DE MARCO: That is Exhibit 3. This is the	08:18:28
21	translation of that.	08:18:31
22	(Plaintiff's Exhibit 3 was marked for	08:18:31
23	identification.)	08:18:33
24	MR. HENNIGAN: So what's Exhibit 3, the	08:18:33
25	translation or the --	08:18:34

1	MR. DE MARCO: No. The ori -- the Spanish.	08:18:36
2	MR. HENNIGAN: Okay. Can I have that?	08:18:37
3	MR. DE MARCO: Um-hum.	08:18:39
4	MR. WOODS: Okay. Is that the ex --	08:18:47
5	MR. DE MARCO: We're getting it for you. Thank	08:18:49
6	you.	08:18:51
7	THE WITNESS: Now, personally I would prefer to	08:18:52
8	stay with the Spanish because Spanish to English	08:18:54
9	doesn't always work.	08:18:56
10	Q. BY MR. DE MARCO: Okay.	08:18:58
11	A. So we'll stay with the Spanish --	08:18:58
12	Q. For beginning --	08:18:58
13	A. -- version.	08:19:00
14	Q. For beginning purposes, can I ask you to take a	08:19:00
15	look at Exhibit 2. Whenever you're -- Cardinal,	08:19:03
16	whenever you feel comfortable and you've reviewed what	08:19:07
17	you wanted to review for context.	08:19:10
18	A. Yes. Thank you. I'll look at the Exhibit 3	08:19:12
19	first --	08:19:14
20	Q. Sure.	08:19:14
21	A. -- because that's -- chronologically will help	08:19:14
22	me.	08:19:17
23	MR. WOODS: Okay. So for the record Exhibit 3	08:19:22
24	is the --	08:19:24
25	MR. DE MARCO: -- March 30th, 19 -- no --	08:19:25

1	excuse me --	08:19:28
2	THE WITNESS: 23rd.	08:19:28
3	MR. DE MARCO: -- the March 23rd, 1987 Spanish	08:19:28
4	version.	08:19:34
5	MR. HENNIGAN: I have the 27th of January '87.	08:19:35
6	MR. DE MARCO: Let me see. That's not the	08:19:40
7	right one.	08:19:44
8	Which one do you have, Cardinal?	08:19:47
9	THE WITNESS: I have March 23rd.	08:19:49
10	MR. DE MARCO: Should have that.	08:19:52
11	THE WITNESS: But if there is an earlier one,	08:19:53
12	I'd like to see that one too. Again, I don't know -- I	08:19:55
13	don't recall an earlier letter.	08:19:58
14	MR. DE MARCO: I'll make this -- we are up to 3	08:20:02
15	right now?	08:20:05
16	MR. HENNIGAN: 3.	08:20:06
17	MR. DE MARCO: We can make this 4.	08:20:07
18	MR. HENNIGAN: So March 23rd is 3?	08:20:09
19	MR. DE MARCO: March 23rd is 3. January 27 is	08:20:11
20	4.	08:20:16
21	MR. WOODS: Okay. So the --	08:20:16
22	MR. DE MARCO: There is the 23rd.	08:20:18
23	MR. WOODS: -- Exhibit 3 is the English	08:20:19
24	translation of the March 23, 1987 --	08:20:21
25	MR. HENNIGAN: No.	08:20:23

1	MR. WOODS: -- letter. No?	08:20:24
2	MS. GRAF: Spanish.	08:20:25
3	MR. WOODS: It's the Spanish?	08:20:27
4	MR. HENNIGAN: You seem to be handing out	08:20:28
5	different documents.	08:20:29
6	MR. DE MARCO: I seem to be. Let's make sure	08:20:30
7	we are all on the same page.	08:20:31
8	Q. Cardinal, you have in front of you -- Exhibit 2	08:20:33
9	is a Spanish letter --	08:20:36
10	A. Yes.	08:20:39
11	Q. -- of March 30, 1988. Exhibit --	08:20:39
12	A. Yes.	08:20:42
13	Q. -- 3 is a March --	08:20:43
14	A. 23rd, '87.	08:20:45
15	Q. -- 1987 letter in Spanish.	08:20:47
16	A. In Spanish.	08:20:51
17	MR. DE MARCO: Okay.	08:20:52
18	MR. WOODS: Okay.	08:20:52
19	MR. DE MARCO: And so we'll go 4 is the January	08:20:53
20	1987 letter in -- that's a translation. So we'll --	08:20:58
21	since you're comfortable with the Spanish, we'll stay	08:21:02
22	away from that for the moment.	08:21:04
23	MR. HENNIGAN: Do you have the January --	08:21:11
24	MR. DE MARCO: Yes.	08:21:11
25	THE REPORTER: Do you want me to mark that 4?	08:21:11

1	MR. DE MARCO: Not yet.	08:21:11
2	MR. HENNIGAN: But at this point Cardinal does	08:21:11
3	not have -- I have a copy, but Cardinal does not have a	08:21:13
4	copy of --	08:21:15
5	MR. DE MARCO: I'm gathering it.	08:21:15
6	THE WITNESS: Okay.	08:21:15
7	MR. DE MARCO: I'm gathering it. Do you have	08:21:17
8	more? You already gave it to Don?	08:21:21
9	Okay. Well, the witness only has -- you don't	08:21:27
10	have the January. I'm going to take off the back page.	08:21:35
11	MS. GRAF: This is Exhibit 1. Exhibit 2 is	08:21:42
12	March 30, '88.	08:21:44
13	MR. DE MARCO: We'll mark this as Exhibit 4.	08:21:47
14	MR. WOODS: Okay. We don't have Exhibit 3	08:21:49
15	here.	08:21:51
16	MS. GRAF: 3 is January 23rd, '87, Spanish.	08:21:53
17	MR. WOODS: No.	08:21:55
18	MR. DE MARCO: No. That's 4.	08:21:55
19	MR. HENNIGAN: No. March 23.	08:21:57
20	MR. WOODS: March 23 --	08:21:59
21	MS. GRAF: I mean March 23 in Spanish.	08:22:00
22	MR. WOODS: Spanish.	08:22:01
23	MS. GRAF: Right.	08:22:01
24	MR. WOODS: I don't have that version.	08:22:02
25	MR. DE MARCO: All right. So you should	08:22:05

1	have -- Exhibit 1 is the January 10th, 1988 memo.	08:22:07
2	Exhibit 2 is the March 30, 1988 letter. Exhibit 3 is	08:22:11
3	the March 23rd, 1987 letter. And Exhibit 4 is the	08:22:15
4	January 1987 letter.	08:22:20
5	(Plaintiff's Exhibit 4 was marked for	08:22:20
6	identification.)	08:22:25
7	MR. WOODS: In Spanish.	08:22:25
8	MR. DE MARCO: In Spanish.	08:22:26
9	MS. GRAF: 3 and 4 are Spanish. Is Exhibit 2	08:22:27
10	in Spanish or English?	08:22:34
11	MR. WOODS: Espanol.	08:22:37
12	MS. GRAF: Espanol. Right? 2, 3, and 4 are	08:22:38
13	all Spanish.	08:22:44
14	THE WITNESS: Thank you very much. Now, you	08:23:04
15	want to go to March 30th?	08:23:06
16	Q. BY MR. DE MARCO: Yes.	08:23:08
17	A. Of '88.	08:23:09
18	Q. Whenever you're ready.	08:23:09
19	MR. WOODS: If you guys have an extra copy of	08:24:50
20	Exhibit 3, I'd -- I could use it.	08:24:52
21	MR. DE MARCO: March 23rd, '87.	08:24:56
22	MR. WOODS: Um-hum.	08:24:58
23	MS. GRAF: Spanish.	08:25:00
24	THE WITNESS: Yes.	08:25:01
25	Q. BY MR. DE MARCO: Cardinal, the March 30, 1988	08:25:02

1	letter --	08:25:04
2	A. Yes.	08:25:04
3	Q. -- that's a letter you wrote?	08:25:04
4	A. Yes. Correct.	08:25:06
5	Q. And you had it sent to Bishop Norberto Rivera?	08:25:07
6	A. Yes.	08:25:13
7	Q. Did you also have this letter sent to the Los	08:25:14
8	Angeles Police Department?	08:25:17
9	A. I'm not sure whether it was this letter or the	08:25:20
10	one of March 17th, so -- I make reference -- I make	08:25:26
11	reference to the March 17th letter. Do you have the	08:25:37
12	March 17th letter?	08:25:39
13	MR. DE MARCO: Um-hum. It's ADLAEM 72. Two	08:25:41
14	copies. Mr. Woods. And we'll mark that as Exhibit 5.	08:27:00
15	(Plaintiff's Exhibit 5 was marked for	08:27:20
16	identification.)	08:27:33
17	THE WITNESS: Thank you.	08:28:10
18	Q. BY MR. DE MARCO: So my question again,	08:28:11
19	Cardinal -- was the March 30, 1988 letter --	08:28:13
20	A. Yes.	08:28:18
21	Q. -- did you have that sent to the Los Angeles	08:28:18
22	Police Department?	08:28:21
23	MR. HENNIGAN: That's not what it says.	08:28:22
24	THE WITNESS: No. It says I'm sending them	08:28:24
25	this letter.	08:28:27

1	Q. BY MR. DE MARCO: Right.	08:28:29
2	A. Which I did.	08:28:29
3	Q. So just to be clear, though, did you have the	08:28:32
4	March 30 --	08:28:34
5	MR. HENNIGAN: He just said no.	08:28:35
6	MR. DE MARCO: No, he didn't. And I'll make	08:28:36
7	sure we're clear on the record.	08:28:38
8	MR. HENNIGAN: Okay.	08:28:39
9	Q. BY MR. DE MARCO: Did you have the March 30,	08:28:40
10	1988 letter sent to the Los Angeles Police Department?	08:28:42
11	A. I honestly don't remember.	08:28:46
12	Q. Okay. So if it did, it wouldn't surprise you?	08:28:48
13	A. Not at all..	08:28:51
14	Q. Okay. What efforts did you take prior to	08:28:51
15	writing this March 30, 1988 letter to determine whether	08:29:00
16	or not the March 23rd, 1987 letter from Bishop Rivera	08:29:04
17	had been received by the Archdiocese?	08:29:09
18	MR. HENNIGAN: I'm sorry. Could I hear the	08:29:22
19	question.	08:29:23
20	(Record read.)	08:29:45
21	MR. HENNIGAN: In the March 17th letter	08:29:49
22	Cardinal Rivera is referring to the January 27th, 1987	08:29:53
23	letter.	08:29:59
24	MR. DE MARCO: Right. And?	08:30:00
25	MR. HENNIGAN: I just didn't know whether we're	08:30:05

1	having a language problem or not.	08:30:07
2	MR. DE MARCO: No. I'm asking -- I'll try to	08:30:08
3	make sure I'm abundantly clear.	08:30:10
4	MR. HENNIGAN: Sure.	08:30:12
5	MR. DE MARCO: Don't want to create confusion.	08:30:14
6	Q. When you wrote this letter on March 30, 1988,	08:30:15
7	what effort --	08:30:18
8	MR. HENNIGAN: "This letter" being Exhibit --	08:30:18
9	MR. DE MARCO: The Span -- Exhibit 2.	08:30:19
10	THE WITNESS: 2.	08:30:21
11	Q. BY MR. DE MARCO: Exhibit 2. Okay? When you	08:30:22
12	wrote Exhibit 2, which is the March 30, 1988 letter to	08:30:24
13	Norberto Rivera, what efforts did you engage in to	08:30:29
14	determine whether or not the March 23rd, 1987 letter	08:30:36
15	from Bishop Rivera, that we have marked as Exhibit 3,	08:30:41
16	had been received by the Archdiocese?	08:30:45
17	A. Well, I remember that both Monsignor Curry and	08:30:48
18	I were amazed to get the March 23rd -- see it, because	08:30:53
19	we had no recollection of it arriving. We -- his	08:30:59
20	office, particularly with Lois, extremely highly	08:31:03
21	organized. She speaks Spanish. If this letter had	08:31:08
22	arrived, Lois would have run into his office	08:31:12
23	immediately and said, "Look at this." And I also might	08:31:16
24	say I wish we had received it. I wish we had received	08:31:22
25	the original letter. He would have never served here.	08:31:25

1	Q. Why do you say that, Cardinal?	08:31:29
2	A. Because they're talking in here about he's	08:31:30
3	involved in -- in getting beat up by the homosexuality	08:31:33
4	problems. And the police are involved. We would have	08:31:37
5	never accepted him. Never.	08:31:39
6	Q. But why? Why would that have made it so you	08:31:41
7	should not have accepted him as a priest?	08:31:44
8	A. Because we have good stan -- high standards	08:31:46
9	here. We don't -- get somebody who is reportedly	08:31:48
10	involved in fights with a homosexual community or	08:31:54
11	somebody --	08:31:57
12	Q. Um-hum.	08:31:57
13	A. -- we'd have never taken him. Never. As I	08:31:58
14	say, I wish we had received it.	08:32:02
15	Q. Okay. So when you received the March 17th,	08:32:04
16	1988 letter, which we've marked as Exhibit 5, is it	08:32:13
17	your testimony that that was the first time that you	08:32:19
18	became aware of anyone saying that this letter we have	08:32:23
19	before us as Exhibit 3, March 23rd, '87, was sent to	08:32:29
20	you?	08:32:33
21	MR. HENNIGAN: That doesn't -- that doesn't say	08:32:34
22	that. The March 17th letter says that the letter of --	08:32:36
23	of presentation --	08:32:44
24	MR. DE MARCO: Um-hum.	08:32:44
25	MR. HENNIGAN: -- of January 7th -- January	08:32:44

1	27th, 1987, is the one that refers to the homosexual	08:32:47
2	problem very clearly.	08:32:52
3	MR. DE MARCO: And in the -- no. That's your	08:33:00
4	interpretation, Counsel, so -- that's your	08:33:02
5	interpretation.	08:33:05
6	MR. HENNIGAN: Oh, sorry. I didn't read the	08:33:07
7	rest of the sentence. Sorry.	08:33:09
8	MR. DE MARCO: Sure.	08:33:10
9	THE WITNESS: I'm sorry. What is the question?	08:33:11
10	MR. HENNIGAN: Never mind. I re --	08:33:13
11	MR. DE MARCO: Can we read the question back,	08:33:14
12	please.	08:33:16
13	MR. WOODS: So do we have a question pending?	08:33:23
14	MR. DE MARCO: Yeah. She's going to read it	08:33:24
15	back.	08:33:26
16	(Record read.)	08:33:26
17	MR. DE MARCO: Does that make sense, or should	08:33:54
18	I shorten it up?	08:33:56
19	MR. HENNIGAN: It's up to him.	08:33:57
20	Q. BY MR. DE MARCO: Yeah, you tell me if it's a	08:33:58
21	confusing question.	08:33:59
22	A. Yeah.	08:34:00
23	Q. It's a little long.	08:34:00
24	A. A shorter version, please.	08:34:01
25	Q. Okay. In -- I'll try to just break it up into	08:34:03

1	pieces. You received the March 17th, 1988 letter we've	08:34:09
2	marked as Exhibit 5 --	08:34:15
3	A. Yes.	08:34:18
4	Q. -- sometime in March of 1988, yes?	08:34:18
5	A. Yes.	08:34:20
6	Q. Okay. And you read it?	08:34:21
7	A. Yes.	08:34:23
8	Q. And that letter is the first -- your testimony	08:34:24
9	is that's the first time you became aware of anyone	08:34:27
10	saying you had received Exhibit 3, which is the March	08:34:31
11	twenty -- March seven -- March 23rd, 1987 letter?	08:34:35
12	A. Yes.	08:34:39
13	Q. Okay. Before that -- when you got this letter	08:34:40
14	on March 17th, 1988, you had not received the March	08:34:45
15	23rd, 1987 letter?	08:34:50
16	A. That is correct.	08:34:53
17	Q. Okay. And did you ask anyone else if they had	08:34:53
18	received it?	08:34:56
19	A. The office or Vicar for Clergy are the only	08:34:57
20	ones who had the personnel clergy files, so it would	08:35:04
21	not have gone to anybody else.	08:35:07
22	Q. Okay. Did you ask then Monsignor Thomas Curry	08:35:09
23	in March of 1988 whether he had received this March	08:35:13
24	23rd, 1987 letter?	08:35:16
25	A. I did.	08:35:18

1	Q.	And what did he tell you?	08:35:19
2	A.	He said it was -- he had not seen it. And he	08:35:20
3		and his staff began a search to see if they could find	08:35:24
4		it.	08:35:28
5	Q.	Um-hum.	08:35:29
6	A.	And never found it.	08:35:30
7	Q.	Okay. Is there any other confidential letter	08:35:31
8		that you're aware of in the Father Nicolas	08:35:46
9		Aguilar-Rivera from 19 -- from Father Nicolas	08:35:50
10		Aguilar-Rivera file from 1987?	08:35:53
11	A.	And, you know, I'd have to look -- actually	08:35:57
12		look at the file. I can't recall any, but --	08:36:00
13	Q.	Uh-huh.	08:36:03
14	A.	-- I haven't looked at the whole file.	08:36:03
15	Q.	Okay. But you don't know of any sitting here	08:36:05
16		today?	08:36:07
17	MR. WOODS:	Well, I'm going to object. The	08:36:07
18		whole file is confidential. I mean, you're saying a	08:36:09
19		letter that says typed on it the word "Confidential"?	08:36:13
20	Q.	BY MR. DE MARCO: I'm asking if there is any	08:36:20
21		other letter, any letter, confidential letter, in the	08:36:22
22		Father Nicolas Aguilar-Rivera file --	08:36:28
23	MR. HENNIGAN:	Marked --	08:36:30
24	Q.	BY MR. DE MARCO: -- from 1987.	08:36:30
25	MR. HENNIGAN:	Marked confidential?	08:36:31

1	MR. DE MARCO: Yes.	08:36:33
2	Q. That you know of.	08:36:35
3	A. I can't recall one, but I'd be happy to go	08:36:36
4	through your notebook and see if we could find it.	08:36:38
5	Q. I don't know if you'd be happy going through	08:36:42
6	the notebook, to be honest with you.	08:36:44
7	A. Well, I mean, you have a lot of pages, so I	08:36:45
8	don't recall --	08:36:48
9	Q. We do.	08:36:48
10	A. -- exactly.	08:36:48
11	Q. We do.	08:36:49
12	A. But I'm not aware of one, no.	08:36:49
13	Q. All right. Let's take a look at -- did we mark	08:36:51
14	the January 27, '87 letter?	08:36:57
15	A. Yes. That's 4.	08:37:01
16	Q. Take a look at that for a moment. Other than	08:37:03
17	the -- let me get to the original Spanish.	08:37:21
18	A. I do have a question about this Exhibit 4.	08:38:03
19	Q. Yes.	08:38:05
20	A. Do we have a copy of it on his letterhead?	08:38:06
21	This looks --	08:38:11
22	MR. HENNIGAN: I think we do.	08:38:11
23	THE WITNESS: This looks like the file copy or	08:38:12
24	something.	08:38:15
25	MR. DE MARCO: That's a translation.	08:38:15

1	THE WITNESS: No --	08:38:17
2	MR. HENNIGAN: No.	08:38:18
3	THE WITNESS: -- not the translation.	08:38:19
4	MR. HENNIGAN: This is out of Rivera's file.	08:38:19
5	MR. DE MARCO: Right.	08:38:21
6	MR. HENNIGAN: At least that's what the Bates	08:38:22
7	number suggests.	08:38:25
8	MR. DE MARCO: Let me see your exhibit,	08:38:25
9	Cardinal.	08:38:27
10	THE WITNESS: Oh, this -- that's from Bishop	08:38:28
11	Rivera's files, huh?	08:38:29
12	MR. DE MARCO: Can we pull it out of the other.	08:38:31
13	I've got this document, and that does have their	08:38:33
14	letterhead.	08:38:35
15	THE WITNESS: It would seem to me that we would	08:38:39
16	be more accurate if that were 4.	08:38:40
17	MR. DE MARCO: Yeah. And I'll --	08:38:42
18	THE WITNESS: And not the other one.	08:38:47
19	MR. DE MARCO: -- put it in front of you. Here	08:38:49
20	is what we have as 4. Here is copies of this.	08:39:12
21	MR. HENNIGAN: Do you want to make this 4?	08:39:16
22	MR. DE MARCO: If we want to make this 4. I'm	08:39:17
23	fine with that. Mr. Woods. And replace the other one.	08:39:19
24	MR. WOODS: We have a 4 already.	08:39:25
25	MR. DE MARCO: But we're replacing it.	08:39:26

1	THE WITNESS: We're going to -- replacing it.	08:39:27
2	The new 4 is actually the letter.	08:39:31
3	MR. HENNIGAN: We're not going to ask -- we	08:39:33
4	won't use this one, right?	08:39:33
5	MR. DE MARCO: Right.	08:39:35
6	MR. HENNIGAN: Okay.	08:39:36
7	THE WITNESS: No.	08:39:36
8	MR. DE MARCO: Thank you.	08:39:36
9	THE WITNESS: All right. Now the question	08:39:37
10	again, please?	08:39:39
11	Q. BY MR. DE MARCO: This appears to be a letter	08:39:40
12	of presentation?	08:39:42
13	A. Yes.	08:39:44
14	Q. Okay. If we can go back to Exhibit 1 for a	08:39:45
15	moment, is there any -- well, go back -- I'm sorry.	08:39:51
16	Exhibit 4. Is there --	08:40:18
17	A. Yes.	08:40:20
18	Q. -- anything in Exhibit 4 that leads you to	08:40:20
19	believe this is a confidential letter?	08:40:22
20	A. No.	08:40:27
21	Q. Okay. All right.	08:40:27
22	A. Although if I could add to that, frequently we	08:40:40
23	get letters that the envelope is marked confidential.	08:40:44
24	Q. Right.	08:40:49
25	A. But the -- when you open it, the letter inside	08:40:50

1	may not be marked confidential.	08:40:53
2	Q. Right. So the only thing that would lead you	08:40:54
3	to believe this could have been a confidential letter	08:40:57
4	if there was an envelope that labeled it confidential?	08:40:58
5	A. That's correct.	08:41:02
6	Q. So if there was no envelope, you would have	08:41:03
7	nothing that leads you to believe this is a	08:41:05
8	confidential letter?	08:41:07
9	A. That's correct.	08:41:08
10	Q. Okay. Exhibit 4 refers to reason for Father	08:41:09
11	Nicolas coming to Los Angeles as health and family	08:41:21
12	reasons. Does that seem like an accurate translation	08:41:23
13	to you?	08:41:26
14	A. Yes.	08:41:26
15	Q. Okay. Have you ever heard that phrase used in	08:41:27
16	reference to priests being either removed from	08:41:32
17	assignment or sent to a new assignment?	08:41:35
18	A. No.	08:41:39
19	Q. Have you ever heard or seen priests who have	08:41:39
20	been removed from an assignment because of accusations	08:41:46
21	of child sexual abuse being removed as for health	08:41:49
22	reasons?	08:41:53
23	A. I can't recall any.	08:41:55
24	Q. Okay. Would it surprise you that there are	08:41:57
25	files that the Archdiocese of Los Angeles has recently	08:42:07

1 turned over that say just that, that a priest who has 08:42:10
2 been accused of childhood sexual abuse is then removed 08:42:13
3 for, quote, health reasons? 08:42:18
4 MR. HENNIGAN: No foundation. Do you want to 08:42:19
5 show him the letter? 08:42:29
6 MR. DE MARCO: I'd like him to answer the 08:42:30
7 question first. 08:42:31
8 MR. HENNIGAN: Would it surprise him? 08:42:32
9 MR. DE MARCO: Yes. 08:42:33
10 MR. WOODS: Argumentative. 08:42:37
11 THE WITNESS: I don't recall any letter like 08:42:43
12 that, but -- 08:42:45
13 Q. BY MR. DE MARCO: Would that surprise you, that 08:42:47
14 such letters exist? 08:42:48
15 A. I'd have to see the letter. 08:42:52
16 Q. So it wouldn't surprise you, or it would 08:42:54
17 surprise you? 08:42:56
18 MR. HENNIGAN: Tony, you've gone far enough. 08:42:56
19 Now you are arguing with him. 08:42:59
20 Q. BY MR. DE MARCO: In the Father Peter -- do you 08:43:02
21 remember Father Peter Garcia? 08:43:04
22 A. Yes. 08:43:06
23 Q. Do you remember he was accused of molesting 08:43:08
24 children? 08:43:11
25 A. Yes. 08:43:13

1	Q. He admitted to molesting children?	08:43:13
2	A. I believe that all happened prior to my coming	08:43:17
3	here.	08:43:21
4	Q. You were involved in -- he was still receiving	08:43:22
5	treatment while you were -- you were first assigned	08:43:25
6	here. Do you remember that?	08:43:28
7	A. Yes.	08:43:30
8	Q. Okay. Did you ever review his file while he	08:43:31
9	was receiving treatment?	08:43:36
10	A. I -- I don't remember.	08:43:38
11	Q. You created the office for Vicar for Clergy,	08:43:43
12	yes?	08:44:34
13	A. Yes.	08:44:36
14	Q. And the first person you appointed was	08:44:37
15	Father -- or Monsignor Curry to that position, yes?	08:44:39
16	A. Yes.	08:44:42
17	Q. Why did you create that position?	08:44:43
18	A. Up till that time the -- my understanding was	08:44:49
19	that clergy personnel was handled by the chancellor of	08:44:54
20	the Diocese, who had -- not only had the duties of	08:45:00
21	chancellor but also was pastor of Immaculate Conception	08:45:03
22	Parish and obviously could not deal with all the	08:45:10
23	personnel issues. And when I came and consulted with	08:45:14
24	the council of priests, particularly about how do we --	08:45:18
25	what can we do to help priests, they recommended	08:45:25

1	strongly that we develop an office, a Vicar of Clergy	08:45:27
2	office, which we did.	08:45:33
3	Q. And what, in your mind, made Monsignor Curry	08:45:37
4	suited to that position?	08:45:41
5	A. Actually, the priests of the Archdiocese	08:45:43
6	elected him.	08:45:46
7	Q. Did you have any say in that?	08:45:48
8	A. Just to, you know, concur or not concur.	08:45:51
9	Q. Why did you concur?	08:45:58
10	A. When you get the priests of the Archdiocese so	08:46:00
11	supportive of one priest -- one of their brothers, you	08:46:03
12	knew -- I knew he'd have the respect and the	08:46:07
13	cooperation of all the priests.	08:46:10
14	Q. Um-hum. With all that you know now, do you	08:46:12
15	believe that Monsignor Curry performed well in the	08:46:18
16	position of Vicar for Clergy?	08:46:20
17	MR. WOODS: Irrelevant.	08:46:23
18	THE WITNESS: I believe that Monsignor Curry	08:46:27
19	did an admirable job with the knowledge of the day and	08:46:33
20	the times --	08:46:37
21	Q. BY MR. DE MARCO: Um-hum.	08:46:39
22	A. -- handling various issues, yes.	08:46:40
23	Q. All right. Do you believe he made any mistakes	08:46:42
24	with regards to his handling of the Father Nicolas	08:46:49
25	Aguilar-Rivera matter?	08:46:54

1	A. I -- I could not say that there were any	08:46:57
2	mistakes made from my knowledge. Today, of course,	08:47:00
3	matters would have been handled far differently than 27	08:47:05
4	years ago, so --	08:47:10
5	Q. So I just want to make sure my question is	08:47:12
6	clear. With all that you know today sitting here right	08:47:14
7	now from what you've learned of his conduct as Vicar	08:47:18
8	for Clergy, do you believe he made any mistakes with	08:47:22
9	regards to his handling of the Father Nicolas	08:47:26
10	Aguilar-Rivera matter?	08:47:28
11	MR. WOODS: Irrelevant.	08:47:29
12	THE WITNESS: I do not believe that at the time	08:47:38
13	Monsignor Curry made mistakes. With what we know today	08:47:42
14	and procedures in place today, we would have handled	08:47:49
15	the situation differently.	08:47:51
16	Q. BY MR. DE MARCO: Okay. With reference to the	08:47:54
17	Father Nicolas Aguilar-Rivera matter, what would have	08:47:57
18	been handled differently?	08:47:59
19	A. For example, today any priest coming here from	08:48:02
20	a foreign country, we have a detailed form that must be	08:48:06
21	filled out by the diocese or religious superior from	08:48:11
22	which the priest is coming. Great detail. And	08:48:17
23	particularly all the questions are asked about	08:48:21
24	alcoholism, sexual abuse -- adults, minors --	08:48:26
25	everything, and they have to attest to that and sign	08:48:30

1	it. And if we have any doubts, we contact them again,	08:48:34
2	and if we still have doubts, we do not accept them.	08:48:40
3	Q. But that was not done with regards to Father	08:48:45
4	Nicolas Aguilar-Rivera?	08:48:48
5	A. Not in those days, no.	08:48:48
6	Q. What was done in those days, in 1987?	08:48:50
7	A. Well, take, for example, this Exhibit 4, "Por	08:48:52
8	motivos familiares y por motivos de salud," because we	08:49:02
9	are so close to Mexico and Central American and Asia	08:49:03
10	Pacific, Philippines, we have a lot of priests in those	08:49:06
11	countries who have relatives here. There are a lot of	08:49:11
12	Mexicans, Salvadorans, Nicaraguans, Guatemalans,	08:49:14
13	Filipinos, Vietnamese. A lot of people have a lot of	08:49:18
14	relatives here. And so it's not uncommon to get a	08:49:22
15	letter saying because of family concerns and some	08:49:28
16	health problems -- for example, we have priests who	08:49:33
17	will come here to get treated at Cedars-Sinai hospital	08:49:36
18	or UCLA Medical Center for some specialty that they	08:49:40
19	cannot get specialized care where they are. And so	08:49:45
20	they will come here. Often they just stay with their	08:49:49
21	family and don't ask to do pastoral ministry.	08:49:53
22	Q. Right.	08:49:57
23	A. In this case Bishop Rivera says he wants to be	08:49:58
24	here for a year. Now, it's my recollection that	08:50:01
25	Monsignor Curry actually wrote back to Bishop Rivera	08:50:09

