

12:03:51        1        Catholic church, clergy and lay, who had -- were guilty  
                 2        of or alleged to be guilty of child molestation.

                 3                Q        When did you first become aware, Bishop, that  
                 4        some priests molested kids?

12:04:08        5                A        When I was the bishop of Boise, Idaho, was  
                 6        the first time I became aware of that.

                 7                Q        And how did you become aware of that?

                 8                A        I became aware through a -- a case that came  
                 9        to my attention.

12:04:19        10              Q        Okay. And I take it you called the police  
                 11        when that came to your attention?

                 12              A        The -- I did not call the police because  
                 13        the -- it came to my attention by an adult male who had  
                 14        been allegedly abused when he was an adolescent.

12:04:38        15              Q        How many times did you have allegations of  
                 16        sexual misconduct by priests while you were the bishop  
                 17        of Boise, Idaho?

                 18              A        I can think of two.

                 19              Q        Okay. Were the priests alive?

12:04:52        20              A        The priests were alive.

                 21              Q        Now, in either instance when that came to  
                 22        your attention, did you pick up the phone and call the  
                 23        police?

                 24              A        No, I did not do that because in all -- both  
12:05:01        25        of those cases, the alleged victims were adults at the

12:05:06 1 time I found out about the cases.

2 Q Now, when is the first time while you were  
3 attending a National Conference of Catholic Bishops  
4 meeting, either an executive session or regular session,  
12:05:16 5 somebody mentioned the issue of childhood sexual abuse?

6 A I think that that issue of child sexual abuse  
7 was mentioned at one of my first meetings.

8 Q When was that?

9 A When I became a bishop in 1989.

12:05:37 10 Q Okay. So the first bishops -- one of the  
11 first bishops meeting you attended, the bishops were  
12 already talking about the problem of priests having sex  
13 with kids, right?

14 A That is correct.

12:05:47 15 Q Okay. So did you come to an understanding at  
16 some point that child molesters are frequently  
17 recidivist? Do you know what that means?

18 A I do know what that means. My understanding  
19 is that that is true sometimes, but not always true.

12:06:03 20 Q Okay. And so did you make a determination in  
21 either instance of the priests you dealt with in Idaho  
22 as to whether or not there was a risk that they had  
23 molested other kids?

24 A Well, the priests in Idaho in the one case  
12:06:15 25 was removed from ministry, and in the second case the

12:06:19 1 priest retired.

2 Q With due respect, Bishop, that's not what I  
3 asked you.

4 A Oh.

12:06:24 5 Q Did you make an independent determination or  
6 did you direct anybody to determine whether the priest  
7 that molested kids in Idaho that you came to -- that  
8 came to your attention had recidivist tendencies?

9 A Would you please repeat the question?

12:06:41 10 MR. MANLY: Ms. Reporter, would you read it back,  
11 please?

12 THE REPORTER: "Question: Did you make an  
13 independent determination or did you direct anybody to  
14 determine whether the priest that molested kids in Idaho  
15 that you came to -- that came to your attention had  
16 recidivist tendencies?"

12:06:43 17 THE WITNESS: In learning about the cases brought  
18 to my attention in Idaho, in one case there was one  
19 victim, in the other case there were -- there was more  
12:07:06 20 than one victim. I don't recall how many.

21 BY MR. MANLY:

22 Q Bishop, with all due respect, what I'm asking  
23 you is did you make a determination or did you tell  
24 somebody to make a determination whether the perpetrator  
12:07:18 25 priests that came across your desk in Idaho were likely

12:07:22 1 to offend or had offended more than once?

2 A I made the determination.

3 Q And what training did you have regarding  
4 recidivism to make that determination?

12:07:31 5 A I have no training in recidivism. I was  
6 consulting experts in the field.

7 Q What experts did you consult with to  
8 determine whether or not they were recidivist?

9 A People in the medical -- mental health area.

12:07:46 10 Q What people?

11 A Doctors.

12 Q What doctor?

13 A Well, in the case of one, it was at the  
14 facility where he was receiving treatment.

12:07:59 15 Q What was that?

