

02:08:49 1 other than from your lawyers, that the diocese is going
2 to assert that [REDACTED] somehow caused or
3 contributed to her own abuse by not refusing to have sex
4 with Mr. Andrade?

02:09:03 5 A No.

6 Q And does the Diocese of Orange as far as you
7 know, have a policy on whether 14-, 15-, 16-,
8 17-year-old girls or boys can -- can somehow -- are
9 somehow at fault if they're being sexually abused by a
02:09:28 10 teacher?

11 A There's no diocesan policy that addresses
12 that.

13 Q What is your personal view, please?

14 A I think --

02:09:34 15 MR. CALLAHAN: Objection; calls for expertise.
16 He's not a psychologist, psychiatrist, school expert, or
17 anything else that would have an expertise in that area.

18 JUDGE JAMESON: His personal view is irrelevant
19 unless it's somehow published. So --

02:09:47 20 MR. FINALDI: Well, he's got his personal
21 opinion. He's the one that's in charge of setting the
22 practices, policies, procedures, and protocol for
23 dealing with lay employees regarding sexual abuse.

24 JUDGE JAMESON: Objection's sustained.

02:09:58 25 BY MR. MANLY:

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02:09:58 1 Q Okay. Would you permit a diocesan agency to
2 espouse such a view?

3 A No, I would not.

4 Q Why?

02:10:10 5 A Because I think adults are the primary
6 responsible agent in any kind of misconduct with
7 vulnerable people.

8 Q And you would agree that adolescents, 15-,
9 16-, 17-year-olds, fall in the vulnerable category?

02:10:32 10 A Yes.

11 MR. CALLAHAN: Objection. That's a very large
12 class, 15-, 16-, 17-year-old adolescents. It's going to
13 vary from individual to individual. And we haven't seen
14 a foundation, so it's lacking foundation --

02:10:41 15 MR. MANLY: He just answered the question. He
16 said "yes."

17 MR. CALLAHAN: Let me just finish.

18 -- that all -- all people are going to fit
19 into a particular category.

02:10:50 20 JUDGE JAMESON: Well, we got an answer. Let's go
21 forward.

22 MR. CALLAHAN: Okay.

23 BY MR. MANLY:

24 Q Bishop, when is the first time you are aware
02:11:05 25 of the diocese adopted a zero tolerance policy on

02:11:10 1 allowing people to work in the Diocese of Orange who
2 were known to be sex abusers?

3 MR. CALLAHAN: Objection; no foundation of any
4 zero tolerance policy that's been adopted on anything.

02:11:22 5 JUDGE JAMESON: Sustained.

6 BY MR. MANLY:

7 Q Bishop, is there a zero tolerance policy in
8 the diocese preventing credibly accused abusers from
9 working?

02:11:31 10 A Yes, there is.

11 Q Okay. And when was that adopted?

12 A That was adopted, I believe, in the early --
13 early part of this decade.

14 Q And was that as a result of the DiMaria
02:11:37 15 settlement?

16 A I think that was one of the factors involved
17 in that policy.

18 Q So prior to that time, there was no zero
19 tolerance policy on that; is that correct?

02:11:46 20 A That -- I believe that's correct.

21 Q Bishop, did you ever get the opportunity to
22 look at the secret archive files on employees in the
23 chancery office during the transition period?

24 MR. CALLAHAN: Objection; assumes that there are
02:12:06 25 secret archive files regarding employees, period.

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02:12:11 1 JUDGE JAMESON: Sustained.

2 BY MR. MANLY:

3 Q Do you have files that are sometimes called
4 the secret archives of the Diocese of Orange?

02:12:16 5 A No. We don't have any files called secret
6 archives.

7 Q Does Canon Law make reference to something
8 called a secret archive?

9 A I believe it does.

02:12:25 10 Q Okay. Do you have something like that there?

11 A We have files that are kept under lock and
12 key.

13 Q Okay. And are -- is that where the abuse
14 records are kept?

02:12:38 15 A I presume so.

16 Q Haven't you looked?

17 A I have had no reason to look at those files.

18 Q So your sworn testimony here today is at no
19 point have you ever looked at the abuse files in the

02:12:53 20 Diocese of Orange; is that correct?

