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01:18:03 1 inadvertently, who knows what, as -- as a part of this,
 2 and then, you know, the diocesan counsel is objecting
 3 and trying to hide, et cetera. I don't want -- I don't
 4 want to get into that.

01:18:14 5 If you think these documents are related to
 6 one of those four areas, fine. Then we'll address it.
 7 But if you don't think these four -- these documents are
 8 related to one of those four areas of permissible
 9 inquiry, I don't think they should be attached, and I
01:18:27 10 don't think we should have any colloquy on the record on
 11 them and we should move on to something that is
 12 permissible inquiry. That's my position.

 13 JUDGE JAMESON: Well, we need to -- we can take a
 14 break or you can sit here, but I -- it's several pages
01:18:39 15 that I have not seen before, and given concerns
 16 expressed, I will review them.

 17 MR. MANLY: We'll take a break, Your Honor.

 18 THE VIDEOGRAPHER: The time is 1:18, and we're
 19 going off the record.

01:18:52 20 (Recess taken from 1:18 p.m. until
 21 1:29 p.m.)

 22 THE VIDEOGRAPHER: The time is 1:29, and we're
 23 back on the record.

 24 MR. CALLAHAN: Your Honor, have you had a chance
01:30:06 25 to review these documents?

01:30:08 1 JUDGE JAMESON: I have.

2 MR. CALLAHAN: These documents were discussed at
3 the -- the time of your initial ruling. And, in fact, I
4 have a transcript of that in which Mr. Manly makes the
01:30:19 5 point that Bishop Brown is himself an accused abuser,
6 quote, end quote. That was not disclosed.

7 He goes into the diocesan policy and cites
8 the "Orange County Weekly." The court may recall that.
9 And he offered to produce all these numerous documents,
01:30:36 10 and he described them in some detail. And he explained
11 why that -- his theory, that if Brown had been an abuser
12 and was head of the diocese when Andrade was retained,
13 et cetera, and so these documents have been referred to
14 at some length and argued extensively.

01:30:56 15 And I mention this only that the Court is
16 aware that these -- this deposition has a four-hour time
17 limit on it. I'm not going to interrupt, obviously, in
18 the middle of a question or anything like that. But I
19 would not want to hear the claim "Well, Judge, we had to
01:31:10 20 use up a lot of time to go over these documents" because
21 that was counsel's choice, and I would submit that these
22 documents do not address the four areas about which the
23 Court indicated the questions could be asked. That's
24 all I have to say.

01:31:25 25 JUDGE JAMESON: They are in the area of

01:31:26 1 impeachment of the witness, so some limited inquiry
2 would be permitted.

3 MR. CALLAHAN: Okay.

4 MR. MANLY: Okay. Thank you, Your Honor.

01:31:34 5 BY MR. MANLY:

6 Q Bishop Brown, have you ever seen any of these
7 documents before?

8 A I saw these documents, most of them,
9 yesterday.

01:31:43 10 Q Have -- did you abuse [REDACTED]

11 A I've never abused any person sexually or any
12 other way.

13 Q In 1997 -- have you ever been accused of
14 abusing anybody?

01:31:55 15 A Yes. I was accused of sexually molesting

16 [REDACTED]

17 Q Have you been accused of molesting anybody
18 else?

19 A I've never been accused of molesting anybody
01:32:07 20 except for that one accusation.

21 Q Have you ever been accused of sexual
22 misconduct in your official capacity of either a priest
23 or a bishop?

24 A I've never been accused of sexual misconduct
01:32:18 25 at any time during my life.

01:32:19 1 Q Okay. Have you ever engaged in sexual
2 misconduct with a seminarian at Saint John's Seminary?

3 A I've never engaged in sexual misconduct with
4 any seminarian.

01:32:30 5 Q Okay. In July of 1997, were you contacted by
6 Bishop Steinbock?

7 A Bishop Steinbock called me in Boise, Idaho.

8 Q And what did he say?

9 A Bishop Steinbock told me that he had a
01:32:42 10 complaint about a priest in Idaho who had molested a
11 young man in the Diocese of Fresno. And when he said
12 that, I began to wonder who could that possibly be. And
13 then he told me that I was the one who was accused.

14 Q Okay. And what happened?

01:33:03 15 A I went -- I was shocked by the accusation.