16 A That was in Hartford, Connecticut.

17 Q Institute for Living?

18 A Yes. That's correct.

19 Q Is that a pedophile treatment facility you  
12:08:08 20 forgot to mention?

21 MR. CALLAHAN: I'm going to object to the  
22 characterization of it as a pedophile treatment facility  
23 unless that's --

24 MR. MANLY: Well, let me rephrase that.

12:08:14 25 BY MR. MANLY:

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12:08:15           1                   Q    Is that a -- well, I don't -- I'm not going  
                  2                   to agree with that objection, but I'll -- I'll rephrase  
                  3                   it just to make it easy.  
                  4                   Do you have an understanding, as you sit here  
12:08:23           5                   today, that the Institute for Living is an institution  
                  6                   run by the Catholic church?  
                  7                   A    The Institute for Living is not an  
                  8                   institution run by the Catholic church, to my knowledge.  
                  9                   Q    Is it affiliated in any manner with the  
12:08:35           10                  Catholic church?  
                  11                 A    I think that at one point in their history  
                  12                 and when I dealt with them, they had a Catholic chaplain  
                  13                 on the staff.  
                  14                 Q    Okay. And is the Institute for Living a  
12:08:46           15                 place that you are aware of that frequently has treated  
                  16                 pedophile religious and/or priests?  
                  17                 A    I'm not sure what they have treated people  
                  18                 for, but they have treated people with that -- those  
                  19                 difficulties.  
12:08:57           20                 Q    Did -- did you forget about the Institute for  
                  21                 Living or --  
                  22                 A    I did forget about it. Thank you for  
                  23                 reminding me.  
                  24                 Q    Okay. Oh, my pleasure.  
12:09:05           25                 And so was Father Michael Peterson the person

12:09:09 1 you consulted there?

2 MR. CALLAHAN: Objection, Your Honor.

3 JUDGE JAMESON: Sustained.

4 MR. MANLY: I didn't ask if that was the priest.

12:09:14 5 I asked if it was the doctor he consulted. I'm not

6 asking about the priest, Your Honor.

7 JUDGE JAMESON: The objection is sustained.

8 MR. MANLY: Okay. I -- I'm not sure -- what was

9 the objection just so --

12:09:26 10 MR. CALLAHAN: I didn't even bother to get it out

11 because it was so obvious. It's not calculated to lead

12 to discovery of admissible evidence in this particular

13 case, it's irrelevant, it's beyond the Court's order

14 regarding the things that this judge can talk about.

12:09:39 15 Excuse me.

16 BY MR. MANLY:

17 Q Has Father Michael Peterson ever addressed

18 the National Conference of Catholic Bishops on childhood

19 sexual abuse?

12:09:47 20 A I do not recall that name.

21 Q Is he well-known among the bishops as

22 somebody who has expertise on treating priest offenders?

23 A I am not aware of that.

24 Q Okay. So the -- your testimony is you talked

12:10:02 25 to the person at the Institute for Living, and they told

12:10:06 1 you that in the one instance, the man was not a  
2 recidivist risk?

3 A That is correct.

4 Q Did you put him back in ministry?

12:10:12 5 A No, I did not.

6 Q Where is he now?

7 A He left the ministry. I think he's working  
8 in Oregon someplace.

9 Q And what was the age of his alleged victim?

12:10:23 10 A I think his alleged victim was --

11 MR. CALLAHAN: At the time or when he spoke to  
12 the bishop? Pardon me?

13 MR. MANLY: At the time he molested him.

14 MR. CALLAHAN: At the time he allegedly molested  
15 him, how old was he?

16 THE WITNESS: I think he was -- I'm not quite  
17 sure about that. The molestation continued for a period  
18 of years, and I think it started when he was about --  
19 I'm guessing now -- 10 or 12.

12:10:47 20 BY MR. MANLY:

21 Q Okay. And where in Idaho did that take  
22 place? Do you recall?

23 A I think that -- I think that molestation took  
24 place in Moscow, Idaho.

12:11:03 25 Q Okay. And was there a decision -- did

12:11:08 1 anybody at the Diocese of Boise and/or you ever consider  
2 calling the police?

3 A No, I didn't get to -- consider calling the  
4 police because, again, the victim was an adult when I  
12:11:20 5 knew him.

6 Q Was there a public announcement made?

7 A Yes, there was.

8 Q You told the newspapers?

9 A No, I did not tell the newspapers. The  
12:11:27 10 alleged victim did.

11 Q After -- after the abuse?

12 A Oh, yes.

13 Q So how much time elapsed between the time the  
14 victim made the allegation public and the time the  
12:11:46 15 allegation was brought to the diocese' attention?

16 A No. The allegation -- the allegation was  
17 made known to the diocese before the victim -- alleged  
18 victim made it public.

