

03:27:11 1 about the last heading, "Return to Ministry," on the
2 back page, but you are entitled to read the entire
3 article.

4 A I am not sure how I will be able to
03:27:20 5 respond to the last page if I don't know what he
6 said in advance, so I would like to take a moment to
7 acquaint myself with the whole article.

8 (Exhibit 12 was marked by the court
9 reporter.)

03:34:54 10 (Pause in the proceedings.)

11 BY MR. MANLY:

12 Q Cardinal, could you look at the last page
13 of the exhibit under the heading, Return to
14 Ministry.

03:35:06 15 Specifically, the last paragraph, it
16 says, "Treating priest sexual offenders means coming
17 to terms with the fact that the problem is complex,
18 tenacious and that promises of rapid solutions are
19 not likely to be fulfilled. Treatment and

03:35:20 20 rehabilitation are ambitious undertakings, requiring
21 consistency of purpose and sustained mobilization of
22 social resources. The required degree of
23 cooperation between the criminal justice and mental
24 health systems has rarely been achieved. To send

03:35:40 25 people who seek treatment for their sexual disorders

03:35:44 1 to the criminal justice system is ineffective and
2 inhumane. So-called zero tolerance policies can
3 lead to conduct unbecoming a loving Christian
4 community."

03:35:56 5 Do you see that?

6 A Yes.

7 Q Did you know that was Father [REDACTED]'s
8 view -- do you know if that was Father [REDACTED]'s view
9 when he worked at the Archdiocese?

03:36:08 10 A I honestly don't know but that was not the
11 policy of the Archdiocese.

12 Q Okay. What's different about that than
13 the policy of the Archdiocese?

14 A 1994 on, the SAAB Board came in existence.
03:36:25 15 The determination was made that anyone, any priest
16 found to be guilty of the sexual abuse of a minor
17 would never be returned to ministry.

18 Q Is that the way it happened?

19 A 1994 on.

03:36:44 20 Q So how do you explain Michael Wempe?

21 A I'm sorry?

22 Q Wasn't Michael Wempe ministering after
23 1994 at Cedars-Sinai Hospital?

24 A That group that Michael Wempe, [REDACTED]

03:36:56 25 those who were in partial ministry in SAAB. And I

03:37:01 1 admitted later, agreed that we did not go
2 retrospective, just prospectively, because we
3 thought they were all functioning fairly well in
4 ministry.

03:37:12 5 Q So in other words, if you had been caught
6 molesting kids prior to 1994, you didn't get kicked
7 out but only after, is that it?

8 A No. In those cases where it had been
9 determined that it would be -- they would be helped
03:37:31 10 pastorally and personally and would not reoffend, to
11 the best of our knowledge, they were kept in limited
12 ministry.

13 Q Okay. Do you know that Judge Byrnes'
14 deposition has been taken in this case? Did you
03:37:47 15 know that?

16 A I believe someone told me.

17 Q Okay. Have you talked to him lately?

18 A Sometime in September, maybe.

19 Q Let me represent to you that Judge Byrne
03:38:03 20 testified in the case and told us a number of
21 things, one of which is that -- well, there were two
22 boards, SAAB and then another board after 2002; is
23 that right?

24 A Correct.

03:38:14 25 Q What was the second board called?

03:38:16 1 A It's called the Clergy Misconduct
2 Oversight Board.
3 Q Okay. And also known as CMORP?
4 A CMOB.
03:38:27 5 Q CMOB. Okay.
6 And the Sexual Abuse Advisory Board
7 was sometimes called SAAB; is that right?
8 A Yes.
9 Q And Judge Byrne was the chairman and there
03:38:43 10 were [REDACTED] and
11 [REDACTED] on the SAAB Board and several priests.
12 Does that comport with your
13 ^{Na:} understanding?
14 A Yes.
03:38:51 15 Q Okay. And is it your understanding that
16 [REDACTED] and [REDACTED] were [REDACTED]
17 [REDACTED]?
18 A Which ones?
19 Q [REDACTED] and [REDACTED].
03:39:06 20 A Yes.
21 Q Okay. He also told us that his
22 recollection is that all of the cases that were
23 brought before them were brought under the name of
24 Father Fred, so they weren't actually told the name
03:39:22 25 of the priest. Did you know that?

03:39:24

1 A Yes.

2 Q And then later, he said on the new board,
3 they still don't know the name of the priest, they
4 are called Father X. Are you aware of that?

03:39:32

5 A Yes.

6 Q And is that the case, is that true?

7 A Well, what happens is if the -- first of
8 all, the chairman, vice chairman know who the priest
9 is and have read the file, so the SAAB Chair or the

03:39:48

10 CMOB Board actually have seen the file. And it's
11 really up to them to determine whether it's useful
12 or helpful in their process to give the name.

13 Q So if Judge Byrne testified he had never
14 seen the files and didn't know the names of the
15 priests in this case, that would not be accurate,
16 correct?

03:40:08

17 A In which case?

18 Q In the cases from '92 to the end of SAAB?

19 A I'm not sure how SAAB functioned. I'm
20 sorry. I don't recall the policy. I just know the
21 way CMOB functions.

03:40:21

22 Q So do you know in the context of SAAB,
23 were the Chairman and Vice Chairman allowed to see
24 the file?

03:40:34

25 A I don't remember.

03:40:46 1 MR. MANLY: Okay. Can I have his
2 testimony read back where he explained like two
3 questions back.