21 A I -- I can't say I've never looked at abuse
22 files, but I haven't -- if a file was brought to me
23 regarding that issue, yeah, of course I saw it.

24 Q Okay. So -- I'm sorry. Were you done, Your

02:13:08 25 Excellency? Forgive me. Were you done, Bishop?

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02:13:11 1 A Yes.

2 Q Okay. Have you -- have you ever of your own
3 volition gone to the files and reviewed them yourself?

4 A No, I have not.

02:13:22 5 Q Why not?

6 A I would not do that unless I had a reason to
7 do it.

8 Q Well, would -- how about 90 lawsuits? Would
9 that be a good reason?

02:13:30 10 A The -- the files have been examined by our
11 diocesan attorneys, as well as other diocesan personnel.
12 So I did not have to look at them.

13 Q So you left it to your lawyers to look at the
14 files?

02:13:48 15 A I left it to my staff and my attorneys, the
16 diocesan attorneys.

17 Q So you left it to your staff and to your
18 lawyers to look at the files regarding abuse; is that
19 accurate?

02:14:00 20 A I think that's accurate, yes.

21 Q Where is your personnel file, Excellency --
22 I'm sorry -- Bishop?

23 A I presume my personnel file is with all the
24 other personnel files in the pastoral center.

02:14:15 25 Q Okay. Were you aware in 2001, during the

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02:14:20 1 pendency of the DiMaria action, that Bishop Ziemann had
2 been accused of abusing a boy in Orange?

3 MR. CALLAHAN: Objection; beyond the four areas
4 of inquiry.

02:14:30 5 JUDGE JAMESON: Sustained.

6 BY MR. MANLY:

7 Q Was there a policy -- was there ever a policy
8 during the transition period from your administration to
9 the -- to your administration from the McFarland

02:14:43 10 administration of keeping these matters regarding abuse
11 secret?

12 MR. CALLAHAN: Objection to the form of the
13 question, "these matters." And simply by referencing
14 the transition period does not make it subject to
02:14:58 15 inquiry.

16 JUDGE JAMESON: Well, why don't you rephrase it.
17 BY MR. MANLY:

18 Q Was there a policy that you became aware of
19 during that transition period between Bishop McFarland
02:15:08 20 and yourself that there was a policy in existence at the
21 Diocese of Orange to keep the identity of abusers secret
22 from law enforcement?

23 A No. I am not aware of any policy.

24 Q Bishop, did you conspire with Monsignor Urell
02:15:25 25 and Bishops McFarland and Bishop Driscoll to keep these

02:15:32 1 identities of abusers secret from law enforcement?

2 A I conspired with nobody.

3 Q Okay. When did you first become aware that
4 there were people working for you who had credible

02:15:46 5 allegations of child molestation against them?

6 MR. CALLAHAN: Your Honor, that's a classic "When
7 did you first" -- "Are you still beating your wife?"
8 The question assumes a loaded --

9 MR. MANLY: Well, let me -- I'll ask the
02:15:57 10 prefatory question.

11 BY MR. MANLY:

12 Q Were -- have there ever been people working
13 for you in the Diocese of Orange who are credibly
14 accused of sexual abuse?

02:16:05 15 A Yes, there have been.

16 Q Okay. And when did you first become aware
17 that there were people working for you in the Diocese of
18 Orange who were child molesters?

19 A I would become -- I did become aware on
02:16:19 20 single cases and -- when they were brought to my
21 attention.

22 Q My question, Bishop, is regards timing. My
23 question is when did you first become aware that there
24 were people working for you in the Diocese of Orange who
02:16:33 25 were child molesters?

02:16:34 1 A I think when Bishop McFarland spoke of it
2 during the transition.

3 Q And you took no action at that time to remove
4 them, did you?

02:16:42 5 A One person had already been removed, and the
6 other person I -- simply a decision made by Bishop
7 McFarland to continue on.

8 Q So my statement is correct. You took no
9 action against the first person you found out about who
02:16:59 10 was a molester to remove him, did you?

11 A No. The first person I found out about had
12 already been removed.

13 Q All right. But the other person we're
14 talking about is Father Lenahan, is it not?

02:17:10 15 A That's correct.

