

12:10:20 1 MR. WOODS: I'll let him answer that
2 question.
3 THE WITNESS: I don't remember having that
4 conversation.
12:10:25 5 BY MR. MANLY:
6 Q When is the last time you discussed
7 Father Baker with Mahony?
8 A Oh, I don't remember that.
9 Q You get the L.A. Times?
12:10:38 10 A I don't subscribe.
11 Q Do you read the L.A. Times?
12 MR. MANLY: I don't either. Did you get
13 all the laughing in the record? Could you put that
14 down? That was Mr. Woods.
12:10:56 15 BY MR. MANLY:
16 Q Do you read the media?
17 MR. WOODS: Object to the form of the
18 question.
19 THE WITNESS: I don't understand the
12:11:01 20 question.
21 MR. WOODS: "Media," it's vague and
22 ambiguous.
23 BY MR. MANLY:
24 Q You testified you would see newspaper
12:11:07 25 articles about cases earlier, so I assumed you read

12:11:10 1 the newspaper. Was that a wrong assumption on my
2 part?
3 A I read -- subscribed to newspapers in the
4 past, yes.

12:11:16 5 Q I see. Have you read about the
6 Father Baker case in the press?
7 A Yes.
8 Q Okay. It has been in the press a lot,
9 right?

12:11:23 10 A Recently?
11 Q Over the years.
12 A Yes.
13 Q So have you ever discussed any of those
14 articles with the Cardinal?

12:11:34 15 A At what time?
16 Q At any time.
17 A While I was Vicar for Clergy?
18 Q No, at any time.
19 A I don't remember that.

12:11:44 20 Q You don't ever remember discussing the
21 Baker case, the coverage of the Baker case in the
22 media with the Cardinal?
23 A No, I don't remember any conversations.
24 Q Have you ever discussed Father Baker with
12:11:55 25 Monsignor Loomis?

12:12:02 1 A I don't believe I have.
2 Q Have you ever discussed the Baker case at
3 any time with Father Dyer --
4 A Yes.
12:12:09 5 Q -- or Monsignor Dyer?
6 A Yes.
7 Q How many times have you discussed.
8 Michael Baker with Father Dyer or Monsignor Dyer?
9 A I couldn't estimate that.
12:12:24 10 Q Sure you could. Give me an estimate.
11 A No, I can't.
12 Q 20, 30, 50, 100?
13 A I don't know.
14 Q More than 5?
12:12:27 15 A I really don't know.
16 Q Well, do your best.
17 A Okay.
18 Q Has it been multiple conversations? One?
19 A I have had several conversations, yes.
12:12:33 20 Q And what does "several" mean to you?
21 A On a number of occasions.
22 Q And why did you have occasion to talk
23 about Baker with Dyer on several occasions, to use
24 your term?
12:12:47 25 A Because he and I knew about this

12:12:49 1 situation.

2 Q What situation?

3 A Baker's situation.

4 Q What are you talking about?

12:12:55 5 MR. WOODS: Object; argumentative.

6 BY MR. MANLY:

7 Q When you say, "situation," what do you
8 mean?

9 A I mean that he came in and confessed what
12:13:04 10 he had done and that we sent him to treatment and
11 that he lived with Father Dyer for sometime and that
12 Father Dyer was my successor.

13 Q Okay. And so Father Dyer knew he was a
14 molester when he took the Vicar for Clergy job?

12:13:21 15 A Father Dyer knew -- yes, he knew about the
16 record of Father Baker.

17 Q Do you know how many people -- as you sit
18 here today, do you know how many people have accused
19 Father Baker as molesting them as children?

12:13:35 20 A No.

21 Q Did you attend -- did you ever talk with
22 Father Baker -- let me ask you this, was there a
23 transition period between the time, Bishop, you were
24 leaving the Vicar for Clergy office and the time
12:13:59 25 that Monsignor Dyer was coming in?

12:14:02 1 A Monsignor Dyer spent a number of months, I
2 think three months or six months with me before he
3 took over.

4 Q Before he took over, in other words,
12:14:11 5 during -- prior to the time he got there, during the
6 six-month time period, did he already know Baker was
7 a molester?

8 A Yes.

9 Q Okay. And he was friendly with Baker, you
12:14:27 10 said, right, they were friends?

11 A Yes.

12 Q Did that strike you as -- did you ever ask
13 him about that friendship? Have you ever asked Dyer
14 about that friendship?

12:14:36 15 MR. WOODS: I'm going to object to the
16 form of the question as vague and ambiguous. You
17 can answer.

18 THE WITNESS: I didn't ask him
19 specifically.

12:14:47 20 BY MR. MANLY:

21 Q Did you ever wonder why Baker was -- I'm
22 sorry -- why Dyer was friendly with somebody like
23 Father Baker?

24 MR. WOODS: Object; calls for speculation.

12:15:00 25 MR. MANLY: You can answer.

12:15:01 1 THE WITNESS: I believe they were in the
2 seminary together, maybe classmates.
3 BY MR. MANLY:
4 Q Did you think from an administration
12:15:08 5 standpoint, from an example standpoint --
6 MR. WOODS: From a what standpoint?
7 MR. MANLY: From an administration
8 standpoint and an example standpoint.
9 MR. WOODS: Example standpoint?
12:15:17 10 MR. MANLY: Right.
11 BY MR. MANLY:
12 Q -- that it was a good idea for the person
13 in charge of handling molester priests to be friends
14 with a child molester?
12:15:27 15 MR. WOODS: Okay. I really have trouble
16 with the term "child molester."
17 MR. MANLY: Why?
18 MR. WOODS: I'll explain. It's in the
19 present tense. And it kind of implies that he's
12:15:38 20 doing it at the present time or they thought he was
21 doing it at a present time, as opposed to someone
22 who came in, confessed to having done it in the past
23 and was remorseful.
24 MR. MANLY: Well, that --
12:15:52 25 MR. WOODS: It's a loaded term. I find it

12:15:54 1 objectionable, but I'll let him answer the question.

2 MR. MANLY: I think, Don, you are probably
3 the only one in the entire world that has a problem
4 with that term. Okay. And, you know, I mean, it is
5 what it is.

12:16:05

6 I mean, the State of California makes
7 child molesters register and tells people they are
8 molesters. I mean, you know, if you want to call it
9 somebody who engaged in serial inappropriate touching or
10 serial sodomy with little boys and little girls, you do
11 that, but I'm going to call it what it is.