4 (The record was read as follows:
03:41:40 5 "Well, what happens is if the --
6 first of all, the chairman,
7 vice chairman know who the
8 priest is and have read the
9 file, so the SAAB Chair or
03:41:40 10 the CMOB Board actually have
11 seen the file. And it's really
12 up to them to determine whether
13 it's useful or helpful in
14 their process to give the name.")

03:41:43 15 BY MR. MANLY:

16 Q And why is it helpful to do that, to give
17 the name?

18 A Well, for example, if there has been a
19 story in the newspaper about this priest, it
03:41:54 20 obviously makes no sense to say, well, we don't --
21 we're not going to give the name. It's father
22 whoever.

23 I mean, when you have all the
24 circumstances of the case and the case has been
03:42:06 25 reported publically in the media, then there's no

03:42:09

1 reason not to.

2 Q Cardinal, whose idea was it to call the
3 alleged molester Father Fred?

4 A I have no idea.

03:42:17

5 Q Whose idea was it in the new board to call
6 the alleged offending priest Father X?

7 A I don't know.

8 Q You have no idea?

9 A No.

03:42:25

10 Q Was the reason that was done [REDACTED]
11 [REDACTED] ?

12 A Absolutely not.

13 Q Do you have any explanation as to why that
14 was done?

03:42:41

15 Let me ask you this, did you approve
16 that?

17 A It seemed to me when the SAAB Board was
18 established, that is the procedure they themselves
19 came up with.

03:42:53

20 Q So the SAAB Board and it's follow on board
21 CMORE --

22 MR. HENNIGAN: CMOB.

23 MR. MANLY: Okay. I don't know how you
24 put that on the record but fine.

03:43:06

25 MR. HENNIGAN: C-M-O-B.

03:43:08 1 MR. MANLY: CMOB. Is that C-MOB? Okay.

2 BY MR. MANLY:

3 Q Somebody on that board gets access to the
4 file, is that right, Chairman or the Vice Chairman?

03:43:24 5 A Yes.

6 Q And why don't all the members get access
7 to the file?

8 A It's their procedure that they worked out,
9 CMOB developed this procedure.

03:43:39 10 Q Who appoints the members of CMOB and its
11 predecessor board SAAB?

12 A I do.

13 Q Okay. How were [REDACTED] identified
14 to serve on the Board, who helped you find those
15 people, if anybody?

03:43:57 16 A I don't recall with [REDACTED], how
17 she came to be on the Board. [REDACTED]

18 [REDACTED]
19 [REDACTED]. I don't remember exactly.

03:44:23 20 We wanted somebody who [REDACTED]
21 [REDACTED], I remember that, and a woman and who was [REDACTED]

22 [REDACTED]
23 [REDACTED]

24 Q Was the SAAB Board and the CMOB Board
03:44:40 25 aware that it was your policy never to report to the

03:44:43 1 police unless the allegation involved a child, in
2 other words, it was reporting?

3 A I don't understand the question.

4 Q Sure. Let me rephrase it.

03:44:56 5 You told us earlier that you didn't
6 report the Baker case in 2000 because the people
7 that came forward at that time were [REDACTED] years
8 old and were adults?

9 MR. HENNIGAN: He said [REDACTED].

03:45:12 10 MR. MANLY: Fine. [REDACTED]. Do you
11 remember that?

12 THE WITNESS: Yes, I said I didn't report
13 in 1986 because we didn't have anyone to -- any
14 children for them to go interview. 2002, they were

03:45:26 15 [REDACTED].
16 BY MR. MANLY:

17 Q Was the Board aware, in terms of its
18 advisory role to you, that that was your view, in
19 other words, you would never report unless you had a
03:45:41 20 child reporting abuse to the Archdiocese?

21 A Again, I don't understand what --

22 Q Did the Board understand that it was your
23 view and the Archdiocese's policy that the
24 Archdiocese would not notify law enforcement or

03:45:56 25 Child Protective Services if anybody other than a

03:46:00 1 minor reported abuse?

2 A Well, as I said earlier, by Archdiocese, I
3 guess you are referring to me and my people, but
4 because these reports were always made at the local
03:46:13 5 level by the reporters before we found out about it.

6 Q Okay. Well, Cardinal, I'm just trying to
7 establish what the policy was. Okay. And you've
8 explained that you didn't report immediately to law
9 enforcement within 36 hours or whenever -- actually,
03:46:36 10 let me strike that.

11 You explained to us earlier that you
12 delayed reporting in the 2000 Cadigan matter because
13 the boys reporting were then adults, even though
14 they had been molested as children.

03:46:50 15 And my question is, did the Board
16 understand that was your policy to never report an
17 adult allegation of childhood sexual abuse to the
18 police?

19 A I don't remember if I discussed that with
03:47:02 20 the Board, but this involved another state and
21 adults. It didn't involve California or Los Angeles
22 or this area.

23 Q Did that matter to you?

24 A Adults are capable of reporting
03:47:19 25 themselves.

03:47:20 1 Q Okay. In terms of the two boys, did you
2 understand they were adults when Father Baker
3 reported that to you in 1986 or did you understand
4 they were still children?