16 Q Okay. You let Father Lenahan stay in a
17 parish for, what, four or five years?

18 A I don't recall the exact time element.

19 Q Did you know the parish he was working in had
02:17:22 20 a school?

21 A Yes, I did.

22 Q Did you know that he was involved in the
23 founding of a high school in South Orange County?

24 A No, I was not.

02:17:32 25 Q You never learned that Father Lenahan was

02:17:34 1 involved in founding Junipero Serra High School; is that
2 correct?

3 A Oh, I think that he might have been
4 consulted. I'm just not quite sure. I think there was
02:17:43 5 some -- some support from him for that project.

6 Q Were you ever photographed with Father
7 Lenahan in connection with the founding of Junipero
8 Serra High School?

9 A I don't recall.

02:17:59 10 Q Did it ever occur to you, Bishop, during that
11 transition period it might not be a good idea to let
12 somebody who had allegedly raped a 15-year-old girl to
13 be in charge of a parish that had an elementary school?

14 MR. CALLAHAN: Objection; assumes --

02:18:13 15 JUDGE JAMESON: Sustained.

16 BY MR. MANLY:

17 Q Did it ever occur to you, Bishop, that --
18 well, did you know how old the girl was that he had
19 molested?

02:18:21 20 A I thought she was in her -- I believe I was
21 told she was in her -- maybe 15.

22 Q Okay. Did you think it was a good idea,
23 Bishop, to let somebody who had molested a 15-year-old
24 girl to remain in a parish that had a school?

02:18:36 25 A I relied on the judgment of Bishop McFarland,

02:18:39 1 who knew all the particulars of the case and the
2 circumstances, which I did not.

3 Q Can you think of a circumstance where it
4 would be appropriate, whether in 1998 or whenever, in
02:18:51 5 your lifetime, to allow someone who had molested a
6 15-year-old girl to remain in that -- in a position in
7 charge of a school?

8 A I think earlier on with regard to molestation
9 cases, that a lot of bishops, including myself, were not
02:19:10 10 fully aware of the seriousness of the problem in terms
11 of putting other people at risk.

12 This, of course, all changed during these
13 past few years, and we've become much better educated
14 and aware of the situation. So I think that I relied,
02:19:27 15 as I said, on my predecessor's judgment.

16 Q Did Brother William Carriere or anyone else
17 at the Superintendent of Schools office ever tell you or
18 discuss with you the Andrade matter?

19 A I'm not aware of that.

02:19:42 20 Q How many molesters are you aware of that have
21 molested at Mater Dei High School since you became
22 bishop?

23 A I'm only aware of the Andrade case.

24 Q Would you expect, given that you are the
02:19:59 25 bishop of Orange that if there was a molestation

02:20:01 1 incident, that you would be contacted?

2 MR. CALLAHAN: Objection. It's too vague as
3 asked.

4 MR. MANLY: Let me -- let me rephrase it.

02:20:08 5 BY MR. MANLY:

6 Q Would you expect that if a teacher had
7 molested a child at Mater Dei during your tenure as
8 bishop, that you would be called?

9 MR. CALLAHAN: That -- Your Honor, that assumes
02:20:21 10 that -- are talking about an allegation? Are we talking
11 about the teacher admits it? There's too many
12 variations there.

13 MR. MANLY: Any --

14 JUDGE JAMESON: Just an accusation, even if it
02:20:32 15 were false, would it -- would it go up the food chain to
16 reach Bishop Brown?

17 THE WITNESS: I would expect that if there was an
18 accusation made against one of the teachers, that
19 information would be shared with me.

02:20:45 20 BY MR. MANLY:

21 Q And you were -- the only accusation that you
22 are aware of, as you sit here today, at Mater Dei from
23 199- -- well, are you aware of any allegations between
24 the time you became bishop and present that occurred at

02:21:01 25 Mater Dei?

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02:21:01 1 A No, I'm not. Not that I can think of as I
2 sit here, no.

3 Q Have you ever spoken with Patrick Murphy
4 outside the presence of your lawyers regarding the [REDACTED]
02:21:29 5 matter?

6 A No, I have not.

7 Q How many allegations of sexual misconduct
8 with minors are you aware of that occurred at other
9 Catholic high schools in the diocese besides Mater Dei
02:22:02 10 since you became bishop?