1	wanting more clarification. And so that's what we	08:50:12
2	would have done.	08:50:18
3	Q. Are you aware of Bishop Rivera ever sending	08:50:18
4	such clarification that was requested?	08:50:21
5	A. No. That's -- that missing letter is	08:50:25
6	apparently the clarification.	08:50:31
7	Q. Okay. From your review of that January -- I	08:50:33
8	got to make sure I've got the date in my head, sorry --	08:50:38
9	January 27th, 1987 letter, even back in 1987, with that	08:50:41
10	level of information, you'd want to know more --	08:50:45
11	A. Yes.	08:50:49
12	Q. -- before giving him faculties here in Los	08:50:50
13	Angeles Archdiocese?	08:50:53
14	A. Yes.	08:50:54
15	Q. In 1987?	08:50:54
16	A. Yes.	08:50:56
17	Q. What about that letter signals to you that	08:50:56
18	you'd want to know more?	08:51:00
19	A. Very often we'd like to know what the health	08:51:02
20	problem is. Is there something where we could offer a	08:51:06
21	referral, which we have done many times, referral to	08:51:12
22	specialists or a hospital, et cetera. So "por motivos	08:51:16
23	de salud," you know, what does it mean?	08:51:23
24	Q. Right.	08:51:25
25	A. And so I think that Monsignor Curry handled it	08:51:26

1	correctly. You write back and say, tell us more.	08:51:31
2	Q. And it's your understanding that he wrote back	08:51:34
3	to Bishop Rivera asking for more information?	08:51:37
4	A. That's my recollection, yes.	08:51:41
5	Q. Would -- is there something specific you're	08:51:43
6	thinking about? Do you remember seeing a letter to	08:51:46
7	that effect?	08:51:48
8	A. I don't, but we could look. I don't remember	08:51:53
9	if there is a letter in there or not.	08:51:57
10	Q. You would have expected, though, based on the	08:51:59
11	receipt of the January 27, 1987 letter, what's there,	08:52:01
12	that Monsignor Curry would have found a way to obtain	08:52:06
13	more information as to the -- what health and family	08:52:10
14	reasons means? You would have expected that in 1987?	08:52:15
15	A. Yes.	08:52:19
16	Q. Okay. From the time you took office as	08:52:19
17	Archbishop here in Los Angeles, up through 1988, did	08:52:39
18	you engage or start efforts to change or increase the	08:52:48
19	level of screening for priests coming in from outside	08:52:54
20	the country?	08:52:58
21	A. Yes.	08:53:00
22	Q. What did you do in that time period from --	08:53:00
23	MR. HENNIGAN: So you're saying through '88?	08:53:06
24	MR. DE MARCO: Through 1988, yes.	08:53:07
25	THE WITNESS: Well, I recall that we did not	08:53:09

1	really have a clergy handbook, personnel handbook.	08:53:12
2	Q. BY MR. DE MARCO: Okay.	08:53:16
3	A. And I asked the, excuse me, Priest Personnel	08:53:17
4	Board and Monsignor Curry to begin to develop a more	08:53:20
5	comprehensive handbook with procedures on how we deal	08:53:25
6	with priests coming and including problems with	08:53:29
7	boundary violations and sexual abuse -- adults,	08:53:35
8	minors -- and I believe that they first published that	08:53:41
9	in 1989, the year after this. But during the	08:53:49
10	intervening year, '87-88, they were working on various	08:53:52
11	drafts.	08:53:56
12	Q. I want to make sure my question is real	08:53:57
13	specific. I understand there is various facets to all	08:54:00
14	this. But in terms of priests coming from outside the	08:54:05
15	country, seeking faculties here in Los Angeles	08:54:09
16	Archdiocese, from the time you took office -- and let's	08:54:13
17	narrow it slightly -- until March of 1988, did you	08:54:16
18	undertake or seek to have undertaken any efforts to	08:54:22
19	increase the level of screening for priests coming into	08:54:27
20	the Archdiocese from outside the country who are	08:54:31
21	seeking faculties here?	08:54:36
22	A. Well, I don't recall what they were doing	08:54:39
23	before I came.	08:54:41
24	Q. Right.	08:54:42
25	A. So I have no idea what the comparable is to	08:54:43

1	what was going on before, but I do know that	08:54:48
2	increasingly with Monsignor Curry and the Personnel	08:54:52
3	Board, they started developing criteria, procedures, et	08:54:55
4	cetera, covering all aspects of priests, both those	08:55:00
5	here, religious, externs, all categories.	08:55:03
6	Q. Anything specific that you can remember in that	08:55:09
7	first few years of your tenure here? So I believe you	08:55:13
8	started in 1985, correct?	08:55:17
9	A. September '85.	08:55:19
10	Q. Thank you, Cardinal. And from September 1985	08:55:21
11	until March of 1988, anything specific that you can	08:55:25
12	remember that you directed to be done to increase the	08:55:29
13	level of screening during that time period of priests	08:55:32
14	coming into Los Angeles from outside the country who	08:55:35
15	were seeking faculties here?	08:55:38
16	A. Well, that was one of the topics that we had	08:55:41
17	for the new procedures --	08:55:43
18	Q. Right.	08:55:45
19	A. -- and personnel handbook. So I -- I can't	08:55:46
20	recall any specific thing about priests coming from	08:55:49
21	other places except that. That was part of the overall	08:55:53
22	new clergy personnel manual.	08:55:57
23	Q. And that was published in 1989?	08:56:00
24	A. I believe parts of it were given to the priests	08:56:05
25	along the way, but I think 1989 is when the final	08:56:09

1	version was published. And then updated over the	08:56:13
2	years.	08:56:17
3	Q. Now, did you have any role in either	08:56:17
4	formulating those policies or approving of them that	08:56:20
5	were in the -- that were in the 1989 document?	08:56:25
6	A. You know, in that time I was relying upon the	08:56:29
7	Personnel Board and the -- the auxiliary bishops, and I	08:56:33
8	would review it. But we were very pleased with what	08:56:41
9	they had produced, and I don't recall having made any	08:56:43
10	amendments or changes to it.	08:56:48
11	Q. You can't recall any significant differences or	08:56:54
12	disagreements you had with that policy?	08:56:57
13	A. No.	08:56:59
14	Q. Okay. Have you at any time learned that	08:57:00
15	Monsignor Curry met with Father Nicolas Aguilar-Rivera	08:57:12
16	and told him that police would be likely contacted?	08:57:19
17	Have you ever learned of him having such a	08:57:27
18	conversation?	08:57:28
19	A. I -- my recollection is yes.	08:57:30
20	Q. What do you recall?	08:57:33
21	A. I recall that because the report came to the	08:57:34
22	school that the principal attempted to call Family	08:57:42
23	Services. I think that was a Friday afternoon. And	08:57:48
24	they did not have somebody 24 hours a day. And so she	08:57:51
25	left a message and then apparently tried over the	08:57:58

1	weekend and no answer. And so on Monday I believe she	08:58:01
2	called -- I'm not sure it was the police or Family	08:58:06
3	Services. But one or the other.	08:58:09
4	Q. Um-hum.	08:58:11
5	A. And Bishop -- I mean then Monsignor Curry	08:58:12
6	became aware of that.	08:58:17
7	Q. Became aware of what? I'm sorry.	08:58:19
8	A. That the principal had reported this.	08:58:21
9	Q. Okay.	08:58:21
10	A. I'm not sure the police or Family -- Child/	08:58:25
11	Family Services.	08:58:28
12	Q. Have you become aware at any time that	08:58:29
13	Monsignor Curry met with Father Nicolas and advised him	08:58:32
14	that police might be contacted but before police were	08:58:37
15	contacted?	08:58:41
16	A. My recollection was that on the Saturday	08:58:44
17	morning following that Friday incident with the school	08:58:48
18	that Bishop -- Monsignor Curry met with Father Rivera	08:58:53
19	to take him out of the ministry there and then, which	08:58:58
20	he did.	08:59:01
21	Q. Okay. And that was a proper action in your	08:59:03
22	thinking?	08:59:05
23	A. Yes.	08:59:06
24	Q. Even before police were notified?	08:59:07
25	A. Yes.	08:59:09

1	Q. Why?	08:59:10
2	A. Well, because attempts were made to reach	08:59:13
3	Child/Family Services by the principal.	08:59:20
4	Q. You have since become aware, have you not, that	08:59:25
5	Monsignor Curry's meeting, though, took place before	08:59:30
6	police were actually contacted; is that correct?	08:59:33
7	A. Well, I'd say police or Child/Family Services.	08:59:37
8	It isn't just police. It's -- in this state and this	08:59:43
9	county, your main reporting entity is Child/Family	08:59:48
10	Services.	08:59:53
11	Q. Do you think it was appropriate for Monsignor	08:59:53
12	Curry to advise Father Nicolas Aguilar-Rivera that	08:59:57
13	police were likely to be contacted?	09:00:01
14	A. I honestly don't know what Monsignor Curry told	09:00:06
15	Father Rivera because I wasn't there.	09:00:11
16	MR. DE MARCO: I think the next one is 6, so	09:01:51
17	I'll mark this as Exhibit 6.	09:01:52
18	(Plaintiff's Exhibit 6 was marked for	09:02:09
19	identification.)	09:02:09
20	MR. DE MARCO: Have you had a chance to look at	09:04:06
21	it?	09:04:07
22	MR. WOODS: Mike, have you had a chance?	09:04:08
23	THE WITNESS: Yes.	09:04:09
24	Q. BY MR. DE MARCO: Cardinal, I will represent to	09:04:10
25	you and to counsel that in response to requests for	09:04:11

1	admissions, this document was admitted to have been	09:04:13
2	written by Monsignor Curry on January 10th, 1988. I'll	09:04:16
3	direct your attention to the second to last paragraph	09:04:22
4	and the last sentence of it. "I told him that it was	09:04:26
5	likely the accusations would be reported to the police	09:04:30
6	and that he was in a good deal of danger." Do you	09:04:34
7	think it would have been appropriate for Monsignor	09:04:42
8	Curry in the meeting with Father Nicolas Aguilar-Rivera	09:04:47
9	on the Saturday morning to have informed him that	09:04:49
10	police were likely to be contacted?	09:04:54
11	A. Well, again, I was not at the meeting and that	09:04:59
12	this appears to be kind of a file memorandum, so I'm	09:05:04
13	not sure exactly what he said to Father Rivera.	09:05:07
14	Q. Right. My question, though, is this: Do you	09:05:12
15	think it would have been appropriate should he have	09:05:16
16	told Father Nicolas Aguilar-Rivera that police were	09:05:20
17	likely to be contacted in this meeting that he's having	09:05:24
18	on that Saturday morning? Should he have told him that	09:05:27
19	the police were likely to be contacted?	09:05:30
20	A. No, I really don't have an opinion. Apparently	09:05:36
21	Father Rivera said he was going to stay with his sister	09:05:40
22	and gave no indication he was leaving so --	09:05:43
23	Q. Is there any reason that you can think of why	09:05:48
24	he should have told Father Nicolas that the police were	09:05:52
25	likely to be contacted?	09:05:57

1	A. Well, of course today that's our policy. We	09:06:01
2	not only call the police, we tell the accused priest	09:06:06
3	that we are calling the police or have called the	09:06:10
4	police or filed a report.	09:06:12
5	Q. Right. So it's your opinion that in 1987 on	09:06:14
6	January 9th, on Saturday morning, Father Nic --	09:06:19
7	Monsignor Curry should have told Father Nicolas that	09:06:24
8	police were going to be contacted?	09:06:27
9	A. Now, first of all, this is January 9th, 1988.	09:06:32
10	Q. I'm sorry. Correct. I apologize. Thank you,	09:06:36
11	Cardinal, for listening carefully to the question. I	09:06:39
12	apologize. That was not intentional.	09:06:41
13	It's your opinion that on January 9th, 1988,	09:06:44
14	Monsignor Curry, as the Vicar for Clergy of the Los	09:06:50
15	Angeles Archdiocese, should have told Father Nicolas	09:06:53
16	Aguilar-Rivera that the police were likely to be	09:06:58
17	contacted?	09:07:01
18	A. And, again, I really don't have an opinion	09:07:03
19	because I'm -- I'm thinking of this in terms of today	09:07:05
20	and what we do today, and so I can't respond to --	09:07:09
21	Q. Okay.	09:07:13
22	A. I can't put myself back in 1988 absent today.	09:07:14
23	So it's very difficult to respond.	09:07:20
24	Q. When did you first learn that Monsignor Curry	09:07:25
25	had met with Father Nicolas on that Saturday morning,	09:07:30

1	January 9th, 1988?	09:07:33
2	A. Whenever I got the memo of January 10, 1988,	09:07:36
3	where he says: I saw Father Rivera at St. Agatha's on	09:07:47
4	Saturday morning.	09:07:53
5	Q. So whenever it was that you reviewed the	09:07:56
6	January 10th, 1988 memo that we have marked as	09:07:57
7	Exhibit --	09:08:02
8	A. 1.	09:08:03
9	Q. -- 1, that's the first time you learned of that	09:08:03
10	meeting?	09:08:05
11	A. Yes.	09:08:06
12	Q. Okay. Did you speak with Monsignor Curry	09:08:07
13	relating to that shortly thereafter?	09:08:09
14	A. As I testified earlier today, I don't recall	09:08:12
15	exactly when I got this and whether he gave it to me,	09:08:16
16	it was on my desk, or whether he came into my office	09:08:21
17	and gave it to me and talked about it. I simply can't	09:08:25
18	recall.	09:08:28
19	Q. Can you see how Monsignor Curry informing	09:08:29
20	Father Nicolas on the morning on January 9th, 1988,	09:08:38
21	that "there are families accusing you of molesting	09:08:43
22	their sons, their children," and that police are likely	09:08:46
23	to be notified, that that could in fact encourage	09:08:50
24	Father Nicolas Aguilar-Rivera to flee the jurisdiction?	09:08:54
25	A. And, again, I'm just going on the file	09:08:59

1	memorandum. Father Rivera said he's going to stay with	09:09:03
2	his sister, and -- I don't know. Bishop Curry may be	09:09:06
3	able to respond to your question better than me. But I	09:09:12
4	don't know exactly -- maybe -- it's all speculation.	09:09:16
5	Q. But sitting here today, you can't see that?	09:09:20
6	You can't see that informing Father Aguilar Rivera on	09:09:22
7	that Saturday morning of these most serious allegations	09:09:26
8	and that the police were likely to be notified that	09:09:29
9	that wouldn't have the effect -- or that would in fact	09:09:31
10	have the effect of encouraging him to flee the	09:09:35
11	jurisdiction?	09:09:37
12	A. No, I really don't have an opinion on that.	09:09:39
13	Q. Okay. Had you ever prior to this encouraged	09:09:42
14	any priest who had been accused or admitted to	09:09:50
15	molesting children to remain outside the jurisdiction	09:09:54
16	here in California?	09:09:57
17	A. The --	09:10:03
18	Q. I'll rephrase. I'm sorry. That was not a good	09:10:03
19	question. I apologize.	09:10:05
20	A. Sure.	09:10:06
21	Q. Prior to January 1988, had you ever encouraged	09:10:06
22	a priest who had been accused of molesting children to	09:10:15
23	remain outside the jurisdiction here in California so	09:10:18
24	as to avoid criminal prosecution?	09:10:23
25	A. No.	09:10:27

1	Q. Did you ever write a letter to anyone.	09:10:27
2	encouraging a priest to be kept out of state who had	09:10:33
3	been accused or admitted to molesting children so as to	09:10:40
4	avoid criminal prosecution?	09:10:43
5	A. Not for the purposes of avoiding criminal	09:10:48
6	prosecution, no.	09:10:51
7	MR. DE MARCO: Okay. We have got another copy	09:12:15
8	coming? I think we'll mark that as Exhibit 7.	09:12:18
9	(Plaintiff's Exhibit 7 was marked for	09:12:36
10	identification.)	09:12:37
11	Q. BY MR. DE MARCO: Cardinal, you've had a chance	09:12:37
12	to take a look at Exhibit --	09:13:17
13	We have marked this as Exhibit 7?	09:13:19
14	THE REPORTER: Yes.	09:13:21
15	THE WITNESS: Oh, so this is about Father --	09:13:22
16	Monsignor Peter Garcia.	09:13:24
17	Q. BY MR. DE MARCO: That's right.	09:13:26
18	A. Oh. Well, what -- what's before this -- I	09:13:27
19	mean, is July 22nd, 1986, my first correspondence	09:13:33
20	with --	09:13:39
21	Q. I don't think so. It's a 500-page file,	09:13:39
22	Cardinal. I've not brought the entirety of the file	09:13:43
23	with me, so I apologize for that.	09:13:45
24	A. Well, again, it's so important, like you've	09:13:48
25	done here, to have the context of -- I don't know what	09:13:49

1	other communications there were with them. I don't	09:13:52
2	know what Dr. -- for example, what is his name? It's	09:13:56
3	redacted. But I don't know what his report said --	09:14:00
4	Q. Right.	09:14:04
5	A. -- by looking at this because I'm acknowledging	09:14:04
6	his letter of July 1st. So --	09:14:09
7	Q. Right.	09:14:10
8	A. -- if we could just see that.	09:14:10
9	Q. I don't think I have that with me, Cardinal.	09:14:12
10	But let me ask you a couple very foundational	09:14:15
11	preliminary questions. Okay? This appears to be a	09:14:17
12	letter that you wrote. Does that seem correct to you?	09:14:21
13	A. In response to his letter of July 1st, 1986.	09:14:27
14	Q. Right. And I don't see a signature for you at	09:14:30
15	the bottom. But that's not unusual, is it?	09:14:33
16	A. Most of our copies have my signature on them.	09:14:38
17	Q. Let me ask you this: Back around 1986, was the	09:14:42
18	Archdiocese using some sort of system of mimeograph or	09:14:48
19	carbon copies for documents?	09:14:53
20	A. Now, that's -- technology-wise that's ancient	09:14:55
21	history. I don't remember what we were doing.	09:14:59
22	Q. All right. I'll represent that this is a	09:15:01
23	document that has been produced to us by the Los	09:15:07
24	Angeles Archdiocese from the files of the Los Angeles	09:15:13
25	Archdiocese. Other than your signature not being on	09:15:16

1	this document, do you have any reason to believe you	09:15:21
2	didn't author this document?	09:15:24
3	A. I do not.	09:15:25
4	Q. Okay. What -- I understand it's always helpful	09:15:26
5	to have context and know what comes before and after,	09:15:36
6	but there is a specific -- specific sentence I wanted	09:15:38
7	to focus on here. And even before asking that -- and I	09:15:41
8	think we covered this a little bit earlier. You became	09:15:49
9	aware early in your tenure that Father -- Monsignor	09:15:52
10	Peter Garcia had both been accused of molesting kids	09:15:55
11	and had admitted to it, correct?	09:15:58
12	A. Yes.	09:16:01
13	Q. Okay. And so the -- in the second paragraph of	09:16:01
14	this letter, there is a fairly long sentence. It	09:16:11
15	begins in the fourth line. "The two young men who were	09:16:17
16	involved with him and their parents have switched	09:16:21
17	attorneys on several occasions, and I believe that if	09:16:24
18	Monsignor Garcia were to reappear here within the	09:16:28
19	Archdiocese we might very well have some type of legal	09:16:33
20	action filed in both the criminal and civil sectors."	09:16:35
21	You wrote that?	09:16:40
22	A. Yes.	09:16:41
23	Q. Okay. Does that refresh your memory, Cardinal,	09:16:42
24	of your directing that Father Peter Garcia is a priest	09:16:48
25	that you instructed to be kept outside of California,	09:16:55

1	outside the jurisdiction here, so as to avoid criminal	09:17:00
2	prosecution?	09:17:03
3	A. No.	09:17:06
4	Q. Why not?	09:17:06
5	A. Two or three reasons. One is the next	09:17:07
6	sentence, if you read the next sentence, that it was my	09:17:11
7	understanding at that time that this illness or disease	09:17:15
8	could be treated and Dr. whoever in the July 1st letter	09:17:21
9	which you don't have is saying that he's doing well.	09:17:27
10	He has progressed. Apparently he was given an	09:17:31
11	assignment in the Santa Fe Archdiocese --	09:17:35
12	Q. Right.	09:17:40
13	A. -- the -- with the concurrence of the	09:17:41
14	Archbishop and that he was doing very well. I wanted	09:17:45
15	him to stay in that treatment program. I wanted him to	09:17:48
16	be treated. Did I -- was I interested in having a big	09:17:51
17	civil upset here for the Archdiocese? No, I was not.	09:17:57
18	And -- but I was not encouraging him to avoid criminal	09:18:04
19	prosecution.	09:18:07
20	You've got to realize -- you know, they talk	09:18:09
21	about these state lines -- state lines mean nothing.	09:18:11
22	It is so simple to request this priest be returned to	09:18:14
23	Los Angeles County. I mean, this is not a big deal.	09:18:21
24	You know, there is no such thing as being isolated.	09:18:24
25	He's not in a country that doesn't have a -- what do	09:18:26

1 they call those -- 09:18:30

2 Q. Extradition treaties? 09:18:31

3 A. -- extradition treaty. He's a few hours from 09:18:33

4 here. So if that were the intent -- by the way, at 09:18:37

5 that point the police knew. 09:18:40

6 Q. How is it you're aware the police knew? 09:18:42

7 A. It seems to me in this case the parents -- or 09:18:45

8 one of the parents told the police. 09:18:48

9 Q. Um-hum. How did you become aware of that? 09:18:49

10 A. It's somewhere in the documentation. 09:18:52

11 Q. You've reviewed documentation to indicate the 09:18:54

12 police were contacted? 09:18:57

13 A. Some -- that was my recollection. 09:18:57

14 Q. Is that something you reviewed recently? 09:19:00

15 A. I don't remember when I last saw it, but I also 09:19:02

16 met with at least one maybe two sets of these 09:19:09

17 parents -- 09:19:13

18 Q. Uh-huh. 09:19:13

19 A. -- myself. And one of them -- they were very 09:19:14

20 angry with Monsignor Garcia. 09:19:18

21 Q. Uh-huh. 09:19:21

22 A. And one of them -- one of the fathers said that 09:19:21

23 he doesn't want him back here and if he comes back 09:19:24

24 here, he's going to call the police again. I think 09:19:27

25 that was -- those were his words. 09:19:31

1	Q. Okay.	09:19:33
2	A. So this -- I wasn't trying to keep him away.	09:19:34
3	This is not instructing him don't you do dare let him	09:19:39
4	come back here but to point out the reality of what's	09:19:43
5	going to happen.	09:19:48
6	Q. You would say it's a fair representation of	09:19:48
7	this letter that there is at least a concern expressed	09:19:51
8	here that if he comes back, he might get -- that Father	09:19:55
9	Peter Garcia might get criminally prosecuted?	09:20:00
10	A. Not a concern. That's just telling him what's	09:20:03
11	going to happen.	09:20:06
12	Q. Right. And that's something that you'd like to	09:20:07
13	see avoided so, therefore, let's keep him in New	09:20:11
14	Mexico?	09:20:14
15	A. No. I wanted to keep him in New Mexico for	09:20:15
16	treatment. If he came back here, he would not be	09:20:17
17	getting the same treatment because we have no treatment	09:20:19
18	centers in California. Never have had.	09:20:22
19	Q. You were familiar with the Hacker Clinic?	09:20:24
20	A. No. I'm talking about treatment centers that	09:20:28
21	exclusively treat clergy.	09:20:32
22	Q. You never heard of the Hacker Clinic?	09:20:35
23	A. Not to my knowledge. I --	09:20:37
24	Q. You ever --	09:20:37
25	A. -- might have.	09:20:39

1 Q. You ever heard of Dr. [REDACTED] [REDACTED]? 09:20:39

2 A. I can't remember. I don't remember. 09:20:43

3 Q. Not aware of any priests of the Archdiocese who 09:20:46

4 have been accused of molesting kids being sent for 09:20:49

5 treatment to the Hacker Clinic or UCLA with Dr. [REDACTED] 09:20:51

6 [REDACTED]? 09:20:54

7 A. I -- I can't recall. There might have been, 09:20:55

8 but that certainly is maybe one or two cases. But I'm 09:20:58

9 not aware. 09:21:03

10 Q. Okay. At this time in 1986 were you at all 09:21:04

11 concerned about any other persons being subjected to 09:21:10

12 criminal liability other than Father Peter Garcia that 09:21:16

13 you're referring to in this letter? 09:21:21

14 A. If -- I'm not sure about 1986, but very early 09:21:25

15 on we -- we routinely told priests that they were 09:21:29

16 subject to criminal -- if they have been found 09:21:35

17 guilty -- if they were subject to criminal -- or 09:21:39

18 suspicion of well-founded allegation, they were subject 09:21:43

19 to police investigation. 09:21:46

20 Q. Why would you tell priests that? 09:21:50

21 A. For their information, so -- 09:21:55

22 Q. For their -- 09:21:55

23 A. -- they would know. 09:21:58

24 Q. For their protection? 09:21:59

25 A. To -- so they would know another consequence of 09:22:02

1	their misconduct.	09:22:06
2	Q. Other than -- were there any priests in the Los	09:22:09
3	Angeles Archdiocese who had been accused -- excuse me.	09:22:15
4	I'm sorry -- I apologize. Were there any priests who	09:22:19
5	had worked in the Los Angeles Archdiocese, leading up	09:22:24
6	to and through 1988, who had been accused of molesting	09:22:27
7	kids, or admitted to it, who you either agreed with the	09:22:32
8	action of keeping them out of state to avoid criminal	09:22:38
9	prosecution or that you undertook action to keep them	09:22:41
10	out of state to avoid criminal prosecution?	09:22:45
11	A. No.	09:22:48
12	Q. Okay. These families that you met with for	09:22:51
13	Father Peter Garcia, did you meet with the children as	09:23:05
14	well?	09:23:08
15	A. In my recollection, no.	09:23:09
16	Q. Did you have any idea how old the kids were?	09:23:11
17	A. At that time I don't remember.	09:23:15
18	Q. Did you inquire as to what exactly the kids	09:23:18
19	were saying happened to them?	09:23:21
20	A. The parents -- are you talking about Peter	09:23:23
21	Garcia?	09:23:27
22	Q. Yes.	09:23:28
23	A. Oh.	09:23:28
24	Q. Sorry if I was unclear.	09:23:30
25	A. Yeah, I thought we had gone back to Rivera.	09:23:30

1	So --	09:23:33
2	Q. And I'm not going too deeply on it.	09:23:33
3	A. So, again, the question is --	09:23:35
4	Q. With regards to the Peter Garcia parents that	09:23:36
5	you talked about that came and you met with, did you	09:23:39
6	meet with their kids as well?	09:23:42
7	A. My recollection, no.	09:23:43
8	Q. Okay. Did you ask either the parents or the	09:23:45
9	kids exactly what it was that Father Peter Garcia had	09:23:48
10	done to the kids or done to them?	09:23:51
11	A. I don't think so. And my recollection is they	09:23:54
12	requested the meeting. And I don't remember who else	09:23:57
13	was there at the meeting, whether Monsignor Curry or	09:24:01
14	not, I don't remember. But they were most concerned	09:24:06
15	about him coming back here.	09:24:10
16	Q. Right.	09:24:12
17	A. That was -- that's what they expressed to me.	09:24:12
18	Q. And one of them told you that if he came back,	09:24:15
19	they would press charges?	09:24:17
20	A. Again, yeah, he told me we had already called	09:24:18
21	the police, so --	09:24:20
22	MR. DE MARCO: Right. Okay. We need to make a	09:24:21
23	change of tape.	09:24:27
24	THE VIDEOGRAPHER: We are now going off camera.	09:24:28
25	The time is 9:24 a.m.	09:24:30

1	(Break taken, after which Mr. Potts was	09:24:32
2	no longer present.)	09:33:19
3	THE VIDEOGRAPHER: We are now back on camera.	09:33:31
4	The time is 9:33 a.m.	09:33:38
5	MR. DE MARCO: We are back on the record?	09:33:45
6	Okay.	09:33:46
7	Q. Cardinal, you understand you're still under	09:33:47
8	oath?	09:33:49
9	A. Yes.	09:33:49
10	Q. Cardinal, I'd like to direct your attention	09:33:49
11	briefly again to Exhibit Number 2, which is the March	09:33:52
12	30, 1988 letter. And specifically -- I know you've	09:33:55
13	read the whole thing already.	09:34:07
14	A. Yes.	09:34:09
15	Q. I think it's towards the end of this letter, if	09:34:09
16	I'm not mistaken, the bottom of first page. Did you	09:34:13
17	say in that letter or write in that letter something to	09:34:20
18	the effect that here in the Archdiocese we have a clear	09:34:22
19	plan of action: We do not take priests with any	09:34:27
20	homosexual problems? Is that a fair --	09:34:30
21	A. In this letter?	09:34:34
22	Q. Yes.	09:34:35
23	A. No. Oh, yes. I'm sorry. Yes.	09:34:36
24	Q. And this is my -- my translation into English.	09:34:43
25	So, please, if that's not an accurate	09:34:47