03:47:39 5 A I understood that they were young --
6 teenagers.

7 Q Okay. Under 18?

8 A As far as I know, yes.

9 Q Okay. So in that instance, why didn't you
03:47:50 10 report?

11 UNIDENTIFIED SPEAKER: He just explained
12 that his policy --

13 MR. HENNIGAN: You have asked him why he
14 didn't report 20 times.

03:47:59 15 MR. MANLY: He just made a distinction.
16 He said I only reported when I knew they were
17 children or knew they were minors.

18 He just testified that he thought
19 they were minors so my question is, why didn't you
03:48:10 20 report if that was your policy.

21 THE COURT: Do you want to object?

22 MR. HENNIGAN: Object.

23 THE COURT: It has already been answered.
24 I could answer it.

25

03:48:18

1 BY MR. MANLY:

2 Q All right. Did you ever discuss with
3 Judge Byrne the Baker case?

03:48:44

4 A I would meet periodically with CMOB and
5 they would review for me a number of cases that were
6 before them. The Baker case -- actually, he was
7 laicized before CMOB was actually established. He
8 was laicized in 2000. CMOB was established in 2002.

03:49:10

9 Q So the SAAB Board was in effect when he
10 was laicized, correct?

11 A Yes.

12 Q Did the Baker case come before the SAAB
13 Board to discuss it?

03:49:18

14 A I don't remember whether it came before
15 them, but we acted so fast to get him out of
16 ministry and get him laicized that -- and they
17 concurred, obviously. They too felt they had been
18 duped by him.

03:49:33

19 Q Did Baker ever appear and meet with the
20 SAAB Board?

21 A It's not their practice to actually
22 personally meet with people.

23 Q Why not?

03:49:46

24 A Because they don't consider themselves to
25 be a court or that -- so we have professional

03:49:53 1 investigators who they then mandate to go and do the
2 investigations and report back to them.

3 Q Okay. Now, if in 1996, Monsignor Dyer
4 told you he learned from Father Baker that he was
03:50:12 5 going places alone with Luis and/or other children,
6 was it your understanding that was a violation of
7 his aftercare agreement?

8 MR. HENNIGAN: There's no foundation.

9 MR. MANLY: You can answer.

03:50:30 10 THE COURT: No.

11 BY MR. MANLY:

12 Q Were you ever advised by Monsignor Dyer
13 that Luis had told Dyer and/or others that he had
14 been taken on outings by Baker alone?

03:50:45 15 A No.

16 Q Okay. If you learned, had you learned in
17 1996 that he was taking minors alone, would that
18 have been enough to take him out of ministry?

19 MR. HENNIGAN: Calls for pure speculation.

03:51:21 20 MR. MANLY: Based on the policy of the
21 Archdiocese.

22 THE WITNESS: It would have --

23 THE COURT: I don't know if you can answer
24 that.

03:51:29 25 THE WITNESS: It would have been -- again,

03:51:30 1 it would have been a violation of his aftercare
2 agreement.

3 BY MR. MANLY:

4 Q Okay. Was international travel either
03:51:49 5 alone -- was international travel alone to -- by
6 Father Baker a violation of his aftercare agreement?

7 A No.

8 Q Okay. So he could go anywhere, any
9 country he wanted, Thailand, Nepal, Guatemala.
03:51:58 10 El Salvador, that would be fine?

11 A As far as I knew, there was no restriction
12 on countries.

13 Q What was the nature of the restriction in
14 terms of his contact with young people, if you know,
03:52:12 15 in the aftercare agreement?

16 A I would have to refresh my memory. I
17 don't have it in front of me.

18 MR. MANLY: I don't have it at all. Could
19 we get that?

03:52:23 20 MR. WOODS: I'm not being deposed, John.
21 The matter has all been litigated. It's coming up
22 for a ruling.

23 MR. MANLY: Okay.

24 BY MR. MANLY:

03:52:47 25 Q Did you ever meet or direct your staff to

03:52:48 1 meet with Father Baker's therapist in or around 1996
2 when they saw Luis coming out of that residential
3 area in the rectory?

4 A No, not as far as I recall.

03:53:05 5 Q Did anybody to your knowledge consult with
6 his therapist to determine if there had been some
7 change or some issue with him?

8 A I don't know.

9 Q Okay. Now, let's go back to Monsignor
03:53:22 10 Loomis and let me pass out the portion of the
11 deposition I'm going to ask about. Why don't we
12 mark it as next in order. And this is the
13 deposition of Monsignor Richard Loomis dated
14 September 15, 2009.

03:54:04 15 MR. WOODS: Exhibit 13, right.

16 (Exhibit 13 was marked by the court
17 reporter.)