11 MR. CALLAHAN: Your Honor, I'm going to object.
12 I believe that's beyond the scope of the line of
13 questions.

14 MR. MANLY: Judge, I think I'm well within my
02:22:13 15 rights to ask that one. It's calculated to lead to the
16 discovery of admissible evidence.

17 JUDGE JAMESON: Well, what could it lead to?

18 MR. MANLY: It could lead to other alleg- --

19 JUDGE JAMESON: He came here after --

02:22:22 20 MR. MANLY: Came after --

21 JUDGE JAMESON: -- the [REDACTED] case was --

22 MR. MANLY: No. He came here --

23 JUDGE JAMESON: Established.

24 MR. MANLY: Sorry, Your Honor.

02:22:30 25 No. He came here in '98, and the judge has

02:22:32 1 ruled that the time period we're allowed to get into is
2 all the way up to January 1, 2002. So I'd be happy to
3 limit it to that, if you'd like.

4 JUDGE JAMESON: Well, and you've explored that
02:22:44 5 with a lot of people. And with respect to the bishop, I
6 ruled otherwise. So the objection's sustained.

7 BY MR. MANLY:

8 Q If Ms. Schinderle, as human resources
9 director, became aware of an allegation of abuse by a
02:23:00 10 layperson, would you have anticipated that she would
11 report that to you?

12 A I would think so.

13 Q Bishop, have you ever met -- have you ever
14 spoken to Bishop McFarland and expressed disappointment
02:23:55 15 that he did not share the identities -- well, I don't
16 want to put words in your mouth.

17 Have you ever spoken with Mr. McFarland and
18 expressed disappointment of his handling over abuse
19 cases?

02:24:07 20 A No, I have not.

21 Q Have you ever discussed the matter with him?

22 A We've talked about particular cases.

23 Q Which ones?

24 A I can't tell you all, but I think the ones
02:24:15 25 that the -- the ones that I already mentioned to you.

02:24:20 1 And I think that subsequent ones that have come to light
 2 I've made a point of mentioning the matter to the
 3 bishop.

 4 Q Which ones?

02:24:30 5 A Well, for example, I can't think of them all.
 6 I think all of the ones that -- any -- anything that's
 7 public in terms of priests being accused of misconduct
 8 in the area and being put on leave or whatever the case
 9 may be. These things is information, out of a courtesy,
02:24:51 10 I share with Bishop McFarland.

 11 Q Okay. Well, have you ever been critical of
 12 him at all with regard to that to his face?

 13 A No, I have not.

 14 Q Did you know Monsignor Richard Loomis?

02:25:08 15 A I've met Monsignor Loomis.

 16 Q And did Monsignor Loomis have the same job in
 17 the Archdiocese of Los Angeles that Monsignor Urell had
 18 in Orange with regard --

 19 MR. CALLAHAN: Objection.

02:25:21 20 MR. MANLY: Could I finish?

 21 MR. CALLAHAN: I'm sorry.

 22 BY MR. MANLY:

 23 Q -- with regard to handling abuse cases?

 24 A I don't --

02:25:24 25 MR. CALLAHAN: Objection. I think that's been --

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02:25:24 1 wait. Remember? You're supposed to take a breath.

2 THE WITNESS: Sorry.

3 MR. CALLAHAN: I'm supposed to speak up if I want
4 to.

02:25:32 5 And I don't think Loomis and Los Angeles are
6 relevant to the scope of the questioning for this
7 witness.

8 JUDGE JAMESON: I tend to agree, Mr. Manly.
9 Where are we going?

02:25:41 10 MR. MANLY: Monsignor Loomis was in the same
11 position as Monsignor Urell, Your Honor, and Monsignor
12 Loomis has now been removed for credible allegations of
13 abuse.

14 And the -- the significance is that Monsignor
02:25:53 15 Loomis and Monsignor Urell worked together in the time
16 frame -- precise time frame at issue in this case on not
17 only the Harris case, but others, as well. Because
18 there was an overlap between the Archdiocese of L.A. and
19 the Diocese of Orange.

02:26:08 20 MR. CALLAHAN: Absolutely no connection, although
21 I can see --

22 MR. MANLY: What -- Pete, he was at the
23 settlement conference.

24 MR. CALLAHAN: I'm going to talk only to the
02:26:16 25 judge.

02:26:17 1 JUDGE JAMESON: You don't need to talk to the
2 judge because I just don't see the -- how that relates
3 to this case here so the objection's sustained.