12:16:19

12 MR. WOODS: Well, when you talk to experts
13 you will find out maybe -- but I know you know it
14 already -- I mean, there are people who are able to
15 control their sexual impulses, who do have
16 inclinations towards child abuse, but who are able
17 to control them for long periods of time, so
18 continuing to call them a child molester is -- I
19 find it objectionable and I find it argumentative
20 and I find it offensive.

12:16:33

12:16:49

21 MR. MANLY: You find it offensive for me
22 to call -- wait a minute. Wait a minute. No.
23 You find it offensive, as the Cardinal's lawyer, for
24 me to call Michael Baker a child molester. Is that
25 what you are saying?

12:17:02

12:17:04 1 MR. WOODS: You know, I find it offensive
2 to use it in the questions the way you are, because
3 I think it's inappropriate --

4 MR. MANLY: You are going to have to live
12:17:11 5 with it.

6 MR. WOODS: -- and unprofessional.

7 MR. MANLY: Why you going there? That's
8 just so --

9 MR. WOODS: I just think it is
12:17:17 10 inappropriate. It is not an accurate reflection of
11 what the witness is testifying to.

12 MR. MANLY: Why are you going there and
13 calling me names?

14 MR. WOODS: I'm just --

12:17:25 15 MR. MANLY: No. No. It's wrong, Don.
16 You know what, it's a child molestation case. You
17 are calling me unprofessional because I used the
18 term child molester.

19 MR. WOODS: I think it's inappropriate.

12:17:42 20 MR. MANLY: Excuse me. Excuse me.

21 MR. WOODS: I'm just objecting. You just
22 keep doing it. I've got to put in my objection.

23 MR. MANLY: You have objected to it. It
24 is not a legal objection. It is something you don't
12:17:45 25 like and I wouldn't like it either if I was

12:17:46 1 representing the Cardinal but, sir, this is a child
2 molestation case and for you to call me
3 unprofessional because I use the term child
4 molester, I take exception to.

12:17:54 5 If you keep it up -- I didn't ask for
6 sanctions last time, Don, but I'm going to next time.
7 Okay. I want you to stop it. It is not civil. It's
8 nasty. And you are raising -- you are raising the --
9 being unnecessarily adversarial and it's wrong, so stop.

12:18:13 10 MR. WOODS: I made my objection. You
11 heard me. You asked me to explain it. I explained
12 it.

13 MR. MANLY: Okay. It was like the time in
14 Father Baker's deposition where I asked about
12:18:23 15 rimming and I defined it and you didn't like it and
16 then you basically said the same thing.

17 You know, it's like -- anyway -- very
18 frustrating. Okay. What was my question before we had
19 the discussion about Mr. Woods' problem with the term
12:18:39 20 child molestation.

21 (Record read.)

22 BY MR. MANLY:

23 Q As Vicar for Clergy, part of that job is
24 to deal with priests who have been accused of
12:19:09 25 molesting kids, right?

12:19:11 1 A Yes.

2 Q And to keep -- part of that job certainly
3 is to try and keep children safe from that, correct?

4 A Yes.

12:19:19 5 Q Did you have friends as Vicar for Clergy
6 who had been accused of molesting kids?

7 A Not that I remember.

8 Q Okay. From a professional standpoint --
9 to use Mr. Woods' term -- do you think it -- would
10 you have thought it a good idea, when you were Vicar
11 for Clergy, to associate with somebody you knew to
12 be a child molester, whether they were a priest or
13 not?

14 A As Vicar for Clergy, I would have had to
15 associate with people.

16 Q With child molesters?

17 A If they were accused, if a priest was
18 accused of it.

19 Q I mean on a social basis.

12:20:00 20 A Oh, I don't know. It didn't occur.

21 Q One of the things you were trying to do, I
22 assume, with the clergy is deter priests from
23 engaging in immoral activity, correct?

24 A Yes.

12:20:16 25 Q Do you think if priests -- if it was known

12:20:18 1 to others that Father Baker was a molester and
2 Father Dyer was associating with him on a social
3 basis, that sent the right message to the clergy?

4 A I don't know.

12:20:30 5 Q Never occurred to you?

6 A No.

7 Q Were Father Baker and Father Dyer best
8 friends?

9 A I don't know if they were best friends.

12:20:35 10 They were friends.

11 Q They were close?

12 A They were friends.

13 Q Why didn't you just kick Baker out?

14 MR. WOODS: Can I hear it back, please?

12:20:54 15 MR. MANLY: Sure.

16 BY MR. MANLY:

17 Q Why didn't you and the Cardinal just kick
18 Baker out?

19 A We wanted to prevent him -- from this
12:21:09 20 happening again. And if he was under some
21 jurisdiction of the church, we could see that he
22 receive treatment and supervision.

23 If he wasn't, we had no control
24 whatsoever over what he did.

12:21:22 25 Q But you kicked other molesters out, right?

12:21:26

1 A Yes.

2 Q Okay. So why didn't Baker get kicked out?

3 A Because we believed that he wanted to
4 reform his life.

12:21:34

5 Q I see. And who made the decision -- could
6 the Cardinal at that time simply initiate canonical
7 proceedings against him?

8 A Yes.

12:21:51

9 Q Did you ever have a discussion about that
10 possibility with the Cardinal?

11 A I don't remember that.

12 Q Nobody ever brought up initiating a penal
13 proceeding under canon law against Father Baker?

14 A I don't remember.

12:22:02

15 Q When was the first time anyone -- when is
16 the first time you were aware, as an official of the
17 Archdiocese, at any time that canonical action was
18 taken against Father Baker because of his molesting
19 kids?

12:22:18

20 A I was not aware -- I'm not aware that any
21 canonical action was taking place while I was Vicar
22 for Clergy.

23 Q I'm asking at any time, Bishop, have you
24 become aware -- when was the first time you became

12:22:31

25 aware, if ever, that canonical proceedings were

12:22:33 1 taken -- actions taken against Baker?
2 A I read in the Report to the People of God,
3 I know from there.
4 Q Did you participate in that report?
12:22:41 5 A No.
6 Q Who did?
7 A I don't know.
8 Q Okay. How did you come to read that
9 report?
12:22:48 10 A It's a public report.
11 Q So you never saw it before it came out?
12 A No.
13 Q Have you ever discussed or had a
14 discussion with the Cardinal about his desire or
12:23:02 15 your desire that the Baker case would have been
16 handled differently when he came to you in 1986?
17 A No.
18 Q Okay. Have you ever read anything about
19 that?
12:23:14 20 A I know the Cardinal has expressed regret
21 about it, yes.
22 Q And have you ever discussed that with him?
23 A I don't remember any specific discussion.
24 Q How about generally?
12:23:34 25 A I could have, but I don't remember it.

