

1 SECOND JUDICIAL DISTRICT COURT
2 COUNTY OF BERNALILLO
3 STATE OF NEW MEXICO

4 No. CV-92-10820

5 JOSEPH A. HAUFERMAN, SCOTT M. BRUCE, MARK
6 SANCHEZ, GARY SANCHEZ, ROBERT J. CURTIS,
7 NOEL B. CLARK, EDWARD W. FRANCIS, GREG FRANCIS,
8 ANDREW FRANCIS, MICHAEL A. LOWE, DAVID L. CARAWAY,
9 SCOTT C. DUVA, MATTHEW A. STEVENS, RANDY MEADOWS,
10 RICHARD MEADOWS and RICHARD UNDERWOOD,

11 Plaintiff,

12 vs.

13 ROMAN CATHOLIC CHURCH OF THE DIOCESE OF EL PASO,
14 TEXAS, a corporation sole, ROMAN CATHOLIC DIOCESE
15 OF WORCESTER, MASSACHUSETTS, a corporation sole,
16 THE SERVANTS OF THE PARACLETE, INC., a New Mexico
17 corporation, FATHER DAVID A. HOLLEY, LOVELACE
18 HEALTH SYSTEMS, INC., a New Mexico corporation,
19 and DONALD H. CUMMINGS.

20 Defendants.

21
22 DEPOSITION OF FATHER WILFRID DIAMOND
23 September 16, 1994
24 9:00 AM
25 The Holiday Inn
1401 South White Sands Boulevard
Alamogordo, NM 88310

PURSUANT TO THE NEW MEXICO RULES OF CIVIL
PROCEDURE this deposition was:

TAKEN BY: BRUCE PASTERNAK, ESQ.
ATTORNEY FOR PLAINTIFFS

RUSSIN REPORTING
317 COMMERCIAL, NE SUITE 200-GARDEN LEVEL
ALBUQUERQUE, NEW MEXICO 87102
(505) 843-7789

1 REPORTED BY: Jenifer L. Russin, RPR-CM, NM CCR #182
2 Russin Reporting
3 317 Commercial, NE, Suite 200-G
4 Albuquerque, NM 87102
5

6 A P P E A R A N C E S

7 For the Plaintiffs:

8 BRUCE E. PASTERNAK, P.C.
9 Two Woodward Center
10 700 Lomas, NE, Suite 100
11 Albuquerque, New Mexico 87102
12 BY: BRUCE E. PASTERNAK

13 For the Defendant Roman Catholic Church of the
14 Diocese of El Paso, Texas:

15 AINSA, SKIPWORTH, CONDE & MARTINEZ, P.C.
16 310 North Mesa, Suite 800
17 El Paso, Texas 79901
18 BY: ROBERT A. SKIPWORTH

19 For the Defendant Roman Catholic Diocese
20 of Worcester, Massachusetts:

21 PETER J. ADANG, P.C.
22 500 Marquette, NW, Suite 630
23 Albuquerque, New Mexico 87102
24 BY: PETER J. ADANG
25 RITA G. SIEGEL

For the Defendant Lovelace Health Systems:

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.
201 Third Street, NW, Suite 2200
Albuquerque, New Mexico 87102
BY: TRAVIS COLLIER

1 APPEARANCES (Continued)

2 For the Witness:

3 ALBERT J. RIVERA, ESQ.
 4 P. O. Box 121
 Alamogordo, New Mexico 88310

5 Also Present:

6 Robert J. Curtis
 7 Noel B. Clark

8
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FATHER WILFRID DIAMOND

After having been first duly sworn under oath, was questioned and testified as follows:

EXAMINATION

BY MR. PASTERNAK:

Q. Will you state your name, please, sir?

A. Wilfrid Diamond, D-i-a-m-o-n-d.

MR. ADANG: Before this deposition proceeds, I want to make a statement on the record. My name is Peter Adang. I represent the Roman Catholic Diocese of Worcester, Massachusetts. I notice there's a video camera in the room. It's focused on the witness. It appears from the light that the video camera is operating. The notice of deposition in this case does not state that the deposition will be taken by way of videotape.