4 BY MR. MANLY:

02:26:36 5 Q Do you -- have you ever spoken to Monsignor
6 Urell about his handling of abuse allegations?

7 A No, I don't think so. Except issues that
8 came up during my time, we've always discussed those, of
9 course.

02:26:53 10 Q You've never talked to Monsignor Urell about
11 how he handled --

12 A Past cases?

13 Q Right. That's okay. That's what I was going
14 to ask.

02:27:01 15 A No, I have not.

16 Q Why not?

17 A I had no need to.

18 Q Do you think he did a good job?

19 A As far as I know, he did a very wond- -- an
02:27:09 20 excellent job.

21 MR. CALLAHAN: Bishop, I want to caution you try
22 to draw a breath between answer --

23 THE WITNESS: Okay.

24 MR. CALLAHAN: -- the question and answer because

02:27:18 25 that one I would have objected to. I think it's

02:27:21 1 irrelevant.

2 MR. MANLY: Judge, I would ask Mr. Callahan to
3 stop saying that. It's really -- it's really obvious at
4 this point he's trying to coach the witness. Every time
02:27:28 5 he gets an answer he doesn't like, he says that.

6 JUDGE JAMESON: I don't think -- it didn't sound
7 like he's coaching the witness.

8 Mr. Callahan, either object or not. You said
9 this several times. If you have a problem with what you
02:27:39 10 perceive to be the bishop's quick answer, at the next
11 break, you can take him by the ear to the wood shed.
12 But in the meantime, please, let's go forward.

13 MR. CALLAHAN: I promise not to do that, Your
14 Honor. But I've been also accused of interrupting the
02:27:54 15 question when Mr. Manly wasn't finished. So I don't
16 want to step on his questions, but I do want to get an
17 objection when appropriate.

18 JUDGE JAMESON: Well, be as artful as you can.
19 Let's go.

02:28:06 20 MR. CALLAHAN: Okay.

21 BY MR. MANLY:

22 Q All right. So I take it because you think he
23 did an excellent job, you've never taken him aside and
24 said "You should have been honest with victims. You
02:28:16 25 should have done things differently," anything like

02:28:17 1 that?

2 MR. CALLAHAN: Objection.

3 JUDGE JAMESON: Stained.

4 BY MR. MANLY:

02:28:19 5 Q Do you have any information that Monsignor
6 Urell misled victims as a matter of custom and practice?

7 MR. CALLAHAN: Objection.

8 JUDGE JAMESON: Overruled.

9 THE WITNESS: No, I have no such knowledge.

02:28:27 10 BY MR. MANLY:

11 Q Have you ever heard that accusation made?

12 A No, I have not.

13 Q Did [REDACTED] ever tell you personally that
14 he felt he was misled by Monsignor Urell and others

02:28:41 15 regarding the handling of the [REDACTED]

16 A I do not recall that.

17 Q Do you know why [REDACTED] and [REDACTED]
18 [REDACTED] resigned from the sexual misconduct committee?

19 MR. CALLAHAN: Objection; assumes facts not in
02:28:57 20 evidence that they were on something called the sexual
21 misconduct committee.

22 MR. MANLY: You know what I mean. I don't know
23 your bureaucratic names.

24 MR. CALLAHAN: If you're talking to me, don't.

02:29:05 25 Talk to the judge.

02:29:07 1 MR. MANLY: I don't want to talk to you.

2 JUDGE JAMESON: Hey.

3 MR. MANLY: Let me talk to you, Your Honor. I
4 don't know the bureaucratic names.

02:29:12 5 JUDGE JAMESON: Well, why don't you ask a couple
6 foundational questions, then. Because out of the blue,
7 that --

8 MR. MANLY: How many -- sorry, Your Honor.

9 BY MR. MANLY:

02:29:20 10 Q How many sexual misconduct committees does
11 the diocese have?

12 A There was a sensitive claims committee when I
13 first came, and that later was replaced by the sexual
14 misconduct oversight review board.

02:29:35 15 Q So which one did [REDACTED] serve on?