18 BY MR. MANLY:

19 Q Let me direct your attention to page 118
03:54:28 20 of the deposition. It's the second page of the
21 document you have in front of you, Cardinal. I'm
22 looking at line 15:

23 "When you realized at some point,
24 did you personally come to the
03:54:47 25 conclusion that Father Baker had,

03:54:49 1 in fact, molested this boys?
 2 "Answer: The only thing I had is
 3 what I saw in the opening pages of
 4 the lawsuit.
03:54:55 5 "Question: Okay.
 6 "Answer: I saw no later
 7 information.
 8 "Question: Were you concerned at
 9 all given the allegations that were
03:55:01 10 raised in the Cadigan claim that
 11 Baker had in fact -- may have, in
 12 fact, molested the two boys when
 13 they were just -- to use your
 14 term -- boundary violations?
03:55:15 15 "Answer: Yes.
 16 "Question: Did anybody go back and
 17 revisit that at that time?
 18 "MR. WOODS: Revisit what?
 19 "MR. MANLY: The other two boys
03:55:24 20 that Baker had boundary violations
 21 with.
 22 "THE WITNESS: I went back to the
 23 file and tried to look up the two
 24 families. There was unfortunately
03:55:34 25 no contact information. I got

03:55:36 1 in touch with Monsignor Dyer
2 because he was in the parish where
3 supposedly these people -- at
4 least one of them had lived
03:55:44 5 at the time. And there was no way
6 to track them, either through phone
7 or parish restrictions or
8 anything of that type.
9 "Question: There was no name in
03:55:53 10 the file?
11 "There was a name and that was it.
12 Question: What about Monsignor
13 Dyer, did Monsignor Dyer have a way
14 to track them?
03:56:00 15 "I asked him to try. Sorry, I
16 talked over you.
17 "It's okay.
18 "I asked him to try and he called
19 me back after about 24 hours and
03:56:04 20 told me he had not been able to
21 find the families again.
22 "Question: Did the Archdiocese
23 hire a private investigator to try
24 and find them?
03:56:11 25 "Answer: Not to my knowledge.

03:56:12 1 "Question: What files did you look
2 at?
3 "I looked in the C file.
4 "And where was the C file kept at
03:56:17 5 that time.
6 "Answer: In the Vicar for Clergy
7 office in a locked office, in a
8 locked cabinet.
9 "Describe what the file looked
03:56:26 10 like, color, et cetera.
11 "It was in a manila folder.
12 "What color?
13 "Manila folder, same usual color."
14 Cardinal, do you ever recall
03:56:36 15 discussing with Monsignor Loomis the possibility of
16 trying to find the other two children Monsignor --
17 I'm sorry -- Father Baker had boundary violations
18 with between '86 and the Cadigan complaint?
19 A I am not sure who you are referring to.
03:56:53 20 Q There were two instances of boundary
21 violations that are mentioned in the People of God
22 Report that we talked about today, one involving my
23 client and Father Baker.
24 What this refers to is a search for
03:57:06 25 those boys. Okay. Did you direct any of your staff

03:57:10 1 to try and go back and find the boys he had boundary
2 violations with after you learned of the Cadigan
3 allegation?

4 A I'm lost on which boys.

03:57:25 5 Q Okay. Let's just --

6 A You said there are two.

7 Q Let's just deal with Luis. I think it's
8 simpler.

9 Did you direct your staff to go back
03:57:34 10 and try to locate Luis -- Luis C. who's here in this
11 room -- and revisit that case or that allegation or
12 incident after the Cadigan allegation came up?

13 A You mean following the meeting with
14 Monsignor [REDACTED] and Dyer with him where he said
03:57:57 15 nothing happened?

16 Q No.

17 A Referring to that?

18 Q I'm referring to when you received the
19 Cadigan complaint and the allegations of the two
03:58:07 20 boys from Mexico and Arizona, okay, did you then
21 go -- think it wise or did you go back and try to
22 locate Luis who was seen coming out of the residence
23 area where Baker lived in 1996?

24 A You mean four years after he said nothing
03:58:34 25 happened?

03:58:34 1 Q Right.

2 A Didn't occur to me.

3 Q Okay. Did you ever learn the police were
4 trying to locate Luis?

03:58:36 5 A At some point, I did, yes.

6 Q Did you ever hear from any source other
7 than your counsel an allegation by the police that
8 the Archdiocese intentionally concealed Luis' name
9 and made it very difficult to find him?

03:58:51 10 A Well, Monsignor Dyer made it very clear
11 that there were two different last names, Spanish
12 names being used and he was familiar with one of
13 them and he was not familiar with the other one.

14 Q Cardinal, did you ever hear from any
03:59:06 15 source that the police accused the Archdiocese of
16 misleading the D.A.'s office and the police by
17 giving them the wrong name?

18 A I heard that but it was clarified when
19 they found out there were two different Spanish last
03:59:22 20 names.

21 Q Did you direct your staff or were you
22 aware that your staff was intentionally misleading
23 the police by giving them the wrong name of Luis
24 when they were looking for him?

03:59:34 25 A Monsignor Dyer said repeatedly, he always

03:59:39 1 thought this was the last name. He did not know
2 that the family used another last name as well.

3 Q Okay. Did you intentionally -- did the
4 Archdiocese, to your knowledge, either through you
03:59:51 5 or others intentionally mislead the Los Angeles
6 Police Department when they were trying to find
7 Luis C.?

8 A No.

9 Q Where did you hear that the police
04:00:05 10 department believed you misled them?

11 A I don't remember when that came up but I
12 heard it -- in some discussion, eventually
13 Monsignor Dyer explained what had happened.

14 The family, if I remember his
04:00:27 15 discussion, said that even in the religious ed
16 program and in the school, the children had
17 different last names.

18 Q Who told you that the family went by two
19 names?

04:00:40 20 A Monsignor Dyer.