In New Mexico, under the New Mexico Rules of Civil Procedure, videotaped depositions are to be taken only on Court order. That's the protocol that's filed in New Mexico. The notice is required to state that the deposition will be taken by videotape. And the Court is supposed to rule on that prior to the time the deposition is taken. No such notice has been given in this case.

I also notice that there is no certified person operating the video camera. It appears to me that it's

1 been set up by one of the parties to the case. That's
2 totally inappropriate, even if the deposition were
3 allowable by videotape, and I'm going to object to this
4 deposition proceeding. I'm going to object to the
5 deposition itself. I'm going to move that the deposition
6 be stricken, and at some future time it may well be that
7 Father Diamond is going to have to be deposed again, and
8 we're going to ask the Court to sanction the Plaintiffs in
9 this case and award costs and attorneys' fees for
10 attempting to take this deposition in a completely
11 inappropriate manner, and further to award us with costs
12 and attorneys' fees associated with a second deposition of
13 Father Diamond.

14 Q. (By Mr. Pasternack) And where do you reside,
15 Father?

16 A. On top of the mountain in La Luz, Labrocita
17 Canyon.

18 Q. What is your current age, sir?

19 A. 81.

20 Q. When did you turn 81?

21 A. December, last December.

22 MR. COLLIER: Mr. Pasternack, excuse me,
23 I'm sorry to interrupt. Did we need to wait for Mr.
24 Konrad or the Paracletes?

25 MR. PASTERNAK: We've settled with the

1 Paracletes.

2 MR. COLLIER: Paracletes have settled. All
3 right, thank you.

4 Q. (By Mr. Pasternack) Now, Father, are you a
5 retired priest?

6 A. Yes.

7 Q. When did you retire?

8 A. About five years ago.

9 Q. And to what diocese were you incardinated?

10 A. What's the name of this one?

11 Q. Las Cruces diocese.

12 A. Yes.

13 Q. Most of the time that you were working here, was
14 it the El Paso diocese?

15 A. Yes, but they drew a line.

16 Q. Excuse me?

17 A. They drew a line to separate those two dioceses.

18 So --

19 Q. Where were you originally ordained?

20 A. New York.

21 Q. And when were you ordained?

22 A. 1938.

23 Q. How is it that you came from New York to the
24 El Paso diocese?

25 A. I didn't like the New York way of life. I was

1 brought up there, and I just wanted a change.

2 Q. When did you come to New Mexico?

3 A. About 25 years ago.

4 Q. Do you remember the year?

5 A. No, I don't think so -- well, 25. Just guess at
6 it.

7 Q. Late '60s?

8 A. Well, whatever 25 years would be.

9 Q. And to what community did you first come in New
10 Mexico?

11 A. The Diocese of El Paso.

12 Q. And what city?

13 A. Alamogordo.

14 Q. Did you go through steps to become incardinated
15 to the El Paso diocese?

16 A. The routine steps, yes. Nothing -- you have to
17 wait a while, and, you know, stuff like that.

18 Q. Had you asked to be incardinated to the El Paso
19 diocese before you left New York?

20 A. Yes. You have to do that, do it that way.

21 Q. What was your first parish assignment in the
22 El Paso diocese?

23 A. Only one, in Alamogordo. That's the only place
24 I've been, just there.

25 Q. So the St. Jude mission was your only

1 assignment?

2 A. Yes.

3 Q. And did you hold that position as parish priest
4 for about 20 years?

5 A. About that. I built the church, right there.
6 It would be about that, 25 years. I built it and paid for
7 it.

8 Q. Did you hold any positions in the El Paso
9 diocese, such as consultor or dean of a deanery or
10 anything like that?

11 A. No. Took care of the church, that was it.

12 Q. What year did that church open?

13 A. '72, right about there maybe. That's only a
14 guess. But anyhow, it's not too far away.

15 Q. What had you done in Alamogordo prior to the
16 time the church opened?

17 A. I built the church. There was another building
18 there -- I ran it as a church, as a parish, without the
19 church, and then that came in later.