12:23:34 1 Q When is the last time you saw the
2 Cardinal?
3 A Last time I saw the Cardinal, I think we
4 had a meeting in September.

12:23:47 5 Q Where was that meeting?
6 A At the cathedral.
7 Q Okay. Have you ever -- has anyone -- has
8 the Cardinal ever suggested to you that he thought
9 you mishandled the Baker case?

12:24:04 10 A No.
11 Q And the Cardinal, nor anyone else at the
12 Archdiocese has ever criticized you personally for
13 handling the Baker case?
14 A I don't think so.

12:24:17 15 Q Do you think you mishandled the Baker
16 case?
17 A I'm not sure I understand the question.
18 Q Do you think you mishandled or made a
19 mistake when you returned Michael Baker to ministry?

12:24:32 20 A I would need to -- clarification on what I
21 think now and based on what I know now and what I
22 though I knew then.
23 Q Either one.
24 A I did not think I made a mistake at the
12:24:43 25 time.

12:24:44 1 Q Do you now?
2 MR. WOODS: I would object --
3 THE WITNESS: Okay.
4 MR. WOODS: -- to the form of the question
12:24:47 5 as calls for an opinion prior to the time of
6 designation of expert witnesses. And it's totally
7 irrelevant to the subject matter.
8 MR. MANLY: You can answer.
9 THE WITNESS: Knowing what I know now, I
12:24:59 10 would -- if I had known then what I know now, I
11 would deal with it differently.
12 BY MR. MANLY:
13 Q What do you know now that you didn't know
14 then.
12:25:07 15 A I know now that he subsequently abused
16 other children.
17 Q And do you know that he abused children
18 before that more than he disclosed?
19 A I'm not sure about that.
12:25:17 20 Q You don't know that?
21 A I don't know the numbers.
22 Q Do you know the first allegation against
23 him that dates back to 1974, not that they made it
24 in '74 but --
12:25:27 25 A I'm not aware of the details.

12:25:30 1 Q Okay. Do you know -- you don't know how
2 many children he hurt?

3 A No.

4 Q So have you ever been asked to testify
12:25:38 5 before the Grand Jury?

6 A I was asked to testify before a Grand Jury
7 in Ventura.

8 Q About what?

9 A About child abuse.

12:25:48 10 Q Did you?

11 A I did.

12 Q And was your testimony recorded?

13 A I don't know. I think -- I don't know.

14 Q How long did you testify?

12:26:00 15 A About -- I think it lasted during the
16 morning.

17 Q When was that?

18 A About 2003, I would estimate.

19 Q Okay. Were you asked about Father Baker?

12:26:15 20 A I don't remember.

21 Q Who were you asked about in that Grand
22 Jury testimony?

23 A I don't remember who I was asked about
24 then?

12:26:24 25 MR. MANLY: Okay. I think we've only got

12:26:27 1 a couple minutes on the tape. Why don't we take an
2 hour for lunch.

3 THE VIDEOGRAPHER: Videotape deposition
4 off record at 12:26 p.m. This will conclude tape
12:26:39 5 number 1.

6 (Lunch break.)

7 THE VIDEOGRAPHER: Videotape deposition is
8 now returning to record at 1:49 p.m. This is also
9 the beginning of videocassette tape number 2 in
01:49:24 10 today's deposition.

11 BY MR. MANLY:

12 Q Bishop, I'm going to show you an exhibit
13 we're going to mark as Exhibit 1 to the deposition.

14 I'm going to ask, have you ever seen
01:49:38 15 this document before? Show this to counsel.

16 MR. MANLY: Why don't you mark that
17 version.

18 (Exhibit 1 was marked by the Certified
19 Shorthand Reporter.)

01:51:05 20 BY MR. MANLY:

21 Q Have you read the document?

22 A Yes.

23 Q Have you ever seen that before?

24 A No.

01:51:10 25 Q What does that appear to you to be?

01:51:14 1 MR. WOODS: Calls for speculation. You
2 can answer.

3 THE WITNESS: Some kind of loan.

4 BY MR. MANLY:

01:51:19 5 Q Do you know who the [REDACTED] family is?

6 A No.

7 Q Were you aware that in 2000, Father Baker
8 was accused yet again of molesting kids?

9 MR. WOODS: At any time, was he aware up
01:51:39 10 to today?

11 MR. MANLY: Mr. Woods, if you have a legal
12 objection, you can make it. I said, "Were you aware
13 in 2000 that Father Baker was accused yet again?"
14 You can answer.

01:51:49 15 THE WITNESS: I don't believe I was.

16 BY MR. MANLY:

17 Q Okay. When is the first time you learned
18 that Father Baker had been accused of molesting
19 other children, other than the ones he admitted to
01:52:00 20 in 1986 to you and the Cardinal?

21 A I don't remember when I learned that.

22 Q Were you already a Bishop?

23 A I was a Bishop in 1994.

24 Q I understand when you were a Bishop.

01:52:13 25 Were you a bishop when you first

01:52:14 1 heard that he had molested kids again or was it
2 prior to the ordination to the episcopacy?

3 A I believe I read it in the Report of the
4 People of God.

01:52:23 5 Q Prior to that time, it's your testimony
6 that you had no idea that he was molesting other
7 kids or had molested other kids prior to the time to
8 reading the People of God Report?

9 A I don't remember if I knew or not.

01:52:35 10 Q Was that the type of thing you think you
11 would forget?

12 A It wasn't something that I was involved
13 in.

14 Q Is it something you cared about?

01:52:43 15 A Yes.

16 Q When you learned that he molested another
17 child, did that surprise you?

18 A I just don't remember when that was or I
19 don't remember those circumstances.

01:53:03 20 Q Do you recall when you learned that
21 somebody that you had supervised and placed back
22 into ministry had molested another child after he
23 had already admitted to you that molesting a child,
24 you don't have any recollection of feeling -- of any
01:53:19 25 feelings or -- you might have at that time?