19 Q How much time between the two?

12:11:59 20 A There were -- I can't quite -- can't quite be  
21 sure. There were several months. The alleged victim  
22 wanted a cash settlement, which the diocese was not  
23 willing to agree to. He threatened to go to the press  
24 if we didn't accept his offer, and he went to the press.

12:12:22 25 Q Now, and did you -- you never considered



12:12:25 1 calling the police when he first reported it?

2 A No. Because he was an adult when he reported

3 it.

4 Q But the priest was still -- had still -- had

12:12:34 5 contact with kids, right?

6 A At the time it was reported, no. As soon as

7 it was reported, as soon as we understood who the priest

8 was, he was called into the office, confronted with the

9 accusation, and he at that point went immediately to the

12:12:52 10 Institute for the Living.

11 Q Did he admit it?

12 A Yes, he did.

13 Q So he admitted he had molested kids, and you

14 didn't --

12:13:00 15 A He admitted he molested one person.

16 Q He admitted he molested a child, and you

17 didn't call the police, right?

18 A No, I did not call the police.

19 Q All right. Now, the second instance in Boise

12:13:09 20 you told us about, did you call the police in that

21 instance?

22 A I did not call the police in that instance.

23 Q Why?

24 A Because, again, the victims were adults at

12:13:18 25 the time that the accusations were made.

12:13:21 1 Q Well, but they allege that they had been  
2 abused as kids, right?

3 A That's correct.

4 Q Okay. Well, so did you think it was a good  
12:13:27 5 idea to pick up the phone and call the police?

6 A I didn't think that -- the man was not in a  
7 situation where -- where he was going to be of -- at the  
8 time, I didn't think he was in a situation where he  
9 would be a risk.

12:13:51 10 MR. MANLY: Can I have the bishop's answer read  
11 back, please?

12 THE REPORTER: "Answer: I didn't think that --  
13 the man was not in a situation where he was going to be  
14 of -- at the time, I didn't think he was in a situation  
12:13:54 15 where he would be a risk."

16 BY MR. MANLY:

17 Q You mean the victim or the perpetrator?

18 A The perpetrator.

19 Q And so you made a situ- -- you made a  
12:14:13 20 determination that he was not a risk to kids?

21 A At that time.

22 Q And were you aware at that time, Bishop,  
23 that -- as to whether or not either men accused of  
24 pedophilia could have been charged criminally?

12:14:28 25 A No, I was not aware of that.

12:14:30 1 Q Did that even enter your mind?

2 A It may not have entered my mind because I  
3 wasn't advised of that.

4 Q When did you learn that it was wrong to  
12:14:45 5 molest a child?

6 A When I first learned about molestation.

7 Q When was that?

8 A Probably in college.

9 Q So you went to the seminary?

12:14:56 10 A I did go to the seminary.

11 Q So you learned that it was wrong to molest a  
12 child when you were at college at Saint John's Seminary;  
13 is that right?

14 MR. CALLAHAN: You're talking about formal  
12:15:05 15 training or just general awareness that something like  
16 that's wrong?

17 BY MR. MANLY:

18 Q Bishop, you can answer.

19 A Well, I think that mol- -- molestation of any  
12:15:17 20 kind, but child molestation was a serious moral -- moral  
21 failure and also a crime. That was -- makes a lot of  
22 common sense. I found out very early on.

23 Q Okay. Now, you knew it was a crime when you  
24 were the bishop of Boise, Idaho; is that correct?

12:15:33 25 A Yes.

12:15:34 1 Q Is it a crime if a priest does it?

2 A If anyone does it.

3 Q Okay. So if you knew it was a crime and you  
4 knew it was morally wrong, why didn't you call the  
12:15:46 5 police?

6 A This was a matter to take -- these are things  
7 that happened many years before. And people -- the  
8 alleged victims were now adults, and it was my thought  
9 that they should call the police if they wished to do  
12:16:01 10 that.

11 Also, I'm not quite sure what the -- the  
12 criminal law in that regard is in Idaho. It's not the  
13 same as it is here in California.

14 Q Bishop, have you ever called the police on a  
12:16:14 15 priest?

16 A No, I've never called -- to my knowledge,  
17 I've never called the police about a priest.

18 Q How do you know it's different -- the law is  
19 different in Idaho than California?

12:16:27 20 A I just know the statutes are different there.  
21 They were different and -- because of the issue of suits  
22 we were involved in.

23 Q Statutes of what?

24 A Limation.

12:16:36 25 Q What does that matter whether you call the

12:16:40 1 police or not?

