

03:39:59 1 self-confessed at the request of the Cardinal and it
2 was clear that he came with the understanding that
3 this was a confidential matter and it was a
4 confession to somebody as part of a -- of ministry
03:40:17 5 that was protected, we believed at the time.

6 BY MR. MANLY:

7 Q Well, if it was protected, why has the
8 Cardinal discussed it?

9 A If it is --

03:40:28 10 Q If it is confessional, why has the
11 Cardinal discussed it publically?

12 A Well, it became public later.

13 Q If it's a confessional, it is a mortal sin
14 to discuss it, is it not?

03:40:41 15 A No, because if it's -- the information is
16 not come -- is coming from elsewhere.

17 Q Well, why -- did the Cardinal assure the
18 priests when he gave his talk at the retreat that
19 they wouldn't be reported to the police if they came
03:41:02 20 forward?

21 A He didn't give that assurance.

22 Q So when you say it was confidential, was
23 there some assurance to the priests that they
24 wouldn't be reported to law enforcement?

03:41:12 25 A I would think that if a priest comes and

03:41:14 1 confesses in that context of a priest penitent
2 confidential communication, that the assumption
3 would be that it wouldn't be reported.

4 Q The Cardinal didn't give him absolution in
03:41:30 5 the meeting, did he?

6 A No.

7 Q So it wasn't a confession in the
8 sacramental context, right?

9 A No. Right.

03:41:38 10 Q Right.

11 A But it was a priest penitential privilege
12 kind of thing.

13 Q I mean, if he had -- I'm trying to get --
14 I'm trying to get an understanding of the
03:41:49 15 confidential nature of this communication you're
16 talking about and I would like you to explain it to
17 me.

18 Did anybody, anywhere suggest, imply
19 or tell Father Baker or the other priests at the
03:42:00 20 Archdiocese that if they came forward and told the
21 Cardinal that they had molested boys or girls, that
22 no one would call the police?

23 A No. There was only one statement that I
24 ever know and that was at the retreat in 1986.

03:42:17 25 Q And what was that statement?

03:42:19 1 A That was the statement that is in here,
2 that if they were experiencing difficulties, they
3 could come and talk confidentially to the Cardinal.

4 MR. MANLY: Let's take a five minute
03:42:46 5 break.

6 THE VIDEOGRAPHER: Videotape deposition
7 off record at 3:42 p.m. This will conclude
8 videotape number 2 in today's deposition.

9 (Off the record.)

03:56:02 10 THE VIDEOGRAPHER: Videotape deposition is
11 now returning to record at 3:56 p.m. This is also
12 the beginning of videocassette tape number 3.

13 (Parties talking at the same time.)

14 MR. MANLY: Let's make another copy.

03:57:11 15 MR. STEIER: Go ahead. Don't wait for me.

16 MR. GARPARI: It's from the internet. It
17 must be true.

18 MR. FINALDI: I'll print you one out.

19 MR. MANLY: Okay. Okay. Is that okay
03:57:21 20 with you?

21 MR. STEIER: I'm fine.

22 BY MR. MANLY:

23 Q For the record, this is a copy of the
24 Doyle Mouton report that I downloaded off
03:57:38 25 BishopAccountability.org.

03:57:39

1 I know it's accurate because Tom
2 Doyle, who authored it, told me it's accurate.

3 Can you just look at the document for
4 a few minutes, Bishop, and see if it looks familiar.

04:04:30

5 I just asked him to familiarize himself with it. He
6 can do that however he chooses. Why don't we go off
7 the record until he finishes reading this.

8 (Exhibit 3 was marked by the
9 Certified Shorthand Reporter.)

04:07:43

10 THE VIDEOGRAPHER: Videotape deposition
11 off record at 4:07.

12 (Off the record.)

13 THE VIDEOGRAPHER: Videotape deposition is
14 now returning to record at 4:13 p.m.

04:13:53

15 BY MR. MANLY:

16 Q Okay. Bishop, you have taken some time.
17 Have you familiarized yourself with the document?

18 A I've skimmed it.

19 Q Does this look like the document you
20 looked at, at the time?

04:14:02

21 A I think it's the document, yes.

22 Q Could you turn to page 21 of 39 of the
23 copy you have.

24 A Yes.

04:14:17

25 Q And make sure you reviewed the section,

04:14:21 1 "What about the families of the victims." Have you
2 had a chance to read that section?

3 A Yes.

4 Q Okay. Do you see the first paragraph
04:15:08 5 where it reads, "While the welfare of the
6 priest-offender is considered very important to the
7 church officials, the welfare of both at the time of
8 the abuse and well into the future of the victims is
9 most important and should be given a priority by
10 Ordinaries." Do you see that?

11 A Yes.

12 Q And then it says, "The effects of sexual
13 abuse of children by adults are long lasting and go
14 well into adulthood." Do you see that?

04:15:39 15 A Yes.

16 Q Do you remember reading that section when
17 you first saw this in '85 or '86?

18 A No, I don't remember.

19 Q Okay. Did you -- did you and the Cardinal
04:15:55 20 discuss in any general way, while you were Vicar for
21 Clergy, the impact that sexual abuse of priests or
22 sexual abuse of adults have on kids?

23 MR. WOODS: Object as confusing.

24 MR. MANLY: You can answer.

04:16:17 25 THE WITNESS: We may have, but I don't

04:16:19 1 remember -- recall the conversations.