01:53:24 1 MR. WOODS: Objection; asked and answered,
2 argumentative. You can answer.

3 THE WITNESS: I just don't remember the
4 sequence of my feelings.

01:53:32 5 BY MR. MANLY:

6 Q Have you ever had any feelings about
7 learning that Father Baker went on to molest a
8 number of children after he was relieved from the
9 Paracletes and after you put him back in ministry,
10 Bishop?

01:53:45

11 MR. WOODS: Object; irrelevant to the
12 subject matter. You can answer.

13 THE WITNESS: Yes, I'm disappointed that
14 he -- and grieved that he -- that he abused other
15 children.

01:53:55

16 BY MR. MANLY:

17 Q Do you feel you bear partial
18 responsibility for that by putting him back in
19 ministry?

01:54:02

20 A No.

21 Q No?

22 A No.

23 Q So your conscience is clear on that?

24 A Yes.

01:54:13

25 Q So you don't think you made a mistake?

01:54:19 1 MR. WOODS: Asked and answered this
2 morning.
3 THE WITNESS: At the time, I did the best
4 I could and knew what -- how to do.
01:54:25 5 BY MR. MANLY:
6 Q Do you wish you had called the police?
7 MR. WOODS: Object; calls for a current
8 expert opinion.
9 MR. MANLY: You can answer.
01:54:40 10 THE WITNESS: At the time, I believed it
11 was a confidential matter and that he came in and
12 confessed understanding that.
13 BY MR. MANLY:
14 Q Do you wish the Paracletes had called the
01:54:58 15 police?
16 MR. GARPARI: Object; lacks foundation,
17 assumes facts not in evidence.
18 MR. WOODS: I agree. Irrelevant to the
19 subject matter, what he wishes now.
01:55:09 20 MR. MANLY: You can answer.
21 THE WITNESS: It was not something that I
22 was conc- -- focused on at that time.
23 BY MR. MANLY:
24 Q Well, there has been -- my client was a
01:55:24 25 little boy in the mid 90's and Father Baker serial

01:55:29 1 molested him, he sodomized him, he licked his anus,
2 he masturbated him, he fellated him, he did all
3 sorts of vile things to him.

4 Have you heard any of this before?

01:55:42 5 A No.

6 Q Okay. So knowing that, let me represent
7 to you that's my clients allegations and that Father
8 Baker has pled guilty to molesting my client.

9 So knowing that as you know now, do
01:55:56 10 you wish you had called the police or done something
11 else to stop Father Baker --

12 MR. MANLY: Would you not raise your hand
13 in the middle of my question, please. You keep
14 doing it. It is really irritating. You are clearly

01:56:07 15 trying to coach the witness. Let me have the
16 question read back.

17 (Record read.)

18 MR. WOODS: I will object to the form of
19 the question. What he wishes now is irrelevant to
01:56:47 20 the subject matter. It's argumentative and I will
21 instruct him not to answer.

22 MR. STEIER: Could I -- before you start
23 your question, could I just note for the record when
24 you say he pled guilty, it should be noted it was a
01:57:02 25 best interest plea without factual basis, which is

01:57:05 1 unlike the [REDACTED] plea, where there was a
2 factual basis and an admission by Baker of conduct
3 that didn't exist in this case.

4 Although, if you feel more
01:57:15 5 comfortable pled guilty for the purposes of a set up
6 question, I understand that.

7 MR. MANLY: I have the factual basis,
8 Mr. Baker wasn't taking the 5th Amendment.

9 MR. STEIER: You would have his answer.
01:57:28 10 You would not have a factual basis. The reason
11 there was not a factual basis, John, is because in
12 this instance, Baker denied the conduct and in order
13 to effect a plea bargain, we went with the People v.
14 West best interest employee. That's just history
01:57:46 15 that should be here.

16 MR. MANLY: Are you representing that your
17 client is going to deny the charges?

18 MR. STEIER: He has not responded as of
19 yet.

01:57:55 20 MR. MANLY: You are making statements on
21 the record about what he is going to do and he's
22 taken the 5th?

23 Counsel, if you want to do that, I would
24 caution you that we have a motion pending on this issue.

01:58:06 25 You don't get to have your cake and eat it too. If I

01:58:08 1 were you, and I'm not -- but if I were you, Don, I would
2 watch my P's and Q's

3 MR. STEIER: What I just said, John, was
4 that historically back in the criminal case, he took
01:58:19 5 a position, okay. I have said nothing here today
6 about his future testimony.

7 MR. MANLY: No. You did. You said he
8 would deny it. You did. You said he would deny it.
9 You just said it.

01:58:30 10 MR. STEIER: Well, if I did say, then I
11 misspoke. I'm sorry. I was referring to -- I don't
12 think I said that. Could you read back when I said
13 that?

14 MR. MANLY: Start at the beginning.

01:58:42 15 MR. STEIER: If I said that, tell me that.
16 I didn't mean to say it, if I said it.

17 MR. WOODS: While you guys are reading it
18 back --

19 MR. MANLY: We're not going off the
01:58:49 20 record. We're not done. We're not going off the
21 record. No. I have a question pending.

22 MR. STEIER: Just read it back, so I'll
23 know. Let her look something up. I want to see
24 what I said. I'm getting old.

01:59:07 25 (Record read.)

02:00:18

1 MR. STEIER: What I said was in the
2 criminal case, he denied the conduct, so we would
3 have to enter, unlike the [REDACTED] situation, we
4 entered a best interest plea for the -- for your
5 client and the [REDACTED] was a guilty plea.

02:00:44

6 MR. MANLY: That's exactly what I said.
7 You just said he denied the conduct.

02:00:49

8 MR. STEIER: In the criminal case, he
9 denied the conduct, so he couldn't admit the
10 conduct. I'm not talking about any future testimony
11 in this case.

12 MR. MANLY: I think the record is clear --

13 MR. STEIER: Okay.

14 MR. MANLY: -- so let's continue.

02:00:55

15 BY MR. MANLY:

16 Q Bishop, let me show you -- let me read to
17 you from the People of God report and I don't have a
18 copy of this, but I will attach it. I want to read
19 a paragraph at page 4 of the report.

02:01:09

20 It says, "From 1986 forward, it
21 became the practice for the Vicar for Clergy to
22 promptly interview a victim as soon as a report of
23 misconduct was made and confront the accused
24 priests.