2 A I didn't see a need to call the police since  
3 this was not an ongoing activity with a minor at the  
4 time.

12:16:49 5 Q But I think you just told me that it's  
6 well-known and common sense, to use your words, that  
7 pedestrians molest repeatedly and repeatedly, right?

8 MR. CALLAHAN: Objection. He did not say that.  
9 He said sometimes they do, and sometimes they don't.

12:17:02 10 You're putting words in his mouth. I object to that  
11 question.

12 BY MR. MANLY:

13 Q Is it not your understanding and common sense  
14 that if you -- do you think it's common sense if  
12:17:08 15 somebody's a pedophile, whether their victim's 20 or 40  
16 and they're still around kids, is it common sense to  
17 call the police, Bishop?

18 A I don't think it's common sense if you have  
19 restricted the individual in a situation where they're  
12:17:20 20 not able to fail in that regard.

21 Q So did you put him in clerical prison?

22 A No, I did not put them in clerical prison.

23 Q What did you do?

24 A Well, in one case, the priest was -- had gone  
12:17:35 25 to a facility for treatment and then subsequently left

12:17:38 1 the ministry, and the other case the person retired.

2 Q So if he retired from ministry, your view is  
3 he would never molest again?

4 A Knowing the person that -- who retired and  
12:17:49 5 knowing his history and having had conversations with  
6 him, I was confident that there was not going to be a  
7 matter of recidivism.

8 Q So effectively, you were -- did you think, in  
9 effect, you were doing the police's job for them with  
12:18:03 10 regard to --

11 A No, I did not.

12 Q Now, how -- how many priest perpetrators have  
13 you come across in your career?

14 A I am aware of two in Idaho, and in Orange  
12:18:18 15 County I can think of three right now. There may be  
16 others. I'm not sure.

17 Q So you only know of two in Idaho and three in  
18 Orange County; is that accurate?

19 A As I sit here with my -- at the moment. I  
12:18:33 20 would have to research that issue.

21 Q So was it your expectation as a bishop, as a  
22 new bishop, that if Bishop McFarland knew that he had  
23 priests who had raped children or molested children or  
24 adolescents in parishes, that he would tell you that?

12:18:54 25 MR. CALLAHAN: Objection; calls for speculation

12:18:55 1 as to expectations.

2 JUDGE JAMESON: Sustained.

3 BY MR. MANLY:

4 Q Did Bishop McFarland -- well, I take it as  
12:19:11 5 bishop of Orange, you did not want to have people who  
6 had molested children in ministry; is that accurate?

7 A I certainly would not want to have people who  
8 molested children in ministry. And as I speak now, I  
9 realize I can think of four priests in Orange County who  
12:19:25 10 have been accused of that here in Orange County.

11 Q Okay. All right. Now, do you know how many  
12 priests were in ministry of any type or sort in -- well,  
13 actually, let me ask it a different way.

14 How many priests, whether on inactive leave,  
12:19:44 15 sick leave, or on active duty, in the Diocese of Orange  
16 when you arrived had been accused of molestation?

17 MR. CALLAHAN: I'm going to object to that, Your  
18 Honor, based on your previous order that says on page 14  
19 we're not going to have any questions about since he  
12:20:00 20 arrived after the facts here, meaning the Andrade  
21 matter, there will be no questions of Bishop Brown  
22 regarding abuse by clerics or priests in the diocese or  
23 anywhere else.

24 I've tried to not object and allow this some  
12:20:12 25 reasonable latitude, but we now see that we're going to

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12:20:16 1 repeat the Bishop McFarland deposition, and I don't  
2 think that's appropriate.

3 JUDGE JAMESON: Well, at least you acknowledge  
4 that we're going into people in Idaho and their  
12:20:27 5 circumstances which I had ruled was out of bounds. It  
6 was incredible to me that you let this go on for an  
7 hour.

8 MR. CALLAHAN: I'm sorry, Your Honor.

9 JUDGE JAMESON: But the objection's sustained.

12:20:38 10 MR. MANLY: Judge, if -- if -- we talked about  
11 the transition period and that Bishop Blair -- Bishop  
12 Blair -- excuse me -- Bishop Brown is aware of people  
13 that were molesters in 1998 when he arrived. That is  
14 squarely within the ambit of the Andrade period as ruled  
12:20:55 15 by Judge Andler, which is 1987 to 2001. So I think I'm  
16 entitled to ask that question.