2 BY MR. MANLY:

3 Q Was the impact -- when you attended this
4 presentation in 1986, where the Cardinal was present
04:16:27 5 and the lawyer from Stockton came to talk about
6 these -- this issue, the issue of sexual abuse of
7 minors, was the impact on the victim discussed by
8 this lawyer from Stockton?

9 A I don't remember that.

04:16:42 10 Q Okay. Was there any policy in place while
11 were you Vicar for Clergy, prior to 1989, that made
12 the victim and their family a priority in handling
13 of these cases?

14 A There wasn't a policy.

04:17:05 15 Q Well, how -- what if any practice did the
16 Archdiocese have to notify the victim and their
17 family if a priest was accused of abusing their
18 child?

19 A I don't remember any accusation where the
04:17:31 20 families were not aware of that.

21 Q Except for Father Baker?

22 A Father Baker.

23 Q And why did the Cardinal make the decision
24 not to attempt to notify the families in the Baker
04:17:52 25 case?

04:17:52 1 MR. WOODS: Calls for speculation.
2 THE WITNESS: I don't know that.
3 BY MR. MANLY:
4 Q All right. Can you turn to page 22 of 39.
04:18:01 5 A Yes.
6 Q Okay. Bishop, are you by training -- I
7 know you have a Ph.D. in history. Do you consider
8 yourself to be a theologian by training --
9 A No.
04:18:13 10 Q -- or a canonist or what would your area
11 of specialty be ecclesiastically, if you will?
12 MR. WOODS: Could I hear it back, please.
13 I lost --
14 MR. MANLY: Let me ask it a different way.
04:18:26 15 BY MR. MANLY:
16 Q In the priesthood, when you study, people
17 specialize in different areas, is that fair,
18 sometimes?
19 A No.
04:18:35 20 Q What is your -- when you are studying for
21 the priesthood, did you have a particular emphasis,
22 an area of study?
23 A No.
24 Q Did you take Canon law? Yes?
04:18:47 25 A Yes.

04:18:47 1 Q Did you have a Canon lawyer on staff when
2 you were the Vicar for Clergy?

3 MR. WOODS: Staff in the Vicar's office?

4 MR. MANLY: At the Archdiocese.

04:18:56 5 THE WITNESS: Yes, there were Canon
6 lawyers at the Archdiocese.

7 BY MR. MANLY:

8 Q Was one of them [REDACTED]?

9 A Yes.

04:19:02 10 Q So was [REDACTED] was on the staff of
11 the -- what other Canon lawyers can you remember
12 besides Father [REDACTED]?

13 A [REDACTED] was [REDACTED]

14 [REDACTED]. I believe [REDACTED]

04:19:21 15 [REDACTED] was there.

16 Q Now, part of the duties of the Canon
17 lawyers at the Archdiocese was to provide advice and
18 provide canonical services in a variety of areas,
19 including priest penal matters; is that correct?

04:19:39 20 A Yes.

21 Q Did you think it was a good idea for the
22 Cardinal to appoint a child molester to the Canon
23 Law office?

24 A He was dealing with marriage cases
04:19:49 25 entirely.

04:19:50 1 Q Father [REDACTED] was a child molester, a
2 convicted child molester and he was assigned to the
3 office that handled priest penal cases; is that
4 accurate?

04:19:59 5 A No. The office maybe, yes, but he didn't.

6 Q I see. How do you know that?

7 A I don't remember any case that he handled
8 of that kind.

9 Q You sent him -- after he got out of the
04:20:17 10 Servants of the Paraclete and finished probation,
11 you sent him to Catholic University to get a degree
12 in Canon Law; is that correct?

13 A I think so, yes.

14 Q So you made a convicted child molester a
04:20:25 15 Canon lawyer and placed him in the office that was
16 to prosecute priest penal cases, including priest
17 child molestation cases; is that accurate?

18 MR. WOODS: I'll object in that "you" is
19 --

04:20:36 20 MR. MANLY: I'm not talking about him
21 personally. I'm talking about the Archdiocese.

22 THE WITNESS: The Archdiocese, the office
23 would recommend to the Cardinal, but I don't know
24 that the office was there to prosecute.

25

04:20:48

1 BY MR. MANLY:

2 Q Before appointing Father [REDACTED] -- I'm
3 sorry. You didn't appoint him.

4 Before the Cardinal appointed

04:20:55

5 Father [REDACTED] to the canonical law office and allowed
6 him to go to law school to become a canonist, did you
7 discuss with him any objections you had to a convicted
8 child molester getting a degree in Canon law?

9 A No.

04:21:10

10 Q Did you tell Catholic University -- did
11 anybody, to your knowledge, from the Archdiocese
12 tell Catholic University that Father [REDACTED] was a
13 convicted child molester before he was sent there?

14 A Not that I know of.

04:21:23

15 Q Who supervised Father [REDACTED] when he was
16 in law school -- at Canon Law School at Catholic
17 University?

18 A I'm not aware of that.

19 Q Okay. Can you look at page 22 of 39.

04:21:34

20 MR. WOODS: What page?

21 MR. MANLY: 22 of 39.

22 THE WITNESS: Yes.

23 MR. MANLY: Does everybody have that?

24 MR. STEIER: Yes.

25

04:21:39

1 BY MR. MANLY:

2 Q Okay. It says, "Investigation of
3 complaints." Can you just familiarize yourself with
4 that. Let me know when you are ready.