21 Q And did he know the two names?

22 A He found out later when they started
23 checking their records, apparently, that some of the
24 children had one last name and the other had the
04:00:56 25 other but both were using both names.

04:00:57 1 Q When who checked what records?
2 A Monsignor Dyer.
3 Q Checked who's records?
4 A Luis.
04:01:03 5 Q What records are you referring to?
6 A Well, I think -- if I -- again, this is a
7 long time ago and -- ten years ago. Seems to me
8 that in trying to assist the police, Monsignor Dyer
9 went to the parish records and the school records
04:01:20 10 and the religious education records and found that
11 members of that family had, in fact, been using two
12 different names, last names.
13 Q Did he give that information to the
14 police?
04:01:32 15 A Yes.
16 Q How did he give it to them?
17 A I have no idea.
18 Q How did you know the police were looking
19 for another Baker victim?
04:01:46 20 A I did not know they were looking for
21 another Baker victim.
22 Q Have the police ever requested an
23 interview with you?
24 A No, not to my recollection.
04:02:00 25 Q Would you be willing to give one?

04:02:02 1 MR. HENNIGAN: Stop it. Stop it. Stop
2 it. No.

3 MR. MANLY: What's wrong with that?

4 MR. HENNIGAN: It's not likely to lead to
04:02:10 5 the discovery of admissible evidence. It's
6 offensive.

7 THE COURT: Sustained.

8 BY MR. MANLY:

9 Q Do you ever recall discussing with the
04:02:26 10 SAAB Board the issue of when it was appropriate as a
11 matter of policy to report priests to law
12 enforcement who had offended kids?

13 A I don't recall having that discussion.

14 Q Do you recall having that discussion with
04:02:40 15 any of your staff at any point just as a policy
16 matter when it would be appropriate to report
17 priests to law enforcement who had offended kids?

18 A Well, as we were approaching January 1st,
19 1997, we sent out directives to the priests again
04:03:04 20 reminding them that they were mandated reporters
21 after that date and what to do, I think maybe even
22 in copies of the form and I think they were quite
23 well informed of that.

24 Q Do you know as you sit here today,
04:03:23 25 Cardinal, how much time elapsed between the time

04:03:27 1 Baker was reported and the time the Archdiocese made
2 the accusation public in 2000?

3 Let me be clear. Do you know how
4 much time elapsed between the time the Cadigan
04:03:44 5 complaint came forward and the time the Baker
6 allegation was publically disclosed?

7 A No.

8 Q Was it more than a year?

9 A I presume when the complaint was -- I just
04:04:02 10 don't know legally whether the complaint was filed
11 here by a Miss Cadigan, that it would have been a
12 public record from that point on.

13 Q Is it your recollection that a complaint
14 was actually filed?

04:04:19 15 A I've seen a copy of it, the complaint.

16 Q Did anybody else in the Archdiocese, any
17 priest, any member of the SAAB Board, any member of
18 your staff, anybody other than Richard Loomis ask
19 you to notify the parishes immediately?

04:04:39 20 A No.

21 Q Okay. Did any member of your staff, any
22 member of the SAAB Board, any member of the
23 Archdiocese, any priest, anybody within the
24 Archdiocese ever suggest to you personally that, be
04:04:58 25 it from 1986 to 2002, that the police ought to be

04:05:02 1 called about Father Baker?

2 A No.

3 MR. HENNIGAN: I'm going to count up on
4 this transcript how many times that question was
04:05:16 5 answered.

6 THE COURT: Okay.

7 BY MR. MANLY:

8 Q Let me show you a document we'll mark as
9 next in order. Which is what? 12?

04:05:51 10 THE COURT REPORTER: 14.

11 MR. MANLY: 14. Why don't you take a look
12 at that article, Eminence.

13 (Exhibit 14 was marked by the court
14 reporter.)

04:07:59 15 THE WITNESS: Where is the ad?

16 MR. MANLY: I have no idea.

17 BY MR. MANLY:

18 Q Do you recall blocking an ad from a
19 survivor's group in or around 1994 in The Tidings,
04:08:13 20 Eminence?

21 A I do not.

22 Q Have you ever seen this article before?

23 A I honestly don't remember.

24 Q You don't remember but you don't have any
04:08:25 25 independent recollection of -- the Tidings is the

04:08:28 1 Archdiocese's newspaper?

2 A It is.

3 Q You don't have any independent
4 recollection of not allowing the Tidings to publish
04:08:38 5 an article about priest sex abused victims?

6 A An article?

7 Q Un-huh.

8 MR. HENNIGAN: It is not about an article.

9 THE WITNESS: It is about an ad.

04:08:47 10 MR. MANLY: An ad. Sorry. An ad.

11 THE WITNESS: No.

12 BY MR. MANLY:

13 Q Okay. Do you remember Monsignor Fleming
14 speaking with you about that ad as reflected in the
04:08:58 15 article?

16 A I honestly do not. We have all kinds of
17 groups taking out ads in The Tidings.

18 Q As you sit here today, do you know how
19 many people have accused Michael Baker of molesting
04:09:24 20 them between 1986 and 2000?

21 MR. HENNIGAN: Asked and answered.

22 THE COURT: Sustained.

23 MR. MANLY: No. I asked how many people
24 made complaints against Baker. I didn't ask that

04:09:33 25 specific question because Baker was ordained in '74.