17 MR. CALLAHAN: I don't.

18 JUDGE JAMESON: The objection's sustained.

19 BY MR. MANLY:

12:21:08 20 Q Okay. Did Bishop McFarland tell you that  
21 there were numerous people working at the diocese, both  
22 as priests, laypeople, and otherwise, during the  
23 transition period that were molesters?

24 MR. CALLAHAN: I'm going to object to that. The  
12:21:24 25 court's order is that --



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12:21:25 1 JUDGE JAMESON: No. I -- the transition and what

2 Bishop McFarland advised Bishop Brown --

3 MR. MANLY: Okay.

4 JUDGE JAMESON: -- is one of the -- I think I

12:21:40 5 even commented that that would be appropriate. So

6 what -- what was communicated regarding the status of

7 allegations and cases at the time Bishop Brown arrived

8 is relevant.

9 So you may -- if you have the question in

12:22:00 10 mind, you may answer.

11 MR. CALLAHAN: Do you have the question in mind,

12 Bishop, or do you want it read back?

13 THE WITNESS: I have the question in mind, I

14 think.

12:22:07 15 Bishop McFarland spoke to me about two

16 priests who had been accused of sexual molestation

17 and -- during our transition period.

18 BY MR. MANLY:

19 Q Which ones?

12:22:18 20 A Monsignor Harris and Father John Lenahan were

21 the two priests he spoke to me about.

22 Q Okay. Now, I take it he told you that Father

23 Harris and Father Lenahan had been accused of -- of

24 abuse?

12:22:36 25 A Bishop McFarland told me that both of those

12:22:38       1       had -- no. Bishop McFarland told me that Monsignor  
                 2       Harris had been accused by various people of abuse and  
                 3       that there was a pending lawsuit. In the case of Father  
                 4       Lenahan, he told me about one -- one event.

12:22:54       5               Q     Did he tell you that Father Lenahan had  
                 6       admitted abusing the girl in question?

                 7               A     I think he -- Bishop McFarland told me that  
                 8       he had -- I'm not quite positive of --

                 9               (Interruption in proceedings at 12:23 p.m.)

12:23:11       10              THE WITNESS: I'm not positive as I sit here now.  
                 11       I think he told me about involvement of Father Lenahan  
                 12       with a -- a teenage girl, and I don't recall whether --  
                 13       what the admission question was. I do know there was  
                 14       some kind of legal settlement in that case, though.

12:23:30       15       BY MR. MANLY:

                 16              Q     He said "involvement." What does that mean?

                 17              A     I'm not quite sure. I presume it was some  
                 18       kind of sexual involvement.

                 19              Q     Now, I take it once you learned that Father  
12:23:41       20       Lenahan had been sexually involved with a young girl,  
                 21       you kicked him out of the diocese.

                 22              A     I did not kick Father Lenahan out of the  
                 23       diocese because the matter had been dealt with by my  
                 24       predecessor some years before, and I was not going to  
12:23:58       25       return to the past, but rather move on into the future.

12:24:01 1 Q Well, I -- certainly, you would think it  
2 would be inappropriate for him to be in any sort of  
3 position of leadership, given that he had engaged in sex  
4 with a minor. Agree?

12:24:12 5 A I simply accepted the decisions that Bishop  
6 McFarland had made in regard to Father Lenahan.

7 Q Did you ever come to -- did it ever come to  
8 your attention at any time that Father Lenahan was  
9 holding positions of leadership in a diocese when it was  
10 known to you and Bishop McFarland that he was a  
11 molester?

12 A Bishop McFarland had appointed him to a  
13 certain position of the diocese. He was in those  
14 positions when I arrived here, and I did not change the  
15 status.

16 Q So you never appointed Father Lenahan to any  
17 position of leadership; is that accurate?

18 A I'm not quite sure. He was a consultor  
19 and -- appointed by Bishop McFarland. And I think when  
20 his term was -- I think when his term was finished, that  
21 I reappointed him.

22 Q Okay. Now, I take it as a part of the  
23 transition, you wanted to become familiar with the  
24 priests of the diocese?

12:25:15 25 A I'm very intent on becoming aware of the

12:25:18 1 priests of the diocese as quickly as I could.

2 Q So I take it one of the things did you was  
3 review their files?

4 A No. I did not review their files.

12:25:25 5 Q Did you speak during the transition with  
6 Bishop McFarland -- I'm sorry.