16 Q Did he tell you who the accuser was?

17 A Yes, he did.

18 Q Do you know the boy? Did you know that boy?

19 A I have a vague recollection of [REDACTED].

01:33:19 20 Q Okay. Okay. Did they put you on
21 administrative leave during the investigation?

22 A No, they did not put me on leave.

23 Q What was -- so how long was the -- how many
24 times were you interviewed about [REDACTED] allegation?

01:33:37 25 A I was never interviewed about [REDACTED]

01:33:40 1 allegation.

2 Q Okay. So, basically, what happened is Bishop
3 Steinbock called you and asked you if it was true?

4 A He told me about the accusation, and I told
01:33:50 5 him immediately that I was not -- that had never
6 happened.

7 Q Okay. And that was it?

8 A That was it. And then periodically, we would
9 have phone contact in terms of the ongoing investigation
01:34:05 10 being conducted by the Diocese of Fresno.

11 Q Okay. What -- did anybody from the Diocese
12 of Fresno interview you?

13 A Not to my recollection.

14 Q Okay. And [REDACTED] was a parishioner when
01:34:16 15 you were a priest in Bakersfield?

16 A He was a parishioner, yes. I believe so.
17 Yes, he was.

18 Q Now, in reviewing these documents, do you see
19 anywhere where they tell [REDACTED] that they do not
01:34:30 20 believe this event occurred?

21 MR. CALLAHAN: Objection. It calls for a
22 conclusion. The documents may speak for themselves if
23 it's addressed to anyone.

24 JUDGE JAMESON: Sustained.

01:34:38 25 BY MR. MANLY:

01:34:42 1 Q Did you ask to speak with [REDACTED]
2 A No, I did not ask to speak with [REDACTED]
3 Q Okay. Do you know who from the Diocese of
4 Fresno investigated the allegations?
01:35:00 5 A I don't know who the -- I'm not sure who
6 the -- who Bishop Steinbock -- who -- what -- what panel
7 or what group of people he dealt with in terms of
8 investigation. I believe that the H.R. person was
9 involved in that.
01:35:17 10 Q How do you -- sorry. Go ahead, Bishop.
11 A I'm not sure what his name is. I think it's
12 here someplace.
13 MR. CALLAHAN: Okay. Wait. Just tell him what
14 you remember.
01:35:26 15 THE WITNESS: I think the -- the H.R. person was
16 involved, and I think there were two or three priests
17 who were involved in that investigation also.
18 BY MR. MANLY:
19 Q Okay. Now, did -- did Craig Cox or anybody
01:35:38 20 from Cardinal Mahoney's office ever call you and advise
21 you they had received an allegation?
22 A No one called me from Los Angeles about the
23 allegation.
24 Q When the allegation occurred, did you alert
01:35:49 25 the papal nuncios office?

01:35:51 1 A No, I did not.

2 Q In a previous deposition, Bishop Braum told
3 us that when he received an allegation, that's what he
4 did because that was protocol.

01:36:01 5 MR. CALLAHAN: I would object to that. It states
6 facts not in evidence.

7 BY MR. MANLY:

8 Q Well, have you ever heard anything like that
9 before, that there's a protocol when a bishop is
01:36:08 10 accused?

11 A I'm not aware of a protocol, but I would have
12 expected that if there was a report to the papal
13 nuncios, it would have been done by one of the other
14 bishops.

01:36:19 15 Q Did you call Cardinal Mahoney as the -- as
16 the metropolitan and advise him of the accusation?

17 A I called Cardinal Mahoney and spoke to him
18 about the accusation.

19 Q When did you do that?

01:36:29 20 A The night that I received the phone call from
21 Bishop Steinbock.

22 Q And what did you tell him?

23 A I told him about the telephone call and
24 obviously told him this never happened.

01:36:37 25 Q Obviously, this must have been very

01:36:39 1 distressing to you.

2 A Extremely distressing.

3 Q And did you ever ask to speak to the young
4 man?

01:36:45 5 A No. I didn't want to speak to [REDACTED] I
6 wanted to let the investigation continue without any
7 interference from myself.

8 Q Why didn't you make the allegation public?

9 A At that time, I didn't make the allegation --
01:36:59 10 it wasn't up to me to make the allegation public.

11 Q Well, have you heard -- have you seen where
12 Cardinal Mahoney was accused, he says falsely, and -- on
13 two occasions, and he immediately made them public?