04:22:42

5 A Okay.

6 Q Okay. Do you see the first sentence that
7 says, "When a Bishop receives a complaint that a
8 priest or deacon has engaged in sexual misconduct
9 with a minor child, this complaint should be
10 discreetly investigated at once."

04:22:53

11 Was that the policy of the
12 Archdiocese when you were Vicar for Clergy?

13 MR. WOODS: Object to the form of the
14 question as to whether there was a policy or not.

04:23:09

15 THE WITNESS: The complaints were handled
16 on a one to one basis, but they -- as far as I know,
17 they were not handled in this strict canonical form.

18 BY MR. MANLY:

19 Q So there was no policy that every
20 complaint or every allegation or every admission had
21 to be investigated?

04:23:22

22 A Yes, but not necessarily a canonical
23 investigation. There was no policy. There was the
24 practice.

04:23:34

25 Q Was Father Baker's transgressions with

04:23:38 1 children reported to the Holy See?
2 A I don't know. I don't think so.
3 Q Was there a policy during Cardinal
4 Mahony's tenure, as far as you know, to report
04:23:50 5 molesting priests to the Holy See?
6 A During my time?
7 Q Yes.
8 A I don't think so.
9 Q Why was there no canonical process
04:23:58 10 instituted against Father Baker given the gravity of
11 his crime namely molesting a child?
12 A Because it was handled in a pastoral way.
13 Q That's it? That's the reason?
14 A I think so.
04:24:13 15 Q Okay. Would you turn to page 31 of 39.
16 Do you see the first paragraph -- I'm sorry -- under
17 number 8.
18 A Yes.
19 Q It reads, "Although the diocesan bishop is
04:25:36 20 bound to report only to the Holy See in just about
21 every case, it is advisable incidents of sexual
22 misconduct among the clergy be reported to certain
23 ecclesiastical authorities." Do you see that?
24 A Yes.
04:25:41 25 Q Is it your understanding that Archbishop

04:25:42 1 Mahony was supposed to report this to the Holy See,
2 the Baker allegation?

3 MR. WOODS: This --

4 MR. MANLY: I'm sorry. Let me rephrase

04:25:45 5 it.

6 BY MR. MANLY:

7 Q This part of the document seems to
8 indicate to me that the Archbishop or whoever the
9 Ordinary was -- that's with a capital O -- was
10 supposed to report a violation of a child to the
11 Holy See.

04:25:49

12 Is that the way you read it?

13 A Yes.

14 Q Do you know why that didn't happen in the

04:26:04

15 Archdiocese or do you think this document is just
16 incorrect?

17 A I don't know if it didn't happen in the
18 Archdiocese. I didn't report it.

19 Q Who was in charge -- can you think of an
20 incident while you were Vicar for Clergy where a
21 priest was reported to the Holy See or the Vatican
22 Embassy?

04:26:13

23 A Not that I reported.

24 MR. MANLY: Okay. I think I'm done with

04:26:29

25 that for the moment.

04:26:37 1 MR. WOODS: Was that Exhibit 3?
2 MR. STEIER: Yes.
3 MR. MANLY: I think it's 3, yeah.
4 BY MR. MANLY:
04:26:58 5 Q Let me show you a document --
6 MR. MANLY: Will you pull this out for me.
7 I want to use this as an Exhibit.
8 MR. FINALDI: The entire thing?
9 MR. MANLY: Is that one exhibit? Yeah.
04:27:19 10 MR. FINALDI: Copies?
11 MR. MANLY: Yeah.
12 BY MR. MANLY:
13 Q Was there a policy regarding reporting
14 that was in place -- strike that.
04:27:38 15 Was there a policy on reporting child
16 molestation that was in place when you became Vicar
17 for Clergy?
18 A Not that I know of, no.
19 Q Who preceded you in that job?
04:27:47 20 A There was no Vicar for Clergy.
21 Q That's right, we said that.
22 Whose responsibilities -- who was
23 performing the essential duties the Vicar for Clergy
24 was performing before 1985 or 1986 when you got
04:28:04 25 there?

04:28:04 1 A Monsignor Rawden was performing some of
2 them.

3 Q What duties was he performing?

4 A Especially the appointment of priests and
04:28:17 5 supervision of clergy and some things. I don't
6 exactly know to what extent he dealt with the
7 problems.

8 Q When did Monsignor Rawden pass?

9 A He is still alive.

04:28:29 10 Q He is still alive. That's right.

11 Who else was handling those duties
12 besides Rawden?

13 A I'm not sure. I think Monsignor Hawkes
14 handled some of it.

04:28:43 15 Q Monsignor Hawkes is deceased; is that
16 right?

17 A Yes.

18 Q And when did he pass?

19 A 1985, I think.

04:28:53 20 Q And Cardinal Manning died in the late
21 80's?

22 A Yes.

23 Q Did you speak to Cardinal Manning or
24 Monsignor Rawden about Baker?

04:29:07 25 A No.