02:01:23

25 The priests responses varied. Some

02:01:23 1 admitted misconduct but not necessarily the same
2 misconduct as reported by the victim. Others denied
3 everything or denied sexual misconduct but admitted
4 to a boundary violation."

02:01:33 5 Is that accurate?

6 MR. WOODS: Hold on. Could you tell me
7 where you are on page 4?

8 MR. MANLY: Yeah, first paragraph under
9 3A, beginning, "From 1986 forward."

02:01:47 10 MR. WOODS: And you read the whole
11 paragraph? Is that what you read?

12 MR. MANLY: I read the whole paragraph.
13 Can I have an answer to the question, please?

14 MR. WOODS: Hold on a second. Object to
02:02:11 15 the form of the question as compound.

16 MR. MANLY: You can answer.

17 THE WITNESS: This is true, I think when
18 victims came in.

19 BY MR. MANLY:

02:02:24 20 Q So you interviewed the victims when they
21 came in, right?

22 A That's where normally a report would come
23 from.

24 Q And why was it important to interview the
02:02:35 25 victims as articulated in the People of God report?

02:02:39 1 A Well, if you had a victim and the victim
2 came in and accused somebody.

3 Q Okay. Any other reason that was important
4 to interview the victim, other than that?

02:02:49 5 A Well, yes, to find out the information
6 about the priest, so that we could deal with the
7 priest also.

8 Q I take it then it was the policy to
9 interview the victim when the priest reported it as
02:03:05 10 well; is that correct?

11 A It was -- I only remember one report of a
12 priest.

13 Q Okay. Well, if it was the -- okay.
14 That's fine.

02:03:13 15 But was it or was it not the policy
16 of the Archdiocese in or around 1986 to interview
17 the victims of priest molestation whether the priest
18 reported it or the victim reported it?

19 MR. WOODS: Object; no foundation as to
02:03:28 20 whether there was a policy or not.

21 MR. MANLY: You can answer.

22 THE WITNESS: We dealt with things as they
23 came in. And it's difficult to say because I -- we
24 had few victims who came in that I remember.

25

02:03:42 1 BY MR. MANLY:

2 Q If you look at the following paragraph, it
3 says, "Historically in the face of a firm denial by
4 the priest, the Arch- --"

02:03:53 5 MR. WOODS: Excuse me. Do you have a copy
6 the witness could follow along? You read quickly.

7 MR. MANLY: I'll read this paragraph and
8 then I'll get him a copy. I apologize for that.

9 BY MR. MANLY:

02:04:01 10 Q "Historically, in the face of a firm
11 denial by the priest, the Archdiocese had accepted
12 the denial unless there was evidence in the file of
13 a prior report of some nature. Before the
14 mid-1980's, the Archdiocese did not typically
02:04:15 15 follow-up the interviews of the victim and the
16 accused with anything more than interviewing the
17 pastor or other priests in the rectory. Friends of
18 the victim, other children, exposure to the priest,
19 teachers and parish staff in a position to observe
02:04:28 20 the priest's interaction with the children were
21 rarely interviewed."

22 Mr. Woods has a copy of that, if you
23 would like to see it, Bishop, before you answer the
24 question. Would you like to read it?

02:04:41 25 THE WITNESS: I think the paragraph

02:04:42 1 starts, "historically," which is referring to before
2 my time as Vicar for Clergy.

3 BY MR. MANLY:

4 Q Okay. All right. So if you read -- it
02:05:17 5 says, "Before the mid-1980's, the Archdiocese did
6 not typically follow-up the interviews of the victim
7 and the accused with anything more than interviewing
8 the pastor or other priests in the rectory."

9 So that seems to suggest to me that
02:05:30 10 it was policy before your time to interview the
11 priests or the pastor regarding an allegation of
12 abuse; is that correct?

13 A I really don't -- I wasn't involved in any
14 of those.

02:05:43 15 Q Okay. Well, the reason I'm asking is
16 you've testified this morning, you didn't interview
17 the pastor or the priest involving the Baker case;
18 is that correct?

19 A Because I didn't have victims.

02:05:55 20 Q No, you had victims, you just didn't find
21 them or look for them, right?

22 MR. WOODS: Did not find them? Did not
23 look for them?

24 MR. MANLY: That's a fair point.
25

02:06:05 1 BY MR. MANLY:

2 Q Father Baker said there were victims,
3 that's why you sent him to treatment, but you didn't
4 look for them; is that right?

02:06:13 5 A That's right.

6 Q Okay. But what does that have to do with
7 you interviewing the priest or the pastor where
8 Baker served? Why didn't you do that?

9 A I don't know. I don't remember.

02:06:24 10 Q Okay. Did the Cardinal ever direct you to
11 do that?

12 A I don't remember that he did.

13 MR. MANLY: All right. Why don't we get a
14 copy of this for the witness? Would you burn that?

02:06:53 15 Now, you knew -- did you want to take a break, Don?

16 MR. WOODS: Well, I thought we were going
17 to take -- it was going to take awhile. We can go
18 forward. It might take five minutes.

19 BY MR. MANLY:

02:07:02 20 Q Now, you knew Father Baker, correct, you
21 testified to that earlier?

22 A Yes.

23 Q Did he have -- was he independently
24 wealthy?

02:07:10 25 A I didn't know that.

02:07:13 1 Q Do you have any idea where he would have
2 gotten \$120,000 to give to or to loan to a family?

3 I'll represent to you that as
4 Mr. Steier just said, he's admitted molesting the two
02:07:27 5 boys in the [REDACTED] family.

6 Do you know where he would have
7 gotten that kind of money?

8 A I don't know where he got that money.

9 MR. STEIER: Again -- I hate to interrupt,
02:07:36 10 but what I said was, he admitted to the named victim
11 of [REDACTED] -- I forget which name -- not two
12 boys. I hate to be technical. You are attributing
13 it to me. I didn't say --

14 MR. MANLY: Thank you. Thank you. Thank
02:07:52 15 you for that clarification.

16 MR. STEIER: Thank you.

17 BY MR. MANLY:

18 Q Did you notice the letterhead on this?

19 A Yes.

02:08:00 20 Q Okay. Does that appear to indicate -- is
21 that St. Camillus, the parish where he was stationed
22 at that time?