1	characterization --	09:34:49
2	A. Yeah.	09:34:50
3	Q. -- please let me know.	09:34:51
4	A. And what I should have added -- it says -- I	09:34:51
5	was thinking of that sentence plus him getting beat up,	09:34:54
6	so --	09:34:58
7	Q. But you didn't write anything in this letter	09:34:58
8	about him being beaten up?	09:35:00
9	A. No, no, I did not.	09:35:01
10	Q. Okay. And if we look at it, the -- we wanted	09:35:03
11	to make sure we had context. The Exhibit Number 5,	09:35:11
12	which was the March 17th, '88 letter, Bishop Norberto	09:35:15
13	Rivera doesn't make any reference there to him being	09:35:25
14	beaten -- to Father Nicolas being beaten up, does he?	09:35:27
15	A. I don't think so.	09:35:31
16	MR. HENNIGAN: Well --	09:35:33
17	Q. BY MR. DE MARCO: Take a look. If I'm wrong,	09:35:34
18	please let me know.	09:35:37
19	A. No. This letter, of course, is after --	09:35:57
20	Q. Right.	09:36:00
21	A. -- Rivera is gone.	09:36:01
22	Q. Right.	09:36:02
23	A. Yes.	09:36:03
24	Q. And if I'm not mistaken, your March 30 letter	09:36:03
25	is responding to the March 17th, 1988 letter.	09:36:06

1	A.	That's right.	09:36:12
2	Q.	Okay. And, again, in your March 30 letter	09:36:12
3		there is nothing in there about physical aggression or	09:36:15
4		beating or anything like that, right?	09:36:18
5	A.	That's correct.	09:36:20
6	Q.	Okay. But going back to my question, fair to	09:36:21
7		say in your writing to Bishop Rivera at that time	09:36:26
8		you're saying here in Los Angeles at that time in March	09:36:30
9		of 1988 there is a clear plan of action: We do not	09:36:33
10		accept into service priests with any homosexual	09:36:39
11		problems? Is that a fair -- if not, please tell me how	09:36:43
12		I got that wrong.	09:36:47
13	A.	Yeah, no, that's not accurate. Again, that	09:36:48
14		sentence is in context with the public problem --	09:36:52
15	Q.	Okay.	09:36:57
16	A.	-- that involved even the police department	09:36:57
17		even down there.	09:36:59
18	Q.	Uh-huh.	09:36:59
19	A.	That he got beat up. There was bloody -- this	09:37:01
20		is not some kind of clandestine relationship that no	09:37:04
21		one knows about. This had become a major scandal,	09:37:09
22		actually. And so we are not talking about somebody who	09:37:12
23		has homosexual inclination. We are talking about	09:37:16
24		somebody who has some way acted out publicly in a way	09:37:19
25		that we wouldn't take them.	09:37:24

1	Q.	In March -- on March 30, 1988, were you aware	09:37:30
2		at that moment in time when you wrote this letter that	09:37:35
3		Father Nicolas had been subjected to a beating in	09:37:38
4		Mexico?	09:37:43
5	A.	I believe it was that letter that we did not	09:37:45
6		receive in which he makes reference to that problem.	09:37:48
7	Q.	Is it your belief that by the time you wrote	09:37:54
8		this letter on March 30, 1988, that you were aware of	09:37:56
9		the beating?	09:38:00
10	A.	Yes.	09:38:02
11	Q.	How?	09:38:03
12	A.	Let's see. That letter of March 23rd, 1987,	09:38:10
13		that the suspicion was that after the conflicts that	09:38:26
14		provoked a physical aggression because of his	09:38:30
15		homosexual problems.	09:38:35
16	Q.	Right.	09:38:36
17	A.	That's what -- that's what I'm referring to.	09:38:37
18	Q.	Okay. So again my question is, Cardinal, on	09:38:39
19		March 30, 1988, when you write this letter we've marked	09:38:42
20		as Exhibit 2, were you aware of that March 23rd, 1987	09:38:46
21		letter already?	09:38:52
22	A.	Yes. I make reference to it.	09:38:53
23	Q.	Okay.	09:38:56
24	A.	And I say had we known what you put in the	09:38:57
25		March 23rd letter, we would not have accepted this man.	09:39:02

1	Q. Now, previously you -- in the letter, I'll	09:39:06
2	point out, you're saying that we have no record of any	09:39:09
3	March 23rd, 1987 letter. You're saying this -- in this	09:39:13
4	Exhibit 2 you're saying that.	09:39:16
5	A. Yes.	09:39:19
6	Q. Okay. But it's your testimony here today that	09:39:19
7	by the time you wrote this letter on March 30, 1988,	09:39:22
8	you had read the March 23rd, '87 letter; is that your	09:39:26
9	testimony?	09:39:30
10	A. Yes.	09:39:31
11	Q. Okay. Cardinal, if you had read by March 30,	09:39:33
12	1988, that earlier letter from March 23rd, '87, is	09:39:42
13	there any reason why it would no longer be in the	09:39:48
14	file -- in the files of the Archdiocese on March 30,	09:39:52
15	1988? Does that make sense to you? I'll rephrase	09:39:56
16	it --	09:40:00
17	A. Yeah, no --	09:40:00
18	Q. -- because I lost myself there. I'm sorry.	09:40:00
19	A. Well, you had already asked the same question	09:40:02
20	earlier, and I responded I have no idea why it's not in	09:40:04
21	the file.	09:40:08
22	Q. Okay.	09:40:08
23	A. And as I said also earlier, I wish it had -- we	09:40:09
24	had gotten the letter. We wouldn't have taken him and	09:40:12
25	these -- these young people -- these victims wouldn't	09:40:15

1	have suffered.	09:40:18
2	Q. Okay. Have you ever heard during your tenure	09:40:19
3	as Archbishop, or seen written, priests having sexual	09:40:27
4	relations with a male minor being referred to as	09:40:35
5	homosexual conduct?	09:40:40
6	A. No.	09:40:42
7	Q. Not once?	09:40:43
8	A. No.	09:40:44
9	Q. Okay. Have you ever heard of -- or read in	09:40:45
10	your entire time as Archbishop of Los Angeles a priest	09:40:50
11	engaging in sexual conduct with minor males referred to	09:40:57
12	as a homosexual problem?	09:41:03
13	A. Have I ever heard that --	09:41:07
14	Q. Yeah.	09:41:09
15	A. -- said?	09:41:09
16	Q. Yes.	09:41:10
17	A. I may have heard it said, but --	09:41:11
18	Q. Okay.	09:41:15
19	A. -- it didn't -- homosexuality and pedophilia	09:41:16
20	are totally unrelated.	09:41:22
21	Q. You understand, though, that in some people's	09:41:24
22	minds, or what they have -- what they expressed, there	09:41:27
23	are some people that equate one with the other? Not	09:41:30
24	saying you do.	09:41:33
25	A. Yes.	09:41:34

1 Q. Not saying I do. But -- 09:41:35

2 A. Yes. 09:41:36

3 Q. -- you understand, and during your time as 09:41:36

4 Archbishop, did you have that understanding, that some 09:41:39

5 people would express, either priests, victims, bishops 09:41:42

6 sometimes would express, that male priests having 09:41:45

7 sexual relations with a minor male is a homosexual sort 09:41:51

8 of conduct? 09:41:57

9 A. Yes, I have heard that now and then. 09:41:58

10 Q. Okay. Do you think you would have heard that 09:42:01

11 prior to March 1987? 09:42:03

12 A. I -- I don't recall. 09:42:08

13 Q. Okay. Cardinal, have you ever reviewed any of 09:42:09

14 the accounts from the police reports taken by the Los 09:42:18

15 Angeles Police Department of the victims of Father 09:42:24

16 Nicolas Aguilar-Rivera? 09:42:25

17 A. No. To the best of my knowledge, no. 09:42:27

18 Q. Would it surprise you that one of the victims 09:42:30

19 was referring to -- one of these minor males -- was 09:42:35

20 referring to Father Nicolas's touching of him as 09:42:39

21 homosexual conduct? 09:42:43

22 A. Could I see the report? 09:42:46

23 Q. I don't have it with me. Would it surprise 09:42:48

24 you, though? 09:42:51

25 A. Surprise? I don't know. I -- I have no idea. 09:42:52

1	Q.	Is it ever appropriate in the Los Angeles	09:42:57
2		Archdiocese for a priest to be engaging in homosexual	09:43:02
3		conduct?	09:43:06
4	A.	It is our policy as a Church that priests are	09:43:09
5		to live a celibate, chaste life.	09:43:14
6	Q.	Right.	09:43:17
7	A.	And that excludes any kind of sexual conduct of	09:43:18
8		any kind.	09:43:21
9	Q.	Leading up to March 30th of 1988, were you	09:43:23
10		aware of any priest being refused faculties or losing	09:43:30
11		their faculties solely because they had engaged in	09:43:34
12		adult homosexual conduct? And I'm not asking for names	09:43:40
13		right now. Are you aware of anyone?	09:43:45
14	A.	At the moment I cannot remember any such case.	09:43:50
15	Q.	Do you think there are -- and if you had pried	09:43:55
16		through the records -- again, question being, leading	09:44:01
17		up to March of 1988 -- priest who has either had their	09:44:04
18		faculties refused or taken away here in Los Angeles	09:44:07
19		solely because they engaged in homosexual conduct with	09:44:12
20		an adult male?	09:44:18
21	A.	I have no idea how we would even learn of such	09:44:22
22		conduct.	09:44:26
23	Q.	Okay. Is that a grounds, in your	09:44:27
24		understanding -- Cardinal, you're fairly familiar with	09:44:33
25		canon law, correct?	09:44:36

1	A. Yes.	09:44:37
2	Q. I'm not asking you whether you're a canon	09:44:37
3	lawyer or an expert, but as Archbishop you had to have	09:44:40
4	some level of awareness, right?	09:44:42
5	A. Yes.	09:44:45
6	Q. Okay. In your knowledge, can a priest have his	09:44:45
7	faculties removed solely because he engages in adult	09:44:51
8	consensual homosexual conduct?	09:44:56
9	A. No.	09:45:00
10	Q. Okay. Can a priest have faculties refused	09:45:00
11	solely on the basis of that conduct?	09:45:06
12	A. Well, again, we're going to be the last ones to	09:45:09
13	know about it.	09:45:12
14	Q. Understood. But let's assume for a moment you	09:45:13
15	become aware. Can you refuse faculties to a priest	09:45:16
16	solely because they engage in adult homosexual	09:45:21
17	consensual relations with another male adult?	09:45:26
18	A. You mean refuse faculties?	09:45:30
19	Q. Yes.	09:45:35
20	A. Again, we would never learn of that to be	09:45:36
21	begin, so it's purely a hypothetical case. And	09:45:39
22	probably not.	09:45:42
23	Q. What do you mean "probably not"? I'm sorry. I	09:45:44
24	want to make sure I understand the answer.	09:45:46
25	A. Well, when we're going to grant faculties, the	09:45:48

1	priest doesn't come in and say, oh, by the way, I have	09:45:52
2	a consensual relationship with another man. I mean, we	09:45:54
3	don't find out about these things like this. So you're	09:45:58
4	positing a hypothetical situation which is -- doesn't	09:46:06
5	happen, so --	09:46:09
6	Q. So your entire term as Archbishop of Los	09:46:10
7	Angeles, that circumstance, to your knowledge, never	09:46:14
8	arose?	09:46:16
9	A. I can't recall it ever arising.	09:46:17
10	Q. Okay. Did you ever meet with any of the -- in	09:46:19
11	1988, did you ever meet with any of the victims of	09:46:42
12	Father Nicolas Aguilar-Rivera?	09:46:45
13	A. I do not believe so.	09:46:48
14	Q. Any of their parents?	09:46:49
15	A. Yes. I had testified earlier that I think	09:46:52
16	there were two parents that came to see me.	09:46:54
17	Q. I just want to make sure I'm clear on that. We	09:46:57
18	talked a little bit, and I know there was a little	09:46:59
19	confusion, about Father Peter Garcia --	09:47:01
20	A. Yes.	09:47:03
21	Q. -- that two parents -- and then I don't know	09:47:04
22	that I asked you yet about Father Aguilar-Rivera. So I	09:47:06
23	just want to be clear because I could see the	09:47:12
24	confusion. I think we talked about earlier that there	09:47:13
25	were two parents that came that you met with, one of	09:47:15

1	which was telling you that they had already filed a	09:47:19
2	police report and if that priest -- and I believe it	09:47:22
3	was Father Garcia --	09:47:26
4	A. Yes.	09:47:27
5	Q. -- came back, they --	09:47:27
6	A. Yes.	09:47:28
7	Q. Are those the two parents that you're thinking	09:47:28
8	of?	09:47:30
9	A. Yes.	09:47:30
10	Q. Okay. So --	09:47:30
11	A. Yes.	09:47:30
12	Q. With regards to Father Nicolas Aguilar-Rivera,	09:47:31
13	do you think in 1988 that you met with any of the	09:47:36
14	parents of any of the victims?	09:47:40
15	A. I have no recollection of that, no.	09:47:43
16	Q. Okay. Why not?	09:47:45
17	MR. HENNIGAN: Why does he have no	09:47:47
18	recollection?	09:47:49
19	MR. DE MARCO: Thank you, Counsel. That's a	09:47:49
20	good -- that's a good point.	09:47:51
21	Q. Is there any reason why you wouldn't have met	09:47:53
22	with any of those parents, the parents of victims of	09:47:57
23	Father Nicolas Aguilar-Rivera, in 1988?	09:48:04
24	A. No, except our concern was we get counseling	09:48:06
25	and help for the victims.	09:48:10

1	Q. Right.	09:48:12
2	A. And at that time it -- to the best of my	09:48:12
3	knowledge, I did not meet with the parents.	09:48:17
4	Q. Okay. Did you -- okay. Was there any -- did	09:48:19
5	you request to meet with any of the parents?	09:48:25
6	A. You know, I just don't recall whether I did or	09:48:28
7	not.	09:48:32
8	Q. Do you recall in the Father Nicolar	09:48:33
9	Aguilar-Rivera matter that police eventually did begin	09:48:42
10	investigating?	09:48:44
11	A. Yes.	09:48:45
12	Q. Do you recall how you first became aware of	09:48:45
13	that?	09:48:47
14	A. I believe it was Monsignor Curry who had	09:48:51
15	advised me that the principal tried to get ahold of	09:48:54
16	them over the weekend, could not --	09:49:00
17	Q. Right.	09:49:01
18	A. -- and was going to call them Monday morning.	09:49:01
19	Q. Okay. And you learned at some point that the	09:49:03
20	police actually started investigating?	09:49:08
21	A. Yes.	09:49:11
22	Q. And do you recall how you learned that they	09:49:12
23	started investigating?	09:49:16
24	A. Don't recall who actually told me, but I do	09:49:19
25	know that I met with the police --	09:49:24

1	Q. Okay.	09:49:26
2	A. -- very early on in the investigation.	09:49:27
3	Q. How early do you think?	09:49:30
4	A. I don't remember, but it would have been	09:49:32
5	fairly -- fairly early in the investigation.	09:49:36
6	Q. Uh-huh.	09:49:39
7	A. And we had a meeting, and it was very -- very	09:49:39
8	productive. And one of my concerns was our inability	09:49:45
9	to reach anybody on the weekend, which, by the way,	09:49:48
10	resulted in the 24/7 system they now have.	09:49:53
11	Q. Was that the only way that the meeting was	09:50:03
12	productive, was that this 24/7 number?	09:50:06
13	A. No. It was -- I offered all of our	09:50:10
14	cooperation, whatever we could do. And, actually, one	09:50:16
15	of these letters -- let's see which one. '88 -- it's	09:50:21
16	the Exhibit 5..	09:50:55
17	Q. Yep.	09:50:58
18	A. The letter Bishop Rivera to me in which he	09:50:59
19	informs me that he is in contact with the police down	09:51:02
20	there. He hasn't -- he has not returned to the Diocese	09:51:08
21	of Tehuacan and --	09:51:12
22	MR. HENNIGAN: He?	09:51:13
23	THE WITNESS: Father Rivera, after leaving	09:51:14
24	here, did not go back -- at least that's what Bishop	09:51:18
25	Rivera is telling me, but that he, Bishop Rivera, has	09:51:21

1	been in contact with the police there.	09:51:25
2	Q. BY MR. DE MARCO: That's what you believe the	09:51:31
3	letter says, that Bishop Rivera has been in contact	09:51:32
4	with the police?	09:51:34
5	A. Yes.	09:51:35
6	Q. Okay.	09:51:36
7	A. And so that's why I say in my March 30th letter	09:51:42
8	back to Bishop Rivera that we are sharing his	09:51:49
9	information with the Los Angeles Police Department, on	09:51:57
10	page 2.	09:52:01
11	Q. Right. And that's the March 30 letter you're	09:52:02
12	referring to?	09:52:05
13	A. That's right.	09:52:06
14	Q. And was it your understanding that you also	09:52:07
15	sent the March 30 letter to the police?	09:52:10
16	A. I believe I did.	09:52:13
17	Q. Why?	09:52:15
18	A. Well, we had a good working relationship with	09:52:17
19	them. We told them if we had any information, new	09:52:20
20	information -- I suspect that I also wanted to make	09:52:24
21	sure they had the March 17th because in there is where	09:52:28
22	he mentions the name of the parish where he had been	09:52:33
23	and the police in that area. He doesn't give a name of	09:52:38
24	the police department.	09:52:42
25	Q. When you were writing the March 30 letter, do	09:52:42

1	you think you had it in mind that that letter was going	09:52:45
2	to be sent to the police, that your letter of March 30	09:52:46
3	that you were writing would be sent to the police?	09:52:51
4	A. I probably -- not only wanted it to -- yeah, I	09:52:53
5	wanted them to have -- you're talking about the police	09:52:58
6	here?	09:53:01
7	Q. Yes.	09:53:01
8	A. Yes.	09:53:01
9	Q. The Los Angeles Police Department.	09:53:02
10	A. That's correct.	09:53:03
11	Q. Okay. Would there be any reason why you would	09:53:04
12	have not thought appropriate that a complaint by a	09:53:13
13	principal of child molestation by a priest would	09:53:16
14	directly go to LAPD rather than Child Protective	09:53:19
15	Services back in 1987 or '88?	09:53:22
16	A. My recollection was that sometime in the early	09:53:30
17	1980s, sometime around the McMartin Preschool problem,	09:53:34
18	that statewide the offices of Child/Family Protection	09:53:41
19	were to be the -- the main reporting agency.	09:53:47
20	Q. Um-hum.	09:53:51
21	A. And one of the reasons I recall from that	09:53:52
22	discussion was that so many small police departments	09:53:55
23	have no trained people, no staff, no ability to deal	09:53:59
24	with a complaint like this.	09:54:04
25	Q. Right.	09:54:06

1 A. And so that the first line -- in fact, even 09:54:07
2 look -- today look at the suspicion of child abuse 09:54:12
3 form. It always lists send -- contact your 09:54:16
4 Child/Family Services first. That's on our website for 09:54:21
5 protection of children. And so generally speaking that 09:54:24
6 is our first line -- that is where we go first. 09:54:28
7 Q. Right. Is it your understanding that when the 09:54:31
8 principal finally contacted authorities that the 09:54:35
9 principal contacted LAPD or Child Protective Services, 09:54:38
10 or did you know? 09:54:42
11 A. I honestly don't remember, but since she was 09:54:43
12 trying to contact Child/Family Services, I'm just 09:54:48
13 presuming that's who she contacted, although I don't 09:54:53
14 recall. 09:54:55
15 Q. If there had been at Our Lady of Guadalupe in 09:54:56
16 Rose Hill -- if on the Friday, March 8th, in the 09:55:01
17 afternoon there had been a murder on the grounds there, 09:55:05
18 do you think folks there would have known where to 09:55:13
19 call? 09:55:18
20 A. Well, they probably would have called 911. 09:55:20
21 Q. Right. Can you think of why there would be -- 09:55:23
22 should have been any difference at that point to treat 09:55:30
23 child -- a complaint of child molestation differently? 09:55:33
24 A. The principal -- the teachers knew that their 09:55:38
25 first place was Child/Family Services. Now, of course, 09:55:44

1	they -- well, first of all, they have 24/7 service. So	09:55:48
2	that's not an issue anymore. And for whatever reason	09:55:51
3	they didn't see calling the police as the next thing to	09:55:55
4	do. And I don't know whether Rose Hill, by the way, is	09:56:01
5	in the County Sheriff's Department or in the city. I	09:56:04
6	have no idea whether the principal would even know.	09:56:07
7	Q. Do you have any awareness that either on the	09:56:10
8	Friday, March 8th, 1988, or Saturday, March 9th, 1988,	09:56:14
9	that that principal sought guidance from the Chancery	09:56:21
10	as to whether they needed to make a report?	09:56:24
11	A. I don't recall anything happening on March 8th	09:56:27
12	or 9th.	09:56:30
13	Q. Okay. Do you recall ever learning of that?	09:56:31
14	A. Are you referring to January?	09:56:33
15	Q. I'm so sorry. Thank you. These dates. I will	09:56:35
16	clear that up. Cardinal, thank you.	09:56:39
17	Are you aware even sitting -- from any source	09:56:43
18	other than your lawyers -- that on either January 8th,	09:56:50
19	1988, which was the Friday, or Saturday, March --	09:56:56
20	Saturday, January 9th, 1988, that the principal who had	09:57:02
21	become aware of the complaint of child molestation	09:57:07
22	asked for direction from the Archdiocese Chancery as to	09:57:11
23	whether they should make a report?	09:57:16
24	A. I don't think so because it's my recollection	09:57:21
25	of the documents that she herself -- she didn't have to	09:57:24

1	call the Chancery. She called Child/Family Services.	09:57:29
2	Q. Suffice it to say you don't have personal	09:57:33
3	knowledge or you haven't heard about that?	09:57:36
4	A. No.	09:57:36
5	Q. Okay. Never talked to Monsignor Curry about	09:57:37
6	that?	09:57:42
7	A. Not to my recollection.	09:57:43
8	Q. When is the last time you spoke with Monsignor	09:57:45
9	Curry? Or, excuse me, Bishop Curry. I apologize.	09:57:48
10	A. It would have been Monday or Tuesday -- this	09:57:55
11	past Monday or Tuesday.	09:58:04
12	Q. And did the conversation have anything at all	09:58:06
13	to do with the deposition here today?	09:58:09
14	A. Absolutely not.	09:58:13
15	Q. Were lawyers present for that meeting --	09:58:14
16	A. No.	09:58:17
17	Q. -- or for that conversation?	09:58:17
18	A. No.	09:58:18
19	Q. Anything at all to do with child sexual abuse?	09:58:19
20	A. No.	09:58:24
21	Q. Okay. At some point in time in 1988 did you	09:58:25
22	become aware that the police, as part of their	09:58:45
23	investigation, were seeking a list of altar boys at the	09:58:48
24	parishes Father Nicolas had been so as to be able to	09:58:54
25	interview them?	09:58:56

1	A. Yes.	09:58:59
2	Q. Do you recall how you became aware?	09:59:01
3	A. My recollection was that the police were	09:59:03
4	looking for a list of all the altar servers. And I	09:59:09
5	think it was Bishop Curry -- or Monsignor Curry who	09:59:14
6	advised me of that, and we talked about it.	09:59:18
7	(Ms. Graf left the room.)	09:59:18
8	Q. BY MR. DE MARCO: What do you recall talking	09:59:21
9	about?	09:59:22
10	A. Whether that was a good idea, advisable or not.	09:59:22
11	Q. Right. And your conclusion was?	09:59:27
12	A. My conclusion was that since these --	09:59:33
13	neither -- any of these victims were altar servers,	09:59:36
14	none of them were altar servers, that that was -- could	09:59:40
15	be very traumatic to those servers to all of a sudden	09:59:46
16	be sitting in front of a policeman being interrogated.	09:59:50
17	And we had no suspicion at that time of any other	09:59:55
18	victims and nobody among the altar servers.	09:59:58
19	Q. That's what both you and then Monsignor Curry	10:00:05
20	came to the conclusion of? You both had that opinion?	10:00:10
21	You expressed it?	10:00:13
22	A. Yes. But in addition I remember us saying,	10:00:14
23	however, if we discover an altar server victim, then	10:00:19
24	that changes everything right there.	10:00:24
25	Q. So I want to make sure I'm understanding. In	10:00:26

1	this discussion with then Monsignor Curry, it was	10:00:33
2	discussed whether or not to turn over the altar boy	10:00:37
3	lists to the police so they could interview them to see	10:00:40
4	if they were abused victims, but that both you and	10:00:42
5	Monsignor Curry came to the conclusion that since you	10:00:46
6	weren't aware of any of the victims being altar servers	10:00:52
7	that no one should be interviewed?	10:00:58
8	A. Again, unless there was some suspicion that	10:01:05
9	altar servers were somehow involved.	10:01:09
10	Q. When you're having this discussion with	10:01:12
11	Monsignor Curry, were you aware at that time that	10:01:16
12	Father Nicolas was accused of molesting multiple	10:01:20
13	children at that point?	10:01:25
14	A. I believe that -- yes, I believe they -- we got	10:01:30
15	the names of all the victims very early.	10:01:33
16	Q. Right. Okay.	10:01:36
17	A. And also they were ages -- primarily ages that	10:01:39
18	would not have been old enough to be altar servers	10:01:43
19	either.	10:01:45
20	Q. Okay. But so, therefore, based on what you	10:01:45
21	knew, that there were multiple victims, you did not	10:02:00
22	think it was a good idea that altar servers at either	10:02:04
23	of the churches that he was at be interviewed by	10:02:09
24	police?	10:02:12
25	A. At that time, yes.	10:02:12

1	Q. Because you didn't have reasonable suspicion	10:02:13
2	that he would have abused altar servers?	10:02:16
3	A. That's correct. And we also had told the	10:02:19
4	police that if a victim arises who was an altar server,	10:02:22
5	then that's a whole different situation.	10:02:28
6	Q. Did you come to understand that the police were	10:02:30
7	critical of that decision of yours at that time?	10:02:32
8	A. I don't recall that, no.	10:02:36
9	Q. You don't recall them expressing their	10:02:38
10	displeasure to Monsignor Curry, or did he communicate	10:02:42
11	that to you?	10:02:45
12	A. Not to my recollection.	10:02:47
13	Q. Do you recall ever reading a newspaper article	10:02:48
14	where police are quoted as being critical of that	10:02:51
15	decision?	10:02:53
16	A. I don't believe anything I read in the	10:02:57
17	newspaper, as a matter of fact.	10:03:01
18	Q. Okay.	10:03:02
19	A. No, I don't recall that article.	10:03:02
20	MR. DE MARCO: Okay. Where would I find this	10:03:05
21	in here?	10:03:09
22	MR. WALL: Further on.	10:03:12
23	MR. DE MARCO: Thanks. Just want to make sure	10:03:22
24	I get enough copies. Right now we are up to number --	10:03:24
25	MR. HENNIGAN: 8.	10:03:28

1	THE WITNESS: I think --	10:03:30
2	MR. DE MARCO: Thank you. Let me see here.	10:03:31
3	THE WITNESS: -- 6. 3 --	10:03:33
4	MR. HENNIGAN: I have number them marked. I	10:03:34
5	have number 7 marked.	10:03:36
6	MR. DE MARCO: Okay. Thank you. All right.	10:03:36
7	Well, I have given my chicken scratch Exhibit 8 on the	10:03:56
8	top one, but here is three copies of the same. We'll	10:03:59
9	mark that as Exhibit 8.	10:04:03
10	(Plaintiff's Exhibit 8 was marked for	10:04:04
11	identification.)	10:04:12
12	MR. DE MARCO: Thank you.	10:04:12
13	Q. You read what we've marked as Exhibit 8,	10:04:15
14	Cardinal?	10:05:12
15	A. Yes.	10:05:12
16	Q. January 26, 1988 memo from -- appears to be	10:05:13
17	Monsignor Curry to you?	10:05:18
18	A. Yes.	10:05:19
19	Q. Okay. Does this memo in any way refresh your	10:05:20
20	recollection about whether or not victims that you were	10:05:25
21	aware of at that time in January of '88 were altar	10:05:33
22	boys?	10:05:37
23	A. I'm sorry?	10:05:39
24	Q. Does it help refresh your recollection at all?	10:05:41
25	A. Whether the victims --	10:05:44

1	Q. Whether any of the victims that had accused	10:05:46
2	Father Nicolas as of that time had been altar servers?	10:05:49
3	A. No, it -- no. But what it does do is remind me	10:05:54
4	of another reason for our action.	10:05:59
5	Q. And what was that?	10:06:02
6	A. Is that the victims were all in another parish,	10:06:03
7	Lady of Guadalupe.	10:06:07
8	Q. Right.	10:06:07
9	A. Not at St. Agatha's, where he was.	10:06:08
10	Q. Can you think of any reason why Monsignor Curry	10:06:10
11	would have instructed Father McLean, who was the pastor	10:06:17
12	at Our Lady of Guadalupe, not to turn over the altar	10:06:22
13	server lists to police?	10:06:25
14	A. I don't find that. Where is there --	10:06:28
15	Q. I understand. It's not in here. I'm asking	10:06:30
16	you, can you think of any reason why Father --	10:06:31
17	Monsignor Curry should have instructed the pastor at	10:06:35
18	Our Lady of Guadalupe not to turn over altar boys	10:06:40
19	lists?	10:06:45
20	A. Well, if -- do you have something that says	10:06:45
21	that he did not -- that he did that?	10:06:49
22	Q. Yes, I do. Deposition transcript, which I	10:06:51
23	don't have. But what I'm asking you, not -- I'm not	10:06:54
24	asking you whether he did, whether he did not. I'm	10:06:57
25	asking you whether he should have, whether there is any	10:07:00