04:29:09 1 Q Did you look at Baker's confidential file
2 when the allegation came up?
3 A I don't remember, but I would suspect I
4 did.
04:29:19 5 Q Okay. And you would suspect you did why?
6 A When the matter of his --
7 Q When Baker came to you --
8 A Oh, yes.
9 Q -- and said, "I molested these two
04:29:31 10 children," did you look at his confidential file to
11 see if there had been any prior allegations?
12 A It would be my practice to look in the
13 confidential file whenever any problem came up with
14 a priest.
04:29:42 15 Q Was there anything in his file that was
16 adverse?
17 A I don't remember there was.
18 Q Okay. Let me show you a document we'll
19 mark as Exhibit 4. Just let me know when you have
04:31:15 20 familiarized yourself with the document, Bishop.
21 (Exhibit 4 was marked by the
22 Certified Shorthand Reporter.)
23 BY MR. MANLY:
24 Q Okay. Have you had a chance to look at
04:32:17 25 it?

04:32:17 1 A Yes.

2 Q Have you ever seen this document before?

3 A I don't remember.

4 Q Does this comport with your understanding

04:32:25 5 of what was in place regarding reporting by the

6 Archdiocese in terms of mandatory reporters at the

7 time you became the Vicar for Clergy?

8 A Yes.

9 Q Okay. The way I read this, if you look at

04:32:41 10 paragraph 4, it reads, "There is no requirement of

11 certainty, only suspicion. The statute is filled

12 with legal terms which are difficult to apply in

13 specific instances. You must report any instances

14 if you suspect any of the actions described in

04:32:56 15 paragraph 2 above. Consultation with the Chancellor

16 will serve the purpose of assuring all parties that

17 only appropriate cases are reported to civil

18 authorities." Okay. Who is the Chancellor?

19 A Monsignor Rawden.

04:33:11 20 Q And if you look at the top of that

21 document, which is 4, it says, "The California

22 legislature has recently passed a statute requiring

23 school teachers and administrators to report

24 instances of child abuse to appropriate civil

04:33:28 25 authorities. In order to insure compliance with the

04:33:32 1 statute, the Archdiocese is instituting a policy
2 whereby all instances of suspected child abuse must
3 be reported immediately by telephone to the
4 Chancellor of the Archdiocese. Through consultation
04:33:43 5 with the Chancellor, a final decision regarding
6 reporting to civil authorities can be made."

7 Is that your understanding of what
8 the policy was?

9 A I didn't -- I really don't remember seeing
04:33:57 10 this letter before.

11 Q Okay. Well, practically, is that what was
12 happening while you were the Vicar for Clergy,
13 normally the report was made to the Chancellor?

14 A No. If the person was a mandated
04:34:12 15 reporter, we expected them to make the report. We
16 didn't want them to let the Vicar for Clergy know.

17 Q You did not?

18 A We did.

19 MR. WOODS: I'm sorry. What was -- just
04:34:29 20 read the answer to me. It was a little confused.

21 (Record read.)

22 THE WITNESS: We did want the Vicar for
23 Clergy.

24 MR. MANLY: I'm glad we cleared that up.

04:35:01 25 THE WITNESS: Sorry.

04:35:01 1 MR. MANLY: That's okay. I'm glad we
2 cleared it up.

3 BY MR. MANLY:

4 Q So you wanted them to talk to the
04:35:05 5 Archdiocese before they reported?

6 A No. No. We wanted them to let the
7 Archdiocese know if they reported, that they had
8 fulfilled their obligation.

9 Q How many reports do you remember seeing
04:35:20 10 regarding sexual abuse of priests?

11 A I don't remember actually seeing the
12 reports.

13 Q Well, being aware of that?

14 A I was aware of one.

04:35:35 15 Q Okay.

16 A Of [REDACTED]

17 Q Who made that report?

18 A I believe the principal did.

19 Q What was her name?

04:35:47 20 A I don't know.

21 Q Principal of what school?

22 A I don't know. It was maybe St. Agnes, one
23 of those schools. I'm not sure.

24 Q Okay. Who was the head of the Archdiocese
04:36:05 25 Department of Education while you were the Vicar for

04:36:07

1 Clergy?

2 A [REDACTED] was there for
3 sometime [REDACTED] and was replaced by
4 [REDACTED], who was hired to head that department.

04:36:27

5 Q Was [REDACTED] there for a period of time?

6 A When I was Vicar for Clergy?

7 Q Yeah. Was he [REDACTED]?

8 A I don't think he was there when my time --

9 Q Did you have a recollection that he held

04:36:42

10 that position at one point?

11 A Yeah, I think he did.

12 Q And, ultimately, who is the head of the
13 schools of the Archdiocese?

14 A It depends. Some of the schools are
15 under -- high schools are under the Archdiocesan
16 authority more directly.

04:36:53

17 Q That's fair.

18 In terms of the Archdiocese owned
19 schools or schools that are diocesan, if you will,
20 who heads those schools, who is ultimately in
21 charge?

04:37:04

22 A Well, the pastor in the parishes of the
23 grade schools is really the one who's in charge.

24 Q What about the Cardinal, doesn't he have
25 ultimate responsibility for the schools?

04:37:18

04:37:24 1 A That's a hard question to answer because
2 canonically the pastors are responsible for those
3 schools.

4 Q What about a high school like St. Paul's?

04:37:35 5 A If a high school is owned by the
6 Archdiocese, that's a different matter.

7 Q Okay. So let's take St. Paul's or what's
8 the school up by the L.A.P.D. Academy that they were
9 going to close, the high school?

04:37:49 10 A Cathedral.

11 Q Yes.

12 A No, Cathedral is owned by religious order.

13 Q Let's just take St. Paul's then.

14 Ultimately, that's -- the Cardinal's

04:37:59 15 in charge of that, correct?