14 A I know about those occasions.

01:37:15 15 Q So why didn't you make this allegation
16 public?

17 A I didn't make the allegation public because I
18 knew it was not true.

19 Q Well, do you have any reason to believe that
01:37:28 20 Cardinal Mahoney knew his allegations were true or
21 untrue?

22 MR. CALLAHAN: Objection; calls for speculation.

23 JUDGE JAMESON: Sustained.

24 BY MR. MANLY:

01:37:33 25 Q Now, you promised to be open and transparent

01:37:36 1 in your communications with people of this diocese,
2 correct, about sexual abuse?

3 A That is correct.

4 Q Have you ever disclosed to the public that
01:37:43 5 you were accused?

6 A No, because the accusation about me was
7 judged not to be credible.

8 Q By who?

9 A By the investigation conducted by the Diocese
01:37:54 10 of Fresno.

11 Q Do you think the Diocese of Fresno has a good
12 record on disclosing sexual abuse?

13 MR. CALLAHAN: Objection; calls for speculation.

14 JUDGE JAMESON: Sustained.

01:38:02 15 BY MR. MANLY:

16 Q Well, the -- are you familiar that the -- are
17 you aware that the Diocese of Fresno has investigated
18 numerous accusations of sexual abuse?

19 MR. CALLAHAN: Objection; irrelevant and not

01:38:13 20 calculated to lead to --

21 JUDGE JAMESON: Yeah. I'll allow it since it has
22 some bearing on the allegation made against the bishop.

23 MR. CALLAHAN: Okay.

24 THE WITNESS: May I have the question again,
01:38:27 25 please?

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01:38:27 1 THE REPORTER: "Question: Are you aware that the
2 Diocese of Fresno has investigated numerous accusations
3 of sexual abuse?"

4 THE WITNESS: I know the Diocese of Fresno's been
01:38:49 5 involved in some suits, and I would presume those
6 involved recitation of sexual abuse suits. I presume
7 that involved investigations.

8 BY MR. MANLY:

9 Q Okay. And do you have any information one
01:38:58 10 way or the other whether they're a credible agency to
11 investigate sexual abuse?

12 A I presume they are a credible agency to
13 conduct investigations.

14 Q Did anybody from the Diocese of Fresno notify
01:39:12 15 the police?

16 A Not to my knowledge.

17 Q Did anybody from the Diocese of Fresno, to
18 your knowledge, ask [REDACTED] whether -- I'm sorry.

19 Did anybody, to your knowledge, from the
01:39:29 20 Diocese of Fresno advise the alleged victim in the case
21 that you were not in a position with access to children?

22 A According to the correspondence I looked at,
23 someone did.

24 Q According to what?

01:39:42 25 A The correspondence I looked at, someone did.

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01:39:44 1 Q Okay. Was that an accurate statement?

2 A I presume that had to do with the fact that I
3 was in -- in administration.

4 Q Did anybody from the Diocese of Fresno tell
01:39:55 5 [REDACTED] you were a bishop?

6 A I believe that they did tell [REDACTED] that
7 I -- eventually told him I was a bishop, yes.

8 Q Can you look at letter -- or Exhibit D in
9 Exhibit 1, Bishop?

01:40:07 10 MR. CALLAHAN: My concern about these is that
11 we've been given different packets that might be in a
12 different order and so --

13 MR. MANLY: No. Actually, let me -- let me go
14 through and -- and I'll go through and tell you what is
01:40:22 15 what.

16 JUDGE JAMESON: If you identify it by address,
17 author, and date, it won't make any difference what
18 order we're in.

19 MR. MANLY: Yeah. Just for the record, I can
01:40:33 20 hear the witness talking to you.

21 JUDGE JAMESON: Good.

22 MR. MANLY: And he said, "Should I mention the
23 D.A.?" And you just said, "Get it in somewhere."

24 MR. CALLAHAN: Get it in.

01:40:39 25 MR. MANLY: I don't want to hear that kind of

01:40:40 1 advice on the record, so I would ask you to please tone
2 it down.