20 Q. During the time that you were the head pastor at
21 St. Jude mission, were there ever any assistant pastors?

22 A. Yes. You got someone from -- what was it? What
23 am I thinking of?

24 Q. Paraclete?

25 A. Paracletes. Every week I got someone there.

1 Every weekend for 25 years. How many is that? 1,200 guys
2 from there.

3 Q. Do you feel you got 1,200 men from Via Coeli at
4 one time or another?

5 A. 1,200 weekends. The same guy might have come
6 two or three times.

7 Q. Well, approximately how many men from Via Coeli
8 assisted you at St. Jude mission?

9 A. Couple hundred. 200, 300, whatever. Someone
10 came, and we said hello, and he left.

11 Q. Why did you need an assistant?

12 A. Because we had so many Masses to say, and I was
13 the only one. One priest can only say two Masses, and we
14 had wanted to have four Masses, and so we brought in
15 another priest.

16 Q. Had you asked the El Paso diocese for help?

17 A. Oh, yes. Bishop Metzgar, Quinn, Monsignor
18 Quinn. Yes, I asked them, and they said, "Sure, what the
19 hell. Go ahead."

20 Q. So you asked them if you could ask for men from
21 Paraclete?

22 A. Yes.

23 Q. And did they give you permission for that?

24 A. Yes. I said, "I need help. I need a guy every
25 week."

1 They said, "Fine. Get him."

2 Q. Father, do you know why they didn't provide you
3 with an assistant pastor?

4 A. There were none. It was simple as that. So
5 they -- the Paracletes were available. They had men with
6 a problem, and I'd send them out and back, you know, just
7 to get the feel of things, and they sent them down to me.

8 I must say that in 25 years, I had hardly any
9 trouble. Couple of alcoholics, but I don't think of any
10 trouble over that time.

11 Now, they sent down -- they might send an alcoholic
12 priest to me for the weekend. That was no problem,
13 because they just didn't get drunk. That was all. So
14 yes, they were a big help to me. I couldn't have gotten
15 by without them, you know.

16 Q. Well, Father, when you say that there were no
17 priests in the El Paso diocese to help you, do you mean
18 that there were no priests in the diocese who were
19 committed, or do you mean there were no priests who wanted
20 to come to Alamogordo?

21 A. Not enough to cover all the places.

22 Q. Did you ever ask your bishop, you know, "Let's
23 go recruit some more, so I can have some help"?

24 A. He said, "Get whatever you need."

25 I said, "I'll bring one a week, one every Sunday,

1 every weekend." So he'd arrive Saturday afternoon and
2 leave Monday, probably.

3 Q. What I'm asking, Father, is, why didn't the
4 bishop just get some new priests to become incardinated to
5 the El Paso diocese?

6 A. There were none available.

7 Q. Were there students in seminary who were
8 studying for the priesthood?

9 A. Oh, yes, some of them, yes.

10 Q. And during that time, weren't any of those
11 people, then, incardinated to El Paso?

12 A. If they were ordained, they would be
13 incardinated.

14 Q. Couldn't those people have been sent to you?

15 A. Yes, but there were none. Those people didn't
16 exist. There were no priests available.

17 Q. Did Bishop Metzgar or any officials of the
18 El Paso diocese say anything to you to indicate that they
19 knew what kind of men were at Paraclete?

20 A. Yes, they knew all about it.

21 Q. They knew that some of them were alcoholic?

22 A. Yes, they knew to be alcoholics.

23 Q. Did they know that some of them were sex
24 offenders?

25 A. I guess they did. I don't really know whether

1 they did or not.

2 Q. Did you?

3 A. I didn't know, no.

4 Q. What did you think the Paraclete men were?

5 A. Some of them were alcoholics. Some of them were
6 just troubled. Some had nervous breakdowns, stuff like
7 that. And some of them were child molesters and --
8 although, we didn't know much about that in those days.