1	reason that Monsignor Curry should have told the pastor	10:07:05
2	at Our Lady of Guadalupe not to turn over the altar	10:07:09
3	server lists to law enforcement.	10:07:13
4	A. I -- I really don't know because I don't know	10:07:18
5	what he said to Father McLean. I don't know whether	10:07:21
6	our other understanding that if we found a victim among	10:07:25
7	altar servers at St. Agatha's, we would also probably	10:07:33
8	do the same thing at Lady Guadalupe.	10:07:38
9	Q. At the bottom of this memo we have marked as	10:07:45
10	Exhibit 8 there is a little bit of handwriting. That's	10:07:48
11	your handwriting?	10:07:52
12	A. That's correct.	10:07:53
13	Q. And I don't want to butcher it. What is it	10:07:54
14	that you're saying there? What's written?	10:07:57
15	A. "We cannot give such a list for no cause	10:07:59
16	whatsoever."	10:08:02
17	Q. Okay. What did you mean by that?	10:08:03
18	A. I meant that for the reasons that Monsignor	10:08:06
19	Curry raises, particularly about the negative effect on	10:08:13
20	a large group of altar servers who know nothing about	10:08:17
21	any of this, that that was -- was not a good idea.	10:08:21
22	Q. Okay.	10:08:25
23	A. And that for their own -- you know, their own	10:08:25
24	well-being, unless we had suspicion altar servers were	10:08:30
25	involved, then it -- then we would not give altar	10:08:34

1	server lists.	10:08:38
2	Q. Okay. So as of January 26, 1988, it was your	10:08:39
3	opinion that there was no reason to suspect that Father	10:08:46
4	Nicolas had abused altar servers at the second parish	10:08:51
5	he was at, St. Agatha's?	10:08:55
6	A. No.	10:08:57
7	Q. I want to make sure I've got it -- I've got a	10:08:59
8	double negative in there. Did you have any reason as	10:09:01
9	of January 26, 1988, to suspect that Father Nicolas had	10:09:04
10	abused altar servers at St. Agatha's?	10:09:11
11	A. No.	10:09:15
12	Q. Okay. By that date you'd become aware that	10:09:16
13	Monsignor Curry had gone out and met with Father	10:09:20
14	Nicolas several weeks earlier at St. Agatha's, correct?	10:09:25
15	A. Yes.	10:09:28
16	Q. Okay. The day after the complaints became	10:09:29
17	known, your understanding as of January 26, '88, you	10:09:33
18	knew at that point that Monsignor Curry had gone out	10:09:36
19	and visited the very next morning Father Nicolas and	10:09:40
20	told him: Your position here is done; leave.	10:09:43
21	A. Yes.	10:09:49
22	Q. Okay. Would there --	10:09:49
23	A. Excuse me.	10:09:54
24	Q. Yes.	10:09:55
25	A. Leave the parish.	10:09:56

1	Q. Right. Why was it so important to leave the	10:09:57
2	parish that quickly, to have him leave the parish that	10:10:01
3	quickly?	10:10:06
4	A. Because we had parents and victims and names of	10:10:06
5	victims.	10:10:11
6	Q. Right.	10:10:12
7	A. We didn't have suspicious -- suspicions	10:10:12
8	anymore. We had -- I think you said it was three sets	10:10:15
9	of parents came -- came and talked to Father McLean --	10:10:17
10	or two came. Then later another one came.	10:10:22
11	Q. Right.	10:10:24
12	A. So there were three sets of parents with three	10:10:24
13	sets of victims.	10:10:27
14	Q. Right.	10:10:28
15	A. So our suspicion is -- you weren't talking	10:10:30
16	about one single, isolated case. You're talking about	10:10:34
17	multiple cases.	10:10:37
18	Q. Right.	10:10:37
19	A. And, therefore, he goes on administrative	10:10:38
20	leave, out. In fact, not only that, I believe he took	10:10:42
21	away his faculties too.	10:10:45
22	Q. Right. Immediately.	10:10:46
23	A. Immediately.	10:10:49
24	Q. Because at that moment in time there is a	10:10:49
25	concern he's a risk to kids.	10:10:51

1	A. Correct.	10:10:54
2	Q. Saturday, January 9th, 1988, the day after	10:10:54
3	these complaints from multiple parents come in, there	10:10:58
4	is a concern at the other parish that he's at that he's	10:11:01
5	a risk to kids?	10:11:05
6	A. Yes.	10:11:07
7	Q. It was your understanding that those first two	10:11:07
8	sets of parents that came forward were parents of kids	10:11:10
9	at the first parish, Our Lady of Guadalupe, right?	10:11:14
10	A. Yes.	10:11:17
11	Q. Okay. And St. Agatha's is where he was at	10:11:18
12	subsequently, right?	10:11:21
13	A. Yes.	10:11:22
14	Q. Okay. So on January -- January 9th, Saturday,	10:11:22
15	1988, it's your opinion Monsignor Curry was correct in	10:11:28
16	assuming that if Father Nicolas remained at St.	10:11:33
17	Agatha's even a day longer that he was a risk to harm	10:11:37
18	and molest kids there?	10:11:41
19	A. Yes.	10:11:43
20	Q. Okay. But not -- that's not enough suspicion	10:11:44
21	to say maybe some of the kids should be spoken to at	10:11:47
22	St. Agatha's?	10:11:51
23	A. Well, two things: First, these parents came	10:11:54
24	forward at Lady of Guadalupe parish, and it would be	10:12:00
25	my -- my suspicion that among the Hispanic families	10:12:07

1	that they probably talked to other people as well.	10:12:11
2	This was not something that was kept -- kept quiet.	10:12:15
3	And so because of that, I -- I suspect that the	10:12:19
4	families themselves in that Guadalupe parish were	10:12:24
5	actually talking to each other and maybe finding out if	10:12:28
6	there are other victims. That's just my suspicion that	10:12:33
7	that would have happened. These small, close-knit	10:12:36
8	parishes where everybody knows everybody and related to	10:12:38
9	everybody.	10:12:41
10	But, however, when it got to St. Agatha's,	10:12:43
11	there were no parents, there were no victims come	10:12:47
12	forward, and so we did -- we did not have any suspicion	10:12:50
13	of any molestation there. But we didn't need any	10:12:54
14	molestation there because we already were assured that	10:12:58
15	he had molested kids in the previous parish.	10:13:03
16	Therefore, out, out of the parish.	10:13:06
17	Q. Okay. Did you become aware at any time that	10:13:09
18	Monsignor Curry instructed Father Barnes, who was the	10:13:12
19	pastor at St. Agatha's at the time, that upon Father	10:13:18
20	Nicolas leaving that very Sunday to tell the	10:13:24
21	congregation that he left for reasons unrelated to	10:13:26
22	being -- to being accused of abuse?	10:13:30
23	A. I have no recollection at all what he told	10:13:33
24	Father Barnes.	10:13:39
25	Q. Okay. Never learned of him having a	10:13:39

1	conversation of that nature with Father Barnes?	10:13:42
2	A. I have no recollection of that.	10:13:45
3	Q. Have you heard at any time other than from	10:13:45
4	counsel that that very Sunday, January 10th, 1988, the	10:13:49
5	congregation at St. Agatha's was told that Father	10:13:56
6	Nicolas had left either for family problems in Mexico	10:14:00
7	or some sort of issue that had come up in Mexico? Are	10:14:02
8	you aware of that?	10:14:05
9	A. I have no recollection of that at all.	10:14:06
10	Q. Sitting here today, any time before today,	10:14:09
11	aside from conversations with counsel, you have never	10:14:12
12	heard that?	10:14:14
13	A. I have no recollection of it, no.	10:14:15
14	Q. Do you think it would have been appropriate for	10:14:18
15	that sort of announcement to have been made that Sunday	10:14:24
16	to parishioners at St. Agatha's that Father Nicolas had	10:14:28
17	gone back to Mexico for either health reasons or for	10:14:32
18	something to do with Mexico? Do you think that would	10:14:36
19	have been appropriate?	10:14:39
20	A. Well, in fact, we didn't know that -- on Sunday	10:14:42
21	my recollection is we didn't know he had gone back to	10:14:49
22	Mexico.	10:14:51
23	Q. Okay. But you did know he was no longer at St.	10:14:52
24	Agatha's?	10:14:57
25	A. Yes. He said he was going to stay with his	10:14:57

1	sister.	10:15:00
2	Q. And there had been -- and this is a sudden	10:15:00
3	thing. This is -- Saturday your faculties are removed.	10:15:03
4	And he's been there for a period of months, right?	10:15:07
5	A. I don't recall the assignment date.	10:15:10
6	Q. It's typical in your experience in the Church	10:15:12
7	that when a pastor or a priest leaves a parish suddenly	10:15:15
8	that there is some kind of announcement made to the	10:15:19
9	congregation?	10:15:21
10	A. Yes.	10:15:24
11	Q. Okay. Do you think it's appropriate for the	10:15:25
12	congregation to be misled as to the reasons why the	10:15:29
13	pastor has so suddenly departed or the priest has so	10:15:33
14	suddenly departed?	10:15:38
15	A. Well, again, it's somewhat difficult to respond	10:15:39
16	because I'm thinking in terms of what we do today,	10:15:43
17	which is all clear-cut. We have announcements	10:15:46
18	prepared, read. We have people go in English and	10:15:52
19	Spanish. It's all a system.	10:15:54
20	Q. Right.	10:15:56
21	A. And so in those days we just didn't do it then.	10:15:56
22	I wish we had.	10:16:03
23	Q. Okay.	10:16:03
24	A. But we didn't.	10:16:03
25	Q. Let me ask this: In 1988 -- do you think it	10:16:04

1	would have been appropriate in 1988, priest who is	10:16:08
2	being suddenly removed from the parish for something	10:16:12
3	like molesting kids -- because that's why Father	10:16:15
4	Nicolas was removed, right? He was removed from St.	10:16:18
5	Agatha's immediately because complaints he had molested	10:16:21
6	kids, right?	10:16:23
7	A. At Our Lady of Guadalupe.	10:16:23
8	Q. That's right. But that's why's being removed	10:16:25
9	immediately from St. Agatha's, correct?	10:16:28
10	A. Yes.	10:16:31
11	Q. No other reason?	10:16:31
12	A. No.	10:16:33
13	Q. Okay. Would it have been appropriate in 1988	10:16:33
14	to mislead the congregation when making an announcement	10:16:38
15	as to the reason for his departure?	10:16:41
16	A. Well, again, I don't know exactly what Father	10:16:44
17	Barnes said, but today, of course, we give more precise	10:16:48
18	information, especially suspicion of child molestation.	10:16:53
19	Q. I understand there are different practices now.	10:16:58
20	I understand that. But in 1988 you're sitting there --	10:17:02
21	you are Archbishop of Los Angeles Archdiocese. Is it	10:17:06
22	appropriate at that point in time to mislead the	10:17:09
23	congregation under these sorts of circumstances as to	10:17:13
24	the reason for the sudden departure of the parish	10:17:16
25	priest?	10:17:20

1 A. Well, I don't characterize it as misleading. 10:17:21

2 Q. Why do you say that? 10:17:27

3 A. Well, when I look at this memorandum, it's 10:17:29

4 obvious that Father Barnes is concerned about the 10:17:34

5 difficulties, that he has a -- he's an Anglo. He 10:17:41

6 has -- in those days about half his congregation was 10:17:47

7 African American and the others were Latino. And he's 10:17:52

8 obviously expressing some concern or backlash against 10:17:55

9 the Hispanic community. And I suspect that's why at 10:17:58

10 that point in time, knowing what we knew then -- 10:18:01

11 Q. Right. 10:18:05

12 A. -- it's probably why he didn't tell the whole 10:18:05

13 thing. 10:18:08

14 Q. What do you mean -- 10:18:09

15 A. And I'm -- I'm just surmising, speculating. I 10:18:09

16 don't know. 10:18:09

17 Q. Okay. 10:18:17

18 A. Going on what he says here in the memo. 10:18:17

19 Q. You would not have been upset in 1988 if you 10:18:18

20 had learned that Father Barnes had informed the 10:18:22

21 congregation in that immediate Sunday after Father 10:18:25

22 Nicolas's departure that the reason for Father Nicolas 10:18:30

23 leaving was because something came up in Mexico? You 10:18:33

24 would not have been upset if you had learned that back 10:18:37

25 in 1988; is that -- is that a fair statement? 10:18:39

1	A. No. I don't know. I don't know what my	10:18:43
2	reaction would have been. That's 1988 and I really	10:18:46
3	can't go back and --	10:18:49
4	Q. Okay.	10:18:50
5	A. -- and tell you. I just don't know.	10:18:50
6	Q. Cardinal, would it be fair to say that you were	10:18:52
7	hoping that no other victims came forward out of St.	10:18:58
8	Agatha's at that time?	10:19:01
9	A. Of course. I'm always hoping there are no	10:19:05
10	victims ever --	10:19:08
11	Q. All right.	10:19:09
12	A. -- anywhere. So obviously we were hoping	10:19:10
13	there -- no victims came forward.	10:19:13
14	Q. You know Steven Blair, now Bishop Steven Blair?	10:19:15
15	A. Yes.	10:19:26
16	Q. And in 1988 did he have a position in the	10:19:26
17	Archdiocese?	10:19:30
18	A. I believe -- I believe at that time he was the	10:19:32
19	moderator of the curia, but I don't have the dates.	10:19:44
20	Q. Sure. And I think the records bear you out on	10:19:48
21	that. What does a moderator of the curia at that time	10:19:51
22	in the Archdiocese of Los Angeles do?	10:19:54
23	A. Moderate of the curia is kind of a chief.	10:19:57
24	executive officer.	10:20:01
25	MR. DE MARCO: Are you okay, Mike?	10:20:05

1	MR. HENNIGAN: I'm just going to go get a	10:20:06
2	tissue.	10:20:08
3	MR. DE MARCO: Okay.	10:20:08
4	MR. HENNIGAN: Keep going.	10:20:09
5	MR. DE MARCO: All right.	10:20:10
6	Q. Would there have been any reason that you can	10:20:11
7	think of why Steven Blair as mod -- as to why Steven	10:20:15
8	Blair would have been brought in any way to assist with	10:20:21
9	what was going on relating to Father Nicolas	10:20:24
10	Aguilar-Rivera in January of 1988?	10:20:27
11	A. I'm not -- I can't recall his involvement.	10:20:31
12	Q. Do you recall him having any involvement?	10:20:34
13	A. No. As I said, I can't recall any involvement.	10:20:38
14	Q. Don't recall speaking with him about Father	10:20:40
15	Nicolas or about St. Agatha's at that point in time?	10:20:45
16	A. I just -- no, I do not recall that.	10:20:47
17	Q. Okay. There was a John Ward that was in the	10:20:49
18	Los Angeles Archdiocese at that time, right?	10:20:59
19	A. Yes.	10:21:01
20	Q. I'm not sure. Was he bishop at that time?	10:21:01
21	A. He was.	10:21:03
22	Q. Okay. Would he have had any reason to be	10:21:03
23	involved in what was going on from January of '88 and a	10:21:08
24	little later relating to Father Nicolas Aguilar-Rivera?	10:21:15
25	A. I'm not sure. He was the regional bishop for	10:21:18

1	Our Lady of the Angels pastoral region, and that	10:21:22
2	parish, St. Agatha's, is in that region. Now, to what	10:21:26
3	extent he was involved, I don't remember.	10:21:30
4	Q. Would -- by the nature of his position, would	10:21:33
5	he have naturally have had some involvement?	10:21:38
6	A. I suspect he would certainly have been	10:21:43
7	notified.	10:21:48
8	Q. Why?	10:21:48
9	A. Simply because he was the regional bishop, and	10:21:48
10	any time somebody is taken out of a parish, especially	10:21:53
11	in your region, the bishop normally is informed.	10:21:58
12	Q. Why?	10:22:02
13	A. So he'll know that that happened.	10:22:04
14	Q. I know my questions are really basic, and I	10:22:07
15	apologize. I -- I like to think I've learned a little	10:22:09
16	bit about the Church, but I know enough to know I don't	10:22:13
17	know a lot. The regional bishop being -- having to be	10:22:16
18	informed, why? Why would it be important for the	10:22:21
19	regional bishop to be knowledgeable? Is there some --	10:22:26
20	is there some reason for that?	10:22:29
21	A. Well, the regional bishop is the one who is	10:22:31
22	responsible for making sure all the parishes in the	10:22:34
23	region are staffed.	10:22:38
24	Q. Okay.	10:22:39
25	A. And obviously if one of his parishes has two	10:22:39

1	priests and all of a sudden on Saturday only has one --	10:22:43
2	Q. Right.	10:22:46
3	A. -- then he's going to have to help find	10:22:46
4	somebody to help out that parish.	10:22:49
5	Q. Okay. And in circumstances like this where the	10:22:51
6	priest is removed because of accusations of child	10:23:00
7	molestation, especially so, the bishop would need --	10:23:04
8	the regional bishop would be needing to be informed of	10:23:07
9	that; is that a fair statement?	10:23:12
10	A. Yes.	10:23:13
11	Q. Okay. Would it surprise you, then, if by the	10:23:13
12	end of January 1988 Bishop John Ward had no clue that	10:23:19
13	Father Nicolas Aguilar-Rivera had been accused of	10:23:25
14	molesting kids? Would that surprise you?	10:23:27
15	A. I -- I just don't know whether he was or was	10:23:31
16	not.	10:23:34
17	Q. I'd like to go back to our Exhibit 8, the	10:23:34
18	January 26, '88 memo. The second to last sentence, I	10:23:52
19	wanted to ask you a specific question about that. And	10:23:58
20	it reads: "The whole issue of our records is a very	10:24:04
21	sensitive one, and I am reluctant to give any list to	10:24:08
22	the police." What did you mean by "The whole issue of	10:24:13
23	our records is a very sensitive one"?	10:24:18
24	MR. HENNIGAN: You --	10:24:21
25	THE WITNESS: I didn't write this.	10:24:22

1	MR. HENNIGAN: You don't mean that.	10:24:23
2	THE WITNESS: I didn't write this.	10:24:24
3	MR. DE MARCO: Oh, I am so sorry.	10:24:25
4	THE WITNESS: Monsignor Curry wrote this.	10:24:26
5	MR. DE MARCO: Thank you, Counsel.	10:24:28
6	Q. Did you have any understanding of what was	10:24:30
7	meant by that statement?	10:24:31
8	A. No, except that to turn over records of the	10:24:35
9	parish or school, there must be some probable cause or	10:24:40
10	some real reason to do that.	10:24:45
11	Q. The -- you're familiar that some parishes have	10:24:50
12	a parish bulletin?	10:24:54
13	A. Yes.	10:24:56
14	Q. Even back in 1988, '87, parishes had parish	10:24:57
15	bulletins?	10:25:02
16	A. Yes.	10:25:02
17	Q. Not uncommon for those parish bulletins to list	10:25:03
18	who the altar servers were?	10:25:07
19	A. I would find it very uncommon.	10:25:10
20	Q. Really?	10:25:12
21	A. I can't recall a parish bulletin that lists all	10:25:13
22	the altar servers in it.	10:25:16
23	Q. Maybe not all. But it would be uncommon in	10:25:18
24	your understanding that in 1987 parish bulletins from	10:25:22
25	these churches would list the altar servers that were	10:25:27

1	part of serving the various services that are described	10:25:32
2	in the bulletin?	10:25:35
3	A. No. They -- there was no practice -- they	10:25:37
4	didn't mention lectors, Eucharist administrators, ushers.	10:25:41
5	No, names of people assisting in liturgies are not in	10:25:45
6	the parish bulletin.	10:25:48
7	Q. Okay.	10:25:51
8	A. I'd be happy to see -- maybe there is one.	10:25:52
9	Many of these parishes have -- have 20, 50, 60 altar	10:25:55
10	servers.	10:26:00
11	Q. Right.	10:26:00
12	A. My practice as a pastor was that a list was	10:26:02
13	developed monthly listing all of these things. They	10:26:08
14	were sent to the servers.	10:26:13
15	MR. DE MARCO: Counsel, I only have the one	10:26:17
16	copy for the moment. I'm sure we could make some. I	10:26:18
17	would just -- I'm not sure I want to mark that as an	10:26:28
18	exhibit yet. I just thought I'd show that as a --	10:26:32
19	hopefully to refresh recollection. And I'll offer this	10:26:35
20	as well.	10:26:35
21	Q. Just -- cardinal, I'd just ask you to take a	10:26:49
22	brief --	10:26:50
23	MR. HENNIGAN: Where should we look?	10:26:51
24	MR. DE MARCO: Just the first page frankly. I	10:26:52
25	just gave you --	10:26:54

1	MR. HENNIGAN: Are there --	10:26:54
2	MR. DE MARCO: -- the whole thing --	10:26:54
3	MR. HENNIGAN: -- altar servers --	10:26:58
4	MR. DE MARCO: -- to see -- have context.	10:26:58
5	MR. HENNIGAN: -- on the first page?	10:26:58
6	MR. DE MARCO: Let me take a look, Mike, a	10:26:59
7	second.	10:27:01
8	THE WITNESS: Pastor, deacons.	10:27:01
9	Q. BY MR. DE MARCO: I'll tell you where. And	10:27:05
10	then I'll ask you to take a look at this one. This is	10:27:06
11	Our Lady of Guadalupe.	10:27:08
12	Okay. Does looking at the Our Lady of	10:27:29
13	Guadalupe one, which does list altar boys, refresh your	10:27:32
14	recollection at all that parish bulletins at that time	10:27:35
15	would have altar boys lists?	10:27:40
16	MR. HENNIGAN: Or at least one?	10:27:42
17	MR. DE MARCO: Counsel, I -- I didn't bring all	10:27:44
18	the 500 pages that were produced recently of bulletins.	10:27:47
19	THE WITNESS: I have never seen anything like	10:27:52
20	this --	10:27:55
21	Q. BY MR. DE MARCO: All right.	10:27:55
22	A. -- before.	10:27:56
23	Q. Parish bulletins are something that are	10:27:56
24	available for anyone that comes for the services that	10:27:58
25	given service. They can take a parish bulletin, right?	10:28:02

1	A. Yes.	10:28:05
2	Q. Sort of out free and open for anyone to see?	10:28:06
3	A. Yes.	10:28:09
4	Q. Okay.	10:28:09
5	A. But the one you just put away is the more	10:28:13
6	typical.	10:28:16
7	MR. HENNIGAN: St. Agatha's?	10:28:18
8	THE WITNESS: Yeah.	10:28:21
9	MR. DE MARCO: I should have made --	10:28:21
10	THE WITNESS: Could I --	10:28:21
11	MR. DE MARCO: -- more copies.	10:28:22
12	THE WITNESS: Could I see that first page of	10:28:23
13	St. Agatha's again?	10:28:25
14	Q. BY MR. DE MARCO: Sure. Absolutely. You'll	10:28:26
15	see on the first page it does list the lectors, it does	10:28:27
16	list all these other folks, yes?	10:28:30
17	MR. HENNIGAN: But not the altar servers.	10:28:31
18	MR. DE MARCO: True. If you go a month later,	10:28:33
19	it does.	10:28:34
20	MR. HENNIGAN: Hum?	10:28:35
21	MR. DE MARCO: And throughout the year.	10:28:36
22	THE WITNESS: It doesn't list the lectors.	10:28:38
23	Pastor, deacons.	10:28:43
24	Q. BY MR. DE MARCO: Bottom left-hand corner.	10:28:48
25	A. Lectors. All right.	10:28:49

1	Q. All right.	10:28:54
2	A. Again, that's very unusual because you have to	10:28:54
3	have a list for the month. Normally they're sent out	10:28:59
4	to the ministers. Then that -- has to put it in the	10:29:02
5	parish bulletin.	10:29:05
6	Q. Thank you.	10:29:05
7	A. Very, very unusual.	10:29:06
8	Q. All right. At some point in time did you	10:29:09
9	instruct or ask the pastors at St. Agatha's and Our	10:29:17
10	Lady of Guadalupe to have an announcement read relating	10:29:22
11	to these accusations of abuse?	10:29:26
12	A. I myself don't recall doing that.	10:29:30
13	Q. Do you recall at some point in time in 1988	10:29:33
14	newspaper articles starting to appear about Father	10:29:42
15	Nicolas Aguilar-Rivera here in Los Angeles?	10:29:46
16	A. I don't recall exactly when they started.	10:29:47
17	Q. Asked you a minute ago about -- or when we	10:29:52
18	started -- about whether you had reviewed records	10:30:19
19	relating to Santiago Tamayo. And I'm not remembering	10:30:21
20	if you said you had or you had not.	10:30:27
21	A. Tamayo. Yes, briefly some of the records.	10:30:28
22	Q. Okay. Did you review any records relating to	10:30:34
23	payments being made to Father Tamayo to stay in the	10:30:41
24	Philippines?	10:30:45
25	A. No. But I'd be happy to review that.	10:30:48

1	Q.	Okay. Sorry, Cardinal. I thought I had that	10:31:52
2		ready.	10:31:58
3		Cardinal, I believe you recently wrote that	10:32:03
4		nothing in your education or background had prepared	10:32:07
5		you to address situations such as this in 1987 or '88.	10:32:10
6		Did I get that right?	10:32:16
7	A.	Yes.	10:32:18
8	Q.	Had you worked on as a bishop any other	10:32:19
9		instances of priests being accused of molesting	10:32:30
10		children prior to taking office as Archbishop in Los	10:32:35
11		Angeles?	10:32:37
12	A.	Yes.	10:32:37
13	Q.	How many? How many would you say? How many	10:32:39
14		different priests?	10:32:43
15	A.	In my recollection, there were three.	10:32:43
16	Q.	And those being fathers O'Grady, Camacho, and	10:32:47
17		Montoya?	10:32:53
18	A.	I don't remember -- O'Grady was one. I don't	10:32:54
19		remember the last names of the others.	10:32:57
20	Q.	Okay. All three when you were bishop in	10:32:59
21		Stockton?	10:33:00
22	A.	That is correct.	10:33:01
23	Q.	Okay. Were you ever called upon prior to your	10:33:02
24		stint as bishop in Stockton to address priests who were	10:33:06
25		suspected of having sexual relations with minors?	10:33:14

1	A. No.	10:33:17
2	Q. You've reviewed some documents now relating to	10:33:21
3	Father William Allison?	10:33:23
4	A. Yes.	10:33:25
5	Q. Okay. Father William Allison, you know, was a	10:33:25
6	priest for some time in the Fresno Diocese; is that	10:33:34
7	correct?	10:33:38
8	A. Apparently.	10:33:39
9	Q. You don't remember?	10:33:40
10	A. Now we're talking 47 years ago.	10:33:42
11	Q. We are.	10:33:45
12	A. Half a century.	10:33:46
13	Q. Right.	10:33:47
14	A. So I'm going to need a lot of context this	10:33:48
15	time.	10:33:51
16	MR. DE MARCO: Sure. I think we're up to 9.	10:33:52
17	THE REPORTER: Yes.	10:34:30
18	(Plaintiff's Exhibit 9 was marked for	10:34:30
19	identification.)	10:34:33
20	MR. DE MARCO: I'm not going to ask you to	10:34:37
21	review the entirety of this file because I really don't	10:34:38
22	think we have that kind of time today, but because I	10:34:40
23	know that you'll want to look for context, I'll just,	10:34:43
24	instead of shuffling through, put the whole thing, and	10:34:45
25	then we can go to the documents. That seemed to make	10:34:47

1	sense.	10:34:54
2	These are the same ones I provided earlier in	10:34:55
3	the week, Mike.	10:34:57
4	MR. HENNIGAN: Gratefully you only provided a	10:35:00
5	few earlier in the week.	10:35:02
6	MR. DE MARCO: Oh, I'm sorry. But what I --	10:35:03
7	well, okay. I will -- I'm going to ask a specific	10:35:05
8	question about -- I'll get to the beginning of --	10:35:10
9	MR. HENNIGAN: So this whole thing is Exhibit	10:35:16
10	9?	10:35:18
11	MR. DE MARCO: It is.	10:35:18
12	Q. The document that I'm going to ask you about	10:35:43
13	first, Cardinal, is pretty far down. The bottom right	10:35:46
14	hand corner it's going to say FRES, dash, ALL, and the	10:35:52
15	last digit 8, so a bunch of zeroes and then 8, and it's	10:35:58
16	a November 16th, 1966 letter.	10:36:02
17	MR. WOODS: What's the number again?	10:36:09
18	MR. DE MARCO: Fresno ALL 8, so bunch of zeroes	10:36:10
19	and an 8.	10:36:14
20	MR. HENNIGAN: 10:35.	10:36:34
21	MR. DE MARCO: Thank you.	10:36:36
22	THE WITNESS: 6, 7, 8. All right.	10:36:41
23	Q. BY MR. DE MARCO: Okay. I'd just ask -- it's	10:36:44
24	not a long letter. Take a look at that letter and tell	10:36:46
25	me when you're done reading it.	10:36:49