04:09:36 1 And there were plenty of complaints before '86, so
2 that's the question I'm asking.

3 THE COURT: The answer was 20.

4 MR. MANLY: I don't think he gave an
04:09:45 5 answer to that.

6 BY MR. MANLY:

7 Q Do you know the answer, Cardinal?

8 A I don't have a final answer. I think the
9 document did say 20. I think the judge is correct.

04:09:55 10 Q Okay. Did the Archdiocese enter, to your
11 knowledge, into any confidentiality agreement on a
12 Baker case between 19 -- did the -- strike that.

13 Did the Archdiocese have any claims
14 involving Michael Baker for damages between 1986 and
04:10:18 15 2000?

16 A Other than the Cadigan?

17 Q Other than the Cadigan complaint, yes.

18 A I am not aware of any.

19 Q So your testimony is you know of nobody
04:10:31 20 that came forward between 1986 and 2000, other than
21 the two boys in the Cadigan case and said that
22 Michael Baker had molested them prior to 1986?

23 A Well, I thought your original question had
24 to do with lawsuits or action.

04:10:48 25 Q Okay. I'm asking a different question

04:10:50 1 now.

2 A Could you repeat that?

3 Q Sure.

4 Are you aware of anybody that came

04:10:55 5 forward between 1986 and 2000, and told the

6 Archdiocese that they had been molested by

7 Michael Baker prior to 1986?

8 A No.

9 Q Okay. And if that happened, you would

04:11:11 10 know about it, correct?

11 A Yes.

12 Q All right. Let me show you another

13 document that will be next in order which is 15.

14 Let me know when you are finished, Your Eminence.

04:13:19 15 A All right.

16 (Exhibit 15 was marked by the court
17 reporter.)

18 BY MR. MANLY:

19 Q Okay. Cardinal, it says here that you

04:13:23 20 adopted a zero-tolerance police. Do you see, "At

21 the Mass, attended by more than 100 priests and

22 deacons, he promised to remove anyone accused of

23 impropriety in the 287 parishes he oversees. He

24 said he was 'outraged and found in incomprehensible'

04:13:40 25 that priests would harm children, and he vowed to

04:13:44 1 enforce a zero-tolerance policy toward sexual abuse
2 in the clergy."

3 A Yes, but it says enforce not adopt. The
4 policy was adopted in 1994.

04:13:54 5 Q Okay. Well, did that policy change at
6 some point to encompass the priests who had molested
7 kids before 1994?

8 A As I answered just a few minutes ago,
9 unfortunately, SAAB and I did not include those
04:14:08 10 priests prior to 1994.

11 Q My question is, when did that change, if
12 ever?

13 A Well, eventually, those men were taken out
14 of any ministry or CMOB determined them fit for
04:14:27 15 ministry and they returned to ministry.

16 Q Was there some event that forced you or
17 caused you to remove the pre '94 molesters from
18 ministry?

19 A I think that the whole resurgence of this
04:14:44 20 matter, we felt that it would be -- to make sure
21 that our policy was firm, that we felt that those
22 who had been in limited ministry prior to 1994,
23 should now be completely taken out of ministry and
24 we did that.

04:15:00 25 Q But my question is, was there some event

04:15:03 1 or action that caused you to do that?

2 Was there something you said, I saw
3 this, you know, happened and, therefore, I'm going
4 to do it?

04:15:12 5 Was it the Boston scandal? What was
6 it? Was it the DiMaria case?

7 A I think this started in 2000, 2001 as
8 there were more -- more attention being made to
9 these cases, so we ourselves decided to go back and
04:15:33 10 look at our own cases and make a decision how we
11 should respond here.

12 Q So there was no legal settlement or
13 anything like that that required you to adopt a
14 zero-tolerance policy that applied to all molesters?

04:15:43 15 A No.

16 Q Was there any failure -- how many of the
17 molesters that you allowed to remain in ministry
18 after 1994, how many of them offended?

19 MR. HENNIGAN: Later?

04:16:03 20 MR. MANLY: Yeah.

21 THE WITNESS: That was one of the ironies,
22 that the men who were in restricted ministry
23 pursuing their -- their treatment program, we had no
24 reports of anyone.

25

04:16:22 1 BY MR. MANLY:

2 Q What about Michael Baker?

3 A Except 1996 and that was not proven to be
4 accurate.

04:16:29 5 Q Okay. Well, my question is, how many
6 claims did you get after '94 involving those people?

7 MR. HENNIGAN: Ever?

8 MR. MANLY: Ever.

9 THE WITNESS: None.

04:16:41 10 BY MR. MANLY:

11 Q Okay. Let me show you the next article,
12 the next exhibit in order which is number 16.

13 (Exhibit 16 was marked by the court
14 reporter.)

04:18:35 15 BY MR. MANLY:

16 Q Have you read it, Cardinal?

17 A Yes.

18 Q Do you see the line that says, "Mahony has
19 said that Baker's case is one that 'troubles me the
04:18:46 20 most'?"

21 A Yes.

22 Q Did you say that?

23 A Yes.

24 Q What does that mean?

04:18:51 25 A Well, it means that I put my full trust

04:18:56 1 and confidence in what he told me and that he was
2 doing everything he was supposed to do under the
3 terms of his treatment, aftercare program.