23 A Yes.

24 Q Did anybody ever learn or examine the
02:08:18 25 parish finances where Baker served to see if he was

02:08:24 1 stealing money?
2 A I don't know that.
3 Q Now, in terms of your status as a Bishop
4 in the Archdiocese, there are two or three other
02:08:36 5 Auxillary Bishops in the Archdiocese?
6 A There are five.
7 Q Five Auxiliaries?
8 A Six.
9 Q Six Auxiliaries. And then the Cardinal,
02:08:45 10 correct?
11 A Yes.
12 Q So a total of seven Bishop's?
13 A Yes.
14 Q And how long has that been the case in the
02:08:51 15 Archdiocese, Your Excellency?
16 A Well, the most recent Bishop was appointed
17 three or four years ago. And before that time,
18 there were five regions in the Archdiocese since the
19 Cardinal came.
02:09:08 20 Q Did the Cardinal have periodic meetings
21 with the Bishops?
22 A Yes.
23 Q And where did those take place?
24 A Either at the Archdiocese or at the
02:09:18 25 Cathedral.

02:09:20 1 Q Did you ever meet in the Cardinal's
2 vacation home near Yosemite?

3 A No.

4 Q Have you ever been there?

02:09:25 5 A No.

6 Q How often do those meetings take place?

7 A During the program here, usually about
8 every two weeks.

9 Q So the Bishops would meet with the
02:09:37 10 Cardinal every couple weeks?

11 A About, yes.

12 Q Now, what are those meetings called, if
13 anything?

14 A Bishops' meetings.

02:09:43 15 Q That makes sense.

16 And was the issue, during your tenure
17 as Bishop, priests molesting kids ever brought up at
18 those meetings?

19 A I don't remember specifics.

02:10:02 20 Q I didn't ask you specifics.

21 A I don't really know. I don't remember.

22 Q So you have no recollection, as you sit
23 here today, despite the 600 cases being filed and
24 two Grand Jury investigations, of the issue of
02:10:19 25 priest sexual abuse ever being discussed at the

02:10:22 1 Bishops' meeting with Cardinal Mahony; is that
2 correct?

3 MR. WOODS: Object to the form of the
4 question as argumentative, wordy.

02:10:35 5 THE WITNESS: I believe that the sexual
6 abuse crisis came up, yes, in Bishops' meeting.

7 BY MR. MANLY:

8 Q It did?

9 A I believe it did, yes.

02:10:44 10 Q So can you tell me about those
11 discussions?

12 A I can't really remember.

13 Q Bishop, have you been diagnosed with any
14 memory problems?

02:10:54 15 A No.

16 Q Are you taking any medication that in any
17 way affects your memory?

18 A I don't think so.

19 Q And nobody has ever told you, no physician
02:11:04 20 has ever told you that you have any type of memory
21 issues, correct?

22 A No, not a physician.

23 Q Do you have a good memory?

24 A No, not particularly.

02:11:14 25 Q Have you ever told anybody you have a good

02:11:16 1 memory?

2 A I don't remember.

3 MR. FINALDI: Gotcha.

4 MR. MANLY: Let's go ahead and mark this

02:11:35 5 People of God report as Exhibit 2.

6 (Exhibit 2 was marked by the Certified

7 Shorthand Reporter.)

8 BY MR. MANLY:

9 Q Can you turn to page 5 of that document,

02:12:36 10 Your Excellency? By the way, who was the principal

11 of St. Paul when you served there? Do you remember?

12 A Yeah, Father [REDACTED] (ph.).

13 Q Say that again?

14 A Father [REDACTED].

02:12:52 15 Q I see. Okay.

16 MR. WOODS: What parish was that?

17 MR. MANLY: St. Paul's High School.

18 BY MR. MANLY:

19 Q Do you have page 5 in front of you?

02:13:09 20 A Yes.

21 Q Can you see the first paragraph that

22 begins, "In 1989," and read that to yourself.

23 A That paragraph, yes.

24 Q Have you read it?

02:13:22 25 A Yes.

02:13:23 1 Q What happened in 1987 or '88 that caused
2 the Archdiocese -- first of all, is that paragraph
3 correct?

4 A I would like to make a clarification that,
02:13:36 5 yes, the policy was put out as part of a --
6 collected and put out together in a policy booklet.
7 It was dated in 1999.

8 But to the rest best of my
9 recollection, the individual policies that made up
02:13:51 10 the book were constructed and sent out before that
11 time.

12 MR. WOODS: You said 1999.

13 THE WITNESS: Sorry. 1989.

14 BY MR. MANLY:

02:14:09 15 Q When were they sent out?

16 A I would have to estimate probably during
17 1987 and '88.

18 Q Okay. What was happening, if anything, in
19 1987 or '88 that caused the Archdiocese to write a
02:14:16 20 policy? Why did you do it?

21 A One of the main factors was that in 1985,
22 the Bishops had a presentation at their national
23 meeting about the problem of abuse of minors and
24 there was a report issued, I believe, as a result of
02:14:33 25 that meeting.

02:14:34 1 Q Are you talking about the 1985 meeting in
2 Collinsville?

3 A Yes.

02:14:40 4 Q So the policy was the direct result of the
5 '85 meeting?

6 A I couldn't say it was the direct result,
7 but it was carried out within the context of the
8 concern that was being -- rising.

9 Q Were you at that meeting, Your Excellency?

02:14:54 10 A No.

11 Q Did you talk to Cardinal Mahony about the
12 meeting after he returned?

13 A Briefly, but he gave me the report.

14 Q Which report, the Doyle Mouton Report?

02:15:07 15 A Yes.

16 Q And why did he give you that, if you know?

17 A It was a concern. It had been brought up
18 as a concern by the Bishops and, obviously, it was
19 an increasing awareness of the issue.

02:15:22 20 Q Okay. Looking again at page 5, it says,
21 "Prudent Boundaries." Do you see paragraph B?

22 A Which paragraph, please?

23 Q I'm sorry. There is a B.

24 A Yes.

02:15:38 25 Q "Prudent Boundaries," the paragraph

02:15:41 1 immediately under that, I'll read into the record,
2 "The June 1989 Archdiocesan guidelines articulated
3 'boundary lines' for clergy conduct." (sic.)

4 Is that statement true?

02:15:50 5 A Yes.