1	A.	I want to look at the letter that he sent me	10:36:53
2		first just to make sure what letter I'm responding to.	10:36:57
3	Q.	No. This is, I think, the initial, if I got	10:37:00
4		that right, the 008 letter, the November --	10:37:03
5	A.	Oh, all right.	10:37:07
6	Q.	-- 16 --	10:37:07
7	A.	All right.	10:37:07
8	Q.	-- 1966. That's why I asked you to go to begin	10:37:07
9		with.	10:37:13
10	A.	All right. I have -- okay. And your question?	10:37:16
11	Q.	Well, does this help refresh your recollection	10:37:18
12		at all as to Father William Allison?	10:37:23
13	A.	I can hard -- I wouldn't -- don't recall ever	10:37:27
14		meeting him, don't recall -- he certainly had nothing	10:37:31
15		to do with -- I was in the Catholic Charities --	10:37:36
16		nothing to do with Catholic Charities.	10:37:38
17	Q.	Right.	10:37:40
18	A.	So what sparked all of this is what I don't	10:37:41
19		know.	10:37:43
20	Q.	Okay.	10:37:44
21	A.	I wish somebody had put down why am I concerned	10:37:44
22		about the counseling.	10:37:48
23	Q.	Right. Well, what exactly about the counseling	10:37:51
24		you're concerned with.	10:37:54
25	A.	I don't know.	10:37:55

1	Q. Right.	10:37:56
2	A. That's why I say --	10:37:56
3	Q. Okay. But suffice it to say, looks like a	10:37:56
4	letter that you wrote to Monsignor Benjamin Hawkes on	10:37:59
5	November 16th, 1966?	10:38:03
6	A. Yes.	10:38:06
7	Q. And you're asking Monsignor Hawkes for	10:38:06
8	information?	10:38:08
9	A. Yes. For that -- the next to the last	10:38:08
10	paragraph, "Our Bishop has asked that we check out any	10:38:10
11	possible leads before he takes action to halt the	10:38:13
12	counseling load he is carrying." I have no idea what	10:38:17
13	sparked that.	10:38:19
14	Q. Right.	10:38:20
15	A. I have no idea what -- what the Bishop asked or	10:38:20
16	what the problem was, so --	10:38:25
17	Q. Right.	10:38:27
18	A. -- I'm really in the dark on this one.	10:38:27
19	Q. Okay. Now, I'm going to thump back a little in	10:38:29
20	the other direction --	10:38:32
21	A. Okay.	10:38:32
22	Q. -- because there is a response to this letter.	10:38:33
23	A. Okay.	10:38:35
24	Q. These are the ones that I gave, but -- and I'll	10:38:36
25	show you where it's at. Okay. So what I'd like to	10:38:43

1	have you look at a little earlier there is a document	10:39:14
2	in the bottom right-hand corner it's ALLI, and the last	10:39:18
3	three digits are 34.	10:39:22
4	A. Yeah.	10:39:23
5	Q. It's a November 29, 1966 letter.	10:39:24
6	MR. HENNIGAN: The last three digits are 34?	10:39:27
7	MR. DE MARCO: Last two digits.	10:39:29
8	MR. HENNIGAN: I thought it was a trick	10:39:32
9	question.	10:39:33
10	MR. DE MARCO: No. Too many numbers and dates.	10:39:34
11	Q. Have you had a chance to take a look at that	10:39:45
12	letter?	10:39:47
13	A. I have.	10:39:47
14	Q. And this is a letter from Monsignor -- or	10:39:48
15	Reverend Gilb, secretary to the Cardinal. You under --	10:39:51
16	do you have any understanding he was with the	10:39:56
17	Archdiocese of Los Angeles at that time?	10:39:58
18	A. It's my understanding he was secretary to	10:40:00
19	Cardinal McIntyre.	10:40:04
20	Q. Okay. Second paragraph, he is indicating that	10:40:06
21	he's enclosing copies of documents from, appears to be	10:40:10
22	the Archdiocese files, relating to Father Allison.	10:40:16
23	Sound accurate?	10:40:19
24	A. That's what it says.	10:40:19
25	Q. Okay. You got to go backwards again. And	10:40:20

1	we're going to further down into the file again Fresno-	10:40:36
2	ALL document number 19, which is a November 30, 1966	10:40:40
3	letter.	10:40:46
4	MR. HENNIGAN: This way.	10:40:46
5	MR. DE MARCO: So lower in the file. So top	10:40:47
6	file is the L.A. Archdiocese production.	10:40:50
7	MR. HENNIGAN: I see.	10:40:50
8	MR. DE MARCO: The lower portion is Fresno	10:40:52
9	production.	10:40:54
10	MR. HENNIGAN: Fresno what number?	10:40:54
11	MR. DE MARCO: 19.	10:40:55
12	THE WITNESS: This is -- reminds me of the	10:41:05
13	Soduko things you try to figure out. So we're now --	10:41:10
14	Q. BY MR. DE MARCO: We're now on November 30,	10:41:14
15	1966, letter which has got the number -- two digits at	10:41:16
16	the bottom right hand are 19.	10:41:20
17	A. Right. All right.	10:41:21
18	Q. This appears to be a letter from you -- well,	10:41:23
19	I'll let you read it. I'm sorry.	10:41:26
20	A. All right.	10:41:41
21	Q. Okay. Any recollection sitting here today of	10:41:42
22	the nature of the confidential information that	10:41:49
23	Monsignor Gilb had sent to you?	10:41:52
24	A. Absolutely none.	10:41:54
25	Q. Okay. What was your -- this sort of document	10:41:57

1 and any of those enclosures, what you're calling 10:42:07
2 confidential information in the letter, would you have 10:42:11
3 had a general practice at that time as to what you 10:42:13
4 would do with that confidential information? 10:42:16
5 A. Let me clarify. This information is from the 10:42:22
6 Archdiocese files? 10:42:27
7 Q. Appears to me that's what the correspondence 10:42:30
8 says. I didn't -- I wasn't there. 10:42:32
9 MR. HENNIGAN: Just looking at it, the document 10:42:35
10 you're looking at is probably from the Fresno files. 10:42:37
11 The original of that letter appears to be in the 10:42:42
12 Archdiocese files at number 36 like this with a 10:42:45
13 signature on it. 10:42:49
14 MR. DE MARCO: Right, the letter. 10:42:49
15 MR. HENNIGAN: Same letter, right? 10:42:50
16 MR. DE MARCO: Right. But not the enclosures. 10:42:51
17 MR. HENNIGAN: Okay. 10:42:54
18 MR. DE MARCO: That's what I'm -- that's what 10:42:54
19 I'm more interested about. 10:42:55
20 Q. There is a -- there is -- in the letter you're 10:42:57
21 referring at the very first line: "Thank you very much 10:43:01
22 for your letter of November 29th, and the confidential 10:43:03
23 information you enclosed." In that period of time 10:43:06
24 you're director at Catholic Charities, right, in 10:43:12
25 Fresno? 10:43:15

1	A. Yes.	10:43:15
2	Q. Okay. Did you have any sort of practice of	10:43:16
3	what you did with confidential information relating to	10:43:18
4	priests at that time?	10:43:21
5	A. Again, going back to one of your earlier	10:43:23
6	letters about the Bishop, the November 16, 1966,	10:43:28
7	somehow the Bishop has asked -- something went to the	10:43:34
8	Chancery office, and the Bishop apparently, looking at	10:43:38
9	this, wants to know what his professional background	10:43:41
10	is.	10:43:45
11	Q. Right.	10:43:45
12	A. So it would seem to me that what I probably did	10:43:45
13	is something came back, I just sent it over to the	10:43:51
14	Bishop's office.	10:43:53
15	Q. Okay.	10:43:54
16	A. I never dealt with clergy at all in the Diocese	10:43:55
17	of Monterey-Fresno.	10:44:00
18	Q. Okay.	10:44:01
19	A. And would have not kept any records whatsoever	10:44:01
20	of priests. It would have all -- the Bishop made some	10:44:05
21	inquiry. And I don't even know what the problem was.	10:44:09
22	Can't remember why there was an inquiry.	10:44:11
23	Q. Um-hum. Okay. During your time in Fresno, you	10:44:15
24	were also Chancellor, correct?	10:44:24
25	A. That was after 1970.	10:44:27

1	Q.	So some years later. And you did have some	10:44:31
2		dealings with priests at that time in assignments;	10:44:35
3		that's correct?	10:44:38
4	A.	Yes.	10:44:38
5	Q.	Okay. Did you have any dealings with priests	10:44:39
6		in and any problems those priests were having as	10:44:42
7		Chancellor of the Fresno Diocese?	10:44:45
8	A.	In my recollection there may have been one or	10:44:47
9		two with alcohol problems, but that's just a -- I'm	10:44:52
10		surmising there may have been.	10:44:58
11	Q.	Never -- never heard or read of any priests	10:45:00
12		during your time as -- in the Fresno Diocese having	10:45:02
13		even suspicions of having inappropriate relations with	10:45:06
14		minors?	10:45:10
15	A.	No. .	10:45:11
16	Q.	Okay. Then the next one in this -- because the	10:45:12
17		copy was so bad that I got, and I understand Monsignor	10:45:20
18		Cox could see that when he was having this prepared, he	10:45:25
19		made a transcription. So I'm going to have you take a	10:45:28
20		look at two documents side by side. The first is right	10:45:31
21		at the top of the file, which is ALLI number 3.	10:45:33
22	A.	Wow.	10:45:50
23	Q.	Yeah. I can't read it. Now, I'm also going to	10:45:51
24		ask you to look a little deeper is ALLI 37, which, as	10:45:56
25		far as I can tell from the declaration submitted by	10:46:03

1	Monsignor Craig Cox at the time, is his transcription	10:46:07
2	of the document 0003. It's probably going to be more	10:46:13
3	helpful to read 37.	10:46:22
4	A. 34, 36, 37. All right.	10:46:30
5	Q. Okay. And, again, I'll represent, Cardinal,	10:46:34
6	that this is a -- I've put in front of you the full	10:46:41
7	file that was produced in response to a deposition	10:46:46
8	subpoena for records held by the Los Angeles	10:46:48
9	Archdiocese relating to Father William Allison, and	10:46:51
10	these document you're looking at are from that file.	10:46:55
11	A. All right.	10:48:20
12	Q. Okay. Cardinal, does this -- reading this	10:48:21
13	letter help in any way to refresh your recollection as	10:48:24
14	to the nature of issue that Father William Allison had	10:48:26
15	for which you were addressing back in 1966?	10:48:30
16	A. None.	10:48:34
17	Q. Okay. Do you recall ever receiving the	10:48:35
18	November 30, 1963 letter?	10:48:40
19	A. No.	10:48:43
20	Q. You can say certainly that in the documents	10:48:45
21	Monsignor Gilb sent to you in '66 that this letter was	10:48:49
22	not -- or a copy of this letter was not one of them?	10:48:53
23	A. I have no idea.	10:48:55
24	Q. Okay.	10:48:57
25	MR. HENNIGAN: That's seven days after the	10:48:58

1	assassination of John Kennedy.	10:49:00
2	MR. DE MARCO: Very good. I didn't know that.	10:49:01
3	THE WITNESS: The 23rd.	10:49:03
4	MR. DE MARCO: Learn something.	10:49:06
5	Q. Let me ask you this --	10:49:07
6	A. And by the way --	10:49:09
7	MR. HENNIGAN: Sorry. Eight days. November	10:49:10
8	22.	10:49:13
9	Q. BY MR. DE MARCO: Yes.	10:49:13
10	A. By the way, during 1962 through June of '64 I	10:49:14
11	was in Catholic University studying social work, so I	10:49:18
12	would not have been --	10:49:21
13	Q. My question, and the reason I even ask you this	10:49:23
14	is, this letter is contained in a -- not a real long	10:49:27
15	file that the Archdiocese of Los Angeles had at the	10:49:31
16	time that you wrote to Monsignor Hawkes to ask for	10:49:35
17	whatever information can be given to you because there	10:49:39
18	is some issue regarding his counseling. And so my	10:49:42
19	question really is whether or not this is one of the	10:49:45
20	documents from the file of the Archdiocese, because we	10:49:48
21	know they sent something from the file, if this is one	10:49:51
22	of the documents that was sent to you.	10:49:53
23	A. As I said before, I have no idea what they	10:49:55
24	sent, and most likely since documents talk about the	10:49:57
25	Bishop asking for this --	10:50:02

1	Q. Right.	10:50:04
2	A. -- most likely I would have just sent whatever	10:50:04
3	they sent over to them.	10:50:06
4	Q. Okay. Couple of quick questions about this.	10:50:08
5	In the second to last paragraph on the letter, the	10:50:13
6	middle of that paragraph, there is a line that says,	10:50:17
7	"He refuses to return to Via Coeli." Do you know -- do	10:50:19
8	you have any idea what Via Coeli was in reference to?	10:50:26
9	A. I believe Via Coeli is the name of the	10:50:30
10	treatment center in Jemez Springs.	10:50:35
11	Q. Right. That the Servants of the Paraclete ran.	10:50:37
12	A. That's right.	10:50:41
13	Q. In 19 -- while you were in the Fresno Diocese,	10:50:42
14	did you have any awareness of that facility?	10:50:45
15	A. I did.	10:50:48
16	Q. Okay. And did you understand at that time that	10:50:49
17	they -- one of the things they treated for was priests	10:50:52
18	who had been accused of molesting kids?	10:50:55
19	A. No, I was not aware of that.	10:50:57
20	Q. What is it that you understood they treated at	10:51:00
21	that time? This is all the way up while you're in the	10:51:01
22	Fresno Diocese.	10:51:03
23	A. One of the priests who -- Polish name. I can't	10:51:05
24	remember his name -- had a drinking problem. And so we	10:51:10
25	sent him to Via Coeli to deal with his drinking	10:51:15

1	problem.	10:51:20
2	Q. Okay.	10:51:21
3	A. And that was my only contact or awareness of	10:51:24
4	the place.	10:51:28
5	Q. Okay. When is the first point in time you	10:51:29
6	became aware that the Servants of the Paraclete had any	10:51:33
7	kind of program, any kind of things they did, relating	10:51:36
8	to priests who had a -- who had been accused of sexual	10:51:40
9	relations with minors?	10:51:45
10	A. I don't remember. I -- as I say, my	10:51:47
11	recollection in Fresno was that one case of a priest	10:51:50
12	with alcoholism, and I don't recall any -- we didn't	10:51:53
13	have any cases dealing with child abuse, so I -- I	10:51:57
14	don't know when I first learned that they offered that	10:52:00
15	service.	10:52:02
16	Q. Do you think it was before you became	10:52:04
17	Archbishop here in Los Angeles?	10:52:06
18	A. I -- I just have no recollection. I don't	10:52:09
19	know.	10:52:11
20	Q. Okay. Certainly at some point in time while	10:52:11
21	you were here in Los Angeles you became aware of the	10:52:21
22	Servants of the Paraclete?	10:52:24
23	A. Yes.	10:52:25
24	Q. And the fact that they treated -- or had some	10:52:26
25	sort of services they offered for priests who had been	10:52:29

1	accused or admitted to molesting kids?	10:52:32
2	A. Yes.	10:52:36
3	Q. What's the first point in time you can recall	10:52:36
4	being aware of that fact, that nature of treatment they	10:52:38
5	offered?	10:52:40
6	A. You know, I am sorry, but I don't recall	10:52:42
7	whether the -- do we have to stop?	10:52:45
8	Q. Let you finish your answer. I mean, I don't	10:52:51
9	want to cut your answer off.	10:52:53
10	A. I honestly don't recall the first time I	10:52:55
11	discovered that fact.	10:52:57
12	MR. DE MARCO: Okay. We're going to have to	10:52:58
13	take that change in tape.	10:52:59
14	THE VIDEOGRAPHER: We are now going off camera.	10:53:02
15	The time is 10:53.	10:53:04
16	(Break taken.)	10:53:09
17	MR. WOODS: We are now back on camera. The	10:55:28
18	time is 10:55 p.m. -- a.m.	10:55:34
19	Q. BY MR. DE MARCO: So directing your attention	10:55:39
20	again, Cardinal, to the November 30, 1966 letter --	10:55:42
21	MR. HENNIGAN: Just one second. Just for your	10:55:46
22	benefit, it's a two-hour parking area you're in.	10:55:49
23	THE VIDEOGRAPHER: Four.	10:55:52
24	MR. HENNIGAN: Four-hour? The four hours	10:55:53
25	doesn't run from the time you park there. It runs from	10:55:54

1	the time that the policeman puts the little mark on	10:55:56
2	your tire. It's probably okay.	10:55:58
3	MR. DE MARCO: All right. All right. Ready?	10:56:02
4	MR. HENNIGAN: Yeah.	10:56:05
5	Q. BY MR. DE MARCO: Okay. So directing your	10:56:05
6	attention to the November 30, '66 letter from you,	10:56:06
7	Cardinal, to then Monsignor Benjamin Hawkes, the second	10:56:12
8	to last paragraph reads: "From what we have been able	10:56:17
9	to observe and document, it's quite certain that Father	10:56:19
10	Allison is a sick man and in need of professional	10:56:23
11	treatment." After reviewing the Father Lindermeyer	10:56:26
12	letter, does that help refresh your recollection at all	10:56:33
13	as to what you were referring to?	10:56:35
14	A. Not at all. I still have no idea why I got	10:56:38
15	involved in this.	10:56:41
16	Q. Okay.	10:56:42
17	A. None, except obviously the Bishop was informed	10:56:43
18	about something --	10:56:46
19	Q. Right.	10:56:46
20	A. -- and asked me to find out about his	10:56:47
21	background. I have no idea what this is referring to.	10:56:51
22	I wish I did, but I don't.	10:56:54
23	Q. Now, you wrote -- the initial correspondence we	10:56:55
24	went over before went to Monsignor Hawkes. Had you had	10:56:59
25	any association with Monsignor Hawkes before you were	10:57:04

1	writing these letters?	10:57:07
2	A. I met him before.	10:57:10
3	Q. Okay. And what nature of meeting?	10:57:15
4	A. He was the secretary to Cardinal McIntyre when	10:57:19
5	I was in the seminary. See I was ordained in nineteen	10:57:31
6	sixty --	10:57:31
7	THE REPORTER: I'm sorry. McIntyre when I was	10:57:31
8	in seminary.	10:57:31
9	THE WITNESS: When I was in the seminary	10:57:32
10	because when Cardinal McIntyre would come to the	10:57:32
11	seminary, he'd be driven by Monsignor Hawkes.	10:57:36
12	Q. BY MR. DE MARCO: Okay.	10:57:39
13	A. His secretary.	10:57:40
14	Q. So you had a time at that point to talk with	10:57:41
15	him while you were a seminarian?	10:57:46
16	A. No.	10:57:46
17	Q. Oh, I'm so sorry.	10:57:47
18	A. You didn't talk to Monsignor Hawkes or the	10:57:48
19	Cardinal. They were way up here and seminarians did	10:57:51
20	not talk to these people.	10:57:54
21	Q. Did he --	10:57:56
22	A. They didn't talk to us either.	10:57:56
23	Q. Did he talk to you?	10:57:57
24	A. No.	10:57:59
25	Q. Okay. So other than that passing by, you	10:58:00

1	didn't have any other meetings/conversations with	10:58:02
2	Monsignor Hawkes leading up to this series of	10:58:05
3	correspondence?	10:58:08
4	A. I did not.	10:58:09
5	MR. DE MARCO: Okay. All right. I'm done with	10:58:09
6	Father Allison. I'd like to -- been able to locate the	10:58:11
7	letter I was looking for. There is a -- there is a	10:58:18
8	letter previous to this. It's not a letter. It's an	10:58:23
9	exchange between -- with Monsignor Curry.	10:58:28
10	I've put in front of you, and I'll mark mine as	10:58:36
11	Exhibit 10. This is a -- here you go. This is Exhibit	10:58:38
12	10. The bottom copy is for Mr. Hennigan.	10:58:54
13	(Plaintiff's Exhibit 10 was marked for	10:59:06
14	identification.)	10:59:07
15	Q. BY MR. DE MARCO: This is a December 28th, 1987	10:59:07
16	letter with -- the Bates number at the bottom	10:59:11
17	right-hand corner is 14468. Have you had a chance to	10:59:14
18	take a look at it, Cardinal?	11:00:03
19	A. Yes.	11:00:06
20	Q. This is a letter that appears to be written by	11:00:06
21	Monsignor Curry to Father Tamayo, correct?	11:00:11
22	A. That's correct.	11:00:15
23	Q. Now, leading up to this, you were already aware	11:00:15
24	that Father Tamayo had been accused of molesting a	11:00:20
25	child, correct?	11:00:24

1	A.	No, he did not molest a child.	11:00:27
2	Q.	Okay. What was it you were aware that he was	11:00:31
3		accused of doing?	11:00:33
4	A.	That in Bishop Ward's handwritten notes she was	11:00:34
5		19 the first time something happened.	11:00:40
6	Q.	Okay.	11:00:42
7	A.	And, therefore, was an adult during all this	11:00:42
8		period of time.	11:00:45
9	Q.	So it was your understanding, even to the	11:00:46
10		present day, that the victim that was complaining at	11:00:49
11		the time that she had her first sexual -- she was	11:00:56
12		complaining of first sexual contact with Father Tamayo	11:00:59
13		was when she was 19, not under 18. That's your	11:01:01
14		understanding?	11:01:04
15	A.	That's correct, 19. And her parents knew about	11:01:04
16		it. It was all in the news.	11:01:07
17	Q.	Okay. Is there some reason why in 1987 it	11:01:09
18		would have been advisable for him, though he was	11:01:20
19		incardinated, Father Tamayo was, in Los Angeles to	11:01:23
20		remain in the Philippines?	11:01:26
21	A.	It was my recollection all this occurred before	11:01:29
22		I came and that Father Tamayo was in the Philippines in	11:01:32
23		1987.	11:01:37
24	Q.	Right.	11:01:38
25	A.	And the other six Filipino priests also.	11:01:38

1	Q. Right.	11:01:42
2	A. Back in the Philippines.	11:01:42
3	Q. Right.	11:01:43
4	A. And so the question is?	11:01:45
5	Q. Was it advisable for him -- was there any	11:01:46
6	reason it was advisable for him to remain in the	11:01:48
7	Philippines even though he was incardinated in Los	11:01:51
8	Angeles?	11:01:54
9	A. I believe that Bishop Curry has pretty well	11:01:54
10	spelled it out here.	11:01:58
11	Q. Okay. And what was that? Why was it advisable	11:01:59
12	for him to remain there?	11:02:01
13	A. "However, given all that has taken place, that	11:02:02
14	does not seem advisable," that is, he return, "and all	11:02:07
15	the advisors to the Archdiocese counsel against it for	11:02:10
16	the foreseeable future. Our lawyers also inform us	11:02:13
17	that you are liable to personal suits arising out of	11:02:16
18	your past actions. Therefore it is not advisable that	11:02:21
19	you return at all to the United States. Such suits can	11:02:25
20	only open old wounds and further hurt anyone concerned,	11:02:29
21	including the Archdiocese."	11:02:35
22	Q. Did you agree with that assessment on December	11:02:37
23	28th, 1987?	11:02:40
24	A. Yes.	11:02:42
25	Q. Okay. What did you mean by could only hurt --	11:02:43

1	further hurt anyone concerned, including the	11:02:46
2	Archdiocese?	11:02:48
3	A. I didn't write this letter.	11:02:48
4	Q. But you agreed -- okay. Did you have any	11:02:50
5	understanding of what was meant by that statement?	11:02:57
6	A. No. I saw this afterwards.	11:03:00
7	Q. Okay. Did you disagree with it when you had	11:03:03
8	read it?	11:03:06
9	A. No.	11:03:06
10	Q. Okay. So you agreed that Father Tamayo staying	11:03:07
11	away from Los Angeles, staying in the Philippines, was	11:03:11
12	advisable because it -- his coming back could hurt the	11:03:15
13	Archdiocese?	11:03:18
14	A. Well, that -- if you recall, that's the final	11:03:19
15	reason. It wasn't the main reason.	11:03:23
16	Q. It was a reason?	11:03:25
17	A. But apparently the woman involved had legal	11:03:26
18	counsel. We had press conferences. And so the whole	11:03:31
19	matter was -- was very public.	11:03:34
20	Q. Right.	11:03:36
21	A. And so his name was public, so if he were to	11:03:37
22	return to Los Angeles, where am I going to assign him	11:03:41
23	with such publicity? I mean, no pastor would have	11:03:46
24	taken him.	11:03:49
25	Q. Right. You were -- it was your	11:03:50

1	understanding -- or your agreement that he seek to	11:03:55
2	obtain a position in the Diocese -- in a Diocese in the	11:03:58
3	Philippines, correct?	11:04:02
4	A. Yes.	11:04:03
5	Q. At that time.	11:04:03
6	A. Yes.	11:04:04
7	Q. So if no pastor here in Los Angeles would take	11:04:04
8	him, why should a pastor in the Philippines take him?	11:04:08
9	A. Very simple. The notoriety was here, not in	11:04:13
10	the Philippines.	11:04:17
11	Q. So the only reason he could not get a position	11:04:18
12	here in Los Angeles was because of the notoriety?	11:04:20
13	A. That would have been one of the major reasons,	11:04:25
14	yes.	11:04:27
15	Q. Were there any others?	11:04:27
16	A. Well, that he could be sued.	11:04:29
17	Q. Okay.	11:04:32
18	A. Because apparently she was -- she was looking	11:04:33
19	for child support for one of the other priests.	11:04:36
20	Q. Right. Any other reasons?	11:04:40
21	A. No. Those would be the main ones.	11:04:44
22	Q. Okay. And this letter indicates that the	11:04:46
23	Archdiocese is agreeing to pay him while he's in the	11:04:48
24	Philippines?	11:04:54
25	A. That's correct.	11:04:55

1	Q. Why?	11:04:56
2	A. Because he's an incardinated priest here. He	11:04:57
3	had apparently had some health problems. In fact, this	11:05:03
4	is sent to St. James Medical Clinic in the Philippines.	11:05:06
5	Q. Right.	11:05:09
6	A. And the Archdiocese agreed to -- canon law,	11:05:10
7	actually -- to supply him with basic sustenance,	11:05:14
8	medical care.	11:05:19
9	Q. Right. So the payments for him were not to	11:05:19
10	keep him away from civil lawsuits here?	11:05:22
11	A. No.	11:05:25
12	Q. Were not -- those payments to him were not to	11:05:26
13	keep the Archdiocese from having any civil liability	11:05:29
14	here?	11:05:34
15	A. That's correct.	11:05:34
16	Q. Okay. And you were consulted by Monsignor	11:05:35
17	Curry before he sent this letter, were you not?	11:05:45
18	A. I'm not sure about the letter itself, but we	11:05:47
19	probably -- see, we're talking now three days after	11:05:54
20	Christmas in '87. So I suspect that sometime before --	11:05:57
21	sometime before Christmas he talked to me about it, and	11:06:03
22	I would have concurred.	11:06:06
23	MR. DE MARCO: I'll try to get a third copy for	11:06:11
24	Don, but I'll mark this as Exhibit 11.	11:06:13
25	(Plaintiff's Exhibit 11 was marked for	11:06:13

1	identification.)	11:06:57
2	MR. DE MARCO: Donald?	11:06:57
3	MR. WOODS: I got it.	11:06:57
4	MR. DE MARCO: Mike, you got it?	11:06:58
5	MR. HENNIGAN: Yeah.	11:07:00
6	Q. BY MR. DE MARCO: Okay. Have you had a chance	11:07:07
7	to take a look, Cardinal?	11:07:34
8	A. Yes.	11:07:34
9	Q. We've marked as Exhibit 11 a memorandum dated	11:07:37
10	November 8th, 1987, with a Bates number at the bottom	11:07:40
11	right-hand corner 14465. Cardinal, there is some	11:07:43
12	handwriting on the bottom of the letter. Is that your	11:07:51
13	handwriting?	11:07:54
14	A. Yes.	11:07:54
15	Q. Okay. And what does it say?	11:07:55
16	A. "I concur," dash, do you want to write," comma,	11:07:58
17	"or shall I," question mark. "Thanks!"	11:08:02
18	Q. Okay. In the middle paragraph there is a --	11:08:04
19	two sentences there which read: "He mentions being	11:08:17
20	rehabilitated, but I never understood that any of the	11:08:20
21	priests involved asserted that the charges were false.	11:08:24
22	He is still personally liable for damages." Okay. Was	11:08:28
23	that your understanding as well?	11:08:33
24	A. That --	11:08:37
25	Q. That none of the priests involved -- let me	11:08:39

1	rephrase. The individual that was accusing Father	11:08:44
2	Tamayo, she said that other priests had engaged in	11:08:49
3	sexual relations with her, right?	11:08:52
4	A. Correct.	11:08:54
5	Q. Okay. And so in this sentence, which mentions	11:08:54
6	"but I never understood that any of the priests	11:09:00
7	involved asserted that the charges were false," was	11:09:03
8	that your understanding as well as to all of the	11:09:06
9	priests, including Tamayo, that this individual was	11:09:08
10	accusing?	11:09:12
11	A. Yes, best of my recollection.	11:09:13
12	Q. Okay. And it was your understanding as well	11:09:15
13	that Father Tamayo still had personal liability as of	11:09:18
14	November 8th, 1987?	11:09:24
15	A. Yes.	11:09:27
16	Q. Okay. And this -- the letter we went over a	11:09:28
17	moment ago, Exhibit 10, the December 28th, 1987 letter,	11:09:36
18	do you believe that this letter is the letter that is	11:09:39
19	written in response to this memo, which is Exhibit 11?	11:09:43
20	A. I'm not aware of any other intervening letters.	11:09:49
21	So if there was none, then most likely that was the	11:09:54
22	letter.	11:09:57
23	Q. Okay. All right. I'm not going to ask you an	11:09:57
24	awful lot of questions about Father Baker because I	11:10:14
25	know you've answered quite a few already.	11:10:16