16 MR. CALLAHAN: Objection; assumes she served on
17 either one.

18 JUDGE JAMESON: Ask if she served on one.

19 BY MR. MANLY:

02:29:44 20 Q Did she serve on one?

21 A I believe she served on the first -- on the
22 sensitive claims committee.

23 Q Okay. And was she a victim of abuse?

24 A I understand she was.

02:29:54 25 Q Okay. And you appointed her?

02:29:56 1 A Yes, I did.

2 Q And did she resign?

3 A She did resign.

4 Q Why did she resign?

02:30:04 5 A I'm not quite sure why she resigned. She was

6 unhappy with something with regard to the board, and she

7 resigned. But I can't give you the particular reason.

8 Q Have you ever accused her publicly of making

9 false and misleading claims?

02:30:19 10 A I don't recall doing that.

11 Q And how about [REDACTED] Which of the two

12 committees was he on?

13 A [REDACTED] was also on that same committee.

14 I believe that's correct.

02:30:35 15 Q And why did he resign?

16 A My recollection is when he came to see me,

17 that he just felt that being on the committee was a

18 great emotional strain for him, that he was -- it was

19 just making everything -- making him relive his whole --

02:30:54 20 make him relive his abuse experience.

21 Q Did he ever tell you that one of the reasons

22 he was resigning is because Monsignor McKiernan would

23 show -- or Father McKiernan would show at the meetings

24 drunk?

02:31:08 25 A No, he did not.

02:31:09 1 Q Your sworn testimony is that never occurred?
2 A He never told me that, and I was never aware
3 of that.
4 Q I don't mean whether or not Monsignor
02:31:18 5 McKiernan was drunk. I mean -- is it Father or
6 Monsignor, Bishop?
7 A Father. Father. Father.
8 Q Okay. My question, and I apologize because
9 it was confusing.
02:31:27 10 My question -- I want to be very clear about
11 this. Did Mr. [REDACTED] ever tell you that he felt that
12 Monsignor -- sorry -- that Father McKiernan was coming
13 to the sexual review meetings in a -- in an intoxicated
14 state?
02:31:40 15 A I do not recall that.
16 Q Does that mean it didn't happen or you just
17 forgot?
18 A I don't -- I don't think it happened.
19 Q Was Father McKiernan living with you at that
02:31:52 20 time?
21 A Yes, he was.
22 Q Did you ever discuss the sexual abuse cases
23 with him?
24 A Yes, we did discuss them sometimes.
02:32:01 25 Q And do you recall anything you said?

02:32:03 1 A No, I do not.

 2 Q How long did you live with Father McKiernan?

 3 A We were together about -- about roughly seven

 4 years.

02:32:24 5 MR. MANLY: Okay. Can we take a short break?

 6 I'm going to try to wrap up.

 7 THE VIDEOGRAPHER: The time is 2:32, and we're

 8 going off the record.

 9 (Recess taken from 2:32 p.m. until

02:32:37 10 2:34 p.m.)

 11 THE VIDEOGRAPHER: The time is 2:34, and we're

 12 back on the record.

 13 BY MR. MANLY:

 14 Q Bishop, when you got to the diocese, did you

02:34:52 15 learn that the diocese had something that is called

 16 particular law, also known as local statutes?

 17 A I -- I don't recall.

 18 Q When you arrived at the diocese, did you

 19 learn or hear from any source that there was any policy

02:35:11 20 against teachers spending the night alone with children?

 21 A I'm not -- I'm not aware of a policy, but

 22 I --

 23 Q At any point, have you changed the local

 24 statutes of the diocese?

02:35:27 25 A Yes, I have.

02:35:28 1 Q When did that occur?

2 A That occurred, I think, around the time --
3 around 2000 -- at the time of the charter. Possibly
4 before that.

02:35:41 5 Q Okay. In or around June of 2002?

6 A I think so. Maybe -- might have been earlier
7 than that. I think, actually, the policy I'm thinking
8 of was put into effect shortly after the DiMaria suit.

9 Q What policy was that?

02:35:55 10 A Well, it was with regard to the -- the policy
11 dealt only with the clergy that I'm thinking of right
12 now and that the clergy were not to be in the company of
13 any person under 18 alone.

14 Q Bishop, when you arrived at the diocese
02:36:13 15 and/or later, did you learn there was a custom and
16 practice in the Diocese of Orange to use lawyers to
17 shield members of the hierarchy from information or
18 liability regarding sexual abuse?