6 Q "For example, they provided that 'priests
7 must avoid activities such as hugging, tickling,
8 wrestling that involve physical contact with minors'
9 and 'priests must not have minors in their rooms,
10 nor should minors stay overnight at a rectory;" is
11 that true?

12 A Yes.

13 Q And then continues, "Under these
14 guidelines, if evidence indicating a problem were to
15 arise, the Archdiocese would ask the priest to
16 undergo psychological evaluation and would work with
17 the therapists to determine the best course for the
18 priest's future;" is that correct?

19 A I believe it was, yes.

02:16:33 20 Q When you were Vicar for Clergy, is that
21 what you did?

22 A We did that, yes. Yes, we did.

23 Q Okay. Look at this paragraph below that
24 it says, "Revised May 1994 Archdiocesan guidelines
02:16:52 25 provided that when a report of sexual abuse of a

02:16:55 1 minor or an adult was received, the priest would be
2 confronted and a process begun to assess the
3 complaint and assist any victim;" is that correct?

4 A I believe so. I wasn't involved in the
02:17:06 5 process then, but I believe it was.

6 Q You were a Bishop in 1984 in this
7 Archdiocese?

8 A 1994.

9 Q I'm sorry. You were a Bishop in 1994 of
02:17:16 10 this Archdiocese?

11 A Yes.

12 Q "The case against the priest would proceed
13 unless (i) there were no other witnesses other than
14 the complainant; (ii) there was no behavior in the
02:17:28 15 priest's past that lent substance to the allegation;

16 and (iii) the explanation of events by the priest
17 was credible. If, however, substantial issues
18 remained unresolved, the Archdiocese would ask the
19 priest to undergo psychological evaluation and would

02:17:44 20 be guided by the report of the professional
21 evaluation;" is that true?

22 A I believe it was.

23 Q "Also, new screening procedures were
24 adopted for priests visiting from other diocese and
02:17:56 25 for religious order priests before they could obtain

02:18:00 1 formal assignments in the Archdiocese;" is that
2 true?

3 A I believe so.

4 Q Did you ever meet Father [REDACTED],
02:18:06 5 Father -- I'm sorry -- Bishop?

6 A I don't know if I ever actually met him.
7 I just don't know.

8 Q Did Father Dyer periodically visit Father
9 [REDACTED] in Tuscon -- Monsignor Dyer, to your
02:18:22 10 knowledge?

11 A I don't know that.

12 Q Did you ever hear that Monsignor Dyer was
13 taking trips to Tuscon with Father Baker?

14 A I heard that he had taken trips with
02:18:33 15 Father Baker.

16 Q And what was the purpose of those trips,
17 do you know?

18 A I really don't know.

19 Q Was it social?

02:18:42 20 A I don't know the details of those.

21 Q Where did you hear that?

22 A I just don't remember where I heard it.

23 Q Now, did you ever hear something called
24 SAAB at the Archdiocese?

02:19:00 25 A Called?

02:19:01 1 Q SAAB, S-A-A-B, Sexual Abuse Advisory
2 Board.
3 A Oh, yes. Yes.
4 Q Was that in place when you were the Vicar
02:19:10 5 for Clergy?
6 A No.
7 Q Have you ever attended a SAAB meeting?
8 A No.
9 Q Do you know Judge Skip Byrne?
02:19:19 10 A Yes.
11 Q How do you know Judge Byrne?
12 A I believe I called him to ask him to be
13 the chair of that initial group in 19 -- probably
14 1993 or '94, because I was in charge of church
02:19:38 15 ministerial service at that time.
16 Q Whose idea was it to appoint Judge Byrne
17 to that group?
18 A I think it was the Cardinal, but I'm not
19 sure.
02:19:59 20 Q Is the Cardinal friendly with Judge Byrne?
21 A I don't know.
22 Q Your recollection is the Cardinal told you
23 to call Judge Byrne?
24 A I don't have a specific recollection of
02:20:02 25 that.

02:20:03 1 Q Why was Judge Byrne selected to be on that
2 committee, if you know, sir?

3 A I think he was very a competent man. He
4 was a prominent judge and well respected.

02:20:11 5 Q Okay. Do you know how many child
6 molestation allegations came before that Board while
7 Judge Byrne was sitting on it?

8 A No, I don't.

9 Q Do you know if Judge Byrne or anybody else
02:20:23 10 on that Board ever reported a molester priest --

11 A I don't know.

12 Q -- to law enforcement?

13 A I don't know.

14 Q Did you expect when you appointed Judge
02:20:33 15 Byrne and the other members of the Board that if
16 they learned about a priest being a child molester
17 that they would call the police?

18 A By that time, that there were different
19 reporting laws in place and priests had become by
02:20:51 20 that time -- maybe not.

21 Q It was '97.

22 A '97. Okay. Okay. No, I didn't -- we
23 didn't discuss that.

24 Q Okay. Did you have any concern or did the
02:21:03 25 Cardinal express concern that Judge Byrne or the

02:21:06 1 other members of the Board might report?
2 A No.
3 Q Do you know [REDACTED]?
4 A Only by name.
02:21:16 5 Q Do you know who she is?
6 A She was [REDACTED]
7 [REDACTED]
8 Q You testified earlier that it was
9 important to you as Vicar for Clergy, and I assume
02:21:30 10 as Bishop, that people working for the Archdiocese
11 follow the law. Do you remember that testimony?
12 A Yes.
13 Q And you understood that when you were
14 Vicar for Clergy that [REDACTED]
02:21:42 15 [REDACTED]
16 [REDACTED]
17 A Yes.
18 Q Okay. Was it your expectation that if
19 [REDACTED] was working for the Archdiocese [REDACTED]
02:21:54 20 [REDACTED]
21 [REDACTED], that if she learned that Father Baker had
22 molested a child that she would report?
23 A I just believe that that was the
24 responsibility of [REDACTED], yes.
02:22:13 25 Q Do you know if she ever reported any of

02:22:15 1 the molester priests that came before her?

2 A I don't.

3 Q Okay. Do you know why the Cardinal
4 adopted a zero tolerance policy in 2002?

02:22:46 5 MR. WOODS: Objection; calls for state of
6 mind or reasoning of another person and I object.
7 It calls for speculation --

8 MR. MANLY: Let me ask it a different way.

9 MR. WOODS: -- unless he expressed his
02:22:57 10 reasoning.

11 BY MR. MANLY:

12 Q Do you know why the Archdiocese, as you
13 were a Bishop in 2000, of the Archdiocese, adopted
14 a zero tolerance policy --

02:23:04 15 MR. WOODS: Same objection.