1	A. Yes.	11:10:18
2	Q. But there are a few documents that I don't --	11:10:19
3	MR. HENNIGAN: Who is Father Baker?	11:10:21
4	MR. DE MARCO: Right.	11:10:23
5	Q. There are a few documents that I've seen lately	11:10:23
6	that I was -- I didn't have the benefit of before, and	11:10:27
7	I don't think others have, so just a few questions for	11:10:29
8	you.	11:10:32
9	Michael Baker admitted to you to molesting	11:10:43
10	boys, yes?	11:10:46
11	A. Yes. Two boys.	11:10:47
12	Q. Okay. And one of the things that was done in	11:10:49
13	response was to send him -- or have him go to the	11:10:52
14	Servants of the Paraclete in New Mexico, correct?	11:10:55
15	A. Yes.	11:10:59
16	Q. Okay. And part of the treatment that goes on	11:10:59
17	with Servants of Paraclete is thought to aftercare when	11:11:04
18	he comes back, yes?	11:11:08
19	A. Yes.	11:11:09
20	Q. Was there any -- and you were involved in the	11:11:09
21	determinations relating to what he should be doing when	11:11:19
22	he came back here from the Servants of the Paraclete	11:11:21
23	facility, yes?	11:11:24
24	A. Yes.	11:11:27
25	Q. Was there any effort that you approved of or	11:11:27

1	engaged in to see that he was seen by therapists here	11:11:30
2	after the Servants of the Paraclete that would not make	11:11:35
3	reports to law enforcement, mandated reports of child	11:11:40
4	abuse to law enforcement?	11:11:43
5	A. I'm --	11:11:43
6	Q. Sure. I'll rephrase.	11:11:49
7	A. A little bit shorter.	11:11:50
8	Q. Yeah, I'm sorry. One of the things that is	11:11:51
9	commonly discussed with these aftercare plans is a	11:11:57
10	person who has gone, the priest, receiving further	11:12:00
11	treatment or therapy when they come back to whatever	11:12:03
12	assignment, yes?	11:12:06
13	A. Yes.	11:12:06
14	Q. Okay. With regards to Father Michael Baker and	11:12:06
15	that discussion, were you a part of or approved of	11:12:10
16	sending him to a counselor that specifically would not	11:12:15
17	make a mandated report?	11:12:18
18	A. I didn't know there were any counselors who	11:12:21
19	were not mandated reporters.	11:12:24
20	Q. Okay. Did you ever encourage that Michael	11:12:25
21	Baker stay at the Servants of the Paraclete so as to	11:12:34
22	avoid criminal prosecution?	11:12:37
23	A. No.	11:12:40
24	Q. Did you ever take any action at all so that	11:12:40
25	Michael Baker could avoid criminal prosecution?	11:12:46

1	A. No.	11:12:50
2	Q. Did you ever approve of any action being taken	11:12:51
3	so as to help Michael Baker avoid criminal prosecution?	11:12:56
4	A. Not that I'm aware of.	11:13:01
5	Q. I want to ask you a brief question about	11:13:03
6	Michael Wempe.	11:13:31
7	A. Yes.	11:13:33
8	Q. He is another priest that had been accused of	11:13:33
9	molesting children as well during your tenure in the	11:13:36
10	Archdiocese, yes?	11:13:40
11	A. Yes.	11:13:42
12	Q. And in fact was also sent to the Servants of	11:13:42
13	the Paraclete in 1987.	11:13:46
14	A. Yes.	11:13:48
15	Q. Okay. For molesting kids.	11:13:48
16	A. Yes.	11:13:51
17	Q. On these -- on Michael Wempe and Michael Baker,	11:13:52
18	both of them, Monsignor Curry was taking actions, to	11:14:05
19	your knowledge, relating to sending them to treatment,	11:14:10
20	what was going to be done after treatment. Was that	11:14:12
21	your awareness at the time?	11:14:14
22	A. Yes.	11:14:15
23	Q. Okay. And he was consulting with you about	11:14:15
24	these actions he was taking?	11:14:18
25	A. Yes.	11:14:19

1	Q.	In both instances they were pretty sensitive	11:14:20
2		matters?	11:14:27
3	A.	Yes.	11:14:27
4	Q.	Like you would want to be made aware of any	11:14:28
5		decisions that were being made with regards to whether	11:14:33
6		he should go to treatment, how long he should stay	11:14:36
7		there, and what should be done after treatment; is that	11:14:38
8		a fair statement?	11:14:42
9	A.	Yes.	11:14:42
10	Q.	Okay. So with regards to Michael Wimpe, were	11:14:42
11		you either aware of -- were you aware of any efforts	11:14:50
12		taken to help Michael Wempe avoid criminal prosecution	11:14:58
13		for molesting kids back in -- back in 1987?	11:15:04
14	A.	I'm not aware of any.	11:15:08
15	Q.	Okay. Were you aware of any efforts to avoid	11:15:09
16		mandated reports of child molestation being made with	11:15:16
17		respect to Michael Wempe?	11:15:21
18	A.	I'm not aware of any.	11:15:23
19	Q.	If you had learned that Monsignor Curry had	11:15:25
20		engaged in actions to help Michael Wempe avoid criminal	11:15:37
21		prosecution in 1987, would you have approved of that?	11:15:45
22	A.	I don't have any knowledge that he did that, so	11:15:53
23		if you do, I'd be happy to review that.	11:15:56
24	Q.	But sitting here today, you've never heard	11:16:00
25		anything of that nature having occurred?	11:16:04

1	A.	That was certainly not our policy.	11:16:07
2	Q.	Your policy was to do what?	11:16:11
3	A.	Priests like that?	11:16:14
4	Q.	Yes.	11:16:17
5	A.	Basically to send them for evaluation --	11:16:17
6	Q.	Right.	11:16:19
7	A.	-- treatment, and to try to then follow the	11:16:20
8		recommendations from the treatment center.	11:16:24
9	Q.	Okay. Now, the treatment centers, were they	11:16:27
10		telling you that the priests -- Michael Baker, Michael	11:16:29
11		Wempe -- were cured, that they would not molest	11:16:33
12		children?	11:16:36
13	A.	No. I wish they had. I wish they had back	11:16:37
14		then.	11:16:42
15	Q.	Right.	11:16:42
16	A.	This is long -- the common understanding was	11:16:43
17		that with certain treatment these guys would not	11:16:48
18		re-offend and I believed it.	11:16:51
19	Q.	So I want to make --	11:16:53
20	A.	And so my decisions were made based on that	11:16:55
21		understanding.	11:16:57
22	Q.	I want to make sure I'm understanding. It's	11:16:58
23		your testimony that the Servants of the Paraclete	11:17:00
24		informed you that neither Michael Wempe or Michael	11:17:05
25		Baker would molest children?	11:17:10

1	MR. HENNIGAN: He just said exactly the	11:17:14
2	opposite.	11:17:16
3	MR. DE MARCO: Okay. I'll rephrase. Thank	11:17:17
4	you, Counsel. I'll do my best.	11:17:19
5	Q. In 1987 were counselors, therapists, whoever	11:17:24
6	from the Servants of the Paraclete that you were aware	11:17:33
7	of, telling you that either Michael Baker or Michael	11:17:36
8	Wempe was cured?	11:17:42
9	A. I don't think anyone used that expression in	11:17:47
10	those days.	11:17:50
11	Q. Okay. So you understood, even when they were	11:17:51
12	coming back, even with what the Servants of the	11:17:54
13	Paraclete were telling you, that there was still a risk	11:17:57
14	that they would re-offend, re -- molest additional	11:18:00
15	children?	11:18:03
16	A. I don't have -- Bishop Curry primarily got the	11:18:05
17	reports from them.	11:18:09
18	Q. Right.	11:18:09
19	A. And usually just told me what the	11:18:10
20	recommendations were. So I don't -- I can't recall	11:18:12
21	actually seeing the actual reports. But in those days,	11:18:16
22	in those years, unfortunately, the professionals would	11:18:21
23	say that a certain priest would be -- would not be a	11:18:26
24	risk if in limited ministry that did not involve	11:18:32
25	children and youth.	11:18:37

1	Q. When did that change, to your knowledge? When	11:18:38
2	was it that therapists started saying something	11:18:41
3	different than that relating to the priests that were	11:18:44
4	being sent there for treatment for pedophilia? Or for	11:18:46
5	molesting children. Excuse me.	11:18:50
6	A. I don't recall, but I remember the American	11:18:52
7	Psychiatric Association, American Psychological	11:18:56
8	Association even then was not saying that this -- that	11:18:59
9	they cannot be guaranteed of no offense. And that's,	11:19:03
10	of course, what related eventually to zero tolerance is	11:19:08
11	because we come to realize that that is not true.	11:19:11
12	Q. Isn't it true, though, that the Servants of the	11:19:16
13	Paraclete were telling you that they believed there was	11:19:20
14	just simply a diminished risk that these men would	11:19:21
15	re-offend, that they would molest additional children,	11:19:26
16	if they followed what the Servants of the Paraclete	11:19:28
17	were recommending, that it was just a reduced risk?	11:19:31
18	Isn't that true?	11:19:35
19	A. I think a better way to say it is they were	11:19:36
20	recommending knowledge of that time and practice of	11:19:40
21	that time that if a priest followed this particular	11:19:44
22	course, there would not be re-offending.	11:19:47
23	Q. We spoke a little bit ago about Peter Garcia.	11:19:53
24	He's another priest, molested kids, was sent to the	11:19:58
25	Servants of the Paraclete. And during your tenure, he	11:20:01

1	had some assignments in New Mexico, parish assignment,	11:20:05
2	while he was undergoing treatment, correct?	11:20:09
3	A. Yes.	11:20:12
4	Q. Okay. And the reason I think you said that the	11:20:12
5	assignment there was appropriate was it would allow him	11:20:18
6	to continue to have ministry -- or continue to go	11:20:20
7	through the therapy there.	11:20:22
8	A. That's correct.	11:20:24
9	Q. Okay. Did you perceive at that time that Peter	11:20:25
10	Garcia was any threat to molest kids?	11:20:34
11	A. I -- I don't recall.	11:20:39
12	Q. For him to have had a parish assignment and	11:20:46
13	have faculties in New Mexico at that time, even though	11:20:51
14	he was incardinated here -- and I'll back up. Father	11:20:57
15	Garcia while he was in New Mexico was still	11:21:00
16	incardinated here in Los Angeles, correct?	11:21:03
17	A. Yes.	11:21:04
18	Q. So for him to have gotten the faculties to	11:21:05
19	minister at a parish in New Mexico, you would have had	11:21:09
20	to given your approval for that; is that correct?	11:21:13
21	A. No. That's not my understanding of how it	11:21:18
22	worked.	11:21:22
23	Q. Okay. So you did not give your approval to the	11:21:23
24	bishop -- the Archbishop in Santa Fe for him to have	11:21:27
25	assignment in New Mexico or to minister in New Mexico?	11:21:31

1	A.	It was my understanding that the -- that the	11:21:36
2		Via Coeli Paraclete community had an arrangement with	11:21:41
3		the Archbishop and a certain point in the treatment	11:21:45
4		that they felt he could do ministry in a parish while	11:21:49
5		continuing treatment but with the full advice to the	11:21:55
6		pastor of his problems. So he also could be part	11:21:59
7		of the -- but I don't recall them contacting me about	11:22:03
8		that arrangement.	11:22:07
9	Q.	I know in various writings you've done,	11:22:09
10		including, I believe, a letter written recently to	11:22:36
11		Archbishop Gomez, you've indicated that there were	11:22:39
12		mistakes made in the 1980s while you were Archbishop.	11:22:42
13		Was any part of your handling of the Father Nicolas	11:22:48
14		Aguilar-Rivera case one of those mistakes?	11:22:54
15	A.	In my recollection, no.	11:22:58
16	Q.	Was any part of your handling of Peter Garcia a	11:23:01
17		mistake?	11:23:06
18	A.	No, because he was gone when I came here.	11:23:07
19	Q.	Was any part of your handling of Michael Wempe	11:23:10
20		a mistake?	11:23:13
21	A.	Well, I guess the only -- what I would con --	11:23:14
22		use the word "mistake" was that I believed them.	11:23:19
23	Q.	The therapists?	11:23:25
24	A.	No. I believed the priests.	11:23:26
25	Q.	Okay.	11:23:28

1	A. I believed the priests. I believed Michael	11:23:28
2	Baker when he came to me. I thought he was sincere.	11:23:32
3	He was lying. His whole ministry is lying.	11:23:36
4	Q. Right.	11:23:41
5	A. Wempe, I'm not so sure, but I just took at face	11:23:41
6	value their assertion that they were really seriously	11:23:44
7	going to change, and I thought that they could change.	11:23:49
8	Q. Okay.	11:23:52
9	A. And so what I now know, that was -- that was	11:23:52
10	not true. And wish I had known then what we know now	11:23:56
11	because they would never have come back to any kind of	11:24:02
12	ministry.	11:24:04
13	Q. Okay. The same question Santiago Tamayo, any	11:24:05
14	part of your handling of Father Tamayo, since you	11:24:10
15	became Archbishop, a mistake?	11:24:14
16	A. No.	11:24:16
17	Q. Okay. There have been some policies that	11:24:19
18	you've put in place in Los Angeles as Archbishop	11:24:40
19	designed to help protect kids, yes?	11:24:44
20	A. Yes.	11:24:46
21	Q. What are the most significant ones that you	11:24:46
22	think of?	11:24:49
23	A. Well, I suspected beginning with the very first	11:24:50
24	written policies and procedures about sexual contact	11:24:58
25	with adults and minors --	11:25:03

1	Q. Um-hum.	11:25:03
2	A. -- that was first published 1989.	11:25:05
3	Q. Um-hum.	11:25:09
4	A. Well, first of all, backing up, when I first	11:25:10
5	came, I had Mr. Tom Shepherd come down and speak to the	11:25:11
6	priests about this issue --	11:25:15
7	Q. Um-hum.	11:25:15
8	A. -- which led to Baker coming to me. So early	11:25:17
9	on I was aware of the problem and we started developing	11:25:23
10	procedures and policies which -- which got clearer,	11:25:28
11	better, stricter with experience as time went on. And	11:25:33
12	then in -- I believe it was -- not sure if it was 1992	11:25:37
13	or 1994, we began the Sexual Abuse Advisory Board, and	11:25:41
14	it's, as far as I know, the first one in the country,	11:25:49
15	precisely to assist the Vicar for the Clergy and me in	11:25:52
16	reviewing these cases. And they were very helpful in	11:25:57
17	reviewing the cases, as well as with the procedures	11:26:01
18	getting clearer and tighter. And so as time went on --	11:26:05
19	and, of course, ending up to 2002 when we had the	11:26:15
20	charter from the Bishops in Dallas, then to implement	11:26:18
21	that and to -- we changed the name of the group to the	11:26:22
22	Clergy Misconduct Oversight Board, SAAB to CMOB.	11:26:29
23	Q. Okay.	11:26:34
24	A. And so they then took on a much broader role.	11:26:34
25	And that's when we also started using retired FBI	11:26:39

1	agents as investigators.	11:26:44
2	Q. Okay.	11:26:46
3	A. Because we learned early on that that's -- we	11:26:46
4	don't have any skills in pursuing questions and asking	11:26:51
5	questions and what's the next question you should ask.	11:26:55
6	So all of these were developments over time. And then	11:26:59
7	of course then into fingerprinting, background checks,	11:27:03
8	VIRTUS training programs, over a million kids in the	11:27:11
9	Good Touch/Bad Touch programs. It's just across the	11:27:14
10	board until today. And by the way, periodic general	11:27:18
11	audits from outside auditors to see if we complied. So	11:27:24
12	I think there has been a substantial evolution. I	11:27:28
13	always say I wish I knew then what I know today.	11:27:32
14	Q. Do you believe that as Archbishop of Los	11:27:35
15	Angeles you have done everything you should have done	11:27:39
16	to protect against priests molesting kids?	11:27:41
17	A. Yes, I do.	11:27:45
18	Q. There was a precursor to the Sexual Abuse	11:27:48
19	Advisory Board, was there not?	11:28:00
20	A. Not that I'm aware of.	11:28:04
21	Q. Was there anything that the -- in 1987-88 that	11:28:06
22	your insurers mandated you have some sort of team to	11:28:12
23	assess claims of clergy abuse?	11:28:17
24	A. My recollection was that that was a team of	11:28:21
25	like in-house people.	11:28:25

1	Q. Right.	11:28:26
2	A. General counsel, finance officer, other people	11:28:27
3	like that. But it was not a board. Saab came into	11:28:30
4	existence to actually review cases that we were dealing	11:28:36
5	with at the time.	11:28:40
6	Q. And SAAB's role in reviewing cases was to	11:28:41
7	determine the -- whether or not the allegations made	11:28:46
8	were credible. That's one of their purposes, right?	11:28:49
9	A. Yes.	11:28:52
10	Q. And whether or not the priest ought to be	11:28:52
11	removed from ministry, yes?	11:28:55
12	A. Yes.	11:28:57
13	Q. The -- finding extra copies. In -- and I'll	11:28:57
14	provide a document to you in just a moment, Cardinal.	11:29:05
15	I am concerned about time.	11:29:07
16	In 1988 was there something called the	11:29:10
17	Archdiocesan Sensitive Claim Team?	11:29:13
18	A. I believe there was. That was with the	11:29:17
19	insurance -- had to do with insurance coverage and	11:29:20
20	how -- how insurance claims were handled.	11:29:26
21	Q. Right. And that would have been a group --	11:29:29
22	I'll mark this -- I think we're up to 12.	11:29:35
23	A. Yes.	11:29:38
24	(Plaintiff's Exhibit 12 was marked for	11:29:38
25	identification.)	11:29:38

1	MR. DE MARCO: Okay. Exhibit 12. Here is two.	11:29:38
2	I'll get you one, Don. Getting it for you.	11:29:40
3	Mike, what time are we at?	11:29:53
4	MR. HENNIGAN: 11:30.	11:29:54
5	MR. DE MARCO: Okay.	11:29:56
6	Q. And the specific paragraph I've been looking at	11:30:00
7	is the first, but it's not a long letter. Have you had	11:30:04
8	a chance to look at it, Cardinal?	11:30:45
9	A. Yes.	11:30:46
10	Q. The Archdiocesan Sensitives Claim Team, did you	11:30:47
11	have any direct dealing with it in 1987 or '88?	11:30:51
12	A. I honestly don't recall. I -- my faint	11:30:55
13	recollection was it had to do with the finance officer,	11:31:01
14	the legal counsel, and somebody from our insurance	11:31:05
15	department.	11:31:10
16	Q. Was it your understanding that complaints that	11:31:13
17	a priest had molested a child in 1987 or '88 were to be	11:31:15
18	communicated to the Archdiocesan Sensitives Claim Team?	11:31:21
19	A. No. It was my understanding that this -- this	11:31:25
20	team was to determine whether there was coverage --	11:31:28
21	Q. Okay.	11:31:32
22	A. -- and request of The Ordinary Mutual	11:31:32
23	reimbursement if there were coverage. But they were	11:31:36
24	not involved in the analysis of the cases,	11:31:38
25	recommendation what to do with the priest, and all the	11:31:43

1	rest of it.	11:31:45
2	Q. I'd like you to read the first sentence of the	11:31:46
3	second paragraph. Does that help refresh your	11:31:51
4	recollection at all?	11:31:57
5	A. Actually, it does not. I don't remember them	11:31:59
6	being involved at all.	11:32:02
7	Q. Okay. But suffice it to say it's your	11:32:03
8	understanding that the Archdiocesan Sensitive Claim	11:32:06
9	Team was a body or a group in the Archdiocese that the	11:32:09
10	insurance carrier required to be set up?	11:32:17
11	A. Yes, for claims purposes, right.	11:32:22
12	Q. And then that first sentence of the second	11:32:25
13	paragraph, the Archdiocesan team is making an	11:32:27
14	assessment as to whether or not there is reasonable or	11:32:30
15	sufficient grounds to suspect that the misconduct	11:32:34
16	actually occurred; is that correct?	11:32:37
17	A. No. I suspect that that sentence means that	11:32:40
18	the Monsignor Curry and others had informed the team	11:32:46
19	that we had no doubt about the accuracy of the	11:32:49
20	accusations. And this guy was long gone.	11:32:52
21	Q. So isn't it true that the Archdiocesan	11:32:55
22	Sensitive Claim Team, which was a body within the	11:32:59
23	Archdiocese required by your insurance carrier to set	11:33:03
24	up, was the precursor to the SAAB?	11:33:07
25	A. No.	11:33:12

1	Q. Okay.	11:33:13
2	A. Not at all. This had to do with insurance	11:33:13
3	claims.	11:33:16
4	Q. Okay. At some point in the 1990s the	11:33:16
5	Archdiocese stopped allowing priests who had admitted	11:33:27
6	to sexually molesting kids and had received treatment	11:33:30
7	from coming back to assignments here in Los Angeles; is	11:33:33
8	that correct?	11:33:36
9	A. Yes.	11:33:37
10	Q. Okay. And is it your understanding that that	11:33:38
11	policy changed because your understanding of the nature	11:33:42
12	of priests molesting children and their incurability	11:33:46
13	evolved?	11:33:51
14	A. Yes.	11:33:52
15	Q. It had nothing to do with the change in the	11:33:53
16	mandated reporting laws or the change in statutes of	11:33:56
17	limitations; is that correct?	11:33:59
18	A. That's correct.	11:34:01
19	MR. DE MARCO: This is -- we will mark as	11:34:21
20	Exhibit 13.	11:34:22
21	(Plaintiff's Exhibit 13 was marked for	11:34:23
22	identification.)	11:34:33
23	Q. BY MR. DE MARCO: Have you had a chance to take	11:34:33
24	a look at the letter, Cardinal?	11:35:43
25	A. Yes.	11:35:45

1	Q.	And so we've marked as Exhibit 13 a letter	11:35:45
2		dated March 3rd, 1997. And the bottom right-hand	11:35:48
3		corner has a Bates number of CCI, last for numeric	11:35:52
4		digits 1349. Cardinal, you see this letter is in	11:35:57
5		reference to a George Miller, or addressed to George	11:36:03
6		Miller?	11:36:05
7	A.	Yes.	11:36:06
8	Q.	And George Miller was a priest here in Los	11:36:06
9		Angeles Archdiocese, was he not?	11:36:09
10	A.	Yes.	11:36:10
11	Q.	And he was also a priest that had been accused	11:36:11
12		as of 1997, March 3rd, of molesting children?	11:36:15
13	A.	Yes.	11:36:18
14	Q.	And a priest who had in fact also admitted as	11:36:18
15		of March 3rd, 1997, to molesting children; is that	11:36:21
16		correct?	11:36:25
17	MR. HENNIGAN:	I'm confused by the "as of."	11:36:26
18	MR. DE MARCO:	By.	11:36:28
19	MR. HENNIGAN:	Prior to?	11:36:29
20	MR. DE MARCO:	Right..	11:36:30
21	MR. HENNIGAN:	Okay.	11:36:31
22	Q.	BY MR. DE MARCO: Prior to -- prior to when	11:36:31
23		this letter would have been written, had already	11:36:33
24		admitted, to your knowledge, to molesting children.	11:36:36
25	A.	Yes.	11:36:39

1	Q.	Okay. And this letter obviously not written by	11:36:39
2		you. It was written by Monsignor Richard Loomis, and	11:36:41
3		he was the Vicar for Clergy for the Los Angeles	11:36:47
4		Archdiocese in 1997, correct?	11:36:49
5	A.	That's right.	11:36:52
6	Q.	Do you believe that the first sentence of the	11:36:52
7		letter that Monsignor Loomis wrote is incorrect?	11:36:56
8	A.	I'm not sure what he means. I don't know what	11:37:05
9		he meant --	11:37:10
10	Q.	Let me say this, the first two sentences, do	11:37:10
11		you believe the first two sentences of that first	11:37:14
12		paragraph are incorrect?	11:37:16
13	A.	I'm not sure what you mean by incorrect.	11:37:21
14	Q.	Okay.	11:37:24
15	A.	They are what Monsignor Loomis wrote to Father	11:37:24
16		Miller.	11:37:27
17	Q.	Are they inaccurate? Did what Monsignor Loomis	11:37:27
18		write in those first two sentences, that, one, "The	11:37:31
19		last few months have held some momentous changes for	11:37:34
20		you all of us. The recent changes in the child abuse	11:37:36
21		reporting law and the statute of limitations here in	11:37:39
22		California have changed the way we have to look at many	11:37:41
23		things in our personnel policies." Is that statement	11:37:45
24		incorrect?	11:37:49
25	A.	I -- as far as I know, it's correct.	11:37:52

1	Q. Okay. So isn't it true, Cardinal, that the	11:37:57
2	reason priests like George Miller, who were receiving	11:38:00
3	treatment in the mid 1990s, or post March 3rd, 1997,	11:38:06
4	were not allowed back into ministry after such	11:38:11
5	treatment was because changes in statute of limitations	11:38:15
6	here in California and changes in the mandated	11:38:19
7	reporting law in California? Isn't that the reason	11:38:21
8	that that policy changed?	11:38:25
9	A. No. The policy changed in 1994. Actually, it	11:38:27
10	was SAAB, SAAB recommendation.	11:38:32
11	Q. Okay. The -- you mentioned the VIRTUS	11:38:34
12	training.	11:38:47
13	A. Yes.	11:38:47
14	Q. That's where there is programs for folks at	11:38:48
15	parish level, school level to receive education and	11:38:51
16	training about detection, prevention and reporting of	11:38:55
17	child -- suspected child abuse?	11:38:59
18	A. Yes.	11:39:01
19	Q. Okay. When did that start in the Los Angeles	11:39:02
20	Archdiocese?	11:39:07
21	A. Sometime after the Charter was adopted because,	11:39:10
22	best of my knowledge, that group didn't exist, or if	11:39:16
23	they did, it wasn't for this purpose. And --	11:39:19
24	Q. What --	11:39:22
25	A. -- so we -- we needed a program that had --	11:39:23

1	people could come in, put on the program, certify, and	11:39:27
2	then train trainers. And we have VIRTUS programs going	11:39:32
3	on every month ever since, and so that all new	11:39:38
4	employees, anyone, new priests come in, anybody has to	11:39:44
5	go through the VIRTUS training program. And I think	11:39:46
6	it's four years or five years have to be recertified,	11:39:48
7	have to go back to another program. And I did, we all	11:39:51
8	did. And every month we have an online training thing	11:39:54
9	we have to do online every single month.	11:39:59
10	Q. Right.	11:40:02
11	A. And to keep us sharp and cover all of the	11:40:03
12	issues that have come up. And that's -- all that's	11:40:06
13	been extremely helpful.	11:40:10
14	Q. Would it surprise you that the VIRTUS training	11:40:11
15	program did not start until after the statute of	11:40:13
16	limitations in California was changed in 2002 and	11:40:16
17	lawsuits, many of them, alleging negligence in the	11:40:21
18	handling of abusive priests were filed? Would that	11:40:24
19	surprise you?	11:40:28
20	A. Most of the reports about sexual abuse came in	11:40:28
21	the end of 2003 and 2004, after we had started the	11:40:34
22	VIRTUS program.	11:40:42
23	Q. It's your testimony the VIRTUS program started	11:40:42
24	in the Diocese prior to the law changing here in	11:40:44
25	California that would allow these lawsuits to be filed?	11:40:48

1	A. I don't remember exactly when the law was	11:40:51
2	passed, but I do know we did -- the -- the large -- 95	11:40:54
3	percent of the reports came in the end of 2003, early	11:40:59
4	2004.	11:41:04
5	Q. Okay.	11:41:04
6	A. But we -- we had started the VIRTUS program way	11:41:06
7	before that.	11:41:09
8	Q. Okay. And you've mentioned the CMOB was	11:41:09
9	started pursuant to the 2002 Dallas Charter.	11:41:14
10	A. Yes.	11:41:18
11	Q. Is that an accurate --	11:41:18
12	A. Yes. We took the SAAB group and upgraded them	11:41:20
13	to deal with the Charter.	11:41:23
14	Q. And isn't it --	11:41:26
15	A. In fact it was many of the same members rolled	11:41:26
16	over to --	11:41:30
17	Q. Cardinal, isn't it true that the Dallas Charter	11:41:31
18	was created after extensive publicity out of the Boston	11:41:35
19	Archdiocese cases and scandal?	11:41:40
20	A. Yes.	11:41:43
21	Q. Okay. And wasn't that a motivating reason why	11:41:43
22	that Dallas Charter was created?	11:41:47
23	A. Yes. And thanks be to God.	11:41:49
24	Q. Yes, thanks be to God. But, Cardinal, wouldn't	11:41:52
25	you agree that many of the most important policy	11:41:55