9 Q. But would it be true, Father, that by 1972,
10 1973, you knew that some of the men at Paraclete were
11 child molesters?

12 MR. ADANG: I'm going to object to the
13 leading form of the question. I'm going to object to the
14 leading form of all these questions. It hasn't been
15 demonstrated that this witness is hostile or adverse in
16 any way.

17 Q. (By Mr. Pasternack) You can go ahead and
18 answer, Father.

19 A. No, there's no hostility. The guy would come
20 down to me weekends. If he was alcoholic, well, he never
21 bothered, much trouble. And for nervous breakdowns, stuff
22 like that.

23 Q. Father, did you know that some of the men at
24 Paraclete were child molesters?

25 A. No, not until -- they came in and said -- they

1 didn't say, "I'm a drunk," you know. They didn't tell me
2 anything. They came, they took care of the weekend
3 services, and they left.

4 So, no, I didn't know if there were perverts or
5 anything else. I mean, they had a girlfriend or a nervous
6 breakdown.

7 Q. Did there come a time when you found out that
8 some of the men from Paraclete were child molesters?

9 A. Yes.

10 Q. When was that time?

11 A. I can only guess at it. '74, somewhere around
12 about there.

13 Q. And under what circumstances did you come to
14 learn that some of the Paraclete men were child molesters?

15 A. The family came to see me. That was the first
16 hint I had about it.

17 Q. A family from here in Alamogordo?

18 A. Yes, from Alamogordo.

19 Q. Do you remember the name of the family?

20 A. No, they moved out a couple of months later.
21 But they were the first to tell me anything of that sort.

22 Q. Do you remember what they said?

23 A. Just that he have was molesting their son.

24 Q. Are you referring to Father Holley?

25 A. Yes. Yes.

1 Q. And was this the first you had heard that Holley
2 was a child molester?

3 A. He'd been with me for a year or more, and I
4 hadn't heard anything, that he was molesting, and he did
5 go to work. The people liked him. He was a good
6 preacher, good worker, very -- people were very pleased
7 with him. It's just he had this weakness, whatever.

8 Q. Well, what did you do, Father, when you found
9 out that Father Holley was accused of being a child
10 molester?

11 A. Well, I spoke to him.

12 Q. What did you say to him?

13 A. I don't remember that. Yes, I came in and spoke
14 to him, said, "Someone just," you know, "came in to
15 complain about you," and so on. And I said, "Now, you've
16 got to -- what are you going to do about this," and so on.
17 Yes.

18 Q. What did he say?

19 A. He said he'd reform and not -- you know, that
20 would be the end of it. He wouldn't do any more, and so
21 on.

22 Q. Did he admit to that particular child
23 molestation?

24 A. Yes, but then he said, "I won't do any more,
25 never again."

1 So I said, "Well, that's nice if you do it that way."
2 I said, "If not, we'll transfer you, go back to Via
3 Coeli," put him back in there and don't let him out.
4 Could be that.

5 See, the treatment for mental -- child molesting in
6 those days was not the same as it is today. It was quite
7 acceptable to turn them loose for the weekend, you know,
8 and, like I say, the man is an alcoholic, let them put him
9 somewhere for a weekend, see how he works.

10 Now, the mental cases, the idea was in those days to
11 send them out, see if he makes any difference. But like
12 the alcoholics, say, "Okay, give you a week in the place,
13 and let's see how you make out."

14 So they did this with the mental guys. They put them
15 out for a week. They don't do that anymore. Oh, my God,
16 no. That's not the treatment now, but that was it years
17 ago, send him out for a weekend and see how he does, send
18 him to a place.