16 BY MR. MANLY:

17 Q -- with regard to allowing molester
18 priests in ministry?

19 MR. WOODS: Objection; determining the
02:23:13 20 state of mind of an organization is even more
21 difficult and impossible. Calls for speculation.

22 MR. MANLY: You can answer.

23 THE WITNESS: I was not involved in that
24 decision.

25

02:23:27

1 BY MR. MANLY:

2 Q You didn't weigh in on that one way or the
3 other?

02:23:33

4 A No, I was not involved in those policy
5 matters.

6 Q Who made the decision?

7 A The Archdiocese, I guess the Cardinal and
8 whoever was advising him at that time.

02:23:42

9 Q Who was advising the Cardinal on these
10 issues in 2002, do you know?

11 A I don't know all the people who were.

12 Q Going back to the Ventura County Grand
13 Jury testimony, do you know who besides you
14 testified in those proceedings?

02:24:33

15 A I know [REDACTED]

16 [REDACTED] testified.

17 Q Anybody else?

18 A I just don't remember of anyone else that
19 I --

02:24:51

20 Q Did Monsignor Loomis testify?

21 A He may have. I just couldn't specify
22 exactly.

23 Q When is the last time you talked to
24 Monsignor Loomis?

02:25:04

25 A Oh, years ago.

02:25:09 1 Q Like, what does that mean? 2, 5, 20?
2 MR. WOODS: Calls for speculation.
3 THE WITNESS: Well, yeah, I probably
4 talked to him last when he was Vicar for Clergy.
02:25:21 5 BY MR. MANLY:
6 Q Okay. Can you turn to page 17 of the
7 People of God Report and read the first paragraph to
8 yourself.
9 (Pause.)
02:26:45 10 BY MR. MANLY:
11 Q Are you done?
12 A Yes.
13 Q It says, first sentence reads, "Cardinal
14 Mahony has already acknowledged and apologized for
02:26:53 15 the mistakes made in handling Father Michael Baker,
16 a case that taught many important lessons."
17 Have you ever heard Cardinal Mahony
18 apologize for the Baker case?
19 A I have read it, I believe in the
02:27:08 20 newspapers.
21 Q Has he ever told you he's sorry about the
22 way he handled it?
23 A I don't remember any such conversation.
24 Q It says, "During the 1986 priests'
02:27:19 25 retreat, Archbishop Mahony advised the priests that

02:27:25 1 anyone who had engaged in any misconduct with minors
2 should meet with him confidentially, and that the
3 Archdiocese would provide spiritual and
4 psychological assistance as necessary."

02:27:36 5 That's a true statement, correct?

6 A Yes.

7 Q And then it says, "Father Michael Baker
8 then approached the Archbishop to discuss his
9 relationship with two boys from 1978 to 1985."

02:27:56 10 Is that correct and complete?

11 A As far as I know.

12 Q Well, he didn't actually approach the
13 Cardinal originally, he approached you; is that
14 right?

02:27:59 15 A Right.

16 Q It says, "The Archdiocese sent
17 Father Baker to psychological treatment in a restricted
18 residential setting for six months;" is that correct?

19 A I believe so.

02:28:09 20 Q Okay. "Thereafter, it assigned him to a
21 limited ministry to retired priests;" is that
22 correct?

23 A Yes.

24 Q Now, was he allowed in that time to say

02:28:21 25 mass at a parish?

02:28:24 1 MR. WOODS: Asked and answered.
2 THE WITNESS: Yes.
3 BY MR. MANLY:
4 Q "Father Baker continued in aftercare with
02:28:29 5 local therapists and agreed" --
6 MR. MANLY: The Paracletes are
7 interrupting my questions. Are you all right? No
8 problem. We just had a cellphone malfunction. Let
9 me start over.
02:28:45 10 MR. GARPARI: A cellphone operator
11 malfunction.
12 MR. MANLY: Fair enough.
13 BY MR. MANLY:
14 Q "Father Baker continued in aftercare with
02:28:52 15 local therapists and agreed to live in accordance
16 with strict boundaries limiting his activities to
17 ministry to adults;" is that true?
18 A Yes.
19 Q Well, did he give children communion?
02:29:06 20 A Yes.
21 Q Did he have alter boys?
22 A Yes.
23 Q And alter girls?
24 A I assume so.
02:29:12 25 Q Did he have -- when it says, "his

02:29:16 1 activities were limited to adults," I'm not
2 understanding what that means given your statement
3 that he just had access to kids in terms of --

4 MR. WOODS: And the question?

02:29:28 5 MR. MANLY: That's the question.

6 BY MR. MANLY:

7 Q Let me ask it this way, is that a true
8 statement given what you have just testified to or
9 should there be an asterisk there with a footnote?

02:29:39 10 MR. WOODS: I'm going to object,
11 confusing, unintelligible.

12 MR. MANLY: You can answer.

13 THE WITNESS: Father Baker was limited to
14 ministry with adults.

02:29:50 15 BY MR. MANLY:

16 Q But doesn't saying mass at a parish mean
17 by definition you are going to interact with kids?

18 A Yes.

19 Q Like standing outside greeting people
02:30:03 20 after mass, things of that nature?

21 A Yes.

22 Q And nobody at the parishes were warned
23 about Father Baker, correct?

24 A Yes, they were.

02:30:12 25 Q They were not warned?

02:30:14 1 A The pastors were.
2 Q You told me the pastor said he wasn't to
3 be around children, you never told him that he was a
4 molester, right?
02:30:22 5 A Father Dyer knew that.
6 Q But the people at the parish, the
7 children --
8 A That's right.
9 Q -- the parents were never warned about
02:30:28 10 Father Baker, right, Bishop?
11 A No.
12 Q Right?
13 A That's right.
14 Q It says, "Since Father Baker had
02:30:35 15 self-reported his misconduct, the Archdiocese
16 trusted that he was following his aftercare
17 restrictions and avoiding any new misconduct;" is
18 that true?
19 A I think the fact that he self-reported
02:30:48 20 made a difference, yes.
21 Q It says, "And the Cardinal has fully
22 acknowledged that this was a terrible mistake," and
23 you have already said that's correct, right?
24 A Yes.
02:30:58 25 Q Who were his therapists -- while you were