4 Q Did Baker have -- to your knowledge have a
04:19:13 5 home in Palm Springs?

6 A I don't know.

7 Q Did Baker to your knowledge have a home in
8 Long Beach?

9 A I don't know.

04:19:24 10 Q Cardinal, do you know how -- well, let me
11 ask you this, what was the salary of a priest in the
12 mid 90's under the Archdiocese of Los Angeles?

13 A Oh, I would say, mid 90's, maybe \$1200 a
14 month, \$1300 a month.

04:19:46 15 Q And they're living -- and their room and
16 board are taken care of and they get car insurance
17 an health insurance, right?

18 A Yes.

19 Q Do you know how somebody that was making
04:19:58 20 that little like Father Baker would have the means
21 to travel internationally quite frequently?

22 A No.

23 Q Okay. Are you aware that he was -- are
24 you now aware that he was doing that?

04:20:12 25 A I am now but not during this time.

04:20:14 1 Q Has anybody from the Archdiocese ever
2 looked into where he was getting those resources?

3 A The only part of it that I have any
4 awareness is that when he was -- he was -- my
04:20:32 5 liaison to the retired priests, he was talking some
6 of these retired priests into either giving him
7 money or putting him in their wills which is part of
8 his whole con-artist modus operandi.

9 Q When did you find that out?

04:20:54 10 A After he was removed from ministry.

11 Q Which time? '86 or 2000?

12 A 2000.

13 Q Okay. Do you know a priest by the name of
14 Monsignor [REDACTED]?

04:21:13 15 A Yes.

16 Q Who is he?

17 A Father [REDACTED] is a priest from a
18 diocese in [REDACTED] but I don't remember which one.

19 Q Okay. Was it the Diocese of [REDACTED]?

04:21:28 20 A I'm sorry but I don't know.

21 Q Did you ever have him to the Archdiocese
22 to conduct a workshop on priest sexual abuse or
23 priest sexual misconduct?

24 A Yes.

04:21:37 25 Q When was that?

04:21:39 1 A Excuse me?
2 Q When was that?
3 A I don't recall what year that was.
4 Q And why did you have him here to do that?
04:21:55 5 A The conference actually was not on sexual
6 abuse as such. It was on human development and
7 human sexuality for priests and it was done over in
8 Sierra Madre, I believe, at the retreat house.
9 Q Which retreat house?
04:22:22 10 A Sierra Madre.
11 Q Is that a parsonage retreat house?
12 A Yes.
13 Q Is the Archdiocese required to provide
14 counsel to Father Baker under any agreement that you
04:22:36 15 are aware of?
16 A Required?
17 Q Right.
18 Is there some contractual requirement
19 that the Archdiocese pay for Father Baker's lawyer
04:22:48 20 given that he is no longer a priest?
21 A Not that I'm aware of.
22 Q Is the Archdiocese paying for
23 Father Baker's lawyer?
24 A I honestly don't know.
04:23:00 25 Q Well, given what Father Baker's done, is

04:23:03 1 it your view that as the Cardinal and the Archbishop
2 of this diocese, that he should be getting his legal
3 team, his --

4 MR. STEIER: It would be worse if he got
04:23:19 5 competent legal work, you know.

6 BY MR. MANLY:

7 Q Is it your opinion that that should be
8 happening?

9 A I honestly don't know the arrangement.
04:23:27 10 I've never talked to Father Baker nor to his legal
11 counsel about it.

12 MR. STEIER: Also calls for a legal
13 conclusion of this witness who is not prepared to
14 respond to that.

04:23:44 15 BY MR. MANLY:

16 Q Do you know whether [REDACTED] is being
17 paid by your Archdiocese?

18 A I have no idea.

19 Q Let me show you a document we'll mark as
04:24:00 20 next in order and this is a SAAB agenda from Friday
21 November 10th, 1995, along with a cover letter from
22 Mr. Woods. I can't put my hands on. It must be
23 someplace.

24 Okay. Mark that as next in order
04:24:41 25 which is 17. This is marked as ADLALC00657. The

04:25:02 1 letter is dated November 23rd, 2009. It is a SAAB
2 agenda.

3 (Exhibit 17 is marked by the court
4 reporter.)

04:26:03 5 BY MR. MANLY:

6 Q Have you had an opportunity to read that,
7 Cardinal?

8 A Yes.

9 Q Have you ever seen this document before?

04:26:07 10 A No.

11 Q Okay. Have you ever seen a SAAB agenda
12 before?

13 A This agenda?

14 Q Have you ever seen an agenda, a SAAB
04:26:16 15 agenda before?

16 A Regularly, no.

17 Q Okay. Do you recognize the handwriting as
18 that of Judge Byrne?

19 A I don't know his handwriting.

04:26:35 20 Q Do you see where it says, "Mike Baker"?

21 A Yes.

22 Q Do you have any idea why Judge Byrne would
23 have written "Mike Baker" on that document?

24 A No.

04:26:43 25 Q Okay. Thank you.

04:26:50 1 Well, let me ask you this, was Father
2 Baker discussed -- was Father Baker under police
3 investigation in November of 1995?

4 A Not to my knowledge.

04:27:02 5 Q Okay. Was any priest under police
6 investigation?