16 A I think so.

17 Q Okay. And there is a number of other
18 diocesan high schools in the Archdiocese besides
19 St. Paul, right?

04:38:08 20 A Yes.

21 Q Like who? Like who -- not Mater Dei?

22 A No. The one out in San Gabriel Valley,
23 St. Mathias. There are several.

24 Q Okay.

04:38:33 25 A St. Joseph's in Santa Maria.

04:38:40 1 Q And the Cardinal is in charge of
2 appointing the principal for those schools and the
3 priests that supervise those schools, correct?
4 A No -- well, the principal would usually be
04:38:52 5 appointed by the Education Department.
6 Q Okay. But he's in charge of appointing --
7 ultimately appointing the people in charge, correct?
8 A Yes.
9 Q And who does the head of the Department of
04:39:11 10 Education of the Archdiocese report to?
11 A Immediately?
12 Q Yeah.
13 A The moderator of the curia, I think.
14 Q And who was that in 1986?
04:39:30 15 A Well, Monsignor Steve Blair, but I don't
16 think he came until a little later than that.
17 Q Now, Bishop Blair in Stockton?
18 A Stockton, yes.
19 Q And who did Monsignor Blair or Bishop
04:39:52 20 Blair report to ultimately while he was moderator of
21 the curia?
22 A He reported to the Cardinal.
23 Q Did Father -- let me represent to you and
24 I'll get a copy of the article, if would you like --
04:40:19 25 but Father Baker says that -- told the L.A. Times in

04:40:24 1 2002 or 2003, that there was a meeting where he was
2 present, the Cardinal was present and [REDACTED]
3 [REDACTED] was present.

4 MR. MANLY: Did you want my question
04:40:36 5 again?

6 MR. WOODS: No, but I think just to save
7 time, you should get the article. I'm not going to
8 be comfortable with your summary of it.

9 MR. MANLY: That's fine, but let me ask my
04:40:47 10 question. I'm perfectly willing to get the article.
11 BY MR. MANLY:

12 Q And Baker states essentially that
13 [REDACTED] said, "Should we call the police right
14 now?" And the Cardinal said, "No. No. No."

04:41:01 15 And I'll get the article for you, but
16 assuming that my representation is correct, do you
17 ever remember a meeting where the Cardinal and
18 [REDACTED] were present along with Baker?

19 A No.

04:41:14 20 Q Could that have happened without you being
21 present?

22 MR. WOODS: Calls for speculation.

23 THE WITNESS: I was present usually at any
24 important meetings.

25

04:41:21 1 MR. MANLY: Okay. Let me get the article.
2 Let's take a break.
3 THE VIDEOGRAPHER: Videotape deposition
4 off record at 4:41 p.m.
04:41:30 5 (Off the record.)
6 THE VIDEOGRAPHER: Videotape deposition is
7 now returning to record at 4:54 p.m.
8 (Exhibit 5 was marked by the Certified
9 Shorthand Reporter.)
04:54:04 10 BY MR. MANLY:
11 Q Have you ever seen this before?
12 A I believe I did, yes.
13 Q Okay. Could you look at the bottom of the
14 first page of the document, in the paragraph
05:01:26 15 beginning, "In a series of interviews."
16 A Yes.
17 Q It says, "In a series of interviews with
18 the Times, Baker described going to the office of
19 the Archdiocese in 1986 and telling Mahony of his
05:01:38 20 problem with sexual abuse. He said that in that one
21 meeting an Archdiocese lawyer suggested calling the
22 police but that Mahony said no;" is that true?
23 A I don't remember that.
24 Q Are you saying it could have happened and
05:01:54 25 you don't recall it or are you saying it didn't

05:01:56

1 happen?

2 A I don't believe it happened.

3 Q Okay. How would Father Baker know

4 ██████████, his name, et cetera?

05:02:08

5 A He was one of the principal lawyers for
6 the Archdiocese.

7 Q Did Father Baker, to your knowledge, have
8 any interaction with him?

9 A I don't know --

05:02:20

10 Q Had Father Baker to your knowledge ever
11 met him?

12 A I don't know.

13 Q Okay. Would a normal associate pastor or
14 somebody who was in the type of ministry Baker was

05:02:32

15 in have occasion to interact with ██████████ or
16 his firm?

17 A Maybe.

18 Q Really? On what type of matter?

19 A Where there would be problems in parishes.

05:02:46

20 Q Okay. Father Baker could have called
21 ██████████ office and had interaction with
22 him?

23 MR. WOODS: Calls for speculation.

24 THE WITNESS: I -- I don't think he would

05:02:56

25 call him directly but --

05:02:57

1 BY MR. MANLY:

2 Q Do you have any personal knowledge that
3 Father Baker had any interaction with
4 [REDACTED] or knew who he was prior to 1986?

05:03:05

5 A No.

6 Q Okay. Going down to the next page --
7 actually, strike that. It's the third page.

05:03:33

8 At the top, I want to direct your
9 attention to the first paragraph and I'll read it,
10 for awhile. "In September 1985, Mahony" --

11 MR. WOODS: I'm sorry. Page 3 --

12 MR. MANLY: I'm sorry. Page 3, first
13 paragraph.

14 THE WITNESS: Okay.

05:03:42

15 BY MR. MANLY:

16 Q "In September 1985, Mahony was appointed
17 head of Los Angeles Archdiocese. The following
18 summer, at an annual series of retreats for
19 Archdiocese priests, Mahony invited anyone who had
20 engaged in sexual abuse to talk to him privately;"
21 is that a true statement?