7 During the transition, did you speak with  
8 Bishop Driscoll and/or Monsignor Urell about the  
9 priests?

12:25:36 10 A I did not speak to Monsignor Urell or to  
11 Bishop Driscoll about priests during my transition.

12 Q Bishop, is it -- you've been a bishop a long  
13 time, right?

14 A Since 1989 -- '88, actually.

12:25:52 15 Q If your vicar general and/or chancellor are  
16 possessed of information that some priests might pose a  
17 threat to children, was it your -- is it your  
18 expectation at any time that they would make you, as the  
19 bishop, aware of that?

12:26:07 20 A That would be my expectation, yes.

21 Q So it would be your expectation that if  
22 Bishop Driscoll and/or Monsignor Urell were possessed of  
23 information that there were molesters working in the  
24 diocese, that they would have told you that; is that

12:26:21 25 accurate?

12:26:22        1                    A    I would have expected they would have told me  
                 2                    that if the occasion arose.

                 3                    Q    What do you mean "if the occasion arose"?

                 4                    A    Well, I don't know. I -- usually we didn't  
12:26:33        5                    discuss priests unless there was some particular reason  
                 6                    to speak about a priest.

                 7                    Q    Okay. Have you ever spoken with them  
                 8                    subsequently about their failure to tell you -- well,  
                 9                    let me ask you this.

12:26:45        10                    Did either of them during the transition  
                 11                    period ever tell you that there were multiple priests  
                 12                    working in the diocese who had been accused?

                 13                    A    No. Neither priest spoke to -- neither of  
                 14                    them spoke to me about that during the transition.

12:26:56        15                    Q    Did they speak to you about it at any time?

                 16                    A    No, except that I think that after the --  
                 17                    after the Dallas meeting of the bishops and the  
                 18                    bishops -- Catholic bishops of our country adopted the  
                 19                    charter for the protection of young people, at that time  
12:27:15        20                    Monsignor Urell had spoke to me about one of the priests  
                 21                    in terms of a certain -- had had some accusations  
                 22                    against him, which I did not know up until that point.

                 23                    Q    Did Monsignor Urell tell you that -- during  
                 24                    the transition period that Father Ramos was accused of  
12:27:30        25                    taking boys to donkey shows in Tijuana?

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12:27:33 1 A No. Monsignor Urell did not tell me that. I  
2 don't believe Father Ramos was on active duty when I  
3 came here.

4 Q Okay. Well, if you learned that any priest,  
12:27:44 5 whether on active duty or not, during the transition had  
6 been taking children to donkey shows with prostitutes in  
7 Tijuana, would you have taken action to laicize that  
8 priest?

9 A I certainly would have taken some action.

12:28:00 10 Q Well, that's fine. My question is would you  
11 have taken action to defrock that priest?

12 A I would certainly have taken such a priest  
13 out of active ministry.

14 Q Did you ever come to learn that another  
12:28:16 15 priest in your diocese, Father Peturich, who was on duty  
16 when you were in -- let me ask -- let me ask a different  
17 question.

18 Did you ever come to learn during the  
19 transition that Father Ramos had been to -- had served  
12:28:30 20 in Tijuana after he was a notorious -- known to be a  
21 notorious pedophile by Bishop Driscoll?

22 A As I sit here at this moment, I don't recall  
23 that conversation.

24 Q So Bishop Driscoll never told you that he had  
12:28:43 25 sent, along with Bishop McFarland, Father -- well, did

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12:28:47       1       Bishop McFarland, Bishop Driscoll, or John Urell ever  
                 2       tell you, Bishop Brown, that they had sent a notorious  
                 3       pedophile, who used sex toys and took boys to donkey  
                 4       shows, and put him in Tijuana with access to children?

12:29:01       5             A     Not to my --

                 6             MR. CALLAHAN:  Objection, Your Honor.  That --  
                 7       well, all right.  It certainly misstates the evidence,  
                 8       but I can't object to the question if it misstates  
                 9       evidence.

12:29:09       10            MR. MANLY:  What evidence did I misstate?

                 11           MR. CALLAHAN:  That they -- they -- they sent him  
                 12       down to Mexico with a bunch of donkeys and sex toys  
                 13       and -- and applied them to a bunch of kids.

                 14           MR. MANLY:  Did they send him to Tijuana?

12:29:19       15           MR. CALLAHAN:  They sent him -- I don't really  
                 16       know if they sent him --

                 17           MR. MANLY:  Is there an allegation that he had --  
                 18       he took boys to donkey shows and used sex toys on them,  
                 19       Mr. Callahan?