7 A I honestly don't know.

8 Q How would I find out who that is?

9 A Ask somebody who knows. Maybe Judge Byrne
04:27:19 10 would know. I don't know.

11 Q Well, if the Archdiocese had somebody
12 under -- a pastor under police investigation in
13 1995, who would be the person that we should speak
14 to about who that was to identify that person?

04:27:35 15 A Well, it would seem to me that this is a
16 SAAB item that Judge Byrne and the Vicar for Clergy
17 in 1995 would be the appropriate ones.

18 Q That would mean Monsignor Dyer and
19 Judge Byrne, right?

04:27:50 20 A Yes.

21 MR. MANLY: How much time have we got,
22 Mr. Hennigan?

23 MR. HENNIGAN: I think you have none.

24 THE COURT: I have five minutes.

04:28:11 25 THE WITNESS: I have two.

04:28:12 1 MR. HENNIGAN: Your watch is slow. 4:28.

2 THE WITNESS: I have 4:28.

3 THE COURT: My phone says 4:28. You have
4 two minutes.

04:28:21 5 BY MR. MANLY:

6 Q Did the Archdiocese retain a public
7 relations firm in any manner, shape or form to deal
8 either in whole or part with the Baker case?

9 A Not that I'm aware of.

04:28:31 10 Q Did the Archdiocese ever retain [REDACTED]
11 [REDACTED]?

12 A Not that I'm aware of.

13 Q So the Archdiocese has never retained
14 [REDACTED]?

04:28:44 15 A Not that I'm aware of.

16 Q Have you ever received advice from [REDACTED]
17 [REDACTED] on the handling of these cases?

18 MR. HENNIGAN: That invades the
19 attorney-client privilege. [REDACTED] was
04:28:57 20 hired by my law firm.

21 MR. MANLY: Okay. Can we -- well, we'll
22 have that discussion off the record. I think there
23 is a way to verify that is pretty easy.

24 MR. HENNIGAN: You mean besides me telling
04:29:12 25 it to you?

04:29:12 1 MR. MANLY: Yeah.
2 THE COURT: Looks like a good time to
3 stop.
4 MR. MANLY: Okay.
04:29:29 5 THE COURT: Okay.
6 MR. MANLY: This will conclude Volume I of
7 the deposition of the Cardinal.
8 MR. HENNIGAN: The final volume.
9 MR. MANLY: No, I'm not going to agree to
04:29:37 10 conclude the deposition.
11 MR. HENNIGAN: And I'm not going to agree
12 to continue it.
13 MR. MANLY: I have a stack of documents
14 here --
04:29:43 15 MR. HENNIGAN: Then you should have gotten
16 to them. My point, your honor --
17 MR. MANLY: What is this, Judge? Who does
18 he think he is?
19 THE COURT: Everybody calm down.
04:29:50 20 MR. HENNIGAN: We will review the
21 transcript and make a record on the repetitiveness,
22 the dilatory nature of this interrogation, the
23 number of times that the same questions were asked
24 over and over again and largely a waste of the day.
04:30:04 25 And if you decide that we've got come back for

04:30:07 1 another day, then we will.
2 MR. MANLY: That's fine but, Judge,
3 there's a variety of documents I haven't gotten to.
4 THE COURT: I understand but -- and I can
04:30:16 5 see where you may want more, but it's got to go in
6 at a faster pace.
7 MR. MANLY: That's fine.
8 THE COURT: And have a time limit on it.
9 MR. MANLY: That's fine with me too. I
04:30:27 10 probably need three hours.
11 THE COURT: A morning?
12 MR. MANLY: That's fine.
13 THE COURT: Okay. Start at 9:30 -- start
14 at 9:00, you'll be done at noon.
04:30:36 15 MR. MANLY: Okay.
16 THE COURT: It's not that the objections
17 are holding it up. There haven't been objections,
18 so three hours really ought to be able to --
19 MR. MANLY: That's absolutely fine with
04:30:43 20 me.
21 THE COURT: Can you agree to three hours?
22 MR. HENNIGAN: Avoid making a motion and
23 we'll do it for three hours.
24 THE COURT: Okay. So now you want to come
04:30:51 25 back -- we can go off the record on the rest of

04:30:54

1 this.

2

THE VIDEOGRAPHER: Off record at 4:30.

3

(Off the record.)

4

MR. MANLY: This will be Volume I of the

04:32:41

5

deposition; that the Cardinal will read the

6

transcript, sign it under penalty of perjury, that

7

the original will be forwarded to Mr. Hennigan.

8

He will give it to the Cardinal, get

9

him to read it and sign. Notify all parties within

04:33:01

10

10 days of any changes and that you will retain

11

possession of the original -- I'll retain possession

12

of the original and produce it for any and all

13

legitimate purposes in connection with the action.

14

In the event the original is not

04:33:11

15

available, would pose a certified copy can be used

16

for any and all purposes in the case.

17

MR. HENNIGAN: Sounds like a stipulation

18

to me.

19

(Volume I of the deposition was concluded

04:33:20

20

at 4:33 p.m.)

21

(Deposition to be signed under penalty of

22

perjury.)

23

(Exhibits 1 through 17 were marked by the

24

Certified Shorthand Reporter during the proceedings.)

04:33:20

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