19 A No.

02:36:28 20 Q So that's never happened?

21 A I'm not aware of that.

22 Q Did the policy you put in place in 2001 apply
23 to nonclergy personnel or all diocesan employees?

24 A The policy I put into effect I think dealt
02:36:54 25 only with the clergy.

02:36:58 1 Q Has the diocese disclosed all allegations of
2 abuse against its employees?

3 MR. CALLAHAN: Objection, Your Honor. I think
4 that goes beyond the four areas that this witness has
02:37:11 5 been --

6 JUDGE JAMESON: Yeah. And I -- it's a loaded --
7 kind of like "Do you still beat your wife" question.
8 You can ask about if it has been disclosed.

9 BY MR. MANLY:

02:37:21 10 Q All right. All right. has there -- are
11 there -- are there allegations of sexual misconduct
12 against people who work for you at the Diocese of Orange
13 that you have not disclosed?

14 A I'm not aware of any, credible accusations.

02:37:32 15 Q Well, that's not what I'm asking.

16 A Oh.

17 Q Thank you for making the distinction. I
18 appreciate it, Bishop.

19 I'm asking are you aware of any allegations
02:37:41 20 against people who work for you at the Diocese of Orange
21 who have been accused of -- who have -- let me rephrase
22 it.

23 Are you aware of allegations against persons
24 who have been accused of sexual abuse that have not been
02:37:54 25 made public?

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02:37:55 1 A Oh.

2 MR. CALLAHAN: Objection. I don't find that in
3 the four areas of legitimate inquiry of this witness.

4 JUDGE JAMESON: Well, I'm going to allow the
02:38:07 5 question. But answer it very directly, Bishop, because
6 subsequent questions may well go outside the parameters
7 that I've set forth. So I'm going to allow the answer,
8 but we'll deal with it question by question from this
9 point on.

02:38:28 10 MR. CALLAHAN: Could we have the question read
11 back, then, to make sure that the witness has it in
12 mind?

13 THE REPORTER: "Question: I'm asking are you
14 aware of any allegations against people who work for you
02:37:43 15 at the Diocese of Orange who have been accused of -- who
16 have -- let me rephrase it.

17 "Are you aware of allegations against persons
18 who have been accused of sexual abuse that have not been
19 made public?"

02:38:59 20 THE WITNESS: I'm only aware of any credible
21 accusations being made that have not been disclosed.

22 MR. MANLY: Can I have the answer read back,
23 please?

24 (Whereupon, the record was read.)

02:39:21 25 BY MR. MANLY:

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02:39:21 1 Q Okay. Let me -- let me be clear. I want to
2 know are there -- are there people that have come
3 forward and said "This person molested me" that the
4 Diocese of Orange is aware of that you have not
02:39:33 5 disclosed publicly, whether you believe they're credible
6 or not?
7 MR. CALLAHAN: Objection, Your Honor. This calls
8 now for rumor, you know, speculation, everything else.
9 And I don't think that rumors and speculation should
02:39:49 10 wind up in a transcript and then wind up in public.
11 MR. FINALDI: Rumors are the exact allegations in
12 the complaint. There were rumors all over the school
13 about this person, and that's what we've been dealing
14 with.
02:40:00 15 MR. MANLY: I asked about accusations, not
16 rumors. So let's just have the -- if I could, just get
17 the answer to the question.
18 MR. CALLAHAN: Well, there's -- I think there's a
19 danger here, and that's why I raised the question.
02:40:10 20 JUDGE JAMESON: There is a danger here, and I'm
21 concerned about it. But let me have the question back.
22 THE REPORTER: "Question: I want to know are
23 there people that have come forward and said 'This
24 person molested me' that the Diocese of Orange is aware
02:40:14 25 of that you have not disclosed publicly, whether you

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02:40:14 1 believe they're credible or not?"