3 MR. CALLAHAN: I'll try to keep my voice down,
4 but I think we should, in fairness to the witness,
01:40:48 5 expand that previous answer. But --

6 MR. MANLY: Well, that's fine.

7 MR. CALLAHAN: I'm sure we'll get it in
8 somewhere.

9 MR. MANLY: Okay. So I have Exhibit -- the only
01:40:58 10 thing I think that is incorrect in this packet -- what's
11 that? Yeah. I know. I took that one out. So I took
12 out -- okay. Exhibit F is a -- or page F is a duplicate
13 of page B. So if you just pull F out of your packet.

14 MR. CALLAHAN: I don't know which F is.

01:41:35 15 What's -- I guess can you give us the date, maybe, or --

16 MR. MANLY: Sure. It's July 11, 1997.

17 MR. CALLAHAN: Now, I haven't ABC'd these things
18 yet because I think we're going to do that when you
19 identify them.

01:41:58 20 BY MR. MANLY:

21 Q Okay. So, Bishop, can you tell me where you
22 saw -- actually, let me show you a document that --
23 that's labeled D, and it's a September 29th, 1997,
24 letter, from R. Patrick Gordon to [REDACTED]

01:42:22 25 A What was the date again, please?

01:42:24 1 Q September 29th, 1997.

2 A Yes.

3 Q And it says, "Dear Mr. [REDACTED], I have
4 completed my investigation as part of our pastoral
01:42:31 5 response to your July 3rd, 1997, letter.

6 "In regards to Father Brown, no records of
7 inappropriate behavior have been found from the time of
8 his ordination to the present day with the exceptions of
9 your statements in your July 1997 letter.

01:42:47 10 "His life, as we know it, has been an
11 extremely public one and subject to scrutiny and
12 investigation. We are confident that should there have
13 been any other complaints similar in nature to your
14 memory, they would have been discovered and addressed.

01:43:02 15 "As far as -- as far -- as part of our
16 concern for your well-being and peace of mind, I would
17 like to extend an invitation for you to come in and
18 visit with me so I may review the results of my research
19 with you." And then he says "Please call me" and gives
01:43:16 20 his phone number.

21 Do you note he says "Father Brown"? Do you
22 note that in the document? Did you look at it, sir?

23 A Yes, I did. At the time that the alleged
24 allegation occurred, I was Father Brown.

01:43:30 25 Q Well, I understand that. But at the time

01:43:32 1 this letter was written, you were Bishop Brown, correct?

2 A I was Bishop Brown when the letter was
3 written, yes. But I think -- my guess is for [REDACTED]
4 I was Father Brown.

01:43:43 5 Q Okay. Do you know if anybody ever advised
6 [REDACTED] that you were the sitting bishop of Boise,
7 Idaho?

8 A My understanding is that someone from the
9 Diocese of Fresno told him that.

01:43:56 10 Q In or around 1997, as I understand it, the
11 procedure in most diocese in that country was to remove
12 a priest from ministry who was accused and have him
13 evaluated by a psychologist. Is that accurate?

14 A I don't think that was universally the case.

01:44:13 15 Q You've heard of that practice before?

16 A I've heard of the practice in some places.
17 Each -- again, I don't really know the context. That
18 would have to be addressed to a specific case, I
19 believe.

01:44:22 20 Q Okay. Well, have you ever heard of a
21 situation in your time as bishop where the victim was
22 evaluated by a psychologist besides this one upon the
23 accusation?

24 A I can't answer that question. I don't know.

01:44:38 25 Q Well, you can only tell me what you know,

01:44:39 1 Bishop, and that's all I'm asking.

2 A I'm not aware of a case where that was done.

3 Q Are you aware that that was done in this
4 case?

01:44:46 5 A I understand that from reading the
6 correspondence.

7 Q Okay. Did anybody show you [REDACTED]
8 psychological report?

9 A No, I've not seen [REDACTED] psychological
01:44:55 10 report.

11 Q Do you have any correspondence regarding this
12 matter?

13 A I have no correspondence regarding the
14 matter.

01:45:00 15 Q So did you want to work in what Mr. Callahan
16 discussed with you about the D.A., Bishop, now?

17 MR. CALLAHAN: Did you want to complete an answer
18 you gave previously now?

19 THE WITNESS: I'll be happy to, yes. This is
01:45:11 20 regard to law enforcement, that Bishop Steinbock told me
21 sometime later that the district attorney from the Kern
22 County had asked the bishop, Bishop Steinbock, to send
23 him files of any priests who were accused of sexual
24 molestation of minors in Kern County. And so the bishop
01:45:31 25 told me he had sent my case down to the district

01:45:34 1 attorney.