05:03:54

22 A Yes.

23 Q Okay.

24 A Confidentially, he said.

05:04:02

25 Q I'm glad you made that point, because

05:04:06 1 reading right below that it says quote, "We said to
2 priests, if you have a problem or had a problem,
3 it's really beneficial to step forward now," Mahony
4 recalled in last month's interview. "We made it

05:04:21 5 clear that, if you told us, we would follow the
6 policies."

7 What does that mean, what policy is
8 he referring to?

9 A I don't know.

05:04:30 10 Q I'm curious what you are saying about the
11 confidentiality. Was there a policy that said you
12 would keep molestation confidential?

13 A No.

05:04:41 14 Q Okay. So how do you reconcile your
15 statement on confidentiality with the Cardinal's
16 quote here?

17 A I don't know.

05:04:56 18 Q Okay. "In a series of interviews with The
19 Times" -- I'm reading the paragraph right below
20 that, Bishop.

21 "In a series of interviews with The
22 Times, Baker declined to comment on specific
23 allegations of abuse. The priest said he admitted
24 in a private meeting with Mahony in December 1986
05:05:07 25 that he had engaged in sexual abuse of minors."

05:05:11 1 Does that last sentence comport with
2 your recollection?

3 A Yes. I believe the meeting was with
4 Cardinal Mahony and -- Archbishop Mahony then and
05:05:22 5 me.

6 Q He continues, "'I told Mahony I had a
7 problem,' Baker said in one of a series of
8 interviews with The Times. Mahony did not ask for
9 specifics and appeared willing to let him remain in
05:05:35 10 the priesthood. Baker said quote, 'He was very
11 solicitous and understanding. I was glad I brought
12 it up.'"

13 Based on what you saw in that time
14 period, when the interaction between Mahony and
05:05:47 15 Baker, do you believe that's accurate?

16 A I don't think he made any promise to
17 remain in the priesthood. I think the major thing
18 was to have him go to treatment.

19 Q Well, I don't think he says he promised.
05:05:58 20 He says, "He appeared willing to let him remain in
21 the priesthood;" is that accurate?

22 A I don't remember that coming up.

23 Q In the next paragraph it says, "That
24 evening, Baker said he received a call from
05:06:08 25 Monsignor Thomas Curry, the Vicar for Clergy who

05:06:13 1 oversaw all priests. Curry directed Baker to return
2 to the Archdiocese headquarters the next day;" is
3 that accurate?

4 A I don't remember the sequence of the
05:06:23 5 meetings. I thought that Baker met with me
6 individually first of all, but there may have been
7 another meeting with the Cardinal and we had this
8 third meeting. I just don't remember the sequence
9 of meetings.

05:06:37 10 Q So you are not sure if that's accurate or
11 not. It could be, but you're not sure?

12 A No.

13 Q "When he arrived, Baker said Curry was
14 joined by Mahony and [REDACTED], the
05:06:46 15 Archdiocese's lawyer. At the meeting, which lasted
16 about 30 minutes, Baker said he was asked the extent
17 of his problem. Baker said he disclosed that, '2 or
18 3' victims were involved and vowed not to engage in
19 any future sexual misconduct;" is that accurate?

05:07:04 20 A No. To the best of my memory and
21 knowledge, I don't remember that [REDACTED] was
22 involved in the meeting.

23 Q Aside from the fact that he says
24 [REDACTED] was there and you say he wasn't, is the
05:07:16 25 rest of his statement as reported here accurate?

05:07:25 1 A I remember him mentioning two victims.
2 Q Okay. Are you testifying, Bishop, that he
3 didn't mention two or three or he just mentioned two
4 or you are just not sure?

05:07:47 5 A I'm testifying that my memory of the event
6 is two.
7 Q Okay. Quote -- could you go down in the
8 next paragraph after that single sentence, "I don't
9 recall them pressing me for details and I didn't
10 give them any;" is that accurate?

05:07:51 11 A Yes.
12 Q Next paragraph, "At one point, Baker said,
13 he became startled when [REDACTED] blurted, 'Should
14 we call the police now?' Baker said he recalled
15 Mahony's response, 'No, no, no...'" Is that
16 accurate?

05:08:04 17 A I don't think so.
18 Q Do you have any insight or explanation or
19 understanding of why Baker would make something like
20 that up?

05:08:18 21 A No.
22 Q Okay. The next paragraph reads, "The
23 Cardinal has provided conflicting accounts of his
24 discussions with Baker." Then it says, "Initially
25 he said last month he" -- well -- that's not

05:08:31

05:08:35 1 appropriate for me to read to you.

2 Okay. Looking at the last sentence
3 on that page, Bishop, beginning, "Baker's
4 truthfulness;" do you see that?

05:09:03 5 A Yes.

6 Q It says, "'Baker's truthfulness was
7 questionable,' Mahony said in an interview adding
8 that, 'We never found any evidence of cooperation.
9 He deceived his therapist, everybody.'" Do you
10 agree with that?