2 JUDGE JAMESON: Let's answer that "yes" or "no,"
3 please.

4 THE WITNESS: I'm not aware.

02:40:48 5 BY MR. MANLY:

6 Q You don't know one way or the other?

7 A I know about credible accusations. I don't
8 know about the others.

9 Q Okay. Are you aware whether there are other
02:41:00 10 allegations -- well, wait a minute.

11 Who determines at the Diocese of Orange
12 whether allegations are credible or not?

13 A Usually it's the sexual misconduct oversight
14 review board.

02:41:13 15 Q Okay. So is what you're -- I want to be
16 clear. Are you telling me, Bishop, that there may be 20
17 other allegations that the board deems not credible that
18 you may not know about?

19 MR. CALLAHAN: Objection, Your Honor. The
02:41:30 20 question "Do you know about things that you don't know
21 about" is argumentative.

22 MR. MANLY: Well, I'm not trying to ask that.
23 I'm just trying to figure out are -- are there -- is
24 it -- are there other allegations -- I mean do -- let me
02:41:42 25 ask it a different way.

02:41:42 1 BY MR. MANLY:

2 Q Is it your directive to the board only to
3 send allegations they believe are credible to you?

4 A No. All accusations that come to the diocese
02:41:54 5 are given to the board. And the board makes that
6 further determination, and I receive their
7 recommendation.

8 Q Okay. Do you get the accusations, as well,
9 or only the board's recommendations?

02:42:08 10 A No. I get the -- I'm told about the
11 accusation.

12 Q Okay. So are you aware, as you sit here
13 today, of allegations of sexual abuse against a diocesan
14 personnel, priest, religious, or layperson, that have
02:42:22 15 not been disclosed publicly?

16 A As I sit here right now, there may be some
17 accusations. I can't think of any specifically which
18 were determined not to be credible, but I can't think of
19 anything right now myself.

02:42:37 20 Q Is every allegation that comes to the diocese
21 reported to the police?

22 MR. CALLAHAN: Objection, Your Honor. Because
23 that calls for speculation as to what would constitute
24 an allegation that -- so I'm going to object to the form
02:42:58 25 of the question. It's a loaded question.

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02:43:00 1 JUDGE JAMESON: Well, it doesn't help much. I
2 mean some things aren't -- may be inappropriate but not
3 something you report. There may be other reasons that
4 they have been reported or would be reported. You need
02:43:15 5 to narrow it down for us, Mr. Manly.

6 BY MR. MANLY:

7 Q Is it your policy as the bishop of Orange
8 that every allegation of sexual abuse must be reported
9 to the police immediately?

02:43:24 10 MR. CALLAHAN: Objection, Your Honor. The --
11 the -- that calls for speculation as to what would be
12 considered sexual abuse. There's a law, the reporting
13 law, that talks about reasonable suspicion of child
14 endangerment, but --

02:43:40 15 MR. MANLY: You know what?

16 MR. CALLAHAN: But if somebody says "I'm
17 concerned these priests hug people too much, too much of
18 this abrazo," well, now, no person, no particular
19 priest, but is this an allegation of sexual misconduct?

02:43:51 20 Some guy that stops the bishop and says "I think priests
21 hug people too much," is he supposed to report this to
22 the police?

23 MR. FINALDI: He's just asking if it's a policy.

24 MR. CALLAHAN: Yeah. Is there a policy that he
02:44:03 25 should report something like that to the police?

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02:44:06 1 MR. MANLY: Maybe there should be.

2 MR. CALLAHAN: Maybe there should be, maybe there
3 shouldn't. But I think it's too vague the way it's
4 asked, so we'll never know. It makes a great sound

02:44:10 5 bite, but it doesn't necessarily shed light on the
6 issues of this case.

7 JUDGE JAMESON: Is there a protocol -- excuse me.
8 Was my attempt at the question --

9 MR. MANLY: No. I was laughing at Mr. Callahan,
02:44:23 10 Your Honor.

11 JUDGE JAMESON: Well, okay. I'm trying to help
12 out here.

13 And I think that the relevant question is,
14 Bishop, is there a protocol or policy as to when or when
02:44:38 15 not -- in other words, is there a policy upon which a
16 judgment would be made to contact the police or not?

17 THE WITNESS: Yes, there is.

18 JUDGE JAMESON: All right.

19 BY MR. MANLY:

02:44:49 20 Q And what's that policy?

21 A Well, I think that that policy deals with the
22 same policy that's incorporated into the mandated
23 reporting law.

24 Q What law is that?

02:45:10 25 A There are mandated reporters who -- for