2 BY MR. MANLY:

3 Q So you've spoken to Bishop Steinbock about
4 this matter since?

01:45:42 5 A About the case going to the district
6 attorney?

7 Q No. About this case, in general, about the
8 accusation against you.

9 A I spoke to Bishop Steinbock when the -- he
01:45:52 10 knew about the matter of the publication in the "Orange
11 County Weekly," and that was my last conversation with
12 Bishop Steinbock.

13 Q What did you talk to him about?

14 A Well, simply, that -- I told him that this
01:46:06 15 had been published and -- or was going to be published
16 and that I believe the Diocese of Fresno prepared a
17 press release.

18 Q You believe they published a press release?

19 A No. They prepared a press release.

01:46:20 20 Q What did the press release say?

21 A I don't -- I can provide a copy of that
22 later. But basically, the press release said that after
23 a thorough investigation, that they had found that the
24 allegation was not credible.

01:46:34 25 Q What was not credible about it, as far as you

01:46:36 1 know, Bishop?

2 A That I had never molested [REDACTED]

3 Q No, I'm sorry. I understand. And
4 respectfully, I recognize this must be difficult for
5 you.

01:46:44

6 A Yes.

7 Q But what I'm asking is what -- what did they
8 find not to be credible about the allegation? Do you
9 know?

01:46:54

10 A Well, I think what they said was that they
11 found out that the allegation against me had no basis.

12 Q Well, I mean there must have been some
13 factual basis upon which they made that conclusion?

01:47:10

14 A They just said after a thorough investigation
15 using their procedures. I don't think they gave
16 details.

17 Q Okay. Did you tell the bishop that you knew
18 [REDACTED]

19 A Yes, I did.

01:47:19

20 Q Okay. And you knew his family?

21 A I only remember his mother.

22 Q Okay. And do you know where he alleges
23 you -- do you know where he says you allegedly abused
24 him?

01:47:32

25 A It was -- my understanding was on the church

01:47:36 1 grounds.

2 Q How do you know that?

3 A Because in the letter I just looked at, he
4 said he was abused in -- during confession. And earlier

01:47:46 5 I had been told that he alleged that he was abused by me
6 during the time he was coming to catechism classes.

7 Q Okay. Did you teach catechism?

8 A No, I did not. I might have taught a class
9 off and on.

01:48:05 10 Q Okay.

11 MR. CALLAHAN: I'm sorry. I couldn't understand
12 the last --

13 THE WITNESS: I may have taught a class off and
14 on, but I was not a regular teacher.

01:48:11 15 BY MR. MANLY:

16 Q Okay. Did you hear his confession -- well,
17 you can't answer that. Never mind.

18 Did -- did Bishop Steinbock at the time of
19 the allegation -- and I recognize it may be difficult to
01:48:22 20 separate this out. But did Bishop Steinbock ever tell
21 you at the time what he specifically alleged you did?

22 A No, not the details.

23 MR. CALLAHAN: And I would ask you, Bishop, to
24 pause briefly because somewhere along the line here I'm

01:48:46 25 going to put in an objection that we've been beating

01:48:48 1 this to death. But pause slightly, if you can, before
 2 answering so that if I want to object, I have a second
 3 to get in there.

 4 BY MR. MANLY:

01:48:58 5 Q So did the L.A. Archdiocese -- did Cardinal
 6 Mahoney do any investigation?

 7 A I do not know.

 8 Q Okay. And Bishop Steinbock was for a period
 9 of time the Ordinary of the Diocese of Orange, correct?

01:49:12 10 A Bishop Steinbock was the administrator for a
 11 period of time between Bishop Johnson's death and Bishop
 12 McFarland's arrival.

 13 Q Okay. He functioned as the effective --
 14 effectively, the bishop, correct?

01:49:24 15 A That is correct.

 16 Q Do you have any idea why [REDACTED] would make
 17 up such a thing?

 18 MR. CALLAHAN: Objection; that misstates --
 19 that's an argumentative question regarding "make up."

01:49:42 20 JUDGE JAMESON: Sustained.