19 Q. How do you know that was the approach, the
20 treatment approach, years ago?

21 A. We all talked about it, I guess.

22 Q. Who is "we all"?

23 A. All the other priests.

24 Q. What, at deanery meetings?

25 A. I guess just ordinary talk, you know.

1 Q. Do you have a psychology degree?

2 A. No.

3 Q. Do you have any psychology training?

4 A. No, I don't think so, nothing that would count
5 there.

6 Q. Do you have a college degree, sir?

7 A. Oh, yes, college.

8 Q. In what discipline?

9 A. Canon law, church law. I got a -- I went to
10 Catholic U. and studied church law for a couple of years.

11 Q. Do you have a JCD?

12 A. Yes -- no, a JCB. I flunked on the last one.
13 So any priests who had a problem like that, see, it wasn't
14 handled the way it is now. See, now, in Via Coeli,
15 they've got half a dozen --

16 MR. SKIPWORTH: I'm sorry, what is the
17 question? I'll object to the responsiveness. I don't
18 believe there's a question on the table.

19 A. Did you --

20 Q. You can go ahead, sir, if you want.

21 MR. SKIPWORTH: I'm sorry, what is the
22 question?

23 THE WITNESS: The question was what did I
24 know about the guys being mental problems.

25 MR. SKIPWORTH: And I think you answered

1 that.

2 THE WITNESS: I think so. Did I?

3 Q. Did you have anything more to say, sir? I'm
4 sure your attorney will advise you if he feels that you
5 should not say anything.

6 A. Well, no, I don't think there's anything else
7 there. Just --

8 Q. Do you remember the names of some of these
9 people with whom you spoke and from whom you got this
10 knowledge of how Via Coeli operated?

11 A. The families spoke to me about it.

12 Q. How would the families know?

13 A. From one of the kids who was molested. Then
14 they would come to me, say that he was molested.

15 Q. And how did that educate you about Via Coeli's
16 treatment program?

17 A. I guess the program itself developed from people
18 learning different things, psychology, psychiatry.

19 Q. But the family didn't tell you about the
20 treatment program?

21 A. No. They just told me that the boy got
22 molested.

23 Q. How did you find out about the treatment
24 program?

25 A. I don't know. Just sort of picked it up, I

1 guess.

2 Q. Now, when Father Holley originally came to you,
3 you met him for the first time, how did he get his
4 faculties to serve as a priest in the El Paso diocese?

5 A. When he came to me, he got the faculties
6 automatically.

7 Q. How?

8 A. That was it. The bishop said, "He comes, and
9 give him faculties."

10 Q. Are you saying that the bishop of El Paso said,
11 "Give him faculties"?

12 A. Yes. I said, "I'm going to Via Coeli. Do you
13 mind if I get a guy in every week?"

14 He says, "Sure. What the hell."

15 Q. And were the faculties granted by the bishop?

16 A. Yes, by the -- all faculties are granted by the
17 bishop.

18 Q. You yourself did not have the power to grant
19 faculties, did you?

20 A. No, I didn't. But he said I could pick a guy,
21 you know, take care of it for the weekend.

22 Q. To the best of your knowledge, did the bishop
23 interview Holley before granting him faculties?

24 A. He didn't. See, I doubt that he met Holley
25 really.

1 Q. To the best of your knowledge, did the bishop
2 get Holley's personnel file from Worcester before granting
3 him faculties?

4 A. I would say no, I don't think so. See, you've
5 got -- let me do a quick -- you've got 1,200 priests over
6 25 years coming down for weekends. That's a hell of a lot
7 of paperwork.

8 So the bishop said, "You take care of them. You
9 don't have to give faculties or anything else, just take
10 care of them, and they'll do the job." So I did. That's
11 how they came. So where did the alcoholics come from?
12 They came in, and they went out.

13 Q. How did you know that Father Holley had
14 faculties granted by the bishop?

15 A. They all did.

16 Q. So he sort of granted blanket faculties to
17 Paraclete?

18 A. Yes, that's right.

19 Q. Now, you were talking about your confrontation
20 with Holley, when the family came to you and said he had
21 molested their son.

22 A. Yes.

23 Q. Did you report what Holley had done to the
24 bishop of the El Paso diocese?

25 A. No, I don't think I did. It took a while. See,

1 first, the family came to me, and then they moved away.