1	changes the Archdiocese of Los Angeles has engaged in	11:41:59
2	to protect children from priests molesting kids were	11:42:03
3	not changes that were voluntarily made but rather were	11:42:06
4	forced upon the Archdiocese either through media	11:42:10
5	coverage, changing in laws, or lawsuits?	11:42:13
6	A. No, I don't believe that was the motivating	11:42:16
7	reason. I think the motivating reason was our	11:42:22
8	awareness of the horrific nature of these sins and	11:42:24
9	crimes and our desire to deal with it.	11:42:30
10	Q. I think coming out of the Dallas Charter there	11:42:34
11	was a National -- see if I have got the title right.	11:42:38
12	I'm sorry -- a National Review Board that was created.	11:42:42
13	A. Yes, that's part of the Charter.	11:42:48
14	Q. Right. And what was your understanding of one	11:42:50
15	of the -- of what the National Review Board was to do?	11:42:54
16	A. The National Review Board was to help in the	11:42:58
17	implementation of the Charter.	11:43:02
18	Q. And one of those steps was a -- one of the	11:43:04
19	things they were tasked with doing was to conduct a	11:43:09
20	study of the problems of child sexual abuse among	11:43:12
21	priests and religious in the U.S., yes?	11:43:18
22	A. Yes.	11:43:19
23	Q. Okay. Did you do anything to obstruct that	11:43:20
24	study?	11:43:24
25	A. Not that I'm aware.	11:43:27

1	Q.	Took no action to try to remove the John Jay	11:43:28
2		College from conducting the study and start from	11:43:31
3		scratch?	11:43:34
4	A.	No.	11:43:34
5	Q.	Do you know who Justice Ann Burke is?	11:43:35
6	A.	Yes.	11:43:38
7	Q.	If Justice Burke says that you did just that,	11:43:39
8		that you obstructed that study from being conducted,	11:43:42
9		would she be lying?	11:43:47
10	A.	I don't have any recollection of what she said.	11:43:50
11	Q.	Would she be incorrect if she said that?	11:43:54
12	A.	Could you show me what she says?	11:43:56
13		MR. DE MARCO: What are we at on time?	11:44:10
14		MR. HENNIGAN: You got ten minutes.	11:44:11
15		MR. DE MARCO: Okay. Try to make them count.	11:44:13
16	Q.	I asked you at the beginning about Father John	11:44:18
17		Ferris.	11:44:21
18	A.	Yes.	11:44:21
19	Q.	He was -- he was a priest in Los Angeles	11:44:22
20		Archdiocese, yes?	11:44:25
21	A.	As far as I know, he was -- well, he was a	11:44:27
22		Vincentian priest.	11:44:32
23	Q.	Right.	11:44:32
24	A.	Yes.	11:44:34
25	Q.	And he taught at Our Lady Queen of the Angels	11:44:34

1	Junior Seminary while you attended there?	11:44:37
2	A. I don't remember him at all. He never taught	11:44:38
3	me anything.	11:44:41
4	Q. Okay. While you were at Our Lady Queen of	11:44:42
5	Angels Junior Seminary -- you attended there for your	11:44:46
6	high school years, correct?	11:44:48
7	A. Let's see. We moved -- I think the last two	11:44:50
8	years of high school we moved out there from downtown.	11:44:58
9	Q. Okay. Was there a pool there?	11:45:01
10	A. Yes.	11:45:07
11	Q. Was it uncommon, in your experience, for a	11:45:07
12	priest to be swimming with any of the underage students	11:45:14
13	in the pool?	11:45:17
14	A. I seldom used the pool. I like to play	11:45:19
15	baseball instead, so I was hardly ever near that pool.	11:45:23
16	I just don't know.	11:45:25
17	Q. Okay. Do you know someone who also attended, I	11:45:27
18	believe at the time you did, by the name of [REDACTED]	11:45:33
19	[REDACTED]?	11:45:36
20	A. I've seen his name in a questionnaire.	11:45:36
21	Q. Do you know who he is?	11:45:39
22	A. No, no recollection of him.	11:45:40
23	Q. Don't recall ever meeting with him?	11:45:42
24	A. I don't know. I just don't remember him.	11:45:45
25	Q. Okay. If Mr. [REDACTED] recalled your being in	11:45:46

1	the pool there at Our Lady Queen of the Angels with	11:45:53
2	Father Ferris, that's not something that you have any	11:45:57
3	knowledge of?	11:46:00
4	A. None whatsoever.	11:46:01
5	Q. Or any inappropriate conduct, that's not	11:46:03
6	something that you have any knowledge of?	11:46:05
7	A. No, I don't even think I had -- brought a	11:46:08
8	swimming suit because I -- I just wasn't a swimmer.	11:46:11
9	Q. If I'm not mistaken, one of the -- one of the	11:46:15
10	policies that was implemented while you were Archbishop	11:46:23
11	was the practice of giving notices to the parishes at	11:46:27
12	which a priest who had been accused of molesting	11:46:33
13	children had served. Is that accurate?	11:46:35
14	A. Yes.	11:46:38
15	Q. And so that I'm getting it right -- I don't	11:46:39
16	want to -- what was the policy that you created in that	11:46:42
17	regard? Or implemented. I'm sorry. That's a better	11:46:45
18	way of saying it.	11:46:51
19	A. If we -- if we had a priest where there is a	11:46:52
20	valid, believable accusation, in a parish, we would	11:46:57
21	then -- obviously the priest would be taken out for	11:47:00
22	investigation, and normally we would then make	11:47:03
23	announcements in that parish.	11:47:07
24	Q. Just in the parish that the accusations arose	11:47:10
25	out of?	11:47:14

1	A. Yes, usually.	11:47:15
2	Q. Okay. Has that policy changed over time?	11:47:16
3	Meaning in more recent years, are there notices given	11:47:21
4	at each of the parishes the priest has served?	11:47:23
5	A. It depends on each case, and what CMOB	11:47:28
6	recommends, and we try to follow very carefully their	11:47:33
7	recommendations.	11:47:37
8	Q. If a complaint -- let's say a complaint were to	11:47:37
9	come in in recent years, 2008, a priest molesting	11:47:42
10	minor. Would the policy have been only to inform the	11:47:50
11	parish -- make an announcement at the parish at which	11:47:57
12	the priest was assigned at the time of the abuse?	11:48:01
13	A. It would probably depend on how long he's been	11:48:04
14	there, what his assignment record is, whether he's at	11:48:07
15	other places for a short time. It would just depend.	11:48:10
16	Q. Okay. But across the board you don't think	11:48:14
17	it's appropriate if there is a credible allegation that	11:48:19
18	a priest has abused a minor, even today, to have each	11:48:23
19	parish at which that priest has served have such an	11:48:29
20	announcement read? You don't think if it's a credible	11:48:34
21	allegation today that that's appropriate --	11:48:37
22	A. No.	11:48:37
23	Q. -- across the board?	11:48:39
24	A. No. Today we probably would.	11:48:40
25	Q. Okay. In 2008 would that occur?	11:48:42

1	A.	Most -- most cases, yes.	11:48:45
2	Q.	If it's a credible allegation. Okay.	11:48:48
3		I think we're up to 13 -- 14.	11:48:55
4		(Plaintiff's Exhibit 14 was marked for	11:48:55
5		identification.)	11:48:55
6	MR. DE MARCO:	Mr. Woods.	11:49:01
7	Q.	I'm not going to ask you to read through all	11:49:02
8		the names to begin with. Have you ever seen this	11:49:09
9		document before, Cardinal?	11:49:10
10	A.	Yes.	11:49:11
11	Q.	When is the first time you saw it?	11:49:12
12	A.	Probably in 2008.	11:49:14
13	Q.	What is it? What's its -- is this supposed to	11:49:17
14		be a list of priests that had been accused of sexual	11:49:20
15		abuse of minors?	11:49:24
16	A.	Sorry. I'm just reading --	11:49:46
17	Q.	Sure.	11:49:46
18	A.	-- the --	11:49:48
19	Q.	Sure. And I appreciate I asked you a --	11:49:48
20	A.	-- the top part.	11:49:48
21	Q.	-- question before you had a chance to review	11:49:50
22		it. Is this a list of priests that have been accused	11:49:51
23		of sexual misconduct with minors?	11:49:54
24	A.	Actually, it's a list of priests whose names	11:49:57
25		somehow were involved in an allegation or made public,	11:50:02

1	like in a lawsuit.	11:50:05
2	Q. Right. Of allegation or made public	11:50:06
3	allegations of what?	11:50:12
4	A. Of sexual misconduct with a minor.	11:50:12
5	Q. Okay. So each one -- and how -- were you at	11:50:16
6	all involved in the preparation of this document?	11:50:21
7	A. No.	11:50:24
8	Q. Do you have any idea as to how it came into	11:50:25
9	being?	11:50:27
10	A. Yes. I -- my recollection, we settled, had our	11:50:29
11	global settlement, in late summer of 2007, financial	11:50:35
12	settlement in December, and then sometime early in 2008.	11:50:40
13	we wanted to be sure we had not missed anybody.	11:50:48
14	Q. Right.	11:50:52
15	A. Because we had certain names in lawsuits. But	11:50:53
16	we went through -- we got a team --	11:50:56
17	Q. Right.	11:50:58
18	A. -- primarily the FBI agents and others, and	11:50:58
19	went through every file we own.	11:51:00
20	Q. Okay. Was that something that you gave	11:51:02
21	instruction to do?	11:51:04
22	A. Yes.	11:51:05
23	Q. And was the instruction to let's make sure this	11:51:05
24	is as complete a list as we can possibly do?	11:51:08
25	A. Yes.	11:51:10

1	Q.	Of all the folks that as of October 2008 had	11:51:12
2		been accused, publicized, whatever, but a -- sexual	11:51:15
3		misconduct with a minor?	11:51:20
4	A.	Yes.	11:51:21
5	Q.	Okay. Do you have any knowledge of this	11:51:21
6		document ever being made public?	11:51:26
7	A.	Yes. It was placed on our website.	11:51:29
8	Q.	Okay. When do you think it was placed on your	11:51:31
9		website?	11:51:33
10	A.	I suspect October 2008, but I don't have any	11:51:34
11		knowledge.	11:51:38
12	Q.	Don't know for certain exactly --	11:51:39
13	A.	No.	11:51:40
14	Q.	-- when it was published?	11:51:41
15	A.	No.	11:51:44
16	Q.	Okay. All right. We're running short on time	11:51:44
17		but --	11:51:47
18	A.	But what's really about this document too is	11:51:48
19		that -- to notice the status, right-hand column status,	11:51:51
20		of all these folks.	11:51:56
21	Q.	Right.	11:51:57
22	A.	They're either dead or gone. Nobody is left.	11:51:58
23		And in fact when this was given to the LAPD, they said	11:52:02
24		don't send us names of any more deceased priests.	11:52:05
25		So --	11:52:12

1	Q.	Okay. I now only have a few more minutes. I'd	11:52:12
2		like to ask a couple questions. Do you remember a	11:52:17
3		priest by the name of Carlos Rene Rodriguez?	11:52:19
4	A.	Barely. I believe --	11:52:24
5	Q.	A Vin --	11:52:24
6	A.	-- a religious priest.	11:52:24
7	Q.	Vincentian?	11:52:25
8	A.	Yes.	11:52:26
9	Q.	Okay. Do you remember him being a priest that	11:52:27
10		was accused of molesting children?	11:52:29
11	A.	Yes, I do.	11:52:31
12	Q.	Okay. And was sent also to a treatment	11:52:33
13		facility?	11:52:38
14	A.	It was handled entirely by the Vincentian	11:52:38
15		community.	11:52:41
16	Q.	Okay.	11:52:42
17	A.	His superiors.	11:52:42
18	Q.	Do you have any recollection of him being given	11:52:44
19		assignment in Los Angeles after having gone to	11:52:50
20		treatment?	11:52:53
21	A.	Yes. My recollection was that when he got back	11:52:55
22		from treatment, he was sent to their St. Mary's	11:53:00
23		Seminary in Santa Barbara.	11:53:03
24	Q.	Right.	11:53:05
25	A.	And I don't know how this happened, but either	11:53:05

1	the provincial or somebody -- provincial or someone in	11:53:09
2	the order said that he would be available for some	11:53:17
3	position to help out in counseling that didn't involve	11:53:22
4	children.	11:53:26
5	Q. The Office of Family Life, Marriage Encounter,	11:53:27
6	Engaged Encounter?	11:53:33
7	A. That's right.	11:53:33
8	Q. And the thought was that in those positions he	11:53:35
9	would not come in contact with children?	11:53:36
10	A. That's correct.	11:53:38
11	Q. Okay. So you approved of his being assigned up	11:53:39
12	to the Santa Barbara area and working in that office	11:53:43
13	doing those functions?	11:53:46
14	A. Yeah, I'm not sure I approved it, but it was	11:53:47
15	approved.	11:53:50
16	Q. Okay. Why let him back into Los Angeles? He's	11:53:51
17	a religious order priest. The Vincentians operate in	11:53:56
18	multiple dioceses, yes?	11:54:00
19	A. Yes, they do.	11:54:02
20	Q. Why have him come back to L.A.?	11:54:03
21	A. That was their seminary. St. Mary's was one of	11:54:05
22	their -- their facilities.	11:54:11
23	Q. Right.	11:54:13
24	A. And they chose it. And I don't know why they	11:54:13
25	chose it, but I had no objection. They were in charge	11:54:17

1	of him. They were responsible for him, and they were	11:54:21
2	supposed to supervise him. So --	11:54:24
3	Q. Except for when he's working in the Office of	11:54:27
4	Family Life or doing Engaged Encounter Or Marriage	11:54:29
5	Encounter, yes?	11:54:31
6	A. Yes. And which was very part-time.	11:54:32
7	Q. Okay. Now, at some point in time he was	11:54:35
8	laicized, Father Rodriguez was. Do you have any	11:54:40
9	recollection of that?	11:54:44
10	A. I don't.	11:54:45
11	Q. Let me ask you this: Have you heard of the	11:54:45
12	Saint Vincent DePaul Society Los Angeles Council?	11:54:47
13	A. There is a council, yes.	11:54:52
14	Q. Does that Saint Vincent DePaul Society have any	11:54:55
15	corporate relationship with the Archdiocese of Los	11:54:59
16	Angeles?	11:55:03
17	A. No.	11:55:03
18	Q. None at all?	11:55:03
19	A. None.	11:55:04
20	MR. DE MARCO: Okay.	11:55:08
21	MR. HENNIGAN: You're just about there.	11:55:11
22	MR. DE MARCO: Yeah, I know. I know.	11:55:12
23	Q. But suffice it to say with regards to Carlos	11:55:15
24	Rene Rodriguez, did you have any personal dealings with	11:55:18
25	him prior to him becoming a priest?	11:55:23

1	A.	Not that I'm aware of.	11:55:27
2	Q.	Okay. Are you aware that he was a deacon in	11:55:27
3		the Stockton Diocese while you were Bishop there?	11:55:30
4	A.	As a Vincentian?	11:55:35
5	Q.	He was not yet ordained.	11:55:37
6	A.	Oh. Well, he was --	11:55:39
7	Q.	He was a deacon.	11:55:39
8	A.	He was a deacon.	11:55:40
9	Q.	Right. He had gone through seminary training,	11:55:41
10		my understanding. Do you -- did you have any dealings	11:55:43
11		personal with him? Did you know him at that time?	11:55:45
12	A.	Was he a Vincentian deacon?	11:55:47
13	Q.	I'm not sure. I know he was a --	11:55:51
14	A.	Because we --	11:55:51
15	Q.	-- deacon out of a parish, I believe, in Crow's	11:55:51
16		Landing.	11:55:54
17	A.	Okay. Yes. The reason I was asking is because	11:55:55
18		they have the parish over there in Patterson.	11:55:57
19	Q.	Okay.	11:56:00
20	A.	Crow's Landing is a mission of Patterson.	11:56:00
21	Q.	Okay.	11:56:03
22	A.	The Vincentians staffed it.	11:56:03
23	Q.	Okay.	11:56:06
24	A.	And they assign the men there. So I was not	11:56:06
25		aware.	11:56:08

1	Q. Okay.	11:56:09
2	A. But if he would have been there, he would have	11:56:09
3	been there in their parish under their supervision.	11:56:11
4	Q. Okay. And were you aware that he requested --	11:56:15
5	or his superiors requested that you be the bishop, the	11:56:23
6	Archbishop, that ordained him here in Los Angeles?	11:56:27
7	A. I don't remember that.	11:56:29
8	Q. Okay. You had no relationship, knowledge of	11:56:30
9	him, other than him becoming a priest and him just	11:56:35
10	being one of the many priests in the Archdiocese?	11:56:39
11	A. That's right.	11:56:41
12	MR. DE MARCO: Okay. Are we right there?	11:56:42
13	MR. HENNIGAN: Yep.	11:56:45
14	MR. DE MARCO: I -- and pursuant to our	11:56:46
15	agreement, I just want --	11:56:47
16	MR. HENNIGAN: I appreciate it.	11:56:47
17	MR. DE MARCO: -- a record for it. Okay?	11:56:48
18	MR. HENNIGAN: I appreciate it.	11:56:48
19	MR. DE MARCO: I am nowhere near done with what	11:56:49
20	I believe would be relevant questions.	11:56:52
21	MR. HENNIGAN: Yes, you are.	11:56:53
22	MR. DE MARCO: We -- you may disagree. We	11:56:54
23	probably have more discussions, if not, but we have	11:56:57
24	agreed for the initial session that it would be four	11:57:00
25	hours and we would discuss later whether or not more	11:57:03

1	sessions and time was necessary.	11:57:06
2	MR. HENNIGAN: Okay.	11:57:07
3	MR. DE MARCO: Okay?	11:57:07
4	MR. HENNIGAN: I appreciate it.	11:57:08
5	MR. DE MARCO: Okay. Cardinal --	11:57:09
6	THE WITNESS: Thank you.	11:57:09
7	MR. DE MARCO: -- thank you for -- oh, wait.	11:57:11
8	Not off the record yet. Takes less than a minute.	11:57:12
9	MR. WOODS: I want to say something on the	11:57:15
10	record too.	11:57:16
11	MR. DE MARCO: Yes. Yes.	11:57:17
12	MR. WOODS: I just want to remind everyone that	11:57:20
13	there is an order issued by Judge Elias that no	11:57:22
14	depositions or any other discovery are to be made	11:57:27
15	public without first making necessary redactions in	11:57:28
16	accordance with her order and presenting those	11:57:34
17	redactions to the opposing side, which has a certain	11:57:36
18	amount of time to agree or not agree on this.	11:57:39
19	MR. DE MARCO: Mr. Woods, I have discussed with	11:57:43
20	Mr. Hennigan prior to the deposition our understanding	11:57:46
21	of that and our understanding that those protective	11:57:49
22	orders make it so none of us can talk about what was	11:57:51
23	testified here to today without going through that	11:57:56
24	process first.	11:57:59
25	MR. HENNIGAN: Thank you.	11:58:01

1	MR. DE MARCO: Okay? Still on the record just	11:58:02
2	a moment, I -- we have a trial date in this case of	11:58:05
3	April 2nd. I have a trial subpoena. I'd like to,	11:58:07
4	Cardinal, hand you the trial subpoena in the envelope.	11:58:11
5	And then there is another case we were acquainted with	11:58:15
6	a few years back, the Santillan case up in Fresno,	11:58:19
7	which we have a trial date on April 24th of this year,	11:58:22
8	and I wanted to hand a trial subpoena here to the	11:58:27
9	Cardinal for that matter.	11:58:30
10	Okay? That -- any kind of stipulations we want	11:58:34
11	to enter into regarding the care and treatment of the	11:58:39
12	transcript?	11:58:41
13	MR. HENNIGAN: Original to me.	11:58:43
14	MR. DE MARCO: That's fine.	11:58:45
15	MR. HENNIGAN: Signature --	11:58:46
16	MR. DE MARCO: You tell me.	11:58:49
17	MR. HENNIGAN: Thirty days?	11:58:51
18	MR. DE MARCO: That's fine. Until we see an	11:58:52
19	original, a certified copy, unsigned, can be used for	11:58:56
20	any and all purposes a signed original could be used	11:58:59
21	for. And if for any reason the signed original isn't	11:59:01
22	available at the time of trial or any proceedings, a	11:59:04
23	certified unsigned copy can be used for any such	11:59:07
24	purposes.	11:59:10
25	MR. HENNIGAN: Okay.	11:59:11

1 | MR. DE MARCO: Okay. | 11:59:11

MR. DE MARCO: Okay.

11:59:11

2 THE WITNESS: And I might add, if we don't have 11:59:13

THE WITNESS: And I might add, if we don't have

11:59:13

3 | a Pope by April 2nd, you won't see me here. 11:59:15

a Pope by April 2nd, you won't see me here.

11:59:15

4 THE VIDEOGRAPHER: This deposition is now 11:59:19

THE VIDEOGRAPHER: This deposition is now

11:59:19

5 | concluded. The time is 11:59 a.m. 11:59:20

concluded. The time is 11:59 a.m.

11:59:20

6 (Ending time: 11:59 a.m.)

(Ending time: 11:59 a.m.)

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF LOS ANGELES)
4

5 I, the undersigned, declare under penalty of
6 perjury that I have read the foregoing transcript and I
7 have made any corrections, additions, or deletions that
8 I was desirous of making; that the foregoing is a true
9 and correct transcript of my testimony contained herein.

10 EXECUTED this ____ day of _____
11 201__, at _____, _____.

12

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14

15

16

CARDINAL ROGER MAHONY

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EXHIBIT “9”

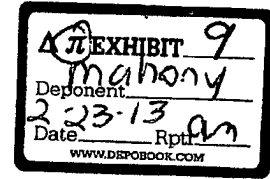
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6 Archdiocese of Los Angeles

7
8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF FRESNO

10
11) Case No. CV022793
12 ROBERT DOE,)
13 Plaintiff,)
14)
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22 PROPOUNDING PARTY: Plaintiff Robert Doe
23 RESPONDING PARTY: Custodian of Records, Archdiocese of Los Angeles
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26
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The Archdiocese of Los Angeles responds to the deposition subpoena for production of business records propounded by Plaintiff Robert Doe by production of the attached documents, bates numbers ALLI 00001 through ALLI 00037.

Dated: March 21, 2005.

HENNIGAN, BENNETT & DORMAN, L.L.P.
J. Michael Hennigan
Donald F. Woods, Jr.

By: Donald F. Woods, Jr.

Attorneys for the Roman Catholic Archbishop of
Los Angeles, a corporation sole, also known as
the Archdiocese of Los Angeles

Verification

I, Monsignor Craig A. Cox, declare:

1. My business address is Monsignor Craig A. Cox, Archdiocese of Los Angeles, Vicar for Clergy Office, Archdiocese Catholic Center, 3424 Wilshire Boulevard, 11th Floor, Los Angeles, California 90010-2241.

2. I am and have been since January 2001 the Vicar for Clergy for The Roman Catholic Archbishop of Los Angeles, a corporation sole, also known as the Archdiocese of Los Angeles (the "Archdiocese").

3. I am a custodian of records for the clergy files of the Archdiocese

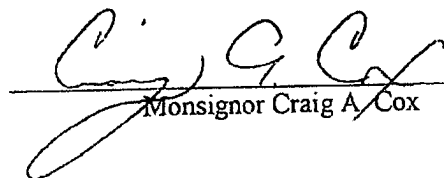
4. I am delivering herewith true copies of the documents described in the subpoena to the attorneys listed in the proof of service.

5. These records were found in the files of the Archdiocese.

6. The document, bates number ALLI 00003, did not copy well, despite numerous attempts to change the level of darkness of the copy. Therefore, in February, 2005, I prepared a transcript, taken from the original document, bates number ALLI 00003. The transcription has the bates number ALLI 00037, and is being provided as a courtesy. Bates number ALLI 00037 is an exact transcription of the document with bates number ALLI 0003 and I hereby verify its accuracy.

Executed this 22nd day of March, 2005, at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Monsignor Craig A. Cox

PROOF OF SERVICE

I declare as follows:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 601 South Figueroa Street, Suite 3300, Los Angeles, California 90017. On March 22, 2005, I served the foregoing document described as **Response to Deposition Subpoena for Business Records** on the interested parties in this action as follows:

- ☐ by transmitting via facsimile the documents listed above to the fax number set fourth below on this date. This transmission was reported as complete without error by a transmission report issued by the facsimile machine upon which the said transmission was made immediately following the transmission. A true and correct copy of the said transmission is attached hereto and incorporated herein by this reference.
- ☒ by placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☐ by placing the document listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered as set forth below.

Raymond P. Boucher
Anthony M. DeMarco
Kiesel Boucher & Larson LLP
8648 Wilshire Boulevard
Beverly Hills, California 90211-2910

Carey Johnson
Stammer, McKnight, Barnum & Bailey
2540 West Shaw Lane, Suite 110
Fresno, California 93711

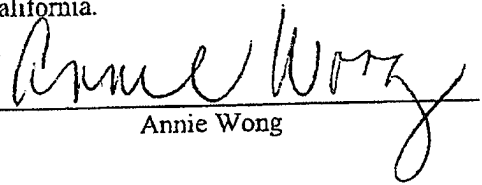
- ☐ by personally delivering the document listed above to the persons at the address set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postal meter date is more than one day after date of deposit for mailing in affidavit.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on March 22, 2005, at Los Angeles, California.


Annie Wong



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES 15, CALIFORNIA
DUrkirk 8-8101

November 18, 1963

His Excellency
Most Reverend Bernard T. Espelage, OFM, D.D.
The Chancery Office
P.O. Box 1338
Gallup, New Mexico

Your Excellency:

This office has received an enquiry concerning
Reverend ANGELICO FLAMM, OFM, who we understand is assigned
to the Navajo Indian Reservation in New Mexico.

Our purpose is simply to confirm this information.
Any assistance that your office might be in this regard will
be deeply appreciated.

With sentiments of profound esteem, I am

Sincerely yours,

Reverend John B. Thom
Assistant Secretary

Gallup, N.M. November 21, 1963.

Dear Rev. Father:- We have no idea of who this Rev. ANGELICO FLAMM IS AND
he certainly is not work on the Navaho Indian Reservation and we have never
hear of him^{ing} Sorry at being unable to help you.

+ Bernard T Espelage *BTE*
Bishop of Gallup.

ALLI 00001

ST. JUDE MISSION
P. O. Box 258
TUBA CITY, ARIZONA

November 22, 1963

Rt. Rev. Msgr. Joseph J. Truxaw
Church of the Immaculate Conception
1433 W. Ninth Street
Los Angeles 15, California

Dear Monsignor:

Your note was forwarded to me in yesterday's mail. The same mail brought a letter from Father Allison. In his letter Father told of a request for Mass stipends sent to him by Father Flann of Window Rock, Arizona. He said he procured \$50 in Mass stipends from you and sent the money to Father Flann. He wonders if I have received the money, because you, Monsignor, want verification of the fact.

Unfortunately, I must inform you that I am in complete ignorance of any such transaction. I sent no letter to Father Allison; I did not know his address until yesterday. Incidentally, his letter to me in yesterday's mail was quite correctly addressed.

Last evening I phoned my superior at St. Michael's Mission (three miles from Window Rock), in the hope that he might know something of this matter. He said our Bishop was recently asked for information about a Father Angelico Flemm, O.F.M. Apparently the request came from you or your Chancery Office. I fear the name is fictitious, Monsignor.

The whole situation smacks of deception--somewhere along the line. Let me offer this bit of information; perhaps you are not aware of it. Father Allison was here in the diocese for a year or so, perhaps three years ago. He was assistant to Father James Lindenmeyer, Our Lady of Guadalupe Church, 224 S. Kendrick St., Flagstaff, Arizona. Father Allison's record there was not, as I have heard from the Padres, commendable--though I am not cognizant of very many details. Father Lindenmeyer can fill you in, if you wish to write to him.

If I am speaking out of turn, I shall ask Father Allison's forgiveness. I do hope you will soon solve the present difficulty.

Sincerely in Christ,

Father Flann O'Neil, O.F.M.
Father Flann O'Neil, O.F.M.

ALLI 00002

Church of Our Lady of Guadalupe

224 SOUTH KENDRICK
FLAGSTAFF, ARIZONA

November 30, 1965

Right Reverend Joseph Francis
Immaculate Conception Church
1475 West Main
Flagstaff, Arizona

Right Reverend and Dear Monsignor:

This is in answer to your letter of November 29th which
arrived in this morning's mail.

Father William Allison is well known to me since he was
an assistant in this parish for some time. He returned here
in charge of the Roman Club work and in that capacity, assisted
in the work of the club. The money given him by the diocese for the
Roman Club was not accounted for; and I believe that money
was to several months. He was left unpaid and collectors
are still in search of him. I had no indication whatever that
he was taking anything from the collection. He is a man of very
intense not the least of which is his preaching ability, and his
personable appeal.

It is my own opinion that his financial difficulties arose
from a number of sources, and this I do, respectfully, understand.
Like you, I too was concerned about his situation but never doubt
I gave anything; never did I receive any complaint during his stay
here. In fact he did great work with the Roman Club and accomplished
a great deal for the parish. Since he left, however, there seems
to be in the parish some talk of incidents involving him and I
have no reason whatever to doubt their word. The one boy who
walked away from the Sacraments for a long time due to embarrassment
and confusion. Monsignor, this man needs help but in my opinion
the place is not in a parish. I do not understand how he can go
from one place to another and so easily be given a position.

I would request that all this be kept in the strictest con-
fidence, just at the level of the Confessional. I do not want Fr.
Allison to know about this for I do not wish to be involved in
such matters again. He refuses to return to Viacelli. Now,
perhaps, you think of something else. I pray that he can be helped.
In my opinion the only reason he has not been helped previously is
because he refused the help.

In your letter you mentioned that you had a surplus of Mass
stipends. One of the parishes here in town, St. Paul II, is in
need of Masses and there are others in the diocese.

Should there be anything additional I can do, please do not
hesitate to call on me.