12:29:28       20           MR. CALLAHAN:  I don't know about the  
                 21       allegations.  What I do --

                 22           MR. MANLY:  You want me to say the victims' names  
                 23       who will say it?

                 24           MR. CALLAHAN:  I -- I'm sure -- save it for the  
12:29:33       25       newspapers, John.  Let's go on to the next question.

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12:29:36 1 MR. MANLY: Well, you said I made a mistake.

2 I'd like to know what I did, Your Honor.

3 JUDGE JAMESON: Lunch is here. Let's take a  
4 break.

12:29:42 5 THE VIDEOGRAPHER: The time is 12:29, and we're  
6 going off the record.

7 (Recess taken from 12:29 p.m. until  
8 1:10 p.m.)

9 THE VIDEOGRAPHER: The time is 1:10, and we're  
01:10:57 10 back on the record.

11 BY MR. MANLY:

12 Q Bishop, who made the decision to pay  
13 Mr. Andrade a hundred thousand dollars to settle his  
14 lawsuit? Forgive me.

01:11:11 15 A As far as I know, I believe that was a  
16 decision made by the insurance company.

17 Q Okay. So you didn't make that decision?

18 A No, I did not make the decision.

19 Q Who was working on that matter for the  
01:11:21 20 diocese?

21 A To my knowledge, I believe that our general  
22 counsel, Maria Schinderle, was working on it, together  
23 with others.

24 Q Bishop Brown, do you know who Father Morris  
01:11:33 25 is?



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01:11:36 1 A Pardon me?

2 Q Father Morris. Have you ever heard of a  
3 Father Morris?

4 A I'm not aware of a Father Morris.

01:11:42 5 Q Okay. How about Father Rubin Garcia? Have  
6 you ever heard of him?

7 A As I sit here, I don't recall that name right  
8 now.

9 Q How about a Father James Wersly? Do you know  
01:11:54 10 him?

11 A Yes, I do know Father Wersly. He was one of  
12 the priests I mentioned in Idaho.

13 Q Father --

14 A Pardon me. Rubin Garcia, I think I can  
01:12:02 15 recall that now. He was -- I think Father Garcia was  
16 a --

17 MR. CALLAHAN: We've got a court order that  
18 indicates we're not to reveal the names of victims or  
19 accused.

01:12:17 20 MR. MANLY: I'm just asking if he knows who they  
21 are.

22 MR. CALLAHAN: Well, I'm just telling him -- he  
23 doesn't know about the court order. So probably the  
24 best way to answer this is yeses or nos so no reference  
01:12:26 25 can be implied.

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01:12:27 1 MR. MANLY: Well, I don't know that that's still  
2 the court order. I mean so --  
3 BY MR. MANLY:  
4 Q Do you know who Father Rubin Garcia is or  
01:12:34 5 not, Bishop?  
6 A I think I do.  
7 Q Who is he?  
8 A I think he was a priest who at one time was  
9 ministering in Idaho, and if it was the one I'm thinking  
01:12:47 10 about, he --  
11 MR. CALLAHAN: That's good enough.  
12 MR. MANLY: Don't interrupt him. I asked who he  
13 is. He was ministering in Idaho and what?  
14 MR. CALLAHAN: I would suggest that he answer the  
01:12:56 15 question and we proceed on an orderly basis to avoid  
16 violating the court order.  
17 BY MR. MANLY:  
18 Q Well, what was he doing?  
19 MR. CALLAHAN: That's the question. What was he  
01:13:04 20 doing? What was his assignment?  
21 THE WITNESS: Father Garcia was not an active  
22 priest in Idaho when I went there.  
23 BY MR. MANLY:  
24 Q Was he in Idaho?  
01:13:11 25 A I don't -- I don't believe he was in Idaho,

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01:13:12 1 no.

2 MR. CALLAHAN: I'm going to object because I  
3 think this also is far beyond the scope of the  
4 permissible inquiry according to this particular  
01:13:20 5 judge -- order of Judge Jameson last week.

6 JUDGE JAMESON: Sustained.

7 BY MR. MANLY:

8 Q Do you know who Father William Gould is?

9 A Yes, I know who Father William Gould is.

01:13:28 10 Q Who is Father Gould?

11 A Father Gould is a priest of the Diocese of  
12 Boise.

13 MR. CALLAHAN: I would object, then, and move to  
14 strike as beyond the legitimate inquiry of this  
01:13:37 15 particular deposition.