05:09:17

11 MR. WOODS: Do you agree that Mahony said
12 it? Do you agree that it's true?

13 MR. MANLY: No. No. No. You want to
14 make an objection, you make an objection. This is
15 what I'm talking about.

05:09:30

16 MR. WOODS: Okay. I object that the form
17 of the question that ends with "that" is vague and
18 ambiguous and calls for speculation.

19 MR. MANLY: You can answer.

05:09:42

20 MR. STEIER: Wait. And if it dealt with a
21 conversation involving the therapist and what was
22 said to a therapist, then it would invade the
23 patient therapist privilege as well.

24 MR. WOODS: Also, it assumes the statement
25 is accurately reported here.

05:09:58

05:10:00 1 MR. MANLY: If you want to call Glenn
2 Bunting, you go ahead.

3 MR. WOODS: I think it is a typo but -- I
4 mean, the whole context of it, but go ahead.

05:10:10 5 THE WITNESS: My time as Vicar for Clergy,
6 I thought he was telling the truth and was serious
7 that he wanted to change his life.

8 BY MR. MANLY:

9 Q So you agree with the statement?

05:10:21 10 A No, I don't think so. I believe that -- I
11 believe that at the time he was telling the truth.
12 I don't believe that now, but I believed it then.

13 Q Right. The next page, 4 of 6, the article
14 states, "In addition, Baker continued to have
15 frequent access to children over the next 14 years
16 while he was assigned to nine different parishes.

05:10:41 17 Six of the churches where Baker worked had
18 elementary schools adjacent to the rectory; St.
19 Thomas the Apostle in Los Angeles, St. Elizabeth in
05:10:55 20 Van Nuys, St. Linus in Norwalk, St. Mary in
21 Palmdale, St. Lucy in Long Beach and St. Columbkille
22 in South-Central Los Angeles." Is that true,
23 Bishop?

24 A I believe it is.

05:11:09 25 Q Why in the world would you assign Father

05:11:12

1 Baker to a parish that had a school, sir?

2 A Because we had an agreement with him that
3 he would not be involved in the school or in any
4 ministry to children.

05:11:22

5 Q You put a pedophile priest in a parish
6 with a school; is that correct, sir?

7 A We appointed Michael Baker, who said he
8 had abused children in school -- in these parishes
9 that had schools.

05:11:36

10 Q I take it you alerted the principal that
11 there was a pedophile living next to their campus,
12 right?

13 A I didn't talk to the principal.

05:11:47

14 Q Did the Cardinal alert the principals of
15 any of the schools on the -- at the parishes where
16 Father Baker was living that they had a pedophile
17 living next to the school?

18 MR. WOODS: Object to the form of the
19 question in that the term pedophile --

05:12:01

20 MR. MANLY: You can answer.

21 THE WITNESS: We didn't describe him as a
22 pedophile, because I didn't know he was a pedophile
23 at the time.

24 BY MR. MANLY:

05:12:08

25 Q Did the Cardinal -- I'm sorry. Did I cut

05:12:10 1 you off? I'm sorry.

2 A The answer, I don't know that the Cardinal
3 talked to any of the principals.

4 Q Did the Cardinal direct you or anybody
05:12:18 5 else to your knowledge at the Archdiocese to call
6 the principal of those schools and advise him or her
7 that there was a priest who had admitted to
8 molesting children living at the parish where the
9 school was located?

05:12:35 10 A No.

11 Q Do you think that would have been a good
12 idea, Bishop?

13 A Do I think that now?

14 Q Yeah. Do you think that would have been a
05:12:45 15 good idea?

16 A I would -- what I've learned since, yes.

17 Q What did you learn since that changed your
18 mind about notifying principals that a child
19 molester was living basically at the school?

05:12:59 20 A He was living at the rectory. He wasn't
21 living at the school.

22 Q Okay. Well, do you how close the parish
23 schools are to the rectory in these places?

24 A Yes.

05:13:17 25 Q What was to stop Father Baker from going

05:13:21 1 to the schools and taking children out of class if
2 the parish schools did not know he was a child
3 molester and had restrictions?

4 A Priests don't take children out the class.

05:13:37 5 Q Bishop, I've got about 50 examples I can
6 give you where it happened.

7 MR. WOODS: I'm sorry. Could I hear the
8 answer back?

9 MR. MANLY: Let me just rephrase.

05:13:44 10 MR. WOODS: Please don't argue with the
11 witness.

12 MR. MANLY: You're right. I apologize.

13 BY MR. MANLY:

14 Q So priests should not take children out of
05:13:52 15 classrooms; is that accurate?

16 A Yes.

17 Q Okay. So why -- why were principals and
18 teachers not notified that there was a child
19 molesting priest living adjacent to their campus?

05:14:11 20 MR. WOODS: Object to the form of the
21 question. Again, the term "child molesting priest"
22 as if it was something they thought was occurring,
23 ongoing activity.

24 MR. MANLY: Let me rephrase it.

05:14:23 25 Apparently, it was, but let's rephrase.

05:14:25

1 BY MR. MANLY:

2 Q Why did you not notify the principals of
3 the schools at the parishes he served at that he had
4 admitted molesting children?

05:14:40

5 A Because we had an agreement that he was
6 not to be involved with children and I believed that
7 he wanted to change his life and to follow that
8 policy.