Faithfully in Christ,
James Lindenberg
Pastor - St. Paul II

ALLI 00003

ST. JUDE MISSION

P. O. Box 258

TUBA CITY, ARIZONA

November 22, 1963

Dear Father Allison,

Good to hear from you. Hope all is going well at your end.

Regarding the Mass stipends you sent to me, I fear I can give you no information--other than the fact that I have not received any from you. It is possible that someone used my name, though I hope not--because Mass stipends are of serious concern. Sorry I can give you nothing more definite on this.

Wintry weather moved in a few days ago. Flagstaff had its first snowfall today--two inches. Tonight our temperature here is 30.

Take care of yourself, Father. You are in my prayers. Remember me now and then in yours.

Father Flann

ALLI 00004

Church of the Immaculate Conception
1433 West North Street
Los Angeles 15

Nov 2 6th

Monsignor:

I received the attached letter in your absence and leave it here lest you arrive on my off day.

When no acknowledgment arrived I wrote Fr. Flamm and the enclosed letter is the answer. It is the first time in my life I have ever sent intensions to anyone and will never do it again unless personally. In keeping with the law I will either assume the obligation of the Masses or refund the money to the fund.

I have sent off a letter to a former friend of mine, who formerly managed the Ramada Inn in Flagstaff and, who for the past three years, has run an Indian Trading Store near the Window Rock Mission area, see if he can find out anything for me. He might run the post office there as so many store owners do in that area. I have delved into my mind trying to figure out who could have done this with so much information. The letter of request mentioned Fr. Lindenmeyer and Mary Wynn of Flagstaff. Mary Wynn is the only one in Flag who has my immediate address, and from whom the address was supposed to have been received. The letter of request was headed Catholic Indian Mission, Window Rock, Arizona to which, of course, I sent the answer.

Bill
(Allison)

224 SOUTH KENDRICK
FLAGSTAFF, ARIZONA

2. 1. 1950

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1944-1945

THE UNIVERSITY OF CHICAGO

[illegible][illegible]

1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is responsible for the study. The investigator must first identify the problem and then determine the scope of the study. The next step is to design the study. This involves determining the methods to be used and the data to be collected. The third step is to collect the data. This is done by the investigator who is responsible for the study. The fourth step is to analyze the data. This involves determining the results of the study and the conclusions that can be drawn. The final step is to report the results. This is done by the investigator who is responsible for the study.

... ..

SECRET

James Lindenberg

Ref. William Allison

Confidential

~~Agnes's extended~~
Les. Wm. Allison
to Oct. 31st

OK Best
supplies at a time Sept. 26

EXHIBIT “1”



MEMORAN M

January 10, 1988

FM: Monsignor Curry
TO: Archbishop Mahony
RE: Father Nicolas Aguilar- vera

In March 1987, Father Rivera, a priest of the Diocese of Tehuacan, Mexico, asked if he could work in the Archdiocese. We appointed him to assist pro tem in Our Lady of Guadalupe (Rosehill), and after we received a confidential letter from his Bishop, we appointed him Associate to Father James Barnes at St. Agatha (May 1987). His Bishop stated that he had come to the United States because of family problems and for health reasons. Father Rivera is forty-six and was ordained in 1970.

On Friday last, Father Bill McLean called me to tell me two of the families in his parish told him that Father Rivera had abused their children. One incident apparently took place over Christmas, when Father Rivera stayed at their house, and another took place at St. Agatha's during the summer, when the family visited him there. According to one of the families, he was involved with their children also, but Father McLean has not spoken to them.

I saw Father Rivera at St. Agatha's on Saturday morning and told him he could not serve in this Archdiocese until a full investigation took place, and that his faculties were withdrawn, and that his Bishop would have to be informed of the accusations. I offered to find a place for him to live until he could make other arrangements, but he volunteered that he would stay with his sister here and leave for Mexico on Monday or Tuesday of this week. He denied all the allegations.

I found out on Saturday that the principal of the school at Our Lady of Guadalupe has been informed of the accusations, so she will be obliged to report it to the police.

I asked Father McLean to encourage the parents to see me, and I will keep in contact with him. I have consulted with Sister Judith Murphy.

EXHIBIT “2”



ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3288

COPY

FILE

30 de Marzo de 1988

Office of the Archbishop

Revdm. Norberto Rivera C.
Obispo de Tehuacán
Apartado Postal 137
75700 TEHUACAN
Puebla
MEXICO

EXHIBIT	2
Deponent	Mahony
Date	2-23-13 am
Rptr	an
WWW.DEPOBOOK.COM	

Muy Estimado Monseñor Rivera:

Acabo de recibir hoy mismo su atenta carta con la fecha de 17 de Marzo de 1988.

Quiero responderle a Vd. inmediatamente porque yo estoy sorprendido y trastornado por estas palabras en su carta: "En la carta de presentación del 27 de enero de 1987 incluí una fotografía de identificación y en carta CONFIDENCIAL del 23 de marzo del mismo año le hice un resumen de la problemática homosexual del Padre." Quiero decirle que yo no he recibido ninguna carta de Vd. con la fecha del 23 de marzo de 1987, ni otra información tocante a "la problemática homosexual del Padre."

Yo le mando una copia de su carta del 27 de enero de 1987, con la fotografía de identificación. En esta carta Vd. me escribió: "Por motivos familiares y por motivos de salud el Padre Nicolás Aguilar Rivera, Cura Párroco de Cuacnopalan, Pue., perteneciente a ésta Iglesia de Tehuacán, desea permanecer por Un Año al servicio de la Arquidiócesis de Los Angeles." Basado en sus palabras "Por motivos familiares y por motivos de salud" yo acepté el Padre Nicolás Aguilar Rivera para servir aquí en esta Arquidiócesis.

Estoy muy confundido, porque en la carta del 27 de enero de 1987, Vd. no mencionó ningún otro problema personal de la parte de este Padre Aguilar. Si Vd. me ha escrito que el Padre Aguilar tenía algún problema "homosexual," le aseguro que no lo hemos recibido aquí en esta Arquidiócesis. Tenemos aquí en la Arquidiócesis de Los Angeles un plan de acción bastante claro: no admitimos ningún sacerdote aquí con cualquier problema homosexual.

Es tan urgente que Vd. me mande, por favor, una copia de esta carta con la fecha 23 de marzo de 1987. No la hemos recibido, y ya es una situación muy grave porque Vd. supo el 27 de enero de 1987 que el Padre Aguilar tenía problemas homosexuales, y no compartió esta información conmigo ni con los oficiales de nuestra Arquidiócesis de Los Angeles en su primera carta.

Revdmo. Norberto Rivera C.
30 de Marzo de 1988
Página dos

No puedo acentuar que ya tenemos una situación más grave porque yo hice una decisión a dar al Padre Aguilar un nombramiento temporáneo aquí basada en su carta del 27 de enero de 1987.

Voy a compartir con La Policía de Los Angeles su carta del 17 de Marzo de 1988, y espero que ellos puedan ubicarlo allá en México.

Le pido a Vd. que todos los sacerdotes de la Diócesis de Tehuacán oren por los niños y jóvenes afectados por las acciones del Padre Aguilar.

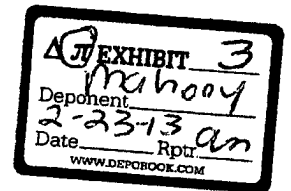
Sinceramente en Cristo,

+ *Roger Mahony*
Revdmo. Roger Mahony
Arzobispo de Los Angeles

j

EXHIBIT “3”

Marzo 23 de 1987.



Excmo. Sr. Arzobispo
Don Rogelio Mahony
1531 West Ninth Street
Los Angeles, CA 90015-1194
U.S.A.

CONFIDENCIAL.

Excelentísimo Señor:

Lo saludo atentamente deseándole toda clase de bendiciones en el Señor.

Quiero presentar a usted al Sr. Pbro. Nicolás Aguilar Rivera el cual pidió permiso por un año para ausentarse de ésta Diócesis y trabajar en la Arquidiócesis de los Angeles, California.

El Padre Nicolás Aguilar Rivera venía desempeñando -- muy laudablemente su trabajo en la Parroquia de San Sebastián Cuacnopalan. Es un sacerdote estimado por sus compañeros sacerdotes y por el pueblo al cual sirvió.

Lo que causó su salida de la Parroquia fue una agresión física muy delicada, se sospecha que detrás de los -- conflictos que provocaron esa agresión física hay problemas de homosexualidad. Las acusaciones sobre homosexualidad del Sacerdote son varias sin que se haya comprobado -- ninguna, todo ha quedado a nivel de acusaciones y de sospechas.

Aprovecho la oportunidad para encomendarme a sus oraciones y repetirme de usted su hermano y servidor.

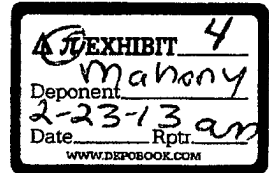
/ NORBERTO RIVERA C.
OBISPO DE TEHUACAN

C.C. a Mons. Tomás Curry, Vicario General del Clero.

EXHIBIT “4”

*Gobierno Eclesiástico
del
Obispado de Tehuacán
Aportado Núm. 137
75700*

Enero 27 de 1987.



Excmo. y Rvdmo. Sr. Arzobispo
Don Rogelio Mahony.
P r e s e n t e .

Muy estimado Señor Arzobispo:

Lo saludo atentamente deseándole toda clase de bendiciones en el Señor.

Por motivos familiares y por motivos de salud el Padre Nicolás Aguilar Rivera, Cura Párroco de Cuacnopalan, Pue., perteneciente a ésta Iglesia de Tehuacán, desea permanecer por Un Año al servicio de la Arquidiócesis de Los Angeles. No tengo ningún inconveniente en conceder el permiso si Su Excelencia lo acepta para que trabaje en su Iglesia Local.

Agradezco sinceramente las atenciones que pueda prestar al Padre Nicolás cuya fotografía de identificación incluyo.

Su hermano y servidor.

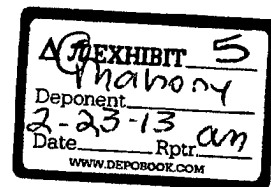
N. Rivera C.
NORBERTO RIVERA C.
OBISPO DE TEHUACAN



EXHIBIT “5”

*Gobierno Eclesiástico
del
Obispado de Tehuacán
Aportado Núm. 137
75700*

Marzo 17 de 1988.



Excmo. Sr. Arzobispo
Don Rogelio Mahony
1531 West Ninth Street
Los Angeles, CA 90015-1194
U.S.A.

CONFIDENCIAL.

Muy estimado Monseñor Mahony:

Al recibir hoy su carta doy contestación inmediata mente para agradecerle la información que me da sobre el Padre Nicolás Aguilar Rivera. Ha sido muy doloroso para mí recibir estas informaciones de parte de la Curia y por la prensa de Estados Unidos y de México.

Estoy totalmente de acuerdo con usted en que el Padre responda ante las Autoridades competentes de los crímenes que se le imputan.

El Sacerdote mencionado no ha regresado a ésta Diócesis y no cuenta por tanto con las licencias que se le concedieron por Un Año con motivo del permiso que solicitó para residir en Los Angeles. Puedo informarle que el Padre estuvo por más de diez años en la Parroquia de San Sebastián Cuacnopalan y sin duda alguna la Policía ahí puede encontrar mucha información.

El Padre es hijo del señor Senén Aguilar y Fortunata Rivera y nació en Huehuetlán el Chico, Puebla en donde también hay muchos familiares que pueden informar sobre él. Sé que varios familiares viven en los Angeles, California, no tengo idea ni de sus nombres ni de sus domicilios. Usted comprenderá que no estoy en la posibilidad de localizarlo y mucho menos de poderle enviar por la fuerza a que comparezca en los tribunales. Estoy en la mejor disposición de colaborar para que se haga justicia y para que se evite el escándalo.

En la carta de presentación del 27 de enero de 1987 incluí una fotografía de identificación y en carta CONFIDENCIAL del 23 de marzo del mismo año le hice un resumen de la problemática homosexual del Padre.

Aprovecho la oportunidad para encomendarme a sus oraciones y repetirme de usted su hermano y servidor.


NORBERTO RIVERA C.
OBISPO DE TEHUACAN

EXHIBIT “6”

Nicholas Aguilera-Rivera

January 10, 1988

EXHIBIT 6	
Deponent: Mahony	
Date: 2-23-13	Rptr: an
www.DEPOBOOK.COM	

On Friday, January 8, Father Bill McLean called me to say that a family had contacted him to say that a priest had abused their children. The mother would not give him the name of the priest. He called me later to tell me that another family had given him the name.

The Families are: [REDACTED] and [REDACTED], L.A., [REDACTED], [REDACTED], and [REDACTED] and [REDACTED], [REDACTED], L.A., [REDACTED], [REDACTED]. He also believes that the family of [REDACTED] and [REDACTED], [REDACTED], L.A., [REDACTED] is also involved.

He mentioned that they were all trustworthy people. On incident took place with a boy from Lupe Mendoza's family last summer. The family went to visit St. Agata's and Father Rivera took one of the boys out to lock the church, and an incident occurred at that time. Another incident is alleged to have happened at Christmas when Father visited the other [REDACTED] family. There was a good deal of drinking, and the family asked him to stay. He slept in the room with the children and is supposed to have gotten into bed with one of the boys that night. It appears the [REDACTED] had told [REDACTED] about some problem with their children, but she did not believe them and asked him over for Christmas.

The parents were reluctant to talk to Father McLean, because they felt he would have a bad opinion about Latin priests. The children involved are: probably a seventh and fifth grader for the family of [REDACTED] and a fourth grader and a fourteen-year-old from the family of Valentina [REDACTED]. All except the fourteen year old attend Our Lady of Guadalupe school. The children have been talking among themselves. The parents have also discussed the matter between themselves.

I spoke to Sister Judith Murphy [REDACTED]
[REDACTED] [REDACTED]

I spoke with Father Rivera at St. Agatha's on Saturday morning, January 9. I told Father he would have to leave and that the Archdiocese would pay for him to stay at a retreat house. He volunteered that he would stay with [REDACTED] sister in Venice [REDACTED] Blvd., [REDACTED] (213-7553), and that he would leave for Mexico on Monday or Tuesday. (Father Larry Estrada came to interpret.) He asked that his bishop not be told, and I said that would not be possible. I told him the charges as I knew them, although I did not give the names of the families. He denied all, although he admitted that there was a good deal of drinking at Christmas. I told him that it was likely the accusations would be reported to the police and that he was in a good deal of danger.

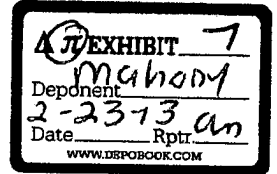
On Saturday afternoon, January 9, Father McLean called me to say that the first grade teacher had been told and she had told the principal. The teacher seemed to think she was not bound to report. I checked with Sister Judith Murphy, [REDACTED] [REDACTED] and I called Father McLean back and told him this. They had just found out the previous day. He told me that Father Rivera had called the parents sometime during this week and that they were both cold to him.

EXHIBIT “7”



ARCHDIOCESE OF LOS ANGELES

1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3288



Office of the Archbishop

July 22, 1986

REDACTED

Director
Foundation House
Servants of the Paraclete
Jemez Springs, NM 87025-

REDACTED
Dear

I wish to acknowledge your letter of July 1, 1986 and the report on Monsignor Peter Garcia who was at your Foundation House for a follow-up workshop.

I am very grateful to you and to your staff for the care and concern which you are giving Monsignor Garcia, and I feel strongly that it would not be possible for Monsignor Garcia to return to California and to the Archdiocese of Los Angeles for the foreseeable future. The two young men who were involved with him and their parents have switched attorneys on several occasions, and I believe that if Monsignor Garcia were to reappear here within the Archdiocese we might very well have some type of legal action filed in both the criminal and civil sectors.

Since he is functioning well under your supervision and within the Archdiocese of Santa Fe, I would strongly recommend that we keep him on this course and not attempt anything different.

Thanking you again for your tremendous assistance in treating Monsignor Garcia and with every best wish, I am

Sincerely yours in Christ,

Most Reverend Roger Mahony
Archbishop of Los Angeles

cc: Most Reverend Juan Arzube
Most Reverend Robert F. Sanchez
Monsignor Thomas Curry

eb

EXHIBIT “8”

EXHIBIT 8	
Deponent <u>Mahony</u>	
Date <u>2-23-13</u>	Rpt. <u>an</u>
WWW.DEPOBOOK.COM	

MEMORANDUM

CONFIDENTIAL

DATE: January 26, 1988
 FROM: Msgr. Curry
 TO: Archbishop Mahony
 RE: Rev. Nicolas Aguilar-Rivera

This concerns the Mexican priest who was assigned to St. Agatha and was accused of abusing children from Our Lady of Guadalupe. The police are making every effort to obtain the list of altar boys from St. Agatha's. Father Jim Barnes is very reluctant to give it to them, and I support that decision. We have no evidence that Father Aguilar-Rivera was involved with altar boys as such. All the boys involved were members of families he was friendly with in Our Lady of Guadalupe, and the alleged abuse took place while he was visiting these families or while they were visiting him.

Father Barnes has no knowledge of his being involved with boys at St. Agatha's, and his concern is that if the police come and interview the boys, the matter will spread around the parish. The parish there is a Black-Hispanic one, and he finds his situation as an Anglo pastor a very delicate one. He and I are also concerned about the police interviewing boys about this matter when we have no reasonable suspicion they know anything about it. If, in fact, nothing happened at St. Agatha's, such interviews may have a negative effect on the boys, their families, and the parish.

The whole issue of our records is a very sensitive one, and I am reluctant to give any list to the police.

We are being friendly but firm, and both Sister Judy and I are in contact with the police on this matter.

*We ~~cannot~~ give such a list for no cause
whatsoever.*

+ RMM

1-26-88

EXHIBIT “10”



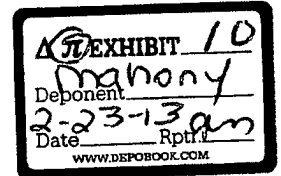
ARCHDIOCESE OF LOS ANGELES
1531 WEST NINTH STREET
LOS ANGELES, CALIFORNIA 90015-1194
(213) 251-3200

COPY

OFFICE OF VICAR FOR CLERGY
(213) 251-3284

December 28, 1987

Rev. Santiago Tamayo
c/o REDACTED
St. James Medical Clinic
42 Mauricio Castro St.
Laoag City, Philippines



Dear Father Tamayo:

Thank you for your letters to me and to Archbishop Mahony. I understand from your letter that you would like to return to this Archdiocese. However, given all that has taken place, that does not seem advisable, and all the advisors to the Archdiocese counsel against it for the foreseeable future. Our lawyers also inform us that you are liable to personal suits arising out of your past actions. Therefore it is not advisable that you return at all to the United States. Such suits can only open old wounds and further hurt anyone concerned, including the Archdiocese.

After much consideration, it is the opinion of the Archdiocesan authorities that you should seek to settle elsewhere, and we encourage you to seek incardination in the Philippines. While you are pursuing this possibility, the Archdiocese would like to pay you a salary beginning as of December 1, 1987. I would appreciate your keeping me informed of your progress, so that both you and the Archdiocese can continue to assess your situation.

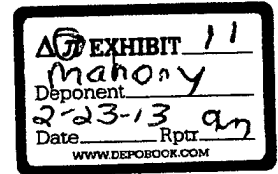
I do hope this will be of assistance to you, and that you will be able to find a suitable position there. Please be assured you have my prayers and best wishes during this transitional time.

Sincerely yours in Christ,

(Rev. Msgr.) Thomas J. Curry
Vicar for Clergy

/lbm

EXHIBIT “11”

MEMORANDUMNovember 8, 1987

To: Archbishop Mahony
From: Msgr. Thomas Curry
Re: Father Santiago Tamayo

Attached is some correspondence from Father Tamayo in response to the standard annual letter I send to all the priests who are outside the Archdiocese. (Father Tamayo was the pastor of SS. Peter and Paul, Wilmington, and was the only one of the seven Filipino priests involved in the ^{REDACTED} case who is incardinated.)

Sister Judy advises that he never return to the Archdiocese and I agree. He mentions being rehabilitated, but I never understood that any of the priests involved asserted that the charges were false. He is still personally liable for damages.

In checking with Frank Wallace, however, he does feel that according to Canon 1350, we are liable for some support. He even feels that there could be a claim for back pay. His advice is that we offer some help for a limited time while Father Tamayo is adjusting to life elsewhere and that we couch our offer in the language of the Canon. I think this is a wise approach.

*I concur - do you want
to write, or shall I?*

Thanks!

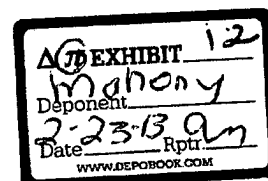
+ RMM

11-9-87

EXHIBIT “12”

THE ORDINARY MUTUAL ARI Retention Group Corporation

March 30, 1988



PERSONAL & CONFIDENTIAL

Most Reverend Roger Mahony
Archbishop of Los Angeles
1531 West Ninth Street
Los Angeles, California 90015

Dear Archbishop Mahony:

In compliance with the procedures for handling sexual misconduct incidents under the terms of the policy of The Ordinary Mutual, this is to advise you that no coverage exists for any acts of Father Nicholas Aguilar on and after Saturday, January 9, 1988 based upon allegations of sexual misconduct of which the Archdiocesan Sensitive Claim Team was made aware.

The Archdiocesan Team determined that there are sufficient grounds to suspect misconduct, but if it subsequently finds there are no grounds for the accusation full coverage will be retroactively restored and you will be given official notification. Otherwise, the procedures provide that you may apply to the Board of Directors of The Ordinary Mutual after the individual has had treatment and a minimum of five incident free years from the date coverage ceased, if you wish to request reinstatement of coverage on Father Aguilar.

Sincerely yours,

FMH/cc
cc: Sister Judy Murphy

PLEASE REPLY TO:

☐ GALLAGHER HEFFERNAN INSURANCE BROKERS,
UNDERWRITING MANAGERS
160 SPEAR STREET P.O. BOX 7443
SAN FRANCISCO, CALIFORNIA 94120-7443

TELEPHONE (415) 548-9300 EASYLINK 62927569
FACSIMILE (415) 543-1309 TELEX 5106013200

☐ AMERICAN RISK MANAGEMENT, INC. MANAGERS
5 BURLINGTON SQUARE P.O. BOX 1521
BURLINGTON, VERMONT 05402-1521

TELEPHONE (802) 852-4400
TELEX 957061



FILE COPY

Archdiocese of Los Angeles

Office of
Vicar for Clergy
(213) 637-72843424
Wilshire
BoulevardLos Angeles
California
90010-2141

March 3, 1997

Reverend George Miller
13270 Maple Drive
Saint Louis, MO 63127-1999

Dear George,

The last few months have held some momentous changes for all of us. The recent changes in the child abuse reporting law and the statute of limitations here in California have changed the way we have to look at many things in our personnel policies. I know that one thing these changes have meant is that we had to send you a message that you would not be able to return to priestly ministry here in Los Angeles. That was a very hard thing for us to say, especially since we have heard that your participation in treatment has been so excellent. I also know that it was an extremely hard thing for you to hear.

In light of that, I want to reassure you that the Archdiocese is still very desirous and willing to be of support and help to you. I also want to remind you that your vested interest in the Priests Pension Plan is secure. You can begin to collect pension benefits, regardless of your state of life, at age 70. Until that time, we will certainly be of whatever reasonable financial assistance we can. Whether you choose to return to Southern California or to live elsewhere, we will be open to assisting you in your transition from treatment. If you choose to try to seek a benevolent bishop (realizing that he will have to know your story to make an informed decision), to take the CPE course recommended by Saint Michael's, to seek some other employment or to look into some other option, we will cooperate in so far as we are able.

We fully understand that at sixty years of age, the concept of starting a new profession is a truly daunting challenge — one I really wish you did not have to face. Even so, some gainful employment is an important part of every person's life. A significant part of each person's dignity is the knowledge of contributing to his own support.

Please know that your welfare is very important to us. At the same time, we have to take into account the good of the entire Archdiocese as well.

I look forward to hearing from you as you complete treatment and make important decisions about your future. I will do all I can to be of help during this time of transition. You have been and will continue to be in my prayers each day.

PAX!

Reverend Monsignor Richard A. Loomis
Vicar for Clergy

8545

Pastoral Regions: Our Lady of the Angels San Fernando San Gabriel San Pedro Santa Barbara

CCI 001349

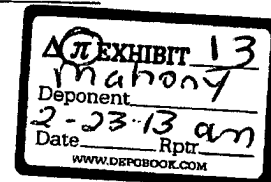


EXHIBIT “14”

FINAL ADDENDUM TO THE REPORT TO THE PEOPLE OF GOD

OCTOBER 2008

EXHIBIT	4
Deponent	Mahony
Date	2-23-13 am
Rptr.	
WWW.DEPBOOK.COM	

The Archdiocese of Los Angeles remains in full compliance with the U.S. Bishops' 2002 Charter for the Protection of Children and Young People. Reports of suspected abuse are reported to the proper civil authorities; the lay-led Clergy Misconduct Oversight Board reviews all complaints of misconduct by clergy; and, adults and children throughout the Archdiocese continue to be trained in abuse prevention and awareness techniques. These efforts have led to a dramatic decline in reports of sexual misconduct by clergy and employees in the Archdiocese.

The following list includes names of clergy from a follow up review of Archdiocesan files, and names of clergy involved in Clergy I litigation which were not previously posted. The final portion of the global settlement of clergy cases has been concluded. Consequently, further updates to the Report to the People of God are not anticipated.

Incardinated Priests of Archdiocese:

	<u>Accused</u>	<u>Diocese</u>	<u>Status*</u>
1.	Bouska, Jerome	Los Angeles	Retired, with restrictions
2.	Cunningham, Christopher	Los Angeles	Inactive Leave
3.	Farrell, Terrence	Los Angeles	Inactive Leave
4.	Feeney, John J.C.	Los Angeles	Deceased
5.	Grasha, Donald	Los Angeles	Inactive Leave
6.	Higson, John	Los Angeles	Lay State
7.	Hollinger, William	Los Angeles	Deceased
8.	Hurley, Daniel	Los Angeles	Deceased
9.	Newell, Jeffrey	Los Angeles	Inactive Leave
10.	O'Brien, Kenneth	Los Angeles	Deceased
11.	Perez Carillo, Antonio	Los Angeles	Canonically Suspended
12.	Rodriguez Macal, Saul	Los Angeles	Inactive Leave
13.	Sanchez, Jose	Los Angeles	Excommunicated
14.	Sintef, Michael	Los Angeles	Inactive Leave
15.	Ugarte, Jose	Los Angeles	Inactive Leave

Externs:

	<u>Accused</u>	<u>Country</u>	<u>Status*</u>
1.	Alonso, Jose	Mexico	Left Archdiocese
2.	Arias, Andres	Mexico	Deceased
3.	Corcoles, Candido	Spain	Left Archdiocese
4.	De Otero, Roberto	U.S. (Honolulu)	Unknown
5.	Feeney, John Patrick	U.S. (Milwaukee)	Denied faculties/ Unknown
6.	Hollenbach, Frank	U.S. (Marquette)	Left Archdiocese
7.	Ilagan, Jose Medrano	Phillipines	Left Archdiocese
8.	Jablonowski, Anthony	U.S. (Cheyenne)	Lay State
9.	Lopez Lopez, Fernando	Colombia	Lay State
10.	McCarthy, Kevin	Canada	Left Archdiocese
11.	Power, Vincent	U.K. (England)	Lay State
12.	Riebe, Loren	Mexico	Left Archdiocese
13.	Robinson, James	U.K. (England)	Left Archdiocese
14.	Savarianandam, Arulappan	India	Left Archdiocese

Order Priests/Brothers:

	<u>Accused</u>	<u>Order</u>	<u>Status*</u>
1.	Boley, Robert	Carmelite Fathers	Left Archdiocese
2.	Chandler, David	Paulist Fathers	Left Archdiocese
3.	Chong, Damien	Carmelite Fathers (Brother)	Unknown
4.	Doehr, Anselm	Missionary Servants of the Holy Trinity	Left Archdiocese
5.	Eslava, Joseph	Claretian Missionaries (Brother)	Deceased
6.	Finn, William	Carmelite Fathers	Left Archdiocese
7.	Kain, Steven	Franciscan Friars	Left Archdiocese
8.	Koerner, Robert	Oblates of Mary Immaculate	Deceased
9.	McAsey, Joseph	Society of Jesus	Deceased
10.	McKeon, Martin	Franciscan Friars	Deceased
11.	Moreno, Kolbe	Norbertine Fathers	Left Archdiocese
12.	Pereira, Anthony	Salesians of St. John Bosco	Left Archdiocese
13.	Puthenkandam, Joseph**	Carmelites of Mary Immaculate	Left Archdiocese
14.	Shelton, Charles	Franciscan Friars	Left Archdiocese
15.	Stiechen, Raymond	Salesians of St. John Bosco	Lay State
16.	Su, Stanislaus	Congregation of St. John Baptist	Unknown
17.	Sweeney, Francis	Paulist Fathers	Left Archdiocese
18.	Villoria, Luis	Claretian Missionaries	Left Archdiocese
19.	Wert, William	Carmelite Fathers	Left Archdiocese
20.	Wood, William	Society of Jesus	Left Archdiocese

- * Clergy listed as "Left Archdiocese" include those who left many years ago; information about the individuals is not maintained, including whether such persons are still alive.
- ** Not to be confused with extern priest with identical name who was never accused