 21 BY MR. MANLY:

 22 Q Do you have any information or has anybody
 23 provided you information as to what might motivate
 24 somebody to make up an allegation such as this?

01:49:49 25 MR. CALLAHAN: Calls for speculation.

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01:49:50 1 JUDGE JAMESON: Overruled.

 2 THE WITNESS: I answer the question?

 3 MR. CALLAHAN: Yes. If he says "overruled," then

 4 answer it.

01:50:00 5 THE WITNESS: I consulted a clinical psychologist

 6 explaining the situation, asking him how could this

 7 happen, and he explained to me what oftentimes does

 8 happen. And so at least it gave me some understanding

 9 of what may have happened.

01:50:16 10 BY MR. MANLY:

 11 Q Who was that?

 12 MR. CALLAHAN: Wait.

 13 JUDGE JAMESON: Excuse me. I think the question

 14 pertains to the motive of the individual here. We can

01:50:25 15 get into esoteric psychological reasons why somebody

 16 would do that.

 17 But could the boy have mistaken another

 18 priest for you, did the family -- did you have contact

 19 with the family and there would be some inducement,

01:50:40 20 anything about the logistics and environment in

 21 Bakersfield that you can find a motive for?

 22 MR. CALLAHAN: Answer the judge's question.

 23 THE WITNESS: Oh, I'm sorry. I never visited the

 24 family. My only contact with the family was [REDACTED]

01:50:59 25 when he came for catechism, and his mother would -- as I

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01:51:03 1 recall, oftentimes pick him up.

2 BY MR. MANLY:

3 Q Okay. Did you ever contact the NCCB about
4 this allegation?

01:51:13 5 A No, I did not.

6 Q So other than what you told the judge, you
7 just don't have any information as to why he would make
8 this up, if he made -- well, let me -- let me be fair.

9 I have no idea, Bishop, whether you did this
01:51:33 10 or not, and I'm not accusing you of it. I just want to
11 know why it wasn't disclosed. That's the purpose of my
12 questions.

13 So my question is -- is that you were alone
14 with him or -- well, you had contact with him, anyway,
01:51:46 15 you know the family, and he made this allegation.

16 Did you ever consider at any point, given
17 those facts, making a public disclosure so if it came
18 out, it wouldn't look like you were hiding something?

19 MR. CALLAHAN: Objection. That question, as
01:52:02 20 asked, contains a number of elements, including contact,
21 being alone. Some of those things were dropped and the
22 question was changed, and I'd like to have a nice clean
23 question so I can decide whether I need to object or
24 not.

01:52:15 25 JUDGE JAMESON: Sustained.

01:52:15 1 BY MR. MANLY:

2 Q Okay. Bishop, did you ever consider
3 making -- you know, given that you've asserted your
4 innocence and given that you say that Baker-- -- or

01:52:24 5 Fresno did an investigation, did you ever consider
6 simply making this allegation public a la Cardinal
7 Mahoney so if it ever came out, you wouldn't look like
8 you were trying to hide something?

9 A No, I never made a decision to divulge the
01:52:43 10 allegation.

11 Q Why?

12 A Because it was very embarrassing, and very
13 painful. And to be very honest, I think that kind of an
14 allegation is difficult to deal with regardless of how
01:52:59 15 innocent a person may be.

16 Q Can you see where in 2004 you settled a bunch
17 of cases and met with 90 victims, at least many of them,
18 and you wrote letters of apology to them. Were you at
19 all concerned when you did that that if this allegation
01:53:17 20 came out, it might do tremendous harm to them?

21 MR. CALLAHAN: Objection, Your Honor. It calls
22 for speculation.

23 JUDGE JAMESON: Sustained.

24 BY MR. MANLY:

01:53:33 25 Q Did you ever discuss with your closest

01:53:36 1 advisers in the diocese, nonlawyer advisers, the fact
 2 that you had been accused?

 3 A Yes, I did.

 4 Q When?

01:53:42 5 A When I came to the diocese -- when I -- I
 6 don't recall exactly when.

 7 Q Well, can you give me your best estimate?

 8 A I think -- let me think for a second about
 9 that. Some years ago.

01:54:11 10 Q When you arrived at the Diocese of Orange,
 11 was it your expectation that if the human resources
 12 director was aware of -- of laypeople who were working
 13 for the diocese that were abusers, that you would be
 14 told?

