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

- - -

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

**CERTIFIED COPY**

Case No. JCCP 4286

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

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

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST DISTRICT  
3 - - -  
4 COORDINATED PROCEEDING SPECIAL )  
5 TITLE (RULE 1550 (b)) )  
6 THE CLERGY CASES I )  
7 JOHN DOE, an individual, )  
8 Plaintiff, )  
9 vs. ) Case No. JCCP 4286  
10 ROMAN CATHOLIC ARCHBISHOP OF )  
11 LOS ANGELES, A CORPORATION SOLE; )  
12 OUR LADY OF GUADALUPE CATHOLIC )  
13 PARISH; ST. AGATHA CATHOLIC )  
14 PARISH; ARCHDIOCESE OF LOS )  
15 ANGELES EDUCATION AND WELFARE )  
16 CORPORATION; ROMAN CATHOLIC )  
17 DIOCESE OF TEHUACAN and )  
18 DEFENDANT DOES 6 through 100, )  
19 Defendants. )  
20  
21 Deposition of CARDINAL ROGER MAHONY, taken on  
22 behalf of the Plaintiff, at 865 South Figueroa Street,  
23 Suite 2900, Los Angeles, California, commencing at 7:55  
24 a.m., Saturday, February 23, 2013, before Aileen  
25 Neitzert, CSR No. 5318.

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A P P E A R A N C E S

FOR THE PLAINTIFF:

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ALSO PRESENT:

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

BA

1	I N D E X		
2	WITNESS: CARDINAL ROGER MAHONY		
3	EXAMINATION		PAGE
4	BY MR. DE MARCO		7
5			
6	EXHIBITS:		
7	NUMBER	PLAINTIFF'S DESCRIPTION	PAGE
8	1-	Memorandum to Archbishop Mahony, from Monsignor Curry, dated January 10, 1988	15
9	2-	Letter to Revdmo. Norberto Rivera C., from Revdmo. Roger Mahony, dated 30 de Marzo de 1988	21
10	3-	Letter to Excmo. Sr. Arzobispo Don Rogelio Mahony, from Norberto Rivera C., dated Marzo 23 de 1987	21
11	4-	Letter to Excmo. y Rvdmo. Sr. Arzobispo Don Rogelio Mahony, from Norberto Rivera C., dated Enero 27 de 1987	26
12	5-	Letter to Excmo. Sr. Arzobispo Don Rogelio Mahony, from Norberto Rivera C., dated Marzo 17 de 1988	27
13	6-	English translation of January 10, 1988 letter	49
14	7-	Letter to Director, Foundation House, Servants of the Paraclete, from Archbishop Roger Mahony, dated July 22, 1986	54
15	8-	Memorandum to Archbishop Mahony, from Msgr. Curry, dated January 26, 1988	84
16	9-	Response to Deposition Subpoena for Business Records	105
17	10-	Letter to Rev. Santiago Tamayo, from Thomas J. Curry, Vicar for Clergy, dated December 28, 1987	121

1 EXHIBITS (Continued):

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

9 QUESTIONS WITNESS WAS INSTRUCTED NOT TO ANSWER:

10 (None)

11 INFORMATION TO BE SUPPLIED:

12 (None)

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

1	they call those --	09:18:30
2	Q. Extradition treaties?	09:18:31
3	A. -- extradition treaty. He's a few hours from	09:18:33
4	here. So if that were the intent -- by the way, at	09:18:37
5	that point the police knew.	09:18:40
6	Q. How is it you're aware the police knew?	09:18:42
7	A. It seems to me in this case the parents -- or	09:18:45
8	one of the parents told the police.	09:18:48
9	Q. Um-hum. How did you become aware of that?	09:18:49
10	A. It's somewhere in the documentation.	09:18:52
11	Q. You've reviewed documentation to indicate the	09:18:54
12	police were contacted?	09:18:57
13	A. Some -- that was my recollection.	09:18:57
14	Q. Is that something you reviewed recently?	09:19:00
15	A. I don't remember when I last saw it, but I also	09:19:02
16	met with at least one maybe two sets of these	09:19:09
17	parents --	09:19:13
18	Q. Uh-huh.	09:19:13
19	A. -- myself. And one of them -- they were very	09:19:14
20	angry with Monsignor Garcia.	09:19:18
21	Q. Uh-huh.	09:19:21
22	A. And one of them -- one of the fathers said that	09:19:21
23	he doesn't want him back here and if he comes back	09:19:24
24	here, he's going to call the police again. I think	09:19:27
25	that was -- those were his words.	09:19:31