05:14:55

9 Q How would that -- how would notifying the
10 principals that he had previously abused kids change
11 that?

12 A I don't know.

05:15:09

13 Q Well, you say you didn't notify him
14 because you had an agreement. My question is well,
15 that's fine, but you seem -- but what regarding that
16 agreement prevented you or made you decide not to
17 tell the principals of these schools where little
18 boys and little girls were going to school that
19 Father Baker -- let me start over.

05:15:29

20 What is it about that agreement with
21 Father Baker that made you decide not to tell the
22 principals that there was an admitted child molester
23 living adjacent to their campus who was affiliated
24 with the church?

05:15:49

25 A It wasn't our way of doing things. And we

05:15:51 1 hadn't learned everything about this whole issue.
 2 And we thought that he was trying to change his life
 3 and that he would abide by the agreements that he
 4 had made with us.

05:16:04 5 Q Bishop, did you know what he had done was
 6 a crime?

 7 A Yes.

 8 MR. WOODS: That's the third time you've
 9 asked him that and it's argumentative.

05:16:13 10 BY MR. MANLY:

 11 Q Okay. You knew he was a criminal --

 12 MR. WOODS: Fourth time.

 13 MR. MANLY: Excuse me. You know what, if
 14 you want to make comments --

05:16:19 15 MR. WOODS: You are just arguing with
 16 him --

 17 MR. MANLY: No, I'm not.

 18 MR. WOODS: -- at 5:00, 5:15 in the
 19 afternoon.

05:16:23 20 MR. MANLY: I'm not arguing. You don't
 21 like what --

 22 MR. WOODS: You don't think that's
 23 argumentative?

 24 MR. MANLY: Don, you know what, just make
05:16:29 25 your objections. I don't need to have dialogue with

05:16:31 1 you. I just need --

2 MR. WOODS: When I make the objection, you
3 start a colloquy.

4 MR. MANLY: No, I don't. I only start a
05:16:38 5 colloquy when you interrupt my testimony.

6 MR. WOODS: Your testimony?

7 MR. MANLY: You make comments about my
8 ability to ask questions. Okay. You may not like
9 my questions, but that's your prerogative. You can
05:16:45 10 object to them.

11 MR. WOODS: I'm allowed to object when you
12 are harassing the witness and you ask the same
13 question over and over again in an argumentative
14 way, it's harassing.

05:16:55 15 BY MR. MANLY:

16 Q Did you know, Bishop, when you put Baker
17 in parishes and schools, that he had committed a
18 crime?

19 A He confessed to a crime, yes.

05:17:04 20 Q And you knew that he had committed a crime
21 against children, correct?

22 A He confessed that.

23 Q And you knew that you were putting him in
24 close proximity to children when you assigned him to
05:17:19 25 parishes with schools, correct?

05:17:20 1 A Yes.

2 Q Okay. Did you tell the Cardinal or ever
3 have a discussion with Cardinal Mahony that that was
4 an extremely bad idea?

05:17:28 5 A No.

6 Q Okay.

7 MR. MANLY: Given that Mr. Woods is
8 objecting that I've gone after 5:00, we'll suspend
9 the deposition. This will be Volume I.

05:17:38 10 And propose that we stipulate to relieve
11 the court reporter of her duties under the Code; that
12 the original of the transcript will be forwarded to --
13 what's your pleasure -- Mr. Woods. That he will arrange
14 to have the witness read and sign within 30 days of
05:17:58 15 receipt of the transcript.

16 That he will notify all counsel of
17 changes to the witness' testimony within 10 days of
18 receiving these changes, but no later than 60 -- 30 days
19 after receiving the transcript; that if the original is
05:18:18 20 stolen, misplaced or otherwise unavailable, a certified
21 copy can be used.

22 That the original will be forwarded to my
23 office, where I will retain custody of it and produce it
24 for any and all requests associated with the litigation
05:18:34 25 by counsel.

05:18:35 1 MR. WOODS: So stipulated.
2 MR. MANLY: Thanks. Thank you, Bishop.
3 THE WITNESS: Thank you.
4 MR. WOODS: I just want to put on the
05:18:42 5 record, we're available to go tomorrow and Friday
6 and Monday and I've talked with other counsel and I
7 think we can do that.
8 MR. MANLY: You've obviously -- there is
9 documents that he has, namely, his calendar that
05:19:06 10 hasn't been produced, which should have been
11 produced.
12 It is obvious to me there are other
13 documents out there that need to be produced. I'm not
14 going to continue the depo until I have got those. And
05:19:11 15 we intend to bring a Motion to Compel on a variety of
16 questions. I'm not going to waste my time and go
17 tomorrow. And I want to wait and get the documents.
18 MR. WOODS: We're done subject to your
19 Motion to Compel.
05:19:21 20 MR. MANLY: You are not going to put words
21 in my mouth.
22 MR. WOODS: No, I'm not. I was telling
23 you what my -- speculating as to what you're
24 thinking. I am telling you my position.
05:19:30 25 MR. MANLY: If you want me to file yet

05:19:31 1 another motion because of your misconduct, I will be
2 most happy to. Thanks.

3 THE VIDEOGRAPHER: Videotape deposition of
4 September 30th, 2009 is now being concluded at

05:19:44 5 5:19 p.m. This will also conclude videocassette
6 tape number 3 in today's deposition. Thank you.

7 (Deposition concluded at 5:19 p.m.)

8 (Exhibits 1 to 5 were marked by the Certified
9 Shorthand Reporter.)

05:19:51 10 (Deposition to be signed under penalty of
11 perjury.)

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