01:54:25 15 MR. CALLAHAN: Objection. It calls for
 16 speculation and recreation of -- assumes there is some
 17 sort of expectation.

 18 JUDGE JAMESON: Well, overruled.

 19 Do you have the question in mind?

01:54:42 20 THE WITNESS: I think so, yes.

 21 I -- I think I would expect to know about any
 22 persons who were actively employed in the diocese who
 23 had a history of that kind of -- proven history of that
 24 kind of problem.

01:54:57 25 BY MR. MANLY:

01:54:57 1 Q Was there any policy in existence when you
2 arrived here that prevented molesters from working in
3 the Diocese of Orange, priest, religious, or layperson?

 4 A I can't speak about laypeople. But
01:55:11 5 obviously, with regard to clergy, they would not be
6 allowed to enter the diocese.

 7 Q Well, I didn't ask you about entering the
8 diocese.

 9 A Oh.

01:55:19 10 Q I said was there any policy in effect in the
11 Diocese of Orange that prevented people who had molested
12 children from working in the Diocese of Orange, whether
13 that person be a priest, religious, or layperson.

 14 A I know that priests would not be allowed to
01:55:37 15 minister in the Diocese of Orange if they were -- had a
16 history of child molestation. I'm not sure what the
17 policy was with regard to laypeople. I presume that
18 they would not be allowed to work in the diocese.

 19 Q Did you ever adopt a policy against -- well,
01:55:57 20 let me ask you this.

 21 Was there a policy in the diocese that
22 allowed persons who had been previously asked to
23 resign -- let me ask it a different way.

 24 Was there any policy or procedure in effect
01:56:13 25 in -- when you came to the diocese that prevented

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01:56:15 1 persons who had been asked to resign for molesting
 2 children to come back and work as a vendor?
 3 MR. CALLAHAN: I would object unless there's some
 4 specificity of what's meant by a "vendor."
01:56:34 5 MR. MANLY: Somebody who worked with children.
 6 MR. CALLAHAN: So if somebody works with children
 7 is a vendor? Is that the definition we're going to use,
 8 Your Honor?
 9 JUDGE JAMESON: Repeated doing business within
01:56:47 10 the diocese.
 11 BY MR. MANLY:
 12 Q You can answer, Bishop.
 13 A I'm not aware of a policy. I didn't come
 14 across that kind of a case.
01:56:53 15 MR. MANLY: All right. Let's take a break.
 16 THE VIDEOGRAPHER: The time is 1:56, and we're
 17 going off the record.
 18 (Recess taken from 1:56 p.m. until
 19 2:03 p.m.)
02:03:22 20 THE VIDEOGRAPHER: The time is 2:03, and we're
 21 back on the record.
 22 BY MR. MANLY:
 23 Q Bishop, let me read something to you and ask
 24 if you agree with it.
02:03:29 25 "Connected to incest is any sexual abuse

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02:03:32 1 perpetrated by adults on children or adolescents --
 2 adolescents entrusted to their care. The offense is
 3 compounded by the scandalous harm done to the physical
 4 and moral integrity of the young, who will remain
02:03:44 5 scarred by it all of their lives, and the violation of
 6 responsibility for their upbringing." Do you agree with
 7 that?
 8 MR. CALLAHAN: Objection, Your Honor. I don't
 9 think it's appropriate to read long technical matters
02:03:54 10 and then ask the witness to agree. He doesn't have it
 11 in front of him. It's --
 12 MR. MANLY: I'd be happy to show it to him.
 13 MR. CALLAHAN: That's up -- that's up to the
 14 judge.
02:04:02 15 JUDGE JAMESON: Tell me where we're going,
 16 Mr. Manly.
 17 MR. MANLY: This is from the catechism of the
 18 Catholic church, Your Honor.
 19 JUDGE JAMESON: Objection sustained.
02:04:10 20 BY MR. MANLY:
 21 Q Do you agree, Bishop, that adolescents and
 22 children who are molested are scarred by it for the rest
 23 of their lives?
 24 MR. CALLAHAN: Objection; assumes --
02:04:23 25 JUDGE JAMESON: Sustained.

02:04:25 1 BY MR. MANLY:

2 Q Bishop, during the transition between the
3 McFarland administration and yours, was there any policy
4 or procedure in effect that would have allowed speakers
02:04:45 5 to come speak to Catholic educators?