16 MR. MANLY: I just asked if he knew who he was.

17 BY MR. MANLY:

18 Q Do you know who Father --

19 JUDGE JAMESON: You need to object to the  
01:13:43 20 question, Mr. Callahan. We don't object to answers.

21 MR. CALLAHAN: Okay. I'm sorry, Your Honor.

22 BY MR. MANLY:

23 Q Do you know who Father Joel Stuber is?

24 MR. CALLAHAN: Objection.

01:13:51 25 JUDGE JAMESON: Sustained.

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01:13:52 1 MR. MANLY: Well, how is that? I mean we don't  
2 even know who he is. Judge, I can't ask him who a  
3 priest is?

4 JUDGE JAMESON: If you want to get into an area,  
01:14:04 5 you need to take it step by step and lay a foundation.  
6 Out of the blue, that question is objectionable.  
7 Sustained.

8 BY MR. MANLY:

9 Q Do you know who -- let me ask you this,  
01:14:21 10 Bishop. Do you know who Father William Gould is? Did I  
11 ask you that?

12 MR. CALLAHAN: Yes, you did.

13 MR. MANLY: Okay.

14 MR. DiMARIA: Look at the bottom portion.

01:14:55 15 BY MR. MANLY:

16 Q Now, when you were being considered for  
17 appointment to be bishop of Orange, was there an  
18 investigation by the Holy See?

19 MR. CALLAHAN: Objection, Your Honor. And if I  
01:15:09 20 may state my objection in detail here. It's my  
21 understanding that today's proceeding is subject to four  
22 areas of inquiry. These are not areas that are  
23 prohibited, but rather, everything is prohibited except  
24 these areas.

01:15:23 25 And these areas are, number 1, [REDACTED]

01:15:26       1       number 2, the Andrade return to campus on the Varsity  
                 2       Gold; number 3, the policies and practice of lay  
                 3       employees regarding childhood sexual abuse; and number  
                 4       4, what Bishop McFarland related to him regarding the  
01:15:41       5       events of this case and related to it.

                 6               And I'm going to object to any questions that  
                 7       aren't clearly within the parameters of those four  
                 8       areas. This question I object to because it appears not  
                 9       to be connected to one of those four. It may well be,  
01:15:55       10       but it does not appear to be connected to one of those  
                 11       four areas of permissible inquiry.

                 12              MR. MANLY: It goes to the transition, Your  
                 13       Honor.

                 14              JUDGE JAMESON: What's the question?

01:16:02       15              MR. MANLY: When you were -- before you were  
                 16       appointed bishop of Orange, was there an investigation  
                 17       by the Holy See?

                 18              MR. CALLAHAN: Wait, wait, wait. Objection. I  
                 19       don't think that has to do with, quote, the reference to  
01:16:14       20       Bishop --

                 21              JUDGE JAMESON: The objection's sustained.

                 22              MR. CALLAHAN: Thank you, Your Honor.

                 23       BY MR. MANLY:

                 24              Q     Let me show you -- I'll give the Court a copy  
01:16:25       25       of these documents. Give me all of them. Oh, okay.

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01:16:35 1 Your Honor, you didn't have these documents  
2 when we talked about this, and I want you to look at  
3 them, and I'll show counsel. And it's my intention to  
4 question the bishop about these. So --

01:16:49 5 MR. CALLAHAN: Should we number these?

6 MR. MANLY: These are -- well, we can number them  
7 by Exhibit 1 and then A through whatever. These are  
8 documents from the Diocese of Fresno and -- and relating  
9 to allegations against Bishop Brown. And there's also  
01:17:08 10 documents from the Archdiocese of Boston and the  
11 Archdiocese of Los Angeles, and I -- and the Diocese of  
12 Fresno. And they should be marked Exhibit 1A through I.

13 (Whereupon, Exhibit 1 was introduced for the  
14 record, a copy of which is attached hereto.)

01:17:38 15 MR. CALLAHAN: Your Honor, I would object to  
16 these being marked and attached and, hence, perhaps  
17 inadvertently, released to the press as a part of this  
18 transaction. If -- if --

19 MR. MANLY: They've already been released to the  
01:17:49 20 press. The "OC Weekly's" published them.

21 MR. CALLAHAN: I'm going to mostly address my  
22 question -- my comments to you, Your Honor. I think it  
23 would probably be smoother that way.

24 I don't want this -- these documents to be  
01:17:59 25 attached to the sound bites and the videotape that may