2 So I went to Holley, and I said, "Here we have a
3 complaint about you." He had been with me for a year or
4 so, and nothing, nothing. So then I said, "You've got to
5 do something about it," you know. And so I said, "You've
6 got to get out of here. You can't stay," so on. But --

7 Q. What did you mean, "You've got to get out of
8 here"?

9 A. Transfer, you know. "You can't work as a priest
10 here with a reputation that you have right now."

11 Q. So then what happened when you told him that?

12 A. Then he said he was going to be no more trouble.
13 He says, "I'll be all right. Everything is fine. Don't
14 worry about it, and we'll take care of it." And I thought
15 that would be okay, but it wasn't. He was still playing
16 around.

17 Q. Did it keep happening?

18 A. Yes.

19 Q. How did you come to learn that it kept
20 happening?

21 A. Other families.

22 Q. Which families came to you?

23 A. The Francis -- three boys in the Francis family,
24 they came. And the others, I don't remember who they
25 might have been. These names don't jump out at me, but

1 anyhow, they're the ones.

2 Q. What did the Francis family say?

3 A. They just said that he had messed around with
4 the three of them, and they spoke to me about it. So I
5 said, "I'll do what I can and get it taken care of."

6 Q. Which members of the Francis family reported
7 this to you?

8 A. I think it was the mother. I don't remember.

9 Q. Was anyone with her?

10 A. I don't remember. She probably talked to me.
11 Maybe she had someone with her. Maybe the boys were.

12 Q. But do you remember for sure?

13 A. No.

14 Q. Now, when -- you got the second complaint. How
15 long after the first complaint was the second complaint?

16 A. I don't know. I don't know.

17 Q. By the way, are you sure that it was the Francis
18 boys' parents or mother who complained, as opposed to any
19 of these other boys?

20 A. I have a vague picture of her telling me, but --

21 Q. But are you sure?

22 A. No, no.

23 Q. Now, what did you do after you got the second
24 report, then, that Holley had been molesting boys?

25 A. Well, I got ahold of the Paracletes, Via Coeli,

1 and told them, and there was -- someone was with me at the
2 time, a Paraclete priest. He was staying with me.

3 Q. Who?

4 A. He's dead now, Cosgrove, Jerry Cosgrove. And he
5 was staying with me and with Holley. So it was the three
6 of us were in the one thing. And we discussed it, and
7 Cosgrove said he would take care of the whole thing.

8 Q. So you discussed it with a Paraclete --

9 A. Yes.

10 Q. -- resident who was living with you in the
11 rectory?

12 A. Right.

13 Q. Did you call up to Jemez Springs and report it
14 to the head people?

15 A. No. He said he would take care of all that.

16 Q. Now, do you know what Cosgrove's problem was
17 that had brought him to Paraclete?

18 A. Alcohol. He's dead now. He was alcoholic. But
19 he was a member of the community. He wasn't a patient.

20 Q. Why was he living with you in the rectory if he
21 was a member of the Paraclete order?

22 A. He was helping me out, weekends.

23 Q. Was he drinking while he was with you?

24 A. No, I don't think so, no.

25 Q. When you got this second report of child

1 molestation, did you confront Father Holley with it?

2 A. Yes.

3 Q. And what did he say?

4 A. He said he'd -- you know, he wouldn't do
5 anything again. He'd take care of it, and so on and so
6 on.

7 Q. But this time, are you saying you weren't
8 satisfied with that?

9 A. Okay.

10 Q. Is that right?

11 A. Yes, that's right.

12 Q. Now, you reported it to Cosgrove. Did you
13 report it to anybody else, other than Cosgrove?

14 A. To Holley.

15 Q. Did you report it to the bishop of El Paso?

16 A. No, Cosgrove said he would do that.

17 Q. He said he'd tell the bishop?

18 A. Yes, and I guess he did. I don't really know.

19 Q. Excuse me?

20 MR. SKIPWORTH: I'm going to object.

21 A. He did.

22 MR. SKIPWORTH: I'm sorry, I need to
23 object. Unless you have personal knowledge of what
24 actually happened, I will object to any speculation or
25 hearsay.