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

1	Q. You ever heard of Dr. [REDACTED] [REDACTED]?	09:20:39
2	A. I can't remember. I don't remember.	09:20:43
3	Q. Not aware of any priests of the Archdiocese who	09:20:46
4	have been accused of molesting kids being sent for	09:20:49
5	treatment to the Hacker Clinic or UCLA with Dr. [REDACTED]	09:20:51
6	[REDACTED]?	09:20:54
7	A. I -- I can't recall. There might have been,	09:20:55
8	but that certainly is maybe one or two cases. But I'm	09:20:58
9	not aware.	09:21:03
10	Q. Okay. At this time in 1986 were you at all	09:21:04
11	concerned about any other persons being subjected to	09:21:10
12	criminal liability other than Father Peter Garcia that	09:21:16
13	you're referring to in this letter?	09:21:21
14	A. If -- I'm not sure about 1986, but very early	09:21:25
15	on we -- we routinely told priests that they were	09:21:29
16	subject to criminal -- if they have been found	09:21:35
17	guilty -- if they were subject to criminal -- or	09:21:39
18	suspicion of well-founded allegation, they were subject	09:21:43
19	to police investigation.	09:21:46
20	Q. Why would you tell priests that?	09:21:50
21	A. For their information, so --	09:21:55
22	Q. For their --	09:21:55
23	A. -- they would know.	09:21:58
24	Q. For their protection?	09:21:59
25	A. To -- so they would know another consequence of	09:22:02

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

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

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

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



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

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

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

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

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

2 A. Yes. 09:41:36

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

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

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

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

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

8 of conduct? 09:41:57

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

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

11 prior to March 1987? 09:42:03

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

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

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

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

16 Nicolas Aguilar-Rivera? 09:42:25

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

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

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

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

21 homosexual conduct? 09:42:43

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

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

24 you, though? 09:42:51

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11       Q.   Right.       10:18:05

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

13   thing.       10:18:08

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

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

16   don't know.       10:18:09

17       Q.   Okay.       10:18:17

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

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

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

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

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

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

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

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

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

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



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

1 priests and all of a sudden on Saturday only has one -- 10:22:43

2 Q. Right. 10:22:46

3 A. -- then he's going to have to help find 10:22:46

4 somebody to help out that parish. 10:22:49

5 Q. Okay. And in circumstances like this where the 10:22:51

6 priest is removed because of accusations of child 10:23:00

7 molestation, especially so, the bishop would need -- 10:23:04

8 the regional bishop would be needing to be informed of 10:23:07

9 that; is that a fair statement? 10:23:12

10 A. Yes. 10:23:13

11 Q. Okay. Would it surprise you, then, if by the 10:23:13

12 end of January 1988 Bishop John Ward had no clue that 10:23:19

13 Father Nicolas Aguilar-Rivera had been accused of 10:23:25

14 molesting kids? Would that surprise you? 10:23:27

15 A. I -- I just don't know whether he was or was 10:23:31

16 not. 10:23:34

17 Q. I'd like to go back to our Exhibit 8, the 10:23:34

18 January 26, '88 memo. The second to last sentence, I 10:23:52

19 wanted to ask you a specific question about that. And 10:23:58

20 it reads: "The whole issue of our records is a very 10:24:04

21 sensitive one, and I am reluctant to give any list to 10:24:08

22 the police." What did you mean by "The whole issue of 10:24:13

23 our records is a very sensitive one"? 10:24:18

24 MR. HENNIGAN: You -- 10:24:21

25 THE WITNESS: I didn't write this. 10:24:22

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

1 Junior Seminary while you attended there? 11:44:37

2 A. I don't remember him at all. He never taught 11:44:38

3 me anything. 11:44:41

4 Q. Okay. While you were at Our Lady Queen of 11:44:42

5 Angels Junior Seminary -- you attended there for your 11:44:46

6 high school years, correct? 11:44:48

7 A. Let's see. We moved -- I think the last two 11:44:50

8 years of high school we moved out there from downtown. 11:44:58

9 Q. Okay. Was there a pool there? 11:45:01

10 A. Yes. 11:45:07

11 Q. Was it uncommon, in your experience, for a 11:45:07

12 priest to be swimming with any of the underage students 11:45:14

13 in the pool? 11:45:17

14 A. I seldom used the pool. I like to play 11:45:19

15 baseball instead, so I was hardly ever near that pool. 11:45:23

16 I just don't know. 11:45:25

17 Q. Okay. Do you know someone who also attended, I 11:45:27

18 believe at the time you did, by the name of [REDACTED] 11:45:33

19 [REDACTED]? 11:45:36

20 A. I've seen his name in a questionnaire. 11:45:36

21 Q. Do you know who he is? 11:45:39

22 A. No, no recollection of him. 11:45:40

23 Q. Don't recall ever meeting with him? 11:45:42

24 A. I don't know. I just don't remember him. 11:45:45

25 Q. Okay. If Mr. [REDACTED] recalled your being in 11:45:46



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

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

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

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

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

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

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

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



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

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

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

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

1 MR. DE MARCO: Okay. 11:59:11  
2 THE WITNESS: And I might add, if we don't have 11:59:13  
3 a Pope by April 2nd, you won't see me here. 11:59:15  
4 THE VIDEOGRAPHER: This deposition is now 11:59:19  
5 concluded. The time is 11:59 a.m. 11:59:20  
6 (Ending time: 11:59 a.m.)  
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STATE OF CALIFORNIA       )  
                                      ) SS.  
COUNTY OF LOS ANGELES    )

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_  
201\_\_, at \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CARDINAL ROGER MAHONY