6 A I think that speakers who came to
7 see Catholic educa- -- or speak to Catholic educators, I
8 think they were all vetted.

9 Q Okay. In other words, they made sure they
02:05:00 10 didn't say anything outlandish, inappropriate, or
11 inconsistent with the way the diocese did business,
12 right?

13 MR. CALLAHAN: Objection. Argumentative as to
14 what "vetted" means. We don't -- most of the people, we
02:05:09 15 can't control what they might say.

16 JUDGE JAMESON: Sustained.

17 MR. MANLY: I didn't say "vetted." He did.
18 What's objectionable about my question, Your Honor?

19 JUDGE JAMESON: Well, somebody needs to define it
02:05:19 20 for me so I can --

21 MR. MANLY: Well, I didn't say "vetted." The
22 bishop did.

23 MR. CALLAHAN: The objection is not the word
24 "vetted." The -- he says, "Did you check with
02:05:25 25 speakers?"

02:05:26 1 Bishop says they're vetted.

 2 He says "And so that means you -- they're not

 3 going to say anything outlandish."

 4 We cannot control what somebody's going to

02:05:32 5 say. If there's a specific question about it, that's

 6 one thing. But I think the question, as posed, was

 7 objectionable.

 8 BY MR. MANLY:

 9 Q Okay. Well, how did you vet the speakers?

02:05:44 10 A Well, ordinarily, someone would check on

 11 where the person has spoken, other locations, and

 12 seen -- if they came from a particular diocese, you

 13 check with the authorities of that diocese and make sure

 14 that the speaker was somebody who was acceptable to

02:06:03 15 them.

 16 Q Based upon what you know about that time

 17 period, would the diocese have allowed a speaker to come

 18 and speak who was going to opine that children or

 19 adolescents can contribute to their own injury by having

02:06:25 20 sex with a teacher?

 21 MR. CALLAHAN: The question -- could I have the

 22 question read back?

 23 THE REPORTER: "Question: Based upon what you

 24 know about that time period, would the diocese have

02:06:30 25 allowed a speaker to come and speak who was going to

02:06:30 1 opine that children or adolescents can contribute to
2 their own injury by having sex with a teacher?"

3 MR. CALLAHAN: Okay. Do you know the answer,
4 if -- if that was something that was looked into?

02:06:57 5 THE WITNESS: Well, I think that that -- I can't
6 imagine someone saying that, but --

7 MR. CALLAHAN: That's not the question. The
8 question is --

9 MR. MANLY: Well, he -- I think he's answered it.

02:07:06 10 MR. CALLAHAN: All right. Try to answer the
11 question he asks and not give your own opinion about the
12 subject matter.

13 BY MR. MANLY:

14 Q And you can't imagine someone saying that
02:07:14 15 because that view is repugnant, correct?

16 A Correct.

17 Q Have you received any information outside of
18 your lawyers that that is the position of the diocese in
19 this case?

02:07:28 20 MR. CALLAHAN: Objection. That question assumes
21 that the diocese has asserted a position. In fact, the
22 diocese has retained experts, psychologists, and
23 psychiatrists who have reached their own conclusions,
24 school experts. And these are matters of litigation,
02:07:43 25 not adoption of any particular policy.

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02:07:46 1 There are experts who have testified about
 2 the facts in this particular case, and they're also
 3 prepared to testify at the time of trial regarding the
 4 facts of this particular case.

02:07:55 5 Go ahead.

 6 JUDGE JAMESON: May I have the question back,
 7 please?

 8 THE REPORTER: "Question: Have you received any
 9 information outside of your lawyers that that is the
02:07:58 10 position of the diocese in this case?"

 11 JUDGE JAMESON: Do you have the question in mind,
 12 Bishop?

 13 THE WITNESS: I'm still not clear about the
 14 question. I'm sorry.

02:08:24 15 BY MR. MANLY:

 16 Q Have --

 17 JUDGE JAMESON: I think the problem is we had --
 18 we had an objection, and the question incorporates the
 19 previous information which may have gotten lost in
02:08:36 20 the -- in the transition here.

 21 So if you can, Mr. Manly, why don't we start
 22 over.

 23 MR. MANLY: Sure.

 24 BY MR. MANLY:

02:08:45 25 Q Bishop, have you received any information,